

# Central Oregon Resort Reform: Momentum is Building

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Resorts were meant to drive economic development in rural Oregon by providing amenities and lodging primarily for visitors. But it's now clear resort policies have resulted instead in construction of exclusive, gated country clubs that allow year-round residents to live in luxury homes built outside urban growth boundaries.

The new, golf-oriented resorts aren't hitting mark on what the majority of vacationers really want, either. A recent study on why people visit Bend found that 51% hiked or ran trails, 29% biked, 21% got out on a river, 16% camped—and 16% played golf.<sup>1</sup>

Your concerns, letters and hearing testimony about the downsides of Central Oregon destination resorts are making a difference! Here's an update on progress—and what you can do to keep it going.

## Election Results

Deschutes County Commissioner Mike Daly, the loudest pro-resort policymaker locally, was soundly beaten at the polls in November by Redmond mayor Alan Unger, who was endorsed by Juniper Group Sierra Club. He claims a seat on the county commission. Another Club-endorsed candidate, Judy Stiegler, was elected to the Oregon House to represent Bend. Both newcomers promise to be much stronger, greener voices on policy matters related to resorts.

## Aspen Lakes Subdivision Conversion to Resort

As the examples of Tetherow and Pronghorn make clear, developers of modern destination resorts have shown little integrity in abiding by overnight lodging statutes. In November, Deschutes County commissioners upheld resort lodging rules by voting no on a zoning code change that would have allowed a Sisters developer to skirt them.

Text Amendment 07-7 would have cleared the way for an existing housing development to morph into a resort, despite state law clearly specifying that overnight lodging must be built before any housing lots are sold. The code change would have gutted wildlife mitigation requirements: though state and county code stipulate there can be no net loss of wildlife or habitat from a new resort, it is impossible to make allowances for wildlife and habitat on land where there are already houses, roads, a golf course, a restaurant and artificial lakes. Opponents of the code change were pleased that Commissioners Tammy Baney and Dennis Luke opposed the code change, averting a precedent that would have encouraged other golf course and cluster developments to get around rules related to open space, wildlife mitigation, road setbacks and overnight lodging. Lame-duck Commissioner Daly voted yes.

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<sup>1</sup> “Why do people come to Bend?” by Jeff McDonald, [Bend Bulletin](http://bendhomes.com/apps/pbcs.dll/article?AID=/20081103/BIZ0102/811030358/1094/PODCASTS), 11/3/08  
<http://bendhomes.com/apps/pbcs.dll/article?AID=/20081103/BIZ0102/811030358/1094/PODCASTS>

### **Mobilization Against Threats to the Metolius**

Central Oregon LandWatch and Friends of the Metolius are spearheading the effort to protect the Metolius River from two damaging resorts. The first is a 3,500-unit, two-golf course proposal that would be sited atop Green Ridge to the river's immediate east. It would use about as much groundwater as the City of Redmond and poses a significant threat to the Headwaters of the Metolius. The second, a smaller resort of roughly 600 acres, would sit in the basin itself about two miles upslope from the headwaters.

Letters, emails and phone calls are needed to support a law to Save the Metolius. The goal is to keep resorts out of the basin and vicinity. For specifics on how you can help, email Philip Blatt [woolyb@bendcable.com](mailto:woolyb@bendcable.com).

### **On-going Appeal of Tumalo Resort**

The massive Thornburgh resort proposed for Tumalo, which is expected to use over 6 million gallons of water per day, is the subject of a further legal appeal by those who fear it will overwhelm Tumalo's carrying capacity and infrastructure. The proposed site is already well-served by Eagle Crest resort a few miles away.

**What You Can Do:** donate to the appeal effort, or help in other ways by contacting Nunzie Gould, [nunzie@pacifier.com](mailto:nunzie@pacifier.com) or 541-420-3325.

### **The Biggie: Deschutes Comprehensive Plan Review**

At a time when Oregonians are recognizing the need to live more sustainably, drive less, eat local foods, restore endangered fish, protect habitat, and plan for expected global warming impacts such as water shortages, the last thing we need is more sprawl development in the form of resorts in arid Central Oregon.

But instead of promoting and requiring infill development within Urban Growth Boundaries, the Deschutes County's planning process is giving away the store--the natural resources and landscape that draw people to Central Oregon—in exchange for unrealistic promises from builders of long-term, family-wage jobs, overnight lodging, a new boon in golf tourism, and hefty tax revenue.

Deschutes County is now reviewing its Comprehensive Plan, the body of laws, codes and goals that determine how and where things get built. A key focus will be a look at the current destination resort overlay map, which was originally created by Eagle Crest resort way back when.

One Deschutes County commissioner has stated "it would be only fair to add land to the resort map if the County Comprehensive Plan revision ends up removing some land." A better definition of fairness is a Comp Plan that

- 1) Conforms with the principles of urban growth boundaries,
- 2) Is based on existing state and county laws and standards such as the carrying capacity of land and water, no net loss of wildlife or habitat, and no proximity to high-value crop land, and
- 3) Assures that developers pay for all infrastructure improvements necessitated by new building outside urban growth boundaries.

Here are some of the primary failures of resort policy followed by ideas to remedy them.

New resorts cannot be mitigated. Deschutes County's destination resort code states that "Any negative impact on fish and wildlife resources will be completely mitigated so that there is no net loss or net degradation of the resource."<sup>2</sup> But Oregon's fish and wildlife agency has experienced problems in getting resorts to follow through with wildlife mitigation plans. The department has further stated that current resort mitigation plans don't address cumulative impacts, and that there "has been a net loss of fish and wildlife habitat from all destination resorts in the state."

At recent hearings on resorts, residents from Deschutes to Crook County are reporting wells that have had to be deepened, or are providing intermittent flow. Whychus Creek's instream flow is ALREADY depleted and may not be sufficient to sustain reintroduced threatened fish populations in its current state, before the adjacent Aspen Lakes resort even goes through in Sisters.<sup>3</sup> The U.S. Geological Survey is currently doing a study of dropping well levels in the Deschutes Basin, and studying the risks of more groundwater withdrawal to cold water springs that keep our rivers cool and recharged.

Rules and statutes for resorts are unenforceable. Deschutes County Code states, "It is not the intent [of this code] to site developments that are in effect rural subdivisions, whose primary purpose is to serve full-time residents of the area." County rules also say that ALL phases of the building process must comply with destination resort standards; overnight lodging must be built "prior to closure of sales, rental or lease of any residential dwellings or lots." But multiple resorts have failed to build required overnight lodging, have lobbied successfully to reduce the number of hotel rooms required, have gotten reductions in the bonds held by local government for overnight lodging construction, and received years-long extensions to their building timetables.

The costs to Central Oregonians outweigh the benefits.

There has been no objective economic analysis of the costs taxpayers bear from resort construction, despite the fact that over one dozen are being built or planned in Central Oregon. Examples:

- Resorts shift substantial costs to the public by being sited outside urban growth boundaries, or causing impacts across county lines. The city of Redmond, for example, cannot require Crook County to share in the cost of road improvements needed as a result of four new resorts planned near Powell Butte. So these costs will fall on Deschutes County taxpayers.
- Resorts may in fact result in reductions in revenue in some areas. Will cycling tourism—the Cascade Cycling Classic, Cycle Oregon, etc.—decline if world-class rural cycling routes become high-speed throughways for resort traffic? Will there be revenue losses from reduced fishing, hunting and birding tourism?

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<sup>2</sup> Deschutes County Code 18.113.070 section D

<http://www.co.deschutes.or.us/dccode/title18/docs/chapter%2018.113.doc>

<sup>3</sup> Whychus Creek Watershed Project Temperature Monitoring Summary 2007

[http://www.restorethedeschutes.org/CEDocuments/Downloads\\_GetFile.aspx?id=250491&fd=0](http://www.restorethedeschutes.org/CEDocuments/Downloads_GetFile.aspx?id=250491&fd=0)

- Mitigation for potential pollution from sprawl development will be expensive, and likely shunted off on taxpayers. Storm-water runoff from more streets, parking lots, rooftops, lawns and golf course acreage mean high potential for pollutants such as oil and grease, pesticides, herbicides and fertilizers, bacteria and heavy metals to find their way into waterways. Erosion from construction activity can result in sedimentation of fish habitat. If cities and counties are held legally responsible for protecting federally-listed threatened species such as steelhead and bull trout from such pollution, taxpayers could be on the line for any fines or preventive measures.
- Finally, the quality of life issues of rural Central Oregonians have been ignored or illegitimized in the resort planning process. Farm lands are being surrounded by housing and thirsty golf courses...in Sisters, Whychus Creek could be too warm to support reintroduced fish...in Tumalo and Crook County, rural roads that are already failing stand to become much more dangerous.

**What You Can Do:** The new Central Oregon destination resorts are primarily high-end, gated, sagebrush subdivisions, not places oriented to attracting tourists. Contact County Planner Terri Payne (terrip@co.deschutes.or.us or 541-385-1404), County Commissioners Tammy Baney (tammy\_baney@deschutes.org or 541-388-6570), Dennis Luke (dennis\_luke@co.deschutes.or.us or 541-388-6570) and Alan Unger (aunger@bendcable.com or 541-419-0556), and Representative-elect Judy Stiegler ([judyfor54@bendbroadband.com](mailto:judyfor54@bendbroadband.com) or 541-388-2194). Urge them to follow Crook County's lead by repealing the destination resort map entirely and enacting a moratorium on new resorts in Central Oregon, until needed reforms are enacted. Ask them to incorporate the following into the revised County Comp Plan and state statutes:

- Direct state and local agencies to immediately update maps of sensitive wildlife and habitat (including migration corridors and anyplace inhabited by federally-listed threatened or endangered species), include needed buffer space, put those areas off limits to development, and enforce these maps.
- Require developers of any new project outside UGBs to evaluate cumulative effects of their developments in assessments of impacts on wildlife, habitat and fish.
- Require that mitigation plans be created by independent, expert consultants who have no ties whatsoever (financial, family) to the county. Maintain a list of qualified, certified consultants that may be used.
- Have the state set a statutory limit on the concentration of resorts in a region, defining the cap by region, not county.
- Expand the uses allowed for the bond money resorts put down towards overnight lodging. If developers do not fulfill the terms of their permits, allow for these funds to be used to buy back land where overnight lodging would have been, to pay for restoring impacted wildlife and fish, or to fund independent studies on resort impacts (water, wildlife, habitat). Also, levy a daily fine when an overnight lodging construction deadline is not met, and use this fund to purchase land to be preserved for the public.
- Require wildlife and habitat mitigation plans for any development to be completed within three years, and failing that, provide for seizure of funds from the developer to restore the public resources that have been damaged.

- Require that developers pay for on-going monitoring of mitigation by independent scientists, to determine if it is really succeeding. Require developers to maintain a mitigation fund to be used in the event that impacts are not properly offset and need to be improved. Establish and enforce fines on developments whose mitigation plans fail.
- Require developers to pay mitigation fees to municipalities experiencing the cost burdens of cross-county road or other improvements.
- Require that road improvements be made before roads fail, i.e., before building of resorts or large developments begins. Ask that developers be obliged to pay a large percentage of the true cost of road mitigation plans, not a flat sum, to cover any cost overruns.
- Disallow golf courses from being counted as open space as part of developments.
- Formally recognize that some development—due to its site or scale—cannot be adequately mitigated and should be denied.

Oregon waterways and landscapes are what draw thousands of visitors, stimulate local economies, provide limitless enjoyment for residents, provide critical wildlife habitat, and serve as vital fish nurseries for fishing industries. State and county plans and laws should be reoriented to preservation and restoration of our rivers and surroundings. Keep the drumbeat going: Enough Resorts!

[sidebar article]

### **The Outlook on the Big Look**

Legislature Looking at Resorts as Part of State Land Use Policy Reform

Statewide resort policy is now on the radar as the Oregon legislature deliberates changes to statutes. “Local control” has unfortunately become one centerpiece of the Big Look, a legislative effort to find solutions to Oregon’s land use wars. 1000 Friends of Oregon notes that while the process has resulted in some good ideas about strategic planning, it is also touting bad ideas such as fiddling with the successful concept of urban growth boundaries, designating some resource land as unimportant and opting such land out of state protection. Equally alarming is the concept of shifting more authority on land use decisions to cities and counties. Sounds appealing, but it’s not what’s needed when

- Towns without any say in resort approvals in neighboring counties are getting hit with the costs of new roads and services necessitated by new resorts,
- Small-town elected officials are being asked to judge between expert witnesses on the intricacies of the hydrology of water basins, or on whether a mitigation plan will truly provide for biological viability of species and habitat,
- Citizen groups must raise thousands of dollars they don’t have to file appeals against resort projects that push the envelope on what’s really allowed by state and local codes,
- Powerful land interests are likely to game any revision of destination resort overlay maps.

**What You Can Do:** Email or phone Rep. Judy Stiegler, [judyfor54@bendbroadband.com](mailto:judyfor54@bendbroadband.com) or 541-388-2194, and Dept. of Land Conservation & Development Director Richard Whitman, [richard.whitman@state.or.us](mailto:richard.whitman@state.or.us) and ask that any state land use policy changes...

1. Uphold the principles and requirements of urban growth boundaries in state law,
2. Strengthen, not weaken, protections for farm lands, forests, and natural resources,
3. Require municipalities to share the costs of cross-jurisdictional road and other impacts of resorts/development,
4. Provide funds for and require counties and cities to hire independent experts to evaluate water supply, wildlife mitigation and other plans submitted by developers,
5. Waive fees for citizen-led appeals of development projects,
6. Require consideration of cumulative impacts—especially on water and wildlife—in decisions on development, and
7. Consider carbon footprint and global warming implications.

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