

12. DSL Cline Buttes Map Amendment

Table 6 - Destination Resort Map Eligibility

Destination Resort Map Eligibility Criteria	Findings
<i>Ineligible Areas</i>	
Within 24 air miles of a UGB with an existing population of 100,000	<input checked="" type="checkbox"/> <u>Applicant complies.</u> Deschutes County does not have a UGB with a population of 100,000. The City of Bend's 2010 population, according to US Census is 76,639. All of the Bend urban area is located inside the City limits. No other city within 24 air miles of Deschutes County has a population over 100,000.
On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area	<input checked="" type="checkbox"/> <u>Applicant complies.</u> As determined by Ordinance 92-002, Deschutes County does not have unique farm land. This fact remains true today according to NRCS (soil conservation service) State Soil Scientist Chad L. McGrath. The mapped soils on Cline Buttes are neither prime nor unique soils. The site is not within three miles of farm land within a High-Value Crop Area according to Deschutes County.
On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception	<input checked="" type="checkbox"/> <u>Applicant complies.</u> Deschutes County does not have predominantly Cubic Foot Site Class 1 or 2 forest lands (Ordinance 92-002). The <i>Map of State of Oregon Showing Areas Excluded from the Goal 8 Resort Siting Process</i> dated December 1984, also, shows that the subject property does not contain cubic foot site class 1 & 2 forest land. This is the map that the State of Oregon prepared to show forest lands and Goal 5 resource lands that must be excluded from destination resort mapping.
On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource	<input checked="" type="checkbox"/> <u>Applicant complies.</u> The DSL Cline Buttes site is not within a WA overlay zone. Tax Lot 5300, 160 acres, does have a Surface Mining Impact Area (SMIA) overlay which is associated with a couple of minor slate aggregate extraction sites. This aggregate resource is scheduled to be used (and exhausted) in the development of the destination resort. The presence of this aggregate resource is not identified as a conflict with destination resort development and the use of the aggregate resource in resort development is not identified as a conflict with the aggregate resource. There are no conflicting uses and resort development will enable efficient use of this on-site aggregate resource construction material. The development of a destination resort in the SMIA overlay zone is not identified as a conflicting use and is not prohibited in order to protect this Goal 5 resource.
Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife (ODFW) in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement	<input checked="" type="checkbox"/> <u>Applicant complies.</u> The DSL Cline Buttes site is not mapped by ODFW as within any of the Especially sensitive big game habitat identified in Ordinance 92-002, the ordinance that adopted the County's inventory of such areas. See also, Ordinance 92-041. The DSL Cline Buttes site is not located in any of the areas shown on the <i>Map of State of Oregon Showing Areas Excluded from the Goal 8 Resort Siting Process</i> dated December 1984 that shows all especially sensitive big game habitat mapped by ODFW in July 1984.
Sites less than 160 acres	<input checked="" type="checkbox"/> <u>Applicant complies.</u> The DSL Cline Buttes properties [Tax lots 5102, 5103, 5104, 5200 and 5300] constitute one site of 360 contiguous acres. Tax lot 5300, alone, meets the 160 acre minimum lot size as it is 160 acres.
Areas of Critical State Concern	<input checked="" type="checkbox"/> <u>Applicant complies.</u> The DSL Cline Buttes site is not within the Metolius sub-basin, the only area of critical state concern in Deschutes County.
Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:	<input checked="" type="checkbox"/> <u>Applicant complies.</u> The DSL Cline Buttes site is not mapped by ODFW as Especially sensitive big game habitat, Tumalo Deer Winter Range, Metolius Deer Winter Range, Antelope Winter Range, Wildlife Priority Area or Elk Habitat Area, areas the County has chosen to protect (Ordinances 92-002 and 92-041).

Table 6 - Destination Resort Map Eligibility

Destination Resort Map Eligibility Criteria		Findings
Wildlife Priority Area,	☑	<u>Applicant complies.</u> The DSL Cline Buttes site is not within a Deschutes County designated wildlife management overlay area nor is it mapped as a Wildlife Priority Area identified on the 1999 ODFW map.
Lands zoned Open Space and Conservation (OS&C)		
Lands zoned Forest Use 1 (F-1);	☑	<u>Applicant complies.</u> The DSL Cline Buttes site is zoned EFU-SC and is not irrigated nor does it possess any water rights. The soils, topography and exposure (elevation, slope and aspect) render this site non-arable or not farmable.
Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation		
Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres		
Farm or forest land within one mile outside of urban growth boundaries	☑	<u>Applicant complies.</u> The DSL Cline Buttes site is not within a mile of a UGB.
Lands designated Urban Reserve Area under ORS 195.145	☑	<u>Applicant complies.</u> The DSL Cline Buttes site is not within Redmond's Urban Reserve Area, the only land in Deschutes County that is designated urban reserve under ORS 195.145.
Platted subdivisions	☑	<u>Applicant complies.</u> The DSL Cline Buttes site is not within a platted subdivision.
Eligible Areas		
Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones	☑	<u>Not applicable.</u> The DSL Cline Buttes site is zoned EFU-SC and is not irrigated nor does it possess any water rights.
Unirrigated Exclusive Farm Use (EFU) land	☑	
Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation	☑	<u>Applicant complies.</u> The DSL Cline Buttes site is zoned EFU-SC and is not irrigated nor does it possess any water rights. The soils, topography and exposure (elevation, slope and aspect) render this site non-arable or not farmable.
Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres	☑	
All property within a subdivision for which cluster development approval was obtained prior to 1990, for which the original cluster development approval designated at least 50 percent of the development as open space and which was within the destination resort zone prior to the effective date of Ordinance 2010-024 shall remain on the eligibility map	☑	<u>Not applicable.</u> The DSL Cline Buttes site is not within a cluster development.
Minimum site of 160 contiguous acres or greater under one or multiple ownerships	☑	<u>Applicant complies.</u> The DSL Cline Buttes site is 360 contiguous acres.

Table 7 - Map Amendment Procedures

The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:	
Procedures	Findings
All amendments to the eligibility map shall be processed simultaneously and no more than once every 30 months. <input checked="" type="checkbox"/>	<u>Applicant complies.</u> Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. ¹⁹ All amendments as noted in these findings are being processed simultaneously.
The deadline for applications for the first eligibility map amendment shall be the first Tuesday in September by 5:00 p.m. <input checked="" type="checkbox"/>	<u>Applicant complies.</u> DSL's agent submitted the Cline Buttes site DR Map Amendment application on September 7, 2010.
Lands shown on the existing eligibility map but unable to comply with DCC 23.84.030(3)(a-d), will remain on the eligibility map if property owners file a formal request with the Deschutes County Community Development Department on an authorized county form by the first Friday in January at 5:00 p.m. to remain eligible. <input checked="" type="checkbox"/>	<u>Not applicable.</u> This code provision does not apply as the subject properties are not on the eligibility map at this time.
In addition to any other county code provision regarding notice, 30 days prior to the end of the next 30-month period for amendments to the eligibility map, Deschutes County shall publish a notice announcing opportunities for property owners to apply for an amendment to the eligibility map. <input checked="" type="checkbox"/>	<u>Not applicable.</u> Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.
Property owners must file applications for an eligibility map amendment prior to the last day of the 30-month period by 5:00 p.m. <input checked="" type="checkbox"/>	<u>Not applicable.</u> Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review.
Any additional applications filed after the deadline in DCC 22.23.010(C) will be processed at the end of the next 30-month cycle. <input checked="" type="checkbox"/>	<u>Applicant complies.</u> DSL's agent submitted the Cline Buttes site application on September 7, 2010. Furthermore, no applications were received after September 7, 2010.
Applications to either remove property from or add property to the eligibility map may be initiated by the Board, or, if by a property owner, shall: Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application Be completed on a form prescribed by the Planning Director <input checked="" type="checkbox"/> Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners Include documentation that demonstrates compliance with DCC 23.84.030(3)(a-d)	<u>Applicant complies.</u> Deschutes County received an application submitted by the property owner or person who has written authorization. This application was on a completed County form with a filing fee and burden of proof statements cited in these findings demonstrating compliance with DCC 23.84.030(3)(a-d).
Applications adding properties to the eligibility map, the applicant will be required to demonstrate consistency with the Transportation Planning Rule at OAR 660-012-0060 <input checked="" type="checkbox"/>	<u>Applicant complies.</u> DSL's agent submitted the Cline Buttes site transportation impact analysis to demonstrate consistency with the Transportation Planning Rule. Specific findings are cited below.

¹⁹ See note 16 above.

Table 7 - Map Amendment Procedures

The existing comprehensive plan map of sites eligible for destination resorts ("eligibility map") may be amended as follows:	
Procedures	Findings
The planning director shall retain any applications received prior to the expiration of the 30-month period <input checked="" type="checkbox"/>	<u>Not applicable.</u> Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. Furthermore, no applications were received after September 7, 2010.
Multiple applications shall be consolidated <input checked="" type="checkbox"/>	<u>Applicant complies.</u> All amendments as noted in these findings are being consolidated and processed concurrently.
The planning director shall schedule the hearing before the planning commission or hearings officer after the expiration of the 30-month period <input checked="" type="checkbox"/>	<u>Not applicable.</u> Ordinances 2011-001 and 002 represent Deschutes County's first amendment to its eligibility map since periodic review. The first evidentiary hearing for this legislative process was November 18, 2010 before the Planning Commission.

13. Supplemental Findings Applicable to the DSL Cline Buttes requested Destination Resort Overlay Map Amendment

The following findings supplement the findings and conclusions contained in the DSL Cline Buttes table, above, by discussing certain criteria in greater detail. Where relevant, the exhibit references are to the Relevant Facts document submitted by Belveron Real Estate Partners, LLC.

a. *Within 24 air miles of a UGB with an existing population of 100,000 or more*

The following relevant facts support Deschutes County's determination that land being added to the destination resort map is over 24 air miles from a UGB with an existing population of 100,000 or more.²⁰

1. The City of Bend is located within 24 air miles of all properties proposed for inclusion on the Deschutes County destination resort map and for DR overlay zoning.
2. According to the 2010 US Census, the City of Bend had a population of 76,639 persons. This is shown by **Exhibit A**, a complete list of the populations of Oregon cities and counties on April 1, 2010 compiled by the State of Oregon Office of Economic Analysis from US Bureau of Census records.
3. The City of Bend urban growth boundary is the same as its City limits. This is shown by a comparison of the City's Bend Area General Plan map dated March 1, 2011, **Exhibit B**, and the Bend Urban Area Proposed General Plan Map dated 12/12/2008 prepared by the City of Bend, **Exhibit C**. **Exhibit B** shows the City limits with a blue line. **Exhibit C** shows the location of the existing UGB with a light gray border. A comparison of the two maps shows that the boundaries are the same.

No urban growth boundary other than the City of Bend UGB is located within 24 air miles of any of the properties that may be added to the destination resort map. This fact can be confirmed

²⁰ See note 18, above.

by a review of **Exhibit A** and a State of Oregon map that is marked **Exhibit D**. **Exhibit D** is an Oregon Department of Transportation map that is drawn to scale that shows county boundaries and the locations of a number of cities.

Board finds that the DSL Cline Buttes site is not within 24 air miles of a UGB with an existing population of 100,000 or more.

b. Not a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service

No site being added to the destination resort map is a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service. SCS is a federal agency currently known as the National Resources Conservation Service. NRCS and the US Department of Agriculture prepared a Soil Survey of Deschutes County, Oregon. The survey includes maps of agricultural soils. This is the soil survey that applies to land in Deschutes County that is used in land use planning to determine soil types. Deschutes County's GIS Department has created an application that superimposes the NRCS soil maps on County maps.

There are no unique soils in Deschutes County according to Chad L. McGrath, the Pacific NW Soil Survey Region Leader/State Soil Scientist of the NRCS. **Exhibit E**.

The Board finds that the DSL Cline Buttes site not on a site of 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service.

c. Not within three miles of farm land within a High-Value Crop Area

Commercial Farms

When Deschutes County mapped destination resorts in 1992, it determined that there are no high value crop areas in Deschutes County. *Deschutes County Ordinance No. 92-002*, pages 7-9. The same conclusion applies today and demonstrates that the DSL Cline Buttes site is not within three miles of a High-Value Crop Area. The High Value Crop Area requirement is imposed by State law, ORS 197.455(1) (B). The term "High Value Crop Area" is defined by ORS 197.435(2) as:

"High value crop area" means an area in which there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of \$1,000 per acre per year. These crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables, dairying, livestock feedlots or Christmas trees as these terms are used in the 1983 County and State Agricultural Estimates prepared by the Oregon State University Extension Service. The "high value crop area" designation is used for the purpose of minimizing conflicting uses in resort siting and does not revise the requirements of an agricultural land goal or administrative rules interpreting the goal.

To be a high value crop area, there must be a "concentration" of commercial farms capable of producing a minimum gross value of \$1000 per acre per year. The State-acknowledged definition of the term "commercial farm" found in DCC 18.040.030 is:

"Commercial farm" as used in DCC 18.16 means those land tracts shown on the 1991 Assessor's records as contiguous ownership tracts under one name (or separated only by a road), zoned EFU, receiving special assessment for farm use and in the top 90 percent of assessed farm use values (arranged in ascending order). These farms are identified in the resource element of the comprehensive plan.

All commercial farms in Deschutes County are listed in an inventory that is a part of the Resource Element of the Deschutes County Comprehensive Plan. There are no identified commercial farms within 3-miles of the DSL Cline Buttes site. Because the County has previously determined that the County contains no high value crop areas, because no party has submitted any evidence to the contrary, and there is presently no concentration of commercial farms within three miles of these properties, the County concludes that the DSL Cline Butte site is not within three miles of a high value crop area.

d. *On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception*

The location of Cubic Foot Site Class 1 or 2 forest lands and especially sensitive big game habitat was determined by the State of Oregon in 1984. These areas are shown on a map entitled "Areas Excluded from the Goal 8 Resort Siting Process" dated December 1984. This is the map referenced in the State's destination resort law.

Based on this map, the Board finds that the DSL Cline Buttes site is not located on predominately Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved exception.

e. *Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife (ODFW) in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement*

A map prepared by ODFW in July 1984 shows the areas in the State of Oregon that were mapped as especially sensitive big game habitat. The map shows that the DSL Cline Buttes site was not mapped as containing especially sensitive big game habitat. The DSL Cline Buttes site is not mapped as a WA overlay zone. The DSL Cline Buttes site is not located in the Tumalo deer winter range, Metolius deer winter range or the antelope winter range east of Bend near Horse Ridge and Millican. Those zones contain all ODFW 1984 mapped especially sensitive big game habitat found in Deschutes County.

The Board finds that, based on these maps, the DSL Cline Buttes site is not located on lands designated especially sensitive big game habitat by the Oregon Department of Fish and Wildlife in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement.

f. *On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource*

The DSL Cline Buttes site is not within or located on an area protected as a Goal 5 resource site where all conflicting uses have been prohibited. Tax Lot 5300, 160 acres, does have a Surface Mining Impact Area (SMIA) overlay which is associated with a couple of minor slate aggregate extraction sites. This aggregate resource is scheduled to be used (and exhausted) in the development of the destination resort. The SMIA zone permitted and conditional uses in the underlying zone are allowed. Consequently, the County has elected not to prohibit all conflicting uses, such as resorts. Rather, the SMIA zone allows all uses permitted in the underlying zone, but subject to certain restrictions. The Board finds that the DSL Cline Buttes site is not on an area protected as a Goal 5 resource where all conflicting uses have been prohibited to protect the Goal 5 resource.

g. Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group

The DSL Cline Buttes site is not located within any identified Wildlife Priority Area as identified on the Oregon Department of Fish and Wildlife Priority Area for Regional Problem Solving map dated March 1999, **Exhibit T**, show that none of the lands proposed to be add to the County's destination resort map are located in this wildlife priority area.

14. Transportation Planning Rule²¹

The Oregon Transportation Planning Rule (TPR), OAR 660-012-0060, requires local governments to determine whether amendments to their acknowledged comprehensive plan will "significantly affect" existing or planned transportation facilities. If a significant effect is found, then local governments are obligated to put in place one or more measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. The following findings address the TPR in light of *Root v. Klamath County*, ___ Or LUBA___ (LUBA No. 2010-078, April 19, 2011), and the Oregon Court of Appeals decision in *Willamette Oaks v. City of Eugene*, 232 Or App 29, 220 P3d 445 (2009).

A. Requirements of the TPR

In the *Willamette Oaks* decision, the Court of Appeals held that the City of Eugene was required to determine whether a zone change would significantly affect transportation facilities prior to the approval of the zone change. In other words, the court held that the city could not defer a finding of significant effect until a later date, presumably in connection with development of the underlying property. The TPR entails a two-step process. The first step is to determine whether there is a significant effect, while step-two identifies the various measures local governments may take to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio) of the facility. *Willamette Oaks* dealt only with step one of the TPR. The court expressly held that the city could not permissibly grant the zone change without first evaluating, *pursuant to* OAR 660-012-0060(1), whether the change would significantly affect transportation facilities.

OAR 660-012-0060(1) provides:

Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or

²¹ OAR 660-012-0060. http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_012.html

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

B. Finding of Significant Effect

(1) Vandevent/Belveron/Pine Forest Property

The record in this case includes two memoranda from Kittelson & Associates, Inc., one which deals with the Pine Forest, Belveron and Vandevent properties (the "Vandevent Analysis"), and the other that deals with the DSL Cline Buttes site (the "DSL Analysis"). In these findings, both studies are referred to as the "Traffic Studies." The Traffic Studies are expressly incorporated by reference into these findings. The Vandevent Analysis concludes that the proposed amendments will significantly affect transportation facilities. In particular, the Vandevent Analysis concluded that the amendments adding the Pine Forest, Belveron and Vandevent properties (referred to in the Vandevent Analysis as the "Forest Service" parcel) would reduce the performance of the South Century Drive/Spring River Road and US 97/Vandevent intersections below the minimum acceptable performance standard identified in the TSP or comprehensive plan. This conclusion results in a finding of significant affect under OAR 660-012-0060(1)(c)(B). Consequently, in order to comply with OAR 660-012-0060(1), the County specifically finds that there is substantial evidence in the record to support a finding that the amendments applying the Destination Resort Overlay to the Pine Forest, Belveron and Vandevent properties would "significantly affect" existing transportation facilities as described in OAR 660-012-0060(1)(c)(B) by reducing the performance standard of an existing transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

(2) DSL Cline Buttes site

The DSL Analysis concludes that the proposed amendments will significantly affect transportation facilities. In particular, Table 3 of the DSL Analysis identified six separate intersections which would be significantly affected by development of a resort on the DSL Cline Buttes site. Consequently, in order to comply with OAR 660-012-0060(1), the County specifically finds that there is substantial evidence in the record to support a finding that the amendments applying the Destination Resort Overlay to the DSL Cline Buttes site would "significantly affect" existing transportation facilities as described in OAR 660-012-0060(1)(c)(B)

by reducing the performance standard of an existing transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

C. TPR Step Two: Maintaining Compliance with OAR 660-012-0060(1)

Because the County has determined that the amendments will result in a significant effect, the County must employ one or more measures identified in OAR 660-012-0060 (2), which provides:

(2) Where a local government determines that there would be a significant effect, compliance with section (1) [OAR 660-012-0060(1)] shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Pursuant to OAR 660-012-0060(2)(a) the County has elected to impose a condition of approval prohibiting resort development on any of the three added properties until a resort application complying with state and local law is approved by the County, and such application includes a Traffic Impact Analysis which complies with the TPR and ensures that resort development will not significantly affect any transportation facility. The County notes that ORS 197.460(4) requires resort applicants to prepare a similar study. ORS 197.460(4) provides, in part:

“the county shall require the applicant to submit a traffic impact analysis of the proposed development that includes measures to avoid or mitigate a proportionate share of adverse effects of

transportation on state highways and other transportation facilities affected by the proposed development, including transportation facilities in the county and in cities whose urban growth boundaries are within the distance specified in this subsection.”

The condition imposed by the County reads:

The County may not approve a destination resort on any of the three properties added to the resort map pursuant to these amendments until:

- a. The applicant for resort development has complied with the version of ORS 197.460(4) then in effect regarding a resort-specific traffic impact analysis.
- b. The destination resort application has addressed and incorporated as a part of the development plan, the transportation improvements identified in the Vandever Analysis or the DSL Analysis (including the Interchange Requirement decision described in the 2005 Group MacKenzie study), as applicable, necessary to mitigate the finding of significant effect.
- c. The applicant has prepared a traffic impact analysis that in all respects conforms to the requirements of the Transportation Planning Rule and ORS 197.460(4), and demonstrates that resort development on the property may occur in a manner which will not significantly affect a transportation facility or, if a subsequent significant effect is found, resort development may not proceed until measures are in place as described in OAR 660-012-0060(2) to assure that resort development is consistent with the identified function, capacity, and performance standards of affected transportation facilities. If the transportation improvements identified in this subsequent traffic study differ from those identified in the Vandever Study or the DSL Study, the applicant shall make the improvements identified in this subsequent study.

The above condition is imposed pursuant to OAR 660-012-0060(2)(a). By imposing this condition, the County has assured compliance with OAR 660-012-0060(1) by adopting a measure that demonstrate that allowed uses are consistent with the planned function, capacity, and performance standards of the transportation facility. No trips may be added to the transportation system under these amendments until such time as any necessary transportation improvements are in place. A complete prohibition on resort development until such time as specific identified improvements are made or until such time as the improvements identified in a subsequent traffic analysis are made, ensures that the uses allowed on the subject properties are consistent with the identified function, capacity, and performance standards of the identified facilities.

D. Opposition Testimony

Central Oregon LandWatch has stated that it:

“disagrees with the theory of the Applicants’ attorneys who believe that with a summary conclusion of ‘significant affects’ that the Goal 12 process required by OAR 660-012-0060 can be essentially delayed to the time of actual application for a destination resort.”

Central Oregon LandWatch Written Testimony, September 23, 2011. The County rejects the assertion that the County has delayed the consideration of the TPR.

The record in this case contains the Traffic Studies which, together, address all three properties added to the resort map. Together, the Traffic Studies establish the total number of units which could be built on the added properties. The Traffic Studies then apply a trip generation factor to the total number of units to determine the estimated trip generation potential for all the properties added. Based on the estimated trip generation, the Traffic Studies then analyze the potential impacts to transportation facilities. Based on the analysis of numerous transportation facilities and the potential impacts to these facilities, the Traffic Studies then conclude that resort development would “significantly affect” several transportation facilities within the meaning of OAR 660-012-0060. The Traffic Studies then identify specific transportation improvements which could be made to mitigate traffic generated by the resorts. Based on the significant effect determination, the County has imposed a condition of approval consistent with OAR 660-012-0060(2) to assure that allowed land uses are consistent with the planned function, capacity, and performance standards of affected transportation facilities.

Simply because the County is requiring a second TPR-level traffic analysis at the time of development (which is also consistent with the similar obligation imposed by ORS 197.460(4)) does not mean that the County has deferred compliance with the TPR. As LUBA has said:

“[U]nder the TPR if a comprehensive plan or zoning map amendment will allow new or more intense uses to be developed in the future without additional comprehensive plan or zoning map amendments and those uses would generate traffic that would significantly affect transportation facilities (*i.e.*, cause them to fail), a local government must identify the measures it will put in place to prevent such failures.

* * * *

Stated differently, neither the significant effects determination nor the identification of measures that will be employed to avoid significant effects can be deferred to future decision making that will post-date the plan or zoning map amendment that makes those uses possible.”

Root v. Klamath County, ___ Or LUBA ___ (LUBA No. 2010-077; 2010-079, April 4, 2011, slip op 30, Holston, *concurring*). In *Root*, Klamath County approved an amendment to its resort map to add approximately 90,000 acres to the map. In addressing the TPR, Klamath County relied on a transportation letter which, without providing any substantive analysis, concluded that development of 90,000 acres as resorts would significantly affect transportation facilities. *Root*, slip op. 24. LUBA stated:

However, the Kittelson letter did not attempt to analyze or evaluate how destination resorts allowed under the plan amendment would significantly affect any transportation facilities in any of the ways set out in OAR 660-012-0060(1); it simply assumed that there would be a significant effect on unspecified

transportation facilities if some unspecified portion of the 90,000 acres were developed with an unspecified number of destination resorts of an unspecified size at unspecified locations.

Id. In contrast, here both studies assumed the additional properties would be developed as resorts, that they would be developed at a specific density, and that they would be developed in the near term. Unlike the Klamath County situation, the significant effect determination is not “a purely *pro forma* finding of significant affect on unspecified facilities unsupported by any analysis at all, and then requiring that the TPR be addressed at the time of specific destination resort development[.]” *Id.* At 26.

With respect to the adoption of measures under OAR 660-012-0060(2), the County has not deferred the determination of how to address the identified significant effects until at later point in time. To the contrary, both traffic studies identify the transportation facilities impacted by potential development and then identify the specific transportation mitigation measures necessary to ensure that the affected facilities will continue to operate consistent with the identified function, capacity, and performance standards. The condition of approval requires that the identified improvements be constructed or, in the alternative, if the traffic study prepared at the time of eventual resort development identifies different improvements necessary to avoid a significant effect, the resort applicant will be required to make the improvements identified in the more timely study.

The County's election to impose the condition of approval requiring additional TPR-level analysis at a future date is not a *deferral* of the TPR, rather, it is simply a recognition that at the present time it is entirely unclear whether any of the properties will be developed with resorts, when such development may occur, the ultimate transportation impacts of a specific proposal, the size of a specific resort, whether additional transportation improvements may be constructed in the intervening years which would affect the analysis, or whether an increase in background traffic might demand greater transportation improvements. Rather than a deferral, the condition is a safeguard to ensure that resort development does not significantly affect transportation facilities at the time of development, which could be years from now. Also, it is a reflection of the fact that regardless of what mitigation measures might be required based on current transportation studies, ORS 197.460(4) requires resort developers to mitigate adverse effects to transportation facilities at the time of resort development. Consequently, any improvement required under the current analysis may be entirely inappropriate or inadequate to address future transportation issues.

Central Oregon LandWatch also has argued the DSL Study should not have relied on a December 2004 Group Mackenzie traffic study because that report was significantly revised in 2005. In particular, LandWatch argues that the improvements necessary to mitigate a significant effect at the US 20 and Cook Avenue intersection involve a full interchange rather than signalization. LandWatch does not challenge the finding of significant effect under OAR 660-012-0060(1), only whether the County has adopted the appropriate measure under OAR 660-012-0060(2). To address LandWatch's concern, in addition to the measures identified in Table 3 of the DSL Study, the County adopts, as a measure under OAR 660-012-0060(2), the requirement to construct an interchange as addressed in the 2005 Group Mackenzie study provided by LandWatch (the “Interchange Requirement”). With respect to LandWatch's concerns regarding the ultimate cost of the interchange, that question is irrelevant to either the significant effect determination under OAR 660-012-0060(1) or the implementation measure under OAR 660-012-0060(2).

With respect to the DSL Cline Buttes site, the record includes the DSL Study and the excerpt of the Group Mackenzie study provided by LandWatch, both of which the Board specifically incorporates by reference in these findings. Together, these studies demonstrate that resort development on the DSL Cline Buttes site would significantly affect certain transportation

facilities. Based on this determination, the County has identified the specific transportation improvements necessary to assure that the affected transportation facilities operate consistent with the identified function, capacity, and performance standards.

(1). Data Gaps

Central Oregon LandWatch appears to argue that the County should require some higher level of specificity with respect to the transportation improvements required to mitigate a significant effect under the TPR. The County rejects that position. As set forth above, the Traffic Studies, identify a reasonable worst case scenario regarding the size of potential resorts based on their acreage and applicable resort density standards. The studies identify the impacts to transportation facilities, the improvements necessary to mitigate the impacts. On top of that, the County has imposed a development prohibition until such time as a resort is actually proposed. Absent specific resort proposals, it is impossible to perform transportation studies with any greater detail because many required components of traffic studies which would be required at the time of development are unknown at the present time. Under ODOT's 2005 Development Review Guidelines, the following components are required for a traffic impact study, none of which are known at the present time:

- Traffic volumes in the year of opening without resort development
- Traffic operations in the year of opening without resort development
- Traffic volumes in the year of opening with the resort development
- Traffic operations in the year of opening with the resort development
- Traffic volumes at the end of planning period without resort development
- Traffic operations at the end of the planning period without resort development
- Traffic volumes at the end of the planning period with resort development
- Traffic operations at the end of the planning period with resort development.

Because these factors are unknown—primarily because it is impossible to predict at the present time the size of any particular resort, when it is planned to open, or whether there will be intervening development which would affect the transportation analysis—it is impossible to specifically identify the precise measures which would be required at the time of resort development to assure that resort development is consistent with the identified function, capacity, and performance standards of all potentially affected transportation facilities, as required under OAR 660-012-0060(1). The mitigation identified in the Traffic Studies is sufficient to remedy the identified significant effects if the subject properties were developed today with resorts generating the traffic identified in the studies. Because, however, it is impossible to know at the present time whether, when and to what extent, the subject properties will be developed for resorts, it is appropriate to impose certain conditions of approval to ensure that when and if resorts are developed, they are developed consistent with the planned function, capacity, and performance standards of affected transportation facilities.

12. Statewide Planning Goals.

The parameters for evaluating these specific amendments are based on an adequate factual base and supportive evidence demonstrating consistency with statewide planning goals. The following findings demonstrate that Ordinances 2011-001 and 002 comply.

Goal 1, Citizen Involvement was met through this adoption process because these amendments will receive two public hearings, one before the County Planning Commission, the County's citizen review board for land use matters, and one before the Board.

Goal 2, Land Use Planning was met because ORS 197.455(2) allows for such an amendment process. Additionally, the amendments mirror the statutory requirements that destination resorts not be sited on specific types of farm and forest land, Open Space and Conservation zoned land, and in areas where wildlife is protected. Thus, the provisions will not conflict with Goal 3, Agricultural Lands, and Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces Local governments are only required to apply Goal 5 to a post-acknowledgement plan amendment when the amendment allows a new use and the new use "could be" a conflicting use with a particular Goal 5 resource site on an acknowledged resource list. OAR 660-023-0250(3)(b). A conflicting use "is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource[.]" OAR 660-023-0010(1). When identifying potential conflicting uses, the Goal 5 rules expressly limit the examination of uses to those uses that are allowed either outright or conditionally within the zones applied to the resource site. Here, the use allowed on the three subject properties is a destination resort, which is a conditional use in the EFU and F2 zones.

The Pine Forest, Vandever and Belveron properties are zoned with the Wildlife Area Combining Zone (WA). The WA zone implements the County's Goal 5 program with respect to the Deer Migration Corridor. Subject to DCC 18.113, destination resorts are allowed as a conditional use in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as long as the property is not in an area designated as "Deer Migration Priority Area" on the 1999 ODFW map submitted to the South County Regional Problem Solving Group. Consequently, in the WA zone, destination resorts are not a new use that could adversely affect a significant Goal 5 resource within the meaning of Goal 5. Destination resorts have been allowed in the WA zone for a long period of time and, when the county adopted and applied the WA zone, the county expressly determined that it would permit destination resorts, despite the conflicts with the Goal 5 resource, in areas with the WA overlay, but outside the Deer Migration Priority Area. As neither the Pine Forest nor the Belveron/Vandever properties are within the Deer Migration Priority Area, the County's Goal 5 implementing regulations expressly permit the County to add these two properties to the Destination Resort Overlay Map, without applying Goal 5 or undertaking a new ESEE analysis.

The County's program to achieve Goal 5, both through comprehensive plan, and the County's land use regulations implementing Goal 5, allow destination resorts as conflicting uses. Ordinance No. 2001-019 amended the Resource Management Element of the Comprehensive Plan and Chapter 18.88 of the Deschutes County Code. As a part of these amendments, the County amended the ESEE analysis for with Bend/La Pine Deer Migration Corridor by expressly permitting resort development within the WA zone, but outside the Deer Migration Priority Area:

"The Board finds that the Bend/La Pine Deer Migration Corridor and the conflicting destination resort use are important relative to each other and, based on OAR 660-023-0040(5)(b) and the amended ESEE analysis, the destination resort use should be allowed in a limited way that protects the Goal 5 resource. Specifically, destination resorts should be limited to areas within the destination resort overlay that are outside of the Deer Migration Priority Area."

Although Central Oregon LandWatch has not raised any Goal 5 related objections to this proposal, in other cases before the Land Use Board of Appeals it has argued that new roads and traffic associated with destination resorts may affect Goal 5 resources. These findings address that concern.

With respect to new roads, and traffic associated with such roads, the Pine Forest, Belveron, and Vandevent properties all abut one or more public roads. Therefore, no off-site access roads will be required to provide access to any future resort on these properties. Moreover, even if a new access road from South Century Drive or Vandevent were needed (together with the traffic associated with such new road), any road would go through the WA zone. As discussed above, destination resorts are permitted in the WA zone. Consequently, the Board finds that even if new access roads were required, such roads would not be a "new use" permitted by these amendments because (a) roads and traffic are not new uses in the WA zone and (b) access roads and the associated traffic are an integral component of destination resorts and are permitted as a part of a destination resort and currently allowed in the WA zone.

The DSL Cline Buttes site contains the Surface Mining Impact Area Combining Zone (SMIA). The SMIA is a Goal 5 resource overlay. No other Goal 5 resources are located on the DSL Cline Buttes site, nor do any roads which may be used to access the property go through any Goal 5 resource area. The purpose of the SMIA zone is to protect the surface mining resources of Deschutes County from new development which conflicts with the removal and processing of a mineral and aggregate resource, while allowing owners of property near a surface mining site reasonable use of their property. Resorts, however, do not represent new uses which could be conflicting uses for purposes of the OAR 660-023-0250 within the SMIA zone. Resorts are uses permitted conditionally within the underlying EFU zoning, and all uses permitted conditionally within the underlying zone are allowed by the SMIA standards. Consequently, the County's existing program to protect the Goal 5 resource expressly permits resorts within the SMIA overlay. As such, resorts do not constitute a "new use" that could be conflicting uses with the Goal 5 resource site.

The DSL Cline Buttes site will be developed with road access through either the existing and adjacent Eagle Crest Destination Resort or through the surrounding future Thornburgh Destination Resort which abuts the DSL Cline Buttes properties on 3 sides. The roads to Eagle Crest already exist connecting to the local and regional transportation network—this access strategy requires no new road development that would impact wildlife habitat or activities. Access through the future Thornburgh Destination Resort will use roads already planned for and/or constructed on Thornburgh land- these roads either: already exist (Thornburgh Road to Eagle Drive), will connect directly to a county arterial (Main entry road connecting to Cline Falls Highway), or exercise an existing access easement through BLM lands (proposed Service Road to serve Thornburgh's main facility and infrastructure). The anchor Thornburgh destination resort development already abuts or has direct access to existing public roads. Therefore, no off-site access roads will be required to be constructed to provide access to the DSL Cline Buttes site. Most importantly, no roads serving the DSL Cline Buttes site would go through any mapped Goal 5 resource sites. Consequently, the addition of the DSL Cline Buttes site to the resort map will not allow any new use which could be a conflicting use with a particular Goal 5 resource site.

Goal 6 Air, Water and Land Resources Quality and Goal 7, Natural Hazards are met because the County has other code provisions in the Destination Resort Zoning Code, DCC Chapter 18.113 that are designed to protect the air, water and land resources quality and to assure that they are not approved in areas subject to natural resources and natural hazards.

Goal 8, Recreational Needs specifies the rural areas consisting of agricultural, forest, rural development, and natural resources that are eligible for siting destination resorts.²² According to the Comprehensive Plan, the numerous beneficial impacts of destination resorts are recognized by Statewide Planning Goal 8 and by implementing statutes.

With the exception of one ineligible tax lot (151200-00-05101) proposed by the Oregon Department of State Lands, the three map amendment applications comply with Goal 8. Goal 8 requires a destination resort to be on a site 160 acres or more, therefore tax lot 151200-00-05101 does not comply because it is an isolated 40 acre parcel. Deschutes County Destination Resort Zone requires all destination resorts to have a minimum of 160 contiguous acres of land. This chapter was found as part of periodic review to be in compliance with the County's comprehensive plan and statewide planning goals.

Goal 9, Economic Development is met because the map amendments will expand the opportunities for more destination resorts, which are a source of economic development by providing jobs in the construction and service industries. In fact, the initial reason decades ago the legislature allowed destination resorts in rural areas was to provide a means of economic development particularly in areas such as Central Oregon where farm and forest lands were not as productive as other areas in the state.

Goal 10, Housing is met even though the County is generally not subject to housing requirements because these destination resorts do provide additional housing, albeit, generally in the higher end range.

Goal 11, Public Facilities is not applicable to destination resorts because destination resorts are specifically allowed urban-type services such as sewer and water.

Goal 12, Transportation complies with this goal as discussed previously in the sections regarding the Transportation Planning Rule. Goal 12 is the Transportation Planning Rule.

Goal 13, Energy Conservation is also addressed through the destination resort zoning code, DCC Chapter 18.113. This specific chapter requires destination resorts during the conceptual master plan (CMP) process to prepare utility and water conservation plans.²³ Furthermore, the planning director or hearings body during the CMP process must find that the minimum dimensional standards are adequate to satisfy the intent of the comprehensive plan relating to solar access (DCC 18.113.060(G)(1)).

Goal 14, Urbanization is not applicable to destination resort map amendments because, while destination resorts are built and operated much like an urban area could be, they are specifically allowed in rural areas with some additional requirements.

Goals 15 through 19 are not applicable to any amendments to the County's comprehensive plan because the county has none of those types of lands.

10. Consistency with Deschutes County Comprehensive Plan

Deschutes County's Destination Resort Goal, DCC 23.84.020, provides for development of destination resorts in the County consistent with Statewide Planning Goal 8 in a manner that will be compatible with farm and forest uses, existing rural development, and in a manner that will maintain important natural features, such as habitat of threatened or endangered species,

²² <http://egov.oregon.gov/LCD/docs/goals/goal8.pdf>

²³ DCC 18.113.050(B)(5) and (11c)

streams, rivers and significant wetlands. As demonstrated above, Deschutes County's map amendments, with the exception of one ineligible tax lot (151200-00-05101) proposed by the Oregon Department of State Lands, comply with the statewide planning goals by continuing to protect certain agricultural and forest lands, and acknowledged Goal 5 natural resources. Therefore, because the County's comprehensive plan was adopted to comply with those goals and had been acknowledged as such, the new map amendments also comply with the County's comprehensive plan policies and goals, which are rarely more restrictive than the statewide planning goals.

Lastly, destination resort map amendments represent only the first of several steps for a property to become entitled and developed as a destination resort. The Deschutes County Destination Resort Overlay Zone, DCC 18.113 specifies an extensive burden of proof for an applicant seeking conceptual master plan as well as final master plan approval. That chapter was found years ago to be in compliance with the County's comprehensive plan and, as stated above, provides many of the protections required by the County's Comprehensive Plan policies.

11. Conditions of Approval

The condition of approval applicable to all of the land being added to the resort map pursuant to these amendments is as follows:

A. ORS 197.455(1)(f):

"The County has adopted, as the relevant wildfire protection plans described in ORS 197.455(1)(f), the Upper Deschutes River Natural Resources Coalition Revised Community Wildfire Protection Plan and the Greater Redmond Community Wildfire Protection Plan. Any resort developed on the three properties added to the resort map shall be required to comply with the terms and conditions of the applicable wildfire protection plan, as such plan may be amended from time to time. In addition, any resort developed on any of the three properties added to the resort map shall be required to be developed consistent with FireWise standards and shall, as a condition of approval to any resort development, be required to become recognized as a FireWise community. If the County determines that, at the time of resort development, that the adopted wildfire plans and FireWise community standards are insufficient to assure that a site can be developed without being at a high overall risk of fire, then the County shall require, as a condition of approval, the adoption of an alternate wildfire protection plan that demonstrates the site can be developed without being at a high overall risk of fire."

B. OAR 660-012-0060(2)(a)

The County may not approve a destination resort on any of the three properties added to the resort map pursuant to these amendments until:

- a. The applicant for resort development has complied with the version of ORS 197.460(4) then in effect regarding a resort-specific traffic impact analysis.
- b. The destination resort application has addressed and incorporated as a part of the development plan, the transportation improvements identified in the Vandeventer Analysis or the DSL Analysis (including the Interchange Requirement decision described in the 2005 Group

Mackenzie study), as applicable, necessary to mitigate the finding of significant effect.

- c. The applicant has prepared a traffic impact analysis that in all respects conforms to the requirements of the Transportation Planning Rule and ORS 197.460(4), and demonstrates that resort development on the property may occur in a manner which will not significantly affect a transportation facility or, if a subsequent significant effect is found, resort development may not proceed until measures are in place as described in OAR 660-012-0060(2) to assure that resort development is consistent with the identified function, capacity, and performance standards of affected transportation facilities. If the transportation improvements identified in this subsequent traffic study differ from those identified in the Vandevent Study or the DSL Study, the applicant shall make the improvements identified in this subsequent study.

12. Conclusion

Pine Forest Development LLC

Based on the findings stated above, Pine Forest Development LLC demonstrates that tax lot 201100-00-00103 can be added to Deschutes County's Destination Resort Maps cited in DCC Titles 23 and 18.

Belveron Real Estate LLC and Vandevent Road LLC

Based on the findings stated above, Belveron Real Estate LLC and Vandevent Road LLC demonstrate that tax lots 201100-00-00104 and 201100-00-00105 can be added to Deschutes County's Destination Resort Maps cited in DCC Titles 23 and 18.

DSL Cline Buttes Site

Based on the findings stated above, the agents/applicants for the DSL Cline Buttes site demonstrate that tax lots 151200-00-05300, 151200-00-05200, 151200-00-05102, 151200-00-05103 and 151200-00-05104 can be added to Deschutes County's Destination Resort Maps cited in DCC Titles 23 and 18.

Attachment 1 - Parcel Based Maps Showing Grandfathered Properties Retaining a Destination Resort Designation

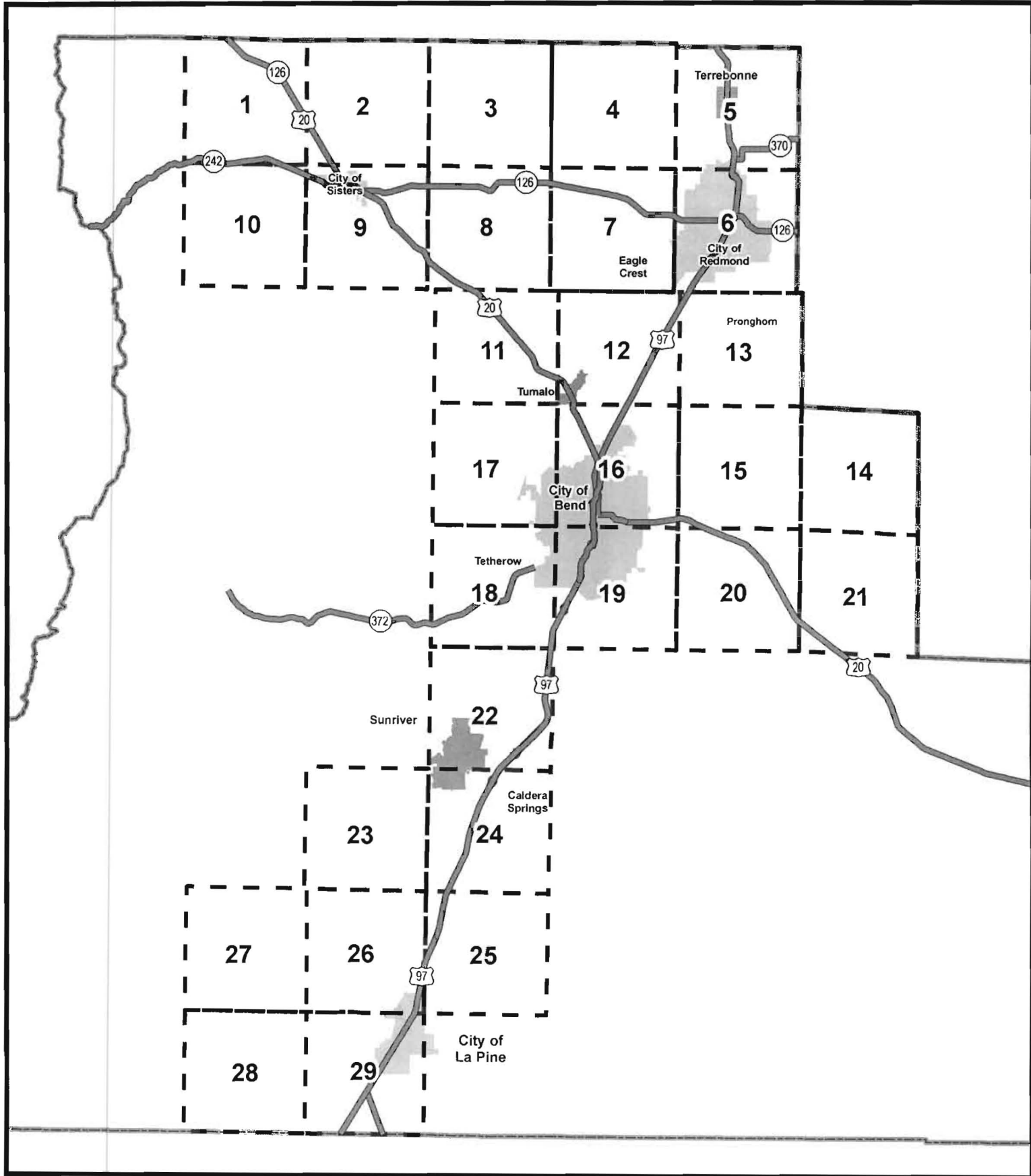


Exhibit "B" Attachment 1

Index Map
to Ordinance 2011-001

Legend

- State Highway
- Exhibit "B" Map Index
- County Boundary
- Unincorporated Community
- Urban Growth Boundary

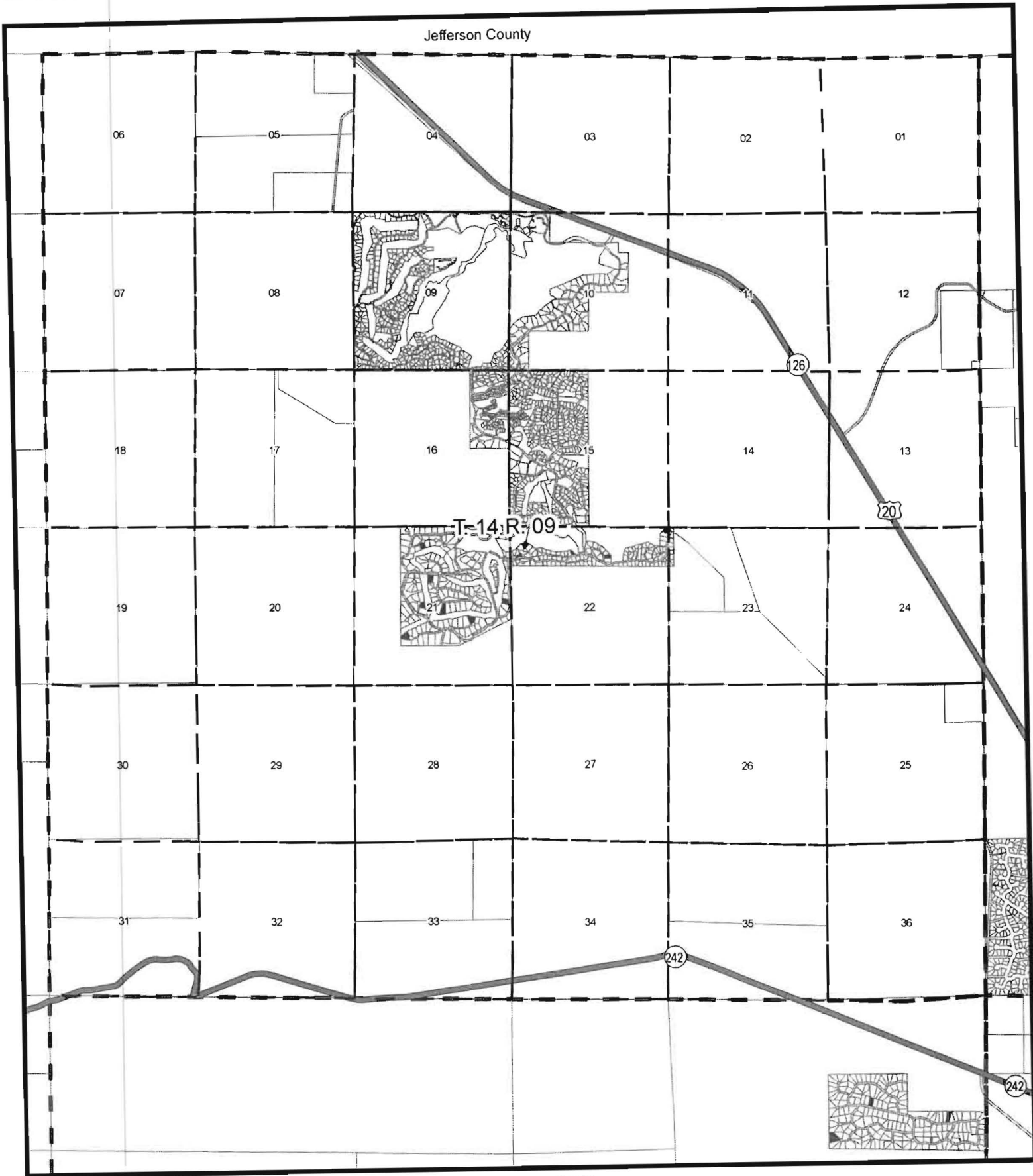


October 13, 2011



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Jefferson County

Exhibit "B" Attachment 1

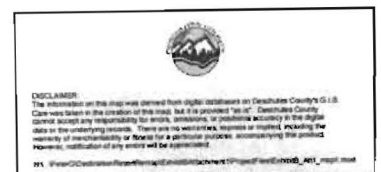
Map 1 of 29
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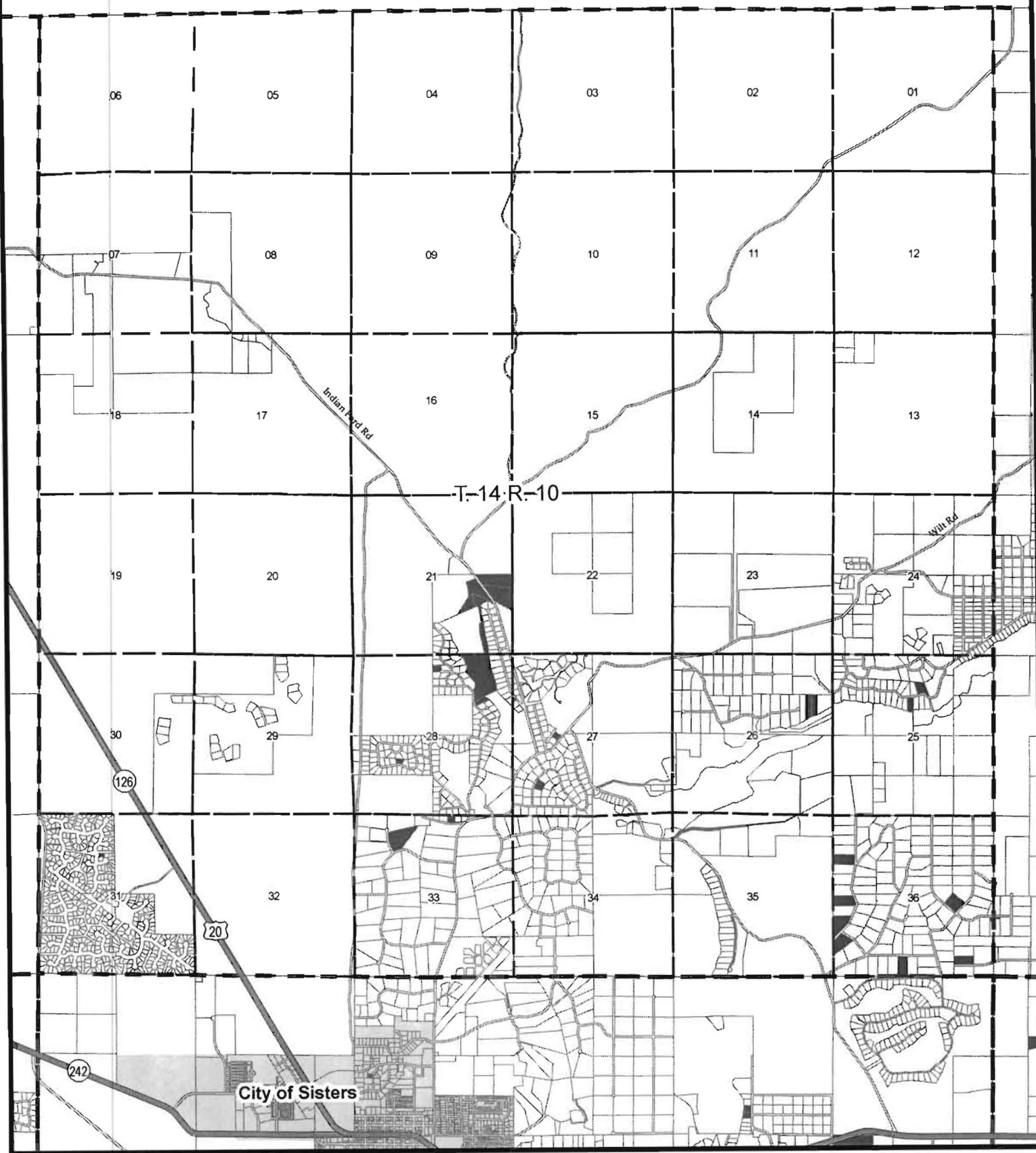
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- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property



October 13, 2011



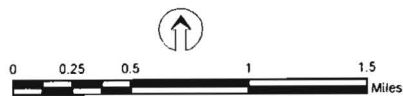


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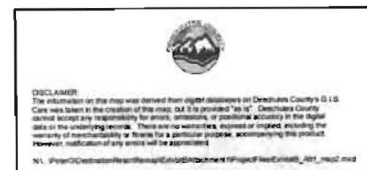
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Exhibit "B" Attachment 1

Map 2 of 29
to Ordinance 2011-001

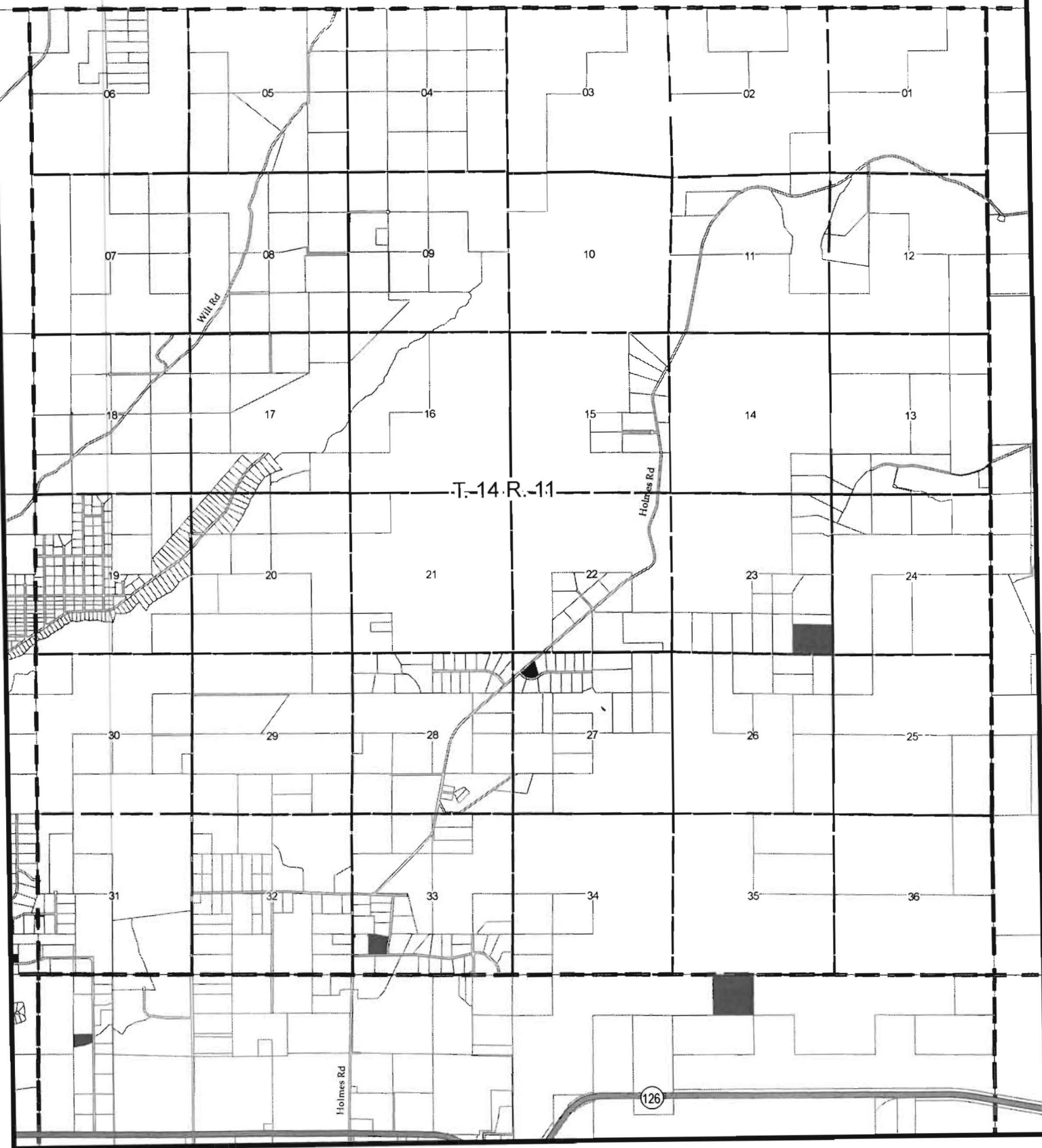


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Exhibit "B" Attachment 1

Map 3 of 29
to Ordinance 2011-001



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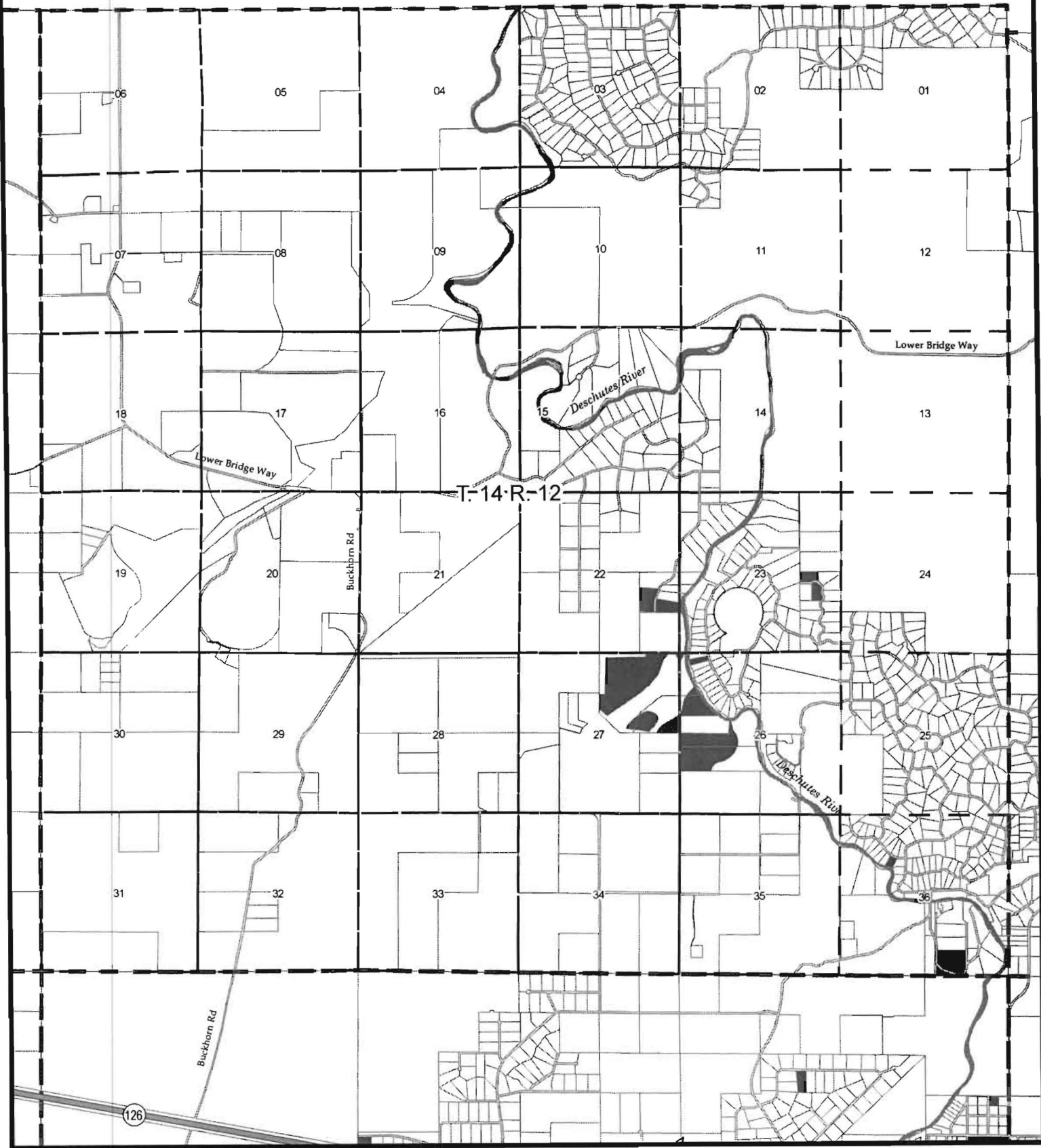
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Jefferson County



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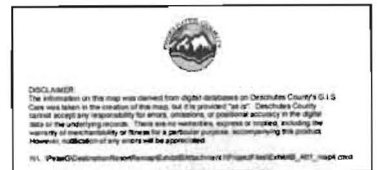
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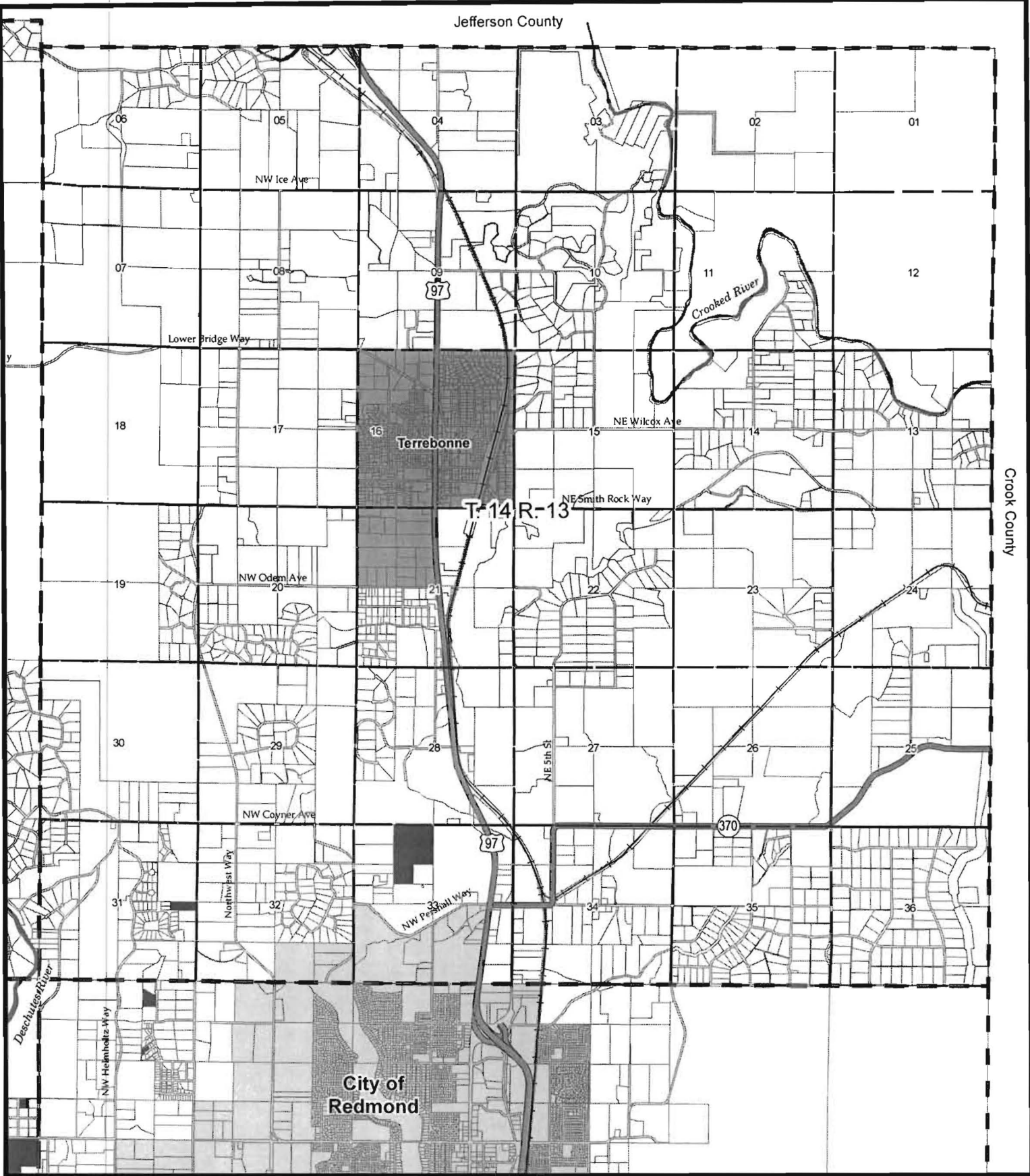
Exhibit "B" Attachment 1

Map 4 of 29
to Ordinance 2011-001



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- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B" Attachment 1

Map 5 of 29
to Ordinance 2011-001



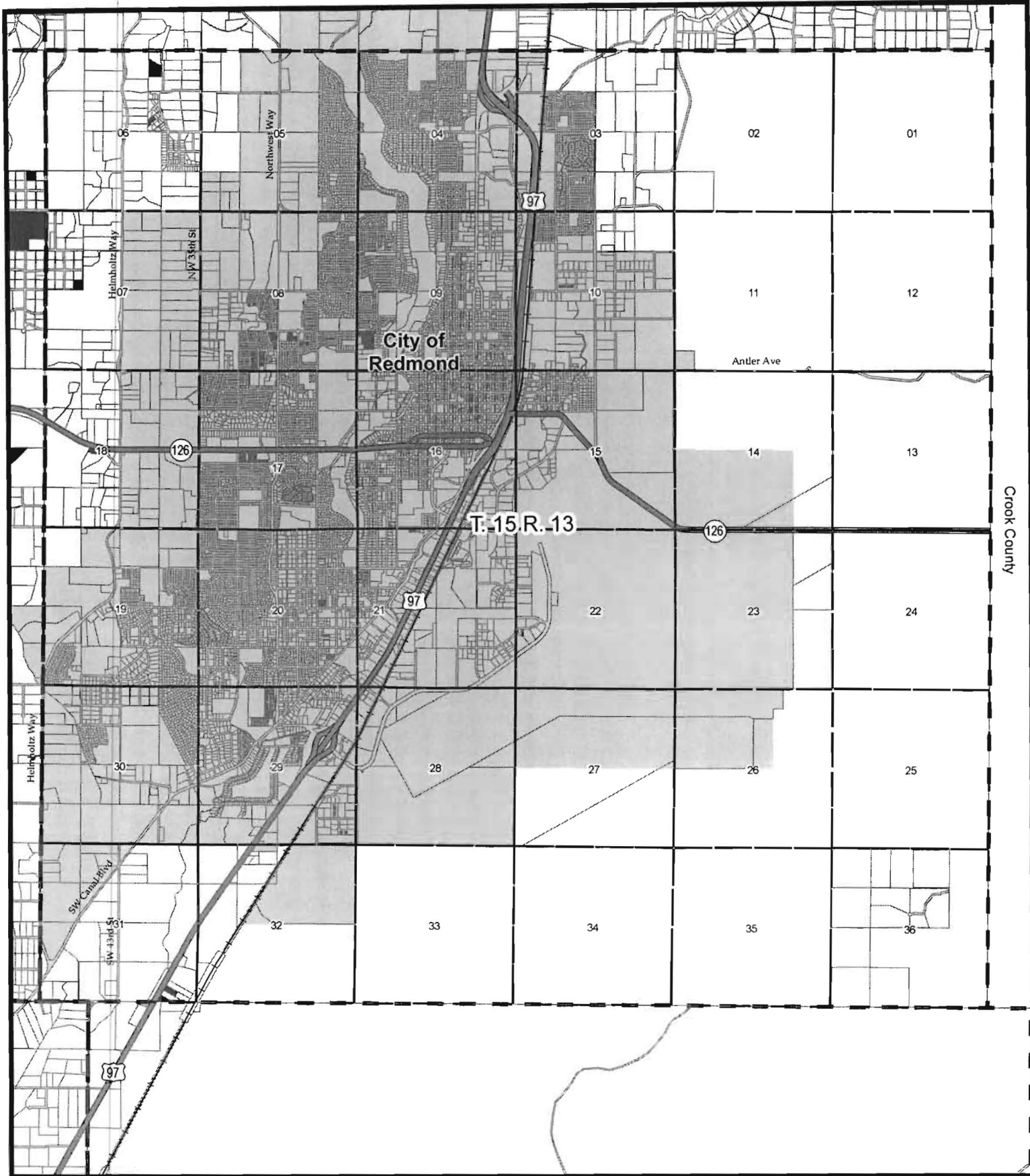
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- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B" Attachment 1

Map 6 of 29
to Ordinance 2011-001



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October 13, 2011



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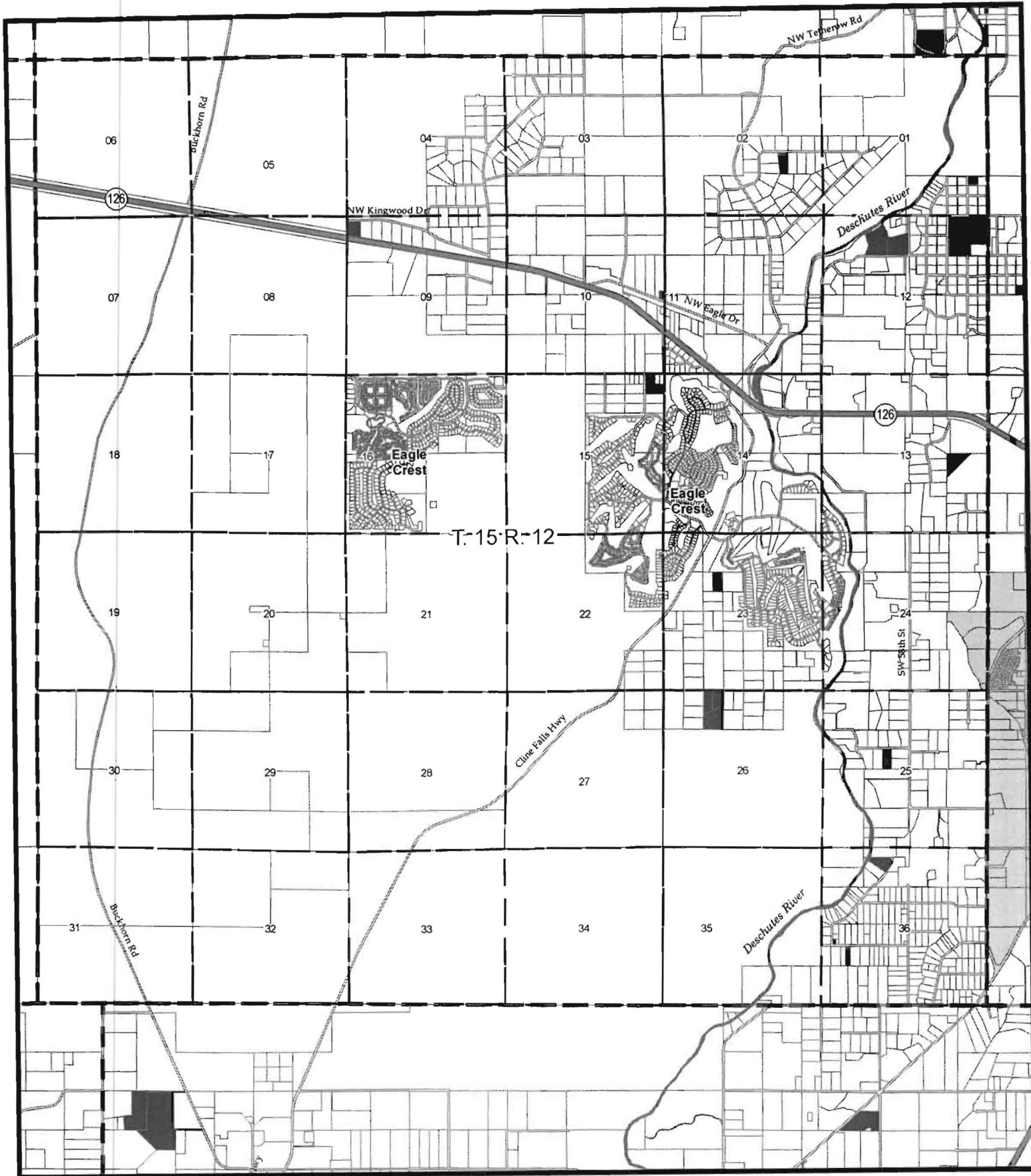


Exhibit "B" Attachment 1

Map 7 of 29
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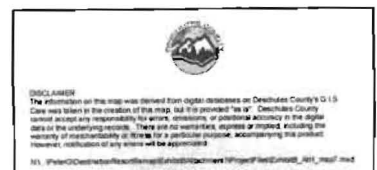


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October 13, 2011

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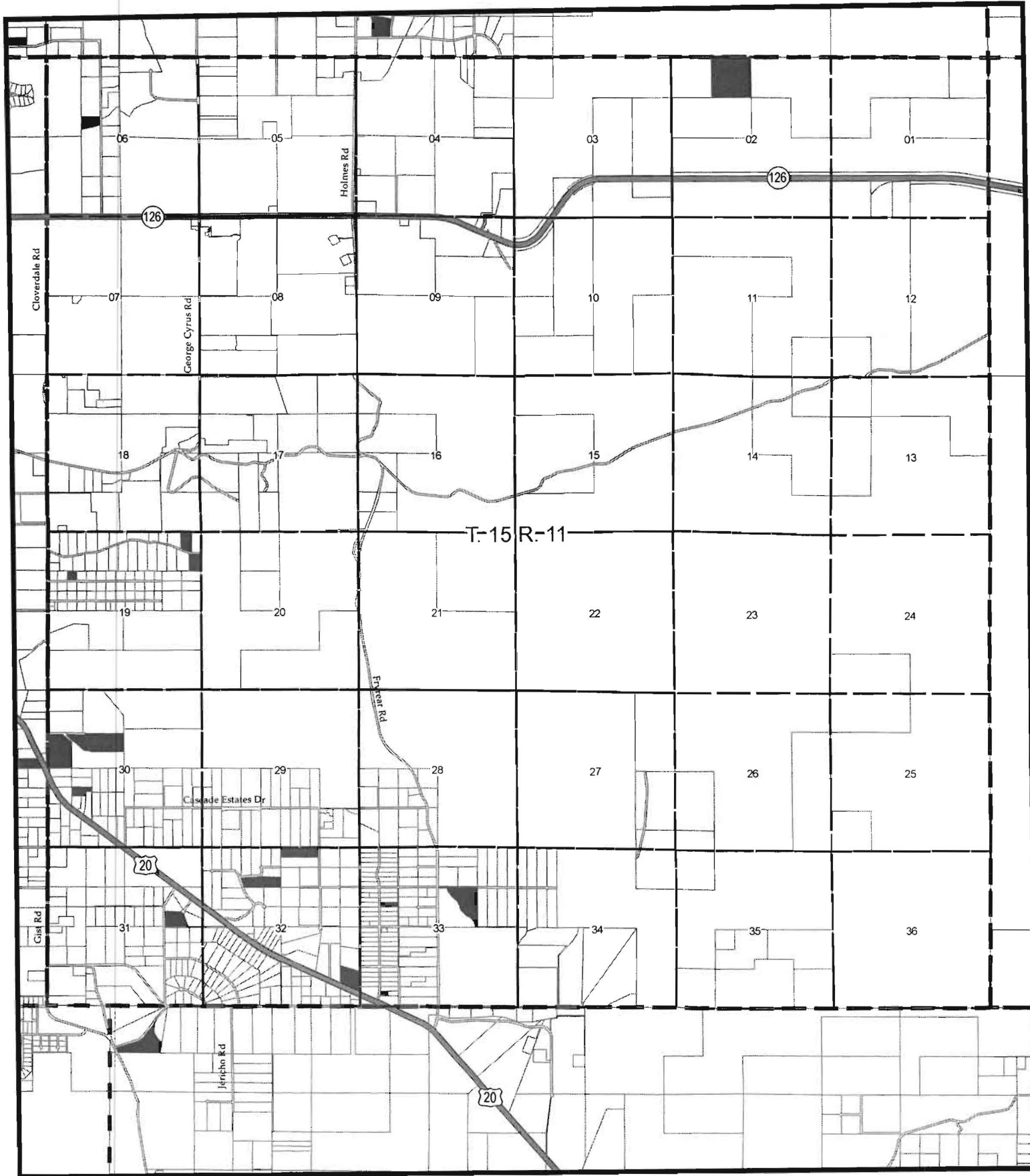


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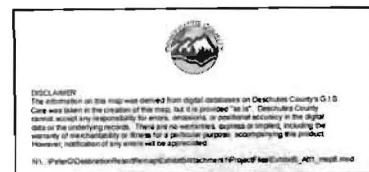
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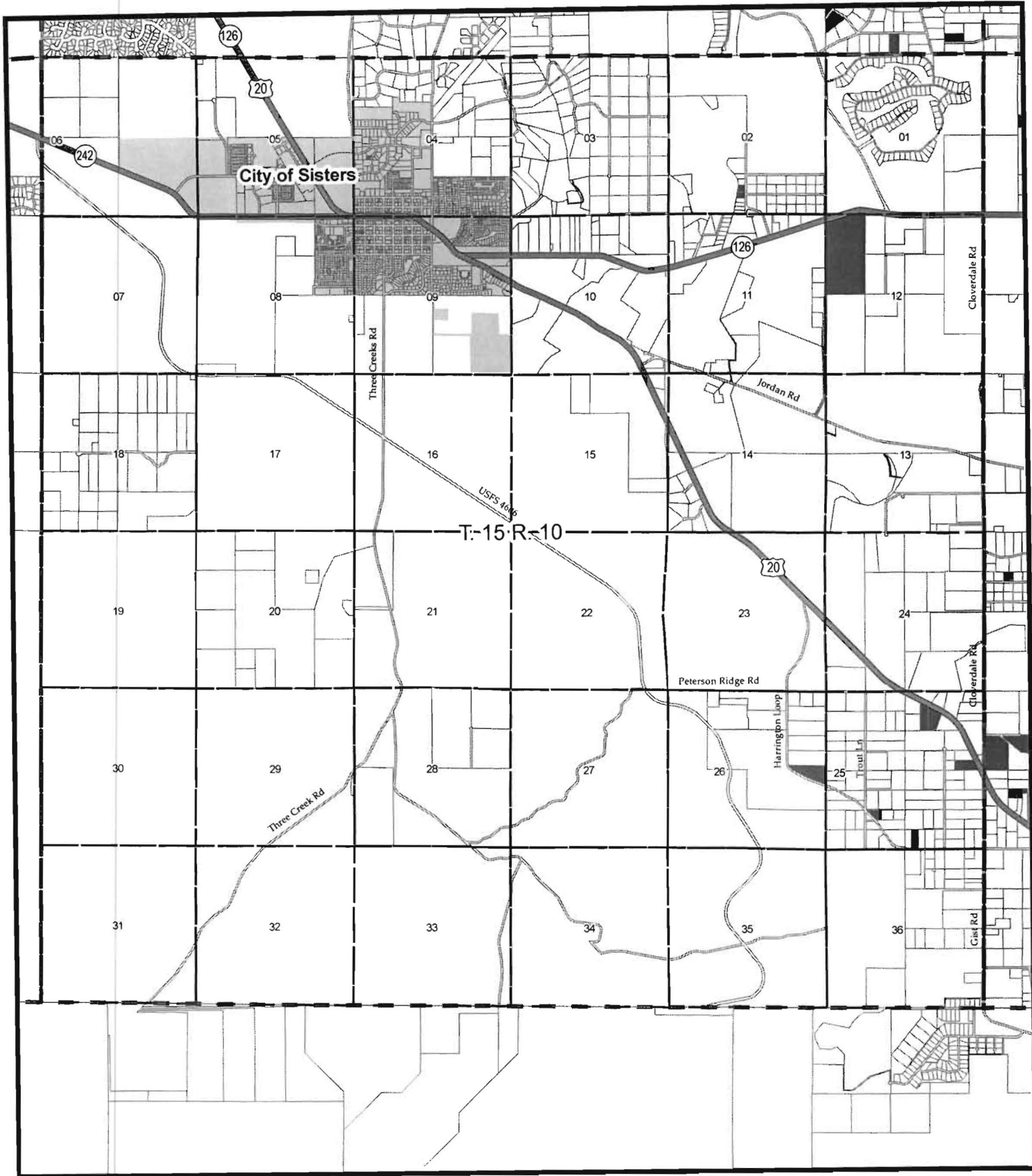
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October 13, 2011





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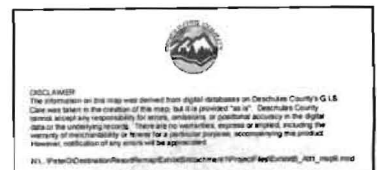
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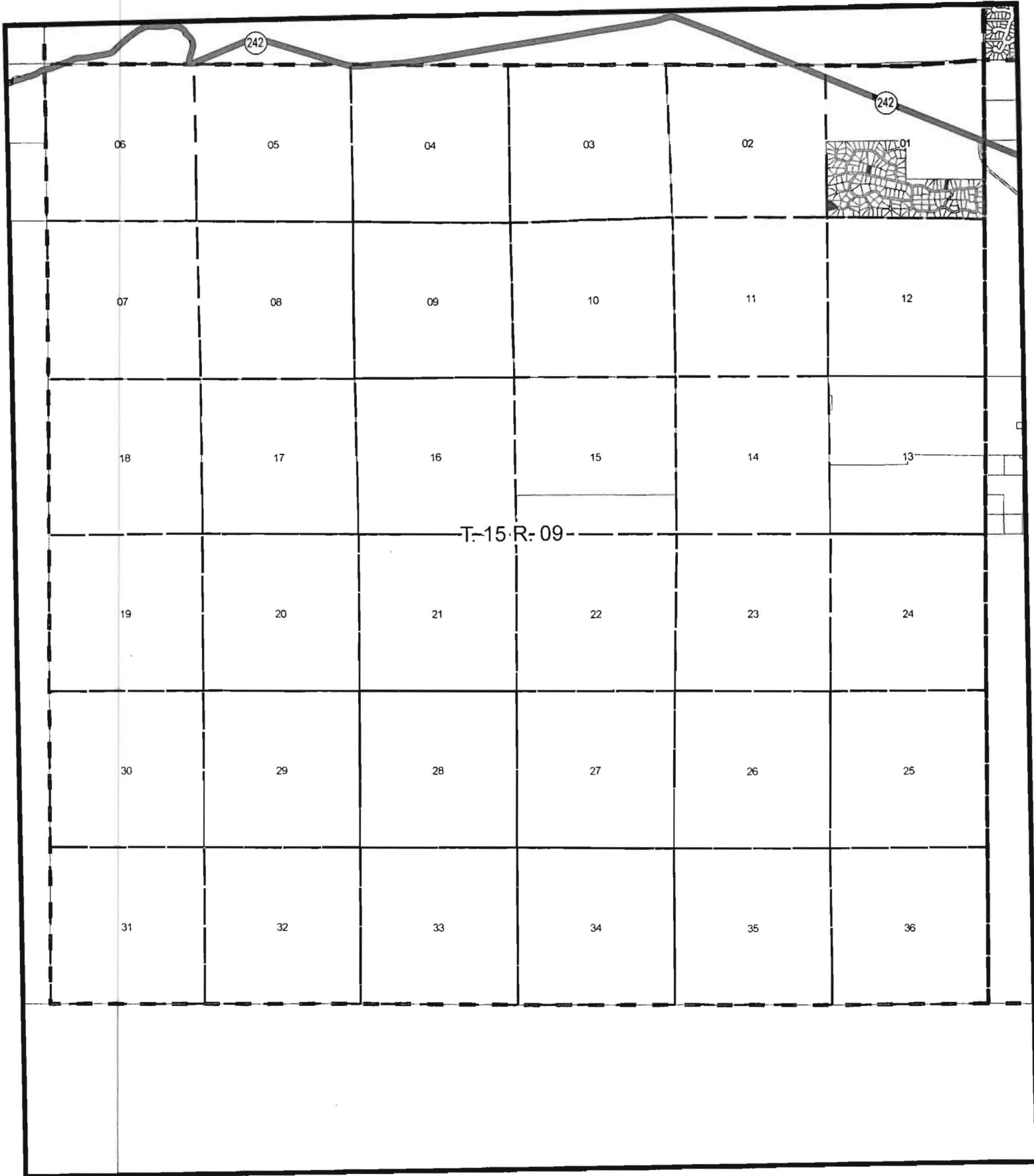
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Map 9 of 29
to Ordinance 2011-001



October 13, 2011





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





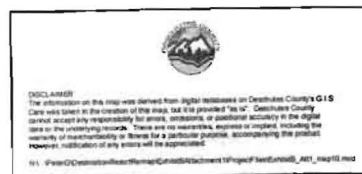
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-  Urban Growth Boundary
-  Grandfather Clause Eligible Property

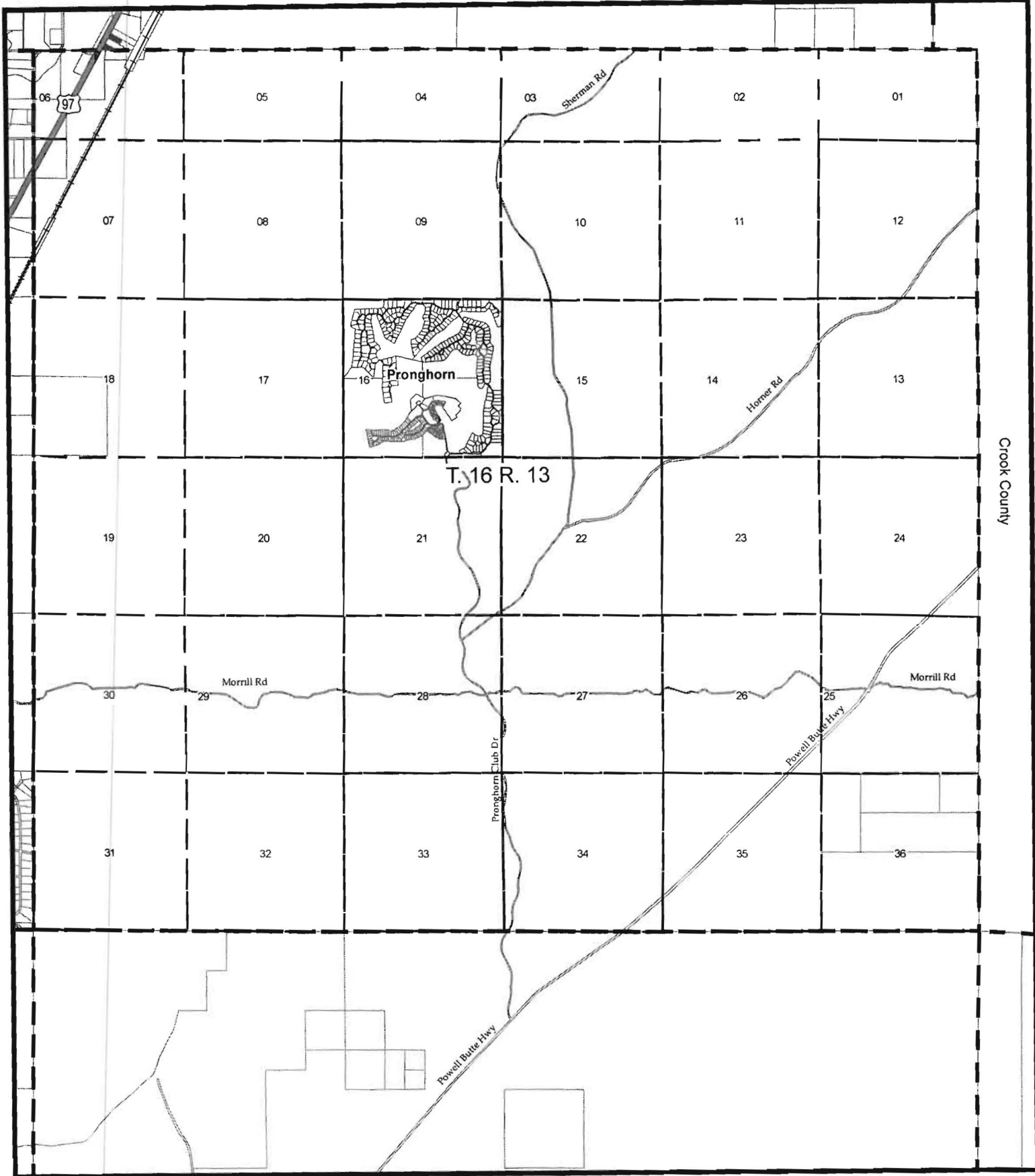
Exhibit "B" Attachment 1

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Legend

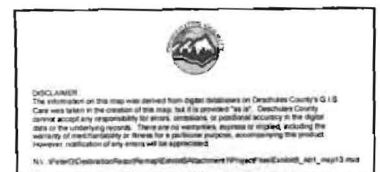
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B" Attachment 1

Map 13 of 29
to Ordinance 2011-001



October 13, 2011



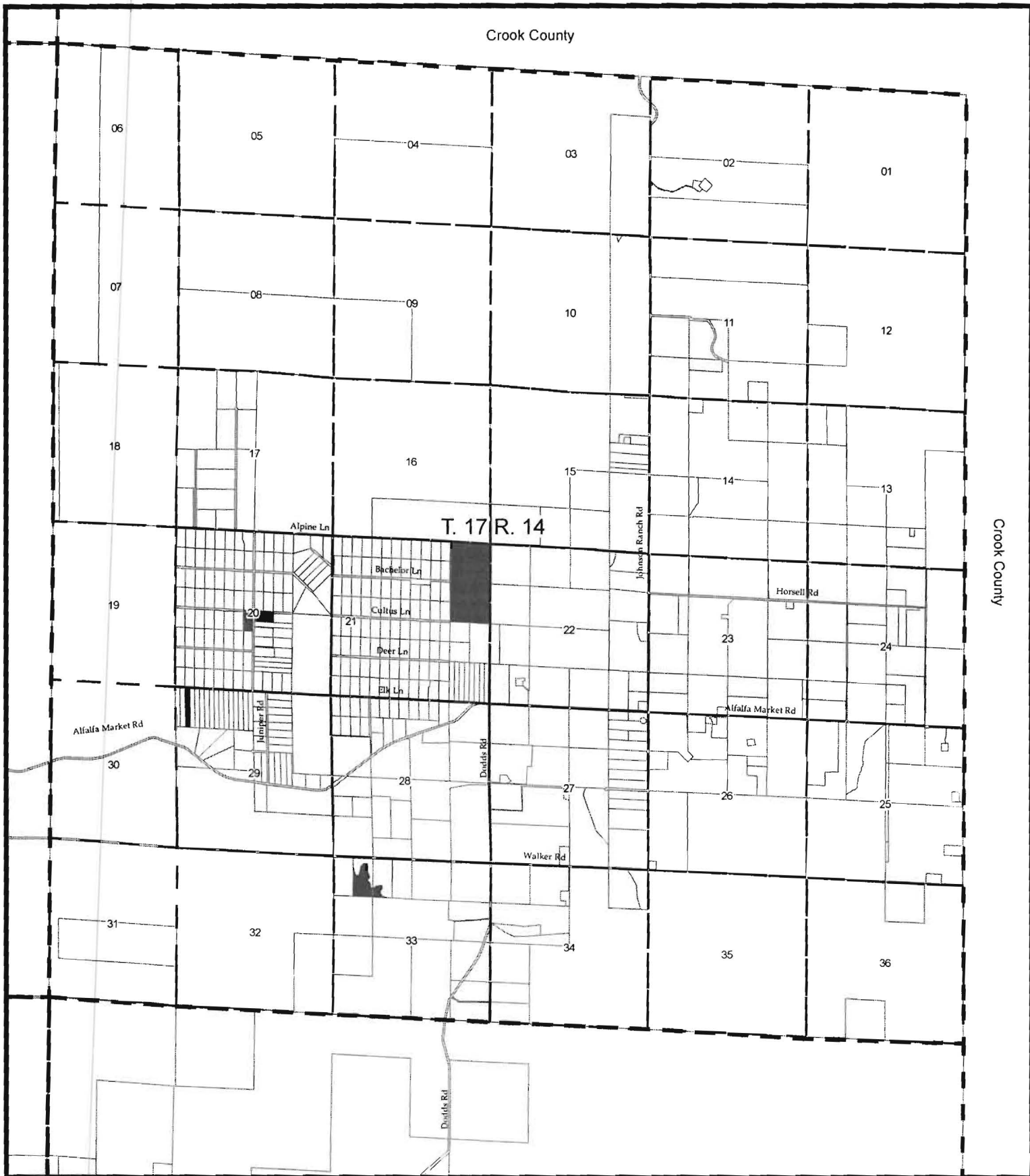


Exhibit "B"
Attachment 1








Map 14 of 29
to Ordinance 2011-001



0 0.25 0.5 1 1.5 Miles

October 13, 2011

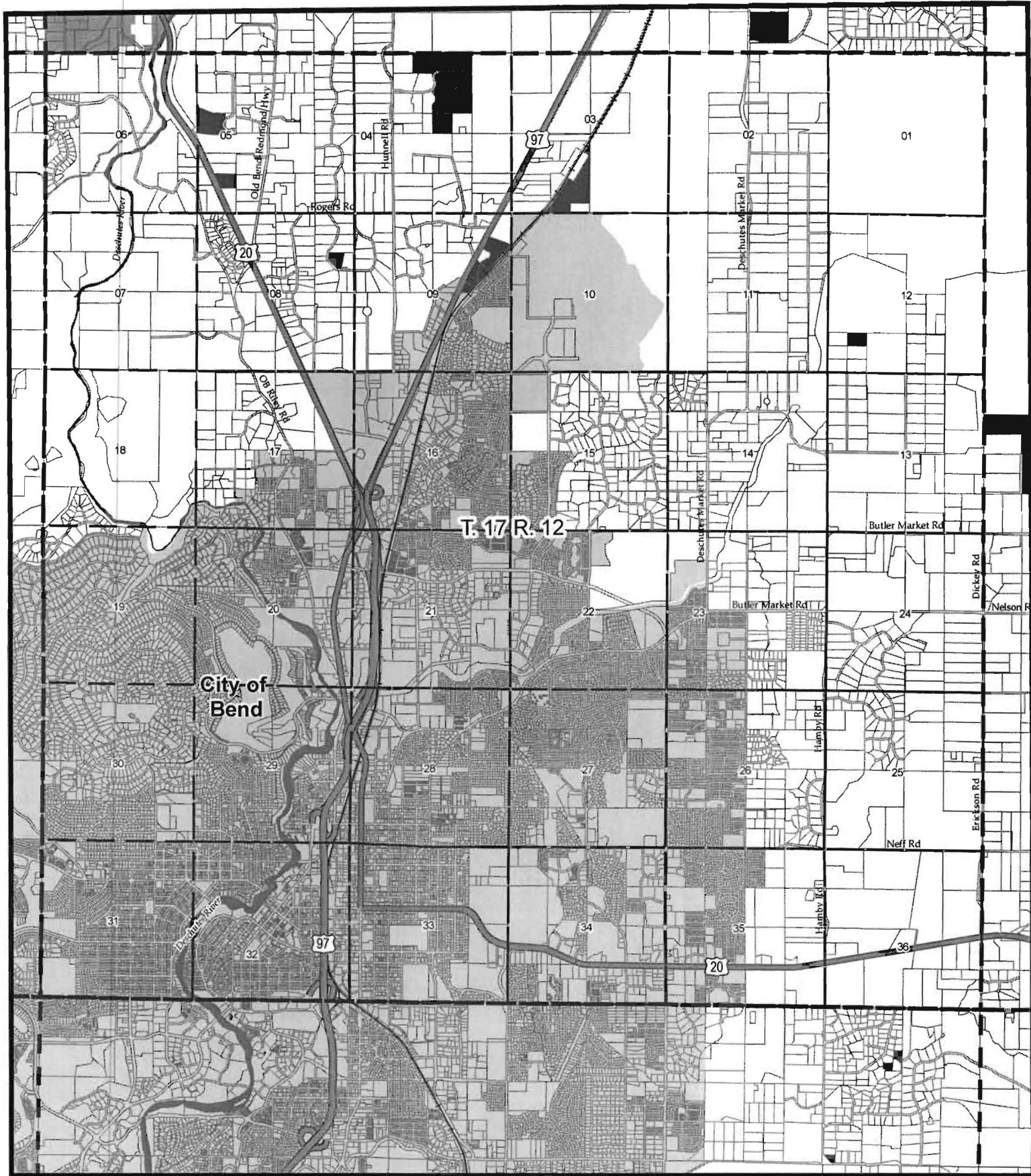
Legend

-  State Highway
 Tax Lot Boundary
 Section Line
 Exhibit "B" Map Index
 Unincorporated Community
 Urban Growth Boundary
 Grandfather Clause Eligible Property



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11. Visit www.dhs.gov/easyscreening to learn more about the DHS Form I-940 and the DHS Form I-940A.



Legend








-  State Highway
-  Tax Lot Boundary
-  Section Line
-  Exhibit "B" Map Index
-  Unincorporated Community
-  Urban Growth Boundary
-  Grandfather Clause Eligible Property

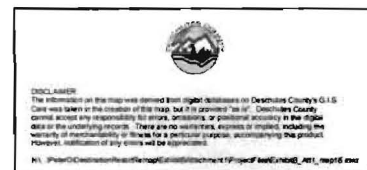
Exhibit "B" Attachment 1

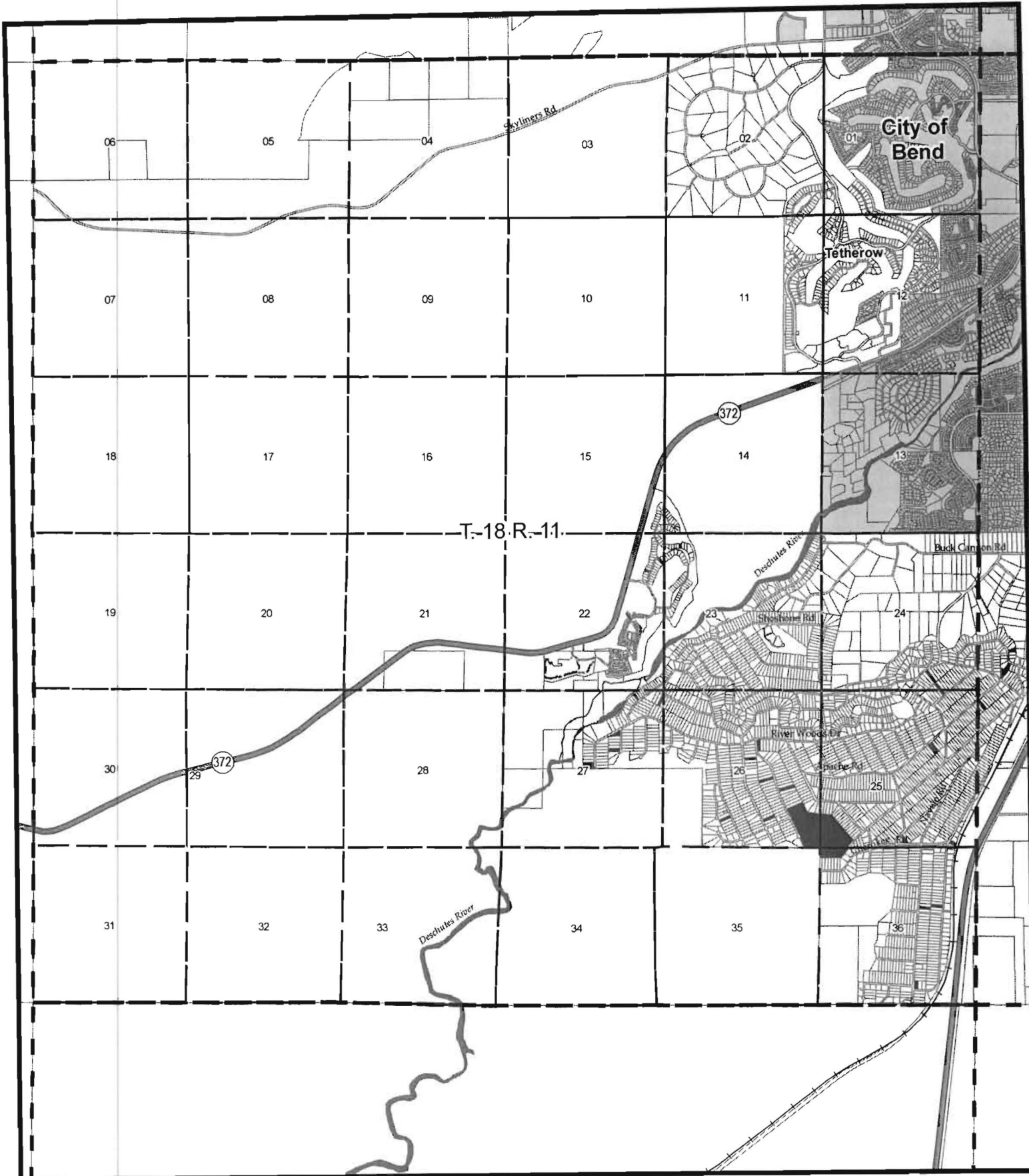
Map 16 of 29
to Ordinance 2011-001



0 0.25 0.5 1 1.5
Miles

October 13, 2011





Legend








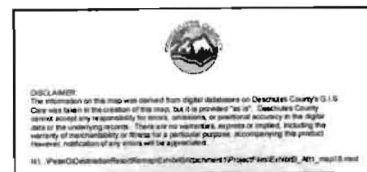
-  State Highway
-  Tax Lot Boundary
-  Section Line
-  Exhibit "B" Map Index
-  Unincorporated Community
-  Urban Growth Boundary
-  Grandfather Clause Eligible Property

Exhibit "B" Attachment 1

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Legend

-  State Highway
 Tax Lot Boundary
 Section Line
 Exhibit "B" Map Index
 Unincorporated Community
 Urban Growth Boundary
 Grandfather Clause Eligible Property



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N3: <http://www.fishbase.org/Species/Species.cfm?ID=112>

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to Ordinance 2011-001



0 0.25 0.5 1 1.5 Miles








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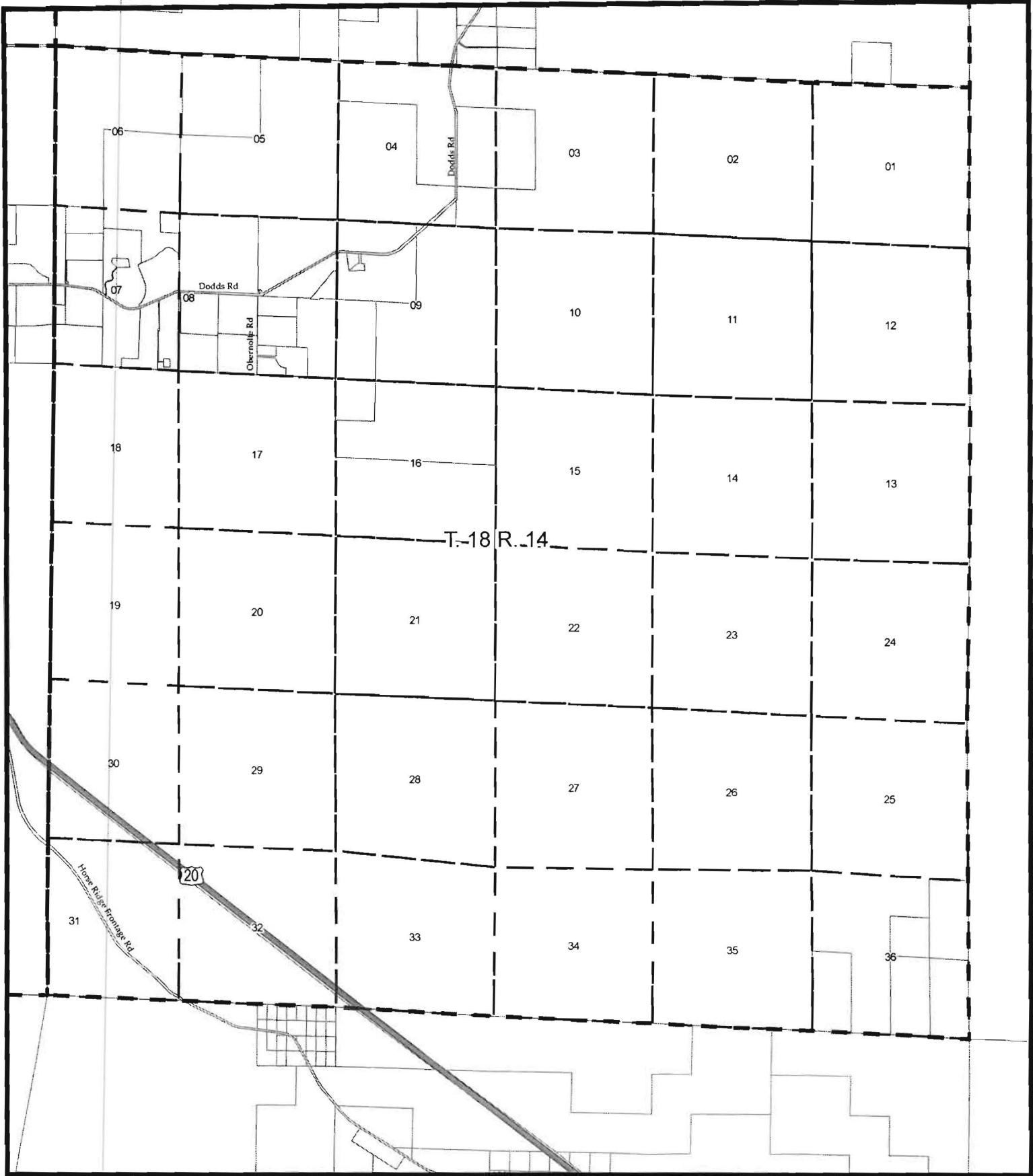


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N:_Papers\DestinationResponseMap\Chandrasekhar\Project Files\Exhibit_1011_map20.mxd

Legend

-  State Highway
 Tax Lot Boundary
 Section Line
 Exhibit "B" Map Index
 Unincorporated Community
 Urban Growth Boundary
 Grandfather Clause Eligible Property



Legend








-  State Highway
-  Tax Lot Boundary
-  Section Line
-  Exhibit "B" Map Index
-  Unincorporated Community
-  Urban Growth Boundary
-  Grandfather Clause Eligible Property

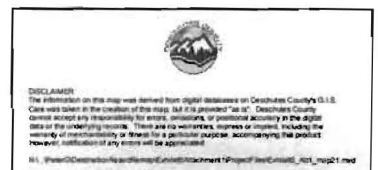
Exhibit "B" Attachment 1

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to Ordinance 2011-001



0 0.25 0.5 1 1.5
Miles

October 13, 2011





Map 22 of 29
to Ordinance 2011-001



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- ☐ Grandfather Clause Eligible Property



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243. <https://doi.org/10.1002/anie.201910000>

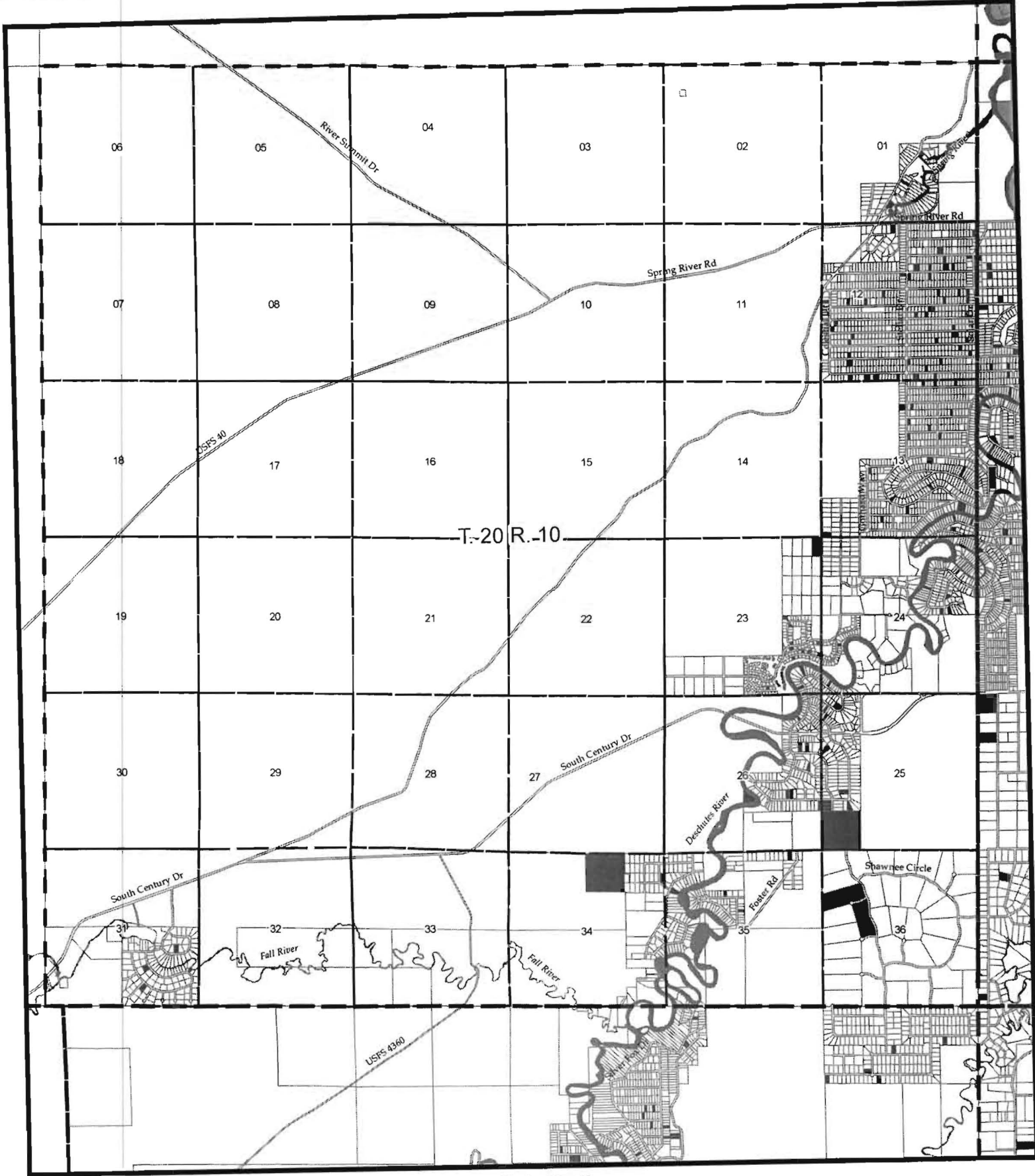


Exhibit "B" Attachment 1


Map 23 of 29
to Ordinance 2011-001

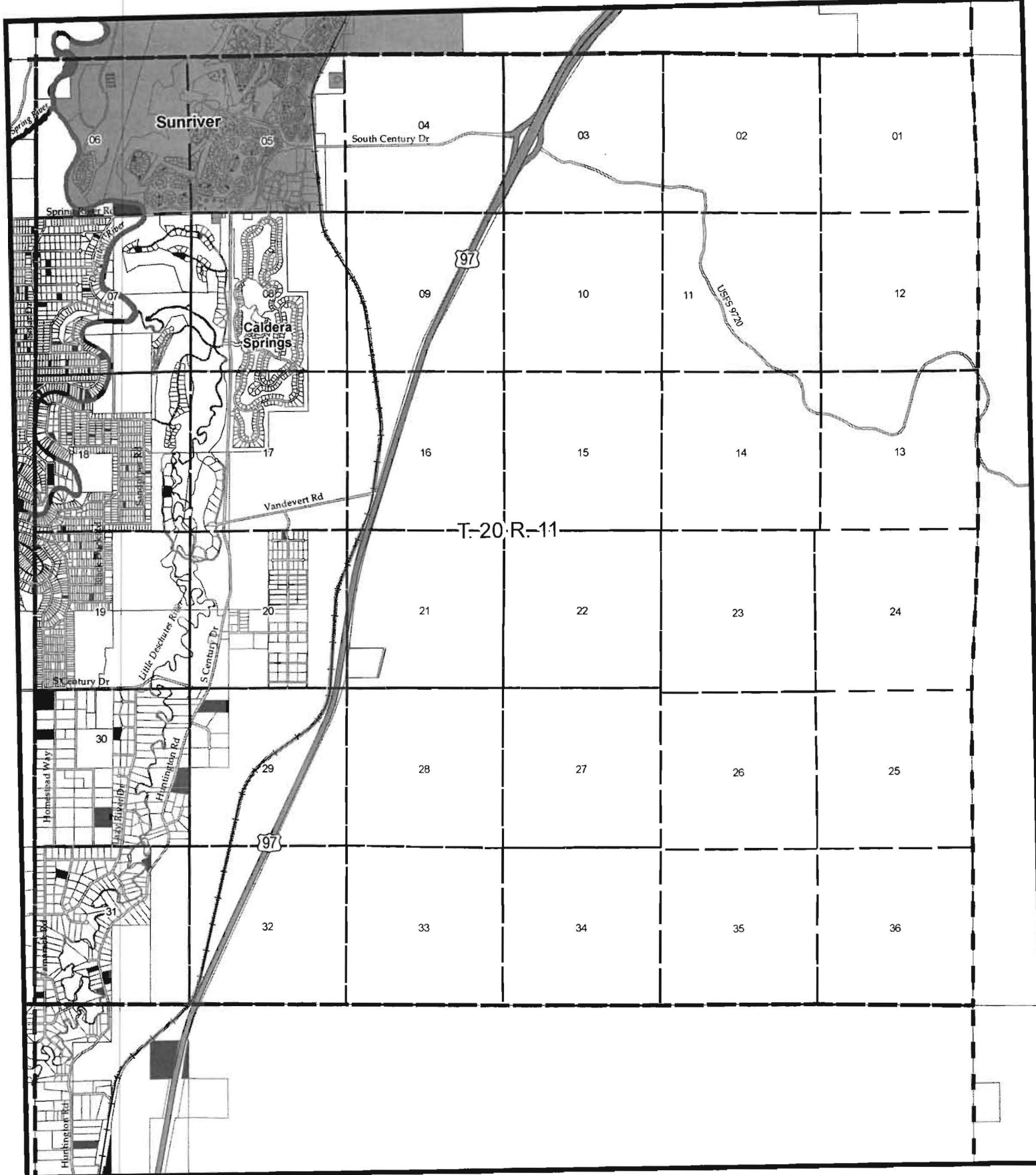
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- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property



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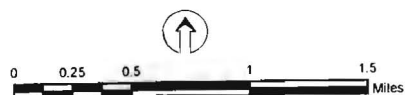


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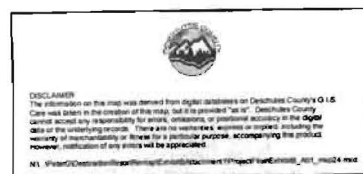
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

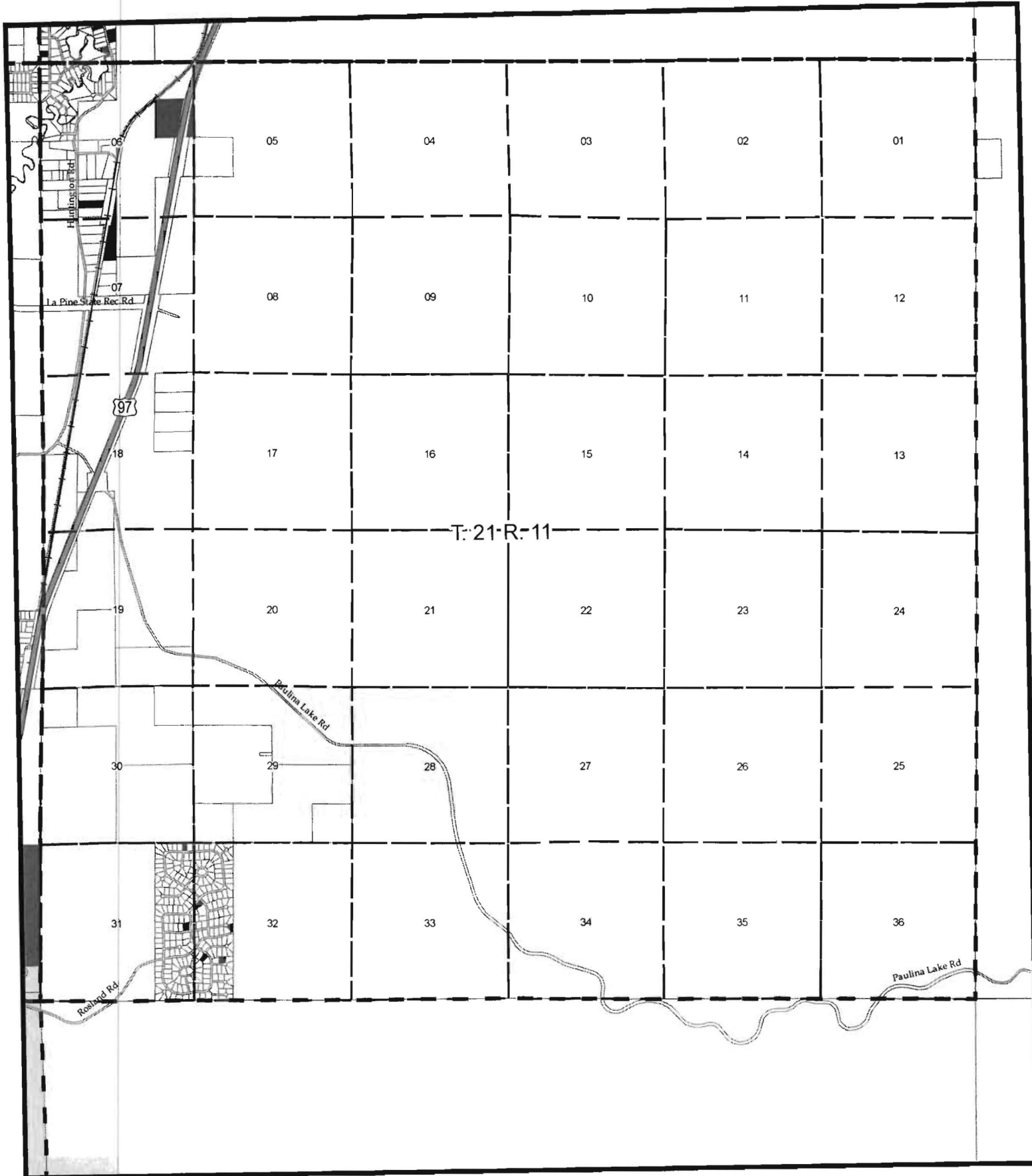
Exhibit "B" Attachment 1

Map 24 of 29
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Legend

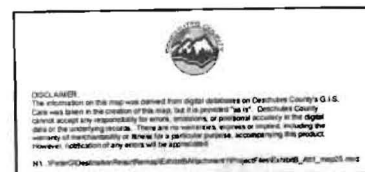
- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B" Attachment 1

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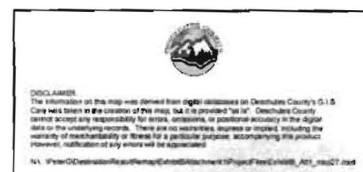
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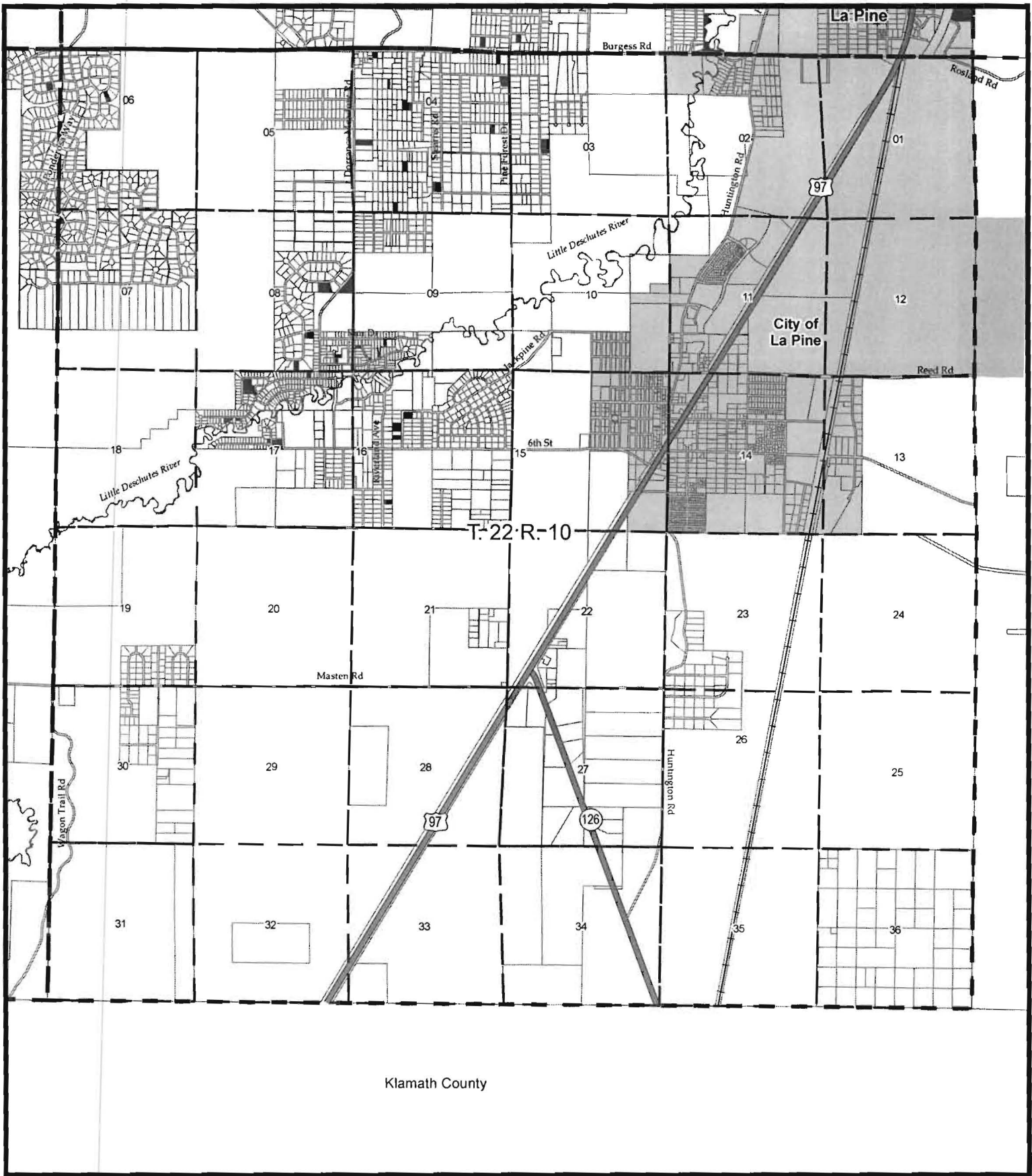
-  State Highway
 Tax Lot Boundary
 Section Line
 Exhibit "B" Map Index
 Unincorporated Community
 Urban Growth Boundary
 Grandfather Clause Eligible Property



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File: PeterO'DonnellResConfMagPitt.v001 Attachment: PPOccup' last' v001b1_Art1.indd25.indd





Legend

- State Highway
- Tax Lot Boundary
- Section Line
- Exhibit "B" Map Index
- Unincorporated Community
- Urban Growth Boundary
- Grandfather Clause Eligible Property

Exhibit "B" Attachment 1

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0 0.25 0.5 1 1.5
Miles

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