



Community Development Department

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STAFF REPORT

To: Deschutes County Planning Commission

From: Terri Hansen Payne, Senior Planner

Date: September 27, 2007

Subject: Public Hearing on Plan and Text Amendments PA-07-6 and TA-07-6

I. PURPOSE

The purpose of plan amendment PA-07-6 and text amendment TA-07-6 (Attachment 1) is to amend Deschutes County Code (DCC) to create a new Town Center district in the Sunriver Urban Unincorporated Community. The Town Center would accommodate mixed-use development including retail, commercial, overnight lodging, live-work and multi-family residential uses.

The applicants, SilverStar Destinations, propose amendments to the Comprehensive Plan (DCC 23.40.025) to define the purpose and general policies for the new district. They also propose amendments to the Zoning Code (DCC 18.04, 18.108, 18.116.030, 18.124.070) to add new County definitions and to specify allowed uses, land development standards and parking standards for the new zoning district as well as some amendments to site plan approval requirements for the Town Center district.

II. SUNRIVER BACKGROUND

Sunriver began development in 1967, before the County had an adopted zoning code. In 1972 the area was labeled planned development under the PL-5 zoning code and was governed by an adopted master plan. In 1978 a revised master plan was approved, to account for the sale of over 2,200 acres of the original 5,500 acres considered part of Sunriver. When the County rewrote the zoning code in 1979 (PL-15), there was no planned development zone and Sunriver was zoned RR-10. In response, Sunriver worked with the County to create a new planned development zone and simultaneously revise the master plan. These changes were adopted in 1982.

In 1994 the Oregon Land Conservation and Development Commission added a new Oregon Administrative Rule (OAR 660-22) which defined and regulated a new land use category called unincorporated communities. Under OAR 660-22, Sunriver could have been defined and regulated under either the rules for 'Resort Community' or 'Urban Unincorporated Community' (UUC). The community chose to be labeled and governed as an UUC and the comprehensive plan and zoning code were amended in 1998 to

ensure compliance with the administrative rule. This rule is still in effect and governs what is allowed in the Sunriver UUC.

However it is defined, historically Sunriver has operated as a resort community, with a mix of permanent and seasonal residents.

III. PROCESS

Currently the commercial core of Sunriver, known as the Village Mall, is planned and zoned primarily as Sunriver Commercial. SilverStar Destinations is proposing to redevelop much of the Village Mall, converting it into a mixed-use Town Center. The County does not have much experience with this type of project and consequently long range and current planning staff have collaborated to assist the applicants in creating the process described below. Additionally, Senior Planner Will Groves and Senior Transportation Planner Peter Russell are actively assisting in the analysis of this proposal.

Steps

- Step 1 is to create the language and regulations for a new Comprehensive Plan designation and zoning district in Sunriver (the current proposal). This step is legislative and will include review and a recommendation by the Planning Commission (Commission). The Board of County Commissioners (Board) will make the final decision.
- Step 2 is to amend the Comprehensive Plan and Zoning maps to apply the new district to specific properties. At this time it is not know exactly what properties will be designated Town Center. SilverStar has provided a map with this text change request, but has noted that the map could change. This step is quasi-judicial and an initial findings and decision will be made by a hearings officer, with the Board having the final decision.
- Step 3 is to submit an conceptual site plan and individual project site plans. This is a quasi-judicial process which could be decided by staff or by a hearings officer.

This 1st step, creating the language to regulate the new district, is extremely important to ensure that the County has unambiguous language that can be implemented easily at the time that the site plans are submitted.

IV. PROPOSAL SUMMARY

This application proposes a new comprehensive plan and zoning district. Applicants state that for the estimated area of 28 acres, this proposal would replace the 150,000 square feet of existing commercial with 85,000-150,000 square feet of new commercial and would add approximately 600 new housing units. A summary of the basics of the proposal are highlighted below by Code section.

Comprehensive Plan Amendments

23.40.025

- This section adds the new Town Center district to the comprehensive plan designations and adds policies that promote the applicant's vision of a lively mixed-use center.

Zoning Code Amendments

18.04.030 – Zoning Definitions

- There are six new definitions proposed to County Code that apply only to the Sunriver Town Center. There is some precedence for this because there are currently definitions in code that apply only to La Pine.
 - Destination club
 - Live/work town home
 - Mixed-use
 - Open area
 - Private residence club

18.108.020(B)- Zoning for Sunriver

- New language exempts mixed use and attached housing in the Town Center district from the solar setbacks as defined in 18.116.180.

18.108.055 – Zoning for the Town Center

Uses

- Permits a greater variety of commercial and residential uses.
- Permits a greater amount of residential than is currently allowed.
- Stand alone residential (multi-family housing) is allowed on no more than 30% of the total acreage. This limit does not include mixed-use, live-work or hotels and motels.
- Mixed use buildings are allowed up to 50% residential on the ground floor (not counting parking and storage).
- In mixed use buildings residential doesn't count for calculating commercial square footage for OAR regulations.

Heights

- Current commercial height limit is 30'
- New language
 - Stand alone residential (multi-family) can go to 45'
 - Mixed use can go to 60'
 - One mixed use building can go to 75'
 - All other uses can go to 45'

Lot Requirements

- Current
 - Lot depth 100'
 - Front yard 10'
 - Side and rear yard 10' if next to residential – larger yard requirement if building over 20'
- New language
 - No lot depth
 - Front yard 10' - does not apply to mixed use or parking garages
 - No side or rear yard requirement

District Setbacks

- Setbacks at Town Center boundary are defined by adjacent use
- If border commercial then 5'

- If border multi-family residential then 10'
- If border any other zoning then 20'
- Paths, driveways street trees and so on are allowed in the setbacks
- If building over 45' in height then 50' setback from Town Center district boundary

Residential Density

- Overall 22 units/gross acre
- For calculating density – 3 Hotel/motel rooms count as one residential unit
- Density excludes those existing areas zoned multi-family in the Town Center district (Abbott House) – those areas can be redeveloped at the density allowed previously

Open Area

- 50% of the total area must be Open Area.

Process

- Permitted uses will get site plan review
- Conditional uses will get conditional use review
- Conceptual site plan must be approved for all land owned by one entity
- All proposed uses must demonstrate compliance with conceptual site plan
- Conceptual site plan approvals are limited to only where practicable and need to comply with 4 of the 10 site plan approval criteria in 18.124.060
- If development is phased, the commercial must keep pace with the residential

18.116.030 – Parking Requirements

- This section proposes reduced parking and tandem parking for the Town Center as well as additional global amendments regarding parking reductions.

18.124.070 – Site Plan Minimum Standards

- This section exempts the Town Center district from providing outdoor private space in ground level residential units and usable outdoor recreation space in residential developments.
- This section adds the Town Center to areas where new commercial buildings do not have to be located at the setback line.

V. PROPOSAL ANALYSIS

Issues for Discussion

Historically, the County has allowed the Sunriver community considerable discretion in many of the local land use policy decisions and the applicants have been working with the Sunriver Homeowners Association (SROA) on these amendments. It is anticipated that the SROA and others in the Sunriver community will have comments on the basic policies of this proposal, such as the mix of residential and commercial or the building heights.

Technical Issues

SilverStar has submitted two revisions to their proposal since the original application was received in May, 2007. However, the text proposed in this application still contains numerous technical errors, such as incorrect references or unclear or redundant language. Attachment 2 lists technical issues where the code language still needs work.

Staff would have preferred sorting out the technical issues before bringing this proposal to the Planning Commission. However, the applicant is working on a tight schedule and has requested that the approval process be initiated. Staff will continue to work with the applicant to resolve the technical issues.

Substantive Issues

Besides the technical issues over code language, there are substantive issues with the proposed text. This includes language that staff does not support and sections of code that staff would like to see justified before supporting.

Definitions (18.04.030)

This proposal includes two definitions staff would prefer not to see in County Code.

- **Open Area:** As defined Open Area includes parking lots and even underground parking. Given that the generally understood idea of open space as natural undeveloped areas, this definition would be confusing to the public and staff. This definition is tied to a proposed code requirement that would require the Town Center district to retain 50% open area. Unfortunately this would be extremely difficult for the County to monitor. As an alternative staff has suggested that this definition be dropped and the open areas regulated by including a requirement for maximum lot coverage.
- **Stand Alone Residential:** As defined this is essentially another way of defining multi-family to include live-work. Staff believes that it is not useful to add an additional definition, that they could simply allow both uses where desired.

Solar Setbacks (18.108.020B)

The proposal exempts mixed-use and attached housing from the solar setback requirements. It would be helpful for the applicants to clarify what they are trying to accomplish with this exemption. It appears that they are intending to only apply solar setbacks to the development around the perimeter of the Town Center. Suggested language to accomplish this is listed in Attachment 2.

Uses (18.108.050(A)(9))

This section allows any use as a permitted use if it is included in the conceptual site plan. This is too open ended, permitted uses need to be listed.

Heights (18.108.055(F)(6))

This section exempts buildings in the Town Center from the existing view protection requirements written in the site plan code section (18.124.060(A)). It is not clear why these view standards should not apply here.

Application and Approval Process (18.108.055(K))

Because of the size and complexity of the proposed Town Center, staff have been working with the applicants to create a defined approval process, including a conceptual site plan review. However, as currently written, this section does not clarify why this is required or what it is intended to achieve. Additionally, the language contains numerous errors that need to be corrected before this code could be implemented. There is a list of staff suggested changes to this section included in Attachment 2.

VI. COMMENTS

Agency Comments (Attachment 4)

Comments have been received from ODOT, the Sunriver Fire Department, Sunriver Resort Limited partnership and Sunriver Water LLC and Sunriver Environmental LLC. The only serious concern expressed at this point is that Sunriver Fire Department has stated that the proposed building height "...greatly exceeds our firefighting capability." As

part of the application (Attachment 1) there is an analysis of utility availability by W&H Pacific that notes that the Sunriver Fire Department currently has a ladder truck that is capable of reaching 55' in height. The applicant is proposing that mixed-use buildings be allowed to 60' with one mixed-use building allowed at 75'. This issue needs to be resolved with the Fire Department as soon as possible.

Community Comments (Attachment 5)

Public comments received so far are attached.

VII. BURDEN OF PROOF AND FINDINGS (part of Attachment 1)

Legislative land use amendments must show through legal findings that they comply with State Statute, Statewide Planning Goals and the associated Oregon Administrative Rules (OARs). The applicant has done a thorough job of documenting the findings for this proposal (Attachment 1).

The one area where staff disagrees with the findings is the need for a transportation analysis. The applicant argues that because there is no actual land being rezoned at this time, a traffic analysis is not required. Staff believe that under OAR 660-22 the County is not allowed to approve uses which are not consistent with existing transportation facilities. This can only be determined through a traffic study.

A transportation impact analysis has been included in the application and has been determined to adequately address traffic issues at this stage of the process. Staff has requested further information regarding a proposed two-lane roundabout and what other mitigations might be possible besides a two-lane roundabout. Traffic mitigations or improvements will be required during Step 2, re-zoning. The mitigations/improvements discussed in the submitted traffic analysis of August 2007 could be used to fulfill that requirement, provided no substantial changes have occurred either in the applicant's proposed uses or in the land use patterns in the vicinity of the site.

VIII. SCHEDULE

The public hearing is scheduled for September 27, 2007 at 5:30 p.m. Please feel free to contact me at (541) 385-1404 with any questions or concerns.

Attachments

1. Partial Application*
2. Technical Issues
3. Agency comments
4. Community Comments

* Not Included: The full transportation impact analysis and geotechnical report – these are available upon request