



## MEMORANDUM

To: Deschutes Board of County Commissioners (“Board”)

From: Haleigh King, Associate Planner

Date: September 18, 2024

Re: Work Session – Development Agreement for Thousand Trails Bend-Sunriver RV Campground (Document No. 2024-766, County File No. 247-24-000244-IA)

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The Board will conduct a work session on September 23, 2024, regarding a Development Agreement pursuant to ORS 94.504 for the Thousand Trails Bend-Sunriver RV Campground. The Board will hold a public hearing on this item on September 25, 2024.

ORS 94.504 authorizes the County to enter into a development agreement and stipulates the requirements and process for such an agreement. In order to approve the Development Agreement, the Board must find that the agreement is consistent with local regulations then in place. ORS 94.508(1). Approval of a development agreement must be by adoption of an ordinance declaring approval. ORS 94.508(2).<sup>1</sup>

The general purpose of a development agreement between a local jurisdiction and a person who owns or controls property within the jurisdiction, is to detail the obligations of both parties and specify the standards and conditions that will govern development of the property. Although such agreements are voluntary, once made they are binding on the parties and their successors. A development agreement provides assurances to the developer that the development regulations that apply to the project will not change during the term of the agreement.

### I. Background and Summary

The purpose of the Development Agreement is for the applicant and the County to clarify the nature and extent of development that has been previously approved at the subject property. The Applicant currently operates Thousand Trails Bend-Sunriver RV Campground (“Campground”) at the subject property. Historical records indicate that on or before 1973, the County approved a master

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<sup>1</sup> DCC 18.56.130 provides that the County may require a development agreement and performance bond as a condition of site plan approval. However, the County has not adopted an ordinance establishing procedures and requirements for consideration of development agreements, as permitted by ORS 94.513.

plan for a planned development known as Fort Laramie and, thereafter, zoned the subject property Planned Development (“PD”). The subject property now carries the Rural Residential (RR10), Flood Plain (FP), and Exclusive Farm Use (EFU) Zones and includes the Landscape Management (LM) and Wildlife Area (WA) Combining Zones.

The 1973 County land use decision and associated files approving the Fort Laramie master plan and rezone has not been retained by the County due to unknown reasons. Subsequent to the loss of the 1973 master plan approval, there has been confusion regarding the scope and intensity of development allowed at the Property. In 1979, a new master plan was recorded to reflect the development originally approved in the 1973 master plan (Exhibit B). Subsequently, in 1986, the County approved a minor alteration to SP-78-68, further confirming the development originally approved in the 1973 master plan.

## **II. Development Agreement**

Through the Development Agreement, the applicant requests the County to recognize its right to develop a maximum of 520 total sites within the campground property and to confirm that all existing facilities at the property are considered permitted and vested.

The applicant’s request to memorialize the rights to 520 camp sites in the Development Agreement is consistent with historical planning documents and the past master plan approval (Exhibit C, SP-86-17).

Based on the Existing Conditions analysis provided by the applicant in Exhibit B, the Thousand Trails development currently contains **335** total existing sites which include the following:

- Fort Laramie Sites – 28 sites (15 park model homes and 13 trailer sites)
  - This is consistent with the number of sites shown on the 1979 Master Plan
- Yurts – 8
- Cottages/Cabins – 11
- Full Hook Up Camp Sites - 288

Based on the number of existing sites, this leaves a remainder of 185 sites that could be constructed pursuant to the Development Agreement. It is anticipated that future expansion would occur along the western boundary of the subject property which is the area that was not fully built out.

As stated in Section 2.2 of the Development Agreement, future expansion or alterations to the campground will require land use approval from the County in accordance with County zoning and procedure ordinances and statutory processing requirements in existence as of the date the Development Agreement is executed. The Development Agreement does not give a blanket approval to any expansion. The County would be required to coordinate and provide notice to neighbors and partner agencies (e.g. fire, onsite wastewater, transportation).

The Applicant has included a request for the County to waive paving standards for any future land use application – Section 2.4. Deschutes County Code Section 18.116.030(F)(4) gives discretion to the decision-maker to waive paving standards in instances where any of the following are true:

1. A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or
2. The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or
3. The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.

A waiver to the paving standards can be supported pursuant to No. 2 above. This request will be memorialized in any future land use applications and conditions of approval would be added to ensure non-paved surfacing will be maintained to not create dust problems for neighboring properties.

Consistent with ORS 94.504(8)(b), the maximum duration of the Development Agreement is seven (7) years.

### **III. Public and Agency Comments**

Staff mailed the Notice of Public Hearing on September 4, 2024 and published notice in the Bend Bulletin on September 4, 2024. Notice was sent to affected agencies as well as nearby property owners. Staff has not received any public comments as of the date of this memo.

The Department of State Lands (Jessica Salgado) provided the following information in response to the Notice of Public Hearing:

Thank you for clarifying. At first glance, it was thought that additional RV sites were proposed. Looking at the application, it seems that the majority of the RV sites are existing in the western half of the property.

The only difference that I see (between the 1979 plan and 2023 plan set) is the addition of a single lot (northwestern-most) in the Fort Laramie area. There are no mapped wetlands or other waters in this area.

Staff has not received any other agency comments as of the date of this memo.

### **IV. ORS 94.504**

ORS 94.504(2) sets forth the required elements of a development agreement which include: (a) the duration of the agreement; (b) the permitted uses of the property; (c) the density or intensity of use; (d) the maximum height and size of proposed structures; (e) provisions for reservation or dedication of land for public purposes; (f) a schedule of fees and charges; (g) a schedule and procedure for

compliance review; (h) responsibility for providing infrastructure and services; (i) the effect on the agreement when changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy; (j) remedies available to the parties upon a breach of the agreement; (k) the extent to which the agreement is assignable; and (L) the effect on the applicability or implementation of the agreement when a city annexes all or part of the property subject to a development agreement. The proposed Development Agreement includes all applicable statutorily required elements.

**V. Next Steps**

The Board will conduct a public hearing on this item on September 25, 2024.

**Attachments:**

- A. Document No. 2024-766: Development Agreement for Thousand Trails Bend-Sunriver RV Campground (County File No. 247-24-000244-IA)