



## COMMUNITY DEVELOPMENT

### DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, MARCH 13, 2025

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | [www.deschutes.org](http://www.deschutes.org)

## AGENDA

### MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://bit.ly/dcpczoom>

**Passcode:** 764609

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 824 8646 7893 and Passcode: 764609. Written comments can also be provided for the public comment section to [planningcommission@deschutes.org](mailto:planningcommission@deschutes.org) by 5:00 p.m. on March 13. They will be entered into the record.

### I. CALL TO ORDER

### II. APPROVAL OF MINUTES - February 27

### III. PUBLIC COMMENT

### IV. ACTION ITEMS

1. Public Hearing: Temporary Hardship Dwelling Text Amendment (*Nicole Mardell, Senior Planner*)
2. Work Session: Clear and Objective Housing Text Amendments - Title 17 (Subdivisions) (*Tarik Rawlings, Senior Transportation Planner*)

3. Planning Division Work Plan for Fiscal Year (FY) 2025-26 - Work Session (*Will Groves, Planning Manager*)

**V. PLANNING COMMISSION AND STAFF COMMENTS**

**VI. ADJOURN**



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.

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## MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Nicole Mardell, AICP, Senior Planner

**DATE:** March 6, 2025

**SUBJECT:** Public Hearing: Temporary Hardship Dwelling Text Amendment

The Deschutes County Planning Commission (Commission) will conduct a public hearing on March 13, 2025, at 5:30 p.m. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider text amendments relating to temporary hardship dwellings (file no. 247-25-000078-TA). Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined, and deleted shown as ~~striketrough~~. The public hearing will be conducted in person, electronically, and by phone.

All record materials can be found on the project website: <https://bit.ly/25-78-TA>.

### I. BACKGROUND

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The primary purpose of the amendment is to conform local requirements with state law and provide consistency for the review of hardship dwellings across multiple county zones. Notable changes include:

- Reorganized content for readability;
- Amended outdated references;
- Clarified hardship dwelling can be used for the “aged” as well as the “infirm”;
- Clarified “existing building” use and definition for the purpose of the section;
- Clarified hardship dwelling can be the only second dwelling on the property;
- Amended renewal requirement from every one year to two years;
- Listed the use in all permissible zones for readability.

Since 1979, Deschutes County has allowed property owners to obtain a temporary use permit for a secondary dwelling on a property, with the intent the dwelling would be used for a relative to provide or receive care for a resident with a medical condition. This would allow for the property owner or current resident of the property to maintain independence

and continue to live on a rural property while also receiving necessary medical attention. Recreational Vehicles (RVs), manufactured homes, or existing buildings are eligible to be used as the hardship dwelling.

The current requirements for hardship dwellings were drafted in 2008. Since that time, the state has undergone rulemaking for this use in farm and forest (resource) zones. To staff's understanding, there are no explicit state requirements for regulation of the use in non-resource zones. The purpose of this proposal is to amend the code for greater consistency with state rules and statutes and to establish a consistent review process for hardship dwelling applications across all County zones in which the use is permitted.

Following the Planning Commission work session, County Legal Counsel directed staff to amend the findings associated with the text amendment. The findings have been updated to list the County's 2011 Comprehensive Plan goals in policies in place of the 2040 Comprehensive Plan goals as findings, as the 2040 Plan is currently under appeal and not yet in effect.

## II. OVERVIEW OF AMENDMENTS

The amendment package will affect the following DCC sections:

- Revision of section to comply with state requirements
  - 18.116.090: Temporary Hardship Dwelling requirements
- Removal of duplicative requirements found in 18.116.090
  - 18.16: Exclusive Farm Use Zone
  - 18.36: Forest Use 1 Zone
  - 18.40: Forest Use 2 Zone
- Minor amendment - listing temporary hardship dwelling under permitted uses
  - 18.32: Multiple Use Agricultural Zone
  - 18.60: Rural Residential Zone
  - 18.65.020, 021, 022: Rural Service Center Unincorporated Community Zones
  - 18.66.020, 030, 040, 050: Terrebonne Rural Community Zones
  - 18.67.020, 030, 040: Tumalo Rural Community Zones
  - 18.74.020: Rural Commercial Zone
  - 18.108.030, 110: Sunriver Unincorporated Community Zones
  - 18.110.020, 030: Resort Community Zone

The amendments aspire to match state requirements where possible. The state does not have regulations pertaining to hardship dwellings on non-resource lands. In approaching the amendments, staff has integrated state requirements where possible, for all zones in which a hardship dwelling is permitted, to ensure a consistent and clear process for property owners and county staff. The amendments in DCC 18.116.090 provide the same general requirements for temporary hardship dwellings whether they are in a resource zone or non-resource zone that allows for a single family. In addition, the farm and forest zones maintain

existing requirements for conditional use criteria review and ineligibility for a replacement dwelling associated with a temporary hardship dwelling.

### III. POLICY CHOICES

Deschutes County can provide local interpretation of requirements that are not expressly addressed in Oregon Administrative Rule (OAR) or Oregon Revised Statute (ORS). In coordination with the County's Building, Code Enforcement, Coordinated Services, and Onsite Wastewater Divisions, staff identified several policy choices for the Planning Commission and Board to consider.

#### Policy Choice #1: "Existing Building" Definition

State regulations do not define "existing building" for temporary hardship dwellings.. To avoid a scenario in which a new building is constructed for temporary use, CDD staff identified a rolling eligibility date of two-years from the date of final inspection of a building to the submittal date of the temporary use permit for a hardship dwelling. If the application is submitted prior to the two-year date, it does not constitute an "existing building".

#### Policy Choice #2: Restrictions on Additions and Modifications of Structures

Code Enforcement has had several cases involving unsafe or illegal modification of RVs, manufactured homes, and existing buildings for hardship dwellings. In order to avoid these situations, the text amendments include a limitation to modification of existing buildings to be within the existing building floor area. This will focus modifications on structures that are already built for residential use but may require the installation of kitchen facilities or other minor improvements. The text amendments continue to restrict additions to RVs due to safety concerns from Building staff.

#### Policy Choice #3: RV Components

Code Enforcement has had several cases involving non-operational RVs that are unfit for habitation. The text amendments clarify the requirements for an RV to be eligible as a hardship dwelling. This includes requiring a sink and toilet as a bathroom facility, and preserving existing requirements related to compliance with property setbacks, full licensure, highway readiness, and compliance with flood hazard zone requirements if applicable.

Staff requests the Commission evaluate these policy options during the hearing process.

### IV. PLANNING COMMISSION WORK SESSION / PUBLIC AND AGENCY COMMENT

The Commission conducted a work session on February 27, 2025<sup>1</sup>. During the meeting, the Commission requested the following information:

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<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-62v>

- Does the definition for "relative" come from state law or is it a local definition subject to clear and objective standards?
  - Staff confirmed that the definition comes from Oregon Administrative Rule.
- Could the resident of the property live in the temporary dwelling and bring in a caretaker to live in the primary dwelling?
  - This issue was resolved in LUBA case no. 21-053.
  - The person suffering the hardship must be either an existing resident or a relative of a resident.
  - The existing resident who is suffering the hardship (or whose relative is suffering the hardship) must reside in an existing dwelling.
  - There is no requirement that a family member must occupy the temporary hardship dwelling.
  - Nothing in the language of the temporary hardship dwelling provisions requires that the caregiver and the person receiving care be related to each other.
- If you add a kitchen to an existing building, do you need to decommission the facilities if the temporary use is no longer needed? Is there an inspection process?
  - Staff confirmed kitchen facilities would need to be decommissioned within 90 days of the end of the temporary use. CDD has an internal policy and process for decommissioning of temporary hardship dwellings as state law doesn't explicitly state what is required. Inspections are required for capping of 220V wiring.
- How many temporary hardship dwellings currently exist?
  - County code enforcement estimates there are 143 total properties in the County with active approval for a temporary hardship dwelling.
  - In the last two years (February 2023 - February 2025), the County issued:
    - Nonresource zones: 18 total approvals
      - Ten RVs
      - Six manufactured homes
      - One change in listed occupant
      - One existing building (approved as a reasonable accommodation through the Americans with Disabilities Act)
    - Resource Zones: Seven total approvals
      - One change in occupant
      - Two existing building
      - Four manufactured homes

As of the date of this memo, no public comments have been received. Staff has received two agency comments. The County's Senior Transportation Planner noted the proposal complies with Statewide Goal 12 and the Transportation Planning Rule. Tom Mooney, Redmond Fire and Rescue, requested that the County amend DCC 18.36.080 to be consistent with Oregon Fire Code. The proposal is out of scope of the proposed text amendment but will be added to the County's list of future code amendments to pursue.

## **V. NEXT STEPS**

The Planning Commission will ultimately provide a recommendation to the Board of County Commissioners on the proposed amendments. The Commission could choose to recommend approval of the amendments as drafted, approval with revisions, or denial of the amendments.

A public hearing with the Planning Commission is scheduled for March 13, 2025.

Attachments:

- Draft Amendments and Draft Findings

**18.116.090 A Manufactured Home Or Recreational Vehicle As A Temporary Hardship Dwelling Residence For Medical Condition**

- A. As used in this section, “hardship” means a medical hardship or hardship for the care of an aged or infirmed person or persons experienced by the existing resident or relative.
- B. As used in this section, “relative” means a grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, either blood or legal relationship, niece, nephew, uncle, aunt or first cousin.
- C. ~~Unless otherwise allowed pursuant to DCC 18.116.095(C), a~~ A temporary use permit for the term of the hardship for one of the following hardship dwelling types may be granted on a lot or parcel in ~~addition to~~ conjunction with an existing primary dwelling:
1. One manufactured home of any class;
  2. ~~or~~ One recreational vehicle subject to the criteria under subsection (F); or
  - 1.3. ~~on a lot or parcel in addition to a~~ The temporary residential use of an existing building. An existing dwelling building is one that was constructed at least two years prior to the date of application for the subject temporary residential use permit. For the purposes of this section, "constructed" means the Building Division approved the final inspection at least two years prior to the date of application for the subject temporary use permit. Any modifications to the existing building for the hardship dwelling must be contained within the existing building-floor area. ~~may be granted when a medical condition exists. In the Exclusive Farm Use and Forest zones only, an existing building may be used as a temporary dwelling. For the purposes of this section, “existing” means the building was in existence on or before March 29, 2017.~~
- B.D. The hardship dwelling must use the same onsite septic disposal system used by the existing primary dwelling, provided that the existing onsite septic system is adequate to accommodate the hardship dwelling. If the hardship dwelling will be connected to a community sewer system this requirement does not apply. ~~The person with a medical condition must be either one of the property owners or a relative of one of the property owners.~~
- C.E. Prior to initiating the use, the property owner must obtain all necessary permits from the Deschutes County Building and Onsite Wastewater Divisions. For the purposes of this section, a relative is defined as a grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, either blood or legal relationship, niece, nephew, uncle, aunt or first cousin.
- F. A recreation vehicle hardship dwelling must comply with all of the following requirements:
1. The recreational vehicle must have a sink and toilet;
  2. The recreational vehicle must comply with all setbacks of the underlying zone(s);
  3. The recreational vehicle must be fully licensed;



4. ~~The recreational vehicle must be ready for highway use, on its wheels or jacking system, and must be attached to the site only by quick disconnect type utilities and security devices;~~
5. ~~A recreational vehicle hardship dwelling located in a special flood hazard area must comply with DCC 18.96; and~~
6. ~~Permanent attached additions are prohibited.~~
- G. ~~One temporary use permit for a hardship dwelling is permitted provided there is no guest house, recreational vehicle as a rental dwelling, or accessory dwelling unit on the subject lot or parcel. A recreational vehicle permitted under DCC 18.116.095(C) is allowed in addition to a hardship dwelling. Such medical condition must be verified by a doctor's written statement, which shall accompany the permit application.~~
- ~~D.H. The hardship shall be verified by a state-licensed medical practitioner's written statement.~~
- ~~E.I. The temporary use permit shall be reviewed annually every two years to ensure ongoing compliance with the terms of DCC 18.116.090.~~
- J. ~~Within three months of the end of the hardship, one of the following must occur:~~
- ~~1. The manufactured dwelling home shall be removed, demolished, or converted to an allowed use in the underlying zone(s);~~
  - ~~2. or The recreational vehicle shall be vacated, and disconnected from any electric, water or septic/sewer facility connection; or~~
  - ~~1.3. for which a permit has been issued not later than 90 days following the date the medical condition requiring the temporary use permit ceases to exist. In the Exclusive Farm Use and Forest zones the For an existing building used as a hardship dwellings, the building must will be converted to a permitted non-residential use in the underlying zone(s). within 90 days following the date the medical condition requiring the temporary use permit ceases to exist.~~
- ~~F. If a recreational vehicle is used as a medical hardship dwelling, it shall have a bathroom, and shall meet the minimum setbacks for the zone in which it is located.~~
- ~~G. The applicant shall obtain all necessary permits from the County Building and Environmental Health Divisions prior to initiating the use.~~
- ~~H. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.~~
- ~~I. As identified in this section, a single recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 18.96.~~

HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [89-004](#) §5 on 3/24/1989*

*Amended by Ord. [91-005](#) §45 on 3/4/1991*

*Amended by Ord. [2008-022](#) §2 on 11/10/2008*

*Amended by Ord. [2012-007](#) §5 on 5/2/2012*

*Amended by Ord. [2017-001](#) §1 on 2/27/2017*

*Amended by Ord. [2023-001](#) §16 on 5/30/2023*

*[Amended by Ord. 2025-xxx](#)*

### 18.16.050 Standards For Dwellings In The EFU Zones

Dwellings listed in DCC 18.16.025 and 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling, and all dwellings are subject to the landowner for the property upon which the dwelling is placed, signing and recording in the deed records for the County, a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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#### H. Temporary hardship dwelling.

1. A temporary hardship dwelling listed in DCC 18.16.030 is allowed ~~under the following conditions: subject to the standards and the provisions under DCC 18.116.090, and the requirements of this chapter.~~
  - a. ~~The dwelling is an existing building, or is a manufactured home or recreational vehicle that is used in conjunction with an existing dwelling on the lot or parcel. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017;~~
  - b. ~~The manufactured home or recreational vehicle would be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident. The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists. The recreational vehicle shall not be occupied once the term of the medical hardship is completed, except as allowed under DCC 18.116.095. A temporary residence approved under this section is not eligible for replacement under DCC 18.16.020(J);~~
  - c. ~~The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the permit application; and~~
  - d. ~~The temporary manufactured home uses the same subsurface sewage disposal system used by the existing dwelling, provided that the existing disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required.~~
  - e. ~~If a recreational vehicle is used as a medical hardship dwelling, it shall be required to have a bathroom, and shall meet the minimum setbacks established under DCC 18.16.070.~~
2. ~~Permits granted under DCC 18.16.050(H) shall be subject to the provisions of DCC 18.116.090 and shall be required to meet any applicable DEQ review and removal requirements as a condition of approval.~~

~~3.—As used in DCC 18.16.050(H), the term "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons:~~

~~4.—As used in DCC 18.16.050(H), the term "relative" means grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, niece, nephew, uncle, aunt, or first cousin of the existing resident.~~

~~—The proposed hardship dwelling or recreational vehicle shall meet the criteria under DCC 18.16.040(A)(1-2) and DCC 18.16.020(J)(1):~~

~~5.2. A temporary residence approved under this section is not eligible for replacement under DCC 18.16.020(J):~~

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [91-038](#) §§1 and 2 on 9/30/1991*

*Amended by Ord. [92-065](#) §3 on 11/25/1992*

*Amended by Ord. [94-026](#) §1 on 5/11/1994*

*Amended by Ord. [95-007](#) §15 on 3/1/1995*

*Amended by Ord. [98-030](#) §1 on 5/13/1998*

*Amended by Ord. [98-033](#) §1 on 12/2/1998*

*Amended by Ord. [2004-001](#) §2 on 7/14/2004*

*Amended by Ord. [2004-013](#) §2 on 9/21/2004*

*Amended by Ord. [2004-020](#) §1 on 10/13/2004*

*Amended by Ord. [2008-001](#) §2 on 5/6/2008*

*Amended by Ord. [2009-014](#) §1 on 6/22/2009*

*Amended by Ord. [2012-007](#) §2 on 5/2/2012*

*Amended by Ord. [2014-010](#) §1 on 4/28/2014*

*Amended by Ord. [2018-006](#) §5 on 11/20/2018*

*Amended by Ord. [2021-013](#) §4 on 4/5/2022*

*[Amended by Ord. 2025-xxx](#)*

## **CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA**

[18.32.010 Purpose](#)

[18.32.020 Uses Permitted Outright](#)

[18.32.030 Conditional Uses Permitted](#)

[18.32.035 Destination Resorts](#)

[18.32.040 Dimensional Standards](#)

[18.32.050 Yards](#)

[18.32.060 Stream Setbacks](#)

[18.32.070 Rimrock Setback](#)

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### **18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days. Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Historic Home Accessory Dwelling Units, subject to DCC 18.116.350.
- K. Residential Accessory Dwelling Units, subject to DCC 18.116.355.
- L. Residential Home.
- L.M. Temporary Hardship Dwelling, subject to DCC 18.116.090.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
Amended by Ord. [91-002](#) §6 on 2/6/1991  
Amended by Ord. [91-005](#) §18 on 3/4/1991  
Amended by Ord. [91-020](#) §1 on 5/29/1991  
Amended by Ord. [91-038](#) §1 on 9/30/1991  
Amended by Ord. [93-001](#) §1 on 1/27/1993  
Amended by Ord. [93-043](#) §4 on 8/25/1993  
Amended by Ord. [94-008](#) §10 on 6/8/1994  
Amended by Ord. [2001-016](#) §2 on 3/28/2001  
Amended by Ord. [2001-039](#) §2 on 12/12/2001  
Amended by Ord. [2004-002](#) §3 on 4/28/2004  
Amended by Ord. [2019-009](#) §1 on 9/3/2019  
Recorded by Ord. [2019-009](#) §1 on 9/3/2019  
Adopted by Ord. [2023-014](#) §1 on 12/1/2023  
Amended by Ord. [2024-008](#) §4 on 1/7/2025

[Amended by Ord. 2025-xxx](#)

## **CHAPTER 18.36 FOREST USE ZONE; F-1**

[18.36.010 Purpose](#)

[18.36.020 Uses Permitted Outright](#)

[18.36.030 Conditional Uses Permitted](#)

[18.36.040 Limitations On Conditional Uses](#)

[18.36.050 Standards For Single-Family Dwellings](#)

[18.36.060 Siting Of Dwellings And Structures](#)

[18.36.070 Fire Siting Standards For Dwellings And Structures](#)

[18.36.080 Fire Safety Design Standards For Roads](#)

[18.36.085 Stocking Requirement](#)

[18.36.090 Dimensional Standards](#)

[18.36.100 Yards And Setbacks](#)

[18.36.110 Stream Setbacks](#)

[18.36.120 State Law Controls](#)

[18.36.130 Rimrock Setbacks](#)

[18.36.140 Restrictive Covenants](#)

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### **18.36.030 Conditional Uses Permitted**

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.36.040 and other applicable sections of DCC Title 18.

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- X. ~~An existing building, or a manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017. Temporary hardship residence in conjunction with an existing dwelling.~~ Temporary Hardship Dwelling

1. ~~A temporary dwelling for medical hardship is conditionally allowed subject to the provisions in DCC 18.116.090, as well as DCC 18.36.040 and 18.36.060 of this chapter. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.~~

~~The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.36.040 and 18.36.060 of this chapter.~~

2. ~~The manufactured home shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling.~~

3. ~~If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.~~

~~4.2.~~ \_\_\_\_\_ A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.

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#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [86-018](#) §8 on 6/30/1986*

*Amended by Ord. [90-014](#) §28 on 7/12/1990*

*Amended by Ord. [92-025](#) §2 on 4/15/1991*

*Amended by Ord. [91-038](#) §1 on 9/30/1991*

*Amended by Ord. [92-068](#) §1 on 12/7/1992*

*Amended by Ord. [94-038](#) §1 on 10/5/1994*

*Amended by Ord. [2000-033](#) §1 on 12/6/2000*

*Amended by Ord. [2004-020](#) §6 on 10/13/2004*

*Amended by Ord. [2007-020](#) §4 on 2/6/2008*

*Amended by Ord. [2012-007](#) §4 on 5/2/2012*

*Amended by Ord. [2018-006](#) §7 on 11/20/2018*

*Amended by Ord. [2020-007](#) §11 on 10/27/2020*

*[Amended by Ord. 2025-xxx](#)*



## **CHAPTER 18.40 FOREST USE ZONE; F-2**

[18.40.010 Purpose](#)

[18.40.020 Uses Permitted Outright](#)

[18.40.030 Conditional Uses Permitted](#)

[18.40.040 Limitations On Conditional Uses](#)

[18.40.050 Standards For Single-Family Dwellings](#)

[18.40.060 Siting Of Dwellings And Structures](#)

[18.40.070 Fire Siting Standards For Dwellings And Structures](#)

[18.40.080 Fire Safety Design Standards For Roads](#)

[18.40.085 Stocking Requirement](#)

[18.40.090 Dimensional Standards](#)

[18.40.100 Yards And Setbacks](#)

[18.40.110 Stream Setbacks](#)

[18.40.120 State Law Controls](#)

[18.40.130 Rimrock Setback](#)

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### **18.40.030 Conditional Uses Permitted**

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.40.040 and other applicable sections of DCC Title 18:

- A. ~~An existing building, or a manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017. Temporary Hardship Dwelling~~
1. ~~A temporary hardship dwelling is conditionally allowed subject to the provisions in 18.116.090, as well as DCC 18.40.040 and 18.40.060 of this chapter. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.~~  
  
~~The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.40.040 and 18.40.60.~~
  2. ~~The manufactured home shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling.~~
  3. ~~If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.~~
  - 4.2. ~~\_\_\_\_\_~~ A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.

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## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [86-018](#) §8 on 6/30/1986

Amended by Ord. [90-014](#) §28 on 7/12/1990

Amended by Ord. [92-025](#) §2 on 4/15/1991

Amended by Ord. [91-038](#) §1 on 9/30/1991

Amended by Ord. [92-068](#) §1 on 12/7/1992

Amended by Ord. [94-038](#) §1 on 10/5/1994

Amended by Ord. [2000-033](#) §1 on 12/6/2000

Amended by Ord. [2004-020](#) §6 on 10/13/2004

Amended by Ord. [2007-020](#) §4 on 2/6/2008

Amended by Ord. [2012-007](#) §4 on 5/2/2012

Amended by Ord. [2018-006](#) §7 on 11/20/2018

Amended by Ord. [2020-007](#) §11 on 10/27/2020

[Amended by Ord. 2025-xxx](#)

## **CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10**

[18.60.010 Purposes](#)

[18.60.020 Uses Permitted Outright](#)

[18.60.030 Conditional Uses Permitted](#)

[18.60.035 Destination Resorts](#)

[18.60.040 Yard And Setback Requirements](#)

[18.60.050 Stream Setback](#)

[18.60.060 Dimensional Standards](#)

[18.60.070 Limitations On Conditional Uses](#)

[18.60.080 Rimrock Setback](#)

[18.60.090 Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone](#)

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### **18.60.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright.

- A. A single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- B. Utility facilities necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- C. Community center, if shown and approved on the original plan or plat of the development.
- D. Agricultural use as defined in DCC Title 18.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Noncommercial horse stables as defined in DCC Title 18, excluding horse events.
- H. Horse events, including associated structures, involving:
  1. Fewer than 10 riders;
  2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  3. More than 25 riders, no more than two times per year on nonconsecutive days. Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- I. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- J. Type 1 Home Occupation, subject to DCC 18.116.280.
- K. Historic Home Accessory Dwelling Units, subject to DCC 18.116.350.

L. Residential Accessory Dwelling Units, subject to DCC 18.116.355.

M. Residential Home.

M.N. Temporary Hardship Dwelling, subject to DCC 18.116.090.

HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [91-005](#) §§30 & 31 on 3/4/1991*

*Amended by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [93-043](#) §8 on 8/25/1993*

*Amended by Ord. [94-008](#) §12 on 6/8/1994*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2001-039](#) §5 on 12/12/2001*

*Amended by Ord. [2004-002](#) §7 on 4/28/2004*

*Amended by Ord. [2019-009](#) §2 on 9/3/2019*

*Recorded by Ord. [2019-009](#) §2 on 9/3/2019*

*Adopted by Ord. [2023-014](#) §2 on 12/1/2023*

*Amended by Ord. [2024-008](#) §7 on 1/7/2025*

*[Amended by Ord. 2025-xxx](#)*

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## **CHAPTER 18.65 RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE**

[18.65.010 Purpose](#)

[18.65.020 RSC; Commercial/Mixed Use District \(Brothers, Hampton, Millican, Whistlestop And Wildhunt\)](#)

[18.65.021 Alfalfa RSC; Commercial/Mixed Use District](#)

[18.65.022 Alfalfa RSC; Residential District](#)

[18.65.023 RSC; Open Space District](#)

[18.65.030 Standards For All Districts](#)

...

### **18.65.020 RSC; Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Single-family dwelling.
  2. Manufactured home, subject to DCC 18.116.070.
  3. Type 1 Home Occupation, subject to DCC 18.116.280.
  4. Residential home.
  5. Two-family dwelling or duplex.
  6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
  7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
  8. Class III road and street project.
  9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~9-10.~~ Temporary Hardship Dwelling, subject to DCC 18.116.090.

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#### HISTORY

*Adopted by Ord. [2002-002](#) §2 on 6/5/2002*

*Amended by Ord. [2002-028](#) §1 on 7/24/2002*

*Amended by Ord. [2004-002](#) §11 on 4/28/2004*

*Amended by Ord. [2015-004](#) §2 on 4/22/2015*

*Amended by Ord. [2016-015](#) §4 on 7/1/2016*

*Amended by Ord. [2018-006](#) §8 on 11/20/2018*

*Amended by Ord. [2020-001](#) §6 on 4/21/2020*

Amended by Ord. [2022-014](#) §2 on 4/4/2023

Amended by Ord. [2024-008](#) §8 on 1/7/2025

*Amended by Ord. 2025-xxx*

### **18.65.021 Alfalfa RSC; Commercial/Mixed Use District**

In Alfalfa, the following uses and their accessory uses are permitted:

A. Uses Permitted Outright.

1. Single-family dwelling.
2. Manufactured home, subject to DCC 18.116.070
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Residential home.
5. Residential facility.
6. Two-family dwelling or duplex.
7. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
8. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
9. Class III road and street project.
- 10.** Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~10-11. Temporary Hardship Dwelling, subject to DCC 18.116.090.~~

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#### HISTORY

Adopted by Ord. [2002-002](#) §2 on 6/5/2002

Amended by Ord. [2018-006](#) §8 on 11/20/2018

Amended by Ord. [2020-001](#) §6 on 4/21/2020

Amended by Ord. [2022-014](#) §2 on 4/4/2023

Amended by Ord. [2024-008](#) §8 on 1/7/2025

*Amended by Ord. 2025-xxx*

### **18.65.022 Alfalfa RSC; Residential District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to the applicable provisions of this chapter:

1. Agricultural uses, as defined in Title 18, subject to the restrictions in DCC 18.65.021(D), and excluding livestock feed lot or sales yard, and hog or mink farms.
2. Single family dwelling, or a manufactured home subject to DCC 18.116.070.
3. Two-family dwelling or duplex.
4. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
6. Class III road or street project.
7. Type 1 Home Occupation, subject to DCC 18.116.280.

8. Residential home.

~~8-9.~~ Temporary Hardship Dwelling, subject to DCC 18.116.090.

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#### HISTORY

*Adopted by Ord. [2002-002](#) §2 on 6/5/2002*

*Amended by Ord. [2002-028](#) §1 on 7/24/2002*

*Amended by Ord. [2004-002](#) §12 on 4/28/2004*

*Amended by Ord. [2020-001](#) §6 on 4/21/2020*

*Amended by Ord. [2020-010](#) §2 on 7/3/2020*

*Amended by Ord. [2024-008](#) §8 on 1/7/2025*

*[Amended by Ord. 2025-xxx](#)*

## **CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS**

[18.66.010 Purpose](#)

[18.66.020 Residential \(TeR\) District](#)

[18.66.030 Residential-5 Acre Minimum \(TeR5\) District](#)

[18.66.040 Commercial \(TeC\) District](#)

[18.66.050 Commercial-Rural \(TeCR\) District](#)

[18.66.060 Standards For All Districts](#)

[18.66.070 Right-Of-Way Development Standards](#)

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### **18.66.020 Residential (TeR) District**

The Terrebonne Residential District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. Permitted uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC 18.04, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

8. Residential home.

8-9. Temporary Hardship Dwelling, subject to 18.116.090.

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## HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2004-002](#) §13 on 4/28/2004

Amended by Ord. [2020-001](#) §7 on 4/21/2020

Amended by Ord. [2020-010](#) §3 on 7/3/2020

Amended by Ord. [2024-008](#) §9 on 1/7/2025

[Amended by Ord. 2025-xxx](#)

### **18.66.030 Residential-5 Acre Minimum (TeR5) District**

The purpose of the Terrebonne Residential-5 Acre Minimum District is to retain large rural residential lots where community sewer and water are not available.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC 18.04, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

8. Residential home.

8-9. [Temporary Hardship Dwelling, subject to DCC 18.116.090.](#)

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## HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2004-002](#) §14 on 4/28/2004

Amended by Ord. [2020-001](#) §7 on 4/21/2020

Amended by Ord. [2020-010](#) §3 on 7/3/2020

Amended by Ord. [2024-008](#) §9 on 1/7/2025

*Amended by Ord. 2025-xxx*

### **18.66.040 Commercial (TeC) District**

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

7. Residential home on a lot or parcel existing on June 4, 1997.

7-8. *Temporary Hardship Dwelling, subject to DCC 18.116.090.*

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### HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2004-002](#) §15 on 4/28/2004

Amended by Ord. [2015-004](#) §3 on 4/22/2015

Amended by Ord. [2016-015](#) §5 on 7/1/2016

Amended by Ord. [2020-001](#) §7 on 4/21/2020

Amended by Ord. [2020-010](#) §3 on 7/3/2020

Amended by Ord. [2021-004](#) §3 on 5/27/2021

Amended by Ord. [2022-014](#) §3 on 4/4/2023

Amended by Ord. [2024-008](#) §9 on 1/7/2025

*Amended by Ord. 2025-xxx*

### **18.66.050 Commercial-Rural (TeCR) District**

The Terrebonne Commercial-Rural District allows a mix of commercial and industrial uses common to a farming community.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
7. Residential home on a lot or parcel existing on June 4, 1997.
- 7.8. Temporary Hardship Dwelling, subject to DCC 18.116.090.

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#### HISTORY

*Adopted by Ord. [97-003](#) §2 on 6/4/1997*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2001-039](#) §7 on 12/12/2001*

*Amended by Ord. [2004-002](#) §16 on 4/28/2004*

*Amended by Ord. [2015-004](#) §4 on 4/22/2015*

*Amended by Ord. [2016-015](#) §5 on 7/1/2016*

*Amended by Ord. [2020-001](#) §7 on 4/21/2020*

*Amended by Ord. [2021-004](#) §3 on 5/27/2021*

*Amended by Ord. [2024-008](#) §9 on 1/7/2025*

*Amended by Ord. 2025-xxx*

## **CHAPTER 18.67 TUMALO RURAL COMMUNITY ZONING DISTRICTS**

[18.67.010 Purpose](#)

[18.67.020 Residential \(TuR\) District](#)

[18.67.030 Residential-5 Acre Minimum \(TuR5\) District](#)

[18.67.040 Commercial \(TuC\) District](#)

[18.67.050 Research And Development \(TuRE\) District](#)

[18.67.060 Industrial \(Tul\) District](#)

[18.67.070 Flood Plain \(TuFP\) District](#)

[18.67.080 Standards For All Districts](#)

[18.67.090 Right-Of-Way Development Standards](#)

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### **18.67.020 Residential (TuR) District**

The Tumalo Residential (TuR) District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC Title 18, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to one for each 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

8. Residential home.

8-9. Temporary Hardship Dwelling, subject to DCC 18.116.090.

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## HISTORY

Adopted by Ord. [97-033](#) §2 on 6/25/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §8 on 12/12/2001

Amended by Ord. [2004-002](#) §17 on 4/28/2004

Amended by Ord. [2020-001](#) §8 on 4/21/2020

Amended by Ord. [2020-010](#) §4 on 7/3/2020

Amended by Ord. [2021-013](#) §8 on 4/5/2022

Amended by Ord. [2024-008](#) §10 on 1/7/2025

*Amended by Ord. 2025-xxx*

### **18.67.030 Residential-5 Acre Minimum (TuR5) District**

The purpose of the Tumalo Residential-5 Acre Minimum District is to retain large rural residential lots.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
  2. Type 1 Home Occupation, subject to DCC 18.116.280.
  3. Agricultural uses as defined in DCC 18.04, involving:
    - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total numbers of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
    - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
  4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
  5. Class III road or street project.
  6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

7. Residential home.

7-8. Temporary Hardship Dwelling, subject to DCC 18.116.090.

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## HISTORY

Adopted by Ord. [97-033](#) §2 on 6/25/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997  
 Amended by Ord. [2000-033](#) §11 on 12/6/2000  
 Amended by Ord. [2001-016](#) §2 on 3/28/2001  
 Amended by Ord. [2001-039](#) §8 on 12/12/2001  
 Amended by Ord. [2004-002](#) §18 on 4/28/2004  
 Amended by Ord. [2020-001](#) §8 on 4/21/2020  
 Amended by Ord. [2020-010](#) §4 on 7/3/2020  
 Amended by Ord. [2024-008](#) §10 on 1/7/2025

*Amended by Ord. 2025-xxx*

### **18.67.040 Commercial (TuC) District**

The Tumalo Commercial District is intended to allow a range of limited commercial and industrial uses to serve the community and surrounding area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling or duplex.
2. Manufactured home subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

7. Residential home.

7-8. Temporary Hardship Dwelling, subject to DCC 18.116.090.

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### **HISTORY**

Adopted by Ord. [97-033](#) §2 on 6/25/1997  
 Amended by Ord. [97-063](#) §3 on 11/12/1997  
 Amended by Ord. [2000-033](#) §11 on 12/6/2000  
 Amended by Ord. [2001-016](#) §2 on 3/28/2001  
 Amended by Ord. [2001-039](#) §8 on 12/12/2001  
 Amended by Ord. [2004-002](#) §19 on 4/28/2004  
 Amended by Ord. [2004-013](#) §7 on 9/21/2004  
 Amended by Ord. [2015-004](#) §5 on 4/22/2015  
 Amended by Ord. [2016-015](#) §6 on 7/1/2016  
 Amended by Ord. [2020-001](#) §8 on 4/21/2020  
 Amended by Ord. [2020-010](#) §4 on 7/3/2020

*Amended by Ord. [2021-004](#) §4 on 5/27/2021*  
*Amended by Ord. [2021-013](#) §8 on 4/5/2022*  
*Amended by Ord. [2022-014](#) §4 on 4/4/2023*  
*Amended by Ord. [2024-008](#) §10 on 1/7/2025*

*[Amended by Ord 2025-xxx.](#)*

## **CHAPTER 18.74 RURAL COMMERCIAL ZONE**

[18.74.010 Purpose](#)

[18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store](#)

[18.74.025 Uses Permitted; Spring River](#)

[18.74.027 Uses Permitted; Pine Forest And Rosland](#)

[18.74.030 Development Standards](#)

[18.74.050 Maps](#)

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### **18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling.
2. Manufactured home subject to DCC 18.116.070.
3. Two-family dwelling.
4. Type 1 Home Occupation, subject to DCC 18.116.280.
5. Agricultural uses.
6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
7. Class III road or street project.
8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.

9. Residential home.

~~9-10.~~ Temporary Hardship Dwelling, subject to DCC 18.116.090.

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#### **HISTORY**

*Adopted by Ord. [2002-019](#) §2 on 8/7/2002*

*Amended by Ord. [2004-002](#) §20 on 4/28/2004*

*Amended by Ord. [2008-008](#) §1 on 3/18/2008*

*Amended by Ord. [2015-004](#) §7 on 4/22/2015*

*Amended by Ord. [2016-015](#) §7 on 7/1/2016*

*Amended by Ord. [2020-001](#) §9 on 4/21/2020*

*Amended by Ord. [2020-010](#) §5 on 7/3/2020*

*Amended by Ord. [2021-013](#) §9 on 4/5/2022*



Amended by Ord. [2022-014](#) §5 on 4/4/2023  
Amended by Ord. [2024-008](#) §11 on 1/7/2025

Amended by Ord. 2025-xxx

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**18.74.050 Maps**

HISTORY

*Adopted by Ord. [2002-019](#) §2 on 8/7/2002*  
*Amended by Ord. [2003-080](#) §1 on 1/6/2004*  
*Amended by Ord. [2007-007](#) § 2 on 3/5/2007*

## **CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER**

[18.108.010 Purpose](#)

[18.108.020 Standards For All Districts](#)

[18.108.030 Single Family Residential; RS District](#)

[18.108.040 Multiple Family Residential; RM District](#)

[18.108.050 Commercial; C District](#)

[18.108.055 Town Center; TC District](#)

[18.108.060 Resort; R District](#)

[18.108.070 Resort Marina; RA District](#)

[18.108.080 Resort Golf Course; RG District](#)

[18.108.090 Resort Equestrian; RE District](#)

[18.108.100 Resort Nature Center; RN District](#)

[18.108.110 Business Park; BP District](#)

[18.108.120 Community General; CG District](#)

[18.108.130 Community Recreation; CR District](#)

[18.108.140 Community Limited; CL District](#)

[18.108.150 Community Neighborhood; CN District](#)

[18.108.160 Airport; A District](#)

[18.108.170 Utility; U District](#)

[18.108.175 Utility; U District/Limited Use Combining District](#)

[18.108.180 Forest; F District](#)

[18.108.190 Flood Plain; FP Combining District](#)

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### **18.108.030 Single Family Residential; RS District**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. Single-family dwelling.

2. Recreational path.

3. Residential home.

~~3-4.~~ Temporary Hardship Dwelling, subject to DCC 18.116.090.

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#### HISTORY

*Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997*

*Amended by Ord. [98-035](#) §2 on 6/10/1998*

*Amended by Ord. [2004-013](#) §11 on 9/21/2004*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*Amended by Ord. [2024-008](#) §13 on 1/7/2025*

*Amended by Ord. 2025-xxx*

**18.108.110 Business Park; BP District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Residential uses existing as of March 31, 1997.
  2. Administrative, educational and other related facilities in conjunction with a use permitted outright.
  3. Library.
  4. Recreational path.
  5. Post office.
  6. Religious institutions or assemblies.
  7. Child care facilities, nurseries, and/or preschools.
  8. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:  
Retail/rental store, office and service establishment, including but not limited to the following:
    - a. Automobile, motorcycle, boat, recreational vehicle, trailer or truck sales, rental, repair or maintenance business, including tire stores and parts stores.
    - b. Agricultural equipment and supplies.
    - c. Car wash.
    - d. Contractor's office, including but not limited to, building, electrical, plumbing, heating and air conditioning, painter, etc.
    - e. Construction equipment sales, rental and/or service.
    - f. Exterminator services.
    - g. Golf cart sales and service.
    - h. Lumber yard, home improvement or building materials store.
    - i. Housekeeping and janitorial service.
    - j. Dry cleaner and/or self-service laundry facility.
    - k. Marine/boat sales and service.
    - l. Restaurant, bar and cocktail lounge including entertainment.
    - m. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.

9. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
- a. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
  - b. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials, including but not limited to cloth, paper, leather, precious or semi-precious metals or stones, etc.
  - c. Manufacture of food products, pharmaceuticals and the like, but not including the production of fish or meat products, or the rendering of fats and oils.
  - d. Warehouse and distribution uses in a building or buildings each less than 10,000 square feet of floor area.

10. Employee housing structures.

~~10-11. Temporary Hardship Dwelling, subject to DCC 18.116.090.~~

...

HISTORY

*Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997*

*Amended by Ord. [2012-002](#) §1 on 2/27/2012*

*Amended by Ord. [2015-004](#) §9 on 4/22/2015*

*Amended by Ord. [2016-015](#) §9 on 7/1/2016*

*Amended by Ord. [2019-008](#) §1 on 3/6/2019*

*Amended by Ord. [2020-004](#) §1 on 2/19/2020*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*Amended by Ord. [2021-004](#) §6 on 5/27/2021*

*Amended by Ord. [2021-013](#) §12 on 4/5/2022*

*[Amended by Ord. 2025-xxx](#)*

## **CHAPTER 18.110 RESORT COMMUNITY ZONE**

[18.110.010 Purpose](#)

[18.110.020 Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts](#)

[18.110.030 Widgi Creek Residential District](#)

[18.110.040 Black Butte Ranch Surface Mining/Limited Use Combining District](#)

[18.110.050 Black Butte Ranch-Utility/Limited Use Combining District](#)

[18.110.060 Development Standards](#)

...

### **18.110.020 Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts**

A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.050:

1. Single-family dwelling.
2. Residential home.
3. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
4. Timeshare units at the Inn of the Seventh Mountain.
5. The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.
6. Livestock and horse grazing on common area in Black Butte Ranch.

7. Police or security facility.

7-8. Temporary Hardship Dwelling, subject to DCC 18.116.090.

#### HISTORY

*Adopted by Ord. [2001-048](#) §2 on 12/10/2001*

*Amended by Ord. [2014-009](#) §1 on 8/6/2014*

*Amended by Ord. [2014-025](#) §1 on 9/15/2014*

*Amended by Ord. [2020-001](#) §13 on 4/21/2020*

*Amended by Ord. [2024-008](#) §14 on 1/7/2025*

*Amended by Ord. 2025-xxx*

### **18.110.030 Widgi Creek Residential District**

The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.060:

- A. Single-family dwelling.
- B. Residential home.
- C. Residential facility.

D. Timeshare units.

D.E. Temporary Hardship Dwelling, subject to DCC 18.116.090.

HISTORY

*Adopted by Ord. [2001-048](#) §2 on 12/10/2001*

*Amended by Ord. 2025-xxx*



## FINDINGS

### HARDSHIP DWELLING TEXT AMENDMENTS

#### I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

#### II. **BACKGROUND:**

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The primary purpose of the amendment is to conform local requirements with state law and provide consistency for the review of hardship dwellings across multiple county zones. Notable changes include:

- Reorganized content for readability;
- Amended outdated references;
- Clarified hardship dwelling can be used for the “aged” as well as the “infirm”;
- Clarified “existing building” use and definition for the purpose of the section;
- Clarified hardship dwelling can be the only second dwelling on the property;
- Amended renewal requirement from every one year to two years;
- Listed the use in all permissible zones for readability.

Since 1979, Deschutes County has allowed property owners to obtain a temporary use permit for a secondary dwelling on a property, with the intent the dwelling would be used for a relative to provide or receive care for a resident with a medical condition. This would allow for the property owner or current resident of the property to maintain independence and continue to live on a rural property while also receiving necessary medical attention. Recreational Vehicles (RVs), manufactured homes, or existing buildings are eligible to be used as the hardship dwelling.

The current requirements for hardship dwellings were drafted in 2008. Since that time, the state has undergone rulemaking for this use in farm and forest (resource) zones. To staff’s understanding, there are no explicit state requirements for regulation of the use in non-resource zones. The purpose of this proposal is to amend the code for greater consistency with state rules and statutes and to establish a consistent review process for hardship dwelling applications across all County zones in which the use is permitted.

### III. STATE REQUIREMENTS AND LOCAL INTERPRETATIONS

As noted above, the state of Oregon regulates hardship dwellings in both Oregon Administrative Rule (OAR) and in Oregon Revised Statute (ORS). These regulations only apply to hardship dwellings in resource zones – the Exclusive Farm Use Zone (DCC 18.16) and Forest Zones (18.32 and 18.40).

ORS 215.283(2)(L) - Uses Permitted in Exclusive Farm Use Zones and ORS 215.755(2) – Other Forestland Dwellings require:

- The use is subject to ORS 215.296 (Farms Impacts Test) for the EFU zone.
- *One manufactured dwelling, recreational vehicle, or temporary residential use of an existing building, in conjunction with the existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.*
- *Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or in the case of the existing building, the building shall be removed or returned to an allowed nonresidential use.*
- *The governing body or designee shall provide for periodic review of the hardship claimed under this paragraph.*
- *A temporary residence is not eligible for replacement under subsection (1)(p) of this section.*

OAR 660-006-0025(4)(t) – Forest Lands – Uses Authorized in Forest Zones and OAR 660-033-0130(10) -Agricultural Lands – Minimum Standards for Permitted and Conditional Uses require:

- *As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons experienced by the existing resident or relative as defined in ORS chapter 215.*
  - *ORS 215 definition for relative: a relative is defined as a grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, either blood or legal relationship, niece, nephew, uncle, aunt or first cousin.*
- *The temporary residence may include a manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building.*
- *A manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required.*
- *Governing bodies shall review the permit authorizing such manufactured homes every two years.*
- *Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.*
- *Department of Environmental Quality review and removal requirements also apply.*

Staff has drafted text to be consistent with state requirements where possible. The state does not have regulations pertaining to hardship dwellings on non-resource lands. In approaching the amendments, staff has integrated state requirements where possible, for all zones in which a hardship dwelling is permitted, to ensure a consistent and clear process for property owners and county staff.



Deschutes County can provide local interpretation of requirements that are not expressly addressed in OAR or ORS. In coordination with the County's Building, Code Enforcement, Coordinated Services, and Onsite Wastewater Divisions, staff identified several policy choices for the Planning Commission and Board to consider.

Policy Choice #1: "Existing Building" Definition

State requirements do not define what constitutes an "existing building" as it relates to temporary hardship dwellings. To avoid a scenario in which a new building is constructed for temporary use, CDD staff identified a rolling eligibility date of two-years from the date of final inspection of a building to the submittal date of the temporary use permit for a hardship dwelling. If the application is submitted prior to the two-year date, it does not constitute an "existing building".

Policy Choice #2: Restrictions on Additions and Modifications of Structures

Code Enforcement has had several cases involving unsafe or illegal modification of RVs, manufactured homes, and existing buildings for hardship dwellings. In order to avoid these situations, the text amendments include a limitation to modification of existing buildings to be within the existing building floor area. This will focus modifications on structures that are already built for residential use but may require the installation of kitchen facilities or other minor improvements. The text amendments continue to restrict additions to RVs due to safety concerns from Building staff.

Policy Choice #3: RV Components

Code Enforcement has had several cases involving non-operational RVs that are unfit for habitation. The text amendments clarify the requirements for an RV to be eligible as a hardship dwelling. This includes requiring a sink and toilet, and preserving existing requirements for compliance with property setbacks, full licensure, highway readiness, and compliance with flood hazard zone requirements if applicable.

Staff requests the Planning Commission evaluate these policy options during the hearing process.

**IV. BASIC FINDINGS:**

The Planning Division determined minor changes were necessary to clarify existing standards and in various sections of the Deschutes County Code (DCC). Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on February 6, 2025 (File no. 247-24-000078-TA). As demonstrated in the findings below, the amendments remain consistent with the Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

**V. FINDINGS:**

**CHAPTER 22.12, LEGISLATIVE PROCEDURES**

Section 22.12.010.

### ***Hearing Required***

***No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.***

**FINDING:** This criterion will be met because a public hearing will be held before the Deschutes County Planning Commission (Commission) on March 13, 2025, and a public hearing will be held before the Board of County Commissioners (Board).

#### Section 22.12.020, Notice

### ***Notice***

#### ***A. Published Notice***

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

**FINDING:** This criterion will be met as notice will be published in *The Bulletin* newspaper at least 10 days prior to each public hearing.

#### ***B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.***

**FINDING:** Posted notice was determined by the Planning Director not to be necessary.

#### ***C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.***

**FINDING:** The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

#### ***D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.***

**FINDING:** Notice was provided to the County public information official for wider media distribution. This criterion has been met.

#### Section 22.12.030 Initiation of Legislative Changes.

***A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.***

**FINDING:** The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
- 1. *The Planning Commission.***
  - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

**FINDING:** This criterion is met as the Commission will hold a public hearing on March 13, 2025. The Board will hold a public hearing on a subsequent date.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes included in file no. 247-25-000078-TA will be implemented by ordinances upon approval and adoption by the Board.

**OAR 660-015, STATEWIDE PLANNING GOALS AND GUIDELINES**

Goal 1: Citizen Involvement:

**FINDING:** The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning:

**FINDING:** The purpose of the amendment is to integrate requirements from Oregon Administrative Rule and Oregon Revised Statutes. The proposal has a factual base and is consistent with the intent of the Comprehensive Plan and zoning districts. This goal is met.

Goal 3: Agricultural Lands:

**FINDING:** The proposed amendments integrate requirements from Oregon Administrative Rule and Oregon Revised Statute for hardship dwellings on agricultural lands. This goal is met.

Goal 4: Forest Lands:

**FINDING:** The proposed amendments integrate requirements from Oregon Administrative Rule and Oregon Revised Statute for hardship dwellings on forest lands. This goal is met.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 5. This goal does not apply.

Goal 6: Air, Water and Land Resources Quality:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6. This goal does not apply.

Goal 7: Areas Subject to Natural Disasters and Hazards:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 7. This goal does not apply.

Goal 8: Recreational Needs:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 8. This goal does not apply.

Goal 9: Economic Development:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 9. This goal does not apply.

Goal 10: Housing:

**FINDING:** The proposed amendments provide more flexibility for hardship dwellings, as allowed by state law. The amendments will provide clarity on a housing type for vulnerable populations in the rural county. This goal is met.

Goal 11: Public Facilities and Services:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 11. This goal does not apply.

Goal 12: Transportation:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 12. This goal does not apply.

Goal 13: Energy Conservation:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 13. This goal does not apply.

Goal 14: Urbanization:

**FINDING:** The proposed amendments integrate requirements from Oregon Administrative Rule and Oregon Revised Statute for hardship dwellings. The use is already permitted in the underlying zoning districts, there is no alteration to allowance of development density on rural lands. This goal does not apply.

Goals 15 through 19

**FINDING:** These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

## **2011 DESCHUTES COUNTY COMPREHENSIVE PLAN**

Chapter 3 Rural Growth Management, Section 3.3. Rural Housing Policies

**Policy 3.3.5 Maintain the rural character of the County while ensuring a diversity of housing opportunities, including initiating discussions to amend State Statute and/or Oregon Administrative Rules to permit accessory dwelling units in Exclusive Farm Use, Forest and Rural Residential Zones.**

**FINDING:** The intent of the text amendment is to amend regulations for temporary hardship dwellings to be consistent with state law and administrative rule for resource zones. The amendments will also provide a consistent process for regulation of hardship dwellings in both nonresource and resource zones. These requirements will ensure development continues to comply with all state rules, and will maintain the rural character of the County through intentional placement of temporary housing associated with a hardship.

## **VI. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments as drafted.



## MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Tarik Rawlings, Senior Transportation Planner  
Will Groves, Planning Manager

**DATE:** March 6, 2025

**SUBJECT:** Work Session: Clear and Objective Housing Text Amendments – Title 17 (Subdivisions)

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The Deschutes County Planning Commission (Commission) will conduct a work session on March 13, 2025 at 5:30 p.m. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider text amendments establishing “clear and objective” housing development standards (file no. 247-25-000110-TA). This work session is in preparation for a public hearing scheduled for March 27, 2025. Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~. The public hearing will be conducted in-person, electronically, and by phone.<sup>1</sup>

All record materials can be found on the project website:

<https://bit.ly/DeschutesClearAndObjectiveTitle17>

### I. BACKGROUND

Beginning in 2017, the Oregon State Legislature passed a series of bills to encourage efforts to expand the supply of housing statewide. The passage of Senate Bill (SB) 1051 prohibited cities from denying applications for housing developments within urban growth boundaries, provided those applications complied with “clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.”<sup>2</sup>

The provisions of SB 1051, along with subsequent bills, modified Oregon Revised Statutes (ORS) 197.286–197.314. Relevant to this project is ORS 197.307(4), which was modified to

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<sup>1</sup> See Deschutes County Planning Commission March 27, 2025 Agenda for more information:

<https://www.deschutes.org/meetings>

<sup>2</sup> <https://olis.oregonlegislature.gov/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled>

state:

(1) *Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:*

*(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.*

*(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

In 2023, ORS 197A.400<sup>3</sup> (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197<sup>4</sup>. The newly established ORS 197A.400 will become effective on July 1, 2025, and states the following [emphasis added]:

(1) *Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary, **unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501.** The standards, conditions and procedures:*

*(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.*

*(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay*

...

(3) *In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:*

*(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;*

*(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and*

*(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.*

<sup>3</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors197a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html)

<sup>4</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3197/Enrolled>

These provisions require local governments to apply only clear and objective standards, criteria, and procedures to applications for housing projects and may not discourage housing through unreasonable delay. Application of typical discretionary standards (e.g. “adequate public facilities,” “effective mitigation,” etc.) is prohibited. The statute is intended to address the concern that use of discretionary criteria leads to uncertainty, inconsistent administration, and delays that do not serve the goal of efficiently providing an adequate supply of housing stock.

## **II. OVERVIEW OF AMENDMENTS**

Numerous sections and language in the Deschutes County Code (DCC) affecting the development of housing do not currently meet the identified thresholds for “clear and objective” standards outlined in HB 3197. The primary focus of the Clear and Objective Code Compliance Project is to ensure the DCC complies with state statute and the objectives of the Deschutes County Comprehensive Plan.

With input from MIG consultants, planning staff identified noncompliant areas of the DCC and drafted text amendments to address them. These packages have been broken into distinct segments to provide the public, the Commission, and the Deschutes County Board of Commissioners (Board) the opportunity to review and vet the proposed changes in a more structured and confined way.

Where possible, planning staff aimed to convert discretionary language into policy-neutral, clear, and objective language. This ensures the original intent and desired outcome is preserved. When not possible, in certain limited circumstances alternative standards or criteria have been proposed. Additionally, while not exclusively associated with housing development, as part of this process certain amendments have been proposed to broadly remove ambiguity from implementing sections of the DCC, maintain conformity across all development standards, and ensure review clarity for staff and members of the public.

Following the first amendment module (Definitions, Dimensional Standards, Accessory Uses), the second amendment package proposed through this process will broadly cover the following areas of the DCC:

- Provisions of Title 17 (Subdivisions) specific to housing and housing development.
- Provisions of Title 17 related to certain lot configuration standards

## **III. METHODOLOGY AND APPROACH**

The proposed amendments incorporate feedback from key stakeholders, including the Oregon Department of Land Conservation and Development (DLCD), County Road Department engineers, the County Surveyor’s Office, Community Development Department (CDD) planning staff, County Legal Counsel, and private consultants. The goal is to provide clear, legally sound direction for housing development while minimizing legal risks and uncertainties for future property owners in the County.



As noted above, this proposed package of amendments addresses DCC Title 17 land division standards related to housing. Staff's methodology and approach to create clear and objective code is summarized below.

## **General Approach**

Staff's general approach is to retain the existing regulations where possible. For existing discretionary code language related to housing, staff has developed a "two-track system." As proposed, each requirement offers new clear and objective language and the original discretionary language is preserved as an alternative option, consistent with ORS 197A.400.

It is important to note that not all potentially discretionary language in the existing code has been matched with new clear and objective language. Generally, code provisions that rely on the engineering and design expertise of the County Road Department remain largely unmodified.

For example, the provisions of DCC 17.36.040 evaluate the adequacy of Existing Streets to be included in new land use proposals and determine if historic road designs must be brought up to current standards. The review of such adequacy is an inherently discretionary review that relies on engineering and design expertise of the County Road Department. While the retention of limited levels of Road Department discretion may produce a higher likelihood of future interpretive challenges, staff will continue to track the legal implications surrounding clear and objective standards and ensure compliance with ORS through continued text refinement processes (see Interpretive Challenges, below).

## **ORS Reference Incorporation**

Several provisions of Title 17 are dictated by the processes and requirements outlined in ORS. Aligning Title 17 language with applicable ORS provisions provides clarity to applicants, whether through adoption of verbatim ORS language or through reference to ORS. For DCC provisions outlining the County's requirements for tentative platting, final platting, and certain duties and responsibilities afforded to the County Surveyor and Planning Director, staff has included clear reference to the ORS and incorporated ORS language where necessary.

## **Definitions**

Using the same methodology as in the Title 18 Definition Module 1 of the Clear and Objective Project, staff modified Title 17 definitions as follows:

- 1) If an existing term has a definition through statute, that existing terminology has been adopted verbatim or by reference.
- 2) If an existing, non-statutory definition has subjective language (e.g. "adequate," "designed for," etc.) that language has been replaced with measurable, quantitative standards wherever possible.

- 3) If an existing definition could reasonably be interpreted in multiple ways (e.g. “Lot area” and subsequent differentiation between “Lot area, gross” and “Lot area, net”), then explicit directions on how to interpret the definition have been included within the definition itself or new terms have been added to further clarify inter-definition relationships.
- 4) If two or more existing terms provided conflicting interpretations (e.g. “abutting” versus “adjacent” versus “adjoining,” etc.), then these terms were simplified into consolidated terms to remove unintentional conflicts.
- 5) If an existing term is not explicitly used in Title 17, as revised, those terms have been removed.

### Interpretive Challenges

Certain provisions within the existing code have been subject to recurring interpretive challenges over the years. In several sections, additional text has been incorporated to clarify interpretations derived from Hearings Officer and Board decisions, as well as input from County Legal Counsel.

In addition, staff has identified standards, set by external entities, including:

- National publications such as AASHTO (American Association of State Highway and Transportation Officials) standards and the ODOT Geotechnical Design Manual, which provide state-specific design specifications.
- Standardized research sources like the Institute of Transportation Engineers (ITE) Trip Generation studies.
- Professional certifications, including expertise required from licensed Professional Engineers (PEs).

To preserve the authority of these external standards, the proposed amendments maintain these references, typically without modification.

Some design specifications previously included in Title 17 have been relocated to Title 12 (Roads, Sidewalks, and Public Places) to clarify that Title 17 primarily governs land divisions.

While these amendments align with best practices and comply with House Bill (HB) 3197, the legal interpretations of Oregon Revised Statutes (ORS) are continually evolving. Staff actively monitors legal developments, particularly cases that may impact Deschutes County’s regulations. Though the proposed amendments reflect a sound interpretation of current legal conditions, future changes to ORS 197A.400 will be incorporated through additional amendment processes as needed.

One ongoing case of particular interest is *Roberts v. City of Cannon Beach* (2024). In September 2024, the Oregon Court of Appeals (COA) reversed a prior decision by the Land Use Board of Appeals (LUBA), ruling that public right-of-way development regulations are not required to

be "clear and objective." The COA determined that because the development of public rights-of-way does not constitute "housing" or the "development of housing," it is not subject to the requirements of ORS 197.307(4) or ORS 227.175(4). As of January 2025, this case is pending review by the Oregon Supreme Court, and staff continues to monitor its potential legal implications.

#### **IV. AGENCY AND PUBLIC COMMENT**

No agency or public comments have been received to date.

#### **V. FUTURE AMENDMENTS**

As noted above, the proposed amendments presented herein are the second of several code modifications which will be proposed over the coming months. Upcoming text amendment proposals will address the following areas, subject to modifications as the process unfolds:

- Deschutes County Goal 5 Resources – Natural Resources (Landscape Management Combining Zones, Wildlife Area Combining Zones, Wetlands and Riparian Resources, Scenic Resources, etc.)
- Cluster and Planned Development Standards
- Additional sections related to the development of housing

#### **VI. NEXT STEPS**

The Planning Commission will recommend action to the Board of County Commissioners. It may approve, revise, or deny the proposed amendments.

A public hearing with the Planning Commission is scheduled for March 27, 2025.

Attachments:

- 1) Staff Report & Proposed Text Amendments



## FINDINGS

### CLEAR & OBJECTIVE TEXT AMENDMENTS (TITLE 17)

#### I. **APPLICABLE CRITERIA:**

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

#### II. **BACKGROUND:**

Beginning in 2017, the Oregon State Legislature passed a series of bills to encourage efforts to expand the supply of housing statewide. The passage of Senate Bill (SB) 1051 prohibited cities from denying applications for housing developments within urban growth boundaries, provided those applications complied with “clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.”<sup>1</sup>

The provisions of SB 1051, along with subsequent bills, modified Oregon Revised Statutes (ORS) 197.286–197.314. Of relevance to the current project is ORS 197.307(4)<sup>2</sup> which was modified to state:

- (1) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:
  - (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
  - (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

In 2023, ORS 197A.400<sup>3</sup> (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197<sup>4</sup>. The newly established ORS 197A.400 will become effective on July 1, 2025, and states the following [emphasis added]:

<sup>1</sup> <https://olis.oregonlegislature.gov/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled>

<sup>2</sup> [https://oregon.public.law/statutes/ors\\_197.307](https://oregon.public.law/statutes/ors_197.307)

<sup>3</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors197a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html)

<sup>4</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3197/Enrolled>

- (1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary, **unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501**. The standards, conditions and procedures:
- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
  - (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay
- ...
- (3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:
- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;
  - (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
  - (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.

These provisions require local governments to apply only clear and objective standards, criteria, and procedures to applications for housing projects and may not discourage housing through unreasonable delay. Application of typical discretionary standards (e.g. "adequate public facilities," "effective mitigation", etc.) is prohibited. The statute is intended to address the concern that use of discretionary criteria leads to uncertainty, inconsistent administration, and delays that do not serve the goal of efficiently providing an adequate supply of housing stock.

### **III. BASIC FINDINGS**

Numerous sections and language included in the Deschutes County Code (DCC) do not currently meet the identified thresholds for "clear and objective standards." The primary focus of the Clear and Objective Code Compliance Project is to ensure the DCC complies with state statute and the objectives of the Deschutes County Comprehensive Plan.

With the assistance of consultants from MIG, planning staff have identified areas of the DCC that are not in compliance with statute and drafted packages of text amendments to address each issue.

These packages have been broken into distinct segments to provide the public, the Deschutes County Planning Commission (Commission), and the Deschutes County Board of Commissioners (Board) the opportunity to review and vet the proposed changes in a more structured and confined way.

Where possible, planning staff have endeavored to draft amendments that are a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and desired outcome is preserved. When not possible, alternative standards or criteria have been proposed, or, in certain limited cases, the language has been removed with possible replacement language to be included as part of a future code amendment package. Additionally, while not exclusively associated with housing developments, as part of this process certain amendments have been proposed to broadly remove ambiguity from implementing sections of the DCC, maintain conformity across all development standards, and ensure review clarity for staff and members of the public.

The proposed amendment package referenced herein will broadly cover the following areas of the DCC:

- Provisions of Title 17 (Subdivisions) specific to housing and housing development.
- Provisions of Title 17 related to certain access standards

#### IV. **METHODOLOGY:**

Clear and objective standards use terms, definitions, and measurements that provide for consistent interpretation of the standard. In theory, any two people applying the same standard or criterion to a development would get the same result, and there is no need or ability for the reviewer to exercise discretion in application of the standard. The standards and criteria should provide a predictable outcome for a wide variety of contexts and scenarios.

Per state statute, the standards cannot be so strict that they have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. After discussion with County Legal Counsel and review of other jurisdictions which have implemented similar code amendments, staff has determined there are a variety of approaches that can be used to craft clear and objective standards:

- **True/False Standards** – These can be used to evaluate whether a proposed development has satisfied a certain objective criterion. (i.e. – is the structure on a lot or parcel within a rural residential zone?)
- **Counts and Measurements** – These standards are typically based on a minimum value, a maximum value, or an acceptable range of values. (i.e. - maximum building height of 30 feet)
- **Lists/Menus** – Lists and menus provide flexibility for applicants to meet a standard by choosing among several options. Lists can specify a range of acceptable options (“Any of the following...”) or can require selection of a minimum number of elements (“At least two of the following five options...”)

- **Two-Track Systems: Discretionary Review** – While a clear and objective review path is required for residential development, it may not be practical or achievable to write clear and objective standards and criteria that work in every development situation. ORS 197 recognizes this and allows local governments to also provide an optional discretionary review path or parallel track. To that end, the amendments proposed as part of this package and future text amendment packages maintain the existing design review and land division standards as an optional, discretionary tract for housing. These discretionary standards would also remain in place for all non-residential development. The advantage of a two-track system is that it offers both certainty and flexibility. Applicants willing to work within the clear and objective standards have the option of a simplified review process that saves time and increases the certainty of approval. Clear and objective standards also offer certainty to reviewers, who can review applications more efficiently with less time devoted to interpreting discretionary/unclear requirements, and to the public, who will benefit from knowing whether a project will or will not be approved. For applicants with creative ideas or unique circumstances that don't meet the objective standards, discretionary review is available, which can provide more flexibility.

## V. **FINDINGS:**

### CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

#### ***Hearing Required***

***No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.***

**FINDING:** This criterion will be met because a public hearing was held before the Deschutes County Planning Commission (Commission) on March 27, 2025 and a public hearing was held before the Board of County Commissioners (Board) on XX 2025.

Section 22.12.020, Notice

#### ***Notice***

##### **A. *Published Notice***

1. ***Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
2. ***The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

**FINDING:** This criterion is met as notice was published in *The Bulletin* newspaper on XX 2025 for the Commission public hearing and on XX 2025 for the Board public hearing.

**B. Posted Notice.** *Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.*

**FINDING:** Posted notice was determined by the Planning Director not to be necessary.

**C. Individual notice.** *Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.*

**FINDING:** The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

**D. Media notice.** *Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.*

**FINDING:** Notice was provided to the County public information official for wider media distribution. This criterion has been met.

Section 22.12.030 Initiation of Legislative Changes.

***A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.***

**FINDING:** The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

**A. The following shall serve as hearings or review body for legislative changes in this order:**

- 1. The Planning Commission.**
- 2. The Board of County Commissioners.**

**B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.**

**FINDING:** This criterion is met as the Commission held a public hearing on March 27, 2025. The Board held a public hearing on XX, 2025.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***



**FINDING:** The proposed legislative changes included in file no. 247-25-000110-TA will be implemented by ordinances upon approval and adoption by the Board.

## **VI. Oregon Statewide Planning Goals:**

### **Statewide Planning Goal 1 – Citizen Involvement:**

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

**FINDING:** The County’s citizen involvement program ensures that any amendments to the County’s development code are reviewed through a duly noticed public process. This legislative process to review the proposed amendments will require two public hearings, one before the Commission on March 27, 2025 and one before the Board on XX 2025.

Information was distributed throughout the process via the project website and through social media and email. All Commission and Board work sessions were open to the public and noticed in accordance with the County’s rules and regulations. All work session materials, including meeting recordings and summaries, were available on the County’s website. All the aforementioned venues provided the opportunity for gathering feedback and comments.

As part of the legislative process, public notice requirements for the Commission and Board public hearings were met. The notice was sent to persons who requested notice, affected government agencies, and was published in the XX 2025 issue of the Bend Bulletin. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the County’s webpage where the draft of the proposal can be viewed.

### **Statewide Planning Goal 2 – Land Use Planning:**

This goal outlines the land use planning process and policy framework. The County’s Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

**FINDING:** Deschutes County has an acknowledged Comprehensive Plan and enabling ordinances. The amendments to the DCC are being undertaken to bring residential development standards, criteria, and procedures into compliance with state statutes.

The amendments are being processed in accordance with the County’s adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, comprehensive plan policies, and the County’s implementing ordinances be addressed as part of the decision-making process. The amendments are being processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

### Statewide Planning Goals 3 and 4 – Agricultural Lands and Forest Lands:

**FINDING:** The standards of ORS 197A.400 specifically require clear and objective standards for all housing development “...on land within an urban growth boundary, unincorporated communities designated in a county’s acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501.” The identified areas do not include resource zoned lands (i.e. - Exclusive Farm Use, Forest Use, etc.), and staff understands ORS 197A.400 to implicitly exempt resource-zoned properties, as those areas are governed by separate statutory standards. As the proposed amendments do not otherwise change the provisions elsewhere in DCC related to farm or forest zoning standards, staff finds that these goals do not apply.

### Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.

**FINDING:** The County is currently in compliance with the State’s Goal 5 program. The proposed amendments included in this package do not alter the County’s acknowledged Goal 5 inventories or associated land use programs as implemented through DCC Chapter 18.84 (Landscape Management Combining Zone), Chapter 18.88 (Wildlife Area Combining Zone), Chapter 18.88 (Greater Sage-Grouse Area Combining Zone), and Chapter 18.90 (Sensitive Bird and Mammal Habitat Combining Zone).

No changes will occur to current natural resource protections. As a result, the amendments are in compliance with Goal 5 process requirements.

### Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:

To maintain and improve the quality of air, water, and land resources of the state.

**FINDING:** The County is currently in compliance with the State’s Goal 6 program. The amendments do not alter the County’s acknowledged land use programs regarding water quality. The amendments are consistent with Goal 6.

### Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

To protect people and property from natural hazards.

**FINDING:** The County is currently in compliance with the state’s Goal 7 program through adoption and implementation of the County’s Natural Hazard Mitigation Plan<sup>5</sup>. No changes will occur to County programs related to flood management, wildfire mitigation, or other natural hazards. The amendments are consistent with Goal 7.

<sup>5</sup> [https://sheriff.deschutes.org/2021\\_NHMP.pdf](https://sheriff.deschutes.org/2021_NHMP.pdf)

### **Statewide Planning Goal 8 – Recreational Needs:**

This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.

**FINDING:** The proposed amendments do not address or alter any County recreational programs or land use requirements related to parks and recreation. The proposed amendments are in compliance with Goal 8.

### **Statewide Planning Goal 9 – Economic Development:**

To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

**FINDING:** The County is currently in compliance with the state’s Goal 9 program. The proposed amendments do not alter the County’s compliance with Goal 9.

### **Statewide Planning Goal 10 – Housing:**

To provide adequate housing for the needs of the community, region, and state.

**FINDING:** The currently proposed Clear and Objective Code Amendment Package and upcoming code amendment packages will ensure Deschutes County remains in compliance with state statute and administrative rules, and Goal 10 by continuing to allow residential construction to proceed through a Clear and Objective process using clear and objective standards and criteria. Adoption of the proposed amendments will reduce the administrative burden and uncertainty, and therefore remove barriers to housing within areas of the County identified for residential development.

### **Statewide Planning Goal 11 – Public Facilities and Services:**

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.

**FINDING:** The County is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. The amendments do not alter the County’s compliance with Goal 11 and are consistent with this goal.

### **Statewide Planning Goal 12 – Transportation:**

To provide and encourage a safe, convenient, and economic transportation system.

**FINDING:** The County is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule - TPR). Additionally, the Deschutes County Senior Transportation Planner reviewed the proposed amendments for potential TPR effects and found

that the proposed amendments appear to comply with TPR provisions. As such, the proposed amendments do not alter the County's compliance with Goal 12.

**Statewide Planning Goal 13 – Energy Conservation:**

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

**FINDING:** The County is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendments do not alter the County's compliance with Goal 13 and are consistent with this goal.

**Statewide Planning Goal 14 – Urbanization:**

To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**FINDING:** The County is currently in compliance with Goal 14 through its acknowledged Comprehensive Plan and land use regulations. The County also has signed Joint Management Agreements with the cities of Bend, Redmond, and Sisters as required by ORS 195.065. The amendments do not alter the County's compliance with Goal 14 and are consistent with this goal.

**Statewide Planning Goals 15 through 19:**

**FINDING:** Goals 15 through 19 are not applicable to the proposed text amendments as the County does not contain lands affected by the requirements therein.

**VII. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments that make changes necessary to conform with state statutory requirements regarding clear and objective standards for housing development.

## TITLE 17 SUBDIVISIONS

CHAPTER 17.04 GENERAL PROVISIONS

CHAPTER 17.08 DEFINITIONS AND INTERPRETATION OF LANGUAGE

CHAPTER 17.12 ADMINISTRATION AND ENFORCEMENT

CHAPTER 17.16 APPROVAL OF SUBDIVISION TENTATIVE PLANS AND MASTER DEVELOPMENT PLANS

CHAPTER 17.20 ZERO LOT SUBDIVISION

CHAPTER 17.22 APPROVAL OF TENTATIVE PLANS FOR PARTITIONS

CHAPTER 17.24 FINAL PLAT

CHAPTER 17.32 ~~CONDOMINIUM CONVERSION (REPEALED)~~

CHAPTER 17.36 DESIGN STANDARDS

CHAPTER 17.40 IMPROVEMENTS

CHAPTER 17.44 PARK DEVELOPMENT

CHAPTER 17.48 ~~DESIGN AND CONSTRUCTION SPECIFICATIONS~~ ROAD DEVELOPMENT STANDARDS

CHAPTER 17.52 ROAD DEDICATIONS

CHAPTER 17.56 VARIANCES

### CHAPTER 17.04 GENERAL PROVISIONS

17.04.010 Short Title

17.04.020 Purpose

17.04.030 Interpretation

17.04.040 Amendments

17.04.050 Corrections

17.04.060 Review Pursuant to ORS 197A.400

#### 17.04.010 Short Title

DCC Title 17 shall be known as the County Subdivision and Partition Ordinance, and may be so cited and plead.

#### HISTORY

*Adopted by Ord. [81-043](#) §§1 and 1.005 on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

#### 17.04.020 Purpose

- A. In accordance with the provisions of ORS 92, 197 and 215, DCC Title 17 sets forth the minimum standards governing the approval of land development, including, but not limited to, streets, roads, subdivisions and partitioning, as necessary to carry out the County comprehensive plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

1. Encourage well planned subdivision and partition development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.

2. Encourage development in harmony with the natural environment and within resource carrying capacities.
  3. Safeguard the interest of the public, the applicant-property owner and the future lot owner.
  4. Improve land records and boundary monumentation.
  5. ~~insure~~Ensure equitable processing of subdivision plats and partitioning ~~plat~~s, and accomplish to the greatest extent possible the goals and objectives of the comprehensive plan for the County.
  6. To regulate the orientation of streets, lots and parcels; the placement, height and bulk of ~~buildings~~structures; and the placement and growth of vegetation within the County to ~~insure~~ensure access to solar energy by reasonably regulating interests in property within the County, as authorized under ORS 215.044, 105.880 through 105.890 and 92.044 to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the comprehensive plan policies relating to solar energy.
  7. To encourage the design of new buildings, structures, and developments which use solar energy and protect future options to use solar energy by protecting solar access.
  8. To permit the validation of a unit of land not lawfully established pursuant to the provisions of ORS 92.176 and the creation of a parcel by less than all owners of a unit of land pursuant to the provisions of ORS 92.177.
  9. To ensure that public infrastructure and improvements, including facilities for transportation, water, sewer, and storm drainage, are provided to adequately serve development and to meet the County's design specifications.
- B. No person or entity may subdivide or partition land within the County except in accordance with ORS 92. and the provisions of DCC Title 17, and the applicable Titles of DCC 18, 19, 19A, 20, and 21.
- ~~C. The provisions of DCC Title 17 shall apply only to subdivisions and partitions within the County, unless otherwise noted. All references to "subdivisions" and "partitions" are made in that context unless otherwise noted.~~
- ~~D.C.~~ DCC Title 17 shall not apply to the lands lying outside the city limits of the city of Bend and within the Bend Urban Growth Boundary. The City of Bend Subdivision Ordinance, as supplemented by such other supplementing and/or amending ordinances as might from time to time be adopted, shall apply to those lands instead.

#### HISTORY

Adopted by Ord. [PL-14](#) §1.010 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3 on 12/31/1981

Amended by Ord. [83-039](#) §1 on 6/1/1983

Amended by Ord. [90-003](#) §1, Exhibit A on 1/8/1990

Amended by Ord. [95-065](#) §1 on 10/11/1995

Amended by Ord. [98-041](#) §1 on 8/26/1998  
 Amended by Ord. [2008-030](#) §1 on 3/16/2009  
 Amended by Ord. [2017-009](#) §3 on 7/21/2017  
 Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX

### [17.04.030 Interpretation](#)

The provisions of DCC Title 17 shall be construed to effect the purposes set forth in DCC 17.04.020. These provisions are declared to be the minimum requirements fulfilling such objectives, ~~and the County may impose additional requirements deemed~~ necessary to promote the health, safety and general welfare, and to carry out the comprehensive plan of the County. Where conditions set forth in DCC 17.04 are less restrictive than comparative conditions imposed by any other provision of DCC Title 17, by provision of any other local ordinance, resolution or regulation, or by provision of state statute or administrative regulation, the more restrictive shall govern.

#### HISTORY

Adopted by Ord. [PL-14](#) §1.020 on 11/1/1979  
 Repealed & Reenacted by Ord. [81-043](#) §§1, 1.020, 3 on 12/31/1981  
 Amended by Ord. [95-065](#) §1 on 10/11/1995  
 Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX

### [17.04.040 Amendments](#)

DCC Title 17 may be amended or repealed as provided by law.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 1.020 on 12/31/1981

### [17.04.050 Corrections](#)

DCC Title 17 may be corrected by order of the Board to cure editorial and clerical errors.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 12.080 on 12/31/1981  
 Amended by Ord. [90-003](#) §1 on 1/8/1990

### [17.04.060 Review Pursuant to ORS 197A.400](#)

For applications that involve the development of housing and are eligible to be reviewed pursuant to ORS 197A.400:

- A. In each case where Title 17 contains alternative standards or criteria describing processes for: (1) Clear and Objective Standards or Criteria (i.e., review pursuant to ORS 197A.400), and (2) General/Discretionary Standards or Criteria (i.e., review not pursuant to ORS 197A.400), the applicant shall identify in the application materials which set of alternative standards/criteria the applicant elects to be reviewed under.

- B. The County shall review the application exclusively under the standards and criteria selected by the applicant – either the clear and objective standards/criteria or the discretionary standards/criteria.
- C. Any request to elect to use different standards/criteria than those identified in the application materials shall constitute a modification of application under DCC 22.20.055.

#### HISTORY

Adopted by Ord. XX-XXXX §XX on X/X/XXXX

## CHAPTER 17.08 DEFINITIONS AND INTERPRETATION OF LANGUAGE

### 17.08.010 Construction

### 17.08.020 Definitions

### 17.08.025 References to Statute and Rule

### 17.08.030 Definitions Generally

### 17.08.010 Construction

In DCC Title 17 the words used in the present tense include the future tense, words used in the singular include the plural and words used in the plural include the singular. The word "shall" is mandatory, the word "may" is permissive. The masculine includes the feminine and neuter.

#### HISTORY

Adopted by Ord. [PL-14](#) §1.060 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 1.030(1), 3 on 12/31/1981

### 17.08.020 Definitions

The word "County" means the County of Deschutes, State of Oregon. The words "Board of County Commissioners" and "Board" mean the Board of County Commissioners of Deschutes County. The words "Planning Commission" and "Commission" mean the County Planning Commission of the County of Deschutes, duly appointed by the Board of County Commissioners. The words "Planning Director," "Road Department Director," "Assessor," "County sanitarian," "Hearings Officer," "County Surveyor," "County Clerk" and "Tax Collector," mean the Planning Director, Road Department Director, Assessor, Sanitarian/[Onsite Wastewater Supervisor](#), Hearings Officer, Surveyor, County Clerk and Tax Collector of the County.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 1.030(2) on 12/31/1981

Amended by Ord. [93-012](#) §1 on 8/4/1993

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.08.025 References to Statute and Rule

References made in Title 17 to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) shall be construed to refer to statute or rule in effect on the date of application.



HISTORY

Adopted by Ord. XX-XXXX §XX on X/X/XXXX

17.08.030 Definitions Generally

As used in DCC Title 17, the words and phrases set out in DCC 17.08.030 have the following meanings.

~~“AASHTO Standards” refers to the road safety and design standards set forth in the publication entitled American Association of State Highway and Transportation Officials Policy on Geometric Designs of Highways and Streets, current edition.~~

~~“Abut or Abutting” means contiguous, touching, adjoining, or connected at one or more points.~~

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Access corridor" means a separate travel way for pedestrians and bicyclists to minimize travel distances within and between subdivisions, planned unit developments, residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools, parks and convenience shopping.

~~“Adjacent” means abutting or located directly across a road right of way.~~

"Advertising" means the publication or causing to be published of any material relating to disposition of interest in a land development, which has been prepared for public distribution by any means of communication.

~~"Affected governmental body" means a city, County, state or federal agency or special district which either has a jurisdictional interest or is of such proximity to the subdivision or land partition that a reasonable likelihood of annexation exists.~~

~~"Affected person" means any person adversely affected or aggrieved by a decision relating to the partitioning or subdividing of land.~~

"Agent" means any person who represents or acts for any other person in disposing of interests in a land development. "Agent" includes a real estate broker, as defined in ORS 696.025(1), but does not include an attorney at law whose representation of another person consists solely of rendering legal services.

~~“Applicant” means a person submitting an application; the owner of affected property or the owner’s duly authorized representative. The Community Development Director or their designee may require proof of the sufficiency of the representative’s authorization by the owner to act as applicant on the owner’s behalf.~~

~~“Application” means all materials and information submitted for action authorized under this code and on related administrative forms and checklists.~~

~~"Bicycle" means a vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with every wheel more than 14 inches in~~

~~diameter or two tandem wheels either of which is more than 14 inches in diameter or having three wheels in contact with the ground, any of which is more than 14 inches in diameter.~~

"Bicycle" as used in Title 17 has the meaning given in ORS 801.

"Bicycle facilities" means a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities, all bikeways, and shared roadways not specifically designated for bicycle use.

~~"Bike route" means a segment of a bikeway system designated with appropriate directional and information markers by the jurisdiction having authority.~~

"Bikeway" as used in Title 17 has the meaning given in ORS 801.

- A. "Bike Path" as used in Title 17 has the meaning given in ORS 801.
- B. "Bike Lane" as used in Title 17 has the meaning given in ORS 801.
- C. Shoulder Bikeway. A bicycle facility where the bicycle travels on the paved shoulder of the roadway.
- D. Shared Roadway. A bicycle facility where the bicycle shares the normal vehicle lanes with motorists.
- E. Bike Trail (Mountain Bike). A bicycle facility designed to accommodate bicycle travel on unpaved roads and trails.

"Block" means an area of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights of way, lines or shore lines or waterways, or corporate boundary lines of a city.

"Board" means the Board of County Commissioners.

~~"Building" means any structure used or intended for supporting or sheltering any use or occupancy. means a structure which is designated and suitable for the habitation or shelter of human beings or animals, or the shelter or storage of property or for the use and occupation for some purpose of trade or manufacture.~~

"Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected. If no line is shown on the plat, the building line shall be that set forth in the applicable zoning ordinance.

"Comprehensive plan" means a plan as adopted by the County pursuant to ORS 197 and 215, and in compliance with Statewide Planning Goals. ~~A coordinated land use map and policy statement of the County that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational systems, recreational facilities and natural resources and air and water quality management programs.~~

~~"Comprehensive" means all inclusive, both in terms of the geographic area covered by the plan and functional and natural activities and systems occurring in the area covered by the plan. The plan is an expression of public policy in the form of goals, objectives and policy statements, maps, standards and~~

~~guidelines, and is the basis for DCC Title 17 and other rules, regulations and ordinances which are intended to implement the policies expressed through the plan.~~

~~"Condominium" shall have the meaning set forth in ORS 100. means a type of residential development utilizing zero lot lines, individual ownerships of units and common ownership of open space and other facilities, and which are regulated in part by state law (ORS 91.010 through 91.652).~~

~~"Construction plans" means the plans, profiles, cross-sections and drawings or reproductions thereof, approved by a registered professional engineer, which show the details of the work to be done on improvements.~~

"Contiguous" means that which touches or connects, including that which only connects or touches a common point; the touching together of two or more tracts of land which lie alongside one another or which touch or connect with one another for any length or distance whatsoever, no matter how finite.

"Contiguous land" means units of land under the same ownership which abut, irrespective of roadways, easements or rights of way.

"Cross-section" means a profile of the ground surface perpendicular to the centerline of a street, stream, or valley bottom.

"Cul-de-sac" means a short street having one end open to traffic and terminated by a vehicle turnaround.

"Curblines" means the line dividing the roadway from the planting strip of footway, meaning the inside (street side) of the curb.

"Developer" means any person, corporation, partnership or other legal entity who creates or proposes to create a land development and includes any agent of a developer.

"Disposition" means and includes sale, lease for more than one year, option assignment, award by lottery or as a prize, or any offer or solicitation of any offer to do any of the foregoing concerning a land development or any part of a land development.

"Drainage easement" means an easement required for drainage ditches, or required along a natural stream or watercourse to preserve the channel, to provide for the flow of water therein, and to safeguard the public against flood damage or the accumulation of surface water.

"Drainage swale" is a depression constructed parallel to the right of way between the roadway and the sidewalk for containing storm runoff from streets.

"Easement" means a grant of the right to use a lot or parcel of land or portion thereof for specific purposes, ~~but in which~~where ownership of the land or portion thereof is not transferred.

~~"Firebreak" means a break in the ground cover fuels as specified by the fire protection agency involved."Fire break" means a break in the ground cover fuels intended to prevent the spread of fire.~~

~~"Flood" means the overflow of water onto lands not normally covered by water.~~

~~"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- A. The overflow of inland or tidal water; and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.
- C. Mudflow.
- D. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding."

~~"Flood hazard area" means the relatively flat area of lowlands adjoining the channel of a river, stream, watercourse, land or reservoir.~~

~~"Forest purposes" means the current employment of land primarily for the purpose of raising or harvesting timber products.~~

~~"Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way (except an alley).~~

~~"Frontage, river" means that portion of a lot or parcel abutting a river, stream, or lake.~~

~~"Frontage, road" means the length of a lot line that directly abuts or borders a road right of way.~~

~~"Initial hearing" means a quasi-judicial hearing authorized and conducted by the Hearings Body to determine if a change or land subdivision or partition shall be granted or denied, except those subject to administrative review.~~

~~"Hearings Body" means the ~~Planning Director~~, Hearings Officer or governing body.~~

~~"Hearings Officer" means a planning and zoning Hearings Officer appointed or designated by the Board of County Commissioners pursuant to ORS 227.165, or, in the absence of such appointed Hearings Officer, the Planning Commission.~~

~~"Improvements" mean and include, ~~but are not limited to~~, streets, alleys, curbs, gutters, roadbed, road surface, storm drains and appurtenances, sidewalks, street lights, street signs, fire hydrants, sanitary sewers and appurtenances, public water supply and water distribution systems and other utilities or other components of physical public infrastructure.~~

~~"Interests" means and includes a lot or parcel, share, undivided interest or membership which includes the right to occupy land overnight, and a lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period more than three years. "Interest" does not include any interest in a condominium or any security interest under a land sales contract, trust deed or mortgage. "Interest" does not include divisions of land created by lien foreclosure or foreclosure of recorded contracts for the sale of real property.~~

“Interest” includes a lot or parcel, and a share, undivided interest or membership which includes the right to occupy the land overnight, and lessee’s interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period of more than three years. “Interest” does not include any interest in a condominium as that term has the meaning given in ORS 100.005 or any security interest under a land sales contract, trust deed, or mortgage. “Interest” does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

"Land development" means the subdividing or partitioning of land for any purpose into parcels or the creation of units or parcels for the purpose of sale or lease for a term of one year or more. "Land development" includes intent to dispose of any land, whether contiguous or not, including any land divided, lots, parcels, unit or interests offered as a part of a common promotional plan of advertising by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering, to be offered for disposition as part of a common promotional plan.

~~“Lawfully Established Unit of Land” means:~~

~~A.— A lot or parcel created pursuant to ORS 92.010 to 92.190, or the provisions of this code; or~~

~~B.— Another unit of land created:~~

~~1.— In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or~~

~~2.— By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.~~

~~C.— “Lawfully established unit of land” does not mean a unit of land created solely to establish a separate tax account.~~

“Lot” as used in Title 17 has the meaning given in ORS 92.

~~“Lot” means a unit of land that is created by a subdivision of land.~~

"Lot area" means the total horizontal area contained within the lot lines, ~~such~~ Said area shall be computed as gross area for lots larger than 2.5 acres and net area for lots 2.5 acres or smaller. ~~The total horizontal net area within lot lines of a lot is that square footage of a lot that is free from roads, streets, rights of way or easements of access to other property; provided, however, that the Planning Director shall include in gross lot areas all streets, roads and easements of access to other property that would accrue to that lot if the road, street or easement were vacated, and shall treat the gross area of lots that have never been previously described of records as other than fractions of a section as if the section contained six hundred forty acres, in cases where a lot is sought to be partitioned.~~

A. “Lot area, gross” means the total horizontal net area within lot lines including all streets, roads, and easement of access to other property that would accrue to that lot if the road, street, or easement were vacated. The gross area of lots that have never been previously described of

record as other than fractions of a section shall be calculated as if the section contained 640 acres, in cases where a lot is sought to be partitioned

- B. "Lot area, net" shall be used for lots smaller than 2.5 acres and means the total horizontal area contained within the lot lines that is free from roads, streets, rights of way, or easements of access to other property.

"Lot, corner" means a lot abutting upon two or more streets other than alleys at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot line.

~~"Lot depth" means the average horizontal distance between the front and rear lot lines.~~

"Lot line" means any line bounding a ~~"lot" or "parcel" as defined in DCC Title 17~~ lot or parcel.

"Lot, through" means an ~~interior~~ lot having a frontage on two streets and/or highways, not including an alley.

"Lot width" means the diameter of the largest circle that can be wholly contained within the boundaries of the lot or parcel ~~horizontal distance between the side lot lines measured within the lot boundaries or the average distance between side lot lines within the buildable area. In the case of a corner lot, lot width shall mean the mean horizontal distance between the longest front lot line and the opposite lot line not abutting the street.~~

"Monument" means a permanent and fixed survey marker conforming to the requirements established by state law and the regulations of the County.

~~"MUTCD" means the Manual of Uniform Traffic Control Devices, Federal Highway Administration.~~

"Negotiate" means any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including, but not limited to, advertising, solicitation and promotion of the sale of such land.

"Offer" means and includes every inducement, solicitation or encouragement of a person to acquire a lot, unit, parcel or interest in land.

~~"Owner" as used in Title 17 has the meaning given in ORS 90.100. means the owner of the title to real property or the authorized agent thereof having written notarized authorization recorded with the County Clerk, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Clerk's records. "Owner" does not include an interest created for security purposes.~~

~~"Parcel" as used in Title 17 has the meaning given in ORS 92. "Parcel" means a unit of land created by a partitioning of land.~~

~~"Partition" as used in Title 17 has the meaning given in ORS 92. means the act of partitioning land or an area or tract of land partitioned.~~

~~"Partitioning land" as used in Title 17 has the meaning given in ORS 92. means to divide land into two or three parcels of land within a calendar year but does not include:~~

- ~~A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;~~
- ~~B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or~~
- ~~— A sale or grant by a person to a public agency or public body for state highway, County road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, County road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.~~

"Partition plat" as used in Title 17 has the meaning given in ORS 92.

"Person" as used in Title 17 has the meaning given in ORS 174. ~~means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, whether he, she or it is acting for himself, herself or itself, or as the servant, employee, agent or representative of another.~~

"Planned development" as used in Title 17 has the meaning given in Title 18.

"Planned unit development" see "planned development." ~~means a complex of residential, commercial and/or industrial structures designed and developed as a single development unit, built by a single owner or group of owners and maintained by an association. The phrase "planned unit development" may be abbreviated PUD.~~

"Plat" as used in Title 17 has the meaning given in ORS 92. ~~means a final map, diagram, drawing, replat or other writing containing all descriptions, specifications, locations, dedications, provisions and information concerning a subdivision or partition.~~

"Potable water" as used in Title 17 has the meaning given in ORS 448. ~~means water which is sufficiently free from biological, chemical or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects, and which has such other physical properties as to be reasonably palatable to humans for drinking purposes. Irrigation water shall not be considered potable water for purposes of DCC Title 17.~~

"Property line" as used in Title 17 has the meaning given in ORS 92. ~~means the division line between two units of land.~~

"Property line adjustment" as used in Title 17 has the meaning given in ORS 92. ~~means the a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.~~

"Public water system" as used in Title 17 has the meaning given in OAR 333-061-0020. ~~means a system for the provision to the public of piped water for human consumption, if such system has more than three service connections or supplies water to a public or commercial establishment which operates a total of at least 60 days per year, and which is used by 10 or more individuals per day or is a facility~~

~~licensed by the State Health Division. A public water system is either a "community water system," a "noncommunity water system" or a "nontransient, noncommunity water system."~~

- ~~A. "Community water system" means a public water system which has 15 or more service connections used by year-round residents, or which regularly serves 25 or more year-round residents;~~
- ~~B. "Noncommunity water system" means a public water system that is not a community water system;~~
- ~~C. "Nontransient, noncommunity water system" or "NTNCWS" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.~~

~~"Replat" as used in Title 17 has the meaning given in ORS 92. means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.~~

~~"Reserve strip" means a strip of land usually one foot in width, reserved across the end of a street or alley terminating at the boundary of a subdivision, or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.~~

~~"Right of way" means the area between the boundary lines of a street, road, or other public easement. "Right of way" means the area within the boundary line of a public roadway, including an alley.~~

"Road" or "street" means a public or private way ~~that is~~ created to provide ingress ~~and or~~ egress to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining or agricultural purposes.

- A. "Alley" means ~~a public way through the middle of a block, giving access to the rear of parcels or buildings~~ narrow street through a block primarily for vehicular service access to the back or side of properties adjoining another street.
- B. "Arterial" means a restricted access street of substantial continuity which is primarily a traffic artery for intercommunication among large areas, and so designated by the County. This includes three types of arterials, Principal Arterial, Urban Minor and Rural Minor Arterial, defined as follows:
  - C. "Principal Arterial" means a road which carries the major portion of trips entering and leaving the urban areas and outlying rural and recreation areas (state highways).
  - D. "Urban Minor Arterial" means a road that interconnects with and augments the principal arterial system and provides service to intra-urban/intra-community areas.
  - E. "Rural Minor Arterial" means a road that connects with the principal arterial system and forms the rural road network that links cities and unincorporated communities (as that term is defined in DCC Title 18).



F. "Collector" means a restricted access street supplementary to the arterial street system used or intended to be used primarily for the movement of traffic between arterials and local streets.

G. "County road" means a public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016.

~~"Cul-de-sac" means a short street having one end open to traffic and the other end terminated by a vehicle turnaround.~~

G.H. "Frontage road" means a street parallel and adjacent to an arterial providing access to abutting properties, but protected from through traffic.

~~H. "Industrial road" means a street to or through property zoned industrial.~~

I. "Local street" means a street ~~which provides access to property abutting the public right of way; this includes vehicular and pedestrian access. Moving traffic is a secondary function of a local street and it should not carry through traffic~~ intended primarily for access to adjoining properties.

J. "Modernization" means the widening or reconstruction of an existing County road to an adopted County standard.

K. "Special pedestrian way" means a sidewalk or pathway not located within a public road right of way which enables pedestrian access to a street, school, park or other similar facility or service.

L. "Stubbed street" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

"Road and street project" means the construction and maintenance of the roadway, bicycle lanes, sidewalks or other facilities related to a road or street. Road and street projects shall be a Class I, Class II or Class III project.

A. Class I Project. Land use permit required. "Class I Project" is a major project such as:

1. A new controlled-access freeway;
2. A road or street project of four or more lanes on a new location; and
3. A major project involving the acquisition of more than minor amounts of rights of way, substantial changes in access control, a large amount of demolition, displacement of a large amount of residences or businesses, or substantial change in local traffic patterns.

B. Class II Project. Land use permit required. "Class II Project" is a

1. Modernization where a road or street is widened by more than one lane;
2. Traffic safety or intersection improvement which changes local traffic patterns;
3. System change which has significant land use implications; or,

4. The construction of a new County road or street within a dedicated public right-of-way, where none existed before.

- C. Class III Project. No land use permit required. "Class III Project" is a modernization, traffic safety improvement, maintenance, repair or preservation of a road or street.

"Roadway" means that portion of a street developed for vehicular traffic.

~~"Sale" or "lease" "Sale" or "sell" means every disposition or transfer of land in a subdivision or partition or an interest or estate therein by a subdivider or developer or their agents. "Sale" or "lease" includes the offering of land as a prize or gift when a monetary charge or consideration for whatever purpose is required by the subdivider, developer or their agents.~~

"Series partitioned lands" and "series partition" mean a series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year.

~~"Shoulder" as used in Title 17 has the meaning given in ORS 801.~~

~~"Sidewalk" as used in Title 17 has the meaning given in ORS 801. means a pedestrian walkway with permanent surfacing.~~

"Solar access" means protection from shade for a specific area during specific hours and dates, ~~but not including protection from shade cast by exempt vegetation, as defined in DCC 18.04.030 and DCC 19.04.040.~~

"Solar height restriction" means the allowable height of buildings, structures, and nonexempt vegetation on a property burdened by the solar access of another property.

~~"Subdivide land" as used in Title 17 has the meaning given in ORS 92. means to divide an area or tract of land into four or more lots within a calendar year.~~

~~"Subdivider" " as used in Title 17 has the meaning given in ORS 92. means any person who causes land to be divided into a subdivision or partition for himself or for others or who undertakes to develop a subdivision or partition, but does not include a public agency or officer authorized by law to make subdivisions or partitions.~~

~~"Subdivision" " as used in Title 17 has the meaning given in ORS 92. means the act of subdividing land or an area or a tract of land subdivided, as defined in DCC 17.08.030.~~

~~"Subdivision plat" " as used in Title 17 has the meaning given in ORS 92.~~

~~"Tract" as used in Title 17 has the meaning given in ORS 92.~~

~~"Tentative plan" as used in Title 17 has the meaning given in ORS 92. means a map setting forth the proposed plan of a subdivision or partition in conformance with the provisions of DCC Title 17 and subject to review and modification.~~

~~"Transportation System Plan" or "TSP" means the Deschutes County Transportation System Plan.~~

"Urban Growth Boundary (UGB)" means the urban growth boundary as adopted by the City and County and acknowledged by the State, as set forth in the Bend Comprehensive Plans and as shown on the Bend Comprehensive Plan maps for Bend, La Pine, Redmond, or Sisters.

"Use" means the purpose for which land or a structure is designated, arranged or intended, or for which it is occupied or maintained.

"Utilities" means and includes electric, telephone, natural gas, water, sewage, and other services providing for energy or communication needs.

"Utility easement" as used in Title 17 has the meaning given in ORS 92.

"Within the County" refers to subdivisions or partitions subject to Deschutes County land use regulatory authority.

"Zero lot line subdivision or partition" means a type of residential subdivision or partition with no setback between dwelling units and providing for individual ownership of each the location of a building or a lot or parcel in such a manner that one or more of the building's sides coincide with a lot line.

#### HISTORY

*Adopted by Ord. [PL-14](#) §1.070 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 1.040, 3 on 12/31/1981*

*Amended by Ord. [83-039](#) §2 on 6/1/1983*

*Amended by Ord. [86-015](#) §2 on 3/5/1986*

*Amended by Ord. [88-015](#) §1 on 5/18/1988*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §§2-7 on 8/4/1993*

*Amended by Ord. [95-065](#) §1 on 10/11/1995*

*Amended by Ord. [96-003](#) §10 on 3/27/1996*

*Amended by Ord. [97-005](#) §1 on 6/4/1997*

*Amended by Ord. [2006-007](#) §1 on 8/29/2006*

*Amended by Ord. [2008-030](#) §2 on 3/16/2009*

*Amended by Ord. [2012-008](#) §1 on 5/2/2012*

*Amended by Ord. [2017-009](#) §4 on 7/21/2017*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

## CHAPTER 17.12 ADMINISTRATION AND ENFORCEMENT

[17.12.010 Minimum Standards](#)

[17.12.020 \(Repealed\)](#)

[17.12.030 Administration; Enforcement](#)

[17.12.040 Delegation Of Authority](#)

[17.12.050 Planning Director; Duties And Responsibilities](#)

[17.12.060 Final Decision](#)

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[17.12.080 ~~Statement Of Water Rights~~\(Repealed\)](#)

[17.12.090 Recording; Application](#)

[17.12.100 Sale Or Negotiation To Sell Lots Prior To Approval Of Tentative Plan](#)~~Sale Of Subdivision Lots Prohibited Before Final Approval~~

[17.12.105 Sale Or Negotiation To Sell Parcels Prior To Approval Of Tentative Plan](#)~~Sale Of Partition Parcels Prohibited Prior To Tentative Plan Approval~~

[17.12.110 Civil Relief](#)

[17.12.120 Violation; Nuisance](#)

[17.12.130 Violation](#)

### [17.12.010 Minimum Standards](#)

All proposed subdivisions and partitions within the County shall be considered for approval by the County under DCC Title 17. In addition, no such proposed subdivision or partition shall be approved unless it complies with:

- A. ~~T~~he comprehensive plan for the County and/or the applicable urban area comprehensive plan;
- B. ~~and t~~he applicable zoning ordinance; and
- A.C. ORS 92.

#### HISTORY

Adopted by Ord. [PL-14](#) §2.020 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 2.020, 4 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [93-012](#) §9 on 8/4/1993

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

### [17.12.020 \(Repealed\)](#)

#### HISTORY

Repealed by Ord. [93-012](#) on 8/4/1993

### [17.12.030 Administration; Enforcement](#)

It shall be the duty of the Planning Director or ~~his~~their designated representatives to administer and enforce the provisions of DCC Title 17 in such a way as to carry out its intent and purpose.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 2.020 on 12/31/1981

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

### [17.12.040 Delegation Of Authority](#)

Pursuant to ORS 92.044(2)(a) and 92.046(3), the Board delegates to the Planning Director and Hearings Officer the power to take final action on a proposed subdivision or partition, subject to appeal as provided for under DCC Title 17 and the Deschutes County Development Procedures Ordinance.

## HISTORY

Adopted by Ord. [81-043](#) §§1, 2 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

### [17.12.050 Planning Director; Duties And Responsibilities](#)

- A. The Planning Director shall review all applications for subdivisions and partitions and shall, consistent with the Deschutes County Development Procedures Ordinance ([DCC Title 22](#)), either act upon the application before ~~him-them~~ administratively or refer the application to a Hearings Officer.
- B. Before making an administrative decision on a subdivision or partition application, the Planning Director shall solicit comments on the proposal from the Road Department Director, the County ~~environmental health~~ [Onsite Wastewater](#) Division, and representatives of any other ~~appropriate~~ County, city, state or federal agency [with overlapping jurisdiction](#).
- C. Before referring to the Hearings Officer and completing the staff report on an application for a subdivision or partition, the Planning Director shall solicit comments on the proposal from the Road Department Director, the County ~~environmental health~~ [Onsite Wastewater](#) Division, and any other ~~appropriate~~ County, city, state or federal agency [with overlapping jurisdiction](#).

## HISTORY

Adopted by Ord. [81-043](#) §§1, 2.060 on 12/31/1981

Amended by Ord. [90-003](#) §1, Exhibit A on 1/8/1990

Amended by Ord. [93-012](#) §11 on 8/4/1993

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

### [17.12.060 Final Decision](#)

The time for taking final action upon an application for approval of a subdivision or partition shall be as provided for in the Deschutes County Development Procedures Ordinance ([DCC Title 22](#)).

## HISTORY

Adopted by Ord. [81-043](#) §§1, 2.050 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

### [17.12.070 Pre-Application Meeting](#)

Prior to submitting an application for a subdivision or partition, each applicant is encouraged to meet with the Planning Director or a designated staff member to review the proposal. The intent of this meeting is to advise the applicant of the requirements and standards of DCC Title 17, ~~and~~ any applicable zoning standards, [and the applicable procedures of DCC Title 22](#).

## HISTORY

Adopted by Ord. [81-043](#) §1 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

### 17.12.080 Statement Of Water Rights(Repealed)

~~All applicants for a subdivision or partition shall be informed by the Planning Director or his designee of the requirement to include a statement of water rights on the final plat.~~

#### HISTORY

*Adopted by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §12 on 8/4/1993*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

### 17.12.090 Recording; Application

Before a plat of any subdivision or partition may be made and recorded, the person proposing the subdivision or the partition, or ~~his~~their authorized agent or representative, shall make an application in writing to the County Planning Department for approval of the proposed subdivision or partition in accordance with the requirements and procedures established by DCC Title 17, the applicable DCC zoning standards, and DCC Title 22.

#### HISTORY

*Adopted by Ord. [81-043](#) §§1, 2.010 on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~*

### 17.12.100 Sale Or Negotiation To Sell Lots Prior To Approval Of Tentative Plan~~Sale Of Subdivision Lots Prohibited Before Final Approval~~

~~No person shall sell any lot in any subdivision until final approval of the land division has been granted by the County. Final approval occurs when the plat of the subdivision or partition is recorded with the County Clerk. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved. Sale or negotiation to sell lots is subject to ORS 92.016.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §§1, 2.030 on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §13 on 8/4/1993*

*~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~*

### 17.12.105 Sale Or Negotiation To Sell Parcels Prior To Approval Of Tentative Plan~~Sale Of Partition Parcels Prohibited Prior To Tentative Plan Approval~~

~~No person may sell any parcel in a partition prior to approval of the tentative plan. Prior to approval of the tentative plan, a person may negotiate to sell any parcel of a proposed partition. Sale or negotiation to sell parcels are subject to ORS 92.016.~~

#### HISTORY

*Adopted by Ord. [93-012](#) §14 on 8/4/1993*

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.12.110 Civil Relief

When any real property is or is proposed to be used, transferred, sold or disposed of in violation of DCC Title 17, the Planning Director or any person whose interest in the property is or may be affected by the violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or set aside such use, transfer, sale, disposition, offer, negotiation or agreement.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 2.040 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

### 17.12.120 Violation; Nuisance

A land division or use in violation of DCC Title 17 is declared a nuisance.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 2.020 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

### 17.12.130 Violation

Violation of any provision of DCC Title 17 is a Class A violation.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 2.040 on 12/31/1981

Amended by Ord. [83-027](#) §1 on 3/9/1983

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [2003-021](#) §36 on 4/9/2003

## CHAPTER 17.16 APPROVAL OF SUBDIVISION TENTATIVE PLANS AND MASTER DEVELOPMENT PLANS

[17.16.010 Application; Submission](#)

[17.16.020 Scale Of Tentative Plan](#)

[17.16.030 Informational Requirements](#)

[17.16.035 Application Review](#)

[17.16.040 Protective Covenants And Homeowner Association Agreements](#)

[17.16.050 Master Development Plan](#)

[17.16.060 Master Development Plan; Approval](#)

[17.16.070 Development Following Approval](#)

[17.16.080 Tentative Plan As A Master Plan](#)

[17.16.090 Tentative Plan Approval](#)

[17.16.100 Tentative Plan Approval: General/Discretionary Criteria](#)~~Required Findings For Approval~~

[17.16.101 Tentative Plan Approval: Clear and Objective Criteria](#)

[17.16.105 Access To Subdivisions](#)[17.16.110 Resubmission Of Denied Tentative Plan](#)[17.16.115 Traffic Impact Study](#)[17.16.010 Application; Submission](#)

Any person proposing a subdivision, or ~~their his~~ authorized agent or representative, shall include with an application and filing fee for a subdivision, a tentative plan, together with improvement plans and other supplementary material as may be required [in accordance with DCC 17.16.030](#). A master development plan may also be required in accordance with DCC 17.16.050. ~~The applicant must submit 20 copies of any plan required, together with all required accompanying material to the Planning Department.~~

## HISTORY

*Adopted by Ord. [PL-14](#) §3.010 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3.015, 3 on 12/31/1981*

*Amended by Ord. [90-003](#) §1, Exhibit A on 1/8/1990*

*~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.16.020 Scale Of Tentative Plan](#)

The tentative plan of a proposed subdivision shall be drawn ~~on a sheet~~ at a scale not greater than one inch per 400 feet, ~~or as approved by the Planning Department.~~

## HISTORY

*Adopted by Ord. [PL-14](#) §3.050 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3.020, 3 on 12/31/1981*

*Amended by Ord. [90-003](#) §1, Exhibit A on 1/8/1990*

*~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.16.030 Informational Requirements](#)

The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided.

## A. General Information Required.

1. Proposed name of the subdivision;
2. Names, addresses and phone numbers of the owners of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the ~~Corporation Commission~~[Secretary of State – Corporate Division](#) by the applicant;
3. Date of preparation, true north, scale and gross area of the proposed subdivision;
4. ~~Appropriate identification of~~[Labeling of](#) the drawing as a tentative plan for a subdivision;
5. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets;



6. Title report or subdivision guarantee.

B. Information Concerning Existing Conditions.

1. Location, names and widths of existing improved and unimproved streets and roads in relation to existing right-of-way, bikeways and access corridors in the proposed subdivision and within 200 feet of the proposed subdivision;
2. Location of any existing features, such as section lines, section corners, special district boundary lines and survey monuments;
3. Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads and any natural features, such as rock outcroppings, marshes, wooded areas and natural hazards, and including features detailed in DSL's Statewide Wetlands Inventory;
4. Location and direction of watercourses, and the location of areas subject to flooding and high water tables;
5. Location, width, and use or purpose of any existing easement or right of way for utilities, bikeways, and access corridors within and adjacent to the proposed subdivision;
6. Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision, together with pipe sizes, grades, and locations;
7. ~~Contour lines related to some established benchmark or other engineering acceptable datum and~~ Ground elevations shown by contour lines having minimum intervals of two feet for slopes of less than five percent, 10 feet for slopes of five to 20 percent, and 20 feet for slopes greater than 20 percent;
8. Zoning classification of lands within and adjacent to the proposed subdivision;
9. A map showing the location of any site zoned SM, Surface Mining, under DCC Title 18, within one-half mile of the proposed ~~subdivision or partition boundary~~ lot line;
10. The structures, trees, rock outcroppings, or other shade producing objects, if the object will cast shade from or onto the subdivision.

C. Information Concerning Proposed Subdivision.

1. Location, names, width, typical improvements, cross-sections, bridges, culverts, approximate grades, curve radii, and centerline lengths of all proposed streets, and the relationship to all existing and proposed streets;
2. Location, width, and purpose of all proposed easements or rights of way for roads, utilities, bikeways, and access corridors, and relationship to all existing easements and rights of way;
3. Location of at least one temporary benchmark within the subdivision ~~boundary~~ lot line;

4. Location, approximate lot area, and dimensions of each lot, and proposed lot numbers;
  5. Location, approximate lot area, and dimensions of any lot or area proposed for public use, the use proposed, and plans for improvements or development thereof;
  6. Proposed use, location, approximate lot area, and dimensions of any lot intended for nonresidential use;
  7. Phase boundaries outlined in bold lines, if phasing is ~~contemplated~~proposed for the subdivision;
  8. Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal, and all utilities;
  9. Description and location of any proposed community facility;
  10. Storm water and other drainage facility plans;
  11. Statement from each utility company proposed to serve the subdivision, stating that each such company is able and willing to serve the subdivision as set forth in the tentative plan;
  12. Proposed fire protection system for the subdivision;
  13. Solar access:
    - a. Provide a statement ~~relative to the solar access to be provided by the subdivision plan, indicating how the subdivision plan conforms to the requirements of DCC 17.36.210.~~
    - b. Determine the location and type of street trees, if proposed.
  14. Location and design of all proposed bicycle and pedestrian facilities;
  15. Location and design of all proposed facilities providing for public transit.
  16. ~~Appropriate~~ Traffic Impact Study as specified in 17.16.115.
- D. Information for lots located in DCC 18.56 Surface Mining Impact Area (SMIA) zones. For each lot located wholly or partially within a SMIA zone, an applicant shall submit a site plan, accompanied by appropriate site plan fees, indicating the location of proposed noise or dust sensitive uses (as defined in DCC Title 18), the location and dimensions of any mitigating berms or vegetation and data addressing the standards of DCC 18.56, as amended, with respect to proposed noise or dust sensitive uses.

#### HISTORY

*Adopted by Ord. [PL-14](#) §3.060 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3.025, 3 on 12/31/1981*

*Amended by Ord. [83-039](#) §§3-5 on 6/1/1983*

*Amended by Ord. [90-003](#) §1, Exhibit A on 1/8/1990*

*Amended by Ord. [93-012](#) §15 on 8/4/1993*

Amended by Ord. [2006-004](#) §1 on 6/20/2006

Amended by Ord. [2006-007](#) §2 on 8/29/2006

Amended by Ord. [2008-030](#) §3 on 3/16/2009

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.16.035 Application Review

Following submission of an application for a land subdivision, the application shall be reviewed in accordance with the procedures established in DCC Title 17 and DCC Title 22.

#### HISTORY

Adopted by Ord. XX-XXXX §XX on X/X/XXXX

### 17.16.040 Protective Covenants And Homeowner Association Agreements

Landowner covenants, conditions, and restrictions and homeowner association agreements are not relevant to approval of subdivisions ~~and partitions~~ under DCC Title 17, unless such covenants, conditions, and restrictions and homeowner association agreements otherwise determined by the County to carry out ~~certain~~ conditions of prior County approvals, such as road maintenance or open space preservation. Any provisions in such agreements not in conformance with the provisions of DCC Title 17 or applicable zoning ordinances are void.

#### HISTORY

Adopted by Ord. 90-003 §1, Exhibit A on 1/8/1990

Amended by Ord. 93-012 §16 on 8/4/1993

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.16.050 Master Development Plan

An overall master development plan shall be submitted for all developments affecting land under the same ownership for which phased development is ~~contemplated~~ proposed. At a minimum, Tthe master plan shall include, ~~but not be limited to~~, the following elements:

- A. Overall development plan, including phase or unit sequence;
- B. Show compliance with the comprehensive plan and implementing land use ordinances and policies;
- C. Schedule of improvements, initiation and completion;
- D. Overall transportation and traffic pattern plan, including bicycle, pedestrian and public transit transportation facilities, and access corridors;
- E. Program timetable projection;
- F. Development plans for any common elements or facilities;

G. For applications reviewed under Clear and Objective Standards pursuant to DCC 17.04.060, master development plans shall comply with the following requirement. When the proposed development abuts unplatted land capable of being divided under current zoning requirements,

the master plan shall include a future street plan that shows the pattern of proposed streets within the master development plan property lines, proposed connections to abutting land, and extension of streets to abutting land within a 1,000 foot radius of the master development plan. The future street plan shall demonstrate that maximum block length standards in Section 17.36.150 will not be exceeded when streets are extended onto abutting land in the future.

G.H. For applications reviewed under General/Discretionary Standards, master development plans shall comply with the following requirement. If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Planning Director or Hearings Body may require a potential development pattern for streets, bikeways and access corridors for adjoining lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision.

#### HISTORY

*Adopted by Ord. [PL-14](#) §3.085 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3.030, 3 on 12/31/1981*

*Amended by Ord. [93-012](#) §17 on 8/4/1993*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

#### [17.16.060 Master Development Plan; Approval](#)

The Planning Director or Hearings Body shall review a master development plan at the same time the tentative plan for the first phase is reviewed. The Planning Director or Hearings Body shall review the master development plan for consistency with applicable provisions of DCC Title 17. The Planning Director or Hearings Body may approve, modify, or disapprove the master plan and shall set forth findings for such decision. The Planning Director or Hearings Body may also attach conditions necessary to bring the plan into compliance with all applicable land use ordinances and policies. Any tentative plan submitted for the plan area shall conform to the master plan unless approved otherwise by the County. Master plan approval shall be granted for a specified time period by the Planning Director or Hearings Body, and shall be included in the conditions of approval. For applications approved under clear and objective standards, the specified time period shall not exceed five years.

#### HISTORY

*Adopted by Ord. [81-043](#) §§1, §3.030 on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §18 on 8/4/1993*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

#### [17.16.070 Development Following Approval](#)

Once a master plan is approved by the County, the master plan shall be binding upon both the County and the developer. ~~; provided, however,~~

- A. General/Discretionary Standard: After five years from the date of approval of the master plan, the County may initiate a review of the master plan for conformance with applicable County regulations. If necessary, the County may require changes in the master plan to bring it into conformance.

B. Clear and Objective Standard: The master plan shall be void after five years.

HISTORY

Adopted by Ord. [81-043](#) §§1, 3.040 on 12/31/1981

Amended by Ord. ~~XX-XXXX §XX on X/X/XXXX~~

17.16.080 Tentative Plan As A Master Plan

- A. As an alternative to the filing of a master plan for phased development, the applicant may file a tentative plan for the entire development. The tentative plan must comply with the provisions of DCC Title 17 for tentative plans.
- B. If the applicant proposed to phase development, ~~he shall provide sufficient information regarding the overall development plan and phasing sequence when submitting the tentative plan~~ a phasing plan shall be submitted with the tentative plan indicating when each phase will occur and which lots will be in each phase. The tentative plan must meet all requirements of DCC Title 17 for each phase.
- C. If the tentative plan is approved with phasing, the final plat for each phase shall be filed in accordance with DCC 17.24.~~020 through 17.24.110.~~

HISTORY

Adopted by Ord. [81-043](#) §§1, 3.045 on 12/31/1981

Amended by Ord. ~~XX-XXXX §XX on X/X/XXXX~~

17.16.090 Tentative Plan Approval

- A. The Planning Director or Hearings Body shall review the application and any comments submitted by other appropriate County, state, or federal agencies and shall render a decision in accordance with DCC 17.16.100, setting forth findings supporting its decision.
- B. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for purposes of recording; however, approval of such tentative plan shall be binding upon the County for the purposes of preparation and review of the final plat. Upon review of the final plat, the County may require compliance with the terms of its tentative plan approval of the proposed subdivision and the terms of DCC Title 17.

HISTORY

Adopted by Ord. [PL-14](#) §3.090 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3.055(1), 3 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. ~~XX-XXXX §XX on X/X/XXXX~~

17.16.100 Required Findings For Tentative Plan Approval: General/Discretionary Criteria

A tentative plan for a proposed subdivision shall not be approved unless the Planning Director or Hearings Body finds that the subdivision as proposed or modified will meet the requirements of DCC

Title 17 and DCC Title 18 through 21 ~~and the following approval criteria, and is in compliance with the comprehensive plan. Such findings shall include, but not be limited to, the following:~~

- A. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands, and other natural resources.
- B. The subdivision will not create excessive demand on public facilities and services, and utilities required to serve the development.
- C. The tentative plan for the proposed subdivision meets the requirements of ORS 92.090.
- D. For subdivisions or portions thereof proposed within a DCC Chapter 18.56 Surface Mining Impact Area (SMIA) zone ~~under DCC Title 18~~, the subdivision creates lots on which noise or dust sensitive uses can be sited consistent with the requirements of DCC Chapter 18.56, as amended, as demonstrated by the site plan and accompanying information required under DCC 17.16.030.
- E. The subdivision name has been approved by the County Surveyor.

#### HISTORY

*Adopted by Ord. PL-14 §3.100 on 11/1/1979*

*Repealed & Reenacted by Ord. 81-043 §§1, 3.060, 3 on 12/31/1981*

*Amended by Ord. 90-003 §1 on 1/8/1990*

*Amended by Ord. 93-012 §19 on 8/4/1993*

*Amended by Ord. XX-XXXX §XX on X/X/XXXX*

#### 17.16.101 Tentative Plan Approval: Clear and Objective Criteria

- A. The tentative plan for the proposed subdivision meets the requirements of ORS 92.090. Compliance with final plat requirements under ORS 92.090 shall be included as conditions of any approval.
- B. The tentative plan for the proposed subdivision shall:
  1. Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns. This shall be documented by submittal of all of the following materials at the time of application:
    - a. Written confirmation from the Oregon State Fire Marshall or responding fire protection district verifying the tentative plan complies with all applicable fire regulations and best practices relating to fire and wildfire safety.
    - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in unreasonable risk of flood, geological hazards, or other public health and safety concerns.
    - c. Demonstrate compliance with DCC 18.96 (Flood Plain (FP) Zone) and/or DCC 19.72 (Flood Plain (FP) Combining Zone), in DCC 18.96.020 and/or DCC 19.72.020 designated areas.

2. Demonstrate that the subdivision will be served by adequate water supply, sewage disposal, drainage, fire protection, education, and other public facilities and services, and utilities. This shall be documented by submittal of all of the following materials at the time of application:
- a. A will-serve letter from a water supply district or written confirmation from the Oregon Water Resources Department verifying:
    - 1. The tentative plan lots are eligible to be served by exempt wells; or
    - 2. All water rights have been obtained for the tentative plan lots and are legally available for the proposed uses.
  - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in any measurable drawdown of existing wells within 1 mile radius of the tentative plan lots over a period of 50 years.
  - c. A will-serve letter from a water sanitary district or written confirmation from a Deschutes County Onsite Wastewater Specialist verifying the tentative plan lots can individually be provided with onsite wastewater services in accordance with applicable Department of Environmental Quality regulations.
  - d. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will comply with the Central Oregon Stormwater Manual.
  - e. A will-serve letter from the Oregon State Fire Marshall or responding fire protection district.
  - f. A will-serve letter from any other public utilities or district anticipated to serve the tentative plan lots.
3. Demonstrate the subdivision will be served adequate transportation systems. This shall be documented by submittal of all of the following materials:
- a. Written confirmation from the Road Department Director verifying the submitted traffic impact study complies with DCC 18.116.310.
  - b. Written confirmation from the Road Department Director verifying the development will comply with DCC Chapters 17.36, 17.48 and Title 12.
- C. For subdivisions or portions thereof proposed within a DCC Chapter 18.56 Surface Mining Impact Area (SMIA) zone, the applicant shall demonstrate that the subdivision creates lots on which noise or dust sensitive uses can be sited consistent with the requirements of DCC Chapter 18.56.
- D. The proposed subdivision includes the dedication of land, or a fee in-lieu of land as required in DCC Chapter 17.44.

HISTORYAdopted by Ord. XX-XXXX §XX on X/X/XXXX

### 17.16.105 Access To Subdivisions

No proposed subdivision shall be approved unless it would be accessed by roads constructed to County standards provided in DCC Chapters 17.36, 17.48 and Title 12 and by roads under one of the ~~following~~ conditions: in either (A) or (B), below, and in conformance with subsection (C).

- A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement. ~~;~~
- B. Private roads, as permitted by DCC Title 18, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105. ~~;~~
- C. This standard is met if the subdivision would have direct access to an improved collector or arterial or in cases where the subdivision has no direct access to such a collector or arterial, by demonstrating that the road accessing the subdivision from a collector or arterial meets relevant County standards that maintenance responsibility for the roads has been assigned as required by this section.

NOTE: Minor scrivener's changes made to B. when Ord. 2019-005 was added to this section.

#### HISTORY

*Adopted by Ord. [93-012](#) §19(A) on 8/4/1993*

*Amended by Ord. [2019-005](#) §1 on 6/4/2019*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

### 17.16.110 Resubmission Of Denied Tentative Plan

- A. If the tentative plan for a subdivision is denied, resubmittal thereof shall not be accepted for a period of six months after the date of the final action denying such plan. Upon resubmission, the applicant shall consider all items upon which the prior denial was based, and the resubmission shall be accompanied by ~~a~~ new filing fees.
- B. A tentative plan resubmitted in accordance with DCC 17.16.110 shall be reviewed in the same manner as any other tentative plan.

#### HISTORY

*Adopted by Ord. [PL-14](#) §3.110 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3.035, 3 on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

### 17.16.115 Traffic Impact Study

- A. The traffic impact studies will comply with DCC 18.116.310.

#### HISTORY

*Adopted by Ord. [2006-004](#) §1 on 6/20/2006*

*Amended by Ord. [2010-014](#) §1 on 10/12/2010*

*Amended by Ord. [2014-001](#) §1 on 9/24/2014*



Amended by Ord. XX-XXXX §XX on X/X/XXXX

## CHAPTER 17.20 ZERO LOT SUBDIVISION

### 17.20.010 Requirements

#### 17.20.010 Requirements

In addition to the general provisions for subdivision and partitioning set forth in DCC Title 17 and the applicable zoning chapters, any application for a zero lot line subdivision or partition shall meet the following requirements:

- A. The tentative plan shall indicate all lot divisions, including those along the common wall of ~~duplex-dwelling~~ units.
- B. Independent utility service shall be provided to each dwelling unit, including, but not limited to, water, electricity and natural gas, unless common utilities are approved by the affected utility agency and are ~~adequately~~ covered by easements.
- C. Prior to the granting of final approval for creation of a zero lot line subdivision or partition, the Planning Director shall require the applicant(s) to enter into a written agreement in a form approved by the County Legal Counsel that establishes the rights, responsibilities and liabilities of the parties with respect to maintenance and use of any common areas of the dwelling units, such as, but not limited to, common walls, roofing, water pipes and electrical wiring. Such agreement ~~shall be in a form suitable for recording, and~~ shall be recorded and be binding upon the heirs, executors, administrators, and assigns of the parties.
- D. Each zero lot line subdivision or partition proposal shall receive site plan approval pursuant to DCC 18.124 prior to submission of the final plat. ~~Site plan approval shall be granted only upon a finding that the design, materials and colors proposed for each dwelling are harmonious and do not detract from the general appearance of the neighborhood.~~

#### HISTORY

Adopted by Ord. 81-043 §§1, 3.050 on 12/31/1981

Amended by Ord. 90-003 §1 on 1/8/1990

Amended by Ord. XX-XXX §XX on X/X/XXXX

## CHAPTER 17.22 APPROVAL OF TENTATIVE PLANS FOR PARTITIONS

### 17.22.010 Filing Procedures And Requirements

### 17.22.020 Requirements For Tentative Plan Approval: General/Discretionary Criteria

### 17.22.025 Tentative Plan Approval: Clear and Objective Criteria

### 17.22.030 Improvement Requirements

### 17.22.040 Application Review

### 17.22.050 Protective Covenants and Homeowner Association Agreements

### 17.22.100 Special Partition Regulations

### 17.22.010 Filing Procedures And Requirements

- A. Any person, or ~~his~~their authorized agent or representative, proposing a land partition, shall prepare and submit a minimum of one~~1~~ copy of the tentative plan ~~and one (1) reduced scale copy 8 1/2" x 11" or 11" x 17", hereinafter described, unless more copies are required by the Planning Director,~~ in accordance with the procedures prescribed ~~procedures in this section,~~ and the appropriate filing fees, to the Planning Division.
- B. The tentative plan shall include the following:
1. A vicinity map locating the proposed partition in relation to lots or parcels zoned Surface Mining (SM)M, Surface Mining, under DCC Title 18, which are within one-half mile of the subject partition, and to adjacent subdivisions, roadways, and adjoining land use and ownership patterns. The vicinity map must include names of all existing roadways shown therein;
  2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel, locations of all easements, and the names, rights-of-way, widths and improvement standards of existing roads in relation to the existing right-of-way. The tentative plan shall also show the location of all existing buildingsstructures, canals, ditches, septic tanks and drainfields; it shall also show the location of any topographical feature which could impact the partition, ~~such as~~including but not limited to canyons, bluffs, rock outcroppings, natural springs, and floodplains. In addition, the tentative plan shall show the location width, curve radius, and grade of proposed rights of way;
  3. If the partition is to be accessed by a U.S. Forest Service or Bureau of Land Management road, the applicant shall submit a written agreement with the appropriate land management agency providing for~~confirming~~ permanent legal access to the road and identifying any required maintenance obligations;
  4. Names and addresses of the landowner, the applicant (if different), a mortgagee if applicable and the engineer or surveyor employed or to be employed to make the necessary surveys;
  5. A statement regarding ~~contemplated~~proposed water supply, telephone and electric service, sewage disposal, fire protection and access, etc. If domestic water is to be provided by an on site well, the application must include at least two well logs for wells in the area;
  6. True north, scale, and date of map and property identification by tax lot, section, township and range;
  7. Statement regarding present and intended use(s) of the parcels to be created, or the use(s) for which the parcels are to be offered;
  8. If a tract of land has water rights, the application shall be accompanied by a water rights division plan which can be reviewed by the irrigation district or other water district holding the water rights, or when there is no such district, the County Oregon Water Resources Department (OWRD) Watermaster;

9. Title report or subdivision guarantee.
- C. Information for parcels located within any DCC Chapter 18.56 Surface Mining Impact Area (SMIA) zones. For each parcel wholly or partially within any DCC Chapter 18.56 SMIA zone ~~under DCC Title 18, and~~ the applicant shall submit a site plan, accompanied by appropriate site plan fees, indicating the location of proposed noise or dust sensitive uses (as defined in DCC Title 18), the location and dimensions of any mitigating berms or vegetation and data addressing the standards of DCC 18.56, with respect to allowed noise or dust sensitive uses.
- D. ~~An application for approval to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be approved as provided in this ordinance if the unit of land:~~ If the unit of land proposed to be partitioned was not lawfully established, the County may approve an application to validate the unit of land pursuant to ORS 92.176.
- ~~1. Is not a lawfully established unit of land; and~~
  - ~~2. Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.~~
  - ~~3. Notwithstanding subparagraph (2) of this section, an application to validate a unit of land may also be approved if the county has previously approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale.~~
  - ~~4. If the permit was approved for a dwelling, it must be determined that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755(1)(A) to (E).~~
  - ~~5. If there is an existing dwelling or other building on a unit of land that was not lawfully established, an application for a permit as defined in ORS 215.402 or a permit under the applicable building code, may be approved if:~~
    - ~~a. The dwelling or other building was lawfully established prior to January 1, 2007; and~~
    - ~~b. The permit does not change or intensify the use of the dwelling or other building.~~
- E. ~~Notwithstanding subsection (D)(2) of this section, an application to validate a unit of land may be approved if the county has previously approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale.~~
- ~~1. If the permit was approved for a dwelling, it must be determined that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755(1)(a) to (e).~~
  - ~~2. An application for a permit, as defined in ORS 215.402, or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established permit under the applicable building code, may be approved if:~~

- a. ~~The dwelling or other building was lawfully established prior to January 1, 2007, and~~
- b. ~~The permit does not change or intensify the use of the dwelling or other building.~~
- F. ~~The application to validate a unit of land under these sections is an application for a permit as defined in ORS 215.402.~~
- G. ~~The application to validate a unit of land is not subject to the minimum lot or parcel sizes established by ORS 215.780 and Chapter 18.16 of the Deschutes County Code.~~
- H. ~~A unit of land becomes a lawfully established unit of land only upon recordation of a final plat in accordance with Chapter 17.24 of this code.~~
  - 1. ~~The final partition plat shall be recorded within 90 days of tentative plan approval.~~
  - 2. ~~If the final plat is not recorded within 90 days, the applicant must recommence the process in order to validate a unit of land that was not a lawfully established unit of land.~~
- I. ~~An application to validate a unit of land that was unlawfully created on or after January 1, 2007 shall not be approved.~~
- J. ~~Following validation of the unit of land, any development or improvement of the lawfully established unit of land shall comply with applicable laws in effect when a complete application for development is submitted.~~

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 5.015 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [93-012](#) §21 on 8/4/1993

Amended by Ord. [2006-007](#) §3 on 8/29/2006

Amended by Ord. [2008-030](#) §4 on 3/16/2009

Amended by Ord. [2020-007](#) §5 on 10/27/2020

~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

#### [17.22.020 Requirements For Tentative Plan Approval: General/Discretionary Criteria](#)

- A. No application for partition shall be approved unless the following requirements are met:
  - 1. Proposal is in compliance with ORS 92, ~~the applicable comprehensive plan~~ and the applicable zoning ordinances. A proposed partition is not in compliance with the zoning ordinances if it would conflict with the terms of a previously issued approval for a land use on the property or would otherwise create a nonconforming use on any of the newly described parcels with respect to any existing structure and/or use;
  - 2. Proposal does not conflict with existing public access easements within or adjacent to the partition;

3. The partition is accessed either by roads dedicated to the public or by way of United States Forest Service or Bureau of Land Management roads where applicant has submitted a written agreement with the appropriate land management agency providing for permanent legal access to the parcels and any required maintenance. This provision shall not be subject to variance;
  4. ~~Demonstrate~~ Aan access permit can be obtained from either the Community Development Department, the City Public Works Department, or the State Highway Division;
  5. Each parcel is suited for the use intended or offered, considering the zoning designations, land use zone, lot area size of the parcels, natural hazards, topography, and access;
  6. All required utilities, and public services and facilities are available ~~and, have sufficient capacity to meet proposed demand, adequate~~ and are proposed to be provided by the applicant ~~petitioner~~;
  7. A water rights division plan, reviewed and approved by the appropriate irrigation district or the Watermaster's office, if water rights are associated with the subject property;
  8. For partitions or portions thereof within one half mile of SM zones, the applicant shows that a noise or dust sensitive use, as defined in DCC Title 18, can be sited consistent with the requirements of DCC 18.56, as demonstrated by the site plan and accompanying information required to be submitted under DCC 17.22.010(C).
- B. If the Planning Director determines that the proposed partition constitutes series partitioning, or if series partitioning has occurred in the past, then the Planning Director may refer the application to the hearings officer for a determination as to whether the application should be subject to the requirements of DCC 17.36.300, Public Water Supply System, and DCC 17.48.160, Road Development Requirements for Subdivisions.
- ~~C.~~ Protective covenants and homeowner's association agreements are irrelevant to any partition approval and will not be reviewed by the County. Any provision in such agreements not in conformance with the provisions of DCC Title 17 or applicable zoning ordinance are void as against the County.

#### HISTORY

*Adopted by Ord. [81-043](#) §§1, 5.020 on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §22 on 8/4/1993*

*Amended by Ord. [2006-007](#) §3 on 8/29/2006*

*Amended by Ord. [2020-007](#) §5 on 10/27/2020*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

### 17.22.025 Tentative Plan Approval: Clear and Objective Criteria

The Planning Director or Hearings Body shall approve, approve with conditions, or deny a proposed tentative plan for partition. Approval, or approval with conditions, shall be based on compliance with applicable requirements of DCC Title 17 and DCC Title 18 through 21 and the following criteria:

- A. The proposed partition meets the requirements of ORS 92.090. Compliance with plat requirements under ORS 92.090 shall be included as conditions of approval.
- B. The proposed partition will not conflict with the terms of a previously issued approval for a land use on the property or would otherwise create a nonconforming use on any of the newly described parcels with respect to any existing structure and/or use.
- C. The tentative plan for the proposed subdivision shall:
  - 1. Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns. This shall be documented by submittal of all of the following materials at the time of application:
    - a. Written confirmation from the Oregon State Fire Marshall or responding fire protection district verifying the tentative plan complies with all applicable fire regulations and best practices relating to fire and wildfire safety.
    - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in unreasonable risk of flood, geological hazards, or other public health and safety concerns.
    - c. Demonstrate compliance with DCC 18.96 (Flood Plain (FP) Zone) and/or DCC 19.72 (Flood Plain (FP) Combining Zone), in DCC 18.96.020 and/or 19.72.020 designated areas.
  - 2. Demonstrate the partition will be served by adequate water supply, sewage disposal, drainage, fire protection, education, and other public facilities and services, and utilities. This shall be documented by submittal of all of the following materials at the time of application:
    - a. A will-serve letter from a water supply district or written confirmation from the Oregon Water Resources Department verifying:
      - 1. The tentative plan parcels are eligible to be served by exempt wells; or
      - 2. All water rights have been obtained for the tentative plan parcels and are legally available for the proposed use(s).
    - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in any measurable drawdown of existing wells within 1 mile radius of the tentative plan parcels over a period of 50 years.
    - c. A will-serve letter from a water sanitary district or written confirmation from a Deschutes County Onsite Wastewater Specialist verifying the tentative plan

- parcels can individually be provided with onsite wastewater services in accordance with applicable Department of Environmental Quality regulations.
- d. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will comply with the Central Oregon Stormwater Manual.
  - e. A will-serve letter from the Oregon State Fire Marshall or responding fire protection district.
  - f. A will-serve letter from any other public utilities or district anticipated to serve the tentative plan parcels.
3. Demonstrate the partition will be served adequate transportation systems. This shall be documented by submittal of all of the following materials:
- a. Written confirmation from the Road Department Director verifying the submitted traffic impact study complies with DCC 18.116.310.
  - b. Written confirmation from the Road Department Director verifying the development will comply with DCC Chapters 17.36, 17.48 and Title 12.
- D. The proposed partition does not conflict with existing easements within or adjacent to the partition;
  - E. The proposed partition is accessed either by roads dedicated to the public or by way of United States Forest Service or Bureau of Land Management roads where applicant has submitted a written agreement with the appropriate land management agency providing for permanent legal access to the parcels and any required maintenance. This provision shall not be subject to variance;
  - F. Demonstrate an access permit can be obtained from either the Community Development Department, the City Public Works Department, or the State Highway Division;
  - G. A written statement from a Professional Engineer registered in the State of Oregon verifying each parcel is suited for the use intended or offered, considering the land use zone, size of the parcels, natural hazards, topography and access;
  - I. A water rights division plan, reviewed and approved by the appropriate irrigation district or the Watermaster's office, if water rights are associated with the subject property;
  - H. For partitions or portions thereof proposed within a Surface Mining Impact Area (SMIA) zone under DCC Title 18, the applicant shall demonstrate the partition creates parcels on which noise or dust sensitive uses can be sited consistent with the requirements of DCC Chapter 18.56.
  - I. If the proposed partition constitutes series partitioning that will have the cumulative effect of creating more than 10 parcels with an average lot area 5 acres or less, the application is subject to the requirements of DCC 17.36.300, Public Water Supply System, and DCC 17.48.160, Road Development Requirements for Subdivisions.

J. The proposed partition includes the dedication of land, or a fee in-lieu of land as required in DCC Chapter 17.44.

**HISTORY**

*Adopted by Ord. XX-XXXX §§X on X/X/XXXX*

**17.22.030 Improvement Requirements**

In the approval of a ~~land~~-partition, the County shall consider the need for street and other improvements, and ~~may~~ shall require as a condition of approval completion of any improvements ~~that may be required for a subdivision under the provisions necessary to meet the standards of required pursuant to~~ DCC ~~Title- Chapters~~ 17.36, 17.48 and Title 12. All roads in partitions shall be dedicated to the public without reservation or restriction, in conformance with DCC 17.52, except where private roads are allowed by the applicable zoning regulations, such as in planned or cluster developments.

**HISTORY**

*Adopted by Ord. [81-043](#) §§1, 5.020 on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §23 on 8/4/1993*

*Amended by Ord. [2004-025](#) §1 on 12/20/2004*

*Amended by Ord. XX-XXXX §§X on X/X/XXXX*

**17.22.040 Application Review**

Following submission of an application for a land partition, the application shall be reviewed in accordance with DCC Title 22.

**HISTORY**

*Adopted by Ord. [81-043](#) §§1, 5.040 on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §24 on 8/4/1993*

**17.22.050 Protective Covenants and Homeowner Association Agreements**

Landowner covenants, conditions, and restrictions (CC&Rs) and homeowner association agreements are not relevant to approval of partitions under DCC Title 17, unless such covenants, conditions, and restrictions and homeowner association agreements carry out conditions of prior County approvals, such as road maintenance or open space preservation. Any provisions in such agreements not in conformance with the provisions of DCC Title 17 or applicable zoning ordinances are void.

**HISTORY**

*Adopted by Ord. XX-XXXX §§XX on X/X/XXXX*

**17.22.100 Special Partition Regulations**

The partitioning of a tract of land in which not more than one additional parcel is created, and transferred to a governmental agency or special district for the purpose of a road, railroad, electric substation, canal right of way, or irrigation district use, may be approved by the Planning Director



without going through a variance procedure. The new parcel may be ~~smaller~~ less than the minimum lot ~~are~~ size in the zone(s) within which it is located, provided it is utilized for one of the above ~~purposes~~ uses. A partition application shall be required.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 5.090 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [93-012](#) §15 on 8/4/1993

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

### CHAPTER 17.24 FINAL PLAT

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~~[Monumenting Certain Subdivision Corners After Recording Plat](#)~~

[17.24.170 Correction Of Errors](#)

#### 17.24.010 Applicability

- A. DCC 17.24 shall apply to approval of plats for subdivisions and ~~major and minor~~ partitions within the County. A final plat is required for all subdivisions and partitions approved by the County.
- B. With respect to partitions and subdivisions located within the boundaries of a city that has by resolution or ordinance directed that the city surveyor serve in lieu of the County Surveyor, DCC 17.24.040, 17.24.150, 17.24.160 and 17.24.170 shall apply.
- C. With respect to partitions and subdivisions located within the boundaries of a city that has not by resolution or ordinance directed its surveyor to serve in lieu of the County Surveyor, DCC 17.24.040, 17.24.100(A), 17.24.150, 17.24.160 and 17.24.170 shall apply.

#### HISTORY

Adopted by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [90-016](#) §2 on 2/20/1990

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.24.020 Submission; Extensions

- A. Filing Time Period Requirements. Except as provided ~~for~~ in DCC 17.24.030, the applicant shall prepare and submit to the ~~P~~lanning ~~D~~epartment a final plat ~~that is~~ in conformance with the tentative plan ~~approval as approved~~. Within two years of the approval date for the tentative plan for a subdivision or partition, the applicant shall submit an original drawing, a filing fee, and any supplementary information required by DCC Title 17 and the Planning Director or Hearings Body. If the applicant fails to proceed with such a submission before the expiration of the two-year period following the approval of the tentative plan, the tentative plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.
- B. Extension. An extension may only be granted in conformance with the applicable provisions of the ~~Deschutes County Development Procedures Ordinance~~ DCC Title 22.

#### HISTORY

*Adopted by Ord. PL-14 §4.010 on 11/1/1979*

*Repealed & Reenacted by Ord. 81-043 §§1, 3, 4.005(2) on 12/31/1981*

*Amended by Ord. 85-030 §1 on 8/21/1985*

*Renumbered by Ord. 90-003 §1 on 1/8/1990*

*Amended by Ord. 95-018 §15 on 4/26/1995*

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.24.030 Submission For Phased Development

- A. If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan.
- B. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.
- C. The applicant may request an extension for any final plat under DCC 17.24 in the manner provided for in DCC 17.24.020(B).
- D. If the applicant fails to file a final plat, the tentative plan for those phases shall become ~~null and~~ void.

~~D.E.~~ Phases of the plat shall be filed in consecutive order.

#### HISTORY

*Adopted by Ord. 81-043 §§1, 3, 4.010 on 12/31/1981*

*Renumbered by Ord. 90-003 §1 on 1/8/1990*

*Amended by Ord. 95-018 §16 on 4/26/1995*

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.24.040 Form

The final plat shall be submitted in the form prescribed by ~~state statute~~ ORS 92.050, ORS 92.080, and DCC Title 17. ~~All plats and other writings or dedications made a part of such plats offered for recording shall~~

~~be made in black India ink upon an 18 inch by 24 inch sheet. The plat shall be made upon drafting material and have such other characteristics of strength and permanency as required by the County Surveyor. All signatures on the original subdivision or partition plat shall be in permanent black India-type ink. The plat shall be of such a scale as established by the County Surveyor, and the lettering of the approvals, dedications, the Surveyor's certificate, and all other information shall be of such size or type as will be clearly legible, but no part shall come nearer to any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but an index page shall be included for plats of three or more sheets.~~

HISTORY

*Adopted by Ord. [PL-14](#) §4.020 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.015 on 12/31/1981*

*Renumbered by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §25(A) on 8/4/1993*

*Amended by Ord. [2020-007](#) §6 on 10/27/2020*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

[17.24.050 Requirements Of Survey And Plat](#)

- A. Any final subdivision or partition plat shall meet the survey and monumentation requirements of ORS 92 ~~except for those requirements of ORS 92.055, which are superseded by DCC [17.24.050\(B\)](#).~~
- B. Parcels of 10 acres or more created by partition are subject to all survey and monument requirements.

HISTORY

*Adopted by Ord. [PL-14](#) §4.030 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.020 on 12/31/1981*

*Renumbered by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §25(AA) on 8/4/1993*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

[17.24.060 Required Information](#)

In addition to the ~~information~~ required ~~for the tentative plan or otherwise specified by law~~ pursuant to ORS 92, the following information shall be shown on the submitted final plat:

- A. Name of subdivision and plat number for a final subdivision plat, or the partition application number and space for the partition plat number for a final partition plat.
- B. Name of owner, applicant, and surveyor.
- C. The date, scale, ~~true~~-north arrow, key to symbols, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.
- D. Legal description of the tract boundaries as approved by the County Surveyor pursuant to ORS [92.070\(1\)](#).

- E. The exact location and width of streets and easements intercepting the boundary of the tract.
- F. Tract, lot, or parcel boundary lines and street rights of way and centerlines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings; ~~Normal high water lines and Ordinary High Water Mark, as defined in DCC 18.04.030,~~ for any stream, river, lake, creek, bay or other body of water. Tract boundaries and street bearings shall be shown to the nearest second with the basis of bearings. Distances shall be shown to the nearest 0.01 feet.
- G. Streets. The width of the streets being dedicated and the curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated, together with the long chord distance and bearing.
- H. Easements. The location, dimensions, and purpose of all recorded and proposed public easements shall be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. All such easements shall be ~~denoted by fine dotted lines and~~ clearly identified. If an easement is not of record, a statement of the grant of easement shall be given. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificate of dedication.
- ~~I. Southern Building Line. The southern building line shall be shown on each lot or parcel which is benefited by solar height restrictions on burdened lots within the subdivision or partition.~~
- ~~J. Bicycle and Pedestrian Facilities. The location, width and type (i.e., route, lane or path) of all bicycle and pedestrian facilities, including access corridors.~~
- ~~K.I.~~ Lot or Parcel Numbers. Lot or parcel numbers shall begin with the number one and be numbered consecutively.
- ~~L.J.~~ Block Numbers. Block numbers shall not be allowed for any subdivision application submitted for tentative approval after January 1, 1992, unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters. The numbers shall begin with the number one and continue consecutively without omission or duplication throughout the subdivision. The numbers shall be placed so as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- ~~M.K.~~ Public Lands. Public lands, including strips and easements, shall be clearly marked to distinguish them from lots or parcels intended for sale.
- ~~N. Access Restrictions. Limitations on rights of access to and from streets, lots or parcels and other tracts of land.~~
- ~~O.L.~~ Lot Area. The lot area of each lot or parcel, if larger than one acre, to the nearest hundredth of an acre; and the lot area of each lot or parcel less than one acre, to the nearest square foot.
- ~~P.M.~~ Statement of Water Rights.
1. Each subdivision or partition plat shall include a statement of water rights on the plat. The statement shall indicate whether a water right or permit is appurtenant to the subject property. If a water right is appurtenant, the certificate number must appear

with the statement. If a water permit rather than a perfected water right is appurtenant, the permit number shall be included on the plat.

2. If a water right is appurtenant, the applicant shall submit a copy of the final plat to the State Water Resources Department, except for those plats with lots or parcels served by irrigation districts.
3. All final plats for parcels within an irrigation district shall be signed by an authorized person from the district.

Q-N. Statements. The following statements are required:

1. Land Divider's Declaration.
  - A. An acknowledged affidavit of the person proposing the land division (declarant) stating that ~~he has~~they have caused the plat to be prepared in accordance with the provisions of ORS 92 and dedicating any common improvements, such as streets, bike paths, and/or walkways, parks and/or open space, sewage disposal and/or water supply systems, required under DCC 17.24.060 or as a condition of approval of the tentative plan or plat. The declaration shall also include the creation of any other public or private easements.
  - B. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being divided and to any dedication or creation of an easement or other restriction. Likewise, the holder of any mortgage or trust deed shall also execute the declaration for purposes of consenting to the property being divided and for the purpose of assenting to any dedication or creation of an easement or other restriction.
  - C. In lieu of signing the declaration on the plat, any required signatory to the declaration other than the declarant may record an acknowledged affidavit consenting to the declaration and to any dedication or donation of property for public purposes or creation of an easement or other restriction.
2. A certificate certifying preparation of the plat in conformance with the provisions of state law signed by the surveyor responsible for the survey and final plat and stamped with ~~his~~their seal.
3. Any other affidavit required by state regulations.

R-O. Signature Lines. Unless otherwise stated herein, signature lines for the following officials signifying their approval:

1. County Surveyor.
2. Road Department Director.
3. County Environmental Soils Onsite Wastewater Division, unless the property is to be connected to a municipal sewer system.

4. County Assessor ~~(subdivisions and nonfarm partitions only)~~.
5. County Tax Collector ~~(subdivisions and partitions only)~~.
6. Authorized agent for any irrigation district servicing the subdivision or partition.
7. County Planning Director.
8. One County Commissioner per DCC 17.24.105(C)s.
9. Any other signature required by state regulation.

~~S.P.~~ The final plat shall contain a statement located directly beneath the signatures of the County Commissioners stating as follows: "Signature by the Board of Commissioners constitutes acceptance by the County of any dedication made herein to the public."

~~T.—Adjacent SM Zone. Any plat of a subdivision or partition adjoining an SM zone must clearly show where such zone is located in relation to the subdivision or partition boundaries.~~

#### HISTORY

*Adopted by Ord. [PL-14](#) §4.050 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.030 on 12/31/1981*

*Amended by Ord. [83-039](#) §6 on 6/1/1983*

*Renumbered by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [90-015](#) §1 on 2/21/1990*

*Amended by Ord. [93-012](#) §26 on 8/4/1993*

*Amended by Ord. [2006-007](#) §4 on 8/29/2006*

*Amended by Ord. [2023-001](#) §1 on 5/30/2023*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

#### [17.24.070 Supplemental Information](#)

The following data shall accompany the final plat:

- A. Title Report. A subdivision guarantee report or other similar title report issued by a title insurance company showing the current status of title to the property. Such report shall show evidence of marketable title.
- B. Record of Survey Plat. Sheets and drawings for submission to the County Surveyor containing the following information:
  1. Traverse data, including the coordinates of the boundary of the subdivision or partition and ties to section corners and donation land claim corners, and showing the error of closure. A survey control work sheet may be substituted for this item;
  2. The computation of distances, angles, and courses shown on the plat;
  3. Ties to existing monuments, proposed monuments, adjacent subdivisions or partitions, street corners and state highway stationing.

- C. Dedications. A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.
- D. Taxes. A list of all taxes and assessments on the tract which have become a lien on the land being divided.
- E. Improvements. When ~~if~~ grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, pursuant to DCC 17.24.110, the following shall be required to be submitted with the final plat:
1. Improvement plan, in accordance with DCC 17.40.010;
  2. Plans and profiles of sanitary sewers, location of manholes and drainage system;
  3. Plan and profiles of the water distribution system, showing pipe sizes and location of valves and fire hydrants;
  4. Specifications for the construction of all utilities;
  5. Grading plans and specifications as required for areas other than streets and ways;
  6. Planting plans and specifications for street trees and other plantings in public areas;
  7. Plans for improvements, design factors or other provisions for fire protection or fire hazard reduction.
  8. A Map showing the location of existing roads in relation to the dedicated right-of-way.

#### HISTORY

*Adopted by Ord. [PL-14](#) §4.060 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.035 on 12/31/1981*

*Renumbered by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [2006-007](#) §4 on 8/29/2006*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

#### [17.24.080 \(Repealed\)](#)

(Renumbered to 17.24.110)

#### HISTORY

*Adopted by Ord. [PL-14](#) §4.080 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §1, 3, 4.045 on 12/31/1981*

*Renumbered by Ord. [90-003](#) on 1/8/1990*

#### [17.24.090 Approval By Irrigation Districts](#)

- A. All plats or replats of subdivisions or partitions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or ~~similar other~~ service district having jurisdiction over the property, shall be submitted to the Board of Directors of the district or company for its approval of such plat or replat of any subdivision or partition.

- B. If the applicant is unable to obtain action or approval of any such district or company within 45 days of submission to such district or company, the applicant shall notify the Board in writing, and thereafter the Board shall serve notice on such district or company by certified mail advising the district or company that any objections to the plat or replat must be filed with the Board within 20 days. Failure of the district or company to so respond shall be considered to be an approval of such plat or replat.

#### HISTORY

Adopted by Ord. [90-003](#) §1 on 1/8/1990

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

#### [17.24.100 Technical Review](#)

##### A. Review by Surveyor.

1. The County Surveyor shall, after receipt of such fees provided by law or County ordinance, review the plat for conformance with the requirements of ORS 92.
2. The County Surveyor shall not approve a partition unless ~~he is~~they satisfied~~determine~~ that all required monuments on the exterior boundary and all required parcel corner monuments have been set.
- ~~3. The County Surveyor may require that the setting of interior corners for a subdivision be delayed if the installation of street and utility improvements has not been completed or if other contingencies justify the delay. In such cases, the surveyor shall require payment of a bond to the County as provided for in DCC 17.24.130.~~
- ~~4.3.~~ Any plat prepared by the County Surveyor in ~~his~~their private capacity shall be approved by the County Surveyor of another County in accordance with ORS 92.100(4).

- B. Field Check. The Road Department Director, the Planning Director, and the County Surveyor or their designated representatives may make such checks in the field as are required by law or are otherwise desirable to verify that the plat is sufficiently correct. They may enter the property for this purpose.

#### HISTORY

Adopted by Ord. [PL-14](#) §4.070 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.040 on 12/31/1981

Renumbered by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [93-012](#) §27 on 8/4/1993

Amended by Ord. [2006-007](#) §4 on 8/29/2006

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

#### [17.24.105 Final Plat Review](#)

- A. Upon payment by the applicant of any fees required by the County, the Planning Director, and ~~such other County departments as he shall deem appropriate~~Road Department Director, and SanitarianOnsite Wastewater Supervisor, and County Surveyor shall review the plat and other data submitted with it to determine whether or not the subdivision or partition ~~as shown is~~



~~substantially the same as it appeared on the approved~~ conforms to the tentative plan and ~~for compliance~~ complies with provisions of DCC Title 17, the tentative plan approval, ORS 92.090, and other applicable laws.

- B. The final plat shall be reviewed under the Development Action procedures of DCC 22.16. If the Planning Director determines all conditions of approval have been satisfied, the final plat shall be submitted to the Board for approval.
- C. A final plat may be approved by signature of any Board member.
- D. Review and approval under DCC 17.24 shall occur in accordance with DCC 17.24.110.

#### HISTORY

Adopted by Ord. 93-012 §28 on 8/4/1993

Amended by Ord. 97-045 §1 on 6/25/1997

Amended by Ord. 2010-005 §1 on 3/24/2010

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

#### 17.24.110 Conditions Of Approval

- A. The Planning Director and Road Department Director shall determine whether or not the plat conforms with the approved tentative plan, ~~and~~ DCC Title 17, and ORS 92. If the Planning Director and/or Road Department Director does not recommend approval of the plan, they shall advise the applicant of the changes or additions that must be made, and shall afford ~~him~~ the applicant an opportunity to make corrections. If the Planning Director and Road Department Director determine that the plat conforms to all requirements and if, in the case of partitions, they determine that all current taxes and assessments are paid, they shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Recommendation of approval of the plat does not constitute final approval, such authority for final approval being vested with the governing body.
- B. No plat of a proposed subdivision or partition shall be approved unless:
  1. Streets and roads for public use are to be dedicated without any reservation or restriction.
  2. Streets and roads held for private use and indicated on the tentative plan have been approved by the County;
  3. The plat contains provisions for dedication to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, if made a condition of the approval of the tentative plan;
  4. Explanations of all common improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat.

#### HISTORY

Adopted by Ord. PL-14 §4.080 on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 3.050, 3 on 12/31/1981

Renumbered by Ord. 90-003 §1 on 1/8/1990

Amended by Ord. [93-012 §29](#) on 8/4/1993

Amended by Ord. [2018-006 §3](#) on 11/20/2018

~~Amended by Ord. [XX-XXXX §XX](#) on X/X/XXXX~~

### [17.24.120 Improvement Agreement](#)

- A. The subdivider may, in lieu of completion of the required repairs to existing streets and ~~facilities~~utilities, and improvements as specified in the tentative plan, request the County to approve an agreement between ~~himself~~themselves and the County specifying the schedule by which the required improvements and repairs shall be completed; provided, however, any schedule of improvements and repairs agreed to shall not exceed one year from the date the final plat is recorded, except as otherwise allowed by DCC 17.24.120(F) below. The agreement shall also provide the following:
1. A list of all the contractors who will construct or complete the improvements and repairs;
  2. The cost of the improvements and repairs;
  3. ~~That t~~The County may call upon the security for the construction or completion of the improvements and repairs, upon failure of the subdivider to adhere to the schedule for improvements and repairs;
  4. ~~That t~~The County shall recover the full cost and expense of any work performed by or on behalf of the County to complete construction of the improvements and repairs, including, but not limited to, attorneys and engineering fees;
  5. ~~That a~~A one-year warranty bond shall be deposited with the County following acceptance of the improvements and repairs. The bond shall be in the amount of 10 percent of the value of the improvements.
- B. Except as provided for in DCC 17.24.120(C), no building permit shall be issued for any lot or parcel of a platted subdivision or partition until the required improvements are completed and accepted by the County. One building permit for a dwelling may be allowed for the entire parent parcel of a subdivision or partition prior to final plat approval, provided there are no other dwellings on the subject property, all land use approvals have been obtained, and the siting of the dwelling is not inconsistent with the tentative plat approval.
- C. The restrictions of DCC 17.24.120(B) shall not apply to a destination resort approved under DCC 18.113, provided that the required fire protection facilities have been constructed in compliance with the master plan or tentative plat approval and approved access roads have been completed to minimal fire code standards. Issuance of building permits under DCC 17.24.120 shall not preclude the County from calling upon the security at a later date if the roads are not later completed to the standards required by the approval.
- D. The County may reject an agreement authorized by DCC 17.24.120 for any sufficient reason.
- E. The applicant shall file with any agreement specified in DCC 17.24.120 a bond or other form of security provided for in DCC 17.24.130.

- F. Required curb improvements within the La Pine UUC may be bonded for up to three (3) years while the County develops a storm water management plan.

#### HISTORY

*Adopted by Ord. [81-043](#) §§1, 4.050 on 12/31/1981*

*Renumbered by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §30 on 8/4/1993*

*Amended by Ord. [97-016](#) §1 on 3/12/1997*

*Amended by Ord. [2002-026](#) §1 on 6/19/2002*

*Amended by Ord. [2018-006](#) §3 on 11/20/2018*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

#### [17.24.130 Security](#)

- A. Where a bond is required by any provision of DCC 17.24, an applicant may submit:
1. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the county legal Counsel;
  2. Cash deposit with the County; or
  3. An unconditional, irrevocable standby letter of credit.
- B. Such assurance of full and faithful performance shall be for 120 percent of the cost of performing the work as determined by the County.
- C. If the subdivider fails to carry out the provisions of any agreement secured by any security provided for in DCC 17.24.130(A), the County shall call upon the bond or cash deposit to finance any cost and expenses resulting from such failure. If the amount called upon and realized by the County from the cash deposit or bond exceeds the cost and expense incurred in completing the improvements and repairs, the County shall release the remainder. If the amount called upon and realized by the county from the cash deposit and bond is less than the cost and expense incurred by the County in completing the improvements and repairs, the subdivider shall be liable to the County for the difference.

#### HISTORY

*Adopted by Ord. [81-043](#) §§1, 4.055 on 12/31/1981*

*Renumbered by Ord. [90-003](#) §1 on 1/8/1990*

#### [17.24.140 Approval](#)

After the final plat has been checked and approved as provided for in DCC 17.24, and when all signatures appear thereon except those of the Planning Director and Board, the Planning Director shall approve the final plat and submit it to the Board for final approval.

#### HISTORY

*Adopted by Ord. [PL-14](#) §4.100 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.060 on 12/31/1981*

*Renumbered by Ord. [90-003](#) §1 on 1/8/1990*

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.24.150 Recording

- A. No plat shall have any force or effect until it has been recorded. No title to property described in any dedication on the plat shall pass until recording of the plat.
- B. The applicant must present the original approved plat at the time of recording. Prior to submission to the County Clerk of a plat of a County-approved subdivision or partition, the applicant shall provide a copy of the plat to the Planning Division and pay the appropriate review fee. No plat shall be recorded with the County Clerk unless accompanied by a written statement from the Planning Division that all requirements have been met.
- C. No plat may be recorded unless all city or County approvals required under ORS 92 with respect to land division and surveying and mapping have been obtained. If the plat or the circumstances of its presentation do not allow the Clerk to make this determination, the Clerk may make such inquiry as is necessary to establish that such requirements have been met.
- D. No subdivision plat shall be recorded unless all ad valorem taxes and all special assessments, fees or other charges required by law to be placed upon the tax roll that have become a lien upon the subdivision or that will become a lien upon the subdivision during the tax year have been paid.
- E. No plat shall be recorded unless it is accompanied by a signed statement of water rights and, if there are water rights appurtenant to the property being divided, an acknowledgment of receipt by the Oregon Department of Water Resources of applicant's statement of water rights. This provision shall not apply if the partition or subdivision plat displays the approval of any special district referred to in DCC 17.24.090.
- F. No plat shall be recorded unless it complies with the provisions of DCC 17.24.040 and ORS 92 regarding form.
- G. Following submission of the approved plat and upon payment of such recording fees as prescribed by the County, the original shall be recorded in the County Clerk's plat records by scanning and microfilming the plat. The physical copy of the recorded plat shall be released by the County Clerk to the County Surveyor for filing.

#### HISTORY

*Adopted by Ord. PL-14 §4.110 on 11/1/1979*

*Repealed & Reenacted by Ord. 81-043 §§1, 3, 4.065 on 12/31/1981*

*Renumbered by Ord. 90-003 §1 on 1/8/1990*

*Amended by Ord. 93-012 §31 on 8/4/1993*

*Amended by Ord. 2005-044 §1 on 1/26/2006*

*Amended by Ord. 2006-007 §4 on 8/29/2006*

*Amended by Ord. 2020-007 §6 on 10/27/2020*

*Amended by Ord. 2021-013 §2 on 4/5/2022*

*Amended by Ord. XX-XXXX §XX on X/X/XXXX*

### 17.24.160 Approval And Recordation Of Subdivision Interior Monuments Monumenting Certain Subdivision Corners After Recording Plat

- A. ~~Monumenting certain subdivision corners after recording a plat shall be completed in accordance with ORS 92.060, ORS 92.065, and ORS 92.070. Approval. Within five days of completion of the setting of interior monuments as allowed by the County Surveyor under DCC 17.24.100, the Surveyor performing the work shall notify the City or County Surveyor, as the case may be, of the completion of the work. At that time the Surveyor performing the work shall submit to the city or County Surveyor such documentation as the City or county Surveyor shall require demonstrating that the work has been completed in accordance with the Surveyor's affidavit recorded on the plat and ORS 92, including an affidavit in conformance to the requirements of ORS 92.070(3)(b).~~
- B. Recordation of Affidavit. ~~U~~pon approval by the City or County Surveyor, as the case may be, the monumentation affidavit shall be recorded in the office of the County Clerk.
- C. Reference of Monumentation. The County Surveyor shall, in all cases, note the monuments set and the recorder's information on the plat provided to the County Surveyor and filed in accordance with DCC 17.24.150.
- D. Reference of County Surveyor's Approval. The County Surveyor shall, in all cases, reference ~~his~~ their approval on the plat filed in the County Surveyor's records in accordance with DCC 17.24.150.

#### HISTORY

Adopted by Ord. [90-003](#) §1, Exhibit A on 1/8/1990

Amended by Ord. [2020-007](#) §6 on 10/27/2020

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

### 17.24.170 Correction Of Errors

- A. A plat may be amended to correct errors ~~pursuant to specified in~~ ORS 92.170(1).
- ~~B. Amendment of a plat pursuant to DCC 17.24.170 shall be made by an affidavit of correction prepared in accordance with ORS 92.170(3).~~
- ~~C. The affidavit shall be submitted to the City or County Surveyor, as the case may be, who shall certify that the affidavit has been examined and that the changes shown on the affidavit are permitted under ORS 92.170(1). After approval by the Surveyor, the affidavit shall be recorded with the Clerk upon payment of such recording and Surveyor's fees as set by the Board.~~
- ~~D.B.~~ The County Surveyor shall, in all cases, note the correction and the recording reference from the affidavit on the plat filed in the County Surveyor's records in accordance with DCC 17.24.150.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 4.070 on 12/31/1981

Renumbered by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [2020-007](#) §6 on 10/27/2020

Amended by Ord. XX-XXXX §XX on X/X/XXXX

## CHAPTER 17.32 CONDOMINIUM CONVERSION (Repealed)

17.32.010 Applicability

17.32.020 Procedure

17.32.030 Division Of Land

17.32.010 Applicability

~~Any proposal for a condominium conversion as defined in ORS 91 shall, prior to approval by the real estate commissioner, comply with DCC 17.32.020 and 17.32.030.~~

### ~~HISTORY~~

~~Adopted by Ord. 81-043 §§1, 7.010 on 12/31/1981~~

~~Amended by Ord. 2001-016 §2 on 3/28/2001~~

17.32.020 Procedure

~~The applicant shall file with the planning department an application for the proposed conversion, together with a filing fee and a detailed site plan, indicating parking, landscaping and recreational areas.~~

### ~~HISTORY~~

~~Adopted by Ord. 81-043 §§1, 7.020 on 12/31/1981~~

~~Amended by Ord. 2001-016 §2 on 3/28/2001~~

17.32.030 Division Of Land

~~Any proposal for a condominium conversion which results in a division of real property shall comply with the provisions of DCC 17.32.~~

### ~~HISTORY~~

~~Adopted by Ord. 81-043 §§1, 7.030 on 12/31/1981~~

~~Amended by Ord. 2001-016 §2 on 3/28/2001~~

~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

## CHAPTER 17.36 DESIGN STANDARDS

17.36.010 Compliance Required

17.36.020 Streets

17.36.030 Division Of Land

17.36.040 Existing Streets

17.36.050 Continuation Of Streets

17.36.060 Minimum Right Of Way And Roadway Width

17.36.070 Future Re-Subdivision

17.36.080 Future Extension Of Streets

17.36.090 (Repealed)

17.36.100 Frontage Roads

17.36.110 Streets Adjacent To Railroads, Freeways And Parkways

17.36.120 Street Names

17.36.130 Sidewalks

17.36.140 Bicycle, Pedestrian And Transit Requirements

17.36.150 Blocks

17.36.160 Easements

17.36.170 Lots; Size And Shape

17.36.180 Road Frontage

17.36.190 Through Lots

17.36.200 Corner Lots

17.36.210 Solar Access Performance

17.36.220 Underground Facilities

17.36.230 Grading Of Building Sites

17.36.240 (Repealed)

17.36.250 Lighting

17.36.260 Fire Hazards

17.36.270 Street Tree Planting

17.36.280 Water And Sewer Lines

17.36.290 Individual Wells

17.36.300 Public Water System

### 17.36.010 Compliance Required

Except as otherwise set forth in a zoning ordinance, all land divisions and roads shall be in compliance with the design standards set forth in DCC 17.36, ~~and in~~ DCC 17.48 and Title 12.

#### HISTORY

*Adopted by Ord. PL-14 §7.010 on 11/1/1979*

*Repealed & Reenacted by Ord. 81-043 §§1, 6.010 on 12/31/1981*

*Amended by Ord. 95-082 §2 on 12/13/1995*

*Amended by Ord. XX-XXXX §XX on X/X/XXXX*

### 17.36.020 Streets

- A. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system for all modes of transportation, including pedestrians, bicycles and automobiles, with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. The subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivision or partition or of their property projection when adjoining property which is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in DCC 17.36.
- B. Streets in subdivisions and partitions shall be dedicated to the public, unless located in a destination resort, planned community or planned or cluster development, where roads can be privately owned. Planned developments shall include public streets where necessary to accommodate present and future through traffic.

~~C. Streets in partitions shall be dedicated to the public.~~

#### HISTORY

*Adopted by Ord. [PL-14](#) §7.020 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(1) on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §31(A) on 8/4/1993*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

### 17.36.030 Division Of Land

Any proposal for a condominium conversion which results in a division of real property shall comply with the provisions of DCC Title 17 and ORS 92.

#### HISTORY

*Adopted by Ord. [81-043](#) §§1, 6.015(10) on 12/31/1981*

*Amended by Ord. [93-012](#) §32 on 8/4/1993*

### 17.36.040 Existing Streets

- A. General/Discretionary Standards: Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or partition or by the County roadway network plan, additional rights of way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body, together with the Road Department Director, shall determine whether improvements to existing streets adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval for the tentative plan. Improvements to adjacent streets shall be required where traffic on such streets will be directly affected by the proposed subdivision or partition.

B. Clear and Objective Standards:



1. Wherever existing streets are within, adjacent to, or provide access to a property proposed for subdivision or partition, those existing streets must be improved to the standards of DCC 17.48 and Title 12, provided the County makes findings to demonstrate consistency with constitutional requirements.
2. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body, together with the Road Department Director, shall determine whether improvements to existing streets adjacent to or within the tract, are necessary to meet the DCC 17.48 and Title 12 standards. If so determined, such improvements shall be required as a condition of approval for the tentative plan.
3. Improvements to streets outside of the subdivision or partition shall be required where the traffic impact study, if required by DCC 17.16.030(C)(16), indicates that traffic on such streets will be impacted by the proposed subdivision or partition, and provided the County makes findings to demonstrate consistency with constitutional requirements.

#### HISTORY

Adopted by Ord. [PL-14](#) §7.020(4) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(3) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [93-012](#) §33 on 8/4/1993

Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX

#### [17.36.050 Continuation Of Streets](#)

Subdivision or partition streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide.

#### HISTORY

Adopted by Ord. [81-043](#) §§1, 6.015(9) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

#### [17.36.060 Minimum Right Of Way And Roadway Width](#)

The street right of way and roadway surfacing widths shall be in conformance with standards and specifications set forth in DCC 17.48 and Title 12. Where DCC 17.48 and Title 12 refers to street standards found in a zoning ordinance, the standards in the zoning ordinance shall prevail.

#### HISTORY

Adopted by Ord. [PL-14](#) §7.020(5) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(1) on 12/31/1981

Amended by Ord. [97-005](#) §2 on 6/4/1997

Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX

#### [17.36.070 Future Re-Subdivision](#)

- A. General/Discretionary Standards: Where a ~~tract of land is divided~~ partition or subdivision will create into lots or parcels with a lot area of an acre or more, the Planning Director or Hearings Body may require an arrangement of lots or parcels and streets such as to permit future re-

subdivision in conformity to the street requirements and other requirements contained in DCC Title 17.

A.B. Clear and Objective Standards: Where a partition or subdivision will create individual lots or parcels with a lot area greater than or equal to two times the minimum lot area of the underlying zone(s), such lots or parcels shall have a lot areal and lot width which will allow for their future partitioning or subdividing. The applicant shall demonstrate such lots or parcels could be further divided or replatted in the future to create lots or parcels that conform to the lot area and dimensional standards of DCC Title 18 through 21, and facilitate streets and blocks in conformance with DCC 17.36, 17.48 and Title 12.

#### HISTORY

*Adopted by Ord. [PL-14](#) §7.020(3) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(2) on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. XX-XXXX §XX on X/X/XXXX*

#### [17.36.080 Future Extension Of Streets](#)

When a proposed partition or subdivision abuts land capable of being divided under in compliance with the current minimum lot area acreages, but the abutting that land does not have sufficient road access to accommodate a land division under Title 17, -road right-of-way shall be dedicated to the public through the proposed partition or subdivision, sufficient to permit future division of that land under Title 17. When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.

#### HISTORY

*Adopted by Ord. [PL-14](#) §7.020(7) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(6) on 12/31/1981*

*Amended by Ord. XX-XXXX §XX on X/X/XXXX*

#### [17.36.090 \(Repealed\)](#)

#### HISTORY

*Repealed by Ord. [93-012](#) §34 on 8/4/1993*

#### [17.36.100 Frontage Roads](#)

If a land division abuts or contains an existing or proposed collector or arterial street, the Planning Director or Hearings Body may require frontage roads, reverse frontage lots or parcels with suitable depth, screen planting contained ~~in a non-access reservation~~ along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. All frontage roads shall comply with the applicable standards of Table A of DCC Title 17, unless specifications included in a particular zone provide other standards applicable to frontage roads.

#### HISTORY

*Adopted by Ord. [PL-14](#) §7.020(12) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(7) on 12/31/1981*

*Amended by Ord. [93-012](#) §35 on 8/4/1993*

*Amended by Ord. [93-057](#) §1 on 11/10/1993*

*Amended by Ord. [97-005](#) §3 on 6/4/1997*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

### 17.36.110 Streets Adjacent To Railroads, Freeways And Parkways

When the area to be divided adjoins or contains a railroad, freeway or parkway, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for use of the land between the street and railroad, freeway or parkway. In the case of a railroad, there shall be a land strip of not less than 25 feet in width adjacent and along the railroad right of way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than 80 feet in width, such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets, where they intersect with streets that cross a railroad, shall be determined with due consideration at cross streets of a minimum distance required for approach grades to a future grade separation and right of way widths of the cross street.

#### HISTORY

*Adopted by Ord. [PL-14](#) §7.020(11) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(8) on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

### 17.36.120 Street Names

Except for extensions of existing streets, street names shall comply with the standards of DCC 16.16.030, Procedures For Naming New Roads and shall require approval from the County Property Address Coordinator. ~~no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers shall conform to the established pattern in the County and shall require approval from the County Property Address Coordinator.~~

#### HISTORY

*Adopted by Ord. [PL-14](#) §7.020(10) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(11) on 12/31/1981*

*Amended by Ord. [93-012](#) §36 on 8/4/1993*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

### 17.36.130 Sidewalks

- A. Within ~~an urban growth boundary~~ areas subject to City Joint Management Agreements, sidewalks shall be installed on both sides of a public road or street and in any special pedestrian way within the subdivision or partition, and along any collectors and arterials improved in accordance with the subdivision or partition approval.

- B. ~~Within an urban area~~When sidewalks are required based on the road standards provided in DCC 17.48 Table A and Title 12, sidewalks shall be required along frontage roads only on the side of the frontage road abutting the development.
- C. Sidewalk requirements for areas outside of urban areas are set forth in DCC 17.48.175. In the absence of a special requirement set forth by the Road Department Director under DCC 17.48.030, sidewalks and curbs are never required in rural areas outside unincorporated communities as that term is defined in DCC Title 18.

#### HISTORY

Adopted by Ord. [PL-14](#) §8.030(5) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(12) on 12/31/1981

Amended by Ord. [88-015](#) §3 on 5/18/1988

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [93-012](#) §37 on 8/4/1993

Amended by Ord. [96-003](#) §11 on 3/27/1996

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

### 17.36.140 Bicycle, Pedestrian And Transit Requirements

Pedestrian and Bicycle Circulation within Subdivision.

#### A. Tentative Plan.

A.1. General/Discretionary Standards: The tentative plan for a proposed subdivision shall provide for bicycle and pedestrian routes, facilities and improvements within the subdivision and to nearby existing or planned neighborhood activity centers, such as schools, shopping areas and parks in a manner that will:

1-A. Minimize such interference from automobile traffic that would discourage pedestrian or cycle travel for short trips;

2-B. Provide a direct route of travel between destinations within the subdivision and existing or planned neighborhood activity centers, and

C. Otherwise meet the needs of cyclists and pedestrians, considering the destination and length of trip.

2. Clear and Objective Standards: The tentative plan for a proposed subdivision shall provide multi-use paths within the subdivision.

A. These multi-use paths shall be:

a. Two-way facilities with a standard width of 10 feet. These paths shall meet County multi-use path standards in DCC 17.48 Table B and Title 12, and shall connect with:

1. Each lot in the subdivision;

2. Existing or planned neighborhood activity centers, such as schools, shopping areas, and parks, within one-half mile of the subdivision; and

3. Public roads adjacent to the subdivision.

b. Subject to maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105.

B. Subdivision layout.

1. Cul-de-sacs.

a. General/Discretionary Standard: Cul-de-sacs or dead-end streets shall be allowed only where, due to topographical or environmental constraints, the size and shape of the parcel, or a lack of through-street connections in the area, a street connection is determined by the Planning Director or Hearings Body to be infeasible or inappropriate. In such instances, where applicable and feasible, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

a-b. Clear and Objective Standard: Cul-de-sacs or dead-end streets shall be allowed only where it is not feasible to construct a street connection that does not exceed the maximum grade allowed by DCC 17.48 and Title 12. In such instances, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

1-2. Bicycle and pedestrian connections between streets shall be provided at mid-block where the addition of a connection would reduce the walking or cycling distance to an existing or planned neighborhood activity center by 400 feet and by at least 50 percent over other available routes.

2-3. Local roads shall align and connect with themselves across collectors and arterials. Connections to existing or planned streets and undeveloped properties shall be provided at no greater than 400-foot intervals.

3-4. Connections shall not be more than 400 feet long, ~~and shall be as straight as possible.~~

C. Facilities and Improvements.

1. Bikeways ~~may~~shall be provided by either a separate paved path or an on-street bike lane, consistent with the requirements of DCC ~~Title-17.48.140~~ and Title 12.

2. Pedestrian access ~~may~~shall be provided by sidewalks or a separate paved path, consistent with the requirements of DCC ~~Title-17.36.130~~ and applicable standards in DCC 17.48 and Title 12.

3. Connections shall have a 20-foot right of way, ~~with at least a 10-foot usable surface and shall meet the applicable dimensional standards of DCC 17.48 Table B and Title 12.~~

#### HISTORY

Adopted by Ord. [PL-14](#) §7.030(3)(C) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(13) on 12/31/1981

Amended by Ord. [93-012](#) §38 on 8/4/1993

~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

### [17.36.150 Blocks](#)

- A. General. The length, width, and shape of blocks shall accommodate the need for adequate building site size, street width, and direct travel routes for pedestrians and cyclists through the subdivision and to nearby neighborhood activity centers, and shall be compatible with the limitations of the topography.
- B. Size. Within an urban growth boundary, no block shall be longer than 1,200 feet between street centerlines. In blocks over 800 feet in length, there shall be a cross connection consistent with the provisions of DCC 17.36.140.

#### HISTORY

Adopted by Ord. [PL-14](#) §7.030 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.020(1) and (2) on 12/31/1981

Amended by Ord. [93-012](#) §38(A) on 8/4/1993

Amended by Ord. [95-082](#) §3 on 12/13/1995

### [17.36.160 Easements](#)

- A. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines ~~where possible~~, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.
- B. Drainage. If a tract is traversed by a watercourse such as a drainageway, channel or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of the watercourse, or in such further width as will be adequate for the purpose.  
~~Streets or parkways parallel to major watercourses or drainageways may be required.~~

#### HISTORY

Adopted by Ord. [PL-14](#) §7.030(3) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §1, 6.020(3) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

### 17.36.170 Lots; Size And Shape

- A. General/Discretionary Standards: The lot area size, lot width, and orientation of lots or parcels shall be appropriate for the location of the land division and for the proposed type of development and use(s), ~~contemplated~~ and shall be consistent with the lot area requirements of the underlying zone(s) pursuant to or parcel size provisions of DCC Title 18 through 21, with the following exceptions:
1. If proposed lots or parcels are in areas not to be served by a public community sewer system, the minimum lot area and parcel sizes shall ~~ensure~~ permit compliance with the requirements of the Department of Environmental Quality and the County Onsite Wastewater Supervisor Sanitarian, and shall be sufficient to permit adequate onsite sewage disposal. Any problems posed by soil structure and water table and related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.
  2. Where property is zoned and planned for business or industrial use, other lot widths and lot areas may be permitted by the Planning Director or Hearings Body. ~~Depth and~~ The lot width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the proposed type of use(s) and development ~~contemplated~~.

B. Clear and Objective Standards:

1. A Professional Engineer registered in the State of Oregon shall confirm in writing that the lot area, lot width, and orientation of lots or parcels shall be appropriate for the location of the land division and for the proposed type of development and use(s); and
2. The County Onsite Wastewater Supervisor shall confirm in writing, in areas not to be served by a public sewer system, the proposed lot areas will be sufficient to permit adequate onsite sewage disposal in compliance with the requirements of the Department of Environmental Quality.

#### HISTORY

*Adopted by Ord. PL-14 §7.040(1) on 11/1/1979*

*Repealed & Reenacted by Ord. 81-043 §§1, 6.025 on 12/31/1981*

*Amended by Ord. 90-003 §1 on 1/8/1990*

*Amended by Ord. XX-XXXX §XX on X/X/XXXX*

### 17.36.180 Road Frontage

- A. Each lot or parcel shall abut upon a public road, or when located in a planned development or cluster development, a private road, and have for at least 50 feet ~~30 feet of road frontage,~~ except for lots or parcels fronting on the bulb of a cul-de-sac, then the minimum frontage shall be 30 feet, and except for partitions off of U.S. Forest Service or Bureau of Land Management

~~roads. Frontage for partitions off U.S. Forest Service or Bureau of Land Management roads shall be decided on a case by case basis based on the location of the property, the condition of the road, and the orientation of the proposed parcels, but shall be at least 20 feet. In the La Pine Neighborhood Planning Area Residential Center District, lot widths may be less than 50 feet in width, as specified in DCC 18.61, Table 2: La Pine Neighborhood Planning Area Zoning Standards. Road frontage standards in destination resorts shall be subject to review in the conceptual master plan.~~

- B. All side lot lines shall be at right angles to street lines or radial to curved streets, ~~wherever practical.~~

#### HISTORY

Adopted by Ord. [PL-14](#) §1.010(33)(H) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(1) and (2) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [93-012](#) §39 on 8/4/1993

Amended by Ord. [2003-029](#) §1 on 9/24/2003

Amended by Ord. [2004-025](#) §2 on 12/20/2004

Amended by Ord. [2006-007](#) §5 on 8/29/2006

~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

### [17.36.190 Through Lots](#)

- A. General/Discretionary Standards: Lots or parcels with double road frontage should be avoided except where they are essential to provide separation of residential development from major street or adjacent nonresidential activities to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the front lot lines of lots or parcels abutting such a traffic artery or other incompatible use.

- ~~A.B. Clear and Objective Standards: Lots or parcels with double road frontage shall be prohibited except where necessary to avoid creation of residential lots or parcels with road frontage on collector or arterial streets. A planting screen easement of at least 10 feet in width and across which there shall be no right of access shall be required along the front lot lines of lots or parcels abutting a collector or arterial.~~

#### HISTORY

Adopted by Ord. [PL-14](#) §§1.010(33)(H), 7.040(3) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(3) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~



### 17.36.200 Corner Lots

Within an urban growth boundary, corner lots or parcels shall be a minimum of five feet more in width than other lots or parcels, and also shall have sufficient extra width to meet the additional side yard requirements of the zoning district in which they are located.

#### HISTORY

*Adopted by Ord. [PL-14](#) §1.010(33)(B) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(4) on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

### 17.36.210 Solar Access Performance

#### A. General/Discretionary Standards:

1. As much solar access as feasible shall be provided each lot or parcel in every new subdivision or partition, considering topography, development pattern and existing vegetation. The lot lines of lots or parcels, as far as feasible, shall be oriented to provide solar access at ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st. If it is not feasible to provide solar access to the southern building line, then solar access, if feasible, shall be provided at 10 feet above ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st, and three hours before and after the solar zenith from March 22nd to September 21st.
2. This solar access shall be protected by solar height restrictions on burdened properties for the benefit of lots or parcels receiving the solar access.
3. If the solar access for any lot or parcel, either at the southern building line or at 10 feet above the southern building line, required by this performance standard is not feasible, supporting information must be filed with the application.

A.B. Clear and Objective Standards: A Professional Engineer registered in the State of Oregon shall confirm in writing the solar access for residential development will be feasible in accordance with DCC 18.116.170, 18.116.180, 19.88.210, and 19.88.220.

#### HISTORY

*Adopted by Ord. [PL-14](#) §7.040(6) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(5) on 12/31/1981*

*Amended by Ord. [83-039](#) §7 on 6/1/1983*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

### 17.36.220 Underground Facilities

A. General/Discretionary Standards: Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities; provided, however, the Hearings Body may allow overhead utilities if the surrounding area is already served by overhead utilities and the proposed subdivision or partition would

create less than 10 lots. The subdivision or partition shall be responsible for complying with requirements of DCC 17.36.220, and shall:

- A.1. Obtain a permit from the Road Department for placement of all underground utilities.
  - B.2. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission.
  - 3. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable, and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
- B. Clear and Objective Standards: Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities. The subdivision or partition shall :
- 1. Obtain a permit from the Road Department for placement of all underground utilities;
  - 2. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission; and
  - 4-3. Construct all underground utilities, sanitary sewers and storm drains installed in streets prior to the surfacing of such streets and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

#### HISTORY

Adopted by Ord. [PL-14](#) §7.120 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(6) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [2006-007](#) §5 on 8/29/2006

~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

#### [17.36.230 Grading Of Building Sites](#)

Grading of building sites shall conform to the following standards, ~~unless physical conditions demonstrate the property of other standards:~~

- A. General/Discretionary Standards: Unless a variance is approved under DCC 17.56:
  - A.1. Cut slope ratios shall not exceed one foot vertically to one and one-half feet horizontally.
  - B.2. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
  - C.3. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

~~D.4.~~ When filling or grading is ~~contemplated-proposed~~ by the subdivider, ~~he~~they shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

**B. Clear and Objective Standards:**

1. Cut slope ratios shall not exceed one foot vertically to one and one-half feet horizontally.
2. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
3. A Professional Engineer registered in the State of Oregon shall confirm in writing that fill and grading will meet the requirements of the Oregon Structural Specialty Code, Oregon Residential Specialty Code, and Central Oregon Stormwater Manual pertaining to grading, fill, slope stability, drainage, compaction and erosion control, as applicable.

HISTORY

Adopted by Ord. [PL-14](#) §7.050 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.040 on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

**17.36.240 (Repealed)**

HISTORY

Repealed by Ord. [93-012](#) on 8/4/1993

**17.36.250 Lighting**

Within an urban growth boundary, the subdivider shall provide underground wiring to ~~the County~~ standards of the Oregon Electrical Specialty Code, and a base for any proposed ornamental street lights at locations approved by the affected utility company.

HISTORY

Adopted by Ord. [PL-14](#) §8.030(8) and (9) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.035(1) on 12/31/1981

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

**17.36.260 Fire Hazards**

- A. General/Discretionary Standard: Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease ~~resident-occupant~~ evacuation.
- B. Clear and Objective Standard: A minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease occupant evacuation.

## HISTORY

Adopted by Ord. [PL-14](#) §7.130 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.035(2) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX

17.36.270 Street Tree Planting

A. General/Discretionary Standard: Street tree planting plans, if proposed, for a subdivision or partition, shall be submitted to the Planning Director and receive his approval before the planting is begun.

B. Clear and Objective Standard: Street tree planting is not permitted.

## HISTORY

Adopted by Ord. [81-043](#) §§1, 6.035(3) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX

17.36.280 Water And Sewer Lines

Where required by the applicable zoning ordinance, water and sewer lines shall be constructed to County and city standards and specifications. Required water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.

## HISTORY

Adopted by Ord. [PL-14](#) §8.030(3) and (4) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.035(4) on 12/31/1981

Amended by Ord. [90-003](#) §1 on 1/8/1990

Amended by Ord. [93-012](#) §41 on 8/4/1993

17.36.290 Individual Wells

In any subdivision or partition where individual wells are proposed, the applicant shall provide documentation of the depth and quantity of potable water available from a minimum of two wells within one mile of the proposed land division. Notwithstanding DCC 17.36.300, individual wells for subdivisions are allowed when parcels are larger than 10 acres.

## HISTORY

Adopted by Ord. [PL-14](#) §7.100(1) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.035(4) on 12/31/1981

Amended by Ord. [93-012](#) §42 on 8/4/1993

17.36.300 Public Water System

In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the ~~appropriate state or federal agency~~ [Oregon Health Authority](#). A ~~community-public~~ water system shall be required where ~~proposed~~ lot ~~areaser~~ ~~parcel sizes~~ are less ~~than~~ one acre or where potable water sources are at depths greater than 500 feet, excepting land partitions. Except as provided for in DCC 17.24.120 and 17.24.130, a required water

system shall be constructed and operational, with water lines extended to the lot line of each ~~and every~~ lot or parcel depicted in the proposed subdivision or partition plat, prior to final approval.

#### HISTORY

*Adopted by Ord. [PL-14](#) §7.100(2) and (3) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.035(6) on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

*Amended by Ord. [93-012](#) §43 on 8/4/1993*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

## CHAPTER 17.40 IMPROVEMENTS

### [17.40.010 Conformance Required](#)

### [17.40.020 Plan Review And Approval](#)

### [17.40.030 Improvement Plans; Filing](#)

### [17.40.040 Inspection And Approval](#)

### [17.40.050 Public Improvements; Submittal Of Plans](#)

### [17.40.060 Partitions](#)

### [17.40.070 Acceptance After Inspection](#)

### [17.40.010 Conformance Required](#)

In addition to other requirements, improvements to be installed by the applicant, either as a requirement of DCC Title 17 or other applicable regulations or at this own option, shall conform to the requirements of DCC 17.40.

#### HISTORY

*Adopted by Ord. [PL-14](#) §8.010 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.050 on 12/31/1981*

### [17.40.020 Plan Review And Approval](#)

Improvement work shall not be started until plans therefor have been reviewed and approved by the Road Department Director. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan.

#### HISTORY

*Adopted by Ord. [PL-14](#) §8.010(1) on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 6.050(1) on 12/31/1981*

*Amended by Ord. [90-003](#) §1 on 1/8/1990*

### [17.40.030 Improvement Plans; Filing](#)

Improvements shall be designed, installed and constructed as platted and approved, and plans therefor shall be filed with the final plat at the time of recordation or upon completion.

## HISTORY

Adopted by Ord. [PL-14](#) §8.010(2) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §1, 6.050(2) on 12/31/1981

#### [17.40.040 Inspection And Approval](#)

Improvements shall be constructed under the inspection of ~~a registered Professional Engineer, expenses incurred by the applicant, and with final written approval from the Road Department Director that the improvements were constructed as required. The Road Department Director may accept certification of a registered professional engineer consistent with ORS 92.097. Expenses incurred thereby shall be borne by the applicant.~~

## HISTORY

Adopted by Ord. [PL-14](#) §8.010(3) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §1, 6.050(3) on 12/31/1981

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

#### [17.40.050 Public Improvements; Submittal Of Plans](#)

A map showing public improvements shall be filed with the Road Department upon completion of the improvements.

## HISTORY

Adopted by Ord. [PL-14](#) §8.010(5) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.050(4) on 12/31/1981

#### [17.40.060 Partitions](#)

The same improvements may be required to be installed to serve each building site of a partition as are required of a subdivision.

## HISTORY

Adopted by Ord. [PL-14](#) §8.040 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.055 on 12/31/1981

#### [17.40.070 Acceptance After Inspection](#)

Improvements shall be considered for acceptance after inspection at the time the improvements are constructed.

## HISTORY

Adopted by Ord. [PL-14](#) §8.060 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.060 on 12/31/1981

## CHAPTER 17.44 PARK DEVELOPMENT

### 17.44.010 Dedication Of Land: General/Discretionary Standards

### 17.44.015 Dedication of Land: Clear and Objective Standards

### 17.44.020 Fee In Lieu Of Dedication

### 17.44.030 Annexation Agreement

### 17.44.010 Dedication Of Land: General/Discretionary Standards

- A. For subdivisions or partitions inside an urban growth boundary, the developer shall set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.
- B. For subdivisions or partitions outside of an urban growth boundary, the developer shall set aside a minimum area of the development equal to \$350 per dwelling unit within the development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.
- C. For either DCC 17.44.010 (A) or (B), the developer shall either dedicate the land set aside to the public or develop and provide maintenance for the land set aside as a private park open to the public.
- D. The Planning Director or Hearings Body shall determine whether or not such land is suitable for park purposes.
- E. If the developer dedicates the land set aside in accordance with DCC 17.44.010 (A) or (B), any approval by the Planning Director or Hearings Body shall be subject to the condition that the County or appropriate park district accept the deed dedicating such land.
- F. DCC 17.44.010 shall not apply to the subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.

#### HISTORY

*Adopted by Ord. [81-043](#) §§1, 6.080 on 12/31/1981*

*Amended by Ord. [93-012](#) §§45 and 46 on 8/4/1993*

*Amended by Ord. [93-054](#) §2 on 12/15/1993*

*Amended by Ord. [95-010](#) §2 on 3/1/1995*

*Amended by Ord. [97-075](#) §1 on 12/31/1997*

*Amended by Ord. [2003-076](#) §1 on 7/9/2003*

*Amended by Ord. [2012-008](#) §2 on 5/2/2012*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

### 17.44.015 Dedication Of Land: Clear and Objective Standards

The developer shall:

- A. Set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development;; and

- B. Shall either dedicate the land set aside to the public, provided an applicable park district agrees in writing to accept the deed to the land proposed to be dedicated to the public, or develop and provide maintenance for the land set aside as a private park open to the public.

**HISTORY**

*Adopted by Ord. XX-XXXX §X on X/X/XXXX*

**17.44.020 Fee In Lieu Of Dedication**

- A. In the event there is no suitable park or recreation area or site in the proposed subdivision or partition, or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under DCC 17.44.010 above. For the purpose of determining the fair market value, the latest value of the land, unplatted and without improvements, as shown on the County Assessor's tax roll shall be used. The sum ~~of money so~~ contributed shall be deposited with the County Treasurer and be used for acquisition of suitable area for park and recreation purposes or for the development of recreation facilities. Such expenditures shall be made for neighborhood or community facilities at the discretion of the Board and/or applicable park district.
- B. DCC 17.44.020 shall not apply to subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.

**HISTORY**

*Adopted by Ord. [81-043](#) §§1, 6.080 on 12/31/1981*

*Amended by Ord. [93-012](#) §§45 and 46 on 8/4/1993*

*Amended by Ord. [93-054](#) §2 on 12/15/1993*

*Amended by Ord. [95-010](#) §2 on 3/1/1995*

*Amended by Ord. [97-075](#) §1 on 12/31/1997*

*Amended by Ord. [2012-008](#) §2 on 5/2/2012*

*Amended by Ord. XX-XXXX §XX on X/X/XXXX*

**17.44.030 Annexation Agreement**

No partition or subdivision of land lying within the Bend Urban Growth Boundary, including the urban reserve areas, but outside the boundaries of the Bend Metro Park and Recreation District, shall be approved unless the landowner has signed an annexation agreement with the Bend Metro ~~P~~ark and Recreation District.

**HISTORY**

*Adopted by Ord. [97-075](#) §2 on 12/31/1997*

*Amended by Ord. XX-XXXX §XX on X/X/XXXX*

**CHAPTER 17.48 DESIGN AND CONSTRUCTION SPECIFICATIONS ROAD DEVELOPMENT STANDARDS**

17.48.010 Minimum Standards Established

17.48.020 Implementation ~~o~~Of Requirements



[17.48.030 Additional Design Requirements](#)  
[17.48.040 Approval of Variations](#)  
[17.48.050 Road Design](#)  
[17.48.060 Improvement Plans](#)  
[17.48.070 Horizontal Alignment](#)  
[17.48.080 Vertical Alignment](#)  
[17.48.090 Intersections](#)  
[17.48.100 Minimum Right Of Way Width](#)  
[17.48.110 Turn Lanes](#)  
[17.48.120 Partial Width Roads](#)  
[17.48.130 Road Names](#)  
[17.48.140 Bikeways](#)  
[17.48.150 Structures](#)  
[17.48.160 Road Development Requirements; General Standards](#)  
[17.48.165 Road Development Requirements; Subdivisions](#)  
[17.48.170 Road Development Requirements; Partitions](#)  
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[17.48.190 Drainage](#)  
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[17.48.230 Utilities; Standards](#)  
[17.48.240 Utilities; Permit](#)  
[17.48.250 Utilities; Construction; Performance Standards](#)  
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[17.48.270 Utilities; Construction; Backfilling And Restoring](#)  
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[17.48.290 Fees](#)  
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[17.48.330 Construction; General Specifications](#)  
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[17.48.360 Construction; Handling Of Explosives](#)  
[17.48.370 Construction; Cooperation With Utilities](#)  
[17.48.380 Construction; Temporary Traffic Control](#)  
[17.48.390 Construction; Clearing And Grubbing](#)  
[17.48.400 Construction; Dust Control](#)  
[17.48.410 Construction; Subgrade Construction](#)  
[17.48.420 Construction; Surfacing Requirements](#)  
[17.48.430 Construction; Concrete Curb](#)

~~[17.48.440 Construction; Sidewalks](#)~~  
~~[17.48.450 Construction; Slopes And Backfill](#)~~  
~~[17.48.460 Construction; Catchbasins](#)~~  
~~[17.48.470 Construction; Permanent Traffic Control](#)~~  
~~[17.48.480 Construction; Final Cleanup](#)~~  
~~[17.48.490 Road And Street Project](#)~~  
~~[17.48 Table A Minimum Road Design Standards](#)~~  
~~[17.48 Table B Minimum Bikeway Design Standards](#)~~

### 17.48.010 Minimum Standards Established

~~Except as otherwise noted, in addition to the standards specifications for design and construction contained within DCC [17.48.12.25](#) and standard drawings as determined by the Road Department Director, the requirements of DCC [17.48](#) are the minimum standards governing construction of roads and other improvements and facilities—[associated with land development, including subdivisions and partitions.](#)~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.010 on 12/31/1981*

*Amended by Ord. [95-082](#) §4 on 12/13/1995*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

### 17.48.020 Implementation ~~o~~ Requirements

- A. It is the duty of the Road Department Director (“Director”), or the Director’s authorized representative, to implement the provisions and requirements of these standards in such a way as to carry out their intent and purpose.
- B. For purposes of this chapter, all references to “Road Department Director” shall include the ~~Director’s authorized representative~~ County Engineer.

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.015 on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) on 1/30/2012*

*~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

### [17.48.030 Additional Design Requirements \(Renumbered\)](#)

~~[\(Renumbered to 12.25.030\)](#)~~

~~The Road Department Director may impose additional design requirements as are reasonably necessary to protect the interests of the public.~~

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.020 on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~

17.48.040 Approval of Variations

- A. ~~As part of a discretionary land use application,~~ The Planning Director or Hearings Body may approve proposed variations in the improvement standards of up to 10 percent of the standards of DCC ~~Title 17-12.25~~ at the time a tentative plat application is reviewed without the need for a variance to the standards provided the Planning Director or Hearings Body finds, after consultation with the County Road Department Director, that:
1. There is no adverse impact to the public in allowing the variations;
  2. The variation promotes the intent and purposes of the ordinances; and
  3. There are practical difficulties that will create an unreasonable construction expense that will not result in a significant public benefit.
- B. If a request for a variance from the standards is made after approval of a tentative plat and before the final plat, the applicant shall file a separate variance application, to be reviewed under the criteria set forth in DCC 17.48.040(A).

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.700 on 12/31/1981

Amended by Ord. [93-012](#) §47 on 8/4/1993

Amended by Ord. [2001-016](#) §1 on 3/28/2001

~~Amended by Ord. XX-XXXX §XX on X/X/XXXX~~

17.48.050 Road Design (Renumbered)

(Renumbered to 12.25.100)

- ~~A. The design of roads covered by DCC Title 17 is to be prepared by a registered professional engineer and shall at a minimum conform to the design standards for new or existing roads set forth in Table A of DCC Title 17 (or in the design standards set forth for a particular zone in a zoning ordinance) and shall otherwise conform with AASHTO standards.~~
- ~~B. Base and pavement dimensions set forth in Table A (or in specifications set forth for a particular zone) may be increased by the Road Department Director if necessitated by anticipated traffic volumes.~~

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(1) on 12/31/1981

Amended by Ord. [93-012](#) §48 on 8/4/1993

Amended by Ord. [93-057](#) §1 on 11/10/1993

Amended by Ord. [95-082](#) §5 on 12/13/1995

Amended by Ord. [97-005](#) §4 on 6/4/1997

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Renumbered by Ord. XX-XXXX §XX on X/X/XXXX

## 17.48.060 Improvement Plans (Renumbered)

(Renumbered to 12.25.105)

- ~~A.—A complete set of certified mylar improvement plans shall be approved by the Road Department Director prior to the start of construction or the signing of the final plat.~~
- ~~B.—The improvement plans shall become the property of the County and will remain at the Road Department.~~
- ~~C.—The improvement plans which shall be 24 by 36 inches shall include, but not be limited to:
 
  - ~~1.—A plan view showing:
 
    - ~~a.—Centerline alignment showing points of curve and point of tangent stationing on all curves, necessary curve data and bearing of tangents,~~
    - ~~b.—Dimensioning necessary to survey and relocate the roadway,~~
    - ~~c.—Right of way lines as shown on the final plat,~~
    - ~~d.—Existing easements and recording references,~~
    - ~~e.—Type, location and size of all existing and proposed drainage and irrigation structures and utilities within the right of way,~~
    - ~~f.—Location and type of all existing and proposed signs and barricades,~~
    - ~~g.—Vicinity map showing the complete roadway network complete with names of roads,~~
    - ~~h.—Toe and fills and top of cuts,~~
    - ~~i.—Scale,~~
    - ~~j.—North arrow, and~~
    - ~~k.—Stamp and signature of the registered engineer;~~~~
  - ~~2.—A profile showing:
 
    - ~~a.—Centerline grades and vertical curves, complete with point of intersection elevations and stations and length of vertical curves,~~
    - ~~b.—Original ground at centerline and extending 500 feet past the construction limits and at ditch lines if a significant transverse slope exists,~~~~~~

- ~~c.—Curb profiles, where curbs are required,~~
- ~~d.—Superelevation transition diagrams for horizontal curves if curbs are not required,~~
- ~~e.—Type, location and size of all existing and proposed drainage and irrigation structures and utilities within the right of way, and~~
- ~~f.—Scale;~~
- ~~3.—Typical roadway cross-section showing:~~
  - ~~a.—Width, depth and type of base,~~
  - ~~b.—Width, depth and type of paving,~~
  - ~~c.—Curbs, if required,~~
  - ~~d.—Side slopes,~~
  - ~~e.—Ditch section,~~
  - ~~f.—Crown slope, and~~
  - ~~g.—Utilities;~~
- ~~4.—Structural and detail plans of all structures, including, but not limited to, bridges, drainage structures, irrigation structures and sewer lines stamped by a registered engineer;~~
- ~~5.—A signature box with spaces provided for County approval and for approval by all affected utility companies and irrigation districts;~~
- ~~6.—The developer shall submit, with proposed improvement plans, an itemized construction cost estimate. This estimate shall include all related roadwork and affected utility installation and/or related relocation;~~
- ~~7.—Any other information required by the Road Department Director.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(11) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~*

#### [17.48.070 Horizontal Alignment \(Renumbered\)](#)

[\(Renumbered to 12.25.110\)](#)

- ~~A.—Horizontal curves and tangent distances shall meet current AASHTO minimum standards for all streets except principal arterials, which shall conform to current ODOT standards.~~
- ~~B.—The centerline of road improvements shall coincide with the centerline of the right of way.~~

- ~~C.—Superelevation shall be designed in accordance with current AASHTO specifications with the maximum superelevation being six percent.~~

#### HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(6) on 12/31/1981

Amended by Ord. [93-057](#) §1 on 11/10/1993

Amended by Ord. [97-005](#) §5 on 6/4/1997

Amended by Ord. [2001-016](#) §1 on 3/28/2001

~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~

#### [17.48.080 Vertical Alignment \(Renumbered\)](#)

[\(Renumbered to 12.25.115\)](#)

- ~~A.—Vertical curves shall be designed to be consistent with and complimentary to the horizontal curves. Vertical curves shall be designed in accordance with current AASHTO standards or, for principal arterials, to current ODOT standards.~~
- ~~B.—Maximum percent of grade shall be as shown in Table A (or in right of way specifications, if any, set forth for a particular zone in a zoning ordinance). (See Table A set out at the end of DCC Title 17.)~~
- ~~C.—Minimum grade shall be one half percent for all roads, unless a drainage plan is submitted to and approved by the Road Department Director.~~
- ~~D.—Angle points shall not be allowed on grade breaks over one percent.~~

#### HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(7) on 12/31/1981

Amended by Ord. [93-012](#) §48(A) on 8/4/1993

Amended by Ord. [93-057](#) §1 on 11/10/1993

Amended by Ord. [97-005](#) §6 on 6/4/1997

Amended by Ord. [2001-016](#) §1 on 3/28/2001

~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~

#### [17.48.090 Intersections \(Renumbered\)](#)

[\(Renumbered to 12.25.120\)](#)

- ~~A.—All intersections shall be planned for through traffic on the street with the greatest projected average daily traffic (ADT). The side street shall be at right angles to the main street per current AASHTO standards.~~
- ~~B.—Intersecting streets, including driveways to commercial and industrial properties, shall be separated by at least the following distances when the through road is:~~
- ~~1.—Arterial, 500 feet;~~
  - ~~2.—Collector, 300 feet;~~
  - ~~3.—Local, 100 feet;~~

~~4.—Industrial park, 250 feet; and~~

~~5.—Primary access, 250 feet.~~

~~To be measured between the intersecting centerlines of the streets or driveways.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(8) on 12/31/1981*

*Amended by Ord. [93-012](#) §48(AA) on 8/4/1993*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*Renumbered by Ord. XX-XXXX §XX on X/X/XXXX*

#### [17.48.100 Minimum Right Of Way Width \(Renumbered\)](#)

[\(Renumbered to 12.25.130\)](#)

~~The minimum right of way width is 60 feet unless specified otherwise in Table A (or in any right of way specifications set forth for a particular zone in a zoning ordinance). (See Table A set out at the end of DCC Title 17.)~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(9) on 12/31/1981*

*Amended by Ord. [93-057](#) §1 on 11/10/1993*

*Amended by Ord. [97-005](#) §7 on 6/4/1997*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Renumbered by Ord. XX-XXXX §XX on X/X/XXXX*

#### [17.48.110 Turn Lanes \(Renumbered\)](#)

[\(Renumbered to 12.25.140\)](#)

~~When a turn lane is required, it shall be a minimum of 14 feet in width, except where road specifications in a zoning ordinance provide for travel lanes of lesser width. Additional right of way may be required.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(5) on 12/31/1981*

*Amended by Ord. [97-005](#) §8 on 6/4/1997*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Renumbered by Ord. XX-XXXX §XX on X/X/XXXX*

#### [17.48.120 Partial Width Roads \(Repealed\)](#)

~~Partial width roads or half streets shall not be allowed for the traveled portion of the roadway. All traveled portions of a road must be constructed to the full applicable standards specified in DCC 12.25 for the relevant road classification.~~

~~Auxiliary improvements, such as curbs, sidewalks, bike lanes, and stormwater drainage systems, are only required on the applicant's side of the road unless the subject property spans both sides of the road or otherwise required by the County Engineer.~~

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(5) on 12/31/1981

Amended by Ord. [2001-016](#) §2 on 3/28/2001

~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

### [17.48.130 Road Names \(Renumbered\)](#)

~~(Renumbered to 12.25.040)~~

~~All roads shall be named in conformance with the provisions of the Deschutes County uniform road naming system set forth in DCC Title 16.~~

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(2) on 12/31/1981

Amended by Ord. [90-003](#) §1, Exhibit A on 1/8/1990

Amended by Ord. [2001-016](#) §1 on 3/28/2001

~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~

### [17.48.140 Bikeways \(Renumbered\)](#)

~~(Renumbered to 12.25.155)~~

#### ~~A.—General Design Criteria.~~

- ~~1.—Bikeways shall be designed in accordance with the current standards and guidelines of the Oregon (ODOT) Bicycle and Pedestrian Plan, the American Association of State Highway Transportation Officials (AASHTO) Guide for Development of New Bicycle Facilities, and the Deschutes County Bicycle Master Plan. See DCC 17.48 Table B.~~
- ~~2.—All collectors and arterials shown on the County Transportation Plan map shall be constructed to include bikeways as defined by the Deschutes County Bicycle Master Plan.~~
- ~~3.—If interim road standards are used, interim bikeways and/or walkways shall be provided. These interim facilities shall be adequate to serve bicyclists and pedestrians until the time of road upgrade.~~

#### ~~B.—Multi-use Paths.~~

- ~~1.—Multi-use paths shall be used where aesthetic, recreation and safety concerns are primary and a direct route with few intersections can be established. If private roads are constructed to a width of less than 28 feet, multi-use paths shall be provided.~~
- ~~2.—Multi-use paths are two-way facilities with a standard width of 10 feet, but with a 12-foot width if they are subjected to high use by multiple users. These paths shall meet County multi-use path standards and shall connect with bike facilities on public roads.~~

~~C.—Bike Lanes. Six-foot bike lanes shall be used on new construction of curbed arterials and collectors.~~

~~D.—Shoulder Bikeways.~~



1. ~~Shoulder bikeways shall be used on new construction of uncurbed arterials and collectors.~~
2. ~~Shoulder bikeways shall be at least four feet wide. Where the travel lane on an existing arterial or collector is not greater than eleven feet, the bikeway shall be a minimum of four feet wide.~~

~~E.—Mountain Bike Trails.~~

1. ~~Mountain bike (dirt or other unpaved surface) trails may be used as recreational or interim transportation facilities.~~
2. ~~Trails used for transportation shall have a two-foot minimum tread width and a six-foot minimum clearing width centered over the trail, and a minimum overhead clearance of seven feet. Trails used solely for recreational use may be narrower with less clearing of vegetation.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(3) on 12/31/1981*

*Amended by Ord. [88-015](#) §4 on 5/18/1988*

*Amended by Ord. [93-012](#) §49 on 8/4/1993*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.150 Structures \(Repealed\)](#)

~~All structures that carry a road or cross over a road shall be designed to have a 50 year life span. All designs must be approved by the Road Department Director and other affected public or private agencies.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(10) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.160 Road Development Requirements; ~~General Standards~~](#)

~~A.—Subdivision Standards. All roads in new subdivisions shall either be constructed to a standard acceptable for inclusion in the County maintained system or the subdivision shall be part of a special road district or a homeowners association in a planned unit development.~~

~~B.A. \_\_\_\_\_ Improvements of Public Rights of Way.~~

1. The developer of a subdivision or partition will be required to improve all public ways that are adjacent to or within the land development.
2. All improvements within public rights of way shall conform to the improvement standards designated in DCC [12.25](#) ~~Title 17~~ for the applicable road classification, ~~except where a zoning ordinance sets forth different standards for a particular zone.~~

3. Road improvements shall include mitigation as required under DCC 18.116.310(I).

4. Road improvements shall include dedication of new or additional public rights of way to provide the minimum standard right of way widths as specified in DCC 12.25. Additional right of way in excess of the minimum standard may be required to accommodate road improvements that cannot be contained within the minimum standard right of way width.

~~C.B. Primary Access Roads-~~

1. The primary access road for any new subdivision or partition shall be improved to the applicable standard set forth in ~~Table A~~DCC 12.25.
2. The applicable standard shall be determined with reference to the road's classification under the relevant transportation plan.
3. For the purposes of DCC 17.48.160, a primary access road is a road leading to the subdivision or partition from an existing paved county, city or state-maintained road that provides the primary access to the subdivision or partition from such a road.

~~D. Secondary Access Roads. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.~~

C. Interior Roads

1. Interior roads for any new subdivision or partition shall be improved to the applicable standard set forth in DCC 12.25.
2. The applicable standard shall be determined with reference to the road's classification under the current transportation system plan. For new roads, the applicable standard shall be determined with reference to the road's anticipated classification based on the functional classification definitions given in the current Deschutes County Transportation System Plan.

~~1.3. Stubbed Roads. Any proposed road that terminates at a development boundary shall be constructed with a paved cul-de-sac bulb turnaround facility approved by the applicable fire protection district. Temporary easements for turnaround facilities shall not be granted by plat declaration.~~

D. Partial Width Road Improvements - Partial width road improvements shall not be permitted. All portions of a road traveled by motor vehicles and bicycles that are adjacent to, within, or provide primary access to a subdivision or partition shall be constructed to the full width under the applicable standards specified in DCC 12.25 for the relevant road classification.

~~E. Stubbed Roads. Any proposed road that terminates at a development boundary shall be constructed with a paved cul-de-sac bulb.~~

~~F. Cul de sacs.~~

1. ~~Cul de sacs shall have a length of less than 600 feet, unless a longer length is approved by the applicable fire protection district, and more than 100 feet from the center of the bulb to the intersection with the main road.~~
  2. ~~The maximum grade on the bulb shall be four percent.~~
- G. ~~Frontage Roads. Right of way widths shall be 40 feet when immediately adjacent to a main highway/arterial; 60 feet when the frontage road is separated from the highway or arterial by private land or as set forth for a particular zone in the zoning ordinance.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.120(1)-(6) on 12/31/1981*

*Amended by Ord. [93-012](#) §50 on 8/4/1993*

*Amended by Ord. [93-057](#) §1 on 11/10/1993*

*Amended by Ord. [97-005](#) §9 on 6/4/1997*

*Amended by Ord. [98-004](#) §1 on 1/28/1998*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

#### 17.48.165 Road Development Requirements; Subdivisions

- A. For subdivisions that are not part of a destination resort, planned unit development, or cluster development, roadway improvements shall be constructed as follows:
  1. Arterial roads shall be constructed according to the provisions of DCC 12.25.170.
  2. Collector roads shall be constructed according to the provisions of DCC 12.25.180.
  3. Local roads shall be constructed according to the provisions of DCC 12.25.190 pertaining to paved roads.
- B. Unless an improvement agreement under the provisions of DCC 17.24.120 has been fully executed, road improvements for a subdivision shall be constructed prior to final plat approval.
- C. Secondary Access Roads. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.

#### HISTORY

*Adopted by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

#### 17.48.170 Road Development Requirements; Partitions

~~Roadway improvements within a~~ For partitions that are not part of a destination resort, planned unit development, or cluster development, roadway improvements and to a road maintained by a public agency shall be constructed prior to final approval of the partition, depending on the maximum parcel size as follows:

- A. ~~For a parcel size of 10 acres or larger, the minimum road improvement standard shall be 20 feet wide with five inches of aggregate surfacing (cinders are acceptable), the centerline of which~~

~~coincides with the centerline of the right of way; Arterial roads shall be constructed according to the provisions of DCC 12.25.170.~~

- B. ~~For a parcel size of less than 10 acres, the road standards used shall be the same as for a subdivision. Collector roads shall be constructed according to the provisions of DCC 12.25.180.~~

A. Local roads

1. For partitions with an average parcel size of 10 acres or more, local roads shall be constructed according to the provisions of DCC 12.25.190 pertaining to unpaved roads.
2. For partitions with an average parcel size of less than 10 acres, local roads shall be constructed according to the provisions of DCC 12.25.190 pertaining to paved roads.

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.120(7) on 12/31/1981*

*Amended by Ord. [93-012](#) §51 on 8/4/1993*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

17.48.175 Road Development Requirements; Unincorporated Communities (Repealed)

~~A.—Standards.~~

- ~~1.—In the La Pine Urban Unincorporated Community, all roads shall be improved as specified for the applicable classification in Table A of DCC Title 17.~~
  - ~~2.—In the Terrebonne Rural Community, all improvements to public rights of way shall conform to the road development standards for Terrebonne in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.~~
  - ~~3.—In the Tumalo Rural Community, all improvements to public rights of way shall conform to the Tumalo road development standards in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.~~
  - ~~4.—In the Sunriver Urban Unincorporated Community, all roads shall conform to the road development standards in DCC 17.48.180.~~
  - ~~5.—No curbs or sidewalks are required in the Sunriver UUC or the rural service centers of Alfalfa, Brothers, Hampton, Millican, Whistle Stop, Wickiup Junction, Wild Hunt, Deschutes River Woods and Spring River.~~
- ~~B.—All required road improvements shall be located on the applicant's side of the road, unless the subject property lies on both sides of the road.~~

HISTORY

*Adopted by Ord. [93-012](#) §52 on 8/4/1993*

*Amended by Ord. [93-057](#) §1 on 11/10/1993*

*Amended by Ord. [96-003](#) §12 on 3/27/1996*

*Amended by Ord. [97-005](#) §10 on 6/4/1997*

Amended by Ord. [97-035](#) §1 on 6/25/1997  
 Amended by Ord. [98-004](#) §2 on 1/28/1998  
 Amended by Ord. [2001-016](#) §1 on 3/28/2001  
 Amended by Ord. [2001-041](#) §2 on 9/26/2001  
~~Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

#### 17.48.180 ~~Private Roads~~ Development Requirements; Destination Resorts, Planned Unit Developments and Cluster Developments

~~The following minimum road standards shall apply for private roads:~~

- ~~A. Except for arterial roads, roads within destination resorts, planned unit developments (PUDs) and cluster developments may be public or private roads, provided they are designed and constructed to the applicable standards specified in DCC 12.25 for the relevant road classification. The minimum paved roadway width shall be 20 feet in planned unit developments and cluster developments with two-foot wide gravel shoulders;~~
- ~~B. Road improvements within destination resorts, planned unit developments (PUDs) and cluster developments shall be constructed prior to final plat approval unless an improvement agreement under the provisions of DCC 17.24.120 has been fully executed. Minimum radius of curvature, 50 feet;~~
- ~~C. The minimum paved roadway width shall be 20 feet in planned unit developments and cluster developments with two-foot wide gravel shoulders;~~
- ~~D. Minimum radius of curvature, 50 feet;~~
- ~~E. Maximum grade, 12 percent;~~
- ~~F. At least one road name sign will be provided at each intersection for each road;~~
- ~~G. A method for continuing road maintenance acceptable to the County;~~
- ~~H. Private road systems shall include provisions for bicycle and pedestrian traffic.~~
  - ~~1. In cluster and planned developments limited to ten dwelling units, the bicycle and pedestrian traffic can be accommodated within the 20-foot wide road.~~
  - ~~2. In other developments, shoulder bikeways shall be a minimum of four feet wide, paved and striped, with no on-street parking allowed within the bikeway, and when private roads are developed to a width of less than 28 feet, bike paths constructed to County standards shall be required.~~

#### HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.130 on 12/31/1981  
 Amended by Ord. [93-012](#) §53 on 8/4/1993  
 Amended by Ord. [2001-016](#) §1 on 3/28/2001  
 Amended by Ord. [2004-025](#) §3 on 12/20/2004

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.48.190 Drainage (Renumbered)

(Renumbered to 12.25.230)

~~A.—Minimum Requirements.~~

- ~~1.—Drainage facilities shall be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council and all surface drainage water coming to and/or passing through the development or roadway.~~
- ~~2.—The system shall be designed for maximum allowable development.~~

~~B.—Curbed Sections.~~

- ~~1.—Storm drains within curbed streets shall be designed per the requirements of the current Central Oregon Stormwater Manual created by the Central Oregon Intergovernmental Council.~~
- ~~2.—Catchbasins shall be constructed in accordance with standard drawings as determined by the Road Department Director.~~

~~C.—Noncurbed Sections.~~

- ~~1.—Road culverts shall be concrete or metal with a minimum design life of 50 years.~~
- ~~2.—All cross culverts shall be 18 inches in diameter or larger.~~
- ~~3.—Culverts shall be placed in natural drainage areas and shall provide positive drainage.~~

~~D.—Drainage Swales. The Design Engineer is responsible to design a drainage swale adequate to control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council.~~

~~E.—Drainage Plans. A complete set of drainage plans including hydraulic and hydrologic calculations shall be incorporated in all road improvement plans.~~

~~F.—Drill Holes. Drill holes are prohibited.~~

~~G.—Injection wells (drywells) are prohibited in the public right-of-way.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.140 on 12/31/1981*

*Amended by Ord. [97-005](#) §11 on 6/4/1997*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*Renumbered by Ord. XX-XXXX §XX on X/X/XXXX*

### 17.48.200 Surveying (Renumbered)

(Renumbered to 12.25.240)

- ~~A.—Preliminary Procedures. All roads shall be staked prior to construction by a registered land surveyor on the horizontal and vertical alignments shown on the improvement plans.~~
- ~~B.—Cuts and Fills. Sections with a cut or fill and any superelevated sections shall be staked every 50 feet or less with:~~
- ~~1.—A clearing lath; and~~
  - ~~2.—Offset stakes marked with the offset distance and the cut or fill to the subgrade shoulder, except that offset stakes may be the same stakes as the clearing lath; and~~
  - ~~3.—Shoulder lath for the aggregate base.~~
- ~~C.—Curbs. Curb sections shall require offset hubs every 25 feet with stakes marked with the offset distance and the cut or fill to the subgrade shoulder and the top of the curb.~~
- ~~D.—Centerline Monuments.~~
- ~~1.—Centerline monuments, as approved by the Road Department Director, shall be installed at all centerline intersections where they fall in the paved section, point of curvatures and point of tangencies of each curve and at all centers of cul-de-sacs.~~
  - ~~2.—All metal caps shall be stamped to identify the monument, i.e., P.I., P.C., P.T., Int, and carry the registration number of the surveyor or engineer setting the monument.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.300 on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Renumbered by Ord. XX-XXXX §XX on X/X/XXXX*

### 17.48.210 Access (Renumbered)

(Renumbered to 12.28.010 – 12.28.180)

- ~~A.—Permit Required. Access onto public right of way or change in type of access shall require a permit. Permits are applied for at offices of the Community Development Department.~~
- ~~B.—Access Restrictions and Limitations. The creation of access onto arterials and collectors is prohibited unless there is no other possible means of accessing the parcel. In any event, residential access onto arterials and collectors shall not be permitted within 100 feet of an intersection or the maximum distance obtainable on the parcel, whichever is less.~~
- ~~C.—Commercial and Industrial Access.~~
- ~~1.—Requirements for commercial and industrial access will be determined by the Road Department Director in accordance with DCC 17.48.090.~~
  - ~~2.—Safety improvements, including left turn lanes and traffic signals, may be required.~~

~~D.—Sight Distance. Access shall be denied at locations that do not meet AASHTO sight distance standards.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.400(1)-(4) on 12/31/1981*

*Amended by Ord. [93-012](#) §53(A) on 8/4/1993*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.220 Driveways \(Renumbered\)](#)

~~(Renumbered to 12.28.010 – 12.28.180)~~

~~A.—Access Width. The following are the maximum width of driveways:~~

Type	Width (in feet)
Residential	14(single), 20(double)
Agricultural	20
Commercial/Industrial	35

~~B.—         Culverts. Where culverts are required for driveways, the minimum pipe size shall be 12 inches.~~

~~C.—Drainage. Driveways shall be constructed in such a manner that water, aggregate or any other substance that is hazardous to the traveling public will not enter onto the public right-of-way.~~

~~D.—Construction. Construction of the driveway shall be in accordance with the design standards of the County Road Department.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.400(5)-(8) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.230 Utilities; Standards \(Repealed\)](#)

~~A.—Minimum Standards Established. In accordance with the provisions of ORS 374 and 758, DCC 17.48.240 through 17.48.280 set forth the minimum standards governing the placing, relocation, building, maintenance and construction of all facilities and appurtenances, upon public rights of way.~~

~~B.—All utilities governed by DCC 17.48.240 through 17.48.280 shall be underground unless overhead utilities are permitted as a result of a land use action.~~



## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(1) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

### 17.48.240 Utilities; Permit (Repealed)

- ~~A.—Prior to any work being done in a public right of way, a permit shall be obtained from the Road Department.~~
- ~~B.—A minimum of two weeks prior to the desired commencement date of the project, the applicant shall deliver to the Road Department the following:~~
- ~~1.—A completed permit on the Deschutes County Road Department standard form containing the following:
 
    - ~~a.—Applicant's name, address and telephone number;~~
    - ~~b.—Name, address and telephone number of the contractor and foreman or other person responsible for the work if different from the contractor;~~
    - ~~c.—Location of project, including:
 
      - ~~1.—Township, range and section,~~
      - ~~2.—Road name,~~
      - ~~3.—Nearest intersecting roads.~~~~
    - ~~d.—Type of facility;~~
    - ~~e.—The proposed starting and completion dates.~~~~
  - ~~2.—Two sets of construction plans showing all pertinent construction details;~~
  - ~~3.—A plan for traffic control; in the case of a road closure, a proposed detour and/or other method of controlling traffic;~~
  - ~~4.—A bond or cash deposit as required in DCC 17.48.300.~~
- ~~C.—Road Department Approval.~~
- ~~One set of the documents described in DCC 17.48.240(A) shall be signed by the Road Department Director and returned to the applicant together with any necessary supplemental instructions.~~
- ~~1.—The approved documents and supplemental instructions shall become a part of the permit and be binding on the applicant.~~
- ~~D.—Permit Conditions.~~
- ~~1.—In granting any permit, the Road Department Director may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property~~

~~or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance.~~

~~2.—Such conditions may include but shall not be limited to:~~

- ~~a.—Limitations on the period of the year in which the work may be performed;~~
- ~~b.—Restrictions as to the size and type of equipment;~~
- ~~c.—Designation of routes upon which material may be transported;~~
- ~~d.—The place and manner of disposal of excavated material;~~
- ~~e.—Requirements as to the control of dust, the cleaning of streets, the prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof; and~~
- ~~f.—Regulations as to the use of roads in the course of the work.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(2) on 12/31/1981*

*Amended by Ord. [93-012](#) §53(AA) on 8/4/1993*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

#### 17.48.250 Utilities; Construction; Performance Standards (Repealed)

- ~~A.—The work to be performed under this permit shall be carried out in accordance with the current Deschutes County Standards in DCC Title 17, the current ODOT/APWA Oregon Standard Specifications for Construction and standard drawings as determined by the Road Department Director.~~
- ~~B.—Work authorized by a permit shall be performed between the hours of seven a.m. and five p.m., Monday through Friday.~~
- ~~C.—Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access.~~
- ~~D.—Free access must be provided at all times to fire hydrants.~~
- ~~E.—Monuments:
 
  - ~~1.—Monuments of concrete, iron or other lasting materials set out for the purpose of locating or preserving the lines of any street or property subdivision, or precise survey reference point, or a permanent survey bench mark within the County shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the County surveyor.~~
  - ~~2.—Permission shall be granted only upon condition that the applicant shall pay all expenses incidental to the proper replacement of the monument.~~~~

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(A) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

#### 17.48.260 Utilities; Construction; Excavation (Repealed)

- ~~A. The minimum cover between the top of a buried utility and road or ground surface shall be 30 inches.~~
- ~~B. Where practical, underground utilities shall be jacked, pushed, bored or washed under roads when crossing same.~~
- ~~C. No opening or excavation in any road shall extend beyond the centerline of the road before being backfilled and the surface of the road temporarily restored.~~
- ~~D. No more than 300 feet of trench, measured longitudinally, shall be opened along a road at one time.~~
- ~~E. Excavated materials shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as possible to public travel.~~
- ~~F. All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.~~

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(B) on 12/31/1981

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

#### 17.48.270 Utilities; Construction; Backfilling And Restoring (Repealed)

- ~~A. All backfilled material shall be compacted to 95 percent of its relative maximum density when within the roadway to 90 percent when between the shoulder (or curb) and the right-of-way line.~~
- ~~B. Trenches shall be backfilled as follows:
 
  - ~~1. Unimproved Roads and Area Outside Roadway. The trench shall be backfilled with the excavated or other suitable materials and the entire backfill shall be compacted in layers of not to exceed six inches by use of a mechanical tamper.~~
  - ~~2. Aggregate and Paved Surfaces. The trench shall be backfilled according to drawing standard drawings as determined by the Road Department Director.~~~~

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(C) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

#### 17.48.280 Utilities; Construction; Inspection (Repealed)

~~A.—The Oregon Utility Notification Center shall be notified according to applicable Oregon Administrative Rules. The Road Department shall be notified two working days in advance of the time of backfilling.~~

~~B.—Costs:~~

~~1.—All inspection costs shall be borne by the applicant.~~

~~2.—Such costs shall be based on a schedule of charges on file in the Road Department Building, 61150 SE 27th Street, Bend, Oregon 97702, (541) 388-6581.~~

#### HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(D) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2021-007](#) §1 on 7/9/2021

~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

#### 17.48.290 Fees (Renumbered)

~~(Renumbered to 12.25.300)~~

~~All plan review and field inspection costs shall be borne by the applicant. Such costs shall be based on a schedule of charges on file in the Road Department.~~

#### HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.610 on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~

#### 17.48.300 Bonds (Repealed)

~~A.—Required. When, in the opinion of the Road Department Director, an existing public way is endangered by an applicant, such applicant shall be required to file an agreement and security with the County.~~

~~B.—Type of Security. The applicant shall file with the agreement, to assure the applicant's full performance thereof, one of the following:~~

~~1.—A surety bond executed by a surety company authorized to transact business in the state in a form approved by the County; or~~

~~2.—Cash.~~

~~C.—Amount Required. Such assurance of full performance shall be for a sum approved by the Road Department Director as sufficient to cover the cost of improvements and repairs, including related engineering, inspection and incidental expenses.~~

~~D.—Default Status:~~

~~1.—If the applicant fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement.~~

~~2.—If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, it shall release the remainder.~~

~~3.—If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.~~

~~E.—Expiration. The bond shall not be released by the County until one year from the improvement completion date specified by the applicant.~~

~~F.—The bonds shall not be released by the County until County inspectors have inspected the improvements and approved them in writing.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.620 on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.310 Insurance \(Renumbered\)](#)

[\(Renumbered to 12.25.330\)](#)

~~During the term of authorized work within a public right of way, the applicant or their contractor, including all subcontractors, shall procure and continue to carry insurance coverages, including but not limited to commercial general liability and commercial automobile liability, from a responsible insurance provider with minimum coverage amounts as determined by the Road Department Director.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.640 on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.320 Indemnification \(Renumbered\)](#)

[\(Renumbered to 12.25.340\)](#)

~~A.—The licensee shall be responsible and liable for all injuries to other persons or property resulting from any negligence or otherwise tortious acts or omissions of the licensee, its servants or agents.~~

~~B.—The licensee shall indemnify the County and hold it harmless against any and all claims, demands, lawsuits, injuries, damages or costs, including litigation costs, which the County may sustain by reason of any such acts or omissions.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.630 on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.330 Construction; General Specifications \(Renumbered\)](#)

~~(Renumbered to 12.25.400)~~

~~A.—Unless otherwise detailed in DCC 17.48, all roadway excavation, fill construction, subgrade preparation, aggregate base, surfacing, prime coats and paving will be done in accordance with the current edition of the ODOT/APWA Oregon Standard Specifications for Construction, hereinafter referred to as the general specifications.~~

~~B.—Whenever these specifications refer to the state, they shall be taken to mean the County, the appropriate County address, and likewise, reference to the commission or the engineer shall be taken to mean the Board of County Commissioners or the Road Department Director.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(2) on 12/31/1981*

*Amended by Ord. [88-017](#) §1 on 5/18/1988*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.340 Construction; Testing \(Repealed\)](#)

~~All testing shall conform to methods described in the current edition of the AASHTO Materials, Part II, Tests, or the current edition of the Oregon State Highway Division Laboratory Manual of Test Procedure.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(2) on 12/31/1981*

*Amended by Ord. [93-012](#) §53(AAA) on 8/4/1993*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.350 Construction; Inspection \(Repealed\)](#)

~~A.—The Road Department shall be notified two working days in advance of the time for subgrade inspection, two working days in advance of the time for base inspection and two working days in advance of the time for paving inspection.~~

- ~~B.—Each stage of construction must be inspected and approved prior to the commencement of the next stage of construction. The final inspection shall be requested seven working days in advance.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(3) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.360 Construction; Handling Of Explosives \(Repealed\)](#)

~~In the handling of explosives, the contractor must comply with federal, state and local laws, and the County will in no way be responsible for any noncompliance therewith or for damages to property or injury to persons resulting from accidental or premature explosions.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(4) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.370 Construction; Cooperation With Utilities \(Repealed\)](#)

- ~~A.—The contractor shall cooperate with and shall avoid damaging the facilities of all utility owners, railroads, and fire control authorities who have facilities located within the vicinity of the work.~~
- ~~B.—The contractor shall immediately notify any utility owners, railroads, and fire control authorities whose facilities have been damaged.~~
- ~~C.—The Oregon Utility Notification Center shall be notified according to applicable Oregon Administrative Rules.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(5) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.380 Construction; Temporary Traffic Control \(Renumbered\)](#)

[\(Renumbered to 12.25.420\)](#)

- ~~A.—Temporary protective and directional measures for traffic control shall be in conformance with the Federal Highway Administration's current Manual on Uniform Traffic Control Devices.~~
- ~~B.—The contractor shall be required to allow one-way traffic through the project during working hours.~~
- ~~1.—However, one-way traffic operation will not be permitted until such time as the contractor has labor, equipment and materials on the project necessary to proceed without delaying the work.~~

- ~~2.—Once one-way traffic is established, the contractor shall perform the construction work in a continuous and efficient manner.~~

~~C.—Contact Person.~~

- ~~1.—The contractor shall have a person on the job during working hours and on call at all other times, who shall have the responsibility to maintain all directional and warning devices in proper position.~~
- ~~2.—The County will be provided with the name and telephone number of such person.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(6) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.390 Construction; Clearing And Grubbing \(Repealed\)](#)

~~All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction supplemented and/or modified as follows:~~

- ~~A.—The right of way shall be cleared of all fixed objects.~~
- ~~B.—However, in developments where traffic safety would not be involved, and a lesser requirement would not create a hazard, the right of way shall be cleared a minimum of 40 feet or four feet beyond the edge of the shoulder or curb line of the finished road.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(7) on 12/31/1981*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

[17.48.400 Construction; Dust Control \(Repealed\)](#)

- ~~A.—The work shall consist of the furnishing and applying of water for the alleviation or prevention of dust nuisance in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~
- ~~B.—Responsibility for dust abatement will be the contractor's.~~
- ~~C.—Watering will be done when ordered by the Road Department Director.~~
- ~~D.—The contractor shall supply the applicant's own water source.~~

HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(8) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*



~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

#### 17.48.410 Construction; Subgrade Construction (Repealed)

- ~~A.—All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~
- ~~B.—Material shall be considered unsuitable for fill, subgrade, shoulders and other uses if it contains organic matter, soft spongy earth or other material of such nature that compaction to the specified density is unobtainable.~~
- ~~C.—No material having a maximum dimension of three inches or more shall be considered suitable for fill material in the top one foot of subgrade, including the fill side slopes.~~
- ~~D.—Compaction shall be a minimum of 95 percent of the relative maximum density.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(9) on 12/31/1981*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

~~*Repealed by Ord. XX-XXXX §XX on X/X/XXXX*~~

#### 17.48.420 Construction; Surfacing Requirements (Repealed)

- ~~A.—Aggregate Base.
 
  - ~~1.—Crushed aggregate meeting the requirements of the current ODOT/APWA Oregon Standard Specifications for Construction shall be used.~~
  - ~~2.—All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~~~
- ~~B.—Asphalt Prime Coat. For all roadway sections using asphalt penetration macadam, an asphalt prime coat will be applied to the aggregate base in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with standard drawings as determined by the Road Department Director.~~
- ~~C.—Asphalt Penetration Macadam. When an oil mat is placed, it shall be applied in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with standard drawings as determined by the Road Department Director.~~
- ~~D.—Asphaltic Concrete Pavement.
 
  - ~~1.—Where asphaltic concrete pavement is required, it shall be placed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~
  - ~~2.—The asphalt cement shall be as required by the Road Department Director.~~
  - ~~3.—The class of asphaltic concrete shall be Level 3 HMAc.~~~~

~~4.—A mix design shall be submitted to the Road Department Director at least one week prior to paving.~~

~~E.—Tack Coat. When a tack coat is required by the Road Department Director, the tack coat shall be applied in conformance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~F.—Portland Cement Concrete Pavement. When portland cement concrete pavement is used, it shall be designed and constructed in accordance with the publications of the Portland Cement Association.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(10)-(15) on 12/31/1981*

*Amended by Ord. [93-012](#) §53(B) on 8/4/1993*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

#### 17.48.430 Construction; Concrete Curb (Repealed)

~~A.—Where required, portland cement concrete curbs shall be constructed in accordance with standard drawings as determined by the Road Department Director and the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~B.—The concrete shall be class 3000.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(16) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

#### 17.48.440 Construction; Sidewalks (Repealed)

~~A.—Sidewalks shall be constructed with Class 3000 concrete as specified in the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~B.—Sidewalks shall conform to standard drawings as determined by the Road Department Director. Sidewalks shall not be less than five feet wide.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(17) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~*

#### 17.48.450 Construction; Slopes And Backfill (Repealed)

- ~~A.—Curb and sidewalk backfill material shall be good quality topsoil.~~
- ~~B.—The material shall be spread accurately and smoothly within the public right of way.~~
- ~~C.—Topsoil shall be suitable silty sand from an approved source, containing no rock or gravel larger than three-fourths inch and at least 70 percent of material passing a No. 4 U.S. Standard sieve size.~~
- ~~D.—It shall be free of roots, sticks, seeds and other noxious vegetation.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(18) on 12/31/1981*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

#### 17.48.460 Construction; Catchbasins (Repealed)

~~Catchbasins shall be constructed of class 3000 portland cement concrete and in accordance with standard drawings as determined by the Road Department Director.~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(19) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) §1 on 1/30/2012*

*Amended by Ord. [2021-007](#) §1 on 7/9/2021*

*Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

#### 17.48.470 Construction; Permanent Traffic Control (Repealed)

~~All traffic control devices required by the Road Department Director shall be procured and installed by the developer and shall meet the requirements of the current Federal Highway Administration's Manual on Uniform Traffic Control Devices ("MUTCD").~~

#### HISTORY

*Adopted by Ord. [81-043](#) §1, Exhibit A, § 8.200(20) on 12/31/1981*

*Amended by Ord. [2001-016](#) §1 on 3/28/2001*

*Amended by Ord. [2011-018](#) on 1/30/2012*

*Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

#### 17.48.480 Construction; Final Cleanup (Repealed)

- ~~A.—Final cleanup shall consist of pulling the shoulders and dressing of the earthwork side slopes.~~
- ~~B.—Any material pulled onto the pavement is to be broomed off.~~
- ~~C.—The roadway side slopes are to be raked to remove all equipment tracks and berms.~~

## HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(21) on 12/31/1981

Amended by Ord. [2001-016](#) §2 on 3/28/2001

~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

### 17.48.490 Road And Street Project (Renumbered)

(Renumbered to 12.25.500)

- ~~A.—Subdivision Standards Applicable. Design and construction standards set forth in DCC 17.48 are applicable to all road and street projects.~~
- ~~B.—Land Use Permit Required. A land use permit shall be required for any Class I or Class II road and street project. No land use permit shall be required for a Class III road and street project. The road project shall be reviewed against the applicable comprehensive plan Transportation Plan element and the following standards:~~
- ~~1.—Compatibility with existing land use and social patterns, including noise generation, safety hazards (e.g. children in a residential area), and zoning.~~
  - ~~2.—Environmental impacts, including hazards imposed to and by wildlife (e.g. migration or water use patterns).~~
  - ~~3.—Retention of scenic quality, including tree preservation.~~
  - ~~4.—Means to improve the safety and function of the facility, including surrounding zoning, access control and terrain modifications.~~
  - ~~5.—In the case of roadways where modification results in a change of traffic types or density, impacts on route safety, route land use patterns, and route nonmotorized/pedestrian traffic.~~
  - ~~6.—Consideration of the potential developmental impact created by the facility.~~
  - ~~7.—Cost effectiveness.~~
- ~~C.—Bicycle Facilities. Bicycle facilities consisting of a portion of the paved roadway and designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists, shall be constructed in conjunction with a road and street project if the project involves the new construction, modernization, reconstruction or major alteration of an arterial or collector to the adopted County road standards.~~
- ~~D.—Sidewalks. Sidewalks shall be required in conjunction with a road and street project in accordance with DCC 12.35.100, Developed Area Sidewalks.~~

## HISTORY

Adopted by Ord. [88-015](#) §5 on 5/18/1988

Amended by Ord. [93-012](#) §54 on 8/4/1993

Amended by Ord. [2001-016](#) §1 on 3/28/2001

~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~

## 17.48 Table A Minimum Road Design Standards (Repealed)

<b>RURAL COUNTY ROADS</b> (Outside of the La Pine, Tumalo and Terrebonne Unincorporated Communities)												
Road Type/Class	ROW	Paved Width <sup>(6)</sup>	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Swale <sup>(7)</sup>	Sidewalk Required <sup>(8)</sup>	Surface Type	Base Depth <sup>(9)</sup>	Max. Grade <sup>(9)</sup>	Design Speed/Min. Tang./Min. Curve
<b>State Highway</b>	80'-100'	36'-70'	12'	6'	--	14'	n/a	--	(+)	(1)	6%	(1)
<b>Minor Arterial</b>	80'	28'-46' <sup>(9)</sup>	11'	3'-5'	2'	14'	n/a	--	3" AC	10"	6%	(2)
<b>Collector</b>	60'	28'-46' <sup>(9)</sup>	11'	3'-5'	2'	14'	n/a	--	3" AC	8"	8%	(2)
<b>Local</b>	60'	20', 24' <sup>(10)</sup>	--	--	2'	--	Yes	--	0-9 or 2" AC	6"	10%	(2)
<b>Partition</b>												
< 10 acre avg. lot size	60'	20'	--	--	2'	--	Yes	--	0-9 or 2" AC	6"	10%	(2)
> 10 acre avg. lot size	60'	20'	--	--	--	--	--	--	Aggregate	5"	10%	(2)
<b>Other</b>												
Industrial	60'	32'	--	--	--	--	--	--	3" AC	10"	6%	(2)
Private	--	20', 28' <sup>(9)</sup>	--	--	--	--	--	--	0-9 or 2" AC	6"	12%	(2)
Frontage	40'-60'	28'	--	--	--	--	--	--	3" AC	8"	10%	(2)

<b>LA PINE Urban Unincorporated Community, La Pine Planning Area</b>												
<b>US Highway 97</b>	100'	74'	12'	6'	6'	14'	No	Yes <sup>(2+)</sup>	(+)	(+)	6%	(1)
<b>Minor Arterial</b>	80'	36-50'	12'	6'	2'	14'	Yes	Yes	3" AC	10"	6%	(2)
<b>Collector</b>	60'	36'	12'	6'	2'	14'	Yes	Yes	3" AC	8"	8%	(2)
<b>Local</b>												
<b>Commercial</b>	60'	32'	11'	5'	2'	--	Yes	Yes	3" AC	8"	10%	(2)
<b>Residential (&gt;250 projected ADT)</b>	60'	28'	10'	4'	2'	--	Yes	No <sup>(1+)</sup>	2" AC	6"	10%	(2)
<b>Residential (&lt;250 projected ADT)</b>	60'	24'	10'	2'	2'	--	Yes	No <sup>(4+)</sup>	2" AC	6"	10%	(2)
<b>Other</b>												
<b>Alley</b>	20'	15'-20'	--	--	--	--	No	No	2" AC	4"	10%	(2)
<b>Pathway</b>	20'	8' <sup>(2+)</sup>	--	--	2.5'	--	Yes	--	Variable	4"	10%	--
<b>LA PINE Urban Unincorporated Community, Wickiup Junction Planning Area</b>												
<b>US Highway 97</b>	80-100'	50'+	12'	6'	6'	14'	No	No	(+)	(+)	6%	(+)
<b>Minor Arterial</b>	80'	36-50'	12'	6'	2'	14'	Yes	No	3" AC	10"	6%	(2)
<b>Collector</b>	60'	36'	12'	6'	2'	--	Yes	No	3" AC	8"	8%	(2)
<b>Local</b>												
<b>Commercial</b>	60'	32'	12'	4'	2'	--	Yes	No	3" AC	8"	10%	(2)

Residential	50'- 60'	24'	10'	2'	2'	--	Yes	No	2" AC	6"	10%	(2)
<b><i>Other</i></b>												
Alley	20'	15'-20'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	20'	8' <sup>(22)</sup>	--	--	2.5'	--	No	--	Variable	4"	10%	--
<b>LA PINE Urban Unincorporated Community, Neighborhood Planning Area</b>												
<b><i>Central Collector</i></b>	90'	24'	12'	--	2'	--	Yes	No (20)	3" AC	10"	6%	(2)
<b><i>Neighborhood Collector</i></b>	80'	22'	11'	--	2'	--	Yes	No (20)	3" AC	8"	8%	(2)
<b><i>Perimeter Collector</i></b>	60'	24'	12'	--	2'	--	Yes	No (20)	3" AC	8"	8%	(2)
<b><i>Local</i></b>												
Commercial	60'	24'	12'	--	2'	--	Yes	Yes	3" AC	8"	10%	(2)
Residential	60'	20'	10'	--	2'	--	Yes	No (20)	2" AC	6"	10%	(2)
<b><i>Other</i></b>												
Alley	20'	15'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	15'	8' <sup>(22)</sup>	--	--	2.5'	--	No	--	Variable	4"	10%	--
<b>TUMALO Unincorporated Community</b>												
<b><i>US Highway 20</i></b>	80'- 100'	60'	12'	4'	6'	14'	No	No	(1)	(1)	6%	(1)
<b><i>Collector</i></b>												
Commercial	60'	30'	11'	4'	2'	14'	Yes	Yes	3" AC	8"	8%	(2)

Residential	60'	36'	12'	6'	2'	14'	Yes	No	3" AC	8"	8%	(2)
<b>Local</b>												
Commercial	60'	20'	10'	--	2'	--	Yes	No (15,16)	3" AC	8"	8%	(2)
Residential	60'	20'	10'	--	2'	--	Yes	No	0-9 or 2" AC	6"	10%	(2)
<b>Other</b>												
Alley (Commercial)	20'	20'	--	--	--	--	No	No	2" AC	6"	10%	(2)
Path/Trail	15'	6' unpaved 8' paved <sup>(2,3)</sup>	--	--	2.5' (if paved)	--	--	--	2" AC	4"	5%	--

<b>TERREBONNE Unincorporated Community</b>													
Road Type/Class	ROW	Paved Width <sup>(6)</sup>	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Swale <sup>(21)</sup>	Surface Type	Sidewalk Required	Base Depth <sup>(6)</sup>	Max Grade <sup>(6)</sup>	Design Speed/ Min. Tang/ Min. Curve	
<b>US Highway 97</b>	80'- 100'	60'	12'	6'	6'	14'	No	(1)	No (14)	(1)	6%	(1)	
<b>Minor Arterial</b>													
Smith Rock Way	TeC	60'	34'	12'	5'	2'	14'	Yes	3" AC	Yes (15)	10"	6%	(2)
	TeR	60'	34'	12'	5'	2'	14'	No	3" AC	No	10"	6%	(2)
Lower Bridge Way	60'	34'	12'	5'	2'	14'	No	3" AC	No	10"	6%	(2)	
<b>Collector</b>													



Commercial	TeC	60'	24'	12'	--	2'	--	Yes	3" AC	Yes	8"	8%	(2)
	TeR	60'	24'	12'	--	2'	--	No	3" AC	No	8"	8%	(2)
Residential	TeR	60'	24'	12'	--	2'	--	No (16)	3" AC	No (16)	8"	8%	(2)
<b>Local</b>													
Commercial	TeC	60'	24'	12'	--	2'	--	Yes	3" AC	Yes (15)	8"	8%	(2)
	TeR	60'	24'	12'	--	2'	--	No	3" AC	No	8"	8%	(2)
Residential	TeR	60'	20'	12'	--	2'	--	No (17)	0-9 or 2" AC	No (17)	6"	10%	(2)
<b>Other</b>													
Alley (Commercial)		20'	20'	10'	--	--	--	No	2" AC	No	6"	10%	(2)
Path/Trail		15'	6' unpaved 8' paved (23)	--	--	2.5 (if paved)	--	--	2" AC	--	4"	5%	--

Notes: (1) Design shall be in accordance with Oregon Department of Transportation Design Standards. (2) Design shall be in accordance with AASHTO standards. (3) Pavement widths are variable, depending on such factors as anticipated traffic volumes, and whether the road section involves turn lanes, bike lanes, and whether frontage roads border an arterial or collector, etc. (4) The required base depth may be increased when a C.B.R., or R valve is required by the Road Department. (5) Cul-de-sac bulb to be constructed with a 45-foot minimum radius. (6) Increase in grade of 2 percent may be allowed in unusually steep areas. (7) No curb for rural frontage roads. (8) 20' allowed for cul-de-sac's and roads with low anticipated traffic volumes as long as separate multiple use paths are provided. 28' width required (including the required 4' striped shoulder bikeway in each direction) for circulator and primary subdivision access roads and other roads when separate multiple use paths are not provided. (9) The larger of the two widths is necessary if a shoulder bikeway is required (4' for collector and 5' for arterial). (10) 20' allowed for cul-de-sac's and roads with low anticipated traffic volumes. 24' width required for circulator and primary subdivision access roads. (11) Sidewalks required for new subdivisions and partitions, within Unincorporated Communities, that result in an average lot size of 11,000 square feet or less. (12) Widths are variable, but in no case shall a swale be less than 6 feet in width. Swales shall conform as much as practicable to DEQ best management practices for non-underground injection control (UIC) systems such as grassy or vegetated bioswales designed (sized) to mitigate anticipated storm water runoff. (13) Where drainage swales are not required, the standards for drainage in Title 17, Chapter 17.48 shall still apply. (14) 6 foot sidewalks required on both sides of Highway 97 between South 11th Avenue and Central Avenue intersections. Includes pedestrian crossing improvement at B Avenue and C Avenue intersection (see Terrebonne Comprehensive Plan Map D-3). (15) 5 foot curbless sidewalks with a drainage swale required on both sides of the road. (16) 5 foot curbless sidewalks with drainage swales required in Terrebonne from West

19th Street to 15th Street on the south side of C Avenue (see Terrebonne Comprehensive Plan Map D-3), or those roads in Tumalo designated for sidewalks (see Tumalo Comprehensive Plan Map D2). (17) 5-foot curbless sidewalks with drainage swales required along school frontage on B Avenue and 5th Street (see Terrebonne Comprehensive Plan Map D-3). (18) Where allowed, parking must be off pavement. (19) 40 feet immediately adjacent to arterial road, or 60 feet when frontage road is separated from arterial by private land. (20) In the Community Facility Limited District, sidewalks at least five feet wide shall be installed at the time of development. The sidewalks shall be property line tight and meet ADA accessibility requirements. (21) 10-foot sidewalks required on both sides of US Highway 97 between First/Reed and 6th Street intersections. (22) Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots. (23) The minimum width is 8 ft. However, 8 ft. wide multiuse paths are not recommended in most situations because they may become over-crowded. They should only be constructed as short connectors, or where long term usage is expected to be low, and with proper horizontal and vertical alignment to assure good sight distances. 10 ft is the standard width for a two-way multi-use path but they should be 12 ft wide in areas with high mixed use. Optimum width should be based on the relative use by cyclists and pedestrians. High use by skaters may also require greater width.

**HISTORY**

Repealed by Ord. XX-XXXX §XX on XX/XX/XXXX

**17.48 Table B Minimum Bikeway Design Standards (Repealed)**

Type	Stripe	On/ Off Road	Width*			Vertical Clearance		Lateral Clearance (each side)		Cros- slop e Grade	Grade		Pavement Structure		Mul- ti- use	RO W
			Min.	Stand- ard	Hi gh Us e	Min.	Stan- dard	Min.	Stan- dard		Stand- ard	Max.	Aggreg- ate Base	A. C.		
Multi use Path		Off	8'	10'	12'	8'	10'	2'	3'	2%	5%	>5% up to dista nce of 500'	4"	2"	Yes	15'
Mt. Bike Trail		Off		2'		7'	10'								Yes	
Bike Lane	8" with paint ed stenc il	On	4' w/op en shoul der 5' w/cur bor	6'							Use on urban arterial or major collector, or rural roads near urban areas with		Same as parent roadway		No	

			parking							high anticipated bike use			
Shoulder Bikeway	4"	On	4'	4' w/open shoulder 5' w/curb or other barrier	6'					Recommended on higher speed, and traffic volume rural roads	Same as parent roadway	No	
Shared Roadway		On								Recommended only on local roads with speeds of 25 mph or less, and <3,000 ADT	Same as parent roadway	Yes	

Note: A.C. is asphalt concrete

<sup>4</sup> 10 ft is the standard width for a two-way multi-use path; they should be 12 ft wide in areas with high mixed use. Faster moving bicyclists require greater width than pedestrians; optimum width should be based on the relative use by these two modes. High use by skaters may also require greater width. The minimum width is 8 ft. However, 8-ft. wide multi-use paths are not recommended in most situations because they may become over-crowded. They should only be constructed as short connectors, or where long-term usage is expected to be low, and with proper horizontal and vertical alignment to assure good sight distances.

HISTORY

Repealed by Ord. XX-XXXX §XX on XX/XX/XXXX

## CHAPTER 17.52 ROAD DEDICATIONS

[17.52.010 Purpose](#)

[17.52.020 Relationship To State Law](#)

[17.52.030 Application](#)

[17.52.040 Procedure](#)

[17.52.050 Approval Criteria](#)

[17.52.060 Administrative Decisions](#)

[17.52.070 Hearings](#)

[17.52.080 Appeals](#)

[17.52.090 Board Action On Road Dedications](#)

[17.52.100 Maintenance Of Dedicated Roads](#)

### 17.52.010 Purpose

The purpose of DCC 17.52-~~010~~ is to establish procedures for the dedication of more than minor amounts of road right of way to the public where the dedication will not be reviewed as part of another land use application. Minor amounts of road right of way means rights of way no greater than those required for modernization, traffic safety improvement, maintenance or repair of an existing road or street. DCC 17.52-~~010~~ applies to road dedications which occur outside of urban growth boundaries in Deschutes County. DCC 17.52-~~010~~ requires that road dedications be reviewed for consistency with the Transportation Policies for new roads or major road modifications of the Comprehensive Plan.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

*Amended by Ord. ~~XX-XXXX~~ §XX on X/X/XXXX*

### 17.52.020 Relationship To State Law

- A. The procedures for road dedications set forth in DCC 17.52 are adopted in accordance with ORS 368.011 which establishes County authority to supersede provisions of ORS 368 by enacting an ordinance under powers granted the County in ORS 203.030 to 203.075.
- B. The procedures set forth in DCC 17.52 are adopted in accordance with ORS 203.035 which establishes County power to exercise authority within the County over matters of County concern.
- C. Road dedications are a matter of County concern under ORS 368.016.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

### 17.52.030 Application

Any person proposing the dedication of more than minor amounts of road right of way, where the proposed dedication will not be reviewed as part of another land use application, shall submit a written application for a land use permit to the Planning Director. The land use permit application shall include a

completed request form, a written burden of proof statement which indicates the proposal complies with the applicable criteria, a map showing the location of the land to be dedicated, a preliminary title report covering the land to be dedicated, and the appropriate filing fee.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

#### [17.52.040 Procedure](#)

- A. When an application has been received and deemed complete, the Planning Director shall refer the proposal to the Road Department Director for review and recommendation. The Road Department Director shall determine the applicable design and improvement standards as set forth in DCC 17.36, ~~and~~ 17.48 and Title 12 and shall review the application for consistency with such standards as well as other applicable road standard regulations. Once the Road Department Director has reviewed the information and the materials submitted with the application, the Road Department Director shall forward findings and a recommendation to the Planning Director.
- B. The Planning Director shall make an administrative decision on the application or refer the application to the Hearings Body for a public hearing.
- C. The Planning Director's choice between or among administrative or hearing procedures to apply to a road dedication application shall not be an appealable decision.
- D. Applications for land use permits shall be reviewed according to the applicable approval criteria identified in DCC 17.52.050.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

#### [17.52.050 Approval Criteria](#)

- A. Applications for road dedications in zones where Class I or II road projects, as defined by DCC 18.04.030, are permitted outright shall address the criteria in DCC 18.116.230. Such applications shall also address any applicable criteria in the zone in which the road dedication is proposed.
- B. Applications for road dedications in zones where Class I or II road projects defined by DCC 18.04.030, or public road or highway projects defined by ORS 215.283(2)(p) through (r) and 215.283(3), are permitted as conditional uses shall address the criteria in DCC 18.116.230 and 18.128.015. Such applications shall also address any applicable criteria in the zone in which the road dedication is proposed.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

*Amended by Ord. [95-065](#) §1 on 10/11/1995*

### 17.52.060 Administrative Decisions

If the Planning Director decides to act on the application administratively, the Planning Director shall follow the procedures for review of land use applications established by DCC 22.20.020 through 22.20.070.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

### 17.52.070 Hearings

If the Planning Director decides to refer the application to the Hearings Body for a hearing, the procedures established for land use action hearings in DCC 22.24 shall govern the process.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

### 17.52.080 Appeals

Following an administrative decision of the Planning Director or a decision of the Hearings Body, a party may file an appeal according to procedures established in DCC 22.32.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

### 17.52.090 Board Action On Road Dedications

- A. Once an application is approved by the Planning Director or Hearings Body, pursuant to DCC 17.52, the applicant shall satisfy all conditions of the land use approval prior to submitting a declaration of dedication for final action. The declaration of dedication shall include a legal description of the land to be dedicated. Upon receipt of the declaration of dedication, the Planning Director shall forward the declaration of dedication to the Board for acceptance or rejection.
- B. Except as otherwise provided under the Deschutes County Code, the Board shall take final action on the road dedication within 120 days after the application is deemed complete.
- C. Upon the meeting of the Board to take final action on the road dedication, the applicant shall provide the Board with a supplemental or amended report to the preliminary title report submitted with the application. The supplemental or amended report shall show changes in the condition of title of the relevant property from the date of the preliminary title report up to and including the time immediately preceding the Board meeting.
- D. If the road dedication is accepted by the Board, the declaration of dedication shall be immediately recorded with the County Clerk.

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*

### 17.52.100 Maintenance Of Dedicated Roads

Any public road created in conjunction with the dedication of public road right of way under DCC 17.52 shall be designated as a Local Access Road, as defined by ORS 368.001(3), which shall not be maintained by the County unless and until that road right of way is established as a County road, as defined by ORS 368.001(1), by order or resolution of the County governing body as authorized by ORS 368.016(2)(c).

#### HISTORY

*Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995*

### CHAPTER 17.56 VARIANCES

#### 17.56.010 Application

#### 17.56.020 Variance Criteria

#### 17.56.030 Procedure

#### 17.56.040 (Repealed)

#### 17.56.010 Application

The Planning Director or Hearings Body may authorize a variance from the requirements of DCC Title 17. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner.

#### HISTORY

*Adopted by Ord. [PL-14](#) §10.010 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 9.010 on 12/31/1981*

*Amended by Ord. [93-012](#) §55 on 8/4/1993*

#### 17.56.020 Variance Criteria

A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided ~~that~~ the Planning Director or Hearings Body makes all of the following findings:

- A. ~~That~~ the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit;
- B. ~~That~~ the condition creating the difficulty is not general throughout the surrounding area, but is unique to the applicant's site;
- C. ~~That~~ the condition was not created by the applicant;
- D. ~~That~~ the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

~~D.E. That the subject of~~ The variance requested is not to standards or criteria provided for applications reviewed under Clear and Objective Standards, pursuant to DCC 17.04.060.

#### HISTORY

*Adopted by Ord. [PL-14](#) §10.020 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 9.020 on 12/31/1981*

*Amended by Ord. [93-012](#) §56 on 8/4/1993*

Amended by Ord. XX-XXXX §XX on X/X/XXXX

### 17.56.030 Procedure

The variance application shall be processed according to DCC Title 22.

#### HISTORY

*Adopted by Ord. [PL-14](#) §10 on 11/1/1979*

*Repealed & Reenacted by Ord. [81-043](#) §§1, 9.030 on 12/31/1981*

*Amended by Ord. [86-030](#) §2 on 4/2/1986*

*Amended by Ord. [93-012](#) §§57 and 58 on 8/4/1993*

*Amended by Ord. [95-065](#) §1 on 10/11/1995*

### 17.56.040 (Repealed)

#### HISTORY

*Repealed by Ord. [93-012](#) on 8/4/1993*



**MEMORANDUM**

**TO:** Deschutes County Planning Commission  
**FROM:** Peter Gutowsky, AICP, Director  
Will Groves, Planning Manager  
**DATE:** March 13, 2025  
**SUBJECT:** Planning Division Work Plan for Fiscal Year (FY) 2025-26 - Work Session

---

The Planning Commission will hold a work session on March 13, 2025 in preparation for a public hearing on March 27 regarding the Planning Division's annual work plan for FY 2025-26 (Attachment).

**I. BACKGROUND**

Each spring, the Community Development Department (CDD) develops an annual work plan outlining proposed projects for the upcoming fiscal year. Reviewing the draft work plan allows the Planning Commission, Historic Landmarks Commission (HLC), County Administration, CDD's customers and partner agencies, and the Board to provide input, including recommendations for additions, modifications, and potential reprioritization. The work plan describes the most important objectives and projects in each division based on:

1. Board annual goals and policies;
2. Carry-over projects from current or prior years;
3. Changes in state law;
4. Grants/funding sources; and
5. Public comments.

It also provides a framework for prioritizing and initiating new projects that emerge throughout the year.

**II. PLANNING DIVISION DRAFT FY 2025-26 WORK PLAN**

The foundations of the annual work plan include:

- Maintaining high levels of customer service while addressing staff retention and recruitment challenges.
- Implementing robust Long Range Planning work plans.
- Continuing to improve CDD's website and other electronic services to enhance efficiencies and service delivery.

Table 1 captures priority discretionary and nondiscretionary projects that are supported by the Board and Planning Commission, grant funded, or in process. Collectively, these projects are significant and require staffing resources for 6 to 12 months or longer.

**Table 1 – Priority Discretionary and Non-discretionary Projects**

Priority Projects	
<ol style="list-style-type: none"> <li>1. Current Planning <sup>1</sup></li> <li>2. Comprehensive Plan 2040 Update</li> <li>3. Initiate update to Newberry Country Plan including outreach, technical coordination, collaboration with La Pine 2045 and Newberry Regional Partnership, and updates to plan goals, policies, and narrative.</li> </ol>	<ol style="list-style-type: none"> <li>4. Clear and Objective Standards for Housing (HB 3197)</li> <li>5. Natural Hazards – Key goals for next year include groundwater protection efforts in South County, natural hazard mitigation through updates to fire risk regulations, and development code amendments for hazard resilience. Additional priorities involve continued participation in sage-grouse conservation and updating dark sky regulations to reflect best practices and support public education.</li> </ol>

Table 2 identifies ongoing Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks. These projects in their totality range from “minor” to “moderate,” requiring staffing resources that span 4 to 8 months to complete.

**Table 2 – Operational Responsibilities, Coordination Duties, and Code Maintenance**

Category	Projects
<b>Operational Responsibilities</b>	<ol style="list-style-type: none"> <li>1. Destination Resort and Overnight Lodging Reporting.</li> <li>2. Marijuana inspections.</li> <li>3. Population estimates and forecasting.</li> <li>4. Staffing Historic Landmarks Commission (HLC), Bicycle and Pedestrian Advisory Committee (BPAC), and Deschutes River Mitigation and Enhancement Committee (M&amp;E).</li> <li>5. Participate in 2025-2026 Legislative Sessions.</li> <li>6. Support internal County departments, including new landfill siting and related initiatives.</li> </ol>
<b>Coordination Duties</b>	<ol style="list-style-type: none"> <li>7. City of Bend Coordination                             <ul style="list-style-type: none"> <li>• Coordinate on growth management issues, including technical analyses related to housing and employment needs.</li> <li>• Coordinate with BPRD for the development of park space in SE Bend.</li> <li>• Coordinate on urbanization related code amendment projects.</li> </ul> </li> <li>8. City of La Pine Coordination</li> </ol>

<sup>1</sup> Current Planning responsibilities are non-discretionary. Local land use decisions are subject to specific deadlines per state law. ORS 215.427.

Category	Projects
	<ul style="list-style-type: none"> <li>• Participate with Deschutes County Property Management and the City of La Pine to update and amend the county-owned Newberry Neighborhood comprehensive plan designations, master plan, and implementing regulations.</li> <li>• Participate in La Pine 2045 Comprehensive Plan Update process.</li> <li>• Coordinate with staff for campground feasibility analysis on County-owned properties within city limits.</li> <li>• Coordinate with staff regarding transportation impacts and long-range planning for County-owned right-of-way facilities located within city limits.</li> </ul> <p>9. City of Redmond Coordination</p> <ul style="list-style-type: none"> <li>• Coordinate implementation of their Comprehensive Plan Update.</li> <li>• Coordinate on CORE3, a multi-stakeholder regional emergency coordination center.</li> <li>• Coordinate to update the Joint Management Agreement and UH-10 zone lands per HB 3197.</li> <li>• Coordinate planning efforts for the McVey Interchange on South Highway 97 to facilitate access to Large Lot Industrial Lands through either a Goal Exception process or a legislative equivalent.</li> <li>• Lands though either a Goal Exception process or legislative equivalent.</li> </ul> <p>10. City of Sisters Coordination</p> <ul style="list-style-type: none"> <li>• Participate in the implementation of Sisters Country Vision Plan and their Comprehensive Plan and City of Sisters Comprehensive Plan Update.</li> <li>• Participate in the UGB Expansion process.</li> <li>• Coordinate on urbanization related code amendment projects.</li> </ul> <p>11. Transportation Planning</p> <ul style="list-style-type: none"> <li>• Process road naming requests associated with certain types of development on a semi-annual basis.</li> <li>• Administer the County's Transportation SDC program.</li> <li>• Coordinate with Bend Metropolitan Planning Organization on regional projects and planning.</li> <li>• Coordinate with ODOT on roadway projects and interchange area management plans.</li> <li>• Coordinate internal review of the County's Title 17 code amendments related to land divisions, road improvements, and transportation impacts to ensure compliance with HB 3197.</li> <li>• Provide updated traffic data for the ongoing Newberry Country Plan update.</li> </ul>

Category	Projects
	12. Sage Grouse Coordination. 13. Housing Strategies. <ul style="list-style-type: none"> <li>• Amend County Code to define family for unrelated persons HB 2538, non-familial Individuals.</li> <li>• Explore options and approaches to address rural housing and homelessness as allowed under state law.</li> </ul> 14. Dark Skies. 15. Groundwater Protection <ul style="list-style-type: none"> <li>• Support efforts by the Oregon Department of Environmental Quality and Onsite Wastewater Division to protect South County groundwater.</li> </ul> 16. Department of Land Conservation and Development Rulemaking <ul style="list-style-type: none"> <li>• Monitor rulemaking as it pertains to Goal 5 – Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.</li> <li>• Initiate legislative amendments to the Comprehensive Plan and Zoning Code as needed.</li> </ul>
<b>Code Maintenance</b>	17. Housekeeping Amendments <ul style="list-style-type: none"> <li>• Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.</li> </ul>

Table 3 lists discretionary zoning text amendments. These are “lower” priority projects, requiring staffing resources that span 4 to 12 months or longer to complete.

**Table 3 – Low Priority Zoning Text Amendments**

Category	Projects
<b>Zoning Text Amendments</b>	<ol style="list-style-type: none"> <li>1. Allow “self-serve” farm stands in Rural Residential Exception Areas.</li> <li>2. Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in Industrial Zones.</li> <li>3. Define family for unrelated persons per HB 2538 (Non-familial Individuals).</li> <li>4. Forest Zone Code—Review for compliance with Oregon Administrative Rules.</li> <li>5. Lot Line Adjustments and Re-platting.</li> <li>6. Medical Hardship Dwellings—review for consistency with state law (in progress).</li> <li>7. Minor variance 10% lot area rule for Farm and Forest zoned properties.</li> <li>8. Outdoor Mass Gatherings update.</li> <li>9. Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).</li> <li>10. Sign code for consistency with federal law.</li> <li>11. Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.</li> </ol>

Category	Projects
	12. Title 22—Procedures Ordinance for consistency with state law and planning department interpretations. 13. Wetland regulation clarification for Irrigation or Artificially Created Wetlands.

**III. PLANNING COMMISSION HEARING & RECOMMENDATION**

The Planning Commission will hold a public hearing on March 27. Deliberations and a recommendation to the Board are anticipated for April 10. The Board will conduct a public hearing in May or June.

The Planning Commission’s recommendation will, after considering public comments, include a list of projects to be included in the work plan, and potentially prioritization of each listed project, such as high, medium, and low.<sup>2</sup> Last year, staff presented three matrices to facilitate the Planning Commission’s deliberation and recommendations to the Board and will do so again this year. Appendix A captures the Planning Commission’s recommendation for FY 2024-25.

Attachment:

Draft CDD FY 2025/2026 Work Plan and 2024 Annual Report

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<sup>2</sup> Staff coordinates with the Board throughout the year on the status of long range projects, and, as capacity becomes available, on projects that can be initiated.

## Appendix A – Planning Commission Recommendation for FY 2024-25 Planning Division Work Plan

Last year, staff presented three matrices (below) to facilitate the Planning Commission’s deliberation and recommendations to the Board.<sup>3</sup> Table 1 captured priority discretionary and nondiscretionary projects that were supported by the Board, grant funded, or in process.

**Table 1 – Priority Discretionary and Non-discretionary Projects**

Priority Projects	
1. Current Planning <sup>4</sup>	4. Clear and Objective Standards for Housing (HB 3197)
2. Comprehensive Plan 2040 Update	5. Natural Hazards –Amend the Comprehensive Plan and County Code to address defensible space and fire-resistant building materials requirements per SB 762 and SB 80 (2021 and 2023, Wildfire Mitigation).
3. Engage Newberry Country and Terrebonne residents to determine if area and/or community plans require updates.	

Table 2 identified ongoing Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks. These projects in their totality ranged from “minor” to “moderate”, requiring staffing resources that span 2 to 8 months to complete.

**Table 2 – Operational Responsibilities, Coordination Duties, and Code Maintenance**

Category	Projects
<b>Operational Responsibilities</b>	<ol style="list-style-type: none"> <li>1. Destination Resort and Overnight Lodging Reporting.</li> <li>2. Marijuana inspections.</li> <li>3. Population estimates and forecasting.</li> <li>4. Staffing Historic Landmarks Commission (HLC), Bicycle and Pedestrian Advisory Committee (BPAC), and Deschutes River Mitigation and Enhancement Committee (M&amp;E).</li> <li>5. Participate in 2025 Legislative Short Session.</li> <li>6. Support internal County departments (new landfill siting, etc.).</li> </ol>
<b>Coordination Duties</b>	<ol style="list-style-type: none"> <li>7. City of Bend Coordination <ul style="list-style-type: none"> <li>• Coordinate with City of Bend on growth management issues, including technical analyses related to housing and employment needs.</li> <li>• Coordinate with Bend Parks and Recreation District for the future development of park space in southeast Bend.</li> </ul> </li> <li>8. City of La Pine Coordination</li> </ol>

<sup>3</sup> Residents requested: 1) Amending Deschutes County Code to prevent the siting of future destination resorts; and 2) Updating regulations pertaining to temporary use of recreational vehicles as dwellings to better address occupancy, sewage, waste, fire hazards, and wetland impacts.

<sup>4</sup> Current Planning responsibilities are non-discretionary. Local land use decisions are subject to specific deadlines per state law. ORS 215.427.

Category	Projects
	<ul style="list-style-type: none"> <li>• Participate with Property Management and the City of La Pine to update and amend the county-owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulations.</li> <li>• Participate in La Pine 2045 Comprehensive Plan Update process.</li> </ul> <p>9. City of Redmond Coordination</p> <ul style="list-style-type: none"> <li>• Coordinate to implement the Redmond Comprehensive Plan 2040.</li> <li>• Coordinate on CORE3, a multi-stakeholder regional emergency coordination center.</li> <li>• Coordinate to update the Joint Management Agreement (JMA) and UH-10 zone lands per HB 3197 requirements.</li> <li>• Coordinate planning efforts for McVey interchange on South Highway 97 to access Large Lot Industrial Lands through either a Goal Exception process or legislative equivalent.</li> </ul> <p>10. City of Sisters Coordination</p> <ul style="list-style-type: none"> <li>• Participate in the implementation of Sisters Country Vision Plan and their Comprehensive Plan and City of Sisters Comprehensive Plan Update.</li> <li>• Participate in Sisters UGB Expansion process.</li> </ul> <p>11. Transportation Planning</p> <ul style="list-style-type: none"> <li>• Process road naming requests associated with certain types of development on a semi-annual basis.</li> <li>• Administer the County's Transportation System Development Charge program.</li> <li>• Coordinate with Bend Metropolitan Planning Organization on regional projects and comprehensive planning.</li> <li>• Coordinate with the Oregon Department of Transportation on roadway projects and interchange area management plans.</li> </ul> <p>12. Sage Grouse Coordination.</p> <p>13. Housing Strategies.</p> <ul style="list-style-type: none"> <li>• Amend County Code to define family for unrelated persons HB 2538, non-familial Individuals.</li> <li>• Explore options and approaches to address rural housing and homelessness as allowed under state law.<sup>5</sup></li> </ul> <p>14. Dark Skies.</p> <p>15. Groundwater Protection</p> <ul style="list-style-type: none"> <li>• Support efforts by the Oregon Department of Environmental Quality and Onsite Wastewater Division to protect South County groundwater.</li> </ul> <p>16. Department of Land Conservation and Development Rulemaking</p>

Category	Projects
	<ul style="list-style-type: none"> <li>• Monitor rulemaking as it pertains to Goal 5 – Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.</li> <li>• If required, initiate legislative amendments to the Comprehensive Plan and zoning code.</li> </ul>
<b>Code Maintenance</b>	17. Housekeeping Amendments <ul style="list-style-type: none"> <li>• Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.</li> </ul>

Table 3 listed discretionary zoning text amendments. These represented “lower” priority projects, requiring staffing resources that span 4 to 12 months or longer to complete.

**Table 3 – Low Priority Zoning Text Amendments**

Category	Projects
<b>Zoning Text Amendments</b>	<ol style="list-style-type: none"> <li>1. Allow “self-serve” farm stands in Rural residential Exception Areas Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones.</li> <li>2. Define family for unrelated persons per HB 2538 (Non-familial Individuals).</li> <li>3. Forest Zone Code—Review for compliance with Oregon Administrative Rule.</li> <li>4. Lot Line Adjustments and Re-platting.</li> <li>5. Medical Hardship Dwellings—review for consistency with state law.</li> <li>6. Minor variance 10% lot area rule for farm and forest zoned properties.</li> <li>7. Outdoor Mass Gatherings update.</li> <li>8. Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).</li> <li>9. Sign code to become consistent with federal law.</li> <li>10. Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.</li> <li>11. Title 22—Procedures Ordinance for consistency with state law and planning department interpretations.</li> <li>12. Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.</li> <li>13. Childcare facilities in Industrial Zones</li> </ol>

After thoughtful consideration, the Planning Commission strongly supported prioritizing dark sky lighting standards, emphasizing its longstanding presence on the work plan and significant public interest. Housing-related items were also highlighted, with most commissioners favoring updates to non-familial definitions and some supporting childcare facilities in industrial zones and medical hardship dwelling regulations. There was interest in expanding farm stand allowances and agritourism



while protecting farmland, and updating the Newberry Country Plan, particularly regarding groundwater quality and wastewater treatment solutions. The commission recommended reconvening expert informational panels on key issues such as water, destination resorts, and wildlife, incorporating interactive formats to engage the public. Additionally, increasing citizen involvement in county committees was encouraged. While no work plan items were opposed, the Commission agreed that dark sky standards should be the top priority, followed by other items based on commissioner interest. The feedback was presented to the Board of County Commissioners.



# COMMUNITY DEVELOPMENT

## **FY 2025-26 Work Plan & 2024 Annual Report**



117 NW Lafayette Avenue  
P.O. Box 6005  
Bend, OR 97703  
[www.deschutes.org/cd](http://www.deschutes.org/cd)  
(541) 388-6575

Building Safety  
Code Enforcement  
Coordinated Services  
Onsite Wastewater  
Planning

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# Introduction

## Community Development Mission Statement

The Community Development Department (CDD) facilitates orderly growth and development in the Deschutes County community through coordinated programs of Building Safety, Code Enforcement, Coordinated Services, Onsite Wastewater, Planning, and education and service to the public.

## Purpose

The 2024 Annual Report and FY 2025-26 Work Plan highlight the department's accomplishments, goals and objectives and are developed to:

- Report on achievements and performance.
- Implement the Board of County Commissioners (BOCC) goals and objectives.
- Implement the Deschutes County Customer Service "Every Time" Standards.
- Effectively and efficiently manage organizational assets, capabilities and finances.
- Fulfill the department's regulatory compliance requirements.
- Address changes in state law.
- Enhance the county as a safe, sustainable and highly desirable place to live, work, learn, recreate, visit and more.

## Adoption

The BOCC adopted this report on June XX, 2025, after considering public, stakeholder and partner organization input and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.



# Elected & Appointed Officials

## BOARD OF COUNTY COMMISSIONERS

Anthony DeBone, Chair, January 2027  
 Patti Adair, Vice Chair, January 2027  
 Phil Chang, Commissioner, January 2029

## COUNTY ADMINISTRATION

Nick Lelack, County Administrator  
 Whitney Hale, Deputy County Administrator  
 Erik Kropp, Deputy County Administrator

## PLANNING COMMISSION

Matt Cyrus — Chair, Sisters Area, 6/30/26  
 Susan Altman — Vice Chair, Bend Area, 6/30/28  
 Nathan Hovekamp — Bend Area, 6/30/27  
 Kelsey Kelley — Tumalo Area, 6/30/27  
 Jessica Kieras — Redmond Area, 6/30/26  
 Mark Stockamp — At Large, 6/30/27  
 Toni Williams — South County, 6/30/29

## HISTORIC LANDMARKS COMMISSION

Rachel Stemach — Chair, Bend Area, 3/31/28  
 Dennis Schmidling — Vice Chair, City of Sisters, 3/31/28  
 Eli Ashley — At Large, 3/31/26  
 Lore Christopher — At Large, 3/31/26  
 Christine Horting-Jones — Ex-Officio, 3/31/28  
 Marc Hudson — At Large, 3/31/28  
 Lilian Syphers — Ex-Officio, 3/31/28

## HEARINGS OFFICERS

Tommy Brooks  
 Gregory J. Frank  
 Alan Rappleeya  
 Laura Westmeyer

## BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Jennifer Letz — Chair, Sisters, 6/30/26  
 David Green — Vice Chair, At Large, 6/30/26  
 Wendy Holzman — At Large, 6/30/26  
 Mason Lacy — At Large, 6/30/26  
 David Roth — Bend, 6/30/26  
 Rachel Zakem — At Large, 6/30/26  
 Anthony Accinelli — La Pine, 6/30/27  
 Neil Baunsgard — Bend, 6/30/27  
 Diane Flowers, At Large, 6/30/27  
 Matt Muchna — At Large, 6/30/27  
 Bob Nash — Redmond, 6/30/2027  
 Mark Smith — At Large, 6/30/27

# Board of County Commissioners

## FY 2025-26 Goals & Objectives

***Mission Statement: Enhancing the lives of citizens by delivering quality services in a cost-effective manner.***

***Safe Communities (SC): Protect the community through planning, preparedness, and delivery of coordinated services.***

- Provide safe and secure communities through coordinated public safety and crisis management services.
- Reduce crime and recidivism and support victim restoration and well-being through equitable engagement, prevention, reparation of harm, intervention, supervision and enforcement.
- Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.

***Healthy People (HP): Enhance and protect the health and well-being of communities and their residents.***

- Support and advance the health and safety of all Deschutes County's residents.
- Promote well-being through behavioral health and community support programs.
- Ensure children, youth and families have equitable access to mental health services, housing, nutrition, child care, and education/prevention services.
- Help to sustain natural resources and air and water quality in balance with other community needs.
- Apply lessons learned from pandemic response, community recovery, and other emergency response events to ensure we are prepared for future events.

***A Resilient County (RC): Promote policies and actions that sustain and stimulate economic resilience and a strong regional workforce.***

- Update County land use plans and policies to promote livability, economic opportunity, disaster preparedness, and a healthy environment.
- Maintain a safe, efficient and economically sustainable transportation system.
- Manage County assets and enhance partnerships that grow and sustain businesses, tourism, and recreation.

***Housing Stability and Supply (HS): Support actions to increase housing production and achieve stability.***

- Expand opportunities for residential development on appropriate County-owned properties.
- Support actions to increase housing supply.
- Collaborate with partner organizations to provide an adequate supply of short-term and permanent housing and services to address housing insecurity.



# Board of County Commissioners

## FY 2025-26 Goals & Objectives, Continued

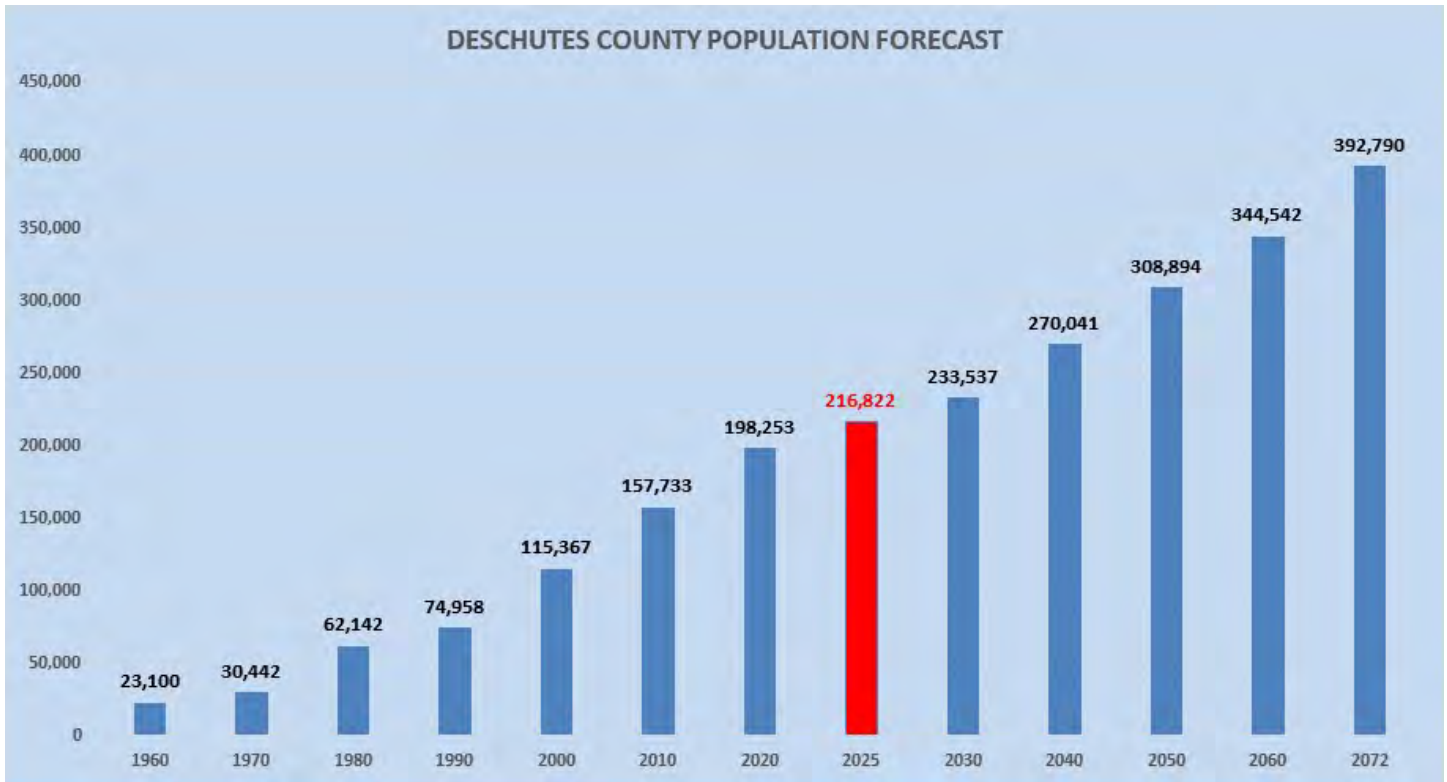
*Service Delivery (SD): Provide solution-oriented service that is cost-effective and efficient.*

- Ensure quality service delivery through the use of innovative technology and systems.
- Support and promote Deschutes County Customer Service “Every Time” standards.
- Continue to enhance community participation and proactively welcome residents to engage with County programs, services and policy deliberations.
- Preserve, expand and enhance capital assets, to ensure sufficient space for operational needs.
- Maintain strong fiscal practices to support short and long-term County needs.
- Prioritize recruitment and retention initiatives to support, sustain, and enhance County operations.





# Population Growth



This graph provides a snapshot of the County's growth since 1960 and the 50-year Portland State University (PSU) Population Forecast for Deschutes County from 2022 through 2072.

## PORTLAND STATE UNIVERSITY 2022-2072 DESCHUTES COUNTY FORECAST

Geographic Area	2022	2025	2047	*AAGR 2025-2047	2072
Deschutes County	207,921	216,822	291,344	1.3%	382,813
Bend	103,296	109,525	155,066	1.6%	218,270
Redmond	37,342	39,533	57,516	1.7%	79,152
Sisters	3,437	3,799	8,049	3.1%	15,190
La Pine	2,736	2,950	5,544	2.3%	9,061
Unincorporated	60,430	61,014	65,164	0.3%	61,140

\*AAGR: Average Annual Growth Rate

# Budget & Organization

## Fiscal Issues

- CDD experienced a modest improvement in permitting volumes in 2024, mainly due to legislation allowing accessory dwelling units (ADUs) in rural residential areas. While single-family dwelling (SFD) permits and site evaluations increased, land use applications declined. ADU application types accounted for 4% of SFD permits, 21.2% of site evaluations, and 5% of land use applications. This initial surge in application submissions is not anticipated to continue.
- Personnel cost increases are anticipated due to several key factors. These include adjustments to salaries resulting from the County's Oregon Pay Equity & Market Evaluation Project, which is intended to increase competitiveness in the job market, rising benefits costs, and investments in staff training to ensure high-quality service delivery. It is essential to plan for these increases to maintain our commitment to attracting and retaining top talent, which is critical to long-term success and organizational stability.
- CDD responds to development inquiries, implements legislative and BOCC priorities, and supports proposed County initiatives. Many of these require research and detailed responses without generating permits or revenue. This "non-fee generating" work, while a public good, consumes resources needed for efficient permit processing.
- Issues may arise from adapting to changes in the economy and ensuring compliance with evolving regulations.

## Operational Challenges

- Maintaining productivity amid staff resignations while completing training for new staff. In 2024, CDD welcomed 6 new staff members, saw 5 resignations, and added 2 new positions, resulting in a total of 52 FTE. Approximately 45% of staff have 5 years or less experience with the department.
- Coordinating with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff in a highly competitive market.
- Continue succession planning for anticipated staff retirements, with 15% of staff eligible for retirement within the next 3 to 8 years based on length of service.
- Implementing new laws from the 2023 and 2024 Legislative Session.
- Processing complex cases, applications, and evaluations require thorough analysis and interpretation of regulations, balancing community interest and compliance with legal standards.
- Addressing affordable housing through collaboration with cities, the County's Property Manager, and rural land use strategies.
- Improving the department's website and other electronic services to enhance efficiencies and service delivery.

# Budget & Organization

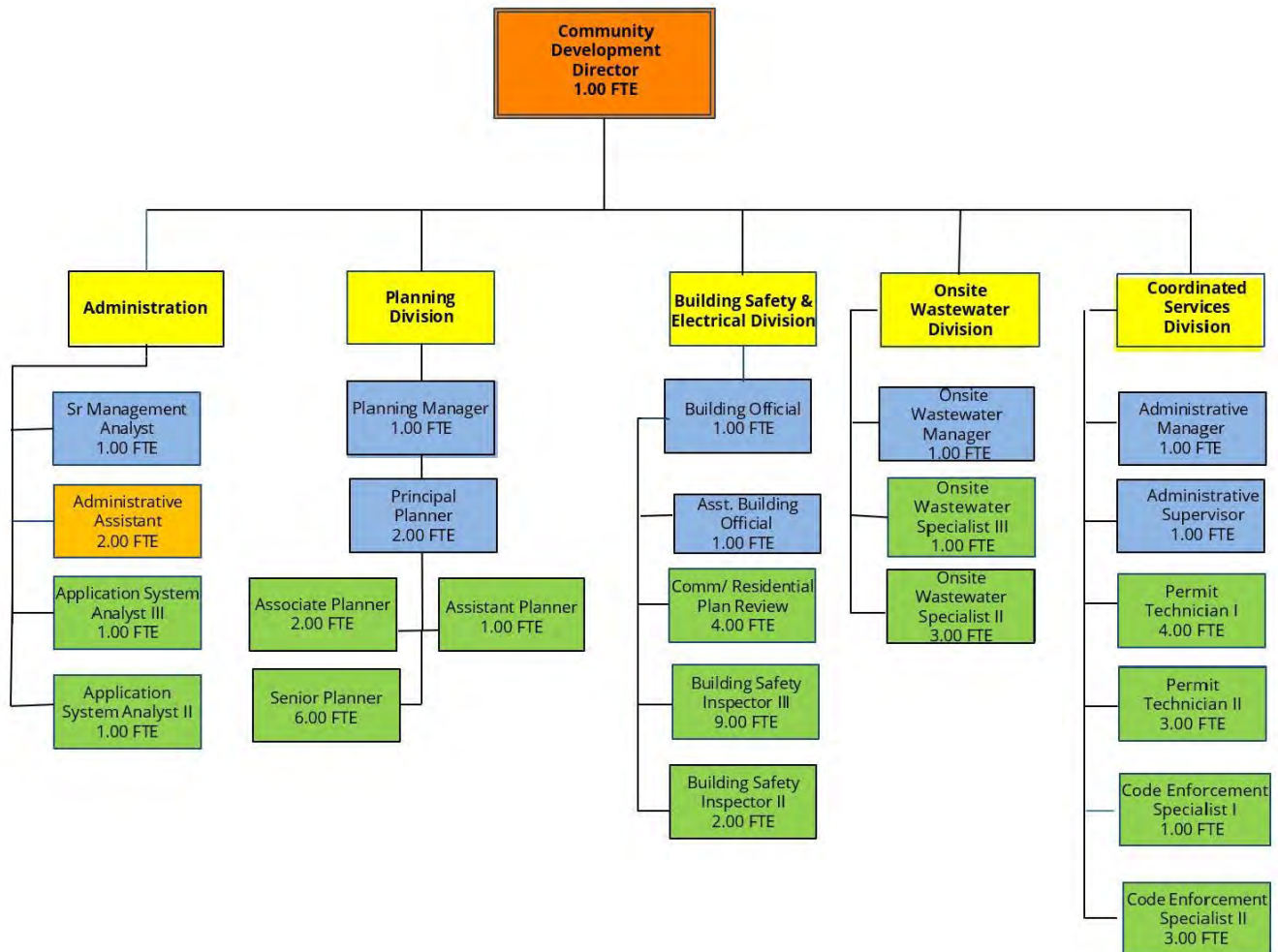
## Budget Summary

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Resources	\$11,302,683	\$13,932,023	\$12,475,587	\$11,329,936	\$10,762,781
Requirements	\$11,302,683	\$13,392,023	\$12,475,587	\$11,329,936	\$10,762,781

## Staff Summary

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Total FTE's	70.00	65.00	58.00	52.00	52.00

## Organizational Chart



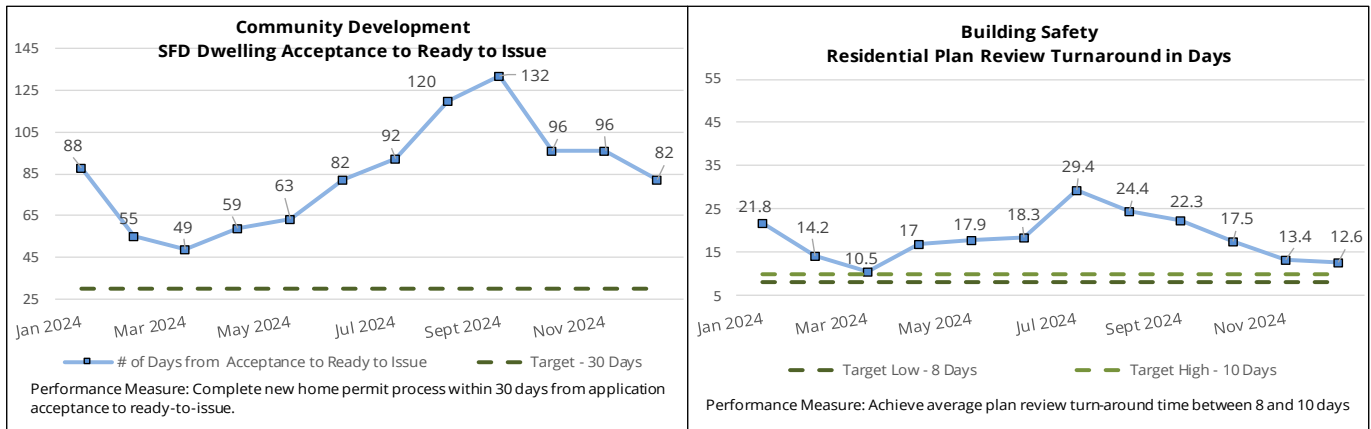
# Performance Management

CDD is committed to a comprehensive approach to managing performance. The department achieves its goals and objectives by strategically establishing and monitoring performance measures and by adjusting operations based on those results. The performance measures allow staff to:

- Address service delivery expectations from the perspectives of CDD's customers.
- Ensure the department fulfills its regulatory compliance requirements.
- Efficiently and effectively manage the organization's assets, capacities and finances.
- Preserve and enhance the County as a safe, sustainable and desirable place to live, work, visit, and recreate.

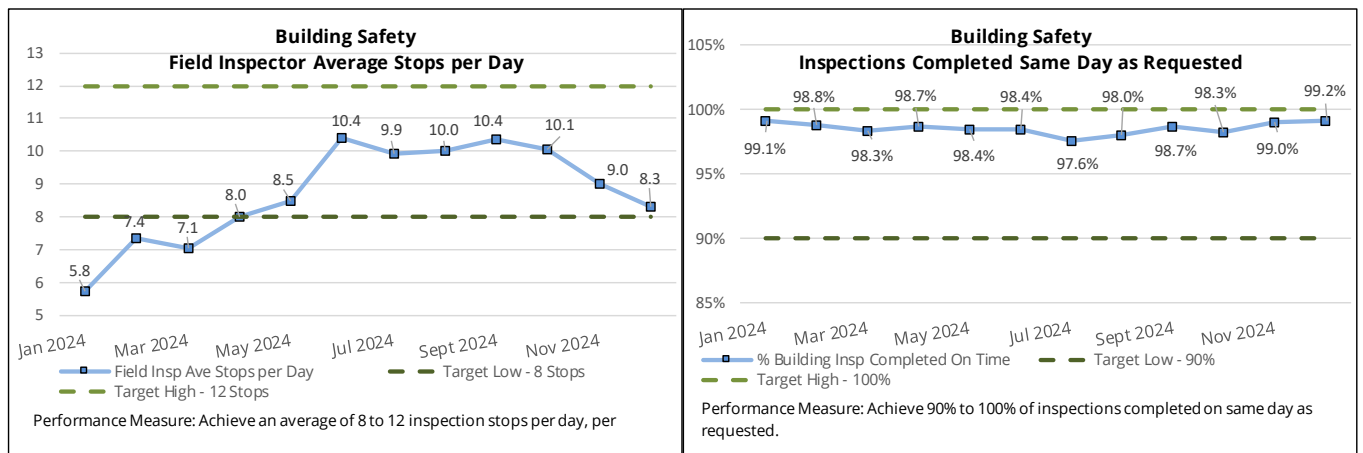
The following graphs represent a sample of CDD's performance measures for 2024. For a complete review of performance measures, please follow this link: <https://deschutes.org/cd/>.

## 2024 Performance Management Results



Annual Average of 86 Days - Target Not Achieved

Annual Average of 18.7 Days - Target Not Achieved

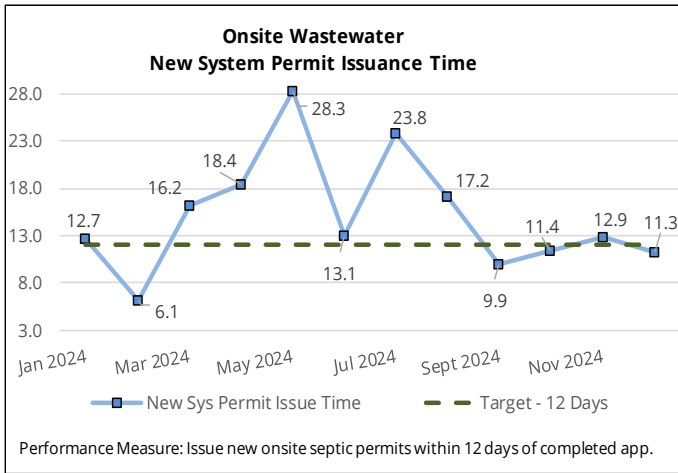


Annual Average of 8.6 Stops Per Day - Target Achieved

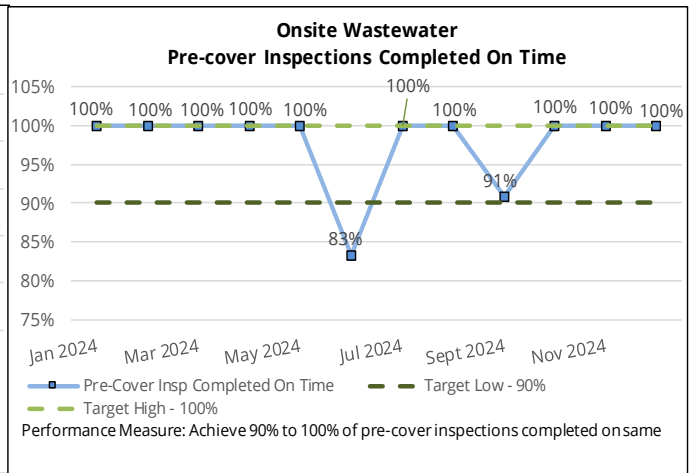
Annual Average of 99.1% - Target Achieved

# Performance Management

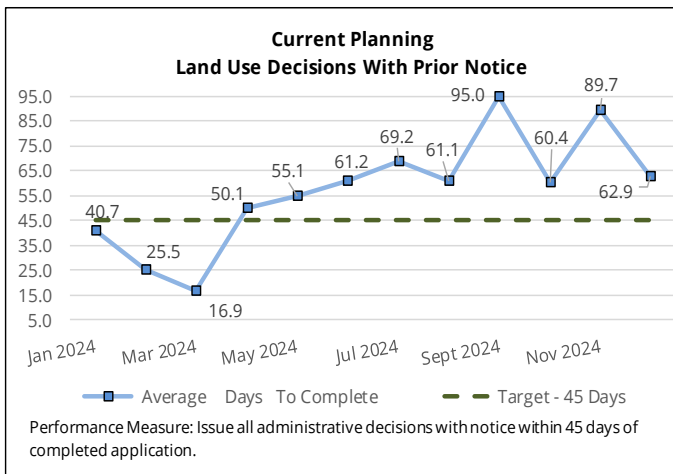
## 2024 Performance Management Results, continued



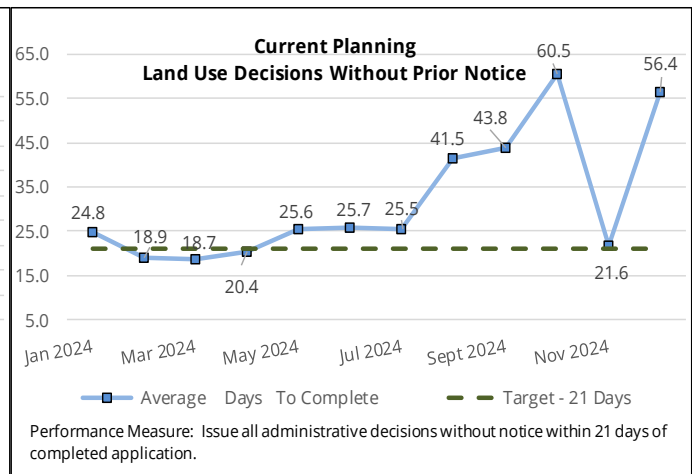
Annual Average of 16.1 Days - Target Not Achieved



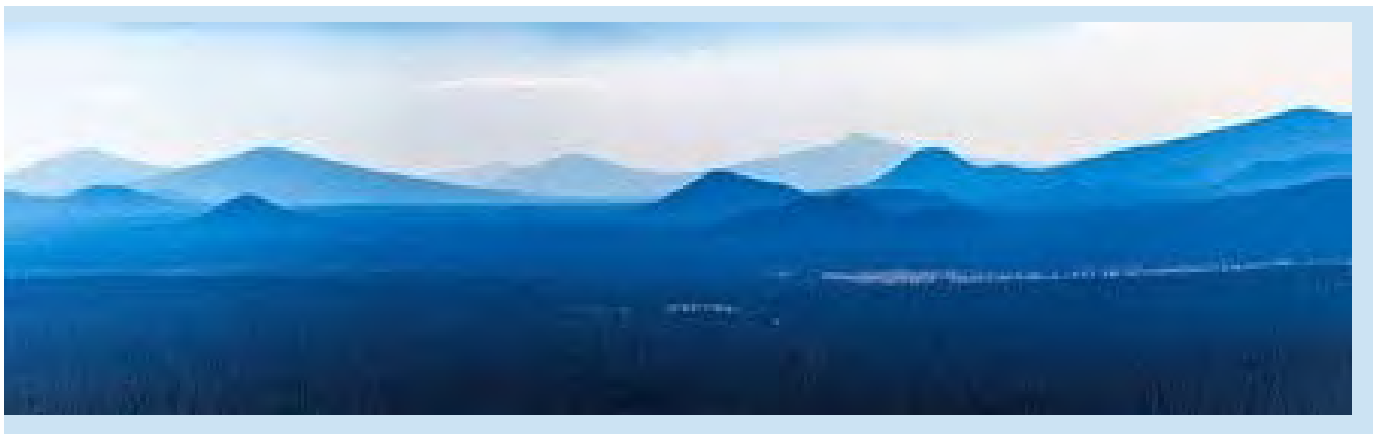
Annual Average of 96.5% Completed - Target Achieved



Annual Average of 55.4 Days - Target Not Achieved



Annual Average of 32.2 Days - Target Not Achieved



# Performance Management

## 2024 Year in Review

- ✓ Continued to invest significant resources in comprehensive training and development plans for new staff.
- ✓ Code Enforcement transitioned to a system of reporting the number of violations rather than the total number of cases.
- ✓ Revised reporting to eliminate periods of time waiting for applicant responses.



## FY 2025-26 Performance Measures By Division

CDD's 2025-26 performance measures align the department's operations and work plan with BOCC annual goals and objectives and the County's Customer Service "Every Time" Standards.

### Building Safety

- Achieve an average 8-12 inspection stops per business day to provide quality service. (BOCC Goal & Objective SD-1)
- Achieve an average turnaround time of 8-10 business days for building plan reviews, ensuring compliance with or exceeding state requirements. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

### Code Enforcement

- Achieve an average adjudication time of 150 business days from date of case assignment to date of adjudication. (BOCC Goal & Objective SC-1)

### Coordinated Services

- Achieve an average turnaround time of 4 business days or fewer for permit ready-to-issue status. (BOCC Goal & Objective SD-1)

### Onsite Wastewater

- Achieve a 95% compliance rate for Alternative Treatment Technology (ATT) Septic System Operation and Maintenance (O&M) reporting requirements to protect groundwater. (BOCC Goal & Objective HP-4)
- Achieve the issuance of new onsite septic system permits within 12 business days following the submission of a complete application. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of pre-cover inspections completed the same day as requested. (BOCC Goal & Objective SD-1)



# Performance Management

## FY 2025-26 Performance Measures By Division, continued

### Planning

- Issue all administrative decisions requiring notice within 45 business days and without notice within 21 business days following the submission of a complete application. (BOCC Goal & Objective SD-1)
- Update Deschutes County Code (DCC) to comply with HB 3197 Clear and Objective Code Update Project, which requires clear and objective standards for housing development in rural residential exception areas, unincorporated communities, and for accessory farm worker accommodations. (BOCC Goal & Objectives SC-3, HP-4, and RC-1)
- Natural Resources / Natural Hazards—Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 and SB 644—Wildfire Mitigation. (BOCC Goal & Objectives SC-3, HP-4, and RC-1)



# Administrative Services

## Overview

Administrative Services includes the Community Development Director, Senior Management Analyst, two Systems Analysts and one Administrative Assistant. This division oversees a variety of functions that ensure smooth and efficient operations. Services provided include departmental operations, facilities management, human resources, budget management, customer services, compliance, technology services, administrative support, and performance measures.

## 2024 Year in Review

- ✓ Improved business process automation through the use of Laserfiche, allowing for storage, organization and access to information digitally.
- ✓ Submitted a U.S. Environmental Protection Agency Community Change Grant application.
- ✓ Coordinated with the Human Resources Department to participate in the Oregon Pay Equity and Market Evaluation Study.
- ✓ Provided addressing services to the City of Redmond on contract.
- ✓ Facilitated division webpage updates, including an improved Code Enforcement complaint submittal process with the ability to upload photos and published application guides.
- ✓ Initiated bi-monthly staff educational sessions.



## FY 2025-26 Work Plan Projects

- Continue to participate in a County-led effort to create a county-wide Pre-disaster Preparedness Plan.
- Continue to update CDD's Continuity Of Operation Plan as necessary, based on lessons learned, and ensure staff are aware of their roles and responsibilities during an emergency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Explore opportunities to enhance CDD's sustainable practices while maximizing operational efficiency in a cost-effective manner.
- Continue improving CDD's customer-centric website. Enhanced content will help customers understand policies and procedures, guide them through the development process in Deschutes County, and expand online instructions.
- Reinstate expanded lobby hours.
- Initiate a computer equipment replacement initiative over a three-year period ensuring operational efficiency and improved technological advancement.
- Upgrade the O&M software tracking system to enhance tracking capabilities and streamline processes.



# Building Safety

## Overview

Building Safety includes one Building Official, one Assistant Building Official and thirteen Building Safety Inspectors. The division ensures structures are constructed, maintained, and used in compliance with applicable safety standards through consistent application of state and federal building codes and public education. It offers construction plan reviews, consultations, and inspections in the rural County and cities of Sisters and La Pine. Additionally, it provides services to Lake, Jefferson, Klamath, and Crook counties, the cities of Bend, Redmond, and the State of Oregon Building Codes Division, as needed.

## 2024 Year in Review

- ✓ Issued 423 new single-family dwelling permits in 2024. The distribution of these new homes for Deschutes County's building jurisdiction included:
  - Rural/unincorporated areas: 270
  - City of La Pine: 90
  - City of Sisters: 63
- ✓ Completed inspections on major projects such as:
  - Zero lot line single-family dwellings in Sisters Sunset Meadows Subdivision
  - Single-family dwellings in La Pine's Reserve in the Pines Subdivision
  - Licensed in-home family care facilities change of use
- ✓ Completed major building plan reviews for:
  - Air Traffic Control Tower at Bend Airport
  - Sunset Meadows Apartment Complex in Sisters
  - Walgreens in La Pine
  - Multiple Medical Clinic Tenant Improvements in La Pine
  - Sisters Parks and Recreation Facility change of use



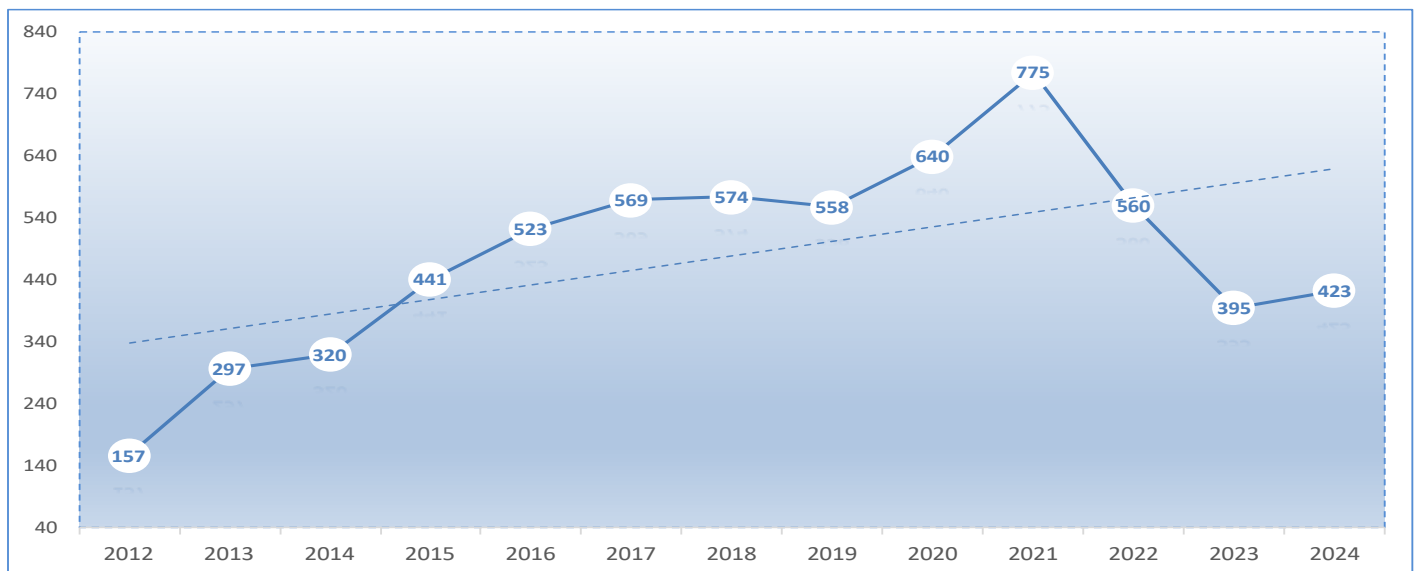
# Building Safety

## 2024 Year in Review, continued

- ✓ Participated in SB 1013 RV's as Residential Tenancies discussions.
- ✓ Provided A-level commercial electrical and plumbing inspections for the City of Redmond.
- ✓ Participated in Central Oregon's International Code Council Chapter meetings.
- ✓ Created a Master Permit Program Policy for the cities of Sisters and La Pine for single-contractor subdivisions.
- ✓ Developed Commercial Permit Application Guides for webpage update.
- ✓ Participated on the Oregon Building Officials Association Board of Directors.
- ✓ Utilized iPad's for field inspectors electronic access to codes and development plans.
- ✓ Ensured staff are fully certified residential inspectors.



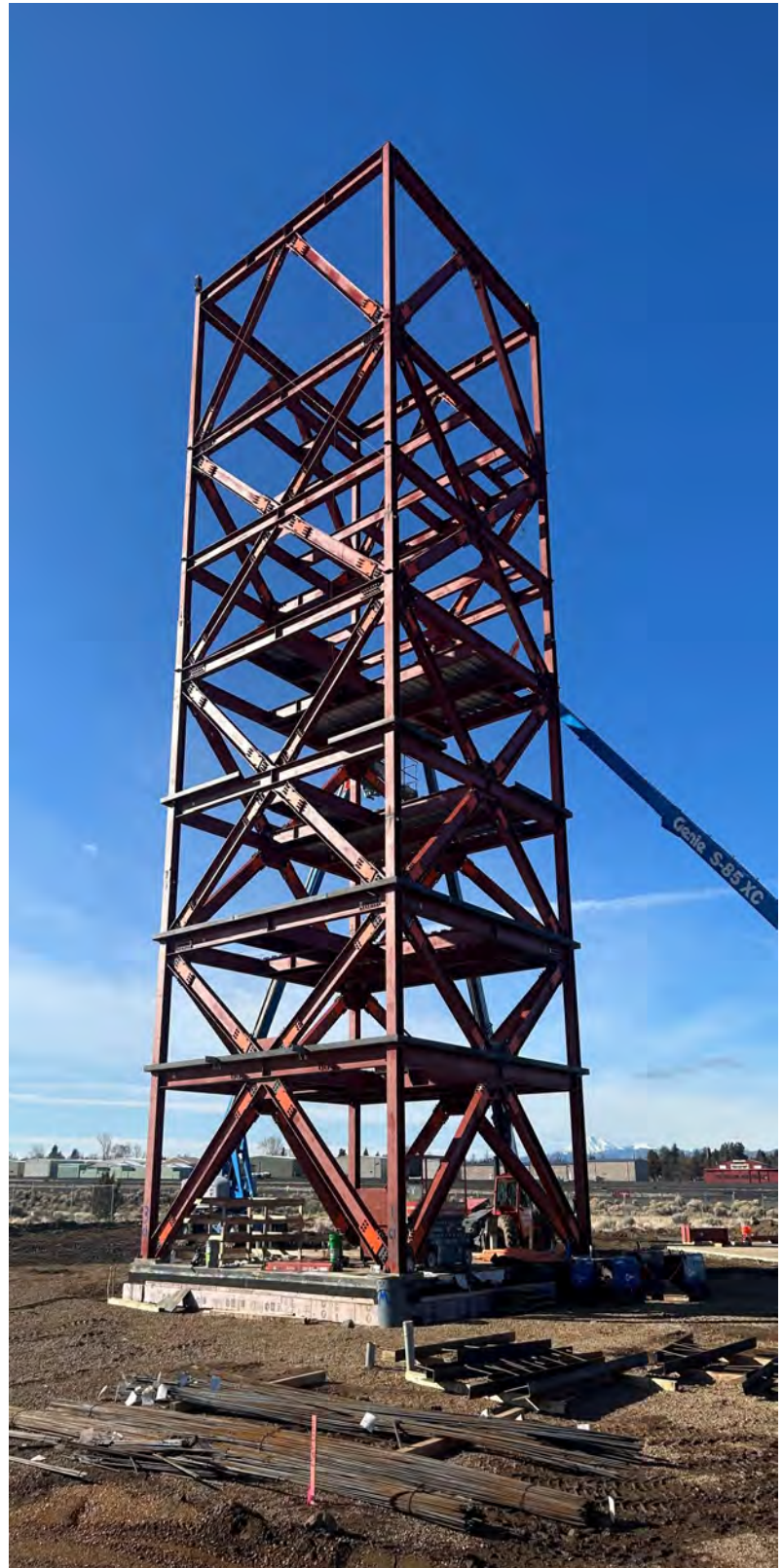
## New Single Family Dwelling Permits Issued



# Building Safety

## FY 2025-26 Work Plan Projects

- Continue succession planning in anticipation of future retirements and explore staffing needs, such as obtaining additional certifications to enhance department efficiencies.
- Update informational brochures, handouts, and forms (e.g., accessory structures, special inspection agreement form, residential additional energy measure).
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market. Explore options for monthly A-level certification stipends.
- Promote video inspections for difficult-to-access areas, such as underfloor areas that are covered.



**Air Traffic Control Tower under construction, 2024, Bend Municipal Airport**

# Code Enforcement

## Overview

Code Enforcement includes an Administrative Manager, four Code Enforcement Specialists, one as Lead, and is supported by a Deschutes County Sheriff's Office (DCSO) deputy and CDD divisions. The division plays a critical role in maintaining community standards and safety through code violation investigations related to land use, onsite wastewater systems, building, and solid waste codes, and provides direct service to the cities of La Pine and Sisters for building code violations under the Building Safety program. The primary goal is to achieve voluntary compliance, with unresolved cases taken to Circuit Court, Justice Court or to an Administrative Hearing. The program adapts to growth by refining procedures, improving cost recovery through citations, and coordinating county abatement plans for chronic nuisances and public health issues.

## 2024 Year in Review

- ✓ Received 651 new cases and resolved 563 during the year.
- ✓ Created a Code Enforcement Specialist II classification to promote career advancement and staff retention.
- ✓ Analyzed the Code Enforcement program and revised procedures to improve case assignment, management, and proceedings.
- ✓ Partnered with county departments to resolve difficult cases, ensuring efficient operations and avoiding overlapping efforts.
- ✓ Utilized the designated DCSO deputy for site visits for enforcement and safety measures.
- ✓ Presented code enforcement statistics at the annual Cannabis Advisory Committee meeting to demonstrate the benefits of continued funding.
- ✓ Updated webpage to include frequently asked questions.
- ✓ Updated the Code Enforcement Policy and Procedures Manual.
- ✓ Revised the new hire training program.
- ✓ Processed one (1) Noxious Weed complaint compared to seven (7) in 2023.
- ✓ Completed two (2) property abatements to ensure public health and safety of the community.
- ✓ Revised online compliant submittal process to include ability to attach photos, geographic information system (GIS) data, and communication to improve efficiency and record keeping.
- ✓ Eliminated onsite wastewater O&M reporting delinquencies as an enforceable code violation.
- ✓ Created performance measure for case adjudication.
- ✓ Improved workflows to track medical hardship temporary use permits and property abatements.
- ✓ Enhanced internal dashboard reporting.



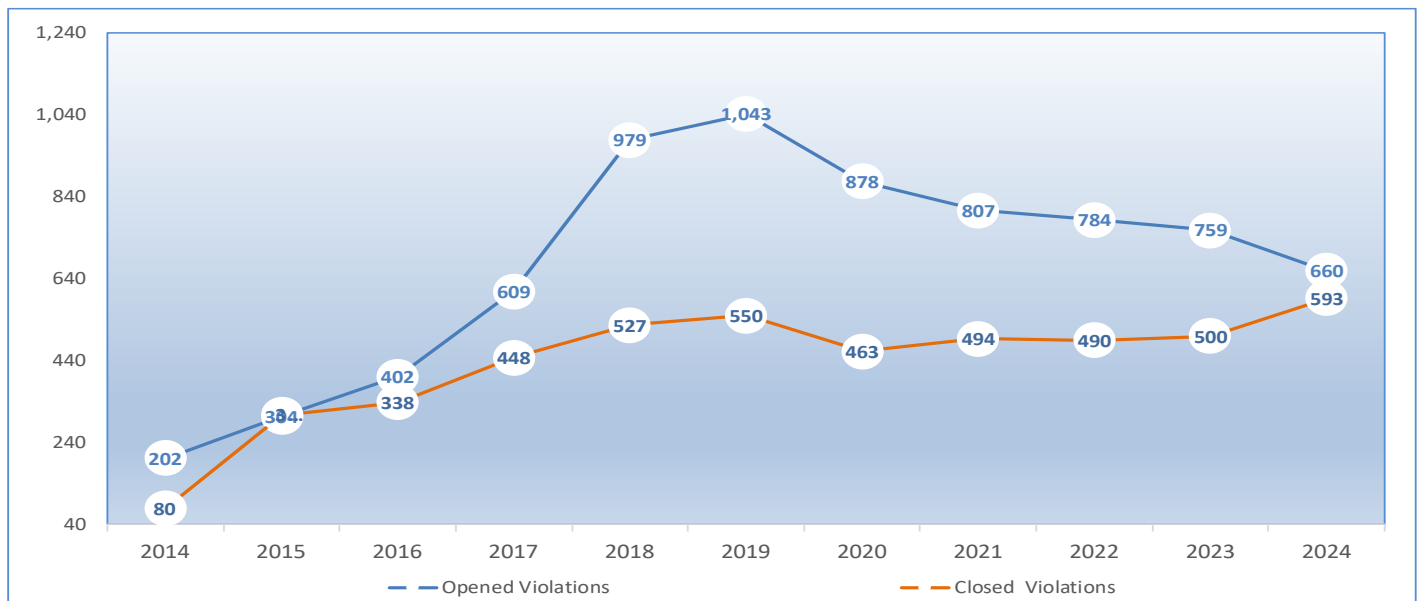
# Code Enforcement

## FY 2025-26 Work Plan Projects

- Improve methods of communication with complainants regarding case status and case closure.
- Improve public education through webpage updates and public education opportunities.
- Update the Policy and Procedures Manual to include the property abatement process.
- Amend DCC 15.04 Dangerous Building Abatement, if needed.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Amend DCC 1.16 Abatement language to include appeal processes.
- Issue a Request for Proposal (RFP) for property abatement professional services.



## Annual Cases Opened and Closed



# Code Enforcement

Before compliance:

Abandoned Marijuana Grow



After compliance:





# Coordinated Services

## Overview

Coordinated Services includes an Administrative Manager, an Administrative Supervisor, three Permit Technician II's, one as Lead, and four Permit Technician I's. This division provides permitting and front-line direct services to customers. It ensures accurate information, minimal wait times, and efficient operation of the front counter and online services while coordinating with all divisions.

## 2024 Year in Review

- ✓ Managed 30,600 permit notifications, addressed 11,000 emails, responded to 5,800 telephone calls, and facilitated 4,600 in-person interactions.
- ✓ Staff provided exceptional customer service to in-person customers as well as virtually through the Accela online portal.
- ✓ Reinstated the Lead role to facilitate staff trainings, manage complex workload demands and support succession planning.
- ✓ Participated in webpage updates.
- ✓ Improved processes to create efficiencies and address staffing shortages.
- ✓ Developed a review process for transient room tax applications, ensuring compliance with zoning and building requirements.



## FY 2025-26 Work Plan Projects

- Revise the decommissioning plan process and procedure, and create a new record type to track completion.
- Revise internal process and procedure for legitimizing unpermitted structures.
- Develop a list of commonly required inspections by project type to assist customers with scheduling inspections.
- Coordinate with the Road Department to enhance driveway access permit processes.

# Onsite Wastewater

## Overview

Onsite Wastewater includes one Onsite Wastewater Manager, one Onsite Wastewater Specialist III, and two Onsite Wastewater Specialists II's. The division regulates septic systems to ensure state compliance and monitors environmental factors for public health and resource protection. They provide site evaluations, design reviews, permitting, inspections, technical assistance, and education and coordination with the Oregon Department of Environmental Quality (DEQ). Staff inspect sewage pumper trucks, report on existing wastewater systems, maintain an operation and maintenance (O&M) tracking system, provide public information on wastewater regulations, and investigate sewage hazards. They also work proactively to protect groundwater in Deschutes County, collaborating with DEQ on permitting systems in southern Deschutes County.

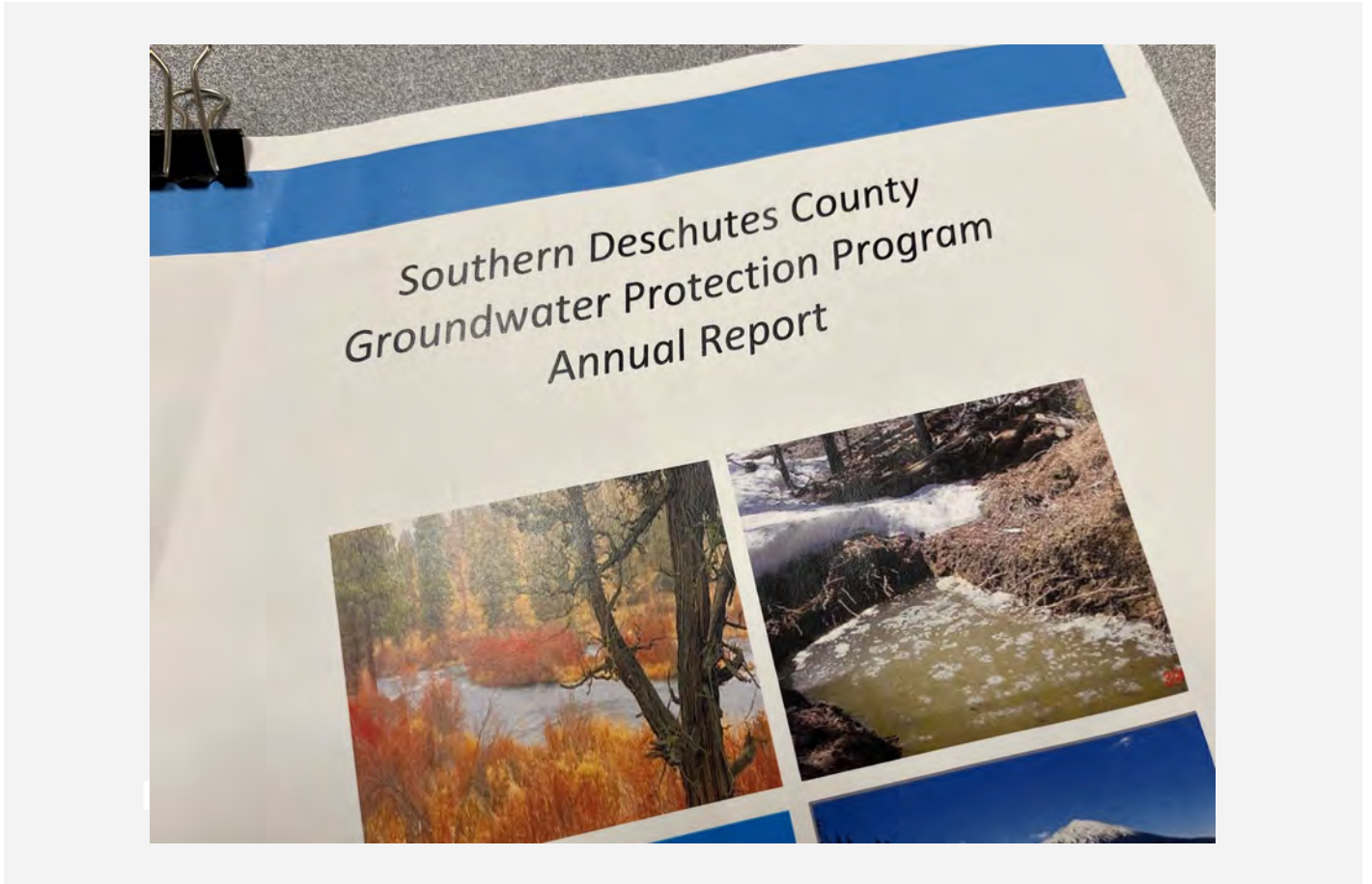


## 2024 Year in Review

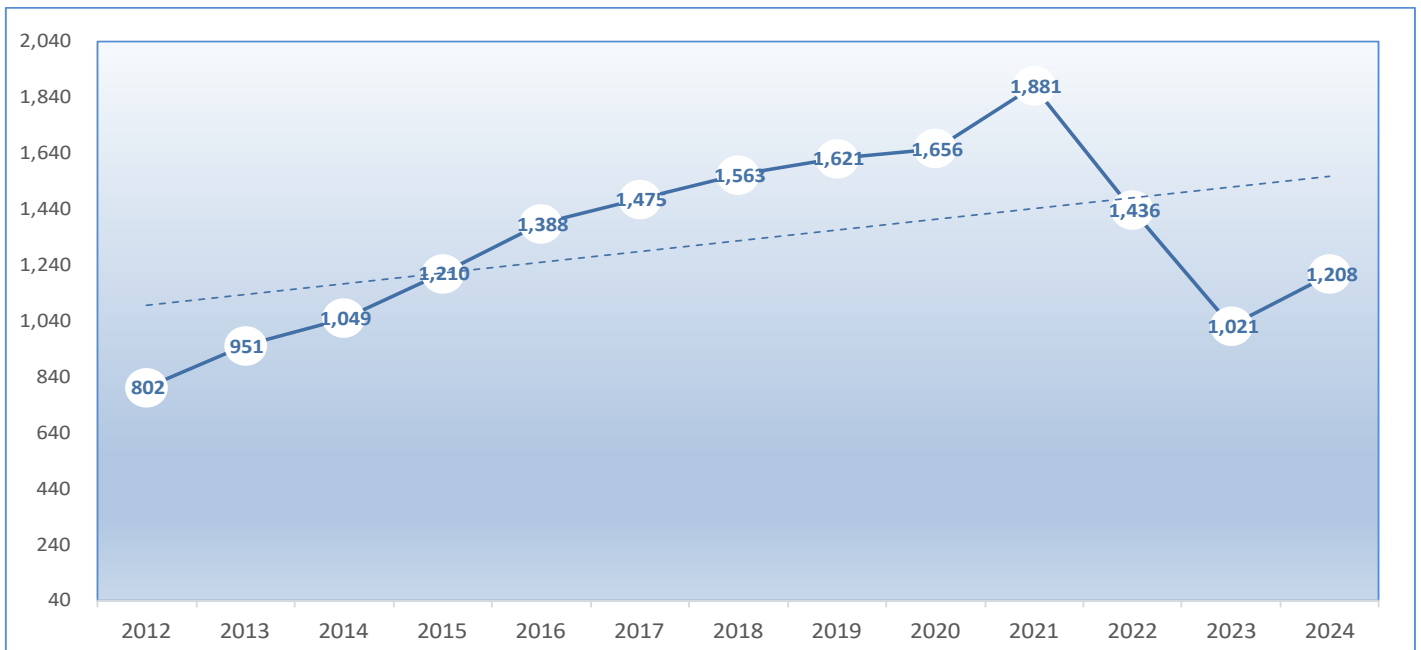
- ✓ Assessed 184 sites for onsite wastewater treatment and dispersal systems, and issued 723 permits and authorizations for new and existing onsite treatment and dispersal systems. Applications continued to increase in their complexity and technical requirements.
- ✓ Repaired 240 failing or substandard systems, correcting sewage health hazards and protecting public health and the environment.
- ✓ Provided 21 property owners in south county with rebates of \$3,750 per property for upgrading conventional onsite wastewater treatment systems to nitrogen-reducing pollution reduction systems.
- ✓ Provided technical assistance to Terrebonne Sanitary District.
- ✓ Monitored over 1,800 septic system maintenance contracts and annual reports for the O&M tracking requirements.
- ✓ Worked with DEQ on permitting protective onsite wastewater systems in South County. Participated in several variance hearings for modified advanced treatment systems on severely limited sites.
- ✓ Supported and provided technical assistance for Central Oregon Intergovernmental Council (COIC) in reviewing applications for DEQ Onsite Financial Aid Program to assist property owners with septic repairs. The COIC program has assisted dozens of property owners.
- ✓ Updated webpage to enhance community information and guidance.
- ✓ Improved O&M processes to enhance efficiencies, simplify annual billing, and increase accuracy.



# Onsite Wastewater



## Onsite Permits Issued



# Onsite Wastewater

## FY 2025-26 Work Plan Projects

- Collaborate with DEQ staff on planning and funding regular well sampling events every 10 years to monitor changes in water quality in South County.
- Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.
- Participate in the Oregon DEQ Rule Advisory Committee (RAC) for proposed rule revisions.
- Support and train for newly approved ATT systems that demonstrate nitrogen reducing ability.
- Continue offering financial assistance opportunities to South County property owners to upgrade conventional systems to nitrogen-reducing pollution reduction systems through Nitrogen-Reducing System Rebates and the NeighborImpact Non-conforming Loan Program.
- Review groundwater protection policies for South County and continue reviewing variance applications in high risk areas with DEQ onsite staff to ensure water resources are protected.
- Prepare for the sale of County properties within the Newberry Neighborhood in La Pine and manage funds in the Groundwater Protection Fund. Review ongoing financial assistance, explore new opportunities and potential creation of a financial advisory committee.
- Provide technical assistance support for the Terrebonne Sanitary District and Tumalo Basin Sewer District.
- Coordinate with the Planning Division regarding land use applications and code amendments that impact onsite wastewater processes.
- Coordinate with CDD Divisions to implement SB 1013, RVs as rental dwellings.
- Update webpage for groundwater protection information.
- Improve the O&M program by implementing a report upload system for service providers. Coordinate with DEQ on statewide O&M improvements.
- Develop plans with DEQ and BOCC to address nitrate pollution in South County.
- Provide guidance to the public and during pre-application meetings for ADU projects.
- Support staff in obtaining Professional Soils Scientist Certification to strengthen technical skills and professional status of the program.
- Participate in the O&M software tracking system upgrade to enhance tracking capabilities and streamline processes.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands.

# Planning

## Overview

Planning includes one Planning Director, one Planning Manager, two Principal Planners, two Senior Planners, three Senior Long Range Planners, one Senior Transportation Planner, two Associate Planners, and one Assistant Planner. The division consists of two areas: Current Planning, which processes land use applications and provides public information, and Long Range Planning, which updates the comprehensive plan, county code, and handles special projects.

## Current Planning

Reviews land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision, and development regulations, and facilitating public hearings. Staff verify compliance for building permit and septic applications; coordinate with Code Enforcement on complaints and permit conditions; perform road naming duties; provide assistance at the counter, by phone, and via email; and serve rural county and the cities of La Pine and Redmond under contract.

## Long Range Planning

Conducts long-range planning in Deschutes County, including land use policy with the BOCC, Planning Commission, community, and partner organizations. Updates the County Comprehensive Plan and zoning regulations, coordinates regional planning projects, including population forecasts with Portland State University and cities, monitors legislative sessions, and serves on local, regional, and statewide committees focused on transportation, natural resources, growth management, and economic development.

## Transportation Planning

Provides comments and expertise on land use applications, calculates System Development Charges (SDC); advises on traffic issues for permitted events; participates in the County Capital Improvement process; applies for grants for bicycle and pedestrian facilities; coordinates with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS); and serves on local and regional transportation committees, including BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee (TAC), and Central Oregon Area Commission on Transportation TAC.

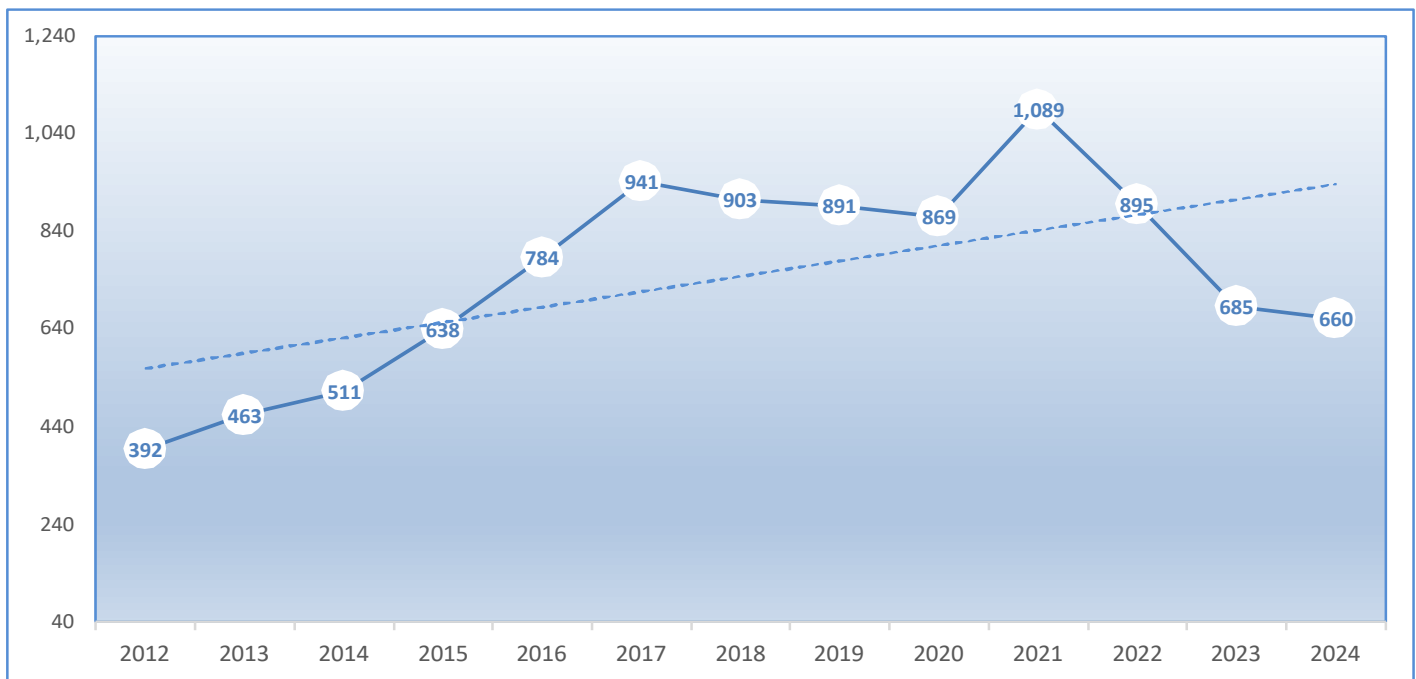
## Floodplain & Wetlands Planning

Provides expertise on land use applications, code enforcement, and property inquiries in floodplain and wetland areas. Staff, certified as Floodplain Managers, offers up-to-date information on Federal Emergency Management Agency (FEMA) regulations, surveying, and construction requirements. Coordination is often needed with FEMA, US Army Corps of Engineers, Oregon Department of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW), and USFS.

## 2024 Year in Review

- ✓ Counter coverage averaged 205 customer visits a month compared to 188 in 2023.
- ✓ Received 660 land use applications compared to 685 in 2023, a decrease of 3.6% from prior year.
- ✓ The Planning Division received one (1) non-farm dwelling application compared with seven (7) in 2023.
- ✓ Seven (7) final plats were recorded in 2024 or are in the process of being recorded, creating a total of 13 residential lots or parcels.

## Land Use Applications Received



# Planning

## 2024 Year in Review, continued

Thirteen (13) land use projects, encompassing 26 land use applications, were reviewed by Hearings Officers compared to 23 in 2023. They include:

- ✓ Plan Amendment/Zone Change from Exclusive Farm Use to Non-Resource Zoning (5)
- ✓ Plan Amendment/Zone Change from Exclusive Farm Use to Rural Industrial Zoning (1)
- ✓ Farm Dwelling (1)
- ✓ Non-Farm Dwelling (4)
- ✓ Psilocybin Manufacturing and/or Service Center (2)

The BOCC conducted 8 quasi-judicial land use hearings or proceedings compared to 23 during 2023.

- ✓ Appeals declined for review by the BOCC (4)
- ✓ Improvement Agreements (1)
- ✓ Psilocybin Service Center (1)
- ✓ Commercial Activity in Conjunction with Farm Use for a Winery (1)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zones (3)
- ✓ Plan Amendment Zone Changes from Surface Mining to Non-Resource Zones (1)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Rural Industrial (1)

Seven (7) appeals were filed with the Land Use Board of Appeals compared to 6 in 2023:

- ✓ ODOT Lava Butte Trail Declaratory Ruling
- ✓ Grossman Non-Farm Dwellings (3 files/appeals)
- ✓ Psilocybin Service Center
- ✓ Comprehensive Plan Update
- ✓ 710 Properties / Plan Amendment Zone Change (Remand)





## 2024 Year in Review, continued

### Legislative Amendments

The BOCC adopted:

- ✓ 2024 Housekeeping Amendments—Incorporated updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), and minor revisions to Deschutes County Code .
- ✓ Wildfire Hazard Building Code Amendment—Corrected terminology that would have required wildfire hardening building codes for all properties located in the Deschutes County Wildfire Hazard Zone. This amendment was required based on adoption of new state standards to the Oregon Residential Specialty Code.
- ✓ Bend Airport Air Traffic Control Tower Amendments—Updates allowed for the establishment of an air traffic control tower as an outright permitted use with a maximum height of 115 feet.
- ✓ Two applicant-initiated text amendments related to mini-storage in the Multiple Use Agricultural zone were processed but ultimately not adopted by the BOCC following the public hearing process.



### Deschutes 2020-2040 Transportation System Plan (TSP) Update

The TSP, adopted in February 2024, produced a list of prioritized transportation projects, updated goals and policies, changes to functional classifications of selected county roads, improved bicycle and pedestrian facilities, increased transit stops in unincorporated communities, and overall improvement to the county's transportation system.

### Deschutes 2040 Comprehensive Plan Update

#### Deschutes County 2040 Project

Planning staff began updating the county's Comprehensive Plan in 2022. Following an extensive community outreach process, the project was completed in October 2024. Notable accomplishments include:

- ✓ Met with the Planning Commission three (3) times to deliberate and compile recommended edits to the draft document.
- ✓ Held four (4) public hearings before the BOCC in Bend, Sunriver, and Sisters.
- ✓ Held five (5) deliberation meetings with the BOCC to review public input and potential changes to the final document.
- ✓ The document was officially adopted on October 2, 2024 but was subsequently appealed. It is pending before the Land Use Board of Appeals.
- ✓ An action plan to implement the Comprehensive Plan is under development. This document will provide short and long-term actions to inform the department's annual work plan.

# Planning

## 2024 Year in Review, continued

### Grants

#### Certified Local Government (CLG) Grant

Planning staff administered an 18-month \$5,500 CLG Grant from the State Historic Preservation Office (SHPO) to assist Deschutes County with its historic preservation programs. This grant cycle concluded in August 2024.

#### Housing Planning Assistance Grant

In 2023, the Oregon Department of Land, Conservation and Development (DLCD) awarded the department a consultant contract through its Planning Assistance Grant program. The consultant, hired by DLCD, is aiding County staff in its clear and objective code update project.



### Coordination with Other Jurisdictions, Agencies and Committees

#### Bicycle and Pedestrian Advisory Committee (BPAC)

BPAC met 12 times, commenting on regional Transportation System Plan updates, trail connections between cities and recreation areas, bicycle and pedestrian safety issues and ODOT projects, among others. The committee underwent several personnel changes, including resignation of its longtime chair and election of a new chair and vice chair.

#### Oregon Department of Transportation (ODOT)

Participated in Baker Road-Lava Butte Multi-use Path and Lava Butte-La Pine Multi-use Path TAC; Baker Road Interchange Area Management Plan TAC; quarterly meetings with ODOT, Road Department, and cities of Bend and Redmond to review traffic modeling needs; stakeholder committee for ODOT study on wildlife passages for US Hwy 20 between Bend and Santiam Pass; Transportation Planning and Analysis traffic modeling discussion; US Hwy 97 Safety Study coordination; and US Hwy 20 (Greenwood Ave.) 3rd Street / Powell Butte Hwy Refinement Plan.

#### Deschutes River Mitigation and Enhancement Committee

Convened two Deschutes River Mitigation and Enhancement Committee meetings to adopt work plan, budget for mitigation funds, and receive updates from Oregon Department of Fish and Wildlife and Central Oregon Intergovernmental Council and other key agency and nonprofit partners. In June, the group held a “monitoring-palooza” event to share information on monitoring efforts in the basin.

#### Newberry Regional Partnership

Coordinated with public and private citizens in developing a community vision for southern Deschutes County.

## 2024 Year in Review, continued

### Coordination with Other Jurisdictions, Agencies and Committees

#### City of Bend—Coordinated with City staff regarding:

- ✓ Bend Airport Master Plan Update
- ✓ Bend Airport Control Tower Text Amendment
- ✓ Bend Urban Growth Boundary (UGB) Amendment / House Bill (HB) 4079 / Affordable Housing Project
- ✓ Long-term Planning for the Outback Water Filtration Facility
- ✓ Bend Metropolitan Planning Organization TAC
- ✓ Bend UGB Amendment / HB 3318 / Stevens Road Tract
- ✓ Applicant-initiated text amendments related to mini-storage in the MUA-10 zone (2) within 2,500 feet of a City of Bend UGB.

#### City of La Pine—Coordinated with City staff regarding:

- ✓ Land use applications for effects on county road system.
- ✓ Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation.
- ✓ La Pine 2045 Comprehensive Plan Update

#### City of Redmond—Coordinated with City staff regarding:

- ✓ CORE3—Plan amendment Zone Change and UGB Amendment for a dedicated, multi-agency coordination center for emergency operations and training led by COIC.
- ✓ Redmond Wetlands Complex—Relocation and expansion of wastewater treatment plant.
- ✓ Update Airport Safety Zone associated with the Redmond Airport Master Plan Update.

#### City of Sisters—Coordinated with City staff regarding:

- ✓ Participation in the implementation of Sisters Country Vision Plan and Sisters Comprehensive Plan.
- ✓ Participation in the City's UGB expansion process.

#### Deschutes County

- ✓ Provided updates to BOCC regarding Senate Bill (SB) 391 Rural ADUs, SB 762 Wildfire Mitigation, wildlife inventories produced by ODFW, Portland State University population updates, short-term rentals, Tumalo Community Plan (TCP) update and dark skies project.

#### Oregon Department of Forestry (ODF)

- ✓ Coordinated with ODF and the Office of the State Fire Marshall on the release of the State Wildfire Hazard Map as outlined in SB 762 and SB 80.

#### Bend Parks and Recreation District (BPRD)

- ✓ Coordinated with BPRD on mid-term update to district Comprehensive Plan and Park Search Map.



# Planning

## FY 2025-26 Work Plan Projects

### Development Review

- Respond to phone and email customer inquiries within 48 to 72 hours.
- Conduct pre-application meetings and respond to customer inquiries (counter, phones, and emails).
- Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of a complete application.
- Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of a complete application.
- Process Hearings Officer decisions for land use actions and potential appeals to the BOCC within 150 days per State law.
- Improve webpage accessibility to the public to view records associated with complex land use applications.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.



### Natural Resources

- Groundwater Protection —Support efforts by the DEQ and Onsite Wastewater Division to protect south county groundwater.
- Natural Hazards—Pending state legislative changes and updates to Fire Risk Mapping in 2025, develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 and SB 80 (2021 and 2023, Wildfire Mitigation).
- Natural Hazards Mitigation Plan—Initiate recommended development code amendments.
- Sage-Grouse—Continue to participate as a cooperating agency with the Bureau of Land Management.
- Dark Skies Update—Revisit the county's existing outdoor lighting ordinance (DCC 15.10) and update regulations to reflect current best practices and technology. This process will guide future educational outreach materials designed to inform residents about dark skies best practices.

## FY 2025-26 Work Plan Projects, continued

### Comprehensive Plan Update

- Initiate update to Newberry Country Plan including outreach, technical coordination, collaboration with La Pine 2045 and Newberry Regional Partnership, and updates to plan goals, policies, and narrative.

### Transportation Planning

- Process road naming requests associated with certain types of development on a semi-annual basis.
- Administer the County's Transportation SDC program.
- Coordinate with Bend Metropolitan Planning Organization on regional projects and planning.
- Coordinate with ODOT on roadway projects and interchange area management plans.
- Coordinate internal review of the County's Title 17 code amendments related to land divisions, road improvements, and transportation impacts to ensure compliance with HB 3197.
- Provide updated traffic data for the ongoing Newberry Country Plan update.

### City of Bend Coordination

- Coordinate on growth management issues, including technical analyses related to housing and employment needs.
- Coordinate with BPRD for the development of park space in SE Bend.
- Coordinate on urbanization related code amendment projects.

### City of La Pine Coordination

- Participate with Deschutes County Property Management and the City of La Pine to update and amend the county-owned Newberry Neighborhood comprehensive plan designations, master plan, and implementing regulations.
- Participate in La Pine 2045 Comprehensive Plan Update process.
- Coordinate with staff for campground feasibility analysis on County-owned properties within city limits.
- Coordinate with staff regarding transportation impacts and long-range planning for County-owned right-of-way facilities located within city limits.

### City of Redmond Coordination

- Coordinate implementation of their Comprehensive Plan Update.
- Coordinate on CORE3, a multi-stakeholder regional emergency coordination center.
- Coordinate to update the Joint Management Agreement and UH-10 zone lands per HB 3197.
- Coordinate planning efforts for McVey interchange on South Highway 97 to access Large Lot Industrial Lands through either a Goal Exception process or legislative equivalent.

### City of Sisters Coordination

- Participate in the implementation of Sisters Country Vision Plan and their Comprehensive Plan and City of Sisters Comprehensive Plan Update.
- Participate in the UGB Expansion process.
- Coordinate on urbanization related code amendment projects.

# Planning

## FY 2025-26 Work Plan Projects, continued

### DLCD Rulemaking

- Monitor rulemaking and update Deschutes County Code as applicable as it pertains to Goal 5—Cultural Areas, Farm, and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.
- If required, initiate legislative amendments to the Comprehensive Plan and zoning code.

### Growth Management Committees

- Coordinate and/or participate on Deschutes County BPAC, Project Wildfire, and Deschutes River Mitigation and Enhancement Committee.

### Historic Preservation—CLG Grant

- Apply for and administer 2025-26 CLG Grant from SHPO.

### Housekeeping Amendments

- Initiate housekeeping amendments to ensure county code complies with state law.

### Housing Strategies

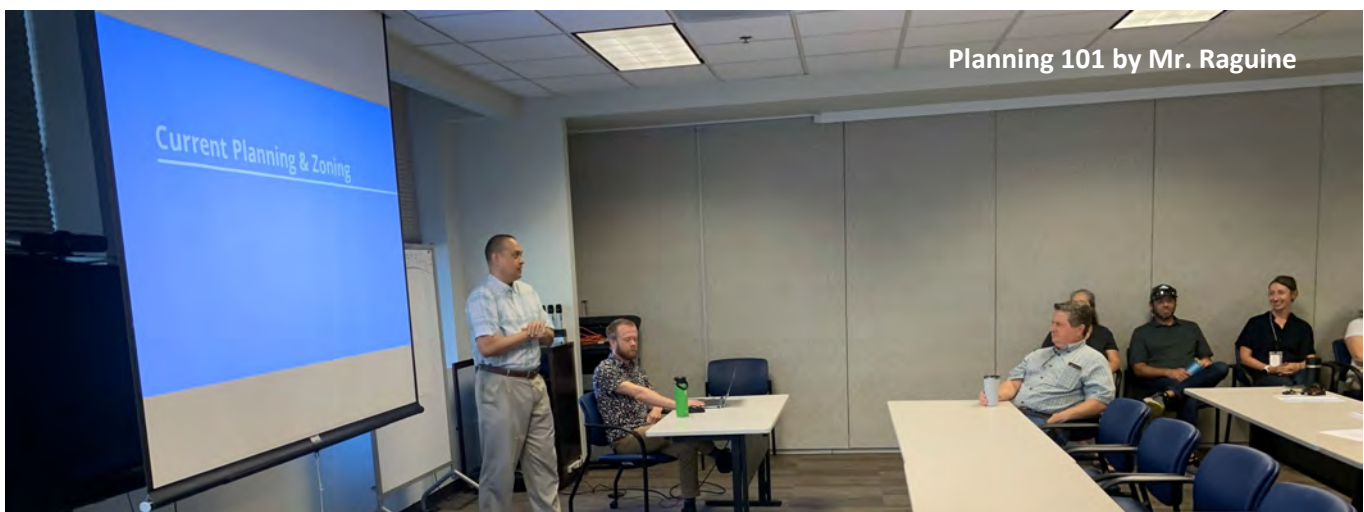
- Amend county code to define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Explore options and approaches to address rural housing and homelessness as allowed under state law.

### Legislative Session (2025-26)

- Participate in legislative or rulemaking work groups to shape state laws that benefit Deschutes County.

### Planning Commission Coordination

- Coordinate with the BOCC to establish strategic directions for the Planning Commission.



## FY 2025-26 Work Plan Projects, continued

### Zoning Text Amendments

- Allow “self-serve” farm stands in Rural Residential Exception Areas.
- Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in Industrial Zones.
- Define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Forest Zone Code—Review for compliance with Oregon Administrative Rules.
- Lot Line Adjustments and Re-platting.
- Medical Hardship Dwellings—review for consistency with state law (in progress).
- Minor variance 10% lot area rule for Farm and Forest zoned properties.
- Outdoor Mass Gatherings update.
- Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).
- Sign code for consistency with federal law.
- Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.
- Title 22—Procedures Ordinance for consistency with state law and planning department interpretations.
- Wetland regulation clarification for Irrigation or Artificially Created Wetlands.





# Community Involvement Report

## 2024

Statewide Planning Goal 1, Citizen Involvement, requires cities and counties to create a citizen involvement program that provides opportunities for community participation in land use planning processes and decisions.

Land use legislation, policies, and implementation measures made by Oregonians nearly 50 years ago helped shape Oregon's urban and rural environments. Likewise, choices made today will ultimately shape these areas in the future. Successful land use planning occurs through an open and public process that provides room for information gathering, analysis, and vigorous debate. Deschutes County's Community Involvement program is defined in Section 1.2 of the Comprehensive Plan.

This chapter identifies the County Planning Commission as the committee for citizen involvement. It also contains the County's Community Involvement goal and corresponding five policies that comply with Goal 1. This report briefly discusses the noteworthy community involvement actions undertaken by the Planning Division in 2024. The report is intended to provide county residents and stakeholders with a tool to assess its effectiveness and offer additional suggestions the County can utilize to ensure that its diverse communities remain actively involved in land use planning discussions.



# Community Involvement Report

## 2024 Year in Review Planning Commission

Convened 16 times to consider:

- ✓ CDD FY 2024-25 Annual Report & Work Plan
- ✓ Clear and Objective Housing Code Updates
- ✓ Dark Skies
- ✓ Deschutes County 2040 Comprehensive Plan Update
- ✓ EPA Community Change Grant Application
- ✓ FEMA Biological Opinion and Pre-Implementation Compliance Measures
- ✓ Housekeeping Amendments
- ✓ Mini-storage Amendment in the MUA-10 zone (2)
- ✓ Rural Housing Profile
- ✓ RV's as Rental Dwellings
- ✓ Sage Grouse Amendment Update
- ✓ Statewide Wildfire Hazard Mapping and Rules

## Historic Landmarks Commission (HLC)

Convened 3 times to consider:

- ✓ CDD FY 2024-25 Annual Report & Work Plan
- ✓ City of Sisters Wildfire Resilience Historic Building Hardening Report
- ✓ CLG Grant Projects
- ✓ DLCD Goal 5 Cultural Areas Rulemaking
- ✓ Formation of Commission Subcommittees Regional Coordination
- ✓ Joint HLC and BOCC Meeting
- ✓ New Commissioner Orientation
- ✓ SHPO Introduction
- ✓ Updates from Bend and Redmond Historic Landmarks Commission

