Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

12/05/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 014-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, December 13, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Peter Gutowski, Deschutes County
Jon Jinings, DLCD Community Services Specialist
Karen Swirsky, DLCD Regional Representative

<paa> YA

FORM 2

DLCD
Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed
DATE STAMP
DEPT OF
NOV 28 2011
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **Deschutes County** Local file number: **PA 10-6 / ZC 10-4; PA 10-7 / ZC 10-5; PA 10-8 / ZC 10-6; PA 10-9 / ZC 10-7; Ordinances Nos. 2011-001 and 002**

Date of Adoption: **November 21, 2011** Electronic / Date Mailed: **11/22/11; 11/22/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Date: **September 29, 2010**

☐ Comprehensive Plan Text Amendment ☑ Comprehensive Plan Map Amendment
☐ Land Use Regulation Amendment ☑ Zoning Map Amendment
☐ New Land Use Regulation ☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Initiated by County staff, Plan Amendments 10-6 (PA 10-6) and Zone Change 10-4 (ZC 10-4); PA 10-7 and ZC 10-5; PA 10-8 and ZC 10-6; and PA 10-9 and ZC 10-7, encompassed in Ordinances 2011-001 and 2011-002 amend DCC Titles 23 and 18, and their respective Destination Resort Maps. The two maps show where destination resorts can be located in Deschutes County. The map depicted in Ordinance 2011-001 is officially an element of the Comprehensive Plan, while the one in Ordinance 2011-002 is part of the Zoning Ordinance, depicting Deschutes County's destination resort overlay zone.

Does the Adoption differ from proposal?

It does. Deschutes County is proposing to amend the resort maps as follows:

- Remove 91,701 acres removed as a result of the new criteria encompassed in Ordinance 2010-024.
- Maintain 17,560 acres designated on the existing resort map that continue to meet the criteria cited in Ordinance 2010-024.
- Maintain 3,187 acres carried over from the existing resort map based on 908 grandfather requests pursuant to DCC 22.23.010(C);
- Add 3 sites, totaling 1,255.17 acres based on map amendment applications

Plan Map Changed from: to: **Modifies Destination Resort Map**

Zone Map Changed from: to: **Modifies Destination Resort Overlay Map**

Location: Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
X	X	☐	☐	☐	☐	☐	X	☐	☐	☐	X	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☑ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?	☑ **Yes**	☐ **No**
If no, do the statewide planning goals apply?	☐ **Yes**	☐ **No**
If no, did Emergency Circumstances require immediate adoption?	☐ **Yes**	☐ **No**

DLCD File No. 014-10 (18545) [16849]

DLCD file No. _____
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Deschutes County, Department of Land Conservation and Development, Department of State Lands

Local Contact: **Peter Gutowsky** Phone: **(541) 385-1709** Extension:

Address: **117 NW Lafayette** Fax Number: **541-385-1764**

City: **Bend** Zip: **97701** E-mail Address: **peterg@co.deschutes.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

   ATTENTION: PLAN AMENDMENT SPECIALIST
   DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
   635 CAPITOL STREET NE, SUITE 150
   SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us.**

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/.** Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us - Attention: Plan Amendment Specialist.**

Updated March 17, 2009

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 23 of the Deschutes County Code To Modify the Deschutes County Destination Resort Map.	* * *	ORDINANCE NO. 2011-001

WHEREAS, the Board of County Commissioners ("Board") directed the Deschutes County Community Development Department staff to initiate a Deschutes County Destination Resort Map amendment to cause the areas with the destination resort designation to comply with the newly adopted Ordinance 2010-024, amendments to Deschutes County Code ("DCC") DCC Chapter 23.84, Destination Resorts; and

WHEREAS, Pine Forest Development, LLC, Belveron Partners, LLC and Vandevert Road, LLC, Oregon Department of State Lands applied to have property included on the Deschutes County Destination Resort Map with the Destination Resort designation; and

WHEREAS, after notice was given in accordance with applicable law, public hearings were held on November 18, 2010, and on January 27, 2011 before the Deschutes County Planning Commission to consider changes to DCC Title 23, Deschutes County Destination Resort Map; and

WHEREAS, on January 27, 2011 the Planning Commission forwarded to the Board a recommendation of approval to adopt changes to the Deschutes County Destination Resort Map for lands designated for destination resorts; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on May 23, June 27, and September 19, 2011 and concluded that the public will benefit from the changes to the Deschutes County Destination Resort Map; and

WHEREAS, the Board finds it in the public interest to adopt amendments to the Destination Resort Map; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC Title 23, Deschutes County Comprehensive Plan Deschutes County Destination Resort Map, is amended to depict the properties eligible for destination resort development as shown in Exhibit "A," attached and incorporated by reference herein.

Section 2. The maps attached as Exhibit "A," Deschutes County Comprehensive Plan Map, shall be known as the "Deschutes County Destination Resort Map".

///

Section 3. FINDINGS. The Board adopts as its findings and conditions of approval Exhibit "B," which includes Attachment 1, which is a series of parcel based maps, showing grandfathered properties retaining a destination resort designation, attached and incorporated by reference herein.

Dated this 21st of November, 2011

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

TAMMY BANEY, Chair

ANTHONY DEBONE, Vice-Chair

ATTEST:

Recording Secretary

ALAN UNGER Commissioner

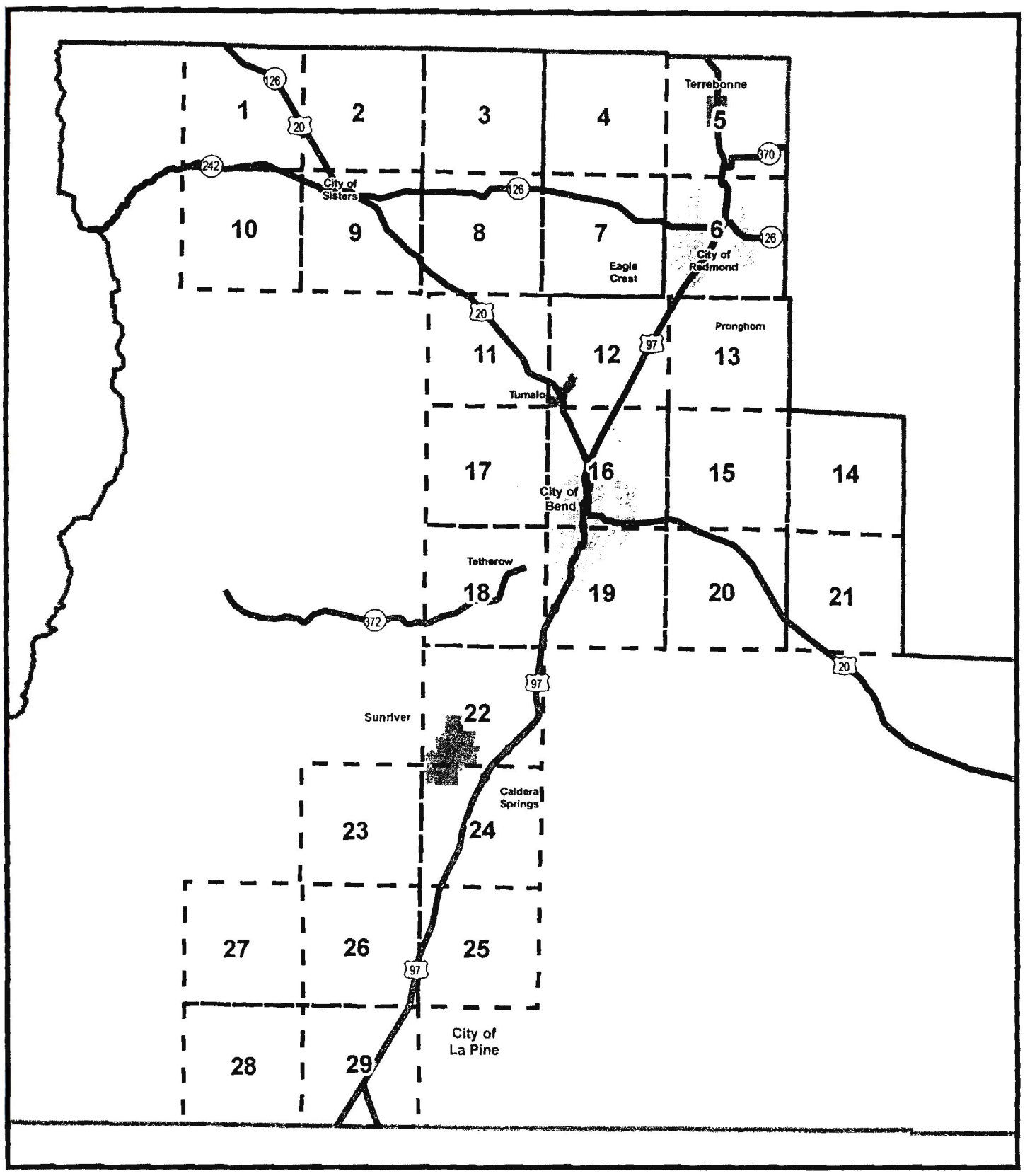
Date of 1st Reading: 31st day of October, 2011.

Date of 2nd Reading: 21st day of November 2011.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	✓	—	—	—
Anthony DeBone	✓	—	—	—
Alan Unger	✓	—	—	—

Effective date: 20th day of February, ~~2011.~~ 2012



Deschutes County Comprehensive Plan Map

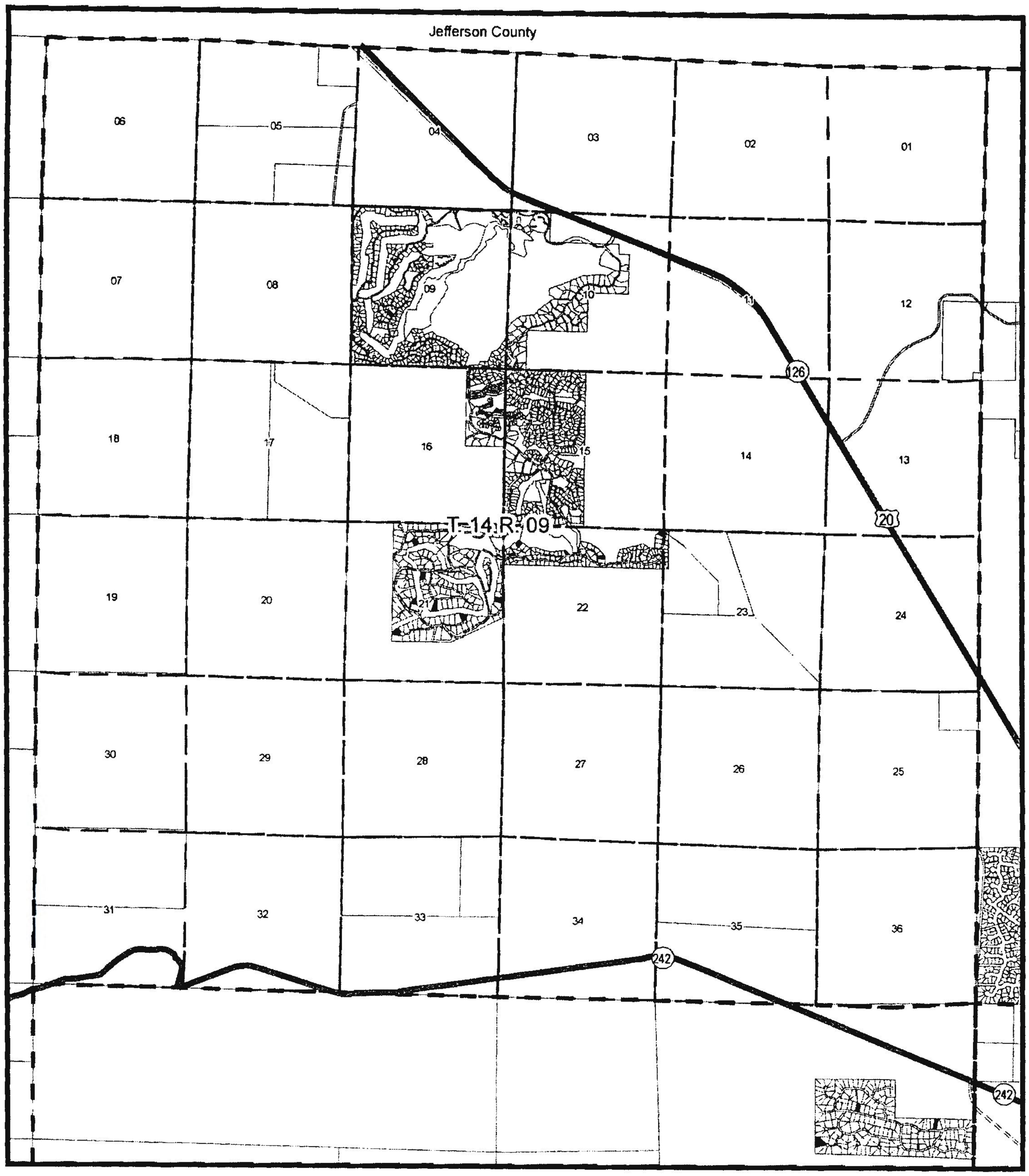
Exhibit "A" Index Map
to Ordinance 2011-001

Legend

- State Highway
- Exhibit "A" Map Index
- County Boundary
- Unincorporated Community
- Urban Growth Boundary

0 2 4 8 12 Miles

October 3, 2011



Legend

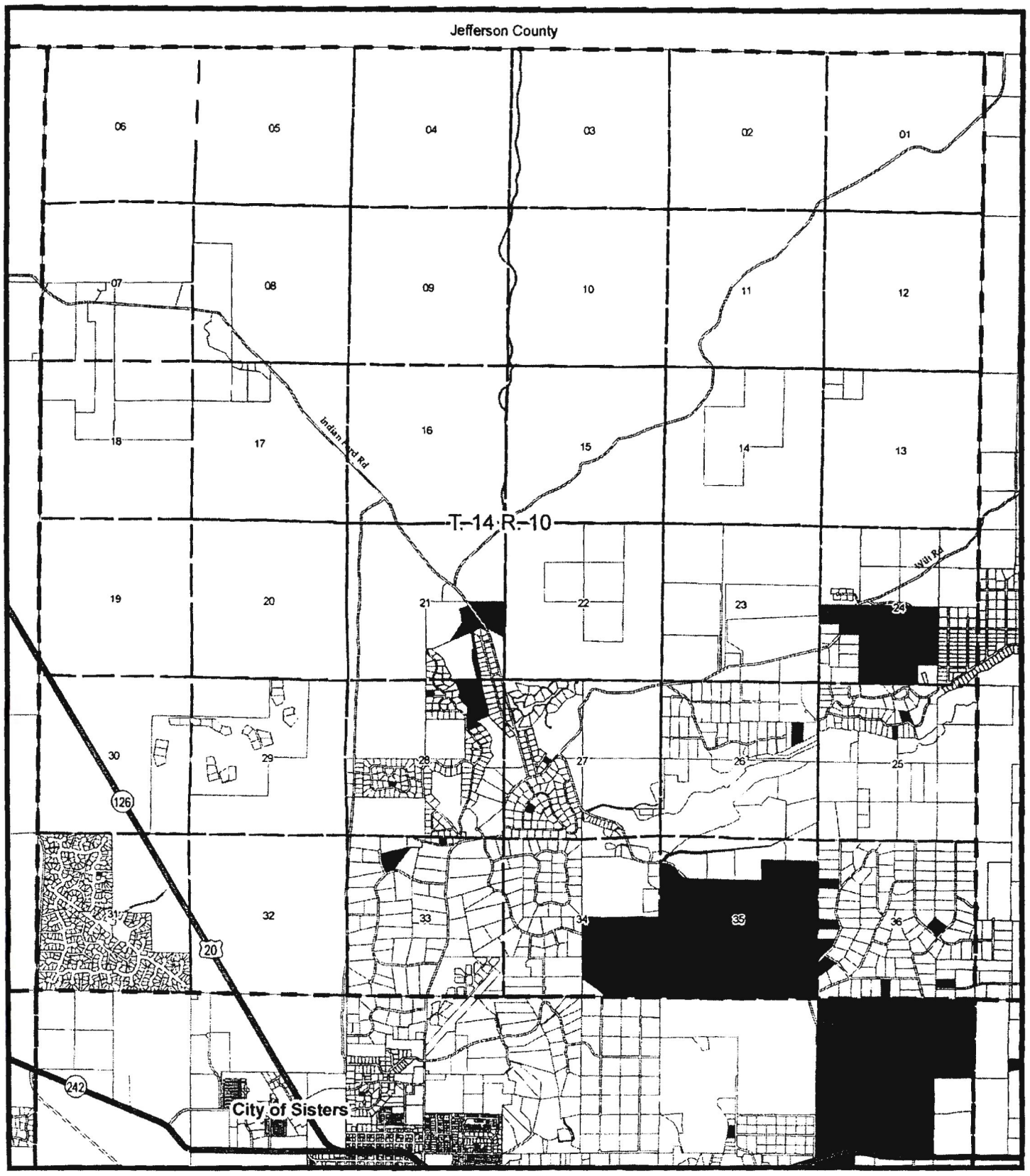
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 1 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

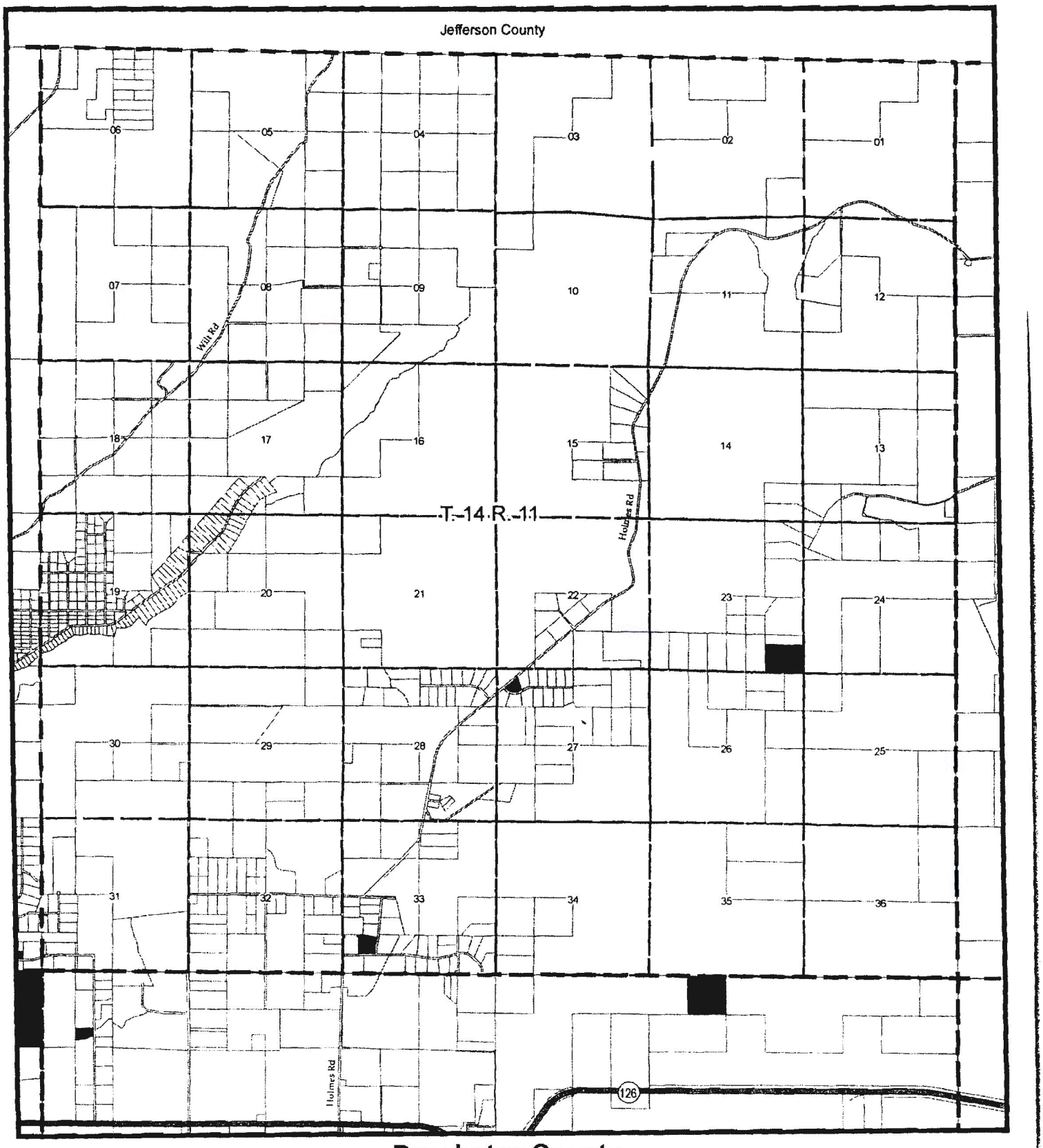
Deschutes County Comprehensive Plan Map

Exhibit "A" Map 2 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011

DISCLAIMER



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 3 of 29
to Ordinance 2011-001

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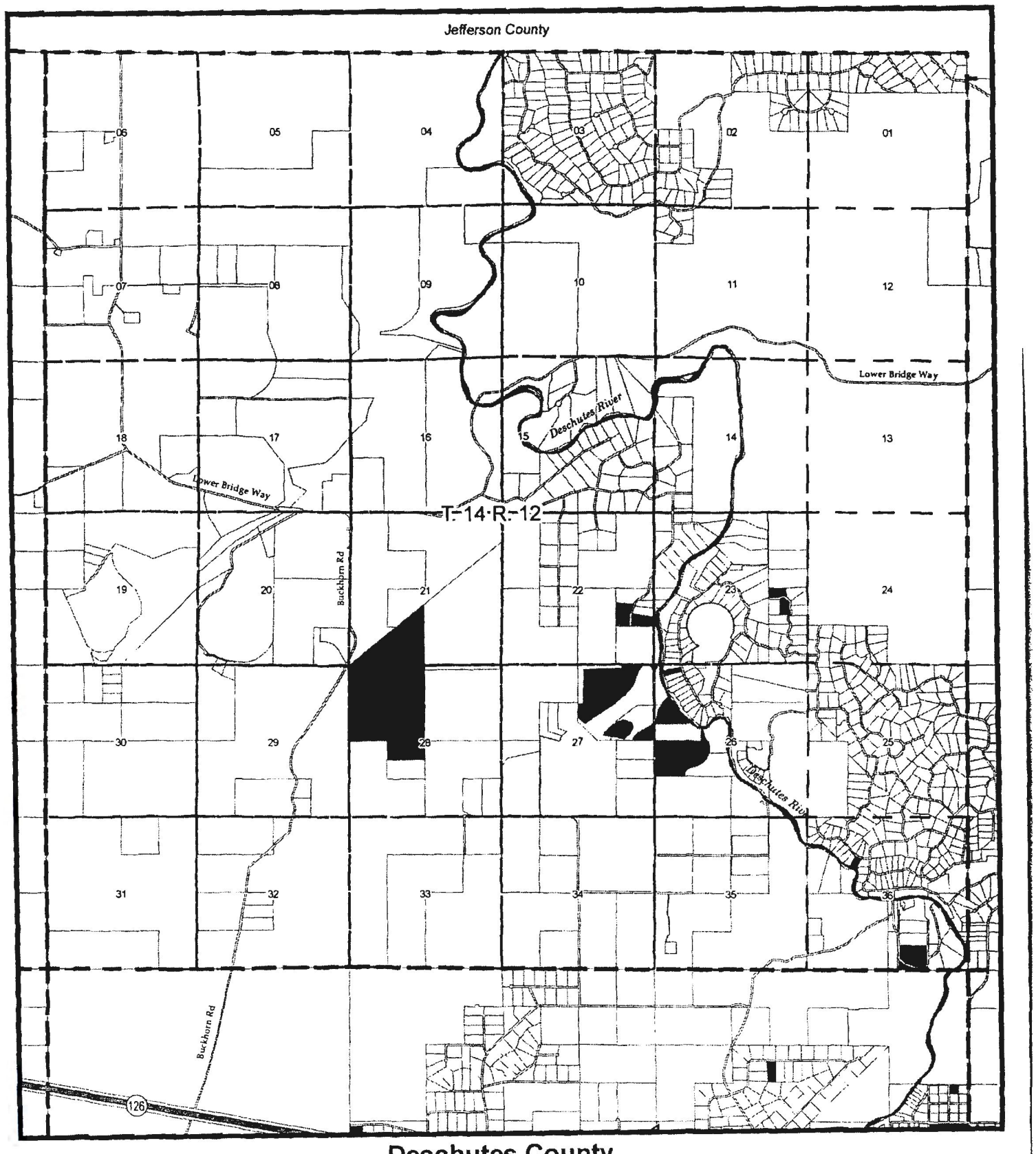
October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 4 of 29
to Ordinance 2011-001

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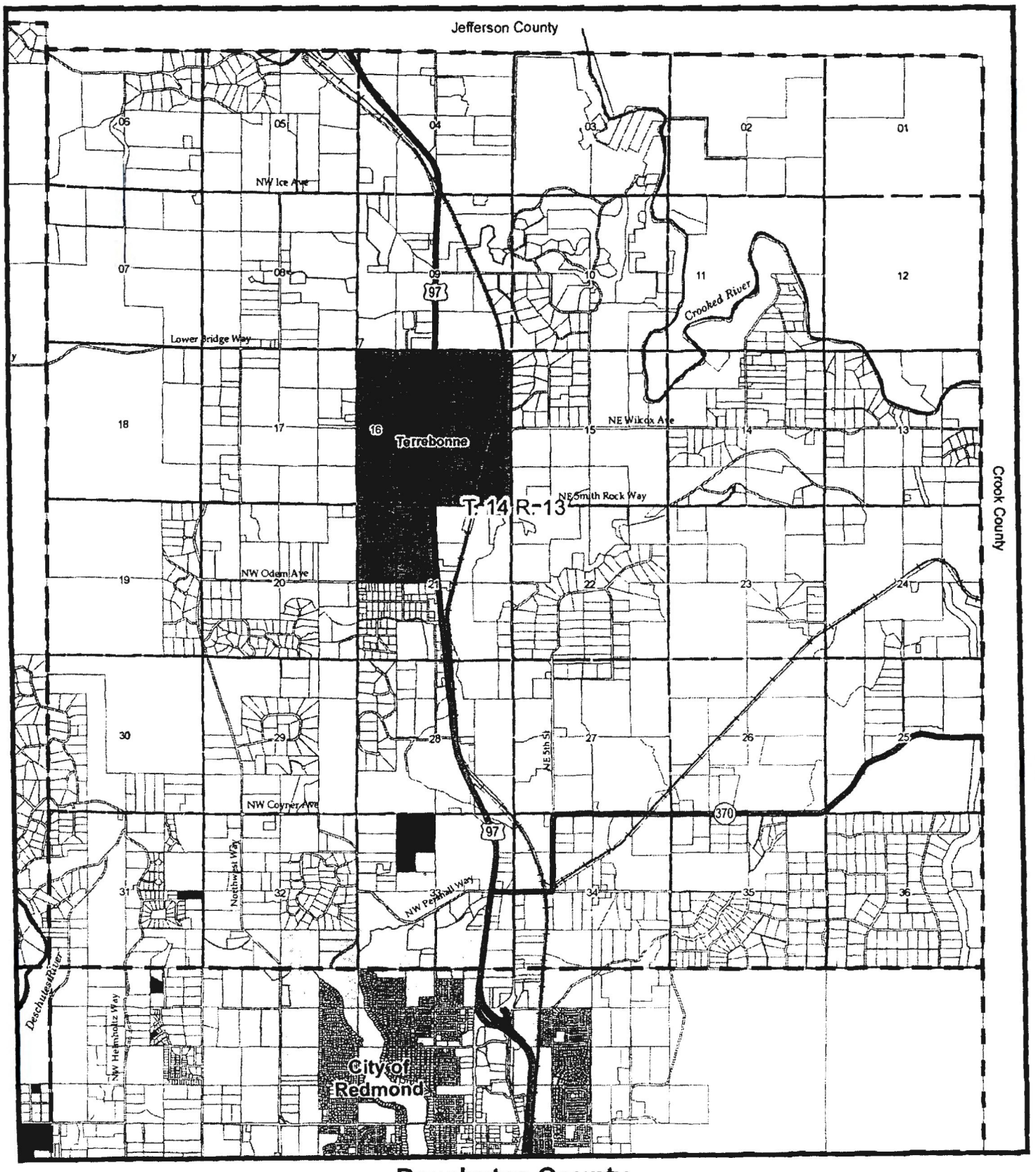
October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

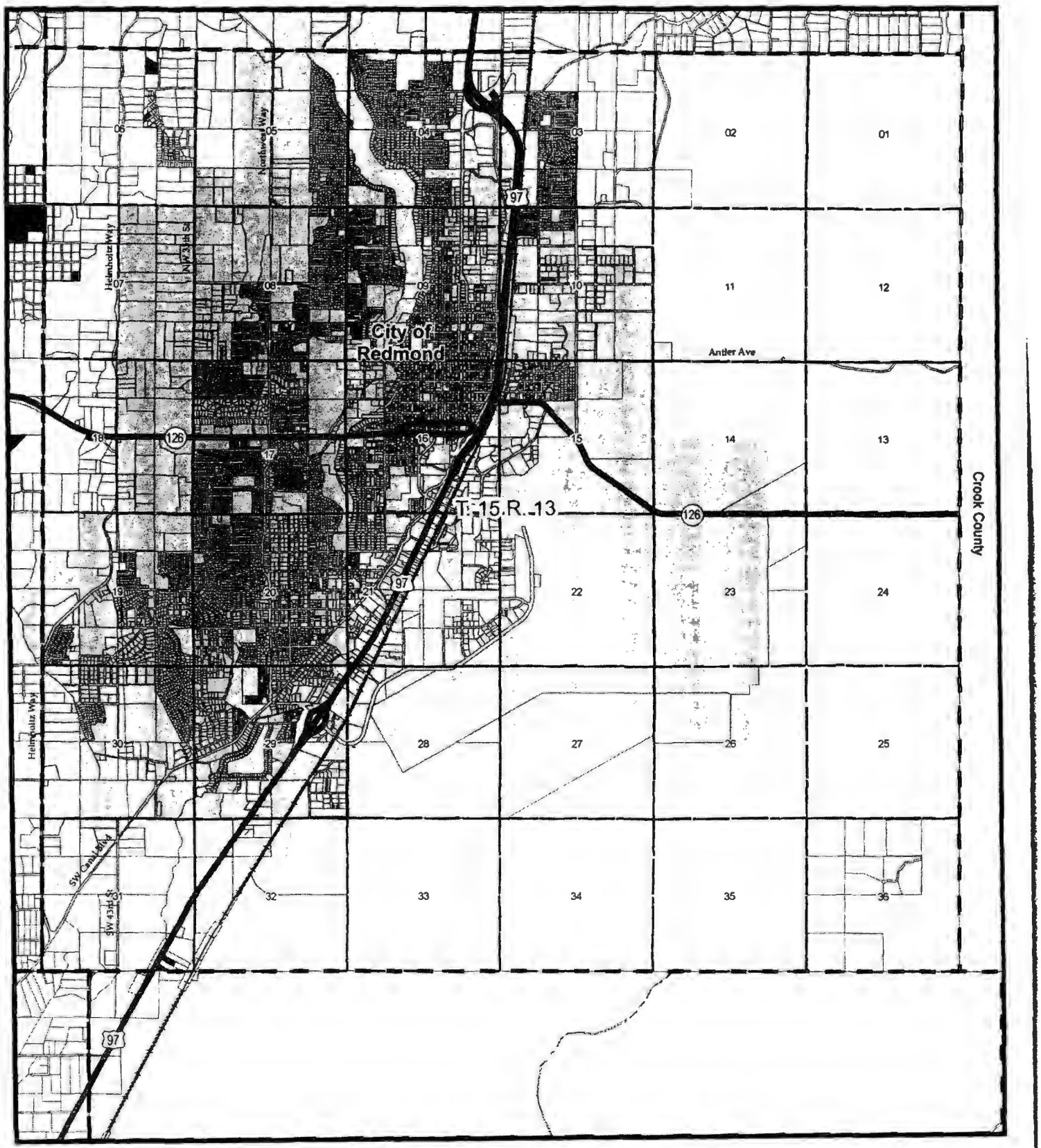
Deschutes County Comprehensive Plan Map

Exhibit "A" Map 5 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011

DISCLAIMER



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 6 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011

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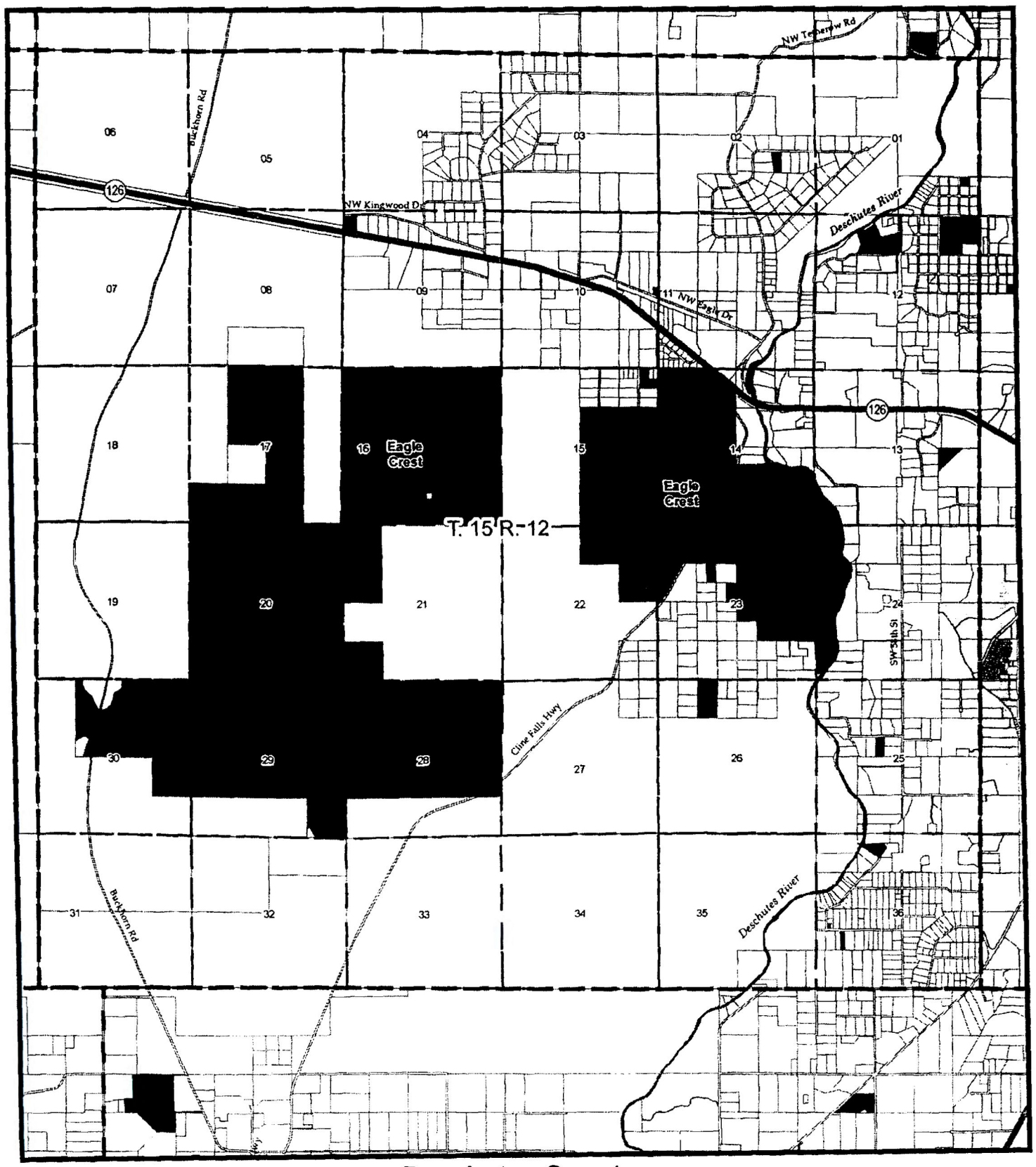

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 7 of 29
to Ordinance 2011-001

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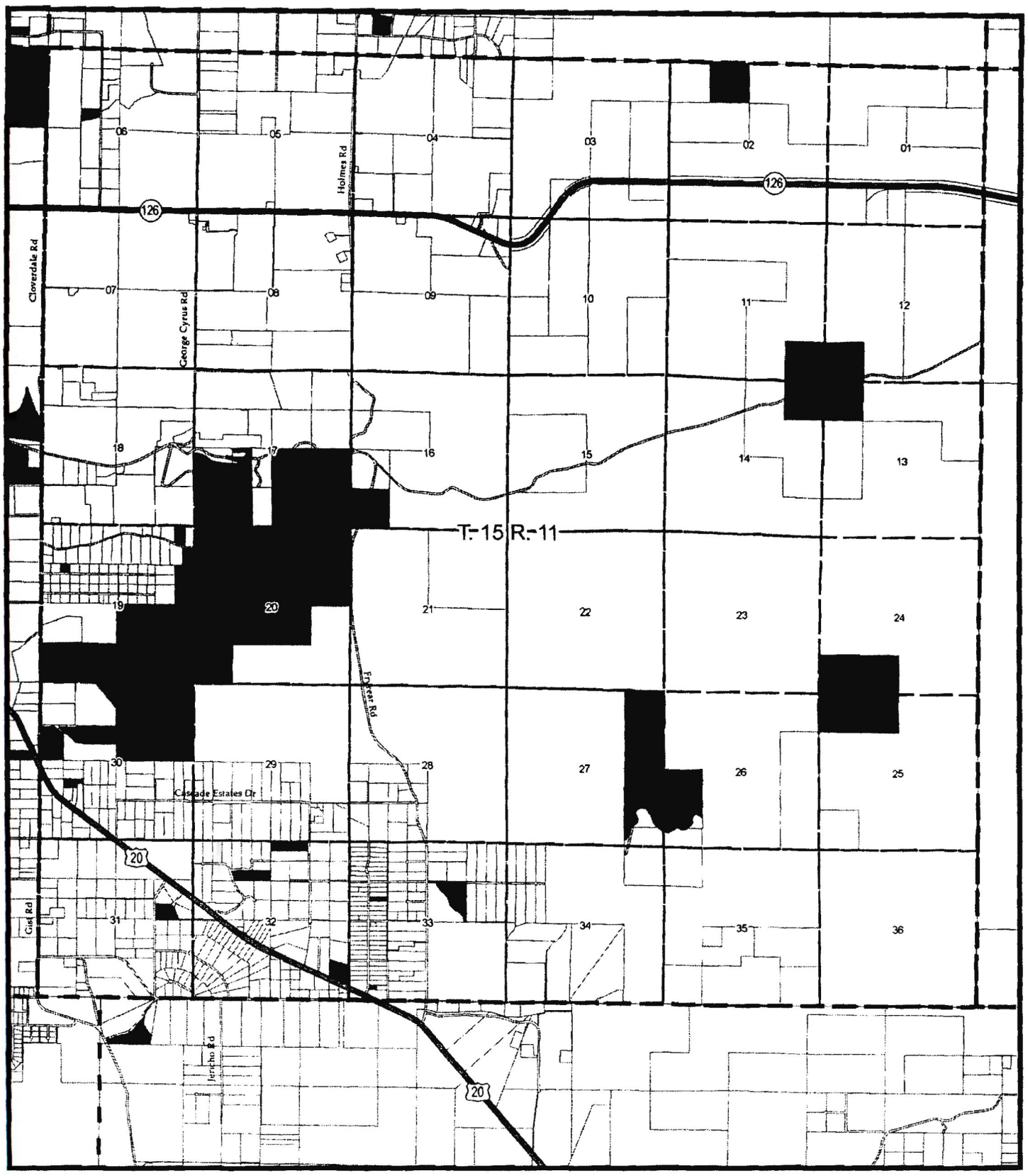
October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 8 of 29
to Ordinance 2011-001

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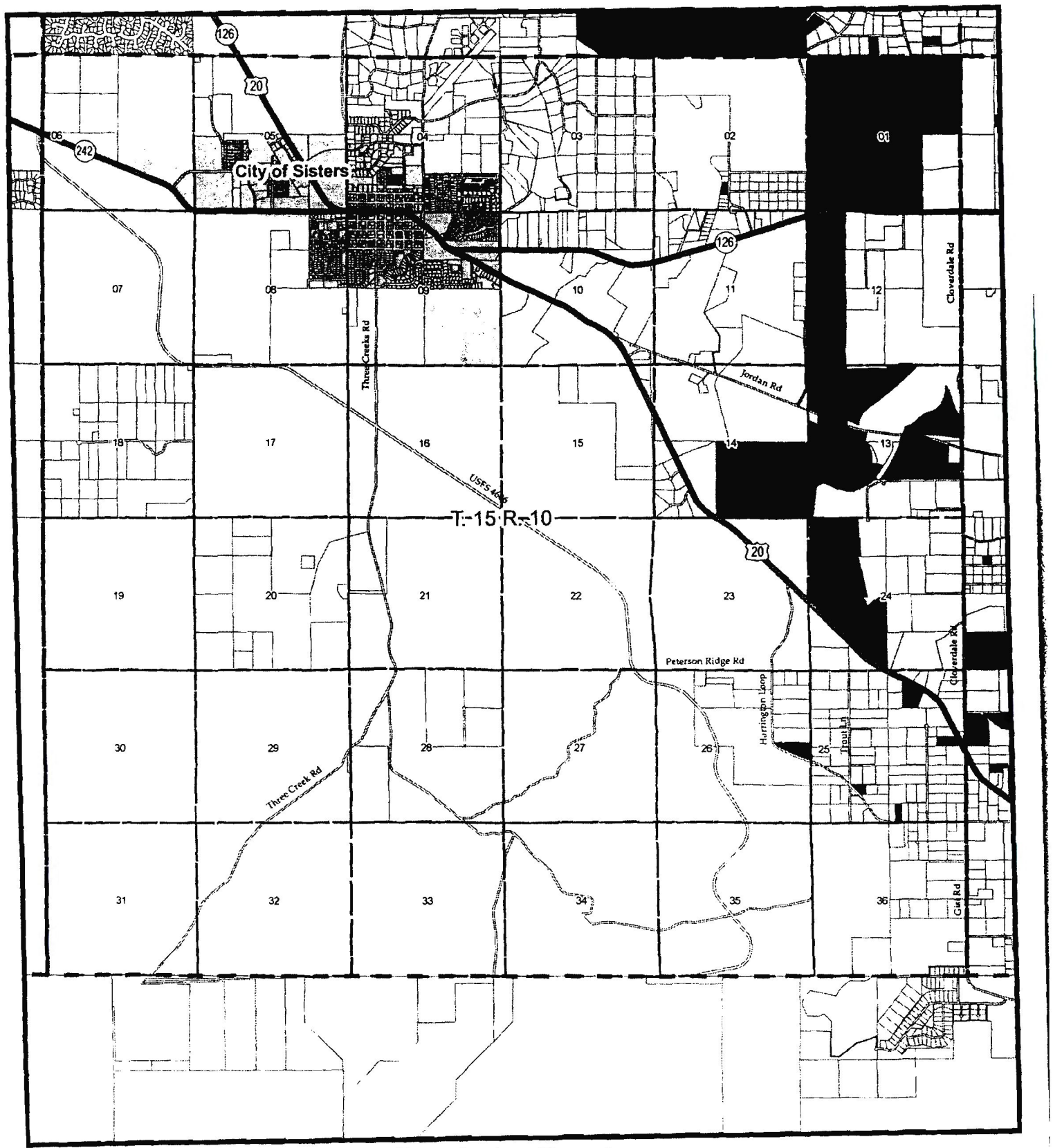
October 3, 2011

DISCLAIMER



Deschutes County Comprehensive Plan Map

Exhibit "A" Map 9 of 29
to Ordinance 2011-001

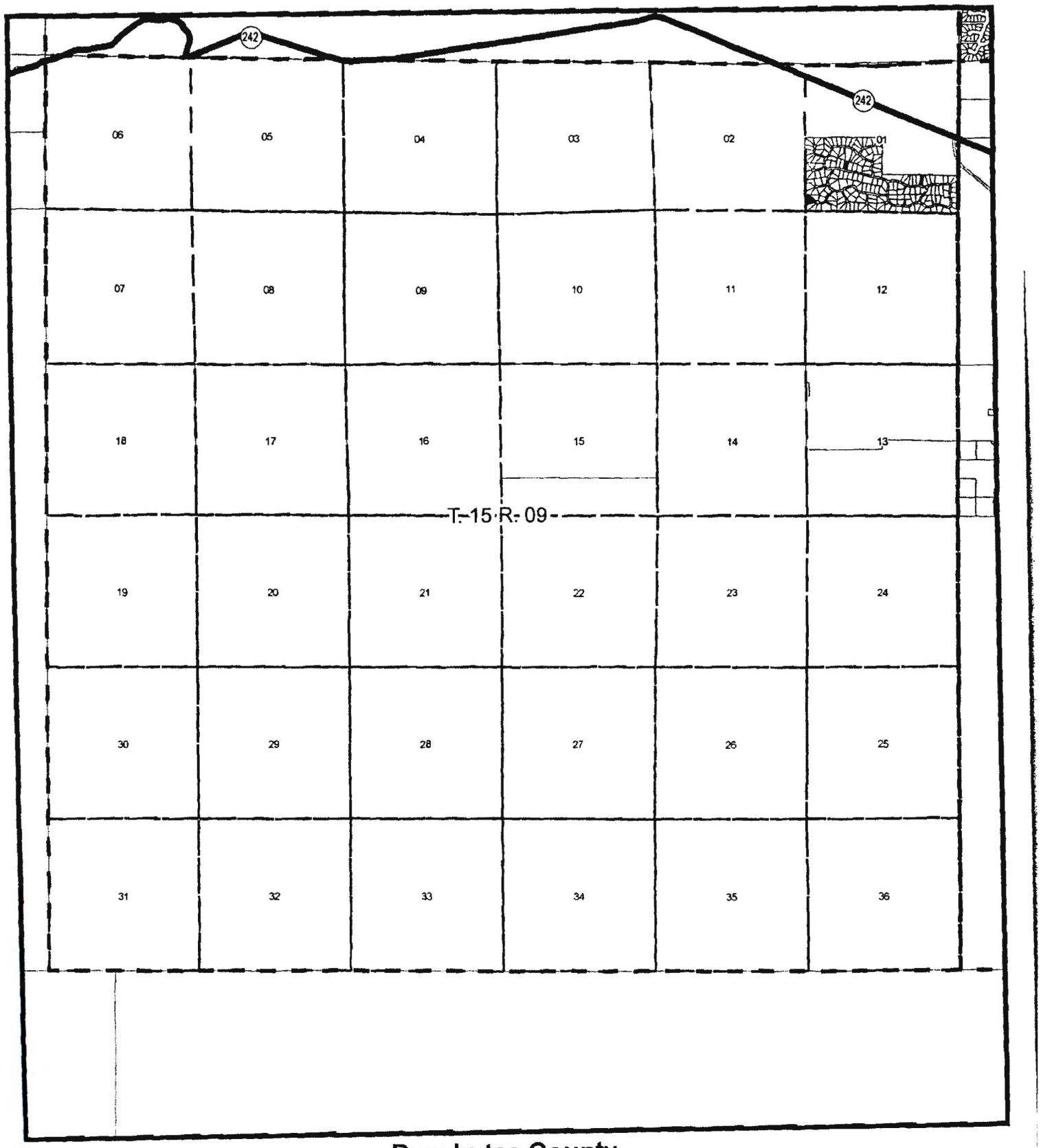
Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011

DISCLAIMER



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

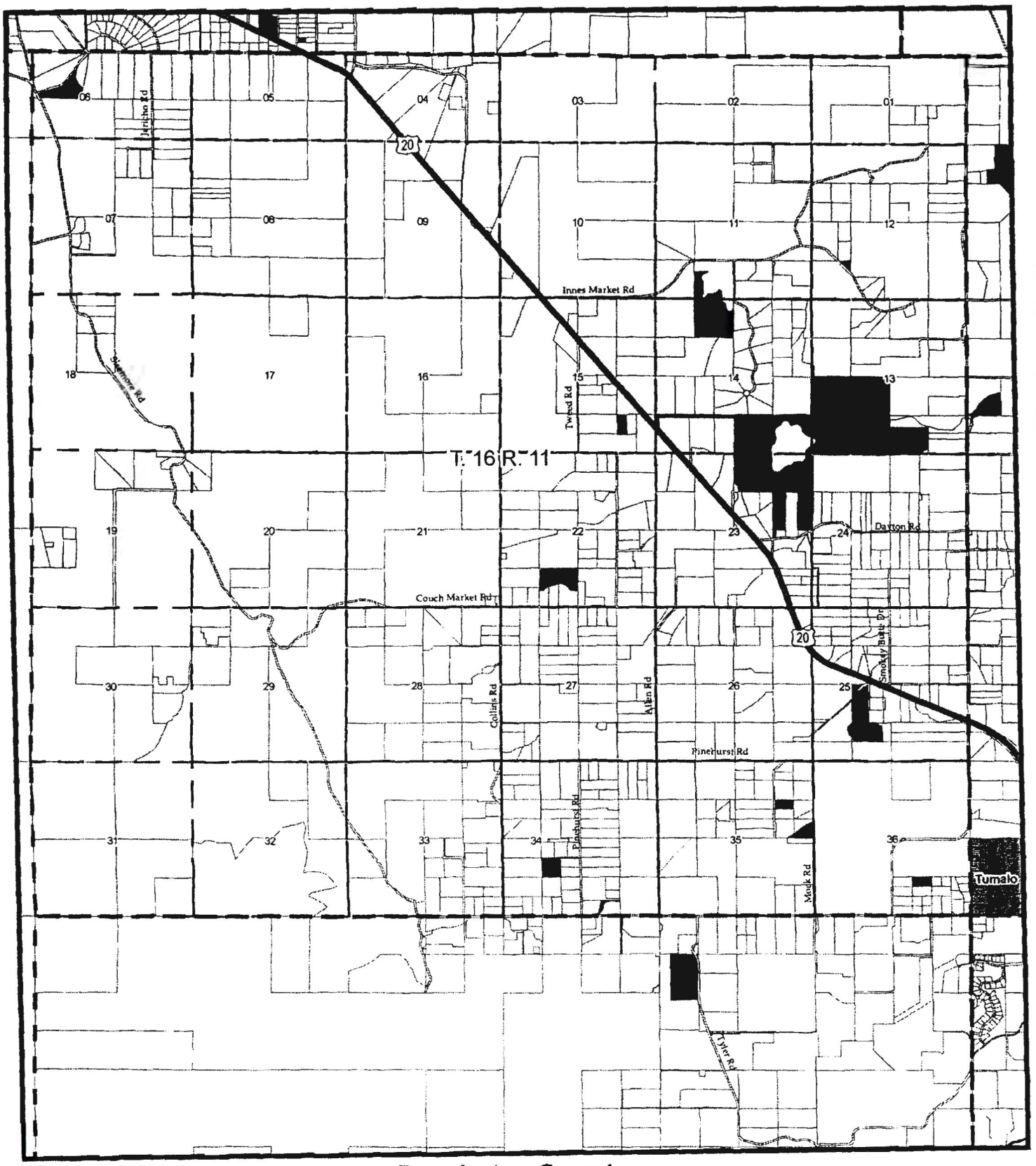
Deschutes County Comprehensive Plan Map

Exhibit "A" Map 10 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011

DISCLAIMER



Deschutes County Comprehensive Plan Map

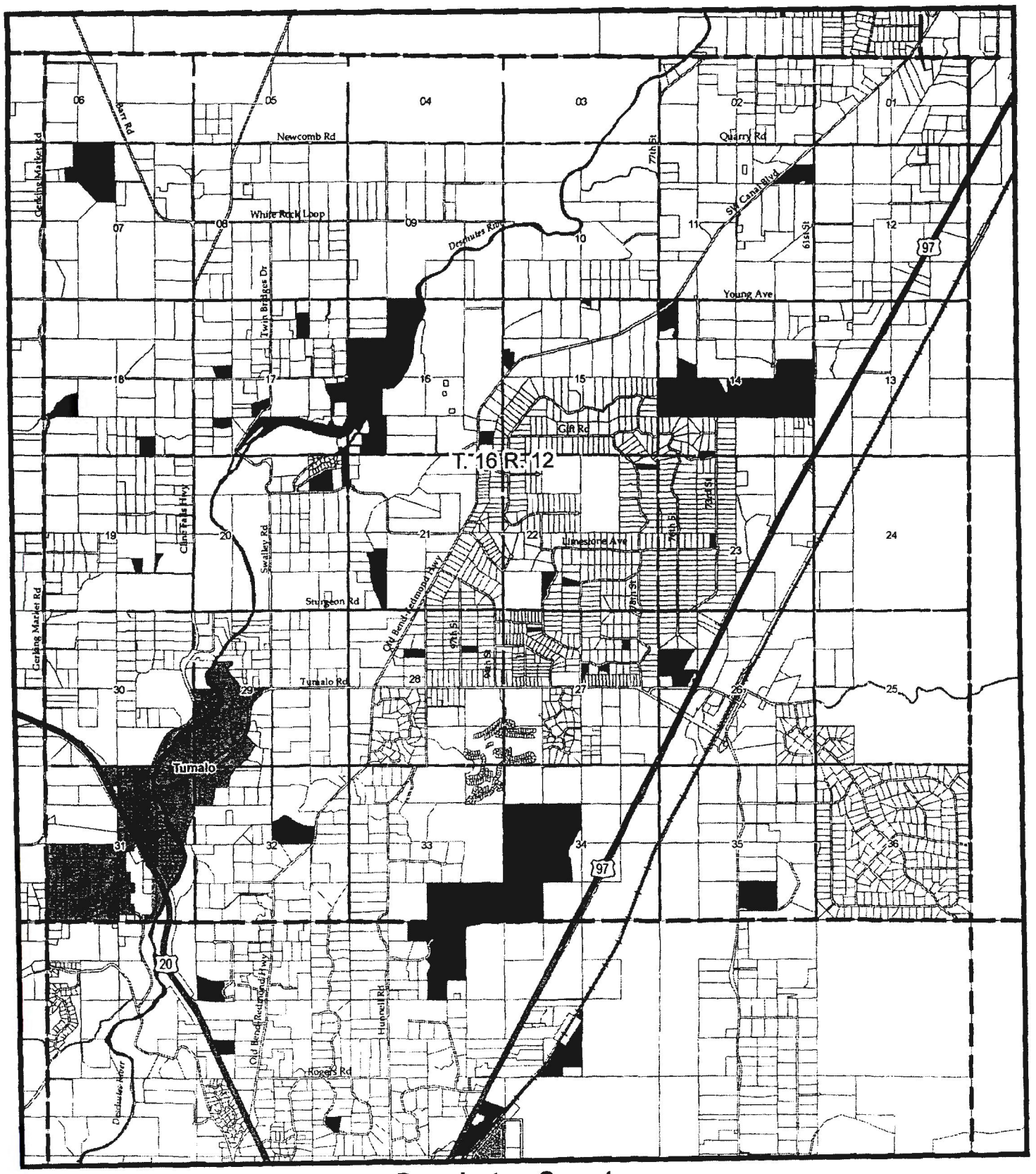
Exhibit "A" Map 11 of 29
to Ordinance 2011-001

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Comprehensive Plan Map

Exhibit "A" Map 12 of 29
to Ordinance 2011-001

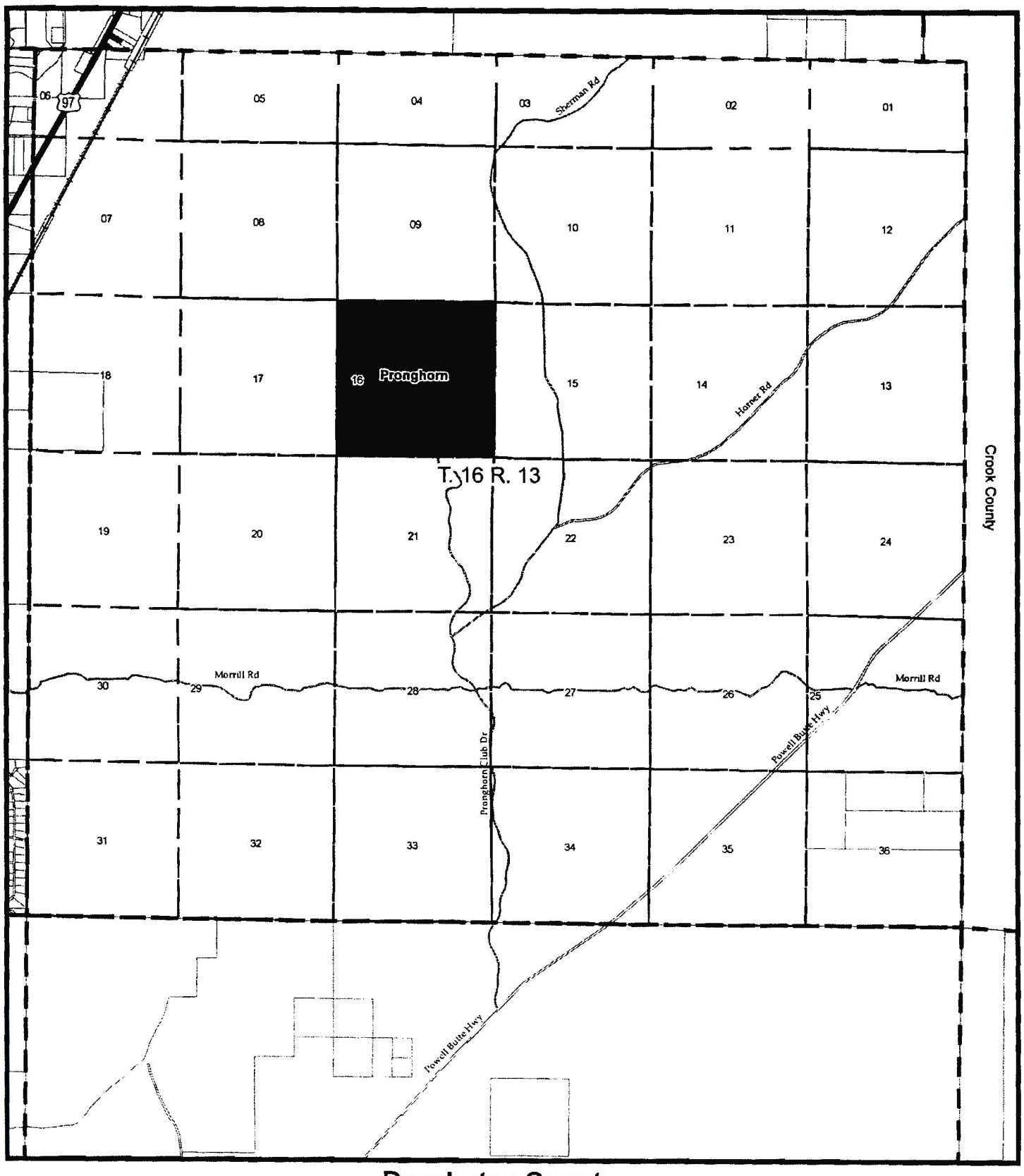
Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011

DISCLAIMER



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 13 of 29
to Ordinance 2011-001

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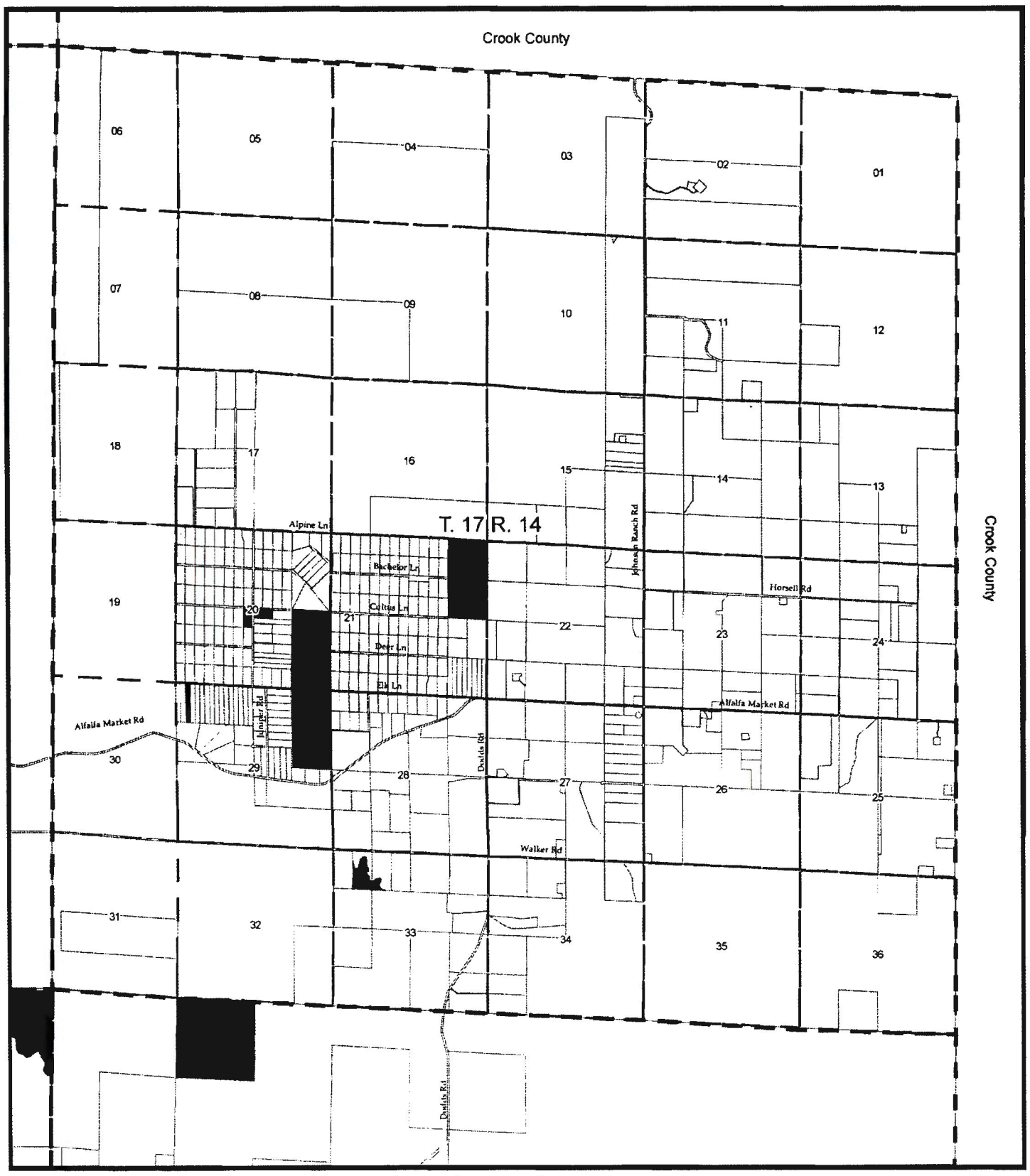
October 3, 2011



Legend

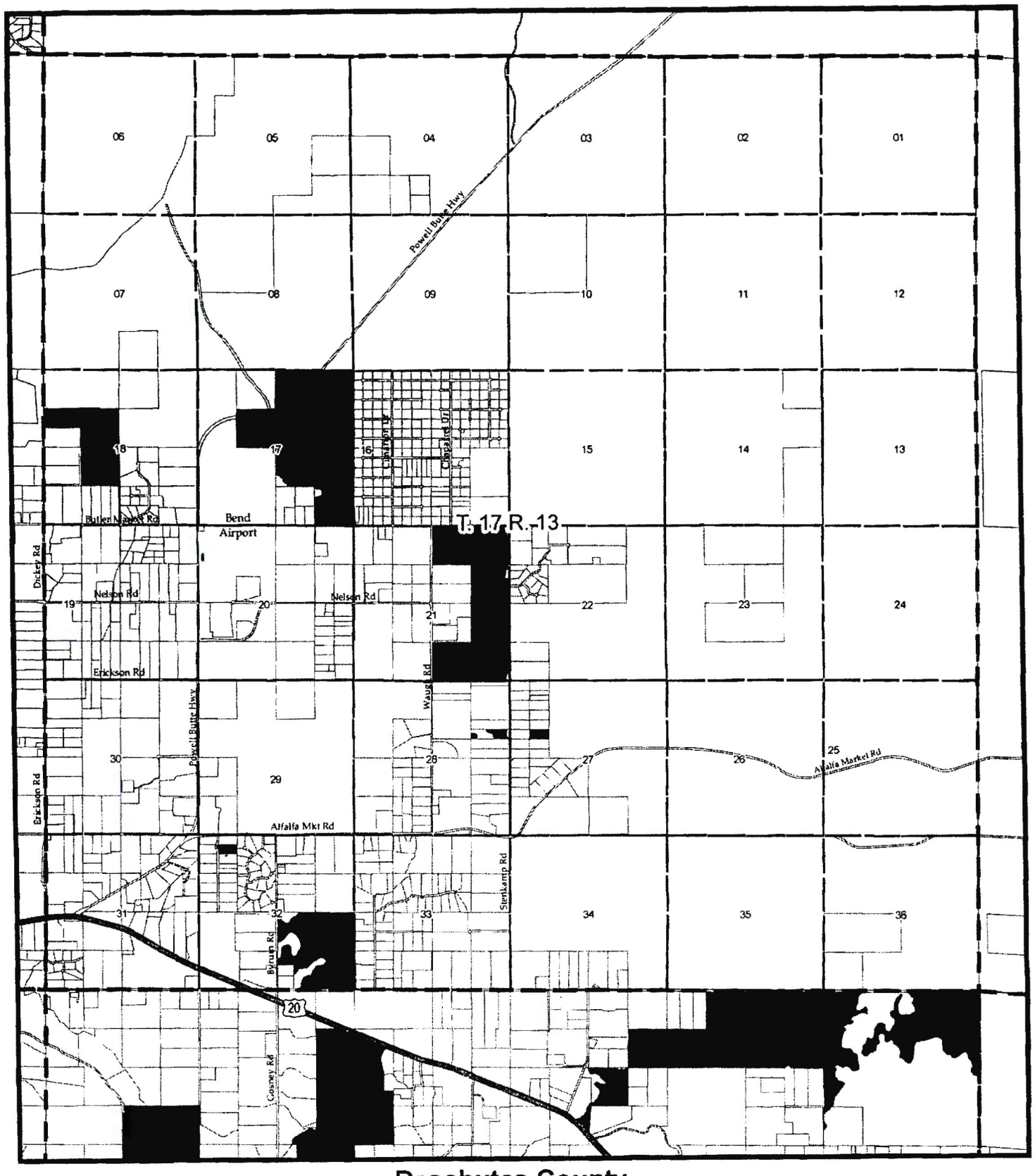
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 14 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 15 of 29
to Ordinance 2011-001

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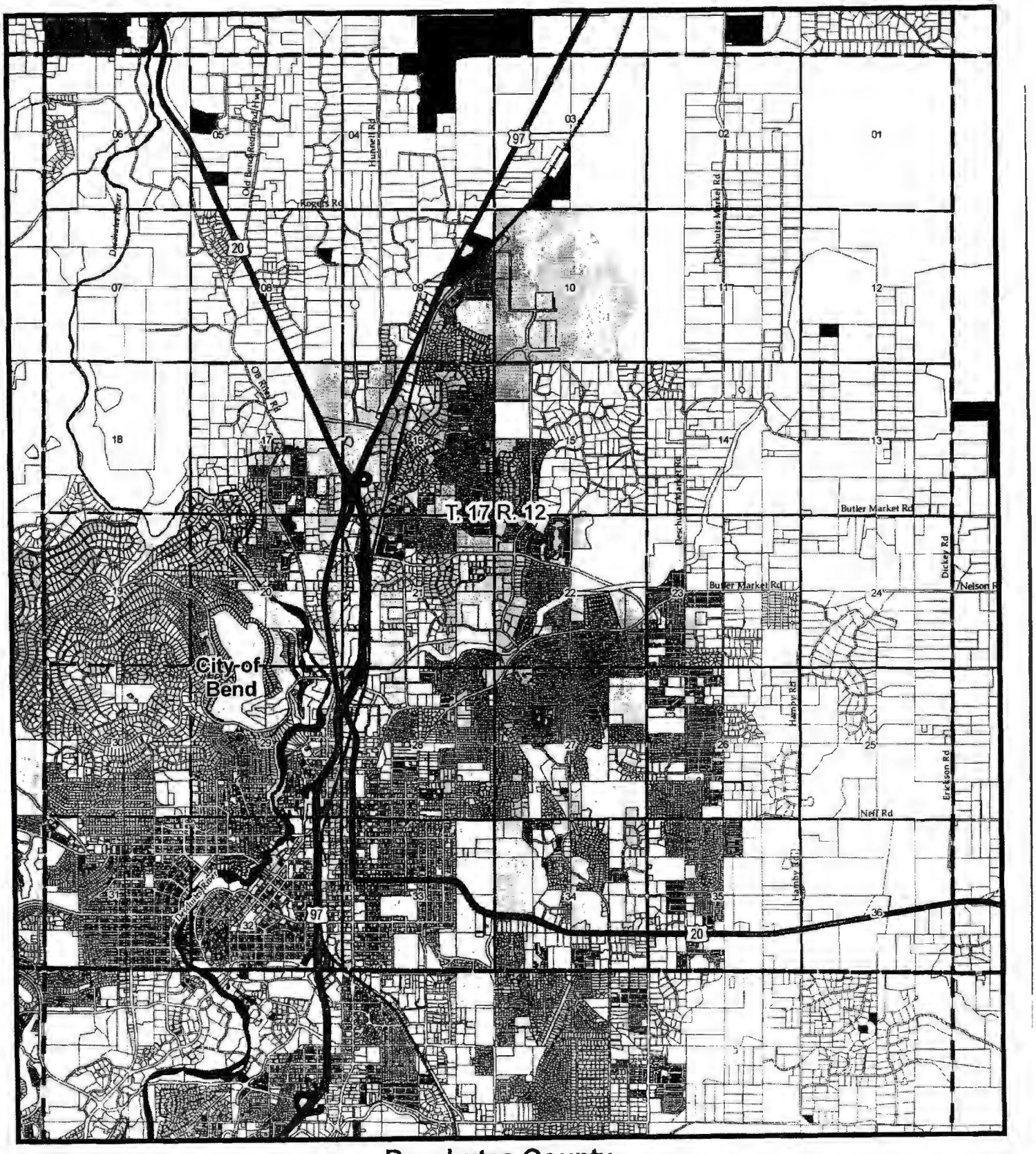
October 3, 2011



Deschutes County Comprehensive Plan Map

Exhibit "A" Map 16 of 29
to Ordinance 2011-001

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

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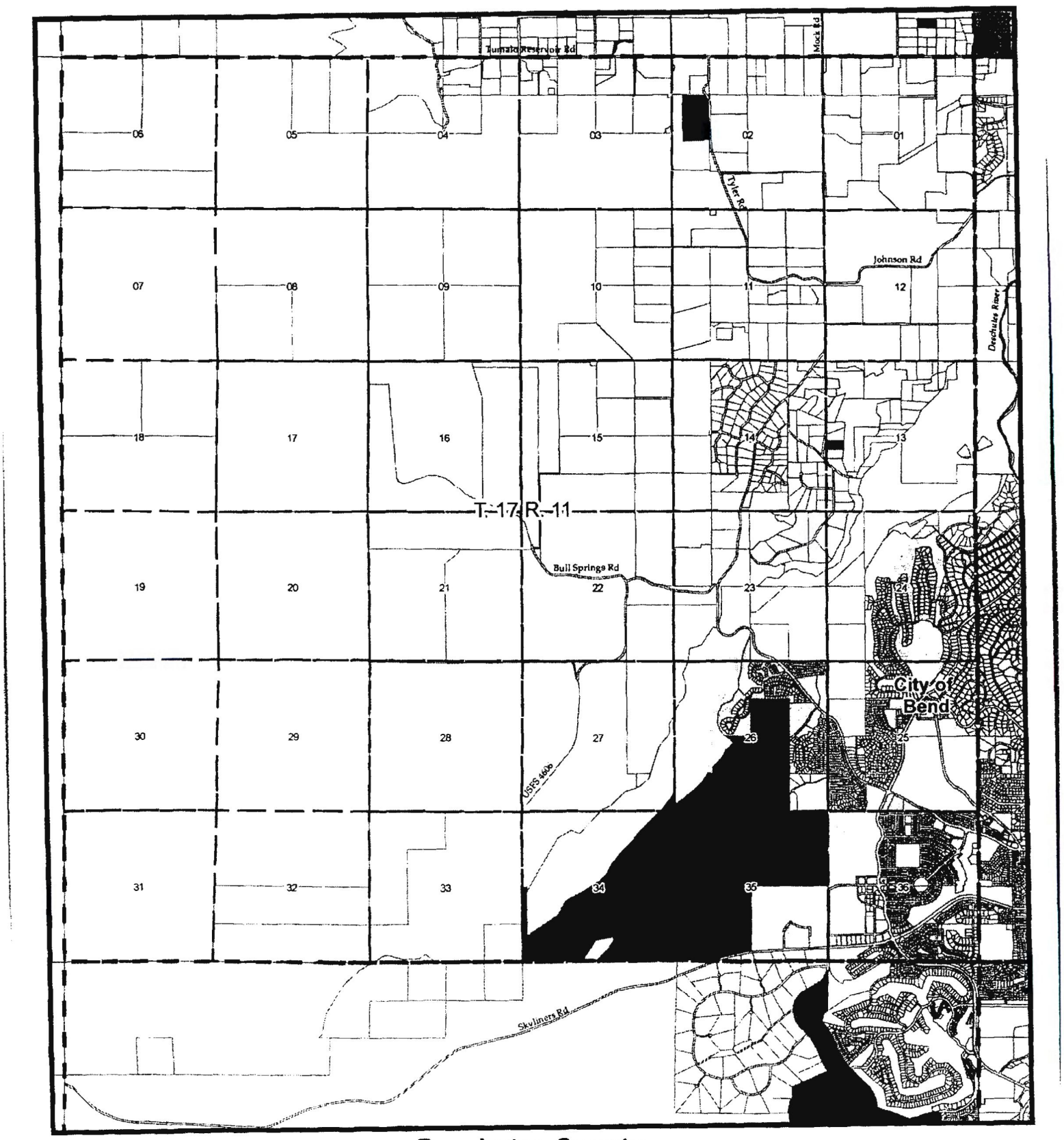
October 3, 2011

DISCLAIMER



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

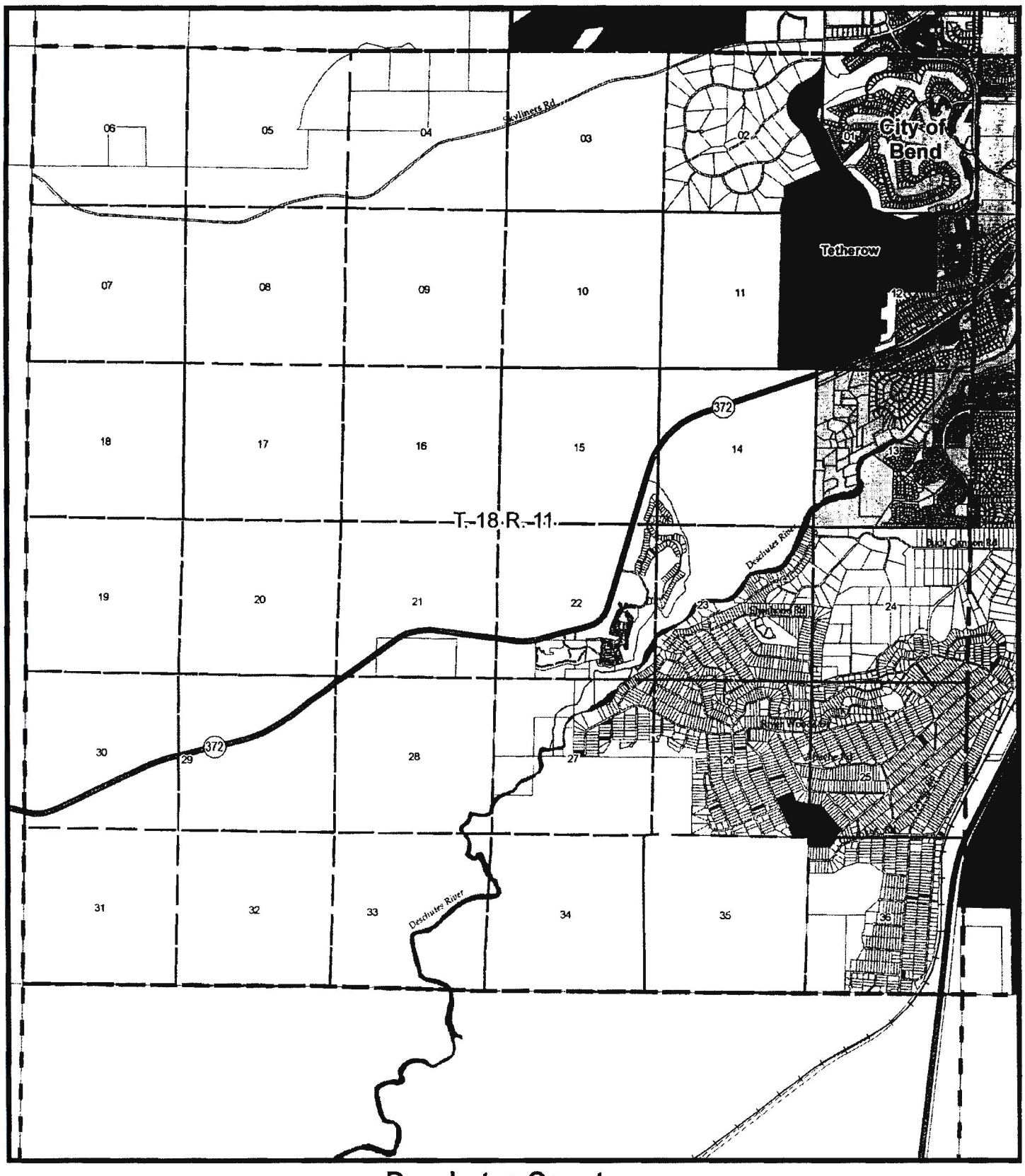
Deschutes County Comprehensive Plan Map

Exhibit "A" Map 17 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011

DISCLAIMER



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

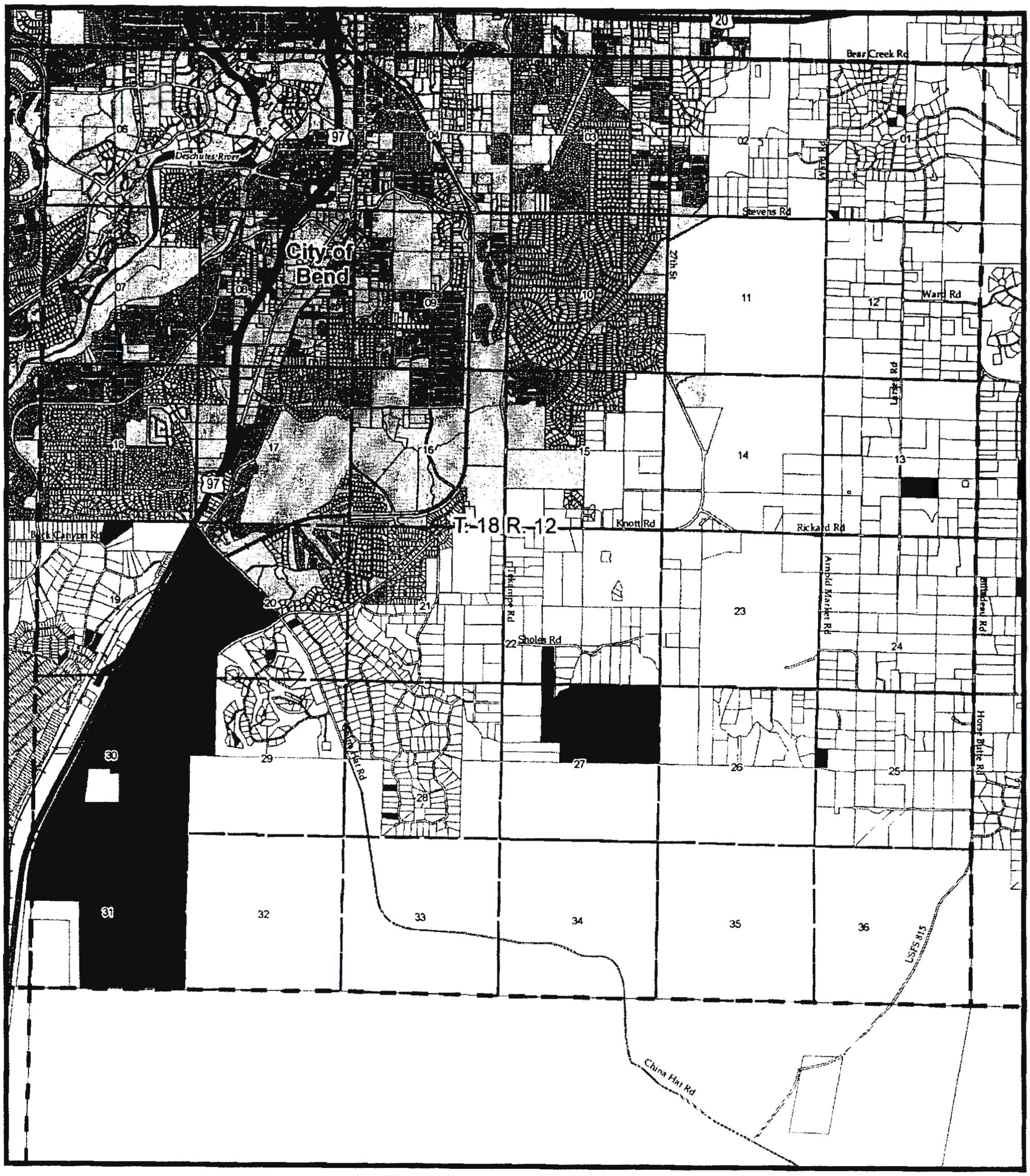
Deschutes County Comprehensive Plan Map

Exhibit "A" Map 18 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011

DISCLAIMER



Legend

State Highway

Tax Lot Boundary

Section Line

Exhibit "A" Map Index

Destination Resort Eligible Area

Unincorporated Community

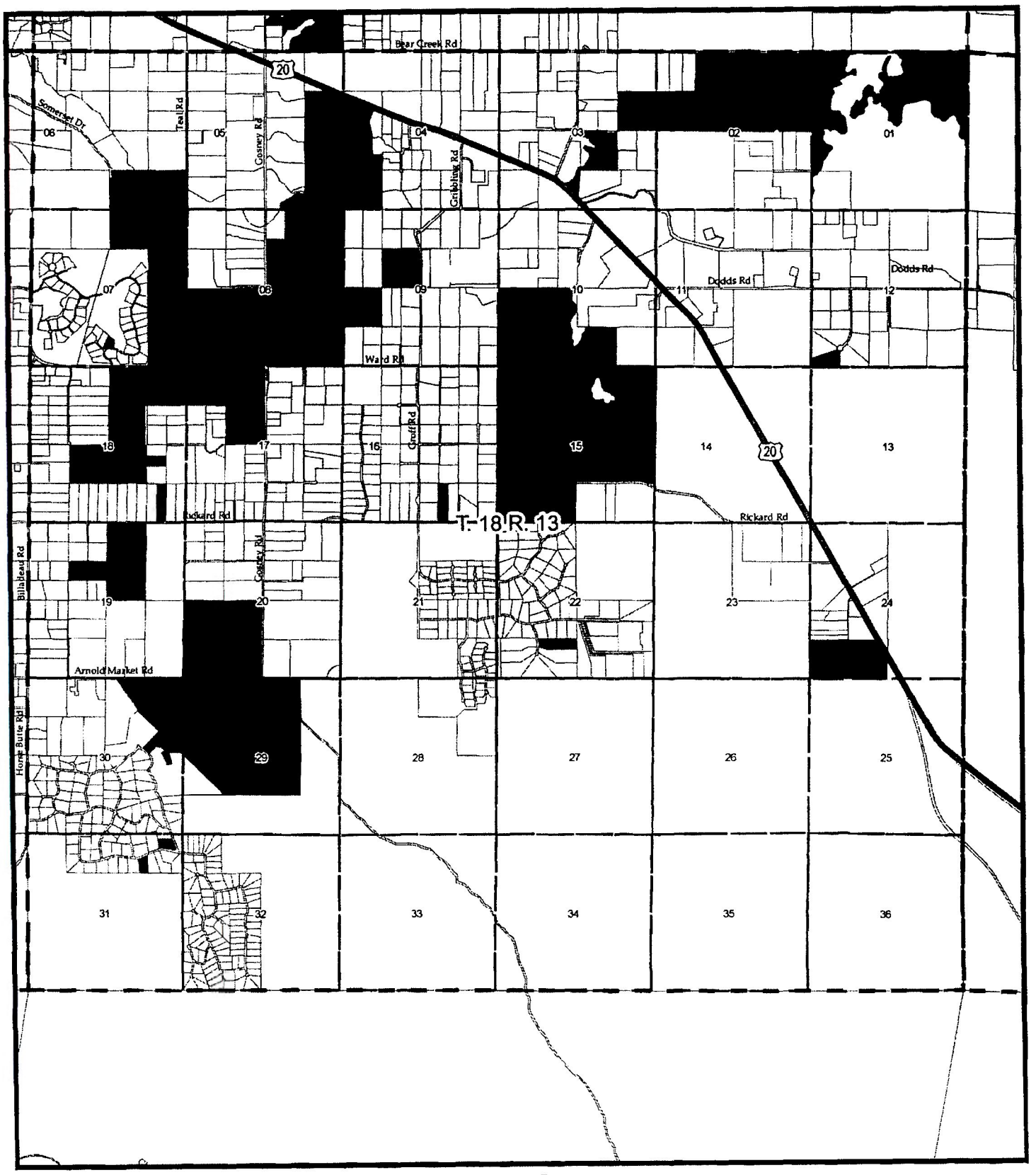
Urban Growth Boundary

Deschutes County
Comprehensive Plan Map

Exhibit "A" Map 19 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

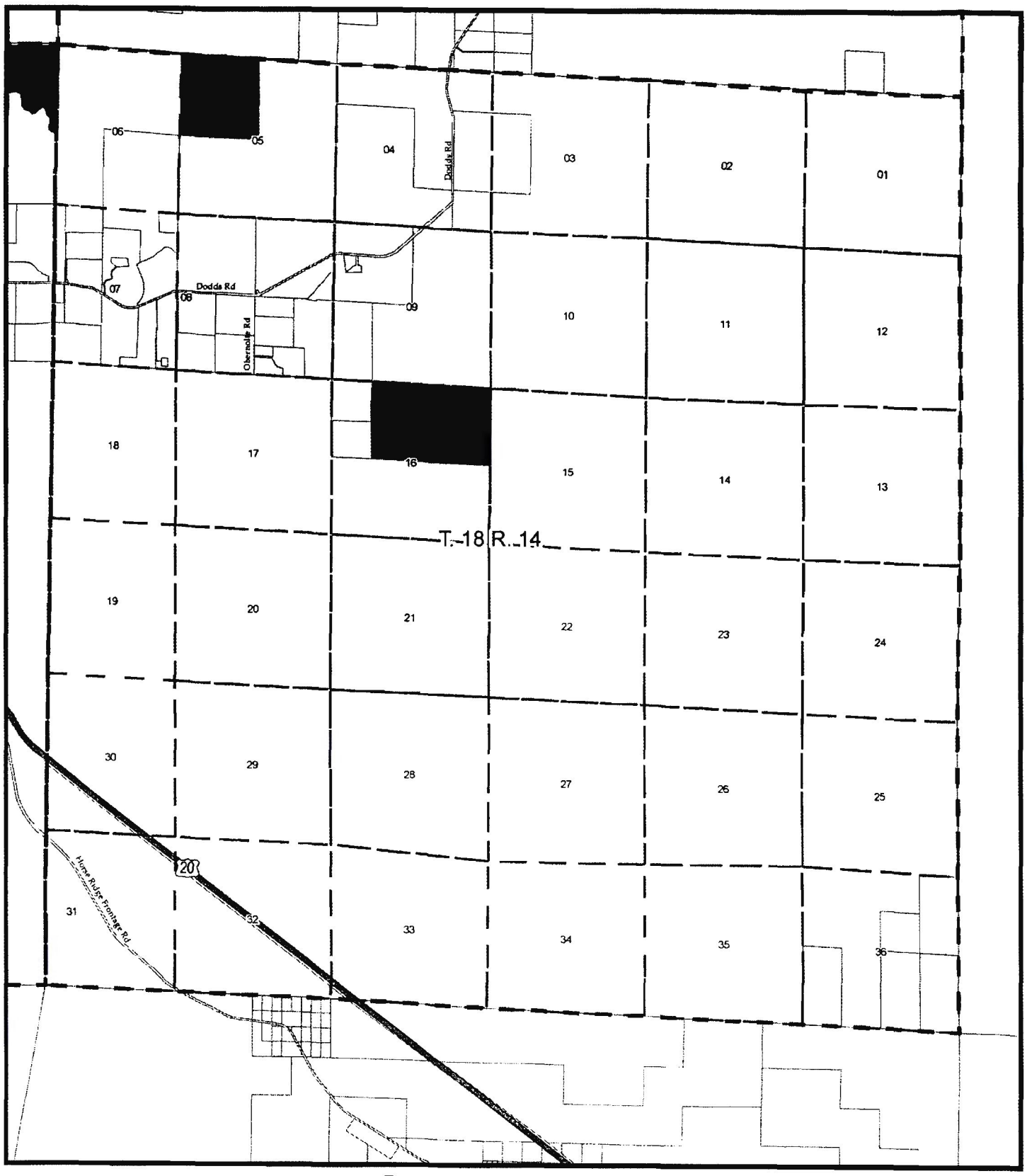
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 20 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

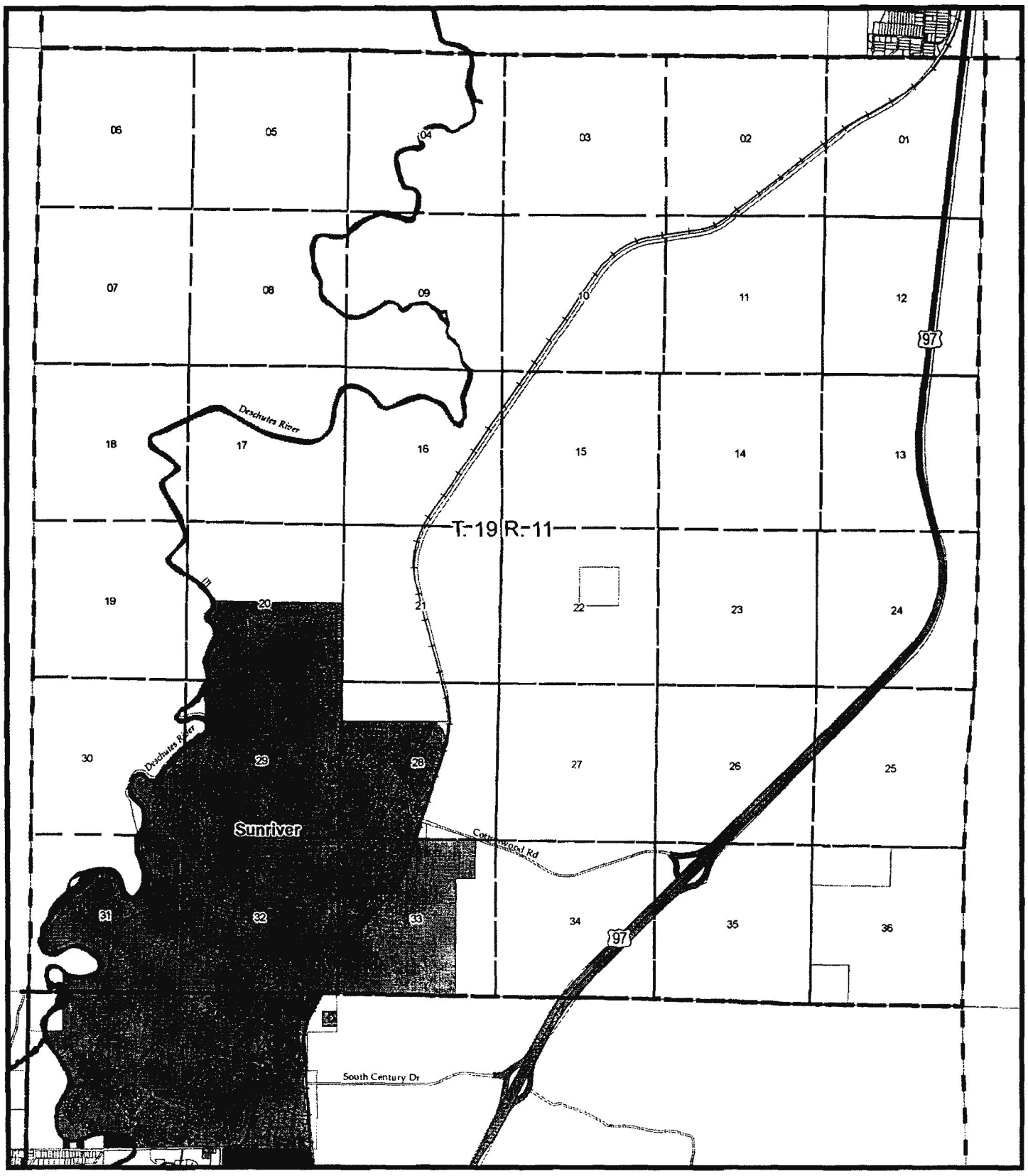
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 21 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 22 of 29
to Ordinance 2011-001

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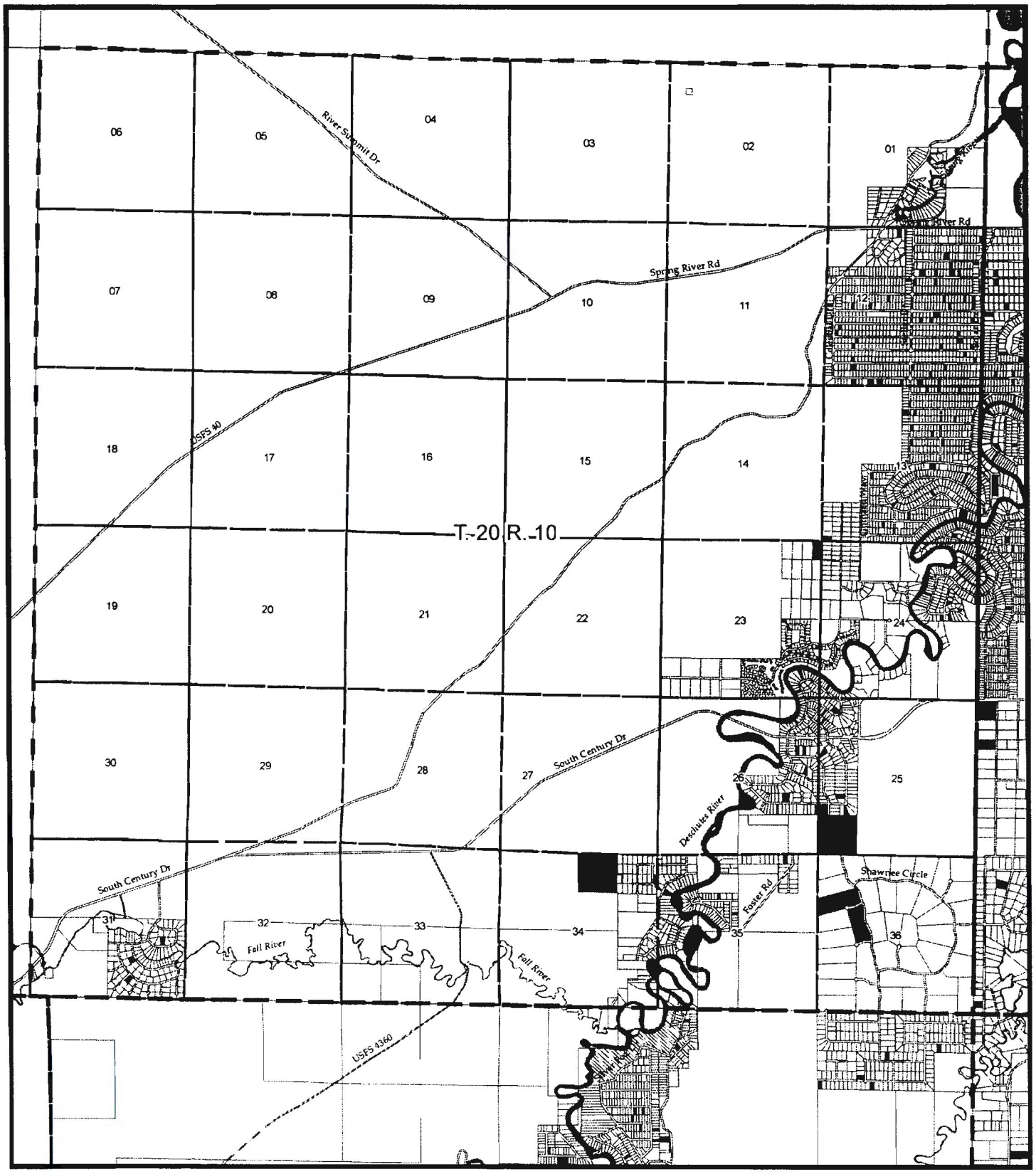
October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 23 of 29
to Ordinance 2011-001

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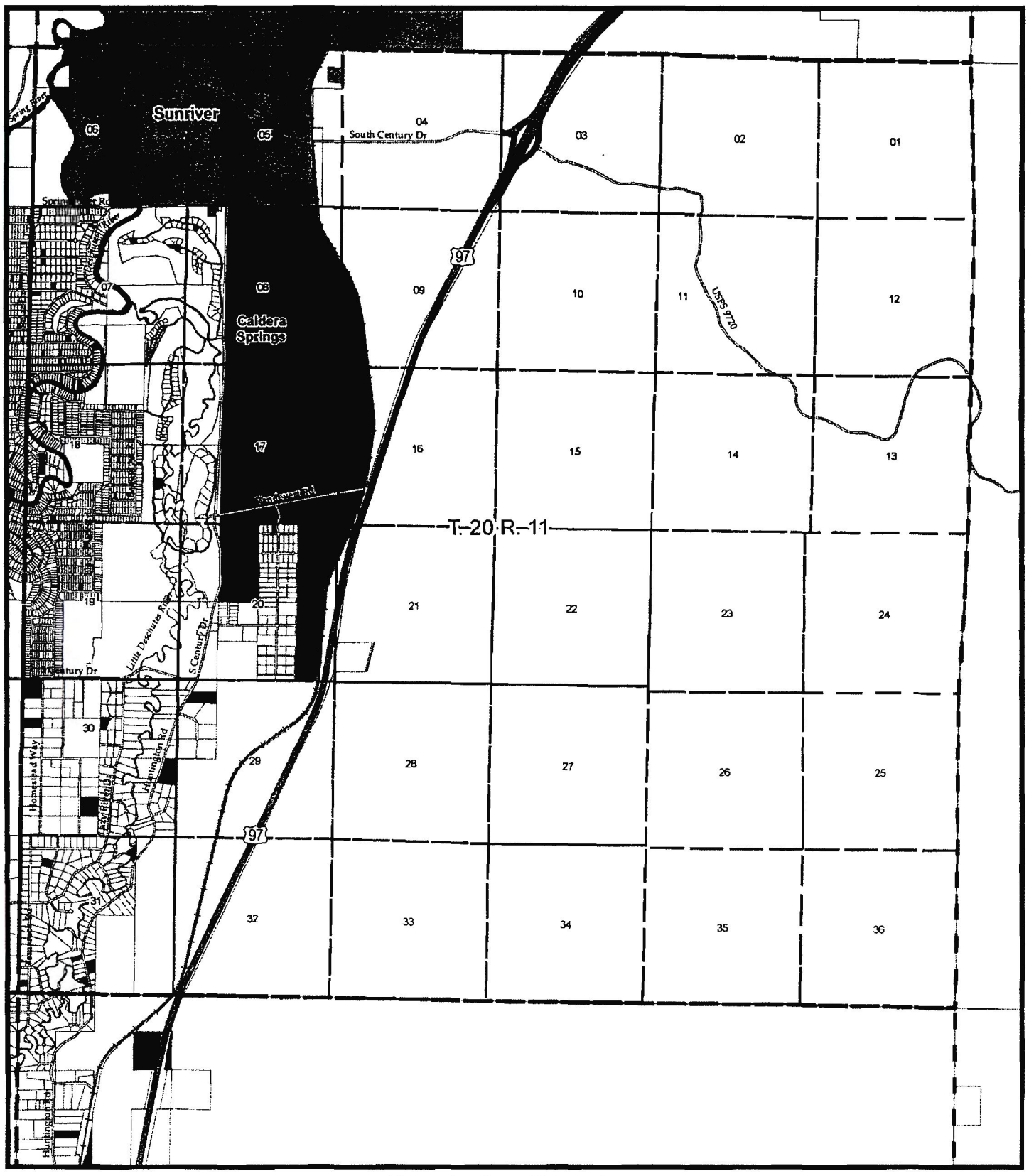
October 3, 2011

DISCLAIMER



Legend

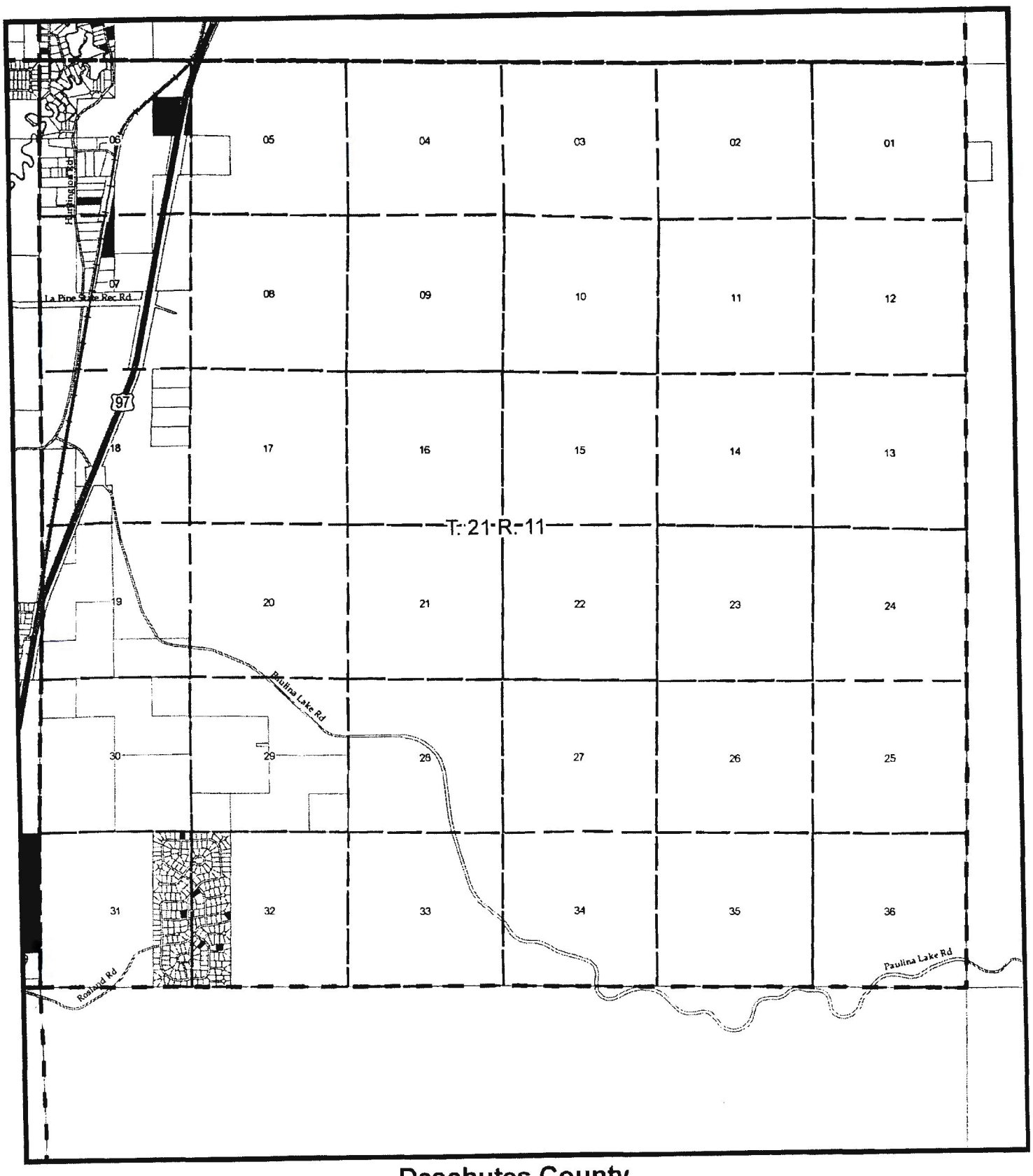
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 24 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

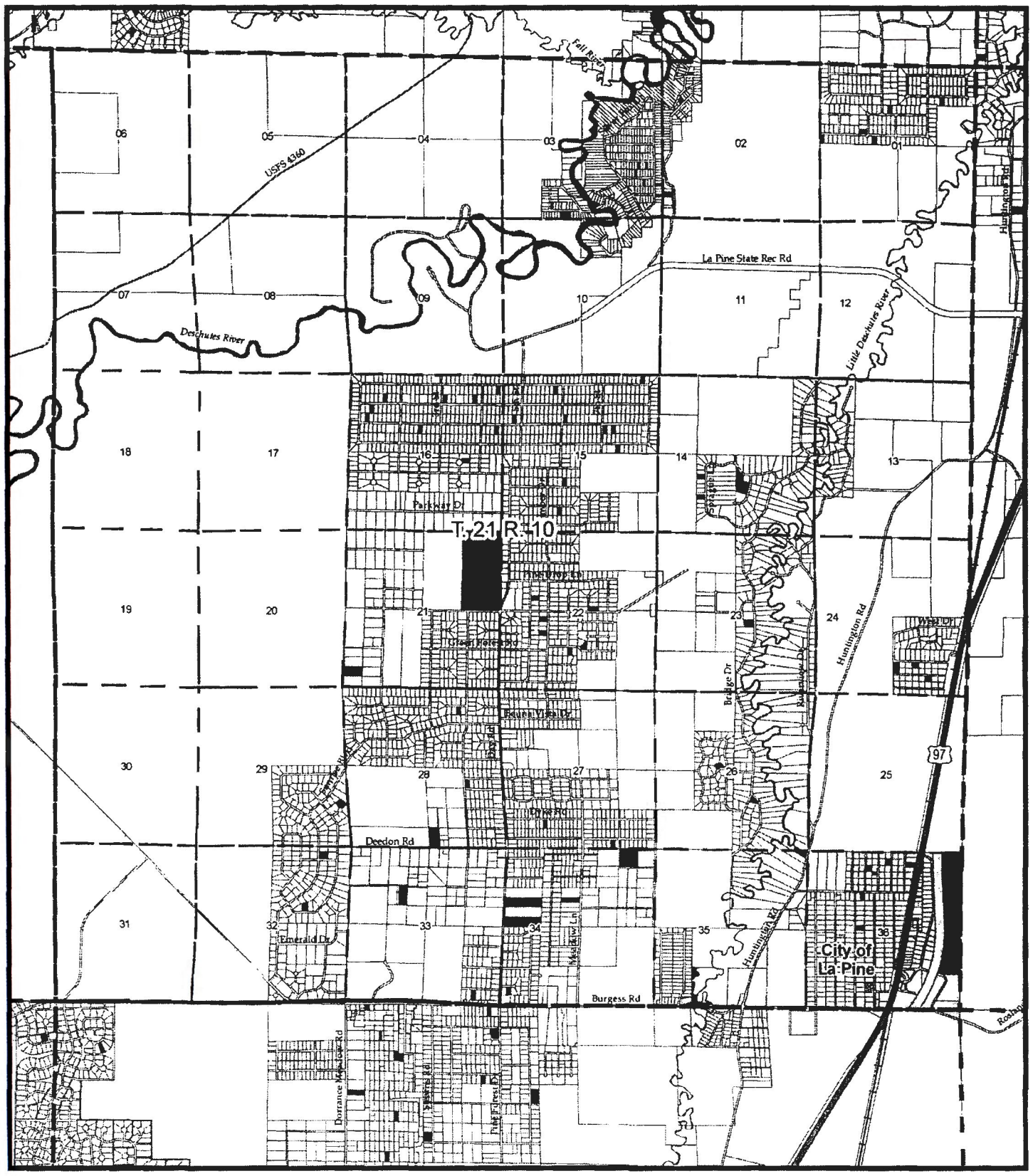
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 25 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

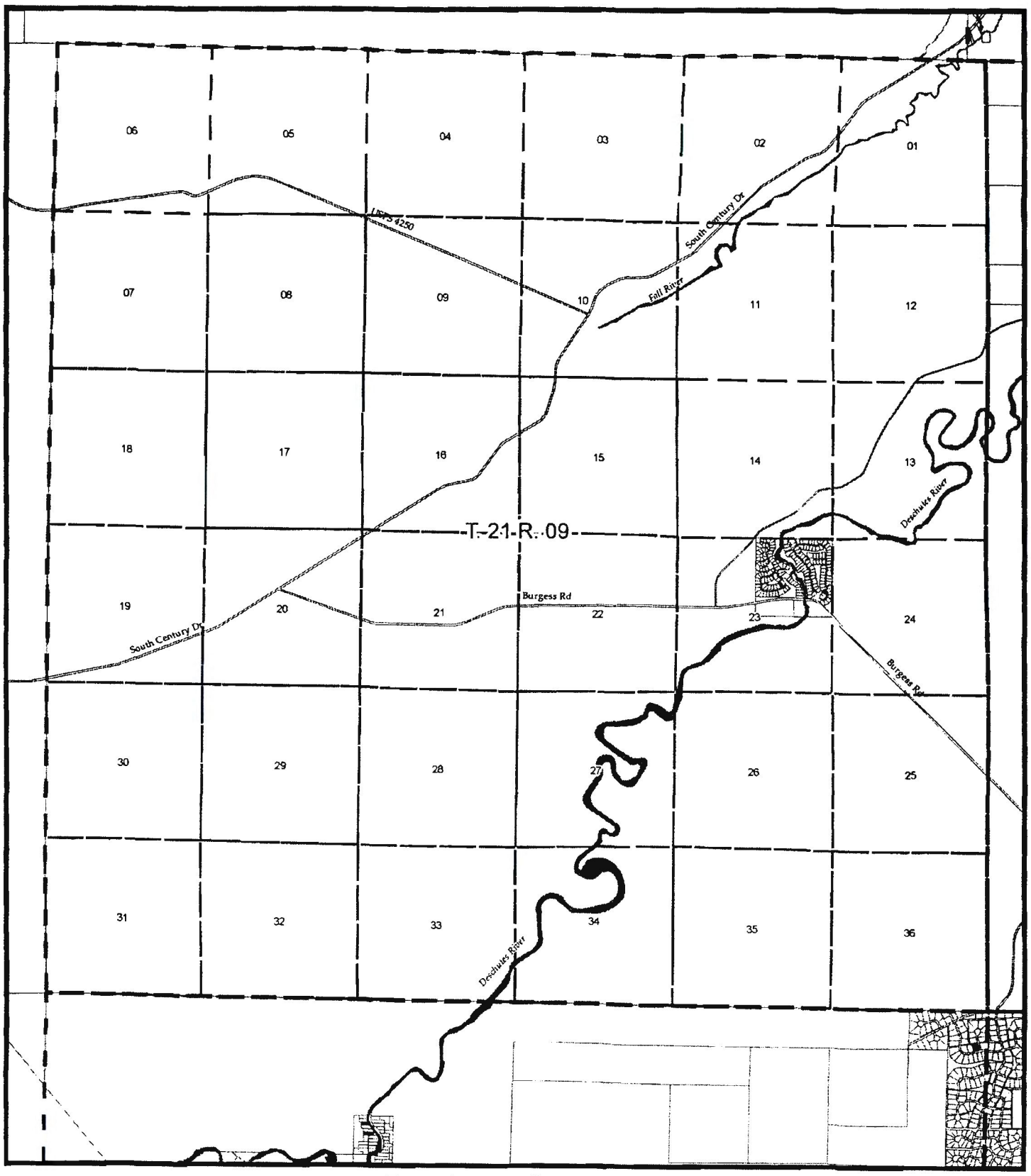
Deschutes County Comprehensive Plan Map

Exhibit "A" Map 26 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011

DISCLAIMER



Legend

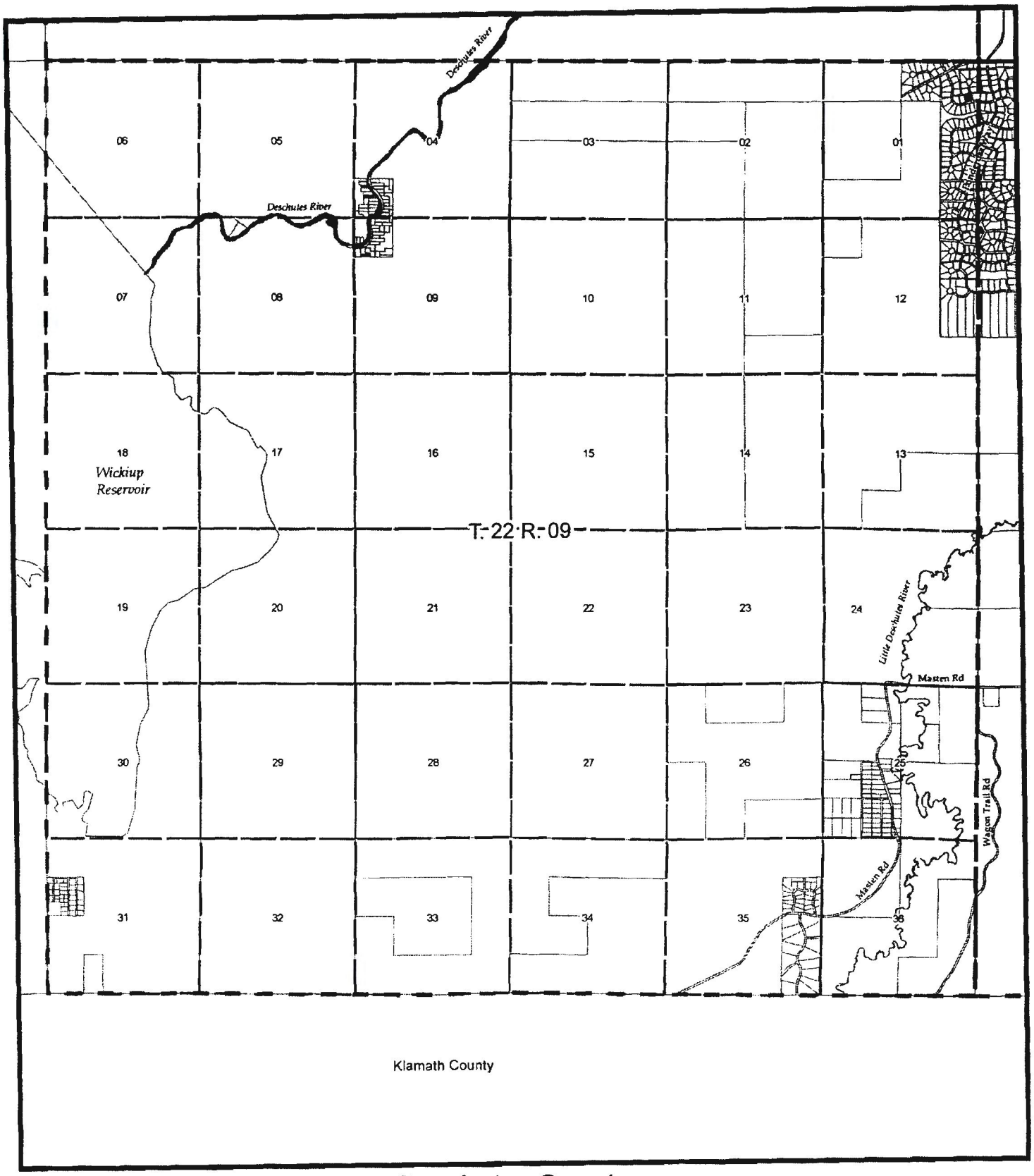
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 27 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

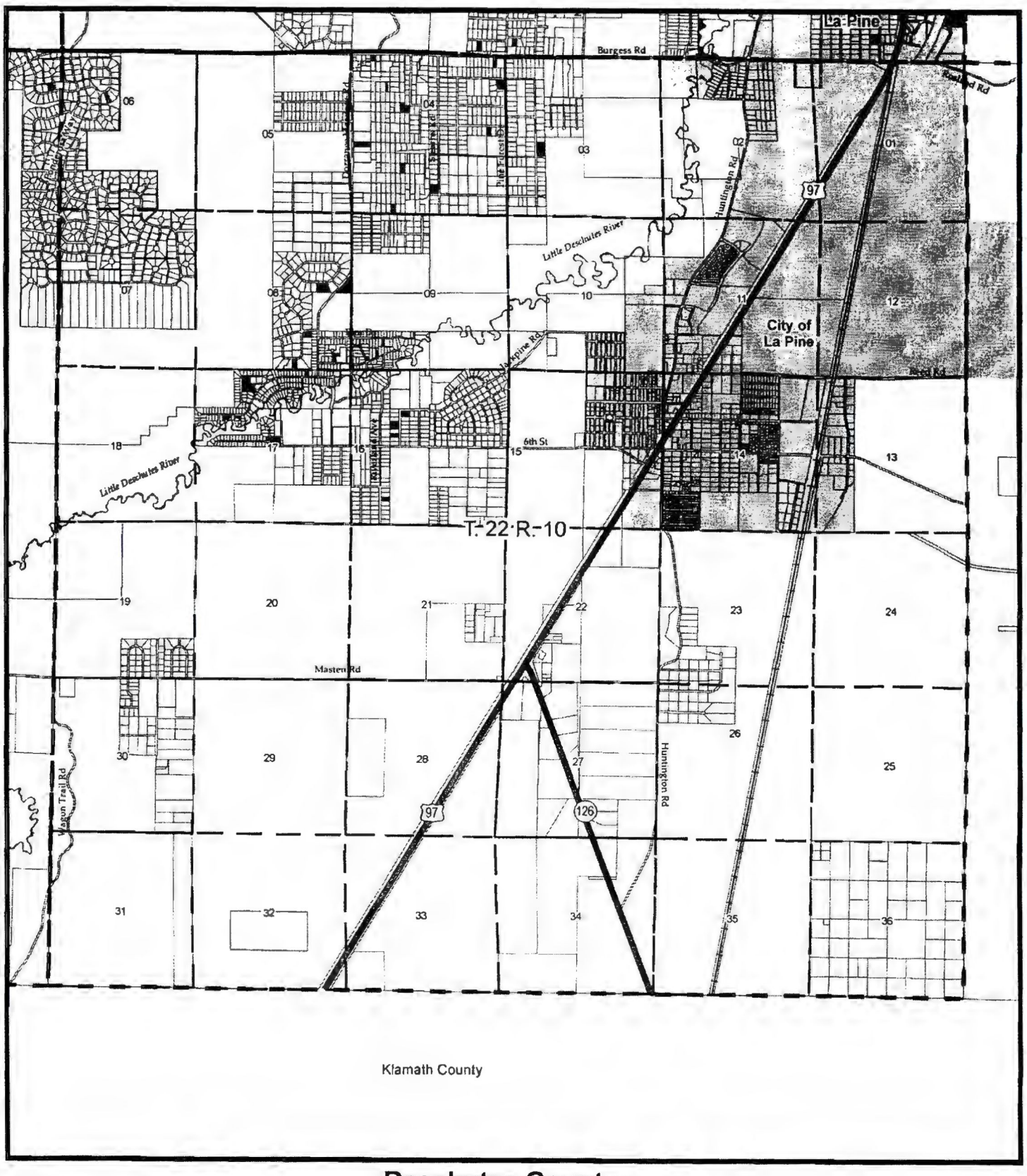
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 28 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5
Miles

October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Comprehensive Plan Map

Exhibit "A" Map 29 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 3, 2011

FINDINGS

PLANNING COMMISSION RECOMMENDATION

The Deschutes County Planning Commission on January 27, 2011 recommended the following amendments to Deschutes County Code (DCC) Titles 23 and 18, Deschutes County Destination Resort Maps:[1]

- Remove 91,701 acres disqualified as a result of the new criteria encompassed in Ordinance 2010-024;
- Maintain 17,560 acres carried over from the existing resort map that continues to meet the criteria cited in Ordinance 2010-024;
- Maintain 3,187 acres carried over from the existing resort map based on 908 grandfather requests;
- Add 3 sites, totaling 1,255.17 acres based on three map amendment applications; and,
- For one of the 3 sites, the Planning Commission recommended that 360 of the 400 acres proposed, be added to the map. The 40 acres that were not added represent a non-contiguous tax lot. The Planning Commission made a separate motion addressing this particular issue:

  "Indicate to the Board that the 40 acres defined as Tax Lot 15-12-0000-05101 were never anticipated and that it be thoughtfully considered."

The amended destination resort map recommended by the Planning Commission now identifies 22,002.17 acres, reflecting an 80% reduction from the map in place (112,448 acres) prior to the present amendment.

PURPOSE

Initiated by Deschutes County, the following plan amendment and zone changes are encompassed in Ordinances 2011-001 and 2011-002 respectively, and collectively amend DCC Titles 23 and 18, and their respective Destination Resort maps:

- Plan Amendment 10-6 (PA 10-6) and Zone Change 10-4 (ZC 10-4);
- Plan Amendment 10-7 (PA 10-7) and Zone Change 10-5 (ZC 10-5);
- Plan Amendment 10-8 (PA 10-8) and Zone Change 10-6 (ZC 10-6); and,
- Plan Amendment 10-9 (PA 10-9) and Zone Change 10-7 (ZC 10-7).

The two maps show where destination resorts can be located in Deschutes County. The map depicted in Ordinance 2011-001 is officially an element of the Comprehensive Plan, while the one in Ordinance 2011-002 is part of the zoning ordinance, depicting Deschutes County's Destination Resort Overlay Zone. The two maps are identical, and represent amendments adopted pursuant to ORS 197.455(2).

[1] A tax bill insert, complying with Ballot Measure 56 announcing the November 18, 2010 Planning Commission hearing was distributed in mid-October to all disqualified property owners in Deschutes County and was otherwise noticed as required.

BACKGROUND

Existing Destination Resort Map

A destination resort chapter was added to the Deschutes County Comprehensive Plan in 1992 at the request of Eagle Crest Resort.[2] Under state law, destination resorts are only allowed in areas designated on a county destination resort map. ORS 197.455(2). In 1992, the County supplemented the state's criteria by excluding large agricultural and forest parcels, and resource lands within one mile of an Urban Growth Boundary (UGB).[3] During periodic review, the mapping was done in a phased sequence, based on pending farm and forest studies. Additionally, as a result of a court case, lands within three miles of the county border were also excluded since most of the lands in Jefferson and Crook counties had not yet been evaluated. At that time, it could not be demonstrated they contained high value crop areas excluded by Statewide Planning Goal 8 and Oregon Revised Statutes (ORS). If a property was not excluded from the map by state or county criteria, it was automatically designated beginning in 1992 on Deschutes County's Destination Resort Overlay Zone Map. The existing map designates 112,448 acres.

New Ordinances

The Board of County Commissioners (Board) on July 28, 2010 adopted by emergency Ordinances 2010-024 and 2010-025. These two ordinances, recently affirmed by the Land Use Board of Appeals and the Oregon Court of Appeals, establish criteria and a legislative process Deschutes County can follow to change its destination resort maps.[4] Ordinance 2010-024 as summarized in Table 1, modifies DCC Chapter 23.84, Destination Resort Goals and Policies by listing areas that are eligible and ineligible for destination resorts.[5]

Table 1 - Ordinance 2010-024 / Destination Resort Map Eligibility Criteria

To assure that resort development does not conflict with the objectives of other Statewide Planning Goals, destination resorts shall pursuant to Goal 8 not be sited in Deschutes County in the following areas:	
Ineligibile Areas	Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort
	On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area
	On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception
	On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource
	Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement: Tumalo deer winter range Portion of the Metolius deer winter range Antelope winter range east of Bend near Horse Ridge and Millican
	Sites less than 160 acres

[2] http://www.co.deschutes.or.us/dccode/title23/docs/chapter%2023.84.doc. All documents referenced by hyperlinks in these findings are incorporated into the record by this reference.
[3] Destination Resort Legislative History: Ordinance Nos. 92-001, 92-002, 92-003, 92-029, 92-030, 92-031, 92-032, 93-029, 93-030, 93-031, 2001-019, 2010-024, and 2010-025.
[4] The Land Use Board of Appeals, LUBA No. 2010-075 and 2010-076 affirmed the County's decision.
[5] http://www.co.deschutes.or.us/dccode/title23/docs/chapter%2023.84.doc

Table 1 - Ordinance 2010-024 / Destination Resort Map Eligibility Criteria

Ineligibile Areas (continued)	Areas of Critical State Concern
	Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:
	Antelope Range near Horse Ridge and Millican Elk Habitat Area Deer Winter Range
	Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group
	Lands zoned Open Space and Conservation (OS&C)
	Lands zoned Forest Use 1 (F-1)
	Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation
	Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres
	Farm or forest land within one mile outside of urban growth boundaries
	Lands designated Urban Reserve Area under ORS 195.145
	Platted subdivisions
For those lands not located in any of the areas designated above, destination resorts may, pursuant to Goal 8, Oregon Revised Statute and Deschutes County zoning code, be sited in the following areas:	
Eligibile Areas	Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones
	Unirrigated Exclusive Farm Use (EFU) land
	Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation
	Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres
	All property within a subdivision for which cluster development approval was obtained prior to 1990, for which the original cluster development approval designated at least 50 percent of the development as open space and which was within the destination resort zone prior to the effective date of Ordinance 2010-024 shall remain on the eligibility map
	Minimum site of 160 contiguous acres or greater under one or multiple ownerships

Ordinance 2010-025 as shown in Table 2, specifies Destination Resort Map Amendment Procedures cited in DCC 22.23 by describing the process for handling map amendment applications.[6]

Table 2 - Ordinance 2010-025 / Destination Resort Map Amendment Procedures

All amendments to the eligibility map shall be processed simultaneously and no more than once every 30 months
The deadline for applications for the first eligibility map amendment shall be the first Tuesday in September by 5:00 p.m.
Lands shown on the existing eligibility map but unable to comply will remain on the eligibility map if property owners file a formal request with the Deschutes County Community Development Department on an authorized county form by the first Friday in January at 5:00 p.m. to remain eligible
In addition to any other county code provision regarding notice, 30 days prior to the end of the next 30-month period for amendments to the eligibility map, Deschutes County shall publish a notice announcing opportunities for property owners to apply for an amendment to the eligibility map
Property owners must file applications for an eligibility map amendment prior to the last day of the 30-month period by 5:00 p.m.
Any additional applications filed after the deadline in DCC 22.23.010(C) will be processed at the end of the next 30-month cycle

[6] http://www.co.deschutes.or.us/dccode/title22/docs/chapter%2022.23.doc

Table 2 - Ordinance 2010-025 / Destination Resort Map Amendment Procedures

Applications to either remove property from or add property to the eligibility map may be initiated by the Board, or, if by a property owner, shall:
Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application
Be completed on a form prescribed by the Planning Director
Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners
Include documentation that demonstrates compliance with eligibility criteria
For applications adding properties to the eligibility map, the applicant will be required to demonstrate consistency with the Transportation Planning Rule at OAR 660-012-0060
The planning director shall retain any applications received prior to the expiration of the 30-month period
Multiple applications shall be consolidated
The planning director shall schedule the hearing before the planning commission or hearings officer after the expiration of the 30-month period

PROPOSALS

Deletions

Deschutes County, through Plan Amendment 10-6 and Zone Change 10-4 is proposing to amend the existing resort map by removing 91,701 acres from the resort map because new eligibility criteria cited in Ordinance 2010-024 disqualify these areas from becoming eligible to site a destination resort and because the underlying property owners did not file a request to retain the overlay under DCC 22.23.010(C). These properties were originally designated in 1992. The new eligibility criteria exclude the following properties:

- A site size of less than 160 acres;
- Located in a subdivision;
- Agricultural or forest land, located within a mile of an Urban Growth Boundary (UGB);
- Located in a UGB or Redmond Urban Reserve Area; and/or,
- Located in certain officially designated wildlife areas.

The City of Bend also requested, voluntarily that the County remove 3 parcels associated with their wastewater treatment plant and 5 affiliated with Juniper Ridge, a master-planned, mixed-use area in NE Bend. This affected area is accounted within the 91,701 acres proposed for removal.

Grandfather Clause

New destination resort eligibility criteria adopted by the Board last summer, disqualified approximately 30,000 tax lots that were designated originally in 1992.[7] However, a second ordinance adopted by the Board provided a process for those disqualified landowners to retain their previous mapping designation. Property owners wishing to remain on Deschutes County's Destination Resort Maps, even though state and/or local land use laws would likely prohibit approval of a destination resort on these properties, were allowed to file a formal request with the Community Development Department under DCC 22.23.010(C). The deadline for requesting a property to remain eligible on the County's Destination Resort Map per Ordinance 2010-025

[7] Ordinance 2010-024, DCC 23.84.030; http://www.co.deschutes.or.us/dccode/title23/docs/chapter%2023.84.doc

was January 7, 2011 at 5:00 p.m.[8] Deschutes County received 908 requests, amounting to 3,187 acres. These properties remain on the resort map; however, whether a resort could be sited on such lands would be based on current County development standards and any relevant provisions of state law. Attachment 1, which is a series of parcel based maps, shows these "grandfathered" properties. Nine hundred and eight "grandfather" properties were crossed checked by Geographic Information Systems and shown to contain an original destination resort designation.

Additions

Deschutes County received three requests to add properties to Deschutes County's Destination Resort Maps. Each application is summarized below in Table 3.

Table 3 - Requests to Add Properties to Destination Resort Map

Applicant	Case File	Location	Acres	Tax Lot(s)
Pine Forest Development, LLC	Plan Amendment 10-7 Zone Change 10-5	South of Sunriver, near Vandevert Road	617	201100-00-00103
Belveron Partners, LLC and Vandevert Road, LLC [9]	Plan Amendment 10-8 Zone Change 10-6	South of Sunriver, near Vandevert Road	179.5	201100-00-00104
			98.68	201100-00-00105
Oregon Department of State Lands	Plan Amendment 10-9 Zone Change 10-6	West of Eagle Crest Resort	400	151200-00-05101 151200-00-05102 151200-00-05103 151200-00-05104 151200-00-05200 151200-00-05300

Updated Destination Resort Map Statistics

Deschutes County is proposing to amend the resort maps as follows:

- Remove 91,701 acres removed as a result of the new criteria encompassed in Ordinance 2010-024.
- Maintain 17,560 acres designated on the existing resort map that continue to meet the criteria cited in Ordinance 2010-024.
- Maintain 3,187 acres carried over from the existing resort map based on 908 grandfather requests pursuant to DCC 22.23.010(C);
- Add 3 sites, totaling 1,255.17 acres based on map amendment applications.[10]

The amended destination resort map now identifies 22,002.17 acres, reflecting an 80% reduction from the one presently in place (112,448 acres).

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[8] Ordinance 2010-025, DCC 23.23.010(C); http://www.co.deschutes.or.us/dccode/title22/docs/chapter%2022.23.doc

[9] Belveron Real Estate Partners, LLC own tax lot 104; Vandevert Road, LLC owns tax lot 105.

[10] With the exception of one ineligible tax lot (151200-00-05101) owned by the Oregon Department of State Lands, the three map amendment applications comply with Deschutes County's eligibility criteria cited in Ord. 2010-024.

REVIEW CRITERIA

Two ordinances, Ordinance No. 2010-024 and 2010-025 were adopted by the County last year. Ordinance 2010-024 establishes new destination resort mapping criteria, and Ordinance 2010-025, the map amendment procedures. Both ordinances provide the basis for reviewing the legislative plan and zone change map amendments and justifying that they are consistent with the Comprehensive Plan. Findings are also made demonstrating consistency with statewide planning goals and relevant statutory law.

FINDINGS

1. Destination Resorts / Statewide Provisions

Initially, destination resorts were not allowed on rural lands in Oregon without an "exception" to the statewide planning goals that limit development on farm or forest land. However, several large resort developments preceded the statewide land use planning system, including Black Butte, Sunriver, and Inn of 7th Mountain/Widgi Creek. In 1981, Governor Atiyeh's Task Force on Land Use Planning recommended that destination resorts be allowed as an economic development tool in rural areas, with certain sideboards to limit their effects and ensure that their main focus would be overnight lodging rather than second home development. The provisions authorizing the siting of destination resorts outside UGBs without taking exceptions to statewide planning goals were adopted by the Land Conservation and Development Commission in 1984 as amendments to Statewide Planning Goal 8. However, in 1987 the entire content of Goal 8 was added to state law (ORS 197.435 – 197.465), at the request of destination resort interests.[11]

2. Oregon Revised Statutes / Destination Resort Map Amendments

Originally, an acknowledged destination resort map could only be amended during a state periodic review process. Deschutes County started its periodic review in 1988 and completed it on January 23, 2003. In 2003, the Oregon Legislature amended ORS 197.629(3) exempting counties from periodic review, excluding portions of its population within the UGB of a city. New language was added to ORS 197.455(2) in that same session allowing counties to adopt amendments to their destination resort maps, not more frequently than once every thirty (30) months.[12] This statutory provision also requires that a county develop a process for collecting and processing concurrently all map amendments made within a 30-month planning period. As shown below, Ordinance 2010-025 incorporates that requirement in DCC 22.23.010(A).[13]

3. Deschutes County Map Amendment Procedures

The Board on July 28, 2010 adopted Ordinance 2010-025, DCC 22.23, Destination Resort Map Amendment Procedures. This ordinance describes the process for handling map amendment applications. DCC 22.23.010(A) requires the County to process simultaneously all amendments to the eligibility map, no more than once every thirty months. This criterion, consistent with ORS 197.455(2), provides the basis for initiating a legislative land use process. It is also consistent with DCC 22.12.030, Legislative Procedures, which recognizes a legislative change may be

[11] Agenda Item 4, October 15, 2008 LCDC Meeting - Informational Briefing and Public Hearing Regarding Destination Resorts.

[12] http://www.leg.state.or.us/ors/197.html

[13] DCC 22.23.010. "All amendments to the eligibility map shall be processed simultaneously and no more than once every 30 months."

initiated by application of individuals upon payment of required fees as well as by the Board or the Planning Commission.[14]

The four map amendment requests that remove and add lands to the destination resort maps cited in DCC Titles 23 and 18 are evaluated below and shown to satisfy Deschutes County's map amendment procedures.

4. Deschutes County Destination Resort Goals and Policies

The Board, on July 28, 2010, adopted Ordinance 2010-024, amending the Comprehensive Plan, DCC Chapter 23.84, to include new goals and policies that describe areas that are eligible for siting a destination resort. The criteria provide clear and objective mapping criteria. The four map amendment requests that remove and add lands to the destination resort maps cited in DCC Titles 23 and 18, are evaluated below. With the exception of one ineligible tax lot (151200-00-05101) owned by the Oregon Department of State Lands, they all comply with Deschutes County's eligibility criteria.

5. Deschutes County Map Amendment

Deschutes County is proposing to remove 91,701 acres from its resort map because the new eligibility criteria cited in Ordinance 2010-024 would not permit resort development on these sites. These properties were originally designated on the resort map in 1992. The County's new eligibility criteria now prohibit resort development on these sites because these sites are:

- A site size of less than 160 acres;
- Located in a subdivision;
- Agricultural or forest land, located within a mile of a UGB;
- Located in a UGB or Redmond Urban Reserve Area; and/or,
- Located in certain officially designated wildlife areas.

The City of Bend also requested, voluntarily that the County remove 3 parcels associated with its wastewater treatment plant and 5 affiliated with Juniper Ridge. This affected area is accounted within the 91,701 acres proposed for removal.

6. Grandfather Request

Under state law, destination resorts can only be sited in areas designated on a county destination resort map. In 1992, Deschutes County developed a destination resort map by supplementing the state's eligibility criteria by excluding large agricultural and forest parcels, and resource lands within one mile of a UGB. The mapping was done in a phased sequence, based on pending farm and forest studies. If a property was not excluded from the map by state or county criteria, it was automatically designated on Deschutes County's Comprehensive Plan and Destination Resort Overlay Zone Maps beginning in 1992. Those two maps designate 112,448 acres as eligible for resort development.

New destination resort eligibility criteria adopted by the Board in 2010 would have disqualified approximately 30,000 tax lots that were designated originally in 1992 if applied to all lands on the existing, pre-amendment Destination Resort Map.[15] A second ordinance adopted by the Board provided a process for those disqualified landowners to retain their mapping designation pursuant to a grandfather clause. Property owners wishing to remain on Deschutes County's Destination Resort Maps were allowed to file a formal grandfather request with the Community Development Department. The deadline for requesting a property to remain eligible on the

[14] http://www.co.deschutes.or.us/dccode/title22/docs/chapter%2022.12.doc

[15] Ordinance 2010-024, DCC 23.84.030; http://www.co.deschutes.or.us/dccode/title23/docs/chapter%2023.84.doc

County's Destination Resort Map per Ordinance 2010-025 was January 7, 2011 at 5:00 p.m. Deschutes County received 908 requests, amounting to 3,187 acres. Attachment 1, which is a series of parcel based maps, shows these "grandfathered" properties. Nine hundred and eight "grandfather" properties were crossed checked by Geographic Information Systems and shown to contain an original destination resort designation.

Because Deschutes County is amending the Destination Resort Map, rather than adopting an entirely new map, the County was not required to evaluate each parcel retained on the map to determine whether each such grandfathered parcel met current standards. When the County adopted Ordinances 2010-024 and 2010-025, the County did not intend to have these ordinances apply retroactively. Consequently, with respect to property owners who have sought to have their properties retained on the resort map pursuant to DCC 22.23.010(C), the County is not required to consider whether these properties comply with the current County mapping standards adopted under Ordinance 2010-024 or current statutory standards set forth in ORS 197.455. *See, Central Oregon Landwatch v. Deschutes County*, LUBA No. 2010-075 and 2010-076, March 10, 2011 (Slip Op. 24).

7. Transportation Planning Rule for Lands Removed from Resort Map and Overlay Zoning

The Transportation Planning Rule (TPR) requires local governments to determine whether an amendment to a comprehensive plan will "significantly affect" an existing or planned transportation facility. The TPR identifies three ways in which an amendment to a comprehensive plan could "significantly affect" a transportation facility. OAR 660-012-0060(1). The present amendment removes 91,701 acres of land from the Destination Resort Overlay Zone map. This means that 91,701 acres of land are no longer eligible for resort development. The removal of over 91,000 acres of land eligible for resort development will not add any trips to any transportation facility. In fact, by removing over 91,000 acres of eligible land, the present amendment will greatly reduce the amount of traffic which could be presently generated by removing the ability to develop resorts on this land. Because the only effect to transportation facilities could be a reduction of potential future trips, the County's decision to remove 91,701 acres from the Destination Resort Overlay Map does not "significantly affect" any transportation facility under OAR 660-012-0060(1). TPR compliance findings regarding the properties added to the Destination Resort Overlay Zone map are set forth below.

8. Senate Bill 1031 – Wildfire Protection Plan

The Oregon Legislature in 2010 enacted SB 1031 and added the following provision to ORS 197.455:

> 197.455. (1) A destination resort may be sited only on lands mapped as eligible for destination resort siting by the affected county. The county may not allow destination resorts approved pursuant to ORS 197.435 to 197.467 to be sited in any of the following areas:
>
> (f) On a site in which the lands are predominantly classified as being in Fire Regime Condition Class 3, unless the county approves a wildfire protection plan that demonstrates the site can be developed without being at a high overall risk of fire.
>
> a. Vandevert/Belveron and Pine Forest

Each of these properties is predominantly classified as being Fire Regime Condition Class 3 pursuant to the Upper Deschutes River Natural Resource Coalition Revised Community Wildfire Protection Plan (the "Wildfire Plan"). In particular, each of these properties is within the Three

Rivers area of the Wildfire Plan. Deschutes County has seven community wildfire protection plans (CWPPs) that address the entire county. The Wildfire Plan is the plan applicable to the Vandevert/Belveron and Pine Forest properties. Thus, each of these properties are currently subject to a County-approved wildfire protection plan. In addition, the County will require, as a condition to this ordinance, that each of the properties added to the Destination Resort Overlay Zone map not only comply with the Wildfire Plan, but that each be developed consistent with "FireWise" standards, and each become a recognized FireWise Community.

Caldera Springs, a destination resort adjacent to the Pine Forest property and in near proximity to the Belveron and Vandevert Road properties, is a recognized FireWise Community. Similarly, Crosswater, a non-Goal 8 resort in close proximity to the Pine Forest, Belveron and Vandevert Road properties, is also a recognized FireWise Community. Both the Caldera and Crosswater properties are within the Three Rivers area of the Wildfire Plan. These properties have been developed with resorts (or resort-type developments) and have been developed without being at a high overall risk of fire. Based on the experience with these nearby properties, the County finds that by imposing a requirement to develop any new resort as a FireWise community, and otherwise comply with applicable Wildfire Plan, the three properties may be developed without being at a high overall risk of fire. To the extent that new information becomes available or evidence is presented that the FireWise standards and the Wildfire Plan are insufficient to address wildfire risk, the County may impose additional standards at the time of resort approval as required by the condition of approval adopted by the County. To the extent that ORS 197.455(1)(f) requires the County to adopt individual wildfire protection plans for each property at the time of mapping, the County hereby adopts the Wildfire Plan as the wildfire protection plan required under ORS 197.455(1)(f) for the Belveron, Vandevert and Pine Forest properties. For purposes of the present amendments, the County finds that the existing approved Wildfire Plan, and the requirement to develop any resort as a FireWise community, constitute the wildfire protection plans described in ORS 197.455(1)(f) and that these demonstrate that each of the three properties to be developed without being at a high overall risk of fire.

b. DSL Cline Buttes Site

The DSL Cline Buttes site is located within the southwest quadrant of the Greater Redmond Community Wildfire Protection Plan (CWPP). The adjacent Eagle Crest Destination Resort is also within the same CWPP quadrant area. This CWPP was originally completed and approved in December 2006.

As a condition of approval to this ordinance the County will require that any resort proposed on the DSL Cline Buttes site shall be subject to the terms and conditions of the Greater Redmond Community Wildfire Protection Plan, as such plan may be amended, and shall be required to be developed consistent with FireWise standards and to become a recognized FireWise Community. Given that the adjacent Eagle Crest Resort is in close proximity to the DSL Cline Buttes site and shares many of the same attributes related to terrain and vegetation, and because Eagle Crest Resort has been developed without being at a high overall risk of fire and is subject to the Greater Redmond Community Wildfire Protection Plan, the County finds that by imposing the condition of approval, the DSL Cline Buttes site can be developed without being at a high overall risk of fire.

The condition of approval applicable to all of the land being added to the resort map pursuant to these amendments is as follows:

> "*The County has adopted, as the relevant wildfire protection plans described in ORS 197.455(1)(f), the Upper Deschutes River Natural Resources Coalition*

Revised Community Wildfire Protection Plan and the Greater Redmond Community Wildfire Protection Plan. Any resort developed on the three properties added to the resort map shall be required to comply with the terms and conditions of the applicable wildfire protection plan, as such plan may be amended from time to time. In addition, any resort developed on any of the three properties added to the resort map shall be required to be developed consistent with FireWise standards and shall, as a condition of approval to any resort development, be required to become recognized as a FireWise community. If the County determines that, at the time of resort development, that the adopted wildfire plans and FireWise community standards are insufficient to assure that a site can be developed without being at a high overall risk of fire, then the County shall require, as a condition of approval, the adoption of an alternate wildfire protection plan that demonstrates the site can be developed without being at a high overall risk of fire."

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9. Pine Forest Development LLC Map Amendment

Table 4 - Destination Resort Map Eligibility

Destination Resort Map Eligibility Criteria		Findings
Ineligible Areas		
Within 24 air miles of a UGB with an existing population of 100,000	☑	Applicant complies. Deschutes County does not have a UGB with a population of 100,000. The City of Bend's 2010 population, according to US Census is 76,639. All of the Bend urban area is located inside the City limits. No other city within 24 air miles of Deschutes County has a population over 100,000.
On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area	☑	Applicant complies. As determined by Ordinance 92-002, Deschutes County does not have unique farm land. This fact remains true today according to NRCS (soil conservation service) State Soil Scientist Chad L. McGrath. The Pine Forest property, also, does not contain prime farm land. The mapped soils on the Pine Forest property are Soil Classes 114C and 115A. Neither is a prime or unique soil. The rest of the soils on the property are unmapped soils. This site is not within three miles of an adjoining county. It, also, is not within three miles of a high value crop area as shown by findings provided later in this document.
On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception	☑	Applicant complies. Deschutes County does not have predominantly Cubic Foot Site Class 1 or 2 forest lands (Ordinance 92-002). The *Map of State of Oregon Showing Areas Excluded from the Goal 8 Resort Siting Process* dated December 1984, also, shows that the subject property does not contain cubic foot site class 1 & 2 forest land. This is the map that the State of Oregon prepared to show forest lands and Goal 5 resource lands that must be excluded from destination resort mapping.
On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource	☑	Applicant complies. This site is not identified with a protected Deschutes County Goal 5 resource where all conflicting uses have been prohibited to protect the Goal 5 resource. (Ordinances 92-040, 92-041, 92-042, 92-046, 92-056, 94-007, 94-021 and 2001-019). The WA zone that applies to the Pine Forest property specifically allows destination resort development.
Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife (ODFW) in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement	☑	Applicant complies. This site is not mapped by ODFW as being within any of the especially sensitive big game habitat identified in Ordinance 92-002, the ordinance that adopted the County's inventory of such areas. *See also*, Ordinance 92-041. The Pine Forest property is not located in any of the areas shown on the *Map of State of Oregon Showing Areas Excluded from the Goal 8 Resort Siting Process* dated December 1984 that shows all especially sensitive big game habitat mapped by ODFW in July 1984.
Sites less than 160 acres	☑	Applicant complies. This site encompasses 617 acres ±
Areas of Critical State Concern	☑	Applicant complies. This site is not within the Metolius sub-basin the only area of critical state concern in Deschutes County
Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:	☑	Applicant complies The site is not mapped by ODFW as especially sensitive big game habitat, Tumalo Deer Winter Range, Metolius Deer Winter Range, Antelope Winter Range, Wildlife Priority Area or Elk Habitat Area, areas the County has chosen to protect (Ordinances 92-002 and 92-041).
Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group	☑	Applicant complies. This site is not mapped as a Wildlife Priority Area identified on the 1999 ODFW map.

Table 4 - Destination Resort Map Eligibility

Destination Resort Map Eligibility Criteria		Findings
Lands zoned Open Space and Conservation (OS&C)	☑	
Lands zoned Forest Use 1 (F-1);	☑	Applicant complies. The site is zoned Forest Use 2. The following combining zones also apply: Wildlife Area Combining Zone (Deer Migration Corridor), Airport Safety Combining Zone, Landscape Area Combining Zone/
Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation	☑	
Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres	☑	
Farm or forest land within one mile outside of urban growth boundaries	☑	Applicant complies. The site is not within a mile of a UGB.
Lands designated Urban Reserve Area under ORS 195.145	☑	Applicant complies. The site is not within Redmond's Urban Reserve Area, the only land in Deschutes County that is designated urban reserve under ORS 195.145.
Platted subdivisions	☑	Applicant complies. The site is not within a platted subdivision.
Eligible Areas		
Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones	☑	Applicant complies. The site is zoned Forest Use 2. The following combining zones also apply: Wildlife Area Combining Zone (Deer Migration Corridor), Airport Safety Combining Zone, Landscape Area Combining Zone.
Unirrigated Exclusive Farm Use (EFU) land	☑	
Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation	☑	Not applicable. The site is zoned Forest Use 2. The following combining zones also apply: Wildlife Area Combining Zone (Deer Migration Corridor), Airport Safety Combining Zone, Landscape Area Combining Zone
Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres	☑	
All property within a subdivision for which cluster development approval was obtained prior to 1990, for which the original cluster development approval designated at least 50 percent of the development as open space and which was within the destination resort zone prior to the effective date of Ordinance 2010-024 shall remain on the eligibility map	☑	Not applicable. The site is not within a cluster development.
Minimum site of 160 contiguous acres or greater under one or multiple ownerships	☑	Applicant complies. This site encompasses 617 acres.

Table 5 - Map Amendment Procedures

The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:		
Procedures		**Findings**
All amendments to the eligibility map shall be processed simultaneously and no more than once every 30 months.	☑	Applicant complies. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.[15] All amendments as noted in these findings are being processed simultaneously.
The deadline for applications for the first eligibility map amendment shall be the first Tuesday in September by 5:00 p.m.	☑	Applicant complies. Pine Forest Development, LLC submitted their application on September 3.
Lands shown on the existing eligibility map but unable to comply with DCC 23.84.030(3)(a-d), will remain on the eligibility map if property owners file a formal request with the Deschutes County Community Development Department on an authorized county form by the first Friday in January at 5:00 p.m. to remain eligible.	☑	Not applicable. This code provision does not apply as the subject property is not on the eligibility map at this time.
In addition to any other county code provision regarding notice, 30 days prior to the end of the next 30-month period for amendments to the eligibility map, Deschutes County shall publish a notice announcing opportunities for property owners to apply for an amendment to the eligibility map.	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.
Property owners must file applications for an eligibility map amendment prior to the last day of the 30-month period by 5:00 p.m.	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.
Any additional applications filed after the deadline in DCC 22.23.010(C) will be processed at the end of the next 30-month cycle.	☑	Applicant complies. Pine Forest Development, LLC submitted their application on September 3. Furthermore, no applications were received after September 7, 2010.
Applications to either remove property from or add property to the eligibility map may be initiated by the Board, or, if by a property owner, shall: Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application Be completed on a form prescribed by the Planning Director Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners Include documentation that demonstrates compliance with DCC 23.84.030(3)(a-d)	☑	Applicant complies. Deschutes County received an application submitted by the property owner or person who has written authorization. This application was on a completed County form with a filing fee and burden of proof statements cited in these findings demonstrating compliance with DCC 23.84.030(3)(a-d).

[16] Deschutes County started its periodic review in 1988 and completed it on January 23, 2003.

Table 5 - Map Amendment Procedures

The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:		
Procedures		**Findings**
Applications adding properties to the eligibility map, the applicant will be required to demonstrate consistency with the Transportation Planning Rule at OAR 660-012-0060	☑	Applicant complies. Pine Forest Development, LLC submitted a transportation analysis to demonstrate consistency with the Transportation Planning Rule. Specific findings are cited below.
The planning director shall retain any applications received prior to the expiration of the 30-month period	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. Furthermore, no applications were received after September 7, 2010.
Multiple applications shall be consolidated	☑	Applicant complies. All amendments as noted in these findings are being consolidated and processed concurrently
The planning director shall schedule the hearing before the planning commission or hearings officer after the expiration of the 30-month period	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. The first evidentiary hearing for this legislative process was November 18, 2010 before the Planning Commission.

10. Belveron Real Estate Partners, LLC & Vandevert Road, LLC Map Amendment

Table 6 - Destination Resort Map Eligibility

Destination Resort Map Eligibility Criteria		Findings
Ineligible Areas		
Within 24 air miles of a UGB with an existing population of 100,000	☑	Applicant complies. Deschutes County does not have a UGB with a population of 100,000. The City of Bend's 2010 population, according to US Census is 76,639. All of the Bend urban area is located inside the City limits. No other city within 24 air miles of Deschutes County has a population over 100,000.
On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area	☑	Applicant complies. As determined by Ordinance 92-002, Deschutes County does not have unique farm land. This fact remains true today according to NRCS (soil conservation service) State Soil Scientist Chad L. McGrath. The Pine Forest property, also, does not contain prime farm land. The mapped soils on the Belveron property are Soil Classes 115C and 115A. Neither is a prime or unique soil. The rest of the soils on the property are unmapped soils. This site is not within 3 miles of an adjoining county. Tax lots 104 and 105 are also not within three miles within three miles of farm land within a High-Value Crop Area as shown on findings provided later in this document.
On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception	☑	Applicant complies. Deschutes County does not have predominantly Cubic Foot Site Class 1 or 2 forest lands (Ordinance 92-002). The *Map of State of Oregon Showing Areas Excluded from the Goal 8 Resort Siting Process* dated December 1984, also, shows that the subject property does not contain cubic foot site class 1 & 2 forest land. This is the map that the State of Oregon prepared to show forest lands and Goal 5 resource lands that must be excluded from destination resort mapping.
On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource	☑	Applicant complies. Tax lots 104 and 105 are not identified with a protected Deschutes County Goal 5 resource where all conflicting uses have been prohibited to protect the Goal 5 resource (Ordinances 92-041, 92-042, 92-046, 92-056, 94-007, and 2001-019). The WA zone that applies to the Pine Forest property specifically allows destination resort development.
Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife (ODFW) in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement	☑	Applicant complies. Tax lots 104 and 105 are not mapped by ODFW as being within any of the especially sensitive big game habitat identified in Ordinance 92-002, the ordinance that adopted the County's inventory of such areas. *See also*, Ordinance 92-041. The Pine Forest property is not located in any of the areas shown on the *Map of State of Oregon Showing Areas Excluded from the Goal 8 Resort Siting Process* dated December 1984 that shows all especially sensitive big game habitat mapped by ODFW in July 1984.
Sites less than 160 acres	☑	Applicant complies. Tax lots 104 and 105 encompass one site of 278.17 contiguous acres. Tax lot 104, alone, meets the 160 acre minimum lot size as it is 179.5 acres. Tax lot 105 is 98.68 acres.
Areas of Critical State Concern	☑	Applicant complies. Tax lots 104 and 105 are not within the Metolius sub-basin, the only area of critical state concern in Deschutes County.
Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:	☑	Applicant complies. Tax lots 104 and 105 are not mapped by ODFW as especially sensitive big game habitat, Tumalo Deer Winter Range, Metolius Deer Winter Range, Antelope Winter Range, Wildlife Priority Area or Elk Habitat Area, areas the County has chosen to protect (Ordinances 92-002 and 92-041).

Table 6 - Destination Resort Map Eligibility

Destination Resort Map Eligibility Criteria		Findings
Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group	☑	Applicant complies. Tax lots 104 and 105 are not mapped as a Wildlife Priority Area identified on the 1999 ODFW map.
Lands zoned Open Space and Conservation (OS&C)	☑	
Lands zoned Forest Use 1 (F-1);	☑	Applicant complies. Tax lots 104 and 105 are zoned Forest Use 2. The following overlay zones also apply to both tax lots: Wildlife Area Combining Zone (Deer Migration Corridor), Landscape Area Combining Zone.
Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation	☑	
Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres	☑	
Farm or forest land within one mile outside of urban growth boundaries	☑	Applicant complies. Tax lots 104 and 105 are not within a mile of a UGB.
Lands designated Urban Reserve Area under ORS 195.145	☑	Applicant complies. Tax lots 104 and 105 are not within Redmond's Urban Reserve Area, the only land in Deschutes County that is designated urban reserve under ORS 195.145.
Platted subdivisions	☑	Applicant complies. Tax lots 104 and 105 are not within a platted subdivision.
Eligible Areas Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones	☑	Applicant complies. Tax lots 104 and 105 are zoned Forest Use 2. The following combining zones also apply: Wildlife Area Combining Zone (Deer Migration Corridor), Landscape Area Combining Zone.
Unirrigated Exclusive Farm Use (EFU) land	☑	
Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation	☑	Not applicable. Tax lots 104 and 105 are zoned Forest Use 2. The following combining zones also apply: Wildlife Area Combining Zone (Deer Migration Corridor), Landscape Area Combining Zone.
Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres	☑	
All property within a subdivision for which cluster development approval was obtained prior to 1990, for which the original cluster development approval designated at least 50 percent of the development as open space and which was within the destination resort zone prior to the effective date of Ordinance 2010-024 shall remain on the eligibility map	☑	Not applicable. Tax lots 104 and 105 are not within a cluster development.
Minimum site of 160 contiguous acres or greater under one or multiple ownerships	☑	Applicant complies. Tax lots 104 and 105 encompass one site of 278.17 contiguous acres. Tax lot 104 is 179.5 acres and tax lot 105, 98.68 acres. Tax lot 104, alone, is also a site that exceeds the 160 contiguous acres requirement.

Table 7 - Map Amendment Procedures

The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:		
Procedures		**Findings**
All amendments to the eligibility map shall be processed simultaneously and no more than once every 30 months.	☑	Applicant complies. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.[17] All amendments as noted in these findings are being processed simultaneously.
The deadline for applications for the first eligibility map amendment shall be the first Tuesday in September by 5:00 p.m.	☑	Applicant complies. Belveron Real Estate Partners, LLC and Vandevert Road, LLC submitted their joint application on September 3.
Lands shown on the existing eligibility map but unable to comply with DCC 23.84.030(3)(a-d), will remain on the eligibility map if property owners file a formal request with the Deschutes County Community Development Department on an authorized county form by the first Friday in January at 5:00 p.m. to remain eligible.	☑	Not applicable. This code provision does not apply as the subject properties are not on the eligibility map at this time.
In addition to any other county code provision regarding notice, 30 days prior to the end of the next 30-month period for amendments to the eligibility map, Deschutes County shall publish a notice announcing opportunities for property owners to apply for an amendment to the eligibility map.	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.
Property owners must file applications for an eligibility map amendment prior to the last day of the 30-month period by 5:00 p.m.	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.
Any additional applications filed after the deadline in DCC 22.23.010(C) will be processed at the end of the next 30-month cycle.	☑	Applicant complies. Belveron Real Estate Partners, LLC and Vandevert Road, LLC submitted their joint application on September 3. Furthermore, no applications were received after September 7, 2010.
Applications to either remove property from or add property to the eligibility map may be initiated by the Board, or, if by a property owner, shall:		
Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application Be completed on a form prescribed by the Planning Director Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners Include documentation that demonstrates compliance with DCC 23.84.030(3)(a-d)	☑	Applicant complies. Deschutes County received an application submitted by the property owner or person who has written authorization. This application was on a completed County form with a filing fee and burden of proof statements cited in these findings demonstrating compliance with DCC 23.84.030(3)(a-d).
Applications adding properties to the eligibility map, the applicant will be required to demonstrate consistency with the Transportation Planning Rule at OAR 660-012-0060	☑	Applicant complies. Belveron Real Estate Partners, LLC and Vandevert Road, LLC submitted a transportation analysis to demonstrate consistency with the Transportation Planning Rule. Specific findings are cited below.

[17] Ibid.

Table 7 - Map Amendment Procedures

The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:		
Procedures		**Findings**
The planning director shall retain any applications received prior to the expiration of the 30-month period	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. Furthermore, no applications were received after September 7, 2010.
Multiple applications shall be consolidated	☑	Applicant complies. All amendments as noted in these findings are being consolidated and processed concurrently.
The planning director shall schedule the hearing before the planning commission or hearings officer after the expiration of the 30-month period	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. The first evidentiary hearing for this legislative process was November 18, 2010 before the Planning Commission.

11. Supplemental Findings Applicable to Pine Forest Development LLC Map Amendment, and Belveron Real Estate Partners, LLC & Vandevert Road, LLC Map Amendment

The following findings supplement the findings and conclusions contained in the Pine Forest and Belveron/Vandevert tables, above, by discussing certain criteria in greater detail. All exhibit references are to the exhibits of the Relevant Facts document prepared and filed by Belveron Real Estate Partners, LLC, except where noted otherwise:

a. *Within 24 air miles of a UGB with an existing population of 100,000 or more*

The following relevant facts support Deschutes County's determination that land being added to the destination resort map is over 24 air miles from a UGB with an existing population of 100,000 or more:[18]

1. The City of Bend is located within 24 air miles of all properties proposed for inclusion on the Deschutes County destination resort map and for DR overlay zoning.

2. According to the 2010 US Census, the City of Bend had a population of 76,639 persons. This is shown by **Exhibit A**, a complete list of the populations of Oregon cities and counties on April 1, 2010 compiled by the State of Oregon Office of Economic Analysis from US Bureau of Census records.

3. The City of Bend urban growth boundary is the same as its City limits. This is shown by a comparison of the City's Bend Area General Plan map dated March 1, 2011, **Exhibit B**, and the Bend Urban Area Proposed General Plan Map dated 12/12/2008 prepared by the City of Bend, **Exhibit C**. **Exhibit B** shows the City limits with a blue line. **Exhibit C** shows the location of the existing UGB with a light gray border. A comparison of the two maps shows that the boundaries are the same.

    a. No urban growth boundary with an existing population of 100,000 or more is located within 24 air miles of any of the properties that may be added to the destination resort map. This fact can be confirmed by a review of **Exhibit A** and a State of Oregon map that is marked **Exhibit D. Exhibit D** is an Oregon

[18] Exhibits A - T referenced in this Section 11 were submitted into the record by Liz Fancher on June 27, 2011.

Department of Transportation map that is drawn to scale that shows county boundaries and the locations of a number of cities.

The Board finds that the Belveron/Vandevert and Pine Forest properties are not within 24 air miles of a UGB with an existing population of 100,000 or more.

b. ***Not a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service***

No site being added to the destination resort map is a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service. SCS is a federal agency currently known as the National Resources Conservation Service. NRCS and the US Department of Agriculture prepared a Soil Survey of Upper Deschutes River Area, Oregon based on 1992 conditions. The survey includes maps of agricultural soils. This is the soil survey that applies to land in Deschutes County that is used in land use planning to determine soil types. Deschutes County's GIS Department has created an application that superimposes the NRCS soil maps on County maps.

There are no unique soils in Deschutes County according to Chad L. McGrath, the Pacific NW Soil Survey Region Leader/State Soil Scientist of the NRCS. **Exhibit E**.

A County map with the NRCS soils data is **Exhibit I**. The relevant part of the NRCS soil survey map is also included as **Exhibits F** and **G** of this document. The maps show that most of the Belveron/Vandevert Road property is mapped by the NRCS survey.

The mapped soils on the Belveron/Vandevert Road property are Soil Class 114C and 115A. Neither soil class is unique or prime farm land. The NRCS's complete list of prime and other important farmlands found in the Upper Deschutes River Area soil survey is **Exhibit J**. The list does not include soil classes 114C or 115A soils. Those soils, therefore, are not prime farm soils. In addition, the list shows that land must be irrigated to qualify as prime farm land. The Belveron/Vandevert Road property is non-irrigated land that is rated Class VI. The soils found on the property have no rating for irrigated use. The NRCS lists the major use of lands with these soils as woodland. No agricultural uses are listed.

Exhibit G and **Exhibit J** show that the only NRCS-mapped soils on the Pine Forest Property are Soil Classes 114 C and 115A. These soils are not prime or unique, as explained above.

The Belveron property and the Pine Forest property include some lands that are not mapped by NRCS or by SCS. Land must be mapped for it to qualify as a site of 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service (now NRCS).

The Board finds that the Belveron/Vandevert and Pine Forest properties are not on a site of 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service.

c. ***Not within three miles of farm land within a High-Value Crop Area***

Commercial Farms

When Deschutes County mapped destination resorts in 1992, it determined that there are no high value crop areas in Deschutes County. *Deschutes County Ordinance No. 92-002*, pages 7-9. The same conclusion applies today and demonstrates that the Belveron, Vandevert and Pine

Forest properties are not within three miles of a High-Value Crop Area. The High Value Crop Area requirement is imposed by State law, ORS 197.455(1) (B). The term "High Value Crop Area" is defined by ORS 197.435(2) as:

> *"High value crop area" means an area in which there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of $1,000 per acre per year. These crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables, dairying, livestock feedlots or Christmas trees as these terms are used in the 1983 County and State Agricultural Estimates prepared by the Oregon State University Extension Service. The "high value crop area" designation is used for the purpose of minimizing conflicting uses in resort siting and does not revise the requirements of an agricultural land goal or administrative rules interpreting the goal.*

To be a high value crop area, there must be a "concentration" of commercial farms capable of producing a minimum gross value of $1000 per acre per year. The State-acknowledged definition of the term "commercial farm" found in DCC 18.040.030 is:

> *"Commercial farm" as used in DCC 18.16 means those land tracts shown on the 1991 Assessor's records as contiguous ownership tracts under one name (or separated only by a road), zoned EFU, receiving special assessment for farm use and in the top 90 percent of assessed farm use values (arranged in ascending order). These farms are identified in the resource element of the comprehensive plan.*

All commercial farms in Deschutes County are listed in an inventory that is a part of the Resource Element of the Deschutes County Comprehensive Plan. The relevant part of the inventory is the part that lists commercial farms found in the La Pine subzone. All other commercial agricultural areas (subzones) are more than three miles away from the Belveron, Vandevert and Pine Forest properties. The inventory for the La Pine subzone is called "Table 12 – La Pine Subzone," and is included as **Exhibit K**.

A review of **Exhibit K**, County land use records and County zoning maps shows that the only commercial farms that are or may be within three miles of the Belveron, Vandevert and Pine Forest properties are:

(1) A part of Tax Lot 400, Assessor's Map 21-10-00 now identified as Tax Lot 401; and
(2) Tax Lot 10501, Assessor's Map 21-10-01-A.

These properties are adjacent to one another. A part of each tax lot is zoned Flood Plain rather than EFU-LA, Exclusive Farm Use – LaPine subzone. The soil types found on these properties are Soil Classes 39A, 144A and 115A. The 39A soils are found along the Deschutes River in the flood plain zone. The 144A soil is the primary soil found on the EFU-zoned part of Tax Lot 10501. A small area in the northwest corner of Tax Lot 10501 is 115A soil. The EFU-LA zoned part of Tax Lot 401 has approximately the same amount of 115A and 144A soil.

The USDA/NRCS's Soil Survey of Upper Deschutes River Area, Oregon shows that the major use of soil types 115A and 144A is woodland. No agricultural use is listed. Both soils are rated soil class VI with no rating given for the soils when irrigated.

Tax Lots 400 and 10501 are separated from all other EFU land in the area by LaPine State Recreation Road and by lands that are not agricultural land, as the term is defined by Statewide Planning Goal 3.

Tax Lot 401 is split-zoned FP and EFU-LA. It was held in private ownership when it was a part of Tax Lot 400 and included on the County's commercial farm inventory. Since then, the part of former Tax Lot 400 that lacked irrigation water rights was acquired by the USA and is being managed by the BLM as a part of adjacent federal land. It no longer receives special assessment for farm use because the property is owned by the USA and exempt from ad valorem taxation. As the property is not receiving special assessment, it does not qualify as a commercial farm. Additionally, BLM's property manager has advised that Tax Lot 401 is not employed in farm use.

A review of State of Oregon water rights records shows that Tax Lot 401 lacks irrigation water rights. Without water rights, the property is not suited to produce high value crops with a minimum gross value of $1,000 per year or to be used for the operation of a commercial-scale livestock yard.

County records show that Tax Lot 10501 is assessed as being a small tract forest property. It is receiving tax deferral because it is being used for a forest use rather than farm use. Forest use is appropriate for the soil types found on the EFU-zoned part of this lot. In addition, State of Oregon water rights records indicate that Tax Lot 10501 does not contain water rights. Without water rights, the property is not suited to produce high value crops or products with a minimum gross value of $1,000 per year as it lacks irrigation water rights.

Even if both Tax Lots 401 and 10501 are still considered to be commercial farm properties, they are not a part of a concentration of commercial farms that are producing crops that gross $1000 per acre or more. Neither property produces farm crops. Neither is used as a livestock feedlot. As determined by the County's comprehensive plan, irrigation is essential for crops. These tax lots do not constitute a concentration of commercial farms as no lands between these properties and the proposed resort map properties are farms. Instead, the intervening land is zoned RR-10 (a rural residential exceptions area), F2 (forest land) and FP, (flood plain) as shown by the County's zoning maps.

Deschutes County Tax Assessor Maps that illustrate the conclusion that commercial farm lands within three miles of Tax Lots 104 and 105 are not concentrated are included as **Exhibits H, I, J** and **K**. These maps show the locations of Tax Lots 104 and 105 and all land identified by Deschutes County as commercial farm land. Because there is potentially only one or two commercial farms within three miles of the Belveron, Vandevert and Pine Forest properties, the County concludes that these farms do not constitute a "concentration" of commercial farms, and therefore could not be contained within a "high value crop area". Because the County has previously determined that the County contains no high value crop areas, because no party has submitted any evidence to the contrary, and there is presently no concentration of commercial farms within three miles of these properties, the County concludes that the Belveron, Vandevert and Pine Forest properties are not sites within three miles of a high value crop area.

Furthermore, none of the other lands within a three mile radius of the Belveron, Vandevert and Pine Forest properties contain a concentration of any type of farm that can yield over $1000 of gross income per acre per year from farm uses. Only three EFU-zoned properties found within three miles of the Belveron, Vandevert and Pine Forest properties are zoned EFU and not included on the county's list of commercial farms. None of these lots receive special assessment for farm use and none are employed in farm use. As a result, none are part of a high value crop area.

d. ***On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception***

The location of Cubic Foot Site Class 1 or 2 forest lands and especially sensitive big game habitat was determined by the State of Oregon in 1984. These areas are shown on a map entitled "Areas Excluded from the Goal 8 Resort Siting Process" dated December 1984. This is the map referenced in the State's destination resort law. A copy of the relevant part of this map that shows that the Belveron, Vandevert and Pine Forest properties do not include land which is predominately cubic foot site Class 1 or 2 forest land is included as **Exhibit O**.

The Board finds that the Belveron/Vandevert and Pine Forest properties are not located on predominately Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved exception.

e. ***Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife (ODFW) in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement***

The **Exhibit O** map shows the areas in the State of Oregon that were mapped by ODFW in July 1984 as especially sensitive big game habitat. The map shows that the Belveron, Vandevert and Pine Forest properties were not mapped as containing especially sensitive big game habitat. The Belveron, Vandevert and Pine Forest properties are mapped WA to protect the Bend LaPine Deer Migration Corridor. They are not located in the Tumalo deer winter range, Metolius deer winter range or the antelope winter range east of Bend near Horse Ridge and Millican. Those zones contain all ODFW 1984 mapped especially sensitive big game habitat found in Deschutes County. The Board finds that the Belveron/Vandevert and Pine Forest properties are not located on lands designated especially sensitive big game habitat by the Oregon Department of Fish and Wildlife in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement.

f. ***On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource***

The Belveron/Vandevert Road and Pine Forest properties are mapped WA, Wildlife Area combining zone by Ordinance No. 92-046. The map adopted by this ordinance is **Exhibit R**. The 1992 map and ordinance are the applicable law and map for these properties. The properties do not contain sites mapped as Sensitive Bird and Mammal Habitat. Ordinance No. 94-021 and its map, **Exhibit S**, are the currently applicable ordinance and map that protect this Goal 5 habitat. The WA zone specifically allows resort development.

The Board finds that the Belveron/Vandevert and Pine Forest properties are within the WA overlay, but that the WA overlay, and the related Goal 5 provisions and ESEE analysis, elected to expressly permit destination resorts as conflicting uses, provided that they are not located within the Deer Migration Priority Area. Consequently, the Board finds that the properties are not located on areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource

g. ***Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group***

The Board finds that a copy of the Oregon Department of Fish and Wildlife Priority Area for Regional Problem Solving map dated March 1999, **Exhibit T**, show that none of the lands proposed to be add to the County's destination resort map are located in this wildlife priority area.

Table 6 - Destination Resort Map Eligibility

Destination Resort Map Eligibility Criteria		Findings
Ineligible Areas		
Within 24 air miles of a UGB with an existing population of 100,000	☑	Applicant complies. Deschutes County does not have a UGB with a population of 100,000. The City of Bend's 2010 population, according to US Census is 76,639. All of the Bend urban area is located inside the City limits. No other city within 24 air miles of Deschutes County has a population over 100,000.
On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area	☑	Applicant complies. As determined by Ordinance 92-002, Deschutes County does not have unique farm land. This fact remains true today according to NRCS (soil conservation service) State Soil Scientist Chad L. McGrath. The mapped soils on Cline Buttes are neither prime nor unique soils. The site is not within three miles of farm land within a High-Value Crop Area according to Deschutes County.
On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception	☑	Applicant complies. Deschutes County does not have predominantly Cubic Foot Site Class 1 or 2 forest lands (Ordinance 92-002). The *Map of State of Oregon Showing Areas Excluded from the Goal 8 Resort Siting Process* dated December 1984, also, shows that the subject property does not contain cubic foot site class 1 & 2 forest land. This is the map that the State of Oregon prepared to show forest lands and Goal 5 resource lands that must be excluded from destination resort mapping.
On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource	☑	Applicant complies. The DSL Cline Buttes site is not within a WA overlay zone. Tax Lot 5300, 160 acres, does have a Surface Mining Impact Area (SMIA) overlay which is associated with a couple of minor state aggregate extraction sites. This aggregate resource is scheduled to be used (and exhausted) in the development of the destination resort. The presence of this aggregate resource is not identified as a conflict with destination resort development and the use of the aggregate resource in resort development is not identified as a conflict with the aggregate resource. There are no conflicting uses and resort development will enable efficient use of this on-site aggregate resource construction material. The development of a destination resort in the SMIA overlay zone is not identified as a conflicting use and is not prohibited in order to protect this Goal 5 resource.
Especially sensitive big game habitat, and as listed below, as generally mapped by the *Oregon Department of Fish and Wildlife* (ODFW) in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement	☑	Applicant complies. The DSL Cline Buttes site is not mapped by ODFW as within any of the Especially sensitive big game habitat identified in Ordinance 92-002, the ordinance that adopted the County's inventory of such areas. *See also*, Ordinance 92-041. The DSL Cline Buttes site is not located in any of the areas shown on the *Map of State of Oregon Showing Areas Excluded from the Goal 8 Resort Siting Process* dated December 1984 that shows all especially sensitive big game habitat mapped by ODFW in July 1984.
Sites less than 160 acres	☑	Applicant complies. The DSL Cline Buttes properties [Tax lots 5102, 5103, 5104, 5200 and 5300] constitute one site of 360 contiguous acres. Tax lot 5300, alone, meets the 160 acre minimum lot size as it is 160 acres.
Areas of Critical State Concern	☑	Applicant complies. The DSL Cline Buttes site is not within the Metolius sub-basin, the only area of critical state concern in Deschutes County.
Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:	☑	Applicant complies. The DSL Cline Buttes site is not mapped by ODFW as Especially sensitive big game habitat, Tumalo Deer Winter Range, Metolius Deer Winter Range, Antelope Winter Range, Wildlife Priority Area or Elk Habitat Area, areas the County has chosen to protect (Ordinances 92-002 and 92-041).

Table 6 - Destination Resort Map Eligibility

Destination Resort Map Eligibility Criteria		Findings
Wildlife Priority Area,	☑	Applicant complies. The DSL Cline Buttes site is not within a Deschutes County designated wildlife management overlay area nor is it mapped as a Wildlife Priority Area identified on the 1999 ODFW map.
Lands zoned Open Space and Conservation (OS&C)		
Lands zoned Forest Use 1 (F-1); Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres	☑	Applicant complies. The DSL Cline Buttes site is zoned EFU-SC and is not irrigated nor does it possess any water rights. The soils, topography and exposure (elevation, slope and aspect) render this site non-arable or not farmable.
Farm or forest land within one mile outside of urban growth boundaries	☑	Applicant complies. The DSL Cline Buttes site is not within a mile of a UGB.
Lands designated Urban Reserve Area under ORS 195.145	☑	Applicant complies. The DSL Cline Buttes site is not within Redmond's Urban Reserve Area, the only land in Deschutes County that is designated urban reserve under ORS 195.145.
Platted subdivisions	☑	Applicant complies. The DSL Cline Buttes site is not within a platted subdivision.
Eligible Areas Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones	☑	Not applicable . The DSL Cline Buttes site is zoned EFU-SC and is not irrigated nor does it possess any water rights.
Unirrigated Exclusive Farm Use (EFU) land	☑	
Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation	☑	Applicant complies. The DSL Cline Buttes site is zoned EFU-SC and is not irrigated nor does it possess any water rights. The soils, topography and exposure (elevation, slope and aspect) render this site non-arable or not farmable.
Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres	☑	
All property within a subdivision for which cluster development approval was obtained prior to 1990, for which the original cluster development approval designated at least 50 percent of the development as open space and which was within the destination resort zone prior to the effective date of Ordinance 2010-024 shall remain on the eligibility map	☑	Not applicable. The DSL Cline Buttes site is not within a cluster development.
Minimum site of 160 contiguous acres or greater under one or multiple ownerships	☑	Applicant complies. The DSL Cline Buttes site is 360 contiguous acres.

Table 7 - Map Amendment Procedures

The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:		
Procedures		**Findings**
All amendments to the eligibility map shall be processed simultaneously and no more than once every 30 months.	☑	Applicant complies. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.[19] All amendments as noted in these findings are being processed simultaneously.
The deadline for applications for the first eligibility map amendment shall be the first Tuesday in September by 5:00 p.m.	☑	Applicant complies. DSL's agent submitted the Cline Buttes site DR Map Amendment application on September 7, 2010.
Lands shown on the existing eligibility map but unable to comply with DCC 23.84.030(3)(a-d), will remain on the eligibility map if property owners file a formal request with the Deschutes County Community Development Department on an authorized county form by the first Friday in January at 5:00 p.m. to remain eligible.	☑	Not applicable. This code provision does not apply as the subject properties are not on the eligibility map at this time.
In addition to any other county code provision regarding notice, 30 days prior to the end of the next 30-month period for amendments to the eligibility map, Deschutes County shall publish a notice announcing opportunities for property owners to apply for an amendment to the eligibility map.	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.
Property owners must file applications for an eligibility map amendment prior to the last day of the 30-month period by 5:00 p.m.	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.
Any additional applications filed after the deadline in DCC 22.23.010(C) will be processed at the end of the next 30-month cycle.	☑	Applicant complies. DSL's agent submitted the Cline Buttes site application on September 7, 2010. Furthermore, no applications were received after September 7, 2010.
Applications to either remove property from or add property to the eligibility map may be initiated by the Board, or, if by a property owner, shall:		
Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application	☑	Applicant complies. Deschutes County received an application submitted by the property owner or person who has written authorization. This application was on a completed County form with a filing fee and burden of proof statements cited in these findings demonstrating compliance with DCC 23.84.030(3)(a-d).
Be completed on a form prescribed by the Planning Director		
Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners		
Include documentation that demonstrates compliance with DCC 23.84.030(3)(a-d)		
Applications adding properties to the eligibility map, the applicant will be required to demonstrate consistency with the Transportation Planning Rule at OAR 660-012-0060	☑	Applicant complies. DSL's agent submitted the Cline Buttes site transportation impact analysis to demonstrate consistency with the Transportation Planning Rule. Specific findings are cited below.

[19] See note 16 above.

Table 7 - Map Amendment Procedures

The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:		
Procedures		**Findings**
The planning director shall retain any applications received prior to the expiration of the 30-month period	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. Furthermore, no applications were received after September 7, 2010.
Multiple applications shall be consolidated	☑	Applicant complies. All amendments as noted in these findings are being consolidated and processed concurrently.
The planning director shall schedule the hearing before the planning commission or hearings officer after the expiration of the 30-month period	☑	Not applicable. Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. The first evidentiary hearing for this legislative process was November 18, 2010 before the Planning Commission.

13. Supplemental Findings Applicable to the DSL Cline Buttes requested Destination Resort Overlay Map Amendment

The following findings supplement the findings and conclusions contained in the DSL Cline Buttes table, above, by discussing certain criteria in greater detail. Where relevant, the exhibit references are to the Relevant Facts document submitted by Belveron Real Estate Partners, LLC.

a. *Within 24 air miles of a UGB with an existing population of 100,000 or more*

The following relevant facts support Deschutes County's determination that land being added to the destination resort map is over 24 air miles from a UGB with an existing population of 100,000 or more:[20]

1. The City of Bend is located within 24 air miles of all properties proposed for inclusion on the Deschutes County destination resort map and for DR overlay zoning.

2. According to the 2010 US Census, the City of Bend had a population of 76,639 persons. This is shown by **Exhibit A**, a complete list of the populations of Oregon cities and counties on April 1, 2010 compiled by the State of Oregon Office of Economic Analysis from US Bureau of Census records.

3. The City of Bend urban growth boundary is the same as its City limits. This is shown by a comparison of the City's Bend Area General Plan map dated March 1, 2011, **Exhibit B**, and the Bend Urban Area Proposed General Plan Map dated 12/12/2008 prepared by the City of Bend, **Exhibit C**. **Exhibit B** shows the City limits with a blue line. **Exhibit C** shows the location of the existing UGB with a light gray border. A comparison of the two maps shows that the boundaries are the same.

No urban growth boundary other than the City of Bend UGB is located within 24 air miles of any of the properties that may be added to the destination resort map. This fact can be confirmed

[20] See note 18, above.

by a review of **Exhibit A** and a State of Oregon map that is marked **Exhibit D**. **Exhibit D** is an Oregon Department of Transportation map that is drawn to scale that shows county boundaries and the locations of a number of cities.

Board finds that the DSL Cline Buttes site is not within 24 air miles of a UGB with an existing population of 100,000 or more.

b. ***Not a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service***

No site being added to the destination resort map is a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service. SCS is a federal agency currently known as the National Resources Conservation Service. NRCS and the US Department of Agriculture prepared a Soil Survey of Deschutes County, Oregon. The survey includes maps of agricultural soils. This is the soil survey that applies to land in Deschutes County that is used in land use planning to determine soil types. Deschutes County's GIS Department has created an application that superimposes the NRCS soil maps on County maps.
There are no unique soils in Deschutes County according to Chad L. McGrath, the Pacific NW Soil Survey Region Leader/State Soil Scientist of the NRCS. **Exhibit E**.

The Board finds that the DSL Cline Buttes site not on a site of 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service.

c. ***Not within three miles of farm land within a High-Value Crop Area***

Commercial Farms

When Deschutes County mapped destination resorts in 1992, it determined that there are no high value crop areas in Deschutes County. *Deschutes County Ordinance No. 92-002*, pages 7-9. The same conclusion applies today and demonstrates that the DSL Cline Buttes site is not within three miles of a High-Value Crop Area. The High Value Crop Area requirement is imposed by State law, ORS 197.455(1) (B). The term "High Value Crop Area" is defined by ORS 197.435(2) as:

> *"High value crop area" means an area in which there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of $1,000 per acre per year. These crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables, dairying, livestock feedlots or Christmas trees as these terms are used in the 1983 County and State Agricultural Estimates prepared by the Oregon State University Extension Service. The "high value crop area" designation is used for the purpose of minimizing conflicting uses in resort siting and does not revise the requirements of an agricultural land goal or administrative rules interpreting the goal.*

To be a high value crop area, there must be a "concentration" of commercial farms capable of producing a minimum gross value of $1000 per acre per year. The State-acknowledged definition of the term "commercial farm" found in DCC 18.040.030 is:

> *"Commercial farm" as used in DCC 18.16 means those land tracts shown on the 1991 Assessor's records as contiguous ownership tracts under one name (or separated only by a road), zoned EFU, receiving special assessment for farm use and in the top 90 percent of assessed farm use values (arranged in ascending order). These farms are identified in the resource element of the comprehensive plan.*

All commercial farms in Deschutes County are listed in an inventory that is a part of the Resource Element of the Deschutes County Comprehensive Plan. There are no identified commercial farms within 3-miles of the DSL Cline Buttes site. Because the County has previously determined that the County contains no high value crop areas, because no party has submitted any evidence to the contrary, and there is presently no concentration of commercial farms within three miles of these properties, the County concludes that the DSL Clines Butte site is not within three miles of a high value crop area.

d. ***On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception***

The location of Cubic Foot Site Class 1 or 2 forest lands and especially sensitive big game habitat was determined by the State of Oregon in 1984. These areas are shown on a map entitled "Areas Excluded from the Goal 8 Resort Siting Process" dated December 1984. This is the map referenced in the State's destination resort law.

Based on this map, the Board finds that the DSL Cline Buttes site is not located on predominately Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved exception.

e. ***Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife (ODFW) in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement***

A map prepared by ODFW in July 1984 shows the areas in the State of Oregon that were mapped as especially sensitive big game habitat. The map shows that the DSL Cline Buttes site was not mapped as containing especially sensitive big game habitat. The DSL Cline Buttes site is not mapped as a WA overlay zone. The DSL Cline Buttes site is not located in the Tumalo deer winter range, Metolius deer winter range or the antelope winter range east of Bend near Horse Ridge and Millican. Those zones contain all ODFW 1984 mapped especially sensitive big game habitat found in Deschutes County.

The Board finds that, based on these maps, the DSL Cline Buttes site is not located on lands designated especially sensitive big game habitat by the Oregon Department of Fish and Wildlife in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement.

f. ***On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource***

The DSL Cline Buttes site is not within or located on an area protected as a Goal 5 resource site where all conflicting uses have been prohibited. Tax Lot 5300, 160 acres, does have a Surface Mining Impact Area (SMIA) overlay which is associated with a couple of minor slate aggregate extraction sites. This aggregate resource is scheduled to be used (and exhausted) in the development of the destination resort. The SMIA zone permitted and conditional uses in the underlying zone are allowed. Consequently, the County has elected not to prohibit all conflicting uses, such as resorts. Rather, the SMIA zone allows all uses permitted in the underlying zone, but subject to certain restrictions. The Board finds that the DSL Cline Buttes site is not on an area protected as a Goal 5 resource where all conflicting uses have been prohibited to protect the Goal 5 resource.

g. ***Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group***

The DSL Cline Buttes site is not located within any identified Wildlife Priority Area as identified on the Oregon Department of Fish and Wildlife Priority Area for Regional Problem Solving map dated March 1999, **Exhibit T**, show that none of the lands proposed to be add to the County's destination resort map are located in this wildlife priority area.

14. Transportation Planning Rule[21]

The Oregon Transportation Planning Rule (TPR), OAR 660-012-0060, requires local governments to determine whether amendments to their acknowledged comprehensive plan will "significantly affect" existing or planned transportation facilities. If a significant effect is found, then local governments are obligated to put in place one or more measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. The following findings address the TPR in light of *Root v. Klamath County*, __ Or LUBA__ (LUBA No. 2010-078, April 19, 2011), and the Oregon Court of Appeals decision in *Willamette Oaks v. City of Eugene*, 232 Or App 29, 220 P3d 445 (2009).

A. Requirements of the TPR

In the *Willamette Oaks* decision, the Court of Appeals held that the City of Eugene was required to determine whether a zone change would significantly affect transportation facilities prior to the approval of the zone change. In other words, the court held that the city could not defer a finding of significant effect until a later date, presumably in connection with development of the underlying property. The TPR entails a two-step process. The first step is to determine whether there is a significant effect, while step-two identifies the various measures local governments may take to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio) of the facility. *Willamette Oaks* dealt only with step one of the TPR. The court expressly held that the city could not permissibly grant the zone change without first evaluating, *pursuant to OAR 660-012-0060(1)*, whether the change would significantly affect transportation facilities.

OAR 660-012-0060(1) provides:

> Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
>
> > (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
> >
> > (b) Change standards implementing a functional classification system; or

[21] OAR 660-012-0060. http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_012.html

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

B. Finding of Significant Effect

(1) Vandevert/Belveron/Pine Forest Property

The record in this case includes two memoranda from Kittelson & Associates, Inc., one which deals with the Pine Forest, Belveron and Vandevert properties (the "Vandevert Analysis"), and the other that deals with the DSL Cline Buttes site (the "DSL Analysis"). In these findings, both studies are referred to as the "Traffic Studies." The Traffic Studies are expressly incorporated by reference into these findings. The Vandevert Analysis concludes that the proposed amendments will significantly affect transportation facilities. In particular, the Vandevert Analysis concluded that the amendments adding the Pine Forest, Belveron and Vandevert properties (referred to in the Vandevert Analysis as the "Forest Service" parcel) would reduce the performance of the South Century Drive/Spring River Road and US 97/Vandevert intersections below the minimum acceptable performance standard identified in the TSP or comprehensive plan. This conclusion results in a finding of significant affect under OAR 660-012-0060(1)(c)(B). Consequently, in order to comply with OAR 660-012-0060(1), the County specifically finds that there is substantial evidence in the record to support a finding that the amendments applying the Destination Resort Overlay to the Pine Forest, Belveron and Vandevert properties would "significantly affect" existing transportation facilities as described in OAR 660-012-0060(1)(c)(B) by reducing the performance standard of an existing transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

(2) DSL Cline Buttes site

The DSL Analysis concludes that the proposed amendments will significantly affect transportation facilities. In particular, Table 3 of the DSL Analysis identified six separate intersections which would be significantly affected be development of a resort on the DSL Cline Buttes site. Consequently, in order to comply with OAR 660-012-0060(1), the County specifically finds that there is substantial evidence in the record to support a finding that the amendments applying the Destination Resort Overlay to the DSL Cline Buttes site would "significantly affect" existing transportation facilities as described in OAR 660-012-0060(1)(c)(B)

by reducing the performance standard of an existing transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

C. TPR Step Two: Maintaining Compliance with OAR 660-012-0060(1)

Because the County has determined that the amendments will result in a significant effect, the County must employ one or more measures identified in OAR 660-012-0060 (2), which provides:

> (2) Where a local government determines that there would be a significant effect, compliance with section (1) [OAR 660-012-0060(1)] shall be accomplished through one or a combination of the following:
>
> > (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
> >
> > (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
> >
> > (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
> >
> > (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
> >
> > (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Pursuant to OAR 660-012-0060(2)(a) the County has elected to impose a condition of approval prohibiting resort development on any of the three added properties until a resort application complying with state and local law is approved by the County, and such application includes a Traffic Impact Analysis which complies with the TPR and ensures that resort development will not significantly affect any transportation facility. The County notes that ORS 197.460(4) requires resort applicants to prepare a similar study. ORS 197.460(4) provides, in part:

> "the county shall require the applicant to submit a traffic impact analysis of the proposed development that includes measures to avoid or mitigate a proportionate share of adverse effects of

transportation on state highways and other transportation facilities affected by the proposed development, including transportation facilities in the county and in cities whose urban growth boundaries are within the distance specified in this subsection."

The condition imposed by the County reads:

> The County may not approve a destination resort on any of the three properties added to the resort map pursuant to these amendments until:
>
> a. The applicant for resort development has complied with the version of ORS 197.460(4) then in effect regarding a resort-specific traffic impact analysis.
>
> b. The destination resort application has addressed and incorporated as a part of the development plan, the transportation improvements identified in the Vandevert Analysis or the DSL Analysis (including the Interchange Requirement decision described in the 2005 Group MacKenzie study), as applicable, necessary to mitigate the finding of significant effect.
>
> c. The applicant has prepared a traffic impact analysis that in all respects conforms to the requirements of the Transportation Planning Rule and ORS 197.460(4), and demonstrates that resort development on the property may occur in a manner which will not significantly affect a transportation facility or, if a subsequent significant effect is found, resort development may not proceed until measures are in place as described in OAR 660-012-0060(2) to assure that resort development is consistent with the identified function, capacity, and performance standards of affected transportation facilities. If the transportation improvements identified in this subsequent traffic study differ from those identified in the Vandevert Study or the DSL Study, the applicant shall make the improvements identified in this subsequent study.

The above condition is imposed pursuant to OAR 660-012-0060(2)(a). By imposing this condition, the County has assured compliance with OAR 660-012-0060(1) by adopting a measure that demonstrate that allowed uses are consistent with the planned function, capacity, and performance standards of the transportation facility. No trips may be added to the transportation system under these amendments until such time as nay necessary transportation improvements are in place. A complete prohibition on resort development until such time as specific identified improvements are made or until such time as the improvements identified in a subsequent traffic analysis are made, ensures that the uses allowed on the subject properties are consistent with the identified function, capacity, and performance standards of the identified facilities.

D. Opposition Testimony

Central Oregon LandWatch has stated that it:

> "disagrees with the theory of the Applicants' attorneys who believe that with a summary conclusion of 'significant affects' that the Goal 12 process required by OAR 660-012-0060 can be essentially delayed to the time of actual application for a destination resort."

Central Oregon LandWatch Written Testimony, September 23, 2011. The County rejects the assertion that the County has delayed the consideration of the TPR.

The record in this case contains the Traffic Studies which, together, address all three properties added to the resort map. Together, the Traffic Studies establish the total number of units which could be built on the added properties. The Traffic Studies then apply a trip generation factor to the total number of units to determine the estimated trip generation potential for all the properties added. Based on the estimated trip generation, the Traffic Studies then analyze the potential impacts to transportation facilities. Based on the analysis of numerous transportation facilities and the potential impacts to these facilities, the Traffic Studies then conclude that resort development would "significantly affect" several transportation facilities within the meaning of OAR 660-012-0060. The Traffic Studies then identify specific transportation improvements which could be made to mitigate traffic generated by the resorts. Based on the significant effect determination, the County has imposed a condition of approval consistent with OAR 660-012-0060(2) to assure that allowed land uses are consistent with the planned function, capacity, and performance standards of affected transportation facilities.

Simply because the County is requiring a second TPR-level traffic analysis at the time of development (which is also consistent with the similar obligation imposed by ORS 197.460(4)) does not mean that the County has deferred compliance with the TPR. As LUBA has said:

> "[U]nder the TPR if a comprehensive plan or zoning map amendment will allow new or more intense uses to be developed in the future without additional comprehensive plan or zoning map amendments and those uses would generate traffic that would significantly affect transportation facilities (*i.e.*, cause them to fail), a local government must identify the measures it will put in place to prevent such failures.
>
> * * * *
>
> Stated differently, neither the significant effects determination nor the identification of measures that will be employed to avoid significant effects can be deferred to future decision making that will post-date the plan or zoning map amendment that makes those uses possible."

Root v. Klamath County, __ Or LUBA __(LUBA No. 2010-077; 2010-079, April 4, 2011, slip op 30, Holston, *concurring*). In *Root*, Klamath County approved an amendment to its resort map to add approximately 90,000 acres to the map. In addressing the TPR, Klamath County relied on a transportation letter which, without providing any substantive analysis, concluded that development of 90,000 acres as resorts would significantly affect transportation facilities. *Root*, slip op. 24. LUBA stated:

> However, the Kittelson letter did not attempt to analyze or evaluate how destination resorts allowed under the plan amendment would significantly affect any transportation facilities in any of the ways set out in OAR 660-012-0060(1); it simply assumed that there would be a significant effect on unspecified

> transportation facilities if some unspecified portion of the 90,000 acres were developed with an unspecified number of destination resorts of an unspecified size at unspecified locations.

Id. In contrast, here both studies assumed the additional properties would be developed as resorts, that they would be developed at a specific density, and that they would be developed in the near term. Unlike the Klamath County situation, the significant effect determination is not "a purely *pro forma* finding of significant affect on unspecified facilities unsupported by any analysis at all, and then requiring that the TPR be addressed at the time of specific destination resort development[.]" *Id.* At 26.

With respect to the adoption of measures under OAR 660-012-0060(2), the County has not deferred the determination of how to address the identified significant effects until at later point in time. To the contrary, both traffic studies identify the transportation facilities impacted by potential development and then identify the specific transportation mitigation measures necessary to ensure that the affected facilities will continue to operate consistent with the identified function, capacity, and performance standards. The condition of approval requires that the identified improvements be constructed or, in the alternative, if the traffic study prepared at the time of eventual resort development identifies different improvements necessary to avoid a significant effect, the resort applicant will be required to make the improvements identified in the more timely study.

The County's election to impose the condition of approval requiring additional TPR-level analysis at a future date is not a *deferral* of the TPR, rather, it is simply a recognition that at the present time it is entirely unclear whether any of the properties will be developed with resorts, when such development may occur, the ultimate transportation impacts of a specific proposal, the size of a specific resort, whether additional transportation improvements may be constructed in the intervening years which would affect the analysis, or whether an increase in background traffic might demand greater transportation improvements. Rather than a deferral, the condition is a safeguard to ensure that resort development does not significantly affect transportation facilities at the time of development, which could be years from now. Also, it is a reflection of the fact that regardless of what mitigation measures might be required based on current transportation studies, ORS 197.460(4) requires resort developers to mitigate adverse effects to transportation facilities at the time of resort development. Consequently, any improvement required under the current analysis may be entirely inappropriate or inadequate to address future transportation issues.

Central Oregon LandWatch also has argued the DSL Study should not have relied on a December 2004 Group Mackenzie traffic study because that report was significantly revised in 2005. In particular, LandWatch argues that the improvements necessary to mitigate a significant effect at the US 20 and Cook Avenue intersection involve a full interchange rather than signalization. LandWatch does not challenge the finding of significant effect under OAR 660-012-0060(1), only whether the County has adopted the appropriate measure under OAR 660-012-0060(2). To address LandWatch's concern, in addition to the measures identified in Table 3 of the DSL Study, the County adopts, as a measure under OAR 660-012-0060(2), the requirement to construct an interchange as addressed in the 2005 Group Mackenzie study provided by LandWatch (the "Interchange Requirement"). With respect to LandWatch's concerns regarding the ultimate cost of the interchange, that question is irrelevant to either the significant effect determination under OAR 660-012-0060(1) or the implementation measure under OAR 660-012-0060(2).

With respect to the DSL Cline Buttes site, the record includes the DSL Study and the excerpt of the Group Mackenzie study provided by LandWatch, both of which the Board specifically incorporates by reference in these findings. Together, these studies demonstrate that resort development on the DSL Cline Buttes site would significantly affect certain transportation

facilities. Based on this determination, the County has identified the specific transportation improvements necessary to assure that the affected transportation facilities operate consistent with the identified function, capacity, and performance standards.

(1). Data Gaps

Central Oregon LandWatch appears to argue that the County should require some higher level of specificity with respect to the transportation improvements required to mitigate a significant effect under the TPR. The County rejects that position. As set forth above, the Traffic Studies, identify a reasonable worst case scenario regarding the size of potential resorts based on their acreage and applicable resort density standards. The studies identify the impacts to transportation facilities, the improvements necessary to mitigate the impacts. On top of that, the County has imposed a development prohibition until such time as a resort is actually proposed. Absent specific resort proposals, it is impossible to perform transportation studies with any greater detail because many required components of traffic studies which would be required at the time of development are unknown at the present time. Under ODOT's 2005 Development Review Guidelines, the following components are required for a traffic impact study, none of which are known at the present time:

- Traffic volumes in the year of opening without resort development
- Traffic operations in the year of opening without resort development
- Traffic volumes in the year of opening with the resort development
- Traffic operations in the year of opening with the resort development
- Traffic volumes at the end of planning period without resort development
- Traffic operations at the end of the planning period without resort development
- Traffic volumes at the end of the planning period with resort development
- Traffic operations at the end of the planning period with resort development.

Because these factors are unknown—primarily because it is impossible to predict at the present time the size of any particular resort, when it is planned to open, or whether there will be intervening development which would affect the transportation analysis—it is impossible to specifically identify the precise measures which would be required at the time of resort development to assure that resort development is consistent with the identified function, capacity, and performance standards of all potentially affected transportation facilities, as required under OAR 660-012-0060(1). The mitigation identified in the Traffic Studies is sufficient to remedy the identified significant effects if the subject properties were developed today with resorts generating the traffic identified in the studies. Because, however, it is impossible to know at the present time whether, when and to what extent, the subject properties will be developed for resorts, it is appropriate to impose certain conditions of approval to ensure that when and if resorts are developed, they are developed consistent with the planned function, capacity, and performance standards of affected transportation facilities.

12. Statewide Planning Goals.

The parameters for evaluating these specific amendments are based on an adequate factual base and supportive evidence demonstrating consistency with statewide planning goals. The following findings demonstrate that Ordinances 2011-001 and 002 comply.

Goal 1, Citizen Involvement was met through this adoption process because these amendments will receive two public hearings, one before the County Planning Commission, the County's citizen review board for land use matters, and one before the Board.

Goal 2, Land Use Planning was met because ORS 197.455(2) allows for such an amendment process. Additionally, the amendments mirror the statutory requirements that destination resorts not be sited on specific types of farm and forest land, Open Space and Conservation zoned land, and in areas where wildlife is protected. Thus, the provisions will not conflict with Goal 3, Agricultural Lands, and Goal 4. Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces Local governments are only required to apply Goal 5 to a post-acknowledgement plan amendment when the amendment allows a new use and the new use "could be" a conflicting use with a particular Goal 5 resource site on an acknowledged resource list. OAR 660-023-0250(3)(b). A conflicting use "is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource[.]" OAR 660-023-0010(1). When identifying potential conflicting uses, the Goal 5 rules expressly limit the examination of uses to those uses that are allowed either outright or conditionally within the zones applied to the resource site. Here, the use allowed on the three subject properties is a destination resort, which is a conditional use in the EFU and F2 zones.

The Pine Forest, Vandevert and Belveron properties are zoned with the Wildlife Area Combining Zone (WA). The WA zone implements the County's Goal 5 program with respect to the Deer Migration Corridor. Subject to DCC 18.113, destination resorts are allowed as a conditional use in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as long as the property is not in an area designated as "Deer Migration Priority Area" on the 1999 ODFW map submitted to the South County Regional Problem Solving Group. Consequently, in the WA zone, destination resorts are not a new use that could adversely affect a significant Goal 5 resource within the meaning of Goal 5. Destination resorts have been allowed in the WA zone for a long period of time and, when the county adopted and applied the WA zone, the county expressly determined that it would permit destination resorts, despite the conflicts with the Goal 5 resource, in areas with the WA overlay, but outside the Deer Migration Priority Area. As neither the Pine Forest nor the Belveron/Vandevert properties are within the Deer Migration Priority Area, the County's Goal 5 implementing regulations expressly permit the County to add these two properties to the Destination Resort Overlay Map, without applying Goal 5 or undertaking a new ESEE analysis.

The County's program to achieve Goal 5, both through comprehensive plan, and the County's land use regulations implementing Goal 5, allow destination resorts as conflicting uses. Ordinance No. 2001-019 amended the Resource Management Element of the Comprehensive Plan and Chapter 18.88 of the Deschutes County Code. As a part of these amendments, the County amended the ESEE analysis for with Bend/La Pine Deer Migration Corridor by expressly permitting resort development within the WA zone, but outside the Deer Migration Priority Area:

> "The Board finds that the Bend/La Pine Deer Migration Corridor and the conflicting destination resort use are important relative to each other and, based on OAR 660-023-0040(5)(b) and the amended ESEE analysis, the destination resort use should be allowed in a limited way that protects the Goal 5 resource. Specifically, destination resorts should be limited to areas within the destination resort overlay that are outside of the Deer Migration Priority Area."

Although Central Oregon LandWatch has not raised any Goal 5 related objections to this proposal, in other cases before the Land Use Board of Appeals it has argued that new roads and traffic associated with destination resorts may affect Goal 5 resources. These findings address that concern.

With respect to new roads, and traffic associated with such roads, the Pine Forest, Belveron, and Vandevert properties all abut one or more public roads. Therefore, no off-site access roads will be required to provide access to any future resort on these properties. Moreover, even if a new access road from South Century Drive or Vandevert were needed (together with the traffic associated with such new road), any road would go through the WA zone. As discussed above, destination resorts are permitted in the WA zone. Consequently, the Board finds that even if new access roads were required, such roads would not be a "new use" permitted by these amendments because (a) roads and traffic are not new uses in the WA zone and (b) access roads and the associated traffic are an integral component of destination resorts and are permitted as a part of a destination resort and currently allowed in the WA zone.

The DSL Cline Buttes site contains the Surface Mining Impact Area Combining Zone (SMIA). The SMIA is a Goal 5 resource overlay. No other Goal 5 resources are located on the DSL Cline Buttes site, nor do any roads which may be used to access the property go through any Goal 5 resource area. The purpose of the SMIA zone is to protect the surface mining resources of Deschutes County from new development which conflicts with the removal and processing of a mineral and aggregate resource, while allowing owners of property near a surface mining site reasonable use of their property. Resorts, however, do not represent new uses which could be conflicting uses for purposes of the OAR 660-023-0250 within the SMIA zone. Resorts are uses permitted conditionally within the underlying EFU zoning, and all uses permitted conditionally within the underlying zone are allowed by the SMIA standards. Consequently, the County's existing program to protect the Goal 5 resource expressly permits resorts within the SMIA overlay. As such, resorts do not constitute a "new use" that could be conflicting uses with the Goal 5 resource site

The DSL Cline Buttes site will be developed with road access through either the existing and adjacent Eagle Crest Destination Resort or through the surrounding future Thornburgh Destination Resort which abuts the DSL Cline Buttes properties on 3 sides. The roads to Eagle Crest already exist connecting to the local and regional transportation network—this access strategy requires no new road development that would impact wildlife habitat or activities. Access through the future Thornburgh Destination Resort will use roads already planned for and/or constructed on Thornburgh land- these roads either: already exist (Thornburgh Road to Eagle Drive), will connect directly to a county arterial (Main entry road connecting to Cline Falls Highway), or exercise an existing access easement through BLM lands (proposed Service Road to serve Thornburgh's main facility and infrastructure). The anchor Thornburgh destination resort development already abuts or has direct access to existing public roads. Therefore, no off-site access roads will be required to be constructed to provide access to the DSL Cline Buttes site. Most importantly, no roads serving the DSL Cline Buttes site would go through any mapped Goal 5 resource sites. Consequently, the addition of the DSL Cline Buttes site to the resort map will not allow any new use which could be a conflicting use with a particular Goal 5 resource site.

Goal 6 Air, Water and Land Resources Quality and Goal 7, Natural Hazards are met because the County has other code provisions in the Destination Resort Zoning Code, DCC Chapter 18.113 that are designed to protect the air, water and land resources quality and to assure that they are not approved in areas subject to natural resources and natural hazards.

Goal 8, Recreational Needs specifies the rural areas consisting of agricultural, forest, rural development, and natural resources that are eligible for siting destination resorts.[22] According to the Comprehensive Plan, the numerous beneficial impacts of destination resorts are recognized by Statewide Planning Goal 8 and by implementing statutes.

With the exception of one ineligible tax lot (151200-00-05101) proposed by the Oregon Department of State Lands, the three map amendment applications comply with Goal 8. Goal 8 requires a destination resort to be on a site 160 acres or more, therefore tax lot 151200-00-05101 does not comply because it is an isolated 40 acre parcel. Deschutes County Destination Resort Zone requires all destination resorts to have a minimum of 160 contiguous acres of land. This chapter was found as part of periodic review to be in compliance with the County's comprehensive plan and statewide planning goals.

Goal 9, Economic Development is met because the map amendments will expand the opportunities for more destination resorts, which are a source of economic development by providing jobs in the construction and service industries. In fact, the initial reason decades ago the legislature allowed destination resorts in rural areas was to provide a means of economic development particularly in areas such as Central Oregon where farm and forest lands were not as productive as other areas in the state.

Goal 10, Housing is met even though the County is generally not subject to housing requirements because these destination resorts do provide additional housing, albeit, generally in the higher end range.

Goal 11, Public Facilities is not applicable to destination resorts because destination resorts are specifically allowed urban-type services such as sewer and water.

Goal 12, Transportation complies with this goal as discussed previously in the sections regarding the Transportation Planning Rule. Goal 12 is the Transportation Planning Rule.

Goal 13, Energy Conservation is also addressed through the destination resort zoning code, DCC Chapter 18.113. This specific chapter requires destination resorts during the conceptual master plan (CMP) process to prepare utility and water conservation plans.[23] Furthermore, the planning director or hearings body during the CMP process must find that the minimum dimensional standards are adequate to satisfy the intent of the comprehensive plan relating to solar access (DCC 18.113.060(G)(1)).

Goal 14, Urbanization is not applicable to destination resort map amendments because, while destination resorts are built and operated much like an urban area could be, they are specifically allowed in rural areas with some additional requirements.

Goals 15 through 19 are not applicable to any amendments to the County's comprehensive plan because the county has none of those types of lands.

10. Consistency with Deschutes County Comprehensive Plan

Deschutes County's Destination Resort Goal, DCC 23.84.020, provides for development of destination resorts in the County consistent with Statewide Planning Goal 8 in a manner that will be compatible with farm and forest uses, existing rural development, and in a manner that will maintain important natural features, such as habitat of threatened or endangered species,

[22] http://egov.oregon.gov/LCD/docs/goals/goal8.pdf
[23] DCC 18.113.050(B)(5) and (11c)

streams, rivers and significant wetlands. As demonstrated above, Deschutes County's map amendments, with the exception of one ineligible tax lot (151200-00-05101) proposed by the Oregon Department of State Lands, comply with the statewide planning goals by continuing to protect certain agricultural and forest lands, and acknowledged Goal 5 natural resources. Therefore, because the County's comprehensive plan was adopted to comply with those goals and had been acknowledged as such, the new map amendments also comply with the County's comprehensive plan policies and goals, which are rarely more restrictive than the statewide planning goals.

Lastly, destination resort map amendments represent only the first of several steps for a property to become entitled and developed as a destination resort. The Deschutes County Destination Resort Overlay Zone, DCC 18.113 specifies an extensive burden of proof for an applicant seeking conceptual master plan as well as final master plan approval. That chapter was found years ago to be in compliance with the County's comprehensive plan and, as stated above, provides many of the protections required by the County's Comprehensive Plan policies.

11. Conditions of Approval

The condition of approval applicable to all of the land being added to the resort map pursuant to these amendments is as follows:

A. ORS 197.455(1)(f):

> *"The County has adopted, as the relevant wildfire protection plans described in ORS 197.455(1)(f), the Upper Deschutes River Natural Resources Coalition Revised Community Wildfire Protection Plan and the Greater Redmond Community Wildfire Protection Plan. Any resort developed on the three properties added to the resort map shall be required to comply with the terms and conditions of the applicable wildfire protection plan, as such plan may be amended from time to time. In addition, any resort developed on any of the three properties added to the resort map shall be required to be developed consistent with FireWise standards and shall, as a condition of approval to any resort development, be required to become recognized as a FireWise community. If the County determines that, at the time of resort development, that the adopted wildfire plans and FireWise community standards are insufficient to assure that a site can be developed without being at a high overall risk of fire, then the County shall require, as a condition of approval, the adoption of an alternate wildfire protection plan that demonstrates the site can be developed without being at a high overall risk of fire."*

B. OAR 660-012-0060(2)(a)

The County may not approve a destination resort on any of the three properties added to the resort map pursuant to these amendments until:

a. The applicant for resort development has complied with the version of ORS 197.460(4) then in effect regarding a resort-specific traffic impact analysis.

b. The destination resort application has addressed and incorporated as a part of the development plan, the transportation improvements identified in the Vandevert Analysis or the DSL Analysis (including the Interchange Requirement decision described in the 2005 Group

MacKenzie study), as applicable, necessary to mitigate the finding of significant effect.

c. The applicant has prepared a traffic impact analysis that in all respects conforms to the requirements of the Transportation Planning Rule and ORS 197.460(4), and demonstrates that resort development on the property may occur in a manner which will not significantly affect a transportation facility or, if a subsequent significant effect is found, resort development may not proceed until measures are in place as described in OAR 660-012-0060(2) to assure that resort development is consistent with the identified function, capacity, and performance standards of affected transportation facilities. If the transportation improvements identified in this subsequent traffic study differ from those identified in the Vandevert Study or the DSL Study, the applicant shall make the improvements identified in this subsequent study.

12. Conclusion

Pine Forest Development LLC

Based on the findings stated above, Pine Forest Development LLC demonstrates that tax lot 201100-00-00103 can be added to Deschutes County's Destination Resort Maps cited in DCC Titles 23 and 18.

Belveron Real Estate LLC and Vandevert Road LLC

Based on the findings stated above, Belveron Real Estate LLC and Vandevert Road LLC demonstrate that tax lots 201100-00-00104 and 201100-00-00105 can be added to Deschutes County's Destination Resort Maps cited in DCC Titles 23 and 18.

DLS Cline Buttes Site

Based on the findings stated above, the agents/applicants for the DSL Cline Buttes site demonstrate that tax lots 151200-00-05300, 151200-00-05200, 151200-00-05102, 151200-00-05103 and 151200-00-05104 can be added to Deschutes County's Destination Resort Maps cited in DCC Titles 23 and 18.

Attachment 1 - Parcel Based Maps Showing Grandfathered Properties Retaining a Destination Resort Designation

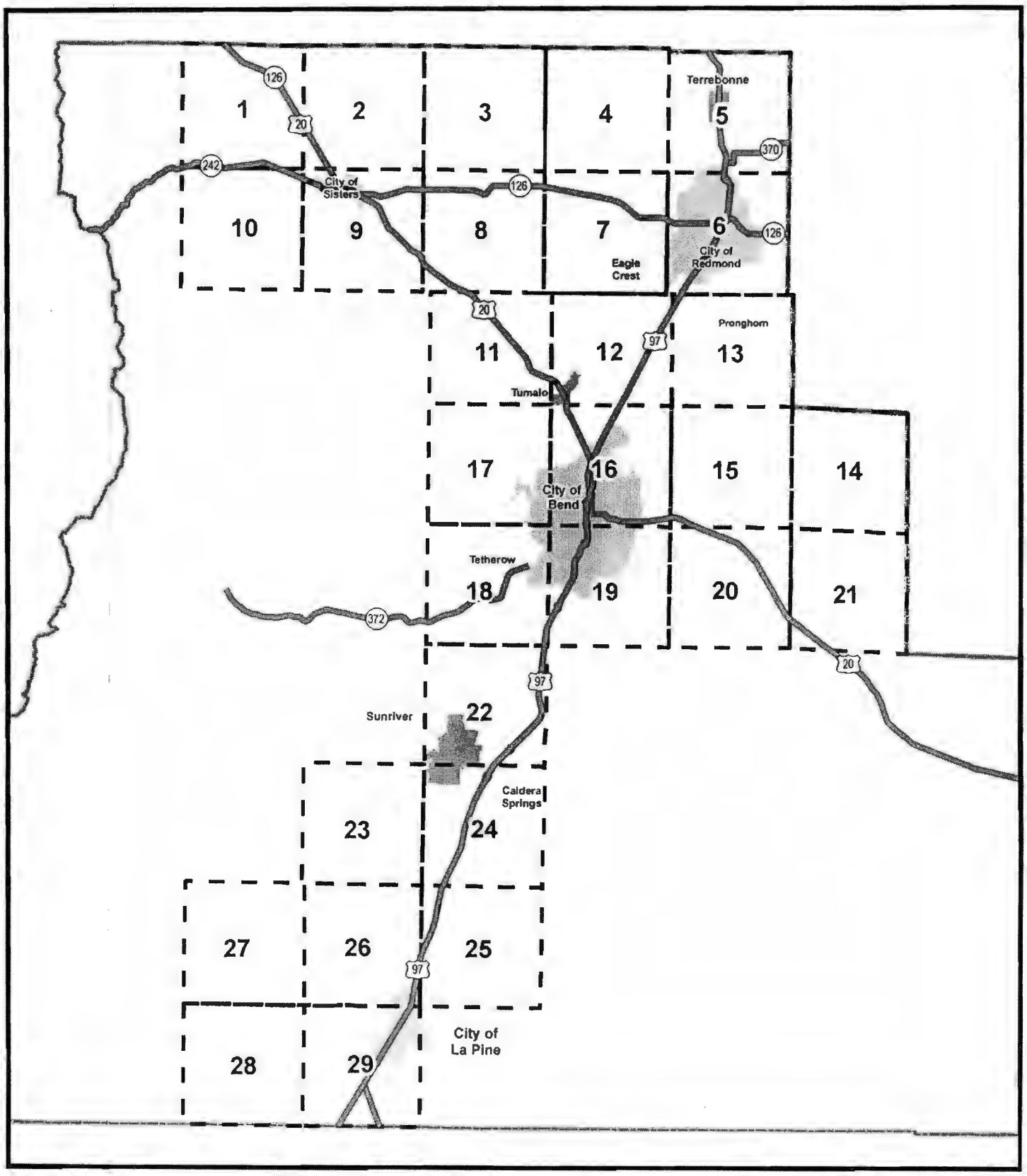


Exhibit "B"
Attachment 1

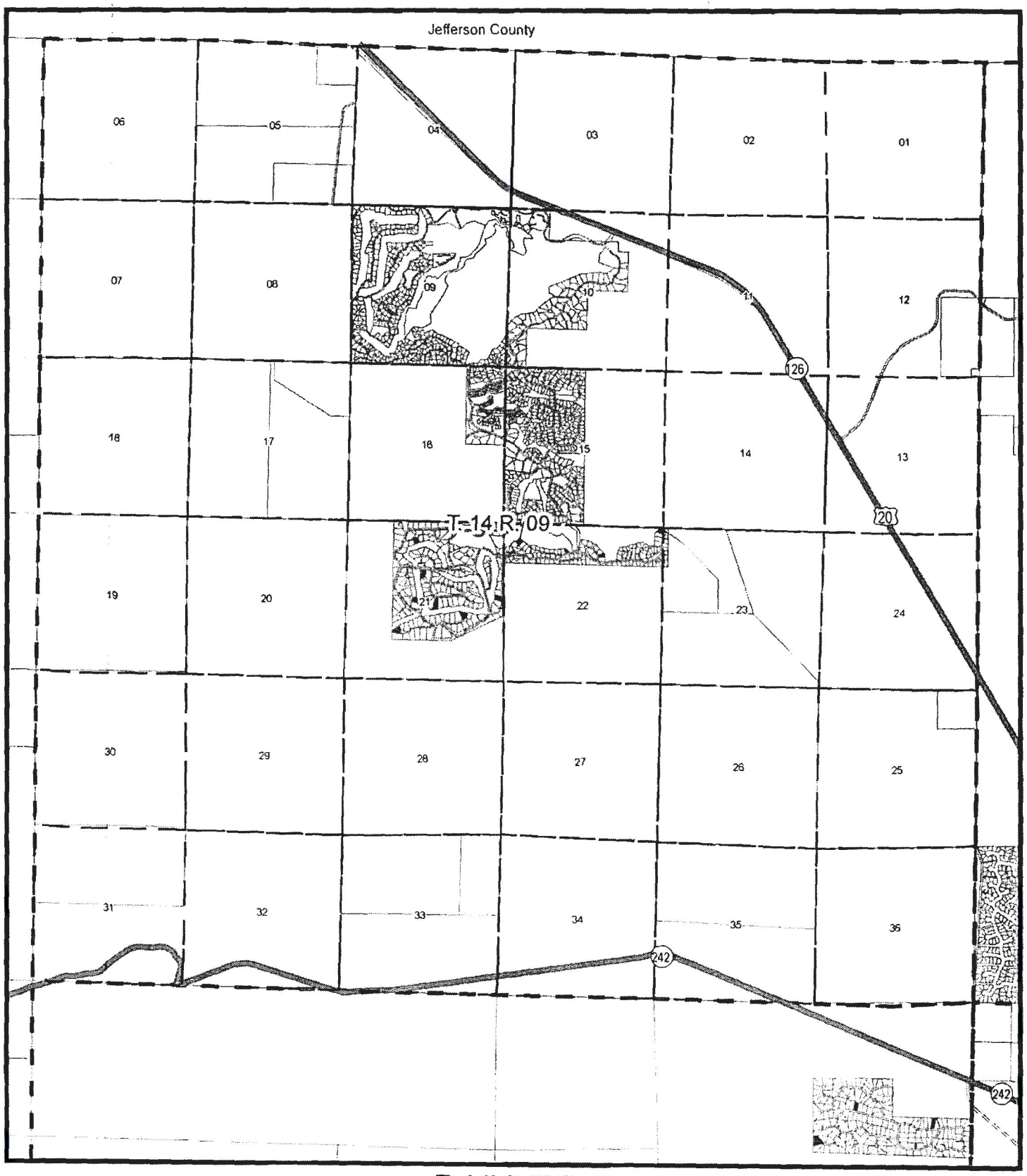
Index Map
to Ordinance 2011-001

Legend

- State Highway
- Exhibit "B" Map Index
- County Boundary
- Unincorporated Community
- Urban Growth Boundary

0 2 4 8 12 Miles

October 13, 2011



Legend

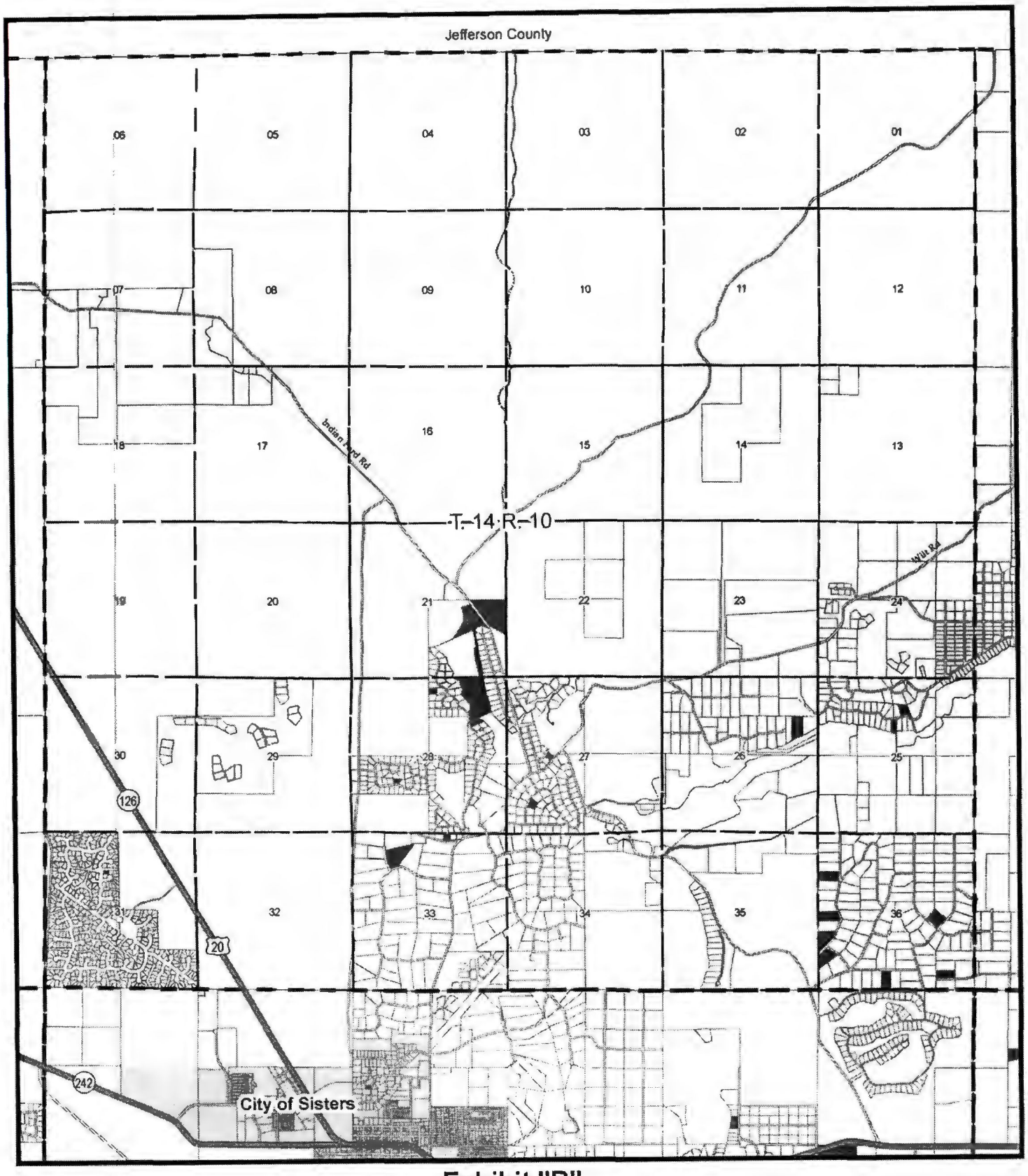
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 1 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 2 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011

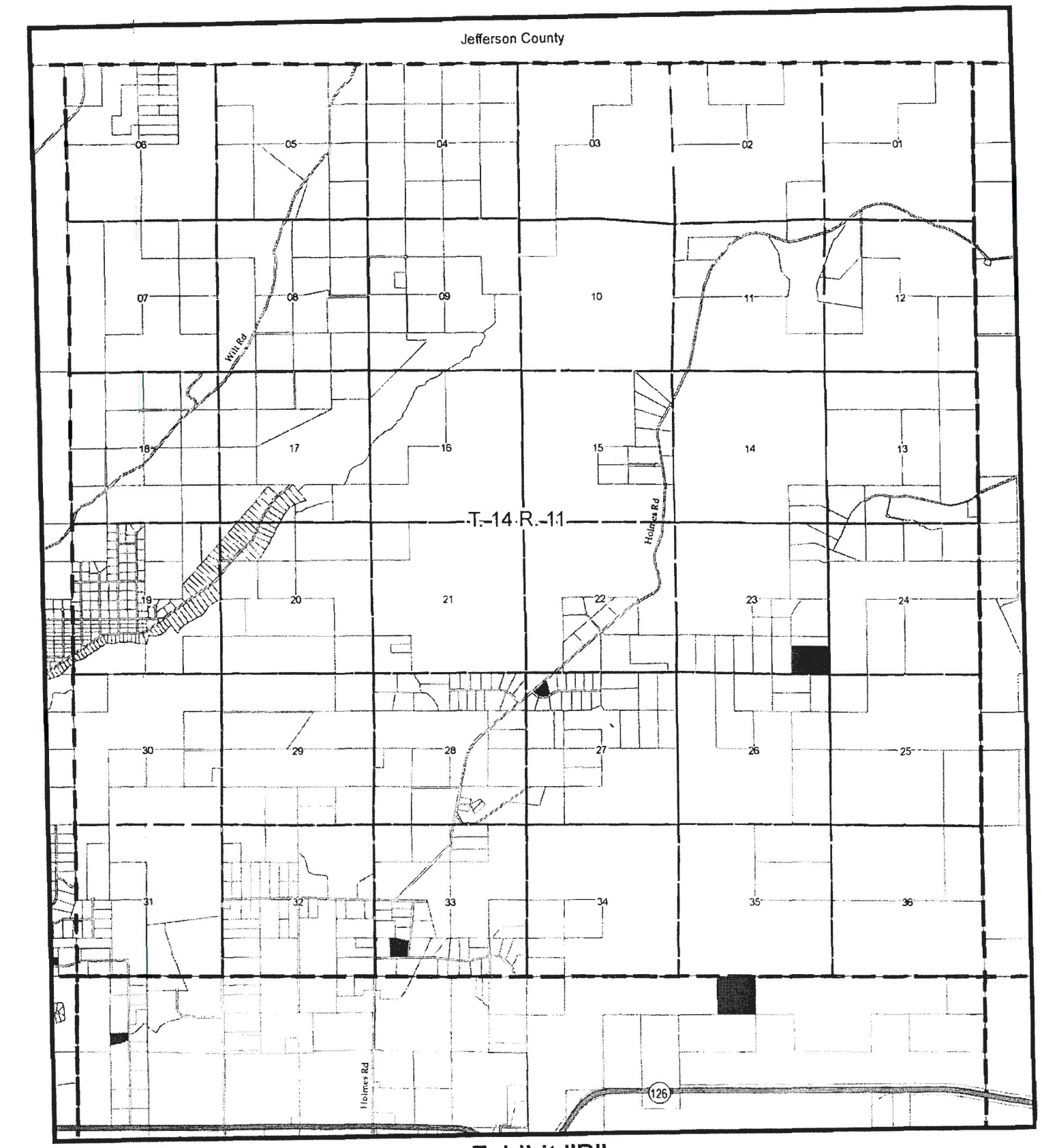


Exhibit "B"
Attachment 1

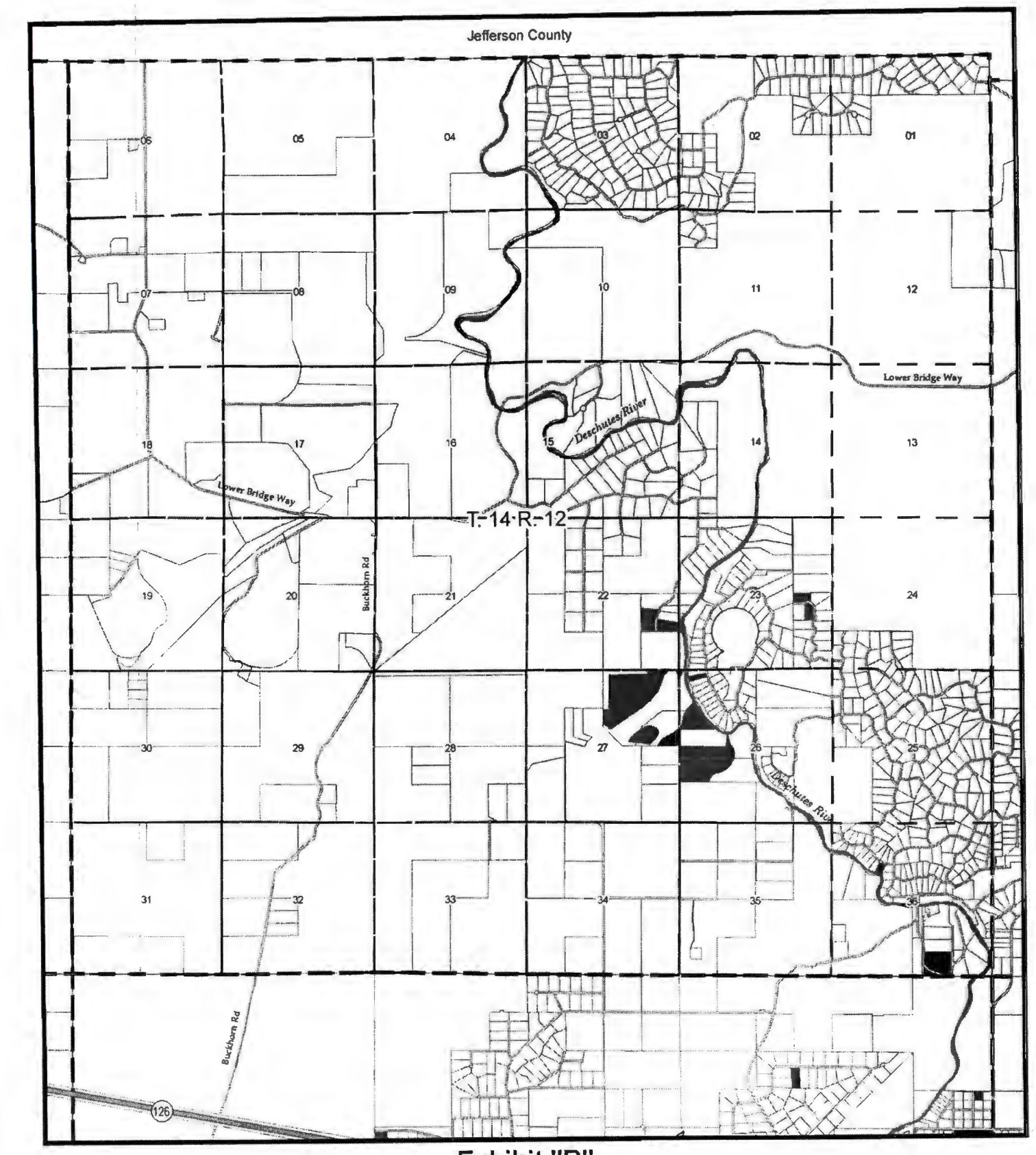
Map 3 of 29
to Ordinance 2011-001

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 4 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011

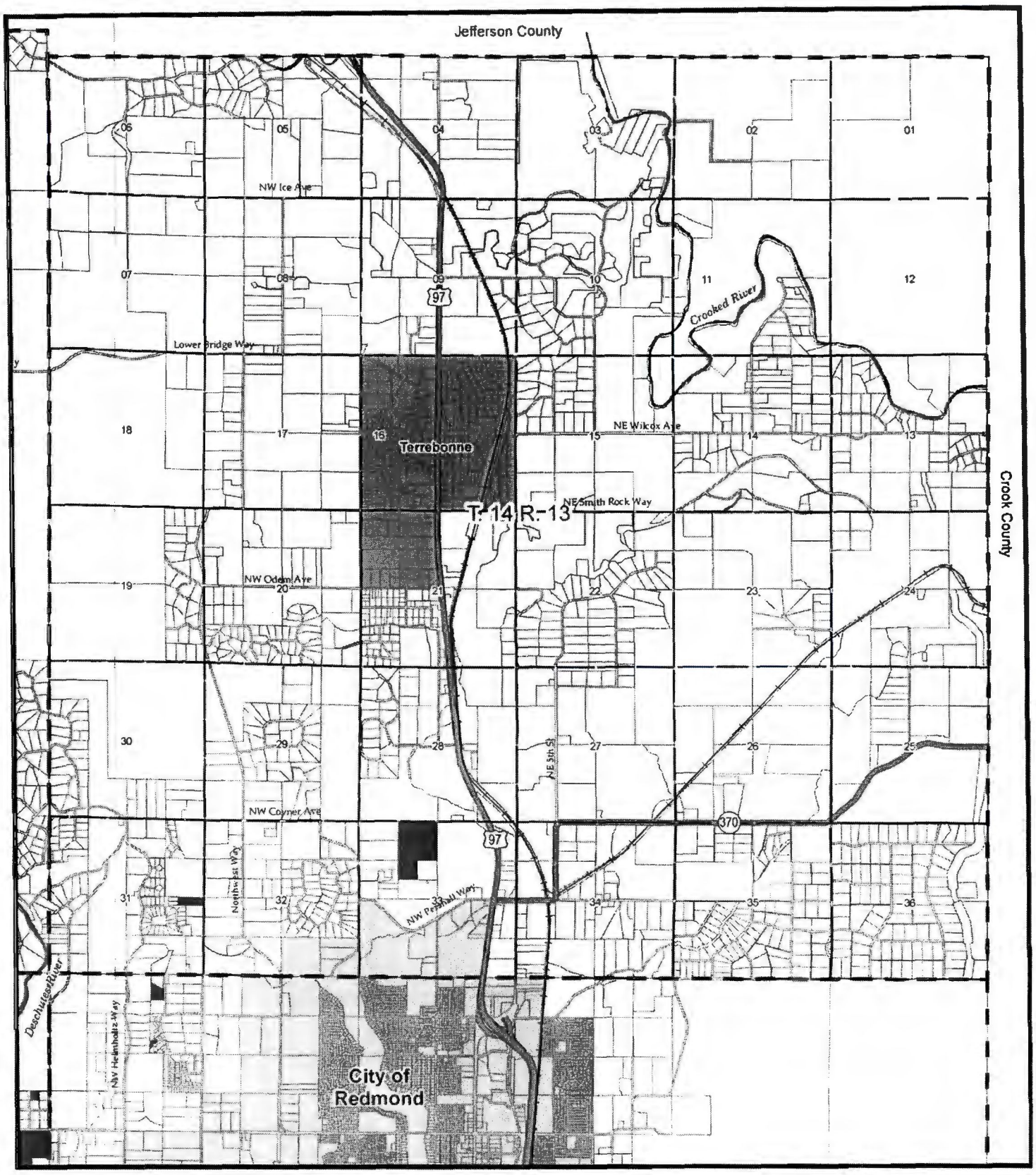


Exhibit "B"
Attachment 1

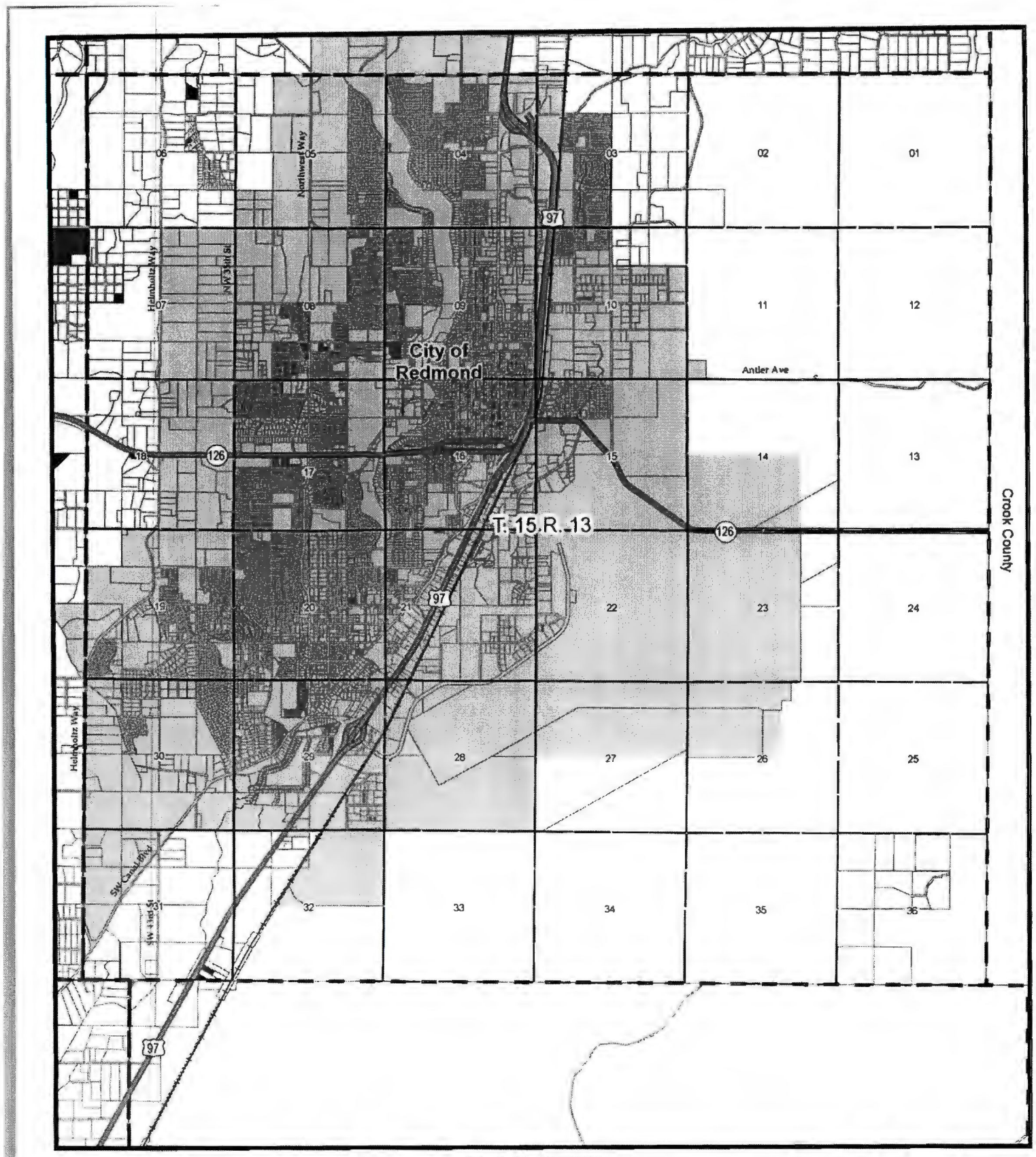
Map 5 of 29
to Ordinance 2011-001

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

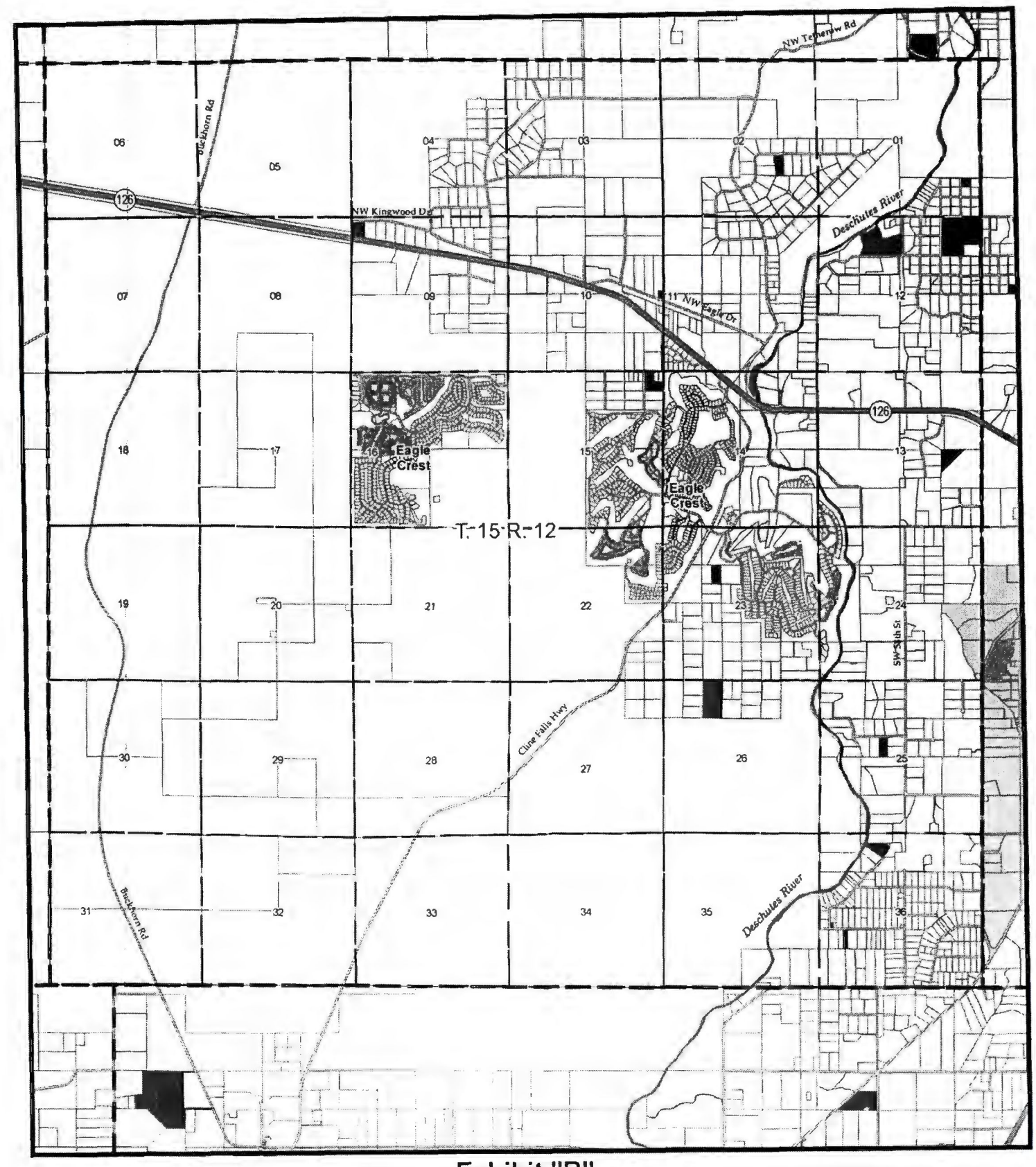
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 6 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

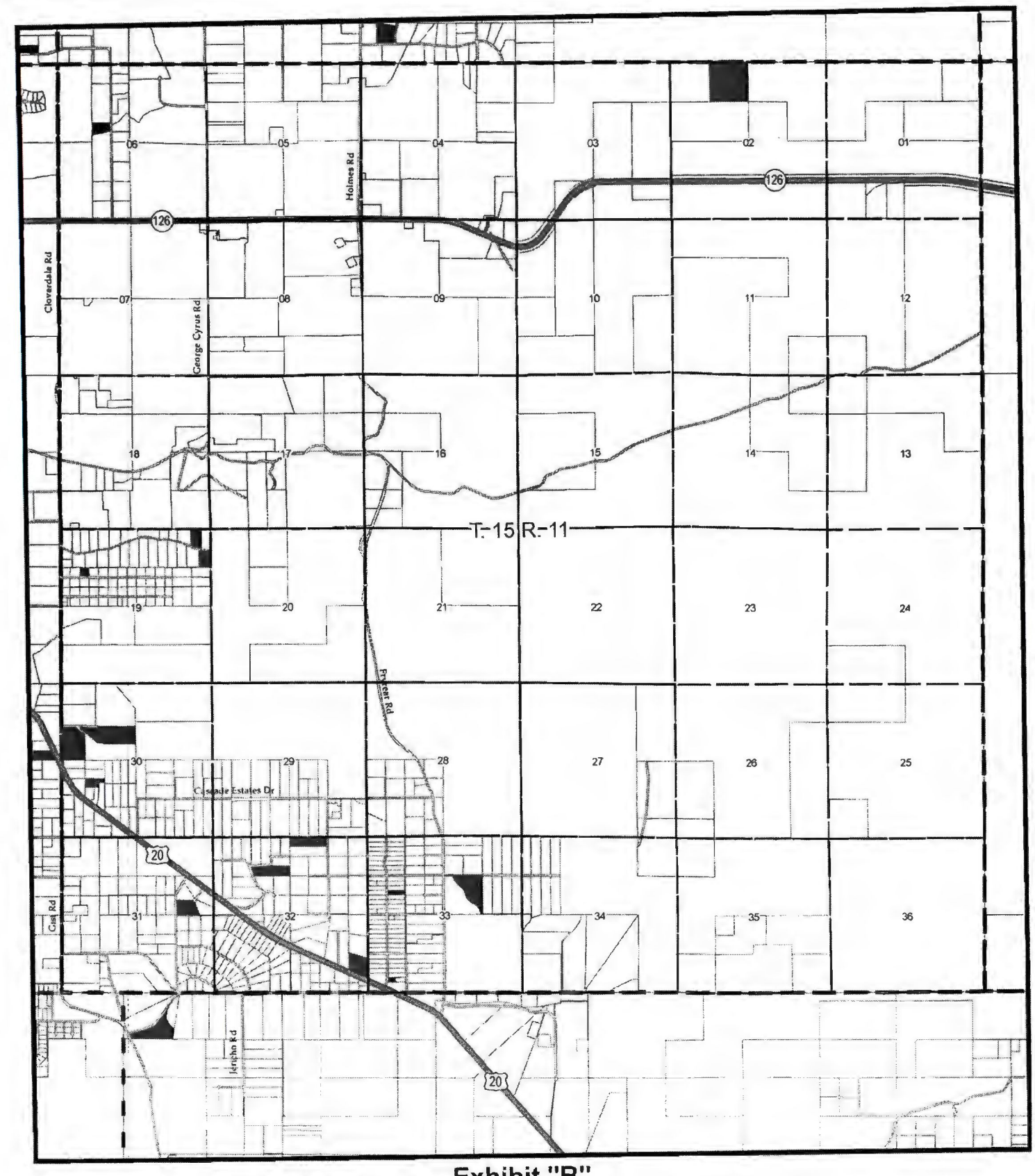
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 7 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

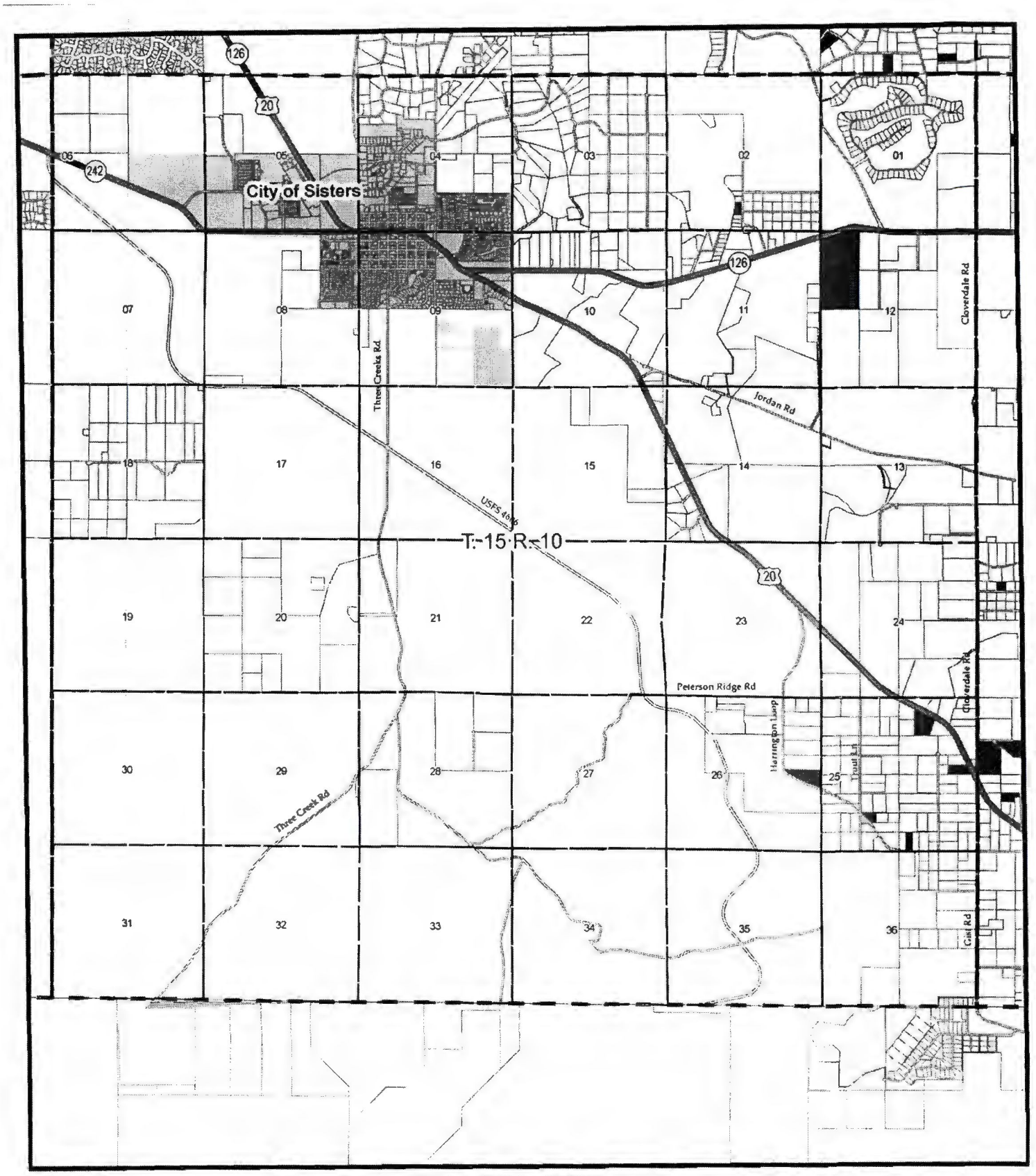
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 8 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

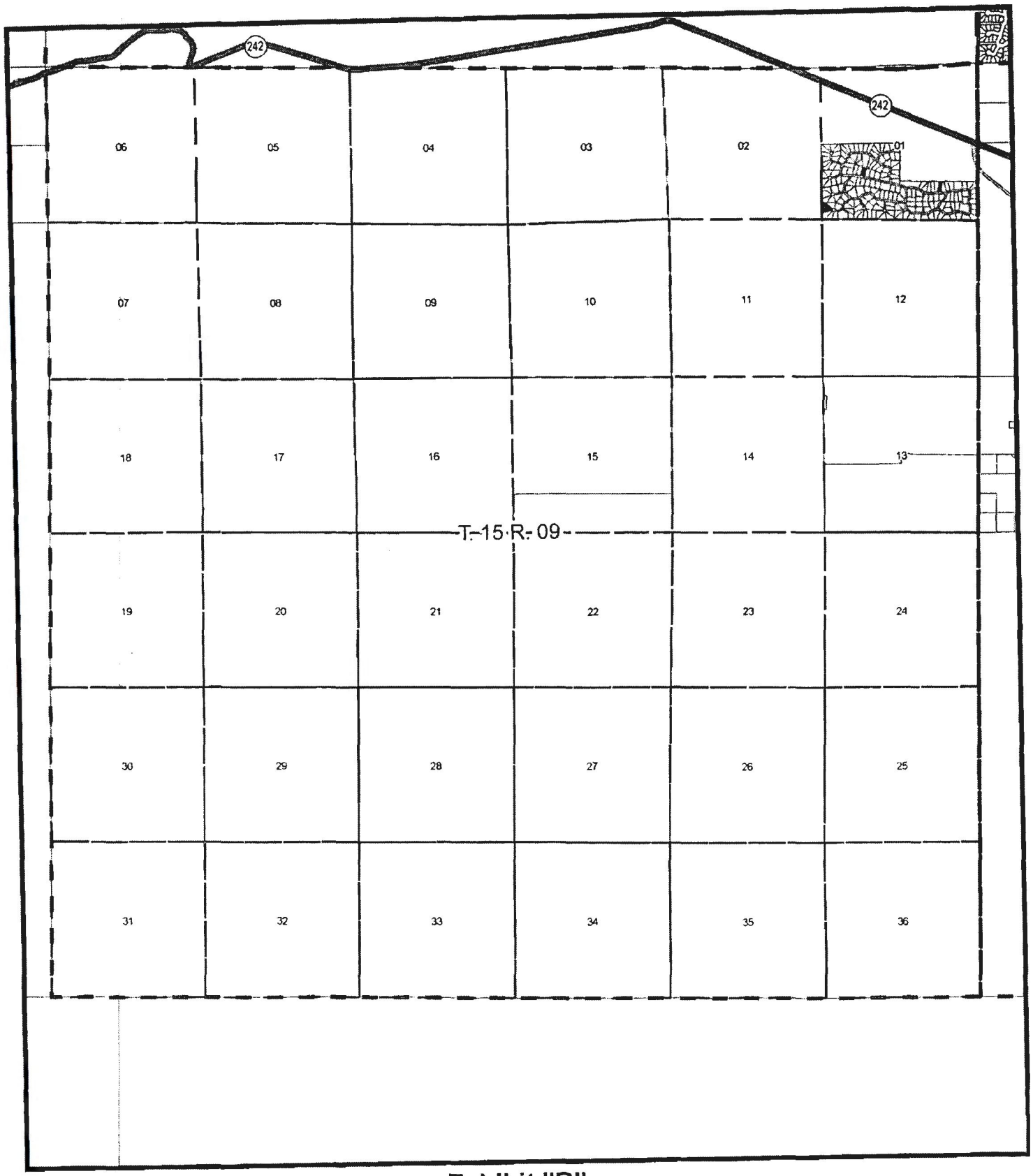
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 9 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

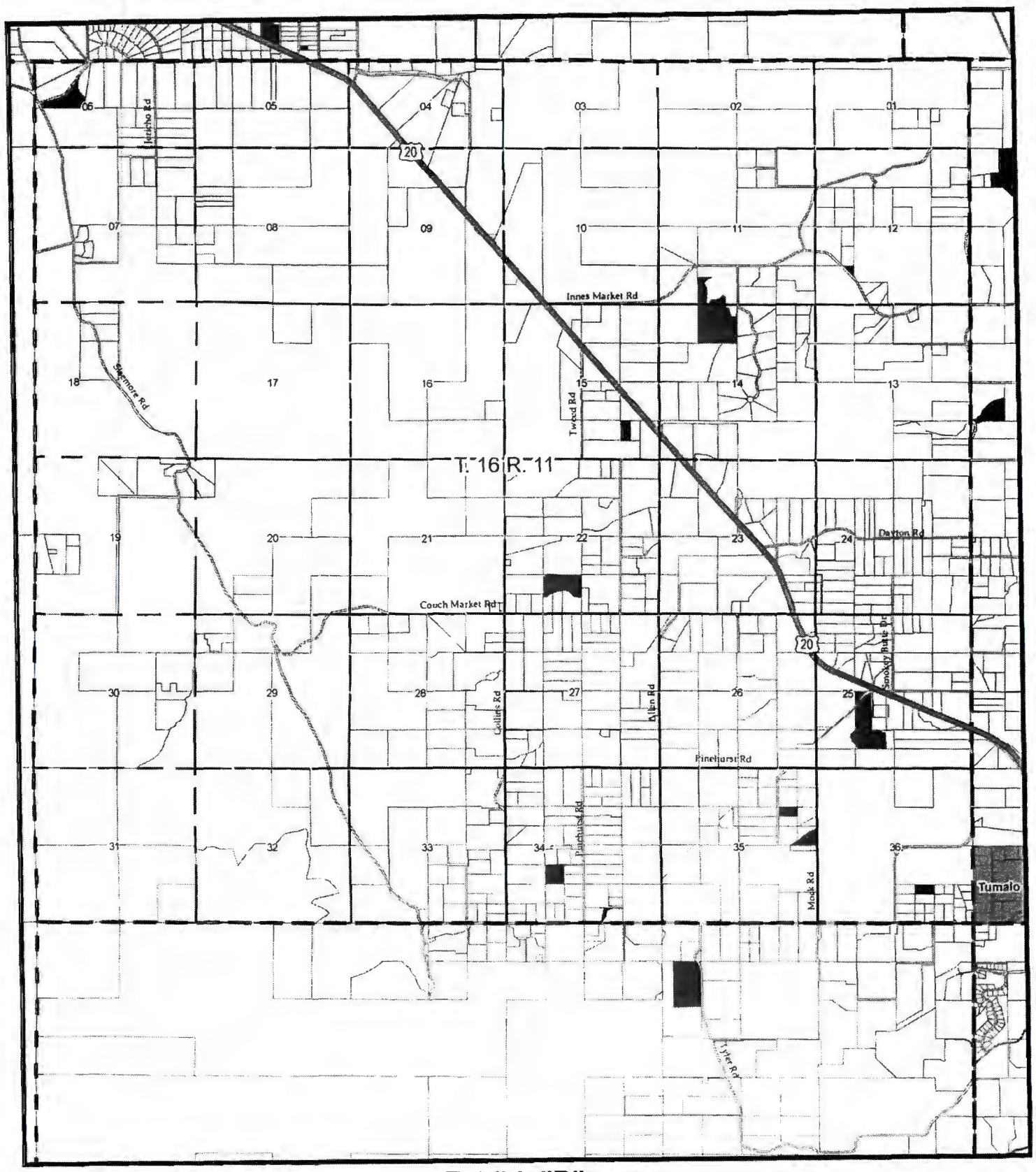
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- *Unincorporated Community*
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 10 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

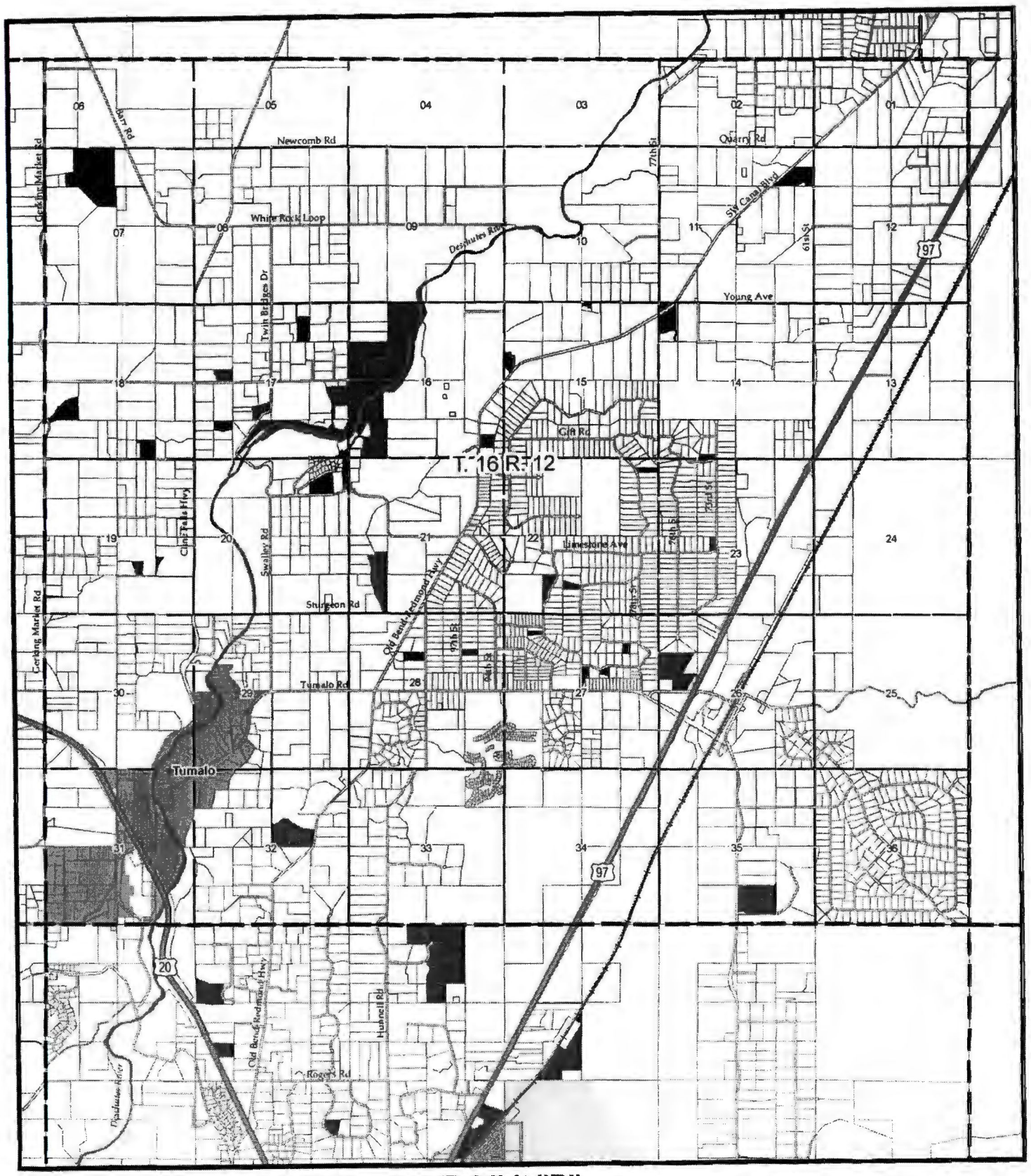
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 11 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

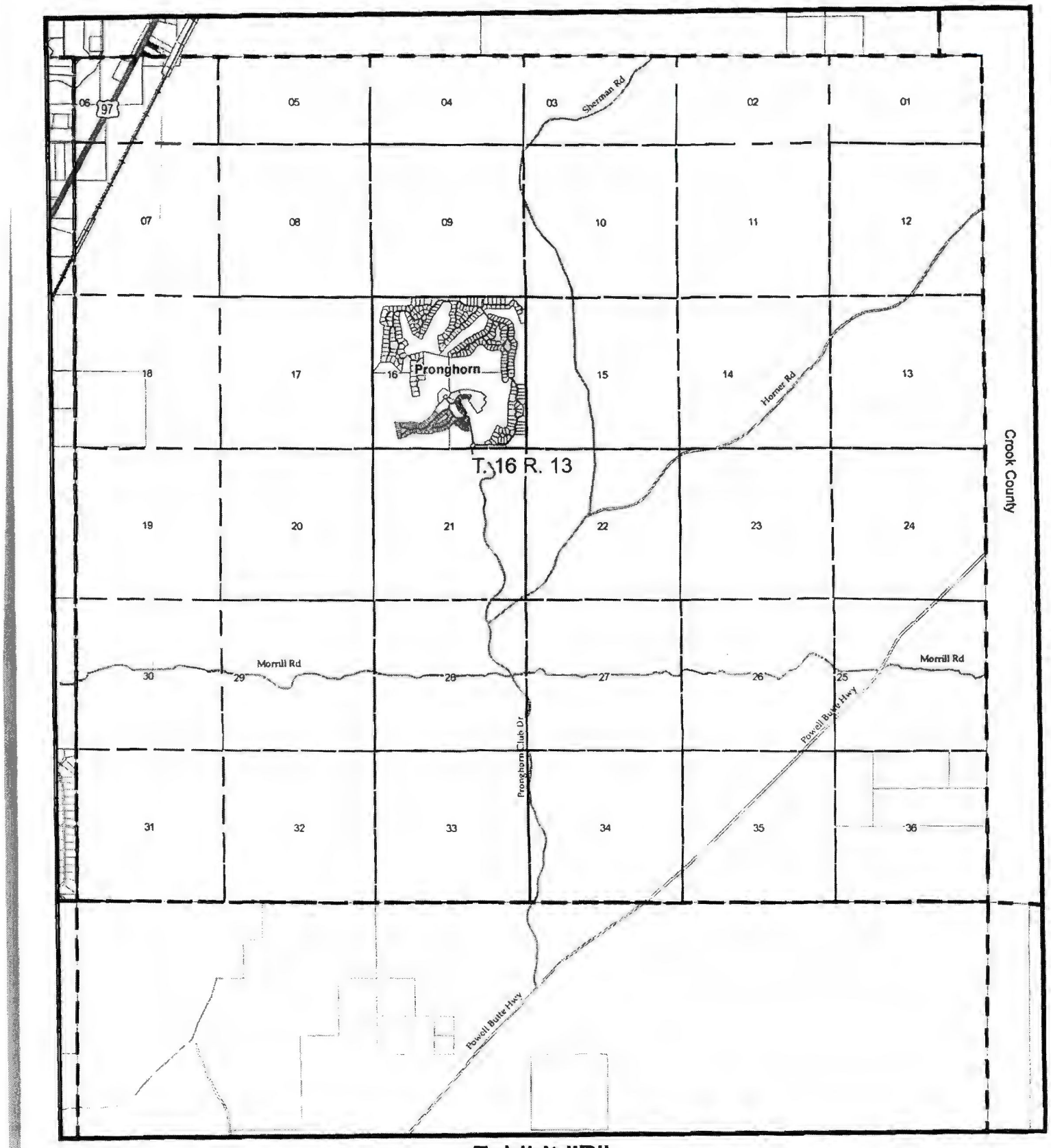
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 12 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

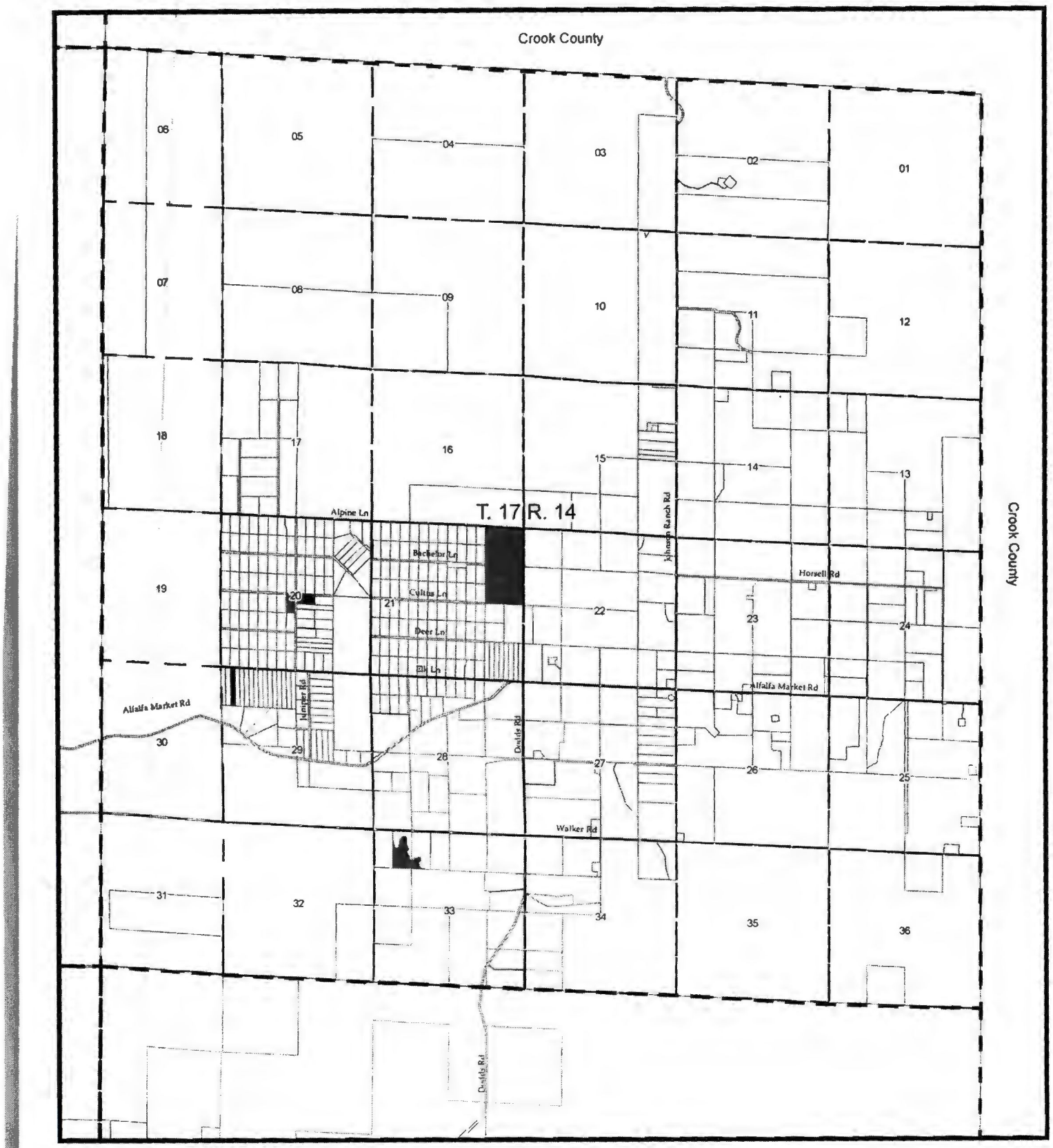
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 13 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 14 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5
Miles

October 13, 2011

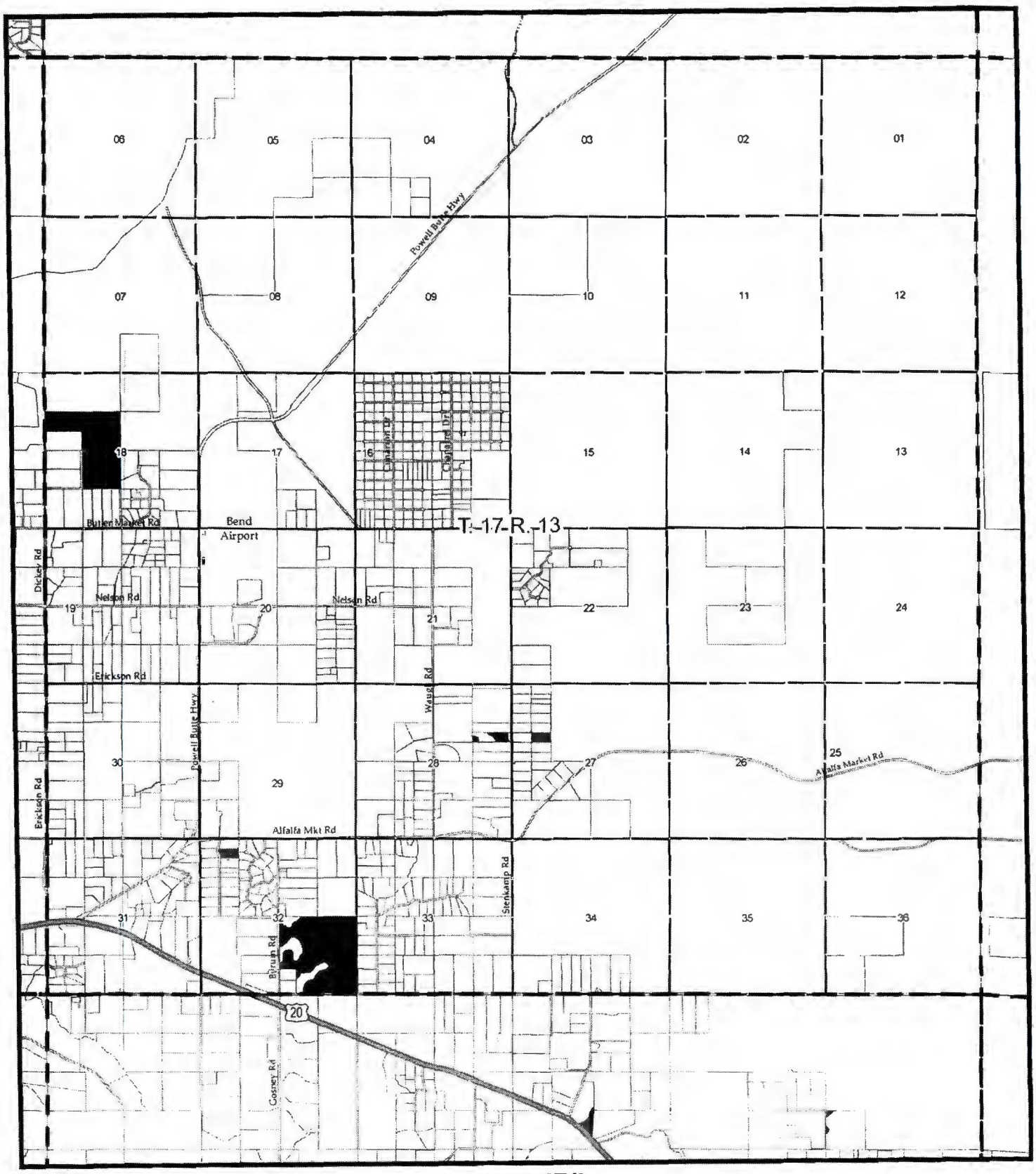


Exhibit "B"
Attachment 1

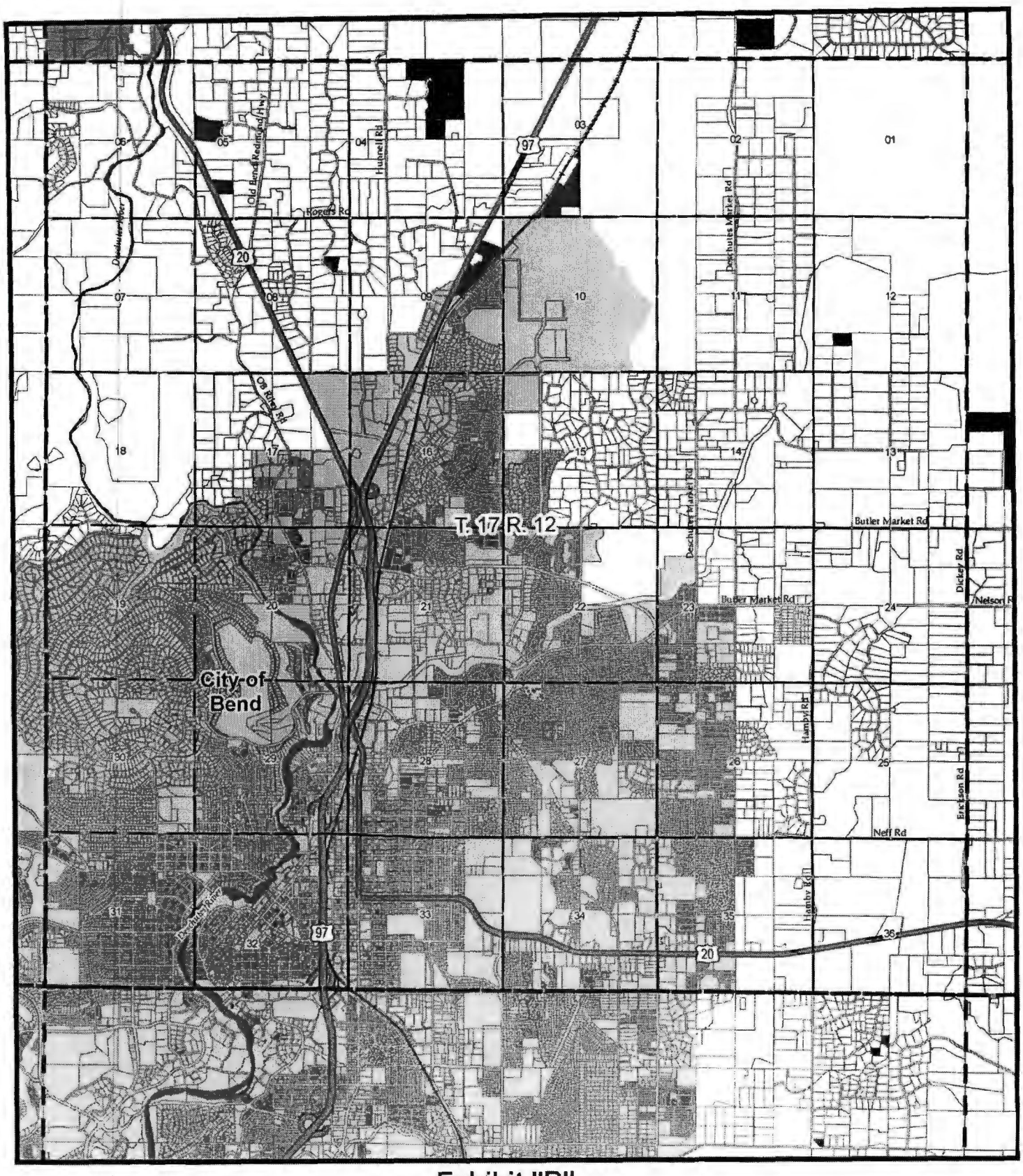
Map 15 of 29
to Ordinance 2011-001

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

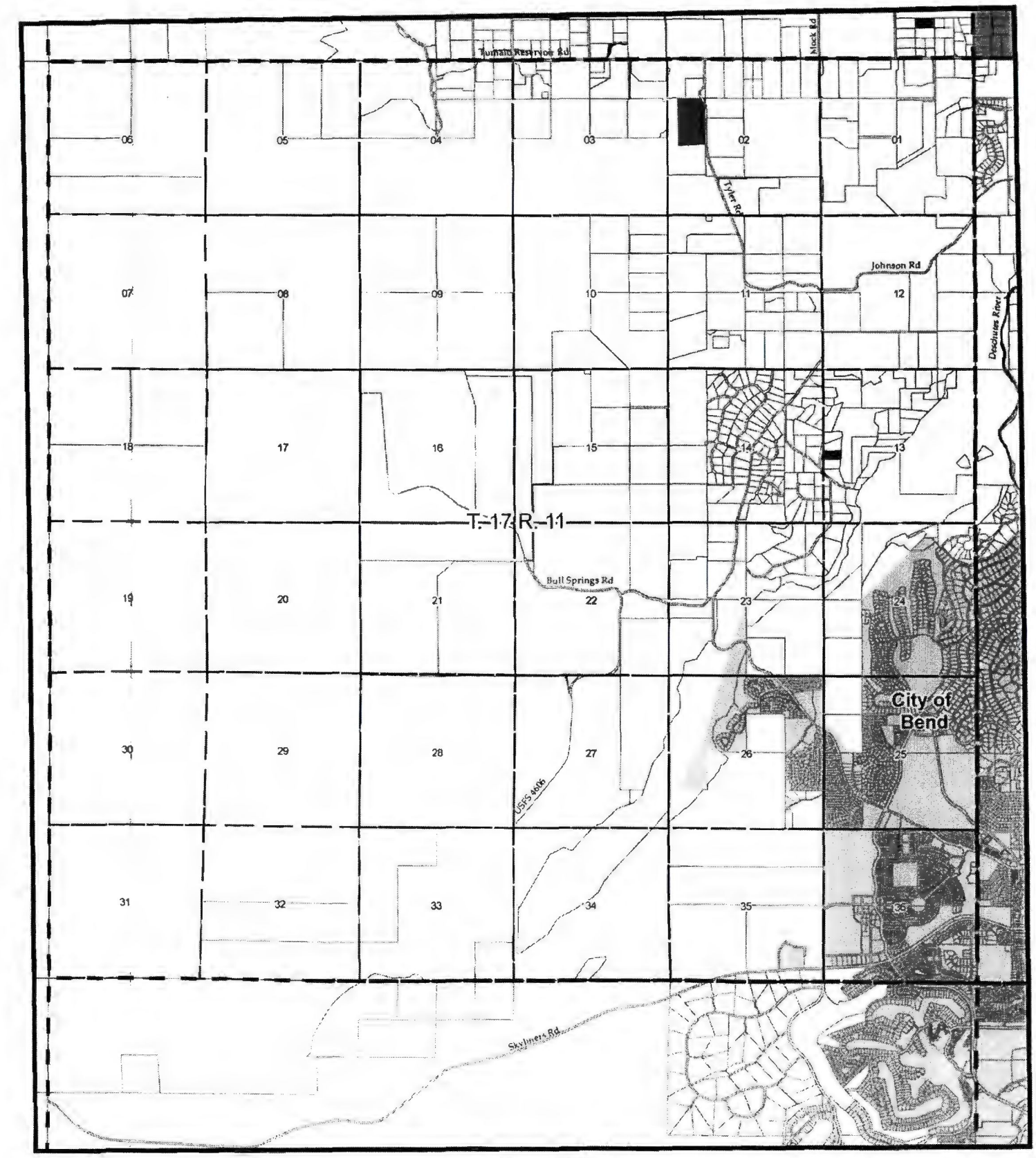
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 16 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

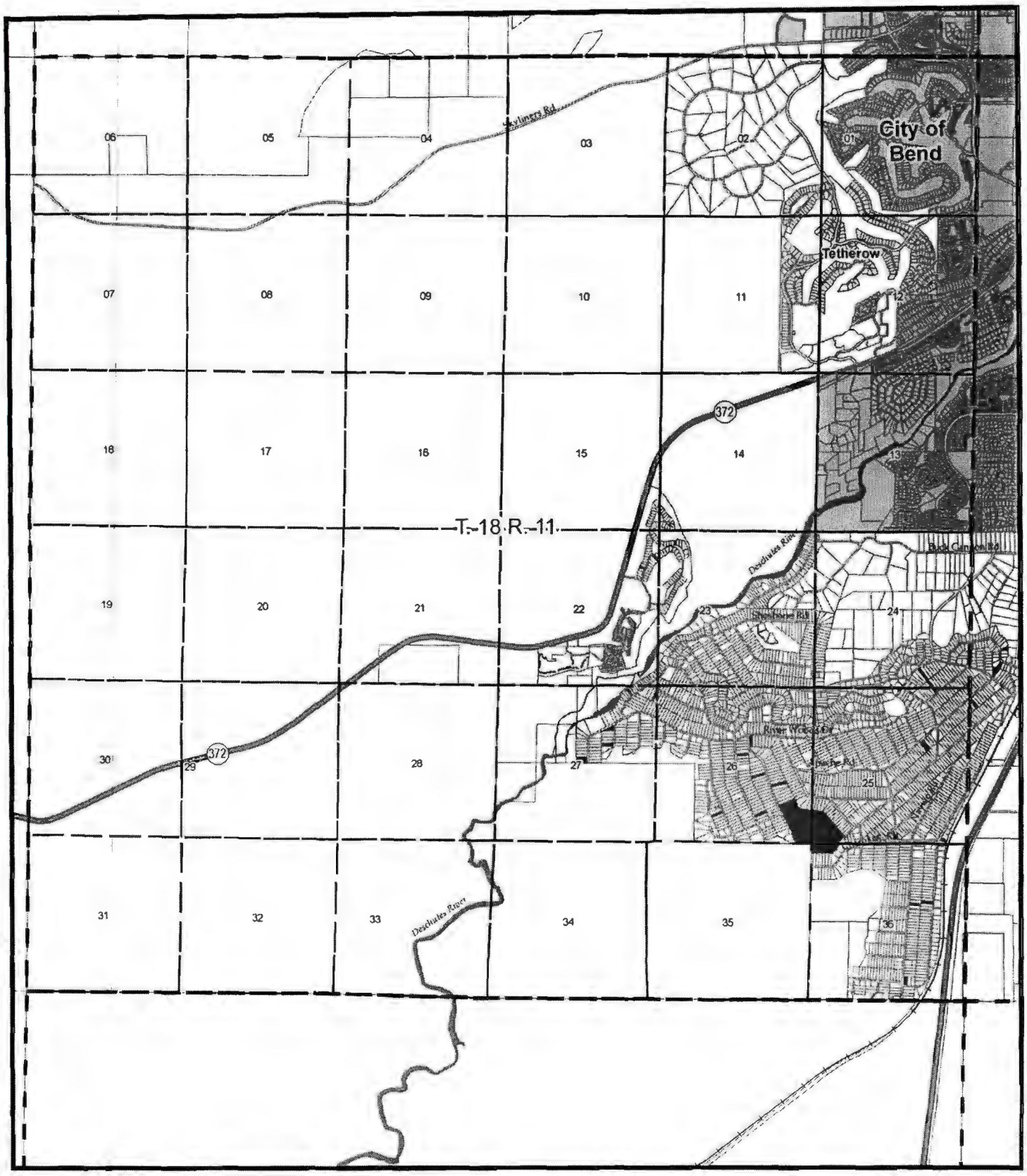
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 17 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

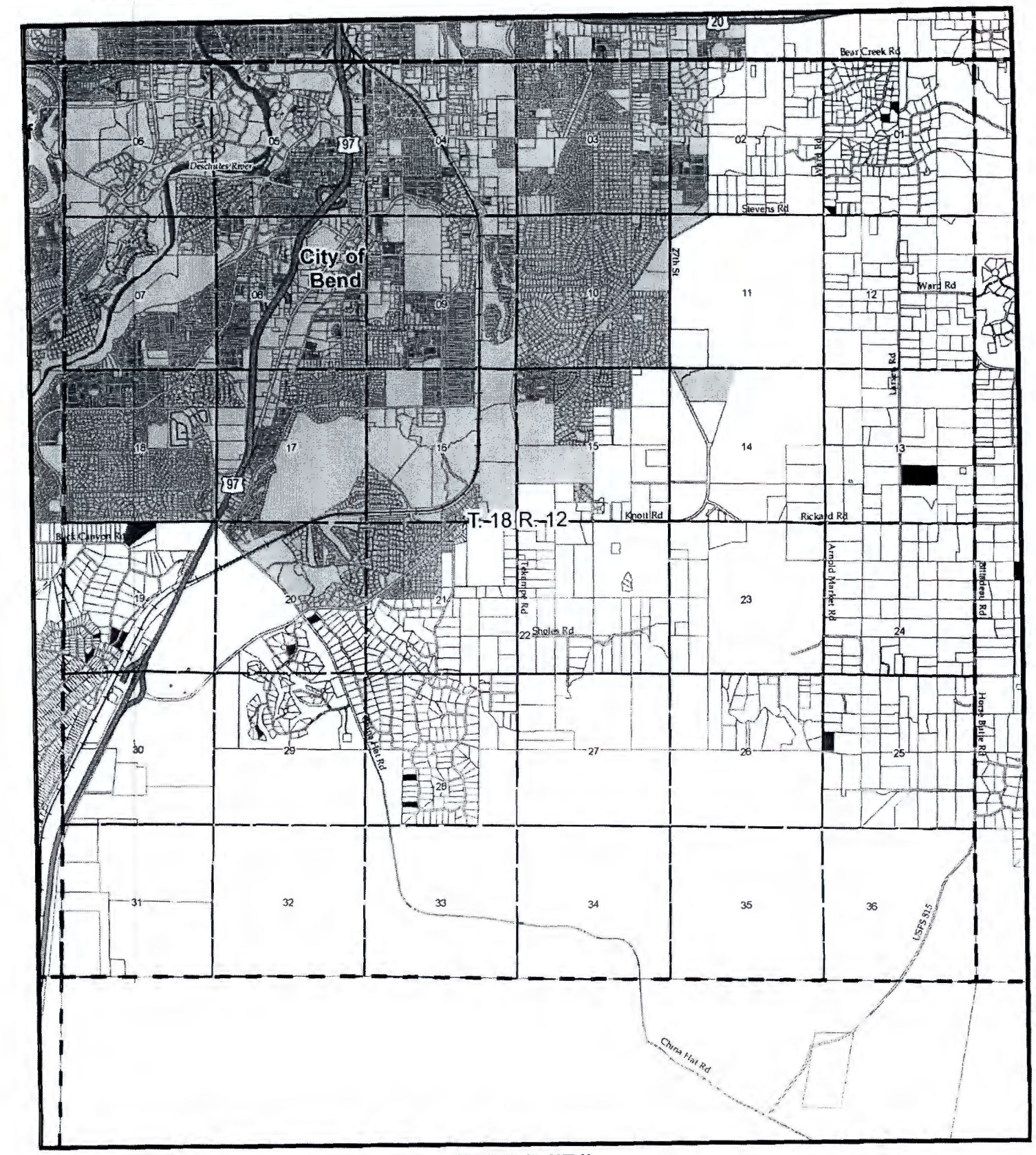
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 18 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

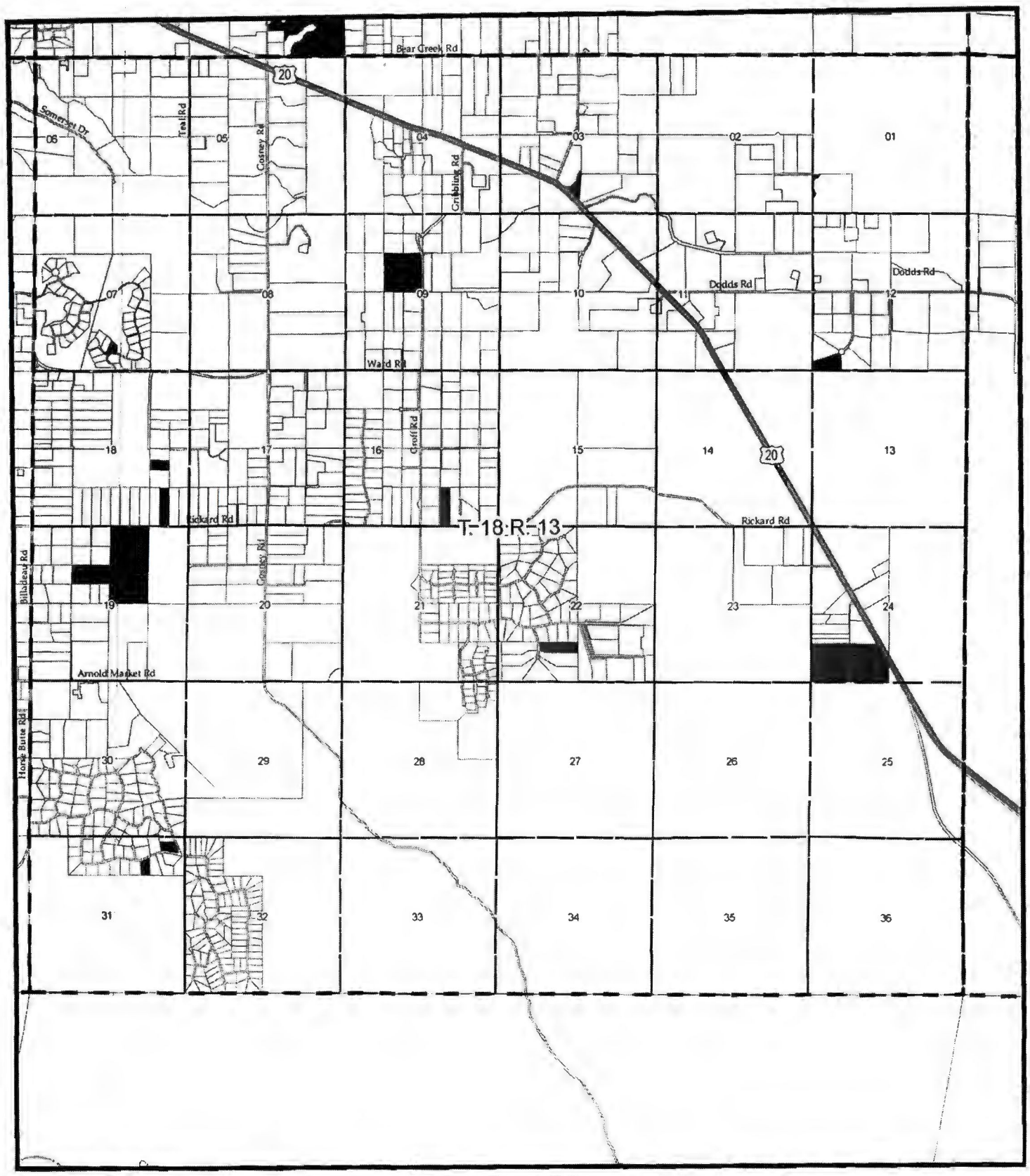
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 19 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

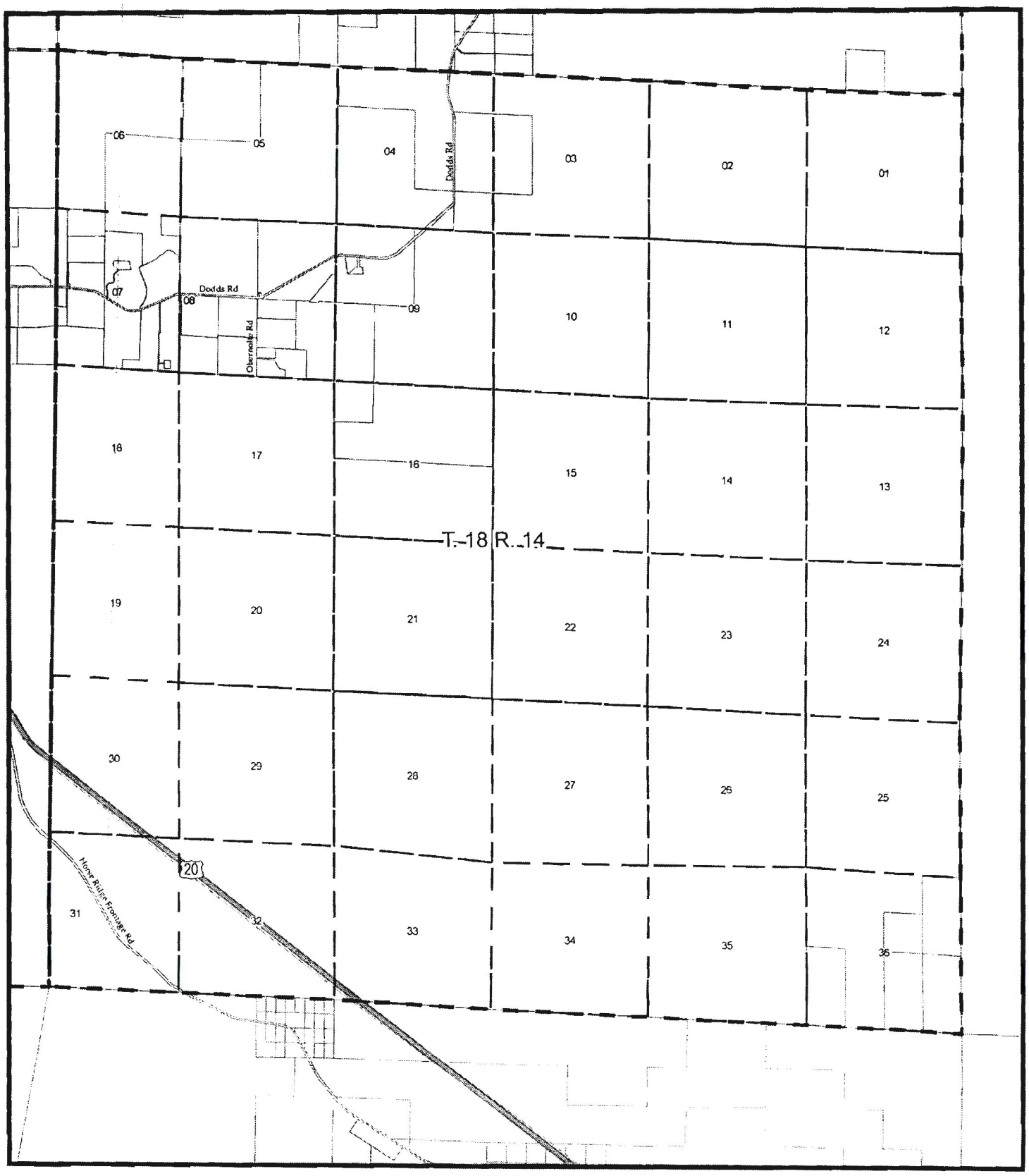
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 20 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

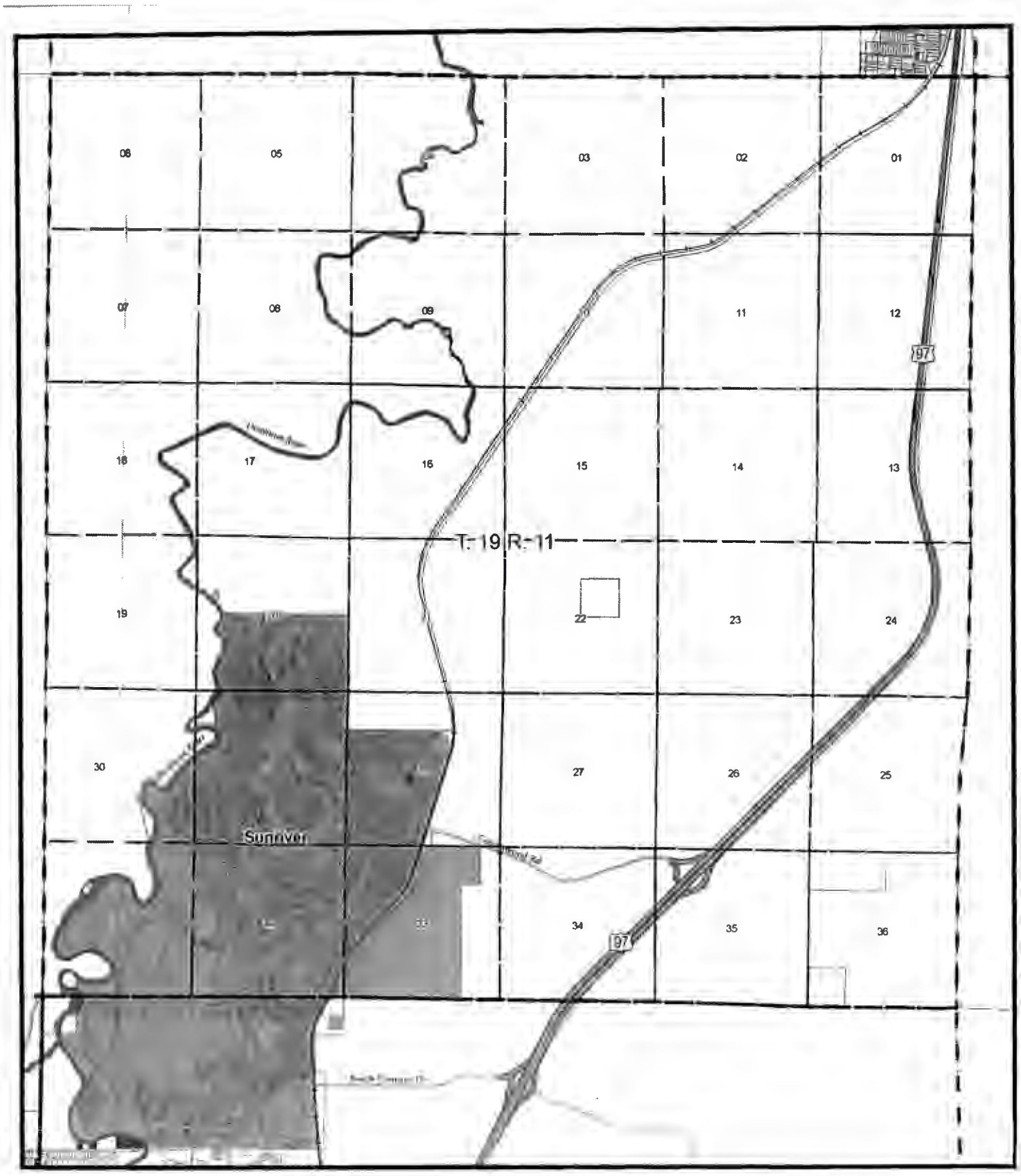
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 21 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

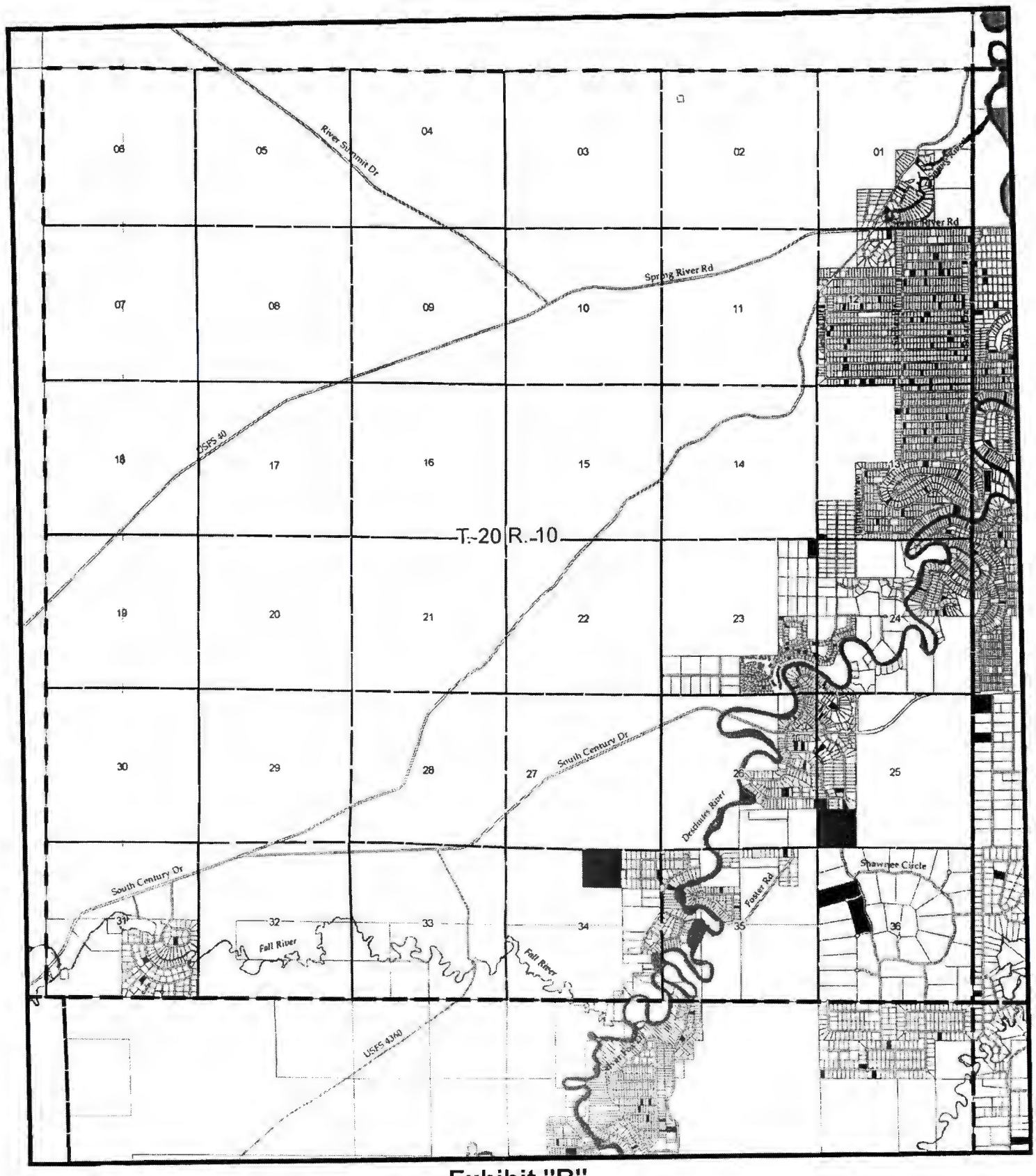
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 22 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

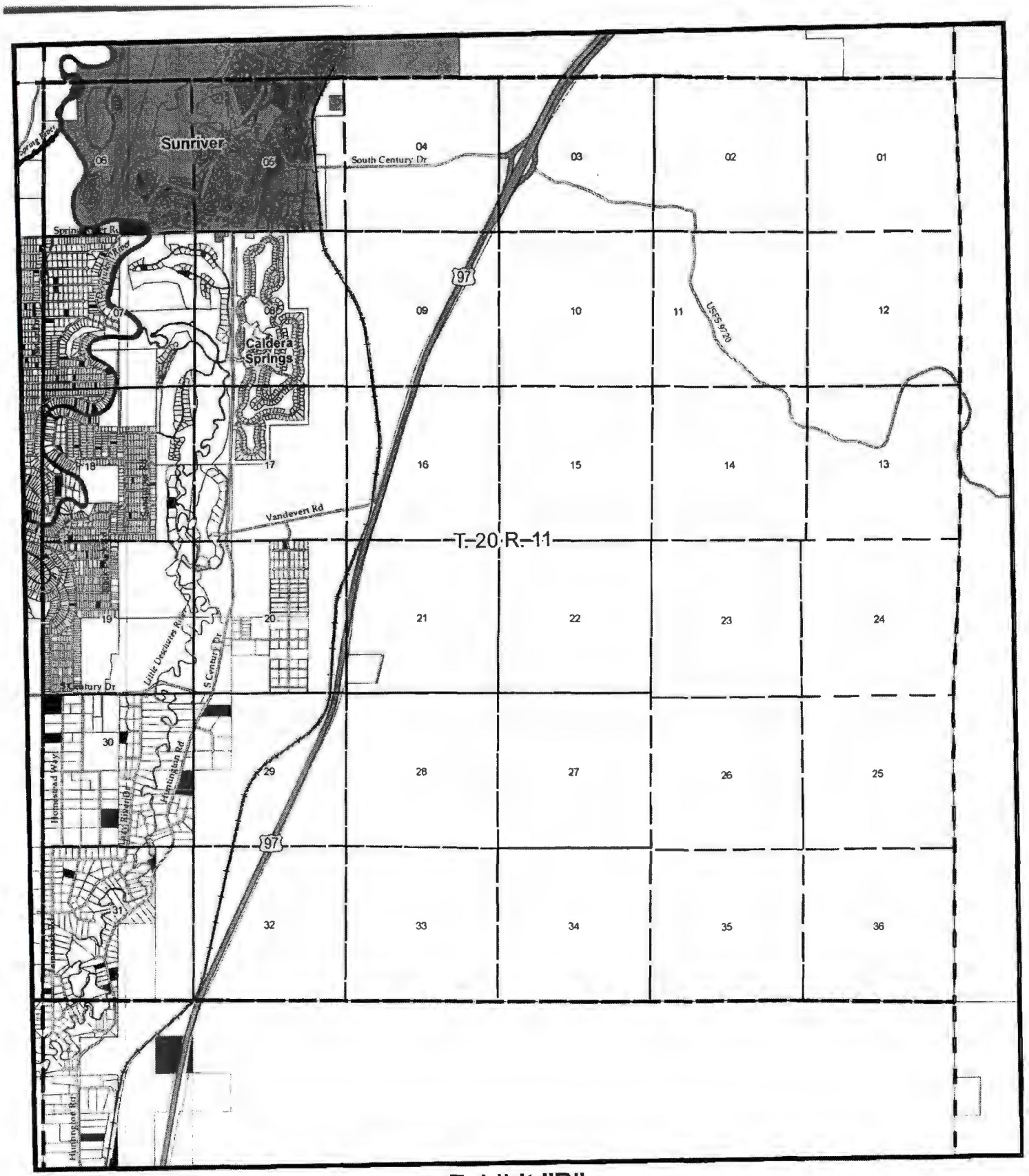
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 23 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

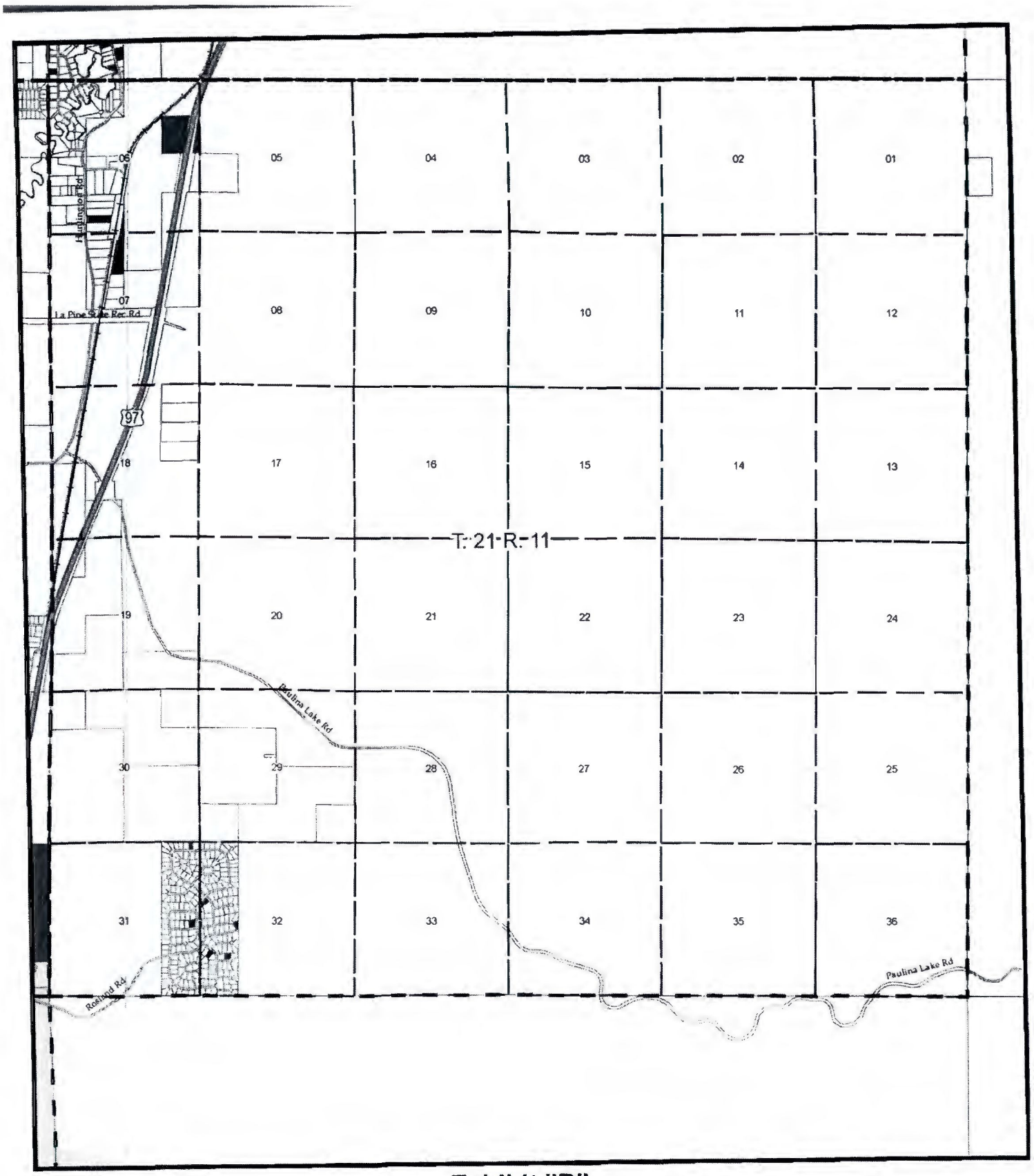
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- *Unincorporated Community*
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 24 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

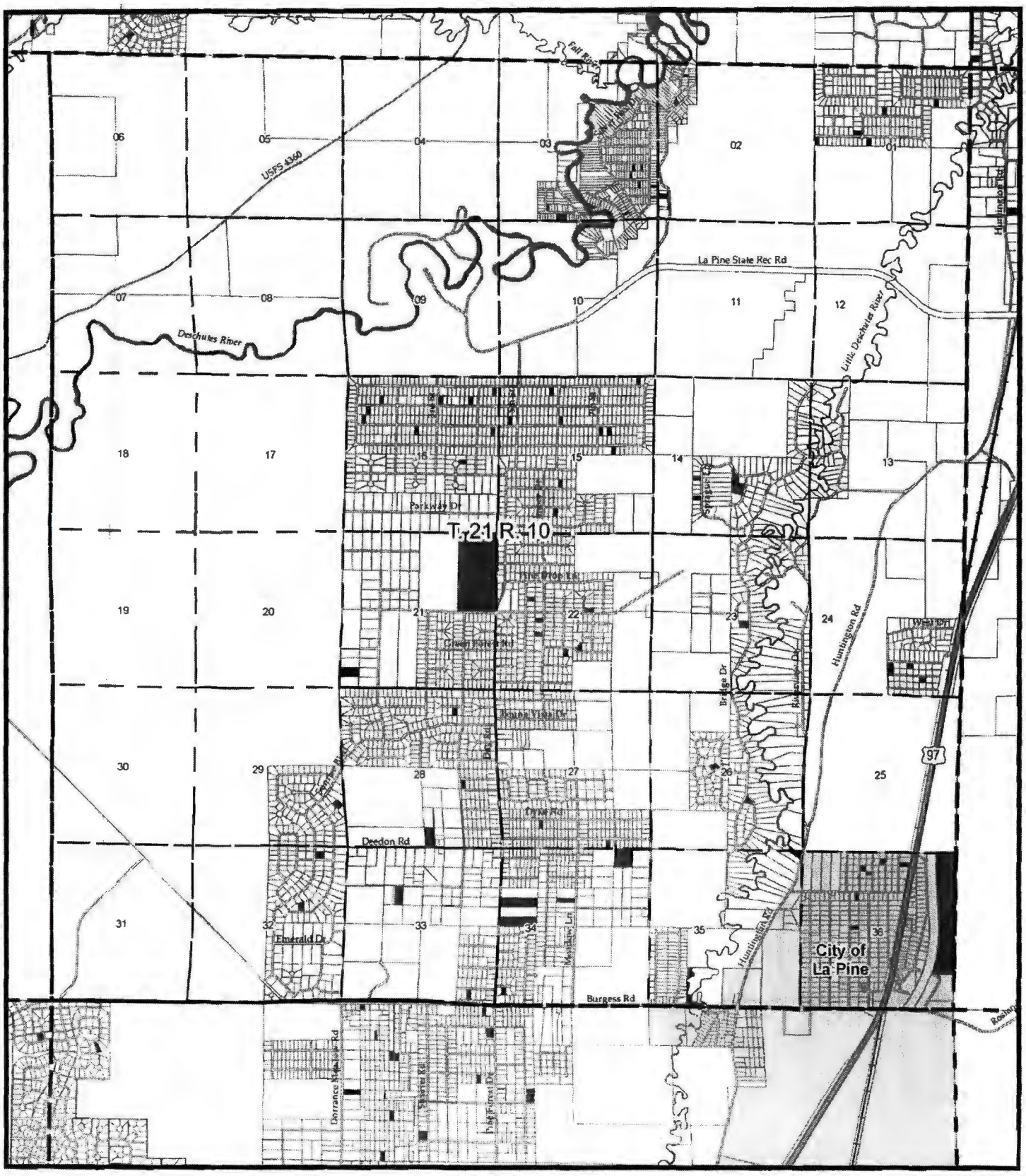
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 25 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

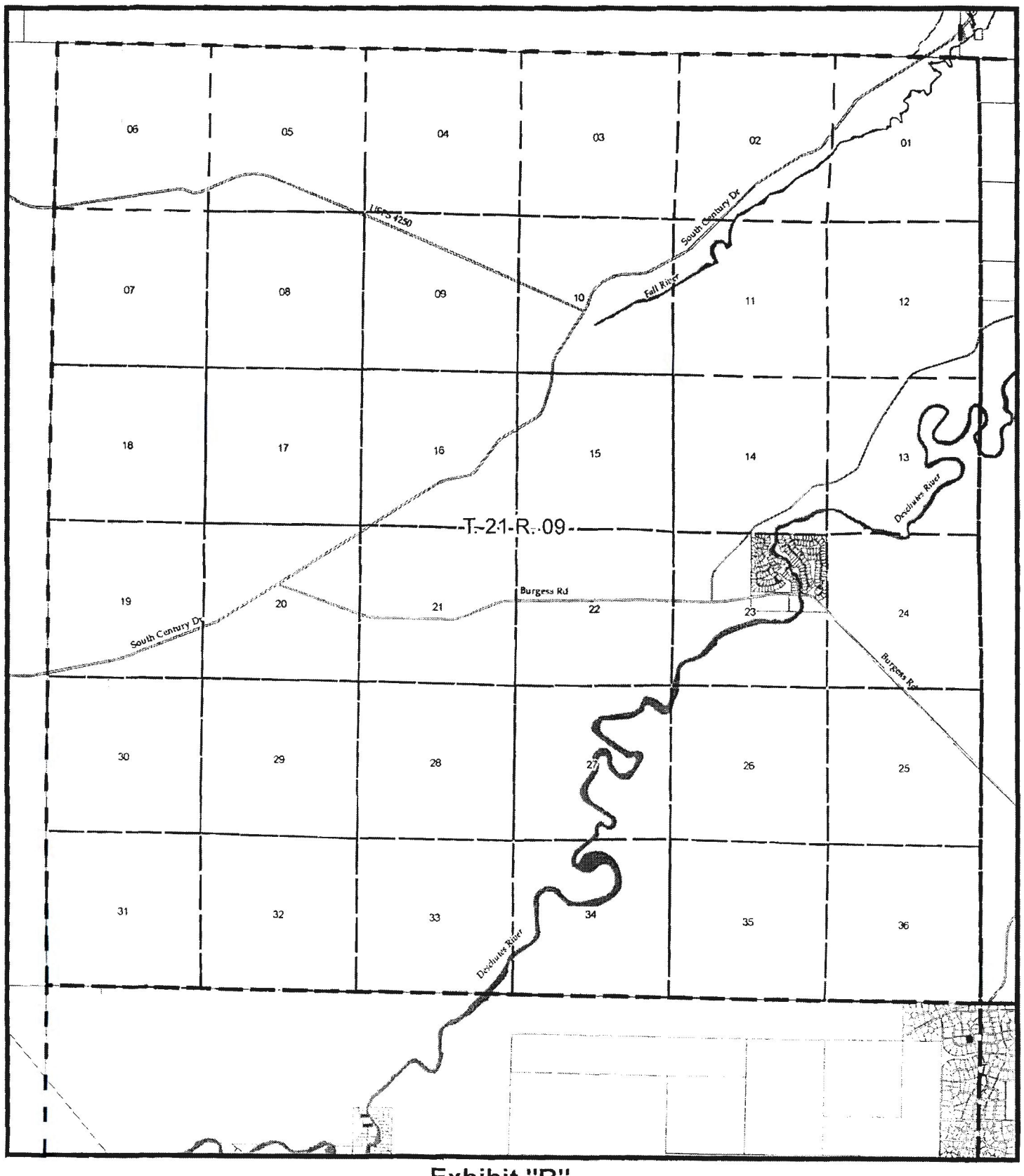
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 26 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

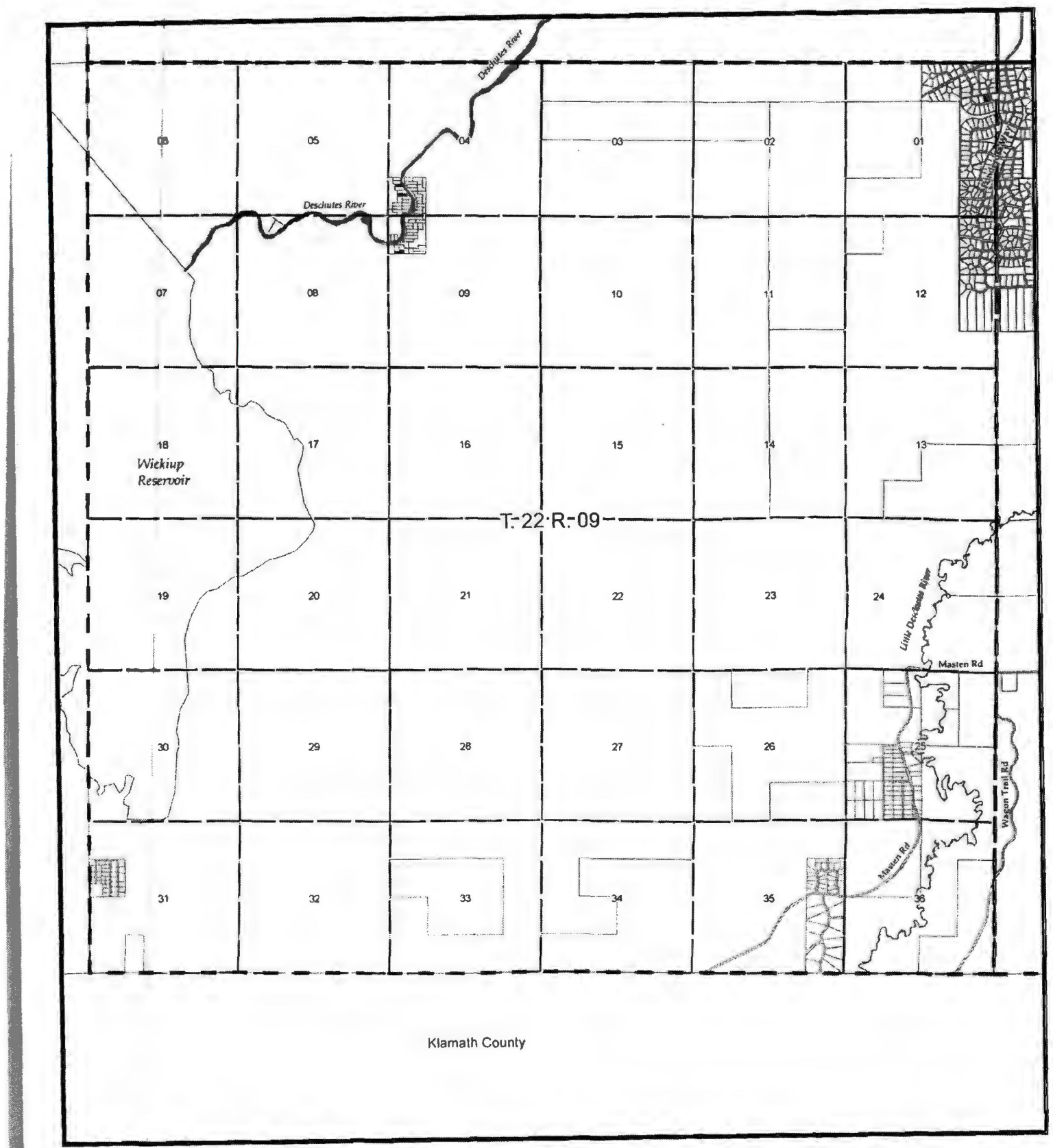
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 27 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

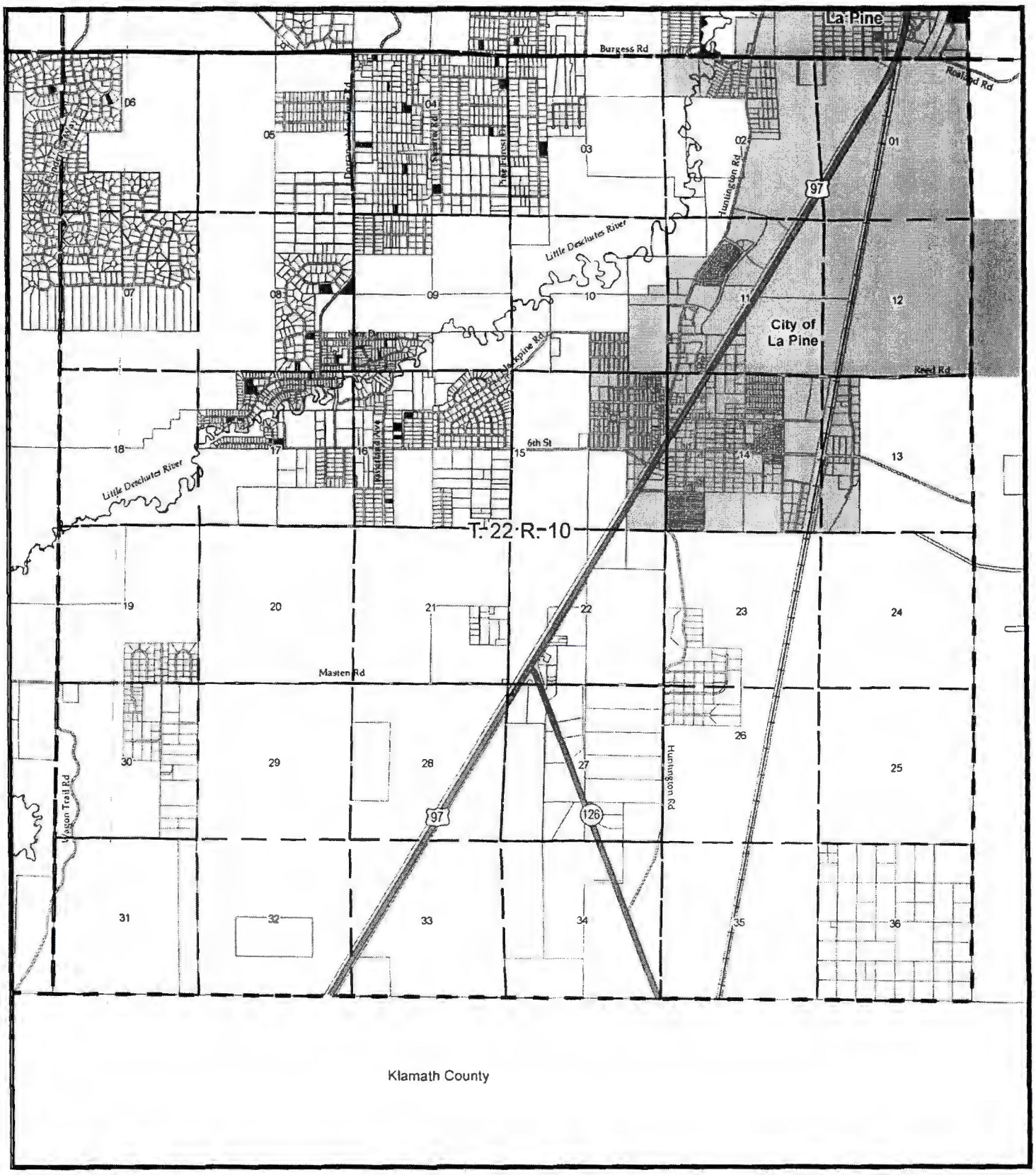
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 28 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B"
Attachment 1

Map 29 of 29
to Ordinance 2011-001

0 0.25 0.5 1 1.5 Miles

October 13, 2011

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18 of the Deschutes County Code To Modify the Deschutes County Zoning Map for the areas eligible for the Destination Resort Overlay.	* * * *	ORDINANCE NO. 2011-002

WHEREAS, the Board of County Commissioners ("Board") adopted Ordinance 2011-001 amending the Deschutes County Destination Resort Map to remove the Destination Resort Comprehensive Plan designation for some properties and adding that designation to others; and

WHEREAS, this Deschutes County Zoning Map must be amended to implement the new Deschutes County Destination Resort Map designations; and

WHEREAS, after notice was given in accordance with applicable law, public hearings were held on November 18, 2010, and on January 27, 2011 before the Deschutes County Planning Commission to consider changes to DCC Title 18, Deschutes County Destination Resort Overlay Zone Map; and

WHEREAS, on January 27, 2011 the Planning Commission forwarded to the Board a recommendation of approval to adopt changes to the Destination Resort Map; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on May 23, June 27, and September 19, 2011 and concluded that the public will benefit from changes to the Deschutes County Destination Resort Map; and

WHEREAS, the Board finds it in the public interest to adopt amendments to the Deschutes County Destination Resort Map; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC Title 18, Deschutes County zoning map is amended to apply the Destination Resort combining zone to properties mapped as eligible for destination resort development as shown in Exhibit "A," attached and incorporated by reference herein.

Section 2. The maps attached as Exhibit "A" map shall be known as the county's Destination Resort Combining Zone Map.

///

Section . FINDINGS. The Board adopts as its findings Exhibit "B," attached to Ordinance 2011-001 and incorporated by reference herein.

Dated this 21st of November, 2011

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

TAMMY BANEY, Chair

ANTHONY DEBONE, Vice-Chair

ATTEST:

Recording Secretary

ALAN UNGER Commissioner

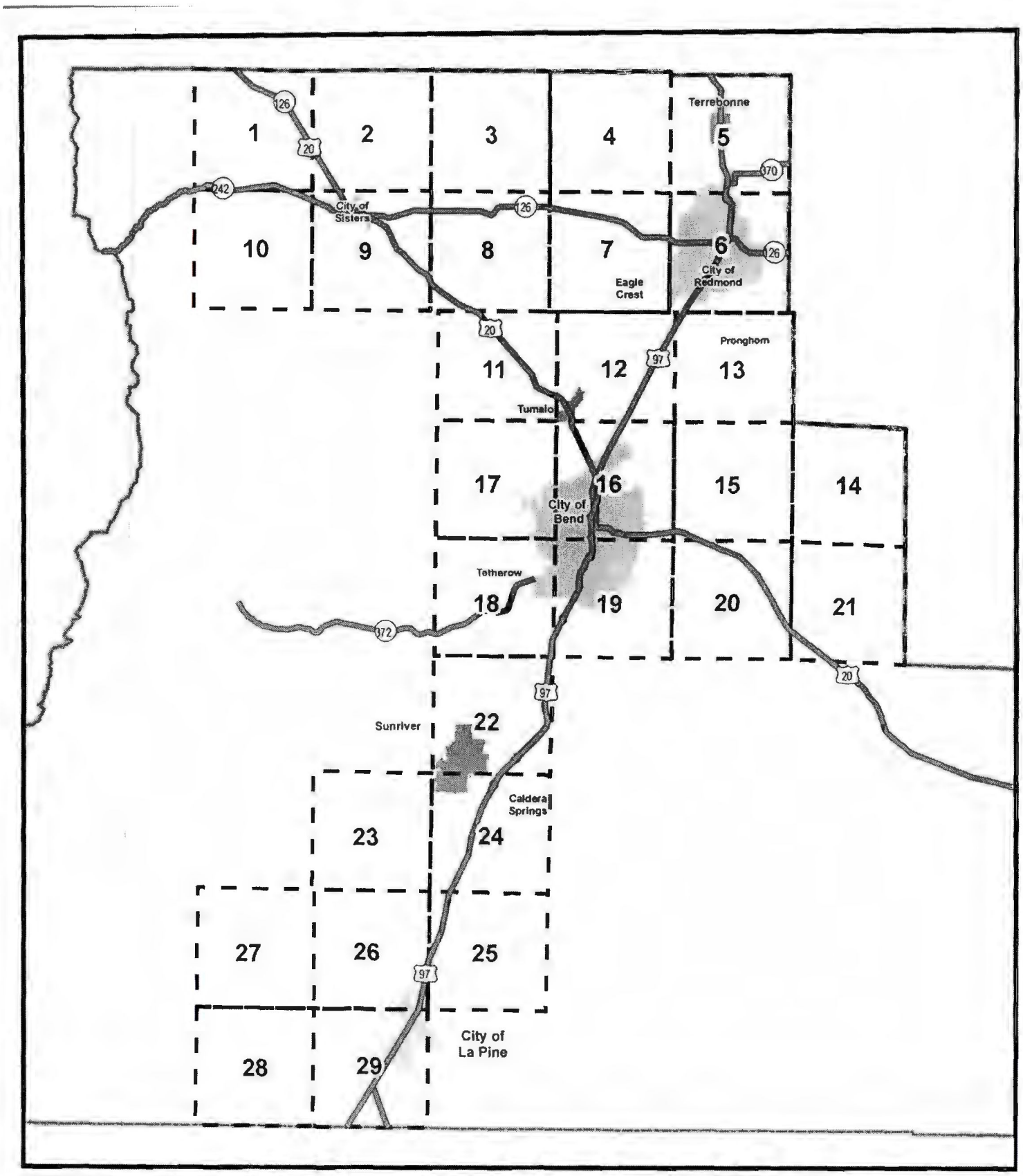
Date of 1st Reading: 31st day of October, 2011.

Date of 2nd Reading: 21st day of November, 2011.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	✓	—	—	—
Anthony DeBone	✓	—	—	—
Alan Unger	✓	—	—	—

Effective date: 20th day of February, ~~2011~~. 2012



Deschutes County Zoning Map

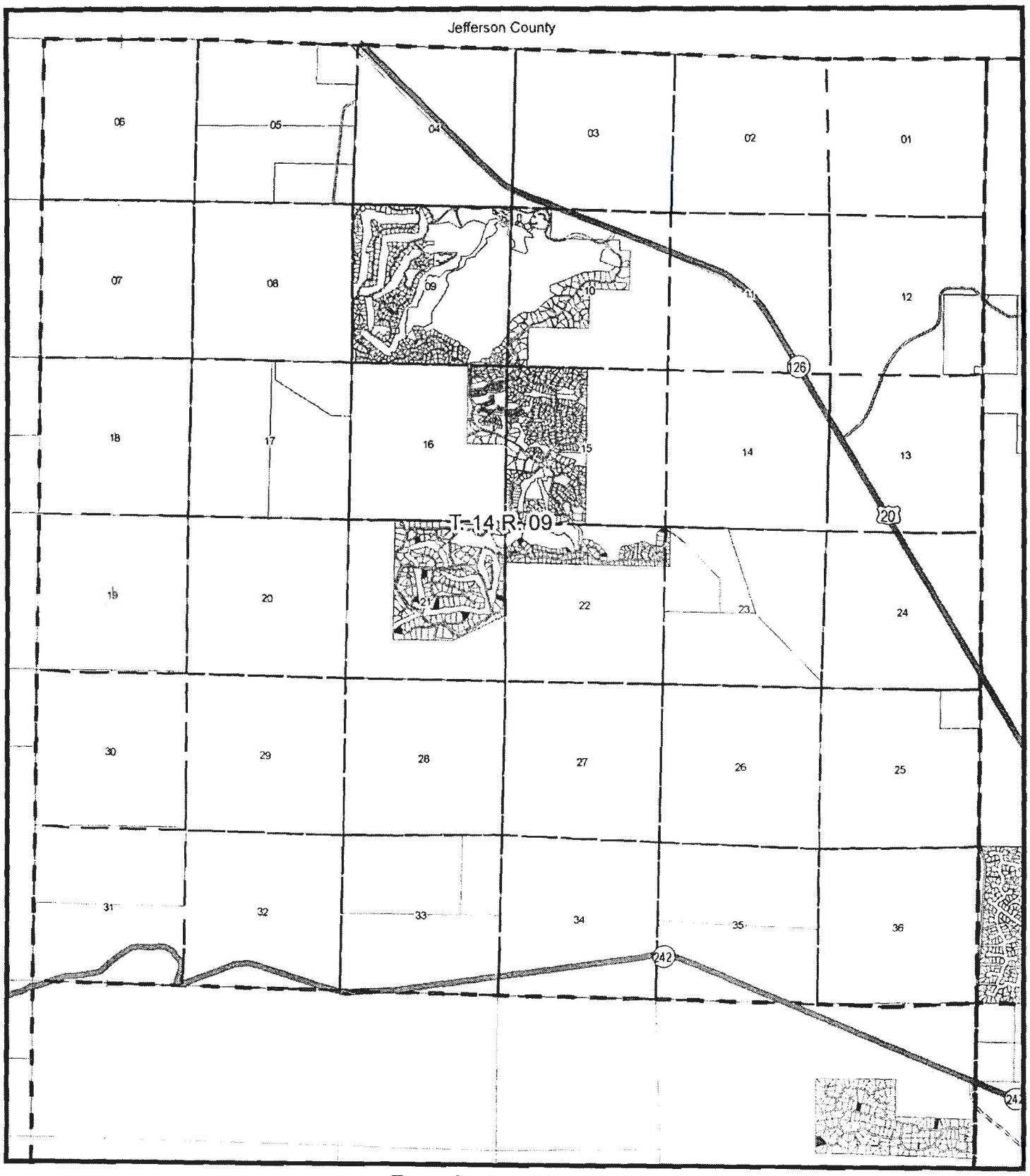
Exhibit "A" Index Map
to Ordinance 2011-002

Legend

- State Highway
- Exhibit "A" Map Index
- County Boundary
- Unincorporated Community
- Urban Growth Boundary

0 2 4 8 12
Miles

October 3, 2011



Legend

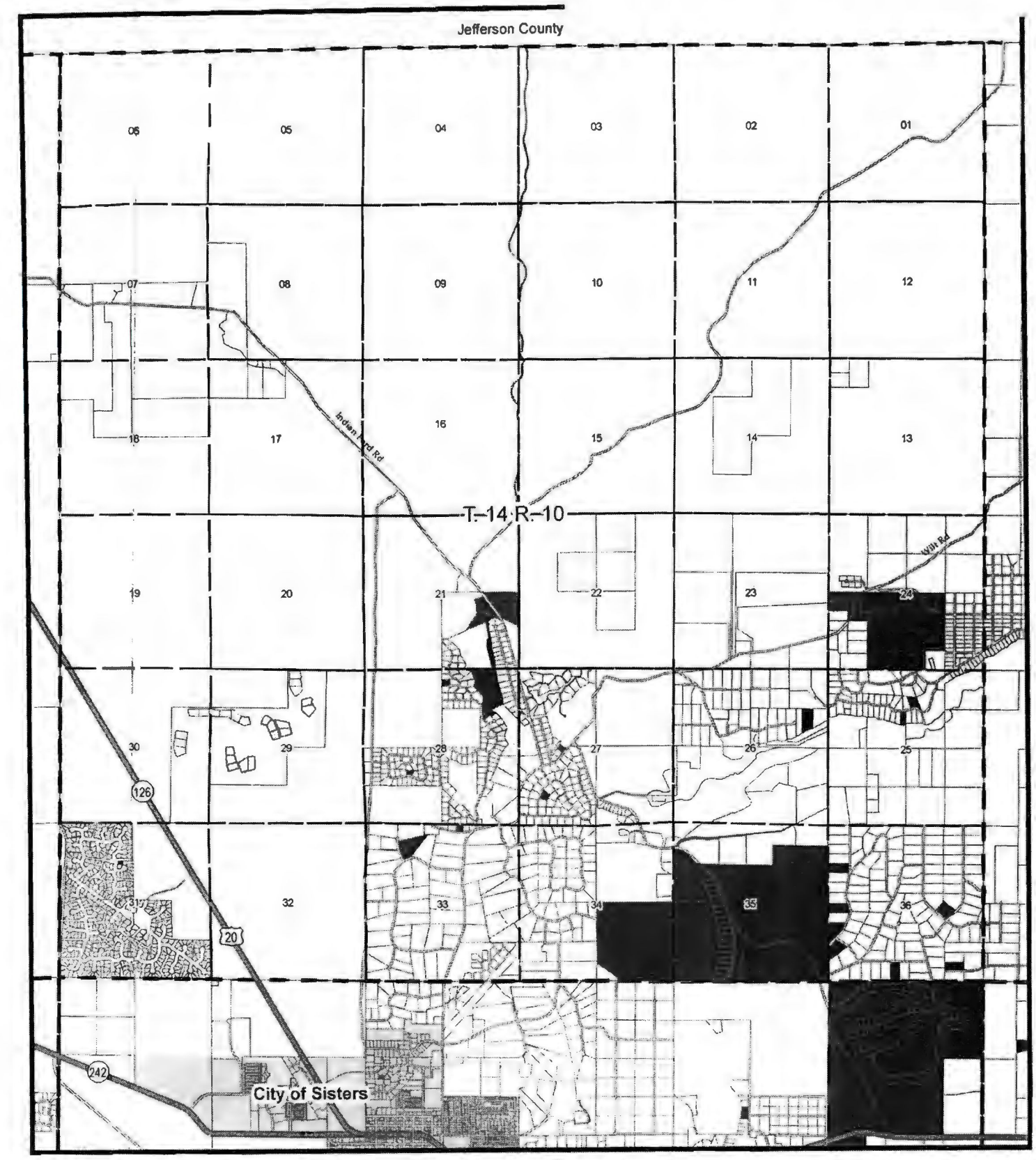
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 1 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

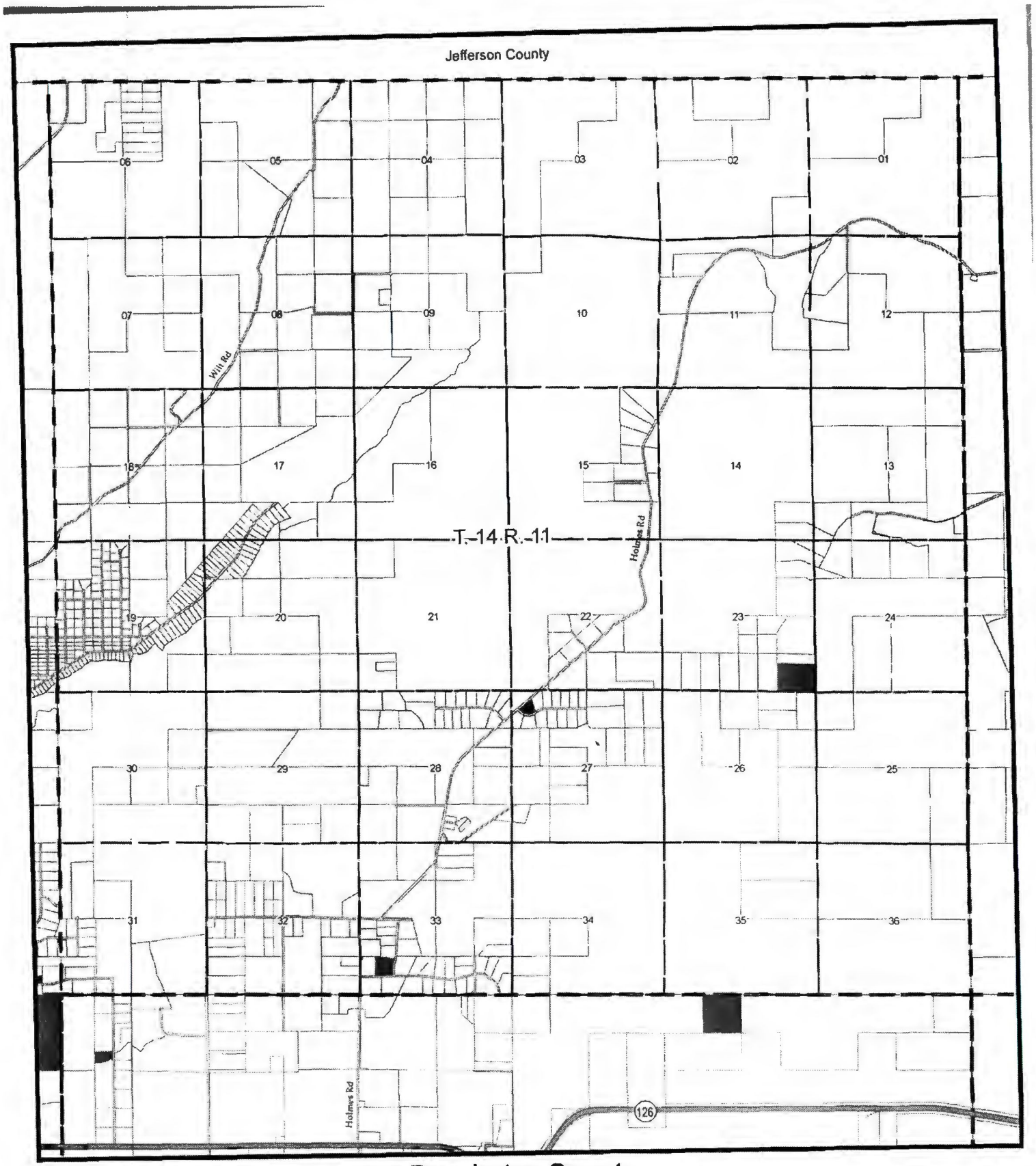
Exhibit "A" Map 2 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

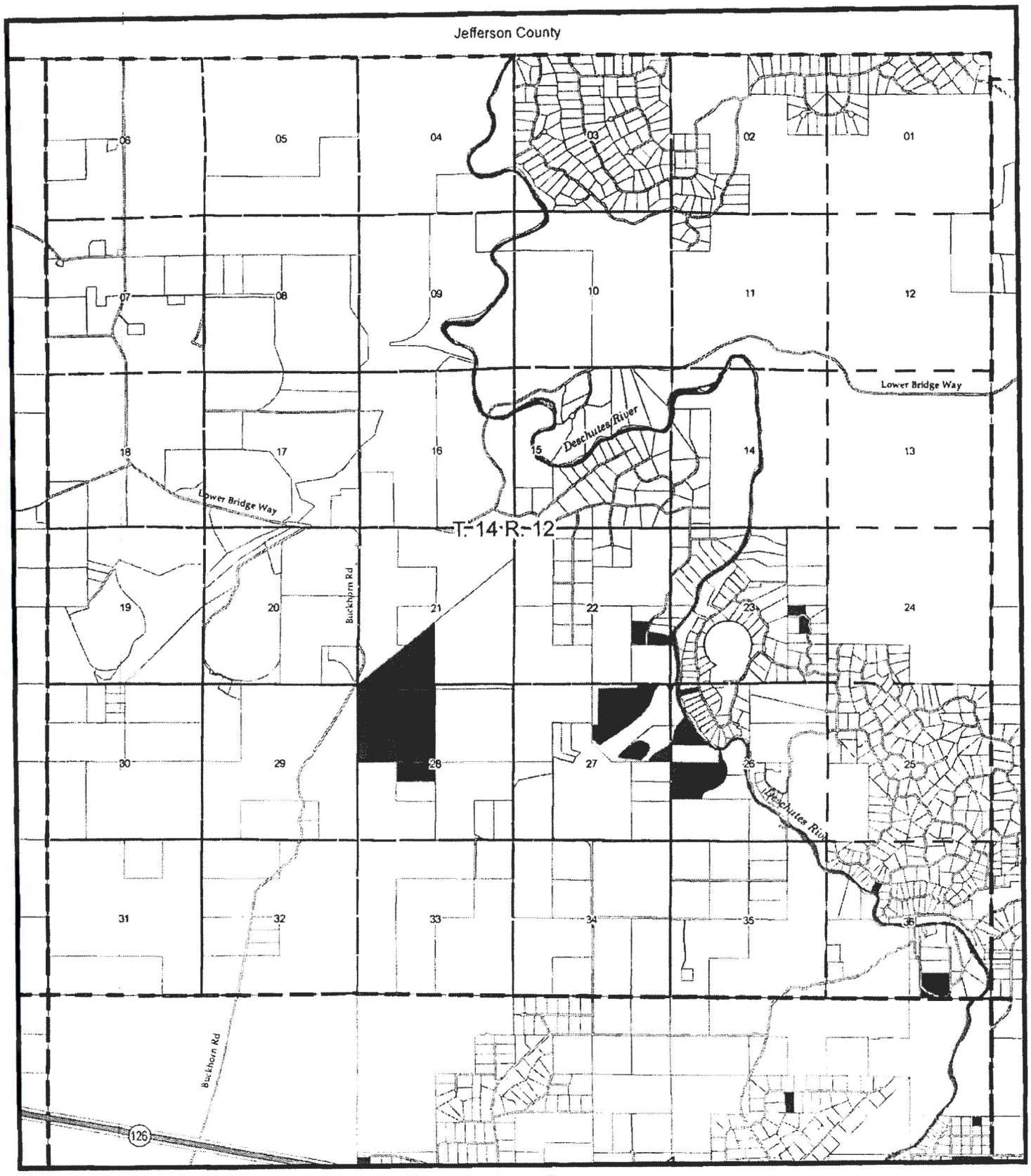
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 3 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

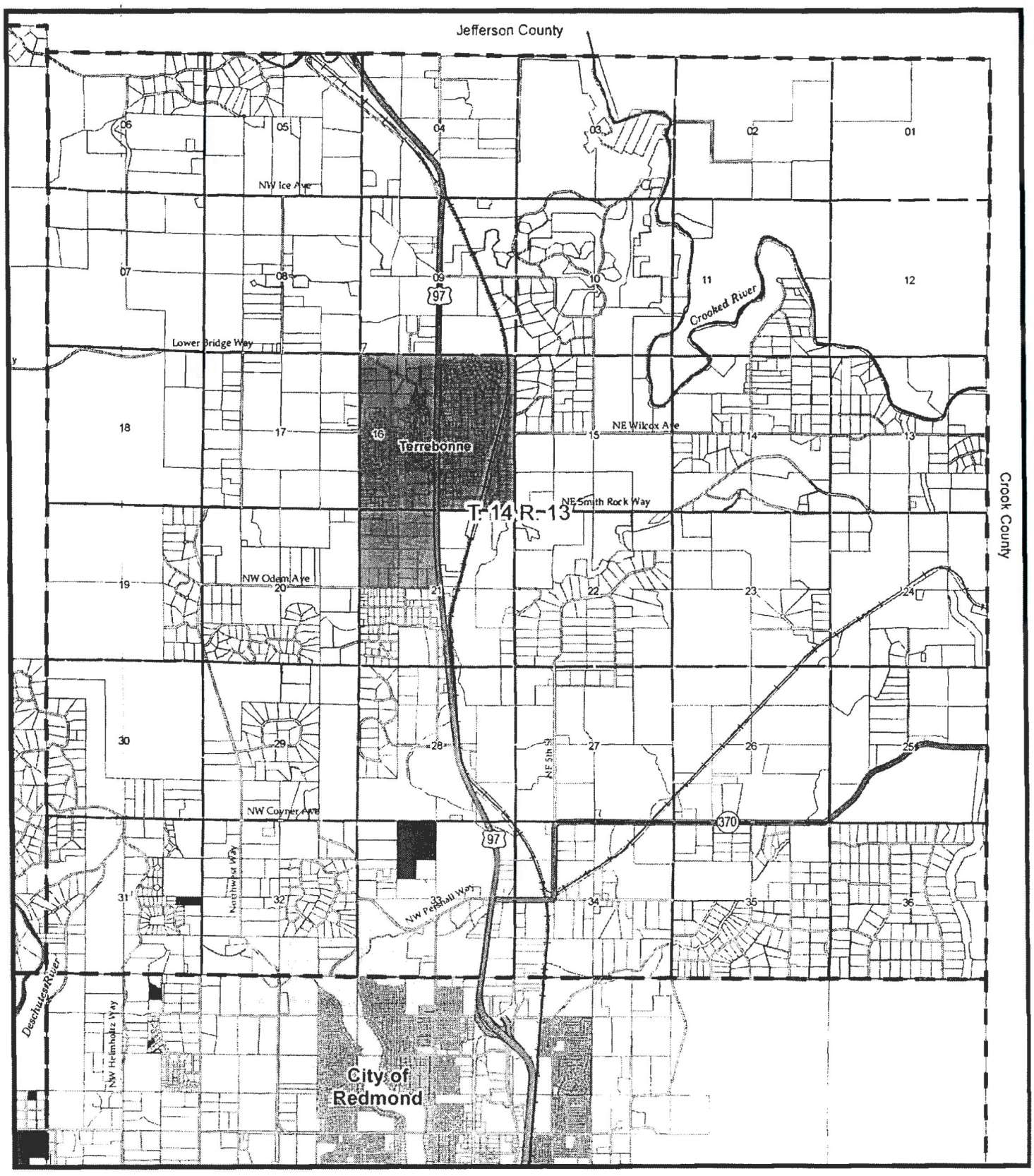
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 4 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

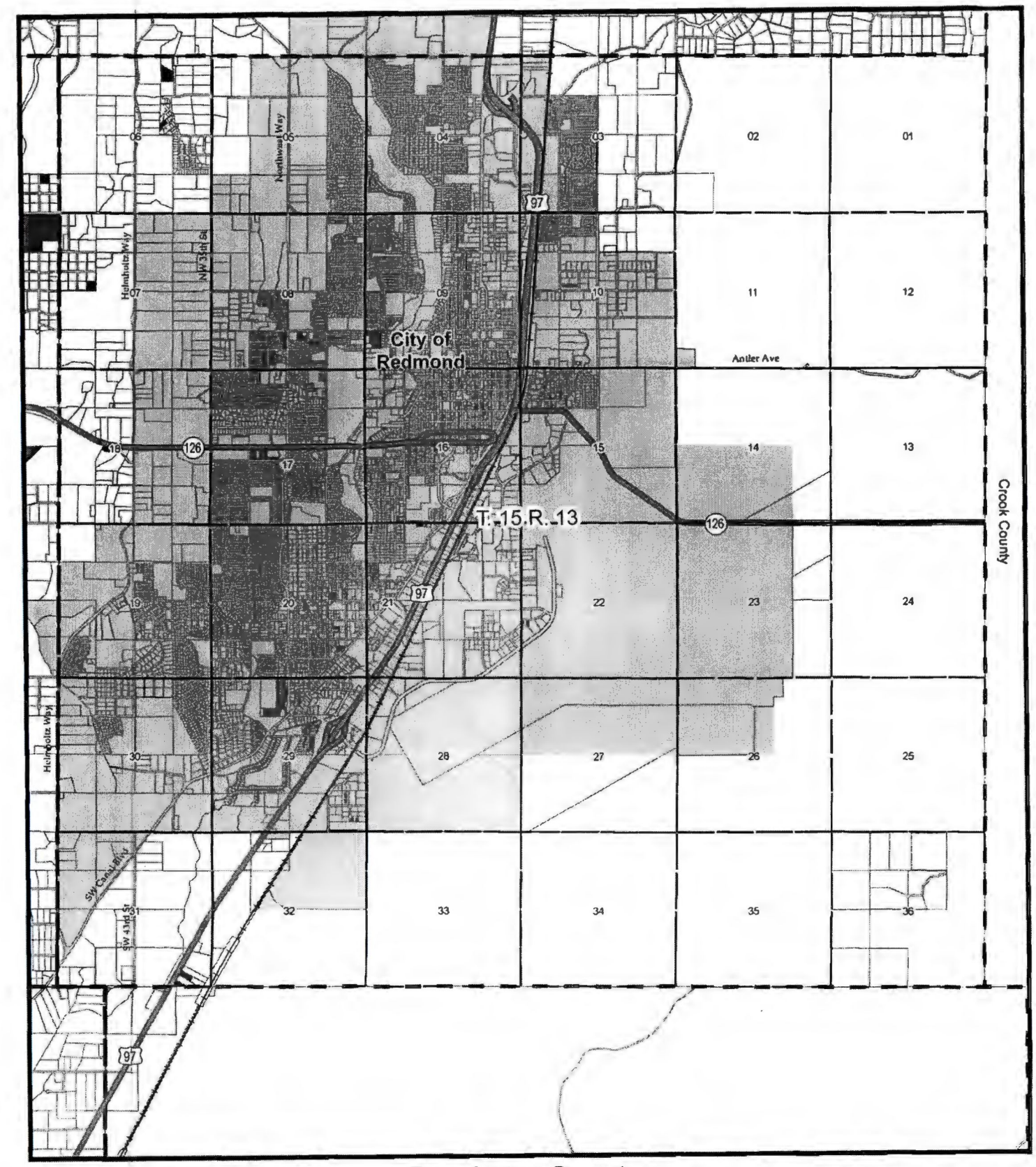
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 5 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

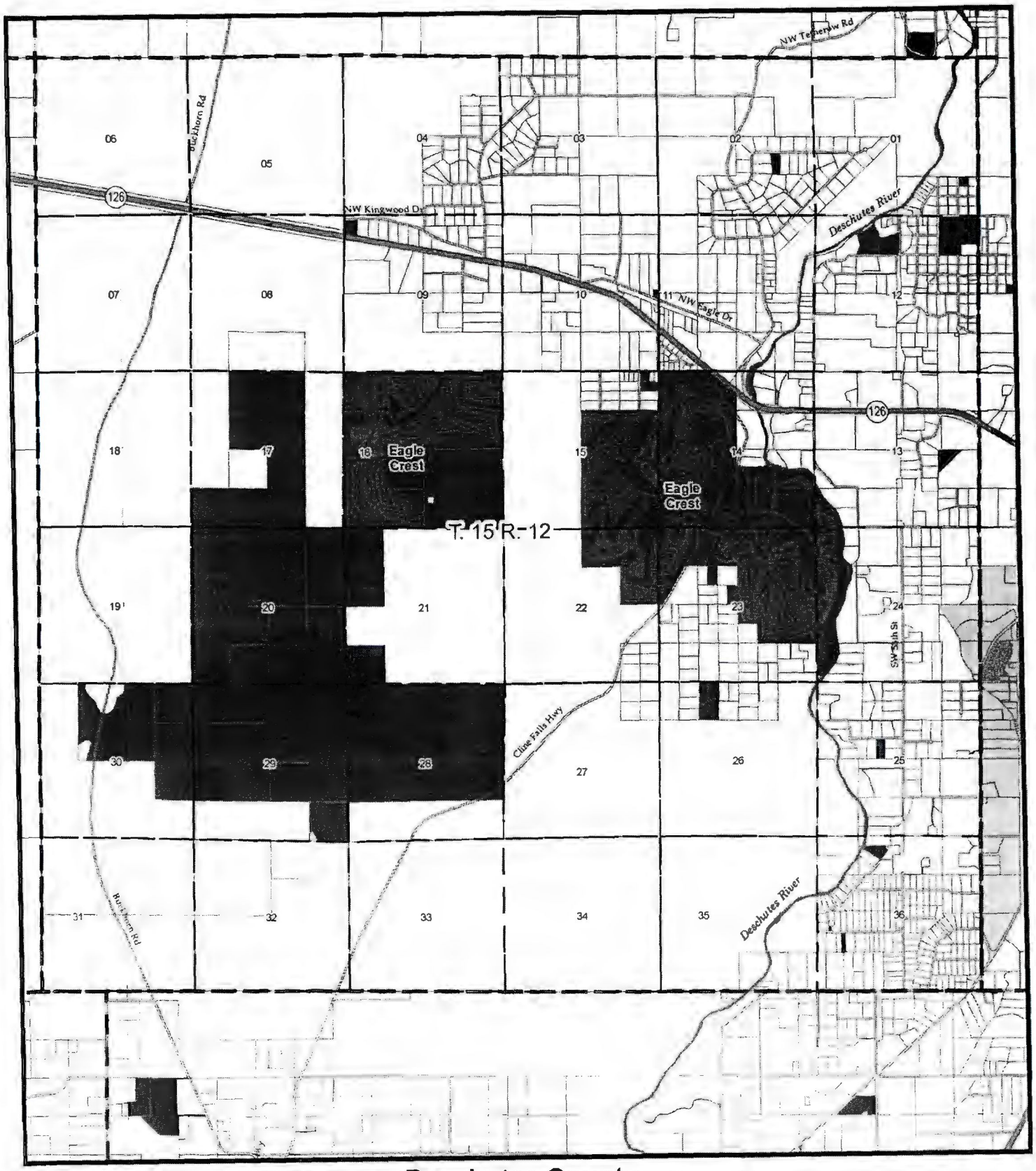
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 6 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

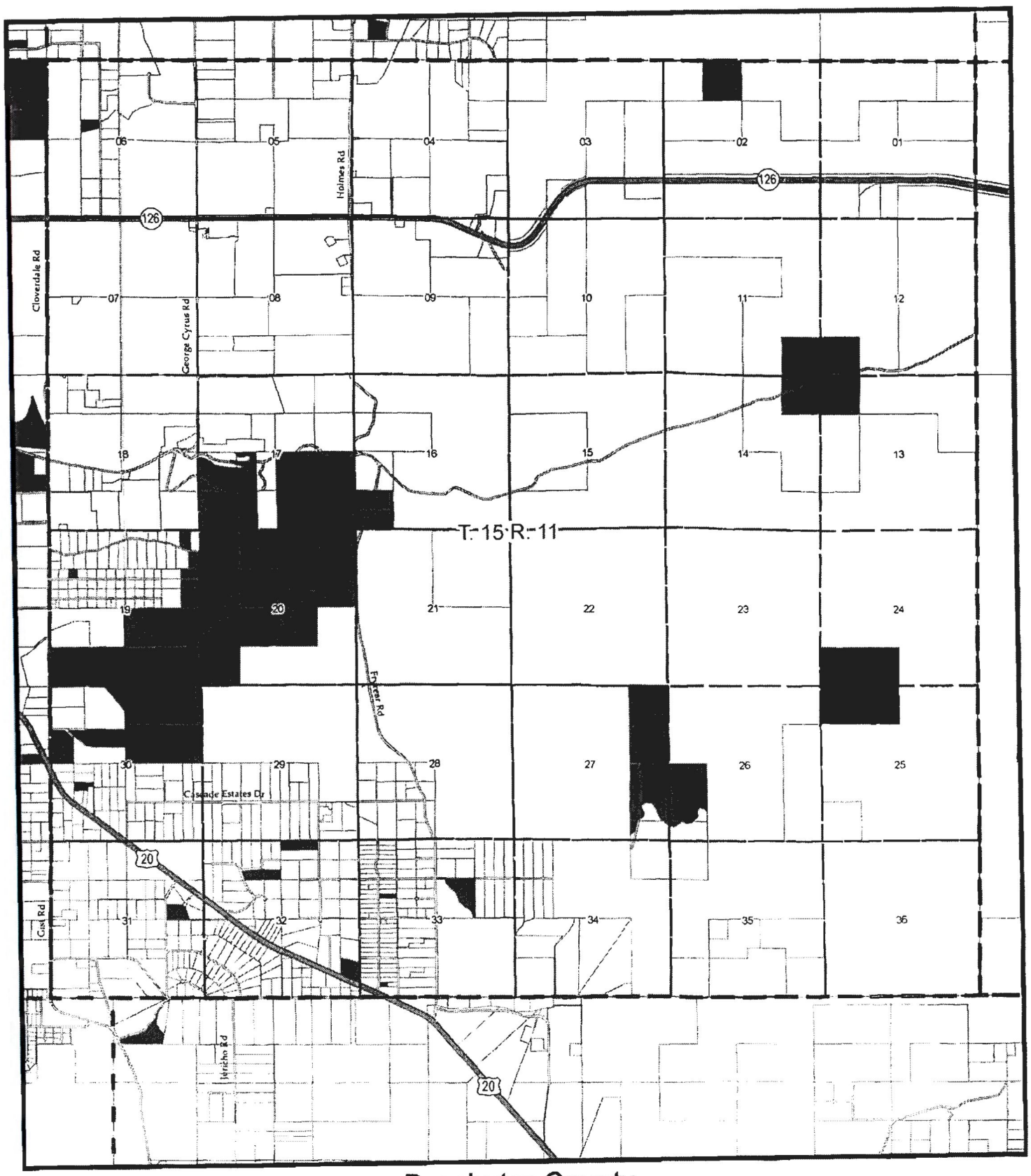
Exhibit "A" Map 7 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

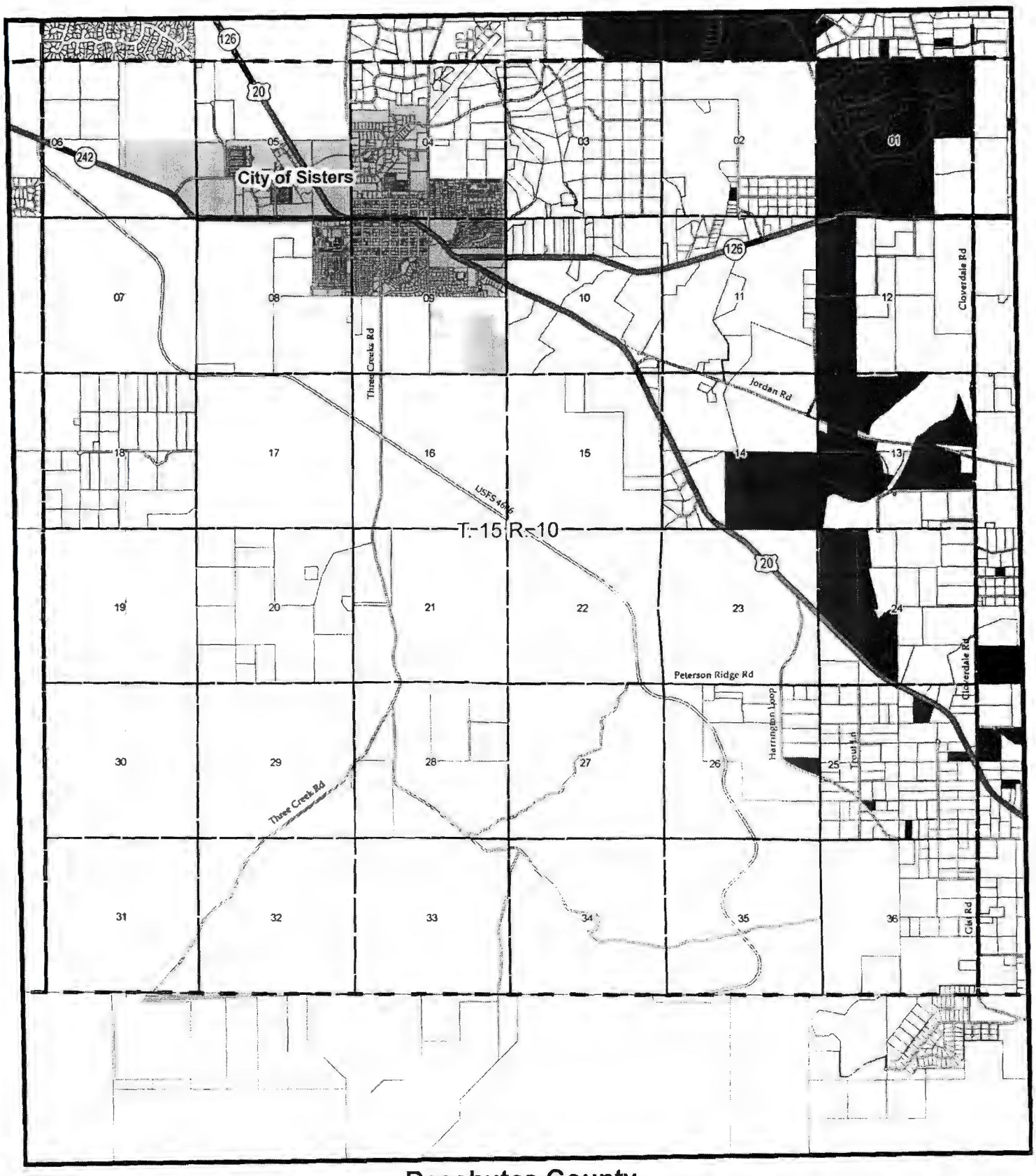
Exhibit "A" Map 8 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

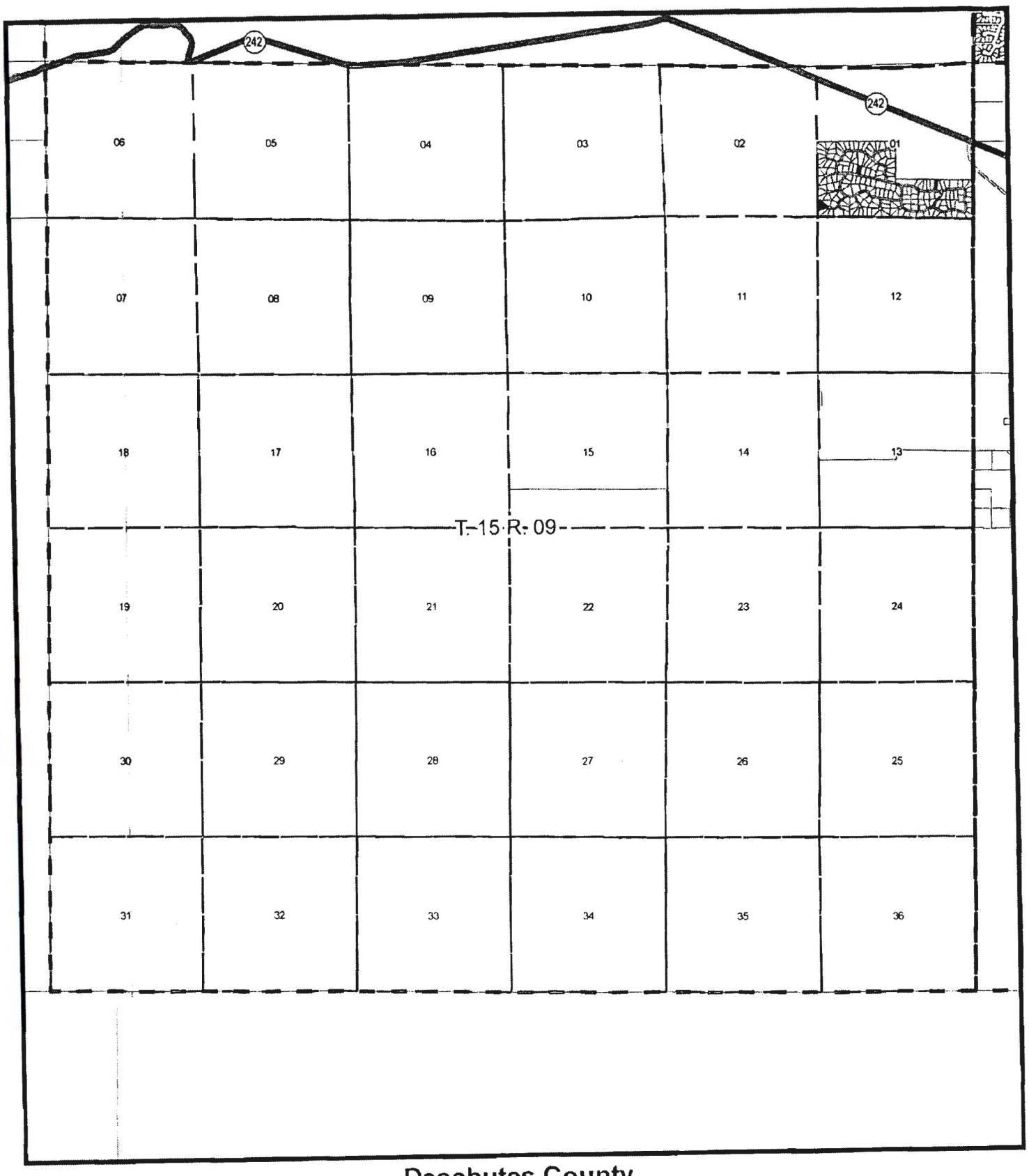
Exhibit "A" Map 9 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

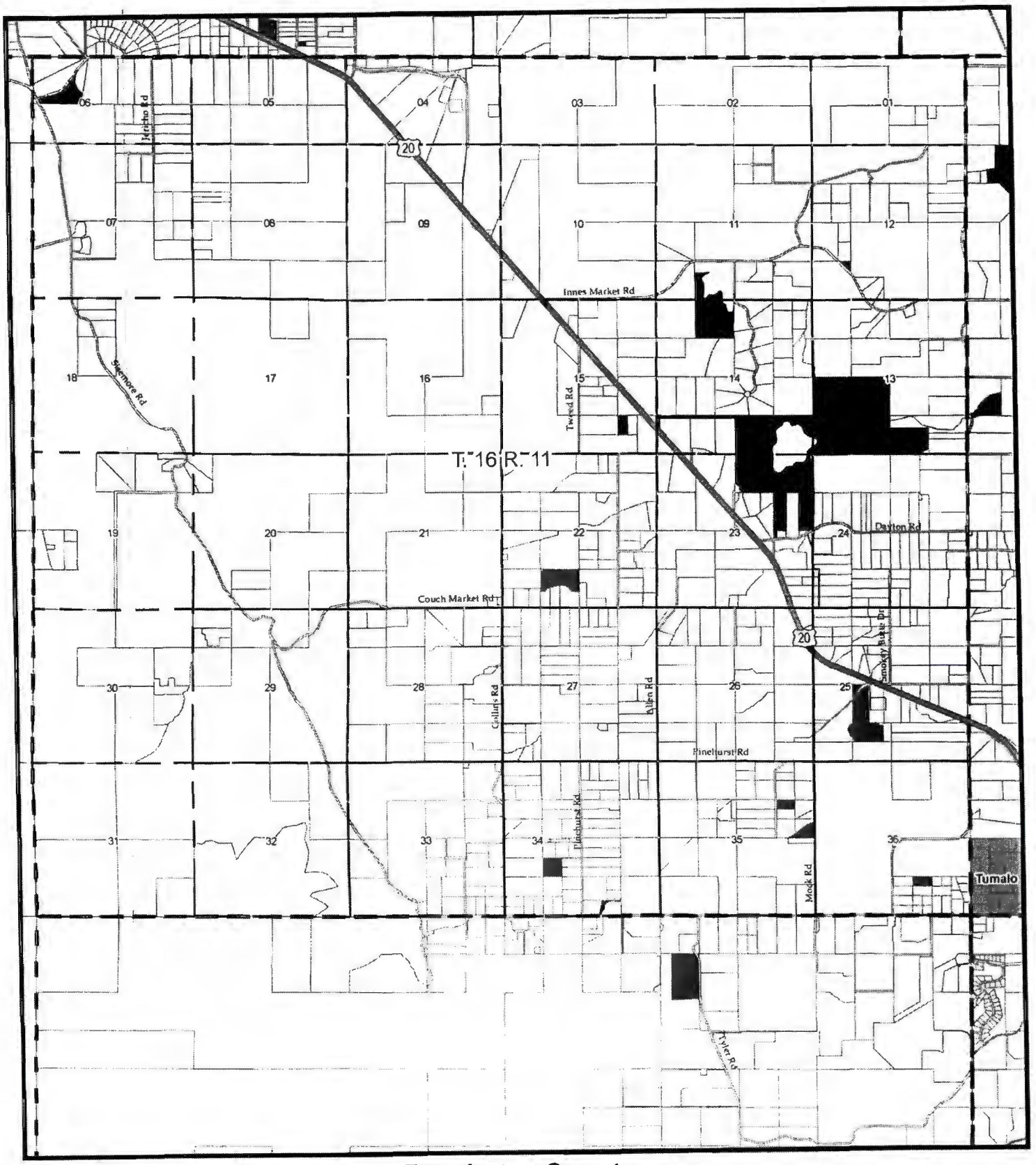
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 10 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

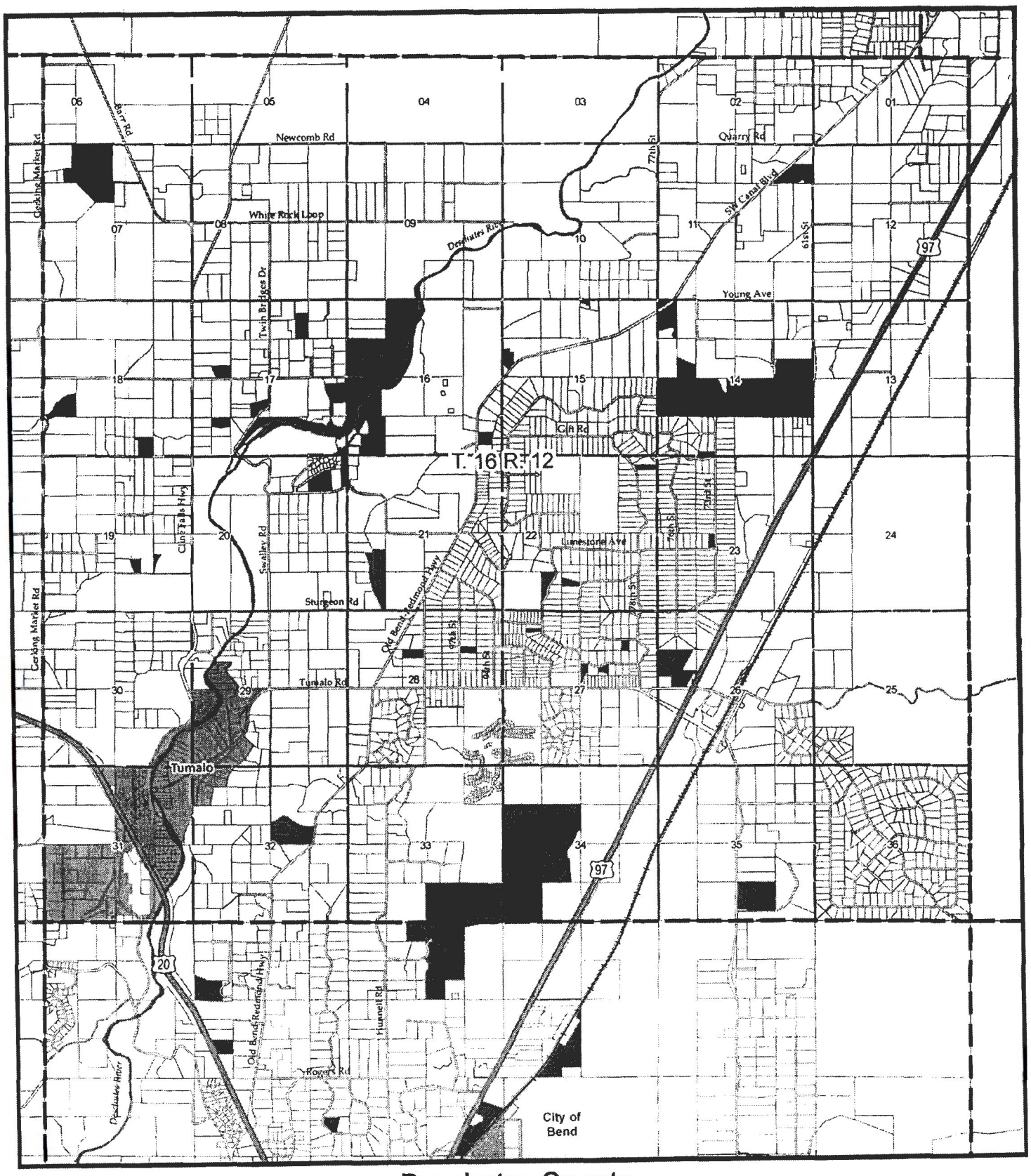
Exhibit "A" Map 11 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

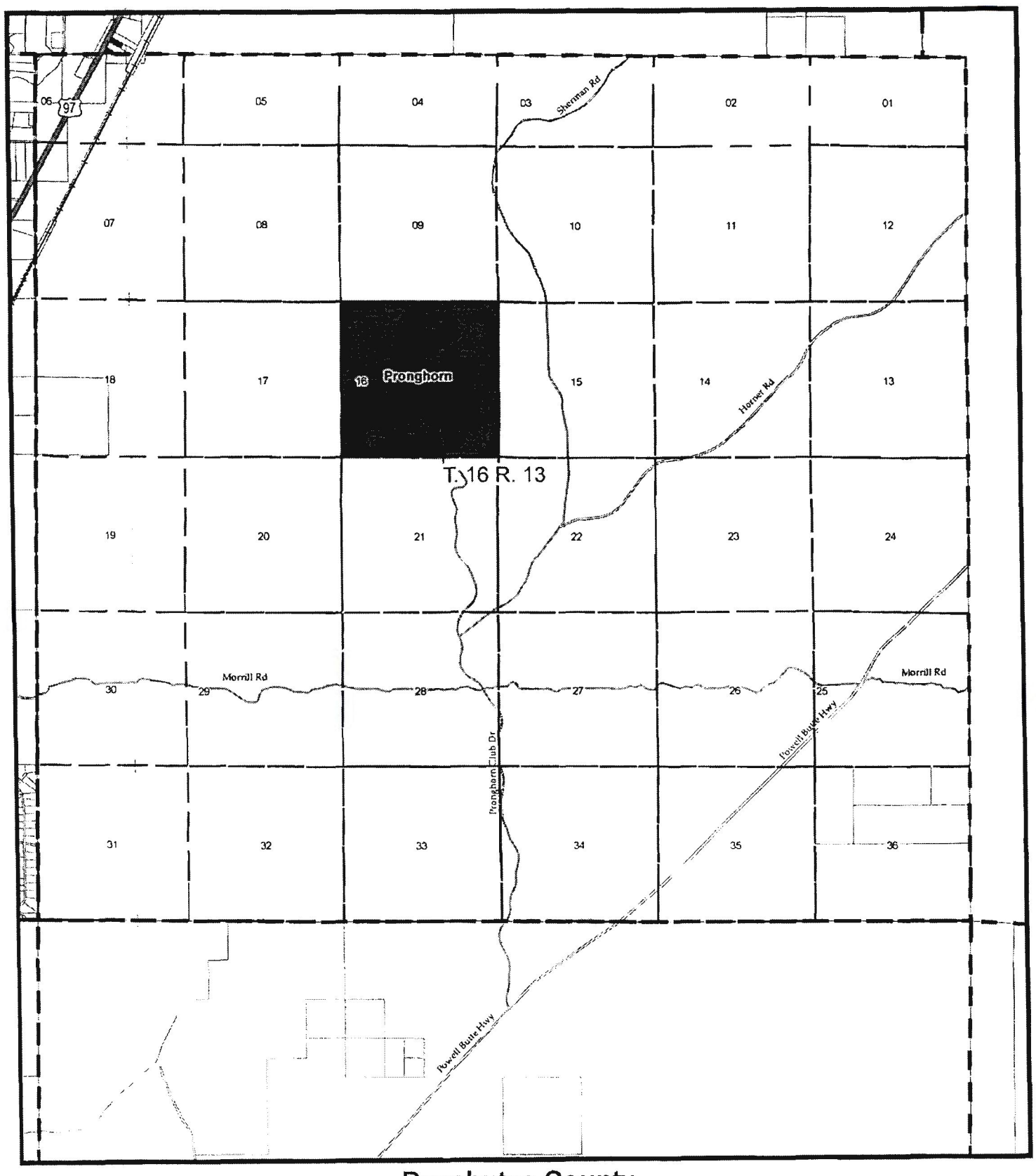
Exhibit "A" Map 12 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

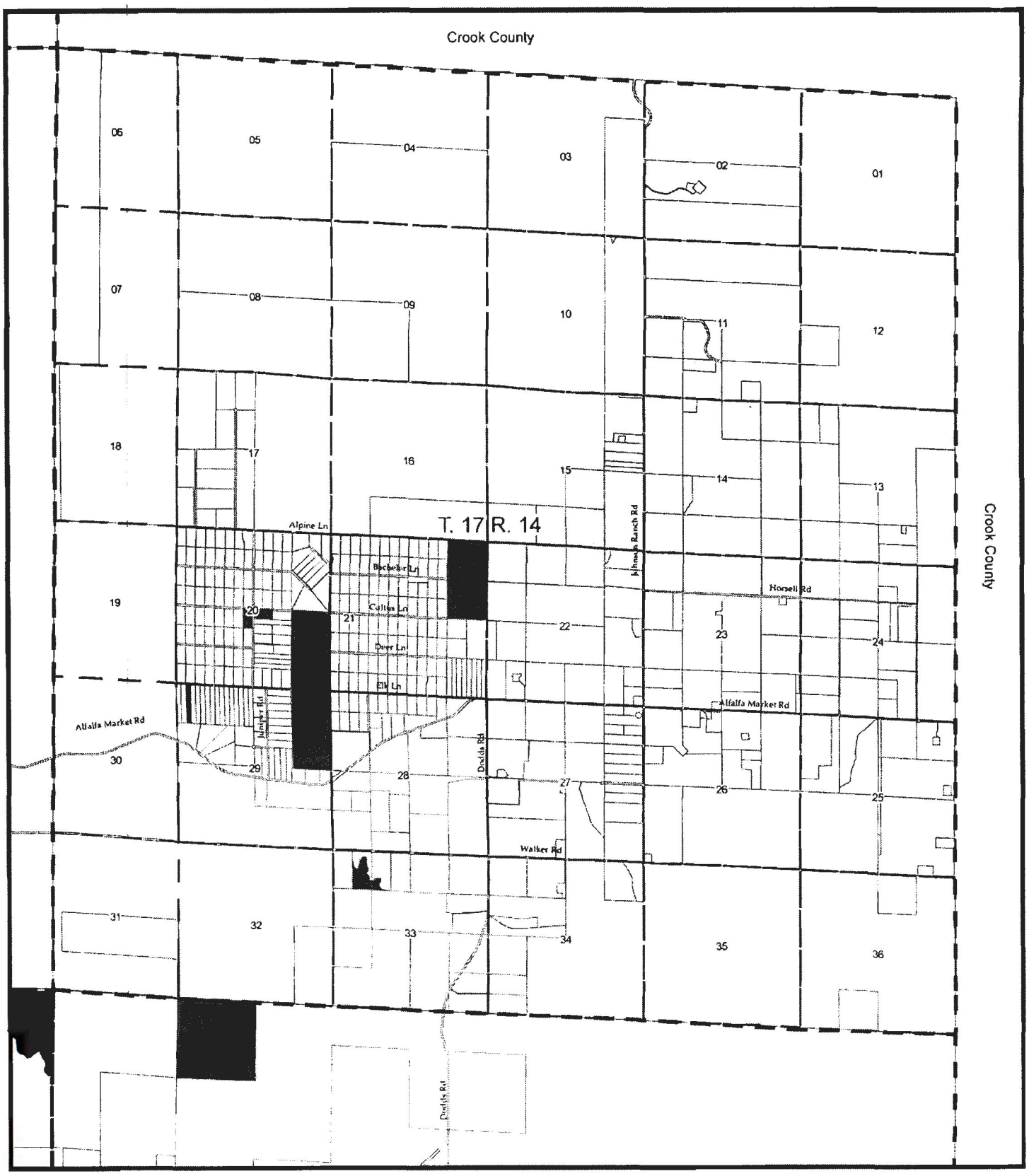
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 13 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

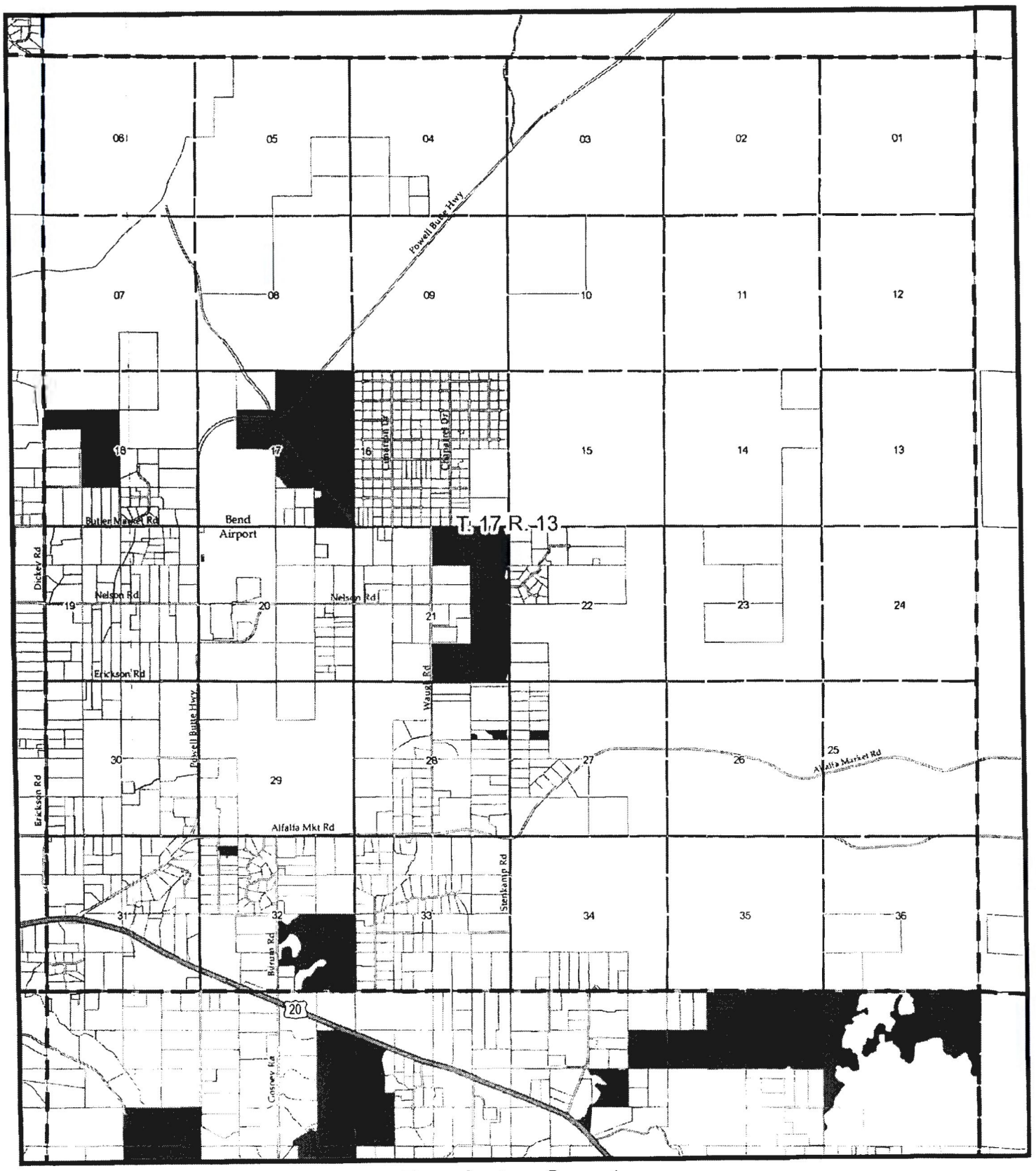
Exhibit "A" Map 14 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

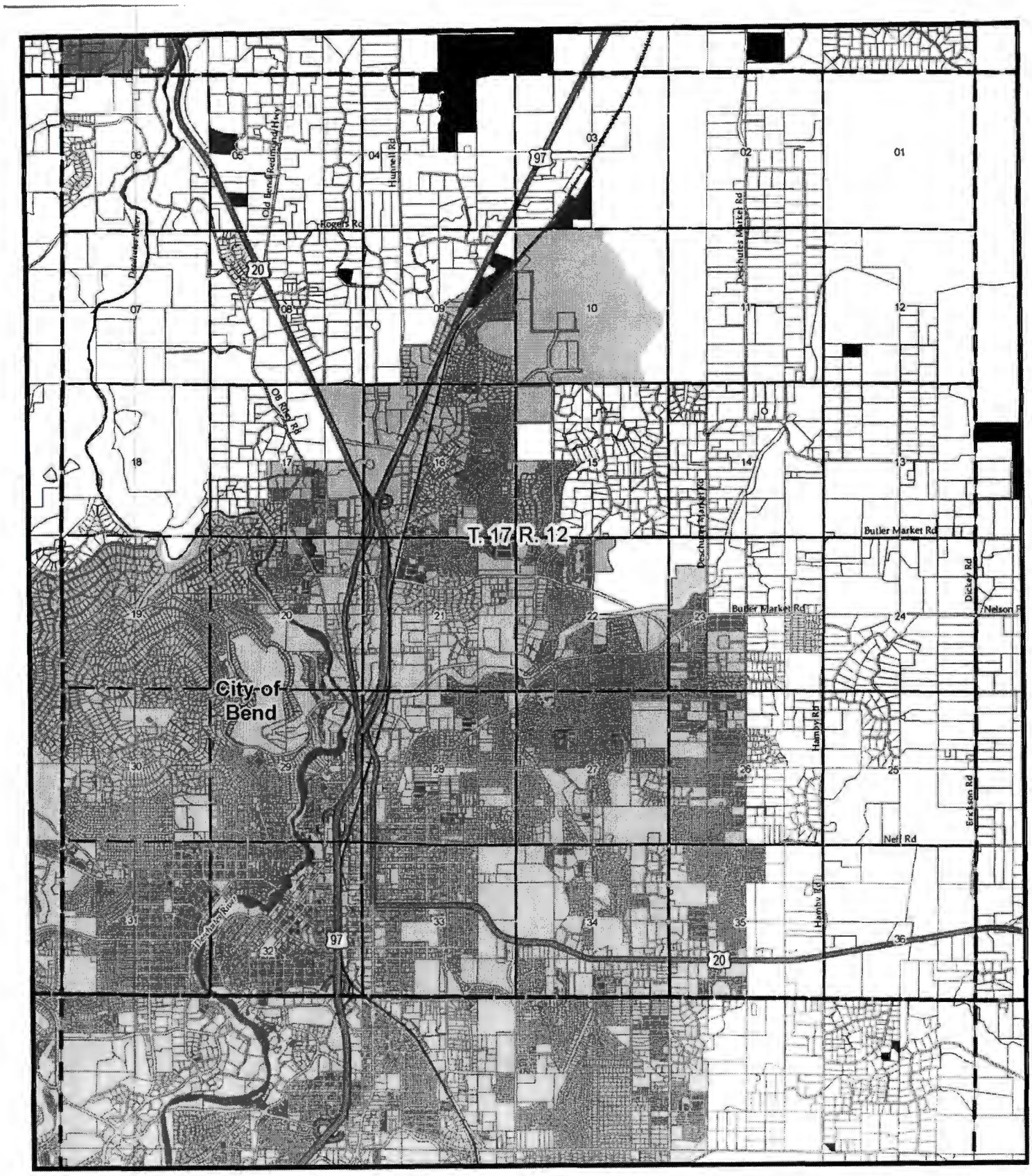
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 15 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

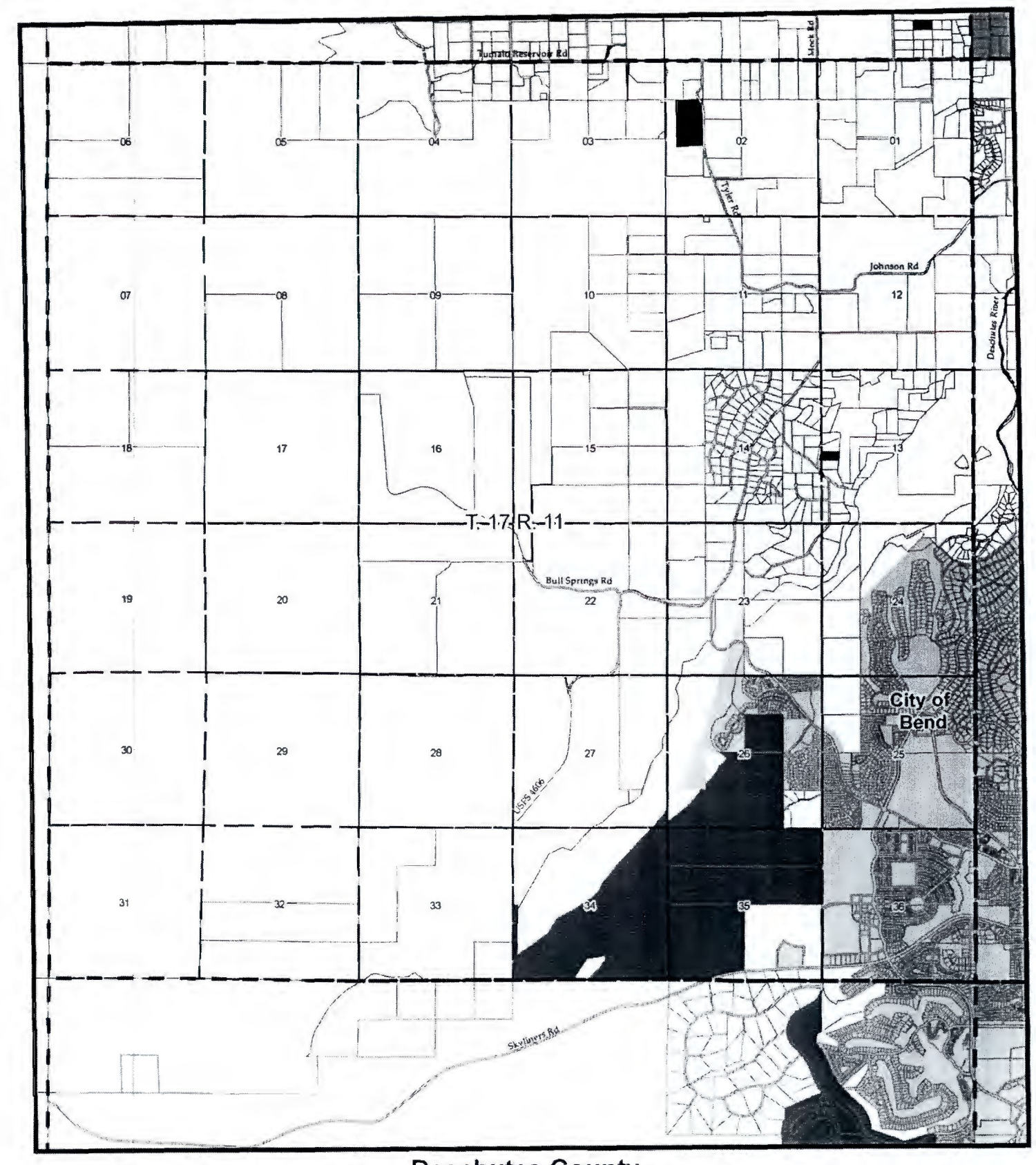
Exhibit "A" Map 16 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

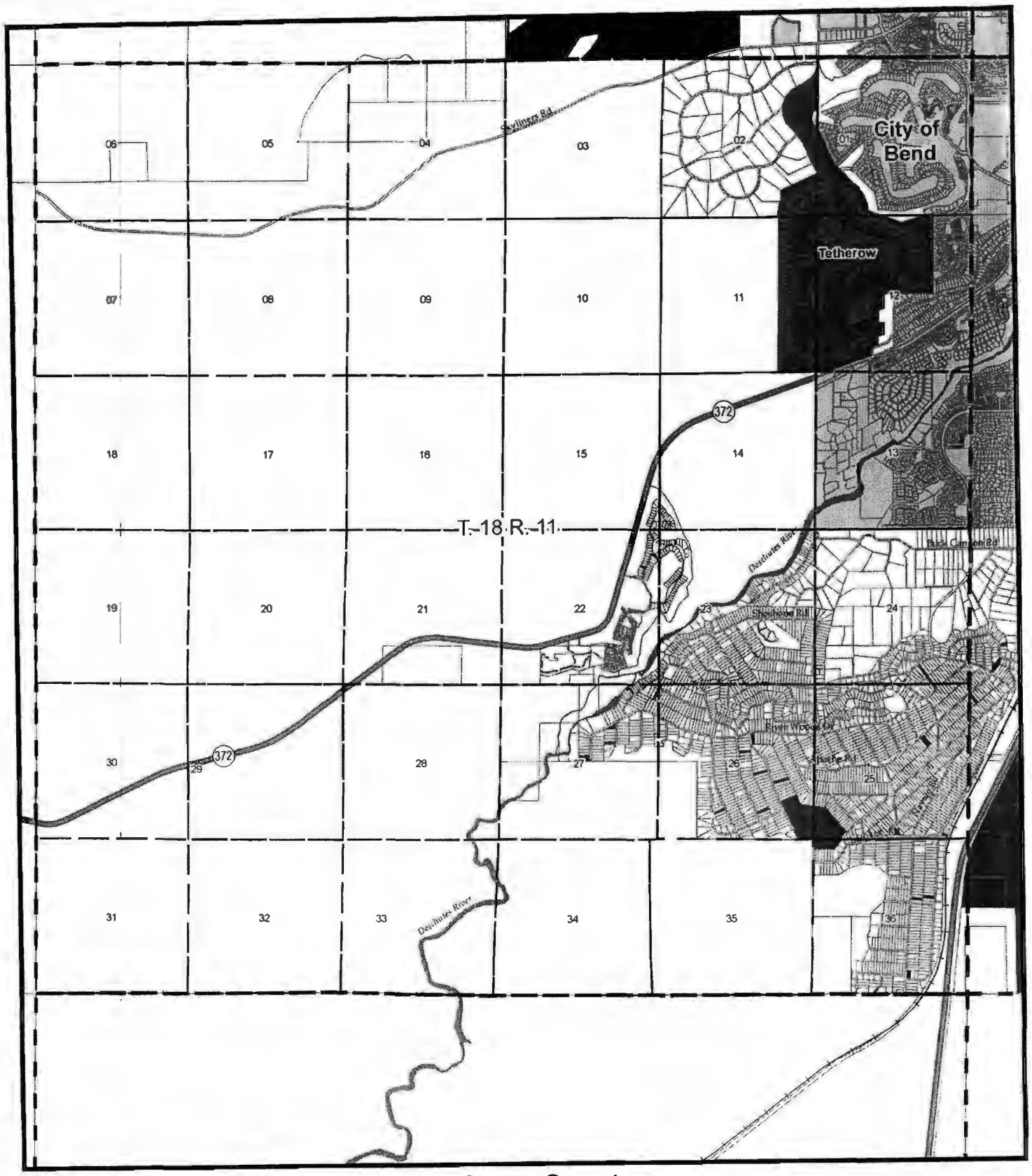
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 17 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

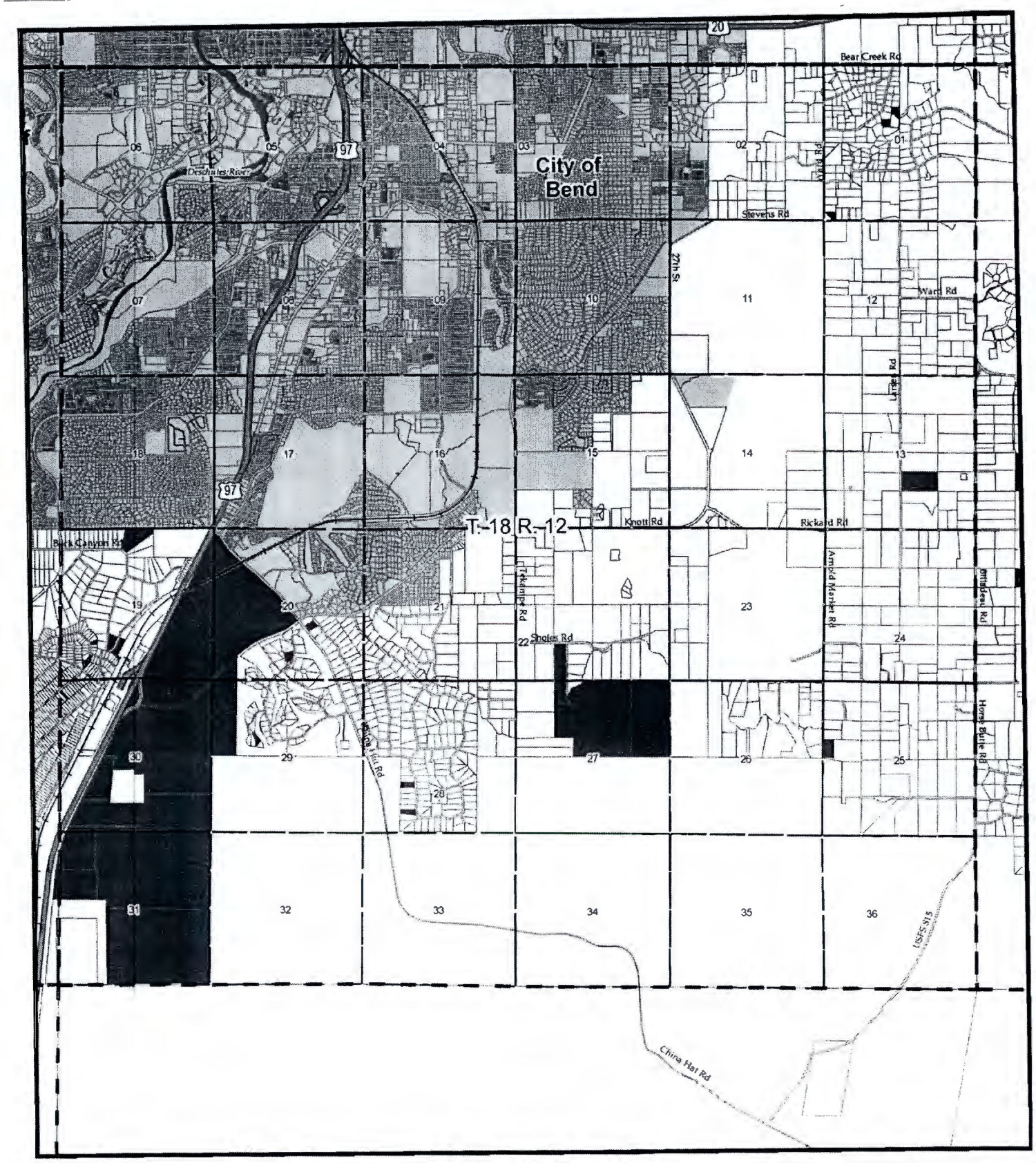
Exhibit "A" Map 18 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

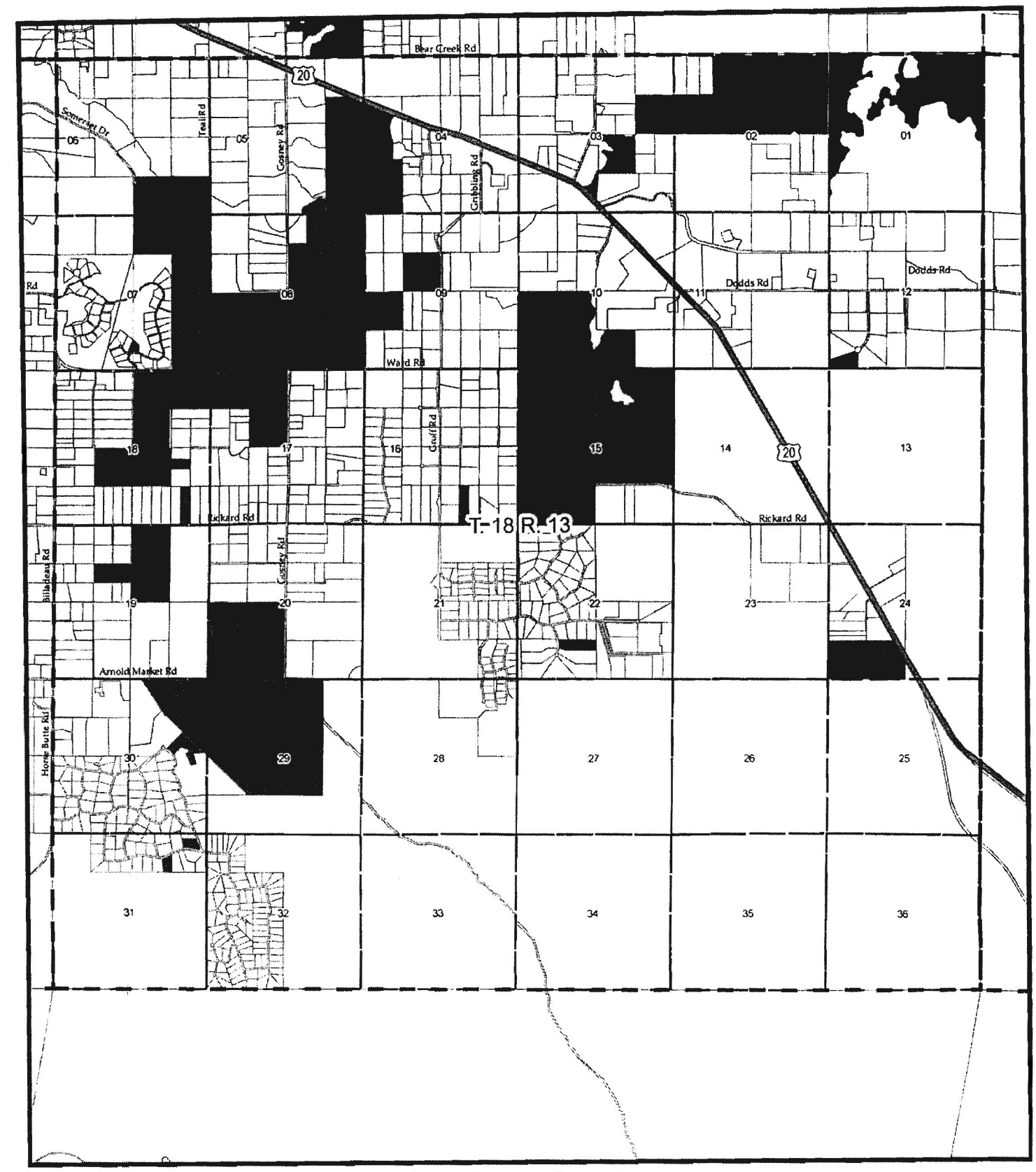
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 19 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

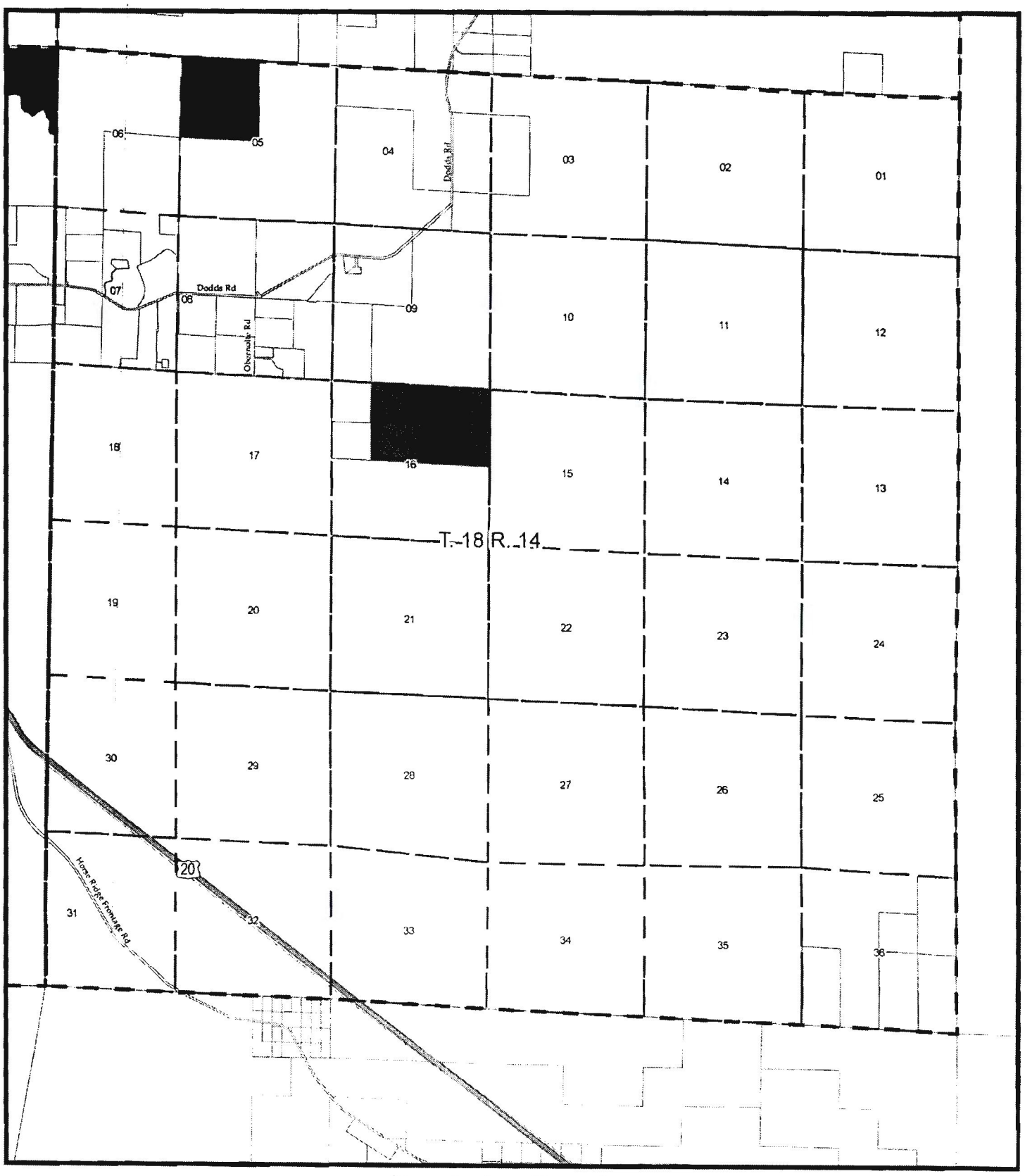
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 20 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5
Miles

October 3, 2011



Deschutes County Zoning Map

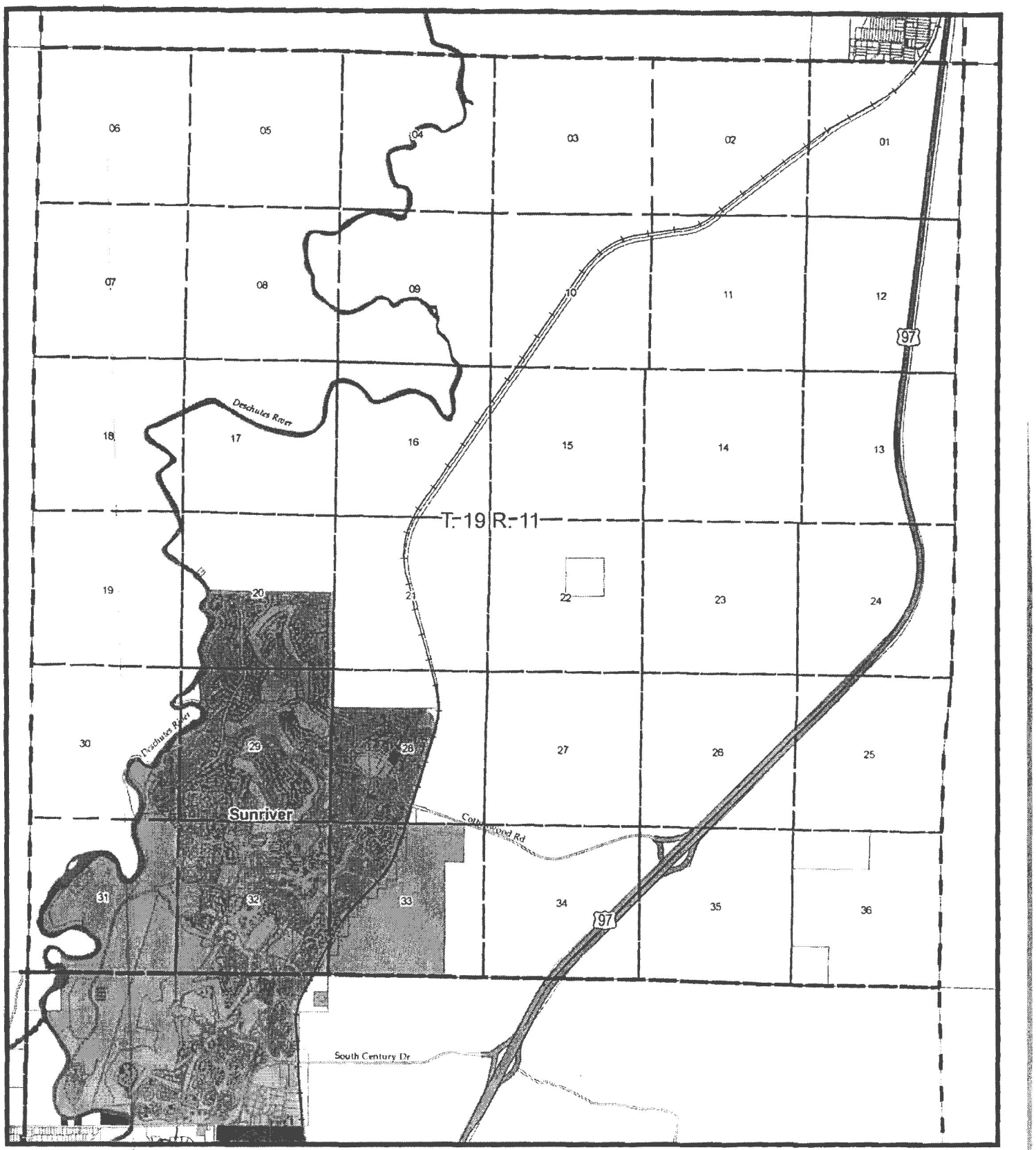
Exhibit "A" Map 21 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

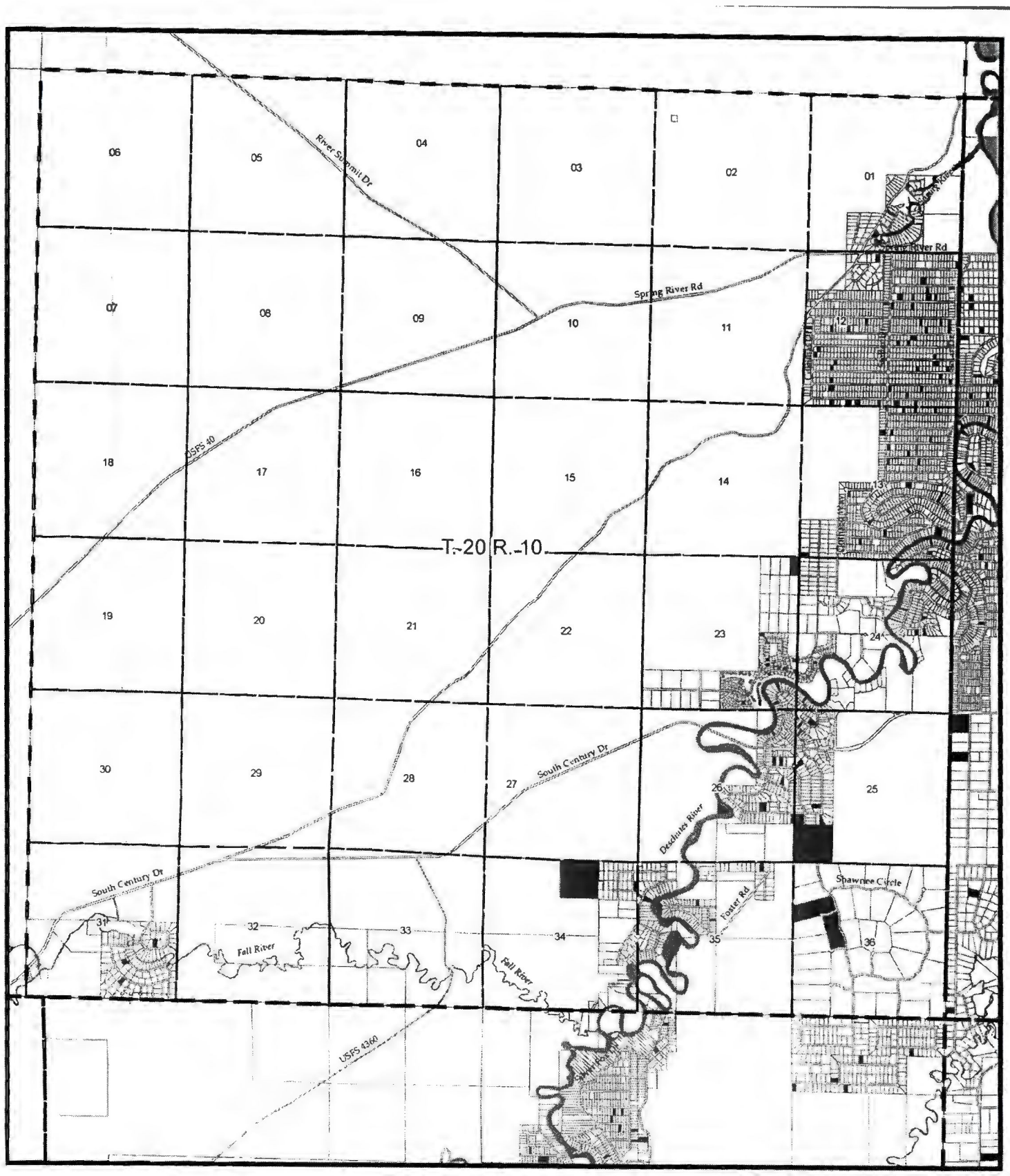
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 22 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

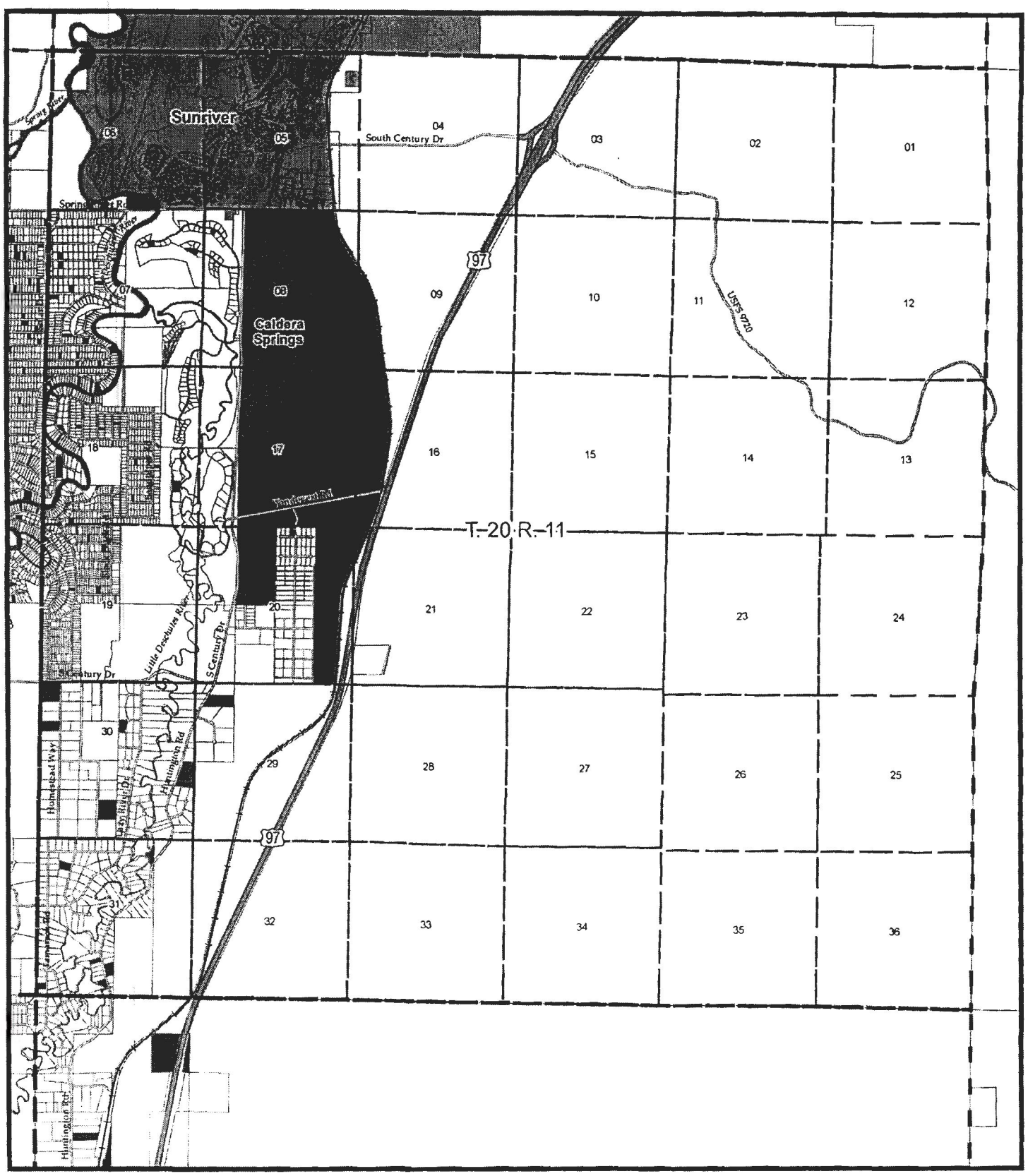
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 23 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

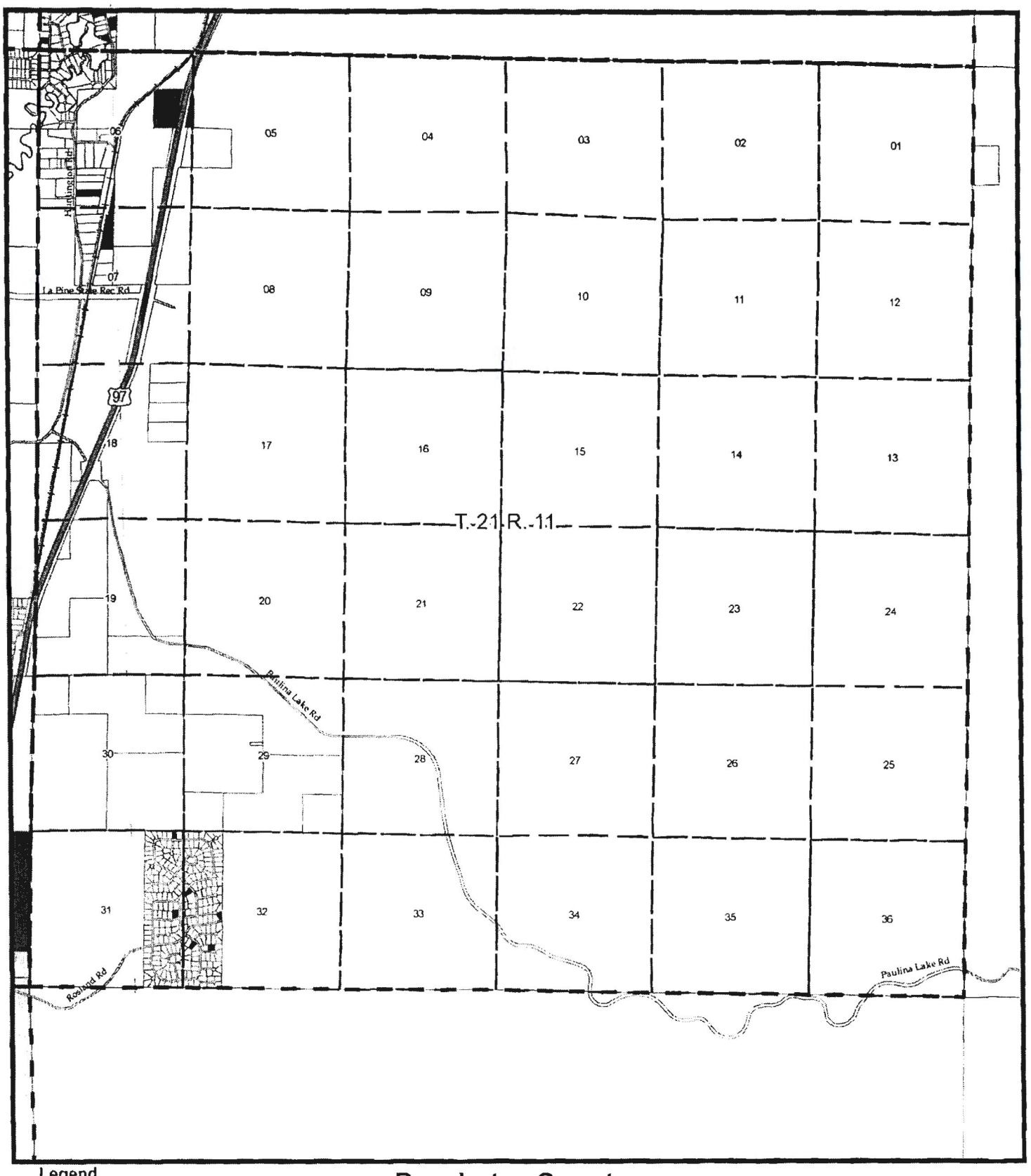
Exhibit "A" Map 24 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

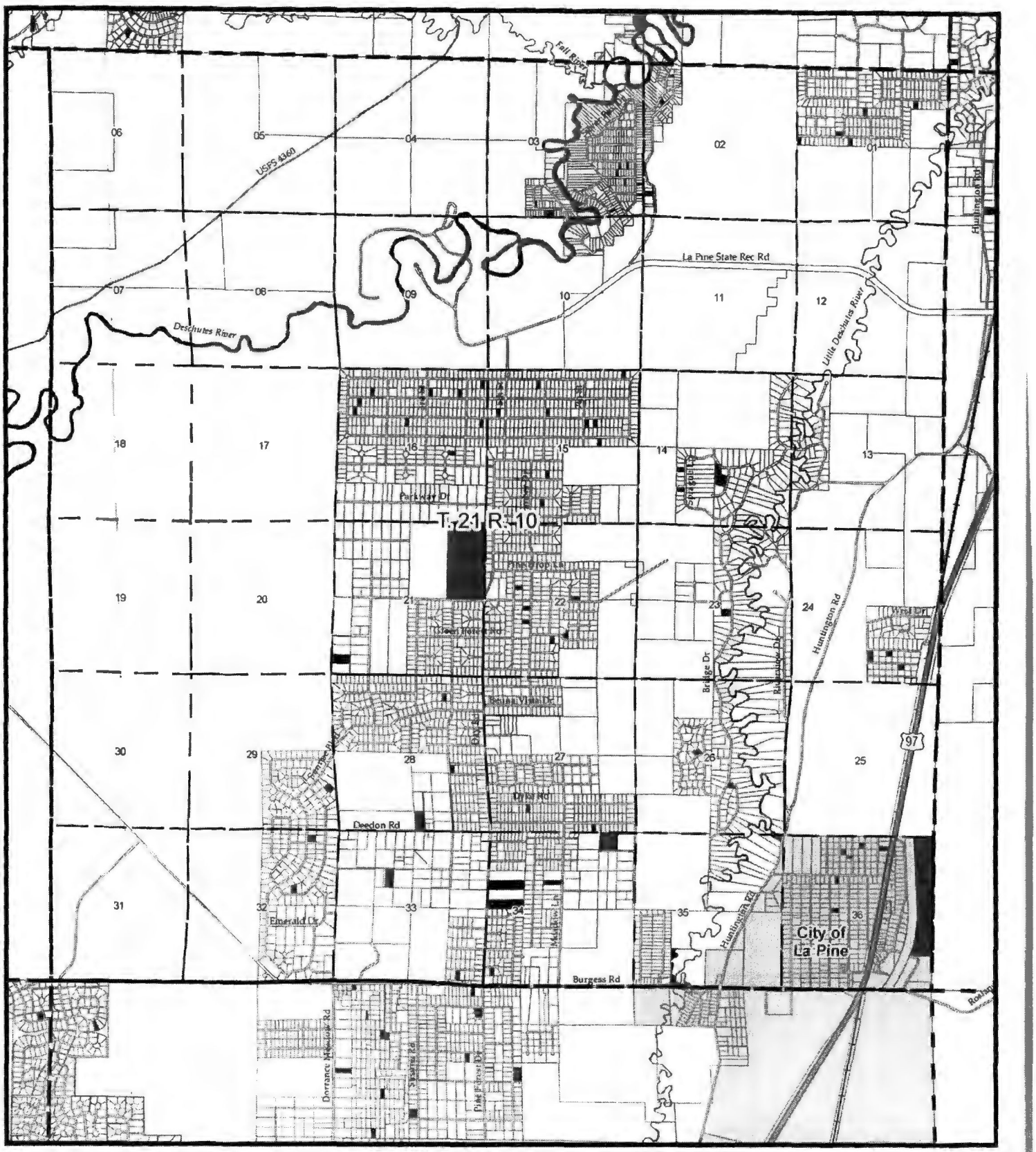
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 25 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5
Miles

October 3, 2011



Deschutes County Zoning Map

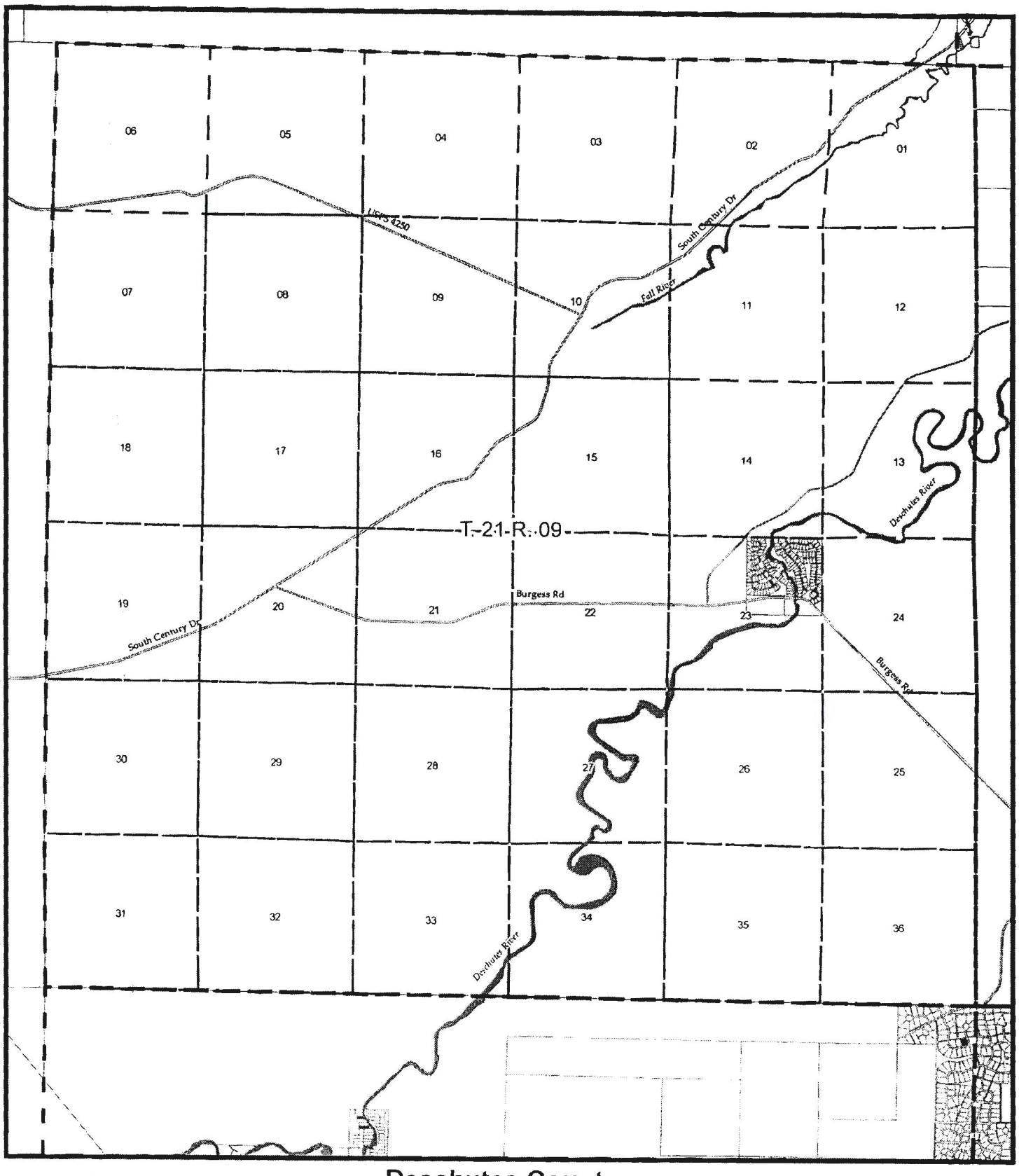
Exhibit "A" Map 26 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Deschutes County Zoning Map

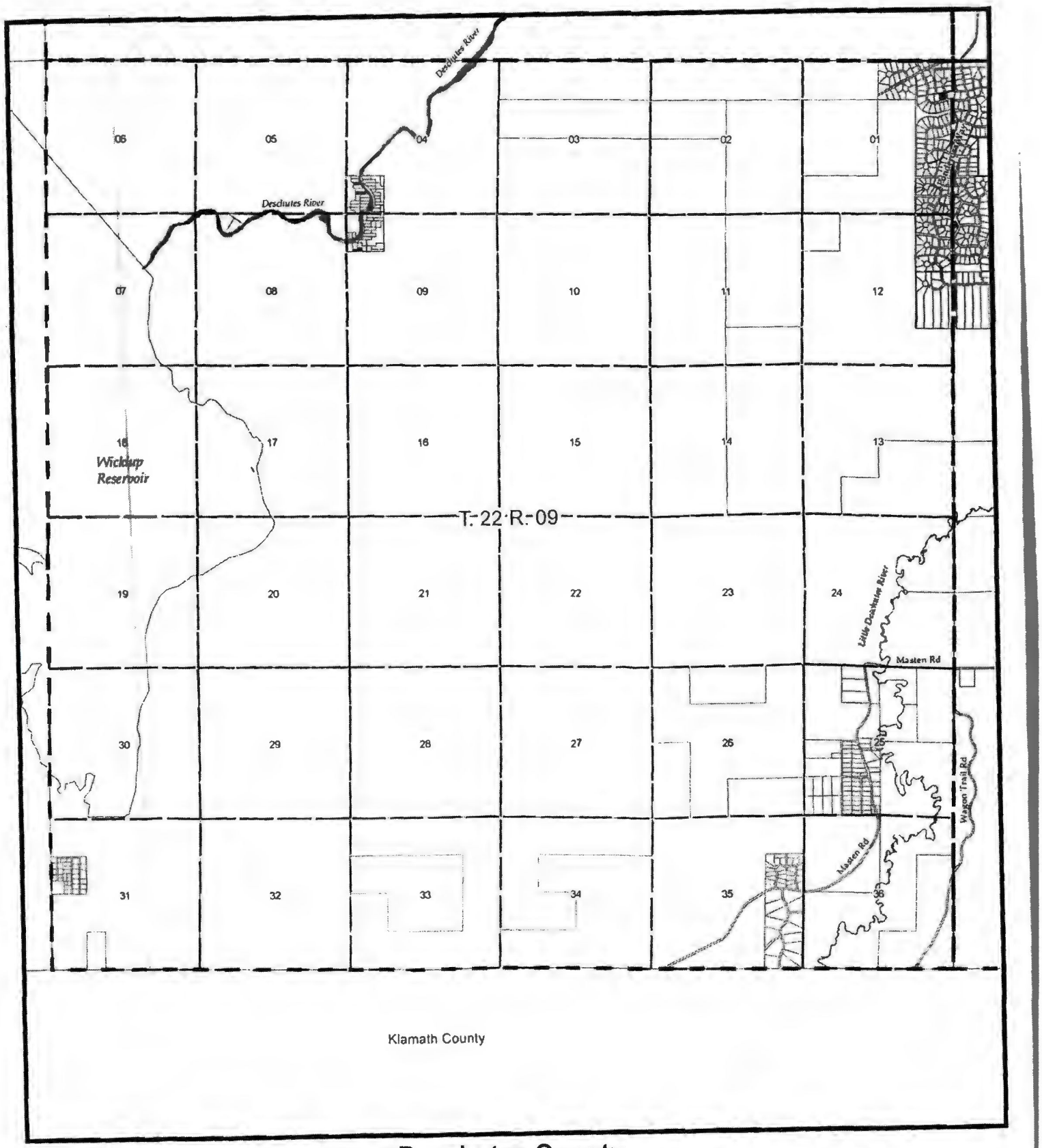
Exhibit "A" Map 27 of 29
to Ordinance 2011-002

Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

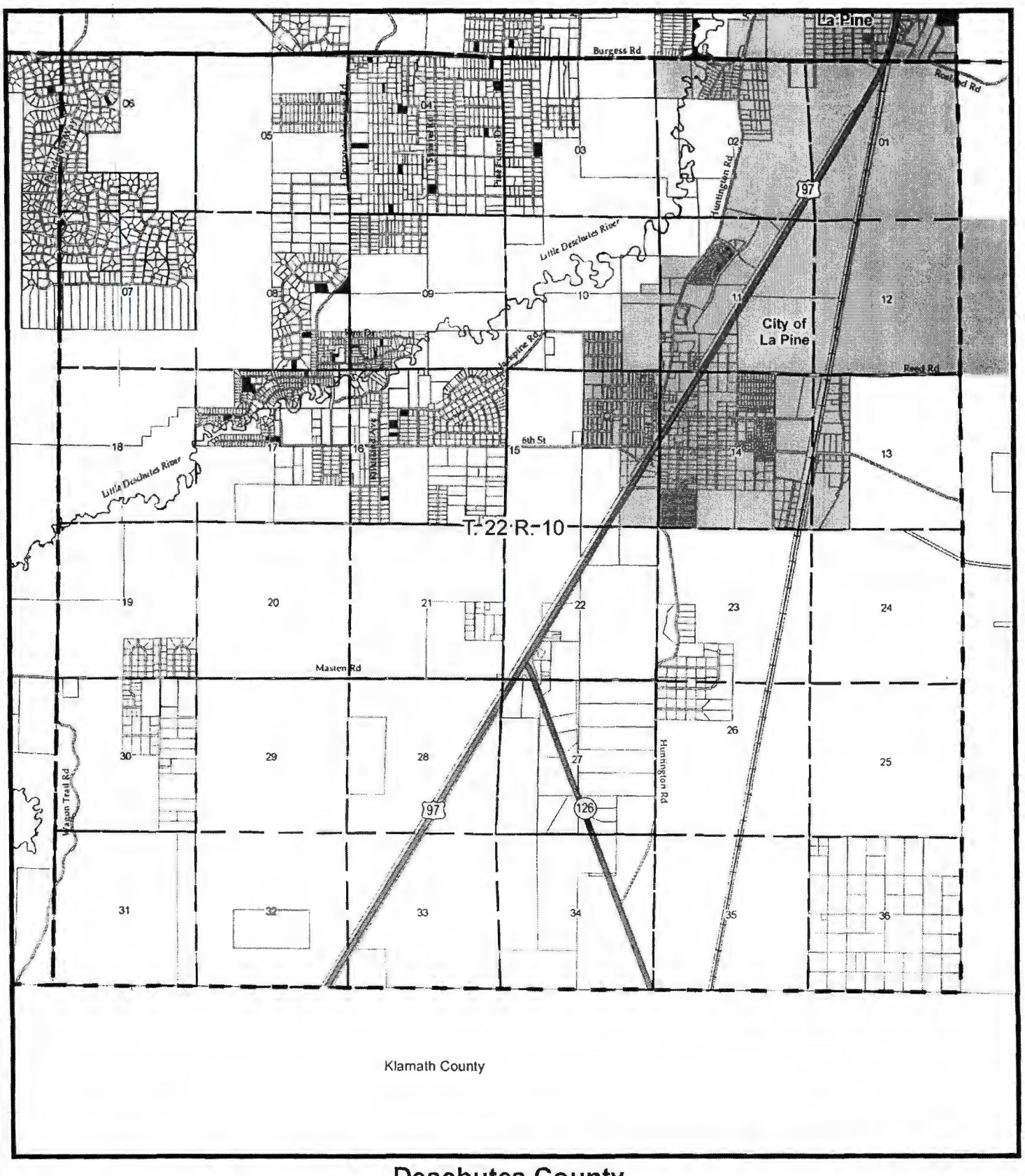
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 28 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011



Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "A" Map Index
- Destination Resort Eligible Area
- Unincorporated Community
- Urban Growth Boundary

Deschutes County Zoning Map

Exhibit "A" Map 29 of 29
to Ordinance 2011-002

0 0.25 0.5 1 1.5 Miles

October 3, 2011

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11/22/2011

Mailed From 977

US POSTAG

Deschutes County Community Development Department

117 NW LAFAYETTE AVENUE
BEND, OREGON 97701-1925
(541) 388-6575

Attention: Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF

NOV 28 2011

LAND CONSERVATION
AND DEVELOPMENT