

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18 of *
the Deschutes County Code to Adopt *
an Ordinance Regulating the Siting of *
Destination Resorts and Declaring *
an Emergency. *

92-05048

ORDINANCE NO. 92-004

92 FEB 10 PM 4:05
MARY SUE PERHOLLON
COUNTY CLERK

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WHEREAS, Deschutes County has determined to implement LCDC Statewide Planning Goal 8; and

WHEREAS, Goal 8 requires the County to adopt certain criteria regulating the siting of destination resorts in the County; and

WHEREAS, public hearings have been held in conformance with state law to implement the Goal 8 ordinance requirements; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON ORDAINS AS FOLLOWS:

Section 1. Section 18.040.030, Definitions, is amended to replace the definition of "Destination Resort" with the definition set forth in Exhibit A, attached hereto and by this reference incorporated herein.

Section 2. Section 18.040.030, Definitions, is amended to add the definitions set forth in Exhibit B, attached hereto and by this reference incorporated herein.

Section 3. Chapter 18.16, Exclusive Farm Zones, is amended to add a new section 18.16.035 as follows:

18.16.035. Destination Resorts.

In the EFU-40 and EFU-20 zones, destination resorts may be allowed as a conditional use, subject to all applicable standards of the DR zone.

Section 4. Chapter 18.32, MUA Zone, is amended to add a new section 18.32.035 as follows:

18.32.035. Destination Resorts.

Destination resorts may be allowed as a conditional use, subject to all applicable standards of the DR zone.

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Section 5. Section 18.40.030, F-2 Conditional Uses Permitted, is amended to delete subsection (K), Destination Resorts.

Section 6. Chapter 18.40, F-2 Zone, is amended to add a new subsection 18.40.35, as follows:

18.40.035. Destination Resorts.

Destination resorts may be allowed as a conditional use, subject to all applicable standards of the DR zone where mapped.

Section 7. Section 18.44.030, F-3 Conditional Uses Permitted, is amended to delete subsection (K), Destination Resorts.

Section 8. Chapter 18.44, F-3 Zone, is amended to add a new subsection 18.44.35 as follows:

18.44.035. Destination Resorts.

Destination resorts may be allowed as a conditional use, subject to all applicable standards of the DR zone where mapped.

Section 9. Section 18.48.030, OS&C Conditional Uses Permitted, is amended to read as follows:

18.48.030. Conditional Uses Permitted

The following uses may be allowed subject to Chapter 18.128 of this title:

- A. Commercial, private picnic or campgrounds.
- B. Commercial, private group camping facility.
- C. Utility facility except landfills.
- D. Public or private golf courses.
- E. Water supply and treatment facility.
- F. Commercial recreation use including marina, riding stable, [destination resort] gun club, recreation camp, and dude ranch.
- G. Public marina, recreation camp or resort.
- H. Public or private rockhound sites.
- I. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to Sections 18.120.050 and 18.128.040(W).

Section 10. Section 18.60.030, RR-10 Conditional Uses Permitted, is amended to delete subsection (B), Destination Resort.

Section 11. Chapter 18.60 is amended to add a new subsection 18.60.035 as follows:

18.60.035. Destination Resorts.

Destination resorts may be allowed as a conditional use, subject

to all applicable standards of the DR zone.

Section 12. Section 18.128.040(S) is amended to exclude any reference to the term "Destination Resort".

Section 13. Title 18 of the Deschutes County Code, the County Zoning Ordinance, as amended, is further amended to adopt a new Chapter 18.113, Destination Resorts, attached hereto as Exhibit C and by this reference incorporated herein.

Section 14. The Board of County Commissioners adopts as its findings and conclusions in support of this amendment the findings and conclusions of the Board of County Commissioners dated February 7, 1992, attached hereto as Exhibit D and by this reference incorporated herein.

Section 15. 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 7th day of February, 1992.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

TOM THROOP
TOM THROOP, Commissioner

NANCY POPE SCHLANGEN
NANCY POPE SCHLANGEN, Commissioner

DICK MAUDLIN
DICK MAUDLIN, Chairman

ATTEST:

Andrea L. Chum
Recording Secretary

EXHIBIT A

Destination Resort. A self-contained development providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a "major destination resort" under Goal 8, a proposed development must meet the following standards:

1. The resort is located on a site of 160 or more acres.
2. At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas.
3. At least two million dollars (\$2,000,000) (in 1984 dollars is spent in the first phase on improvements for on-site developed recreational facilities and visitor-oriented accommodations, exclusive of costs for land, sewer and water facilities, and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Developed recreational facilities and key facilities intended to serve the entire development and visitor-oriented accommodations must be physically provided or be 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 facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.
4. Visitor-oriented accommodations are provided, including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodgings. Accommodations available for residential use will not exceed two such units for each unit of overnight lodging.
5. Commercial uses limited to those types and levels necessary to meet the needs of visitors to the development. Industrial uses are not permitted.

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EXHIBIT B

Developed Recreation Facilities. With respect to destination resorts, means improvements constructed for the purpose of recreation. These include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities and bicycle paths.

Overnight Lodgings. With respect to destination resorts, means permanent, separately rentable accommodations that are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and timeshare units. Individually-owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.

Self-Contained Development. With respect to destination resorts, means community sewer, water and recreational facilities provided on site and limited to meet the needs of the resort or provided by existing public sewer or water service as long as all costs related to service extension and any capacity increase are borne by the development. A "self-contained development" shall have developed recreational facilities provided on site.

Visitor-Oriented Accommodations. With respect to destination resorts, means overnight lodging, restaurants and meeting facilities designed to provide for the needs of visitors rather than residents.

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CHAPTER 18.113
DESTINATION RESORTS

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18.113.010 PURPOSE

- A. The purpose of the DR zone is to establish a mechanism for siting destination resorts and review of destination resorts to ensure compliance with LCDC Goal 8 and the county comprehensive plan. The destination resort designation is intended to identify land areas which are available for the siting of destination resorts but which will only be developed if consistent with the purpose and intent of this chapter and Goal 8.
- B. The DR zone is an overlay zone. The DR zone is intended to provide for properly designed and sited destination resort facilities which enhance and diversify the recreational opportunities and the economy of Deschutes County. The DR zone will ensure resort development that compliments the natural and cultural attractiveness of the area without significant adverse effect on commercial farming and forestry, environmental and natural features, cultural and historic resources and their settings and other significant resources.
- C. It is the intent of this chapter to establish procedures and standards for developing destination resorts while ensuring that all applicable county comprehensive plan policies are achieved.
- D. It is the intent of this chapter to ensure that all elements of a destination resort which are proposed are financially secured in a manner which will protect the public's interest should the development not be completed as proposed.
- E. It is not the intent of this chapter to site developments that are in effect rural subdivisions, whose primary purpose is to serve full-time residents of the area.

18.113.020 APPLICABILITY

- A. The provisions of this chapter shall apply to proposals for the development of destination resorts, as defined in this Title, in areas designated DR by the County zoning maps. The provisions of this Chapter shall not apply to any development proposal in an area designated DR other than a destination resort.

- B. When these provisions are applicable, they shall supercede all other provisions of the underlying zone. Other provisions of the zoning ordinance, made applicable by specific map designations, such as the SMIA, AH, CH, FP or LM, or otherwise applicable under the terms of the zoning ordinance text shall remain in full force and effect, unless otherwise specified herein.
- C. The provisions of this chapter apply to destination resorts sited through the Goal 2 exception process.

18.113.025 APPLICATION TO EXISTING RESORTS

Expansion proposals of existing developments approved as destination resorts shall meet the following criteria:

- A. Meet all criteria of this Chapter without consideration of any existing development; or
- B. Meet all criteria of this Chapter for the entire development (including the existing approved destination resort development and the proposed expansion area), except that as to the area covered by the existing destination resort, compliance with setbacks and lot sizes shall not be required.

If the applicant chooses to support its proposal with any part of the existing development, applicant shall demonstrate that the proposed expansion will be situated and managed in a manner that it will be integral to the remainder of the resort.

18.113.030 USES IN DESTINATION RESORTS

The following uses are allowed, provided they are part of, and are intended to serve persons at, the destination resort pursuant to this section and are approved in a final master plan:

- A. Visitor-oriented accommodations designed to provide for the needs of visitors to the resort:
1. Overnight lodging, including lodges, hotels, motels, bed and breakfast facilities, time share units and similar transient lodging facilities;
 2. Convention and conference facilities and meeting rooms;
 3. Retreat centers;

4. Restaurants, lounges and similar eating and drinking establishments; and
 5. Other similar visitor-oriented accommodations consistent with the purposes of this chapter and Goal 8.
- B. Developed recreational facilities designed to provide for the needs of visitors and residents of the resort:
1. Golf courses and clubhouses;
 2. Indoor and outdoor swimming pools;
 3. Indoor and outdoor tennis courts;
 4. Physical fitness facilities;
 5. Equestrian facilities;
 6. Wildlife observation shelters;
 7. Walkways, bike paths, jogging paths, equestrian trails;
 8. Other similar recreational facilities consistent with the purposes of this chapter and Goal 8.
- C. Residential accommodations:
1. Single-family dwellings;
 2. Duplexes, triplexes, fourplexes and multi-family dwellings;
 3. Condominiums;
 4. Town houses;
 5. Living quarters for employees;
 6. Time-share projects.
- D. Commercial services and specialty shops designed to provide for the visitors to the resort:
1. Specialty shops, including but not limited to delis, clothing stores, book stores, gift shops and specialty food shops;
 2. Barber shops/beauty salons;

3. Automobile service stations limited to fuel sales, incidental parts sales and minor repairs;
 4. Craft and art studios and galleries;
 5. Real estate offices;
 6. Convenience stores; and
 7. Other similar commercial services which provide for the needs of resort visitors and are consistent with the purposes of this chapter and Goal 8.
- E. Uses permitted in open space areas generally include only those uses that, except as specified herein, do not alter the existing or natural landscape of the proposed open space areas. No improvements, development or other alteration of the natural or existing landscape shall be allowed in open space areas, except as necessary for development of golf course fairways and greens, hiking and bike trails, lakes and ponds, and primitive picnic facilities including park benches and picnic tables. Where farming activities would be consistent with identified pre-existing open space uses, irrigation equipment and associated pumping facilities shall be allowed.
- F. Facilities necessary for public safety and utility service within the destination resort.
- G. Other similar uses permitted in the underlying zone consistent with the purposes of this section.
- H. Accessory Uses in Destination Resorts:
1. The following accessory uses shall be permitted provided they are ancillary to the destination resort and consistent with the purposes of this chapter and Goal 8:
 - a. Transportation-related facilities excluding airports;
 - b. Emergency medical facilities;
 - c. Storage structures and areas;
 - d. Kennels as a service for resort visitors only;
 - e. Recycling and garbage collection facilities;
 - f. Other similar accessory uses consistent with

the purposes of this chapter and Goal 8.

18.113.040 APPLICATION SUBMISSION

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The authorization of a permit for a destination resort shall consist of three steps.

Conceptual Master Plan and Conditional Use Permit For Destination Resort

1. A conceptual master plan (CMP) shall be submitted which addresses all requirements established in this section. The CMP application shall be processed as if it were a conditional use permit under Chapter 22 of the Deschutes County Code, shall be subject to Sections 18.128.010, 18.128.020 and 18.128.030 of the Deschutes County Code and shall be reviewed for compliance with the standards and criteria set forth in this chapter.

Final Master Plan

2. The applicant shall prepare a final master plan (FMP) which incorporates all requirements of the county approval for the CMP. The Planning Director shall review the FMP to determine if it complies with the approved CMP and all conditions of approval of the conditional use permit. The Planning Director shall have the authority to approve, deny or return the FMP to the applicant for additional information. When interpretations of the Planning Director involve issues which are discretionary the FMP approval shall be treated as a land use permit in accordance with Chapter 22 of the County Code.

Site Plan Review

3. Each element or development phase of the destination resort must receive additional approval through the required site plan review (Chapter 18.124 of the County Code) or subdivision process (Title 17 of the County Code). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of this chapter and the FMP.

18.113.050 REQUIREMENTS FOR CONDITIONAL USE PERMIT AND CONCEPTUAL MASTER PLAN APPLICATIONS

The CMP provides the framework for development of the destination resort and is intended to ensure that the destination resort meets the requirements of this chapter. The CMP application shall include the following information:

- A. Illustrations and graphics to scale, identifying:
1. The location and total number of acres to be developed as a planned destination resort;
 2. The subject area and all land uses adjacent to the subject area;
 3. The topographic character of the site;
 4. Types and general location of proposed development uses, including residential and commercial uses;
 5. Major geographic features;
 6. Proposed methods of access to the development, identifying the main vehicular circulation system within the resort and an indication of whether streets will be public or private;
 7. Major pedestrian, equestrian and bicycle trail systems;
 8. Important natural features of the site, including habitat of threatened or endangered species, streams, rivers, wetlands and riparian vegetation within 200 feet of streams, rivers and wetlands.
 9. All uses proposed within Landscape Management corridors identified by the comprehensive plan or zoning ordinance.
 10. The location and number of acres reserved as open space, buffer area, or common area. Areas designated as "open space", "buffer area", or "common area" should be clearly illustrated and labeled as such;
 11. All proposed recreational amenities.
 12. Proposed overall density.
- B. Further information as follows:
1. A description of the natural characteristics of the site and surrounding areas, including a description of resources and the effect of the destination resort on the resources; methods employed to

mitigate adverse impacts on resources; analysis of how the overall values of the natural features of the site will be preserved, enhanced or utilized in the design concept for the destination resort; and a proposed resource protection plan to ensure that important natural features will be protected and maintained. Factors to be addressed include:

- a. Compatibility of soil composition for proposed development(s) and potential erosion hazard;
 - b. Geology, including areas of potential instability;
 - c. Slope and general topography;
 - d. Areas subject to flooding;
 - e. Other hazards or development constraints;
 - f. Vegetation;
 - g. Water areas, including streams, lakes, ponds and wetlands;
 - h. Important natural features;
 - i. Landscape management corridors;
 - j. Wildlife.
2. A traffic study which addresses (1) impacts on affected county, city and state road systems and (2) transportation improvements necessary to mitigate any such impacts. The study shall be submitted to the affected road authority (either the County Department of Public Works or the Oregon Department of Transportation, or both) at the same time as the conceptual master plan and shall be prepared by a licensed traffic engineer to the minimum standards of the road authorities.
 3. A description of how the proposed destination resort will satisfy the standards and criteria of Sections 18.113.060 and 18.113.070 of this chapter;
 4. Design guidelines and development standards defining visual and aesthetic parameters for:
 - a. Building character;
 - b. Landscape character;

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- c. Preservation of existing topography and vegetation;
 - d. Siting of buildings; and
 - e. Proposed standards for minimum lot area, width, frontage, lot coverage setbacks and building heights.
5. An open space management plan which includes:
 - a. An explanation of how the open space management plan meets the minimum standards of this Chapter for each phase of the development;
 - b. An inventory of the important natural features identified in the open space areas and any other open space and natural values present in the open space;
 - c. A set of management prescriptions that will operate to maintain and conserve in perpetuity any identified important natural features and other natural or open space values present in the open space;
 - d. Deed restrictions that will assure that the open space areas are maintained as open space in perpetuity.
 6. An explanation of public use of facilities and amenities on the site.
 7. A description of the proposed method of providing all utility systems, including the location and sizing of the utility systems;
 8. A description of the proposed order and schedule for phasing, if any, of all development including an explanation of when facilities will be provided and how they will be secured if not completed prior to closure of sale of individual lots or units;
 9. An explanation of how the destination resort has been sited or designed to avoid or minimize adverse effects or conflicts on adjacent lands. The application shall identify the surrounding uses and potential conflicts between the destination resort and adjacent uses within 660 feet of the boundaries of the parcel on parcels upon which the resort is to be developed. The application shall explain how any proposed buffer area will avoid or minimize

10. A description of the proposed method for providing emergency medical facilities and services and public safety facilities and services including fire and police protection.
11. A study prepared by a hydrologist, engineering geologist or similar professional certified in the State of Oregon describing:
 - a. An estimate of water demands for the destination resort at maximum buildout, including a breakdown of estimated demand by category of consumption, including but not limited to residential, commercial, golf courses and irrigated common areas;
 - b. Availability of water for estimated demands at the destination resort, including (1) identification of the proposed source; (2) identification of all available information on ground and surface waters relevant to the determination of adequacy of water supply for the destination resort; (3) identification of the area that may be measurably impacted by the water used by the destination resort (water impact area) and an analysis supporting the delineation of the impact area; and (4) a statistically valid sampling of domestic and other wells within the impact area.
 - c. A water conservation plan including an analysis of available measures which are commonly used to reduce water consumption. This shall include a justification of the chosen water conservation plan. The water conservation plan shall include a waste water disposal plan utilizing beneficial use of reclaimed water to the maximum extent practicable.

For the purposes of this section, beneficial uses shall include, but are not limited to:

- (1) Irrigation of golf courses and greenways;
 - (2) Establishment of artificial wetlands for wildlife habitation.
12. An erosion control plan for all disturbed land, as required by ORS Chapter 468. This plan shall include storm and melt water erosion control to be

implemented during all phases of construction, and permanent facilities or practices for the continuing treatment of these waters. This plan shall also explain how the water shall be used for beneficial use or why it cannot be used as such.

13. A description of proposed sewage disposal methods;
14. Wildfire prevention, control and evacuation plans;
15. A description of interim development including temporary structures related to sales and development;
16. Plans for owners' associations and related transition of responsibilities and transfer of property;
17. A description of the methods of ensuring that all facilities and common areas within each phase will be established and will be maintained in perpetuity;
18. A survey of housing availability for employees based upon income level and commuting distance;
19. An economic impact and feasibility analysis of the proposed development prepared by a qualified professional economist(s) or financial analyst(s) shall be provided which includes:
 - a. An analysis which addresses the economic viability of the proposed development;
 - b. Fiscal impacts of the project including changes in employment, increased tax revenue, demands for new or increased levels of public services, housing for employees, and the effects of loss of resource lands during the life of the project;
20. A solid waste management plan;
21. A description of the system to be used for the management of any individually owned units that will be used for overnight lodging and how it will be implemented, including proposed rental contract provisions to assure that any individually-owned lodging facilities will be available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service.

22. If the proposed destination resort is in a SMIA combining zone, Chapter 18.56 of this Title shall be addressed;
23. If the proposed destination resort is in a LM Combining Zone, Chapter 18.84 of this Title shall be addressed.
24. A survey of historic and cultural resources inventoried on an acknowledged Goal 5 inventory.
25. Other information as may reasonably be required by the Planning Director to address the effect of the proposed development as related to the requirements of this ordinance.

18.113.060 STANDARDS FOR DESTINATION RESORTS

The following standards shall govern consideration of destination resorts:

- A. The destination resort shall, in the first phase, provide for and include as part of the CMP, the following minimum requirements:
 1. At least 150 separate rentable units for visitor-oriented lodging.
 2. Visitor-oriented eating establishments for at least 100 persons and meeting rooms which provide seating for at least 100 persons.
 3. The aggregate cost of developing the overnight lodging facilities and the eating establishments and meeting rooms required in subsections (1) and (2) shall be at least two (2) million dollars (in 1984 dollars).
 4. At least two (2) million dollars (in 1984 dollars) shall be spent on developed recreational facilities.
 5. The facilities and accommodations required by this section must be physically provided or financially assured pursuant to Section 18.113.110 of this chapter prior to closure of sales, rental or lease of any residential dwellings or lots.
- B. All destination resorts shall have a minimum of 160 contiguous acres of land. Acreage split by public roads or rivers or streams shall count toward the acreage limit, provided that the CMP demonstrates that the

isolated acreage will be operated or managed in a manner that will be integral to the remainder of the resort.

- C. All destination resorts shall have direct access onto a state or county arterial or collector roadway, as designated by the comprehensive plan;
- D. A destination resort shall, cumulatively and for each phase, meet the following minimum requirements:
1. The resort shall have a minimum of 50% of the total acreage of the development dedicated to permanent open space, excluding yards, streets and parking areas. Portions of individual residential lots and landscape area requirements for developed recreational facilities, visitor-oriented accommodations, or multi-family or commercial uses established by Chapter 18.124.070 shall not be considered open space;
 2. Individually-owned residential units shall not exceed two such units for each unit of visitor-oriented overnight lodging. Individually-owned units shall be considered visitor-oriented lodging if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through one or more central reservation and check-in service(s).
- E. Phasing. A destination resort authorized pursuant to this section may be developed in phases. If a proposed resort is to be developed in phases, each phase shall be as described in the CMP. Each individual phase shall meet the following requirements:
1. Each phase, together with previously completed phases, if any, shall be capable of operating in a manner consistent with the intent and purpose of this chapter and Goal 8.
 2. The first phase and each subsequent phase of the destination resort shall cumulatively meet the minimum requirements of this section and Section 18.113.070.
 3. Each phase may include two or more distinct non-contiguous areas within the destination resort.
- F. Destination resorts shall not exceed a density of 1 1/2 dwelling units per acre including residential dwelling units and excluding visitor-oriented overnight lodging.
- G. Dimensional Standards:

1. The minimum lot area, width, lot coverage, frontage and yard requirements and building heights otherwise applying to structures in underlying zones and the provisions of chapter 18.116 relating to solar access shall not apply within a destination resort. These standards shall be determined by the Planning Director or Hearings Body at the time of the CMP. In determining these standards the Planning Director or Hearings Body shall find that the minimums specified in the CMP are adequate to satisfy the intent of the comprehensive plan relating to solar access, fire protection, vehicle access, visual management within landscape management corridors and to protect resources identified by LCDC Goal 5 which are identified in the comprehensive plan. At a minimum a 100' setback shall be maintained from all streams and rivers. Rimrock setbacks shall be as provided in this Title. No lot for a single family residence shall exceed an overall project average of 22,000 square feet in size.
2. Exterior setbacks.
 - a. Except as otherwise specified herein, all development (including structures, site-obscuring fences of over 3 feet in height and changes to the natural topography of the land) shall be setback from exterior property lines as follows:
 - (i) 350 feet for commercial development including all associated parking areas;
 - (ii) 250 feet for multi-family development and visitor-oriented accommodations (except for single-family residences) including all associated parking areas;
 - (iii) 150 feet for above-grade development other than that listed in subsections (i) and (ii);
 - (iv) 100 feet for roads;
 - (v) 50 feet for golf courses; and
 - (vi) 50 feet for jogging trails and bike paths where they abutt private developed lots and no setback for where they abutt public roads and public lands.

- b. Notwithstanding subsection (a)(iii) above-grade development other than that listed in subsection (a)(i) and (ii) shall be set back 250 feet in circumstances where state highways coincide with exterior property lines.
- c. The setbacks of this section shall not apply to entry roadways and signs.
- H. Floodplain requirements. The floodplain zone (FP) requirements of Chapter 18.96 shall apply to all developed portions of a destination resort in a FP zone in addition to any applicable criteria of this chapter. Except for floodplain areas which have been granted an exception to LCDC Goals 3 and 4, floodplain zones shall not be considered part of a destination resort when determining compliance with the following standards;
1. 160 acre minimum site;
 2. Density of development;
 3. Open space requirements.
- A conservation easement as described in this Title shall be conveyed to the county for all areas within a floodplain which are part of a destination resort.
- I. The Landscape Management Combining Zone (LM) requirements of Chapter 18.84 shall apply to destination resorts where applicable.
- J. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be a separate conditional use subject to all pertinent requirements of this title.
- K. Timeshare units not included in the overnight lodging calculations shall be subject to approval under the conditional use criteria set forth in Chapter 18.128. Timeshare units identified as part of the destination resort's overnight lodging units shall not be subject to the timeshare conditional use criteria of Chapter 18.128.

18.113.070 APPROVAL CRITERIA

In order to approve a destination resort the Planning Director or Hearings Body shall find from substantial evidence in the record that:

- A. The subject proposal is a destination resort as defined in Section 18.040.030 of this title.
- B. All standards established by Section 18.113.060 of this chapter are or will be met.
- C. The economic analysis demonstrates that:
 - 1. The necessary financial resources are available for the applicant to undertake the development consistent with the minimum investment requirements established by this chapter.
 - 2. Appropriate assurance has been submitted by lending institutions or other financial entities that the developer has or can reasonably obtain adequate financial support for the proposal once approved.
 - 3. The destination resort will provide a substantial financial contribution which positively benefits the local economy throughout the life of the entire project, considering changes in employment, demands for new or increased levels of public service, housing for employees and the effects of loss of resource land.
 - 4. The natural amenities of the site considered together with the identified developed recreation facilities to be provided with the resort, will constitute a primary attraction to visitors, based on the economic feasibility analysis.
- D. Any negative impact on fish and wildlife resources will be completely mitigated so that there is no net loss or net degradation of the resource.
- E. Important natural features, including but not limited to significant wetlands, riparian habitat, and landscape management corridors will be maintained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands will be maintained. Alterations to important natural features, including placement of structures, is allowed so long as the overall values of the feature are maintained.
- F. The development will not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- G. 1. Destination resort developments that significantly affect a transportation facility shall assure that

the development is consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either:

- a. Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;
- b. Providing transportation facilities adequate to support the proposed development consistent with OAR Chapter 660, Division 12; or
- c. Altering land use densities, design requirements, or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.

A destination resort significantly affects a transportation facility if it would result in levels of travel or access that are inconsistent with the functional classification of a facility or would reduce the level of service of the facility below the minimum acceptable level identified in the relevant transportation system plan.

2. Where the option of providing transportation facilities is chosen, the applicant shall be required to improve impacted roads to the full standards of the affected authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development as determined by the traffic study or the recommendations of the affected road authority.
 3. Access within the project shall be adequate to serve the project in a safe and efficient manner for each phase of the project.
- H. The development will not create the potential for natural hazards identified in the county comprehensive plan. No structure will be located on slopes exceeding 25 percent. A wildfire management plan will be implemented to ensure that wildfire hazards are minimized to the greatest extent practical and allow for safe evacuation.
- I. Adequate public safety protection will be available through existing fire districts or will be provided onsite according to the specification of the state fire marshal. If the resort is located outside of an existing fire district the developer will provide for staffed structural fire protection services. Adequate public facilities to provide for necessary safety

services such as police and fire will be provided on the site to serve the proposed development.

- J. Streams and Drainage. Unless otherwise agreed to in writing by the adjoining property owner(s), existing natural drainages on the site will not be changed in any manner which interferes with drainage patterns on adjoining property. All surface water drainage changes created by the development will be contained on site in a manner which meets all standards of the Oregon State Department of Environmental Quality (DEQ). The erosion control plan for the subject development will meet all standards of ORS Chapter 468.
- K. Adequate water will be available for all proposed uses at the destination resort, based upon the water study and a proposed water conservation plan. Water use will not reduce the availability of water in the water impact areas identified in the water study considering existing uses and potential development previously approved in the affected area. Water sources shall not include any perched water table. Water shall only be taken from the regional aquifer. Where a perched water table is pierced to access the regional aquifer, the well must be sealed off from the perched water table.
- L. The wastewater disposal plan includes beneficial use to the maximum extent practicable. Approval of the CMP shall be conditioned on applicant's making application to DEQ for a Water Pollution Control Facility (WPCF) permit consistent with such an approved wastewater disposal plan. Approval shall also be conditioned upon applicant's compliance with applicable Oregon Administrative Rules regarding beneficial use of waste water, as determined by DEQ. Applicant shall received approval of a WPCF permit consistent with this provision prior to applying for approval for its Final Master Plan under this Chapter.
- M. The resort will mitigate any demands it creates on publicly owned recreational facilities on public lands in the surrounding area.
- N. Site improvements will be located and designed to avoid or minimize adverse effects of the resort on the surrounding land uses. Measures to accomplish this may include establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and appropriate fences, berms, landscaped areas and similar types of buffers; and setback of structures and other developments from adjacent land uses.

- O. The resort will be served by an onsite sewage system approved by DEQ and a water system approved by the Oregon State Health Division except where connection to an existing public sewer or water system is allowed by the county comprehensive plan such service and will be provided to the resort.
- P. The destination resort will not alter the character of the surrounding area in a manner that substantially limits, impairs or prevents permitted or conditional uses of surrounding properties.
- Q. Commercial, cultural, entertainment or accessory uses provided as part of the destination resort will be contained within the development and will not be oriented to public highways adjacent to the property. Commercial, cultural and entertainment uses allowed within the destination resort will be incidental to the resort itself. As such, these ancillary uses will be permitted only at a scale suited to serve visitors to the resort.

The commercial uses permitted in the destination resort will be limited in type, location, number, dimensions, and scale (both individually and cumulatively) to that necessary to serve the needs of resort visitors. A commercial use is necessary to serve the needs of visitors if:

1. Its primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to the resort, or the use is necessary for operation, maintenance, or promotion of the destination resort; and
 2. The use is oriented to the resort and is located away from or screened from highways or other major through roadways.
- R. A plan exists to ensure a transfer of common areas, facilities such as sewer, water, streets, and responsibility for police and fire protection to owners' associations or similar groups if contemplated. If such transfer is not contemplated, the owner or responsible party shall be clearly designated. Adequate open space, facility maintenance and police and fire protection shall be ensured in perpetuity in a manner acceptable to the county.
- S. Temporary structures will not be allowed unless approved as part of the CMP. Temporary structures will not be allowed for more than 18 months and will be subject to all use and site plan standards of this Title.

- T. The open space management plan is sufficient to protect in perpetuity identified open space values.
- U. A mechanism to ensure that individually-owned units counting toward the overnight lodging total remain available for rent for at least 45 weeks per calendar year through a central reservation and check-in service. Such a mechanism shall include all of the following:
1. Designation on the plat of which individually-owned units are to be considered to be overnight lodging as used in this Chapter;
 2. Deed restrictions limiting use of such identified premises to overnight lodging purposes under this Chapter for at least 45 weeks each year;
 3. Inclusion in the CC&R's of an irrevocable provision enforceable by the County limiting use of such identified units to overnight lodging purposes under this Chapter for at least 45 weeks each year;
 4. Inclusion of language in any rental contract between the owner of the unit and any central reservation and check-in service requiring that such units be made available as overnight lodging facilities under this Chapter for at least 45 weeks each year; and
 5. A requirement that each such unit be registered and a report be filed on each such unit yearly by the owner or central booking agent on January 1 with the Planning Division as to the following information:
 - a. who the owner or owners have been over the last year;
 - b. how many nights out of the year the unit was available for rent through the central reservation and check-in service; and
 - c. how many nights out of the year the unit was rented out as an overnight lodging facility under this Chapter.

18.113.075 IMPOSITION OF CONDITIONS

The standards made applicable by this Chapter may be met by the imposition of conditions calculated to insure that the standard will be met.

18.113.080 PROCEDURE FOR MODIFICATION OF A CONCEPTUAL MASTER PLAN

Any substantial change, as determined by the Planning Director, proposed to an approved CMP shall be reviewed in the same manner as the original CMP. An insubstantial change may be approved by the Planning Director. Substantial change to an approved CMP, as used in this section, means an alteration in the type, scale, location, phasing or other characteristic of the proposed development such that findings of fact on which the original approval was based would be materially affected.

18.113.090 REQUIREMENTS FOR FINAL MASTER PLAN

It shall be the responsibility of the applicant to provide a Final Master Plan (FMP) which includes text and graphics explaining and illustrating:

- A. The use, location, size and design of all important natural features, open space, buffer areas, common areas;
- B. The use and general location of all buildings, other than residential dwellings, and the proposed density of residential development by location;
- C. Preliminary location of all sewer, water, storm drainage and other utility facilities and materials, and specifications and installation methods for water and waste water systems;
- D. Location and widths of all roads, streets, parking, pedestrian ways, equestrian trails and bike paths;
- E. Methods to be employed to buffer and mitigate potential adverse impacts on adjacent resource uses and property;
- F. Building elevations of visitor-oriented accommodations, recreational facilities and commercial services sufficient to demonstrate the architectural character of the proposed development;
- G. A description of all commercial uses including approximate size and floor area;
- H. The location of or distance to any emergency medical facilities and public safety facilities;
- I. When a phase includes a residential subdivision, a

general layout of the subdivision which include the number of lots, minimum and maximum lot sizes, and approximate location of roadways shall be included.

- J. A description of measures taken, with copies of deed restrictions, CC&R's and rental contracts, to implement the measures identified in this Chapter assuring that individually-owned lodging units considered to be overnight lodgings for at least 45 weeks per calendar year through a central reservation and check-in service.
- K. A description of measures taken, with copies of deed restrictions and a final management plan, to implement the open space management plan required by this Chapter.
- L. The status of all required off-site roadway improvements.
- M. Methods to be employed for managing automobile traffic demand.
- N. A copy of an WPCF permit issued by DEQ consistent with the requirements of Chapter 18.113.070(L).

18.113.100 PROCEDURE FOR APPROVAL OF FMP

- A. The FMP shall be submitted in a form approved by the County Planning Director consistent with Title 22 of the Deschutes County Code for a development permit. The Planning Director shall review the FMP and if the Planning Director finds that all standards of the CMP have been met, the FMP shall be approved in writing without notice. If approval of the FMP involves the exercise of discretion, the FMP shall be treated as a land use action and notice shall be provided in accordance with Title 22 of the Deschutes County Code;
- B. If the Planning Director finds evidence in the FMP of a substantial change from the CMP, the Planning Director shall advise the applicant to submit an application for modification or amendment of the CMP.

18.113.110 PROVISION OF STREETS, UTILITIES, DEVELOPED RECREATIONAL FACILITIES AND VISITOR-ORIENTED ACCOMMODATIONS

- A. The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities and visitor-oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial

assurances approved by the county prior to closure of sale of individual lots or units.

- B. Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities and visitor-oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.

GJR:mjz

TT _____

NPS _____

DM _____

Exhibit DFINDINGS IN SUPPORT OF DESTINATION RESORT
ORDINANCES 92-001, 92-002, 92-003, and 92-004

1. On April 19, 1991, the County accepted an application from Eagle Crest Partners, Ltd. for a legislative amendment to the Deschutes County Comprehensive Plan and the Deschutes County Zoning Ordinance to implement the provisions of LCDC Statewide Planning Goal 8 relating to destination resort siting on resource lands.
2. Goal 8 sets forth two components for Counties seeking to implement the Goal's destination resort siting program. First, the County must identify those areas in the County available for destination resort siting after identifying and excluding certain farm and forest resource lands, wildlife habitat areas, and areas including inventoried Goal 5 resources fully protected under the County's acknowledged comprehensive plan. The second component is to implement regulations that will at a minimum (1) maintain identified natural features, such as threatened or endangered species, streams, river and significant wetlands; (2) provide buffers and setbacks between improvements and activities taking place within destination resorts in order to avoid or minimize adverse effects of destination resorts on surrounding lands; (3) limit uses occurring within the destination resort to those permitted by Goal 8; and (4) provide assurance that the required developed recreational facilities, visitor-oriented accommodations, and other key facilities are physically provided or are guaranteed through surety bonding or other substantially equivalent financial assurances prior to closure of sale of individual lots or units.
3. The Planning Commission held several public hearings and worksession at which destination resorts and their impacts were generally reviewed; policies were reviewed for determining which of the resource lands in the County should be made available for destination resort siting; data concerning certain classes of resource lands required to be excluded from destination resort siting was reviewed; and a proposed ordinance regulating siting of destination resorts was reviewed.
4. Based upon their extensive review of the issues and the data, the Planning Commission issued a report recommending a destination resort package to the Board of County Commissioners, which included a proposed map for siting destination resorts, a proposed zoning ordinance regulating destination resort siting, and certain policy recommendations.
5. The Board of County Commissioners held a public hearing on the

Planning Commission's recommendations on January 8, 1992.

6. Based upon its extensive review of the record, including the record developed before the Planning Commission, the Board made a tentative decision on a destination resort map and ordinance provisions governing the siting of destination resorts.
7. Based upon the Board's tentative decision, County staff assembled a package of ordinances to implement the Board's decision. Those ordinances are as follows: Ordinance 92-001, amending the Comprehensive Plan to adopt Goals and Policies regarding development of the County's destination resort map and the County's zoning ordinance regulating destination resort siting; Ordinance 92-002, amending the Comprehensive Plan to adopt a countywide destination resort siting map and amendments to the resource element of the Comprehensive Plan describing the mapping process; Ordinance 92-003, amending the County zoning ordinance to adopt zoning maps to show which County lands are available for destination resort siting; and Ordinance 92-004, amending the text of the County zoning ordinance to adopt new provisions regulating the siting of destination resorts on lands identified on the destination resort map as available for destination resort siting (hereinafter collectively referred to as "destination resort siting package").
8. The Board finds that other than the process Goals set forth in LCDC Statewide Planning Goals 1 and 2, Statewide Planning Goal 8 (and its associated codification in state statute - hereinafter collectively referred to as Goal 8) provide the the only criteria for reviewing the County's destination resort package.
9. The Board finds that the County's destination resort package meets the requirements of Goal 8 for the following reasons:
 - a) The County has adopted as part of its comprehensive plan a county-wide destination resort map and a series of large scale enlargements of that map (hereinafter collectively referred to as "destination resort map" or simply "the map") indicating where destination resorts may occur in the County on certain EFU-20 and EFU-40 lands as well as certain exception areas. The County finds from the discussion set forth in Exhibit A to Ordinance 92-002, which discussion is incorporated herein by reference, that the map meets Goal 8's requirement that areas available for destination resorts be mapped and that certain resource areas not be included on such a map. That map has been adopted as part of the County's zoning maps by Ordinance 92-003.
 - b) The County has adopted by Ordinance 92-001 amendments to the text of its Comprehensive Plan Goals and Policies designed to provide for the implementation of Goal 8, including

a recitation of Goal 8 requirements. This ensures that County ordinances drawn to implement Goal 8 will comply with Goal 8 and that completion of the County's destination resort map will comply with Goal 8.

c) The Goal 8 requirement that uses and activities in destination resorts be limited to those that are consistent with the Goal are satisfied by provisions in the zoning ordinance, adopted by Ordinance 92-004. Those provisions include Sections 18.113.030 and 18.113.070(Q) of the Deschutes County Code, as amended by the destination resort additions. Uses allowed in the destination resort are limited to those, such as visitor-oriented accommodations and developed recreational facilities, that are defined by Goal 8 to be elements of destination resorts, or are limited in scope to serve only the needs of the visitors to the resort. All definitions of component parts of destination resort duplicate or are more stringent than those found in the Goal.

d) The Goal 8 requirement that important natural features be maintained is satisfied by inclusion in the zoning ordinance at Section 18.113.070(E) of language duplicating that found in the Goal.

e) The Goal 8 requirement that buffers and setbacks be required to avoid or minimize adverse effects on land uses, particularly intensive farming operations, on surrounding lands is satisfied by the setback requirements set forth in Section 18.113.060(G)(2). These setbacks require that most recreational activities be setback at least 50 feet from property lines, that residential structures be set back at least 150 feet, that multifamily development be set back 250 feet, and that commercial development be set back 350 feet. The setback specified in the current acknowledge County zoning ordinance from intensive farming operations is 100 feet.

f) The Goal 8 requirement that a mechanism be included to assure that developed recreational facilities, visitor-oriented accommodations, and key facilities intended to serve the entire development are physically provided or are guaranteed by surety bonding or similar financial assurances prior to closure of sale of individual lots is satisfied by Sections 18.113.060(E) and 18.113.110, which duplicate the Goal 8 provisions and allow the County to require security through existing provisions in the County's subdivision ordinance.

10. The Board finds that Goal 1, Citizen Involvement, has been met by the series of hearings held before both the Planning Commission and the Board of County Commissioners on the destination resort package. The Planning Commission serves as the County's Citizen Involvement Committee.

11. The Board finds that Goal 2, Land Use Planning, is satisfied by this destination resort package with respect to requirements for setting forth the factual base for its decision. The Board has provided an extensive discussion of the process by which its destination resort map was produced.