



REVIEWED
[Signature]
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Repealing Deschutes County
Ordinance No. 2018-005 and Declaring an
Emergency.

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ORDINANCE NO. 2019-010

WHEREAS, on September 19, 2018, the Board of County Commissioners enacted Ordinance No. 2018-005 amending both the Deschutes County Code (“DCC”) and Deschutes County Comprehensive Plan to change the Flood Plain Zone from a primary zone to a combining zone; and

WHEREAS, two petitioners appealed Ordinance No. 2018-005 to the Land Use Board of Appeals (“LUBA”), and LUBA consolidated the two cases into one matter (LUBA Nos. 2018-123/124); and

WHEREAS, after reviewing the *Petitions for Review* filed with LUBA and the new arguments and evidence contained therein, the County Commissioners directed staff to withdraw for reconsideration Ordinance No. 2018-005 pursuant to ORS 197.830(13)(b); and

WHEREAS, based on the County Commissioners’ direction, staff filed a *Notice of Withdrawal* with LUBA on February 21, 2019, and LUBA subsequently issued an order acknowledging the withdrawal on February 26, 2019; and

WHEREAS, OAR 661-010-0021(1) provides the County only 90 days to reconsider a withdrawn decision; and

WHEREAS, following a noticed public hearing on May 8, 2019, and in order to provide more time for a robust public process, the County Commissioners preferred alternative is to repeal Ordinance No. 2018-005 in its entirety and to start the amendment process anew, now therefore,

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

Section 1. Deschutes County Ordinance No. 2018-005 is repealed in its entirety.

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Section 2. EMERGENCY. This Ordinance, in support of restarting the legislative process locally, and being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance becomes effective upon adoption.

Dated this 8 of May, 2019

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



PHILIP G. HENDERSON, Chair



PATTI ADAIR, Vice Chair



ANTHONY DeBONE, Commissioner

ATTEST



Recording Secretary

Date of 1st Reading: 8 day of May, 2019.

Date of 2nd Reading: 8 day of May, 2019.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Philip G. Henderson	<u>X</u>			
Patti Adair	<u>X</u>			
Anthony DeBone	<u>X</u>			

Effective date: 8 day of May, 2019.