

**Conditional Use Application
Destination Resort:**

Metolian

Submitted to:
Jefferson County
Community Development Department
85 S.E. "D" Street
Madras, OR 97741

Submitted on Behalf of:
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REQUEST: Approval of a Conditional Use application for a Tentative Destination Resort Master Plan for Metolian.

I. APPLICABLE CRITERIA:

Jefferson County Zoning Ordinance:

Section 303 – Forest Management:

Section 303.4 Conditional Uses
Section 303.5 Approval Criteria

Section 430 - Destination Resorts:

Section 430.3 Procedures
Section 430.4 Tentative Destination Resort Master Plan Application Requirements
Section 430.5 Tentative Resort Master Plan Contents

Section 430.6 Standards and Criteria for Approval of Tentative Master Plan
Section 430.7 Conditions of Approval
Section 430.8 Final Destination Resort Master Plans

Chapter 6 – Conditional Uses:

Section 601 Authorization to Grant or Deny Conditional Uses
Section 602 Approval Criteria
Section 603 Conditions of Approval

II. BASIC FINDINGS:

- A. **LOCATION:** The subject property does not currently have an address. It is identified on Jefferson County Assessor’s map 13-08, as tax lot 200. The property consists of the entirety of Section 13. The property is approximately 627 acres in size – typically sections are 640 acres however this section is part of a “surveyor’s correction” area. As a result, there are approximately 627 acres.
- B. **LAND-USE PERMITTING HISTORY:** Over the years the property has been owned by a number of timber companies. Discussions with the Jefferson County Planning Director reveal that there is no land-use permitting history for the subject property.
- C. **ZONING:** The subject property is zoned Forest Management (FM) and is designated Forest Management by the Jefferson County Zoning Map and Comprehensive Plan map. Further, the property is identified as Destination Resort eligible per the Zoning Map and Comprehensive Plan map.
- D. **SITE DESCRIPTION:** The square-shaped, vacant, approximately 627 acre property has been routinely logged for decades. As a result, the site is clear cut in some areas, in successional growth stages in others while other areas contain a mix of native shrubs and trees at various levels of maturity.

The site’s topography varies. The north portion of the property is sloped in areas with southern exposure. The west side of the property slopes upward with generally eastern exposures. The east side of the property is relatively level. The south side of the property is sloped with northern exposure. The combined topography provides somewhat of a horseshoe appearance to the property with the “opening” (level area) towards the east/northeast portion of the property. There are seasonal drainages that run through the property from west to east as indicated on the existing conditions map (Exhibit 5).

The property is surrounded by the Deschutes National Forest. It is located approximately ½ mile north of Suttle Lake. The property is approximately 12 miles northwest from the City of Sisters. It is approximately 3 miles northwest of the Black Butte Ranch. The unincorporated Resort Community of Camp Sherman is approximately 4 miles from the property. Hoodoo Ski Resort is approximately 7 miles west of the property. The Pacific Coast Trail is approximately 4 miles west of the site. Please see exhibits 1 and 2 to obtain the context of the property’s location.

- E. **PROPOSAL:** The applicant is proposing an outdoor recreation-based community which has frequently been referred to as an eco-resort, a new form of environmentally responsible development under the Destination Resort land use classification, for the subject property. While the developer has consciously chosen to avoid words like “resort” and “subdivision”, for the purpose of clarity in this application the proposed

development may be referred to as an eco-resort or resort. The property was designated as Destination Resort eligible by the 2006 Jefferson County Comprehensive Plan Map and Zoning Map.

The proposed development will combine best-of-class sustainable development concepts for land and buildings with a new generation of low impact recreational amenities. The development's objective is to create a community that provides visitors and tourists recreational and retreat opportunities in the Metolius basin, environmental education and long term resource stewardship. Some of the specific technologies and strategies targeted to reduce the "footprint" of the resort are described in Exhibits 16 & 17.

As described in the document's Executive Summary, the ultimate goal of the development is to create a regenerative resort and community – one that will help the land attain its greatest natural resource potential and serve as a model that demonstrates how conservation and real estate development can be mutually beneficial partners. As envisioned this means the development will ultimately create more natural resources than were in existence prior to the project, while minimizing the resource use of the resort's day to day operations.

Our belief is Metolian can serve as the catalyst and funding source to change this tide. One of the key strategies to accomplishing our net restorative goal will be the creation of the Metolian Natural Capital Fund (MNCF). MNCF will be funded by a specific portion of property owners' fees, a percentage of each unit's sale in perpetuity and a small percentage of lodging receipts from the overnight accommodations. The funds raised through MNCF will be used within the Metolius Basin and central Oregon for environmental conservation and restoration work.

- F. **SURROUNDING LAND USE:** The property is entirely surrounded by the Deschutes National forest, with Suttle Lake and the Suttle Lake Lodge located approximately ½ mile south of the subject property. A number of camps/retreats are located in the area including Round Lake Christian Camp, Camp Davidson, Camp Caldera, Camp Tamarack and the Redmond Saddle Club. Further, there are a number of tourist oriented lodges within Camp Sherman. The area has been a tourist destination for approximately 100 years.

The surrounding property is within the Sisters Ranger District of the National Forest Service. Much of the surrounding acreage (and a portion of the subject property) burned in the 2003 B&B Complex fire. The surrounding forest has not been managed after the fire to reduce fuels or enhance habitat value. The surrounding areas are often used as unofficial camp sites, trash dumps and target practice areas. These areas provide stewardship opportunities for Metolian and the MNCF resources to create a healthier basin.

INTRODUCTION:

The Metolian team takes a decidedly different approach to the concept of a destination resort. Inspired by the principles of sustainability as outlined by approaches such as the Natural Step and Triple Bottom Line Accounting, we will achieve a development unlike any other in Central Oregon or elsewhere. Metolian will demonstrate a new generation of conceptual thinking for

truly sustainable development within natural environments. The 627-acre project will provide guest access to outdoor recreational opportunities, overnight accommodations and the prospect of a variety of vacation home ownership formats. The stewardship and sustainable development embodied in Metolian will offer the State of Oregon a showcase of new techniques and technologies for the region's emerging sustainable technologies and businesses. As its highest level of achievement, Metolian is creating a new model of public/private partnerships that demonstrate how conservation and real estate development can be mutually beneficial partners.

In describing Metolian, we consciously avoid words such as *resort* and *subdivision*, because Metolian will be neither. Metolian will be a ***recreational community and base camp***. Residents and guests alike will be drawn to Metolian by the common appreciation of the natural environment and a deep desire for outdoor recreation. Whether visiting for a night or an entire month, people who take part in the Metolian experience will leave seeing themselves, Central Oregon and their interaction with the planet differently.

The concepts that will drive this transformation include:

Retreat – we seek to create elemental comforts where people can be restored and rejuvenated while reconnecting with their families and friends.

Base Camp – akin to base camps used to stage expeditions, we envision Metolian as a place where people can begin and continue personal journeys that feed body, mind and spirit.

Connected – we want our guests and residents to gain an increasing appreciation for the environment and the imperatives we face for its stewardship. By fostering connections between guests and their surroundings, the needs of the region, and with each other, Metolian encourages a community approach to the stewardship necessary for the basin's return to a healthy eco-system.

Low impact – our plan represents minimal impact through techniques such as clustering units, smaller square footages, narrower and pervious road systems. We are working to minimize our use of water and energy. Further, we have identified and will continue to find creative, sustainable ways to provide and conserve the limited amounts we do use.

Accessible – to people in the greater Portland area and beyond, but also to residents and visitors of Central Oregon. We will welcome day visitors and guests who want to come and share in the Metolian experience. We will encourage visitation and participation from local schools and community organizations and cultivate relationships with local guides, vendors and businesses.

Stewardship – we believe Metolian has the opportunity *and responsibility* to serve as a catalyst for restoring our site – 627 acres of degraded timber land. We will increase biodiversity and soil health, while removing fire fuels. We also see Metolian as an economic engine to drive regeneration and stewardship of the larger Metolius Basin.

Whether hiking on the property and up into the National Forest, or meditating at sunrise on the northwest knoll, ***Metolian's prime objective is to connect people with the environment, and assure that both are better because of that connection.***

One way we will do this is through an array of differentiated recreational offerings. At Metolian, ***we believe that human movement is as basic as food and water.*** Metolian will offer state-of-the-art multi-sport training facilities, programs and trainers. Week-long and weekend seminars will attract guests for specialized training, therapy or health improvement. Facilities, equipment and encouragement will all be designed to allow our guests to pursue improved personal performance at whatever level they define – from extreme athletes training for an Ironman to an octogenarian who desires a woodland walk with their grandchildren.

Specific facilities programmed for Metolian include:

- State of the art fitness training facility.
- Yoga, Pilates and martial arts retreats.
- Approximately 6 miles of mountain bike trails and hiking trails with lookouts, rest areas and viewpoints with plans for connections to the surrounding Forest Service trail networks and the Pacific Crest Trail.
- Approximately 4-miles of engineered and unidirectional biking trail/road on the exterior of property.
- Trails will support cross country skiing in the winter. Specific trails will be groomed for skate skiing.
- Natural systems swimming pool.
- Climbing wall and multi-level bouldering courses on rock outcroppings on property.
- Fly-casting ponds.
- Seasonal Ice Rink.

Beyond recreation Metolian's ***ethos of education*** - understanding, appreciation and stewardship - will make the community much more than a sports camp. Education will take many forms. Outdoor guides are planned to coordinate hiking and other activities including forest projects with the USFS. An on-site naturalist is planned to provide information and presentations on the natural attributes of the area. Opportunities to learn about the surrounding natural environment and sustainability will include:

- Seminars and visiting lecturers.
- Guided tours that explain the intricacies of our footprint.
- Informational displays and tours of the utilities demonstrating how the reduced water used in our units is treated and brought back to nurture our native landscape.
- Seminars and classes explaining how the various systems of water, energy, soil and other aspects of the community have come together to produce a sustainable community living in peace with its natural surroundings.
- An emphasis will be placed on cultural enrichment by drawing on the best from the various arts for seminars and lectures. The physical space will support this with studios and indoor/outdoor lecture spaces.

Every day will provide a combination of indirect and direct learning opportunities about the environment and our contribution to helping conserve its future.

We will further this ethos by partnering with institutions of higher learning and constructing an intimate state-of-the-art ‘forum facility’. We desire to make Metolian *the* venue to convene, debate and discuss sustainable and regenerative development. Through a series of internships and research partnerships we would welcome the use of Metolian as a living laboratory. Our objective is to better understand how we, as developers and community members, can heal our environment while promoting the enrichment of our population through a more active connection with the outdoors. Our aim is to provide office space within our core area for Community Stewardship Organizations (CSOs) that are focused on restoration of the Metolius basin including office space for the MFCF as described earlier.

For Metolian, **sustainable development is not just a good idea, it is a requirement.** Our early thinking was informed by guiding frameworks such as The Natural Step and Triple Bottom Line accounting. As our planning and development concepts have evolved, we expanded beyond these constructs into specific techniques and metrics to reduce water consumption, reduce energy demand and offset what we do use with renewable sources. We have always envisioned the Metolian site – a degraded, logged, ‘cutout’ in the National Forest, as a significant opportunity to demonstrate best practices in habitat development and landscape regeneration. Our planning process has been guided by a landscape scale perspective and we have reflected the site’s contextual natural systems in our master plan.

Metolian will present ***a very different kind of lodging and housing opportunity*** within its 180 lodging and 450 residential units. While resorts of the past three decades have relied on golf courses, clubhouses and large detached homes on individual lots, we have sought a much more diverse range of amenities and places for people to gather, spend time with their families and seek shelter from the elements. Regardless of the type of product that people choose to buy or rent, every option will emanate from a clear set of tenets including *enhancing the indoor/outdoor relationship*, and reducing the need for large building footprints generated by larger interior spaces. Our units will *look small and live large*, by allowing plenty of natural daylight, flexible use of space and creative room layouts. We envision that our amenities and unit clusters will allow residents to *build less and share more* – by treating Metolian’s facilities, amenities, lodge offerings and the central core as part of their total environment, rather than feeling a need to build large, wasteful private compounds.

Some of the important offerings of Metolian include:

- The Lodge – a combination of the traditional overnight stay facility with amenities, and clustered rooms that reduce the mass of the building and create a more vital community focus.
- The Cabins – smaller structures that will allow people to enjoy Metolian’s offerings without having a large, or expensive building footprint. These units may be attached or detached.
- The Conservation Clusters – single family homes organized in clusters around a functional amenity or natural feature. This product will provide the comforts of a

single family home without the large lot or its associated maintenance. These units may also be attached or detached.

- The Stewardship Sites –a limited number of homesites will come with strict siting and design standards. We will convey carefully sited and highly regulated building envelopes that provide unique space and views, without creating lots that can be despoiled through inappropriate fencing, landscape or overbuilding.

The combination of diverse recreational amenities, a visible commitment to learning and education and a variety of unique, inspired living options will all combine to create *the Metolian experience*.

The technical side of Metolian will be as impressive as the experience.

Our *water needs* have been carefully calculated using best practices for reducing demand first and foremost. Of the water required, we have developed an integrated water budget and model to cascade the use of captured high season runoff, and then use it as many times as possible before returning it to the environment at the highest level of water purity. Changes proposed for state law regarding grey-water reuse will permit this sustainable approach to water use.

Our *energy strategy* has been to reduce overall demand using a variety of techniques from passive heating, cooling and daylighting to more contemporary high performance techniques such as geo-thermal loops and bio-mass boilers to supplement heating. Robust use of solar thermal and photovoltaic panels will further reduce net energy demand of the community, with peak demands being met via a CEC grid tie in. Metolian’s goal is to eventually “spin the meter backwards” (feed excess energy generated on site back into the CEC grid).

For *transportation*, we have taken a multi-layered approach. This includes a portfolio of tools including a local shuttle for bringing employees and guests to the property from Sisters and beyond. On property, walking and cycling has been given priority in our master plan concept. Cars will be discreetly parked and guests will be encouraged to use alternative forms of low fossil fuel transport on property if they do not want to walk. This may include electric car and cart share program, smart bike program and even hybrid vehicles for use off property for local sightseeing and shopping. Further, the shuttle described above will provide access to popular destinations such as Hoodoo, Smith Rock State Park, the Redmond Airport and other area attractions. We will provide a range of employment housing opportunities on our site to minimize staff daily transportation needs and provide an important economic benefit to the region.

Long Term Stewardship – the Metolius Basin is an invaluable resource that needs to be respected yet improved. Unlike the typical concept where ownership ends at the property line, residents of Metolian will take on the obligation to care for the Metolius Basin as a whole. Years of underfunded USFS operating budgets have led to this special resource being misused, overgrown and catastrophically burned. Our belief is Metolian can serve as the catalyst and funding source to change this tide. Metolian aspires to raise the bar on the human impact and interaction of this unique place through care and monitoring at a landscape scale to assure the Metolius basin’s future health. Our goal is to provide annual funding for specific environmental

and recreational projects that are chosen by a partnership of our Metolian residents and leading environmental groups of the region. Similar to hotels and airlines that offer an optional “carbon offset” surcharge, our guests will be asked to contribute a small amount of their lodging costs towards a stewardship fund to benefit the entire Metolius Basin. More importantly, a specific portion of property owners’ fees, *plus a percentage of each unit’s sale in perpetuity*, will be contributed towards the Metolian Natural Capital Fund for environmental conservation and restoration work in the Metolius Basin.

Metolian will be like no other community in Central Oregon or Oregon for that matter. Our goal is to redefine the image, character and community-mindset associated with destination resorts. As described in detail in the Metolian destination resort application, and subsequent documents, Metolian offers this region a chance to bring the next generation of recreational community development to its backyard, and reap the economic and ecological benefits it will afford this larger precious resource we know as the Metolius Basin. Metolian is not status quo, we are not your father’s destination resort. Our greatest hope is that this model will be emulated elsewhere to conserve and enhance other special environments.

III. CONCLUSIONARY FINDINGS:

Section 430 - Destination Resorts

430.1 Purpose

The purpose of this Section is to establish a mechanism for siting destination resorts in compliance with ORS 197.435 to .467, to provide for properly designed and sited destination resort facilities which enhance and diversify the recreational opportunities and the economy of the County, to ensure that resort development will not cause a significant adverse impact on farming and forestry, environmental and natural features, and to ensure that adequate services and utilities are provided to serve the resort.

FINDING: Although this section is not a specific review criterion, the Purpose statement for section 430 of the Jefferson County Zoning Code provides guidance for Destination Resort proposals. The County has adopted a Comprehensive Plan and Zoning Code in compliance with state law as listed in ORS 197.435 – 467. This application will demonstrate how Metolian is properly designed to enhance the recreational opportunities in Jefferson County by providing a “base camp” for recreation in Central Oregon. Metolian will construct hiking/biking and cross country ski trails on its specific site, and aims to connect to the larger network of trails/roads in the surrounding Deschutes National Forest. The Metolian Natural Capital Fund will provide a perpetual funding source for annual projects to improve habitat and recreational amenities in the larger Metolius River Basin and central Oregon.

Metolian is located closer to the Willamette Valley than any other resort in Central Oregon. The ease of access from the populated I-5 Corridor will permit easy visitor access from Salem, Eugene and Portland (all within a 3-hour drive). The taxes generated by the resort will benefit Jefferson County with very little demand for additional public services such as police and schools. The resort’s employment base will create seasonal and living wage employment

opportunities. The combination of increased jobs and tax base will have a positive fiscal impact on the County through the design and construction of the project. Further the resort will provide long term management and service jobs in an area of Jefferson County that currently has little in the way of employment opportunities. The project's commitment to sustainable development strategies and alternative energy will provide a showcase opportunity for Central Oregon's burgeoning green technology industry, while allowing the potential for testing new technologies and demonstration projects – all furthering this industry's growth.

As demonstrated by the Forest Management Plan (Exhibit 24) by Mason Bruce Girard, Metolian will not have an adverse impact on the forestry operations in the vicinity. This is further discussed below in this burden of proof statement. As a part of Metolian's commitment to natural resource regeneration, Mason Bruce Girard has been retained to create, and will assist in implementing, a Forest Management Plan for the Metolian site to heal the historic impacts of years of industrial logging practices.

430.3 Procedures

A. An application for a new destination resort or the expansion of an existing destination resort must include the application requirements specified in Section 430.4, a tentative destination resort master plan in accordance with Section 430.5, and evidence showing that the resort will comply with the standards and criteria in Section 430.6.

FINDING: The applicant has provided the necessary documents for review of this Conditional Use Request for approval of a Tentative Destination Resort Master Plan. The application materials necessary to address the requirements as outlined in sections 430.4, 430.5 and 430.6 have been submitted as part of this application. An explanation of how the standards of each section of the code are met follows in this burden of proof document. The Tentative Destination Resort Master Plan is attached as Exhibit 6.

B. The application will be reviewed by the Planning Commission under the procedures of Section 903.5. The Planning Commission shall forward a recommendation on whether the tentative master plan should be approved to the Board of Commissioners. The application and Planning Commission recommendation will be reviewed by the Board of Commissioners under the procedures of Section 903.6.

FINDING: The applicant has reviewed the procedures listed in section 903 and is familiar with the review process with hearings in front of both the Planning Commission and Board of Commissioners. The Planning Commission makes a recommendation to the Planning Commission and the Board of Commissioners makes the final local decision.

C. Prior to the Planning Commission hearing, a copy of the application will be sent to city, county, state and federal agencies, special districts that may be affected by the proposed development, and the Confederated Tribes of the Warm Springs Reservation, asking for their comments and recommendations.

D. Approval of a tentative destination resort master plan is valid for two years, within which time a final destination resort master plan in accordance with the requirements of Section 430.08 must be prepared and submitted to the Community Development Department. An extension of the two year time period may be granted by the Planning Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original two year approval period stating the reasons that have prevented completion of the final plan. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4. After two years, or at the end of any extension that has been granted, the tentative master plan approval will be void if the final master plan has not been submitted.

FINDING: The applicant is familiar with the review process and has met with County staff at a pre-application meeting as well as numerous other meetings to discuss the application requirements. The applicant has met with many of the agencies which will comment on this application to provide background on the proposed project. The applicant is familiar with the two-step process for Destination Resorts, the Tentative Destination Resort Master Plan review and the Final Destination Resort Master Plan review and the accompanying timeframes.

E. Site Plan Review, in accordance with the requirements of Section 414, will be required prior to development of commercial uses, visitor oriented accommodations, recreational facilities, and community and administrative buildings. A single Site Plan Review application may be submitted for the entire resort, or the resort may be developed in phases, with a separate Site Plan Review application submitted for each phase. Site Plan Review application(s) may be submitted concurrent with, or subsequent to, the submittal of the final destination resort master plan. Site Plan Review under Section 414 is not required for single-family dwellings areas, but if the land is in a Forest Management zone such areas will be reviewed for compliance with the siting standards of Section 303.7 as part of the tentative master plan.

FINDING: Metolian will be developed in phases and as such, individual Site Plan Review applications will be submitted for each phase and for individual structures as required. Strict siting standards will be placed in the project's Design Standards, which will be enabled by recorded CC+Rs for clusters and individual structures to reduce the fire hazard, impact on natural resources and create defensible space.

F. Approval of a land division, in accordance with the requirements of Chapter 7, will be required prior to the creation of any residential or other lots. A single subdivision application may be submitted for the entire resort, or the resort may be developed in phases, with a separate land division application submitted for each phase. Land division application(s) may be submitted concurrent with, or subsequent to, the submittal of the final destination resort master plan.

FINDING: Metolian will be a multi-phased project and land division applications will be submitted in a phased approach. The phasing plan is included in Exhibit 9.

G. No on-site development shall occur until the final destination resort master plan has been approved.

FINDING: The applicant is aware of the sequential order of the review required prior to any on-site development associated with Metolian.

430.4 TENTATIVE DESTINATION RESORT MASTER PLAN APPLICATION REQUIREMENTS

An application for tentative approval of a destination resort master plan shall contain the following:

A. Fifteen copies of a tentative resort master plan containing the information required by Section 430.5.

FINDING: The submitted application packet contains 15 copies of the tentative resort master plan including the information required by 430.5 as Exhibit 6.

B. One 8½ x 11 or 11 x 17 drawing of the tentative resort master plan for purposes of providing notice. The drawing may be a reduced copy of the tentative resort master plan or one or more separate drawings.

FINDING: Exhibit 6 contains both an 8.5 x 11 and an 11 x 17 drawing of the tentative resort master plan for the purposes of providing notice.

C. A title report based on research going back in time without limitation, indicating all easements and encumbrances of record that affect the property, and including graphic depictions of the location of all easements and encumbrances that are of record.

FINDING: Exhibit 26 contains a recent title report of the subject property that includes all easements and encumbrances of record affecting the property.

D. A statement of the proposed method of providing water, sanitation, utilities, police protection and solid waste disposal. If the proposed water supply is Deschutes Valley Water District, a statement from the water system Manager or District Engineer shall be submitted indicating whether the District will provide service. If the water supply will be from a different source, a study prepared by a hydrologist, engineering geologist or similar professional shall be submitted describing the following:

FINDING: The applicant will provide the necessary services for the project, as further described below.

Water: Water supply for the project will be provided through storage of surface water in three small off-channel reservoirs. Stored water will then be diverted to a water distribution system as needed for water demand within the project. The source of water for storage will be surface water from a small, un-named drainage on site. Water will be stored during the period of March

through June each year, when water storage is available for storage pursuant to findings of the Oregon Water Resources Department (OWRD). Appropriate water right applications will be filed with OWRD for surface water storage and secondary use of stored water.

The Water Master Plan consists of two reports, one entitled Conceptual Water System Master Plan prepared by Hickman Willams & Associates and the other entitled “Report on Water Supply Development Feasibility” prepared by Newton Consultants, Inc. (Exhibit 20). Details of the water supply plan are included in the applicant’s “Conceptual Water System Master Plan” which addresses water supply, water conservation and sanitation/sewage treatment for the project. The “Report on Water Supply Development Feasibility” addresses hydrological feasibility of the water supply plan. The water stored in the reservoirs will be used for the potable water needs, minimal irrigation and commercial uses, and fire flow. Stored water intended for human consumption will be treated to meet state drinking water requirements (see Exhibit 20, Water Master Plan).

Sanitation: Metolian will be served with a sewage system with treatment of waste by a Membrane Bio-Reactor (MBR) plant. The Conceptual Sewer Master Plan is attached as Exhibit 21 and explains the proposed method in detail. The MBR plant will clean wastewater to Class A standards per DEQ. This means that the reclaimed water that comes out of the treatment facility is suitable for irrigation of food crops, pasture for animals, orchards and vineyards (see Table 1: Treatment and Monitoring Requirements for use of Reclaimed Water, OAR 340-55-015, Exhibit 31). The proposed beneficial re-use of the reclaimed water will be irrigation for the tree farm on the northeast corner of the property as well as irrigation of specific landscaped areas throughout the project.

Utilities:

Energy: The applicant has provided a will-serve letter from Central Electric Cooperative (attached as Exhibit 27). This documents the Cooperative’s ability to serve the proposal with the infrastructure necessary to serve the proposed project. The applicant continues to work with CEC to specify how the property will be served with electricity. Metolian’s goal is to be as close to net zero energy as possible – meaning power demands for the site will be produced by on-site renewable power generation. Planning and design strategies to reduce Metolian’s reliance on fossil fuel generated power include a range of solutions and technologies. Many of these will be required as part of the project’s Design Standards which will be enabled by the project CC+Rs and managed by a design review board. Strategies could include:

- Requirements for passive solar design for structures to reduce heating/cooling needs which represent approximately 40% of the typical residential structure’s energy use.
- Use of either centralized bio-mass boilers or ground source heat pumps for heating of core area buildings again reducing need for electricity.
- Use of either centralized bio-mass boiler heating system or ground source heat pumps for individual clusters to provide heating needs reducing use of electricity.
- Individual and clustered use of photovoltaic energy production
- Requirement for solar water heating systems to reduce energy needed for such service.

- Requirement to optimize natural daylighting techniques supplemented by high efficiency lighting systems.
- Requirement for high energy and water efficiency appliances (Energy Star/ Water Star or better).

Electrical and mechanical engineers have provided an energy demand analysis for Metolian showing that the project can conservatively realize a 42% reduction in energy usage from conventional, code compliant developments. This demand reduction will lower the electrical supply needs to be provided by CEC. We will continue to negotiate with CEC to finalize the system design and offsetting demand reduction strategies to serve the proposal. A utility area has been identified on the site plan map where a substation can be sited if required. The utility area will host maintenance shops, storage buildings and other structures required for management of the site. It is possible that the recycling/composting area will be sited here as well.

Phone: The property is within the Qwest service territory. A will-serve from Qwest has been provided as Exhibit 27.

Cable/Data: Qwest provides data services as well. The will-serve letter is attached as Exhibit 27. The subject property is not within the service area of any cable television service providers at this time. Those who wish to have television will need to obtain satellite service which may come from a third party supplier or be provided by the master Home Owners Association.

Police Protection: Metolian has contacted the Jefferson County Sheriff's office regarding police services. A letter from Sheriff Jack Jones is attached as Exhibit 27 which explains that the Sheriff's office will provide law enforcement services on site as needed.

Solid Waste Disposal: Waste collection will be done by the Metolian HOA's staff. An aggressive consumer recycling program will require separation of cans, paper, bottles and other typical recyclables. Organic/ compostable materials will be separated and managed at Metolian's composting/recycling center planned for the support facilities area as identified on Exhibit 6. The end product of the composting operation will be used on site as part of the forest/ habitat regeneration process and may be used in greenhouses on site. During construction, Metolian will require an industry proven minimum of 60% construction waste reduction through advanced framing, recycling and reuse strategies. The maintenance staff will work with the Jefferson County Transfer Station in Camp Sherman to identify the best way to schedule trash deliveries.

The Facilities/Maintenance staff will implement a waste diversion plan (reduction, recycling and reuse) for the entire resort that will target an overall diversion rate of 50% of all waste generated by the resort over the first ten years of development. Measurement will be of all materials used for construction, consumer and operationally generated waste and green waste from landscape operations, from a baseline of a similarly scaled development in the region.

1. An estimate of water demands for the resort at maximum buildout, including a breakdown of estimated demand for commercial uses, residential uses, visitor oriented accommodations, recreational uses, and any irrigated common areas;

FINDING: The Water Master Plan (Exhibit 20) details water demand for the project, including a breakdown of estimated demand for commercial uses, residential uses, visitor oriented accommodations, recreational uses and irrigated common areas as follows:

Water Use	Average Day Demand (ADD)						Average Annual Demand		Assumed Annual Occupancy
	gpcd	person/unit	unit	no. units	gpd/unit	gpd	gpy	ac-ft	
Dwellings ^{1,2}	85	2.6	dwelling	450	213	95,740	34,945,100	107.2	100%
Hotel / Conference Center ⁴	80	2.1	room	180	168	30,280	7,736,540	23.7	70%
Restaurant ⁶	17	1	seat	150	17	2,550	651,525	2.0	70%
Commercial Space ³	50	2	person	8	100	800	292,000	0.9	100%
Pool /Spa /Gym	15	200	person	1	3,000	3,000	766,500	2.4	70%
Workforce housing ⁵	70	1	person	50	70	3,500	894,250	2.7	70%
Residential Landscaping ^{7,8}	-	-	dwelling	450	35	15,750	2,874,375	8.8	60%
Commercial Landscaping ^{7,8,9}	-	-	acre	3	3,700	11,100	2,025,750	6.2	60%
Reservoir Maintenance	-	-	L.S.	1	5,500	5,500	2,007,500	6.2	100%
							Average Annual Demand :		160 acre-ft per year
							Average Daily Demand :		143,000 gpd

Assumptions:

1. Residential average day demand is based on recent City of Portland and City of Las Vegas data with a 15% safety factor
2. Assume that existing plumbing code standards are being met, i.e. low flow faucets, showers, toilets, etc.
3. Commercial space includes a retail facility, offices, administration, and a realty office.
4. Hotel and restaurant demand is calculated in the attached table.
5. Worker housing assumes that 50 employees will live on site.
6. No water is included for water features.
7. Supplements recycled water and collected rainwater. Assume 6-month irrigation season.
8. Assume 1-inch of water per week, 2-acres of commercial landscaping, and 400-feet² of landscaping per dwelling
9. Assume 7.8 gal. Per guest per meal and 2.2 meals per day per guest.

Table 1: Estimated Water Demand – domestic and commercial uses

As shown above, projected water demand is approximately 160 acre-feet per year. In order to ensure adequate on-going supply, the proposed reservoirs are designed to store a total of 348 acre-feet, providing annual carry-over of approximately one-year’s water supply for the project. The reservoirs will be re-filled each year to replace the amount used -- up to the authorized limit of 160 acre-feet – and to maintain the maximum authorized volume of storage of 348 acre-feet.

Consistent with project goals for sustainability, Metolian plans only very limited common area landscape irrigation. There will be no golf course. A total of only up to six acres of irrigation using harvested water is proposed throughout the project. These irrigation needs are included in the water demand numbers for use of stored water. However, as described in the Water Master Plan and Sewer Master Plan, the applicant will transition to using reclaimed/treated waste water for irrigation needs and other non-potable requirements once reclaimed water from the proposed wastewater treatment plant is available.

2. The availability of water to meet the estimated demand, including the proposed water source, evidence of the quantity and quality of water from that source, identification of the

area that may be impacted if water to serve the resort is taken from that source, and information on whether water rights are needed or have been obtained;

FINDING: The Newton Water Study demonstrates that water is available to serve the project needs. The study also addresses the quantity and quality of water available from the identified source, and identifies potential impacts. The Study notes that water rights are required for the proposed uses and the appropriate applications will be filed with the Oregon Water Resources Department (OWRD). Following is a summary of the Study’s findings:

Water Quantity:

Surface water for storage will be taken from a small, un-named intermittent drainage that is tributary to Davis Creek. Using an established, peer-reviewed methodology for determining surface water availability, OWRD reports confirm that water is available for new storage in the quantities needed during the months of March through June of each year. As described in the Water Supply Study, according to the OWRD analysis, up to 190,000 acre-feet of water is available in the Metolius sub-basin. (The project proposes to use a maximum of 348 acre-feet for storage.) In making this water availability determination, OWRD first estimates the average natural stream flow and then subtracts quantities of water needed to satisfy existing In-stream Water Rights, protected flows for State Scenic Waterways, Tribal Reserved Water Rights held by the Confederated Tribes of Warm Springs, and other state-issued water rights drawing from the source.

In addition to the OWRD analysis, the Newton report prepared a site-specific evaluation of water supply for storage purposes. The Newton analysis shows water is available within the specific drainage proposed to supply water for the project’s three reservoirs. Maximum storage requirements for initially filling the reservoirs will require only up to one-half of the average estimated minimum flow available within the drainage; therefore, there is a high probability that water will be available, in fact, for annual storage. The average annual “re-fill” requirement of approximately 160-acre-feet (to replace water used each year for project demand) will be approximately one-half of the total storage capacity. The Newton Water Study demonstrates that these quantities of water can be diverted for storage without measurable impact to flows in Metolius River or its tributaries and without harm to flows protected as Instream Water Rights for fish, Scenic Waterways for public recreation, Tribal Water Rights, or other existing water rights.

Water Quality:

Dutch Pacific Resources, LLC hired Umpqua Laboratories to test the water quality. The reports show that the quality of the source water is extremely high. However, after storage in the project’s reservoirs, the water will be treated as required by the Oregon Department of Health Services prior to use for human consumption. Additional details regarding water quality are provided in the Water System Master Plan, Exhibit 20.

Impacts:

The Newton Water Study identifies and addresses potential impacts to surface water, ground water, and fishery resources.

As described in the study, the proposed appropriation quantity of a maximum of 348 acre-feet for the initial filling of the three small reservoirs and annual re-fill of approximately 160 acre-feet will not result in a perceptible or measurable impact to stream flow in the Metolius River or potentially affected tributaries. The Newton Water Study also evaluates potential impacts to ground water as a result of the projected loss of seepage water from the source drainage due to storage. The study concludes there would be no perceptible or measurable impacts to ground water flows that contribute to the Metolius River or tributaries, based on assumptions of a direct and immediate impact to ground water. Since ground water impacts would, in fact, be attenuated by a variety of factors, the assumptions of direct and immediate impact would reflect a theoretical “worst case” scenario.

Additionally, the Newton Study describes how the proposed storage will be structured to protect hydrologic peak flows within the drainage that may contribute to channel maintenance functions. The proposed time period and rate of storage for the project is consistent with guidelines of the Oregon Department of Fish and Wildlife (ODFW) for protection of peak flows and related channel maintenance functions. Approximately 98 percent of peak flows will be maintained within the drainage.

The Newton Water Study also address potential impacts to fish habitat in the affected surface waters, with reference to an additional study prepared by Cramer Fish Sciences (“The Metolian, Fish Habitat Value of Davis Creek, Metolius Basin”, Exhibit 35). As further described in the Newton Study and Cramer report, the unnamed drainage to be used for storage supply is intermittent and tributary to Davis Creek, an ephemeral stream in which surface flows last for only a short period of time each year. Davis Creek is not fish bearing and rarely, if ever, supplies adequate functions to support fish or fish habitat. Given these considerations and the very slight subsequent impact to flows in the Metolius River other tributaries, the proposed storage will not adversely impact fish or fish habitat.

In summary, the applicant has demonstrated that surface and ground water flows and related fish habitat will be only minimally impacted by the proposed plan for water storage, to an extent that would be neither perceptible nor measurable. Further, OWRD has determined that water is available for the project without harm to established Instream Water Rights for fish protection, State Scenic Waterway Flows, Tribal Water Rights, and other existing water uses.

Water Rights Needs:

Water rights for reservoir storage and for secondary use of the stored water will be required from OWRD. The applicant has already completed a pre-application conference with OWRD, and final applications will be submitted soon. At the pre-application conference, OWRD staff confirmed that water is available for the project, based on the standardized methodology used by OWRD for making such determinations (as further described above). Approval of the applications by OWRD must be based on a finding that the proposed use will not impair or be detrimental to the public interest, considering such factors as whether water is available, whether

the use will cause injury to other water rights, and whether the use complies with other OWRD rules. At the pre-application conference, OWRD staff confirmed the finding of water availability and acknowledged that compliance with water availability requirements provides the foundations for a finding that the proposed use will not result in injury to other water rights. Staff did not identify any other rules or factors that would prohibit approval of the application.

3. A water conservation plan to reduce water consumption.

FINDING: The applicant's Water Master Plan (Exhibit 20) includes a Water Conservation Plan that describes strategies the applicant will employ to reduce water consumption.

Water conservation at Metolian will be an essential part of the homeowner and guest program and ethos. Specific measures will include high efficiency/ low water use fixtures and toilets in all buildings, water meters and tiered pricing for all residences, xeriscape and drought tolerant native landscaping, high efficiency irrigation systems with evapotranspiration (ET) controllers, and use of recycled water and rainwater. These 'hardware' solutions will be coupled with extensive resident/ guest education and awareness campaigns.

Specific strategies include:

First, there will be no golf course. Although golf courses have been a consistent offering in other destination resorts, a typical 18-hole course can easily use nearly twice as much water for annual irrigation as the *Metolian's* projected total demand of 160 acre-feet per year. Golf course irrigation would create an inherent conflict with the goals of *Metolian*.

Second, the applicant will minimize landscaping within the resort and will implement a series of measures to reduce irrigation needs including use of native, drought resistant and low water use vegetation. Landscaping will be supported by high efficiency irrigation systems that use 'smart' or ET based computerized controllers. Much of the landscape will be limited to irrigation only during an establishment period.

Third, on-going irrigation needs will be largely provided by reclaimed water from the MBR plant.

Fourth, the commercial core will utilize low water fixtures and appliances including waterless urinals, dual flush toilets, horizontal axis washers in laundry areas and low flow faucets and showers. Composting toilets may be used for specific buildings to further reduce water demand.

Fifth, individually owned units (overnight accommodations and single family residences) will be required by the Design Guidelines to utilize low flow shower heads and faucets, water conserving washers and dishwashers and dual flush toilets. Units will be double plumbed to permit use of reclaimed water for toilet flushing when statutes permit.

Sixth, all water use will be metered for both interior and exterior use. Each unit will be allotted an annual water budget based on the use in the structure. There will be a tiered pricing program

that will invoke surcharges for excessive water use. Overnight guests will receive an ‘environmental footprint’ bill at check-out detailing their consumption of water and energy with a goal of educating and encouraging conservation.

Finally, public education and outreach will inform residents and visitors about the importance of water conservation and wise stewardship of water resources and watersheds.

E. A preliminary fire safety protection plan that, at a minimum, includes the following:

1. Proposed fire prevention measures;

FINDING: A preliminary fire safety protection plan is attached to this application as Exhibit 25. The Metolian has been planned to provide defensible space throughout the project by implementing two highly successful proven strategies, The Principles of Fire Resistant Forests and The National Firewise Communities program. In addition design criteria will meet or exceed guidelines as outlined in National Fire Protection Association (NFPA 1144) and The Oregon Forestland-Urban Interface Fire Protection Act, often referred to as Senate Bill 360. As described in the plan the area surrounding Metolian has been subject to various forest fires in the past decade. Approximately 5% of the property burned in the B&B Complex Fire in 2003. The fire protection plan focuses on a number of strategies to address fire safety protection.

First, the plan requires a 200-foot wild fire safety zone along the perimeter of the entire property. Depending on the characteristics of specific areas along the perimeter this distance may be increased as a precaution to address specific risks. This area will be improved with a 12-foot wide paved recreational trail that doubles as an access for emergency services vehicles. The plan requires removal of at least 70% of the brush-type vegetation in the 200-foot wildfire safety zone. It also requires removal of all trees less than 10” Diameter Breast Height (DBH) that are within the dripline of over-story trees. The firebreak must be implemented prior to breaking ground on any structures and continuously managed to assure the break is intact.

Second, interior roads will be buffered with 50-foot wide “shaded fuel breaks” along each side, and similar actions will be taken for vegetation and tree removal as described for the fire break above.

Third, the fire safe measures described above will also be implemented on the grounds around structures or clusters of structures. A fire safety/defensible space zone 50 feet deep will be applied to all clusters and individual structures. In addition, all tree limbs below 10 feet in height will be removed from trees located near structures.

An on-going program to remove dead and dying trees throughout the property will be implemented as a precaution. DPR will work with the DNF to determine if it is possible to also remove the dead and dying trees along the property line that were casualties of the B&B fire. Large isolated logs or snags usually contribute minimally to the rate of fire spread and can often be more significant as wildlife habitat. If such features do not pose risk to surrounding uses, such snags and logs may be kept.

Some other fire safety measures that will be implemented include:

- Prohibition on use of cedar shake shingles.
- Required clearing of fuels within 50 feet of all structures.
- Requirement for use of fire resistant or ‘fire-wise’ landscape materials in close proximity to structures (as an example rock ground cover versus barkmulch).
- All structures on site will be fitted with interior fire sprinklers.

The Metolian Project area is part of a fire dependent ecosystem that evolved over centuries. Fires always have and always will be part of the ecology that shapes conifer forest. Sooner or later another fire will start and burn in the cascades. The goal is to have a comprehensive strategy in place throughout the basin that incorporates education, design, construction, and maintenance such that when fires do start they burn with low intensity and once again provide the ecological benefits that contribute to a healthy forest.

2. Preliminary location of fire safe area(s) in which resort visitors and residents can gather in the event of a fire, and proposed measures to maintain such areas;

FINDING: The applicant has planned a fire safe area in the core area of the resort. The fire safe area will be in the parking area associated with the lodging and central commercial core. The parking area will be paved with an all-weather material. The area will be maintained for such needs by removal of vegetation that has the potential to be fuel. As discussed in the Preliminary Fire Safety Protection Plan, Metolian management will err on the side of caution and will enforce mandatory evacuations when there is fire in the area that poses serious risk to the property.

3. A fire evacuation plan; and

FINDING: The fire evacuation plan is a part of the fire safety protection plan. If a fire in the area is deemed to be a serious risk to Metolian, mandatory evacuations will be conducted and enforced. The evacuations will be conducted prior to hazardous fires encroaching within close proximity of the resort boundaries. Metolian management will stay in close contact with emergency services managers and officials to assess risk to the site. At the first sign of serious risk or danger, Metolian management will err on the side of caution and evacuate the community. No exceptions.

Based on the forewarning system proposed (evacuation notices will be provided while fire is more than a mile from the site) the likely evacuation route will be Jack Lake Road to Highway 20. Once on Highway 20, evacuees will need to drive to pre-arranged destinations outside of the fire risk area. For those that arrived on site via shuttle, the shuttles will provide evacuation services as will maintenance vehicles as demand dictates. Employees will be trained to provide emergency services and will provide assistance in assuring all people are evacuated from the site. The evacuation plan will assure that all people are removed from the site as needed to avoid a high risk fire on site.

Other evacuation routes are available including:

Jack Lake Road to Suttle-Camp Sherman Road and into Camp Sherman.
Forest Service Road 1210 to the Round Lake Road Loop (spring, summer, fall).

- 4. Proposed on-site pre-suppression and suppression measures, which must include a provision for trained personnel capable of operating all fire suppression equipment during designated periods of fire danger. This requirement may be waived if the resort is within a fire district that provides structural fire protection and the fire district indicates in writing that on-site fire suppression is not needed.**

FINDING: The property is within the Sisters-Camp Sherman Fire District and the applicant has worked closely with the district to implement fire safety measures with the design of the facility. Per those discussions there is not a need to provide trained personnel on site. The SCSFD has provided a letter indicating that on-site fire suppression equipment and personnel is not needed. The exterior path that is planned for recreational purposes also serves a secondary role as an emergency services fire lane mostly within the 200-foot fire safety break on the exterior of the property. This emergency services lane will provide staging areas for fire response personnel in the future.

Metolian will provide a safe forest environment on site and work with the Forest Service to create a healthier forest on the surrounding federal forest lands. Thinning operations are needed to remove dangerous fuel levels in the forest. Advances in the bio-mass energy field have created a steady demand for such products. By working with the Forest Service, Oregon Department of Forestry, other agencies and local groups Metolian strives to reduce the chance of catastrophic forest fires by cultivating healthier forests in the Metolius Basin and in the process creating economic opportunities for area residents.

F. A description of all proposed recreation facilities, and whether they will be open to the general public.

FINDING: The proposed recreational facilities at Metolian have been chosen based on their ability to complement the existing outdoor recreational opportunities that surround the property. This is not an exhaustive list of recreational amenities that may be proposed on site. The following recreational amenities are planned for Metolian as currently envisioned but the list may grow or change. The facilities will be open to all residents of the region, as opposed to being limited to resort guests and residents. To offset operating costs, some amenities may require a user-fee for non-guests and non-property owners.

Multi-Use Path – A multi-use path will be provided along the exterior property lines. This multi-use path will be paved (possibly using pervious pavement) for road cyclists, roller bladers, joggers, walkers and will also serve a secondary role as an emergency services access route. This facility will be open to the public and may require a day-use fee.

Climbing Wall – a rock climbing wall will be provided in the resort core. This facility will be open to use by the public for a fee.

Mountain Bike Trails – a mountain bike trail is planned for the property and will traverse the site on specific trails shown on Exhibit 14 (Trails Plan). The trails are planned to eventually connect to a trail system that will connect to the popular Cache Mountain, Windigo and other mountain biking trails in the area. The trails will be open to the public but use of such trails may require a day use fee.

Fitness and Sports Therapy Center – A training facility is planned for the core area of Metolian. This facility will contain a number of floor areas that can be used for different types of athletic training including spinning, yoga, pilates, cross training, martial arts and other disciplines. The facility will also contain a weight room, hot tub and other traditional components of a gym. This facility will be open for use by the public for a fee.

Outdoor Training Platforms – Separate, seasonal, primitive training facilities planned for the site within recreational bubbles as indicated on Exhibit 6 (Tentative Destination Resort Master Plan). Platforms will provide an additional outlet for training on site and are planned to be used for “retreats” and informal training sessions that will be held in the warmer months. The remote nature of the platforms will require users of the facility to hike to the destination prior to beginning their exercise or meditation. These facilities will also be used for children camps and other programs planned for Metolian. While these facilities could be made available for use by the public, Metolian scheduled classes and activities will take priority.

Playground – The applicant plans a playground for the core area of the resort. The planned playground will meet the needs, in two separate zones for children aged 2 – 5 and 6-12 years. The playground will contain traditional amenities such as swings and slides but will also contain more adventurous aspects such as tunnels and a rock climbing wall. An educational component may accompany the playgrounds providing information on the surrounding eco-system. The playgrounds will be open to the public. Additional playgrounds may be constructed within recreational and residential areas throughout Metolian.

Sledding Hill/Trick Park - In the winter “the Knob” section of the property (northwest area) will be groomed for sledding for all ages. Further, a trick park may be provided for those skiers and snowboarders looking to practice their crafts on a smaller scale. The sledding hill and trick park may be open to the public. It is likely that a day use fee will be charged and liability waivers will be required.

Skating Rink – A seasonal skating rink is planned for the core area of the resort. The skating rink will only be in operation in the winter months and is planned to be built to National Hockey League Standards (200’ x 85’). This will permit family skating events, figure skating, broomball games and hockey games. The rink will be open to the public for a fee.

Naturalist Hut – The Ecology Hut will provide a gathering place for hikers prior to beginning adventures. The hut will contain maps and information on local hikes, flora, fauna and other information about the surrounding ecology. The goal is to have a full time naturalist on site to provide guided tours and talks regarding the environment that surrounds Metolian. The ecology hut will be open to the public.

Paddle Tennis – potentially 4 paddle tennis platforms will be provided in the core area of the resort. It is possible that platforms will be provided in recreational or residential areas throughout the site. The paddle tennis courts will be open to the public for a user fee.

Tennis Courts – Approximately 4 tennis courts will be constructed in the core area of the resort. The tennis courts will be available for use by the general public for a user fee.

Swimming Pool(s) – A swimming pool(s) will be provided in the core area. Pools will utilize natural filtration or saltwater/ bromine technology versus chlorine. The public will be welcome to use the pool for a fee.

Fly Casting Ponds – The water storage reservoirs will double as fly casting ponds.

Cross County Ski Trails – Ski trails will be provided on site (both groomed and ungroomed). The trails will be available for use by the public. Use of groomed trails by the public may require a fee.

Skiing/Skating Warming Huts – there may be a warming hut provided in close proximity to the rink and the ski trails that traverse through the core area of the resort. The warming huts will provide a place to sit and warm up from the elements. A coffee shop/stand may be located in one or more of the huts. These will be open to the public.

Spa – A destination spa is planned for the core area of the resort. The spa will likely be a bit removed from the core area to provide a relaxed ambiance. The spa will include massage therapy, skin treatments, nail treatments, therapeutic/sports massage and other spa treatments. The spa will be open to guests and public for treatment fees.

Outdoor Gathering Area – An outdoor gathering area is planned for the recreation bubble site near the confluence of the drainages on site as shown on Exhibit 6. The area can be used for weddings, gatherings such as reunions, drama classes and theatre productions, educational speaker series and symposiums, small concerts, etc. It will be designed to hold approximately 200 people.

G. A statement of the proposed number of overnight lodging units and residences, and description of the proposed type or method of ownership for each.

FINDING: At full build-out the project will contain 180 units of overnight accommodations and 450 residential units on site.

There will be a wide variety of units on site, as well as, ownership structures for the proposed residences, including but not limited to:

- Fee Simple.
- Condominium.
- Residence Club
- Fractional Ownership.
- Time-share.

The following types of units are planned for the site:

- Cabins (range in size from 700 – 1500 square feet).
- Attached units (2, 3 and 4 units per building).
- Detached single family dwellings (range in size from 1000 – 3000 square feet in size).

The unit types warrant additional description as these units will be different than conventional resort products found today in the region. Several goals for the products include:

- **Minimize footprint** – the use of innovative product types and smaller interior sizes with increased indoor/ outdoor living will result in lower site impact.
- **Green construction** – the highest available standards for energy, water, embedded carbon in materials and indoor environmental quality will be explored in each phase of development.
- **Range of lifestyles** – as a diverse community of users and buyers, a variety of floor plans, product types and lifestyles will be accommodated by a wide range of product designs
- **Simple comfort** – emphasis will be on fostering an appreciation for Metolian’s unique surroundings and creating a simple, comfortable family conducive setting.
- **Range of Price points and ownership opportunities** – with a wide range of product and ownership opportunities, Metolian will support a non-elitist, economically diverse community.

CABINS:

All cabins and attached units will take advantage of a clustered strategy to reduce site disturbance and increase the sense of community at a micro-neighborhood level. This will limit the overall footprint of the entire resort and provide economies of scale for infrastructure. By example, the heating systems planned for the individual units may be ground source heat pumps, geo-thermal wells or bio-mass boiler based. By clustering the units central systems may be developed for all of the units in the cluster. This will reduce the amount of energy required to heat such units.

Second, the inspiration for the clustered cabins comes from the traditional notion of a ‘cabin-in-the-woods’. The cabins will be smaller (700 square feet to approximately 1800 square feet) further differentiating Metolian from the larger format homes of past destination resorts. The cabins will be carefully sited to assure that their net density achieves its intended footprint reduction while not compromising the level of privacy desired. This includes siting decks and porches in a manner that provides privacy and unobstructed views and ensuring that residents are not “on top of one another.” Further, windows will need to be placed carefully or obscured to assure proper daylighting without offering views into private living space. Finally, strategic placement of vegetation will be used to increase the degrees of privacy.

Third, the cabins will be designed to blend in with the surrounding areas (please see Exhibit 17 for conceptual design concepts). The cabins will be designed to “grow from the site” in how they relate to the surrounding property. The cabins will be sited in relatively dense clusters with

a subtle approach to architecture – the design will be attractive yet simple. The cabin-in-the-woods of yesterday provide the inspiration for these units and that inspiration will be evident in the buildings. Cabins will “look small and live large”

ATTACHED UNITS:

The attached units will also be clustered in relatively high *net* density micro neighborhoods. The attached buildings will contain 2, 3 and 4 units per building. The units are inspired by a lighter approach to development and therefore, the attached units will be reminiscent of historic cabins in the woods varying in size from 800 – 1500 square feet. However, unlike the cabin product described above, this unit type will meet the needs of a ‘lock and leave’ buyer that does not want to be bothered with exterior maintenance and enjoys having shared walls as a way to increase security of their unit. This dense development product will be predominantly located in the resort core to provide increased activity and vitality to the core. However, a limited amount of the product may also be clustered throughout the developable portion of the site.

SINGLE FAMILY DWELLINGS:

There will be two types of single family home offerings available at Metolian. The first product is the Conservation Cluster. This includes comparatively larger homes (when considered in the context of Metolian) clustered around a common focus such as a group amenity or natural feature. However, compared to other Central Oregon destination resorts these homes will be much smaller and more efficient. The other single family home products will be more traditional lot based products with a fully detached home on a larger lot of approximately 10,000 – 20,000 square feet. This type of unit will be named the Stewardship Homes.

Metolian will offer the Conservation Clusters as a land-home product that permits buyers to purchase from a choice of pre-designed units that are clustered with other units surrounding a central feature (hot tub, organic garden, community grill, picnic pavillion or other amenity). The units would range in size from 1200 – 2500 square feet. These units may be condominiumized or sited on individual lots with common area maintained and managed by a sub association.

The Stewardship Home model will be from 1800 – 2500 square feet in size. The lots will range from 7,000 to 15,000 square feet in size, but have a deed restricted building envelope limited to approximately 5,000 square feet. The designated sites will restrict the area of disturbance to a limited area including all improvements – building, driveways and ornamental landscape treatments. The building sites will be carefully designed by the development team to assure views, natural systems, solar access and drainage remain undisturbed as possible from one lot to the next. There will be a limited amount of these sites with a maximum of 10% of the total number of homesites developed as Stewardship Homes. It is very likely that community amenities such as bike trails, ski trails and hiking trails will traverse through such properties protected through non-revocable easements.

H. A description of the proposed residential lot sizes.

FINDING: The proposed residential lots will vary in size. Exhibit 28 provides a table that outlines the specifics of the lots proposed. As described throughout this document, the project will utilize innovative approaches to siting residential structures. This is to permit flexibility in site layout, clustering abilities and condominium plats to assure that the residential units can be located in a manner to maximize energy efficiency, utility efficiency and to protect natural areas on site.

I. If the resort is proposed to be completed in phases, a description of each phase and the proposed timeframe for completing each phase.

FINDING: Metolian will be developed in a number of phases to react to market conditions. The build-out of the Metolian is planned as a 20-year project. Therefore, the project phasing plan has been created to accommodate that timeline. The initial phase will contain amenities to attract visitors, initial extensions of critical infrastructure and 50 units of overnight accommodation as required by ORS 197.445(4)(b)(B). The initial phase has been carefully designed and sited to provide core amenity offerings and accommodations to create a sense of vibrancy and eventually grow to serve the entire community.

Please see Exhibit 9 that outlines the phasing plan. The different phases are named for landmarks in the area. The phasing plan does not suggest a specific progression of individual phases. This is to permit the construction schedule to react to market demand. The phasing plan has been designed in a manner that acknowledges the need to maximize utility extensions with each new phase. Upon approval of the TDRMP smaller phases will be proposed within individual phases to permit construction of smaller projects that can be supported with more efficient extensions of infrastructure. Again, it is anticipated that each phase identified on the Phasing Plan (Exhibit 9) will be broken into 2 to 12 mini-phases for construction.

J. Plans for owner's association(s) and the method of ensuring that all facilities and common areas will be maintained in perpetuity.

FINDING: Please see Exhibit 32 which contains the draft CCRs. These documents describe how common areas will be maintained in perpetuity.

The main open space areas as indicated on the site plan (Exhibit 7) will be maintained by the owners association. Individual open space associated with the clusters will be owned by sub-owners associations specific to individual clusters. These owners associations will maintain specific open space areas and will be subject to approvals of the owners association. Currently, the plan is to have the owners associations contract with the resort maintenance staff to provide needed maintenance.

The facilities planned for Metolian such as the Fitness & Sports Therapy Facility will be managed and maintained by the resort management. The facilities may be supported by owners' annual dues or a club fee structure as well as day use fees by visitors. It is also possible that specific facilities could be underwritten by corporate sponsors, educational facilities or other organizations.

K. Plans for the management of any individually owned units that will be used as overnight lodging units, including proposed rental contract provisions to assure that any individually owned units will be available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation and check-in service.

FINDING: In addition to a core lodge facility, Metolian’s overnight accommodations will be complemented by a mix of one, two, three and four bedroom wholly owned and fractionally owned cabins. These units will be designed with a “lock-off” feature to allow for individual rentals of individual bedrooms. Units will be available for rent either through the Lodge or through other 3rd party management. Market research has shown this product to be attractive to both the unit owner and overnight guest. Owners enjoy the hassle free-experience of owning a furnished and maintained unit that can be available for rent in their absence. Overnight guests often desire a larger unit to accommodate families and larger parties with full kitchen facilities and gathering places.

The central reservation and check-in service is planned to be managed as a component of the lodge on site. However, owners may choose to rent their unit through an individual management company. The majority of the individually owned units that will be available for overnight accommodations will be clustered nearby the lodge and core resort amenities. In order to place individually or fractionally owned units in the rental pool owners will need to sign a rental management agreement. A sample agreement is attached in Exhibit 29 outlining the contract provisions. Section 5 of the agreement requires that individually owned units used as overnight lodging be available for 38 weeks per year.

L. Evidence that the resort will comply with all standards and criteria in Sections 430.6.

FINDING: This burden of proof document addresses all applicable criteria relating to the proposed Metolian eco-resort including Section 430.6 as described below.

M. A Traffic Impact Study in accordance with Section 421, and a description of all proposed transportation improvements.

FINDING: A traffic impact study that was completed in accordance with Section 421 is attached as Exhibit 23. The analysis provides a description of all proposed transportation improvements as warranted by level of traffic. The study recommends the following improvements to the existing transportation system:

- To facilitate safe turning movements at the primary US 20/Jack Lake Road connection with US 20, a separate westbound right-turn deceleration lane and an eastbound left-turn center refuge lane should be provided along the highway.
- A separate southbound left- and right-turn lane should also be provided along Jack Lake Road to separate traffic heading toward Sisters and the Cascades.
- The southbound left-turn lane should provide a minimum striped queue storage bay of 75 feet.

Completion of the turn lane improvements should be provided prior to public access from occupied resort units. The TIS also discusses impacts to intersections in the City of Sisters. It suggests developing a Memorandum of Understanding between ODOT and Dutch Pacific Resources, LLC that specifies the appropriate and proportional pro-rata methodology based on direct nexus between the impacts of the proposed project on specific intersections. This will assure continued safe operations of specific intersections.

N. A preliminary drainage plan showing how all stormwater runoff generated by the development will be contained on-site.

FINDING: The preliminary stormwater master plan is attached as Exhibit 22. The report outlines a number of strategies to contain and treat stormwater on site.

As discussed in the report, the volume of runoff from impervious surfaces will be significantly less than traditional developments due to narrower streets, smaller building footprints, rainwater harvesting, restoration of native vegetation, and the use of pervious paving where appropriate. Low-impact development standards will be used to significantly reduce the quantity of stormwater runoff through good site design practices. Berms, swales, and depressions will be used to retain and infiltrate water around the project to create areas of zero-runoff. Well thought-out grading will be used to separate roadway runoff from other runoff on site. Stormwater runoff from pollution generating surfaces such as roads and parking lots will be treated for water quality in accordance with the Central Oregon Stormwater Manual. Low-impact development, restoration of 50% of the site to a more natural state, reduced hard surfaces, and well designed stormwater quality and control facilities will help minimize the impact to surrounding land and water resources.

Further, the report details that before construction activities at Metolian, a NPDES 1200C permit will be required. The permit focuses on preventing pollution from erosion and runoff. A 1200-C permit requires permittees to prepare an Erosion and Sediment Control Plan (ESCP) and incorporate Best Management Practices (BMPs) into land disturbing construction work. The permit also requires permittees to inspect and maintain controls to ensure they are working properly to prevent erosion and sediment runoff from leaving the site. Oregon DEQ administers the permit program. The permit will incorporate the erosion control BMPs identified in this stormwater management plan. Erosion control measures are intended to prevent erosion and sedimentation from washing down gradient during construction. Controlling sedimentation reduces the impact of construction on downstream drainages, water bodies, properties, and roadways.

By implementing an aggressive and low impact development based stormwater plan for the site, it assures that storm water will be contained on site and water quality issues will be addressed using the best strategies. Further erosion control measures will be implemented to similarly contain erosion and sediment runoff. The applicant has generated a stormwater master plan that explains how all stormwater generated by the development will be contained and managed on site.

One goal of Metolian is to leave the project site and surrounding areas in better shape than they are in today. The stormwater management plan will achieve that goal by reducing peak flow rates that can increase erosion and sedimentation, eliminating pollutant discharge from new roads and parking areas, reducing pollutants from road 1210 where it traverses the project and restoring runoff rates to levels that existed before the site was logged.

O. An estimate of the number of persons the resort will employ, the number of employee housing units that will be provided on-site, and a description of any proposed transportation system that will be provided for employees. If the resort will be developed in phases, the employee housing/transportation plan should reflect any change in employment numbers that will occur as each phase is developed.

FINDING: At full build out it is estimated that there will be approximately 80 - 100 employees needed at peak season. The developer is exploring a shuttle to provide transportation back and forth to Sisters for day employees as well as providing an on-site housing option for primary full time employees.

Current plans are to provide on-site employee housing for approximately 50% of employees at peak season. It is likely that these units will be provided in the core area of the resort. This housing will most likely include a range of formats from dormitory style units and a series of attached 2+ bedroom units with shared bedrooms. There are also plans for a manager's unit near the core for the general manager (and family) to provide a full time staff member on site and to provide for an integrated community. The employees will be the face and soul of Metolian, we want them on site to share experiences with guests and owners rather than scuttle off-site at the end of the day.

The employee housing will be provided in a manner that is commensurate with the amount of employees on site. As the project develops there will be need for additional employees and additional units will be constructed to match the increase in employees per phase. If additional units of employee housing are required in the future the applicant will work with the county to provide them.

P. Completed application form and application fee.

FINDING: The applicant has provided an executed application form and the required application fee.

430.5 TENTATIVE RESORT MASTER PLAN CONTENTS

An application for tentative approval of a destination resort master plan must include 15 copies of a tentative plan that includes the information listed below. The tentative plan must be clearly and legibly drawn on white paper to a standard engineer's scale (i.e., 1" = 100', 1" = 400' etc.). The scale used shall be large enough so that all required information is clearly legible. The tentative plan must contain the following:

A. The words “Tentative Destination Resort Master Plan”, the township, range, section, and tax lot number(s) of the property, the date, north point, and scale of the plan, and name and address of the person who prepared the plan.

FINDING: The Tentative Destination Resort Master Plan attached as Exhibit 6 contains the words “Tentative Destination Resort Master Plan,” the township, range, section and tax lot number of the subject property. Further, the plan contains the date, north arrow, scale of the plan as well as the name and address of the person who prepared the plan.

B. The approximate areas and number of acres to be developed for commercial uses, visitor oriented accommodations, residential uses, recreational uses, common areas and open space, and any portions of the tract that will not be developed or used as part of the resort.

FINDING: The Tentative Destination Resort Master Plan identifies areas for different uses on the site. The approximate acreages are based on the bubbles that will be reserved for such uses. Metolian is planned for the following uses and acreages:

USE	ACREAGE
Commercial (includes commercial core uses such as restaurant, general store – this number INCLUDES the Lodge area).	Approximately 50 Acres
Visitor Oriented Accommodations (lodge and deed restricted overnight accommodation attached units).	Approximately 30 Acres
Residential Uses	Approximately 200 Acres
Recreational Uses	Approximately 5 Acres (does not include trails)
Dedicated Open Space	Approximately 313.5 Acres
Utility Area (MBR plant, agronomic uptake area, utility substation area, etc.)	Approximately 7 Acres

The acreages listed are the total of acreages for the individual uses. However, the proposed uses warrant additional explanation. These acreage figures are not exclusive of one another. In other words, there will be visitor oriented uses within the commercial area. The Commercial area includes the spa and fitness facility, the proposed rink area, general store, restaurant and other uses. The Visitor Oriented Accommodations area includes the lodge and deed-restricted individually owned units in the rental pool. It is difficult to separate the commercial area from the visitor oriented accommodations area as they will share amenities such as the restaurant.

Further, it is difficult to identify all of the area that will be used for overnight accommodations as some owners of the individually owned units that aren’t deed restricted for such uses will choose to place their units in the rental pool. As those units have not been developed it is not possible to identify specifically all of the individually owned units that will be in the rental pool. Also, the number of units may vary on an annual basis as owners elect to place their units in the pool or remove them. There will be 180 units of overnight accommodation provided on site as described

throughout this document, however it is possible that there will be more units available for rent from individual unit owners.

Metolian will have a large amount of open space that has been blended into the resort in a manner that provides opportunities for wildlife movement through the site. There are also open space areas provided in the planned individual clusters that were not accounted for in the above acreage total. The entire site will provide recreation opportunities or natural systems protection for the resort in one form or another. Undeveloped areas will be crucial for fire breaks, provision of habitat, aesthetic purposes as well as providing spots for quiet contemplation.

C. The location of any designated Goal 5 resources on the tract.

FINDING: Per review of the Jefferson County's Goal 5 inventory, there are no designated Goal 5 resources on the subject property.

D. The general location of proposed pedestrian, equestrian and bicycle paths and trails.

FINDING: The Trails Plan (Exhibit 12) provides the general location of the proposed trails throughout the subject property. The location of the exterior multi-use path provides both a recreational amenity as well as access for emergency services in the event of a fire on the national forest surrounding the Metolian property. The other trails proposed are identified in their conceptual locations on the trail exhibit. The topography may dictate shifting such trails based on site specific conditions. Additional pedestrian paths that connect the individual cluster areas will be developed. Further, the trails providing access to the recreational area on the knoll, the core commercial area and other areas may also shift slightly to accommodate site specific conditions to provide walkable trails. A number of the pedestrian and mountain bike trails will double as cross country ski and snow shoe trails in the winter.

E. The location, width and name of all existing roads on or abutting the property, and whether the roads are public or private; and the approximate location, width and grade of any proposed new road, and whether it will be public or private.

FINDING: Exhibits 1 and 2 both show the general area in which Metolian is located. Highway 20 is located south of the subject property. Jack Lake Road, Abbot Butte Road or Round Lake Road, depending on which map is referenced, provides access to the site from Highway 20 (the road sign says Jack Lake Road and tax lot maps reference both Round Lake and Abbot Butte Roads). The road crosses through the property in the northeast area of the site and is identified as Forest Service Road 1210. The public access easement for the road is approximately 66-foot wide. The road itself is approximately 28 feet wide and located on the public access easement. The applicant desires to change the location of the road slightly as indicated on the site plan.

The applicant has discussed moving the road on site with the Forest Service. The Forest Service is agreeable to changing the alignment of the road as long as public access is still provided and the relocated road is constructed to forest service road standards. The relocated road will still provide access to the public including logging trucks. The road will enter and exit the site at the same locations; however the road may be realigned slightly on the north end of the property.

The re-aligned road will not propose a new crossing of the drainage area on the east side of the property. Further, the road will be constructed to meet and most likely exceed the Forest Service road standards based on the fact that the road will be paved. A new access easement will be entered into by the Forest Service and the owners of Metolian providing perpetual access across the property on the road. Please see Exhibit 30 which includes copies of email correspondence between the applicant and the Forest Service regarding this matter.

There are private service roads that criss-cross the property as shown on the existing conditions map. These roads may be used by the resort to provide additional emergency access during the development of the initial phases of the resort. However, these roads will be for emergency use only by motorized vehicles (pedestrians and cyclists can use them).

The proposed new major roads that will serve the resort are identified on the Tentative Master Plan and Circulation Plan (Exhibits 6 and 10). Exhibit 11 (Street Sections) provides cross sections of the main roads planned for the resort. All roads will be privately owned and maintained however public access easements will protect the roads to provide emergency service access throughout the resort. The lower order private streets to serve individual clusters will be proposed with specific development proposals within individual phases and will meet the proposed private road standards.

F. The location, width and purpose of all existing and proposed easements. The reference number of all recorded easements shall be noted. All reservations or restrictions relating to the easements shall be indicated.

FINDING: As mentioned above there is a recorded easement for Road 1210 between the Forest Service and one of the previous owners of the subject property providing public access across the property. The easement is recorded in Book 59, Page 866 of the Jefferson County records, a copy of which is attached as part of the Title Report (Exhibit 26). The applicant will move the road as indicated on the attached Circulation Plan (Exhibit 10) and record a new public access easement on the relocated road as agreed to with the Forest Service.

Easements will be granted to Central Electric Cooperative in order to provide access to their utility lines as needed. The exact location of these easements will be decided when specific development plans are designed. The Utility Plan (Exhibit 8) shows the anticipated vicinity of the easement.

G. The location of approved, or approximate location of proposed, areas for subsurface sewage disposal, any community sewer system, sewer lines and easements.

FINDING: The applicant has provided a detailed Sewer Master Plan (Exhibit 21). The Master Plan provides details on the proposed community sewer system and provides information on the approximate location of the proposed MBR plant, sewer lines, associated utilities and reclaimed water disposal areas. As specific development plans for Metolian are designed, the location of facilities will be clarified.

Generally, the collection system for Metolian is envisioned to employ Septic Tank Effluent Pressure (STEP) or Septic Tank Effluent Gravity (STEG) approach. Each of these systems use individual or grouped septic tanks to collect, hold, and provide primary treatment at the residences or buildings with only liquid waste water and suspended solids discharging to the treatment and disposal facility. STEP / STEG systems use a small diameter closed pipe network to convey waste water to the treatment facility. Solids in the septic tank will need to be removed every seven- to ten- years depending on level of natural decomposition. The piping necessary for the collection system will likely be placed within the road right of way and in some instances protected by utility easements.

Membrane bioreactor (MBR) technology is proposed for this project for the following reasons:

- MBR facilities have very small footprints.
- MBRs produce high quality reclaimed water.
- Other small communities and resorts in the area are successfully using MBR technology and operating expertise is readily available.
- MBRs are reliable and operator friendly.
- MBRs are widely used and are available either as engineered systems or as a package plant by a number of equipment and technology vendors.

The MBR plant will be located in the northeast portion of the property as indicated in the sewer master plan.

Reclaimed water that is generated by the treatment facility will be reused to irrigate biomass tree stands or grassland crops that may be harvested for on site energy production or composting. An area of approximately 84 acres will be required to dispose of reclaimed water. During the winter months reclaimed water will be stored in a 43 ac-ft pond for use during the next irrigation season. At full build out a 4 acre pond that is 20-feet deep will provide adequate storage for winter reclaimed water flows. The pond and tree stands will be located in the northeast portion of the property. Grassland crops may be located in a few areas around the property. These areas will be more precisely identified as development occurs but are currently planned for meadow areas between the central core and reservoir areas.

H. The location of all existing utilities on or abutting the property, and the approximate location of proposed new utilities.

FINDING: There are no existing utilities on the property or abutting the properties. The new utilities planned for the property include power lines and telecommunication facilities that will be installed subgrade. Similar to the sewer lines, these dry utilities will generally be constructed within the private road rights of way on the property. Further, as needed, utility easements will be recorded in the northeast area of the property.

The utility substation that will accompany the power on site will be located in the northeast area of the property. The idea behind placing utilities in the northeast area is to remove them from the core and to provide a buffer of trees between such utility type uses (substation, maintenance buildings, MBR plant, reclaimed water reservoir, etc.). Please see the Utility Plan (exhibit 8) that provides additional information on the anticipated utility locations.

I. Topographic information for any area with slopes exceeding 10 percent. Contour intervals shall be ten feet or smaller.

FINDING: The applicant has provided a Base Map (Exhibit 5) which has topographic information for the entire site. The map contains 2 foot contour intervals. The Base Map also identifies areas of 25% slope or greater.

J. The location of all rivers, streams, wetlands, drainage ways, irrigation canals and ditches, floodways and flood plains shown on the Federal Insurance Rate Maps that are within the site. The approximate location of any other areas which are subject to inundation or storm water overflow should also be shown.

FINDING: There are no rivers, streams, irrigation canals or ditches, or areas of special flood hazard as shown on the FEMA FIRM Maps on the subject property.

There are two drainage ways on the subject property. One of the drainage ways enters the property from the west and continues east across the central area of the property. The other drainage way enters the property from the northwest and “flows” in a southeast direction where it joins the drainage from the west.

There are some potential wetland areas on the site as identified on the Base Map (Exhibit 5). The wetlands in close proximity to existing Road 1210 may have been formed by the damming that was created by the construction of the road. The project has been designed to protect the wetland areas on site. A wetland delineation will be performed in the spring of 2009.

K. The approximate location of proposed fire safety protection system components, including fire safe area(s), fire evacuation routes, and fire hydrants or other water supply available for fighting fire.

FINDING: A number of the proposed fire safety protection system components are identified on Exhibit 13. A fire safe area is planned for the core area of the resort on the parking lot that will serve the area. Fire evacuation routes are provided as indicated on the Metolian Safety Plan. The attached Preliminary Fire Safety Protection Plan (Exhibit 25) provides details on the specific fire safety protection system components including fire evacuation routes, etc.

The reservoirs on site will contain approximately 348 acre feet of water and the water tank provides 500,000 gallons of water. The Metolian water system will be designed to provide at least 40 psi of static pressure at street level throughout the resort. The minimum fire flow for non-residential building is 1,500 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch. The minimum fire flow for residential buildings less than 3,600 square feet in size is 1,000 gpm. For non-residential buildings, a fire flow of 1,500 gpm will allow construction of a building up to 51,500 square feet in size if the building is provided with fire suppression sprinklers and the building type is consistent with Oregon Fire Code Table B105.1 as modified by Sections 105.3 and 105.4. The water supply on site will provide adequate fire flow and

duration to create a safe environment. Again, the sprinkler systems that will be standard in all habitable buildings help to dramatically reduce fire safety concerns.

As needed Metolian will implement mandatory evacuations when fire encroaches to a proximity that poses danger to the community. Please see Exhibit 25 for an indepth discussion of the fire safety measures that will be implemented on site.

L. If the resort is proposed to be developed in phases, the approximate boundary of each phase shall be clearly delineated and labeled.

FINDING: A phasing plan is attached as Exhibit 11. The boundary of each phase is clearly shown on the phasing plan map. The phasing plan does not suggest a specific progression of individual phases. This is to permit the construction schedule to react to market demand. The phasing plan has been designed in a manner that acknowledges the need to maximize utility extensions with each new phase. Upon approval of the TDRMP smaller phases will be proposed within individual phases to permit construction of smaller projects that can be supported with more efficient extensions of infrastructure. Again, it is anticipated that each phase identified on the Phasing Plan (Exhibit 9) will be broken into 2 to 12 sub-phases for construction.

M. The approximate location of stormwater management facilities.

FINDING: The stormwater master plan is attached as Exhibit 22. The master plan describes a number of methods that will be used to accommodate stormwater including narrow street sections, vegetated bio-swales, pervious pavement, reduced building footprints and restoration of natural areas. Stormwater will be retained on-site. The goal is to avoid the need to utilize UIC systems in favor of more natural methods. The specific locations of these management facilities are dependent upon specific siting needs for individual projects. Therefore, the stormwater facilities will be located within the roads and parking areas themselves (porous pavements and pavers) and in areas in close proximity to development that will be graded specifically to collect run-off in bio-swales.

430.6 STANDARDS AND CRITERIA FOR APPROVAL OF TENTATIVE MASTER PLAN

In order to be approved, the tentative master plan for a destination resort must comply with the following standards and criteria:

A. The resort will be located on a site of 160 acres or more. A tract may include property that is not included in the proposed site for a destination resort if the property to be excluded is on the boundary of the tract, constitutes less than 30 percent of the total tract, and will not be used or operated in conjunction with the resort.

FINDING: The subject property is one contiguous section of land and is comprised of approximately 627 acres. This criterion is met.

B. The resort site is shown as being eligible for the siting of a destination resort on the Comprehensive Plan Destination Resort map of Eligible Lands.

FINDING: The subject property is identified as resort-eligible on the Comprehensive Plan Destination Resort Map of Eligible Lands. The map is attached as Exhibit 33.

C. At least 50 percent of the site will be dedicated to permanent open space.

FINDING: The Open Space Plan (Exhibit 7) identifies an area on site that will be left in permanent open space that totals 313.5 acres in size. The total size of the property is 627 acres. Therefore, 50% of the site will be dedicated permanent open space. Further, there will be additional open space created within the identified “development areas.” At build out Metolian will contain much more than the required 50% open space. This criterion is met.

D. At least \$9.83 million will be spent on improvements for on-site developed recreational facilities and visitor oriented accommodations exclusive of costs for land, sewer and water facilities, and roads. At least one-third of this amount must be spent on developed recreational facilities. (Spending requirements are in 2006 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index).

FINDING: Between the initial overnight accommodations, restaurant, multi-use path and fitness facility more than \$10 Million will be spent for on-site developed recreational facilities and visitor oriented accommodations exclusive of costs for land, sewer and water facilities and roads.

50 Units of Overnight Accommodations: Currently, the developer estimates that 50 units of overnight accommodations will require approximately 34,000 square feet of built space. The size and number of facilities needed to accommodate the 50 units of overnight accommodations may change subject to market demand. These facilities will cost an average of \$190/square foot to construct. The total square footage of these units is estimated at 34,000 square feet including lobby, public spaces, administration and back of the house (offices, kitchen, staff areas, etc.). This equals approximately \$5,900,000 – \$6,750,000 in costs to construct the 50 units of overnight accommodations.

Restaurant: The planned restaurant will be between 4000 and 6000 square feet in size. Based on industry standards, construction costs for a typical upscale restaurant are approximately \$210/square foot. This equals approximately \$1,230,000 - \$1,380,000 in costs to construct the restaurant.

Spa and Fitness Facilities: The planned spa and fitness facilities will be approximately 6750 square feet in size. Based on industry standards, a typical spa and fitness facility costs approximately \$245/square foot to construct. Based on the 6,750 square foot building, it will cost approximately \$1,653,750 to construct the spa and fitness facility.

The multi-use path will provide a paved cycling ring around Metolian. Per the estimate provided by Jeff Fuchs, P.E., the approximately 4.1 mile loop will consist of a 12-foot wide cycling path. It will also double as an emergency vehicle access in certain portions of the resort. The construction of this recreational facility will cost approximately \$1,200,000. If a 4-foot wide unpaved trail is constructed to parallel the cycling path this facility would cost an additional \$207,000. The estimate from Jeff Fuchs is attached as Exhibit 34.

Based on the costs of the combined facilities and using the costs from the low end of the ranges estimated, the applicant will spend approximately \$10 million for on-site recreational facilities and visitor oriented accommodations in 2008 dollars.

FACILITY	COST (MID-RANGE)
50 Units of Overnight Accommodations	\$6,325,000.00
Restaurant	\$1,305,000.00
Spa & Fitness Facility	\$1,653,750.00
16-foot paved cycling path (approximately 4.1 miles)	\$1,200,000.00
4-foot unpaved path (parallels cycling path)	\$200,000.00
TOTAL COSTS	10,082,000.00

Therefore, this criterion is met. Further, the US CPI index shows that the value of the December 2008 dollar is worth approximately 0.93% of the 2006 dollar. Therefore, we would only need to spend \$9.14 million to meet this requirement.

This also requires that one third of the spending requirement be spent on developed recreational facilities. This requires that \$3.05 million be spent on developed recreational facilities. The costs of the Spa & Fitness Facility, Perimeter Cycling path and perimeter unpaved path combined equal \$3.05 million. Further as mentioned earlier in this report there will be a host of other recreational amenities provided on site. More than 1/3 of the required on site spending will be spent on developed recreational amenities.

E. Visitor oriented accommodations including meeting rooms, restaurants with seating for at least 100 persons and a minimum of 150 overnight lodging units shall be provided. The overnight lodging units may be phased in as follows:

- 1. At least 50 units of overnight lodging must be constructed prior to the closure of sale of individual lots or units;**
- 2. At least 50 of the remaining 100 required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurance in accordance with Section 413 within five years of the initial lot sales;**
- 3. The remaining required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurances in accordance with Section 413 within 10 years of the initial lot sales;**

4. If the developer of a resort guarantees the overnight lodging units required under subsections (2) and (3) through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within four years of the date of execution of the surety bond or other equivalent financial assurance.

FINDING: The core area of Metolian is planned for the majority of the visitor oriented accommodations. A restaurant (bar & grille style) will be sited in the core area as identified on the site plan. The facility is planned to be approximately 3000 – 4000 square feet and will provide seating for at least 150 people. The core area will also contain an approximate 8,000 to 12,000 square foot conference facility.

The phasing plan identifies the Ponderosa Pine phase which will contain the core area with the lodge. The first phase of construction will include at least 50 units of overnight accommodations within this phase. These units will be constructed in a few manners. It is possible that a more traditional lodging facility with 50 units will be constructed first or a few buildings with a total of 50 units will be constructed. The lodge may be sized for up to 75 rooms based on market demand. It is also possible that 50 units will be constructed with a mix of units in a more traditional lodge type building and the remainder of the units provided as attached or detached units in the resort core that are managed by the resort. These units would be in close proximity to the lodge to provide a dense core that encourages vibrancy.

The additional required overnight accommodations will be constructed or financially guaranteed in accordance with Section 413. The developer of the resort will construct the required overnight accommodations within the specified timelines listed above.

F. Commercial and entertainment uses shall be limited to types, numbers, location and levels of use necessary to meet the needs of visitors to the resort. Industrial uses of any kind are not permitted. Commercial uses may include specialty shops such as delis, clothing stores, bookstores and gift shops; barber shops or beauty salons; automobile service stations limited to fuel sales and minor repairs; art galleries; convenience stores; real estate office, limited to the sale of lots or units within the resort; and other similar uses. A commercial use is necessary to serve the needs of visitors if:

- 1. Its primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to the resort; and**
- 2. The use is oriented to the resort and is located away from or is screened from highways and other major roads.**

FINDING: The commercial and entertainment uses are limited to the types, numbers, location and levels of use to meet the needs of the visitors who will come to the resort. The commercial uses planned currently include a general store, a spa, restaurant, lodge, and a potential sports equipment shop. There will be uses on site that are available for a fee to the general public including a potential ice rink, the fitness facility and the other amenities listed in the beginning of this document.

The majority of the commercial uses are geared towards serving the needs of the guests of the resort. These include the restaurant, general store and spa. The recreational uses are oriented to the outdoor/athletic focus of Metolian. These uses are not oriented towards traffic along Highway 20 or the roads in close proximity to the resort. They are located in the internal areas of the resort and have been chosen based on how they mesh with the active lifestyle market that will be attracted to Metolian.

G. The number of units for residential sale shall not exceed 2½ units for each unit of permanent overnight lodging. Individually-owned units shall be considered as overnight lodging if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation and check-in service. Individually-owned units may include single family dwellings, duplexes, multi-family attached dwellings, condominiums, townhouses, timeshare projects and similar arrangements. Housing for resort management and staff that remains under resort ownership shall not be counted either as overnight lodging or as units for residential sale.

FINDING: The number of units offered for sale will not exceed 2 ½ units for each unit of permanent overnight accommodations. The applicant will provide 180 units of overnight accommodations many of which will be located in the core area of the resort. There will be a maximum of 450 units developed for residential sale to comply with the 2 ½:1 ratio. There will be a number of individually owned units that will provide overnight accommodations which will be available for rent for at least 38 weeks per year. These units will take on a number of forms including attached and detached residential units. It is very possible that the number of units available for overnight lodging will exceed 180 units as owners of the individual units may choose to place their units in the rental pool. There may be a number of individual units that will be deed restricted requiring the unit to be in the rental pool and available for at least 38 weeks per year to assure compliance with the requirement to meet the 2 ½: 1 ratio.

H. Density of single-family detached dwelling units for residential sale shall not exceed eight dwelling units per acre.

FINDING: The submitted site plan shows the total units planned for Metolian is 630. The entire property is approximately 627 acres in size. Therefore, the total density for the site is approximately 1.0 unit per gross acre. Net densities will be higher in order to fulfill Metolian commitments to a low impact development. The gross density number includes all units on site including units used for overnight accommodations. If the overnight accommodations are removed from the equation, the density is even lower. However, the gross density of the resort will not exceed 8 dwelling units per acre.

I. The proposed development complies with any applicable requirements of the zone in which the property is located, except minimum lot size and setback requirements.

FINDING: The subject property is zoned Forest Management (FM) yet is designated as Destination Resort eligible by the Jefferson County Comprehensive Plan. Therefore, the Tentative Master Plan will provide the controlling standards for development within the master

planned area. The proposed development has been planned to exceed the fire siting standards listed in section 303.7 of the Jefferson County Zoning Ordinance.

J. The resort complies with the requirements of this Section, the conditional use provisions in Chapter 6, and any other applicable requirements of this ordinance such as flood plain or riparian protection provisions.

FINDING: This burden of proof document provides findings that demonstrate compliance with the requirements of this section. The conditional use standards in Chapter 6 are addressed below in this document. The Riparian Protection standards listed in section 419 of the Jefferson County code are addressed below as well.

K. The resort will be in a setting with high natural amenities which will constitute an attraction to visitors.

FINDING: The term “high natural amenities” can be described as the natural surroundings that create an attractive setting. The geology of the area in close proximity provides high natural amenities that will attract visitors. There are dramatic views of 3 Fingered Jack, Black Butte, Mount Jefferson, Mount Washington and Green Ridge from different areas on the site. These local landmarks provide an aesthetic backdrop for the resort. Further, the recreational amenities in the area provide additional attractions for visitors. Recreational amenities in the area consist of Round Lake, Suttle Lake, the Metolius River, the Pacific Crest Trail, Cache Mountain Trail (mountain biking), cross country ski trails and many others. The property itself contains interesting topography such as knolls, draws, drainage ways, wetland areas, different stands of trees (conifer and deciduous) and other natural terrain that will attract visitors to the site. The resort’s setting contains high natural amenities that will attract visitors.

L. Important natural features, including habitat of threatened or endangered species, streams, rivers and significant wetlands shall be retained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. Alteration of natural features, including placement of structures, may be allowed provided the overall values of the natural feature are retained.

FINDING: The site plan for Metolian has been developed following an extensive analysis process using a McHargian approach. This process mapped the site’s natural amenities, sensitive resources and synthesized the data to identify areas most suitable for development. No threatened or endangered species habitat has been identified on site. There are no streams or rivers on site. A wetland area has been identified on the eastern side of the property as identified on Exhibit 5 (Base Map).

The wetland area on the east side of the property has been protected by a riparian area setback of at least 100 feet. This is shown on the Base Map (Exhibit 5). Crossings of the drainage areas are identified on the proposed Site Plan. The important natural features on site will be protected. There will be paths that cross through the drainage/wetland areas. However, these paths will be designed in a manner that protects the overall values of the natural feature. It is anticipated that the trails will be developed on the edges of the wetland area as possible and any crossings will be done so in a manner to protect the overall value of the wetland.

The applicant has obtained a forest management plan and is working with a wildlife biology consulting firm to implement a plan for the property that will seek to restore the health of the forest as well as to provide improved habitat on site.

M. Improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on farming or forestry operations in the area. At a minimum, measures to accomplish this shall include the establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and, where appropriate, fences, berms, landscaped areas and other similar types of buffers, and setbacks of structures and other improvements from adjacent land uses. The applicant shall propose buffers and setbacks as part of the tentative resort plan, and the Planning Commission shall determine whether the proposed measures are adequate to minimize impacts to surrounding lands.

FINDING: Currently, there are no forest uses being conducted on the surrounding lands due to past forest fires. The applicant has provided a study from Mason Bruce & Girard that in addition to providing a Forestry Master Plan for the site also analyzed the impact of Metolian on the surrounding lands specifically aimed at forestry operations in the area. The analysis concludes that the impacts of Metolian will be minimized due to a number of factors. First, the 200-foot fuel break will help to reduce impacts on any forest operations on surrounding property by providing a physical separation between development on the resort and surrounding properties. Due to the close proximity to Highway 20 there will be minimal interference from residential traffic on commercial logging traffic. The resort has been designed with the majority of the proposed amenities to be located on the interior of the resort (lodge and lodging units, commercial core, health and fitness center, and other amenities). The core of the resort has been designed to avoid any adverse effects on the surrounding lands. Due to the topography of the surrounding land, there is no need to provide additional berming or landscaping to create a buffer.

A number of buffers and other strategies will be employed to assure impacts will be mitigated. There is a 200-foot structural setback on the exterior property lines. This area will be treated to remove 70% of the brush type vegetation and all trees less than 10-inches DBH (diameter at breast height) that are within the dripline of an overstory tree. This setback area will provide a large buffer that defines the Metolian property and provides a transition area between the resort and the surrounding National Forest. Further, the multi-use paved path will be constructed within this buffer area providing a recreational amenity. Again, the buffer provides a good transition area between uses, a fire break area and possible emergency vehicle access thereby minimizing adverse effects on surrounding lands. The exterior of Metolian will contain a healthy, thinned forest without the presence of structures therein providing an appropriate buffer between the subject property and surrounding uses. These measures are adequate to minimize the impacts of the proposal on surrounding lands.

N. Any designated Goal 5 resource on the tract where the resort will be sited will be preserved through conservation easements as set forth in ORS 271.715 to

271.795. A conservation easement under this section shall be sufficient to protect the resource values of the Goal 5 site and shall be recorded with the property records of the tract on which the destination resort is sited.

FINDING: There are no designated Goal 5 resources on the site. Therefore, this requirement does not apply to this proposal.

O. The destination resort meets the definition in Section 430.2(E) of a self-contained development, and evidence has been submitted to demonstrate that adequate facilities and services will be available to serve the development, including, but not limited to, water supply, sewage disposal, stormwater management, solid waste disposal, electric power, telephone service, law enforcement services and fire protection. Water used by the resort shall not reduce the availability of water to existing and approved uses on surrounding lands, and all stormwater runoff shall be retained on site.

FINDING: Section 430.2(E) defines “self-contained development” as such:

A development for which community sewer and water facilities are provided on site and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A self-contained development must have developed recreational facilities provided on site.

Metolian meets the definition of “self-contained development” based on the following provisions. First, Metolian will provide community sewer consisting of a STEP-STEP system connected to a Membrane Bio-Reactor (MBR) plant. The reclaimed water output will be re-used on site for irrigation of a planned small tree farm and meadow areas on site. Second, a community water system will be provided on-site through surface water harvesting on site. As discussed in detail in the Water Master Plan (Exhibit 20) there will be water harvested on-site from March through June and will be stored in on-site reservoir ponds for consumption. The sewer and water services are limited to meet the needs of Metolian. Last, there will be a number of recreational facilities provided on site including the multi-use path on the exterior of the property, a fitness facility, spa and other proposed uses.

Evidence of adequate levels of facilities and service are provided by the following documents:

Water Supply – Water Master Plan (Exhibit 20). The Water Master Plan explains that the water used by Metolian will not reduce availability of water to existing and approved uses on surrounding lands. The amount of water that will be harvested on site (approximately 348 acre feet).

Sewer Service – Sewer Master Plan (Exhibit 21). The applicant proposes to utilize an MBR system to treat sewage. The MBR plants are modular. This means a small MBR plant will be used initially and as need grows so too can the MBR plant by adding additional treatment areas to the system to accommodate increased flow. The system will be sufficiently sized to provide the needed treatment as the project grows.

Stormwater Management - Stormwater Master Plan (Exhibit 22). All storm water will be contained on site.

Solid Waste Disposal – As described earlier in this document, the maintenance crews of Metolian will provide solid waste disposal services and work with the Transfer Station in Camp Sherman on recycling and trash disposal services.

Electric Power – A will-serve letter was provided by Central Electric Cooperative (CEC) as Exhibit 27. This letter explains that the service is available and can be extended to the site.

Phone Service – A will-serve letter from Qwest is provided as Exhibit 27. This letter explains that the service is available and can be extended to the site.

Law Enforcement Services – The applicant has worked with the Jefferson County Sheriff regarding this item. Metolian is within the Jefferson County Sheriff service district and services will be provided as needed. A letter from Sheriff Jack Jones is attached as part of Exhibit 27.

Fire Protection Services – The Metolian property is within the Sisters-Camp Sherman Fire District. The applicant has worked closely with the Fire District, Sisters Ranger District and the Oregon Department of Forestry to create a site plan that provides fire safe measures by design. A letter from Sisters-Camp Sherman Fire District is included as Exhibit 27. Fire and emergency response services will be provided by the district.

P. Adequate access to serve the resort exists or will be provided by the developer. For fire safety purposes, more than one road for ingress and egress shall be provided unless the resort includes a fire safe area that is large enough so that all visitors and residents of the resort can congregate in vehicles and survive a passing wildfire. If a safe area is provided, it shall be kept free of combustible material and vegetation. Information indicating the location of the safe area shall be provided to all resort visitors and residents, and signs shall be posted around the safe area and throughout the resort providing directions to the safe area.

FINDING: Metolian provides adequate access for both general and emergency access. The applicant has worked with the Sisters-Camp Sherman Fire District to identify the best strategy for fire safety on site. Through numerous meetings with the Fire District we designed the project to meet fire safety objectives. The 200-foot setback/fuel break area is one example of a portion of the design that is geared towards fire safety. In meeting with Fire Marshal David Wheeler, it was determined that two ingress and egress routes are available to the visitors of the Metolian in the event of an emergency. Oregon Fire Code (OFC) D107 requires two fire apparatus access roads for residential developments with more than 30 units. OFC D104.3 – Remoteness – requires the access roads to be located “a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the property ... measured in a straight line between access.” Fire Marshal Wheeler said that the two accesses shown on the conceptual site plan would meet the requirements for two accesses. One access is from Round Lake Road near

the south boundary of the property. The second access is from Round Lake Road near the north boundary of the project.

In terms of evacuation there are two routes to use. One route is Round Lake Road to Jack Creek Road to OR126 and the second route is Suttle-Sherman Road to Camp Sherman. The Fire District intends to serve the project from Camp Sherman, so Suttle-Sherman Road will need to be upgraded to meet access standards. The road needs to be plowed in the winter and must have a minimum carrying capacity of 75,000-pounds. The 2007 OFC requires 60,000-pounds capacity, but County Code requires 75,000-pound capacity. Therefore, two routes for ingress and egress exist for emergency situations.

Although two ingress and egress routes existing for emergency situations a fire safe area will be provided in the parking area associated with the lodging on site. The area will be kept free of combustible materials. There will be information provided to visitors and residents as to the location of the fire safe area. However, what must be stressed is that Metolian will be pro-active in response to forest fire situations. As discussed in the Preliminary Fire Safety Protection Plan, Metolian management will err on the side of caution and will enforce mandatory evacuations when there is fire in the area that poses serious risk to the property. The evacuations will be conducted prior to hazardous fires encroaching to a distance that will pose a threat to the community. Metolian management will stay in close contact with emergency services managers and officials to assess risk to the site. At the first sign of serious risk or danger, Metolian management will err on the side of caution and evacuate the community. No exceptions.

Further, all habitable structures onsite will be fitted with interior fire sprinklers further mitigating the risk of fire.

Q. The resort will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:

- 1. Changing the functional classification of an existing or planned transportation facility;**
- 2. Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or**
- 3. Reducing the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan (LOS C). An amendment to the Transportation System Plan to provide transportation facilities adequate to comply with these provisions and support the proposed resort may be required. The resort developer will be required to construct or pay for any necessary road improvements based on a direct nexus between the level of road impacts that will be caused by the increased traffic generated by the resort development and the level of road improvements that are required.**

FINDING: The Traffic Impact Analysis (Exhibit 23) describes the anticipated impacts to the transportation system in the area that will result from Metolian. The property is served by a mix of roads as described below and in Exhibit 23.

The major transportation facility that serves the site is Highway 20. According to the County's adopted Transportation System Plan (TSP), there are approximately 10 miles of Highway 20 located in the southwest corner of Jefferson County. This highway is classified as a *Statewide Highway, a Freight Route* and a *National Scenic Byway* per the Oregon Highway Plan (OHP).

The property is also served by roads within the National Forest that are owned and maintained by the United States Forest Service (USFS). The road from the Highway to the Metolian site is primarily a paved road turning to gravel once the turn from Jack Lake road onto Forest Service Road 1210 is made. The road is maintained by the Sisters Ranger District of the USFS. The road is not included in the County TSP.

The study prepared by Kittelson & Associates made the following findings regarding the general traffic levels in the area and the impact from full build-out of Metolian:

- US 20 through the City of Sisters experiences significant peaking during the summer months. Daily traffic volumes along US 20 range from a low of 7,000 in the winter months to a high of approximately 11,500 during the summertime.
- Under existing conditions, all of the study intersections operate acceptably during the summertime weekday p.m. peak hour with exception of the US 20/Locust Street intersection within the City of Sisters.
- No safety deficiencies were identified at any of the study area intersections with very few intersection related crashes reported. Despite the congestion within the City of Sisters, intersection crash frequency is well below Statewide averages.
- Trip generation rates for the Metolian Resort were developed from data collected at the Black Butte Ranch and Eagle Crest Resort in the summer of 2006. Despite the increased similarities of the Metolian Resort to Black Butte Ranch in terms of travel patterns, proximity to population centers, and intensity, a weighted average trip generation rate was developed using counts at both resorts to conservatively estimate an upper limit to the resort trip generation potential. This weighted average trip generation rate was used to estimate resort impacts to the surrounding roadway system.
- The proposed resort will contain up to 630 dwelling units (including hotel rooms, cabins, attached, and detached residences). During the critical summertime weekday p.m. peak hour the resort is estimated to generate up to 164 trips, including 82 trips in and 82 trips out.
- Consistent with data collection efforts at the Black Butte Ranch, it is expected that the majority of site generated trips will head toward Sisters (70 percent), with 20 percent of the resort trips heading toward Salem, and the remaining 10 percent destined to recreational opportunities throughout the Metolius Basin.
- Similar to no-build conditions, with the addition of resort traffic, intersection operations within the City of Sisters (between Barclay Road and Locust) will continue to exceed ODOT mobility standards, and intersections along US 20 west of Sisters will continue to operate acceptably.
- Due to capacity deficiencies, vehicular queuing at intersections along US 20 within the City of Sisters are shown to exceed the available storage bays in 2025 with or without resort development.

Based on the existing traffic volumes, the number and intensity of approved development projects within the city limits, and anticipated regional growth impacts to the US 20 corridor, intersections along US 20 between Barclay and Locust Street are near capacity and will exceed ODOT mobility standards regardless of resort construction. The intersections west of the City will operate acceptably with or without the development of the Metolian Resort.

To mitigate impacts to the transportation system and enhance roadway safety, the Transportation Impact Analysis prepared by Kittelson & Associates made the following recommendations:

- To assist with wayfinding, signage along US 20 should be provided to direct motorists unfamiliar with the area to the resort.
- The location of any entry and/or monument signs and associated landscaping should be appropriately located and maintained to ensure that adequate intersection sight distance can be provided. It is recommended that the entrance intersection and adjacent chain up area be illuminated to better highlight the location and improve safety.
- All minor street approaches intersecting with primary roadways in the resort should be stop-sign controlled.
- A comprehensive bicycle and pedestrian pathway system should be developed to connect the residential components to resort amenities.
- A Transportation Demand Management (TDM) program should be developed with ODOT to minimize off site resort impacts.
- Development of the resort should include two new access routes to provide primary resort access as well as emergency egress. To facilitate safe turning movements at the primary US 20/Jack Lake Road connection with US 20, a separate westbound right turn deceleration lane and an eastbound left turn center refuge lane should be provided along the highway. A separate southbound left and right turn lane should also be provided along Jack Lake Road to separate traffic heading toward Sisters and the Cascades. The southbound left turn lane should provide a minimum striped queue storage bay of 75 feet. Completion of the turn lane improvements should be provided prior to public access from occupied resort units.
- Two separate access routes should be available to resort patrons and construction traffic throughout the phasing plan for emergency egress. Secondary access should meet applicable requirements for fire and emergency access, and signage should be provided to inform resort patrons and guests of evacuation routes as discussed in the Preliminary Fire Protection Plan. It is recommended that the emergency access routes conform to the specifications of the Camp Sherman Fire District.

As detailed in the report, the intersections of US 20/Locust and US 20/Barclay will not meet ODOT mobility standards with or without resort development. Although the Metolian Resort will not be the project that causes the intersections to fail, the additional traffic will incrementally degrade the performance of an already failing intersection. The traffic study found, “As the proposed resort development will further degrade the performance of the intersections as compared to a no-build analysis, the Jefferson County DRO highlights the need to construct or

pay a pro-rata contribution for any identified transportation deficiencies, consistent with the methodology currently used by ODOT and the City of Sisters.”

Therefore the traffic engineer has suggested that Dutch Pacific Resources, LLC, the City of Sisters and ODOT negotiate the appropriate pro-rata methodology at two intersections (Locust/Highway 20 & Barclay/Highway 20). The applicant will work with both entities to create an agreement that meets the needs of the community based on the proportional impact from Metolian on the problem intersections. The following recommendation is from the Traffic Impact Analysis states:

A Memorandum of Understanding (MOU) should be developed between Dutch Pacific Resources, LLC and ODOT to establish an appropriate pro-rata methodology at the US 20/Locust and US 20/Barclay intersections. Consistent with the Jefferson County Destination Resort Ordinance, *the pro-rata methodology should be based on a direct nexus between the level of road impacts that will be caused by the increased traffic generated by the resort and the level of road improvements that are required.* The MOU should also document the Transportation Demand Management strategy proposed with development of the resort.

Please review Exhibit 23 for a more detailed discussion on this matter.

R. Any portion of the tract on which the resort will be sited that is in a flood hazard area, has slopes exceeding 25 percent, or is subject to other natural hazard shall not be altered or developed except for the following uses:

- 1. Outdoor recreation facilities including golf courses, bike paths, trails, or similar facilities;**
- 2. Minor drainage improvements which do not significantly impact important natural features of the site; and**
- 3. Roads, bridges and utilities where there are no feasible alternative locations on the site. Any alteration or structure allowed under this subsection shall be adequately protected from hazard, or shall be of minimal value and be designed to minimize adverse environmental effects.**

FINDING: There are no flood hazard areas identified on site. There are areas on site that contain slopes that exceed 25 percent. These areas will not be developed except for as described above including bike trails, hiking trails, roads and recreational uses such as geo-cache courses, sledding hills, etc. Two bridges will be required to cross the seasonal drainage ways on site. There will be riparian area improvements to the drainageways that will not impact the natural features on site, rather these projects will enhance such areas.

The crossings of the drainages are required as there are no feasible alternatives to accessing the different areas of the site. The crossings will be designed to avoid negatively impacting the riparian areas or having adverse environmental impacts.

S. Housing for resort management and staff shall be provided on-site, or the resort shall provide transportation for employees.

FINDING: The applicant has planned for employee housing that will accommodate approximately 50% of the peak season employees. There will be at least one house for the on-site General Manager. Other houses may be constructed for management as demand dictates. There will be employee housing on site and it will consist of a range of housing types including but not limited to dorm-style housing or attached units. Currently it is planned that the employee housing will be in close proximity to the core area.

Chapter 6 - Conditional Use

Section 601 – Authorization To Grant Or Deny Conditional Uses

A. Uses listed in this Ordinance as requiring conditional use approval are not outright permitted uses. They may be allowed only if found to comply with the approval criteria in Section 602. An application for a conditional use permit shall be reviewed by the Planning Commission at a public hearing, in accordance with the procedures in Section 903.5. The Planning Commission may approve, approve with conditions, or deny the application.

FINDING: This application demonstrates compliance with the approval criteria in Section 602 below. The application will be reviewed by the Planning Commission at a public hearing.

Section 602 – Approval Criteria

Conditional use applications must show compliance with approval criteria of the underlying zone and this Section. The burden of proof is on the applicant to submit sufficient information to demonstrate that the application complies with the approval criteria. For instance, a traffic impact study in accordance with Section 421 may be needed to show compliance with criterion (D). An applicant may demonstrate that the approval criteria will be satisfied through the imposition of clear and objective conditions of approval, in accordance with Section 603. The following criteria must be met:

A. The proposal is consistent with all applicable standards and criteria of the Zoning Ordinance;

FINDING: This burden of proof statement and accompanying exhibits supporting the proposed resort demonstrate consistency with the applicable standards in sections 303, 419, 430 and Chapter 6 of the Jefferson County Zoning Code.

B. Taking into account location, size, design and operating characteristics, the proposal will have a minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright. In cases where there is a finding of overriding public interest, this criterion may be deemed met when any adverse impact resulting from the use will be mitigated or offset to the maximum extent practicable;

FINDING: This burden of proof document demonstrates how Metolian has been designed to minimize impact on the surrounding property and larger setting compared to the impact of

development that is permitted as of right. The underlying zoning permits resource extraction (timber) from the site and surrounding areas. This proposal for a restorative development on the subject site will avoid impacts associated with resource extractive practices, and instead offer and fund restoration for the site and beyond its boundaries.

The property is surrounded by federal forest service land approximately ½ mile north of Suttle Lake. The size of the property is approximately 627 acres. There will be approximately 630 total units on site (the specific type of housing for employee housing needs has yet to be determined and will affect the actual number of structures). The design of the resort has been carefully crafted to have minimal impacts on the surrounding lands. There will be a 200-foot fuel-break/setback along the exterior property lines, units and development will be clustered, the drainage areas and wetlands on site will be protected and/or improved and the resort encourages low impact recreational uses on the surrounding lands (no golf course). This design framework reduces the impact to surrounding lands by providing a fire buffer between the use and surrounding properties, it provides open space for continued use by animals in the area and the actual development on site is oriented towards the interior of the property reducing impacts to surrounding property.

The operating characteristics of the resort will include traffic resulting from visitors to and from the site, construction traffic during the development and delivery/service trucks to the site (food delivery trucks, etc.). The majority of the operating impacts will be limited to the property itself, due to the self-contained nature of the resort. The water for the site will be captured and treated on site. Wastewater will be treated and re-used on-site for beneficial purposes. There will be recreational opportunities on-site for use by visitors. Further there will be employee housing on-site reducing the number of trips to and from the property on a daily basis. The low impact operating nature of the resort will generate minimal impact to the livability and value of surrounding lands. The operating characteristics will not adversely affect property values in the surrounding area, and may in fact increase values by association.

The property is not surrounded by residential developments. Therefore, the proposed resort will not adversely affect livability on abutting properties. The unincorporated community of Camp Sherman is located approximately 3 miles to the east of the subject property. Access to Metolian will not require travel through Camp Sherman. The proposed resort will be self-contained and will have minimal impacts on that community. The resort will not impact the ability of Camp Sherman residents and visitors from enjoying their community and therefore will not impact the livability of the area. In fact, the amenities that will be provided on-site (restaurant, recreational amenities, etc.) at Metolian may increase the livability of the area for Camp Sherman residents and visitors by increasing the range of offerings available for their use and enjoyment.

The value of the abutting property is difficult to ascertain as the property is owned by the US Forest Service. The value however will not be adversely impacted by the proposal. In fact the long term goal of Metolian is to work with area stakeholders to improve the health of the entire Metolius Basin – this includes thinning forests, reducing fuel loads, increasing habitat quality, and improving trails throughout the area. These actions will improve the value of the surrounding forest from habitat, forest health and recreational perspectives.

The proposal will not effect the appropriate development of surrounding land. Again, the abutting property is owned and managed by the federal forest service. The development opportunities on that property are extremely limited. However, the proposed resort does not prohibit or interfere with timber operations on the property as described in the Forest Management Plan (Exhibit 24). Metolian has no effect upon the appropriate development of area communities such as Camp Sherman. The Camp Sherman community can be developed as permitted by the Camp Sherman zoning regulations as contained in sections 341, 342 and 343 of the Jefferson County Zoning Ordinance.

C. Adequate facilities and services are available or can be made available to serve the proposed use, including, but not limited to, water supply, sewage disposal, electric power, law enforcement service and fire protection;

FINDING: This burden of proof document and specific exhibits demonstrate that adequate facilities and services are available or can be made available to serve the proposed resort. The adequacy of water supply is detailed earlier in this document and in the water master plan in Exhibit 20. The proposed community sewer system has been conceptually designed to accommodate 630 units, employee housing, the described recreational and commercial uses. The Sewer Master Plan in Exhibit 21 provides details on the adequacy of the proposed system. Electrical power will be provided by Central Electric Cooperative as documented in the attached “will-serve” letter in Exhibit 27. The strategy on site is to reduce energy demand from “the grid.” Strategies to achieve this goal include reducing the amount of energy needed for typical high demand energy uses such as heating and cooling. This will involve a number of strategies including using bio-mass boilers to heat the central core area buildings, use of ground source heat pumps for heating and cooling of individual units, required passive solar design for structures and other methods. Law enforcement services will be adequate for the proposal as documented by the Jefferson County Sheriff’s letter in Exhibit 27. Fire protection will be provided by the Sisters Camp Sherman Fire District as the property is within that district. Further the applicant has worked closely with numerous fire response agencies to plan a community that reduces risk of fire on site. Further, the defensible space created along the exterior of the property (200 foot buffer) provides the ability for access and staging areas for response to forest fires on the surrounding forest service land.

D. The development will not result in traffic volumes that will reduce the performance standard of a transportation facility below the minimum acceptable level identified in the Transportation System Plan (LOS C), and will comply with all applicable standards in Section 12.18 of the Jefferson County Code. This criterion may be met through a condition of approval requiring improvements to the transportation facility.

FINDING: The traffic impacts resulting from this proposal are detailed earlier in this burden of proof document and in the Traffic Impact Analysis in Exhibit 23. The proposal will not reduce the performance standards of any County roads below the LOS C specified in the Transportation System Plan.

E. The parcel where the use will be located is of sufficient size to accommodate buildings, required setbacks, off-street parking, and other features deemed necessary by the Planning Commission; and

FINDING: The subject property is approximately 627 acres and is of sufficient size to accommodate the buildings, parking and other uses planned for the site.

F. The parcel where the use will be located is in appropriate geographic relationship to the area that will be served.

FINDING: The proposed resort is located on property that is located in an appropriate area to serve the identified market. The primary market for this proposal will be the Willamette Valley (the I-5 corridor from Vancouver, WA south to northern California). This resort is located the closest to the I-5 corridor of all resorts in Central Oregon. In a market study prepared for this project, Design Workshop identified that the rising cost of fuel and increased hassle of airline travel will continue to change the ways family travel and vacation. There will be an increase in “stay-cations” (vacationers staying close to home) and to take long weekends versus week(s)-long vacation. These facts support the premise that the primary market for Metolian resides in the Willamette Valley. Therefore, this relative close proximity to the primary market for the resort makes this the ideal location for the proposal. The subject property is located in an appropriate geographic relationship to the area served.

Section 419 - Riparian Protection

419.1 General Requirements

A. Except as allowed by subsections 419.2 through 419.5, no building, structure or other development, including grading or placement of impervious surfaces, shall be located closer than 100 feet from the top of bank of the Upper Deschutes River, Middle Deschutes River, Lower Crooked River, Metolius River or John Day River, or closer than 75 feet from the top of bank of any other fish-bearing water area as listed in the Comprehensive Plan, including perennial and intermittent fish-bearing streams, lakes, ponds and impoundments, but excluding man-made farm ponds.

Finding: The subject property is not adjacent to or crossed by any of the rivers listed above. Further, there are no fish-bearing water areas listed in the Comprehensive Plan on the site.

B. A riparian protection area shall be established within 75 feet from the top of bank of the Upper Deschutes River, Middle Deschutes River, Lower Crooked River, Metolius River or John Day River, and within 50 feet from the top of bank of any other fish-bearing water area listed in the Comprehensive Plan, including perennial and intermittent fish-bearing streams, lakes, ponds and impoundments, but excluding man-made farm ponds. In order to protect stream corridors and riparian habitat, use of fertilizers, herbicides and pesticides is prohibited within this area. All existing vegetation shall be retained within the riparian protection area, except as allowed by subsections 419.2 through 419.5 and as follows:

- 1. Non-native vegetation may be removed and replaced with native plant species.**
- 2. Vegetation may be removed if necessary for the development of water-related or water-dependent uses.**
- 3. Vegetation may be removed for forestry activities that have been granted a permit under the Forest Practices Act or for farm uses on lands zoned Exclusive Farm Use A-1, Exclusive Farm Use A-2 or Range Land.**

Finding: Again, the subject property is not adjacent to or crossed by any of the rivers listed above nor is there any fish-bearing water areas on site as listed in the Comprehensive Plan. Therefore, the setback standards listed above do not apply to the site.

The seasonal drainageways that run through the property will be protected with a self-imposed 100-foot setback areas as identified on the Tentative Destination Resort Master Plan (TDRMP). These areas will be improved with native plant species and other riparian area improvements to create healthier riparian areas. All care will be taken to reduce impacts from the proposed bridge crossings.

419.2 Permitted Uses

The following uses are permitted outright in the riparian protection area provided they are designed and constructed to minimize the intrusion into the riparian area and minimize the removal of riparian vegetation, and provided lands disturbed during development are reclaimed. The use must also comply with other applicable standards and criteria of this Ordinance, including, but not limited to, Section 316 – Flood Plain Overlay Zone and Section 425 – Dock Design and Review Requirements.

A. Water-related and water-dependent uses such as boat landings, docks, marinas, bridges, dams and hydroelectric facilities.

B. Drainage facilities, utilities, fire and irrigation pumps.

C. Replacement or remodeling of existing structures with structures in the same location, provided that no additional riparian area is permanently disturbed.

D. Roads, driveways, and pedestrian/bicycle paths. However, roads and driveways shall whenever possible be located to avoid the riparian protection area except at stream crossings.

Finding: The riparian area that will be created along the seasonal drainage ways will be improved through specific projects to improve the health of these areas. There will be bridge or other crossings of these drainage ways as identified on the Tentative Destination Resort Master Plan (Exhibit 6) and the Circulation Plan (Exhibit 12). There will also be utility facilities in the drainage ways to divert water that will be stored and consumed on site. There will also be pedestrian/bicycle paths that meander through the riparian areas. These paths will be planned and constructed to avoid any adverse impacts to the riparian areas. Additional detail will be

provided upon approval of the Tentative Destination Resort Master Plan with specific construction documents.

419.4 Bridges and Stream Crossings

Bridges and other stream crossings within the riparian protection area are permitted provided the project has been reviewed by ODFW or other qualified fisheries expert for impact on fish habitat and that agency or expert has provided comments indicating there will be minimal impact on fish habitat. The project must comply with all conditions or mitigation measures recommended by ODFW or the fisheries expert. A flood plain development permit in accordance with the requirements of Section 416 must be obtained if the project will be located within a flood hazard area. The Oregon Department of State Lands (DSL) and Army Corps of Engineers may also require a permit for such operations. Any required county, state or federal permit must be obtained prior to commencement of development.

Finding: There are no fish-bearing streams on the subject property and therefore, the proposed bridges do not require ODFW review. The applicant will develop more specific plans for the proposed bridges that will be reviewed as part of the construction plan review for the site.

419.6 Development Involving a Wetland

The County will notify the Department of State Lands within five working days of the acceptance of any complete application for any of the following that are wholly or partially within areas identified as wetlands on the National Wetlands Inventory map. In addition, prior to approval of any of the following the County will provide written notice to the applicant and property owner stating that the property may contain wetlands and may require a state and federal permit:

A. Subdivisions;

B. Building permits for new structures;

C. Other development permits that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in flood plains and floodways;

D. Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and

E. Planned unit developments.

Finding: There are no wetlands on site that are identified on the National Wetlands Inventory Map (Black Butte Quad). The applicant will conduct a wetland delineation on the area identified as Potential Wetland on the Base Map (Exhibit 5). The applicant will avoid potential wetland areas with new streets and structures. There may be some paths built in close proximity to the

wetland area and possibly a ski hut/shelter constructed in close proximity as well. The applicant will avoid wetlands as possible and as required will obtain permits from DSL and the US Army Corps of Engineers for any proposed work in the wetland area.

IV. CONCLUSION

The applicant has demonstrated compliance with the applicable standards and is proposing specific conditions of approval to assure such compliance. The applicant respectfully requests a recommendation of approval to the Planning Commission and Board of County Commissioners.