



COMMUNITY DEVELOPMENT

HEARINGS OFFICER HEARING - LAND USE - 56910 RIVER ROAD APPEAL 247-22-000335-A

6:00 PM, TUESDAY, MAY 31, 2022

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

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

AGENDA

MEETING FORMAT

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

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

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

<https://us02web.zoom.us/j/84177350618>

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

Members of the public can access the meeting via telephone, dial: 1-253-215-8782. When prompted, enter the following Webinar ID: 841-7735-0618.

Written comments can also be provided for the public comment section to haleigh.king@deschutes.org by 4:00PM on May 30, 2022. They will be entered into the record.

PUBLIC HEARING

1. File Numbers: 247-22-000335-A (Appeal of 247-22-000026-LM, 27-AD, 28-AD)

Owner/Applicant: Donald and Wendy McNamara Trust

Appellant: Everett Wessinger

Appellants Attorney: Alison Hohengarten; Francis, Hansen and Martin LLP

Proposal: A site plan review to establish a single-family dwelling in the Sunriver Single-Family Residential Zone (SURS) and the Airport Safety (AS) and Landscape Management (LM) Combining Zones. The request also includes an administrative determination for a height exception to allow the single-family dwelling to build to 34 feet in height and an administrative determination to address residential construction within the noise impact area associated with the Sunriver Airport.

Location: 56910 River Road, Sunriver, OR 97707, 20-11-06CA, Tax Lot 600

Staff Planner: Haleigh King, Associate Planner / haleigh.king@deschutes.org / 541-383-6710



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



STAFF MEMORANDUM

TO: Hearings Officer Tommy Brooks

FROM: Haleigh King, AICP, Associate Planner

DATE: May 23, 2022

RE: File No. 247-22-000335-A; Appeal of file nos. 247-22-00026-LM, 27-AD, 28-AD, a site plan review to establish a single-family dwelling in the Sunriver Single-Family Residential Zone (SURS) and the Airport Safety (AS) and Landscape Management (LM) Combining Zones. The request also includes an administrative determination for a height exception to allow the single-family dwelling to build to 34 feet in height and an administrative determination to address residential construction within the noise impact area associated with the Sunriver Airport.

DECISION ISSUED: April 14, 2022

APPEAL FILED: April 25, 2022

HEARING DATE: May 31, 2022

RECORD: Record items can be viewed and downloaded from:
<https://www.deschutes.org/cd/page/247-22-000335-appeal-247-22-000026-lm-247-22-000027-ad-247-22-000028-ad-single-family>

I. STANDARDS AND APPLICABLE CRITERIA

Title 18 of the Deschutes County Code, the County Zoning Ordinance:
Chapter 18.80, Airport Safety Combining Zone (AS)
Chapter 18.84, Landscape Management Combining Zone (LM)
Chapter 18.108, Urban Unincorporated Community Zone - Sunriver
Chapter 18.120, Exceptions
Title 22, Deschutes County Development Procedures Ordinance

II. OBJECTIONS AND STAFF COMMENT

The Deschutes County Hearings Officer will hold a public hearing to consider an appeal, filed by Alison Hohengarten on behalf of Everett Wessinger, in response to the County's approval of a new single-family dwelling at 56910 River Road. This memorandum supplements the Findings and Decision ("FD") for the above-referenced land use application. It summarizes the concerns raised in the Notice of Appeal.

The Notice of Appeal includes six (6) main points of objection, which staff has briefly summarized below:

1. The appellant references a February 24, 2022 comment letter, submitted in response to the Notice of Application to be incorporated into the appeal by reference.

Staff Comment: Staff notes the date of the comment letter submitted by the appellant is February 4, 2022, not February 24, 2022 as referenced in the Notice of Appeal. Staff addressed the comments contained in the February 4, 2022 letter on pages 5 through 9 in the Findings and Decision ("FD") issued on April 14, 2022. Please refer to the FD for staff's response to those comments in their entirety.

2. The proposed dwelling constrains Lot #7 (owned by the applicant) and is not a structure that relates harmoniously to the natural environment and existing development as required in DCC 18.120.040 (4) and (5).

Staff Comment: Staff addressed criteria specific to Section 18.120.040 (4) and (5) in the FD issued on April 14, 2022 and includes additional responses below.

3. The staff decision does not contain findings that would reveal why the height exception was granted and it is not, as written, clear that the exception was in fact granted. The Decision and Conditions of Approval appear inconsistent.

Staff Comment: The applicant and property owner submitted an application for a building height exception, which is subject to Section 18.120.040. The applicant also submitted two concurrent applications; a Visible Landscape Management Review and Noise Analysis. The FD includes criteria and findings applicable to each application. The height exception application is file number 247-22-000028-AD as referenced on Page 1 of the FD. Required findings for the height exception are addressed on Pages 22 through 26 of the FD. Page 26 indicates the decision on the application is "Approval." The Condition of Approval ("COA") the appellant references, COA C is a standard condition of approval Staff includes in all decisions involving new structures or dwellings. As noted in the COA, a building proposed to exceed 30 feet in height must meet the criteria contained in Section 18.120.040, which is specifically addressed in the subject application.

4. Although the applicant modified the size of the deck over the garage, the impacts on scenic view of nearby residents are significantly impacted and do not meet the exception in DCC 18.120.040 (4). Mr. Wessinger's views to the North and Northeast are significantly impacted

and the views from Lot 8 to the south are significantly impacted. Further, from the eastern deck on Mr. Wessinger's home, there would be a partial loss of the view to the northeast, north and northwest, not just an impact.

Staff Comment: Section 18.120.040(C)(4) provides the following referenced criterion,

4. The proposed additional height will not adversely impact scenic views from existing nearby residences.

Staff addressed the criterion under Section 18.120.040(C)(4) in the FD, on page 23 through 25, and refers the Hearings Officer to the FD for staff's response in its entirety.

Staff asks the Hearings Officer to review staff's analysis in response to Section 18.120.040(C)(4). Staff notes that the criterion referenced above is specific to "*The proposed additional height...*" Staff expects both the applicant and appellant to further discuss these concerns at the public hearing and advance their own arguments for consideration by the Hearings Officer. Furthermore, the Hearings Officer may want to conduct a site visit to the property for additional perspective regarding the application.

5. The sheer magnitude of the home design pushes the setbacks to capacity on this particular lot and this impacts all nearby residences both from a view standpoint and from the standpoint that it is not harmonious with the existing development as required by DCC 18.120.040 (5).

Staff Comment: Section 18.120.040(C)(5) provides the following referenced criterion,

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

Staff addressed the referenced criterion under Section 18.120.040 (C)(5) on page 25 through 26 in the FD. Based on the proposed project, a staff site visit, surrounding vegetation and existing residential development, and along with the applicant's burden of proof and response to the incomplete letter, staff concluded that the requested building height exception would meet the criterion in Section 18.120.040 (C)(5).

Staff asks the Hearings Officer to review staff's analysis in response to Section 18.120.040(C)(5). Staff expects both the applicant and appellant to further discuss these concerns at the public hearing and advance their own arguments for consideration by the Hearings Officer. Furthermore, the Hearings Officer may want to conduct a site visit to the property for additional perspective regarding the application.

6. The hangar frontage of the house is all that is really seen from the Deschutes River to the east, which adds to its negative view impact and its lack of harmony. It is hard to imagine how the plan will meet requirements under DCC 18.84.095 and corresponding OAR 736-040-

00357 (a) (b) (d) where there is little, if any room left on the lot for additional vegetation if needed.

Staff Comment: Staff notified Bridget Tinsley, Oregon Parks and Recreation (“OPRD”) of the application on January 27, 2022 and did not receive any comments. Staff added COA L in the FD (Page 27) requiring the applicant to receive OPRD approval for the development prior to building permit issuance. A Notice of Decision was sent to OPRD on April 14, 2022. Bridget Tinsley responded to the Notice of Decision on April 14, 2022 and indicated the property owner will need to initiate a Notification of Intent form to begin the review process with OPRD.

In regards to landscape screening, Section 18.84.080 (H) addresses introduced landscaping and the applicant provided a landscape plan showing proposed plantings along the eastern building façade. Staff asks the Hearings Officer Staff to review staff’s analysis regarding Section 18.84.080(H) and the submitted landscaping plan on page 19 and 20 of the FD and included in the record. Staff expects both the applicant and appellant to further discuss these concerns at the public hearing and advance their own arguments for consideration by the Hearings Officer. Furthermore, the Hearings Officer may want to conduct a site visit to the property for additional perspective regarding the application.

III. CONCLUSION

The Findings and Decision for this application identifies all applicable zoning ordinances and evaluates compliance with the criteria and standards of those ordinances. The Findings and Decision, application materials and supplementary application materials are included into the record. This memorandum only supplements those findings in relation to the issues raised in the Notice of Appeal. Based on the foregoing Findings and Decision, staff found that the proposed single-family dwelling would comply with the applicable standards and criteria of the Deschutes County zoning ordinance if the conditions of approval were met. The appellant has identified criteria they believe the proposed single-family dwelling does not meet. Staff recommends the Hearings Officer resolve any identified issues prior to approval of this application.



Mailing Date:
Friday, May 6, 2022

COMMUNITY DEVELOPMENT

NOTICE OF PUBLIC HEARING

HEARING FORMAT

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

PROJECT DESCRIPTION

FILE NUMBERS: 247-22-000335-A
(Appeal of 247-22-000026-LM, 247-22-000027-AD, 247-22-000028-AD)

**OWNER/
APPLICANT:** Donald and Wendy McNamara Trust

APPELLANT: Everett Wessinger

**APPELLANTS
ATTORNEY:** Alison Hohengarten; Francis, Hansen, and Martin LLP

PROPOSAL: A site plan review to establish a single-family dwelling in the Sunriver Single-Family Residential Zone (SURS) and the Airport Safety (AS) and Landscape Management (LM) Combining Zones. The request also includes an administrative determination for a height exception to allow the single-family dwelling to build to 34 feet in height and an administrative determination to address residential construction within the noise impact area associated with the Sunriver Airport.

LOCATION: The subject property has an assigned address of 56910 River Road, Sunriver, OR 97707 and is identified on the County Assessor Tax Map 20-11-06CA, as Tax Lot 600.

HEARING DATE: Tuesday, May 31, 2022

HEARING START: 6:00 pm

STAFF PLANNER: Haleigh King, Associate Planner
Haleigh.king@deschutes.org, 541-383-6710

RECORD: Record items can be viewed and downloaded from:
<https://www.deschutes.org/cd/page/247-22-000335-appeal-247-22-000026-lm-247-22-000027-ad-247-22-000028-ad-single-family>

STANDARDS AND APPLICABLE CRITERIA:

Title 18 of the Deschutes County Code, the County Zoning Ordinance:
Chapter 18.80, Airport Safety Combining Zone (AS)
Chapter 18.84, Landscape Management Combining Zone (LM)
Chapter 18.108, Urban Unincorporated Community Zone - Sunriver
Chapter 18.120, Exceptions
Title 22, Deschutes County Development Procedures Ordinance

PUBLIC HEARING PARTICIPATION

- If you wish to provide testimony during the public hearing, please contact the staff planner by 4 pm on Monday, May 30. Testimony can be provided as described below.
- Members of the public may listen, view, and/or participate in this hearing using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link: <https://us02web.zoom.us/j/84177350618>. Using this option may require you to download the Zoom app to your device.
- Members of the public can access the meeting via telephone, dial 1-253-215-8782. When prompted, enter the following Webinar ID: 841-7735-0618.
- Written comments can also be submitted to the record. Please see the Document Submission section below for details regarding written submittals.
- If participation during the hearing by video and telephone is not possible, the public can provide testimony in person at 6 pm in the Barnes and Sawyer Rooms of the Deschutes Services Center, 1300 NW Wall Street, Bend.

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

ALL INTERESTED PERSONS MAY APPEAR, BE HEARD, BE REPRESENTED BY COUNSEL, OR SEND WRITTEN SIGNED TESTIMONY. ANY PARTY TO THE APPLICATION IS ENTITLED TO A

CONTINUANCE OF THE INITIAL EVIDENTIARY HEARING OR TO HAVE THE RECORD LEFT OPEN IN ACCORDANCE WITH SECTION 22.24.140 OF THE DESCHUTES COUNTY CODE.

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

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

DOCUMENT SUBMISSION

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

In Person

We accept all printed documents.

U.S. Mail

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

Email

Email submittals should be directed to haleigh.king@deschutes.org and must comply with the following guidelines:

- Submission is 20 pages or less
- Documents can be printed in black and white only
- Documents can be printed on 8.5" x 11" paper

Any email submittal which exceeds the guidelines provided above must be submitted as a paper copy.

Limitations

- Deschutes County does not take responsibility for retrieving information from a website link or a personal cloud storage service. It is the submitter's responsibility to provide the specific

information they wish to enter into the record. We will print the email which includes the link(s), however, we will not retrieve any information on behalf of the submitter.

- Deschutes County makes an effort to scan all submittals as soon as possible. Recognizing staff availability and workload, there is often a delay between the submittal of a document to the record, and when it is scanned and uploaded to Accela Citizen Access (ACA) and Deschutes County Property Information (DIAL). For this reason, the official record is the file that resides in the Community Development office. The electronic record in ACA and DIAL is not a substitute for the official record.
- To ensure your submission is entered into the correct land use record, please specify the land use file number(s).
- For the open record period after a public hearing, electronic submittals are valid **if received by the County's server** by the deadline established for the land use action.
- IF YOU WISH TO BE NOTIFIED OF ANY DECISION RELATED TO THIS APPLICATION, YOU MUST PROVIDE A MAILING ADDRESS.

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

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

File Number 247-22-000335-A

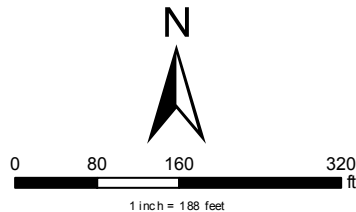
56910 River Road, Sunriver, OR 97707



Source: Esri, Maxar, GeoEye, EarthstarGeographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Deschutes County GIS



Date: 5/5/2022



owner	agent	inCareOf	address	cityStZip	type	cdd id
Donald and Wendy McNamara Trust			15125 210th Ave NE	Woodinville, WA 98077	NOPH	22-335-A
Alison G. Hohengarten			1148 NW Hill Street	Bend, OR 97703	NOPH	22-335-A
DESCHUTES CO. ASSESSOR			ELECTRONIC		NOPH	22-335-A
DESCHUTES CO. BUILDING SAFETY			ELECTRONIC		NOPH	22-335-A
DESCHUTES CO. SR. TRANS. PLANNER	PETER RUSSELL		ELECTRONIC		NOPH	22-335-A
OREGON PARKS & REC, REG. 4	TINSLEY Bridget * OPRD <Bridget.Tinsley@oregon.gov>		ELECTRONIC		NOPH	22-335-A
OREGON DEPT. OF AVIATION, PROJ. & PLANNING DIV.	Heather Peck (heather.peck@aviation.state.or.us)		ELECTRONIC		NOPH	22-335-A
SUNRIVER FIRE DEPT.			P.O. BOX 2108	SUNRIVER, OR 97707	NOPH	22-335-A
SUNRIVER OWNERS' ASSOCIATION			P.O. BOX 3278	SUNRIVER, OR 97707	NOPH	22-335-A
SUNRIVER RESORT, L.P.			P.O. BOX 3609	SUNRIVER, OR 97707	NOPH	22-335-A
SUNRIVER UTILITIES			P.O. BOX 3699	SUNRIVER, OR 97707	NOPH	22-335-A
SUNRIVER OWNERS ASSOCIATION			PO BOX 3278	SUNRIVER, OR 97707	NOPH	22-335-A
SUNRIVER RESORT LIMITED PARTNERSHIP		C/O SUNRIVER AIRPORT LLC	PO BOX 97	LEBANON, OR 97355	NOPH	22-335-A
SELBY, RYAN M & JULIE A			16010 NE 26TH CT	RIDGEFIELD, WA 98642	NOPH	22-335-A
BLADHOLM, JOHN & WESSINGER, ANNA			PO BOX 3745	SUNRIVER, OR 97707	NOPH	22-335-A
JOSEPH THOMAS PINCKARD III AND S... ETAL	PINCKARD,JOSEPH THOMAS III TRUSTEE ETAL		PO BOX 4835	SUNRIVER, OR 97707	NOPH	22-335-A
KEEP FAMILY TRUST	KEEP, DOUGLAS T & DIANE L TTEES		PO BOX 4434	SUNRIVER, OR 97707	NOPH	22-335-A
DONALD & WENDY MCNAMARA TRUST	MCNAMARA, DONALD & WENDY TTEES		15125 210TH AVE NE	WOODINVILLE, WA 98077	NOPH	22-335-A
WESSINGER, EVERETT CHARLES			PO BOX 3503	SUNRIVER, OR 97707	NOPH	22-335-A
COLLETT, RICHARD B & PAMELA A			1998 GRAHAM DR	EUGENE, OR 97405	NOPH	22-335-A
WARDEN,RICHARD L & SANDRA M			24328 S SKYLANE DR	CANBY, OR 97013	NOPH	22-335-A
CORNWELL, ROBERT & JOANNA KIM			3052 N SNOW CANYON PKY #129	ST GEORGE, UT 84770	NOPH	22-335-A
BROMERT, KATHERINE S & ZACHARY C			6583 NW 165TH AVE	PORTLAND, OR 97229	NOPH	22-335-A
SZYMCZAK,MARK & DARDEN,ELIZABETH HOLLEY			3312 R ST NW	WASHINGTON, DC 20007	NOPH	22-335-A
DOUGHERTY FAMILY TRUST	DOUGHERTY, JEFFREY A TTEE ET AL		PO BOX 1570	RIDGEFIELD, WA 98642-0020	NOPH	22-335-A
HERBIG, SCOTT M & JANE L			PO BOX 3117	SUNRIVER, OR 97707	NOPH	22-335-A
YOUNG, JEREMY B			15695 SW BOBWHITE CIR	BEAVERTON, OR 97007	NOPH	22-335-A
MAHAR,MICHAEL T ETAL			PO BOX 4434	SUNRIVER, OR 97707	NOPH	22-335-A
JOHN M AGEE TRUST	AGEE,JOHN M TRUSTEE		PO BOX 4163	SUNRIVER, OR 97707	NOPH	22-335-A
PADRICK,KEVIN D & KAREN			PO BOX 3510	SUNRIVER, OR 97707	NOPH	22-335-A
SKYNAT LIMITED PARTNERSHIP			4000 SW CORBETT AVE	PORTLAND, OR 97239	NOPH	22-335-A
FANCHO FEE JR & JULIE P STUBBLEFIELD REV	STUBBLEFIELD FANCHO FEE JR TTEE ET AL		21200 SE OLD BETHAL RD	AMITY, OR 97101	NOPH	22-335-A
REESE LIVING TRUST	REESE, JEFFREY D & TRINA M TTEES		823 NW GRAND RIDGE DR	CAMAS, WA 98607	NOPH	22-335-A
BENTELLA LLC			7184 AVIARA DR	CARLSBAD, CA 92011	NOPH	22-335-A
GRATSINGER, SCOTT & REBECCA A			21030 NE BALD PEAK RD	HILLSBORO, OR 97123	NOPH	22-335-A
SEGERSTROM 2002 REVOCABLE TRUST	SEGERSTROM, WILLIAM CLARK TTEE ET AL		84 N WASHINGTON ST	SONORA, CA 95370	NOPH	22-335-A
WARD FAMILY TRUST	WARD, RONALD D & MARGARET S TTEES		PO BOX 3632	SUNRIVER, OR 97707	NOPH	22-335-A
COWAN, JACQUELYN M & JAMES R			PO BOX 3631	SUNRIVER, OR 97707	NOPH	22-335-A
EDWARD S TANK JR DISCLAIMER TRUST	TANK, ROSALIE A TTEE		620 SW CARUTHERS ST #670	PORTLAND, OR 97201	NOPH	22-335-A



Land Use Application

Appeal - Hearings Officer

DESCHUTES COUNTY
117 NW Lafayette Avenue
PO Box 6005
Bend, OR 97703
541-388-6575

247-22-000335-A

www.deschutes.org/cd

cdd-webmaster@deschutes.org

APPLICATION DESCRIPTION

Type of Application: Appeal - Hearings Officer

Description of Work: LM for New SFD- Visible from River

LOCATION INFORMATION

Property Address:
56910 River Rd, Sunriver, OR 97707

Parcel:
201106CA00600 - Primary

Owner: DONALD & WENDY
MCNAMARA TRUST

Address: 15125 210TH AVE NE
WOODINVILLE WA 98077

APPLICANT INFORMATION

Applicant:	Business Name:	Address:	City:	State:	Zip
Everett Wessigner & Allison Hohengarten	Everett Wessigner & Allison Hohengarten	1148 NW Hill St.	Bend	OR	97703

APPLICATION FEES

Fee Description	Quantity	Amount
Appeals - Administrative	1.00 Qty	\$250.00
Total Fees:		\$250.00



Deschutes County

Invoice: 436597

117 NW Lafayette Ave
PO Box 6005
Bend, OR 97708
541-388-6575
Fax:

Record ID: 247-22-000335-A

cdd-webmaster@deschutes.org

www.deschutes.org/cd

Invoice Date: 4/25/22 3:41 pm

Invoice modified on: 4/25/22 3:42 pm

Project Name: LM for New SFD- Visible from River

Worksite address: 56910 RIVER RD, SUNRIVER, OR 97707

Parcel: 201106CA00600

Owner: DONALD & WENDY MCNAMARA TRUST, 15125 210TH AVE NE, WOODINVILLE, WA 98077

Units	Description	Fee Amount	Balance Due
1.00 Qty	Appeals - Administrative	\$250.00	\$0
		<hr/>	<hr/>
		\$250.00	\$0



RECEIVED

APR 25 2022

Deschutes County CDD

COMMUNITY DEVELOPMENT

APPEAL APPLICATION

FEE: 250

EVERY NOTICE OF APPEAL SHALL INCLUDE:

1. A statement describing the specific reasons for the appeal.
2. If the Board of County Commissioners is the Hearings Body, a request for review by the Board stating the reasons the Board should review the lower decision.
3. If the Board of County Commissioners is the Hearings Body and *de novo* review is desired, a request for *de novo* review by the Board, stating the reasons the Board should provide the *de novo* review as provided in Section 22.32.027 of Title 22.
4. If color exhibits are submitted, black and white copies with captions or shading delineating the color areas shall also be provided.

It is the responsibility of the appellant to complete a Notice of Appeal as set forth in Chapter 22.32 of the County Code. The Notice of Appeal on the reverse side of this form must include the items listed above. Failure to complete all of the above may render an appeal invalid. Any additional comments should be included on the Notice of Appeal.

Staff cannot advise a potential appellant as to whether the appellant is eligible to file an appeal (DCC Section 22.32.010) or whether an appeal is valid. Appellants should seek their own legal advice concerning those issues.

Appellant's Name (print): Everett Wesshger via Attorney, Alison Hohengarten Phone: (541) 389-5010

Mailing Address: 1148 NW H:11 St. City/State/Zip: Bend, OR 97703

Land Use Application Being Appealed: 247-22-0000 26-LM / 247-220000 27-AD / 247-0000 28-AD

Property Description: Township 20S Range 11E Section 6 Tax Lot 201106CA00600

Appellant's Signature: [Signature] Alison Hohengarten OSB #012897

EXCEPT AS PROVIDED IN SECTION 22.32.024, APPELLANT SHALL PROVIDE A COMPLETE TRANSCRIPT OF ANY HEARING APPEALED, FROM RECORDED MAGNETIC TAPES PROVIDED BY THE PLANNING DIVISION UPON REQUEST (THERE IS A \$5.00 FEE FOR EACH MAGNETIC TAPE RECORD). APPELLANT SHALL SUBMIT THE TRANSCRIPT TO THE PLANNING DIVISION NO LATER THAN THE CLOSE OF THE DAY FIVE (5) DAYS PRIOR TO THE DATE SET FOR THE DE NOVO HEARING OR, FOR ON-THE-RECORD APPEALS, THE DATE SET FOR RECEIPT OF WRITTEN RECORDS.

(over)



MARTIN E. HANSEN*
MICHAEL H. MCGEAN*
CHRISTOPHER J. MANFREDI*
ALISON A. HUYCKE
SARAH E. HARLOS

* ADMITTED IN OREGON AND WASHINGTON
* ADMITTED IN CALIFORNIA AND OREGON

FRANCIS HANSEN & MARTIN LLP

ATTORNEYS AT LAW

1148 NW HILL STREET, BEND, OR 97703-1914
PHONE: 541-389-5010 • FAX: 541-382-7068
WWW.FRANCISHANSEN.COM

CRAIG K. EDWARDS
ALISON G. HOHENGARTEN
GREGORY N. THOMASON
FRANCES ZARS*
C.E. "WIN" FRANCIS^o
GERALD A. MARTIN^o
^o RETIRED

April 25, 2022

DESCHUTES COUNTY COMMUNITY DEVELOPMENT

VIA HAND DELIVERY

117 NW Lafayette Avenue
P O Box 6005
Bend OR 97708

Re: NOTICE OF APPEAL

Your File No. 247-22-000026LM / 247-22-000027-AD / 247-22-000028-AD

Applicant: Donald and Wendy McNamara Trust at 56910 River Road South, Sunriver
97707

Our File No. 21-121

Dear Community Development Department:

This firm represents Everett Wessinger, owner of 6 River Road, Sunriver, OR 97707 (Skypark Lot 6), which is the lot next to and directly south of Applicant's Lot #7. Mr. Wessinger is a person entitled to Notice and we submit these written comments on his behalf in support of the attached Appeal Application to the Notice of Decision made by County Staff. Please consider our earlier comments submitted on February 24, 2022, as incorporated for this appeal application as well. Overall, the massive house plan submitted constrains Lot #7 owned by Applicant and is not a structure that relates harmoniously to the natural environmental and existing development as required in DCC 18.120.040 (4) and (5). Please see Exhibit A attached hereto for a map overview and our specific concerns in the remainder of this letter.

First, the Decision by Staff States that the application meets applicable criteria for a height exception, but then goes on to say under the Conditions of Approval (C) that "No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040." It is unclear whether or how the proposed application meets the exception to the 30-foot height limitation under DCC 18.120.040. There are no findings stated in the decision by staff that would reveal why the height exception was granted and it is not, as written, clear that the exception was in fact granted. The Decision and the Conditions of Approval appear inconsistent.

Second, although applicant modified the size of the deck over the hangar garage since its original design, the impacts on scenic views of nearby residents are significantly impacted and do not meet the exception in DCC 18.120.040 (4). Mr. Wessinger's views to the North and Northeast are significantly impacted and the views from Lot 8 to the south are significantly impacted. Further, from the eastern deck on Mr. Wessinger's home, there would be a partial loss of the view to the northeast, north and northwest, not just an impact.

DESCHUTES COUNTY COMMUNITY DEVELOPMENT

April 25, 2022

Page Two

Third, the sheer magnitude of this home design on this particular lot pushes the design envelopes in all directions. This impacts all nearby residences both from a view standpoint and from the standpoint that it is not harmonious with the existing development as required by DCC 18.120.040 (5). Other homes in the areas may also be large, but in comparison to their lots, they are harmonious. By Applicant's own statement in his 1/31/2022 letter, the proposed plans have a ratio of first floor space relative to lot of 6731 / 21,344, or 32%, which would be the largest in the development. Although the plan appears to meet setback requirements, the plan pushes those setbacks to capacity (the hangar portion essentially stretches from setback to setback) and then also exceeds the height requirements, making the home too big for the size of the lot to be deemed harmonious to the existing development and the natural environment.

Fourth, the hangar frontage of the house is all that is really seen from the standpoint at the Deschutes River to the east, which adds to its negative view impact and its lack of harmony. Further, it is hard to imagine how the plan will meet requirements under DCC 18.84.095 and corresponding to OAR736-040-00357 (a) (b) (d) when there is little, if any room left on the lot for additional vegetation if needed.

Overall, the applications submitted do not conform to the Deschutes County Code sections as stated above and therefore the decision by the Planner should be appealed to a Hearings Officer and reversed or revised.

Thank you for your time and consideration. I respectfully request the opportunity to submit additional written or oral comments or documents at a Hearing or as requested by Hearings Officer.

Sincerely,

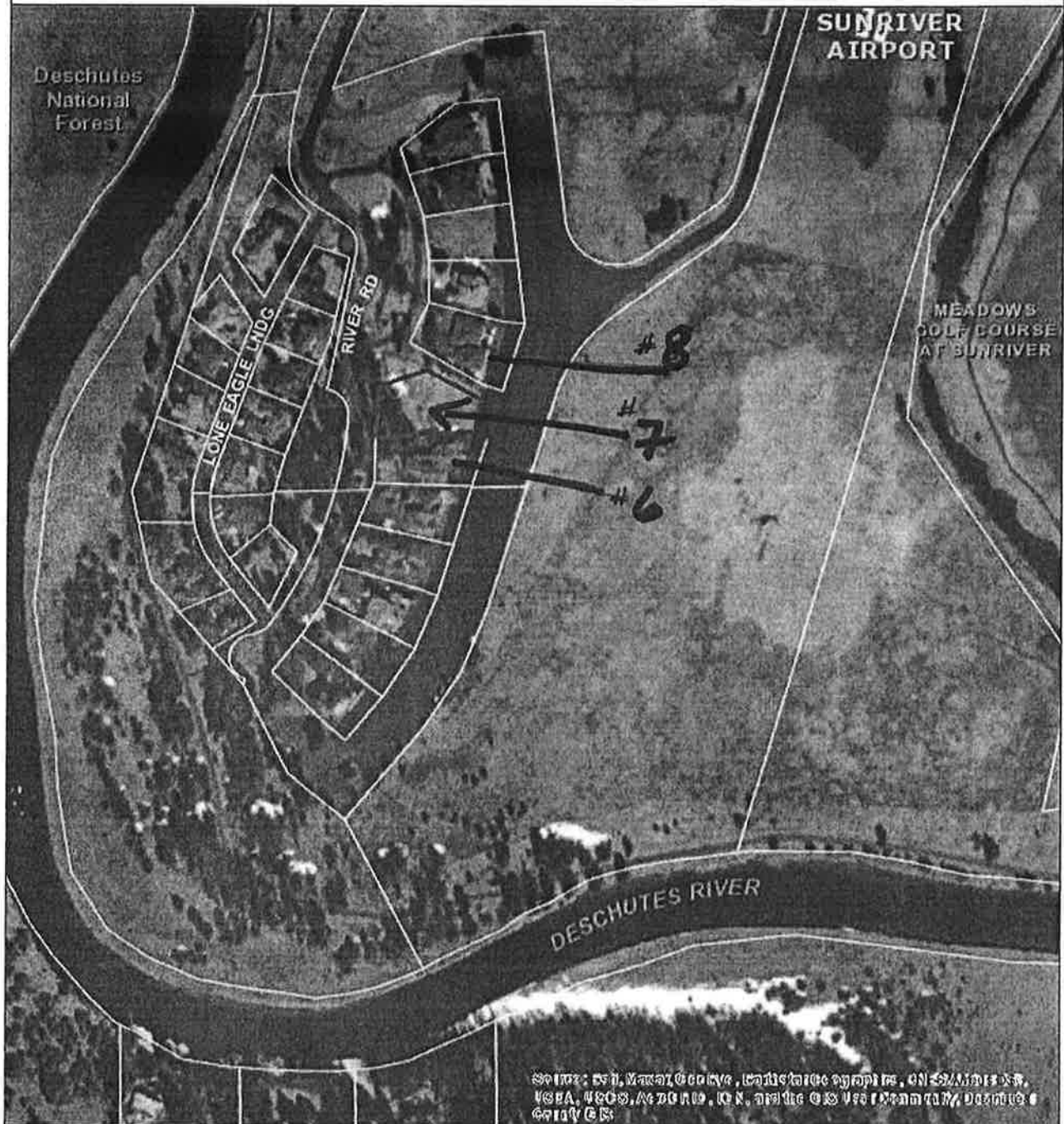


ALISON G. HOHENGARTEN

AGH/cb
Enclosure

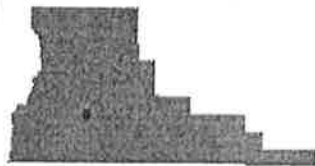
Deschutes County Property Information - Dial

Overview Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar (Imagery), CNR, USDA, USDA, USDA, AeroGRID, IGN, and the GIS User Community, DigitalGlobe, GeoEye, Esri

Map and Taxlot: 201106CA00600





Mailing Date:
Thursday, April 14, 2022

COMMUNITY DEVELOPMENT

FINDINGS AND DECISION

FILE NUMBER: 247-22-000026-LM / 247-22-000027-AD / 247-22-000028-AD

**SUBJECT PROPERTY/
OWNER/APPLICANT:**

Mailing Name: DONALD & WENDY MCNAMARA TRUST
Map and Taxlot: 201106CA00600
Account: 136978
Situs Address: 56910 RIVER RD, SUNRIVER, OR 97707
Tax Status: Assessable

REQUEST:

A site plan review to establish a single-family dwelling in the Airport Safety (AS) and Landscape Management (LM) Combining Zones. An administrative determination for a height exception to allow the single-family dwelling to build to 34 feet in height. An administrative determination to address residential construction within the noise impact area associated with the Sunriver Airport.

STAFF CONTACT:

Haleigh King, Associate 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 18 of the Deschutes County Code, the County Zoning Ordinance:

Chapter 18.80, Airport Safety Combining Zone (AS)

Chapter 18.84, Landscape Management Combining Zone (LM)

Chapter 18.108, Urban Unincorporated Community Zone - Sunriver

Chapter 18.120, Exceptions

Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS

LOT OF RECORD: The subject property is a legal lot of record as it is platted as Lot 7 of the Skypark Subdivision platted in 1972.

SITE DESCRIPTION: The subject 0.49-acre property is undeveloped with a large open area of native grasses in the center. Other existing vegetation on the property includes clusters of lodgepole pines concentrated along the western and southwestern portions of the property. The site also includes a small cluster of deciduous trees near the southern property line. The east property line abuts a 115-foot-wide asphalt taxiway that connects to the Sunriver Airport. A portion of the western property line fronts on River Road and the northern property line abuts a vegetated common open space area platted as “Limited Common Element” on the Skypark subdivision plat. The grade is even across the property. The subject property is shown in the figure below.

Figure 1 - Subject Property



REVIEW PERIOD: The subject application(s) were submitted on January 19, 2022, and deemed incomplete by the Planning Division February 18, 2022. A letter detailing the information necessary to complete the review of the application was mailed on February 18, 2022. The applicant responded to the incomplete letter on March 3, 2022, and the application was deemed complete on March 3, 2022. The 150th day on which the County must take final action on this application is August 1, 2022.

PROPOSAL: The applicant proposes to construct a single-family residential dwelling with attached garage and airport hangar on the 0.49-acre property. A paved vehicular access driveway is proposed from River Road and an asphalt hangar driveway is proposed on the eastern side of the property to access the abutting Sunriver airport taxiway. The applicant proposes some tree removal to facilitate the driveway and home construction, but proposes a wide variety of introduced landscaping throughout the site. Sewage disposal will be provided via the Sunriver sewer system and water will be supplied by the Sunriver Water, LLC.

SURROUNDING LAND USES: The surrounding properties are predominately platted residential lots within the Skypark Subdivision. Most of these lots are developed with a single-family dwelling and many abutting the Sunriver Airport taxiway include hangars. The southern terminus of the Sunriver Airport runway is approximately 990 feet to the northeast and the Meadows Golf Course at Sunriver is approximately 790 feet to the east from the subject property. The Deschutes River bends around the southern and western boundaries of the Skypark Subdivision and is approximately 510 feet and 1,125 from the bank of the river to the west and south, respectively.

LAND USE HISTORY:

- Plat No. 37: The subdivision plat for Skypark (August 1972)
- SSE-85-7: Solar setback exception for all twelve lots in the Skypark I subdivision

PUBLIC AGENCY COMMENTS: The Planning Division mailed notice on January 27, 2022, to several public agencies and received the following comments:

Deschutes County Building Division, Randy Scheid

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

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

Deschutes County Senior Transportation Planner, Peter Russell

I have reviewed the transmittal materials for 247-22-000026-LM/027-AD/028-AD for a single-family home with a height exception for a 34-foot-tall residence on a 0.49-acre parcel in the Sunriver single-family (SR-S), Airport Safety (AS), and Landscape Management (LM) zones at 56910 River Rd., aka County Assessor's Map 20-11-06CA, Tax Lot 600.

The most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Handbook indicates a single-family residence (Land Use 210) generates an average of approximately 10 daily weekday trips. Deschutes County Code (DCC) at 18.116.310(C)(3)(a) states no traffic analysis is required for any use that will generate less than 50 new weekday trips. The proposed land use will not meet the minimum threshold for additional traffic analysis.

The property accesses River Road, a private road which is functionally classified as a local road. Thus the applicant does not need to comply with the access permit requirements of DCC 17.48.210(A).

The Sunriver Airport's Runway Protection Zone (RPZ) lies approximately 168' from the eastern property line and the structure lies approximately 58 feet farther west of the property line. In total, the structure lies approximately 226' (168' + 58') into the Sunriver transitional zone. The transitional zone increases at 7:1 or 1 foot vertical for every 7 feet of horizontal. This means the home could only be 32' in height

(226/7). However, DCC 18.120.040(C)(1) allows a maximum height exception of 35 feet if the structure is a single-family home with an attached hangar and is in an unincorporated community, such as Sunriver. Thus, it appears the home and its attached hangar are allowable as presented, but staff will defer to the Oregon Department of Aviation and/or the Federal Aviation Administration for the final determination. The site is within the noise contour for the Sunriver Airport and the applicant has provided information as how the noise abatement requirements of DCC 18.80.044(A) can be met.

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$4,757 per p.m. peak hour trip. County staff has determined a local trip rate of 0.81 p.m. peak hour trips per single-family dwelling unit; therefore the applicable SDC is \$3,853 (\$4,757 X 0.81). The SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2022. 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.

Oregon Department of Aviation – Seth Thompson

Thank you for providing the opportunity for the Oregon Department of Aviation (ODA) to comment on File Number: 247-22-26-LM, 27-AD, 28-AD NOA.

The ODA has reviewed the proposal referenced with the above file number and has prepared the following comments:

1. In accordance with FAR Part 77.9 and OAR 738-070-0060, this proposal is required to undergo aeronautical evaluations by the FAA and ODA. The aeronautical evaluations are initiated by the applicant providing notice to the FAA and ODA to determine if the proposed construction poses an obstruction to aviation safety at the Sunriver Airport (S21). The applicant must receive the resulting aeronautical determination letters from the FAA and ODA prior to approval of any building permits. Please contact Seth Thompson, ODA for assistance to begin the notice process.
2. The height of new structures shall not penetrate FAA Part 77 Imaginary Surfaces, as determined by the FAA and ODA.
3. External lights shall be designed as to not interfere with aircraft or airport operations.
4. Trees and other planted vegetation shall not penetrate FAA Part 77 Imaginary Surfaces.

Thank you for allowing the ODA to comment on this proposal.

The following agencies did not respond to the notice: Deschutes County Assessor, Oregon Parks and Recreation, Sunriver Fire Department, Sunriver Owners Association, Sunriver Resort, LP, Sunriver Utilities, US Fish and Wildlife Service, Sunriver Airport Manager.

Staff notes that while Sunriver Fire Department did not respond directly to the Notice of Application sent by the County, they did provide correspondence to the property owner in response to DCC 18.120.040(C)(3). Their comment is included in full under the applicable criteria.

PUBLIC COMMENTS: The Planning Division mailed notice of the application to all property owners within 500 feet of the subject property on January 27, 2022. The applicant also complied with the posted notice requirements of Section 22.24.030(B) of Title 22. The applicant submitted a Land Use Action Sign Affidavit indicating the applicant posted notice of the land use action on January 27, 2022. One (1) public comment was received.

The public comment was received on February 4, 2022, from Alison G. Hohengarten, legal representative for Everett Wessinger, the neighboring property owner to the south of the subject property. The submittal is incorporated herein by reference. Below, staff categorizes the issues raised, summarizes the applicant's response to the issues, and includes staff comments. The full applicant response to the public comments is contained within the applicant's response to the public comment¹ and the applicant's response to the incomplete letter².

Incompatible Design and Impact to Scenic Views

Applicant Response

The proposed plans call for a black roof, use of natural wood, siding painted in a dark grey color and grey stone veneer. The intent is to blend the home with the surrounding environment and existing vegetation and to be in compliance with DCC 18.120.040(C)(5).

The claim specifically says the proposed plan will adversely impact scenic views from nearby residences, which does not conform to DCC 18.120.040(C)(5) and includes exhibit A as support. This claim is invalid because it is based on plans that were submitted to the Sunriver design committee for preliminary review on 3/12/2021. Those plans were denied by the design committee and subsequently revised. The revised plans, which received preliminary approval from the design committee on 6/25/2021, eliminated the deck extension and shifted the location of the hangar door to the West by 4'9", thereby mitigating any obstruction of the view from Mr. Wessinger's property. The submitted site plan shows that the East most extent of the proposed home is to the West of, and behind a line drawn between the adjacent house at #8 and #6 River Road. See the attached snippets of the before and after site plans for reference.

Staff Comment

Staff findings regarding design and scenic views are addressed under DCC 18.120.040, below.

Failure to Include Two Colored Photographs between the River and Home

Applicant Response

¹ Reference Donald McNamara letter dated February 7, 2022.

² Reference Donald McNamara letter March 3, 2022.

I will leave it to the planning department to determine the completeness of the application.

Staff Comment

The subject property is within the Landscape Management Combining Zone associated with the Deschutes River. The LM Zone is governed by DCC Chapter 18.84. In response to staff's incomplete letter dated February 18, 2022, the applicant provided two colored photographs documenting the location of the home in relation to the river in compliance with DCC 18.84.070.D.

Size of Proposed Dwelling

Applicant Response

The next claim is that the house is significantly larger than the other existing homes in the neighborhood. The claim states that the average home size in the Skypark community is approximately 5,200 square feet, and that the proposed home is almost 12,674 square feet inclusive of decks, hangar, and garage, and that due to this size, the plans are in violation of 18.120.040(C4) & (5). Comparing to other homes, limited to Skypark #1 which consists of comparable hangar homes, there are a few possible comparisons: Enclosed living space, total enclosed space, and lot coverage.

Looking at the available public record of the existing and proposed homes in Skypark # 1, not including my proposed home, the average enclosed living space square footage is approximately 3974 square feet.

- #1 River: 3129
- #2 River: 4479 (under construction)
- #3 River: 4271
- #4 River: 2646
- #5 River: 2348
- #6 River: 4252
- #8 River: 5073 (proposed in remodel plans)
- #9 River: 2563
- #10 River: vacant
- #11 River: 4580
- # 12 River: 6402
- #12 River: 6402

The proposed plans for my home include 5659 square feet of enclosed living space. While this is larger than the average, it is not the largest, and is not out of proportion to the neighboring homes.

Looking at the total enclosed square footage, by including garage and hangar space, the average size is: 6514 sq feet.

- #1 River: 4589
- #2 River: 7498 (under construction)
- #3 River: 7268
- #4 River: 4526

- #5 River: 3893
- #6 River: 7422
- #8 River: 7573 (proposed)
- #9 River: 4656
- #10 River: vacant
- #11 River: 6969
- #12 River: 10748

The proposed plans for our home are 10984 sq feet of total enclosed space. While this is at the upper end of the range, it is not out of proportion of the other homes in Skypark # 1, especially given the unique nature of homes in Skypark # 1 which includes attached airplane hangars.

It is also important to consider the size of the lots relative to the homes when considering if the house is too large for the lot. #7 River Road is one of the larger lots in Skypark #1, at 0.49 acres in size.

Looking at the ratio of enclosed first floor space (living, garage, hangar), relative to lot size as a percentage:

- # 1 River: 17% (2557 / 18730)
- #2 River: 24% (4389 / 18295)
- #3 River: 23% (4363 / 18730)
- #4 River: 25% (4526 / 17859)
- #5 River: 18% (3381 / 19166)
- #6 River: 28% (5675 / 20037)
- #8 River: 21% (4417 / 20908)
- #9 River: 17% (3174 / 18295)
- # 10 River: vacant
- # 11 River: 24% (4004 / 16552)
- #12 River: 31% (5656 / 18295)

The proposed plans have a ratio of 32% (6731 / 21344,) which is not out of proportion with the neighborhood, not excessive for the lot, and meets the County zoning requirements and the Sunriver Owners Association design requirements.

Staff Response

Staff findings addressing the requested building height exception are addressed in DCC 18.120.040(C)(4) and (5) below. Lot coverage standards are addressed in DCC 18.108.030. Except for lot coverage standards, the criteria applicable to this application do not include a maximum floor area or square footage standard, outside of maximum lot coverage requirements.

Proposed Height Exceeds What is Permitted in Landscape Management (LM) Zone

Applicant Response

The next claim is that the proposed height of 34' is significantly larger than what is allowed in the Landscape Management Combining Zone. As part of our application process, we have applied for

an administrative determination to allow for a maximum height of 34', as allowed by DCC 18.120.40. Regarding OAR 736-040-0073 and OAR 736-040-0035, a Notification of Intent has been sent to the Oregon State Parks Department as required by the referenced rules, and it will be up to the State Park's representative to determine if the plans comply with those rules

It is worth noting a request for a height variance of 35' has been applied for and granted to #8 River Road as part of the planned remodel happening there. #8 River Road is located approximately 94' to the North of Mr. Wessinger's property. It was determined that the 35' height for that project did not impact neighboring scenic views and blended harmoniously with the natural environment as required by DCC 18.120.40(C4) & (5).

Part of the claim is that the proportion of the taxiway frontage to road frontage is "grossly disproportionate." It is not clear specifically which dimensions of the proposed plans are being referenced in this comparison. My proposed home has approximately 53' of frontage on the taxiway, which helps to minimize the amount of the home that is visible from the river. The West / roadside of the house is screened by existing trees and houses and is not visible from the river. Looking at all existing and under construction homes in Skypark #1, they all have a large amount of frontage on the taxiway. In fact, my lot has the smallest amount of taxiway frontage.

Staff Comment

Pursuant to DCC 18.120.040.C, the subject property is a single-family dwelling with an attached hangar located in an unincorporated community and a building height exception request can be made provided the findings are met. Staff addresses the applicable building height exception criteria in 18.120.040.C, below.

Furthermore, notice of application was sent to Oregon Parks and Recreation due to the property's location within a State Scenic Waterway. As of the writing of this decision, no comment from Oregon Parks and Recreation have been received by County staff. As a standard condition of approval for development within a State Scenic Waterway, the property owner will be required to obtain Oregon Department of Parks and Recreation approval prior to building permit issuance. This has been added as a Condition of Approval.

Second Level Deck Extension and Outdoor Lighting

Applicant Response

The final claim is about a second level deck extension. The deck extension referenced is not part of the submitted plans, and so none of the stated concerns apply.

Staff Comment

It appears the floor plan and home design referenced by Ms. Hohengarten was an older iteration of the design and is not representative of the project plans submitted to Deschutes County Planning on January 19, 2022. The second-level deck extension referenced by Ms. Hohengarten is not part of the applicant's plans. Earlier iterations of the home design reflect a rear second-story deck extension beyond the face of the hangar door. However, as Mr. McNamara states, this deck configuration is not part of the application submittal package to the County and the proposed deck

extension was eliminated and the hangar door was moved 4 feet 9 inches to the west.

Staff addresses the building height exception criteria in DCC 1.120.040(C). Outdoor lighting is addressed in DCC 18.84.080 and 18.80.044.

III. **FINDINGS & CONCLUSIONS**

Title 18 of the Deschutes County Code, County Zoning

Chapter 18.108, Urban Unincorporated Community Zone - Sunriver

Section 18.108.020, Standards in All Districts.

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

FINDING: The proposed use is not subject to site plan review because it is an outright use in the RS district. This criterion does not apply.

B. *Solar Setbacks.*

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

FINDING: All twelve lots in the Skypark subdivision were granted an exception from solar setback requirements pursuant to Deschutes County land use file no. SSE-85-7. Therefore, staff finds that the solar setback requirements in DCC 18.116.180 do not apply to the subject property.

- 2. *The development of land located within the TC District is exempt from the requirements of the solar setback requirements of DCC 18.116.180 unless a proposed building casts a shadow on land:***
- a. *Located outside of the C or TC Districts, other than roadway areas; or***
 - b. *Described in DCC 18.108.050(C)(1) as eligible for residential development.***

FINDING: The subject property is not in the TC District. These criteria do not apply.

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

FINDING: Staff notes the proposed dwelling will be partially shaded by the existing structure to the south as well as existing on-site and nearby vegetation on the western side of the property, however the majority of the dwelling will have passive access to solar. The proposed dwelling is centrally

located on the subject property and the design includes south-facing windows to take advantage of passive solar. Furthermore, staff notes the Solar Setback Exception (SSE-85-7) which applies to the subject property as well as the other eleven lots within Skypark I did not require dwellings to meet the solar setback standards which further restrict placement of a building on a lot to protect solar access for abutting properties. Therefore, the existing dwelling to the south of the subject property was not subject to solar setback standards in order to reduce shade cast onto the abutting property to the north. For these reasons staff finds the proposed development takes advantage of passive solar to the extent practicable.

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

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

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

FINDING: The proposed use will have the two parking spaces required by DCC 18.116 for single-family residences. This criterion is met.

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

FINDING: The applicant proposes exterior lighting including bronze outdoor wall sconces which are shielded and downlit, and meet the requirements of DCC 15.10. As a condition of approval, all outdoor lighting shall be installed in conformance with DCC 15.10.

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

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

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

FINDING: No signs are proposed.

Section 18.108.030, Single Family Residential - RS District.

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

1. Single family dwelling.

FINDING: Single-family dwelling use and residential accessory uses are allowed outright in this zone.

- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.**

FINDING: The applicant proposes a single-family dwelling which exceeds the 30-foot height limit and has applied for a concurrent building height exception. Applicable criteria are addressed in DCC 18.120.040, below.

- D. Lot Requirements. The following lot requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots approved pursuant to DCC Title 18 and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots are internal to the subdivision or after a hearing if they are located on the edge of the new plat.**

- 1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.**
- 2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.**
- 3. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul de sac this may be reduced to 30 feet.**
- 4. Front Yard. The front yard shall be a minimum of 20 feet.**
- 5. Side Yard. A side yard shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7.5 feet, including additions thereto.**
- 6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.**
- 7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.**

FINDING: No changes to the lot dimensions are proposed. The proposed structure observes a west (front) setback of at least 50 feet; a north (side) yard setback of approximately 9 feet 10 inches; a south (side) yard setback of approximately 9 feet 5 inches; and an east (rear) yard setback of approximately 57 feet 7 inches. The proposed structure will comply with all applicable setbacks. The proposed structure will cover approximately 33 percent (7,370 square feet) of the total lot area. Therefore, will not cumulatively cover in excess of 35 percent of the total lot area. These criteria will

be met.

Chapter 18.80, Airport Safety Combining Zone (AS)

Section 18.80.020. Application of Provisions.

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

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

Public use airports covered by DCC 18.80.020 include Redmond Municipal, Bend Municipal, Sunriver and Sisters Eagle Air. Although it is a public-use airport, due to its size and other factors, the County treats land uses surrounding the Sisters Eagle Air Airport based on the ORS 836.608 requirements for private-use airports. The Oregon Department of Aviation is still studying what land use requirements will ultimately be applied to Sisters. However, contrary to the requirements of ORS 836.608, as will all public-use airports, federal law requires that the FAA Part 77 surfaces must be applied. The private-use airports covered by DCC 18.80.020 include Cline Falls Airpark and Juniper Airpark.

FINDING: The proposed development is located beneath the transitional surface and direct impact area boundary for the Sunriver Airport. Therefore, the provisions of this chapter apply.

Section 18.80.028. Height Limitations.

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

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

to such conditions and terms as recommended by the Department of Aviation and the FAA (for Redmond, Bend and Sunriver.)

FINDING: The proposed structure will have a maximum elevation of 4,200 feet above sea level. Per DCC 18.80.022, the Sunriver Airport has a runway elevation of 4,155 feet and the transitional surface for Airport above the subject property has an approximate elevation of 4,202.8 feet. Therefore, staff finds the proposed development will not penetrate the imaginary surfaces. This criterion will be met.

Section 18.80.044. Land Use Compatibility.

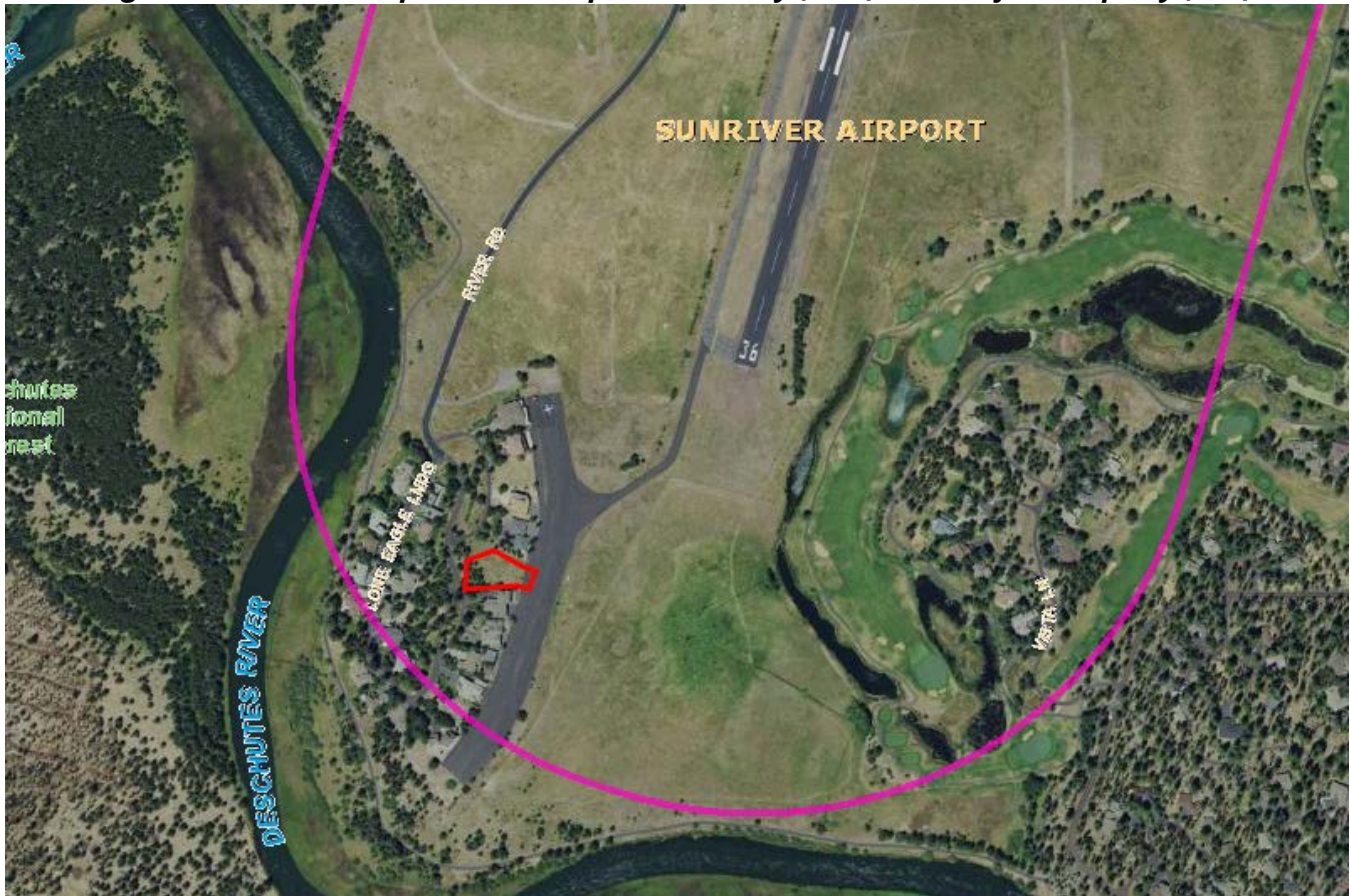
Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of DCC 18.80 as provided herein. When compatibility issues arise, the Planning Director or Hearings Body is required to take actions that eliminate or minimize the incompatibility by choosing the most compatible location or design for the boundary or use. Where compatibility issues persist, despite actions or conditions intended to eliminate or minimize the incompatibility, the Planning Director or Hearings Body may disallow the use or expansion, except where the action results in loss of current operational levels and/or the ability of the airport to grow to meet future community needs. Reasonable conditions to protect the public safety may be imposed by the Planning Director or Hearings Body. [ORS 836.619; ORS 836.623(1); OAR 660-013-0080]

- A. *Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5 (Table 2 of DCC 18.80). Applicants for any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries, shall sign and record in the Deschutes County Book of Records, a Declaration of Anticipated Noise declaring that the applicant and his successors will not now, or in the future complain about the allowed airport activities at the adjacent airport. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn. [NOTE: FAA Order 5100.38A, Chapter 7 provides that interior noise levels should not exceed 45 decibels in all habitable zones.]***

FINDING: The subject property is located within the noise impact boundary associated with the Sunriver Airport (see Figure 2 below). Based on the current Sunriver Airport Plan, the subject property is within the 55 Yearly Day-Night Average Sound Levels (DNL) contour. Therefore, the applicant must demonstrate that a noise abatement strategy will be incorporated into the building design for the single-family dwelling that will achieve an indoor noise level equal to or less than 55 Ldn and interior noise levels will not exceed 45 decibels. Staff notes that the analysis for this review

is specific to the single-family dwelling which is classified as a noise sensitive land use.

Figure 2 – Sunriver Airport Noise Impact Boundary (Pink) and Subject Property (Red)



The applicant submitted an acoustical study prepared by Elki M. Lahav, P.E., a registered Professional Engineer, of A Acoustics stating the interior day-night Sound Level (DNL) inside the proposed dwelling will not exceed 25 decibels based on the proposed construction materials and methods detailed in the acoustical study, including specific windows and doors. Based on the submitted report from Elki M. Lahav, P.E., staff finds the materials and construction of the dwelling will be adequate to meet the required sound abatement levels as outlined in the criteria above. The recommended material choices for the proposed development have been included as a condition of approval.

In addition, as a condition of approval, the property owner is required to sign and record in the Deschutes County Clerk's Records, a Declaration of Anticipated Noise declaring that the applicant and their successors will not now, or in the future complain about the allowed airport activities at the Sunriver Airport. As conditioned, these criteria will be met.

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

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

FINDING: The proposed use is not an industrial, commercial, or recreational use. This criterion also requires that no use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting. To ensure compliance, a Condition of Approval has been added. This criterion will be met.

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

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

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

FINDING: The proposed use is not an industrial, mining or similar use, or expansion of an existing industrial, mining or similar use. This criterion does not apply.

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

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

- F. *Limitations and Restrictions on Allowed Uses in the RPZ, Transitional Surface, Approach Surface, and Airport Direct and Secondary Impact Areas. For the Redmond, Bend, Sunriver, and Sisters airports, the land uses identified in DCC 18.80 Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of***

conflict with the underlying zone, the more restrictive provisions shall control. As used in DCC 18.80.044, a limited use means a use that is allowed subject to special standards specific to that use.

FINDING: The subject property is located beneath/within the Direct Impact Area and Transitional Surface associated with Sunriver Airport. Based on DCC 18.80 Table 1, the proposed residential use is permitted within the Direct Impact Area, but is not permitted beneath the Transitional Surface. Staff finds that because the proposed residential use is not prohibited in both the Direct Impact Area and Transitional Surface, the proposed development may be permitted. The Skypark Subdivision was platted in 1972 and residential uses have existed since the property was platted. There are approximately 23 existing residential homes within both the Direct Impact Area and Transitional Surface associated with Sunriver Airport, with one currently under construction on Lot #2 (56878 River Road).

Section 18.80.050. Uses Permitted Outright.

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

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

Chapter 18.84, Landscape Management Combining Zone (LM)

Section 18.84.020. Application of Provisions.

The provisions of DCC 18.84 shall apply to all areas within one-fourth mile of roads identified as landscape management corridors in the Comprehensive Plan and the County Zoning Map. The provisions of DCC 18.84 shall also apply to all areas within the boundaries of a State scenic waterway or Federal wild and scenic river corridor and all areas within 660 feet of rivers and streams otherwise identified as landscape management corridors in the comprehensive plan and the County Zoning Map. The distance specified above shall be measured horizontally from the center line of designated landscape management roadways or from the nearest ordinary high water mark of a designated landscape management river or stream. The limitations in DCC 18.84.20 shall not unduly restrict accepted agricultural practices.

FINDING: The Deschutes River is identified on the County Zoning Map as the landscape management feature. The subject property falls within the Landscape Management Combining Zone for this feature, therefore, the provisions of this chapter apply.

Section 18.84.030. Uses Permitted Outright.

Uses permitted in the underlying zone with which the LM Zone is combined shall be

permitted in the LM Zone, subject to the provisions in DCC 18.84.

FINDING: As discussed herein, the proposed use is allowed outright in the underlying zone.

Section 18.84.050. Use Limitations.

- A. *Any new structure or substantial exterior alteration of a structure requiring a building permit or an agricultural structure within an LM Zone shall obtain site plan approval in accordance with DCC 18.84 prior to construction. As used in DCC 18.84 substantial exterior alteration consists of an alteration which exceeds 25 percent in the size or 25 percent of the assessed value of the structure.***

FINDING: The proposed structure requires a building permit. Based on a staff site visit, the proposed eastern elevation of the structure will be visible from the Deschutes River. Therefore, the proposed development is subject to site plan approval in accordance with DCC 18.84. Conformance with these requirements is addressed below.

Section 18.84.080. Design review standards.

The following standards will be used to evaluate the proposed site plan:

- A. *Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.***

FINDING: Based on a staff site visit and the submitted application materials, there is no existing screening on the subject property which would screen the eastern elevation from the Deschutes River. The applicant proposes landscape screening on the subject property as discussed below. As shown in the application materials, construction of the home and driveway access may necessitate the removal of existing trees, however adequate screening will remain between the proposed dwelling and the Deschutes River to the west. A Condition of Approval has been added to ensure existing tree cover screening the dwelling from the Deschutes River be retained, except as necessary under the criterion above. The proposal, as conditioned, will comply with this criterion.

- B. *It is recommended that new structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.***
- C. *No large areas, including roofs, shall be finished with white, bright or reflective materials. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape. DCC 18.84.080 shall not apply to attached additions to structures lawfully in existence on April 8, 1992, unless substantial improvement to the roof of the existing structure occurs.***

FINDING: The subject property is approximately 930 feet to the northwest from the Deschutes River. The intervening area between the subject property and the river is undeveloped and contains low-growing native grasses. Clusters of Ponderosa Pine trees border the asphalt trail on the north side of the river and provide some visual screening of the subject property. As discussed above, the building site contains mature native Lodgepole pine trees clustered on the western end of the building site. Common area abutting the subject property to the north also contains mature pine trees. The applicant has proposed a black asphalt shingle roof, medium and dark grey siding and trim, and tan stone veneer accents. The proposed building incorporates natural wood posts and beams. Vegetation and proposed landscaping on the subject property as well as surrounding area consists of native Lodgepole pines, quaking Aspen, and native grasses and shrubs. Staff finds that the proposed muted earth tone colors blend with and reduce contrast with the surrounding vegetation and landscape of the building site, and that no large areas, including roofs, will be finished with white, bright, or reflective materials.

Furthermore, the intervening distance between the proposed dwelling and the Deschutes River to the southwest, in addition to the existing vegetation along the Deschutes River, will reduce visibility and contrast of the proposed dwelling. The criteria are met.

- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18. 84.090(E), all structures shall be sited to take advantage of existing vegetation, trees and topographic features in order to reduce visual impact as seen from the designated road, river or stream. When more than one nonagricultural structure is to exist and no vegetation, trees or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the designated road, river, or stream.***

FINDING: The subject property does not contain existing vegetation along the eastern property line. The subject property abuts an existing paved taxiway along the eastern property line, thus the applicant has proposed the dwelling and attached hangar closer to the rear property line in order to reduce the extent of required on-site asphalt to accommodate the hangar driveway. Proposed landscaping, as discussed below, will reduce visual impact of the structure as seen from the Deschutes River. The siting of the dwelling also preserves the existing cluster of 19 Lodgepole Pines along the western property line. The proposed structure will be sited to take advantage of existing vegetation, trees and topographic features in order to reduce visual impact as seen from the designated road, river or stream. This criterion will be met.

- E. Structures shall not exceed 30 feet in height measured from the natural grade on the side(s) facing the road, river or stream. Within the LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flag poles or other projections from the roof of the structure. DCC 18.84.080(E) shall not apply to agricultural structures located at least 50 feet from a rimrock.***

FINDING: The applicant has requested a height exception under DCC 18.120.040(C). Conformance with the exception requirements is addressed later in this decision.

F. *New residential or commercial driveway access to designated landscape management roads shall be consolidated wherever possible.*

FINDING: No new residential or commercial driveway access to designated landscape management roads is proposed.

G. *New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from the designated road, river or stream.*

FINDING: The applicant proposes exterior lighting including bronze outdoor wall sconces which are shielded and downlit. Staff includes this requirement as a condition of approval.

H. *The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points, or views of mountains, forests and other open and scenic areas as seen from the designated landscape management road, river or stream. Use of native species shall be encouraged. (Formerly section 18.84.080 (C))*

FINDING: Based on a staff site visit and the submitted application materials, staff finds there is adequate vegetative cover as well as existing development screening the proposed dwelling from the Deschutes River view to the northwest and west. However, the east elevation of the proposed dwelling will be visible from the Deschutes River to the southeast of the property, as it bends around the southern and western boundary of the Skypark Subdivision. The east elevation is the rear of the home and the ground floor at this end of the home contains the enclosed airplane hangar. The asphalt driveway area required for hangar access as well as clearance areas for the wingspan limit the available area for landscaping materials along at the eastern end of the building. As shown in the figure below, the applicant's Landscape Plan shows six columnar Norway spruce will be planted on the north and south side of the driveway and three quaking Aspen will be planted near the southeast corner of the home in addition to native shrubs and grasses. The Landscape Plan will ensure compatibility with the surrounding area and screen the proposed development to the extent possible. The proposal, as conditioned, will comply with this criterion.

Figure 3 - Landscape Plan



- I. No signs or other forms of outdoor advertising that are visible from a designated landscape management river or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.,) are permitted.**

FINDING: No signs or other forms of outdoor advertising that are visible from a designated Landscape Management river or stream are proposed. This criterion will be met.

- J. A conservation easement as defined in DCC 18.04.280 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Whychus Creek and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.**

FINDING: The subject property is not adjacent to a listed waterway. This criterion does not apply.

Section 18.84.090. Setbacks.

- A. Except as provided in DCC 18.84.090, minimum setbacks shall be those established in the underlying zone with which the LM Zone is combined.**

FINDING: Compliance with the setbacks established in the underlying zone with which the LM Zone is combined is reviewed herein.

B. Road Setbacks. *All new structures or additions to existing structures on lots fronting a designated landscape management road shall be set back at least 100 feet from the edge of the designated road right-of-way unless the Planning Director or Hearings Body finds that:*

- 1. A location closer to the designated road would more effectively screen the building from the road; or protect a distant vista; or*
- 2. The depth of the lot makes a 100-foot setback not feasible; or*
- 3. Buildings on both lots abutting the subject lot have front yard setbacks of less than 100 feet and the adjacent buildings are within 100 feet of the lot line of the subject property, and the depth of the front yard is not less than the average depth of the front yards of the abutting lots.*

If the above findings are made, the Planning Director or Hearings Body may approve a less restrictive front yard setback which will be appropriate to carry out the purpose of the zone.

FINDING: The subject property does not front on a designated Landscape Management road.

C. River and Stream Setbacks. *All new structures or additions to existing structures shall be set back 100 feet from the ordinary high water mark of designated streams and rivers or obtain a setback exception in accordance with DCC 18.120.030. For the purpose of DCC 18.84.090, decks are considered part of a structure and must conform with the setback requirement.*

The placement of on-site sewage disposal systems shall be subject to joint review by the Planning Director or Hearings Body and the Deschutes County Environmental Health Division. The placement of such systems shall minimize the impact on the vegetation along the river and shall allow a dwelling to be constructed on the site as far from the stream or lake as possible. Sand filter systems may be required as replacement systems when this will allow a dwelling to be located further from the stream or to meet the 100-foot setback requirement

FINDING: There are no designated streams or rivers within 100 feet of the subject property.

D. Rimrock Setback. *New structures (including decks or additions to existing structures) shall be set back 50 feet from the rimrock in an LM Zone. An exception to this setback may be granted pursuant to the provisions of DCC 18.84.090(E).*

FINDING: There is no rimrock in the project vicinity.

Section 18.84.095. Scenic waterway.

Approval of all structures in a State Scenic Waterway shall be conditioned upon receipt of approval of the Oregon Department of Parks and Recreation.

FINDING: The proposed structure is located in a State Scenic Waterway. The applicant shall receive

approval from the State Parks Department prior to beginning construction. To ensure compliance, a condition of approval has been added. This criterion will be met.

Chapter 18.120, Exceptions

Section 18.120.040, Building Height Exceptions.

...

- C. *An exception (up to 36 feet) to the building height limitations for structures not otherwise exempted by DCC 18.120.040(A) may be approved upon findings that:***

FINDING: The application proposes to construct a single-family residential dwelling and attached hangar. The maximum ridge height for the dwelling will be 32 feet 2 inches and the proposal also includes a chimney projection with a height of 34 feet. Therefore, the applicant's proposal is subject to the building height exception criteria below.

- 1. The structure is not located in a Landscape Management Zone, except when the structure is a single-family dwelling with an attached hangar located in an unincorporated community and the structure has a maximum height of 35 feet including chimneys, antennas, flagpoles or other projections from the roof of the structure;***

FINDING: The subject property is located in the Landscape Management Combining Zone associated with the Deschutes River. Nevertheless, the proposed structure is a single-family dwelling with an attached hangar and the subject property is located in the unincorporated community of Sunriver. Therefore, staff finds the proposed development qualifies for a height exception up to 35 feet, including chimneys, antennas, flagpoles or other projections from the roof of the structure, subject to the criteria below.

- 2. The structure is not located within 100 feet of any rimrock, as defined in DCC 18.04.030;***

FINDING: There is no rimrock, as defined in DCC 18.04.030, in the project vicinity. This criterion does not apply.

- 3. After consultation with the applicable fire department, the proposed height does not exceed the height limitation of the department's fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the department; and***

FINDING: The subject property is located in the fire and medical response area for the Sunriver Fire Department. The applicant submitted a Height Service Statement from Tim Moor, the Sunriver Fire Department Fire Chief, which states:

The property located at #7 River Road, Sunriver, Oregon is within the fire and medical response area for Sunriver Fire Department. As part of the height service request, I would like to point out the [home]; located on the airport's private residential tarmac, has access from both the airport side and River Road.

Sunriver Fire Department has the appropriate fire apparatus to conduct fire suppression and rescue operations for your proposed 34'-0" building height.

Please contact Sunriver Fire Department if you need additional information.

Based on these comments, staff finds the proposed height of the structure does not exceed the height limitation of the Sunriver Fire Department's firefighting equipment and the proposed development can be served by the Sunriver Fire Department. This criterion is met.

4. *The proposed additional height will not adversely impact scenic views from existing nearby residences.*

FINDING: The purpose of this criterion is to protect scenic views enjoyed by nearby properties developed with dwellings.

The applicant states the following, in part, in their burden of proof:

The scenic views from the proposed property, and the properties located directly to the North and to the South and predominantly to the east, northeast, and southeast. The proposed home is sited so that its eastern most extent is to the west of both adjacent homes, such that any views in the direction of the proposed home are either north and northwest or south and southeast, and those views are of existing homes and landscaping. At the eastern most side of the proposed home, the portion of the roof ridge line that will be above 30' is only 1' taller, at 31' for 31'3" to the west. Any existing views along this portion of the proposed home would be either of the sky, or the neighboring homes. There are no existing views even further to the west where the highest portion of the roof occurs.

...

The portion of the roof that is above 30 feet consists of a total of 801 s.f, or only 10.3% of the total roof area. This can be seen as the yellow highlighted portion on the roof on the roof plan page (Sheet A7).

As discussed above and shown on the applicant's plans, the proposed dwelling has a maximum chimney height of 34 feet and a maximum ridge height of 32 feet 2 inches. The roofline then drops to 30 feet 6 inches for a portion before the remaining hipped and gable roof peaks measure to 30 feet or less in height.

The applicant's roof plan, shown in Figure 4 below, highlights the area of the roofline in excess of 30 feet in yellow. As stated by the applicant, approximately 10.3% of the roof area is in excess of 30 feet. Furthermore, the chimney projection, proposed at 34 feet in height, has a footprint of 18-square-feet, representing ±0.2% of the total roof area.

Figure 4 – Proposed Roof Plan



Staff finds the subject property is predominately surrounded by platted common space within the Skypark Subdivision and private road right-of-way. As shown in *Figure 5* below, there are two (2) adjacent properties, identified on Deschutes County Assessor’s Map 20-11-06CA as tax lot 700, Skypark Lot #6, and Map 20-11-06CA as tax lot 500, Skypark Lot #8, both developed with existing dwellings and attached hangars. The subject property is located to the north of tax lot 700 and to the south of tax lot 500. Therefore, staff finds the proposed height exception can potentially impact the scenic views³, to the extent scenic views exist, looking to the north from the dwelling on tax lot 700 and looking to the south from the dwelling on tax lot 500. Staff notes that the criteria applies only to the portion of the building over the maximum height of 30 feet. This findings does not require an evaluation of view impacts for the structure in its entirety.

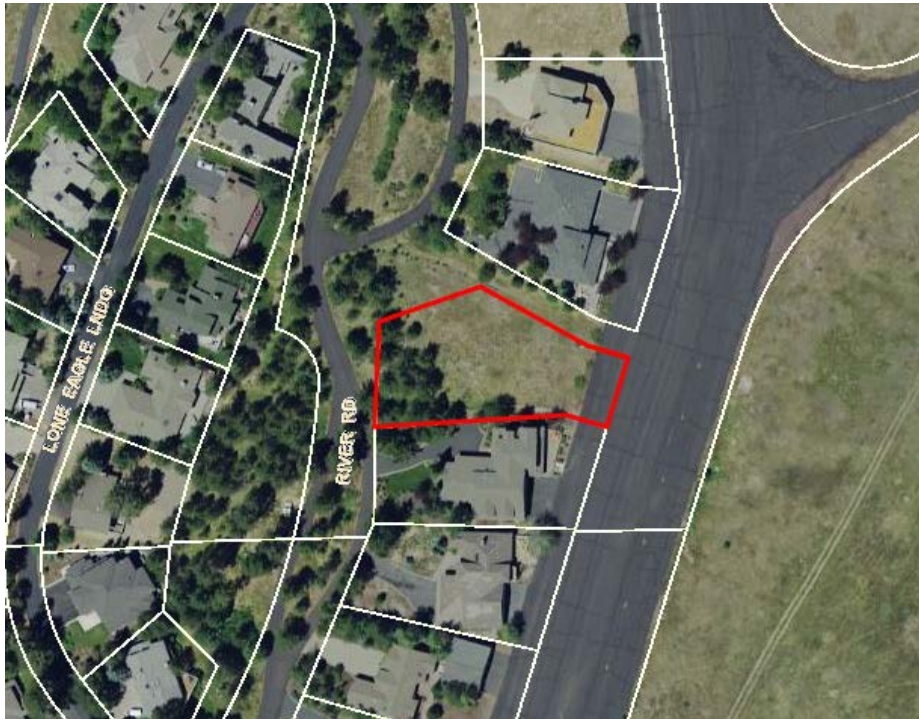
Based on a staff site visit and photographs submitted to the record, there is existing development blocking the view corridor to the north and south. Given these existing conditions and the minimal height exception request relative to the allowable height, the additional height requested under this exception will have no adverse impact on this view corridor.

Excluding the two dwellings discussed above, the closest nearby residences are located at least ±140 feet to the west of the subject property beyond the intervening landscaped common open space and River Road right-of-way. The intervening open space contains dense clusters of mature trees. Furthermore, as shown in the roof plan in *Figure 4*, the portion of the roofline in excess of 30 feet is

³ Staff notes this criterion does not protect any interest held by the public at large.

oriented east-west, which will have the least impact as it relates to roof massing when viewed from nearby dwellings to the west. Staff finds that given the existing mature vegetation as well as the intervening distance, the design of the roofline, and small increase over the maximum height allowance, the proposed height exception will not adversely impact scenic views from nearby residences to the west.

Figure 5 – Subject Property and Surrounding Development



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

FINDING: The applicant proposes to use muted earth tone colors for the exterior finishes and incorporate natural materials, such as stone and wood, into the exterior design of the proposed development. The proposed color palette template includes tan, greys and black to blend with the surrounding natural environment and complement existing development within Skypark. Based on the submitted landscape plan, staff finds the existing trees and native groundcover (e.g. bunch grasses) on the subject property will be preserved to the extent practical. Furthermore, introduced landscaping including aspen trees, Norway spruce trees, native grasses, and shrubs will complement existing natural and introduced landscaping on and around the subject property. The subject property is flat and staff finds that the proposed structure will not significantly impact any topographical features.

As it relates to existing development, the subject property is surrounded by developed properties containing two-story homes. Homes abutting the Sunriver Airport taxiway also include attached airplane hangars. Furthermore, based on a staff site visit and the submitted application materials,

abutting homes as well as those in the general neighborhood are finished in muted earth tones and contain both hipped and gabled roof forms as well as exterior patios, decks, and balconies. The proposed single-family dwelling has varied first and second floor roof forms consisting of hipped and gabled roofs which break up the massing of the structure and provide articulation across the building façade. The changes in the roof forms and height are consistent with the design of other nearby homes and the proposed structure will be harmonious with existing development.

Lastly, the application materials state only ±10.3 percent of the total roof structure will be above the standard 30-foot height limitation, with the remaining 89.7 percent of the roofed area at or below the 30-foot height limit. Therefore, staff finds the proposed height exception will have limited to no additional visual impacts on the surrounding properties. For these reasons, staff finds this criterion will be met.

SYSTEM DEVELOPMENT CHARGE

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$4,757 per p.m. peak hour trip. County staff has determined a local trip rate of 0.81 p.m. peak hour trips per single-family dwelling unit; therefore the applicable SDC is \$3,853 (\$4,757 X 0.81). The SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2022. 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.

IV. CONCLUSION

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

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

V. DECISION

APPROVAL, subject to the following conditions of approval.

VI. CONDITIONS OF APPROVAL

A. This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will

require review through a new land use application.

- B. The applicant shall obtain any necessary permits from the Deschutes County Building Division and Environmental Soils Division.
- C. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040
- D. All outdoor lighting shall be installed in conformance with DCC 15.10
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- F. ***Prior to issuance of building permits for the proposed development***, the property owner is required to sign and record in the Deschutes County Clerk's Records, a Declaration of Anticipated Noise declaring that the applicant and their successors will not now, or in the future complain about the allowed airport activities at the Sunriver Airport.
- G. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- H. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of any structure.
- I. ***Prior to issuance of building permits for the proposed development***, the applicant must submit a FAA Determination of No Hazard to Air Navigation and all mitigation recommendations, if any, must be integrated into the proposed development.
- J. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from the Deschutes River shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.
- K. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from the Deschutes River.
- L. ***Prior to issuance of building permits for the proposed development***, the applicant shall obtain approval from the Oregon Department of Parks and Recreation for the proposed development.
- M. The proposed single-family dwelling shall follow the construction methods recommended by Elki M. Lahav in the Airport Safety Land Use Compatibility Report dated September 13,

2021, as detailed below:

1. Double pane windows
2. The exterior wall of the house shall be constructed with 2x6 studs, R-21 fiberglass insulation in the cavity between the studs, 5/8" gypsum board inside, and 9" Shiplap siding.
3. 1-3/4" wood Solid Core door with weather-stripped

VII. DURATION OF APPROVAL, NOTICE, AND APPEALS

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

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

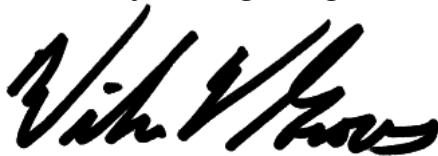
Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

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

DESCHUTES COUNTY PLANNING DIVISION



Written by: Haleigh King, Associate Planner



Reviewed by: Will Groves, Planning Manager

Attachment(s):

Site Plan and Landscape Plan

Declaration of Anticipated Noise

Return to:
Haleigh King, Associate Planner
Community Development Department
117 NW Lafayette, P.O. Box 6005
Bend, Oregon 97708-6005

Space Reserved for Recorder's Use

DECLARATION OF ANTICIPATED NOISE

As a condition of the grant of development approval pursuant to DCC 18.80, the undersigned, hereinafter referred to as Grantor, hereby covenants and agrees that it shall not, by reason of its ownership or occupation of the following described real property, protest or bring suit or action against the Sunriver Airport or Deschutes County, for aviation-related noise, including property damage or personal injury from said noise connected when such activities conform to:

1. Airport activities lawfully conducted in connection with a pre-existing airport, as that term is defined in DCC 18.80.022(B), at the described airport; or
2. Airport activities that might be lawfully conducted in the future at the described airport under County or State permits or exemptions.

The real property of Grantor subject to this covenant and agreement is situated in Deschutes County, State of Oregon, and described as set forth in that certain Statutory Warranty Deed dated September 3, 2020, as recorded in the Official Records of Deschutes County as instrument number 2020-45123.

Grantor acknowledges that by virtue of such grant, it has no remaining rights to complain or protest about the protected activities described above.

This Declaration of Anticipated Noise runs with the land and is binding upon the heirs, successors and assigns of the undersigned's interest in the described real property or any persons acquiring through the undersigned an interest in the described real property.

Deschutes County requires the execution of this covenant and agreement by the Grantor as a prerequisite to Deschutes County approving a partition, subdivision or issuing a building permit for Grantor's development of the above-described real property, which real property is located within the noise impact boundary of the Sunriver Airport. This Declaration is executed for the protection and benefit of the Sunriver Airport and Deschutes County's interest in said airport, and to prevent development in adjacent lands to said airport which will interfere with the continued operation existent and development of said airport.

Signature page to follow

owner	address	cityStZip	Type	CDD ID
Donald and Wendy McNamara Trust	15125 210th Ave NE	Woodinville, WA 98077	FD	247-22-000026-LM, 27-AD, 28-AD



Mailing Date:
Thursday, April 14, 2022

COMMUNITY DEVELOPMENT

NOTICE OF DECISION

The Deschutes County Planning Division has approved the land use application(s) described below:

FILE NUMBER: 247-22-000026-LM / 247-22-000027-AD / 247-22-000028-AD

**SUBJECT PROPERTY/
OWNER/APPLICANT:** Mailing Name: DONALD & WENDY MCNAMARA TRUST
Map and Taxlot: 201106CA00600
Account: 136978
Situs Address: 56910 RIVER RD, SUNRIVER, OR 97707
Tax Status: Assessable

REQUEST: A site plan review to establish a single-family dwelling in the Airport Safety (AS) and Landscape Management (LM) Combining Zones. An administrative determination for a height exception to allow the single-family dwelling to build to 34 feet in height. An administrative determination to address residential construction within the noise impact area associated with the Sunriver Airport.

STAFF CONTACT: Haleigh King, Associate 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 18 of the Deschutes County Code, the County Zoning Ordinance:
Chapter 18.80, Airport Safety Combining Zone (AS)
Chapter 18.84, Landscape Management Combining Zone (LM)
Chapter 18.108, Urban Unincorporated Community Zone - Sunriver
Chapter 18.120, Exceptions
Title 22, Deschutes County Development Procedures Ordinance

DECISION: Staff finds the application(s) meets applicable criteria and approval is being granted subject to the following conditions:

CONDITIONS OF APPROVAL

- A. This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B. The applicant shall obtain any necessary permits from the Deschutes County Building Division and Environmental Soils Division.
- C. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040
- D. All outdoor lighting shall be installed in conformance with DCC 15.10
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- F. ***Prior to issuance of building permits for the proposed development***, the property owner is required to sign and record in the Deschutes County Clerk's Records, a Declaration of Anticipated Noise declaring that the applicant and their successors will not now, or in the future complain about the allowed airport activities at the Sunriver Airport.
- G. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- H. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of any structure.
- I. ***Prior to issuance of building permits for the proposed development***, the applicant must submit a FAA Determination of No Hazard to Air Navigation and all mitigation recommendations, if any, must be integrated into the proposed development.
- J. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from the Deschutes River shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.
- K. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from the Deschutes River.
- L. ***Prior to issuance of building permits for the proposed development***, the applicant shall obtain approval from the Oregon Department of Parks and Recreation for the proposed

development.

- M. The proposed single-family dwelling shall follow the construction methods recommended by Elki M. Lahav in the Airport Safety Land Use Compatibility Report dated September 13, 2021, as detailed below:
1. Double pane windows
 2. The exterior wall of the house shall be constructed with 2x6 studs, R-21 fiberglass insulation in the cavity between the studs, 5/8" gypsum board inside, and 9" Shiplap siding.
 3. 1-3/4" wood Solid Core door with weather-stripped

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue. Pursuant to Ordinance 2021-014 and Deschutes County Code Section 22.32.015(B), appeals must be received by 4:00 pm.

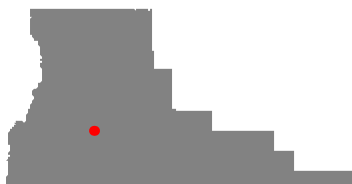
Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

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

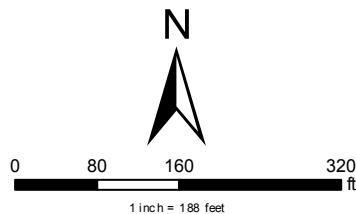
This Notice was mailed pursuant to Deschutes County Code Chapter 22.24.

File Number 247-21-00026-LM, 27-AD, 28-AD

56910 River Road, Sunriver, OR 97707



Date: 4/13/2022



owner	agent	address	cityStZip	Type	CDD ID
DESCHUTES CO. ASSESSOR		ELECTRONIC		NOD	247-22-000026-LM, 27-AD, 28-AD
DESCHUTES CO. BUILDING SAFETY		ELECTRONIC		NOD	247-22-000026-LM, 27-AD, 28-AD
DESCHUTES CO. SR. TRANS. PLANNER		ELECTRONIC		NOD	247-22-000026-LM, 27-AD, 28-AD
OREGON PARKS & REC, REG. 4	PETER RUSSELL	ELECTRONIC		NOD	247-22-000026-LM, 27-AD, 28-AD
OREGON DEPT. OF AVIATION, PROJ. & PLANNING DIV.	TINSLEY Bridget * OPRD <Bridget.Tinsley@oregon.gov>	ELECTRONIC		NOD	247-22-000026-LM, 27-AD, 28-AD
SUNRIVER FIRE DEPT.	Heather Peck (heather.peck@aviation.state.or.us)	ELECTRONIC		NOD	247-22-000026-LM, 27-AD, 28-AD
SUNRIVER OWNERS' ASSOCIATION		P.O. BOX 2108	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
SUNRIVER RESORT, L.P.		P.O. BOX 3278	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
SUNRIVER UTILITIES		P.O. BOX 3609	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
Donald and Wendy McNamara Trust		P.O. BOX 3699	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
Alison G. Hohengarten		15125 210th Ave NE	Woodinville, WA 98077	NOD	247-22-000026-LM, 27-AD, 28-AD
SUNRIVER OWNERS ASSOCIATION		1148 NW Hill Street	Bend, OR 97703	NOD	247-22-000026-LM, 27-AD, 28-AD
SUNRIVER RESORT LIMITED PARTNERSHIP		PO BOX 3278	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
SELBY, RYAN M & JULIE A	C/O SUNRIVER AIRPORT LLC	PO BOX 97	LEBANON, OR 97355	NOD	247-22-000026-LM, 27-AD, 28-AD
JOHN M AGEE TRUST		16010 NE 26TH CT	RIDGEFIELD, WA 98642	NOD	247-22-000026-LM, 27-AD, 28-AD
JOSEPH THOMAS PINCKARD III AND S... ETAL	AGEE,JOHN M TRUSTEE	PO BOX 4163	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
KEEP FAMILY TRUST	PINCKARD,JOSEPH THOMAS III TRUSTEE ETAL	PO BOX 4835	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
WESSINGER, EVERETT CHARLES	KEEP, DOUGLAS T & DIANE L TTEES	PO BOX 4434	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
COLLETT, RICHARD B & PAMELA A		PO BOX 3503	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
WARDEN,RICHARD L & SANDRA M		1998 GRAHAM DR	EUGENE, OR 97405	NOD	247-22-000026-LM, 27-AD, 28-AD
CORNWELL, ROBERT & JOANNA KIM		24328 S SKYLANE DR	CANBY, OR 97013	NOD	247-22-000026-LM, 27-AD, 28-AD
BROMERT, KATHERINE S & ZACHARY C		3052 N SNOW CANYON PKY #129	ST GEORGE, UT 84770	NOD	247-22-000026-LM, 27-AD, 28-AD
SZYMCZAK,MARK & DARDEN,ELIZABETH HOLLEY		6583 NW 165TH AVE	PORTLAND, OR 97229	NOD	247-22-000026-LM, 27-AD, 28-AD
DOUGHERTY FAMILY TRUST	DOUGHERTY, JEFFREY A TTEE ET AL	3312 R ST NW	WASHINGTON, DC 20007	NOD	247-22-000026-LM, 27-AD, 28-AD
HERBIG, SCOTT M & JANE L		PO BOX 1570	RIDGEFIELD, WA 98642-0020	NOD	247-22-000026-LM, 27-AD, 28-AD
YOUNG, JEREMY B		PO BOX 3117	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
MAHAR,MICHAEL T ETAL		15695 SW BOBWHITE CIR	BEAVERTON, OR 97007	NOD	247-22-000026-LM, 27-AD, 28-AD
JOHN M AGEE TRUST	AGEE,JOHN M TRUSTEE	PO BOX 4434	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
PADRICK,KEVIN D & KAREN		PO BOX 4163	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
SKYNAT LIMITED PARTNERSHIP		PO BOX 3510	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
FANCHO FEE JR & JULIE P STUBBLEFIELD REV	STUBBLEFIELD FANCHO FEE JR TTEE ET AL	4000 SW CORBETT AVE	PORTLAND, OR 97239	NOD	247-22-000026-LM, 27-AD, 28-AD
REESE LIVING TRUST	REESE, JEFFREY D & TRINA M TTEES	21200 SE OLD BETHAL RD	AMITY, OR 97101	NOD	247-22-000026-LM, 27-AD, 28-AD
BENTELLA LLC		823 NW GRAND RIDGE DR	CAMAS, WA 98607	NOD	247-22-000026-LM, 27-AD, 28-AD
GRATSINGER, SCOTT & REBECCA A		7184 AVIARA DR	CARLSBAD, CA 92011	NOD	247-22-000026-LM, 27-AD, 28-AD
SEGERSTROM 2002 REVOCABLE TRUST	SEGERSTROM, WILLIAM CLARK TTEE ET AL	21030 NE BALD PEAK RD	HILLSBORO, OR 97123	NOD	247-22-000026-LM, 27-AD, 28-AD
WARD FAMILY TRUST	WARD, RONALD D & MARGARET S TTEES	84 N WASHINGTON ST	SONORA, CA 95370	NOD	247-22-000026-LM, 27-AD, 28-AD
COWAN, JACQUELYN M & JAMES R		PO BOX 3632	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
EDWARD S TANK JR DISCLAIMER TRUST	TANK, ROSALIE A TTEE	PO BOX 3631	SUNRIVER, OR 97707	NOD	247-22-000026-LM, 27-AD, 28-AD
		620 SW CARUTHERS ST #670	PORTLAND, OR 97201	NOD	247-22-000026-LM, 27-AD, 28-AD