



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, MAY 21, 2025

Barnes Sawyer Rooms - Deschutes Services Building - 1300 NW Wall Street – Bend

(541) 388-6570 | www.deschutes.org

AGENDA

MEETING FORMAT: In accordance with Oregon state law, this meeting is open to the public and can be accessed and attended in person or remotely, with the exception of any executive session.

Members of the public may view the meeting in real time via YouTube using this link:

<http://bit.ly/3mmlnzy>. **To attend the meeting virtually via Zoom, see below.**

Citizen Input: The public may comment on any topic that is not on the current agenda. Alternatively, comments may be submitted on any topic at any time by emailing citizeninput@deschutes.org or leaving a voice message at 541-385-1734.

When in-person comment from the public is allowed at the meeting, public comment will also be allowed via computer, phone or other virtual means.

Zoom Meeting Information: This meeting may be accessed via Zoom using a phone or computer.

- To join the meeting via Zoom from a computer, use this link: <http://bit.ly/3h3oqdD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *9 to indicate you would like to speak and *6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.



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, call (541) 388-6572 or email brenda.fritsvold@deschutes.org.

Time estimates: The times listed on agenda items are estimates only. Generally, items will be heard in sequential order and items, including public hearings, may be heard before or after their listed times.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT

The Board of Commissioners provides time during its public meetings for citizen input. This is an opportunity for citizens to communicate to the Commissioners on matters that are not otherwise on the agenda. Time is limited to 3 minutes.

The Citizen Input platform is not available for and may not be utilized to communicate obscene or defamatory material.

Note: In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734.

CONSENT AGENDA

- [1.](#) Approval of a Notice of Intent to Award a contract to Steele Associates Architects for design of the Gray Courthouse Improvements Project
- [2.](#) Approval of an Intergovernmental Cooperative Purchasing Agreement with Pend Oreille County
- [3.](#) Authorization to relinquish mineral rights associated with real property located at 54785 Pinewood Avenue, Bend
- [4.](#) Approval of Board Order No. 2025-021 reappointing Gregory Colvin as Justice of the Peace Pro Tempore
5. Consideration of Board signature on letter appointing Christina Maier for service on the Project Wildfire Steering Committee
6. Approval of the minutes of the BOCC April 21, 2025 meeting
7. Approval of the minutes of the May 9, 2025 Legislative Update
8. Approval of the Minutes of the May 2, 2025 BOCC Legislative Update

ACTION ITEMS

- [9.](#) **9:10 AM** Presentation by Deschutes Trails Coalition on the Stewardship Grant Closeout Report and request regarding use of remaining grant funds

- [10.](#) **9:40 AM** Public Hearing and consideration of emergency adoption of Ordinance No. 2025-006 amending County Code regarding Transient Room Tax collections
- [11.](#) **10:00 AM** Board direction to schedule a hearing in response to the complaint by Amy Varner against Rodney Dieckhoff, President of the Four Rivers Vector Control District
- [12.](#) **10:10 AM** Cascade East Transit Presentation: Fare Policy and other updates
- [13.](#) **10:30 AM** Resolution regarding public use fire restrictions on unprotected lands and County owned lands
- [14.](#) **10:45 AM** Consideration of second reading of Ordinance No. 2025-005: Temporary Hardship Dwelling Text Amendments
- [15.](#) **10:50AM** Continued Public Hearing: Reconsideration of Deschutes County 2040 Comprehensive Plan Update

LUNCH RECESS

Continued ACTION ITEMS

- [16.](#) **1:00 PM** Work Session: Preparation for Public Hearing - Clear and Objective Housing Text Amendments to Deschutes County Code Section Title 17 (Subdivisions)
- [17.](#) **1:45 PM** Work Session: Clear and Objective Housing Text Amendments – Goal 5 (Title 18)
- [18.](#) **2:10 PM** Nomination Process to form a Committee to Draw Commissioner District Maps
- [19.](#) **2:35 PM** Consideration of Administrative Policy GA-27, Temporary Safe Stay Area Guidelines, Rules, & Enforcement
- [20.](#) **2:55 PM** Dedicate +/- 15.05 acres of County-owned property to public right-of-way in East Redmond associated with the CORE3 project, and authorize granting a Temporary Construction Easement to Central Oregon Intergovernmental Council
- [21.](#) **3:10 PM** Treasury Report for April 2025
- [22.](#) **3:25 PM** Finance Report for April 2025

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OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

23. Executive Session under ORS 192.660 (2) (e) Real Property Negotiations

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Approve a Notice of Intent to Award a contract to Steele Associates Architects for design of the Gray Courthouse Improvements Project

RECOMMENDED MOTION:

Move approval of Document No. 2025-472, a Notice of Intent to Award a contract to Steele Associates Architects for design services for the Gray Courthouse Improvements project.

BACKGROUND AND POLICY IMPLICATIONS:

Steele Associates Architects submitted a proposal to provide comprehensive design services for improvements to the Gray Courthouse building. The anticipated scope of work includes a tenant improvement for the District Attorney's Office and other building-wide improvements including flooring replacement, LED lighting upgrade, limited rooftop mechanical unit replacement, seismic upgrades, roofing replacement, building envelope repairs, site drainage improvements, and construction cost estimating.

The Facilities Department issued a publicly advertised RFP for design services for the Gray Courthouse Improvements project on March 19th, 2025, in accordance with ORS 279C. Steele Associates Architects, a firm based in Bend, received the highest scores in both the proposal and interview rounds. The selection committee recommends that a Notice of Intent to Award Contract be issued and that the County and Steele Associates Architects proceed with contract negotiations.

Proposals were reviewed by a selection committee with members of the District Attorney's Office, Legal Department, and the Facilities Department. Nine (9) firms submitted proposals: Cole Architects, Hacker Architects, Hennebery Eddy Architects, LRS Architects, ORW Architects, Pinnacle Architecture, SAJ Architecture, Steele Associates Architects, and Ten Over Studios.

In the proposal scoring phase, Cole Architects, Hennebery Eddy Architects, and Steele Associates Architects were the high-scoring firms and were subsequently invited to the interview round. Steele Associates Architects was the highest-scoring firm in the interview round.

BUDGET IMPACTS:

This action issues a Notice of Intent to Award Contract to the highest-scoring firm in the RFP interview round, Steele Associates Architects, and allows seven (7) days for concerned parties to protest the award. If there is no protest within the seven-day period, the County will begin negotiations with Steele Associates Architects and subsequently enter into a services contract.

Project costs for design services are budgeted in Campus Improvement Fund 463 for Fiscal Year 2026.

ATTENDANCE:

Eric Nielsen, Capital Improvement Manager

BOARD OF COUNTY COMMISSIONERS

May 21, 2025

Sent via electronic mail & first class mail

Steele Associates Architects LLC
Attn: Scott Steele
2738 NW Potts Court, Suite 110
Bend, Oregon 97703
ssteele@steele-arch.com

RE: Contract for Deschutes County Gray Courthouse Improvements Project

NOTICE OF INTENT TO AWARD CONTRACT

On May 21, 2025, the Board of County Commissioners of Deschutes County, Oregon, considered proposals for the above-referenced project. The Board of County Commissioners determined that the successful proposer for the project was Steele Associates Architects based in Bend, Oregon.

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279B.135. Any entity which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon at Deschutes Services Building, 1300 NW Wall Street, Bend Oregon, 97703. **The seven (7) calendar day protest period will expire at 5:00 PM on Wednesday, May 28, 2025.**

Any protest must be in writing and specify any grounds upon which the protest is based. Please refer to Oregon Administrative Rules (OAR) 137-047-0740. If a protest is filed within the protest period, a hearing will be held at a regularly scheduled business meeting of the Board of County Commissioners of Deschutes County, Oregon, acting as the Contract Review Board, in the Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703 within two (2) weeks of the end of the protest period.

If no protest is filed within the protest period, this Notice of Intent to Award Contract becomes an Award of Contract without further action by the County unless the Board of County Commissioners, for good cause, rescinds this Notice before the expiration of the protest period.

If you have any questions regarding this Notice of Intent to Award Contract or the procedures under which the County is proceeding, please contact Deschutes County Legal Counsel: telephone (541) 388-6625, Fax (541) 383-0496; or email to david.doyle@deschutes.org.

Be advised that if no protest is received within the stated time-period, the County is authorized to process the contract administratively.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
DESCHUTES COUNTY, OREGON

Commissioner Anthony DeBone, Chair

Enclosure:
OAR 137-047-0610

Cc w/ enclosure:

Cole Architects

Ian Schmidt
1000 NW Wall Street, Suite 205
Bend, Oregon 97703
ian@colearchitects.com

Hacker Architects

Laura Klinger
555 SE Martin Luther King Jr. Blvd,
Suite 501
Portland, OR 97214
lklinger@hackerarchitects.com

Hennebery Eddy Architects

Katie Hall
1000 NW Wall Street, Suite 250
Bend, OR 97703
khall@henneberyeddy.com

LRS Architects

Paul Boundy
720 NW Davis Street, Suite 300
Portland, OR 97209
pboundy@lrsarchitects.com

ORW Architects

David Wilkerson
920 NW Bond Street, Suite 208
Bend, OR 97703
david@orwarch.com

Pinnacle Architecture, Inc.

Briana Manfrass
1001 SW Disk Drive, Suite 105
Bend, Oregon 97702
briana@parch.biz

SAJ Architecture

Seth Anderson
721 SW Industrial Way, Suite 130
Bend, OR 97702
setha@saj-arch.com

**Steele Associates Architects
LLC**

Scott Steele
2738 NW Potts Court, Suite 110
Bend, Oregon 97703
setha@saj-arch.com

Ten Over Studio, Inc.

Frank Thaxter
856 NW Bond Street, Suite 200
Bend, OR 97703
frankt@tenoverstudio.com

OAR 137-047-0610

Notice of Intent to Award

(1) Notice of Intent to Award. The Contracting Agency shall provide Written notice of its intent to Award to all Bidders and Proposers pursuant to ORS 279B.135 (Notice of intent to award) at least seven (7) Days before the Award of a Contract, unless the Contracting Agency determines that circumstances justify prompt execution of the Contract, in which case the Contracting Agency may provide a shorter notice period. The Contracting Agency shall document the specific reasons for the shorter notice period in the Procurement file.

(2) Finality. The Contracting Agency's Award shall not be final until the later of the following:

(a) The expiration of the protest period provided pursuant to OAR 137-047-0740 (Protests and Judicial Review of Contract Award); or

(b) The Contracting Agency provides Written responses to all timely-filed protests denying the protests and affirming the Award.

Statutory/Other Authority: ORS 279A.065 & 279B.135

Statutes/Other Implemented: ORS 279B.135



BOARD OF COMMISSIONERS

AGENDA REQUEST AND STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Approval of an Intergovernmental Cooperative Purchasing Agreement with Pend Oreille County

RECOMMENDED MOTION:

Move to approve Document No. 2025-468, an intergovernmental cooperative purchasing agreement with Pend Oreille, Washington.

BACKGROUND AND POLICY IMPLICATIONS:

The Road Department currently has a contract with Sherwin Williams to supply traffic line paint. Pend Oreille County (WA) would like to purchase off of this contract, which is allowed under the relevant state procurement rules as long as an intergovernmental agreement (IGA) exists between agencies. Deschutes County has similar agreements with numerous counties in Washington.

This IGA would allow for future joint procurement should similar cost-saving opportunities arise between Deschutes County and Pend Oreille County.

BUDGET IMPACTS:

No fiscal impact.

ATTENDANCE:

Chris Doty, Road Department

**PEND OREILLE COUNTY
NEWPORT, WASHINGTON**

RESOLUTION NO. 2025- 069

**RESOLUTION REGARDING THE APPROVAL OF THE 2025
INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT-DESCHUTES
COUNTY, OREGON**

WHEREAS, Chapter 39.34 Revised Code of Washington (RCW), the Interlocal Cooperation Act, authorizes public agencies to enter into agreements for mutually advantageous joint or cooperative action; and

WHEREAS, Pend Oreille County and Deschutes County, Oregon, are public agencies within the meaning of Chapter 39.34 RCW; and

WHEREAS, pursuant to the Revised Code of Washington (RCW) 36.32.120(6), the Board of County Commissioners of Pend Oreille County, Washington ("the Board") has the care of county property and the management of county funds and business; and

WHEREAS, Deschutes County, Oregon has entered into a contract with Sherwin-Williams Paint for the purchase of highway marking paint; and

WHEREAS, Sherwin-Williams Paint is no longer on the Washington State Contract for the purchase of highway marking paint; and

WHEREAS, the pricing offered under this contract will be a substantial savings to Pend Oreille County; and

WHEREAS, entering into the Intergovernmental Cooperative Purchasing Agreement with Deschutes County, Oregon, will allow Pend Oreille County to purchase highway marking paint from Sherwin-Williams Paint at this pricing; and

WHEREAS, the Board believes that the best interest of the public will be served by entering said agreement with Deschutes County, Oregon.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Pend Oreille County Board of Commissioners that the Intergovernmental Cooperative Purchasing Agreement with Deschutes County, Oregon, which is attached hereto and incorporated herein, be established and adopted.

BE IT FURTHER RESOLVED, by the Pend Oreille County Board of Commissioners, that the Intergovernmental Cooperative Purchasing Agreement with Deschutes County, Oregon, is hereby approved, and the Chair of the Board, or a majority of the Board is hereby authorized to execute it on behalf of Pend Oreille County.

[executed page with signatures is attached]

R-2025- 069

ADOPTED this - 29 day of April, 2025.

**BOARD OF COUNTY COMMISSIONERS
PEND OREILLE COUNTY, WASHINGTON**

Absent
John Gentle, Chair

Brian Smiley
Brian Smiley, Vice-Chair

Robert Rosencrantz
Robert Rosencrantz, Member

ATTEST:

Crystal Zieske
Crystal Zieske, Clerk of the Board

INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT

Pursuant to Chapter 39.34 RCW, ORS 279A.215 et seq., ORS Chapter 190, and other applicable laws, PEND OREILLE COUNTY, WASHINGTON, a political subdivision of the State of Washington and, DESCHUTES COUNTY, OREGON, a political subdivision of the State of Oregon, hereby agree to cooperative governmental purchasing upon the following terms and conditions.

(1) This Agreement pertains to bids and contracts for supplies, material, equipment or services that may be required and identified from time to time by Pend Oreille County and Deschutes County.

(2) Each of the parties from time to time goes out to public bid and contracts to purchase supplies, material, equipment, and services. Each of the parties hereby agrees to extend to the other party the right to purchase pursuant to such bids and contracts to the extent permitted by law, and to the extent agreed upon between each party and the bidder, contractor, vendor, supplier, or service provider.

(3) Each of the parties shall comply with all applicable laws and regulations governing its own purchases.

(4) Each of the parties shall contract directly with the bidder, contractor, vendor, supplier, or service provider, and pay directly in accordance with its own payment procedures for its own purchases. Each party will indemnify and hold the other party harmless, to the extent permitted by law, as to any claim arising out of its participation in this Agreement.

(5) Any purchase made pursuant to this Agreement is not a purchase from either of the parties. This Agreement shall create no obligation to either of the parties to purchase any particular good or service, nor create to either of the parties any assurance, warranty, or other obligation from the other party with respect to purchasing or supplying any good or service.

(6) Nondiscrimination. Both parties agree that they shall not discriminate against any person on the grounds of race, creed, color, religion, national origin, sex, age, marital status, sexual orientation, pregnancy, veteran status, political affiliation or belief, or the presence of any sensory, mental or physical handicap in violation of the Washington State Law Against Discrimination (RCW chapter 49.60) or the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) or any other applicable state, federal or local law, rule or regulation.

(7) No separate legal or administrative entity is intended to be created pursuant to this Agreement. No obligation, except as stated herein, shall be created between the parties or between the parties and any applicable bidder or contractor.

(8) The Public Works Support Specialist of Pend Oreille County and the Deschutes County Road Department Operations Manager shall be representatives of the entities for carrying out the terms of this Agreement.

(9) This Agreement shall continue in force until canceled by either party, which cancellation may be effected upon receipt by one of the parties of the written notice of cancellation of the other party.

Cooperative Purchasing Agreement: Pend Oreille (# 2025 - 069) and Deschutes County (# 2025 - 468)

(10) Pursuant to RCW 39.34.040 and ORS 279A.215 et seq., regarding methods of filing agreements pursuant to the Interlocal Cooperation Act, a copy of this Agreement shall be filed with the Pend Oreille County Auditor, or, alternatively, listed by subject on the public agency's website or other electronically retrievable public source.

BOARD OF COUNTY COMMISSIONERS
PEND OREILLE COUNTY, WASHINGTON

Absent
John Gentle, Chair
Brian Smiley
Brian Smiley, Vice-Chair
Robert Rosencrantz
Robert Rosencrantz, Member

ATTEST:

Crystal Zieske
Crystal Zieske, Clerk of the Board

Approved as to form
Dolly Hunt
Dolly Hunt, Prosecuting Attorney

.....

Approved this ____ day of _____, 2025

DESCHUTES COUNTY, OREGON

Anthony DeBone, Board Chair

Subscribed and sworn to me this ____ day of _____, 2025

My Commission Expires: _____

ATTEST:

Cooperative Purchasing Agreement: Pend Oreille (# 2025 - 069) and Deschutes County (#2025 - 468)



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Authorization to relinquish mineral rights associated with real property located at 54785 Pinewood Avenue, Bend

RECOMMENDED MOTION:

Move approval of Board signature of Order No. 2025-018 to authorize relinquishing mineral rights associated with real property previously owned by Deschutes County located at 54785 Pinewood Avenue, Bend, and further authorize the Deschutes County Property Manager to execute the documents associated with relinquishing the mineral rights.

BACKGROUND AND POLICY IMPLICATIONS:

In 1928, Deschutes County acquired property by tax deed due to nonpayment of property taxes. The property is located at 54785 Pinewood Avenue, Bend, and is known as Map and Tax Lot 211001B010200.

When the County sold the property in 1962, it conveyed its interest but reserved mineral rights. Since 1962, the property has been sold and purchased numerous times and is currently improved with a manufacturer home and outbuildings.

The current property owners have respectfully requested the County relinquish its reserved mineral rights by quitclaim deed for zero-cost. The current owner will pay for associated costs including recording fees.

BUDGET IMPACTS:

N/A

ATTENDANCE:

Kristie Bollinger – County Property Manager

REVIEWED

LEGAL COUNSEL

05/21/2025 Item #3.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Designating the Deschutes County
Property Manager, Kristie Bollinger as the
Deschutes County representative for the
purpose of signing documents to complete the
transaction to relinquish mineral rights
associated with real property located at 54785
Pinewood Avenue, Bend, Oregon 97707

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ORDER NO. 2025-018

WHEREAS, the Board of County Commissioners of Deschutes County has authorized relinquishing mineral rights for zero-cost as requested by The Ronald & Kandis Morris Trust associated with property located at 54785 Pinewood Avenue, Bend, Oregon 97707; and

WHEREAS, in 1962, the County conveyed property located at 54785 Pinewood Avenue, Bend, Oregon, 97707, but reserved the mineral rights; and

WHEREAS, the current owners, The Ronald & Kandis Morris Trust, respectfully requests the County relinquish its reserved mineral rights for zero-cost; now, THEREFORE,

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

Section 1. The Deschutes County Property Manager, Kristie Bollinger is designated as the Deschutes County representative to sign the necessary documents to complete the transaction to relinquish mineral rights associated with property located at 54785 Pinewood Avenue, Bend, Oregon 97707.

SIGNATURES ON FOLLOWING PAGE

Dated this _____ of _____, 2025

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Approval of Board Order No. 2025-021 reappointing Gregory Colvin as Justice of the Peace Pro Tempore

RECOMMENDED MOTION:

Move approval of Board Order No. 2025-021 reappointing Pro-Tem Judge Gregory Colvin.

BACKGROUND AND POLICY IMPLICATIONS:

Gregory Colvin has served as Justice of the Peace, pro-tem since 2001. His current term expires on May 16, 2025.

BUDGET IMPACTS:

Pro-tem salaries are provided for in the Justice Court budget.

ATTENDANCE:

Kristal Cozine, Justice Court Administrator

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Approving Appointment of *
Justice of the Peace Pro Tempore *

ORDER NO. 2025-021

WHEREAS, the Board of County Commissioners of Deschutes County, Oregon, finds that it is in the public interest to appoint a second Justice of the Peace Pro Tempore for the Justice Court of Deschutes County to serve in place and in stead of the elected Justice of the Peace during any temporary period of absence or incapacity of the elected Justice of the Peace; and

WHEREAS, the Board of County Commissioners of Deschutes County, Oregon, finds that Gregory P. Colvin, an attorney duly licensed to practice law in the State of Oregon, has sufficient qualifications to serve as Justice of the Peace; now, therefore,

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

Section 1. Pursuant to and in accordance with the provisions of ORS 51.260, Gregory P. Colvin hereby is appointed to serve as Justice of the Peace Pro Tempore of the Deschutes County Justice Court.

Section 2. The period of this appointment shall be from May 16, 2025 through May 15, 2026, unless said appointment is sooner terminated by action of the Board of County Commissioners of Deschutes County, Oregon.

Section 3. The appointed Justice of the Peace Pro Tempore shall only serve as acting Justice of the Peace during a period or periods of absence or incapacity of the elected Justice of the Peace as determined by the elected Justice of the Peace or the Board of County commissioners of Deschutes County, Oregon.

Dated this ____ of May, 2025

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

PHIL CHANG, Commissioner

ATTEST:

Recording Secretary



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Presentation by Deschutes Trails Coalition on the Stewardship Grant Closeout Report and Request Allowing Use of Remaining Grant Funds

POTENTIAL MOTIONS:

1. No action (requires Deschutes Trails Coalition to return remaining funds to the County).
2. Move approval to amend contract No. 2022-187 with the Deschutes Trails Coalition allowing the use of \$17,248 in remaining grant funds to support trail crew operations.
3. Move approval to amend contract No. 2022-187 with the Deschutes Trails Coalition allowing the use of \$XX in remaining grant funds to support trail crew operations.

BACKGROUND AND POLICY IMPLICATIONS:

On January 12, 2022, the Board of County Commissioners approved granting the Deschutes Trails Coalition (DTC) \$600,000 from the Transient Room Tax (TRT) Fund.

The DTC's grant closeout report to the Board will include an overview of projects and accomplishments. In summary, nine grants were awarded, ranging in value from \$13,000 to nearly \$120,000, totaling \$540,000. These funds supported a variety of projects across the county, benefiting multiple trail user groups of all ages and abilities. Due to the efficient use of funds by grantees, there is \$17,248 of unspent grant funds remaining from two projects. Deschutes Trails Coalition requests that the Board allow DTC to retain these funds and use them to support DTC trail crew operations, in alignment with the original intent of the grant.

BUDGET IMPACTS:

The original grant was funded by the TRT Fund. Any returned funds from the remaining balance of \$17,248 would be credited back to the TRT Fund. If DTC is allowed to retain the funds, the TRT Fund would not incur any additional expenditure.

ATTENDANCE:

Robert Tintle, Chief Financial Officer

Jana Johnson, Executive Director, Deschutes Trails Coalition



Deschutes Trails Coalition

April 21, 2025

Dear Deschutes County Commissioners,

I am pleased to share with you the accomplishments of the Deschutes Trails Coalition's Stewardship Grant, funded by Deschutes County TRT, thanks to your support. The positive impacts of the \$600,000 allocated to support trail sustainability in our region are outlined in the following report.

In brief, nine grants were awarded, ranging in value from \$13K to nearly \$120K, totaling \$540K. These funds supported a variety of projects across Deschutes County, benefiting multiple trail user groups of all ages and abilities. Additionally, these projects have created new stewardship opportunities for our community, contributing to the long-term sustainability of trail-based recreation, which is central to Central Oregon's identity and economy.

Due to the efficient use of funds by grantees, there is \$17,248 of unspent grant funds from two projects. The DTC is requesting that these funds be used to support DTC Trail Crew operations. As you may be aware, the Deschutes National Forest is facing unprecedented budget and staffing shortages and does not have a trail crew. The only professional, full-time trail crew in Central Oregon is the DTC's Trail Crew. This upcoming season will be our third year of a three-year pilot project funded by federal Great American Outdoors Act funding. The \$200K of federal funding intended to support this program, in combination with project grants, would have funded the Trail Crew through 2027. However, these funds are now unlikely, leaving the DTC with a significant and unanticipated funding gap to host this critical crew resource this year and in the following years.

This request to allow DTC to retain these remaining funds aligns with the original intent of reinvesting tourism dollars into the 2500+ miles of trails that many come here to enjoy. The DTC Trail Crew works across the entire Deschutes National Forest – from trails in southern Deschutes County near Crescent and La Pine, to the north and west near Sisters, as well as those trails in the Three Sisters Wilderness and west of Bend. Funding the DTC with these remaining funds would be a fitting capstone to this County funded effort, showcasing the work of our community, the support of County leadership, and the positive impacts we can collectively make when we work together.

Thank you again for your support of DTC and the trails community, and for the opportunity to work together for Central Oregon.

Sincerely,

Jana Johnson

Executive Director

Deschutes Trails Coalition Stewardship Grant 2023 - 2025

FINAL REPORT

Funded by Deschutes County

Oregon Natural Desert Association

Project Title: Oregon Badlands Wilderness and Reynolds Pond Trail and Accessibility Improvements

Project Description:

Utilize ONDA's committed cadre of volunteers to complete needed trail maintenance, monitoring, and infrastructure projects to improve recreational offerings for all users and reduce visitor conflict and resource damage to this fragile desert ecosystem.

Funding Awarded: \$24,310

Deliverables:

- 67 volunteers engaged
- 505 hours of volunteer service contributed to stewarding public lands
- 7 volunteer stewardship work days and 2 years of independent volunteer stewardship and monitoring completed
- 3/4 mile of accessible trail constructed
- 1 Trailhead improved with new boundary fencing constructed
- 5 miles of trail improved with new directional signage, and 3 unofficial user-created trails closed



Deschutes National Forest

Project Title: Newberry National Volcanic Monument High Value Trails

Project Description: *Engineering Survey and Design of Trail of Molten Lands to meet accessibility standards.*

Funding Awarded: \$100,000

Remaining Funding: **\$7,473**

Deliverables:

- Third party survey and engineering design for Trail of Molten Lands resulting in a contract-ready design to meet accessibility standards.



Oregon Equestrian Trails

Project Title: Chief Paulina and Three Creek Meadow Corral Renovation

Project Description: *Renovations to improve functionality, safety, and sustainability of two horse corrals for equestrians and their horses.*

Funding Awarded: \$55,395

Remaining Funding: **\$9,785**

Deliverables:

- Renovation of failing wooden corrals using durable steel posts to reduce safety issues and maintenance needed well into the future.
- Installed one layer of gravel, and one more layer will be added after the first settled over the 2024-25 winter.



Bend Parks and Recreation District

Project Title: Shevlin Park Trail Improvement Project

Project Description: *Replacement and maintenance of trail infrastructure throughout Shevlin Park*

Funding Awarded: \$43,560

Deliverables:

- Seal coating Fremont Road Trail, a 1.7 mile long asphalt trail.
- Construction of 1000 feet of new trail to connect FS road 4606 and the upper footbridge in the park.
- Trailhead improvements: bike racks and kiosk maps
- Replace nine degraded picnic tables on Tumalo Creek Trail with accessible tables.



Central Oregon Trail Alliance (COTA)

Project Title: Building Volunteer Skills and Capacity

Project Description: *Hiring a Trail Maintenance Coordinator to grow volunteer trail maintenance capacity by creating a repeatable processes for training volunteers to do advanced work.*

Funding Awarded: \$119,075

Deliverables:

- Hired a Trails Maintenance Coordinator for 2 years
- Grew volunteer capacity of trained crew leaders by 13 to 62, a 26% increase.
- Increased opportunities for volunteering in trail work from 854 to 1,616 people



Discover Your Forest

Project Title: Deschutes National Forest Ambassador Program

Project Description: *Creating a year-round program to train and host volunteer ambassadors to increase messaging around responsible recreation and wildfire risk reduction at high-use areas on the Forest and resulting in fewer negative impacts.*

Funding Amount: \$80,000

Deliverables:

- Hired a Forest Stewards Program Coordinator to develop curriculum, and recruit and train volunteers.
- Trained 29 Forest Stewards
- Public contacts made: 7,182
- Hours volunteered: 3,014
- Staffed 11 trailheads and trails in winter and summer
- Developed bilingual educational content in collaboration with local stakeholders in both English and Spanish



Deschutes Land Trust

Project Title: Paulina Creek Preserve Acquisition

Project Description: *Funding to support the purchase of the 1,100 acre Spectre Ranch to convert into a nature preserve and accessible recreation area.*

Funding Awarded: \$80,444

Deliverables:

- Land conserved to be made available for recreation.



Friends of the Central Cascades Wilderness

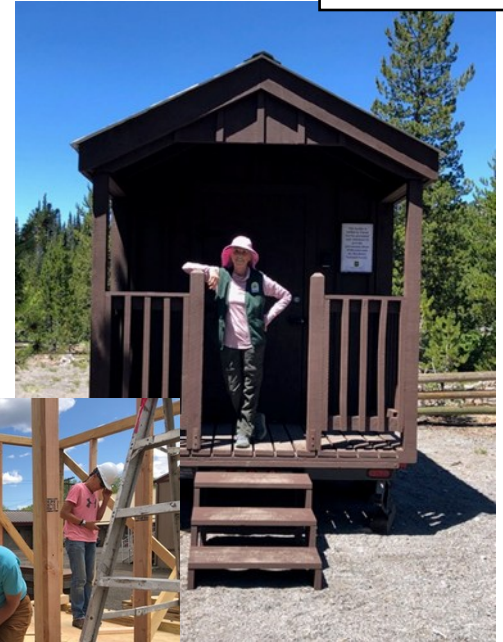
Project Title: Trailhead Host Cabin on a Trailer

Project Description: Construction of a cabin and trailer kit to support Wilderness Trailhead Ambassadors

Funding Awarded: \$13,140

Deliverables:

- Volunteers constructed a cabin kit and moveable trailer at the Devils Lake Trailhead.
- This structure houses volunteers to share Wilderness information to trail users about trails, Leave No Trace, local restrictions and regulations all of which ensures that the quality of experience of visitors to Central Oregon trails remains high to promote the role tourism plays in our local economy.



Dirty Freehub

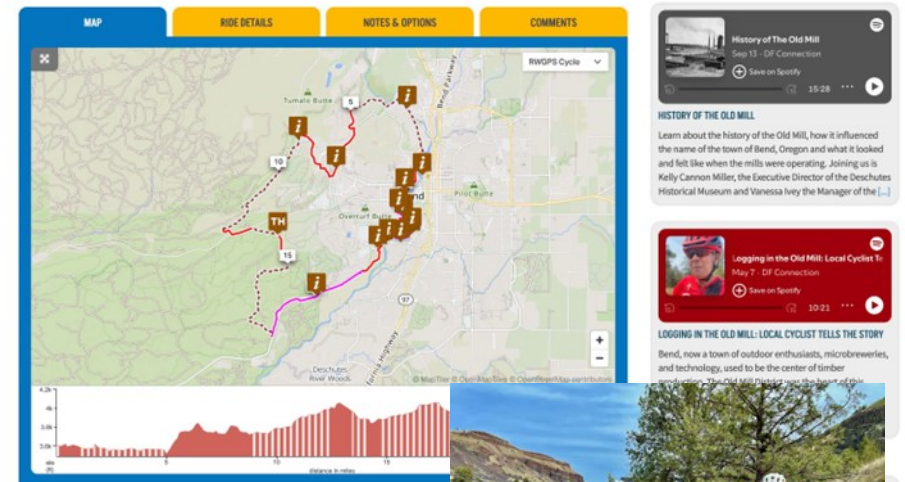
Project Title: 30 Gravel Bike Trail/Routes & Guides

Project Description: Increasing Deschutes County's recreational capacity by building a comprehensive set of route guides to address rider safety, accessibility, and sustainability.

Funding Awarded: \$24,076

Deliverables:

- 30 digital route guides that provide downloadable GPS routes and wayfinding, share historical and cultural information, address rider safety and Leave No Trace principles.
- The creation of the Dirty Roads Crew with 55 volunteers giving over 650 hours to complete natural surface tread and trail maintenance



Deschutes County TRT Funded Deschutes Trails Coalition Stewardship Grant Program Summary

Bend Parks and Recreation District: Shevlin Park Trail Improvement Project	Funding Awarded: \$43,560
Project Description: <i>Replacement and maintenance of trail infrastructure throughout Shevlin Park</i>	
Central Oregon Trail Alliance (COTA): Building Volunteer Skills and Capacity	Funding Awarded: \$119,075
Project Description: <i>Hiring a Trail Maintenance Coordinator to grow volunteer trail maintenance capacity by creating a repeatable processes for training volunteers to do advanced work.</i>	
Deschutes Land Trust: Paulina Creek Preserve Acquisition	Funding Awarded: \$80,444
Project Description: <i>Funding to support the purchase of the 1,100 acre Spectre Ranch to convert this former cattle ranch into a nature preserve and accessible recreation area.</i>	
Deschutes National Forest: Accessible Trail Survey and Design; Trail of Molten Lands	Funding Awarded: \$100,000
	Remaining Funding: \$7,473
Project Description: <i>Engineering Survey and Design of Trail of Molten Lands to meet accessibility standards.</i>	
Dirty Freehub: 30 Gravel Bike Trail/Routes & Guides	Funding Awarded: \$24,076
Project Description: <i>Increasing Deschutes County's recreational capacity by building a comprehensive set of route guides to address rider safety, accessibility, and sustainability.</i>	
Discover Your Forest: Deschutes National Forest Ambassador Program	Funding Awarded: \$80,000
Project Description: <i>Creating a year-round program to train and host volunteer ambassadors to increase messaging around responsible recreation and wildfire risk reduction at high-use areas on the Forest and resulting in fewer negative impacts.</i>	
Friends of the Central Cascades Wilderness: Trailhead Host Cabin on a Trailer	Funding Awarded: \$13,140
Project Description: <i>Construction of a cabin and trailer kit to support Wilderness Trailhead Ambassadors</i>	
Oregon Equestrian Trails: Chief Paulina and Three Creek Meadow Corral Renovation	Funding Awarded: \$55,395
	Remaining Funding: \$9,785
Project Description: <i>Renovations to improve functionality, safety, and sustainability of two horse corrals for equestrians and their horses.</i>	
Oregon Natural Desert Association: Oregon Badlands Wilderness and Reynolds Pond Trail and Accessibility Improvements	Funding Awarded: \$24,310
Project Description: <i>Utilize ONDA's committed cadre of volunteers to complete needed trail maintenance, monitoring, and infrastructure projects to improve recreational offerings for all users and reduce visitor conflict and resource damage</i>	
Proposed Reinvestment: \$17,248	



DISCRETIONARY GRANT PROGRAM PROJECT COMPLETION REPORT

Please complete and submit this form at such time as the grant-funded project is complete and/or all grant funds have been expended.

Date of Award: July 1, 2022

Amount of Award: \$600,000

Name of Organization: Deschutes Trails Coalition

Project Name: Deschutes Trails Coalition Stewardship Grant

Name of Contact: Jana Johnson

Telephone #: 603-986-7483

Date Project Completed: April 15, 2025

Please see the attached report for more information.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Public Hearing and consideration of emergency adoption of Ordinance No. 2025-006 amending County Code regarding Transient Room Tax collections

RECOMMENDED ACTIONS:

Following the public hearing, 1) Move approval of first and second reading by title only of Ordinance No. 2025-006; and 2) Move to adopt Ordinance No. 2025-006 by emergency to take effect on September 1, 2025.

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes County Board of Commissioners conducted a work session on May 5, 2025 to consider amendments to County Code section 4.08 – Transient Room Tax. At that meeting, the Board approved scheduling a public hearing on the amendments.

Ordinance No. 2025-006 includes the proposed Code amendments in a redlined version document, with new language underlined and language to be deleted in ~~striketrough~~. A clean version is attached to this staff report for reference. An emergency adoption is requested so that the new code will take effect on September 1st instead of September 4th.

Most of the recommended changes are a result of modernizing and aligning with language used by the State of Oregon Transient Lodging Taxes Oregon Revised Statutes and the “Model Transient Lodging Tax Ordinance” document as written for local governments who use the Oregon Department of Revenue to administer, collect, enforce and distribute transient lodging taxes. The goal is to align local requirements with State requirements to assist lodging providers with reporting and tax submission by including the same revenue amounts in “Rent” to both taxing authorities.

In addition to renumbering, updating, and aligning the Code language, the following changes are also proposed:

1. Renaming Transient Rental Tax to Transient Lodging Tax (4.08.010)
2. Updating or Adding definitions for:
 - a. Adding: Short-Term Rental (4.08.071)
 - b. Adding: Short-Term Rental Hosting Platform (4.08.072)

- c. Adding: Short-Term Rental Hosting Platform Fees (4.08.073)
 - d. Updating: "Transient or Occupant" to "Occupant" (from 4.08.085 to 4.08.052)
 - e. Updating: "Hotel" to "Transient Lodging or Transient Lodging Facilities" (from 4.08.045 to 4.08.086)
 - f. Adding: Transient Lodging Provider (4.08.087)
 - g. Adding: Transient Lodging Intermediary (4.08.088)
3. Adding language for the County to administer a fee for the initial registration and the renewal of the annual Certificate of Authority. (4.08.140)
 4. The current Code already states in section 4.08.340 that violation of any provision of DCC Chapter 4.08 is a Class A Violation. Adding clarifying language in specific sections that the following shall be deemed a Class A Violation: (1) failure to register for a Certificate of Authority, (2) failure to complete the registration renewal, (3) failure to complete and submit the required monthly or quarterly reporting forms, (4) operating a short-term rental without a current Certificate of Authority, or (5) advertising properties without displaying the DCCA number in an advertisement.
 5. Updating the definition of a short-term rental from 30 days or less, to less than 30 days. Removing the 30th day aligns with the State and allows for reporting the same revenue numbers to the State and the County (for those rare cases when a stay reaches 30 days).
 6. Removing the exclusion of Recreation Fees from the definition of Rent as these fees are mandatory fees which are subject to tax, and for consistency with the State which doesn't allow an exemption for these mandatory fees (4.08.065).

BUDGET IMPACTS:

None currently.

ATTENDANCE:

Robert Tintle, Chief Financial Officer

Judi Hasse, Deputy Tax Collector

Michelle Assia, Transient Room Tax Management Analyst

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 4.08, Transient
Lodging Tax, of the Deschutes County Code.

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ORDINANCE NO. 2025-006

WHEREAS, the Deschutes County Code (DCC) contains rules and regulations duly enacted through ordinance by Deschutes County and the Deschutes County Board of Commissioners; and

WHEREAS, from time-to-time the need arises to make amendments, including new enactments to the DCC; and

WHEREAS, staff from the Finance Department have identified a need to amend DCC 4.08 to better align with state codes; and to identify fees; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed Board meeting on May 21, 2025, and determined that DCC 4.08 should be amended; now therefore,

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

Section 1. AMENDMENT. DCC 4.08 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. EMERGENCY. This Ordinance being necessary for the preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on September 1, 2025.

///

Dated this _____ of _____, 2025

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner

Date of 1st Reading: 21st day of May, 2025.

Date of 2nd Reading: 21st day of May, 2025.

Commissioner

Yes

No

Record of Adoption Vote
Abstained Excused

Patti Adair
Phil Chang
Anthony DeBone

Effective date: 1st day of September, 2025.

EXHIBIT A

(To Ordinance No. 2025-006)

Chapter 4.08. TRANSIENT ~~ROOM~~LODGING TAX

- 4.08.010 Short Title
- 4.08.015 Notices
- 4.08.020 Definitions
- 4.08.025 Definition; Accrual Accounting
- 4.08.030 Definition; Board
- 4.08.035 Definition; Cash Accounting
- 4.08.040 Definition; County
- 4.08.042 Definition; Destination Resort
- ~~4.08.045. Definition-Hotel.~~
- 4.08.050 Definition; Occupancy and Occupying
- 4.08.052 Definition; Occupant
- 4.08.055 Definition; Operator
- 4.08.060 Definition; Person
- 4.08.062 Definition; Recreation Fee
- 4.08.065 Definition; Rent
- 4.08.070 Definition; Rent Package Plan
- 4.08.071 Definition; Short-Term Rental
- 4.08.072 Definition; Short-Term Rental Hosting Platform
- 4.08.073 Definition; Short-Term Rental Hosting Platform Fees
- 4.08.074 Definition; Site
- 4.08.075 Definition; Tax
- 4.08.080 Definition; Tax Administrator
- ~~4.08.085. Definition-Transient or Occupant.~~
- 4.08.086 Definition; Transient Lodging or Transient Lodging Facilities
- 4.08.087 Definition; Transient Lodging Provider
- 4.08.088 Definition; Transient Lodging Intermediary
- 4.08.090 Tax Imposed
- 4.08.100 Applicability
- 4.08.110 Operator; Collection Amount
- 4.08.120 Operator; Collection Procedure; Operator Fee
- 4.08.125 Personal Liability
- 4.08.127 Penalties; Noncompliance with Advertising Requirements
- 4.08.130 Exemptions
- 4.08.140 Operator; Registration; Form and Contents; Execution; Certificate of Authority
- 4.08.145 Operator; Advertising of ~~Hotel-Transient Lodging~~ Rentals; Identification Required
- 4.08.150 Returns and Payments; Date Due
- 4.08.160 Penalties and Interest; Delinquency
- 4.08.170 Penalties and Interest; Continued Delinquency
- 4.08.180 Penalties and Interest; Fraud
- 4.08.190 Penalties and Interest; Assessment of Interest
- 4.08.200 Penalties and Interest; Penalties Merged with Tax
- 4.08.210 Penalties and Interest; Petition for Waiver
- 4.08.220 Deficiency Determination
- 4.08.230 Fraud; Refusal to Collect; Evasion
- 4.08.240 Operator Delay
- 4.08.250 ~~Re-d~~Determinations
- 4.08.260 Security for Collection of Tax
- 4.08.270 Lien
- 4.08.280 Refunds
- 4.08.290 Transient ~~Room~~Lodging Tax Fund

- 4.08.300 Recordkeeping
- 4.08.310 Examination of Records
- 4.08.320 Administration; Confidentiality
- 4.08.330 Appeals
- 4.08.340 Unlawful Acts; Penalty

4.08.010 Short Title

DCC 4.08 shall be known as the Deschutes County Transient ~~Room~~Lodging Tax ordinance.
(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §1, 1975)

4.08.015 Notices

All notices required or permitted to be given under DCC 4.08 may be served personally, by email or by first class mail, postage prepaid, to the recipient of the notice. If notice is mailed to an Operator, it will be addressed to the Operator at the Operator's address as the address appears in the record of the Tax Administrator. Operator is required to provide Tax Administrator with Operator's current address and to provide Tax Administrator with any change of Operator's address. -If notice is ~~P~~ersonally served, it is deemed served at the time of delivery. If notice is served by mail or email, it is deemed served three (3) days after the date the notice is deposited for mailing with the United States Postal Service or the date the email is sent.
(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005).

4.08.020 Definitions

For the purposes of DCC 4.08, unless otherwise apparent from the context, certain words and phrases used in DCC 4.08 are defined as set forth in DCC 4.08.025- through DCC 4.08.08~~5~~⁵.
(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 2001-016 §2, 2001; Ord. 95-029 §1, 1995; Ord. 203-3 §2, 1975)

4.08.025 Definition; Accrual Accounting

"Accrual accounting" means the Operator enters the Rent due from ~~a~~Transientan Occupant on ~~their~~his records when Rent is earned whether or not it is paid.
(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 2003-3 §2, 1975)

4.08.030 Definition; Board

"Board" means the Deschutes County Board of County Commissioners.
(Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.035 Definition; Cash Accounting

"Cash accounting" means the Operator does not enter the Rent due from ~~an~~ TransientOccupant on ~~their~~his records until Rent is paid.
(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.040 Definition; County

"County" means Deschutes County and is limited to the unincorporated area of the County.
(Ord. 203-3 §2, 1975)

4.08.042 Definition; Destination Resort

"Destination Resort" means any Transient Lodging Facility Hotel—which includes on the site of the HotelTransient Lodging Facility, three or more of the following outdoor recreation facilities that are available to Transient Lodging Hotel—Occupants with or without additional charge: Bike paths, walking trails, running trails or horse trails at least two miles in length, horseback riding facilities, one or more golf courses, tennis courts, skating facilities and one or more swimming pools.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005)

4.08.045. —Definition-Hotel.

"Hotel" means any structure or space, or any portion of any structure or space which is occupied or intended or designed for Transient Occupancy for 30 days or less, for dwelling, lodging or sleeping purposes, and includes, but is not limited to any Hotel, inn, tourist home, tourist accommodation, condominium, motel, studio Hotel, hostel, bachelor Hotel, lodging house, bed and breakfast, vacation home, vacation rental home, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, mobile home, R.V. or trailer park, campgrounds, private home, or similar structure or portions thereof so occupied.

(Ord. 2005-012 §1, 2005; Ord. 93-049 §1, 1993; Ord. 203-3 §2, 1975)

(Repealed by Ord. 2025-006 §1, on 9/1/2025)

4.08.050 Definition; Occupancy and Occupying

"Occupancy" and "Occupying" means the right to the use or possession of any space in Transient Lodging for dwelling, lodging or sleeping purposes for less than 30 consecutive calendar days, counting portions of calendar days as full days. ~~the use or possession, or the right to the use or possession, for lodging or sleeping purposes, of any room or rooms in a Hotel, or space in a mobile home or trailer park or portion thereof.~~

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.052 Definition; Occupant

"Occupant" means any individual, except the owner of a Transient Lodging Facility, who exercises Occupancy or is entitled to Occupancy in Transient Lodging for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days. The day an Occupant checks out of Transient Lodging Facility shall not be included in determining the 30-day period if the Occupant is not charged Rent for that day by the Operator. Any such individual so occupying space in Transient Lodging shall be deemed to be an Occupant until the period of 30 days has expired unless there is an agreement in writing between the Operator and the Occupant providing for a longer period of Occupancy. An owner of Transient Lodging, or a Person who pays for lodging on a monthly basis, regardless of the number of days in such month, shall not be deemed an Occupant for purposes of the Deschutes County Transient Lodging Tax Ordinance.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.055 Definition; Operator

"Operator" means a Transient Lodging Provider or Transient Lodging Intermediary. ~~the Person who is proprietor of the Hotel in any capacity. Where the Operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an Operator for the purposes of DCC 4.08 and shall have the same duties and liabilities as his principal; Both the Transient Lodging Provider and the Transient Lodging Intermediary shall at all times remain jointly and severally obligated with respect to the duties and obligations of the Operator pursuant to the provisions of DCC 4.08.~~ [Compliance with the provisions of DCC 4.08 by either the ~~principal or the managing agent~~ Transient Lodging Provider or the Transient Lodging Intermediary shall be considered to be in compliance by both.]

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.060 Definition; Person

"Person" means any individual, firm, partnership, joint venture, limited liability company, limited liability partnership, host, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, business entity, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 203-3 §2, 1975)

4.08.062 Definition; Recreation Fee

"Recreation Fee" means a fee charged, assessed, or allocated by a Hotel/Transient Lodging Facility to an Hotel ~~e~~Occupant or ~~e~~Occupants for use of Destination Resort recreation facilities, whether the Hotel/Transient Lodging Facility charging the Recreation Fee is a Destination Resort or has a contract or agreement with a Destination Resort for use by the Hotel's/Transient Lodging Facility's guests of the recreation facilities of the Destination Resort. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. No. 2005-012 §1, 2005)

4.08.065 Definition; Rent

~~"Rent" means the full consideration charged, whether or not received by the Operator, for the Occupancy of space in a Hotel valued in money or in goods, labor, credits, property, or other consideration valued in money, without any deduction means the consideration paid or payable by an Occupant for the Occupancy of space in Transient Lodging valued in money, goods, labor, credits, property or other consideration. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in Rent. If the fee is not optional, then it shall be included in the Rent.~~ Except as otherwise provided in this section, Rent includes all fees, charges and assessments (including but not limited to, nightly rate, Short-Term Rental Hosting Platform F-fees, cleaning or housekeeping fees, or pet fees, cancellation fees, non-refundable deposits, or recreation fees for maid service) charged, assessed or allocated by Operator for the Occupancy of space in a Hotel/Transient Lodging, the payment for which is not optional to the Person occupying space in the Hotel/Transient Lodging Facility. Rent does not include:

- A. Any taxes, fees, or assessments levied by any other governmental entity;
- B. The sale of any goods, services, or commodities, which are separate and independent from occupancy of a room or space in the Hotel/Transient Lodging Facility;
- C. Any fees, charges or assessments, other than the furnishing of a room or accommodations in a Hotel/Transient Lodging Facility or a parking space in a mobile home, recreational vehicle, R.V. or trailer park, the payment for which is optional to the Person occupying the room or rooms in a Hotel/Transient Lodging Facility or parking in a space in a mobile home, recreational vehicle, R.V. or trailer park.; ~~or~~
- ~~D. Recreation Fees charged, assessed or allocated by a Hotel Operator as of January 1, 2005. If any Operator intends to increase the amount the Operator charges, assesses or allocates for Reereation Fees, the Operator must notify the Board of such intended change at least three (3) months prior to implementation of the intended change.~~

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.070 Definition; Rent Package Plan

"Rent Package Plan" means the full consideration charged, whether or not received by the Operator, for Rent plus food and/or activities where a single rate is charged for the combination of Rent, food and/or activities. For purposes of determining Deschutes County Transient Room Tax for a Rent Package Plan, the Operator

may exclude from Rent an amount allocated by Operator as the Operator's reasonable cost of providing the food, activity, or activities as part of the Rent Package Plan.
(Ord. 2005-012 §1, 2005; Ord. 2003-003 §2, 1975)

4.08.071 Definition; Short-Term Rental

"Short-Term Rental" means a Transient Lodging Facility for Occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that only allows for residential use. A short-term rental is not allowed in Forest Use Zones or Exclusive Farm Use Zones. Structures or other accommodations utilized as a Short-Term Rental must be lawfully established as a dwelling. Structures, temporary or permanent, other than the primary dwelling on the property, including but not limited to, garage conversions, recreational vehicles, tents, teepees, yurts, tiny homes, accessory dwelling units (ADUs), and similar structures or shelters, are generally not allowed. (Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.072 Definition; Short-Term Rental Hosting Platform

"Short-Term Rental Housing Platform" means a business or other Person that facilitates the retail sale of Transient Lodging by connecting Occupants with Transient Lodging Providers, either online or in any other manner. Short-Term Rental Hosting Platforms are Transient Lodging Intermediaries. (Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.073 Definition; Short-Term Rental Hosting Platform Fees

A hosting platform for Short-Term Rentals (Transient Lodging Intermediaries) may collect a fee for booking services in connection with Short-Term Rentals only when those Short-Term Rentals are lawfully registered as providers with the County and possess a County Certificate of Authority at the time the Short-Term Rental is occupied. The Hosting Platform Fees are to be included as Rent when calculating the Transient Lodging Tax. (Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.074 Definition; Site

"Site" means an individual ~~Hotel~~Transient Lodging Facility, as defined in DCC 4.08, for which there is a separate real property tax account or accounts. –An individual site may include more than one unit of separatelyseparate rentable accommodations. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 97-073 §2, 1997)

4.08.075 Definition; Tax

"Tax" means either the tax payable by the ~~Occupant~~Transient, or the aggregate amount of taxes due from an Operator from any source and calculated based upon the fees and charges included in Rent whether collected directly by the Operator or collected through or transmitted by a Transient Lodging Intermediary, during the period for which the Operator is required to report collections for the Operator's ~~Hotel~~Transient Lodging. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.080 Definition; Tax Administrator

"Tax Administrator" means the ~~County Finance Officer~~–Chief Financial Officer of Deschutes County, or its designee. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 97-013 §1, 1997; Ord. 203-3 §2, 1975)

4.08.085. — Definition—Transient or Occupant.

"Transient" or "Occupant" means any individual, except the owner of a Hotel or private residence used as a Hotel, who exercises Occupancy or is entitled to Occupancy in a Hotel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a Transient checks out of the Hotel shall not be included in determining the 30-day period if the Transient is not charged Rent for that day by the Operator. Any such individual so occupying space in a Hotel shall be deemed to be a Transient until the period of 30 days has expired unless there is an agreement in writing between the Operator and the occupant providing for a longer period of Occupancy. An owner of a Hotel, an owner of a private residence used as a Hotel, or a Person who pays for lodging on a monthly basis, regardless of the number of days in such month, shall not be deemed a Transient for purposes of the Deschutes County Transient Room Tax Ordinance. (Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975) (Repealed by Ord. 2025-006 §1, on 9/1/2025)

4.08.086 Definition; Transient Lodging or Transient Lodging Facilities

Transient Lodging or Transient Lodging Facilities means a) Hotel, motel, and inn dwelling units that are used for temporary overnight human occupancy; b) Spaces used for overnight parking of recreational vehicles or placement of tents during periods of human occupancy; or c) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 93-049 §1, 1993; Ord. 203-3 §2, 1975)

4.08.087 Definition; Transient Lodging Provider

"Transient Lodging Provider" means a Person that provides Transient Lodging. (Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.088 Definition; Transient Lodging Intermediary

"Transient Lodging Intermediary" means a Person other than a Transient Lodging Provider that facilitates the retail sale of Transient Lodging and:

- a. Charges for Occupancy of the Transient Lodging;
- b. Collects the consideration charged for Occupancy of the Transient Lodging; or
- c. Receives a fee or commission and requires the Transient Lodging Provider to use a specified third-party entity to collect the consideration charged for Occupancy of the Transient Lodging.

(Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.090 Tax Imposed

For the privilege of Occupancy in any ~~Hotel~~Transient Lodging Facility, on and after the effective date of July 1, 2014, as codified in DCC 4.08, each ~~Occupant~~Transient shall pay a Tax in the amount of eight percent (8%) of the Rent for Occupancy of space in a ~~Hotel~~Transient Lodging Facility. -The Tax constitutes a debt owed by the ~~Occupant~~Transient to the County, which is extinguished only by payment to the Operator as agent for the County. -The ~~Occupant~~Transient shall pay the Tax to the Operator of the ~~Hotel~~Transient Lodging Facility at the time the Rent is paid. -The Operator shall enter the Tax on Operator's records when Rent is collected if the Operator keeps records on the Cash accounting basis and when earned if the Operator keeps records on the Accrual accounting basis. -If Rent is paid in installments, a proportionate share of the Tax shall be paid by the ~~Occupant~~Transient to the Operator with each installment. -If, for any reason, the Tax due is not paid to the Operator of the ~~Hotel~~Transient Lodging Facility, the Tax Administrator may nevertheless require that such Tax shall be paid by the Operator directly to the County.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2014-023 §1, 2014, Ord. 2005-012 §1, 2005; Ord. 95 029 §1, 1995; Res. 87 053 adopted by the people 11/3/87; Ord. passed 3/11/80: Ord. 203 3 §3, 1975)

4.08.100 Applicability

The Tax imposed by this ordinance shall apply only to those ~~Hotels~~Transient Lodging Facilities located within the unincorporated area of the County.

Amended by Ord. 2025-006 §1, on 9/1/2025; (Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §4, 1975)

4.08.110 Operator; Collection Amount

- A. Every Operator ~~R~~renting rooms in the County, the Occupancy of which is not exempted under the terms of DCC 4.08, shall collect a Tax from the ~~Transient~~Occupant occupying the room. ~~The Tax collected or accrued by the Operator constitutes property of the County in the possession of the Operator, held in trust by such Operator until conveyed to the County in accordance with the provisions of DCC 4.08.~~
- B. In all cases of credit or deferred payment of Rent by the Occupant, the payment of Tax to the Operator may be deferred until the Rent is paid, and the Operator shall not be liable for the Tax until credits are paid or deferred payments are made.
- C. While holding the payment in trust for the County, an Operator may commingle the tax proceeds with the Operator's funds, but the Operator is not the owner of tax proceeds, except that, when a return is filed, the Operator becomes the owner of the collection reimbursement charge authorized to be retained.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 97-073 §1, 1997; Ord. 95-029 §1, 1995; Ord. 203-3 §5, 1975)

4.08.120 Operator; Collection Procedure; Operator Fee

- A. Each Operator shall collect the Tax imposed by DCC 4.08 at the same time as the Rent is collected from every ~~Occupant~~Transient.
- B. The amount charged by an Operator for Deschutes County Transient ~~Room~~Lodging Tax shall be separately stated on all records of Operator and on all bills, invoices, and receipts rendered by Operator and shall be specifically identified on all Operator records, bills, invoices and receipts as "Deschutes County ~~Room~~Lodging Tax." The amounts listed by an Operator on the Operator's records, bills, invoices and receipts as "Deschutes County LodgingRoom Tax" must accurately state the amount of Tax and shall not include any other taxes, fees, charges or assessments.
- C. No Operator of a ~~Transient Lodging Facility~~Hotel shall advertise that the Tax or any part of the Tax will be assumed or absorbed by the Operator, or that it will not be added to the Rent, or that, when added, any part will be refunded, except in the manner provided by DCC 4.08.
- D. The Operator may retain, as a collection reimbursement ~~fee~~charge, up to five percent (5%) of all Deschutes County Transient ~~LodgingRoom~~Lodging Tax revenues collected by Operator.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §6, 1975)

4.08.125 Personal Liability

Each Person who uses, expends, diverts any Tax held in trust, or withholds or authorizes or directs such use, expenditure, diversion, or withholding, shall be personally liable to the County for all Taxes so used, expended, diverted, or withheld, plus all penalties and interest accrued or imposed as a result of such action. (Ord. 2005-012 §1, 2005; Ord. 97-073 §2, 1997)

4.08.127 Penalties; Noncompliance with Advertising Requirements

It is a violation for any Operator who places or causes to appear through any medium an advertisement soliciting reservations or Rental availability for any location if such advertisement does not include the

~~C~~ertificate of ~~a~~Authority number as prescribed in DCC 4.08.140. -No Operator shall fail or refuse to furnish information related to the advertising of any location upon request of the Tax Administrator. -Violation of any provisions of DCC 4.08.127 is a Class A Violation.
(Ord. 2005-012 §1, 2005; Ord. 97-073 §2, 1997)

4.08.130 Exemptions

No Tax imposed under DCC 4.08 shall be imposed upon:

- ~~A. Any occupant for more than 30 successive calendar days;~~
- ~~B. Any occupant whose Rent is of a value less than \$4.00 per day;~~
- ~~C. Any occupant whose Rent is paid for a hospital room or to a medical clinic, convalescent home or home for aged people.~~
 - ~~A. A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;~~
 - ~~B. A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;~~
 - ~~C. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter;~~
 - ~~D. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or~~
 - ~~E. A dwelling unit that is leased or otherwise occupied by the same Person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:~~
 - ~~a. All dwelling units occupied are within the same facility; and~~
 - ~~b. The Person paying consideration for the transient lodging is the same Person throughout the consecutive period.~~
 - ~~F. D. The United States Government when a federal employee is on federal government business and the lodging for the employee is directly paid for by the government or employee with a government-issued check, credit card, purchase order or other form of procurement document.~~
 - ~~G. E. Any Federally Chartered organization when an organization employee is on organization business and the lodging for the employee is directly paid for by the organization or employee with an organization-issued check, credit card, purchase order or other form of procurement document.~~

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 93-049 adopted by the people 11/9/93; Ord. 93-020 §1, 1993; Ord. 203-3 §7, 1975)

4.08.140 Operator-Registration; Form and Contents; Execution; Certificate of Authority.

- A. Every property owner ~~Person~~-engaging or about to engage in business as ~~an Operator of a Hotel-a Transient Lodging Provider~~ in the County shall provide a completed register~~registration form for a Certificate of Authority to the Tax Administrator~~ within 15 calendar days after commencing business~~with the Tax Administrator on a form provided by the Tax Administrator~~. The privilege of registration after the date of imposition of such Tax shall not relieve any Person from the obligation of payment or collection of Tax regardless of registration. The Transient Lodging Provider's obligation to collect the transient lodging tax is imposed once Rent for the Transient Lodging is paid, even if the registration form has not been filed or if the Certificate of Authority has not been issued.
- B. When registering, registrants will be required to pay an administrative fee for the initial registration, in accordance with the County Fee Schedule. The registrant shall provide the Tax Administrator with the following information: (1) Property owner as listed in the Deschutes County property tax records, (2) the name under which an Operator transacts or intends to transact business; (3) the office~~emailing~~ address of their~~his~~ place or places of business; (4) a residence-physical address of the Short-Term Rental, if no business address exists; (5) email address; (6) phone number; (7) name and contact information of property manager or agent, (8) any such other information to facilitate the collection of the Tax as the

Tax Administrator may require. -The registration form shall provide for submission of the information required by DCC 4.08.140, shall set forth in full the requirements imposed by DCC 4.08 regulating an Operator's advertisement of ~~Hotel-Transient Lodging~~ accommodations, and shall be signed by the Operator. Upon request of the Tax Administrator, at the time of registration or at any other time, an Operator shall provide the address of each ~~site-operated-by Operator~~ Transient Lodging Facility, which is subject to DCC 4.08, and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible Person for the location.

- C. Upon approval, ~~t~~The Tax Administrator shall, within ten (10) business days after registration, issue ~~without charge from the occupant, together with a duplicate thereof for each additional place of business for each registrant,~~ a eCertificate of a ~~Authority to collect the Tax.~~ -Certificates shall be non-assignable and nontransferable, ~~and shall be surrendered immediately to the Tax Administrator.~~ The Operator shall notify the Tax Administrator upon the cessation of business at the location named or upon its sale or transfer. -Each Certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all ~~o~~Occupants and Persons seeking Occupancy. The Certificate of Authority must be renewed annually. Property owners will be required to pay an administrative fee for the certificate renewal, in accordance with the County Fee Schedule.
- D. The eCertificate shall, among other things, state the following:
1. The name of the property owner;
 - ~~1-2.~~ 2. The name of the Operator, if different from property owner;
 - ~~2-3.~~ 3. The physical address of the Transient Lodging Facility ~~Hotel;~~
 4. The date upon which the certificate was issued and expires;
 - ~~3-5.~~ 5. The Deschutes County Certificate of Authority (DCCA) number, as assigned by the Tax Administrator; and
 - ~~4-6.~~ 6. This Transient Occupancy Registration Certificate of Authority signifies that the Person named on the face hereof has fulfilled the requirements of the Transient Room Lodging Tax Ordinance of the County of Deschutes by registration with the Tax Administrator for the purpose of collecting from Occupants ~~Transients~~ the room Lodging Tax imposed by said County and remitting said Tax to the Tax Administrator.
- E. Failure to register for a Certificate of Authority, failure to complete the registration renewal, or operating a short-term rental without a current Certificate of Authority shall be deemed a Class A Violation.
(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 97-073 §1, 1997; Ord. 95-029 §1, 1995; Ord. 203-3 §8, 1975)

4.08.145 Operator; Advertising of Transient Lodging-Hotel Rentals; Identification Required

Every Operator, in placing advertisements soliciting business for any location represented, operated or marketed by that Operator, must include the eCertificate of a ~~A~~Authority (DCCA) number. Any property not displaying the DCCA number in an advertisement shall be deemed a Class A Violation. -For purposes of DCC 4.08, advertisement includes any print, electronic, or audio media, including, but not limited to, advertisements appearing in newspapers, magazines, newsletters, flyers, internet sites, or any other advertising medium, regardless of origin, distribution method, or distribution location of such medium. -Such identification shall appear as "DCCA #" followed by the eCertificate number assigned by the Tax Administrator for that location, shall appear in a readable size and font, if applicable, and shall be placed in such location that it is readily noticed as a part of the advertisement. -This advertising requirement does not apply to Operators whose eCertificate of a ~~A~~Authority is assigned to only one physical location, and that location provides six or more rooms or individual units available for Transient Occupancy. -If the Rent transaction is facilitated online, the Certificate of Authority number (DCCA #) must be visible to the Occupant in the advertisement.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 97-073 §2, 1997)

4.08.150 Returns and Payments; Date Due

- A. The Tax imposed by DCC 4.08 shall be paid by the ~~Occupant/Transient~~ to the Operator at the time that Rent is paid. All amounts of such Taxes collected by an Operator, or for which the Tax is otherwise owed by Operator to County, are due and payable to the Tax Administrator on a monthly basis ~~by no later than the 15th day of the month following the month in which the Tax is collected by the Operator or is otherwise owed by Operator to County~~ when the estimated amount of average tax is more than fifty dollars (\$50.00) a month. ~~When the estimated monthly amount of average tax due and payable to the Tax Administrator is fifty dollars (\$50.00) or less, the Operator has the option of paying on a quarterly basis.~~ Monthly or quarterly reporting is required regardless if Tax is owed. For monthly filers, reports are due no later than the 15th day of the following month. For quarterly filers, reports are due no later than the 15th day of the month following the end of each calendar quarter (April 15th, July 15th, October 15th, January 15th). Taxes are delinquent if not paid to the Tax Administrator by the last day of the month in which such Taxes are due and payable to the Tax Administrator.
- B. On or before the 15th day of the month following each month or quarter (as set forth in 4.08.150(A)) of collection, every Operator liable for payment of Tax shall file a return or returns for the preceding month's or quarter's Tax collections with the Tax Administrator. ~~The return or returns shall be filed online or in such format or on such forms as the Tax Administrator may prescribe.~~ For private owners using a Transient Lodging Intermediary that collects and remits the Transient Lodging Tax to the Tax Administrator on behalf of the private owner, a quarterly report is required to be submitted by the private owner including data as described in 4.08.150 (C), as well as listing the Transient Lodging Intermediary Rents as a deduction.
- C. Returns shall show the amount of Tax collected or otherwise due for the related period by site. ~~The Tax Administrator may require returns to show any or all of the following:~~
1. The sites for which Rental income was collected during the month, listed by address and the number of separately rentable units per site;
 2. Gross receipts of Operator for such period;
 3. The total Rentals upon which Tax was collected or otherwise due;
 4. An explanation in detail of any discrepancy between such amounts; and
 5. Any new units added from the previous months or any units deleted from the previous months; and
 6. The amount of Rents exempt, if any.
- D. Annually in September, the Transient Lodging Intermediary shall submit to the Tax Administrator at the office of the Tax Administrator, by electronic submission, a complete address-specific list with Tax amounts of all properties submitted in previous tax reports for Transient Lodging from July 1 – June 30 of the past fiscal year.
- ~~E~~D. The Person required to file the return shall deliver the return, ~~Tax together with payment of the amount of the Tax due,~~ to the Tax Administrator, at the office of the Tax Administrator, through the County's websitereporting and payment portal furnished by the Tax Administrator, or its designee, ~~either by personal delivery or by mail.~~ If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.
- F. For good cause, the Tax Administrator may extend the time for making any return or payment of Tax for a period not to exceed 30 daysone monthTax. ~~No further extension shall be granted, except by the Board.~~ Any Operator to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of Tax due without proration for a fraction of a month. ~~If a return is not filed, and the Tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the Tax for computation of penalties described elsewhere in DCC 4.08.~~
- G. Failure to complete and submit the required monthly or quarterly reporting form(s) is a Class A Violation. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-042, §1, 2005; Ord. 2005-012 §1, 2005; Ord. 97-073 §1, 1997; Ord. 95-029 §1, 1995; Ord. 203-3 §9, 1975)

4.08.160 Penalties and Interest; Delinquency

Any Operator who has not been granted an extension of time for remittance of Tax due and who fails to remit any Tax imposed by DCC 4.08 prior to delinquency shall pay a penalty of ten percent (10%) of the amount of the Tax due in addition to the amount of the Tax.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(1), 1975)

4.08.170 Penalties and Interest; Continued Delinquency

Any Operator who has not been granted an extension of time for remittance of Tax due, and who fails to pay any delinquent remittance on or before thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the Tax due plus the amount of the Tax and the ten percent (10%) penalty first imposed.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(2), 1975)

4.08.180 Penalties and Interest; Fraud

If the Tax Administrator determines by clear and convincing evidence that the nonpayment of any remittance due under DCC 4.08 is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent (25%) of the amount of the Tax shall be added thereto in addition to the penalties stated in DCC 4.08.160 and DCC 4.08.170.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(3), 1975)

4.08.190 Penalties and Interest; Assessment of Interest

In addition to the penalties imposed, any Operator who fails to remit the Tax imposed by DCC 4.08 shall pay interest at the rate of one-half of one percent per month, or fraction thereof, without proration for portions of a month, on the amount of the Tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(4), 1975)

4.08.200 Penalties and Interest; Penalties Merged with Tax

Every penalty imposed and such interest as accrues under the provisions of DCC 4.08.200 shall be merged with and become a part of the Tax required to be paid pursuant to DCC 4.08.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(5), 1975)

4.08.210 Penalties and Interest; Petition for Waiver

Any Operator who fails to remit the Tax levied in DCC 4.08 within the time stated in DCC 4.08 shall pay the penalties stated in DCC 4.08; provided, however, the Operator may petition for waiver or refund of any penalty, or any portion thereof. If the total penalty due does not exceed \$10,000, any petition for waiver or refund of penalties shall be directed to and determined by the Tax Administrator. -If the total penalty due exceeds \$10,000, any petition for waiver or refund of penalties shall be directed to and determined by the Board. -Upon receipt of a petition for waiver or refund of penalties as set forth herein, the Tax Administrator or Board may, if a good and sufficient reason is shown, waive or direct a refund of the penalty or any portion thereof.

(Ord. 2005-012 §1, 2005; Ord. 2002-022 §1, 2002; Ord. 95-029 §1, 1995; Ord. 203-3 §10(6), 1975)

4.08.220 Deficiency Determination

If the Tax Administrator determines that any return is incorrect, the Tax Administrator may compute and determine the amount required to be paid upon the basis of the facts contained in the return or upon the basis of any information within the possession of or available to the Tax Administrator. -One or more deficiency

determinations may be made on the amount due for one, or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as provided in DCC 4.08 after which the amount determined is delinquent. -Penalties on deficiencies shall be applied as set forth in DCC 4.08.160 through DCC 4.08.210.

- A. In making a determination, the Tax Administrator may offset overpayments if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties and interest on the underpayments. -The interest on underpayments shall be computed in the manner set forth in DCC 4.08.160 through DCC 4.08.210.
- B. The Tax Administrator shall give to the Operator ~~or occupant~~ a written notice of the determination made by the Tax Administrator. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the Operator at the Operator's address as it appears in the records of the Tax Administrator. In case of service by mail of any notice required by DCC 4.08 the service is complete at the time of deposit in the United States Post Office.
- C. Except in the case of fraud or intent to evade DCC 4.08 or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the month for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.
- D. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten (10) days after the Tax Administrator has given notice thereof; provided, however, the Operator may petition for redemption and refund if the petition is filed before the determination becomes final as provided for in DCC 4.08.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §11(1), 1975)

4.08.230 Fraud; Refusal to Collect; Evasion

If any Operator shall fail or refuse to collect the correct ~~room~~-Lodging Tax set forth in DCC 4.08 or to make, within the time provided in DCC 4.08 any report and remittance of such Tax or any portion thereof required by DCC 4.08, or makes a fraudulent return or otherwise willfully attempts to evade DCC 4.08, the Tax Administrator shall proceed in such manner as the Tax Administrator may deem best to obtain facts and information on which to base an estimate of the Tax due. As soon as the Tax Administrator has determined the Tax due that is imposed by DCC 4.08 from any Operator who has failed or refused to collect the same and to report and remit such Tax, the Tax Administrator shall proceed to determine and assess against such Operator the Tax, interest and penalties provided for by DCC 4.08. In case such determination is made, the Tax Administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the Tax Administrator of any fraud, intent to evade or failure or refusal to collect such Tax, or failure to file return. Any amount of Tax, interest, and penalties, which the Tax Administrator determines are owed, shall become due and payable immediately upon service of notice by the Tax Administrator of the amount of deficiency. The determination shall become final within ten (10) days after service of notice of the amount owed. The Operator may petition for redemption and refund if the petition is filed with the Tax Administrator before the determination becomes final as provided in this section. The failure or refusal of an Operator to collect or remit any Tax or Taxes required under DCC 4.08 is a Class A Violation.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §11(2), 1975)

4.08.240 Operator Delay

If the Tax Administrator believes that the collection of any Tax or any amount of Tax required to be collected and paid to the County will be jeopardized by delay, or if any determination will be jeopardized by delay, the Tax Administrator shall make a determination of the Tax or amount of Tax required to be collected, noting the determination. The amount so determined as provided in DCC 4.08 shall be immediately due and payable, and the Operator shall immediately pay same determination to the Tax Administrator after service of notice

thereof; ~~The~~ Operator may file a petition, after payment has been made, for redemption and refund of all or a portion of any amount paid if the petition is filed within ten (10) days from the date of service of notice by the Tax Administrator.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §11(3), 1975)

4.08.250 Re-determinations

- A. Any Person against whom a determination is made under DCC 4.08.220, 4.08.230 and 4.08.240 or any Person directly interested may petition for a re-determination and redemption and refund within the time required in DCC 4.08.220, 4.08.230 and 4.08.240. ~~If a petition for re-determination and refund is not filed within the time required in DCC 4.08.220, 4.08.230 and 4.08.240, the determination becomes final at the expiration of the time allowed to submit a petition.~~
- B. If a petition for re-determination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination, and if the Person has so requested in the petition, shall grant the Person an oral hearing and shall give the Person ~~ten (10)~~ twenty (20) ~~U~~days written notice of the time and place of the hearing. The Tax Administrator may continue the hearing from time to time as may be necessary.
- C. The Tax Administrator may decrease or increase the amount of the determination as a result of the hearing and considering all information and, if an increase is determined, such increase shall be payable within 48 hours immediately after the hearing.
- D. The decision of the Tax Administrator upon a petition for re-determination of redemption and refund becomes final ~~ten (10)~~ days after service upon the petitioner of notice thereof, unless appeal of such order or a decision is filed with the Board within ten (10) days after service of such notice.
- E. No petition for re-determination of redemption and refund or appeal therefrom shall be effective for any purpose unless the Operator has first complied with the payment provisions of DCC 4.08.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §12, 1975)

4.08.260 Security for Collection of Tax

- A. The Tax Administrator, after delinquency and when the Tax Administrator, in the Tax Administrator's sole discretion, deems it necessary to ~~e~~insure compliance with DCC 4.08, may require any Operator to deposit with the Tax Administrator such security in the form of cash, bond or other security as the Tax Administrator deems appropriate. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the Operator's estimated average monthly liability for the period for which the Operator files returns, determined in such manner as the Tax Administrator deems proper, or ~~\$105,000.00~~, whichever amount is less. The amount of the security may be increased or decreased by the Tax Administrator subject to the limitations provided in DCC 4.08.
- B. At any time within three years after any Tax or any amount of Tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the Tax Administrator may bring an action in any court of the State of Oregon, or of the United States, in the name of the County to collect the amount delinquent together with penalties and interest.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §13, 1975)

4.08.270 Lien

- A. The Tax imposed by DCC 4.08 together with the interest and penalties provided in DCC 4.08 and the filing fees paid to the County Clerk and advertising costs which may be incurred when the same becomes delinquent as set forth in DCC 4.08 shall be and, until paid, remain a lien from the date of the recording with the County Clerk a ~~N~~notice of Lien, which shall be superior to all subsequent recorded liens on all tangible Personal property used in the Transient LodgingHotel of an Operator or where applicable, all business property of the Operator, and may be foreclosed on and sold as may be necessary to discharge such lien, if the lien has been recorded. ~~Notice of L~~ien may be issued by the Tax Administrator, or a

deputy of the Tax Administrator, whenever the Operator is in default in the payment of such Tax, interest, and penalty and shall be recorded, and a copy sent to the delinquent Operator. -The Personal property subject to such lien seized by any deputy or employee of the Tax Administrator may be sold by the department seizing the same at public auction after ten (10) days' notice, which shall mean one publication in a newspaper of general circulation within the County.

- B. Any lien for Taxes as shown on the records of the proper County official shall, upon the payment of all Taxes, penalties and interest thereon, be released by the Tax Administrator when the full amount determined to be due has been paid to the County and the Operator or Person making such payment shall receive a receipt therefore stating that the full amount of Taxes, penalties and interest thereon have been paid and that the lien is thereby released and the record of lien is satisfied.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §14, 1975)

4.08.280 Refunds

- A. Operator's Refunds. -Whenever the amount of any Tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax ~~a~~Administrator under DCC 4.08, such amount may be refunded, provided a verified claim in writing therefore, stating the specific reason upon which the claim is founded, is filed with the Tax Administrator within three years from the date of payment. -The claim shall be made on forms provided by the Tax Administrator. - If the claim is approved by the Tax Administrator, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the Operator from whom it was collected or by whom paid and the balance may be refunded to the Operator or the Operator's administrator, executor or assignee.

- B. ~~Transient-Occupant~~ Refunds. -Whenever the Tax required by DCC 4.08 has been collected by the Operator, and deposited by the Operator with the Tax Administrator, and it is later determined that the Tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded by the Tax Administrator to the ~~TransientOccupant~~, provided a verified claim in writing therefore, stating the specific reason on which the claim is founded, is filed with the Tax Administrator within three years from the date of payment.

- C. ~~-Refunds by Operator to Occupant.~~ If an Occupant has paid Tax to an Operator but stays a total of 30 or more consecutive days in the same Transient Lodging Facility, the Operator shall refund to the Occupant any tax collected for any portion of the continuous stay. The Operator shall account for the collection and refund to the Tax Administrator. If the Operator has remitted the tax prior to the refund or credit to the Occupant, the Operator shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.

- ~~B-D. Burden of Proof.~~ The Person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §15, 1975)

4.08.290 Transient ~~Room~~Lodging Tax Fund

The Tax Administrator shall place all moneys received pursuant to DCC 4.08 in the Transient-~~Room~~Lodging Tax ~~F~~und.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §16(1), 1975)

4.08.300 Recordkeeping

Every Operator shall, on a current and ongoing basis, keep guest records, accounting books, records of room sales, records of ~~room~~Lodging Tax collected and remitted to the County, and a record of all Operator fees retained by Operator pursuant to DCC 4.08.120.D. -All records shall be retained by the Operator for a

minimum period of three years and six months after the record is created. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §16(2), 1975)

4.08.310 Examination of Records

The Tax Administrator, or any Person authorized in writing by the Tax Administrator, may examine, during regular business hours, the books, papers and accounting records relating to room sales of any Operator after notification to the Operator liable for the Tax and may investigate the business of the Operator in order to verify the accuracy of any return made, or if no return is made by the Operator, to ascertain and determine the amount required to be paid.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §16(3), 1975)

4.08.320 Administration; Confidentiality

It is unlawful for the Tax Administrator, or any Person having an administrative or clerical duty under the provisions of DCC 4.08, to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any Person required to obtain a Transient Occupancy Registration Certificate or pay a Transient Occupancy Tax, or any other Person visited or examined in the discharge of official duty, or the amount of source of income, profits, losses, expenditures or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any Person; provided, that nothing in DCC 4.08.320 shall be construed to prevent:

- A. The disclosure to, or the examination of records and equipment by another County official, employee or agent for collection of Taxes for the sole purpose of administering or enforcing any provision of DCC 4.08; or collecting Taxes imposed under DCC 4.08.
- B. The disclosure after the filing of a written request to that effect, to the Taxpayer themselves, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to any paid Tax, any unpaid Tax or amount of Tax required to be collected or interest and penalties; provided further, that County Legal Counsel approves each such disclosure and that the Tax Administrator may refuse to make any disclosure referred to in DCC 4.08.320 when in the opinion of the Tax Administrator, the public interest would suffer thereby.
- C. The disclosure of the names and addresses of any Persons to whom Transient Occupancy Registration Certificates have been issued.
- D. The disclosure of general statistics regarding Taxes collected or business done in the County.
- ~~E. E. With respect to delinquent Transient room Taxes, the disclosure of information required in accordance with Oregon Revised Statute 192.502(18), or any amendment of said statute. Disclosures required by ORS Chapter 192.~~

Disclosures required by ORS Chapter 297.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §16(4), 1975)

4.08.330 Appeals

Any Person aggrieved by any provisions of the Tax Administrator may appeal to the Board by filing a notice of appeal with the Tax Administrator within twenty (20) days of the Tax Administrator's decision. -The Tax Administrator shall transmit such notice of appeal, together with the file of such appealed matter to the Board who shall fix a time and place for hearing such appeal. -The Board shall give the appellant not less than ten (10) days written notice of the time and place of hearing of such appealed matter.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §17, 1975)

4.08.340 Unlawful Acts; Penalty

It is a violation for any Operator, or other Person so required, to fail or refuse to register as required in DCC 4.08, to fail or refuse to furnish any return required to be made, to fail or refuse to furnish a supplemental return or other data records or information required by the Tax Administrator, to fail or refuse to submit to an audit by or on behalf of the Tax Administrator or to render a false or fraudulent return. No Person required to make, render, sign or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by DCC 4.08. Violation of any provision of DCC Chapter 4.08 is a Class A Violation.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 83-013 §1, 1983; Ord. 203-3 §19, 1975)

Chapter 4.08. TRANSIENT LODGING TAX

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4.08.320 Administration; Confidentiality**4.08.330 Appeals****4.08.340 Unlawful Acts; Penalty****4.08.010 Short Title**

DCC 4.08 shall be known as the Deschutes County Transient Lodging Tax ordinance.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §1, 1975)

4.08.015 Notices

All notices required or permitted to be given under DCC 4.08 may be served personally, by email or by first class mail, postage prepaid, to the recipient of the notice. If notice is mailed to an Operator, it will be addressed to the Operator at the Operator's address as the address appears in the record of the Tax Administrator. Operator is required to provide Tax Administrator with Operator's current address and to provide Tax Administrator with any change of Operator's address. If notice is personally served, it is deemed served at the time of delivery. If notice is served by mail or email, it is deemed served three (3) days after the date the notice is deposited for mailing with the United States Postal Service or the date the email is sent.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005).

4.08.020 Definitions

For the purposes of DCC 4.08, unless otherwise apparent from the context, certain words and phrases used in DCC 4.08 are defined as set forth in DCC 4.08.025- through DCC 4.08.088.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 2001-016 §2, 2001; Ord. 95-029 §1, 1995; Ord. 203-3 §2, 1975)

4.08.025 Definition; Accrual Accounting

"Accrual accounting" means the Operator enters the Rent due from an Occupant on their records when Rent is earned whether or not it is paid.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 2003-3 §2, 1975)

4.08.030 Definition; Board

"Board" means the Deschutes County Board of County Commissioners.

(Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.035 Definition; Cash Accounting

"Cash accounting" means the Operator does not enter the Rent due from an Occupant on their records until Rent is paid.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.040 Definition; County

"County" means Deschutes County and is limited to the unincorporated area of the County.

(Ord. 203-3 §2, 1975)

4.08.042 Definition; Destination Resort

"Destination Resort" means any Transient Lodging Facility which includes on the site of the Transient Lodging Facility, three or more of the following outdoor recreation facilities that are available to Transient Lodging Occupants with or without additional charge: Bike paths, walking trails, running trails or horse trails at least two miles in length, horseback riding facilities, one or more golf courses, tennis courts, skating facilities and one or more swimming pools.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005)

(Repealed by Ord. 2025-006 §1, on 9/1/2025)

4.08.050 Definition; Occupancy and Occupying

"Occupancy" and "Occupying" means the right to the use or possession of any space in Transient Lodging for dwelling, lodging or sleeping purposes for less than 30 consecutive calendar days, counting portions of calendar days as full days.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.052 Definition; Occupant

"Occupant" means any individual, except the owner of a Transient Lodging Facility, who exercises Occupancy or is entitled to Occupancy in Transient Lodging for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days. The day an Occupant checks out of Transient Lodging Facility shall not be included in determining the 30-day period if the Occupant is not charged Rent for that day by the Operator. Any such individual so occupying space in Transient Lodging shall be deemed to be an Occupant until the period of 30 days has expired unless there is an agreement in writing between the Operator and the Occupant providing for a longer period of Occupancy. An owner of Transient Lodging, or a Person who pays for lodging on a monthly basis, regardless of the number of days in such month, shall not be deemed an Occupant for purposes of the Deschutes County Transient Lodging Tax Ordinance.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.055 Definition; Operator

"Operator" means a Transient Lodging Provider or Transient Lodging Intermediary. Both the Transient Lodging Provider and the Transient Lodging Intermediary shall at all times remain jointly and severally obligated with respect to the duties and obligations of the Operator pursuant to the provisions of DCC 4.08. [Compliance with the provisions of DCC 4.08 by either the Transient Lodging Provider or the Transient Lodging Intermediary shall be considered to be in compliance by both.]

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.060 Definition; Person

"Person" means any individual, firm, partnership, joint venture, limited liability company, limited liability partnership, host, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, business entity, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 203-3 §2, 1975)

4.08.062 Definition; Recreation Fee

"Recreation Fee" means a fee charged, assessed, or allocated by a Transient Lodging Facility to an Occupant or Occupants for use of Destination Resort recreation facilities, whether the Transient Lodging Facility charging the Recreation Fee is a Destination Resort or has a contract or agreement with a Destination Resort for use by the Transient Lodging Facility's guests of the recreation facilities of the Destination Resort.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. No. 2005-012 §1, 2005)

4.08.065 Definition; Rent

"Rent" means the consideration paid or payable by an Occupant for the Occupancy of space in Transient Lodging valued in money, goods, labor, credits, property or other consideration. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in Rent. If the fee is not optional, then it shall be included in the Rent. Except as otherwise provided in this section, Rent includes all fees, charges and assessments (including but not limited to, nightly rate, Short-Term Rental Hosting Platform Fees, cleaning or housekeeping fees, or pet fees, cancellation fees, non-refundable deposits, or recreation fees)

charged, assessed or allocated by Operator for the Occupancy of space in Transient Lodging, the payment for which is not optional to the Person occupying space in the Transient Lodging Facility. Rent does not include:

- A. Any taxes, fees, or assessments levied by any other governmental entity;
- B. The sale of any goods, services, or commodities, which are separate and independent from occupancy of a room or space in Transient Lodging Facility;
- C. Any fees, charges or assessments, other than the furnishing of a room or accommodations in Transient Lodging Facility or a parking space in a mobile home, recreational vehicle, or trailer park, the payment for which is optional to the Person occupying the room or rooms in Transient Lodging Facility or parking in a space in a mobile home, recreational vehicle, or trailer park.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.070 Definition; Rent Package Plan

“Rent Package Plan” means the full consideration charged, whether or not received by the Operator, for Rent plus food and/or activities where a single rate is charged for the combination of Rent, food and/or activities. For purposes of determining Deschutes County Transient Room Tax for a Rent Package Plan, the Operator may exclude from Rent an amount allocated by Operator as the Operator’s reasonable cost of providing the food, activity, or activities as part of the Rent Package Plan.

(Ord. 2005-012 §1, 2005; Ord. 2003-003 §2, 1975)

4.08.071 Definition; Short-Term Rental

“Short-Term Rental” means a Transient Lodging Facility for Occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that only allows for residential use. A short-term rental is not allowed in Forest Use Zones or Exclusive Farm Use Zones. Structures or other accommodations utilized as a Short-Term Rental must be lawfully established as a dwelling. Structures, temporary or permanent, other than the primary dwelling on the property, including but not limited to, garage conversions, recreational vehicles, tents, teepees, yurts, tiny homes, accessory dwelling units (ADUs), and similar structures or shelters, are generally not allowed. (Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.072 Definition; Short-Term Rental Hosting Platform

“Short-Term Rental Housing Platform” means a business or other Person that facilitates the retail sale of Transient Lodging by connecting Occupants with Transient Lodging Providers, either online or in any other manner. Short-Term Rental Hosting Platforms are Transient Lodging Intermediaries. (Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.073 Definition; Short-Term Rental Hosting Platform Fees

A hosting platform for Short-Term Rentals (Transient Lodging Intermediaries) may collect a fee for booking services in connection with Short-Term Rentals only when those Short-Term Rentals are lawfully registered as providers with the County and possess a County Certificate of Authority at the time the Short-Term Rental is occupied. The Hosting Platform Fees are to be included as Rent when calculating the Transient Lodging Tax. (Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.074 Definition; Site

“Site” means an individual Transient Lodging Facility, as defined in DCC 4.08, for which there is a separate real property tax account or accounts. An individual site may include more than one unit of separate rentable accommodations.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 97-073 §2, 1997)

4.08.075 Definition; Tax

"Tax" means either the tax payable by the Occupant, or the aggregate amount of taxes due from an Operator from any source and calculated based upon the fees and charges included in Rent whether collected directly by the Operator or collected through or transmitted by a Transient Lodging Intermediary, during the period for which the Operator is required to report collections for the Operator's Transient Lodging.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 203-3 §2, 1975)

4.08.080 Definition; Tax Administrator

"Tax Administrator" means the Chief Financial Officer of Deschutes County, or its designee.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 97-013 §1, 1997; Ord. 203-3 §2, 1975)

(Repealed by Ord. 2025-006 §1, on 9/1/2025)

4.08.086 Definition; Transient Lodging or Transient Lodging Facilities

Transient Lodging or Transient Lodging Facilities means a) Hotel, motel, and inn dwelling units that are used for temporary overnight human occupancy; b) Spaces used for overnight parking of recreational vehicles or placement of tents during periods of human occupancy; or c) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 93-049 §1, 1993; Ord. 203-3 §2, 1975)

4.08.087 Definition; Transient Lodging Provider

"Transient Lodging Provider" means a Person that provides Transient Lodging. (Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.088 Definition; Transient Lodging Intermediary

"Transient Lodging Intermediary" means a Person other than a Transient Lodging Provider that facilitates the retail sale of Transient Lodging and:

- a. Charges for Occupancy of the Transient Lodging;
- b. Collects the consideration charged for Occupancy of the Transient Lodging; or
- c. Receives a fee or commission and requires the Transient Lodging Provider to use a specified third-party entity to collect the consideration charged for Occupancy of the Transient Lodging.

(Adopted by Ord. 2025-006 §1, on 9/1/2025)

4.08.090 Tax Imposed

For the privilege of Occupancy in any Transient Lodging Facility, on and after the effective date of July 1, 2014, as codified in DCC 4.08, each Occupant shall pay a Tax in the amount of eight percent (8%) of the Rent for Occupancy of space in a Transient Lodging Facility. The Tax constitutes a debt owed by the Occupant to the County, which is extinguished only by payment to the Operator as agent for the County. The Occupant shall pay the Tax to the Operator of the Transient Lodging Facility at the time the Rent is paid. The Operator shall enter the Tax on Operator's records when Rent is collected if the Operator keeps records on the Cash accounting basis and when earned if the Operator keeps records on the Accrual accounting basis. If Rent is paid in installments, a proportionate share of the Tax shall be paid by the Occupant to the Operator with each installment. If, for any reason, the Tax due is not paid to the Operator of the Transient Lodging Facility, the Tax Administrator may nevertheless require that such Tax shall be paid by the Operator directly to the County. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2014-023 §1, 2014; Ord. 2005-012 §1, 2005; Ord. 95 029 §1, 1995; Res. 87 053 adopted by the people 11/3/87; Ord. passed 3/11/80: Ord. 203 3 §3, 1975)

4.08.100 Applicability

The Tax imposed by this ordinance shall apply only to those Transient Lodging Facilities located within the unincorporated area of the County.

Amended by Ord. 2025-006 §1, on 9/1/2025; (Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §4, 1975)

4.08.110 Operator; Collection Amount

- A. Every Operator renting rooms in the County, the Occupancy of which is not exempted under the terms of DCC 4.08, shall collect a Tax from the Occupant occupying the room. The Tax collected or accrued by the Operator constitutes property of the County in the possession of the Operator, held in trust by such Operator until conveyed to the County in accordance with the provisions of DCC 4.08.
- B. In all cases of credit or deferred payment of Rent by the Occupant, the payment of Tax to the Operator may be deferred until the Rent is paid, and the Operator shall not be liable for the Tax until credits are paid or deferred payments are made.
- C. While holding the payment in trust for the County, an Operator may commingle the tax proceeds with the Operator's funds, but the Operator is not the owner of tax proceeds, except that, when a return is filed, the Operator becomes the owner of the collection reimbursement charge authorized to be retained.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 97-073 §1, 1997; Ord. 95-029 §1, 1995; Ord. 203-3 §5, 1975)

4.08.120 Operator; Collection Procedure; Operator Fee

- A. Each Operator shall collect the Tax imposed by DCC 4.08 at the same time as the Rent is collected from every Occupant.
- B. The amount charged by an Operator for Deschutes County Transient Lodging Tax shall be separately stated on all records of Operator and on all bills, invoices, and receipts rendered by Operator and shall be specifically identified on all Operator records, bills, invoices and receipts as "Deschutes County Lodging Tax." The amounts listed by an Operator on the Operator's records, bills, invoices and receipts as "Deschutes County Lodging Tax" must accurately state the amount of Tax and shall not include any other taxes, fees, charges or assessments.
- C. No Operator of a Transient Lodging Facility shall advertise that the Tax or any part of the Tax will be assumed or absorbed by the Operator, or that it will not be added to the Rent, or that, when added, any part will be refunded, except in the manner provided by DCC 4.08.
- D. The Operator may retain, as a collection reimbursement fee, up to five percent (5%) of all Deschutes County Transient Lodging Tax revenues collected by Operator.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §6, 1975)

4.08.125 Personal Liability

Each Person who uses, expends, diverts any Tax held in trust, or withholds or authorizes or directs such use, expenditure, diversion, or withholding, shall be personally liable to the County for all Taxes so used, expended, diverted, or withheld, plus all penalties and interest accrued or imposed as a result of such action. (Ord. 2005-012 §1, 2005; Ord. 97-073 §2, 1997)

4.08.127 Penalties; Noncompliance with Advertising Requirements

It is a violation for any Operator who places or causes to appear through any medium an advertisement soliciting reservations or Rental availability for any location if such advertisement does not include the Certificate of Authority number as prescribed in DCC 4.08.140. No Operator shall fail or refuse to furnish information related to the advertising of any location upon request of the Tax Administrator. Violation of any provisions of DCC 4.08.127 is a Class A Violation.

(Ord. 2005-012 §1, 2005; Ord. 97-073 §2, 1997)

4.08.130 Exemptions

No Tax imposed under DCC 4.08 shall be imposed upon:

- A. A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;
- B. A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;
- C. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter;
- D. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or
- E. A dwelling unit that is leased or otherwise occupied by the same Person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:
 - a. All dwelling units occupied are within the same facility; and
 - b. The Person paying consideration for the transient lodging is the same Person throughout the consecutive period.
- F. The United States Government when a federal employee is on federal government business and the lodging for the employee is directly paid for by the government or employee with a government-issued check, credit card, purchase order or other form of procurement document.
- G. Any Federally Chartered organization when an organization employee is on organization business and the lodging for the employee is directly paid for by the organization or employee with an organization-issued check, credit card, purchase order or other form of procurement document.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 93-049 adopted by the people 11/9/93; Ord. 93-020 §1, 1993; Ord. 203-3 §7, 1975)

4.08.140 Operator-Registration; Form and Contents; Execution; Certificate of Authority

- A. Every property owner engaging or about to engage in business as a Transient Lodging Provider in the County shall provide a completed registration form for a Certificate of Authority to the Tax Administrator within 15 calendar days after commencing business. The privilege of registration after the date of imposition of such Tax shall not relieve any Person from the obligation of payment or collection of Tax regardless of registration. The Transient Lodging Provider's obligation to collect the transient lodging tax is imposed once Rent for the Transient Lodging is paid, even if the registration form has not been filed or if the Certificate of Authority has not been issued.
- B. When registering, registrants will be required to pay an administrative fee for the initial registration, in accordance with the County Fee Schedule. The registrant shall provide the Tax Administrator with the following information: (1) Property owner as listed in the Deschutes County property tax records, (2) the name under which an Operator transacts or intends to transact business; (3) the mailing address of their place or places of business; (4) physical address of the Short-Term Rental; (5) email address; (6) phone number; (7) name and contact information of property manager or agent, (8) any such other information to facilitate the collection of the Tax as the Tax Administrator may require. The registration form shall provide for submission of the information required by DCC 4.08.140, shall set forth in full the requirements imposed by DCC 4.08 regulating an Operator's advertisement of Transient Lodging accommodations, and shall be signed by the Operator. Upon request of the Tax Administrator, at the time of registration or at any other time, an Operator shall provide the address of each Transient Lodging Facility, which is subject to DCC 4.08, and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible Person for the location.
- C. Upon approval, the Tax Administrator shall, within ten (10) business days after registration, issue a Certificate of Authority to collect the Tax. Certificates shall be non-assignable and nontransferable. The

Operator shall notify the Tax Administrator upon the cessation of business at the location named or upon its sale or transfer. Each Certificate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all Occupants and Persons seeking Occupancy. The Certificate of Authority must be renewed annually. Property owners will be required to pay an administrative fee for the certificate renewal, in accordance with the County Fee Schedule.

- D. The Certificate shall, among other things, state the following:
1. The name of the property owner;
 2. The name of the Operator, if different from property owner;
 3. The physical address of the Transient Lodging Facility;
 4. The date upon which the certificate was issued and expires;
 5. The Deschutes County Certificate of Authority (DCCA) number, as assigned by the Tax Administrator; and
 6. This Certificate of Authority signifies that the Person named on the face hereof has fulfilled the requirements of the Transient Lodging Tax Ordinance of the County of Deschutes by registration with the Tax Administrator for the purpose of collecting from Occupants the Lodging Tax imposed by said County and remitting said Tax to the Tax Administrator.
- E. Failure to register for a Certificate of Authority, failure to complete the registration renewal, or operating a short-term rental without a current Certificate of Authority shall be deemed a Class A Violation.
(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 97-073 §1, 1997; Ord. 95-029 §1, 1995; Ord. 203-3 §8, 1975)

4.08.145 Operator; Advertising of Transient Lodging Rentals; Identification Required

Every Operator, in placing advertisements soliciting business for any location represented, operated or marketed by that Operator, must include the Certificate of Authority (DCCA) number. Any property not displaying the DCCA number in an advertisement shall be deemed a Class A Violation. For purposes of DCC 4.08, advertisement includes any print, electronic, or audio media, including, but not limited to, advertisements appearing in newspapers, magazines, newsletters, flyers, internet sites, or any other advertising medium, regardless of origin, distribution method, or distribution location of such medium. Such identification shall appear as “DCCA #” followed by the Certificate number assigned by the Tax Administrator for that location, shall appear in a readable size and font, if applicable, and shall be placed in such location that it is readily noticed as a part of the advertisement. This advertising requirement does not apply to Operators whose Certificate of Authority is assigned to only one physical location, and that location provides six or more rooms or individual units available for Transient Occupancy. If the Rent transaction is facilitated online, the Certificate of Authority number (DCCA #) must be visible to the Occupant in the advertisement.
(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 97-073 §2, 1997)

4.08.150 Returns and Payments; Date Due

- A. The Tax imposed by DCC 4.08 shall be paid by the Occupant to the Operator at the time that Rent is paid. All amounts of such Taxes collected by an Operator, or for which the Tax is otherwise owed by Operator to County, are due and payable to the Tax Administrator on a monthly basis when the estimated amount of average tax is more than fifty dollars (\$50) a month. When the estimated monthly amount of average tax due and payable to the Tax Administrator is fifty dollars (\$50) or less, the Operator has the option of paying on a quarterly basis. Monthly or quarterly reporting is required regardless if Tax is owed. For monthly filers, reports are due no later than the 15th day of the following month. For quarterly filers, reports are due no later than the 15th day of the month following the end of each calendar quarter (April 15th, July 15th, October 15th, January 15th). Taxes are delinquent if not paid to the Tax Administrator by the last day of the month in which such Taxes are due and payable to the Tax Administrator.
- B. On or before the 15th day of the month following each month or quarter (as set forth in 4.08.150(A)) of collection, every Operator liable for payment of Tax shall file a return or returns for the preceding month's

or quarter's Tax collections with the Tax Administrator. The return or returns shall be filed online or in such format or on such forms as the Tax Administrator may prescribe. For private owners using a Transient Lodging Intermediary that collects and remits the Transient Lodging Tax to the Tax Administrator on behalf of the private owner, a quarterly report is required to be submitted by the private owner including data as described in 4.08.150 (C), as well as listing the Transient Lodging Intermediary Rents as a deduction.

- C. Returns shall show the amount of Tax collected or otherwise due for the related period by site. The Tax Administrator may require returns to show any or all of the following:
 - 1. The sites for which Rental income was collected during the month, listed by address and the number of separately rentable units per site;
 - 2. Gross receipts of Operator for such period;
 - 3. The total Rentals upon which Tax was collected or otherwise due;
 - 4. An explanation in detail of any discrepancy between such amounts; and
 - 5. Any new units added from the previous months or any units deleted from the previous months; and
 - 6. The amount of Rents exempt, if any.
- D. Annually in September, the Transient Lodging Intermediary shall submit to the Tax Administrator at the office of the Tax Administrator, by electronic submission, a complete address-specific list with Tax amounts of all properties submitted in previous tax reports for Transient Lodging from July 1 – June 30 of the past fiscal year.
- E. The Person required to file the return shall deliver the return, together with payment of the amount of the Tax due, to the Tax Administrator, at the office of the Tax Administrator, through the County's reporting and payment portal furnished by the Tax Administrator, or its designee, by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.
- F. For good cause, the Tax Administrator may extend the time for making any return or payment of Tax for a period not to exceed 30 days. No further extension shall be granted, except by the Board. Any Operator to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of Tax due without proration for a fraction of a month. If a return is not filed, and the Tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the Tax for computation of penalties described elsewhere in DCC 4.08.
- G. Failure to complete and submit the required monthly or quarterly reporting form(s) is a Class A Violation. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-042, §1, 2005; Ord. 2005-012 §1, 2005; Ord. 97-073 §1, 1997; Ord. 95-029 §1, 1995; Ord. 203-3 §9, 1975)

4.08.160 Penalties and Interest; Delinquency

Any Operator who has not been granted an extension of time for remittance of Tax due and who fails to remit any Tax imposed by DCC 4.08 prior to delinquency shall pay a penalty of ten percent (10%) of the amount of the Tax due in addition to the amount of the Tax.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(1), 1975)

4.08.170 Penalties and Interest; Continued Delinquency

Any Operator who has not been granted an extension of time for remittance of Tax due, and who fails to pay any delinquent remittance on or before thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the Tax due plus the amount of the Tax and the ten percent (10%) penalty first imposed.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(2), 1975)

4.08.180 Penalties and Interest; Fraud

If the Tax Administrator determines by clear and convincing evidence that the nonpayment of any remittance due under DCC 4.08 is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent

(25%) of the amount of the Tax shall be added thereto in addition to the penalties stated in DCC 4.08.160 and DCC 4.08.170.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(3), 1975)

4.08.190 Penalties and Interest; Assessment of Interest

In addition to the penalties imposed, any Operator who fails to remit the Tax imposed by DCC 4.08 shall pay interest at the rate of one-half of one percent per month, or fraction thereof, without proration for portions of a month, on the amount of the Tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(4), 1975)

4.08.200 Penalties and Interest; Penalties Merged with Tax

Every penalty imposed and such interest as accrues under the provisions of DCC 4.08.200 shall be merged with and become a part of the Tax required to be paid pursuant to DCC 4.08.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §10(5), 1975)

4.08.210 Penalties and Interest; Petition for Waiver

Any Operator who fails to remit the Tax levied in DCC 4.08 within the time stated in DCC 4.08 shall pay the penalties stated in DCC 4.08; provided, however, the Operator may petition for waiver or refund of any penalty, or any portion thereof. If the total penalty due does not exceed \$10,000, any petition for waiver or refund of penalties shall be directed to and determined by the Tax Administrator. If the total penalty due exceeds \$10,000, any petition for waiver or refund of penalties shall be directed to and determined by the Board. Upon receipt of a petition for waiver or refund of penalties as set forth herein, the Tax Administrator or Board may, if a good and sufficient reason is shown, waive or direct a refund of the penalty or any portion thereof.

(Ord. 2005-012 §1, 2005; Ord. 2002-022 §1, 2002; Ord. 95-029 §1, 1995; Ord. 203-3 §10(6), 1975)

4.08.220 Deficiency Determination

If the Tax Administrator determines that any return is incorrect, the Tax Administrator may compute and determine the amount required to be paid upon the basis of the facts contained in the return or upon the basis of any information within the possession of or available to the Tax Administrator. One or more deficiency determinations may be made on the amount due for one, or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as provided in DCC 4.08 after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in DCC 4.08.160 through DCC 4.08.210.

- A. In making a determination, the Tax Administrator may offset overpayments if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in DCC 4.08.160 through DCC 4.08.210.
- B. The Tax Administrator shall give to the Operator a written notice of the determination made by the Tax Administrator. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the Operator at the Operator's address as it appears in the records of the Tax Administrator. In case of service by mail of any notice required by DCC 4.08 the service is complete at the time of deposit in the United States Post Office.
- C. Except in the case of fraud or intent to evade DCC 4.08 or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the month for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

- D. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten (10) days after the Tax Administrator has given notice thereof; provided, however, the Operator may petition for redemption and refund if the petition is filed before the determination becomes final as provided for in DCC 4.08.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §11(1), 1975)

4.08.230 Fraud; Refusal to Collect; Evasion

If any Operator shall fail or refuse to collect the correct Lodging Tax set forth in DCC 4.08 or to make, within the time provided in DCC 4.08 any report and remittance of such Tax or any portion thereof required by DCC 4.08, or makes a fraudulent return or otherwise willfully attempts to evade DCC 4.08, the Tax Administrator shall proceed in such manner as the Tax Administrator may deem best to obtain facts and information on which to base an estimate of the Tax due. As soon as the Tax Administrator has determined the Tax due that is imposed by DCC 4.08 from any Operator who has failed or refused to collect the same and to report and remit such Tax, the Tax Administrator shall proceed to determine and assess against such Operator the Tax, interest and penalties provided for by DCC 4.08. In case such determination is made, the Tax Administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the Tax Administrator of any fraud, intent to evade or failure or refusal to collect such Tax, or failure to file return. Any amount of Tax, interest, and penalties, which the Tax Administrator determines are owed, shall become due and payable immediately upon service of notice by the Tax Administrator of the amount of deficiency. The determination shall become final within ten (10) days after service of notice of the amount owed. The Operator may petition for redemption and refund if the petition is filed with the Tax Administrator before the determination becomes final as provided in this section. The failure or refusal of an Operator to collect or remit any Tax or Taxes required under DCC 4.08 is a Class A Violation.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §11(2), 1975)

4.08.240 Operator Delay

If the Tax Administrator believes that the collection of any Tax or any amount of Tax required to be collected and paid to the County will be jeopardized by delay, or if any determination will be jeopardized by delay, the Tax Administrator shall make a determination of the Tax or amount of Tax required to be collected, noting the determination. The amount so determined as provided in DCC 4.08 shall be immediately due and payable, and the Operator shall immediately pay same determination to the Tax Administrator after service of notice thereof; the Operator may file a petition, after payment has been made, for redemption and refund of all or a portion of any amount paid if the petition is filed within ten (10) days from the date of service of notice by the Tax Administrator.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §11(3), 1975)

4.08.250 Redeterminations

- A. Any Person against whom a determination is made under DCC 4.08.220, 4.08.230 and 4.08.240 or any Person directly interested may petition for a redetermination and redemption and refund within the time required in DCC 4.08.220, 4.08.230 and 4.08.240. If a petition for redetermination and refund is not filed within the time required in DCC 4.08.220, 4.08.230 and 4.08.240, the determination becomes final at the expiration of the time allowed to submit a petition.
- B. If a petition for redetermination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination, and if the Person has so requested in the petition, shall grant the Person an oral hearing and shall give the Person twenty (20) days written notice of the time and place of the hearing. The Tax Administrator may continue the hearing from time to time as may be necessary.

- C. The Tax Administrator may decrease or increase the amount of the determination as a result of the hearing and considering all information and, if an increase is determined, such increase shall be payable within 48 hours after the hearing.
 - D. The decision of the Tax Administrator upon a petition for redetermination of redemption and refund becomes final ten (10) days after service upon the petitioner of notice thereof, unless appeal of such order or a decision is filed with the Board within ten (10) days after service of such notice.
 - E. No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the Operator has first complied with the payment provisions of DCC 4.08.
- (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §12, 1975)

4.08.260 Security for Collection of Tax

- A. The Tax Administrator, after delinquency and when the Tax Administrator, in the Tax Administrator's sole discretion, deems it necessary to ensure compliance with DCC 4.08, may require any Operator to deposit with the Tax Administrator such security in the form of cash, bond or other security as the Tax Administrator deems appropriate. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the Operator's estimated average monthly liability for the period for which the Operator files returns, determined in such manner as the Tax Administrator deems proper, or \$10,000, whichever amount is less. The amount of the security may be increased or decreased by the Tax Administrator subject to the limitations provided in DCC 4.08.
 - B. At any time within three years after any Tax or any amount of Tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the Tax Administrator may bring an action in any court of the State of Oregon, or of the United States, in the name of the County to collect the amount delinquent together with penalties and interest.
- (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §13, 1975)

4.08.270 Lien

- A. The Tax imposed by DCC 4.08 together with the interest and penalties provided in DCC 4.08 and the filing fees paid to the County Clerk and advertising costs which may be incurred when the same becomes delinquent as set forth in DCC 4.08 shall be and, until paid, remain a lien from the date of the recording with the County Clerk a Notice of Lien, which shall be superior to all subsequent recorded liens on all tangible Personal property used in the Transient Lodging of an Operator or where applicable, all business property of the Operator, and may be foreclosed on and sold as may be necessary to discharge such lien, if the lien has been recorded. Notice of Lien may be issued by the Tax Administrator, or a deputy of the Tax Administrator, whenever the Operator is in default in the payment of such Tax, interest, and penalty and shall be recorded, and a copy sent to the delinquent Operator. The Personal property subject to such lien seized by any deputy or employee of the Tax Administrator may be sold by the department seizing the same at public auction after ten (10) days' notice, which shall mean one publication in a newspaper of general circulation within the County.
 - B. Any lien for Taxes as shown on the records of the proper County official shall, upon the payment of all Taxes, penalties and interest thereon, be released by the Tax Administrator when the full amount determined to be due has been paid to the County and the Operator or Person making such payment shall receive a receipt therefore stating that the full amount of Taxes, penalties and interest thereon have been paid and that the lien is thereby released and the record of lien is satisfied.
- (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2020-005 §1, 2020; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §14, 1975)

4.08.280 Refunds

- A. Operator's Refunds. Whenever the amount of any Tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under DCC 4.08, such amount may be refunded, provided a verified claim in writing therefore, stating the specific reason upon which the claim is founded, is filed with the Tax Administrator within three years from the date of payment. The claim shall be made on forms provided by the Tax Administrator. If the claim is approved by the Tax Administrator, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the Operator from whom it was collected or by whom paid and the balance may be refunded to the Operator or the Operator's administrator, executor or assignee.
- B. Occupant Refunds. Whenever the Tax required by DCC 4.08 has been collected by the Operator, and deposited by the Operator with the Tax Administrator, and it is later determined that the Tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded by the Tax Administrator to the Occupant, provided a verified claim in writing therefore, stating the specific reason on which the claim is founded, is filed with the Tax Administrator within three years from the date of payment.
- C. Refunds by Operator to Occupant. If an Occupant has paid Tax to an Operator but stays a total of 30 or more consecutive days in the same Transient Lodging Facility, the Operator shall refund to the Occupant any tax collected for any portion of the continuous stay. The Operator shall account for the collection and refund to the Tax Administrator. If the Operator has remitted the tax prior to the refund or credit to the Occupant, the Operator shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.
- D. Burden of Proof. The Person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §15, 1975)

4.08.290 Transient Lodging Tax Fund

The Tax Administrator shall place all moneys received pursuant to DCC 4.08 in the Transient Lodging Tax Fund.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §16(1), 1975)

4.08.300 Recordkeeping

Every Operator shall, on a current and ongoing basis, keep guest records, accounting books, records of room sales, records of Lodging Tax collected and remitted to the County, and a record of all Operator fees retained by Operator pursuant to DCC 4.08.120.D. All records shall be retained by the Operator for a minimum period of three years and six months after the record is created. (Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §16(2), 1975)

4.08.310 Examination of Records

The Tax Administrator, or any Person authorized in writing by the Tax Administrator, may examine, during regular business hours, the books, papers and accounting records relating to room sales of any Operator after notification to the Operator liable for the Tax and may investigate the business of the Operator in order to verify the accuracy of any return made, or if no return is made by the Operator, to ascertain and determine the amount required to be paid.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §16(3), 1975)

4.08.320 Administration; Confidentiality

It is unlawful for the Tax Administrator, or any Person having an administrative or clerical duty under the provisions of DCC 4.08, to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any Person required to obtain a Transient Occupancy Registration Certificate or pay a Transient Occupancy Tax, or any other Person visited or examined in the discharge of official duty, or the amount of source of income, profits, losses, expenditures or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any Person; provided, that nothing in DCC 4.08.320 shall be construed to prevent:

- A. The disclosure to, or the examination of records and equipment by another County official, employee or agent for collection of Taxes for the sole purpose of administering or enforcing any provision of DCC 4.08; or collecting Taxes imposed under DCC 4.08.
- B. The disclosure after the filing of a written request to that effect, to the Taxpayer themselves, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to any paid Tax, any unpaid Tax or amount of Tax required to be collected or interest and penalties; provided further, that County Legal Counsel approves each such disclosure and that the Tax Administrator may refuse to make any disclosure referred to in DCC 4.08.320 when in the opinion of the Tax Administrator, the public interest would suffer thereby.
- C. The disclosure of the names and addresses of any Persons to whom Transient Occupancy Registration Certificates have been issued.
- D. The disclosure of general statistics regarding Taxes collected or business done in the County.
- E. Disclosures required by ORS Chapter 192.

Disclosures required by ORS Chapter 297.

(Amended by Ord. 2025-006 §1, on 9/1/2025; Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §16(4), 1975)

4.08.330 Appeals

Any Person aggrieved by any provisions of the Tax Administrator may appeal to the Board by filing a notice of appeal with the Tax Administrator within twenty (20) days of the Tax Administrator's decision. The Tax Administrator shall transmit such notice of appeal, together with the file of such appealed matter to the Board who shall fix a time and place for hearing such appeal. The Board shall give the appellant not less than ten (10) days written notice of the time and place of hearing of such appealed matter.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 203-3 §17, 1975)

4.08.340 Unlawful Acts; Penalty

It is a violation for any Operator, or other Person so required, to fail or refuse to register as required in DCC 4.08, to fail or refuse to furnish any return required to be made, to fail or refuse to furnish a supplemental return or other data records or information required by the Tax Administrator, to fail or refuse to submit to an audit by or on behalf of the Tax Administrator or to render a false or fraudulent return. No Person required to make, render, sign or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by DCC 4.08. Violation of any provision of DCC Chapter 4.08 is a Class A Violation.

(Ord. 2005-012 §1, 2005; Ord. 95-029 §1, 1995; Ord. 83-013 §1, 1983; Ord. 203-3 §19, 1975)



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Board direction to schedule a hearing in response to the complaint by Amy Varner against Rodney Dieckhoff, President of the Four Rivers Vector Control District

RECOMMENDED ACTION:

Following review of the multiple response documents submitted by the District, staff recommends that the Board of Commissioners, in accordance with ORS 452.120(2), convene a hearing to consider the complaint submitted on April 2, 2025 by Amy Varner.

While staff concludes that the issues raised in the complaint have been adequately addressed by the District, and that “cause” does not exist for removal of Rodney Dieckhoff, ORS 452.120(2) mandates that the BOCC hold a hearing to formally consider the complaint.

The BOCC may remove a district trustee only for cause. In similar matters, the BOCC has determined that criteria indicative of “cause” includes: (a) change in elector status; (b) missing Board meetings; (c) self-dealing; (d) ineptitude; (e) misappropriation of funds; (f) conduct which exposes the district to unreasonable risk of liability; or (g) disruptive behavior at Board meetings.

Suggested Motion:

Move to direct staff to coordinate with the parties for the scheduling of a hearing at which time the BOCC will review the complaint and responses and determine if cause exists to remove Four Rivers Vector Control District President Rodney Dieckhoff.

BACKGROUND AND POLICY IMPLICATIONS:

County staff received a complaint filed by Amy Varner on April 2, 2025 (copy attached). The complaint was forwarded to the Four Rivers Vector Control District for a response. A timely response packet was received from the District Board on May 5, 2025, a copy of which is also attached.

The role of the County with regard to vector control districts is described in ORS Chapter 452. In summary, the BOCC appoints a governing board of five trustees; each trustee is appointed for a term of 4-years. Trustees must be residents and electors of the district. ORS 452.090 provides that the BOCC may remove any trustee from office for cause.

BUDGET IMPACTS:

None

ATTENDANCE:

County Legal

Complaint

From: Amy Varner <Amy.Varner@fib.com>

Sent: Wednesday, April 2, 2025 7:16 AM

To: Patti Adair <Patti.Adair@deschutes.org>; Tony DeBone <Tony.DeBone@deschutes.org>; Phil Chang <Phil.Chang@deschutes.org>

Subject: Four Rivers Vector Control

You don't often get email from amy.varner@fib.com. [Learn why this is important](#)

Caution: External email to Deschutes County: If unexpected or unfamiliar, be cautious with links and attachments. Contact your IT Dept if unsure.

Hi Patti, Tony and Phil,

I am resending this letter as I ran into Phil and he said he did not receive this email.

I was told by Patti that I could file a formal legal complaint against Rodney Dieckhoff, President of Four Rivers Vector Control for retaliatory and unethical behavior.

As a board member, I feel it is one of our fiduciary responsibilities to make sure invoices and receipts for purchases are valid for this board considering the last board had some issues with Chad having sketchy transactions in the past. I feel Sierra, Rodney and Lawrie have taken over the same behavior. I have requested the bank statements be provided to the whole board in January at our board meeting, I was even made to complete a public paper request at the board meeting, which I did.

I had to request them three more times as they made no attempt to provide them after 3 weeks. I finally received those on February 18th. When I did receive them, Rodney had went into my place of employment and complained about me to a colleague and wanted my bosses phone number so he could complain to her about me as well. He told my colleague I was toxic and trying to stir up trouble by needing receipts and statements for charges his daughter in law was making. After hearing about it, I immediately called Rodney and questioned him about it and he denied it. He then called the colleague back and wanted to know if he had cameras and a microphone in his office and why did he tell me? I feel this is retaliation and unwarranted as I do not represent the Bank I work for as being part of this board. It was unethical of him to do so, and frankly defamation of character.

I then requested the receipts for the charges for the bank and credit cards as again, I noticed quite a few charges that didn't make sense and seem to be for personal use. Rodney then went in again on March 5 to my place of employment and spoke poorly about me again to a colleague, again requesting to talk to my boss. Rodney and his daughter-in-law Sierra who work in the office are wanting me to pay over 400.00 for receipts I should already have access to for being part of this board and member of the community, considering Rodney, Sierra and Lawie Dieckhoff already have access to these. I did speak with Dave Doyle regarding being charged, he also stated it's my fiduciary responsibility to make sure things are right. I feel this behavior is unethical and not part of who Four Rivers Vector Control wants to be. I'm requesting Rodney be dismissed immediately from this board for unethical behavior, defamation of character and retaliation, not to mention the nepotism and a huge conflict of interest.

They are fighting me so hard on looking at receipts. I'm wondering why, what are they hiding? All I am trying to do is being a proactive board member and making sure everything is intact and legal.

They now want to hold a "work meeting" for all of us board members tonight so we can go over charges in question. When I told them again that it is a conflict of interest for Rodney and Lawrie to not only be writing Sierra's paychecks as well as giving her bonuses without board approval, but to need to be present while we discuss questionable charges made by Sierra, they said no it is not.

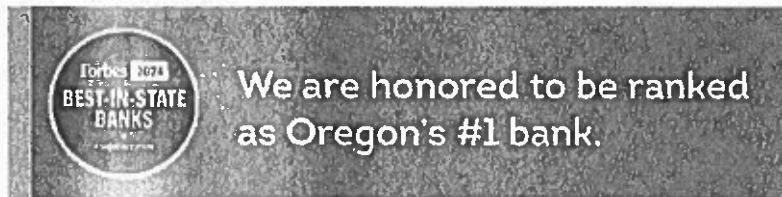
Please advise and let me know this has been received.

Amy Varner

Amy Varner
BRANCH MANAGER
NMLS #1677290
O: 541-330-7612 | F: 541-388-0762
amy.varner@fib.com



61250 S Hwy 97
Bend, OR 97702
firstinterstate.com



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District Responses



Four Rivers Vector Control <fourriversvectorcontrol@gmail.com>

Notice of Formal Complaint

1 message

Duncan Atwood <duncanjatwood@gmail.com>

Wed, Apr 23, 2025 at 3:26 PM

To: Vector Control Four Rivers <fourriversvectorcontrol@gmail.com>

Hello Myles,

Thank you for sending this information regarding the formal complaint made. As a board member, I want the district staff to feel like I have their best interests, as well as the district community's best interests at heart. Both groups are extremely important towards the success of the vector control district.

I would like to make this abundantly clear: I do not agree with the way that board member Amy Varner has characterized any of her complaints and I do not agree that there is any reason for her to have made this formal complaint.

I do hope that this can all be sorted out fairly and quickly as I believe our focus and yours should not be on this. I believe that what Amy Varner has requested, regarding bills, receipts, etc, falls entirely in the general manager's (yourself) scope of responsibilities to make decisions. That is the job we have hired you to do. As long as you are making decisions with the community's best interests at the forefront and making sure your staff is appreciated and supported, I believe strongly that we should allow you to do the job you were hired to do.

This year has a possibility to be one of the worst mosquito seasons we've had in awhile, and I wish we didn't have this hanging over all of our heads going into the mosquito season. Please let me know how I can support you and your staff through this mosquito season.

Sincerely,
Duncan Atwood

Four Rivers Vector Control
 56478 Solar Drive
 Bend, OR 97707
fourriversvectorcontrol@gmail.com
 04.03.2025

Patti Adair
 Tony DeBone
 Phil Chang
 1300 NW Wall Street
 Bend, OR 97703

Subject: Response to Concerns Raised by Amy Varner

Dear Commissioners Adair, DeBone, and Chang,

This letter serves as an official response to the concerns raised by Board Member Amy Varner regarding the operations and governance of Four Rivers Vector Control. The statements made in her email contain inaccuracies and misrepresentations that require clarification.

First and foremost, there is no conflict of interest or nepotism within Four Rivers Vector Control. While Sierra Dieckhoff, Rodney Dieckhoff, and Lawrie Dieckhoff are related, the board does not have the authority to hire or supervise the Office Manager position. That responsibility falls under the jurisdiction of the Operations Manager. The hiring and supervisory process is conducted with transparency and adherence to all applicable laws and policies. We have confirmed this with the Special Districts Association of Oregon.

Additionally, all members of the public, including board members, are required to follow the public records request policy as set forth by both the district and state regulations. According to Oregon law (**ORS 192.318**), no board member may use their position to access documents in a manner that would not be available to them if they were not a board member. The district has procedures in place for reviewing documents, and any review must be approved by the board as a whole. In this case, Amy did not seek board approval before requesting documents. Instead, she acted independently, which classified her request as a public records request, subject to standard processing and fees. **ORS 192.324** allows public entities to establish reasonable fees for the actual costs incurred in fulfilling records requests. Since the estimated cost exceeded \$25, a written estimate was provided, as required by law. Despite this, Amy argued that she should not have to pay because of her board position, which constitutes an attempt to use her role for personal financial benefit—potentially violating **ORS 244.040** (Ethics Law prohibiting financial gain through public office).

Four Rivers Vector Control has only one staff member responsible for handling public records requests, in addition to their daily operational duties. We made every effort to provide the requested documents in a timely manner. However, additional time was needed to ensure compliance with **ORS 192.329** and to clarify with the Special Districts Association of Oregon

(SDAO) that no personal information required redaction on the bank statements. The delay of several days was due in part to awaiting a response, as well as seeking guidance from the Oregon Public Records Advocate on the correct process for handling public records requests involving a board member. Ms. Varner's request was acknowledged within the statutory timeframe.

Regarding the matter of Rodney Dieckhoff's inquiry with First Interstate Bank, this was necessary due to concerns surrounding Ms. Varner's request for bank statements and credit card records to be emailed directly to her, as she is an employee of the bank. This raised questions about the bank's internal policy on employees accessing customer information. Rodney Dieckhoff sought clarification from Ms. Varner's superior because the teller and branch manager were unable to provide a definitive answer. This action was taken to ensure compliance with banking regulations and to prevent any unauthorized access to financial records.

Furthermore, neither Rodney Dieckhoff nor Lawrie Dieckhoff have unrestricted access to district banking documents. As Board Chair, Rodney serves as an authorized signer for financial transactions, including payroll. This oversight mechanism was implemented prior to Ms. Varner's tenure on the board as an added layer of financial control. Previously, the former manager was the sole individual writing and signing checks, a practice that was revised to enhance accountability. The assertion that Rodney Dieckhoff unilaterally approved employee bonuses without board consent is inaccurate. Employee compensation, including any bonuses, was reviewed and approved during the budget approval process by both the budget committee and the board.

It is concerning that Ms. Varner continues to levy unfounded accusations against employees who do not report to her. If she had legitimate concerns about financial mismanagement, the proper protocol would have been to bring these concerns to the Operations Manager, who oversees employee conduct. Instead, she has chosen to publicly question the integrity of employees without substantiating her claims. Moreover, her repeated disparagement of Sierra Dieckhoff during board meetings, where Sierra is not given an opportunity to respond, constitutes inappropriate and unprofessional conduct.

Ms. Varner has also spread misleading and unverified information regarding Rodney and Lawrie Dieckhoff's personal friends and family members at First Interstate Bank. Such statements have led Lawrie Dieckhoff to file a personal complaint against Ms. Varner, an action entirely separate from district matters.

Four Rivers Vector Control remains committed to transparency, ethical governance, and the responsible management of public resources. The board will continue to ensure that all policies are followed, and that all members, including Ms. Varner, adhere to the appropriate channels for raising concerns and accessing information.

Sincerely,

Four Rivers Vector Control Staff

Myles Bowlin
Operations Manager

Four Rivers Vector Control
541-593-1689

fourriversvectorcontrol@gmail.com

Sierra Dieckhoff
Office Manager

Sierra Dieckhoff
Office Manager
Four Rivers Vector Control District
fourriversvectorcontrol@gmail.com
04.10.2025

Patti Adair
Tony DeBone
Phil Chang
1300 NW Wall Street
Bend, OR 97703

Subject: Response and Complaint Regarding Concerns Raised by Board Member Amy Varner

Dear Commissioners Adair, DeBone, and Chang,

I am writing this letter as both a formal response and a complaint regarding the recent concerns raised by Board Member Amy Varner. Her behavior as a board member has been unprofessional and inappropriate, and it's having a serious negative impact on both my work and the workplace as a whole.

Amy consistently ignores the board meeting agenda and brings up off-topic issues that slow down and disrupt meetings. She has tried to use her position to get access to information and make decisions that go beyond the role of a board member. This includes attempting to benefit personally in ways that appear to violate Oregon ethics law (ORS 244.040) and not following public records laws.

She has falsely accused me, Sierra Dieckhoff, of misusing district funds. These claims were made without ever speaking to Myles Bowlin, the Operations Manager, who is my direct supervisor and responsible for overseeing district spending. Instead of following proper channels, she has gone out of her way to accuse and target me in public meetings.

Amy has requested credit card receipts and bank statements not out of concern for the district's finances, but because the card is in my name. She seems more interested in micromanaging my actions than supporting the district. All expenses are within budget and handled according to procedure. Her actions are overreaching and unnecessary.

This situation appears to be more about Amy not getting her way rather than having legitimate concerns. Her behavior has become increasingly petty and disruptive, and she is going to great lengths to file complaints that do not serve the best interests of the district. Rather than working collaboratively, she chooses to act in a combative and unproductive way that resembles immature behavior.

It's clear that this is rooted in her belief that there is nepotism because I am related to Rodney Dieckhoff, the Four Rivers Vector Control Board President. However, Rodney has been nothing

but professional and helpful. He has worked hard to help stabilize the district and improve operations. He is always available when staff have questions or need assistance, and he listens to concerns and supports us in a respectful and appropriate manner. The board has also confirmed with SDAO that there is no conflict of interest, as my position is supervised by the Operations Manager, not the board.

Amy, on the other hand, has not contributed anything meaningful to the district. Instead, she regularly disrupts our work. Staff, including myself, are constantly being pulled away from our job responsibilities to address her demands, which are often not relevant to our duties or the district's needs. Her actions are making the district less efficient and more stressful for everyone.

Amy continues to speak negatively about me in public meetings but has never come to Myles with any concerns. Her ongoing behavior is creating a toxic work environment.

Because of this, I no longer feel comfortable going to work or being around her at meetings. It's stressful, uncomfortable, and has made my job extremely difficult. Other employees have shared that they feel the same way — her actions are affecting their ability to do their jobs and making them not want to come to work.

I'm asking the board of commissioners to take this situation seriously and take action to address Amy's behavior. Whether that means a formal warning, an investigation, or possible removal, something needs to be done to protect staff and restore a healthy working environment.

Thank you for your time and attention.

Sincerely,
Sierra Dieckhoff
Office Manager
Four Rivers Vector Control District

Hello County Commissioners Pattie Adair, Tony Debone, and Phil Chang my name is Rodney Dieckhoff, current board President for Four Rivers Vector Control District, and I am writing you in response to a formal complaint filed against me from a current board member, Amy Varner. Let me start by saying I have been involved with a variety of voluntary boards over the last 30 years, the most recent being Special Road District #1 (approximately 12 years) which I recently stepped down due to new state laws that keep making it harder to be as transparent as possible. I am currently the Board President for Four Rivers Vector Control District and have been part of the board for approximately 9 years now.

When the board nominated Amy Varner for an open board position we considered a few things, the first being she had already been appointed to the budget committee by our previous District Manager (Chad Stubblefield) which she held for two 2 year budget cycles, so we felt she would have a better understanding of how the district operates than someone that thought we just kill mosquito's. Another reason we felt Amy Varner would be a good addition to the board was her occupation (employee of First Interstate Bank) having knowledge of financing, budgeting, and knowing how to work as a team. The other reason she was a suitable candidate was where she lives in the district. We were trying to find people from across the entire district instead of all the board members being within a mile or two of each other.

When Amy Varner first joined the board, she would attend meetings and arrive early. It looked good if the board were there early to greet guests when we had them and start the meeting as scheduled. Then the arrival time started becoming right at the start of the meeting, then she would attend meetings via phone or just not attend from time to time, preplanned obligations which I do not have a problem with because these are volunteer positions to begin with. During her time on board, she has never not once voted against approving a proposed budget or financial report at a meeting, she has even gone as far as making a motion to approve or second a motion to approve the financials.

This all changed about a year ago when the discussion about giving our office manager a raise, a conversation that should never have been discussed. This was not because of a conflict of interest on my part but because our office manager (my daughter-in-law) was hired by the District Manager and is overseen by the District Manager. We as a board have no management authority over employees beyond the District Manager. There were several emails directed at our Office Manager from Amy Varner and one other Board member stating that they would be determining her wage, and they felt she was already being paid enough for her position and what she does.

From that point on Amy Varner would refer to the Office Manager by name during meetings and even went as far as belittling and defacing the Office Manager during a special meeting that Amy Varner and one other board member requested and then proceeded to fill the room with anyone, they knew that they would stand behind them. Amy Varner has also demanded that we say exactly how much our Office Manager earns on a biweekly paycheck during meetings this is a huge Ethics violation. Now after all the proposed budget and meeting financial approvals, some of those being a 1st or 2nd on the motion, she has requested all bank statements and credit card statements, and itemized receipts later, from present back to June 2023. This is when our previous District Manager (Chad Stubblefield) left the district in shambles my wife and I were the only two board members left on the board. As it turns out after having Board work session on Wednesday April 2, 2025 all of Amy Varners questions regarding credit card charges and checks written are directed at our Office Manager and claims that my wife and I must deem a conflict of interest and shouldn't be allowed to view any of these records.

I was personally accused of going to Amy Varner's place of employment and defacing her with co-workers. It is true I went to her place of employment because that's where Four Rivers Vector Control District does their banking. I did ask the Branch Manager at the bank about their policy for tracking account access by employees and I was told they do not have a policy and unless there is a change made to the account there is no documentation showing who at the bank has browsed your account. I asked if there was a way we could block our account access because I felt Amy Varner was becoming Toxic to the Board and if she didn't get the documents, she requested she could just look them up herself and no one would be the wiser (she is not a signer on the account so legally she shouldn't have access to the accounts).

Amy Varner then refused to fill out a Public Records Request, for which our District has a policy in place. She said she was above district policy and she as a board member had the authority to look at and take any documents at any time free of charge. She made these demands and threatened both me and the Office Manager with Legal accusations if we did not grant her demands. The Office Manager and I both reached out to SDAO for advice on how to resolve our situation. Through many emails back and forth it was suggested that we stick to our District policies and follow the Public Records Request. It was mentioned several times in emails to Amy Varner that as per SDAO we must follow District Policy. Let me add that the district paid Amy to attend a SDAO annual conference and has been encouraged to attend other one day classes locally in central Oregon to help her better understand how a board is supposed to work.

In conclusion I have done my best as an individual to be as transparent as possible and follow any and all district policies to the best of my ability and I will continue to serve as a board member to ensure that our district provides the well-needed service we are paid to do. I feel that Amy Varner is maliciously hindering the district's effort to control mosquito's by adding additional work load and mental stress to district staff who is currently filing permits and getting approvals with various agencies to allow the district to combat mosquito's this season, they are also coming into a new Budget process which has be slowed due to her actions. I would ask that Amy Varner voluntarily step down as she has become a liability to the wellbeing of the board and district.

Sincerely,

Rodney E. Dieckhoff

Four Rivers Vector Control District

Board President

To Whom it May Concern,

My name is Eva Wild Crain and I am writing in response to a complaint at the Four Rivers Vector Control, where I currently sit on the Board. This is my response to the issue brought up by Amy Varner on April 2nd, 2025:

Amy and I both requested bank and credit card statements. Amy requested them at a meeting, I later asked for them via email.

I was informed of the issues Amy had in receiving the statements. I was told that during the request of the statements Rodney had complained to the bank employees that "Amy and Eva have been nothing but toxic on this board". I was also informed that Rodney had asked the branch if there was a way to withhold the check images when the statements were sent out and was told no.

After I received the statements, I saw transactions that I wanted to understand more clearly. The items in question were many transactions to Fred Meyer, Costco, Safeway as well as some large purchases at Sportsman's. I also wanted to understand two transactions on Sierra's credit card, purchasing tools from her Father's business (Mac Tools).

In my review of the bank statements, I found that Rodney and Lawrie both signed checks to their daughter-in-law, Sierra. Rodney had been signing every payroll check to Sierra since she started (around two years of employment).

Amy Varner also asked to see receipts.

When I asked for itemized receipts Rodney sent me an email stating it would be \$400-\$500 for me to receive them.

When I spoke to Dave Doyle, he said that I could not be charged to see the receipts because I sat on the board. When I responded to Rodney in an email, I told him that I would not be charged that amount, that was the information I was going on.

After that email, I was informed by the SDAO that there are different rules for the Vector Control and Dave Doyle was unaware of these rules.

Rodney called a special meeting to address our requests for receipts. In this meeting we decided to have a work session to go over the statements and talk about what receipts we wanted to see. I agreed on the work session.

In this work session we were told that every transaction to Costco, Fred Meyer and Safeway were for water. Every transaction we asked about was explained by Myles, the operations manager, from his memory, for the last year and a half. I thought that it would be difficult to recall a year's worth of transactions from his and Sierra's credit cards and from the First Interstate Bank account.

I expressed my interest in seeing the receipts to see the purchases for myself.

At that time Rodney said, again, it would have to be voted on. (This will be voted on in our next meeting on May 21st 2025.)

During our discussion about district spending Rodney was asked about checks written to Sierra, signed by he and Lawrie. He admitted he had been signing checks to Sierra and knew it was wrong. He stated "there was no one else" (to sign checks).

We offered Myles, the Operations Manager, as an alternate to sign Sierra's checks. Rodney said "Myles is not a signer on the account." We asked to make him a signer. Rodney then stated that Myles could not sign his own checks. It was agreed upon that we would be comfortable with Rodney signing Myles's checks and Myles signing Sierra's checks to reduce risk for the district.

It is concerning to me that our board president admitted he was knowingly breaking rules continually, for two years. If I or Amy would not have asked for bank statements, we still would not know this was happening and it would have continued.

Before this issue came up, there were only two signers on the Four Rivers bank account. Those people are married and signing checks to their daughter-in-law.

After this Special Meeting on Wednesday, April 23rd, we had a Board Training. Myles, and Sierra and Rodney scheduled a Budget Meeting and posted it online for April 30th. We attended the Board Training on Wednesday, April 23rd, after the Budget Meeting had been scheduled. While attending this meeting, no one informed Amy or I about the Budget meeting that was scheduled one week later.

When Amy found the meeting posted online, she emailed Rodney about it, asking why we were not informed. He said it was posted online and, in the newspaper, as required. He was going to inform us with 48 hours' notice, as required.

When I asked Rodney and Myles why I was not informed of the meeting while we were all at the Board Training, they stated that it wasn't relevant to the training and because it had nothing to do with the agenda, they were unable to discuss it.

I have been on the Board for almost 2 years and I have never been given notice so late about a meeting. In the past, all Board Members are given notice as soon as a meeting is scheduled, not after it is posted online and advertised in the paper. It felt a lot like retaliation for me digging into the Vector Control Budget. It is my understanding that being a Board Member means asking hard questions and helping the District operate efficiently.

My intention is to mitigate risk for the district and myself. It is my responsibility as a board member to bring these issues to light and resolve them.

I am trying to uphold to the responsibility that was entrusted to me when I was asked to take this position.

I don't see my actions as toxic.



BOARD OF COMMISSIONERS

AGENDA REQUEST AND STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Cascade East Transit Presentation: Fare Policy and other updates

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

Cascade East Transit staff will update the BOCC on a recent Fare Policy approved by the COIC Board and share other updates on CET programming and initiatives in 2025.

BUDGET IMPACTS:

None

ATTENDANCE:

Bob Townsend, Cascade East Transit Director

Cascades East Transit

Central Oregon Intergovernmental Council



May 2025 Update
Bob Townsend, Transit Director

CET Update May 2025

- CET Initiatives
- Fares
- Logo/Mission
- Legislative Update



05/21/2025 Item #12.

2025 Initiatives Overview

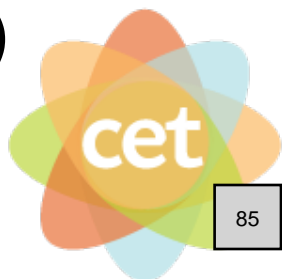
June 2: Weekday extended hours in Bend, 6:00 am – 7:30 pm

July: Transit Pass Introduction

July 14: Launch of Route 8 in northeast Bend, Potentially Airport Direct Route Launch, Reviewing Deschutes River Woods

Sept 1: Transit Pass requirement

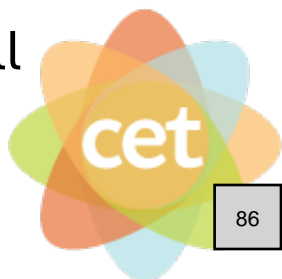
October 1: Fare Implementation (Targeting Board Approval in August)



CET Fare Policy

Solicitation and Consideration of Public Comment

- CET will post proposed changes to fares or service on the CET webpage a minimum 30 days before formal COIC Board Approval is requested and include opportunities for electronic feedback.
- CET will present the proposed changes to fares or service at the Regional Public Transit Advisory Committee Meeting (RPTAC) and solicit feedback from the committee and public members in attendance.
- CET will use other public meetings to share proposals and seek feedback. These meetings may include City Council Meetings, County Commission Meetings, Statewide Transportation Improvement Fund Committee Meetings, and other relevant public meetings.
- Information will also be shared on buses with instructions on where feedback can be received.
- CET will utilize appropriate press outlets to provide broader awareness as well as instructions on providing feedback.



CET Fare Policy

Public Hearing (Target August 7th)

- A public hearing will be held at a Central Oregon Intergovernmental Council Board Meeting or Regional Public Transit Advisory Committee prior to the implementation of fare increases, and/or any major service reductions as defined in this policy.
- Notice of the hearing time and place shall be given by publication in local newspaper(s) at least 10 days in advance of the public hearing. The notice shall generally describe the nature of the proposed action, shall state the public comments will be accepted prior to and at the hearing, shall provide an address for the submission of comments prior to the hearing, and shall describe the means of obtaining additional information about the proposed actions.
- The hearing shall be conducted in accordance with all applicable public meeting laws, regulations, and COIC procedures.

CET Fare Background

Fare Type	CET (Draft Proposed)	Rogue Valley	Cherriots	Tri-Met	Lane
Per Trip	\$ 2.00	\$ 2.00	\$ 1.60	\$ 2.80	\$ 1.75
Max Daily Rate	\$ 6.00	\$ 6.00	\$ 3.25	\$ 5.60	\$ 3.50
Monthly Pass	\$ 60.00	\$ 56.00	\$ 45.00	\$ 100.00	\$ 50.00
Annual Pass	\$ 500.00	N/A	\$ 540.00	N/A	N/A
Reduced Fare	50%	50%	50%	50%	50%
Reduction Qualifications	See CET-10 Supplemental	62 Years and Older Passengers 10-17 Medicare Cardholders Disabled Veterans FTA Disability	Medicare Card Holders Seniors 60 and Older FTA Disability	OHA/Medicaid Free & Reduced Lunch HUD Housing Choice Voucher WIC Home Energy Assistance Income	Medicare Veterans FTA Disability
Dial a Ride	\$ 4.00	4.00	\$ 3.20	\$ 2.80	\$ 3.50
Dial a Ride Month	N/A	N/A	\$ 90.00	N/A	N/A
Last Fare Changes	No Current Fares	2020	2023	2024	2021
Alternate Funding	None	Property Tax	Property Tax	District Payroll Tax	District Payroll Tax

CET Draft Fare Guidelines

Federal Transit Administration (FTA) Governed Routes

Route	One-Way Trip	Max Daily Rate	Monthly Pass	Annual Pass
Bend Fixed*	\$ 2.00	\$ 6.00	\$60.00	\$500.00
Community Connector*	\$ 2.00	\$ 6.00	\$60.00	\$500.00
Redmond Flex Routes*	\$ 2.00	\$ 6.00	\$60.00	\$500.00
Rural Routes (Shuttles)*	\$ 2.00	\$ 6.00	\$60.00	\$500.00
Bend Dial a Ride	\$ 4.00	N/A	N/A	N/A
Redmond Dial a Ride	\$ 4.00	N/A	N/A	N/A
Rural Dial a Ride	\$ 4.00	N/A	N/A	N/A
Bend-Redmond Airport	\$ 15.00	N/A	N/A	N/A

*Eligible for Reduced Fare Program, Children 5 & Under Ride free if accompanied by adult, all operate under the same umbrella for max rate, monthly pass, and annual pass.

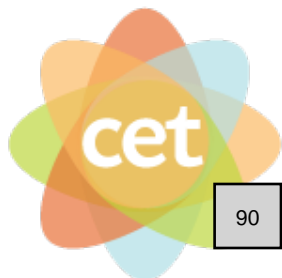
Recreational Routes

Route	One-Way Trip	Round Trip	Season Pass
Bachelor	\$ 7.00	\$ 12.00	\$299
Lava Butte (Up & Down)	\$ 5.00	N/A	N/A
Ride the River (All Day)	\$ 5.00	N/A	N/A
Transit to Trails	\$ 10.00	N/A	N/A

CET Draft Fare Guidelines

Individual Fare Reductions

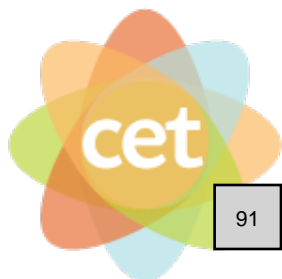
- Persons Aged 60 and older
- Medicare Cardholders
- Persons who receive Supplemental Security Income or Social Security Disability Benefits as long as they continue to receive these benefits.
- Disabled Veterans
- Students
- People who meet the FTA definition of people with disabilities “*Means any individual who, by reason of illness, injury, age, and congenital malfunction, or other permanent or temporary disability (including any individual who is a wheelchair user or has semi-ambulatory capabilities), are unable, without special facilities or special planning or design to utilize mass transportation and services as effective as persons who are not so affected.*”
- Low Income



CET Draft Fare Guidelines

Group Fare Reductions

- Confederated Tribes of Warm Springs (CTWS) Tribal Members
- Private Non-Profit Agencies
 - 501-3-c and/or 501-19-c, or approved equivalent verification
 - Annual Contract/Agreement with COIC/CET Required
- Employers, Institutions, or Schools with more than 10 monthly or annual pass purchases.
 - Annual Contract/Agreement with COIC/CET Required



CET Logo Update



2025 Transit Legislative Updates - QE

184.752 Definitions. As used in ORS 184.752 to 184.766:

(1) “Public transportation service provider” includes a qualified entity and a city, county, special district, intergovernmental entity or any other political subdivision or municipal or public corporation that provides public transportation services and is not otherwise described in subsection (2) of this section.

(2) “Qualified entity” means the following:

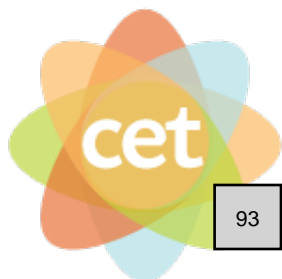
(a) Counties in which no part of a mass transit district or transportation district exists;

(b) Mass transit districts organized under ORS 267.010 to 267.394;

(c) Transportation districts organized under ORS 267.510 to 267.650; and

(d) Federally recognized Indian tribes. [2017 c.750 §122m]

(e) Counties and/or Federally recognized Indian Tribes can designate a Public Transportation Service Provider as the designated QE.



2025 Transit Legislative Updates - QE

- **ODOT STIF Rules Advisory Committee**

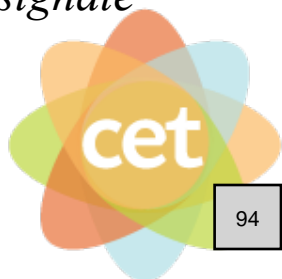
- Working on rule changes that minimize administrative oversight being performed multiple times

- **HB2795 – Changes STIF Program and definition of qualified entity**

- The bill's current language does not benefit CET or the tri-county area as currently written
- Deschutes County has provided letters to legislators to change language reflecting QE legislation matching Central Oregon needs

- **COIC Board Letter requesting legislation to change QE language**

“We are proposing adding language to the existing Transportation Bill, or any other relevant bill that would modify the definition of QE to allow the option for counties, which are the current designated QE's to designate a Public Transportation Service Provider as the designated QE for their county.”





Bob Townsend

Cascade East Transit Director

rtownsend@coic.org

Cell 541-980-8952

QUESTIONS?



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Resolution regarding public use fire restrictions on unprotected lands and County owned lands

RECOMMENDED MOTION:

Move approval of Resolution 2025-013.

BACKGROUND AND POLICY IMPLICATIONS:

Each year since 2014, Deschutes County has imposed public use restrictions to prevent wildfire starts on unprotected lands and lands owned by Deschutes County. Unprotected lands are defined as those lands outside structural fire protection districts and Oregon Department of Forestry fire protection. As we transition to warmer and drier summer weather, staff presents the possible restrictions to the Board for its consideration.

BUDGET IMPACTS:

None

ATTENDANCE:

Kevin Moriarty, County Forester

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Declaring a State of Emergency and *
 Imposing Public Use Restrictions on all *
 Unprotected Wildlands within unincorporated *
 Deschutes County, and all Lands owned by
 Deschutes County

RESOLUTION NO. 2025-013

WHEREAS, ORS 401.309 authorizes the county governing body to declare a state of emergency within the county;
 and

WHEREAS, wildland fires endanger the health and safety of the county's population, jeopardize its economic vitality and imperil the quality of the environment; and

WHEREAS, the Deschutes County Emergency Operations Plan (EOP) provides in part that a state of emergency exists whenever the unincorporated area of the county is in imminent danger of suffering an event that may cause injury or death to persons, or damage to or destruction of property to the extent that extraordinary measures must be taken to protect the public health, safety, and welfare; and

WHEREAS, current weather patterns create conditions that greatly increase the threat and likelihood of high intensity wildland fires, including wildland-urban interface wildfires; and

WHEREAS, the definition of wildland fire is an unplanned, unwanted wildland fire including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to put the fire out; and

WHEREAS, the Deschutes County Emergency Operations Plan and the Deschutes County Natural Hazards Mitigation Plan encourage mitigation and prevention measures, including ignition prevention; and

WHEREAS, Deschutes County seeks to implement a course of action that will reduce the risk of wildland fires within the unincorporated area of the county, now therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. Pursuant to ORS 401.309 and the Deschutes County EOP, a State of Emergency is presently declared within the unincorporated areas of Deschutes County.

Section 2. Effective June 1, 2025, a Public Use Restriction on all unprotected wildlands within unincorporated Deschutes County, and all lands owned by Deschutes County, is in effect through October 15, or unless otherwise rescinded.

Section 3. The restrictions imposed by these Public Use Restrictions are listed on Exhibit 1, attached to this Resolution and incorporated herein.

Section 4. Violations of these Public Use Restrictions imposed by this Resolution shall be prosecuted as civil matters, as permitted by law, and may subject violators to civil damages and/or injunctive process.

Section 5. Any members of the public who are in violation of these Public Use Restrictions while present on county owned lands are deemed to be trespassing and are subject to criminal prosecution, as permitted by law.

DATED this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ATTEST:

PATTI ADAIR, Vice Chair

Recording Secretary

PHIL CHANG, Commissioner

EXHIBIT 1

DESCHUTES COUNTY Public Use Restrictions

Enacting Authority: Deschutes County Resolution No. 2025-013

Applicability of Public Use Restrictions: All unprotected wildlands within unincorporated Deschutes County, and all lands owned by Deschutes County. Unprotected lands are defined as non-federal lands outside of Rural Fire Protection Districts, and outside of lands protected by the Oregon Department of Forestry.

It is unlawful to be in violation of the following restrictions:

- Smoking is prohibited while traveling, except in vehicles on improved roads. Note: ORS 476.715 prohibits throwing away any lighted tobacco, cigars, cigarettes, matches or other lighted material, on any forestland, private road, public highway or railroad right of way within this state.
- Open fires are prohibited, including campfires, charcoal fires, cooking fires and warming fires, except in designated areas. Portable cooking stoves using liquefied or bottled fuels are allowed.
- Chainsaw use is prohibited, between the hours of 1:00 p.m. and 8:00 p.m. Chainsaw use is permitted at all other hours, if the following firefighting equipment is present with each operating saw: one axe, one shovel, and one 8 ounce or larger fire extinguisher. In addition, a fire watch is required at least one hour following the use of each saw.
- Cutting, grinding and welding of metal is prohibited between the hours of 1:00 p.m. and 8:00 p.m. At all other times the area is to be cleared of flammable vegetation and the following fire equipment is required: one axe, one shovel, and one 2 ½ pound or larger fire extinguisher in good working order.
- Use of motor vehicles, including motorcycles and all-terrain vehicles, is prohibited, except on improved roads and except for vehicle use by a landowner and employees of the landowner upon their own land while conducting activities associated with their livelihood.
- Possession of the following firefighting equipment is required while traveling in a motorized vehicle, except on federal and state highways, county roads and driveways: one shovel and one gallon of water or one 2½ pound or larger fire

extinguisher, except all-terrain vehicles and motorcycles which must be equipped with an approved spark arrestor in good working condition.

- Mowing of dried grass with power driven equipment is prohibited, between the hours of 1:00 p.m. and 8:00 p.m., except for the commercial culture and harvest of agricultural crops.
- Use of fireworks is prohibited.
- The release of sky lanterns is prohibited.
- The discharging of exploding targets or tracer ammunition is prohibited.
- Blasting is prohibited.
- Any electric fence controller in use shall be: 1) Listed by a nationally recognized testing laboratory or be certified by the Department of Consumer and Business Services; and 2) Operated in compliance with manufacturer's instructions.

The County Forester or an authorized representative may, in writing, approve a modification or waiver of these requirements.

These restrictions shall remain in effect through October 15, 2025, unless earlier replaced, suspended, or terminated by an additional Resolution of the Deschutes County Board of County Commissioners.

Maps of the subject area(s) may be viewed at the County Forester's Office, 61150 SE 27th Street, Bend, Oregon 97702 or at <https://maps.deschutes.org/custom/basic/PublicUseRestrictions.html>

Information and maps of regulated closures for the Oregon Department of Forestry can be found at the following website: <https://www.oregon.gov/ODF/Fire/Pages/Restrictions.aspx>

Information and maps of public use restrictions on Deschutes National Forest can be found at the following website: <https://www.fs.usda.gov/main/deschutes/home>

Definitions of words or phrases used in this Exhibit may be found in ORS 477.001, OAR 629-041-0005.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Consideration of second reading of Ordinance No. 2025-005: Temporary Hardship Dwelling Text Amendments

RECOMMENDED MOTIONS:

1. Move to conduct second reading of Ordinance No. 2025-005 by title only.
2. Move to adopt Ordinance No. 2025-005.

BACKGROUND AND POLICY IMPLICATIONS:

On May 21, 2025, staff will present Ordinance No. 2025-005 to the Board for consideration of second reading and adoption.

On April 23, 2025, the Board conducted a public hearing and deliberations to consider legislative text amendments to Title 18 of the Deschutes County Code relating to temporary hardship dwellings (file no. 247-25-000078-TA). The Board voted 2-0 to adopt the proposed package as drafted by staff. The Board conducted first reading of the ordinance on May 7, 2025.

BUDGET IMPACTS:

None

ATTENDANCE:

Will Groves, Planning Manager



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Nicole Mardell, AICP, Senior Planner

DATE: May 14, 2025

SUBJECT: Consideration of Second Reading: Temporary Hardship Dwelling Text Amendments

On May 21, 2025, staff will present Ordinance No. 2025-005 to the Board of County Commissioners (Board) for consideration of second reading. On April 23, 2025, the Board conducted a public hearing and deliberations to consider legislative text amendments to Title 18 of the Deschutes County Code relating to temporary hardship dwellings (file no. 247-25-000078-TA). The Board voted 2-0 to adopt the proposed package as drafted by staff. The Board conducted first reading of the ordinance on May 7, 2025. Second reading is scheduled for May 21, 2025.

Staff submitted a Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on February 6, 2025. The Planning Commission held a public hearing on March 13, 2025¹. The Commission held deliberations on March 27, 2025² and voted 6-0 to recommend approval of the proposed amendments drafted by staff, with a revision to exclude the use of existing buildings as a hardship dwelling type in the RR-10 and MUA-10 zones³.

I. RECORD

The record, which contains all memoranda, notices, and written testimony received, is available at the following website: <https://bit.ly/25-78-TA>.

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-63>

² <https://www.deschutes.org/bc-pc/page/planning-commission-64>

³ As noted below, the package reviewed by the Board included this revision.

II. OVERVIEW OF ORDINANCE

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 to 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.

The original version of the amendments, reviewed by the Planning Commission, proposed to expand use of an existing building as a hardship dwelling type to several zones, including the RR-10 and MUA-10 zones. OAR 660-004-0040(8)(f) provides specific guidance for hardship dwellings in these zones, noting the dwelling type must be either a Recreational Vehicles (RVs) or manufactured home. Upon discovering this provision, the Planning Commission (in consultation with staff) recommended the Board exclude this proposed allowance. Staff updated the proposed text amendment package to reflect the recommendation prior to the Board’s public hearing.

III. NEXT STEPS

The ordinance will become effective 90 days following the second reading. The tentative effective date is August 19, 2025.

Attachments:

- Ordinance No. 2025-005 and Corresponding Exhibits

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County Code *
 Title 18, Zoning Ordinance Relating to Temporary * ORDINANCE NO. 2025-005
 Hardship Dwellings. *
 *

WHEREAS, the Deschutes County Community Development Department (“CDD”) initiated amendments (Planning Division File No. 247-25-000078-TA) to the Deschutes County Code (“DCC”) Chapter 18.16 – Exclusive Farm Use Zone, Chapter 18.32 – Multiple Use Agricultural Zone, Chapter 18.36 – Forest Use Zone; F-1, Chapter 18.40 – Forest Use Zone; F-2, Chapter 18.60 – Rural Residential Zone, RR-10, Chapter 18.65 – Rural Service Center, Chapter 18.66 – Terrebonne Rural Community Zoning Districts, Chapter 18.67 – Tumalo Rural Community Zoning Districts, Chapter 18.74 – Rural Commercial Zone, Chapter 18.108 – Unincorporated Community Zone; Sunriver, Chapter 18.110 – Resort Community Zone, Chapter 18.116 – Supplementary Provisions; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on March 13, 2025, and forwarded to the Deschutes County Board of County Commissioners (“Board”) a 6-0 recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on April 23, 2025, and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

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

Section 1. AMENDING. Chapter 18.16, Exclusive Farm Use Zone, is amended to read as described in Exhibit “A” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. AMENDING. Deschutes County Code Chapter 18.32 Multiple Use Agricultural Zone, is amended to read as described in Exhibit “B”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 3. AMENDING. Deschutes County Code Chapter 18.36, Forest Use Zone; F-1, is amended to read as described in Exhibit “C”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 4. AMENDING. Deschutes County Code Chapter 18.40, Forest Use Zone; F-2, is amended to read as described in Exhibit “D”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 5. AMENDING. Deschutes County Code Chapter 18.60, Rural Residential Zone, RR-10, is amended to read as described in Exhibit “E”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 6. AMENDING. Deschutes County Code Chapter 18.65, Rural Service Center, Unincorporated Community Zone, is amended to read as described in Exhibit “F”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 7. AMENDING. Deschutes County Code Chapter 18.66, Terrebonne Rural Community Zoning Districts, is amended to read as described in Exhibit “G”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 8. AMENDING. Deschutes County Code Chapter 18.67, Tumalo Rural Community Zoning Districts, is amended to read as described in Exhibit “H”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 9. AMENDING. Deschutes County Code Chapter 18.74, Rural Commercial Zone, is amended to read as described in Exhibit “I”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 10. AMENDING. Deschutes County Code Chapter 18.108, Unincorporated Community Zone; Sunriver, is amended to read as described in Exhibit “J”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 11. AMENDING. Deschutes County Code Chapter 18.110, Resort Community Zone, is amended to read as described in Exhibit “K”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 12. AMENDING. Deschutes County Code Chapter 18.116, Supplementary Provisions, is amended to read as described in Exhibit “L”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 13. FINDINGS. The Board adopts as its findings Exhibit “M,” attached and incorporated by reference herein.

Dated this _____ of _____, 2025

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHILIP CHANG, Commissioner

Date of 1st Reading: _____ day of _____, 2025.

Date of 2nd Reading: _____ day of _____, 2025.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	_____	_____	_____	_____
Patti Adair	_____	_____	_____	_____
Philip Chang	_____	_____	_____	_____

Effective date: _____ day of _____, 2025.

Exhibit A to Ordinance 2025-005

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.

...

H. Temporary hardship dwelling.

1. A temporary hardship dwelling listed in DCC 18.16.030 is allowed ~~under the following conditions: subject to DCC 18.116.090, and the requirements of this chapter.~~
 - a. ~~The dwelling is an existing building, or is a manufactured dwelling 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 dwelling 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 dwelling 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.~~
- ~~5.—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).~~
2. A temporary hardship dwelling 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 2025-002 §4 on 3/28/2025
Amended by Ord. 2025-005 §1 on 5/21/2025

Exhibit B to Ordinance 2025-005

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 Setbacks](#)[18.32.060 Ordinary High Water Mark Setbacks](#)[18.32.070 Rimrock Setback](#)

...

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-unit dwelling, or a manufactured dwelling 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. A historic accessory dwelling unit, subject to DCC 18.116.350.
- K. A residential accessory dwelling unit, subject to DCC 18.116.355.
- L. Residential Home.

M. A recreational vehicle as a rental dwelling, subject to 18.116.095(D).

N. 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. 2025-002 §6 on 3/28/2025
 Amended by Ord. 2025-004 §2 on 5/7/2025
Amended by Ord. 2025-005 §2 on 5/21/2025

Exhibit C to Ordinance 2025-005

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-Unit 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 Setbacks](#)[18.36.110 Ordinary High Water Mark Setbacks](#)[18.36.120 State Law Controls](#)[18.36.130 Rimrock Setbacks](#)[18.36.140 Restrictive Covenants](#)

...

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.

...

- 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 dwelling in conjunction with an existing dwelling:~~
- ~~1. A temporary hardship dwelling 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:~~
 - ~~2. 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.~~
 - ~~3.—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.~~
 - ~~4.—If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.~~

A temporary ~~hardship dwelling residence~~ approved under this subsection is not eligible for replacement under OAR 660-006-025.

...

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 2025-002 §7 on 3/28/2025

[Amended by Ord. 2025-005 §3 on 5/21/2025](#)

Exhibit D to Ordinance 2025-005

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-Unit 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 Setbacks](#)[18.40.110 Ordinary High Water Mark Setbacks](#)[18.40.120 State Law Controls](#)[18.40.130 Rimrock Setback](#)

...

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:

...

- Z. ~~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 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.~~
 2. ~~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.~~
 3. ~~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.~~
 4. ~~If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.~~

5. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.

...

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. [2025-002](#) §8 on 3/28/2025

[Amended by Ord. 2025-005 §4 on 5/21/2025](#)

Exhibit E to Ordinance 2025-005

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 Setback Requirements](#)[18.60.050 Ordinary High Water Mark 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](#)

...

18.60.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright.

- A. A single-unit dwelling, or a manufactured dwelling 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. A historic home accessory dwelling unit, subject to DCC 18.116.350.
- L. A residential accessory dwelling unit, subject to DCC 18.116.355.
- M. Residential Home.
- N. A recreational vehicle as rental dwelling, subject to 18.116.095(D).
- O. 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. [2025-002](#) §12 on 3/28/2025
Amended by Ord. 2025-004 §3 on 5/7/2025
Amended by Ord. 2025-005 §5 on 5/21/2025

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Exhibit F to Ordinance 2025-005

CHAPTER 18.65 RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE18.65.010 Purpose18.65.020 RSC; Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)18.65.021 Alfalfa RSC; Commercial/Mixed Use District18.65.022 Alfalfa RSC; Residential District18.65.023 RSC; Open Space District18.65.030 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. A single-unit dwelling or a manufactured dwelling, subject to DCC 18.116.070.
 2. Type 1 Home Occupation, subject to DCC 18.116.280.
 3. Residential home.
 4. A duplex.
 5. Agricultural uses, as defined in DCC Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
 6. 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.
 7. Class III road and street project.
 8. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
 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 §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. [2025-002](#) §14 on 3/28/2025
 Amended by Ord. [2025-005](#) §6 on 5/21/2025

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. A single-unit dwelling or a manufactured dwelling, subject to DCC 18.116.070.
2. Type 1 Home Occupation, subject to DCC 18.116.280.
3. Residential home.
4. Residential facility.
5. A duplex.
6. Agricultural uses, as defined in DCC 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.
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. [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. [2025-002](#) §14 on 3/28/2025
 Amended by Ord. [2025-005](#) §6 on 5/21/2025

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 DCC 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. A single-unit dwelling, or a manufactured dwelling subject to DCC 18.116.070.
3. A 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.
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. [2025-002](#) §14 on 3/28/2025

[Amended by Ord. 2025-005 §6 on 5/21/2025](#)

Exhibit G to Ordinance 2025-005

CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS18.66.010 Purpose18.66.020 Residential (TeR) District18.66.030 Residential-5 Acre Minimum (TeR5) District18.66.040 Commercial (TeC) District18.66.050 Commercial-Rural (TeCR) District18.66.060 Standards For All Districts18.66.070 Right-Of-Way Development Standards

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18.66.020 Residential (TeR) District

The Terrebonne Residential District allows a mixture of dwelling 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 under DCC 18.124:

1. A single-family dwelling or a manufactured dwelling subject to DCC 18.116.070.
2. A duplex.
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 lot area 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 lot area.
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.
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. [2025-002](#) §15 on 3/28/2025**[Amended by Ord. 2025-005 §7 on 5/21/2025](#)***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 or parcels 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 under DCC 18.124:

1. A single-unit dwelling or a manufactured dwelling subject to DCC 18.116.070.
2. A duplex.
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 lot area 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 lot area
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.
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. [2025-002](#) §15 on 3/28/2025

[Amended by Ord. 2025-005 §7 on 5/21/2025](#)

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 under DCC 18.124:

1. A single-unit dwelling or a duplex on a lot or parcel existing on June 4, 1997.
2. A manufactured dwelling 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.
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. [2025-002](#) §15 on 3/28/2025

[Amended by Ord. 2025-005 §7 on 5/21/2025](#)

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 under DCC 18.124:

1. A single-unit dwelling on a lot or parcel existing on June 4, 1997.
2. A manufactured dwelling 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.
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. [2025-002](#) §15 on 3/28/2025

[Amended by Ord. 2025-005 §7 on 5/21/2025](#)

Exhibit H to Ordinance 2025-005

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](#)

...

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 under DCC 18.124.

1. A single-unit dwelling, or a manufactured dwelling subject to DCC 18.116.070.
2. A duplex.
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 the lot area 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 lot area
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.
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. [2025-002](#) §16 on 3/28/2025**[Amended by Ord. 2025-005 §8 on 5/21/2025](#)***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 or parcels.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124.

1. A single-unit dwelling or a manufactured dwelling 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 lot area 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 lot area.
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.
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. [2025-002](#) §16 on 3/28/2025

[Amended by Ord. 2025-005 §8 on 5/21/2025](#)

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 under DCC 18.124.

1. A single-unit dwelling or duplex.
2. A manufactured dwelling 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.
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

Exhibit H to Ordinance 2025-005

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. [2025-002](#) §16 on 3/28/2025
[Amended by Ord. 2025-005 §8 on 5/21/2025](#)

Exhibit I to Ordinance 2025-005

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 under DCC 18.124:

1. A single-unit dwelling.
2. A manufactured home subject to DCC 18.116.070.
3. A duplex
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.
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. [2025-002](#) §17 on 3/28/2025

[Amended by Ord. 2025-005 § 9 on 5/21/2025](#)

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Exhibit J to Ordinance 2025-005

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER[18.108.010 Purpose](#)[18.108.020 Standards For All Districts](#)[18.108.030 Single Unit Residential; RS District](#)[18.108.040 Multiple Unit 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](#)

...

18.108.030 Single Unit Residential; RS District

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

1. Single-unit dwelling.
2. Recreational path.
3. Residential home.
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. [2025-002](#) §26 on 3/28/2025

Amended by Ord. [2025-005](#) §10 on 5/21/2025

18.108.110 Business Park; BP District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to the applicable provisions of DCC 18.116 and DCC 18.124:
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 area including 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 area including 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.

11. 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. [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. 2025-002 §26 on 3/28/2025

[Amended by Ord. 2025-005 §10 on 5/21/2025](#)

Exhibit K to Ordinance 2025-005

CHAPTER 18.110 RESORT COMMUNITY ZONE18.110.010 Purpose18.110.020 Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts18.110.030 Widgi Creek Residential District18.110.040 Black Butte Ranch Surface Mining/Limited Use Combining District18.110.050 Black Butte Ranch-Utility/Limited Use Combining District18.110.060 Development Standards

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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. A single-unit 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.
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. 2025-002 §27 on 3/28/2025**Amended by Ord. 2025-005 §11 on 5/21/2025***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. A single-unit dwelling.

- B. Residential home.
- C. Residential facility.
- D. Timeshare units.
- E. Temporary Hardship Dwelling, subject to DCC 18.116.090.

HISTORY

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

Amended by Ord. 2025-002 §27 on 3/28/2025

Amended by Ord. [2025-005](#) §11 on 5/21/2025

Exhibit L to Ordinance 2025-005

18.116.090 ~~A Manufactured Dwelling Or Recreational Vehicle As A~~ Temporary Hardship Dwelling

- 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, step-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 unit:
1. ~~One~~ manufactured dwelling of any class;
 2. ~~or e~~One recreational vehicle ~~subject to the criteria under subsection (F); or~~
 3. ~~on a lot or parcel in addition to a~~ The temporary residential use of an existing building subject to the following:
 - a. ~~:-~~ 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.~~
 - a.b. This type of hardship dwelling is not permitted on properties within the Multiple Use Agricultural (MUA-10) or Rural Residential (RR-10) zones. ~~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.~~
- A.D. The hardship dwelling must use the same onsite septic disposal system used by the existing primary dwelling unit, 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.~~
- B.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.~~

~~E.H. The hardship shall be verified by a state-licensed medical practitioner's written statement.~~

~~D.I. The temporary use permit shall be reviewed annually every two years to ensure ongoing for 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 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.~~

~~E. 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.~~

~~F.—The applicant shall obtain all necessary permits from the County Building and Environmental Health Divisions prior to initiating the use.~~

~~G.—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.~~

~~H.—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 2025-002 §30 on 3/28/2025

Amended by Ord. 2025-004 §2 on 5/7/2025

[Amended by Ord. 2025-005 §12 on 5/21/2025](#)



Exhibit M to Ordinance 2025-005 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 to 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 Title 18 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 the care of a property owner or relative of the property owner with a medical condition. This would allow for the person with the medical condition to maintain independence and continue to live on a rural property while also receiving necessary medical attention.

The current requirements for hardship dwellings were drafted in 2008. Since that time, the state has undergone rulemaking in farm and forest (resource) zones, providing more detailed guidance on the eligibility and requirements for establishing the use.

OAR 660-004-0040(8)(f) provides limited guidance on hardship dwellings in rural residential exception areas, only noting that the dwelling type for such use is limited to Recreational Vehicle (RV)s and manufactured dwellings. To staff's understanding there is no other state guidance for regulation of temporary hardship dwellings in zones that allow for a single-unit dwelling as a permitted use and are outside of farm, forest, and rural residential exception areas.

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.*

The state provides limited guidance on regulations pertaining to hardship dwellings on non-resource lands. The requirement below, which was presented to the Planning Commission during the deliberation process, applies to rural residential exception areas (MUA-10 and RR-10 zones) but does not provide guidance for the use in other nonresource zones, such as in unincorporated communities.

OAR 660-004-0040(8)(f) – Application of Goal 14 to Rural Residential Areas requires:

Except as provided in subsection (e) of this section or section (10) of this rule, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle.

In approaching the amendments, staff has integrated state requirements where possible, for all zones in Title 18 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 consideration.

Use of Existing Building as a Temporary Hardship Dwelling

Property owners can currently utilize an RV or manufactured dwelling for a temporary hardship dwelling in all zones. In farm and forest zones, existing buildings (sheds, accessory structures, barns) are also permitted to be converted for use as a temporary hardship dwelling, per the OAR and ORS.

The proposed text amendment package proposes to allow the use of existing buildings in the following zones, which currently allow for single-unit dwellings:

- 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 Zones

During Planning Commission deliberations, staff discovered the restriction in OAR 660-004-040 noted above and amended the original proposal to exclude the use of existing buildings as hardship dwellings in the RR-10 and MUA-10 zones. To staff's understanding, there are no state restrictions on the zones listed above.

Existing Building Definition

State regulations do not define "existing buildings" for temporary hardship dwellings. Currently, the code definition is a building "in existence on or before March 29, 2017". To provide additional flexibility, while still seeking to avoid a scenario in which a new building is constructed for temporary

use, the proposed text amendments alter the definition to be 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."

Modification of Existing Buildings

The proposed text amendments would add a restriction on the modification of existing buildings to be used as temporary hardship dwellings. The intent of the requirement is to limit modifications to minor improvements in the existing building floor area (such as the installation of kitchen facilities) to ensure the use can be converted back to a nonresidential use if the temporary hardship dwelling is no longer needed. The limitation is drafted as follows: *"Any modifications to the existing building for the hardship dwelling must be contained within the existing building-floor area."*

RV Component Requirements

Code Enforcement has processed several cases involving non-operational RVs that are unfit for habitation. The text amendments preserve existing requirements related to the necessary components and siting of an RV and also clarify that an RV must have a sink and a toilet. Although more restrictive than state law, CDD staff are supportive of carrying forward these requirements to ensure RVs are safe for occupants when used as a temporary hardship dwelling. The proposed text amendments include the following component language:

A recreational 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.*
- 6. Permanently attached additions are prohibited.*

The Planning Commission supported the proposed text amendment package in its entirety, with the minor amendment to exclude the use of existing buildings as a hardship dwelling type in the MUA-10 and RR-10 zones. Staff requests the Board 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 was held before the Deschutes County Planning Commission (Commission) on March 13, 2025, and a public hearing was held before the Board of County Commissioners (Board) on April 23, 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 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 held a public hearing on March 13, 2025. The Board held a public hearing on April 23, 2025.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-25-000078-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. Additionally, the rules provide more express guidance for hardship dwellings on non-agricultural lands to avoid conflicts to farm operations on neighboring properties. 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. Additionally, the rules provide more express guidance for hardship dwellings on non-forest lands to avoid conflicts to forest operations on neighboring properties. 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.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Continued Public Hearing: Reconsideration of Deschutes County 2040
Comprehensive Plan Update

RECOMMENDED MOTION:

At the conclusion of the public hearing, the Board may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain;
- Close the hearing and set a date for deliberations; or
- Close the hearing and commence deliberations.

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes Board of Commissioners (Board) will continue a public hearing on May 21, 2025 to reconsider Ordinance 2024-007, related to the adoption of the Deschutes County 2040 Comprehensive Plan ("2040 Plan"). The associated file number is 247-25-000145-PA. The record is available on the project website <https://bit.ly/Deschutes2040Reconsideration>.

The hearing will be limited *de novo*, meaning that only testimony related to the petitioner's brief submitted by Central Oregon Landwatch will be allowed. The petitioner's brief is found on the project website under "Application Materials."

BUDGET IMPACTS:

None

ATTENDANCE:

Will Groves, Planning Manager
Stephanie Marshall, Senior Assistant Legal Counsel



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of County Commissioners

FROM: Nicole Mardell, AICP, Senior Planner
Will Groves, Planning Manager
Stephanie Marshall, Senior Assistant Legal Counsel

DATE: May 14, 2025

SUBJECT: Continued Public Hearing: Reconsideration of Deschutes County 2040 Comprehensive Plan Update

The Deschutes Board of Commissioners (Board) will hold a continued public hearing on May 21, 2025, to reconsider Ordinance 2024-007, concerning the adoption of the Deschutes County 2040 Comprehensive Plan (2040 Plan). The associated case file number is 247-25-000145-PA.

The record is available on the project website <https://bit.ly/Deschutes2040Reconsideration>.

I. FORMAT OF THE PUBLIC HEARING

The hearing will be held *limited de novo*. Only testimony related to the *Petitioner's Brief* submitted by Central Oregon Landwatch to the Oregon Land Use Board Appeals will be considered. The *Petitioner's Brief* is found on the project website under "Application Materials".

Any interested person may participate in the *limited de novo* hearing, but issues for discussion are limited as noted. The following time limits are in place for those providing testimony:

- Public Agencies: 10 min
- General Public: 3 min

The Board may modify or eliminate the time limits at any time.

II. INITIAL PUBLIC HEARING AND OPEN RECORD PERIOD

The Board held an initial public hearing on April 23, 2025¹, additional background information is found in the initial public hearing memo.

Prior to and during the initial hearing, members of the public provided oral and written testimony on the following issues:

- Compliance with Goal 14, concerning new residential and industrial development on rural lands.
- Compliance with Goal 14, concerning rezoning of farm and forest land.
- Adoption of the Comprehensive Plan, including acknowledgement status of policies carried over from 2011 Plan.

Following testimony, the board voted to continue both the oral and written portions of the hearing to May 21, 2025. Approximately 60 public comments have been received as of the date of this memo.

III. NEXT STEPS

At the conclusion of the public hearing, the Board may choose to:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain;
- Close the hearing and set a date for deliberations; or
- Close the hearing and commence deliberations.

¹ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-227>



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Work Session: Preparation for Public Hearing - Clear and Objective Housing Text
Amendments to Deschutes County Code Section Title 17 (Subdivisions)

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

The Board of County Commissioners will conduct a work session to consider further text amendments to establish "clear and objective" housing development standards.

Beginning in 2017, the Oregon State Legislature passed a series of bills to encourage the expansion of the supply of housing. 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." These provisions require local governments to apply only clear and objective standards, criteria, and procedures to applications for housing projects and prohibit the discouragement of new housing through unreasonable delay.

In 2023, House Bill (HB) 3197 expanded the clear and objective housing standards mandate to "...unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, non-resource lands, and areas zoned for rural residential use as defined in ORS 215.501." The provisions of HB 3197 will take effect on July 1, 2025.

Staff will prepare the Board for a public hearing on May 28, 2025 on the second set of proposed clear and objective amendments (file no. 247-25-000110-TA). Within the proposed amendments, added language is shown underlined and deleted text is shown as strikethrough.

BUDGET IMPACTS:

None

ATTENDANCE:

Tarik Rawlings, Senior Transportation Planner

Will Groves, Planning Manager



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners

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

DATE: May 14, 2025

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

The Deschutes Board of County Commissioners (Board) will conduct a work session on May 21, 2025 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 May 28, 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 language is shown as ~~strike through~~. The public hearing will be conducted in-person, electronically, and by phone.¹

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.”²

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

¹ See Board of County Commissioners May 21, 2025 Agenda for more information:
<https://www.deschutes.org/meetings>

² <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.400³ (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197⁴. 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.

³ https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html

⁴ <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 May 2025, the Oregon Supreme Court has allowed review of this case and has set oral argument for September 2025. Staff continues to monitor the case for potential legal implications.

IV. AGENCY AND PUBLIC COMMENT

The following public comments have been received regarding the proposed amendments. The full written comments are available in record for the Planning Commission's reference. For the purpose of this memorandum, brief summaries of the testimony are provided below:

1. *Rand Campbell, Rand Campbell Law LLC (March 27, 2025)*: The commenter raised concerns that the proposed text amendments may actually impose more restrictive standards that could hinder housing development on rural and unincorporated lands arguing, part, that revisions to DCC 17.22.020(A)(3), DCC 17.22.025(E), and DCC 17.36.180(A) eliminate flexibility that currently allows case-by-case consideration of access and road frontage requirements. Additionally, the commenter notes that access provisions in DCC 17.22.020(A)(3) and DCC 17.22.025(E) only recognize federally owned lands (e.g., Forest Service or BLM roads) and overlook access through state-owned public lands. The commenter argues that the County's frontage requirements are generally unnecessary and are unreasonably restrictive in the rural environment and urges the County to amend DCC to include state land access, preserve the current frontage flexibility for discretionary review processes, and retain the existing 20-foot frontage allowance for partitions accessed via public lands. This written comment noted a minor typo in DCC 17.22.025(C)(3) and included a request to continue the March 27 public hearing to allow for further public review and input.
2. *Daniel Robinson, Schwabe Williamson & Wyatt (March 26, 2025)*: The commenter outlined a series of concerns with the proposed text amendments, stressing that ambiguous language and procedural inconsistencies throughout the drafted amendments do not meet the statutory obligation to create clear and objective standards. Generally, the comment recommended revisions to the proposal to ensure the amendments are legally sound, flexible enough for rural contexts, and aligned with the state's broader housing goals. Regarding 17.36.180, the commenter argued that the proposed language is overly restrictive in rural areas where many properties are accessed via easements, not public roads, and that such a requirement constrains housing development. The commenter recommends retaining a discretionary review track alongside the clear and objective path to preserve flexibility for properties that are landlocked or otherwise constrained.

Additional concerns outlined in the written comment addressed the proposed amendments to DCC 17.36.040(B)(1) and the inclusion of language requiring the County to demonstrate “consistency with constitutional requirements.” The commenter argues that determining constitutional compliance under the Nollan/Dolan framework is inherently case-specific and not suitable for a clear and objective standard. Additional procedural concerns were directed to proposed text amendment language that suggests the County Road Department Director will help determine certain findings (see DCC 17.36.040(B)(2) and DCC 17.48.165(C)) as staff are participants in land use proceedings, not decision-makers. The commenter also highlighted that proposed changes to DCC 17.22.030 would require the same level of infrastructure improvements for both partitions and subdivisions, potentially leading to unconstitutional exactions. Additional concerns were outlined for the proposed amendments to DCC 17.22.025 (related to what constitutes a “conflict” with an easement), and partial width road improvements per DCC 17.48.160(D). The commenter noted a minor typo in DCC 17.48.180(A) and (B) and requested to continue the March 27 public hearing to allow for further public review and input.

3. *Matt Cyrus, Deschutes County Planning Commissioner (April 10, 2025):* This written comment provided responses, suggested specific language, and raised concerns about the practicality and legality of several provisions of the proposed text amendments. For DCC 17.16.060, 17.24.020, and 17.24.030, the commenter objected to approval expirations (e.g., five years for a Master Development Plan or two years for tentative plans), arguing that due to the significant investment in obtaining such approvals, they should not lapse and should be revised to align more with the permanence of a zone change and recognize real-world challenges such as market fluctuations.

The commenter also challenged the fire safety and water-related requirements under DCC 17.16.101 and 17.22.025, particularly those mandating verification from the Oregon State Fire Marshal (OSFM) and requiring engineers to guarantee no measurable well drawdown over 50 years. They argued these standards are either infeasible or involve agencies (like OSFM) that do not provide the required documentation. The written comment proposed refining the language in DCC 17.22.025(C)(2)(a)(2) to reference “rights/permits”.

The comments expressed opposition to certain infrastructure requirements like required dedications for future streets (DCC 17.36.080), and mandated pedestrian/bicycle connections and cul-de-sac restrictions (DCC 17.36.140), citing concerns with property rights and the *Dolan v. Tigard* takings precedent. The commenter suggested these provisions overreach by imposing off-site obligations and ignoring market-preferred design standards like cul-de-sacs. The commenter suggested that the draft provisions of DCC 17.36.180 be reworded to read “A. Each lot or parcel shall have a legal access.”

4. *Daniel Robinson, Schwabe Williamson & Wyatt (April 10, 2025):* Following up on the April 7, 2025 coordination meeting with County staff, the comment requested that key revisions be made before final adoption, emphasizing the importance of aligning the proposed amendments with the County's goal to increase housing supply, particularly where any newly-proposed standards are more stringent than existing code, which could hinder housing development.

The commenter broadly urged the Planning Commission to direct County staff to revise the proposed amendments by including a discretionary review option wherever new clear and objective criteria are more restrictive than the current code, arguing that without a parallel discretionary path, the stricter standards risk reducing development flexibility and thus fail to meet the intent of state law promoting needed rural housing. The commenter opposed County staff incorporating discretionary options through repurposing existing code language, and advocated instead to engage in broader policy discussions to refine discretionary criteria to effectively facilitate housing development.

5. *Robin Hayakawa, Central Oregon LandWatch (April 16, 2025):* "Code amendments should be policy neutral: Comments submitted to the record have advocated for substantive policy changes to the provisions of Title 17, when existing language is already nondiscretionary, clear, and objective. In particular, several comments have suggested that rural Frontage/Access requirements should be changed or eliminated in county zones, and that certain approvals should not become null and void after a specified period of time. The current process is not an appropriate forum for these proposed amendments. The Clear & Objective Code Amendment process was initiated to bring DCC into compliance with ORS 197A.400, which becomes effective on July 1, 2025. We encourage the County to resist these proposed changes and only draft policy-neutral code amendments where existing language is already nondiscretionary, clear, and objective. Otherwise, LandWatch thanks the County for their continued efforts on this important initiative. We hope that the proposed updates will achieve an effective balance of state legislative priorities and responsible land use principles in Deschutes County."
6. *Lisa Andrach, Fitch & Neary P.C. (April 16, 2025):* The public comment critiqued Deschutes County's past application of subdivision road standards to minor partitions, arguing that such enforcement can be both unreasonable and lacking in public benefit, citing a specific example from Terrebonne where a 2.5-acre partition was held to the same standards as subdivisions including public right-of-way upgrades. Further arguments stated that such rigid application results in absurd and impractical outcomes, especially when neighboring roads are unimproved or encroached upon, and when access does not rely on these adjacent areas. The comment included criticism of Title 17's variance code and the perceived lack of relief offered through those existing provisions.

Additionally, the comment argued that DCC 17.48.210, which governs access requirements, is vague, ambiguous, and inappropriately applied to partitions.

Citing specific example, the commenter described a landowner with ODOT-approved driveway access onto O'Neil Highway that was required to complete County road improvements based on subdivision standards. The requirement that access be taken from the lowest classified road led to a mandate to upgrade a road segment that ultimately dead-ends at an irrigation canal. The comment asserted that County enforcement of subdivision standards in this partition context was unnecessary and punitive. The commenter requested that the subject code revisions allow administrative flexibility where subdivision standards are excessive or misapplied.

V. PLANNING COMMISSION REVIEW AND DISCUSSION

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on February 20, 2025. Staff presented the proposed amendments to the Commission at a work session on March 13, 2025.⁵ An initial public hearing was held before the Commission on March 27, 2025⁶. At that time, both the oral and written records were continued to a subsequent hearing on April 10, 2025⁷, at which point the oral record was closed, while the written record remained open until April 16, 2025, at 5:00 pm. The Commission held deliberations on April 24, 2025⁸, highlighting several drafted amendments for review before the Board prior to final approval.

Based on feedback from the Planning Commission, several updates were incorporated into the current version of the proposed text amendments, attached to this memorandum. These updates are responsive to the Commissioner's comments around Oregon State Fire Marshal (OSFM) references, domestic water source terminology, domestic water well drawdown analysis requirements, and clarification around multi-use path connectivity.

In addition to the aforementioned feedback, Commissioners highlighted the following themes and issues during the public hearing and deliberations processes:

- In response to the Planning Commission's comments around durations of approval as outlined in the 17.16.060 and 17.16.070 sections Title 17's Approval of Subdivision Tentative Plans and Master Development Plans section, staff has provided clarifying language within the proposed amendments, explaining that any duration of approval for such plans is subject to the standards and procedures outlined in DCC 22.36 (Limitations on Approvals).
- The Planning Commission expressed concern with the draft language of DCC 17.36.080 (*Future Extension of Streets*) requiring roads to reach the edge of a subject property in order to provide access for adjoining divisible properties.

⁵ <https://www.deschutes.org/bc-pc/page/planning-commission-63>

⁶ <https://www.deschutes.org/bc-pc/page/planning-commission-64>

⁷ <https://www.deschutes.org/bc-pc/page/planning-commission-65>

⁸ <https://www.deschutes.org/bc-pc/page/planning-commission-66>

In part, the Planning Commission took issue with the absence of a two-track regulatory framework, emphasizing that the proposed language relied solely on clear and objective standards that failed to preserve the original discretionary flexibility afforded under current code.

Beyond procedural concerns, the Planning Commission raised broader constitutional issues, cautioning that rigid requirements for future street extensions could run afoul of Fifth Amendment protections against uncompensated taking. Without the ability to apply discretion, The Planning Commission expressed concern that the County could risk legal exposure for imposing conditions not justified under constitutional standards. In response, staff revised the proposed amendments to include a two-track approach incorporating both discretionary language alongside the proposed clear and objective language. This revision aims to address the Planning Commission's concerns by balancing regulatory compliance and clarity with flexibility.

- In alignment with several public comments submitted into record, the Planning Commission reviewed and expressed notable concern regarding the proposed amendments to DCC 17.36.180(A), which govern road frontage requirements for land divisions.

The Commissioners echoed community input in criticizing the draft language for its exclusive reliance on clear and objective standards, which eliminated the discretionary flexibility historically provided under the existing code. In particular, the potential for case-by-case review of certain frontage configurations involving federal lands administered by the Bureau of Land Management (BLM) and US Forest Service (USFS) was seen as a valuable component of the existing discretionary language.

In response to these concerns, staff revised the draft to include a two-track approach. This revision reinstates the original discretionary review pathway alongside the proposed clear and objective standards, providing applicants and decision-makers with increased flexibility and predictability. Further discussion by the Planning Commission indicated an interest in exploring broader alternatives to standard public road frontage. Specifically, Commissioners expressed a desire to consider the incorporation of additional discretionary language that would allow access via private easements under certain conditions.

Accordingly, while the Commission has recommended that the Board review this draft section with attention to potential opportunities for expanding discretionary flexibility, staff notes that the concept of allowing property access via private easements raises a range of broader policy considerations. Should the Board choose to explore this further, it may warrant additional discussion outside of the clear and object update involving a variety of stakeholders – such as utility providers, emergency service agencies, mail carriers, road districts, and developers – to help assess potential implications and inform any future direction.

Additionally, staff addressed public comments related to scrivener's errors and the inclusion of the term "constitutional requirements" and its variations in DCC 17.36.040(B)(1-3), as illustrated in the proposed amendments package.

Based on input received throughout the Planning Commission review process, the Board may receive additional testimony including but not limited to the proposed text amendments of DCC 17.22.030, 17.22.025(D), 17.36.040(B)(2), 17.36.080, 17.36.180, and 17.48.165(C).

VI. 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

VII. NEXT STEPS

A public hearing with the Board is scheduled for May 28, 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.”¹

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)² 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.400³ (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197⁴. The newly established ORS 197A.400 will become effective on July 1, 2025, and states the following [emphasis added]:

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

² https://oregon.public.law/statutes/ors_197.307

³ https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html

⁴ <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 lot configuration 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 May 28, 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 March 13, 2025 for the Commission public hearing and on May 9, 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 May 28, 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 May 28, 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 March 13, 2025 and May 9, 2025 issues 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 Plan⁵. No changes will occur to

⁵ https://sheriff.deschutes.org/2021_NHMP.pdf

County programs related to flood management, wildfire mitigation, or other natural hazards. The amendments are consistent with Goal 7.

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 ~~C~~eity 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.

HISTORYAdopted by Ord. XX-XXXX §XX on X/X/XXXX17.08.030 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 of 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 ~~a~~ ~~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](#)

[17.12.070 Pre-Application Meeting](#)

[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. ~~The~~ comprehensive plan for the County and/or the applicable urban area comprehensive plan;
- B. ~~and the~~ 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, Professional 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, the 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 duration of approval shall be as specified in DCC 22.36.

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, 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.

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 responding fire protection district verifying the subject property referenced in the tentative plan is included within the fire protection district's response area.
 - 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 permits have been obtained for the tentative plan lots and are legally available for the proposed uses.

b. A will-serve letter from a sewer or 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.

c. 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.

d. Written verification that the subject property is included within the response area of a fire protection district.

e. 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 by 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.

HISTORY

Adopted 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. ~~of~~
- 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. ~~of~~
- 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 fee~~s~~.
- 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~~one~~ 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 asincluding 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 forconfirming 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 Professional Engineer or surveyor employed or to be employed to make the necessary surveys;
 5. A statement regarding contemplatedproposed 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, anthe 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 (c).~~
 - ~~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 s 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 ~~An~~ 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 Titles 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 responding fire protection district verifying the subject property referenced in the tentative plan is included within the fire protection district's response area.
- 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 permits have been obtained for the tentative plan parcels and are legally available for the proposed use(s).
- b. A will-serve letter from a sewer or 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.
- c. 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.
- d. Written verification that the subject property is included within the response area of a fire protection district.
- e. 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 by 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 impair, obstruct, or otherwise interfere with the use or purpose of 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

- A. General/Discretionary Standards: In the approval of a land partition, the County shall consider the need for street and other improvements, and may require as a condition of approval any improvements that may be required for a subdivision under the provisions of DCC Title 17. All roads in partitions shall be dedicated to the public without reservation or restriction, except

where private roads are allowed by the applicable zoning regulations, such as in planned or cluster developments.

B. Clear and Objective Standards: In the approval of a partition, the County shall consider the need for street and other improvements, and shall require as a condition of approval completion of any improvements required pursuant to DCC 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 §XX 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~~ 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

[17.24.010 Applicability](#)

[17.24.020 Submission; Extensions](#)

[17.24.030 Submission For Phased Development](#)

[17.24.040 Form](#)

[17.24.050 Requirements Of Survey And Plat](#)

[17.24.060 Required Information](#)

[17.24.070 Supplemental Information](#)

[17.24.080 \(Repealed\)](#)

[17.24.090 Approval By Irrigation Districts](#)

[17.24.100 Technical Review](#)

[17.24.105 Final Plat Review](#)

[17.24.110 Conditions Of Approval](#)

[17.24.120 Improvement Agreement](#)

[17.24.130 Security](#)

[17.24.140 Approval](#)

[17.24.150 Recording](#)

~~[17.24.160 Approval And Recordation Of Subdivision Interior Monuments](#)~~
~~[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~~planning ~~D~~department 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 ~~beginning~~ 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 S~~urveyor 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 ~~e~~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 ~~h~~B~~o~~ard, 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. Upon 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

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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.
2. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body 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.

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 area 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](#)

A. General/Discretionary Standards: 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.

B. Clear and Objective Standards: When a proposed partition or subdivision abuts land capable of being divided in compliance with the current minimum lot area acreages, but the abutting land does not have sufficient road access to accommodate a land division, 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.

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, and Title 12 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, 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:

1. Two-way facilities with a standard width of 10 feet. These paths shall meet County multi-use path standards in DCC 17.48, and Title 12, and shall provide connections to:

a. Each lot in the subdivision;

b. Multi-use path facilities, located on the subject property, designed to facilitate access to existing or planned neighborhood activity centers, such as schools, shopping areas, and parks, within one-half mile of the subdivision; and

c. Public roads adjacent to the subdivision.

2. Subject to maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105.

A.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.~~

B.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, 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. General/Discretionary Standards: Each lot or parcel shall abut upon a public road, or when located in a planned development or cluster development, a private road, for at least 50 feet, 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. Clear and Objective Standards: 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 at least 50 feet of road frontage.

~~B-C.~~ 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, ~~hethey~~ 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 thea~~t~~ 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 ~~thenth~~ 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 Of Requirements](#)

~~[17.48.030 Additional Design Requirements](#)~~

[17.48.040 Approval Of Variations](#)

~~[17.48.050 Road Design](#)~~

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[17.48.070 Horizontal Alignment](#)
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[17.48.090 Intersections](#)
[17.48.100 Minimum Right Of Way Width](#)
[17.48.110 Turn Lanes](#)
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[17.48.130 Road Names](#)
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[17.48.160 Road Development Requirements; General Standards](#)
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[17.48.175 Road Development Requirements; Unincorporated Communities](#)
[17.48.180 Private Roads Road Development Requirements; Destination Resorts, Planned Unit Developments and Cluster Developments](#)
[17.48.190 Drainage](#)
[17.48.200 Surveying](#)
[17.48.210 Access](#)
[17.48.220 Driveways](#)
[17.48.230 Utilities; Standards](#)
[17.48.240 Utilities; Permit](#)
[17.48.250 Utilities; Construction; Performance Standards](#)
[17.48.260 Utilities; Construction; Excavation](#)
[17.48.270 Utilities; Construction; Backfilling And Restoring](#)
[17.48.280 Utilities; Construction; Inspection](#)
[17.48.290 Fees](#)
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[17.48.330 Construction; General Specifications](#)
[17.48.340 Construction; Testing](#)
[17.48.350 Construction; Inspection](#)
[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 Of 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 ADCC 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.
 1. General Discretionary Standards: 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.
 2. Clear and Objective Standards: A secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.

HISTORYAdopted by Ord. XX-XXXX §XX on X/X/XXXX17.48.170 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.

HISTORYAdopted by Ord. [81-043](#) §1, Exhibit A, §8.120(7) on 12/31/1981Amended by Ord. [93-012](#) §51 on 8/4/1993Amended by Ord. [2001-016](#) §1 on 3/28/2001Amended by Ord. XX-XXXX §XX on X/X/XXXX17.48.175 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 \(Repealed\)](#)

RURAL COUNTY ROADS (Outside of the La Pine, Tumalo and Terrebonne Unincorporated Communities)												
Road Type/Class	ROW	Paved Width^(a)	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Swale^{(c)(d)}	Sidewalk Required^(e)	Surface Type	Base Depth^(f)	Max. Grade^(g)	Design Speed/Min. Tang./Min. Curve
State Highway	80'-100'	36'-70'	12'	6'	--	14'	n/a	--	(+)	(1)	6%	(1)
Minor Arterial	80'	28'-46'^(a)	11'	3'-5'	2'	14'	n/a	--	3" AC	10"	6%	(2)
Collector	60'	28'-46'^(a)	11'	3'-5'	2'	14'	n/a	--	3" AC	8"	8%	(2)
Local	60'	20', 24'^(a)	--	--	2'	--	Yes	--	0-9 or 2" AC	6"	10%	(2)
Partition												
< 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)

<i>Other</i>												
Industrial	60'	32'	--	--	--	--	--	--	3" AC	10"	6%	(2)
Private	--	20', 28' ⁽⁸⁾	--	--	--	--	--	--	0-9 or 2" AC	6"	12%	(2)
Frontage	40'-60'	28'	--	--	--	--	--	--	3" AC	8"	10%	(2)
<i>LA PINE Urban Unincorporated Community, La Pine Planning Area</i>												
<i>US Highway 97</i>	100'	74'	12'	6'	6'	14'	No	Yes ⁽²⁺⁾	(+)	(+)	6%	(1)
<i>Minor Arterial</i>	80'	36-50'	12'	6'	2'	14'	Yes	Yes	3" AC	10"	6%	(2)
<i>Collector</i>	60'	36'	12'	6'	2'	14'	Yes	Yes	3" AC	8"	8%	(2)
<i>Local</i>												
Commercial	60'	32'	11'	5'	2'	--	Yes	Yes	3" AC	8"	10%	(2)
Residential (≥250 projected ADT)	60'	28'	10'	4'	2'	--	Yes	No ⁽⁴⁺⁾	2" AC	6"	10%	(2)
Residential (<250 projected ADT)	60'	24'	10'	2'	2'	--	Yes	No ⁽⁴⁺⁾	2" AC	6"	10%	(2)
<i>Other</i>												
Alley	20'	15'-20'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	20'	8' ⁽²³⁾	--	--	2.5'	--	Yes	--	Variable	4"	10%	--
<i>LA PINE Urban Unincorporated Community, Wickiup Junction Planning Area</i>												

US Highway 97	80'-100'	50'+	12'	6'	6'	14'	No	No	1(1)	1(1)	6%	(1)
Minor Arterial	80'	36-50'	12'	6'	2'	14'	Yes	No	3" AC	10"	6%	(2)
Collector	60'	36'	12'	6'	2'	—	Yes	No	3" AC	8"	8%	(2)
Local												
Commercial	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)
Other												
Alley	20'	15'-20'	—	—	—	—	No	No	2" AC	4"	10%	(2)
Pathway	20'	8' (22)	—	—	2.5'	—	No	—	Variable	4"	10%	—
LA PINE Urban Unincorporated Community, Neighborhood Planning Area												
Central Collector	90'	24'	12'	—	2'	—	Yes	No (20)	3" AC	10"	6%	(2)
Neighborhood Collector	80'	22'	11'	—	2'	—	Yes	No (20)	3" AC	8"	8%	(2)
Perimeter Collector	60'	24'	12'	—	2'	—	Yes	No (20)	3" AC	8"	8%	(2)
Local												
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)
Other												

Alley	20'	15'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	15'	8' ⁽²³⁾	--	--	2.5'	--	No	--	Variable	4"	10%	--
TUMALO Unincorporated Community												
US Highway 20	80'-100'	60'	12'	4'	6'	14'	No	No	⁽⁴⁾	(1)	6%	(1)
Collector												
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⁾
Local												
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)
Other												
Alley (Commercial)	20'	20'	--	--	--	--	No	No	2" AC	6"	10%	⁽²⁾
Path/Trail	15'	6' unpaved 8' paved ⁽²³⁾	--	--	2.5' (if paved)	--	--	--	2" AC	4"	5%	--

TERREBONNE Unincorporated Community												
Road Type/Class	ROW	Paved Width ⁽⁸⁾	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Swale ⁽¹²⁾	Surface Type	Sidewalk Required	Base Depth ⁽⁹⁾	Max Grade ⁽⁶⁾	Design Speed/ Min Tang/ Min Curve
US Highway 97	80'-100'	60'	12'	6'	6'	14'	No	⁽⁴⁾	No ⁽¹⁴⁾	(1)	6%	⁽⁴⁾

Minor Arterial													
Smith Rock Way	TeC	60'	34'	12'	5'	2'	14'	Yes	3" AC	Yes (+5)	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)
Collector													
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 (+6)	3" AC	No (+6)	8"	8%	(2)
Local													
Commercial	TeC	60'	24'	12'	--	2'	--	Yes	3" AC	Yes (+5)	8"	8%	(2)
	TeR	60'	24'	12'	--	2'	--	No	3" AC	No	8"	8%	(2)
Residential	TeR	60'	20'	12'	--	2'	--	No (+7)	0-9 or 2" AC	No (+7)	6"	10%	(2)
Other													
Alley (Commercial)		20'	20'	10'	--	--	--	No	2" AC	No	6"	10%	(2)
Path/Trail		15'	6' unpaved 8' paved (+2)	--	--	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-value 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 ¹			Vertical Clearance		Lateral Clearance (each side)		Cro ss- slop e Gra de	Grade		Pavement Structure		Mul ti- use	RO W
Multi use Path		Off	Min.	Stand -	Hi gh Us e	Mi n.	Stan d.	Mi n.	Stan d.	2%	Stan d.	Max.	Aggreg ate Base	A. C.	Yes	Mi n.
			8'	10'	12'	8'	10'	2'	3'		5%	>5% up to dista nce	4"	2"		15'

											of 500'				
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 b-or parki ng	6'							Use on urban arterial or major collector, or rural roads near urban areas with high anticipated bike use	Same as parent roadway	No		
Shoul der Bikew ay	4"	On	4'	4' w/op en shoul der 5' w/cur b-or other barrie r	6'						Recommen ded on higher speed, and traffic volume rural roads	Same as parent roadway	No		
Share d Road way		On									Recommen ded 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

¹ 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 t~~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



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Work Session: Clear and Objective Housing Text Amendments – Goal 5 (Title 18)

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes Board of County Commissioners (Board) will conduct a work session on May 21, 2025 to consider text amendments establishing “clear and objective” housing development standards (file no. 247-25-000171-TA). This work session is in preparation for a public hearing scheduled for May 28, 2025.

This amendment package encompasses areas of the Deschutes County Code that address Goal 5 resources and related language, including cluster and planned developments, in Title 18, specifically:

- Definitions for the Deschutes County Zoning Code – DCC 18.04
- Basic Provisions – DCC 18.08
- Multiple Use Agricultural Zone – DCC 18.32
- Surface Mine Impact Area (SMIA) – DCC 18.56
- Rural Residential Zone – DCC 18.60
- Terrebonne Rural Community Zoning District – DCC 18.66
- Landscape Management Combining Zone – DCC 18.84
- Wildlife Area Combining Zone – DCC 18.88
- Sensitive Bird and Mammal Habitat Combining Zone – DCC 18.90
- Urban Unincorporated Community Zone; Sunriver – DCC 18.108
- Supplementary Provisions – DCC 18.116
- Exceptions – DCC 18.120
- Conditional Use – DCC 18.128

BUDGET IMPACTS:

None

ATTENDANCE: Tanya Saltzman, Senior Planner and Will Groves, Planning Manager



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner
Will Groves, Planning Manager

DATE: May 14, 2025

SUBJECT: Work Session: Clear and Objective Housing Text Amendments – Goal 5 (Title 18)

The Deschutes Board of County Commissioners (Board) will conduct a work session on May 21, 2025 to consider text amendments establishing “clear and objective” housing development standards (file no. 247-25-000171-TA). This work session is in preparation for a public hearing scheduled for May 28, 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 language is shown as ~~struckthrough~~. The public hearing will be conducted in-person, electronically, and by phone.¹

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.”²

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

¹ See Board of County Commissioners May 21, 2025 Agenda for more information:

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

² <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.400³ (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197⁴. 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.

³ https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html

⁴ <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 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 structured manner.

Where possible, planning staff have drafted amendments that effectuate a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and purpose of each amended code provision are preserved. Where that approach is not viable, alternative standards or criteria have been proposed. Additionally, 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.

This amendment package encompasses areas of the DCC that address Goal 5 resources and related language, including cluster and planned developments, in Title 18, specifically:

- Definitions for the Deschutes County Zoning Code – DCC 18.04
- Basic Provisions – DCC 18.08
- Multiple Use Agricultural Zone – DCC 18.32
- Surface Mine Impact Area (SMIA) – DCC 18.56
- Rural Residential Zone – DCC 18.60
- Terrebonne Rural Community Zoning District – DCC 18.66
- Landscape Management Combining Zone – DCC 18.84
- Wildlife Area Combining Zone – DCC 18.88
- Sensitive Bird and Mammal Habitat Combining Zone – DCC 18.90
- Urban Unincorporated Community Zone; Sunriver – DCC 18.108
- Supplementary Provisions – DCC 18.116
- Exceptions – DCC 18.120
- Conditional Use – DCC 18.128

III. METHODOLOGY

The proposed amendments incorporate feedback from key stakeholders, including the Oregon Department of Land Conservation and Development (DLCD), Oregon Department of Fish and Wildlife (ODFW), 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 Goal 5-related provisions in DCC Title 18 related to housing. Staff's methodology and approach to create clear and objective code is summarized below.

General Approach

While a clear and objective review path is required for residential development, the flexibility provided by discretionary review may continue to be attractive for some projects and it may not be practical or achievable to write clear and objective standards that work in every development situation. ORS 197A 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 in some cases maintain the existing standards as an optional, discretionary track for housing. These discretionary standards will 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.

The proposed amendments included in this package do not alter the County's acknowledged Goal 5 inventories or impact areas. The proposed amendments ensure Deschutes County remains in compliance with state statute and administrative rules by continuing to allow residential construction in areas with Goal 5 resources, providing applicants with a clear and objective process using standards and criteria that maintain the same level of protection as the discretionary process that was previously adopted and, in most cases, remains an option for applicants.

Certain sections of code provide a standard applicants must meet and provides a path for exceptions, which usually entails discretion. The new clear and objective path removes the exception.

For example, in the current Wildlife Area Combining Zone (WA) zone regulations, new dwellings are required to be entirely within 300 feet of an existing road, which is intended to minimize the extent of impacts to protected resources. Exceptions are permitted if the discretionary criteria in DCC 18.88.060(B) are met. One of those discretionary exceptions is to demonstrate that habitat values and migration corridors are afforded equal or greater protection through a different development pattern. In the proposed clear and objective path, exceptions are not permitted at all; an applicant would need to follow the discretionary review path if deviating from the standard. Therefore, the proposed amendments retain the existing regulations, explicitly separating the clear and objective and discretionary options. This is consistent with the existing program to protect.

A second example illustrates the creation of a clear and objective option as an alternative to discretionary design elements. The existing LM combining zone design standards (DCC 18.84.080) address building and roof color and reflectivity, setbacks, height, lighting, screening, and access. The intent of these standards is to minimize the visual appearance of structures from specified view corridors in order to maintain scenic views and the natural appearance to the greatest extent possible. The proposed amendments provide a parallel clear and objective approval path. These amendments codify the types of designs that County staff would approve under the current regulations. Standards for building color, screening, trees, and setbacks have been updated with the intent to achieve equivalent outcomes to the existing program to protect. This includes:

- The discretionary requirement for “muted earth tones” is replaced by an approved palette of specific earth tone colors (DCC 18.18A) or with natural wood or stone.
- The requirement for non-reflective materials is replaced by an objective light reflectance value (LRV) standard.
- The discretionary requirement for use of existing features to reduce visual impacts is replaced by a standard that states equivalent requirements using clear and objective language.
- The vague and discretionary screening requirements are replaced by specific tree planting standards.

These objective standards are intended to provide a narrow approval pathway. The site designs that would meet these standards could also be approved by County staff under the discretionary review path, thereby achieving equivalent outcomes.

Definitions

Using the same methodology as in the Title 18 Definition Module 1 of the Clear and Objective Project, staff modified Goal 5-related 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 term is not explicitly used in Goal 5 language in Title 18, as revised, those terms have been removed.

IV. AGENCY AND PUBLIC COMMENTS

The following public comments have been received regarding the proposed amendments. The full written comments are available in record for reference. For the purpose of this memorandum, brief summaries of the testimony are provided below:

1. *Robin Hayakawa, Central Oregon LandWatch*: LandWatch noted the significance of the County's Goal 5 protections and the goal of the clear and objective regulations providing more clarity to land use applicants. With that acknowledgement, LandWatch expressed several concerns:
 - a. Noted that the removal of planned and cluster developments from the list of conditional uses permitted in the MUA and RR-10 zones is confusing, since that use remains permissible as a conditional use in the discretionary path. LandWatch recommended retaining comprehensive lists of all conditional uses permitted within those zones, potentially as a user-friendly table showing the discretionary and clear and objective tracks.
 - b. Stated that the siting standards in the Wildlife Area Combining Zone are confusing, with respect to the requirement to site a dwelling within 300 feet of a road or recorded easement. The language in the existing discretionary requirements require a road/easement to exist “as of” August 5, 1992 (the original adoption date of the WA zone), but the clear and objective standards are worded differently, requiring the photo evidence to be taken “prior to” August 5, 1992. LandWatch provided language suggestions to clarify this requirement, using the phrase (or similar words) “has been in continuous existence.”
 - c. Lastly, LandWatch maintains that the County may need to “apply Goal 5” in consideration of the proposed amendments, including identification of significant Goal 5 resources, ESEE (Economic, social, environmental, and energy) analyses that disclose the effects of conflicting uses on those resources, and development of a program to meet the Goal for significant resources per OAR 660-023-0250(3)(a). LandWatch states that a post-acknowledgement plan amendment (PAPA) that amends a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource triggers the requirement to apply Goal 5, even if the regulations do not result in a change to the protection for a resource.

2. *Jessica Wilkes, Oregon Department of Fish and Wildlife*: this testimony acknowledged the complexity of complying with the state law in these chapters of Deschutes County Code. The existing Goal 5 program for protecting fish and wildlife is discretionary; the clear and objective criteria removes that discretionary flexibility and with it, the ability to utilize ODFW's expertise. The testimony concludes, "ODFW recommends continued consultation with state and federal agencies to protect Goal 5 resources."
3. *Matt Cyrus, Deschutes County Planning Commissioner*: Commissioner Cyrus asked clarifying questions to be discussed during the hearing regarding the origins of the requirements in DCC 18.88.051 – Dimensional Standards – Clear and Objective Standards. He also requested additional clarification regarding cluster and planned developments.
4. *Casey Roscoe, Deschutes County resident*, provided verbal testimony in person. Roscoe's testimony addressed several issues. She questioned the specificity of the paint color palette provided in the clear and objective path in the Landscape Management Combining Zone, noting that one particular brand (Miller Paint) was provided and not enough options were provided. Roscoe also spoke to the limitations in the Wildlife Area Combining Zone as a whole, including prohibited uses and the County's ability to require conditions of approval for outdoor assemblies in the WA zone.
5. *Joy Lovett, Oregon Department of Fish and Wildlife (April 25, 2025)*: This testimony followed up on discussions held at the hearing concerning ODFW's initial testimony. Staff interpreted ODFW's initial testimony as requesting changes to the amendments to allow for some degree of ODFW participation in the clear and objective path in the Sensitive Bird and Mammal Habitat Combining Zone (DCC 18.90.061). Lovett's testimony clarified that ODFW recommends maintaining the proposed language as is, which requires compliance with the existing ESEE analyses, and noted that there are capacity issues with requiring ODFW concurrence on every clear and objective application or a possible veto option that was discussed.
6. *Toni Williams, Deschutes County Planning Commissioner (April 29, 2025)*: Commissioner Williams sought clarification on the development of the muted earth tone color palette required in the clear and objective path in the Landscape Management Combining Zone.

V. PLANNING COMMISSION REVIEW AND DISCUSSION

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on March 19, 2025. Staff presented the proposed amendments to the Planning Commission at a work session on April 10, 2025.⁵ An initial public hearing was held before the Commission on April 24, 2025.⁶ At that time, the oral portion of the public hearing was closed and the written record was held

⁵ <https://www.deschutes.org/bc-pc/page/planning-commission-65>

⁶ <https://www.deschutes.org/bc-pc/page/planning-commission-66>

open until April 30, 2025 at 4:00 p.m. The Commission held deliberations on May 8, 2025⁷, issuing a recommendation for approval to the Board and requesting staff to relay the main topics of the Planning Commission discussion to the Board.

Based on feedback and discussion from the Planning Commission, no immediate changes were made to the proposed text amendments. Staff and the Planning Commission discussed several items related to the testimony received and related items.

Driveway access: During the work session, the Planning Commission identified one item that may need additional review, which staff will revisit:

- DCC 18.84.081(F) states “No driveway access to a designated landscape management road for a dwelling unit shall be permitted.” Staff will consider re-examining this requirement. For reference, the discretionary path requires new driveway access to be “consolidated wherever possible.”

Paint palette: In response to inquiries concerning the paint palette in the Landscape Management Combining Zone, staff notes that the proposed code explicitly states that while the swatches provided are from Miller Paint, proposed exterior finish colors do not need to be that brand. It is necessary to provide a specific standard, however, so that applicants do not have to rely on a computer monitor or printer that is not properly calibrated.

The idea of using Pantone color switches was also raised. However, Pantone is generally a standard used for ink-based color and is a different system than exterior paint. Paint companies can try to match Pantone colors but they are often imperfect. This is why the clear and objective standard utilizes a palette specific to house paint colors. If an applicant wants to select a color that is not captured on the palette offered in the clear and objective path, the applicant can pursue approval under a discretionary path.

WA Zone uses: Concerning Casey Roscoe’s testimony concerning the limitations on uses and the County’s ability to require conditions of approval for outdoor assemblies in the WA zone, those initiatives are beyond the scope of this project, which is a direct response to House Bill 3197. The proposed amendment package is not seeking to revisit or alter the baseline protections of the WA and other Goal 5-related zones, but rather to provide a technical code patch to provide a clear and objective pathway to achieve the same level of protections that have been established through a previous legislative process. A project undertaking such as this would require specific direction from the Board and an extensive public process separate from the current Clear and Objective project.

Items raised by LandWatch: In response to the items raised by Central Oregon LandWatch and summarized above, the Planning Commission recommended staff further consider the text changes in the first two parts of the testimony provided.

- Regarding the need for significant additional ESEE analysis, staff, in consultation with County Legal Counsel, has determined that these amendments do not require a new

⁷ <https://www.deschutes.org/bc-pc/page/planning-commission-61>

Goal 5 analysis under OAR 660-023-0250(3) because they maintain equivalent protections for Goal 5 resources while simply providing an alternative approval path that uses quantifiable standards. The amendments neither add new uses nor reduce protections for Goal 5 resources. The findings document specifically outlines the ways in which those protections are maintained by the proposed amendments.

VI. NEXT STEPS

A public hearing with the Board is scheduled for May 28, 2025.

Attachments:

- 1) Staff Report & Proposed Text Amendments



FINDINGS

CLEAR & OBJECTIVE TEXT AMENDMENTS – GOAL 5

I. **APPLICABLE CRITERIA:**

Deschutes County lacks specific criteria in DCC Titles 18, 19, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating this amendment, the County bears the responsibility for demonstrating consistency with Statewide Planning Goals and the 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.”¹

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)² 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.400³ (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197⁴. The newly established ORS 197A.400 will become effective on July 1, 2025, and states the following [emphasis added]:

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

² https://oregon.public.law/statutes/ors_197.307

³ https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html

⁴ <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 cost or delay. Application of typical discretionary standards (e.g. "adequate public facilities" or "effective mitigation") 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 structured manner.

Where possible, planning staff have drafted amendments that effectuate a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and purpose of each amended code provision are preserved. Where that approach is not viable, alternative standards or criteria have been proposed. Additionally, 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.

This amendment package encompasses areas of the DCC that address Goal 5 resources and related language, specifically:

- Definitions for the Deschutes County Zoning Code – DCC 18.04
- Basic Provisions – DCC 18.08
- Multiple Use Agricultural Zone – DCC 18.32
- Surface Mine Impact Area (SMIA) – DCC 18.56
- Rural Residential Zone – DCC 18.60
- Terrebonne Rural Community Zoning District – DCC 18.66
- Landscape Management Combining Zone – DCC 18.84
- Wildlife Area Combining Zone – DCC 18.88
- Sensitive Bird and Mammal Habitat Combining Zone – DCC 18.90
- Urban Unincorporated Community Zone; Sunriver – DCC 18.108
- Supplementary Provisions – DCC 18.116
- Exceptions – DCC 18.120
- Conditional Use – DCC 18.128

IV. METHODOLOGY:

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

Per state statute, the clear and objective 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 ordinances 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. (e.g. – 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. (e.g. - 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, the flexibility provided by discretionary review may continue to be attractive for some projects and it may not be practical or achievable to write clear and objective standards that work in every development situation. ORS 197A 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 in some cases maintain the existing standards as an optional, discretionary track for housing. These discretionary standards will 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 is met because a public hearing was held before the Deschutes County Planning Commission (Commission) on 4/24/2025 and a public hearing was held before the Board of County Commissioners (Board) on X/X/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 X/X/2025 for the Commission public hearing and on X/X/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 4/24/2025. The Board held a public hearing on X/X/2025.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-25-000171-TA will be implemented by ordinances upon approval and adoption by the Board. This criterion will be met.

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 4/24/2025 and one before the Board on X/X/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 X/X/2025 and X/X/2025 issues of the Bend Bulletin. The notices 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 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. Staff finds that these goals do not apply to the proposed amendments.

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 proposed amendments included in this package do not alter the County's acknowledged Goal 5 inventories or impact areas. The proposed amendments ensure Deschutes County remains in compliance with state statute and administrative rules by continuing to allow residential construction in areas with Goal 5 resources, providing applicants with a clear and objective process using standards and criteria that maintain the same level of protection as the discretionary process that was previously adopted and, in most cases, remains an option for applicants.

Local governments, as part of the Comprehensive Planning process, are required to inventory the extent, location, quality, and quantity of significant natural resources within their jurisdictional boundaries. Following this inventory, local governments then conduct an economic, social, environmental, and energy (ESEE) analysis to determine the extent to which land uses should be limited in order to adequately protect significant resources. Following an ESEE analysis, governments then establish a program to protect significant natural resources. Deschutes County established its initial Goal 5 natural resource inventory, ESEE analyses, and protection programs between the years of 1988-1994, as part of periodic review.

Deschutes County reviewed its adopted ESEE analyses for significant Statewide Planning Goal 5 resources in the following ordinances:

Surface Mining:

Ord. No. 90-014 (7/12/90)

Ord. No. 90-029 (7/12/90)

Fish and Wildlife:

Ord. No. 92-041 (8/5/92) - General

Ord. No. 94-004 (6/15/94) – Updated Sensitive Bird and Mammal and Townsend’s Big-Eared Bat inventories

Ord. No. 94-007 (7/20/94) – Updated Wetland and Riparian inventory

Rivers and Streams, Lakes and Reservoirs:

Ord. No 92-052 (11/25/92)

The County’s adopted ESEE analyses identified seventeen (17) inventoried resources, impact areas and potential conflicting uses, and included findings concerning the economic, social, energy and environmental consequences of prohibiting, limiting or allowing conflicting uses in identified impact areas, pursuant to OAR 660-023-0040 – ESEE Decision Process.

The County’s adopted ESEE analyses are sufficient to demonstrate that the proposed clear and objective standards amendments are consistent with Statewide Planning Goal 5. The proposed amendments do not allow any new conflicting uses that were not previously analyzed, nor do they change the impact areas.

The following findings address each inventoried resource and describe the manner in which the clear and objective amendments achieve the program to protect the resource in the adopted ESEE analyses.

1. Fish Habitat

Fill or removal: requirements are outlined in DCC 18.128.270 and in the proposed clear and objective standards in DCC 18.128.271. In the existing code, a conditional use permit is required for all fill or removal in riparian and wetland areas. The proposed approach to code amendments is that any fill or removal greater than 1 cubic yard requires a conditional use permit. The amount of fill or removal allowed without a conditional use permit review in the clear and objective path is intended to minimize conflicts with protected resources. The proposed clear and objective path only allows 1 cubic yard of fill and/or removal. Also, a signed statement by a professional engineer licensed in the state of Oregon must confirm that the proposed fill or removal will not adversely impact water quality, flooding, the stability of the bank, or other hydrologic characteristics of the water body, and that erosion will be adequately controlled during and after the project. This determination that hydrology will not be adversely impacted will ensure that fill or removal will have minimal to no impact to the protected

resource. A conditional use permit continues to be required for the majority of fill or removal projects, which typically exceed 1 cubic yard.

Rimrock setbacks: the current code requires all new structures to be set back 50 feet from the rimrock in all zones (DCC 18.84.090(D), 18.116.160), but allows exceptions in certain situations using discretionary provisions. In the proposed clear and objective path, exceptions are not permitted at all; an applicant would need to follow the discretionary review path if deviating from the standard. Therefore, the proposed amendments retain the existing regulations, explicitly separating the clear and objective and discretionary options. This is consistent with the existing program to protect.

River and Stream setbacks: the current Landscape Management Combining Zone (LM) requires all new structures and additions to structures to be set back at least 100 feet from the OHW line of designated streams and rivers. (DCC 18.84.090(C)). Exceptions are permitted if the discretionary criteria in DCC 18.120.030(E) are met. In the proposed clear and objective path, exceptions are not permitted at all; an applicant would need to follow the discretionary review path if deviating from the standard. Therefore, the proposed amendments retain the existing regulations, explicitly separating the clear and objective and discretionary options. This is consistent with the existing program to protect.

Therefore, the proposed program aligns with the existing program to protect.

2. Deer Winter Range

In the current Wildlife Area Combining Zone (WA) zone regulations, new dwellings are required to be entirely within 300 feet of an existing road, which is intended to minimize the extent of impacts to protected resources. Exceptions are permitted if the discretionary criteria in DCC 18.88.060(B) are met. In the proposed clear and objective path, exceptions are not permitted at all; an applicant would need to follow the discretionary review path if deviating from the standard. Therefore, the proposed amendments retain the existing regulations, explicitly separating the clear and objective and discretionary options. This is consistent with the existing program to protect.

In the WA zone, the proposed clear and objective lot size standard in the deer winter range (minimum 40 acres) is the same as the existing regulations.

There are no proposed changes to fence standards.

Therefore, the proposed program to protect aligns with the existing program to protect.

3. Furbearer Habitat

Furbearer habitat is currently protected by the existing Exclusive Farm Use (EFU) and Forest Use zoning, the provisions to protect farm use and forest use, and the provisions to protect wetlands and riparian areas. There are no proposed changes to the EFU or forest zones as part of this code amendment project, therefore that component of the program to protect furbearer habitat

remains the same. See Item 7 (Wetland and Riparian Areas) for findings addressing wetland and riparian regulations and their consistency with the existing program to protect.

4. Elk Habitat

The WA Combining Zone was recognized as the only program to achieve the goal to protect elk habitat. See Item 2 (Deer Winter Range) for findings addressing the proposed WA zone amendments and their consistency with the existing program to protect.

The proposed clear and objective lot size standard in elk habitat areas (minimum 160 acres) is the same as the existing regulations.

Therefore, the proposed program aligns with the existing program to protect.

5. Waterfowl Habitat

See findings for Item 1 (Fish Habitat) addressing the proposed fill or removal amendments, river and stream setback, and rimrock setback regulations and their consistency with the existing program to protect.

In the proposed clear and objective standards for the Landscape Management (LM) zone, conservation easements continue to be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Whychus Creek, and Tumalo Creek (DCC 18.84.081(I)). This is the same as the current regulations.

Therefore, the proposed program aligns with the existing program to protect.

6. Upland Game Bird Habitat

For all of the upland game birds except sage grouse, the habitat is currently protected by the existing EFU and forest zoning and the provisions to protect wetlands and riparian areas to achieve the goal of protecting upland game birds. There are no proposed changes to the EFU or forest zones as part of this code amendment project; therefore, that component the program to protect remains the same. See Item 7 (Wetland and Riparian Areas) for findings addressing wetland and riparian regulations and their consistency with the existing program to protect.

7. Wetland and Riparian Areas

See findings for Item 1 (Fish Habitat) addressing the proposed fill or removal amendments, river and stream setback, and rimrock setback regulations and their consistency with the existing program to protect.

Location of septic systems is recognized as a conflicting use for riparian resources. The current LM zone includes a discretionary standard, which requires on-site sewage disposal systems to

“minimize the impact on the vegetation along the river or stream” and “allow a dwelling to be constructed on the site as far from the river, stream, or lake as possible.” The proposed clear and objective path applies the same 100-foot setback from the ordinary high water line that applies to dwellings to on-site sewage systems. Exceptions are only permitted through discretionary review (DCC 18.120.030(E)). These proposed regulations are consistent with the recommendations in the ESEE to protect the riparian resource because they minimize impacts with significant setbacks.

Therefore, the proposed program aligns with the existing program to protect.

8. Ecologically and Scientifically Significant Natural Areas – Little Deschutes River/Deschutes River Confluence

See findings for Item 1 (Fish Habitat) addressing the proposed fill or removal amendments and their consistency with the existing program to protect.

Therefore, the proposed program aligns with the existing program to protect.

9. Landscape Management Rivers and Streams

The existing LM combining zone design standards (DCC 18.84.080) address building and roof color and reflectivity, setbacks, height, lighting, screening, and access. The intent of these standards is to minimize the visual appearance of structures from specified view corridors in order to maintain scenic views and the natural appearance to the greatest extent possible. The proposed amendments provide a parallel clear and objective approval path. These amendments codify the types of designs that County staff would approve under the current regulations. Standards for building color, screening, trees, and setbacks have been updated with the intent to achieve equivalent outcomes to the existing program to protect. This includes:

- The discretionary requirement for “muted earth tones” is replaced by an approved palette of specific earth tone colors (DCC 18.18A) or with natural wood or stone.
- The requirement for non-reflective materials is replaced by an objective solar reflectance index (SRI) standard.
- The discretionary requirement for use of existing features to reduce visual impacts is replaced by a standard that states equivalent requirements using clear and objective language.
- The vague and discretionary screening requirements are replaced by specific tree planting standards.

These objective standards are intended to provide a narrow approval pathway. The site designs that would meet these standards could also be approved by County staff under the discretionary review path, thereby achieving equivalent outcomes.

Conservation easements are also recognized as part of the program to protect this Goal 5 resource. See findings in Item 5 (Waterfowl Habitat) addressing the proposed amendments related to conservation easements and their consistency with the existing program to protect.

See findings for Item 1 (Fish Habitat) addressing the proposed fill or removal amendments, river and stream setback, and rimrock setback regulations and their consistency with the existing program to protect.

Therefore, the proposed program aligns with the ESEE program recommendations.

10. State Scenic Waterways and Federal Wild and Scenic Rivers

See findings for Item 1 (Fish Habitat) addressing the proposed fill or removal amendments, river and stream setback, and rimrock setback regulations and their consistency with the existing program to protect.

The LM zone design standards have been updated with the intent to achieve equivalent outcomes to the existing program to protect, including fill and removal permits, wetland removal regulations, rimrock setbacks, conservation easements, and landscape management. See findings for Item 9 (Landscape Management Rivers and Streams).

Therefore, the proposed program aligns with the existing program to protect.

11. Deer Migration Corridor

In the current regulations, residential land divisions in the Bend/La Pine Deer Migration Corridor, where the underlying zone is RR-10, are only permitted as a cluster development. Because cluster development review is designed to balance a variety of development goals in a discretionary, site-specific manner, it cannot be used for clear and objective reviews. Applicants seeking a land division can still follow the discretionary pathway. Cluster development standards follow the existing program to protect. Therefore, the proposed amendments retain the existing protections, explicitly separating the clear and objective and discretionary options.

See Item 2 (Deer Winter Range) for findings addressing the proposed amendments to the building placement standards in the WA zone and their consistency with the existing program to protect.

There are no proposed changes to fence standards.

Therefore, the proposed program aligns with the existing program to protect.

12. Antelope Habitat

The proposed clear and objective approval path in the WA zone (DCC 18.88.051(C)) retains the existing minimum lot size of 320 acres for new parcels in the antelope range. This represents no change to the existing program to protect the resource.

For other proposed amendments in the WA zone, see findings in Item 2 (Deer Winter Range).

The proposed amendments are consistent with the existing program to protect.

13. Habitat for Sensitive Birds

Existing site plan review criteria in the Sensitive Bird and Mammal Habitat (SBMH) zone (DCC 18.90.060) require all development to conform to the requirements of the ESEE decision for the subject sensitive habitat site. The proposed clear and objective standards (DCC 18.90.061) retain this requirement, and state that where the provisions of the ESEE decision and DCC conflict, the more restrictive provision prevails.

The current site plan review criteria require the site plan to “provide protection that will prevent destruction of the subject nesting site, hibernation site or rookery.” Each site-specific ESEE decision establishes requirements such as setbacks and buffers from the habitat site, which are intended to ensure site protection. The proposed clear and objective approach relies on the ESEE requirements to establish the standards that protect the resource, rather than reiterating the protection requirements in the site plan criteria (DCC 18.90.061(A) and (B)(1)).

The current criteria also require that “new roads, driveways or public trails shall be located at the greatest distance possible from the nest, rookery or hibernation site unless topographic or vegetation or structural features will provide greater visual and/or noise buffer from the nest, rookery or hibernation site.” The proposed clear and objective approach requires that new roads or driveways be located at least 500 feet from the sensitive habitat site. This provides equivalent protection as requiring such features be located “at the greatest distance possible,” by minimizing impacts to the habitat site from roads, driveways, and vehicles, while removing discretionary language around buffer features (DCC 18.90.061(B)(2)).

The existing requirement for preservation of existing vegetation and prohibition of land divisions that create residential building sites within the habitat area are proposed to be retained in the clear and objective path, but worded to remove discretion (DCC 18.90.061(B)(3) and (4)).

In the current criteria, all exterior lighting must “be sited and shielded so that the light is directed downward and does not shine on” the sensitive habitat site. The proposed clear and objective path replaces this with more specific shielding and cut-off standards to ensure light does not shine on the habitat site.

Therefore, the proposed program aligns with the ESEE program recommendations.

14. Habitat Area for Townsend’s Big-Eared Bats

There are no proposed changes to the EFU zones, where bat caves are located, as part of this code amendment project. The proposed clear and objective standards for the SBMH combining zone are only applicable to residential development (see Item 13 for findings addressing the SBMH zone).

Therefore, the proposed program aligns with the existing program to protect.

15. Lakes and Reservoirs

The regulations identified as applicable to this Goal 5 resource do not require amendments to achieve a clear and objective review pathway for residential development and therefore are not addressed in the proposed amendments.

16. Wilderness Areas, Areas of Special Concerns, Energy Sources, and Groundwater Resources

This resource was not analyzed as they are either located on federal land or clear and objective requirements are not applicable.

17. Surface Mining and Mineral and Aggregate Inventory Sites

The proposed clear and objective path for site plan review and other standards in the Surface Mining Impact Area (SMIA) combining zone maintains limitations on residential uses that are the same as the existing standards, which require new dwellings to be at least 250 feet from a surface mining zone and one-quarter mile from surface mining processing or storage sites. The only difference is that the clear and objective regulations are limited to dwellings and exceptions to the setback standards are not permitted in the clear and objective path.

There are no proposed substantive changes to the site plan review or approval criteria. Therefore, the proposed program aligns with the existing program to protect.

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 Plan⁵. No changes will occur to County programs related to flood management, wildfire mitigation, or other natural hazards. The amendments are consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs:

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The County is currently in compliance with the State's Goal 8 program. 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. The proposed amendments are in 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, removing barriers to housing within areas of the County identified for residential development. The proposed amendments are in compliance with Goal 10.

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.

⁵ https://sheriff.deschutes.org/2021_NHMP.pdf

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.

VII. CONCLUSION:

Based on the information provided herein, 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 18 COUNTY ZONING

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

CHAPTER 18.08 BASIC PROVISIONS

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CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

18.04.030 Definitions

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

* * *

~~"Bank full stage" means the elevation at which water overflows the natural banks of a stream, river or lake and begins to inundate the upland. In the absence of physical evidence, the two-year reoccurrence interval flood elevation may be used to approximate bank full stage.~~

~~"Bed or banks of stream or river" has the meaning given at OAR 141-085-0510. means the physical container of the waters of a stream or river lying below bank full stage and the land 10 feet on either side of the container.~~

~~"Cluster development" means a development permitting the clustering of single-unit or multi-unit family residences dwellings units on part of the property, with individual lots or parcels of not less than two acres in size and not exceeding three acres in size, and dedicated open space for a minimum of 65 percent of the parcel, lot, or tract. No commercial or industrial uses not allowed by the applicable zoning ordinance are permitted.~~

~~"Conflicting use" means a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). "Conflicting use" means a land use which could negatively impact or be negatively impacted by a Goal 5 resource.~~

~~"Dust-sensitive use" means use of a site, lot, or parcel, or tract as a dwelling unit, school, church religious institutions or assemblies, hospital, or similar use. Industrial or agricultural use of a site, lot, or parcel, or tract is not "dust-sensitive" unless it meets the above criteria in more than an incidental and subordinate~~

manner. Accessory structures, such as, but not limited to garages and workshops, do not constitute dust-sensitive uses.

"Dust-sensitive building" means a building that contains a dust-sensitive use.

"ESEE" stands for "economic, social, environmental, and energy." ~~ESEE means the economic, social, environmental and energy "consequences," as defined in OAR 660-16-005, that might result from prohibiting, restricting, or fully allowing a "conflicting" use.~~ In Title 18, ESEE refers to a decision document that identifies "ESEE consequences" and the "program to achieve the goal", as these terms are defined in OAR 660-023-0010. A conflicting use is one which could negatively impact or be negatively impacted by the Goal 5 resource.

"Fill", as used in the context of lakes, rivers, streams, floodplains, wetlands, or riparian areas, means:

- A. The deposit by artificial means of material within any lake, river, stream, floodplain, wetland, or riparian area.
- B. Fill includes any excavation or grading within any lake, river, stream, floodplain, wetland, or riparian area.
- C. Fill does not include ~~shall not include~~ practices that constitute accepted farming practices as defined in ORS chapter 215.

"Goal 5 resource" means open spaces, scenic and historic areas and natural resources as specified in Goal 5 of Oregon's Statewide Planning Goals and its implementing Administrative Rules, OAR chapter 660, ~~Divisions 1516 and 23~~.

"Grade" means the elevation of the ground surface. Grade is further defined as:

- A. "Grade, average", for the purposes of calculating structural height, means the average of two points which shall be the highest finished grade abutting the structure and the lowest finished grade abutting the structure.
- B. "Grade, existing" means the existing elevation of the ground surface prior to grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.
- C. "Grade, finished" means the final elevation of the ground surface following all grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.
- ~~D. For purposes of height determination in the Landscape Management Combining Zone, "grade" shall be the average of natural ground elevations prior to development, for the wall closest to and facing the road, river, or stream.~~
- ~~E-D.~~ For the purposes of streets or slopes, "grade" shall mean the degree of inclination.

"Noise-sensitive use" means use of a site, lot, ~~or~~ parcel, ~~or tract normally used for sleeping~~ approved for overnight human occupancy, or normally used as schools, ~~churches religious institutions or assemblies~~, hospitals, or public libraries. Industrial or agricultural uses of a site, lot, parcel, or tract are not "noise-sensitive" unless the use meets the above criteria in more than an incidental and subordinate manner. Accessory ~~uses-structures~~, such as but not limited to garages or workshops, do not constitute noise-sensitive uses.

"Noise-sensitive building" means a building that contains a noise-sensitive use.

"Ordinary High Water Line (OHWL)" has the meaning given at OAR 141-085-0510.

"Ordinary High Water Mark (OHWM)" ~~has the same meaning as "Ordinary High Water Line." means the highest level on the bank or shore of a lake, river, or stream to which the water ordinarily rises annually in season.~~

"Rimrock" means any ledge, outcropping, or top or overlying stratum of rock, which meets the following:

- A. ~~fForms a face~~Has a slope in excess of 45 degrees, as measured across any 10-foot horizontal distance. Where two or more horizontal measurements yield different results, the most restrictive measurement shall apply; and
- B. ~~which c~~Creates or is within the canyon of the following rivers and streams: (1) Deschutes River, (2) Crooked River, (3) Fall River (4) Little Deschutes River (5) Spring River (6) Paulina Creek (7) Whychus Creek and (8) Tumalo Creek.
- C. For the purpose of DCC Title 18, the edge of the rimrock is the uppermost rock ledge or outcrop of rimrock.

"River" has the same meaning as "stream."

"Stream" means a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

HISTORY

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

Amended by Ord. [82-013](#) §1 on 5/25/1982

Amended by Ord. [83-037](#) §2 on 6/1/1983

Amended by Ord. [83-033](#) §1 on 6/15/1983

Amended by Ord. [84-023](#) §1 on 8/1/1984

Amended by Ord. [85-002](#) §2 on 2/13/1985

Amended by Ord. [86-032](#) §1 on 4/2/1986

Amended by Ord. [86-018](#) §1 on 6/30/1986

Amended by Ord. [86-054](#) §1 on 6/30/1986

Amended by Ord. [86-056](#) §2 on 6/30/1986

Amended by Ord. [87-015](#) §1 on 6/10/1987

Amended by Ord. [88-009](#) §1 on 3/30/1988

Amended by Ord. [88-030](#) §3 on 8/17/1988

Amended by Ord. [89-004](#) §1 on 3/24/1989

Amended by Ord. [89-009](#) §2 on 11/29/1989

Amended by Ord. [90-014](#) §2 on 7/12/1990

Amended by Ord. [91-002](#) §11 on 2/6/1991

Amended by Ord. [91-005](#) §1 on 3/4/1991

Amended by Ord. [92-025](#) §1 on 4/15/1991

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

Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991

Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992

Amended by Ord. [92-034](#) §1 on 4/8/1992

Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992

Amended by Ord. [92-066](#) §1 on 11/25/1992

Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993
 Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993
 Amended by Ord. [93-038](#) §1 on 7/28/1993
 Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993
 Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994
 Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994
 Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994
 Amended by Ord. [94-038](#) §3 on 10/5/1994
 Amended by Ord. [94-053](#) §1 on 12/7/1994
 Amended by Ord. [95-007](#) §1 on 3/1/1995
 Amended by Ord. [95-001](#) §1 on 3/29/1995
 Amended by Ord. [95-075](#) §1 on 11/29/1995
 Amended by Ord. [95-077](#) §2 on 12/20/1995
 Amended by Ord. [96-003](#) §2 on 3/27/1996
 Amended by Ord. [96-082](#) §1 on 11/13/1996
 Amended by Ord. [97-017](#) §1 on 3/12/1997
 Amended by Ord. [97-003](#) §1 on 6/4/1997
 Amended by Ord. [97-078](#) §5 on 12/31/1997
 Amended by Ord. [2001-037](#) §1 on 9/26/2001
 Amended by Ord. [2001-044](#) §2 on 10/10/2001
 Amended by Ord. [2001-033](#) §2 on 10/10/2001
 Amended by Ord. [2001-048](#) §1 on 12/10/2001
 Amended by Ord. [2003-028](#) §1 on 9/24/2003
 Amended by Ord. [2004-001](#) §1 on 7/14/2004
 Amended by Ord. [2004-024](#) §1 on 12/20/2004
 Amended by Ord. [2005-041](#) §1 on 8/24/2005
 Amended by Ord. [2006-008](#) §1 on 8/29/2006
 Amended by Ord. [2007-019](#) §1 on 9/28/2007
 Amended by Ord. [2007-020](#) §1 on 2/6/2008
 Amended by Ord. [2007-005](#) §1 on 2/28/2008
 Amended by Ord. [2008-015](#) §1 on 6/30/2008
 Amended by Ord. [2008-007](#) §1 on 8/18/2008
 Amended by Ord. [2010-018](#) §3 on 6/28/2010
 Amended by Ord. [2010-022](#) §1 on 7/19/2010
 Amended by Ord. [2011-009](#) §1 on 10/17/2011
 Amended by Ord. [2012-004](#) §1 on 4/16/2012
 Amended by Ord. [2012-007](#) §1 on 5/2/2012
 Amended by Ord. [2013-008](#) §1 on 7/5/2013
 Amended by Ord. [2014-009](#) §1 on 8/6/2014
 Amended by Ord. [2015-004](#) §1 on 4/22/2015
 Amended by Ord. [2016-015](#) §1 on 7/1/2016
 Amended by Ord. [2016-026](#) §1 on 11/9/2016
 Amended by Ord. [2016-006](#) §1 on 2/27/2017
 Amended by Ord. [2017-015](#) §1 on 11/1/2017

Repealed by Ord. [2018-005](#) §8 on 10/10/2018
 Amended by Ord. [2018-006](#) §4 on 11/20/2018
 Amended by Ord. [2019-010](#) §1 on 5/8/2019
 Amended by Ord. [2019-016](#) §1 on 2/24/2020
 Amended by Ord. [2020-001](#) §1 on 4/21/2020
 Amended by Ord. [2020-010](#) §1 on 7/3/2020
 Amended by Ord. [2020-007](#) §7 on 10/27/2020
 Amended by Ord. [2021-013](#) §3 on 4/5/2022
 Amended by Ord. [2022-014](#) §1 on 4/4/2023
 Amended by Ord. [2023-001](#) §2 on 5/30/2023
 Amended by Ord. [2024-008](#) §2 on 10/9/2024
 Amended by Ord. [2025-002](#) §1 on 2/26/2025
 Amended by Ord. [2025-xxx](#) §x on x/xx/2025

CHAPTER 18.08 BASIC PROVISIONS

18.08.050 Review Pursuant to ORS 197A.400

* * *

18.08.050 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 18 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 Title 22.

HISTORY

Adopted by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA

18.32.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the lot or parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an abutting County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured dwelling as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a lot or parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.

~~O. Planned developments.~~

~~P. Cluster developments.~~

~~Q.O.~~ _____ A disposal site which includes a land disposal site for which they Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

~~R.P.~~ Time share unit or the creation thereof.

~~S.Q.~~ Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.

~~T.R.~~ Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.

~~U.S.~~ Bed and breakfast inn.

~~V.T.~~ Fill or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.

~~W.U.~~ _____ Religious institutions or assemblies, subject to DCC 18.124 and 18.128.080.

~~X.V.~~ Private or public schools, including all buildings essential to the operation of such a school.

~~Y.W.~~ Utility facility necessary to serve the area subject to the provisions of DCC 18.124.

~~Z.X.~~ Cemetery, mausoleum or crematorium.

~~AA.Y.~~ _____ Commercial horse stables.

~~ABZ.~~ Horse events, including associated structures, not allowed as a permitted use in this zone.

~~ACAA.~~ Manufactured dwelling park or recreational vehicle park on a lot or parcel in use as a manufactured dwelling park or recreational vehicle park prior to the adoption of Ordinance PL-15 in 1979 and being operated as of June 12, 1996, as a manufactured dwelling park or recreational vehicle park, including any expansion of such uses on the same lot or parcel, as configured on June 12, 1996.

~~ADAB.~~ A new manufactured dwelling or recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(8)(g) that:

1. Is on a lot or parcel abutting an existing manufactured dwelling or recreational vehicle park;
2. Is abutting the City of Bend Urban Growth Boundary; and
3. Has no more than 10 dwelling units.

~~AEAC.~~ The full or partial conversion from a manufactured dwelling park or recreational vehicle park described in DCC 18.32.030 (~~CCAA~~) to a manufactured dwelling park or recreational vehicle park on the same parcel, as configured on June 12 1996.

~~AFAD.~~ Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

~~AGAE.~~ Guest lodge.

AHAF. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

HISTORY

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

Amended by Ord. [80-206](#) §3 on 10/13/1980

Amended by Ord. [83-033](#) §2 on 6/15/1983

Amended by Ord. [86-018](#) §7 on 6/30/1986

Amended by Ord. [90-014](#) §§27 and 35 on 7/12/1990

Amended by Ord. [91-002](#) §7 on 2/6/1991

Amended by Ord. [91-005](#) §§19 and 20 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. [92-055](#) §2 on 8/17/1992

Amended by Ord. [93-043](#) §§4A and B on 8/25/1993

Amended by Ord. [94-008](#) §11 on 6/8/1994

Amended by Ord. [94-053](#) §2 on 12/7/1994

Amended by Ord. [96-038](#) §1 on 6/12/1996

Amended by Ord. [97-017](#) §2 on 3/12/1997

Amended by Ord. [97-029](#) §2 on 5/14/1997

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](#) §2 on 12/12/2001

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

Amended by Ord. [2009-018](#) §1 on 11/5/2009

Amended by Ord. [2015-002](#) §1 on 7/8/2015

Amended by Ord. [2016-015](#) §3 on 7/1/2016

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

Amended by Ord. [2021-004](#) §2 on 5/27/2021

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

Amended by Ord. [2023-001](#) §4 on 5/30/2023

Amended by Ord. [2025-002](#) §6 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.32.040 Dimensional Standards

In an MUA Zone, the following dimensional standards shall apply:

- A. The minimum lot area shall be 10 acres, ~~except planned and cluster developments shall be allowed an equivalent density of one unit per seven and one-half acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five acre minimum lot area or equivalent density.~~
- B. The minimum lot width shall be 150 feet and the minimum street frontage 50 feet.

- C. No structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.

HISTORY

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

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

Amended by Ord. [92-055](#) §3 on 8/17/1992

Amended by Ord. [2006-008](#) §4 on 8/29/2006

Amended by Ord. [2025-002](#) §6 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.56 SURFACE MINING IMPACT AREA COMBINING ZONE; SMIA

18.56.070 Setbacks

A. General/Discretionary Standards:

The setbacks shall be the same as those prescribed in the underlying zone, except as follows:

1. No noise-sensitive or dust-sensitive use or ~~structure-building~~ established or constructed after the designation of the SMIA Zone shall be located within 250 feet of any surface mining zone, except as provided in DCC 18.56.140; ~~and~~
2. No noise-sensitive or dust-sensitive use or structure established or constructed after the designation of the SMIA Zone shall be located within one-quarter mile of any existing or proposed surface mining processing or storage site, unless the applicant demonstrates that the proposed use will not prevent the adjacent surface mining operation from meeting the setbacks, standards, and conditions set forth in DCC 18.52.090, 18.52.110, and 18.52.140, respectively;
3. Additional setbacks in the SMIA Zone may be required by the Planning Director or Hearings Body as part of the site plan review under DCC 18.56.100; ~~and-~~
4. An exception to the 250-foot setback in DCC 18.56.070(A), shall be allowed pursuant to a written agreement for a lesser setback made between the owner of the noise-sensitive or dust-sensitive use or structure located within 250 feet of the proposed surface mining activity and the owner or operator of the proposed surface mine. The agreement shall be submitted at the time of site plan review or site plan modification. Such- Upon approval, the agreement shall be notarized and recorded in the Deschutes County Official Records and shall run with the land. ~~Such agreement shall be submitted and considered at the time of site plan review or site plan modification.~~

B. Clear and Objective Standards:

The setbacks shall be the same as those prescribed in the underlying zone, except as follows:

1. No dwellings shall be approved after the designation of the SMIA Zone within 250 feet of any surface mining zone, except as provided in DCC 18.56.140; and

2. No dwellings shall be approved after the designation of the SMIA Zone within one-quarter mile of any existing or proposed surface mining processing or storage site unless the site is a preexisting or nonconforming site as defined in DCC 18.52.160.

HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [90-035](#) §§1 and 2 on 9/5/1990

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.080 Use Limitations

No dwelling units, additions to dwelling units ~~or, other~~ noise-sensitive ~~structures~~ buildings, ~~or~~ dust-sensitive ~~uses or structures~~ buildings shall be erected in any SMIA Zone without first obtaining site plan approval under the standards and criteria set forth in DCC 18.56.090 through 18.56.120.

HISTORY

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

Amended by Ord. [91-014](#) §5 on 3/13/1991

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.090 Specific Use Standards

The following ~~shall be subject to the criteria established in DCC 18.56.100 or DCC 18.56.110~~ standards ~~shall apply~~ in the SMIA Zone:

- A. New dwelling units;
- B. ~~Other~~ new noise-sensitive and dust-sensitive uses or ~~structures~~ buildings; and
- C. ~~a~~ Additions to dwelling units, in existence on the effective date of Ordinance No. 90-014, which increase the floor area of the structure by 10 percent or more; or
- D. ~~o~~ Addition to other noise and dust sensitive uses or ~~structures~~ buildings, in existence on the effective date of Ordinance No. 90-014, which increase the lot area associated with use or floor area of the structure by 10 percent or more. exceed 10 percent of the size of the existing dwelling or use, shall be subject to the criteria established in DCC 18.56.100.

HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.100 Site Plan Review And Approval Criteria

- A. Elements of Site Plan Application. ~~An site plan application~~ shall be submitted in a form prescribed by the Planning Director ~~or Hearings Body detailing the location of the proposed noise sensitive use, the location of the nearby surface mine zone and operation, if any, and other information necessary to evaluate the approval criteria contained in DCC 18.56.100.~~
- B. Site plan review and approval, pursuant to the ~~DCC Title 22 County Uniform Land Use Action Procedures Ordinance~~, shall be required for all development types uses listed under DCC 18.56.090 in the SMIA Zone prior to the commencement of any construction or use.
- C. The Planning Director or Hearings Body may grant or deny site plan approval and ~~may shall~~ require ~~such~~ modifications to the site plan ~~as are determined to be if~~ necessary to meet the setbacks, standards, and conditions described above.
- D. The site plan shall be approved if the Planning Director or Hearings Body finds ~~that~~ the site plan is consistent with the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan and that the proposed development use will not prevent the adjacent abutting surface mining operation from meeting the setbacks, standards, and conditions set forth in DCC 18.52.090, 18.52.110, and 18.52.140, respectively.
- E. ~~Public n~~Notice shall be as set forth in DCC Title 22, ~~the Uniform Development Procedures Ordinance~~, ~~except that and~~ in all cases notice ~~of the receipt~~ of an SMIA site plan review application shall be sent to the mine owners and/or operators whose SM-~~Zoned-zoned~~ site necessitated triggered the SMIA review.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 90-014 §5 on 7/12/1990

Amended by Ord. 90-035 §3 on 9/5/1990

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 2025-002 §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.110 Abbreviated SMIA Site Plan Review

- A. An abbreviated site plan review under DCC 18.56.110 shall be required for uses or structures, as specified in DCC 18.56.090, if all of the following are met:
 - 1. The lot or parcel is at least one-quarter mile from an SM Zone; and
 - ~~1-2.~~ There are at least two dwellings or other noise-sensitive or dust-sensitive uses between the lot or parcel and the SM-zoned site necessitating the review. ~~new or enlarged noise- or dust-sensitive use, as specified in DCC 18.56.090, to which DCC 18.56.110 applies that is at least one-quarter mile from an SM Zone and that has at least two dwellings or other noise- or dust-sensitive uses between it and the SM zone is presumed to meet the approval criteria set forth in DCC 18.56.100(D), and shall be processed under DCC 18.56.110.~~

- B. Abbreviated SMIA site plan review shall require the submission of an application ~~in a form prescribed by the Planning Director or Hearings Body and such documentation as is necessary to demonstrate in~~ conformance with DCC 18.56.110(A).
- C. Unless the underlying zoning at the SMIA site would require additional review of the proposed use for some other land use permit, abbreviated site plan review shall be conducted
1. ~~(1) a~~ Administratively without prior public notice;
 2. ~~(2) with public n~~ Notice of the Findings and Decision shall be mailed consistent with DCC 18.56.100(E), to all persons entitled to receive notice; and
 - 1.3. ~~(3) with a~~ An appeal period and procedures as set forth in DCC Title 22, ~~the Uniform Development Procedures Ordinance~~. Appellants may submit evidence to overcome the presumption set forth in DCC 18.56.110(A).

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 90-014 §5 on 7/12/1990

Amended by Ord. 90-035 §4 on 9/5/1990

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 2025-002 §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.120 Waiver Of Remonstrance

As a condition of~~The applicant for~~ site plan approval under DCC 18.56.100 or DCC 18.56.110, in the SMIA Zone~~the property owner~~ shall sign and record in the Deschutes County Official Records a statement Waiver of Remonstrance declaring that the applicant-property owner and ~~his~~their successors will not now or in the future complain about the allowed surface mining activities on the ~~adjacent~~ surface mining site(s) necessitating the review.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 90-014 §5 on 7/12/1990

Amended by Ord. 2025-002 §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.130 Development Agreement And Performance Bond

- A. General/Discretionary Standard: As a condition of site plan approval under DCC 18.56.100 or DCC 18.56.110, the property owner may be required to execute a development agreement with the County and performance bond or other form of security approved by the County to ensure full and faithful performance of any improvements required to meet the setbacks, standards, and conditions set forth above. Any bond shall be for 110 percent of the dollar amount of the improvement costs.

B. Clear and Objective Standard: Execution of a development agreement and/or performance bond is not permitted. All improvements, required setbacks, standards, and conditions must be installed and approved prior to building permit approval.

HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.140 Exemptions

The following shall be exempt from the provisions of DCC 18.56:

- A. Uses in the SMIA Zone which are not within one-half mile of any identified resource in the SM Zone after all reclamation has occurred.
- B. Continuation and maintenance of a conforming or nonconforming use established prior to the effective date of Ordinance No. 90-014;
- C. The employment of land for farm or forest use; and
- D. Additions to noise-sensitive or dust-sensitive uses or structures-buildings, which are completely screened from the surface mining site by the existing use or structure, if the use or structure was: if DCC 18.56.140(D)(1) or DCC 18.56.140(2) is met and DCC 18.56.140(D)(3) is met:
 - 1. The use or structure existed eExisting on the effective date of Ordinance No. 90-014; or
 - 2. The existing use was established or constructed in accordance with DCC Chapter 18.56; and
 - 1.3. which areThe addition is completely screened from the surface mining site by the existing use or structure.

HISTORY

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

Amended by Ord. [83-037](#) §15 on 6/1/1983

Amended by Ord. [85-002](#) §8 on 2/13/1985

Amended by Ord. [86-018](#) §12 on 6/30/1986

Amended by Ord. [86-053](#) §12 on 6/30/1986

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [2004-013](#) §5 on 9/21/2004

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10

18.60.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public park, playground, recreation facility or community center owned and operated by a government agency or nonprofit community organization.
- B. Dude ranch.
- C. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in DCC 18.60.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

~~E. Planned development.~~

~~F. Cluster development.~~

~~G.~~E. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.

~~H.~~F. A disposal site which includes a land disposal site for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

~~I.~~G. Cemetery.

~~J.~~H. Time-share unit or the creation thereof.

~~K.~~I. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.

~~L.~~J. Bed and breakfast inn.

~~M.~~K. Golf course.

~~N.~~L. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.

~~O.~~M. Religious institutions or assemblies.

~~P.~~N. Public Uses.

~~Q.O.~~ _____ Semipublic Uses.

~~R.P.~~ Commercial horse stables.

~~S.Q.~~ Private or public school, including all buildings essential to the operation of such a school.

~~T.R.~~ Manufactured dwelling park or recreational vehicle park on a lot or parcel in use as a manufactured dwelling park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured dwelling park or recreational vehicle park, including expansion, conversion and combination of such uses on the same lot or parcel, as configured on June 12, 1996.

~~U.S.~~ The full or partial conversion from a manufactured dwelling park or recreational vehicle park described in DCC 18.60.030 (T) to a manufactured dwelling park or recreational vehicle park on the same parcel, as configured on June 12, 1996.

~~V.T.~~ Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

~~W.U.~~ _____ Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

HISTORY

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

Amended by Ord. [83-033](#) §5 on 6/15/1983

Amended by Ord. [86-018](#) §13 on 6/30/1986

Amended by Ord. [90-014](#) §22 on 7/12/1990

Amended by Ord. [91-005](#) §32 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. [92-004](#) §10 on 2/7/1992

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

Amended by Ord. [94-008](#) §13 on 6/8/1994

Amended by Ord. [96-021](#) §1 on 2/28/1996

Amended by Ord. [96-038](#) §2 on 6/12/1996

Amended by Ord. [97-017](#) §3 on 3/12/1997

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](#) §5 on 12/12/2001

Amended by Ord. [2004-002](#) §8 on 4/28/2004

Amended by Ord. [2009-018](#) §2 on 11/5/2009

Amended by Ord. [2020-001](#) §5 on 4/21/2020

Amended by Ord. [2023-001](#) §8 on 5/30/2023

Amended by Ord. [2025-002](#) §12 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.60.060 Dimensional Standards

In an RR-10 Zone, the following dimensional standards shall apply:

- A. Lot coverage shall not exceed 30 percent of the lot area.
- B. No structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- C. Minimum lot area shall be 10 acres, ~~except planned and cluster developments shall be allowed an equivalent density of one unit per 7.5 acres. Planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five-acre minimum lot size or equivalent density. For parcels separated by new arterial rights of way, an exemption shall be granted pursuant to DCC 18.120.020(D).~~ For lots or parcels separated by new arterial rights of way, an exemption to the lot area requirements of this section shall be granted pursuant to DCC 18.120.020.

HISTORY

Adopted by Ord. [PL-15](#) §4.120 on 11/1/1979

Amended by Ord. [92-055](#) §6 on 8/17/1992

Amended by Ord. [93-034](#) §1 on 6/30/1993

Amended by Ord. [2025-002](#) §12 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

18.66.020 Residential (TeR) District

The Terrebonne Residential District allows a mixture of dwelling 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 under DCC 18.124:
 - 1. A single-unit dwelling or a manufactured dwelling subject to DCC 18.116.070.
 - 2. A duplex.
 - 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 lot area 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 lot area.
- 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.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
 - 1. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
 - 1. Manufactured dwelling park.
 - 2. Multi-unit dwelling.
 - 3. Retirement center or nursing home.
 - ~~4.~~ ~~Cluster development.~~
 - ~~5-4.~~ Religious institutions or assemblies.
 - ~~6-5.~~ Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - ~~7-6.~~ Public or private school.
 - ~~8-7.~~ Park.
 - ~~9-8.~~ Public or semi-public building.
 - ~~10-9.~~ Utility facility.
 - ~~11-10.~~ Water supply or treatment facility.
 - ~~12-11.~~ Veterinary clinic.
 - ~~13-12.~~ Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - ~~14-13.~~ Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

~~15-14.~~ Residential facility.

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. [2025-002](#) §15 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.84 LANDSCAPE MANAGEMENT COMBINING ZONE; LM

[18.84.080 Design Review Standards – General/Discretionary Standards](#)

[18.84.081 Design Review Standards – Clear and Objective Standards](#)

[18.84.090 Setbacks – General/Discretionary Standards](#)

[18.84.091 Setbacks – Clear and Objective Standards](#)

18.84.020 Application Of Provisions

The provisions of DCC 18.84 shall apply to all areas within one-fourth mile of roads identified as landscape management corridors in the Comprehensive Plan and the County Zoning Map. The provisions of DCC 18.84 shall also apply to all areas ~~within the boundaries of a State scenic waterway or Federal wild and scenic river corridor and all areas within 660 feet of rivers and streams otherwise~~ identified as landscape management corridors in the comprehensive plan and the County Zoning Map. The distance specified above shall be measured horizontally from the center line of designated landscape management roadways or from the nearest ordinary high water mark of a designated landscape management river or stream. The limitations in DCC 18.84.20 shall not unduly restrict accepted agricultural practices.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.030 Uses Permitted Outright

Uses permitted in the underlying zone with which ~~the an~~ LM Zone is combined shall be permitted in ~~the an~~ LM Zone, subject to the provisions in DCC 18.84.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.84.040 Uses Permitted Conditionally

Uses permitted conditionally in the underlying zone with which ~~the an~~ LM Zone is combined shall be permitted as conditional uses in ~~the an~~ LM Zone, subject to the provisions in DCC 18.84.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.84.050 Use Limitations

- A. Any new structure or substantial exterior alteration of a structure requiring a building permit or an agricultural ~~building or equine facility~~ structure within an LM Zone shall obtain site plan approval in accordance with DCC 18.84 prior to construction. As used in DCC 18.84 substantial exterior alteration consists of an alteration which exceeds 25 percent in the ~~size building mass~~ floor area or 25 percent of the assessed value of the structure. ~~For the purposes of this criterion "building mass" means the total volume of the structure.~~

- B. General/Discretionary Standards. Structures ~~and/or lots or parcels~~ which are not visible from the designated roadway, river, or stream and which are assured of remaining not visible because of vegetation, topography, or existing development are exempt from the provisions of DCC 18.84.080 (Design Review Standards) and DCC 18.84.090 (Setbacks). An applicant for site plan review in the LM Zone shall conform with the provisions of DCC 18.84, or may submit evidence that the proposed structure ~~and/or lot or parcel~~ will not be visible from the designated road, river, or stream. Structures not visible from the designated road, river, or stream must meet setback standards of the underlying zone(s).

C. Clear and Objective Standards. All structures located in an LM Zone shall comply with the provisions of DCC 18.84.080 (Design Review Standards) and DCC 18.84.090 (Setbacks).

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

Amended by Ord. [2015-016](#) §5 on 3/28/2016

Amended by Ord. [2025-002](#) §20 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.060 Dimensional Standards

In an LM Zone, the minimum lot area shall be as established in the underlying zone(s) with which the LM Zone is combined.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

Amended by Ord. [2025-002](#) §20 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.070 Application

An application for site plan approval for development in ~~the an~~ LM Zone shall be submitted to the Planning Division. The site plan application shall include the following:

A. A plot plan, drawn to scale, showing:

1. Location and dimensions of existing and proposed structures.
2. Setbacks from lot lines (and ~~the ordinary high water line~~~~river~~ and rimrock, if present).
3. Existing and proposed access.
4. Existing and proposed exterior lighting.

B. A drawing of the proposed structure elevations showing:

1. Exterior appearance.

2. Average natural grade.

2-3. Height dimensions measured from average natural grade.

3-4. Siding and roofing material and color.

4-5. Location and size of windows, including skylights.

C. A landscape plan drawn to scale, showing:

1. Location, size, and species of existing trees six inches in diameter or greater, or existing shrub vegetation higher than four feet, between the proposed development and the designated landscape management road, river, or stream.
 - a. For applications reviewed under General/Discretionary Standards pursuant to DCC 18.08.050, w~~W~~here a significant amount of vegetation exists, the applicant may submit a landscape plan ~~may be accepted which that~~ generalizes and explains how the existing trees and shrubs provide screening. This option is not available for applications reviewed under Clear and Objective Standards.
2. Proposed location and species of introduced vegetation which will screen the proposed development from the designated landscape management road, river, or stream.

D. A minimum of two colored photographs taken from documented locations, oriented between the protected resource (river, stream, and/or road) and the proposed development, showing the extent of existing vegetation or other screening.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Repealed & Reenacted by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 92-034 §2 on 4/8/1992

Amended by Ord. 93-043 §12 on 8/25/1993

Amended by Ord. 95-075 §3 on 11/29/1995

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2003-034 §1 on 10/29/2003

Amended by Ord. 2025-002 §20 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.080 Design Review Standards – General/Discretionary Standards

The following standards will be used to evaluate the proposed site plan:

- A. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from ~~the a~~ designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased, or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.

- B. It is recommended ~~that~~ new structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
- C. No large areas, including roofs, shall be finished with white, bright, or reflective materials. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape. DCC 18.84.080(C) shall not apply to attached additions to structures lawfully in existence on April 8, 1992, unless substantial improvement to the roof of the existing structure occurs.
- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18.84.090(E), all structures shall be sited to take advantage of existing vegetation, trees, and topographic features in order to reduce visual impact as seen from ~~the~~ designated road, river, or stream. When more than one nonagricultural structure is to exist and no vegetation, trees, or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the designated road, river, or stream.
- E. Structures shall not exceed 30 feet in height measured from average natural grade- existing and the natural grade on the side(s) facing the road, river or stream. For the purposes of this measurement, "average natural grade" shall be the average of natural ground elevations prior to development, for the wall closest to and facing the road, river, or stream. Within the LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flag poles or other projections from the roof of the structure. DCC 18.84.080(E) shall not apply to agricultural buildings or equine facilities~~structures~~ located at least 50 feet from a rimrock.
- F. New residential or commercial driveway access to designated landscape management roads shall be consolidated wherever possible.
- G. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from ~~a~~the designated road, river, or stream.
- H. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the new structure or substantial exterior alteration, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation, or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points, or views of mountains, forests, and other open and scenic areas as seen from ~~the~~a designated ~~landscape management~~ road, river, or stream. Use of native species shall be encouraged. ~~(Formerly section 18.84.080 (C))~~
- I. No signs or other forms of outdoor advertising that are visible from a designated ~~landscape management~~road, river, or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.,) are permitted.
- J. A conservation easement as defined in DCC 18.04.030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little

Deschutes River, Spring River, Whychus Creek, and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [93-043](#) §12A and 12B on 8/25/1993

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [97-068](#) §1 on 11/26/1997

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

Amended by Ord. [2015-016](#) §5 on 3/28/2016

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

Amended by Ord. [2020-007](#) §13 on 10/27/2020

Amended by Ord. [2025-002](#) §20 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.081 Design Review Standards – Clear and Objective Standards

- A. All existing tree and shrub cover between the development and the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, or removal of dead, diseased, or hazardous vegetation as part of a housing application.
 - 1. For the purposes of this provision, “hazardous” means either:
 - a. A tree or branch that has been identified by arborist as an imminent danger to people or property; or
 - b. Vegetation that is subject to mandatory fire break, fuel break, or defensible space requirements under the ORS, OAR, DCC Chapter 8.21, and/or- DCC Title 18.
- B. New structures and additions to existing structures, provided that they add one or more dwelling units, shall be finished in a color listed in Appendix A (DCC 18.18A) or with natural unpainted wood or stone.
- C. Roofing, including metal roofing, shall be non-reflective and shall have a light reflectance value (LRV) of 40 or less.
- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18. 84.090(E), when there are existing topographic features, such as rocky outcrops, knolls, hills, or ridges, that have the ability to obscure any portion of the proposed structure, as viewed from the designated road, river or stream, the proposed structure shall be located such that the topographic feature(s) is situated between the structure and the designated road, river, or stream.

- E. Structures shall not exceed 30 feet in height measured from lowest adjacent natural grade. For the purposes of this measurement, "lowest adjacent natural grade" shall be the lowest natural ground elevation adjacent to the structure prior to development. Within an LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flag poles, or other projections from the roof of the structure.
- F. No driveway access to a designated landscape management road for a dwelling unit shall be permitted.
- G. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from a designated road, river, or stream.
- H. Screening shall be provided between a proposed dwelling unit and any designated road, river, or stream. At least one non-deciduous tree that will reach a mature diameter of 10 inches or greater as measured four feet above the ground (known as DBH, "diameter at breast height") shall be planted for every 15 horizontal feet of wall facing or visible from any point along a designated road, river, or stream. Required non-deciduous trees at planting must be a minimum six feet in height measured from the soil to the top of the tree. Existing, retained, non-deciduous trees may count toward the required tree planting. Use of native species is encouraged, but not required. Plantings shall conform with the defensible space standards of DCC Chapter 8.21.
- I. No signs or other forms of outdoor advertising that are visible from a designated road, river, or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.) are permitted.
- J. A conservation easement as defined in DCC 18.04.030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving a lot or parcel adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Whychus Creek, and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

HISTORY

Adopted by Ord. 2025-xxx \$x on x/xx/2025

18.84.090 Setbacks – General/Discretionary Standards

- A. Except as provided in DCC 18.84.090, the minimum setbacks shall be those established in the underlying zone(s) with which ~~the~~a LM Zone is combined. The larger minimum more restrictive setback requirement shall govern in all cases.
- B. Road Setbacks. All new structures or additions to existing structures on lots or parcels with street frontage on a designated landscape management road shall have a minimum setback of 100 feet from the edge of the designated road right-of-way unless the Planning Director or Hearings Body finds that:
 - 1. A location closer to ~~the~~a designated road would more effectively screen the ~~building~~ structure from the road; or protect a distant vista; or

2. The lot ~~width dimensions~~ makes a 100-foot setback not feasible; or
 3. Buildings on both lots or parcels abutting the subject lot or parcel have front setbacks of less than 100 feet and the ~~abutting~~ buildings ~~on the abutting lots or parcels~~ are within 100 feet of the lot lines of the subject property, and the depth of the front setback area is not less than the average depth of the front setback areas of the abutting lots or parcels.
 - 3.4. If the above findings are made, the Planning Director or Hearings Body may approve a less restrictive front setback which will be appropriate to carry out the purpose of the zone.
- C. River and Stream Setbacks. All new structures or additions to existing structures shall have a minimum setback of at least 100 feet from the ordinary high water ~~mark line~~ of designated streams and rivers or obtain a setback exception in accordance with DCC 18.120.030. For the purpose of DCC 18.84.090(C), decks are considered part of a structure and must conform with the setback requirement.
- The placement of on-site ~~sewage disposal wastewater~~ systems shall be subject to joint review by the Planning Director or Hearings Body and the Deschutes County Onsite Wastewater Division. The placement of such systems shall minimize the impact on the vegetation along the river or stream and shall allow a dwelling unit to be constructed on the site as far from the river, stream, or lake as possible. Sand filter or alternative treatment technology systems may be required as replacement systems when this will allow a dwelling unit to be set back ~~located~~ further from the river or stream, or to meet the 100-foot setback requirement.
- D. Rimrock Setbacks. New structures (including decks or additions to existing structures) shall have a minimum setback of 50 feet from the rimrock in an LM Zone. An exception to this setback may be granted pursuant to the provisions of DCC 18.84.090(E).
- E. Rimrock Setback Exceptions. An exception to the 50-foot rimrock setback may be granted by the Planning Director or Hearings Body, subject to the following standards and criteria.
1. An exception shall be granted when the Planning Director or Hearings Body finds one of the following is met ~~that~~:
 - a. A lesser setback will make the structure less visible or completely screened from the river or stream; ~~or~~
 - b. The subject lot or parcel was a lot of record prior to the adoption of this ordinance; ~~or~~
 - c. Dwelling units (including decks) on both lots or parcels abutting the subject lot or parcel are within 50 feet of the rimrock and the buildings on the abutting lots or parcels are within 100 feet of the lot lines of the subject lot or parcel ~~property~~; or
 - d. Adherence to the 50-foot setback would prevent the structure from being sited on the lot or parcel.

2. A dwelling unit qualifying for a rimrock setback exception under the criteria set forth in the above shall ~~comply with all of the following standards~~~~be located as follows~~:
- a. The structure shall be designed and sited to minimize the visual impact when viewed from the ordinary high water ~~mark line~~ on the far side of the river or stream. This shall be determined by viewing the ~~property lot or parcel~~ from the ordinary high water ~~mark line~~ immediately across from the center of the river frontage on which the structure is proposed with like evaluations being made 300 feet upstream and downstream on either side of that point over the entire length of river frontage on which the structure is proposed.
 - b. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
 - c. The height of the structure shall not exceed the setback from the edge of the rimrock, except as described in the exception section (f), below.
 - d. No structure (including decks) shall be located closer than 20 feet from the edge of the rimrock unless the Planning Director or Hearings Body finds that the lesser setback will make the structure less visible or the structure is completely screened from the river or stream except as described in the exception section (f), below.
 - e. Where multiple nonagricultural structures are proposed on a lot or parcel, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the affected area. This shall require ~~a~~ maintenance of at least 65 percent open space along ~~the~~ rimrock~~s~~ ~~within on the~~ subject lot~~s~~ or parcel~~s~~.
 - f. Exception: For vacant lots or parcels less than one-half acre, existing prior to the adoption of Ordinance 92-034, with undulating rimrock, and where there are lawfully established dwelling units within 100 feet of the abutting lot lines on the subject property on both of the abutting lots or parcels with rimrock setbacks less than the depth required in section (d) above, the dwelling unit setback shall meet the following criteria:
 1. The setback shall be the average distance between the dwelling units on each abutting lot or parcel, as measured from each subject lot or parcel's front lot line to the furthest point of the dwelling unit facing the river or stream.
 2. The height of the structure shall not exceed the height of the tallest dwelling unit on an abutting lot or parcel and in no case shall exceed 24 feet, except for chimneys.
 3. The highest ridgeline shall slope up and away from, and run parallel with, the river or stream.

4. Dormers are prohibited on the riverside or streamside of the dwelling unit and are allowed on the street-side of the dwelling unit with the height not exceeding the height of the ridgeline.
5. The setback for decks on the rimrock side of the dwelling unit shall be the average of the decks on the abutting lots or parcels as measured from the front lot line of the subject property and in no case shall extend and protrude over the rimrock.

HISTORY

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

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [2000-033](#) §3 on 12/6/2000

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

Amended by Ord. [2005-002](#) §1 on 1/5/2005

Amended by Ord. [2007-020](#) §5 on 2/6/2008

Amended by Ord. [2025-002](#) §20 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.84.091 Setbacks – Clear and Objective Standards

- A. Except as provided in DCC 18.84.091, the minimum setbacks shall be those established in the underlying zone(s) with which an LM Zone is combined. The more restrictive setback requirement shall govern in all cases.
- B. Road Setbacks. All new structures or additions to existing structures on a lot or parcel with street frontage on a designated landscape management road shall be set back at least 100 feet from the front lot line with street frontage on a designated landscape management road.
- C. River and Stream Setbacks. All new structures, on-site wastewater systems, and additions to existing structures shall be set-back at least 100 feet from the ordinary high water line of designated streams, rivers, and lakes. For the purpose of DCC 18.84.091(C), decks are considered part of a structure and must conform with their setback requirement. An exception to this setback may be granted for additions to existing dwelling unit, pursuant to the provisions of DCC 18.120.030(D).
- D. Rimrock Setback. New structures (including decks or additions to existing structures) shall be 50 feet from the rimrock in an LM Zone.

HISTORY

[Adopted by Ord. 2025-xxx §x on x/xx/2025](#)

CHAPTER 18.84A Appendix A. LM Zone: Approved Clear & Objective Color Palette

Pursuant to DCC 18.84.081, exterior siding for development reviewed under Clear and Objective Design Review Standards in an LM zone must conform to the approved color palette. The following approved palette of swatches is selected from the Miller Paint Northwest Color Collection. Proposed exterior finish colors are required to match colors in the approved palette but do not need to be Miller Paint brand.

Tannic Tea R132	Rum Cherry R126	Mission Fig R120	Mulberry R114	Meraki R108	Chance R102
Moscow Mule R131	Apple of Granada R125	After Party R119	Bombastic R113	Avant Gothic R107	Deep Well R101
Chocolate Opal R130	Ardent Red R124	Hypnotic R118	Dusk Til Dawn R112	Violaceous R106	Wabi Sabi R100
Indigo Leaves R096	Dark Ages R090	Raven Grass R072	Foundation R066	Trillion R060	Handcrafted R054
Midnight Surf R095	Deep Plunge R089	Fallen Fir R071	Haven R065	Forest Walk R059	Aberdeen R051
December Sky R094	Evening Tide R087	Artifact R070	Mossy Driftwood R064	Verde R058	Heathered Herb R050
Garden Moss R048	Leather Panel R042	Caffe Americano R036	Chocolate Bark R030	Ambiguous Black R024	Coal Black R018
Bronze Lantern R047	Rustic Timber R041	Leather Ottoman R035	Bam Rafter R029	Space Dive R023	Midnight Wanderer R017
Vintage Shutter R046	Garden Chalet R040	Whiskey Barrel R034	Country Market R028	In the Dark R022	Gloomy Weather R016

CHAPTER 18.88 WILDLIFE AREA COMBINING ZONE; WA

18.88.050 Dimensional Standards – General/Discretionary Standards

18.88.051 Dimensional Standards – Clear and Objective Standards

18.88.010 Purpose

The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

HISTORY

Adopted by Ord. [PL-15](#) §4.190(1) on 11/1/1979

Amended by Ord. [93-043](#) §§13 and 13A on 8/25/1993

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.88.020 Application Of Provisions

The provisions of DCC 18.88 shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range, or deer migration corridor. Unincorporated ~~communities~~ [Communities](#) are exempt from the provisions of DCC 18.88.

HISTORY

Adopted by Ord. [PL-15](#) §4.190(2) on 11/1/1979

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [96-003](#) §6 on 3/27/1996

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

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.88.040 Uses Permitted Conditionally

- A. Except as provided in DCC 18.88.040(B), in a zone with which the WA Zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone subject to the provisions of the Comprehensive Plan, DCC 18.128 and other applicable sections of this title. To minimize impacts to wildlife habitat, the County may include conditions of approval limiting the duration, frequency, seasonality, and total number of all outdoor assemblies occurring in the WA Zone, whether or not such outdoor assemblies are public or private, secular or religious.
- B. The following uses are not permitted in that portion of the WA Zone designated as deer winter ranges, significant elk habitat, or antelope range:
 1. Golf course, not included in a destination resort;
 2. Commercial dog kennel;

3. Public or private school;
 4. Bed and breakfast inn;
 5. Dude ranch;
 6. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
 7. Time share unit;
 8. Veterinary clinic;
 9. Fishing lodge.
- C. Subject to DCC 18.88.040(E), the following uses are permitted in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as conditional uses:
1. Religious institutions or assemblies;
 2. Public or private school;
 3. Bed and breakfast inn;
 4. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
- D. Subject to DCC 18.113, destination resorts are allowed as a conditional use in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as long as the property is not in an area designated as “Deer Migration Priority Area” on the 1999 ODFW map submitted to the South County Regional Problem Solving Group.
- E. Use limitations. The uses listed in DCC 18.88.040(C) are subject to the applicable provisions of DCC 18.116 and 18.124 and the following criteria:
1. The lot or parcel shall be zoned RR-10;
 2. The lot or parcel shall be located within one-quarter mile of a rural service center and abut a rural collector or a rural arterial identified on the Deschutes County Transportation Plan;
 3. The lot or parcel shall have a lot area not less than one acre and no more than five acres;
 4. The lot or parcel shall be farther than 100 feet from identified wetlands, floodplains, or riparian areas.
 5. The ~~lot or parcel~~property shall be outside areas designated as “Existing High Use Migration Areas” or “Important Connective Areas Through Existing Developed Areas” on the 1997 ODFW map submitted to the South County Regional Problem Solving Group.
 6. Fences developed as part of the conditional uses listed in DCC 18.88.040(C) shall be built from posts and poles or smooth wire and shall have a minimum bottom pole or wire

height of 18 inches from the ground and a maximum top pole or wire height of 40 inches from the ground. Fences exempted from these standards shall be constructed in accordance with the provisions of DCC 18.88.070(B).

- F. Expansion of any use listed in DCC 18.88.040(B) that was lawfully established prior to August 5, 1992, is allowed, subject to provisions of DCC Title 18 applicable to the establishment of such uses. Expansion of golf courses under DCC 18.88.040 shall be limited to a final size of 18 holes.

HISTORY

Adopted by Ord. [PL-15](#) §4.190(4) on 11/1/1979

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [95-001](#) §3 on 3/29/1995

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-013](#) §1 on 1/28/1998

Amended by Ord. [2001-019](#) §1 on 4/25/2001

Amended by Ord. [2018-003](#) §1 on 1/25/2018

Amended by Ord. [2020-001](#) §11 on 4/21/2020

Amended by Ord. [2025-002](#) §21 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.88.050 Dimensional Standards – General/Discretionary Standards

In a WA Zone, the following dimensional standards shall apply:

- A. In the Tumalo, Metolius, North Paulina, and Grizzly deer winter ranges designated ~~on~~ in the Comprehensive Plan Resource Element County's official zoning map, the minimum lot size for new lots or parcels shall be 40 acres except as provided in DCC 18.88.050(D).
- B. In areas designated as significant elk habitat in the ~~Comprehensive Plan Resource Element~~ County's official zoning map, the minimum lot size for new lots or parcels shall be 160 acres.
- C. In areas designated as antelope range in the ~~Comprehensive Plan Resource Element~~ County's official zoning map, the minimum lot size for new lots or parcels shall be 320 acres.
- D. Residential land divisions, including partitions, in deer winter range where the underlying zone is RR-10 or MUA-10, shall not be permitted except as a planned development or cluster development conforming to the following standards:
 1. The minimum lot area for a planned or cluster development shall be at least 40 acres.
 2. The planned or cluster development shall retain a minimum of 80 percent of the lot area as open space and conform with the provisions of DCC 18.128.200 or DCC 18.128.210.
 3. Notwithstanding ~~the provisions of DCC 18.128.200, or DCC 18.128.210, or DCC 18.60.060(C)~~ other provisions in Title 18, the total number of dwelling units in a cluster development may not exceed the density permitted in the underlying zone.

- E. Residential land divisions, including partitions, in the Bend/La Pine Deer Migration Corridor designated on the County's official zoning map where the underlying zone is RR-10 shall not be permitted except as a cluster development conforming to the following standards:
1. The minimum lot area for a cluster development shall be at least 20 acres.
 2. The cluster development shall retain a minimum of 80 percent of the lot area as open space and conform with the provisions of DCC 18.128.200 or 210.
 3. Notwithstanding other provisions in Title 18~~the provisions of DCC 18.128.200, or DCC 18.60.060(C)~~, the total number of dwelling units in the cluster development may not exceed the density permitted in the underlying zone.

HISTORY

Adopted by Ord. [PL-15](#) §4.190(6) on 11/1/1979

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2025-002](#) §21 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.88.051 Dimensional Standards – Clear and Objective Standards

In a WA Zone, the following dimensional standards shall apply:

- A. In the Tumalo, Metolius, North Paulina, and Grizzly deer winter ranges designated on the County's Official Zoning map, the minimum lot for new lots or parcels shall be 40 acres except as provided in DCC 18.88.051(D).
- B. In areas designated as significant elk habitat in the designated ~~in~~ on the County's Official Zoning map, the minimum lot size for new lots or parcels shall be 160 acres.
- C. In areas designated as antelope range in the designated on the County's Official Zoning map, the minimum lot size for new lots or parcels shall be 320 acres.
- D. Land divisions creating lots or parcels eligible for a dwelling unit in deer winter range where the underlying zone is RR-10 or MUA-10, are not permitted.
- E. Land divisions creating lots or parcels eligible for a dwelling unit in the Bend/La Pine Deer Migration Corridor designated on the County's Official Zoning map where the underlying zone is RR-10 are not permitted.

HISTORY

Adopted by Ord. 2025-xxx §x on x/x/2025

18.88.060 Siting Standards

- A. Setbacks shall be those described in the underlying zone with which the WA Zone is combined.
- B. Dwelling Unit Placement.

1. General/Discretionary Standard: The structural footprint, including decks and porches, for new dwelling units shall be located entirely within 300 feet of public roads, private roads, or recorded easements for vehicular access existing as of August 5, 1992, unless it can be found that:
 - a. Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern; or,
 - b. The siting within 300 feet of such roads or easements for vehicular access would force the dwelling unit to be located on irrigated land, in which case, the dwelling unit shall be located to provide the least possible impact on wildlife habitat considering browse, forage, cover, access to water, and migration corridors, and minimizing length of new access roads and driveways; or,
 - c. The dwelling unit has a maximum setback of no more than 50 feet from the edge of a driveway that existed as of August 5, 1992.

2. Clear and Objective Standard: The structural footprint, including decks and porches, for dwelling unit shall be located entirely within 300 feet of public roads, private roads, or recorded easements for vehicular access existing as of August 5, 1992.

B-C. General/Discretionary Standards: Submitting evidence fFor purposes of DCC 18.88.060(B)(1):

1. A private road, easement for vehicular access, or driveway will conclusively be regarded as having existed prior to August 5, 1992, if the applicant submits any of the following:
 - a. A copy of an easement recorded with the County Clerk prior to August 5, 1992, establishing a right of ingress and egress for vehicular use;
 - b. An aerial photograph with proof that it was taken prior to August 5, 1992, on which the road, easement, or driveway allowing vehicular access is visible;
 1. An aerial photograph will be found to meet DCC 18.88.060(C)(1)(b) if and only if a continuous, improved, or cleared vehicular travel surface of at least 10 feet in width is clearly visible on such photograph.

b-c. A map published prior to August 5, 1992, or a Assessor's map from prior to August 5, 1992, showing the road (but not showing a mere trail or footpath).

2. An applicant may submit any other evidence thought to establish the existence of a private road, easement for vehicular access, or driveway as of August 5, 1992, which evidence need not be regarded as conclusive.

D. Clear and Objective Standards: Submitting evidence for purposes of DCC 18.88.060(B)(2):

1. A private road, easement for vehicular access, or driveway will conclusively be regarded as having existed prior to August 5, 1992, if the applicant submits any of the following:

- a. A copy of an easement recorded with the County Clerk prior to August 5, 1992, establishing a right of ingress and egress for vehicular use;
- b. United States Geological Survey Topographic Map published prior to August 5, 1992 showing the road (but not showing a mere trail or footpath).

HISTORY

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [95-001](#) §3 on 3/29/1995

Amended by Ord. [2025-002](#) §21 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.90 SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE; SBMH

18.90.060 Site Plan Review Criteria – General/Discretionary Criteria

18.90.061 Site Plan Review Criteria – Clear and Objective Criteria

18.90.010 Purpose

The purpose of the Sensitive Bird and Mammal Combining Zone is to ~~insure~~ensure that sensitive habitat areas identified in the County's Goal 5 sensitive bird and mammal inventory as critical for the survival of the northern bald eagle, great blue heron, golden eagle, prairie falcon, osprey, great grey owl, and the Townsend's big-eared bat are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act. This objective shall be achieved by implementation of the decision resulting from the economic, social, environmental, and energy analysis (ESEE) for each inventoried sensitive habitat area.

HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [2015-011](#) §2 on 12/11/2015

Amended by Ord. 2025-xxx §x on x/xx/2025

18.90.020 Definition Of Sensitive Habitat Area

- A. The sensitive habitat area is the area identified in the Deschutes County Comprehensive Plan Natural Resources Element inventory and the County's official zoning map inventory and site specific ESEE for each sensitive bird or mammal site. The sensitive habitat area to be protected by the provisions of DCC 18.90 is defined as the area:
 - 1. Within a radius of 1,320 feet of a golden eagle, bald eagle, prairie falcon nest, or a Townsend's big-eared bat hibernating or nursery site.
 - 2. Within a radius of 300 feet of a great blue heron rookery or osprey nest.
 - 3. Within a radius of 900 feet of a great grey owl nest site.

- B. Inventoried sensitive bird or mammal sites located on federal land are not subject to the provisions of DCC 18.90 unless the sensitive habitat area identified in DCC 18.90.020(A)(1) extends onto nonfederal land.

HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [93-043](#) §14 on 8/25/1993

Amended by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [2015-011](#) §1 on 12/11/2015

Amended by Ord. 2025-xxx §x on x/xx/2025

18.90.050 Site Plan Review Requirement

- A. For those proposals identified in DCC 18.90.040 to be sited within an inventoried sensitive habitat area, as defined under DCC 18.90.020, a site plan shall be prepared in accordance with the requirements of DCC 18.90.050. The site plan shall be approved prior to issuance of a building permit, land division, conditional use permit, or site plan identified in DCC 18.90.040.
- B. The site plan application shall provide the following information:
1. A plot plan showing the location of all development including existing and proposed roads, driveways, and structures.
 2. Description of operating characteristics of the proposed use including times when activity within the sensitive habitat area would generate noise, dust, vibration, lights, traffic, or be visible from the nest, rookery or hibernation site.
 3. Timing of construction activities including grading or filling land, hauling materials, and building.
 4. Description of existing vegetation and vegetation to be removed for the proposed development.
- C. The County shall submit a copy of the site plan to the Oregon Department of Fish and Wildlife for comment. ODFW shall have 20 days from the date the site plan is mailed to submit written comments to the County.
- D. Based upon the record, and evaluation of the proposal based on the criteria in DCC 18.90.060 or 18.90.061 as applicable, and conformance with the specific ESEE analysis for the site ~~contained in the Resource Element of the Comprehensive Plan~~, the County shall approve or reject the site plan. In lieu of rejection of the site plan, the County may allow the applicant to revise the site plan if the applicant has not met the standards for approval. The Applicant shall waive the 150-day time limit if it chooses to revise the site plan.
- E. Approval of a site plan under DCC 18.90.050 shall be conditioned upon applicant's-the property owner's implementation of the plan.

HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [93-043](#) §14B on 8/25/1993

Amended by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2015-011](#) §2 on 12/11/2015

Amended by Ord. [2020-007](#) §14 on 10/27/2020

Amended by Ord. [2025-002](#) §23 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.90.060 Site Plan Review Criteria – General/Discretionary Criteria

Approval of the site plan shall be based on the following criteria:

- A. The site plan shall consider the biology of the identified sensitive species, nesting trees, critical nesting periods, roosting sites, and buffer areas. Based on the biology of the species and the characteristics of the site, the site plan shall provide protection that will prevent destruction of the subject nesting site, hibernation site, or rookery and will, to a reasonable certainty, avoid causing the site to be abandoned.
- B. Development activities, including ~~grading and fill~~[earthmoving](#), mining, construction, or activities generating noise or dust within the sensitive habitat area shall be prohibited during the nesting, strutting, or hibernation season identified in the site specific ESEE analysis and decision for each habitat site. An exception to this standard may be made if the Oregon Department of Fish and Wildlife determines in writing that the nest, or rookery is not active and will not become active during the proposed construction period or if the sensitive birds have fledged. Construction activities within an enclosed structure may be conducted during the nesting, strutting, or hibernation season. Construction activities necessary to repair an existing [onsite](#) septic system or to replace or repair a structure destroyed or damaged by fire or other natural causes may be conducted during the nesting, strutting, or hibernation season.
- C. New roads, driveways, or public trails shall be located at the greatest distance possible from the nest, rookery, or hibernation site unless topographic or vegetation or structural features will provide greater visual and/or noise buffer from the nest, rookery, or hibernation site.
- D. Existing vegetation or other landscape features which are located on the subject ~~property lot or~~[parcel](#) and which obscure the view of the nest, rookery, or hibernation site from the proposed development, shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
- E. No partitions or subdivisions shall be permitted which would force location of a dwelling unit or other structure, not otherwise permitted by the site specific ESEE, within the designated sensitive habitat area.
- F. All exterior lighting, including security lighting shall be sited and shielded so that the light is directed downward and does not shine on the subject nest, rookery, or hibernation site.

- G. The site plan shall conform with the requirements of the ESEE decision for the subject sensitive bird or mammal site contained in the Natural Resources Element of the Deschutes County Comprehensive Plan.

HISTORY

Adopted by Ord. 94-005 §1 on 6/15/1994

Amended by Ord. 2015-011 §2 on 12/11/2015

Amended by Ord. 2025-002 §23 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.90.061 Site Plan Review Criteria – Clear and Objective Criteria

Approval of the site plan shall be based on the following criteria:

- A. The site plan shall conform with the requirements of the ESEE decision for the subject sensitive bird or mammal site. Where the ESEE decision provides the option to reduce a requirement through discretionary standards or review, such option shall only be available under the General/Discretionary Criteria in DCC 18.90.060.
- B. The following additional limitations shall apply. In the event of conflicting provisions between the following standards and the ESEE decision, the more restrictive provision shall control:
 1. All development within the sensitive habitat area shall be prohibited during the time period identified in the site specific ESEE decision for each habitat site. This provision supersedes any allowance for development during the time period identified. Construction activities within an enclosed structure may be conducted during the identified period.
 2. New roads or driveways shall be set back at least 500 feet from the sensitive habitat site.
 3. Existing vegetation or other landscape features which are located on the subject lot or parcel between the proposed development and the sensitive habitat site shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
 4. Land divisions creating lots or parcels eligible for a dwelling unit are prohibited.
 5. Exterior Lighting.
 - a. All exterior lighting, including security lighting, shall be sited and designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination on the sensitive habitat site.
 - b. For the purposes of these lighting standards, the following definitions shall apply:
 - i. Full cut-off means a light fixture designed and constructed so light is directed down and no light is projected above the horizontal plane.

~~i.ii.~~ Shielding means an externally applied device such as a shroud or hood of metal, wood, opaque plastic, or opaque painted glass so light emitted by the fixture is directed downward below the horizontal plane.

HISTORY

Adopted by Ord. 2025-xxx §x on x/x/2025

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

18.108.040 Multiple Unit Residential; RM District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright subject to the applicable provisions of DCC 18.116, DCC 18.124, and DCC Title 17:
1. A duplex.
 2. Multi-unit dwellings and dwelling unit groups, including townhouses and condominiums.
 3. Uses permitted outright in the RS District.
 - ~~4. Planned unit developments and redevelopment.~~
 - ~~5.4.~~ Recreational path.
 - ~~6.5.~~ Residential home.
 - ~~7.6.~~ Residential facility.
 - ~~8.7.~~ Type 1 Home Occupation, subject to DCC 18.116.280.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.116, 18.124, and 18.128:
1. Park, playground and picnic and barbecue area.
 2. Fire station.
 3. Library.
 4. Museum.
 5. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
 6. Off-street parking lots when abutting a less restrictive zoning district.
 7. Community center.
 8. Religious institutions or assemblies.
 9. Temporary sales office for on-site dwelling units.

10. Interval ownership and/or time-share unit or the creation thereof.

11. Health and fitness facility.

C. Height Regulations. No structure shall be hereafter erected, enlarged, or structurally altered to exceed 30 feet in height.

D. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:

1. Duplexes and multi-unit dwellings:

- a. Lot Area. Every lot or parcel shall have a minimum lot area of 5,000 square feet for the first dwelling unit, plus the following minimum lot area based upon the number of bedrooms per additional dwelling unit in the following table:

Studio or Efficiency	750 sq. ft.
1 Bedroom	1,000 sq. ft.
2 Bedrooms	1,500 sq. ft.
3 Bedrooms	2,250 sq. ft.
4 Bedrooms	2,500 sq. ft.

The overall density shall not exceed eight dwelling units per acre.

- b. Lot Width. Every lot or parcel shall have a minimum lot width of 50 feet.
- c. Frontage. Every lot or parcel shall have a minimum street frontage of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
- d. Front Setback. The front setback shall be a minimum of 10 feet.
- e. Side Setback. There shall be a minimum side setback of five feet and the sum of the side setbacks shall be a minimum of 15 feet. The side setbacks shall be increased by one-half foot for each foot by which the structure height exceeds 15 feet.
- f. Rear Setback. The rear setback shall not be less than five feet. The rear setback shall be increased by one-half foot for each foot by which the structure height exceeds 15 feet.
- g. Lot Coverage. Lot coverage shall not exceed 40 percent of the total lot area.

2. Townhouses, condominiums, and zero lot line dwelling units, ~~and planned unit developments~~:

- a. There shall be no minimum lot area for townhouse, condominium, and zero lot line developments, ~~or planned unit developments~~ provided, however, that the overall density shall not exceed eight dwelling units per acre.

- b. Setbacks. Setbacks, lot widths and lot coverage shall be determined at the time of site plan approval.

3. Single-Unit Dwellings--:

- a. Lot widths, setbacks and lot coverage shall be the same as provided in the RS District, provided that the overall density shall not exceed eight dwelling units per acre.

- E. Off-Street Parking. Off-street parking shall be provided for a minimum of two cars per dwelling unit.

HISTORY

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

Amended by Ord. [99-036](#) §1 on 12/15/1999

Amended by Ord. [2004-002](#) §22 on 4/28/2004

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

Amended by Ord. [2025-002](#) §23 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

18.116.390 Identification of Certain Features for Clear and Objective Applications

18.116.400 Land Divisions

18.116.160 Rimrock Setbacks Outside Of LM Combining Zone

A. General/Discretionary Standards:

1. All structures, including decks, within 50 feet from the edge of a rimrock, as defined in DCC 18.04.030, shall be subject to site review if visible from the river or stream. Prior to approval of any structure within 50 feet of a rimrock, the Planning Director or Hearings Body shall make the following findings: All structures, including decks, shall be set back a minimum of 20 feet from the edge of the rimrock.
2. The height of the structure shall not exceed the setback from the edge of the rimrock.
3. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
4. Where multiple structures are proposed on a lot or parcel, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the ~~effected~~affected area. This shall require a maintenance of at least 65 percent open space along all rimrocks.

B. Clear and Objective Standards:

1. All structures, including decks, shall have a minimum setback of 50 feet from the edge of a rimrock.

2. Existing trees and shrubs that are located between the rimrock and the proposed structure shall be retained.
3. At least 65 percent of the lot area within 100 feet of the upper most ledge of rimrock shall be maintained as open space. The required open space must either be entirely planted with landscaping or the natural landscape must be preserved. Plantings shall conform with the defensible space standards of DCC Chapter 8.21. Where multiple structures are proposed on a lot or parcel, the structures shall be wholly located within a 200-foot diameter circle.

HISTORY

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

Amended by Ord. [81-015](#) §1 on 4/14/1981

Amended by Ord. [82-013](#) §2 on 5/25/1982

Amended by Ord. [85-016](#) §2 on 7/3/1985

Amended by Ord. [86-053](#) §21 on 6/30/1986

Amended by Ord. [88-004](#) §1 on 1/27/1988

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

Amended by Ord. [92-034](#) §3 on 4/8/1992

Amended by Ord. [2025-002](#) §30 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.116.390 Identification of Certain Features for Clear and Objective Applications

For applications reviewed under Clear and Objective standards pursuant to pursuant to DCC 18.08.050, the following procedures will be used, as applicable, to determine whether standards and criteria are met:

A. Determining the Ordinary High Water Line (OHWL)

1. The elevation of the OHWL shall be determined by a field assessment conducted by a qualified biologist in accordance with OAR 141-085-0515(3). For the purposes of this criteria, a “qualified biologist” is a person who has a minimum of a bachelor’s degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited college or university with a minimum of four years’ experience as a practicing fish or wildlife habitat biologist.
2. The OHWL shall be identified, flagged, and documented per subsection (3), and labeled on survey plans prepared by a licensed professional surveyor registered in the state of Oregon.
3. OHWL Documentation.
 - a. Photographs shall be taken both up- and down-stream of the project site and both banks- after OHWL markers are set. Photos shall include field indicators and the location of the placed markers.

- b. A written explanation or justification of observations shall accompany each photo.

B. Measuring and Calculating Volume of Fill or Removal

1. Fill or removal volume shall be calculated in accordance with the specifications of OAR 141-085-0525.

HISTORY

Adopted by Ord. 2025-xxx \$x on x/x/2025

18.116.400 Land Divisions

- A. General/Discretionary Standard: Partitions and subdivisions are subject to the applicable provisions of Title 17 and Title 18 except as modified by the following:

1. Cluster developments are allowed as conditional uses in MUA-10, RR-10, TER zones and subject to DCC 18.128.
2. Planned developments are allowed as conditional uses in SURM, MUA-10, RR-10 zones and subject to DCC 18.128.
3. In the MUA-10 zone, cluster and planned developments shall be allowed an equivalent density of one unit per seven and one-half acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five acre minimum lot area or equivalent density.
4. In the RR-10 zone, cluster and planned developments shall be allowed an equivalent density of one unit per 7.5 acres. Planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five-acre minimum lot area or equivalent density.
5. In an SURM zone, there shall be no minimum lot area for planned developments provided that the overall density shall not exceed eight dwelling units per acre.

- B. Clear and Objective Standard: Partitions and subdivisions are subject to the applicable provisions of Title 17 and Title 18.

HISTORY

Adopted by Ord. 2025-xxx \$x on x/x/2025

CHAPTER 18.120 EXCEPTIONS

18.120.030 Exceptions To Setback Requirements

The following exceptions to setback requirements may be authorized for a lot or parcel in any zone:

- A. If there are buildings on both lots or parcels abutting an intervening lot or parcel that are within 100 feet of the intervening lot or parcel, and the buildings have front setbacks of less than the

minimum required for the zone, the front setback for the intervening lot or parcel need not exceed the average measurement of the front setbacks of the abutting lots or parcels.

- B. Cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than three feet into a required front, rear, or side setback area, provided that the projection is not closer than three feet to a lot line.
- C. The following features are not subject to front, rear, or side setbacks:
 - 1. Steps, terraces, platforms, and porches having no roof covering;
 - 2. Utility infrastructure, at or below finished grade;
 - 3. Utility poles and transmission lines;
 - 4. Utility boxes not interfering with the vision clearance requirements;
 - 5. Outdoor improvements at finished grade, including, but not limited to, paved areas, driveways, or walkways;
 - 6. Signs conforming to the requirements of DCC Title 15 and Title 18.
 - 7. Fences conforming to the requirements of DCC 18.116.120.

D. An addition to an existing lawfully established dwelling unit which is within 100 feet of the ordinary high water ~~mark-line~~ along a stream, river, or lake may be constructed provided the following are met:

- 1. The addition is for an expansion of the dwelling unit;residential dwelling purposes,
- 2. ~~no~~ No part of the addition is closer to the stream, river, or lake than the existing residential structuredwelling unit's structural footprint;
- 3. ~~the~~ The floor area ~~of for~~ the addition is 900 square feet or less and does not exceed the floor area of the existing structure-dwelling unit; and
- 8.4. ~~the~~ The addition conforms with all other applicable setbacks, zoning standards, and building limitations.

D.E. For applications reviewed under General/Discretionary Standards pursuant to DCC 18.08.050, ~~D~~dwelling units on lots or parcels created prior to November 1, 1979, may be granted an exception to the 100-foot setback from the ordinary high water ~~mark-line~~ along a stream, river, or lake, pursuant to DCC 18.84.090, subject to DCC Title 22, ~~the Uniform Development Procedures Ordinance,~~ and the following conditions in subsections (1) – (4). Applications reviewed under Clear and Objective Standards are not eligible for this setback exception.:

- 1. An application shall be filed which includes:
 - a. A detailed explanation of the planned development.
 - b. An explanation of why an exception is necessary.

- c. A site plan, drawn to scale, and accompanied by such drawings, sketches, and descriptions necessary to describe and illustrate the proposed development. The site plan shall, at a minimum, include:
 1. An inventory of existing vegetation, including trees on the lot or parcel located within 200 feet of the ordinary high water ~~mark-line~~ along the stream, river, or lake. The inventory shall be in sufficient detail to allow the review and evaluation of the impacts of the proposed development.
 2. Proposed modifications of the vegetation on the lot or parcel within 200 feet of the ordinary high water ~~mark-line~~ along the stream, river, or lake, including the size, species, and approximate locations of existing vegetation to be retained and new vegetation proposed to be placed upon the site.
 3. Existing and proposed site contours.
 4. The locations and dimensions of all structures, ~~property-lot~~ lines, easements, ordinary high water ~~mark-lines-or-marks~~, utilities, and uses.
 5. Other site elements and information that will assist in the evaluation of the proposed development.
 - d. An explanation of how the proposed development will satisfy each of the exception criteria set forth in DCC 18.120.030(E)(4)(b).
2. An exception may be granted only upon findings that:
 - a. The structure to be sited is a dwelling ~~unit with a structural footprint that is~~ no greater than 40 feet in depth (including garages, carports, and decks);
 - b. Adherence to the 100-foot setback would create a hardship, as defined in DCC 18.120.030(E)(3), preventing such a dwelling unit from being sited on the lot or parcel;
 - c. The site plan protects and enhances the vegetative fringe between the dwelling unit and the stream, river, or lake to the degree necessary to meet the requirements set forth in the applicable goals and policies of the Comprehensive Plan; and
 - d. A conservation easement providing that the elements of the site plan will be carried out and maintained as approved, in perpetuity, for the area between the ordinary high water ~~mark-line~~ and the dwelling unit has been conveyed to the County.
 3. For the purposes of DCC 18.120.030, a hardship exists in one or more of the following situations:

- a. Adherence to setbacks required by the zoning ordinance in effect at the time of the application made under DCC 18.120.030 would prevent the dwelling unit from being sited on the lot or parcel, if the 100-foot setback were observed;
 - b. The siting of a legal on-site wastewater septic disposal-system, placed on the lot or parcel prior to November 1, 1979, makes it impossible for the dwelling unit to meet the 100-foot setback;
 - c. Any approved initial on-site wastewater septic sewage disposal-system and replacement system other than a sand filter A or an alternative treatment technology system cannot be sited on the lot or parcel in a manner that will allow the dwelling unit to meet the 100-foot setback requirement;
 - d. If the only initial on-site wastewater septic sewage disposal-system for which approval can be obtained is a sand filter system or an alternative treatment technology system and such a system and its replacement system cannot be sited on the lot or parcel in a manner that will allow the dwelling unit to meet the 100-foot setback requirement; or
 - e. Dwelling units exist on both abutting lots or parcels that are closer to the stream, river, or lake than the proposed dwelling unit and such existing dwelling units are located within 40 feet of the proposed dwelling unit. If utilization of a sand filter system or alternative treatment system as a replacement system will allow such a dwelling unit to meet the 100-foot setback, no exception shall be granted for reasons of on-site sewage disposal constraints.
4. Dwelling units qualifying for a setback exception under the criteria set forth above shall be located as follows:
- a. Except as set forth in DCC 18.120.030(E)(4)(b), the dwelling unit must be located as far as possible from the ordinary high water mark-line of the stream, river, or lake, allowing for the hardship constraints identified for the property.
 - 1. In instances where use of a sand filter system or alternative treatment system for a replacement system would allow the dwelling unit to be located further from the stream, river, or lake than if another type of replacement system were utilized, the dwelling unit shall be sited in a manner to allow only enough room for the approved initial on-site wastewater septic sewage disposal-system and a sand filter system or alternative treatment technology system as a replacement system.
 - b. Where a dwelling unit qualifies for a setback by virtue of DCC 18.120.030(E)(3)(e), the dwelling unit may be set back at a distance from the ordinary high water mark-line consistent with the dwelling units on the abutting lots or parcels, but in no case shall any part of such dwelling unit be located closer to the ordinary high water line mark than a line extending between the points of the dwelling units on the abutting lots or parcels that are closest to the stream, river, or lake.

HISTORY

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

Amended by Ord. [81-003](#) §1 on 1/21/1981

Amended by Ord. [81-005](#) §1 on 1/27/1981

Amended by Ord. [84-002](#) §1 on 3/21/1984

Amended by Ord. [86-032](#) §1 on 4/2/1986

Amended by Ord. [90-020](#) §2 on 6/6/1990

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

Amended by Ord. [93-043](#) §§20A and B on 8/25/1993

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2004-013](#) §13 on 9/21/2004

Amended by Ord. [2025-002](#) §30 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

[18.120.040 Structure Height Exceptions](#)

- A. The following structures or structural parts are not subject to the building height limitations of DCC Title 18, except in the Airport Development Zone, Airport Safety Combining Zone, or Landscape Management Combining Zone:
 1. Chimneys and vents, not more than three feet six inches above the highest point of the roof;
 2. Vertical support structures for telephone and power transmission lines in utility easements or public rights-of-way, not requiring a site plan review as defined in DCC 18.124.060;
 3. Flagpoles not exceeding 40 feet;
 4. Agricultural buildings or equine facilities as defined in DCC 18.04.030 not exceeding 36 feet; and
 5. Amateur radio facilities as outlined in DCC Title 18.116.290.
- B. For the purposes of calculating structural height, the following method may be used as a discretionary alternative when determining average grade:
 1. Perimeter Sampling Method: The average of eight measurements around the entire structural footprint perimeter, with the first measurement point starting at the lowest finished grade abutting the structure, and subsequent measurement points spaced equidistantly along the finished grade abutting the structure.
- C. The following structures or structural parts may receive exceptions to the building height limitations of DCC Title 18 if approved as part of a Site Plan Review, as defined in DCC 18.124.060 and subject to the criteria contained therein. However, this exception does not supersede the

more restrictive requirements that are found in the Airport Safety Combining Zone or Landscape Management Combining Zone:

1. Non-commercial wind energy systems generating less than 100 kW of electricity;
 2. Public schools;
 3. Vertical support structures for telephone and power transmission lines requiring a site plan;
 4. Structures that are necessary for public safety; and
 5. Flagpoles.
- D. For applications reviewed under General/Discretionary Standards pursuant to DCC 18.08.050,
aAn exception (up to 36 feet) to the building height limitations for structures not otherwise
 exempted by DCC 18.120.040(A) may be approved upon findings ~~that~~consistent with
subsections (1) through (5). Applications reviewed under Clear and Objective Standards are not
eligible for this building height exception.
1. The structure is not located in a Landscape Management Zone, except when the structure is a single-unit dwelling with an attached hangar located in an unincorporated community and the structure has a maximum height of 35 feet including chimneys, antennas, flagpoles, or other projections from the roof of the structure;
 2. The structure is not located within 100 feet of any rimrock, as defined in DCC 18.04.030;
 3. After consultation with the applicable fire department, the proposed height does not exceed the height limitation of the department's fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the department;
 4. The proposed additional height will not adversely impact scenic views from existing nearby dwelling units; ~~and-~~
 5. The proposed structure shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- E. An exception to building height limitations for agricultural buildings or equine facilities may be approved upon findings that the applicant meets the criteria listed in DCC 18.120.040(C)(1) through (3) and demonstrates that the proposed structure is:
1. An agricultural building or equine facility as defined in DCC 18.04.030;
 2. Located in an EFU or Forest zone; and
 3. Necessary to conduct ~~generally~~accepted farming practices ~~that are typical or customary of Deschutes County farmers who are regularly involved in the proposed type of agriculture~~as defined in ORS 215.203(2)(c). The applicant shall document satisfaction of

this criterion by submitting evidence or testimony from an authorized representative of the Deschutes County Farm Bureau.

HISTORY

Adopted by Ord. [PL-15](#) §6.050 on 11/1/1979

Amended by Ord. [92-036](#) §1 on 4/29/1992

Amended by Ord. [92-055](#) §10 on 8/17/1992

Amended by Ord. [93-043](#) §20C on 8/25/1993

Amended by Ord. [96-035](#) §1 on 4/24/1996

Amended by Ord. [98-035](#) §1 on 6/10/1998

Amended by Ord. [2001-004](#) §3 on 5/23/2001

Amended by Ord. [2001-033](#) §1 on 10/10/2001

Amended by Ord. [2008-007](#) §3 on 8/18/2008

Amended by Ord. [2011-009](#) §1 on 10/17/2011

Amended by Ord. [2025-002](#) §31 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

CHAPTER 18.128 CONDITIONAL USE

[18.128.270 Fill Or Removal – General/Discretionary Standards](#)

[18.128.271 Fill Or Removal – Clear and Objective Standards](#)

18.128.270 Fill ~~or~~ Or Removal – General/Discretionary Standards

Except as otherwise provided in DCC Title 18, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river, or in any wetland, unless such fill or removal is approved as a conditional use subject to the following standards:

- A. An application shall be filed containing a plan with the following information:
 1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
 2. An explanation of why the fill or removal is necessary.
 3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
 - a. An inventory of existing vegetation.
 - b. The proposed modifications, if any, to the vegetation.
 - c. Existing and proposed site contours.
 - d. Location of lot lines, easements and high water marks.

- e. Other site elements or information that will assist in the evaluation of the proposed fill or removal.
- B. Public facility and service uses such as construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations, shall not be granted conditional use permits to fill or remove unless the following findings are made:
 - 1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - 2. That the public facility and service uses and related facilities cannot, as a practical matter, be located outside of the wetland or bed and banks of the stream or river.
 - 3. That the construction or maintenance requiring the fill or removal will be done in a manner designed to minimize the adverse impact upon the wetland, stream, or river.
 - 4. That erosion will be adequately controlled during and after construction.
 - 5. That the impacts on fish and wildlife habitat from the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 - 6. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
- C. Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks, and public walkways shall not be allowed as a conditional use unless the following findings are made:
 - 1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.
 - 2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
 - 3. That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
 - 4. That such construction and maintenance is designed to minimize the adverse impact on the site.
 - 5. That erosion will be adequately controlled during and after construction.
 - 6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.

7. That the specific location of a site for a public park, recreation area, natural and outdoor education area, historic and scientific area, wildlife refuges, public boat launching ramps, public docks, and public walkways will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
- D. Except for uses identified in DCC 18.128.270(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river, or wetland:
1. Shall be granted only after consideration of the following factors:
 - a. The effects on public or private water supplies and water quality.
 - b. The effects on aquatic life and habitat, and wildlife and habitat. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 - c. Recreational, aesthetic, and economic values of the affected water resources.
 - d. Effects on the hydrologic characteristics of the water body such as direction and velocity of flow, elevation of water surface, sediment transportation capacity, stabilization of the bank and flood hazards.
 - e. The character of the area, considering existing streambank stabilization problems and fill or removal projects which have previously occurred.
 2. Shall not be granted unless all of the following conditions are met:
 - a. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - b. That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - c. That there will be no significant impacts on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - d. That erosion will be adequately controlled during and after the project.
 - e. That the essential character, quality, and density of existing vegetation will be maintained. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values, aesthetic resources, and to prevent erosion.
 - f. That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.
 - g. That a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," shall be conveyed to the County, which provides, at a minimum, that

all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill or removal area and all real property on the same lot or parcel, within 10 feet of any wetland, river or stream.

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 on 9/30/1991

Amended by Ord. [93-043](#) §23H-J on 8/25/1993

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2025-002](#) §33 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.128.271 Fill or Removal – Clear and Objective Standards

A. Applicability. This section applies to proposed fill or removal, as defined in DCC 18.04.030, within the bed and banks of any stream or river, or within any mapped boundary of a wetland as identified in the Statewide Wetland Inventory.

B. Standards.

1. A maximum of one (1) cubic yard of fill or removal shall be permitted within areas identified in subsection (A). Additional fill or removal is subject to the standards in DCC 18.128.270.
2. An application for fill or removal shall meet the application requirements of subsection (C), and shall meet the standards in subsection (D).

C. An application shall be filed containing a plan with the following information:

1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
2. An explanation of why the fill or removal is necessary.
3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
 - a. An inventory of existing vegetation.
 - b. The proposed modifications, if any, to the vegetation.
 - c. Existing and proposed site contours.
 - d. Location of lot lines, easements, and high water marks.
4. A signed statement by a professional engineer licensed in the state of Oregon confirming the criterion in DCC 18.128.271(D)(2) is met.

5. A signed statement by a qualified biologist confirming the criterion in DCC 18.128.271(D)(2) is met. For the purposes of DCC 18.128.271, a “qualified biologist” is a person who has a minimum of a bachelor’s degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited college or university with a minimum of four years’ experience as a practicing fish or wildlife habitat biologist.
6. If subject to regulation from state or federal agencies, statements from Army Corps of Engineers (ACOE), Department of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW), or United States Fish and Wildlife Service (USFWS), as applicable, identifying if any permitting is required through these agencies.

D. Permits for fill or removal shall not be granted unless the following criteria are met:

1. All necessary state and federal permits will be obtained as a condition of approval of the conditional use;
2. A professional engineer licensed in the state of Oregon has provided a signed statement confirming the proposed fill or removal will not adversely impact water quality, flooding, the stability of the bank, or other hydrologic characteristics of the water body, and that erosion will be adequately controlled during and after the project; and
3. A qualified biologist has provided a signed statement confirming the proposed fill or removal will result in no net loss of the functions and values, as defined in OAR 141-085-0510, of the stream, river, or wetland.
4. Except for the uses identified below, a conservation easement, as defined in DCC 18.04.030, shall be conveyed to the County, which provides, at a minimum, all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill or removal area and all real property on the same lot or parcel, within 10 feet of any wetland, river, or stream.
 - a. This requirement does not apply to permits for public facility and service uses such as construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations.

HISTORY

Adopted by Ord. 2025-xxx §x on x/x/2025



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Nomination Process to form a Committee to Draw Commissioner District Maps

BACKGROUND AND POLICY IMPLICATIONS:

Ballot Measure #9-173 passed in November 2024 which expands the County Commissioners to a five seat Board. The two new positions will be elected in 2026, for an initial two-year term which will begin in January 2027 and will be at-large seats.

In previous Board of County Commissioners (BOCC) meetings in November 2024 and March 2025, the BOCC indicated interest in creating Commissioner Districts through a Ballot Measure process in place of having 5 at-large Commissioner positions. On March 31, 2025, the BOCC voted in favor of forming a committee to draw district maps and in several follow up meetings the BOCC discussed committee formation options. On May 5th the majority of the BOCC voted to establish a committee by BOCC nominations.

The committee will be made up of 7 community members appointed individually by Commissioner. The appointments will be as follows:

Commissioner	Number of Nominations
Commissioner DeBone	2
Commissioner Adair	2
Commissioner Chang	3

The purpose of discuss timelines and the nomination process.

this agenda item is to for the ballot measure

Items for discussion today:

1. May 2026 or November 2026 Election
2. Nomination timeline
 - a. If the May 2026 election is the goal, then staff recommend establishing a timeline for the nomination process and schedule of the committee meetings
3. College student engagement/internship

Other items to consider in developing a process to form a Committee:

1. Charter formation
 - a. Map drawing criteria
 - i. BOCC or Committee decision
 - b. District map options – how many and who decides
 - i. BOCC or Committee decision
 - c. District Numbering
 - i. BOCC or Committee decision
 - d. 5 Districts or 4 and 1 at-large
 - i. BOCC or Committee decision
2. Facilitation

BUDGET IMPACTS:

\$12,000 has been budgeted for FY 2026 to complete the process.

ATTENDANCE:

Nick Lelack, County Administrator

Jen Patterson, Strategic Initiatives Manager



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Consideration of Administrative Policy GA-27, Temporary Safe Stay Area Guidelines, Rules, & Enforcement

RECOMMENDED MOTION:

Move approval of County Administrator's signature of General Administrative Policy GA-27, Temporary Safe Stay Area Guidelines, Rules & Enforcement.

BACKGROUND AND POLICY IMPLICATIONS:

On October 29, 2024, the Temporary Safe Stay Area (TSSA) was established by Deschutes County and the City of Bend through a Joint Resolution (County 2024-046; City 3401).

The intent of the TSSA, as stated in the adopted resolutions, is to "...mitigate and improve the health and safety risks associated with unmanaged camping, and to provide improved sanitation services and case management to facilitate people camping at Juniper Ridge moving into safe shelter or housing."

Section 5 of the Joint Resolution authorizes County and City staff to develop administrative policies needed to coordinate and manage the TSSA, including, among other things, enforcement and monitoring strategies, reduction in unlawful access points and rules regarding open flames.

The City of Bend memorialized a version of this policy on April 28, 2025.

County Legal was unable to review this policy (GA-27) due to its previous opinion relative to the TSSA and applicable land use regulations.

BUDGET IMPACTS:

N/A

ATTENDANCE:

Kristie Bollinger, County Property Management
Erik Kropp, Deputy County Administrator



Temporary Safe Stay Area Guidelines, Rules, & Enforcement

I. INTRODUCTION

- a. The purpose of this General Administrative Policy, Temporary Safe Stay Area Guidelines & Enforcement, (Policy), is to clarify the rules of the Temporary Safe Stay Area (TSSA), as established by the City of Bend and Deschutes County through a Joint Resolution (City 3401; County 2024-46) executed by City Council and County Commissioners on October 29, 2024 (the “Joint Resolution”). The intent of the TSSA, as stated in the adopted resolutions, is to “...mitigate and improve the health and safety risks associated with unmanaged camping, and to provide improved sanitation services and case management to facilitate people camping at Juniper Ridge moving into safer shelter or housing.” Section 5 of the Joint Resolution authorizes City and County staff to develop administrative policies needed to coordinate and manage the TSSA, including, among other things, enforcement and monitoring strategies, reduction in unlawful access points and rules regarding open flames.
- b. This Policy does not supersede City of Bend Administrative Policy 2024-5 , Removal of Unsafe Encampments on City-Owned Property Outside City Limits, or Deschutes County General Administrative Policy No. GA-23, but provides guidance to City and County staff, security patrol, Law Enforcement, and Service Providers on how the TSSA is to be managed, and actions or conditions that could result in an individual or camp being removed.

II. PURPOSE

- a. Establish TSSA guidelines and rules associated with people camping within the boundaries of the TSSA who are expected to follow all laws and regulations applicable to the area including those set out in this Policy.

III. SCOPE

- a. This Policy applies to the TSSA and the people camping within the boundaries of the TSSA.

IV. POLICY TERMS & PROVISIONS

- a. Jurisdiction & Funding
 1. The TSSA is located on land owned by the City of Bend and Deschutes County (each a “Jurisdiction”) and is outside Bend city limits within Deschutes County. Law enforcement authority for the TSSA is with the Deschutes County Sheriff. Bend Police may also assist with law enforcement as requested by the Deschutes County Sheriff (together, “Law Enforcement”). Bend Fire & Rescue provides fire and medical emergency response. The County has hired a security firm to provide security patrol of the area (“Security Patrol”), and the City is reimbursing the County for a portion of these costs. The City and County each contributed funds to a grant program managed by the City, to provide funding to local organizations that provide

outreach, support, and housing-focused case management to people camping at the TSSA ("Service Providers").

b. TSSA Rules

1. The following rules have been established and will be reviewed and amended as needed:
 - i. Vehicle camping is permitted within the designated TSSA areas west of the railroad tracks (See Exhibit A).
 - ii. Construction, including vehicle additions and fencing, is not allowed.
 - iii. It is prohibited to cause damage or injury, or engage in threats to physical safety of self or others.
 - iv. Dumping of black or gray water (used water and human waste) onto the ground is prohibited.
 - v. Use of any road or access point other than authorized roads and access points is prohibited.
 - vi. All trash must be disposed of in dumpsters or in the yellow bags for pick up.
 - vii. All open flames and fires, including recreational fires, burning garbage, bonfires, or other flames, are prohibited. Propane or similar gas-fueled camp stoves, heaters, and lanterns, and other heat sources deemed safe by the Bend Fire & Rescue Department are permitted, but any heat source must be kept three (3) feet from combustibles, cannot be used inside of a vehicle.
 - viii. Discharge of firearms is prohibited.
 - ix. Damage to physical property, infrastructure, and/or the environment is prohibited.
 - x. Storage of and abandonment of inoperable cars and vehicles and unused tires is prohibited.
 - xi. Animals and pets must be kept on leash and under control of the owner at all times.

c. Review Committee

1. A Review Committee will be established in April 2025 and tasked with reviewing the conditions, incidents, complaints, and the implementation and administration of the TSSA.
2. The Committee will be made up of a member from each of: County Staff, City Staff, Security Patrol, Law Enforcement, and a minimum of one Service Provider. The Committee may agree to invite additional members or participants as necessary or helpful to convey and properly deliberate any information or decisions related to management of the TSSA.

3. The Committee will aim to meet at least twice a month, between April 1, 2025, and December 31, 2026.
4. The Committee has the authority to advise on certain conditions and situations, but any action taken to remedy, resolve, and/or remove people or camps is at the sole discretion and responsibility of the Jurisdiction that owns the land on which the people or camp are located and/or Law Enforcement, for response to criminal activity.

d. Notice of Removal

1. Certain conditions that threaten public health and safety and the operations of the TSSA may be subject to a Notice of Removal, requiring people and/or a camp to be removed from the TSSA. Issuance of a Notice of Removal will be at the sole discretion of the Jurisdiction with ownership of the land on which the camp or incident is located and/or Law Enforcement. The Jurisdiction and/or Law Enforcement may choose to issue a Notice of Removal within 24 hours, 72 hours, or other time period, including immediate removal, based on the severity of the incident and/or threat to public health and safety, in accordance with state law. Immediate removal may be used to address exceptional emergencies, including possible site contamination by hazardous materials, a public health emergency, or other incidents or conditions that create an immediate danger to human life or safety.
2. The following are examples of situations or conditions that may result in a Notice of Removal:
 - i. Conditions or behavior creating an immediate danger to public health or human life and safety.
 - ii. Civil or criminal offenses, particularly threats or injury to people and property, harassment or stalking.
 - iii. Black/gray water (human waste) dumping onto the ground or into canals
 - iv. Excessive dumping/littering
 - v. Fire, including open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by Bend Fire & Rescue
 - vi. Discharge of firearms
 - vii. Damage to City, County, Burlington Northern-Santa Fe, Central Oregon Irrigation District, Swalley or others' infrastructure, property, or vegetation and environment at or abutting the TSSA, including Hygiene Station facilities (water tanks, portable toilets, hand washing stations, dumpsters, etc.)
 - viii. Animal/pet misbehavior that causes injury or threatens immediate danger to human life or safety
3. Each Jurisdiction intends to notify the Committee at the next available meeting of any Removal Notices issued and/or executed on and review the situation with the Review Committee. The issuing Jurisdiction may also consult with the Committee prior to issuing a Removal Notice to request

support and/or accommodation from Service Providers and/or Law Enforcement.

4. The Jurisdiction issuing the Notice of Removal is responsible for complying with applicable laws regarding notice and property storage.

e. Notice of Remedy

1. Certain situations or conditions that do not qualify for removal may result in issuance of a Notice to Remedy to correct the offense, situation, or condition within a specified timeframe and the camper may be removed if the issue is not corrected. Multiple Notices to Remedy within a three (3) month period, regardless of whether cured or not, may be grounds for removal at the discretion of the Jurisdiction, depending on the severity of the situation addressed in the notices. A Jurisdiction may issue a Notice to Remedy at its sole discretion, and may choose to review any incidents, conditions, or complaints with the Committee prior to issuing. Depending on the issue, the responsible Jurisdiction may choose, at its sole discretion or at the advisement of the Committee, to either issue a 24-hour, 72-hour, or other time period as necessary to provide time to cure the situation or condition described in the Notice. As set out in other agreements between the City and the County, City staff may provide Notices to Remedy on land owned by the County at the request of County staff.
2. The following are examples of situations or conditions that may result in a Notice to Remedy:
 - i. Noise or disruption
 - ii. Cooking/open flames deemed unsafe by Bend Fire & Rescue but not constituting an exceptional emergency or immediate danger to human life or safety
 - iii. Failing to utilize hygiene stations
 - iv. Dumping/littering
 - v. Off leash animal/pet
 - vi. Creation or use of unauthorized roads or access points
 - vii. Camping or establishing a camp outside the TSSA boundaries or in areas not presently occupied by camps
 - viii. Abandoning vehicles in or near the TSS
 - ix. Construction of new temporary or permanent structures
 - x. Camping outside of vehicles or in structures or tents that are not vehicles
3. The Jurisdiction will notify the Committee at the next available meeting of any Notice to Remedy issued and review the situation with the group. The Jurisdiction may also consult with the Committee prior to issuing a Notice to Remedy to request support and/or accommodation from Service Providers to ensure compliance.

f. Law Enforcement Authority

1. The Deschutes County Sheriff, or its designee, has the authority as the primary law enforcement agency to access and monitor the TSSA area as is necessary to respond to and investigate incidents both in the TSSA and to individuals that are believed to be camping within the TSSA that may be involved in an incident or investigation that has occurred outside of the TSSA. If the Sheriff, or its designee, at any point in time believes there is a direct risk to health and safety to an individual or individuals within the TSSA, the Sheriff, or its designee, has the right to exercise its authority under the law, subject to any notice required by State law or County policy, to remove or arrest an individual or individuals causing a health and safety risk from the TSSA area. If the removal or arrest of an individual or individuals occurs, the Sheriff's designee will notify members of the Jurisdiction and/or Committee of the removal or arrest and the Jurisdiction and/or Committee will evaluate and arrange for the removal, cleanup, and storage of the individual's personal property.

g. Security Patrol Authority

1. Security Patrol has been retained and has been granted access to provide regular patrols of the TSSA. The Security Patrol will monitor and document instances and/or incidents within the TSSA that appear to be violations of this policy and report to the Jurisdiction and/or the Committee for evaluation. If at any time Security Patrol feels there is an incident that qualifies as a serious health or safety risk or qualifies as grounds for Immediate/Emergency Removal, they may contact the Sheriff's designee and/or Jurisdiction for immediate assistance.

h. Property Access

1. The City and County each grant the other, its officers, employees, and authorized contractors and volunteers, including Service Providers funded under the Houseless Services Grant Program by the City, or otherwise authorized to provide services to people camping at the TSSA, to access property owned by each for the purposes of TSSA management and housing-focused case management for people camping at the TSSA.

i. Removal & Storage

1. Personal property that is removed from campsites, including vehicles (used for shelter), for noncompliance with this Policy and/or any Jurisdiction policy, shall be stored in accordance with applicable Jurisdiction policies. Abandoned vehicles (not used for shelter) may be towed and stored in accordance with ORS 98.812 or ORS 98.830, or other applicable laws, including towing and storage to a private towing facility subject to all required processes and allowable liens. Each Jurisdiction is responsible for complying with all applicable laws and neither shall be held responsible for the actions of the other.
2. Following removal of a campsite or personal property, the Jurisdiction will post notice stating the location where the removed personal property is being stored, and how individuals can contact the Jurisdiction to retrieve personal property. Each Jurisdiction will follow its own policies and procedures for campsite removal and storage of personal property.

3. When removing personal property, the responsible Jurisdiction will make reasonable efforts to determine if property belongs to an individual and has any apparent utility. Items that are of no apparent use or are in an unsanitary condition will be considered garbage and disposed of accordingly.
4. The Jurisdictions have created a secure, fenced storage area approximately 1,500 feet from the north end of NE 18th Street (north of the intersection of NE 18th Street & Cooley Road), that is intended to serve as the storage facility for any property removed from the TSSA or surrounding areas.

j. Reasonable Accommodation

1. If a person asserts an inability to comply with a Notice because of a disability, Jurisdiction personnel may consult their respective Accessibility Manager and/or counsel in determining the appropriate response under applicable law. Jurisdiction staff may inquire about the nature of the asserted disability however, a person does not have to disclose a diagnosis or specify the disability to qualify for a modification to the guidelines. Requests for modification or accommodation shall be considered on an individual basis, and accommodations should be reasonable and not cause an undue burden or threat to public health and safety. In most instances, modifications are likely to be additional time to comply or move.
2. If a person asserts an inability to comply with a Notice because of having a minor child in their care, or having an employment obligation, personnel/staff representing the Jurisdiction personnel should request the person identify what requirements of the Notice need modification, and utilize their discretion in applying the guidelines, and should consult with agency counsel or other staff as appropriate.

Approved by the Deschutes County Board of Commissioners May 21, 2025.

Nick Lelack
County Administrator



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Dedicate +/- 15.05 acres of County-owned property to public right-of-way in East Redmond associated with the CORE3 project, and authorize granting a Temporary Construction Easement to Central Oregon Intergovernmental Council

RECOMMENDED MOTION:

Move approval of Board signature of Order No. 2025-020 to authorize dedicating +/- 15.05 acres of County-owned property to public right-of-way in East Redmond associated with the CORE3 project, authorize granting a Temporary Construction Easement to Central Oregon Intergovernmental Council, and further authorize the Deschutes County Property Manager to execute the documents associated with the dedications to public right-of-way and temporary construction easement.

BACKGROUND AND POLICY IMPLICATIONS:

In June 2023, the Board of County Commissioners approved proceeding with submitting applications to the City of Redmond Planning and Deschutes County Community Development Departments to complete a number of land use entitlements associated with the +/- 300 acres reserved for CORE3 in East Redmond, which is currently part of Map and Tax Lot 1513000000103.

The June 2023 applications included, 1) Comprehensive Plan Text Amendment, 2) Urban Growth Boundary Amendment, 3) Master Development Plan, 4) Redmond Zone Changes, Annexation, & Land Partition, and 5) Deschutes County Plan Map & Zone Change.

Most of the land use entitlements are now complete. As a condition of approval associated with the land partition, the City of Redmond is requiring dedications to public right-of-way for future roads within the City's jurisdiction. Those dedications are as follows:

SE 17th Street, +/- 0.27 acres
 SE 21st Street, +/- 7.33 acres
 SE 29th Street, +/- 3.83 acres
 SE Evergreen Avenue, +/- 3.62 acres

Note, with the exception of +/- 0.27-acre public right-of-way dedication for SE 17th Street, the remaining +/- 14.78 acres will be dedicated to public right-of-way from the +/- 300-acre CORE3 footprint, which is pending partition.

Additionally, as a condition of approval associated with CORE3, the City is also requiring a +/- 600-foot segment of SE 21st Street to be developed, along with water and sewer improvements. Central Oregon Intergovernmental Council (COIC) is managing the CORE3 project and is in the process of completing the design phase of the required road segment. Based on current timelines, it is anticipated construction will start Summer 2025. The County will need to grant COIC a Temporary Construction Easement to complete the required road improvements, which will expire once the segment of SE 21st Street is completed.

Improvements associated with SE 17th Street, SE 29th Street, SE Evergreen Avenue and the remaining portion of SE 21st Street will be dependent on City of Redmond imposed conditions associated with adjacent property development in the future.

Further, the City of Redmond is requiring a Dedication Agreement related to the described dedications to public right-of-way.

BUDGET IMPACTS:

Based on a September 2024 third-party appraisal, property associated with the CORE3 project within City Limits is valued at \$54,452/acre. The estimated value of property for right-of-way dedications is \$819,502.

ATTENDANCE:

Kristie Bollinger – County Property Manager

Shelby Knight – Resilience Planner, COIC

Wayne Powderly – Project Management Director, Cumming Group

REVIEWED

LEGAL COUNSEL

05/21/2025 Item #20.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Designating the Deschutes County
Property Manager, Kristie Bollinger as the
Deschutes County Representative to sign
documents associated with dedications to public
right-of-way and temporary construction easement
associated with the CORE3 project in East
Redmond

*
*
*
*

ORDER NO. 2025-020

WHEREAS, the Board of County Commissioners of Deschutes County has authorized dedicating 15.05-acres of County-owned property within Map and Tax Lot 1513000000103 for public right-of-way purposes, and authorize granting a temporary construction easement to Central Oregon Intergovernmental Council (COIC) for the construction area associated with the development of a segment of SE 21st Street; and

WHEREAS, in June 2023, Deschutes County Board of Commissioners approved proceeding with submitting applications to the City of Redmond Planning and Deschutes County Community Development Departments to complete a number of land use entitlements associated with the +/- 300-acres reserved for the CORE3 project in East Redmond; and

WHEREAS, the applications included, 1) Comprehensive Plan Text Amendment, 2) Urban Growth Boundary Amendment, 3) Master Development Plan, 4) Redmond Zone Changes, Annexation, & Land Partition, and 5) Deschutes County Plan Map & Zone Change, noting the majority of the land use entitlements are now complete; and

WHEREAS, a condition of approval associated with the land partition, the City of Redmond is requiring a Dedication Agreement and dedications to public right-of-way for future road improvements within the City's jurisdiction, including segments of SE 17th Street (+/- 0.27-acres), SE 21st Street (7.33-acres), SE 29th Street (3.83-acres), and SE Evergreen Avenue (3.62-acres) for a total of +/- 15.05-acres; and

WHEREAS, an additional condition of approval requires completing road improvements to a +/- 600-foot segment of SE 21st Street, which will be completed by COIC as the project lead for CORE3; and

WHEREAS, developing a segment of SE 21st Street will require the County to grant a Temporary Construction Easement to COIC, which will expire upon completing the road segment; now, THEREFORE,

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

Section 1. The Deschutes County Property Manager, Kristie Bollinger is the designated Deschutes County representative to sign the necessary documents associated with the dedications to public right-of-way and to grant a temporary construction easement to COIC.

SIGNATURES ON FOLLOWING PAGE

Dated this _____ of _____, 2025

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

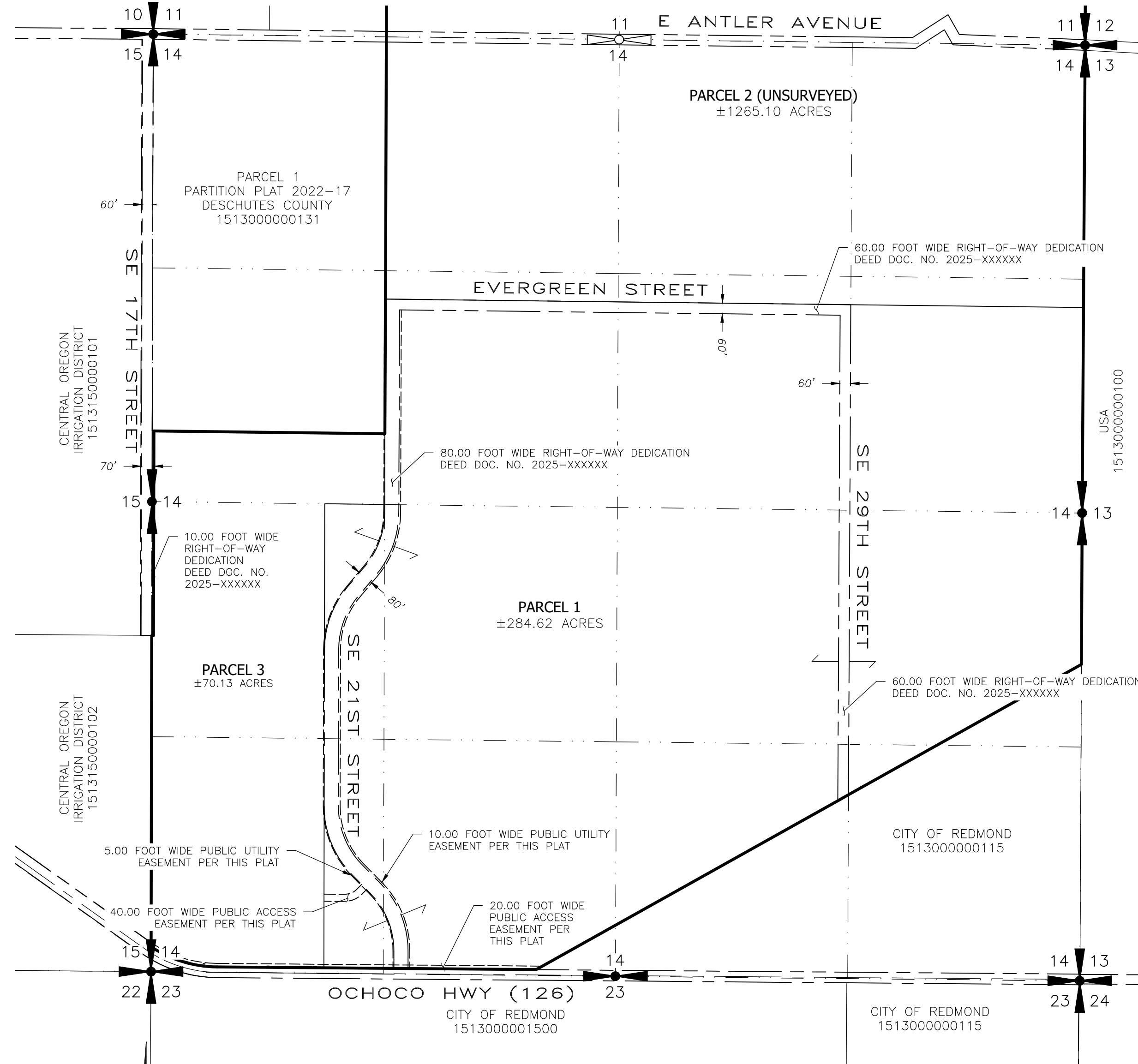
Recording Secretary

PHIL CHANG, Commissioner

PARTITION PLAT

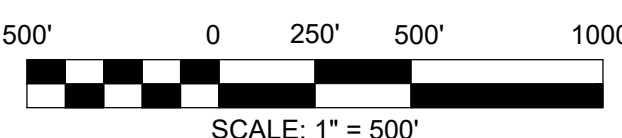
A REPLAT OF PARCEL 2, PARTITION PLAT 2023-28,
LOCATED IN SECTIONS 2, 10, 11 AND 14,
TOWNSHIP 15 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN,
CITY OF REDMOND,
DESCHUTES COUNTY, OREGON

DESCHUTES COUNTY LAND USE FILES: 247-23-000545-MP
CITY OF REDMOND LAND USE FILES: 711-23-000145-PLNG (RMP)
MAY, 2025



LEGEND:

- CENTERLINE
- RIGHT OF WAY
- PLAT BOUNDARY LINE
- EASEMENT
- PARCEL LINE
- SECTION LINE
- FOUND SECTION CORNER, AS NOTED
- CALCULATED SECTION CORNER



SHEET 2 OF 3

S&F Land Services
Your Proven Geospatial Partner
901 NW CARLON AVE, SUITE 3
BEND, OR 97703
(541) 797-0954
WWW.SFLANDS.COM EMAIL: INFO@SFLANDS.COM

DATE	JOB NO.	FIELD	DRAWN	CHECKED
MAY 14, 2025	2023-594-01	SCD/SGD	JKK/DJR	JKK

SURVEY FOR:
CENTRAL OREGON
INTERGOVERNMENTAL COUNCIL

SECTIONS 2, 10, 11 & 14
TOWNSHIP 15 SOUTH, RANGE 13 EAST
WILLAMETTE MERIDIAN
DESCHUTES COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 14, 2023
JOSHUA J. KOWALSKI
94125PLS
EXPIRES 06/30/25

**RIGHT-OF-WAY DEDICATION
SE 17TH STREET EXPANSION**
A TRACT OF LAND LOCATED IN SECTION 14,
TOWNSHIP 15 SOUTH, RANGE 13 EAST,
WILLAMETTE MERIDIAN, CITY OF REDMOND,
DESCHUTES COUNTY, OREGON

3-1/4" BRASS CAP

PARCEL 1
PARTITION PLAT 2022-17

S89°18'29"E 10.00'

S00°09'17"W
2638.57'

N00°09'17"E 399.24'
S00°09'17"W 399.14'



SCALE: 1" = 200'

SW1/4NW1/4

PARCEL 2
PARTITION PLAT 2023-28

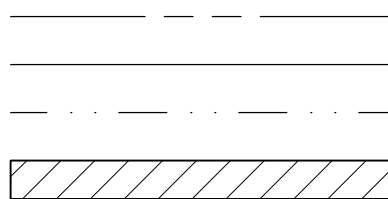
PARCEL 2
PARTITION PLAT 2009-21

POINT OF
BEGINNING
2-1/2"
BRASS CAP

NW1/4SW1/4

RIGHT OF WAY DEDICATION
±11,546 S.F.
±0.27 ACRES

LEGEND:



EXISTING RIGHT-OF-WAY
PARCEL LINE
SECTION LINE
RIGHT-OF-WAY
DEDICATION AREA

EXISTING 60'
RIGHT-OF-WAY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
MARCH 14, 2023
JOSHUA J. KOWALSKI
94125PLS

EXPIRES 06/30/25

N89°53'05"W 10.00'

S&F Land Services

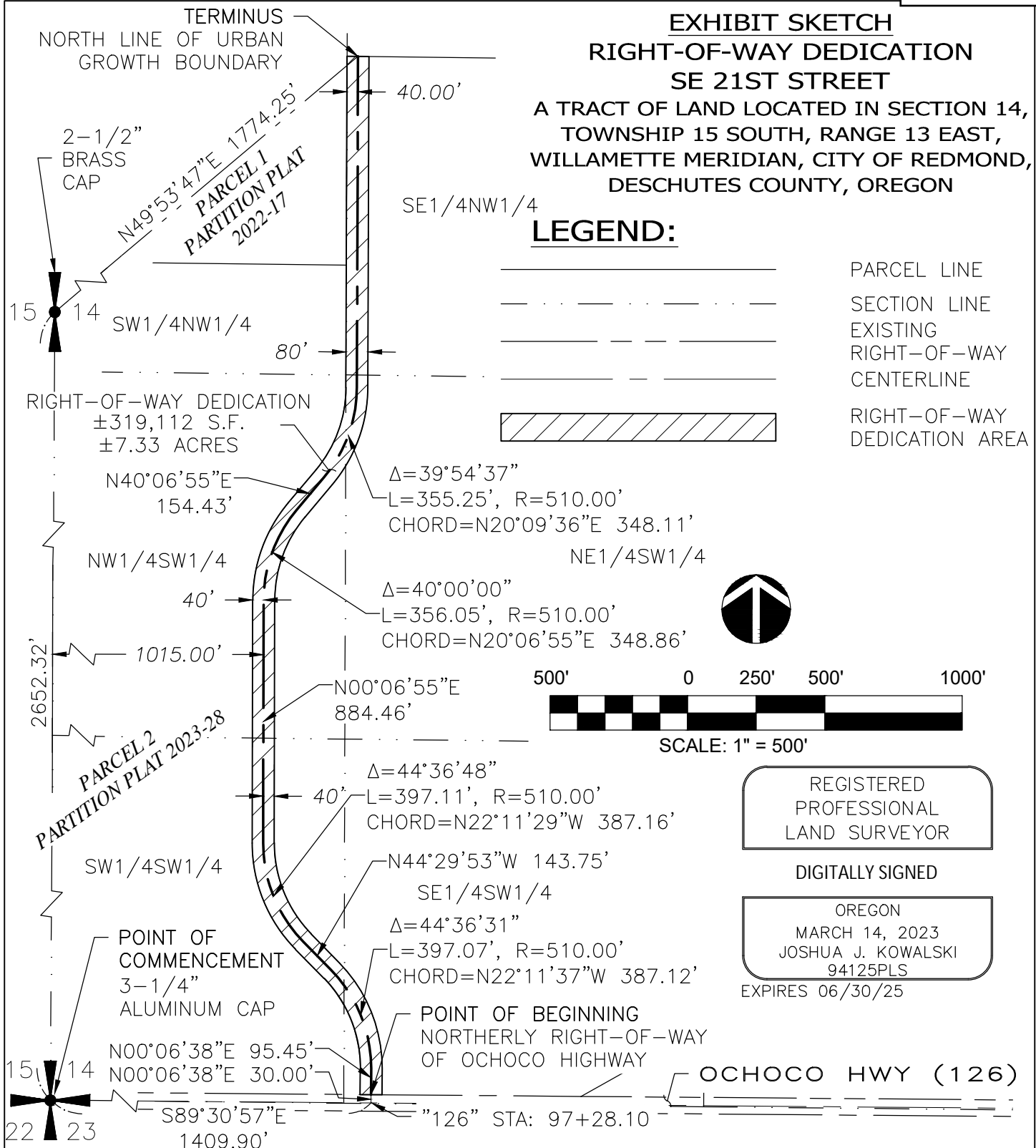
Land Surveying & Remote Sensing

901 NW CARLON AVE, SUITE 3
BEND, OR 97703
(541) 797-0954

DATE: 12/13/2024
PROJ. NO: 2023-594-01

WWW.SFLANDS.COM

EMAIL: INFO@SFLANDS.COM



TIE TO HIGHWAY CENTERLINE
IS NONCOINCIDENT WITH
THE CENTERLINE OF
OCHOCO HIGHWAY OR THE
SOUTH LINE OF SECTION 14

S&F Land Services

Land Surveying & Remote Sensing

901 NW CARLON AVE, SUITE 3

BEND, OR 97703

(541) 797-0954

DATE: 4/22/2025

PROJ. NO: 2023-594-01

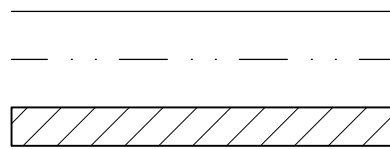
WWW.SFLANDS.COM

EMAIL: INFO@SFLANDS.COM

EXHIBIT SKETCH RIGHT-OF-WAY DEDICATION SE 29TH STREET

A TRACT OF LAND LOCATED IN SECTION 14,
TOWNSHIP 15 SOUTH, RANGE 13 EAST,
WILLAMETTE MERIDIAN, CITY OF REDMOND,
DESCHUTES COUNTY, OREGON

LEGEND:



PARCEL LINE

SECTION LINE

RIGHT-OF-WAY
DEDICATION AREA

5/8" IRON ROD W/ YELLOW
PLASTIC CAP STAMPED "HA
MCCOY ENGR"



400' 0 200' 400' 800'



SCALE: 1" = 400'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
MARCH 14, 2023
JOSHUA J. KOWALSKI
94125PLS

EXPIRES 06/30/25

S&F Land Services

Land Surveying & Remote Sensing

901 NW CARLON AVE, SUITE 3

BEND, OR 97703

(541) 797-0954

EMAIL: INFO@SFLANDS.COM

NORTH LINE OF
URBAN GROWTH
BOUNDARY

SW1/4NE1/4

SE1/4NE1/4

PARCEL 2
PARTITION PLAT 2023-28

60'

CENTER-EAST
1/16TH CORNER

RIGHT-OF-WAY DEDICATION
±166,986 S.F.
±3.83 ACRES

NW1/4SE1/4

NE1/4SE1/4

POINT OF
COMMENCEMENT

POINT OF
BEGINNING

SW1/4SE1/4

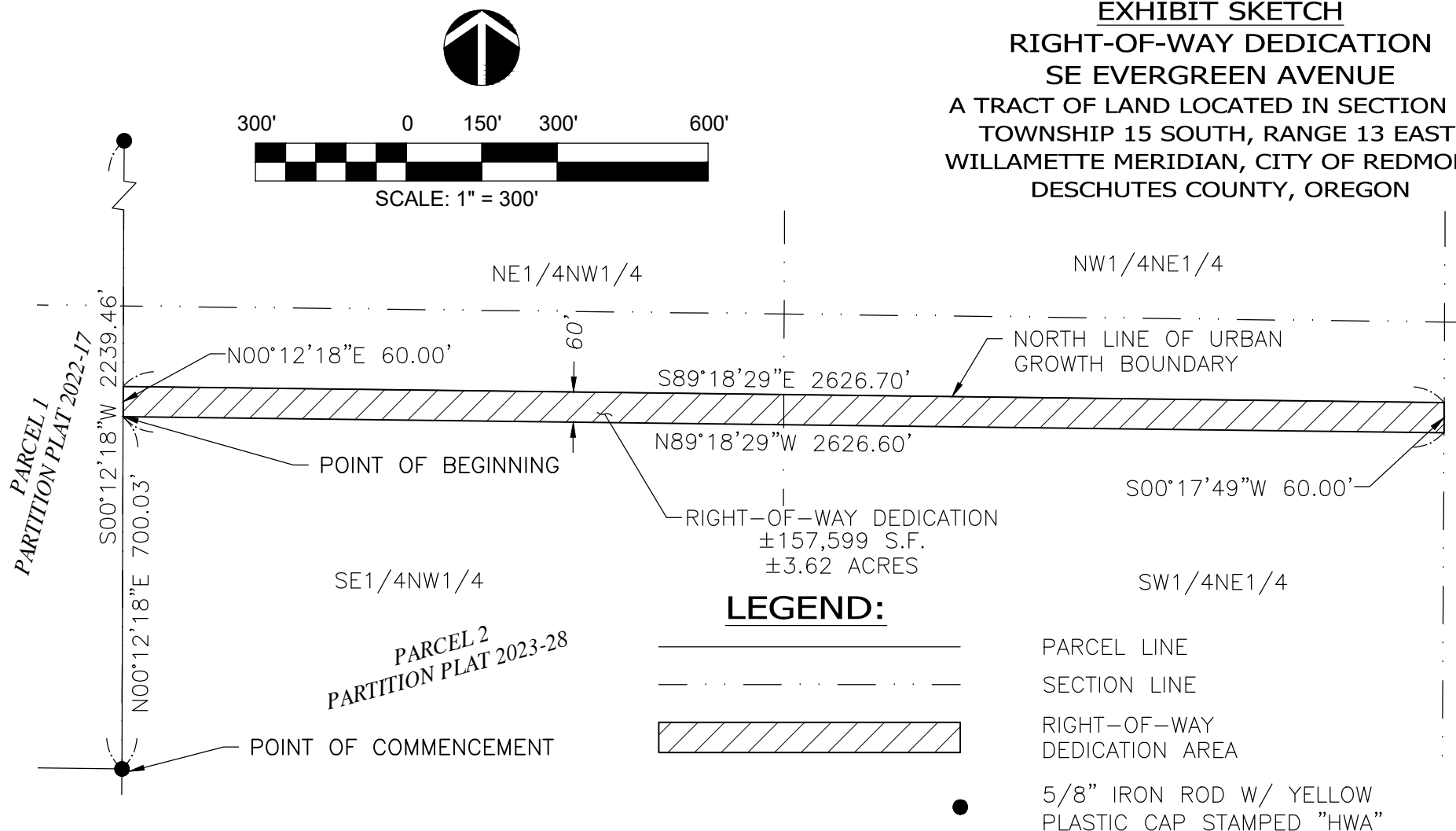
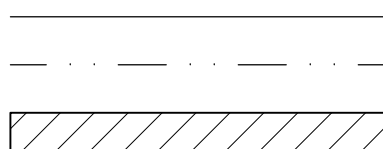
S60°45'24"W 1506.70'

DATE: 4/22/2025

PROJ. NO: 2023-594-01

WWW.SFLANDS.COM

EXHIBIT SKETCH
RIGHT-OF-WAY DEDICATION
SE EVERGREEN AVENUE
 A TRACT OF LAND LOCATED IN SECTION 14,
 TOWNSHIP 15 SOUTH, RANGE 13 EAST,
 WILLAMETTE MERIDIAN, CITY OF REDMOND,
 DESCHUTES COUNTY, OREGON

**LEGEND:**

PARCEL LINE

SECTION LINE

RIGHT-OF-WAY
DEDICATION AREA

• 5/8" IRON ROD W/ YELLOW
PLASTIC CAP STAMPED "HWA"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
MARCH 14, 2023
JOSHUA J. KOWALSKI
94125PLS

EXPIRES 06/30/25

DATE: 4/22/2025

PROJ. NO: 2023-594-01 WWW.SFLANDS.COM

S&F Land Services

Land Surveying & Remote Sensing

901 NW CARLON AVE, SUITE 3

BEND, OR 97703

(541) 797-0954

EMAIL: INFO@SFLANDS.COM



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Treasury Report for April 2025

ATTENDANCE:

Bill Kuhn, County Treasurer



MEMORANDUM

DATE: May 19, 2025

TO: Board of County Commissioners

FROM: Bill Kuhn, Treasurer

SUBJECT: Treasury Report for April 2025

Following is the unaudited monthly treasury report for fiscal year to date (YTD) as of April 30, 2025.

Treasury and Investments

- The portfolio balance at the end of April was \$342.6 million, an increase of \$1.4 million from March and an increase of \$16.4 million from last year (April 2024).
- Net investment income for April was \$1,076K, approximately \$47.9k lower than last month and \$169.9k greater than April 2024. YTD earnings of \$10,195,534 are \$2,200,627 more than the YTD earnings last year.
- All portfolio category balances are within policy limits.
- The LGIP interest rate remained at 4.60% during the month of April. Benchmark returns for 24-month treasuries were down 17 basis points and 36-month treasuries were down 16 basis points from the prior month.
- The average portfolio yield increased slightly to 4.00%, which was up 4 bps from last month's average %.
- The portfolio weighted average time to maturity was 1.06 years.

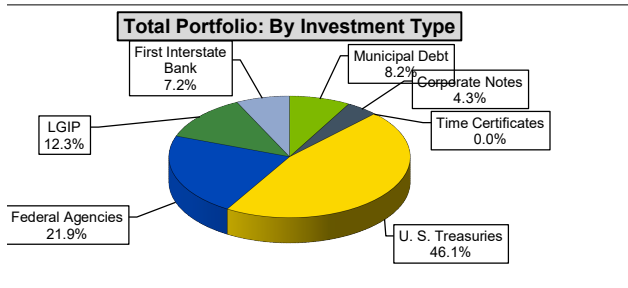
Deschutes County

Total Investment Portfolio As Of 4/30/2025



Portfolio Breakdown: Par Value by Investment Type		
Municipal Debt	28,050,000	8.2%
Corporate Notes	14,663,000	4.3%
	-	0.0%
U.S. Treasuries	158,100,000	46.1%
Federal Agencies	75,145,000	21.9%
LGIP	41,983,569	12.3%
First Interstate (Book Balance)	24,702,363	7.2%
Total Investments	\$ 342,643,931	100.0%

Investment Income		
	Apr-25	Y-T-D
Total Investment Income	\$ 1,088,327	\$ 10,315,534
Less Fee: \$12,000 per month	(12,000)	(120,000)
Investment Income - Net	\$ 1,076,327	\$ 10,195,534
Prior Year Comparison	Apr-24	\$ 7,588,233



Category Maximums:	
U.S. Treasuries	100%
LGIP (\$61,749,000)	100%
Federal Agencies	100%
Banker's Acceptances	25%
Time Certificates	50%
Municipal Debt	25%
Corporate Debt	25%

Yield Percentages		
	Current Month	Prior Month
FIB/ LGIP (avg)	4.43%	4.43%
Investments	3.88%	3.87%
Average	4.00%	3.96%

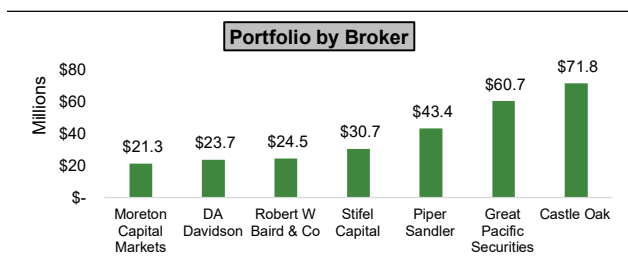
Benchmarks		
24 Month Treasury	3.70%	3.87%
LGIP Rate	4.60%	4.60%
36 Month Treasury	3.69%	3.85%

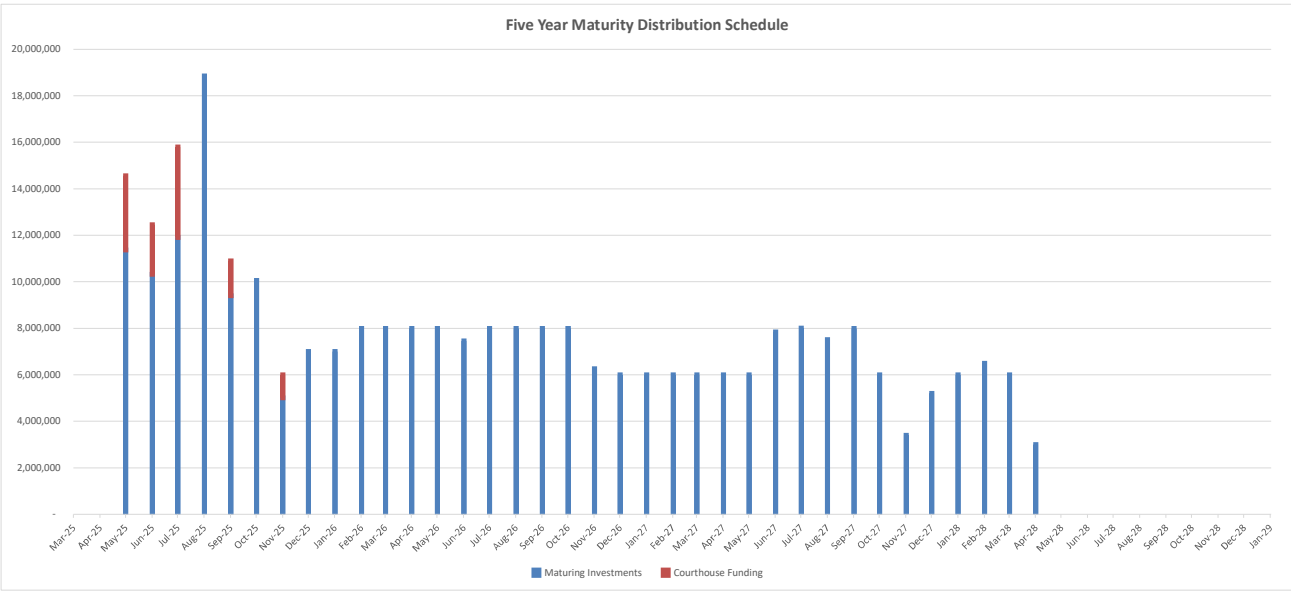
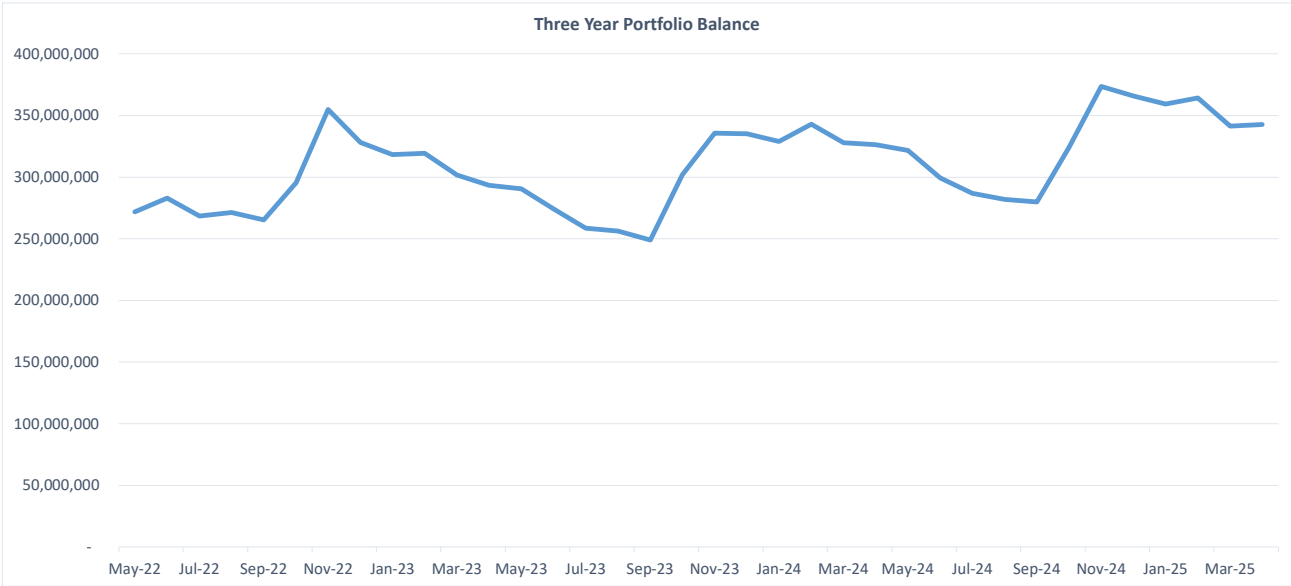
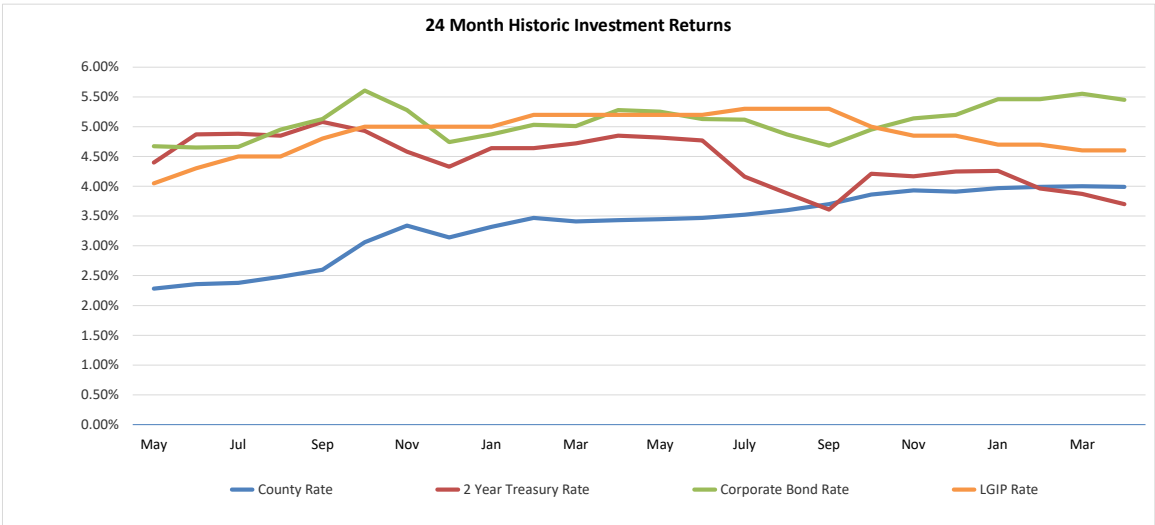
Maturity (Years)	
Max	Weighted Average
3.17	1.06

Term	Minimum	Actual
0 to 30 Days	10%	22.8%
Under 1 Year	25%	53.0%
Under 5 Years	100%	100.0%

Other	Policy	Actual
Corp Issuer	5%	2.0%
Callable	25%	10.7%
Weighted Ave.	AA2	AA1

Investment Activity	
Purchases in Month	\$ -
Sales/Redemptions in Month	\$ 11,736





Deschutes County Investments
Portfolio Management
Portfolio Details - Investments
April 30, 2025

Inv #	Inv Type	CUSIP	Security	Broker	Purchase Date	Maturity Date	Days To Maturity	Ratings	Coupon Rate	Par Value	Market Value	Book Value	Call Date		
asset_n_r	invtype_rd	cusipnu_rd	issuerna_i	purfrom_rd	purdate_rd	maturda_rd	daystom_rr	secrating_rd	seccratin2_r	currtr_rd	ytm365_rd	remface_rd	mktval_rd	bookval_rd	optiond_rd
10947	FAC	3130ASR92	Federal Home Loan Bank	MORETN	11/30/2022	5/16/2025	15	Aaa	AA+	4	5.14	2,000,000	1,999,387	1,999,507	- -
10984	FAC	3130AWLY4	Federal Home Loan Bank	PS	12/8/2023	6/13/2025	43	Aaa	AA+	5.125	4.80	2,145,000	2,146,664	2,145,774	- -
10955	FAC	3137EAEU9	Federal Home Loan Mtg Corp	CASTLE	11/30/2022	7/21/2025	81	Aaa	AA+	0.375	4.31	2,000,000	1,982,347	1,983,658	- -
10763	FAC	3133EL3P7	Federal Farm Credit Bank	R W B	8/12/2020	8/12/2025	103	Aaa	AA+	0.53	0.53	3,000,000	2,967,678	3,000,000	- -
10764	FAC	3133EL3H5	Federal Farm Credit Bank	MORETN	8/12/2020	8/12/2025	103	Aaa	AA+	0.57	0.57	3,000,000	2,968,624	3,000,000	- -
10766	FAC	3134GWND4	Federal Home Loan Mtg Corp	CASTLE	8/14/2020	8/12/2025	103	Aaa		0.6	0.61	2,000,000	1,978,772	1,999,944	5/12/2025
10767	FAC	3136G4L84	Federal National Mtg Assn	CASTLE	8/18/2020	8/18/2025	109	Aaa	AA+	0.57	0.59	2,000,000	1,977,406	1,999,882	5/18/2025
10765	FAC	3136G4N74	Federal National Mtg Assn	MORETN	8/21/2020	8/21/2025	112	Aaa	AA+	0.56	0.56	3,000,000	2,966,265	3,000,000	5/21/2025
10772	FAC	3136G4N74	Federal National Mtg Assn	R W B	8/27/2020	8/21/2025	112	Aaa	AA+	0.56	0.57	1,000,000	988,755	999,985	5/21/2025
10774	FAC	3136G4N74	Federal National Mtg Assn	R W B	9/3/2020	8/21/2025	112	Aaa	AA+	0.56	0.56	2,000,000	1,977,510	2,000,000	5/21/2025
10770	FAC	3136G4X24	Federal National Mtg Assn	PS	8/28/2020	8/29/2025	120	Aaa	AA+	0.6	0.60	1,000,000	987,834	1,000,000	- -
10773	FAC	3136G4X24	Federal National Mtg Assn	CASTLE	8/28/2020	8/29/2025	120	Aaa	AA+	0.6	0.60	1,000,000	987,834	1,000,000	- -
10937	FAC	3130AK5E2	Federal Home Loan Bank	R W B	11/18/2022	9/4/2025	126	Aaa	AA+	0.375	4.26	2,000,000	1,973,319	1,975,199	- -
10944	FAC	3137EAEX3	Federal Home Loan Mtg Corp	MORETN	11/18/2022	9/23/2025	145	Aaa	AA+	0.375	4.27	2,000,000	1,969,109	1,971,351	- -
10988	FAC	3130H0AV5	Federal Agriculture Mtg Corp	MORETN	12/12/2023	10/1/2025	153			2.55	4.87	2,000,000	1,984,885	1,981,686	- -
11043	FAC	3130B3DN0	Federal Home Loan Bank	GPAC	11/6/2024	10/21/2025	173	Aaa		4.125	4.30	2,000,000	1,998,841	1,998,374	- -
10905	FAC	3134GWZV1	Federal Home Loan Mtg Corp	CASTLE	7/8/2022	10/22/2025	174	Aaa		0.65	3.20	2,000,000	1,966,390	1,977,177	- -
10793	FAC	3135GA2N0	Federal National Mtg Assn	R W B	11/4/2020	11/4/2025	187	Aaa	AA+	0.55	0.55	2,000,000	1,963,862	2,000,000	- -
10796	FAC	3135G06G3	Federal National Mtg Assn	CASTLE	11/12/2020	11/7/2025	190	Aaa	AA+	0.5	0.57	2,000,000	1,962,463	1,999,258	- -
10985	FAC	3133EPC37	Federal Farm Credit Bank	PS	12/8/2023	11/13/2025	196	Aaa	AA+	4.875	4.64	1,000,000	1,004,579	1,001,174	- -
11006	FAC	3133EPL37	Federal Farm Credit Bank	R W B	12/19/2023	12/8/2025	221	Aaa	AA+	4.625	4.50	2,000,000	2,007,392	2,001,439	- -
10964	FAC	3130AWKM1	Federal Home Loan Bank	R W B	11/16/2023	12/12/2025	225	Aaa	AA+	4.75	4.95	2,000,000	2,008,588	1,997,689	- -
10972	FAC	3130AXB31	Federal Home Loan Bank	R W B	11/17/2023	3/13/2026	316	Aaa	AA+	4.875	4.78	2,000,000	2,014,906	2,001,501	- -
11005	FAC	3130ALSW5	Federal Home Loan Bank	R W B	12/19/2023	3/13/2026	316	Aaa	AA+	0.875	4.39	2,000,000	1,948,410	1,942,583	- -
10971	FAC	3133EPPR0	Federal Farm Credit Bank	GPAC	11/17/2023	4/10/2026	344	Aaa	AA+	4.625	4.77	2,000,000	2,011,877	1,997,396	- -
10975	FAC	3133EPPR0	Federal Farm Credit Bank	GPAC	11/22/2023	4/10/2026	344	Aaa	AA+	4.625	4.81	2,000,000	2,011,877	1,996,689	- -
10976	FAC	3130ALAJ3	Federal Home Loan Bank	PS	11/22/2023	8/25/2026	481	Aaa	AA+	0.7	4.97	2,000,000	1,918,952	1,896,226	5/25/2025
10987	FAC	3133EHVV1	Federal Farm Credit Bank	PS	12/12/2023	9/1/2026	488	Aaa	AA+	2.4	4.59	2,000,000	1,960,752	1,945,675	- -
11054	FAC	3134GW6C5	Federal Home Loan Mtg Corp	PS	11/15/2024	10/28/2026	545	Aaa		0.8	4.31	2,000,000	1,915,094	1,900,697	7/28/2025
11062	FAC	3130AL2X1	Federal Home Loan Bank	DA DAV	11/22/2024	2/17/2027	657	Aaa	AA+	0.85	4.35	2,000,000	1,899,741	1,881,505	5/17/2025
11023	FAC	3130AL5A8	Federal Home Loan Bank	STIFEL	3/21/2024	2/26/2027	666	Aaa	AA+	0.9	4.57	2,000,000	1,900,411	1,876,264	5/26/2025
11025	FAC	3130AVBC5	Federal Home Loan Bank	PS	4/29/2024	3/12/2027	680	Aaa	AA+	4.5	4.87	2,000,000	2,033,499	1,987,061	- -
11024	FAC	31424WHG0	Federal Agriculture Mtg Corp	PS	4/29/2024	4/16/2027	715			4.8	4.88	2,000,000	2,040,300	1,996,934	- -
11026	FAC	3135GAS85	Federal National Mtg Assn	R W B	5/14/2024	5/14/2027	743	Aaa	AA+	5	5.16	2,000,000	2,001,422	1,994,122	5/14/2025
11047	FAC	3130B2Y33	Federal Home Loan Bank	DA DAV	11/6/2024	6/17/2027	777	Aaa	AA+	4.125	4.28	2,000,000	1,996,455	1,993,846	6/17/2025
11030	FAC	3130B32T9	Federal Home Loan Bank	DA DAV	10/4/2024	10/1/2027	883	Aaa	AA+	4	4.00	1,000,000	995,157	1,000,000	10/1/2025
11041	FAC	3134HATD5	Federal Home Loan Mtg Corp	DA DAV	10/25/2024	10/22/2027	904	Aaa	AA+	3.75	4.16	1,000,000	992,746	990,486	- -
11033	FAC	3134GVYY8	Federal Home Loan Mtg Corp	GPAC	10/4/2024	11/26/2027	939	Aaa		1	3.65	1,000,000	932,030	935,757	5/26/2025
11095	FAC	3133ERT84	Federal Farm Credit Bank	GPAC	1/17/2025	1/14/2028	988	Aaa	AA+	4.25	4.31	2,000,000	2,028,856	1,997,217	- -
11094	FAC	3133EMXW7	Federal Farm Credit Bank	DA DAV	1/17/2025	4/28/2028	1093	Aaa	AA+	1.4	4.39	1,000,000	934,364	917,506	- -
10818	MC1	166764BW9	Chevron Corp	GPAC	12/28/2020	5/11/2025	10	Aa2	AA-	1.554	0.65	1,663,000	1,661,359	1,663,412	- -
10824	MC1	166764BW9	Chevron Corp	CASTLE	1/7/2021	5/11/2025	10	Aa2	AA-	1.554	0.62	2,000,000	1,998,026	2,000,513	- -
11099	MC1	478160BY9	Johnson & Johnson	GPAC	3/20/2025	3/1/2026	304	Aaa	AAA	2.45	4.20	2,000,000	1,970,786	1,971,675	12/1/2025
10865	MC1	037833DN7	Apple Inc	GPAC	11/18/2021	9/11/2026	498	Aaa	AA+	2.05	1.46	2,000,000	1,950,245	2,015,579	7/11/2026
11064	MC1	037833DN7	Apple Inc	GPAC	11/22/2024	9/11/2026	498	Aaa	AA+	2.05	4.41	2,000,000	1,950,245	1,938,844	7/11/2026
11065	MC1	48125LRU8	JPMorgan Chase - Corporate N	GPAC	11/22/2024	12/8/2026	586	Aa2	AA-	5.11	4.52	2,000,000	2,029,305	2,017,780	11/8/2026
11039	MC1	037833DB3	Apple Inc	GPAC	10/25/2024	9/12/2027	864	Aaa	AA+	2.9	4.10	1,000,000	979,708	973,477	6/12/2027
11045	MC1	037833DB3	Apple Inc	GPAC	11/6/2024	9/12/2027	864	Aaa	AA+	2.9	4.26	2,000,000	1,959,415	1,939,783	6/12/2027
10950	MUN	68609TWD6	OREGON STATE	GPAC	12/1/2022	5/1/2025	0	Aa1	AA+	0.895	4.75	500,000	500,000	500,000	- -
10825	MUN	625506PX2	MULTNOMAH CO-REF-TXBL	GPAC	1/21/2021	6/1/2025	31	Aaa	AAA	1	0.50	2,165,000	2,159,393	2,165,891	- -
10840	MUN	498368EB1	KLAMATH CNTY OR SCH DIST	PS	7/1/2021	6/15/2025	45		AA+	0.86	0.86	400,000	398,420	400,000	- -
10798	MUN	938429V61	Washington County SD Municipal	PS	11/17/2020	6/15/2025	45	Aa1	AA+	0.912	0.64	350,000	348,572	350,112	- -
10841	MUN	625517NE3	MULTNOMAH COUNTY OR SCHOOLS	CASTLE	7/15/2021	6/30/2025	60	Aa2	AA	0.95	0.69	1,255,000	1,248,323	1,255,533	- -
10831	MUN	799055QU5	SAN MATEO CA FOSTER CITY SCHO	DA DAV	2/16/2021	8/1/2025	92	Aaa	AA+	1.597	0.47	500,000	496,890	501,392	- -
10787	MUN	88675ABS4	TIGARD OR WTR SYS REVENUE	PS	11/3/2020	8/1/2025	92	Aa3	AA	2	0.85	350,000	348,187	350,984	- -
10951	MUN	752147HJ0	RANCHO SANTIAGO CA CMNTY CLG D	GPAC	12/1/2022	9/1/2025	123	Aa2	AA	0.734	4.63	1,895,000	1,873,416	1,872,164	- -
10930	MUN	13048VLK2	CA ST MUNI FIN AUTH REVENUE	GPAC	10/26/2022	10/1/2025	153	A1		2.148	5.00	2,060,000	2,040,574	2,037,483	- -
10871	MUN	250325UL9	DESCHUTES CTY SCH DIST #1	R W B	12/7/2021	6/15/2026	410	Aa1		1.4	1.23	2,000,000	1,942,520	2,003,698	- -

Inv #	Inv Type	CUSIP	Security	Broker	Purchase Date	Maturity Date	Days To Maturity	Ratings		Coupon Rate	YTM 365	Par Value	Market Value	Book Value	Call Date
								Moodys	S&P/Fitch						
10870	MUN	569280EX4	Salem-Keizer School District	PS	12/7/2021	6/15/2026	410	Aa1		1.438	1.29	2,000,000	1,942,960	2,003,216	- -
10845	MUN	736688MF6	Portland Community College	MORETN	7/23/2021	6/15/2026	410	Aa1		0.899	0.80	1,250,000	1,204,763	1,251,359	- -
11042	MUN	569203MG4	Salem-Keizer School District	PS	11/6/2024	6/30/2026	425	Aa2		3.218	4.36	1,750,000	1,734,583	1,727,743	6/30/2025
10875	MUN	68587FAW4	OR EDU DIST FF&C PENSION OBLI	R W B	12/8/2021	6/30/2026	425	AA2	AA	1.104	1.39	250,000	241,083	249,207	- -
10863	MUN	68583RCV2	OR ST COMMUNITY COLLEGE DIST	GPAC	11/18/2021	6/30/2026	425	Aa1	AA+	5.68	1.40	210,000	214,015	220,095	- -
10876	MUN	68607DVC6	ODOT HWY USER TAX REV	R W B	12/8/2021	11/15/2027	563	Aa1	AAA	0.934	1.37	260,000	248,997	258,333	- -
11036	MUN	68609TWF1	Oregon State Lottery	STIFEL	10/23/2024	5/1/2027	730	Aa1	AA+	1.315	4.05	1,000,000	950,700	948,490	- -
11029	MUN	91412HGF4	UNIV OF CALIFORNIA CA REVENUES	STIFEL	9/25/2024	5/15/2027	744	AA2	AA	1.316	3.70	1,000,000	949,340	954,083	- -
11056	MUN	473448EZ7	JEFFERSON COUNTY SCHOOL DIST	STIFEL	11/15/2024	6/15/2027	775	AA1		1.786	4.32	1,580,000	1,514,193	1,500,304	- -
11034	MUN	515390PX4	Lane County School District	PS	10/9/2024	6/15/2027	775	Aa1		1.1	4.01	500,000	472,135	471,042	- -
11037	MUN	68587FAX2	OR EDU DIST FF&C PENSION OBLI	GPAC	10/24/2024	6/30/2027	790	AA2	AA	1.36	4.09	1,260,000	1,187,626	1,190,154	- -
11027	MUN	685869FR5	OR ST COMMUNITY COLLEGE DIST	GPAC	9/25/2024	7/1/2027	791	Aa3	AA-	2.6	3.60	505,000	489,815	494,255	- -
11028	MUN	68608USZ0	Oregon State Lottery	GPAC	9/24/2024	8/1/2027	822	Aa1	AA+	3.227	3.64	515,000	506,842	510,483	- -
11035	MUN	68609TNF1	Oregon State Lottery	STIFEL	10/23/2024	11/1/2027	914	Aa1	AA+	2.096	4.11	400,000	382,652	381,239	- -
11073	MUN	0793653X8	City of Bellevue WA	STIFEL	11/25/2024	12/1/2027	944	Aa1	AAA	1.119	4.35	1,200,000	1,119,084	1,107,072	- -
11092	MUN	473448FA1	JEFFERSON COUNTY SCHOOL DIST	PS	1/8/2025	6/15/2028	1141	AA1		1.869	4.49	1,920,000	1,805,549	1,775,860	- -
11088	MUN	68587FAY0	OR EDU DIST FF&C PENSION OBLI	STIFEL	12/6/2024	6/30/2028	1156	Aa2	AA	1.53	4.21	975,000	897,712	899,045	- -
10986	TRC	912828XB1	U.S. Treasury	DA DAV	12/8/2023	5/15/2025	14	Aaa		2.125	4.82	3,200,000	3,197,160	3,196,843	- -
10921	TRC	912828ZT0	U.S. Treasury	PS	10/3/2022	5/31/2025	30	Aaa		0.25	4.23	2,000,000	1,992,943	1,993,873	- -
10935	TRC	91282CEU1	U.S. Treasury	MORETN	11/4/2022	6/15/2025	45	Aaa		2.875	4.65	2,000,000	1,996,484	1,995,921	- -
10959	TRC	91282CEU1	U.S. Treasury	PS	11/30/2022	6/15/2025	45	Aaa		2.875	4.29	2,000,000	1,996,484	1,996,730	- -
10936	TRC	91282CEY3	U.S. Treasury	MORETN	11/4/2022	7/15/2025	75	Aaa		3	4.66	2,000,000	1,994,473	1,993,652	- -
10946	TRC	91282CEY3	U.S. Treasury	MORETN	11/18/2022	7/15/2025	75	Aaa		3	4.25	2,000,000	1,994,473	1,995,180	- -
10958	TRC	91282CEY3	U.S. Treasury	PS	11/30/2022	7/15/2025	75	Aaa		3	4.29	2,000,000	1,994,473	1,995,015	- -
10980	TRC	91282CEY3	U.S. Treasury	GPAC	12/8/2023	7/15/2025	75	Aaa		3	4.73	3,200,000	3,191,156	3,189,167	- -
10994	TRC	91282CHN4	U.S. Treasury	GPAC	12/12/2023	7/31/2025	91	Aaa		4.75	4.84	700,000	700,700	699,846	- -
10981	TRC	91282CFK2	U.S. Treasury	GPAC	12/8/2023	9/15/2025	137	Aaa		3.5	4.66	1,500,000	1,496,133	1,493,796	- -
10945	TRC	9128285C0	U.S. Treasury	MORETN	11/18/2022	9/30/2025	152	Aaa		3	4.19	2,000,000	1,989,938	1,990,745	- -
11000	TRC	91282CFP1	U.S. Treasury	CASTLE	12/19/2023	10/15/2025	167	Aaa		4.25	4.48	2,000,000	2,000,801	1,997,943	- -
10991	TRC	91282CGA3	U.S. Treasury	DA DAV	12/12/2023	12/15/2025	228	Aaa		4	4.68	2,000,000	1,999,323	1,991,986	- -
11100	TRC	91282CJS1	U.S. Treasury	STIFEL	3/20/2025	12/31/2025	244	Aaa		4.25	4.17	1,000,000	1,001,102	1,000,461	- -
10965	TRC	91282CGE5	U.S. Treasury	CASTLE	11/16/2023	1/15/2026	259	Aaa		3.875	4.84	2,000,000	1,997,984	1,987,158	- -
10992	TRC	91282CGE5	U.S. Treasury	R W B	12/12/2023	1/15/2026	259	Aaa		3.875	4.64	2,000,000	1,997,984	1,989,737	- -
11004	TRC	91282CGE5	U.S. Treasury	GPAC	12/19/2023	1/15/2026	259	Aaa		3.875	4.38	2,000,000	1,997,984	1,993,246	- -
11103	TRC	91282CJV4	U.S. Treasury	CASTLE	3/20/2025	1/31/2026	275	Aaa		4.25	4.18	1,000,000	1,001,387	1,000,474	- -
10966	TRC	91282CGL9	U.S. Treasury	CASTLE	11/16/2023	2/15/2026	290	Aaa		4	4.82	2,000,000	1,999,359	1,987,762	- -
10977	TRC	91282CGL9	U.S. Treasury	CASTLE	11/22/2023	2/15/2026	290	Aaa		4	4.74	2,000,000	1,999,359	1,988,894	- -
10995	TRC	912828P46	U.S. Treasury	STIFEL	12/12/2023	2/15/2026	290	Aaa		1.625	4.62	2,000,000	1,962,988	1,955,305	- -
11002	TRC	91282CGL9	U.S. Treasury	GPAC	12/19/2023	2/15/2026	290	Aaa		4	4.34	2,000,000	1,999,359	1,994,803	- -
10978	TRC	91282CGR6	U.S. Treasury	CASTLE	11/22/2023	3/15/2026	318	Aaa		4.625	4.71	2,000,000	2,011,250	1,998,528	- -
10999	TRC	91282CGV7	U.S. Treasury	CASTLE	12/19/2023	4/15/2026	349	Aaa		3.75	4.29	2,000,000	1,996,484	1,990,290	- -
11101	TRC	91282CGV7	U.S. Treasury	CASTLE	3/20/2025	4/15/2026	349	Aaa		3.75	4.14	2,000,000	1,996,484	1,992,818	- -
10969	TRC	91282CHB0	U.S. Treasury	PS	11/17/2023	5/15/2026	379	Aaa		3.625	4.66	2,000,000	1,994,516	1,979,892	- -
10974	TRC	91282CHB0	U.S. Treasury	GPAC	11/22/2023	5/15/2026	379	Aaa		3.625	4.67	2,000,000	1,994,516	1,979,715	- -
10998	TRC	912828R36	U.S. Treasury	CASTLE	12/19/2023	5/15/2026	379	Aaa		1.625	4.26	2,000,000	1,954,250	1,948,437	- -
11102	TRC	91282CHB0	U.S. Treasury	CASTLE	3/20/2025	5/15/2026	379	Aaa		3.625	4.13	2,000,000	1,994,516	1,989,732	- -
10963	TRC	91282CHM6	U.S. Treasury	STIFEL	9/29/2023	7/15/2026	440	Aaa		4.5	4.88	3,000,000	3,023,086	2,987,188	- -
11044	TRC	91282CCP4	U.S. Treasury	GPAC	11/6/2024	7/31/2026	456	Aaa		0.625	4.23	2,000,000	1,922,656	1,913,925	- -
11051	TRC	91282CCP4	U.S. Treasury	CASTLE	11/14/2024	7/31/2026	456	Aaa		0.625	4.29	2,000,000	1,922,656	1,912,479	- -
11055	TRC	91282CCP4	U.S. Treasury	DA DAV	11/15/2024	7/31/2026	456	Aaa		0.625	4.26	1,000,000	961,328	956,574	- -
10970	TRC	91282CHU8	U.S. Treasury	GPAC	11/17/2023	8/15/2026	471	Aaa		4.375	4.63	2,000,000	2,014,219	1,993,794	- -
11050	TRC	91282CLH2	U.S. Treasury	CASTLE	11/14/2024	8/31/2026	487	Aaa		3.75	4.30	2,000,000	1,998,750	1,986,001	- -
11060	TRC	91282CLH2	U.S. Treasury	CASTLE	11/22/2024	8/31/2026	487	Aaa		3.75	4.35	2,000,000	1,998,750	1,984,769	- -
11049	TRC	91282CLP4	U.S. Treasury	CASTLE	11/14/2024	9/30/2026	517	Aaa		3.5	4.29	2,000,000	1,992,656	1,978,714	- -
10973	TRC	91282CJC6	U.S. Treasury	STIFEL	11/17/2023	10/15/2026	532	Aaa		4.625	4.59	2,000,000	2,024,531	2,000,878	- -
10996	TRC	91282CJC6	U.S. Treasury	STIFEL	12/12/2023	10/15/2026	532	Aaa		4.625	4.46	2,000,000	2,024,531	2,004,465	- -
11066	TRC	91282CJC6	U.S. Treasury	PS	11/22/2024	10/15/2026	532	Aaa		4.625	4.32	2,000,000	2,024,531	2,008,385	- -
10997	TRC	91282CJK8	U.S. Treasury	STIFEL	12/12/2023	11/15/2026	563	Aaa		4.625	4.45	2,000,000	2,026,250	2,004,942	- -
11058	TRC	91282CJK8	U.S. Treasury	CASTLE	11/22/2024	11/15/2026	563	Aaa		4.625	4.31	2,000,000	2,026,250	2,009,186	- -
11069	TRC	91282CJK8	U.S. Treasury	GPAC	11/25/2024	11/15/2026	563	Aaa		4.625	4.34	2,000,000	2,026,250	2,008,308	- -
11022	TRC	91282CJP7	U.S. Treasury	CASTLE	3/21/2024	12/15/2026	593	Aaa		4.375	4.50	2,000,000	2,020,625	1,996,105	- -
11068	TRC	91282CJP7	U.S. Treasury	DA DAV	11/25/2024	12/15/2026	593	Aaa		4.375	4.33	2,000,000	2,020,625	2,001,344	- -
11021	TRC	91282CJT9	U.S. Treasury	CASTLE	3/21/2024	1/15/2027	624	Aaa		4	4.49	2,000,000	2,010,156	1,984,476	- -
11061	TRC	91282CJT9	U.S. Treasury	CASTLE	11/22/2024	1/15/2027	624	Aaa		4	4.31	2,000,000	2,010,156	1,989,864	- -
11070	TRC	91282CJT9	U.S. Treasury	GPAC	11/25/2024	1/15/2027	624	Aaa		4	4.32	2,000,000	2,010,156	1,989,576	- -

Inv #	Inv Type	CUSIP	Security	Broker	Purchase Date	Maturity Date	Days To Maturity	Ratings		Coupon Rate	YTM 365	Par Value	Market Value	Book Value	Call Date
								Moodys	S&P/Fitch						
11077	TRC	91282CKA8	U.S. Treasury	PS	11/25/2024	2/15/2027	655	Aaa		4.13	4.32	2,000,000	2,015,234	1,993,192	- -
11063	TRC	91282CKE0	U.S. Treasury	DA DAV	11/22/2024	3/15/2027	683	Aaa		4.25	4.28	2,000,000	2,021,250	1,998,817	- -
11075	TRC	91282CKE0	U.S. Treasury	CASTLE	11/25/2024	3/15/2027	683	Aaa		4.25	4.32	2,000,000	2,021,250	1,997,332	- -
11059	TRC	91282CKJ9	U.S. Treasury	CASTLE	11/22/2024	4/15/2027	714	Aaa		4.50	4.30	2,000,000	2,032,109	2,007,403	- -
11071	TRC	91282CKJ9	U.S. Treasury	GPAC	11/25/2024	4/15/2027	714	Aaa		4.50	4.31	2,000,000	2,032,109	2,006,917	- -
11057	TRC	91282CKR1	U.S. Treasury	CASTLE	11/22/2024	5/15/2027	744	Aaa		4.50	4.29	2,000,000	2,033,438	2,008,037	- -
11086	TRC	91282CKV2	U.S. Treasury	GPAC	12/6/2024	6/15/2027	775	Aaa		4.63	4.13	1,500,000	1,530,645	1,514,941	- -
11038	TRC	912828ZV5	U.S. Treasury	GPAC	10/25/2024	6/30/2027	790	Aaa		0.50	3.98	1,000,000	935,469	929,162	- -
11031	TRC	91282CFB2	U.S. Treasury	CASTLE	10/4/2024	7/31/2027	821	Aaa		2.75	3.62	1,000,000	981,094	981,567	- -
11040	TRC	91282CFB2	U.S. Treasury	CASTLE	10/25/2024	7/31/2027	821	Aaa		2.75	4.00	1,000,000	981,094	973,683	- -
11052	TRC	91282CFB2	U.S. Treasury	STIFEL	11/14/2024	7/31/2027	821	Aaa		2.75	4.24	2,000,000	1,962,188	1,937,225	- -
11072	TRC	91282CFB2	U.S. Treasury	GPAC	11/25/2024	7/31/2027	821	Aaa		2.75	4.30	2,000,000	1,962,188	1,934,679	- -
11085	TRC	91282CFB2	U.S. Treasury	STIFEL	12/6/2024	7/31/2027	821	Aaa		2.75	4.13	1,500,000	1,471,641	1,456,239	- -
11032	TRC	9128282R0	U.S. Treasury	CASTLE	10/4/2024	8/15/2027	836	Aaa		2.25	3.61	1,000,000	970,234	970,531	- -
11048	TRC	91282CLG4	U.S. Treasury	CASTLE	11/14/2024	8/15/2027	836	Aaa		3.75	4.25	2,000,000	2,005,625	1,978,403	- -
11067	TRC	91282CFH9	U.S. Treasury	DA DAV	11/25/2024	8/31/2027	852	Aaa		3.13	4.30	2,000,000	1,977,813	1,948,964	- -
11084	TRC	91282CFH9	U.S. Treasury	STIFEL	12/6/2024	8/31/2027	852	Aaa		3.13	4.12	2,000,000	1,977,813	1,956,285	- -
11080	TRC	91282CLL3	U.S. Treasury	PS	12/6/2024	9/15/2027	867	Aaa		3.38	4.12	2,000,000	1,989,531	1,966,969	- -
11053	TRC	91282CAL5	U.S. Treasury	GPAC	11/14/2024	9/30/2027	882	Aaa		0.38	4.25	2,000,000	1,851,016	1,825,503	- -
11074	TRC	91282CAL5	U.S. Treasury	CASTLE	11/25/2024	9/30/2027	882	Aaa		0.38	4.30	1,000,000	925,508	911,529	- -
11076	TRC	91282CLQ2	U.S. Treasury	CASTLE	11/25/2024	10/15/2027	897	Aaa		3.88	4.30	2,000,000	2,011,875	1,980,453	- -
11046	TRC	91282CFU0	U.S. Treasury	CASTLE	11/6/2024	10/31/2027	913	Aaa		4.13	4.16	2,000,000	2,024,063	1,998,166	- -
11087	TRC	9128283F5	U.S. Treasury	GPAC	12/6/2024	11/15/2027	928	Aaa		2.25	4.12	2,000,000	1,933,750	1,911,299	- -
11081	TRC	91282CGC9	U.S. Treasury	DA DAV	12/6/2024	12/31/2027	974	Aaa		3.88	4.10	2,000,000	2,013,906	1,988,782	- -
11090	TRC	91282CBB6	U.S. Treasury	CASTLE	1/8/2025	12/31/2027	974	Aaa		0.63	4.34	2,000,000	1,848,750	1,816,031	- -
11093	TRC	91282CMF5	U.S. Treasury	DA DAV	1/15/2025	1/15/2028	989	Aaa		4.25	4.33	2,000,000	2,032,031	1,995,918	- -
11083	TRC	91282CBJ9	U.S. Treasury	STIFEL	12/6/2024	1/31/2028	1,005	Aaa		0.75	4.12	2,000,000	1,850,938	1,827,531	- -
11089	TRC	9128283W8	U.S. Treasury	CASTLE	1/8/2025	2/15/2028	1,020	Aaa		2.75	4.36	2,500,000	2,442,676	2,396,083	- -
11096	TRC	9128283W8	U.S. Treasury	PS	1/17/2025	2/15/2028	1,020	Aaa		2.75	4.29	2,000,000	1,954,141	1,920,142	- -
11082	TRC	91282CGP0	U.S. Treasury	STIFEL	12/6/2024	2/29/2028	1,034	Aaa		4.00	4.12	2,000,000	2,019,922	1,993,712	- -
11079	TRC	91282CBS9	U.S. Treasury	PS	12/6/2024	3/31/2028	1,065	Aaa		1.25	4.12	2,000,000	1,869,766	1,845,136	- -
11091	TRC	91282CGT2	U.S. Treasury	PS	1/8/2025	3/31/2028	1,065	Aaa		3.63	4.35	2,000,000	2,000,938	1,960,800	- -
11098	TRC	91282CGT2	U.S. Treasury	CASTLE	1/17/2025	3/31/2028	1,065	Aaa		3.63	4.32	2,000,000	2,000,938	1,962,420	- -
11078	TRC	91282CHA2	U.S. Treasury	PS	12/6/2024	4/30/2028	1,095	Aaa		3.50	4.12	2,000,000	1,992,813	1,965,809	- -
11097	TRC	91282CCE9	U.S. Treasury	STIFEL	1/17/2025	5/31/2028	1,126	Aaa		1.25	4.32	1,000,000	931,094	912,657	- -
10084	RR2	SYS10084	First Interstate Bank		7/1/2006	- -	1			4.25	4.25	9,000,000	9,000,000	9,000,000	- -
10085	RR2	SYS10085	First Interstate Bank		10/13/2023	- -	1			4.25	4.25	15,702,363	15,702,363	15,702,363	- -
10078	RRP	SYS10078	Local Govt Investment Pool		7/1/2006	- -	1			4.60	4.60	41,983,569	41,983,569	41,983,569	- -
												342,643,931	339,815,781	338,661,032	



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 21, 2025

SUBJECT: Finance Report for April 2025

RECOMMENDED MOTION:

None. Discussion item only.

BACKGROUND AND POLICY IMPLICATIONS:

The Finance Department will present the monthly financial report. The report is informational only and is intended to provide the Board of County Commissioners with current financial information. The report will provide budget to actual comparisons and highlight any potential issues or changes that may impact the current or future budgets. There are no direct policy implications.

BUDGET IMPACTS:

None.

ATTENDANCE:

Robert Tintle, Chief Financial Officer
Jana Cain, Controller



MEMORANDUM

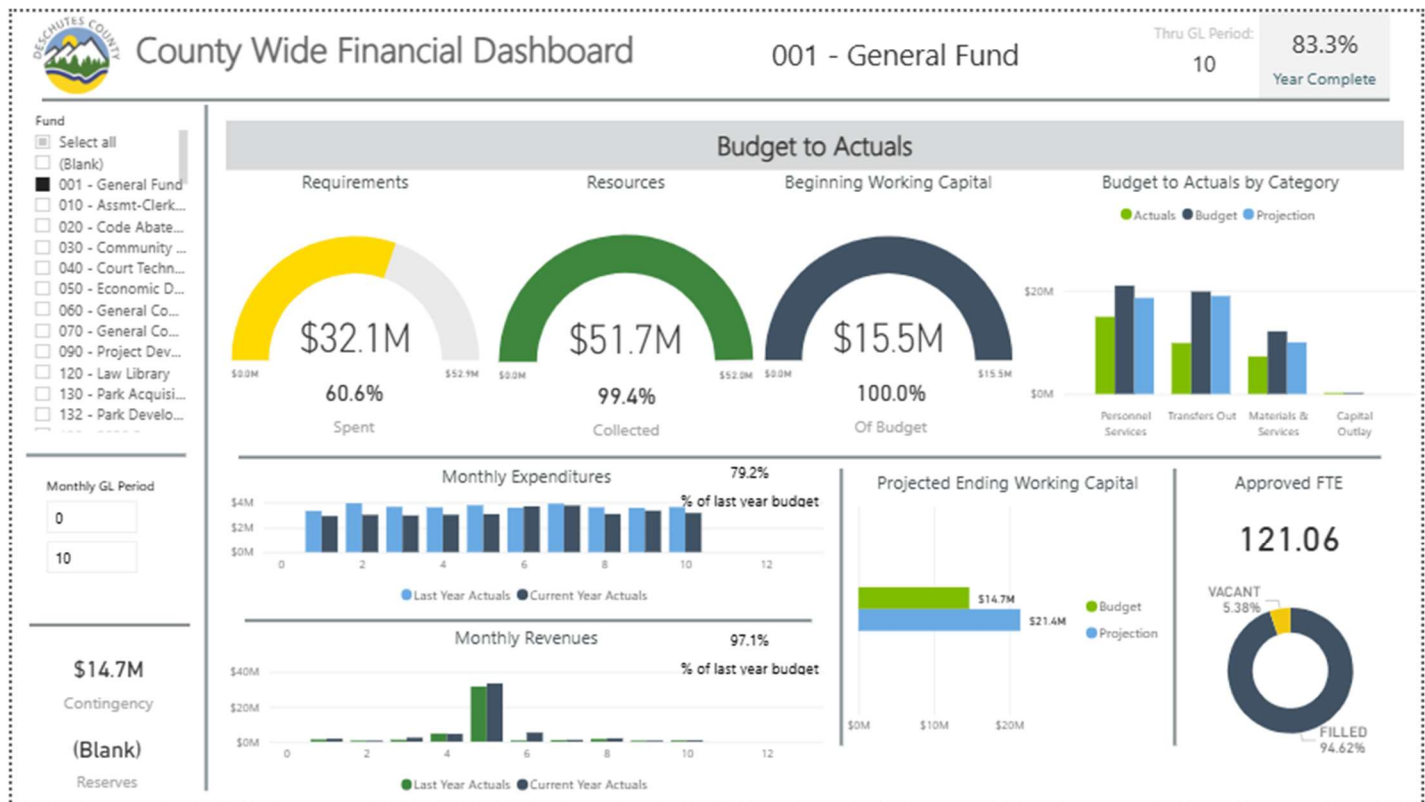
DATE: May 19, 2025
TO: Board of County Commissioners
FROM: Robert Tintle, Chief Financial Officer
SUBJECT: Finance Report for April 2025

Following is the unaudited monthly finance report for fiscal year to date (YTD) as of April 30, 2025.

Budget to Actuals Report

General Fund

- *Revenue* YTD in the General Fund is \$51.7M or 99.4% of budget. By comparison, last year revenue YTD was \$43.2M or 97.1% of budget.
- *Expenses* YTD are \$32.1M and 60.6% of budget. By comparison, last year expenses YTD were \$36.6M and 79.1% of budget.
- *Beginning Fund Balance* is \$15.5M or 106.4% of the budgeted \$14.6M beginning fund balance.



All Major Funds

On the attached pages you will find the Budget to Actuals Report for the County's major funds with actual revenue and expense data compared to budget through April 30, 2025.

Position Control Summary FY25										
Org		Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	July - June Percent Unfilled
Assessor	Filled	28.63	28.63	29.63	29.63	29.63	30.00	30.00	31.00	
	Unfilled	6.64	6.64	5.64	5.64	5.64	5.26	5.26	4.26	16.51%
Clerk	Filled	8.48	8.48	8.48	8.48	9.48	9.48	9.48	9.48	
	Unfilled	2.00	2.00	2.00	2.00	1.00	1.00	1.00	1.00	12.40%
BOPTA	Filled	0.52	0.52	0.52	0.52	0.52	0.52	0.52	0.52	
	Unfilled	-	-	-	-	-	-	-	-	0.00%
DA	Filled	58.70	58.90	58.55	58.55	58.55	59.05	59.05	59.05	
	Unfilled	2.60	1.40	1.75	1.75	1.75	1.25	1.25	1.25	3.10%
Tax	Filled	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50	
	Unfilled	-	-	-	-	-	-	-	-	0.00%
Veterans'	Filled	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	
	Unfilled	-	-	-	-	-	-	-	-	2.00%
Property Mgmt	Filled	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	
	Unfilled	-	-	-	-	-	-	-	-	0.00%
GF ARPA	Filled	-	-	-	-	-	-	-	-	
	Unfilled	-	-	-	-	-	-	-	-	0.00%
Total General Fund	Filled	110.83	111.03	111.68	111.68	112.68	113.55	113.55	114.55	
	Unfilled	11.24	10.04	9.39	9.39	8.39	7.51	7.51	6.51	7.50%
Justice Court	Filled	4.60	4.60	4.60	4.60	4.60	4.60	4.60	4.60	
	Unfilled	-	-	-	-	-	-	-	-	0.00%
Community Justice	Filled	42.00	45.00	45.00	45.00	43.00	43.00	42.00	41.00	
	Unfilled	7.00	4.00	4.00	4.00	6.00	6.00	7.00	8.00	11.63%
Sheriff	Filled	230.50	229.50	230.50	227.50	230.50	232.50	231.50	229.50	
	Unfilled	40.50	41.50	40.50	43.50	40.50	38.50	39.50	41.50	15.27%
Houseless Effort	Filled	-	-	-	-	-	-	-	-	
	Unfilled	1.00	1.00	1.00	1.00	-	-	-	-	100.00%
Health Svcs	Filled	381.83	376.03	381.43	384.23	388.43	386.78	386.78	387.28	
	Unfilled	39.48	45.28	40.88	40.08	35.88	38.53	38.53	37.03	9.26%
CDD	Filled	48.00	49.00	49.00	50.00	50.00	49.00	51.00	51.00	
	Unfilled	3.00	2.00	2.00	2.00	2.00	3.00	2.00	2.00	4.84%
Road	Filled	59.00	59.00	59.00	59.00	59.00	59.00	59.00	56.00	
	Unfilled	2.00	2.00	2.00	2.00	2.00	2.00	2.00	5.00	3.77%
Adult P&P	Filled	34.63	34.63	34.63	34.63	34.63	32.63	33.63	33.63	
	Unfilled	5.13	5.13	5.13	5.13	5.13	7.13	6.13	6.13	14.65%
Solid Waste	Filled	39.00	40.00	40.00	40.00	38.00	41.00	41.00	42.00	
	Unfilled	5.00	4.00	4.00	4.00	6.00	3.00	3.00	2.00	9.55%
Victims Assistance	Filled	7.50	8.50	8.50	8.50	7.50	7.50	7.50	6.50	
	Unfilled	2.00	1.00	1.00	1.00	2.00	2.00	2.00	3.00	18.95%
GIS Dedicated	Filled	2.00	2.00	2.00	2.00	1.00	1.00	1.00	1.00	
	Unfilled	-	-	-	-	1.00	1.00	1.00	1.00	20.00%
Fair & Expo	Filled	13.50	13.50	13.50	13.50	13.50	13.50	13.50	13.50	
	Unfilled	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	22.86%
Natural Resource	Filled	2.00	2.00	2.00	2.00	3.00	3.00	3.00	3.00	
	Unfilled	1.00	1.00	1.00	1.00	-	-	-	-	20.00%
ISF - Facilities	Filled	25.75	25.75	25.75	26.75	26.75	26.75	26.75	26.75	
	Unfilled	2.00	2.00	2.00	1.00	1.00	1.00	1.00	1.00	6.13%
ISF - Admin	Filled	9.75	9.75	9.75	9.75	8.75	8.75	8.75	9.25	
	Unfilled	-	-	-	-	0.50	0.50	0.50	-	1.57%
ISF - BOCC	Filled	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	
	Unfilled	-	-	-	-	-	-	-	-	0.00%
ISF - Finance	Filled	13.00	13.00	12.00	12.00	14.00	14.00	14.00	14.00	
	Unfilled	1.00	1.00	2.00	2.00	-	-	-	-	6.43%
ISF - Legal	Filled	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	
	Unfilled	-	-	-	-	-	-	-	-	0.00%
ISF - HR	Filled	9.00	10.00	9.00	8.00	8.00	8.00	8.00	8.00	
	Unfilled	2.00	1.00	2.00	3.00	3.00	3.00	3.00	3.00	20.36%
ISF - IT	Filled	18.00	18.00	18.00	18.00	19.00	18.00	17.00	17.00	
	Unfilled	2.00	2.00	2.00	2.00	1.00	2.00	3.00	3.00	10.50%
ISF - Risk	Filled	3.25	3.25	3.25	2.25	3.25	3.25	3.25	3.25	
	Unfilled	-	-	-	1.00	-	-	-	-	3.08%
911	Filled	57.53	57.00	57.00	58.00	58.00	60.00	57.00	56.00	
	Unfilled	3.48	4.00	4.00	3.00	3.00	1.00	4.00	5.00	6.09%
Total:										
	Filled	1,121.65	1,121.53	1,126.58	1,127.38	1,133.58	1,135.80	1,132.80	1,127.80	
	Unfilled	131.81	130.94	126.89	129.09	121.39	120.16	124.16	128.16	
	Total	1,253.46	1,252.46	1,253.46	1,256.46	1,254.96	1,255.96	1,256.96	1,255.96	
	% Unfilled	10.52%	10.45%	10.12%	10.27%	9.67%	9.57%	9.88%	10.20%	10.24%

A - 1.0 FTE decrease in HS



Budget to Actuals - Total Personnel and Overtime Report
FY25 YTD April 30, 2025

Fund	Total Personnel Costs				Overtime		
	Budgeted Personnel Costs	Actual Personnel Costs	Projected Personnel Costs	Projection (Over) / Under Budget	Budgeted OT	Actual OT	(Over) / Under Budget
001 - General Fund	\$ 20,942,691	\$ 14,930,477	\$ 18,574,227	\$ 2,368,464	\$ 69,100	\$ 24,000	\$ 45,100
030 - Juvenile	7,497,894	5,375,938	6,585,004	912,890	100,000	92,090	7,911
160/170 - TRT	234,588	197,850	242,106	(7,518)	-	28	(28)
200 - ARPA	836,621	422,413	422,414	414,207	-	-	-
220 - Justice Court	622,013	502,877	625,429	(3,416)	-	-	-
255 - Sheriff's Office	50,136,178	38,596,648	46,174,636	3,961,542	2,869,000	1,933,712	935,288
274 - Health Services	58,826,382	45,584,376	56,133,652	2,692,730	107,726	133,030	(25,304)
295 - CDD	8,005,434	6,236,057	7,584,671	420,763	13,000	18,188	(5,188)
325 - Road	9,556,843	7,572,577	9,361,952	194,891	200,000	97,499	102,501
355 - Adult P&P	6,387,456	4,560,695	5,533,947	853,509	10,000	8,824	1,176
465 - Road CIP	-	-	-	-	-	-	-
610 - Solid Waste	5,739,145	4,124,740	5,274,668	464,477	150,000	78,278	71,722
615 - Fair & Expo	2,039,023	1,338,470	1,613,199	425,824	40,000	47,666	(7,666)
616 - Annual County Fair	229,798	198,545	242,945	(13,147)	-	2,505	(2,505)
617 - Fair & Expo Capital Reserve	-	-	-	-	-	-	-
618 - RV Park	159,210	124,124	155,099	4,111	5,000	2,265	2,735
619 - RV Park Reserve	-	-	-	-	-	-	-
670 - Risk Management	496,919	417,862	513,248	(16,329)	-	-	-
675 - Health Benefits	-	-	-	-	-	-	-
705 - 911	10,237,093	7,748,732	9,611,126	625,967	485,000	196,239	288,761
999 - All Other Funds	18,606,752	13,594,333	18,543,148	63,604	50,600	24,607	25,993
Total	\$ 200,554,040	\$ 151,526,713	\$ 187,191,471	\$ 13,362,569	\$ 4,099,426	\$ 2,658,930	\$ 1,440,496



Budget to Actuals - Countywide Summary

All Departments

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025				
	Budget	Actuals	%	Budget	Actuals	%	Projection	%
001 - General Fund	44,408,216	45,560,565	103%	46,924,590	46,279,028	99%	47,921,717	102%
030 - Juvenile	1,014,168	1,042,664	103%	926,504	705,750	76%	1,088,847	118%
160/170 - TRT	12,751,790	12,485,782	98%	12,168,000	11,178,238	92%	12,694,298	104%
200 - ARPA	14,458,597	4,060,299	28%	8,644,978	5,537,822	64%	10,559,967	122%
220 - Justice Court	525,540	529,969	101%	506,200	425,213	84%	506,900	100%
255 - Sheriff's Office	58,558,288	60,325,051	103%	64,030,262	62,381,130	97%	63,356,060	99%
274 - Health Services	60,343,687	61,045,659	101%	68,788,080	57,737,523	84%	65,345,345	95%
295 - CDD	10,460,840	8,523,648	81%	9,401,238	8,145,889	87%	9,613,202	102%
325 - Road	26,673,711	27,151,594	102%	27,479,906	22,764,889	83%	27,993,165	102%
355 - Adult P&P	5,535,606	5,818,189	105%	6,323,657	6,577,674	104%	6,658,254	105%
465 - Road CIP	2,179,426	2,951,833	135%	1,357,339	1,376,325	101%	1,451,715	107%
610 - Solid Waste	15,995,411	17,733,226	111%	19,769,001	16,488,135	83%	19,798,961	100%
615 - Fair & Expo	2,343,500	2,843,093	121%	3,206,000	2,319,521	72%	2,841,200	89%
616 - Annual County Fair	2,324,117	2,460,606	106%	2,350,667	2,643,872	112%	2,652,711	113%
617 - Fair & Expo Capital	64,800	225,047	347%	88,000	204,950	233%	224,612	255%
618 - RV Park	530,800	534,892	101%	489,000	402,409	82%	506,978	104%
619 - RV Park Reserve	34,300	45,518	133%	45,000	49,480	110%	58,200	129%
670 - Risk Management	3,714,303	3,841,634	103%	3,398,791	3,028,815	89%	3,611,773	106%
675 - Health Benefits	30,654,045	31,873,028	104%	42,854,789	33,772,460	79%	43,464,839	101%
705 - 911	14,034,323	14,405,107	103%	14,733,900	13,670,999	93%	14,893,115	101%
999 - Other	81,793,214	71,303,509	87%	66,998,812	45,919,408	69%	72,109,821	108%
TOTAL RESOURCES	388,398,682	374,760,913	96%	400,484,714	341,609,531	85%	407,351,680	102%



Budget to Actuals - Countywide Summary

All Departments

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

REQUIREMENTS

	Fiscal Year 2024			Fiscal Year 2025			
	Budget	Actuals	%	Budget	Actuals	%	Projection
001 - General Fund	25,420,807	23,850,628	94%	33,071,291	22,218,020	67%	28,555,157
030 - Juvenile	8,481,279	7,884,757	93%	9,381,846	6,731,442	72%	8,377,733
160/170 - TRT	6,902,223	6,827,243	99%	5,736,054	5,168,154	90%	5,873,343
200 - ARPA	9,837,656	3,762,562	38%	4,321,775	801,533	19%	835,862
220 - Justice Court	828,370	816,713	99%	819,797	677,709	83%	823,213
255 - Sheriff's Office	65,641,097	59,140,333	90%	66,610,275	49,187,606	74%	62,495,769
274 - Health Services	72,307,648	67,056,125	93%	84,057,460	60,736,067	72%	75,877,767
295 - CDD	10,269,561	8,898,411	87%	9,991,245	7,728,380	77%	9,507,245
325 - Road	17,124,761	15,805,727	92%	19,549,812	14,104,829	72%	18,608,524
355 - Adult P&P	7,576,032	7,028,249	93%	8,371,685	5,967,090	71%	7,365,967
465 - Road CIP	24,142,169	23,124,456	96%	16,323,504	4,670,761	29%	10,826,539
610 - Solid Waste	14,404,534	13,823,996	96%	17,321,744	10,601,873	61%	15,870,223
615 - Fair & Expo	3,734,327	3,867,176	104%	4,838,162	3,146,418	65%	3,964,899
616 - Annual County Fair	2,582,856	2,438,099	94%	2,671,901	2,558,336	96%	2,671,002
617 - Fair & Expo Capital	1,090,000	465,928	43%	1,260,000	191,732	15%	1,260,000
618 - RV Park	617,131	517,201	84%	726,864	461,222	63%	647,699
619 - RV Park Reserve	174,000	45,252	26%	170,000	-	0%	170,000
670 - Risk Management	4,744,447	4,502,990	95%	5,599,742	3,879,548	69%	5,125,816
675 - Health Benefits	35,687,213	34,121,294	96%	38,819,094	25,827,594	67%	38,819,094
705 - 911	15,113,760	13,427,592	89%	17,254,619	11,882,004	69%	16,628,652
999 - Other	93,331,824	64,265,927	69%	104,386,845	45,685,001	44%	99,366,979
TOTAL REQUIREMENTS	420,011,695	361,670,659	86%	451,283,715	282,225,318	63%	413,671,483



Budget to Actuals - Countywide Summary

All Departments

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

TRANSFERS

	Fiscal Year 2024			Fiscal Year 2025			
	Budget	Actuals	%	Budget	Actuals	%	Projection
001 - General Fund	(20,963,314)	(20,201,737)	96%	(14,682,525)	(4,369,013)	30%	(13,438,837)
030 - Juvenile	6,678,013	6,678,013	100%	8,068,153	6,723,461	83%	8,068,153
160/170 - TRT	(8,575,254)	(7,022,091)	82%	(8,431,946)	(6,526,288)	77%	(8,496,630)
200 - ARPA	(5,022,145)	(400,000)	8%	(4,622,145)	(4,415,944)	96%	(9,038,089)
220 - Justice Court	364,688	286,744	79%	380,521	317,101	83%	380,521
255 - Sheriff's Office	3,377,587	3,380,929	100%	3,399,187	2,944,370	87%	3,399,187
274 - Health Services	8,026,456	5,947,879	74%	10,671,364	(431,914)	-4%	8,203,678
295 - CDD	466,530	(195,589)	-42%	909,332	(70,947)	-8%	149,203
325 - Road	(12,700,000)	(12,700,000)	100%	(10,720,695)	(6,405,029)	60%	(10,720,695)
355 - Adult P&P	510,950	525,950	103%	626,964	522,470	83%	626,964
465 - Road CIP	12,500,000	12,500,000	100%	10,631,333	4,315,667	41%	9,086,662
610 - Solid Waste	(1,703,962)	(2,613,962)	153%	(4,564,141)	(3,424,284)	75%	(4,564,141)
615 - Fair & Expo	875,681	1,008,090	115%	1,179,123	982,603	83%	1,224,402
616 - Annual County Fair	(34,503)	(34,503)	100%	(121,900)	(101,583)	83%	(121,900)
617 - Fair & Expo Capital	824,187	662,984	80%	592,396	518,663	88%	611,801
618 - RV Park	128,436	128,436	100%	57,858	48,215	83%	57,858
619 - RV Park Reserve	51,564	51,564	100%	122,142	101,785	83%	122,142
670 - Risk Management	(503,459)	(493,787)	98%	(4,500)	(3,750)	83%	(4,500)
705 - 911	-	-		-	-		-
999 - Other	15,698,545	12,491,080	80%	6,509,479	9,274,419	89%	14,454,221
TOTAL TRANSFERS	-	(0)		-	0	0	(0)



Budget to Actuals - Countywide Summary

All Departments

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

ENDING FUND BALANCE

	Fiscal Year 2024			Fiscal Year 2025			
	Budget	Actuals	%	Budget	Actuals	Projection	%
001 - General Fund	11,850,095	15,492,530	131%	14,663,304	35,184,525	21,420,252	146%
030 - Juvenile	710,902	1,364,608	192%	977,419	2,062,377	2,143,875	219%
160/170 - TRT	1,801,675	3,163,809	176%	1,163,809	2,647,606	1,488,134	128%
200 - ARPA	-	298,942	999%	-	619,285	984,957	999%
220 - Justice Court	61,858	(0)	0%	66,924	64,605	64,208	96%
255 - Sheriff's Office	7,295,992	15,566,861	213%	16,386,036	31,704,755	19,826,339	121%
274 - Health Services	7,480,011	12,456,527	167%	7,858,511	9,026,069	10,127,783	129%
295 - CDD	1,975,730	752,366	38%	1,071,691	1,098,928	1,008,826	94%
325 - Road	2,370,201	5,997,546	253%	3,206,945	8,252,578	4,661,492	145%
355 - Adult P&P	1,470,524	2,326,824	158%	905,760	3,459,878	2,246,075	248%
465 - Road CIP	9,549,637	15,675,284	164%	11,340,452	16,696,515	15,387,122	136%
610 - Solid Waste	2,303,300	4,038,781	175%	1,921,897	6,500,760	3,404,038	177%
615 - Fair & Expo	32,617	531,770	999%	78,731	687,475	632,473	803%
616 - Annual County Fair	228,205	509,451	223%	66,317	493,403	369,260	557%
617 - Fair & Expo Capital	2,391,825	3,179,332	133%	2,599,728	3,711,213	2,755,745	106%
618 - RV Park	135,220	312,766	231%	132,760	302,167	229,903	173%
619 - RV Park Reserve	1,284,317	1,521,389	118%	1,518,531	1,672,654	1,531,731	101%
670 - Risk Management	6,466,397	8,168,164	126%	5,962,713	7,313,681	6,649,621	112%
675 - Health Benefits	1,074,575	3,859,732	359%	7,895,427	11,804,598	8,505,477	108%
705 - 911	12,122,906	14,371,465	119%	11,850,746	16,160,461	12,635,928	107%
999 - Other	104,968,103	128,248,177	122%	101,227,972	137,635,038	107,640,967	106%
TOTAL FUND BALANCE	175,574,090	237,836,324	135%	190,895,673	297,098,571	223,714,208	117%



Budget to Actuals Report

General Fund - Fund 001

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
PVAB	10,200	10,800	106%	11,000	8,158	74%	11,000	100%	-
Property Taxes - Current	37,400,000	38,160,244	102%	39,604,000	38,823,137	98%	39,392,000	99%	(212,000) A
Property Taxes - Prior	318,000	422,862	133%	328,000	400,102	122%	409,112	125%	81,112
Other General Revenues	3,480,844	3,846,799	111%	3,778,175	3,944,019	104%	4,155,707	110%	377,532
Assessor	775,350	815,379	105%	849,000	618,187	73%	849,000	100%	-
Clerk	1,259,595	1,269,890	101%	1,426,160	1,126,743	79%	1,426,160	100%	-
District Attorney	552,048	470,285	85%	427,077	588,628	138%	592,894	139%	165,817
Tax Office	136,000	147,228	108%	146,200	115,087	79%	146,200	100%	-
Veterans	261,179	194,448	74%	284,978	102,874	36%	284,978	100%	- B
Property Management	215,000	215,000	100%	70,000	59,858	86%	70,000	100%	-
Non-Departmental	-	7,630		-	492,234		584,666		584,666 C
TOTAL RESOURCES	44,408,216	45,560,565	103%	46,924,590	46,279,028	99%	47,921,717	102%	997,127

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
PVAB	97,522	79,788	82%	93,993	75,565	80%	95,336	101%	(1,343) F
Assessor	6,189,597	5,587,737	90%	6,709,361	4,749,020	71%	5,895,115	88%	814,246 D
Clerk	2,351,515	2,087,269	89%	2,719,443	2,038,240	75%	2,603,814	96%	115,629 E
District Attorney	11,636,672	11,237,086	97%	13,369,290	10,082,895	75%	12,793,112	96%	576,178 G
Medical Examiner	461,224	391,213	85%	466,854	261,596	56%	466,854	100%	-
Tax Office	940,770	871,901	93%	1,041,642	866,586	83%	1,060,133	102%	(18,491) H
Veterans	934,283	872,565	93%	1,093,340	764,376	70%	1,018,332	93%	75,008 I
Property Management	539,558	510,327	95%	584,094	465,645	80%	591,097	101%	(7,003) J
Non-Departmental	2,269,666	2,212,743	97%	6,993,274	2,914,097	42%	4,031,364	58%	2,961,910
TOTAL REQUIREMENTS	25,420,807	23,850,628	94%	33,071,291	22,218,020	67%	28,555,157	86%	4,516,134

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In	103,790	103,790	100%	5,121,854	5,469,713	107%	5,510,943	108%	389,089 K
Transfers Out	(21,067,104)	(20,305,527)	96%	(19,804,379)	(9,838,725)	50%	(18,949,780)	96%	854,599 L
TOTAL TRANSFERS	(20,963,314)	(20,201,737)	96%	(14,682,525)	(4,369,013)	30%	(13,438,837)	92%	1,243,688

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	13,826,000	13,984,330	101%	15,492,530	15,492,530	100%	15,492,530	100%	(0)
Resources over Requirements	18,987,409	21,709,937		13,853,299	24,061,008		19,366,560		5,513,261
Net Transfers - In (Out)	(20,963,314)	(20,201,737)		(14,682,525)	(4,369,013)		(13,438,837)		1,243,688
TOTAL FUND BALANCE	\$ 11,850,095	\$ 15,492,530	131%	\$ 14,663,304	\$ 35,184,525	240%	\$ 21,420,252	146%	\$ 6,756,948 M

A Current year taxes received primarily in November, February and May; actual FY24-25 TAV is 4.64% over FY23-24 vs. 5.2% budgeted.

B Oregon Dept. of Veteran's Affairs grant reimbursed quarterly

C Projection reflects unbudgeted Opioid Settlement Payments

D Projected Personnel savings based on FY24/FY25 average vacancy rate of 14.8%

E Projected Personnel savings based on FY24/FY25 average vacancy rate of 8%

F Projected Personnel based on overage to date

G Projected Personnel savings based on FY24/FY25 average vacancy rate of 3.7%

H Projected Personnel based on overage to date

I Projected Personnel savings based on FY24/FY25 average vacancy rate of 5%

J Projected Personnel based on overage to date

K \$3,512,733 transferred from the ARPA fund for revenue replacement recategorization.

L Reduction in transfer out to Health Services of \$304,599 related to no longer needing local match; transferring \$500K less to the Capital Reserve Fund and retaining these funds in the General Fund as emergency reserves per County's financial policies.

M Out of the total ending fund balance, \$1,205,530 are restricted Opioid Settlement Funds, \$2,060,230 are recategorized ARPA funds (of which \$1,340,608 is unallocated) and \$500K is Emergency Reserves.



Budget to Actuals Report

Juvenile - Fund 030

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
OYA Basic & Diversion	476,611	451,260	95%	477,421	242,567	51%	477,421	100%	-
ODE Juvenile Crime Prev	106,829	94,748	89%	112,772	46,635	41%	112,772	100%	-
Leases	90,228	93,840	104%	97,500	81,328	83%	97,500	100%	-
Inmate/Prisoner Housing	75,000	105,120	140%	65,000	89,100	137%	93,000	143%	28,000
DOC Unif Crime Fee/HB2712	52,000	53,359	103%	52,000	-	0%	35,000	67%	(17,000)
Interest on Investments	37,500	54,078	144%	49,000	69,294	141%	79,900	163%	30,900
Expungements	40,000	53,599	134%	40,000	25,047	63%	40,000	100%	-
OJD Court Fac/Sec SB 1065	15,000	11,384	76%	12,000	13,024	109%	14,500	121%	2,500
Food Subsidy	10,000	12,812	128%	10,000	5,790	58%	5,790	58%	(4,210)
Miscellaneous	16,500	19,289	117%	6,811	132,964	999%	132,964	999%	126,153
Contract Payments	5,000	3,675	74%	4,000	-	0%	-	0%	(4,000)
Gen Fund-Crime Prevention	89,500	89,500	100%	-	-	-	-	-	-
TOTAL RESOURCES	1,014,168	1,042,664	103%	926,504	705,750	76%	1,088,847	118%	162,343

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	6,852,966	6,402,707	93%	7,497,894	5,375,938	72%	6,585,004	88%	912,890
Personnel Services	1,599,048	1,452,785	91%	1,863,952	1,349,558	72%	1,772,729	95%	91,223
Materials and Services	29,265	29,265	100%	20,000	5,946	30%	20,000	100%	-
Capital Outlay	8,481,279	7,884,757	93%	9,381,846	6,731,442	72%	8,377,733	89%	1,004,113
TOTAL REQUIREMENTS									

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	6,798,630	6,798,630	100%	8,143,712	6,786,427	83%	8,143,712	100%	-
Transfers In- General Funds	(45,000)	(45,000)	100%	-	-	-	-	-	-
Transfers Out	(75,617)	(75,617)	100%	(75,559)	(62,966)	83%	(75,559)	100%	-
Transfers Out-Veh Reserve	6,678,013	6,678,013	100%	8,068,153	6,723,461	83%	8,068,153	100%	-
TOTAL TRANSFERS									

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	1,500,000	1,528,688	102%	1,364,608	1,364,608	100%	1,364,608	100%	0
Beginning Fund Balance	(7,467,111)	(6,842,093)		(8,455,342)	(6,025,692)		(7,288,886)		1,166,456
Resources over Requirements	6,678,013	6,678,013		8,068,153	6,723,461		8,068,153		-
Net Transfers - In (Out)									
TOTAL FUND BALANCE	\$ 710,902	\$ 1,364,608	192%	\$ 977,419	\$ 2,062,377	211%	\$ 2,143,875	219%	\$1,166,456

- A Higher utilization of our facility by other Counties.
- B DOC reporting lower collection rate than originally anticipated.
- C Fee collection higher than anticipated for OJD fees.
- D No longer part of school lunch program. Adminstrative burden outweighed revenue received.
- E Central Oregon Health Council grant award.
- F No longer offering Adult Work Crew so unable to take on contracted work crew projects.
- G Projected Personnel savings based on FY24/FY25 average vacancy rate of 8.8%
- H Materials and services projections based on current spending trends.



Budget to Actuals Report

TRT - Fund 160/170

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					\$ Variance
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	
Room Taxes	12,630,000	12,372,463	98%	12,100,000	11,090,314	92%	12,584,000	104%	484,000 A
Interest on Investments	121,790	112,678	93%	68,000	87,515	129%	109,798	161%	41,798
Miscellaneous	-	641		-	409		500		500
TOTAL RESOURCES	12,751,790	12,485,782	98%	12,168,000	11,178,238	92%	12,694,298	104%	526,298

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
COVA	3,378,641	3,307,981	98%	3,236,105	2,762,510	85%	3,368,464	104%	(132,359) B
Grants & Contributions	3,000,000	3,000,000	100%	2,000,000	2,000,000	100%	2,000,000	100%	- C
Administrative	262,395	260,555	99%	265,588	210,135	79%	278,268	105%	(12,680)
Interfund Charges	213,587	213,587	100%	186,611	155,509	83%	186,611	100%	-
Software	47,600	45,120	95%	47,750	40,000	84%	40,000	84%	7,750
TOTAL REQUIREMENTS	6,902,223	6,827,243	99%	5,736,054	5,168,154	90%	5,873,343	102%	(137,289)

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfer Out - RV Park	(20,000)	(20,000)	100%	(20,000)	(16,667)	83%	(20,000)	100%	-
Transfer Out - Annual Fair	(75,000)	(75,000)	100%	(75,000)	(62,500)	83%	(75,000)	100%	-
Transfer Out - CDD	-	-		(100,000)	(83,333)	83%	(100,000)	100%	-
Transfer Out - Health	(368,417)	(368,417)	100%	(276,572)	(230,477)	83%	(276,572)	100%	-
Transfer Out - Justice Court	(364,688)	(286,744)	79%	(380,521)	(317,101)	83%	(380,521)	100%	-
Transfer Out - F&E Reserve	(462,119)	(453,481)	98%	(442,396)	(368,663)	83%	(461,801)	104%	(19,405) D
Transfer Out - General County Reserve	(723,720)	(723,720)	100%	(921,670)	(768,058)	83%	(921,670)	100%	-
Transfer Out - F&E	(1,009,023)	(988,867)	98%	(963,000)	(802,500)	83%	(1,008,279)	105%	(45,279)
Transfer Out - Courthouse Debt Service	(1,900,500)	(454,075)	24%	(1,501,000)	(750,500)	50%	(1,501,000)	100%	-
Transfer Out - Sheriff	(3,651,787)	(3,651,787)	100%	(3,751,787)	(3,126,489)	83%	(3,751,787)	100%	-
TOTAL TRANSFERS	(8,575,254)	(7,022,091)	82%	(8,431,946)	(6,526,288)	77%	(8,496,630)	101%	(64,684)

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	4,527,362	4,527,362	100%	3,163,809	3,163,809	100%	3,163,809	100%	0
Resources over Requirements	5,849,567	5,658,538		6,431,946	6,010,084		6,820,955		389,009
Net Transfers - In (Out)	(8,575,254)	(7,022,091)		(8,431,946)	(6,526,288)		(8,496,630)		(64,684)
TOTAL FUND BALANCE	\$ 1,801,675	\$ 3,163,809	176%	\$ 1,163,809	\$ 2,647,606	227%	\$ 1,488,134	128%	\$324,325 E

- A** Room tax revenue up 2.0% from FY24, up 4.3% compared to FY25 budget.
- B** Payments to COVA based on a percent of TRT collections
- C** Includes contributions of \$2M to Sunriver Service District
- D** The balance of the 1% F&E TRT is transferred to F&E reserves
- E** Remaining funds will be reserved in the TRT fund to cover one year's worth of debt service of \$1.5 million.



Budget to Actuals Report

ARPA – Fund 200

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Local Assistance & Tribal Consistency	4,622,145	-	0%	4,622,145	-	0%	4,622,145	100%	-
State & Local Coronavirus Fiscal Recovery Funds	9,516,992	3,762,562	40%	3,888,833	5,354,430	138%	5,754,430	148%	1,865,597
Interest on Investments	319,460	297,738	93%	134,000	183,392	137%	183,392	137%	49,392
TOTAL RESOURCES	14,458,597	4,060,299	28%	8,644,978	5,537,822	64%	10,559,967	122%	1,914,989

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Services to Disproportionately Impacted Communities	6,538,263	2,172,887	33%	1,956,342	711,619	36%	727,947	37%	1,228,395
Administrative	1,719,694	142,552	8%	1,010,306	46,860	5%	46,860	5%	963,446
Infrastructure	766,410	896,225	117%	916,000	(169,678)	-19%	(151,678)	-17%	1,067,678
Public Health	560,926	400,898	71%	415,127	212,732	51%	212,733	51%	202,394
Negative Economic Impacts	252,363	150,000	59%	24,000	-	0%	-	0%	24,000
TOTAL REQUIREMENTS	9,837,656	3,762,562	38%	4,321,775	801,533	19%	835,862	19%	3,485,913

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers Out - Capital Reserve Fund	(5,022,145)	(400,000)	8%	-	-		-		-
Transfers Out -Campus Improvement	-	-		(703,033)	(134,162)	19%	(4,756,307)	677%	(4,053,274) A
Transfers Out - General Fund	-	-		(3,919,112)	(4,281,782)	109%	(4,281,782)	109%	(362,670) B
TOTAL TRANSFERS	(5,022,145)	(400,000)	8%	(4,622,145)	(4,415,944)	96%	(9,038,089)	196%	(4,415,944)

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	401,204	401,204	100%	298,942	298,942	100%	298,942	100%	(0)
Resources over Requirements	4,620,941	297,738		4,323,203	4,736,288		9,724,105		5,400,902
Net Transfers - In (Out)	(5,022,145)	(400,000)		(4,622,145)	(4,415,944)		(9,038,089)		(4,415,944)
TOTAL FUND BALANCE	-	\$ 298,942	999%	-	\$ 619,285	999%	\$ 984,957	999%	\$984,957

A \$134,162 in interest earned on LACTF funds transferred to the Courthouse. LACTF funds will be transferred to the Courthouse project in FY25.

B \$3,512,733 recategorized as revenue replacement and transferred to the General Fund along with \$348,171 in interest earnings. \$420,878 transferred to the DA for their ARPA approved project.



Budget to Actuals Report

Justice Court - Fund 220

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

Fiscal Year 2024			Fiscal Year 2025					
Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
525,000	528,051	101%	504,200	423,363	84%	504,200	100%	-
540	1,917	355%	2,000	1,851	93%	2,700	135%	700
525,540	529,969	101%	506,200	425,213	84%	506,900	100%	700

REQUIREMENTS

Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
652,767	644,229	99%	622,013	502,877	81%	625,429	101%	(3,416)
175,603	172,484	98%	197,784	174,833	88%	197,784	100%	-
828,370	816,713	99%	819,797	677,709	83%	823,213	100%	(3,416)

TRANSFERS

Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
364,688	286,744	79%	380,521	317,101	83%	380,521	100%	-
364,688	286,744	79%	380,521	317,101	83%	380,521	100%	-

Resources over Requirements

(302,830)	(286,744)		(313,597)	(252,496)		(316,313)	(2,716)	
364,688	286,744		380,521	317,101		380,521	-	
\$ 61,858	(\$ 0)	0%	\$ 66,924	\$ 64,605	97%	\$ 64,208	96%	(\$2,716)

A One time yearly software maintenance fee paid in July for entire fiscal year.



Budget to Actuals Report

Sheriff's Office - Fund 255

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
LED #1 Property Tax Current	38,006,062	38,088,346	100%	40,066,974	38,712,632	97%	39,711,000	99%	(355,974) A
LED #2 Property Tax Current	15,189,654	15,221,876	100%	15,958,353	15,472,936	97%	15,847,000	99%	(111,353) B
Sheriff's Office Revenues	4,583,572	5,873,866	128%	7,034,935	6,828,441	97%	6,378,835	91%	(656,100) C
LED #1 Interest	264,000	515,925	195%	400,000	615,534	154%	658,700	165%	258,700
LED #1 Property Tax Prior	330,000	333,126	101%	300,000	360,928	120%	360,928	120%	60,928
LED #2 Interest	65,000	149,987	231%	150,000	241,589	161%	251,600	168%	101,600
LED #2 Property Tax Prior	120,000	141,925	118%	120,000	147,997	123%	147,997	123%	27,997
LED #1 Foreclosed Properties	-	-		-	767		-		-
LED #2 Foreclosed Properties	-	-		-	306		-		-
TOTAL RESOURCES	58,558,288	60,325,051	103%	64,030,262	62,381,130	97%	63,356,060	99%	(674,202)

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Digital Forensics	1,221,145	1,286,784	105%	1,419,216	1,196,810	84%	1,469,216	104%	(50,000)
Rickard Ranch	334,232	309,436	93%	610,205	317,819	52%	435,205	71%	175,000 D
Concealed Handgun Licenses	624,277	447,501	72%	592,803	392,993	66%	517,803	87%	75,000 D
Sheriff's Services	5,771,949	5,296,307	92%	5,230,244	4,542,132	87%	5,505,244	105%	(275,000)
Civil/Special Units	1,019,021	1,066,063	105%	1,281,834	1,017,942	79%	1,206,834	94%	75,000 D
Automotive/Communications	4,574,918	4,050,982	89%	4,152,483	2,934,278	71%	4,002,483	96%	150,000 D
Detective	4,773,538	4,175,876	87%	4,710,801	3,277,266	70%	4,110,801	87%	600,000 D
Patrol	16,270,641	14,471,496	89%	15,307,105	11,786,810	77%	14,857,105	97%	450,000 D
Records	855,590	705,173	82%	875,606	626,229	72%	805,606	92%	70,000 D
Adult Jail	23,784,474	20,951,689	88%	25,112,557	18,479,095	74%	23,343,051	93%	1,769,506 D
Court Security	600,590	570,292	95%	649,844	429,912	66%	574,844	88%	75,000 D
Emergency Services	808,931	668,053	83%	888,223	600,262	68%	838,223	94%	50,000 D
Special Services	2,779,458	2,926,535	105%	3,055,000	2,191,233	72%	2,705,000	89%	350,000 D
Training	1,537,498	1,205,912	78%	1,765,299	913,087	52%	1,340,299	76%	425,000 D
Other Law Enforcement	634,835	908,232	143%	959,055	481,740	50%	784,055	82%	175,000 D
Non - Departmental	50,000	100,000	200%	-	0	0%	-		-
TOTAL REQUIREMENTS	65,641,097	59,140,333	90%	66,610,275	49,187,606	74%	62,495,769	94%	4,114,506

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfer In - TRT	3,651,787	3,651,787	100%	3,751,787	3,126,489	83%	3,751,787	100%	-
Transfers Out	(6,500)	(6,500)	100%	(94,100)	(52,870)	56%	(94,100)	100%	-
Transfers Out - Debt Service	(267,700)	(264,358)	99%	(258,500)	(129,250)	50%	(258,500)	100%	-
TOTAL TRANSFERS	3,377,587	3,380,929	100%	3,399,187	2,944,370	87%	3,399,187	100%	-

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	11,001,214	11,001,214	100%	15,566,862	15,566,861	100%	15,566,861	100%	(1)
Resources over Requirements	(7,082,809)	1,184,718		(2,580,013)	13,193,524		860,291		3,440,304
Net Transfers - In (Out)	3,377,587	3,380,929		3,399,187	2,944,370		3,399,187		-
TOTAL FUND BALANCE	\$ 7,295,992	\$ 15,566,861	213%	\$ 16,386,036	\$ 31,704,755	193%	\$ 19,826,339	121%	\$ 3,440,303

A Current year taxes received primarily in November, February and May; actual FY24-25 TAV is 4.64% over FY23-24 vs. 5.2% budgeted.

B Current year taxes received primarily in November, February and May; actual FY24-25 TAV is 4.64% over FY23-24 vs. 5.2% budgeted.

C Some additional revenue for the Jail and Special Service; reduction of Marijuana Grant revenue that will not be used until FY26.

D Combination of projected personnel savings and reduced spending in M&S/Capital



Budget to Actuals Report

Health Services - Fund 274

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
State Grant	23,757,820	20,712,977	87%	28,230,604	22,602,407	80%	22,663,001	80%	(5,567,603)
OHP Capitation	16,494,114	17,439,562	106%	17,529,405	14,183,490	81%	17,002,060	97%	(527,345)
State Miscellaneous	5,793,079	5,029,687	87%	7,330,050	7,739,800	106%	9,511,453	130%	2,181,403
OHP Fee for Service	4,947,581	5,809,490	117%	4,788,744	4,796,009	100%	5,605,924	117%	817,180
Local Grants	1,567,894	2,035,060	130%	2,763,131	1,654,130	60%	2,751,999	100%	(11,132)
Environmental Health Fees	1,478,906	1,483,715	100%	1,637,892	1,599,055	98%	1,658,577	101%	20,685
State - Medicaid/Medicare	1,034,491	1,149,710	111%	1,587,117	897,943	57%	1,042,309	66%	(544,808)
Other	1,061,371	2,326,567	219%	1,293,235	800,233	62%	777,623	60%	(515,612)
Federal Grants	1,440,560	1,321,402	92%	987,369	316,570	32%	380,381	39%	(606,988)
Patient Fees	1,087,790	890,377	82%	761,626	645,391	85%	754,604	99%	(7,022)
Medicaid	431,000	1,201,524	279%	627,276	1,021,812	163%	1,340,611	214%	713,335
Vital Records	315,000	336,256	107%	318,000	279,279	88%	333,190	105%	15,190
Interest on Investments	262,007	737,122	281%	317,000	622,509	196%	772,100	244%	455,100
State - Medicare	209,500	300,513	143%	195,057	337,639	173%	375,799	193%	180,742
Liquor Revenue	177,574	188,547	106%	177,574	106,283	60%	177,574	100%	-
Interfund Contract- Gen Fund	127,000	-	0%	169,000	105,833	63%	169,000	100%	-
State Shared- Family Planning	158,000	83,152	53%	75,000	29,140	39%	29,140	39%	(45,860)
TOTAL RESOURCES	60,343,687	61,045,659	101%	68,788,080	57,737,523	84%	65,345,345	95%	(3,442,735)

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Administration Allocation	4,984	0	0%	-	-	-	-	-	-
Personnel Services	52,118,863	51,416,037	99%	58,826,382	45,584,376	77%	56,133,652	95%	2,692,730
Materials and Services	19,836,301	15,061,997	76%	23,299,078	14,650,469	63%	19,065,930	82%	4,233,148
Capital Outlay	347,500	578,091	166%	1,932,000	501,222	26%	678,185	35%	1,253,815
TOTAL REQUIREMENTS	72,307,648	67,056,125	93%	84,057,460	60,736,067	72%	75,877,767	90%	8,179,693

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In- General Fund	6,780,140	6,050,314	89%	7,218,715	-	0%	6,914,116	96%	(304,599)
Transfers In- OHP Mental Health	2,210,573	407,071	18%	4,266,163	-	0%	1,734,122	41%	(2,532,041)
Transfers In- Acute Care Service	-	-	-	626,000	621,684	99%	621,684	99%	(4,316)
Transfers In - TRT	368,417	368,417	100%	276,572	230,477	83%	276,572	100%	-
Transfers In - Video Lottery	-	-	-	250,000	250,000	100%	250,000	100%	-
Transfers In- Sheriff's Office	-	-	-	30,000	30,000	100%	30,000	100%	-
Transfers Out	(1,332,674)	(877,923)	66%	(1,996,086)	(1,564,074)	78%	(1,622,816)	81%	373,270
TOTAL TRANSFERS	8,026,456	5,947,879	74%	10,671,364	(431,914)	-4%	8,203,678	77%	(2,467,686)

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	11,417,516	12,519,113	110%	12,456,527	12,456,527	100%	12,456,527	100%	0
Resources over Requirements	(11,963,961)	(6,010,466)	-	(15,269,380)	(2,998,544)	-	(10,532,422)	-	4,736,958
Net Transfers - In (Out)	8,026,456	5,947,879	-	10,671,364	(431,914)	-	8,203,678	-	(2,467,686)
TOTAL FUND BALANCE	\$ 7,480,011	\$ 12,456,527	167%	\$ 7,858,511	\$ 9,026,069	115%	\$ 10,127,783	129%	\$2,269,272



Budget to Actuals Report

Health Services - Admin - Fund 274

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%
Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Other	9,000	167,850	999%	511,588	483,331	94%	247,234	48%	(264,354) A
OHP Capitation	435,349	435,349	100%	474,674	383,679	81%	457,240	96%	(17,434)
Interest on Investments	262,007	737,122	281%	317,000	622,509	196%	772,100	244%	455,100
State Grant	160,000	148,958	93%	132,289	260,597	197%	131,689	100%	(600) A
TOTAL RESOURCES	866,356	1,489,279	172%	1,435,551	1,750,116	122%	1,608,263	112%	172,712

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	6,769,513	6,539,032	97%	7,890,669	6,155,703	78%	7,644,020	97%	246,649 B
Materials and Services	7,671,421	7,578,213	99%	8,977,091	7,209,325	80%	8,844,606	99%	132,485
Capital Outlay	43,750	87,587	200%	-	-		-		-
Administration Allocation	(12,633,378)	(12,633,396)	100%	(15,251,333)	(7,612,502)	50%	(15,251,333)	100%	-
TOTAL REQUIREMENTS	1,851,306	1,571,436	85%	1,616,427	5,752,527	356%	1,237,293	77%	379,134

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In- OHP Mental Health	81,250	81,250	100%	-	-		-		-
Transfers Out	(300,174)	(315,174)	105%	(377,446)	(318,705)	84%	(377,446)	100%	-
TOTAL TRANSFERS	(218,924)	(233,924)	107%	(377,446)	(318,705)	84%	(377,446)	100%	-

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	3,665,544	3,786,843	103%	3,470,762	3,470,762	100%	3,470,762	100%	0
Resources over Requirements	(984,950)	(82,157)		(180,876)	(4,002,411)		370,970		551,846
Net Transfers - In (Out)	(218,924)	(233,924)		(377,446)	(318,705)		(377,446)		-
TOTAL FUND BALANCE	\$ 2,461,670	\$ 3,470,762	141%	\$ 2,912,441	(\$ 850,354)	-29%	\$ 3,464,286	119%	\$551,846

A Projection includes adjustment for anticipated unearned revenue. Amounts will be finalized at fiscal year-end.
B Personnel projections assume 3% vacancy.



Budget to Actuals Report

Health Services - Behavioral Health - Fund 274

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
State Grant	17,967,689	14,679,278	82%	21,305,001	17,122,262	80%	15,050,648	71%	(6,254,353) A
OHP Capitation	16,058,765	16,886,706	105%	16,694,731	13,509,139	81%	16,192,318	97%	(502,413) B
State Miscellaneous	4,924,368	4,427,643	90%	6,861,414	7,380,858	108%	8,724,729	127%	1,863,315 C
OHP Fee for Service	4,927,331	5,777,316	117%	4,764,259	4,767,752	100%	5,569,040	117%	804,781
Local Grants	1,348,943	1,395,962	103%	2,427,949	1,212,660	50%	2,199,137	91%	(228,812) D
Federal Grants	1,285,560	1,186,400	92%	824,623	197,998	24%	197,998	24%	(626,625) E
Medicaid	431,000	1,201,524	279%	627,276	1,021,812	163%	1,340,611	214%	713,335 F
Patient Fees	448,500	679,928	152%	575,975	542,682	94%	628,371	109%	52,396
State - Medicare	209,500	300,513	143%	195,057	337,639	173%	375,799	193%	180,742 G
Liquor Revenue	177,574	188,547	106%	177,574	106,283	60%	177,574	100%	-
Interfund Contract- Gen Fund	127,000	-	0%	127,000	105,833	83%	127,000	100%	-
Other	631,245	688,382	109%	6,241	24,635	395%	27,616	442%	21,375
TOTAL RESOURCES	48,537,475	47,412,198	98%	54,587,100	46,329,552	85%	50,610,841	93%	(3,976,259)

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Administration Allocation	9,546,200	9,546,201	100%	11,474,916	5,734,260	50%	11,474,916	100%	-
Personnel Services	33,370,785	32,911,255	99%	37,998,825	29,257,761	77%	36,021,211	95%	1,977,614 H
Materials and Services	9,740,566	5,397,546	55%	11,393,406	6,098,077	54%	7,569,187	66%	3,824,219 I
Capital Outlay	160,250	234,772	147%	1,932,000	501,222	26%	678,185	35%	1,253,815 J
TOTAL REQUIREMENTS	52,817,801	48,089,773	91%	62,799,147	41,591,320	66%	55,743,499	89%	7,055,648

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In- OHP Mental Health	1,809,358	5,856	0%	3,962,859	-	0%	1,430,818	36%	(2,532,041)
Transfers In- General Fund	2,231,439	1,501,613	67%	2,088,273	-	0%	1,783,674	85%	(304,599) K
Transfers In- Acute Care Service	-	-		626,000	621,684	99%	621,684	99%	(4,316)
Transfers In- Sheriff's Office	-	-		30,000	30,000	100%	30,000	100%	-
Transfers Out	(481,000)	(562,749)	117%	(445,000)	(80,309)	18%	(80,309)	18%	364,691
TOTAL TRANSFERS	3,559,797	944,720	27%	6,262,132	571,375	9%	3,785,867	60%	(2,476,265)

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	3,989,589	4,679,830	117%	4,946,976	4,946,976	100%	4,946,976	100%	0
Resources over Requirements	(4,280,326)	(677,575)		(8,212,047)	4,738,231		(5,132,658)		3,079,389
Net Transfers - In (Out)	3,559,797	944,720		6,262,132	571,375		3,785,867		(2,476,265)
TOTAL FUND BALANCE	\$ 3,269,060	\$ 4,946,976	151%	\$ 2,997,062	\$ 10,256,582	342%	\$ 3,600,185	120%	\$603,124

- A** Projections include \$2M budgeted that is now in State Miscellaneous and adjustments for anticipated unearned revenue, including \$3M for Behavioral Health housing. Amounts will be finalized at fiscal year-end
- B** OHP enrollment tracking lower than budgeted.
- C** \$2M originally budgeted to be received in State Grant line for Secure Residential Treatment Facility.
- D** Projection includes adjustment for anticipated unearned revenue. Amounts will be finalized at fiscal year-end.
- E** Budget assumes approval of a one-year No Cost Extension for SAMHSA System of Care Grant that was denied. Projections remove award and related County General Fund match.
- F** Includes revenue for retroactive rate increase for Open Card members.
- G** Medicare tracking higher than budgeted.
- H** Personnel projections assume 6% vacancy. Includes continuation of paid internship program, which began in January 2024 and was not originally budgeted.
- I** \$3.6M budgeted for BH Housing in Grants. Of that, approximately \$900K projected for expenditure in FY25 purchasing under "capital outlay" for the purchase of a building to expand adult foster home capacity in the county. A decision on this item will be brought to the Commissioners during a future Executive Session.
- J** Original budget included tenant improvement costs for expansion at a new site in La Pine, which will not occur in FY25. Projected expenses primarily related to purchase and renovation of an Adult Foster Home with HB 5202 funds.
- K** Reduction in County General Fund related to no longer needing local match contribution of SAMHSA System of Care Grant, which ended August 2024.



Budget to Actuals Report

Health Services - Public Health - Fund 274

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
State Grant	5,630,131	5,884,742	105%	6,793,314	5,219,548	77%	7,480,664	110%	687,350 A
Environmental Health Fees	1,478,906	1,483,715	100%	1,637,892	1,599,055	98%	1,658,577	101%	20,685 B
State - Medicaid/Medicare	1,034,491	1,149,710	111%	1,587,117	897,943	57%	1,042,309	66%	(544,808) C
Other	421,126	1,470,335	349%	775,406	292,267	38%	502,773	65%	(272,633) D
State Miscellaneous	868,711	602,044	69%	468,636	358,942	77%	786,724	168%	318,088 E
OHP Capitation	-	117,506		360,000	290,672	81%	352,502	98%	(7,498)
Local Grants	218,951	639,098	292%	335,182	441,470	132%	552,862	165%	217,680 F
Vital Records	315,000	336,256	107%	318,000	279,279	88%	333,190	105%	15,190
Patient Fees	639,290	210,450	33%	185,651	102,710	55%	126,233	68%	(59,418)
Federal Grants	155,000	135,003	87%	162,746	118,572	73%	182,383	112%	19,637
State Shared- Family Planning	158,000	83,152	53%	75,000	29,140	39%	29,140	39%	(45,860) G
Interfund Contract- Gen Fund	-	-		42,000	-	0%	42,000	100%	-
OHP Fee for Service	20,250	32,173	159%	24,485	28,257	115%	36,884	151%	12,399
TOTAL RESOURCES	10,939,856	12,144,182	111%	12,765,429	9,657,855	76%	13,126,241	103%	360,812

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Administration Allocation	3,092,162	3,087,195	100%	3,776,417	1,878,242	50%	3,776,417	100%	-
Personnel Services	11,978,565	11,965,751	100%	12,936,888	10,170,911	79%	12,468,421	96%	468,467 H
Materials and Services	2,424,314	2,086,239	86%	2,928,582	1,343,066	46%	2,652,137	91%	276,445
Capital Outlay	143,500	255,731	178%	-	-		-		-
TOTAL REQUIREMENTS	17,638,541	17,394,916	99%	19,641,887	13,392,220	68%	18,896,975	96%	744,912

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In- General Fund	4,548,701	4,548,701	100%	5,130,442	-	0%	5,130,442	100%	-
Transfers In- OHP Mental Health	319,965	319,965	100%	303,304	-	0%	303,304	100%	-
Transfers In - TRT	368,417	368,417	100%	276,572	230,477	83%	276,572	100%	-
Transfers In - Video Lottery	-	-		250,000	250,000	100%	250,000	100%	-
Transfers Out	(551,500)	-	0%	(1,173,640)	(1,165,061)	99%	(1,165,061)	99%	8,579
TOTAL TRANSFERS	4,685,583	5,237,083	112%	4,786,678	(684,584)	-14%	4,795,257	100%	8,579

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	3,762,383	4,052,440	108%	4,038,789	4,038,789	100%	4,038,789	100%	0
Resources over Requirements	(6,698,685)	(5,250,734)		(6,876,458)	(3,734,364)		(5,770,734)		1,105,724
Net Transfers - In (Out)	4,685,583	5,237,083		4,786,678	(684,584)		4,795,257		8,579
TOTAL FUND BALANCE	\$ 1,749,281	\$ 4,038,789	231%	\$ 1,949,009	(\$ 380,159)	-20%	\$ 3,063,312	157%	\$1,114,303

- A** Awarded OHA Strategic Prevention Framework funding and additional Tobacco Prevention funding. Budget adjustment forthcoming (\$92K for FY25). Projections include adjustments to certain COVID-related CDC funding expenditure deadline changes. State grant amounts will be finalized at fiscal year-end.
- B** In September, Board approved an additional 8% fee increase effective October 1, 2024.
- C** Projections less than budget due to Reproductive Health Clinic closures as of October 1, 2024 and MAC funding originally budgeted in Medicaid, but actuals coming through as State Miscellaneous.
- D** Projection less than budget due to Opioid Settlement payments being directly received within Fund 001 as of July (392K originally budgeted) and state funding for Family Connects Oregon coming through state grant (additional 238K).
- E** Medicaid Administrative Claim (MAC) was originally budgeted in Medicaid, but actuals coming through as State Miscellaneous.
- F** Public Health received 2023 Quality Incentive Metric funds
- G** Projections less than budget due to Reproductive Health Clinic closures as of October 1, 2024.
- H** Personnel projection assumes an average of 2% vacancy.
- I** Opioid Settlement Funds transferring from Health Services to Fund 001



Budget to Actuals Report

Community Development - Fund 295

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%
Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Admin - Operations	157,300	148,681	95%	144,238	118,188	82%	141,060	98%	(3,178)
Code Compliance	1,124,181	840,865	75%	1,003,933	926,318	92%	1,088,433	108%	84,500 A
Building Safety	3,991,388	3,372,838	85%	3,414,568	2,766,658	81%	3,251,868	95%	(162,700) B
Electrical	902,175	796,598	88%	918,502	724,223	79%	886,502	97%	(32,000) B
Onsite Wastewater	923,880	909,862	98%	1,028,065	805,780	78%	949,957	92%	(78,108) B
Current Planning	2,304,562	1,708,739	74%	1,916,960	1,819,075	95%	2,175,860	114%	258,900 A
Long Range Planning	1,057,354	746,065	71%	974,972	985,647	101%	1,119,522	115%	144,550 A
TOTAL RESOURCES	10,460,840	8,523,648	81%	9,401,238	8,145,889	87%	9,613,202	102%	211,964

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Admin - Operations	3,241,288	2,955,422	91%	3,552,093	2,834,130	80%	3,460,651	97%	91,442 C
Code Compliance	743,931	655,434	88%	801,574	600,296	75%	759,776	95%	41,798 C
Building Safety	2,088,542	1,863,677	89%	2,133,076	1,577,143	74%	1,945,834	91%	187,242 C
Electrical	583,718	560,356	96%	612,818	499,926	82%	621,030	101%	(8,212)
Onsite Wastewater	865,670	732,454	85%	724,202	555,363	77%	696,300	96%	27,902 C
Current Planning	1,857,735	1,416,212	76%	1,410,470	1,034,851	73%	1,242,140	88%	168,330 C
Long Range Planning	888,677	714,855	80%	757,012	626,670	83%	781,514	103%	(24,502) C
TOTAL REQUIREMENTS	10,269,561	8,898,411	87%	9,991,245	7,728,380	77%	9,507,245	95%	484,000

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In - CDD Building Reserve	-	-		622,630	435,274	70%	576,522	93%	(46,108) D
Transfers In - CDD Electrical Reserve	86,721	50,027	58%	222,200	195,140	88%	219,181	99%	(3,019) D
Transfers In - CDD Operating Fund	510,105	47,445	9%	131,502	-	0%	-	0%	(131,502)
Transfers in - General Fund	100,000	48,181	48%	100,000	11,805	12%	50,000	50%	(50,000)
Transfers In - TRT	-	-		100,000	83,333	83%	100,000	100%	-
Transfers Out	(107,544)	(107,544)	100%	-	-		-		-
Transfers Out - CDD Reserve	(122,752)	(233,698)	190%	(267,000)	(796,500)	298%	(796,500)	298%	(529,500) E
TOTAL TRANSFERS	466,530	(195,589)	-42%	909,332	(70,947)	-8%	149,203	16%	(760,129)

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	1,317,921	1,322,717	100%	752,366	752,366	100%	753,666	100%	1,300
Resources over Requirements	191,279	(374,763)		(590,007)	417,509		105,957		695,964
Net Transfers - In (Out)	466,530	(195,589)		909,332	(70,947)		149,203		(760,129)
TOTAL FUND BALANCE	\$ 1,975,730	\$ 752,366	38%	\$ 1,071,691	\$ 1,098,928	103%	\$ 1,008,826	94%	(\$62,865)

A YTD revenue collection is higher than anticipated.

B YTD revenue collection is lower than anticipated due to reduced building valuations and permitting volumes.

C Net increases/decreases are the result of increased HBF costs, 2 new FTE, unfilled positions, FMLA savings and standard M&S adjustments.

D Transfer from reserves for one new FTE and contribution to contingency requirement.

E Transfer to reserves reduced general divisions contingency requirement.



Budget to Actuals Report

Road - Fund 325

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Motor Vehicle Revenue	20,648,483	21,099,991	102%	21,484,773	18,326,710	85%	21,484,773	100%	-
Federal - PILT Payment	2,240,000	2,394,054	107%	2,741,447	2,401,480	88%	2,401,480	88%	(339,967)
Other Inter-fund Services	1,450,015	1,574,821	109%	1,368,191	794,796	58%	1,796,806	131%	428,615
Cities-Bend/Red/Sis/La Pine	763,171	961,664	126%	988,063	314,942	32%	756,316	77%	(231,747)
Sale of Equip & Material	614,500	370,308	60%	486,300	295,691	61%	725,000	149%	238,700
Interest on Investments	138,031	195,226	141%	158,000	257,242	163%	303,000	192%	145,000
Federal Reimbursements	689,703	342,290	50%	137,000	-	0%	137,000	100%	-
Miscellaneous	73,808	70,690	96%	61,132	69,969	114%	80,472	132%	19,340
Mineral Lease Royalties	50,000	131,078	262%	50,000	179,852	360%	179,852	360%	129,852
Assessment Payments (P&I)	6,000	11,471	191%	5,000	2,241	45%	6,500	130%	1,500
IF Capital Projects - Revenue	-	-		-	121,966		121,966		121,966
TOTAL RESOURCES	26,673,711	27,151,594	102%	27,479,906	22,764,889	83%	27,993,165	102%	513,259

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	8,406,468	8,507,587	101%	9,556,843	7,572,577	79%	9,361,952	98%	194,891 ^A
Materials and Services	8,600,033	7,244,549	84%	9,992,969	6,532,252	65%	9,246,572	93%	746,397
Capital Outlay	118,260	53,591	45%	-	-		-		-
TOTAL REQUIREMENTS	17,124,761	15,805,727	92%	19,549,812	14,104,829	72%	18,608,524	95%	941,288

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers Out	(12,700,000)	(12,700,000)	100%	(10,720,695)	(6,405,029)	60%	(10,720,695)	100%	-
TOTAL TRANSFERS	(12,700,000)	(12,700,000)	100%	(10,720,695)	(6,405,029)	60%	(10,720,695)	100%	-

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	5,521,251	7,351,679	133%	5,997,546	5,997,546	100%	5,997,546	100%	(0)
Resources over Requirements	9,548,950	11,345,867		7,930,094	8,660,061		9,384,642		1,454,548
Net Transfers - In (Out)	(12,700,000)	(12,700,000)		(10,720,695)	(6,405,029)		(10,720,695)		-
TOTAL FUND BALANCE	\$ 2,370,201	\$ 5,997,546	253%	\$ 3,206,945	\$ 8,252,578	257%	\$ 4,661,492	145%	\$1,454,547

^A Projected Personnel savings based on FY24/FY25 average vacancy rate of 4.7%



Budget to Actuals Report

Adult P&P - Fund 355

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
DOC Grant in Aid SB 1145	4,116,464	4,143,196	101%	4,693,331	4,717,803	101%	4,717,803	101%	24,472 A
CJC Justice Reinvestment	943,172	1,103,019	117%	1,167,810	1,364,189	117%	1,364,189	117%	196,379 B
DOC Measure 57	256,815	259,307	101%	259,307	309,115	119%	309,115	119%	49,808 C
Interest on Investments	75,230	87,583	116%	73,000	105,630	145%	126,500	173%	53,500 D
Interfund- Sheriff	50,000	50,000	100%	60,000	50,000	83%	60,000	100%	-
Other Inter-fund Services	-	-	-	50,000	-	0%	30,000	60%	(20,000)
State Miscellaneous	22,607	116,078	513%	19,709	-	0%	19,709	100%	-
Miscellaneous	500	1,062	212%	500	18,306	999%	18,306	999%	17,806 E
Oregon BOPPPS	20,318	7,686	38%	-	12,632	-	12,632	-	12,632
Gen Fund/Crime Prevention	50,000	50,000	100%	-	-	-	-	-	-
Electronic Monitoring Fee	500	258	52%	-	-	-	-	-	-
TOTAL RESOURCES	5,535,606	5,818,189	105%	6,323,657	6,577,674	104%	6,658,254	105%	334,597

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	5,757,511	5,239,314	91%	6,387,456	4,560,695	71%	5,533,947	87%	853,509 F
Materials and Services	1,818,521	1,788,936	98%	1,984,229	1,406,394	71%	1,832,020	92%	152,209 G
TOTAL REQUIREMENTS	7,576,032	7,028,249	93%	8,371,685	5,967,090	71%	7,365,967	88%	1,005,718

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In- General Funds	536,369	601,369	112%	703,369	586,141	83%	703,369	100%	-
Transfers In- Health Services	50,000	-	0%	-	-	-	-	-	-
Transfer to Vehicle Maint	(75,419)	(75,419)	100%	(76,405)	(63,671)	83%	(76,405)	100%	-
TOTAL TRANSFERS	510,950	525,950	103%	626,964	522,470	83%	626,964	100%	-

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	3,000,000	3,010,934	100%	2,326,824	2,326,824	100%	2,326,824	100%	0
Resources over Requirements	(2,040,426)	(1,210,060)	-	(2,048,028)	610,584	-	(707,713)	-	1,340,315
Net Transfers - In (Out)	510,950	525,950	-	626,964	522,470	-	626,964	-	-
TOTAL FUND BALANCE	\$ 1,470,524	\$ 2,326,824	158%	\$ 905,760	\$ 3,459,878	382%	\$ 2,246,075	248%	\$1,340,315

- A** Final Grant In Aid Allocation based on legislative changes.
- B** Carry over from fiscal year 2024.
- C** Additional M57 funding provided to Deschutes County.
- D** Carry over from fiscal year 2024.
- E** Additional funding provided by parole board for hearings conducted by County staff.
- F** Projected Personnel savings based on FY24/FY25 average vacancy rate of 15.5%
- G** Materials and services projections based on current spending trends.



Budget to Actuals Report

Road CIP - Fund 465

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

Fiscal Year 2024			Fiscal Year 2025					
Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
1,704,116	2,342,101	137%	881,339	890,115	101%	890,115	101%	8,776
475,310	580,958	122%	476,000	486,210	102%	561,600	118%	85,600
-	28,774		-	-		-		-
2,179,426	2,951,833	135%	1,357,339	1,376,325	101%	1,451,715	107%	94,376

REQUIREMENTS

Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
132,770	132,770	100%	134,492	112,077	83%	134,492	100%	-
24,009,399	22,991,686	96%	16,189,012	4,558,684	28%	10,692,047	66%	5,496,965
24,142,169	23,124,456	96%	16,323,504	4,670,761	29%	10,826,539	66%	5,496,965

TRANSFERS

Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
12,500,000	12,500,000	100%	10,631,333	4,315,667	41%	9,086,662	85%	(1,544,671)
12,500,000	12,500,000	100%	10,631,333	4,315,667	41%	9,086,662	85%	(1,544,671)

FUND BALANCE

Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
19,012,380	23,347,907	123%	15,675,284	15,675,284	100%	15,675,284	100%	(0)
(21,962,743)	(20,172,623)		(14,966,165)	(3,294,435)		(9,374,824)		5,591,341
12,500,000	12,500,000		10,631,333	4,315,667		9,086,662		(1,544,671)
\$ 9,549,637	\$ 15,675,284	164%	\$ 11,340,452	\$ 16,696,515	147%	\$ 15,387,122	136%	\$4,046,670



Budget to Actuals Report
Road CIP (Fund 465) - Capital Outlay Summary by Project
FY25 YTD April 30, 2025

05/21/2025 Item #22.

83.33%
Year Completed

	Fiscal Year 2024			Fiscal Year 2025				
	Budget	Actuals	%	Budget	Actuals	%	Projection	\$ Variance
Hunnel Rd: Loco Rd to Tumalo Rd	2,693,318	2,544,568	94%		213,235		373,777	(373,777)
Powell Butte Hwy/Butler Market RB	1,950,000	1,551,099	80%	1,095,760	845,205	77%	853,208	242,552
Wilcox Ave Bridge #2171-03 Replacement	-	-		160,000	65,837	41%	135,000	25,000
Paving Tumalo Rd/Deschutes Mkt Rd		-		520,000	471,376	91%	527,518	(7,518)
Hamhook Rd Bridge #16181 Rehabilitation	380,000	367,224	97%	1,930,500	1,434,444	74%	1,791,900	138,600
NW Lower Bridge Way: 43rd St to Holmes Rd	159,140	105,726	66%	1,650,000	190,207	12%	300,000	1,350,000
Northwest Way: NW Coyner Ave to NW Altmeter Wy	-	-		85,000		0%	50,000	35,000
Tumalo Reservoir Rd: OB Riley to Sisemore Rd	180,000	197,240	110%	2,417,752	205,697	9%	418,600	1,999,152
Local Road Pavement Preservation	-	-		-			-	-
Paving Of Horse Butte Rd	-	-		630,000		0%	-	630,000
Paving Of Obr Hwy: Tumalo To Helmho	2,600,000	2,303,234		2,520,000	291,406	12%	291,406	2,228,594
La Pine Uic Stormwater Improvements	-	-		240,000		0%	240,000	-
S Century Dr / Spring River Rd Roun	10,000	244		1,650,000	628,202	38%	1,200,000	450,000
Burgess Rd/Day Rd Traffic Signal				50,000		0%	-	50,000
Powell Butte Hwy: McGrath Rd to US20				2,290,000	3,169	0%	2,900,000	(610,000)
Slurry Seal 2025				350,000	717	0%	490,000	(140,000)
Hamby Road School Zone Improvements				-	75,442		80,000	(80,000)
ODOT ARTS Program - Driver Speed Feedback Signs				24,161	24,161	100%	24,161	0
Lazy River Dr Mailbox Improvements				150,000	108,477	72%	108,477	41,523
Asphalt Leveling 2024				200,000	1,107	1%	363,000	(163,000)
Tumalo Rd							500,000	(500,000)
FY 23 Guardrail Improvements	-	-		-			-	-
Signage improvements				125,839		0%	-	125,839
Sidewalk Ramp Improvements		-		100,000		0%	45,000	55,000
TOTAL CAPITAL OUTLAY	\$ 7,972,458	\$ 7,069,335	89%	\$ 16,189,012	4,558,684	28%	10,692,047	\$ 5,496,965



Budget to Actuals Report

Solid Waste - Fund 610

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Franchise Disposal Fees	8,000,000	8,858,989	111%	9,940,000	8,443,792	85%	10,170,000	102%	230,000 A
Commercial Disp. Fee	3,310,000	3,984,563	120%	4,450,000	3,531,007	79%	4,195,000	94%	(255,000) A
Private Disposal Fees	3,450,000	3,236,947	94%	3,420,000	2,928,150	86%	3,625,000	106%	205,000 A
Special Waste	30,000	103,947	346%	645,000	137,860	21%	160,000	25%	(485,000) B
Franchise 5% Fees	565,000	646,761	114%	635,000	678,321	107%	750,000	118%	115,000 C
Yard Debris	400,000	456,528	114%	440,000	374,295	85%	450,000	102%	10,000 D
Miscellaneous	173,000	290,694	168%	170,000	157,075	92%	181,200	107%	11,200
Interest on Investments	60,410	147,126	244%	62,000	184,059	297%	213,100	344%	151,100 E
Recyclables	7,000	7,669	110%	7,000	13,916	199%	15,000	214%	8,000 F
Leases	1	1	100%	1	-	0%	1	100%	-
Other Inter-fund Services	-	-	-	-	20,000	-	20,000	-	20,000 G
Local Grants	-	-	-	-	19,660	-	19,660	-	19,660 G
TOTAL RESOURCES	15,995,411	17,733,226	111%	19,769,001	16,488,135	83%	19,798,961	100%	29,960
REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	4,108,983	3,967,708	97%	5,739,145	4,124,740	72%	5,274,668	92%	464,477 H
Materials and Services	7,683,911	7,307,004	95%	8,994,999	5,634,217	63%	8,007,955	89%	987,044 I
Capital Outlay	309,000	246,763	80%	282,000	90,226	32%	282,000	100%	-
Debt Service	2,302,640	2,302,520	100%	2,305,600	752,691	33%	2,305,600	100%	-
TOTAL REQUIREMENTS	14,404,534	13,823,996	96%	17,321,744	10,601,873	61%	15,870,223	92%	1,451,521
TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In - SW Capital & Equipment Reserve	910,000	-	0%	-	-	-	-	-	-
Transfers Out - SW Capital & Equipment Reserve	(2,613,962)	(2,613,962)	100%	(4,564,141)	(3,424,284)	75%	(4,564,141)	100%	-
TOTAL TRANSFERS	(1,703,962)	(2,613,962)	153%	(4,564,141)	(3,424,284)	75%	(4,564,141)	100%	-
FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	2,416,385	2,743,514	114%	4,038,781	4,038,781	100%	4,039,441	100%	660
Resources over Requirements	1,590,877	3,909,230	-	2,447,257	5,886,263	-	3,928,738	-	1,481,481
Net Transfers - In (Out)	(1,703,962)	(2,613,962)	-	(4,564,141)	(3,424,284)	-	(4,564,141)	-	-
TOTAL FUND BALANCE	\$ 2,303,300	\$ 4,038,781	175%	\$ 1,921,897	\$ 6,500,760	338%	\$ 3,404,038	177%	\$1,482,141

- A** Total disposal fee projections reflect management's best estimate of revenues to be collected. Disposal tons are typically higher in the summer with reductions in winter; fiscal YTD tons are running 5% greater than last year-to-date with a customer mix varying from budget.
- B** Special Waste revenue source is unpredictable and dependent on special clean-up projects of contaminated soil and asbestos; fiscal YTD is running less than budget for sweepings and overs.
- C** Franchise annual fees due April 15, 2025; received monthly installments from Republic and the annual payment from Cascade Disposal.
- D** Yard Debris revenue is seasonal with higher utilization in summer months; fiscal YTD volumes are running close to last year-to-date.
- E** Investment Income projected to come in higher than budget.
- F** Recyclables revenue is positively impacted by larger than anticipated scrap metal proceeds.
- G** Local Grants and Other Inter-fund Services include unbudgeted funds for an EventCycle Solutions grant and Risk reimbursement for Negus security, respectively.
- H** Personnel savings based on FY25 YTD average vacancy rate of 9.55% and multiple positions on leave. Factors recently filled 3 FTE Haz Waste positions and plan for limited duration leave coverage.
- I** Project timing for the siting efforts and hazardous waste building remodel are projected to move M&S costs to next fiscal year. Postponed regulatory fee increases and temporary reduced fuel prices are slated to positively impact costs.



Budget to Actuals Report

Fair & Expo - Fund 615

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Food & Beverage	991,000	1,565,820	158%	1,535,000	1,192,603	78%	1,472,000	96%	(63,000)
Events Revenue	1,050,000	979,919	93%	1,390,000	950,226	68%	1,120,000	81%	(270,000)
Rights & Signage	105,000	106,016	101%	110,000	70,300	64%	86,000	78%	(24,000)
Horse Stall Rental	100,000	74,925	75%	67,500	42,945	64%	78,000	116%	10,500 A
Storage	50,000	51,099	102%	45,000	-	0%	-	0%	(45,000)
Camping Fee	22,500	33,694	150%	37,500	23,480	63%	43,000	115%	5,500
Interest on Investments	22,000	24,619	112%	16,000	18,631	116%	20,200	126%	4,200
Miscellaneous	3,000	7,001	233%	5,000	21,335	427%	22,000	440%	17,000
TOTAL RESOURCES	2,343,500	2,843,093	121%	3,206,000	2,319,521	72%	2,841,200	89%	(364,800)

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	1,478,441	1,499,682	101%	1,851,584	1,310,225	71%	1,552,281	84%	299,303 B
Personnel Services - F&B	148,510	80,916	54%	187,439	28,244	15%	60,918	33%	126,521
Materials and Services	1,492,986	1,334,327	89%	1,917,689	1,040,331	54%	1,393,000	73%	524,689
Materials and Services - F&B	514,200	852,112	166%	781,750	717,099	92%	859,000	110%	(77,250)
Debt Service	100,190	100,139	100%	99,700	50,519	51%	99,700	100%	-
TOTAL REQUIREMENTS	3,734,327	3,867,176	104%	4,838,162	3,146,418	65%	3,964,899	82%	873,263

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In - Room Tax	1,009,023	988,867	98%	963,000	802,500	83%	1,008,279	105%	45,279
Transfers In - County Fair	-	-	-	196,900	164,083	83%	196,900	100%	-
Transfers In - Park Fund	30,000	30,000	100%	30,000	25,000	83%	30,000	100%	-
Transfers Out	(163,342)	(10,777)	7%	(10,777)	(8,981)	83%	(10,777)	100%	-
TOTAL TRANSFERS	875,681	1,008,090	115%	1,179,123	982,603	83%	1,224,402	104%	45,279

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	547,763	547,764	100%	531,770	531,770	100%	531,770	100%	0
Resources over Requirements	(1,390,827)	(1,024,083)	-	(1,632,162)	(826,897)	-	(1,123,699)	-	508,463
Net Transfers - In (Out)	875,681	1,008,090	115%	1,179,123	982,603	83%	1,224,402	104%	45,279
TOTAL FUND BALANCE	\$ 32,617	\$ 531,770	999%	\$ 78,731	\$ 687,475	873%	\$ 632,473	803%	\$553,742

A Cascade Futurity's horse stall rental was billed \$30,000 after the event based on usage (billed but not yet received).

B Projected Personnel savings based on FY24/FY25 average vacancy rate of 26.27%



Budget to Actuals Report

Annual County Fair - Fund 616

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025				
	Budget	Actuals	%	Budget	Actuals	%	Projection	% \$ Variance
Concessions and Catering	790,000	834,968	106%	797,500	831,939	104%	832,576	104% 35,076
Gate Receipts	775,000	1,046,188	135%	780,000	923,260	118%	923,260	118% 143,260
Carnival	430,000	245,809	57%	430,000	468,142	109%	468,142	109% 38,142
Commercial Exhibitors	118,200	114,091	97%	115,000	137,741	120%	137,741	120% 22,741
Fair Sponsorship	92,500	69,967	76%	99,000	125,150	126%	125,150	126% 26,150
State Grant	53,167	53,167	100%	53,167	53,802	101%	53,803	101% 636
Rodeo Sponsorship	30,000	35,452	118%	30,000	41,330	138%	44,811	149% 14,811
Interest on Investments	13,500	25,831	191%	23,000	21,780	95%	26,500	115% 3,500
R/V Camping/Horse Stall Rental	17,250	31,255	181%	18,500	35,982	194%	35,982	194% 17,482
Merchandise Sales	2,500	1,899	76%	2,500	1,608	64%	1,608	64% (892)
Livestock Entry Fees	2,000	1,940	97%	2,000	3,139	157%	3,139	157% 1,139
Miscellaneous	-	39		-	-		-	-
TOTAL RESOURCES	2,324,117	2,460,606	106%	2,350,667	2,643,872	112%	2,652,711	113% 302,044

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	% \$ Variance
Personnel Services	226,531	189,056	83%	229,798	198,545	86%	242,945	106% (13,147) A
Materials and Services	2,356,325	2,249,042	95%	2,442,103	2,359,791	97%	2,428,057	99% 14,046
TOTAL REQUIREMENTS	2,582,856	2,438,099	94%	2,671,901	2,558,336	96%	2,671,002	100% 899

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	% \$ Variance
Transfer In - TRT 1%	75,000	75,000	100%	75,000	62,500	83%	75,000	100% -
Transfers Out	(109,503)	(109,503)	100%	-	-		-	-
Transfer Out - Fair & Expo	-	-		(196,900)	(164,083)	83%	(196,900)	100% -
TOTAL TRANSFERS	(34,503)	(34,503)	100%	(121,900)	(101,583)	83%	(121,900)	100% -

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	% \$ Variance
Beginning Fund Balance	521,447	521,447	100%	509,451	509,451	100%	509,451	100% (0)
Resources over Requirements	(258,739)	22,507		(321,234)	85,536		(18,291)	302,943
Net Transfers - In (Out)	(34,503)	(34,503)		(121,900)	(101,583)		(121,900)	-
TOTAL FUND BALANCE	\$ 228,205	\$ 509,451	223%	\$ 66,317	\$ 493,403	744%	\$ 369,260	557% \$302,943

A Projected Personnel based on overage to date



Budget to Actuals Report

Annual County Fair - Fund 616

CY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

	Fair 2024	Fair 2025 Actuals to Date	2025 Projection
RESOURCES			
Gate Receipts	\$ 926,552	\$ -	\$ 950,000
Carnival	468,142	-	455,000
Commercial Exhibitors	463,575	-	454,500
Livestock Entry Fees	3,139	-	3,450
R/V Camping/Horse Stall Rental	35,788	-	30,000
Merchandise Sales	1,608	-	2,250
Concessions and Catering	506,742	-	507,500
Fair Sponsorship	147,752	(3,290)	170,500
TOTAL FAIR REVENUES	\$ 2,553,296	\$ (3,290)	\$ 2,573,200
OTHER RESOURCES			
State Grant	635	53,167	106,334
Interest	27,388	5,761	21,761
Miscellaneous	-	-	-
TOTAL RESOURCES	\$ 2,581,319	\$ 55,638	\$ 2,701,295
REQUIREMENTS			
Personnel	222,365	79,708	210,485
Materials & Services	2,524,960	36,363	2,308,281
TOTAL REQUIREMENTS	\$ 2,747,324	\$ 116,071	\$ 2,518,766
TRANSFERS			
Transfer In - TRT 1%	75,000	25,000	75,000
Transfer Out - F&E Reserve	(54,753)	-	-
Transfer Out - Fair & Expo	(98,450)	(65,633)	(65,633)
TOTAL TRANSFERS	\$ (78,203)	\$ (40,633)	\$ 9,367
Net Fair	\$ (244,209)	\$ (101,067)	\$ 191,896
Beginning Fund Balance on Jan 1	\$ 1,020,140	\$ 775,931	\$ 775,931
Ending Balance	\$ 775,931	\$ 674,865	\$ 967,827



Budget to Actuals Report

Fair & Expo Capital Reserve - Fund 617

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Interest on Investments	64,800	94,239	145%	88,000	110,838	126%	130,500	148%	42,500
Miscellaneous	-	130,809		-	94,112		94,112		94,112
TOTAL RESOURCES	64,800	225,047	347%	88,000	204,950	233%	224,612	255%	136,612
REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Materials and Services	343,555	274,247	80%	475,000	160,475	34%	475,000	100%	-
Capital Outlay	746,445	191,682	26%	785,000	31,257	4%	785,000	100%	-
TOTAL REQUIREMENTS	1,090,000	465,928	43%	1,260,000	191,732	15%	1,260,000	100%	-
TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In - TRT 1%	462,119	453,481	98%	442,396	368,663	83%	461,801	104%	19,405
Transfers In - Fund 165	100,000	100,000	100%	150,000	150,000	100%	150,000	100%	-
Transfers In - Fair & Expo	152,565	-	0%	-	-		-		-
Transfers In - Annual County Fair	109,503	109,503	100%	-	-		-		-
TOTAL TRANSFERS	824,187	662,984	80%	592,396	518,663	88%	611,801	103%	19,405
FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	2,592,838	2,757,229	106%	3,179,332	3,179,332	100%	3,179,332	100%	(0)
Resources over Requirements	(1,025,200)	(240,881)		(1,172,000)	13,218		(1,035,388)		136,612
Net Transfers - In (Out)	824,187	662,984		592,396	518,663		611,801		19,405
TOTAL FUND BALANCE	\$ 2,391,825	\$ 3,179,332	133%	\$ 2,599,728	\$ 3,711,213	143%	\$ 2,755,745	106%	\$156,017

A Capital Outlay appropriations are a placeholder should viable projects be recommended and approved for construction



Budget to Actuals Report

RV Park - Fund 618

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
RV Park Fees < 31 Days	500,000	479,680	96%	450,000	348,095	77%	448,000	100%	(2,000)
RV Park Fees > 30 Days	12,500	21,682	173%	15,000	12,278	82%	12,278	82%	(2,722)
Interest on Investments	2,300	8,447	367%	8,000	9,944	124%	12,200	153%	4,200
Cancellation Fees	7,000	13,820	197%	7,000	24,151	345%	25,000	357%	18,000
Washer / Dryer	5,000	5,575	112%	5,000	5,434	109%	6,000	120%	1,000
Miscellaneous	2,500	4,335	173%	2,500	1,701	68%	2,400	96%	(100)
Vending Machines	1,500	1,352	90%	1,500	806	54%	1,100	73%	(400)
TOTAL RESOURCES	530,800	534,892	101%	489,000	402,409	82%	506,978	104%	17,978

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	91,328	92,389	101%	159,210	124,124	78%	155,099	97%	4,111
Materials and Services	303,173	202,217	67%	344,054	168,474	49%	269,000	78%	75,054
Debt Service	222,630	222,596	100%	223,600	168,624	75%	223,600	100%	-
TOTAL REQUIREMENTS	617,131	517,201	84%	726,864	461,222	63%	647,699	89%	79,165

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In - Park Fund	160,000	160,000	100%	160,000	133,333	83%	160,000	100%	-
Transfers In - TRT Fund	20,000	20,000	100%	20,000	16,667	83%	20,000	100%	-
Transfer Out - RV Reserve	(51,564)	(51,564)	100%	(122,142)	(101,785)	83%	(122,142)	100%	-
TOTAL TRANSFERS	128,436	128,436	100%	57,858	48,215	83%	57,858	100%	-

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	93,115	166,640	179%	312,766	312,766	100%	312,766	100%	(0)
Resources over Requirements	(86,331)	17,690		(237,864)	(58,814)		(140,721)		97,143
Net Transfers - In (Out)	128,436	128,436		57,858	48,215		57,858		-
TOTAL FUND BALANCE	\$ 135,220	\$ 312,766	231%	\$ 132,760	\$ 302,167	228%	\$ 229,903	173%	\$97,143



Budget to Actuals Report

RV Park Reserve - Fund 619

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

Fiscal Year 2024			Fiscal Year 2025					
Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
34,300	45,518	133%	45,000	49,480	110%	58,200	129%	13,200
34,300	45,518	133%	45,000	49,480	110%	58,200	129%	13,200

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Materials and Services	100,000	37,958	38%	100,000	-	0%	100,000	100%	-
Capital Outlay	74,000	7,294	10%	70,000	-	0%	70,000	100%	-
TOTAL REQUIREMENTS	174,000	45,252	26%	170,000	-	0%	170,000	100%	-

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfer In - RV Park Ops	51,564	51,564	100%	122,142	101,785	83%	122,142	100%	-
TOTAL TRANSFERS	51,564	51,564	100%	122,142	101,785	83%	122,142	100%	-

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	1,372,453	1,469,559	107%	1,521,389	1,521,389	100%	1,521,389	100%	0
Resources over Requirements	(139,700)	266		(125,000)	49,480		(111,800)		13,200
Net Transfers - In (Out)	51,564	51,564		122,142	101,785		122,142		-
TOTAL FUND BALANCE	\$ 1,284,317	\$ 1,521,389	118%	\$ 1,518,531	\$ 1,672,654	110%	\$ 1,531,731	101%	\$13,200

A Capital Outlay appropriations are a placeholder



Budget to Actuals Report

Risk Management - Fund 670

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Workers' Compensation	1,111,585	1,158,078	104%	1,116,950	977,009	87%	1,116,950	100%	-
General Liability	935,832	935,832	100%	943,414	786,178	83%	1,040,000	110%	96,586 A
Property Damage	418,028	418,028	100%	419,983	349,986	83%	419,983	100%	-
Unemployment	439,989	348,407	79%	362,214	341,169	94%	362,214	100%	- B
Interest on Investments	200,000	274,605	137%	254,000	235,554	93%	281,300	111%	27,300
Vehicle	226,710	226,710	100%	250,030	208,358	83%	250,030	100%	-
Skid Car Training	10,000	45,839	458%	30,000	40,728	136%	40,728	136%	10,728
Claims Reimbursement	369,959	429,840	116%	20,000	-	0%	10,000	50%	(10,000)
Process Fee- Events/ Parades	2,000	1,595	80%	2,000	1,265	63%	2,000	100%	-
Miscellaneous	200	2,700	999%	200	88,568	999%	88,568	999%	88,368 C
TOTAL RESOURCES	3,714,303	3,841,634	103%	3,398,791	3,028,815	89%	3,611,773	106%	212,982

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Workers' Compensation	1,880,000	1,933,625	103%	2,000,000	1,882,145	94%	2,150,000	108%	(150,000)
General Liability	1,200,000	994,706	83%	1,500,000	747,572	50%	1,100,000	73%	400,000
Insurance Administration	714,197	672,304	94%	799,487	653,952	82%	815,816	102%	(16,329)
Vehicle	400,000	299,851	75%	700,000	189,739	27%	500,000	71%	200,000
Property Damage	300,250	474,866	158%	400,255	329,668	82%	420,000	105%	(19,745)
Unemployment	250,000	127,637	51%	200,000	75,887	38%	140,000	70%	60,000
Clerk	-	-	-	-	584	999%	-	-	-
TOTAL REQUIREMENTS	4,744,447	4,502,990	95%	5,599,742	3,879,548	69%	5,125,816	92%	473,926

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers Out - IT	(32,000)	(22,328)	70%	-	-	-	-	-	-
Transfers Out - IT Reserve	(118,000)	(118,000)	100%	-	-	-	-	-	-
Transfers Out - Claims Reimbursement	(349,959)	(349,959)	100%	-	-	-	-	-	-
Transfers Out - Vehicle Replacement	(3,500)	(3,500)	100%	(4,500)	(3,750)	83%	(4,500)	100%	-
TOTAL TRANSFERS	(503,459)	(493,787)	98%	(4,500)	(3,750)	83%	(4,500)	100%	-

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	8,000,000	9,323,307	117%	8,168,164	8,168,164	100%	8,168,164	100%	(0)
Resources over Requirements	(1,030,144)	(661,356)	-	(2,200,951)	(850,732)	-	(1,514,043)	-	686,908
Net Transfers - In (Out)	(503,459)	(493,787)	-	(4,500)	(3,750)	-	(4,500)	-	-
TOTAL FUND BALANCE	\$ 6,466,397	\$ 8,168,164	126%	\$ 5,962,713	\$ 7,313,681	123%	\$ 6,649,621	112%	\$686,908

A Includes reimbursement from State for higher general liability insurance related to aid and assist.

B Unemployment collected on first \$25K of employee's salary in fiscal year

C Revenue from State of Oregon for additional layer of excess general liability insurance related to liability related to "aid and assist" population.



Budget to Actuals Report

Health Benefits - Fund 675

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Internal Premium Charges	25,899,034	26,288,364	102%	35,507,169	27,360,247	77%	35,507,169	100%	- A
COIC Premiums	1,963,363	2,228,565	114%	3,091,915	2,338,432	76%	3,091,915	100%	- A
Employee Co-Pay	1,247,416	1,406,479	113%	1,556,257	1,303,798	84%	1,556,257	100%	-
Retiree / COBRA Premiums	1,019,288	1,041,989	102%	1,061,802	680,367	64%	1,061,802	100%	-
Claims Reimbursement & Other	124,944	317,060	254%	800,000	1,340,401	168%	1,341,250	168%	541,250 B
Prescription Rebates	280,000	382,550	137%	626,446	515,369	82%	626,446	100%	-
Interest on Investments	120,000	208,021	173%	211,200	233,846	111%	280,000	133%	68,800
TOTAL RESOURCES	30,654,045	31,873,028	104%	42,854,789	33,772,460	79%	43,464,839	101%	610,050
REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Health Benefits	29,797,663	27,285,660	92%	32,172,026	21,746,498	68%	32,172,026	100%	- C
Deschutes On-Site Pharmacy	4,287,997	5,355,286	125%	4,942,177	3,067,655	62%	4,942,177	100%	- D
Deschutes On-Site Clinic	1,415,279	1,356,819	96%	1,600,661	979,135	61%	1,600,661	100%	-
Wellness	186,274	123,528	66%	104,230	34,306	33%	104,230	100%	- E
TOTAL REQUIREMENTS	35,687,213	34,121,294	96%	38,819,094	25,827,594	67%	38,819,094	100%	-
TOTAL	-	-		-	-		-		-
FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	6,107,743	6,107,998	100%	3,859,732	3,859,732	100%	3,859,732	100%	(0)
Resources over Requirements	(5,033,168)	(2,248,266)		4,035,695	7,944,866		4,645,745		610,050
Net Transfers - In (Out)	-	-		-	-		-		-
TOTAL FUND BALANCE	\$ 1,074,575	\$ 3,859,732	359%	\$ 7,895,427	\$ 11,804,598	150%	\$ 8,505,477	108%	\$610,050

- A** The original budget anticipated a 15% increase in Health Benefits Premiums for departments. However, due to higher-than-expected claims in FY24 and projected claim growth in FY25, an additional 15% increase was applied starting August 1, 2024. This resulted in a total increase of 30% compared to FY24
- B** Budget estimate is based on claims which are difficult to predict
- C** The revised budget and projection anticipates higher claims than what was originally budgeted.
- D** The revised budget and projection reflects savings from the formulary change recommended by the EBAC.
- E** The revised budget and projection reflects savings from removing the Wellness program as recommended by the EBAC.
- F** Deschutes County Administrative Policy No. F-13 sets forth the appropriate level of reserves. The reserve is comprised of two parts: 1) Claims Reserve at 1.5 times the valuation amount, and 2) Contingency Reserve at 150% of the value of the Claims Reserve. The level of reserve is set at \$8 million (\$3.2 million claim reserve and \$4.8 million contingency reserve requirements). The reserve requirement amount should be compared to the Total Fund Balance amount in this report.



Budget to Actuals Report

911 - Fund 705 and 710

FY25 YTD April 30, 2025 (unaudited)

05/21/2025 Item #22.

83.3%

Year Complete

RESOURCES

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Property Taxes - Current Yr	10,932,000	11,024,163	101%	11,556,000	11,206,186	97%	11,493,915	99%	(62,085) A
Telephone User Tax	1,827,530	1,950,780	107%	1,800,500	971,418	54%	1,800,500	100%	- B
Interest on Investments	312,321	462,829	148%	426,000	496,964	117%	572,400	134%	146,400
Police RMS User Fees	244,435	255,485	105%	255,000	274,257	108%	280,000	110%	25,000 C
Contract Payments	167,765	172,636	103%	179,300	178,234	99%	179,300	100%	-
User Fee	148,820	151,203	102%	148,600	157,106	106%	160,000	108%	11,400
Data Network Reimbursement	145,852	107,080	73%	106,500	119,919	113%	125,000	117%	18,500
State Reimbursement	93,000	97,500	105%	93,000	85,448	92%	93,000	100%	- D
Property Taxes - Prior Yr	90,000	108,215	120%	90,000	108,040	120%	110,000	122%	20,000
Property Taxes - Jefferson Co.	40,500	40,915	101%	42,500	39,416	93%	42,500	100%	-
Miscellaneous	32,100	34,304	107%	36,500	34,012	93%	36,500	100%	-
TOTAL RESOURCES	14,034,323	14,405,107	103%	14,733,900	13,670,999	93%	14,893,115	101%	159,215

REQUIREMENTS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	9,032,045	8,712,047	96%	10,237,093	7,748,732	76%	9,611,126	94%	625,967
Materials and Services	4,250,715	3,275,322	77%	4,267,026	2,834,075	66%	4,267,026	100%	-
Capital Outlay	1,831,000	1,440,223	79%	2,750,500	1,299,197	47%	2,750,500	100%	-
TOTAL REQUIREMENTS	15,113,760	13,427,592	89%	17,254,619	11,882,004	69%	16,628,652	96%	625,967

TRANSFERS

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In	1,950,000	-	0%	515,000	515,000	100%	515,000	100%	-
Transfers Out	(1,950,000)	-	0%	(515,000)	(515,000)	100%	(515,000)	100%	-
TOTAL TRANSFERS	-	-	-	-	-	-	-	-	-

FUND BALANCE

	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	13,202,343	13,393,950	101%	14,371,465	14,371,465	100%	14,371,465	100%	0
Resources over Requirements	(1,079,437)	977,515		(2,520,719)	1,788,996		(1,735,537)		785,182
Net Transfers - In (Out)	-	-		-	-		-		-
TOTAL FUND BALANCE	\$ 12,122,906	\$ 14,371,465	119%	\$ 11,850,746	\$ 16,160,461	136%	\$ 12,635,928	107%	\$785,182

A Current year taxes received primarily in November, February and May; actual FY24-25 TAV is 4.64% over FY23-24 vs. 5.2% budgeted.

B Telephone tax payments are received quarterly

C Invoices are mailed in the Spring

D State GIS reimbursements are received quarterly