

Section 3. 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 15th of Sept., 2014

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

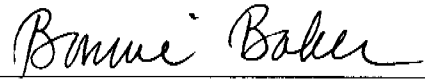


TAMMY BANEY, Chair



ANTHONY DEBONE, Vice Chair

ATTEST:



Recording Secretary

- absent

ALAN UNGER, Commissioner

Date of 1st Reading: 15th day of Sept., 2014.

Date of 2nd Reading: 15th day of Sept., 2014.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony DeBone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Effective date: 15th day of Sept., 2014.

18.110.020. Seventh Mountain/Widgi Creek and Black Butte Ranch Resort Districts.

- A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.050:
1. Single-family dwelling.
 2. Residential home.
 3. Residential facility.
 4. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
 5. Timeshare units at the Inn of the Seventh Mountain.
 6. The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.
 7. Livestock and horse grazing on common area in Black Butte Ranch.
 8. Police or security facility.
- B. Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
1. Resort facility, as that term is defined in DCC Title 18.
 2. Resort recreation facilities, as that term is defined in DCC Title 18, except those uses listed in DCC 18.110.020(A)(6).
 3. Resort utility facilities, as that term is defined in DCC Title 18.
 4. Property sales and rental office.
 5. Hotel or motel.
 6. Daycare facility.
 7. Fire station.
 8. Post office.
 9. Multiple-family dwellings.
 10. Employee housing.
- C. Conditional uses permitted. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
1. Church.
 2. Wireless telecommunications facility.

(Ord. 2014-025 §1, 2014; Ord. 2014-009 §1, 2014; Ord. 2001-048 §2, 2001)

FINDINGS

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS:

PROPOSAL: Text amendment to Deschutes County Code (DCC) section 18.110.020 adding Black Butte Ranch to the title. Currently, the title indicates this section only identifies Seventh Mountain/Widgi Creek as a Resort District. While accurate it is incomplete by not also identifying Black Butte Ranch.

III. CONCLUSIONARY FINDINGS:

A. CHAPTER 22.12, LEGISLATIVE PROCEDURES

1. Section 22.12.010.

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: The Deschutes County Planning Commission reviewed the proposed text amendment on August 14, 2104. A public hearing was held before the Board of County Commissioners on September 15, 2014. This criterion was met.

2. Section 22.12.020, Notice

Notice

A. Published Notice

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

FINDING: Notice of this proposal and related public hearing was published in the Bend Bulletin newspaper on August 31, 2014.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: Notice was posted on the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: Given the proposed amendment in question does not apply to any specific property, no individual notices were sent.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion has been met.

3. Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division, which received a fee waiver. This criterion has been met.

4. Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:

1. **The Planning Commission.**
2. **The Board of County Commissioners.**

FINDING: Both the Planning Commission and the Board of County Commissioners served as review bodies for this legislative change in the order outlined above.

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: The Planning Commission held a work session on August 14, 2014 to review the proposed amendment and unanimously supported the change.

5. Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: File No. 247-14-00253-TA is implemented by Ordinance 2014-025 upon approval and adoption by the Board; this criterion is met.

IV. PROPOSED TEXT AMENDMENTS:

The proposed text amendment is detailed with additional text identified by underline with explanation of the proposed change below.

Title 18 of the Deschutes County Code Amendment:

Chapter 18.110, RESORT COMMUNITY ZONE

18.110.020. Seventh Mountain/Widgi Creek and Black Butte Ranch Resort Districts.

Explanation: This section applies to the resort districts of both the Seventh Mountain/Widgi Creek and Black Butte Ranch. An amendment to this title adding Seventh Mountain/Widgi Creek was included with other recent housekeeping text amendments (See TA-14-1) in an effort to clarify the applicability of this section to that resort. Black Butte Ranch was inadvertently omitted. This amendment should have also included reference to Black Butte Ranch because the resort district is applicable to both Seventh Mountain/Widgi Creek and Black Butte Ranch. The addition of Black Butte Ranch to the title will further clarify the applicability of this section. The provision outlined in this section shows that the section was intended to include Black Butte Ranch.

This is a minor amendment and meant to put the code back to the status of the section prior to the last, recently adopted housekeeping amendments.

The emergency clause is necessary in order to maintain the status quo and not inadvertently omit allowed uses that were previously allowed or allow prohibited uses that were previously prohibited in Black Butte Ranch. The emergency clause will avoid confusion for property owners and developers in the event a new application is submitted for development or a code enforcement complaint is submitted for property within the Black Butte Ranch resort community.

V. CONCLUSION:

Based on the information provided herein, the Board of County Commissioners approve of the proposed text amendment to clarify section DCC 18.110.020 by adding Black Butte Ranch to the title.