

**VOL: CJ2001 PAGE: 393**  
**RECORDED DOCUMENT**

STATE OF OREGON  
COUNTY OF DESCHUTES



\*CJ2001-393 \* Vol-Page

Printed: 05/03/2001 13:42:30

**DO NOT REMOVE THIS CERTIFICATE**

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: Apr. 27, 2001; 2:40 p.m.

DOCUMENT TYPE: Ordinance (CJ)

NUMBER OF PAGES: 13

*Mary Sue Penhollow*

MARY SUE PENHOLLOW  
DESCHUTES COUNTY CLERK

KEYBUNCHED  
*on*  
MAY - 3 2001

REVIEWED  
LC  
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

CJ2001-393

An Ordinance Amending Title 18, the \*  
Deschutes County Zoning Ordinance, \*  
of the Deschutes County Code, to Allow \*  
Destination Resorts in the Wildlife Area \*  
Combining Zone. \*

01 APR 27 PM 2:48  
MARY SUE FENHOLLON  
COUNTY CLERK

ORDINANCE NO. 2001-019

WHEREAS, Sunriver Resort Limited Partnership submitted an application for a legislative amendment to the Deschutes County Zoning Ordinance; and

WHEREAS, the Deschutes County Planning Commission conducted a public hearing on the proposed amendments, and have now forwarded the proposed amendments to the Board of County Commissioners; and

WHEREAS, after notice was given and hearing conducted on April 4, 2001 before the Board of County Commissioners in accordance with applicable law, the Board of County Commissioners has considered the proposed amendments; now, therefore,

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

Section 1. AMENDMENT. Section 18.88.040, Uses permitted conditionally, of the Deschutes County Zoning Ordinance is amended to read as set forth in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and deleted language shown in ~~strikethrough~~.

Section 2. FINDINGS. The Board of County Commissioners adopts as its findings and conclusions in support of the amendment the Findings attached hereto as Exhibit "B," and by this reference incorporated herein.

DATED this 25<sup>th</sup> day of April, 2001.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Tom DeWolf, Chair

~~excused~~  
Dennis R. Luke, Commissioner

  
Michael M. Daly, Commissioner

ATTEST:

  
Recording Secretary

Exhibit "A"

**Chapter 18.88. WILDLIFE AREA  
COMBINING ZONE -  
WA**

**18.88.010. Purpose.**

**18.88.020. Application of provisions.**

**18.88.030. Uses permitted outright.**

**18.88.040. Uses permitted conditionally.**

**18.88.050. Dimensional standards.**

**18.88.060. Siting standards.**

**18.88.070. Fence standards.**

**18.88.010. Purpose.**

The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

(Ord. 2001-016 § 2, 2001; Ord. 93-043 §§ 13 and 13A, 1993)

**18.88.020. Application of provisions.**

The provisions of DCC 18.88.020 shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range or deer migration corridor. Unincorporated communities are exempt from the provisions of DCC 18.88.

(Ord. 2001-016 § 2, 2001; Ord. 96-003 § 6, 1996; Ord. 92-042 § 1, 1992)

**18.88.030. Uses permitted outright.**

In a zone with which the WA Zone is combined, the uses permitted outright shall be those permitted outright by the underlying zone.

(Ord. 2001-016 § 2, 2001; Ord. 92-042 § 1, 1992; Ord. 91-020 § 1, 1991)

**18.88.040. Uses permitted conditionally.**

A. Except as provided in DCC 18.88.040(B), in a zone with which the WA Zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone subject to the provisions of the Comprehensive Plan, DCC 18.128 and other applicable sections of this title.

B. The following uses are not permitted in that portion of the WA Zone designated as deer winter ranges, significant elk habitat or antelope range:

1. Golf course, not included in a destination resort;
2. Commercial dog kennel;
3. Church;
4. Public or private school;
5. Bed and breakfast inn;
6. Dude ranch;
7. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
8. Timeshare unit;
9. Veterinary clinic;
10. Fishing lodge.

C. ~~The Subject to subsection E,~~ the following uses are permitted in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as conditional uses:

1. Church;
2. Public or private school;
3. Bed and breakfast inn;
4. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;

D. Subject to Chapter 18.113, destination resorts are allowed as a conditional use in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as long as the property is not in an area designated as "Deer Migration Priority Area" on the 1999 ODFW map submitted to the South County Regional Problem Solving Group.

E. Use limitations. The uses listed in DCC 18.88.040(C) are subject to the applicable provisions of DCC 18.116 and 18.124 and the following criteria:

1. The parcel shall be zoned RR-10;
2. The parcel shall be located within one-quarter mile of a rural service center and be located adjacent to a rural collector or a rural arterial identified on the Deschutes County Transportation Plan;

Exhibit "A"

3. The parcel shall be no less than one acre and no more than five acres in size;
4. The parcel shall be farther than 100 feet from identified wetlands, floodplains or riparian areas.
5. The property shall be outside areas designated as "Existing High Use Migration Areas" or "Important Connective Areas Through Existing Developed Areas" on the 1997 ODFW map submitted to the South County Regional Problem Solving Group.
6. Fences developed as part of the conditional uses listed in DCC 18.88.040(C) shall be built from posts and poles or smooth wire and shall have a minimum bottom pole or wire height of 18 inches from the ground and a maximum top pole or wire height of 40 inches from the ground. Fences exempted from these standards shall be constructed in accordance with the provisions of DCC 18.88.070(B).

EE. Expansion of any use listed in DCC 18.88.040(B) that was lawfully established prior to August 5, 1992, is allowed, subject to provisions of DCC Title 18 applicable to the establishment of such uses. Expansion of golf courses under DCC 18.88.040 shall be limited to a final size of 18 holes.

~~F. An application for a destination resort, or any portion thereof, in a Wildlife Area Combining Zone shall not be accepted pending completion of the County's Goal 8 Destination resort mapping process.~~

(Ord. 2001-19 § 1, 2001; Ord. 2001-016 § 2, 2001; Ord. 98-013 § 1, 1998; Ord. 95-075 § 1, 1995; Ord. 95-001 § 3, 1995; Ord. 92-042 § 1, 1992)

**18.88.050. Dimensional standards.**

In a WA Zone, the following dimensional standards shall apply:

- A. In the Tumalo, Metolius, North Paulina and Grizzly deer winter ranges designated in the Comprehensive Plan Resource Element, the minimum lot size for new parcels shall be 40

acres except as provided in DCC 18.88.050(D).

- B. In areas designated as significant elk habitat in the Comprehensive Plan Resource Element, the minimum lot size for new parcels shall be 160 acres.
- C. In areas designated as antelope range in the Comprehensive Plan Resource Element, the minimum lot size for new parcels shall be 320 acres.
- D. Residential land divisions, including partitions, in deer winter range where the underlying zone is RR-10 or MUA-10, shall not be permitted except as a planned development or cluster development conforming to the following standards:
  1. The minimum area for a planned or cluster development shall be at least 40 acres.
  2. The planned or cluster development shall retain a minimum of 80 percent open space and conform with the provisions of DCC 18.128.200 or 210.
  3. Notwithstanding the provisions of DCC 18.128.200 or 210, or DCC 18.60.060(C), the total number of residences in a cluster development may not exceed the density permitted in the underlying zone.

- E. Residential land divisions, including partitions, in the Bend/La Pine Deer Migration Corridor where the underlying zone is RR-10 shall not be permitted except as a cluster development conforming to the following standards:

1. The minimum area for a cluster development shall be at least 20 acres.
2. The cluster development shall retain a minimum of 80 percent open space and conform with the provisions of DCC 18.128.200 or 210.
3. Notwithstanding the provisions of DCC 18.128.200, or DCC 18.60.060(C), the total number of residences in the cluster development may not exceed the density permitted in the underlying zone.

(Ord. 2001-016 § 2, 2001; Ord. 95-075 § 1, 1995; Ord. 92-042 § 1, 1992)

Exhibit "A"

**18.88.060. Siting standards.**

- A. Setbacks shall be those described in the underlying zone with which the WA Zone is combined.
- B. The footprint, including decks and porches, for new dwellings shall be located entirely within 300 feet of public roads, private roads or recorded easements for vehicular access existing as of August 5, 1992 unless it can be found that:
  - 1. Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern; or,
  - 2. The siting within 300 feet of such roads or easements for vehicular access would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least possible impact on wildlife habitat considering browse, forage, cover, access to water and migration corridors, and minimizing length of new access roads and driveways; or,
  - 3. The dwelling is set back no more than 50 feet from the edge of a driveway that existed as of August 5, 1992.
- C. For purposes of DCC 18.88.060(B):
  - 1. A private road, easement for vehicular access or driveway will conclusively be regarded as having existed prior to August 5, 1992 if the applicant submits any of the following:
    - a. A copy of an easement recorded with the County Clerk prior to August 5, 1992 establishing a right of ingress and egress for vehicular use;
    - b. An aerial photograph with proof that it was taken prior to August 5, 1992 on which the road, easement or driveway allowing vehicular access is visible;
    - c. A map published prior to August 5, 1992 or assessor's map from prior to August 5, 1992 showing the road (but not showing a mere trail or footpath).

- 2. An applicant may submit any other evidence thought to establish the existence of a private road, easement for vehicular access or driveway as of August 5, 1992 which evidence need not be regarded as conclusive.

(Ord. 2001-016 § 2, 2001; Ord. 95-001 3, 1995; Ord. 92-042 § 1, 1992)

**18.88.070. Fence standards.**

The following fencing provisions shall apply as a condition of approval for any new fences constructed as a part of development of a property in conjunction with a conditional use permit or site plan review.

- A. New fences in the Wildlife Area Combining Zone shall be designed to permit wildlife passage. The following standards and guidelines shall apply unless an alternative fence design which provides equivalent wildlife passage is approved by the County after consultation with the Oregon Department of Fish and Wildlife:
  - 1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.
  - 2. The height of the fence shall not exceed 48 inches above ground level.
  - 3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.
- B. Exemptions:
  - 1. Fences encompassing less than 10,000 square feet which surround or are adjacent to residences or structures are exempt from the above fencing standards.
  - 2. Corrals used for working livestock.

(Ord. 2001-016 § 2, 2001; Ord. 92-042 § 1, 1992)

## EXHIBIT B

### FINDINGS OF THE BOARD OF COUNTY COMMISSIONERS SUPPORTING ADOPTION OF AMENDMENTS TO THE RESOURCE MANAGEMENT ELEMENT OF THE COMPREHENSIVE PLAN AND TO CHAPTER 18.88 OF THE DESCHUTES COUNTY CODE

#### Purpose:

1. The purpose of these findings is to support the Board of County Commissioner's (the "Board") adoption of legislative text amendments to both the Resource Management Element of the Deschutes County Comprehensive Plan and Chapter 18.88 of the Deschutes County Code ("DCC"). Pursuant to DCC Section 22.12.030, Sunriver Resort Limited Partnership ("Applicant") submitted concurrent applications for the text amendments. The amendments will allow the County to accept an application for a conditional use permit for a destination resort within the boundaries of the Bend/La Pine Deer Migration Corridor, but outside of the Deer Migration Priority Area established by the Oregon Department of Fish and Wildlife.
2. The amendment to the Comprehensive Plan (PA-00-10) will eliminate Fish and Wildlife Policy 19 of the Comprehensive Plan. Policy 19 currently provides:

*"An application for a destination resort, or any portion thereof, in a wildlife area combining zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process. The County shall complete the Goal 8 destination resort mapping process by December 31, 1992."*

The Comprehensive Plan amendment includes an amendment of the analysis of the economic, social, environmental, and energy consequences ("ESEE") of protecting the Bend/La Pine Deer Migration Corridor.

3. The amendment to DCC Chapter 18.88, Wildlife Area Combining Zone (TA-00-13), will amend Section 18.88.040(C), Uses Permitted Conditionally, by adding the reference "Subject to subsection E," to clarify that the conditional uses allowed in the Bend/La Pine Deer Migration Corridor are permitted subject to the use limitations in DCC Section 18.88.040(E). The amendment also adds a new subsection (D) that will include the following language:

*"Subject to Chapter 18.113, destination resorts are allowed as a conditional use in that portion of the WA Zone designated as the Bend/La Pine Deer Migration Corridor as long as the property is not in an area designated as "Deer Migration Priority Area" on the 1999 ODFW Map submitted to the South County Regional Problem Solving Group."*

The amendments to DCC Section 18.88.040 will also delete subsection 18.88.040(F), which includes language identical to the language of Fish and Wildlife Policy No. 19.

4. The amended ESEE associated with the text amendments complies with Statewide Planning Goal 5 and its implementing administrative rule, OAR 660-023. The amendments to the Comprehensive Plan, DCC Chapter 18.88, and the ESEE have been conducted in compliance with the requirements contained in OAR 660-23 for a post-acknowledgement plan amendment (“PAPA”) affecting a wildlife habitat resource.

**Background:**

5. On November 1, 1979, the Board adopted its Comprehensive Plan, including goals and policies for the protection of fish and wildlife resources. The Fish and Wildlife Chapter of the Resource Element of the Comprehensive Plan includes inventories and discussion of the fish and wildlife resources throughout the county. On November 1, 1979, the Board also adopted PL-15, containing provisions for the Wildlife Area Combining Zone.
6. As part of the periodic review process required by the Oregon Department of Land Conservation and Development and in compliance with Goal 5, on August 5, 1992, the Board adopted a new Fish and Wildlife Chapter to the Resource Element of the Deschutes County Year 2000 Comprehensive Plan through Ordinance No. 92-041. The addition included the inventory, conflicts analysis and the analysis of the ESEE consequences of protecting County fish and wildlife resources. At the same time, the Board adopted amendments to the goals and policies in the Fish and Wildlife Chapter of the Deschutes County Year 2000 Comprehensive Plan through Ordinance No. 92-040 and amendments to DCC Chapter 18.88, the Wildlife Area Combining Zone, through Ordinance No.92-042. The Board further amended DCC Chapter 18 by adding new wildlife areas to the Wildlife Area Combining Zone, including the Bend/La Pine Deer Migration Corridor through Ordinance No. 92-046.

As of August 5, 1992, the County had not yet completed a distinct Goal 8 process of mapping areas as eligible for destination resort siting. Based upon the incomplete status of that project, the amendments to both the Comprehensive Plan and DCC Chapter 18.88 contained provisions that prohibited applications for destination resorts within the Wildlife Area Combining Zone pending the completion of the County’s Goal 8 destination resort mapping process. Pursuant to the language included in the ESEE, the Goal 8 mapping project was to be completed by December 31, 1992.

7. On February 7, 1992, the County initiated a process of designating lands eligible for destination resorts in compliance with Goal 8. The Board adopted a package of destination resort siting ordinances, Ordinance Nos. 92-001 through 92-004, to implement the Goal 8 program.

Through Ordinance No. 92-002 the County amended the Deschutes County Year 2000 Comprehensive Plan by adopting a map to allow for the siting of destination resorts on certain land in Deschutes County. The Goal 8 mapping project was completed through two phases. Initially, the County excluded all areas that are precluded from destination resort siting pursuant to the Goal 8 regulations, including especially sensitive big game habitat as mapped by the Oregon Department of Fish and Wildlife (“ODFW”).

Therefore, the four areas shown on the ODFW map as areas of especially sensitive big game habitat, the Tumalo deer winter range, the Metolius deer winter range, and two areas of antelope winter range, were excluded from consideration. The County also excluded an antelope range near Horse Ridge and most of the Millican antelope ranges from mapping consideration even though they were not included in the ODFW map. The County did not exclude areas within the Bend/La Pine Deer Migration Corridor from destination resort mapping consideration because it was not recognized as especially sensitive big game habitat pursuant to Goal 8.

In the second phase, the County mapped forest lands eligible for resort siting, and the County completed the Goal 8 mapping project in 1993 through Destination Resort Ordinances 93-029, 93-030 and 93-031. As a result of the phased mapping process, some Rural Residential 10 ("RR-10") and Forest Use 2 ("F-2") zoned lands within the boundaries of the Bend/La Pine Deer Migration Corridor were included in the destination resort overlay map as being eligible for destination resort siting.

8. In 1996, LCDC adopted a set of revised regulations, OAR Chapter 660, Division 23, for implementation of Statewide Planning Goal 5. The revisions were intended to replace the regulations at OAR Chapter 660, Division 16 for most resources. The Board processed the amendments in this case pursuant to the requirements of the revised regulations because OAR 660-023-0250(2) provides that the requirements of the revised regulations are applicable to PAPAs initiated on or after September 1, 1996.

The County's consideration of this PAPA is limited to a specific resource site, the Bend/La Pine Deer Migration Corridor. Therefore, pursuant to OAR 660-023-0250(4), the Board is not required to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites in the county, that are not affected by these amendments.

9. The Deschutes County Planning Commission conducted public hearings on March 8, 2001 and two workshops on January 25, 2001 and March 22, 2001, to consider the proposed amendments to the Resource Management Element of the Deschutes County Comprehensive Plan and DCC Chapter 18.88. On March 22, 2001, the Planning Commission recommended approval of the proposed amendments.
10. The Board held a public hearing on April 4, 2001, to consider testimony on the proposed amendments to the Comprehensive Plan and DCC Chapter 18.88.

#### **Compliance with Goal 5:**

11. The Board finds that it is appropriate to address the issue of whether to allow destination resorts within the Bend/La Pine Deer Migration Corridor through a PAPA in compliance with Goal 5. During the previous periodic review process, the Board deferred a determination on this issue until the County completed the Goal 8 mapping process. Now that the Goal 8 mapping is finished, the Board finds that the Bend/La Pine Deer Migration Corridor and the conflicting destination resort use are important relative to

each other and, based on OAR 660-023-0040(5)(b) and the amended ESEE analysis, the destination resort use should be allowed in a limited way that protects the Goal 5 resource. Specifically, destination resorts should be limited to areas within the destination resort overlay that are outside of the Deer Migration Priority Area.

12. Goal 5 is satisfied through the amended ESEE for the Deer Migration Corridor, adopted through Ordinance No. 01-\_\_\_\_. Pursuant to the requirements of Goal 5, the amended ESEE addresses the adequacy of the resource information, identifies potential conflicts with the resource, analyzes the economic, social, environmental, and energy consequences of protecting the resource by limiting and prohibiting specific conflicting uses, decides the level of protection needed for the resource based upon that analysis, and provides a specific program to achieve that goal. Goal 5 is further met through the adoption of amendments to the Resource Management Element of the Deschutes County Year 2000 Comprehensive Plan, Ordinance No. 01-\_\_\_\_, and amendments to DCC Chapter 18.88, Ordinance No. 01-\_\_\_\_, because these amendments accomplish the specific program for protection of the Bend/La Pine Deer Migration Corridor identified in the amended ESEE.
13. In compliance with the requirements of Goal 5 and OAR 660-023-0030, the County has worked with ODFW to obtain the most recent and accurate inventory information on the Bend/La Pine Deer Migration Corridor. Since these amendments only affect the Bend/La Pine Deer Migration Corridor, the County has neither collected nor considered information regarding other resources or resource sites.

The inventory information relied upon by the Board in adopting the amendments includes the existing ESEE, the ODFW Central Region Reports 86-2 and 92-1, the ODFW modified South Deschutes County Forest Zone and Deer Migration Habitat Map that designates the ODFW Deer Migration Priority Area, information from ODFW regarding 1999 tracking studies conducted as part of the South County Regional Problem Solving program, the South Deschutes County Destination Resort Eligible Properties in Low Priority Deer Migration Area map, the Wildlife Analysis and Report for Bend/La Pine Deer Migration Corridor Text Amendment prepared by Lynn Sharp of URS, the March 21, 2001 supplemental letter from Ms. Sharp, and the March 21, 2001 letter from Deschutes District Wildlife Biologist Steven George. Each of these information sources is described in the amended ESEE and is incorporated herein by reference. No other inventory information on the Bend/La Pine Deer Migration Corridor was submitted during the local process and there was no conflicting evidence relating to the Goal 5 resource.

The Board finds that inventory information on the Bend /La Pine Deer Migration Corridor is adequate to complete the Goal 5 PAPA.

- a. The location of the resource is clearly defined through the previously adopted Bend/La Pine Deer Migration Corridor. The County added the migration corridor to the Wildlife Area Combining Zone through Ordinance No. 92-040. The mapping was based upon ODFW tracking data indicating that mule deer use the

identified corridor as a migration route between their summer range in the forest along the east slope of the Cascades to the North Paulina deer winter range northeast of the Paulina Mountains and to the Hole-in-the-Ground and Devil's Winter Garden winter ranges near Fort Rock. The amendments implemented through this PAPA refine the existing migration corridor by adopting the Deer Migration Priority Area designated on ODFW's 1999 South Deschutes County Forest Zone and Deer Migration Habitat Map. The amendments identify land within the corridor but outside of the Deer Migration Priority Area as appropriate for destination resort development if those lands meet all requirements of the County destination resort ordinance, DCC Chapter 18.113. Although the amendments are narrowly focused on limiting a particular conflicting use within a small segment of the corridor, the County has considered impacts on the entire Bend/La Pine Deer Migration Corridor throughout this Goal 5 process.

- b. ODFW has recently produced updated inventory information on the quality and quantity of the Bend/La Pine Deer Migration Corridor. Over twenty years of ODFW studies and tracking data indicates that the quality of the resource as a migration route and the quantity of deer using the route vary within the corridor itself. ODFW conducted deer track counts along a 40-mile transect from 1978 to 1991 and published the results in ODFW Central Region Administrative Report Nos. 86-2 and 92-1. Based upon the number of deer tracks counted in each area, the reports identify areas of high, moderate and low frequency of use within the corridor. In 1999, based upon the earlier reports and additional unpublished tracking studies in the area, ODFW produced the 1999 ODFW Wildlife Migration Priority Area Map for the South County Regional Problem Solving Project. ODFW further indicated in the March 21, 2001 letter to the County that recent, unpublished deer track counts indicate that the historical patterns of deer migration use remain unchanged in the areas already mapped by ODFW in the earlier studies. Consequently, the Board finds that the quality of the entire Bend/La Pine Deer Migration Corridor is important to the County's wildlife priorities. The Board further finds that, based upon historical and recent ODFW data, the quality of migration areas within the corridor includes both priority areas and those areas with a low frequency of use.

14. In compliance with the requirements of Goal 5 and OAR 660-023-0040, the Board's decision to adopt this PAPA is based upon an analysis of the economic, social, environmental, and energy consequences of protecting the migration corridor by limiting destination resort use. Through Ordinance No. 01-\_\_\_, the Board has adopted an amended ESEE. The new ESEE amends the Deer Migration Corridor section of the Fish and Wildlife Inventories Conflict ESEE Analysis adopted in 1992 as part of the Deschutes County Year 2000 Plan through Ordinance No. 92-041. This amendment does not affect any other section of the 1992 ESEE analysis.

The analysis and the findings included in the amended ESEE for the Deer Migration Corridor are incorporated herein by reference. The Board concludes that the ESEE demonstrates that both the resource site and the conflicting uses, including destination

resorts, are important compared to each other because the benefits to the County resulting from each use are significant enough to warrant a program that protects each use in a limited fashion. In addition, the conflicting uses are not so detrimental to the Goal 5 resource that they should be prohibited entirely under OAR 660-023-0040(5)(a). Therefore, pursuant to OAR 660-023-0040(5)(b), destination resorts should be allowed in a limited way that protects the resource. (This level of protection for a significant resource site was previously recognized as a "3C" designation pursuant to the former regulations.) The Board finds that destination resorts should be allowed as a conditional use within the boundaries of the Bend/La Pine Deer Migration Corridor, so long as they are outside of the area mapped by ODFW as the Deer Migration Priority Area. The Board finds that limiting resort development to parcels within the destination resort overlay and outside of the Deer Migration Priority Area will direct future resorts to areas that have proven to be successful for resort development. Resort development in such areas will enhance the economic and social opportunities associated with resorts while protecting the high priority segments of the migration corridor. The Board finds that the amendments, coupled with existing regulations, ensure that any future application for a destination resort within the wildlife corridor must demonstrate that the subject site is outside the Deer Migration Priority Area and within the Destination Resort Overlay, and the resort proposal must comply with all requirements in DCC Chapter 18.113. The program to achieve Goal 5 is amended as detailed in the ESEE. All elements of the existing program not specifically amended by Ordinance No. 01-\_\_\_ remain in effect.

#### **Compliance with Other Goals:**

15. GOAL 1 - CITIZEN INVOLVEMENT. The Board finds that the County satisfied Goal 1 by providing notice and holding public hearings. As required by state and local law, written notice of the proposed amendments and hearings were provided to the applicant and fourteen public agencies. Notice was also posted in public locations and published in the Bend Bulletin newspaper. A public hearing and two workshops were held before the Planning Commission and one hearing was held before the Board. Pursuant to the County's Development Procedures Ordinance, codified at DCC Chapter 22 of the Deschutes County Code, citizen participation was allowed at all hearings.
16. GOAL 2 - LAND USE PLANNING. The County has satisfied Goal 2 by a) consideration of adequate and current inventory information; b) a revised conflicts and ESEE analysis and amendments to the ESEE document; c) the existence of a zoning ordinance that, as amended, will implement the ESEE decisions through clear and objective standards; d) the adoption of maps showing the areas eligible for resort development within the Bend /La Pine Deer Migration Corridor; and e) the extensive factual record generated by the inventory and ESEE process.
17. GOAL 3 - AGRICULTURAL LANDS. These ordinances do not conflict with Goal 3. None of the properties affected by the amendments are exclusive farm use zones. Additionally, any conditional use destination resort applications allowed pursuant to these amendments must still comply with the provisions of DCC Chapter 18.113, designed to protect surrounding agricultural uses.

18. GOAL 4 - FOREST LANDS. These ordinances do not conflict with Goal 4. While there are some forest lands included in the destination resort overlay zone, the Goal 8 mapping project addressed conflicts with forest uses and excluded high-value forest lands from mapping consideration. Furthermore, any conditional use destination resort applications allowed pursuant to these amendments must still comply with the requirements included in the DCC Chapter 18.113, designed to protect forest values.
19. GOAL 6 - AIR, LAND, AND WATER RESOURCES. Goal 6 requires the County to ensure that all waste and process discharges from future development will not violate applicable state or federal environmental quality standards. The Goal further requires the County to implement regulations to protect air, water, and land resources from degradation due to waste and process discharges. Any additional conditional use resort development within the Bend/La Pine Deer Migration Corridor must still comply with all of the standards of DCC Chapter 18.113 designed to protect air, land, and water resources. The standards of DCC Chapter 18.113 will regulate waste and process discharges from future development consistent with Goal 6.
20. GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS. The amendments to the Comprehensive Plan and DCC Chapter 18.88 do not permit development in areas subject to natural disasters. Furthermore, these amendments do not affect the floodplain requirements of Chapter 18.113 that apply to developed portions of a destination resort within the FP overlay zone.
21. GOAL 8 - RECREATIONAL NEEDS. These amendments satisfy Goal 8 by allowing destination resort development on lands mapped as eligible for destination resort siting through the Goal 8 mapping process. Since the Bend/La Pine Deer Migration Corridor is not identified as “especially sensitive big game habitat,” destination resort development is not excluded from the corridor. The County has chosen to include destination resorts as an important component of the County's recreational goals because they provide both internal recreational opportunities and housing for residents and visitors to enjoy the surrounding recreation. Enjoyment of fish and wildlife is also identified in the comprehensive plan as an important part of the County's recreational experience. Consistent with twenty years of ODFW tracking data and analysis and ODFW's 1999 Deer Migration Priority Area Map, the amendments protect wildlife viewing and hunting opportunities by limiting resort development to the areas outside of the Deer Migration Priority Area. The destination resort ordinance, DCC Chapter 18.113, further protects wildlife viewing and hunting by requiring a showing of no net loss of habitat and mandating the retention of at least 50% open space. In addition, resorts also include golf courses and cluster housing, which are generally compatible with wildlife habitat, as evidenced by the current Wildlife Area Combining Zone standards. The County finds that the amendments will satisfy the recreational needs of the County by protecting existing recreational opportunities and creating additional opportunities for future destination resorts, consistent with Goal 8 and the County's destination resort overlay map.

22. GOAL 9 - ECONOMY OF THE STATE. Allowing destination resorts as conditional uses in those portions of the Bend/La Pine Deer Migration Corridor that are outside of the Deer Migration Priority Area helps achieve the economic goals of the County by expanding the tourist economy of the state and the region. Destination resorts are vital to the health, welfare, and prosperity of the County's citizens because they create jobs and draw visitors to the area. By allowing this type of development within appropriately mapped areas, the amendments satisfy Goal 9.
23. GOAL 10 - HOUSING. Since the area affected by the amendments is outside of an Urban Growth Boundary, Goal 10 is not applicable. Pursuant to the goal, housing needs are to be addressed chiefly by measures taken in urban and urbanizable areas.
24. GOAL 11 - PUBLIC FACILITIES. While the amendments allow destination resorts as conditional uses within new areas, all applicants for future resorts must address facilities issues pursuant to DCC Chapter 18.113.
25. GOAL 12 - TRANSPORTATION. The amendments allow destination resorts in already developed areas, thereby making transportation more efficient. Because destination resorts provide commercial, retail, residential, and recreational uses within the resort boundaries, vehicle trips outside of the resort boundaries are generally limited and transportation impacts are further minimized. Additionally, pursuant to the standards of DCC Chapter 18.113, all applicants for a destination resort must address transportation issues prior to approval.
26. GOAL 13 - ENERGY CONSERVATION. Destination resort type development is inherently energy efficient. Since resorts typically include internal services, the development can provide them at a lesser cost than traditional development. Additionally, destination resorts provide commercial, retail, residential, and recreational uses within the resort boundaries, thereby limiting external vehicle trips. Furthermore, any destination resort development facilitated by this amendment will be sited near existing development, resulting in a reduction of vehicle trip generation.
27. GOAL 14 - URBANIZATION. The areas eligible for destination resorts that are affected by these amendments are neither located within an urban growth boundary, nor in areas planned for expansion. Goal 14 requires the establishment of urban growth boundaries to separate urbanizable land from rural land. Urban uses are generally restricted to lands within an urban growth boundary. However, urban uses within destination resort are specifically permitted on rural land outside of an urban growth boundary under ORS 215 and the corresponding provisions of the Deschutes County Code. Therefore, the amendments permitting destination resorts outside of the Deer Migration Corridor Area pursuant to the existing destination resort provisions of DCC Chapter 18.113 are consistent with Goal 14.
28. GOAL 15 - WILLAMETTE RIVER GREENWAY. The properties affected by these amendments are not located within the Willamette River Greenway. Therefore, this goal is not applicable.

29. GOAL 16 - ESTUARINE RESOURCES. There are no known estuarine resources or associated wetlands located on those properties eligible for destination resorts pursuant to these amendments. Furthermore, the amendments do not alter any of the existing estuarine protections currently in place. Therefore, this goal is not applicable.
30. GOAL 17 - COASTAL SHORELANDS. The properties affected by these amendments are not coastal areas. Therefore this goal is not applicable.
31. GOAL 18 - BEACHES AND DUNES. The properties affected by these amendments are not coastal areas. Therefore, this goal is not applicable.
32. GOAL 19 - OCEAN RESOURCES. These amendments have no affect on coastal resources, therefore, this goal is not applicable.