



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, APRIL 24, 2025

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

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

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

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

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

<https://bit.ly/dcpczoom>

Passcode: 764609

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

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 824 8646 7893 and Passcode: 764609. Written comments can also be provided for the public comment section to planningcommission@deschutes.org by 5:00 p.m. on April 24. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - April 10

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Public Hearing: Clear & Objective Housing Text Amendments – Goal 5 (Title 18) (*Tanya Saltzman, Senior Planner*)
2. Deliberations: Clear and Objective Housing Text Amendments - Title 17 (Subdivisions) (*Tarik Rawlings, Senior Transportation Planner*)

V. PLANNING COMMISSION AND STAFF COMMENTS

VI. ADJOURN



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



MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: April 17, 2025

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

The Deschutes County Planning Commission (Commission) will conduct a public hearing on April 24, 2025 at 5:30 p.m. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider text amendments establishing “clear and objective” housing development standards for Goal 5-related chapters of Deschutes County Code (DCC) (file no. 247-25-000171-TA). Attached to this memorandum are the proposed text amendments and staff findings summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~striketrough~~. The public hearing will be conducted in-person, electronically, and by phone.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. Of relevance to the current project is ORS 197.307(4)³ which was modified to state:

¹ See Planning Commission April 24, 2025 Agenda for more information: <https://www.deschutes.org/meetings>

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

³ https://oregon.public.law/statutes/ors_197.307

(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.400⁴ (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197⁵. 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.

⁴ https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html

⁵ <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3197/Enrolled>

These provisions require local governments to apply only clear and objective standards, criteria, and procedures to applications for housing projects and may not discourage housing through unreasonable 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.

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 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.

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

No agency or public comments have been received to date.

V. FUTURE AMENDMENTS

As noted above, the proposed amendments presented herein are the third of several code modifications which will be proposed over the coming months. Upcoming text amendment proposals will address additional sections related to the development of housing.

VI. NEXT STEPS

At the conclusion of the public hearing, the Planning Commission 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.

Attachment:

- 1) Proposed Findings and 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

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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. ~~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. ~~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 Zonethe 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, where 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 solar reflectance index (SRI) of 60 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~~ 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~~ 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 rimrocks~~~~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~~ 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 part of the addition is closer to the stream, river, or lake than the existing residential structuredwelling unit's structural footprint;
3. 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
4. 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, 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 alterative 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.



MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: April 17, 2025

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

I. OVERVIEW

The Deschutes County Planning Commission (Commission) will conduct deliberations on April 24, 2025 concerning text amendments establishing “clear and objective” housing development standards (file no. 247-25-000110-TA). 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, 2025.¹ An initial public hearing was held before the Commission on March 27, 2025². At that time, both the oral and written records were continued to a subsequent hearing on April 10, 2025³, at which point the oral record was closed, while the written record remained open until April 16, 2025, at 5:00 pm.

II. RECORD

The full record is available for inspection at the Planning Division and at the following project website: <https://bit.ly/DeschutesClearAndObjectiveTitle17>

III. 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

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

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

³ <https://www.deschutes.org/bc-pc/page/planning-commission-65>

limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.”⁴

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) 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.400⁵ (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197⁶. 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

⁴ <https://olis.oregonlegislature.gov/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled>

⁵ https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html

⁶ <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3197/Enrolled>

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.

IV. 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

V. HEARING TESTIMONY AND DISCUSSION

Two individuals provided written testimony immediately preceding the initial public hearing on March 27, 2025, with one of those individuals also providing oral testimony during the

public hearing. 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.

No additional oral or written comments were provided during the continued public hearing on April 10, 2025. Comments received prior to the April 10, 2025 continued public hearing are summarized below.

VI. OPEN RECORD TESTIMONY AND DISCUSSION

As part of the open record period, the following comments were received from members of the public immediately preceding the continued public hearing on April 10, 2025. During the open record period, staff also held a coordination meeting on April 7, 2025 with Daniel Robinson, Rand Campbell, and Adam Smith to discuss the proposed text 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. *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.”

2. *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.

As part of the open record period following the continued public hearing, the following comments were received from members of the public. The full written comments are available in record for the Planning Commission's reference. For the purpose of this memorandum, brief summaries and/or excerpts of the testimony are provided below:

1. *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."
2. *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.

VII. STAFF ADDENDUMS AND DISCUSSION

Based on feedback received through public comment, staff has incorporated several changes to the proposed amendments to ensure efficient implementation should the package ultimately be adopted by the Deschutes County Board of County Commissioners (Board). These changes relate to the following areas:

1. A scrivener's error identified in DCC 17.48.180(A) and (B) has been corrected to "*planned unit development (PUD)*".
2. A scrivener's error identified in DCC 17.22.025(C)(3) has been corrected to "*...will be served by adequate transportation systems*".
3. Use of the term "*constitutional requirements*" and its variations have been removed from DCC 17.36.040(B)(1-3).

Additionally, staff has prepared draft revisions to the proposed text amendments related to DCC 17.22.030, 17.22.025(D), 17.36.040(B)(2), 17.36.080, 17.36.180, and 17.48.165(C) including the incorporation of discretionary review options in highlighted instances where none are currently proposed. Depending on the Planning Commission's recommendation, these revisions may ultimately be incorporated into an updated version of the proposed amendments to be presented to the Board.

VIII. NEXT STEPS

At the conclusion of the meeting, the Commission can:

- Continue deliberations to a date certain;
- Close deliberations and propose a recommendation during this meeting;

Ultimately, the Planning Commission will provide a recommendation to the Board of County Commissioners. Options include:

- Approve amendments as drafted;
- Approve amendments with suggested edits;
- Approve certain amendments / deny others;
- Deny amendments altogether;
- Other

Attachments:

- 1) Staff Report & Proposed Text Amendments



FINDINGS

CLEAR & OBJECTIVE TEXT AMENDMENTS (TITLE 17)

I. APPLICABLE CRITERIA:

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

II. BACKGROUND:

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

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

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

In 2023, ORS 197A.400³ (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197⁴. The newly established ORS 197A.400 will become effective on July 1, 2025, and states the following [emphasis added]:

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

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

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

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

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

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

III. BASIC FINDINGS

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

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

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

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

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

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

IV. **METHODOLOGY:**

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

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

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

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

V. **FINDINGS:**

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

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

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

Section 22.12.020, Notice

Notice

A. *Published Notice*

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

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

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

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

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

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

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

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

Section 22.12.030 Initiation of Legislative Changes.

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

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

Section 22.12.040. Hearings Body

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

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

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

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

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

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

VI. Oregon Statewide Planning Goals:

Statewide Planning Goal 1 – Citizen Involvement:

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

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

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

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

Statewide Planning Goal 2 – Land Use Planning:

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

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

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

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

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

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

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

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

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

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

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

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

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

To protect people and property from natural hazards.

FINDING: The County is currently in compliance with the state’s Goal 7 program through adoption and implementation of the County’s Natural Hazard Mitigation 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.

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

Statewide Planning Goal 8 – Recreational Needs:

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

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

Statewide Planning Goal 9 – Economic Development:

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

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

Statewide Planning Goal 10 – Housing:

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

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

Statewide Planning Goal 11 – Public Facilities and Services:

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

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

Statewide Planning Goal 12 – Transportation:

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

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

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

Statewide Planning Goal 13 – Energy Conservation:

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

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

Statewide Planning Goal 14 – Urbanization:

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

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

Statewide Planning Goals 15 through 19:

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

VII. CONCLUSION:

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

TITLE 17 SUBDIVISIONS

CHAPTER 17.04 GENERAL PROVISIONS

CHAPTER 17.08 DEFINITIONS AND INTERPRETATION OF LANGUAGE

CHAPTER 17.12 ADMINISTRATION AND ENFORCEMENT

CHAPTER 17.16 APPROVAL OF SUBDIVISION TENTATIVE PLANS AND MASTER DEVELOPMENT PLANS

CHAPTER 17.20 ZERO LOT SUBDIVISION

CHAPTER 17.22 APPROVAL OF TENTATIVE PLANS FOR PARTITIONS

CHAPTER 17.24 FINAL PLAT

CHAPTER 17.32 CONDOMINIUM CONVERSION (REPEALED)

CHAPTER 17.36 DESIGN STANDARDS

CHAPTER 17.40 IMPROVEMENTS

CHAPTER 17.44 PARK DEVELOPMENT

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

CHAPTER 17.52 ROAD DEDICATIONS

CHAPTER 17.56 VARIANCES

CHAPTER 17.04 GENERAL PROVISIONS

17.04.010 Short Title

17.04.020 Purpose

17.04.030 Interpretation

17.04.040 Amendments

17.04.050 Corrections

17.04.060 Review Pursuant To ORS 197A.400

17.04.010 Short Title

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

HISTORY

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

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

17.04.020 Purpose

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

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

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

HISTORY

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

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

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

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

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

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

[17.04.030 Interpretation](#)

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

HISTORY

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

[17.04.040 Amendments](#)

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

HISTORY

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

[17.04.050 Corrections](#)

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

HISTORY

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

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

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

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

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

HISTORY

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

CHAPTER 17.08 DEFINITIONS AND INTERPRETATION OF LANGUAGE

17.08.010 Construction

17.08.020 Definitions

17.08.025 References To Statute and Rule

17.08.030 Definitions Generally

17.08.010 Construction

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

HISTORY

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

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

17.08.020 Definitions

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

HISTORY

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

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

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

17.08.025 References To Statute and Rule

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

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 or land subdivision or partition shall be granted or denied, except those subject to administrative review.~~

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

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

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

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

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

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

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

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

~~B.— Another unit of land created:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 17.12 ADMINISTRATION AND ENFORCEMENT

[17.12.010 Minimum Standards](#)

[17.12.020 \(Repealed\)](#)

[17.12.030 Administration; Enforcement](#)

[17.12.040 Delegation Of Authority](#)

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

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

[17.12.090 Recording; Application](#)

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

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

[17.12.110 Civil Relief](#)

[17.12.120 Violation; Nuisance](#)

[17.12.130 Violation](#)

[17.12.010 Minimum Standards](#)

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

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

HISTORY

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

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

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

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

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

[17.12.020 \(Repealed\)](#)

HISTORY

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

[17.12.030 Administration; Enforcement](#)

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

HISTORY

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

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

[17.12.040 Delegation Of Authority](#)

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

HISTORY

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

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

17.12.050 Planning Director; Duties And Responsibilities

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

HISTORY

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

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

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

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

17.12.060 Final Decision

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

HISTORY

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

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

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

17.12.070 Pre-Application Meeting

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

HISTORY

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

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

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

17.12.080 Statement Of Water Rights (Repealed)

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

HISTORY

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

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

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

17.12.090 Recording; Application

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

HISTORY

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

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

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

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

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

HISTORY

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

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

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

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

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

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

HISTORY

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

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

17.12.110 Civil Relief

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

HISTORY

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

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

17.12.120 Violation; Nuisance

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

HISTORY

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

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

17.12.130 Violation

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

HISTORY

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

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

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

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

CHAPTER 17.16 APPROVAL OF SUBDIVISION TENTATIVE PLANS AND MASTER DEVELOPMENT PLANS

[17.16.010 Application; Submission](#)

[17.16.020 Scale Of Tentative Plan](#)

[17.16.030 Informational Requirements](#)

[17.16.035 Application Review](#)

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

[17.16.050 Master Development Plan](#)

[17.16.060 Master Development Plan; Approval](#)

[17.16.070 Development Following Approval](#)

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

[17.16.090 Tentative Plan Approval](#)

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

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

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

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

HISTORY

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

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

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

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

[17.16.020 Scale Of Tentative Plan](#)

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

HISTORY

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

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

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

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

[17.16.030 Informational Requirements](#)

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

A. General Information Required.

1. Proposed name of the subdivision;
2. Names, addresses and phone numbers of the owners of record, authorized agents or representatives, [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, ~~T~~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 specified time period shall not exceed five years.

HISTORY

Adopted by Ord. [81-043](#) §§1, §3.030 on 12/31/1981

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

Amended by Ord. [93-012](#) §18 on 8/4/1993

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

[17.16.070 Development Following Approval](#)

Once a master plan is approved by the County, the master plan shall be binding upon both the County and the developer. ~~; provided, however,~~

- A. General/Discretionary Standard: After five years from the date of approval of the master plan, the County may initiate a review of the master plan for conformance with applicable County regulations. If necessary, the County may require changes in the master plan to bring it into conformance.

B. Clear and Objective Standard: The master plan shall be void after five years.

HISTORY

Adopted by Ord. [81-043](#) §§1, 3.040 on 12/31/1981

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

17.16.080 Tentative Plan As A Master Plan

- A. As an alternative to the filing of a master plan for phased development, the applicant may file a tentative plan for the entire development. The tentative plan must comply with the provisions of DCC Title 17 for tentative plans.
- B. If the applicant proposed to phase development, ~~he shall provide sufficient information regarding the overall development plan and phasing sequence when submitting the tentative plan~~ a phasing plan shall be submitted with the tentative plan indicating when each phase will occur and which lots will be in each phase. The tentative plan must meet all requirements of DCC Title 17 for each phase.
- C. If the tentative plan is approved with phasing, the final plat for each phase shall be filed in accordance with DCC 17.24.~~020 through 17.24.110.~~

HISTORY

Adopted by Ord. [81-043](#) §§1, 3.045 on 12/31/1981

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

17.16.090 Tentative Plan Approval

- A. The Planning Director or Hearings Body shall review the application and any comments submitted by other appropriate County, state, or federal agencies and shall render a decision in accordance with DCC 17.16.100, setting forth findings supporting its decision.
- B. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for purposes of recording; however, approval of such tentative plan shall be binding upon the County for the purposes of preparation and review of the final plat. Upon review of the final plat, the County may require compliance with the terms of its tentative plan approval of the proposed subdivision and the terms of DCC Title 17.

HISTORY

Adopted by Ord. [PL-14](#) §3.090 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3.055(1), 3 on 12/31/1981

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

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

17.16.100 Required Findings For Tentative Plan Approval: General/Discretionary Criteria

A tentative plan for a proposed subdivision shall not be approved unless the Planning Director or Hearings Body finds that the subdivision as proposed or modified will meet the requirements of DCC

Title 17 and DCC Title 18 through 21 ~~and the following approval criteria, and is in compliance with the comprehensive plan. Such findings shall include, but not be limited to, the following:~~

- A. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands, and other natural resources.
- B. The subdivision will not create excessive demand on public facilities and services, and utilities required to serve the development.
- C. The tentative plan for the proposed subdivision meets the requirements of ORS 92.090.
- D. For subdivisions or portions thereof proposed within a DCC Chapter 18.56 Surface Mining Impact Area (SMIA) zone ~~under DCC Title 18~~, the subdivision creates lots on which noise or dust sensitive uses can be sited consistent with the requirements of DCC Chapter 18.56, as amended, as demonstrated by the site plan and accompanying information required under DCC 17.16.030.
- E. The subdivision name has been approved by the County Surveyor.

HISTORY

Adopted by Ord. PL-14 §3.100 on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 3.060, 3 on 12/31/1981

Amended by Ord. 90-003 §1 on 1/8/1990

Amended by Ord. 93-012 §19 on 8/4/1993

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

17.16.101 Tentative Plan Approval: Clear and Objective Criteria

- A. The tentative plan for the proposed subdivision meets the requirements of ORS 92.090. Compliance with final plat requirements under ORS 92.090 shall be included as conditions of any approval.
- B. The tentative plan for the proposed subdivision shall:
 1. Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns. This shall be documented by submittal of all of the following materials at the time of application:
 - a. Written confirmation from the Oregon State Fire Marshall or responding fire protection district verifying the tentative plan complies with all applicable fire regulations and best practices relating to fire and wildfire safety.
 - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in unreasonable risk of flood, geological hazards, or other public health and safety concerns.
 - c. Demonstrate compliance with DCC 18.96 (Flood Plain (FP) Zone) and/or DCC 19.72 (Flood Plain (FP) Combining Zone), in DCC 18.96.020 and/or DCC 19.72.020 designated areas.

2. Demonstrate that the subdivision will be served by adequate water supply, sewage disposal, drainage, fire protection, education, and other public facilities and services, and utilities. This shall be documented by submittal of all of the following materials at the time of application:
- a. A will-serve letter from a water supply district or written confirmation from the Oregon Water Resources Department verifying:
 1. The tentative plan lots are eligible to be served by exempt wells; or
 2. All water rights have been obtained for the tentative plan lots and are legally available for the proposed uses.
 - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in any measurable drawdown of existing wells within 1 mile radius of the tentative plan lots over a period of 50 years.
 - c. A will-serve letter from a 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.
 - d. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will comply with the Central Oregon Stormwater Manual.
 - e. A will-serve letter from the Oregon State Fire Marshall or responding fire protection district.
 - f. A will-serve letter from any other public utilities or district anticipated to serve the tentative plan lots.
3. Demonstrate the subdivision will be served 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. ~~;~~
- B. Private roads, as permitted by DCC Title 18, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105. ~~;~~
- C. This standard is met if the subdivision would have direct access to an improved collector or arterial or in cases where the subdivision has no direct access to such a collector or arterial, by demonstrating that the road accessing the subdivision from a collector or arterial meets relevant County standards that maintenance responsibility for the roads has been assigned as required by this section.

NOTE: Minor scrivener's changes made to B. when Ord. 2019-005 was added to this section.

HISTORY

Adopted by Ord. [93-012](#) §19(A) on 8/4/1993

Amended by Ord. [2019-005](#) §1 on 6/4/2019

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

17.16.110 Resubmission Of Denied Tentative Plan

- A. If the tentative plan for a subdivision is denied, resubmittal thereof shall not be accepted for a period of six months after the date of the final action denying such plan. Upon resubmission, the applicant shall consider all items upon which the prior denial was based, and the resubmission shall be accompanied by ~~a~~ new filing fees.
- B. A tentative plan resubmitted in accordance with DCC 17.16.110 shall be reviewed in the same manner as any other tentative plan.

HISTORY

Adopted by Ord. [PL-14](#) §3.110 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3.035, 3 on 12/31/1981

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

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

17.16.115 Traffic Impact Study

- A. The traffic impact studies will comply with DCC 18.116.310.

HISTORY

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

Amended by Ord. [2010-014](#) §1 on 10/12/2010

Amended by Ord. [2014-001](#) §1 on 9/24/2014

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

CHAPTER 17.20 ZERO LOT SUBDIVISION

17.20.010 Requirements

17.20.010 Requirements

In addition to the general provisions for subdivision and partitioning set forth in DCC Title 17 and the applicable zoning chapters, any application for a zero lot line subdivision or partition shall meet the following requirements:

- A. The tentative plan shall indicate all lot divisions, including those along the common wall of ~~duplex-dwelling~~ units.
- B. Independent utility service shall be provided to each dwelling unit, including, but not limited to, water, electricity and natural gas, unless common utilities are approved by the affected utility agency and are ~~adequately~~ covered by easements.
- C. Prior to the granting of final approval for creation of a zero lot line subdivision or partition, the Planning Director shall require the applicant(s) to enter into a written agreement in a form approved by the County Legal Counsel that establishes the rights, responsibilities and liabilities of the parties with respect to maintenance and use of any common areas of the dwelling units, such as, but not limited to, common walls, roofing, water pipes and electrical wiring. Such agreement ~~shall be in a form suitable for recording, and~~ shall be recorded and be binding upon the heirs, executors, administrators, and assigns of the parties.
- D. Each zero lot line subdivision or partition proposal shall receive site plan approval pursuant to DCC 18.124 prior to submission of the final plat. ~~Site plan approval shall be granted only upon a finding that the design, materials and colors proposed for each dwelling are harmonious and do not detract from the general appearance of the neighborhood.~~

HISTORY

Adopted by Ord. 81-043 §§1, 3.050 on 12/31/1981

Amended by Ord. 90-003 §1 on 1/8/1990

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

CHAPTER 17.22 APPROVAL OF TENTATIVE PLANS FOR PARTITIONS

17.22.010 Filing Procedures And Requirements

17.22.020 Requirements For Tentative Plan Approval: General/Discretionary Criteria

17.22.025 Tentative Plan Approval: Clear and Objective Criteria

17.22.030 Improvement Requirements

17.22.040 Application Review

17.22.050 Protective Covenants and Homeowner Association Agreements

17.22.100 Special Partition Regulations

17.22.010 Filing Procedures And Requirements

- A. Any person, or ~~his~~their authorized agent or representative, proposing a land partition, shall prepare and submit a minimum of ~~one~~1 copy of the tentative plan ~~and one (1) reduced scale copy 8 1/2" x 11" or 11" x 17", hereinafter described, unless more copies are required by the Planning Director,~~ in accordance with the procedures prescribed ~~procedures in this section,~~ and the appropriate filing fees, to the Planning Division.
- B. The tentative plan shall include the following:
1. A vicinity map locating the proposed partition in relation to lots or parcels zoned Surface Mining (SM)M, Surface Mining, under DCC Title 18, which are within one-half mile of the subject partition, and to adjacent subdivisions, roadways, and adjoining land use and ownership patterns. The vicinity map must include names of all existing roadways shown therein;
 2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel, locations of all easements, and the names, rights-of-way, widths and improvement standards of existing roads in relation to the existing right-of-way. The tentative plan shall also show the location of all existing buildingsstructures, canals, ditches, septic tanks and drainfields; it shall also show the location of any topographical feature which could impact the partition, ~~such as~~including but not limited to canyons, bluffs, rock outcroppings, natural springs, and floodplains. In addition, the tentative plan shall show the location width, curve radius, and grade of proposed rights of way;
 3. If the partition is to be accessed by a U.S. Forest Service or Bureau of Land Management road, the applicant shall submit a written agreement with the appropriate land management agency providing for~~confirming~~ permanent legal access to the road and identifying any required maintenance obligations;
 4. Names and addresses of the landowner, the applicant (if different), a mortgagee if applicable and the 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, and~~ the applicant shall submit a site plan, accompanied by appropriate site plan fees, indicating the location of proposed noise or dust sensitive uses (as defined in DCC Title 18), the location and dimensions of any mitigating berms or vegetation and data addressing the standards of DCC 18.56, with respect to allowed noise or dust sensitive uses.
- D. ~~An application for approval to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be approved as provided in this ordinance if the unit of land:~~ If the unit of land proposed to be partitioned was not lawfully established, the County may approve an application to validate the unit of land pursuant to ORS 92.176.
- ~~1. Is not a lawfully established unit of land; and~~
 - ~~2. Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.~~
 - ~~3. Notwithstanding subparagraph (2) of this section, an application to validate a unit of land may also be approved if the county has previously approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale.~~
 - ~~4. If the permit was approved for a dwelling, it must be determined that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755(1)(A) to (E).~~
 - ~~5. If there is an existing dwelling or other building on a unit of land that was not lawfully established, an application for a permit as defined in ORS 215.402 or a permit under the applicable building code, may be approved if:~~
 - ~~a. The dwelling or other building was lawfully established prior to January 1, 2007; and~~
 - ~~b. The permit does not change or intensify the use of the dwelling or other building.~~
- E. ~~Notwithstanding subsection (D)(2) of this section, an application to validate a unit of land may be approved if the county has previously approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale.~~
- ~~1. If the permit was approved for a dwelling, it must be determined that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755(1)(a) to (e).~~
 - ~~2. An application for a permit, as defined in ORS 215.402, or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established permit under the applicable building code, may be approved if:~~

- a. ~~The dwelling or other building was lawfully established prior to January 1, 2007, and~~
- b. ~~The permit does not change or intensify the use of the dwelling or other building.~~
- F. ~~The application to validate a unit of land under these sections is an application for a permit as defined in ORS 215.402.~~
- G. ~~The application to validate a unit of land is not subject to the minimum lot or parcel sizes established by ORS 215.780 and Chapter 18.16 of the Deschutes County Code.~~
- H. ~~A unit of land becomes a lawfully established unit of land only upon recordation of a final plat in accordance with Chapter 17.24 of this code.~~
 - 1. ~~The final partition plat shall be recorded within 90 days of tentative plan approval.~~
 - 2. ~~If the final plat is not recorded within 90 days, the applicant must recommence the process in order to validate a unit of land that was not a lawfully established unit of land.~~
- I. ~~An application to validate a unit of land that was unlawfully created on or after January 1, 2007 shall not be approved.~~
- J. ~~Following validation of the unit of land, any development or improvement of the lawfully established unit of land shall comply with applicable laws in effect when a complete application for development is submitted.~~

HISTORY

Adopted by Ord. [81-043](#) §§1, 5.015 on 12/31/1981

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

Amended by Ord. [93-012](#) §21 on 8/4/1993

Amended by Ord. [2006-007](#) §3 on 8/29/2006

Amended by Ord. [2008-030](#) §4 on 3/16/2009

Amended by Ord. [2020-007](#) §5 on 10/27/2020

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

[17.22.020 Requirements For Tentative Plan Approval: General/Discretionary Criteria](#)

- A. No application for partition shall be approved unless the following requirements are met:
 - 1. Proposal is in compliance with ORS 92, ~~the applicable comprehensive plan~~ and the applicable zoning ordinances. A proposed partition is not in compliance with the zoning ordinances if it would conflict with the terms of a previously issued approval for a land use on the property or would otherwise create a nonconforming use on any of the newly described parcels with respect to any existing structure and/or use;
 - 2. Proposal does not conflict with existing public access easements within or adjacent to the partition;

3. The partition is accessed either by roads dedicated to the public or by way of United States Forest Service or Bureau of Land Management roads where applicant has submitted a written agreement with the appropriate land management agency providing for permanent legal access to the parcels and any required maintenance. This provision shall not be subject to variance;
 4. ~~Demonstrate A~~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 Oregon State Fire Marshall or responding fire protection district verifying the tentative plan complies with all applicable fire regulations and best practices relating to fire and wildfire safety.
 - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in unreasonable risk of flood, geological hazards, or other public health and safety concerns.
 - c. Demonstrate compliance with DCC 18.96 (Flood Plain (FP) Zone) and/or DCC 19.72 (Flood Plain (FP) Combining Zone), in DCC 18.96.020 and/or 19.72.020 designated areas.
 - 2. Demonstrate the partition will be served by adequate water supply, sewage disposal, drainage, fire protection, education, and other public facilities and services, and utilities. This shall be documented by submittal of all of the following materials at the time of application:
 - a. A will-serve letter from a water supply district or written confirmation from the Oregon Water Resources Department verifying:
 - 1. The tentative plan parcels are eligible to be served by exempt wells; or
 - 2. All water rights have been obtained for the tentative plan parcels and are legally available for the proposed use(s).
 - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in any measurable drawdown of existing wells within 1 mile radius of the tentative plan parcels over a period of 50 years.
 - c. A will-serve letter from a 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.
- d. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will comply with the Central Oregon Stormwater Manual.
 - e. A will-serve letter from the Oregon State Fire Marshall or responding fire protection district.
 - f. A will-serve letter from any other public utilities or district anticipated to serve the tentative plan parcels.
3. Demonstrate the partition will be served 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 conflict with existing easements within or adjacent to the partition;
 - E. The proposed partition is accessed either by roads dedicated to the public or by way of United States Forest Service or Bureau of Land Management roads where applicant has submitted a written agreement with the appropriate land management agency providing for permanent legal access to the parcels and any required maintenance. This provision shall not be subject to variance;
 - F. Demonstrate an access permit can be obtained from either the Community Development Department, the City Public Works Department, or the State Highway Division;
 - G. A written statement from a Professional Engineer registered in the State of Oregon verifying each parcel is suited for the use intended or offered, considering the land use zone, size of the parcels, natural hazards, topography and access;
 - I. A water rights division plan, reviewed and approved by the appropriate irrigation district or the Watermaster's office, if water rights are associated with the subject property;
 - H. For partitions or portions thereof proposed within a Surface Mining Impact Area (SMIA) zone under DCC Title 18, the applicant shall demonstrate the partition creates parcels on which noise or dust sensitive uses can be sited consistent with the requirements of DCC Chapter 18.56.
 - I. If the proposed partition constitutes series partitioning that will have the cumulative effect of creating more than 10 parcels with an average lot area 5 acres or less, the application is subject to the requirements of DCC 17.36.300, Public Water Supply System, and DCC 17.48.160, Road Development Requirements for Subdivisions.

J. The proposed partition includes the dedication of land, or a fee in-lieu of land as required in DCC Chapter 17.44.

HISTORY

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

17.22.030 Improvement Requirements

In the approval of a ~~land~~-partition, the County shall consider the need for street and other improvements, and ~~may shall~~ require as a condition of approval completion of any improvements ~~that may be required for a subdivision under the provisions are necessary to meet the standards of required pursuant to~~ DCC ~~Title Chapters~~ 17.36, 17.48, and Title 12. All roads in partitions shall be dedicated to the public without reservation or restriction, in conformance with DCC 17.52, except where private roads are allowed by the applicable zoning regulations, such as in planned or cluster developments.

HISTORY

Adopted by Ord. 81-043 §§1, 5.020 on 12/31/1981

Amended by Ord. 90-003 §1 on 1/8/1990

Amended by Ord. 93-012 §23 on 8/4/1993

Amended by Ord. 2004-025 §1 on 12/20/2004

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

17.22.040 Application Review

Following submission of an application for a land partition, the application shall be reviewed in accordance with DCC Title 22.

HISTORY

Adopted by Ord. 81-043 §§1, 5.040 on 12/31/1981

Amended by Ord. 90-003 §1 on 1/8/1990

Amended by Ord. 93-012 §24 on 8/4/1993

17.22.050 Protective Covenants and Homeowner Association Agreements

Landowner covenants, conditions, and restrictions (CC&Rs) and homeowner association agreements are not relevant to approval of partitions under DCC Title 17, unless such covenants, conditions, and restrictions and homeowner association agreements carry out conditions of prior County approvals, such as road maintenance or open space preservation. Any provisions in such agreements not in conformance with the provisions of DCC Title 17 or applicable zoning ordinances are void.

HISTORY

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

17.22.100 Special Partition Regulations

The partitioning of a tract of land in which not more than one additional parcel is created, and transferred to a governmental agency or special district for the purpose of a road, railroad, electric substation, canal right of way, or irrigation district use, may be approved by the Planning Director

without going through a variance procedure. The new parcel may be ~~smaller~~ than the minimum lot ~~are~~size in the zone(s) within which it is located, provided it is utilized for one of the above ~~purposes~~uses. A partition application shall be required.

HISTORY

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

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

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

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

CHAPTER 17.24 FINAL PLAT

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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~~epartment a final plat ~~that is~~ in conformance with the tentative plan ~~approval as approved~~. Within two years of the approval date for the tentative plan for a subdivision or partition, the applicant shall submit an original drawing, a filing fee, and any supplementary information required by DCC Title 17 and the Planning Director or Hearings Body. If the applicant fails to proceed with such a submission before the expiration of the two-year period following the approval of the tentative plan, the tentative plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.
- B. Extension. An extension may only be granted in conformance with the applicable provisions of the ~~Deschutes County Development Procedures Ordinance DCC Title 22~~.

HISTORY

Adopted by Ord. PL-14 §4.010 on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 3, 4.005(2) on 12/31/1981

Amended by Ord. 85-030 §1 on 8/21/1985

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

Amended by Ord. 95-018 §15 on 4/26/1995

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

17.24.030 Submission For Phased Development

- A. If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date for the tentative plan.
- B. The final plats for any subsequent phase shall be filed within three years of the recording date of the final plat for the first phase.
- C. The applicant may request an extension for any final plat under DCC 17.24 in the manner provided for in DCC 17.24.020(B).
- D. If the applicant fails to file a final plat, the tentative plan for those phases shall become ~~null and~~ void.

~~D.E.~~ Phases of the plat shall be filed in consecutive order.

HISTORY

Adopted by Ord. 81-043 §§1, 3, 4.010 on 12/31/1981

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

Amended by Ord. 95-018 §16 on 4/26/1995

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

17.24.040 Form

The final plat shall be submitted in the form prescribed by ~~state statute~~ ORS 92.050, ORS 92.080, and DCC Title 17. ~~All plats and other writings or dedications made a part of such plats offered for recording shall~~

~~be made in black India ink upon an 18 inch by 24 inch sheet. The plat shall be made upon drafting material and have such other characteristics of strength and permanency as required by the County Surveyor. All signatures on the original subdivision or partition plat shall be in permanent black India-type ink. The plat shall be of such a scale as established by the County Surveyor, and the lettering of the approvals, dedications, the Surveyor's certificate, and all other information shall be of such size or type as will be clearly legible, but no part shall come nearer to any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but an index page shall be included for plats of three or more sheets.~~

HISTORY

Adopted by Ord. [PL-14](#) §4.020 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.015 on 12/31/1981

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

Amended by Ord. [93-012](#) §25(A) on 8/4/1993

Amended by Ord. [2020-007](#) §6 on 10/27/2020

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

[17.24.050 Requirements Of Survey And Plat](#)

- A. Any final subdivision or partition plat shall meet the survey and monumentation requirements of ORS 92 ~~except for those requirements of ORS 92.055, which are superseded by DCC [17.24.050\(B\)](#).~~
- B. Parcels of 10 acres or more created by partition are subject to all survey and monument requirements.

HISTORY

Adopted by Ord. [PL-14](#) §4.030 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.020 on 12/31/1981

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

Amended by Ord. [93-012](#) §25(AA) on 8/4/1993

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

[17.24.060 Required Information](#)

In addition to the ~~information~~ required ~~for the tentative plan or otherwise specified by law~~ pursuant to ORS 92, the following information shall be shown on the submitted final plat:

- A. Name of subdivision and plat number for a final subdivision plat, or the partition application number and space for the partition plat number for a final partition plat.
- B. Name of owner, applicant, and surveyor.
- C. The date, scale, ~~true~~-north arrow, key to symbols, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.
- D. Legal description of the tract boundaries as approved by the County Surveyor pursuant to ORS [92.070\(1\)](#).

- E. The exact location and width of streets and easements intercepting the boundary of the tract.
- F. Tract, lot, or parcel boundary lines and street rights of way and centerlines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings; ~~Normal high water lines and Ordinary High Water Mark, as defined in DCC 18.04.030,~~ for any stream, river, lake, creek, bay or other body of water. Tract boundaries and street bearings shall be shown to the nearest second with the basis of bearings. Distances shall be shown to the nearest 0.01 feet.
- G. Streets. The width of the streets being dedicated and the curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated, together with the long chord distance and bearing.
- H. Easements. The location, dimensions, and purpose of all recorded and proposed public easements shall be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. All such easements shall be ~~denoted by fine dotted lines and~~ clearly identified. If an easement is not of record, a statement of the grant of easement shall be given. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificate of dedication.
- ~~I. Southern Building Line. The southern building line shall be shown on each lot or parcel which is benefited by solar height restrictions on burdened lots within the subdivision or partition.~~
- ~~J. Bicycle and Pedestrian Facilities. The location, width and type (i.e., route, lane or path) of all bicycle and pedestrian facilities, including access corridors.~~
- ~~K.I.~~ Lot or Parcel Numbers. Lot or parcel numbers shall begin with the number one and be numbered consecutively.
- ~~L.J.~~ Block Numbers. Block numbers shall not be allowed for any subdivision application submitted for tentative approval after January 1, 1992, unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters. The numbers shall begin with the number one and continue consecutively without omission or duplication throughout the subdivision. The numbers shall be placed so as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- ~~M.K.~~ Public Lands. Public lands, including strips and easements, shall be clearly marked to distinguish them from lots or parcels intended for sale.
- ~~N. Access Restrictions. Limitations on rights of access to and from streets, lots or parcels and other tracts of land.~~
- ~~O.L.~~ Lot Area. The lot area of each lot or parcel, if larger than one acre, to the nearest hundredth of an acre; and the lot area of each lot or parcel less than one acre, to the nearest square foot.
- ~~P.M.~~ Statement of Water Rights.
1. Each subdivision or partition plat shall include a statement of water rights on the plat. The statement shall indicate whether a water right or permit is appurtenant to the subject property. If a water right is appurtenant, the certificate number must appear

with the statement. If a water permit rather than a perfected water right is appurtenant, the permit number shall be included on the plat.

2. If a water right is appurtenant, the applicant shall submit a copy of the final plat to the State Water Resources Department, except for those plats with lots or parcels served by irrigation districts.
3. All final plats for parcels within an irrigation district shall be signed by an authorized person from the district.

Q-N. Statements. The following statements are required:

1. Land Divider's Declaration.
 - A. An acknowledged affidavit of the person proposing the land division (declarant) stating that ~~he has~~they have caused the plat to be prepared in accordance with the provisions of ORS 92 and dedicating any common improvements, such as streets, bike paths, and/or walkways, parks and/or open space, sewage disposal and/or water supply systems, required under DCC 17.24.060 or as a condition of approval of the tentative plan or plat. The declaration shall also include the creation of any other public or private easements.
 - B. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being divided and to any dedication or creation of an easement or other restriction. Likewise, the holder of any mortgage or trust deed shall also execute the declaration for purposes of consenting to the property being divided and for the purpose of assenting to any dedication or creation of an easement or other restriction.
 - C. In lieu of signing the declaration on the plat, any required signatory to the declaration other than the declarant may record an acknowledged affidavit consenting to the declaration and to any dedication or donation of property for public purposes or creation of an easement or other restriction.
2. A certificate certifying preparation of the plat in conformance with the provisions of state law signed by the surveyor responsible for the survey and final plat and stamped with ~~his~~their seal.
3. Any other affidavit required by state regulations.

R-O. Signature Lines. Unless otherwise stated herein, signature lines for the following officials signifying their approval:

1. County Surveyor.
2. Road Department Director.
3. County Environmental Soils Onsite Wastewater Division, unless the property is to be connected to a municipal sewer system.

4. County Assessor ~~(subdivisions and nonfarm partitions only)~~.
5. County Tax Collector ~~(subdivisions and partitions only)~~.
6. Authorized agent for any irrigation district servicing the subdivision or partition.
7. County Planning Director.
8. One County Commissioner per DCC 17.24.105(C)s.
9. Any other signature required by state regulation.

~~S.P.~~ The final plat shall contain a statement located directly beneath the signatures of the County Commissioners stating as follows: "Signature by the Board of Commissioners constitutes acceptance by the County of any dedication made herein to the public."

~~T.—Adjacent SM Zone. Any plat of a subdivision or partition adjoining an SM zone must clearly show where such zone is located in relation to the subdivision or partition boundaries.~~

HISTORY

Adopted by Ord. [PL-14](#) §4.050 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.030 on 12/31/1981

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

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

Amended by Ord. [90-015](#) §1 on 2/21/1990

Amended by Ord. [93-012](#) §26 on 8/4/1993

Amended by Ord. [2006-007](#) §4 on 8/29/2006

Amended by Ord. [2023-001](#) §1 on 5/30/2023

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

[17.24.070 Supplemental Information](#)

The following data shall accompany the final plat:

- A. Title Report. A subdivision guarantee report or other similar title report issued by a title insurance company showing the current status of title to the property. Such report shall show evidence of marketable title.
- B. Record of Survey Plat. Sheets and drawings for submission to the County Surveyor containing the following information:
 1. Traverse data, including the coordinates of the boundary of the subdivision or partition and ties to section corners and donation land claim corners, and showing the error of closure. A survey control work sheet may be substituted for this item;
 2. The computation of distances, angles, and courses shown on the plat;
 3. Ties to existing monuments, proposed monuments, adjacent subdivisions or partitions, street corners and state highway stationing.

- C. Dedications. A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.
- D. Taxes. A list of all taxes and assessments on the tract which have become a lien on the land being divided.
- E. Improvements. When ~~if~~ grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, pursuant to DCC 17.24.110, the following shall be required to be submitted with the final plat:
 1. Improvement plan, in accordance with DCC 17.40.010;
 2. Plans and profiles of sanitary sewers, location of manholes and drainage system;
 3. Plan and profiles of the water distribution system, showing pipe sizes and location of valves and fire hydrants;
 4. Specifications for the construction of all utilities;
 5. Grading plans and specifications as required for areas other than streets and ways;
 6. Planting plans and specifications for street trees and other plantings in public areas;
 7. Plans for improvements, design factors or other provisions for fire protection or fire hazard reduction.
 8. A Map showing the location of existing roads in relation to the dedicated right-of-way.

HISTORY

Adopted by Ord. [PL-14](#) §4.060 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.035 on 12/31/1981

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

Amended by Ord. [2006-007](#) §4 on 8/29/2006

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

[17.24.080 \(Repealed\)](#)

(Renumbered to 17.24.110)

HISTORY

Adopted by Ord. [PL-14](#) §4.080 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §1, 3, 4.045 on 12/31/1981

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

[17.24.090 Approval By Irrigation Districts](#)

- A. All plats or replats of subdivisions or partitions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or ~~similar other~~ service district having jurisdiction over the property, shall be submitted to the Board of Directors of the district or company for its approval of such plat or replat of any subdivision or partition.

- B. If the applicant is unable to obtain action or approval of any such district or company within 45 days of submission to such district or company, the applicant shall notify the Board in writing, and thereafter the Board shall serve notice on such district or company by certified mail advising the district or company that any objections to the plat or replat must be filed with the Board within 20 days. Failure of the district or company to so respond shall be considered to be an approval of such plat or replat.

HISTORY

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

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

[17.24.100 Technical Review](#)

A. Review by Surveyor.

1. The County Surveyor shall, after receipt of such fees provided by law or County ordinance, review the plat for conformance with the requirements of ORS 92.
2. The County Surveyor shall not approve a partition unless ~~he is~~they satisfied~~determine~~ that all required monuments on the exterior boundary and all required parcel corner monuments have been set.
- ~~3. The County Surveyor may require that the setting of interior corners for a subdivision be delayed if the installation of street and utility improvements has not been completed or if other contingencies justify the delay. In such cases, the surveyor shall require payment of a bond to the County as provided for in DCC 17.24.130.~~
- ~~4.3.~~ Any plat prepared by the County Surveyor in ~~his~~their private capacity shall be approved by the County Surveyor of another County in accordance with ORS 92.100(4).

- B. Field Check. The Road Department Director, the Planning Director, and the County Surveyor or their designated representatives may make such checks in the field as are required by law or are otherwise desirable to verify that the plat is sufficiently correct. They may enter the property for this purpose.

HISTORY

Adopted by Ord. [PL-14](#) §4.070 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.040 on 12/31/1981

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

Amended by Ord. [93-012](#) §27 on 8/4/1993

Amended by Ord. [2006-007](#) §4 on 8/29/2006

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

[17.24.105 Final Plat Review](#)

- A. Upon payment by the applicant of any fees required by the County, the Planning Director, and ~~such other County departments as he shall deem appropriate~~Road Department Director, and SanitarianOnsite Wastewater Supervisor, and County Surveyor shall review the plat and other data submitted with it to determine whether or not the subdivision or partition ~~as shown is~~

~~substantially the same as it appeared on the approved~~ conforms to the tentative plan and ~~for compliance~~ complies with provisions of DCC Title 17, the tentative plan approval, ORS 92.090, and other applicable laws.

- B. The final plat shall be reviewed under the Development Action procedures of DCC 22.16. If the Planning Director determines all conditions of approval have been satisfied, the final plat shall be submitted to the Board for approval.
- C. A final plat may be approved by signature of any Board member.
- D. Review and approval under DCC 17.24 shall occur in accordance with DCC 17.24.110.

HISTORY

Adopted by Ord. 93-012 §28 on 8/4/1993

Amended by Ord. 97-045 §1 on 6/25/1997

Amended by Ord. 2010-005 §1 on 3/24/2010

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

17.24.110 Conditions Of Approval

- A. The Planning Director and Road Department Director shall determine whether or not the plat conforms with the approved tentative plan, ~~and~~ DCC Title 17, and ORS 92. If the Planning Director and/or Road Department Director does not recommend approval of the plan, they shall advise the applicant of the changes or additions that must be made, and shall afford ~~him~~ the applicant an opportunity to make corrections. If the Planning Director and Road Department Director determine that the plat conforms to all requirements and if, in the case of partitions, they determine that all current taxes and assessments are paid, they shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Recommendation of approval of the plat does not constitute final approval, such authority for final approval being vested with the governing body.
- B. No plat of a proposed subdivision or partition shall be approved unless:
 1. Streets and roads for public use are to be dedicated without any reservation or restriction.
 2. Streets and roads held for private use and indicated on the tentative plan have been approved by the County;
 3. The plat contains provisions for dedication to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, if made a condition of the approval of the tentative plan;
 4. Explanations of all common improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat.

HISTORY

Adopted by Ord. PL-14 §4.080 on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 3.050, 3 on 12/31/1981

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

Amended by Ord. [93-012 §29](#) on 8/4/1993

Amended by Ord. [2018-006 §3](#) on 11/20/2018

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

[17.24.120 Improvement Agreement](#)

- A. The subdivider may, in lieu of completion of the required repairs to existing streets and ~~facilities~~utilities, and improvements as specified in the tentative plan, request the County to approve an agreement between ~~himself~~themselves and the County specifying the schedule by which the required improvements and repairs shall be completed; provided, however, any schedule of improvements and repairs agreed to shall not exceed one year from the date the final plat is recorded, except as otherwise allowed by DCC 17.24.120(F) below. The agreement shall also provide the following:
1. A list of all the contractors who will construct or complete the improvements and repairs;
 2. The cost of the improvements and repairs;
 3. ~~That t~~The County may call upon the security for the construction or completion of the improvements and repairs, upon failure of the subdivider to adhere to the schedule for improvements and repairs;
 4. ~~That t~~The County shall recover the full cost and expense of any work performed by or on behalf of the County to complete construction of the improvements and repairs, including, but not limited to, attorneys and engineering fees;
 5. ~~That a~~A one-year warranty bond shall be deposited with the County following acceptance of the improvements and repairs. The bond shall be in the amount of 10 percent of the value of the improvements.
- B. Except as provided for in DCC 17.24.120(C), no building permit shall be issued for any lot or parcel of a platted subdivision or partition until the required improvements are completed and accepted by the County. One building permit for a dwelling may be allowed for the entire parent parcel of a subdivision or partition prior to final plat approval, provided there are no other dwellings on the subject property, all land use approvals have been obtained, and the siting of the dwelling is not inconsistent with the tentative plat approval.
- C. The restrictions of DCC 17.24.120(B) shall not apply to a destination resort approved under DCC 18.113, provided that the required fire protection facilities have been constructed in compliance with the master plan or tentative plat approval and approved access roads have been completed to minimal fire code standards. Issuance of building permits under DCC 17.24.120 shall not preclude the County from calling upon the security at a later date if the roads are not later completed to the standards required by the approval.
- D. The County may reject an agreement authorized by DCC 17.24.120 for any sufficient reason.
- E. The applicant shall file with any agreement specified in DCC 17.24.120 a bond or other form of security provided for in DCC 17.24.130.

- F. Required curb improvements within the La Pine UUC may be bonded for up to three (3) years while the County develops a storm water management plan.

HISTORY

Adopted by Ord. [81-043](#) §§1, 4.050 on 12/31/1981

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

Amended by Ord. [93-012](#) §30 on 8/4/1993

Amended by Ord. [97-016](#) §1 on 3/12/1997

Amended by Ord. [2002-026](#) §1 on 6/19/2002

Amended by Ord. [2018-006](#) §3 on 11/20/2018

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

[17.24.130 Security](#)

- A. Where a bond is required by any provision of DCC 17.24, an applicant may submit:
1. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the county legal Counsel;
 2. Cash deposit with the County; or
 3. An unconditional, irrevocable standby letter of credit.
- B. Such assurance of full and faithful performance shall be for 120 percent of the cost of performing the work as determined by the County.
- C. If the subdivider fails to carry out the provisions of any agreement secured by any security provided for in DCC 17.24.130(A), the County shall call upon the bond or cash deposit to finance any cost and expenses resulting from such failure. If the amount called upon and realized by the County from the cash deposit or bond exceeds the cost and expense incurred in completing the improvements and repairs, the County shall release the remainder. If the amount called upon and realized by the county from the cash deposit and bond is less than the cost and expense incurred by the County in completing the improvements and repairs, the subdivider shall be liable to the County for the difference.

HISTORY

Adopted by Ord. [81-043](#) §§1, 4.055 on 12/31/1981

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

[17.24.140 Approval](#)

After the final plat has been checked and approved as provided for in DCC 17.24, and when all signatures appear thereon except those of the Planning Director and Board, the Planning Director shall approve the final plat and submit it to the Board for final approval.

HISTORY

Adopted by Ord. [PL-14](#) §4.100 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.060 on 12/31/1981

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

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

17.24.150 Recording

- A. No plat shall have any force or effect until it has been recorded. No title to property described in any dedication on the plat shall pass until recording of the plat.
- B. The applicant must present the original approved plat at the time of recording. Prior to submission to the County Clerk of a plat of a County-approved subdivision or partition, the applicant shall provide a copy of the plat to the Planning Division and pay the appropriate review fee. No plat shall be recorded with the County Clerk unless accompanied by a written statement from the Planning Division that all requirements have been met.
- C. No plat may be recorded unless all city or County approvals required under ORS 92 with respect to land division and surveying and mapping have been obtained. If the plat or the circumstances of its presentation do not allow the Clerk to make this determination, the Clerk may make such inquiry as is necessary to establish that such requirements have been met.
- D. No subdivision plat shall be recorded unless all ad valorem taxes and all special assessments, fees or other charges required by law to be placed upon the tax roll that have become a lien upon the subdivision or that will become a lien upon the subdivision during the tax year have been paid.
- E. No plat shall be recorded unless it is accompanied by a signed statement of water rights and, if there are water rights appurtenant to the property being divided, an acknowledgment of receipt by the Oregon Department of Water Resources of applicant's statement of water rights. This provision shall not apply if the partition or subdivision plat displays the approval of any special district referred to in DCC 17.24.090.
- F. No plat shall be recorded unless it complies with the provisions of DCC 17.24.040 and ORS 92 regarding form.
- G. Following submission of the approved plat and upon payment of such recording fees as prescribed by the County, the original shall be recorded in the County Clerk's plat records by scanning and microfilming the plat. The physical copy of the recorded plat shall be released by the County Clerk to the County Surveyor for filing.

HISTORY

Adopted by Ord. PL-14 §4.110 on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 3, 4.065 on 12/31/1981

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

Amended by Ord. 93-012 §31 on 8/4/1993

Amended by Ord. 2005-044 §1 on 1/26/2006

Amended by Ord. 2006-007 §4 on 8/29/2006

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

Amended by Ord. 2021-013 §2 on 4/5/2022

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

17.24.160 Approval And Recordation Of Subdivision Interior Monuments Monumenting Certain Subdivision Corners After Recording Plat

- A. ~~Monumenting certain subdivision corners after recording a plat shall be completed in accordance with ORS 92.060, ORS 92.065, and ORS 92.070. Approval. Within five days of completion of the setting of interior monuments as allowed by the County Surveyor under DCC 17.24.100, the Surveyor performing the work shall notify the City or County Surveyor, as the case may be, of the completion of the work. At that time the Surveyor performing the work shall submit to the city or County Surveyor such documentation as the City or county Surveyor shall require demonstrating that the work has been completed in accordance with the Surveyor's affidavit recorded on the plat and ORS 92, including an affidavit in conformance to the requirements of ORS 92.070(3)(b).~~
- B. Recordation of Affidavit. ~~U~~pon approval by the City or County Surveyor, as the case may be, the monumentation affidavit shall be recorded in the office of the County Clerk.
- C. Reference of Monumentation. The County Surveyor shall, in all cases, note the monuments set and the recorder's information on the plat provided to the County Surveyor and filed in accordance with DCC 17.24.150.
- D. Reference of County Surveyor's Approval. The County Surveyor shall, in all cases, reference ~~his~~ their approval on the plat filed in the County Surveyor's records in accordance with DCC 17.24.150.

HISTORY

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

Amended by Ord. [2020-007](#) §6 on 10/27/2020

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

17.24.170 Correction Of Errors

- A. A plat may be amended to correct errors pursuant to specified in ORS 92.170(1).
- ~~B. Amendment of a plat pursuant to DCC 17.24.170 shall be made by an affidavit of correction prepared in accordance with ORS 92.170(3).~~
- ~~C. The affidavit shall be submitted to the City or County Surveyor, as the case may be, who shall certify that the affidavit has been examined and that the changes shown on the affidavit are permitted under ORS 92.170(1). After approval by the Surveyor, the affidavit shall be recorded with the Clerk upon payment of such recording and Surveyor's fees as set by the Board.~~
- ~~D.B.~~ The County Surveyor shall, in all cases, note the correction and the recording reference from the affidavit on the plat filed in the County Surveyor's records in accordance with DCC 17.24.150.

HISTORY

Adopted by Ord. [81-043](#) §§1, 4.070 on 12/31/1981

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

Amended by Ord. [2020-007](#) §6 on 10/27/2020

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

CHAPTER 17.32 CONDOMINIUM CONVERSION (Repealed)

17.32.010 Applicability

17.32.020 Procedure

17.32.030 Division Of Land

17.32.010 Applicability

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

~~HISTORY~~

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

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

17.32.020 Procedure

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

~~HISTORY~~

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

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

17.32.030 Division Of Land

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

~~HISTORY~~

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

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

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

CHAPTER 17.36 DESIGN STANDARDS

- [17.36.010 Compliance Required](#)
- [17.36.020 Streets](#)
- [17.36.030 Division Of Land](#)
- [17.36.040 Existing Streets](#)
- [17.36.050 Continuation Of Streets](#)
- [17.36.060 Minimum Right Of Way And Roadway Width](#)
- [17.36.070 Future Re-Subdivision](#)
- [17.36.080 Future Extension Of Streets](#)
- [17.36.090 \(Repealed\)](#)
- [17.36.100 Frontage Roads](#)
- [17.36.110 Streets Adjacent To Railroads, Freeways And Parkways](#)
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- [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, together with the Road Department Director, shall determine whether improvements to existing streets adjacent to or within the tract are necessary to meet the DCC 17.48, and Title 12 standards. If so determined, such improvements shall be required as a condition of approval for the tentative plan.
3. Improvements to streets outside of the subdivision or partition shall be required where the traffic impact study, if required by DCC 17.16.030(C)(16), indicates that traffic on such streets will be impacted by the proposed subdivision or partition.

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](#)

When a proposed partition or subdivision abuts land capable of being divided under in compliance with the current minimum lot area acreages, but the abutting that land does not have sufficient road access to accommodate a land division under Title 17, -road right-of-way shall be dedicated to the public through the proposed partition or subdivision, sufficient to permit future division of that land under Title 17. When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.

HISTORY

Adopted by Ord. [PL-14](#) §7.020(7) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(6) on 12/31/1981

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

[17.36.090 \(Repealed\)](#)

HISTORY

Repealed by Ord. [93-012](#) §34 on 8/4/1993

[17.36.100 Frontage Roads](#)

If a land division abuts or contains an existing or proposed collector or arterial street, the Planning Director or Hearings Body may require frontage roads, reverse frontage lots or parcels with suitable depth, screen planting contained ~~in a non-access reservation~~ along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. All frontage roads shall comply with the applicable standards of ~~Table A of~~ DCC Title 17, 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:

a. 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 connect with:

1. Each lot in the subdivision;

2. Existing or planned neighborhood activity centers, such as schools, shopping areas, and parks, within one-half mile of the subdivision; and

3. Public roads adjacent to the subdivision.

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

B. Subdivision layout.

1. Cul-de-sacs.

a. General/Discretionary Standard: Cul-de-sacs or dead-end streets shall be allowed only where, due to topographical or environmental constraints, the size and shape of the parcel, or a lack of through-street connections in the area, a street connection is determined by the Planning Director or Hearings Body to be infeasible or inappropriate. In such instances, where applicable and feasible, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

a.b. Clear and Objective Standard: Cul-de-sacs or dead-end streets shall be allowed only where it is not feasible to construct a street connection that does not exceed the maximum grade allowed by DCC 17.48, and Title 12. In such instances, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

1-2. Bicycle and pedestrian connections between streets shall be provided at mid-block where the addition of a connection would reduce the walking or cycling distance to an existing or planned neighborhood activity center by 400 feet and by at least 50 percent over other available routes.

2-3. Local roads shall align and connect with themselves across collectors and arterials. Connections to existing or planned streets and undeveloped properties shall be provided at no greater than 400-foot intervals.

3-4. Connections shall not be more than 400 feet long, ~~and shall be as straight as possible.~~

C. Facilities and Improvements.

1. Bikeways ~~may shall~~ be provided by either a separate paved path or an on-street bike lane, consistent with the requirements of DCC ~~Title 17.48.140, and Title 12.~~
2. Pedestrian access ~~may shall~~ be provided by sidewalks or a separate paved path, consistent with the requirements of DCC ~~Title 17.36.130 and applicable standards in DCC 17.48, and Title 12.~~
3. Connections shall have a 20-foot right of way, ~~with at least a 10-foot usable surface and shall meet the applicable dimensional standards of DCC 17.48, and Title 12.~~

HISTORY

Adopted by Ord. [PL-14](#) §7.030(3)(C) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(13) on 12/31/1981

Amended by Ord. [93-012](#) §38 on 8/4/1993

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

[17.36.150 Blocks](#)

- A. General. The length, width, and shape of blocks shall accommodate the need for adequate building site size, street width, and direct travel routes for pedestrians and cyclists through the subdivision and to nearby neighborhood activity centers, and shall be compatible with the limitations of the topography.
- B. Size. Within an urban growth boundary, no block shall be longer than 1,200 feet between street centerlines. In blocks over 800 feet in length, there shall be a cross connection consistent with the provisions of DCC 17.36.140.

HISTORY

Adopted by Ord. [PL-14](#) §7.030 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.020(1) and (2) on 12/31/1981

Amended by Ord. [93-012](#) §38(A) on 8/4/1993

Amended by Ord. [95-082](#) §3 on 12/13/1995

[17.36.160 Easements](#)

- A. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines ~~where possible~~, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.
- B. Drainage. If a tract is traversed by a watercourse such as a drainageway, channel or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of the watercourse, or in such further width as will be adequate for the purpose.

~~Streets or parkways parallel to major watercourses or drainageways may be required.~~

HISTORY

Adopted by Ord. [PL-14](#) §7.030(3) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §1, 6.020(3) on 12/31/1981

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

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

17.36.170 Lots; Size And Shape

- A. General/Discretionary Standards: The lot area size, lot width, and orientation of lots or parcels shall be appropriate for the location of the land division and for the proposed type of development and use(s), ~~contemplated~~ and shall be consistent with the lot area requirements of the underlying zone(s) pursuant to or parcel size provisions of DCC Title 18 through 21, with the following exceptions:
1. ~~If proposed lots or parcels are in areas not to be~~ served by a public community sewer system, ~~the~~ minimum lot area and parcel sizes shall ~~ensure~~ permit compliance with the requirements of the Department of Environmental Quality and the County Onsite Wastewater Supervisor/Sanitarian, and shall be sufficient to permit adequate onsite sewage disposal. Any problems posed by soil structure and water table and related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.
 2. Where property is zoned and planned for business or industrial use, other lot widths and lot areas may be permitted by the Planning Director or Hearings Body. ~~Depth and~~ The lot width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the proposed type of use(s) and development ~~contemplated~~.

B. Clear and Objective Standards:

1. A Professional Engineer registered in the State of Oregon shall confirm in writing that the lot area, lot width, and orientation of lots or parcels shall be appropriate for the location of the land division and for the proposed type of development and use(s); and
2. The County Onsite Wastewater Supervisor shall confirm in writing, in areas not to be served by a public sewer system, the proposed lot areas will be sufficient to permit adequate onsite sewage disposal in compliance with the requirements of the Department of Environmental Quality.

HISTORY

Adopted by Ord. PL-14 §7.040(1) on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 6.025 on 12/31/1981

Amended by Ord. 90-003 §1 on 1/8/1990

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

17.36.180 Road Frontage

- A. Each lot or parcel shall abut upon a public road, or when located in a planned development or cluster development, a private road, and have for at least 50 feet ~~30 feet of road frontage,~~ except for lots or parcels fronting on the bulb of a cul-de-sac, then the minimum frontage shall be 30 feet, and except for partitions off of U.S. Forest Service or Bureau of Land Management roads. Frontage for partitions off U.S. Forest Service or Bureau of Land Management roads shall be decided on a case by case basis based on the location of the property, the condition of the

~~road, and the orientation of the proposed parcels, but shall be at least 20 feet. In the La Pine Neighborhood Planning Area Residential Center District, lot widths may be less than 50 feet in width, as specified in DCC 18.61, Table 2: La Pine Neighborhood Planning Area Zoning Standards. Road frontage standards in destination resorts shall be subject to review in the conceptual master plan.~~

- B. All side lot lines shall be at right angles to street lines or radial to curved streets, ~~wherever practical.~~

HISTORY

Adopted by Ord. [PL-14](#) §1.010(33)(H) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(1) and (2) on 12/31/1981

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

Amended by Ord. [93-012](#) §39 on 8/4/1993

Amended by Ord. [2003-029](#) §1 on 9/24/2003

Amended by Ord. [2004-025](#) §2 on 12/20/2004

Amended by Ord. [2006-007](#) §5 on 8/29/2006

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

[17.36.190 Through Lots](#)

A. General/Discretionary Standards: Lots or parcels with double road frontage should be avoided except where they are essential to provide separation of residential development from major street or adjacent nonresidential activities to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the front lot lines of lots or parcels abutting such a traffic artery or other incompatible use.

A.B. Clear and Objective Standards: Lots or parcels with double road frontage shall be prohibited except where necessary to avoid creation of residential lots or parcels with road frontage on collector or arterial streets. A planting screen easement of at least 10 feet in width and across which there shall be no right of access shall be required along the front lot lines of lots or parcels abutting a collector or arterial.

HISTORY

Adopted by Ord. [PL-14](#) §§1.010(33)(H), 7.040(3) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(3) on 12/31/1981

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

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

[17.36.200 Corner Lots](#)

Within an urban growth boundary, corner lots or parcels shall be a minimum of five feet more in width than other lots or parcels, and also shall have sufficient extra width to meet the additional side yard requirements of the zoning district in which they are located.

HISTORY

Adopted by Ord. [PL-14](#) §1.010(33)(B) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(4) on 12/31/1981

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

[17.36.210 Solar Access Performance](#)

A. General/Discretionary Standards:

1. As much solar access as feasible shall be provided each lot or parcel in every new subdivision or partition, considering topography, development pattern and existing vegetation. The lot lines of lots or parcels, as far as feasible, shall be oriented to provide solar access at ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st. If it is not feasible to provide solar access to the southern building line, then solar access, if feasible, shall be provided at 10 feet above ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st, and three hours before and after the solar zenith from March 22nd to September 21st.
2. This solar access shall be protected by solar height restrictions on burdened properties for the benefit of lots or parcels receiving the solar access.
3. If the solar access for any lot or parcel, either at the southern building line or at 10 feet above the southern building line, required by this performance standard is not feasible, supporting information must be filed with the application.

A.B. Clear and Objective Standards: A Professional Engineer registered in the State of Oregon shall confirm in writing the solar access for residential development will be feasible in accordance with DCC 18.116.170, 18.116.180, 19.88.210, and 19.88.220.

HISTORY

Adopted by Ord. [PL-14](#) §7.040(6) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(5) on 12/31/1981

Amended by Ord. [83-039](#) §7 on 6/1/1983

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

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

[17.36.220 Underground Facilities](#)

A. General/Discretionary Standards: Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities; provided, however, the Hearings Body may allow overhead utilities if the surrounding area is already served by overhead utilities and the proposed subdivision or partition would create less than 10 lots. The subdivision or partition shall be responsible for complying with requirements of DCC 17.36.220, and shall:

- A.1. Obtain a permit from the Road Department for placement of all underground utilities.

- ~~B-2.~~ Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission.
3. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable, and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
- B. Clear and Objective Standards: Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities. The subdivision or partition shall :
1. Obtain a permit from the Road Department for placement of all underground utilities;
 2. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission; and
 - 4-3. Construct all underground utilities, sanitary sewers and storm drains installed in streets prior to the surfacing of such streets and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

HISTORY

Adopted by Ord. [PL-14](#) §7.120 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.030(6) on 12/31/1981

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

Amended by Ord. [2006-007](#) §5 on 8/29/2006

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

[17.36.230 Grading Of Building Sites](#)

Grading of building sites shall conform to the following standards, ~~unless physical conditions demonstrate the property of other standards:~~

A. General/Discretionary Standards: Unless a variance is approved under DCC 17.56:

- ~~A-1.~~ Cut slope ratios shall not exceed one foot vertically to one and one-half feet horizontally.
- ~~B-2.~~ Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
- ~~C-3.~~ The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
- ~~D-4.~~ When filling or grading is ~~contemplated-proposed~~ by the subdivider, ~~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 that fill and grading will meet the requirements of the Oregon Structural Specialty Code, Oregon Residential Specialty Code, and Central Oregon Stormwater Manual pertaining to grading, fill, slope stability, drainage, compaction and erosion control, as applicable.

HISTORY

Adopted by Ord. [PL-14](#) §7.050 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.040 on 12/31/1981

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

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

[17.36.240 \(Repealed\)](#)

HISTORY

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

[17.36.250 Lighting](#)

Within an urban growth boundary, the subdivider shall provide underground wiring to ~~the County~~ standards of the Oregon Electrical Specialty Code, and a base for any proposed ornamental street lights at locations approved by the affected utility company.

HISTORY

Adopted by Ord. [PL-14](#) §8.030(8) and (9) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.035(1) on 12/31/1981

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

[17.36.260 Fire Hazards](#)

- A. General/Discretionary Standard: Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease ~~resident-occupant~~ evacuation.
- B. Clear and Objective Standard: A minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease occupant evacuation.

HISTORY

Adopted by Ord. [PL-14](#) §7.130 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.035(2) on 12/31/1981

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

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

17.36.270 Street Tree Planting

A. General/Discretionary Standard: Street tree planting plans, if proposed, for a subdivision or partition, shall be submitted to the Planning Director and receive ~~his~~ approval before the planting is begun.

B. Clear and Objective Standard: Street tree planting is not permitted.

HISTORY

Adopted by Ord. 81-043 §§1, 6.035(3) on 12/31/1981

Amended by Ord. 90-003 §1 on 1/8/1990

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

17.36.280 Water And Sewer Lines

Where required by the applicable zoning ordinance, water and sewer lines shall be constructed to County and city standards and specifications. Required water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.

HISTORY

Adopted by Ord. PL-14 §8.030(3) and (4) on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 6.035(4) on 12/31/1981

Amended by Ord. 90-003 §1 on 1/8/1990

Amended by Ord. 93-012 §41 on 8/4/1993

17.36.290 Individual Wells

In any subdivision or partition where individual wells are proposed, the applicant shall provide documentation of the depth and quantity of potable water available from a minimum of two wells within one mile of the proposed land division. Notwithstanding DCC 17.36.300, individual wells for subdivisions are allowed when parcels are larger than 10 acres.

HISTORY

Adopted by Ord. PL-14 §7.100(1) on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 6.035(4) on 12/31/1981

Amended by Ord. 93-012 §42 on 8/4/1993

17.36.300 Public Water System

In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the ~~appropriate state or federal agency~~ Oregon Health Authority. A ~~community-public~~ water system shall be required where ~~proposed~~ lot areaser parcel-sizes are less ~~thenthan~~ one acre or where potable water sources are at depths greater than 500 feet, excepting land partitions. Except as provided for in DCC 17.24.120 and 17.24.130, a required water system shall be constructed and operational, with water lines extended to the lot line of each ~~and every~~ lot or parcel depicted in the proposed subdivision or partition plat, prior to final approval.

HISTORY

Adopted by Ord. [PL-14](#) §7.100(2) and (3) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.035(6) on 12/31/1981

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

Amended by Ord. [93-012](#) §43 on 8/4/1993

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

CHAPTER 17.40 IMPROVEMENTS

[17.40.010 Conformance Required](#)

[17.40.020 Plan Review And Approval](#)

[17.40.030 Improvement Plans; Filing](#)

[17.40.040 Inspection And Approval](#)

[17.40.050 Public Improvements; Submittal Of Plans](#)

[17.40.060 Partitions](#)

[17.40.070 Acceptance After Inspection](#)

17.40.010 Conformance Required

In addition to other requirements, improvements to be installed by the applicant, either as a requirement of DCC Title 17 or other applicable regulations or at this own option, shall conform to the requirements of DCC 17.40.

HISTORY

Adopted by Ord. [PL-14](#) §8.010 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.050 on 12/31/1981

17.40.020 Plan Review And Approval

Improvement work shall not be started until plans therefor have been reviewed and approved by the Road Department Director. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan.

HISTORY

Adopted by Ord. [PL-14](#) §8.010(1) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.050(1) on 12/31/1981

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

17.40.030 Improvement Plans; Filing

Improvements shall be designed, installed and constructed as platted and approved, and plans therefor shall be filed with the final plat at the time of recordation or upon completion.

HISTORY

Adopted by Ord. [PL-14](#) §8.010(2) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §1, 6.050(2) on 12/31/1981

17.40.040 Inspection And Approval

Improvements shall be constructed under the inspection of a registered Professional Engineer, expenses incurred by the applicant, and with final written approval from the Road Department Director that the improvements were constructed as required. ~~The Road Department Director may accept certification of a registered professional engineer consistent with ORS 92.097. Expenses incurred thereby shall be borne by the applicant.~~

HISTORY

Adopted by Ord. [PL-14](#) §8.010(3) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §1, 6.050(3) on 12/31/1981

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

17.40.050 Public Improvements; Submittal Of Plans

A map showing public improvements shall be filed with the Road Department upon completion of the improvements.

HISTORY

Adopted by Ord. [PL-14](#) §8.010(5) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.050(4) on 12/31/1981

17.40.060 Partitions

The same improvements may be required to be installed to serve each building site of a partition as are required of a subdivision.

HISTORY

Adopted by Ord. [PL-14](#) §8.040 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.055 on 12/31/1981

17.40.070 Acceptance After Inspection

Improvements shall be considered for acceptance after inspection at the time the improvements are constructed.

HISTORY

Adopted by Ord. [PL-14](#) §8.060 on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.060 on 12/31/1981

CHAPTER 17.44 PARK DEVELOPMENT

[17.44.010 Dedication Of Land: General/Discretionary Standards](#)

[17.44.015 Dedication Of Land: Clear and Objective Standards](#)

[17.44.020 Fee In Lieu Of Dedication](#)

[17.44.030 Annexation Agreement](#)

17.44.010 Dedication Of Land: General/Discretionary Standards

- A. For subdivisions or partitions inside an urban growth boundary, the developer shall set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.
- B. For subdivisions or partitions outside of an urban growth boundary, the developer shall set aside a minimum area of the development equal to \$350 per dwelling unit within the development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.
- C. For either DCC 17.44.010 (A) or (B), the developer shall either dedicate the land set aside to the public or develop and provide maintenance for the land set aside as a private park open to the public.
- D. The Planning Director or Hearings Body shall determine whether or not such land is suitable for park purposes.
- E. If the developer dedicates the land set aside in accordance with DCC 17.44.010 (A) or (B), any approval by the Planning Director or Hearings Body shall be subject to the condition that the County or appropriate park district accept the deed dedicating such land.
- F. DCC 17.44.010 shall not apply to the subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.

HISTORY

Adopted by Ord. [81-043](#) §§1, 6.080 on 12/31/1981

Amended by Ord. [93-012](#) §§45 and 46 on 8/4/1993

Amended by Ord. [93-054](#) §2 on 12/15/1993

Amended by Ord. [95-010](#) §2 on 3/1/1995

Amended by Ord. [97-075](#) §1 on 12/31/1997

Amended by Ord. [2003-076](#) §1 on 7/9/2003

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

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

17.44.015 Dedication Of Land: Clear and Objective Standards

The developer shall:

- A. Set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development; and
- B. Shall either dedicate the land set aside to the public, provided an applicable park district agrees in writing to accept the deed to the land proposed to be dedicated to the public, or develop and provide maintenance for the land set aside as a private park open to the public.

HISTORY

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

17.44.020 Fee In Lieu Of Dedication

- A. In the event there is no suitable park or recreation area or site in the proposed subdivision or partition, or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under DCC 17.44.010 above. For the purpose of determining the fair market value, the latest value of the land, unplatted and without improvements, as shown on the County Assessor's tax roll shall be used. The sum ~~of money so~~ contributed shall be deposited with the County Treasurer and be used for acquisition of suitable area for park and recreation purposes or for the development of recreation facilities. Such expenditures shall be made for neighborhood or community facilities at the discretion of the Board and/or applicable park district.
- B. DCC 17.44.020 shall not apply to subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.

HISTORY

Adopted by Ord. [81-043](#) §§1, 6.080 on 12/31/1981

Amended by Ord. [93-012](#) §§45 and 46 on 8/4/1993

Amended by Ord. [93-054](#) §2 on 12/15/1993

Amended by Ord. [95-010](#) §2 on 3/1/1995

Amended by Ord. [97-075](#) §1 on 12/31/1997

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

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

17.44.030 Annexation Agreement

No partition or subdivision of land lying within the Bend Urban Growth Boundary, including the urban reserve areas, but outside the boundaries of the Bend Metro Park and Recreation District, shall be approved unless the landowner has signed an annexation agreement with the Bend Metro ~~P~~ark and Recreation District.

HISTORY

Adopted by Ord. [97-075](#) §2 on 12/31/1997

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

CHAPTER 17.48 DESIGN AND CONSTRUCTION SPECIFICATIONS ROAD DEVELOPMENT STANDARDS

[17.48.010 Minimum Standards Established](#)

[17.48.020 Implementation Of Requirements](#)

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

[17.48.040 Approval Of Variations](#)

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

~~[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](#)
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[17.48.330 Construction; General Specifications](#)
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[17.48.350 Construction; Inspection](#)
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[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. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.

HISTORY

~~Adopted by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

17.48.170 Road Development Requirements; Partitions

~~Roadway improvements within a For partitions that are not part of a destination resort, planned unit development, or cluster development, roadway improvements and to a road maintained by a public agency shall be constructed prior to final approval of the partition, depending on the maximum parcel size as follows:~~

- ~~A. For a parcel size of 10 acres or larger, the minimum road improvement standard shall be 20 feet wide with five inches of aggregate surfacing (cinders are acceptable), the centerline of which coincides with the centerline of the right of way; Arterial roads shall be constructed according to the provisions of DCC 12.25.170.~~
- ~~B. For a parcel size of less than 10 acres, the road standards used shall be the same as for a subdivision. Collector roads shall be constructed according to the provisions of DCC 12.25.180.~~
- A. Local roads
1. For partitions with an average parcel size of 10 acres or more, local roads shall be constructed according to the provisions of DCC 12.25.190 pertaining to unpaved roads.
 2. For partitions with an average parcel size of less than 10 acres, local roads shall be constructed according to the provisions of DCC 12.25.190 pertaining to paved roads.

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.120(7) on 12/31/1981

Amended by Ord. [93-012](#) §51 on 8/4/1993

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

17.48.175 Road Development Requirements; Unincorporated Communities (Repealed)

~~A. Standards.~~

- ~~1. In the La Pine Urban Unincorporated Community, all roads shall be improved as specified for the applicable classification in Table A of DCC Title 17.~~
- ~~2. In the Terrebonne Rural Community, all improvements to public rights of way shall conform to the road development standards for Terrebonne in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.~~
- ~~3. In the Tumalo Rural Community, all improvements to public rights of way shall conform to the Tumalo road development standards in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.~~
- ~~4. In the Sunriver Urban Unincorporated Community, all roads shall conform to the road development standards in DCC 17.48.180.~~
- ~~5. No curbs or sidewalks are required in the Sunriver UUC or the rural service centers of Alfalfa, Brothers, Hampton, Millican, Whistle Stop, Wickiup Junction, Wild Hunt, Deschutes River Woods and Spring River.~~

- ~~B. All required road improvements shall be located on the applicant's side of the road, unless the subject property lies on both sides of the road.~~

HISTORY

Adopted by Ord. [93-012](#) §52 on 8/4/1993

Amended by Ord. [93-057](#) §1 on 11/10/1993

Amended by Ord. [96-003](#) §12 on 3/27/1996

Amended by Ord. [97-005](#) §10 on 6/4/1997

Amended by Ord. [97-035](#) §1 on 6/25/1997

Amended by Ord. [98-004](#) §2 on 1/28/1998

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2001-041](#) §2 on 9/26/2001

~~Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

17.48.180 ~~Private Roads~~ Development Requirements; Destination Resorts, Planned Unit Developments and Cluster Developments

~~The following minimum road standards shall apply for private roads:~~

- A. ~~Except for arterial roads, roads within destination resorts, planned unit developments (PUDs) and cluster developments may be public or private roads, provided they are designed and constructed to the applicable standards specified in DCC 12.25 for the relevant road classification. The minimum paved roadway width shall be 20 feet in planned unit developments and cluster developments with two-foot wide gravel shoulders;~~
- B. ~~Road improvements within destination resorts, planned unit developments (PUDs) and cluster developments shall be constructed prior to final plat approval unless an improvement agreement under the provisions of DCC 17.24.120 has been fully executed. Minimum radius of curvature, 50 feet;~~
- C. ~~The minimum paved roadway width shall be 20 feet in planned unit developments and cluster developments with two-foot wide gravel shoulders;~~
- D. ~~Minimum radius of curvature, 50 feet;~~
- E. ~~Maximum grade, 12 percent;~~
- F. ~~At least one road name sign will be provided at each intersection for each road;~~
- G. ~~A method for continuing road maintenance acceptable to the County;~~
- H. ~~Private road systems shall include provisions for bicycle and pedestrian traffic.~~
1. ~~In cluster and planned developments limited to ten dwelling units, the bicycle and pedestrian traffic can be accommodated within the 20-foot wide road.~~
 2. ~~In other developments, shoulder bikeways shall be a minimum of four feet wide, paved and striped, with no on-street parking allowed within the bikeway, and when private roads are developed to a width of less than 28 feet, bike paths constructed to County standards shall be required.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.130 on 12/31/1981

Amended by Ord. [93-012](#) §53 on 8/4/1993

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2004-025](#) §3 on 12/20/2004

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

[17.48.190 Drainage \(Renumbered\)](#)

[\(Renumbered to 12.25.230\)](#)

~~A.—Minimum Requirements.~~

1. ~~Drainage facilities shall be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council and all surface drainage water coming to and/or passing through the development or roadway.~~

2.—The system shall be designed for maximum allowable development.

B.—Curbed Sections:

- 1.—Storm drains within curbed streets shall be designed per the requirements of the current Central Oregon Stormwater Manual created by the Central Oregon Intergovernmental Council.
- 2.—Catchbasins shall be constructed in accordance with standard drawings as determined by the Road Department Director.

C.—Noncurbed Sections:

- 1.—Road culverts shall be concrete or metal with a minimum design life of 50 years.
- 2.—All cross culverts shall be 18 inches in diameter or larger.
- 3.—Culverts shall be placed in natural drainage areas and shall provide positive drainage.

D.—Drainage Swales. The Design Engineer is responsible to design a drainage swale adequate to control a design storm as defined in the Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council.

E.—Drainage Plans. A complete set of drainage plans including hydraulic and hydrologic calculations shall be incorporated in all road improvement plans.

F.—Drill Holes. Drill holes are prohibited.

G.—Injection wells (drywells) are prohibited in the public right-of-way.

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.140 on 12/31/1981

Amended by Ord. [97-005](#) §11 on 6/4/1997

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

[17.48.200 Surveying \(Renumbered\)](#)

(Renumbered to 12.25.240)

A.—Preliminary Procedures. All roads shall be staked prior to construction by a registered land surveyor on the horizontal and vertical alignments shown on the improvement plans.

B.—Cuts and Fills. Sections with a cut or fill and any superelevated sections shall be staked every 50 feet or less with:

- 1.—A clearing lath; and
- 2.—Offset stakes marked with the offset distance and the cut or fill to the subgrade shoulder, except that offset stakes may be the same stakes as the clearing lath; and

- ~~3.—Shoulder lath for the aggregate base.~~
- ~~C.—Curbs. Curb sections shall require offset hubs every 25 feet with stakes marked with the offset distance and the cut or fill to the subgrade shoulder and the top of the curb.~~
- ~~D.—Centerline Monuments.~~
- ~~1.—Centerline monuments, as approved by the Road Department Director, shall be installed at all centerline intersections where they fall in the paved section, point of curvatures and point of tangencies of each curve and at all centers of cul-de-sacs.~~
 - ~~2.—All metal caps shall be stamped to identify the monument, i.e., P.I., P.C., P.T., Int, and carry the registration number of the surveyor or engineer setting the monument.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.300 on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

[17.48.210 Access \(Renumbered\)](#)

(Renumbered to 12.28.010 – 12.28.180)

- ~~A.—Permit Required. Access onto public right of way or change in type of access shall require a permit. Permits are applied for at offices of the Community Development Department.~~
- ~~B.—Access Restrictions and Limitations. The creation of access onto arterials and collectors is prohibited unless there is no other possible means of accessing the parcel. In any event, residential access onto arterials and collectors shall not be permitted within 100 feet of an intersection or the maximum distance obtainable on the parcel, whichever is less.~~
- ~~C.—Commercial and Industrial Access.~~
- ~~1.—Requirements for commercial and industrial access will be determined by the Road Department Director in accordance with DCC 17.48.090.~~
 - ~~2.—Safety improvements, including left turn lanes and traffic signals, may be required.~~
- ~~D.—Sight Distance. Access shall be denied at locations that do not meet AASHTO sight distance standards.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.400(1)-(4) on 12/31/1981

Amended by Ord. [93-012](#) §53(A) on 8/4/1993

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

[17.48.220 Driveways \(Renumbered\)](#)

(Renumbered to 12.28.010 – 12.28.180)

A. ~~Access Width. The following are the maximum width of driveways:~~

Type	Width (in feet)
Residential	14(single), 20(double)
Agricultural	20
Commercial/Industrial	35

B. ~~_____ Culverts. Where culverts are required for driveways, the minimum pipe size shall be 12 inches.~~

C. ~~Drainage. Driveways shall be constructed in such a manner that water, aggregate or any other substance that is hazardous to the traveling public will not enter onto the public right-of-way.~~

D. ~~Construction. Construction of the driveway shall be in accordance with the design standards of the County Road Department.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.400(5)-(8) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

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

[17.48.230 Utilities; Standards \(Repealed\)](#)

A. ~~Minimum Standards Established. In accordance with the provisions of ORS 374 and 758, DCC 17.48.240 through 17.48.280 set forth the minimum standards governing the placing, relocation, building, maintenance and construction of all facilities and appurtenances, upon public rights of way.~~

B. ~~All utilities governed by DCC 17.48.240 through 17.48.280 shall be underground unless overhead utilities are permitted as a result of a land use action.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(1) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

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

[17.48.240 Utilities; Permit \(Repealed\)](#)

A. ~~Prior to any work being done in a public right of way, a permit shall be obtained from the Road Department.~~

B. ~~A minimum of two weeks prior to the desired commencement date of the project, the applicant shall deliver to the Road Department the following:~~

1. ~~A completed permit on the Deschutes County Road Department standard form containing the following:

 - a. ~~Applicant's name, address and telephone number;~~
 - b. ~~Name, address and telephone number of the contractor and foreman or other person responsible for the work if different from the contractor;~~
 - c. ~~Location of project, including:

 1. ~~Township, range and section,~~
 2. ~~Road name,~~
 3. ~~Nearest intersecting roads.~~~~
 - d. ~~Type of facility;~~
 - e. ~~The proposed starting and completion dates.~~~~
2. ~~Two sets of construction plans showing all pertinent construction details;~~
3. ~~A plan for traffic control; in the case of a road closure, a proposed detour and/or other method of controlling traffic;~~
4. ~~A bond or cash deposit as required in DCC 17.48.300.~~

C. ~~Road Department Approval.~~

~~One set of the documents described in DCC 17.48.240(A) shall be signed by the Road Department Director and returned to the applicant together with any necessary supplemental instructions.~~

1. ~~The approved documents and supplemental instructions shall become a part of the permit and be binding on the applicant.~~

D. ~~Permit Conditions.~~

1. ~~In granting any permit, the Road Department Director may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance.~~
2. ~~Such conditions may include but shall not be limited to:

 - a. ~~Limitations on the period of the year in which the work may be performed;~~
 - b. ~~Restrictions as to the size and type of equipment;~~
 - c. ~~Designation of routes upon which material may be transported;~~
 - d. ~~The place and manner of disposal of excavated material;~~~~

- e.—Requirements as to the control of dust, the cleaning of streets, the prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof; and
- f.—Regulations as to the use of roads in the course of the work.

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(2) on 12/31/1981

Amended by Ord. [93-012](#) §53(AA) on 8/4/1993

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

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

17.48.250 Utilities; Construction; Performance Standards (Repealed)

- A.—The work to be performed under this permit shall be carried out in accordance with the current Deschutes County Standards in DCC Title 17, the current ODOT/APWA Oregon Standard Specifications for Construction and standard drawings as determined by the Road Department Director.
- B.—Work authorized by a permit shall be performed between the hours of seven a.m. and five p.m., Monday through Friday.
- C.—Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access.
- D.—Free access must be provided at all times to fire hydrants.
- E.—Monuments.
 - 1.—Monuments of concrete, iron or other lasting materials set out for the purpose of locating or preserving the lines of any street or property subdivision, or precise survey reference point, or a permanent survey bench mark within the County shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the County surveyor.
 - 2.—Permission shall be granted only upon condition that the applicant shall pay all expenses incidental to the proper replacement of the monument.

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(A) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

17.48.260 Utilities; Construction; Excavation (Repealed)

- A.—The minimum cover between the top of a buried utility and road or ground surface shall be 30 inches.

- ~~B.—Where practical, underground utilities shall be jacked, pushed, bored or washed under roads when crossing same.~~
- ~~C.—No opening or excavation in any road shall extend beyond the centerline of the road before being backfilled and the surface of the road temporarily restored.~~
- ~~D.—No more than 300 feet of trench, measured longitudinally, shall be opened along a road at one time.~~
- ~~E.—Excavated materials shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as possible to public travel.~~
- ~~F.—All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(B) on 12/31/1981

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

Amended by Ord. [2011-018](#) §1 on 1/30/2012

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

[17.48.270 Utilities; Construction; Backfilling And Restoring \(Repealed\)](#)

- ~~A.—All backfilled material shall be compacted to 95 percent of its relative maximum density when within the roadway to 90 percent when between the shoulder (or curb) and the right-of-way line.~~
- ~~B.—Trenches shall be backfilled as follows:~~
- ~~1.—Unimproved Roads and Area Outside Roadway. The trench shall be backfilled with the excavated or other suitable materials and the entire backfill shall be compacted in layers of not to exceed six inches by use of a mechanical tamper.~~
 - ~~2.—Aggregate and Paved Surfaces. The trench shall be backfilled according to drawing standard drawings as determined by the Road Department Director.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(C) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

[17.48.280 Utilities; Construction; Inspection \(Repealed\)](#)

- ~~A.—The Oregon Utility Notification Center shall be notified according to applicable Oregon Administrative Rules. The Road Department shall be notified two working days in advance of the time of backfilling.~~
- ~~B.—Costs.~~

- ~~1.—All inspection costs shall be borne by the applicant.~~
- ~~2.—Such costs shall be based on a schedule of charges on file in the Road Department Building, 61150 SE 27th Street, Bend, Oregon 97702, (541) 388-6581.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(D) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

[17.48.290 Fees \(Renumbered\)](#)

[\(Renumbered to 12.25.300\)](#)

~~All plan review and field inspection costs shall be borne by the applicant. Such costs shall be based on a schedule of charges on file in the Road Department.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.610 on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

[17.48.300 Bonds \(Repealed\)](#)

- ~~A.—Required. When, in the opinion of the Road Department Director, an existing public way is endangered by an applicant, such applicant shall be required to file an agreement and security with the County.~~
- ~~B.—Type of Security. The applicant shall file with the agreement, to assure the applicant's full performance thereof, one of the following:

 - ~~1.—A surety bond executed by a surety company authorized to transact business in the state in a form approved by the County; or~~
 - ~~2.—Cash.~~~~
- ~~C.—Amount Required. Such assurance of full performance shall be for a sum approved by the Road Department Director as sufficient to cover the cost of improvements and repairs, including related engineering, inspection and incidental expenses.~~
- ~~D.—Default Status.

 - ~~1.—If the applicant fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement.~~
 - ~~2.—If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, it shall release the remainder.~~~~

~~3. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.~~

~~E. Expiration. The bond shall not be released by the County until one year from the improvement completion date specified by the applicant.~~

~~F. The bonds shall not be released by the County until County inspectors have inspected the improvements and approved them in writing.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.620 on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

[17.48.310 Insurance \(Renumbered\)](#)

[\(Renumbered to 12.25.330\)](#)

~~During the term of authorized work within a public right of way, the applicant or their contractor, including all subcontractors, shall procure and continue to carry insurance coverages, including but not limited to commercial general liability and commercial automobile liability, from a responsible insurance provider with minimum coverage amounts as determined by the Road Department Director.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.640 on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

[17.48.320 Indemnification \(Renumbered\)](#)

[\(Renumbered to 12.25.340\)](#)

~~A. The licensee shall be responsible and liable for all injuries to other persons or property resulting from any negligence or otherwise tortious acts or omissions of the licensee, its servants or agents.~~

~~B. The licensee shall indemnify the County and hold it harmless against any and all claims, demands, lawsuits, injuries, damages or costs, including litigation costs, which the County may sustain by reason of any such acts or omissions.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.630 on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

[17.48.330 Construction; General Specifications \(Renumbered\)](#)

[\(Renumbered to 12.25.400\)](#)

- ~~A.—Unless otherwise detailed in DCC 17.48, all roadway excavation, fill construction, subgrade preparation, aggregate base, surfacing, prime coats and paving will be done in accordance with the current edition of the ODOT/APWA Oregon Standard Specifications for Construction, hereinafter referred to as the general specifications.~~
- ~~B.—Whenever these specifications refer to the state, they shall be taken to mean the County, the appropriate County address, and likewise, reference to the commission or the engineer shall be taken to mean the Board of County Commissioners or the Road Department Director.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(2) on 12/31/1981

Amended by Ord. [88-017](#) §1 on 5/18/1988

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

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

[17.48.340 Construction; Testing \(Repealed\)](#)

~~All testing shall conform to methods described in the current edition of the AASHTO Materials, Part II, Tests, or the current edition of the Oregon State Highway Division Laboratory Manual of Test Procedure.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(2) on 12/31/1981

Amended by Ord. [93-012](#) §53(AAA) on 8/4/1993

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

Amended by Ord. [2011-018](#) §1 on 1/30/2012

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

[17.48.350 Construction; Inspection \(Repealed\)](#)

- ~~A.—The Road Department shall be notified two working days in advance of the time for subgrade inspection, two working days in advance of the time for base inspection and two working days in advance of the time for paving inspection.~~
- ~~B.—Each stage of construction must be inspected and approved prior to the commencement of the next stage of construction. The final inspection shall be requested seven working days in advance.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(3) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

[17.48.360 Construction; Handling Of Explosives \(Repealed\)](#)

~~In the handling of explosives, the contractor must comply with federal, state and local laws, and the County will in no way be responsible for any noncompliance therewith or for damages to property or injury to persons resulting from accidental or premature explosions.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(4) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

17.48.370 Construction; Cooperation With Utilities (Repealed)

- ~~A.—The contractor shall cooperate with and shall avoid damaging the facilities of all utility owners, railroads, and fire control authorities who have facilities located within the vicinity of the work.~~
- ~~B.—The contractor shall immediately notify any utility owners, railroads, and fire control authorities whose facilities have been damaged.~~
- ~~C.—The Oregon Utility Notification Center shall be notified according to applicable Oregon Administrative Rules.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(5) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

17.48.380 Construction; Temporary Traffic Control (Renumbered)

~~(Renumbered to 12.25.420)~~

- ~~A.—Temporary protective and directional measures for traffic control shall be in conformance with the Federal Highway Administration's current Manual on Uniform Traffic Control Devices.~~
- ~~B.—The contractor shall be required to allow one-way traffic through the project during working hours.

 - ~~1.—However, one-way traffic operation will not be permitted until such time as the contractor has labor, equipment and materials on the project necessary to proceed without delaying the work.~~
 - ~~2.—Once one-way traffic is established, the contractor shall perform the construction work in a continuous and efficient manner.~~~~
- ~~C.—Contact Person.

 - ~~1.—The contractor shall have a person on the job during working hours and on-call at all other times, who shall have the responsibility to maintain all directional and warning devices in proper position.~~
 - ~~2.—The County will be provided with the name and telephone number of such person.~~~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(6) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

17.48.390 Construction; Clearing And Grubbing (Repealed)

All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction supplemented and/or modified as follows:

- ~~A.—The right of way shall be cleared of all fixed objects.~~
- ~~B.—However, in developments where traffic safety would not be involved, and a lesser requirement would not create a hazard, the right of way shall be cleared a minimum of 40 feet or four feet beyond the edge of the shoulder or curb line of the finished road.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(7) on 12/31/1981

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

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

17.48.400 Construction; Dust Control (Repealed)

- ~~A.—The work shall consist of the furnishing and applying of water for the alleviation or prevention of dust nuisance in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~
- ~~B.—Responsibility for dust abatement will be the contractor's.~~
- ~~C.—Watering will be done when ordered by the Road Department Director.~~
- ~~D.—The contractor shall supply the applicant's own water source.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(8) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

17.48.410 Construction; Subgrade Construction (Repealed)

- ~~A.—All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~
- ~~B.—Material shall be considered unsuitable for fill, subgrade, shoulders and other uses if it contains organic matter, soft spongy earth or other material of such nature that compaction to the specified density is unobtainable.~~
- ~~C.—No material having a maximum dimension of three inches or more shall be considered suitable for fill material in the top one foot of subgrade, including the fill side slopes.~~
- ~~D.—Compaction shall be a minimum of 95 percent of the relative maximum density.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(9) on 12/31/1981

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

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

17.48.420 Construction; Surfacing Requirements (Repealed)

~~A.—Aggregate Base.~~

~~1.—Crushed aggregate meeting the requirements of the current ODOT/APWA Oregon Standard Specifications for Construction shall be used.~~

~~2.—All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~B.—Asphalt Prime Coat. For all roadway sections using asphalt penetration macadam, an asphalt prime coat will be applied to the aggregate base in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with standard drawings as determined by the Road Department Director.~~

~~C.—Asphalt Penetration Macadam. When an oil mat is placed, it shall be applied in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with standard drawings as determined by the Road Department Director.~~

~~D.—Asphaltic Concrete Pavement.~~

~~1.—Where asphaltic concrete pavement is required, it shall be placed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~2.—The asphalt cement shall be as required by the Road Department Director.~~

~~3.—The class of asphaltic concrete shall be Level 3 HMAC.~~

~~4.—A mix design shall be submitted to the Road Department Director at least one week prior to paving.~~

~~E.—Tack Coat. When a tack coat is required by the Road Department Director, the tack coat shall be applied in conformance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~F.—Portland Cement Concrete Pavement. When portland cement concrete pavement is used, it shall be designed and constructed in accordance with the publications of the Portland Cement Association.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(10)-(15) on 12/31/1981

Amended by Ord. [93-012](#) §53(B) on 8/4/1993

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

17.48.430 Construction; Concrete Curb (Repealed)

~~A.—Where required, portland cement concrete curbs shall be constructed in accordance with standard drawings as determined by the Road Department Director and the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~B.—The concrete shall be class 3000.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(16) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

17.48.440 Construction; Sidewalks (Repealed)

~~A.—Sidewalks shall be constructed with Class 3000 concrete as specified in the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~B.—Sidewalks shall conform to standard drawings as determined by the Road Department Director. Sidewalks shall not be less than five feet wide.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(17) on 12/31/1981

Amended by Ord. [2001-016](#) §1 on 3/28/2001

Amended by Ord. [2011-018](#) §1 on 1/30/2012

Amended by Ord. [2021-007](#) §1 on 7/9/2021

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

17.48.450 Construction; Slopes And Backfill (Repealed)

~~A.—Curb and sidewalk backfill material shall be good quality topsoil.~~

~~B.—The material shall be spread accurately and smoothly within the public right of way.~~

~~C.—Topsoil shall be suitable silty sand from an approved source, containing no rock or gravel larger than three-fourths inch and at least 70 percent of material passing a No. 4 U.S. Standard sieve size.~~

~~D.—It shall be free of roots, sticks, seeds and other noxious vegetation.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(18) on 12/31/1981

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

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

17.48.460 Construction; Catchbasins (Repealed)

~~Catchbasins shall be constructed of class 3000 portland cement concrete and in accordance with standard drawings as determined by the Road Department Director.~~

HISTORY

~~Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(19) on 12/31/1981~~

~~Amended by Ord. [2001-016](#) §1 on 3/28/2001~~

~~Amended by Ord. [2011-018](#) §1 on 1/30/2012~~

~~Amended by Ord. [2021-007](#) §1 on 7/9/2021~~

~~Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

17.48.470 Construction; Permanent Traffic Control (Repealed)

~~All traffic control devices required by the Road Department Director shall be procured and installed by the developer and shall meet the requirements of the current Federal Highway Administration's Manual on Uniform Traffic Control Devices ("MUTCD").~~

HISTORY

~~Adopted by Ord. [81-043](#) §1, Exhibit A, § 8.200(20) on 12/31/1981~~

~~Amended by Ord. [2001-016](#) §1 on 3/28/2001~~

~~Amended by Ord. [2011-018](#) on 1/30/2012~~

~~Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

17.48.480 Construction; Final Cleanup (Repealed)

- ~~A.—Final cleanup shall consist of pulling the shoulders and dressing of the earthwork side slopes.~~
- ~~B.—Any material pulled onto the pavement is to be broomed off.~~
- ~~C.—The roadway side slopes are to be raked to remove all equipment tracks and berms.~~

HISTORY

~~Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(21) on 12/31/1981~~

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

~~Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

17.48.490 Road And Street Project (Renumbered)

(Renumbered to 12.25.500)

- ~~A.—Subdivision Standards Applicable. Design and construction standards set forth in DCC 17.48 are applicable to all road and street projects.~~
- ~~B.—Land Use Permit Required. A land use permit shall be required for any Class I or Class II road and street project. No land use permit shall be required for a Class III road and street project. The road project shall be reviewed against the applicable comprehensive plan Transportation Plan element and the following standards:

 - ~~1.—Compatibility with existing land use and social patterns, including noise generation, safety hazards (e.g. children in a residential area), and zoning.~~~~

- 2.—Environmental impacts, including hazards imposed to and by wildlife (e.g. migration or water use patterns).
- 3.—Retention of scenic quality, including tree preservation.
- 4.—Means to improve the safety and function of the facility, including surrounding zoning, access control and terrain modifications.
- 5.—In the case of roadways where modification results in a change of traffic types or density, impacts on route safety, route land use patterns, and route nonmotorized/pedestrian traffic.
- 6.—Consideration of the potential developmental impact created by the facility.
- 7.—Cost-effectiveness.

C.—Bicycle Facilities. Bicycle facilities consisting of a portion of the paved roadway and designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists, shall be constructed in conjunction with a road and street project if the project involves the new construction, modernization, reconstruction or major alteration of an arterial or collector to the adopted County road standards.

D.—Sidewalks. Sidewalks shall be required in conjunction with a road and street project in accordance with DCC 12.35.100, Developed Area Sidewalks.

HISTORY

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

Amended by Ord. [93-012](#) §54 on 8/4/1993

Amended by Ord. [2001-016](#) §1 on 3/28/2001

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

17.48 Table A Minimum Road Design Standards (Repealed)

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 ^{(a)(b)}	Sidewalk Required ^(c)	Surface Type	Base Depth ^(d)	Max. Grade ^(e)	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' ^(f)	11'	3'-5'	2'	14'	n/a	--	3" AC	10"	6%	(2)

Collector	60'	28'-46' ⁽⁹⁾	11'	3'-5'	2'	14'	n/a	--	3" AC	8"	8%	(2)
Local	60'	20', 24' ⁽¹⁰⁾	--	--	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 ⁽²¹⁾	(+)	(+)	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 ⁽¹¹⁾	2" AC	6"	10%	(2)

Residential (<250 projected-ADT)	60'	24'	10'	2'	2'	--	Yes	No ⁽¹¹⁾	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												
US Highway 97	80-100'	50'+	12'	6'	6'	14'	No	No	-(1)	-(1)	6%	(1)
Minor Arterial	80'	36-50'	12'	6'	2'	14'	Yes	No	3" AC	10"	6%	(2)
Collector	60'	36'	12'	6'	2'	--	Yes	No	3" AC	8"	8%	(2)
Local												
Commercial	60'	32'	12'	4'	2'	--	Yes	No	3" AC	8"	10%	(2)
Residential	50'-60'	24'	10'	2'	2'	--	Yes	No	2" AC	6"	10%	(2)
Other												
Alley	20'	15'-20'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	20'	8' ⁽²³⁾	--	--	2.5'	--	No	--	Variable	4"	10%	--
LA PINE Urban Unincorporated Community, Neighborhood Planning Area												
Central Collector	90'	24'	12'	--	2'	--	Yes	No ⁽²⁰⁾	3" AC	10"	6%	-(2)

Neighborhood Collector	80'	22'	11'	--	2'	--	Yes	No (20)	3" AC	8"	8%	(2)
Perimeter Collector	60'	24'	12'	--	2'	--	Yes	No (20)	3" AC	8"	8%	(2)
Local												
Commercial	60'	24'	12'	--	2'	--	Yes	Yes	3" AC	8"	10%	(2)
Residential	60'	20'	10'	--	2'	--	Yes	No (20)	2" AC	6"	10%	(2)
Other												
Alley	20'	15'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	15'	8' ⁽²³⁾	--	--	2.5'	--	No	--	Variable	4"	10%	--
TUMALO Unincorporated Community												
US Highway 20	80' 100'	60'	12'	4'	6'	14'	No	No	(2)	(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 ⁽²²⁾	--	--	2.5' (if paved)	--	--	--	2" AC	4"	5%	--
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TERREBONNE Unincorporated Community

Road Type/Class	ROW	Paved Width ⁽⁹⁾	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Swale ⁽²¹⁾	Surface Type	Sidewalk Required	Base Depth ⁽⁸⁾	Max Grade ⁽⁸⁾	Design Speed/ Min Tang/ Min Curve
US Highway 97	80'- 100'	60'	12'	6'	6'	14'	No	(+)	No (+4)	(1)	6%	(+)

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	7eR	60'	20'	12'	--	2'	--	Ne (17)	0-9 or 2" AC	Ne (17)	6"	10%	(2)
Other													
Alley (Commercial)		20'	20'	10'	--	--	--	Ne	2" AC	Ne	6"	10%	(2)
Path/Trail		15'	6' unpaved 8' paved (23)	--	--	2.5 (if paved)	--	--	2" AC	--	4"	5%	--

Notes: (1) Design shall be in accordance with Oregon Department of Transportation Design Standards. (2) Design shall be in accordance with AASHTO standards. (3) Pavement widths are variable, depending on such factors as anticipated traffic volumes, and whether the road section involves turn lanes, bike lanes, and whether frontage roads border an arterial or collector, etc. (4) The required base depth may be increased when a C.B.R., or R valve is required by the Road Department. (5) Cul-de-sac bulb to be constructed with a 45-foot minimum radius. (6) Increase in grade of 2 percent may be allowed in unusually steep areas. (7) No curb for rural frontage roads. (8) 20' allowed for cul-de-sac's and roads with low anticipated traffic volumes as long as separate multiple use paths are provided. 28' width required (including the required 4' striped shoulder bikeway in each direction) for circulator and primary subdivision access roads and other roads when separate multiple use paths are not provided. (9) The larger of the two widths is necessary if a shoulder bikeway is required (4' for collector and 5' for arterial). (10) 20' allowed for cul-de-sac's and roads with low anticipated traffic volumes. 24' width required for circulator and primary subdivision access roads. (11) Sidewalks required for new subdivisions and partitions, within Unincorporated Communities, that result in an average lot size of 11,000 square feet or less. (12) Widths are variable, but in no case shall a swale be less than 6 feet in width. Swales shall conform as much as practicable to DEQ best management practices for non-underground injection control (UIC) systems such as grassy or vegetated bioswales designed (sized) to mitigate anticipated storm water runoff. (13) Where drainage swales are not required, the standards for drainage in Title 17, Chapter 17.48 shall still apply. (14) 6 foot sidewalks required on both sides of Highway 97 between South 11th Avenue and Central Avenue intersections. Includes pedestrian crossing improvement at B Avenue and C Avenue intersection (see Terrebonne Comprehensive Plan Map D-3). (15) 5 foot curbless sidewalks with a drainage swale required on both sides of the road. (16) 5 foot curbless sidewalks with drainage swales required in Terrebonne from West 19th Street to 15th Street on the south side of C Avenue (see Terrebonne Comprehensive Plan Map D-3), or those roads in Tumalo designated for sidewalks (see Tumalo Comprehensive Plan Map D2). (17) 5 foot curbless sidewalks with drainage swales required along school frontage on B Avenue and 5th Street (see Terrebonne Comprehensive Plan Map D-3). (18) Where allowed, parking must be off pavement. (19) 40 feet immediately adjacent to arterial road, or 60 feet when frontage road is separated from arterial by private land. (20) In the Community Facility Limited District, sidewalks at least five feet wide shall be installed at the time of development. The sidewalks shall be property line tight and meet ADA accessibility requirements. (21) 10 foot sidewalks required on both sides of US Highway 97 between First/Reed and 6th Street intersections. (22) Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots. (23) The minimum width is 8 ft. However, 8 ft. wide multiuse paths are not recommended in most situations because they may become over-crowded. They should only be constructed as short connectors, or where long term usage is expected to be low, and with proper horizontal and vertical alignment to assure good sight distances. 10 ft is the standard width for a two-way multi-use path but they should be 12 ft wide in areas with high mixed use. Optimum width should be based on the relative use by cyclists and pedestrians. High use by skaters may also require greater width.

HISTORY

Repealed by Ord. XX-XXXX §XX on XX/XX/XXXX

17.48 Table B Minimum Bikeway Design Standards (Repealed)

Type	Stripe	On/ Off Road	Width*			Vertical Clearance		Lateral Clearance (each side)		Cros- slop e Grade	Grade		Pavement Structure		Multi- use	RO W
			Min.	Stand- ard	Hi- gh Use	Min.	Stand- ard	Min.	Stand- ard		Stand- ard	Max.	Aggreg- ate Base	A. C.		
Multi use Path		Off														
			8'	10'	12'	8'	10'	2'	3'	2%	5%	>5% up to dista- nce of 500'	4"	2"	Yes	15'
Mt. Bike Trail		Off		2'		7'	10'								Yes	
Bike Lane	8" with paint ed stenc il	On	4' w/op en shoul der 5' w/cur 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' w/op en shoul der 5' w/cur b-or other	6'							Recommen- ded on higher speed, and traffic volume rural roads	Same as parent roadway		No		

				barrie f										
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

[±] 10 ft is the standard width for a two-way multi-use path; they should be 12 ft wide in areas with high mixed-use. Faster moving bicyclists require greater width than pedestrians; optimum width should be based on the relative use by these two modes. High use by skaters may also require greater width. The minimum width is 8 ft. However, 8-ft. wide multi-use paths are not recommended in most situations because they may become over-crowded. They should only be constructed as short connectors, or where long-term usage is expected to be low, and with proper horizontal and vertical alignment to assure good sight distances.

HISTORY

Repealed by Ord. XX-XXXX §XX on XX/XX/XXXX

CHAPTER 17.52 ROAD DEDICATIONS

- [17.52.010 Purpose](#)
- [17.52.020 Relationship To State Law](#)
- [17.52.030 Application](#)
- [17.52.040 Procedure](#)
- [17.52.050 Approval Criteria](#)
- [17.52.060 Administrative Decisions](#)
- [17.52.070 Hearings](#)
- [17.52.080 Appeals](#)
- [17.52.090 Board Action On Road Dedications](#)
- [17.52.100 Maintenance Of Dedicated Roads](#)

17.52.010 Purpose

The purpose of DCC 17.52-010 is to establish procedures for the dedication of more than minor amounts of road right of way to the public where the dedication will not be reviewed as part of another land use application. Minor amounts of road right of way means rights of way no greater than those required for modernization, traffic safety improvement, maintenance or repair of an existing road or street. DCC 17.52-010 applies to road dedications which occur outside of urban growth boundaries in Deschutes

County. DCC 17.52.~~010~~ requires that road dedications be reviewed for consistency with the Transportation Policies for new roads or major road modifications of the Comprehensive Plan.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

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

[17.52.020 Relationship To State Law](#)

- A. The procedures for road dedications set forth in DCC 17.52 are adopted in accordance with ORS 368.011 which establishes County authority to supersede provisions of ORS 368 by enacting an ordinance under powers granted the County in ORS 203.030 to 203.075.
- B. The procedures set forth in DCC 17.52 are adopted in accordance with ORS 203.035 which establishes County power to exercise authority within the County over matters of County concern.
- C. Road dedications are a matter of County concern under ORS 368.016.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

[17.52.030 Application](#)

Any person proposing the dedication of more than minor amounts of road right of way, where the proposed dedication will not be reviewed as part of another land use application, shall submit a written application for a land use permit to the Planning Director. The land use permit application shall include a completed request form, a written burden of proof statement which indicates the proposal complies with the applicable criteria, a map showing the location of the land to be dedicated, a preliminary title report covering the land to be dedicated, and the appropriate filing fee.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

[17.52.040 Procedure](#)

- A. When an application has been received and deemed complete, the Planning Director shall refer the proposal to the Road Department Director for review and recommendation. The Road Department Director shall determine the applicable design and improvement standards as set forth in DCC 17.36~~, and~~ 17.48, ~~and Title 12~~ and shall review the application for consistency with such standards as well as other applicable road standard regulations. Once the Road Department Director has reviewed the information and the materials submitted with the application, the Road Department Director shall forward findings and a recommendation to the Planning Director.
- B. The Planning Director shall make an administrative decision on the application or refer the application to the Hearings Body for a public hearing.

- C. The Planning Director's choice between or among administrative or hearing procedures to apply to a road dedication application shall not be an appealable decision.
- D. Applications for land use permits shall be reviewed according to the applicable approval criteria identified in DCC 17.52.050.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

[17.52.050 Approval Criteria](#)

- A. Applications for road dedications in zones where Class I or II road projects, as defined by DCC 18.04.030, are permitted outright shall address the criteria in DCC 18.116.230. Such applications shall also address any applicable criteria in the zone in which the road dedication is proposed.
- B. Applications for road dedications in zones where Class I or II road projects defined by DCC 18.04.030, or public road or highway projects defined by ORS 215.283(2)(p) through (r) and 215.283(3), are permitted as conditional uses shall address the criteria in DCC 18.116.230 and 18.128.015. Such applications shall also address any applicable criteria in the zone in which the road dedication is proposed.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

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

[17.52.060 Administrative Decisions](#)

If the Planning Director decides to act on the application administratively, the Planning Director shall follow the procedures for review of land use applications established by DCC 22.20.020 through 22.20.070.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

[17.52.070 Hearings](#)

If the Planning Director decides to refer the application to the Hearings Body for a hearing, the procedures established for land use action hearings in DCC 22.24 shall govern the process.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

[17.52.080 Appeals](#)

Following an administrative decision of the Planning Director or a decision of the Hearings Body, a party may file an appeal according to procedures established in DCC 22.32.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

17.52.090 Board Action On Road Dedications

- A. Once an application is approved by the Planning Director or Hearings Body, ~~pursuant to DCC 17.52~~, the applicant shall satisfy all conditions of the land use approval prior to submitting a declaration of dedication for final action. The declaration of dedication shall include a legal description of the land to be dedicated. Upon receipt of the declaration of dedication, the Planning Director shall forward the declaration of dedication to the Board for acceptance or rejection.
- B. Except as otherwise provided under the Deschutes County Code, the Board shall take final action on the road dedication within 120 days after the application is deemed complete.
- C. Upon the meeting of the Board to take final action on the road dedication, the applicant shall provide the Board with a supplemental or amended report to the preliminary title report submitted with the application. The supplemental or amended report shall show changes in the condition of title of the relevant property from the date of the preliminary title report up to and including the time immediately preceding the Board meeting.
- D. If the road dedication is accepted by the Board, the declaration of dedication shall be immediately recorded with the County Clerk.

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

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

17.52.100 Maintenance Of Dedicated Roads

Any public road created in conjunction with the dedication of public road right of way under DCC 17.52 shall be designated as a Local Access Road, as defined by ORS 368.001(3), which shall not be maintained by the County unless and until that road right of way is established as a County road, as defined by ORS 368.001(1), by order or resolution of the County governing body as authorized by ORS 368.016(2)(c).

HISTORY

Repealed & Reenacted by Ord. [95-021](#) §1,2 on 3/15/1995

CHAPTER 17.56 VARIANCES

[17.56.010 Application](#)

[17.56.020 Variance Criteria](#)

[17.56.030 Procedure](#)

[17.56.040 \(Repealed\)](#)

[17.56.010 Application](#)

The Planning Director or Hearings Body may authorize a variance from the requirements of DCC Title 17. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner.

HISTORY

Adopted by Ord. [PL-14](#) §10.010 on 11/1/1979

*Repealed & Reenacted by Ord. [81-043](#) §§1, 9.010 on 12/31/1981
Amended by Ord. [93-012](#) §55 on 8/4/1993*

[17.56.020 Variance Criteria](#)

A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided ~~that~~ the Planning Director or Hearings Body makes all of the following findings:

- A. ~~That~~ the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit;
- B. ~~That~~ the condition creating the difficulty is not general throughout the surrounding area, but is unique to the applicant's site;
- C. ~~That~~ the condition was not created by the applicant;
- D. ~~That~~ the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

~~D.E. That the subject of the variance requested is not to standards or criteria provided for applications reviewed under Clear and Objective Standards, pursuant to DCC 17.04.060.~~

HISTORY

*Adopted by Ord. [PL-14](#) §10.020 on 11/1/1979
Repealed & Reenacted by Ord. [81-043](#) §§1, 9.020 on 12/31/1981
Amended by Ord. [93-012](#) §56 on 8/4/1993
~~Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~*

[17.56.030 Procedure](#)

The variance application shall be processed according to DCC Title 22.

HISTORY

*Adopted by Ord. [PL-14](#) §10 on 11/1/1979
Repealed & Reenacted by Ord. [81-043](#) §§1, 9.030 on 12/31/1981
Amended by Ord. [86-030](#) §2 on 4/2/1986
Amended by Ord. [93-012](#) §§57 and 58 on 8/4/1993
Amended by Ord. [95-065](#) §1 on 10/11/1995*

[17.56.040 \(Repealed\)](#)

HISTORY

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