



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

August 5, 2010

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment  
DLCD File Number 007-09



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Friday, August 20, 2010**

This amendment was submitted to DLCD for review 45 days prior to adoption and the jurisdiction determined that emergency circumstances required expedited review. 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 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.**

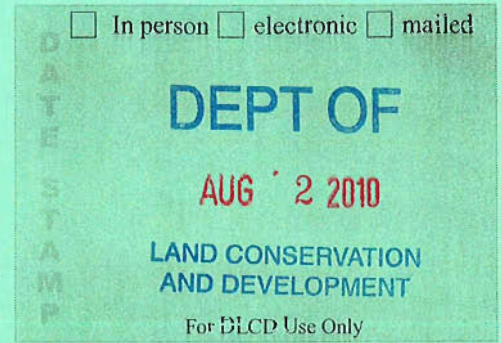
Cc: Peter Gutowsky, Deschutes County  
Jon Jinings, DLCD Regional Representative

<paa> YA



# 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



Jurisdiction: **Deschutes County** Local file number: **PA 09-3; TA 09-6**  
 Date of Adoption: **July 28, 2010** Electronic / Date Mailed: **July 29 / July 30, 2010**  
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Date: **September 22, 2009**

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 Amendment 09-3 (PA 09-3) and Text Amendment 09-9 (TA 09-6) create a process and rules the County will follow to change its destination resort map. The two ordinances modify DCC Chapter 23.84, Destination Resort Goals and Policies, and Chapter 22.23, Destination Resort Map Amendment Procedures by:

- Listing lands that are not allowed for destination resorts;
- Listing lands that are allowed for destination resorts; and,
- Describing how Deschutes County's Destination Resort Map can be amended.

Does the Adoption differ from proposal?

Yes.

- 1) The Board of County Commissioners (Board) adopted a destination resort eligibility criterion so that government land (local, state, federal) is treated the same as privately owned land. This criterion allows government entities to apply for a 30-month zone change in addition to applying for remaining on the eligibility map.
- 2) The Board established a deadline for applications for the first eligibility map amendment to be the first Tuesday in September by 5:00 p.m.
- 3) The Board adopted a grandfather clause.

Lands shown on the existing eligibility map but unable to comply with DCC 23.84.030(3)(a), 23.84.030(3)(b), 23.84.030(3)(c) and 23.84.030(3)(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.

- 4) The Board adopted an eligibility criterion pertaining to cluster development.

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

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_  
Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_  
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**

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.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

**Deschutes County, Oregon Department of Land Conservation and Development**

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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**

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## **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](mailto: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.



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

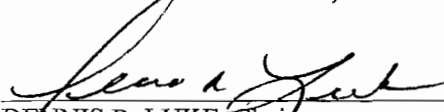
Section 1. AMENDMENT. DCC Chapter 23.84, Destination Resorts, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike through~~.


Section 2. FINDINGS. The Board adopts as its findings Exhibit "B," attached and incorporated by reference herein.

Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 28<sup>th</sup> of July, 2010

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

  
DENNIS R. LUKE, Chair

  
ALAN UNGER, Vice Chair

ATTEST:

Recording Secretary

  
TAMMY BANEY, Commissioner

Date of 1<sup>st</sup> Reading: 14<sup>th</sup> day of July, 2010.

Date of 2<sup>nd</sup> Reading: 28<sup>th</sup> day of July, 2010.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	✓	—	—	—
Alan Unger	✓	—	—	—
Tammy Baney	✓	—	—	—

Effective date: 28<sup>th</sup> day of July, 2010.

## Chapter 23.84. DESTINATION RESORTS

### 23.84.010. Destination Resorts.

#### 23.84.020. Goals.

#### 23.84.030. Policies.

### 23.84.010. Destination Resorts.

~~The numerous beneficial impacts of destination resorts are recognized by Statewide Planning Goal 8 and by implementing statutes. The past experiences with destination resorts in Deschutes County have generally been very positive.~~

~~—The development of destination resorts can serve as an important element to diversify the economic base of the County. This was recognized by the County in the comprehensive plan adopted in 1979. Under the 1979 plan and implementing ordinances, destination resorts are allowed as conditional uses in the F-2, F-3, OS&C, MUA-10 and RR-10 zones.~~

~~—Since 1979 destination resorts have increased in importance to the economy of Deschutes County. A new resort, known as Eagle Crest has been sited since that time. Existing resorts, such as Sunriver and the Inn of the Seventh Mountain, have expanded. Tourism in general has increased in importance to the Oregon economy, particularly as the timber industry has gone into decline.~~

~~In 1989, recognizing the importance of tourism to the economy of the State of Oregon, the state legislature and the Land Conservation and Development Commission (“LCDC”) have taken steps to make it easier to establish destination resorts on rural lands in the state. Statewide Planning Goal 8, the recreation goal, was amended to specify a process for locating destination resorts on rural land without taking an exception to Goals 3, 4, 11 and 14, which govern development in rural resource lands. This was followed by legislation incorporating Goal 8 into Oregon's land use statutes. By these actions, the State of Oregon recognized destination resorts as a legitimate rural land use. Under these changes, destination resorts may be sited in EFU zones where they weren't allowed before. Another action at the state level affecting the siting of destination resorts in the forest rule adopted by LCDC in March 1990. This rule allows destination resorts to be sited on forest lands pursuant to Goal 8.~~

~~—The County recognizes that the siting of destination resorts would be severely limited if such developments were not allowed in farm and forest zones.~~

~~—Implementation of destination resort siting under Goal 8 is optional. The Goal 8 legislative process in Deschutes County was prompted by an application by the owners of Eagle Crest for legislative changes in the County's comprehensive plan and implementing land use ordinances. Following the changes to the state regulations, because implementation of destination resort siting under Goal 8 was optional and the county had not undertaken that implementation, the developers of Eagle Crest applied for legislative changes in the County's comprehensive plan and implementing land use ordinances. The Eagle Crest owners/developers wished to expand their current destination resort onto adjacent lands and wished to do so without going through the exceptions process. They were able to do so when the County adopted a destination resort overlay map. In order, Pronghorn, Caldera Springs, and Tetherow resorts have been sited since that time. Resorts existing prior to the legislative change, such as Black Butte, Sunriver and the Inn of the Seventh Mountain have also expanded and been rezoned to Urban Unincorporated Community and Resort Community, respectively.~~

~~In March 1990, LCDC adopted the “forest rule.” This rule allows destination resorts to be sited on forest lands pursuant to Goal 8. The county adopted this rule for land zoned Forest Use-2. Additionally, the legislature, in 2003, amended the state statutes, adding new language allowing counties to remap eligible lands for destination resorts not more frequently than once every thirty (30) months. Remapping is now dependent on creating a process for collecting and processing all proposed map amendments submitted to the county within that thirty (30) month planning period.~~

In order to allow destination resorts within the county, Goal 8 requires that Deschutes County adopt a map showing which lands are available for destination resort development. The purpose of the map is to provide greater certainty concerning destination resort siting than is available under the exceptions process. To protect forest and farm resources, Goal 8 prescribes that certain classes of lands are off limits to destination resort development. The final map must reflect exclusion of such areas. However, although a property is mapped as eligible for a destination resort, a destination resort may not be permitted outright in that location. In order to be approved, a proposal for a resort must be processed as a conditional use and must comply with the specific standards and criteria established by the county for destination resorts.

~~Goal 8 requires that the County adopt a map showing which lands in the County are available for destination resort development. The purpose of the map is to provide greater certainty concerning destination resort siting than is available under the exceptions process. To protect forest and farm resources, Goal 8 prescribes that certain classes of lands are off limits to destination resort development. The final map must reflect exclusion of such areas. A detailed description of the mapping process engaged in by the County is found in the Resource Element of the comprehensive plan.~~

Goal 8 and the state statute also recognize that destination resorts can have negative impacts on neighborhoods, transportation facilities and the rural quality of life. These impacts can, however, be substantially mitigated, ~~however~~. The County recognizes the importance of balancing protection mechanisms for resource lands and rural land uses with the economic benefits destination resorts provide. The County further recognizes that this balance can be struck by the manner in which areas are designated as being available for destination resort development and by ~~developing balance~~ establishing thorough siting criteria. In establishing these thorough siting criteria,

~~The County recognizes that it has the option to be more restrictive than state law in the areas it chooses to exclude from destination resort siting through the mapping process.~~

~~The Board of County Commissioners has determined that it should proceed to implement Goal 8 in a manner consistent with Goal 8 and state law that will allow proposed destination resorts to apply for approval. Because of the County's need as part of periodic review to update its comprehensive plan and ordinances to implement the forest rule and to study current farm uses in the County, it is appropriate to implement Goal 8 in a phased fashion. Accordingly, the County has first considered siting destination resorts on the following EFU lands not excluded by Goal 8: (1) unirrigated EFU land, (2) irrigated EFU lands in contiguous ownership having fewer than 40 acres of contiguous irrigation, and (3) irrigated EFU lands having 60 or more acres of non-contiguous land in the same ownership. Second, following the County's implementation of the forest rule, the County will consider development of destination resorts on forest lands. Third, following a review of the County's farm lands as part of the periodic review process, the farm lands not considered for destination resorts in the first stage will be considered.~~

~~Notwithstanding the phased approach to destination resort zoning, it is appropriate to develop siting standards for destination resorts generally. If further refinements are needed when forest lands and farm lands not considered in the first mapping phase are considered, such refinements can be made at the time.~~

~~(Ord. 2010-024 §1, 2010; Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 93-029, 1993; Ord. 92-029, 1992; Ord. 92-001, 1992)~~

### **23.84.020. Goals.**

1. To provide 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, streams, rivers and significant wetlands.
2. To provide a process for the siting of destination resorts on rural lands that have been mapped by Deschutes County as eligible for this purpose.
3. To provide for the siting of destination resort facilities that enhance and diversify the recreational opportunities and economy of Deschutes County.

4. To provide for development of destination resorts consistent with Statewide Planning Goal 12 in a manner that will ensure the resorts are supported by adequate transportation facilities.  
(Ord. 2010-024 §1, 2010; Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 93-029, 1993; Ord. 92-029, 1992; Ord. 92-001, 1992)

**23.84.030. Policies.**

1. Destination resorts shall only be allowed within areas shown on the "Deschutes County Destination Resort Map" and when the resort complies with the requirements of Goal 8, ORS 197.435 to 197.467, and Deschutes County Code 18.113.
2. Applications to amend the map will be collected and will be processed concurrently no sooner than 30 months from the date the map was previously adopted or amended.
3. Mapping for destination resort siting.
  - a. 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:
    1. 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;
    2. 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;
    3. On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception;
    4. 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 protected in spite of identified conflicting uses ("3A" sites designated pursuant to OAR 660-16-010(1));
    5. 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.
      - i. Tumalo deer winter range;
      - ii. Portion of the Metolius deer winter range;
      - iii. Antelope winter range east of Bend near Horse Ridge and Millican;
    6. Sites less than 160 acres.
  - b. ~~In addition, destination resorts shall not be located in areas zoned EFU-320, EFU-80, OS&C and F-1 (as designated pursuant to the implementation of the forest rule by Ordinance 92-026) or on resource lands within one mile outside of urban growth boundaries.~~
  - c. ~~Federal lands not otherwise excluded under these policies shall not be mapped with the DR overlay zone. Federal land not otherwise excluded that becomes privately owned through land exchanges or other federal disposition can be considered for destination resort siting consistent with these policies and mapped as available for destination resort development. To assure that resort development does not conflict with Oregon Revised Statute, destination resorts shall not be sited in Deschutes County in Areas of Critical State Concern.~~
  - c. To assure that resort development does not conflict with the objectives of Deschutes County, destination resorts shall also not be located in the following areas:
    1. Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:
      - i. Antelope Range near Horse Ridge and Millican;
      - ii. Elk Habitat Area; and
      - iii. Deer Winter Range;
    2. Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group;



3. Lands zoned Open Space and Conservation (OS&C);
  4. Lands zoned Forest Use 1 (F-1);
  5. Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation;
  6. Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres;
  7. Farm or forest land within one mile outside of urban growth boundaries;
  8. Lands designated Urban Reserve Area under ORS 195.145;
  9. Platted subdivisions;
- d. For those lands not located in any of the areas designated in (3)(a) through (c), destination resorts may, pursuant to Goal 8, Oregon Revised Statute and Deschutes County zoning code, be sited in the following areas:
1. Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones;
  2. Unirrigated Exclusive Farm Use (EFU) land;
  3. Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation;
  4. Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres;
  5. 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;
  6. Minimum site of 160 contiguous acres or greater under one or multiple ownerships;
- e. The County shall adopt a map showing where destination resorts can be located in the County. Such map shall become part of the Comprehensive Plan and Zoning Ordinance and shall be an overlay zone designated Destination Resort (DR).
24. Ordinance provisions.
- a. The County shall ensure that destination resorts are compatible with the site and adjacent land uses through enactment of land use regulations that, at a minimum, provide for the following:
    1. Maintenance of important natural features, including habitat of threatened or endangered species, streams, rivers, and significant wetlands; maintenance of riparian vegetation within 100 feet of streams, rivers and significant wetlands; and
    2. Location and design of improvements and activities in a manner that will avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area and on the rural transportation system. In order to adequately assess the effect on the transportation system, notice and the opportunity for comment shall be provided to the relevant road authority.
    3. Such regulations may allow for alterations to important natural features, including placement of structures, provided that the overall values of the feature are maintained.
  - b. Minimum measures to assure that design and placement of improvements and activities will avoid or minimize the adverse effects noted in Policy 4(a)5(b) shall include:
    1. The establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fenced, berms, landscaped areas, and other similar types of buffers.
    2. Setbacks of structures and other improvements from adjacent land uses.
  - c. The County may adopt additional land use restrictions to ensure that proposed destination resorts are compatible with the environmental capabilities of the site and surrounding land uses.
  - d. Uses in destination resorts shall be limited to visitor- oriented accommodations, overnight lodgings, developed recreational facilities, commercial uses limited to types and levels necessary to meet the needs of visitors to the resort, and uses consistent with preservation and maintenance of open space.

- e. The zoning ordinance shall include measure that assure that developed recreational facilities, visitor-oriented accommodations and key facilities intended to serve the entire development are physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilitated intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.
3. ~~Phased implementation. The County shall implement Goal 8 in a phased sequence as follows:~~
- a. ~~The County shall adopt a zoning ordinance including all provisions required by Goal 8.~~
  - b. ~~The County shall identify countywide any lands excluded by Goal 8 from destination resort siting. Based on *Alliance for Responsible Land Use in Oregon v. Deschutes County*, 23 Or LUBA 476, affirmed, 15 Or App 621 (1992), land within three miles of the county border shall be excluded under Goal 8 countywide at this time. The exclusion will be reconsidered when land located in adjoining counties and within three miles of Deschutes County has been inventoried to determine whether any of that land constitutes high value crop areas in a manner adequate to determine whether any land in Deschutes County is within three miles of a high value crop area located in a neighboring county.~~
  - e. ~~The County shall map lands available for destination resort siting in a phased sequence. The County shall first consider unirrigated EFU lands and irrigated EFU lands having fewer than 40 acres of contiguous irrigated land or 60 acres of non-contiguous land in the same ownership where such lands are not otherwise excluded from destination resort siting under these policies and Goal 8. Next, as the county proceeds to implement the Goal 4 forest land rule as part of periodic review, the County shall consider to what extent destination resorts may be sited on lands presently zoned for forest uses. Finally, after the County has completed a farm study pursuant to periodic review, the County shall consider to what extent destination resorts may be sited on EFU lands not considered during the first phase of implementation of Goal 8.~~
    - ~~As to those lands not considered in this first phase of destination resort mapping and not otherwise excluded by Goal 8 and Policies 2 and 3 herein, nothing in these policies shall affect the County's consideration in the future as to whether such lands should be made available for destination resort siting. The County shall complete consideration of forest lands and remaining EFU lands for destination resort siting in conjunction with periodic review.~~
    - ~~As successive phases of the destination resort process are taken up by the County, the county may make amendments to the comprehensive plan and zoning maps to add additional areas to the destination resort map.~~
  - d. ~~Until the Goal 8 mapping process is complete, no application for quasi-judicial plan map changes and zone changes to apply to DR zone to areas not designated under the Goal 8 process shall be accepted, unless such applications are filed through the Goal 2 exceptions process.~~
- (Ord. 2010-024 §1, 2010; Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 93-029, 1993; Ord. 92-029, 1992; Ord. 92-001, 1992)

## FINDINGS

The Deschutes County Board of Commissioners (Board) held public hearings on January 20, March 1, April 5, and April 19, 2010 on Ordinance Nos. 2010-024 and 2010-025 to consider legislative plan amendments to Deschutes County Code (DCC) Chapters 22.23 and 23.84.<sup>1</sup> The Board closed the hearing to oral testimony, but left the written record open until Monday, May 24, 2010 at 10:00 a.m. The Board began deliberations on May 24. On June 7, the Board conducted the first and second reading by title only and adopted both ordinances, declaring it an emergency. However, the adoption of the two ordinances on June 7 was not done properly.<sup>2</sup> Because the amendment was not read out loud in full by the Board, the ordinance is not legally adopted. It was placed on the June 9 business meeting agenda as an addition in order to rectify this procedural issue. On June 9, the Board repealed Ordinances Nos. 2010-024 and 2010-025 and scheduled a public hearing for June 30 to take testimony on the County's proposed destination resort remapping criteria and procedures. The Board closed the hearing to oral testimony, but left the written record open until Tuesday, July 6, 2010 at 5:00 p.m. The Board began deliberations on July 7 and on July 14, adopted both ordinances by emergency.

## BACKGROUND

Initiated by staff at the request of the Board and further modified by the Deschutes County Planning Commission, Plan Amendment 2009-3 and Text Amendment 2009-9 encompassed in Ordinances Nos. 2010-024 and 2010-025 create a process and criteria the County will follow to change its destination resort map. The two ordinances modify DCC Chapter 23.84, Destination Resort Goals and Policies, and DCC Chapter 22.23, Destination Resort Map Amendment Procedures by:

- Listing clear and objective mapping criteria for areas that are ineligible for siting destination resorts;
- Listing clear and objective mapping criteria for areas that are eligible for siting destination resorts; and,
- Describing the process for amending Deschutes County's Destination Resort Map.

## PROPOSED TEXT AMENDMENT

The proposed text amendments create a process and criteria the County will follow to change its destination resort map. The proposed text amendments are outlined in the attached exhibits and underlined for new language and shown as ~~strikethrough~~ for deleted language.

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<sup>1</sup> A tax bill insert, complying with Ballot Measure 56 announced the first evidentiary hearing with the planning commission on November 19, 2009. It was distributed in mid-October to all property owners in Deschutes County. The Board hearing was noticed as required in DCC 22.12.020.

<sup>2</sup> ORS 203.045 states: "(6) An ordinance adopted after being read by title only may have no legal effect if it differs substantially from its terms as it is thus filed prior to the reading, unless each section incorporating such a difference, as finally amended prior to being adopted by the governing body, is read fully and distinctly in open meeting of that body."

## PLANNING COMMISSION RECOMMENDATION

The Deschutes County Planning Commission on December 2 closed the public hearing, deliberated and recommended that the Board adopt the above referenced ordinances, with the following refinements included in the recommendations:

- A. A deadline, to be determined by the Board for submitting map amendment applications.
- B. A grandfather clause allowing existing mapped properties to remain on the map regardless if they do not qualify under the new, 2010 eligibility criteria. The clause, which has the same deadline as map amendment applications (see A above) requires property owners to submit a written request specifying that they want the existing resort designation to remain. The grandfathered designation will expire however, for those that fail to submit a request by the established deadline.
- C. Applicants adding properties to the map must demonstrate consistency with the Transportation Planning Rule, Oregon Administrative Rule 660-012-0060.<sup>3</sup>
- D. Text further clarifying Deschutes County's acknowledged Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces program in relationship to the siting of destination resorts.
- E. Multiple property owners that are contiguous and total 160 acres or greater become eligible for adding lands to the destination resort map.

## REVIEW CRITERIA

Two ordinances, Ordinance No. 2010-024 and 2010-025 are adopted. Both create a process and criteria Deschutes County will follow to change its destination resort map. The plan amendment embodied in Ordinance No. 2010-024 relates to eligibility criteria, and 2010-025 to map amendment procedures. Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan amendment. Nonetheless, because this is a Deschutes County initiated plan amendment, the County bears the responsibility for justifying that the amendments are consistent with the statewide planning goals and Deschutes County's Comprehensive Plan.

## FINDINGS

### 1. Statewide Planning Goals.

The parameters for evaluating these specific amendments are based on an adequate factual base and supportive evidence demonstrating consistency with Statewide Goal 1, Citizen Involvement, Goal 2, Land Use Planning, Goal 8, Recreation, Goal 12, Transportation, Oregon Revised Statute (ORS), case law, and Deschutes County Comprehensive Plan. The following findings demonstrate that the two ordinances comply with applicable statewide planning goals and state law. Statewide Goal 1 was met through this adoption process because these amendments had 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 was met

<sup>3</sup> <http://www.publications.ojd.state.or.us/A142351.htm>. This change complies with new case law, *Willamette Oaks, LLC v. City of Eugene and Goodpasture Partners, LLC*, issued by the Oregon Court of Appeals on November 18, 2009.

because ORS 197.455(2) allows for such an amendment process and these new code provisions will be the framework for all future decisions on where to allow destination resorts in this county. 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 Goals 3 through 5.

As for the County's Goal 5 historic resources, the County's regulations already require preservation of those sites regardless of the use proposed for any given property. As for Goals 6 and 7, 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 specifies the rural areas consisting of agricultural, forest, rural development, and natural resources that are eligible for siting destination resorts.<sup>4</sup> Lastly, according to the Comprehensive Plan, the numerous beneficial impacts of destination resorts are recognized by Statewide Planning Goal 8 and by implementing statutes. The new provisions comply with Goal 9 as they 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, as described in the findings below, 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. Although the County is generally not subject to Goal 10, these destination resorts do provide additional housing, albeit, generally higher end housing. Goal 11 is not applicable to destination resorts because destination resorts are specifically allowed urban-type services such as sewer and water. New case law pertaining to Goal 12 requires a map amendment to demonstrate consistency with the Transportation Plan Rule. Refer to Footnotes #2 and #10 for more context.

Goal 13 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.<sup>5</sup> 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 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. The eighth finding below further substantiates that the text amendments are consistent with the Comprehensive Plan.

## **2. Destination Resort Map Amendment / Oregon Revised Statute**

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 urban growth boundary (UGB) of a city. New language was added to ORS 197.455(2) in that same session allowing counties to remap, not more frequently than once every thirty (30) months.<sup>6</sup>

<sup>4</sup> <http://eqov.oregon.gov/LCD/docs/goals/goal8.pdf>

<sup>5</sup> DCC 18.113.050(B)(5) and (11c)

<sup>6</sup> <http://www.leg.state.or.us/ors/197.html>

Remapping is now dependent on creating a process for collecting and processing all map amendments made within a thirty (30) month planning period.

### **3. 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 7<sup>th</sup> 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 (LCDC) 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.<sup>7</sup>

### **4. Deschutes County Destination Resort Chapter**

A destination resort chapter was added to the Deschutes County Comprehensive Plan in 1992 at the request of Eagle Crest Resort.<sup>8</sup> Table 1 lists the mapping criteria used by the County to determine resort eligibility. Under state law, destination resorts are only allowed on a county's destination resort map. As demonstrated in Table 1, the County supplemented the state's criteria by excluding large agricultural and forest parcels, and resource lands within one mile of a UGB.<sup>9</sup> 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 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 map.

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<sup>7</sup> Agenda Item 4, October 15, 2008 LCDC Meeting - Informational Briefing and Public Hearing Regarding Destination Resorts.

<sup>8</sup> <http://www.co.deschutes.or.us/dccode/title23/docs/chapter%2023.84.doc>

<sup>9</sup> 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, and 2001-019.

Table 1 – Deschutes County Destination Resort Map Criteria (1992)

Agency	Criteria
State of Oregon <sup>10</sup>	<p style="text-align: center;"><i>Excluded Lands</i></p> <ul style="list-style-type: none"> <li>• Within 24 air miles of UGB 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.</li> <li>• On a site with 50 or more contiguous acres of unique or prime farmland identified and mapped by the United States Natural Resources Conservation Service, or its predecessor agency.</li> <li>• On a site within 3 miles of a high value crop area unless the resort complies with the requirements of ORS 197.445 (6) in which case the resort may not be closer to a high value crop area than ½ - mile for each 25 units of overnight lodging or fraction thereof.</li> <li>• On predominantly Cubic Foot Site Class 1 or 2 forestlands as determined by the State Forestry Department, which are not subject to an approved goal exception.</li> <li>• In an especially sensitive big game habitat area as determined by Oregon Department of Fish &amp; Wildlife in July 1984 or as designated in acknowledged comprehensive plan.</li> </ul>
Deschutes County	<ul style="list-style-type: none"> <li>• All resource (farm and forest) lands within one mile of a UGB.</li> <li>• Irrigated Exclusive Farm Use (EFU) lands greater than 40 acres of contiguous irrigation under one ownership.</li> <li>• Irrigated EFU lands greater than 60 acres of non-contiguous land in the same ownership.</li> <li>• All Forest Use 1(F-1) zoned property.</li> <li>• Wildlife: a) Tumalo &amp; Metolius deer winter range; b) antelope winter range east of Bend; c) antelope winter range near Millican; d) elk range; e) sage grouse range.</li> </ul> <p style="text-align: center;"><i>Included Lands</i></p> <ul style="list-style-type: none"> <li>• Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones.</li> <li>• Unirrigated EFU lands.</li> <li>• Irrigated EFU lands less than 40 acres of contiguous irrigation under one ownership.</li> <li>• Irrigated EFU lands with 60 acres or less of non-contiguous land in the same ownership.</li> </ul>

Today, there are 112,448 acres in Deschutes County mapped for destination resorts. A vast majority are unsuitable for resort development because they are irreversibly committed to platted subdivisions, rural residential development or small lots. Notable statistics include:

- 10% of mapped area (10,931 acres) is developed or planned as a destination resort or resort community (Sunriver, Black Butte, Inn of 7<sup>th</sup> Mountain/Widgi Creek); and,
- 54% of mapped area (60,175 acres) contains properties less than 160 acres, including several platted subdivisions.

<sup>10</sup> See footnote #5. ORS 197.435 to 197.467

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**5. Ordinance 2010-024 / Destination Resort Goals and Policies**

Ordinance 2010-024 amends the Comprehensive Plan, DCC Chapter 23.84, to include new goals and policies that describe the areas that are eligible and ineligible for siting a destination resort. The criteria noted in Table 2 demonstrates that the new provisions provide clear and objective mapping criteria.

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Table 2 - Map Eligibility Criteria

<p>State of Oregon</p>	<p style="text-align: center;"><i>Ineligible Lands</i></p> <p><b>Destination resorts shall not be sited in Deschutes County in the following areas:</b></p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> <li>• On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception;</li> <li>• 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</li> <li>• In an especially sensitive big game habitat area as determined by ODFW in July 1984 or designated in an acknowledged Comp Plan.             <ul style="list-style-type: none"> <li>i. Tumalo deer winter range;</li> <li>ii. Portion of the Metolius deer winter range;</li> <li>iii. Antelope winter range east of Bend near Horse Ridge and Millican</li> </ul> </li> <li>• Sites less than 160 acres</li> <li>• Areas of Critical State Concern.</li> </ul>
<p>Deschutes County</p>	<ul style="list-style-type: none"> <li>• Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:             <ul style="list-style-type: none"> <li>i. Antelope Range near Horse Ridge and Millican;</li> <li>ii. Elk Habitat Area; and</li> <li>iii. Deer Winter Range</li> </ul> </li> <li>• Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group;</li> <li>• Lands zoned Open Space and Conservation (OS&amp;C);</li> <li>• Lands zoned Forest Use 1 (F-1);</li> <li>• Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation;</li> <li>• Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres;</li> <li>• Farm or forest land within one mile outside of urban growth boundaries;</li> <li>• Lands designated Urban Reserve Area under ORS 195.145;</li> <li>• Platted subdivisions;</li> </ul>
	<p style="text-align: center;"><i>Eligible Lands</i></p> <p><b>For those lands not located in any of the areas identified as ineligible, destination resorts may be sited in the following areas:</b></p> <ul style="list-style-type: none"> <li>• Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones;</li> <li>• Unirrigated Exclusive Farm Use (EFU) land;</li> <li>• Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation;</li> <li>• Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres;</li> <li>• 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</li> </ul> <p style="text-align: center;"><i>Parcel Size</i></p> <ul style="list-style-type: none"> <li>• Minimum site of 160 contiguous acres or greater under one or multiple ownerships</li> </ul>

## 6. Ordinance 2010-025 / Destination Resort Map Amendment Procedures

Ordinance 2010-025 amends the County's procedural code, DCC Chapter 22.23, to include new destination resort map amendment procedures, summarized in Table 3, that describe the process for submitting a map amendment application.

**Table 3 - Destination Resort Map Amendment Procedures**

<i>Procedures</i>
<p><b>The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:</b></p> <ul style="list-style-type: none"><li>• All amendments to the eligibility map shall be processed simultaneously and no more than once every 30 months.</li><li>• The deadline for applications for the first eligibility map amendment shall be the first Tuesday in September by 5:00 p.m..</li><li>• Lands shown on the existing eligibility map but unable to comply with DCC 23.84.030(3)(a), 23.84.030(3)(b), 23.84.030(3)(c) and 23.84.030(3)(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.</li><li>• 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.</li><li>• 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.</li><li>• 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.</li><li>• 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:<ol style="list-style-type: none"><li>1. Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;</li><li>2. Be completed on a form prescribed by the Planning Director;</li><li>3. Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners;</li><li>4. Include documentation that demonstrates compliance with DCC 23.84.030(3)(a), 23.84.030(3)(b), 23.84.030(3)(c) and 23.84.030(3)(d);</li><li>5. 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.<sup>11</sup></li></ol></li><li>• The planning director shall retain any applications received prior to the expiration of the 30-month period.</li><li>• Multiple applications shall be consolidated.</li><li>• The planning director shall schedule the hearing before the planning commission or hearings officer after the expiration of the 30-month period.</li></ul>

<sup>11</sup> See note 2. *Willamette Oaks, LLC v. City of Eugene and Goodpasture Partners, LLC*, issued by the Oregon Court of Appeals on November 18, 2009 requires a local plan amendment to demonstrate consistency with Statewide Planning Goal 12 and the Transportation Planning Rule. Deschutes County fulfills this obligation as cited in Table 3 above and specifically, Ordinance No. 2010-025, Exhibit A, DCC 22.23.010(G)(5).

## **7. Formal Map Amendments**

Because ORS 197.455(2) allows destination resort map amendments only every 30 months, the Board finds a need to establish deadlines for map amendment applications and a grandfather clause that allows existing mapped properties to remain on the map regardless of whether they do or do not qualify under the new, 2010 eligibility criteria.

Thus, the new provisions in DCC 22.23.010(B) and, (C) state:

- (B) The deadline for applications for the first eligibility map amendment shall be the first Tuesday in September by 5:00 p.m.
- (C) Lands shown on the existing eligibility map but unable to comply with DCC 23.84.030(3)(a), 23.84.030(3)(b), 23.84.030(3)(c) and 23.84.030(3)(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.

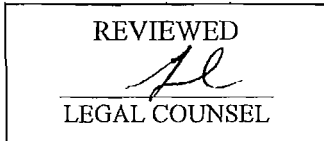
## **8. Consistency with Deschutes County Comprehensive Plan**

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, streams, rivers and significant wetlands. As summarized in Tables 1 and 2, and cited in Ordinance 2010-024, Exhibit A, Deschutes County's proposed eligibility criteria continue to protect certain agricultural and forest lands, and acknowledged Goal 5 natural resources. As discussed above, these new provisions were designed to comply with the statewide planning goals. Therefore, because the County's comprehensive plan was adopted to comply with those goals and had been acknowledged as such, the new provisions also comply with the County's comprehensive plan policies and goals, which are rarely more restrictive than the statewide planning goals.

Additionally, Ordinance 2010-025, Exhibit A, proposes a grandfathered clause for existing mapped properties to remain on the map regardless if they do not qualify under the new, 2010 eligibility criteria. Even these grandfathered properties, if so chosen to remain mapped, are consistent with the Comprehensive Plan because the existing destination resort map is acknowledged by the Oregon Department of Land Conservation and Development.<sup>12</sup> 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 Combining 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.

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<sup>12</sup> See Finding #2, page 3.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Adding Deschutes County Code Chapter 22.23, Adopting Destination Resort Map Amendment Procedures, and Declaring an Emergency. \* \* \* \* \* ORDINANCE NO. 2010-025

WHEREAS, the Board of County Commissioners ("Board") directed staff to initiate a plan amendment to adopt map amendment procedures for destination resort remapping; and

WHEREAS, after notice was given in accordance with applicable law, public hearings were held on November 19, 2009, and on December 2, 2009 before the Deschutes County Planning Commission and, on December 2, 2009, the Planning Commission recommended approval of the Comprehensive Plan amendments; and

WHEREAS, on February 25, 2010 the Planning Commission forwarded to the Board additional recommendations for amendments to DCC Chapter 22.23; and

WHEREAS, the Board held duly noticed public hearings on January 20, March 1, April 5, and April 19, 2010 on Ordinance 2010-001, the ordinance that included the amendments to DCC Chapter 23.84, and Ordinance 2010-002, the ordinance that added DCC Chapter 22.23, the procedures for amending the County Comprehensive Plan map;

WHEREAS, on June 7, 2010, the Board amended Ordinance 2010-002, conducted the first and second reading by title only of Ordinances 2010-001 and 2010-002, and adopted both ordinances declaring an emergency; and

WHEREAS, on June 9, the Board determined that the adoption of Ordinance 2010-002 was not done in accordance with ORS 203.045(6) because the amendment to Ordinance 2010-002 adopted on June 7, 2010 was not included in the ordinance filed with the Board Clerk on June 1, 2010 or read in full by the Board, thereby rendering the ordinance ineffective; and

WHEREAS, on June 9, 2010, the Board repealed Ordinances 2010-001 and 2010-002 and scheduled a public hearing on new versions of both ordinances for June 30, 2010 at 10:00 am; and

WHEREAS, this ordinance replaces Ordinance 2010-002 with additional amendments to DCC 22.23; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on June 30, 2010 and concluded that the public will benefit from changes to the land use regulations; and

WHEREAS, in order to be able to provide direct public notice utilizing the county tax statement mailing in October, 2010 the Board finds it in the public interest to adopt this ordinance by emergency; now, therefore,

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

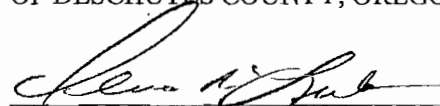
Section 1. ADDING. DCC Chapter 22.23, Destination Resort Map Amendment Procedures, is hereby added to read as described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2. FINDINGS. The Board adopts as its findings Exhibit "B" attached to Ordinance 2010-024 and incorporated by reference herein.

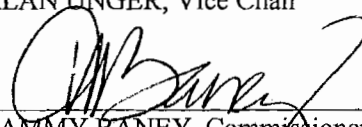
Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 28<sup>th</sup> of July, 2010


BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

  
DENNIS R. LUKE, Chair

  
ALAN UNGER, Vice Chair

  
TAMMY BANEY, Commissioner

ATTEST:

  
Recording Secretary

Date of 1<sup>st</sup> Reading: 14<sup>th</sup> day of July, 2010.

Date of 2<sup>nd</sup> Reading: 28<sup>th</sup> day of July, 2010.

Commissioner	Record of Adoption Vote:			
	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 28<sup>th</sup> day of July, 2010.

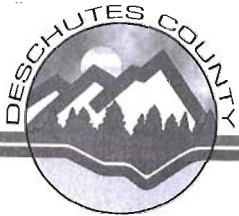
**Chapter 22.23. DESTINATION RESORT MAP AMENDMENT PROCEDURES**

**22.23.010. Destination Resort Map Amendment Procedures.**

The existing comprehensive plan map of sites eligible for destination resorts (“eligibility map”) may be amended as follows:

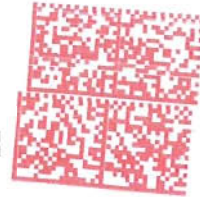
- A. All amendments to the eligibility map shall be processed simultaneously and no more than once every 30 months.
- B. The deadline for applications for the first eligibility map amendment shall be the first Tuesday in September by 5:00 p.m.
- C. Lands shown on the existing eligibility map but unable to comply with DCC 23.84.030(3)(a), 23.84.030(3)(b), 23.84.030(3)(c) and 23.84.030(3)(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.
- D. 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.
- E. 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.
- F. 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.
- G. 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:
  1. Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;
  2. Be completed on a form prescribed by the Planning Director;
  3. Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners;
  4. Include documentation that demonstrates compliance with DCC 23.84.030(3)(a), 23.84.030(3)(b), 23.84.030(3)(c) and 23.84.030(3)(d);
  5. 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.
- H. The planning director shall retain any applications received prior to the expiration of the 30-month period.
- I. Multiple applications shall be consolidated.
- J. The planning director shall schedule the hearing before the planning commission or hearings officer after the expiration of the 30-month period.

(Ord. 2010-002 §1, 2010)



## Community Development Department

117 NW Lafayette Avenue • Bend, Oregon 97701-1925



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07/30/2010

Mailed From 97701

US POSTAGE

Attention: Plan Amendment Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-3540