



**MEMORANDUM**

**TO:** Deschutes County Planning Commission

**FROM:** Tarik Rawlings, Associate Planner  
Will Groves, Planning Manager

**DATE:** February 16, 2023

**SUBJECT:** Public Hearing: Destination Resort Amendments

---

The Deschutes County Planning Commission will conduct a public hearing on February 23, 2023, to consider applicant-initiated legislative text amendments to Deschutes County's Destination Resort (DR) Combining Zone (file no. 247-22-000835-TA). The hearing will be held at the Barnes and Sawyer Room, Deschutes Service Center, 1300 Wall Street, Bend.

Attached to this memorandum are the proposed text amendments, findings, and original application materials which have not changed since the Planning Commission work session. Within the proposed amendments, added language is shown in **bold underline**. The public hearing will be conducted in-person, electronically, and by phone.

The record is available for inspection on the project website:  
<https://www.deschutescounty.gov/cd/page/247-22-000835-ta-destination-resort-text-amendment>

**I. BACKGROUND**

In October 2022, the applicant Central Oregon LandWatch (COLW), applied for a legislative amendment to Deschutes County's Destination Resort (DR) Combining Zone. The proposed amendments would add language from Oregon Revised Statute (ORS) 197.455(1)(a), which would limit residential uses to those necessary for the staff and management of the resort at any new Destination Resort allowed within 24 air miles of an urban growth boundary population of at least 100,000. This proposed amendment would only apply to newly proposed Destination Resorts and would not apply to existing or approved Destination Resorts. The applicable language from ORS 197.455(1)(a) is provided below:

- (1) *A destination resort may be sited only on lands mapped as eligible for destination resort siting by the affected county. The county may not allow destination resorts approved pursuant to ORS 197.435 (Definitions for ORS 197.435 to 197.467) to 197.467 (Conservation easement to protect resource site) to be sited in any of the following areas:*

(a) *Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort.*

Staff notes that this restriction does not automatically come into effect because of updated population information being published. In LUBA 2022-011, the Land Use Board of Appeals found:

We adhere to and reiterate our conclusion in *Gould Golf* the limitations on resort siting in ORS 197.455(1) apply at the time that a county adopts maps identifying lands eligible for siting destination resorts. After a county has adopted such maps, the limitations in ORS 197.455(1) do not apply to specific applications for destination resorts.

Accordingly, an amendment to local code would be required to bring the population-based limitation into effect.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development on January 11, 2023. Agency notice was sent to relevant agency partners on January 18, 2023, and several agency comments were received. Notice of the proposal was sent to all property owners within Deschutes County who are within the DR Zone on January 23, 2023. The Notice explained the scope of the proposal, provided a project-specific website related to the application, and gave meeting information for the public hearing scheduled on February 23, 2023<sup>1</sup>. One public comment was received outlining concerns with the proposed amendments and encouraging the Planning Commission to deny the application<sup>2</sup>. Additionally, printed notice was published in the Bend Bulletin newspaper on February 7, 2023<sup>3</sup>. Staff presented the proposed amendments to the Planning Commission at a work session on February 9, 2023<sup>4</sup>.

## II. PROPOSAL

Staff has provided the applicant's proposed amendments to DCC Sections 18.113 and 19.106 in **Attachment 1**. The applicant, in this case COLW, has provided findings (included as **Attachment 2**) which summarizes the amendments and provides analysis of the Statewide Planning Goals, applicable policies of the Deschutes County Comprehensive Plan, and relevant state law. **Attachment 3** includes the original application materials submitted by the applicant.

## III. PLANNING COMMISSION WORK SESSION

Planning Commissioners conducted a work session on February 9, 2023. At that time, Commissioners raised questions about the number of noticed properties, with DR-zoning, that would qualify for a Destination Resort based on a minimum acreage of 160 acres<sup>5</sup>. Staff responded that, based on analysis of the county's DR-zoned properties, there were approximately 34 total property owners/entities within the

---

<sup>1</sup> <https://www.deschutescounty.gov/cd/page/247-22-000835-ta-destination-resort-text-amendment>

<sup>2</sup> Public comment received by Kenneth Katzaroff (Schwabe, Williamson & Wyatt) on February 8, 2023

<sup>3</sup> Based on email confirmation with Bend Bulletin's Inside Sales Executive, Julius Black dated January 23, 2023

<sup>4</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-33>

<sup>5</sup> DCC 18.113.060(B), DCC 19.106.060(B)

DR Combining Zone with at least 160 acres of contiguous area and within a singular ownership entity. Of these 34 total properties, approximately 5 are associated with existing Destination Resorts (Eagle Crest, Thornburgh, Caldera Springs, Pronghorn (Juniper Reserve), and Tetherow), approximately 9 are associated with public lands (Deschutes County, Bend Parks and Recreation Department, US Forest Service, Oregon State, and Bureau of Land Management), approximately 2 are associated with irrigation districts (Three Sisters Irrigation District, and Central Oregon Irrigation District), and approximately 18 are associated with private ownership entities<sup>6</sup>. A map showing the 29 properties/ownership entities with at least 160 contiguous acres is included as **Attachment 4**, with a corresponding table showing the individual tax lots and ownership information associated with each of the 29 properties/ownership entities included as **Attachment 5**.

#### IV. NEXT STEPS

At the conclusion of the public hearing, the Planning Commission may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain;
- Close the hearing and set a date for deliberations; or
- Close the hearing and commence deliberations.

Attachments:

1. Proposed Text Amendments – DCC Chapters 18.113 and 19.106
2. Proposed Findings
3. Applicant’s Application Materials
4. Map of DR-Zoned Properties (160 acres or greater)
5. Ownership Data for DR-Zoned Properties (160 acres or greater)

---

<sup>6</sup> This spatial analysis was derived from Deschutes County’s Property Information Website, [dial.deschutes.org](http://dial.deschutes.org) and subsequent GIS analysis