

97-09250

REVIEWED
BW
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

97 MAR 20 AM 11:10
MARY SUE PENHOLLOW
COUNTY CLERK

An Ordinance Amending Title 18 of the Deschutes *
County Code, the Deschutes County Zoning *
Ordinance, As Amended, to Amend Section *
18.48.020, and Declaring an Emergency. *

0156-2351

ORDINANCE NO. 97-023

WHEREAS, Ordinance 93-043 amended all of the underlying zones under Title 18, except the Open Space and Conservation Zone, to include Class I, II and III Road Projects as a permitted or conditional use; and

WHEREAS, the Deschutes County Planning Commission recommended approval of the proposed change; and

WHEREAS, a hearing was held, after notice given in accordance with law, before the Board of County Commissioners; now therefore

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON,
ORDAINS as follows:

Section 1. **Amendment.** Section 18.48.020 of Title 18 is amended to read:

18.48.20. Uses permitted outright.

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in Oregon Revised Statutes 215.203(2).
- B. Public and nonprofit agencies, museums and exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 4.
- C. Public wildlife reserve or management area, not including structures.
- D. **Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by Section 18.116.230.**
- E. **Class III road or street project.** (Ord. 94-041 § 1, 1994; Ord. 91-020 § 1, 1991)

Section 2. **Severability.** The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this ordinance.

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Section 3. Codification. County Legal Counsel shall have the authority to format the provisions contained herein in a manner that will integrate them into the County Code consistent with the Deschutes County Form and Style Manual for Board Documents. Such codification shall include the authority to make such changes, to make changes in numbering systems and to make such numbering changes consistent with interrelated code sections. In addition, as part of codification of these ordinances, County Legal Counsel may insert appropriate legislative history reference. Any legislative history references included herein are not adopted as part of the substance of this ordinance, but are included for administrative convenience and as a reference. They may be changed to correct errors and to conform to proper style without action of the Board of County Commissioners.

Section 4. Repeal of Ordinances as Affecting Existing Liabilities. The repeal, express or implied, of any ordinance, ordinance provision, code section, or any map or any line on a map incorporated therein by reference, by this amending ordinance shall not release or extinguish any duty, condition, penalty, forfeiture, or liability previously incurred or that may hereafter be incurred under such ordinance, unless a provision of this amending ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability, and for the purpose of authorizing the prosecution, conviction and punishment of the person or persons who previously violated the repealed ordinance.

Section 5. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

DATED this 19 day of March, 1997.

**BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON**


NANCY POPE SCHLANGEN, Chair


ROBERT L. NIPPER, Commissioner


LINDA L. SWEARINGEN, Commissioner

ATTEST:


Anita Mutchie
Recording Secretary