



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, MAY 28, 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 an Intergovernmental Agreement with the City of Sisters for the provision of law enforcement services by DCSO
2. Approval of an amendment to the Intergovernmental Agreement with the City of La Pine regarding the provision of law enforcement services by DCSO
3. Approval of a lease agreement with Coppertop, LLC for the Terrebonne substation of the Deschutes County Sheriff's Office
4. Consideration of Board Signature on letter thanking Erin Gage Fitzpatrick, for service on the Public Health Advisory Board
5. Consideration of Board Signature on letter thanking Lore Christopher, for service on the Historic Landmarks Commission
6. Approval of the minutes of the April 23 and April 30, 2025 BOCC meetings
7. Approval of the May 16, 2025 BOCC Legislative Delegation Update and Legislative Update minutes

ACTION ITEMS

- [8.](#) **9:05 AM** Public Hearing: Consideration of extending the Deschutes County Rural Renewable Energy Development Zone

- [9.](#) **9:25 AM** Public Hearing: Clear and Objective Housing Text Amendments regarding Title 17 — Subdivisions
- [10.](#) **10:25 AM** Public Hearing: Clear and Objective Housing Text Amendments – Goal 5 (Title 18)
- [11.](#) **11:10 AM** Upper Deschutes Watershed Council Service Partner Year-end Update
- [12.](#) **11:25 AM** Extension of a 1.0 limited duration FTE position to support the Forensic and Acute Services Program for an additional 12 months
- [13.](#) **11:35 AM** PacificSource Health Related Social Needs Capacity Building Grant Application
- [14.](#) **11:45 AM** Courthouse Expansion Update

LUNCH RECESS

Continued ACTION ITEMS

- [15.](#) **1:00 PM** Deliberations: A Plan Amendment and Zone Change for Bend Park and Recreation District involving approximately 279 acres located southeast of the City
- [16.](#) **2:00 PM** Community Development Department Fiscal Year 2025-26 Work Plan / Deliberation
- [17.](#) **2:15 PM** Estimated timeline to address a Code Enforcement violation issued by Deschutes County Community Development Department associated with County-owned property in East Redmond
- [18.](#) **2:35 PM** Work Session: Fee for Issuing Transient Lodging Tax Certificates of Authority
- [19.](#) **2:55 PM** EDCO request for letter of support / Central Oregon Innovation Hub
- [20.](#) **3:05 PM** Western Rivers Conservancy request for letter supporting BLM's funding request to the Department of the Interior (Paulina Meadows / Little Deschutes River land acquisition)

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.

21. Executive Session under ORS 192.660 (2) (d) Labor Negotiations

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Approval of an Intergovernmental Agreement with the City of Sisters for the provision of law enforcement services by DCSO

RECOMMENDED MOTION:

Approval of Document No. 2025-193, an Intergovernmental Agreement for the provision of law enforcement services to the City of Sisters by the Deschutes County Sheriff's Office.

BACKGROUND AND POLICY IMPLICATIONS:

Since 2020, DCSO has provided a designated law enforcement unit in the City of Sisters. This IGA will continue the provision of these services to the City.

BUDGET IMPACTS:

The City of Sisters will compensate the County at the rate of \$88,040 per month for the agreed-upon services.

ATTENDANCE:

Aaron Wells, Undersheriff

William Bailey, Captain

Jessica Vanderpool, Management Analyst

REVIEWED

LEGAL COUNSEL

**INTERGOVERNMENTAL AGREEMENT
FOR LAW ENFORCEMENT SERVICES
CITY OF SISTERS
DESCHUTES COUNTY DOCUMENT #2025-193**

This Intergovernmental Agreement for Law Enforcement Services (this “Agreement”) is made effective for all purposes as of the Effective Date (as defined below) and is entered into between Deschutes County (“County”), a political subdivision of the State of Oregon, acting by and through Deschutes County Sheriff’s Office (“Sheriff”), and City of Sisters (“City”), an Oregon municipal corporation.

- A. City desires to contract with Sheriff for law enforcement services within its boundaries; and
- B. Sheriff agrees to provide the law enforcement and related services set forth in this Agreement (collectively, the “Services”), which law enforcement services will be consistent with those law enforcement services provided throughout County; and
- C. Sheriff and City are committed to community policing principles and will partner to provide superior public safety and services to City’s citizens in accordance with City input and Sheriff’s customer service philosophy; and
- D. ORS 190.010 authorizes Sheriff and City to enter into this Agreement.

It is agreed as follows:

1. Duration

- 1.1. **Effective Date.** This Agreement will be deemed binding and effective on July 1, 2025, or the date this Agreement is fully executed by the parties, whichever is later (the “Effective Date”).
- 1.2. **Term; Termination.**
 - 1.2.1. The term of this Agreement will commence on July 1, 2025. Unless extended or terminated earlier in accordance with its terms, this Agreement shall terminate at 11:59 p.m. on June 30, 2030 (the “Term”). Subject to the terms and conditions contained in this Agreement, this Agreement may be terminated by either party upon 180 days’ prior written notice to the other party; provided, however, neither party may terminate (unilaterally) this Agreement prior to June 30, 2028, unless such termination is “for cause” under Section 1.2.2. The Term may be extended only by the parties’ mutual written agreement.
 - 1.2.2. Either party may terminate this Agreement (for cause) immediately upon notice to the other party upon the occurrence of any of the following events: (a) continuous and/or repeated documented problems occur in connection with the other party’s performance of its obligations under this Agreement; and/or (b) the other party breaches and/or otherwise fails to perform any of such other party’s representations, warranties, covenants, and/or obligations contained in this Agreement.
 - 1.2.3. Prior to a party’s termination of this Agreement for cause under Section 1.2.2, the non-defaulting party will provide the alleged defaulting party prior written notice of the alleged default (the “Default Notice”), which Default Notice will specify with

reasonable particularity the default the non-defaulting party believes exists. Commencing on the alleged defaulting party's receipt of the Default Notice, the alleged defaulting party will have ten (10) days within which to cure or remedy the alleged default(s) (the "Cure Period"); provided, however, if the nature of the default(s) is such that it cannot be completely remedied or cured within the Cure Period, there will not be a default by the alleged defaulting party under this Agreement if the alleged defaulting party begins correction of the default within the Cure Period and thereafter proceeds with reasonable diligence to effect the remedy as soon as practicable.

- 1.2.4. Notwithstanding anything contained in this Agreement to the contrary, termination of this Agreement shall not (a) affect any obligations or liabilities accrued prior to such termination, and/or (b) constitute a waiver or termination of any rights, claims, and/or causes of action the non-defaulting party may have against the defaulting party.

2. Statement of Work

- 2.1. In addition to all other Sheriff obligations under this Agreement, Sheriff agrees to:
 - 2.1.1. Provide all law enforcement services within the corporate limits of City. Sheriff shall perform duties and functions of the type customarily provided by Sheriff, including, but not limited to response to calls for service, patrol in City's corporate limits, traffic enforcement, criminal investigation and apprehension of criminal suspects, and enforcement of City's municipal code and ordinances pertaining to health and safety violations. Enforcement of City's municipal code and ordinances pertaining to health and safety violations shall be mutually determined by Sheriff and City's city manager (or their respective designees). Sheriff will perform all Services subject to and in conformance with applicable laws and standards and practices generally accepted within the Oregon law enforcement profession, including, but not limited to, those imposed under and/or promulgated by Oregon Department of Public Safety Standards and Training ("DPSST"). To the fullest extent permitted by applicable law, fines, penalties, fees, and/or revenues generated in connection with Sheriff's performance of the Services, including enforcement of City's municipal code and ordinances, are payable to City. Sheriff releases its interest in any revenues generated by applicable fines, penalties, and fees and such revenues will be paid to City by the court of appropriate jurisdiction.
 - 2.1.2. Be responsible for standards of performance and discipline of all Sheriff personnel performing the Services, and matters in the performance of the law enforcement services. Sheriff is responsible for submitting all reports and documents to Deschutes County District Attorney's Office and all other appropriate governing courts, jurisdictions or agencies.
 - 2.1.3. Provide City a monthly report of releasable information consistent with Oregon law and Sheriff's practices, and all other information reasonably requested by City (in coordination with the Lieutenant (as defined below)), of all law enforcement activities, including number of deputy dispatches, number of traffic stops and results, and number of arrests and violations performed by Sheriff

within City's incorporated limits. A quarterly report will be provided on current and year-to-date expenditures for salaries and overtime benefits.

- 2.1.4. At least once per month during the Term, Lieutenant will attend Council meetings to provide a report on Sheriff's law enforcement services. Sheriff reserves the right to send a designee in the Lieutenant's place.
- 2.1.5. Sheriff will furnish and provide, at Sheriff's cost and expense, all labor, supervision, materials, vehicles, equipment (including cell phones and applicable data plans), radio communication facilities, computers (including software and email addresses), and supplies necessary or appropriate to perform the Services (the parties acknowledge that the compensation payable by City to Sheriff under this Agreement is intended to compensate Sheriff for all such costs and expenses). Sheriff will be solely responsible for obtaining Sheriff's own benefits and providing such benefits to Sheriff personnel, including, but not limited to, insurance, medical reimbursements, and retirement plans. Notwithstanding anything contained in this Agreement to the contrary, Sheriff employees assigned to City will remain employees of Sheriff; City will not be deemed a joint employer of Sheriff's employees. Sheriff personnel are not entitled to any benefits which accrue to employees of City, including, unemployment benefits, contributions to the Public Employee Retirement System, workers' compensation insurance, medical insurance, dental insurance, and life and disability insurance.
- 2.1.6. Provide fully equipped patrol vehicles that include the standard Deschutes County Sheriff's Office markings and City's emblem. The parties will mutually agree to the form, content, and size of the additional markings for all City designated patrol vehicles. Sheriff will maintain City designated patrol cars in good and operable appearance and condition and will pay for all patrol vehicle maintenance, repairs, and insurance (and will be responsible for all vehicle damage).
- 2.1.7. During the Term, Sheriff will assign one lieutenant (the "Lieutenant") to serve as Sheriff's primary contact for purposes of communication and coordination with City concerning the Services. Sheriff will assign the Lieutenant subject to and in accordance with the assignment procedures under Section 2.1.8. Lieutenant will directly supervise assigned Sheriff deputies. Lieutenant will remain accessible and responsive to City; provided, however, the overtime rate will apply if Lieutenant is required to respond to a City request for assistance outside Lieutenant's regularly scheduled hours. If the city manager reasonably determines necessary, and approved by the Sheriff (or designee), Lieutenant will (a) attend and participate in City management (department head) meetings, and (b) attend and participate in official City functions, celebrations, commissions, community meetings, and other functions. Subject to the terms and conditions contained in this Agreement, the city manager may provide input to Lieutenant concerning the Services, including input concerning the following: (x) enforcement priorities and City goals; (y) involvement in community events (e.g. National Night Out), neighborhood meetings, dedications, and similar events; and (z) coordinating the scheduling of assigned deputies.

- 2.1.8.** In addition to the Lieutenant, Sheriff will provide three DPSST certified regular fully commissioned Sheriff deputies to perform the Services in accordance with **Exhibit A**. Sheriff will employ and assign the Lieutenant and three regular deputies Sheriff is required to provide under this Agreement. At the request of the City and mutual agreement with the Sheriff, there is an option to amend this agreement to add a fourth deputy under the terms provided in **Exhibit B**. Sheriff may assign volunteer reserve deputies to provide certain Services to support Sheriff's regular deputies on a limited basis, consistent with Sheriff's then-existing practices and procedures, and as Sheriff determines reasonably necessary; provided, however, City will not pay Sheriff any compensation for the Services performed by reserve deputies under this Agreement. City is permitted to participate in the personnel selection process for deputies and Lieutenant assigned to City and Sheriff will consider City's input. Sheriff will provide recommended applicants for any vacant positions for City's review and consideration. City will provide input as to the selection of deputies and Lieutenant through its city manager. Assigned deputies and Lieutenant will remain in the position, consistent with Sheriff's special assignment rotational positions. Sheriff will provide replacement law enforcement personnel in a manner intended to ensure uninterrupted Services. In the event of a vacant position and after a period of sixty (60) calendar days, compensation for the position will be calculated on a pro-rated basis as found in **Exhibit A**. If a position remains vacant for sixty (60) calendar days, the City may request to have the Sheriff initiate a reassignment of a deputy to fill the vacancy. Filling a vacant position due to deputy reassignment, assignment rotation, promotion, retirement, or discipline is a priority to the Sheriff's Office and every attempt will be made to fill a vacant position under these circumstances within 60 days. If a deputy is on protective leave including FMLA, OFLA, Paid Leave Oregon, Workers' Compensation or is on administrative leave due to a Critical Incident or other circumstances of extended leave the position will be evaluated on a case-by-case basis, with both parties coming to a mutually agreed-upon decision and timeline to temporarily reassign a deputy to the position.
- 2.1.9.** Subject to the terms and conditions contained in this Agreement, Sheriff will provide additional deputies for special events or unusual or special circumstances, and subject to the terms and conditions contained in this Agreement, City will pay Sheriff in accordance with **Exhibit A** of this Agreement (which may include overtime compensation, if applicable). City and Lieutenant will determine scheduling of overtime.
- 2.1.10.** The Lieutenant, or other designee, will provide the City with an Annual Report for law enforcement services in the City. The Annual Report will review the prior year's work and the goals, objectives, and service priorities for the upcoming year. The Lieutenant will present the Annual Report to the City Council on or about the end of February.

- 2.2.** City grants full municipal law enforcement authority to Sheriff to the fullest extent permitted under applicable law.

3. Compensation

- 3.1. In consideration of Sheriff's performance of the Services in accordance with this Agreement, City shall pay Sheriff the amounts set forth in Section 3.2. Such payments shall be paid quarterly, no later than the 15th of January, April, July and October.
- 3.2. Commencing on the Effective Date, City will pay Sheriff the amount(s) identified in the attached **Exhibit A**. Commencing on July 1, 2026, and continuing on the same day each year thereafter until July 1, 2030, the quarterly compensation payable by City under this Agreement for deputy compensation (not "support" costs) will escalate (increase) by six percent (6%) and support costs will increase by five percent (5%) over the quarterly compensation payable during the immediately preceding twelve-month period. Excepting the additional compensation identified in **Exhibit A** and Supporting Numbers 6, and 7, total compensation payable by City for Sheriff's performance of Services will not exceed those amounts identified in **Exhibit A** each fiscal year (July 1-June 30) (subject to the annual escalation adjustment provided under this Section 3.2) without the parties' prior written consent. If the parties agree to amend this agreement to add a fourth deputy as provided in 2.1.8, the amount payable will be determined by **Exhibit B** with payment prorated if implemented after the start of a quarter. Notwithstanding anything contained in this Agreement to the contrary, no later than March 1, 2028, the parties will review this Agreement to determine whether any changes or modifications to the compensation payable by City under Section 3 are necessary or appropriate, including, but not limited to, continuation of the annual escalation provided under this Section 3.2 for the remaining two years of the Term.

4. Independent Contractors; No Partnership

- 4.1. Sheriff is an independent contractor of City. Sheriff (and its personnel) is not an employee of City. Subject to the terms and conditions contained in this Agreement, Sheriff will be free from direction and control over the means and manner of performing the Services. This Agreement does not establish a joint venture or partnership between City and Sheriff.
- 4.2. City will not withhold any taxes from any payments made to Sheriff. Sheriff will be solely responsible for paying all taxes arising out of or resulting from Sheriff's performance of the Services, including, but not limited to, income, social security, workers' compensation, and employment insurance taxes for all deputies, Lieutenant, and all other Sheriff personnel. Sheriff will be solely responsible for obtaining all licenses, approvals, and certificates necessary or appropriate to perform the Services. Each party will obtain and maintain workers' compensation insurance covering the party's employees in form and amount sufficient to satisfy the requirements of applicable Oregon law.

5. Constraints

- 5.1. This Agreement is subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated. Any provisions herein which would conflict with law are inoperative.

6. Insurance; Indemnification

- 6.1. City will obtain and maintain insurance policies that provide adequate coverages for all risks normally insured against by the party. Sheriff is self-insured through Deschutes County and will maintain insurance coverage with limits no less than those limits identified in the attached **Exhibit C**.

- 6.2. To the fullest extent permitted by law, each party (the “Indemnifying Party”) will defend, indemnify, and hold the other party (the “Indemnified Party”) and the Indemnified Party’s officers, employees, agents, and representatives harmless for, from, and against all claims, demands, actions, suits, damages, liabilities, costs, and expenses, including, but not limited to, attorney fees and costs, arising out of or related to the following: (a) the Indemnifying Party’s (and/or its officers, deputies, employees, agents, and/or representatives) performance of its obligations under this Agreement (including, but not limited to, performance of the Services in the case of Sheriff); and/or (b) the Indemnifying Party’s breach and/or failure to perform such Indemnifying Party’s representations, warranties, obligations, and/or covenants under this Agreement; and (c) the Indemnifying Party’s negligent or otherwise wrongful conduct. The Indemnified Party will promptly notify the Indemnifying Party of a claim. The Indemnifying Party will have the right to retain counsel of its choosing and will control the defense and settlement of the claim; provided, however, the Indemnifying Party will not have the right to make any settlement or take any other action which may be deemed to confess wrongdoing by the Indemnified Party, could reasonably be expected to have a negative effect on the Indemnified Party, and/or provide for injunctive or other non-monetary relief adverse to the continuing interest of the Indemnified Party without the Indemnified Party’s prior written consent.

7. Non-Discrimination

- 7.1. Both parties agree that no person shall, on the grounds of race, color, national origin, gender, religion, marital status, family relationship, sexual orientation, or age, suffer discrimination in the performance of this Agreement. Each party will comply with Title VI of the Civil Rights Act of 1964, with Section V of the Rehabilitation Act of 1973, and with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Additionally, each party shall comply with the American with Disabilities Act of 1990, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.

8. Arbitration Required and Attorney Fees; Applicable Law

- 8.1. Any dispute or claim that arises out of or that relates to this Agreement, or the interpretation, breach, or default thereof, or to the existence, scope or validity of this Agreement, shall be resolved by arbitration by filing a claim with Arbitration Service of Portland, Inc. Judgment upon the award rendered pursuant to such arbitration may be entered in Deschutes County Circuit Court. If suit or action is brought, or an arbitration proceeding is initiated, to enforce or interpret any of the provisions of this Agreement, or that arise out of or relate to this Agreement, the prevailing party shall be entitled to reasonable attorney fees and costs. The determination of the prevailing party and the amount of the reasonable attorney fees and costs to be paid to the prevailing party shall be decided by the arbitrator.
- 8.2. This Agreement will be construed, applied, and enforced in accordance with the laws of the State of Oregon. Any action or proceeding arising out of this Agreement will be litigated in courts located in Deschutes County, Oregon. Each party consents and submits to the jurisdiction of any local, state, or federal court located in Deschutes County, Oregon. This Agreement may be signed in counterparts.

9. Assignment; Notices

- 9.1. This Agreement is binding on each party, its successors, assigns, and legal representatives, and may not, under any circumstance, be assigned or transferred by either party.
- 9.2. Any notice required under this Agreement must be in writing. Any notice will be deemed given when personally delivered or delivered by email transmission (with electronic confirmation of delivery), or will be deemed given three days following delivery of the notice by U.S. mail, certified, return receipt requested, postage prepaid, by the applicable party to the address of the other party first shown above (or any other address that a party may designate by notice to the other party), unless that day is a Saturday, Sunday, or legal holiday, in which event it will be deemed delivered on the next following business day.

10. No Waiver; Severability; Remedies

- 10.1. The failure to enforce any provision of this Agreement shall not constitute a waiver by either party to that or any other provision of this Agreement. Any changes or modifications to this Agreement require the parties’ mutual written agreement.
- 10.2. Each provision contained in this Agreement will be treated as a separate and independent provision. The unenforceability of any one provision will in no way impair the enforceability of any other provision contained herein. Any reading of a provision causing unenforceability will yield to a construction permitting enforcement to the maximum extent permitted by applicable law.
- 10.3. This Agreement contains the entire agreement and understanding between the parties with respect to the subject matter of this Agreement and contains all the terms and conditions of the parties’ agreement and supersedes any other oral or written negotiations, discussions, representations, and/or agreements. Neither party may assign any of the party’s rights and/or obligations under this Agreement to any person without the prior written consent of the other party. Subject to the immediately preceding sentence, this Agreement will be binding on the parties and their respective heirs, executors, administrators, successors, and permitted assigns and will inure to their benefit. All exhibits, schedules, instruments, and other documents referenced in this Agreement are part of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be binding and effective for all purposes as of the Effective Date.

DESCHUTES COUNTY SHERIFF’S OFFICE:

Kent van der Kamp, Sheriff

Dated this ____ day of _____ 2025

DESCHUTES COUNTY BOARD OF COMMISSIONERS:

Anthony DeBone, Chair

Patty Adair, Vice Chair

Phil Chang, Commissioner

ATTEST:

Dated this ____ day of _____ 2025

Recording Secretary

CITY OF SISTERS:

Jordan Wheeler, City Manager

Dated this ____ day of _____ 2025

CITY COUNCIL FOR THE CITY OF SISTERS:

Jennifer Letz, Mayor

Sarah McDougall, Council President

Michael Preedin, Councilor

Gary Ross, Councilor

Cheryl Pellerin, Councilor

Dated this ____ day of _____ 2025

City of Sisters - Law Enforcement Services Rates

# in position		Hours (annually)	Dollars Per Hour	Tot Hrs	Annual Expense
3	Deputies	2,080	93.79	6,240	585,250
0.667	Lieutenant	2,080	137.66	1,387	190,888
	Total			7,627	776,138

Support

1	Administrative Costs - Sisters Station	112,956
2	Vehicle Usage Costs - Mileage and Maintenance	63,000
3	Communications / Dispatch	7,164
4	Annual Cost of 4 Vehicles (<i>spread over 4-year life</i>)	69,374
5	General, Property, and Legal Liability Costs	27,850
	Total Support	280,344

TOTAL FIXED CONTRACT AMOUNT

\$ 1,056,482 = \$ 88,040 per month

6	Add'l Shift Coverage outside of assigned law enforcement	15,000
7	OT: Deputy = \$116.30/hr; Lt. = \$182.21/hr	50,000
	TOTAL POTENTIAL CONTRACT AMOUNT (NTE)	1,121,482

City of Sisters - Law Enforcement Services Rates

# in position		Hours (annually)	Dollars Per Hour	Tot Hrs	Annual Expense
4	Deputies	2,080	93.79	8,320	780,333
0.667	Lieutenant	2,080	137.66	1,387	190,888
	Total			9,707	971,221

Support

1	Administrative Costs - Sisters Station	114,456
2	Vehicle Usage Costs - Mileage and Maintenance	78,750
3	Communications / Dispatch	8,955
4	Annual Cost of 4 Vehicles (spread over 4-year life)	86,718
5	General, Property, and Legal Liability Costs	36,092
	Total Support	324,970

TOTAL FIXED CONTRACT AMOUNT

\$ 1,296,191 = \$ 108,016 per month

6	Add'l Shift Coverage outside of assigned law enforcement	15,000
7	OT: Deputy = \$116.30/hr; Lt. = \$182.21/hr	50,000
	TOTAL POTENTIAL CONTRACT AMOUNT (NTE)	1,361,191



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Approval of an amendment to the Intergovernmental Agreement with the City of La Pine regarding the provision of law enforcement services by DCSO

RECOMMENDED MOTION:

Move approval of Document No. 2025-438, an amendment to the Intergovernmental Agreement (2023-343) with the City of La Pine regarding the provision of for law enforcement services by the Deschutes County Sheriff's Office.

BACKGROUND AND POLICY IMPLICATIONS:

Under this amendment, DCSO will continue to provide law enforcement services to La Pine as described in IGA 2023-343.

BUDGET IMPACTS:

The City of La Pine will provide the following compensation to the County for law enforcement services: \$284,055 for the first year of the agreement, \$301,099 for the second year, and \$319,165 for the third year.

ATTENDANCE:

Aaron Wells, Undersheriff

William Bailey, Captain

Jessica Vanderpool, Management Analyst

REVIEWED

LEGAL COUNSEL

DOCUMENT NO. 2025-438
INTERGOVERNMENTAL AGREEMENT
FOR LAW ENFORCEMENT SERVICES
CITY OF LA PINE
AMENDING DESCHUTES COUNTY DOCUMENT NO. 2023-343

THAT CERTAIN AGREEMENT, Deschutes County Contract No. 2023-343 dated July 1, 2022, by and between DESCHUTES COUNTY, a political subdivision of the State of Oregon, by and through its Sheriff’s Office, herein after referred to as (“Sheriff”) and the City of La Pine, a municipal corporation of the State of Oregon, hereinafter referred to as (“City”), is amended, effective upon signing of all parties on July 1, 2025, whichever occurs later, as set forth below. Except as provided herein, all other provisions of the contract remain the same and in full force.

The above-listed contract is amended and extended pursuant to its terms under 1.3 Extension as follows:

- **Duration**
1.1. Effective Date. This agreement is effective July 1, 2025, and terminates at 11:59 p.m. on June 30, 2028, unless terminated sooner under Section 1.2 of this agreement.
- **Compensation**
3.2 In the contract year beginning July 1, 2025, the City agrees to pay \$284,055; beginning July 1, 2026, the City agrees to pay \$301,099; and beginning July 1, 2027, the City agrees to pay \$319,165. (Years two and three of this contract each includes a planned 6% cost increase. See Attachment A for additional details). Attachment A is attached and incorporated herein which replaces the attachment from 2023-343.

FOR THE CITY OF LA PINE:

Jeannine Earls, Mayor

Dated this ____ day of _____ 2025

ATTEST:

Geoff Wullschlager, City Manager

Dated this ____ day of _____ 2025

DESCHUTES COUNTY SHERIFF’S OFFICE:

Kent van der Kamp, Sheriff

Dated this ____ day of _____ 2025

DESCHUTES COUNTY BOARD OF COMMISSIONERS:

Dated this _____ of _____, 2025

ANTHONY DeBONE, CHAIR

PATTI ADAIR, VICE CHAIR

ATTEST:

Recording Secretary

PHIL CHANG, COMMISSIONER

City of La Pine - Law Enforcement Services Rates

# in position		Hours (annually)	Dollars Per Hour	Tot Hrs	Annual Expense
1	Deputies	2,080	85.33	2,080	177,486
0.50	Lieutenant	2,080	102.47	1,040	106,569
TOTAL FIXED CONTRACT AMOUNT				3,120	284,055

	Year 1 - 25/26	Year 2 - 26/27	Year 3 - 27/28
Personnel - LT	\$106,569	\$112,963	\$119,741
Personnel - DP	\$177,486	\$188,136	\$199,424
Total Fixed	\$284,055	\$301,099	\$319,165
Fixed per qtr	\$71,014	\$75,275	\$79,791
Deputy OT Rate	\$103.75	\$109.98	\$116.58
Lieutenant OT	\$129.36	\$137.12	\$145.35

6% Increase each year



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Approval of a lease agreement with Coppertop, LLC for the Terrebonne substation of the Deschutes County Sheriff's Office

RECOMMENDED MOTION:

Approval of Document No. 2025-238, a lease agreement between the Sheriff's Office and Coppertop, Inc. for the DCSO's Terrebonne Substation.

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes County Sheriff's Office has leased this space for over fifteen years. The lease provides 1,911 square feet of office space at 8154 - 11th Street to the Sheriff's Office to assist in providing service at the north end of Deschutes County. The original Lessor, Derryl Ferguson, has passed away and the Lessor is now Coppertop, LLC.

BUDGET IMPACTS:

\$2,388.75 /month for the term of the lease with the option to renew for an additional year with a 3% increase in rent.

ATTENDANCE:

William Bailey, Captain, DCSO

**SHERIFF'S OFFICE TERREBONNE SUBSTATION
REAL PROPERTY LEASE
DOCUMENT # 2025-238**

THIS LEASE made and entered into by and between COPPERTOP, LLC, Lessor, and DESCHUTES COUNTY, a political subdivision of the State of Oregon, herein called "Lessee,"

The Lessor owns real property known as 8154 11th Street, Suite 3 located in Terrebonne, Oregon 97760, hereinafter called the "leased real property" and generally described as follows:

Approximately 1,911 square feet of office space in the south end of the office building, with two dedicated front entrances and two rear entrances and with two dedicated parking spaces in the front of the building and all the parking available at the rear of the building.

In consideration of the mutual covenants and agreements herein contained, and for other good and valuable consideration, the Lessor and the Lessee agree as follows:

1. TERM AND RENEWAL. The term of this Lease shall commence as of August 1, 2025, and continue through July 31, 2026, with the option to renew for an additional (1) one year period upon the agreement of both parties.
2. TERMINATION. This Lease may be terminated by either party upon ninety (90) days written notice to each other.
3. POSSESSION. Lessee's right to possession and obligations under the Lease shall continue uninterrupted, except as otherwise provided herein.
4. CONDITION OF PROPERTY. Lessor covenants and represents that it has full right, power, and authority to enter into this Lease for the term herein granted and that the leased real property may be used by the Lessee during the entire term for the purposes herein set forth. Lessor further covenants that the leased real property meets all current local, state and federal codes, ordinances, regulations and laws relating to the occupancy and use of said real property.
5. RENT. Lessee shall pay to Lessor, Coppertop, LLC, as basic rent, the sum of Two Thousand, Three Hundred, and Eighty-Eight Dollars, and Seventy-Five Cents (\$2,388.75) per month until July 31, 2026. If the parties agree to extend the lease for another year, there will be a 3% increase in rent for the term of August 1, 2026, through July 31, 2027, or the sum of Two Thousand, Four Hundred, Sixty Dollars, and Forty Cents (\$2,460.40).

Rent shall be prorated for any partial month of occupancy.

Rent shall be payable on the first day of each month without notice or demand to Coppertop LLC at 4230 NE Knickerbocker, Redmond, Oregon 97756 or at such other place as may be designated in writing by Lessor. The basic rent payable on said real property reflects a standard market rental rate within the Terrebonne, Oregon real estate market, with consideration given to tax savings which offsets the basic rental rate. Said rent amount

reflects the savings on real property taxes accruing by way of real property tax exemptions obtained by Lessee, pursuant to ORS 307.112.

6. TAXES. Lessor shall be responsible for all real property taxes and assessments on the real property.
7. SECURITY DEPOSIT. No security deposit shall be required as a condition of this Lease.
8. ADDITIONAL RENT. As additional rent, Lessee shall pay the following amounts:
 - a. Charges for heating and electricity. All other utilities are paid by the Lessor.
 - b. All amounts which Lessee is required to reimburse Lessor for expenses incurred by Lessor in discharging Lessee's obligations, pursuant to this Lease.
9. PERMITTED USE. The real property shall be used for office space and office related functions, consistent with applicable ordinances of Deschutes County, and for no other purpose.
10. RESTRICTIONS ON USE. In connection with the use of the real property, Lessee shall:
 - a. Obtain Lessor's written approval in advance of any placement of signs, development plans, layout plans, construction, reconstruction, or alteration of improvements, or revision of layout or construction plans for the real property.
 - b. Occupy the improvements, structures and real property in a manner consistent with reasonable standards of orderliness, neatness, sanitation, and safety acceptable to Lessor, and shall not allow solid wastes to accumulate on the real property.
 - c. Conform to all applicable laws and regulations of any public authority affecting the real property and the use of said real property and correct at Lessee's own expense any failure of compliance created exclusively through the fault of Lessee and not related to or caused by a defect, deficiency or condition of said real property which predated the execution of this Lease.
 - d. Exercise diligence in protecting from damage the real property and property of Lessor covered by and used in connection with this Lease.
 - e. Refrain from the disposal, spilling or discharging of any oil, gasoline, diesel fuel, chemicals, wood waste products, or other pollutants on the leased real property. In the event of such spills, Lessee shall undertake any and all necessary actions further described in section 15 to contain and remove such pollution from the leased real property.
11. LESSOR'S OBLIGATIONS. The following shall be the responsibility of the Lessor's:

At all times during this lease:

- a. Provide and pay for all utilities except Lessee is responsible for payment of heating and electric charges.
 - b. Maintain fire and general casualty insurance coverage for all structures on the leased real property, naming Coppertop, LLC as additional insured.
 - c. Arrange for and deliver to the real property, water, sewage, electrical and other utility services reasonably necessary for utilization of the real property.
 - d. Repair and maintain the building and real property in a safe, functional and attractive condition.
 - e. Maintain existing landscaping and parking lot, including snow removal, in a neat, orderly and attractive condition.
 - f. If any signage is installed for the building, provide sufficient signage space for the public to be notified of Lessee's location.
12. LESSEE'S OBLIGATIONS. The following shall be the responsibility of the Lessee:
- a. Any repairs necessitated by the negligence of Lessee, his agents, employees and invitees.
 - b. Pay Lessor for any damage resulting from negligence or from the violation of the terms of this Lease.
13. INSPECTION OF REAL PROPERTY. Lessor shall have the right to inspect the real property in the Lessee's presence at any reasonable time or times and in a non-disruptive manner after giving reasonable notice.
14. ENVIRONMENTAL POLLUTION. The provisions of this section supplement other Lease provisions that might be applied concerning Lessor and Lessee's obligations, responsibilities and liabilities for environmental pollution, present and future, and for compliance with the laws, regulations or orders of any governmental agency concerning environmental pollution, present and future, on the real property. To the extent that the provisions of this section conflict with any such other provisions, the provisions of this section shall control.

Where terms of this section use terms that are found in applicable state and federal environmental pollution laws, those terms shall have the same meaning as they have in those state and federal laws.

Lessor covenants that the real property does not now contain any amounts of hazardous, toxic, radioactive or other substances for which a property owner or operator may be made liable under state or federal environmental pollution or health and safety laws. Accordingly, Lessor agrees that as between the Lessor and Lessee, Lessor will assume responsibility and liability as set forth below in the removal and indemnification provision for any release or discharge of hazardous, toxic, radioactive or other dangerous substances regulated under state or federal pollution control laws which occurred prior to Lessee's possession of the leased real property.

Except as undertaken in the ordinary course of conducting its business, Lessee agrees that during the term of this Lease, Lessee will not generate, store, process or dispose of or release or discharge into the environment hazardous, toxic, radioactive or other dangerous substances on or about the leased real property in any amount, nor will Lessee allow such prohibited activities to take place on the leased property during the Lease term.

Lessee agrees to report, contain and remove in conformance with applicable state and federal law any releases of hazardous, toxic, radioactive or other substances regulated under state or federal pollution control laws that are found to have been introduced to the leased real property by Lessee during the term of this Lease or any releases of such materials found off the real property that originated from the real property during the Lease term and to be responsible for the cost of removal of such substances.

Lessor agrees to indemnify, defend and hold the County, its officers, agents and employees harmless from and against any claims, demands, causes of action or suits for damages, reimbursement or any other cost of compliance, including, but not limited to, remedial action costs, removal costs, natural resources damages, penalties, punitive damages, interest costs, attorney fees and damages of any kind to third parties, arising from the discharge, release or threatened release on or in the leased real property of any hazardous, toxic or radioactive substances occurring prior to the term of this Lease.

The obligations, responsibilities and liabilities of this section are continuing obligations, responsibilities and liabilities and shall not be extinguished by the termination of this Lease.

15. PARTIAL TAKING. If a portion of the leased real property is condemned and the paragraph entitled "Total Taking" does not apply, the Lease shall continue on the following terms:
- a. Lessor shall be entitled to all of the proceeds of condemnation and Lessee shall have no claim against Lessor as a result of the condemnation. However, Lessee shall be entitled to any and all relocation proceeds.
 - b. Lessor shall proceed as soon as reasonably possible to make such repairs and alterations to the real property as reasonably practicable to return the real property to its condition existing at the time of the condemnation. The Lessor may, but shall not be required to, perform alterations prior to the actual taking after the portion to be taken has been finally determined. Rent shall be abated to the extent the real property is untenable during the period of alteration and repair.
 - c. After the date on which title vests in the condemning authority or an earlier date on which alterations or repairs are commenced by Lessor to restore the balance of the property in anticipation of taking, the rent shall be reduced commensurately with the reduction in value of the leased real property as an economic unit on account of the partial taking. If the parties are unable to agree upon the amount of the reduction of rent, the amount shall be determined by arbitration.
 - d. If a portion of the Lessor's real property not included in the leased real property is taken and severance damages are awarded on account of the leased real property, or

an award is made for detriment to the leased real property as a result of change of grade of adjacent streets or other activity by a public body not involving a physical taking of any portion of the land, this shall be regarded as a partial condemnation of which subparagraphs (A) and (C) of "Partial Taking" above apply, and the rent shall be reduced to the extent of diminution of value of the real property as though a portion had been physically taken.

16. TOTAL TAKING. If a condemning authority takes all the leased real property or a portion sufficient to render the real property reasonably unsuitable for the use, which the Lessee was then making of the real property, the Lease shall terminate as of the date the title vests in the condemning authority. Termination as described herein shall not impair Lessee's right to relocation assistance benefits.
17. SALE IN LIEU OF CONDEMNATION - DEDICATION TO THE PUBLIC. Sale of all or part of the leased real property to a purchaser with the power of eminent domain in the face of a threat or probability of the exercise of the power shall be treated for the purpose of this Paragraph as a taking by condemnation. Dedication to the public, sale, or transfer of all or a portion of the real property of Lessor to a municipal corporation, the State of Oregon or United States of America, shall be treated as a total or partial taking, as applicable.
18. LIENS.
 - a. Except with respect to activities for which the Lessor is responsible, the Lessee shall pay as due all claims for work done on and for services rendered or material furnished to the leased real property and shall keep the real property free from any liens related to Lessee's occupation of the leased real property. If Lessee fails to pay any such claims or to discharge any lien, Lessor may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of nine per cent (9%) per annum from the date expended by Lessor and shall be payable on demand. Such action by Lessor shall not constitute a waiver of any right or remedy, which Lessor may have on account of Lessee's default.
 - b. Lessee may withhold payment of any claim in connection with a good faith dispute over the obligation to pay, so long as Lessor's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Lessee shall, within thirty (30) days after knowledge of the filing, secure the discharge of the lien or deposit with Lessor cash or a sufficient corporate surety bond or other surety satisfactory to Lessor in an amount sufficient to discharge the lien plus any costs, attorney fees and other charges that could accrue as a result of a foreclosure or sale under a lien.
19. LIABILITY INSURANCE. The liability of Lessee as a self-insured political subdivision of the State of Oregon is governed by the provisions of Oregon Revised Statutes. Lessee shall not be obligated to provide additional or supplementary liability insurance coverage.
20. ASSIGNMENT AND SUBLEASE. The Lessee may sublease the use of the real property covered under this Lease in accordance with the terms and provisions of this Lease subject to the written consent of the Lessor, which shall not be unreasonably withheld, conditioned or delayed.

21. DEFAULT. The following shall be events of default:
- a. Failure of Lessee to pay any rent or other charge within ten (10) days after it is due.
 - b. Failure of either Lessor or Lessee to comply with any term or condition or fulfill any obligation of the Lease within thirty (30) days after written notice by the other party specifying the nature of the default with reasonable particularity. If the default is in such a nature that it cannot be completely remedied within the thirty (30) day period, this provision shall be complied with if the defaulting party begins correction of the default within the thirty (30) day period and thereafter proceeds with reasonable diligence and in good faith to affect the remedy as soon as practicable.
22. REMEDIES ON DEFAULT.
- a. In the event of default, the Lease may be terminated at the option of the party not in default by notice in writing to the defaulting party. The notice may be given at any time after the grace period for default given under the paragraph entitled "Default." If the property is abandoned by Lessee in connection with a default, termination shall be automatic and without notice.
 - b. The foregoing remedies shall be in addition to, and shall not exclude, any other remedy available to either party under applicable law.
23. PERSONAL PROPERTY.
- a. All personal property placed upon the leased real property during the term by Lessee shall remain the property of Lessee except as otherwise provided herein.
 - b. Upon abandonment, termination, revocation, or cancellation of this Lease, the Lessee shall remove, within a reasonable time, all personal property. If Lessee fails to remove all or part of such personal property within thirty (30) days, then they shall become the property of Lessor.
24. SURRENDER OF LEASED REAL PROPERTY. Upon abandonment, termination, revocation or cancellation of this Lease, the Lessee shall surrender the real property to Lessor in the same condition as the real property was on the date of possession. With Lessor's approval, Lessee may leave site improvements authorized by any land use permit. Lessee's obligation to observe and perform this covenant shall survive the expiration or the termination of the Lease.
25. NOTICES. Any notice by Lessee to Lessor or Lessor to Lessee must be served by certified or registered mail, postage prepaid, addressed to the other at the address given below or at such other address as either may designate by written notice.

LESSOR:

Coppertop, LLC
 Tonya Lunsford, Managing Member
 4230 NE Knickerbocker
 Redmond, OR 97756

LESSEE:

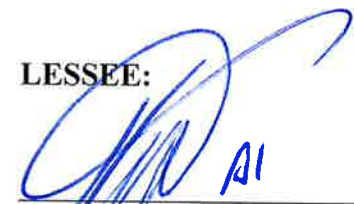
Kent van der Kamp, Sheriff
 Deschutes County Sheriff's Office
 63333 W. Highway 20
 Bend, Oregon 97703

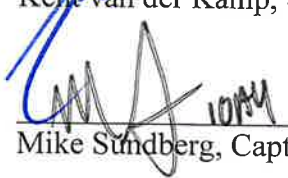
26. NON-WAIVER. Waiver by either party of strict performance of any provision of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
27. PARTNERSHIP. Lessee is not by virtue of this Lease a partner or joint venturer with Lessor in connection with activities carried on under this Lease, and shall have no obligation with respect to Lessor's debts or any other liabilities of each and every nature.
28. AGENCY. It is agreed by and between the parties, that neither party is carrying out a function on behalf of the other party, and neither party has the right of direction or control of the other parties' business under this Lease nor shall either party exercise any control over the activities of the other party.
29. LAND USE PERMIT. This Lease does not constitute a land use permit, nor does acceptance of this Lease by Lessee constitute approval of any legislative or quasi-judicial action required as a condition precedent to use of the land for the intended purpose.
30. LESSOR'S RIGHT TO CURE DEFAULTS. If the Lessee fails to perform any obligations under this Lease, the Lessor shall have the option to do so after thirty (30) days written notice to the Lessee. All of the Lessor's expenditures to correct the default shall be reimbursed by the Lessee on demand with interest at the rate of nine per cent (9%) per annum from the date of expenditures by the Lessor. This provision shall not be construed as placing any obligation upon Lessor to perform obligations assigned to Lessee herein.
31. NON-APPROPRIATION. In the event sufficient funds shall not be appropriated for the payment of rent required to be paid under this Lease, and if Lessee has not funds legally available for rent from other sources, then Lessee may terminate this Lease. If this Lease is to be terminated by reason of non-appropriation of funds, Lessee shall give Lessor 90 days advance written notice of the date of termination. Any termination hereunder shall coincide with the beginning of the Lessee's fiscal year.
32. ARBITRATION REQUIRED AND ATTORNEYS' FEES: Any dispute or claim that arises out of or that relates to this agreement, or to the interpretation, breach, or default thereof, or to the existence, scope or validity of this agreement or the arbitration agreement, shall be resolved by arbitration in accordance with the then arbitration rules of and by filing a claim with Arbitration Service of Portland, Inc., and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. In the event suit or action is brought, or an arbitration proceeding is initiated, to enforce or interpret any of the provisions of this agreement, or that arise out of or relate to this agreement, the prevailing party shall be entitled to reasonable attorney's fees in connection therewith. The determination of who is the prevailing party and the amount of the reasonable attorney's fees to be paid to the prevailing party shall be decided by the arbitrator(s), with respect to attorney's fees incurred prior to and during the arbitration proceedings, and by the court or courts, including any appellate court, in which such matter is tried, heard, or decided, including a court that hears a request to compel or stay litigation or that hears any exceptions or objections to, or requests to modify, correct, or vacate, an arbitration award submitted to it for confirmation as a judgment.

33. TIME IS OF THE ESSENCE. Time is of the essence of each and every provision of this Lease.
34. SEVERABILITY. The parties agree that if any term or provision of this Lease is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Lease did not contain the particular term or provision held to be invalid.
35. AUTHORITY. The signatories to this agreement covenant that they possess the legal authority to bind their respective principals to the terms, provisions and obligations contained within this agreement.

LESSOR: _____
COPPERTOP, LLC

Date

LESSEE:  AI

Kent van der Kamp, Sheriff
 10/24

Mike Sundberg, Captain

BOARD OF COUNTY COMMISSIONERS
FOR DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PATTI ADAIR, Vice Chair

PHIL CHANG, Commissioner

ATTEST:

Recording Secretary

Date



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Public Hearing: Consideration of extending the Deschutes County Rural Renewable Energy Development Zone

RECOMMENDED MOTION:

Following the public hearing, approve Resolution No. 2025-027 extending the Deschutes County Rural Renewable Energy Development Zone to expire on June 30, 2036.

BACKGROUND AND POLICY IMPLICATIONS:

On December 15, 2014, the Board of County Commissioners approved Resolution 2014-134 which led to Business Oregon creating a Rural Renewable Energy Development Zone in Deschutes County.

Rural Renewable Energy Development Zones offer a tax exemption incentive to encourage new investments in renewable energy. The incentive is a 100 percent (full) exemption from the property taxes normally assessed for the first 3-5 years of project operation. The zone encompasses the entire territory of Deschutes County, except for property inside the urban growth boundary as acknowledged for the City of Bend.

The existing Deschutes County Rural Renewable Energy Development Zone expires on June 30, 2025. If renewed, the new expiration date would be June 30, 2036.

BUDGET IMPACTS:

Foregone property tax revenue during the approval period to be determined on a case-by-case basis.

ATTENDANCE:

Erik Kropp, Deputy County Administrator

Patricia Lucas, Executive Director, Sunriver La Pine Economic Development

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Seeking Redesignation of a Rural
Renewable Energy Development Zone in
Deschutes County

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*
*

RESOLUTION NO. 2025-027

WHEREAS, ORS 285C.350 et seq., provides for redesignation of Rural Renewable Energy Development Zones (RREDZ) upon request of a county, to encompass the entire area of the county (excepting those areas within the urban growth boundary of a city with a population of 30,000 or more) for purposes of offering the standard property tax abatement of an enterprise zone to the qualified property of renewable energy projects locating therein; and

WHEREAS, Deschutes County is seeking redesignation of a RREDZ by the Director of the Oregon Business Development Department to encourage new business investment, job creation, higher incomes for local residents, and greater diversity of economic activity; and

WHEREAS, the proposed RREDZ will include all eligible territory (whether incorporated or not) encompassed within Deschutes County, excepting the City of Bend urban growth boundary, the City of Bend city limits and City of Redmond urban growth boundary and the City of Redmond city limits; and

WHEREAS, the redesignation of a RREDZ does not grant or imply permission to develop land within the county without complying with prevailing zoning, regulatory and permitting processes and restrictions for the applicable jurisdiction, nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans; and

WHEREAS, the extension of the RREDZ will expire on June 30, 2036.

WHEREAS, Deschutes County appreciates the impacts that the redesignated RREDZ would have and the property tax exemptions that eligible business firms might receive therein, as governed by Oregon Revised Statutes (ORS) Chapter 285C and other provisions of Oregon Law, including but not limited to what is described in Oregon Administrative Rules OAR Chapter 123; and

WHEREAS, all of the municipal corporations, special service districts and other taxing districts (identified on attached Exhibit 1) that receive operating revenue through the levying of *ad valorem* taxes on real and personal property in the area of Deschutes County have been timely informed and invited to comment on this request for redesignation (copy of notification letter attached as Exhibit 2); and

WHEREAS, the Board of Commissioners for Deschutes County has duly and timely noticed the date, time and place for consideration of this Resolution, now therefore,

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

Section 1. Deschutes County applies for redesignation of a RREDZ and requests that the Director of the Oregon Business Development order the redesignation thereof.

Section 2. Deschutes County sets the amount of real market value (RMV) for qualified property that may be exempt in this RREDZ at \$250 million, based on the RMV of property for the assessment year at the start of the exemption immediately after the property is placed in service.

Section 3. County Administrator, Nick Lelack, is authorized to submit the request for the aforementioned RREDZ redesignation and to make any substantive or technical change(s) to the application materials, as necessary, after adoption of this Resolution.

Section 4. Deschutes County appoints Economic Development of Central Oregon (EDCO) to serve in the capacity of the local zone manager for the RREDZ.

Section 5. Deschutes County will comply with the equivalent requirements and provisions of ORS 285C.105 respective to zone sponsor duties under ORS 285C.050 to 285C.250, as they would apply to the implementation of a RREDZ under ORS 285C.350 to 285C.370.

Section 6. Effective Date. This Resolution shall be effective upon adoption.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Dated this _____ of _____, 2025

ANTHONY DEBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Public Hearing: Clear and Objective Housing Text Amendments regarding Title 17
— Subdivisions

RECOMMENDED MOTION:

Pending public comments, staff recommends closing both the oral and written records and setting a date for deliberations. Should a member of the public request to keep the record open, staff recommends leaving the written record open for one week until June 4, 2025.

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes Board of Commissioners will conduct a public hearing to consider text amendments establishing “clear and objective” housing development standards.

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.” 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.

In 2023, House Bill (HB) 3197 was passed, which expanded the clear and objective housing standards mandate to “...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 provisions of HB 3197 will become effective on July 1, 2025.

The public hearing will consider the second set of proposed clear and objective amendments (file no. 247-25-000110-TA), as part of a larger clear and objective process, with additional amendments expected throughout the first half of 2025. Within the proposed amendments, added language is shown underlined and deleted 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 21, 2025

SUBJECT: Public Hearing: Clear and Objective Housing Text Amendments – Title 17 (Subdivisions)

The Deschutes Board of County Commissioners (Board) will conduct a public hearing on May 28, 2025 to consider text amendments establishing “clear and objective” housing development standards (file no. 247-25-000110-TA). Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~. 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 state:

¹ See Board of County Commissioners May 28, 2025 Agenda for more information:

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

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

(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.

These provisions require local governments to apply only clear and objective standards,

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

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

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, 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

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.

Attachments:

- 1) Staff Report & Proposed Text Amendments

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~~ as, 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 as including but not limited to canyons, bluffs, rock outcroppings, natural springs, and floodplains. In addition, the tentative plan shall show the location width, curve radius, and grade of proposed rights of way;
 3. If the partition is to be accessed by a U.S. Forest Service or Bureau of Land Management road, the applicant shall submit a written agreement with the appropriate land management agency providing for confirming permanent legal access to the road and identifying any required maintenance obligations;
 4. Names and addresses of the landowner, the applicant (if different), a mortgagee if applicable and the Professional Engineer or surveyor employed or to be employed to make the necessary surveys;
 5. A statement regarding contemplated proposed water supply, telephone and electric service, sewage disposal, fire protection and access, etc. If domestic water is to be provided by an on site well, the application must include at least two well logs for wells in the area;
 6. True north, scale, and date of map and property identification by tax lot, section, township and range;
 7. Statement regarding present and intended use(s) of the parcels to be created, or the use(s) for which the parcels are to be offered;
 8. If a tract of land has water rights, the application shall be accompanied by a water rights division plan which can be reviewed by the irrigation district or other water district holding the water rights, or when there is no such district, the County Oregon Water Resources Department (OWRD) Watermaster;
 9. Title report or subdivision guarantee.
- C. Information for parcels located within any DCC Chapter 18.56 Surface Mining Impact Area (SMIA) zones. For each parcel wholly or partially within any DCC Chapter 18.56 SMIA zone under DCC Title 18, 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~~ less than the minimum lot ~~are~~size in the zone(s) within which it is located, provided it is utilized for one of the above ~~purposes~~uses. A partition application shall be required.

HISTORY

Adopted by Ord. [81-043](#) §§1, 5.090 on 12/31/1981

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

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

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

CHAPTER 17.24 FINAL PLAT

[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. ~~U~~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.~~ D.B. The County Surveyor shall, in all cases, note the correction and the recording reference from the affidavit on the plat filed in the County Surveyor's records in accordance with DCC 17.24.150.

HISTORY

Adopted by Ord. 81-043 §§1, 4.070 on 12/31/1981

Renumbered by Ord. 90-003 §1 on 1/8/1990

Amended by Ord. 2020-007 §6 on 10/27/2020

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

CHAPTER 17.32 CONDOMINIUM CONVERSION (Repealed)

17.32.010 Applicability

17.32.020 Procedure

17.32.030 Division Of Land

17.32.010 Applicability

~~Any proposal for a condominium conversion as defined in ORS 91 shall, prior to approval by the real estate commissioner, comply with DCC 17.32.020 and 17.32.030.~~

~~HISTORY~~

~~Adopted by Ord. 81-043 §§1, 7.010 on 12/31/1981~~

~~Amended by Ord. 2001-016 §2 on 3/28/2001~~

17.32.020 Procedure

~~The applicant shall file with the planning department an application for the proposed conversion, together with a filing fee and a detailed site plan, indicating parking, landscaping and recreational areas.~~

~~HISTORY~~

~~Adopted by Ord. 81-043 §§1, 7.020 on 12/31/1981~~

~~Amended by Ord. 2001-016 §2 on 3/28/2001~~

17.32.030 Division Of Land

~~Any proposal for a condominium conversion which results in a division of real property shall comply with the provisions of DCC 17.32.~~

~~HISTORY~~

~~Adopted by Ord. 81-043 §§1, 7.030 on 12/31/1981~~

~~Amended by Ord. 2001-016 §2 on 3/28/2001~~

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

CHAPTER 17.36 DESIGN STANDARDS

17.36.010 Compliance Required

17.36.020 Streets

17.36.030 Division Of Land

17.36.040 Existing Streets

17.36.050 Continuation Of Streets

17.36.060 Minimum Right Of Way And Roadway Width

17.36.070 Future Re-Subdivision

17.36.080 Future Extension Of Streets

17.36.090 (Repealed)

17.36.100 Frontage Roads

17.36.110 Streets Adjacent To Railroads, Freeways And Parkways

17.36.120 Street Names

17.36.130 Sidewalks

17.36.140 Bicycle, Pedestrian And Transit Requirements

17.36.150 Blocks

17.36.160 Easements

17.36.170 Lots; Size And Shape

17.36.180 Road Frontage

17.36.190 Through Lots

17.36.200 Corner Lots

17.36.210 Solar Access Performance

17.36.220 Underground Facilities

17.36.230 Grading Of Building Sites

17.36.240 (Repealed)

17.36.250 Lighting

17.36.260 Fire Hazards

17.36.270 Street Tree Planting

17.36.280 Water And Sewer Lines

17.36.290 Individual Wells

17.36.300 Public Water System

17.36.010 Compliance Required

Except as otherwise set forth in a zoning ordinance, all land divisions and roads shall be in compliance with the design standards set forth in DCC 17.36, ~~and in~~ DCC 17.48, and Title 12.

HISTORY

Adopted by Ord. PL-14 §7.010 on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 6.010 on 12/31/1981

Amended by Ord. 95-082 §2 on 12/13/1995

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

17.36.020 Streets

- A. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system for all modes of transportation, including pedestrians, bicycles and automobiles, with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. The subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivision or partition or of their property projection when adjoining property which is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in DCC 17.36.
- B. Streets in subdivisions and partitions shall be dedicated to the public, unless located in a destination resort, planned community or planned or cluster development, where roads can be privately owned. Planned developments shall include public streets where necessary to accommodate present and future through traffic.

~~C. Streets in partitions shall be dedicated to the public.~~

HISTORY

Adopted by Ord. [PL-14](#) §7.020 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(1) on 12/31/1981

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

Amended by Ord. [93-012](#) §31(A) on 8/4/1993

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

17.36.030 Division Of Land

Any proposal for a condominium conversion which results in a division of real property shall comply with the provisions of DCC Title 17 and ORS 92.

HISTORY

Adopted by Ord. [81-043](#) §§1, 6.015(10) on 12/31/1981

Amended by Ord. [93-012](#) §32 on 8/4/1993

17.36.040 Existing Streets

- A. General/Discretionary Standards: Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or partition or by the County roadway network plan, additional rights of way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body, together with the Road Department Director, shall determine whether improvements to existing streets adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval for the tentative plan. Improvements to adjacent streets shall be required where traffic on such streets will be directly affected by the proposed subdivision or partition.

B. Clear and Objective Standards:

1. Wherever existing streets are within, adjacent to, or provide access to a property proposed for subdivision or partition, those existing streets must be improved to the standards of DCC 17.48, and Title 12.
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.

HISTORYAdopted by Ord. XX-XXXX §X on X/X/XXXX17.44.020 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.

HISTORYAdopted by Ord. [81-043](#) §§1, 6.080 on 12/31/1981Amended by Ord. [93-012](#) §§45 and 46 on 8/4/1993Amended by Ord. [93-054](#) §2 on 12/15/1993Amended by Ord. [95-010](#) §2 on 3/1/1995Amended by Ord. [97-075](#) §1 on 12/31/1997Amended by Ord. [2012-008](#) §2 on 5/2/2012Amended by Ord. XX-XXXX §XX on X/X/XXXX17.44.030 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.

HISTORYAdopted by Ord. [97-075](#) §2 on 12/31/1997Amended by Ord. XX-XXXX §XX on X/X/XXXXCHAPTER 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](#)~~~~[17.48.060 Improvement Plans](#)~~

[17.48.070 Horizontal Alignment](#)
[17.48.080 Vertical Alignment](#)
[17.48.090 Intersections](#)
[17.48.100 Minimum Right Of Way Width](#)
[17.48.110 Turn Lanes](#)
[17.48.120 Partial Width Roads](#)
[17.48.130 Road Names](#)
[17.48.140 Bikeways](#)
[17.48.150 Structures](#)
[17.48.160 Road Development Requirements; General Standards](#)
[17.48.165 Road Development Requirements; Subdivisions](#)
[17.48.170 Road Development Requirements; Partitions](#)
[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](#)
[17.48.300 Bonds](#)
[17.48.310 Insurance](#)
[17.48.320 Indemnification](#)
[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 HMA.~~

~~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)

Other												
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)
LA PINE Urban Unincorporated Community, La Pine Planning Area												
US Highway 97	100'	74'	12'	6'	6'	14'	No	Yes ⁽²⁺⁾	(+)	(+)	6%	(1)
Minor Arterial	80'	36-50'	12'	6'	2'	14'	Yes	Yes	3" AC	10"	6%	(2)
Collector	60'	36'	12'	6'	2'	14'	Yes	Yes	3" AC	8"	8%	(2)
Local												
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)
Other												
Alley	20'	15'-20'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	20'	8' ⁽²³⁾	--	--	2.5'	--	Yes	--	Variable	4"	10%	--
LA PINE Urban Unincorporated Community, Wickiup Junction Planning Area												

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

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 ⁽⁶⁾	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Swale ⁽¹²⁾	Surface Type	Sidewalk Required	Base Depth ⁽⁸⁾	Max Grade ⁽⁹⁾	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



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.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Public Hearing: Clear and Objective Housing Text Amendments – Goal 5 (Title 18)

RECOMMENDED MOTION:

Pending public comments, staff recommends closing both the oral and written records and setting a date for deliberations. Should a member of the public request to keep the record open, staff recommends leaving the written record open for one week, until June 4, 2025.

BACKGROUND AND POLICY IMPLICATIONS:

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

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

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 21, 2025

SUBJECT: Public Hearing: Clear and Objective Housing Text Amendments – Goal 5 (Title 18)

The Deschutes Board of County Commissioners (Board) will conduct a public hearing on May 28, 2025 to consider text amendments establishing “clear and objective” housing development standards (file no. 247-25-000171-TA). Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted language is shown as ~~striketrough~~. 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/DeschutesClearAndObjectiveGoal5>

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 state:

¹ See Board of County Commissioners May 28, 2025 Agenda for more information:

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

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

(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.

These provisions require local governments to apply only clear and objective standards,

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

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

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 during the Planning Commission portion of the process. At the time of submission of this memorandum, no additional public comments have been received for the Board's portion of the legislative process. 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 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.

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

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

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

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 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

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.

Attachments:

- 1) Staff Report & Proposed Text Amendments

TITLE 18 COUNTY ZONING

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

CHAPTER 18.08 BASIC PROVISIONS

CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA

CHAPTER 18.56 SURFACE MINING IMPACT AREA COMBINING ZONE; SMIA

CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10

CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

CHAPTER 18.84 LANDSCAPE MANAGEMENT COMBINING ZONE; LM

CHAPTER 18.88 WILDLIFE AREA COMBINING ZONE; WA

CHAPTER 18.90 SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE; SBMH

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

CHAPTER 18.120 EXCEPTIONS

CHAPTER 18.128 CONDITIONAL USE

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 ~~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~~ 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~~h~~ere 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 lots or parcels.
 - 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, a ~~An~~ 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



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.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Upper Deschutes Watershed Council Service Partner Year-end Update

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

During the FY 2025 video lottery allocation discussion, the Board allocated a Service Partner Grant to Upper Deschutes Watershed Council (UDWC) in the amount of \$20,000. Service partner grants are made available through the Video Lottery Fund, which is supported by state lottery proceeds.

In accordance with the terms of the grant agreement, UDWC will report on the use of these funds and the outcomes of the grant-funded activities.

BUDGET IMPACTS:

Grant funds are accounted for in the FY 2025 budget.

ATTENDANCE:

Jen Patterson, Strategic Initiatives Manager

Kris Knight, Executive Director, Upper Deschutes Watershed Council



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Extension of a 1.0 limited duration FTE position to support the Forensic and Acute Services Program for an additional 12 months

RECOMMENDED MOTION:

Move approval to extend a 1.0 limited duration FTE for 12 months to support the Forensic and Acute Services division.

BACKGROUND AND POLICY IMPLICATIONS:

The Forensic and Acute Services (FAS) Program, under Deschutes County Behavioral Health, provides services to individuals who are involved with the criminal justice system as a result of their mental illness. FAS is a newly formed program which streamlines acute care and forensic services under one manager with the goal of creating efficiencies and improving outcomes. Teams within this program provide statutorily required services to individuals who are typically mandated to engage in behavioral health treatment. One of the target populations is individuals who are unable to Aid & Assist in their own defense to criminal charges. This client group has increased 137% in Deschutes County over the past five years, and statewide these cases are now largely responsible for the overcrowding of the Oregon State Hospital.

In 2024, FAS was selected to participate in a pilot program funded by the Oregon Health Authority (OHA), focused on increasing engagement with individuals placed at the Oregon State Hospital (OSH) who are unable to Aid & Assist. The County's funding under this pilot program was used to add two limited duration FTE positions—an administrative assistant and a peer support specialist. The one-time funding from OHA was initiated in July 2024, and the remaining funds can be spent beyond the end of FY25. In April 2025, OHA provided additional funding to supplement the original program funds; this additional funding had not been factored into the original hiring decisions for the pilot staffing and can be spent beyond the end of FY25.

Behavioral Health is requesting to extend one limited duration FTE currently dedicated to the peer support specialist position by 12 months beginning July 1, 2025. Position #3392 is currently funded through 6/30/2025 via OHA Community Navigator funds. If approved for

extension through FY26, the position will be funded entirely by OHA Community Navigator pilot funds for the duration of the extension. The salary cost of this position for FY26 would be \$109,636.

This position has developed into a vital support role for the FAS program, supporting not only the Aid & Assist team but also providing peer support services throughout the FAS program. The position works closely with clients who are experiencing severe and persistent mental illness and are involved in the criminal justice system. If this limited duration extension is approved, it will allow the FAS program to determine whether longer term funding will be provided for the Community Navigator program through the legislature or a new OHA contract, which may allow this position to be made regular in the future.

BUDGET IMPACTS:

\$109,636 through Community Navigator Pilot Funds for Fiscal Year 2026.

ATTENDANCE:

Evan Namkung, Program Manager, Deschutes County Behavioral Health
Cheryl Smallman, Business Office, Deschutes County Health Services



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: PacificSource Health Related Social Needs Capacity Building Grant Application

RECOMMENDED MOTION:

Move approval of the Adult Parole and Probation Division's application for a Health-Related Social Needs Capacity Building Grant from the Oregon Health Authority.

BACKGROUND AND POLICY IMPLICATIONS:

The Oregon Health Authority (OHA) is working to eliminate health inequities by 2030, with a focus on Health-Related Social Needs (HRSN). As part of this initiative, Oregon Health Plan (OHP) funding can now be used to support climate, housing, and nutrition-related services. To expand provider capacity to deliver these services, OHA has released a grant through local Community Care Organizations (CCOs). PacificSource is managing the grant process for Deschutes County.

Adult Parole & Probation (AP&P) is seeking funding to build internal capacity to help clients on supervision—most of whom are OHP members or eligible—access HRSN housing supports. Stable housing is essential to public safety, client stabilization, and successful community integration. This funding would help us reduce housing barriers and improve client outcomes.

AP&P plans to use capacity-building funds to assess current processes, enhance partnerships, and develop sustainable systems for leveraging HRSN resources. This includes supporting existing FTE and contracting with a billing consultant to improve workflows, create billing policies, and strengthen reporting and grant management systems. Funds are also being sought to procure a billing system to support tracking and billing for housing services.

County staff will lead efforts to connect clients with housing providers, coordinate with landlords, and manage billing operations. The business manager will oversee grant administration and ensure compliance with billing and reporting requirements.

Staff seeks approval from the Board to submit a grant application as described.

BUDGET IMPACTS:

Up to \$353,900.33 in grant funds during FY26 and FY27.

ATTENDANCE:

Trevor Stephens, Business Manager for Community Justice

Nicoli Brower, Administrative Analyst Adult Parole and Probation

Health-Related Social Needs Community Capacity Building Funding Grant Application

For background and overview please see Appendix on page 25.

Background Information

What is Oregon's Health-Related Social Needs initiative?

Where we are born, live, learn, work, play, and age, can affect our health and quality of life. Access to health care, healthy foods, and safe housing, or "Health-Related Social Needs" (HRSN), is important to our health.

Oregon Health Plan (OHP) members who qualify (as defined by CMS¹) have a new set of benefits available to them. HRSN benefits include:

- [Climate benefits](#)
- [Housing benefits](#)
- [Nutrition benefits](#)
- [Outreach and engagement supports](#)

HRSN benefit providers—including, community-based organizations, social service agencies, and others--play an important role in delivering benefits to qualifying members and may be eligible for [Community Capacity Building Funding \(CCBF\)](#).

¹ To qualify, OHP members must be in at least one of the following life transitions (additional criteria also applies for each type of HRSN service): 1) Released from incarceration in the past 12 months; 2) Discharged from a qualifying behavioral health facility in the past 12 months; 3) Current or past involvement in the Oregon child welfare system 4) Transitioning from Medicaid-only to dual eligibility (Medicaid and Medicare) status within the next three months or has transitioned in the past nine months; 5) Homeless or at risk of becoming homeless; 6) a Young Adult with Special Healthcare Needs

Health-Related Social Needs Community Capacity Building Funding Grant Application

Instructions

To receive funding, organizations must complete and sign this application form in its entirety by May 30, 2025. For this form to be considered complete:

- ✓ All components must be filled out
- ✓ A budget request must be attached
- ✓ The application must be signed by the authorized representative from the entity applying for funding

[NOTE: each CCO will have a specific process for submitting applications]

Applicant Organization Information

The purpose of this section is to collect general information about the applicant organization. Please complete the information requested in the table below.

Legal Name of Applicant Organization (this should be the name used for your tax ID)	Deschutes County
Organization Name (if differs from legal name)	Deschutes County Community Justice: Adult Parole and Probation
Point of Contact (Name)	Trevor Stephens
Point of Contact (Title)	Business Manager
Point of Contact (Telephone Number)	541-330-8261
Point of Contact (Email Address)	trevor.stephens@deschutes.org
Organization Mailing Address	63360 NW Britta Street Building #2 Bend OR

Eligibility Criteria

Organizations must meet minimum eligibility criteria to receive Community Capacity Building Funding (CCBF).

1. Please attest to the following:

- ☒ The organization is capable of providing or supporting the provision of one or more HRSN benefits to Medicaid beneficiaries within the state of Oregon.
- ☒ The organization intends to contract with one or more CCOs or with the Open Card/fee-for-service Third Party Contractor (FFS TPC) to serve as an HRSN provider for at least one HRSN benefit, or to support the delivery of HRSN services by acting as a 'convener' or 'hub' role.
- ☒ The organization demonstrates a history of responsible financial administration. This can be shown through any of the following:
 - Recent annual financial reports.
 - Externally conducted audit.
 - Experience receiving other federal funding or other similar documentation.

2. Please select the box that most closely aligns with your organization type (select more than one, as needed):

The following **organization types** are eligible to apply for and receive CCBF².

Community-based organizations, including:

- ☐ Social-services agencies
- ☐ Housing agencies and providers
- ☐ Food and nutrition service providers
- ☐ Climate service providers
- ☐ Outreach and engagement providers

Organizations that include those that provide or coordinate HRSN benefits, including:

- ☐ Case management providers

² Eligible provider types are listed in the CMS approved [HRSN Infrastructure Protocol](#)

- ☐ Traditional health workers
- ☐ Organizations focused on children, women and families
- ☒ City, county, and local government agencies

Organizations that will support the development of the HRSN network, including:

- ☐ Organizations who will be **convening** current and potential HRSN partners
- ☐ Organizations who will serve as a Network Manager - or 'Hub' to support, for example, HRSN contracting, implementation, invoicing and service delivery

Applicant Organizational Background Questions

Who will be served?

The purpose of this section is to collect information about the population served by your organization and to learn more about how you intend to use that experience or grow that experience to provide HRSN benefits to eligible members.

3. Counties served. Please select the box/es of counties where your organization will provide HRSN benefits (select more than one, as needed):

- | | |
|---|-------------------------------------|
| <input type="checkbox"/> Baker | <input type="checkbox"/> Lake |
| <input type="checkbox"/> Benton | <input type="checkbox"/> Lane |
| <input type="checkbox"/> Clackamas | <input type="checkbox"/> Lincoln |
| <input type="checkbox"/> Clatsop | <input type="checkbox"/> Linn |
| <input type="checkbox"/> Columbia | <input type="checkbox"/> Malheur |
| <input type="checkbox"/> Coos | <input type="checkbox"/> Marion |
| <input type="checkbox"/> Crook | <input type="checkbox"/> Morrow |
| <input type="checkbox"/> Curry | <input type="checkbox"/> Multnomah |
| <input checked="" type="checkbox"/> Deschutes | <input type="checkbox"/> Polk |
| <input type="checkbox"/> Douglas | <input type="checkbox"/> Sherman |
| <input type="checkbox"/> Gilliam | <input type="checkbox"/> Tillamook |
| <input type="checkbox"/> Grant | <input type="checkbox"/> Umatilla |
| <input type="checkbox"/> Harney | <input type="checkbox"/> Union |
| <input type="checkbox"/> Hood River | <input type="checkbox"/> Wallowa |
| <input type="checkbox"/> Jackson | <input type="checkbox"/> Wasco |
| <input type="checkbox"/> Jefferson | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Josephine | <input type="checkbox"/> Wheeler |
| <input type="checkbox"/> Klamath | <input type="checkbox"/> Yamhill |

4. For each county selected, your organization must provide specific details about:
- the **current and planned working relationship** and knowledge of that county (including any cross-county work);
 - current and planned partnerships** to support HRSN benefit provision (including with CCOs);
 - if your organization plans to differ the type of benefits offered in different counties, please describe that here; and
 - If your organization does not have existing relationships in the county, you must describe how you intend to build those relationships. (2600 character max)

Deschutes County Community Justice – Adult Parole & Probation collaborates extensively with local service providers, community-based organizations, and public safety stakeholders to support approximately 1,000 adults on supervision. We maintain strong partnerships with the Court, District Attorney, Sheriff, and Behavioral Health/Health Services. A behavioral health specialist is embedded within our office to support clients who face barriers to traditional services and require flexible, innovative engagement strategies.

We have partnerships and contracts with community-based treatment, shelter, and housing providers—including current HRSN providers such as First Light and Changing Patterns. The majority of our clients are recently released from incarceration/jail or behavioral health facilities, or are houseless or at risk of becoming houseless.

We intend to use capacity building funds to assess and improve our existing processes and partnerships. We aim to leverage HRSN funding to expand housing options for justice-involved individuals in Deschutes County. We estimate that 90–95% of our clients are OHP-eligible, and the majority face significant housing and health-related social needs. Currently, we do not bill Medicare or Medicaid, so part of our work will involve developing the necessary infrastructure to connect clients with these benefits.

Though we offer limited housing assistance, demand exceeds available resources—especially for individuals transitioning from incarceration or facing homelessness. Establishing a system to utilize HRSN funds would significantly enhance access to housing and support for these individuals. With direct client relationships and existing housing partnerships, we are uniquely positioned to act as a bridge to these critical services. We also aim to expand our network of housing providers to increase options.

Stable housing is essential to public health, public safety, successful community reintegration, and overall wellness. Through this initiative, we seek to enhance collaboration, leverage funding opportunities, and expand housing access for our clients by maximizing resources and increasing available options.

5. Populations served. This section will ask that you rank the population(s) (within each list) to which your organization will provide HRSN benefit/s. Please only rank the populations that you plan to serve. If you do not plan to serve a population, you may leave it blank.

List A: HRSN Eligible Populations: ([See approved HRSN Services Protocol](#)):

For List A below: Please mark off which HRSN eligible population(s) you plan to serve. If there is a population listed that your organization will likely not serve, please leave that blank.

- ☐ [Young Adults with Special Health Care Needs \(YSCHN\)](#)
- ☒ Adults and youth discharged from a qualifying behavioral health facility (including institution for mental disease (IMD), residential mental health and substance use disorder facilities, or inpatient psychiatric units)
- ☒ Adults and youth released from incarceration
- ☐ Youth involved with child welfare
- ☐ Individuals transitioning to Dual Status (i.e., individuals who are Medicaid-eligible and will also soon be eligible for Medicare due to age, disability, or a qualifying condition)
- ☒ Individuals who are homeless or at risk of homelessness

List B: Populations served:

For List B below, starting with the population group **you plan to serve the most** (write # 1 in the box) please rank in order of who you expect to serve the most. You may rank up to 3. If there is a population listed that your organization will likely not serve, please leave that blank.

- | | |
|---|---|
| <input checked="" type="checkbox"/> American Indian/Alaska Native/
Indigenous communities: | <input checked="" type="checkbox"/> LGBTQIA2S+ communities: |
| <input checked="" type="checkbox"/> Asian communities: | <input type="checkbox"/> Immigrant and refugee communities: |

☒ Black/African American/African communities:

☒ Rural communities:

☒ Latino/a/x communities:

☐ Faith communities:

☒ Pacific Islander communities:

☒ Houseless communities:

☒ Eastern European communities:

☒ People with behavioral health conditions:

☐ People with disabilities:

☒ Other communities not listed above (please describe) (500 character max):

Women on supervision and clients with restrictions that prevent them from utilizing many shelter and transitional housing resources.

6. Please indicate if there is one HRSN Covered Population and/or other population that you primarily serve.

HRSN Covered Population: Individuals released from incarceration in the past 12 months.

Other Population:

Providing Culturally and Linguistically Responsive and Trauma Informed Services

The purpose of this section is to understand your organization's background and experience in providing culturally and linguistically responsive services and how you will use that experience or grow capacity when providing HRSN benefits.

- 7. Language access provided by your organization.** Please indicate your organization's capacity to speak and write in languages other than English. Also indicate whether the language capacity comes from a native or non-native speaker.

Language 1:

- ☒ Services provided in this language by a staff native speaker
- ☒ Interpretation services provided by a staff native speaker
- ☒ Services or interpretation provided by a fluent non-native speaker
- ☒ Interpretation/translation services provided by a third party.
- ☐ Other

Language 2:

- ☐ Services provided in this language by a staff native speaker
- ☐ Interpretation services provided by a staff native speaker
- ☐ Services or interpretation provided by a fluent non-native speaker
- ☒ Interpretation/translation services provided by a third party.
- ☐ Other

Language 3:

- ☐ Services provided in this language by a staff native speaker
- ☐ Interpretation services provided by a staff native speaker
- ☐ Services or interpretation provided by a fluent non-native speaker
- ☐ Interpretation/translation services provided by a third party.
- ☐ Other

Language 4:

- ☐ Services provided in this language by a staff native speaker
- ☐ Interpretation services provided by a staff native speaker
- ☐ Services or interpretation provided by a fluent non-native speaker
- ☐ Interpretation/translation services provided by a third party.
- ☐ Other

(Optional) Other language access offered by your organization not already listed above (325 character max):

We offer a language line for all clients we are working with. They provide translation services for over 150 languages. We also contract with American Sign Language interpreters as needed.

Culturally and linguistically responsive services:

Culturally and linguistically responsive services are designed specifically for a distinct minoritized cultural community, developed based on the languages used and cultural values of the distinct minoritized cultural community and designed to elevate their voices and experiences. Culturally and linguistically responsive services have the aim of enhancing emotional safety, belonging, and a shared collective cultural experience for healing and recovery among the distinct cultural community served.

A minoritized cultural community is a community that has experienced historical and contemporary discrimination and oppression primarily on the basis of race, ethnicity, gender identity, sexual and affectional orientation, ability status, and/or migration history.

8. Describe how your organization currently provides culturally and linguistically responsive services to the populations it serves. If your organization does not currently provide culturally and linguistically responsive services or you plan to increase your capabilities using CCBF, please describe here. (2600 character max)

Deschutes County continues to see racial and ethnic disparities in its criminal justice system. Data from 2015–2019 shows that Black, Hispanic, and Native American men—and Native American women in some areas—are overrepresented on supervision compared to the county's general population.

Since 2020, Community Justice has engaged a community advisory group composed of individuals from minoritized communities and those with lived experience in recovery and the criminal justice system. This group meets regularly to provide feedback on our practices and offer recommendations for system improvements. Insights from this advisory group directly inform initiatives supported by capacity building funds, including culturally responsive (includes Spanish language) recovery and reentry support services with community-based providers.

In parallel, we have prioritized gender-responsive practices, which account for the different pathways to the criminal justice system that men and women tend to make. Our department offers gender-specific caseloads and provides cognitive behavioral therapy tailored for clients who identify as women, recognizing the unique pathways and needs of justice-involved women.

To improve linguistic access and inclusion, we have implemented hiring preferences for Spanish-speaking staff, secured interpretation services for multiple languages (including American Sign Language), and currently employ native Spanish-speaking staff to better support our clients. With support from CCBF, we plan to expand our capacity for linguistic accessibility and digital equity.

We propose purchasing tablets/phones and exploring software options for video and virtual translation services. These devices would also give clients access to OHP documents and forms in their preferred language, and allow them to connect directly with OHP assistants who can guide them through the enrollment process and connect them with essential services.

- 9. Trauma informed services:** Describe how your organization provides trauma informed services to the populations it serves currently. Please include how staff receive trauma informed training. If your organization does not currently provide trauma informed services or you plan to utilize CCBF to increase your efforts in this area, please describe here. (950 character max).

Policies and procedures require that staff are trained in and work with individuals on supervision using trauma-informed practices such as building positive rapport, providing normative feedback, using motivational interviewing to meet people where they are at, and understanding and addressing responsivity (barrier removal) needs of each individual.

We utilize Trauma Informed Oregon's (TIO) to provide materials and training for staff in trauma-informed care (TIC), including a team member who is certified to train others. In 2024 we conducted the comprehensive initial TIO TIC 8-hour training, and continue to offer annual 2-hour refreshers to apply TIC principles in community supervision. We also collaborate closely with the District Attorney's Office and local law enforcement to promote trauma-informed and equitable practices.

Strategies for Providing HRSN Benefits

Background for applicants:

- Learn about becoming an HRSN Service Provider:
 - Review the information on the webpage [Health-Related Social Needs Information for Providers](#)

- HRSN Service Descriptions (descriptions of specific services that can be offered through HRSN) and Fee Schedules (payment rates for benefits offered through HRSN):
 - [HRSN Service Descriptions:](#)
 - Climate supports: Table 3 (page 8)
 - Housing supports: Table 4 (page 10)
 - Nutrition supports: Table 6 (page 29)
 - Outreach & engagement: Table 8 (page 37)
 - [HRSN Fee Schedules:](#)
 - Find updated HRSN Fee Schedules towards the bottom of the [Health-Related Social Needs Information for Providers](#) webpage.
- Learn about CCBF priorities of the CCO/s operating in the service area/s in which you want to provide HRSN benefits.
 - Go to the [CCBF CCO Contact webpage](#):
 - Find the website and contact information for the CCO/s in the service areas of your organization
 - Review the CCBF webpage of the CCO and review their priorities for 2025
 - Contact the CCO/s CCBF if you have questions
- Determine what HRSN benefits your organization intends to provide and what it will need to be able to do so. Organizations can provide one or more HRSN benefits to eligible OHP members.
- Learn about the allowable (and not allowable) uses for the CCBF (see page 2 of the Background Application Information)

Strategy and Approach to Building Capacity to Provide HRSN benefits

The purpose of this section is to understand your organization's plan to provide one or more of the HRSN benefits to eligible OHP members.

10. Which HRSN benefit(s) does your organization provide or intend to provide?

(if more than 1, check all that apply)

- ☒ Housing benefits
- ☐ Climate benefits
- ☐ Nutrition benefits
- ☐ Outreach and Engagement supports
- ☐ Our organization will be serving as a convener of HRSN service providers
- ☐ Our organization will serve as a Network Manager- or 'Hub' to support, for example, HRSN contracting, implementation, invoicing and service delivery

11. Describe your organization's work related to each benefit you plan to support:

On the following pages, for each answer marked in Question 9, use the spaces below to describe:

- a) your experience providing the services you plan to provide through HRSN (e.g., housing, nutrition, climate supports, outreach and engagement services and/or as a convener or hub organization)
- b) how your organization intends to provide these benefits as an HRSN provider, including the specific services under each benefit type that you plan to provide (see [HRSN service descriptions](#) also linked above)
- c) how you will utilize CCBF to develop your organization's capacity in relation to the allowable use categories listed on pages 4-6

Only provide a response for the benefit(s) you intend to provide.

11a. If your organization will be providing climate benefits (include specific climate devices): (3,250 character max)

N/A

11b. If your organization will be providing housing benefits (include specific housing supports e.g., rent and utility costs, tenancy service, etc.): (3,250 character max)

As a community corrections agency, a primary focus is to reduce barriers that hinder individuals' chance at success while on supervision. One of the most significant challenges individuals face is access to affordable, stable housing. Many clients are recently released from incarceration or have spent time in jail, leaving them at high risk of homelessness. We strive to connect them with initial housing through contracted or local community providers, most of whom operate under program agreements and require rent payments.

Our goal is to establish a process that enables clients placed in these housing programs to access HRSN benefits. This would help them maintain housing, improve stability, and enhance overall health and wellness. By using HRSN benefits to offset rent, we aim to support long-term success.

We plan to collaborate with partners such as First Light and Changing Patterns to ensure clients can access outreach and engagement services funded through HRSN. These services are vital in supporting stability and promoting sustained community reintegration. Our efforts are supported by strong partnerships across the local continuum of care.

We have established relationships and processes with providers for bed scheduling and placement. This includes a range of options such as contracted sober living beds, case-managed housing, and transitional housing arrangements. Additional partners include Oxford Houses, treatment providers, and various community-based housing organizations.

To fully leverage HRSN funding and ensure effective, sustainable housing solutions, we plan to develop and implement clear policies and procedures for accessing and managing the benefit. This may include front-loading rent support for a few months while clients complete the steps necessary to qualify for HRSN assistance. We are well-positioned to offer short-term housing stabilization during this period, ensuring no lapse in support as the benefit process unfolds and or using the benefits to reimburse for costs that we provided upfront.

By building on our existing infrastructure and partnerships, we aim to streamline our operations and expand housing access for justice-involved individuals. We also intend to explore new collaborations with landlords and property management companies to increase long-term, stable housing options. These expanded efforts will support our clients' rehabilitation and reintegration, contributing to stronger, safer, and more resilient communities.

11c. If your organization will be providing nutrition benefits (include specific nutrition supports e.g., medically tailored meals, nutrition education, etc.): (3,250 character max)

N/A

11d. If your organization will be providing outreach and engagement supports:
(3,250 character max)

At this time, we do not intend to seek reimbursement for outreach and engagement supports. As a community corrections agency, a core function of our staff is to build rapport and trust with clients while connecting them to resources that reduce barriers, support health and well-being, and promote positive, pro-social behavior change.

We understand that outreach and engagement services under the HRSN benefit are limited in scope, and we believe these efforts are best led by community-based organizations such as First Light and Changing Patterns, who specialize in this work. We already collaborate closely with both agencies and serve many of the same clients. We see an opportunity to strengthen these partnerships and coordinate our efforts more intentionally.

Our primary goal is to support clients in accessing and maintaining HRSN-funded housing. We would work alongside First Light and Changing Patterns to ensure a seamless connection to housing services for individuals on supervision. Additionally, if these agencies identify clients on supervision in need of assistance navigating the HRSN housing benefit, we are open to providing support in those cases as well.

11e. If your organization will serve as a convener organization: (3,250 character max)

We would be happy to help support other community partners and agencies who are working with our clients to support them in accessing the HRSN housing benefit.

11f. If your organization will serve as Network Manager - or 'Hub' to support, for example, HRSN contracting, implementation, invoicing and service delivery: organization: (3,250 character max)

If clients are under supervision with Adult Parole and Probation in Deschutes County, we are open to supporting partner agencies with contracting, invoicing, and service delivery. This support would apply to services provided specifically to individuals on supervision. If we can help support in terms of implementation, invoicing, and service delivery we would be open to that arrangement.

12. Please check whether your organization plans to provide HRSN benefits through CCOs, Open Card/fee-for-service or both.

- ☐ CCOs
- ☐ Open Card/fee-for-service
- ☒ Both

Budget Explanation and Allowable Funding Uses

The purpose of this section is to provide additional information to explain the attached 2025 CCBF Budget Template and to collect information about:

- The purpose of your funding request.
- Funding need and justification.
- How funding will be used.

We recommend you carefully review the allowable (and impermissible) uses. ([See what CCBF can be used for](#)).

Organizations will need to complete the 2025 CCBF Budget Template to complete this section.

13. Has your organization previously applied for CCBF from **this** CCO? Please indicate if you were awarded funds.

- ☐ Yes, was awarded
- ☒ Yes, was not awarded
- ☐ No

14. Has your organization previously applied for CCBF from **other** CCOs?

- ☐ Yes, previously applied to other CCO(s) and was awarded
- ☐ Yes, previously applied to other CCO(s) and was not awarded
- ☒ No

- 15.** If you answered “yes” to question 14 and were awarded, please note the CCO(s) to which you applied. If not applicable, please leave blank.

Previously applied to and was awarded:

N/A

- 16.** *(If you have not previously been awarded CCBF funds, then you do not need to answer this question and you can skip to question 17).*

Please explain what you were funded for in your prior CCBF award(s) and how the funds you are applying for in this round of funding are different from and/or build upon this existing funding (2,600 character count max).

N/A

17. Are you applying to other CCOs for CCBF in this round of funding?

☐ Yes

☒ No

18. *(If you answered “no” to question 17 above, then you do not need to answer this question and you can skip to question 19).*

If your answer to question 17 is “yes,” please indicate the name of the other CCO(s) to which you are applying and **describe what you are requesting in your other applications**. Explain how your organization plans to use the different awards (i.e., how do you plan to use the funds from each CCO to serve different populations or use the funds for different activities). Your answer below should clearly state your plans for ensuring that the funding from more than one CCO is not duplicative. (2,600 character max).

N/A

- 19.** Please use this section to clarify anything additional that is needed in your finalized budget template. You may use this section to provide justification for expenditures or activities listed in your budget (2,600 character max)

The majority of requested funds will support increased FTE capacity for administrative analyst and business management. Analysts will be essential in connecting clients with housing providers, collaborating with landlords and property managers, and establishing the infrastructure needed to support housing-related services. Their duties include managing tracking and billing processes, coordinating with providers and a consultant (if approved), refining procedures, and ensuring compliance with HRSN grant and billing requirements.

The business manager will provide grant oversight, reporting, and billing support. We are also requesting funds to contract a consultant with expertise in HRSN billing and reimbursement. This consultant will review our current systems and help implement processes to support client access to benefits and streamline reimbursement.

Additional funds are requested for a billing system and related technology upgrades for staff and clients. We are exploring platforms such as EPIC or other billing/management systems that best meet the needs of HRSN administration. As we are still evaluating options, we would return any unused funds allocated for software.

To support staff, we are requesting funds for new computers. We are also requesting four client-use computers and a hotspot, which will be distributed across our three offices—two at our main location and one at each satellite site—to support client access to services.

We are also requesting funds for tablets and phones for clients, along with commercial-grade charging stations for each office. Many clients are released from incarceration without devices and cannot access OHP or other benefits without them. Additionally, many of our clients are homeless and need a place to charge their devices. Charging stations will meet this critical need and help clients stay connected to services. These tools will significantly reduce barriers to accessing OHP and other benefits and improve engagement.

We are not requesting funds for outreach or partner convening. However, we remain in close contact with key partners, including our county's public and behavioral health departments, who have previously received capacity funding. We are also part of the local HRSN-focused consortium, led by Neighborhood Impact and other providers. Although we cannot submit a joint proposal due to county approval timelines, we have informed them of our application related to housing benefits. We are committed to ongoing collaboration to serve shared clients and align resources effectively.

Attestations and Certification

As an authorized representative of the Organization, the Organization attests as follows and agrees to the following conditions:

1. The funding received through the HRSN CCBF initiative will not duplicate or supplant reimbursement received through other federal, state and local funds.
2. Funding received for the HRSN CCBF initiative will only be spent on allowable uses as stated above.
3. The Organization will submit progress reports on HRSN CCBF in a manner and on a timeframe specified by the CCO.
4. The Organization understands that the CCO may suspend, terminate or recoup HRSN CCBF in instances of underperformance and/or fraud, waste and abuse.
5. The Organization will alert the CCO if circumstances prevent it from carrying out activities described in the program application. In such cases, the Organization may be required to return unused funds contingent upon the circumstances.
6. As the authorized representative of the Organization, I attest that all information provided in this application is true and accurate to the best of my knowledge.

Signature

Name and Title

Contact information for person completing this application

Date

Community Capacity Building Funding Application Background Information and Overview

To return to the CCBF Application click [here](#).

Background Information and overview

What is Oregon's Health-Related Social Needs initiative?

Where we are born, live, learn, work, play, and age, can affect our health and quality of life. Access to health care, healthy foods, and safe housing, or "Health-Related Social Needs" (HRSN), is important to our health.

Oregon Health Plan (OHP) members who qualify (as defined by CMS¹) have a new set of benefits available to them. HRSN benefits include:

- [Climate benefits](#)
- [Housing benefits](#)
- [Nutrition benefits](#)
- [Outreach and engagement supports](#)

HRSN benefit providers--including, community-based organizations, social service agencies, and others--play an important role in delivering benefits to qualifying members and may be eligible for [Community Capacity Building Funding \(CCBF\)](#).

¹ To qualify, OHP members must be in at least one of the following life transitions (additional criteria also applies for each type of HRSN service): 1) Released from incarceration in the past 12 months; 2) Discharged from a qualifying behavioral health facility in the past 12 months; 3) Current or past involvement in the Oregon child welfare system 4) Transitioning from Medicaid-only to dual eligibility (Medicaid and Medicare) status within the next three months or has transitioned in the past nine months; 5) Homeless or at risk of becoming homeless; 6) a Young Adult with Special Healthcare Needs

What is the CCBF Grant Program?

As part of the HRSN initiative, the [CCBF grant program](#) supports organizations and their ability to provide the new HRSN benefits to eligible OHP members.

This funding supports investments necessary to:

1. Create robust, equitable networks of HRSN providers across the state.
2. Build the necessary capabilities and capacity of community partner organizations to participate in the Medicaid delivery system.

CCOs will manage the CCBF grant programs. A CCO is a network of health care providers (physical health care, addictions and mental health care) who work together in their local communities to serve people who receive health care coverage through OHP (Medicaid). There are [16 CCOs operating in communities around Oregon](#). More information on CCOs can be found [online](#) and a map of CCO service areas can be found [here](#).

CCOs are responsible for:

1. Providing details of their CCBF grant program's priorities on their websites through webinars and other outreach activities.
2. Reviewing applications against minimum eligibility criteria.
3. Awarding and disbursing funding to awarded entities.
4. Monitoring funding uses to prevent fraud, waste and abuse.

How much funding is available?

For the 2025 CCBF program, over \$55 million in grant funds is available statewide. Each CCO's total CCBF amount is available at Oregon Health Authority (OHA) [CCBF webpage](#). The amount per CCO was based on 2025 member enrollment forecasts and a minimum floor to ensure all CCOs have enough funds to meaningfully support the development of HRSN providers in their region.

Information organizations should review prior to applying and how to apply.

- Learn about how to become and what it means to be an HRSN service provider:
 - Review the information on the [Health-Related Social Needs Information for Providers](#) webpage
 - Review [OHA training resources](#) for HRSN service providers.
 - Review the HRSN Service Descriptions (descriptions of specific benefits offered through HRSN) and Fee Schedules (rates for benefits offered through HRSN):
 - [Service Descriptions](#)
 - Climate supports: Table 3 (page 8)
 - Housing supports Table 4 (page 10)
 - Nutrition supports: Table 6 (page 29)
 - Outreach & engagement: Table 8 (page 37)
 - HRSN Fee Schedules
 - Find updated HRSN Fee Schedules towards the bottom of the [Health-Related Social Needs Information for Providers](#) web page.
 - Review the [HRSN Provider Qualifications](#) (note: HRSN Provider qualifications are required in order to become an HRSN Provider, but are separate from the eligibility criteria for organizations applying for CCBF. Organizations do not have to meet HRSN Provider qualifications to apply for CCBF. More information on CCBF eligibility criteria can be found in the section “What criteria will be used to evaluate this application for funding?” below, as well as further down in the application).
- Learn about CCBF priorities of the CCO/s operating in the service area/s in which you want to provide HRSN benefits.
 - Go to the [CCBF CCO Contact webpage](#):
 - Find the website and contact information for the CCO/s in the service areas of your organization
 - Review the CCBF webpage of the CCO and review their priorities for 2025
 - Email the CCO/s CCBF contact if you have questions
 - You can find additional information on [OHA CCBF webpage](#)

- Determine what HRSN benefits your organization intends to provide and what it will need to be able to do so. Organizations can provide one or more HRSN benefits to eligible OHP members.
- Complete and submit the CCBF application and budget funding request to the CCO operating in the service area no later than **May 30th, 2025**.
- Determine if you want to contract with one or more CCOs and Open Card/fee-for-service. To learn more about enrolling as an HRSN provider with a CCO, [contact the CCO](#) directly. To become provider with Open Card, view the OHA HRSN [provider enrollment training](#).

Note: ALL CCOs will use the same application and budget template below. However, some CCOs may ask for the information in a different format (such as a portal).

Organizations may apply to more than one CCO to meet the needs of their service area. However, organizations cannot request duplicate funding that serves the exact same purpose – for example, organizations cannot apply for funds to cover the cost of a specific staff person from more than one CCO *unless* they can explain in their application how the funding requests differ (e.g., the staff will serve different populations or the staff person will work across regions and their salary will be broken up accordingly).

What can Community Capacity Building Funding be used for?

CCBF can only be spent on four allowable use categories. These are defined in the CMS-approved [HRSN Infrastructure Protocol](#).

Allowable uses for CCBF are:

1. Technology
2. Development of Business or Operational Practices
3. HRSN Workforce development
4. Outreach, Education, and Convening

Under each category, funds may be used for:

Technology

- Buying new or changing existing technology (includes software, platforms, systems, hardware, interfaces, and/or tools) to enable the organization to provide HRSN benefits. Some examples include:

- Referring and receiving HRSN service referrals (e.g., participating in community information exchange)
- Documenting HRSN service delivery (e.g., buying or modifying case management software)
- Completing and sending electronic fillable forms or screenings (e.g., electronic versions of HRSN Request form, OHA approved screening tools, and/or Information Sharing Authorization form)
- Billing for HRSN benefits (e.g., setting up interfaces with CCOs; buying or modifying billing software, accounting software, and community information exchange)
- Oversight, monitoring, and reporting for the HRSN program (e.g., buying or modifying case management, analytics, reporting, and visualization software)
- Infrastructure purchasing (e.g., additional laptops or tablet computers needed for staff providing HRSN benefits)
- Onboarding and training staff to use new, modified, or existing technology (e.g., community information exchange, invoicing, billing).

Development of business or operational practices

- Developing policies and procedures related to:
 - HRSN referral and service delivery workflows
 - Billing and invoicing
 - Data sharing and reporting
 - Program oversight and monitoring
 - Evaluation
 - Privacy and confidentiality
- Contracting support to develop policies and procedures related to implementing HRSN benefits.
- Training and technical assistance on HRSN program and roles and responsibilities.
- Planning needs for the implementation of HRSN program.

- Procuring administrative supports to assist implementation of HRSN program.
- Administrative items necessary to perform HRSN duties or expand HRSN service delivery capacity (e.g., office supplies).

HRSN workforce development

- Staffing:
 - Cost of recruiting, hiring and training new staff.
 - Salary for staff that will have a direct role in overseeing, designing, implementing and executing HRSN responsibilities, time limited to a period of 18 months. Organizations may not access this funding for the same individual more than once.
- Training:
 - Necessary certifications, training, technical assistance and education for staff participating in the HRSN program (e.g., cultural competency, trauma informed care)
 - Privacy and confidentiality training and technical assistance related to HRSN service delivery.
- Materials to support training and hiring:
 - Production costs for training materials and experts as it pertains to the HRSN program.

Outreach, Education, and Convening

- Materials and administrative costs:
 - Producing materials necessary for promoting, outreach, training, and education.
 - Translating materials.
 - Administrative or overhead costs associated with outreach, education or convening.
- Collaboration activities:
 - Planning and facilitating community-based outreach events to support awareness of HRSN benefits.
 - Planning for and facilitating learning collaboratives or convenings.

- Community engagement activities necessary to support HRSN program implementation and launch (e.g., roundtable to solicit feedback on guidance documents).

What are impermissible uses of Community Capacity Building Funding?

CCBF cannot be used for the following activities:

- Activities for which other federal, state, or local funding is available and allocated for use for the same purposes.
- Real estate investments, developments, and other capital projects.
- Vehicles.
- Payment for HRSN benefits or pre-paying for HRSN benefits to be reimbursed.
- Funding to cover ongoing financial losses.
- Ongoing lease or utilities payments.
- Staff time devoted to non-HRSN related responsibilities or benefits.
- Debt restructuring and bad debt.
- Defense and prosecution of criminal and civil proceedings, and claims.
- Donations and contributions.
- Entertainment (e.g., receptions, parties, conferences, sporting events).
- Alcohol.
- Fines and penalties.
- Fundraising and investment management costs.
- Goods or services for personal use.
- Idle facilities or infrastructure.
- Interest expense.
- Marketing materials not related to HRSN.
- Lobbying.
- Memberships and subscription costs not related to HRSN
- Patent costs.
- Insurance costs (e.g., liability insurance, rental insurance).
- Individual-level incentives.

What criteria will be used to evaluate this application for funding?

CCOs may have their own evaluation criteria. Review the [CCBF CCO contact webpage](#) for specific expectations.

Organizations applying for funding must meet the following **minimum eligibility** criteria:

- ✓ Submit a fully completed application and budget request.
- ✓ Apply during the application window.
- ✓ Be an **eligible organization type** to receive CCBF, as defined by CMS in the [HRSN Infrastructure Protocol](#):
 - Community-based organizations, including:
 - Social-services agencies
 - Housing agencies and providers
 - Food and nutrition service providers
 - Climate service providers
 - Outreach and engagement providers
 - Organizations that include those that provide or coordinate HRSN benefits, including:
 - Case management providers
 - Traditional health workers
 - Organizations focused on children, women and families
 - City, county, and local government agencies
 - Organizations that will support the development of the HRSN network, including:
 - Organizations who will be **convening** current and potential HRSN partners
 - Organizations who plan to act as a network manager or 'hub' to support, for example, HRSN contracting, implementation, invoicing and service delivery
- ✓ Be financially stable (either independently or through use of a fiscal sponsor) as determined by the CCO.

- ✓ Commit to work with other HRSN partners.
- ✓ Have the ability to provide HRSN benefits to qualifying individuals.
- ✓ State intent to contract as an HRSN service provider.
- ✓ Attest that requested CCBF will not duplicate other funds.
- ✓ Funding requests detailed in the application meet the definition of allowable uses.

Applications **will be evaluated** based on the following:

- There is a strong justification of CCBF to support the delivery and capacity to deliver HRSN benefits.
- The application communicates that the organization has relevant experience providing HRSN, or similar services, OR that the organization intends to develop new capacity to offer one or more HRSN benefits.
- The application explicitly describes how the organization will promote health equity using CCBF.
- The application communicates that the organization provides benefits in a culturally and linguistically responsive and trauma informed manner.

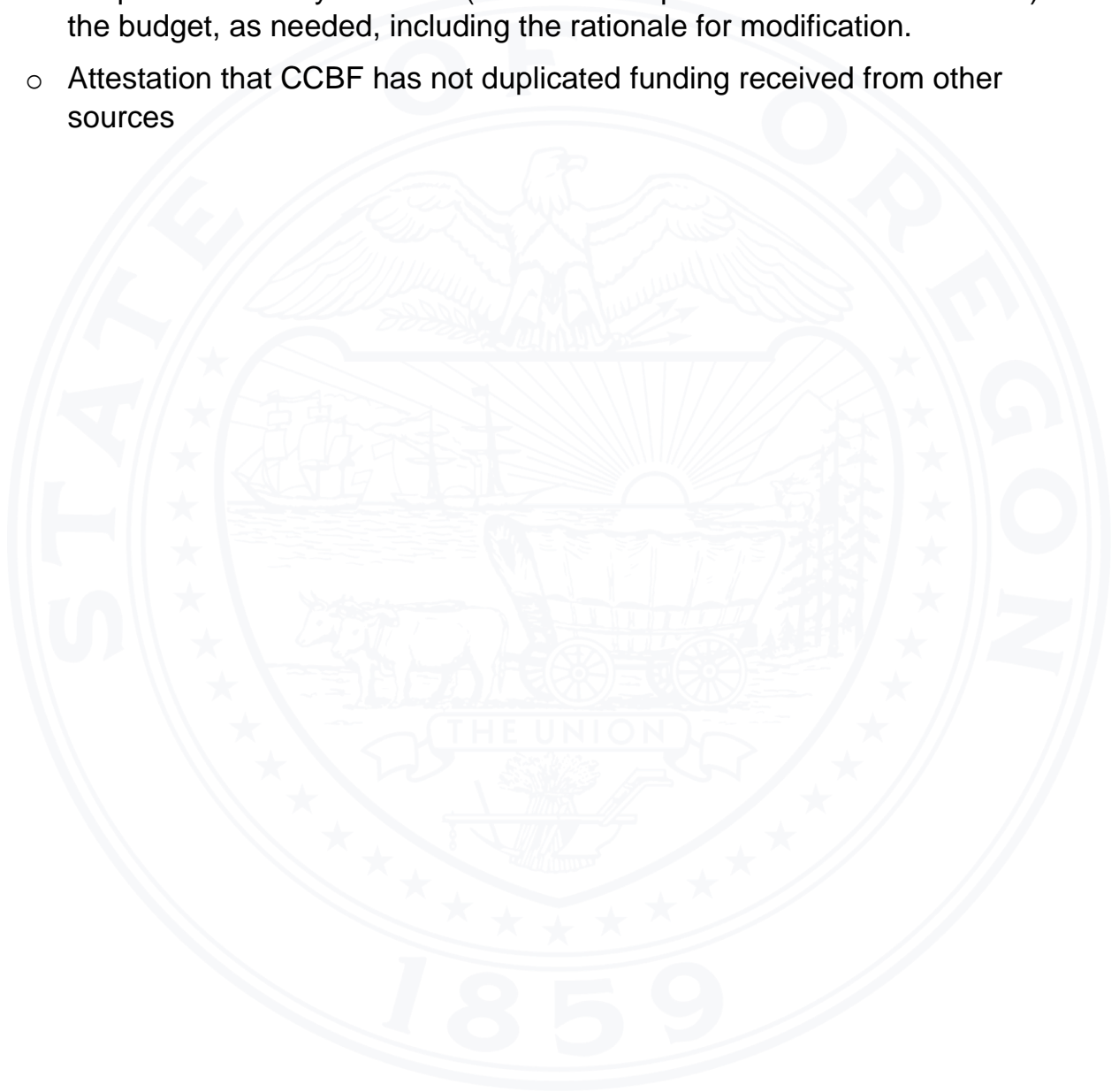
Eligible HRSN populations: ([See HRSN Service Protocol for population definitions](#))

- [Young Adults with Special Health Care Needs \(YSCHN\)](#).
- Adults and youth discharged from qualifying behavioral health facility (including institution for mental disease (IMD), residential mental health and substance use disorder facilities, or inpatient psychiatric units)
- Adults and youth released from incarceration.
- Youth involved with child welfare.
- Individuals transitioning to dual status (Medicaid and Medicare).
- Individuals who are homeless or at risk of homelessness.

If awarded CCBF, what are reporting requirements for grantees?

CCOs may have their own required reporting processes or requests. At a minimum, Grantees must report to CCOs on an annual basis regarding the following activities:

- Amount of CCBF spent during the reporting period and to date.
- Specific activities and items that CCBF was used to support during the reporting period.
- Requests to modify activities (within the scope of CCBF allowable uses) and the budget, as needed, including the rationale for modification.
- Attestation that CCBF has not duplicated funding received from other sources





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Courthouse Expansion Update

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

The Facilities Department will give a presentation to update the Board on the status of the Courthouse Expansion project. The update will include the work completed to date, upcoming work, and the project budget. Presentation materials are attached.

BUDGET IMPACTS:

None

ATTENDANCE:

Lee Randall, Facilities Director
Eric Nielsen, Facilities Capital Improvement Manager
Wayne Powderly, Cumming Group
Cory Loomis, Pence Contractors

Facilities

Deschutes County Courthouse Expansion Update

Board of County Commissioners Meeting

May 28, 2025



Courthouse Expansion Update



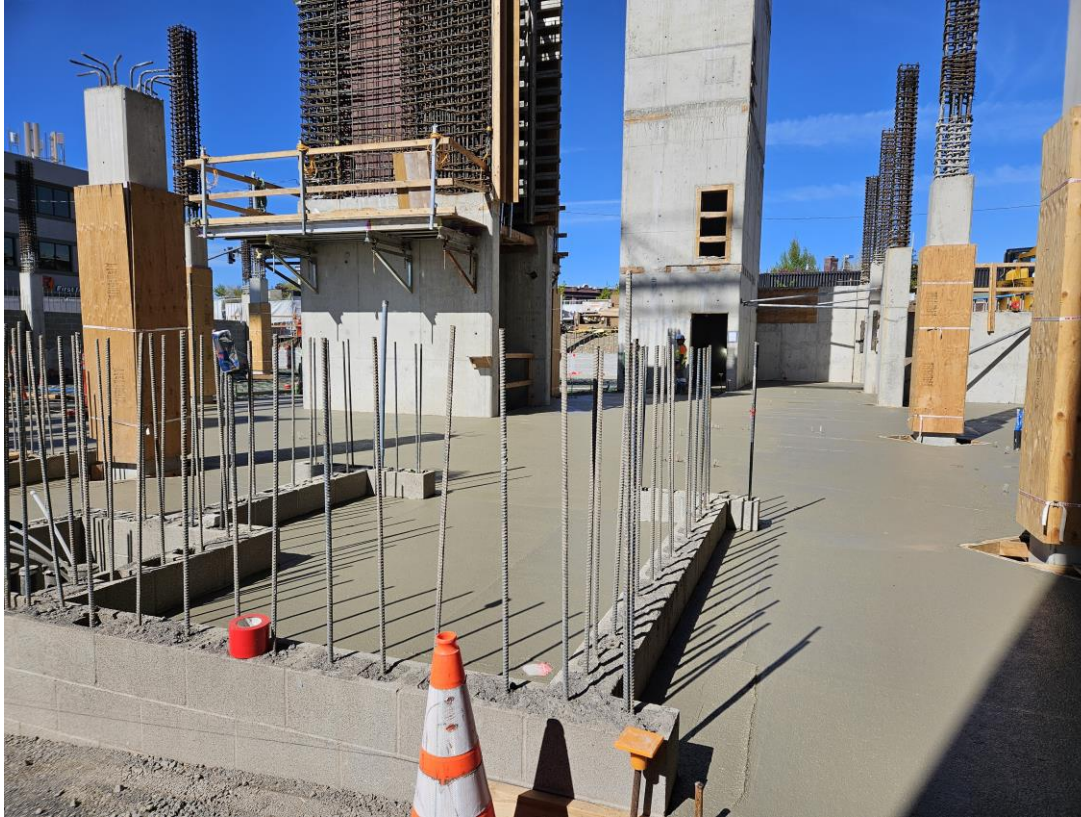
- Recently completed and ongoing work
- Construction schedule
- Project budget



Completed: Basement Slab Prep



Completed: Basement Slab Pour 1



Completed: Basement Slab Pour 1



Completed: Basement Slab Pour 1



Completed: Basement Slab Pour 2



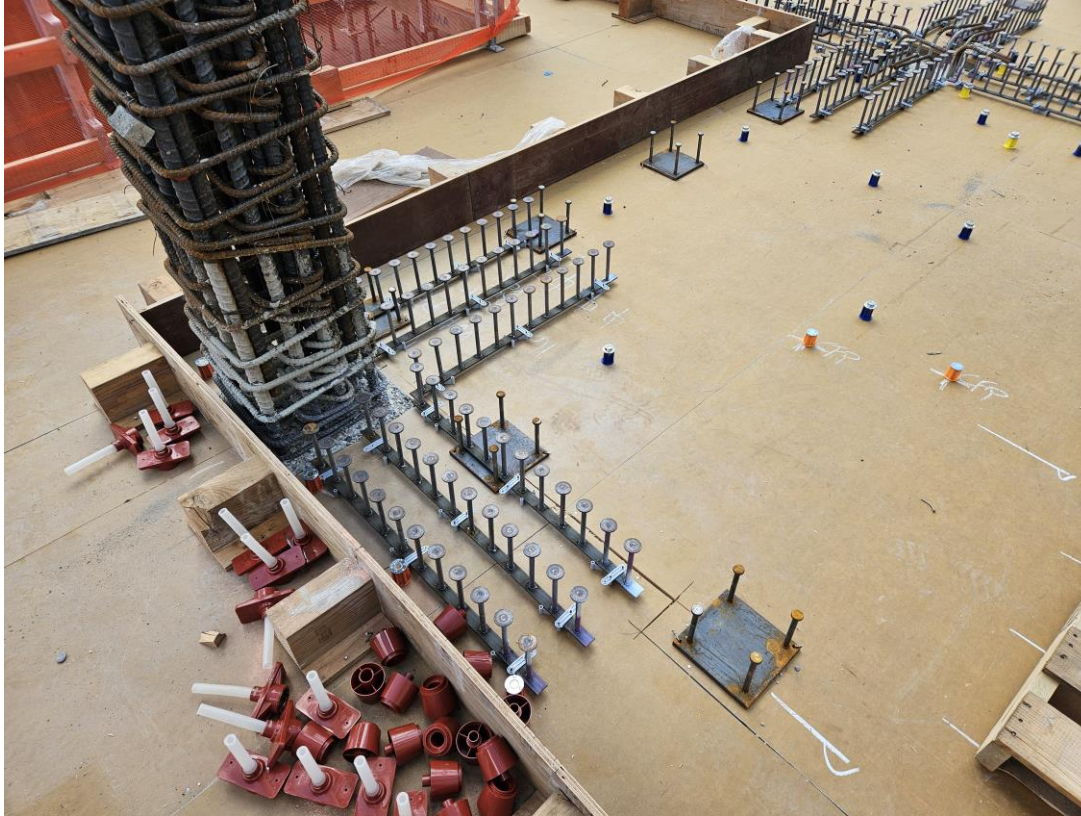
Completed: Basement Slab Pour 2



Ongoing: Level 1 Concrete Deck



Ongoing: Level 1 Concrete Deck



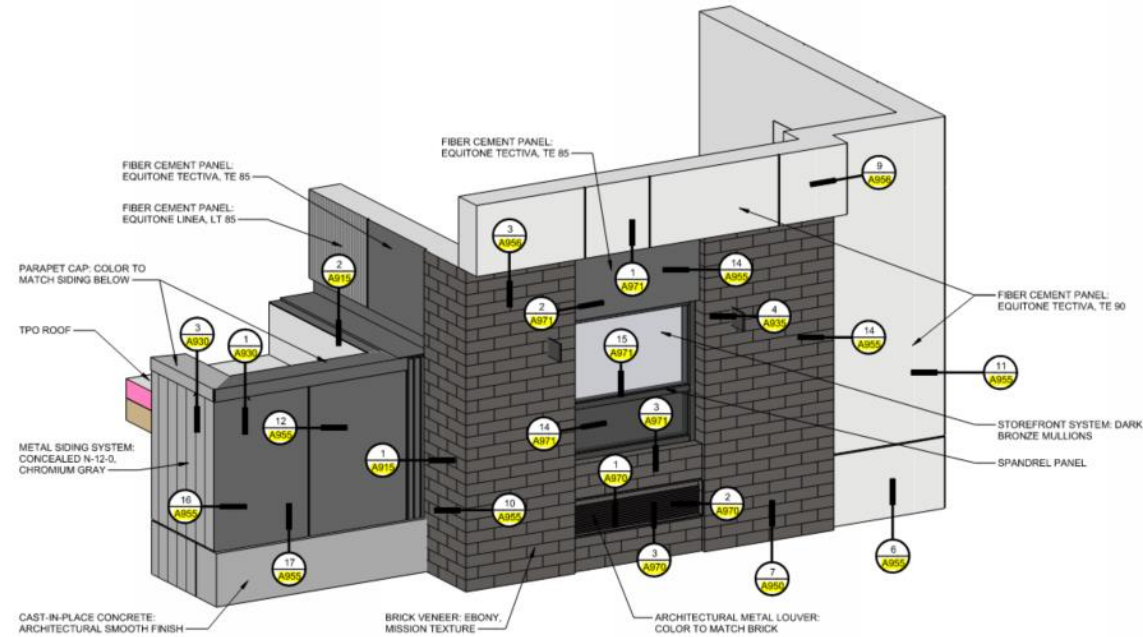
Ongoing: Level 1 Formwork



Ongoing: Level 1 Formwork



Ongoing: Mock-Up Window Installation

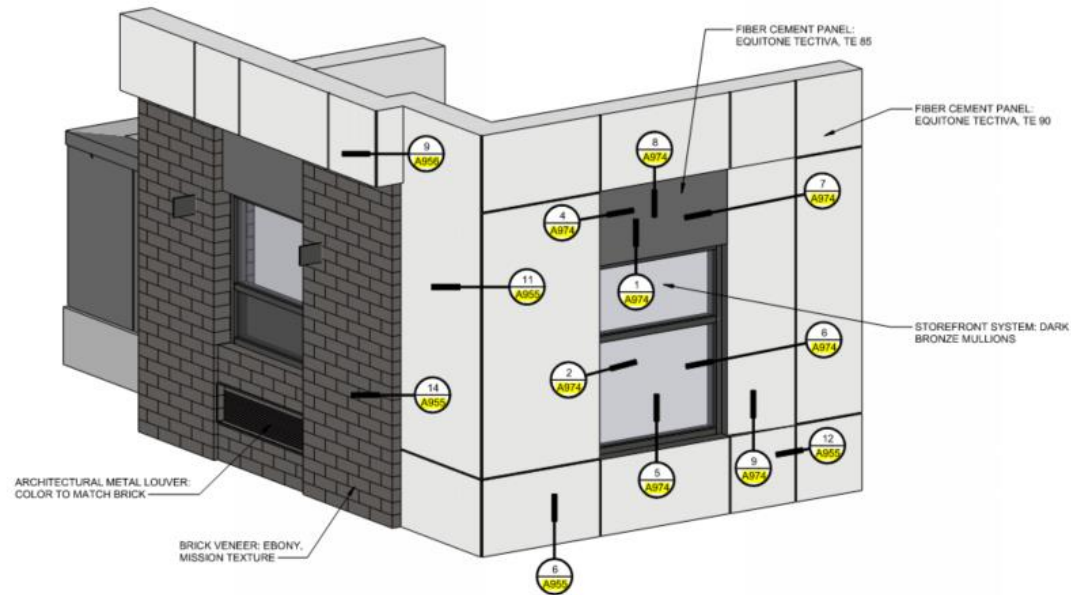


1. MOCK-UP AXON 1

M SCALE:



Ongoing: Mock-Up Window Installation



2. MOCK-UP AXON 2

M SCALE:



Upcoming Work

In the coming 8 - 10 weeks...

- **Level 1, 2, 3, and Roof Concrete Decks: Late May – Early August**
 - Formwork
 - Mechanical, Electrical, Plumbing Block-outs, Hangers, Sleeves
 - Embeds, Reinforcing Steel, and Tendons
 - Pour Deck and Columns
 - Stress PT Cables
 - Strip Formwork and Reshore
- **Exterior Framing & Sheathing Level 1 & 2: Early July – Mid August**



CONSTRUCTION TIMELINE

	2024		2025	2026
Demo, Grading, Site Utilities	Apr. '24–Oct. '24			
Permits Received	Apr. '24–Sept. '24			
Temporary Entrance Open	Jul. '24			
Building Structure		Sept. '24–Aug. '25		
Building Exterior			Aug. '25–Mar. '26	
Building Interior			Aug. '25–Apr. '26	
Sitework, Public Improvements			Nov. '25–Apr. '26	
Existing Building Renovations				Mar. '25–Jul. '26
Final Completion				Aug. '26



Questions?



Budget Update



Deschutes County
Courthouse Expansion
BUDGET STATUS REPORT
Current Through: 5/21/2025

	Budgeted Amounts		Actual Spend	Remaining	Comments
	Original Budget	Revised Budget	to Date	Balance	
CONSTRUCTION COSTS					
Cost of Work - Construction	\$ 32,510,428	\$ 37,529,793	\$ 12,816,338	\$ 24,713,455	Pence Contract (thru OCO #3)
Contractor's Contingency	\$ 1,641,965	\$ 1,641,965	\$ 52,924	\$ 1,589,041	6.04% Contractor's Contingency Remaining
Subtotal	34,152,393	39,171,758	12,869,262	26,302,496	
AJ Tucker - Demolition, Stone Salvage, and Storage	-	172,426	138,182	34,244	Pence Contract (\$34,244 credited back)
Subtotal Construction Costs	34,152,393	39,344,184	13,007,444	26,336,740	
DIRECT COSTS					
Architecture / Engineering / Interiors / Low Voltage	2,800,397	2,906,643	2,607,127	299,516	LRS ASAs (thru #10)
CM/GC Pre-Construction	62,040	62,040	62,040	-	Pence Contract
Land Use Attorney	50,000	30,000	-	30,000	
Land / Building Survey / TOPO	40,000	30,000	15,150	14,850	
Arborist / Tree Surgeon	9,799	-	-	-	
Historic Conservationist/Tribal Survey	20,000	-	-	-	
Geotechnical Reports and Inspections	39,197	39,197	14,200	24,997	
Commissioning	97,000	97,000	27,580	69,420	
Traffic Impact Analysis	35,000	15,000	6,500	8,500	
Hazmat Assessment / Abatement	60,000	30,000	-	30,000	
Construction Testing and Special Inspections	100,000	70,000	60,328	9,672	
Miscellaneous (Marketing, Postcards, Prints/reprographics)	-	-	1,661	(1,661)	
Unknown Additional Services Contingency	165,672	-	-	-	
Subtotal Direct Costs	3,479,105	3,279,880	2,794,586	485,294	
ADMINISTRATION COSTS					
Project Management / Owners Representative	401,220	589,754	400,452	189,302	Cumming Contract thru ASA #3
Subtotal Administration Costs	401,220	589,754	400,452	189,302	
OTHER PROFESSIONAL FEES					
Miscellaneous / Insurance	78,394	69,889	69,889	-	
Subtotal Other Professional Fees	78,394	69,889	69,889	-	
PERMITS AND FEES					
Land Use Approval	48,996	48,996	-	48,996	Used for Plan Check and Permits
Plan Check and Permits	342,974	442,974	997,894	(554,920)	
System Development Charges (SDC's) and Engineering Review	385,320	485,320	-	485,320	Used for Plan Check and Permits
BOLI Fee	7,500	7,500	8,890	(1,390)	Used for Plan Check and Permits
Unknown Additional Permits and Fees Contingency	117,719	147,719	147,719	-	Used for Plan Check and Permits
Subtotal Permits and Fees	902,509	1,132,509	1,154,502	(21,994)	



Deschutes County
Courthouse Expansion
BUDGET STATUS REPORT
Current Through: 5/21/2025

	Budgeted Amounts		Actual Spend to Date	Remaining Balance	Comments
	Original Budget	Revised Budget			
OWNER COSTS / THIRD PARTY CONTRACTS					
FFE (incl A-V Systems / communications, fit-out)	900,000	650,000	-	650,000	Includes OJD's \$500k
External / Internal Signage	25,000	25,000	-	25,000	
Telephone / Data / Network Build	58,796	58,796	-	58,796	
Mover / Relocation / Temp Facilities/ Fairgrounds Building Rental	50,000	50,000	11,178	38,822	
Misc / Bldg & Grounds R&M / Supplies / Furn & Fixt.	-	-	51,857	(51,857)	
Travel Expenses	-	-	434	(434)	
City Services & Street Improvements & Utility Connections	215,584	165,584	25,858	139,726	
Green Energy Costs Mandated per Oregon State (1.5%)	600,000	658,457	182,250	476,207	
County Contingency	1,114,438	1,448,373	-	1,448,373	4.86%
Subtotal Owner Costs / Third Party Contracts	2,963,818	3,056,210	271,577	2,784,633	
PROJECT TOTALS	\$ 41,977,438	\$ 47,472,426	\$ 17,698,450	\$ 29,773,975	

Original Budget	\$ 42,000,000	
Budget Adjustment	1,900,000	(2/21/2024)
Budget Adjustment	2,900,000	(1/29/2025)
Subtotal	\$ 46,800,000	

Courthouse Expansion Funding Sources

Bond Proceeds	\$ 20,500,000	Revised to show net proceeds less bond issuance costs
State of Oregon Expansion	15,000,000	
State of Oregon Remodel	1,500,000	Initial transfer from State of Oregon was previously included in the Reserves line item
LATCF	4,622,145	
Interest	3,425,000	
Reserves	1,752,855	Reduced to reflect State of Oregon Remodel contribution listed separately as shown above
Total	\$ 46,800,000	

Worked tracked by County with funds from other sources

AJ Tucker	\$ 172,426
OJD FF&E	500,000
Total Budget	\$ 47,472,426



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Deliberations: A Plan Amendment and Zone Change for Bend Park and Recreation District (File nos. 247-24-000404-PA, 405-ZC)

POSSIBLE MOTIONS:

At the conclusion of its deliberations, the Board can choose from the following options:

- Continue its deliberations to a date and time to be scheduled; or
- Close the deliberations and propose a motion to approve or deny the application and direct staff to return at a later date with a draft decision.

If the Board decides to proceed by approving the Plan Amendment and Zone Change, it can choose from the following motions:

1. Move approval of the Plan Amendment and Zone Change for file nos. 247-24-000404-PA, 247-24-000405-ZC; or
2. Move to affirm the Hearings Officer's recommendation for the Plan Amendment and Zone Change as the Board's Decision for file nos. 247-24-000404-PA, 247-24-000405-ZC.

The following motion can be used if the Board decides to deny the Plan Amendment and Zone Change:

- Move to deny the Plan Amendment and Zone Change for file nos. 247-24-000404-PA, 247-24-000405-ZC.

In the case of either approval or denial, staff will return with a formal document containing findings which document the reasons for the Board's decision as discussed in the deliberations.

BACKGROUND AND POLICY IMPLICATIONS:

The Board of Commissioners will deliberate on May 28, 2025, to consider a request for a Plan Amendment and Zone Change (file nos. 247-25-000404-PA, 405-ZC). A public hearing was held on April 2, 2025. The full record is located on the project webpage:

<https://www.deschutes.org/cd/page/247-24-000404-pa-405-zc-bend-park-and-recreation-district-bprd-comprehensive-plan-amendment>.

BUDGET IMPACTS:

None

ATTENDANCE:

Nathaniel Miller, Associate Planner



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Board of County Commissioners

FROM: Nathaniel Miller, AICP, Associate Planner

DATE: May 28, 2025

SUBJECT: Deliberations: A Plan Amendment and Zone Change (File nos. 247-24-000404-PA, 405-ZC).

The Board of County Commissioners ("Board") will conduct Deliberations on May 28, 2025, to consider a request for a Comprehensive Plan Amendment and Zone Change (File nos. 247-24-000404-PA, 247-24-000405-ZC). The subject property is located southeast of the City of Bend and is approximately 279 acres. The property is addressed at 60725 Arnold Market Road, Bend. A location map is included as **Attachment A**.

I. BACKGROUND

A public hearing was conducted by a Hearings Officer on November 12, 2024. On January 8, 2025, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change. On April 2, 2025, the Board held a public hearing to hear additional testimony on the applications. The Board established an Open Record Period of a 7-day *New Evidence and Testimony* phase, 7-day *Rebuttal* phase, and a 7-day *Applicant's Final Legal Argument* phase. The Open Record period closed at 4:00pm on April 23, 2025.

The attached Decision Matrix (**Attachment B**) is designed to assist the Board in their deliberations. It focuses on the contested aspects of the application and that require Board determinations or interpretations. There are six key issues identified in testimony and materials that are related to approval criteria for the subject applications.

II. SUMMARY

Please see the Decision Matrix for Issue items and summaries.

III. RECORD

At the hearing, the applicant submitted written testimony and provided oral testimony, but did not raise new issues. A new letter of objection from an opponent was also submitted during the hearing. These submittals can be accessed on the project website and record located at the link below.

Staff notes that the Planning Division received the following submittals during the Open Record Period:

BOCC Hearing – New Evidence & Testimony

2025-04-08 M. Stockamp, Eden Central Properties LLC

BOCC Hearing – Rebuttal Testimony

2025-04-16 D. Peschka - Letter to Commissioner Adair

BOCC Hearing – Applicant’s Final Legal Argument

2025-04-16 D. Peschka 3 Letters to Deschutes County Commissioners

2025-04-23 J. Hicks - Applicant’s Final Legal Arguments

Staff notes that Applicant’s Final Legal Argument Phase is reserved exclusively for the applicant and requests the Board address applicability of the letters received by Ms. Peschka that were received within this phase.

The record for file nos. 247-24-000404-PA, 405-ZC is as presented at the following Deschutes County Community Development Department website:

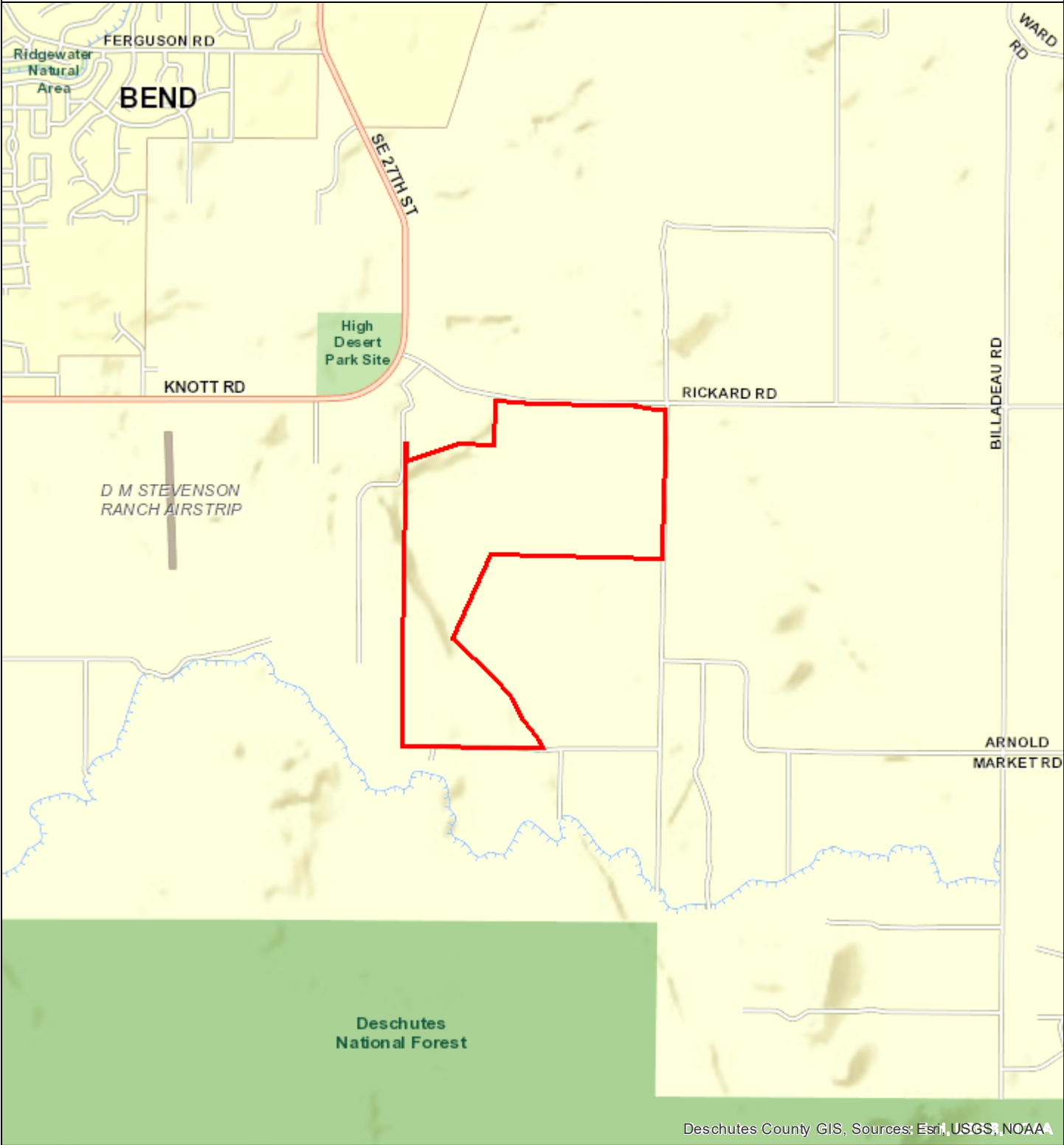
<https://www.deschutes.org/cd/page/247-24-000404-pa-405-zc-bend-park-and-recreation-district-bprd-comprehensive-plan-amendment>

Attachment A: Location Map

Attachment B: Decision Matrix

File: 247-24-000404-PA, 405-ZC

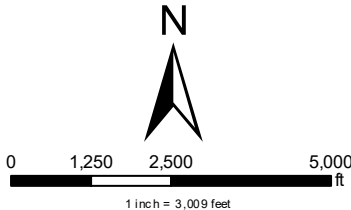
Situs Address: 60725 ARNOLD MARKET RD, BEND, OR 97701



Deschutes County GIS, Sources: Esri, USGS, NOAA



Date: 7/2/2024



BOCC Decision Matrix

Page 1 of 3

Plan Amendment/ Zone Change Land Use File Nos. 247-22-000404-PA, 405-ZC					
Issue Area 1 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
Can the Surface Mine Zone be changed prior to site being reclaimed under the amended Reclamation Plan? <u>Applicable Criteria</u> DCC 18.52.200(A)	The DOGAMI reclamation requirement in DCC 18.52.200(A) has been met. The full reclamation of the site is conditioned through the Amended Reclamation Plan and approval. The Plan Amendment and Zone Change can be approved. (Hearings Officer Recommendation pg. 5).	Central Oregon LandWatch asserts that pursuant to DCC 18.52.200(A), A surface mine site needs to be fully reclaimed prior to a zone change.	The applicant has demonstrated compliance with the requirements of DCC 18.52, previous land use approvals, and DOGAMI.	Staff agrees with the Hearings Officer's findings. The reclamation activities are met under DOGAMI requirements and conditions of approval under the Amended Reclamation Plan which can reasonably be met.	Yes: May be approved
					No: May be denied
Issue Area 2 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
Is the property "Agricultural Land", being predominately Class I-VI soils? <u>Applicable Criteria</u> OAR 660-033-0020(1)(a)(A)	The Hearings Officer found the subject property is not Goal 3 "Agricultural Land" under the statewide planning goals. (Hearings Officer Recommendation pg. 31).	Central Oregon LandWatch asserts that the applicant's soil study is flawed as the property is in a "partial state of reclamation".	The site-specific soil study for the property was prepared by a certified soil classifier and correctly classified the soils, which are not predominately Class I-VI, and the property is not "Agricultural Land".	Staff agrees with the Hearings Officer's findings based upon the submitted soils study analysis and the classification of unproductive soil types on the property.	No: May be approved
					Yes: May be denied

BOCC Decision Matrix

Page 2 of 3

Issue Area 3 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
Is the subject property suitable for Farm Use? <u>Applicable Criteria</u> Statewide Planning Goal 3. OAR 660-033-0020(1)(a)(B)	The subject property does not qualify as agricultural land. The Hearings Officer agrees with the Applicant's analysis, considerations, and application of relevant laws. (Hearings Officer Recommendation pg. 24-25).	Comments from Central Oregon LandWatch assert that the property can be used for livestock grazing and that the property has a history of farm use.	The Applicant asserts that the subject property does not qualify as agricultural land with respect to ORS 215.203, with emphasis on the definition of "Farm Use" and required element of profitability. The Applicant has addressed the "suitability factors" associated with OAR 660-033-0020(1)(a)(B).	Staff concurs with the Hearings Officer's Recommendation and analysis from the Applicant.	No: May be approved
					Yes: May be denied
Issue Area 4 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
Are Tax Lots 200 and 300 a "Farm Unit" and require conformance with OAR 660-033-0020(1)(b)? <u>Applicable Criteria</u> Statewide Planning Goal 3. OAR 660-033-0020(1)(b)	The Hearings Officer agrees with the Applicant's analysis, considerations, and application of relevant laws specific to OAR 660-033-0020(1)(b). (Hearings Officer Recommendation pg. 30-31).	Central Oregon LandWatch asserts that the properties (Tax Lot 200 and 300) were farmed together and can be deemed to be a "farm unit". The standard of profitability is not a consideration. However, if farmed correctly the subject properties could generate a profit.	The subject property is not, and has not been, a part of a "farm unit".	Staff agrees with the Hearings Officer's finding on this issue area.	No: May be approved
					Yes: May be denied

BOCC Decision Matrix

Page 3 of 3

Issue Area 5 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
<p>Is the subject property's EFU zoning necessary to permit farm practices on Tax Lot 300</p> <p><u>Applicable Criteria</u> OAR 660-033-0020(1)(a)(C)</p>	<p>The Hearings Officer agrees with the Applicant's analysis, considerations, and application of relevant laws specific to OAR 660-033-0020(1)(a)(C)</p> <p>(Hearings Officer Recommendation pg. 30).</p>	<p>Central Oregon LandWatch asserts that agricultural production on Tax Lot 300 will end if the rezoning of the subject property is approved. The current EFU zoning is therefore "necessary."</p>	<p>According to the application materials, there is no farm use on the subject property and has been in mining use, or post mining use (reclamation), since the early 1990's.</p>	<p>Staff agrees with the Hearings Officer's finding on this issue area. As stated in the Staff Report, staff also concurs with the Applicant's analysis and finds no feasible way that the subject property is <i>necessary</i> for the purposes of permitting farm practices on any nearby parcels.</p>	No: May be approved
					Yes: May be denied
Issue Area 6 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
<p>Can the subject property be rezoned to Rural Residential?</p> <p><u>Applicable Criteria</u> All applicable criteria are outlined in the Staff Report and Hearings Officer's Recommendation.</p>	<p>The Hearings Officer recommends approval of the applications.</p>	<p>Central Oregon LandWatch asserts that a park can be proposed on properties in the EFU Zone. Other comments argue that the zone change to Rural Residential (RR10) allows too much flexibility and risk of residential development.</p>	<p>The application materials state that the property owner intends to develop the property for a regional public park. The Burden of Proof demonstrates compliance with the applicable criteria.</p>	<p>The applicant has submitted a Burden of Proof demonstrating compliance with the applicable criteria. Staff believes the Hearing's Officer issued a well-reasoned recommendation.</p>	Yes: May be approved
					No: May be denied



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Community Development Department Fiscal Year 2025-26 Work Plan /
Deliberation

RECOMMENDED MOTION:

Move approval of the Community Development Department's 2025-26 Work Plan as recommended by the Planning Commission with any amendments decided by the Board at this meeting.

BACKGROUND AND POLICY IMPLICATIONS:

The Board of County Commissioners will deliberate and consider approving CDD's 2025-26 Work Plan. The Board conducted a public hearing on the draft work plan on May 7th and received one public comment to prioritize a lot line adjustment text amendment.

BUDGET IMPACTS:

None

ATTENDANCE:

Peter Gutowsky, Community Development Director



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Peter Gutowsky, AICP, Director
CDD Management Team

DATE: May 28, 2025

SUBJECT: Community Development Department Draft Fiscal Year (FY) 2025-65 Work Plan and 2024 Annual Report / Deliberation

I. SUMMARY

The Board of County Commissioners (Board) will deliberate and consider approving the Community Development Department (CDD) FY 2025-26 Work Plan (Attachment). The Board conducted a public hearing on the draft work plan on May 7 and received one public comment to prioritize a lot line adjustment text amendment.

II. BOARD DECISIONS

Below are decision points for the Board to consider in approving the work plan as it pertains to the Planning Division:

1. Affirm or amend the projects in **Table 1**, which are priority discretionary and non-discretionary projects.
2. Affirm or amend the Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks in **Table 2**.
3. Affirm or amend the low priority projects in **Table 3**.

III. PLANNING COMMISSION RECOMMENDATION

Considering the priority projects listed in Table 1, the Planning Commission ranked in order of importance, dark skies #1, natural hazard planning #2, and Newberry Country Plan Update #3. They endorsed all the projects listed in Tables 2 and 3, considering them noteworthy for the community. To the extent that resources become available, they also support convening panel discussions, prioritizing water resources and regional housing discussions, ahead of other suggestions such as destination resorts, a high desert zone concept, and wildlife.

IV. PRIORITY PROJECTS

Table 1 captures priority discretionary and nondiscretionary projects that are supported by the Board, grant funded, or in process. These projects in their totality are “significant,” requiring staffing resources that span 6 to 12 months or longer.

Table 1 – Priority Discretionary and Non-discretionary Projects

Priority Projects	
1. Current Planning ¹	4. Newberry Country Plan Update
2. Comprehensive Plan 2040 Reconsideration	5. Natural Resource and Hazard Planning
3. Clear and Objective Standards for Housing	6. Dark Skies

Table 2 identifies ongoing Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks. These projects in their totality range from “minor” to “moderate,” requiring staffing resources that span 4 to 8 months to complete.

Table 2 – Operational Responsibilities, Coordination Duties, and Code Maintenance

Category	Projects
Operational Responsibilities	<ol style="list-style-type: none"> 1. Destination resort and overnight lodging reporting. 2. Marijuana inspections. 3. Population estimates and forecasting. 4. Staffing HLC, Bicycle and Pedestrian Advisory Committee, and Deschutes River Mitigation and Enhancement Committee. 5. 2026 Legislative Short Session. 6. Interdepartmental coordination (new landfill siting, etc.).
Coordination Duties	<ol style="list-style-type: none"> 7. City of Bend Coordination <ul style="list-style-type: none"> • Coordinate growth management issues, including technical analyses related to housing and employment needs, and SB 1537, an expedited UGB amendment for affordable and work force housing. • Coordinate with the Bend Park and Recreation District for the development of park space in SE Bend. 8. City of La Pine Coordination <ul style="list-style-type: none"> • Participate in La Pine 2045 Comprehensive Plan Update process. • Participate with Deschutes County Property Management and the City of La Pine to update Newberry Neighborhood comprehensive plan designations, master plan, and implementing regulations. • Coordinate transportation impacts and long-range planning for County-owned right-of-way facilities located within city limits. 9. City of Redmond Coordination <ul style="list-style-type: none"> • Coordinate growth management issues, including technical analyses related to housing, employment needs, and planning efforts for the McVey Interchange on South Highway 97. • Update the Joint Management Agreement and Urban Holding zone per HB 3197. 10. City of Sisters Coordination <ul style="list-style-type: none"> • Participate in the implementation of Sisters Country Vision Plan, City of Sisters Comprehensive Plan Update, and UGB Expansion process. • Coordinate on urbanization related code amendment projects.

¹ Current Planning responsibilities are non-discretionary. Local land use decisions are subject to specific deadlines per state law. ORS 215.427.

Category	Projects
Coordination Duties	<ol style="list-style-type: none"> 11. Transportation Planning <ul style="list-style-type: none"> • Process road naming requests associated with certain types of development on a semi-annual basis. • Administer the County’s Transportation System Development Credit program. • Coordinate with Bend Metropolitan Planning Organization on regional projects and planning. • Coordinate with the Oregon Department of Transportation on roadway projects and interchange area management plans. • Coordinate internal review of Deschutes County Code (DCC) Title 17 code amendments related to land divisions, road improvements, and transportation impacts to ensure compliance with HB 3197. • Provide updated traffic data for the ongoing Newberry Country Plan update. 12. Housing Strategies. <ul style="list-style-type: none"> • Amend DCC to define family for unrelated persons HB 2538, non-familial Individuals. • Explore options and approaches to address rural housing and homelessness as allowed under state law. 13. Department of Land Conservation and Development Rulemaking <ul style="list-style-type: none"> • Monitor rulemaking as it pertains to Goal 5 – Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting. 14. Initiate legislative amendments to the Comprehensive Plan and Zoning Code as needed.
Code Maintenance	<ol style="list-style-type: none"> 15. Housekeeping Amendments <ul style="list-style-type: none"> • Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.

Table 3 lists discretionary zoning text amendments. These are “lower” priority projects, requiring staffing resources that span 4 to 12 months or longer to complete.

Table 3 – Low Priority Zoning Text Amendments

Category	Projects
Zoning Text Amendments	<ol style="list-style-type: none"> 1. Allow “self-serve” farm stands in Rural residential Exception Areas Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones. 2. Childcare facilities in Industrial Zones 3. Define family for unrelated persons per HB 2538 (Non-familial Individuals). 4. Forest Zone Code—Review for compliance with Oregon Administrative Rule. 5. Lot Line Adjustments and Re-platting. 6. Medical Hardship Dwellings—review for consistency with state law. 7. Minor variance 10% lot area rule for farm and forest zoned properties. 8. Outdoor Mass Gatherings update. 9. Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments). 10. Sign code to become consistent with federal law. 11. Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses. 12. Title 22—Procedures Ordinance for consistency with state law and planning department interpretations. 13. Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.

V. DRAFT MOTIONS

1. Move to approve the CDD FY 2025-26 Work Plan as recommended by the Planning Commission;
or
2. Move to approve the CDD FY 2025-26 Work Plan as recommended by the Planning Commission
with any amendments decided by the Board at this meeting.

Attachment:

CDD FY 2025-26 Work Plan and 2024 Annual Report



COMMUNITY DEVELOPMENT

FY 2025-26 Work Plan & 2024 Annual Report



117 NW Lafayette Avenue
P.O. Box 6005
Bend, OR 97703
www.deschutes.org/cd
(541) 388-6575

Building Safety
Code Enforcement
Coordinated Services
Onsite Wastewater
Planning

Table of Contents

Introduction	4
<i>Mission Statement</i>	4
<i>Purpose</i>	4
<i>Adoption</i>	4
Elected & Appointed Officials	5
Board of County Commissioners FY 2025-2026 Goals & Objectives	6
Population Growth	8
Budget & Organization.....	9
<i>Fiscal Issues</i>	9
<i>Operational Challenges</i>	9
<i>Budget Summary</i>	10
<i>Staff Summary</i>	10
<i>Organizational Chart</i>	10
Performance Management	11
<i>2024 Performance Management Results</i>	11
<i>2024 Year in Review</i>	13
<i>2025-2026 Performance Measures By Division</i>	13
<i>Building Safety</i>	13
<i>Code Enforcement</i>	13
<i>Coordinated Services</i>	13
<i>Onsite Wastewater</i>	13
<i>Planning</i>	14
Administrative Services	15
<i>Overview</i>	15
<i>2024 Year in Review</i>	15
<i>2025-26 Work Plan Projects</i>	15

Table of Contents

Building Safety 16

Overview 16

2024 Year In Review 16

2025-26 Work Plan Projects 18

Code Enforcement 19

Overview 19

2024 Year in Review 19

2025-26 Work Plan Projects 20

Coordinated Services 22

Overview 22

2024 Year in Review 22

2025-26 Work Plan Projects 22

Onsite Wastewater 23

Overview 23

2024 Year in Review 23

2025-26 Work Plan Projects 25

Planning 26

Overview 26

Current Planning 26

Long Range Planning 26

Transportation Planning 26

Floodplain & Wetlands Planning 26

2024 Year in Review 27

2025-26 Work Plan Projects 32

Community Involvement Report 36

Introduction

Community Development Mission Statement

The Community Development Department (CDD) facilitates orderly growth and development in Deschutes County through coordinated programs of Building Safety, Code Enforcement, Coordinated Services, Onsite Wastewater, Planning, and education and service to the public.

Purpose

The Fiscal Year (FY) 2025-26 Work Plan and 2024 Annual Report highlight the department's goals, objectives, and accomplishments and are developed to:

- Report on achievements and performance.
- Implement the Board of County Commissioners (BOCC) goals and objectives.
- Implement the Deschutes County Customer Service "Every Time" Standards.
- Effectively and efficiently manage organizational assets, capabilities and finances.
- Fulfill the department's regulatory compliance requirements.
- Address changes in state law.
- Enhance the county as a safe, sustainable and highly desirable place to live, work, learn, recreate, visit and more.

Adoption

The BOCC adopted this report on June XX, 2025, after considering public, stakeholder and partner organization input and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Those not initiated are often carried over to future years.



Elected & Appointed Officials

BOARD OF COUNTY COMMISSIONERS

Anthony DeBone, Chair, January 2027
 Patti Adair, Vice Chair, January 2027
 Phil Chang, Commissioner, January 2029

COUNTY ADMINISTRATION

Nick Lelack, County Administrator
 Whitney Hale, Deputy County Administrator
 Erik Kropp, Deputy County Administrator

PLANNING COMMISSION

Matt Cyrus — Chair, Sisters Area, 6/30/26
 Susan Altman — Vice Chair, Bend Area, 6/30/28
 Nathan Hovekamp — Bend Area, 6/30/27
 Kelsey Kelley — Tumalo Area, 6/30/27
 Jessica Kieras — Redmond Area, 6/30/26
 Mark Stockamp — At Large, 6/30/27
 Toni Williams — South County, 6/30/29

HISTORIC LANDMARKS COMMISSION

Rachel Stemach — Chair, Bend Area, 3/31/28
 Dennis Schmidling — Vice Chair, City of Sisters, 3/31/28
 Eli Ashley — At Large, 3/31/26
 Lore Christopher — At Large, 3/31/26
 Christine Horting-Jones — Ex-Officio, 3/31/28
 Marc Hudson — At Large, 3/31/28
 Lilian Syphers — Ex-Officio, 3/31/28

HEARINGS OFFICERS

Tommy Brooks
 Gregory J. Frank
 Alan Rappleyea
 Laura Westmeyer

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Jennifer Letz — Chair, Sisters, 6/30/26
 David Green — Vice Chair, At Large, 6/30/26
 Wendy Holzman — At Large, 6/30/26
 Mason Lacy — At Large, 6/30/26
 David Roth — Bend, 6/30/26
 Rachel Zakem — At Large, 6/30/26
 Anthony Accinelli — La Pine, 6/30/27
 Neil Baunsgard — Bend, 6/30/27
 Diane Flowers, At Large, 6/30/27
 Matt Muchna — At Large, 6/30/27
 Bob Nash — Redmond, 6/30/2027
 Mark Smith — At Large, 6/30/27

Board of County Commissioners

FY 2025-26 Goals & Objectives

Mission Statement: Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

Safe Communities (SC): Protect the community through planning, preparedness, and delivery of coordinated services.

- Provide safe and secure communities through coordinated public safety and crisis management services.
- Reduce crime and recidivism and support victim restoration and well-being through equitable engagement, prevention, reparation of harm, intervention, supervision and enforcement.
- Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.

Healthy People (HP): Enhance and protect the health and well-being of communities and their residents.

- Support and advance the health and safety of all Deschutes County's residents.
- Promote well-being through behavioral health and community support programs.
- Ensure children, youth and families have equitable access to mental health services, housing, nutrition, child care, and education/prevention services.
- Help to sustain natural resources and air and water quality in balance with other community needs.
- Apply lessons learned from pandemic response, community recovery, and other emergency response events to ensure we are prepared for future events.

A Resilient County (RC): Promote policies and actions that sustain and stimulate economic resilience and a strong regional workforce.

- Update County land use plans and policies to promote livability, economic opportunity, disaster preparedness, and a healthy environment.
- Maintain a safe, efficient and economically sustainable transportation system.
- Manage County assets and enhance partnerships that grow and sustain businesses, tourism, and recreation.

Housing Stability and Supply (HS): Support actions to increase housing production and achieve stability.

- Expand opportunities for residential development on appropriate County-owned properties.
- Support actions to increase housing supply.
- Collaborate with partner organizations to provide an adequate supply of short-term and permanent housing and services to address housing insecurity.

Board of County Commissioners

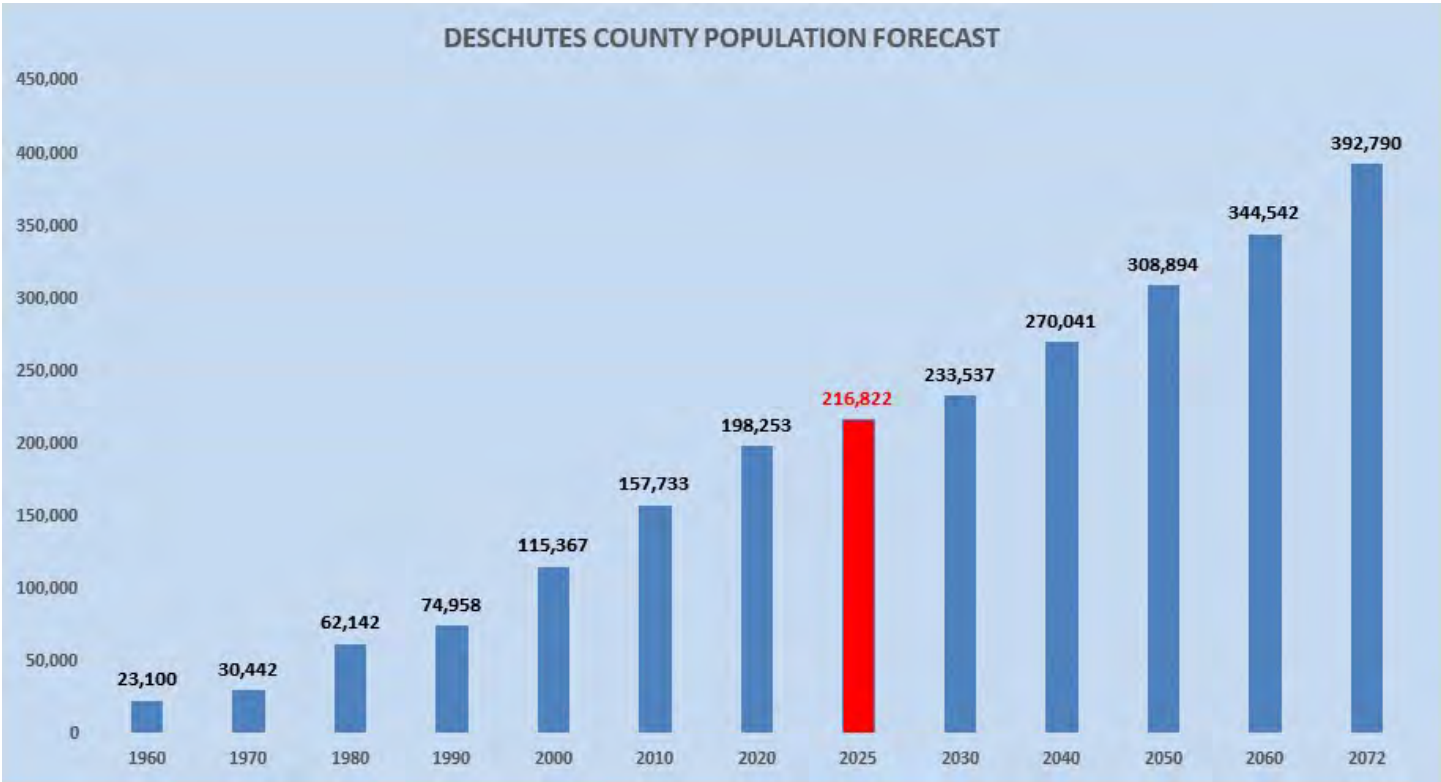
FY 2025-26 Goals & Objectives

Service Delivery (SD): Provide solution-oriented service that is cost-effective and efficient.

- Ensure quality service delivery through the use of innovative technology and systems.
- Support and promote Deschutes County Customer Service “Every Time” standards.
- Continue to enhance community participation and proactively welcome residents to engage with County programs, services and policy deliberations.
- Preserve, expand and enhance capital assets, to ensure sufficient space for operational needs.
- Maintain strong fiscal practices to support short and long-term County needs.
- Prioritize recruitment and retention initiatives to support, sustain, and enhance County operations.



Population Growth



This graph provides a snapshot of the County’s growth since 1960 and the 50-year Portland State University (PSU) Population Forecast for Deschutes County from 2022 through 2072.

PORTLAND STATE UNIVERSITY 2022-2072 DESCHUTES COUNTY FORECAST

Geographic Area	2022	2025	2047	*AAGR 2025-2047	2072
Deschutes County	207,921	216,822	291,344	1.3%	382,813
Bend	103,296	109,525	155,066	1.6%	218,270
Redmond	37,342	39,533	57,516	1.7%	79,152
Sisters	3,437	3,799	8,049	3.1%	15,190
La Pine	2,736	2,950	5,544	2.3%	9,061
Unincorporated	60,430	61,014	65,164	0.3%	61,140

*AAGR: Average Annual Growth Rate

Budget & Organization

Fiscal Issues

- CDD experienced a modest improvement in permitting volumes in 2024, mainly due to legislation allowing accessory dwelling units (ADUs) in rural residential areas. While single-family dwelling (SFD) permits and site evaluations increased, land use applications declined. ADU application types accounted for 4% of SFD permits, 21.2% of site evaluations, and 5% of land use applications. This initial surge in application submissions is not anticipated to continue.
- Personnel cost increases are anticipated due to several key factors. These include adjustments to salaries resulting from a Pay Equity & Market Evaluation Project, which is intended to increase competitiveness in the job market, rising benefit costs, and investments in staff training to ensure exceptional service delivery. It is essential to plan for these increases to maintain our commitment to attracting and retaining top talent, which is critical to long-term success and organizational stability.
- CDD responds to development inquiries, implements legislative and BOCC priorities, and supports County initiatives. Many of these require research and detailed responses without generating permits or revenue. This “non-fee generating” work, while a public good, consumes resources needed for processing applications and permits.
- Issues may also arise from adapting to changes in the economy and complying with evolving legislation.

Operational Challenges

- Maintaining productivity amid staff resignations while completing training for new staff. In 2024, CDD welcomed 6 new staff members, saw 5 resignations, and added 2 new positions, resulting in a total of 52 FTE. Approximately 45% of staff have 5 years or less experience with the department.
- Coordinating with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff in a highly competitive market.
- Continue succession planning for anticipated staff retirements, with 15% of staff eligible for retirement within the next 3 to 8 years based on length of service.
- Implementing new laws from the 2023, 2024, and possibly the 2025 Legislative Session.
- Processing complex cases, applications, and evaluations require thorough analysis and interpretation of local and state regulations.
- Addressing affordable housing by collaborating with cities, the County's Property Manager, and other partners.
- Improving the department's website and other electronic services to enhance efficiencies and service delivery.

Budget & Organization

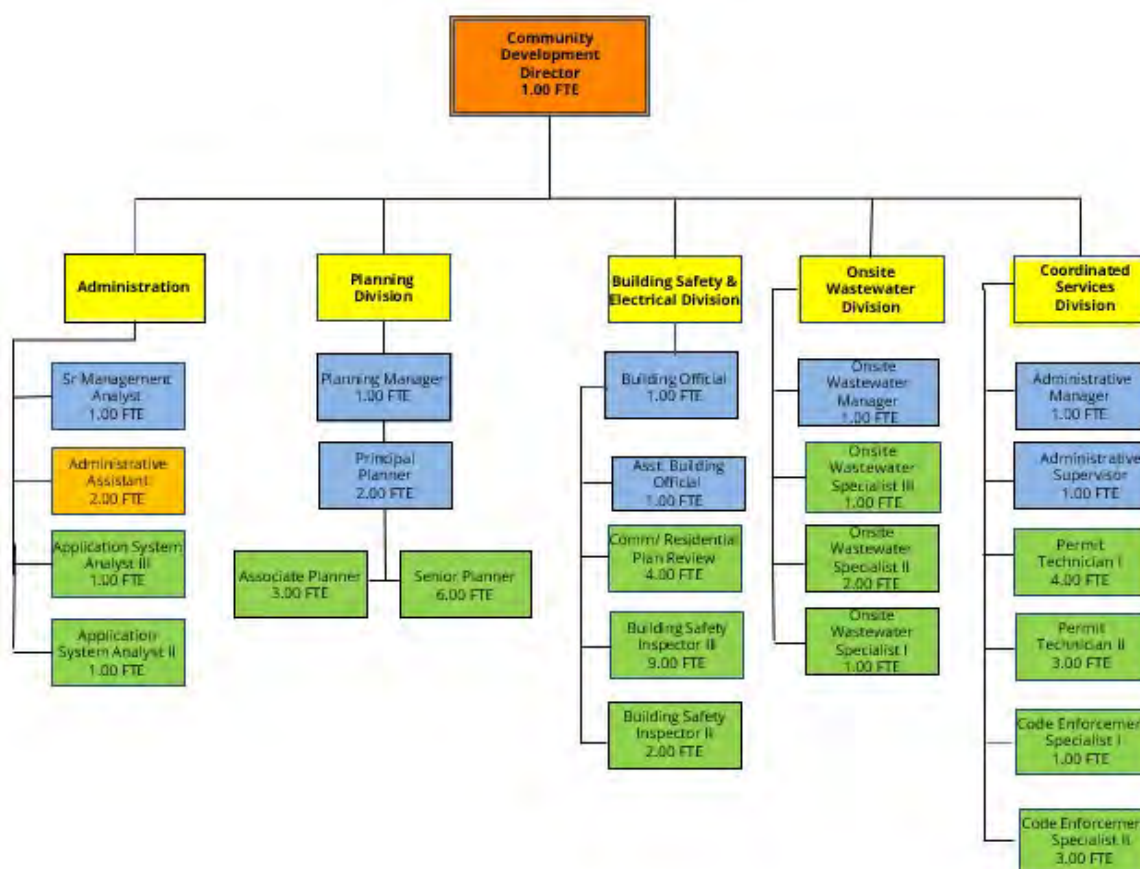
Budget Summary

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Resources	\$11,302,683	\$13,932,023	\$12,475,587	\$11,329,936	\$11,760,201
Requirements	\$11,302,683	\$13,392,023	\$12,475,587	\$11,329,936	\$11,760,201

Staff Summary

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Total FTE's	70.00	65.00	58.00	53.00	53.00

Organizational Chart



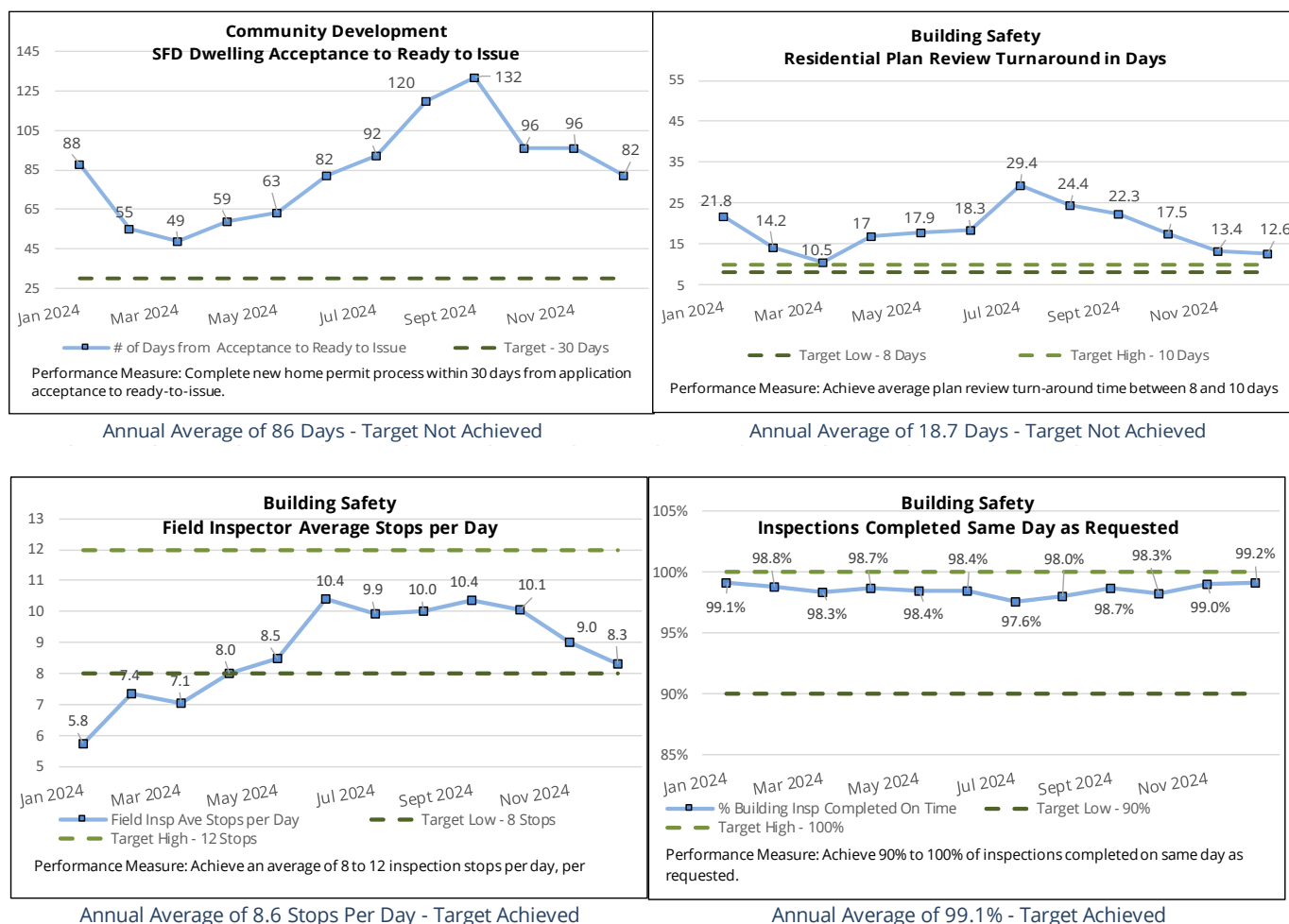
Performance Management

CDD is committed to a comprehensive approach to managing performance. The department achieves its goals and objectives by strategically establishing and monitoring performance measures and then adjusting operations based on those results. The performance measures allow staff to:

- Address service delivery expectations from the perspectives of CDD's customers.
- Ensure the department fulfills its regulatory responsibilities.
- Efficiently and effectively manage the organization's assets, capacities and finances.
- Preserve and enhance the County as a safe, sustainable and desirable place to live, work, visit, and recreate.

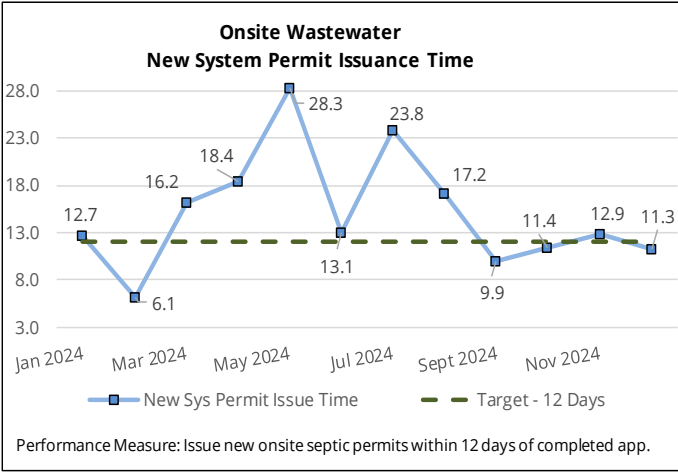
The following graphs represent a sample of CDD's performance measures for 2024. For a complete review of performance measures, please follow this link: <https://deschutes.org/cd/>.

2024 Performance Management Results

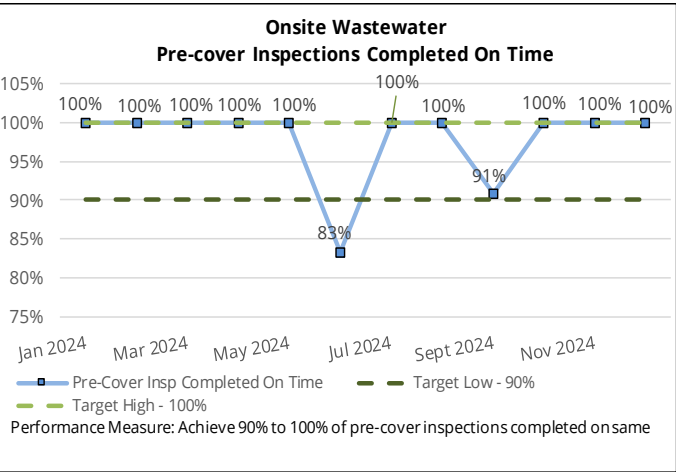


Performance Management

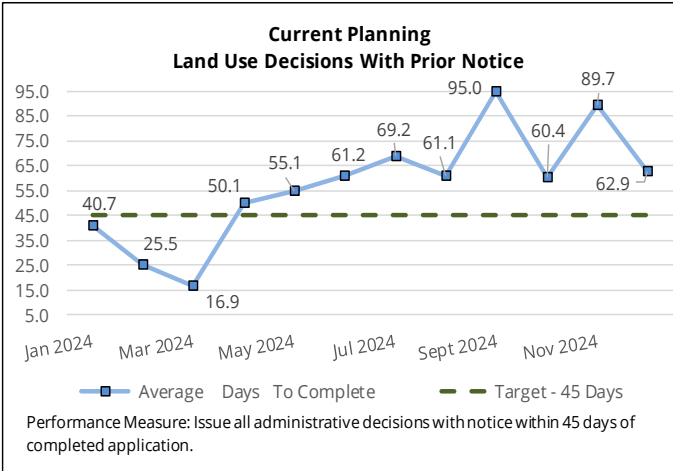
2024 Performance Management Results, continued



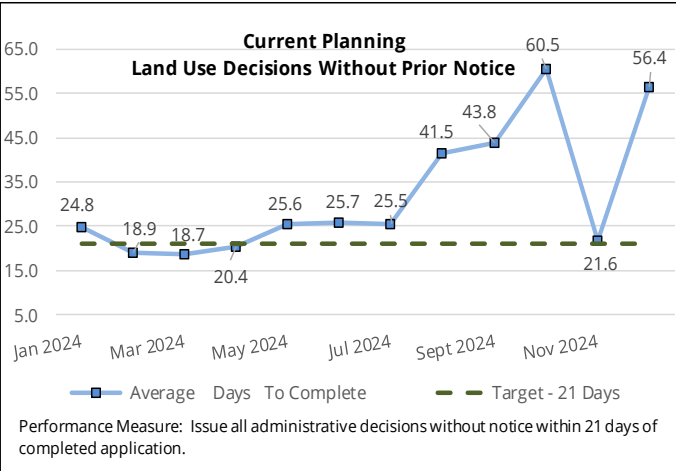
Annual Average of 16.1 Days - Target Not Achieved



Annual Average of 96.5% Completed - Target Achieved



Annual Average of 55.4 Days - Target Not Achieved



Annual Average of 32.2 Days - Target Not Achieved



Performance Management

2024 Year in Review

- ✓ Continued to invest significant resources in comprehensive training and development plans for new staff.
- ✓ Code Enforcement transitioned to a system of reporting the number of violations rather than the total number of cases.
- ✓ Revised reporting to eliminate periods of time waiting for applicant responses.



FY 2025-26 Performance Measures By Division

CDD's FY 2025-26 performance measures align the department's operations and work plan with BOCC annual goals and objectives and the County's Customer Service "Every Time" Standards.

Building Safety

- Achieve an average 8-12 inspection stops per business day to provide quality service. (BOCC Goal & Objective SD-1)
- Achieve an average turnaround time of 8-10 business days for building plan reviews, ensuring compliance with or exceeding state requirements. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

Code Enforcement

- Achieve an average adjudication time of 150 business days from date of case assignment to date of adjudication. (BOCC Goal & Objective SC-1)

Coordinated Services

- Achieve an average turnaround time of 4 business days or fewer for permit ready-to-issue status. (BOCC Goal & Objective SD-1)

Onsite Wastewater

- Achieve a 95% compliance rate for Alternative Treatment Technology (ATT) Septic System Operation and Maintenance (O&M) reporting requirements to protect groundwater. (BOCC Goal & Objective HP-4)
- Achieve the issuance of new onsite septic system permits within 12 business days following the submission of a complete application. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of pre-cover inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

Planning

- Issue all administrative decisions requiring notice within 45 business days and without notice within 21 business days following the submission of a complete application. (BOCC Goal & Objective SD-1)
- Update Deschutes County Code (DCC) to comply with HB 3197, Clear and Objective Code Update Project, which requires clear and objective standards for housing development in rural residential exception areas, unincorporated communities, and for accessory farm worker accommodations. (BOCC Goal & Objectives SC-3, HP-4, and RC-1)
- Natural Resources / Natural Hazards—Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 and SB 644 — Wildfire Mitigation. (BOCC Goal & Objectives SC-3, HP-4, and RC-1)



Administrative Services

Overview

Administrative Services includes the Community Development Director, Senior Management Analyst, two Systems Analysts and an Administrative Assistant. This division oversees a variety of functions that ensure smooth and efficient operations, including departmental operations, facilities, personnel, budget, customer services, compliance, technology services, administrative support, and performance measures.

2024 Year in Review

- ✓ Improved business process automation through the use of Laserfiche, allowing for storage, organization and access to information digitally.
- ✓ Submitted a U.S. Environmental Protection Agency Community Change Grant application.
- ✓ Coordinated with the Human Resources Department to participate in the Oregon Pay Equity and Market Evaluation Study.
- ✓ Provided addressing services to the City of Redmond on contract.
- ✓ Facilitated division webpage updates, including an improved Code Enforcement complaint submittal process with the ability to upload photos and published application guides.



FY 2025-26 Work Plan Projects

- Continue to participate in a County-led effort to create a Pre-disaster Preparedness Plan.
- Continue to update CDD's Continuity Of Operation Plan as necessary, based on lessons learned, and ensure staff awareness of their roles and responsibilities during an emergency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Explore opportunities to enhance CDD's practices while maximizing operational efficiency in a cost-effective manner.
- Continue improving CDD's customer-centric website. Enhanced content will help customers understand policies and procedures, guide them through the development process in Deschutes County, and expand online instructions.
- Initiate a computer equipment replacement initiative over a three-year period ensuring operational efficiency and improved technological advancement.
- Upgrade the Onsite Wastewater Division's Operation & Maintenance O&M software system to enhance tracking capabilities and streamline processes.

Building Safety

Overview

Building Safety includes a Building Official, Assistant Building Official and thirteen Building Safety Inspectors. The division ensures structures are constructed, maintained, and used in compliance with applicable safety standards through consistent application of state and federal building codes and public education. It offers construction plan reviews, consultations, and inspections in the rural county and cities of Sisters and La Pine. Additionally, it provides services to Lake, Jefferson, Klamath, and Crook counties, the cities of Bend, Redmond, and the State of Oregon Building Codes Division, as needed.

2024 Year in Review

- ✓ Issued 423 new single-family dwelling permits. The distribution of these new homes for Deschutes County's building jurisdiction included:
 - Rural/unincorporated areas: 270
 - City of La Pine: 90
 - City of Sisters: 63
- ✓ Completed inspections on major projects such as:
 - Zero lot line single-family dwellings in Sisters Sunset Meadows Subdivision
 - Single-family dwellings in La Pine's Reserve in the Pines Subdivision
 - Licensed in-home family care facilities change of use
- ✓ Completed major building plan reviews for:
 - Air Traffic Control Tower at Bend Airport
 - Sunset Meadows Apartment Complex in Sisters
 - Walgreens in La Pine
 - Multiple Medical Clinic Tenant Improvements in La Pine
 - Sisters Parks and Recreation Facility change of use



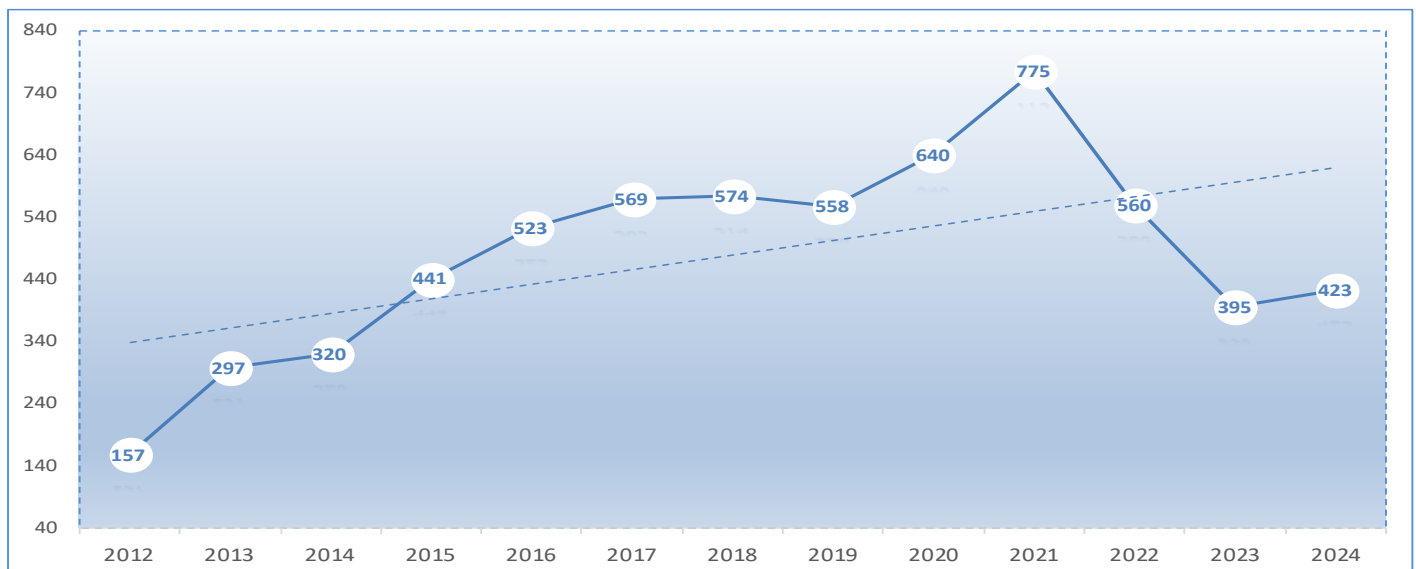
Building Safety

2024 Year in Review, continued

- ✓ Participated in SB 1013, RV's as residential dwelling discussions.
- ✓ Provided A-level commercial electrical and plumbing inspections for the City of Redmond.
- ✓ Participated in Central Oregon's International Code Council Chapter meetings.
- ✓ Created a Master Permit Program Policy for the cities of Sisters and La Pine for single-contractor subdivisions.
- ✓ Developed Commercial Permit Application Guides for webpage update.
- ✓ Participated on the Oregon Building Officials Association Board of Directors.
- ✓ Utilized iPad's for field inspectors to access electronically, codes and development plans.
- ✓ Ensured staff are fully certified residential inspectors.



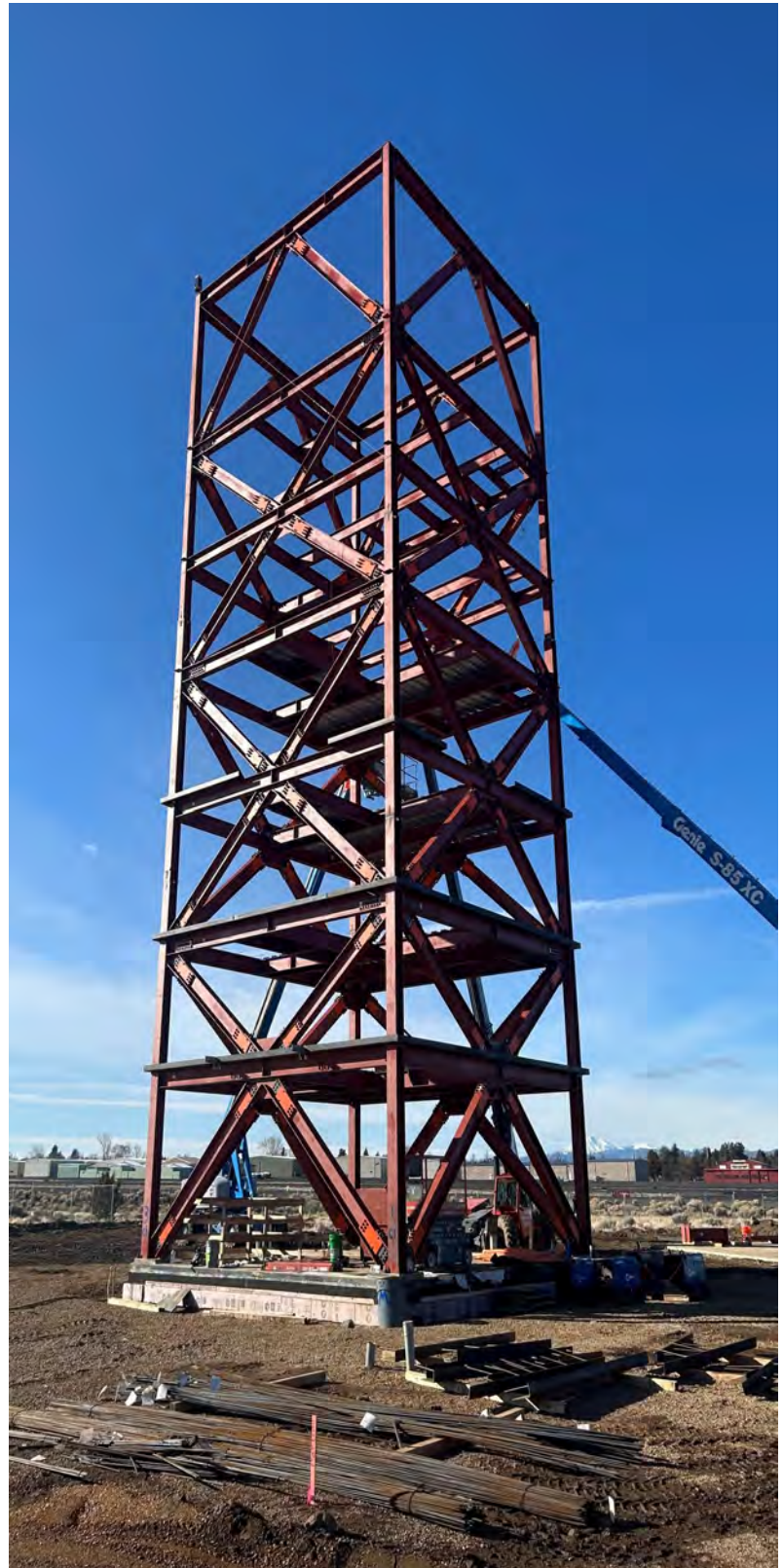
New Single Family Dwelling Permits Issued



Building Safety

FY 2025-26 Work Plan Projects

- Continue succession planning in anticipation of future retirements and explore staffing needs, such as obtaining additional certifications to enhance department efficiencies.
- Update informational brochures, handouts, and forms (e.g., accessory structures, special inspection agreement form, residential additional energy measure).
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market. Explore options for monthly A-level certification stipends.
- Promote video inspections for difficult-to-access areas, such as underfloor areas that are covered.



Air Traffic Control Tower under construction, 2024, Bend Municipal Airport

Code Enforcement

Overview

Code Enforcement includes an Administrative Manager, four Code Enforcement Specialists, which includes one as Lead. They are supported by a Deschutes County Sheriff's Office (DCSO) deputy and CDD divisions. The division plays a critical role in maintaining public health and safety through code violation investigations related to land use, onsite wastewater systems, building, and solid waste codes. The division also collaborates with the cities of La Pine and Sisters for building code violations under the Building Safety program. The primary goal is to achieve voluntary compliance, with unresolved cases taken to Circuit Court, Justice Court or an Administrative Hearing. The program continues to refine its procedures, improving cost recovery through citations, and coordinating county abatement plans for chronic nuisances and public health issues.

2024 Year in Review

- ✓ Received 651 new cases and resolved 563 during the year.
- ✓ Created a Code Enforcement Specialist II classification to promote career advancement and staff retention.
- ✓ Analyzed the Code Enforcement program and revised procedures to improve case assignment, management, and proceedings.
- ✓ Partnered with county departments to resolve difficult cases, ensuring efficient operations and avoiding overlapping efforts.
- ✓ Utilized the designated DCSO deputy for site visits for enforcement and safety measures.
- ✓ Presented code enforcement statistics at the annual Cannabis Advisory Committee meeting to demonstrate its partnership with the DCSO.
- ✓ Updated its webpage to include frequently asked questions.
- ✓ Updated the Code Enforcement Policy and Procedures Manual.
- ✓ Revised the new hire training program.
- ✓ Processed one Noxious Weed complaint compared to seven in 2023.
- ✓ Completed two property abatements to ensure public health and safety of the community.
- ✓ Revised online compliant submittal process to include ability to attach photos, geographic information system (GIS) data, and communication to improve efficiency and record keeping.
- ✓ Eliminated onsite wastewater O&M reporting delinquencies as an enforceable code violation.
- ✓ Created performance measure for case adjudication.
- ✓ Improved workflows to track medical hardship temporary use permits and property abatements.
- ✓ Enhanced internal dashboard reporting.

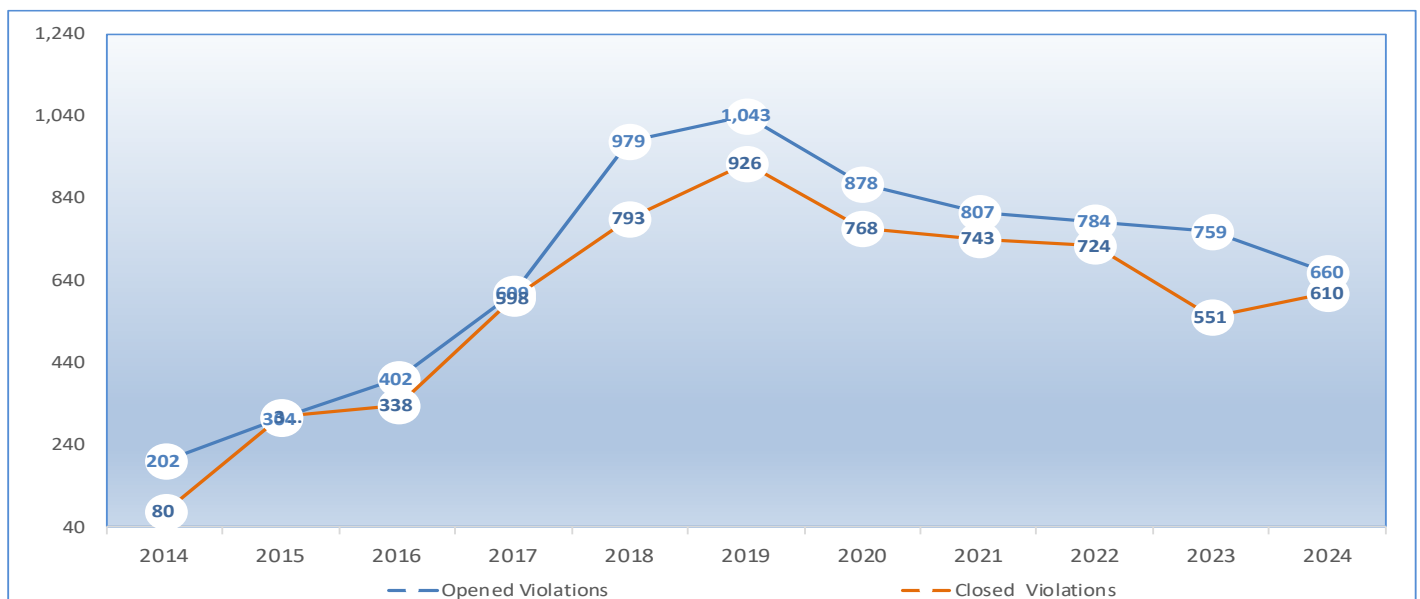
Code Enforcement

FY 2025-26 Work Plan Projects

- Improve methods of communication with complainants regarding case status and case closure.
- Improve public education through webpage updates and public education opportunities.
- Update the Policy and Procedures Manual to include the property abatement process.
- Amend DCC 15.04 Dangerous Building Abatement, if needed.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Amend DCC 1.16 Abatement language to include appeal processes.
- Issue a Request for Proposal (RFP) for property abatement professional services.



Annual Cases Opened and Closed



Code Enforcement

Before compliance:

Abandoned Marijuana Grow



After compliance:



Coordinated Services

Overview

Coordinated Services includes an Administrative Manager, Administrative Supervisor, three Permit Technician II's, one as Lead, and four Permit Technician I's. This division provides permitting and front-line direct services to customers. It ensures accurate information, minimal wait times, and efficient operation of the front counter and online services while coordinating with all divisions.

2024 Year in Review

- ✓ Managed 30,600 permit notifications, responded to 11,000 emails and 5,800 telephone calls, and facilitated 4,600 in-person interactions.
- ✓ Staff provided exceptional customer service to in-person customers as well as virtually through the Accela online portal.
- ✓ Reinstated a Lead Permit Technician to facilitate staff trainings and manage complex workload demands.
- ✓ Participated in webpage updates.
- ✓ Improved processes to create efficiencies and address staffing shortages.
- ✓ Developed a review process for transient room tax applications, ensuring compliance with zoning and building requirements.



FY 2025-26 Work Plan Projects

- Revise the decommissioning plan process and procedure, and create a new record type to track completion.
- Revise internal process and procedure for legitimizing unpermitted structures.
- Develop a list of commonly required inspections by project type to assist customers with scheduling inspections.
- Coordinate with the Road Department to enhance driveway access permit processes.

Onsite Wastewater

Overview

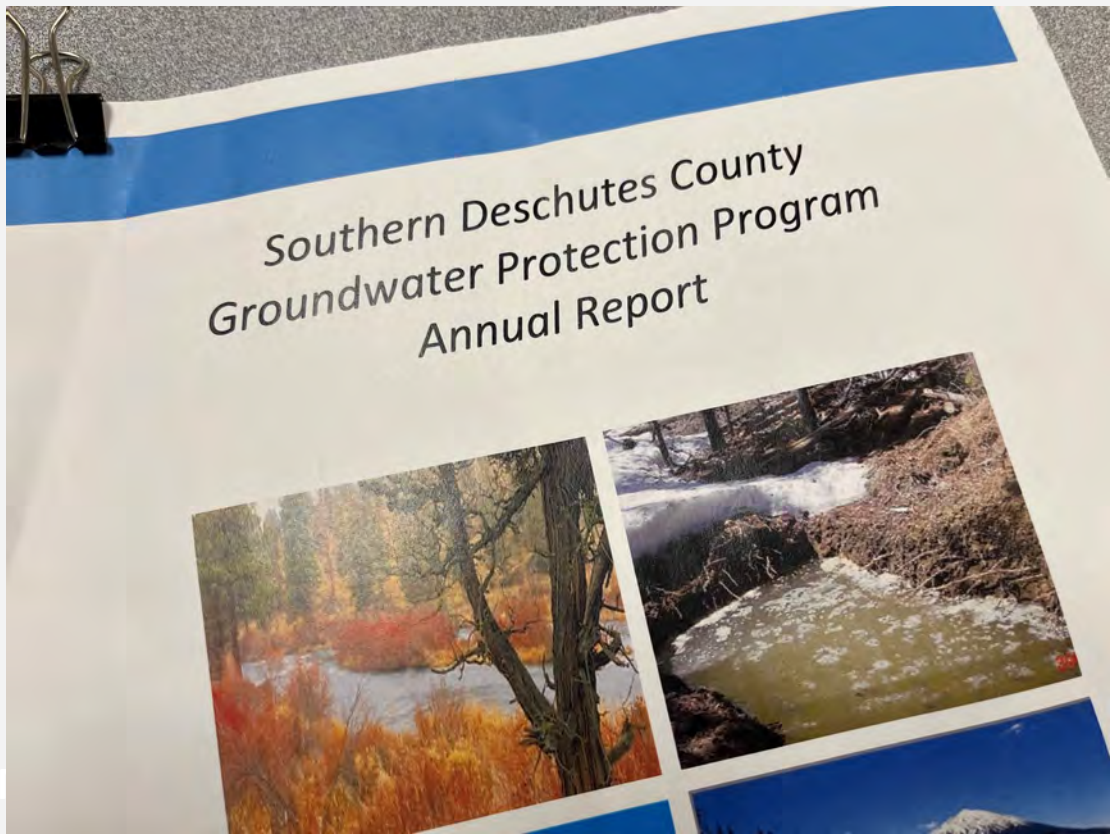
Onsite Wastewater includes an Onsite Wastewater Manager, Onsite Wastewater Specialist III, and two Onsite Wastewater Specialists II's. The division regulates septic systems to ensure state compliance and environmental factors for public health and resource protection. They provide site evaluations, design reviews, permitting, inspections, technical assistance, and coordination with the Oregon Department of Environmental Quality (DEQ). Staff inspect sewage pumper trucks, report on existing wastewater systems, maintain an operation and maintenance (O&M) tracking system, provide public information on wastewater regulations, and investigate sewage hazards. They also work proactively to protect groundwater, collaborating with DEQ on permitting systems in southern Deschutes County.

2024 Year in Review

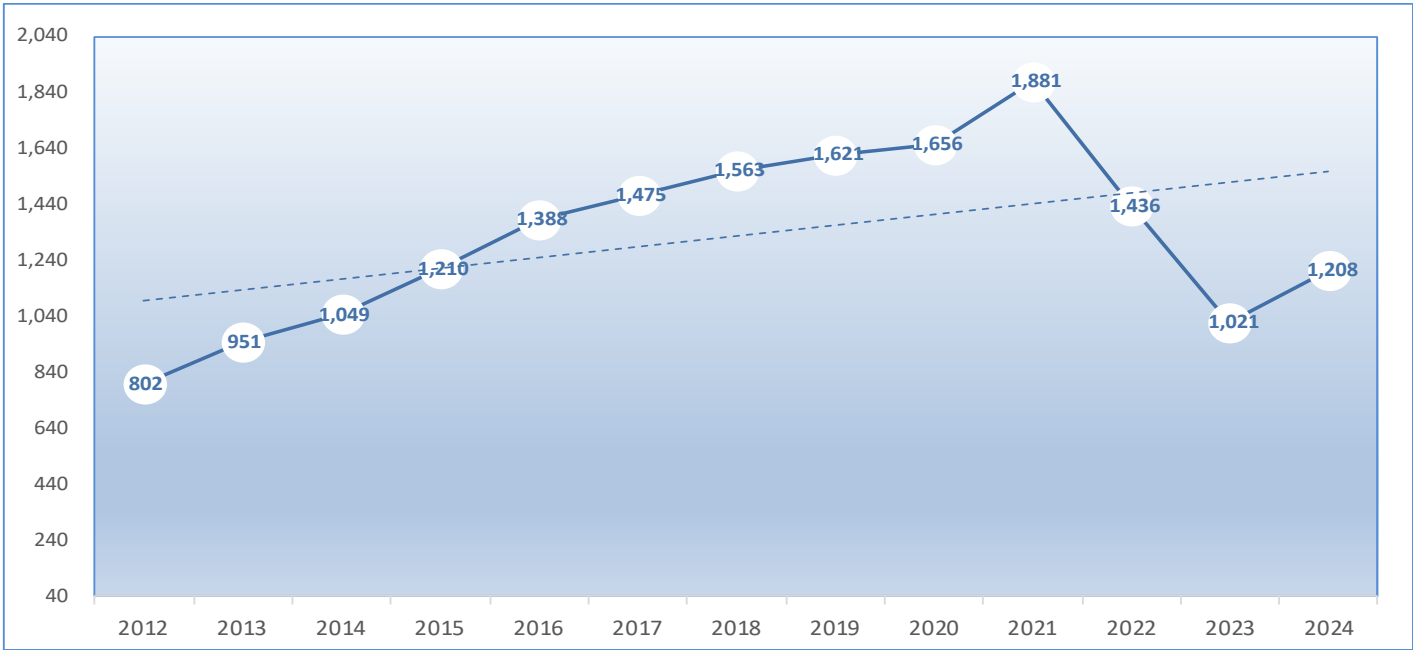
- ✓ Assessed 184 sites for onsite wastewater treatment and dispersal systems, and issued 723 permits and authorizations for new and existing onsite treatment and dispersal systems. Applications continued to increase in their complexity and technical requirements.
- ✓ Repaired 240 failing or substandard systems, correcting sewage health hazards and protecting public health and the environment.
- ✓ Provided 21 property owners in South County with rebates of \$3,750 per property for upgrading conventional onsite wastewater treatment systems to nitrogen-reducing pollution reduction systems.
- ✓ Provided technical assistance to Terrebonne Sanitary District.
- ✓ Monitored over 1,800 septic system maintenance contracts and annual reports for O&M requirements.
- ✓ Worked with DEQ on permitting protective onsite wastewater systems in South County. Participated in several variance hearings for modified advanced treatment systems on severely limited sites.
- ✓ Supported and provided technical assistance for Central Oregon Intergovernmental Council (COIC) in reviewing applications for DEQ Onsite Financial Aid Program. The COIC program has assisted dozens of property owners needing septic system repairs.
- ✓ Updated webpage to enhance community information and guidance.
- ✓ Improved O&M processes to enhance efficiencies, simplify annual billing, and increase accuracy.



Onsite Wastewater



Onsite Permits Issued



Onsite Wastewater

FY 2025-26 Work Plan Projects

- Collaborate with DEQ on planning and funding regular well sampling events to monitor changes in water quality in South County.
- Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.
- Participate in the Oregon DEQ Rule Advisory Committee (RAC) for proposed rule revisions.
- Support and train for newly approved ATT systems that demonstrate nitrogen reducing ability.
- Continue offering financial assistance opportunities to South County property owners to upgrade conventional systems to nitrogen-reducing pollution reduction systems through Nitrogen-Reducing System Rebates and the NeighborImpact Non-conforming Loan Program.
- Review groundwater protection policies for South County and continue reviewing variance applications in high risk areas with DEQ onsite staff to ensure water resources are protected.
- Prepare for the sale of County properties within the Newberry Neighborhood in La Pine and manage funds in the Groundwater Protection Fund. Review ongoing financial assistance, explore new opportunities and potential creation of a financial advisory committee.
- Provide technical assistance support for the Terrebonne Sanitary District and Tumalo Basin Sewer District.
- Coordinate with the Planning Division regarding land use applications and code amendments that impact onsite wastewater processes.
- Coordinate with CDD Divisions to implement SB 1013, RV's as rental dwellings.
- Update webpage for groundwater protection information.
- Improve the O&M program by for service providers to upload annual reports. Coordinate with DEQ on statewide O&M improvements.
- Participate in the O&M software system upgrade to enhance tracking capabilities and streamline processes.
- Develop plans with DEQ and BOCC to address nitrate pollution in South County.
- Provide guidance to the public and during pre-application meetings for Accessory Dwelling Unit projects.
- Support staff in obtaining Professional Soils Scientist Certification to strengthen technical skills and the division.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands.

Planning

Overview

Planning includes a Planning Director, Planning Manager, two Principal Planners, two Senior Planners, three Senior Long Range Planners, one Senior Transportation Planner, two Associate Planners, and one Assistant Planner. The division consists of two areas: Current Planning, which processes land use applications and provides public information, and Long Range Planning, which updates the comprehensive plan, county code, and handles special projects.

Current Planning

Reviews land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision, and development regulations, and facilitating public hearings. Staff verify compliance for building permit and septic applications; coordinate with Code Enforcement on complaints and permit conditions; perform road naming duties; provide assistance at the counter, by phone, and via email.

Long Range Planning

Conducts long-range planning including land use policy with the BOCC, Planning Commission, community, and partner organizations. Updates the Comprehensive Plan and zoning regulations, coordinates regional planning projects, including population forecasts with Portland State University and cities, monitors legislative sessions, and serves on local, regional, and statewide committees focused on transportation, natural resources, growth management, and economic development.

Transportation Planning

Provides comments and expertise on land use applications and calculates System Development Charges (SDC); advises on traffic issues for permitted events; participates in the County Capital Improvement process; applies for grants for bicycle and pedestrian facilities; coordinates with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS); and serves on local and regional transportation committees, including BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee (TAC), and Central Oregon Area Commission on Transportation TAC.

Floodplain & Wetlands Planning

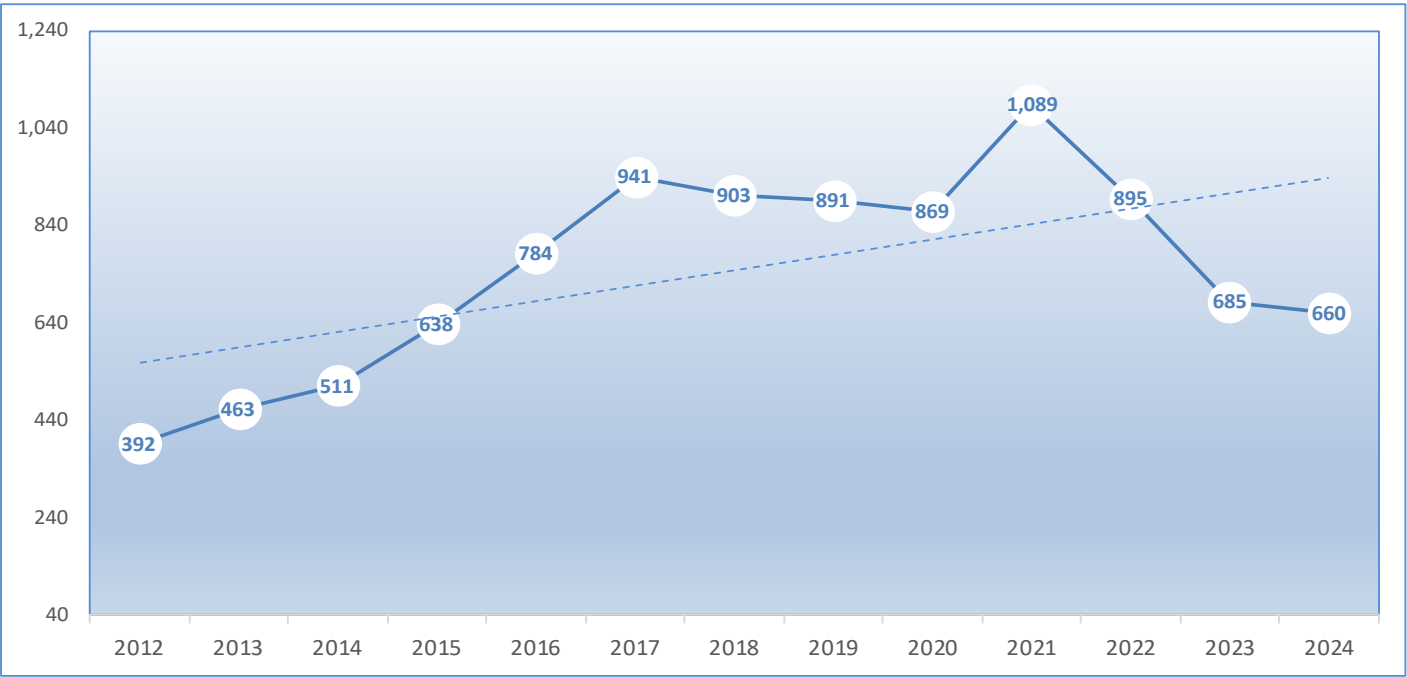
Provides expertise on land use applications, code enforcement, and property inquiries in floodplain and wetland areas. Staff, certified as Floodplain Managers, offers up-to-date information on Federal Emergency Management Agency (FEMA) regulations, surveying, and construction requirements. Coordination is often needed with FEMA, US Army Corps of Engineers, Oregon Department of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW), and USFS.



2024 Year in Review

- ✓ Counter coverage averaged 205 customer visits a month compared to 188 in 2023.
- ✓ Received 660 land use applications compared to 685 in 2023, a decrease of 3.6% from prior year.
- ✓ The Planning Division received one non-farm dwelling application compared with seven in 2023.
- ✓ Seven final plats were recorded in 2024 or are in the process of being recorded, creating a total of 13 residential lots or parcels.

Land Use Applications Received



Planning

2024 Year in Review, continued

Thirteen land use projects, encompassing 26 land use applications, were reviewed by Hearings Officers compared to 23 in 2023. They include:

- ✓ Plan Amendment/Zone Change from Exclusive Farm Use to Non-Resource Zoning (5)
- ✓ Plan Amendment/Zone Change from Exclusive Farm Use to Rural Industrial Zoning (1)
- ✓ Farm Dwelling (1)
- ✓ Non-Farm Dwelling (4)
- ✓ Psilocybin Manufacturing and/or Service Center (2)

The BOCC conducted 8 quasi-judicial land use hearings or proceedings compared to 23 during 2023.

- ✓ Appeals declined for review by the BOCC (4)
- ✓ Improvement Agreements (1)
- ✓ Psilocybin Service Center (1)
- ✓ Commercial Activity in Conjunction with Farm Use for a Winery (1)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zones (3)
- ✓ Plan Amendment Zone Changes from Surface Mining to Non-Resource Zones (1)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Rural Industrial (1)

Seven appeals were filed with the Land Use Board of Appeals compared to 6 in 2023:

- ✓ ODOT Lava Butte Trail Declaratory Ruling
- ✓ Grossman Non-Farm Dwellings (3 files/appeals)
- ✓ Psilocybin Service Center
- ✓ Comprehensive Plan Update
- ✓ 710 Properties / Plan Amendment Zone Change (Remand)



Planning

2024 Year in Review, continued

Legislative Amendments

The BOCC adopted:

- ✓ 2024 Housekeeping Amendments—Incorporated updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), and minor revisions to Deschutes County Code.
- ✓ Wildfire Hazard Building Code Amendment—Corrected terminology that would have required wildfire hardening building codes for all properties located in the Deschutes County Wildfire Hazard Zone. This amendment was required based on adoption of new state standards to the Oregon Residential Specialty Code.
- ✓ Bend Airport Air Traffic Control Tower Amendments—Updates allowed for the establishment of an air traffic control tower as an outright permitted use with a maximum height of 115 feet.
- ✓ Two applicant-initiated text amendments related to mini-storage in the Multiple Use Agricultural zone were processed but ultimately not adopted by the BOCC following the public hearing process.



Deschutes 2020-2040 Transportation System Plan (TSP) Update

The TSP, adopted in February 2024, produced a list of prioritized transportation projects, updated goals and policies, changes to functional classifications of selected county roads, improved bicycle and pedestrian facilities, increased transit stops in unincorporated communities, and overall improvement to the county's transportation system.

Deschutes 2040 Comprehensive Plan Update

Planning staff began updating the Comprehensive Plan in 2022. Following an extensive community outreach process, the project was completed in October 2024. Notable accomplishments include:

- ✓ Met with the Planning Commission three (3) times to deliberate and compile recommended edits to the draft document.
- ✓ Held four (4) public hearings before the BOCC in Bend, Sunriver, and Sisters.
- ✓ Held five (5) deliberation meetings with the BOCC to review public input and potential changes to the final document.
- ✓ The document was officially adopted on October 2, 2024 but was subsequently appealed to the Land Use Board of Appeals.
- ✓ An action plan to implement the Comprehensive Plan is under development. This document will provide short and long-term actions to inform the department's annual work plan.

Planning

2024 Year in Review, continued

Grants

Certified Local Government (CLG) Grant

Planning staff administered an 18-month \$5,500 CLG Grant from the State Historic Preservation Office (SHPO) to assist Deschutes County with its historic preservation programs. This grant cycle concluded in August 2024.

Housing Planning Assistance Grant

In 2023, the Oregon Department of Land, Conservation and Development (DLCD) awarded the department a consultant contract through its Planning Assistance Grant program. The consultant, hired by DLCD, is aiding staff in its clear and objective code update project.



Coordination with Other Jurisdictions, Agencies and Committees

Bicycle and Pedestrian Advisory Committee (BPAC)

BPAC met 12 times, commenting on regional Transportation System Plan updates, trail connections between cities and recreation areas, bicycle and pedestrian safety issues and ODOT projects, among others. The committee underwent several personnel changes, including resignation of its longtime chair and election of a new chair and vice chair.

Oregon Department of Transportation (ODOT)

Participated in Baker Road-Lava Butte Multi-use Path and Lava Butte-La Pine Multi-use Path TAC; Baker Road Interchange Area Management Plan TAC; quarterly meetings with ODOT, Road Department, and cities of Bend and Redmond to review traffic modeling needs; stakeholder committee for ODOT study on wildlife passages for US Hwy 20 between Bend and Santiam Pass; Transportation Planning and Analysis traffic modeling discussion; US Hwy 97 Safety Study coordination; and US Hwy 20 (Greenwood Ave.) 3rd Street / Powell Butte Hwy Refinement Plan.

Deschutes River Mitigation and Enhancement Committee

Convened two Deschutes River Mitigation and Enhancement Committee meetings to adopt a work plan, budget for mitigation funds, and receive updates from ODFW and COIC and other key agency and nonprofit partners. In June, the group held a "monitoring-palooza" event to share information on monitoring efforts in the basin.

Newberry Regional Partnership

Coordinated with public and private citizens in developing a community vision for southern Deschutes County.

2024 Year in Review, continued

Coordination with Other Jurisdictions, Agencies and Committees

City of Bend—Coordinated with City staff regarding:

- ✓ Bend Airport Master Plan Update
- ✓ Bend Airport Control Tower Text Amendment
- ✓ Bend Urban Growth Boundary (UGB) Amendment / House Bill (HB) 4079 / Affordable Housing Project
- ✓ Long-term Planning for the Outback Water Filtration Facility
- ✓ Bend Metropolitan Planning Organization TAC
- ✓ Bend UGB Amendment / HB 3318 / Stevens Road Tract
- ✓ Applicant-initiated text amendments related to mini-storage in the MUA-10 zone (2) within 2,500 feet of Bend's UGB.

City of La Pine—Coordinated with City staff regarding:

- ✓ Land use applications for effects on county road system.
- ✓ La Pine 2045 Comprehensive Plan Update
- ✓ Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation.

City of Redmond—Coordinated with City staff regarding:

- ✓ CORE3—Plan amendment Zone Change and UGB Amendment for a dedicated, multi-agency coordination center for emergency operations and training led by COIC.
- ✓ Redmond Wetlands Complex—Relocation and expansion of wastewater treatment plant.
- ✓ Update Airport Safety Zone associated with the Redmond Airport Master Plan Update.

City of Sisters—Coordinated with City staff regarding:

- ✓ Participation in the implementation of Sisters Country Vision Plan and Sisters Comprehensive Plan.
- ✓ Participation in the City's UGB expansion process.

Deschutes County

- ✓ Provided updates to BOCC regarding Senate Bill (SB) 391 Rural ADUs, SB 762 Wildfire Mitigation, wildlife inventories produced by ODFW, Portland State University population updates, short-term rentals, Tumalo Community Plan (TCP) update and dark skies project.

Oregon Department of Forestry (ODF)

- ✓ Coordinated with ODF and the Office of the State Fire Marshall on the release of the State Wildfire Hazard Map as outlined in SB 762 and SB 80.

Bend Parks and Recreation District (BPRD)

- ✓ Coordinated with BPRD on mid-term update to district's Comprehensive Plan and Park Search Map.

Planning

FY 2025-26 Work Plan Projects

Development Review

- Respond to phone and email customer inquiries within 48 to 72 hours.
- Conduct pre-application meetings and respond to customer inquiries (counter, phones, and emails).
- Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of a complete application.
- Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of a complete application.
- Process Hearings Officer decisions for land use actions and potential appeals to the BOCC within 150 days per State law.
- Improve webpage accessibility to the public to view records associated with complex land use applications.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.



Natural Resources

- Groundwater Protection —Support efforts by DEQ and Onsite Wastewater Division to protect South County groundwater.
- Natural Hazards—Pending state legislative changes and updates to Fire Risk Mapping in 2025, develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 and SB 80 (2021 and 2023, Wildfire Mitigation).
- Natural Hazards Mitigation Plan—Initiate recommended development code amendments.
- Sage-Grouse—Continue to participate as a cooperating agency with the Bureau of Land Management.
- Dark Skies Update—Revisit the county's existing outdoor lighting ordinance (DCC 15.10) and update regulations to reflect current best practices and technology. This process will guide future educational outreach materials designed to inform residents about dark skies best practices.

Planning

FY 2025-26 Work Plan Projects, continued

Comprehensive Plan Update

- Initiate update to Newberry Country Plan including outreach, technical coordination, collaboration with La Pine 2045 and Newberry Regional Partnership, and updates to plan goals, policies, and narrative.

Transportation Planning

- Process road naming requests associated with certain types of development on a semi-annual basis.
- Administer the County's Transportation SDC program.
- Coordinate with Bend MPO on regional projects and planning.
- Coordinate with ODOT on roadway projects and interchange area management plans.
- Coordinate internal review of Title 17 code amendments related to land divisions, road improvements, and transportation impacts to ensure compliance with HB 3197.
- Provide updated traffic data for the ongoing Newberry Country Plan update.

City of Bend Coordination

- Coordinate on growth management issues, including technical analyses related to housing and employment needs and SB 1537, Expedited UGB Amendment for affordable and workforce housing.
- Coordinate with BPRD for the development of park space in SE Bend.
- Coordinate on urbanization related code amendment projects.

City of La Pine Coordination

- Participate in La Pine 2045 Comprehensive Plan Update process.
- Coordinate campground feasibility analysis on County-owned properties within city limits.
- Coordinate transportation impacts and long-range planning for County-owned right-of-way facilities located within city limits.
- Participate with Deschutes County Property Management and City of La Pine to update and amend the county-owned Newberry Neighborhood comprehensive plan designations, master plan, and implementing regulations.

City of Redmond Coordination

- Coordinate implementation of their Comprehensive Plan Update.
- Update the Joint Management Agreement and Urban Holding zone lands per HB 3197.
- Coordinate planning efforts for McVey interchange on South Highway 97 to access Large Lot Industrial Lands through either a Goal Exception process or legislative equivalent.

City of Sisters Coordination

- Participate in the implementation of Sisters Country Vision Plan and their Comprehensive Plan and City of Sisters Comprehensive Plan Update.
- Participate in the UGB Expansion process.
- Coordinate on urbanization related code amendment projects.

Planning

FY 2025-26 Work Plan Projects, continued

DLCD Rulemaking

- Monitor rulemaking and update Deschutes County Code as it pertains to Goal 5—Cultural Areas, Farm, and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.
- If required, initiate legislative amendments to the Comprehensive Plan and zoning code.

Growth Management Committees

- Coordinate and/or participate on Deschutes County BPAC, Project Wildfire, and Deschutes River Mitigation and Enhancement Committee.

Historic Preservation—CLG Grant

- Administer 2025-26 CLG Grant from SHPO.

Housekeeping Amendments

- Initiate housekeeping amendments to ensure county code complies with state law.

Housing Strategies

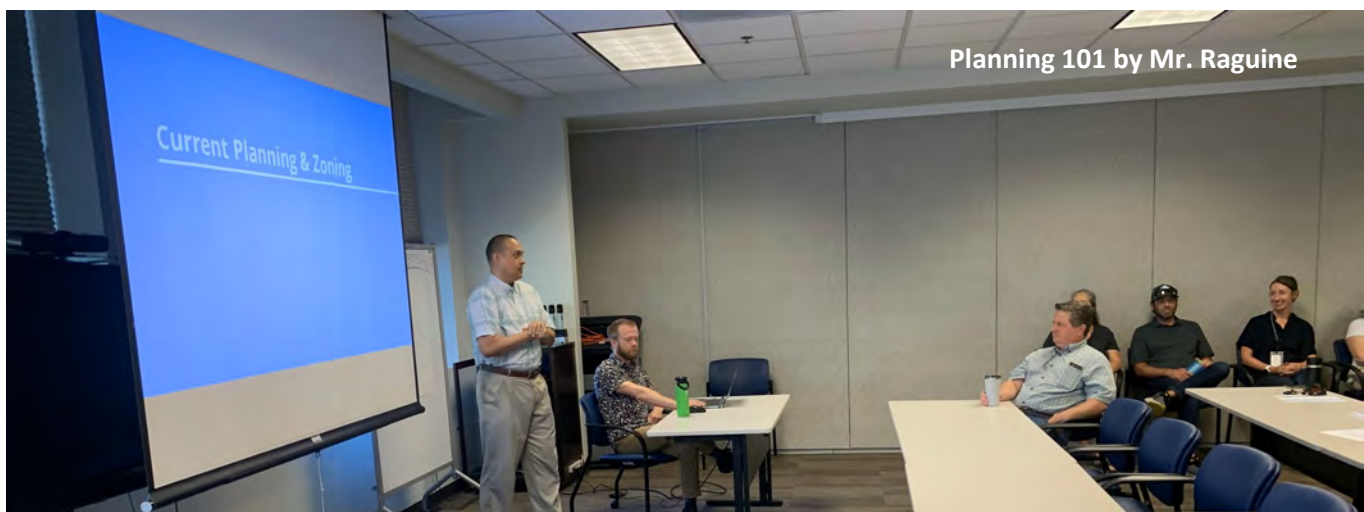
- Amend county code to define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Explore options and approaches to address rural housing and homelessness as allowed under state law.

Legislative Session (2025-26)

- Participate in legislative or rulemaking to shape state laws that benefit Deschutes County.

Planning Commission Coordination

- Coordinate with the BOCC to establish strategic directions for the Planning Commission.



Planning 101 by Mr. Ragune

FY 2025-26 Work Plan Projects, continued

Zoning Text Amendments

- Allow “self-serve” farm stands in Rural Residential Exception Areas.
- Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in Industrial Zones.
- Define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Forest Zone Code—Review for compliance with Oregon Administrative Rules.
- Lot Line Adjustments and Re-platting.
- Medical Hardship Dwellings—review for consistency with state law (in progress).
- Minor variance 10% lot area rule for Farm and Forest zoned properties.
- Outdoor Mass Gatherings update.
- Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).
- Sign code for consistency with federal law.
- Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.
- Title 22—Procedures Ordinance for consistency with state law and planning department interpretations.
- Wetland regulation clarification for Irrigation or Artificially Created Wetlands.



Community Involvement Report

2024

Statewide Planning Goal 1, Citizen Involvement, requires cities and counties to create a citizen involvement program that provides opportunities for community participation in land use planning processes and decisions.

Land use legislation, policies, and implementation measures made by Oregonians nearly 50 years ago helped shape Oregon's urban and rural environments. Likewise, choices made today will ultimately shape these areas in the future. Successful land use planning occurs through an open and public process that provides room for information gathering, analysis, and vigorous debate. Deschutes County's Community Involvement program is defined in Section 1.2 of the Comprehensive Plan.

This chapter identifies the County Planning Commission as the committee for citizen involvement. It also contains the County's Community Involvement goal and corresponding five policies that comply with Goal 1. This report briefly discusses the noteworthy community involvement actions undertaken by the Planning Division in 2024. The report is intended to provide county residents and stakeholders with a tool to assess its effectiveness and offer additional suggestions the County can utilize to ensure that its diverse communities remain actively involved in land use planning discussions.



Community Involvement Report

2024 Year in Review Planning Commission

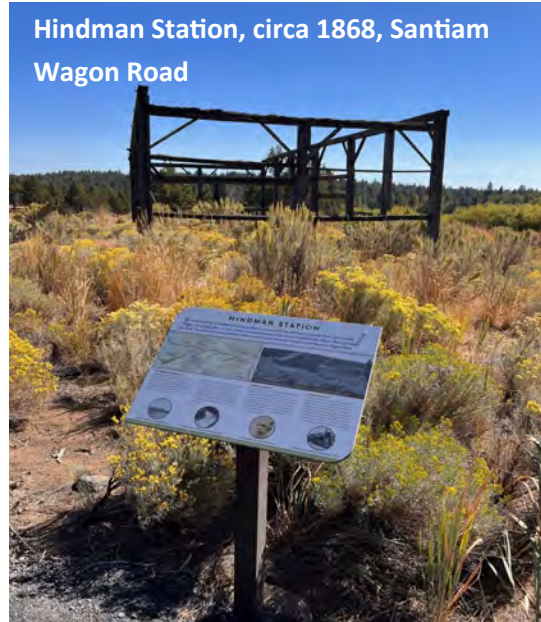
Convened 16 times to consider:

- ✓ CDD FY 2024-25 Annual Report & Work Plan
- ✓ Clear and Objective Housing Code Updates
- ✓ Dark Skies
- ✓ Deschutes County 2040 Comprehensive Plan Update
- ✓ EPA Community Change Grant Application
- ✓ FEMA Biological Opinion and Pre-Implementation Compliance Measures
- ✓ Housekeeping Amendments
- ✓ Mini-storage Amendment in the MUA-10 zone (2)
- ✓ Rural Housing Profile
- ✓ RV's as Rental Dwellings
- ✓ Sage Grouse Amendment Update
- ✓ Statewide Wildfire Hazard Mapping and Rules

Historic Landmarks Commission (HLC)

Convened 3 times to consider:

- ✓ CDD FY 2024-25 Annual Report & Work Plan
- ✓ City of Sisters Wildfire Resilience Historic Building Hardening Report
- ✓ CLG Grant Projects
- ✓ DLCD Goal 5 Cultural Areas Rulemaking
- ✓ Formation of Commission Subcommittees Regional Coordination
- ✓ Joint HLC and BOCC Meeting
- ✓ New Commissioner Orientation
- ✓ SHPO Introduction
- ✓ Updates from Bend and Redmond Historic Landmarks Commission





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Estimated timeline to address a Code Enforcement violation issued by Deschutes County Community Development Department associated with County-owned property in East Redmond

RECOMMENDED MOTION:

Move approval of abeyance of Code Enforcement violation issued on March 27, 2025 by the Deschutes County Community Development Department associated with unincorporated areas of County-owned property in East Redmond known as Map and Tax Lot 1513000000103.

BACKGROUND AND POLICY IMPLICATIONS:

On April 30, 2025, the Board of County Commissioners requested staff to provide a timeline to address a Code Enforcement violation issued by the Deschutes County Community Development Department.

The following list includes current and future projects as directed by the Board that are associated with said County-owned property.

At the completion of the actions outlined below, it is important to note that the timeline to address cleanup of the unincorporated areas of Tax Lot 103 is estimated at 1-year. It is also important for the Board and public to fully understand that the 1-year timeline does not start until items 1-5 below are completed.

Prior to staff commencing activities on areas affected by the code violation, staff will return to the Board with a scope of work, including options to secure the site and to request funding.

1. 21st Street and lefthand turn lane (from Hwy 126) development (6-months)
 - Notify occupants/issue notices
 - Construction

2. Managed Camp (8-months)
 - Notify occupants/issue notices
 - Construction
 - Operations

3. DSL pending land exchange (9-months)
 - Notifying occupants/issue notices
 - Assist with relocations
 - Complete site cleanup
 - Complete Phase I and possibly Phase II Environment Site Assessments as required by DSL
 - *Though not definitive, DSL has signaled that they may require additional actions associated with cleanup
 - Complete cultural resources survey
 - Complete land exchange transaction

4. 17th Street (City, 3-months)
 - Notify occupants/issue notices
 - Complete site cleanup

5. TSSA (6-months)
 - Identify alternate location for those residing at Juniper Ridge due to TSSA closure targeted for December 2026
 - Complete closure
 - Secure property
 - Complete site cleanup

If the Managed Camp does not provide enough spaces to accommodate those from the property pending land exchange with DSL as well as 17th Street, there may be a need to identify an alternate location(s).

BUDGET IMPACTS:

None at this time.

ATTENDANCE:

Erik Kropp – Deputy County Administrator
 Kristie Bollinger – County Property Manager



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Work Session: Fee for Issuing Transient Lodging Tax Certificates of Authority

POSSIBLE ACTIONS:

1. No action.
2. Move approval to include a Certificate of Authority fee in the County Fee Schedule set for a Public Hearing on June 11, 2025, in the amount of \$XX for the initial registration and \$XX for the annual renewal.
3. Direct staff to return with additional information for consideration by the Board.

BACKGROUND AND POLICY IMPLICATIONS:

On May 21, 2025, the Board of County Commissioners held a public hearing to consider adopting amendments to Deschutes County Code section 4.08, Transient Room Tax. The Board voted unanimously to adopt Ordinance No. 2025-006 amending the Code, effective September 1, 2025.

Deschutes County Code section 4.08.140 A. states "Every property owner engaging or about to engage in business as a Transient Lodging Provider in the County shall provide a completed form for a Certificate of Authority [COA] to the Tax Administrator within 15 calendar days after commencing business."; section B. states, "When registering, registrants will be required to pay an administrative fee for the initial registration, in accordance with the County Fee Schedule"; and section C. states, "Property owners will be required to pay an administrative fee for the certificate renewal, in accordance with the County Fee Schedule."

Per section 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1st."

This discussion focuses on the proposed COA fee in preparation for the public hearing on June 11, 2025, on the Fiscal Year 2026 County Fee Schedule. Staff will present the Board with an analysis of the proposed fee and review options for the Board's consideration for compatibility with the actual cost of providing the service. If approved, the fee would be effective September 1, 2025, in alignment with the date in Ordinance No. 2025-006.

BUDGET IMPACTS:

The FY 2026 Budget includes \$481,894 in costs to administer the Transient Lodging Tax. The COA fees would be used to offset the costs to administer this program, allowing available discretionary Transient Lodging Tax revenue to be allocated towards approved programs during the FY 2027 budget process.

ATTENDANCE:

Robert Tintle, Chief Financial Officer

Judi Hasse, Deputy Tax Collector

Michelle Assia, Transient Lodging Tax Management Analyst



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: EDCO request for letter of support for a Business Oregon grant application to fund the Central Oregon Innovation Hub

RECOMMENDED MOTION:

Move approval of a letter supporting EDCO's grant application to Business Oregon for the Central Oregon Innovation Hub.

BACKGROUND AND POLICY IMPLICATIONS:

As the operations and management of the Central Oregon Innovation Hub are being transferred from OSU-Cascades to EDCO, EDCO will apply for a grant from Business Oregon to support this program.

The Central Oregon Innovation Hub is a regional collaboration to further develop and strengthen Central Oregon's local innovation and entrepreneurial ecosystem. The Hub's partners offer a network of resources to help innovation-based companies grow, attract investment capital, and create jobs.

BUDGET IMPACTS:

None

ATTENDANCE:

Jon Stark, EDCO CEO



May 28, 2025

Re: Support for EDCO's grant application for the Central Oregon Innovation Hub

Business Oregon
775 Summer St., NE, Suite 200
Salem, Oregon 97301

Dear Business Oregon,

The Deschutes County Commissioners supports the efforts of Central Oregon Innovation Hub and we are committed to continuing to partner in the work necessary to ensure the hub is a success. This includes supporting Central Oregon Innovation Hub's continued efforts to grow the development of talent to meet the needs of entrepreneurs and innovation businesses.

We support the application from EDCO for grant funding for the 2025 Central Oregon Innovation Hub and strongly encourage Business Oregon to award the grant sought by EDCO for this work.

The Deschutes County Board of Commissioners,

Anthony DeBone
Chair

Patti Adair
Vice Chair

Phil Chang
Commissioner



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 28, 2025

SUBJECT: Western Rivers Conservancy request for letter supporting BLM's funding request to the Department of the Interior (Paulina Meadows / Little Deschutes River land acquisition)

RECOMMENDED MOTION:

The Board can choose to approve or deny this request.

BACKGROUND AND POLICY IMPLICATIONS:

The Western Rivers Conservancy seeks a letter from the Board supporting the Bureau of Land Management's request for \$5,000,000 from the Fiscal Year 2026 Land and Water Conservation Fund (LWCF) to acquire the 674-acre Paulina Meadows property along Paulina Creek and the Little Deschutes River.

BUDGET IMPACTS:

None

ATTENDANCE:

Nelson Mathews, Western Rivers Conservancy President
Alex Barton, Western Rivers Conservancy Project Manager

[Letterhead]

(Date)

Lisa Clark - Field Manager
Deschutes Field Office, Bureau of Land Management
3050 N.E. 3rd Street
Prineville, OR 97754

Dear Field Manager Clark:

_____ strongly supports the conservation of the scenic 674-acre Paulina Meadows property along Paulina Creek and the Little Deschutes River. We support the Bureau of Land Management's request for \$5,000,000 from the Fiscal Year 2026 Land and Water Conservation Fund (LWCF) to acquire this property, which includes two miles of the Little Deschutes River, a popular spot to float and explore. Conservation of this property will provide additional opportunities close to LaPine to hike, fish and float, ensuring that Central Oregon will continue to draw visitors to its natural beauty and outdoor adventures.

The property also includes the last unprotected over two-mile seasonal reach of Paulina Creek as it flows from Newberry National Volcanic Monument to its confluence with the Little Deschutes River. The property is home to some of the highest density of federally listed Oregon spotted frogs on the Little Deschutes, whose recovery is a focus of the USFWS and the irrigation districts in Central Oregon as part of a Habitat Conservation Plan. Restoration efforts on the property, along with preserving existing pristine wetlands, will lead to additional habitat for the federally threatened Oregon spotted frog, thus furthering this effort.

The area around the property, especially between La Pine and Sunriver, contains the largest mule deer migration corridor in Oregon and an important winter range for both elk and deer. Acquisition of Paulina Meadows will ensure protection of this critical habitat for wildlife.

We also support Western Rivers Conservancy's efforts to mitigate wildfire risk on the property during its interim ownership. We encourage BLM to continue its efforts to use grazing in the area, eventually including the property, to further manage for wildfire risks and as a tool for managing habitat.

This project will enhance recreational access to the river for rafters, anglers, hunters, hikers and birdwatchers while protecting critical habitat for threatened native species. Thank you for your request for funds from the LWCF to conserve this important property, and for your consideration of this letter of support.

Sincerely,