

House Bill 3372

Sponsored by Representative WHISNANT; Senator WHITSETT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Cyrus family to develop approximately 1,500-acre resort. Exempts development from statutes relating to destination resorts and other specified land use statutes, statewide land use planning goals and provisions of Deschutes County's acknowledged comprehensive plan and land use regulations.

A BILL FOR AN ACT

1
2 Relating to resort development in Deschutes County.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) "Cyrus family" means members of the Cyrus family and entities controlled by mem-
6 bers of the Cyrus family.

7 (b) "Cyrus Heritage Farm development area" means that certain real property consisting
8 of approximately 1,500 acres in Deschutes County owned on January 1, 2011, by the Cyrus
9 family and further described as portions of section 35 of township 14, range 10 east and
10 sections 1, 12, 13 and 14 of township 15, range 10 east.

11 (c) "Heritage Farm conservation area" means that certain real property consisting of
12 approximately 250 acres in portions of section 12 and portions of section 13 of township 15
13 south, range 10 east.

14 (d) "Lot" has the meaning given that term in ORS 92.010.

15 (e) "Parcel" has the meaning given that term in ORS 215.010.

16 (f) "Owner" means the Cyrus family, or successors in interest in the Cyrus Heritage
17 Farm development area.

18 (g) "Whychus Creek conservation area" means that certain real property consisting of
19 approximately 129 acres adjacent to and including Whychus Creek in the western half of
20 section 35 of township 14 south, range 10 east.

21 (2) Subject to subsection (3) of this section and subject to the master plan, the owner of
22 the Cyrus Heritage Farm development area may develop a resort in the development area
23 as an outright permitted use:

24 (a) Notwithstanding provisions of ORS 92.010 to 92.192 that establish time frames for
25 submission of a final subdivision plat after tentative approval of a proposed subdivision plat.

26 (b) Notwithstanding ORS 197.435 to 197.467.

27 (c) Notwithstanding the lot or parcel size and dwelling standards set forth in ORS 215.700
28 to 215.780.

29 (d) Without taking an exception under ORS 197.732 to any of the statewide land use
30 planning goals.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (e) Notwithstanding provisions of the acknowledged comprehensive plan or land use reg-
 2 ulations of Deschutes County except as provided otherwise in this section.

3 (f) Without adopting changes to the acknowledged comprehensive plan or land use regu-
 4 lations of Deschutes County.

5 (3) The owner of the development area may pursue the development described in sub-
 6 section (2) of this section if the owner:

7 (a) Submits an application for approval of a master plan under subsection (6) of this
 8 section within 10 years after the effective date of this 2011 Act; and

9 (b) Obtains the land use approvals required by this section.

10 (4) Upon satisfaction of the requirements of subsections (2) and (3) of this section, the
 11 owner of the development area may develop in the development area:

12 (a) Up to 495 single-family detached houses, cabins, condominiums, townhouses, time-
 13 share units and transient lodging units for use as permanent residences, time-share units,
 14 rental units or transient lodging units.

15 (b) Restaurants, meeting facilities and commercial and mixed uses necessary to meet the
 16 needs of residents and visitors to the development area.

17 (c) Recreational facilities, including, but not limited to, tennis courts, swimming pools,
 18 equestrian facilities, bicycle paths and, if approved on or before January 1, 2011, for devel-
 19 opment in section 1 of township 15 south, range 10 east, one golf course.

20 (d) Class A motorcoach resort facilities with up to 100 spaces and accessory amenities
 21 and services in portions of the southwest quarter, section 1 of township 15, range 10 east,
 22 and bounded by State Highway No. 126 and Camp Polk Road.

23 (e) Roads, utilities and maintenance and security facilities necessary to support the de-
 24 velopment.

25 (5) Development in the development area is subject to the following requirements:

26 (a) At least 60 percent of the development area must be dedicated permanently to open
 27 space, excluding streets and parking areas.

28 (b) At least 25 percent of the units described in subsection (4)(a) of this section must be
 29 designed to encourage and facilitate use as overnight lodging.

30 (c) All units described in subsection (4)(a) of this section must incorporate the following
 31 design restrictions:

32 (A) Single-family detached houses may not be sited on lots or parcels that exceed 5,000
 33 square feet.

34 (B) Single-family detached houses, condominium units and townhouses may not exceed
 35 1,800 square feet.

36 (C) Single-family detached houses, condominium units and townhouses may be developed
 37 with one single-car garage for each unit.

38 (d) The owner shall retain important natural features of the development area, including
 39 habitat of threatened or endangered species, streams, rivers and significant wetlands. If the
 40 overall values of the features are maintained, the owner may alter important natural fea-
 41 tures, including the placement of structures.

42 (e) To avoid or minimize adverse effects of the development on uses on surrounding
 43 lands, the owner shall develop buffers between the development and adjacent land uses, in-
 44 cluding natural vegetation and, where appropriate, fences, berms, landscaped areas and
 45 similar types of buffers.

1 (f) Roads, utility corridors and utility facilities necessary to serve the development area
 2 are outright permitted uses within the development area and on nearby lands without taking
 3 an exception under ORS 197.732 to the statewide land use planning goals or changing the
 4 acknowledged comprehensive plan or land use regulations of Deschutes County.

5 (g) The owner shall develop the development area in consultation with the State De-
 6 partment of Fish and Wildlife to minimize impacts on wildlife.

7 (h) The owner shall develop the development area in consultation with the State Forestry
 8 Department to minimize wildfire risks.

9 (i) The owner may develop the development area in one or more phases.

10 (j) The owner shall mitigate impacts to nearby areas by paying assessments to offset in-
 11 creased usage of capital improvements and fish and wildlife habitat enhancement credits as
 12 units are sold and developed. When residential units are offered for sale, the owner shall
 13 cause deed restrictions to be placed on the land and improvements to ensure payment of
 14 assessments and fish and wildlife habitat enhancement credits as follows:

15 (A) When the owner of a lot or parcel in the development area obtains a building permit,
 16 the owner of the lot or parcel shall pay an assessment to offset the costs of increased usage
 17 of a capital improvement to the:

18 (i) City of Sisters in the amount of \$1,000.

19 (ii) Sisters Schools Foundation in the amount of \$2,500.

20 (B) Before the final subdivision plat is approved, the owner of the development area shall
 21 pay fish and wildlife habitat enhancement credits in the amount of \$2,500 per residential lot
 22 to the State Department of Fish and Wildlife or a 501(c)(3) nonprofit corporation with a focus
 23 on the environment and education for the purpose of enhancement, management, mainte-
 24 nance, education, research or outreach programs on Whychus Creek or other similar pro-
 25 grams.

26 (k) The owner shall cause conservation easements under ORS 271.715 to 271.795 to be
 27 placed on certain special areas and view corridors. The owner shall place a conservation
 28 easement on the:

29 (A) Whychus Creek conservation area that limits uses to a horse stable, agriculture, low
 30 environmental impact recreation, including hiking, biking, horseback riding or fishing, edu-
 31 cation or research.

32 (B) Heritage Farm conservation area that limits uses to agriculture for the purpose of
 33 protecting agricultural lands as well as the view corridor to the west of Cloverdale Road.

34 (6) The owner may submit an application to Deschutes County for approval of a master
 35 plan for the development and use of the development area. The master plan must:

36 (a) Demonstrate that development will occur in compliance with the requirements of this
 37 section.

38 (b) Include a proposed subdivision plat to create lots for the first phase of development
 39 in the development area.

40 (c) Include a traffic study, prepared by a licensed transportation engineer, that:

41 (A) Addresses the impacts of the development on affected state highways, county roads
 42 and city streets.

43 (B) Identifies transportation improvements needed to mitigate the impacts.

44 (C) Is submitted to the Department of Transportation for review when submitted to
 45 Deschutes County as part of the master plan.

- 1 **(7) The master plan and associated land division plans:**
2 **(a) Govern development of the development area in perpetuity.**
3 **(b) May be amended at any time following an administrative review by Deschutes County**
4 **and shall be approved by Deschutes County if the amended master plan would remain in**
5 **compliance with the requirements of this section.**
6 **(8) Deschutes County shall:**
7 **(a) Apply only the provisions of this section as standards and criteria for approval or**
8 **amendment of the master plan and associated land division applications and development**
9 **permit applications submitted pursuant to this section.**
10 **(b) Process the master plan and associated land division applications pursuant to the**
11 **procedural review provisions of the acknowledged comprehensive plan and land use regu-**
12 **lations.**
13 **(9) Development and construction of uses within the development area may proceed when**
14 **the master plan has been approved and the final subdivision plan for the phase has been re-**
15 **corded.**
16 **(10) The development opportunities provided by this section are fully transferable and run**
17 **with the land in the event of change of ownership of the development area.**
18 **(11) Ten years after the effective date of this 2011 Act, this section is void and has no**
19 **further effect unless the owner has applied to Deschutes County for approval of a master**
20 **plan under this section.**

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