BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, DECEMBER 1, 2025
Allen Room - Deschutes Services Building - 1300 NW Wall Street – Bend
(541) 388-6570 | www.deschutes.org

AGENDA

MEETING FORMAT: In accordance with Oregon state law, this meeting is open to the public and can be accessed and attended in person or remotely, with the exception of any executive session.

Members of the public may view the meeting in real time via YouTube using this link: http://bit.ly/3mmlnzy. ***To attend the meeting virtually via Zoom, see below.***

Citizen Input: The public may comment on any topic that is not on the current agenda. Alternatively, comments may be submitted on any topic at any time by emailing citizeninput@deschutes.org or leaving a voice message at 541-385-1734.

When in-person comment from the public is allowed at the meeting, public comment will also be allowed via computer, phone or other virtual means.

Zoom Meeting Information: This meeting may be accessed via Zoom using a phone or computer.

- To join the meeting via Zoom from a computer, use this link: http://bit.ly/3h3oqdD.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *9 to indicate you would like to speak and *6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.

***Time estimates**:*
The times listed on agenda items are estimates only. Generally, items will be heard in sequential order and items, including public hearings, may be heard before or after their listed times.

CALL TO ORDER

CITIZEN INPUT

The Board of Commissioners provides time during its public meetings for citizen input. This is an opportunity for citizens to communicate to the Commissioners on matters that are not otherwise on the agenda. Time is limited to 3 minutes.

The Citizen Input platform is not available for and may not be utilized to communicate obscene or defamatory material.

Note: *In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734.*

COMMISSIONER ANNOUNCEMENTS

AGENDA ITEMS

1. **1:05 PM** Consideration of termination of the Solid Waste Franchises for the collection of solid waste in the unincorporated areas of Deschutes County

2. **1:15 PM** Presentation: Oregon Department of Transportation (ODOT) US 97 / Baker Road Interchange Area Management Plan

3. **2:00 PM** Discussion of possible appointment to the Deschutes County Budget Committee

4. **2:10 PM** Work Session - Consideration of Document No. 2025-935 – Improvement Agreement for Phase E1 of the Caldera Springs Destination Resort

5. **2:15 PM** Role, Purpose and Oversight of the Deschutes County Office of Internal Audit

OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This meeting/event is accessible. Accommodations including sign and other language interpreter services, assistive listening devices, materials in alternate formats such as Braille, large print, electronic formats, or language translations are available upon advance request at no cost. Please make a request at least 24 hours in advance of the meeting/event by calling Brenda Fritsvold at (541) 388-6572 or send an email to brenda.fritsvold@deschutes.org.



El condado de Deschutes anima a las personas con discapacidad a participar en todos los programas y actividades. Esta reunión/evento es accesible. Hay disponibles servicios de intérprete de lengua de señas y de otros idiomas, dispositivos de escucha asistida, materiales en formatos alternativos como braille, letra grande, formatos electrónicos, traducciones o cualquier otra adaptación, con solicitud previa y sin ningún costo. Haga su solicitud al menos 24 horas antes de la reunión/el evento llamando a Brenda Fritsvold al (541) 388-6572 o envíe un correo electrónico a brenda.fritsvold@deschutes.org.

BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: December 1, 2025

SUBJECT: Consideration of termination of the Solid Waste Franchises for the collection of Solid Waste in the unincorporated areas of Deschutes County

RECOMMENDED MOTION:

Move to authorize the Solid Waste Department Director to:

1. Issue a Notice of Termination to all solid waste collection franchise holders operating under existing Board Orders in the unincorporated areas of Deschutes County, initiating the six-year wind down provided for under the current "evergreen" structure.
2. Lead a coordinated, countywide process-aligned with the Cities of Bend, Redmond, Sisters, and La Pine—to design and competitively procure a contemporary franchise framework via a Request for Proposals (RFP), with agreements targeted for a defined 10–15 year term.

BACKGROUND AND POLICY IMPLICATIONS:

In 1972 the Board of County Commissioners (BOCC) through Board Orders granted four (4) separate franchises in Deschutes County for solid waste collection as provided under the Solid Waste Collections and Disposal Ordinance. Each of these franchises have defined legal boundaries outlining the areas for the exclusive rights of service for each franchise as granted. Over the last 20 years these franchises, along with an additional franchise for the transfer of solid waste and other waste materials and a recycling and composting lease agreement have been purchased and consolidated to be held by two national waste companies. Waste Connections purchased Cascade Disposal, a franchise originally granted to R.A. Brownrigg. Republic Services purchased the remaining franchises and lease agreements providing services to the county.

While these franchises have provided essential services to County residents, these franchises reflect the policies and conditions of the early 1970s. The Deschutes County Code (DCC) framework governing these orders does not adequately address performance standards, customer service, financial transparency of reporting, facility designation, or default language and/or performance assurance mechanisms to address the expanded population and the current levels of services provided throughout the County. Since the original orders were established, County population has increased approximately eight-fold, curbside recycling and organics services have expanded, and processing of

recyclables remains outside County jurisdiction-leaving the costs of those services unregulated. The current franchise grants along with the DCC do not adequately address:

- **Performance standards** (e.g., customer service metrics, equipment standards, and compliance monitoring).
    - Need to define measurable performance standards and enforce them.
    - Establish robust customer service and complaint resolution protocols with enforceable consequences for service failures or problems.
    - Specify clear default remedies, performance improvement plans and/or liquidated damages.
- **Facility designations** (e.g., landfill and transfer station use consistent with the County's Solid Waste Management Plan).
    - Create long-term certainty regarding designated facilities to protect County infrastructure, particularly in that DCC only applies to unincorporated portions of the County. Cities could utilize facilities not under County authorized designation.
- **Financial transparency and reporting** (e.g., audited financial statements, tonnage reporting, fee reconciliation).
    - Require financial transparency and reporting sufficient for rate-setting.
- **DEQ program and state reporting requirements (e.g. customer outreach, required recycling program elements, contamination standards)**
    - Establish reporting expectations to meet DEQ Opportunity To Recycle and Recycling Modernization Act statute requirements for program elements and reporting requirements.
- **Recycling processing costs, set outside County oversight and approval, contribute to rate instability for customers.**

The lack of modern provisions limits the County's ability to ensure consistent delivery of service, protect public health and safety, and maintain proper fiscal oversight for the ratepayer.

The cities of Bend, Redmond, Sisters and LaPine have also granted exclusive franchises within their jurisdictions. Over the past two and a half years, Solid Waste department staff has been working in cooperation with the cities of Bend and Redmond to assess the current situation of our collective franchises. The County had been asked to take the lead in the development of a new agreement that could be used as a universal template for all jurisdictions in the county and could be administered by County staff under an Intergovernmental Agreement (IGA). As Staff has presented to the BOCC at several meetings over that time, we were looking to develop and negotiate an agreement that would protect County investments, provide residents with services standards that they could rely on and that the franchisees were accountable to, along with financial reporting that was robust and transparent enough to ensure rates were appropriate and justified.

In consideration for voluntarily entering into a new Franchise Agreement, Staff was willing to continue the current contractual term of annual renewals with a seven (7) year termination notification clause, otherwise known as an "Evergreen" agreement. If a Notice of Termination is provided to the Franchise Haulers, the termination takes effect six (6) years from the date of notification.

In August the County agreed to review any revisions to the agreement that Cascade Disposal wanted to propose. While waiting for those revisions, on September 2nd Cascade Disposal notified the County that they were no longer interested in moving forward with any further discussions regarding a new franchise agreement and prefer to operate under the existing system. They were only willing to discuss potential revisions to Deschutes County Code.

Throughout this process Republic Services voluntarily participated, while Cascade Disposal has largely not engaged in the process or discussions. The City of Redmond and County staff were largely in agreement on terms regarding a new agreement with Republic Services (their sole service provider) with a few remaining items pending. However, Republic Services performance in many areas has been concerning over the past few years, to the point that the City of Redmond provided Notice of Termination at the end of 2023. The City of Bend is also close to agreement with Republic, but not with Cascade Disposal. Both of these cities are interested in how the County is going to move forward as they consider their options.

Without both franchisees being amenable to a new agreement Staff does not feel that it is prudent or efficient to move forward with one party under a new Franchise Agreement and have the other operate under current County Code.

Staff opinion is that updating the franchise agreement is necessary to align with industry standards and best practices. A new agreement will:

1. **Enhance Accountability** – Establish clear performance expectations and provide enforcement tools to ensure compliance.
2. **Improve Service Integration** – Specify designated facilities for disposal and processing to ensure alignment with the County's adopted Solid Waste Management Plan as well as current and future County infrastructure investments.
3. **Strengthen Financial Oversight** – Require transparent and timely financial reporting, including revenue and expense audits tied to franchise fees and insure rate payer protections.
4. **Provide Legal and Operational Clarity** – Eliminate ambiguities in the 1972 agreement and incorporate up-to-date legal protections for both the County and the franchisee.

Additionally, in 2019 the BOCC accepted and approved a new Solid Waste Management Plan (SWMP) that outlined the priorities of the Solid Waste department for the next 20+ years. This plan outlined recommendations that included the siting and development of a new in-county Municipal Solid Waste (MSW) landfill as well as the redevelopment of several of the transfer stations serving the needs of the county residents and franchise haulers. It also directs the development of programs and potential new facilities for Construction and Demolition (C&D) debris recovery and Organic Waste Composting in order to improve the diversion rate of waste out of the landfill from the current rate (below 30%) to 45% or greater.

Staff has been working since 2021 on the landfill siting process to establish the technical criteria by which to evaluate sites, identify potential locations/properties that could meet those criteria and provide capacity to serve a growing Deschutes County for a minimum of one hundred (100) years, and to fully technically assess the most qualified sites in order to make a final recommendation to the BOCC for approval. Current projections for the investment necessary to develop a new MSW Landfill are anticipated to exceed $50 million, with a desired opening in 2031.

In 2024 the County completed the redevelopment of the Negus Transfer Sation outside of the City of Redmond and anticipates doing the same for the Southwest Transfer Station outside of the City of LaPine.

Staff has also been working on the design and financial modeling of the development of both a C&D debris recycling facility and an expansion of the composting facility at the Knott Landfill campus. Each of these facilities would be designed to handle the current overall waste stream of the County, along with the expected growth over the next 30+ years. If the potential path forward to meet our disposal needs and diversion goals includes all or part of these infrastructure improvements, the guaranteed flow of all waste materials to those facilities will be required. Currently, under the

County's franchised hauler arrangements, the County controls approximately 30% of the overall waste stream. The cities, under their franchise agreements, have the authority to direct the balance of the waste stream collected within their jurisdictions.

STAFF RECOMMENDATION

The various infrastructure initiatives that the Solid Waste department staff has been working on depend on flow of all materials collected in the county to be delivered to all Deschutes County operating facilities. This situation requires that the County and the Cities work together to establish agreements and arrangements that will ensure the flow of materials to any new facilities developed by the County in order to issue and fund any Bond or other debt instruments that we may consider.

The cities of Bend and Redmond have been committed to moving forward with new franchise agreements as well. They prefer the County to take the lead in this process, and are agreeable to having the same terms, conditions, and requirements that would allow the County to administer significant aspects of the agreements other than rate setting. This could include moving away from the current "evergreen" contract structure to a regularly bid contract (10–15-year term) that would regularly assess fair market cost of services while also allowing for innovation in collection services to be accessed by the County and local jurisdictions.

Why Act Now

- A six-year wind-down balances continuity of service with the time required to evaluate options, continue negotiations with existing haulers, update code, procure competitively, and transition operations.
- Coordinated action with cities enables a unified franchise template that reduces administrative burden, harmonizes service levels, and stabilizes rates countywide.
- Establishing facility designation now safeguards County investments and provides the tonnage commitments necessary for long-term financing and system planning.
- This six-year wind-down also aligns with the anticipated closure of Knott Landfill and in the time framework that new diversion facilities would be established, allowing for all those elements to fall into consideration during the procurement process.

Benefits of Terminating the Evergreen Agreements and Procuring via RFP

- Competitive pricing and innovation: Market competition for clearly defined service outcomes and risk allocation.
- Defined term (10–15 years): For potential service providers interested in participating in a procurement process it provides for predictability for capital planning. It also provides for a formal review as to the effectiveness of the franchise agreement and re-procurement at end of term, rather than perpetual renewal.
- Stronger accountability: Agreements would include measurable Key Performance indicators (KPIs), audits, and enforceable remedies (e.g., performance improvement plans, liquidated damages, cure timelines, performance bonds).
- Financial transparency: New agreements would potentially include open-book cost-of-service, standardized reporting, independent audits, and a clear, public rate-setting methodology.
- Customer service excellence: Would establish standardized complaint handling, response times, call center metrics, and service credits for missed service. In-county customer service representative requirements will be considered as well.
- System control: Lawful facility designation to County-authorized facilities for MSW landfilling, Mixed recyclable and C&D processing, Organic material composting that align with infrastructure development plans.

- Environmental performance: Contamination reduction plans, education/outreach, and emission-reduction requirements for fleets and facilities.
- Equity and access: Consistent service standards in rural and urban areas, language access, and affordability programs as adopted by the Board.

Key Elements to Embed in the New Franchise and RFP

- Scope of services: MSW, recycling, organics, bulky, on-call, drop-box/roll-off, and C&D collections as applicable.
- Service areas and route density: Optimize for collection service efficiency and safety.
- Performance standards (examples):
    - Missed-collection thresholds and make-good timelines.
    - Call answer times and first-contact resolution.
    - Contamination targets and outreach delivery.
    - Cart/container maintenance and safety metrics.
- Reporting and data: Monthly tonnage, route productivity, customer service metrics, ESG indicators, and audited financials.
- Rate-setting: Transparent cost-of-service, indexation protocols, extraordinary cost pass-through rules, and periodic full rate reviews.
- Enforcement: Graduated remedies, liquidated damages schedule, cure rights, performance security, and termination for cause.
- Facility designation: Direct materials to County-authorized facilities to support system performance and financing.
- Resilience: Business continuity, disaster debris response, and mutual-aid requirements.
- Workforce: Safety programs, training, and transition/retention provisions to ensure service continuity at contract start.
- Term: 10–15 years, with optional extensions only by Board approval based on performance.

Risks and Mitigations

- Service disruption risk: If one or more new service providers are successful in a new procurement process, the transition will need to be well planned and coordinated. Six-year transition plan would require detailed transition plans, that would include performance bonds, and the potential of labor retention requirements to reduce risk of service interruptions during the introduction of a possible new service provider.
- Rate volatility during transition: To reduce the risk of rate increase in the lead-up to the new franchise agreements, the County and cities would use current rate oversight tools available to enhance transparency while legacy agreements wind down.
- Regional misalignment: Early and ongoing coordination with cities; shared template agreement and synchronized timelines.

Regional Coordination and Governance Options (Years 1–3)

During the first three years after Notice of Termination is provided, Staff will work with the BOCC along with the cities of Bend, Redmond, Sisters, and La Pine to determine the most effective structure for administering consistent franchise terms countywide. The primary options for consideration that could be examined:

Table 1

Options	Description	Advantages	Considerations
Common Franchise Agreement Template with Intergovernmental Agreement (IGA)	Each jurisdiction holds its own franchise(s) using a shared template; administration delivered by County Solid Waste staff via IGA.	Local control retained; consistent standards and reporting; administrative efficiencies.	Requires durable IGAs; still multiple contracts to manage.
Establish a Solid Waste Management District	A single district manages franchising and system planning across jurisdictions. Each jurisdiction would have appointed representation in District Governance.	Unified governance, single point of accountability, maximum consistency.	Requires additional formation steps; governance with potential cost-sharing and rate setting agreements needed.
Amend Deschutes County Code and Reinstate Existing Franchises	Reinstate existing franchise hauler arrangements along with modifications to DCC and City Codes as needed to remedy the shortcomings of existing system.	Removes service interruption risks during a service transition.	Requires coordination of modifications to both City and County Codes to align with desired outcomes.

Staff would provide the Board with a recommended governance model and draft IGAs as they are developed.

Proposed Six-Year Timeline (Illustrative)

- Months 0–6: Board action; issue termination notices; initiate regional workgroup. Develop and issue RFP for consultants for system design discussions, regional meeting coordination, technical assessment assistance, and collection services RFP procurement, evaluation, and implementation.
- Months 6–18: Technical assessments; stakeholder engagement; draft franchise template; draft DCC updates for performance, enforcement, and facility designation.
    - Draft governance recommendation (IGA's or District),
    - Proposed DCC amendments, and
    - Outline of the RFP for the procurement of services, evaluation criteria, and schedule.
- Months 18–24: Board adoption of DCC updates; release Request for Information (RFI) to test market.
- Months 24–36: Issue RFP; evaluate proposals; negotiate terms; conditional awards.
- Months 36–54: Transition planning; rate filings and reviews; customer education; facility commissioning sequencing.
- Months 54–72: Go-live under new franchise(s); closeout of legacy agreements.

BUDGET IMPACTS:

Adoption of a modernized franchise agreement will improve revenue accountability through updated fee structures and reporting requirements. While no immediate fiscal impact results from issuing the termination notice, long-term impacts include increased accuracy in franchise fee collection and better alignment of costs with service delivery for the residents of Deschutes County.

- Near-term: Minimal direct cost to issue termination notices and commence planning.

- Mid-term: Consulting support for technical, legal, and financial analysis; funded from Solid Waste enterprise resources.
- Long-term: Improved rate stability and value through competitive procurement; clearer nexus between rates, service levels, and capital financing.
- Infrastructure alignment: Flow control and facility designation will underpin financing and utilization of the new landfill, transfer stations, C&D facility, and composting facility.

ATTENDANCE:

Tim Brownell, Director of Solid Waste

BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: December 1, 2025

SUBJECT: Presentation: Oregon Department of Transportation (ODOT) US 97 / Baker Road Interchange Area Management Plan

BACKGROUND AND POLICY IMPLICATIONS:
ODOT has prepared the US 97 / Baker Road Interchange Area Management Plan (IAMP) to establish an agreement with local governments about transportation solutions and actions for the interchange area. The final version of the IAMP was presented to ODOT's agency partners in May 2025 at the end of a multi-year coordination process. Solutions outlined within the IAMP are incorporated into the current 2020-2040 Deschutes County Transportation System Plan; the purpose of this presentation is to provide an overview of the final version of the IAMP.

BUDGET IMPACTS:
None

ATTENDANCE:
Kayla Fleskes-Lane, DKS Associates
Don Morehouse, ODOT
Tarik Rawlings, Deschutes County Senior Transportation Planner

COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of County Commissioners

FROM: Tarik Rawlings, Senior Transportation Planner

DATE: December 1, 2025

SUBJECT: Informational Update – US 97 / Baker Road Interchange Area Management Plan (IAMP) (ODOT)

On December 1, 2025, staff from the Oregon Department of Transportation (ODOT) will deliver an informational update to the Planning Commission regarding the May 2025 US 97 / Baker Road Interchange Area Management Plan (IAMP). This update follows a similar update before the Planning Commission that was held on October 9, 2025. The final version of the IAMP represents over four years of dedicated collaboration between Deschutes County staff and ODOT. Solutions outlined within the IAMP are incorporated into the existing 2020-2040 Deschutes County Transportation System Plan (TSP) as project S-12 (ODOT Intersections Changes and Associated Cost Estimates). The TSP, adopted through Deschutes County Ordinance 2023-017, also reflects comprehensive public outreach, interagency coordination, and acknowledgement from the Department of Land Conservation and Development (DLCD).

I. BACKGROUND

As defined in OAR 734-051-1070, an interchange refers to "…a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels."[1] The primary objective of an IAMP is to set forth an agreement with local governments regarding necessary transportation solutions, including land use actions and policies required to enact these solutions. This agreement ensures the preservation of interchange functionality while maximizing the benefits of new transportation infrastructure investments.

Constructed in the early 1990s, the Baker Road / US 97 interchange initially intended to serve the rural areas south of Bend and to facilitate truck freight traffic between Highway 97, to the south, and Highway 20, to the east via Knott Road and SE 27th Street.

ODOT, supported by its consultants from DKS, initiated comprehensive regional coordination for the IAMP in early 2021. During the formative phases, Deschutes County staff provided input on anticipated

[1] ODOT IAMP Guidelines (2013) – pg.2

impacts concerning County transportation infrastructure within the designated IAMP study area. Significant elements of the study area addressed by Deschutes County transportation planning and engineering staff include:

- Current commercial developments (e.g., Riverwoods Country Store and newly approved storage facilities)
- Anticipated traffic pattern changes due to recommended mitigations, which involve a BNSF railway crossing and roundabout intersection treatments
- Enhancements in connectivity to County roadways, including a proposed Cascades East Transit (CET) public transit stop
- Strategic access management along Knott Road

The final IAMP version, compiled in May 2025, integrates feedback from public consultations and agency dialogues, encapsulating Deschutes County's provided insights throughout the planning phase of the project.

II. ODOT PRESENTATION AND OVERVIEW

The presentation provided by ODOT representatives will provide an overview of:

- The IAMPs purpose
- Project timeline
- Public outreach
- Organization of the IAMP report
- Project recommendation
- Access management
- Implementation

III. QUESTIONS AND DISCUSSION

County staff, DKS staff, and ODOT representatives are available for any questions

Attachments:

- US 97 Baker Road Interchange Area Management Plan (IAMP) *(May 2025)*
- ODOT/DKS Presentation

US 97 BAKER RD INTERCHANGE AREA MANAGEMENT PLAN (IAMP)

DESCHUTES COUNTY
BOARD OF COUNTY COMMISSIONERS

DECEMBER 1, 2025

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PROJECT PURPOSE

The purpose of IAMPs is to establish agreement with local governments about transportation solutions or land use/policy actions needed in an interchange area and how to implement them to protect the function of the interchange and significant investments in infrastructure.

The US 97 Baker Rd IAMP was a recommended action from the US 97 Bend to Lava Butte Refinement Plan and the US 97 Bend Parkway Plan



PROJECT PURPOSE

The US 97 Baker Rd interchange was constructed about 30 years ago and was designed to serve the the sparsely developed rural lands in the area and to accommodate truck movement between US 97 and US 20.

Today, increasing urban growth has resulted in congestion and safety issues at the interchange. This is expected to worsen with anticipated housing and employment growth in south Bend.



PROJECT PURPOSE

The purpose of the US 97 Baker Rd IAMP is to:

- Ensure the safe and efficient operation of the interchange area for all modes of travel through the 20-year planning horizon; and
- Identify transportation improvements, management strategies, and land use/policy actions needed to support planned development.



PROJECT TIMELINE

Project kicked-off in Dec 2020, with majority of work occurring in 2020-22 and 23-24

Major Milestones

- Project definitions and background
- Goals and Objectives
- Evaluate baseline conditions
- Develop and evaluated alternatives
- Select a preferred alternative
- Develop access management plan and implementing actions
- Deliver the IAMP Report

- 2 Online Open Houses
- 5 meetings with our TAC and CAC
- 3 meetings with the Bend MPO Policy Board

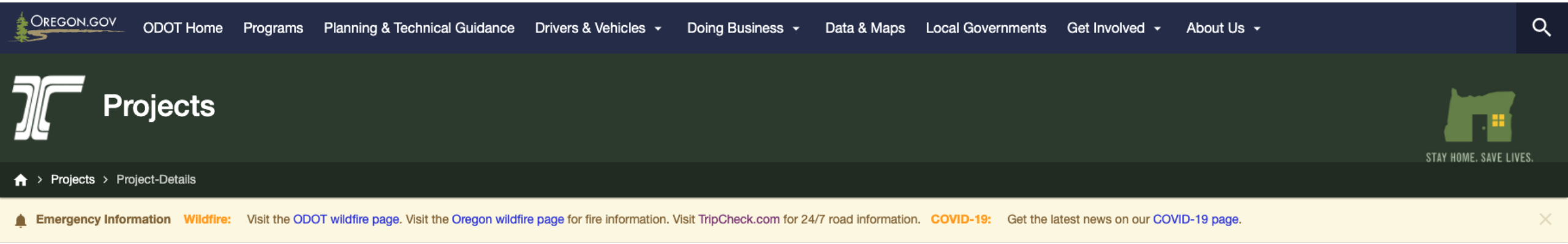
DECISION MAKING STRUCTURE & PUBLIC OUTREACH

- Bend MPO Policy Board = Project Steering Committee
- Technical and Community Advisory Committees = Advisory Role

> ODOT
> Deschutes County
> City of Bend
> Bend MPO
> DLCD
> US Forest Service
> Deschutes River Woods
> Bend-La Pine School Dist.
> Cascades East Transit
> Bend Park & Rec. Dist.
> Central Oregon Coalition for Access
> Abilitree
> Deschutes County Health Services
> Deschutes County Emergency Services
> Deschutes County Bike/Ped Advisory Committee
> Latino Community Association of Central Oregon
> Morning Star Christian School
> Riverwoods Country Store

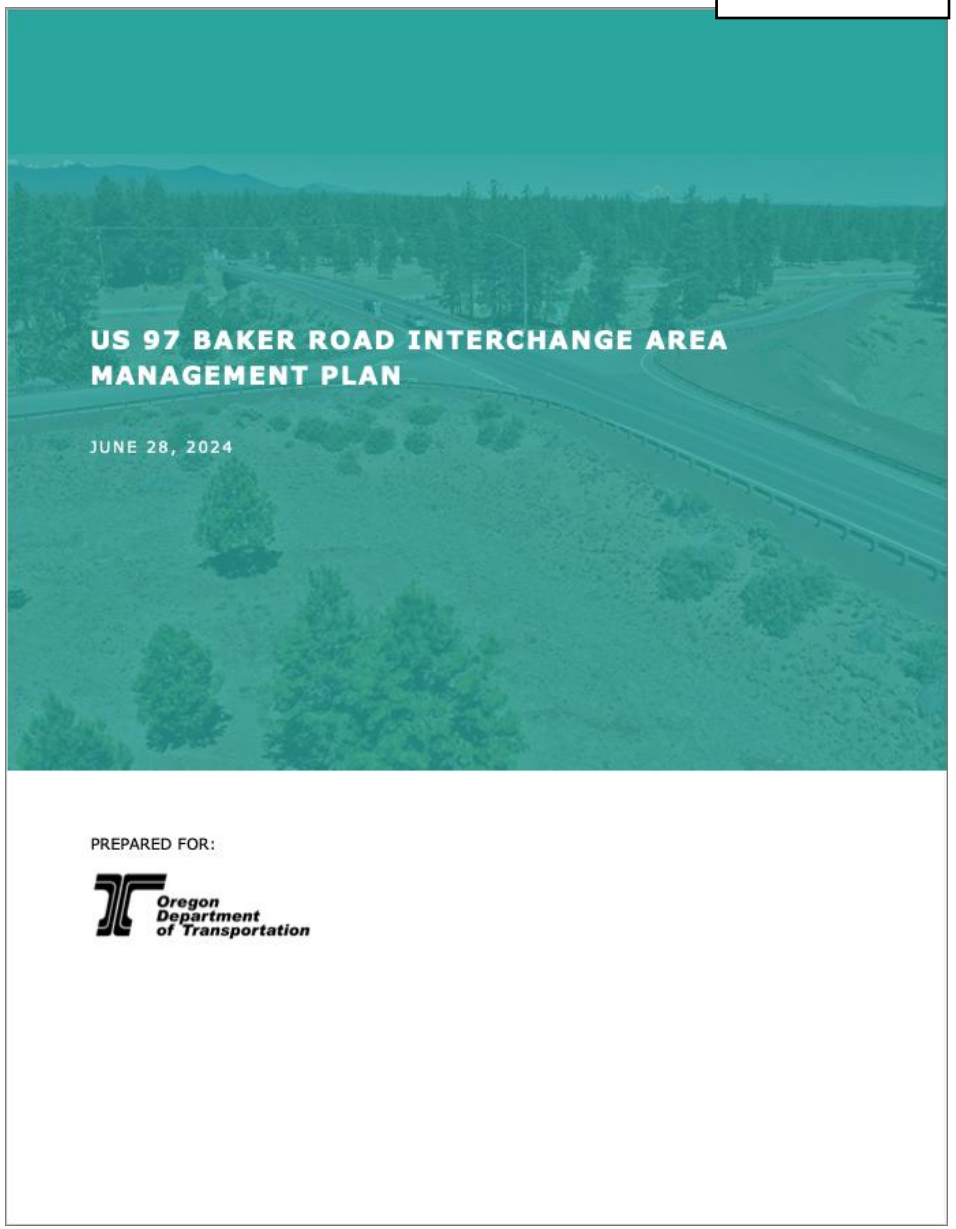
DECISION MAKING STRUCTURE & PUBLIC OUTREACH

- Project Website
- 2 Online Open Houses



REPORT ORGANIZATION

- Executive Summary
- Chapter 1. Introduction
- Chapter 2. Project Process
- Chapter 3. Existing and Future Needs
- Chapter 4. Recommended Interchange Improvements
- Chapter 5. Access Management Plan and Management Actions
- Chapter 6. IAMP Implementation and Adoption



Alt. 1: Enhanced Existing Ramp Terminals

- Adds signals and/or a roundabout at existing ramp terminals
- Lengthens southbound off-ramp
- Eliminates turning conflicts between closely spaced intersections (realignment)
- Lowest cost option



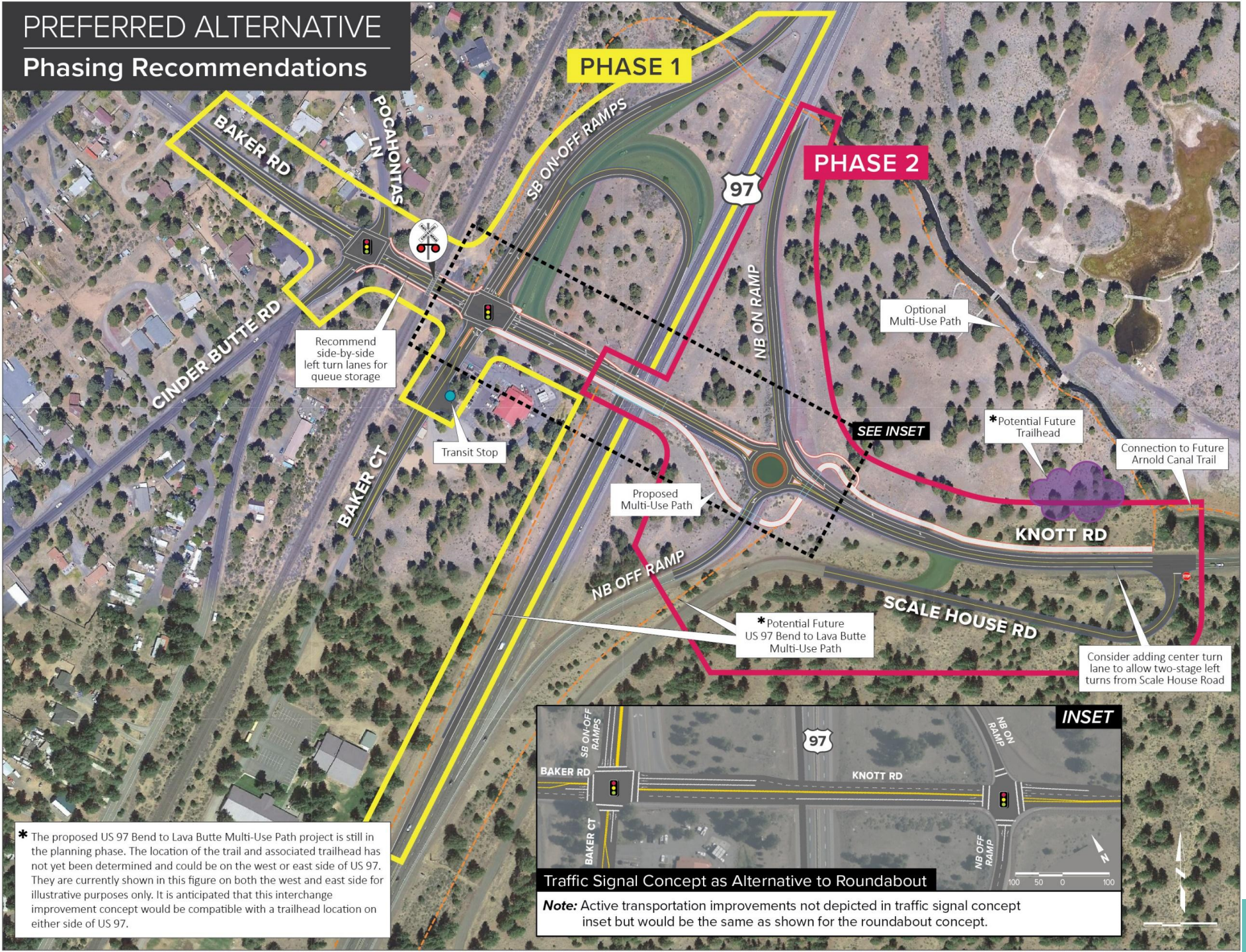
Alt. 3: Southbound On- And Off-Ramp Flyovers with Roundabout (Flyover Interchange)



- Reconstructs the US 97 southbound on- and off-ramps by realigning them to a shared intersection with the northbound ramps on the east side of US 97
- This would require new bridges over US 97 for the southbound on- and off-ramps and a new bridge over the Arnold Canal
- All of the on- and off- ramps would connect at one partial multilane roundabout intersection
- Highest cost option

RECOMMENDATION

- Alternative 3 is widely supported, but also recognized to be significantly more costly and harder to build and phase.
  - > Many have expressed a desire to get improvements soon.
- Therefore, Alternative 1 was selected as the preferred alternative.
  - > Alternative 1 does a better job than Alternative 2 at resolving access conflicts and improving Baker Ct. access and reducing conflicts for people walking and biking.
  - > Alternative 1 is lower cost and can be more easily phased.
- Alternative 3 can be considered in the future.



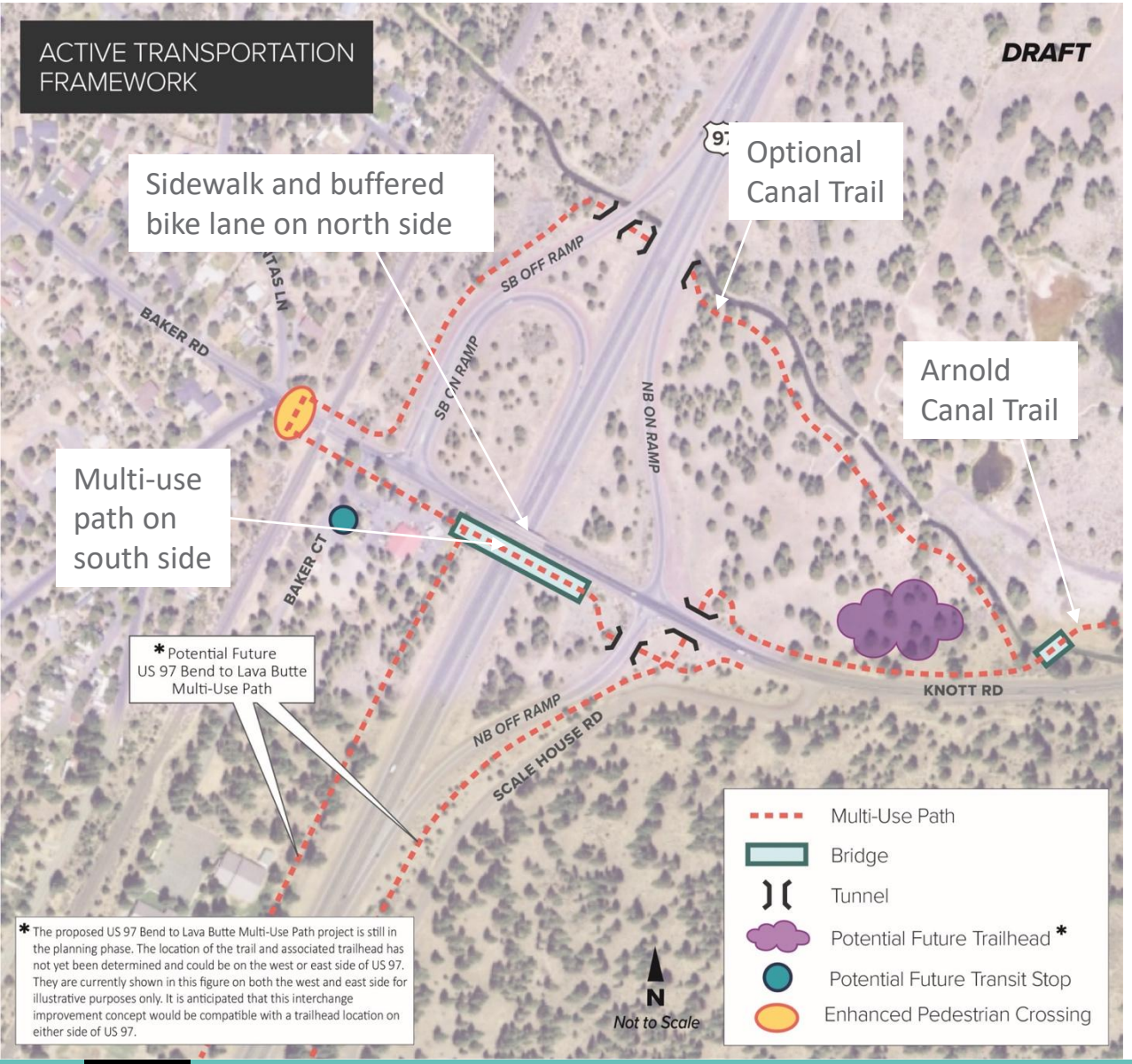
Preferred Alternative

Alt 1 with consideration for future Alt 3 improvements

Alternative 1 Phasing:

- Phase 1 - $14.8 million
- Phase 2 - $23.2 million
- **Total: $38 million**

Active Transportation Improvements



West end of Interchange

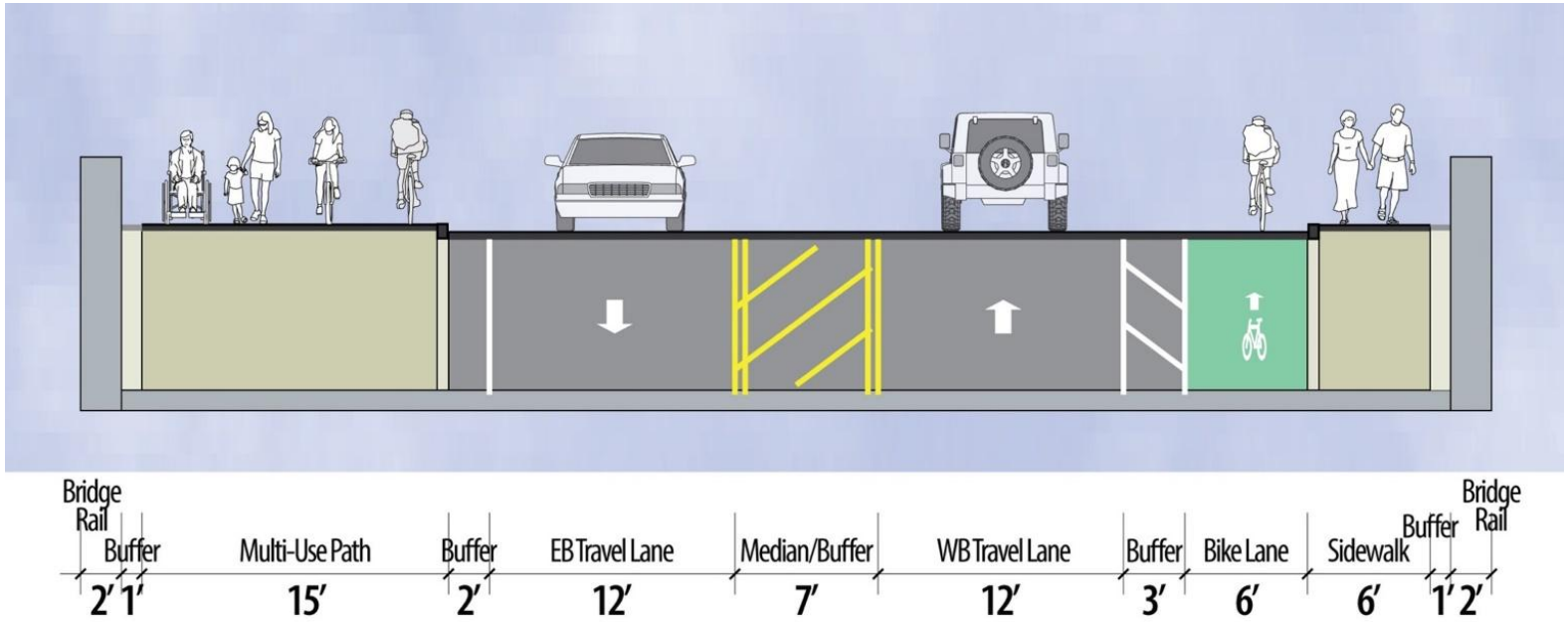
- Multi-use path, enhanced crossings (signals), transit stop

East end of Interchange

- Multi-use path with tunnels under the US 97 northbound off-ramp and Knott Road
- Connection to the future Arnold Canal Trail
- Potential for a future trailhead to be located in the northeast quadrant, connecting to the paved multi-use path that is planned between this interchange and the Lava Lands Visitor Center (**the path could be either on the west or east side of US 97**)

Active Transportation Improvements

Baker Road Cross Section with Active Transportation Improvements



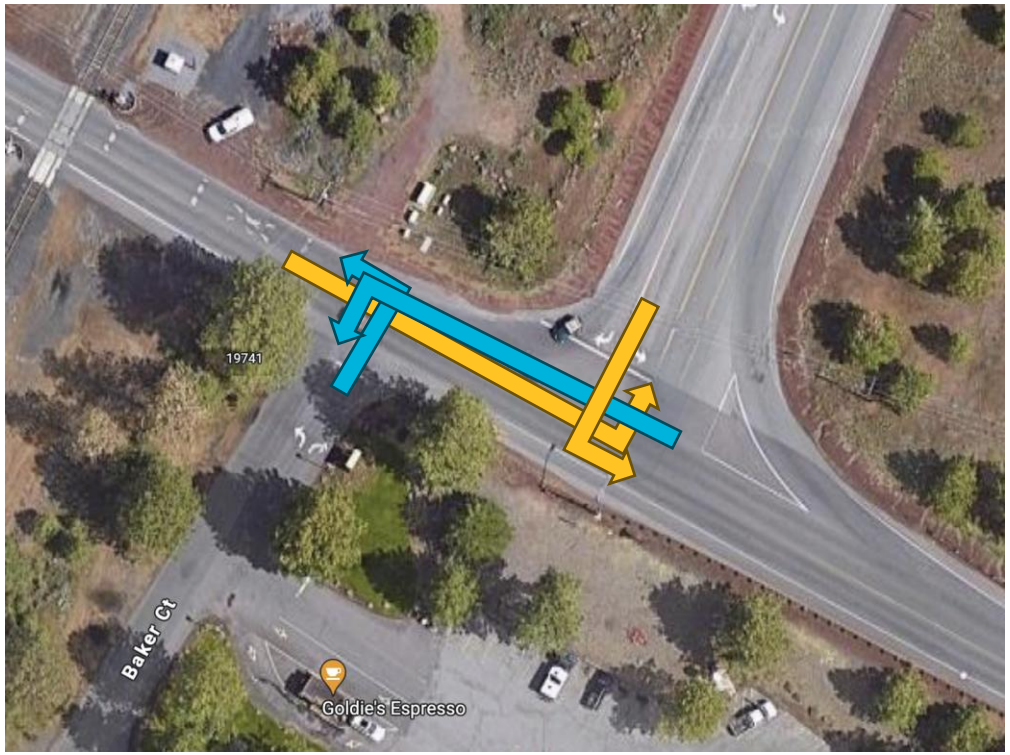
Additional Refinements for Consideration during Design:

- Vertical barrier between path and travel lane
- Narrow median to create space for a multi-use path on north side
- Delineate space between people walking and biking on the multi-use path
- Visual or physical gateway elements on new bridge

ACCESS MANAGEMENT PLAN (CH 5)

What is an Access Management Plan and Why does the IAMP have one?

- Protect the investment being made in transportation improvements.
- Protect public safety.
- IAMPs are required to have access management plans.
- It provides direction and decision-making criteria, but actual changes will occur through future land use applications and project design phases.



ACCESS MANAGEMENT PLAN (CH 5)

What are current access spacing requirements?

- Along US 97:
  - > 1 mile between adjacent ramp tapers (Murphy Rd interchange is closest)
  - > 1 mile between ramp taper and at-grade access (2 miles if rural)
    - **Therefore, there should be no direct access to US 97 between the Baker and Murphy interchanges**



FIGURE 21: EXISTING ACCESSES TO US 97 NORTH OF BAKER ROAD

ACCESS MANAGEMENT PLAN (CH 5)

What are current access spacing requirements?

- Along Baker/Knott Road:
  - > ODOT requires 1,320 feet between ramp terminals and nearest access points
    - Will require Deschutes County cooperation to enforce the AMP recommendations beyond ODOT jurisdiction
  - > Deschutes County
    - Minimize direct access to arterials
    - 500-ft spacing for public roads on arterials
    - Exceptions allowed for safety or other constraints within reason

ACCESS MANAGEMENT PLAN (CH 5)

Key Principles and Methodology

- Provide direction and decision-making criteria for access changes
- Modeled after the project goals and objectives (Key Principles = Goals)
- Mailed to property owners for review and comment (Nov 6)
- The Methodology will again be subject to property owner comment with each design phase. This would also include specific actions and more public outreach.

ACCESS MANAGEMENT PLAN (CH 5)

Access Management Actions

- Would be implemented by ODOT, Deschutes County, or others as applicable
  - > Likely as part of future land use actions or project phases
- Actions are described for each Area and are somewhat general in nature to allow for appropriate discretion for each decision in the future

TABLE 14: ACCESS MANAGEMENT ACTIONS

AREA 6	
EXISTING CONDITIONS:	**ACTIONS:**
Area 6 includes properties abutting US 97 north of the BNSF railroad overcrossing to a point approximately one mile north of the interchange ramp tapers. There are three existing public accesses on US 97 (Ponderosa Street, China Hat Road, and Rocking Horse Road) and no private accesses. The Area is largely undeveloped but does include several single-family homes. The land on the east side is zoned Industrial Light (IL) and Commercial General (CG) and the land on the west side is zoned for a variety of residential uses and limited commercial.	Close all three of the public accesses as planned in both the City of Bend Transportation System Plan and the US 97 Parkway Plan, with the Ponderosa Street and China Hat Road intersections replaced by an overcrossing. Access control along US 97 is present in this Area, but three reservations of access exist on the west side and two exist on the east side. No direct access to US 97 should be provided to this Area on either side of US 97.

OTHER MANAGEMENT STRATEGIES (CH 5)

- Consider **reducing the posted speed** along Baker Road and Knott Road after the improvements are constructed (from 35 mph).
- Maintain and enhance **evacuation routes** for southwest and southeast communities – particularly during construction.
- Add **wayfinding signage** when regional trails and trailheads are constructed.
- Manage the new **interconnected traffic signals** on Baker Road at the US 97 southbound ramps and Cinder Butte Road to prioritize safety.
  - > Assumes ODOT operates and maintains the Cinder Butte Rd signal too.
- Maintain the ability to safely and conveniently **accommodate transit** access.
  - > Future changes to the Baker Ct. cul-de-sac

PLAN IMPLEMENTATION (CH 6)

- IAMP is already incorporated into the Deschutes County TSP (as a legislative amendment to the Comprehensive Plan)

Table 5-4. ODOT Intersections Changes and Associated Cost Estimates

ID	Road 1	Road 2	Desc.	Notes	Priority	Cost	County Contribution	Bike/Ped Component of County Contribution
S-12	US97	Baker Road	Implement Components of The Interchange Area Management Plan (IAMP) For This Area.	The county will coordinate with ODOT and the city of Bend on the appropriate county involvement to implement IAMP projects.	Low	Multiple Projects	-	-

- Bend MTP includes a project description consistent with IAMP
- ODOT to adopt the IAMP as a refinement to the Oregon Highway Plan

QUESTIONS?



US 97 BAKER ROAD INTERCHANGE AREA MANAGEMENT PLAN

MAY 5, 2025

PREPARED FOR:

Oregon Department of Transportation

PREPARED FOR THE OREGON DEPARTMENT OF TRANSPORTATION

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EXECUTIVE SUMMARY

The Oregon Department of Transportation (ODOT) prepared this Interchange Area Management Plan (IAMP) for the US 97 Baker Road interchange, located in Deschutes County approximately ½-mile south of the southern urban growth boundary (UGB) of Bend, Oregon. The purpose of IAMPs is to establish an agreement with local governments about what transportation solutions or land use/policy actions are needed in an interchange area and how to best implement those in a way that protects the intended function of the interchange and extends the life of significant investments in new transportation infrastructure.

The US 97 Baker Road interchange was constructed in the early 1990s. At that time, its intended function was to serve the sparsely developed rural lands south of Bend and accommodate truck freight traffic passing between US 97 to the south and US 20 to the east via Knott Road and SE 27th Street. The City of Bend's population is now nearly four times greater than it was when this interchange was constructed and the UGB has not only become much closer to the interchange, but is anticipated to abut it within the next 20 years.

Over time, this increasing urban growth has resulted in congestion and safety problems in the US 97 Baker Road interchange area. The unsignalized ramp terminals on Baker Road and Knott Road experience excessive delays during peak travel periods. This congestion can get much worse when the nearby railroad crossing is closed for a passing train, with queues of vehicles observed backing down the ramps and into the highway. The closely spaced intersections of the southbound ramp terminal, Baker Court, and Cinder Butte Road, which surround the railroad crossing, create confusion and conflicts that have contributed to a high number of crashes. Additional safety problems have arisen from high-speed traffic approaching the interchange from Knott Road and limited accommodations for people walking or biking through the area. These problems are only anticipated to worsen in the future as housing and employment growth in Bend approaches the interchange over the next 20 years.

In light of these problems, the purposes of the US 97 Baker Road IAMP are to:

- Ensure the safe and efficient operation of the interchange area for all modes of travel through the 20-year planning horizon.
- Identify transportation improvements, management strategies, and land use/policy actions needed to support planned development.

The US 97 Baker Road IAMP was conducted over an approximately three-year period. It began by engaging affected parties to understand interchange needs followed by the development of goals, objectives, and evaluation criteria that align with the project purpose. The goals and objectives guided the development and evaluation of interchange alternative concepts before a preferred alternative was recommended for the interchange based on the feedback received from the public and direction from the Bend MPO Policy Board.

The preferred alternative focuses on enhancing the existing ramp terminals to address the operational deficiencies along Baker Road, reducing the potential for queue spillback onto US 97,

eliminating turning conflicts between closely spaced intersections, and providing low-stress active transportation facilities to connect regional trails and support multimodal travel in an urbanizing area. The preferred alternative (described in more detail in Chapter 4 of this IAMP and shown in Figure 1 below) includes the following improvements totaling $38 million dollars[1] which are recommended to be implemented in two phases:

PHASE 1 – WEST SIDE IMPROVEMENTS - $14.8 MILLION

- US 97 southbound ramps realignment and traffic signal and railroad crossing improvements: Realign the US 97 southbound ramp with Baker Court and signalize the intersection. This includes reconstruction of the BNSF railroad crossing and coordinating the railroad crossing with the new traffic signal.
- US 97 acceleration and deceleration lanes: Lengthen the existing US 97 southbound on-ramp acceleration lane and US 97 southbound off-ramp deceleration lane.
- Cinder Butte Road realignment and turn lanes: Realign Cinder Butte Road slightly to the west, construct westbound and eastbound left turn lanes and a northbound right turn lane (side-by-side left turn lanes on Baker Road between Cinder Butte Road and Baker Court). Improvements on Baker Road west of Cinder Butte Road would be to County standards.
- Baker Road/Cinder Butte Road signalization: Construct a traffic signal and coordinate it with the railroad crossing and the new US 97 southbound ramp terminal signal.
- Confirm intersection control for US 97 northbound ramp terminal: Confirm the intersection control for the US 97 ramp terminal through the affected parties engagement process for approval outlined in ODOT Highway Directive DES 02. The intersection control at the northbound ramp terminal will influence the design of Phase 1 elements.

PHASE 2 – BRIDGE AND EAST SIDE IMPROVEMENTS - $23.2 MILLION

- Baker Road bridge widening: Widen the existing Baker Road/Knott Road bridge over US 97 to accommodate the preferred concept (and added lanes if a signal is selected as the appropriate intersection control at the northbound ramps). Consider visual or physical gateway elements as part of the bridge design.
- US 97 northbound roundabout ramp terminal: Install a roundabout at the US 97 northbound ramp terminal (assuming a roundabout is confirmed as the appropriate traffic control for this intersection) and the associated multi-use path undercrossings.
- Multi-use path connections: Complete the multi-use path network, connecting the US 97 Bend to Lava Butte and Arnold Canal facilities.
- Realign Scale House Road: Realign Scale House Road to the east.

While the preferred alternative is projected to function well through the 20-year planning horizon, it was agreed that the ability to implement a longer-term option (shown in Figure 17 on page 50) should be retained if growth exceeds expectations and sufficient funding becomes available. The longer-term option includes flyover ramps for US 97 southbound traffic so that all traffic to/from US 97 is served at a roundabout on the east side of the highway.

[1] Based on 2021 dollars reflecting a 2029 year of expenditure.

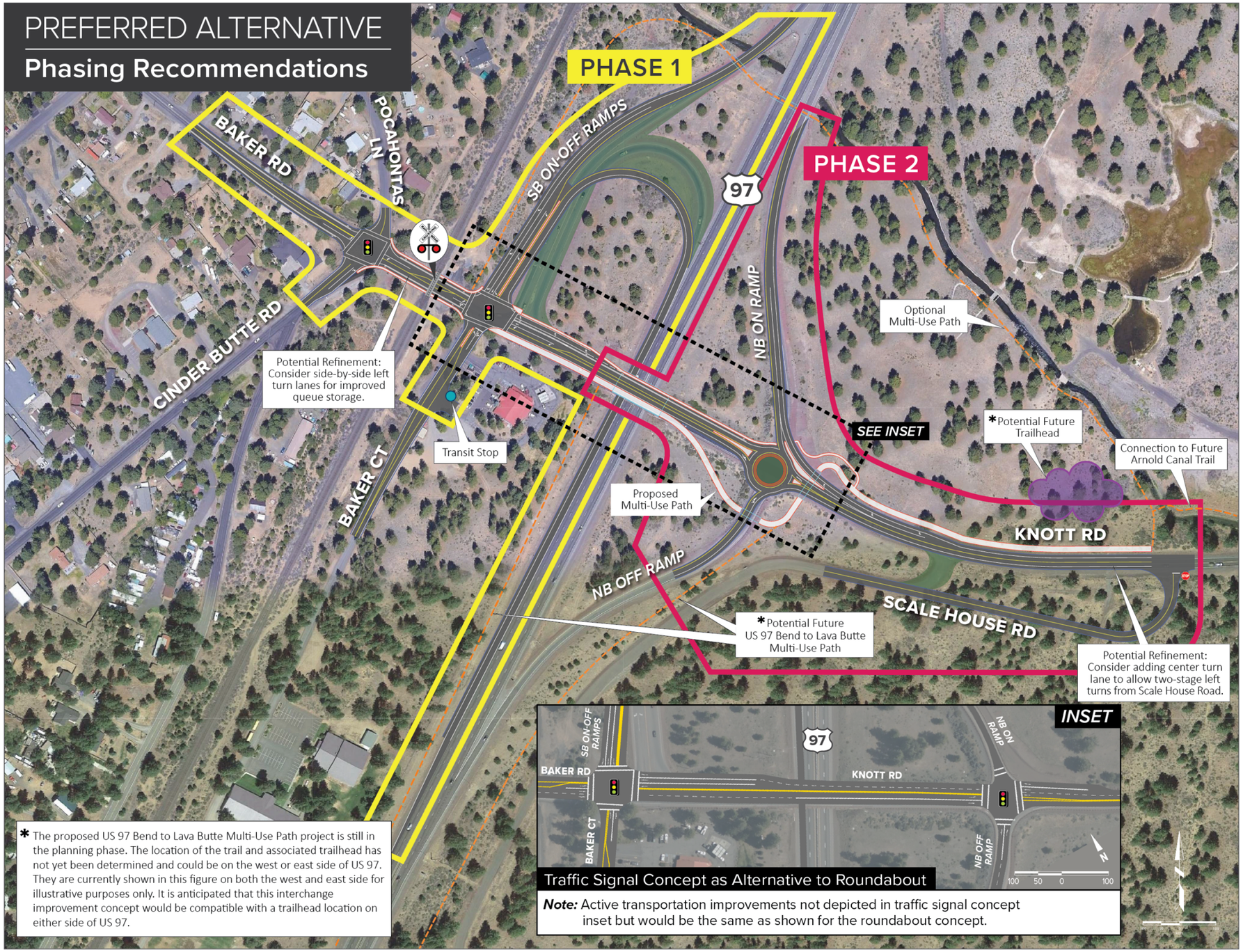


FIGURE 1: PREFERRED ALTERNATIVE FOR THE US 97 BAKER ROAD INTERCHANGE

In addition to the physical infrastructure improvements, several management actions are recommended in this IAMP to help preserve the function of the interchange and meet the goals and objectives of the IAMP. This includes transportation system management strategies (such as managing evacuation routes or reducing the posted speed limit) and an Access Management Plan, which sets a framework for managing existing private accesses and public streets and provides guidance for future development/redevelopment on area properties to ensure that the access on US 97, Baker Road, and Knott Road aligns with the access management Key Principles and Methodology (see page 52).

This IAMP is organized into six chapters:

- **Chapter 1 – Introduction:** This chapter defines the project problem and purpose, project area, interchange function and summarizes relevant background land use, demographic and environmental information within the project area. This chapter also documents the project goals, objectives, and evaluation criteria that were developed with input from key affected parties.
- **Chapter 2 – Project Process**: This chapter lists the advisory and decision-making groups for the IAMP and documents how the input from these groups were used to help evaluate and refine the alternatives before selecting the preferred alternative. The process for broader community engagement and communication with affected parties is also documented in this chapter.
- **Chapter 3 – Existing and Future Needs:** This chapter summarizes the existing and future deficiencies in the transportation system that influenced the development and evaluation of improvement concepts for the interchange.
- **Chapter 4 – Recommended Interchange Improvements:** This chapter summarizes the process for developing and evaluating alternative concepts along with the preferred alternative for the US 97 Baker Road interchange.
- **Chapter 5 – Access Management Plan and Management Strategies:** This chapter includes a collection of strategies to supplement the preferred alternative improvements that will help protect the public's investment and ensure the transportation system in the interchange area functions as intended through the planning horizon.
- **Chapter 6 – IAMP Implementation and Adoption:** This chapter documents the steps needed for IAMP implementation and adoption.

CHAPTER 1. INTRODUCTION

The Oregon Department of Transportation (ODOT) prepared this Interchange Area Management Plan (IAMP) for the US 97 Baker Road interchange, located in Deschutes County ½-mile south of the southern urban growth boundary (UGB) of Bend, Oregon. The purpose of IAMPs is to establish an agreement with local governments about what transportation solutions or land use/policy actions are needed in an interchange area and how to best implement those in a way that protects the intended function of the interchange and extends the life of significant investments in new transportation infrastructure.

This chapter in the IAMP focuses on:

- defining the project problem and purpose,
- defining the project area,
- describing the interchange function,
- summarizing relevant background land use, demographic and environmental information within the project area, and
- documenting the project goals, objectives, and evaluation criteria.

PROJECT PROBLEM AND PURPOSE

The US 97 Baker Road interchange was constructed in the early 1990s. At that time, its intended function was to serve the sparsely developed rural lands south of Bend and accommodate truck freight traffic passing between US 97 to the south and US 20 to the east via Knott Road and SE 27th Street. The City of Bend's population is now nearly four times greater than it was when this interchange was constructed and the UGB has not only become much closer to the interchange but is anticipated to abut it within the next 20 years.

Over time, this increasing urban growth has resulted in congestion and safety problems in the US 97 Baker Road interchange area. The unsignalized ramp terminals on Baker Road and Knott Road experience excessive delays during peak travel periods. This congestion can get much worse when the nearby railroad crossing is closed for a passing train, with queues of vehicles observed backing down the ramps and into the highway. The closely spaced intersections of the southbound ramp terminal, Baker Court, and Cinder Butte Road, which surround the railroad crossing, create confusion and conflicts that have contributed to a high number of crashes. Additional safety problems have arisen from high-speed traffic approaching the interchange from Knott Road and there are limited accommodations for people walking or biking through the area. These problems are only anticipated to worsen in the future as housing and employment growth in Bend approaches the interchange over the next 20 years.

In light of these problems, the purposes of the US 97 Baker Road IAMP are to:

- Ensure the safe and efficient operation of the interchange area for all modes of travel through the 20-year planning horizon.
- Identify transportation improvements, management strategies, and land use/policy actions needed to support planned development.

DEFINITION OF PROJECT AREA

There are three different types of "project areas" defined for the US 97 Baker IAMP, each with a different purpose.

The **Study Area** is defined as the area within which changes in land use would have measurable effects on traffic volumes at the US 97 Baker Road interchange. A map of the Study Area is provided in Figure 2. The Study Area is much larger than the other project areas described below, as the boundaries were influenced by the proximity of the interchange to areas where significant future housing and employment growth are expected, the locations of likely origins and destinations for trips associated with those areas, and the street network available to serve them. Future growth immediately to the northeast and further east out to SE 27th Street is expected to have the greatest impact.

The **Area of Potential Impact (API)**, shown in Figure 3, is defined as the area within which transportation improvements proposed through the IAMP are located. This could include a reconfigured interchange or new streets in the surrounding area to improve connectivity such that local east-west trips would not have to drive through the interchange.

The **Area of Social Impact (ASI)**, also shown in Figure 3, is defined as the area within which live the people who will be most affected by transportation improvements and management strategies proposed through the IAMP. Demographics of the people within this area are further described later in this chapter.

Twelve **Study Intersections**, also shown in Figure 3, were evaluated to help understand existing and future transportation needs within the API.

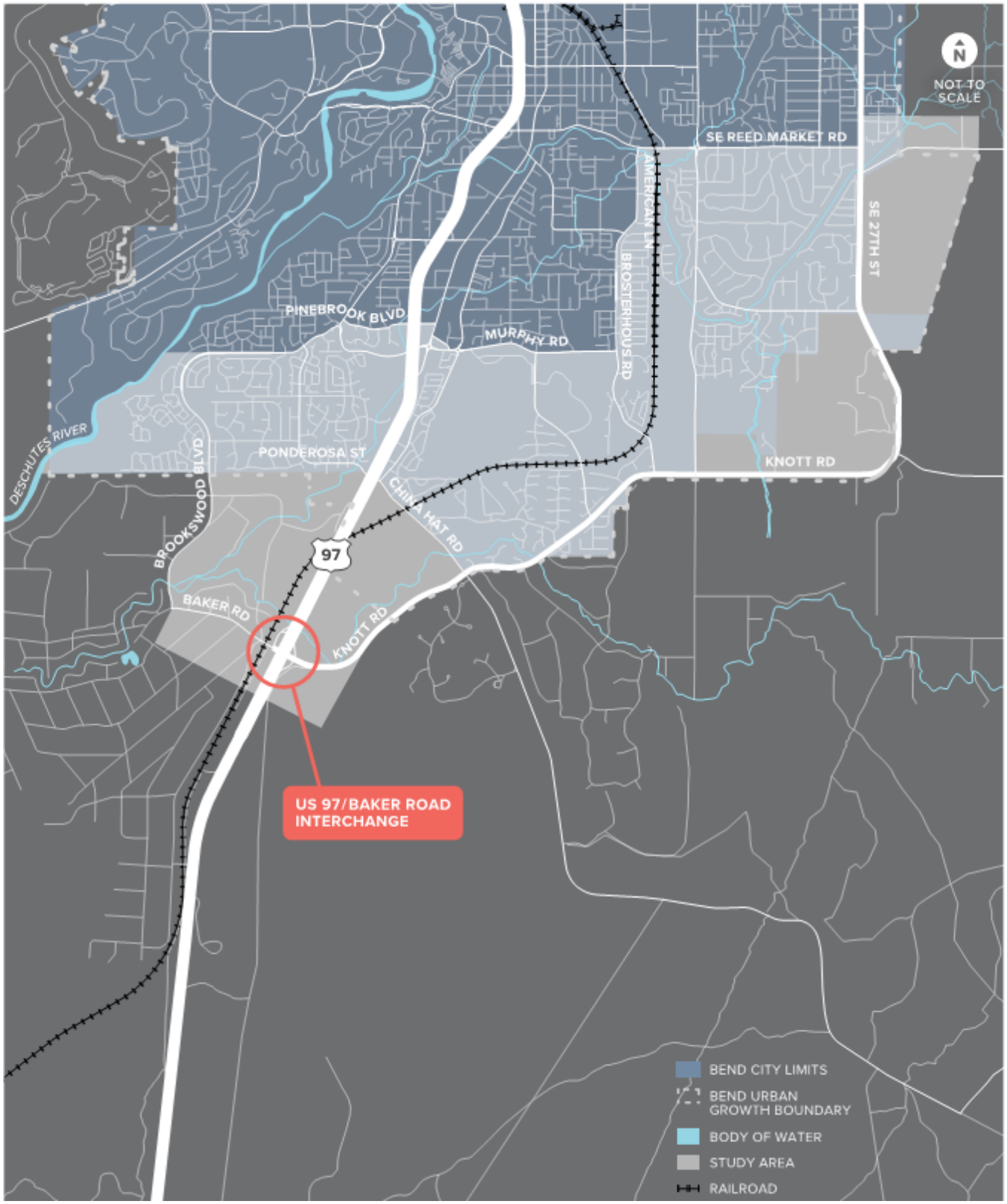


FIGURE 2: STUDY AREA

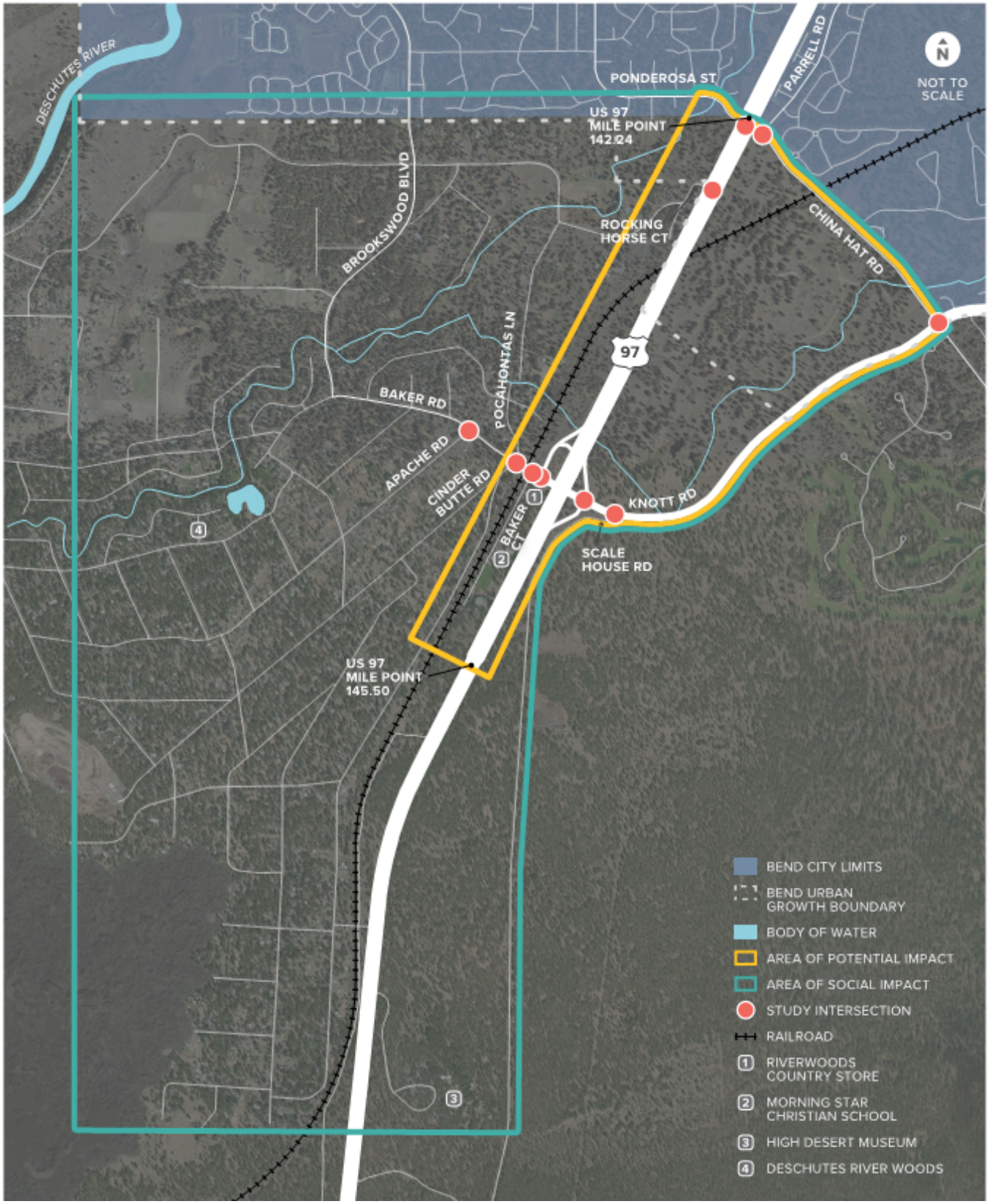


FIGURE 3: AREA OF POTENTIAL IMPACT AND AREA OF SOCIAL IMPACT

INTERCHANGE FUNCTION

Through the interchange area, US 97 is classified by ODOT as a Statewide Highway and is further designated as an expressway, state freight route, reduction review route, and high clearance route. Therefore, the primary functions of US 97 are to provide safe and efficient, high-speed and high-volume traffic movement, inter-urban and inter-regional mobility, connections to larger urban areas and major recreation areas not directly served by an Interstate Highway, facilitate efficient and reliable interstate, intrastate, and regional truck movement, and provide adequate vertical clearance for oversize loads.



FIGURE 4: EVACUATION ROUTE SIGN ON BAKER ROAD

Baker Road and Knott Road are classified as Rural Arterials by Deschutes County (Knott Road is also classified as a minor arterial by Bend within the UGB). The intended function of Rural Arterials is to provide links to cities and other major traffic generators, as well as interregional and intercounty service. Rural arterials serve the more important intra-county travel corridors and are secondary routes for the movement of goods and services. Baker Road is also identified as a Project Wildfire Evacuation Route (see Figure **4**) and serves as one of the few routes out of the Deschutes River Woods neighborhood.

The US 97 Baker Road interchange was designed to serve a rural environment but is increasingly serving urban land uses. Most of the area surrounding the interchange is zoned by Deschutes County as Rural Residential (RR10). There is a small area in the southwest quadrant of the interchange zoned Rural Commercial (RC), which is developed with the Riverwoods Country Store and includes a convenience store, gas station, espresso stand, and restaurants. Just south of this commercial development, but also accessed via Baker Court, is Morning Star Christian School. However, the Bend UGB is less than a mile north of the interchange and the City anticipates a significant amount of future residential, industrial, and commercial growth over the next 20 years.

Currently, the US 97 Baker Road interchange provides the only crossing of US 97 for about two miles (Murphy Road provides the next crossing to the north). Considering the residential development to the west and the mix of existing and future land uses to the east, another important function of this interchange is to provide east-west connectivity for the surrounding area.

PROJECT AREA BACKGROUND INFORMATION

To help identify interchange needs, adjacent land use, environmental, and demographic data was collected. The following summarizes existing data.

LAND USE

Technical Memorandum #2A: Land Use Existing Conditions in Volume 2 documents existing land use and comprehensive plan designations within the Study Area. As shown in Figure 2, the Study Area is located along the border of the City of Bend and Deschutes County and includes areas within the Bend Urban Growth Boundary (UGB), and within Bend city limits. The City manages land located outside city limits but inside the UGB pursuant to an intergovernmental agreement with Deschutes County. All land located outside the UGB is subject to Deschutes County land use and development regulations.

City of Bend Comprehensive Plan

As shown in Figure 5, the western portion of the Study Area subject to the City's land use regulations is primarily designated as Standard Density Residential (RS), which provides for housing types compatible with single-family homes, and Low-Density Residential (RL), which provides for low-density residential development with a maximum of approximately four dwellings per acre.

The area located immediately west of US 97 and north of the project interchange is designated a mix of General Commercial (CG), Mixed Employment (ME), Public Facilities (PF), Mixed Neighborhood (MN), High-Density Residential (RH), Medium Density Residential (RM), and Low-Density Residential (RL) designations. The area east of US 97 and south of China Hat Road is a mix of CG, ME, CC, Industrial Light (IL), and RS designations. The area east of US 97 and north of China Hat Road is primarily designated RS, though the large area between US 97 and Country Club Drive mostly consists of the Lost Tracks Golf Course today. Some areas to the north and south of this central portion are designated RL.

The 2016 decision to expand Bend's UGB included designating ten expansion areas, four of which are in the Study Area:

- The Southwest Expansion Area south of the city limits and west of US 97. This area is expected to provide 240 future housing units and 80 future jobs[2], largely with RS, RM, RH, and Mixed-Use Neighborhood (MN) and Commercial Limited (CL) designations.
- The "Thumb" Expansion Area south of city limits and east of US 97 (between Knott Road, China Hat Road, and US 97). This area is projected to supply 266 future housing units and 1,573 future jobs[2]. The planned designations in this area include CG, CC, IL, ME, RS, RM, and RH.

[2] Bend Urban Growth Boundary Implementation Return on Investment Analysis, Table 2 http://bend.granicus.com/MetaViewer.php?view_id=9&clip_id=424&meta_id=23134

- The Southeast Expansion Area (previously referred to as the "Elbow") in the southeast corner of the UGB south of Ferguson Road and east of SE 15th Street. This area is projected to include 1,230 new housing units and 2,800 future jobs[3] with RM, RH, CG, ME and IL designations.
- The Stevens Road Tract and Stevens Ranch Master Plan Areas south of Reed Market Road and east of SE 27th Street and south of Stevens Road. The currently vacant area is anticipated to provide for 1,001 future housing units and 880 future jobs[1]. Planned destinations here include IG, RS, RH, RM, CL, and CG.

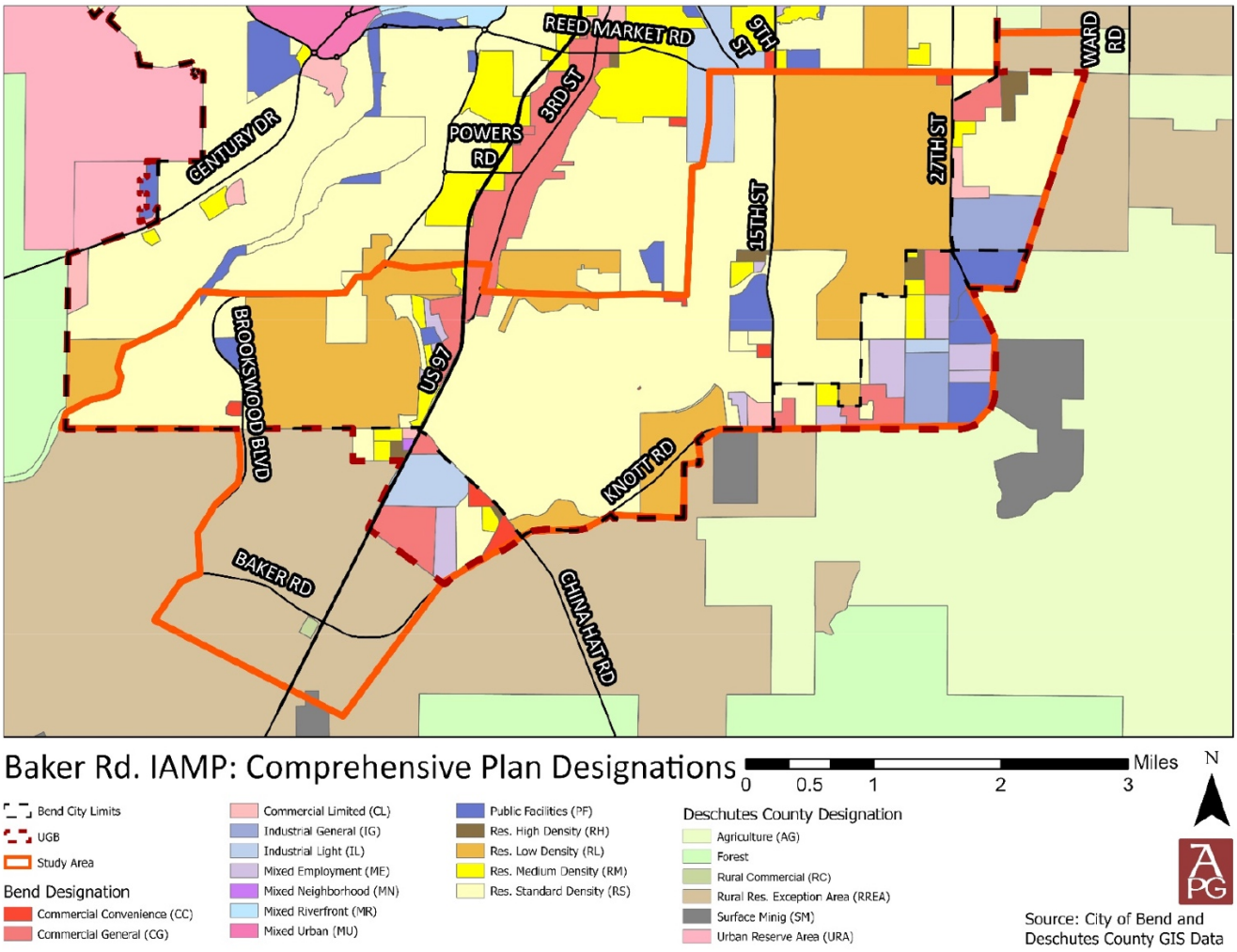


FIGURE 5: COMPREHENSIVE PLAN DESIGNATIONS IN THE STUDY AREA

[3] Bend Southeast Area Plan Summary Report, February 2021, pg. ES-2: https://www.bendoregon.gov/home/showpublisheddocument/48999/638144923125930000

DEMOGRAPHIC INFORMATION

Table 1 presents the data related to the population in the Census block groups partially included in the area of social impact (shown in Figure 6), as well as data for Deschutes County and the State of Oregon for comparison.

The Environmental Protection Agency's (EPA) *Promising Practices for EJ Methodologies in NEPA*[4] notes that when the percentage of low-income or minority populations in a selected geographic unit (i.e., Census block group) exceeds that of a reference community (e.g., state or county) by a reasonable subjective threshold, it constitutes a "meaningfully greater" low-income or minority population for purposes of environmental justice assessments. In this assessment, the county is used as the reference population and the "meaningfully greater" threshold is 150% of the reference population. As shown in Table 1, several block groups have a meaningfully greater proportion of low-income and elderly population. As some of the study area's block groups have higher proportions of low-income and elderly populations, it is important to consider the equity impacts of this project on these populations.

TABLE 1: DEMOGRAPHIC INFORMATION WITHIN THE AREA OF SOCIAL IMPACT

	BLOCK GROUP 410170004011	BLOCK GROUP 410170020001	BLOCK GROUP 410170021004	DESCHUTES COUNTY	STATE OF OREGON
	(2013-2017 ACS ESTIMATES)			(2019 ACS ESTIMATE)	
POPULATION	3,254	995	1,831	175,321	4,217,737
SIZE (SQ MILES)	41.44	1.84	1.62	3,054	98,466
MINORITY	11%	5%	3%	13%	25%
LOW-INCOME	30%	11%	31%	9%	34%
OVER 65	9%	43%	16%	21%	18%

Source: EJSCREEN online tool https://ejscreen.epa.gov/mapper/ and U.S. Census Quick Facts https://www.census.gov/quickfacts/deschutescountyoregon

Transit serves a small portion of the area of social impact. Cascades East Transit's Bend-La Pine intercity bus Route 30 has a stop at Riverwoods Country Store at the intersection of Baker Court and Baker Road[5]. This limited transit service, which only serves the study area's stop three times per day, leaves area residents with few transit options.

[4] *https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf*

[5] https://cascadeseasttransit.com/ride/la-pine-bend-route-30/

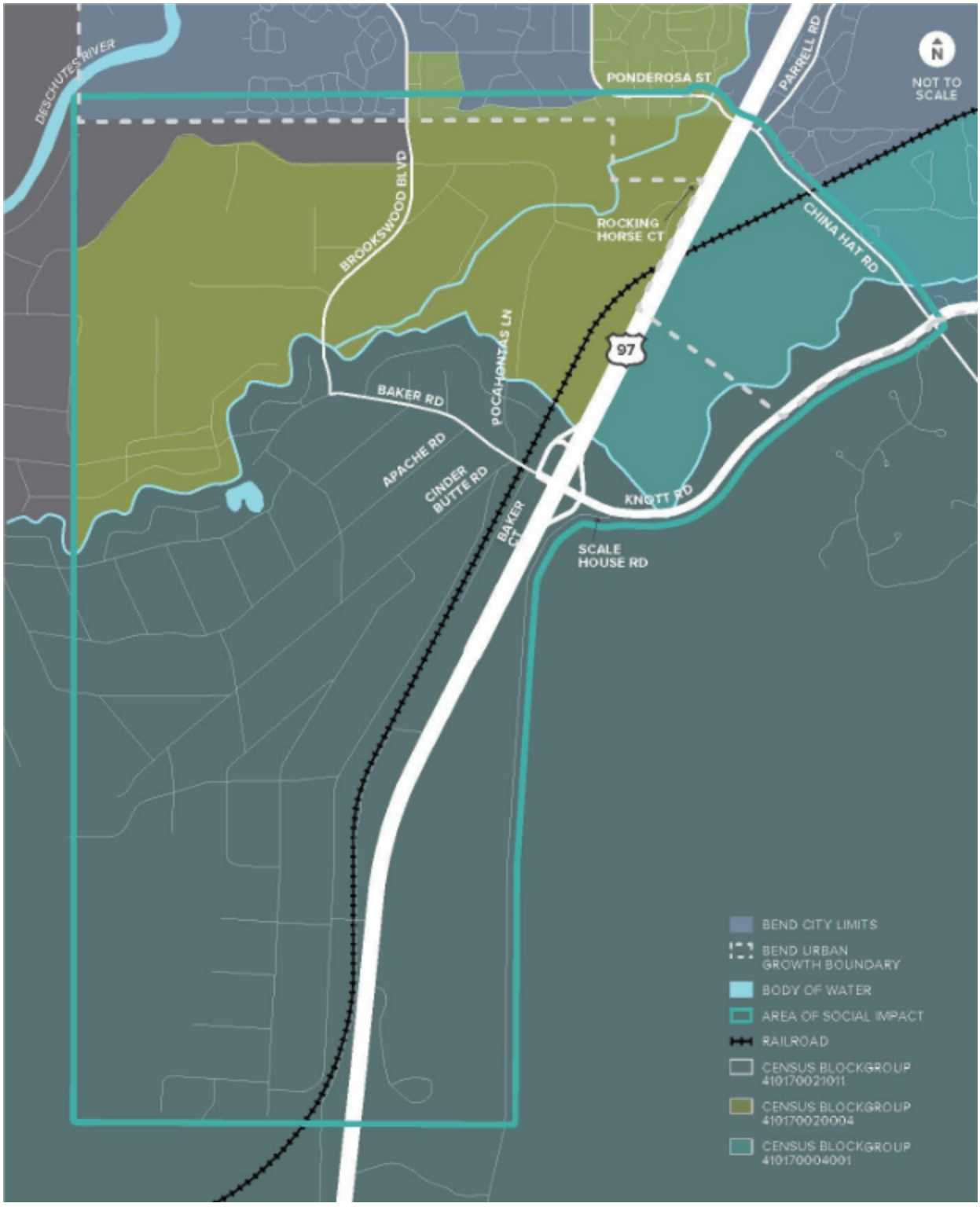


FIGURE 6: CENSUS BLOCK GROUPS IN AREA OF SOCIAL IMPACT

ENVIRONMENTAL

Oregon's Statewide Planning Goal 5 (OAR 660-015-000(5)) is intended to protect natural resources and conserve scenic and historic areas and open spaces. An inventory of environmental resources within the API was conducted based on the six resource categories identified in Goal 5. There are no landscape management rivers or streams in the API or other areas of open space and scenic views identified in the Goal 5 inventory. There are no Goal 5 inventoried wilderness areas, ecologically and scientifically significant natural areas, or recreation trails within the API. The API does not include any of the cultural and historic resources identified in the Goal 5 inventory.

The API includes several wetlands, including a National Wetland Inventory (NWI)-mapped wetland (the Arnold Canal), which derives water from the Deschutes River to support agriculture[6]. This wetland is described as an intermittent, seasonally flooded, riverine wetland. There are no mapped riparian areas adjacent to the canal. The other wetlands in the API, are mapped in the Oregon Local Wetland Inventory (LWI)[7]. They appear as open water ponds in online aerial photos and are listed as "non-significant wetlands."

Based on a review of the US Fish and Wildlife Information for Planning and Consultation database[8], no designated critical habitat of any species listed as threatened or endangered under the Endangered Species Act is present in the API. However, the southern end of the API overlaps the federally threatened Oregon Spotted Frog's range[9], so care should be taken during any construction work affecting wetlands in the area. Furthermore, US 97 through Bend is designated a hotspot for deer collisions, averaging 5 to 10 per year. US 97 within the API has had reports of 28 deer collisions between 2010 and 2020, which averages to fewer than three per year.

Topography of the API is gently sloped, rising from elevations of approximately 3,860 feet at the northern end of the API to 3,940 feet near the southern end of the API. There are no steep or unstable slopes in the API.

GOALS, OBJECTIVES, AND EVALUATION CRITERIA

The project goals, objectives, and evaluation criteria are provided in Table 2. A goal is an overarching principle or a broad statement of intent that informs the range of possible transportation solutions and guides decision-making. Objectives are more specific and relevant steps that are taken to meet the goal, while the evaluation criteria assess how well those objectives would be met by the alternatives considered.

[6] https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/

[7] https://www.oregon.gov/dsl/ww/Pages/Inventories.aspx

[8] https://ipac.ecosphere.fws.gov/

[9] https://ecos.fws.gov/ecp/species/6633

The goals, objectives, and evaluation criteria were developed with consideration to the project problem, purpose, and interchange function previously described, as well as the goals, objectives, and evaluation criteria from other similar projects in the area such as the US 97 Parkway Plan and the US 97 Bend North Interchange Study. They were refined through discussions with the Project Advisory Committee (made up of the Technical Advisory Committee and Community Advisory Committee) and Executive Steering Committee. The resulting goals, objectives, and evaluation criteria for the US 97 Baker Road IAMP guided the development of solutions for the interchange area and were used to demonstrate how well improvement alternatives would meet the purpose of the project and the values of affected parties.

The goals and objectives have been numbered to facilitate referencing, but no weighting has been applied and the order is not an indication of relative importance.

TABLE 2: US 97 BAKER ROAD IAMP GOALS, OBJECTIVES, AND EVALUATION CRITERIA

GOALS/ OBJECTIVES	EVALUATION CRITERIA
GOAL 1. PROVIDE FOR EFFICIENT TRAVEL THROUGH THE INTERCHANGE AREA BASED ON EXISTING AND PLANNED LAND USES IN THE AREA.	
Objective A. Provide for efficient travel for regional through traffic along US 97.	Meets ODOT's adopted mobility standards for US 97 through the planning horizon.
	Meets ODOT's adopted mobility standards at the US 97 ramp terminals with Baker Road and Knott Road through the planning horizon.
Objective B. Provide for efficient travel on the local roadway system in the interchange area.	Meets Deschutes County and City of Bend mobility standards for local system study intersections through the planning horizon.
GOAL 2. IMPROVES SAFETY FOR ALL MODES OF TRAVEL.	
Objective A. Reduce the frequency and severity of crashes for all modes with an emphasis on severe and fatal injuries.	Reduces the frequency and severity of crashes, as assessed through analysis of crash data and use of Crash Modification Factors.
	Minimizes conflicts and risk factors that could lead to crashes.
	Enhances safety for vehicular and non-motorized modes of transportation at rail crossings.
Objective B. Move in the direction of meeting ODOT's adopted access spacing standards along US 97, Baker Road, and Knott Road, or meet the standards where feasible.	Meets or improves access spacing pursuant to ODOT's adopted access spacing standards.

GOALS/ OBJECTIVES	EVALUATION CRITERIA
GOAL 3. SUPPORT REGIONAL AND LOCAL ECONOMIC DEVELOPMENT.	
Objective A. Maintain access to properties along baker road and Knott Road in a manner that supports the economic development objectives of existing and future businesses consistent with the Deschutes County and Bend Comprehensive Plans.	Maintains accessibility to properties consistent with the documented needs of existing land uses and anticipated potential needs of future uses based on Comprehensive Plan designations.
Objective B. Develop an interchange design that facilitates truck freight movement along US 97 and to and from destinations to the east.	Proposed interchange geometry, such as curves, clearances, and grades, accommodates trucks and oversize vehicles.
Objective C. Allow for safe and uninterrupted service on the Burlington Northern Santa Fe railroad.	Based on qualitative criteria, reduces potential conflicts with the rail crossing on Baker Road.
GOAL 4. FACILITATE THE USE OF MULTIMODAL TRAVEL OPTIONS.	
Objective A. Provide low-stress walking and biking facilities that create east-west connectivity through the interchange area.	Based on qualitative criteria, enhances the quality of walking and biking facilities.
	Reduces the level of traffic stress for people walking and biking.
	Increases the number of grade-separated US 97 crossings provided in the Area of Potential Impact for people walking and biking.
Objective B. Identify where planned trails in the interchange area can be safely connected and accessed.	Based on qualitative criteria, enhances trail system completeness and quality of connections.
Objective C. Accommodate long-term connectivity to the south.	Incorporates the alignment of the proposed US 97: Baker/Knott Road to Lava Butte Multi-Use Path and connects it to the walking and biking network in the interchange area.
Objective D. Support future enhancements to Cascades East Transit service.	Can accommodate planned transit service improvements and expansions.
	Provides safe walking and biking access to transit.
GOAL 5. DEVELOP THE PROJECT TO SUPPORT THE COMMUNITY'S VALUE OF EQUITY.	
Objective A. Provide an equitable decision-making process that encourages participation by all.	Historically underrepresented community members within the Area of Social Impact were invited to participate in the project. (This will be used to evaluate the project process, but not individual alternatives.)

GOALS/ OBJECTIVES	EVALUATION CRITERIA
	Feedback from historically underrepresented community members indicates they were able to participate in the process. (This will be used to evaluate the project process, but not individual alternatives.)
Objective B. Achieve a just allocation of burdens and benefits among community members.	Impacts to properties owned, used by, or accessed by historically underrepresented community members are proportionate to those of other populations.
GOAL 6. PRACTICE GOOD STEWARDSHIP OF THE ENVIRONMENT.	
Objective A. Reduce vehicle emissions through reduction of vehicular delay, improved connections in the local system, and the use of alternative travel modes.	Assessment of reductions in vehicular delay and vehicle-miles traveled, as well as improvements supporting walking, biking, and use of transit.
Objective B. Minimize impacts on resource lands.	Minimizes impacts on land designated for natural resources, scenic and historic areas, and open spaces.
Objective C. Minimize adverse impacts on wildlife.	Recommendations minimize or avoid impacts to wildlife habitat and safety.
GOAL 7. DEVELOP SOLUTIONS THAT ARE CONSISTENT WITH THE ESTABLISHED SHARED CORRIDOR VISION AND ADOPTED STATE AND LOCAL PLANS.	
Objective A. Create a US 97 corridor that is compatible with the recommendations from the US 97 Parkway Plan and Bend to Lava Butte Refinement Plan.	Recommendations are compatible with those from the US 97 Parkway Plan and Bend to Lava Butte Refinement Plan.
Objective B. Ensure compatibility with future planned growth in Bend's opportunity areas and expansion areas.	Traffic forecasts and connectivity improvements in the Area of Potential Impact account for the impact of housing and employment growth in Bend's opportunity areas and expansion areas.
Objective C. Consider the visual sequence of project elements as an entry/exit node to the city of bend.	Can accommodate or does not compete with visual and physical gateway elements to south Bend.
Objective D. Support the action plan in the greater bend community wildfire protection plan to enhance community safety.	Recommendations maintain or enhance access and evacuation routes for the Southwest and Southeast Communities.
GOAL 8. DEVELOP IMPLEMENTABLE SOLUTIONS FOR THE INTERCHANGE AREA.	
Objective A. Minimize impacts on resource lands.	Minimizes impacts on land designated for natural resources, scenic and historic areas, and open spaces.

GOALS/ OBJECTIVES	EVALUATION CRITERIA
Objective B. Ensure public funds are invested efficiently and effectively, and solutions are fiscally responsible.	Based on qualitative criteria, solutions are effective at addressing goals and objectives compared to costs and would reasonably fit within funding expectations for project partners.
Objective C. Develop solutions that can be implemented in phases.	Solutions can be implemented incrementally in functional phases.
Objective D. Develop a design that is constructable and could be reasonably maintained.	Minimizes the number of potential design exceptions.
	Is easily constructable with regard to rail impacts and ability to maintain traffic.
	Does not create maintenance challenges.

CHAPTER 2. PROJECT PROCESS

The US 97 Baker Road IAMP was conducted over an approximately three-year period. It began by engaging affected parties to understand interchange needs followed by the development of goals, objectives, and evaluation criteria that align with the project purpose. The goals and objectives guided the development and evaluation of interchange alternative concepts before a preferred alternative was recommended for the interchange. The following sections describe the advisory and decision-making groups that were utilized for this project as well as the broader community engagement activities that were undertaken. Chapter 4 describes the process for developing and evaluating alternatives in more detail.

ADVISORY AND DECISION-MAKING GROUPS

The planning process for this IAMP included two advisory bodies which made up the Project Advisory Committee (PAC): the Technical Advisory Committee (TAC) and Community Advisory Committee (CAC). The PAC consisted of members that represented the following groups:

- Abilitree
- Arnold Irrigation District
- Bend-La Pine School District
- Bend Parks & Recreation District
- Bend Community Development Department
- Bend Metropolitan Planning Organization
- Bend Transportation and Mobility Department
- Bend Fire & Rescue
- Cascades East Transit
- Central Oregon Coalition for Access
- Department of Land Conservation and Development
- Deschutes County Community Development
- Deschutes River Woods
- Deschutes County Emergency Services
- Deschutes County Bike/Pedestrian Advisory Committee
- Homeless Leadership Coalition
- Morning Star Christian School
- Oregon Department of Transportation
- Riverwoods Country Store
- US Forest Service

The PAC was an advisory body that provided recommendations throughout the IAMP process. The Bend MPO Policy Board acted as the project Executive Steering Committee (ESC), which had ultimate decision-making authority and provided direction at key milestones. The Bend MPO Policy Bord is comprised of members representing Bend City Council, Deschutes County Board of Commissioners, and the Oregon Department of Transportation.

COMMUNITY ENGAGEMENT

In addition to the advisory and decision-making groups, input was sought from other community members through two online open houses and two virtual public meetings. The first round of outreach was conducted in June 2021, and focused on receiving input on the project goals and objectives, issues needing to be addressed, and preliminary interchange concepts. The second round of outreach was conducted in November 2021, and focused on receiving feedback on the top three alternatives for interchange improvements.

The project received a total of 497 unique visitors to the two online open houses and 46 survey responses. At the two virtual public meetings, a total of 42 people participated with 10 public meeting comments/questions received.

Other public engagement consisted of a regularly updated project website, interested party emails and media releases sent via GovDelivery to over 6,700 recipients, and 7,315 postcards mailed to project area neighbors announcing both the online open house and online meetings. Both online open houses were also covered by local news stations. In addition to the outreach listed above, the access management Key Principles and Methodology were shared with local property owners (in accordance with OAR 734-051-7010).

CHAPTER 3. EXISTING AND FUTURE NEEDS

Technical Memorandum #2B: Existing Transportation System Inventory and *Technical Memorandum #3: Current Transportation System Operations* in Volume 2 document the detailed analysis of existing conditions and transportation deficiencies. *Technical Memorandum #4: Future Baseline (No-Build) Conditions* in Volume 2 documents the detailed analysis of conditions expected in the year 2040 if no improvements are made in the interchange area.

This chapter summarizes the existing and future needs that influenced the development and evaluation of improvement concepts for the interchange. The main needs relate to safety, walking and biking level of traffic stress, ability to safely enter and exit the Parkway, freight operations, future land use growth, intersection operations, and vehicle queuing.

SAFETY

Safety concerns within the API were identified through an examination of risk factors and historical crash data. Risk factors include characteristics of the transportation system that may contribute to the increased likelihood of a crash occurring. Several risk factors identified include:

- **Closely spaced intersections:** intersections near the US 97/Baker Road southbound ramp terminal, including Baker Court and Cinder Butte Road, which surround the railroad crossing and create confusion and conflicts.
- **Railroad crossing:** vehicles have been observed to queue back along the US 97/Baker Road southbound ramp and onto the highway when the railroad crossing is closed.
- **Lack of dedicated left turn lanes:** when a driver stops to wait for an acceptable gap to make a left turn off Baker Road/Knott Road, all traffic following the driver must stop as well (as shown in Figure 7), increasing the likelihood of both rear-end crashes and turning/angle crashes.



FIGURE 7: VEHICLE STOPPING IN-LANE ON BAKER ROAD TO TURN LEFT ONTO US 97 NORTHBOUND

- **High speeds:** High speeds approaching the interchange from Knott Road increase the stopping sight distance required after a driver perceives a danger and may increase the degree of crash severity.
- **Lack of separation from traffic for people walking and biking:** the existing walking and biking facilities are next to high-speed traffic and, while shoulders are available in some areas, there is a lack of dedicated sidewalks and bike lanes.

Crash data from the most recent five-year period available (2014 to 2018) was obtained from ODOT's Crash Analysis and Reporting unit for the ten study intersections within the API. Over the five-year period analyzed, there were 108 crashes. Of those crashes, 75 were flagged as intersection crashes. Along the segment portion of US 97, there were 25 crashes. The remaining eight crashes were located along the segment portions of Baker Road, Knott Road, and China Hat Road. Crashes within the API are mapped in Figure 8.

Most crashes reported were rear-end crashes caused by drivers failing to avoid the driver ahead and following too closely, turning movement crashes caused by drivers failing to yield the right-of-way, and fixed object crashes caused by drivers driving too fast. It should be noted that there was one pedestrian crash located at the intersection of US 97/Ponderosa Street/China Hat Road that resulted in a minor/possible injury.

There were no crashes resulting in fatalities reported from 2014 to 2018. However, there were crashes resulting in serious injury. One was located along the segment portion of US 97 just south of the Baker Road/Knott Road interchange, one was located at the intersection of US 97/Ponderosa Street/China Hat Road, and one was located at the intersection of China Hat Road/Knott Road. Two of the serious injuries were caused by rear-end crashes and the third was caused by a driver hitting a fixed object.

Crash rate analysis was completed for study intersections and roadway segments within the API, with the results compared to rates observed for similar facilities to identify where the frequency of crashes occurring may be higher than should be expected. Intersections and segments were flagged as safety focus areas if observed crash rates surpassed the accepted rates. Six intersections were flagged as safety focus areas. These intersections include:

- **Baker Road/Apache Road –** While this intersection was flagged as a potential safety focus area based on the crash rate analysis, there were only three reported crashes between 2014 and 2018. This included two rear-end crashes and one turning crash on Baker Road with no apparent pattern.
- **Baker Road/Cinder Butte Road –** There were nine reported crashes at this intersection with the majority of the crashes involving rear-end (three) or turning (three) collisions. Most crashes occurred along Baker Road, but a few did occur on the side streets of Cinder Butte Road and Pocahontas Lane. There were no consistent trends or contributing factors for crashes at this intersection, but some turning movement and rear-end crashes may be caused by the lack of exclusive left turn lanes on Baker Road.
- **Baker Road/Baker Court –** There were 13 crashes reported at this intersection, with eight of those involving turns out of Baker Court (six with left turns from Baker Court and two with right turns from Baker Court). Four of the remaining five crashes involved rear-end collisions on Baker Road. Contributing factors for many of these crashes could be closely spaced intersections causing confusion, long delays when exiting Baker Court encouraging drivers to accept smaller gaps in traffic, and lack of an exclusive left turn lane on Baker Road.

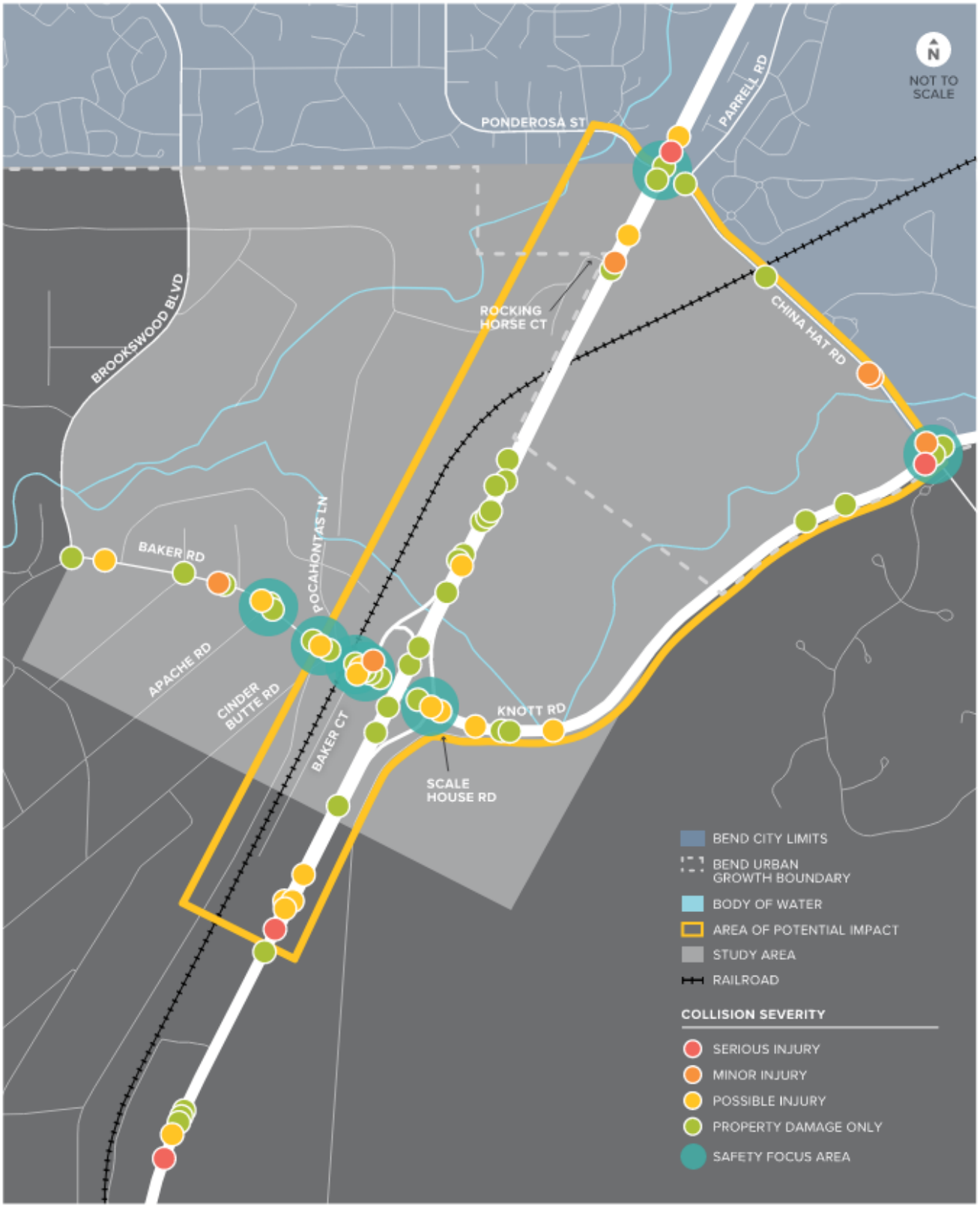


FIGURE 8: CRASHES WITHIN THE AREA OF POTENTIAL IMPACT (2014-2018)

- **Baker Road/Knott Road/US 97 Southbound Ramps –** There were 11 reported crashes at this intersection, including four eastbound rear-end crashes on Baker Road, three southbound rear-end crashes on the US 97 off-ramp, two turning crashes involving left and right turns from the off-ramp, and two other crashes of various types. Contributing factors for many of these crashes could be closely spaced intersections causing confusion, long delays when turning from the off-ramp encouraging drivers to accept smaller gaps in traffic, and lack of an exclusive left turn lane on Baker Road.
- **Knott Road/US 97 Northbound Ramps –** There were 13 reported crashes at this intersection, including six rear-end crashes (three on eastbound Knott Road, two on the northbound off-ramp, and one on westbound Knott Road), five turning crashes (all left turns coming from the off-ramp), and two crashes into the guardrail. Contributing factors for many of these crashes could be the lack of an exclusive eastbound left turn lane on Knott Road, long delays when turning from the off-ramp encouraging drivers to accept smaller gaps in traffic, and high speeds.
- **Knott Road/China Hat Road –** Most of the reported 11 crashes were classified as turning movement and angle crashes caused by drivers failing to yield the right-of-way. The long delays experienced on stop-controlled approaches may be increasing the likelihood of these types of crashes. Furthermore, there is a horizontal curve in Knott Road to the east that limits sight distance from the southern stopped approach to approximately 375-400 feet. By comparison, the desired intersection sight distance for safe operation is 500 feet (assuming a design speed of 45 mph) and the minimum distance needed for an oncoming vehicle on Knott Road to safely stop is 360 feet[10]. Therefore, this horizontal curve and limited sight distance could be another contributing factor in the crashes occurring at this location.

In addition to individual intersections, crash rates for segments of the US 97 study corridor were analyzed to identify potential problem areas. However, while crashes have occurred, the rate of crashes was well below the statewide average rate of crashes for similar facilities and there were no locations with notable Safety Priority Index System (SPIS) ratings.

WALKING AND BIKING

While common for rural areas, there are currently no sidewalks or bike lanes on any of the roads near the interchange and many of the shoulders are narrow and/or unpaved. There are no marked crosswalks or ADA accessible facilities near the interchange. Within the rest of the API, there are limited sidewalks and bike lanes along China Hat Road, but no other pedestrian or bicycle facilities. For roadways that are uncurbed with vehicle speeds greater than 25 miles per hour, Deschutes County standards[11] indicate a shoulder bikeway should be at least four feet in width. Deschutes County does not require sidewalks outside of the unincorporated communities of Terrebonne and Tumalo[12].

[10] A Policy on Geometric Design of Highway and Streets, 7th Edition, American Association of State Highway and Transportation Officials (AASHTO), 2018.

[11] Deschutes County Code 17.48.140

[12] Deschutes County Transportation System Plan

Since much of the API is sparsely developed today, trip origins and destinations are far apart, making walking and biking trips less feasible. In addition, US 97 and the railroad act as barriers to east-west travel for people walking and biking. However, the Baker Road interchange provides one of the few grade-separated crossings of US 97 for people walking and biking and is identified as a County Bikeway by the Deschutes County TSP. When development of the "thumb" area occurs, use of Baker Road as a grade-separated crossing of US 97 will continue to increase for people walking and biking.

The Level of Traffic Stress (LTS) was analyzed for pedestrian and bicycle facilities in the API using the methodology from the ODOT *Analysis and Procedures Manual*[13]. This methodology breaks road segments into four classifications to qualitatively rate the effects of traffic-based stress on people walking and biking. The measure of traffic stress quantifies the perceived safety issues stemming from physical distance to traffic and traffic speed. The four levels of stress are described below:

- **LTS 1 (lowest):** Represents little traffic stress and requires less attention, so is suitable for bicycling for all ages and abilities.
- **LTS 2 (low):** Represents little traffic stress but requires more attention than young children can handle, so is suitable for teens and adults bicycling with adequate bike handling skills. Traffic speeds are slightly higher, but speed differentials are still low, and roadways can be up to three lanes wide in total for both directions.
- **LTS 3 (medium):** Represents moderate stress and is suitable for most observant adult bicycling. Traffic speeds are moderate but can be on roadways up to five lanes wide.
- **LTS 4 (high):** Represents high stress and is suitable only for experienced and skilled people on bicycles. Traffic speeds are moderate to high and can be on roadways from two to over five lanes wide. Intersections can be complex, wide, and or high volume/speed and can be perceived as unsafe or difficult to cross by adults.

For this analysis, the mainline of the US 97 corridor, Baker Road, Knott Road, and China Hat Road within the study area were analyzed, as well as key crossing locations. The results of the LTS analysis for people walking and biking are illustrated in Figure 9 and Figure 10. The speed of the adjacent traffic is a major factor in this analysis, so corridors with lower posted speeds tend to have more favorable ratings, while corridors with higher posted speeds (over 35 mph) tend to have less favorable ratings. Along US 97 and Baker Road, the LTS is high due to the lack of sidewalks and bicycle lanes.

The LTS analyses also consider the difficulty of crossing streets (at intersections between collectors and arterials only). As shown in Figure 9 and Figure 10, all intersections have high levels of stress for people walking and biking except for the intersection of China Hat Road and Parrell Road, which exhibits medium traffic stress due to the lower motor vehicle volume entering the intersection.

[13] https://www.oregon.gov/odot/Planning/Pages/APM.aspx

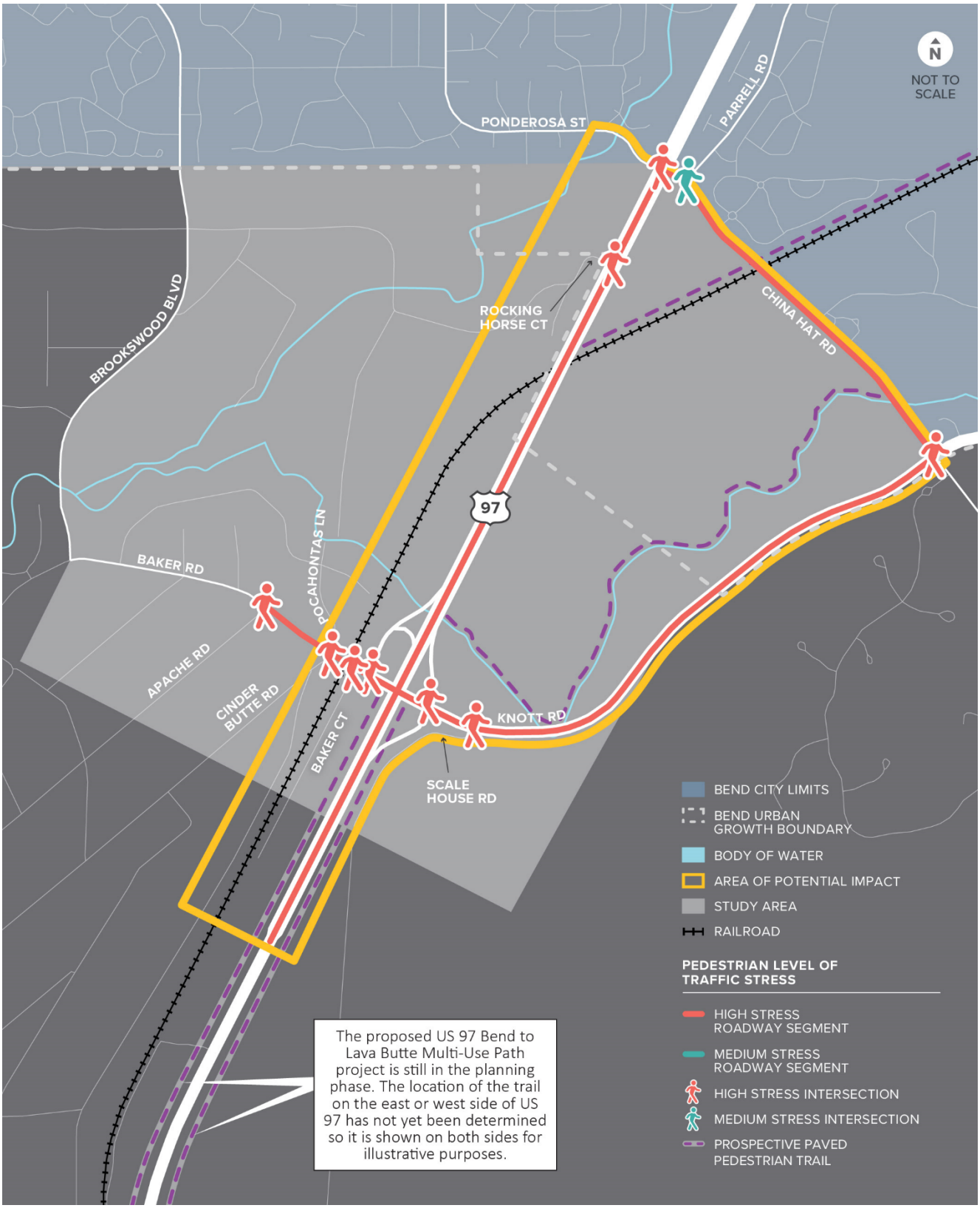


FIGURE 9. PEDESTRIAN LEVEL OF TRAFFIC STRESS

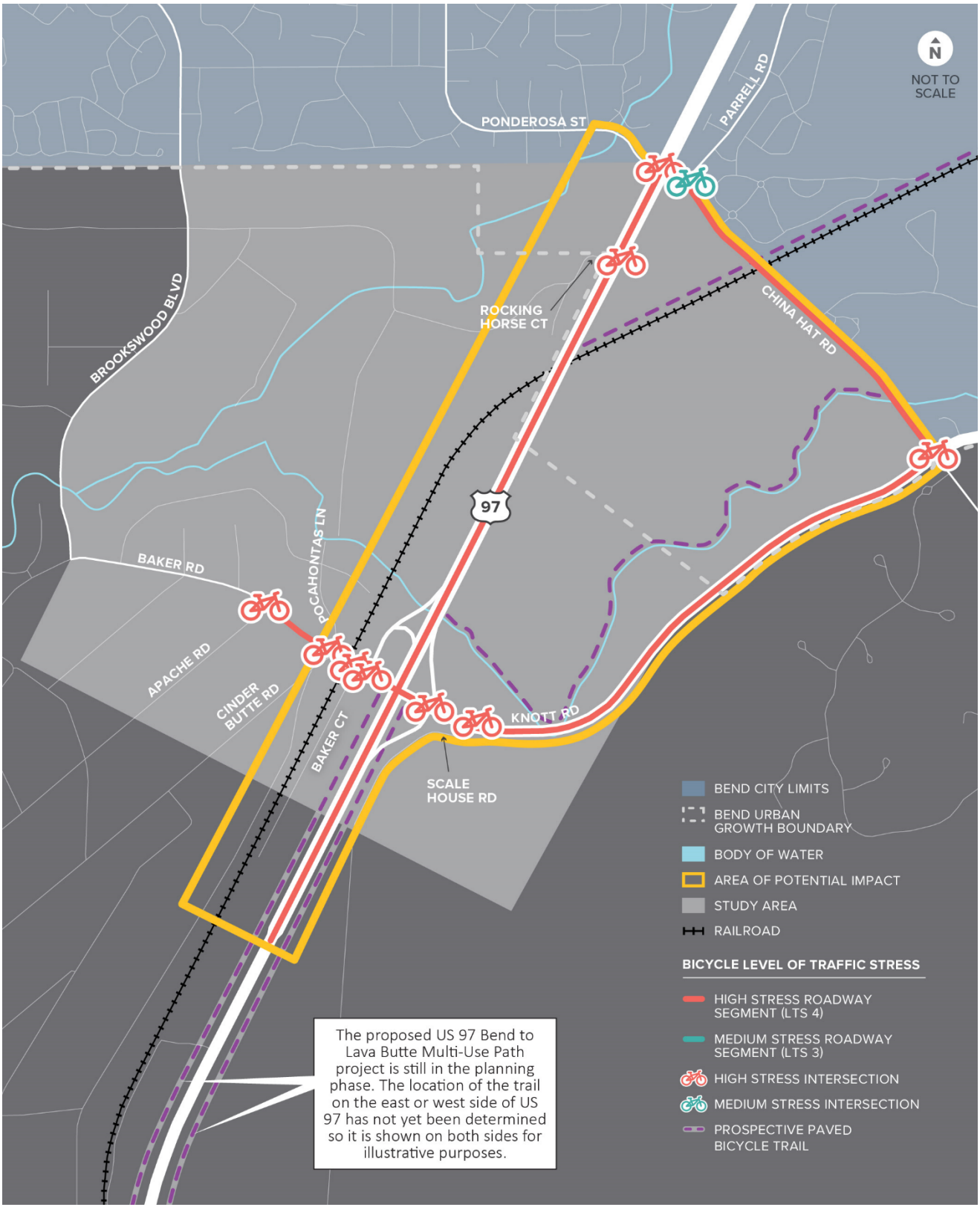


FIGURE 10. BICYCLE LEVEL OF TRAFFIC STRESS

ENTERING AND EXITING THE PARKWAY

ODOT's Highway Design Manual (HDM) provides standard lengths for acceleration and deceleration lanes at interchange ramps[14]. The southbound off-ramp and northbound on-ramp deceleration and acceleration lane lengths are longer than the minimum lengths required as shown in Table 3. However, the northbound off-ramp deceleration lane length is 30 feet shy of meeting the minimum standard length, and the southbound on-ramp, which is a loop ramp with a much lower ramp speed than the northbound on-ramp, has an acceleration lane that is 400 feet shorter than the minimum length. Ramps significantly shorter than recommended lengths, such as the southbound on-ramp, could contribute to safety concerns within the area.

TABLE 3: US 97 BAKER RD INTERCHANGE RAMP ACCELERATION AND DECELERATION LANE LENGTHS

RAMP	TYPE	POSTED MAINLINE SPEED (MPH)	POSTED RAMP SPEED (MPH)	HDM MINIMUM ACCEL./ DECEL. LANE LENGTH (FT)	EXISTING ACCEL./ DECEL. LANE LENGTH (FT)
US 97 SB TO BAKER RD	Off-Ramp	65	45	340′	420′
BAKER RD TO US 97 SB	On-Ramp	65	25	1350′	**950′**
US 97 NB TO KNOTT RD	Off-Ramp	65	45	340′	**310′**
KNOTT RD TO US 97 NB	On-Ramp	65	55	580′	735′

Bold and Red indicates existing acceleration/deceleration lengths are shorter than ODOT Highway Design Manual standards.

FREIGHT OPERATIONS

US 97 is a state freight route, reduction review route, Tier 1 lifeline route, high clearance route, and part of a Critical Route Pair with I-5 (needed as an alternative to I-5 if I-5 were to be temporarily restricted). Therefore, the ability to accommodate large and over-dimension vehicles is essential. According to data obtained from an Automatic Traffic Recorder (09-003) near Rocking Horse Court, this segment of US 97 carries approximately 2,000 to 2,800 heavy vehicles per day, which is about 11 percent of the traffic served[15].

[14] Highway Design Manual, Oregon Department of Transportation, Section 605, 2024.

[15] ODOT Transgis: https://gis.odot.state.or.us/transgis/

Furthermore, Knott Road and SE 27th Street are commonly used by truck traffic driving between US 97 to the south and US 20 to the east to bypass congestion on US 97 north of the interchange and on US 20 through Bend. The interchange also serves truck traffic making deliveries to southeast Bend. Truck traffic on the interchange ramps ranges from approximately 200 to 400 heavy vehicles per day. In addition, the "thumb" area is planned to include industrial land uses and could be developed by large distributors with heavy freight usage. Such development would further incentivize freight vehicles to exit US 97 at the Baker Road interchange to travel to the "thumb" before continuing to US 20 along Knott Road.

Approximately 1.5 miles to the southwest of the interchange on Cinder Butte Road is an area zoned as surface mining (an existing quarry and paving contractor), which is another generator of truck traffic within the API.

FUTURE LAND USE GROWTH AND BASELINE TRANSPORTATION ASSUMPTIONS

The City of Bend is expected to see substantial population and employment growth by 2040, as summarized in Table 4.

TABLE 4: CITY OF BEND POPULATION AND EMPLOYMENT FORECASTS

	YEAR 2019	YEAR 2040	GROWTH
POPULATION FORECAST	91,353	153,700	62,347 (+68%)
HOUSEHOLDS	38,064	63,444	25,230 (+67)
EMPLOYMENT	56,690	84,934	28,244 (+50%)

Source: City of Bend Transportation System Plan, https://www.bendoregon.gov/home/showpublisheddocument/47764/637381859539770000

Figure 11 and Figure 12 indicate that high levels of housing and employment growth are projected in the "thumb" area near the US 97 Baker Road interchange. This growth (listed in Table 5) will drive increased transportation demand and was incorporated into the future baseline ("No-Build") traffic analysis to help understand the impact of future growth on the interchange area.

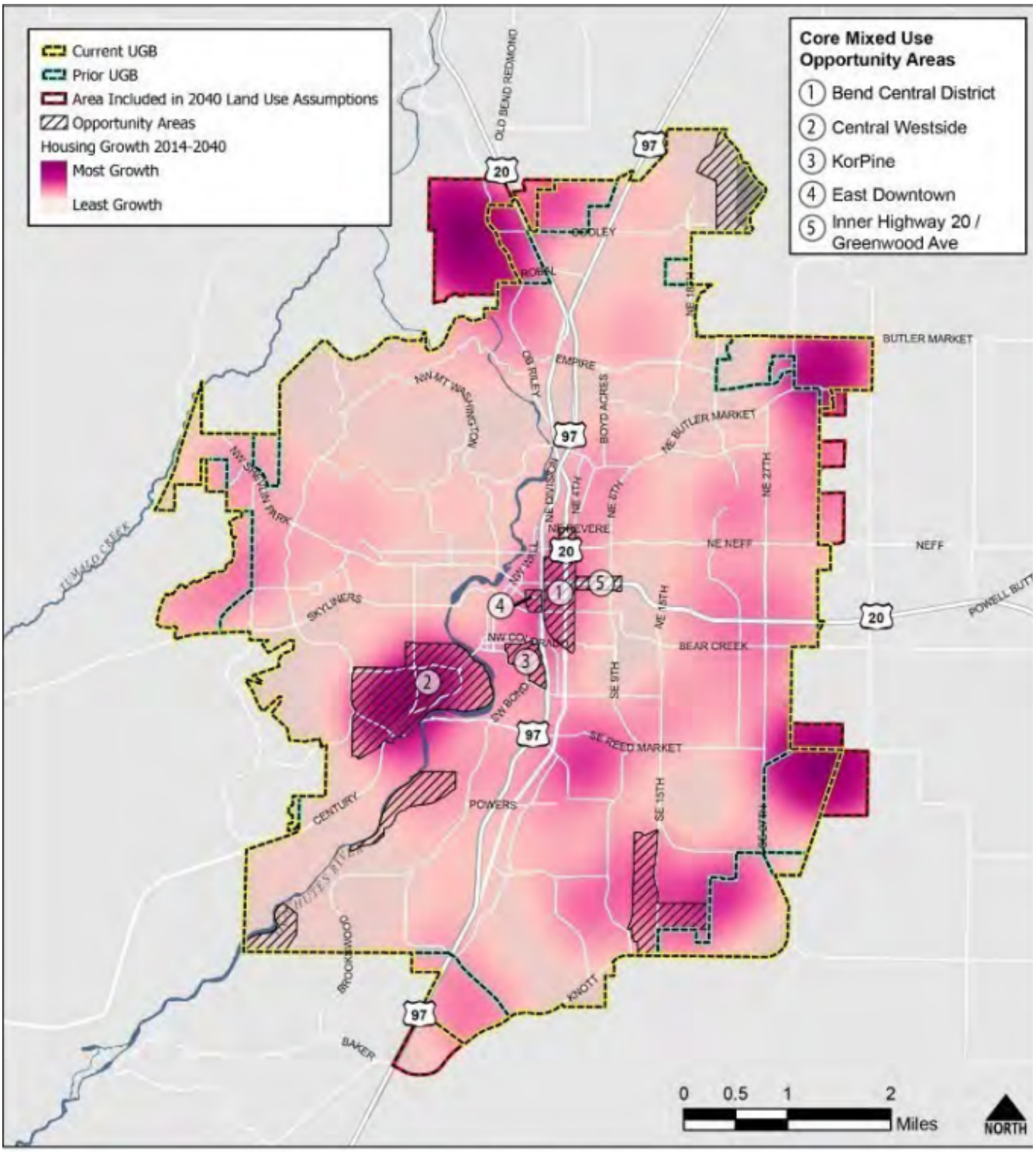


FIGURE 11: PROJECTED HOUSING GROWTH (2014-2040) IN BEND

Source: City of Bend Transportation System Plan (2020), https://www.bendoregon.gov/home/showpublisheddocument/47764/637381859539770000

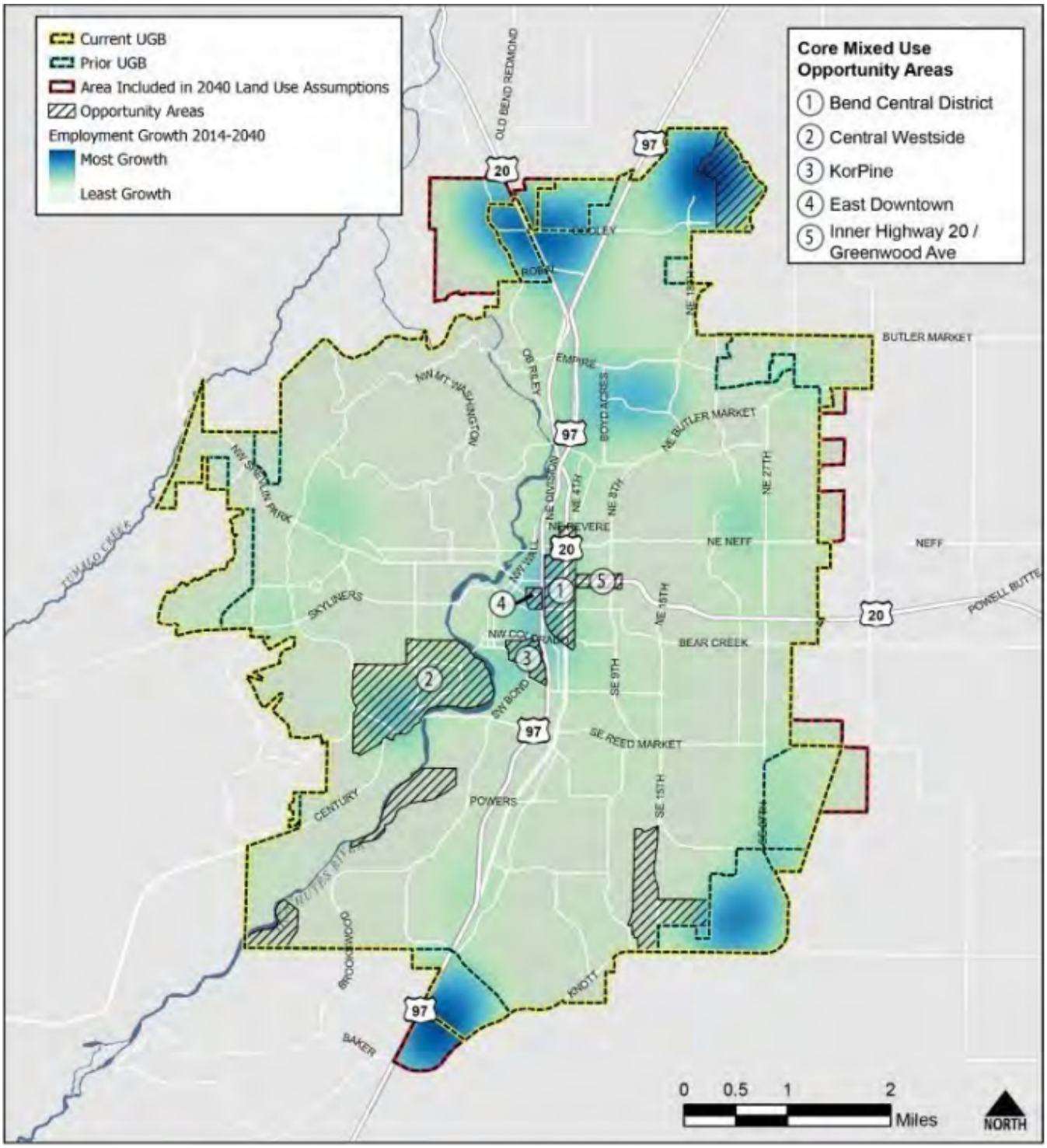


FIGURE 12: PROJECTED EMPLOYMENT GROWTH (2014-2040) IN BEND

Source: City of Bend Transportation System Plan (2020), https://www.bendoregon.gov/home/showpublisheddocument/47764/637381859539770000

TABLE 5: FUTURE LAND USE ASSUMPTIONS FROM THE BEND TSP

TRANSPORTATION ANALYSIS ZONE	GROWTH AREA	HOUSEHOLDS 2010-2040	EMPLOYEES 2010-2040
516	Thumb	+600 (100%)	+3,900 (100%)
1550, 487, 560, 1549, 486, 485, 559	SE Area	+1650 (100%)	+3,600 (100%)
556, 557, 558, 474	DSL	+2125 (100%)	+1,725 (100%)

In the "thumb" area, in particular, approximately 600 households and 3,900 jobs are assumed by 2040, leading to nearly 1,300 trips exiting and 975 trips entering the area during the 2040 weekday p.m. peak hour. The majority of the trips entering and exiting the "thumb" utilize the US 97/Baker Road interchange or China Hat Road.

To accommodate this large growth in transportation demand, the following financially constrained transportation projects were included in the future baseline (No-Build) travel demand modeling assumptions for this project:

- US 97/Murphy Road northbound on-ramp and southbound off-ramp
- Closure of at-grade US 97 right-on, right-off access at China Hat Road/Ponderosa Street and Rocking Horse Court
- China Hat Road overcrossing of US 97 (including a realignment of Parrell Road at China Hat Road to accommodate the overcrossing)
- China Hat Road/Knott Road roundabout

INTERSECTION OPERATIONS AND VEHICLE QUEUEING

Twelve study intersections and the US 97 mainline within the API were evaluated under existing and future baseline ("No-Build") conditions. As documented in *Technical Memorandum #4: Future Baseline (No-Build) Conditions*, future year 2040 design hour traffic volumes were forecast at each of the study intersections to understand how future growth in traffic would impact operations at the interchange. Performance measures used for this analysis include volume-to-capacity (V/C) ratios, seconds of control delay, levels of service (LOS), and vehicle queuing.

US 97 MAINLINE OPERATIONS

US 97 highway operations were analyzed for both northbound and southbound directions in the API. This included an evaluation of the levels of congestion occurring at the ramp connections where merging and diverging movements happen. All ramp connections currently operate well and are expected to operate well in the future, complying with adopted mobility targets.

INTERSECTION OPERATIONS

The results of the intersection analysis at the 12 study intersections are shown in Table 6 below. Key highlights of this evaluation include:

Existing (2017) Intersection Operations Analysis

- The two US 97 ramp terminals at the Baker Road interchange fail to meet the adopted mobility target under existing conditions, with stop-controlled ramp movements operating at volume-to-capacity (v/c) ratios much greater than 0.85. In fact, the southbound ramp terminal is approaching capacity and the northbound ramp terminal is operating far over capacity.
    - This suggests that as a result of long delays during peak times, drivers turning from the northbound off-ramp are likely accepting shorter gaps in traffic than would normally be expected, indicating a potential safety concern. Further discussion of crash patterns at this intersection is included in the Safety Analysis section below.
- The intersections on Baker Road with Baker Court and Cinder Butte Road are operating within County mobility standards under existing conditions, which consider the average intersection delay. However, the stop-controlled minor street approaches are operating at LOS F and are experiencing long delays.

Future (2040) Intersection Operations Analysis

- The most significant change in traffic operations seen by 2040 occurs at the US 97 Baker Road interchange ramp terminals as a result of new development to the east. Both intersections failed to meet ODOT's adopted mobility targets under existing conditions and will continue to do so in 2040, but with substantially more delay.
- Congestion will be severe at the US 97 northbound ramp terminal in the future. This is largely due to significant growth in demand to travel to and from the east and the lack of a separate eastbound left-turn lane that eventually blocks traffic on eastbound Knott Road and consequently limits the ability to make a left turn from the northbound off-ramp.
- The southbound ramp terminal also experiences a significant increase in delay (220 seconds in 2040 vs. 46 seconds under existing conditions), mostly resulting from growing demand to make the southbound left turn to reach destinations to the east.

The remaining intersections meet the adopted mobility targets in the future, although the stop-controlled approaches at Baker Court/Baker Road and Cinder Butte Road/Baker Road continue to operate at LOS F in the future and experience significant delay.

TABLE 6: EXISTING (2017) AND FUTURE (2040) DESIGN HOUR BASELINE TRAFFIC OPERATIONS AT STUDY INTERSECTIONS

STUDY INTERSECTION (MAJOR STREET/MINOR STREET)	CONTROL (EXISTING/ FUTURE)	JURISDICTION	MOBILITY TARGET	EXISTING (2017) RESULTS			FUTURE (2040) RESULTS		
				V/C [A]	LOS [A]	DELAY (SEC) [A]	V/C [A]	LOS [A]	DELAY (SEC) [A]
BAKER RD/APACHE RD	TWSC [A]	County	Average Delay ≤ 35 secs	0.36 / 0.05	A / B	1	0.42 / 0.07	A / B	1
BAKER RD/CINDER BUTTE RD	TWSC	County	Average Delay ≤ 35 secs	0.62 / 0.33	A / F	6	0.71 / 0.66	A / F	9
BAKER RD/BAKER CT	TWSC	County	Average Delay ≤ 35 secs	0.59 / 0.48	A / F	4	0.68 / 0.79	A / F	6
BAKER RD/KNOTT RD/ US 97 SB RAMPS	TWSC	ODOT	v/c ≤ 0.95 (Knott Rd) v/c ≤ 0.85 (ramp)	0.31 / **0.95**	A / E	8 / 46	0.37 / **1.32**	A / F	9 / 220
KNOTT RD/US 97 NB RAMPS	TWSC	ODOT	v/c ≤ 0.95 (Knott Rd) v/c ≤ 0.85 (ramp)	0.47 / **2.63**	A / F	11 / >300	0.92 / **>3.0**	C / F	23 / >300
KNOTT RD/SCALE HOUSE RD	TWSC	County	LOS D	NA / 0.03	NA / B	NA / 14	NA / 0.09	NA / E	NA / 36
KNOTT RD/CHINA HAT RD	TWSC / Roundabout	City	v/c ≤ 1.0	0.01 / 0.52	A / E	9 / 37	0.76	B	15
CHINA HAT RD/PARRELL RD	TWSC	City	Critical Movement Delay ≤ 50 secs	0.37 / 0.17	A / B	8 / 11	0.37 / 0.45	A / C	9 / 18
US 97/CHINA HAT RD/ PONDEROSA ST	TWSC / Closed	ODOT	v/c ≤ 0.85 (major)	NA / 0.28	NA / C	NA / 19	NA	NA	NA
US 97/ROCKING HORSE RD	TWSC / Closed	ODOT	v/c ≤ 0.85 (major)	NA / 0.02	NA / C	NA / 18	NA	NA	NA

Bold and red indicates mobility target/standard is not met.

Major streets are those not stop-controlled at intersections, while minor streets are stop-controlled.

[A] V/C ratio and LOS reported as worst major street/minor street movement at two-way stop-controlled (TWSC) intersections. Delay reported as worst major street/minor street movement for ODOT and City intersections and average for County intersections, to best match the existing mobility targets.

VEHICLE QUEUING ANALYSIS

Vehicle queue lengths on intersection approaches in the API were simulated using SimTraffic analysis software. Table 7 lists key approach queuing at the study intersections and notes where specific movement queues were either negatively impacted by downstream queuing, or positively impacted by upstream queues that limited conflicting traffic. The text below describes key findings from the queuing analysis for existing and future conditions.

TABLE 7: EXISTING (2017) AND FUTURE (2040) BASELINE INTERSECTION VEHICLE QUEUING

ID	STUDY INTERSECTION	MOVEMENT	95TH PERCENTILE QUEUE (FT)		APPROXIMATE AVAILABLE STORAGE (FT) [A]
			EXISTING (2017)	FUTURE (2040)	
2	BAKER RD/ CINDER BUTTE RD	NB	225	**>400** *	250
		WB	**175**	150 [B]	100
4	BAKER RD/ KNOTT RD/ US 97 SB RAMPS	SBL	**425** [C]	**>1,500** *	275
		SBR	**1,000**	**>1,500** *	725 [D]
		EB	75	**>1,300** *	75
5	KNOTT RD/US 97 NB RAMPS	NBL	100	**>1,200** *	150
		NBR	50	**>1,200** *	375
		EBL	175	**>775** *	700

Bold and red queue exceeds approximate available storage.

*= Queuing significantly exceeds storage due to downstream queue spillback queues

[A] Available storage reported as approximate turn bay length or approximate distance to nearest intersection/railroad crossing.

[B] Upstream congestion is metering the flow of arriving traffic, resulting in shorter queues.

[C] Turn bay frequently blocked by southbound right queue.

[D] Distance represents distance to allow vehicles leaving the highway mainline to safely come to a stop. 820 feet is needed from the gore point for safe stopping distance, assuming a 75-mph design speed, based on *AASHTO A Policy on Geometric Design of Highways and Streets*.

Existing (2017) Conditions

Under existing conditions, the greatest queueing occurs at the US 97 southbound off-ramp. Given the high volume of southbound right turns and the proximity of vehicles stopping in the westbound lane to make a left turn at Baker Court, the 95th percentile queue extends nearly 1,000 feet down the off-ramp. This length is shorter than the total 1,500-foot ramp length, but beyond the available queue storage area and extends into the segment of the off-ramp needed to allow vehicles leaving the highway mainline to safely come to a stop. Affected parties have reported that these ramp

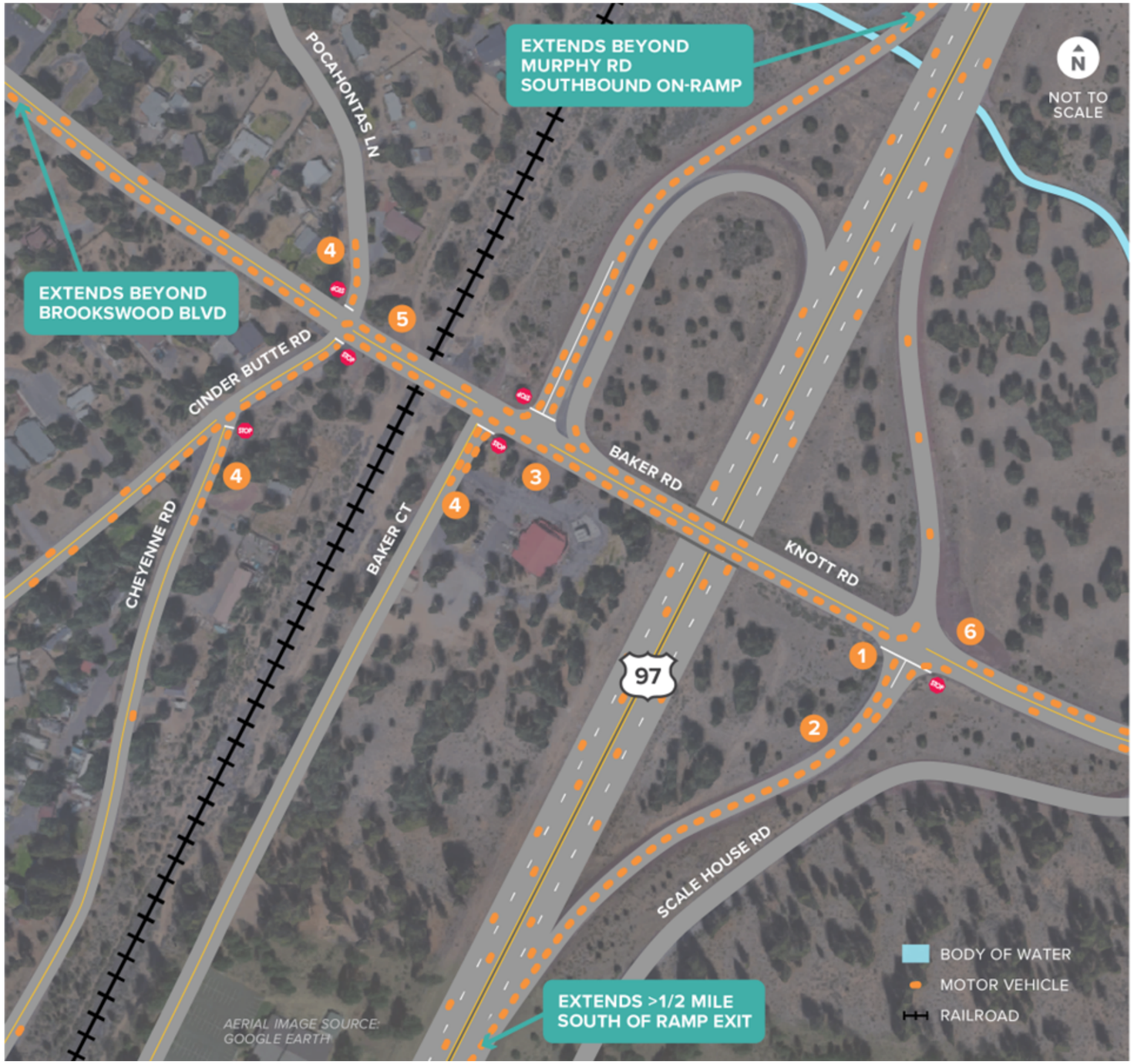
queues can extend down onto the highway mainline when the railroad crossing gates are down, which occurs about eight times per day for a duration of just under two minutes each time. Vehicles queued waiting to make an eastbound left onto the US 97 southbound on-ramp nearly block the Baker Court intersection. This situation results from the short spacing between the intersections.

At Baker Road/Cinder Butte Road, northbound vehicles queue almost to the intersection of Cinder Butte Road/Cheyenne Road. Due to stopped vehicles waiting to turn left from Baker Road, westbound 95th percentile queues at Baker Road/Cinder Butte Road extend just beyond the railroad tracks, posing a potential safety hazard. There is no separate westbound left turn lane on Baker Road but given the wide section of pavement near the intersection, it is likely that vehicles traveling westbound drive around vehicles stopped to make a left turn. At the remaining intersections, including the US 97 northbound ramps, there was limited queueing.

While queuing analysis was conducted for the weekday p.m. peak hour, affected parties have reported that during the a.m. peak hour, queues from the Morning Star Christian School at Baker Court can extend back to the interchange as well as back towards Brookswood Boulevard.

Future (2040) Conditions

Under future conditions, with traffic forecasts indicating over-capacity conditions, the two-way stop-controlled ramp terminal intersections generate queues that back up along Baker Road/Knott Road and onto the US 97 mainline. In particular, the eastbound left turn from Knott Road to US 97 northbound causes extensive eastbound queueing on Knott Road/Baker Road, causing the ramp and side street approaches to queue extensively. Figure 13 describes the key bottlenecks in the interchange area and illustrates how they impact each other, resulting in substantial congestion and unsafe conditions.



1. In the future, there is significant growth in eastbound traffic (to access new land use in the "thumb" area). Without a separate left turn lane, eastbound left turn vehicles block the through lane and cause extensive eastbound queuing on Knott Road/Baker Road (extending beyond Brookswood Blvd).

2. Because of the issue noted in (1), there are effectively no safe gaps in traffic for northbound left turning vehicles to enter Knott Road. The northbound left queue eventually blocks the northbound right turn lane and queues back to the US 97 mainline.

3. The eastbound queue at the US 97 northbound ramp extends beyond the US 97 southbound ramp. This blocks southbound left turning vehicles from entering Knott Road/Baker Road. The southbound left turn queue eventually blocks the southbound right turn lane and queues back to the US 97 mainline. Note that even if the eastbound queue at the US 97 northbound ramp did not extend to the US 97 southbound ramp, it is likely that the queue for the southbound left turn would still block access to the southbound right turn lane.

4. Since the eastbound queue at the US 97 northbound ramp extends through all of the study intersections, significant queuing develops on all of the side street approaches on Baker Road because they are unable to turn out unless another driver lets them in.

5. Even though the queuing and congestion on the US 97 ramps limits the amount of westbound traffic that can reach Cinder Butter Road/Baker Road, the lack of a westbound left turn lane causes the westbound approach to back up to the railroad tracks. Without constraints at the ramp terminals, this queue would likely extend farther.

6. Without a separate westbound right turn lane, vehicles slowing to make a westbound right turn cause westbound queues to extend nearly to Scale House Road.

FIGURE 13: FUTURE 2040 PM PEAK HOUR BASELINE (NO-BUILD) VEHICLE QUEUEING

CHAPTER 4. RECOMMENDED INTERCHANGE IMPROVEMENTS

This chapter summarizes the process for developing and evaluating alternative interchange improvement concepts and the selection of the preferred alternative for the US 97 Baker Road interchange.

PROCESS FOR DEVELOPING AND EVALUATING ALTERNATIVE CONCEPTS

Eight initial concepts were screened and discussed during a concept evaluation workshop with the Technical Advisory Committee (TAC). Based on direction received during the concept evaluation workshop, the following top three alternative concepts were selected for further refinement and evaluated against the goals and evaluation criteria from *Technical Memorandum #1*:

- Alternative 1 – Enhance Existing Ramp Terminals
- Alternative 2 – Tight Urban Diamond Interchange (with roundabouts)
- Alternative 3[16] – Southbound On- and Off-Ramp Flyovers with Roundabout Intersection

The assessment of the three refined alternative concepts (described in *Technical Memorandum #5: Concept Development and Evaluation*) helped guide the discussion of the key opportunities and tradeoffs associated with each alternative to ultimately select a preferred concept. The refined alternative concepts were discussed with the project TAC and Community Advisory Committee (CAC) and were presented at an online open house and virtual public meeting for additional public input. The following themes were seen in much of the feedback on the refined alternatives:

- Roundabouts are generally preferred over traffic signals.
- The ability to accommodate evacuation needs is essential.
- There is a desire to get improvements soon and recognition that project costs will impact this.
- There is concern about the need to serve more traffic than anticipated due to the amount of future growth expected.
- Would like more focus on improving Baker Court accessibility.
- There is interest in phasing the improvements to get construction underway sooner.

Based on the feedback received and direction from the Bend MPO Policy Board, Alternative 1 was selected as the preferred alternative concept for additional refinement and inclusion in the Interchange Area Management Plan. While Alternative 1 is projected to function well through the 20-year planning horizon, it was agreed that the ability to implement Alternative 3 should be retained if growth exceeds expectations and sufficient funding becomes available. Therefore, the design and construction of Alternative 1 should consider forward compatibility with Alternative 3.

[16] Previously referred to as Alternative 4 but was renamed after the initial screening process.

PREFERRED ALTERNATIVE CONCEPT

The preferred alternative concept focuses on enhancing the existing ramp terminals to address the operational deficiencies along Baker Road, reduce the potential for queue spillback onto US 97, and eliminate turning conflicts between closely spaced intersections. The key feature that differentiates this alternative from the others is the realignment of the southbound ramp terminal opposite Baker Court and the installation of a traffic signal, as shown in Figure 14. While ODOT access spacing standards related to the separation between ramp terminal intersections and access points on interchange crossroads are not met in this alternative, realigning the US 97 southbound ramp opposite Baker Court eliminates the existing problem with the offset intersections. In addition, the US 97 southbound off-ramp is lengthened to prevent queue spillbacks onto the US 97 mainline and the US 97 southbound on-ramp is lengthened to meet current ODOT standards and improve the ability to accelerate to merging speeds.

Table 8 summarizes the lane configurations and intersection controls shown in Figure 14 for the preferred alternative concept, which differs slightly if a roundabout or a traffic signal is implemented at the northbound ramp terminal. Note that while shown as back-to-back left turn lanes in Figure 14, it is likely that given the close intersection spacing, side-by-side left turn lanes will be needed between Cinder Butte Road and Baker Court to accommodate vehicle queue storage. In addition, it is recommended that a center turn lane on Knott Road be extended between the northbound ramp terminal and Scale House Road to allow trucks to make a two-stage left turn from Scale House Road.

TABLE 8: RECOMMENDED INTERSECTION CONTROL AND LANE CONFIGURATION

INTERSECTION	WITH ROUNDABOUT AT NB RAMPS		WITH TRAFFIC SIGNAL AT NB RAMPS	
	Intersection Control	Lane Configuration	Intersection Control	Lane Configuration
US 97 SB RAMPS/ BAKER CT/ BAKER RD	Traffic Signal	WBL, WBT, WBR NBL, NBTR EBL, EBTR SBL, SBT, SBR	Traffic Signal	WBL, WBT, WBR NBL, NBTR EBL, EBT, EBTR SBL, SBT, SBR
US 97 NB RAMPS/ KNOTT RD	Roundabout	Single-lane roundabout with a WBR turn slip lane	Traffic Signal	EBL, EBT Dual WBT, WBR NBLT, NBR
CINDER BUTTE ROAD/ BAKER RD	Traffic Signal	WBL, WBTR NBLT, NBR EBL, EBTR SBLTR	(same as shown at left)	

Note: WB = Westbound; EB = Eastbound; NB = Northbound; SB = Southbound; R = Right; T = Through; L = Left

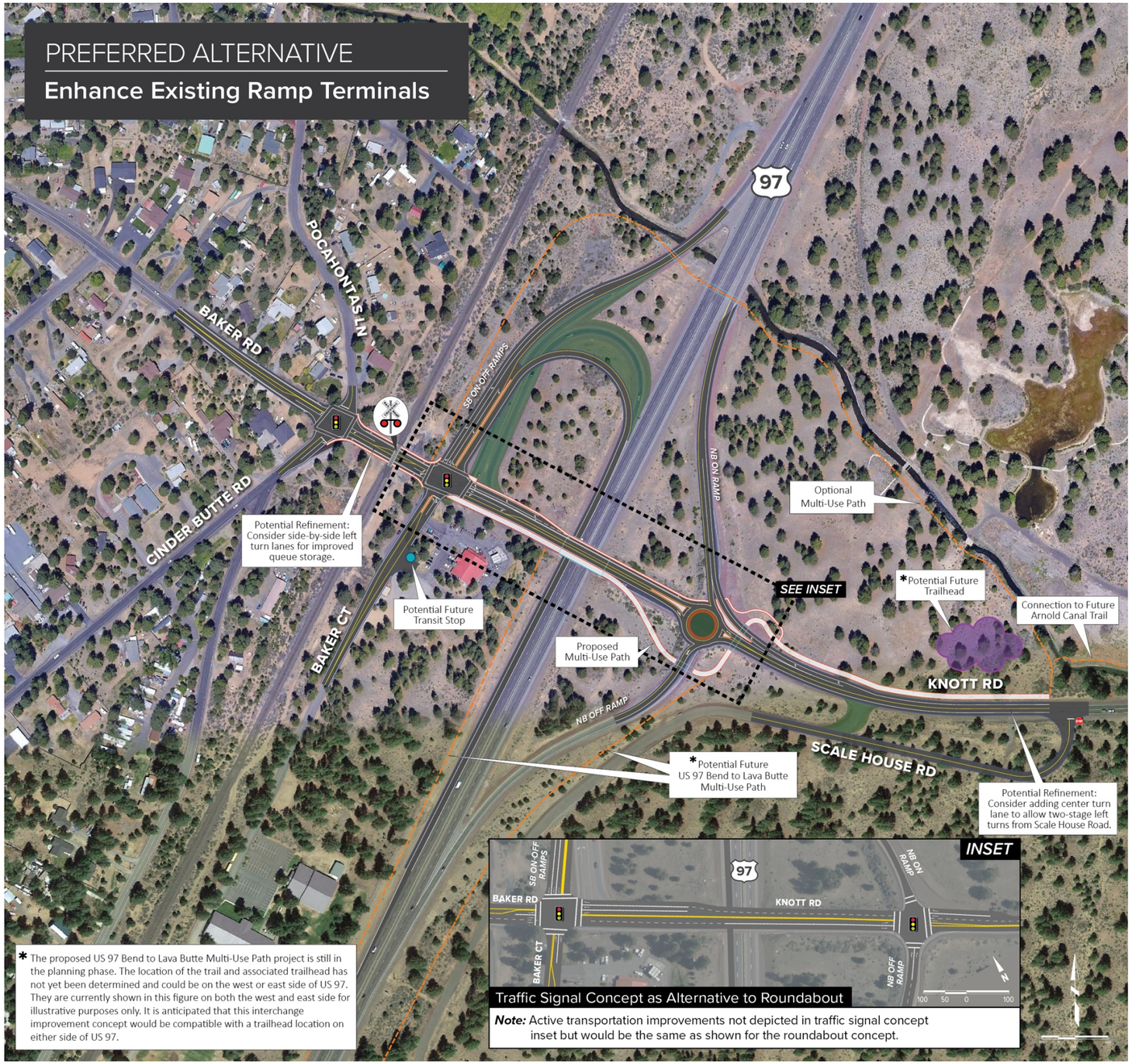


FIGURE 14: PREFERRED ALTERNATIVE CONCEPT

To increase motor vehicle capacity at the **northbound ramp terminal**, a single-lane roundabout with a westbound right turn slip lane is recommended. A roundabout at the US 97 ramp terminal would be subject to the affected parties engagement process for approval outlined in ODOT Highway Directive DES 02. If during that engagement process it is determined a roundabout would be infeasible at the US 97 ramp terminal, a traffic signal would be necessary instead. A traffic signal would require additional lanes to achieve a similar level of mobility as a roundabout, and a signal would require two additional lanes across the US 97 bridge. This change could increase the cost by an additional $3-5 million dollars.

The new signalized intersection on Baker Road at **Baker Court/US 97 southbound ramps** would be coordinated with a widened and improved railroad crossing and a new traffic signal at Cinder Butte Road. While this intersection would operate well under this configuration (volume-to-capacity ratio of 0.81 in 2040), adding a second eastbound through lane would help the intersection nearly meet ODOT's mobility standard in the Highway Design Manual (volume-to-capacity ratio of 0.76 compared to the standard of 0.75). However, since this extra eastbound lane is not needed at the northbound ramp terminal roundabout, it would likely be dropped before the overcrossing to avoid costly bridge widening. The resulting second eastbound through lane would then only extend about 300 feet past the southbound ramp terminal intersection. Since many motorists would choose not to use that lane to avoid the downstream merge, the actual capacity benefit would be diminished. Adding this lane would be more beneficial if the northbound ramp terminal were improved with a traffic signal since the signalized northbound ramp terminal intersection needs two eastbound approach lanes (a left and a through). Therefore, the second eastbound through lane from the southbound ramp terminal could be carried to the northbound ramp terminal and dropped as the left turn lane. This would significantly improve the available capacity at the ramp terminals but would add cost to the project to widen the overcrossing even more.

Signalization is recommended at the intersection on Baker Road at **Cinder Butte Road**, primarily to manage vehicle queues along Baker Road due to the proximity of the railroad and the proposed signal at the southbound ramps/Baker Court. While shown as back-to-back left turn lanes in Figure 14, it is likely that given the close intersection spacing, side-by-side left turn lanes will be needed between Cinder Butte Road and Baker Court to accommodate vehicle queue storage. The signal timing at these closely spaced signals will need to be carefully coordinated to avoid queue spillback between intersections. Furthermore, the intersection improvements at Baker Road and Cinder Butte Road must be closely coordinated with Deschutes County and their planned improvements to signalize the intersection.

Because of the proximity of the intersections and railroad crossing on Baker Road between Cinder Butte Road and the southbound ramps/Baker Court, careful consideration must be given to design and operational parameters to ensure improvements function safely and efficiently. This should involve a cooperative effort between ODOT and Deschutes County to evaluate factors such as potential access conflicts, signal phasing and timing, intersection layout, and synchronization with railroad signal operations.

To improve the spacing between intersections and busy interchange ramp terminals, **Scale House Road** will be relocated further to the east (see the access management plan). This relocation must

include an evaluation of safe intersection sight distance to ensure the horizontal and vertical curves do not obstruct needed sight lines. It is recommended that a center turn lane on Knott Road be extended between the northbound ramp terminal and Scale House Road to allow trucks to make a two-stage left turn from Scale House Road.

The anticipated operations at key intersections through the interchange area in the year 2040 with the preferred alternative in place (with a roundabout or traffic signal at the northbound ramp terminal) are shown in Table 9. As shown, in many cases ODOT's Highway Design Manual mobility standards would not be met. While this would require approval of design exceptions, the difference between the mobility standards and expected operations is relatively small. Furthermore, the mobility targets in the Oregon Highway Plan would be met. The results shown in Table 9 below are also dependent on a full buildout of the "thumb" expansion area. If that buildout were to occur on a longer time horizon, the preferred alternative would operate acceptably for a longer period of time than the results below indicate.

TABLE 9: PREFERRED ALTERNATIVE (ALTERNATIVE 1) FUTURE 2040 DESIGN HOUR TRAFFIC OPERATIONS

STUDY INTERSECTION (MAJOR STREET/ MINOR STREET)	MOBILITY STANDARD	PREFERRED ALTERNATIVE - ENHANCE EXISTING (TRAFFIC SIGNAL AND ROUNDABOUT)				PREFERRED ALTERNATIVE - ENHANCE EXISTING (TRAFFIC SIGNALS ONLY)			
		CONTROL	V/C [A]	LOS [A]	DELAY (SEC) [A]	CONTROL	V/C [A]	LOS [A]	DELAY (SEC) [A]
BAKER RD/CINDER BUTTE RD	Average Delay ≤ 55 secs	Signal w/ added turn lanes	0.59	A	6	Signal w/ added turn lanes	0.59	A	6
BAKER RD/BAKER CT	Average Delay ≤ 35 secs	Realigned (Signal)	-	-	-	Realigned (Signal)	-	-	-
BAKER RD/KNOTT RD/ US 97 SB RAMPS	v/c ≤ 0.75	Signal	**0.81**	C	32	Signal	**0.76**	C	31
KNOTT RD/US 97 NB RAMPS	v/c ≤ 0.75	RAB	**0.78**	B	13	Signal	0.65	C	23

Bold and red indicates the Highway Design Manual mobility standard would not be met, requiring approval of a design exception. However, Oregon Highway Plan mobility targets would be met.

[A] For roundabouts (RAB), v/c ratio reported for the worst approach lane and LOS/delay reported for the overall intersection. For traffic signals, v/c ratio, LOS and delay are reported for the overall intersection.

PREFERRED CONCEPT ACTIVE TRANSPORTATION IMPROVEMENTS

The active transportation improvements included as part of the preferred concept provide low-stress facilities along Baker Road for traveling through the interchange area, as well as connections to proposed regional trails.

A key element of the low-stress facilities along Baker Road is a 15-foot multi-use path for walking and biking along the south side of the road between the two ramp terminal intersections. On the north side of Baker Road, a nine-foot buffered bike lane and six-foot sidewalk would be provided. Figure 15 provides a concept drawing of the proposed bridge cross-section of Baker Road as it crosses over US 97.[17]

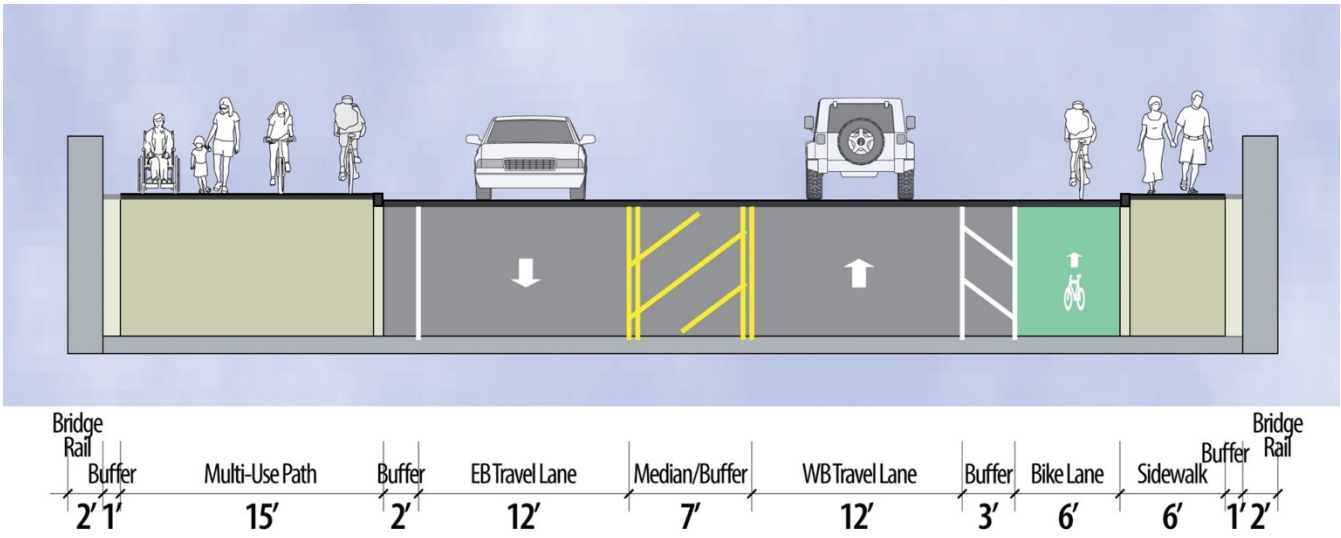


FIGURE 15: CROSS SECTION OF THE BAKER ROAD OVERCROSSING OF US 97, FACING WEST (ASSUMES A ROUNDABOUT IS CONSTRUCTED AT THE NORTHBOUND RAMPS)

Further refinements that could be considered during project design include:

- Adding a vertical barrier/rail between the multi-use path and eastbound travel lane. While this would comply with ODOT's current standards, it could be challenging for maintenance and in particular, snow storage and removal.
- Replacing the sidewalk and bike lane on the north side with another 15-foot multi-use path to match the south side.
  - Including another 15-foot multi-use path on the north side could be done by narrowing the median/buffer and shifting the westbound lane to the south by two feet.
- Delineating between people walking and biking on the multi-use path.
- Designing the widened bridge to include visual or physical gateway elements as people enter/exit Bend.

[17] Note that this cross section assumes a roundabout would be constructed at the northbound ramps. If a traffic signal is constructed instead, the median/buffer could be narrowed but as many as two additional travel lanes may be needed.

- Considering additional pavement width (curb to curb width) over the bridge to further enhance the ability to accommodate emergency evacuation needs.

On the west end of the interchange, the multi-use path would connect to Baker Court, providing access to Riverwoods Country Store and Morning Star Christian School. The local transit stop was recently relocated to be closer to the interchange, near the Riverwoods Country Store. Between Baker Court and Cinder Butte Road, sidewalks and buffered bike lanes would be provided, transitioning to only bike lanes west of Cinder Butte Road per County standards. A protected intersection design could be considered at the US 97 southbound ramp terminal to enhance safety for people biking, particularly for westbound cyclists that conflict with the westbound right turn onto US 97 southbound.

On the east end of the interchange, the multi-use path tunnels under the US 97 northbound off-ramp and Knott Road. Grade separation will improve safety for people walking and biking by eliminating conflicts with motor vehicles when crossing these roads. Crossing the multi-use path under Knott Road to the north allows the path to connect to the future Arnold Canal Trail. An optional path on the north side of the interchange is shown under US 97 along the Arnold Canal. This path could be constructed if clearance under US 97 can be obtained.

The Bend to Lava Butte Multi-Use Path project, which would construct a path from Lava Lands Visitor Center to Baker Road, is still in the planning phase. The alignment of the path and location of an associated trailhead have not yet been determined and could be on the west or east side of US 97. The path and trailhead locations shown in Figure 14 are for illustrative purposes only. It is anticipated that the improvements associated with the preferred alternative will be compatible with path, trailhead, and transit stop locations on either side of US 97.

TRANSPORTATION SYSTEM MANAGEMENT IMPROVEMENTS

In addition to the infrastructure improvements listed above, several transportation system management strategies are listed in *Chapter 5*: *Access Management Plan and Management Strategies*, including a discussion of trail wayfinding signs, evacuation routes, reducing the posted speed limit, managing traffic signal timing, transit access and property access. These strategies are an important part to ensuring the long-term function of the preferred alternative.

PHASING

Given that the preferred alternative addresses many existing needs and deficiencies in the area (rather than just future deficiencies or needs), all the improvements identified in the preferred concept should be implemented as soon as funding becomes available. However, it is possible that given the total cost of interchange improvements, available funding will only cover a portion of the identified projects. Therefore, based on the needs of the area, constructability constraints, and likely timing of additional development or projects in the area, a recommendation for phasing improvements is proposed.

Table 10 and Figure 16 summarize the recommended phasing, although the improvements could be phased in a different way based on available funding or timing of development. The

recommended costs shown in Table 10 were based on 2021 construction costs but projected out to an assumed year of expenditure of 2029. Detailed cost estimate worksheets are included in *Technical Memorandum #6: Preferred Alternative Concept* in Volume 2.

Many of the existing and future needs in the Baker Road interchange area are driven by conflicts on the west side of the interchange. The southbound ramp experiences significant delay and queueing and there are existing challenges with the close spacing of Baker Court, the railroad, and Cinder Butte Road. Therefore, it is recommended that the west side be improved first. Also, moving the southbound ramps further to the west will give the contractor more space to work when widening the overcrossing in the next phase.

Many of the identified improvements on the west side of the interchange will influence one another and could be challenging to phase separately. For example, realigning Cinder Butte Road, adding turn lanes on Baker Road, or realigning the US 97 southbound ramps would likely all trigger the requirement for a railroad crossing order. Additionally, realigning the US 97 southbound ramp terminal with Baker Court will modify the on and off-ramp alignments, which may involve reconstruction of the merging and diverging connections to the highway.

It is also important to note that while the Phase 1 improvements would address the majority of the deficiencies in this area, the lack of an eastbound left turn lane at the northbound ramp terminal could represent a downstream bottleneck until Phase 2 improvements can be constructed.

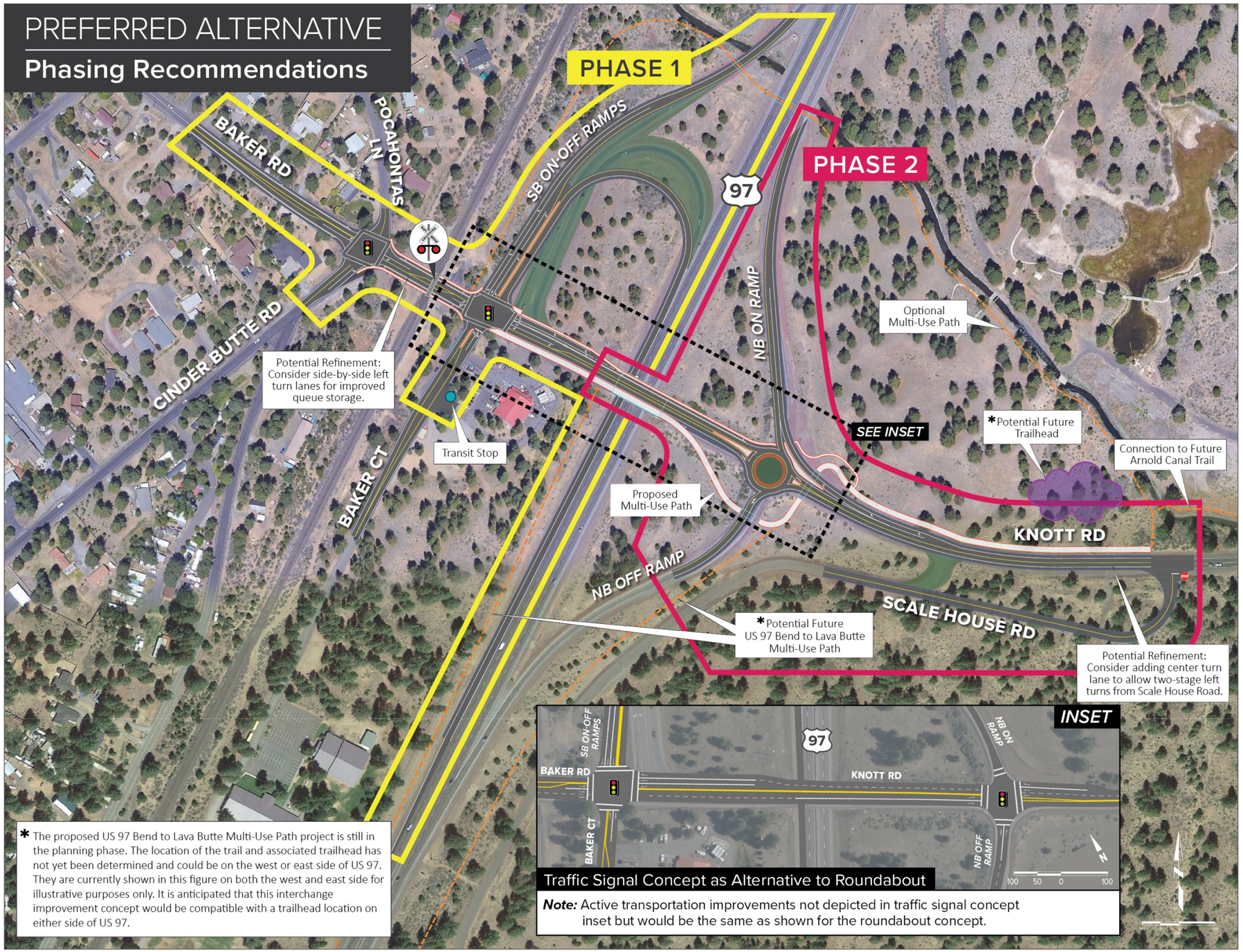


FIGURE 16: PREFERRED ALTERNATIVE RECOMMENDED PHASING

TABLE 10: US 97 BAKER IAMP PREFERRED ALTERNATIVE PHASING RECOMMENDATIONS

PHASE	ELEMENTS	DESCRIPTION	ESTIMATED COST
PHASE 1 – WEST SIDE IMPROVEMENTS	Cinder Butte Road realignment and turn lanes	Realign Cinder Butte Road slightly to the west, construct westbound and eastbound left turn lanes and a northbound right turn lane (with side-by-side left turn lanes between Cinder Butte Road and Baker Court). Improvements on Baker Road west of Cinder Butte Road would be to County standards, with six-foot bike lanes and no sidewalks.	$14.8 million
	US 97 SB ramps realignment, traffic signal, and RR crossing improvements	Realign the US 97 southbound ramp with Baker Court and signalize the intersection. This includes reconstruction of the BNSF railroad crossing and coordination with the new traffic signal.	
	US 97 acceleration and deceleration lanes	Lengthen the existing US 97 southbound on-ramp acceleration lane and US 97 southbound off-ramp deceleration lane.	
	Baker Road/ Cinder Butte Road signalization	Construct a traffic signal and coordinate it with the railroad crossing and the new US 97 southbound ramp terminal signal.	
PHASE 2 – BRIDGE AND EAST SIDE IMPROVEMENTS	Baker Road bridge widening	Widen the existing Baker Road/Knott Road bridge over US 97 to accommodate the preferred concept (and added lanes if a signal is constructed at the northbound ramps).	$23.2 million
	US 97 NB ramps roundabout	Install a roundabout at the US 97 NB ramp terminal and the associated multi-use path undercrossings.	
	Multi-use path connections	Complete the multi-use path network, connecting the US 97 Bend to Lava Butte and Arnold Canal facilities.	
	Realign Scale House Road	Realign Scale House Road to the east.	
	Total Estimated Cost (2029 year of expenditure)		**$38 million**

After addressing the safety, access, and capacity issues on the west side of the interchange, Phase 2 will complete the active transportation network and relieve congestion at the northbound ramp terminal. To provide a connected network for people walking and biking through the interchange area, the US 97 northbound ramp improvements (including tunnels) should be constructed at the same time as the bridge widening. However, that work could be deferred if needed, by using temporary at-grade path crossings.

FUTURE ALTERNATIVE 3 IMPROVEMENTS

While the preferred alternative (Alternative 1) is projected to function well though the 20-year planning horizon, it was agreed that the ability to implement the preferred alternative long-term option (Alternative 3) shown in Figure 17 should be retained if growth exceeds expectations and sufficient funding becomes available (estimated cost likely greater than $35 million). Specifically, the design and construction of any improvements in Phase 2 should consider the ability for future southbound flyover ramps to be connected to the US 97 northbound ramp terminal.

The anticipated operations at key intersections through the interchange area in the year 2040 with long-term option in place (with a roundabout or traffic signal at the northbound ramp terminal) are shown in Table 11. As shown, the combined US 97 ramp terminal intersection on Baker Road is not expected to meet ODOT's Highway Design Manual mobility standard. While this would require approval of a design exception, the difference between the mobility standard and expected operations is very small. Furthermore, the mobility targets in the Oregon Highway Plan would be met.

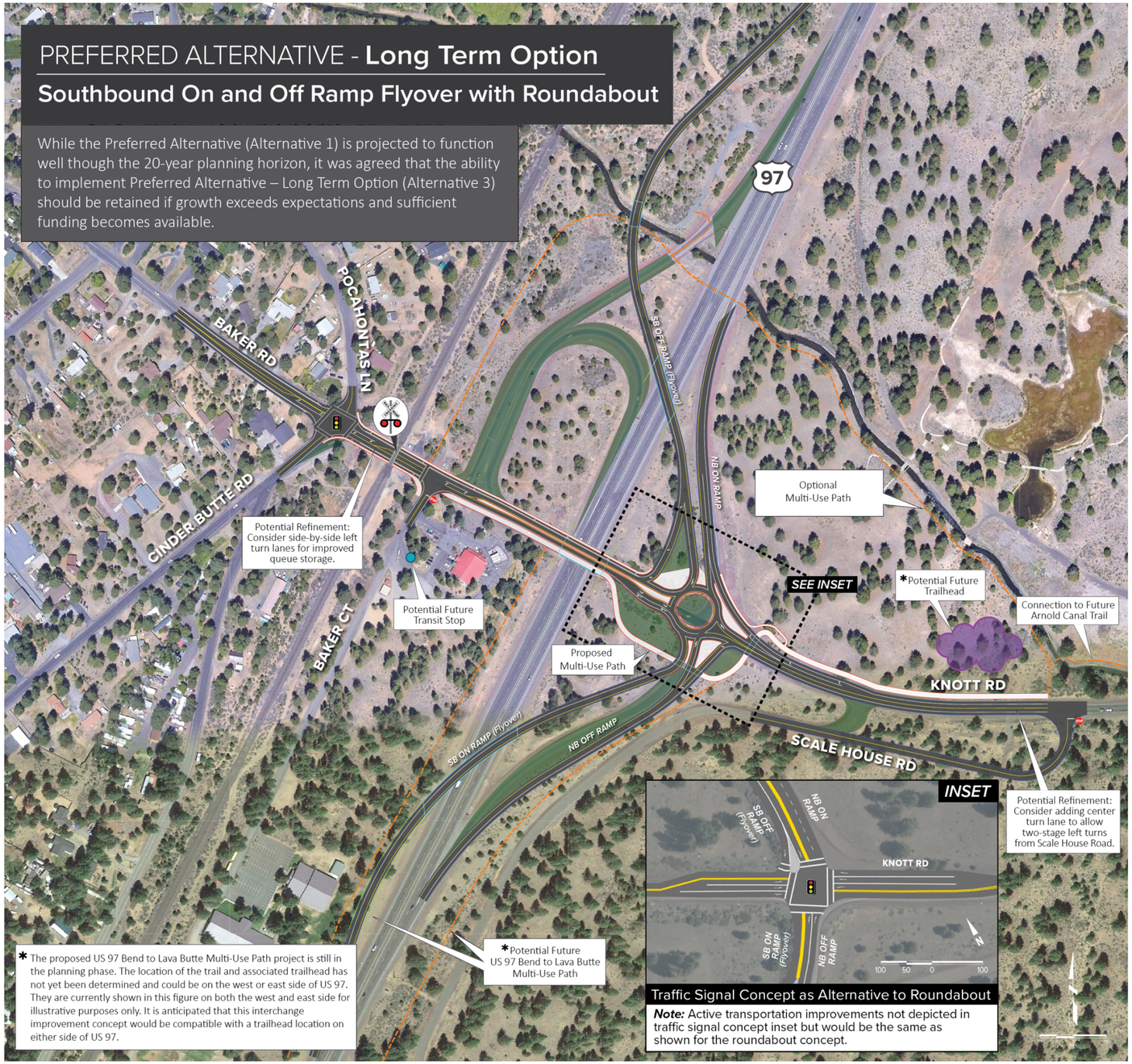


FIGURE 17: PREFERRED ALTERNATIVE LONG-TERM OPTION

TABLE 11: PREFERRED ALTERNATIVE LONG-TERM OPTION (ALTERNATIE 3) FUTURE 2040 DESIGN HOUR TRAFFIC OPERATIONS

STUDY INTERSECTION (MAJOR STREET/ MINOR STREET)	MOBILITY STANDARD	LONG-TERM OPTION - FLYOVER (ROUNDABOUT)				LONG-TERM OPTION - FLYOVER (TRAFFIC SIGNAL)			
		CONTROL	V/C [A]	LOS [A]	DELAY (SEC) [A]	CONTROL	V/C [A]	LOS [A]	DELAY (SEC) [A]
BAKER RD/CINDER BUTTE RD	Average Delay ≤ 55 secs	Signal w/ added turn lanes	0.59	A	6	Signal w/ added turn lanes	0.59	A	6
BAKER RD/BAKER CT	Average Delay ≤ 35 secs	TWSC (w/ WBL lane)	0.11 / 0.33	A / D	3	TWSC (w/ WBL lane)	0.11 / 0.33	A / D	3
BAKER RD/US 97 NB & SB RAMPS	v/c ≤ 0.75	RAB	**0.76**	B	14	Signal	**0.78**	C	32

Bold and red indicates the Highway Design Manual mobility standard would not be met, requiring approval of a design exception. However, Oregon Highway Plan mobility targets would be met.

[A] V/C ratio and LOS reported as worst major street/minor street movement at two-way stop-controlled (TWSC) intersections. Major streets are those not stop-controlled at intersections, while minor streets are stop-controlled. Delay reported as worst major street/minor street movement for ODOT and City intersections and average for County intersections, to best match the existing mobility targets. For roundabouts (RAB), v/c ratio reported for the worst approach lane and LOS/delay reported for the overall intersection.

CHAPTER 5. ACCESS MANAGEMENT PLAN AND MANAGEMENT STRATEGIES

This chapter describes a collection of strategies to supplement the preferred alternative improvements that will help protect the public's investment and ensure the transportation system in the interchange area functions as intended through the planning horizon.

ACCESS MANAGEMENT PLAN

Access management is the term used to describe a broad set of techniques that balance the need to provide safe, efficient, and timely travel with the ability to allow access to individual properties. On facilities such as expressways and arterials, there is generally an emphasis on facilitating the through movement of traffic, with direct property access being a secondary objective. However, for streets of lower functional classification, such as collectors and local streets, the emphasis shifts to prioritize direct property access. Where streets act as interchange crossroads, limited access is emphasized to protect the function of the interchanges and to minimize the need for major improvements.

Most commonly, access management involves decisions about the location and design of vehicular access points to roadways. On streets of higher functional classifications (e.g., expressways and arterials) that are serving higher volumes and speeds of traffic, closely spaced or poorly designed access points can create confusion and introduce conflicts between vehicle paths that result in congestion and crashes. The closely spaced intersections on Baker Road with the US 97 southbound ramps and Baker Court are an example of this problem and is one of the key deficiencies being addressed by the recommended interchange improvements.

The purpose of this access management plan (AMP) is to provide direction for the management of access points within the interchange area in a manner that will protect the function of the interchange and promote safety while accommodating future development or redevelopment. The AMP provides direction and decision-making criteria, referred to as the Key Principles and Methodology, but actual changes to individual property access points will occur through future land use applications and future project design phases.

ACCESS SPACING STANDARDS

This section describes the adopted access spacing requirements of each agency as they relate to roadways in the interchange area. Within the project area, US 97 and the interchange between the ramp terminals are under the jurisdiction of ODOT. US 97 is classified by ODOT as a statewide highway, and further designated as an expressway, urban/rural other principal arterial highway, state freight route, reduction review route, and high clearance route. US 97 serves approximately 19,100 to 26,700 average annual daily vehicles through the interchange area and has a posted speed of 65 miles per hour (mph).

Outside of the interchange, Baker Road and Knott Road are under the jurisdiction of Deschutes County and are classified as rural arterials. This corridor serves approximately 8,800 to 11,500 average annual daily vehicles and has a posted speed of 35 mph west of Scale House Road and 50 mph east of Scale House Road.

For further context, Deschutes County designates most of the area surrounding the interchange area as rural residential (RR10) with a small pocket of rural commercial (RC) southwest of the interchange. While this area is zoned as rural today, the City of Bend's urban growth boundary (UGB) is located less than a mile north of the interchange area, and the City expects significant commercial, residential, and industrial growth over the next 20 years that has potential to make its way to Baker Road/Knott Road within the interchange area.

State Access Spacing Standards

The Oregon Highway Plan (OHP) addresses the importance of access management and outlines access spacing standards for state highways.[18] More detailed requirements for access management are also specified in Division 51 of Chapter 734 of the Oregon Administrative Rules (OARs). The goal of an AMP is to set in place provisions by which access within the project limits can be fully compliant with OAR 734-051. However, there are often instances where requirements cannot be met due to physical, environmental, or other limitations. In these cases, the goal is to move in the direction of meeting the applicable standards as much as is feasible.

ODOT has adopted interchange and access management spacing standards that specify the minimum separation required between interchange crossroads, adjacent interchange ramp tapers, and access points along crossroads. There are different standards for urban and rural areas. While the US 97/Baker Road interchange is currently outside of the existing UGB, it is likely that in the future the UGB will be expanded to be immediately adjacent to the interchange.

Spacing between interchanges

ODOT's interchange spacing standards require a minimum of 1.9 miles between interchange crossroads in urban areas and 3 miles in rural areas.[19] For this interchange, the 1.9-mile spacing standard would be applied to the north and the 3-mile spacing standard would be applied to the south. The proposed interchange improvements will not change the location of the existing Baker Road overcrossing. The Murphy Road interchange is the nearest interchange to the north at 1.88 miles away, effectively meeting the urban spacing standard. There are no interchanges within 3 miles to the south.

Spacing between adjacent interchange ramp tapers and access points along US 97

ODOT's spacing standards for the distance between adjacent ramp tapers on a freeway (US 97 is not technically a freeway, but functions similarly to one) requires 1 mile in an urban area and 2 miles in a rural area.[20] Between the existing US 97/Baker Road and Murphy

[18] 1999 Oregon Highway Plan, as amended May 2015, Oregon Department of Transportation, Appendix C.

[19] 1999 Oregon Highway Plan, as amended May 2015, Oregon Department of Transportation, Appendix C, Table 12.

[20] 1999 Oregon Highway Plan, as amended May 2015, Oregon Department of Transportation, Appendix C, Tables 17 and 18.

Road interchanges, there is approximately 1.2 miles between tapers northbound and 1.1 miles between tapers southbound. The recommended improvements would move the southbound exit ramp taper about 400 feet further north, but the spacing between that ramp and the Murphy Road ramp would still be just over 1 mile. The location of the northbound entrance ramp is not anticipated to change significantly. Therefore, the spacing standard for interchange ramp tapers to the north would be met for urban areas but not for rural areas.

While direct access to an expressway is generally discouraged, ODOT also has access spacing standards for access points along a Statewide Highway and Expressway that require a minimum of ½-mile between at-grade intersections in urban areas and 1 mile in rural areas.[21] However, where interchanges are present, there must be at least 1 mile between the end of a ramp taper and the nearest at-grade intersection in urban areas and 2 miles in rural areas.[22] Individual existing accesses directly to US 97 are inventoried in the following section.

Spacing along interchange crossroads

OHP standards also indicate that a minimum of 1,320 feet (0.25 miles) be provided between the ramp terminals and the first intersection on the crossroad, regardless of whether all movements are provided or restricted to right-in and right-out only (note that County cooperation would be needed to apply these standards as Baker Road and Knott Road are not under state jurisdiction).[23]

This standard is not met under existing conditions. On the west side of the interchange, the Baker Court intersection which serves as access to the Riverwoods Country Store and the Morning Star Christian School is only 110 feet from the southbound ramp terminal. Further to the west, public street access is provided at Cinder Butte Road/Pocahontas Lane (425 feet away) and Apache Road (1,335 feet away). In addition, there are 14 driveways to single-family homes between Cinder Butte Road/Pocahontas Lane and Apache Road. On the east side of the interchange there are two access points within 1,320 feet of the northbound ramp terminal: one at Scale House Road (525 feet away) and a gated driveway farther to the east (970 feet away). Individual existing accesses directly to Baker Road and Knott Road are inventoried in the following section.

[21] 1999 Oregon Highway Plan, as amended May 2015, Oregon Department of Transportation, Appendix C, Table 14.

[22] 1999 Oregon Highway Plan, as amended May 2015, Oregon Department of Transportation, Appendix C, Table 19.

[23] 1999 Oregon Highway Plan, as amended May 2015, Oregon Department of Transportation, Appendix C, Table 19.

County Access Spacing Standards

Deschutes County access spacing requirements are provided in Deschutes County Code.[24] Requirements related to access spacing that are relevant to the interchange area include:

a. Intersecting streets, including driveways to commercial and industrial properties, shall be separated by at least 500 feet on arterials and 300 feet on collectors.

b. The creation of access onto arterials and collectors is prohibited unless there is no other possible means of accessing the parcel. In any event, residential access onto arterials and collectors shall not be permitted within 100 feet of an intersection or the maximum distance obtainable on the parcel, whichever is less.

EXISTING ACCESS INVENTORY

Access inventory data along US 97, Baker Road, and Knott Road within the limits of ODOT's access spacing standards for interchange areas was obtained from aerial imagery and field verified. Figure 18 through Figure 22 show all the existing accesses, divided into seven Access Management Areas used to group adjacent properties with similar access constraints and land uses. Details regarding access type, exact location, and land use being served for the accesses are included in Table 12.

Within the 1,320-foot spacing standard for interchange ramp terminals, there are four public street accesses (Baker Court, Cinder Butte Road, Pocahontas Lane, and Apache Road) and 15 private accesses west of the US 97 southbound ramp terminal (Figure 19). To the east of the US 97 northbound ramp terminal there are only two private accesses within the 1,320-foot spacing standard (Figure 20).

Additionally, there are three public accesses on US 97 within the one-mile spacing standard to the north of the interchange. These include the intersections with Rocking Horse Road, Ponderosa Street, and China Hat Road, which are all restricted to allow only right-on and right-off movements (Figure 21). However, these accesses are all planned to be closed in the future, with the Ponderosa Street and China Hat Road accesses replaced by an overcrossing.[25] To the south on US 97, there are two gated accesses (one emergency access and one forest service road) and one private access to the High Desert Museum that are within the two-mile spacing standard of the interchange (Figure 22). However, the gated accesses are anticipated to have very limited use and serve as emergency access only.

[24] Deschutes County Code 17.48.090 and 17.48.210.

[25] US 97 Parkway Plan Phase 2, Oregon Department of Transportation, February 26, 2021, Table 9, p. 44.

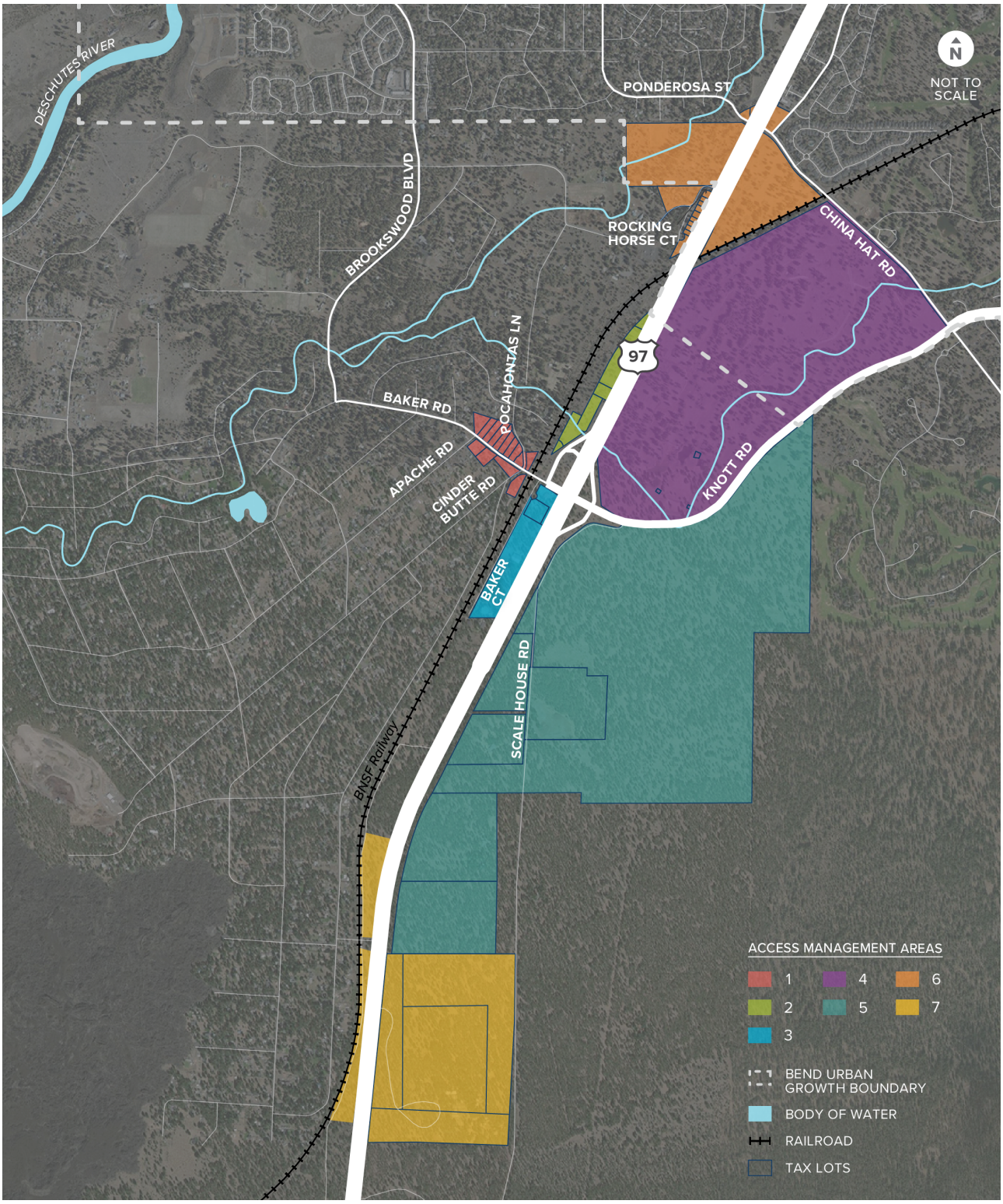


FIGURE 18: US 97 BAKER ROAD IAMP ACCESS MANAGEMENT AREAS



FIGURE 19: EXISTING ACCESSES TO BAKER ROAD WEST OF US 97



FIGURE 20: EXISTING ACCESSES TO KNOTT ROAD EAST OF US 97



FIGURE 21: EXISTING ACCESSES TO US 97 NORTH OF BAKER ROAD



FIGURE 22: EXISTING ACCESSES TO US 97 SOUTH OF BAKER ROAD

TABLE 12: INTERCHANGE AREA EXISTING ACCESS INVENTORY

ID	TAX LOT	PUBLIC OR PRIVATE/TYPE	SITE USE	SIDE OF ROADWAY (WEST TO EAST, SOUTH TO NORTH)	DISTANCE TO NEAREST ACCESS (FT)
AREA 1					
1	181219CC01800	Private/Residence	Single Family Residence	LT	60
2	181219CC01900	Private/Residence	Single Family Residence	LT	55
3	181219CC01900	Private/Residence	Single Family Residence	LT	50
4	181219CC02000	Private/Residence	Single Family Residence	LT	50
5	181219CC02000	Private/Residence	Single Family Residence	LT	50
6	181219CC02100	Private/Residence	Single Family Residence	LT	50
7	181219CC02200	Private/Residence	Single Family Residence	LT	50
8	181219CC02200	Private/Residence	Single Family Residence	LT	40
9	181219CD02300	Private/Residence	Single Family Residence	LT	105
10	181219CD02200	Private/Residence	Single Family Residence	LT	105
11	181219CD02100	Private/Residence	Single Family Residence	LT	105
12	N/A	Public/Street	Pocahontas Lane	LT	260
13	N/A	Public/Street	Apache Road	RT	155
14	181219CC02400	Private/Residence	Single Family Residence	RT	110
15	181219CC02300	Private/Residence	Single Family Residence	RT	120
16	181219CC02300	Private/Residence	Single Family Residence	RT	65
17	181230BB03000	Private/Residence	Single Family Residence	RT	65
18	N/A	Public/Street	Cinder Butte Road	RT	300
AREA 2					
No existing access points to US 97, Baker Road, or Knott Road in this Area.					

ID	TAX LOT	PUBLIC OR PRIVATE/TYPE	SITE USE	SIDE OF ROADWAY (WEST TO EAST, SOUTH TO NORTH)	DISTANCE TO NEAREST ACCESS (FT)
AREA 3					
19	N/A	Public/Street	Baker Court	RT	140
AREA 4					
No existing access points to US 97, Baker Road, or Knott Road in this Area.					
AREA 5					
20	1812300000100	Private/Street	Scale House Road	RT	450
21	1812300000100	Private/Vacant	Vacant	RT	450
AREA 6					
22	N/A	Public/Street	Rocking Horse Road	LT	1,200
23	N/A	Public/Street	Ponderosa Street	LT	1,200
24	N/A	Public/Street	China Hat Road	RT	1,200
AREA 7					
25	N/A	Public/Emergency Access	Frank Pennok Ln	LT	1,025
26	1811000001900	Private/ Institutional	High Desert Museum	RT	1,025
27	1911000000100	Private/ Government	Gated Forest Service Road	RT	3,000

Note: ID numbers correspond to the ID numbers used in Figures 19 through 22.

ACCESS MANAGEMENT KEY PRINCIPLES AND METHODOLOGY

OAR 734-051 establishes procedures, standards, and approval criteria that govern highway access management and approach permitting. Key Principles for access management address how properties abutting a state highway (and in this case, the interchange crossroad) will be evaluated to retain or obtain access to the state highway during and after plan implementation. The Methodology for access management provides the ability to assess how the Key Principles are being applied to access decisions. While the Key Principles and Methodology provide direction and decision-making criteria, actual changes to individual property access points will occur through future land use applications and future project design phases. The access management Key Principles and Methodology for the US 97 Baker Road IAMP are shown in Table 13. These Key Principles and Methodology were developed according to the process outlined in OAR 734-051-7010 and described in more detail in *Technical Memorandum #7: Access Management Plan* in Volume 2.

TABLE 13: ACCESS MANAGEMENT KEY PRINCIPLES AND METHODOLOGY

KEY PRINCIPLES	METHODOLOGY
1. Provide for efficient travel through the interchange area based on existing and planned land uses in the area	a. Meet ODOT's adopted access spacing standards along US 97 to the north and south of the US 97/Baker Road interchange or move in the direction of meeting the standards as much as feasible given physical and environmental constraints.
	b. Meet ODOT's adopted access spacing standards for interchange crossroads along Baker Road and Knott Road or move in the direction of meeting the standards as much as feasible given physical and environmental constraints.
	c. Limit access to streets with the lowest functional classification where feasible.
2. Improve safety for all modes of travel	a. Reduce the number of potential conflict points within the functional area[26] of public street intersections.
	b. Align approaches on opposite sides of the roadway, where feasible, to reduce turning conflicts.
	c. Seek opportunities to consolidate access points or establish shared access points to reduce the overall number of accesses on the interchange crossroad.
	d. Implement actions to provide minimum required safe sight distance for drivers exiting properties.
	e. Consider the ability to accommodate safe and unobstructed ingress to properties.

[26] The functional area of an intersection is the area of the physical intersection plus the area upstream and downstream of the intersection that is needed for decision and maneuvering distance, plus any required vehicle storage length needs.

KEY PRINCIPLES	METHODOLOGY
	f. Consider the relationship between accesses and historical crash records and mitigate accesses where it would resolve a recurring crash pattern.
	g. Define the width of undefined existing accesses using guidance from the Oregon Highway Design Manual or Deschutes County design standards, as applicable, to a width that will serve the existing and planned uses of the property.
3. Support regional and local economic development	a. Ensure that all properties are provided reasonable access to the public street network in accordance with existing property access rights.
	b. Consider the level of direct access to Baker Road and Knott Road that is appropriate for the type of development that exists and would be allowed according to the Comprehensive Plan.
	c. Maintain the ability for businesses to receive freight/deliveries.
	d. Ensure no access points conflict with safe and uninterrupted service on the Burlington Northern Santa Fe railroad.
	e. Locate and design accesses to adequately serve the volume and type of traffic reasonably anticipated to enter and exit the property, based on existing and planned uses.
	f. Consider the potential impacts on site circulation and parking resulting from proposed approach modifications or closures.
4. Facilitate the use of multimodal travel options	a. Modify or relocate approaches as necessary to allow for the construction of ADA-compliant pedestrian facilities.
	b. Minimize the number of vehicle crossings on regional trails.
5. Develop the project to support the community's value of equity	a. Achieve a just allocation of burdens and benefits among community members.
6. Practice good stewardship of the environment	a. Consider the impacts of access modifications and closures on resource lands and wildlife.
7. Develop solutions that are consistent with the established shared corridor vision and the adopted state and local plans	a. Provide public street connectivity consistent with Deschutes County and Bend Comprehensive Plans.
8. Develop implementable solutions for the interchange area	a. Consider the compatibility of access decisions with future phases of interchange improvements.

ACCESS MANAGEMENT ACTIONS

The AMP provides direction for the management of access points within the interchange area in a manner that will protect the function of the interchange and promote safety while accommodating future development or redevelopment. Accomplishing the desired outcomes will require cooperation from agencies and property owners to work towards the vision for safe and efficient access management in the interchange area. ODOT, Deschutes County, the City of Bend, and the MPO must cooperatively implement the access management plan recommendations, though most changes are anticipated on roadways under the jurisdiction of ODOT and the County. Access management actions for the seven Access Management Areas, corresponding to Figure 18 on page 56, are shown below in Table 14.

TABLE 14: ACCESS MANAGEMENT ACTIONS

AREA 1	
EXISTING CONDITIONS:	**ACTIONS:**
Area 1 includes properties along Baker Road between the BNSF railroad and a point that is approximately 1,320 feet west of the future intersection of the US 97 southbound ramps/Baker Court. Properties in this area are generally developed with single-family homes, consistent with Rural Residential (RR10) zoning. Many properties only have access to Baker Road and must rely on it for access, though some also abut Apache Road, Cinder Butte Road, or Pocahontas Lane.	This area is fully developed and there are no known plans to rezone the land or construct new public streets in the vicinity. Properties that are unable to access alternative public streets are anticipated to continue to have access directly to Baker Road. The public street intersection on Baker Road with Cinder Butte Road and Pocahontas Lane is proposed to be improved with turn lanes and a traffic signal. No changes are proposed to the intersection with Apache Road. As opportunities arise, such as through development and redevelopment of properties, access directly to Baker Road should be removed to properties that abut other public streets with lower functional classifications (i.e., Apache Road, Cinder Butte Road, or Pocahontas Lane) where access to those other streets is feasible and safe to construct. For properties without access to an alternative public street, no more than one direct access to Baker Road should be provided where feasible.
AREA 2	
EXISTING CONDITIONS:	**ACTIONS:**
Area 2 is located north of Baker Road between the BNSF railroad and US 97. This area is currently undeveloped.	No rights remain for properties in this Area to access the state highway and providing direct access to interchange ramps and expressways in the vicinity of interchanges would create a safety hazard. Consistent with the existing access rights of these properties, no access should be provided to US 97 or to Baker Road, as any access to Baker Road would be very close to the US 97 southbound ramps intersection and would create a safety hazard.

TABLE 14: ACCESS MANAGEMENT ACTIONS (CONTINUED)

AREA 3	
EXISTING CONDITIONS:	**ACTIONS:**
Area 3 is located south of Baker Road between the BNSF railroad and US 97. This area includes one parcel zoned Rural Commercial (RC) that is developed with a store. Other parcels include a school and undeveloped land. All access to this area is currently taken from Baker Court.	The public street intersection on Baker Road with Baker Court is proposed to be improved with turn lanes and a traffic signal, which will include alignment with the US 97 southbound ramp terminal. All access to Area 3 should continue to be taken from Baker Court. When designing improvements for the Baker Court approach, consideration should be given to ensuring unobstructed ingress can occur and that outbound vehicle queues and access points in the vicinity do not create unsafe backups into the Baker Road intersection. While a reservation of access to US 97 is present near the south end of Area 3, no direct access to US 97 should be provided, though consideration could be given to a gated access for emergency use only. Other than the one reservation of access noted, access control is present and should be retained along the remainder of US 97 and Baker Road.
AREA 4	
EXISTING CONDITIONS:	**ACTIONS:**
Area 4 includes properties in the northeast quadrant of the interchange, bound by US 97, Knott Road, China Hat Road, and the BNSF railroad. All properties in this area are currently under common ownership. While the land is undeveloped today, significant urban development is anticipated in the future.	There are no existing access points directly to US 97 or Knott Road and access control is present along US 97 and along Knott Road between US 97 and a point that is approximately opposite the existing Scale House Road intersection. No direct access to US 97 should be provided and no direct access to Knott Road should be provided within 1,320 feet of the future US 97 northbound ramp terminal. Purchase of access control along Knott Road between US 97 and a point 1,320 feet from the future US 97 northbound ramp terminal should be considered when IAMP improvements are funded for project development and delivery. Future development access should be provided along China Hat Road and the new collector roadways identified in the City of Bend's Transportation System Plan as much as feasible to reduce reliance on Knott Road for access.

TABLE 14: ACCESS MANAGEMENT ACTIONS (CONTINUED)

AREA 5	
EXISTING CONDITIONS:	**ACTIONS:**
Area 5 includes properties in the southeast quadrant of the interchange, bordered by US 97 and Knott Road. There are many tax lots under common ownership in this Area, extending to approximately 1.5 miles south of the interchange. This Area is largely undeveloped and is outside of the Bend urban growth boundary. The land abutting Knott Road is zoned Rural Residential Exception Area (RREA) with some areas zoned Surface Mining (SM). This Area primarily takes access to Knott Road via Scale House Road (private), although another gated access is present about 400 feet further east.	Scale House Road should be relocated further to the east on Knott Road to provide a minimum of 1,320 feet of separation from the US 97 northbound ramp terminal if feasible given any physical or environmental constraints. Also, the ability to achieve adequate sight distance along Knott Road from the new access location must be verified. Purchase of access control along Knott Road between US 97 and the relocated Scale House Road access should be considered when IAMP improvements are funded for project development and delivery. Additionally, the existing gated access (identified as approach number 21) should either be consolidated with the relocated Scale House Road intersection or relocated east of the relocated Scale House Road intersection, with the minimum separation to be determined by Deschutes County. While a reservation of access to US 97 is present near the south end of Area 5, no direct access to US 97 should be provided, though consideration could be given to a gated access for emergency use only. Other than the one reservation of access noted, access control is present and should be retained along the remainder of US 97.
AREA 6	
EXISTING CONDITIONS:	**ACTIONS:**
Area 6 includes properties abutting US 97 north of the BNSF railroad overcrossing to a point approximately one mile north of the interchange ramp tapers. There are three existing public accesses on US 97 (Ponderosa Street, China Hat Road, and Rocking Horse Road) and no private accesses. The Area is largely undeveloped but does include several single-family homes. The land on the east side is zoned Industrial Light (IL) and Commercial General (CG) and the land on the west side is zoned for a variety of residential uses and limited commercial.	Close all three of the public accesses as planned in both the City of Bend Transportation System Plan and the US 97 Parkway Plan, with the Ponderosa Street and China Hat Road intersections replaced by an overcrossing. Access control along US 97 is present in this Area, but three reservations of access exist on the west side and two exist on the east side. No direct access to US 97 should be provided to this Area on either side of US 97.

TABLE 14: ACCESS MANAGEMENT ACTIONS (CONTINUED)

AREA 7	
EXISTING CONDITIONS:	**ACTIONS:**
Area 7 includes properties abutting US 97 to the south of Areas 3 and 5 to a point approximately two miles from the interchange ramp tapers. There are three existing accesses, including a gated emergency access to the Deschutes River Woods neighborhood, an access to the High Desert Museum, and a gated access to a US Forest Service road.	All three accesses will remain. The gated accesses must continue to be gated when not in use. A future interchange that would replace the existing access to the High Desert Museum has been discussed in the past but is not included in an adopted plan at this time.

TRANSPORTATION SYSTEM MANAGEMENT STRATEGIES

Transportation System Management (TSM) generally includes strategies that enhance travel efficiency and safety without significant infrastructure expansion. The preferred alternative concept includes reconstruction and expansion projects that will address capacity and safety needs through 2040. However, the supporting strategies described below for managing the transportation system after the improvements are constructed may help ensure the interchange area functions as intended and that the life of the investment made is extended.

- **Consider reducing the posted speed along Baker Road and Knott Road after the improvements are constructed.** The speed limit on Baker Road is currently 35 miles per hour through the interchange area, but a lower speed limit could improve safety, create a more comfortable environment for people walking and biking, and may be appropriate as the environment becomes more urbanized.

  To initiate this process, Deschutes County must request that a speed zone investigation be performed by ODOT. Given the proximity of the future city limits, a letter of support from the City of Bend is recommended as well. The request must be submitted to the ODOT Traffic-Roadway Section and must ultimately be approved by the State Traffic-Roadway Engineer. A speed zone investigation should be conducted after installation of the interchange improvements or as the area becomes more urbanized to allow the surrounding environment to influence people to drive more slowly.

  In addition, high travel speeds on Knott Road approaching the northbound ramps have been expressed as an existing safety hazard. The interchange improvements, including the construction of a roundabout (or traffic signal) at the northbound ramps, may naturally result in lower travel speeds approaching this area. However, if the problem persists, other speed reduction measures, such as radar speed feedback signs, should be considered.

- **Maintain and enhance evacuation routes for southwest and southeast communities**. Baker Road is currently identified as a Project Wildfire Evacuation Route and serves as one of the few routes out of the Deschutes River Woods neighborhood. The function of the interchange as an evacuation route must be protected in the future, particularly during construction of the proposed improvements.
- **Add wayfinding signage when regional trails and trailheads are constructed.** A network of off-street trails are proposed in the IAMP area. These regional trails are expected to be used by visitors that may not be familiar with the area. Good wayfinding signage will help guide people walking and biking through the interchange area while taking full advantage of the low-stress features such as the separated paths, undercrossings at the northbound ramps, and signalized crossings at the southbound ramps. Wayfinding signage within the interchange area should be designed, implemented, and maintained by ODOT unless another agreement is made.
- **Manage the new interconnected traffic signals on Baker Road at the US 97 southbound ramps and Cinder Butte Road to prioritize safety.** Decisions about appropriate signal timing may involve trade-offs where some delay may be incurred in an effort to provide safe travel. This could involve issues such as safely clearing vehicle queues on the southbound exit ramp or from the railroad crossing, providing safe access for people walking and biking to the transit stop and multi-use paths, and implementing special timing to accommodate evacuation needs as they arise. When making signal timing decisions, the primary objective will be to provide for safe operation, with a secondary objective of minimizing delay. While the signalized intersections include both State and County facilities, it is anticipated that ODOT will have authority over signal operations and will have maintenance responsibilities. This strategy would also be applicable to the US 97 northbound ramp if a signal was desired at that intersection.
- **Maintain the ability to safely and conveniently accommodate transit access.** The current cul-de-sac at the end of Baker Court provides for the ability to turn buses around when arriving at the bus stop adjacent to the County Store property. Should any future development occur on the property south of the store, or should any other changes occur that would alter the use and design of the cul-de-sac, the ability of buses to safely and conveniently access the bus stop must be accommodated. As the road authority, Deschutes County will make decisions involving the design and management of Baker Court. In addition, if a future trailhead was constructed on the east side of the interchange, consideration should be given to transit access and to accommodate a transit stop and the ability for transit vehicles to turn around at the trailhead.

In addition to the management strategies described above, the potential influence of future City and County streets on traffic circulation through the interchange was considered to determine if a specific plan for phasing such improvements should be implemented. City of Bend's Transportation System Plan identifies several local street improvements near the area that could influence the US 97/Baker Road interchange. Two of the major projects include the China Hat Road Overcrossing project and the US 97/China Hat Road/Ponderosa Street right-on, right-off closure project. There are also several new roadway connections proposed in the "thumb" (area between US 97, Knott Road, and China Hat Road) and SE Area (area between 15th Street, Knott Road, 27th Street and Ferguson Road) to help accommodate planned growth in the area.

Technical Memorandum #4: Future Baseline (No-Build) Operational Conditions documents a sensitivity analysis indicating that the China Hat Road Overcrossing Project is critical to serving future demand in the "thumb" area by limiting traffic increases on Parrell Road and reducing traffic impacts to the US 97/Baker Road interchange. The sensitivity tests indicate that while keeping the right-on, right-off access at US 97/China Hat Road/Ponderosa Street open does relieve some traffic stress from the US 97/Baker Road interchange (particularly the northbound on-ramp), the minor benefits at the US 97/Baker Road interchange would not offset the negative operational impacts to China Hat Road and US 97 under full development conditions in the "thumb."

Based on the sensitivity analysis, there is no critical link between the timing of the need for interchange improvements and the need for local street network improvements at US 97/China Hat Road/Ponderosa Street. Therefore, local street improvements can occur either before or after the US 97/Baker Road interchange improvements.

CHAPTER 6. IAMP IMPLEMENTATION AND ADOPTION

To implement the IAMP, *Technical Memorandum #8: Potential Management Actions* in Volume 2 documents potential management actions/strategies and implementing agencies. The following sections summarize the key implementation steps that are needed related to zoning and land division ordinances and funding strategies.

ZONING AND LAND DIVISION ORDINANCES

- The US 97 Baker Road IAMP is considered a refinement to Deschutes County's adopted TSP. It provides background documentation and the preferred improvements within the study area to meet the identified existing and future needs for travelers going through and heading to the area. Once adopted, the IAMP will serve as a refinement to the TSP, identifying the needed local roadway enhancements in the study area that will guide future planning decisions.
  - The IAMP recommendations may be reflected in the updated TSP, but the County and ODOT will rely on the IAMP document as the policy foundation for and guidance on future actions related to funding, design, and construction of needed transportation improvements. In recognition of this role, the IAMP will be adopted by the County as a legislative amendment to the adopted Comprehensive Plan.[27]
  - Similarly, ODOT will adopt the IAMP as a refinement to the Oregon Highway Plan.
- Note that no modifications to the Deschutes County Development Procedures are necessary to implement the IAMP.
- Due to the location of the IAMP study area within the Bend Metro Planning Organization (MPO) boundaries and its proximity to Bend's Urban Growth Boundary and areas expected to urbanize in the next 20 years, the Bend Metropolitan Transportation Plan (MTP) also needs to be consistent with IAMP recommendations. Updates to the MTP were recently adopted in September 2024, which included new project descriptions for Phases 1 and 2 of the US 97 Baker Road interchange improvements consistent with those documented in this IAMP. Therefore, no further action is required.

FUNDING STRATEGIES

The US 97/Baker Road interchange area has significant safety and operational deficiencies under existing conditions that will be exacerbated as substantial future growth occurs to the east. A US 97 interchange improvement at Baker Road is included in the current Bend MTP aspirational project list but no funding has been currently identified for the improvements. Therefore, ODOT, Deschutes County, and the City of Bend should consider cooperative funding strategies that will allow for the construction of improvements in a manner that is timely for supporting future development.

[27] Note that the timing of IAMP adoption may precede, coincide with, or succeed the County's adoption of the updated TSP, also a legislative action. If IAMP adoption occurs after the County's adoption of the updated TSP, ODOT must submit a land use application for a plan amendment and carry the plan forward through public hearings before the Planning Commission and Board of County Commissioners.

While this IAMP does not include funding commitments from any party, recognizing that approximately two-thirds of the weekday p.m. peak hour trips through the interchange in the horizon year of 2040 will be from new growth, consideration should be given to implementing funding strategies that recover costs from development such as a proportionate share improvement district or a supplemental system development charge.

BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: December 1, 2025

SUBJECT: Work Session - Consideration of Document No. 2025-935 – Improvement Agreement for Phase E1 of the Caldera Springs Destination Resort (

RECOMMENDED MOTION:
N/A--work session in preparation of Board signature on Document No. 2025-935. This item is scheduled as a Consent Item for December 3, 2025.

BACKGROUND AND POLICY IMPLICATIONS:
Please see attached staff memo.

BUDGET IMPACTS:
None.

ATTENDANCE:
Haleigh King – Senior Planner

COMMUNITY DEVELOPMENT

MEMORANDUM

To: Deschutes Board of County Commissioners ("Board")

From: Haleigh King, Senior Planner

Date: November 25, 2025

Re: Work Session - Improvement Agreement for Phase E1 of the Caldera Springs Destination Resort Expansion (County File No. 247-25-000570-IA)

The Board will conduct a work session on December 1, 2025, regarding an Improvement Agreement associated with the Caldera Springs Destination Resort. Staff anticipates the Improvement Agreement will return as a Consent Item on December 3, 2025, for Board signature of Document No. 2025-935.

Background and Summary

Phase E of the Caldera Springs Destination Resort expansion includes two subdivisions. The first is an 86-lot residential subdivision approved pursuant to land use file number 247-25-000291-TP. The second is a 38-lot Overnight Lodging Unit ("OLU") subdivision approved pursuant to land use file number 247-25-000292-TP. The applicant is proposing to complete the final plat requirements for Phase E within two sub-phases, Phase E1 and E2. The applicant has submitted the final plat for Phase E1 which includes 40 single-unit residential lots and nine (9) OLU lots which will include a total of 18 OLUs.

Before the developer can record the final plat for the Phase E1 subdivisions, they have requested County authorization of an Improvement Agreement related to the infrastructure costs associated with the roads and utilities for the Phase E1 subdivision, both the single-unit residential and OLU subdivisions.

See Figure 1 and 2 below.

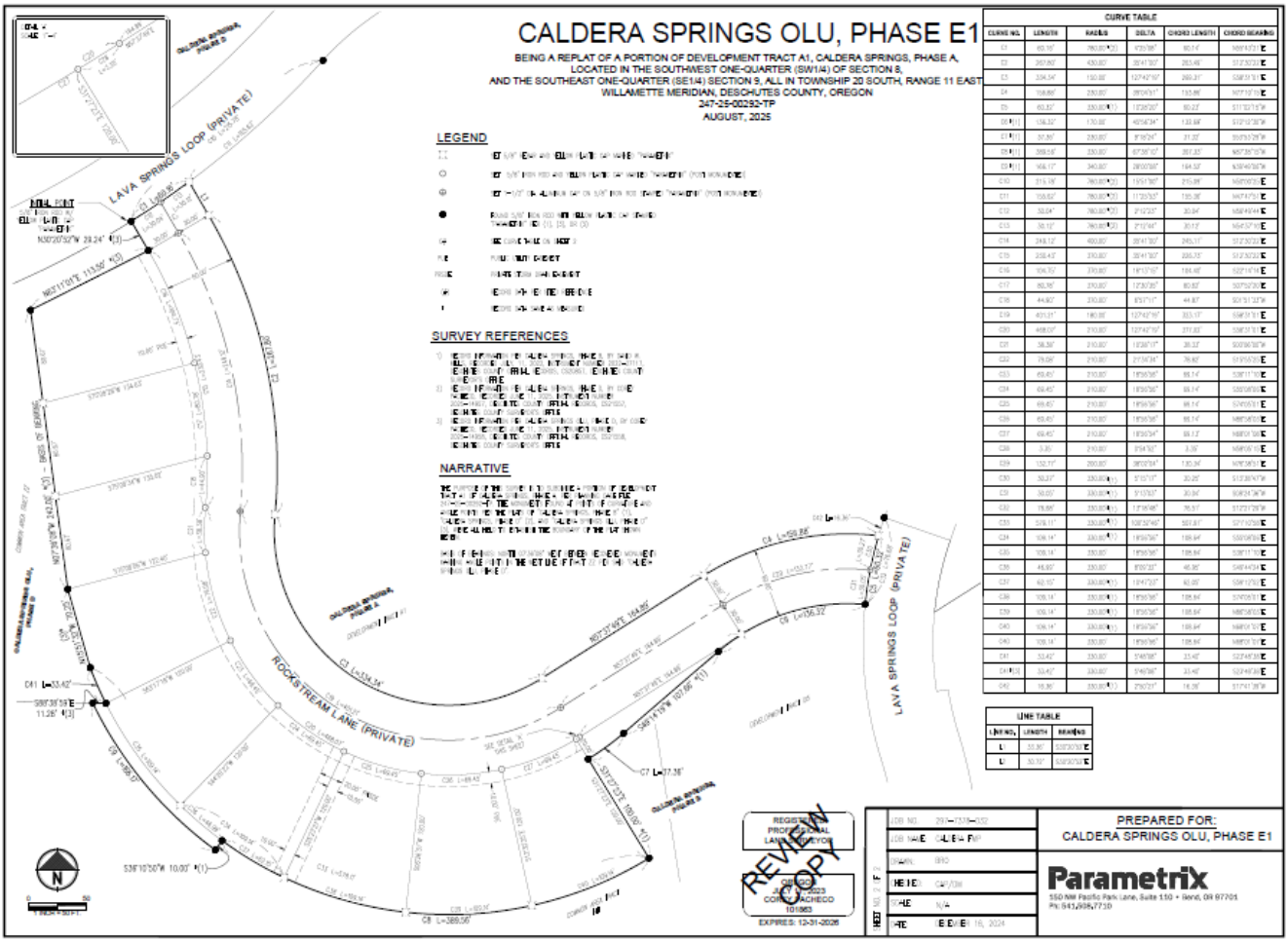


Figure 1. Phase E1 – OLU Subdivision (Source: Parametrix)

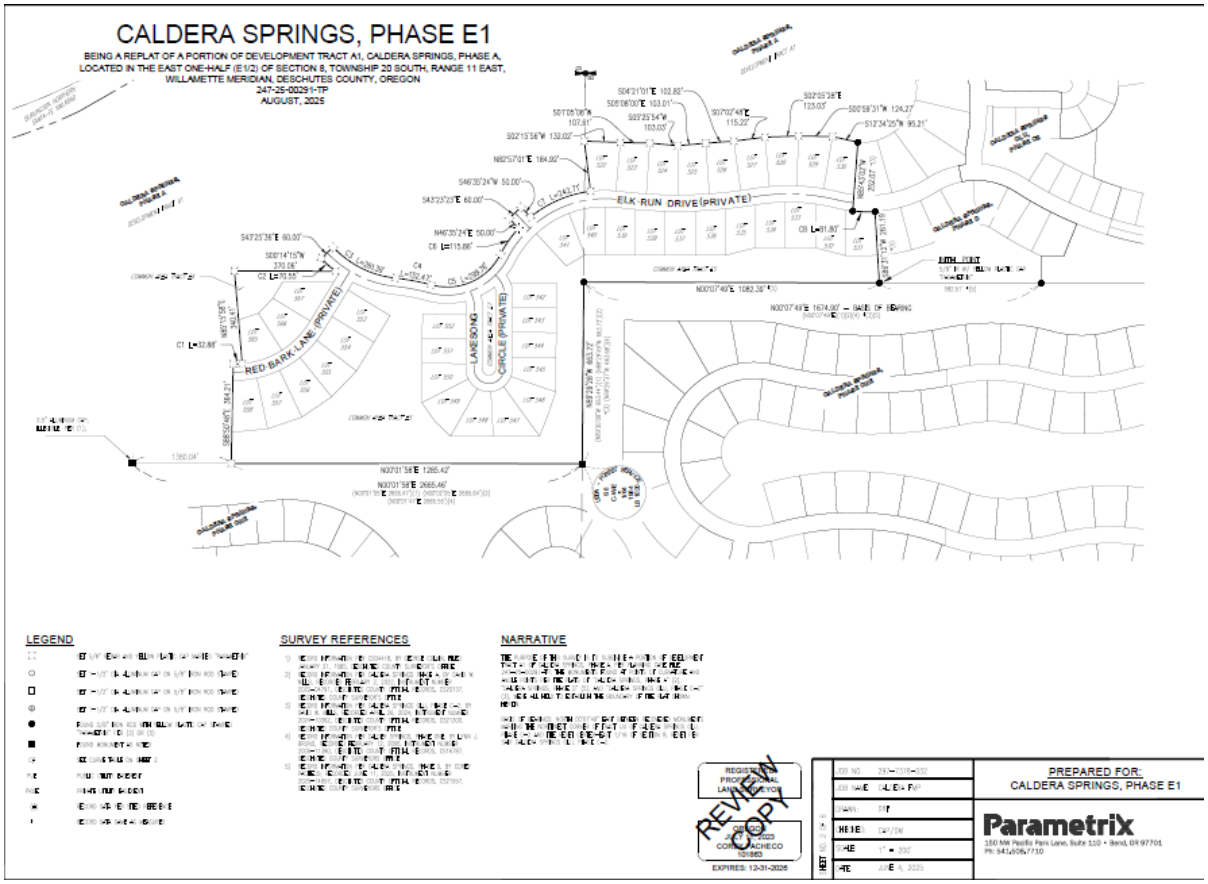


Figure 2. Phase E1 – Single-Family Residential Subdivision (Source: Parametrix)

Attachment A includes the Improvement Agreement and supporting documents in their entirety. The cost estimate was reviewed and approved by the County Road Department and is for the amount of $3,628,792.88.

Per Deschutes County Code 17.24.130(B), the security amount must be 120 percent of the cost estimate. For this reason, the bond submitted by the developer for Phase E1 is in the amount of **$4,354,552**.

Next Steps

Staff anticipates the Improvement Agreement will return as a Consent Item on December 3, 2025, for Board signature of Document No. 2025-935.

Attachment:

A. Document No. 2025-935: Improvement Agreement for Caldera Springs Expansion – Phase E1

REVIEWED

_____

LEGAL COUNSEL

For Recording Stamp Only

After Recording Return to:
Deschutes County
Community Development Department
117 NW Lafayette Ave.
Bend, OR 97703

IMPROVEMENT AGREEMENT

This Improvement Agreement ("Agreement"), relating to the construction and installation of certain required improvements (the "Required Improvements," as defined below in Section 4) within the plat of Caldera Springs, Phase E1 and the plat of Caldera Springs OLU, Phase E1, located in the Caldera Springs Destination Resort is by and between DESCHUTES COUNTY, OREGON, a political subdivision of the State of Oregon ("County") and Caldera Springs Real Estate LLC ("Developer").

RECITALS:

A. Developer filed applications for final subdivision plat approval for the tentative subdivision plans approved under File Nos. 247-25-000291-TP and 247-25-000292-TP (the "Land Use Approvals") prior to the completion of the Required Improvements.

B. Deschutes County Code (DCC) Section 17.24.120 provides that a developer may, in lieu of completing improvements specified in tentative plan approval prior to filing a final subdivision plat, enter into an agreement with the County and provide a good and sufficient form of security to provide for the completion of such improvements.

C. The Required Improvements under this Agreement do not constitute a Public Improvement as the term is defined in ORS 279A.010(1)(cc).

D. County and Developer desire to enter into this Agreement in order to establish the obligation and to secure completion of the Required Improvements following recording of the final plats for the Land Use Approvals.

NOW THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES above mentioned, for and in consideration of the mutual obligations hereinafter stated, as follows:

1. Recitals. The Recitals to this Agreement set forth above are hereby incorporated herein as if fully set out, shall constitute contractual provisions and are not mere recitals.

2. Real Property Description. The real property subject to this Agreement (the "Real Property") is identified as a portion of Map and Tax Lot 2011080002500 and more particularly described on the attached Exhibit A. This Agreement shall be recorded against and shall encumber the Real Property and every developable unit of land lawfully created from the Real Property (each, a "Lot") subject to Section 20 below.

3. Exhibits. The exhibits listed below and attached to the Agreement are hereby incorporated herein by reference:

3.1 Exhibit A -- Legal description of Real Property.

3.2 Exhibit B -- List of Required Improvements.

3.3 Exhibit C – Copy of Land Use Approvals.

3.4 Exhibit D - Bond Instrument.

4. Identification of Required Improvements. Developer shall install and complete, or cause to be installed and completed, the improvements listed in Exhibit B and required by the Tentative Plan set forth in Exhibit C to the extent that same remain to be completed (the "Required Improvements").

5. Construction of Required Improvements.

5.1 Developer shall install and complete the Required Improvements in accordance with the plans and construction specifications related thereto and to any additional County and/or State of Oregon specifications or applicable regulations. Developer shall cause the Required Improvements to be completed in compliance with the applicable codes, regulations, and laws then in effect.

5.2 Developer shall promptly repair any damage to existing and new roads, water lines, stormwater facilities, and similar facilities within and without the Real Property, which are caused by the installation of the Required Improvements.

5.3 Developer shall schedule final inspections and shall have the Required Improvements in a condition determined by County to be sufficient not later than one year from the date the final plat is recorded (the "Completion Date"). For purposes of calculating the warranty of improvements under Section 6.1 below, the "Completion Date" shall be the date upon which the County has performed all final inspections of and approved the Required Improvements.

6. Warranty of Improvements.

6.1 For twelve (12) months following the Completion Date ("Warranty Period") Developer hereby warrants that (i) the Required Improvements, and any corrective work, shall remain free from defects in materials or workmanship, (ii) the Required Improvements shall continue to meet all plan and construction specifications (iii) that the Required Improvements shall continue to meet any County and/or State of Oregon specifications or applicable regulations as noted in Section 5.1.

6.2 If the warranty obligations set forth in Section 6.1 are not satisfied, County will provide notice to Developer of any required corrective work and a reasonable timeframe in which the corrective work must be initiated and completed. Notwithstanding the foregoing, County may initiate corrective work without notice to Developer in the event of an emergency.

6.3 To secure warranty obligations pursuant to DCC 17.24.120(A)(5) and this Section 6, upon completion of the Required Improvements and prior to the Developer scheduling a final inspection pursuant to Section 5.3, Developer shall deposit with the County a one-year warranty bond, or other security acceptable to County, equivalent to ten percent (10%) of the construction costs of such Required Improvements ("Warranty Security").

6.4 If Developer fails to timely initiate or complete work as provided in Section 6.2, or in the event of an emergency, County may draw upon the Warranty Security during the Warranty Period to perform the corrective work in the same manner as Section 8.4.

7. License to Enter and Remain on Property.

7.1 During the term of this Agreement, Developer hereby grants County and County's employees, engineers, consultants, agents, contractors, subcontractors and suppliers license to come onto and remain on the Real Property as necessary to make inspections of the Required Improvements.

7.2 After the Default Grace Period specified in Section 8.2 or to correct an issue during the Warranty Period specified in Section 6.2, and after providing notice to Developer, County or its employees, engineers, consultants, agents, contractors, subcontractors and suppliers may enter onto and remain on the Real Property and may cause the Required Improvements to be completed.

8. Right to Draw on Security.

8.1 Upon failure of the Developer to complete the Required Improvements as required under Section 5.3 above by the Completion Date, County shall notify Developer in writing of such failure (the "Default Notice").

8.2 Upon receipt of the Default Notice, Developer shall have thirty (30) days to complete the Required Improvements to the condition required under Section 5 (the "Default Grace Period").

8.3 Should Developer fail to complete the Required Improvements within the Default Grace Period, County may, at its sole discretion, cause incomplete or unsatisfactory Required Improvements to be completed.

8.4 If County causes the Required Improvements to be completed, County may draw upon the Security for any and all costs and expenses incurred by County including, but not limited to, attorneys and engineering fees, and costs and expenses reasonably anticipated or projected by the County to be incurred by the County, in construction and/or completion of the Required Improvements.

8.5 If County affirmatively elects (with written documentation of same signed by the Chair of the Board of County Commissioners) not to cause the Required Improvements to be completed, County shall within 180 days cause the Security to be released to Developer.

8.6 For the purposes of this Agreement and access to any security offered and accepted to secure Developer's performance, Developer's failure to complete the Required Improvements shall include failure to install or have installed any portion of the Required Improvements to the standards required under Section 5 above.

9. No County Guarantee. County does not warrant or guarantee that any of the Required Improvements referred to in this Agreement will be constructed, maintained or operated.

10. License to Use Permits, Specifications and Plans.

10.1 If County determines that any portion of the Required Improvements have not been completed as required by Section 5 above or remain free of defects during the Warranty Period as required by Section 6, Developer shall, upon request of the County, license and assign to County all of Developer's, applicable permits, plans, specifications, shop drawings, instruments, permits and approvals, and other documents necessary or useful in the completion or repair of or related in any manner to the applicable Required Improvements.

10.2 Developer shall ensure that any contracts for supply of labor and materials used in connection with constructing Required Improvements are assignable to the County.

10.3 Upon such request, Developer shall deliver or shall cause to be delivered, physical possession of such permits, plans, specifications, shop drawings, instruments, permits, approvals, and other documents to the County.

10.4 County may sub-assign or license the rights referred to in this Section 10 for any purpose without further approval from Developer.

11. No Third-Party Beneficiaries.

11.1 County and Developer are the only parties to this Agreement and are the only parties entitled to enforce its terms.

11.2 Nothing in this Agreement gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons.

12. Restoration of Monuments. Developer shall restore any monument erected or used for the purpose of designating a survey marker or boundary of any town, tract, plat or parcel of land that is broken, damaged, removed or destroyed, during the course of work provided for or anticipated by this Agreement, whether intentional or otherwise, by the Developer or Developer's agents, employees, independent contractors, or persons or entities other than County.

13. Costs of Inspection. Developer shall pay to County the actual costs incurred by County in the inspection of the completed Required Improvements plus any fees, such as legal review fees, plan review fees and structural, electrical, plumbing and other specialty codes inspection fees normally associated with the review and inspection of any improvements on the Real Property.

14. Security for Required Improvements.

14.1 Attached as Exhibit D is a copy of a performance bond in the amount of Four Million Three Hundred Fifty-Four Thousand Five Hundred Fifty Two dollars and no/100 ($4,354,552.00). The Security covers 120% of cost to complete the Required Improvements.

14.2 As used herein, the issuer of the Security is referred to as "Surety."

14.4 Cost Notice Update

14.4.1 County, in reasonable intervals, may require the Developer to provide an updated construction cost estimate for the then remaining Required Improvements (the "Cost Update Notice").

14.4.2 Upon receipt of the Cost Update Notice, the Developer shall have thirty (30) days to provide the updated construction cost estimate (the "Developer's Response").

14.4.3 Upon receipt of the Developer's Response, or if no Response is received within the thirty (30) day period, if the County reasonably determines that the Developer's obligations under this Agreement together with the Security do not provide adequate financial assurance for completion of the Required Improvements, the County shall have the option to require

Developer to increase the amount of the Security and to memorialize such increase in an amendment to this Agreement (the "Security Amendment").

14.4.4 If the County requires Developer to increase the amount of the Security, Developer shall also file the application fees and materials to amend this Agreement to memorialize the Security Amendment within thirty (30) days of receipt of the County's notice to increase the Security.

14.4.5 If Developer fails or refuses to increase the amount of Security as directed by the County, such failure or refusal shall be considered failure of the Developer to complete the Required Improvements as required under Section 5 and the County may draw upon the Security pursuant to Section 8.

15. Developer's Obligation for Costs.

15.1 Developer expressly acknowledges, understands, and agrees that this Agreement shall not relieve Developer from the obligation to complete and fully pay for the Required Improvements, to warranty those Required Improvements, and other costs and fees set forth in this Agreement.

15. 2 Should Developer default in its obligation to complete the Required Improvements as required by Section 5 or warranty those Required Improvements as required by Section 6, Developer agrees to compensate County for all costs, fees, charges and incurred expenses related to Developer's default.

16. Release of Security or Obligation.

16.1 County shall release the Security less any Warranty Security within thirty (30) calendar days of Developer requesting in writing that the Security be released following the final inspection and approval of the Required Improvements. County shall release the Warranty Security within thirty (30) calendar days of the Developer requesting in writing that the Warranty Security be released following the Warranty Period.

16.2 County may, at the County's discretion and consistent with applicable law, release Developer from any of Developer's obligations under the terms and conditions of this Agreement.

16.3 County's release of any of Developer's obligations shall not be construed as a waiver of County's right to require full compliance with the remainder of this Agreement and Developer's obligation to satisfy any costs, fees, charges and expenses incurred in completion or repair of the Required Improvements.

17. Shortfall in Security.

17.1 If the amount available to be drawn from the Security or Warranty Security is less than the costs and expenses anticipated to be incurred, or actually incurred, by County, including, but not limited to, attorneys and engineering fees, County may apply the proceeds of the Security or Warranty Security to the anticipated or actual costs and expenses of completion or repair of the Required Improvements.

17.2 Developer shall be responsible and liable for any shortfall between the actual costs and expenses of completion or repair of the Required Improvements, including, but not limited to, attorneys and engineering fees, and the amount of the Security or Warranty Security available to fund such costs and expenses.

18. Incidental Costs. Without limiting the generality of Section 17, if the proceeds of the Security or Warranty Security are not remitted to County within the timeframe set forth in the Security or Warranty Security after County provides written notice to Surety in the form prescribed by the Surety, or the Required Improvements are not installed within a reasonable time period determined and specifically identified by County after County provides notice to Developer and/or Surety, then County's costs of completing and/or repairing the Required Improvements, the costs of obtaining the proceeds of the Security, Warranty Security, or other security, all incidental costs to the extent not covered by the Security, Warranty Security, or other security, and liquidated damages calculated at the rate of $500 per day shall be added to the amount due to County from Developer, and shall be paid to County by Developer, in addition to and with all other amounts due hereunder.

19. Successors in Interest.

19.1 The original of this Agreement shall be recorded with the Deschutes County Clerk and shall be a condition and covenant that shall run with the Real Property including any lots created from the Real Property (each a "Lot").

19.2 It is the intent of the parties that the provisions of this Agreement shall be binding upon the parties to this Agreement, and subject to the terms contained in Section 20, their respective successors, heirs, executors, administrators, and assigns, and any other party deriving any right, title or interest in or to the Real Property or any Lot, including any person who holds such interest as security for the payment of any obligation, including a mortgagee or other secured party in actual possession of said Real Property by foreclosure or otherwise or any person taking title from such security holder.

20. Lot Purchasers.

20.1 Notwithstanding the terms of Section 19, the terms of this Section 20 shall apply to each Lot lawfully created from the Real Property in accordance with the Land Use Approvals.

20.2 Each Lot shall be conveyed free of any obligation to pay money or complete any obligation arising from or related to this Agreement.

20.3 The owner of a Lot, other than Developer, is under no obligation or burden to complete the terms and conditions of this Agreement.

20.4 The purpose for the recordation of this Agreement is to place owners and prospective purchasers on notice of the Agreement's terms, that the County has no obligation to construct the Required Improvements or any portion of the Required Improvements, and the Agreement does not in any way guarantee that any of the Required Improvements will be constructed.

20.5 The Agreement conveys no right or right of action by a Lot owner, other than Developer, against the County for any act or omission of the County including, but not limited to, County decisions or acts that required or authorized the Required Improvements, or any part of the Required Improvements, not being constructed.

21. Binding Authorization. By signing this Agreement, each signatory signing in a representative capacity, certifies that the signer is authorized to sign the Agreement on behalf of and bind the signer's principal.

22. Expiration.

22.1 This Agreement shall expire after the conclusion of the Warranty Period, or by the County's express written release of Developer from this Agreement.

22.2 Upon expiration, County shall provide Developer with a document in recordable form, formally evidencing such expiration and release within thirty (30) days of such a request from Developer.

23. Survival. County's rights under this Agreement, including County's right to draw upon the Security or Warranty Security in whole or in part, and Developer's obligation to pay the full costs and expenses of completing the Required Improvements and repairs or replacements required herein along with any licenses granted in this Agreement and any costs of enforcement of this Agreement, shall survive the expiration of this Agreement.

24. No Agency.

24.1 It is agreed by and between the parties that Developer is not carrying out a function on behalf of County, and County does not have the right of direction or control of the manner in which Developer completes performance under this Agreement nor does County have a right to exercise any control over Developer's activities.

24.2 Developer is not an officer, employee or agent of County as those terms are used in ORS 30.265.

25. No Joint Venture or Partnership. County is not, by virtue of this Agreement, a partner or joint venturer with Developer in connection with the Site Plans, the Required Improvements, the Real Property, or any Lot and shall have no obligation with respect to Developer's debts, obligations or other liabilities of each and every nature.

26. Liens.

26.1 Developer shall pay as due all claims for work done on and for services rendered or materials furnished to the Real Property and shall keep the Real Property free from liens.

26.2 If Developer fails to pay any such claims or to discharge any lien, County may do so and collect the cost plus ten percent (10%) from the Developer or Surety; provided, however, County may not pay such claims or discharge any lien while Developer is timely disputing the validity of such claims or liens.

26.3 Such action by County shall not constitute a waiver of any right or remedy that County may have on account of Developer's failure to complete the Required Improvements or failure to observe the terms of this Agreement.

27. Indemnification. The County shall not be responsible for any injury to any and all persons or damage to property caused directly or indirectly by reason of any and all activities (including inaction) of Developer under this Agreement and on the Real Property; Developer further agrees to defend, indemnify and save harmless County, its officers, agents and employees from and against all claims, suits, actions, damages, costs, losses and expenses in any manner resulting from, arising out of, or connected with any such injury or damage.

28. Limitation of Liability. County's liability, if any, pursuant to this Agreement is subject to the Oregon Tort Claims Act, ORS 30.260 to 30.300.

29. Attorney Fees and Costs. In the event an action or suit or proceeding, including appeal therefrom, is brought by any party arising directly and/or indirectly out of the provisions of this Agreement or the interpretation thereof, for Developer's failure to complete the Required Improvements or to observe any of the terms of this Agreement or the interpretation thereof, County shall be entitled to recover, in addition to other sums or performances due under this Agreement, reasonable attorney's fees and costs as the court may adjudge in said action, suit, proceeding or appeal.

30. Waiver.

30.1 Waiver of the strict performance of any provision of this Agreement shall not constitute the waiver of any other provision or of the Agreement.

30.2 No waiver may be enforced against the County unless such waiver is in writing and signed by the County.

31. Compliance with provisions, requirements of Federal and State laws, statutes, rules, regulations, executive orders and policies. Debt Limitation.

31.1 This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution.

31.2 Any provisions herein that conflict with applicable law, including but not limited to DCC 17.24.120 and 17.24.130, are deemed inoperative to that extent.

31.3 Additionally, Developer shall comply with any requirements, conditions or limitations arising under any Federal or State law, statute, rule, regulation, executive order and policy applicable to the Required Improvements.

31.4 If this Agreement is in any manner construed to constitute the lending of the County's credit or constitute a debt of County in violation of Article XI, Section 10, of the Oregon Constitution, this Agreement shall be void.

32. No Inducement. No representations, statements, or warranties have induced the making and execution of this Agreement other than those herein expressed.

33. Governing Law.

33.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.

33.2 Any claim, action, suit or proceeding (each a "Claim") between County and Developer that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Deschutes County for the State of Oregon; provided, however, if a Claim shall be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon in Eugene, Oregon.

33.3 By signing below, Developer hereby consents to the *in personam* jurisdiction of the courts identified in Section 33.2.

33.4 The parties agree that the UN Convention on International Sales of Goods shall not apply.

34. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be void, invalid or unenforceable in one respect, the validity of the term or provision in any other respect and that of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced to the extent possible.

35. Counterparts.

35.1 This Agreement may be executed in several counterparts, all of which when taken together shall constitute one Agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart.

35.2 Each copy of this Agreement so executed shall constitute on original.

35.3. If this Agreement is signed in counterpart, each counterpart shall be recorded as provided herein for the recording of this Agreement.

36. Notice.

36.1 Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing to Developer or County at the address or fax number set forth below or to such other addresses or fax numbers as either party may hereafter indicate in writing.

36.2 Delivery may be by personal delivery, facsimile, or mailing the same, postage prepaid.

36.2.1 Communication or notice by personal delivery shall be deemed delivered when actually given to the designated person or representative.

36.2.2 Any communication or notice sent by facsimile shall be deemed delivered when the transmitting machine generates receipt of the transmission.

36.2.3 To be effective against County, such facsimile transmission shall be confirmed by telephone notice to County's Director of Administrative Services.

36.2.4 Any communication or notice mailed shall be deemed delivered five (5) days after mailing. Any notice under this Agreement shall be mailed by first class mail or delivered as follows:

To Developer:

Caldera Springs Real Estate LLC
PO Box 3609
Sunriver, Oregon 97707
Attn: Thomas Samwel

To County:

Deschutes County Administration
County Administration
1300 NW Wall Street, Ste 200
Bend, Oregon 97703
Fax No. 541-388-4752

37. Time is of the Essence. Time is of the essence of each and every provision of this Agreement.

38. Captions.

38.1 The captions contained in this Agreement were inserted for the convenience of reference only.

38.2 Captions do not, in any manner, define, limit, or describe the provisions of this Agreement or the intentions of the parties.

39. Amendment.

39.1 The Agreement may only be amended by written instrument signed by both parties and recorded, except that an amendment shall not be recorded against any Lot other than Lots then owned by Developer.

39.2 For purposes of Section 39.1, the signatures of the County shall be the signatures of the Board of Commissioners, Board Chair, or County Administrator.

39.3 Developer shall make application and pay the applicable fee to bring a proposed amendment before the County.

40. Merger Clause. This Agreement and the attached exhibits constitute the entire agreement between the parties and supersedes any and all prior or contemporaneous negotiations and/or agreements among the parties, whether written or oral.

41. Effective Date. Notwithstanding mutual execution of this Agreement, this Agreement shall not become effective until recorded.

Signatures on Following Pages

Dated this _____ of _____, 2025

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

_____
ANTHONY DEBONE, Chair

_____
PATTI ADAIR, Vice-Chair

ATTEST:

_____
Recording Secretary

_____
PHIL CHANG, Commissioner

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared ANTHONY DEBONE, PATTI ADAIR, PHIL CHANG, , the above-named Board of County Commissioners of Deschutes County, Oregon and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this __ day of _____ , 2025

_____
Notary Public, State of Oregon

DATED this __ day of _____ , 2025 **DEVELOPER:**

Caldera Springs Real Estate LLC
By: Sunriver Resort Limited Partnership
Its: Member
By: Lowe Sunriver, Inc.
Its: General Partner

By:_____
Tom O'Shea, Managing Director

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Tom O'Shea, and acknowledged the foregoing instrument as the Managing Director of Lowe Sunriver, Inc. as General Partner of Sunriver Resort Limited Partnership, as Member of Caldera Springs Real Estate LLC on behalf of Caldera Springs Real Estate LLC.

DATED this __ day of _____ , 2025

_____
Notary Public, State of Oregon

EXHIBIT A
LEGAL DESCRIPTION

Lots 522 through 558, inclusive, and Lots 565 through 567, inclusive, Common Area Tracts E5, E6 and E7, and private street tracts Elk Run Drive, Lakesong Circle and Red Bark lane, CALDERA SPRINGS, PHASE E1, recorded on _____, 2025, in the real property records of Deschutes County as Document No. 2025-_____.

and

Lots 47 through 58, inclusive, and Lots 66 through 69, inclusive, Common Area Tracts E1 and E2, and private street tract Rockstream Lane, CALDERA SPRINGS OLU, PHASE E1, recorded on _____, 2025, in the real property records of Deschutes County as Document No. 2025-_____.

EXHIBIT B
Required Improvements

Caldera Springs Annexation - Phase E1
Cost Estimate
May 2, 2025 Plan Set (est date 8/21/25)

A — Water System

No.	Description	Total	Unit	Unit Price Bid	Total Price Bid
1	1" water services including corp stop, and meter boxes	53	Each	$2,660.00	$140,980.00
2	1" water service Hot Taps in Rock Stream Lane including corp stop, and meter boxes and Trench Patch	3	Each	$4,800.00	$14,400.00
3	6-inch Water Main Pipe with Fittings (with FH on large main, within acceptable distance of dwellings) and Couplings with Restrained Joints and Tracer Wire	105	Foot	$78.00	$8,190.00
4	10-inch Water Main, Fittings and Couplings, bends, tees with Restrained Joints as required and Tracer Wire	2,095	Foot	$116.00	$243,020.00
5	10-inch Butterfly Valves	6	Each	$3,950.00	$23,700.00
6	8-inch Water Main, Fittings and Couplings, bends, tees with Restrained Joints as required and Tracer Wire	2,176	Foot	$98.00	$213,248.00
7	8-inch GV	4	Each	$2,805.00	$11,220.00
8	Fire Hydrant Assembly including 10-inch x 6-inch & 8-inch x 6-Inch Tee,6-inch gate valve, and Fire Hydrant	7	Each	$11,600.00	$81,200.00
9	Blow-offs	2	Each	$2,800.00	$5,600.00
10	Chlorination, pressure testing, flushing, bacteria testing including 2" taps and 4" flushing fittings for all new pipe	1	Lump Sum	$9,500.00	$9,500.00
				A Subtotal	**$751,058.00**

B — Sewer System

No.	Description	Total	Unit	Unit Price Bid	Total Price Bid
1	Clearing for Cross-Country Sewer	1	Lump Sum	$14,600.00	$14,600.00
2	Furnish and install 8" gravity sewer mains, including trench excavation, bedding and backfill. 5' to 10' depth	4,683	Foot	$116.00	$543,228.00
3	Furnish and install 8" gravity sewer mains, including trench excavation, bedding and backfill. 10' to 15' depth	1,022	Foot	$204.00	$208,488.00
4	Furnish and install 8" gravity sewer mains, including trench excavation, bedding and backfill. 15' to 20' depth	0	Foot	$346.00	$0.00
5	Furnish and install 8" gravity sewer mains, including trench excavation, bedding and backfill. 20' to 25' depth	0	Foot	$440.00	$0.00
6	Manhole Tie-in over existing main in Caldera Phase 1, includes road restoration etc.	1	EACH	$24,000.00	$24,000.00
7	Furnish and install standard sewer manhole, 5-10' depth	27	Each	$5,500.00	$148,500.00
8	Furnish and install standard sewer manhole, 10-15' depth	7	Each	$7,700.00	$53,900.00
9	Furnish and install standard sewer manhole, 15-20' depth		Each	$14,850.00	$0.00
10	Furnish and install standard sewer manhole, 20-25' depth	0	Each	$18,000.00	$0.00
11	Furnish materials and install 4" gravity sewer service including tee trench excavation, bedding, and backfill. (0 to 10 foot depth) Include cleanout and Black/Green Cover.	1,651	Foot	$96.00	$158,496.00
12	Furnish materials and install 6" gravity sewer service including tee trench excavation, bedding, and backfill. (0 to 10 foot depth) Include cleanout and Black/Green Cover.	325	foot	$114.00	$37,050.00
13	Furnish materials and equipment, and test sewer.	5,700	Foot	$2.00	$11,400.00
				B Subtotal	**$1,199,662.00**

C	Dry Utilities (Best Estimate at this Time until Power/TV Conduit Plan is Provided)				
No.	Description	Total	Unit	Unit Price Bid	Total Price Bid
1	Franchise cable utility trench excavation, bedding, and backfill.	5,940	Foot	$56.00	$332,640.00
2	Furnish materials and install 2" Cable TV conduit.	8,960	Foot	$6.50	$58,240.00
3	Furnish materials and install 3" electrical conduit.	1,200	Foot	$11.00	$13,200.00
4	Furnish materials and install 4" electrical conduit.	11,200	Foot	$13.30	$148,960.00
5	Furnish materials and install 644 electrical vaults.	13	Each	$4,400.00	$57,200.00
6	Furnish materials and install 612 electrical vaults.	1	Each	$14,000.00	$14,000.00
				C Subtotal	**$624,240.00**

D	General Excavation, Embankment, Storm, and Roadway Construction				
No.	Description	Total	Unit	Unit Price Bid	Total Price Bid
1	Clearing & Stripping (Includes roadway and path. All slash & stumps to be piled in future phase with other existing slash and burned by Owner's Contractor)	1	Lump Sum	$55,800.00	$55,800.00
2	Compaction Testing (All Scopes of Earthwork & Pipe)	1	Lump Sum	$22,500.00	$22,500.00
3	Furnish and apply construction water.	1	Lump Sum	$65,000.00	$65,000.00
4	Unclassified excavation for roadways, including subgrade preparation.	8,400	Cubic Yards	$36.00	$302,400.00
5	Furnish materials and construct aggregate base course, 6" thickness for **Fire Truck Turnaround**	1,000	Square Yards	$11.00	$11,000.00
6	Furnish materials and construct aggregate base course, 6" thickness for streets	11,400	Square Yards	$11.00	$125,400.00
7	Furnish material and construct 3" asphaltic concrete pavement for streets.	9,585	Square Yards	$19.50	$186,907.50
8	Furnish and install catch basin.		Each	$2,800.00	$0.00
9	Furnish and install 18" CMP culvert pipe.		Foot	$120.00	$0.00
10	Drainage Swale	2,700	Foot	$16.00	$43,200.00
				D Subtotal	**$812,207.50**

E	Multi-Use Path Construction				
No.	Description	Total	Unit	Unit Price Bid	Total Price Bid
1	Unclassified excavation for bike paths, including subgrade preparation.	265	Cubic Yards	$36.00	$9,540.00
2	Furnish materials and construct aggregate base course, 6" thickness for paths. (includes path repair over X-Country Sewer)	500	Square Yards	$12.00	$6,000.00
3	Furnish materials and construct 2" asphaltic concrete pavement for paths. (includes path repair over X-Country Sewer)	500	Square Yards	$15.00	$7,500.00
4	Stamped Asphalt Crosswalks	1	Each	$3,500.00	$3,500.00
5	Furnish materials and construct 3" asphaltic concrete pavement for paths.	0	Square Yards		$0.00
6	Furnish materials and construct soft paths.		Square Yards	$6.00	$0.00
				E Subtotal	**$26,540.00**
Total Items A-E					**$3,413,707.50**

F	Mobilization/General Conditions/Management				
No.	**Description**	**Total**	**Unit**	**Unit Price Bid**	**Total Price Bid**
1	Mobilization/General Conditions/Management (5%)	1	Lump Sum	$170,685.38	$170,685.38
2	Construction Staking	1	Lump Sum	$44,400.00	$44,400.00
				F Subtotal	**$215,085.38**
Project Total Items A-F					**$3,628,792.88**

Exclusions: Power Company Service Contract, Natural Gas Service Contract, Deschuts County Land-Use Fees, State of Oregon Plan Review and Permit Fees, Civil Engineering and Surveying, Construction Surveying, Construction Mobilization, Clearing and Grubbing Including Disposal, Clean Up Ladder Fuels and Downed Trees, Clearing and Grubbing Including Disposal for Pathway Construction, Common Area Landscaping, Stormwater Retention Ponds, Site Landscaping, Security Gates, Entry Monumentation, Architectural Fees, Administration, Real Estate Taxes, Including Deferred Taxes, Real Estate Fees, Legal Fees, Borrowing Fee, and Interest Expense, Tennis Courts, Pools, Resort Start-up and Operations,Convention or Meeting Rooms, Restaurants, Overnight Accommodations, Recreational Facilities, Commercial Facilities, Driveways, Sewage Treatment and Disposal, Domestic Water Off-site source and storage facilities , Snow Removal, Bond

**Parametrix Plan Sheet C7.00 General Note 1, JRS will not be field measuring or re-aligning the drainage. EOR is responsible for shooting existing ground and engineering storm water features per the existing conditions and in a manner to match their roadway design.

General Note 1 on Sheet C7.10, again any changes to the storm water design should be made at the discretion of the EOR. JRS is not responsible for alterations to the Construction Documents and will build from the approved plan set. JRS assumes EOR will take adequate field survey to document existing conditions to ensure design is adequate and functional.

**Excludes any remediation of vegetation over cleared areas.

EXHIBIT C
Land Use Approvals

FINDINGS & DECISION

FILE NUMBER: 247-25-000291-TP

SUBJECT PROPERTY/ OWNER/APPLICANT:

Mailing Name: CALDERA SPRINGS REAL ESTATE LLC
Map and Taxlot: 2011080002500
Account: 285002
Situs Address: **NO SITUS ADDRESS**

Mailing Name: CALDERA SPRINGS REAL ESTATE LLC
Map and Taxlot: 2011090000100
Account: 285008
Situs Address: 18300 LAVA SPRINGS LP, BEND, OR 97707

APPLICANT'S REPRESENTATIVE: Radler White Parks & Alexander, LLP

REQUEST: The applicant seeks tentative plan approval of Caldera Springs Phase E, an 86-lot[1] residential subdivision.

The applicant filed a Final Master Plan ("FMP") application with the County in April, 2021, (File No. 247-21-000388-M), and a Modification of Application on May 27, 2021, (File No. 247-21-000528-MA). The applications were referred to a public hearing, which was held on June 22, 2021. The FMP was approved on August 10, 2021.

STAFF CONTACT:

Haleigh King, Senior Planner
Phone: 541-383-6710
Email: Haleigh.King@deschutes.org

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

[1] Staff notes the first page of the application form indicates 97 lots. This is a typo. 86 lots are proposed.

I. APPLICABLE CRITERIA

Title 17 of the Deschutes County Code, the County Subdivision/Partition Ordinance
- Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans
- Chapter 17.36, Design Standards
- Chapter 17.44, Park Development
- Chapter 17.48, Design and Construction Specifications

Title 18 of the Deschutes County Code, the County Zoning Ordinance:
- Chapter 18.40, Forest Use Zone (F2)
- Chapter 18.80, Airport Safety Combining Zone (AS)
- Chapter 18.88, Wildlife Area Combining Zone (WA)
- Chapter 18.113, Destination Resorts Zone (DR)
- Chapter 18.116, Supplementary Provisions

Title 22, Deschutes County Development Procedures Ordinance

Oregon Revised Statutes (ORS)
- Chapter 92 — Subdivisions and Partitions

II. BASIC FINDINGS

LOT OF RECORD: The annexation property is a lot of record pursuant to the Board of County Commissioners ("Board") decision in PA-10-7, ZC-10-5. This finding was confirmed by the Hearings Officer ("HOff") in 247-15-000464-CU. Furthermore, the subject tax lots were platted as Development Tract A1 within Caldera Springs Phase A.

SITE DESCRIPTION: The subject property is a portion of what is referred to as the annexation property in the FMP approval, and is directly east of the existing Caldera Springs Destination Resort ("Resort"). The subject property is irregularly shaped, approximately 150 acres in size, and undeveloped with a generally level topography. However, only a portion of the 150 acre area is included in this subdivision request. Vegetation on-site consists of a dense cover of lodgepole and ponderosa pine trees. Understory vegetation is bitterbrush, bunchgrasses, and typical high desert vegetation.

SURROUNDING LAND USES: The subject property is bounded to the north by the Burlington Santa-Fe Railroad (BNSF) right-of-way and Sunriver Business Park. To the west and south is the existing resort property. The BNSF railroad right-of-way forms borders the eastern property boundary with federally owned forest lands beyond.

LAND USE HISTORY: The County land use approvals associated with the Resort and annexation property are summarized below.

Land Use Approval	Description
CU-05-07	Conceptual Master Plan ("CMP") for the Resort
M-05-01	

	FMP for the Resort
TP-05-961	Tentative Plan for up to 320 single-family residential homesites, various future development tracts, rights-of-way, and easements for infrastructure
SP-05-53	Site Plan for the Resort's first phase including 150 separate rentable units for visitor lodging; eating establishments for at least 100 persons; meeting rooms for at least 100 persons, nine-hole short golf course; three practice golf holes; practice putting green; lake; and clubhouse which will incorporate the eating establishments and meeting rooms
SP-06-14	Site Plan for the Resort amenities including fitness/pool center, pool, basketball court, play area, tennis courts, lake expansion, relocated parking area, lawn sports area, and pavilion
FPA-06-12	Final Plat approval for TP-05-961
SP-06-52, V-06-16, MA-06-23	Site Plan for overnight lodging units (OLUs) within Tracts 2 and 3; Minor Variance to reduce the parking area setback from 250 feet to 225 feet
SP-06-55	Site Plan for a pump station associated with the Resort water feature
SP-06-61	Site Plan for OLUs in Tract 1, roadway and driveway areas, and pedestrian bike paths within Tracts 1, 2 and 3 of the core Resort area; OLUs provided as lock-off units; A total of 160 OLUs will be provided within Tracts 1, 2 and 3; This Site Plan approval is intended to amend and supplement SP-05-53

MC-07-2	Modification of the Dimensional Standards approved under the CMP and FMP, to include dimensional standards for the Overnight Lodging Cottage Lots
TP-07-988	Tentative Plan to divide Tracts 1, 2 and 3 into 45 lots, and to allow a Zero Lot Subdivision; Tract 1 includes 22 lots, Tract 2 includes 12 lots, and Tract 3 includes 11 lots; This division will allow the construction of the overnight lodging cottages approved under SP-06-52 and SP-06-61
TU-07-3	Temporary use permit to construct a model cottage in Tract 1
SP-07-25	Site plan approval for the OLUs approved under SP-06-52 and SP-06-61 to address the lot configurations approved under TP-07-988
MP-08-88	Minor Partition to divide Tract FA into three parcels; Parcel 1 includes a portion of the golf course; Parcel 2 includes the pavilion, fitness center, lakes and a portion of the parking lot and open spaces; Parcel 3 includes the lakehouse facility and a portion of the parking lot in the core area of the Resort
MP-08-89	Minor Partition to divide Tract A in the Phase 1 subdivision into two parcels; Parcel 1 includes a portion of the golf course; Parcel 2 includes the open spaces
DR-13-23	Declaratory Ruling to determine if the site plan approval under SP-07-25, authorizing OLUs, roads and bike paths, has been initiated
MC-13-4	Modification of the CMP and FMP to change the required availability of OLUs from 45 weeks to 38 weeks
MC-13-5	Modification of SP-07-25 to change the required availability of OLUs from 45 weeks to 38 weeks
247-15-000464-CU	CMP for the annexation property (“Annexation CMP Decision”); remanded by the Land Use Board of Appeals (“LUBA”)

247-18-000009-A	CMP for the annexation property on remand ("Remand Decision"), which included modifications to the CMP approved under 247-15-000464-CU in the following areas: • Location and extent of the Wildlife Mitigation Tract • Types and number of OLUs • Vandevert Road access; and • 100-foot setback from common areas
247-21-000049-,050-,051-, 052-LL	Property line adjustments between the Resort and annexation property
247-21-000388-M, 528-MA	FMP approval for the annexation property, which included modifications to the FMP proposal in the following areas: • Install a landscaped berm located just north of Trailmere Circle, along the western boundary of the subject property • Relocate the north/south road along the western boundary, approximately 50 feet to the east Relocate the OLUs along the north/south road, approximately 50 feet to the east to match the relocated roadway.
247-21-000654-TP	Tentative Plan for a 70-lot residential subdivision in the annexation property
247-21-000655-TP	Tentative Plan for a 16-lot OLU subdivision in the annexation property
247-21-0001014-FPA, 21-1015-FPA	Final Plat Approval for 21-654-TP, 21-655-TP
247-22-000042-TP	Tentative Plan for a 30-lot residential subdivision in the annexation property (Phase B)
247-22-000043-TP	Tentative Plan for a 7-lot OLU subdivision in the annexation property (Phase B)
247-22-000182-TP, 183-TP	Concurrent application for a 16-lot OLU subdivision in the annexation property (Phase C) and a 72-lot residential subdivision (Phase C).

247-24-360-TP, 361-TP	Tentative Plan for Phase D single-family residential and OLU subdivision

REVIEW PERIOD: The application was submitted on May 5, 2025. Staff deemed the TP application incomplete on June 4, 2025. The applicant provided a response to the incomplete letter on June 11, 2025. Staff deemed the application complete on June 11, 2025. The 150th day on which the County must take final action on the TP application is November 8, 2025.

PUBLIC AGENCY COMMENTS: The Planning Division mailed notice of the application on May 15, 2025, to several public agencies. Staff received the following responses.

Deschutes County Senior Transportation Planner, Tarik Rawlings

> I have reviewed the transmittal materials for 247-25-000291-TP for an 86-lot subdivision on a total 175.36-acre property comprised of two parcels, within the existing Caldera Springs Destination Resort (Phase A). The subject properties are located within the Forest Use (F2) Zone and the Airport Safety (AS), Landscape Management (LM), Wildlife Area (WA), and Destination Resort (DR) Combining Zones. The larger of the two subject parcels does not have an address and is recognized on County Assessor's Map 20-11-08 as Tax Lot 2500. The smaller of the two subject parcels has an address of 18300 Lava Springs Loop, Bend, OR 97707 and is recognized on County Assessor's Map 20-11-09 as Tax Lot 100. The proposal appears to be consistent with the approved Conceptual Master Plan (CMP) and Final Master Plan (CMP) (most recently approved under County files 247-21-000388-M, 528-MA) and no additional traffic analysis is required.
>
> The properties utilize a private road system which accesses Vandevert Road and South Century Drive, public roads maintained by Deschutes County and functionally classified as collectors. Therefore, the public access permit requirements of DCC 12.28.050 and 17.48.210(A) do not apply to the subject application.
>
> Board Resolution 2024-038 sets a transportation system development charge (SDC) rate of $5,691 per p.m. peak hour trip. County staff has determined a local trip rate of 0.81 p.m. peak hour trips per single-unit dwelling unit; therefore the applicable SDC is $4,610 ($5,691 X 0.81) per single-unit dwelling unit. The SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.
>
> **THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2025 PENDING ANY AMENDMENTS TO THE COUNTY'S CURRENT SDC RESOLUTION 2024-038. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.**

ON JULY 1, 2025, THE SDC RATE WILL INCREASE TO A BASE RATE OF $5,856 PER P.M. PEAK HOUR TRIP AND THE SDC FOR THE PROPOSAL WILL BE $4,743 ($5,856 X 0.81) PER SINGLE-UNIT DWELLING UNIT.

Deputy State Fire Marshal, Clara Butler, email dated July 1, 2025

The attached information has satisfied the fire code requirement for this project. Once the turn-around is constructed and the hydrants are in, they can start construction on homes. Please let me know if you have any questions.

Deputy State Fire Marshal, Clara Butler, email dated May 22, 2025

Findings: Not enough information provided on plans for accurate comments, secondary access requirements have not been met, unable to determine if turn-around requirements have been met.

WATER:

• **Fire Safety during Construction – 2022 OFC 501.4** o 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.

Area with Fire Hydrants:

• **Water Supply – 2022 OFC B105.1** o The minimum fire-flow requirements for one- and two- family dwellings having a fire-flow calculation area which does not exceed 3,600 sq ft (including the garage) shall be 1,000 gpm at 20 psi residual flow. Dwellings exceeding 3,600 sq ft shall use Table B105.4

o Exception:

- A reduction in required fire flow of up to 50 %, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.3 (NFPA 13D) of the OFC.

• **Fire Hydrant – 20122 OFC 507.5.1**

o Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the building, on-site hydrants and mains shall be provided where required.

- Exception: For Group R3 occupancies, the distance requirement shall be 600 ft.

• **Area Separation – 2022 OFC B104.2**

o Portions of buildings which are separated by fire walls without openings constructed in accordance with the International Building Code are allowed to be considered as separate fire flow calculation areas.

• **Obstruction & Protection of Fire Hydrants – 2022 OFC 507.5.4 – 507.5.6**

o A 3 foot clear space shall be maintained around the circumference of fire hydrant. When exposed to vehicular damage, concrete curbing, sidewalks, or

4 inch concrete filled bollards placed 3 feet from hydrant shall suitably protect fire hydrants.

• ***Note: Before the application can be deemed complete, a stamped engineered fire flow analysis will be required.***

Area without Fire Hydrants:

• NFPA 1142 Requirements 2017

o 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.

o Note: The following information will need to be provided in order to determine 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**
  - o 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 – 2022 OFC 501.4 and NFPA 241 (2019)

- o 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.

ACCESS:

• **Premises Identification – 2022 OFC 505.1**

o 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 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 .5 "stroke width.

• **Required Access – 2022 OFC 504.1**

o 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 – 2022 OFC 503 & Appendix D**

o 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.

o 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.

o 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.

o The required **turning radius** of a fire apparatus access road shall 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.

o 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.

• **Authority – 2022 OFC 503.2.2**

o The fire code official shall have the authority to modify the dimensions specified in 503.2.1.

• **Fire Lanes – 2022 OFC 503.3 & D103.6**

o 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 paint fire lane curbs (in addition to Fire lane signs) in bright red paint with white letters.

o **D103.6.1 Roads 20-26 Ft. Wide:** Shall have Fire Lane signs posted on both sides of a fire lane.

o **D103.6.2 Roads more than 26 Ft. Wide:** Roads 26-32 ft wide shall have Fire Lane signs posted on one side of the road as a fire lane.

• **Aerial Access Roads – 2022 OFC D105**

o Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads and capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadways. Access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of a building more than 30 feet in height. At least one of the required access routes meeting above requirement shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

• **Dead-Ends – 2022 OFC 503.2.5 and D103.4**

o 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.

• D 103.4 Table: Length of Dead end: greater than 500 ft shall meet the turnaround requirements and the width of the road shall be a minimum of 26 ft clear for fire apparatus.

Unable to determine if the above requirement has been met.

- **Additional Access – 2022 OFC 503.1.2**
  - o 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 – 2022 OFC D103.5 o Minimum 20 feet wide

- **Emergency Access Road Gates – 2022 OFC D103.5**
  - o Minimum 20 feet wide.
  - o Gates shall be swinging or sliding type.
  - o Shall be able to be manually operated by one person.
  - o Electric gates shall be equipped with a means of opening by emergency personnel & approved by fire official.
  - o Locking devices **may** be padlocks.
  - o Section 503.3: Install a sign on the gate "Emergency Access"

- **Key Boxes – 20122 OFC 506.1**
  - o An approved key box **may** be installed on all structures equipped with a fire alarm system and /or sprinkler system.

- **One and Two Family Residential Developments – 2022 OFC D107**
  - o Developments where the number of dwelling units exceeds 30 units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D 104.3. Unless, all dwellings are equipped with and approved automatic sprinkler system.
  - o **Remoteness – 2019 OFC D107.2** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal of the property or area to be served, measured in a straight line between accesses.

The above requirement has not been met.

If you have any questions or require clarification on any of these items please let me know.

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.

The following agencies did not respond or had no comments. Deschutes County 911, Deschutes County Assessor, Deschutes County Property Address Coordinator, La Pine Fire Department, Deschutes National Forest, Oregon Department of Aviation, Oregon Department of Fish and Wildlife, Sunriver Airport, and Sunriver Utilities.

PUBLIC COMMENTS: On May 15, 2025, the Planning Division mailed notice of the application to all property owners within 750 feet of the subject property. The applicant complied with the posted notice requirements of Section 22.23.030(B) of Title 22 by submitting a Land Use Action Sign Affidavit indicating the applicant posted notice of the TP application on May 14, 2025. No public comments were received.

III. FINDINGS & CONCLUSIONS

FMP CONDITIONS OF APPROVAL

Conditions of approval were required as part of the Annexation CMP Decision and the Board of County Commissioners ("BoCC") Remand Decision. The majority of conditions of approval from the Annexation CMP Decision and the BoCC Remand Decision were carried over and relevant to the FMP. In his decision, the Hearings Officer ("HOff") labeled the relevant Annexation CMP Decision conditions as "**CMP**" followed by the respective condition number. The HOff labeled the BoCC Remand Decision conditions as "**R**" followed by the respective condition number.

The HOff also included a number of staff and applicant recommended conditions. These conditions were included based upon the HOff's conclusion that staff and applicant recommended conditions were necessary to satisfy relevant approval criteria. The HOff labeled staff recommended conditions as "**S**" followed by an identification number. The HOff labeled applicant recommended conditions as "**A**" followed by an identification number.

The BoCC Remand Decision modified Annexation CMP conditions #8, #11, #12 and #18. For this reason, those Annexation CMP conditions were not included in the FMP decision. Additionally, the HOff found Remand Decision condition #4 was not applicable and, therefore, was not included in the FMP decision.

As noted in the FMP findings for BoCC condition #6, Vandevert Road ingress and egress is allowed by both CMP condition #2 and BoCC condition #6 with egress from the Resort onto Vandevert restricted to right turn movements only. Also, the HOff noted that BoCC condition #8 reflects the current DCC ratio requirements and updates the ratio referenced in CMP condition #6A.

CMP 1. 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.

FINDING: Staff includes a condition of approval to ensure compliance.

Application Materials. 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.

PRIOR TO FINAL PLAT

CMP 5. The approach apron to Vandevert Road must be paved to reduce the amount of gravel and debris tracked onto Vandevert Road from the property.

FINDING: The applicant was required to pave the Vandevert Road approach apron in conjunction with final plat approval for Phase A (247-21-0001014-FPA, 21-1015-FPA). This requirement has been met.

CMP 6. Before approval of each final plat, all the following shall be provided:
A. Documentation demonstrating compliance with the 2.5 to 1 ratio as defined in DCC 18.113.060(D)(2);

FINDING: The applicant provided the following findings:

In approving the CMP, the county found that Caldera Springs included a total of 196 OLUs. For Phases A through D, the county has approved a total of 92 OLUs (with two OLUs per OLU lot). For Phase E the applicant proposes 16 separate OLU lots, with a total of 39 OLUs to be constructed on the separate lots. The Phase E OLUs will include a mix of two- and three-key OLUs, with each OLU containing full sleeping and eating amenities consistent with the OLUs authorized in Phase A-D. As of the date of this application, a total of 236 OLUs have been completed and received certificates of occupancy. With approval of the Phase E and Phase E OLU final plats, a total of 264 OLUs will be required to be in place or guaranteed through surety bonding. Depending on the timing of construction of additional OLUs, if the required number of OLUs are not completed by the time of recording of the Phase E plats, the applicant anticipates that it will provide a bond or other security to ensure that all required OLUs are in place or guaranteed through bonding. The following chart identifies the unit and OLU count as of the date of this application.

application.

Caldera Springs OLU Calculations
5/1/2025

	Plat Approval Requirements					
Phase	**SFR Units**	**Approved OLUs**	**Phase Ratio**	**Overall Ratio (2.3 max)**	**Completed OLUs**	**Req. OLU to meet 2.3 : 1 Ratio**
Original Caldera (Phases 1 and 2)	320	196	1.63	1.6	196	150
CSA Phase A	70	32.0	2.19	1.7	196	169.6
CSA Phase B	30	14.0	2.14	1.7	196	182.6
CSA Phase C-1 (recorded 1/11/23)	37	16.0	2.31	1.77	196	198.7
CSA Phase C-2 (recorded 4/26/24)	35	14.0	2.50	1.81	224	213.9
Phase D (recorded _____)	29	16	1.81	1.81	236	226.5
Phase E	86	39	2.67	1.89	N/A	264
Caldera Springs Total	607	322	N/A	1.89	N/A	
Expansion Total	**297**	**131**	**2.27**			

Staff notes Remand condition 8, detailed below, modified the ratio to 2.3 to 1.

As noted in the BOCC's decision on the FMP, the subject property is an expansion of the existing Resort. As such, any calculation regarding compliance with the required ratio must take into consideration the existing residential units and OLUs.

With approval of the Phase E OLU and companion residential subdivision plat, a total of 264 OLUs are required to be in place or guaranteed through surety bonding. As of the writing of this staff report, the applicant states that 236 OLUs are completed and have received certificates of occupancy, leaving at least 28 required to ensure compliance with the approved 2.3:1 ratio. Depending on the timing of construction of the OLUs, if the 28 OLUs are not completed by the time of recording of the Phase E plats, the applicant will be required to provide bonding or other security to ensure that all required OLUs are in place or guaranteed through bonding. Staff adds a condition of approval to ensure compliance.

Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase E, the applicant shall submit one of the following to ensure that a minimum of 264 OLUs, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:

A. Documentation that a minimum of 264 OLUs are constructed; or

B. Bonding or other security to ensure that a minimum of 264 OLUs are constructed or otherwise guaranteed.

B. Documentation on all individually-owned residential units counted as overnight lodging, including all of the following:

1) Designation on the plat of any individually-owned units that are going to be counted as overnight lodging;

2) Deed restrictions requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;

3) An irrevocable provision in the resort Conditions, Covenants and Restrictions ("CC&Rs) requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;

4) A provision in the resort CC&R's that all property owners within the resort recognize that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(iii) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County;

5) Inclusion of language in any rental contract between the owner of an individually-owned residential unit designated as an overnight lodging unit and any central reservation and check in service or real estate property manager requiring that such unit be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010, and that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(v) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County.

FINDING: The subject tentative plat does not include any OLUs. As noted above, a companion application was submitted for 16 OLU lots. These criteria will be reviewed as part of that application.

AT ALL TIMES

CMP 7. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport

lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

FINDING: No new or expanded industrial, commercial or recreational uses are proposed. This condition does not apply.

CMP 9. The Declaration shall be revised to require the developer to comply with the fence standards pursuant to DCC 18.88.070.

FINDING: Based on staff's review of the revised Declaration of Covenants, Conditions and Restrictions ("Declaration"), Section 7.1 was amended to comply with this condition. To ensure the subject property complies with the Declaration, staff includes a condition of approval requiring the Declaration be recorded prior to, or concurrent with, final plat.

Declaration. The owner shall record the Declaration, as amended and detailed in this decision.

CMP 10. Prior to development of each phase of the resort expansion, the developer shall submit to the Planning Division an erosion control plan for that phase.

FINDING: The applicant submitted the Erosion and Sediment Control Plan which covers the area dedicated to the subject residential subdivision and the companion OLU subdivision. The Plan details the location of anticipated ground disturbance, sediment and debris fencing, and construction entrance. The Plan also notes the use of erosion and sediment control best management practices throughout the construction phase. This criterion is met.

CMP 13. Except as otherwise specified herein, all development (including structures, site obscuring fences of over three feet in height and changes to the natural topography of the land) shall be setback from exterior property lines as follows:

- ***A. Three hundred fifty feet for commercial development including all associated parking areas;***
- ***B. Two hundred fifty feet for multi-family development and visitor oriented accommodations (except for single family residences) including all associated parking areas;***
- ***C. One hundred fifty feet for above grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii), including any installed landscaped berms;***
- ***D. One hundred feet for roads;***
- ***E. Fifty feet for golf courses; and***
- ***F. Fifty feet for jogging trails and bike paths where they abut private developed lots and no setback for where they abut public roads and public lands.***

G. Notwithstanding Condition of Approval No. 13(C)[2], above grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii) shall be set back 250 feet in circumstances where state highways coincide with exterior property lines.

H. The setbacks identified in Condition of Approval No. 13 shall not apply to entry roadways and signs.

FINDING: The annexation property was reviewed and approved as an expansion of the existing Caldera Springs Resort. For this reason, staff finds the exterior property lines are the exterior property lines of the combined existing Resort and annexation property. In other words, none of the common property lines between the existing Resort and annexation property are considered exterior property lines for the purposes of these conditions. The HOff confirmed this interpretation in the FMP decision.

Based on staff's review of the TP, all development on the proposed residential lots will comply with the 150-foot setback requirement of subsection (C) above and all roads will comply with the 100-foot setback requirement of subjection (D) above.

CMP 14 through 19.

FINDING: These conditions apply to the annexation property as a whole, rather than to the specific subdivision proposed under this TP application.

CMP 20. The Covenants, Conditions and Restrictions (CCRs) and/or Bylaws for the resort shall include a specific provision for funding of the Wildlife Report requirements and retention of a professional biologist.

FINDING: As noted above, staff includes a condition of approval requiring the Declaration to be recorded prior to, or concurrent with, the final plat. This condition will be met.

CMP 21. The resort shall comply with the approved Wildfire Management Plan.

FINDING: The required recordation of the Declaration, which itself requires compliance with the Wildfire Management Plan, will ensure compliance with this condition.

CMP 22 through 24.

FINDING: Recordation of the Declaration, which requires compliance with these conditions, will ensure compliance.

R 3. Uses in the Wildlife Mitigation Tract ("WMT"). The only uses permitted within the

[2] As noted in the FMP decision, the Hearings Officer found the original reference to Condition of Approval No. 11 is an error. The Hearings Officer revised conditions G and H to reference Condition of Approval 13, to address this error.

WMT shall be the access road depicted on the Site Plan and soft walking/hiking paths, as generally depicted on the Site Plan. The following additional restrictions will apply to uses in the WMT:

A. Recreation. To offset potential disturbance-or disruption-related indirect effects of humans, the WMT will not include the use of any bicycle, mountain bike or other mechanical vehicles, except as may be reasonably required for wildfire and wildlife treatments within the WMT as contemplated by the wildfire and wildlife reports adopted as part of Annexation I.

B. Dogs. The CC&Rs for the Resort shall specifically include a requirement that no off-leash dogs shall be permitted in the Resort, unless located within a fenced dog park located within the Resort, but outside the Wildlife Mitigation Tract.

C. Access Road Operation. The access road through the WMT shall be designated as a homeowner access road, limited to homeowner and construction traffic only. The access road as depicted on the Site Plan shall be relocated west to be within or immediately adjacent to the powerline easement. No gatehouse or guest station shall be permitted at the access point. Appropriate signage shall be installed directing Resort guests and visitors to the main resort entrance on South Century Drive.

i. Gates shall be installed and maintained as reasonably practical at the south terminus of the Resort roadway and Vandevert Road; at the interior location set forth on the Site Plan. The gates shall be closed and operable by a key card, vehicle transponders or other similar equipment 24 hours per day.

ii. The access road shall be designed in a manner to reduce speeds (including one or more of the following features: sinuous alignment, bulb outs, traffic calming features) and shall be posted with a 20 MPH limit and identified as a wildlife corridor.

iii. Educational signage shall be placed in an appropriate location at the boundary of the WMT identifying the area as such, and explaining the need not to disturb habitat or species within the WMT.

D. Structures. No structures other than the access road, gates and proposed walking trails as shown on the Site Plan shall be permitted in the WMT.

E. Management in the WMT. Consistent with the wildlife management report prepared for the Resort, the following management measures shall be implemented:

i. Rock Outcrops. Rock outcrops and piles provide unique habitat qualities and serve as a keystone habitat niche within the WMT. Accordingly, any management activities should avoid such outcrops and the surrounding vegetation;

ii. Snags. Standing snags provide important habitat niches, especially for avian and small mammal species. Accordingly, all existing wildlife snags should be retained, unless they are determined to pose a wildfire hazard.

F. Other Habitat Conservation Measures. Vegetation shall be monitored, and

weeds and non-native plants will be controlled and eradicated when possible;

- ***i. Brush patches will be maintained in a mosaic pattern to provide various stages of growth so that both cover and forage are provided. Vegetation management activities performed in the WMT shall be performed in the fall or spring (outside of deer winter season) when areas are accessible and not under fire restrictions, except that any mowing is not to occur in the spring when there is bird nesting;***
- ***ii. Ponderosa pine trees (dead and living) will be preserved where possible;***
- ***iii. Downed logs will be retained for their wildlife value where possible;***
- ***iv. Firewood cutting or vegetation alteration beyond that prescribed as management for increased habitat value or as management for wildfire risk, will not be permitted;***
- ***v. Prior to Final Plat Approval, nest boxes will be installed. Said nest boxes shall be maintained to benefit native bird species;***
- ***vi. Prior to Final Plat Approval, bat boxes will be installed on trees to benefit native bat species;***
- ***vii. New fences are prohibited in the WMT;***
- ***viii. Livestock will not be kept or allowed on the Annexation Property;***
- ***ix. The proposed development will prohibit the recreational use of off-road motor vehicles within the WMT. Motorized vehicle use in the WMT will only be allowed for management or emergency fire vehicle access;***
- ***x. The lots that are directly adjacent to the WMT will have 25-foot setback requirements to protect the wildlife value of the area;***
- ***xi. A program for proper garbage storage and disposal will be instituted for all resort residences and facilities. The program will be designed to reduce the availability of human-generated food resources to predators and corvids (crows, ravens, and Jays) known to predate other wildlife species;***
- ***xii. An educational program for local residents will be initiated regarding the native wildlife populations using the WMT and the need to avoid disturbance of species within the WMT. Educational materials will include newsletters, flyers, signage on trails, or other similar outreach tools;***
- ***xiii. No fireworks of any type will be allowed;***
- ***xiv. No use of drones will be allowed; and***
- ***xv. No hunting, discharge of firearms or trapping will be allowed.***

FINDING: The Phase E subdivision does not propose any uses within the WMT, consistent with the FMP. Prior to the recordation of the Phase A plat, the applicant was required to install nest boxes and bat boxes to satisfy conditions (F)(v) and (vi). The applicant has met this requirement.

The Declaration will ensure compliance with the remaining aspects of condition R3 for the subdivision.

R 5. The Applicant shall be permitted to construct residential and overnight lodging units in an amount not to exceed 100 EDUs (residential unit =1 EDU, overnight lodging unit = 0.5 EDU) prior to any upgrades to the current wastewater treatment plant. Prior to issuance of any building permit for a residential use or an overnight lodging unit beyond 100 EDUs, the Applicant shall submit evidence that Sunriver Environmental has completed the treatment plant upgrades identified in the September 18, 2018 email from DEQ and that DEQ has issued an appropriate WPCF permit, amendment or supplement authorizing the operation of upgraded wastewater treatment facilities serving the expansion area.

FINDING: The applicant has submitted evidence that Sunriver Environmental has completed the treatment plant upgrades identified in the September 18, 2018, email from DEQ and that DEQ has issued an appropriate WPCF permit, amendment or supplement authorizing the operation of upgraded wastewater treatment facilities serving the expansion area. This condition is met.

R 6. Egress from the resort at the Vandevert Road access point shall be limited to homeowner, emergency and construction-related traffic only. Turning movements out of the resort shall be limited to right turns only until the Vandevert Road/Highway 97 intersection is either closed or limited to right in/right out only. Prior to construction, the County Road Department shall approve the turn restriction design.

FINDING: The proposed subdivision does not include the Vandevert Road access point. This condition does not apply.

R 7. Prior to or concurrent with an application for each tentative plat in the Annexation Area, the Applicant shall submit a copy of the PUC order or ruling approving the expansion of Sunriver Water LLC's service territory to include the area proposed to be platted. In no event shall the County approve a tentative plat within the Annexation Area if the Annexation Area has not been included in Sunriver Water LLC's service territory.

FINDING: The applicant submitted the required PUC Order demonstrating approval for the expansion of Sunriver Water LLC's service territory. This condition is met.

R 8. Prior Condition No. 11 is revised (with <u>underline</u>) as follows: The resort as a whole shall maintain a maximum ratio of single-family dwelling units to overnight accommodation units of <u>2.3:1</u>.

FINDING: As discussed above, the owner will be required to record the final plat for the OLU subdivision prior to, or concurrent with, recording the final plat for the residential subdivision to

ensure compliance with this condition. Further, the owner will be required to demonstrate the OLUs necessary to satisfy the 2.3 to 1 ratio are constructed and available for rent.

R 9. Prior Condition No 12 is revised (with underline) as follows: Individually owned Overnight Lodging Units (OLUs) shall be made available for overnight rental use by the general public for at least 38 weeks per calendar year through one or more central reservation and check-in services operated by the destination resort or by a real estate manager, as defined in ORS 696.010.

FINDING: This condition applies to any development which includes OLUs. This condition does not apply to this residential subdivision.

R 10. Prior condition No. 18 is revised (with underline) as follows: The resort shall comply with the approved Wildlife Report and the 2018 supplement included in connection with the present application, with the 2018 supplement controlling over any conflict between the two reports.

FINDING: Recordation of the Declaration, which requires implementation of the Wildlife Report and supplement, will ensure compliance. This condition will be met.

R 11. Prior to issuance of any building permit for any Visitor Oriented Accommodation (other than single family residences), the Applicant shall demonstrate that all Visitor Oriented Accommodations (other than single family residences) meet the 250-foot setback imposed by DCC 18.113.060(D)(2)(a)(ii).

FINDING: This condition applies to any development which includes OLUs, other than single family residences. This condition does not apply to this residential subdivision.

S 1 through S4.

FINDING: Based on staff's review of the revised Declaration, Section 7.1, Section 9.2.4, and Section 9.2 have been amended to require compliance with DCC 18.88.070. This condition is met.

A 1. Prior to the first final plat, the Applicant shall amend Section 9.2.3 of the Declaration, as follows:

Any livestock related activities (e.g. bringing livestock into the WMT, grazing or the presence of livestock).

FINDING: The Declaration includes the required revision to Section 9.2.3. The Declaration was recorded with the Deschutes County Clerk on February 3, 2022 (Document 2022-04871). This condition is met.

A 2. The OLU-designated lots along the north/south spine road shall not be permitted to include any type of OLU other than as proposed by the Applicant through the FMP

application (e.g. single family homes with an associated ADU). No inn, hotel, motel or other similar use shall be permitted on these lots.

FINDING: This condition applies to any development which includes OLUs. This condition does not apply to this residential subdivision.

A 3. The OLUs constructed on the first seven lots on the spine road north of the 4-way intersection shall not exceed 2,500 square feet of total living space on each lot.

FINDING: This condition applies to any development which includes OLUs. This condition does not apply to this residential subdivision.

TITLE 18, DESCHUTES COUNTY ZONING ORDINANCE

Chapter 18.113, Destination Resorts

Section 18.113.040. Application Submission.

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

...

C. Site Plan Review. Each element or development phase of the destination resort must receive additional approval through the required site plan review (DCC 18.124) or subdivision process (DCC Title 17). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of DCC 18.113 and the FMP.

FINDING: In compliance with this criterion, the applicant submitted a tentative plan application for an 86-lot single-family residential subdivision. The applicable criteria in Title 17, DCC 18.113 and the FMP are addressed in this decision.

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

A. The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities and visitor oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial assurances approved by the County prior to closure of sale of individual lots or units.

FINDING: The applicant provides the following findings:

In approving the CMP, the county found that Caldera Springs included a total of 196 OLUs. For Phases A through D, the county has approved a total of 92 OLUs (with two OLUs per OLU lot). For Phase E the applicant proposes 16 separate OLU lots, with a total of 39 OLUs to be constructed on the separate lots. The Phase E OLUs will include a mix of two- and three-key

OLUs, with each OLU containing full sleeping and eating amenities consistent with the OLUs authorized in Phase A-D. As of the date of this application, a total of 236 OLUs have been completed and received certificates of occupancy. With approval of the Phase E and Phase E OLU final plats, a total of 264 OLUs will be required to be in place or guaranteed through surety bonding. Depending on the timing of construction of additional OLUs, if the required number of OLUs are not completed by the time of recording of the Phase E plats, the applicant anticipates that it will provide a bond or other security to ensure that all required OLUs are in place or guaranteed through bonding. The following chart identifies the unit and OLU count as of the date of this application.

Caldera Springs OLU Calculations
5/1/2025

	Plat Approval Requirements					
Phase	**SFR Units**	**Approved OLUs**	**Phase Ratio**	**Overall Ratio (2.3 max)**	**Completed OLUs**	**Req. OLU to meet 2.3 : 1 Ratio**
Original Caldera (Phases 1 and 2)	320	196	1.63	1.6	196	150
CSA Phase A	70	32.0	2.19	1.7	196	169.6
CSA Phase B	30	14.0	2.14	1.7	196	182.6
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Phase D (recorded _____)	29	16	1.81	1.81	236	226.5
Phase E	86	39	2.67	1.89	N/A	264
Caldera Springs Total	607	322	N/A	1.89	N/A	
Expansion Total	**297**	**131**	**2.27**			

As discussed above, with approval of the Phase E OLU and companion residential subdivision plat, a total of 264 OLUs are required to be in place or guaranteed through surety bonding. As of the writing of this staff report, 236 OLUs are completed and have received certificates of occupancy, leaving at least 28 required to ensure compliance with the approved 2.3:1 ratio. Depending on the timing of construction of the OLUs, if the 28 OLUs are not completed prior to the recording of the Phase E plats, the applicant will be required to provide bonding or other security to ensure that all required OLUs are in place or guaranteed through bonding. Staff adds a condition of approval to ensure compliance.

Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase E, the applicant shall submit one of the following to ensure that a minimum of 264 OLUs, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:

A. Documentation that a minimum of 264 OLUs are constructed; or
B. Bonding or other security to ensure that a minimum of 264 OLUs are constructed or otherwise guaranteed.

B. Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities and visitor oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.

FINDING: The applicant has the option to either physically construct all streets and utilities, or financially assure them, prior to final plat. For this reason, staff includes a condition of approval to ensure compliance.

Roads and Utilities. Prior to final plat, the owner shall either physically construct all streets and utilities, or financially assure them. If the owner chooses to financially assure the streets and utilities, the owner shall secure an Improvement Agreement and surety to the satisfaction of the County, prior to final plat.

TITLE 17, SUBDIVISIONS AND PARTITIONS

Chapter 17.12, Administration and Enforcement

Section 17.12.080. Statement of Water Rights.

All applicants for a subdivision or partition shall be informed by the Planning Director or his designee of the requirement to include a statement of water rights on the final plat.

FINDING: Staff includes this criterion to inform the applicant of the requirement to include a statement of water rights on the final plat.

Section 17.12.100. Sale of Subdivision Lots Prohibited Before Final Approval.

No person shall sell any lot in any subdivision until final approval of the land division has been granted by the County. Final approval occurs when the plat of the subdivision or partition is recorded with the County Clerk. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.

FINDING: Staff includes this criterion to inform the applicant of these requirements.

Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans

Section 17.16.040. Protective Covenants and Homeowner Association Agreements.

Landowner covenants, conditions, and restrictions and homeowner association agreements are not relevant to approval of subdivisions and partitions under DCC Title 17, unless otherwise determined by the County to carry out certain conditions of approval, such as road maintenance or open space preservation. Any provisions in such agreements not in conformance with the provisions of DCC Title 17 or applicable zoning ordinances are void.

FINDING: The applicant's Declaration is necessary to carry out conditions of approval related to the FMP, as discussed herein. For this reason, staff finds the Declaration is relevant to the approval of the subject residential subdivision. As noted above, staff includes a condition of approval requiring the applicant to record the Declaration.

Section 17.16.050, Master Development Plan.

An overall master development plan shall be submitted for all developments affecting land under the same ownership for which phased development is contemplated. The master plan shall include, but not be limited to, the following elements:

- ***A. Overall development plan, including phase or unit sequence;***
- ***B. Show compliance with the comprehensive plan and implementing land use ordinances and policies;***
- ***C. Schedule of improvements, initiation and completion;***
- ***D. Overall transportation and traffic pattern plan, including bicycle, pedestrian and public transit transportation facilities and access corridors;***
- ***E. Program timetable projection;***
- ***F. Development plans for any common elements or facilities;***
- ***G. If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Planning Director or Hearings Body may require a potential development pattern for streets, bikeways and access corridors for adjoining lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision.***

FINDING: The CMP and FMP approvals demonstrate compliance with these criteria.

Section 17.16.060, Master Development Plan Approval.

The Planning Director or Hearings Body shall review a master development plan at the same time the tentative plan for the first phase is reviewed. The Planning Director or Hearings Body may approve, modify or disapprove the master plan and shall set forth findings for such decision. The Planning Director or Hearings Body may also attach conditions necessary to bring the plan into compliance with all applicable land use ordinances and policies. Any tentative plan submitted for the plan area shall conform to the master plan unless approved otherwise by the County. Master plan approval shall be granted for a specified time period by the Planning Director or Hearings Body, and shall be included in the conditions of approval.

FINDING: This decision reviews the TP against the CMP and FMP approvals. Relevant conditions of the CMP and FMP approvals are addressed in this decision.

Section 17.16.070, Development Following Approval.

Once a master plan is approved by the County, the plan shall be binding upon both the County and the developer; provided, however, after five years from the date of approval of the plan, the County may initiate a review of the plan for conformance with applicable County regulations. If necessary, the County may require changes in the plan to bring it into conformance.

FINDING: This TP was applied for within 5 years of the FMP. This criterion is met.

Section 17.16.080, Tentative Plan as a Master Plan.

A. As an alternative to the filing of a master plan for phased development, the applicant may file a tentative plan for the entire development. The plan must comply with the provisions of DCC Title 17 for tentative plans.
B. If the applicant proposed to phase development, he shall provide sufficient information regarding the overall development plan and phasing sequence when submitting the tentative plan.
C. If the tentative plan is approved with phasing, the final plat for each phase shall be filed in accordance with DCC 17.24.020 through 17.24.110.

FINDING: The CMP and FMP approvals are the master plans for the annexation property.

Section 17.16.090. Tentative Plan Approval.

A. The Hearings Body shall review the application and any comments submitted by other appropriate County, state, or federal agencies and shall render a decision in accordance with DCC 17.16.100, setting forth findings supporting its decision.

FINDING: This decision captures staff's analysis of the application and agency comments. This decision is issued in accordance with DCC 17.16.100.

B. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for purposes of recording; however, approval of such tentative plan shall be binding upon the County for the purposes of preparation and review of the final plat. Upon review of the final plat, the County may require compliance with the terms of its tentative plan approval of the proposed subdivision and the terms of DCC Title 17.

FINDING: This decision will be used to review the final plat for compliance.

Section 17.16.100. Required Findings for Approval.

A tentative plan for a proposed subdivision shall not be approved unless the Planning Director or Hearings Body finds that the subdivision as proposed or modified will meet the requirements of DCC Title 17 and DCC Title 18 through 21, and is in compliance with the comprehensive plan. Such findings shall include, but not be limited to, the following:

FINDING: This decision addresses the requirements of Chapters 17 and 18, as well as compliance with the FMP. The requirements of the Comprehensive Plan are codified within the Zoning Ordinance. Because no change to the Comprehensive Plan is sought by this application, conformance with Chapters 17 and 18 also indicates conformance with the Comprehensive Plan.

A. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands and other natural resources.

FINDING: Previous Deschutes County approvals of the CMP and FMP for the annexation property demonstrated general compliance with the criteria for orderly development and land use patterns in the area. The only notable natural feature within the annexation property is the existing pine forest throughout the property. As approved under the FMP, a significant portion of this pine forest will be preserved via the Wildlife Mitigation Tract.

In the CMP decision, the Hearings Officer concluded,

> …the expansion property is generally flat with no significant topographic features on-site. Additionally, the subject property contains no habitat of threatened or endangered species, and no natural streams, rivers, wetlands, or riparian vegetation.

The subject property includes no lands zoned for farm use. While the property is zoned for forest use, the Destination Resort Combining Zone allows for the establishment of the proposed use. Further, as noted above, a significant portion of the existing pine forest will be preserved as part of the overall development of the annexation property. For these reasons, staff finds this criterion will be met.

B. The subdivision will not create excessive demand on public facilities and services, and utilities required to serve the development.

FINDING: The applicant provides the following findings,

> In connection with the CMP and FMP approvals, the applicant demonstrated that the resort as a whole will not create an excessive demand on public facilities, services or utilities. One condition of approval requires that prior to final plat of any property, the applicant demonstrate that the property is within the Sunriver Water service territory. As part of the Phase A plats, the applicant provided the county with a copy of the order demonstrating that

all resort property is within the exclusive territory of Sunriver Water. In order to expand its service territory, the utility had to demonstrate that it has adequate capacity to serve the property. Similarly, a condition requires that development beyond 100 EDUs not occur until Sunriver Environmental has completed upgrades of its treatment facility. Those upgrades have been completed.

The CMP and FMP decisions demonstrate the uses envisioned for the annexation property will not create excessive demand on public facilities, public services and utilities required to serve the development. The applicant submitted signed agreements for sewer and water service. Specific to water, the applicant submitted evidence indicating the annexation property has been included into the service territory for Sunriver Water. Per the FMP, the only transportation related mitigation measures which were required are the paving of the apron and the right-out turning movement at the Elk Run Drive and Vandevert Road intersection. No off-site mitigation measures to address transportation impacts were identified or required. The record for the CMP includes intent to serve letters from Cascade Natural Gas for natural gas; Midstate Electric Cooperative, Inc. for electricity; Bend Broadband for telephone and cable services; CenturyLink for telephone service; and Wilderness Garbage & Recycling for solid waste service.

Based on the above, Staff agrees and finds this criterion will be met.

C. The tentative plan for the proposed subdivision meets the requirements of ORS 92.090.

FINDING: The requirements of ORS 92.090 are addressed in this decision.

D. For subdivision or portions thereof proposed within a Surface Mining Impact Area (SMIA) zone under DCC Title 18, the subdivision creates lots on which noise or dust sensitive uses can be sited consistent with the requirements of DCC 18.56, as amended, as demonstrated by the site plan and accompanying information required under DCC 17.16.030.

FINDING: The subject property is not within a SMIA Combining Zone. This criterion does not apply.

E. The subdivision name has been approved by the County Surveyor.

FINDING: Staff includes a condition of approval to ensure compliance.

Subdivision Name. Prior to final plat approval, the owner shall submit correspondence from the County Surveyor approving the subdivision name. County Surveyor signature on the plat shall also demonstrate compliance.

Section 17.16.105. Access to Subdivisions.

No proposed subdivision shall be approved unless it would be accessed by roads

constructed to County standards and by roads under one of the following conditions:

- ***A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or***
- ***B. Private roads, as permitted by DCC Title 18, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105; or***
- ***C. This standard is met if the subdivision would have direct access to an improved collector or arterial or in cases where the subdivision has no direct access to such a collector or arterial, by demonstrating that the road accessing the subdivision from a collector or arterial meets relevant County standards that maintenance responsibility for the roads has been assigned as required by this section.***

FINDING: The subdivision will be connected to Vandevert Road, a public road classified as a collector which is maintained by the county via Elk Run Drive, the north-south internal resort road. Lots will be directly accessed via Elk Run Drive, Lakesong Circle, Wildpine Loop, and Red Bark Lane. These roads are private internal Resort roads to be maintained by the Homeowners Association. These criteria will be met.

Chapter 17.24, Final Plat.

Section 17.24.030, Submission for Phased Development.

- ***A. If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan.***
- ***B. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.***
- ***C. The applicant may request an extension for any final plat under DCC 17.24 in the manner provided for in DCC 17.24.020(B).***
- ***D. If the applicant fails to file a final plat, the tentative plan for those phases shall become null and void.***

FINDING: The applicant provided the following findings,

The applicant proposes to develop Phase E in two phases.

Based on the intention to phase the subdivision, the following condition of approval apply.

Phased Subdivision**:** If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.

Section 17.24.120. Improvement Agreement.

A. The subdivider may, in lieu of completion of the required repairs to existing streets and facilities, and improvements as specified in the tentative plan, request the County to approve an agreement between himself and the County specifying the schedule by which the required improvements and repairs shall be completed; provided, however, any schedule of improvements and repairs agreed to shall not exceed on[e] year from the date the final plat is recorded, except as otherwise allowed by DCC 17.24.120(F) below. The agreement shall also provide the following: …

FINDING: The applicant is not requesting an Improvement Agreement at this time. However, if needed, any such request will need to comply with the applicable criteria for improvement agreements.

Chapter 17.36, Design Standards

Section 17.36.020. Streets.

A. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system for all modes of transportation, including pedestrians, bicycles and automobiles, with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. The subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivision or partition or of their property projection when adjoining property which is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in DCC 17.36.

FINDING: The proposed streets serving the tentative plat were approved as part of the CMP and FMP. Proposed lots front along via Elk Run Drive, Lakesong Circle, Wildpine Loop, and Red Bark Lane, private streets which ultimately connect to Vandevert Road to the south. The private streets provide circulation for the interior of the platted area. Being a part of a resort, the platted area will also be served with multi-use paths, ensuring that all modes of transportation are accommodated in the circulation plan for the platted area and the resort as a whole. Streets have been designed with the topography in mind, ensuring that all grades meet established county standards. Street widths were approved as part of the CMP/FMP approval process. Staff finds this criterion will be met.

B. Streets in subdivisions shall be dedicated to the public, unless located in a destination resort, planned community or planned or cluster development, where roads can be privately owned. Planned developments shall include public streets where necessary to accommodate present and future through traffic.

FINDING: The proposed streets within the destination resort subdivision will be private. This

criterion will be met.

Section 17.36.040. Existing Streets.

Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or partition or by the County roadway network plan, additional rights of way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body, together with the Road Department Director, shall determine whether improvements to existing streets adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval for the tentative plan. Improvements to adjacent streets shall be required where traffic on such streets will be directly affected by the proposed subdivision or partition.

FINDING: The Road Department did not identify any existing streets which require additional dedication of right-of-way. This criterion does not apply.

Section 17.36.050. Continuation of Streets.

Subdivision or partition streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide.

FINDING: Elk Run Drive and Wild Pine Loop as proposed with this plat will be a continuation of the existing streets within the resort property. Lakesong Circle and Red Bark Lane are new streets proposed with this plat. Based on the tentative plat, the centerlines are aligned with the corresponding existing street. This criterion is met.

Section 17.36.060. Minimum Right of Way and Roadway Width.

The street right of way and roadway surfacing widths shall be in conformance with standards and specifications set forth in DCC 17.48. Where DCC 17.48 refers to street standards found in a zoning ordinance, the standards in the zoning ordinance shall prevail.

FINDING: The applicant provided the following findings.

> As part of the CMP and FMP approvals, the county recognized that the south entry and north entry roads did not meet county standards, but recognized that the proposed 18-foot width roads allow for slower travel speeds, and that bicycles and pedestrians would utilize adjacent mulit-use paths rather than road right of way. Consequently, where the proposed streets do not meet the 20-foot minimum, the county has already approved the adjustment to the narrower roads. No further county approval is required for the proposed streets/roads.

Proposed private streets within Phase D include 60-foot-right-of-way widths with 20-foot-wide paved sections, complying with DCC 17.48 for private roads. This criterion will be met.

Section 17.36.070. Future Resubdivision.

Where a tract of land is divided into lots or parcels of an acre or more, the Hearings Body may require an arrangement of lots or parcels and streets such as to permit future re-subdivision in conformity to the street requirements and other requirements contained in DCC Title 17.

FINDING: Given the property's intended use as part of a destination resort approved under a master plan, staff finds it is unnecessary to modify the arrangement of lots and streets to permit future re-subdivision.

Section 17.36.080. Future Extension of Streets.

When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.

FINDING: The applicant provided the following findings.

> The county approved the overall resort circulation pattern in the CMP and FMP, and the Phase A through D plats have established the road circulation pattern in the resort. The current application extends existing streets as previously approved. Thus, all roads within the subdivision have been extended to the boundary of the subdivision.

Based on staff's review of the TP, staff agrees. This criterion will be met.

Section 17.36.100. Frontage Roads.

If a land division abuts or contains an existing or proposed collector or arterial street, the Planning Director or Hearings Body may require frontage roads, reverse frontage lots or parcels with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. All frontage roads shall comply with the applicable standards of Table A of DCC Title 17, unless specifications included in a particular zone provide other standards applicable to frontage roads.

FINDING: The applicant provided the following findings.

> The county approved the overall resort circulation pattern in the CMP and FMP. No frontage roads were proposed. Frontage roads are not required under this section.

Given the buffer provided by the WMT along Vandevert Road and Century Drive, staff agrees no frontage roads are required.

Section 17.36.110. Streets Adjacent to Railroads, Freeways and Parkways.

When the area to be divided adjoins or contains a railroad, freeway or parkway, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for use of the land between the street and railroad, freeway or parkway. In the case of a railroad, there shall be a land strip of not less than 25 feet in width adjacent and along the railroad right of way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than 80 feet in width, such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets, where they intersect with streets that cross a railroad, shall be determined with due consideration at cross streets of a minimum distance required for approach grades to a future grade separation and right of way widths of the cross street.

FINDING: The applicant provided the following findings.

The county approved the overall resort circulation pattern in the CMP and FMP. The area to be subdivided does not contain a railroad, freeway or parkway. The BNSF main line and Highway 97, while in close proximity, are not within the resort nor the area to be subdivided.

The area to be subdivided is adjacent to the BNSF main line which runs along the eastern boundary of the annexation property. The subdivision plat shows at least a 100-foot undeveloped area contained within a Common Area Tract adjacent and along the railroad right of way. The criteria are met.

Section 17.36.120. Street Names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers shall conform to the established pattern in the County and shall require approval from the County Property Address Coordinator.

FINDING: Staff includes a condition of approval to ensure compliance.

Street Names. Street names and numbers shall be approved by the County Property Address Coordinator.

Section 17.36.130. Sidewalks.

A. Within an urban growth boundary, sidewalks shall be installed on both sides of a public road or street and in any special pedestrian way within the subdivision or partition, and along any collectors and arterials improved in accordance with the subdivision or partition approval.

B. Within an urban area, sidewalks shall be required along frontage roads only on the

side of the frontage road abutting the development.

C. Sidewalk requirements for areas outside of urban areas are set forth in DCC 17.48.175. In the absence of a special requirement set forth by the Road Department Director under DCC 17.48.030, sidewalks and curbs are never required in rural areas outside unincorporated communities as that term is defined in DCC Title 18.

FINDING: The subject property is not within an urban growth boundary, in an urban area, or in an unincorporated community. The Road Department did not require sidewalks under DCC 17.48.030. These criteria do not apply.

Section 17.36.140. Bicycle, Pedestrian and Transit Requirements.

Pedestrian and Bicycle Circulation within Subdivision.

A. The tentative plan for a proposed subdivision shall provide for bicycle and pedestrian routes, facilities and improvements within the subdivision and to nearby existing or planned neighborhood activity centers, such as schools, shopping areas and parks in a manner that will:

1. Minimize such interference from automobile traffic that would discourage pedestrian or cycle travel for short trips;

2. Provide a direct route of travel between destinations within the subdivision and existing or planned neighborhood activity centers, and

3. Otherwise meet the needs of cyclists and pedestrians, considering the destination and length of trip.

FINDING: The applicant provided the following findings,

> The county approved the overall resort circulation pattern in the CMP and FMP. The resort, as well as the area to be subdivided, include a complex of multi-use pedestrian paths, both paved and unpaved. These facilities connect to the existing resort and will include future connections to the Sunriver Business Park during construction of later phases of the resort. The goal of providing these paths is for both recreational purposes and to minimize the need for owners and guests to use automobiles when accessing resort services. Trail connections extend all the way to Sunriver and provide a complete network of bicycle and pedestrian routes throughout the resort, the subdivision and the larger Sunriver community.

Staff notes that the tentative plat does not show the location of the required multi-use paths as the paths are not platted as separate tracts. Rather, paths are included within common area or private road tracts. Staff includes the following condition of approval requiring construction of the paths consistent with the FMP.

Multi-Use Pathways: Multi-use pathways shall be constructed consistent with the pathway locations shown on the FMP.

B. Subdivision layout.

1. Cul-de-sacs or dead-end streets shall be allowed only where, due to

topographical or environmental constraints, the size and shape of the parcel, or a lack of through-street connections in the area, a street connection is determined by the Planning Director or Hearings Body to be infeasible or inappropriate. In such instances, where applicable and feasible, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

2. Bicycle and pedestrian connections between streets shall be provided at mid block where the addition of a connection would reduce the walking or cycling distance to an existing or planned neighborhood activity center by 400 feet and by at least 50 percent over other available routes.

3. Local roads shall align and connect with themselves across collectors and arterials. Connections to existing or planned streets and undeveloped properties shall be provided at no greater than 400-foot intervals.

4. Connections shall not be more than 400 feet long and shall be as straight as possible.

FINDING: The applicant provided the following findings.

> The county approved the overall resort circulation pattern in the CMP and FMP. The resort, as well as the area to be subdivided, include a complex of multi-use pedestrian paths, both paved and unpaved. No cul-de-sacs are planned. As shown on the approved FMP, the entire subdivision is served by a series of paths at the rear of a majority of the lots, with access to additional pathways in the common areas within the subdivision. The pathways provide far more connectivity [than] is required under this section. No roads cross any collector streets, so there is no need to align streets as required.

Red Bark Lane and Elk Run Drive will temporarily terminate in a dead-end street until subsequent phases are constructed. The applicant includes a fire truck turnaround at the terminus of Red Bark Lane which was reviewed by the Deputy Fire Marshal. No cul-de-sacs or permanent dead-end streets are proposed with this subdivision. No connections to arterial or collectors are proposed with this subdivision. The applicable criteria are met.

C. Facilities and Improvements.

1. Bikeways may be provided by either a separate paved path or an on street bike lane, consistent with the requirements of DCC Title 17.

2. Pedestrian access may be provided by sidewalks or a separate paved path, consistent with the requirements of DCC Title 17.

FINDING: The TP proposes separate paved multi-use paths for bicycles and pedestrians. There are no minimum dimensional standards for separate multi-use paths in destination resorts in Title 17.

3. Connections shall have a 20 foot right of way, with at least a 10 foot usable surface.

FINDING: The applicant provides the following findings.

The county approved the overall resort circulation pattern in the CMP and FMP. The resort, as well as the area to be subdivided, include a complex of multi-use pedestrian paths, both paved and unpaved. As shown on the approved FMP, the entire subdivision is served by a series of paths at the rear of a majority of the lots, with access to additional pathways in the common areas within the subdivision. The pathways provide far more connectivity [than] is required under this section. No roads cross any collector streets, so there is no need to align streets as required.

Staff finds this criterion will be met.

Section 17.36.150. Blocks.

A. General. The length, width and shape of blocks shall accommodate the need for adequate building site size, street width and direct travel routes for pedestrians and cyclists through the subdivision and to nearby neighborhood activity centers, and shall be compatible with the limitations of the topography.

B. Size. Within an urban growth boundary, no block shall be longer than 1,200 feet between street centerlines. In blocks over 800 feet in length, there shall be a cross connection consistent with the provisions of DCC 17.36.140.

FINDING: The applicant provides the following findings.

As part of the CMP and FMP approval, the county approved the width and shapes of the blocks. The block pattern is designed for a resort development and is not intended to have a grid pattern. The block pattern in the subdivision allows for a variety of lot sizes to accommodate a range of building types/sizes. Both the streets and multi-use paths provide direct travel routes throughout the site and to the surrounding area. The property is not within an urban growth boundary, so subsection (B) does not apply.

Staff agrees and finds criterion A will be met. The property is not within an urban growth boundary. Therefore, criterion B does not apply.

Section 17.36.160. Easements.

A. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

FINDING: The applicant provides the following findings.

All lots include the easements required under this section. In addition, the CC&Rs for the property include specific provisions for easements along property lines. As explained in connection with the Phase A through C plats, where easements border the front property line, the adjacent private street tracts are specifically permitted to include utilities. Consequently, the effective easement area is the 10-foot area on the lot, together with the width of the private street tract—well exceeding the 12-foot requirement.

Staff includes a condition of approval to ensure compliance.

Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

B. Drainage. If a tract is traversed by a watercourse such as a drainageway, channel or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of the watercourse, or in such further width as will be adequate for the purpose. Streets or parkways parallel to major watercourses or drainageways may be required.

FINDING: The subject property is not traversed by a watercourse. This criterion does not apply.

Section 17.36.170. Lots Size and Shape.

The size, width and orientation of lots or parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot or parcel size provisions of DCC Title 18 through 21, with the following exceptions:

FINDING: The applicant provides the following findings.

The county approved the general lot size and orientation as part of the CMP and FMP approvals. The lots are of various sizes and allow for generous setbacks and a variety of building types.

The criteria will be met.

A. In areas not to be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and the County Sanitarian, and shall be sufficient to permit adequate sewage disposal. Any problems posed by soil structure and water table and related

to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.

B. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted by the Hearings Body. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.

FINDING: The applicant provides the following findings.

The property will be served by sewer facilities and is not designated for business or industrial use, so subsections (A) and (B) do not apply.

Staff agrees and finds these criteria do not apply.

Section 17.36.180. Frontage.

A. Each lot or parcel shall abut upon a public road, or when located in a planned development or cluster development, a private road, for at least 50 feet, except for lots or parcels fronting on the bulb of a cul de sac, then the minimum frontage shall be 30 feet, and except for partitions off of U.S. Forest Service or Bureau of Land Management roads. Frontage for partitions off U.S. Forest Service or Bureau of Land Management roads shall be decided on a case by case basis based on the location of the property, the condition of the road, and the orientation of the proposed parcels, but shall be at least 20 feet. In the La Pine Neighborhood Planning Area Residential Center District, lot widths may be less than 50 feet in width, as specified in DCC 18.61, Table 2: La Pine Neighborhood Planning Area Zoning Standards. Road frontage standards in destination resorts shall be subject to review in the conceptual master plan.

B. All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical.

FINDING: Based on staff's review of the TP, these criteria will be met.

Section 17.36.190. Through Lots.

Lots or parcels with double frontage should be avoided except where they are essential to provide separation of residential development from major street or adjacent nonresidential activities to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting such a traffic artery or other incompatible use.

FINDING: No proposed lots have double frontage. This criterion will be met.

Section 17.36.200. Corner Lots.

Within an urban growth boundary, corner lots or parcels shall be a minimum of five feet more in width than other lots or parcels, and also shall have sufficient extra width to meet the additional side yard requirements of the zoning district in which they are located.

FINDING: The subject property is not within an urban growth boundary. This criterion does not apply.

Section 17.36.210. Solar Access Performance.

A. As much solar access as feasible shall be provided each lot or parcel in every new subdivision or partition, considering topography, development pattern and existing vegetation. The lot lines of lots or parcels, as far as feasible, shall be oriented to provide solar access at ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st. If it is not feasible to provide solar access to the southern building line, then solar access, if feasible, shall be provided at 10 feet above ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st, and three hours before and after the solar zenith from March 22nd to September 21st.

B. This solar access shall be protected by solar height restrictions on burdened properties for the benefit of lots or parcels receiving the solar access.

C. If the solar access for any lot or parcel, either at the southern building line or at 10 feet above the southern building line, required by this performance standard is not feasible, supporting information must be filed with the application.

FINDING: Pursuant to the FMP approval, the annexation property is not subject to solar setback standards. These criteria do not apply.

Section 17.36.220. Underground Facilities.

Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities; provided, however, the Hearings Body may allow overhead utilities if the surrounding area is already served by overhead utilities and the proposed subdivision or partition would create less than 10 lots. The subdivision or partition shall be responsible for complying with requirements of DCC 17.36.220, and shall:

A. Obtain a permit from the Road Department for placement of all underground utilities.

B. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission.

C. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable, and sanitary sewers shall be placed to such length as will obviate the necessity for

disturbing the street improvements when service connections are made.

FINDING: The subject property is not within an urban growth boundary. These criteria do not apply.

Section 17.36.230. Grading of Building Sites.

Grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:

A. Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.

B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.

C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

D. When filling or grading is contemplated by the subdivider, he shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

FINDING: The applicant provides the following findings.

Grading will be required on the lots and road areas to accommodate construction and road building. At the time of construction, the developer will address the standards above and provide any required plans to the county.

To ensure compliance, staff includes conditions of approval.

Grading of Building Sites. At all times, grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:

A. Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.
B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

Grading Plans. When filling or grading is contemplated by the subdivider, prior to final plat approval, the owner shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

Section 17.36.250. Lighting.

Within an urban growth boundary, the subdivider shall provide underground wiring to the

County standards, and a base for any proposed ornamental street lights at locations approved by the affected utility company.

FINDING: The subject property is not within an urban growth boundary. This criterion does not apply.

Section 17.36.260. Fire Hazards.

Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease resident evacuation.

FINDING: The applicant provides the following findings.

The subdivision will have two points of ingress and egress, both connecting to Elk Run Drive. From Elk Run Drive, egress is provided to the south at Vandevert Road, then to the northwest through the existing portions of the resort via Trailmere Circle.

Staff agrees and finds this criterion will be met.

Section 17.36.270. Street Tree Planting.

Street tree planting plans, if proposed, for a subdivision or partition, shall be submitted to the Planning Director and receive his approval before the planting is begun.

FINDING: The TP does not include any street trees. This criterion does not apply.

Section 17.36.280. Water and Sewer Lines.

Where required by the applicable zoning ordinance, water and sewer lines shall be constructed to County and city standards and specifications. Required water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.

FINDING: The applicant provides the following findings.

The subdivision will be served by sewer and water lines. All mains will be constructed to applicable standards, including those of Sunriver Environmental and Sunriver Water. Lines will be constructed at the time of street construction and prior to paving and any curbing.

Staff finds this criterion will be met.

Section 17.36.290. Individual Wells.

In any subdivision or partition where individual wells are proposed, the applicant shall

provide documentation of the depth and quantity of potable water available from a minimum of two wells within one mile of the proposed land division. Notwithstanding DCC 17.36.300, individual wells for subdivisions are allowed when parcels are larger than 10 acres.

FINDING: The TP does not include any individual wells. This criterion does not apply.

Section 17.36.300. Public Water System.

In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the appropriate state or federal agency. A community water system shall be required where lot or parcel sizes are less then one acre or where potable water sources are at depths greater than 500 feet, excepting land partitions. Except as provided for in DCC 17.24.120 and 17.24.130, a required water system shall be constructed and operational, with lines extended to the lot line of each and every lot depicted in the proposed subdivision or partition plat, prior to final approval.

FINDING: The TP does not include a public water system. This criterion does not apply.

Chapter 17.44, Park Development

Section 17.44.010. Dedication of Land.

- ***A. For subdivisions or partitions inside an urban growth boundary, the developer shall set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.***
- ***B. For subdivisions or partitions outside of an urban growth boundary, the developer shall set aside a minimum area of the development equal to $350 per dwelling unit within the development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.***
- ***C. For either DCC 17.44.010 (A) or (B), the developer shall either dedicate the land set aside to the public or develop and provide maintenance for the land set aside as a private park open to the public.***
- ***D. The Planning Director or Hearings Body shall determine whether or not such land is suitable for park purposes.***
- ***E. If the developer dedicates the land set aside in accordance with DCC 17.44.010 (A) or (B), any approval by the Planning Director or Hearings Body shall be subject to the condition that the County or appropriate park district accept the deed dedicating such land.***
- ***F. DCC 17.44.010 shall not apply to the subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.***

FINDING: The applicant provides the following findings.

As with the Phase A through D plats, the application will pay the fee in lieu charge of $350 per dwelling unit.

Because the annexation property is outside of an urban growth boundary, staff finds subsection (B) applies and requires the developer to set aside land equal to $350 per dwelling unit.

Section 17.44.020. Fee in Lieu of Dedication.

A. In the event there is no suitable park or recreation area or site in the proposed subdivision or partition, or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under DCC 17.44.010 above. For the purpose of determining the fair market value, the latest value of the land, unplatted and without improvements, as shown on the County Assessor's tax roll shall be used. The sum so contributed shall be deposited with the County Treasurer and be used for acquisition of suitable area for park and recreation purposes or for the development of recreation facilities. Such expenditures shall be made for neighborhood or community facilities at the discretion of the Board and/or applicable park district.

B. DCC 17.44.020 shall not apply to subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.

FINDING: Staff includes a condition of approval requiring payment of the park fee prior to final plat approval. The total park fee for the proposed 86-lot subdivision is $30,100 ($350 x 86).

Park Fee. Prior to final plat approval, the owner shall pay the $30,100 park fee.

Section 17.44.030. Annexation Agreement.

No partition or subdivision of land lying within the Bend Urban Growth Boundary, including the urban reserve areas, but outside the boundaries of the Bend Metro Park and Recreation District, shall be approved unless the landowner has signed an annexation agreement with the Bend Metro park and Recreation District.

FINDING: The subject property is not located within one of the identified areas. These criteria do not apply.

Chapter 17.48, Design and Construction Specifications

Section 17.48.100. Minimum Right of Way Width.

The minimum right of way width is 60 feet unless specified otherwise in Table A (or in any right of way specifications set forth for a particular zone in a zoning ordinance). (See Table A set out at the end of DCC Title 17.)

FINDING: Based on the TP, all roads will be constructed within an 60-foot right-of-way. This criterion will be met.

Section 17.48.110. Turn Lanes.

When a turn lane is required, it shall be a minimum of 14 feet in width, except where road specifications in a zoning ordinance provide for travel lanes of lesser width. Additional right of way may be required.

FINDING: No turn lanes are proposed or required. This criterion does not apply.

Section 17.48.120. Partial Width Roads.

Partial width roads or half streets shall not be allowed.

FINDING: No partial width roads or half streets are proposed. This criterion will be met.

Section 17.48.130. Road Names.

All roads shall be named in conformance with the provisions of the Deschutes County uniform road naming system set forth in DCC Title 16.

FINDING: As noted previously, staff includes a condition of approval to ensure all road names are approved by the County Property Address Coordinator, pursuant to Title 16.

Section 17.48.140. Bikeways.

A. General Design Criteria.

1. Bikeways shall be designed in accordance with the current standards and guidelines of the Oregon (ODOT) Bicycle and Pedestrian Plan, the American Association of State Highway Transportation Officials (AASHTO) Guide for Development of New Bicycle Facilities, and the Deschutes County Bicycle Master Plan. See DCC 17.48 Table B.

2. All collectors and arterials shown on the County Transportation Plan map shall be constructed to include bikeways as defined by the Deschutes County Bicycle Master Plan.

3. If interim road standards are used, interim bikeways and/or walkways shall be provided. These interim facilities shall be adequate to serve bicyclists and pedestrians until the time of road upgrade.

FINDING: No separate bikeways are proposed. These criteria do not apply.

B. Multi-use Paths.

1. Multi-use paths shall be used where aesthetic, recreation and safety concerns are primary and a direct route with few intersections can be

established. If private roads are constructed to a width of less than 28 feet, multi-use paths shall be provided.

2. Multi-use paths are two way facilities with a standard width of 10 feet, but with a 12 foot width if they are subjected to high use by multiple users. These paths shall meet County multi-use path standards and shall connect with bike facilities on public roads.

FINDING: The applicant provides the following findings.

> The CMP and FMP approved the circulation and road network for the resort. A key component of the resort circulation plan is the inclusion of an extensive multi-use path network meeting the county's design requirements.

Per the TP, the multi-use paths will be 10 feet in width. Given the limited number of lots within the Resort and annexation property, staff finds these paths are not likely to be subject to high use by multiple users. For this reason, staff finds the 12-foot width is not required.

C. Bike Lanes. Six foot bike lanes shall be used on new construction of curbed arterials and collectors.

D. Shoulder Bikeways.

1. Shoulder bikeways shall be used on new construction of uncurbed arterials and collectors.

2. Shoulder bikeways shall be at least four feet wide. Where the travel lane on an existing arterial or collector is not greater than eleven feet, the bikeway shall be a minimum of four feet wide.

FINDING: No new collectors or arterials are proposed. These criteria do not apply.

E. Mountain Bike Trails.

1. Mountain bike (dirt or other unpaved surface) trails may be used as recreational or interim transportation facilities.

2. Trails used for transportation shall have a two foot minimum tread width and a six foot minimum clearing width centered over the trail, and a minimum overhead clearance of seven feet. Trails used solely for recreational use may be narrower with less clearing of vegetation.

FINDING: The TP does not include mountain bike trails. These criteria do not apply.

> Section 17.48.150. Structures.
>
> ***All structures that carry a road or cross over a road shall be designed to have a 50 year life span. All designs must be approved by the Road Department Director and other affected public or private agencies.***

FINDING: The TP does not propose any structures to carry a road or cross over a road. This criterion

does not apply.

Section 17.48.160. Road Development Requirements Standards.

A. Subdivision Standards. All roads in new subdivisions shall either be constructed to a standard acceptable for inclusion in the County maintained system or the subdivision shall be part of a special road district or a homeowners association in a planned unit development.

FINDING: All proposed private roads will be subject to maintenance pursuant to the homeowners association and CC&Rs. This criterion will be met.

B. Improvements of Public Rights of Way.

1. The developer of a subdivision or partition will be required to improve all public ways that are adjacent or within the land development.

2. All improvements within public rights of way shall conform to the improvement standards designated in DCC Title 17 for the applicable road classification, except where a zoning ordinance sets forth different standards for a particular zone

FINDING: No public rights-of-way are proposed or required. As noted in this decision, all proposed roads will be private. These criteria do not apply.

C. Primary Access Roads.

1. The primary access road for any new subdivision shall be improved to the applicable standard set forth in Table A.

2. The applicable standard shall be determined with reference to the road's classification under the relevant transportation plan.

3. For the purposes of DCC 17.48.160 a primary access road is a road leading to the subdivision from an existing paved county, city or state maintained road that provides the primary access to the subdivision from such a road.

FINDING: The applicant provides the following findings.

> As approved in the CMP and FMP, all roads within the resort are private and will be dedicated as common area under the applicable CC&Rs for the resort. As part of the CMP and FMP approvals, no improvements to Vandevert Road were identified and are therefore not required as a part of this application. Also as part of the CMP and FMP, the county approved the road widths for the access road connecting to Vandevert Road. The subdivision will have two access points: one extending from Trailmere Circle in the existing resort, and a new access point connecting to Vandevert Road. These roads will be constructed at the time of infrastructure development for the subdivision. No cul-de-sacs are proposed nor are any frontage roads.

Staff finds all proposed roads will comply with the requirements of Title 17 and Table A.

D. Secondary Access Roads. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.

FINDING: The subdivision will have two access points: one extending from Trailmere Circle in the existing resort and the existing access at Vandevert Road. This criterion will be met.

E. Stubbed Roads. Any proposed road that terminates at a development boundary shall be constructed with a paved cul-de-sac bulb.

F. Cul-de-sacs.

1. Cul-de-sacs shall have a length of less than 600 feet, unless a longer length is approved by the applicable fire protection district, and more than 100 feet from the center of the bulb to the intersection with the main road.

2. The maximum grade on the bulb shall be four percent.

G. Frontage Roads. Right of way widths shall be 40 feet when immediately adjacent to a main highway/arterial; 60 feet when the frontage road is separated from the highway or arterial by private land or as set forth for a particular zone in the zoning ordinance.

FINDING: The TP does not include roadways which terminate at a development boundary. No cul-de-sacs or frontage roads are proposed or required. These criteria do not apply.

Section 17.48.170. Road Development Requirements Partitions.

Roadway improvements within a partition and to a road maintained by a public agency shall be constructed prior to final approval of the partition, depending on the maximum parcel size as follows:

A. For a parcel size of 10 acres or larger, the minimum road improvement standard shall be 20 feet wide with five inches of aggregate surfacing (cinders are acceptable), the centerline of which coincides with the centerline of the right of way;

B. For a parcel size of less than 10 acres, the road standards used shall be the same as for a subdivision.

FINDING: The applicant does not propose a partition. These criteria do not apply.

Section 17.48.175. Road Development Requirements – Unincorporated Communities.

A. Standards.

1. In the La Pine Urban Unincorporated Community , all roads shall be improved as specified for the applicable classification in Table A of DCC Title 17.

2. In the Terrebonne Rural Community, all improvements to public rights of way shall conform to the road development standards for Terrebonne in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10

acres or greater created by a partition.

3. ***In the Tumalo Rural Community, all improvements to public rights of way shall conform to the Tumalo road development standards in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.***
4. ***In the Sunriver Urban Unincorporated Community, all roads shall conform to the road development standards in DCC 17.48.180.***
5. ***No curbs or sidewalks are required in the Sunriver UUC or the rural service centers of Alfalfa, Brothers, Hampton, Millican, Whistle Stop, Wickiup Junction, Wild Hunt, Deschutes River Woods and Spring River.***

B. All required road improvements shall be located on the applicant's side of the road, unless the subject property lies on both sides of the road.

FINDING: The subject property is not within an unincorporated community. These criteria do not apply.

Section 17.48.180. Private Roads.

The following minimum road standards shall apply for private roads:

A. The minimum paved roadway width shall be 20 feet in planned unit developments and cluster developments with two foot wide gravel shoulders;
B. Minimum radius of curvature, 50 feet;
C. Maximum grade, 12 percent;
D. At least one road name sign will be provided at each intersection for each road;
E. A method for continuing road maintenance acceptable to the County;
F. Private road systems shall include provisions for bicycle and pedestrian traffic.

1. ***In cluster and planned developments limited to ten dwelling units, the bicycle and pedestrian traffic can be accommodated within the 20-foot wide road.***
2. ***In other developments, shoulder bikeways shall be a minimum of four feet wide, paved and striped, with no on street parking allowed within the bikeway, and when private roads are developed to a width of less than 28 feet, bike paths constructed to County standards shall be required.***

FINDING: The applicant provides the following findings.

All roadway widths were approved by the county as part of the CMP and FMP process, with the county acknowledging that the 18-foot width was appropriate for the Vandevert Road access point. As shown on the plat, the proposed roads meet the curvature and grade requirements. At time of development and after approval of road names, road name signage will be posted as required. In terms of maintenance, as private roads within common areas, roads will be maintained by the homeowners' association as set forth in the CC&Rs applicable to the subdivision. Separate bike lanes are not proposed because the subdivision will include an extensive network of multi-use paths.

Staff agrees and finds criterion D will be met with a condition of approval to ensure compliance.

Road Name Sign. At all times, at least one road name sign will be provided at each intersection for each road.

Section 17.48.190. Drainage.

A. Minimum Requirements.

1. Drainage facilities shall be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council and all surface drainage water coming to and/or passing through the development or roadway.

2. The system shall be designed for maximum allowable development.

FINDING: The applicant provides the following findings.

> The drainage for the subdivision and the larger expansion area follows the same parameters for handling stormwater flows as the existing Caldera Springs Phase 1. The objective of the surface drainage system is to carry surface flows across the property in the pattern that they have historically followed, keeping these flows attenuated such that the concentration of flows from newly created impervious areas such that runoff not concentrated or increased. The main focus of this plan is a requirement in the Caldera Springs regulations that require each property owner to provide on their individual sites surface depressions of sufficient quantity and configuration to retain a volume of runoff equal to or exceeding the volume of runoff from the newly created impervious areas resulting from a sudden stormwater event. In addition, each property is required to accept and conduct existing overland flow through their property without diverting that flow onto adjacent properties. As this overland flow continues it eventually reaches one of the Caldera Springs lakes or golf course swales, where further attenuation occurs. The accumulated flow is then discharged from the Caldera Springs property though a flow control structure that discharge flow rates to historical levels, discharging to the S. Century Drive drainage ditch, which then connects by culvert to golf course lake 12 in Crosswater, with any overflow discharging into wetlands.

Staff notes the application materials include *Caldera Springs Annexation Phase II Stormwater Report* ("Stormwater Report"; dated July 2021) which explains and illustrates how drainage facilities for the annexation property will be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual. These criteria will be met.

B. Curbed Sections.

1. Storm drains within curbed streets shall be designed per the requirements of the current Central Oregon Stormwater Manual created by the Central Oregon Intergovernmental Council.

2. Catchbasins shall be constructed in accordance with standard as determined by the Road Department Director.

FINDING: No curbed streets are proposed. These criteria do not apply.

C. Noncurbed Sections.

1. Road culverts shall be concrete or metal with a minimum design life of 50 years.

2. All cross culverts shall be 18 inches in diameter or larger.

3. Culverts shall be placed in natural drainage areas and shall provide positive drainage.

FINDING: The Stormwater Report indicates these criteria will be met. Staff includes a condition of approval to ensure compliance.

Culverts. The proposed development shall incorporate the following design standards.

A. Road culverts shall be concrete or metal with a minimum design life of 50 years.

B. All cross culverts shall be 18 inches in diameter or larger.

C. Culverts shall be placed in natural drainage areas and shall provide positive drainage.

D. Drainage Swales. The Design Engineer is responsible to design a drainage swale adequate to control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council.

FINDING: Staff includes a condition of approval to ensure compliance.

Drainage Swales. Prior to final plat approval, the owner shall submit a statement from an engineer licensed in the state of Oregon indicating all drainage swales are designed to adequately control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council. An engineer's stamp on the final plat will also demonstrate compliance.

E. Drainage Plans. A complete set of drainage plans including hydraulic and hydrologic calculations shall be incorporated in all road improvement plans.

FINDING: Drainage plans will be reviewed by the Road Department as part of their review of road improvement plans.

F. Drill Holes. Drill holes are prohibited.

FINDING: No drill holes are proposed. This criterion will be met.

G. Injection wells (drywells) are prohibited in the public right-of-way.

FINDING: No public rights-of-way are proposed. This criterion does not apply.

Section 17.48.210. Access.

A. Permit Required. Access onto public right of way or change in type of access shall

require a permit. Permits are applied for at offices of the Community Development Department.

FINDING: The TP does not include a new access onto a public right-of-way. The applicant received Driveway Access approval from the County Road Department for the Elk Run Drive connection onto Vandevert Road (Driveway Access # 247-21-009321-DA). This requirement is met.

B. Access Restrictions and Limitations. The creation of access onto arterials and collectors is prohibited unless there is no other possible means of accessing the parcel. In any event, residential access onto arterials and collectors shall not be permitted within 100 feet of an intersection or the maximum distance obtainable on the parcel, whichever is less.

FINDING: The subdivision does not propose any access points onto arterials and collectors. The existing Vandevert Road access point was approved as part of the CMP and FMP approvals, and is the only county road upon which access may be taken. The criterion does not apply.

C. Commercial and Industrial Access.

1. Requirements for commercial and industrial access will be determined by the Road Department Director in accordance with DCC 17.48.090.

2. Safety improvements, including left turn lanes and traffic signals, may be required.

FINDING: No commercial or industrial access is proposed. These criteria do not apply.

D. Sight Distance. Access shall be denied at locations that do not meet AASHTO sight distance standards.

FINDING: Sight distance at the intersection of Elk Run Drive and Vandevert Road access was reviewed during the CMP and FMP process and subsequent access permit review. The criterion is met.

OREGON REVISED STATUTES

Chapter 92, Subdivisions and Partitions

Section 92.090. Approval of subdivision plat names; requisites for approval of a tentative subdivision or partition plan or plat.

(1) Subdivision plat names shall be subject to the approval of the county surveyor or, in the case where there is no county surveyor, the county assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and

records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

FINDING: The applicant provides the following findings.

> The use of the name "Caldera Springs" is appropriate in this instance given that the subdivision will be a part of the Caldera Springs Destination Resort, which is platted land contiguous to and platted by the same developer/owner. Numbering has been approved by the county and is consistent with the requirements above.

Staff finds the use of "Caldera Springs" is appropriate. As noted previously in this decision, staff includes a condition of approval to ensure the County Surveyor approves the subdivision name.

(2) No tentative plan for a proposed subdivision and no tentative plan for a proposed partition shall be approved unless:

(a) The streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other aspects unless the city or county determines it is in the public interest to modify the street or road pattern.

FINDING: As shown on the tentative subdivision plat, proposed streets are laid out consistent with the CMP/FMP and to connect with the existing resort. Proposed private streets will comply with right-of-way and paving standards for private roads. This criterion will be met.

(b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

FINDING: The tentative subdivision plat indicates all streets and roads will be private. All reservations or restrictions associated with these private roads are detailed in the associated CC&Rs.

(c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances and regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated.

FINDING: This decision identifies applicable zoning ordinances and evaluates compliance with those ordinances. Staff finds the tentative plan, as conditioned, complies with the applicable DCC

zoning ordinances and regulations, as well as and the ordinances and regulations adopted under ORS 92.044.

(3) No plat of a proposed subdivision or partition shall be approved unless:

(a) Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public or private utilities.

(b) Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city or county.

(c) The subdivision or partition plat complies with any applicable zoning ordinances and regulations and any ordinance or regulation adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the subdivision or partition plat is situated.

(d) The subdivision or partition plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.

(e) The subdivision or partition plat contains a donation to the public of all sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or partition plat.

(f) Explanations for all common improvements required as conditions of approval of the tentative plan of the subdivision or partition have been recorded and referenced on the subdivision or partition plat.

FINDING: The subdivision includes new private streets and roads. Therefore, staff finds subsection (a) does not apply. The private streets and roads within the proposed subdivision have been approved by the subject land use approval, complying with subsection (b). Compliance with subsection (c), which requires compliance with the zoning ordinance and regulations, is addressed in this decision and will be reviewed when the final plat is submitted. Subsection (d) establishes a requirement for final plat review which staff includes as a condition of approval to comply with this statutory section.

Final Plat Conformity. The subdivision plat shall substantially conform to the provisions of the tentative plan for the subdivision, as approved.

No public sewage or water systems are proposed, therefore subsections (e) and (f) do not apply.

(4) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be

installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county; or

(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and indorsed by the city or county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

FINDING: The applicant provides the following findings.

> By its terms, this sub[s]ection applies to the approval of the final plat, not the preliminary plat. The applicant will address this subsection at the time of final platting.

Staff agrees and includes a condition of approval to ensure compliance. Because the FMP was approved with domestic water provided by Sunriver Water, staff finds option (c) is not available to the developer.

Domestic Water Supply. Prior to final plat approval, the owner shall submit:

A. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or

B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county.

(5) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary; or

(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed by the subdivider and indorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

FINDING: The applicant provides the following findings.

> By its terms, this sub[s]ection applies to the approval of the final plat, not the preliminary plat. The applicant will address this subsection at the time of final platting.

Staff agrees and includes a condition of approval to ensure compliance. Because the FMP was approved with sewer service provided by Sunriver Environmental, staff finds option (c) is not available to the developer.

Sewer Service. Prior to final plat approval, the owner shall submit:

A. A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or

B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary.

(6) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by a city or county unless the city or county has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

FINDING: The subject property is not located within the boundaries of an irrigation district. This criterion does not apply.

IV. SYSTEM DEVELOPMENT CHARGE

Board Resolution 2024-038 sets a transportation system development charge (SDC) rate of $5,691 per p.m. peak hour trip. County staff has determined a local trip rate of 0.81 p.m. peak hour trips per single-unit dwelling unit; therefore the applicable SDC is $4,610 ($5,691 X 0.81) per single-unit dwelling unit. The SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2025 PENDING ANY AMENDMENTS TO THE COUNTY'S CURRENT SDC RESOLUTION 2024-038. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.

ON JULY 1, 2025, THE SDC RATE WILL INCREASE TO A BASE RATE OF $5,856 PER P.M. PEAK HOUR TRIP AND THE SDC FOR THE PROPOSAL WILL BE $4,743 ($5,856 X 0.81) PER SINGLE-UNIT DWELLING UNIT.

V. CONDITIONS OF APPROVAL

AT ALL TIMES

1. Application Materials. Approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.

2. Multi-Use Pathways: Multi-use pathways shall be constructed consistent with the pathway locations shown on the FMP.

3. Road Name Sign. At least one road name sign will be provided at each intersection for each road.

4. Culverts. The proposed development shall incorporate the following design standards.
   A. Road culverts shall be concrete or metal with a minimum design life of 50 years.
   B. All cross culverts shall be 18 inches in diameter or larger.
   C. Culverts shall be placed in natural drainage areas and shall provide positive drainage.

PRIOR TO, OR CONCURRENT WITH, FINAL PLAT APPROVAL

5. Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase D, the applicant shall submit one of the following to ensure that a minimum of 264 OLUs, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:
   A. Documentation that a minimum of 264 OLUs are constructed; or
   B. Bonding or other security to ensure that a minimum of 264 OLUs are constructed or otherwise guaranteed.

6. Declaration. The owner shall record the Declaration, as amended and detailed in this decision.

7. Subdivision Name. The owner shall submit correspondence from the County Surveyor approving the subdivision name. County Surveyor signature on the plat shall also demonstrate compliance.

8. Street Names. Street names and numbers shall be approved by the County Property Address Coordinator and consistent with platted phases.

9. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible,

except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

10. Road Improvements. Owner shall complete road improvements according to the approved plans and all applicable sections of DCC 17.48. Improvements shall be constructed under the inspection of a register professional engineer consistent with ORS 92.097 and DCC 17.40.040. Upon completion of road improvements, owner shall provide a letter from the engineer certifying that the improvements were constructed in accordance with the approved plans and all applicable sections of DCC 17.48.

11. Easements. All easements of record or existing rights of way shall be noted on the final plat pursuant to DCC 17.24.060(E),(F), and (H).

12. Plat Preparation. The surveyor preparing the plat shall, on behalf of owner, submit information showing the location of the existing roads in relationship to the rights of way to Deschutes County Road Department. This information can be submitted on a worksheet and does not necessarily have to be on the final plat. All existing road facilities and new road improvements are to be located within legally established or dedicated rights of way. In no case shall a road improvement be located outside of a dedicated road right of way. If research reveals that inadequate right of way exists or that the existing roadway is outside of the legally established or dedicated right of way, additional right of way will be dedicated as directed by Deschutes County Road Department to meet the applicable requirements of DCC Title 17 or other County road standards. This condition is pursuant to DCC 17.24.060(E),(F), and (G) and 17.24.070(E)(8).

13. As-Constructed Plans. Owner shall submit as-constructed improvement plans to Road Department pursuant to DCC 17.24.070(E)(1).

14. Road Department Plat Approval. Owner shall submit plat to Road Department for approval pursuant to DCC 17.24.060(R)(2), 100, 110, and 140.

15. Street Names. Street names and numbers shall be approved by the County Property Address Coordinator.

16. Grading Plans. When filling or grading is contemplated by the subdivider, the owner shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

17. Park Fee. Prior to final plat approval, the owner shall pay the $30,100 park fee.

18. Drainage Swales. Prior to final plat approval, the owner shall submit a statement from an engineer licensed in the state of Oregon indicating all drainage swales are designed to

adequately control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council. The engineer's stamp on the final plat will also demonstrate compliance.

19. Final Plat Conformity. The subdivision plat shall substantially conform to the provisions of the tentative plan for the subdivision, as approved.

20. Domestic Water Supply. Prior to final plat approval, the owner shall submit:
    A. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or
    B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county.

21. Sewer Service. Prior to final plat approval, the owner shall submit:
    A. A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or
    B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary.

22. Roads and Utilities. Prior to final plat approval, the owner shall either physically construct all streets and utilities, or financially assure them. If the owner chooses to financially assure the streets and utilities, the owner shall secure an Improvement Agreement and surety to the satisfaction of the County, prior to final plat.

23. Phased Subdivision**:** If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.

PRIOR TO CONSTRUCTION

24. Road Improvement Plans. Owner shall submit road improvement plans to Road Department for approval prior to commencement of construction pursuant to DCC 17.40.020 and 17.48.060. The roads shall be designed to the minimum standard for a private road pursuant to 17.48.160, 17.48.180, and 17.48A or pursuant to the approved master plan. Road improvement plans shall be prepared in accordance with all applicable sections of DCC 17.48.

PRIOR TO BUILDING PERMIT ISSUANCE

25. Grading of Building Sites. At all times, grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:
    A. Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.
    B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
    C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

DESCHUTES COUNTY PLANNING DIVISION

Haleigh King

Written by: Haleigh King, AICP, Senior Planner

Jacob Ripper

Reviewed by: Jacob Ripper, AICP, Principal Planner

Attachments:

1. Tentative Plan

CALDERA SPRINGS, PHASE E TENTATIVE PLAT

BEING A REPLAT OF A PORTION OF DEVELOPMENT TRACT A1, CALDERA SPRINGS, PHASE A,
LOCATED IN THE EAST ONE-HALF (E1/2) OF SECTION 8 AND
WEST ONE-QUARTER (W1/4) SECTION 9, TOWNSHIP 20 SOUTH, RANGE 11 EAST,
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON
###-25-######-TP
FUTURE 2025

SUBJECT PROPERTY DESCRIPTION

BEING A PORTION OF DEVELOPMENT TRACT A1 OF CALDERA SPRINGS, PHASE A, RECORDED FEBRUARY 2, 2022, AS INSTRUMENT NUMBER 2022-04791, DESCHUTES COUNTY OFFICIAL RECORDS, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN EAST HALF (E1/2) OF SECTION 8, THE SOUTHWEST 1/4 (SW1/4) SECTION 9, AND THE NORTHWEST 1/4 (NW1/4) SECTION 9 TOWNSHIP 20 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "PARAMETRIX", MARKING THE NORTHWEST CORNER OF COMMON AREA TRACT VV, CALDERA SPRINGS, PHASE D, SAID POINT BEARS SOUTH 51°08'07" WEST 1707.33 FEET FROM THE EAST ONE-QUARTER (E1/4) CORNER OF SAID SECTION 8;

THENCE NORTH 86°31'12" EAST 261.19 FEET TO THE WEST RIGHT-OF-WAY LINE OF (BEING 30 FEET FROM CENTER WHEN MEASURED AT RIGHT ANGLES TO) ELK RUN DRIVE, AND THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

THENCE ALONG SAID RIGHT-OF-WAY LINE 81.80 FEET ALONG A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 09°45'49", WITH A RADIUS OF 480.00 FEET, AND A CHORD OF NORTH 01°24'07" EAST 81.70 FEET TO A POINT OF NON-TANGENCY;

THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ELK RUN DRIVE AND THE NORTH LINE OF LOT 501 OF SAID CALDERA SPRINGS, PHASE D SOUTH 85°43'02" EAST 252.07 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE ALONG THE NORTHERLY LINE OF SAID CALDERA SPRINGS, PHASE D, THE FOLLOWING NINE (9) COURSES:

354.80 FEET ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 101°38'33", WITH A RADIUS OF 200.00 FEET, AND A CHORD OF SOUTH 46°32'19" EAST 310.07 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 72°46'43" EAST 81.30 FEET;

THENCE SOUTH 19°07'04" EAST 54.00 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE 291.55 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 28°48'03", WITH A RADIUS OF 580.00 FEET, AND A CHORD OF NORTH 56°28'56" EAST 288.49 FEET TO A POINT OF REVERSE CURVATURE;

THENCE 362.73 FEET ALONG A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 46°11'05", WITH A RADIUS OF 450.00 FEET, AND A CHORD OF NORTH 65°10'28" EAST 352.99 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 81°38'57" EAST 120.63 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

THENCE 33.79 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 06°03'00", WITH A RADIUS OF 320.00 FEET, AND A CHORD OF NORTH 59°55'35" EAST 33.77 FEET TO A POINT OF REVERSE CURVATURE;

THENCE 245.55 FEET ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 105°47'02", WITH A RADIUS OF 133.00 FEET, AND A CHORD OF NORTH 10°03'34" EAST 212.13 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 47°07'16" EAST 365.42 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF (BEING PARALLEL AND 50.00 FEET FROM CENTER WHEN MEASURED AT RIGHT ANGLES TO) BURLINGTON NORTHERN SANTA-FE RAILROAD, AND THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES:

195.96 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03°00'43", WITH A RADIUS OF 3727.85 FEET, AND A CHORD OF NORTH 16°37'53" WEST 195.94 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH 71°41'55" WEST 25.00 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE 588.10 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°06'00", WITH A RADIUS OF 3702.85, AND A CHORD OF NORTH 22°41'15" WEST 587.49 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 62°45'45" EAST 25.00 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE 157.95 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE 02°25'39", WITH A RADIUS OF 3727.85 FEET, AND A CHORD OF NORTH 28°27'05" WEST 157.94 FEET TO A POINT OF SPIRAL;

THENCE 300.00 FEET ALONG A 50 FOOT OFFSET SPIRAL CURVE TO THE LEFT, THE LONG CHORD OF WHICH NORTH 31°11'03" WEST 297.99 FEET TO A POINT OF TANGENCY;

THENCE NORTH 31°56'24" WEST 850.04 FEET;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 45°47'15" WEST 969.74 FEET;

THENCE NORTH 68°01'58" WEST 160.00 FEET TO A NON-TANGENTIAL CURVE TO THE RIGHT;

THENCE 158.90 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 24°36'21", WITH A RADIUS OF 370.00 FEET, AND A CHORD OF NORTH 34°16'13" WEST 157.68 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 43°25'36" WEST 60.00 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE 70.55 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°24'04", WITH A RADIUS OF 430.00 FEET, AND A CHORD OF SOUTH 41°52'22" WEST 70.47 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 00°14'15" EAST 370.06 FEET;

THENCE SOUTH 85°15'58" WEST 340.41 FEET TO A POINT OF NON-TANGENTIAL CURVATURE TO THE RIGHT;

THENCE 32.88 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05°53'14", WITH A RADIUS OF 320.00 FEET, AND A CHORD OF NORTH 01°47'25" WEST 32.87 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 88°50'48" WEST 364.21 FEET TO THE EAST LINE OF TRACT C, CALDERA SPRINGS, PHASE ONE, RECORDED FEBRUARY 17, 2006, AS INSTRUMENT NUMBER 2006-11380;

THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES:

SOUTH 00°01'58" WEST 1285.42 FEET;

THENCE SOUTH 89°29'28" EAST 663.72 FEET;

THENCE SOUTH 00°07'49" WEST 1082.39 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 95 ACRES MORE OR LESS

BASIS OF BEARINGS: SOUTH 00°07'49" WEST BETWEEN RECOVERED MONUMENTS MARKING THE EAST LINE OF TRACT "C" PER PLAT OF CALDERA SPRINGS PHASE ONE.

SUBJECT PROPERTY EASEMENTS

AS DISCLOSED IN FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 7069-4257718, EFFECTIVE DATE APRIL 8, 2025.

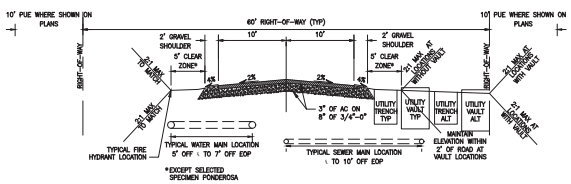
1. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN :
   - RECORDING INFORMATION: DECEMBER 15, 1970 AS BOOK 173, PAGE 494
   - IN FAVOR OF: DESCHUTES COUNTY
   - FOR: ROADWAY
   - ("DOES NOT AFFECT THIS PROJECT)

ITEMS 2 THROUGH 6 HAVE BEEN INTENTIONALLY OMITTED

7. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
   - RECORDING INFORMATION: AUGUST 16, 2013 AS INSTRUMENT NO. 2013-35139
   - IN FAVOR OF: MIDSTATE ELECTRIC COOPERATIVE, INC., AN OREGON COOPERATIVE CORPORATION
   - FOR: ELECTRIC TRANSMISSION SYSTEM

8. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
   - RECORDING INFORMATION: AUGUST 30, 2013 AS INSTRUMENT NO. 2013-37255
   - IN FAVOR OF: MIDSTATE ELECTRIC COOPERATIVE, INC., AN OREGON COOPERATIVE CORPORATION
   - FOR: ELECTRIC TRANSMISSION FACILITIES/LINES

ITEM 9 HAS BEEN INTENTIONALLY OMITTED



MAJOR ROAD TYPICAL SECTION 1 TP1.0

N.T.S



INFORMATION SHOWN ON THE PLANS IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE AS DETAILED DESIGN IS DEVELOPED.

REGISTERED PROFESSIONAL ENGINEER
17199
OREGON
JULY 19, 1994
JAMES E. FROST
EXPIRES: 12/31/2025

SHEET NO. TP1.0 OF 7

JOB NO.	297-7378-032
JOB NAME:	CALDERA FMP
DRAWN:	DRF
CHECKED:	CAP/DM
SCALE:	N/A
DATE:	FEBRUARY 24, 2025

PREPARED FOR:
CALDERA SPRINGS, PHASE E

Parametrix
150 NW Pacific Park Lane, Suite 110 • Bend, OR 977
Ph: 541.508.7710

FINDINGS & DECISION

FILE NUMBER: 247-25-000292-TP

SUBJECT PROPERTY/ OWNER/APPLICANT:

Mailing Name: CALDERA SPRINGS REAL ESTATE LLC
Map and Taxlot: 2011080002500
Account: 285002
Situs Address: **NO SITUS ADDRESS**

Mailing Name: CALDERA SPRINGS REAL ESTATE LLC
Map and Taxlot: 2011090000100
Account: 285008
Situs Address: 18300 LAVA SPRINGS LP, BEND, OR 97707

APPLICANT'S REPRESENTATIVE:

Radler White Parks & Alexander, LLP
P.O. Box 2007
Bend, OR 97709

REQUEST:

The applicant seeks tentative plan approval of Caldera Springs OLU (Overnight Lodging Unit) Phase E, a 16-lot subdivision. Ten lots will contain two OLUs each and six lots will contain three OLUs for a total of 38 units.

The applicant filed a Final Master Plan ("FMP") application with the County in April, 2021, (File No. 247-21-000388-M), and a Modification of Application on May 27, 2021, (File No. 247-21-000528-MA). The applications were referred to a public hearing, which was held on June 22, 2021. The FMP was approved on August 10, 2021.

STAFF CONTACT:

Haleigh King, Senior Planner
Phone: 541-383-6710
Email: Haleigh.King@deschutes.org

RECORD:

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

I. APPLICABLE CRITERIA

Title 17 of the Deschutes County Code, the County Subdivision/Partition Ordinance
- Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans
- Chapter 17.36, Design Standards
- Chapter 17.44, Park Development
- Chapter 17.48, Design and Construction Specifications

Title 18 of the Deschutes County Code, the County Zoning Ordinance:
- Chapter 18.40, Forest Use Zone (F2)
- Chapter 18.80, Airport Safety Combining Zone (AS)
- Chapter 18.88, Wildlife Area Combining Zone (WA)
- Chapter 18.113, Destination Resorts Zone (DR)
- Chapter 18.116, Supplementary Provisions

Title 22, Deschutes County Development Procedures Ordinance

Oregon Revised Statutes (ORS)
- Chapter 92 — Subdivisions and Partitions

II. BASIC FINDINGS

LOT OF RECORD: The annexation property is a lot of record pursuant to the Board of County Commissioners ("Board") decision in PA-10-7, ZC-10-5. This finding was confirmed by the Hearings Officer ("HOff") in 247-15-000464-CU. Furthermore, the subject tax lots were platted as Development Tract A1 within Caldera Springs Phase A.

SITE DESCRIPTION: The subject property is a portion of what is referred to as the annexation property in the FMP approval, and is directly east of the existing Caldera Springs Destination Resort ("Resort"). The subject property is irregularly shaped, approximately 150 acres in size, and undeveloped with a generally level topography. However, only a portion of the 150 acre area is included in this subdivision request. Vegetation on-site consists of a dense cover of lodgepole and ponderosa pine trees. Understory vegetation is bitterbrush, bunchgrasses, and typical high desert vegetation.

SURROUNDING LAND USES: The subject property is bounded to the north by the Burlington Santa-Fe Railroad (BNSF) right-of-way and Sunriver Business Park. To the west and south is the existing resort property. The BNSF railroad right-of-way and undeveloped portions of the resort property forms borders the eastern property boundary with federally owned forest lands beyond.

LAND USE HISTORY: The County land use approvals associated with the Resort and annexation property are summarized below.

Land Use Approval	Description
CU-05-07	Conceptual Master Plan ("CMP") for the Resort
M-05-01	

	FMP for the Resort
TP-05-961	Tentative Plan for up to 320 single-family residential homesites, various future development tracts, rights-of-way, and easements for infrastructure
SP-05-53	Site Plan for the Resort's first phase including 150 separate rentable units for visitor lodging; eating establishments for at least 100 persons; meeting rooms for at least 100 persons, nine-hole short golf course; three practice golf holes; practice putting green; lake; and clubhouse which will incorporate the eating establishments and meeting rooms
SP-06-14	Site Plan for the Resort amenities including fitness/pool center, pool, basketball court, play area, tennis courts, lake expansion, relocated parking area, lawn sports area, and pavilion
FPA-06-12	Final Plat approval for TP-05-961
SP-06-52, V-06-16, MA-06-23	Site Plan for overnight lodging units (OLUs) within Tracts 2 and 3; Minor Variance to reduce the parking area setback from 250 feet to 225 feet
SP-06-55	Site Plan for a pump station associated with the Resort water feature
SP-06-61	Site Plan for OLUs in Tract 1, roadway and driveway areas, and pedestrian bike paths within Tracts 1, 2 and 3 of the core Resort area; OLUs provided as lock-off units; A total of 160 OLUs will be provided within Tracts 1, 2 and 3; This Site Plan approval is intended to amend and supplement SP-05-53
MC-07-2	Modification of the Dimensional Standards approved under the CMP and FMP, to include dimensional standards for the Overnight Lodging Cottage Lots
TP-07-988	Tentative Plan to divide Tracts 1, 2 and 3 into 45 lots, and to allow a Zero Lot Subdivision; Tract 1 includes 22 lots, Tract 2 includes 12 lots, and Tract 3 includes 11 lots; This division will allow the construction of the overnight lodging cottages approved under SP-06-52 and SP-06-61

TU-07-3	Temporary use permit to construct a model cottage in Tract 1
SP-07-25	Site plan approval for the OLUs approved under SP-06-52 and SP-06-61 to address the lot configurations approved under TP-07-988
MP-08-88	Minor Partition to divide Tract FA into three parcels; Parcel 1 includes a portion of the golf course; Parcel 2 includes the pavilion, fitness center, lakes and a portion of the parking lot and open spaces; Parcel 3 includes the lakehouse facility and a portion of the parking lot in the core area of the Resort
MP-08-89	Minor Partition to divide Tract A in the Phase 1 subdivision into two parcels; Parcel 1 includes a portion of the golf course; Parcel 2 includes the open spaces
DR-13-23	Declaratory Ruling to determine if the site plan approval under SP-07-25, authorizing OLUs, roads and bike paths, has been initiated
MC-13-4	Modification of the CMP and FMP to change the required availability of OLUs from 45 weeks to 38 weeks
MC-13-5	Modification of SP-07-25 to change the required availability of OLUs from 45 weeks to 38 weeks
247-15-000464-CU	CMP for the annexation property (“Annexation CMP Decision”); remanded by the Land Use Board of Appeals (“LUBA”)
247-18-000009-A	CMP for the annexation property on remand (“Remand Decision”), which included modifications to the CMP approved under 247-15-000464-CU in the following areas: • Location and extent of the Wildlife Mitigation Tract • Types and number of OLUs • Vandevert Road access; and • 100-foot setback from common areas

247-21-000049-,050-,051-, 052-LL	Property line adjustments between the Resort and annexation property
247-21-000388-M, 528-MA	FMP approval for the annexation property, which included modifications to the FMP proposal in the following areas: • Install a landscaped berm located just north of Trailmere Circle, along the western boundary of the subject property • Relocate the north/south road along the western boundary, approximately 50 feet to the east Relocate the OLUs along the north/south road, approximately 50 feet to the east to match the relocated roadway.
247-21-000654-TP	Tentative Plan for a 70-lot residential subdivision in the annexation property
247-21-000655-TP	Tentative Plan for a 16-lot OLU subdivision in the annexation property
247-21-0001014-FPA, 21-1015-FPA	Final Plat Approval for 21-654-TP, 21-655-TP
247-22-000042-TP	Tentative Plan for a 30-lot residential subdivision in the annexation property (Phase B)
247-22-000043-TP	Tentative Plan for a 7-lot OLU subdivision in the annexation property (Phase B)
247-22-000182-TP, 183-TP	Concurrent application for a 16-lot OLU subdivision in the annexation property (Phase C) and a 72-lot residential subdivision (Phase C).
247-24-360-TP, 361-TP	Tentative Plan for Phase D single-family residential and OLU subdivision

REVIEW PERIOD: The application was submitted on May 5, 2025. Staff deemed the TP application incomplete on June 4, 2025. The applicant provided a response to the incomplete letter on June 11, 2025. Staff deemed the application complete on June 11, 2025. The 150th day on which the County must take final action on the TP application is November 8, 2025.

PUBLIC AGENCY COMMENTS: The Planning Division mailed notice of the application on May 15, 2025 to several public agencies. Staff received the following responses.

Deschutes County Senior Transportation Planner, Tarik Rawlings

I have reviewed the transmittal materials for 247-25-000292-TP for a 16-lot subdivision with two (2) Overnight Lodging Units (OLUs) on each lot (total of 32 OLUs) on a total 175.36-acre property comprised of two parcels, within the existing Caldera Springs Destination Resort (Phase A). The subject properties are located within the Forest Use (F2) Zone and the Airport Safety (AS), Landscape Management (LM), Wildlife Area (WA), and Destination Resort (DR) Combining Zones. The larger of the two subject parcels does not have an address and is recognized on County Assessor's Map 20-11-08 as Tax Lot 2500. The smaller of the two subject parcels has an address of 18300 Lava Springs Loop, Bend, OR 97707 and is recognized on County Assessor's Map 20-11-09 as Tax Lot 100. The proposal appears to be consistent with the approved Conceptual Master Plan (CMP) and Final Master Plan (CMP) (most recently approved under County files 247-21-000388-M, 528-MA) and no additional traffic analysis is required.

The properties utilize a private road system which accesses Vandevert Road and South Century Drive, public roads maintained by Deschutes County and functionally classified as collectors. Therefore, the public access permit requirements of DCC 12.28.050 and 17.48.210(A) do not apply to the subject application.

Board Resolution 2024-038 sets a transportation system development charge (SDC) rate of $5,691 per p.m. peak hour trip. Recreational Homes (ITE 260) generate 0.29 p.m. peak hour trips per dwelling unit; therefore the applicable SDC is $1,624 ($5,603 X 0.29). The SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2025 PENDING ANY AMENDMENTS TO THE COUNTY'S CURRENT SDC RESOLUTION 2024-038. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.

ON JULY 1, 2025, THE SDC RATE WILL INCREASE TO A BASE RATE OF $5,856 PER P.M. PEAK HOUR TRIP AND THE SDC FOR THE PROPOSAL WILL BE $1,698 ($5,856 X 0.29) PER DWELLING UNIT.

Thank you for the opportunity to provide comment and please let me know if you have any questions.

Staff Comment: Staff notes the total number of OLUs proposed with this plat is 38 OLUs.

Deschutes County Building Official, 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.

Deputy State Fire Marshal, Clara Butler

Findings: Not enough information provided on plans for accurate comments

WATER:

• **Fire Safety during Construction – 2022 OFC 501.4** o 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.

Area with Fire Hydrants:

• **Water Supply – 2022 OFC B105.1** o The minimum fire-flow requirements for one- and two- family dwellings having a fire-flow calculation area which does not exceed 3,600 sq ft (including the garage) shall be 1,000 gpm at 20 psi residual flow. Dwellings exceeding 3,600 sq ft shall use Table B105.4

o Exception:

- A reduction in required fire flow of up to 50 %, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.3 (NFPA 13D) of the OFC.

• **Fire Hydrant – 20122 OFC 507.5.1**

o Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the building, on-site hydrants and mains shall be provided where required.

- Exception: For Group R3 occupancies, the distance requirement shall be 600 ft.

• **Area Separation – 2022 OFC B104.2**

- o Portions of buildings which are separated by fire walls without openings constructed in accordance with the International Building Code are allowed to be considered as separate fire flow calculation areas.

• **Obstruction & Protection of Fire Hydrants – 2022 OFC 507.5.4 – 507.5.6**

- o A 3 foot clear space shall be maintained around the circumference of fire hydrant. When exposed to vehicular damage, concrete curbing, sidewalks, or 4 inch concrete filled bollards placed 3 feet from hydrant shall suitably protect fire hydrants.

• Note: Before the application can be deemed complete, a stamped engineered fire flow analysis will be required.

Area without Fire Hydrants:

• NFPA 1142 Requirements 2017

o 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.

o Note: The following information will need to be provided in order to determine 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

o 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 – 2022 OFC 501.4 and NFPA 241 (2019)

- o 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.

ACCESS:

• **Premises Identification – 2022 OFC 505.1**

o 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 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 .5 "stroke width.

• **Required Access – 2022 OFC 504.1**

o 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 – 2022 OFC 503 & Appendix D**

o 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.

o 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.

o 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.

o The required **turning radius** of a fire apparatus access road shall 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.

o 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.

• **Authority – 2022 OFC 503.2.2**

o The fire code official shall have the authority to modify the dimensions specified in 503.2.1.

• **Fire Lanes – 2022 OFC 503.3 & D103.6**

o 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 paint fire lane curbs (in addition to Fire lane signs) in bright red paint with white letters.

o **D103.6.1 Roads 20-26 Ft. Wide:** Shall have Fire Lane signs posted on both sides of a fire lane.

o **D103.6.2 Roads more than 26 Ft. Wide:** Roads 26-32 ft wide shall have Fire Lane signs posted on one side of the road as a fire lane.

• **Aerial Access Roads – 2022 OFC D105**

o Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads and capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadways. Access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of a building more than 30 feet in height. At least one of the required access routes meeting above requirement shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

• **Dead-Ends – 2022 OFC 503.2.5 and D103.4**

o 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.

• D 103.4 Table: Length of Dead end: greater than 500 ft shall meet the turnaround requirements and the width of the road shall be a minimum of 26 ft clear for fire apparatus.

Unable to determine if the above requirement has been met.

- **Additional Access – 2022 OFC 503.1.2**
  - o 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 – 2022 OFC D103.5 o Minimum 20 feet wide

- **Emergency Access Road Gates – 2022 OFC D103.5**
  - o Minimum 20 feet wide.
  - o Gates shall be swinging or sliding type.
  - o Shall be able to be manually operated by one person.
  - o Electric gates shall be equipped with a means of opening by emergency personnel & approved by fire official.
  - o Locking devices **may** be padlocks.
  - o Section 503.3: Install a sign on the gate "Emergency Access"

- **Key Boxes – 20122 OFC 506.1**
  - o An approved key box **may** be installed on all structures equipped with a fire alarm system and /or sprinkler system.

- **One and Two Family Residential Developments – 2022 OFC D107**
  - o Developments where the number of dwelling units exceeds 30 units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D 104.3. Unless, all dwellings are equipped with and approved automatic sprinkler system.
  - o **Remoteness – 2019 OFC D107.2** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal of the property or area to be served, measured in a straight line between accesses.

The above requirement has not been met.

If you have any questions or require clarification on any of these items please let me know.

<u>The following agencies did not respond or had no comments</u>. Deschutes County 911, Deschutes County Assessor, Deschutes County Property Address Coordinator, La Pine Fire Department, Deschutes National Forest, Oregon Department of Aviation, Oregon Department of Fish and Wildlife, Sunriver Airport, and Sunriver Utilities.

PUBLIC COMMENTS: On May 15, 2025, the Planning Division mailed notice of the application to all property owners within 750 feet of the subject property. The applicant complied with the posted notice requirements of Section 22.23.030(B) of Title 22 by submitting a Land Use Action Sign Affidavit indicating the applicant posted notice of the TP application on May 14, 2025. No public comments were received.

III. FINDINGS & CONCLUSIONS

FMP CONDITIONS OF APPROVAL

Conditions of approval were required as part of the Annexation CMP Decision and the Board of County Commissioners ("BoCC") Remand Decision. The majority of conditions of approval from the Annexation CMP Decision and the BoCC Remand Decision were carried over and relevant to the FMP. In his decision, the Hearings Officer ("HOff") labeled the relevant Annexation CMP Decision conditions as "**CMP**" followed by the respective condition number. The HOff labeled the BoCC Remand Decision conditions as "**R**" followed by the respective condition number.

The HOff also included a number of staff and applicant recommended conditions. These conditions were included based upon the HOff's conclusion that staff and applicant recommended conditions were necessary to satisfy relevant approval criteria. The HOff labeled staff recommended conditions as "**S**" followed by an identification number. The HOff labeled applicant recommended conditions as "**A**" followed by an identification number.

The BoCC Remand Decision modified Annexation CMP conditions #8, #11, #12 and #18. For this reason, those Annexation CMP conditions were not included in the FMP decision. Additionally, the HOff found Remand Decision condition #4 was not applicable and, therefore, was not included in the FMP decision.

As noted in the FMP findings for BoCC condition #6, Vandevert Road ingress and egress is allowed by both CMP condition #2 and BoCC condition #6 with egress from the Resort onto Vandevert restricted to right turn movements only. Also, the HOff noted that BoCC condition #8 reflects the current DCC ratio requirements and updates the ratio referenced in CMP condition #6A.

CMP 1. ***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.***

FINDING: Staff includes a condition of approval to ensure compliance.

Application Materials. 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.

PRIOR TO FINAL PLAT

CMP 5. The approach apron to Vandevert Road must be paved to reduce the amount of gravel and debris tracked onto Vandevert Road from the property.

FINDING: The applicant was required to pave the Vandevert Road approach apron in conjunction with final plat approval for Phase A (247-21-0001014-FPA, 21-1015-FPA). This requirement has been met.

CMP 6. Before approval of each final plat, all the following shall be provided:

A. Documentation demonstrating compliance with the 2.5 to 1 ratio as defined in DCC 18.113.060(D)(2);

FINDING: The applicant provided the following findings,

In approving the CMP, the county found that Caldera Springs included a total of 196 OLUs. For Phases A through D, the county has approved a total of 92 OLUs (with two OLUs per OLU lot). For Phase E the applicant proposes 16 separate OLU lots, with a total of 39 OLUs to be constructed on the separate lots. The Phase E OLUs will include a mix of two- and three-key OLUs, with each OLU containing full sleeping and eating amenities consistent with the OLUs authorized in Phase A-D. As of the date of this application, a total of 236 OLUs have been completed and received certificates of occupancy. With approval of the Phase E and Phase E OLU final plats, a total of 264 OLUs will be required to be in place or guaranteed through surety bonding. Depending on the timing of construction of additional OLUs, if the required number of OLUs are not completed by the time of recording of the Phase E plats, the applicant anticipates that it will provide a bond or other security to ensure that all required OLUs are in place or guaranteed through bonding. The following chart identifies the unit and OLU count as of the date of this application.

Caldera Springs OLU Calculations
5/1/2025

	Plat Approval Requirements					
Phase	**SFR Units**	**Approved OLUs**	**Phase Ratio**	**Overall Ratio (2.3 max)**	**Completed OLUs**	**Req. OLU to meet 2.3 : 1 Ratio**
Original Caldera (Phases 1 and 2)	320	196	1.63	1.6	196	150
CSA Phase A	70	32.0	2.19	1.7	196	169.6
CSA Phase B	30	14.0	2.14	1.7	196	182.6
CSA Phase C-1 (recorded 1/11/23)	37	16.0	2.31	1.77	196	198.7
CSA Phase C-2 (recorded 4/26/24)	35	14.0	2.50	1.81	224	213.9
Phase D (recorded _____)	29	16	1.81	1.81	236	226.5
Phase E	86	39	2.67	1.89	N/A	264
Caldera Springs Total	607	322	N/A	1.89	N/A	
Expansion Total	**297**	**131**	**2.27**			

Staff notes Remand condition 8, detailed below, modified the ratio to 2.3 to 1.

As noted in the BOCC's decision on the FMP, the subject property is an expansion of the existing Resort. As such, any calculation regarding compliance with the required ratio must take into consideration the existing residential units and OLUs.

With approval of the Phase E OLU and companion residential subdivision plat, a total of 264 OLUs are required to be in place or guaranteed through surety bonding. As of the writing of this staff report, the applicant states that 236 OLUs are completed and have received certificates of occupancy, leaving at least 28 required to ensure compliance with the approved 2.3:1 ratio. Depending on the timing of construction of the OLUs, if the 28 OLUs are not completed by the time of recording of the Phase E plats, the applicant will be required to provide bonding or other security to ensure that all required OLUs are in place or guaranteed through bonding. Staff adds a condition of approval to ensure compliance.

Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase E, the applicant shall submit one of the following to ensure that a minimum of 264 OLUs, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:

A. Documentation that a minimum of 264 OLUs are constructed; or
B. Bonding or other security to ensure that a minimum of 264 OLUs are constructed or otherwise guaranteed.

B. Documentation on all individually-owned residential units counted as overnight lodging, including all of the following:

1) Designation on the plat of any individually-owned units that are going to be counted as overnight lodging;

2) Deed restrictions requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;

3) An irrevocable provision in the resort Conditions, Covenants and Restrictions ("CC&Rs) requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;

4) A provision in the resort CC&R's that all property owners within the resort recognize that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(iii) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County;

5) Inclusion of language in any rental contract between the owner of an individually-owned residential unit designated as an overnight lodging unit and any central reservation and check in service or real estate property manager requiring that such unit be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010, and that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(v) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County.

FINDING: The applicant states the final plat will comply with this condition. To ensure compliance, staff includes a condition of approval.

Plat Designation. The plat shall designate all individually-owned units that will be counted as OLUs.

AT ALL TIMES

CMP 7. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport

lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

FINDING: No new or expanded industrial, commercial or recreational uses are proposed. This condition does not apply.

CMP 9. The Declaration shall be revised to require the developer to comply with the fence standards pursuant to DCC 18.88.070.

FINDING: Based on staff's review of the revised Declaration of Covenants, Conditions and Restrictions ("Declaration"), Section 7.1 was amended to comply with this condition. To ensure the subject property complies with the Declaration, staff includes a condition of approval requiring the Declaration be recorded prior to, or concurrent with, final plat.

Declaration. The owner shall record the Declaration, as amended and detailed in this decision.

CMP 10. Prior to development of each phase of the resort expansion, the developer shall submit to the Planning Division an erosion control plan for that phase.

FINDING: The applicant submitted the Erosion and Sediment Control Plan which covers the area dedicated to the subject OLU subdivision and the companion residential subdivision. The Plan details the location of anticipated ground disturbance, sediment and debris fencing, and construction entrance. The Plan also notes the use of erosion and sediment control best management practices throughout the construction phase. This criterion is met.

CMP 13. Except as otherwise specified herein, all development (including structures, site obscuring fences of over three feet in height and changes to the natural topography of the land) shall be setback from exterior property lines as follows:

- ***A. Three hundred fifty feet for commercial development including all associated parking areas;***
- ***B. Two hundred fifty feet for multi-family development and visitor oriented accommodations (except for single family residences) including all associated parking areas;***
- ***C. One hundred fifty feet for above grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii), including any installed landscaped berms;***
- ***D. One hundred feet for roads;***
- ***E. Fifty feet for golf courses; and***
- ***F. Fifty feet for jogging trails and bike paths where they abut private developed lots and no setback for where they abut public roads and public lands.***

G. Notwithstanding Condition of Approval No. 13(C)[1], above grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii) shall be set back 250 feet in circumstances where state highways coincide with exterior property lines.

H. The setbacks identified in Condition of Approval No. 13 shall not apply to entry roadways and signs.

FINDING: The annexation property was reviewed and approved as an expansion of the existing Caldera Springs Resort. For this reason, staff finds the exterior property lines are the exterior property lines of the combined existing Resort and annexation property. In other words, none of the common property lines between the existing Resort and annexation property are considered exterior property lines for the purposes of these conditions. The HOff confirmed this interpretation in the FMP decision.

Based on staff's review of the TP, all development on the proposed OLU lots will comply with the 250-foot setback requirement of subsection (B) above, and the 100-foot setback for roads under subsection (D).

CMP 14 through 19.

FINDING: These conditions apply to the annexation property as a whole, rather than to the specific subdivision proposed under this TP application.

CMP 20. The Covenants, Conditions and Restrictions (CCRs) and/or Bylaws for the resort shall include a specific provision for funding of the Wildlife Report requirements and retention of a professional biologist.

FINDING: As noted above, staff includes a condition of approval requiring the Declaration to be recorded prior to, or concurrent with, the final plat. This condition will be met.

CMP 21. The resort shall comply with the approved Wildfire Management Plan.

FINDING: The required recordation of the Declaration, which itself requires compliance with the Wildfire Management Plan, will ensure compliance with this condition.

CMP 22 through 24.

FINDING: Recordation of the Declaration, which requires compliance with these conditions, will ensure compliance.

R 3. Uses in the Wildlife Mitigation Tract ("WMT"). The only uses permitted within the

[1] As noted in the FMP decision, the Hearings Officer found the original reference to Condition of Approval No. 11 is an error. The Hearings Officer revised conditions G and H to reference Condition of Approval 13, to address this error.

WMT shall be the access road depicted on the Site Plan and soft walking/hiking paths, as generally depicted on the Site Plan. The following additional restrictions will apply to uses in the WMT:

A. Recreation. To offset potential disturbance-or disruption-related indirect effects of humans, the WMT will not include the use of any bicycle, mountain bike or other mechanical vehicles, except as may be reasonably required for wildfire and wildlife treatments within the WMT as contemplated by the wildfire and wildlife reports adopted as part of Annexation I.

B. Dogs. The CC&Rs for the Resort shall specifically include a requirement that no off-leash dogs shall be permitted in the Resort, unless located within a fenced dog park located within the Resort, but outside the Wildlife Mitigation Tract.

C. Access Road Operation. The access road through the WMT shall be designated as a homeowner access road, limited to homeowner and construction traffic only. The access road as depicted on the Site Plan shall be relocated west to be within or immediately adjacent to the powerline easement. No gatehouse or guest station shall be permitted at the access point. Appropriate signage shall be installed directing Resort guests and visitors to the main resort entrance on South Century Drive.

i. Gates shall be installed and maintained as reasonably practical at the south terminus of the Resort roadway and Vandevert Road; at the interior location set forth on the Site Plan. The gates shall be closed and operable by a key card, vehicle transponders or other similar equipment 24 hours per day.

ii. The access road shall be designed in a manner to reduce speeds (including one or more of the following features: sinuous alignment, bulb outs, traffic calming features) and shall be posted with a 20 MPH limit and identified as a wildlife corridor.

iii. Educational signage shall be placed in an appropriate location at the boundary of the WMT identifying the area as such, and explaining the need not to disturb habitat or species within the WMT.

D. Structures. No structures other than the access road, gates and proposed walking trails as shown on the Site Plan shall be permitted in the WMT.

E. Management in the WMT. Consistent with the wildlife management report prepared for the Resort, the following management measures shall be implemented:

i. Rock Outcrops. Rock outcrops and piles provide unique habitat qualities and serve as a keystone habitat niche within the WMT. Accordingly, any management activities should avoid such outcrops and the surrounding vegetation;

ii. Snags. Standing snags provide important habitat niches, especially for avian and small mammal species. Accordingly, all existing wildlife snags should be retained, unless they are determined to pose a wildfire hazard.

F. Other Habitat Conservation Measures. Vegetation shall be monitored, and

weeds and non-native plants will be controlled and eradicated when possible;

- ***i. Brush patches will be maintained in a mosaic pattern to provide various stages of growth so that both cover and forage are provided. Vegetation management activities performed in the WMT shall be performed in the fall or spring (outside of deer winter season) when areas are accessible and not under fire restrictions, except that any mowing is not to occur in the spring when there is bird nesting;***
- ***ii. Ponderosa pine trees (dead and living) will be preserved where possible;***
- ***iii. Downed logs will be retained for their wildlife value where possible;***
- ***iv. Firewood cutting or vegetation alteration beyond that prescribed as management for increased habitat value or as management for wildfire risk, will not be permitted;***
- ***v. Prior to Final Plat Approval, nest boxes will be installed. Said nest boxes shall be maintained to benefit native bird species;***
- ***vi. Prior to Final Plat Approval, bat boxes will be installed on trees to benefit native bat species;***
- ***vii. New fences are prohibited in the WMT;***
- ***viii. Livestock will not be kept or allowed on the Annexation Property;***
- ***ix. The proposed development will prohibit the recreational use of off-road motor vehicles within the WMT. Motorized vehicle use in the WMT will only be allowed for management or emergency fire vehicle access;***
- ***x. The lots that are directly adjacent to the WMT will have 25-foot setback requirements to protect the wildlife value of the area;***
- ***xi. A program for proper garbage storage and disposal will be instituted for all resort residences and facilities. The program will be designed to reduce the availability of human-generated food resources to predators and corvids (crows, ravens, and Jays) known to predate other wildlife species;***
- ***xii. An educational program for local residents will be initiated regarding the native wildlife populations using the WMT and the need to avoid disturbance of species within the WMT. Educational materials will include newsletters, flyers, signage on trails, or other similar outreach tools;***
- ***xiii. No fireworks of any type will be allowed;***
- ***xiv. No use of drones will be allowed; and***
- ***xv. No hunting, discharge of firearms or trapping will be allowed.***

FINDING: Unlike Phase A which included soft trails and the main access road from Vandevert Road within the WMT, the Phase DE subdivision does not propose any uses within the WMT, consistent with the FMP. Prior to the recordation of the Phase A plat, the applicant was required to install nest boxes and bat boxes to satisfy conditions (F)(v) and (vi). The applicant has met this requirement.

The Declaration will ensure compliance with the remaining aspects of condition R3 for the subdivision.

R 5. The Applicant shall be permitted to construct residential and overnight lodging units in an amount not to exceed 100 EDUs (residential unit =1 EDU, overnight lodging unit = 0.5 EDU) prior to any upgrades to the current wastewater treatment plant. Prior to issuance of any building permit for a residential use or an overnight lodging unit beyond 100 EDUs, the Applicant shall submit evidence that Sunriver Environmental has completed the treatment plant upgrades identified in the September 18, 2018 email from DEQ and that DEQ has issued an appropriate WPCF permit, amendment or supplement authorizing the operation of upgraded wastewater treatment facilities serving the expansion area.

FINDING: The applicant has submitted evidence that Sunriver Environmental has completed the treatment plant upgrades identified in the September 18, 2018 email from DEQ and that DEQ has issued an appropriate WPCF permit, amendment or supplement authorizing the operation of upgraded wastewater treatment facilities serving the expansion area. This condition is met.

R 6. Egress from the resort at the Vandevert Road access point shall be limited to homeowner, emergency and construction-related traffic only. Turning movements out of the resort shall be limited to right turns only until the Vandevert Road/Highway 97 intersection is either closed or limited to right in/right out only. Prior to construction, the County Road Department shall approve the turn restriction design.

FINDING: The proposed subdivision does not include the Vandevert Road access point. This condition does not apply.

R 7. Prior to or concurrent with an application for each tentative plat in the Annexation Area, the Applicant shall submit a copy of the PUC order or ruling approving the expansion of Sunriver Water LLC's service territory to include the area proposed to be platted. In no event shall the County approve a tentative plat within the Annexation Area if the Annexation Area has not been included in Sunriver Water LLC's service territory.

FINDING: The applicant submitted the required PUC Order demonstrating approval for the expansion of Sunriver Water LLC's service territory. This condition is met.

R 8. Prior Condition No. 11 is revised (with underline) as follows: The resort as a whole shall maintain a maximum ratio of single-family dwelling units to overnight accommodation units of 2.3:1.

FINDING: As discussed above, the owner will be required to record the final plat for the OLU subdivision prior to, or concurrent with, recording the final plat for the residential subdivision to

ensure compliance with this condition. Further, the owner will be required to demonstrate the OLUs necessary to satisfy the 2.3 to 1 ratio are constructed and available for rent.

R 9. Prior Condition No 12 is revised (with underline) as follows: Individually owned Overnight Lodging Units (OLUs) shall be made available for overnight rental use by the general public for at least 38 weeks per calendar year through one or more central reservation and check-in services operated by the destination resort or by a real estate manager, as defined in ORS 696.010.

FINDING: Recordation of the Declaration, which includes this requirement, will ensure compliance.

R 10. Prior condition No. 18 is revised (with underline) as follows: The resort shall comply with the approved Wildlife Report and the 2018 supplement included in connection with the present application, with the 2018 supplement controlling over any conflict between the two reports.

FINDING: Recordation of the Declaration, which requires implementation of the Wildlife Report and supplement, will ensure compliance. This condition will be met.

R 11. Prior to issuance of any building permit for any Visitor Oriented Accommodation (other than single family residences), the Applicant shall demonstrate that all Visitor Oriented Accommodations (other than single family residences) meet the 250-foot setback imposed by DCC 18.113.060(D)(2)(a)(ii).

FINDING: As discussed previously, staff finds the proposed OLUs will comply with this condition.

S 1 through S4.

FINDING: Based on staff's review of the revised Declaration, Section 7.1, Section 9.2.4, and Section 9.2 have been amended to require compliance with DCC 18.88.070. This condition is met.

A 1. Prior to the first final plat, the Applicant shall amend Section 9.2.3 of the Declaration, as follows:

Any livestock related activities (e.g. bringing livestock into the WMT, grazing or the presence of livestock).

FINDING: The Declaration includes the required revision to Section 9.2.3. The Declaration was recorded with the Deschutes County Clerk on February 3, 2022 (Document 2022-04871). This condition is met.

A 2. The OLU-designated lots along the north/south spine road shall not be permitted to include any type of OLU other than as proposed by the Applicant through the FMP application (e.g. single family homes with an associated ADU). No inn, hotel, motel or other similar use shall be permitted on these lots.

FINDING: The proposed OLU subdivision does not include lots along the north-south spine road.

A 3. The OLUs constructed on the first seven lots on the spine road north of the 4-way intersection shall not exceed 2,500 square feet of total living space on each lot.

FINDING: The proposed OLU subdivision does not include lots along the north-south spine road.

TITLE 18, DESCHUTES COUNTY ZONING ORDINANCE

Chapter 18.113, Destination Resorts

Section 18.113.040. Application Submission.

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

…

C. Site Plan Review. Each element or development phase of the destination resort must receive additional approval through the required site plan review (DCC 18.124) or subdivision process (DCC Title 17). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of DCC 18.113 and the FMP.

FINDING: In compliance with this criterion, the applicant submitted a tentative plan application for an 8-lot OLU subdivision. The applicable criteria in Title 17, DCC 18.113 and the FMP are addressed in this decision.

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

A. The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities and visitor oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial assurances approved by the County prior to closure of sale of individual lots or units.

FINDING: The applicant provides the following findings:

In approving the CMP, the county found that Caldera Springs included a total of 196 OLUs. For Phases A through D, the county has approved a total of 92 OLUs (with two OLUs per OLU lot). For Phase E the applicant proposes 16 separate OLU lots, with a total of 39 OLUs to be constructed on the separate lots. The Phase E OLUs will include a mix of two- and three-key OLUs, with each OLU containing full sleeping and eating amenities consistent with the OLUs authorized in Phase A-D. As of the date of this application, a total of 236 OLUs have been completed and received certificates of occupancy. With approval of the Phase E and Phase E OLU final plats, a total of 264 OLUs will be required to be in place or guaranteed through

surety bonding. Depending on the timingof construction of additional OLUs, if the required number of OLUs are not completed by the time of recording of the Phase E plats, the applicant anticipates that it will provide a bond or other security to ensure that all required OLUs are in place or guaranteed through bonding. The following chart identifies the unit and OLU count as of the date of this application.

Caldera Springs OLU Calculations
5/1/2025

	Plat Approval Requirements					
Phase	**SFR Units**	**Approved OLUs**	**Phase Ratio**	**Overall Ratio (2.3 max)**	**Completed OLUs**	**Req. OLU to meet 2.3 : 1 Ratio**
Original Caldera (Phases 1 and 2)	320	196	1.63	1.6	196	150
CSA Phase A	70	32.0	2.19	1.7	196	169.6
CSA Phase B	30	14.0	2.14	1.7	196	182.6
CSA Phase C-1 (recorded 1/11/23)	37	16.0	2.31	1.77	196	198.7
CSA Phase C-2 (recorded 4/26/24)	35	14.0	2.50	1.81	224	213.9
Phase D (recorded _____)	29	16	1.81	1.81	236	226.5
Phase E	86	39	2.67	1.89	N/A	264
Caldera Springs Total	607	322	N/A	1.89	N/A	
Expansion Total	**297**	**131**	**2.27**			

As discussed above, with approval of the Phase E OLU and companion residential subdivision plat, a total of 264 OLUs are required to be in place or guaranteed through surety bonding. As of the writing of this staff report, 236 OLUs are completed and have received certificates of occupancy, leaving at least 28 required to ensure compliance with the approved 2.3:1 ratio. Depending on the timing of construction of the OLUs, if the 28 OLUs are not completed prior to the recording of the Phase E plats, the applicant will be required to provide bonding or other security to ensure that all required OLUs are in place or guaranteed through bonding. Staff notes the number of OLUs proposed with this plat is 38 OLUs. Staff adds a condition of approval to ensure compliance.

Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase E, the applicant shall submit one of the following to ensure that a minimum of 264 OLUs, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:

A. Documentation that a minimum of 264 OLUs are constructed; or

B. Bonding or other security to ensure that a minimum of 264 OLUs are constructed or otherwise guaranteed.

B. Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities and visitor oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.

FINDING: The applicant has the option to either physically construct all streets and utilities, or financially assure them, prior to final plat. For this reason, staff includes a condition of approval to ensure compliance.

Roads and Utilities. Prior to final plat, the owner shall either physically construct all streets and utilities, or financially assure them. If the owner chooses to financially assure the streets and utilities, the owner shall secure an Improvement Agreement and surety to the satisfaction of the County, prior to final plat.

TITLE 17, SUBDIVISIONS AND PARTITIONS

Chapter 17.12, Administration and Enforcement

Section 17.12.080. Statement of Water Rights.

All applicants for a subdivision or partition shall be informed by the Planning Director or his designee of the requirement to include a statement of water rights on the final plat.

FINDING: Staff includes this criterion to inform the applicant of the requirement to include a statement of water rights on the final plat.

Section 17.12.100. Sale of Subdivision Lots Prohibited Before Final Approval.

No person shall sell any lot in any subdivision until final approval of the land division has been granted by the County. Final approval occurs when the plat of the subdivision or partition is recorded with the County Clerk. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.

FINDING: Staff includes this criterion to inform the applicant of these requirements.

Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans

Section 17.16.040. Protective Covenants and Homeowner Association Agreements.

Landowner covenants, conditions, and restrictions and homeowner association agreements are not relevant to approval of subdivisions and partitions under DCC Title 17, unless otherwise determined by the County to carry out certain conditions of approval,

such as road maintenance or open space preservation. Any provisions in such agreements not in conformance with the provisions of DCC Title 17 or applicable zoning ordinances are void.

FINDING: The applicant's Declaration is necessary to carry out conditions of approval related to the FMP, as discussed herein. For this reason, staff finds the Declaration is relevant to the approval of the subject OLU subdivision. As noted above, staff includes a condition of approval requiring the applicant to record the Declaration.

Section 17.16.050, Master Development Plan.

An overall master development plan shall be submitted for all developments affecting land under the same ownership for which phased development is contemplated. The master plan shall include, but not be limited to, the following elements:

- ***A. Overall development plan, including phase or unit sequence;***
- ***B. Show compliance with the comprehensive plan and implementing land use ordinances and policies;***
- ***C. Schedule of improvements, initiation and completion;***
- ***D. Overall transportation and traffic pattern plan, including bicycle, pedestrian and public transit transportation facilities and access corridors;***
- ***E. Program timetable projection;***
- ***F. Development plans for any common elements or facilities;***
- ***G. If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Planning Director or Hearings Body may require a potential development pattern for streets, bikeways and access corridors for adjoining lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision.***

FINDING: The CMP and FMP approvals demonstrate compliance with these criteria.

Section 17.16.060, Master Development Plan Approval.

The Planning Director or Hearings Body shall review a master development plan at the same time the tentative plan for the first phase is reviewed. The Planning Director or Hearings Body may approve, modify or disapprove the master plan and shall set forth findings for such decision. The Planning Director or Hearings Body may also attach conditions necessary to bring the plan into compliance with all applicable land use ordinances and policies. Any tentative plan submitted for the plan area shall conform to the master plan unless approved otherwise by the County. Master plan approval shall be granted for a specified time period by the Planning Director or Hearings Body, and shall be included in the conditions of approval.

FINDING: This decision reviews the TP against the CMP and FMP approvals. Relevant conditions of the CMP and FMP approvals are addressed in this decision.

Section 17.16.070, Development Following Approval.

Once a master plan is approved by the County, the plan shall be binding upon both the County and the developer; provided, however, after five years from the date of approval of the plan, the County may initiate a review of the plan for conformance with applicable County regulations. If necessary, the County may require changes in the plan to bring it into conformance.

FINDING: This TP was applied for within 5 years of the FMP. This criterion is met.

Section 17.16.080, Tentative Plan as a Master Plan.

A. As an alternative to the filing of a master plan for phased development, the applicant may file a tentative plan for the entire development. The plan must comply with the provisions of DCC Title 17 for tentative plans.

B. If the applicant proposed to phase development, he shall provide sufficient information regarding the overall development plan and phasing sequence when submitting the tentative plan.

C. If the tentative plan is approved with phasing, the final plat for each phase shall be filed in accordance with DCC 17.24.020 through 17.24.110.

FINDING: The CMP and FMP approvals are the master plans for the annexation property.

Section 17.16.090. Tentative Plan Approval.

A. The Hearings Body shall review the application and any comments submitted by other appropriate County, state, or federal agencies and shall render a decision in accordance with DCC 17.16.100, setting forth findings supporting its decision.

FINDING: This decision captures staff's analysis of the application and agency comments. This decision is issued in accordance with DCC 17.16.100.

B. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for purposes of recording; however, approval of such tentative plan shall be binding upon the County for the purposes of preparation and review of the final plat. Upon review of the final plat, the County may require compliance with the terms of its tentative plan approval of the proposed subdivision and the terms of DCC Title 17.

FINDING: This decision will be used to review the final plat for compliance.

Section 17.16.100. Required Findings for Approval.

A tentative plan for a proposed subdivision shall not be approved unless the Planning Director or Hearings Body finds that the subdivision as proposed or modified will meet the

requirements of DCC Title 17 and DCC Title 18 through 21, and is in compliance with the comprehensive plan. Such findings shall include, but not be limited to, the following:

FINDING: This decision addresses the requirements of Chapters 17 and 18, as well as compliance with the FMP. The requirements of the Comprehensive Plan are codified within the Zoning Ordinance. Because no change to the Comprehensive Plan is sought by this application, conformance with Chapters 17 and 18 also indicates conformance with the Comprehensive Plan.

A. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands and other natural resources.

FINDING: Previous Deschutes County approvals of the CMP and FMP for the annexation property demonstrated general compliance with the criteria for orderly development and land use patterns in the area. The only notable natural feature within the annexation property is the existing pine forest throughout the property. As approved under the FMP, a significant portion of this pine forest will be preserved via the Wildlife Mitigation Tract.

In the CMP decision, the Hearings Officer concluded,

> ...the expansion property is generally flat with no significant topographic features on-site. Additionally, the subject property contains no habitat of threatened or endangered species, and no natural streams, rivers, wetlands, or riparian vegetation.

The subject property includes no lands zoned for farm use. While the property is zoned for forest use, the Destination Resort Combining Zone allows for the establishment of the proposed use. Further, as noted above, a significant portion of the existing pine forest will be preserved as part of the overall development of the annexation property. For these reasons, staff finds this criterion will be met.

B. The subdivision will not create excessive demand on public facilities and services, and utilities required to serve the development.

FINDING: The applicant provides the following findings,

> In connection with the CMP and FMP approvals, the applicant demonstrated that the resort as a whole will not create an excessive demand on public facilities, services or utilities. One condition of approval requires that prior to final plat of any property, the applicant demonstrate that the property is within the Sunriver Water service territory. As part of the Phase A plats, the applicant provided the county with a copy of the order demonstrating that all resort property is within the exclusive territory of Sunriver Water. In order to expand its service territory, the utility had to demonstrate that it has adequate capacity to serve the property. Similarly, a condition requires that development beyond 100 EDUs not occur until Sunriver Environmental has completed upgrades of its treatment facility. Those upgrades

have been completed.

The CMP and FMP decisions demonstrate the uses envisioned for the annexation property will not create excessive demand on public facilities, public services and utilities required to serve the development. The applicant submitted signed agreements for sewer and water service. Specific to water, the applicant submitted evidence indicating the annexation property has been included into the service territory for Sunriver Water. Per the FMP, the only transportation related mitigation measures which were required are the paving of the apron and the right-out turning movement at the Elk Run Drive and Vandevert Road intersection. No off-site mitigation measures to address transportation impacts were identified or required. The record for the CMP includes intent to serve letters from Cascade Natural Gas for natural gas; Midstate Electric Cooperative, Inc. for electricity; Bend Broadband for telephone and cable services; CenturyLink for telephone service; and Wilderness Garbage & Recycling for solid waste service.

Based on the above, Staff agrees and finds this criterion will be met.

C. The tentative plan for the proposed subdivision meets the requirements of ORS 92.090.

FINDING: The requirements of ORS 92.090 are addressed in this decision.

D. For subdivision or portions thereof proposed within a Surface Mining Impact Area (SMIA) zone under DCC Title 18, the subdivision creates lots on which noise or dust sensitive uses can be sited consistent with the requirements of DCC 18.56, as amended, as demonstrated by the site plan and accompanying information required under DCC 17.16.030.

FINDING: The subject property is not within a SMIA Combining Zone. This criterion does not apply.

E. The subdivision name has been approved by the County Surveyor.

FINDING: Staff includes a condition of approval to ensure compliance.

Subdivision Name. Prior to final plat approval, the owner shall submit correspondence from the County Surveyor approving the subdivision name. County Surveyor signature on the plat shall also demonstrate compliance.

Section 17.16.105. Access to Subdivisions.

No proposed subdivision shall be approved unless it would be accessed by roads constructed to County standards and by roads under one of the following conditions:

A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or

B. Private roads, as permitted by DCC Title 18, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105; or

C. This standard is met if the subdivision would have direct access to an improved collector or arterial or in cases where the subdivision has no direct access to such a collector or arterial, by demonstrating that the road accessing the subdivision from a collector or arterial meets relevant County standards that maintenance responsibility for the roads has been assigned as required by this section.

FINDING: The subdivision will be connected to Vandevert Road, a public road classified as a collector which is maintained by the county, via Elk Run Drive, the north-south internal resort road. Lots will be directly accessed via Rock Stream Lane. These roads are private internal Resort roads to be maintained by the Homeowners Association. These criteria will be met.

Chapter 17.24, Final Plat.

Section 17.24.030, Submission for Phased Development.

A. If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan.

B. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.

C. The applicant may request an extension for any final plat under DCC 17.24 in the manner provided for in DCC 17.24.020(B).

D. If the applicant fails to file a final plat, the tentative plan for those phases shall become null and void.

FINDING: The applicant provided the following findings,

The applicant proposes to develop Phase E in two phases.

Based on the intention to phase the subdivision, the following condition of approval apply.

Phased Subdivision**:** If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.

The above standards do not apply if the subdivision is platted in one phase.

Section 17.24.120. Improvement Agreement.

A. The subdivider may, in lieu of completion of the required repairs to existing streets and facilities, and improvements as specified in the tentative plan, request the County to approve an agreement between himself and the County specifying the

schedule by which the required improvements and repairs shall be completed; provided, however, any schedule of improvements and repairs agreed to shall not exceed on[e] year from the date the final plat is recorded, except as otherwise allowed by DCC 17.24.120(F) below. The agreement shall also provide the following: …

FINDING: The applicant is not requesting an Improvement Agreement at this time. However, if needed, any such request will need to comply with the applicable criteria for improvement agreements.

Chapter 17.36, Design Standards

Section 17.36.020. Streets.

A. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system for all modes of transportation, including pedestrians, bicycles and automobiles, with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. The subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivision or partition or of their property projection when adjoining property which is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in DCC 17.36.

FINDING: The proposed streets serving the tentative plat were approved as part of the CMP and FMP. Proposed lots front along via Rock Stream Lane, a private street which ultimately connects to Vandevert Road to the south. The private street provides circulation for the interior of the platted area. Being a part of a resort, the platted area will also be served with multi-use paths, ensuring that all modes of transportation are accommodated in the circulation plan for the platted area and the resort as a whole. Rock Stream Lane will connect to the existing Lava Springs Loop. Streets have been designed with the topography in mind, ensuring that all grades meet established county standards. Street widths were approved as part of the CMP/FMP approval process. Staff finds this criterion will be met.

B. Streets in subdivisions shall be dedicated to the public, unless located in a destination resort, planned community or planned or cluster development, where roads can be privately owned. Planned developments shall include public streets where necessary to accommodate present and future through traffic.

FINDING: The proposed streets within the destination resort subdivision will be private. This criterion will be met.

Section 17.36.040. Existing Streets.

Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or partition or by the County roadway network plan, additional rights of way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body, together with the Road Department Director, shall determine whether improvements to existing streets adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval for the tentative plan. Improvements to adjacent streets shall be required where traffic on such streets will be directly affected by the proposed subdivision or partition.

FINDING: The Road Department did not identify any existing streets which require additional dedication of right-of-way. This criterion does not apply.

Section 17.36.050. Continuation of Streets.

Subdivision or partition streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide.

FINDING: Rock Stream Lane as proposed with this plat will connect to Lava Springs Loop, an existing street within the resort property. It is not a continuation of Lave Springs Loop; therefore, this criterion does not apply.

Section 17.36.060. Minimum Right of Way and Roadway Width.

The street right of way and roadway surfacing widths shall be in conformance with standards and specifications set forth in DCC 17.48. Where DCC 17.48 refers to street standards found in a zoning ordinance, the standards in the zoning ordinance shall prevail.

FINDING: The applicant provided the following findings.

As part of the CMP and FMP approvals, the county recognized that the south entry and north entry roads did not meet county standards, but recognized that the proposed 18-foot width roads allow for slower travel speeds, and that bicycles and pedestrians would utilize adjacent mulit-use paths rather than road right of way. Consequently, where the proposed streets do not meet the 20-foot minimum, the county has already approved the adjustment to the narrower roads. No further county approval is required for the proposed streets/roads.

Proposed private streets within Phase E include 60-foot-right-of-way widths with 20-foot-wide paved sections, complying with DCC 17.48 for private roads. This criterion will be met.

Section 17.36.070. Future Resubdivision.

Where a tract of land is divided into lots or parcels of an acre or more, the Hearings Body

may require an arrangement of lots or parcels and streets such as to permit future re-subdivision in conformity to the street requirements and other requirements contained in DCC Title 17.

FINDING: Given the property's intended use as part of a destination resort approved under a master plan, staff finds it is unnecessary to modify the arrangement of lots and streets to permit future re-subdivision.

Section 17.36.080. Future Extension of Streets.

When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.

FINDING: The applicant provided the following findings.

> The county approved the overall resort circulation pattern in the CMP and FMP, and the Phase A through D plats have established the road circulation pattern in the resort. The current application extends existing streets as previously approved. Thus, all roads within the subdivision have been extended to the boundary of the subdivision.

Based on staff's review of the TP, staff agrees. This criterion will be met.

Section 17.36.100. Frontage Roads.

If a land division abuts or contains an existing or proposed collector or arterial street, the Planning Director or Hearings Body may require frontage roads, reverse frontage lots or parcels with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. All frontage roads shall comply with the applicable standards of Table A of DCC Title 17, unless specifications included in a particular zone provide other standards applicable to frontage roads.

FINDING: The applicant provided the following findings.

> The county approved the overall resort circulation pattern in the CMP and FMP. No frontage roads were proposed. Frontage roads are not required under this section.

Given the buffer provided by the WMT along Vandevert Road and Century Drive, staff agrees no frontage roads are required.

Section 17.36.110. Streets Adjacent to Railroads, Freeways and Parkways.

When the area to be divided adjoins or contains a railroad, freeway or parkway, provision

may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for use of the land between the street and railroad, freeway or parkway. In the case of a railroad, there shall be a land strip of not less than 25 feet in width adjacent and along the railroad right of way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than 80 feet in width, such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets, where they intersect with streets that cross a railroad, shall be determined with due consideration at cross streets of a minimum distance required for approach grades to a future grade separation and right of way widths of the cross street.

FINDING: The applicant provided the following findings.

The county approved the overall resort circulation pattern in the CMP and FMP. The area to be subdivided does not contain a railroad, freeway or parkway. The BNSF main line and Highway 97, while in close proximity, are not within the resort nor the area to be subdivided.

Staff agrees and finds the criterion does not apply.

Section 17.36.120. Street Names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers shall conform to the established pattern in the County and shall require approval from the County Property Address Coordinator.

FINDING: Staff includes a condition of approval to ensure compliance.

Street Names. Street names and numbers shall be approved by the County Property Address Coordinator.

Section 17.36.130. Sidewalks.

A. Within an urban growth boundary, sidewalks shall be installed on both sides of a public road or street and in any special pedestrian way within the subdivision or partition, and along any collectors and arterials improved in accordance with the subdivision or partition approval.

B. Within an urban area, sidewalks shall be required along frontage roads only on the side of the frontage road abutting the development.

C. Sidewalk requirements for areas outside of urban areas are set forth in DCC 17.48.175. In the absence of a special requirement set forth by the Road Department Director under DCC 17.48.030, sidewalks and curbs are never required in rural areas outside unincorporated communities as that term is defined in DCC Title 18.

FINDING: The subject property is not within an urban growth boundary, in an urban area, or in an

unincorporated community. The Road Department did not require sidewalks under DCC 17.48.030. These criteria do not apply.

Section 17.36.140. Bicycle, Pedestrian and Transit Requirements.

Pedestrian and Bicycle Circulation within Subdivision.

A. The tentative plan for a proposed subdivision shall provide for bicycle and pedestrian routes, facilities and improvements within the subdivision and to nearby existing or planned neighborhood activity centers, such as schools, shopping areas and parks in a manner that will:

1. Minimize such interference from automobile traffic that would discourage pedestrian or cycle travel for short trips;

2. Provide a direct route of travel between destinations within the subdivision and existing or planned neighborhood activity centers, and

3. Otherwise meet the needs of cyclists and pedestrians, considering the destination and length of trip.

FINDING: The applicant provided the following findings,

> The county approved the overall resort circulation pattern in the CMP and FMP. The resort, as well as the area to be subdivided, include a complex of multi-use pedestrian paths, both paved and unpaved. These facilities connect to the existing resort and will include future connections to the Sunriver Business Park during construction of later phases of the resort. The goal of providing these paths is for both recreational purposes and to minimize the need for owners and guests to use automobiles when accessing resort services. Trail connections extend all the way to Sunriver and provide a complete network of bicycle and pedestrian routes throughout the resort, the subdivision and the larger Sunriver community.

Staff notes that the tentative plat does not show the location of the required multi-use paths as the paths are not platted as separate tracts. Rather, paths are included within common area or private road tracts. Staff includes the following condition of approval requiring construction of the paths consistent with the FMP.

Multi-Use Pathways: Multi-use pathways shall be constructed consistent with the pathway locations shown on the FMP.

B. Subdivision layout.

1. Cul-de-sacs or dead-end streets shall be allowed only where, due to topographical or environmental constraints, the size and shape of the parcel, or a lack of through-street connections in the area, a street connection is determined by the Planning Director or Hearings Body to be infeasible or inappropriate. In such instances, where applicable and feasible, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

2. Bicycle and pedestrian connections between streets shall be provided at mid

block where the addition of a connection would reduce the walking or cycling distance to an existing or planned neighborhood activity center by 400 feet and by at least 50 percent over other available routes.

3. Local roads shall align and connect with themselves across collectors and arterials. Connections to existing or planned streets and undeveloped properties shall be provided at no greater than 400-foot intervals.

4. Connections shall not be more than 400 feet long and shall be as straight as possible.

FINDING: The applicant provided the following findings.

> The county approved the overall resort circulation pattern in the CMP and FMP. The resort, as well as the area to be subdivided, include a complex of multi-use pedestrian paths, both paved and unpaved. No cul-de-sacs are planned. As shown on the approved FMP, the entire subdivision is served by a series of paths at the rear of a majority of the lots, with access to additional pathways in the common areas within the subdivision. The pathways provide far more connectivity [than] is required under this section. No roads cross any collector streets, so there is no need to align streets as required.

No cul-de-sacs or dead-end streets are proposed with this subdivision. No connections to arterial or collectors are proposed with this subdivision. The applicable criteria are met.

C. Facilities and Improvements.

1. Bikeways may be provided by either a separate paved path or an on street bike lane, consistent with the requirements of DCC Title 17.

2. Pedestrian access may be provided by sidewalks or a separate paved path, consistent with the requirements of DCC Title 17.

FINDING: The TP proposes separate paved multi-use paths for bicycles and pedestrians. There are no minimum dimensional standards for separate multi-use paths in destination resorts in Title 17.

3. Connections shall have a 20 foot right of way, with at least a 10 foot usable surface.

FINDING: The applicant provides the following findings.

> The county approved the overall resort circulation pattern in the CMP and FMP. The resort, as well as the area to be subdivided, include a complex of multi-use pedestrian paths, both paved and unpaved. As shown on the approved FMP, the entire subdivision is served by a series of paths at the rear of a majority of the lots, with access to additional pathways in the common areas within the subdivision. The pathways provide far more connectivity [than] is required under this section. No roads cross any collector streets, so there is no need to align streets as required.

Staff finds this criterion will be met.

Section 17.36.150. Blocks.

A. General. The length, width and shape of blocks shall accommodate the need for adequate building site size, street width and direct travel routes for pedestrians and cyclists through the subdivision and to nearby neighborhood activity centers, and shall be compatible with the limitations of the topography.

B. Size. Within an urban growth boundary, no block shall be longer than 1,200 feet between street centerlines. In blocks over 800 feet in length, there shall be a cross connection consistent with the provisions of DCC 17.36.140.

FINDING: The applicant provides the following findings.

As part of the CMP and FMP approval, the county approved the width and shapes of the blocks. The block pattern is designed for a resort development and is not intended to have a grid pattern. The block pattern in the subdivision allows for a variety of lot sizes to accommodate a range of building types/sizes. Both the streets and multi-use paths provide direct travel routes throughout the site and to the surrounding area. The property is not within an urban growth boundary, so subsection (B) does not apply.

Staff agrees and finds criterion A will be met. The property is not within an urban growth boundary. Therefore, criterion B does not apply.

Section 17.36.160. Easements.

A. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

FINDING: The applicant provides the following findings.

All lots include the easements required under this section. In addition, the CC&Rs for the property include specific provisions for easements along property lines. As explained in connection with the Phase A through C plats, where easements border the front property line, the adjacent private street tracts are specifically permitted to include utilities. Consequently, the effective easement area is the 10-foot area on the lot, together with the width of the private street tract—well exceeding the 12-foot requirement.

Staff includes a condition of approval to ensure compliance.

Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

B. Drainage. If a tract is traversed by a watercourse such as a drainageway, channel or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of the watercourse, or in such further width as will be adequate for the purpose. Streets or parkways parallel to major watercourses or drainageways may be required.

FINDING: The subject property is not traversed by a watercourse. This criterion does not apply.

Section 17.36.170. Lots Size and Shape.

The size, width and orientation of lots or parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot or parcel size provisions of DCC Title 18 through 21, with the following exceptions:

FINDING: The applicant provides the following findings.

The county approved the general lot size and orientation as part of the CMP and FMP approvals. The lots are of various sizes and allow for generous setbacks and a variety of building types.

The criteria will be met.

A. In areas not to be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and the County Sanitarian, and shall be sufficient to permit adequate sewage disposal. Any problems posed by soil structure and water table and related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.

B. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted by the Hearings Body. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.

FINDING: The applicant provides the following findings.

The property will be served by sewer facilities and is not designated for business or industrial use, so subsections (A) and (B) do not apply.

Staff agrees and finds these criteria do not apply.

Section 17.36.180. Frontage.

A. Each lot or parcel shall abut upon a public road, or when located in a planned development or cluster development, a private road, for at least 50 feet, except for lots or parcels fronting on the bulb of a cul de sac, then the minimum frontage shall be 30 feet, and except for partitions off of U.S. Forest Service or Bureau of Land Management roads. Frontage for partitions off U.S. Forest Service or Bureau of Land Management roads shall be decided on a case by case basis based on the location of the property, the condition of the road, and the orientation of the proposed parcels, but shall be at least 20 feet. In the La Pine Neighborhood Planning Area Residential Center District, lot widths may be less than 50 feet in width, as specified in DCC 18.61, Table 2: La Pine Neighborhood Planning Area Zoning Standards. Road frontage standards in destination resorts shall be subject to review in the conceptual master plan.

B. All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical.

FINDING: Based on staff's review of the TP, these criteria will be met.

Section 17.36.190. Through Lots.

Lots or parcels with double frontage should be avoided except where they are essential to provide separation of residential development from major street or adjacent nonresidential activities to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting such a traffic artery or other incompatible use.

FINDING: No proposed lots have double frontage. This criterion will be met.

Section 17.36.200. Corner Lots.

Within an urban growth boundary, corner lots or parcels shall be a minimum of five feet more in width than other lots or parcels, and also shall have sufficient extra width to meet the additional side yard requirements of the zoning district in which they are located.

FINDING: The subject property is not within an urban growth boundary. This criterion does not apply.

Section 17.36.210. Solar Access Performance.

A. As much solar access as feasible shall be provided each lot or parcel in every new subdivision or partition, considering topography, development pattern and existing vegetation. The lot lines of lots or parcels, as far as feasible, shall be oriented to provide solar access at ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st. If it is not feasible to provide solar access to the southern building line, then solar access, if feasible, shall be provided at 10 feet above ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st, and three hours before and after the solar zenith from March 22nd to September 21st.

B. This solar access shall be protected by solar height restrictions on burdened properties for the benefit of lots or parcels receiving the solar access.

C. If the solar access for any lot or parcel, either at the southern building line or at 10 feet above the southern building line, required by this performance standard is not feasible, supporting information must be filed with the application.

FINDING: Pursuant to the FMP approval, the annexation property is not subject to solar setback standards. These criteria do not apply.

Section 17.36.220. Underground Facilities.

Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities; provided, however, the Hearings Body may allow overhead utilities if the surrounding area is already served by overhead utilities and the proposed subdivision or partition would create less than 10 lots. The subdivision or partition shall be responsible for complying with requirements of DCC 17.36.220, and shall:

A. Obtain a permit from the Road Department for placement of all underground utilities.

B. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission.

C. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable, and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

FINDING: The subject property is not within an urban growth boundary. These criteria do not apply.

Section 17.36.230. Grading of Building Sites.

Grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:

A. Cut slope ratios shall not exceed one foot vertically to one and one half feet

horizontally.

B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.

C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

D. When filling or grading is contemplated by the subdivider, he shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

FINDING: The applicant provides the following findings.

> Grading will be required on the lots and road areas to accommodate construction and road building. At the time of construction, the developer will address the standards above and provide any required plans to the county.

To ensure compliance, staff includes conditions of approval.

Grading of Building Sites. At all times, grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:

A. Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.
B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

Grading Plans. When filling or grading is contemplated by the subdivider, prior to final plat approval, the owner shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

> Section 17.36.250. Lighting.
>
> ***Within an urban growth boundary, the subdivider shall provide underground wiring to the County standards, and a base for any proposed ornamental street lights at locations approved by the affected utility company.***

FINDING: The subject property is not within an urban growth boundary. This criterion does not apply.

> Section 17.36.260. Fire Hazards.
>
> ***Whenever possible, a minimum of two points of access to the subdivision or partition shall***

be provided to provide assured access for emergency vehicles and ease resident evacuation.

FINDING: The applicant provides the following findings.

The subdivision will have two points of ingress and egress, both connecting to Elk Run Drive. From Elk Run Drive, egress is provided to the south at Vandevert Road, then to the northwest through the existing portions of the resort via Trailmere Circle.

Staff agrees and finds this criterion will be met.

Section 17.36.270. Street Tree Planting.

Street tree planting plans, if proposed, for a subdivision or partition, shall be submitted to the Planning Director and receive his approval before the planting is begun.

FINDING: The TP does not include any street trees. This criterion does not apply.

Section 17.36.280. Water and Sewer Lines.

Where required by the applicable zoning ordinance, water and sewer lines shall be constructed to County and city standards and specifications. Required water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.

FINDING: The applicant provides the following findings.

The subdivision will be served by sewer and water lines. All mains will be constructed to applicable standards, including those of Sunriver Environmental and Sunriver Water. Lines will be constructed at the time of street construction and prior to paving and any curbing.

Staff finds this criterion will be met.

Section 17.36.290. Individual Wells.

In any subdivision or partition where individual wells are proposed, the applicant shall provide documentation of the depth and quantity of potable water available from a minimum of two wells within one mile of the proposed land division. Notwithstanding DCC 17.36.300, individual wells for subdivisions are allowed when parcels are larger than 10 acres.

FINDING: The TP does not include any individual wells. This criterion does not apply.

Section 17.36.300. Public Water System.

In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the appropriate state or federal agency. A community water system shall be required where lot or parcel sizes are less then one acre or where potable water sources are at depths greater than 500 feet, excepting land partitions. Except as provided for in DCC 17.24.120 and 17.24.130, a required water system shall be constructed and operational, with lines extended to the lot line of each and every lot depicted in the proposed subdivision or partition plat, prior to final approval.

FINDING: The TP does not include a public water system. This criterion does not apply.

Chapter 17.44, Park Development

Section 17.44.010. Dedication of Land.

A. For subdivisions or partitions inside an urban growth boundary, the developer shall set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.

B. For subdivisions or partitions outside of an urban growth boundary, the developer shall set aside a minimum area of the development equal to $350 per dwelling unit within the development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.

C. For either DCC 17.44.010 (A) or (B), the developer shall either dedicate the land set aside to the public or develop and provide maintenance for the land set aside as a private park open to the public.

D. The Planning Director or Hearings Body shall determine whether or not such land is suitable for park purposes.

E. If the developer dedicates the land set aside in accordance with DCC 17.44.010 (A) or (B), any approval by the Planning Director or Hearings Body shall be subject to the condition that the County or appropriate park district accept the deed dedicating such land.

F. DCC 17.44.010 shall not apply to the subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.

FINDING: The applicant provides the following findings.

As with the Phase A through D plats, the application will pay the fee in lieu charge of $350 per dwelling unit.

Because the annexation property is outside of an urban growth boundary, staff finds subsection (B) applies and requires the developer to set aside land equal to $350 per dwelling unit.

Section 17.44.020. Fee in Lieu of Dedication.

A. In the event there is no suitable park or recreation area or site in the proposed subdivision or partition, or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under DCC 17.44.010 above. For the purpose of determining the fair market value, the latest value of the land, unplatted and without improvements, as shown on the County Assessor's tax roll shall be used. The sum so contributed shall be deposited with the County Treasurer and be used for acquisition of suitable area for park and recreation purposes or for the development of recreation facilities. Such expenditures shall be made for neighborhood or community facilities at the discretion of the Board and/or applicable park district.

B. DCC 17.44.020 shall not apply to subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.

FINDING: Staff includes a condition of approval requiring payment of the park fee prior to final plat approval. The total park fee for the proposed subdivision is $13,300 ($350 x 38 dwelling units).

Park Fee. Prior to final plat approval, the owner shall pay the $13,300 park fee.

Section 17.44.030. Annexation Agreement.

No partition or subdivision of land lying within the Bend Urban Growth Boundary, including the urban reserve areas, but outside the boundaries of the Bend Metro Park and Recreation District, shall be approved unless the landowner has signed an annexation agreement with the Bend Metro park and Recreation District.

FINDING: The subject property is not located within one of the identified areas. These criteria do not apply.

Chapter 17.48, Design and Construction Specifications

Section 17.48.100. Minimum Right of Way Width.

The minimum right of way width is 60 feet unless specified otherwise in Table A (or in any right of way specifications set forth for a particular zone in a zoning ordinance). (See Table A set out at the end of DCC Title 17.)

FINDING: Based on the TP, all roads will be constructed within an 60-foot right-of-way. This criterion will be met.

Section 17.48.110. Turn Lanes.

When a turn lane is required, it shall be a minimum of 14 feet in width, except where road specifications in a zoning ordinance provide for travel lanes of lesser width. Additional right of way may be required.

FINDING: No turn lanes are proposed or required. This criterion does not apply.

Section 17.48.120. Partial Width Roads.

Partial width roads or half streets shall not be allowed.

FINDING: No partial width roads or half streets are proposed. This criterion will be met.

Section 17.48.130. Road Names.

All roads shall be named in conformance with the provisions of the Deschutes County uniform road naming system set forth in DCC Title 16.

FINDING: As noted previously, staff includes a condition of approval to ensure all road names are approved by the County Property Address Coordinator, pursuant to Title 16.

Section 17.48.140. Bikeways.

A. General Design Criteria.

1. Bikeways shall be designed in accordance with the current standards and guidelines of the Oregon (ODOT) Bicycle and Pedestrian Plan, the American Association of State Highway Transportation Officials (AASHTO) Guide for Development of New Bicycle Facilities, and the Deschutes County Bicycle Master Plan. See DCC 17.48 Table B.

2. All collectors and arterials shown on the County Transportation Plan map shall be constructed to include bikeways as defined by the Deschutes County Bicycle Master Plan.

3. If interim road standards are used, interim bikeways and/or walkways shall be provided. These interim facilities shall be adequate to serve bicyclists and pedestrians until the time of road upgrade.

FINDING: No separate bikeways are proposed. These criteria do not apply.

B. Multi-use Paths.

1. Multi-use paths shall be used where aesthetic, recreation and safety concerns are primary and a direct route with few intersections can be established. If private roads are constructed to a width of less than 28 feet, multi-use paths shall be provided.

2. Multi-use paths are two way facilities with a standard width of 10 feet, but with a 12 foot width if they are subjected to high use by multiple users. These paths shall meet County multi-use path standards and shall connect with bike facilities on public roads.

FINDING: The applicant provides the following findings.

The CMP and FMP approved the circulation and road network for the resort. A key component of the resort circulation plan is the inclusion of an extensive multi-use path network meeting the county's design requirements.

Per the TP, the multi-use paths will be 10 feet in width. Given the limited number of lots within the Resort and annexation property, staff finds these paths are not likely to be subject to high use by multiple users. For this reason, staff finds the 12-foot width is not required.

C. Bike Lanes. Six foot bike lanes shall be used on new construction of curbed arterials and collectors.

D. Shoulder Bikeways.

1. Shoulder bikeways shall be used on new construction of uncurbed arterials and collectors.

2. Shoulder bikeways shall be at least four feet wide. Where the travel lane on an existing arterial or collector is not greater than eleven feet, the bikeway shall be a minimum of four feet wide.

FINDING: No new collectors or arterials are proposed. These criteria do not apply.

E. Mountain Bike Trails.

1. Mountain bike (dirt or other unpaved surface) trails may be used as recreational or interim transportation facilities.

2. Trails used for transportation shall have a two foot minimum tread width and a six foot minimum clearing width centered over the trail, and a minimum overhead clearance of seven feet. Trails used solely for recreational use may be narrower with less clearing of vegetation.

FINDING: The TP does not include mountain bike trails. These criteria do not apply.

Section 17.48.150. Structures.

All structures that carry a road or cross over a road shall be designed to have a 50 year life span. All designs must be approved by the Road Department Director and other affected public or private agencies.

FINDING: The TP does not propose any structures to carry a road or cross over a road. This criterion does not apply.

Section 17.48.160. Road Development Requirements Standards.

A. Subdivision Standards. All roads in new subdivisions shall either be constructed to a standard acceptable for inclusion in the County maintained system or the subdivision shall be part of a special road district or a homeowners association in a planned unit development.

FINDING: All proposed private roads will be subject to maintenance pursuant to the homeowners association and CC&Rs. This criterion will be met.

B. Improvements of Public Rights of Way.

1. The developer of a subdivision or partition will be required to improve all public ways that are adjacent or within the land development.

2. All improvements within public rights of way shall conform to the improvement standards designated in DCC Title 17 for the applicable road classification, except where a zoning ordinance sets forth different standards for a particular zone

FINDING: No public rights-of-way are proposed or required. As noted in this decision, all proposed roads will be private. These criteria do not apply.

C. Primary Access Roads.

1. The primary access road for any new subdivision shall be improved to the applicable standard set forth in Table A.

2. The applicable standard shall be determined with reference to the road's classification under the relevant transportation plan.

3. For the purposes of DCC 17.48.160 a primary access road is a road leading to the subdivision from an existing paved county, city or state maintained road that provides the primary access to the subdivision from such a road.

FINDING: The applicant provides the following findings.

> As approved in the CMP and FMP, all roads within the resort are private and will be dedicated as common area under the applicable CC&Rs for the resort. As part of the CMP and FMP approvals, no improvements to Vandevert Road were identified and are therefore not required as a part of this application. Also as part of the CMP and FMP, the county approved the road widths for the access road connecting to Vandevert Road. The subdivision will have two access points: one extending from Trailmere Circle in the existing resort, and a new access point connecting to Vandevert Road. These roads will be constructed at the time of infrastructure development for the subdivision. No cul-de-sacs are proposed nor are any frontage roads.

Staff finds all proposed roads will comply with the requirements of Title 17 and Table A.

D. Secondary Access Roads. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.

FINDING: The subdivision will have two access points: one extending from Trailmere Circle in the existing resort and the existing access at Vandevert Road. This criterion will be met.

E. Stubbed Roads. Any proposed road that terminates at a development boundary shall be constructed with a paved cul-de-sac bulb.

F. Cul-de-sacs.

1. Cul-de-sacs shall have a length of less than 600 feet, unless a longer length is approved by the applicable fire protection district, and more than 100 feet from the center of the bulb to the intersection with the main road.

2. The maximum grade on the bulb shall be four percent.

G. Frontage Roads. Right of way widths shall be 40 feet when immediately adjacent to a main highway/arterial; 60 feet when the frontage road is separated from the highway or arterial by private land or as set forth for a particular zone in the zoning ordinance.

FINDING: The TP does not include roadways which terminate at a development boundary. No cul-de-sacs or frontage roads are proposed or required. These criteria do not apply.

Section 17.48.170. Road Development Requirements Partitions.

Roadway improvements within a partition and to a road maintained by a public agency shall be constructed prior to final approval of the partition, depending on the maximum parcel size as follows:

A. For a parcel size of 10 acres or larger, the minimum road improvement standard shall be 20 feet wide with five inches of aggregate surfacing (cinders are acceptable), the centerline of which coincides with the centerline of the right of way;

B. For a parcel size of less than 10 acres, the road standards used shall be the same as for a subdivision.

FINDING: The applicant does not propose a partition. These criteria do not apply.

Section 17.48.175. Road Development Requirements – Unincorporated Communities.

A. Standards.

1. In the La Pine Urban Unincorporated Community , all roads shall be improved as specified for the applicable classification in Table A of DCC Title 17.

2. In the Terrebonne Rural Community, all improvements to public rights of way shall conform to the road development standards for Terrebonne in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.

3. In the Tumalo Rural Community, all improvements to public rights of way shall conform to the Tumalo road development standards in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.

4. In the Sunriver Urban Unincorporated Community, all roads shall conform to the road development standards in DCC 17.48.180.

5. No curbs or sidewalks are required in the Sunriver UUC or the rural service

centers of Alfalfa, Brothers, Hampton, Millican, Whistle Stop, Wickiup Junction, Wild Hunt, Deschutes River Woods and Spring River.

B. All required road improvements shall be located on the applicant's side of the road, unless the subject property lies on both sides of the road.

FINDING: The subject property is not within an unincorporated community. These criteria do not apply.

Section 17.48.180. Private Roads.

The following minimum road standards shall apply for private roads:

A. The minimum paved roadway width shall be 20 feet in planned unit developments and cluster developments with two foot wide gravel shoulders;

B. Minimum radius of curvature, 50 feet;

C. Maximum grade, 12 percent;

D. At least one road name sign will be provided at each intersection for each road;

E. A method for continuing road maintenance acceptable to the County;

F. Private road systems shall include provisions for bicycle and pedestrian traffic.

1. In cluster and planned developments limited to ten dwelling units, the bicycle and pedestrian traffic can be accommodated within the 20-foot wide road.

2. In other developments, shoulder bikeways shall be a minimum of four feet wide, paved and striped, with no on street parking allowed within the bikeway, and when private roads are developed to a width of less than 28 feet, bike paths constructed to County standards shall be required.

FINDING: The applicant provides the following findings.

All roadway widths were approved by the county as part of the CMP and FMP process, with the county acknowledging that the 18-foot width was appropriate for the Vandevert Road access point. As shown on the plat, the proposed roads meet the curvature and grade requirements. At time of development and after approval of road names, road name signage will be posted as required. In terms of maintenance, as private roads within common areas, roads will be maintained by the homeowners' association as set forth in the CC&Rs applicable to the subdivision. Separate bike lanes are not proposed because the subdivision will include an extensive network of multi-use paths.

Staff agrees and finds criterion D will be met with a condition of approval to ensure compliance.

Road Name Sign. At all times, at least one road name sign will be provided at each intersection for each road.

Section 17.48.190. Drainage.

A. Minimum Requirements.

1. Drainage facilities shall be designed and constructed to receive and/or

transport at least a design storm as defined in the current Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council and all surface drainage water coming to and/or passing through the development or roadway.

2. The system shall be designed for maximum allowable development.

FINDING: The applicant provides the following findings.

> The drainage for the subdivision and the larger expansion area follows the same parameters for handling stormwater flows as the existing Caldera Springs Phase 1. The objective of the surface drainage system is to carry surface flows across the property in the pattern that they have historically followed, keeping these flows attenuated such that the concentration of flows from newly created impervious areas such that runoff not concentrated or increased. The main focus of this plan is a requirement in the Caldera Springs regulations that require each property owner to provide on their individual sites surface depressions of sufficient quantity and configuration to retain a volume of runoff equal to or exceeding the volume of runoff from the newly created impervious areas resulting from a sudden stormwater event. In addition, each property is required to accept and conduct existing overland flow through their property without diverting that flow onto adjacent properties. As this overland flow continues it eventually reaches one of the Caldera Springs lakes or golf course swales, where further attenuation occurs. The accumulated flow is then discharged from the Caldera Springs property though a flow control structure that discharge flow rates to historical levels, discharging to the S. Century Drive drainage ditch, which then connects by culvert to golf course lake 12 in Crosswater, with any overflow discharging into wetlands.

Staff notes the application materials include *Caldera Springs Annexation Phase II Stormwater Report* ("Stormwater Report"; dated July 2021) which explains and illustrates how drainage facilities for the annexation property will be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual. These criteria will be met.

B. Curbed Sections.

1. Storm drains within curbed streets shall be designed per the requirements of the current Central Oregon Stormwater Manual created by the Central Oregon Intergovernmental Council.

2. Catchbasins shall be constructed in accordance with standard as determined by the Road Department Director.

FINDING: No curbed streets are proposed. These criteria do not apply.

C. Noncurbed Sections.

1. Road culverts shall be concrete or metal with a minimum design life of 50 years.

2. All cross culverts shall be 18 inches in diameter or larger.

3. Culverts shall be placed in natural drainage areas and shall provide positive drainage.

FINDING: The Stormwater Report indicates these criteria will be met. Staff includes a condition of approval to ensure compliance.

Culverts. The proposed development shall incorporate the following design standards.

A. Road culverts shall be concrete or metal with a minimum design life of 50 years.
B. All cross culverts shall be 18 inches in diameter or larger.
C. Culverts shall be placed in natural drainage areas and shall provide positive drainage.

D. Drainage Swales. The Design Engineer is responsible to design a drainage swale adequate to control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council.

FINDING: Staff includes a condition of approval to ensure compliance.

Drainage Swales. Prior to final plat approval, the owner shall submit a statement from an engineer licensed in the state of Oregon indicating all drainage swales are designed to adequately control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council. An engineer's stamp on the final plat will also demonstrate compliance.

E. Drainage Plans. A complete set of drainage plans including hydraulic and hydrologic calculations shall be incorporated in all road improvement plans.

FINDING: Drainage plans will be reviewed by the Road Department as part of their review of road improvement plans.

F. Drill Holes. Drill holes are prohibited.

FINDING: No drill holes are proposed. This criterion will be met.

G. Injection wells (drywells) are prohibited in the public right-of-way.

FINDING: No public rights-of-way are proposed. This criterion does not apply.

Section 17.48.210. Access.

A. Permit Required. Access onto public right of way or change in type of access shall require a permit. Permits are applied for at offices of the Community Development Department.

FINDING: The TP does not include a new access onto a public right-of-way. The applicant received Driveway Access approval from the County Road Department for the Elk Run Drive connection onto Vandevert Road (Driveway Access # 247-21-009321-DA). This requirement is met.

B. Access Restrictions and Limitations. The creation of access onto arterials and

collectors is prohibited unless there is no other possible means of accessing the parcel. In any event, residential access onto arterials and collectors shall not be permitted within 100 feet of an intersection or the maximum distance obtainable on the parcel, whichever is less.

FINDING: The subdivision does not propose any access points onto arterials and collectors. The existing Vandevert Road access point was approved as part of the CMP and FMP approvals, and is the only county road upon which access may be taken. The criterion does not apply.

C. Commercial and Industrial Access.

1. Requirements for commercial and industrial access will be determined by the Road Department Director in accordance with DCC 17.48.090.

2. Safety improvements, including left turn lanes and traffic signals, may be required.

FINDING: No commercial or industrial access is proposed. These criteria do not apply.

D. Sight Distance. Access shall be denied at locations that do not meet AASHTO sight distance standards.

FINDING: Sight distance at the intersection of Elk Run Drive and Vandevert Road access was reviewed during the CMP and FMP process and subsequent access permit review. The criterion is met.

OREGON REVISED STATUTES

Chapter 92, Subdivisions and Partitions

Section 92.090. Approval of subdivision plat names; requisites for approval of a tentative subdivision or partition plan or plat.

(1) Subdivision plat names shall be subject to the approval of the county surveyor or, in the case where there is no county surveyor, the county assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

FINDING: The applicant provides the following findings.

> The use of the name "Caldera Springs" is appropriate in this instance given that the subdivision will be a part of the Caldera Springs Destination Resort, which is platted land contiguous to and platted by the same developer/owner. Numbering has been approved by the county and is consistent with the requirements above.

Staff finds the use of "Caldera Springs" is appropriate. As noted previously in this decision, staff includes a condition of approval to ensure the County Surveyor approves the subdivision name.

(2) No tentative plan for a proposed subdivision and no tentative plan for a proposed partition shall be approved unless:

(a) The streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other aspects unless the city or county determines it is in the public interest to modify the street or road pattern.

FINDING: As shown on the tentative subdivision plat, proposed streets are laid out consistent with the CMP/FMP and to connect with the existing resort. Proposed private streets will comply with right-of-way and paving standards for private roads. This criterion will be met.

(b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

FINDING: The tentative subdivision plat indicates all streets and roads will be private. All reservations or restrictions associated with these private roads are detailed in the associated CC&Rs.

(c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances and regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated.

FINDING: This decision identifies applicable zoning ordinances and evaluates compliance with those ordinances. Staff finds the tentative plan, as conditioned, complies with the applicable DCC zoning ordinances and regulations, as well as and the ordinances and regulations adopted under ORS 92.044.

(3) No plat of a proposed subdivision or partition shall be approved unless:

(a) Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public or private utilities.

(b) Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city or county.

(c) The subdivision or partition plat complies with any applicable zoning ordinances and regulations and any ordinance or regulation adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the subdivision or partition plat is situated.

(d) The subdivision or partition plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.

(e) The subdivision or partition plat contains a donation to the public of all sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or partition plat.

(f) Explanations for all common improvements required as conditions of approval of the tentative plan of the subdivision or partition have been recorded and referenced on the subdivision or partition plat.

FINDING: The subdivision includes new private streets and roads. Therefore, staff finds subsection (a) does not apply. The private streets and roads within the proposed subdivision have been approved by the subject land use approval, complying with subsection (b). Compliance with subsection (c), which requires compliance with the zoning ordinance and regulations, is addressed in this decision and will be reviewed when the final plat is submitted. Subsection (d) establishes a requirement for final plat review which staff includes as a condition of approval to comply with this statutory section.

Final Plat Conformity. The subdivision plat shall substantially conform to the provisions of the tentative plan for the subdivision, as approved.

No public sewage or water systems are proposed, therefore subsections (e) and (f) do not apply.

(4) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county; or

(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, even though a domestic water

supply source may exist. A copy of any such statement, signed by the subdivider and indorsed by the city or county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

FINDING: The applicant provides the following findings.

> By its terms, this sub[s]ection applies to the approval of the final plat, not the preliminary plat. The applicant will address this subsection at the time of final platting.

Staff agrees and includes a condition of approval to ensure compliance. Because the FMP was approved with domestic water provided by Sunriver Water, staff finds option (c) is not available to the developer.

Domestic Water Supply. Prior to final plat approval, the owner shall submit:

A. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or

B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county.

(5) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be

installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary; or

(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed by the subdivider and indorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

FINDING: The applicant provides the following findings.

> By its terms, this sub[s]ection applies to the approval of the final plat, not the preliminary plat. The applicant will address this subsection at the time of final platting.

Staff agrees and includes a condition of approval to ensure compliance. Because the FMP was approved with sewer service provided by Sunriver Environmental, staff finds option (c) is not available to the developer.

Sewer Service. Prior to final plat approval, the owner shall submit:

A. A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or

B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary.

(6) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by a city or county unless the city or county has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

FINDING: The subject property is not located within the boundaries of an irrigation district. This criterion does not apply.

IV. SYSTEM DEVELOPMENT CHARGE

Board Resolution 2024-038 sets a transportation system development charge (SDC) rate of $5,691 per p.m. peak hour trip. Recreational Homes (ITE 260) generate 0.29 p.m. peak hour trips per dwelling unit; therefore the applicable SDC is $1,624 ($5,603 X 0.29). The SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2025 PENDING ANY AMENDMENTS TO THE COUNTY'S CURRENT SDC RESOLUTION 2024-038. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.

ON JULY 1, 2025, THE SDC RATE WILL INCREASE TO A BASE RATE OF $5,856 PER P.M. PEAK HOUR TRIP AND THE SDC FOR THE PROPOSAL WILL BE $1,698 ($5,856 X 0.29) PER DWELLING UNIT.

V. CONDITIONS OF APPROVAL

AT ALL TIMES

1. Application Materials. Approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.

2. Multi-Use Pathways: Multi-use pathways shall be constructed consistent with the pathway locations shown on the FMP.

3. Road Name Sign. At least one road name sign will be provided at each intersection for each road.

4. Culverts. The proposed development shall incorporate the following design standards.
   A. Road culverts shall be concrete or metal with a minimum design life of 50 years.
   B. All cross culverts shall be 18 inches in diameter or larger.
   C. Culverts shall be placed in natural drainage areas and shall provide positive drainage.

PRIOR TO, OR CONCURRENT WITH, FINAL PLAT APPROVAL

5. Final Plat – OLU and Residential: Prior to the recordation of the final plat of Phase D, the applicant shall submit one of the following to ensure that a minimum of 264 OLUs, or the minimum necessary to meet the 2.3:1 ratio, are provided to demonstrate compliance with this condition of approval:
   A. Documentation that a minimum of 264 OLUs are constructed; or
   B. Bonding or other security to ensure that a minimum of 264 OLUs are constructed or otherwise guaranteed.

6. Plat Designation. The plat shall designate all individually-owned units that will be counted as OLUs.

7. Declaration. The owner shall record the Declaration, as amended and detailed in this decision.

8. Subdivision Name. The owner shall submit correspondence from the County Surveyor approving the subdivision name. County Surveyor signature on the plat shall also demonstrate compliance.

9. Street Names. Street names and numbers shall be approved by the County Property Address Coordinator and consistent with platted phases.

10. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

11. Road Improvements. Owner shall complete road improvements according to the approved plans and all applicable sections of DCC 17.48. Improvements shall be constructed under the inspection of a register professional engineer consistent with ORS 92.097 and DCC 17.40.040. Upon completion of road improvements, owner shall provide a letter from the engineer certifying that the improvements were constructed in accordance with the approved plans and all applicable sections of DCC 17.48.

12. Easements. All easements of record or existing rights of way shall be noted on the final plat pursuant to DCC 17.24.060(E),(F), and (H).

13. Plat Preparation. The surveyor preparing the plat shall, on behalf of owner, submit information showing the location of the existing roads in relationship to the rights of way to Deschutes County Road Department. This information can be submitted on a worksheet and does not necessarily have to be on the final plat. All existing road facilities and new road improvements are to be located within legally established or dedicated rights of way. In no case shall a road improvement be located outside of a dedicated road right of way. If research reveals that inadequate right of way exists or that the existing roadway is outside of the legally established or dedicated right of way, additional right of way will be dedicated as directed by Deschutes County Road Department to meet the applicable requirements of DCC Title 17 or other County road standards. This condition is pursuant to DCC 17.24.060(E),(F), and (G) and 17.24.070(E)(8).

14. As-Constructed Plans. Owner shall submit as-constructed improvement plans to Road Department pursuant to DCC 17.24.070(E)(1).

15. Road Department Plat Approval. Owner shall submit plat to Road Department for approval pursuant to DCC 17.24.060(R)(2), 100, 110, and 140.

16. Street Names. Street names and numbers shall be approved by the County Property Address Coordinator.

17. Grading Plans. When filling or grading is contemplated by the subdivider, the owner shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

18. Park Fee. Prior to final plat approval, the owner shall pay the $13,300 park fee.

19. Drainage Swales. Prior to final plat approval, the owner shall submit a statement from an engineer licensed in the state of Oregon indicating all drainage swales are designed to adequately control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council. The engineer's stamp on the final plat will also demonstrate compliance.

20. Final Plat Conformity. The subdivision plat shall substantially conform to the provisions of the tentative plan for the subdivision, as approved.

21. Domestic Water Supply. Prior to final plat approval, the owner shall submit:

A. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or

B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county.

22. Sewer Service. Prior to final plat approval, the owner shall submit:

A. A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat; or

B. A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary.

23. Roads and Utilities. Prior to final plat approval, the owner shall either physically construct all streets and utilities, or financially assure them. If the owner chooses to financially assure the streets and utilities, the owner shall secure an Improvement Agreement and surety to the satisfaction of the County, prior to final plat.

24. Phased Subdivision**:** If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.

PRIOR TO CONSTRUCTION

25. Road Improvement Plans. Owner shall submit road improvement plans to Road Department for approval prior to commencement of construction pursuant to DCC 17.40.020 and 17.48.060. The roads shall be designed to the minimum standard for a private road pursuant to 17.48.160, 17.48.180, and 17.48A or pursuant to the approved master plan. Road improvement plans shall be prepared in accordance with all applicable sections of DCC 17.48.

PRIOR TO BUILDING PERMIT ISSUANCE

26. Grading of Building Sites. Grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:
    A. Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.
    B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
    C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

DESCHUTES COUNTY PLANNING DIVISION



Written by: Haleigh King, AICP, Associate Planner



Reviewed by: Jacob Ripper, AICP, Principal Planner

Attachments:

1. Tentative Plan

CALDERA SPRINGS, PHASE E OLU TENTATIVE PLAT

BEING A REPLAT OF A PORTION OF DEVELOPMENT TRACT A1, CALDERA SPRINGS, PHASE A,
LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTIONS 9 AND THE
SOUTHEAST QUARTER (SE 1/4) SECTION 8, TOWNSHIP 20 SOUTH, RANGE 11 EAST,
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON
###-25-######-TP
FUTURE 2025

SUBJECT PROPERTY EASEMENTS

AS DISCLOSED IN FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 7069-4159208, EFFECTIVE DATE APRIL 12, 2024.

1. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN :
   - RECORDING INFORMATION: DECEMBER 15, 1970 AS BOOK 173, PAGE 494
   - IN FAVOR OF: DESCHUTES COUNTY
   - FOR: ROADWAY
   - (*DOES NOT AFFECT THIS PROJECT)

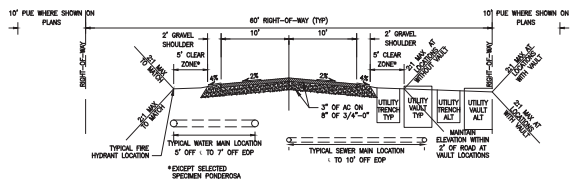
2. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
   - RECORDING INFORMATION: AUGUST 16, 2013 AS INSTRUMENT NO. 2013-35139
   - IN FAVOR OF: MIDSTATE ELECTRIC COOPERATIVE, INC., AN OREGON COOPERATIVE CORPORATION
   - FOR: ELECTRIC TRANSMISSION SYSTEM

3. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
   - RECORDING INFORMATION: AUGUST 30, 2013 AS INSTRUMENT NO. 2013-37255
   - IN FAVOR OF: MIDSTATE ELECTRIC COOPERATIVE, INC., AN OREGON COOPERATIVE CORPORATION
   - FOR: ELECTRIC TRANSMISSION FACILITIES/LINES

ITEMS 4 THROUGH 6 HAVE BEEN INTENTIONALLY OMITTED

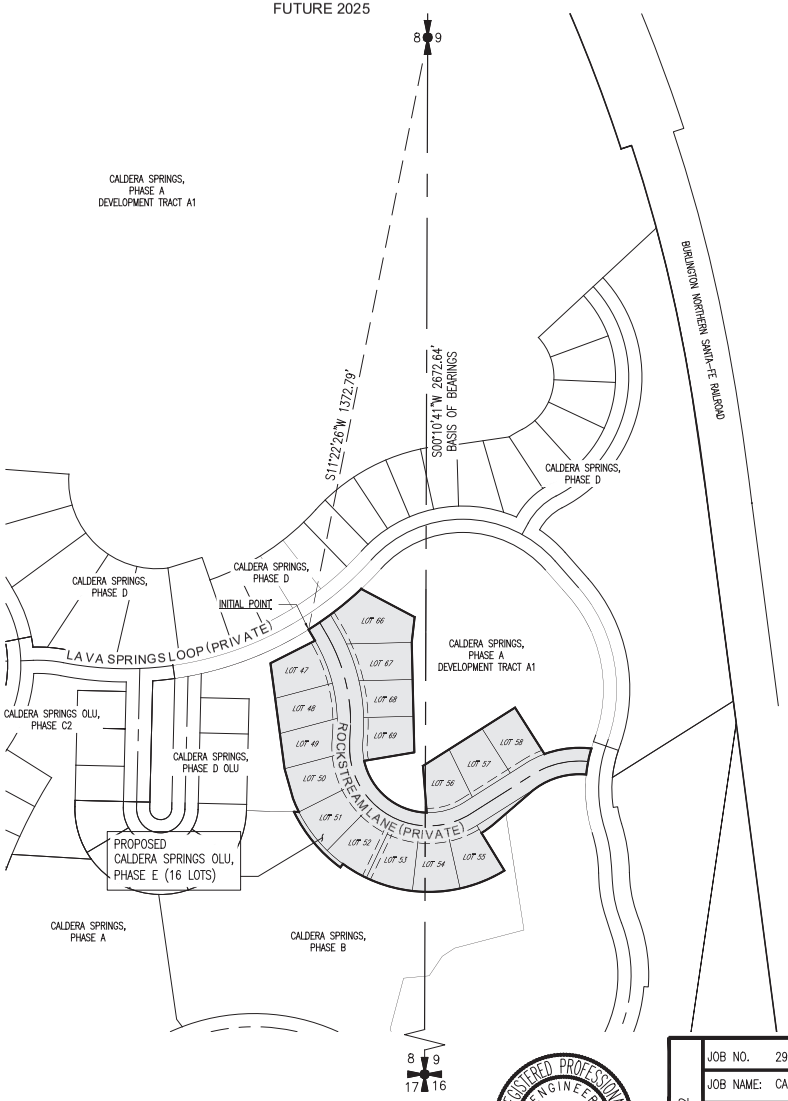
7. PUBLIC UTILITY EASEMENT AS DISCLOSED ON THE RECORDED PLAT OF CALDERA SPRINGS, PHASE A.

ITEMS 8 THROUGH 11 HAVE BEEN INTENTIONALLY OMITTED



MAJOR ROAD TYPICAL SECTION 1 TP1.0

N.T.S



LEGEND

- CALDERA SPRINGS OLU, PHASE E PLAT BOUNDARY
- LOT / TRACT LINE
- FOUND SECTION CORNER
- FOUND QUARTER CORNER

N

SCALE IN FEET
0 200 400

INFORMATION SHOWN ON THE PLANS IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE AS DETAILED DESIGN IS DEVELOPED.

REGISTERED PROFESSIONAL ENGINEER
17199
OREGON
JULY 19, 1994
JAMES E. FROST
EXPIRES: 12/31/2025

SUBJECT PROPERTY DESCRIPTION

BEING A PORTION OF DEVELOPMENT TRACT A1 OF CALDERA SPRINGS, PHASE A, RECORDED FEBRUARY 2, 2022, AS INSTRUMENT NUMBER 2022-04791, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 8 AND THE SOUTHWEST 1/4 (SW1/4) SECTION 9 TOWNSHIP 20 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "PARAMETRIX", MARKING THE NORTHEASTERN MOST CORNER OF COMMON AREA TRACT ZZ, CALDERA SPRINGS OLU, PHASE D, SAID POINT BEARS SOUTH 11°22'26" WEST 1372.79 FEET FROM A 2-1/2" ALUMINUM CAP MARKING THE EAST ONE-QUARTER (E1/4) CORNER OF SAID SECTION 8;

THENCE ALONG THE EAST AND SOUTH LINE OF SAID TRACT ZZ THE FOLLOWING SIX (6) COURSES:

SOUTH 30°20'52" EAST 29.24 FEET;

THENCE SOUTH 63°11'01" WEST 113.50 FEET;

THENCE SOUTH 07°36'08" EAST 242.00 FEET;

THENCE SOUTH 15°51'32" 70.25 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE 33.42 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05°48'08", WITH A RADIUS OF 330.00 FEET, AND A CHORD OF SOUTH 23°38'48" EAST 33.40 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 88°38'59" WEST 11.28 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE ALONG THE NORTH LINE OF TRACT HH OF CALDERA SPRINGS, PHASE B, RECORDED JULY 11, 2022, AS INSTRUMENT NUMBER 2022-27117, DESCHUTES COUNTY OFFICIAL RECORDS, THE FOLLOWING FIVE (5) COURSES:

166.17 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 28°00'08", WITH A RADIUS OF 340.00 FEET, AND A CHORD OF SOUTH 39°49'06" EAST 164.52 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 36°10'50" EAST 10.00 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE 389.56 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 67°38'10", WITH A RADIUS OF 330.00 FEET, AND A CHORD OF SOUTH 87°38'15" EAST 367.33 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 31°27'23" WEST 100.00 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

THENCE 37.36 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°08'22", WITH A RADIUS OF 230.00 FEET, AND A CHORD OF NORTH 53°53'30 EAST 37.32 FEET TO A POINT OF TANGENCY;

THENCE ALONG THE NORTH LINE OF TRACT B5 AND SAID TRACT HH OF SAID CALDERA SPRINGS, PHASE B, NORTH 49°14'19" EAST 107.66 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

THENCE CONTINUING ON THE NORTH LINE OF SAID TRACT B5 136.32 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 45°56'34", WITH A RADIUS OF 170.00 FEET, AND A CHORD OF NORTH 72°12'30" EAST 132.69 FEET TO THE WESTERN RIGHT-OF-WAY OF (BEING 30.00 FEET FROM CENTER WHEN MEASURED AT RIGHT ANGLES TO) LAVA SPRINGS LOOP AND A NON-TANGENTIAL CURVE TO THE RIGHT;

THENCE ALONG SAID RIGHT-OF-WAY LINE 60.32 FEET ALONG A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 10°28'20", WITH A RADIUS OF 330.00 FEET, AND A CHORD OF NORTH 11°02'15" EAST 60.23 FEET TO A POINT OF NON-TANGENCY;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY NORTH 36°41'25" WEST 148.17 FEET;

THENCE SOUTH 73°09'09" WEST 88.63 FEET;

THENCE SOUTH 57°37'49" WEST 247.72 FEET;

THENCE SOUTH 04°37'15" EAST 106.53 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

THENCE 198.77 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 75°55'16", WITH A RADIUS OF 150.00 FEET, AND A CHORD OF NORTH 50°21'26 WEST 184.54 FEET TO A POINT OF NON-TANGENCY;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY NORTH 80°23'26" EAST 115.55' FEET;

THENCE NORTH 01°21'12" WEST 249.86 FEET;

THENCE NORTH 06°30'17" EAST 57.97 FEET;

THENCE NORTH 62°10'29" WEST 137.11 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF (BEING 30.00 FEET FROM CENTER WHEN MEASURED AT RIGHT ANGLES TO) LAVA SPRINGS LOOP AND THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

THENCE 151.51 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 11°07'35", WITH A RADIUS OF 780.00 FEET, WITH A CHORD OF NORTH 52°22'03" EAST 151.27 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 6 ACRES MORE OR LESS

BASIS OF BEARINGS: SOUTH 00°10'41" WEST BETWEEN RECOVERED MONUMENTS MARKING THE SECTION LINE BETWEEN THE EAST ONE-QUARTER (E1/4) AND SOUTH SECTION CORNER OF SAID SECTION 8.

SHEET NO. TP1.0 OF 2

JOB NO.	297-7378-032
JOB NAME:	CALDERA FMP
DRAWN:	BRO
CHECKED:	CAP/DM
SCALE:	1" = 200'
DATE:	DECEMBER 16, 2024

PREPARED FOR:
CALDERA SPRINGS OLU, PHASE E

Parametrix
150 NW Pacific Park Lane, Suite 110 • Bend, OR 977
Ph: 541.508.7710

12/01/2025 Item #4.

EXHIBIT D
Bond Instrument

BOND NO.: 1001159775
PREMIUM: $65,318.00

SUBDIVISION PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That Caldera Springs Real Estate, LLC, as Principal and U.S. Specialty Insurance Company, a corporation licensed to transact surety business in the State of Oregon, as Surety, are held and firmly bound unto the Deschutes County, Oregon, as obligee, in the penal sum of Four Million Three Hundred Fifty-four Thousand Five Hundred Fifty-two & 00/100 ($4,354,552.00), for the payment of which sum well and truly to made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas said Principal, the owner of a tract of land representing a subdivision entitled Caldera Springs Phase E1, and

WHEREAS, the map of said tract on which Principal desires to construct

Caldera Springs Phase E1 Improvements

hereinafter referred to as improvements, and petition the obligee to accept the improvements, and

WHEREAS, said obligee requires a bond conditioned for the improvements of said tract, and

WHEREAS, the Principal proposes at its own cost and expense to improve said tract within the limits of said subdivision.

NOW, THEREFORE, if the said Principal shall well and truly cause said improvements, as herein before specified, within the limits of said subdivision to be improved, then this obligation shall cease and be void, otherwise it shall remain in full force and effect, and the Surety on this bond binds itself to said Obligee, to the amount on the herein above stated penal sum, that said improvements shall be completed in accordance with the agreement between Principal and Obligee.

IN WITNESS WHEREOF, said Principal has hereunto set its hands and seals, and said Surety has caused these presents to be executed by its officers thereunto authorized this 14th day of October, 2025.

Caldera Springs Real Estate LLC,
an Oregon limited liability company

By: _____
Thomas O'Shea, Authorized Signer (Name & Title)

U.S. Specialty Insurance Company

By: _____
Brenda Wong, Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT CIVIL CODE§ 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On 10/14/2025 (DATE) before me, Marie Claire Trinidad, Notary Public ([Name of Notary Public and Title "Notary Public"]),

personally appeared Brenda Wong ([Name(s) of Signer(s)]),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

MARIE CLAIRE TRINIDAD
COMM. #2497215
Notary Public - California
Orange County
My Comm. Expires Aug. 11, 2028
NRO1 NRO1

WITNESS my hand and official seal.

Signature of Notary Public, Marie Claire Trinidad

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Brenda Wong

- ☐ Corporate Officer – Title(s): _____
- ☐ Partner – ☐ Limited ☐ General
- ☐ Individual ☒ Attorney-in-Fact
- ☐ Trustee ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer – Title(s): _____
- ☐ Partner – ☐ Limited ☐ General
- ☐ Individual ☐ Attorney-in-Fact
- ☐ Trustee ☐ Guardian or Conservator
- ☐ Other: _____

Signer is Representing: _____

TOKIO MARINE HCC

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Brenda Wong, Tenzer V. Cunningham, Martha Gonzales or Sohka Evans of Los Angeles, California

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** ******Seventy Five Million****** Dollars (***75,000,000.00***). This Power of Attorney shall expire without further action on April 23rd, 2026. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 18th day of April 2022.

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING OMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

State of California

County of Los Angeles

By: _____
Daniel P. Aguilar, Vice President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

On this 18th day of April 2022, before me, Sonia O. Carrejo, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SONIA O. CARREJO
Notary Public - California
Los Angeles County
Commission # 2398710
My Comm. Expires Apr 23, 2026

Signature _____ (seal)

I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 14 day of October, 2025.

Corporate Seals
Bond No. 6001159775

Agency No. 16422

_____
Kio Lo, Assistant Secretary

HCCSMANPOA02/2023

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BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: December 1, 2025

SUBJECT: Role, Purpose and Oversight of the Deschutes County Office of Internal Audit

RECOMMENDED MOTION:
To be determined based on Board direction, if any.

BACKGROUND AND POLICY IMPLICATIONS:
At the October 29, 2025 Board meeting, County Clerk Steve Dennison addressed the Board under "citizen input." County Clerk Dennison provided his response to the 2025 Elections Audit (attached) completed by the County Internal Auditor. Later in the meeting, under "Other Items," Commissioners discussed the Internal Audit program. The Board requested that staff schedule a Board work session to discuss the Audit Code, which outlines the authority and scope of audits. The Audit Code is Deschutes County Code Chapter 2.14 (attached).

Deschutes County Internal Auditor Elizabeth Pape submitted a staff memorandum with this agenda item.

BUDGET IMPACTS:
None

ATTENDANCE:
Nick Lelack, County Administrator
David Doyle, County Legal Counsel
Erik Kropp, Deputy County Administrator
Whitney Hale, Deputy County Administrator
Elizabeth Pape, County Internal Auditor
Daryl Parrish, Audit Committee Chair

County Clerk

To: Elizabeth Pape, County Internal Auditor
From: Steve Dennison, Deschutes County Clerk
Date: October 29, 2025
Subject: Management's Response to 2025 Elections Audit Report

2025 Elections Audit Response

Executive Summary

In light of this audit's findings, it is imperative to address the report's inaccuracies and emphasize the importance of factual integrity, especially during a time when elections face unprecedented challenges. Such challenges include reductions in federal funding, widespread false narratives and misinformation, threats to election workers and increasingly sophisticated cybersecurity risks. Discrepancies within audit processes that remain uncorrected and misleading only intensify these challenges. Accurate information is vital to uphold public trust in the electoral system, particularly when scrutiny is heightened. While some components of the report were seen as positives by audit committee members, this perception overlooks the harmful impact of the misinformation and false narratives this report contains. The refusal of the Internal Auditor to correct these inaccuracies before releasing the final report underscores the need for auditing reforms to ensure accountability and fairness in county publications. Unedited statements could unnecessarily harm the county's reputation and similarly impact other counties across the state.

Amidst these numerous external challenges, the dedicated staff of the County Clerk's Office work tirelessly to ensure transparent and secure elections. Their dedication to these values underscores their commitment to serving the public with integrity and honesty. The following responses address the audit report's inaccuracies, findings, and recommendations.

Despite the widespread inaccuracies identified in this report, as detailed in the responses below, the County Clerk's Office acknowledges the risks associated with the Internal County Auditor's recommendations. This recognition arises not from the Auditor's identification of these items, but from the fact that the recommendations already align with the office's ongoing commitment to excellence in the work that is the subject of this audit.

Request from Clerk's Office to Conduct this Audit

Following the 2020 Presidential Election, the County Clerk's Office requested an audit from the County Internal Auditor, then David Givans, to address the increase in misinformation and disinformation relating to elections. The County Clerk's Office, committed to transparency and integrity, sought to educate the public about the electoral process. This effort aimed to address concerns and misconceptions regarding critical components such as voter registration, ballot creation, vote tabulation, election results, and audits. David Givans understood the scope and significance of the Clerk's audit request, recognizing it as a proactive measure to demonstrate how the County safeguards democracy and voter integrity, rather than as a reactionary audit focused on performance or compliance issues. David Givans retired before the audit was initiated, possibly taking with him an understanding of the original intent and objectives of the elections audit.

Reputation

The Deschutes County Clerk's Office has a strong history of excellence in fulfilling its diverse responsibilities. The office maintains essential responsibilities such as overseeing elections, maintaining voter registrations, recording of real property records, issuing marriage licenses, processing passport applications, running the County Archives and Records Center and facilitating the Property Value Appeals Board, all while ensuring compliance with relevant regulations and laws.

In 1999, the Deschutes County Clerk's Office demonstrated its commitment to innovation by becoming the first county in Oregon to offer online access to public records. In August 2017, it led the state again by allowing couples to apply for marriage licenses online, enabling them to apply from anywhere in the world before visiting the office to complete the purchase.

In his effort to meet with staff and observe operations for each county throughout the state, on April 15, 2025 Oregon Secretary of State, Tobias Reed visited the Deschutes County Clerk's Office. As a testament to the positive reputation the office maintains, one month later, on May 14, Secretary Reed chose to return to Deschutes County for his first ride-along to ballot drop boxes to observe the ballot collection processes during the May 20, 2025 Special District Election. Secretary Reed "rode along to observe the process of gathering ballots from drop boxes, sorting, counting and security of the election system—says...ballots are safe and the results are accurate."[1] The Chief Elections Official in the state partnered with the Deschutes County Clerk's Office on a media tour because of the office's reputation for providing consistently accurate, transparent and compliant elections. The County Clerk's Office is honored to build on these successes and continue its dedication to quality public service to the voters of Deschutes County.

[1] Snavely, Brooke. (2025, May 14). Oregon Secretary of State tours Deschutes County's voting system ahead of May 20 election. *Central Oregon Daily*. https://www.centraloregondaily.com/news/elections/oregon-may-20-special-election-voting-info/article_34956c7f-a7ed-40f8-b3b5-2c02833a26f0.html

Key Findings and Responses from the Audit:

1. **Security Concerns**

Audit Finding: Incomplete cooperation with the audit regarding information security of the Clear Ballot system. "Scope Impairment: Auditor Cannot Draw Conclusions Related to Information Security."

Response:

With election infrastructure and systems under constant attack from state and non-state actors, it is more imperative than ever to safeguard the federal and state election security measures established to protect our election systems.

In accordance with ORS 254.074 and OAR 165-007-0310, the County Clerk's Office develops and maintains a comprehensive Election Security Plan addressing various components. At a minimum, the plan must include the following components:

(a) Ballot security at the printer;
(b) Ballot storage security;
(c) Ballot security during transport to inserter (if applicable), to the county, or to the post office;
(d) Ballot security during insertion;
(e) Ballot security at dropsites;
(f) Security of voted ballots awaiting verification;
(g) Security of voted ballots verified and awaiting inspection;
(h) Security of voted ballots opened and inspected;
(i) Facsimile ballot security;
(j) Ballot tally system;
(k) Early scanning procedure (if applicable);
(l) Preventing the premature release of vote tally;
(m) Post election security; and
(n) Information about whether or not secrecy envelopes or sleeves will be used.

The County Clerk's Office is mandated by Oregon Revised Statutes, Oregon Administrative Rule, and Secretary of State's Critical Directive 2022-3 to keep the Election Security Plan and information pertaining to it confidential and free from public disclosure.

Secretary of State's Critical Directive 2022-3 (See attached) addresses Critical Infrastructure Security. This includes but is not limited to the physical security of elections offices, secure ballot storage, ballot scanning and tabulation machines, vote-by-mail infrastructure, information processing systems, communications systems, and elections security plans.

The U.S. Department of Homeland Security has designated elections as Critical Infrastructure. To safeguard this infrastructure, the Clerk's Office maintains strong partnerships with the Secretary of State, OACC, the FBI, and local law enforcement to protect personnel, facilities, and systems. This collaboration also ensures adherence to federal guidelines and best practices. Additionally, the Clerk's Office has had multiple assessments by Homeland Security to ensure its facilities are safe.

Upon receiving the Internal Auditor's request to access this Election Security Plan, the County Clerk deliberated, after thorough consultation with the State Elections Division of the Secretary

of State, the County Legal Department, other County Clerks throughout the state, and the Oregon Association of County Clerks (OACC), and concluded to safeguard the Election Security Plan from the public processes of the Internal Auditor. The County Clerk's Office could not provide the Internal Auditor the Election Security Plan or information pertaining to it without risk of violating the aforementioned laws and directives – a decision that was unanimously shared by County Clerks throughout Oregon.

While the Election Security Plan remains confidential, the Clerk's Office has been fully transparent with all other information requested by the Internal Auditor. The details provided confirm that the office:

- Complies with legal requirements and regulations in conducting elections.
- Maintains robust procedures.
- Conducts regular audits of election results to ensure all systems are working as designed.
- Provides public access to information.
- Is transparent in communication.
- Permits public observation, enabling the public to monitor processes for fairness and accuracy, demonstrating a transparent environment open to scrutiny and verification.
- Actively engages with community organizations to foster inclusive participation.
- Engages in public education initiatives to inform voters about their rights and the voting process.
- Receives feedback from voters and stakeholders to provide feedback and report issues.

2. **Ballot Drop Box Accessibility**

Audit Finding: Ballot drop boxes exceeded the height and had gaps, making them non-compliant with accessibility standards. "Ballot Drop Boxes Not Fully Accessible."

Response:
Deschutes County is deeply committed to ensuring accessibility and legal compliance across its voting infrastructure, reflecting a dedication to inclusivity and equity. By offering solutions for different access needs, such as designing drive-through ballot drop boxes for vehicle access and walk-up boxes with pedestrian-friendly routes, the county addresses specific user requirements and complies with federal and state guidelines. This approach ensures all voters, especially those with disabilities, can participate effortlessly, showcasing Deschutes County's proactive stance in maintaining functional integrity and enhancing the overall voting experience.

Additionally, vote-by-mail significantly enhances the accessibility of Deschutes County's election system by allowing all voters the convenience of returning their ballots, postage-paid, through the mail. Furthermore, the Secretary of State's Online Ballot-Marking Tool provides voters with disabilities and qualified military and overseas voters an alternate-format ballot that is fully accessible with screen-reader systems. These options eliminate the need to travel to drop sites, thereby accommodating individuals with mobility challenges, transportation issues, or scheduling conflicts. By ensuring every voter receives a ballot by mail, the county provides a flexible and inclusive option that aligns with Oregon's vote-by-mail system, further promoting civic engagement and participation across diverse populations.

The County's Internal Auditor erroneously applied a US DOJ Checklist to judge accessibility of the County's drive-through ballot drop boxes. The US DOJ Checklist referenced by the Auditor is specific to Polling Places and walk-up ballot drop boxes. Deschutes County has one Polling Place and that is within the County Clerk's Office. This Polling Place is fully compliant with applicable ADA laws.

The United States Department of Justice Civil Rights Division details the American Disability Act requirements for accessibility. The 2010 ADA Standards for Accessible Design Section 228 Depositories, Vending Machines, Change Machines, Mail Boxes, and Fuel Dispensers states:

> "**228.1 General.** Where provided, at least one of each type of depository, vending machine, change machine, and fuel dispenser shall comply with 309.
>
> **EXCEPTION:** Drive-up only depositories shall not be required to comply with 309."[2] Section 309 mandates that operable parts such as depositories need to meet certain clear floor space, height, and force specifications[3].

ADA Section 228 clearly exempts drive-through depositories from the Section 309 requirements referenced in DOJ Checklist the Auditor used to judge the county's drive-through drop boxes. Despite bringing this information to the Auditor's attention, the Auditor chose to keep this error in the report.

Deschutes County Clerk's Office ensures compliance with ADA guidelines through close coordination with the County's Facilities Department. Inspections of each drop box occur before, during and after each election cycle confirm their operational integrity and accessibility.

During the Audit Committee Meeting held on October 10, 2025, County Facilities Director Lee Randall clarified his department's ADA acumen and familiarity with ADA standards. Director Randall stated a distinction should be made between a drive-through and a walk-up ballot drop box.

- Drive-through ballot drop box (Drive Aisle)
    - Drive aisles are designed solely for vehicular use and not intended for pedestrian foot traffic.
    - Drive-through drop boxes are exempt from ADA Section 309 requirements.
- Walk-up ballot drop box (Accessible Route)
    - Must maintain an accessible route for pedestrians and be designed to ensure inclusivity and compliance with legal requirements, enabling individuals with disabilities to navigate public spaces safely and efficiently.

[2] (2010, September 15). 2010 ADA Standards for Accessible Design. *ADA.GOV*. https://www.ada.gov/law-and-regs/design-standards/2010-stds/#section54

[3](2010, September 15). 2010 ADA Standards for Accessible Design. *ADA.GOV*. https://www.ada.gov/law-and-regs/design-standards/2010-stds/#309-operable-parts

Director Randall further clarified that since "Accessible Route" is specifically for pedestrians, he would not apply [accessible route requirements] to a drive up box. "They (walk-up and drive-up boxes) are mutually exclusive: you would never route an accessible pedestrian route through a drive by where vehicles use it. We would not even want to encourage people to use a drive up box. The height standards vary due to pavement variability.... If it met the lowest standard of a walkup box which this checklist applies to, it would actually be too low to use from a vehicle."[4] The reach range for a walk-up depository is 48-15 inches. If a drive-through drop box had a handle and opening at 15 inches above the ground, Director Randall is affirming this would be too low to use from a vehicle. Director Randall emphasized this point further by stating, "We work with the ADA every day. We have an in-house expert who [has] a master's degree in architecture. I asked him to review this [and] he came to the same conclusion that this standard would apply to the walk-up boxes that we have but not to the drive up."[5]

The Internal Auditor is incorrectly applying the US DOJ Checklist to the County's drive-through drop boxes, falsely stating that they fall out of ADA compliance. What is even more concerning is the Auditor's decision to continue apply this non-applicable standard despite being informed of the error on multiple occasions.

In the same section regarding drop box accessibility, the Auditor states, "locations had only one box without a designation." It should be noted that the Clerk's Office publishes locations and details regarding each dropsite on its website and in the Voters' Pamphlet. The Office also partners with the County Facilities Department to deploy ample traffic signage for every ballot drop box throughout the county. These efforts exceed state requirements. If the issue at hand is signage or communication regarding drop boxes, the Auditor should have simply stated this request rather than conflate it with ADA walk-up drop box requirements.

The Clerk's Office is committed to continuous improvement and will enhance its processes and checklists to ensure that all components of the drop boxes are thoroughly examined during routine checks.

3. **Voter Accommodation Awareness**

Audit Finding: Limited awareness of available voter accommodations and translations. "Accommodations Offered, but Outreach Could Be Improved."

Response:

Deschutes County Clerk's Office ensures compliance with federal and state voting accessibility requirements by providing diverse resources and accommodations. The Voters' Pamphlet is distributed to all registered voters and is available online[6][7]. An audio version is also available and posted online to assist visually impaired individuals. For non-English speakers, the pamphlet contains links to translated versions on the Secretary of State's website. The county website enhances accessibility further with a translation feature that supports nine languages, addressing

[4] (2025, October 10). Audit Committee Meeting. *Deschutes County*. https://www.deschutes.org/bc-ac/page/audit-committee-meeting-7

[5] (2025, October 10). Audit Committee Meeting. *Deschutes County*. https://www.deschutes.org/bc-ac/page/audit-committee-meeting-7

[6] (2023). Chapter 251 – Voters' Pamphlet. *Oregon Legislature*. https://www.oregonlegislature.gov/bills_laws/ors/ors251.html

[7] (2025, October 28). Secretary of State Elections Division – Chapter 165. *Oregon Secretary of State Tobias Read*. OAR 165-022 https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=179

the linguistic diversity. This robust approach fosters an inclusive voting environment, ensuring that all voters, regardless of language or ability, have access to critical election information.

The Auditor did not provide specific information on what standard she is measuring Deschutes County against. The County Clerk's Office has not received feedback of any kind from the public regarding communication about available accommodations. The Auditor somehow received feedback from unknown "representatives from the disability community" who said "there was not enough awareness about available accommodations. The report goes on to walk back this statement by stating, "the problem was not specific to Deschutes County, but that Multnomah County did a better job of promoting accommodations." It is unreasonable to compare these two counties given the vast differences in population, demographics and budgetary resources. If the standard of measure is Multnomah County instead of federal and state law, the Deschutes County Clerk's Office asks for a more reasonable measurement. In a similar fashion, the Auditor referred to feedback provided by "the Latino community" but would not provide additional information when requested by the County Clerk.

Missing from the audit report was the fact that the Clerk's Office makes significant efforts to conduct various outreach initiatives despite limited funding and resources.

Below are examples of how the Clerk's Office disseminates and promotes accurate information regarding voter registration, elections, and voting:

- **Website Management**: Maintain a website with up-to-date election information.
- **Public Communication**: Collaborate with the County Communication Team to share key dates and processes through county social media and press releases.
- **Voters' Pamphlet Distribution**: Create and distribute a Voters' Pamphlet for every election, sent to every household during countywide elections. Contents include:
    - Access to translated information
    - Key dates and deadlines
    - Voting Information:
        - Qualifications and procedures for registration
        - Registration deadlines and contact info
    - Voting Instructions
    - List of ballot drop sites and locations
    - Overview of the election process
    - Information about candidates and measures
    - Additional necessary information
- **Media Engagement**: Conduct interviews and participate in podcasts and spotlight articles with the County Public Information Officer (PIO).
- **Public Engagement**:
    - Provide office tours office and processes for interested parties.
    - Present to groups upon request.
    - Conduct "Election Observer" training during primary and general elections to educate those interested in the overall process.
- **Youth Engagement**: Organize art and coloring contests, including an "I Voted" sticker contest, to engage and educate youth about voting.
- **Educational Programs**: Present at the County College program to explain the election process.
- **Community Involvement**: Volunteer at the county booth during fairs when available.

This comprehensive approach shows the commitment of the Clerk's Office to providing transparent and accessible voting information to the community, while managing resource constraints effectively. Additional interest might focus on exploring innovative digital outreach techniques or partnerships to enhance voter engagement and education.

This approach is regularly reassessed to identify opportunities for improvement. This continuous improvement process ensures that outreach efforts remain effective, relevant, and responsive to community needs.

4. **Other Concerns with Audit Report**

Audit statement:
The electoral process is increasingly scrutinized and public confidence in elections has lost ground. In Deschutes County, the responsibility to uphold the integrity of elections is more vital than ever.

Response:
The audit was initiated at the County Clerk's request in an effort to enhance transparency in response to public concerns about election integrity. However, the focus on inaccuracies rather than the election process may have hindered potential benefits. By concentrating on the mechanics of what the County Clerk's Offices does and how the department consistently achieves accuracy, this audit could have provided more substantial insights into the reliability of election systems. While some counties face audits after costly errors, proactive auditing of successful processes ensures continuous improvement without financial repercussions. Addressing how the County Clerk's Office maintains secure and accurate elections time and again would offer deeper value and reinforce public confidence.

Audit statement:
Previous findings related to information security also contributed to a heightened sense of risk in this area. During a 2024 integrated audit, auditors found that Clerk's Office recording staff not elections staff) disabled supervisor review and segregation of duties controls in software to make it easier to void receipts and to circumvent review processes. Staff were also using shared logins due to a perception that logging in and out of shared workstations took too much time. We recommended the Office either resolve these control issues or formally accept the risk of not implementing controls. Staff chose to resolve the controls issues. We also found that software access rights had not been updated during a 2008 cash handling audit.

Response:
The County Clerk's Office requested that this paragraph be removed since its topic is unrelated to the scope of work of the elections audit. This paragraph highlights past information security issues that were acknowledged and resolved last year as part of a different audit. There is no apparent direct link between last year's control issues and the specific objectives of this election audit; consequently it's important to recognize that off-topic references such as references to past, resolved audits, could indirectly influence public trust in the Clerk's Office. This, in turn, might affect perceptions of election integrity. The Auditor denied the request of the Clerk to remove this paragraph from the report.

Audit statement:
The Americans with Disabilities Act, National Voters Registration Act, and Voting Rights Act require assistance and translation for registering and voting.

Response:
This statement is not true. Neither the National Voter Registration Act (NVRA) nor the Voting Rights Act (VRA) requires translation for registration and voting nationwide. Only specific jurisdictions must provide translated materials and assistance, based on demographic criteria set by the VRA.

Audit statement:
Election staff have the authority to interpret voter intent. If staff abuse this authority it could result in reduced confidence in elections.

Response:
The suggestion that the Clerk's Office staff might "abuse this authority," leading to reduced confidence in elections, is unwarranted and does not reflect the commitment and integrity that team consistently demonstrates.

Staff adhere to strict guidelines from the Oregon Vote by Mail Manual for interpreting voter intent. Training is provided to ensure they follow procedures accurately. Ballot interpretation guidance is clearly laid out, and staff follow these protocols diligently to uphold electoral integrity. Ballot adjudication follows a strict two-person integrity policy where staff different political party affiliations work together to verify the voter intent of ballots that contain overvotes, undervotes, write-in names, and stray marks. Additionally, adjudication is done in a secure room under camera surveillance. Control processes, consistent with federal and state best practices for election security, abound here.

The Clerk's Office team is highly trained and dedicated to maintaining the electoral process's integrity, ensuring transparency and accountability at every step. Any implication otherwise fails to recognize the robust checks and balances in place that support fair and accurate election outcomes. These practices ensure that every vote is counted as intended, reflecting the team's unwavering commitment to a fair and transparent electoral process.

Audit statement:
The Clerk's Office website did not include information about accommodations or translation/interpretation.

Response:
This statement is not true. Information about accommodations and links to translated materials are provided in each Voters' Pamphlet created by the Clerk's Office. These pamphlets are also posted on the election webpage for each election.

Closing Comments

In response to the audit report's concerns, it is crucial to address the vague reference to the "disability community" and "representatives from the Latino community" by seeking clarification from the Auditor as well as highlighting the Clerk's Office's proactive outreach and accessibility (such as ADA-compliant facilities and accessible voting machines). The lack of specific ORS and OAR citations in the report necessitates a request for these details to ensure compliance with laws such as the ADA and Help America Vote Act (HAVA). The efforts of the Clerk's Office already exceed statutory requirements through enhanced election worker training, user-friendly voting guides, and collaboration with community organizations. However, budgetary and staffing constraints limit initiatives, despite the office's efficient use of resources to maximize accessibility benefits. The Clerk's Office maintains a strong commitment to accessibility, with plans for future enhancements contingent on resources, and seek ongoing engagement with advocacy groups for guidance. This situation underscores the need to explore additional funding opportunities, examine best practices from other jurisdictions, and ensure alignment with evolving needs in the disability community.

OFFICE OF INTERNAL AUDIT

Memo

To: Board of County Commissioners

From: Elizabeth Pape, Deschutes County Internal Auditor

Date: November 26, 2025

Re: Role, Purpose, and Oversight of the Deschutes County Office of Internal Audit

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The Deschutes County Office of Internal Audit has a 23-year history of providing reliable, independent, and actionable reports to the Deschutes County Board of Commissioners and community. Early in its third decade, perhaps it's a helpful time to review the Office's purpose and function. This memo outlines answers to questions such as

- Why do we have an audit function?
- What is an audit?
- What roles do auditors perform?
- What key elements are necessary for an effective audit function?
- Who oversees the auditor?

> *The conventional wisdom is that government cannot be effective in the absence of public trust. Government auditors play a central role in fostering such trust, and have even been referred to as guardians of public trust. Without them, citizens would lack credible insight into the soundness of the many inner workings of government*. ~Richard Chambers, former Institute of Internal Auditors President

I've also provided a document, *The Role of Auditing in the Public Sector*, published by the Institute of Internal Auditors that provides more information.

Why do we have an audit function?

Accountability and transparency are key to maintaining a legitimate relationship between government and citizens. Government's not-for-profit nature, operation in the political sphere, and compulsory powers (police, taxation, and regulation) drive the need to know whether management uses authority appropriately, achieves goals, and provides services effectively, efficiently, economically, and equitably.

What is an audit?

The Government Accountability Office defines government auditing as an objective analysis to help management improve program performance, reduce costs, initiate corrective action, and contribute to public accountability.

A performance audit starts with clear questions and a plan for gathering evidence to support actionable conclusions. Auditors assess risk, choose suitable criteria, and design methods to gather reliable evidence to answer audit objectives. Fieldwork then tests and analyzes that evidence, with work papers documenting every step taken and the reasons why. Finally, the report tells a complete, concise story: including objectives, scope, and methods; findings and conclusions; practical recommendations; and management's views. The through line is rigor and transparency: plan well, test and validate, document thoroughly, and report clearly.

What roles do auditors perform?

Auditors provide

- **Insight**. Auditors can provide insight by identifying which programs are working and which are not, sharing best practices, innovations, and benchmarking results.
- **Foresight**. Auditors conduct trend analysis to identify emerging challenges before they become crises.
- **Validation**. Auditors can validate financial and performance reporting generated by management.
- **Oversight**. They help to answer questions about whether staff are doing what they are supposed to do.
- **Detection**. Audits can be used to identify behavior that is inappropriate, inefficient, illegal, or fraudulent.

- **Deterrence**. Auditors can assess controls and risks to prevent problems before they happen. Simply having an audit function can act as a deterrence. People are less likely to commit wrongdoing when they know someone is watching.

What key elements are necessary for an effective audit function?

Effective audit functions don't come naturally. Organizations must be intentional when establishing governance structures to protect auditor independence, access to information, and the ability to scope and report on audit objectives. Without these protections in place, management can intentionally or unintentionally influence audit outcomes, lessening the value that comes from providing reliable and unbiased information. Many of these protections are already established in Deschutes County Code section 2.14. Essential elements include:

- **A formal mandate**. DCC 2.14.001 creates a mandate for the Office of County Internal Audit, stating that the Office's purpose is to "provide independent objective assurance and consulting services designed to add value and improve Deschutes County's operations through improved performance and enhanced control environment thereby providing greater accountability to its residents."
- **Organizational independence**. DCC 2.14.025 establishes an independent reporting structure for the County Internal Auditor whereby the Auditor reports functionally to the County Audit Committee and administratively to the County Administrator.
- **Adherence to standards**. Government Auditing Standards provide a nationally recognized framework to conduct high-quality audits with competence, integrity, objectivity, and independence. DCC 2.14.025(B) requires that the County Internal Auditor adhere to these standards when overseeing the Office and reporting.
- **Determine scope and objectives**. Auditors must be able to independently select audit objectives and scope based on risk without allowing management to cherry pick well performing programs for review or to avoid areas they know are problematic. DCC 2.14.030 outlines areas the Auditor may include in an audit scope. DCC 2.14.040 describes the process for selecting audit topics. The Auditor proposes topics for inclusion on the audit plan which is approved by the Audit Committee.

- **Access to information**. Auditors can't draw conclusions without access to information. DCC 2.14.060 gives the Office unrestricted access to employees, information, and records (including electronic data).
- **Communication**. Auditors must have the ability to report objectives and conclusions regardless of whether they are favorable or unfavorable. DCC 2.14.070 requires that each initiated audit conclude with a report to the Board of County Commissioners and Audit Committee that includes relevant background information, findings, and conclusions.

Who oversees the auditor?

The work session today was requested to answer questions about oversight of the Office of Internal Audit. The Office reporting structure is unique in the County where most employees either report to the County Administrator or to an elected official with management responsibilities (such as the Sheriff). The County Administrator, County Counsel, and the County Internal Auditor are the only positions the Board of County Commissioners oversee directly. The Auditor's unique position is by design. Though internal auditors can add significant value through familiarity with an organization's operations and environment, stakeholder trust is impeded if independence is not protected. Unlike the County Administrator and County Counsel, the Code balances independence by requiring additional oversight for the County Internal Auditor.

- **Administrative Reporting**. The Internal Auditor reports administratively to the County Administrator. The County Administrator directly oversees conformance with County administrative rules including time recording, procurement and contracting, hiring and human resources management, and information technology security.
- **Functional Reporting**. The Audit Committee oversees other aspects of the County Internal Auditor's performance. Though the Board of County Commissioners has the ultimate authority to hire or dismiss the County Internal Auditor, the Board also consults with the Audit Committee. Additionally, the Audit Committee performs the County Internal Auditor's annual employee performance review and approves the annual audit work plan.

- **Outside Quality Review**. DCC 2.14.090 requires outside quality assurance reviews of the Office of Internal Audit to include compliance with Government Auditing Standards including
    - general standards such as competence, professional judgment, and quality assurance
    - fieldwork standards such as planning, supervision, and evidence
    - reporting standards such as report content, timeliness and distribution.

  The Association of Local Government Auditors conducts these reviews every three years and results are presented to the Board of County Commissioners, the Audit Committee, and posted publicly on the Office website.

Although the Office's reporting structure is unique in the County, these three additional oversight requirements ensure that the Office of Internal Audit and the Internal Auditor operate according to standards that support reliable and objective reporting.

CHAPTER 2.14 COUNTY INTERNAL AUDITOR

2.14.001 Office Of County Internal Audit
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2.14.025 Independence
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2.14.040 Internal Audit Schedule
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2.14.060 Access To Employees, Records And Property
2.14.070 Audit Reporting And Records
2.14.080 Contract Auditors, Consultants And Experts
2.14.090 Quality Assurance Review
2.14.100 (Repealed)

2.14.001 Office Of County Internal Audit

The Office of County Internal Audit is created and the person holding that office shall act as the head of internal audit for the County. The office consists of the County Internal Auditor and such subordinate employees as the Board of County Commissioners may provide. The purpose of having the Office is to provide independent objective assurance and consulting services designed to add value and improve Deschutes County's operations through improved performance and enhanced control environment thereby providing greater accountability to its residents.

The County Internal Auditor is the Chief Audit Executive for the County and shall perform all day-to-day functions necessary for the administration and management of the Office of County Internal Audit. Such duties include but are not limited to:

A. Develops and implements policies and procedures for the Office of County Internal Audit in compliance with the government auditing standards.

B. Directing all internal audit activities for the County and is responsible for the most difficult assignments requiring a higher level of responsibility, applying advanced subject knowledge, and exercising significant independent judgement and oversight over staff.

C. Advises the Board of County Commissioners, County Administrator, and County department/offices on the continuous improvement of County governance, risk management, and financial control processes.

D. Selects, appoints, directs, supervises, disciplines, and dismisses all Office of County Internal Audit staff consistent with County policies and procedures and for the efficient and effective administration of the affairs of the office.

This chapter established the general authority and responsibility of the Office of County Internal Audit.

HISTORY
Adopted by Ord. 2018-007 §1 on 12/4/2018
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.010 Appointment Or Dismissal Of County Internal Auditor

The County Internal Auditor shall be appointed by or dismissed by the County Administrator in consultation with a majority of the public members of the County Audit Committee and an affirming majority vote of the BOCC.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005

Amended by Ord. 2013-004 §1 on 4/8/2013
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.020 Qualifications Of County Internal Auditor

The County Internal Auditor shall possess adequate professional proficiency, demonstrated by relevant certification, such as CPA (Certified Public Accountant), CIA (Certified Internal Auditor), CGAP (Certified Government Auditing Professional) or a combination of education and experience as would be desired by the County.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005

2.14.025 Independence

A. The County Internal Auditor has neither a management nor a policy role; and no operational authority nor responsibility. Rather, the Office of County Internal Audit provides independent and objective information about County programs and services.

B. The County Internal Auditor governs the office by adherence to the government auditing standards issued by the Comptroller General of the United States. The office will work to be independent as defined by that framework and shall remain free of influence by any organizational elements.

C. The County Internal Auditor reports functionally to the County Audit Committee and administratively to the County Administrator.

HISTORY
Adopted by Ord. 2022-008 §1 on 11/8/2022

2.14.030 Authority / Scope Of Audits

A. The Office of County Internal Audit shall establish internal auditing policies and procedures to assure that audit work is completed in accordance with those standards. Any audit work that is undertaken not in compliance with standards shall be disclosed in the Auditor's report.

B. The Office of County Internal Audit shall have authority to conduct financial, attestation, and performance audits of all departments, offices, boards, activities and agencies of the County in order to independently and objectively determine whether:

1. activities and programs being implemented have been authorized by County Code or adopted policy, state law or applicable federal law or regulations;
2. activities and programs are being conducted as prescribed by management/governing body to accomplish the objectives intended by County Code, state law or applicable federal law or regulations;
3. activities or programs efficiently and effectively serve the purpose intended by County Code, state law or applicable federal law or regulations;
4. activities and programs are being conducted and funds expended in compliance with applicable laws;
5. revenues are being properly collected, deposited and accounted for;
6. resources, including funds, property and personnel, are adequately safeguarded, controlled and used in an effective and efficient manner;
7. financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs

and activities and that is necessary to establish a proper basis for e programs and activities;

8. there are adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls which have been established by management; and

9. there are indications of fraud, abuse or illegal acts, which need further investigation.

C. The Office of County Internal Audit may also provide non-audit services (consulting) that are not covered by governmental auditing standards. Non-audit services differ from audits in that the Office of County Internal Audit may

1. Perform tasks requested by management that directly support the entity's operations;

2. Provide information or data to a requesting party without providing verification, analysis or evaluation.

These non-audit services should be approved by the County Administrator, after consultation with the Audit Committee. The Office of County Internal Audit should continue to work independently (in fact and appearance) when performing non-audit services. The County Internal Auditor will decide and advise the County Administrator if the non-audit work may jeopardize independence and whether the work should be performed.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.040 Internal Audit Schedule

At the beginning of each calendar (or fiscal) year, the Office of County Internal Audit shall submit a one to five-year audit work schedule to the Audit Committee for approval. This audit work schedule should incorporate information from multiple sources including the Office of County Internal Audit's assessment of significant risks to the organization and input from Management, Audit Committee, and the Board of County Commissioners. The schedule shall include the proposed plan for auditing departments, offices, boards, activities, subcontractors and agencies for the period. The schedule may be amended. Additionally, the County Internal Auditor (for cause) may spontaneously initiate and conduct any other audit deemed necessary. Any significant changes (an expectation of scope of work changing by more or less than 150 hours) to the workplan for audit or non-audit projects should be approved in advance by the County Administrator and the Audit Committee.

In the selection of audit areas and audit objectives, the determination of audit scope and the timing of audit work, the Office of County Internal Audit should consult with external auditors so that the desirable audit coverage is provided and audit effort is properly coordinated.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.050 Funding

The County shall provide sufficient funds to enable the Office of County Internal Audit to carry out the responsibilities specified herein subject to annual appropriation by the BOCC.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2013-004 §1 on 4/8/2013
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.060 Access To Employees, Records And Property

A. All officers and employees of Deschutes County shall furnish the Office of County Internal Audit with unrestricted access to employees, information and records (including electronic/computerized data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Office of County Internal Audit to inspect all property, equipment and facilities within their custody. A discussion of appropriate access should occur with County Counsel if access to documents is restricted by applicable law.

B. Further, all contracts with outside contractors and subcontractors shall provide the Office of County Internal Audit access to the contractually related financial and performance-related records; property, equipment and services purchased in whole, or in part, with governmental funds

C. If such officers, employees or contractors fail to produce the aforementioned access and/or information, the Office of County Internal Audit with the aide of County Legal Counsel may initiate a search (or obtain a subpoena) to obtain exhibit copies (physical or electronic) from computerized systems, book, paper or record of any such official or employee, or outside contractor or subcontractor, in accordance with state law or the applicable contract.

D. Subject to public records laws, the Office of County Internal Audit shall not publicly disclose any information received during an audit that is considered confidential by any local, state or federal law or regulation. The Office of County Internal Audit shall maintain the confidential status of information and records furnished by County officers and employees to the extent allowable under public records laws.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2013-004 §1 on 4/8/2013
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.070 Audit Reporting And Records

A. Each audit will result in a report containing relevant background information and findings and recommendations, and shall communicate results to the Board of County Commissioners, Audit Committee, and appropriate management. Subject to applicable public records laws, the report shall also be available for public examination. If certain pertinent information is prohibited from general disclosure, the audit report should state the nature of the information omitted and the requirement that makes the omission necessary.

B. The Office of County Internal Audit should follow state archive guidelines as appropriate and as identified under OAR 166-150-0005(4) (currently - a retention schedule of 10 years).

C. The Office of County Internal Audit should periodically report to the Audit Committee (and Board of County Commissioners) on the work performed and any significant findings, which have not been fully addressed by management.

D. The Office of County Internal Audit shall follow-up on audit recommendations, as practical, to determine if management is implementing corrective action as identified in their response to the audit report findings and recommendations. The Office of County Internal Audit may request periodic status reports from auditees regarding actions taken to address reported deficiencies and audit recommendations.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.080 Contract Auditors, Consultants And Experts

A. Within budget limitations and approval by the County Administrator, the Office of County Internal Audit may obtain the services of Certified Public Accountants, qualified management consultants, or other professional experts necessary to perform auditor duties. An audit that is performed by contract must be conducted by persons who are independent of the governmental unit and its officers. The Office of County Internal Audit will coordinate and monitor auditing performed by public accounting, professional experts, or other organizations employed under contract by Deschutes County.

B. The Office of County Internal Audit may participate with the Audit Committee in the selection of qualified finalists for the provider of Deschutes County's annual financial audit. The Audit Committee shall select a provider from the finalists. This selection shall be presented to the Board of County Commissioners for review and approval. The process will follow Deschutes County's contracting processes.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.090 Quality Assurance Review

A. The audit activities of the Office of County Internal Audit shall be subject to quality review in accordance with applicable government auditing standards by a professional, non-partisan objective group (such as the Association of Local Government Auditors (ALGA)). A copy of the written report of this independent review shall be furnished to the Audit Committee and the Board of County Commissioners. This report shall be available to the public.

B. The quality control review shall determine compliance with government auditing standards and the quality of the audit effort and reporting, including:

1. general standards such as competence, professional judgment, and quality assurance;
2. fieldwork standards such as planning, supervision, and evidence; and
3. reporting standards such as report content, timeliness and distribution.

C. The County shall reimburse the costs of the quality control review team from funds budgeted in the Office of County Internal Audit's budget. Within available time constraints, members of the Office of County Internal Audit may reciprocate with other organizations by participation in quality control teams.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.100 (Repealed)

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Repealed by Ord. 2013-004 §1 on 4/8/2013

CHAPTER 2.14 COUNTY INTERNAL AUDITOR

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2.14.080 Contract Auditors, Consultants And Experts
2.14.090 Quality Assurance Review
2.14.100 (Repealed)

2.14.001 Office Of County Internal Audit

The Office of County Internal Audit is created and the person holding that office shall act as the head of internal audit for the County. The office consists of the County Internal Auditor and such subordinate employees as the Board of County Commissioners may provide.

The purpose of having the Office includes~~s~~: (1) to identify risk factors for fraud, waste and noncompliance with applicable laws and regulations, (2) to ascertain if department programs and operations are achieving their objectives and desired outcomes; (3) to ascertain if department services are provided effectively, efficiently, economically, ethically, and equitably, and (4) to provide departments with reasoned best practice operational recommendations (BPOR) recognizing that the departments will determine if, how and when ~~how (if)~~ to implement the BPOR. At all times while performing these tasks, the Office of County Internal Audit and the County Internal Auditor will utilize independent judgment. ~~objective assurance and consulting services designed to add value and improve Deschutes County's operations through improved performance and enhanced control environment~~. Performance of these functions will afford greater oversight and increase public confidence ~~thereby providing greater accountability to its residents~~.

The County Internal Auditor is the Chief Audit Executive for the County and shall perform all day-to-day functions necessary for the administration and management of the Office of County Internal Audit. Such duties include but are not limited to:

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A. Develops and implements policies and procedures for the Office of County Internal Audit in compliance with Deschutes County Code (DCC) and ~~the~~ government auditing standards.

B. Directing all internal audit activities for the County and is responsible for the most difficult assignments requiring a higher level of responsibility, applying advanced subject knowledge, and exercising significant independent judgement and oversight over staff.

C. Advises the Board of County Commissioners, County Administrator, and County department/offices on the continuous improvement of County governance, risk management, and financial control processes.

D. Selects, appoints, directs, supervises, disciplines, and dismisses all Office of County Internal Audit staff consistent with County policies and procedures and for the efficient and effective administration of the affairs of the office.

This chapter establishe~~d~~ the general authority and responsibility of the Office of County Internal Audit.

HISTORY
Adopted by Ord. 2018-007 §1 on 12/4/2018
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.010 Appointment Or Dismissal Of County Internal Auditor

The County Internal Auditor shall be appointed by or dismissed by the County Administrator in consultation with a majority of the public members of the County Audit Committee and an affirming majority vote of the BOCC.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2013-004 §1 on 4/8/2013
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.020 Qualifications Of County Internal Auditor

The County Internal Auditor shall possess adequate professional proficiency, demonstrated by relevant certification, such as CPA (Certified Public Accountant), CIA (Certified Internal Auditor), CGAP (Certified Government Auditing Professional) or a combination of education and experience as would be desired by the County.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005

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2.14.025 Independence

A. The County Internal Auditor has neither a management nor a policy role; and no operational authority nor responsibility. Rather, the Office of County Internal Audit, in conformance with the provisions of DCC, provides independent and objective information about County programs and services.

B. The County Internal Auditor operates ~~governs~~ the office by adherence to applicable provisions of DCC, and the government auditing standards issued by the Comptroller General of the United States. The office will work to be independent as defined by that framework and shall~~, within the limits and scope pre-approved by the Audit Committee following consultation with affected department heads,~~ remain free of influence by any organizational elements.

C. The County Internal Auditor reports functionally to the County Audit Committee and administratively to the County Administrator.

HISTORY
Adopted by Ord. 2022-008 §1 on 11/8/2022

2.14.030 Authority / ~~Scope Of Audits~~**Powers** and Duties

A. The Office of County Internal Audit, in conformance with the provisions of DCC shall establish internal auditing policies and procedures to assure that audit work is completed in accordance with those standards. Any audit work that is undertaken not in compliance with standards shall be disclosed in the Auditor's report.

B. The Office of County Internal Audit, in conformance with the provisions of DCC shall have authority to conduct financial, attestation, and performance audits of all departments, offices, boards, activities and agencies of the County in order to independently and objectively determine whether:

1. activities and programs being implemented have been authorized by County Code or adopted policy, state law or applicable federal law or regulations;
2. activities and programs are being conducted as prescribed by management/governing body to accomplish the objectives intended by County Code, state law or applicable federal law or regulations;
3. activities or programs efficiently and effectively serve the purpose intended by County Code, state law or applicable federal law or regulations;
4. activities and programs are being conducted and funds expended in compliance with applicable laws;

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5. revenues are being properly collected, deposited and accounted for;
6. resources, including funds, property and personnel, are adequately safeguarded, controlled and used in an effective and efficient manner;
7. financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities and that is necessary to establish a proper basis for evaluating the programs and activities;
8. there are adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls which have been established by management; and
9. there are indications of fraud, abuse or illegal acts, which need further investigation.

C. The Office of County Internal Audit may also provide non-audit services (consulting) that are not covered by governmental auditing standards. Non-audit services differ from audits in that the Office of County Internal Audit may

1. Perform tasks requested by management that directly support the entity's operations;
2. ~~2.~~ Provide information or data to a requesting party without providing verification, analysis or evaluation.
2.
3. These non-audit services should be approved by the County Administrator, after consultation with the Audit Committee. The Office of County Internal Audit should continue to work independently (in fact and appearance) when performing non-audit services. The County Internal Auditor will decide and advise the County Administrator if the non-audit work may jeopardize independence and whether the work should be performed.

D. The Office of County Internal Audit ~~will~~ is authorized to administer the Deschutes County Whistleblower Hotline. When assigned this function by Order of the Board of County Commissioners, t~~T~~he Auditor shall review all reports of fraud, waste, abuse, or other types of misconduct listed in ORS 297. 760, and if sufficient predication exists,~~substantial reliable~~ they will be investigated. In circumstances where there is a potential crime, the appropriate law enforcement agency will be involved prior to any investigation. In circumstances where there is the potential of a personnel

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investigation, Human Resources, Administration and Legal will be involved prior to any investigation.

E. _____

Once an investigation is completed, the County Internal Auditor is responsible for providing a written determination of any investigations completed and include: the nature of the report, whether the report was founded or unfounded, and any applicable recommendations concerning appropriate resolution of the concerns arising in the report. The written determination may qualify as ~~is~~ a public record, in which case it might ~~. While such a determination may~~ be exempt from disclosure under Oregon public records law.~~, such exemption cannot be guaranteed.~~ Upon conclusion of an investigation, recommendations may be made to department management where appropriate to minimize future risk. Department management retains final authority for determining how or if to implement sufficient and appropriate controls to prevent recurrence.

HISTORY

Adopted by Ord. 2005-014 §1 on 11/28/2005

Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.040 Internal Audit Schedule

A. At the beginning of each calendar (or fiscal) year, the Office of County Internal Audit shall submit a one to five-year audit work schedule to the Audit Committee for approval. This audit work schedule should incorporate information from multiple sources including the Office of County Internal Audit's assessment of significant risks to the organization and input from Management, Audit Committee, and the Board of County Commissioners. T~~Subject to DCC 2.14.025 B, t~~The schedule shall include the proposed plan for auditing departments, offices, boards, activities, subcontractors and agencies for the period. The schedule may be amended. Additionally, the County Internal Auditor, in consultation with the Audit Committee Chair, and for cause shown ~~(for cause)~~ may spontaneously initiate and conduct any other audit deemed necessary. Any significant changes (an expectation of scope of work changing by more or less than 150 hours) to the workplan for audit or non-audit projects should be approved in advance by ~~the County Administrator and~~ the Audit Committee. In the selection of audit areas and audit objectives, the determination of audit scope and the timing of audit work, the Office of County Internal Audit should consult with external auditors so that the desirable audit coverage is provided and audit effort is properly coordinated.

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~~A.~~B. The proposed objective of any audit of a county department (whether headed by an elected official or appointed department head) must first be presented to and approved by the Audit Committee at a duly noticed public meeting. The elected official / appointed department head may attend the meeting and request that the objective of the audit be modified from that proposed by the County Internal Auditor. In the case of a county department headed by an appointed department head, the decision of the Audit Committee as to objective is final. In the case of a county department headed by an elected official, the elected official may challenge the decision of the Audit Committee to the Board of County Commissioners. The Board of County Commissioners will affirm, reverse, or modify the decision of the Audit Committee.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.050 Funding

The County shall provide sufficient funds to enable the Office of County Internal Audit to carry out the responsibilities specified herein subject to annual appropriation by the BOCC.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2013-004 §1 on 4/8/2013
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.060 Access To Employees, Records And Property

A. ~~Subject to DCC 2.14.025 B, and further subject to staffing needs and limitations of involved departments~~Subject to reasonable department operational needs, staffing and scheduling, legal mandates and limitations, and in conformance with DCC 2.14.040 B, w~~W~~hen conducting duties outlined in DCC 2.14.030, a~~A~~ll officers and employees of Deschutes County shall furnish the Office of County Internal Audit with unrestricted access to employees, information and records (including electronic/computerized data) within their custody and authority regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of business required to conduct an audit or otherwise perform audit duties. In addition, and within authority, they shall provide access for the Office of County Internal Audit to inspect all property, equipment and facilities within their custody. A discussion of appropriate access should occur with County Counsel if

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access to documents, property, equipment, and/or facilities is asserted to be restricted by applicable law.

B. Further, all contracts with outside contractors and subcontractors shall provide the Office of County Internal Audit access to the contractually related financial and performance-related records; property, equipment and services purchased in whole, or in part, with governmental funds

C. If such officers, employees or contractors fail to produce the aforementioned access and/or information, the Office of County Internal Audit, upon obtaining written approval and consent ~~with the aide~~ of County Legal Counsel, may initiate a search (or obtain a subpoena) to obtain exhibit copies (physical or electronic) from computerized systems, book, paper or record of any such official or employee, or outside contractor or subcontractor, in accordance with state law or the applicable contract.

D. Subject to public records laws, the Office of County Internal Audit shall not publicly disclose any information received during an audit that is considered confidential by any local, state or federal law or regulation. The Office of County Internal Audit shall maintain the confidential status of information and records furnished by County officers and employees to the extent allowable under public records laws.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2013-004 §1 on 4/8/2013
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.070 Audit Reporting And Records

A. Each audit and substantiated investigation will result in a report containing relevant background information and findings and recommendations, and shall communicate results to the Board of County Commissioners, Audit Committee, and appropriate management. The report shall specify, as to each finding/recommendation, whether the finding/recommendation is based on applicable county code, county policy, state law, federal law or regulation, ofr whether it is ~~simply~~ a BPOR. Subject to applicable public records laws, the report shall also be available for public examination. If certain pertinent information is prohibited from general disclosure, the ~~audit~~ report should state the nature of the information omitted and the requirement that makes the omission necessary.

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B. The Office of County Internal Audit should follow state archive guidelines as appropriate and as identified under OAR 166-150-0005(4) (currently - a retention schedule of 10 years).

C. The Office of County Internal Audit should periodically report to the Audit Committee (and Board of County Commissioners) on the work performed and any significant findings, apart from BPOR, ~~/recommendations, other than best practice recommendations~~, which have not been fully addressed by management.

D. The Office of County Internal Audit shall follow-up on audit recommendations, apart from BPOR, ~~other than best practice recommendations,~~ as practical, to determine if management is implementing corrective action as identified in their response to the audit report findings and recommendations. The Office of County Internal Audit may request periodic status reports from auditees regarding actions taken to address reported deficiencies and audit recommendations.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.080 Contract Auditors, Consultants And Experts

A. Within budget limitations and approval by the County Administrator, the Office of County Internal Audit may obtain the services of Certified Public Accountants, qualified management consultants, or other professional experts necessary to perform auditor duties. An audit that is performed by contract must be conducted by persons who are independent of the governmental unit and its officers. The Office of County Internal Audit will coordinate and monitor auditing performed by public accounting, professional experts, or other organizations employed under contract by Deschutes County.

B. The Office of County Internal Audit may participate with the Audit Committee in the selection of qualified finalists for the provider of Deschutes County's annual financial audit. The Audit Committee shall select a provider from the finalists. This selection shall be presented to the Board of County Commissioners for review and approval. The process will follow Deschutes County's contracting processes.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2022-008 §1 on 11/8/2022

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2.14.090 Quality Assurance Review

A. The audit activities of the Office of County Internal Audit shall be subject to quality review in accordance with applicable government auditing standards by a professional, non-partisan objective group (such as the Association of Local Government Auditors (ALGA)). A copy of the written report of this independent review shall be furnished to the Audit Committee and the Board of County Commissioners. This report shall be available to the public.

B. The quality control review shall determine compliance with government auditing standards and the quality of the audit effort and reporting, including:

   1. general standards such as competence, professional judgment, and quality assurance;

   2. fieldwork standards such as planning, supervision, and evidence; and

   3. reporting standards such as report content, timeliness and distribution.

C. The County shall reimburse the costs of the quality control review team from funds budgeted in the Office of County Internal Audit's budget. Within available time constraints, members of the Office of County Internal Audit may reciprocate with other organizations by participation in quality control teams.

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2022-008 §1 on 11/8/2022

2.14.100 (Repealed)

HISTORY
Adopted by Ord. 2005-014 §1 on 11/28/2005
Amended by Ord. 2011-004 §1 on 4/27/2011
Repealed by Ord. 2013-004 §1 on 4/8/2013

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CHAPTER 2.15 COUNTY AUDIT COMMITTEE

2.15.001 Purpose
2.15.010 Authority
2.15.020 Composition
2.15.030 Meetings
2.15.040 Responsibilities

2.15.001 Purpose

The Board of County Commissioners have formed the Audit Committee to advise the Board on fulfilling its responsibilities for financial reporting, internal controls, and compliance with laws, regulations, and ethics within the County. The Audit Committee provides oversight to auditing (external and internal) for the County.

The audit committee receives and reviews County information on:

A. financial condition;

B. the accuracy of financial record keeping;

C. compliance with applicable laws, policies, guidelines, and procedures; and

D. efficiency and effectiveness of operations.

The Audit Committee strengthens the independence of auditing by serving as a transparent third-party review body.

HISTORY
Adopted by Ord. 2018-007 §2 on 12/4/2018

2.15.010 Authority

A. The Board of County Commissioners ("Board") hereby establishes the Audit Committee as an advisory committee. The committee shall advise the Board and County Administrator on significant audit matters including, but not limited to:

    1. The selection, compensation, and removal of external auditors hired to audit the financial statements for the County and its related entities;

    2. Consultation with the County Administrator or Board regarding the appointment or dismissal of the County Internal Auditor should include a consultation with a majority of the public members of the audit committee;

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3. Increases and decreases to the requested budget for the internal audit program; and

4. The work plan for internal audits performed under DCC 2.14.040, and the objective of department (whether headed by an elected official or appointed department head) audits under DCC 2.14.040B. ~~, and subject to the limitation contained in DCC 2.14.025 B~~.

HISTORY
Adopted by Ord. 2008-002 §1 on 8/18/2008
Amended by Ord. 2013-004 §1 on 4/8/2013

2.15.020 Composition

A. The audit committee shall be comprised of not less than seven or more than nine members appointed by the Board.

B. Each member shall be appointed to serve a term of two years. Upon initial formation of the committee, the Board may appoint any member to a shorter term. A member may be appointed to more than one term. The Board may remove a member of the committee at any time. In the event of a vacancy on the committee the Board shall, as soon as practicable, appoint a person to serve the unexpired portion of the former member's term.

C. The committee shall consist of one (1) member county commissioner, two (2) county department head members, and four (4) to six (6) public members. The County Administrator shall be an *ex-officio* nonvoting member.

D. A public member shall be a registered voter within Deschutes County. The chair of the committee shall be a public member and shall be selected by a majority of the public members. The chair shall serve a one-year term and may be selected for additional terms. If the public members cannot decide upon a chair, the larger committee shall decide. The chair shall preside over meetings, as well as provide input on topics for the agenda.

HISTORY
Adopted by Ord. 2008-002 §1 on 8/18/2008
Amended by Ord. 2009-011 §1 on 8/12/2009

2.15.030 Meetings

A. The audit committee shall meet as the committee deems necessary. A quorum shall constitute a majority of the members appointed. Vacant positions shall not be

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considered in determining whether a quorum exists. Minutes shall be prepared in accordance with the Oregon Public Meeting Law. The committee may require certain County management attend meetings to address reports being discussed. Auditee departments will be invited to meetings where their internal audit report is discussed.

B. A department head audit committee member shall not vote on an issue relating to an audit directly pertaining to his or her department. If there is any question as to whether audit committee members should recuse themselves from a vote, the committee should vote to determine whether the member should recuse himself or herself.

C. The County Internal Auditor shall facilitate and coordinate such meetings, as well as provide ancillary support to the committee, as time permits.

HISTORY
Adopted by Ord. 2008-002 §1 on 8/18/2008
Amended by Ord. 2009-011 §1 on 8/12/2009

2.15.040 Responsibilities

A. Overseeing the independent audit of the County's financial statements, including:

1. Overseeing the selection, renewal or removal of the independent external auditor by making a recommendation to the Board for final approval;

2. Meeting with the external auditors during planning of the audit, presentation of the audited financial statements, and discussion of the letter to management on recommendations; and

3. Overseeing the resolution of audit findings in, areas such as internal control, legal and regulatory compliance, and ethics.

B. The committee shall work to assure coordination between the internal and external auditors, management, the County Administrator and Board.

C. The audit committee shall ensure the Office of County internal audit performs its function. The committee shall:

1. Review the internal audit ordinance (DCC 2.14) at least every other year;

2. ~~Review~~ Approve ~~proposed~~ the internal audit work plan(s) as proposed or modified, ~~and make recommendations concerning internal audit projects~~, including authorizing the objective of any county department audits under

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DCC 2.14.040B; ~~**Alternative language**: Review and recommend approval as proposed or modified to the Board of County Commissioners for approval;~~

3. Review the budget and staffing levels of the Office of County Internal Audit (DCC 2.14.050);
4. Review internal audit reports and other communications developed for the County;
5. Review and provide input on Office of County Internal Audit goals; and
6. Review any quality assurance reviews created pursuant to DCC 2.14.090.
7. ~~Discuss and provide input on~~Perform the County Internal Auditor's performance review each year, and thereafter, forward to the Board of County Commissioners for review, consideration, and final action.

D. The committee shall make appropriate recommendations concerning the Office of County Internal Audit based upon the reviews that it conducts pursuant to subsection C of this section.

E. The committee shall make an annual report to the Board summarizing the committee's activities and recommendations. The report may be delivered at an audit committee meeting attended by the Board or may be scheduled for a regularly scheduled meeting of the Board.

F. The committee shall perform other activities related to this chapter as requested by the Board.

HISTORY
Adopted by Ord. 2008-002 §1 on 8/18/2008
Amended by Ord. 2011-004 §1 on 4/27/2011
Amended by Ord. 2013-004 §1 on 4/8/2013
Amended by Ord. 2022-008 §2 on 11/8/2022

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