



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Tarik Rawlings, Associate Planner

DATE: March 16, 2023

SUBJECT: Deliberations: Destination Resort Text Amendments

On March 23, 2023, the Deschutes County Planning Commission will conduct deliberations on an applicant-initiated legislative text amendment to Deschutes County's Destination Resort (DR) Combining Zone (file no. 247-22-000835-TA).

Staff submitted a 35-day Post Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on January 11, 2023. Staff presented the proposed amendments and initial findings to the Planning Commission at a work session on February 9, 2023¹. The initial public hearing was held on February 23, 2023², after which the Planning Commission voted to continue the public hearing until March 9, 2023. A continued public hearing was held on March 9, 2023³, which concluded with the Planning Commission extending the written record until March 14, 2023 at 5pm and voting to hold deliberations on March 23, 2023. Background information on the amendments was provided in the packet for the initial hearing.

The record, which contains all memoranda, notices, and project materials is available for inspection on the project website:

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

Attached to this memorandum are the proposed text amendments (**Attachment 1**), proposed findings (**Attachment 2**), and a memo from County Legal Counsel (**Attachment 3**). Within the proposed amendments, added language is shown in **bold underline**.

I. PUBLIC TESTIMONY

Planning Commissioners held a public hearing on February 23, 2023 during which eleven (11) members of the public provided testimony. During the continued public hearing on March 9, 2023, 21 members of the

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-33>

² <https://www.deschutes.org/bc-pc/page/planning-commission-27>

³ <https://www.deschutes.org/bc-pc/page/planning-commission-24>

public provided testimony. As of the date of this memorandum, there have been approximately 125 written comments in opposition to the subject proposal. Additionally, there have been approximately 222 written comments in support of the subject proposal. The applicant provided supplementary information during both the initial and continued public hearings and several written comments were submitted by the public during the continued public hearing.

TESTIMONY IN SUPPORT

The testimony received in support of the subject application generally focuses on the following areas:

- The proposed text amendment should be approved because it aligns County Code with state law
- The proposal is required to be approved as a function of state law
- The proposal is required to be incorporated in County Code because the population of City of Bend's Urban Growth Boundary has now exceeded 100,000 individuals.
- New large-scale Destination Resorts create negative impacts on natural resources and open spaces.
- New large-scale Destination Resorts are not viable economic opportunities for the County and predominantly cater to an exclusive group of individuals.
- The proposed amendments align the County Code with the County's adopted Comprehensive Plan policies (Policy 3.9.3(a)(1)) related to Destination Resort siting.

TESTIMONY IN OPPOSITION

The testimony received in opposition to the subject application generally focuses on the following areas:

- The subject application is the wrong type of application – a plan amendment should be required for the proposed amendment.
- There may have been insufficient written notice provided through the County's Measure 56 notice.
- Limiting the types of residential uses allowed on a new Destination Resort exacerbates the ongoing affordable housing crisis by only allowing housing for staff and management of a resort.
- Limiting the types of residential uses allowed on a new Destination Resort may be detrimental to the value of DR-zoned properties and may not be economically-supportive of the Deschutes County region.
- The proposal may constitute a general infringement on individual property rights.
- There should be allowances for additional large-scale Destination Resorts to create economic competition between the existing resorts.

In addition to the general comments related to support and opposition, there were several comments received which included requests for Commissioner Cyrus to recuse himself from the review process of this proposed amendment.

In response to comments related to the Measure 56 Notice sent on behalf of the subject application, staff has provided a full list of all properties within the DR Combining Zone, included as **Attachment 4**.

II. PROPOSED TEXT MODIFICATION(S)

Multiple public comments have offered suggestions for modifying the proposed text amendment language. The purpose of the proposed modifications is to explicitly clarify that the proposed amendments would not apply to newly-proposed destination resorts that have not received conceptual master plan approval. The proposed modified language, as quoted from public comments, is provided below (modified language shown in **bold underlined italics**):

*"Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more, residential uses are limited to those necessary for the staff and management of the resort, **provided that this provision applies only to new proposed destination resorts and not to existing developments approved as destination resorts.**"*

Submitted by Alex J. Berger/Corinne Celko (February 13, 2023)

*"J. Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more, **except for destination resorts with conceptual master plan approval as of the [date of adoption]. new** residential uses are limited to those necessary for staff and management of the resort."*

Submitted by Kenneth Katzaroff (March 14, 2023)

The Planning Commission may consider these modified language proposals in their deliberations process, should they desire.

III. NEXT STEPS

At the conclusion of the meeting, the Commission can:

- Continue deliberations to a date certain;
- Close deliberations and propose a recommendation during this meeting.

Ultimately, the Planning Commission will provide a recommendation to the Board of County Commissioners. Options include:

- Recommend approval of amendments as drafted;
- Recommend approval of amendments with suggested modifications or recommendations;
- Recommended denial of amendments;
- Other.

Attachments:

1. Proposed Text Amendments
2. Proposed Findings
3. County Legal Counsel Memo
4. Property List – DR-Zoned Properties