



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 November 23, 2015

DATE: November 5, 2015

FROM: Paul Blikstad CDD (541) 388-6554

TITLE OF AGENDA ITEM:

Consideration of Second Reading, by Title Only, and Adoption of Ordinance Nos. 2015-021 and 2015-022, Plan Amendment and Zone Change ordinances for the 4-R Equipment property in the Millican area. The property is being added to the County's Surface Mining Inventory, and rezoned from Exclusive Farm Use (EFU-HR) to Surface Mining (SM) for approximately 365 acres. File Nos. PA-04-8/ZC-04-6.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

4-R Equipment applied for the above Plan Amendment and Zone Change applications in 2004. This matter came before the Board of Commissioners four different times, due to appeals to LUBA. The Board's final decision in January of 2015 was not appealed. The attached ordinances must be adopted to effect the changes requested.

FISCAL IMPLICATIONS:

None.

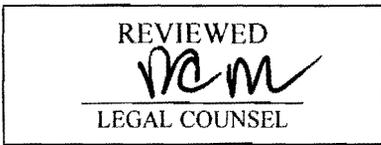
RECOMMENDATION & ACTION REQUESTED:

Board to conduct Second Reading by Title only, and Adopt. The First Reading was conducted on November 9.

ATTENDANCE: Paul Blikstad, Peter Gutowsky

DISTRIBUTION OF DOCUMENTS:

Planning Staff will mail the Ordinances to the Oregon Department of Land Conservation and Development.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, the Deschutes County Zoning Map, to Change the Zone Designation on Certain Property from Exclusive Farm Use (EFU-HR) to Surface Mining (SM), and establishing a One-Half Mile Surface Mining Impact Area (SMIA) Combining Zone around the SM Site. *
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ORDINANCE NO. 2015-022

WHEREAS, 4-R Equipment, LLC applied for a Zone Change (file no. ZC-04-6) to the Deschutes County Code ("DCC") Title 18, Zoning Map, to rezone certain property from Exclusive Farm Use – Horse Ridge East Subzone (EFU-HR) to Surface Mining (SM); and

WHEREAS, the Deschutes County Board of Commissioners (Board), after review conducted in accordance with applicable law, approved the proposed change to the County Zoning Map; and

WHEREAS a change to the Deschutes County Zoning Map is necessary to implement the amendment adopted in Ordinance 2015-021; now, therefore,

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

Section 1. AMENDMENT. DCC Title 18, Zoning Map, is hereby amended to change the zone designation of the subject property, described as tax lots 902, 1000 and 1001 in Section 30 of Township 19 South, Range 15 East, Willamette Meridian, and as further described by the legal description attached hereto as Exhibit "A" and the map set forth as Exhibit "B," and by the reference incorporated herein, from Exclusive Farm Use – Horse Ridge East subzone (EFU-HR) to Surface Mining (SM). The area zoned Flood Plain is not being rezoned.

Section 2. AMENDMENT. DCC Title 18, Zoning Map is hereby amended to add the Surface Mining Impact Area (SMIA) Combining Zone around the SM Zone shown on Exhibit B, and depicted on the map set forth as Exhibit "C," and by this reference incorporated herein.

Section 3. FINDINGS. The Board adopts as it findings in support of this Ordinance, the Decision of the Board of County Commissioners, attached to Ordinance 2015-021 as Exhibit "F," and incorporated by reference herein.

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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

Date of 1st Reading: _____ day of _____, 2015.

Date of 2nd Reading: _____ day of _____, 2015.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	_____	_____	_____	_____
Alan Unger	_____	_____	_____	_____
Tammy Baney	_____	_____	_____	_____

Effective date: _____ day of _____, 2016.

ATTEST:

Recording Secretary

Property Description
4-R Equipment LLC

EXHIBIT A

All that portion of Section 30, Township Nineteen (19) South, Range Fifteen (15) East of the Willamette Meridian, Deschutes County Oregon lying southerly of US Highway 20 being more particularly described as follows:

Government Lot 2; Government Lot 3; the Southeast One-Quarter of the Northwest One-Quarter (SE1/4 NW1/4); the Northeast One-Quarter of the Southwest One-Quarter (NE1/4 SW1/4); the South One-Half of the Southwest One-Quarter (S1/2 SW1/4) and the Southeast One-Quarter, lying south of US Highway 20.

Excepting Therefrom: that portion conveyed to the State of Oregon, by and through its State Highway Commission, March 13, 1940 in Book 58, Page 381, Deed Records.

Also Excepting Therefrom: That property in the above described lands located in the Flood Plain Zone per Chapter 18.96, Deschutes County Zoning Ordinance.

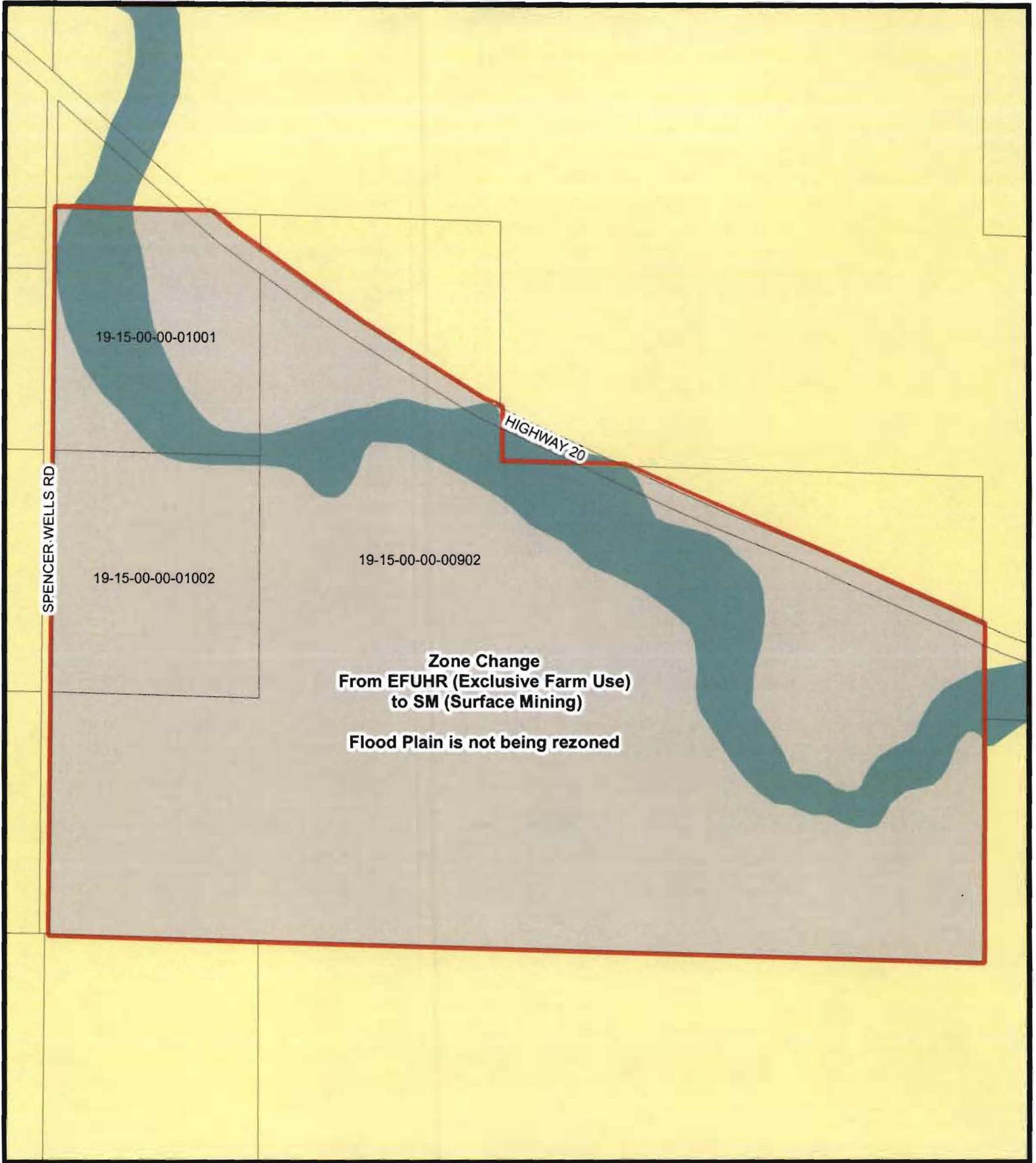
Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 19, 1994
DAVID R. WILLIAMS
2686

RENEWAL DATE: 06/30/16

10/22/15



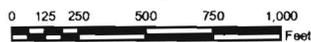
Legend

-  Subject Property
-  EFUHR - Horse Ridge Subzone
-  FP - Flood Plain
-  SM - Surface Mining

PROPOSED ZONE CHANGE

4-R Equipment, LLC

Exhibit "B"
to Ordinance 2015-022



November 5, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

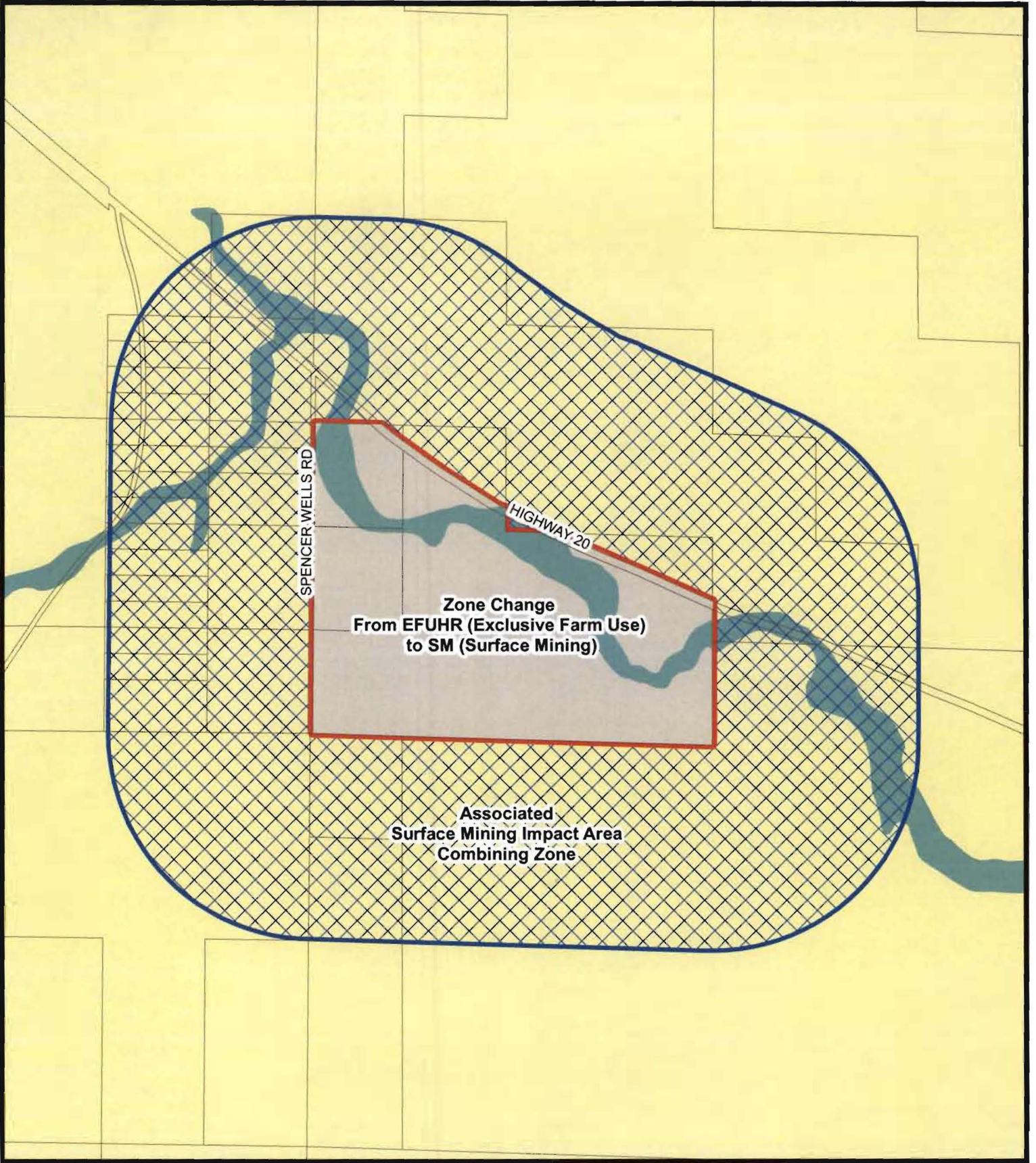
Tony DeBone, Chair

Alan Unger, Vice Chair

Tammy Baney, Commissioner

ATTEST: Recording Secretary

Dated this ____ day of November, 2015
Effective Date: _____, 2016



**Zone Change
From EFUHR (Exclusive Farm Use)
to SM (Surface Mining)**

**Associated
Surface Mining Impact Area
Combining Zone**

SPENCER WELLS RD

HIGHWAY 20

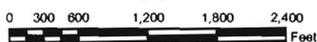
Legend

-  Subject Property
-  SMIA - Surface Mining Impact Area
-  EFUHR - Horse Ridge Subzone
-  FP - Flood Plain
-  SM - Surface Mining

PROPOSED ZONE CHANGE

4-R Equipment, LLC

Exhibit "C"
to Ordinance 2015-022



November 5, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tony DeBone, Chair

Alan Unger, Vice Chair

Tammy Baney, Commissioner

ATTEST: Recording Secretary

Dated this ____ day of November, 2015
Effective Date: _____, 2016