

REVIEWED
BW
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

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

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92-05047

ORDINANCE NO. 92-003

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

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

WHEREAS, Goal 8 requires the County to adopt a zoning map
showing where Destination Resorts can be sited in the County; and

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

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

Section 1. Title 18 of the Deschutes County Code, the County
Zoning Ordinance, as amended, is further amended to map as an overlay
zone entitled the "Destination Resort Zone" (DR) those areas so
denoted on (1) the county-wide map labelled "Deschutes County
Comprehensive Plan Destination Resort Map and Destination Resort
Combining Zone Map", separately signed by the Board of County
Commissioners on this date, and by this reference incorporated herein,
and (2) the series of 8 maps showing portions of the above-reference
county-wide map in greater detail, each of which have been separately
signed by the Board of County Commissioners on this date and each of
which have by this reference been incorporated herein.

Section 2. The Board of County Commissioners adopts as its
findings and conclusions in support of this amendment the findings
attached as Exhibit "A" to Ordinance 92-002, adopted on this date,
and the findings attached hereto as Exhibit "A" and by this reference
incorporated herein.

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Section 3. 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, Commissioner




NANCY POPE SCHLANGEN, Commissioner



DICK MAUDLIN, Chairman

ATTEST:



Recording Secretary

Exhibit BFINDINGS 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 B 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

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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.