

SECTION 3.045: PLANNED DESTINATION RESORT (PDR)

(1) PURPOSE:

The purpose of the PDR zone is to provide an implementing mechanism for the PLANNED DESTINATION RESORT designation in the Comprehensive Plan. The PDR zone is intended to ensure that destination resorts will be primarily visitor-oriented developments; will be developed in substantial harmony with the natural features of a particular site; will provide economic benefits to the County and the State; and will be compatible with uses on adjacent lands to the extent and by the means provided by ORS 197.435 - 197.465 and LCDC Goal 8.

A "Destination Resort" is a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. Development of lands designated "Destination Resort" shall be governed by this Section.

(2) DEFINITIONS:

DEVELOPED RECREATION FACILITIES means improvements constructed for the purpose of recreation and may include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, ski runs and bicycle paths.

SELF-CONTAINED DEVELOPMENT means a development for which community sewer and water facilities are provided on-site and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A SELF-CONTAINED DEVELOPMENT shall have developed recreational facilities provided on-site.

VISITOR-ORIENTED ACCOMMODATIONS means overnight lodging, restaurants, meeting facilities which are designed to and provide for the needs of visitors rather than year-round residents.

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.

OVERNIGHT LODGINGS means permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel or motel

rooms, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.

RECREATION AREAS, FACILITIES AND OPPORTUNITIES means facilities that provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelers; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities.

RECREATION NEEDS refers to the existing and future demand of citizens and visitors for recreations areas, facilities and opportunities.

- (3) APPROVAL OF DEVELOPMENT: No development in a PDR zone, including but not limited to clearing, grading, excavating, road building, site preparation or structural improvements, may be permitted prior to approval of a Development Plan pursuant to Section 3.045 (12) (e) of this Section. No transfer, sale or conveyance of any individual lot, residential unit or overnight accommodation in a PDR zone shall be permitted prior to Final Development Approvals pursuant to Section 3.045 (12) (f).
- (4) DEVELOPMENT PLANS BINDING: All development and subsequent operation of a destination resort within a PDR zone shall be undertaken in accordance with the provisions of the approved Development Plans and Final Development Approvals. Failure to comply with these provisions shall constitute a violation of the provisions of this Section.
- (5) CONFLICTING REGULATIONS: The provisions of this Section shall take precedence over the provisions of other articles or ordinances which might otherwise disallow, limit or condition certain uses or activities authorized by this Section; provided, however, that the following shall continue to apply: the FLOOD HAZARD OVERLAY ZONE, Section 3.060; the BEACH AND DUNE OVERLAY ZONE, Section 3.085; the SHORELAND OVERLAY ZONE, Section 3.090; the FRESHWATER WETLANDS OVERLAY ZONE, Section 3.092; the ESTUARY ZONES, Section 3.100 - 3.110; the GEOLOGIC HAZARD OVERLAY ZONE, Section 4.070; the requirements for PROTECTION OF WATER QUALITY AND STREAMBANK STABILIZATION, Section 4.080; and the Tillamook County Land Division Ordinance, which regulates major partitions and subdivisions.
- (6) PERMITTED USES:
 - (a) Subject to an approved Development Plan, the following uses may be permitted

when provided as part of and intended primarily to serve visitors at a destination resort:

- I. Overnight lodging, including lodges, hotels, motels, time share units and similar transient lodging facilities as defined in Section 3.045 (2).
 - II. All manner of outdoor and indoor developed recreational facilities, including but not limited to golf courses, racquet sports facilities, nature trails, walking/running/bicycle paths, boat launching, moorage, campgrounds, etc. Commercial uses accessory to recreation facilities (e.g. golf or tennis proshops, bicycle or boat rental facilities, etc.) may also be permitted.
 - III. Restaurant, lounges and similar eating and drinking establishments.
 - IV. Convention facilities and meeting rooms.
 - V. Public utility facilities.
 - VI. Necessary housing for employees of operators of facilities.
 - VII. Farm and forest uses.
- (b) Subject to Final Development Approvals, the following uses may be permitted when provided as part of and intended primarily to serve persons at a destination resort:
- I. Single-family, two-family and multifamily dwelling units, as limited by Section 3.045 (7) (b) (VI) for small destination resorts.
 - II. Commercial services and specialty shops necessary for and limited to providing for the needs of vacationers and visitors to the resort, except in small scale destination resorts, where commercial services are not permitted.
 - III. Heliports, limited to type and level of use necessary to serve the needs of destination resort visitors, except in small scale destination resorts, where heliports are not permitted.

(7) SITING STANDARDS:

(a) LARGE DESTINATION RESORTS

A Large Destination Resort shall meet the following standards:

- I. The resort shall be located on a site of 160 acres or more, except within two miles of the ocean shoreline, where the site shall be 40 acres or more.
- II. At least 50 percent of the site shall be dedicated to permanent open space, excluding streets and parking areas.
- III. At least \$2 million, in 1984 dollars, shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities.
- IV. Visitor-oriented accommodations, including meeting rooms, restaurants with seating for at least 100 persons and at least 150 separate rentable units for overnight lodging, shall be provided. Accommodations available for residential use shall not exceed two such units for each unit of overnight lodging.
- V. Commercial uses shall be limited to types and levels of use necessary to meet the needs of visitors to the development, and shall be designed to be compatible in appearance with any residential units and visitor-oriented accommodations. Industrial uses of any kind are not permitted.

(b) SMALL DESTINATION RESORTS:

A SMALL DESTINATION RESORT shall meet the following standards:

- I. The resort shall be located on a site of 20 acres or more.
- II. At least 50 percent of the site shall be dedicated to permanent open space, excluding streets and parking areas.
- III. At least \$1 million, in 1984 dollars, shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities.
- IV. At least 25 units, but not more than 75 units, of overnight lodging shall be provided.
- V. Restaurants and meeting rooms with at least one seat for each unit of overnight lodging shall be provided.

- VI. Residential uses shall be limited to those necessary for the staff and management of the resort.
- VII. The primary purpose of the small destination resort shall be to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area.
- VIII. The resort shall be constructed and located so that it is not designed to attract highway traffic. Resorts shall not use any manner of outdoor advertising signing except:
 - (A) Tourist-oriented directional signs as provided in ORS 377.715 to 377.830; and
 - (B) On-site identification and directional signs.

(c) MAP INDICATING ELIGIBLE AREAS

The attached map (Comprehensive Plan, b.4) fulfills the requirements of ORS 197.455 and indicates the areas within the County that are eligible for destination resort applications.

(8) COMPATIBILITY STANDARDS

Compatibility with the site and adjacent land uses shall be insured through the following measures:

- (a) Important natural features, including habitat of threatened or endangered species, streams, river, and significant wetlands shall be maintained. Riparian vegetation within one hundred feet of streams, rivers, and significant wetlands shall be maintained. Alterations to important natural features, including placement of structures which maintain the overall values of the features may be allowed.
- (b) Improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area. At a minimum, measures to accomplish this shall include:
 - I. Establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and, where appropriate, fences, berms, landscaped areas, and other similar types of buffers.
 - II. Setbacks of structures and other improvements from adjacent land uses.

(9) DIMENSIONAL STANDARDS:

Dimensional standards such as yards, building height, etc. shall be in keeping with adequate provision for open space and protection of natural features. Dimensional standards shall be specified on the Development Plan, except that for subdivided lots, dimensional standards may be determined on a case-by-case basis by a homeowner's association, architectural review committee or other private body established for that purpose. Such a procedure shall be specified in the Development Plan.

(10) **GUARANTEES AND SURETY BONDING:**

As part of the Final Development Approvals pursuant to Section 3.045 (12) (f), the developer of a destination resort shall assure that developed recreational facilities, key facilities intended to serve the entire development and visitor oriented accommodations are physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities, visitor-oriented accommodations and other key facilities intended to serve a particular phase shall be constructed or guaranteed through surety bonding prior to sales in that phase.

(11) **PHASING:**

A Destination Resort authorized pursuant to this Section may be developed in phases. If a proposed resort is to be developed in phases, each phase shall be described in detail in the Development Plan. Each individual phase shall meet the following requirements:

- (a) Each phase, together with previously completed phases, if any, shall be capable of operating in a manner consistent with the intent and purpose of this Section.
- (b) All developed recreational facilities, visitor-oriented accommodations and other key facilities intended to serve the entire development shall be constructed or guaranteed through surety bonding or other substantially equivalent financial assurance in the initial phase of any destination resort authorized pursuant to this Section.
- (c) Building permits and other authorizations for development of structures or other improvements in subsequent phases shall not be issued until the Final Development Approvals for the previous phase have been issued.

(12) **PROCEDURE:**

The authorization and development of a destination resort pursuant to this Section shall be governed by the following procedure:

- (a) **GENERAL PROCEDURE:** Four steps are required for the authorization and development of a destination resort.

Step 1 is the pre-application review process as described in Section 3.045 (12) (c).

Step 2 is the application for a quasi-judicial Comprehensive Plan and Zoning Map amendment that amends the subject parcel from the existing Plan and Zone designations to PLANNED DESTINATION RESORT. This step includes the submittal of a Conceptual Plan and shall proceed in accordance with Section 3.045 (12) (d).

Step 3 is the Development Plan application, which shall proceed in accordance with Section 3.045 (12) (e).

Step 4 is the Final Development Approvals, which shall proceed in accordance with Section 3.045 (12) (f).

(b) FEES: Each application shall be submitted with five additional copies and an application fee based upon the total estimated construction costs, which shall exclude the cost of single-family dwellings on individual lots.

I. For large-scale destination resorts;

(A) The Pre-application review fee shall be \$2,500. This fee shall be paid prior to any community meetings arranged to discuss the proposal.

(B) The Zone Change application (Conceptual Plan submittal) fee is .04% of the total estimated construction costs, or \$5,000, whichever is greater, but not more than \$15,000.

(C) The Development Plan application fee is .025% of the total estimated construction costs, or \$5,000, whichever is greater, but not more than \$10,000.

(D) The Final Development Approvals fee is .01% of the total estimated construction costs, or \$2,000, whichever is greater, but not more than \$4,000.

II. For small-scale destination resorts;

(A) The Pre-application review fee shall be \$1,000. This fee shall be paid prior to any community meetings arranged to discuss the proposal.

(B) The Zone Change application (Conceptual Plan submittal) fee is .04% of the total estimated construction costs or \$2,500, whichever is greater, but not more than \$15,000.

- (C) The Development Plan application fee is .025% of the total estimated construction costs, or \$2,500, whichever is greater but not more than \$10,000.
 - (D) The Final Development Approvals fee is .01% of the total estimated construction costs or \$1,000, whichever is greater, but not more than \$4,000.
- (c) PRE-APPLICATION REVIEW: There shall be a formal pre-application review process to help assure that the Conceptual Plan, when submitted, will be generally consistent with the requirements of this ordinance. This process will include one or more public informational meetings in the nearest town or community to give the developer, planning staff, and affected property owners and residents an opportunity to share information and concerns.
- (d) CONCEPTUAL PLAN: An application for a Comprehensive Plan and Zoning Map amendment to PLANNED DESTINATION RESORT shall be accompanied by a Conceptual Plan of the proposed destination resort. The Conceptual Plan shall be the basis for any approval of a Comprehensive Plan and Zoning Map amendment to PLANNED DESTINATION RESORT and shall be binding upon the applicant.

All subsequent development on any property designated PLANNED DESTINATION RESORT shall be in substantial conformance with the approved Conceptual Plan.

I. CONTENT OF THE CONCEPTUAL PLAN: The Conceptual Plan shall include, at a minimum, the following;

- (A) A general site plan of the proposed development, which shall include:
 - (i) The location and total number of acres to be designated Destination Resort; the location and number of acres to be reserved as open space or common area.
 - (ii) Proposed overall density.
 - (iii) A discussion of the natural features of the site and how they will be enhanced or utilized in the design.
 - (iv) The type and extent of developed recreational facilities to be provided.
 - (v) A general indication of the residential units proposed,

including typical lot and building configuration and typical architectural character.

(vi) Feasibility and proposed method of supply of adequate electric power.

(vii) Feasibility and proposed method of providing adequate police and fire protection.

(viii) Feasibility and proposed method of providing adequate domestic water service including source, storage and distribution.

(ix) Feasibility and proposed method of providing adequate storm drainage.

(x) Feasibility and proposed method of providing adequate sewage disposal.

(xi) Proposed method(s) of adequate access to the development, and an indication of whether streets will be public or private.

(B) A general discussion, together with maps, of the natural characteristics of the site and of other lands directly affected by the proposed development. Such discussion shall include a description of the resources and limitations present, the effect of the proposed development on such resources and methods to be employed to overcome limitations or mitigate adverse impacts on natural resources. Resources to be addressed and mapped shall include:

(i) Soils.

(ii) Geology, including areas of potential instability.

(iii) Slope and general topography.

(iv) Drainage patterns, including major drainage ways.

(v) Areas subject to flooding.

(vi) Other hazards or development constraints.

(vii) Riparian vegetation.

- (viii) Water areas, including streams, lakes, ponds and wetlands.
- (ix) Fish and wildlife habitats.
 - (x) Ecologically or scientifically significant natural areas.
 - (xi) Other applicable County zones, as provided in Section 3.045 (5).

(C) A discussion of existing and projected public and private uses on adjacent lands, including impacts of the proposed development on such uses; potential problems of incompatibility of uses; and measures which may be employed to mitigate anticipated compatibility problems or conflicts.

(D) A preliminary economic analysis of the proposed development, which shall include:

- (i) A preliminary analysis which addresses the economic viability of the proposed development, and the total estimated cost of construction (excluding single-family dwellings on individual lots).
- (ii) A preliminary analysis of the fiscal impacts of the project, including changes in community employment and income, changes in tax revenues, required levels of public services and effects on resource lands.

(E) Other information as may be required in writing by the Planning Director.

II. APPROVAL OF COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT.

A Comprehensive Plan and Zoning Map amendment assigning the PLANNED DESTINATION RESORT designation to a site shall be approved upon findings that the Conceptual Plan complies with Sections 3.045 (1), (5), (6), (7), (8), (9), (10) and (12) (d) I.

The procedure shall be as provided in Section 9.020 of this Zoning Ordinance, except that the matters to be included in an application shall be as set forth in Sections 3.045 (1), (5), (6), (7), (8), (9), (10) and (12) (d) I

herein, rather than those set forth in Section 9.020 (2), and the criteria for approval of the change shall be satisfaction of these criteria rather than satisfaction of the criteria in Section 9.020 (3).

The Planning Commission may require changes to the Conceptual Plan or may impose conditions upon approval of the Conceptual Plan to assure compliance with this ordinance.

III. CHANGES TO AN APPROVED CONCEPTUAL PLAN:

Any substantial change, as determined by the Planning Director, proposed by the developer to an approved Conceptual Plan shall require resubmission of the Conceptual Plan and reapplication and approval.

"Substantial change" to an approved Conceptual Plan, as used here, means an alteration in the type, scale, location or other characteristic of the proposed development such that the findings of fact upon which the original approval was based would be materially affected.

IV. TIME LIMIT ON CONCEPTUAL PLAN:

Approval shall be valid for a period of five years from the date of approval, which period shall be tolled pending any appeals. If, within this five-year period, Development Plan approval is not obtained, the Conceptual Plan shall expire, unless an extension is approved by the Planning Commission, for good cause shown. If the Conceptual Plan expires, the zone on the affected property shall automatically revert to the zone that existed at the time the PDR zone was applied to the property.

(e) DEVELOPMENT PLAN:

A Development Plan shall determine the final details, location and phasing, if any, of all development in a PDR zone. The procedure for review, decision and appeals for the Development Plan shall be in accordance with Article X of this Zoning Ordinance. If the proposed development includes a subdivision of land or other action requiring review and approval under the provisions of the Land division Ordinance, application for such approvals shall be combined with the application for approval of the Development Plan.

I. CONTENT OF DEVELOPMENT PLAN:

An application for approval of a Development Plan shall include a detailed site plan and such other information as is necessary to

determine conformance with this Section and other applicable requirements. Such maps, site plans and other information shall include, at a minimum, the following:

- (A) The Conceptual Plan.
- (B) The overall density proposed.
- (C) The location, size, design, construction plans, maintenance responsibility and cost estimates (certified by a licensed engineer or architect) of all developed recreational facilities, visitor-oriented accommodations and key facilities intended to serve the entire development, including, but not limited to:
 - (i) Sewer,
 - (ii) Water,
 - (iii) Storm drains,
 - (iv) Power,
 - (v) Telephone,
 - (vi) Cable,
 - (vii) Other utilities,
 - (viii) Roads,
 - (ix) Pedestrian ways,
 - (x) Access points to roads outside the development,
 - (xi) Construction necessary to mitigate adverse impacts on adjacent uses and properties;

Provided however, that if any of the above-listed items are provided by a public agency or district, a binding letter of commitment from the public agency or district shall be sufficient.

- (D) The location, size, design and proposed use of all buildings to be constructed, except single-family dwellings on individual lots.

- (E) Land areas to be reserved as open space and the proposed use of such areas.
- (F) Identification of potential use conflicts between resort uses and adjacent uses, and methods to be employed to mitigate adverse impacts on adjacent uses and properties.
- (G) Plans for phasing, if any.
- (H) Identification of the type and location of important natural features, including maps and a detailed description of such features and proposed measures for maintaining the overall values of these features.
- (I) Such other information as the Planning Director may request in writing.

II. REVIEW FOR COMPLETENESS:

Within 90 days of receipt of the Development Plan, the Planning Director shall decide whether the application is sufficiently complete to determine compliance. The applicant shall be given 90 days within which to submit any additional information the Planning Director requests in writing.

III. APPROVAL OF DEVELOPMENT PLAN:

A Development Plan is in conformance with the approved Conceptual Plan.

- (A) The Development Plan is in conformance with the approved Conceptual Plan.
- (B) The Development Plan demonstrates that the proposed destination resort will comply with the requirements of Section 3.045 (1), (5), (6), (7), (8), (9), (10), (11), and (12) (d) and (e).
- (C) The proposed development will be in conformance with all other applicable requirements of this Section.
- (D) The Planning Commission shall consider the Development Plan at the earliest practicable hearing.
- (E) The Planning Commission shall take final action on the Development Plan within 120 days after close of the hearing.

(F) The Planning Commission may require changes to the Development Plan to assure compliance with this ordinance as a condition precedent to approval.

(G) Approval of the Development Plan by the Commission shall give the applicant the right to proceed with submission of a Request for Final Development Approvals. Any decision of the Commission on a request for approval of a Development Plan may be appealed pursuant to Article X.

IV. DEVELOPMENT AUTHORIZED BY DEVELOPMENT PLAN APPROVAL:

Based on an approved Development Plan, building permits or other development permits for uses and improvements listed in Section 3.045 (6) (a) or Section 3.045 (12) (e) I (A) shall be authorized. Uses and improvements specified in Section 3.045 (6) (b) shall be authorized only upon Final Development Approvals as specified in Section 3.045 (12) (f).

V. TIME LIMIT ON DEVELOPMENT PLAN:

Approval of a Development Plan shall be valid for a period of five (5) years from the date of approval, which period shall be tolled pending any appeals. If, within this five-year period, Final Development approvals are not obtained, the Development Plan shall expire, unless an extension is approved by the Planning Commission, for good cause shown. If the Development Plan expires, the zone on the affected property shall automatically revert to the zone that existed at the time the PDR Zone was applied to the property.

VI. TIME EXTENSION ON A DEVELOPMENT PLAN:

Prior to the expiration of the Development Plan, a request may be submitted for a two-year extension of the deadline for submitting a Request for Final Development Approvals, and such request may be granted for good cause shown. Subsequent requests for time extensions shall be considered by the Commission at public hearing pursuant to Article X.

VII. CHANGES TO AN APPROVED DEVELOPMENT PLAN:

Any substantial change, as determined by the Director, proposed to an approved Development Plan shall require resubmission of the Development Plan, which shall be considered pursuant to Section 3.045

(12) (e). "Substantial change" to an approved Development Plan, as used here, means an alteration in the type, scale, location or other characteristic of development such that the findings of fact upon which the original approval was based would be materially affected.

VIII. COMBINED APPLICATIONS:

An applicant may simultaneously submit a Conceptual Plan and request for a Comprehensive Plan and Zoning Map amendment together with a request for approval of a Development Plan. Both will be considered by the Planning Commissioners pursuant to the procedures set forth in Section 3.045 (12).

(f) FINAL DEVELOPMENT APPROVALS:

Within five (5) years of the date of approval of the Development Plan, or such longer period as may be authorized by an extension, a Request for Final Development Approvals may be submitted. The Request shall include forms of the certificates, binding letters of commitment, guarantees, surety bonds and other information required to demonstrate compliance with the terms and conditions of the Development Plan. The Request shall be the basis for the issuance of building permits and other required development permits. If the proposed development involves a subdivision of land, final plat approval in accordance with the provisions of the subdivision ordinance shall be granted simultaneously with Final Development Approvals. If the proposed development involves phasing, the Final Development Approvals may be for one or more phases.

I. CONTENT OF REQUEST FOR FINAL DEVELOPMENT APPROVALS:

The Request shall contain all information necessary to determine conformance with the Development Plan. Such information shall include, at a minimum, either;

- (1) As-built drawings, final inspection notices of certificates of occupancy for all uses specified in Section 3.045 (6) (b) or Section 3.045 (12) (e) 1 (iii) that have actually been constructed; or
- (2) Forms of surety bonds or other substantial equivalent financial assurance acceptable to the County guaranteeing construction of such facilities pursuant to Section 3.045 (10) herein.

II. APPROVALS OF REQUEST FOR FINAL DEVELOPMENT APPROVALS:

Approval shall be based upon compliance with Section 3.045 (12) (e), and upon satisfactory execution of the certificates, binding letters of commitment, guarantees, surety bonds and other necessary documents or assurances.

III. EXPIRATION:

If substantial construction has not taken place within five years from the date of Final Development Approvals, the Approvals shall expire and be void. The Planning Commission may grant a two-year extension to this deadline for good cause shown.