



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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MEMORANDUM

DATE: September 16, 2015
TO: Deschutes County Planning Commission
FROM: Peter Gutowsky, Planning Manager
RE: Eagle Crest Text Amendment / 247-15-000444-TA /Public Hearing

The Deschutes County Planning Commission will hold a public hearing on September 24, 2015 at the Deschutes Service Center, starting at 5:30 p.m.¹ The Commission will consider text amendments proposed by Oregon Resorts Acquisition Partners, LP, owners of Eagle Crest Resort to amend Deschutes County Code (DCC) 18.113.060, Standards for Destination Resorts. The proposed text amendment modifies the current process and requirements for Eagle Crest to provide the County with annual accountings related to the inventory of overnight lodging units.

To date, Staff has received one written correspondence from the public. It is attached with this memorandum.

Planning Commission Question

The Planning Commission asked Staff on September 10, to explain how other Goal 8 destination resorts in Deschutes County apply deed restrictions to overnight lodging units?²

- Caldera Springs Resort designates individually owned overnight units on recorded subdivision plats. The resort also notes the overnight lodging units in their covenants, codes, and restrictions (CC&Rs). According to County legal counsel, CC&Rs are equivalent to deed restrictions for Caldera Springs Resort's purposes.
- Tetherow Resort amended Title 19 (Bend Urban Area Zoning Ordinance), Deschutes County Code 19.106 (Destination Resorts) in 2014 to rely on conditions of approval agreements (CoAAs) to be recorded per lot at the time of recording a subdivision plat instead of plat designations or deed restrictions. It was recognized that CoAAs provide higher visibility to buyers, realtors and title companies. They also provide a path to

¹ Hearing materials were included in the Planning Commission's September 10 meeting packet.
<http://www.deschutes.org/cd/page/deschutes-county-planning-commission-meeting-7>

² Caldera Springs, Pronghorn, and Tetherow resorts have also posted bonds or cash to assure the requisite number of overnight units are built in a timely manner.

release individually owned overnight units from the rental pool through a separate land use action that documents their new location.

- Pronghorn Resort relies on six, eight unit structures containing 48 timeshare units which qualify as "overnight lodging" per the definition in DCC 18.04, without the need to be deed restricted.³ A 104 unit hotel, constructed in two phases, is planned for 2017 and 2018.

Attachment:

Gould email

³ "Overnight lodgings" with respect to destination resorts, means permanent, separately rentable accommodations that are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and time-share units. Individually-owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation and check-in service operated by the destination resort or through a real estate property manager, as defined in ORS 696.010.