


REVIEWED
he
LEGAL COUNSEL

DESCHUTES COUNTY OFFICIAL RECORDS CJ 2010-2583
NANCY BLANKENSHIP, COUNTY CLERK
COMMISSIONERS' JOURNAL 04/29/2010 11:55:14 AM

2010-2583

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code *
18.60.090, to add Wireless Telecommunications * ORDINANCE NO. 2010-016
Facilities as a Conditional Use and Declaring and *
Emergency. *

WHEREAS, AT&T Mobility proposed a "reasons" exception to Goals 4 and 11 and a Plan Amendment to Deschutes County Code ("DCC") Chapter 23.120, Goal Exception Statement; and

WHEREAS, an amendment to DCC 18.06.090 is necessary to implement the goal exception adopted in Ordinance 2010-015; and

WHEREAS, after notice was give in accordance with applicable law, a public hearing was held on January 5, 2010 before the Deschutes County Hearing Officer and, on February 9, 2010 the Hearings Officer recommended approval of the goal exception and text amendment; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on April 5, 2010 and approved the goal exception and text amendment; now therefore,

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

Section 1. AMENDMENT. DCC 18.60.090, Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone is amended to read as described in Exhibit "A", attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 2. FINDINGS. The Board adopts as its findings in support of this decision, Exhibit "C", attached to Ordinance 2010-015 and incorporated by reference herein.

///

Section 5. EMERGENCY. This Ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this Ordinance takes effect on its passage.

Dated this 26th of April, 2010

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Dennis R. Luke
DENNIS R. LUKE, Chair

Alan Unger
ALAN UNGER, Vice Chair

ATTEST:

Bonnie Baker
Recording Secretary

- absent -
TAMMY BANEY, Commissioner

Date of 1st Reading: 26th day of April, 2010.

Date of 2nd Reading: 26th day of April, 2010.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<u>✓</u>	___	___	___
Alan Unger	<u>✓</u>	___	___	___
Tammy Baney	___	___	___	<u>✓</u>

Effective date: 26th day of April, 2010.

18.60.090. Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone.

- A. Uses Permitted Outright. In the Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone, uses shall be permitted as follows, the following uses and their accessory uses are allowed outright:
- a. Agricultural use as defined in DCC Title 18.
 - b. Propagation or harvesting of a forest product.
 - c. Ground application of treated effluent.
- B. Uses Permitted Subject to Site Plan Review. In the Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone, uses shall be permitted as follows, the following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
- a. Sewage Treatment Facility.
 - b. Treated Effluent Ponds.
- C. Uses Permitted Conditionally. In the Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone, Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B), and their accessory uses are permitted conditionally subject to the applicable provisions of DCC 18.128, Conditional Uses.
- CD. Definitions. For the purpose of this section, the use Sewage Treatment Facility includes any buildings or structures associated with the operations of a sewer treatment plant including, but not limited to, treatment station or pump station.
- DE. Special Conditions. Pursuant to DCC Section 23.120.170, an application for site plan review to establish a sewage treatment facility must include a conservation easement and a plan of implementing the conservation easement that provides standards and implementation methods for managing the conservation easement, along with a recorded road maintenance agreement between Oregon Water Wonderland Unit 2 Sewer District and the Beaver Special Road District, with the site plan review application. The road maintenance agreement between the applicant and the Beaver Special Road District shall include Oregon Water Wonderland Unit 2 Sewer District's pro rata share for the maintenance cost of Foster Road through Section 25. (Ord. 2010-016§1, 2010; Ord. 2003-012 §1, 2003)