

97-09249

REVIEWED
Bww
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

97 MAR 20 AM 11:10

An Ordinance Amending Section 18.128.040 (O) *
of Title 18 of the Deschutes County Code, As *
Amended, and Declaring an Emergency. *

MARY SUE PENNOLLOW
COUNTY CLERK

0156-2348

ORDINANCE NO. 97-022

WHEREAS, J Bar J Boys Ranch has applied for a text amendment to Section 18.128.040(O) of Title 18 to establish certain minimum lot sizes for private secondary schools;

WHEREAS, the Deschutes County Planning Commission recommended approval of the proposed text amendment;

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

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

Section 1. **Amendment.** Section 18.128.040(O) of Title 18 is amended as set forth in Exhibit A attached hereto and incorporated herein, with new language set out underlined, and language to be deleted in strike-out.

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.

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,

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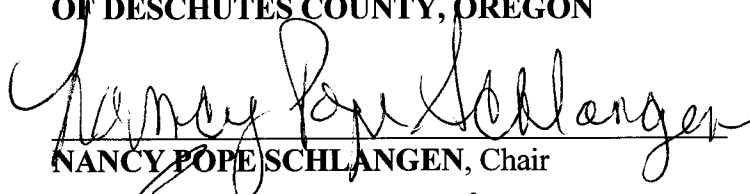
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forfeiture, or liability previously incurred or that may hereafter be incurred under such ordinance, unless a provision of this amending ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force 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

ATTEST:


Anita Mutchai
Recording Secretary


LINDA L. SWEARINGEN, Commissioner

EXHIBIT A

O. Schools.

1. Nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.

~~2. Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment.~~

~~3.2.~~ Secondary schools shall provide a basic site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.

3. Notwithstanding subsection 2, private academic secondary schools with an enrollment of fewer than 50 students shall provide a minimum site area of one acre for every 10 students of predicted ultimate enrollment, with a minimum site area of not less than 2 acres.