

County Hearing to Decide on Destination Resort Adjacent to Whychus Creek in Rural Sisters

By Merry Ann Moore

Career county planners say it's a non-starter. The County Planning Commission voted resoundingly to reject the proposal. Deschutes County's lawyer and the state Department of Land Conservation and Development say it would violate local and state planning law. Now a September 17 hearing before the county Board of Commissioners will determine whether to give the green light to convert a housing subdivision in rural Sisters to a resort.

Developers of Aspen Lakes Golf Estates may be the first in the state to attempt to convert an existing golf course gated community to a destination resort. To get the go-ahead, they need to persuade two of three county commissioners that text amendment 07-7--a change to county planning guidelines written by the developer specifically to open a back door for this project—would be legal, good policy, a fair deal for the public, and benign to natural resources.

The development plan would have serious ramifications for land use policy and Whychus Creek's fragile natural resources. First, a "yes" vote would be the latest example of granting "applicant-driven" exceptions to county zoning, rather than firmly applying established laws to all development. The proposal violates Deschutes County Code, which states, "It is not the intent of DCC 18.113 to site developments that are in effect rural subdivisions, whose primary purpose is to serve full-time residents of the area." The text amendment also conflicts with DCC Title 18, which requires overnight lodging to be built "prior to closure of sales, rental or lease of any residential dwellings or lots." Aspen Lakes has already sold in excess of 115 lots, and many homes have been built. Allowing the text amendment would therefore create a precedent for subdivisions with no existing overnight lodging to convert to resorts. It would also allow a developer to build on open space previously set aside as a requirement for an earlier residential development, which is now built out.

And the environmental consequences are grave. The preliminary resort plan would quintuple the number of housing units at the existing subdivision, with an additional 300 private home sites, 100 detached central units, a 150-room hotel and several artificial lakes. It would add the equivalent of a new city with roughly the population of Sisters a few miles outside the town, in an area zoned rural residential.

A resort in this location would likely violate state planning guidelines by resulting in a net loss of habitat for native fish, and by exceeding the carrying capacity of local resources. The Aspen Lakes resort footprint would come within .16 miles of Whychus Creek, where steelhead trout (a federally-listed threatened fish species) and Chinook salmon were reintroduced in 2007 and 2008. The source of water for the hundreds of new housing and lodging units proposed will be the aquifer which recharges Whychus Creek, a federally-designated Wild & Scenic River upstream. Whychus Creek has been identified by local, state, and federal entities as a priority watershed within the Deschutes Basin. The reach adjacent to the proposed resort is state-listed as impaired, and temperatures are too warm NOW to support anadromous steelhead and Chinook populations. It's logical that any additional impairments—such as reduced in-stream flow or higher temperatures-- will mean failure of reintroduction efforts.

Camp Polk Meadow is also located in close proximity to the Aspen Lakes resort site. It contains 1.4 miles of Whychus, a section that fish biologists say is one-third of the available spawning and rearing habitat in the upper Deschutes basin. A U.S. Forest Service watershed analysis says this reach of Whychus is “almost unique in its combination of gravel for spawning, room for the stream to slow and meander, and natural springs that refresh the stream.”¹ The effects of extensive groundwater pumping to meet the needs of the resort are unknown, but detriment to these springs could damage efforts to keep creek surface water cold enough to support new fish.

Newly-reestablished native, anadromous fish populations are unlikely to survive other, additional habitat stresses which would come with large-scale development near Whychus: increased access to fragile riparian areas by new residents, anglers and recreational visitors...storm-water runoff from more streets, parking lots, rooftops, lawns and golf course acreage, resulting in pollutants such as oil and grease, sediment, pesticides, herbicides and fertilizers, bacteria and heavy metals finding their way downhill into the creek...erosion from construction activity resulting in the downstream sedimentation of fish habitat.

And current mitigation practices may be insufficient to assure that Whychus fish and fish habitat will really be protected. “Under Oregon Water Resources Department mitigation rules, cold springs that feed waterways could actually legally be dried up,” environmental attorney Paul Dewey has noted. An OWRD report² this year states it will be difficult to mitigate groundwater withdrawals near Whychus Creek. And the Oregon Department of Fish & Wildlife has acknowledged there has been a net loss of fish

¹Biography of a Place, by Martin Winch, 2006, p. 215.

² Deschutes Ground Water Mitigation Program, Five-Year Program Evaluation Report (February 29, 2008)

and wildlife habitat from all destination resorts in the state, in part due to lack of follow-through by developers in their mitigation plans.³

Those are only the beginning of the many concerns raised by the project:

- The effect of large-volume groundwater pumping on existing residents' wells is a real issue, especially considering potential drought effects from a changing climate. The U.S. Geological Survey is currently doing a study of dropping well levels in the Deschutes basin and OWRD and USGS are studying cold water springs.
- The Aspen Lakes resort would be sited on and adjacent to big game habitat, including winter range for mule deer. Elk, mountain lions and coyotes are known to inhabit the area, and many animals cross Camp Polk Road land where resort housing would go. Bald and golden eagles have nested within 1.5 miles of the planned resort. Marmots live in the canyon walls bordering Whychus across from the resort site, and badger holes are located in meadows there.
- The area may be in a resort exclusion zone, because it is situated within three miles of high-value crop farming operations.
- No adequate study has been done of basin-wide cumulative impacts on water supply of the more than one dozen destination resorts in the pipeline in our region.
- Resorts shift substantial costs to the public and municipalities by being sited outside urban growth boundaries, or causing impacts across county lines. For example, the city of Redmond requested that Crook County help with road improvements related to the added traffic the city expects once three or four new resorts near Powell Butte are built. Their request was denied, and the cost—an estimated \$750,000—will likely fall on either Deschutes County or Redmond taxpayers. The single county road serving the proposed Sisters resort is Camp Polk Road, which would need costly improvements to its sharp curves, narrow bridge over Whychus Creek and steep grades to safely accommodate the traffic of a new “city” at Aspen Lakes.

There has been no objective economic analysis of these and other costs the county will bear as over one dozen planned Central Oregon resorts come on line. How much revenue does road cycling tourism on rural roads brings to the county? Will cyclists stay away if these roadways become dangerously crowded? Will there be revenue losses from reduced fishing, hunting and birding tourism? What are the added pollution control costs of managing storm-water runoff in such widely dispersed population centers? What are the additional public health costs we can expect as a result of air pollution from sprawl development? What is the value of a nighttime sky that is visibly filled with stars and owls?

³ Memo from Bob Rindy, Dept. of Land Conservation & Development to the Land Conservation & Development Commission, 3/6/07

What You Can Do

Development proposals in Deschutes County become very difficult to stop once they have the approval of the Board of Commissioners. Now is the time to act! Attend the public meeting, Thurs., Sept. 17, 5:30 p.m., in the Barnes and Sawyer Room (1st floor), County & State Offices building, 1300 NW Wall, Bend and tell the commissioners your concerns in person. Wear blue, the color of our waterways!

If you cannot attend, write to the three commissioners and

1. Urge a no vote on TA-07-7;
2. Request that lands within three miles of Whychus Creek be removed from the destination resort overlap map during the upcoming county Comprehensive Plan revision. (Deschutes County is beginning a multi-year process to update its Comprehensive Plan, a document that guides development in the region.);
3. And urge commissioners to put a moratorium on approval of any new resorts until after the state legislature has a chance to address critical reforms in early 2009. Major reforms for destination resort requirements have been recommended by both the Dept. of Land Conservation & Development and OR Fish & Wildlife for the upcoming session.

Letters: Tammy Melton, Dennis Luke, Mike Daly, Deschutes County Board of Commissioners, 1300 NW Wall St., Bend, OR 97701-1960

Email: board@deschutes.org

Related link:

- Summary of public comments & county process on Aspen Lakes resort TA-07-7
<http://www.deschutes.org/index.cfm?objectid=6027E131-BDBD-57C1-9D5E8BB775344A07>

Merry Ann Moore lives in Sisters and has been a member of Sierra Club since 1986. She served from 2003 to 2005 on the Squaw Creek Stewardship Committee and as an Upper Deschutes Watershed Council stream monitor on Whychus Creek, and continues to volunteer on occasional restoration projects on Whychus. She serves on the Juniper Group Sierra Club board.

Photo: Whychus Creek middle reach frog, July 08



Photo: Whychus Creek middle reach, Drew Corrigan, July 08



Next page: Google map showing overlay of resort plan with Whychus Creek in blue, Merry Ann Moore

