



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/19/2014
Jurisdiction: Deschutes County
Local file no.: 247-14-000253-TA
DLCD file no.: 011-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/16/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 011-14 {22400}

Received: 9/16/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Deschutes County

Local file no.: **247-14-000253-TA**

Date of adoption: 9/15/14

Date sent: 9/16/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/6/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Matthew Martin

Phone: 541-330-4620

E-mail: Matt.Martin@deschutes.org

Street address: 117 NW Lafayette Ave.

City: Bend

Zip: 97701

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Section 18.110.020 of Title 18 (zoning ordinance) of the the Deschutes County Code

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The title of section 18.110.020 of the Deschutes County Zoning Ordinance required amendment to correctly identify that this section also applies to portions Black Butte Ranch. This amendment does not alter the permitted uses or use standards of the Code. No goals, commission rules, or statues apply to this change.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County *
Code 18.110.020 adding Black Butte Ranch to * ORDINANCE NO. 2014-025
the Title and Declaring an Emergency. *

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendment (Planning Division File No. 247-14-00253-TA) to the Deschutes County Code (DCC) adding Black Butte Ranch to the title of DCC 18.110.020; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on August 14, 2014 and forwarded to the Deschutes County Board of County Commissioners (“Board”), a recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on September 15, 2014, and concluded that the public will benefit from the proposed changes to the title of DCC 18.110.020; now, therefore,

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

Section 1. AMENDMENT. DCC 18.110.020, Seventh Mountain/Widgi Creek Resort District, is amended to read as described in Exhibit “A,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. FINDINGS. The Board adopts as its findings Exhibit “B”, attached and incorporated by reference herein.

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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.

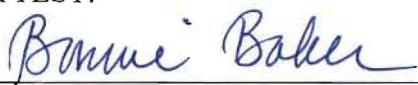
Dated this 15th of Sept., 2014

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.