



COMMUNITY DEVELOPMENT

HEARINGS OFFICER HEARING - LAND USE: FILES 247-22-000883-CU, 884- SP, 885-LL, 886-LL

6:00 PM, TUESDAY, JULY 25, 2023

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St - Bend

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

This meeting will be conducted electronically, by phone, in person, and using Zoom.

Members of the public may view the meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://us02web.zoom.us/j/88312993607>

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-346-248-7799. When prompted, enter the following Webinar ID: 883 1299 3607. Written comments can also be provided for the public comment section to Audrey.Stuart@deschutes.org by 4:00 PM on July 24, 2023. They will be entered into the record.

PUBLIC HEARING

1. An appeal of land use files 247-22-000883-CU, 884-SP, 885-LL, 886-LL, approving a Conditional Use and Site Plan Review to establish a guest ranch in the Exclusive Farm Use (EFU) Zone. The applicant also requests two property line adjustments.



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.



REVISED NOTICE OF PUBLIC HEARING

The hearing date was originally published as Wednesday, July 5, 2023. The correct date of the hearing will be Tuesday, July 25, 2023.

HEARING FORMAT

The Deschutes County Hearings Officer will conduct the public hearing described below by video and telephone. If participation by video and telephone is not possible, in-person testimony is available. Options for participating in the public hearing are detailed in the Public Hearing Participation section.

PROJECT DESCRIPTION

- FILE NUMBERS:** 247-22-000883-CU, 247-22-000884-SP, 247-22-000885-LL, 247-22-000886-LL, 247-23-000409-A
- APPLICANT:** Sarahlee Lawrence, 2T Sustainable Land and Cattle Holdings LLC
- APPELLANT:** Central Oregon LandWatch
- PROPOSAL:** Conditional Use Permit and Site Plan Review to establish a guest ranch in the Exclusive Farm Use (EFU) Zone. The applicant also requests two property line adjustments.
- LOCATION:** 71275 Holmes Rd, Sisters, OR 97759, 71285 Holmes Rd, Sisters, OR 97759, and 72195 Holmes Rd, Sisters, OR 97759. Identified as Tax Lot 400 on Assessor's Map 14-12-06, and Tax Lots 100, 200, and 300 on Assessor's Map 14-12-07.
- HEARING DATE:** Tuesday, July 25, 2023
- HEARING START:** 6:00 pm
- STAFF PLANNER:** Audrey Stuart, Associate Planner
Audrey.Stuart@deschutes.org, 541-388-6679
- RECORD:** Record items can be viewed and downloaded from:
<https://www.deschutes.org/cd/page/247-22-000883-cu-884-sp-885-ll-886-ll-conditional-use-permit-and-site-plan-review-guest>

TIME LIMITS

The Deschutes County Planning Division has set the following time limits for testimony at the hearing:

- Applicant: 30 minutes
- Appellant(s): 20 minutes each
- Public Agencies: 10 minutes
- General Public: 3 minutes
- Applicant Rebuttal: 10 minutes

Please note, the above time limits can be modified or eliminated by the Hearings Officer at their discretion.

STANDARDS AND APPLICABLE CRITERIA:

Deschutes County Code

- Title 18, Deschutes County Zoning Ordinance
 - Chapter 18.16, Exclusive Farm Use Zones (EFU)
 - Chapter 18.88, Wildlife Area Combining Zone (WA)
 - Chapter 18.116, Supplementary Provisions
 - Chapter 18.124, Site Plan Review
 - Chapter 18.128, Conditional Use

Title 22, Deschutes County Development Procedures Ordinance
Oregon Revised Statutes (OAR) Chapter 92, Subdivisions and Partitions

PUBLIC HEARING PARTICIPATION

- If you wish to provide testimony during the public hearing, please contact the staff planner by 4 pm on July 24, 2023. Testimony can be provided as described below.
- Members of the public may listen, view, and/or participate in this hearing using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link: <https://us02web.zoom.us/j/88312993607> Using this option may require you to download the Zoom app to your device.
- Members of the public can access the meeting via telephone, dial 1-312-626-6799. When prompted, enter the following Webinar ID: 883 1299 3607.
- Written comments can also be submitted to the record. Please see the Document Submission section below for details regarding written submittals.

- If participation during the hearing by video and telephone is not possible, the public can provide testimony in person at 6 pm in the Barnes and Sawyer Rooms of the Deschutes Services Center, 1300 NW Wall Street, Bend.

All documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost at the Deschutes County Community Development Department (CDD) at 117 NW Lafayette Avenue. Seven (7) days prior to the public hearing, a copy of the staff report will be available for inspection at no cost at CDD and on the websites listed above. Copies of all documents, evidence and the staff report can be purchased at CDD for (25) cents a page.

ALL INTERESTED PERSONS MAY APPEAR, BE HEARD, BE REPRESENTED BY COUNSEL, OR SEND WRITTEN SIGNED TESTIMONY. ANY PARTY TO THE APPLICATION IS ENTITLED TO A CONTINUANCE OF THE INITIAL EVIDENTIARY HEARING OR TO HAVE THE RECORD LEFT OPEN IN ACCORDANCE WITH SECTION 22.24.140 OF THE DESCHUTES COUNTY CODE.

Failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please contact the staff planner identified above.

DOCUMENT SUBMISSION

Any person may submit written comments on a proposed land use action. Documents may be submitted to our office in person, U.S. mail, or email.

In Person

We accept all printed documents.

U.S. Mail

Deschutes County Community Development
Planning Division, Audrey Stuart
P.O. Box 6005
Bend, OR 97708-6005

Email

Email submittals should be directed to Audrey.Stuart@deschutes.org.

Limitations

247-22-000883-CU, 884-SP, 885-LL, 886-LL, 247-23-000409-A

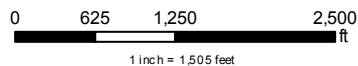
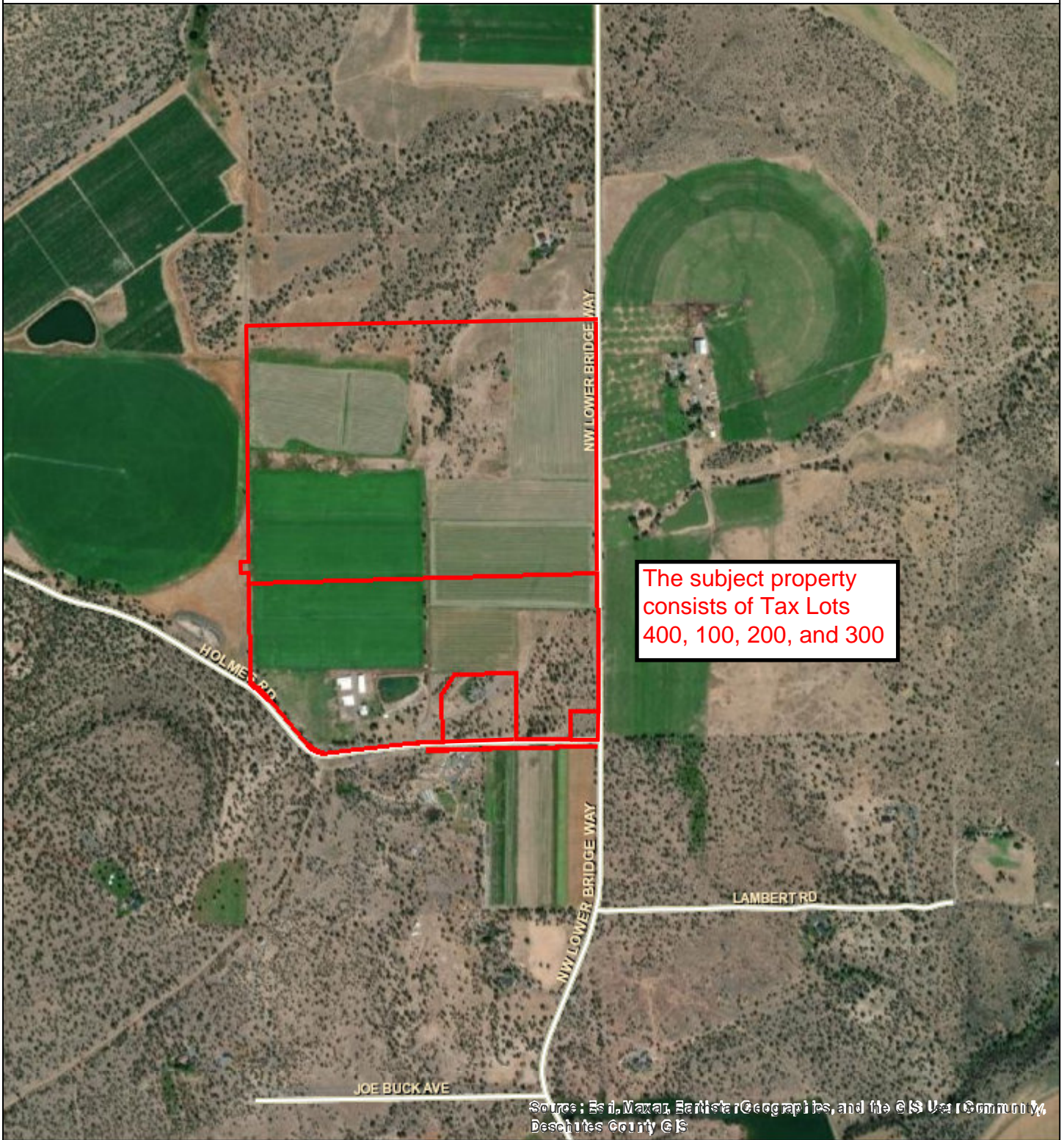
- Deschutes County does not take responsibility for retrieving information from a website link or a personal cloud storage service. It is the submitter's responsibility to provide the specific information they wish to enter into the record. We will print the email which includes the link(s), however, we will not retrieve any information on behalf of the submitter.
- Deschutes County makes an effort to scan all submittals as soon as possible. Recognizing staff availability and workload, there is often a delay between the submittal of a document to the record, and when it is scanned and uploaded to Accela Citizen Access (ACA) and Deschutes County Property Information (DIAL).
- To ensure your submission is entered into the correct land use record, please specify the land use file number(s).
- For the open record period after a public hearing, electronic submittals are valid **if received by the County's server** by the deadline established for the land use action.

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

This Notice was mailed pursuant to Deschutes County Code Chapters 22.20 and 22.24.

Land Use File #247-22-000883-CU, 884-SP, 885-LL, 886-LL

71275 and 71285 Holmes Road





FINDINGS AND DECISION

FILE NUMBER(S): 247-22-000883-CU, 247-22-000884-SP, 247-22-000885-LL, 247-22-000886-LL

**SUBJECT PROPERTY/
OWNER:**

Mailing Name: 2T SUSTAINABLE LAND & CATTLE HOLDINGS LL
Map and Taxlot: 1412060000400
Account: 124840
Situs Address: 71275 HOLMES RD, SISTERS, OR 97759

Mailing Name: 2T SUSTAINABLE LAND & CATTLE HOLDINGS LL
Map and Taxlot: 1412070000100
Account: 271598
Situs Address: 71275 HOLMES RD, SISTERS, OR 97759

Mailing Name: 2T SUSTAINABLE LAND & CATTLE HOLDINGS LL
Map and Taxlot: 1412070000200
Account: 264846
Situs Address: 71285 HOLMES RD, SISTERS, OR 97759

Mailing Name: 2T SUSTAINABLE LAND & CATTLE HOLDINGS LL
Map and Taxlot: 1412070000300
Account: 150338
Situs Address: 71295 HOLMES RD, SISTERS, OR 97759

APPLICANT: Sarahlee Lawrence, 2T Sustainable Land and Cattle Holdings LLC

AGENT FOR APPLICANT: Greg Blackmore, Blackmore Planning and Development Services, LLC

ATTORNEY FOR APPLICANT: Liz Fancher

REQUEST: Review of Conditional Use and Site Plan Review to establish a guest ranch in the Exclusive Farm Use (EFU) Zone. The applicant also requests two property line adjustments.

STAFF CONTACT: Audrey Stuart, Associate Planner

Phone: 541-388-6679
Email: Audrey.Stuart@deschutes.org

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

I. APPLICABLE CRITERIA

Deschutes County Code (DCC)
Title 18, Deschutes County Zoning Ordinance:
Chapter 18.16, Exclusive Farm Use Zones (EFU)
Chapter 18.88, Wildlife Area Combining Zone (WA)
Chapter 18.116, Supplementary Provisions
Chapter 18.124, Site Plan Review
Chapter 18.128, Conditional Use
Title 22, Deschutes County Development Procedures Ordinance
Oregon Revised Statutes (OAR) Chapter 92, Subdivisions and Partitions

II. BASIC FINDINGS

LOT OF RECORD: Tax Lot 200 is a legal lot of record because it was created as Parcel 2 of Minor Partition MP-07-32, and subsequently adjusted through file LL-09-138.

Tax Lots 100 and 400 together constitute one legal lot of record because they were together created as Parcel 1 of Minor Partition MP-07-32, and subsequently adjusted through files 247-14-000323-LL and 247-14-000324-LL.

Tax Lot 300 was determined to be a legal lot of record through file LR-93-50.

SITE DESCRIPTION: The subject property is located at the intersection of NW Lower Bridge Way and Holmes Road, and consists of Tax Lots 100, 200, 300 and 400. The applicant proposes one consolidation and one property line adjustment, which will create one 186.26-acre property, where the guest ranch will be located, and one five-acre property. Tax Lot 300 is part of one of the proposed property line adjustments. However, the proposed guest ranch will not be located on Tax Lot 300. Therefore, for the purposes of the Conditional Use Permit and Site Plan Review, the subject property refers to Tax Lots 100, 200, and 400. The submitted Burden of Proof includes the following description of the adjusted parcel where the guest ranch is proposed:

The majority [of the] property (approximately 155 acres, the northern portion of the site) is used for agricultural purposes, including hay production and cattle grazing. The southwestern area (approximately 15 acres) is used for farm related purposes. It includes various farm buildings, a dwelling for the farm manager, a pond, a well and a septic system. The southcentral area (current tax lot 200) is 6.5 acres in size and developed with a non-farm dwelling, a well, a septic system, and non-irrigated land that is established with Juniper Trees.

Lastly, there is a non-irrigated area of juniper trees to the southeast which is approximately 9 acres in size. The site overall has 133.5 acres of water rights which are primarily on the northern and southwestern portions of the site.

REVIEW PERIOD: The subject application(s) were submitted on November 9, 2022. The application was deemed incomplete on December 8, 2022, and a letter detailing the information necessary to complete review was mailed. The application was subsequently deemed complete by the Planning Division on March 28, 2023. The 150th day on which the County must take final action on the subject applications is August 25, 2023.

Staff notes the applicant attempted to submit materials on February 21, 2023, but it was not received by County servers. The materials were successfully submitted on March 28, 2023, which is therefore the date the application was deemed complete.

PROPOSAL: The applicant proposes to establish a guest ranch, which will consist of ten, 1,200-square-foot cabins. A portion of an existing nonfarm dwelling will be converted into a lodge with common area for visitors of the guest ranch. This building will continue to contain a dwelling unit as well as a lodge for the guest ranch.

The applicant also proposes one property line consolidation and one subsequent property line adjustment. The proposed adjustments will result in one 186.26-acre parcel and one five-acre parcel.

SURROUNDING LAND USES: Immediately surrounding properties on all sides are zoned EFU, which range in size from 834 to 6.5 acres. The surrounding area includes a mix of medium-to-large scale farms with large, irrigated fields. The surrounding area includes several commercial activities operating alongside farm uses, such as Long Hollow Guest Ranch and Rainshadow Organics, which hosts farm-to-table dinners. The surrounding area also includes nonfarm dwellings, as well as undeveloped land with native vegetation.

LAND USE HISTORY:

- 247-23-000324-LL: A property line adjustment between Tax Lot 100 and 400 of the subject property (which together constitute one legal lot of record), and Tract B (which is now identified as Tax Lot 201 and Tax Lot 200).
- 247-14-000323-LL: Property line adjustment between current Tax Lot 300 and the subject property. Staff notes that due to subsequent property line adjustments, Tax Lot 300 is no longer adjacent to the subject property.
- MP-07-32, CU-07-90, CU-07-96: Minor Partition to divide a 221-acre property into three parcels, and Condition Use Permits to establish a nonfarm dwelling on two of those parcels.
- D-93-62: Nonfarm dwelling deposit packet for Tax Lot 300. Records indicate a Conditional Use Permit for a nonfarm dwelling on this parcel was never submitted.
- LR-93-50: Lot of Record Verification for Tax Lot 300 (identified as Tax Lot 998 at the time).

PUBLIC AGENCY COMMENTS: The Planning Division mailed notice on November 16, 2022, to several public agencies and received the following comments:

Deschutes County Building Division, Randy Scheid

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

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

Deschutes County Building Division, Krista Appleby

We'll need the following for the 'lodge areas' of the dwelling.

Applicant will need to make accessibility improvements to the areas being converted to 'lodge' areas made available for use to guest ranch customers. This will require a Residential STR building permit. The permit will require an approved AMM form to provide this hybrid commercial/residential use (alternate means/methods) and drawings to address commercial use accessibility upgrades: paved accessible route from guest ranch cabins to the 'lodge' areas, door hardware & threshold upgrades, and a restroom within 300-ft of these 'lodge' areas.

When they are ready to apply for this building permit, I will assist them with the AMM form. You can tell them the guest cabin bathrooms can serve as the restroom for the 'lodge' areas if the cabins are located within 300-ft of the 'lodge' (door to door) and on an accessible, paved path.

Deschutes County Senior Transportation Planner, Peter Russell

I have reviewed the transmittal materials for 247-22-000883-CU/884-SP/885-LL/886-LL to establish a guest ranch with 10 cabins, a lodge with a manager's dwelling, and a property line adjustment on four properties totaling 191.38 acres in the Exclusive Farm Use (EFU) and Wildlife Area (WA) zones. The subject properties are 71275 Holmes Rd., aka County Assessor's Map 14-12-06, Tax Lot 400; 71275 Holmes Rd, 14-12-07, TL 100; 71285 Holmes Rd., 14-12-07, TL 200; and 71295 Holmes Rd., 14-12-07, TL 300. The guest ranch would be near the northwest corner of the Holmes Road/Lower Bridge Way intersection.

The most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Handbook does not have a land use category for guest ranch. The three most analogous uses are Resort (Land Use 330), Recreational Home (LU 260), and Motel (LU 320). The weekday trip generation rates Resort, 4.1 weekday trips per unit (based on 0.41 p.m. peak hour trips as no weekday rate is given, but standard practice is to assume p.m. peak hour is 10 percent of the weekday rate), Recreational homes is 3.55 weekday trips per unit, and Motel is 3.35

weekday trips per room. Thus, no matter which of the three is used, the 10 cabins will not generate more than 50 new weekday trips. Deschutes County Code (DCC) at 18.116.310(C)(3)(a) states no traffic analysis is required for any use that will generate less than 50 new weekday trips. The proposed land use will not meet the minimum threshold for additional traffic analysis. The applicant has submitted a trip generation letter from its traffic consultant, Transight, dated September 6, 2022. That letter utilized Recreational Home.

The property accesses Holmes Road, a public road maintained by Deschutes County and functionally classified as a collector. The property has a driveway permit approved by Deschutes County (#247-21-007900-DA) and thus meets the access permit requirements of DCC 17.48.210(A).

The applicant has proposed an exception to the bike parking standards of 18.116.031 based on the site's rural location. While staff would normally agree with this request, staff notes the property lines on a designated State Scenic Bikeway, specifically, Sisters to Smith Rock State Park, which uses both Holmes Road and Lower Bridge Way; both roads abut the subject property. Therefore, staff would anticipate higher bike traffic accessing the site than would normally occur for a rural property. The County uses shared shoulder bikeways and both roads are shown as designated bikeways in the Transportation System Plan (TSP) at the "Three Sisters Scenic Bikeway" map, which is figure F5.5.F1. Therefore it is not unreasonable to expect some customers may arrive by bicycle to stay at the proposed guest ranch.

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$5,080 per p.m. peak hour trip. Resort (LU 330) generates 0.41 p.m. peak hour trips per unit; Recreational Home (LU 260) generates 0.29 p.m. peak hour trips per unit; and Motel (LU 320) generates 0.36 p.m. peak hour trips per room. County staff has reviewed the ITE category description for Resort, Recreational Home, and Motel. Resort and Motel both presume overnight stay or limited stays whereas as Recreational Home assumes longer stays and that the dwelling is owned by the user, which is not the case here. While none of the three is a perfect fit, based on ownership of the units and expected limited duration of the stays, and the presence of a lodge and recreational opportunities, staff has used determined Resort is the most appropriate category to use. Therefor the applicable SDC for the cabins is \$20,828 (\$5,080 X 0.41) X 10. The farm manager living in the lodge is the transportation equivalent of another dwelling. County staff has determined a local trip rate of 0.81 p.m. peak hour trips per single-family dwelling unit; therefore the applicable SDC is \$4,115 (\$5,080 X 0.81) for the farm manager's dwelling, aka the lodge. The SDCs are due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2023. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS SUBMITTED.

Deschutes County Onsite Wastewater Supervisor, Todd Cleveland

This proposal will require significant onsite wastewater infrastructure that will require evaluations, permits and onsite system reviews that may include site evaluations, plan review, construction-installation permits, authorization notice applications or alterations. Depending on the total wastewater flows for all facilities, the proposed uses and wastewater characteristics, the onsite wastewater infrastructure may require design professionals, licensed installers, certified maintenance providers and the facility (facilities) may require an operating permit under the Oregon Department of Environmental Quality jurisdiction. Depending on the final proposed uses and flows, a Water Pollution Control Facility permit may be required.

Deschutes County Onsite Wastewater Program will conduct all permitting and review under County jurisdiction. Please work closely with Onsite Wastewater staff to ensure proper permitting, design and construction of all necessary wastewater infrastructure.

Office of the State Fire Marshal, Deputy State Fire Marshal Clara Butler

Findings: Water and access requirements must be met.

WATER:

Area without Fire Hydrants:

- **NFPA 1142 Requirements 2017**
 - If the structure is being built in an area without a public water supply system, then the water flow requirements will come from NFPA 1142. This information must be provided by an engineer and be stamped.
 - **Note:** The following information will need to be provided in order to **verify** accurate water flow requirements.
 - Building height, length and width
 - Use of the building
 - Type of construction
 - Whether the structure 100 sq ft or larger and within 50 feet of any other structures

- **Structures with Automatic Sprinkler systems – 2017 NFPA 1142 Chapter 7**
 - The authority having jurisdiction shall be permitted to waive the water supply required by this standard when a structure is protected by an automatic sprinkler system that fully meets the requirements of NFPA 13 (2016)

- **Fire Safety during Construction – 2019 OFC 501.4 and NFPA 241 (2017)**
 - Approved fire department access roads, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of

construction. The requirements of NFPA 241 shall be followed until project is complete.

- **Fire Sprinkler Systems** shall be installed per NFPA 13 (2016)
 - Separate permits will be required for the aboveground sprinkler system and the underground sprinkler supply line(s).
 - If there are greater than 20 sprinkler heads, the system is required to have a fire alarm monitoring system.
 - 2019 OFC 912 Fire Department Connections: The location of fire department connections shall be approved by fire code official. The FDC/PIV shall not be under any combustible projections or overhangs.
 - NFPA 14 – 6.4.5.4 Fire department connections shall be located not more than 100 ft from the nearest fire hydrant connected to an approved water supply.
 - NOTE – If the Building is sprinklered, the sprinkler system will need to be designed to the specific use that will be occurring in the building. If the sprinkler system is not designed appropriately it will limit the types of businesses that can occupy the space. This also includes the height of storage in the building. In order to have high piled storage (greater than 12 ft), the sprinkler system shall be designed accordingly.

ACCESS:

- **Premises Identification – 2019 OFC 505.1**
 - Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and visible at night. Number/letter shall be a minimum of 4" high and a 0.5" stroke width.
- **Required Access – 2019 OFC 504.1**
 - Exterior doors and openings shall be made readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided.
- **Fire Apparatus Access Roads – 2019 OFC 503 & Appendix D**
 - Fire apparatus access **roads shall extend to within 150 ft of all portions of the building** as measured by an approved route around the exterior of the building.
 - Fire apparatus access roads shall have an unobstructed width of **not less than 20 feet** and an unobstructed vertical clearance of not less than 13 feet 6 inches.

- Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide **all-weather driving** capabilities.
 - The required **turning radius** of a fire apparatus access road shall be determined by the *fire*.
 - *code official*. The **grade** of the fire apparatus access roads shall be within the limits established by the fire code official.
 - The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department's apparatus.
 - Traffic calming devices shall be prohibited unless *approved by the fire code official*.
- **Fire Apparatus Access Roads-2019 OFC 503.1**
 - Fire apparatus access roads shall be provided and maintained at all times during construction.
- **Fire Lanes – 2019 OFC 503.3 & D103.6**
 - Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible conditions at all times. The stroke shall be 1 inch with letters 6 inches high and read "**No Parking Fire Lane**". Spacing for signage shall be every 50 feet.
 - Recommended to also (in addition to Fire lane signs) paint fire lane curbs in bright red paint with white letters.
 - **D103.6.1 Roads 20-26 Ft. Wide:** Shall have Fire Lane signs posted on both sides of a fire lane.
 - **D103.6.2 Roads more than 26-32 Ft. Wide:** Roads 26-32 ft wide shall have a Fire Lane signs posted on one side of the road as a fire lane.
- **Aerial Access Roads – 2019 OFC D105**
 - Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet in height, for this section the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet, whichever is greater. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadways. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, all access roads shall have an unobstructed width of not less than 26 feet and shall be

positioned parallel to one entire side of the building and shall be approved by the fire code official.

- **Dead-Ends – 2019 OFC 503.2.5 and D103.4**
 - Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
 - OFC Table D103.4 Dead Ends over 750 Feet- *Require special approval*. If approved, there shall be a turn-around no more than every 1000 feet with a bulb of 60 feet across and the width of the road shall be a minimum of 26 ft clear for fire apparatus.

- **Additional Access – 2019 OFC 503.1.2**
 - The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, conditions or terrain, climatic conditions or other factors that could limit access.

- **Emergency Access Road Gates – 2019 OFC D103.5**
 - Minimum 20 feet wide.
 - Gates shall be swinging or sliding type.
 - Shall be able to be manually operated by one person.
 - Electric gates shall be equipped with a means of opening by emergency personnel & approved by fire official.
 - Locking devices **may** be padlock.
 - Section 503.3: Install a sign on the gate “No Parking-Fire Lane”

- **Commercial & Industrial Development – 2019 OFC D104**
 - Buildings exceeding three stories or 30 feet in height shall have at least 2 means of fire apparatus access for each structure.
 - Where 2 access roads are required, they shall be placed not less than ½ the length of the overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

- **Other fire code requirements to consider when designing-**
 - **304.3.3 Capacity exceeding 1.5 cubic yards.** Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

- 1. Dumpsters or containers that are placed inside buildings in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.
 - 3. Dumpsters or containers that are located adjacent to buildings where the exterior area is protected by an approved automatic sprinkler system.
- **304.3.4 Capacity of 1 cubic yard or more.** Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² where tested in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exceptions:

- 1. Dumpsters in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
- 2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

The following agencies did not respond to the notice: Deschutes County Assessor, Deschutes County Environmental Health Department, Deschutes County Road Department, Oregon Department of Agriculture, State Watermaster’s Office, and Three Sisters Irrigation District.

PUBLIC COMMENTS: The Planning Division mailed notice of the subject application(s) to all property owners within 750 feet of the subject property on November 16, 2022. The applicant also complied with the posted notice requirements of Section 22.24.030(B) of Title 22. The applicant submitted a Land Use Action Sign Affidavit indicating the applicant posted notice of the land use action on November 16, 2022.

A total of eight public comments were received. Seven comments were letters in support of the subject applications. Reasons cited for the support included the continued farm uses by Pitchfork T and Rainshadow Organics, minimal impacts to neighboring properties, and opportunities to support nearby agricultural and commercial uses. One comment was received from Central Oregon LandWatch stating concerns regarding whether applicable criteria were met. However, this submitted comment did not identify any specific criteria.

III. FINDINGS & CONCLUSIONS

Oregon Revised Statues Chapter 92. Subdivisions and Partitions

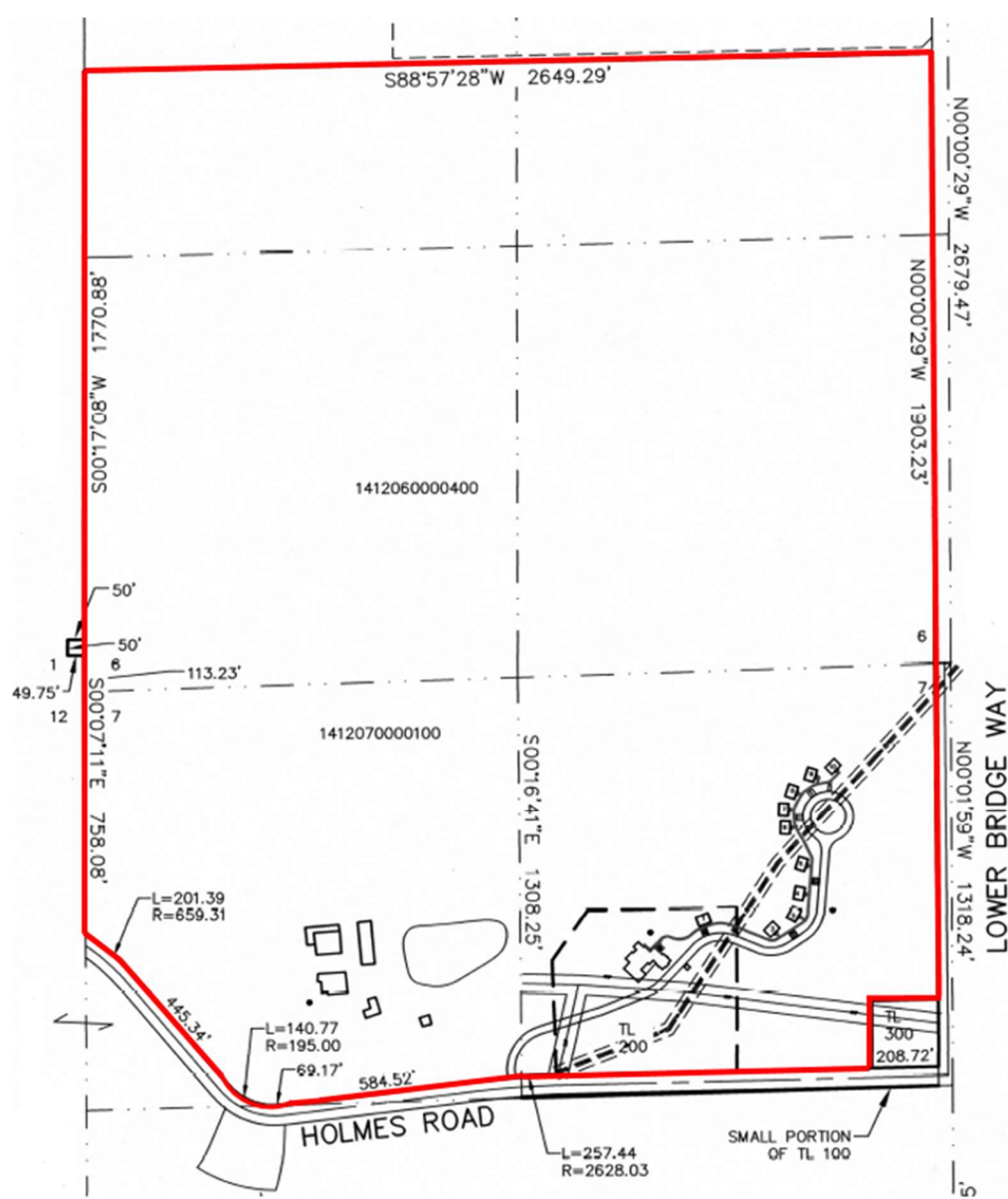
Adjustment #1: 247-22-000885-LL

Oregon Revised Statute 92.010 provides the following definitions.

- (9) *“Partitioning land” means dividing land to create not more than three parcels of land within a calendar year, but does not include:*
 - ...
 - (b) *Adjusting a property line as property line adjustment is defined in this section;*
 - ...
- (12) *“Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.*

FINDING: The applicant proposes a lot consolidation to eliminate a common boundary between a lot of record consisting of Tax Lot 100 and Tax Lot 400, and a lot of record consisting of Tax Lot 200, with no additional unit of land created. Staff finds that the proposal meets the definition of property line adjustment under ORS 92.010 and Deschutes County Code 17.08.030.

Figure 1: Resulting Lot of Record Consisting of Tax Lots 100, 400, and 200



PROPERTY LINE ADJUSTMENT STANDARDS

FINDING: Staff finds that ORS 92.192(2 and 3) as well as DCC 18.132.025(B) are not applicable to property line eliminations.

ORS Section 92.190(4) requires that a property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. Staff includes this requirement, specific to the proposed consolidation, as a condition of approval.

Adjustment #2: 247-22-000886-LL

Oregon Revised Statute 92.010 provides the following definitions.

(9) ***“Partitioning land” means dividing land to create not more than three parcels of land within a calendar year, but does not include:***

...

(b) ***Adjusting a property line as property line adjustment is defined in this section;***

...

(12) ***“Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.***

FINDING: Your request would adjust a common boundary between Tax Lot 300 and the consolidated parcel created through 247-22-000885-LL, with no additional unit of land created. Staff finds that the proposal meets the definition of property line adjustment under ORS 92.010 and Deschutes County Code 17.08.030.

In the findings below, staff refers to the consolidated lot of record consisting of tax Lots 100, 400, and 200 as ‘Lot of Record #1,’ and refers to Tax Lot 300 as ‘Lot of Record #2.’

PROPERTY LINE ADJUSTMENT STANDARDS

Oregon Revised Statute 92.192 provides additional requirements for property line adjustments and states:

(2) ***Except as provided in this section, a lawfully established unit of land that is reduced in size by a property line adjustment approved by a city or county must comply with applicable zoning ordinances after the adjustment.***

FINDING: The original size of Lot of Record #1 is +/- 190.27 acres, and the original size of Lot of Record #2 is +/- 1.0 acres. After the adjustment Lot of Record #1 will be +/- 186.26 acres, and Lot of Record #2 will be +/- 5.0 acres.

Lot of Record #1 will be reduced in size by the proposed adjustment. Lot of Record #1 is a lot of record because it was created as Parcel 1 and Parcel 2 of Minor Partition MP-07-32, and subsequently consolidated through file 247-22-000885-LL, above.

After the adjustment, Lot of Record #1 will be 186.26 acres, including 133.5 acres of irrigated land, and will comply with applicable zoning ordinances, as the minimum lot size in the Exclusive Farm Use Zone- Lower Bridge Subzone is 130 acres of irrigated land. Therefore, staff finds this adjustment is subject to section (3) below.

(3) ***Subject to subsection (4) of this section, for land located entirely outside the corporate limits of a city, a county may approve a property line adjustment in which:***

(a) ***One or both of the abutting lawfully established units of land are smaller than the minimum lot or parcel size for the applicable zone***

before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

- (b) Both abutting lawfully established units of land are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.*

FINDING: In addition to Lot of Record #1 being a lot of record, Lot of Record #2 is also a lot of record pursuant to file LR-93-50. After the adjustment, Lot of Record #2 will be 5.0 acres and will not comply with minimum lot or parcel size for the Exclusive Farm Use Zone-Lower Bridge Subzone, which is 80 acres for properties that were not created via an irrigated land division. Therefore, staff finds the proposed adjustment complies with [(3)(a) or (3)(b)].

- (4) On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment may not be used to:*

- (a) Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;*

FINDING: The subject properties are zoned Exclusive Farm Use. No lawfully established unit of land would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the unit of land for a dwelling.

- (b) Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;*

FINDING: No lawfully established unit of land would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the unit of land for a dwelling.

- (c) Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard; or*

FINDING: This adjustment will not allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully

established unit of land for a dwelling if the land use approval would be based on an acreage standard.

- d) ***Adjust a property line that resulted from a subdivision or partition authorized by a waiver so that any lawfully established unit of land affected by the property line adjustment is larger than:***
 - (A) ***Two acres if the lawfully established unit of land is, before the adjustment, two acres in size or smaller and is high-value farmland, high-value forestland or within a ground water restricted area; or***
 - (B) ***Five acres if the lawfully established unit of land is, before the adjustment, five acres in size or smaller and is not high-value farmland, high-value forestland or within a ground water restricted area.***

FINDING: This adjustment will not adjust a property line that resulted from a subdivision or partition authorized by a waiver.

Title 18 of the Deschutes County Code, County Zoning

Chapter 18.132, Variances

Section 18.132.025, Minor Variances

- B. ***A parcel that is smaller than the minimum lot size at the time of application may not be reduced by more than 10 percent from its current size without a variance.***

FINDING: Staff finds this criterion does not apply to property line adjustment 247-22-000886-LL because Lot of Record #1 is not smaller than the minimum lot size at the time of application.

The proposed adjustment(s) in size are within the allowable limits for the respective zoning districts. This application meets the requirements as established and has been tentatively approved by the Deschutes County Planning Division. This tentative approval only confirms that the proposed adjustment meets the current zoning criteria necessary for property line adjustments. All restrictions for these zones still apply to the subject properties.

Chapter 18.16, Exclusive Farm Use Zones (EFU)

Section 18.16.037. Guest Ranch.

- A. ***A guest ranch may be established in conjunction with an existing and continuing livestock operation, using accepted livestock practices that qualifies as a farm use under DCC 18.04.030, subject to the applicable provisions set forth in DCC 18.16.040(A)(1), (2) and (3), the applicable provisions of DCC 18.128, and the***

provisions of the applicable Oregon Revised Statutes. A guest ranch shall not be located within the boundaries of or surrounded by:

- 1. A federally designated wilderness area or a wilderness study area;**
- 2. A federally designated wildlife refuge;**
- 3. A federally designated area of critical environmental concern; or**
- 4. An area established by an Act of Congress for the protection of scenic or ecological resources.**

FINDING: The subject property is not within or surrounded by a federally designated wilderness area, wilderness study area, wildlife refuge, or area of critical environmental concern. The subject property is also not within or surrounded by an area established by an Act of Congress for the protection of scenic or ecological resources.

The proposed guest ranch will be in conjunction with an existing and continuing livestock operation on the subject property. As described in detail under DCC 18.16.037(B), below, the cattle operation uses accepted livestock practices and qualifies as a farm use under DCC 18.04.030. The applicable provisions of DCC 18.16.040(A) and 18.128 are addressed in this decision.

B. “Guest ranch” means a facility for overnight guest lodging units, including passive recreational activities and food services, as set forth in ORS 215 that are incidental and accessory to an existing livestock operation that qualifies as a farm use under DCC 18.04.030.

FINDING: Staff finds the definition of a guest ranch, above, requires it to be incidental and accessory to an existing livestock operation on the subject property. Furthermore, staff finds this definition also requires the livestock operation to meet the definition of ‘farm use’ under DCC 18.04.030. The submitted Burden of Proof includes the following description of the existing livestock ranch on the subject property:

A “guest ranch” is defined by ORS 215.461 as a facility for guest lodging units, passive recreational activities and food services that are incidental to an existing and continuing livestock operation that qualifies as a farm use. The guest ranch will provide low-impact passive recreational activities and limited food service that will be incidental to the large, successful 2T Sustainable livestock operation. The amount of land to be developed has been limited to a small unproductive part of the subject property to help assure that the guest ranch use is incidental to the livestock operation.

The subject property has a long history of farm use. Historically, it has been used to raise and breed Red Angus cattle. It is currently being operated as a cattle ranch. Hay is also grown to feed ranch cattle. 2T Sustainable Land and Cattle Holdings LLC produces grass-fed, grass-finished, organic beef. The farm operates a breeding program with over 200 mother cows with calves and 10 bulls. They rotationally graze their yearlings and butcher their 2-year-old cows. They sell their beef both wholesale to local restaurants and through their partner farm store and CSA (Rainshadow Organics). The cattle operation is conducted using accepted livestock practices. The existing operations qualify as a “farm use” as the term is defined by

DCC 18.04.030 because the land is currently employed for the primary purpose of obtaining a profit in money by feeding and managing livestock.

The guest ranch property is being used to grow hay for winter feed, where irrigated. The ranch cattle are rotated to several Forest Service leases between April and October and come home to the irrigated fields in November, where they eat down the leftover hay stand from summer, and fed hay in the winter months.

Rotating the use of fields is an accepted farm practice. Rotating cattle to different pastures on and off a ranch is also a common, accepted farm practice in Central Oregon, and it does not mean that the property is not being used to conduct an existing livestock operation. This issue was settled by LUBA in *Durdan v. Deschutes County*, 43 Or LUBA 248 (2002). Additionally, growing hay to feed livestock is an accepted farm practice and an integral part of a livestock operation. Cattle in Central Oregon must be feed hay during the winter due to a lack of forage and snow and it is common for ranchers to grow their own hay.

After a proposed property line adjustment, the subject property will be 186.26 acres in size and will contain 133.5 irrigated acres. Approximately 4.5 acres of the subject property will be developed with the guest ranch, and this includes land developed with cabins, pedestrian paths, parking, and outdoor space surrounding the cabins. This approximate acreage also includes the footprint of the existing nonfarm dwelling, since a portion of the building will be converted into a lodge. Converting a portion of this building to a lodge will not expand the building footprint or change its outward appearance. Staff therefore finds utilizing a portion of this existing building as a lodge will minimize new development and the intensity of the proposed guest ranch.

After the guest ranch is established, the vast majority of the subject property will continue to be used for farming and ranching. Staff finds the area that will continue to be devoted to the livestock operation is large enough to ensure that it remains the predominant use of the property.

DCC 18.16.037(B) requires the guest ranch to be incidental and accessory to the livestock operation, and the question has previously been raised regarding whether this requires the livestock operation to be the primary source of income. A Hearings Officer made the following findings in file 247-18-000858-A, an appeal of the Pole Creek Ranch guest ranch approved through 247-17-001018-CU. Staff notes this application was withdrawn while pending a hearing before the Board of County Commissioners, and the property subsequently received a new guest ranch approval through file 247-19-000211-CU. However, staff finds the analysis below relevant to the subject application and notes this is the most recent Hearings Officer decision for a guest ranch in Deschutes County.

LandWatch argues that the proposed guest ranch will not be incidental and accessory to a livestock operation. Among other things, LandWatch asserts that the fact the guest ranch facilities occupy only 2% of the land of the ranch and that they will be located on lesser quality soils are not appropriate standards for determining "incidental and accessory." However, LUBA upheld the Hearings Officer's approval of a guest ranch application in *Durdan*, supra, based on these same factors. 43 Or LUBA at 255-59. There, the Hearings Officer rejected the argument that "incidental and accessory" requires an analysis of the relative amount of

income derived from the parcel from the guest ranch, as opposed to the livestock operations. Id. at 256-57. The Hearings Officer also rejected the argument that the guest ranch would occupy more time, because it was operated year-round, as opposed to the ranching operation, which consisted of grazing 42 cattle for only a few months during the year. LUBA upheld the Hearings Officer's ruling based on substantial evidence. Id. at 258-59.

...

The Hearings Officer notes that "accessory use" and "accessory structure" are defined in DCC 18.04.030, but "accessory" is not. Merriam-Webster defines accessory and incidental as:

*Accessory: a thing of secondary or lesser importance*¹

*Incidental: MINOR sense 1*²

*Minor: inferior in importance, size, or degree: comparatively unimportant*³

LUBA in *Durdan v. Deschutes County*, 43 Or LUBA 248 did not rule on the interpretation of "incidental and accessory," finding:

Underlying petitioners' argument are unresolved questions regarding the meaning of the terms "incidental and accessory" in the definition of "guest ranch" and the role those terms play in approving or denying a guest ranch. If that language requires a finding that the guest ranch be "subordinate" to the livestock operation, as petitioners presume, a further question arises regarding how subordination is to be measured or determined. We understand intervenor to take the position that the size and other limitations imposed on guest ranches by the statute and code are sufficient in themselves to ensure that a conforming guest ranch will be "incidental and accessory" to the livestock operation, without more. To the extent further inquiry is appropriate, intervenor argues, the hearings officer properly weighed the evidence bearing on the issue and concluded that the proposed guest ranch was incidental and accessory to the livestock operation. Intervenor argues that that finding is supported by substantial evidence.

We decline to resolve the meaning of the "incidental and accessory" language in the definition of "guest ranch," and the role of that language, if any, in approving or denying a proposed guest ranch. As noted, this assignment of error is framed as a substantial evidence challenge. Petitioners do not argue that the hearings officer misconstrued the applicable law, and do not provide us with a developed argument regarding the meaning of the law. Accordingly, we resolve only petitioners' substantial evidence challenge.

...

Here, the hearings officer cited a number of considerations that led her to conclude that the proposed guest ranch is incidental and accessory to the livestock operation.

¹ <https://www.merriam-webster.com/dictionary/accessory>

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

³ <https://www.merriam-webster.com/dictionary/minor>

We believe a reasonable person could, based on the whole record, reach that conclusion.

In the underlying Hearings Officer's decision in *Durdan*, County File Nos. CU-01-120, SP-01-56, it was concluded:

The Hearings Officer finds for the foregoing reasons that the proposed guest ranch would be incidental and accessory to the livestock operation and because the Applicant will continue the existing livestock operation, the guest ranch would be located on approximately two percent (2%) of the subject property and on land determined the least productive portion of the subject property.

LandWatch challenged the use of such analysis here. However, the Hearings Officer finds that the circumstances are similar, with the guest ranch operations being conducted on the least productive portion of the subject property and occupying a tiny fraction of the overall property. In addition, limits set forth in the guest ranch law and in conditions of approval will ensure that the guest ranch use, including special events, will remain incidental and accessory to the ranching operations.

Staff applies the analysis described above to the subject proposal, and finds the guest ranch will occupy a small, unproductive portion of the property, and income generated by the guest ranch will be limited to rental fees for the ten cabins. DCC 18.128.360(A) limits a guest lodge to no more than ten lodging units, and limits the allowed floor area of those guest lodging units. Staff finds the provisions of DCC 18.16 and 18.128 will effectively limit the scale of the guest ranch. The guest ranch will be located in the southeast portion of the property, in an area that is not irrigated or in farm use. The guest ranch will be sited in an unproductive portion of the property in a location that will not interfere with ranch operations.

The applicant proposes to rent out ten cabins and use space within a nonfarm dwelling as a lodge. No bedrooms within the nonfarm dwelling will be rented out as part of the lodge, and the lodge will provide common area for guests to gather and check in.

The applicant proposes to provide low-intensity recreation activities, and the application materials do not indicate any paid services or activities will be offered to guests. In a letter dated March 28, 2023, the applicant provided the following information regarding proposed recreational activities. Staff notes this amends the information in the original application materials to remove the food service component of the proposal.

Food service is not proposed with this application / project. Low-impact passive recreational activities include observation of the farm operations, sitting indoors and outdoors, walking to and from the guest ranch lodge, and miscellaneous games (indoor - such as board games / outdoor - such as cornhole). Allowing [for] modest amounts of activities, such as those noted, will be incidental to the farm use of the site.

The recreational activities associated with the guest ranch will be low intensity, and will not be the primary source of income or driver of guests to the property. Staff finds the rental of lodging units will be the primary source of income for the guest ranch, and limitations on the size and number of lodging units will help ensure this remains incidental to the livestock operation on the property. The applicant does not propose any special events, fee-based recreation, or food service as part of this application. Staff notes the limited intensity of the proposed guest ranch will help ensure it remains accessory to the farm use of the property. The application materials indicate outdoor events will be limited to passive recreation by customers of the guest lodge and staff addresses relevant approval criteria accordingly. Should the guest ranch expand in the future to include special events such as weddings or retreats, or to offer paid services in addition to rental of lodging units, staff notes a modification of the approval may be required.

For these reasons, staff finds the proposed use meets the definition of a guest ranch, and the guest ranch will remain incidental and accessory the livestock operation on the subject property.

C. *A guest lodging unit means a guest room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for permanent residence accommodations.*

FINDING: The application materials indicate the ten proposed cabins will be used exclusively as part of the guest lodge and will not be used as permanent residences. Under DCC 18.128.360(J), below, a condition of approval has been added limiting occupancies to no more than 30 days. Therefore, staff finds this criterion will be met.

D. *For the purposes of DCC 18.16.037, "livestock" means cattle, sheep, horses, and bison.*

FINDING: The subject property contains a working cattle ranch. Therefore, staff finds there is a livestock operation on the property, as defined above.

E. *A proposed division of land in an exclusive farm use zone for a guest ranch or a division of a lot or parcel that separates a guest ranch from the dwelling of the person conducting the livestock operation shall not be allowed.*

FINDING: No land division is proposed. To ensure future compliance, staff adds the following condition of approval:

No land division shall separate the guest ranch from the dwelling of the person conducting the livestock operation.

F. *Notwithstanding DCC 18.16.055, a proposed division of land in an exclusive farm use zone for a guest ranch shall not be allowed.*

FINDING: No land division is proposed. Staff finds this criterion does not apply.

Section 18.16.040. Limitations on Conditional Use.

- A. Conditional uses permitted by DCC 18.16.030, 18.16.031, and 18.16.033 may be established subject to ORS 215.296, applicable provisions in DCC 18.128, and upon a finding by the Planning Director or Hearings Body that the proposed use:**
 - 1. Will not force a significant change in accepted farm or forest practices as defined in ORS 215.203(2)(c) on surrounding lands devoted to farm or forest uses; and**
 - 2. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**

FINDING: The proposed guest ranch will not significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use. By definition, the guest ranch must be located on a property with a continuing livestock operation, and must be incidental and accessory to that farm use. The ability of the livestock operation and guest ranch to both operate on the subject property indicates the guest ranch will not prevent nearby farming operations from continuing. The applicant provided the following response to this criterion in the submitted Burden of Proof:

The proposed distances of the guest ranch use from the farm uses in the area, both from the adjacent parcels, and on the remainder of the parcel, will provide a sufficient buffer, which will mitigate any potential impacts from the closest farm activities. The distances between the adjacent farm use and the proposed guest ranch operations is sufficient to mitigate the potential impacts to and/or from any farm operations in the area. The proposed guest ranch will not be subject to adverse impacts from adjacent farm uses and therefore the presence of the proposed use will not cause a significant change in or significantly increase the cost of accepted farming practices occurring on nearby lands.

The proposed guest ranch will not create any greater or materially different impact on any farm use. Additionally, the guest ranch cabins and facilities will not be located on irrigated land and will be adequately separated from the farm fields, particularly fields on other properties, which are separated by over 200 feet, along with rights-of-way. The planned separation will prevent potential conflicts between the proposed use and agricultural activities in the area. At the proposed distances, it is not conceivable that the guest ranch activities will create any negative impact on farm practices in the area.

Because the subject property will contain a livestock operation that will be a primary draw and expected feature of the guest experience, the existence of other ranches in the area should not lead complaints about farm practices occurring on the site that might lead to changes in farm practices. As no change in farm practices is expected, the guest ranch should not significantly increase the cost of raising crops or livestock on the property.

As described above, the applicant proposes passive, low-impact recreational activities for guests. Due to the limited nature of the recreational activities offered, staff finds they will have negligible impacts on neighboring properties. Accepted farm practices involve the use of machinery and farm vehicles, which generate noise, dust, and odor. Staff finds the additional vehicle traffic generated by

the proposed guest ranch will generate noise and be visible from surrounding properties. However, the increased vehicle traffic will not prevent or otherwise significantly impact nearby farm practices, and will be largely similar to impacts generated by farm and personal vehicles in the EFU Zone. Due to the limited impacts the proposed activities are anticipated to have, staff finds there will not be any significant impact on farming practices on surrounding properties.

Staff notes there do not appear to be any surrounding lands devoted to forest use. The closest properties zoned Forest Use are located approximately 5.3 miles from the subject property.

3. That the actual site on which the use is to be located is the least suitable for the production of farm crops or livestock.

FINDING: There are three NCRS soil units mapped on the subject property: 141C, 31B, and 138B. 31B soils have a land capability classification of 3 when irrigated and 6 when unirrigated. 138B soils have a land capability classification of 6 when unirrigated, and do not have an assigned value when irrigated. 141C soils are a soil complex, with a land capability classification of 6-8 when unirrigated.

The guest ranch will be located in the southeast portion of the subject property, in an area that is mapped as 141C soils. Pursuant to the NCRS land capability classifications, this is rated as the poorest soil on the subject property. Locating the guest ranch on 141C soils will minimize impacts to portions of the property that contain higher-value soils for farm use.

The subject property contains 133.5 acres of irrigated land, and this irrigated land is located to the north and west of the proposed guest ranch. The guest ranch will be located in a portion of the property that is already developed with a nonfarm dwelling and driveway. No irrigated land will be taken out of farm use for the guest ranch and the guest ranch will not prevent farm operations on nearby irrigated land. Staff finds the portion of the subject property that is not irrigated is less suitable for the production of crops or livestock. Therefore, siting the guest ranch in the portion of the property that is not irrigated will preserve the portions of the subject property that are more suitable for farm use.

For these reasons, staff finds the guest ranch will be located on the portion of the subject property which is least suitable for the production of farm crops or livestock.

Section 18.16.060. Dimensional Standards.

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

FINDING: The Applicant has proposed structures with a height of 20 feet. As a condition of approval, no building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.

Section 18.16.070. Yards.

- A. ***The front yard shall be a minimum of: 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector street, and 100 feet from a property line fronting on an arterial street.***
- B. ***Each side yard shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with side yards adjacent to property currently employed in farm use, and receiving special assessment for farm use, the side yard shall be a minimum of 100 feet.***
- C. ***Rear yards shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with a rear yard adjacent to property currently employed in farm use, and receiving special assessment for farm use, the rear yard shall be a minimum of 100 feet.***
- D. ***The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180.***
- E. ***In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.***

FINDING: The proposal is not subject to 100-foot nonfarm dwelling setbacks. The proposed structure(s) comply with the setbacks under (A) to (C) above. As a condition of approval, structural setbacks from any north lot line shall meet the solar setback requirements in DCC 18.116.180. As a condition of approval, in addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

Section 18.16.080. Stream Setbacks.

To permit better light, air, vision, stream pollution control, protection of fish and wildlife areas and preservation of natural scenic amenities and vistas along streams and lakes, the following setbacks shall apply:

- A. ***All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.***
- B. ***All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.***

FINDING: There are no streams or lakes in the project vicinity.

Section 18.16.090. Rimrock Setback.

Notwithstanding the provisions of DCC 18.16.070, setbacks from rimrock shall be as

provided in DCC 18.116.160 or 18.84.090, whichever is applicable.

FINDING: There is no rimrock in the project vicinity.

Chapter 18.88, Wildlife Area Combining Zone (WA)

Section 18.88.040. Uses Permitted Conditionally.

- A. *Except as provided in DCC 18.88.040(B), in a zone with which the WA Zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone subject to the provisions of the Comprehensive Plan, DCC 18.128 and other applicable sections of this title. To minimize impacts to wildlife habitat, the County may include conditions of approval limiting the duration, frequency, seasonality, and total number of all outdoor assemblies occurring in the WA Zone, whether or not such outdoor assemblies are public or private, secular or religious.***

FINDING: As discussed above, the proposed use is conditionally permitted in the underlying zone. DCC 18.88.040(B) does not place any additional restrictions on a guest ranch. Therefore, staff finds the proposed use is conditionally permitted in the WA Zone.

Section 18.88.060. Siting Standards.

- A. *Setbacks shall be those described in the underlying zone with which the WA Zone is combined.***
- B. *The footprint, including decks and porches, for new dwellings shall be located entirely within 300 feet of public roads, private roads or recorded easements for vehicular access existing as of August 5, 1992 unless it can be found that:***
 - 1. *Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern; or,***
 - 2. *The siting within 300 feet of such roads or easements for vehicular access would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least possible impact on wildlife habitat considering browse, forage, cover, access to water and migration corridors, and minimizing length of new access roads and driveways; or,***
 - 3. *The dwelling is set back no more than 50 feet from the edge of a driveway that existed as of August 5, 1992.***
- C. *For purposes of DCC 18.88.060(B):***
 - 1. *A private road, easement for vehicular access or driveway will conclusively be regarded as having existed prior to August 5, 1992 if the applicant submits any of the following:***
 - a. *A copy of an easement recorded with the County Clerk prior to August 5, 1992 establishing a right of ingress and egress for vehicular use;***
 - b. *An aerial photograph with proof that it was taken prior to August 5,***

- 1992 on which the road, easement or driveway allowing vehicular access is visible;*
- c. A map published prior to August 5, 1992 or assessor's map from prior to August 5, 1992 showing the road (but not showing a mere trail or footpath).*
- 2. An applicant may submit any other evidence thought to establish the existence of a private road, easement for vehicular access or driveway as of August 5, 1992 which evidence need not be regarded as conclusive.*

FINDING: Setbacks are those described in the underlying zone with which the WA Zone is combined. No new dwelling is proposed. Therefore, the criteria under subsection (B) do not apply.

Section 18.88.070. Fencing Standards.

The following fencing provisions shall apply as a condition of approval for any new fences constructed as a part of development of a property in conjunction with a conditional use permit or site plan review.

- A. New fences in the Wildlife Area Combining Zone shall be designed to permit wildlife passage. The following standards and guidelines shall apply unless an alternative fence design which provides equivalent wildlife passage is approved by the County after consultation with the Oregon Department of Fish and Wildlife:*
 - 1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.*
 - 2. The height of the fence shall not exceed 48 inches above ground level.*
 - 3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.*
- B. Exemptions:*
 - 1. Fences encompassing less than 10,000 square feet which surround or are adjacent to residences or structures are exempt from the above fencing standards.*
 - 2. Corrals used for working livestock.*

FINDING: No new fencing is included in this proposal. As a condition of approval, all new fences within the portion of the subject property within the Wildlife Area Combining Zone shall comply with DCC 18.88.070.

Chapter 18.116, Supplementary Provisions

Section 18.116.020, Clear Vision Areas.

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

exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.

FINDING: The subject property has a required clear vision area located at the intersection of the driveway and Holmes Road. As proposed this area will contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height. As a condition of approval, the clear vision area shall be maintained in accordance with DCC 18.116.020(A).

Staff notes the intersection of Holmes Road and Lower Bridge Way is also adjacent to Tax Lot 300. However, while Tax Lot 300 is involved in the proposed property line adjustment, the guest ranch will not be located on this parcel and it is therefore not subject to Site Plan Review.

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

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

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

FINDING: The subject property has a required clear vision area located at the intersection of the driveway and Holmes Road. Holmes Road has a right-of-way width of 60 feet and therefore requires a clear vision area consisting of a triangle with 30-foot sides.

Section 18.116.030, Off street Parking and Loading.

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

FINDING: As described herein, the off street parking and loading requirements are met and, as conditioned, that property is and will be available for exclusive use as off-street parking and loading.

As a condition of approval, the subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.

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

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

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

FINDING: No loading berth is required.

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

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

FINDING: No loading berth is required.

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

FINDING: No loading berth is required.

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

FINDING: No elimination of a loading space is proposed.

- 5. ***Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.***

FINDING: As a condition of approval, off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

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

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

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

<i>1. Residential.</i>	
<i>One, two and three family dwellings</i>	<i>2 spaces per dwelling unit</i>

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

FINDING: DCC 18.116.030(D) does not provide a parking standard for a guest ranch. Nonetheless, DCC 18.128.360(L) does provide parking requirements for a guest ranch. DCC 18.128.360(L) requires one parking space for every guest room in addition to parking to serve the residents. The applicant proposes ten cabins, each of which will contain one guest room. The applicant proposes ten parking spaces for the cabins and one ADA-accessible space next to the lodge. There are also three spaces available within the lodge garage, which will be used by employees, and residents of the dwelling. Pursuant to DCC 18.116.030(D)(1), a single-family dwelling requires two off-street parking spaces. Three parking spaces are provided within the garage, which is enough to accommodate the parking for the dwelling as well as an employee of the guest ranch. Staff finds adequate parking will be provided for the guest ranch.

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

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

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

FINDING: The applicant proposes joint use of parking facilities within the garage of the lodge/nonfarm dwelling. Two parking spaces will be available for residents of the nonfarm dwelling, and at least one parking space will be available for employees of the guest ranch who live off-site. Because parking spaces are provided for the two uses, staff finds the parking needs will not overlap at any point in time. The uses, structures, or parcels are not under separate ownership. For these reasons, this criterion will be met.

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

FINDING: The proposed required parking spaces are be located on the same parcel.

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

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

- 5. ***Parking, Front Yard. Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the Sunriver UUC Business Park (BP) District, Airport Development (AD) Zone, and properties fronting Spring River Road in the***

Spring River Rural Commercial Zone, but such space may be located within a required side or rear yard.

FINDING: The applicant proposes a commercial use consisting of a guest ranch. The proposed parking spaces will be located over 400 feet from the front property line along Holmes Road. Staff therefore finds no required parking and loading spaces will be located within a required front yard. This criterion will be met.

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

FINDING: No on-street parking is proposed.

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

FINDING: No parking areas for more than five vehicles are proposed. Staff finds this criterion does not apply.

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

FINDING: There are no adjoining properties in a residential zone.

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

FINDING: Parking spaces are located and designed to prevent the need to back vehicles into a street or right of way other than an alley. The closest parking space will be located over 800 feet from Holmes Road. The applicant proposes a two-way driveway with a width of 24 feet, which terminates in a circle near the cabins. Staff finds this design will provide vehicles with ample room to turn around within the subject property. This criterion will be met.

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

FINDING: The applicant proposes a gravel surface for the service drive and parking spaces. One ADA-accessible parking spot is proposed next to the lodge building and this parking spot will be paved to comply with accessibility requirements. However, the parking spaces adjacent to the guest cabins will not be paved.

The subject property is 186.26 acres in size, and predominantly consists of irrigated pasture and hay fields. While the subject property does contain two dwellings and several agricultural buildings, the majority of the surface area consists of undeveloped land that will contain runoff. Staff finds the gravel parking and vehicular maneuvering areas will be permeable surfaces which will allow runoff to be contained onsite. The applicant proposes a five-foot-wide pedestrian pathway connecting the cabins to the lodge building. This pedestrian pathway will be paved and will therefore generate runoff. However, staff finds that even with this proposed impervious surface, the vast majority of the subject property will remain undeveloped and allow for water infiltration. As described below, the applicant has requested an exception to the paving standards.

- a. ***A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or***
- b. ***The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or***
- c. ***The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.***

FINDING: The applicant has requested an exception to the paving standards pursuant to DCC 18.116.030(F)(4)(b). The subject property is not located within an unincorporated community and the applicant has indicated that gravel surfaces will be maintained in a manner which will not create dust problems for neighboring properties. To ensure compliance, staff adds a condition of approval that all vehicle standing and maneuvering areas for the guest ranch will be a gravel surface that is adequately maintained for all weather use and maintained in a manner that will not create dust problems for neighboring properties.

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

FINDING: The applicant proposes two-way access aisles, which requires a minimum width of 24 feet. As illustrated on the site plan, the access aisles will be 24 feet in width. The proposed access aisles are of sufficient width for all vehicular turning and maneuvering and comply with standards for parking lot design under sub-section (G), below.

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

FINDING: For the purposes of this decision, staff finds a “service drive” includes any vehicle maneuvering surface that connects to a road or street, but is not immediately adjacent to a parking space. The guest ranch will be served by an existing driveway off of Holmes Road, which currently provides access to the nonfarm dwelling. The driveway (service drive) will be extended towards the northeast, where the cabins will be constructed. This service drive will provide direct, convenient access to the lodge and cabins. The proposed service drive will be 24 feet wide and will terminate in a circle at the farthest cabins. This design will allow for a two-way flow of traffic, and will provide for maximum vehicle safety by providing a safe place for vehicles to turn around on the subject property.

The existing farm manager residence and agricultural buildings are served by a separate driveway off of Holmes Road. Staff finds this design will reduce conflicts between guest vehicles and farm vehicles and equipment. The separate driveways will also help reduce any adverse impacts the guest ranch may generate on farm operations.

A pedestrian walkway will connect all of the cabins to the lodge building. No driveway crossings are proposed, so pedestrians will never be within the path of vehicle traffic. This pedestrian path runs approximately parallel to the proposed service drive, and provides direct, convenient access between different portions of the guest ranch.

The proposed service drives are clearly marked through wood posts with copper top. The submitted site plan proposes to space these markers out every 200 feet on both sides of the service drive. Staff finds a smaller distance between markers is required to clearly delineate the service drive, and prevent vehicles from driving or parking on adjacent land. Staff therefore adds the following condition of approval requiring markers spaced no more than 100 feet apart.

Prior to issuance of building or septic permits for the guest ranch, the owner shall submit a revised site plan showing markers or barriers spaced no more than 100 feet apart along the service drive.

No "drive-in" establishment is proposed.

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

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

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

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

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

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

(SEE TABLE 1 AT END OF CHAPTER 18.116)

- 1. For one row of stalls use "C" + "D" as minimum bay width.**
- 2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right of way.**

- 3. ***For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.***
- 4. ***For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be eight feet in width and 17 feet in length with appropriate aisle width.***

FINDING: The proposed parking lot has been designed subject to County standards. The applicant proposes parking spaces with dimensions of nine feet by 20 feet. The applicant also proposes a two-way access aisle that is 24 feet wide.

Section 18.116.031, Bicycle Parking.

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

A. Number and Type of Bicycle Parking Spaces Required.

- 1. ***General Minimum Standard.***
 - a. ***All uses that require off-street motor vehicle parking shall, except as specifically noted, provide one bicycle parking space for every five required motor vehicle parking spaces.***
 - b. ***Except as specifically set forth herein, all such parking facilities shall include at least two sheltered parking spaces or, where more than 10 bicycle spaces are required, at least 50 percent of the bicycle parking spaces shall be sheltered.***

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

- c. ***When the proposed use is located outside of an unincorporated community, a destination resort, and a rural commercial zone, exceptions to the bicycle parking standards may be authorized by the Planning Director or Hearings Body if the applicant demonstrates one or more of the following:***
 - i. ***The proposed use is in a location accessed by roads with no bikeways and bicycle use by customers or employees is unlikely.***
 - ii. ***The proposed use generates less than 50 vehicle trips per day.***
 - iii. ***No existing buildings on the site will accommodate bicycle parking and no new buildings are proposed.***
 - iv. ***The size, weight, or dimensions of the goods sold at the site makes transporting them by bicycle impractical or unlikely.***

- v. ***The use of the site requires equipment that makes it unlikely that a bicycle would be used to access the site. Representative examples would include, but not be limited to, paintball parks, golf courses, shooting ranges, etc.***

FINDING: The applicant has not requested exceptions to the bicycle parking standards.

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

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

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

FINDING: No trade off with motor vehicle parking is proposed. Staff finds this criterion does not apply.

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

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

B. Bicycle Parking Design.

1. General Description.

- a. Sheltered Parking. Sheltered parking may be provided within a bicycle storage room, bicycle locker, or racks inside a building; in bicycle lockers or racks in an accessory parking structure; underneath an awning, eave, or other overhang; or by other facility as determined by the Hearings Body or Planning Director that protects the bicycle from direct exposure to the elements.**
- b. Unsheltered parking may be provided by bicycle racks.**

FINDING: Required sheltered bicycle parking will be provided under a covered concrete patio, adjacent to the lodge building.

2. Location.

- a. Required bicycle parking that is located outdoors shall be located on-site within 50 feet of main entrances and not farther from the entrance than the closest motor vehicle parking space.**

FINDING: As shown on the site plan, bicycle parking facilities are will be located approximately 20 feet from the main entrance of the lodge building. The closest vehicular parking will be approximately 50 feet from the main entrance. This criterion will be met.

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

FINDING: Bicycle parking facilities are located in areas of greatest use and convenience to bicyclist. The covered bicycle parking will be provided on a covered patio at the lodge building, which is where visitors will likely come to check in. This is the first building that visitors reach when entering the subject property via the driveway off of Holmes Road. The covered patio is adjacent to a building entrance and is a logical, convenient location for bicycle parking. The applicant also states that one bicycle parking space can be accommodated within each of the cabins. Staff agrees with this, and finds visitors will have the option to store their bicycles on the covered patio or within their cabin, depending on which location they find more convenient.

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

FINDING: The proposed bicycle parking area(s) have direct access to both the public right of way and to the main entrance of the principal use.

- iii. Bicycle parking shall not impede or create a hazard to pedestrians.**

FINDING: The proposed bicycle parking area(s) will not impede or create a hazard to pedestrians. The applicant proposes bicycle parking on an existing covered patio. This bicycle parking is within close proximity to one of the building entrances, but it will not block the building entrance or impede

pedestrians. Staff notes this building has multiple entrances that pedestrians can use and none of these entrances will be blocked by the bicycle parking. There is a direct pedestrian route from the paved ADA parking space to a building entrance and this route will not be obstructed by the bicycle parking. For these reasons, staff finds the bicycle parking will not create a hazard for pedestrians.

iv. Parking areas shall be located so as not to conflict with clear vision areas as prescribed in DCC 18.116.020.

FINDING: The proposed bicycle parking area(s) are located so as not to conflict with clear vision areas as prescribed in DCC 18.116.020.

b. Bicycle parking facilities shall be separated from motor vehicle parking and drive areas by a barrier or sufficient distance to prevent damage to the parked bicycle.

FINDING: Bicycle parking facilities will be separated from motor vehicle parking and drive areas by an elevated, paved patio. Vehicles will not drive onto the patio and staff finds the bicycle parking is separated from motor vehicle parking by a barrier. This criterion will be met..

c. Where bicycle parking facilities are not directly visible and obvious from the public right(s) of way, entry and directional signs shall be provided to direct bicyclists for the public right of way to the bicycle parking facility. Directions to sheltered facilities inside a structure may be signed, or supplied by the employer, as appropriate.

FINDING: One driveway will provide access to the guest ranch from Holmes Road, and the lodge building is the first building that visitors reach when they enter the property through this driveway. The bicycle parking is located on the exterior of this lodge building, and is adjacent to the vehicle parking spaces, so it will be readily visible to anyone entering the subject property. However, the bicycle parking will not be directly visible and obvious from Holmes Road, and signage is therefore required. Staff adds the following condition of approval to ensure compliance.

Prior to the issuance of building or septic permits for the guest ranch, the owner shall submit a revised site plan showing the location of signage for the bicycle parking.

- 3. Dimensional Standards.**
 - a. Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.**
 - b. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.**
 - c. Each required bicycle parking space shall be accessible without moving another bicycle.**

FINDING: The submitted site plan indicates bicycle parking will be provided through two U-shape bicycle racks. However, the submitted application materials do not specify the dimensions of the bicycle parking spaces and access aisles. Staff therefore adds the following condition of approval to

ensure compliance with these criteria:

Prior to the issuance of building or septic permits for the guest ranch, the owner shall submit a revised site plan showing that bicycle parking complies with the following:

- Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.
- An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.

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

FINDING: The bicycle parking area will be paved with concrete. As a condition of approval, the bicycle parking surface shall be maintained in a smooth, durable, and well-drained condition.

5. Security.

a. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.

FINDING: The bicycle parking area offers security in the form of a stationary U-shape rack upon which the bicycle can be locked. The rack will accommodate both cables and U-shaped locks, and will be permanently anchored to the ground.

b. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking.

FINDING: The bicycle parking area will be illuminated by existing exterior lighting on the building.

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

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

Section 18.116.035, Bicycle Commuter Facilities.

- A. ***Each commercial or public building having a work force of at least 25 people shall have bicycle commuter facilities consisting of shower(s) and changing rooms(s). For facilities with more than one building (such as a college), bicycle commuter facilities may be located in a central location.***
- B. ***This provision shall apply to (1) new development requiring off-street parking and (2) any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005.***

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

Chapter 18.124, Site Plan Review

Section 18.124.030. Approval Required.

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

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

Section 18.124.060. Approval Criteria.

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

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

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

The Board agrees that DCC 18.124.060(A) is subjective and, at times, difficult to apply as the Hearings Officer observed. However, as the Board interprets the provision, DCC 18.124.060(A) does not require a particularly onerous exercise. It requires an applicant to show that its proposed site plan relates “harmoniously” to the natural environment and existing development. Unlike the conditional use standards of DCC 18.128.015(B), this standard does not indicate harmony achieved with “surrounding properties.” However, the Board understands that the standard implies that the proposed development shall relate harmoniously on and off the subject property and generally speaking, in the vicinity, by “minimizing visual impacts and preserving natural features including views and topographical features.”

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

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

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

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

The general surrounding area contains natural features consisting of scenic views of mountains and buttes. However, due to the gently-sloped topography of the subject property and existing development, staff finds the proposed cabins will not have a significant impact on scenic views. Staff finds minimization of visual impacts requires clustering new structures, minimizing vegetation removal, and selecting building designs that do not have an outward appearance of a commercial use. The submitted burden of proof included the following statement regarding vegetation:

Regarding vegetation, the area of the proposed guest ranch is planned in on unirrigated land, in an area that is populated with Juniper trees and scrub brush. The only vegetation that will be removed for the new use is that which is necessary to accommodate the new buildings, the drive aisle, the parking spaces and the pedestrian path. A buffer of trees will remain on the site and around the perimeter of the guest ranch use area.

Staff concurs with this analysis and notes the area where the cabins will be located currently contains scattered trees. The applicant proposes to retain existing trees which are located between the cabins and Tax Lot 300, and between the cabins and Lower Bridge Way. Tax Lot 300 is the neighboring property closest to the guest ranch, and staff finds retention of the intervening vegetation is necessary to minimize visual impacts on this neighboring property.

The submitted application materials include drawings of the proposed cabin design. These drawings indicate the cabins will have a height of 20 feet and will have the appearance of a typical private residence. Existing buildings on the subject property are 20 feet or greater in height, so the proposed cabins will not protrude taller than existing structures and block views. The submitted

drawings indicate the cabins will have a brown finish and the design will incorporate lots of wood. The proposed earth tone colors will minimize visual impacts by reducing contrast with the surrounding natural environment. Existing development in the surrounding area includes single-family residences on EFU properties. Staff finds the proposed cabin design will blend harmoniously with existing development by matching the general appearance of residential development.

The applicant proposes to convert a portion of an existing dwelling into shared space for cabin guests. Converting a portion of an existing building into lodge space will minimize the amount of new construction required and reduce the amount of disturbance to the subject property. The existing nonfarm dwelling was designed and built as a single-family dwelling, and therefore has the appearance of a typical residence. This existing building is brown with stone and wood accents. Staff finds the design of the proposed cabins will blend harmoniously with the existing nonfarm dwelling.

The ten new cabins will be located adjacent to the new service drive, in the southwest corner of the subject property. The guest ranch buildings will be clustered in one portion of the subject property, near the existing nonfarm dwelling. Siting the cabins near this existing development will retain an undeveloped, agricultural appearance on the remainder of the property. The applicant proposes to utilize an existing driveway and extend it towards the northeast. Taking advantage of an existing driveway minimizes the extent of new construction and reduces the amount of vegetation that will need to be removed.

The subject property has a gentle slope in elevation, and some grading may be required for the cabins, service drive, and pedestrian pathway. However, staff finds any grading required for construction will not significantly impact the overall topography of the property. No topographical features will be impacted by the proposed guest ranch.

For these reasons, staff finds the guest ranch will relate harmoniously to the natural environment and existing development, and is designed to minimize visual impacts.

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

FINDING: Staff finds the landscape and existing topography will be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. No significant changes to topography are proposed. Staff finds all trees and shrubs existing on-site, not removed by necessity of the proposed development, are “preserved trees and shrubs.” As a condition of approval, all trees and shrubs existing on-site, not removed by necessity of the proposed development, shall be protected, unless lawfully changed/removed by outright uses (such as farm use) or such change/removal is approved by future land use approvals.

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

FINDING: Staff finds this criterion requires demonstration the site is designed to address common

safety hazards, including fire safety, and to address any site-specific natural hazards. Staff finds pedestrian, bicycle, and vehicle safety is addressed under sub-sections (E) and (K) of this section. With regard to fire safety, comments provided by the Office of the State Fire Marshal identified access and water supply requirements for the subject property. In addition, the cabins will be reviewed by the Deschutes County Building Division to ensure fire safety is addressed through building design. Comments submitted May 5, 2023, by Deschutes County Building Division indicate a residential structural permit will be required to make required accessibility improvements to the nonfarm dwelling, in order to convert a portion of it to a lodge. Staff finds the required accessibility upgrades will provide a safe environment by, allowing safe access if a fire were to occur. To ensure all Building Division requirements are met for this conversion, staff adds a condition of approval requiring documentation that all necessary permits have been received for the lodge space within the dwelling.

Staff notes the ten new cabins may increase the amount of available fuels on the property if a fire were to occur. However, the subject property primarily consists of irrigated fields and does not have a significant amount of tree cover. In addition, the guest ranch will be located near an existing irrigation pond, which will provide a water source if a fire were to occur. The applicant proposes to widen and extend an existing driveway, which will improve emergency access to the site if a fire were to occur. With regard to other natural hazards, none have been identified on the site.

The applicant proposes a public use consisting of a guest ranch, and a transition is therefore required from this public use to nearby private spaces. The applicant does not propose any designated outdoor recreation area for guests. However, guests will likely walk between cabins, and use outdoor space near the cabins for games and to sit outside. The cabins and pedestrian path are all located on the north side of the service drive, so guests will likely stay in that general area for any outdoor recreation. Staff finds the service drive provides a buffer between the cabins and the neighboring property to the southeast. A portion of the existing nonfarm dwelling will be converted into indoor gathering space for cabin guests. This building will continue to house a private residence, so these public and private uses will be in very close proximity to each other. The applicant submitted a floor plan designating which areas in the building will be used for the guest ranch, and this floor plan indicates the majority of the structure will remain as a private residence. Staff notes the property owner has requested both uses be within the same building, and any impacts to the existing dwelling are therefore anticipated. For these reasons, staff finds the site plan is designed to provide opportunities for privacy, and a transition from the guest ranch 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.

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

requirements as an accessible structure. Staff finds that such a review is required prior to the issuance of building permits.

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

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

Neighboring buildings and structures include single-family dwellings and farm buildings on the subject property and neighboring properties. The subject property is bordered to the east by Lower Bridge Way and to the south by Holmes Road. Available records do not indicate there are any additional buildings and structures proposed on neighboring parcels.

A two-way driveway off Holmes Road will provide for interior vehicle circulation. This driveway terminates in a circle, so vehicles do not have to back out onto Holmes Road or turn around on neighboring properties. The flow of traffic will provide convenient access to the guest ranch while minimizing impacts to nearby farming. This interior circulation will be harmonious with neighboring buildings and structures because visitors will park directly in front of their cabins and stay in one portion of the subject property. The applicant proposes to utilize an existing driveway access point for the guest ranch. The farm manager dwelling and farm buildings are accessed by a different driveway access point off of Holmes Road. Staff finds the separated driveway will provide separation between existing farm uses and the proposed guest ranch. Therefore, staff finds the number and location of access points will be harmonious with existing development on the subject property.

The applicant proposes a separate, paved path for pedestrians. This walkway will allow pedestrians to move between the cabins and the lodge building without crossing through the path of vehicle traffic. Staff finds this separation between pedestrians and moving and parked vehicles will provide for an efficient flow of vehicles and pedestrians within the subject property.

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

FINDING: The applicant proposes to utilize a portion of an existing dwelling for lodge space and to construct ten 1,200-square-foot cabins. The subject property is 186.26 acres in size and predominantly consists of pasture, irrigated hay fields. Existing development on the subject property consists of two dwellings, several farm buildings, and associated driveways, but the vast majority of the property is undeveloped. The topography of the subject property has gentle slopes, but there are large flat areas where runoff will be contained. The agricultural fields also provide large areas where infiltration can occur. Due to the size and amount of undeveloped, pervious

surface on the subject property, staff finds the subject proposal will not create adverse impacts on neighboring surface drainage or water quality. This criterion will be met.

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

FINDING: Staff finds the trash enclosure and parking areas are subject to this criterion. The trash enclosure has been designed to minimize adverse impacts on the site and neighboring properties by providing a wood fence for visual screening. The trash enclosure will have dimensions of eight feet by twelve feet, and staff finds the relatively small size will also minimize any adverse impacts to the site and neighboring properties. The parking areas have been designed to minimize adverse impacts on the site and neighboring properties because they will consist of a gravel surface, which will generate minimal visual impacts.

These facilities have been located to minimize adverse impacts on the site and neighboring properties by siting the trash enclosure adjacent to the service drive, across from the lodge building. No trees will need to be removed to place the trash enclosure in this location, which will preserve available screening. The trash is conveniently located next to the main lodge building in an area of existing development. The parking areas have been located next to each of the cabins, which will minimize noise and visual impacts generated as guests move from their vehicles to their cabin.

These facilities have been buffered or screened to minimize adverse impacts on the site and neighboring properties by preserving existing vegetation on the subject property. The application materials indicate trees and shrubs will be preserved to the extent possible, besides those required to remove to construct the cabins and service drive. Staff finds the scattered juniper trees in this portion of the subject property will provide screening from neighboring properties and Lower Bridge Way.

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

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

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

FINDING: Specific criteria for each zone mapped on the subject property have been addressed above.

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

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

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

FINDING: The Deschutes County Road Department and Deschutes County Transportation Planner were sent a request for comment on this application. No infrastructure concerns and no required improvements are identified in the record.

Section 18.124.070. Required Minimum Standards.

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

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

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

FINDING: No apartment residential development is proposed.

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

- c. **Outdoor recreation space must include recreation for children who are district residents, such as a maintained playground area with approved equipment such as swings or slides.**

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

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

FINDING: No residential development is proposed.

B. Required Landscaped Areas.

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

FINDING: As described below, the lot area subject to site plan review is 326,700 square feet. 15 percent of this area is 49,005 square feet. The submitted landscaping plan illustrates 15 percent of the lot area as landscaped. Staff notes this 15 percent landscaped area does not include landscaping required under (B)(2) to meet this area requirement.

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

FINDING: The area subject to the final site plan is the southeast portion of the subject property, where the guest ranch will be located. This portion of the property is approximately 7.5 acres in size. Staff notes the portions of the subject property in farm use are not subject to Site Plan Review. The submitted landscaping plan shows all areas subject to the final site plan and not otherwise improved as landscaped. Staff notes such areas are “required landscaping” for the purposes of the DCC.

- 2. **In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas:**
 - a. **A parking or loading area shall be required to be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**

FINDING: Staff finds that, unlike section (B)(1), this criterion requires “defined landscaping”. Staff finds that “defined landscaping” does not have a definition in the code. Merriam-Webster’s dictionary definition of “defined”⁴ is “to show the shape, outline, or edge of (something) very clearly “. Thus this criterion cannot be met by un-differentiated natural landscaping.

⁴ <https://www.merriam-webster.com/dictionary/defined>

In addition to the 15 percent standard of DCC 18.124.070(B)(1)(a), the submitted application materials include landscaping area(s) of 450 square feet as required for the 11 proposed parking spaces.

- b. In addition to the landscaping required by DCC 18.124.070(B)(2)(a), a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and from any other lot line by a landscaped strip at least five feet in width.***

FINDING: The submitted application materials include landscaping strip(s) separating parking/loading area(s) from the common property line with Tax Lot 300. The landscaped strip(s) adjacent to the southeast property line will be at least 5 feet in width. This criterion will be met.

- c. A landscaped strip separating a parking or loading area from a street shall contain:***
 - 1) Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.***
 - 2) Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.***
 - 3) Vegetative ground cover.***

FINDING: The submitted application materials do not include a parking or loading area adjacent to a street. Therefore, staff finds these criteria do not apply.

- 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.***

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

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

FINDING: The landscaping in the parking area will have a width of not less than five feet.

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

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

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

FINDING: As a condition of approval, required landscaping shall be continuously maintained and kept alive and attractive.

- h. Maximum height of tree species shall be considered when planting under overhead utility lines.***

FINDING: No overhead utility lines exist on-site.

C. Non-motorized Access.

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

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

2. Pedestrian Access and Circulation:

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

FINDING: The applicant proposes a commercial use consisting of a guest ranch. Staff finds paved walkways are therefore required to connect building entrances. The applicant proposes a paved walkway that will connect the entrances of the ten new cabins to the entrance of the lodge building. This criterion will be met.

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

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

As shown on the site plan, the applicant proposes paved walkways connecting buildings and other walkways to each other. Staff notes there are no walkways, sidewalks, bikeway or 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.***

FINDING: The applicant proposes five-foot-wide paved walkways throughout. The proposed walkway is not adjacent to parking spaces, therefore staff finds concrete bumpers are not required. Per the site plan, staff finds the walkways provide a direct route to buildings .

- d. ***Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.***

FINDING: No driveway crossings by walkways are proposed.

- e. ***To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.***

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

D. Commercial Development Standards:

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

FINDING: The applicant proposes ten cabins, which are new commercial buildings. As described below, the property qualified for an increased front yard setback pursuant to DCC 18.124.070(3)(a).

- 2. ***To meet the standard in paragraph (1) of this subsection, buildings developed as part of a shopping complex, as defined by this title, and planned for the***

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

FINDING: No shopping complex is proposed.

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

FINDING: The applicant proposes to utilize an existing nonfarm dwelling for the lodge of the guest ranch. This existing building is set back approximately 300 feet from the front property line along Holmes Road. The applicant proposes to cluster the new cabins near this existing building to take advantage of an existing driveway. Staff finds the subject property qualifies for an increased front yard setback based on existing development on the subject property.

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

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

Section 18.124.080, Other Conditions.

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

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

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

Chapter 18.128, Conditional Use

Section 18.128.010, Operation.

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

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

Section 18.128.015, General Standards Governing Conditional Uses.

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

FINDING: The use subject to conditional use review is

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

FINDING:

Site

The site is 186.26 acres in size and contains an active cattle ranch. The subject property has 133.5 acres of irrigated land, which are located to the north and west of the proposed guest ranch. Due to the size and existing development of the subject property, there is room to accommodate the guest ranch without impacting the irrigated portion of the property. The property is developed with two dwellings and a number of farm buildings. The four largest farm buildings are all clustered with the farm manager residence and these structures are located approximately 780 feet west of the nonfarm dwelling. The farm manager residence and agricultural buildings are accessed by a separate driveway off of Holmes Road. The access point for this driveway is located 450 feet west of the driveway access point that serves the nonfarm dwelling, which will provide separation between the guest ranch and the farm operations on the property. The site is suitable for the use because there is an existing nonfarm dwelling that can be partially converted into lodge space, which will minimize the amount of construction required. Staff finds there is nothing about the site which would preclude locating the project in this area. For this reason, staff finds the site is suitable.

Design

The design of the use takes advantage of existing transportation access, while providing an appropriate buffer between the guest ranch and the farm use of the property. An existing nonfarm dwelling will operate as a lodge building and contain shared space for guests to use. This building will continue to also contain the nonfarm dwelling and staff finds consolidating the two uses into one existing building will minimize disturbance to the rest of the property. The design provides maximum separation between the guest ranch and the working cattle farm, which will minimize impacts on continuing farm operations. The existing nonfarm dwelling is located approximately 780 feet from the closest agricultural building, and is separated by an irrigation pond and internal driveway.

The guest ranch will be accessed by an existing gravel driveway that currently serves the nonfarm dwelling. The applicant proposes to extend this driveway to the northeast to provide direct access to each of the new cabins. This driveway will also be widened to 24 feet to accommodate two-way

traffic. A paved pedestrian path will be constructed to the north of the service drive. This path will run parallel to the driveway and will connect the cabins with each other and to the lodge building. The design will provide for safe vehicle and pedestrian access to the guest ranch, while keeping guest traffic separated from farm operations. For these reasons, staff finds the design of the proposal is suitable to the site.

Operating Characteristics

The guest ranch will provide lodging in ten cabins and a portion of the nonfarm dwelling will be converted into common space for guests of the cabins. The guest ranch will take advantage of an existing driveway and a parking space will be provided in close proximity to each cabin. A maximum of ten rooms will be provided for guest lodging, which will effectively limit the amount of visitors to the site. Each of the proposed cabins will be 1,200 square feet in size. In addition, no developed outdoor areas are proposed. Guests will utilize outdoor space for passive recreation, which will generate minimal impacts on neighboring properties and the remainder of the site.

The applicant does not propose food service or special events, therefore visitors to the property will likely be limited to cabin guests. In addition, the application materials do not indicate that any paid recreation activities or other paid services will be offered to guests. The applicant proposes to use a portion of the nonfarm dwelling as lodge space. A floor plan dated May 1, 2023, identified the area within the dwelling that will be designated as a lodge and accessible to guests. Two covered patios, a dining area, and the great room will be used as common space for guest ranch clients, and the majority of the building will remain a private residence. The limited size of the common indoor area dedicated to the guest ranch means its use will likely generate minimal impacts on the rest of the subject property. As noted above, the applicant does not propose to rent space for private events within the shared lodge and does not propose to host events for members of the public not staying at the on-site cabins.

The site is suitable for the use because of its size, existing development, transportation access, and proposed buffering between the guest ranch and farm operations.

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

FINDING: Transportation access is provided to the site by Holmes Road, which is classified as a County-maintained Rural Collector. Comments from the Deschutes County Road Department and Deschutes County Transportation Planner did not identify any transportation infrastructure deficiencies. Comments from other agencies and the general public did not identify any transportation infrastructure deficiencies. Staff finds, as conditioned, the site is suitable for the proposed use based on adequacy of transportation access to the site.

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

FINDING: The site has a gentle slope in grade and presents no topographical constraints on the proposed use. The *Deschutes County Natural Hazards Mitigation Plan* (2015) identifies drought,

earthquake, flood, landslide, volcanic, wildfire, windstorm, and winter storm hazards in the County. Of these, wildfire is of special concern regarding the suitability of the use.

Natural resource values typically include agricultural soils, forest lands, wildlife and their habitats, wetlands, and natural water features. The subject property contains wetlands mapped on statewide and national inventories, and these mapped wetlands appear to overlap with irrigation ditches and an irrigation pond. The mapped wetland closest to the proposed guest ranch is an irrigation pond located approximately 400 feet west of the nonfarm dwelling. This pond is adjacent to existing development, including the farm manager residence and an agricultural building. Due to existing surrounding development and the intervening distance between this pond and the new cabins, the proposed guest ranch will likely have minimal impacts on this mapped wetland.

As described above, the subject property is in active farm use and therefore contains natural resource values consisting of agricultural soils. The subject property contains 133.5 acres of irrigated land, which is used for cattle grazing and hay production. The guest ranch buildings, service drives, and parking areas will all be located outside of the irrigated portion of the subject property. No land will be removed from agricultural use in order to construct the guest ranch, which demonstrates that an effort has been made to preserve agricultural soils. The guest ranch approval is contingent on there being a continued livestock operation on the subject property, therefore, staff finds it unlikely the guest ranch will be developed in a way that negatively impacts agricultural soils on-site. Comments from agencies and the general public did not identify any site unsuitability due to general topography, natural hazards, or natural resource values.

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

FINDING: Staff finds this this criterion requires that the proposed use must be compatible with existing and projected uses on surrounding properties. Staff finds “surrounding properties” are those that might be significantly adversely impacted by their proximity to the proposed use. Surrounding properties are all zoned EFU and neighboring properties range in size from 6.5 to 834 acres. The surrounding area includes a mix of medium-to-large scale farms with large, irrigated fields. The general surrounding area includes nonfarm dwellings, farm dwellings, and EFU dwellings that predate County zoning. The surrounding area includes several commercial activities operating alongside farm uses, such as Long Hollow Guest Ranch and Rainshadow Organics, which hosts farm-to-table dinners. The neighboring property to the southwest does not appear to be in farm use and is developed with a church and wedding venue. The adjacent property to the southeast is under common ownership and is currently undeveloped with native vegetation. After the proposed property line adjustment, Tax Lot 300 will be five acres in size.

Projected uses on surrounding properties are those that have received approvals or are allowed outright and are typical of development of the areas. These projected uses include farm use, residential and agricultural accessory structures, and replacement dwellings. Staff finds existing uses are a reasonable representation of uses allowed in the underlying zones of surrounding properties. For this reason, staff finds projected uses are likely to be similar to existing uses.

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

Staff finds the proposed use would be unsuitable if the siting, design and operating characteristics of the use significantly adversely impacted existing and projected uses on surrounding properties. Typically, potential adverse impacts could include visual, noise, dust, and odor impacts. Adverse impacts generated by the guest ranch will include, noise, traffic, and visual impacts. The ten new cabins will require construction and will generate visual impacts because buildings will be placed in an area that is currently undeveloped with scattered vegetation.

Traffic is likely to be the primary impact generated by the guest ranch. Additionally, vehicles will create noise and dust as they utilize the gravel driveway to enter and exit the subject property. Each of the ten cabins will contain one bedroom and a second floor loft. The application materials indicate anywhere from one to four occupants can be expected within each cabin and staff finds this a reasonable estimate based on the proposed floor plan. Due to the lack of sidewalks and rural character of the surrounding area, guests will likely use vehicles to visit nearby attractions during their stay at the guest ranch. However, staff notes there are several approved commercial uses in the surrounding area, such as a farm stand and a wedding venue. These existing uses likely generate more vehicle traffic than the guest ranch will generate. Staff also notes the applicant does not propose special events as part of the subject guest ranch application. The noise generated by weddings and events on surrounding properties will therefore likely be greater than noise generated by cabin guests.

The proposed guest ranch will be located closest to the neighboring property to the southeast, which is identified as Tax Lot 300. This property is currently undeveloped, but future uses may include farm use or a dwelling pursuant to DCC 18.16.050. Because of the relatively close proximity, this neighboring property is most likely to be negatively impacted by noise, traffic, and visual impacts generated by the guest ranch. The applicant proposes to retain existing vegetation, including a number of juniper trees, between the guest ranch and this property. The proposed cabins are also oriented so that outdoor recreation will likely occur to the northwest of the cabins, in the opposite direction of this neighboring property.

The guest ranch will operate on a property with an active farm use, consisting of a cattle ranch. Staff finds the coexistence of the guest ranch and cattle operation on the subject property indicates the guest ranch will not prevent neighboring farm uses. The livestock operation on the subject property utilizes heavy equipment, and cattle generate dust and odor. Therefore, impacts generated by vehicle traffic to the guest ranch will be largely indistinguishable from impacts generated by the farm use of the property.

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

Staff finds the proposed use would be unsuitable if access to the site would significantly adversely impact existing and projected uses on surrounding properties. Comments from the County Transportation Planner did not identify any concerns regarding the capacity of the surrounding roadway system. Comments submitted by the County Transportation Planner indicate the guest ranch is anticipated to generate less than 50 new weekday vehicle trips. The subject property has

frontage on two roads, Holmes Road and NW Lower Bridge Road. Holmes Road is classified as a Rural Collector and NW Lower Bridge Way is classified as a Local Access road. The applicant proposes to utilize an existing driveway, which currently serves the nonfarm dwelling. The neighboring property to the south operates a farm stand and farm-to-table dinners, and the driveway access point to this property is located approximately 420 feet from the driveway access point for the guest ranch. Despite the relative proximity and the additional traffic the guest ranch will generate, staff does not anticipate it will negatively impact vehicle access to this neighboring property.

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

Staff finds the proposed use would be unsuitable if it significantly adversely impacted off-site topography, natural hazards, or natural resource values. Natural hazards on surrounding properties include wildfire risk. The applicant proposes to construct ten new cabins, which will draw visitors to the property and may increase wildfire risk. However, the subject property has frontage on Holmes Road, which is a County-maintained Rural Collector and provides access for fire trucks, if needed. The subject property also contains an irrigation pond and 133.5 acres of irrigated land, which may slow the speed that a wildfire would spread to neighboring properties. Due to the limited impacts of the guest ranch on fire risk, as well as the available transportation access and water sources, staff finds the guest ranch will not significantly contribute to the wildfire risk of surrounding properties.

Natural resource values on surrounding properties include wildlife habitat, mapped wetlands, and agricultural soils. Due to the amount of farming in the surrounding area, staff finds natural resource values consisting of agricultural soils are of particular concern. The proposed guest ranch will not prevent farming on neighboring properties. There is an established pattern of farm use in the general area, which includes pasture, hay fields, and various other crops. These farm uses have continued despite the approval of nearby dwellings and commercial uses, which indicate they can continue to operate once the guest ranch is established.

Mapped wetlands on surrounding properties appear to be collocated with irrigation facilities, such as ditches, canals, and ponds. In some instances, it appears the irrigation channels mapped as wetlands have since been piped, because they are no longer visible in aerial images. Staff notes there do not appear to be any naturally-occurring streams or rivers in the general surrounding area.

The surrounding area is defined by a rural character and developed at relatively low density. A significant amount of land area is devoted to farm use, and but a large amount of area also remains undeveloped with native vegetation. The extensive amount of undeveloped land provides habitat for wildlife and is therefore considered a natural resource value. The guests and vehicles on the subject property may generate noise and scare off wildlife, but this will likely only impact wildlife habitat immediately adjacent to the guest ranch. Based on the amount of existing farm use and commercial uses on neighboring properties, the noise generated by the guest ranch will be consistent with existing surrounding uses.

There are two federally-owned properties nearby which are undeveloped and provide wildlife habitat. One is located approximately 0.6 miles east of the guest ranch and is over 800 acres in size, and the other is located approximately 0.65 miles to the southwest of the guest ranch and is over 4,000 acres in size. Due to the size of these properties, the intervening distance, and the intervening development, staff finds the proposed guest ranch is not likely to impact wildlife habitat on this nearby public land.

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

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

Section 18.128.020, Conditions.

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

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

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

Section 18.128.040, Specific Use Standards.

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

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

Section 18.128.360, Guest Ranch.

A guest ranch established under DCC 18.16.037 shall meet the following conditions:

- A. Except as provided in DCC 18.128.360(C), the guest lodging units cumulatively shall:***
 - 1. Include not less than four nor more than 10 overnight guest lodging units, and;***

FINDING: The applicant proposes ten overnight guest lodging units, consisting of one-bedroom cabins. Staff finds the number of guest lodging units will be more than four and no more than ten. Therefore, this criterion will be met.

- 2. Not exceed a total of 12,000 square feet in floor area, not counting the floor area of the lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.***

FINDING: Each of the ten proposed cabins will have 1,200 square feet of floor area, which is a total of 12,000 square feet in floor area dedicated to the guest cabins. Space within an existing nonfarm dwelling will be converted into a lodge for the guest ranch. The application materials indicate this structure will continue to contain no more than one kitchen, and will function as both a lodge and a nonfarm dwelling. Space within the lodge may be dedicated to kitchen area, rest rooms, storage or other shared or common indoor space. However, staff notes the guest ranch will exceed the allowed 12,000 square feet of floor area if space in the lodge is used for private guest rooms.

No space within the lodge building shall be rented out to visitors for overnight occupancy as part of the guest ranch. This does not preclude employees of the guest ranch from residing in the nonfarm dwelling within the same structure.

As noted above, the applicant proposes ten cabins with a total floor area of 12,000 square feet. Utilizing the nonfarm dwelling as overnight accommodations would exceed the permitted number of guest lodging units, and permitted floor area of guest lodging units. The applicant has not proposed to rent space within this nonfarm dwelling in conjunction with the guest ranch. Therefore, after the conversion of a portion of this building to lodge space, the remainder of the building must continue to operate as a private, nonfarm dwelling. Pursuant to a recent Court of Appeals decision (*1000 Friends of Oregon v. Clackamas County*), it does not appear that using an existing dwelling as a short term rental is a use that is permitted outright in resource zones. Staff therefore adds the following condition of approval to ensure the building continues to be used as a single-family dwelling.

The nonfarm dwelling shall not be used as a short term rental or vacation rental without first obtaining any required land use permits.

B. The guest ranch shall be located on a lawfully established unit of land that:

1. Is at least 160 acres in size;

FINDING: The applicant proposes two property line adjustments as part of the subject application. After these adjustments, the subject property where the guest ranch is located will be 186.26 acres in size.

2. Contains the dwelling of the person conducting the livestock operation; and

FINDING: The submitted site plan indicates the existing dwelling for the farm/ranch manager is located to the southwest of the proposed guest ranch. The application materials indicate this existing 1,440-square-foot dwelling will continue to be occupied by the farm/ranch manager.

Approval of the guest ranch is contingent on the subject property continuing to contain the dwelling of the person conducting the livestock operation.

3. Is not classified as high value farmland as defined in DCC 18.04.030.

FINDING: Staff includes the definition below of high-value farmland, from DCC 18.04.030:

"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.

As noted above, the subject property includes 31B soils, 141C soils, and 138B soils. Of the soils on-site, only 31B soils are capable of being classified as high-value farmland. For this reason, the subject property would be considered high-value farmland if it is predominantly composed of 31B soils when irrigated. Forty to forty-five (40-45) percent of the subject property is comprised of 31B soils, according to National Resources Conservation Service (NCRS) mapping. The subject property contains 133 acres of irrigated land. Staff finds the 31B soils, Deschutes sandy loam, make up less

than half of the subject property and therefore is not the predominant soil type. Staff finds the subject property does not constitute high-value farmland, despite the amount of irrigated land, because it is not predominantly made up of one of the soil classifications listed above.

C. For every increment of 160 acres that the lawfully established unit of land on which the guest ranch is located exceeds the minimum 160-acre requirement described under DCC 18.128.360(B), up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area.

FINDING: The applicant has not requested additional lodging units based on the size of the subject property. Staff finds this criterion does not apply.

D. A guest ranch may provide recreational activities in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding and swimming. Intensively developed recreational facilities including golf courses or campgrounds identified in DCC 18.16.030 through 18.16.033, shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course or with an existing campground.

FINDING: The applicant proposes low-intensity outdoor recreation, such as yard games. The submitted site plan does not indicate any formal recreation areas will be developed in conjunction with the guest ranch. The application materials also do not indicate that any fee-based recreation will be offered to guests. No intensively developed recreational facilities, such as golf courses or campgrounds, are proposed. Staff finds this criterion will be met.

E. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch, individuals accompanying the guests, and individuals attending a special event at the guest ranch.
1. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch.
2. The sale of individual meals to persons who are not guests of the guest ranch, an individual accompanying a guest, or an individual attending a special event at the guest ranch shall not be allowed.

FINDING: In a letter dated March 28, 2023, the applicant states:

Food service is not proposed with this application / project.

Because no food service is proposed as part of the guest ranch, staff finds the criteria regarding cost and operating characteristics of food service do not apply.

F. The exterior of the buildings shall maintain a residential appearance.

FINDING: The submitted application materials include drawings of the proposed cabins. These drawings indicate the buildings have the appearance of a small single-family dwelling with attached porch. There is nothing about the building design that gives the appearance of a commercial use or guest lodging unit. Staff therefore finds the proposed buildings will maintain a residential appearance and this criterion will be met.

G. *To promote privacy and preserve the integrity of the natural setting, guest ranches shall retain existing vegetation around the guest lodging structure.*

FINDING: The application materials indicate vegetation will be retained around the guest ranch. The southeast portion of the subject property contains dispersed juniper trees and ground vegetation. The project will require the removal some trees to construct the new cabins, parking spaces, and service drive. However, trees that are not required to be removed for construction will be preserved. To ensure compliance, staff also adds the following condition of approval.

Existing vegetation around the guest lodging structures shall be retained.

H. *All lighting shall be shielded and directed downward in accordance with DCC 15.10, Outdoor Lighting Control.*

FINDING: Staff adds this as a condition of approval.

I. *Signage shall be restricted to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.*

FINDING: The application materials do not indicate whether any signage is proposed for the guest ranch. Instead, the applicant requests a condition of approval be added to ensure future compliance with this criterion if a sign is added. Due to the limited impacts of adding a sign, as described above, for the guest ranch, staff finds a modification of approval is not required if the applicant chooses to add a sign to the property in the future. Staff adds the following condition of approval to ensure any future signage complies with this criterion.

If signage is added to the guest ranch in the future, it shall be limited to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.

J. *Occupancies shall be limited to not more than 30 days.*

FINDING: Staff adds this as a condition of approval.

K. *The guest ranch shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.*

FINDING: The submitted Burden of Proof included the following response to this criterion:

Given the distance of the use from property boundaries and neighbors, it is highly unlikely that the ranch will create an unreasonable disturbance from noise, dust, traffic or trespass.

Staff agrees with this analysis and notes the guest ranch will be served by internal pedestrian pathways and service drives, which will encourage guests to stay within the portion of the property designated as the guest ranch. A buffer of undeveloped land and vegetation will separate the guest ranch from the closest neighboring property, which is located to the southeast. The site plan is also designed so that cabins and pedestrian paths are all located to the northwest of the service drive, which will likely keep any outdoor activities on that side of the service drive. This design orients outdoor activities and pedestrian paths away from the neighboring, privately-owned property to the southeast. For these reasons, staff finds the guest ranch will be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.

L. One off-street parking space shall be provided for each guestroom in addition to parking to serve the residents.

FINDING: The submitted site plan indicates one parking space will be provided for each of the one-bedroom cabins. One ADA-accessible parking space will also be provided at the lodge building, which contains shared indoor space for the guest ranch. The lodge building also contains a nonfarm dwelling, which has its own garage and separate vehicle parking. Staff finds one off-street parking space is provided for each guestroom, in addition to parking associated with the two dwellings on the subject property. This criterion will be met.

M. Any conversion or alterations to properties designated as historic landmarks shall be approved by the Deschutes County Historical Landmarks Commission.

FINDING: The subject property is not designated as a historic landmark. Staff finds this criterion does not apply.

N. A guest ranch that is authorized under this section shall submit an annual report, that shall be made available to the public upon request, to the Community Development Department by the real property owner or licensee, if different, each February 1 documenting the following:

- 1. The size of the guest ranch's livestock operation;**
- 2. The income that the guest ranch obtained from:**
 - a. Livestock operations; and**
 - b. Guest ranch activities; and**
- 3. Other information to ensure ongoing compliance with this section or any condition of approval.**

FINDING: Staff adds this as a condition of approval. Because no food service, special events or fee-based services are proposed, staff finds the income generated by the guest ranch activities will consist entirely of income generated by cabin rentals. Therefore, staff does not require the annual report to include any additional information in order to ensure ongoing compliance with this section or any condition of approval.

Staff adds the following condition of approval regarding annual reporting:

The owner shall submit an annual report to the Community Development Department by February 1st of each year. The annual report shall document the size of the guest ranch's livestock operation, the income that the guest ranch obtained from livestock operations, and the income that the guest ranch obtained from guest ranch activities.

SYSTEM DEVELOPMENT CHARGE

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$5,080 per p.m. peak hour trip. Resort (LU 330) generates 0.41 p.m. peak hour trips per unit; Recreational Home (LU 260) generates 0.29 p.m. peak hour trips per unit; and Motel (LU 320) generates 0.36 p.m. peak hour trips per room. County staff has reviewed the ITE category description for Resort, Recreational Home, and Motel. Resort and Motel both presume overnight stay or limited stays whereas as Recreational Home assumes longer stays and that the dwelling is owned by the user, which is not the case here. While none of the three is a perfect fit, based on ownership of the units and expected limited duration of the stays, and the presence of a lodge and recreational opportunities, staff has used determined Resort is the most appropriate category to use. Therefor the applicable SDC for the cabins is \$20,828 (\$5,080 X 0.41) X 10. The farm manager living in the lodge is the transportation equivalent of another dwelling. County staff has determined a local trip rate of 0.81 p.m. peak hour trips per single-family dwelling unit; therefore the applicable SDC is \$4,115 (\$5,080 X 0.81) for the farm manager's dwelling, aka the lodge. The SDCs are due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2023. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS SUBMITTED.

IV. CONCLUSION

Conditional Use Permit and Site Plan Review

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

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

Property Line Adjustments

The proposed adjustment(s) in size are within the allowable limits for the respective zoning districts. This application meets the requirements as established and has been **tentatively** approved by the Deschutes County Planning Division. This tentative approval only confirms that the proposed adjustment meets the current zoning criteria necessary for property line adjustments. All restrictions for these zones still apply to the subject properties.

Pursuant to *Bowerman v Lane County*, 287 Or App 383, 403 P3d 512, the Court of Appeals ("Court") ruled a local government has, "...the discretion to approve a series of requested property line adjustments, including to property lines not yet reflected in recorded deeds, contingent upon an applicant recording each approved adjustment in proper sequence."

The Court goes on to state,

"A county's approval of sequential property line adjustments could accommodate the deed information requirements by conditioning approval on the requirement that each deed comply with ORS 92.190(4)."

For these reasons, staff includes conditions of approval **G. (3-4)** to ensure compliance with *Bowerman*.

A property line adjustment may have an effect on any completed septic site evaluations for the properties involved. You may wish to check with the Environmental Soils Division regarding this matter. A property line adjustment may also affect any water rights appurtenant to your property. If you have a water right, you should contact your irrigation district before the property line adjustment is surveyed.

V. DECISION

APPROVAL, subject to the following conditions of approval.

VI. CONDITIONS OF APPROVAL

- A.** This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B.** The property owner shall obtain any necessary permits from the Deschutes County Building Division and Environmental Soils Division.
- C.** No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040
- D.** Structural setbacks from any north lot line shall meet the solar setback requirements in DCC

18.116.180.

- E.** In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- F.** In order to obtain **final** approval of property line adjustment 247-22-000885-LL:
1. A new deed, reflecting the consolidated property, shall be recorded with the Deschutes County Clerk, and a copy of the recorded deed shall be submitted to the Planning Division. The consolidation deed shall contain the names of the parties, the description of the eliminated line, references to original recorded documents and signatures of all parties with proper acknowledgment.
- G.** In order to obtain **final** approval of the property line adjustment 247-22-000886-LL:
1. Except as provided in ORS 92.060(7-9), the adjusted property lines shall be surveyed and monumented by a registered professional land surveyor and a survey complying with ORS 209.250, shall be filed with the County Surveyor. A copy of the filed survey shall be submitted to the Planning Division. Property line adjustments of properties each over 10 acres in size are not required to file a survey according to ORS 92.060(8).
 2. New deeds, reflecting the new adjusted properties, shall be recorded with the Deschutes County Clerk, and a copy of the recorded deeds shall be submitted to the Planning Division. The adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.
 3. Each deed for each requested adjustment shall be recorded in the order detailed in this decision.
 4. Each deed shall comply with ORS 92.190(4).
- H.** No land division shall separate the guest ranch from the dwelling of the person conducting the livestock operation.
- I.** All new fences within the portion of the subject property within the Wildlife Area Combining Zone shall comply with DCC 18.88.070.
- J.** The service drive clear vision area shall be maintained in accordance with DCC 18.116.020(A).
- K.** All lighting shall be shielded and directed downward in accordance with DCC 15.10, Outdoor Lighting Control.

- L.** The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.
- M.** Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- N.** Required parking facilities shall be provided prior to or concurrently with construction and/or initiation of the proposed use.
- O.** Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.
- P.** All vehicle standing and maneuvering areas for the guest ranch will be a gravel surface that is adequately maintained for all weather use and maintained in a manner that will not create dust problems for neighboring properties
- Q.** Prior to issuance of building or septic permits for the guest ranch, the owner shall submit a revised site plan showing markers or barriers spaced no more than 100 feet apart along the service drive.
- R.** Prior to the issuance of building or septic permits for the guest ranch, the owner shall submit a revised site plan showing that bicycle parking complies with the following:
 - 1. Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.
 - 2. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- S.** The bicycle parking surface shall be maintained in a smooth, durable, and well-drained condition.
- T.** All trees and shrubs existing on-site, not removed by necessity of the proposed development, shall be protected, unless lawfully changed/removed by outright uses (such as farm use) or such change/removal is approved by future land use approvals.
- U.** All exterior lighting shall be shielded so that direct light does not project off site.
- V.** The applicant shall provide for watering planting areas where such care is required.
- W.** Required landscaping shall be continuously maintained and kept alive and attractive.
- X.** The nonfarm dwelling shall not be used as a short term rental or vacation rental without first

obtaining any required land use permits.

- Y.** No space within the lodge building shall be rented out to visitors for overnight occupancy as part of the guest ranch. This does not preclude employees of the guest ranch from residing in the nonfarm dwelling within the same structure.
- Z.** Existing vegetation around the guest lodging structures shall be retained.
- AA.** The owner shall submit an annual report to the Community Development Department by February 1st of each year. The annual report shall document the size of the guest ranch's livestock operation, the income that the guest ranch obtained from livestock operations, and the income that the guest ranch obtained from guest ranch activities.
- BB.** Occupancies of the guest ranch cabins shall be limited to not more than 30 days.
- CC.** Prior to the issuance of building or septic permits for the guest ranch, the owner shall submit a revised site plan showing the location of signage for the bicycle parking.
- DD.** If signage is added to the guest ranch in the future, it shall be limited to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.
- EE.** Prior to issuance of building or septic permits for the guest ranch cabins, the owner shall submit documentation that they have applied for a structural permit to convert a portion of the nonfarm dwelling to lodge space, and that an approved AMM form (Request for Alternate Design, Materials and Methods of Construction) has been reviewed by Deschutes County Building Division.
- FF.** Approval of the guest ranch is contingent on the subject property continuing to contain the dwelling of the person conducting the livestock operation.

VII. DURATION OF APPROVAL, NOTICE, AND APPEALS

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

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

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

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

DESCHUTES COUNTY PLANNING DIVISION



Written by: Audrey Stuart, Associate Planner



Reviewed by: Will Groves, Planning Manager

Attachment(s): 1. Site Plan

c: Irrigation District
Gregg Rossi, Cartographer (Assessor's Office)

