



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Tarik Rawlings, Senior Transportation Planner
Will Groves, Planning Manager

DATE: August 2, 2023

SUBJECT: Consideration of First Reading of Ordinance 2023-009 – Destination Resort Text Amendments

The Board of County Commissioners (Board) will consider a first reading of Ordinance 2023-009 on August 16, 2023 for an applicant-initiated Legislative Text Amendment (file no. 247-22-000835-TA) to Deschutes County's Destination Resort (DR) Combining Zone.

Attached to this memorandum are the proposed text amendments and findings including the recommended language modifications from Caldera Springs Real Estate. Within the proposed amendments, added language is shown in **bold underline**.

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 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 initial Planning Commission public hearing held on February 23, 2023¹.

An initial public hearing was held before the Deschutes County Planning Commission on February 23, 2023², with a continued public hearing held on March 9, 2023³. The Planning Commission held deliberations on March 23, 2023⁴, ultimately recommending approval of the proposal with three (3) Commissioners voting in favor and one (1) Commissioner voting against the proposal (two (2) Commissioners recused themselves from deliberations). Eventually, the Board conducted a work session on July 10, 2023⁵, in preparation for a public hearing on July 12, 2023⁶. Deliberations before the Board were held on July 26, 2023⁷ and two of the three Commissioners voted to approve the request, including the modified language proposed by Caldera Springs Real Estate. The Board agreed to a first reading of Ordinance 2023-009 on August 9, 2023 and a second reading two weeks later. Collectively, over 570 public comments have been submitted into record regarding the subject proposal, including supportive, oppositional, and neutral comments.

II. NEXT STEPS / SECOND READING

The Board is scheduled to conduct the second reading of Ordinance 2023-009 on August 23, 2023, fourteen (14) days following the first reading.

ATTACHMENTS:

1. Draft Ordinance 2023-009 and Exhibits
 - Exhibit A: Proposed Text Amendments (including modified language)
 - Exhibit B: Proposed Findings

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

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

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

⁴ <https://www.deschutes.org/bc-pc/page/planning-commission-28>

⁵ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-113>

⁶ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-114>

⁷ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-116>