



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

August 22, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 005-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 5, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Christy Maciel, Deschutes County

<paa> ya/



FORM 2

DEPT OF

D L C D NOTICE OF ADOPTION

AUG 16 2006

This form must be mailed to DLCD within 5 working days after the final decision AND CONSERVATION AND DEVELOPMENT per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)



Jurisdiction: Deschutes Co Local File No.: TA-06-2
(If no number, use none)

Date of Adoption: 8/19/06 Date Mailed: 8/15/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4/11/06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡

Legislative text amendment to
DCC 18.16.037 and 18.128.360 to
implement new sunset date for
Guest Ranch

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Same.

Plan Map Changed from: N/A to _____

Zone Map Changed from: N/A to _____

Location: N/A Acres Involved: _____

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: Goal 3

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 005-06(15144)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Christy Maciel Area Code + Phone Number: 541-383-6701
Address: 117 NW Lafayette City: Bend OR
Zip Code+4: 97709 Email Address: christy.m@condesports.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

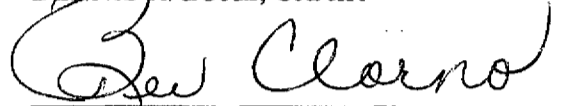
1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

Section 4. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

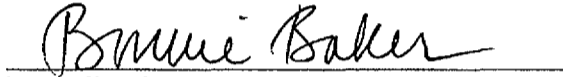
Dated this 9th of August 2006

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, CHAIR


BEV CLARNO, VICE CHAIR

ATTEST:


Recording Secretary


MICHAEL M. DALY, COMMISSIONER

Date of 1st Reading: 9th day of August, 2006.

Date of 2nd Reading: 9th day of August, 2006.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bev Clarno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 9th day of August, 2006.

ATTEST:


Recording Secretary

EXHIBIT "A"

18.16.037. Guest ranch.

- A. A guest ranch may be established in conjunction with an existing and continuing livestock operation, using accepted livestock practices that qualifies as a farm use under ORS 215.203, subject to the applicable provisions set forth in DCC 18.16.040(A)(1), (2) and (3), the applicable provisions of DCC 18.128, and the provisions of ORS 215.296(1) and (2).
- B. "Guest ranch" means a facility for overnight lodging incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. Guest ranch facilities may include a lodge, bunkhouse or cottage accommodations as well as passive recreational activities and food services as set forth in DCC 18.128.360(4) and (5).
- C. For the purposes of DCC 18.16.037, "livestock" means cattle, sheep, horses, and bison.
- D. A proposed division of land in an exclusive farm use zone for a guest ranch or a division of a lot or parcel that separates a guest ranch from the dwelling of the person conducting the livestock operation shall not be allowed.
(Ord. 2001-043 § 1, 2001; Ord. 98-056 § 1, 1998)

Note: DCC 18.16.037 is repealed December 31, 2005. January 2, 2010

EXHIBIT "B"

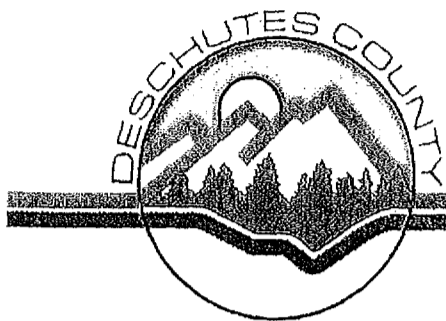
18.128.360. Guest ranch.

A guest ranch established under DCC 18.128.360 shall meet the following conditions:

- A. Except as provided in DCC 18.128.360©, the lodge, bunkhouses or cottages cumulatively shall:
 - 1. Include not less than four nor more than 10 overnight guest rooms exclusive of kitchen areas, rest rooms, storage and other shared indoor facilities, and;
 - 2. Not exceed a total of 12,000 square feet in floor area.
- B. The guest ranch shall be located on a lawfully created parcel that is:
 - 1. At least 160 acres in size;
 - 2. The majority of the lot or parcel is not within 10 air miles of an urban growth boundary containing a population greater than 50,000;
 - 3. The parcel containing the dwelling of the person conducting the livestock operation; and
 - 4. Not classified as high value farmland as defined in DCC 18.04.030.
- C. For each doubling of the initial 160 acres required under DCC 18.128.360(B), up to five additional overnight guest rooms and 3,000 square feet of floor area may be added to the guest ranch for a total of not more than 25 guest rooms and 21,000 square feet of floor area.
- D. A guest ranch may provide recreational activities in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding or swimming. Intensively developed recreational facilities such as a golf course or campground as defined in DCC Title 18, shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course or with an existing campground.
- E. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch. The cost of meals provided to the guests shall be included as part of the fee to visit to or stay at the guest ranch. The sale of individual meals to persons who are not guests of the guest ranch shall not be allowed.
- F. The exterior of the buildings shall maintain a residential appearance.
- G. To promote privacy and preserve the integrity of the natural setting, guest ranches shall retain existing vegetation around the guest lodging structure.
- H. All lighting shall be shielded and directed downward in accordance with DCC 15.10, Outdoor Lighting Control.
- I. Signage shall be restricted to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.
- J. Occupancies shall be limited to not more than 30 days.
- K. The guest ranch shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- L. One off-street parking space shall be provided for each guestroom in addition to parking to serve the residents.
- M. Any conversion or alterations to properties designated as historic landmarks shall be approved by the Deschutes County Historical Landmarks Commission.
(Ord. 2004-020 § 2, 2004; Ord. 2004-001 § 3, 2004; Ord. 2001-043 § 1, 2001; Ord. 98-056 § 2, 1998)

Note: DCC 18.128.360 is repealed December 31, 2005. January 2, 2010.

EXHIBIT "C"



Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

STAFF REPORT

DATE: August 9, 2006
TO: DESCHUTES BOARD OF COUNTY COMMISSIONERS
FROM: CHRISTY MACIEL,
COMMUNITY DEVELOPMENT DEPARTMENT
RE: TA-06-02 Guest Ranches – Extension of Sunset Date
Applicant: Martha Jackson, LLC

Deschutes County allows guest ranches as a conditional use on non-high value farmland in the EFU zones pursuant to the provisions of DCC 18.61.037, Guest ranch, and 18.128.360, Guest ranch, which implement ORS 215.

The guest ranch statute was originally adopted in 1997 to create the opportunity for rural ranching communities to subsidize their incomes with hospitality operations. The statute was created as a "pilot project," applicable only to central and eastern Oregon counties and set to expire on December 31, 2001. The Legislature subsequently extended the sunset date, and the statute was most recently slated to expire on December 31, 2005. However, pursuant to SB 538 (effective on January 1, 2006), the Legislature again determined that guest ranches provide a positive economic opportunity for ranchers in central and eastern Oregon, and extended the sunset date to January 2, 2010.

In the past Deschutes County has extended the expiration (sunset) date for guest ranches when the Legislature has done so. The applicant, Martha Jackson, LLC, is requesting that the County amend DCC Title 18 to update the expiration date for the guest ranch statute consistent with Senate Bill 538 (SB 538).

The applicant has limited their request for amendment to only the sunset date. SB 538 also amends the statute to increase the permissible size of lodging facilities as well as eliminating the requirement that the guest ranch must be within 10 miles of an urban growth boundary. The applicant is not requesting that these additional changes be made to DCC 18.12.360 or 18.037. Therefore, DCC 18.12.360 and 18.037 will be more restrictive than state statute.

Attachments:

Exhibit A: Section 18.16.037. Guest Ranch
Exhibit B: Section 18.128.360. Guest Ranch