



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of August 12, 2015

DATE: July 15, 2015

FROM: Peter Russell CDD Phone (541) 388-6718

TITLE OF AGENDA ITEM:

Consideration of Board Signature of Order 2015-037 approving a petition for designation of a territory as East Redmond Firearms Discharge Restricted Area.

PUBLIC HEARING ON THIS DATE? YES

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County, the City of Redmond, and Redmond Area Park and Recreation Department (RAPD) all own property to the east of the Redmond City Limits. These properties have experienced people shooting on these lands. The passing bullets have endangered those recreating on the designated biking and hiking trails in the area and disrupted operations at the Negus transfer station.

To reduce the dangers to persons and property, Deschutes County, Redmond, and RAPD have proposed the establishment of the East Redmond Firearms Discharge Restricted Area as provided by Deschutes County Code (DCC) Chapter 9.08. Redmond passed Ordinance 2015-06, effective July 9, restricting the discharge of firearms on city-owned property outside the city limits. RAPD passed Ordinance 2015-1, effective April 14, banning the discharge of firearms on RAPD property east of Redmond.

Notice was also sent to 34 private properties to the west of the proposed East Redmond Firearms Discharge Restricted Area. Recipients were requested to sign their name and indicate whether they did or did not consent to being included in the East Redmond Firearms Discharge Restricted Area. This meets the petition requirement of DCC 9.08. Of the 34 properties, 23 property owners responded. Of those 23, 15 wrote no and 8 wrote yes. Of the 8 who wrote yes, 7 abutted the proposed district and thus could be included.

Establishment of the East Redmond Firearms Discharge Restricted Area will allow the County to post signs on the properties stating shooting on the sites is prohibited. The posting of the signs will enable Sheriff's deputies to enforce the prohibition of discharging firearms.

FISCAL IMPLICATIONS:

None.

RECOMMENDATION & ACTION REQUESTED:

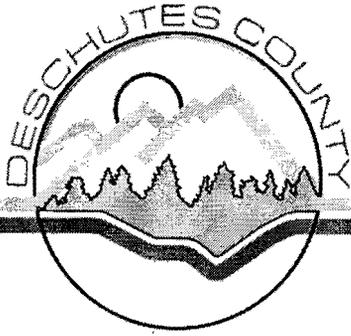
Hold the public hearing. If the Board desires to approve the District,

MOTION: Approve Order 2015-037.

ATTENDANCE: Peter Russell, Senior Transportation Planner, Planning Division.

DISTRIBUTION OF DOCUMENTS:

Peter Russell, CDD; Legal Counsel



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

TO: Deschutes County Board of County Commissioners
FROM: Peter Russell, Senior Transportation Planner *PR*
DATE: August 12, 2015
RE: East Redmond Firearms Discharge Restricted Area, BOCC Order 2015-037

Background

Deschutes County, the City of Redmond, and Redmond Area Park and Recreation Department (RAPD) all own property to the east of the Redmond City Limits. (Please see Exhibit A of Order 2015-037.) The properties have experienced people using firearms for target shooting and plinking. The passing bullets have endangered those recreating on the designated biking and hiking trails in the area and disrupted operations at the Negus transfer station.

To reduce the dangers to persons and property, Deschutes County, Redmond, and RAPD have proposed the establishment of the East Redmond Firearms Discharge Restricted Area as provided by Deschutes County Code (DCC) Chapter 9.08 and Oregon Revised Statute (ORS) 166.71. The intent of the East Redmond Firearms Discharge Restricted Area is to ensure the safety of people and property. This would also be consistent with the no shooting provisions of the land to the immediate east, which is under the jurisdiction of the Bureau of Land Management (BLM).

Summary

Redmond passed Ordinance 2015-06, effective July 9, restricting the discharge of firearms on city-owned property outside the city limits. RAPD passed Ordinance 2015-1, effective April 14, banning the discharge of firearms on RAPD property east of Redmond. The ordinances apply to the portions of the properties which are under the jurisdiction of Deschutes County. The included properties are:

- Deschutes County: 1513000000103
- City of Redmond: 1513000000115
- RAPD: 1513000000123

The passage of the ordinances fulfills the requirement of DCC 9.08.050(D) that political entities must pass an ordinance restricting the use of firearms on the property in order to be included in a firearms discharge restricted area. Essentially, the passage of these ordinances constitutes a yes to the petition requirements of DCC 9.08.060(A)(5 and 6). Additionally, the County's adoption of DCC Chapter 9.08 and the initiation of the petition for this district also fulfills that code provision.

Notice was also sent in mid-May to 34 private properties to the west of the proposed East Redmond Firearms Discharge Restricted Area. Recipients were requested to sign their name and indicate

whether they did or did not consent to being included in the East Redmond Firearms Discharge Restricted Area by returning the form by June 5. Of the 34 properties, 23 property owners responded. Of those 23, 15 wrote no and 8 wrote yes. Of the 8 who wrote yes, 7 abutted the proposed district and thus could be included under DCC 9.08.050(C). The included properties are:

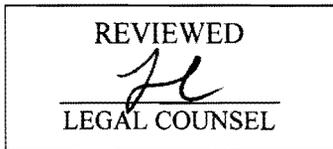
- Charles Nelson Tauber: 1513030000300
- Stephan Hall: 1513030001800
- Barbara Corwin: 151310A000300
- Timbergon: 151310A000400
- Timbergon: 151310A000500
- Launae Hunter: 151310A000600
- Launae Hunter: 151310A000700

The letters signed by the property owners meet the petition requirement of DCC 9.08.050(A)(2) and (C).

Recommendation

Staff recommends the Board establish the East Redmond Firearms Discharge Restricted Area which will allow the County to post signs on the properties stating shooting on the sites is prohibited. The posting of the signs will enable Sheriff's deputies to enforce the prohibition of discharging firearms.

Enclosures: Petition for East Redmond Firearms Discharge Restricted Area
Deschutes County Board Order 2015-037
City of Redmond Ordinance 2015-06
Redmond Area Park and Recreation District Ordinance 2015-1



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Approving a Petition for Designation of
a Territory as East Redmond Firearms Discharge
Restricted Area *
*
*

ORDER NO. 2015-037

WHEREAS, a petition requesting designation of certain territory pursuant to Deschutes County Code (“DCC”) Chapter 9.08, referred to as the East Redmond Firearms Discharge Restricted Area (District), was filed with the County and submitted to the Board of County Commissioners, a copy of which is attached as Exhibit 1 and incorporated by reference herein; and

WHEREAS, Deschutes County (County), the City of Redmond (City), and Redmond Area Park and Recreation District (RAPD), all own property to be included in the District as shown in Exhibit A and described in Exhibit B, both exhibits being attached to Exhibit 1; and

WHEREAS, DCC 9.08.050 requires that, if a political subdivision of the state or special district has land that the government entity desires to have included in a firearms discharge restricted area, the government entity shall pass an ordinance restricting the discharge of firearms on such property; and

WHEREAS, the City passed Ordinance 2015-06 effective July 9, 2015, restricting the discharge of firearms on City-owned property outside the eastern City limits and the RAPD passed Ordinance 2015-1 restricting the discharge of firearms on District property east of Redmond effective April 14, 2015; and

WHEREAS, passing of the ordinances by the City and RAPD meet the requirements for landowner signatures for purposes of DCC 9.08.060(A)(4); and

WHEREAS, the Board of County Commissioners (“Board”) finds that the County’s adoption of DCC Chapter 9.08 and the Board’s approval of the formation of the District satisfies the requirement of DCC 9.08.050(D) for County-owned property; and

WHEREAS, the County mailed notice on May 15, 2015, to 34 property owners abutting the District asking if they wanted to be included in the District in accordance with DCC 9.08.050(A) and DCC 9.08.050(C); only seven (7) of the property owners who signed in the affirmative had properties that qualified to be included in the District and those properties are included; and

WHEREAS, the Deschutes County Clerk verified the signatures of the property owners who indicated by their signed response to the May 15, 2015, mailed notice that they are to be included in the District; and

WHEREAS, after public notice was provided in accordance with ORS 198.800(2) and DCC 9.08.80, Board held a public hearing on August 12, 2015, to hear the petition and any objections thereto and to determine whether or not the area petitioned should be restricted pursuant to DCC 9.08; and

WHEREAS, after considering the petition and all arguments submitted in support of and in opposition to the petition presented during the public hearing, the Board finds the prohibition on the use of firearms on the properties shown and described in Exhibit A is beneficial to the public by reducing danger to persons and property within surrounding and affected areas; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. Pursuant to the Deschutes County Code 9.08, the Board approves the petition to form a Firearms Discharge Restricted Area within the boundaries of the restricted area proposed in the petition attached to Order 2015-037.

Section 2. The formation of the East Redmond Firearms Discharge Restricted Area is effective immediately.

Dated this _____ of _____, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ALAN UNGER, Vice Chair

ATTEST:

Recording Secretary

TAMMY BANEY, Commissioner

PETITION TO FORM A DISCHARGE OF FIREARMS RESTRICTED AREA

To the County Commissioners of Deschutes County, State of Oregon:

We the undersigned petitioner, being either a registered voter with a residence address within a platted subdivision or an owner of land adjacent to a platted subdivision, hereby petition the Board of County Commissioners for Deschutes County for the formation of a Discharge of Firearms Restricted Area ("Restricted Area") covering the area described herein pursuant to Chapter 9.08 of the Deschutes County Code.

1. Chief Petitioner on this petition is *(up to three)*:

Name: Deschutes County Administrator
Mailing Address: PO Box 6005
Bend OR 97701
Phone: (541) 388-6570

2. The name of the proposed Restricted Area is the East Redmond Firearms Discharge Restricted Area.

3. The petitioner requests that the area described herein be designated as a Restricted Area under the provisions of Chapter 9.08 of the Deschutes County Code.

4. The boundaries of the proposed Restricted Areas are as shown on the map attached hereto as Exhibit A and described on Exhibit B, attached hereto and by this reference incorporated herein.

5. This petition is made up of this petition sheet, a map depicting the boundaries of the proposed Restricted Area, a legal description of the proposed Restricted Area and a signature sheet, all of which have been circulated as a part of this petition.

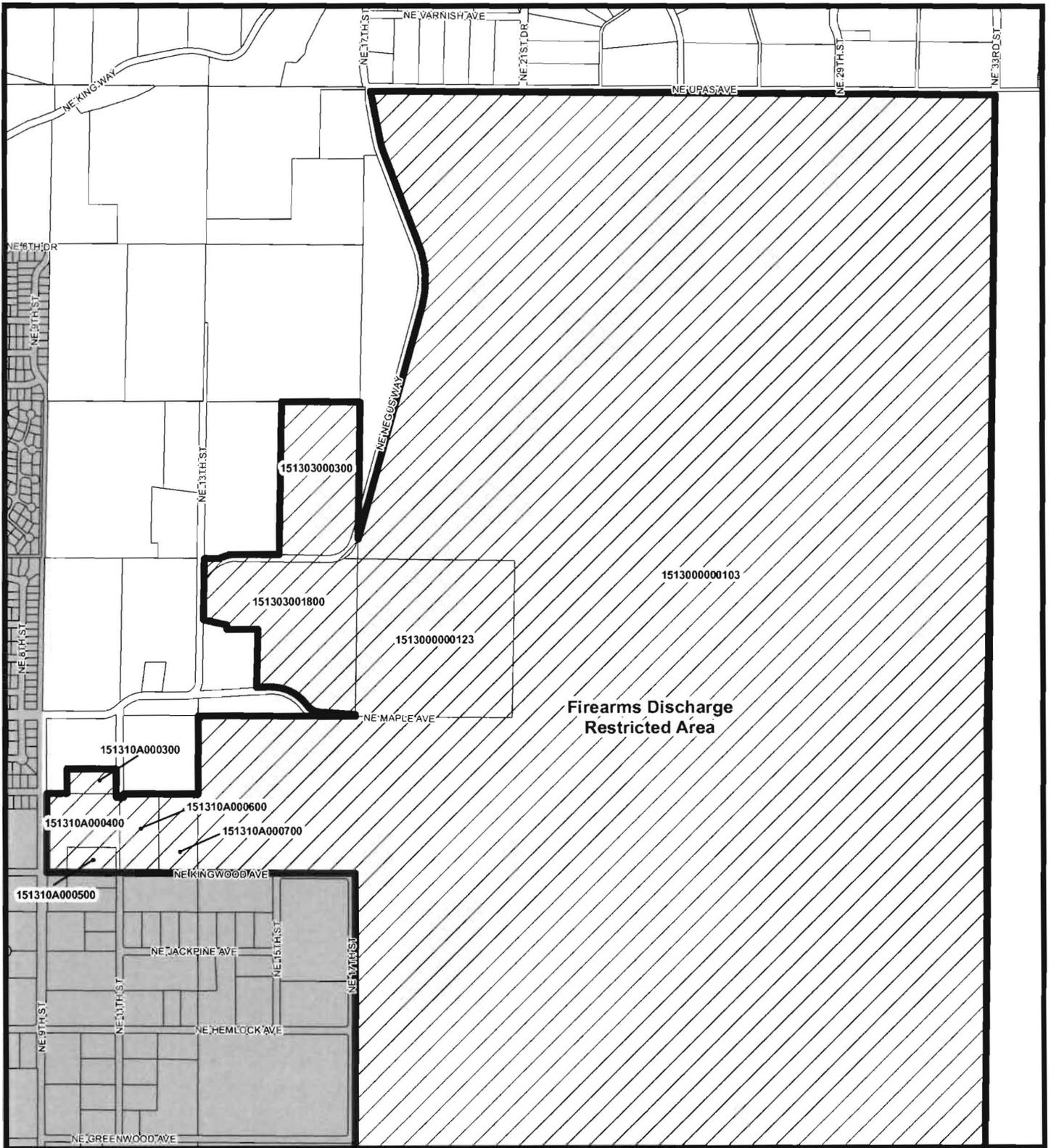
ANY PERSON WHO SIGNS THIS PETITION CANNOT LATER WITHDRAW HIS OR HER NAME FROM THIS PETITION.

CHIEF PETITIONER'S SIGNATURE

DESCHUTES COUNTY



By: Tom Anderson
County Administrator



EAST REDMOND FIREARMS DISCHARGE RESTRICTED AREA

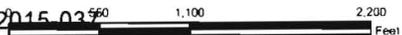
Exhibit "A"
to Board Order No. 2015-037

Legend

- Firearms Discharge Restricted Area
- City of Redmond



Page 3 of 12 - EXHIBIT 1 TO ORDER NO. 2015-037



August 4, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

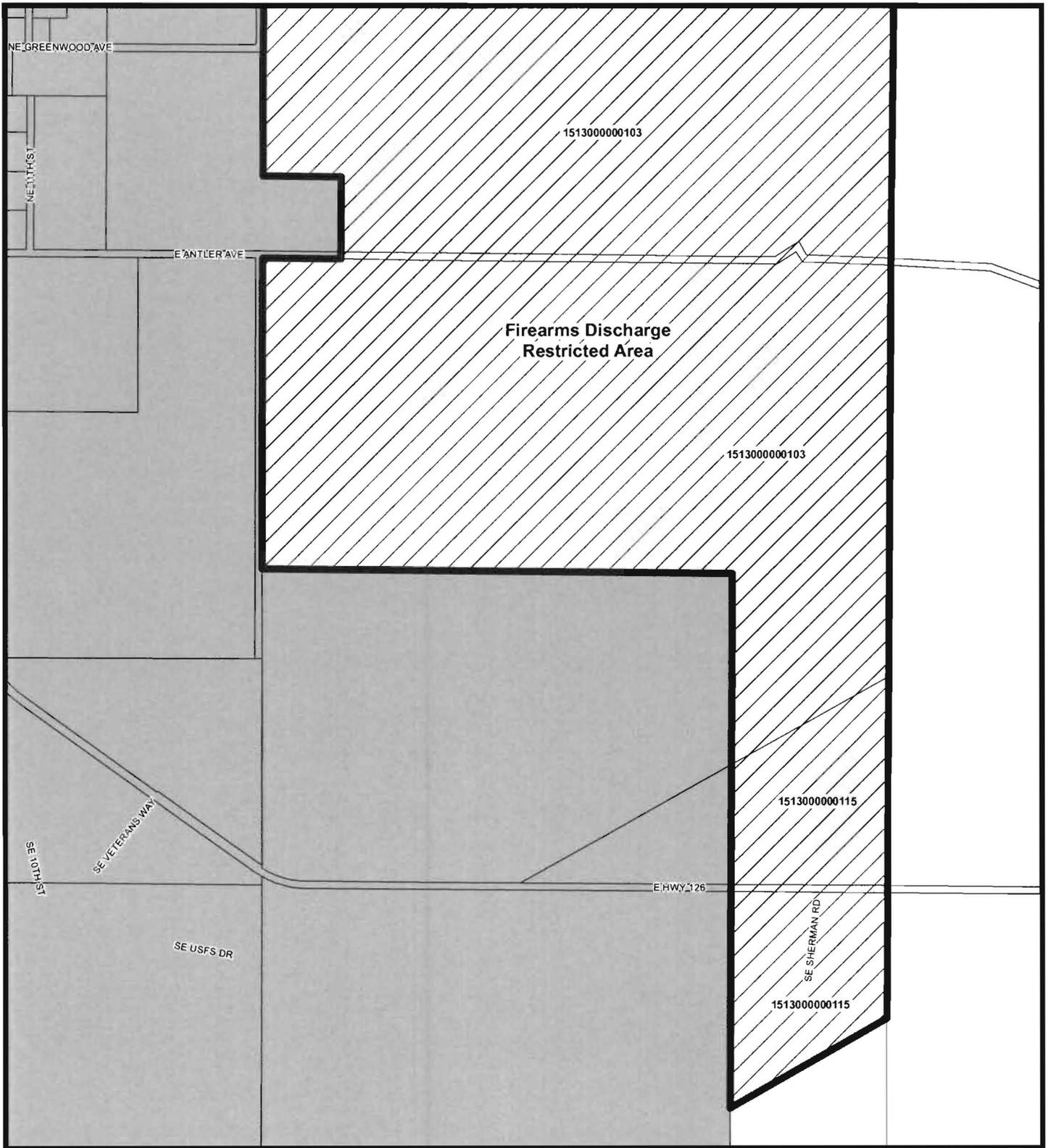
Tony DeBone, Chair

Alan Unger, Vice Chair

Tammy Baney, Commissioner

ATTEST: Recording Secretary

Dated this _____, 2015
Effective Date: _____, 2015

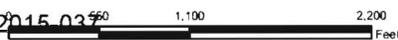


EAST REDMOND FIREARMS DISCHARGE RESTRICTED AREA

Exhibit "A"
to Board Order No. 2015-037

Legend

- Firearms Discharge Restricted Area
- City of Redmond



BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tony DeBone, Chair

Alan Unger, Vice Chair

Tammy Baney, Commissioner

ATTEST, Recording Secretary

Dated this _____, 2015
Effective Date: _____, 2015

Exhibit B

Legal Description

East Redmond Firearms Discharge Restricted Area - Property Descriptions:

1. Deschutes County – (Tax lot 1513000000103): That property described on United States of America Patent Number 36-66-0010, recorded at 144-554, on July 27, 1965, Deschutes County, Oregon; excepting therefrom the following real property described in the following documents:
 - Deed recorded at 147-513, on March 6, 1966, Deschutes County, Oregon (12.0 acres)
 - Deed recorded at 148-531, on June 2, 1966, Deschutes County, Oregon (4.83 acres)
 - Court Order, less road dedication of 3.64 acres, May 20, 1970, Deschutes County, Oregon
 - Deed recorded at 221-532, on August 6, 1975, referenced therein as Parcel #2, Deschutes County, Oregon (110.0 acres)
 - Bargain and Sale Deed recorded at 155-364, on November 23, 1987, Deschutes County, Oregon (35.52 acres)
 - Bargain and Sale Deed recorded at 143-397, on March 20, 1987, Deschutes County, Oregon (39.80 acres)

and, also excepting therefrom that portion of the property lying within the City Limits of Redmond, Oregon; resulting in an area 1,693.26 acres +/-.

2. Central Oregon Park and Recreation District – (Tax lot 1513000000123): That property as legally described in Bargain and Sale Deed recorded at 143-397, on March 20, 1987, Deschutes County, Oregon
3. City of Redmond – (Tax lot 1513000000115): That property as legally described in a Correction Deed recorded at 310-85, on October 24, 1979, Deschutes County, Oregon; excepting therefrom that portion of the property lying within the City Limits of Redmond, Oregon
4. Julie A. Haugen – (Tax lot 1513030001801): That property as legally described in Statutory Warranty Deed recorded at 2012-043777, on October 31, 2012, Deschutes County, Oregon

5. Charles N. Taulbee – (Tax lot 1513030000300): East one-half (E ½), Northeast one-quarter (NE ¼), Southeast one-quarter (SE ¼), Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon

6. Barbara Ann Corwin – (Tax lot 151310A000300): That property as legally described in Warranty Deed recorded at 179-303, on September 29, 1971, Deschutes County, Oregon

7. Timbergon Inc. – (Tax lot 151310A000400): That property as legally described in Statutory Warranty Deed recorded at 2008-23536, on May 30, 2008, Deschutes County, Oregon

8. Timbergon Inc. – (Tax lot 151310A000500): That property as legally described in Statutory Warranty Deed recorded at 2009-05244, on February 6, 2009, Deschutes County, Oregon

9. Hunter Family Trust – (Tax lot 151310A000600): That property as legally described as Parcel I in Special Warranty Deed recorded at 2007-12333, on February 28, 2007, Deschutes County, Oregon

10. Hunter Family Trust – (Tax lot 151310A000700): That property as legally described as Parcel I in Special Warranty Deed recorded at 2007-12333, on February 28, 2007, Deschutes County, Oregon

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE REDMOND AREA PARK AND RECREATION DISTRICT BOARD OF DIRECTORS

An Ordinance authorizing the Redmond Area
Park and Recreation District to prohibit the
discharge of firearms on District owned property
and to authorize such property to be included in a
firearms discharge restricted area and Declaring
an Emergency.

ORDINANCE NO. 2015- 1

WHEREAS, Deschutes County ("County") identified a need to establish a firearms discharge restricted area on the east side of the City of Redmond ("City"), outside the City limits ("Restricted Area") as shown in Exhibit A, attached hereto and incorporated by reference herein, based on firearms discharge activities that conflict with other public uses and that endanger persons and property in the immediate area; and

WHEREAS, the regulation and establishment of a firearms discharge restricted area by Deschutes County is permitted through the authority of Oregon Revised Statutes ("ORS") 166.170 through 166.176 , as implemented through Deschutes County Code Chapter ("DCC") 9.08; and

WHEREAS, the Redmond Area Park and Recreation District ("District") owns property as shown on and described in Exhibit B, attached hereto and incorporated by reference herein, that is located outside of the City limits ("Subject Property") and within the proposed Restricted Area; and

WHEREAS, DCC 9.08.050 requires that, if a political subdivision of the state or special district has land that the government entity desires to have included in a firearms discharge restricted area, the government entity shall pass an ordinance restricting the discharge of firearms on such property; and

WHEREAS, the District Board of Directors finds that the prohibition on the use of firearms on the property owned by the District is beneficial to the citizens of the District and surrounding area by reducing the danger to persons and property within the immediate area; and

WHEREAS, the District Board of Directors further finds that the inclusion of the District owned property within the larger Restricted Area is beneficial to the citizens of the District by reducing the danger to persons and property within and surrounding the affected area; and

WHEREAS, it is beneficial for the District to adopt this ordinance by emergency in order to assure that the persons and property in and around the restricted area are not further endangered, now therefore,

NOW, THEREFORE, THE REDMOND AREA PARK AND RECREATION DISTRICT BOARD OF DIRECTORS ORDAINS as follows:

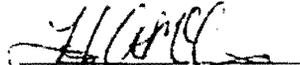
Section 1. The discharge and use of firearms shall be prohibited on the Subject Property pursuant to the provisions of DCC Chapter 9.08, except that the use of firearms as listed in DCC 9.08.040 shall be permitted as listed therein.

Section 2. The Subject Property is authorized to be included in the Restricted Area proposed by Deschutes County, as permitted by DCC 9.08.090.

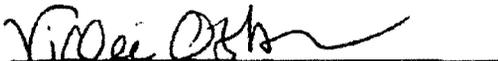
Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 14th day of April, 2015

REDMOND AREA PARK AND RECREATION
DISTRICT BOARD OF DIRECTORS


Hayes McCoy, Vice-Chair

ATTEST:


Recording Secretary

Date of 1st Reading: 14th day of April, 2015.

Date of 2nd Reading: 14th day of April, 2015.

Effective date: 14th day of April, 2015.

Exhibit B - Redmond Area Park and Recreation District

Entirety of Tax Lot 123, Tax Map 15-13-00

