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CODE REVIEW COMM.

98-46742

REVIEWED  
*BWW* 169  
LEGAL COUNSEL

- 1590

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Deschutes \*  
County Zoning Ordinance, of the Deschutes \*  
County Code, and Declaring an Emergency. \*

98 SEP 24 AM 11:23  
MARY SUE PENHOLLOW  
COUNTY CLERK

ORDINANCE NO. 98-056

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

Section 1. ADDING. Chapter 18.16, Exclusive Farm Use Zones, of the Deschutes County Code is amended by the addition of section 18.16.037, Guest ranch, as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined.

Section 2. ADDING. Chapter 18.128, Conditional Use, is amended by the addition of subsection 18.128.040(FF), Guest ranch, as described in Exhibit "B," attached hereto and incorporated herein by this reference, with new language underlined.

Section 3. SUNSET CLAUSE. Sections 1 and 2 of this Ordinance are repealed December 31, 2001.

Section 4. FINDINGS. Findings to support this ordinance are set forth in the staff report for File No. TA-98-3, attached as Exhibit "C," and incorporated herein by this reference.

Section 5. EFFECTIVE DATE. 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 23 day of September, 1998.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

*Excused*  
\_\_\_\_\_  
NANCY POPE SCHLANGEN, Chair

*Robert L. Nipper*  
\_\_\_\_\_  
ROBERT L. NIPPER, Commissioner

*Linda L. Swearingen*  
\_\_\_\_\_  
LINDA L. SWEARINGEN, Commissioner

ATTEST:

*Quinta M. Mutchie*  
\_\_\_\_\_  
Recording Secretary

MICROFILMED  
OCT 22 1998

KEYPUNCHED  
OCT 19 1998

## EXHIBIT "A"

**18.16.037. Guest ranch**

A. A guest ranch may be established in conjunction with an existing livestock operation that qualifies as a farm use under ORS 215.203, subject to the applicable provisions set forth in DCC 18.16.040(A)(1), (2) and (3), the applicable provisions of DCC 18.128, and the provisions of ORS 215.296(1) and (2).

B. "Guest ranch" means a facility for overnight lodging incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. Guest ranch facilities may include a lodge, bunkhouse or cottage accommodations as well as passive recreational activities and food services as set forth in DCC 18.128.040(FF)(4) and (5).

C. For the purposes of this section, "livestock" means cattle, sheep, horses, and bison.

D. A proposed division of land in an exclusive farm use zone for a guest ranch or a division of a lot or parcel that separates a guest ranch from the dwelling of the person conducting the livestock operation shall not be allowed. (Ord 98-056 § 1, 1998, This section is repealed December 31, 2001)

## EXHIBIT "B"

**18.128.040. Specific Use Standards.**

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FF. Guest ranch.

A guest ranch established under this subsection shall meet the following conditions:

1. Except as provided in paragraph (3) of this subsection, the lodge, bunkhouses or cottages cumulatively shall:

a. Include not less than four nor more than 10 overnight guest rooms exclusive of kitchen areas, rest rooms, storage and other shared indoor facilities, and;

b. Not exceed a total of 12,000 square feet in floor area.

2. The guest ranch shall be located on a lawfully created parcel that is:

a. at least 160 acres in size;

b. not within 10 air miles of an urban growth boundary containing a population greater than 5000;

c. the parcel containing the dwelling of the person conducting the livestock operation; and

d. not classified as high value farmland as defined in subsection 18.04.548 of this title.

3. For every additional 160 acres to the initial 160 acres required under paragraph (2) of this subsection, up to five additional overnight guest rooms and 3,000 square feet of floor area may be added to the guest ranch for a total of not more than 25 guest rooms and 21,000 square feet of floor area.

4. A guest ranch may provide recreational activities in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding or swimming. Intensively developed recreational facilities such as a golf course or campground as defined in this title, shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course or with an existing campground.

5. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch. The cost of meals provided to the guests shall be included as part of the fee to visit to stay at the guest ranch. The sale of individual meals to

persons who are not guests of the guest ranch shall not be allowed.

6. The exterior of the buildings shall maintain a residential appearance.

7. To promote privacy and preserve the integrity of the natural setting, guest ranches shall retain existing vegetation around the guest lodging structure.

8. All lighting shall be shielded and directed downward in accordance with Chapter 15.10, Outdoor Lighting Control, of this title.

9. Signage shall be restricted to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.

10. Occupancies shall be limited to not more than 30 days.

11. The guest ranch shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.

12. One off-street parking space shall be provided for each guestroom in addition to parking to serve the residents.

13. Any conversion or alterations to properties designated as historic landmarks shall be approved by the Deschutes County Historical Landmarks Commission. (Ord. 98-056 § 2, 1998. This section is repealed December 31, 2001)

## DESCHUTES COUNTY PLANNING DIVISION

## STAFF REPORT

**FILE NUMBER:** TA-98-3

**HEARING DATE:** September 23, 1998, 10 A.M.

**LOCATION:** Hearing Room "A," Deschutes County Commissioners Hearing Room  
1130 NW Harriman Street, Bend, Oregon 97701

**APPLICANT:** Deschutes County  
117 NW Lafayette  
Bend, OR 97701

**PROPOSAL:** A text amendment to Chapter 18.16, Exclusive Farm Use Zone, Section 18.16.037, and Chapter 18.128, Conditional Use, Section 18.128.040, of Title 18 of the Deschutes County Code to allow a guest lodge in the Exclusive Farm Use Zone.

**STAFF CONTACT:** Brian Harrington, Associate Planner

**I. APPLICABLE CRITERIA:**

- A. Title 18 of the Deschutes County Code, County Zoning
1. Chapter 18.16, Exclusive Farm Use Zones  
Section 18.16.040, Limitation on conditional uses.
  2. Chapter 18.128, Conditional Uses,  
Section 18.128.040, Specific use standards  
Section 18.128.015, General standards governing conditional uses.
- B. OAR 660-12-060, Plan and Land Use Regulation Amendments  
OAR 660-15, Statewide Planning Goals and Guidelines
- C. ORS 215.203, Zoning Ordinances, Establishing Exclusive Farm Use Zones;  
ORS 215.283, Use permitted in Exclusive Farm Use Zones in Nonmarginal Lands  
Counties.  
(Notes following ORS 215.808, Guest Ranches in Eastern Oregon)
- D. Deschutes County Year 2000 Comprehensive Plan
- E. Title 22, Deschutes County Procedures Ordinance.

**II. FINDINGS OF FACT:**

- A. **PROPOSAL/BACKGROUND:** Allow a text amendment to the Exclusive Farm Use Zone to include guest ranches as a conditional use. This text amendment will incorporate the provisions of House Bill 2014 (Chapter 728, Oregon Law 1997) contained in notes following ORS Chapter 215.808.

This proposal is the culmination of longstanding efforts of R.L. and Shirley Bloomfeldt, who instigated the writing of House Bill 2014. The Bloomfeldts currently own Long

## EXHIBIT "C"

Hollow Ranch, a 540-acre parcel approximately 13 miles northeast of Sisters and more than 10 miles northwest of Redmond. This property was the former Black Butte Land and Livestock Company, later known as the Holmes Ranch. The current owners purchased the ranch in 1987 from the Federal Land Bank in Redmond.

Long Hollow Ranch proposes to develop guest ranch facilities on their working hay and cattle ranch. The ranch will continue to function as a working ranch, utilizing the historic buildings. It is intended that the guest ranch will provide opportunity for senior adult guests to experience the activities of an historic working ranch. The property consists of some historic structures which will be preserved and maintained. The operations strategy includes continuing to operate the hay and cattle ranch (100 mother cows, and 220 acres of hay) with one full time manager. The guest ranch facility will be managed and operated by four of the current owners (two married couples) who will retire to focus their full time efforts at the ranch. An additional 3-5 employees would be required during the operation season (May to November).

The ranch will provide guest facilities for "young senior adults". There is no plan to provide programs or facilities for children. This strategy will reduce the facilities and personnel required and minimize disruptions to the existing ranch operation. The maximum number of guests would be 20-25 with the average projected at 10-15 guests.

**Note:** The above background was included as an example of a subject property that could qualify under the proposed amendments. However, this is a legislative amendment to apply County-wide.

**B. PUBLIC AGENCY COMMENTS:** The Planning Division sent notice of the proposal to several public agencies and received the following responses:

1. Redmond Fire Department: This property is located outside the Redmond Fire District boundaries and therefore there are no comments regarding fire requirements. This property is within the Redmond Ambulance Response area. The dwellings in this area are difficult to locate so at a minimum a reflective type address sign would be required to allow the ambulance to locate the property better when an emergency occurs.

2. Oregon Department of Environmental Quality:

A site evaluation to determine suitability for on-site sewage disposal must be done first. On-site sewage disposal can only be allowed if a suitable site is found. The design flow for the sewage disposal system would probably be based on 100 gallons a day. The system type and size cannot be determined until the site evaluation is done. If the kitchen facility in the lodge serves only ranch guests then the wastewater characteristics would be considered residential. If a standard drainfield system can be approved, the Deschutes County Environmental Health Division could issue the permit for the system as long as the total sewage flow for all facilities on the property does not exceed 2500 gallons per day. If a sand filter type of system is required or the total sewage flow is greater than 2500 gallons per day, a Water Pollution Control Facilities permit from this Department would be required

3. Deschutes County Building Division: Submit plans for approval for any renovations or new construction for the lodging facilities. Plans shall be in compliance with all codes.

4. Deschutes County Environmental Health Division: Guest lodging would require a tourist facility license. Food service would require plan review and license as a restaurant. A swimming pool and/or spa would require plan review and licensure as a limited use public swimming pool and/or spa. A WPCF permit is required for the sewage disposal system. The water system must be approved as a public water system.
5. Deschutes County Road Department: To the extent this proposal would add additional motor vehicle trips to roads within the EFU zoned areas. Road maintenance resources are strained by increasing traffic volumes throughout Deschutes County. If guest ranches were seldom used, the impact would be small and localized on rural county and public roads. If this use was approved more often, then traffic would be added to roads not constructed for increased traffic volumes.
6. Oregon Department of Land Conservation and Development: The Department sent a letter to the Planning Division, (incorporated and referenced herein), stating that the intent of the legislation was not that the entire parcel or livestock operation be wholly outside the required 10 mile arc, however the guest ranch facilities (not including recreational activities) are at least 10 air miles from a specified urban growth boundary.
7. Deschutes County Historical Planner: Any conversion or alterations to the exterior of the structures to accommodate the use will have to be approved by the Deschutes County Historical Landmarks Commission.
4. The following agencies either did not submit comments or had no comments: Oregon Health Division, Deschutes County Assessor, Watermaster – District 11, Squaw Creek Irrigation District, ODOT.

**E. PUBLIC NOTICE AND COMMENTS:** The Planning Division published notice in the Bulletin newspaper on August 2, 1998 for the public hearing before the Deschutes County Planning Commission. The Planning Division received the following comment from the public:

ArluDeCo: We are opposed to weakening EFU zoning to allow a guest ranch. EFU is constantly being whittled back by piece-meal other uses. Such a change opens the Pandora's box to a great variety of uses under the label of a guest ranch, some of which might be de-facto destination resorts. It also consists of a form of up-zoning which increases the value of land, contributing to the speculative pricing problem which is one of the threats to the economics of farming. It could provide a precedent, which would be hard to control. It alters the stability of the land use pattern and constitutes a significant change in the intended use. I believe dude ranches are authorized in RR-10 zones. Surely there is enough RR-10 land to accommodate any reasonable need.

**NOTE:** Pursuant to the provisions of House Bill 2014, the proposed amendment includes in part the following specific provisions: requires a conditional use permit, a 160 acre minimum lot size, must be established in conjunction with an existing livestock operation that qualifies as a farm use under ORS 215.203, for each doubling of the initial 160 acres required a property owner can add an additional 5 guest rooms for a total of no more than 25 guest rooms and 21,000 square feet of floor area. The authorizing legislation will sunset on December 31, 2001.

## EXHIBIT "C"

Staff notes that public notice for the hearing set before the Deschutes County Board of Commissioners was published in the Bulletin newspaper on September 12, 1998. There has been no further response from the public regarding this proposal.

- F. **PLANNING COMMISSION RECOMMENDATION:** The Planning Commission held a public hearing on this matter on August 13, 1998. Several worksessions were held in the previous months whereby the potential impacts of the proposal, its location, operating characteristics and mitigating standards similar to other conditional uses in the exclusive farm use zone (i.e, bed and breakfast) were discussed at length. Richard Bloomfeldt testified in support of the amendment. There was no testimony in opposition to the amendment. The Planning Commission recommended unanimously, on a 4-0 vote, that the Board of Commissioners adopt the proposed amendements.

III. **CONCLUSIONARY FINDINGS:**

A. **OREGON ADMINISTRATIVE RULES:**

1. Chapter 660, Division 12, Transportation Planning Rule, Section 660-12-060 Plan and Land Use Regulation Amendments:

***(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:***

***(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;***

***(2) A plan or land use regulation amendment significantly affects a transportation facility if it:***

***(a) Changes the functional classification of an existing or planned transportation facility;***

***(b) Changes standards implementing a functional classification plan;***

***(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or***

***(d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.***

**FINDINGS:** The proposed amendment to the Deschutes County Code will be consistent with the Transportation Planning Rule because the amendment proposes limitations via the conditional use permit process to assess transportation impacts on a case by case basis. The amendment does not increase the number of dwellings permitted and only allows alterations based upon parcel size and existing farm operations. Evaluation of the proposed use and whether it will or will not change the consistency of existing land uses with the identified function, capacity, and level of service of the facilities serving the site will be done on a site specific basis.

3. Chapter 660, Division 15, Statewide Planning Goals

State law provides that statewide land use goals apply to comprehensive plan amendments, if the goals contain specific provisions that govern the type of action authorized by the plan amendment and are affected by the proposed change. This proposal is a zoning ordinance text amendment incorporating the provisions of statutory language set forth in ORS Chapter 215.808 (referenced and incorporated herein). Therefore, the statewide planning goals do not apply in this case.

**B. CONFORMANCE WITH THE DESCHUTES COUNTY COMPREHENSIVE PLAN:**

The applicant proposes to amend the text of the County Zoning code. Therefore, the proposal must be evaluated against the Comprehensive Plan in order to determine whether or not the amendment is consistent with the Plan's goals and policies. If the proposal is consistent with the plan than no plan amendment is necessary. In review of the existing policies contained in the Resource Management Chapter, Agricultural Lands the proposal includes a use in conjunction with an established farm use consistent with the guiding policies set forth on pages 131-135.

**C. CONFORMANCE WITH TITLE 18, COUNTY ZONING:**

Each specific proposal will be reviewed against the applicable standards of Chapter 18.16, Exclusive Farm Use Zones, Chapter 18.128, Conditional Uses and the provisions of any applicable Combining Zone. In addition to the provisions contained in the legislative amendment contained in the notes following ORS.215.808, staff has included the following conditional use criteria recommended by the Deschutes County Planning Commission. These additional conditions will be set forth in the ordinance amendments to Chapter 18.16, Section 18.16.037, Guest Ranches, (Exhibit A to Ordinance No. 96-56) and specified in Chapter 18.128, Conditional Uses, Section 18.128.040(FF), Guest Ranches (Exhibit B to Ordinance No. 96-056).

**D. ADMINISTRATION/ENFORCEMENT:**

**FINDING:** The proposed limitations will provide both clear and discretionary standards with which to administer and/or enforce these provisions. The recommended changes will require a conditional use permit to review individual applications. The proposed language in Chapter 18.16.037 and Chapter 18.128.040, will ensure that the opportunity for public participation in the conditional use process is retained.

**IV. CONCLUSIONS:**

The proposed text amendment will provide an opportunity in the Exclusive Farm Use zone for the establishment of a guest ranch. The essential question before the Board of Commissioners is a policy question: Should the establishment of a guest ranch in the Exclusive Farm Use Zone be allowed? At two separate work sessions, the Planning Commission has reviewed the legislation and has recommended the draft amendment for public review. The Planning Commission held a public hearing and voted unanimously to adopt the proposed amendment. The substantive provisions in the Exclusive Farm Use zone and Conditional Use chapter will ensure public participation in land use process will continue to be implemented. Therefore, staff believes that the proposed language in the amendment including a sunset clause effective December 31, 2001, will not significantly impact development in the County as a whole. Each proposal will be reviewed on a case by case basis for compliance with the proposed standards.

**V. RECOMMENDATION:**

Approval

**VI. ATTACHMENTS:**

1. Exhibit A
2. Exhibit B

Respectfully submitted,

**DESCHUTES COUNTY PLANNING DIVISION**

Brian Harrington, Associate Planner

BJH:bjh