

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CHAPTER 17.32 ~~CONDOMINIUM CONVERSION (REPEALED)~~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 ~~ing~~ plats, and accomplish to the greatest extent possible the goals and objectives of the comprehensive plan for the County.
 6. To regulate the orientation of streets, lots and parcels; the placement, height and bulk of ~~buildings~~structures; and the placement and growth of vegetation within the County to ~~insure~~ensure access to solar energy by reasonably regulating interests in property within the County, as authorized under ORS 215.044, 105.880 through 105.890 and 92.044 to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the comprehensive plan policies relating to solar energy.
 7. To encourage the design of new buildings, structures, and developments which use solar energy and protect future options to use solar energy by protecting solar access.
 8. To permit the validation of a unit of land not lawfully established pursuant to the provisions of ORS 92.176 and the creation of a parcel by less than all owners of a unit of land pursuant to the provisions of ORS 92.177.
 9. To ensure that public infrastructure and improvements, including facilities for transportation, water, sewer, and storm drainage, are provided to adequately serve development and to meet the County's design specifications.
- B. No person or entity may subdivide or partition land within the County except in accordance with ORS 92. and the provisions of DCC Title 17, and the applicable Titles of DCC 18, 19, 19A, 20, and 21.
- ~~C. The provisions of DCC Title 17 shall apply only to subdivisions and partitions within the County, unless otherwise noted. All references to "subdivisions" and "partitions" are made in that context unless otherwise noted.~~
- ~~D.C.~~ DCC Title 17 shall not apply to the lands lying outside the city limits of the city of Bend and within the Bend Urban Growth Boundary. The City of Bend Subdivision Ordinance, as supplemented by such other supplementing and/or amending ordinances as might from time to time be adopted, shall apply to those lands instead.

HISTORY

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

Repealed & Reenacted by Ord.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

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

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

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

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

[17.04.030 Interpretation](#)

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

HISTORY

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

[17.04.040 Amendments](#)

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

HISTORY

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

[17.04.050 Corrections](#)

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

HISTORY

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

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

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

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

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

HISTORY

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

CHAPTER 17.08 DEFINITIONS AND INTERPRETATION OF LANGUAGE

17.08.010 Construction

17.08.020 Definitions

17.08.025 References to Statute and Rule

17.08.030 Definitions Generally

17.08.010 Construction

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

HISTORY

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

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

17.08.020 Definitions

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

HISTORY

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

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

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

17.08.025 References to Statute and Rule

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

HISTORY

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

17.08.030 Definitions Generally

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

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

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

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

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

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

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

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

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

"Agent" means any person who represents or acts for any other person in disposing of interests in a land development. "Agent" includes a real estate broker, as defined in ORS 696.~~025(1)~~, but does not include an attorney at law whose representation of another person consists solely of rendering legal services.

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

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

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

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

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

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

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

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

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

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

"Board" means the Board of County Commissioners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~B.— Another unit of land created:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORY

Adopted by Ord. PL-14 §1.070 on 11/1/1979

Repealed & Reenacted by Ord. 81-043 §§1, 1.040, 3 on 12/31/1981

Amended by Ord. 83-039 §2 on 6/1/1983

Amended by Ord. 86-015 §2 on 3/5/1986

Amended by Ord. 88-015 §1 on 5/18/1988

Amended by Ord. 90-003 §1 on 1/8/1990

Amended by Ord. 93-012 §§2-7 on 8/4/1993

Amended by Ord. 95-065 §1 on 10/11/1995

Amended by Ord. 96-003 §10 on 3/27/1996

Amended by Ord. 97-005 §1 on 6/4/1997

Amended by Ord. 2006-007 §1 on 8/29/2006

Amended by Ord. 2008-030 §2 on 3/16/2009

Amended by Ord. 2012-008 §1 on 5/2/2012

Amended by Ord. 2017-009 §4 on 7/21/2017

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

CHAPTER 17.12 ADMINISTRATION AND ENFORCEMENT

17.12.010 Minimum Standards

17.12.020 (Repealed)

17.12.030 Administration; Enforcement

17.12.040 Delegation Of Authority

17.12.050 Planning Director; Duties And Responsibilities

17.12.060 Final Decision

17.12.070 Pre-Application Meeting

17.12.080 ~~Statement Of Water Rights~~(Repealed)

17.12.090 Recording; Application

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

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

[17.12.110 Civil Relief](#)

[17.12.120 Violation; Nuisance](#)

[17.12.130 Violation](#)

[17.12.010 Minimum Standards](#)

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

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

HISTORY

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

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

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

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

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

[17.12.020 \(Repealed\)](#)

HISTORY

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

[17.12.030 Administration; Enforcement](#)

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

HISTORY

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

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

[17.12.040 Delegation Of Authority](#)

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

HISTORY

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

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

17.12.050 Planning Director; Duties And Responsibilities

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

HISTORY

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

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

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

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

17.12.060 Final Decision

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

HISTORY

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

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

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

17.12.070 Pre-Application Meeting

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

HISTORY

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

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

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

17.12.080 Statement Of Water Rights(Repealed)

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

HISTORY

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

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

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

17.12.090 Recording; Application

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

HISTORY

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

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

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

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

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

HISTORY

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

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

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

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

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

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

HISTORY

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

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

17.12.110 Civil Relief

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

HISTORY

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

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

17.12.120 Violation; Nuisance

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

HISTORY

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

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

17.12.130 Violation

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

HISTORY

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

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

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

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

CHAPTER 17.16 APPROVAL OF SUBDIVISION TENTATIVE PLANS AND MASTER DEVELOPMENT PLANS

[17.16.010 Application; Submission](#)

[17.16.020 Scale Of Tentative Plan](#)

[17.16.030 Informational Requirements](#)

[17.16.035 Application Review](#)

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

[17.16.050 Master Development Plan](#)

[17.16.060 Master Development Plan; Approval](#)

[17.16.070 Development Following Approval](#)

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

[17.16.090 Tentative Plan Approval](#)

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

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

[17.16.105 Access To Subdivisions](#)

[17.16.110 Resubmission Of Denied Tentative Plan](#)

[17.16.115 Traffic Impact Study](#)

[17.16.010 Application; Submission](#)

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

HISTORY

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

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

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

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

[17.16.020 Scale Of Tentative Plan](#)

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

HISTORY

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

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

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

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

[17.16.030 Informational Requirements](#)

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

A. General Information Required.

1. Proposed name of the subdivision;
2. Names, addresses and phone numbers of the owners of record, authorized agents or representatives, 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 water sanitary district or written confirmation from a Deschutes County Onsite Wastewater Specialist verifying the tentative plan lots can individually be provided with onsite wastewater services in accordance with applicable Department of Environmental Quality regulations.
 - d. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will comply with the Central Oregon Stormwater Manual.
 - e. A will-serve letter from the Oregon State Fire Marshall or responding fire protection district.
 - f. A will-serve letter from any other public utilities or district anticipated to serve the tentative plan lots.
3. Demonstrate the subdivision will be served adequate transportation systems. This shall be documented by submittal of all of the following materials:
 - a. Written confirmation from the Road Department Director verifying the submitted traffic impact study complies with DCC 18.116.310.
 - b. Written confirmation from the Road Department Director verifying the development will comply with DCC Chapters 17.36, 17.48 and Title 12.
- C. For subdivisions or portions thereof proposed within a DCC Chapter 18.56 Surface Mining Impact Area (SMIA) zone, the applicant shall demonstrate that the subdivision creates lots on which noise or dust sensitive uses can be sited consistent with the requirements of DCC Chapter 18.56.
- D. The proposed subdivision includes the dedication of land, or a fee in-lieu of land as required in DCC Chapter 17.44.

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 buildings~~structures,~~ canals, ditches, septic tanks and drainfields; it shall also show the location of any topographical feature which could impact the partition, ~~such as including but not limited to~~ canyons, bluffs, rock outcroppings, natural springs, and floodplains. In addition, the tentative plan shall show the location width, curve radius, and grade of proposed rights of way;
 3. If the partition is to be accessed by a U.S. Forest Service or Bureau of Land Management road, the applicant shall submit a written agreement with the appropriate land management agency ~~providing for~~confirming permanent legal access to the road and identifying any required maintenance obligations;
 4. Names and addresses of the landowner, the applicant (if different), a mortgagee if applicable and the engineer or surveyor employed or to be employed to make the necessary surveys;
 5. A statement regarding ~~contemplated~~proposed water supply, telephone and electric service, sewage disposal, fire protection and access, etc. If domestic water is to be provided by an on site well, the application must include at least two well logs for wells in the area;
 6. True north, scale, and date of map and property identification by tax lot, section, township and range;
 7. Statement regarding present and intended use(s) of the parcels to be created, or the use(s) for which the parcels are to be offered;
 8. If a tract of land has water rights, the application shall be accompanied by a water rights division plan which can be reviewed by the irrigation district or other water district holding the water rights, or when there is no such district, the County Oregon Water Resources Department (OWRD) Watermaster;

9. Title report or subdivision guarantee.
- C. Information for parcels located within any DCC Chapter 18.56 Surface Mining Impact Area (SMIA) zones. For each parcel wholly or partially within any DCC Chapter 18.56 SMIA zone ~~under DCC Title 18~~, ~~an~~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~~ 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 Title 18 through 21 and the following criteria:

- A. The proposed partition meets the requirements of ORS 92.090. Compliance with plat requirements under ORS 92.090 shall be included as conditions of approval.
- B. The proposed partition will not conflict with the terms of a previously issued approval for a land use on the property or would otherwise create a nonconforming use on any of the newly described parcels with respect to any existing structure and/or use.
- C. The tentative plan for the proposed subdivision shall:
 - 1. Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns. This shall be documented by submittal of all of the following materials at the time of application:
 - a. Written confirmation from the Oregon State Fire Marshall or responding fire protection district verifying the tentative plan complies with all applicable fire regulations and best practices relating to fire and wildfire safety.
 - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in unreasonable risk of flood, geological hazards, or other public health and safety concerns.
 - c. Demonstrate compliance with DCC 18.96 (Flood Plain (FP) Zone) and/or DCC 19.72 (Flood Plain (FP) Combining Zone), in DCC 18.96.020 and/or 19.72.020 designated areas.
 - 2. Demonstrate the partition will be served by adequate water supply, sewage disposal, drainage, fire protection, education, and other public facilities and services, and utilities. This shall be documented by submittal of all of the following materials at the time of application:
 - a. A will-serve letter from a water supply district or written confirmation from the Oregon Water Resources Department verifying:
 - 1. The tentative plan parcels are eligible to be served by exempt wells; or
 - 2. All water rights have been obtained for the tentative plan parcels and are legally available for the proposed use(s).
 - b. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will not result in any measurable drawdown of existing wells within 1 mile radius of the tentative plan parcels over a period of 50 years.
 - c. A will-serve letter from a water sanitary district or written confirmation from a Deschutes County Onsite Wastewater Specialist verifying the tentative plan

- parcels can individually be provided with onsite wastewater services in accordance with applicable Department of Environmental Quality regulations.
- d. A written statement from a Professional Engineer registered in the State of Oregon verifying the tentative plan will comply with the Central Oregon Stormwater Manual.
 - e. A will-serve letter from the Oregon State Fire Marshall or responding fire protection district.
 - f. A will-serve letter from any other public utilities or district anticipated to serve the tentative plan parcels.
3. Demonstrate the partition will be served adequate transportation systems. This shall be documented by submittal of all of the following materials:
- a. Written confirmation from the Road Department Director verifying the submitted traffic impact study complies with DCC 18.116.310.
 - b. Written confirmation from the Road Department Director verifying the development will comply with DCC Chapters 17.36, 17.48 and Title 12.
- D. The proposed partition does not conflict with existing easements within or adjacent to the partition;
- E. The proposed partition is accessed either by roads dedicated to the public or by way of United States Forest Service or Bureau of Land Management roads where applicant has submitted a written agreement with the appropriate land management agency providing for permanent legal access to the parcels and any required maintenance. This provision shall not be subject to variance;
- F. Demonstrate an access permit can be obtained from either the Community Development Department, the City Public Works Department, or the State Highway Division;
- G. A written statement from a Professional Engineer registered in the State of Oregon verifying each parcel is suited for the use intended or offered, considering the land use zone, size of the parcels, natural hazards, topography and access;
- I. A water rights division plan, reviewed and approved by the appropriate irrigation district or the Watermaster's office, if water rights are associated with the subject property;
- H. For partitions or portions thereof proposed within a Surface Mining Impact Area (SMIA) zone under DCC Title 18, the applicant shall demonstrate the partition creates parcels on which noise or dust sensitive uses can be sited consistent with the requirements of DCC Chapter 18.56.
- I. If the proposed partition constitutes series partitioning that will have the cumulative effect of creating more than 10 parcels with an average lot area 5 acres or less, the application is subject to the requirements of DCC 17.36.300, Public Water Supply System, and DCC 17.48.160, Road Development Requirements for Subdivisions.

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

HISTORY

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

17.22.030 Improvement Requirements

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

HISTORY

Adopted by Ord. [81-043](#) §§1, 5.020 on 12/31/1981

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

Amended by Ord. [93-012](#) §23 on 8/4/1993

Amended by Ord. [2004-025](#) §1 on 12/20/2004

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

17.22.040 Application Review

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

HISTORY

Adopted by Ord. [81-043](#) §§1, 5.040 on 12/31/1981

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

Amended by Ord. [93-012](#) §24 on 8/4/1993

17.22.050 Protective Covenants and Homeowner Association Agreements

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

HISTORY

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

17.22.100 Special Partition Regulations

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

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

HISTORY

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

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

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

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

CHAPTER 17.24 FINAL PLAT

[17.24.010 Applicability](#)

[17.24.020 Submission; Extensions](#)

[17.24.030 Submission For Phased Development](#)

[17.24.040 Form](#)

[17.24.050 Requirements Of Survey And Plat](#)

[17.24.060 Required Information](#)

[17.24.070 Supplemental Information](#)

[17.24.080 \(Repealed\)](#)

[17.24.090 Approval By Irrigation Districts](#)

[17.24.100 Technical Review](#)

[17.24.105 Final Plat Review](#)

[17.24.110 Conditions Of Approval](#)

[17.24.120 Improvement Agreement](#)

[17.24.130 Security](#)

[17.24.140 Approval](#)

[17.24.150 Recording](#)

~~[17.24.160 Approval And Recordation Of Subdivision Interior Monuments](#)~~
~~[Monumenting Certain Subdivision Corners After Recording Plat](#)~~

[17.24.170 Correction Of Errors](#)

17.24.010 Applicability

- A. DCC 17.24 shall apply to approval of plats for subdivisions and ~~major and minor~~ partitions within the County. A final plat is required for all subdivisions and partitions approved by the County.
- B. With respect to partitions and subdivisions located within the boundaries of a city that has by resolution or ordinance directed that the city surveyor serve in lieu of the County Surveyor, DCC 17.24.040, 17.24.150, 17.24.160 and 17.24.170 shall apply.
- C. With respect to partitions and subdivisions located within the boundaries of a city that has not by resolution or ordinance directed its surveyor to serve in lieu of the County Surveyor, DCC 17.24.040, 17.24.100(A), 17.24.150, 17.24.160 and 17.24.170 shall apply.

HISTORY

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

Amended by Ord. [90-016](#) §2 on 2/20/1990

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

17.24.020 Submission; Extensions

- A. Filing Time Period Requirements. Except as provided ~~for~~ in DCC 17.24.030, the applicant shall prepare and submit to the ~~P~~lanning ~~D~~epartment a final plat ~~that is~~ in conformance with the tentative plan ~~approval as approved~~. Within two years of the approval date for the tentative plan for a subdivision or partition, the applicant shall submit an original drawing, a filing fee, and any supplementary information required by DCC Title 17 and the Planning Director or Hearings Body. If the applicant fails to proceed with such a submission before the expiration of the two-year period following the approval of the tentative plan, the tentative plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.
- B. Extension. An extension may only be granted in conformance with the applicable provisions of the ~~Deschutes County Development Procedures Ordinance~~ DCC Title 22.

HISTORY

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

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

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

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

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

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

17.24.030 Submission For Phased Development

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

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

HISTORY

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

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

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

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

17.24.040 Form

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

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

HISTORY

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

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

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

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

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

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

[17.24.050 Requirements Of Survey And Plat](#)

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

HISTORY

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

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

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

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

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

[17.24.060 Required Information](#)

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

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

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

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

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

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

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

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

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

[17.24.070 Supplemental Information](#)

The following data shall accompany the final plat:

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

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

HISTORY

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

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

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

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

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

[17.24.080 \(Repealed\)](#)

(Renumbered to 17.24.110)

HISTORY

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

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

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

[17.24.090 Approval By Irrigation Districts](#)

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

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

HISTORY

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

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

[17.24.100 Technical Review](#)

A. Review by Surveyor.

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

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

HISTORY

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

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

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

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

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

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

[17.24.105 Final Plat Review](#)

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

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

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

HISTORY

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

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

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

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

17.24.110 Conditions Of Approval

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

HISTORY

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

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

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

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

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

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

[17.24.120 Improvement Agreement](#)

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

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

HISTORY

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

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

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

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

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

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

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

[17.24.130 Security](#)

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

HISTORY

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

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

[17.24.140 Approval](#)

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

HISTORY

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

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

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

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

17.24.150 Recording

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

HISTORY

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

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

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

17.24.170 Correction Of Errors

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

HISTORY

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

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

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

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

CHAPTER 17.32 CONDOMINIUM CONVERSION (Repealed)

17.32.010 Applicability

17.32.020 Procedure

17.32.030 Division Of Land

17.32.010 Applicability

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

~~HISTORY~~

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

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

17.32.020 Procedure

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

~~HISTORY~~

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

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

17.32.030 Division Of Land

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

~~HISTORY~~

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

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

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

CHAPTER 17.36 DESIGN STANDARDS

17.36.010 Compliance Required

17.36.020 Streets

17.36.030 Division Of Land

17.36.040 Existing Streets

17.36.050 Continuation Of Streets

17.36.060 Minimum Right Of Way And Roadway Width

17.36.070 Future Re-Subdivision

17.36.080 Future Extension Of Streets

17.36.090 (Repealed)

17.36.100 Frontage Roads

17.36.110 Streets Adjacent To Railroads, Freeways And Parkways

17.36.120 Street Names

17.36.130 Sidewalks

17.36.140 Bicycle, Pedestrian And Transit Requirements

17.36.150 Blocks

17.36.160 Easements

17.36.170 Lots; Size And Shape

17.36.180 Road Frontage

17.36.190 Through Lots

17.36.200 Corner Lots

17.36.210 Solar Access Performance

17.36.220 Underground Facilities

17.36.230 Grading Of Building Sites

17.36.240 (Repealed)

17.36.250 Lighting

17.36.260 Fire Hazards

17.36.270 Street Tree Planting

17.36.280 Water And Sewer Lines

17.36.290 Individual Wells

17.36.300 Public Water System

17.36.010 Compliance Required

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

HISTORY

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

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

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

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

17.36.020 Streets

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

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

HISTORY

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

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

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

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

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

17.36.030 Division Of Land

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

HISTORY

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

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

17.36.040 Existing Streets

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

B. Clear and Objective Standards:

1. Wherever existing streets are within, adjacent to, or provide access to a property proposed for subdivision or partition, those existing streets must be improved to the standards of DCC 17.48 and Title 12, provided the County makes findings to demonstrate consistency with constitutional requirements.
2. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body, together with the Road Department Director, shall determine whether improvements to existing streets adjacent to or within the tract, are necessary to meet the DCC 17.48 and Title 12 standards. If so determined, such improvements shall be required as a condition of approval for the tentative plan.
3. Improvements to streets outside of the subdivision or partition shall be required where the traffic impact study, if required by DCC 17.16.030(C)(16), indicates that traffic on such streets will be impacted by the proposed subdivision or partition, and provided the County makes findings to demonstrate consistency with constitutional requirements.

HISTORY

Adopted by Ord. [PL-14](#) §7.020(4) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(3) on 12/31/1981

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

Amended by Ord. [93-012](#) §33 on 8/4/1993

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

[17.36.050 Continuation Of Streets](#)

Subdivision or partition streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide.

HISTORY

Adopted by Ord. [81-043](#) §§1, 6.015(9) on 12/31/1981

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

[17.36.060 Minimum Right Of Way And Roadway Width](#)

The street right of way and roadway surfacing widths shall be in conformance with standards and specifications set forth in DCC 17.48 and Title 12. Where DCC 17.48 and Title 12 refers to street standards found in a zoning ordinance, the standards in the zoning ordinance shall prevail.

HISTORY

Adopted by Ord. [PL-14](#) §7.020(5) on 11/1/1979

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

Amended by Ord. [97-005](#) §2 on 6/4/1997

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

[17.36.070 Future Re-Subdivision](#)

- A. General/Discretionary Standards: Where a ~~tract of land is divided~~ partition or subdivision will create into lots or parcels with a lot area of an acre or more, the Planning Director or Hearings Body may require an arrangement of lots or parcels and streets such as to permit future re-

subdivision in conformity to the street requirements and other requirements contained in DCC Title 17.

A.B. Clear and Objective Standards: Where a partition or subdivision will create individual lots or parcels with a lot area greater than or equal to two times the minimum lot area of the underlying zone(s), such lots or parcels shall have a lot areal and lot width which will allow for their future partitioning or subdividing. The applicant shall demonstrate such lots or parcels could be further divided or replatted in the future to create lots or parcels that conform to the lot area and dimensional standards of DCC Title 18 through 21, and facilitate streets and blocks in conformance with DCC 17.36, 17.48 and Title 12.

HISTORY

Adopted by Ord. [PL-14](#) §7.020(3) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(2) on 12/31/1981

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

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

[17.36.080 Future Extension Of Streets](#)

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

HISTORY

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

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

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

[17.36.090 \(Repealed\)](#)

HISTORY

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

[17.36.100 Frontage Roads](#)

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

HISTORY

Adopted by Ord. [PL-14](#) §7.020(12) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(7) on 12/31/1981

Amended by Ord. [93-012](#) §35 on 8/4/1993

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

Amended by Ord. [97-005](#) §3 on 6/4/1997

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

17.36.110 Streets Adjacent To Railroads, Freeways And Parkways

When the area to be divided adjoins or contains a railroad, freeway or parkway, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for use of the land between the street and railroad, freeway or parkway. In the case of a railroad, there shall be a land strip of not less than 25 feet in width adjacent and along the railroad right of way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than 80 feet in width, such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets, where they intersect with streets that cross a railroad, shall be determined with due consideration at cross streets of a minimum distance required for approach grades to a future grade separation and right of way widths of the cross street.

HISTORY

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

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(8) on 12/31/1981

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

17.36.120 Street Names

Except for extensions of existing streets, street names shall comply with the standards of DCC 16.16.030, Procedures For Naming New Roads and shall require approval from the County Property Address Coordinator. ~~no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers shall conform to the established pattern in the County and shall require approval from the County Property Address Coordinator.~~

HISTORY

Adopted by Ord. [PL-14](#) §7.020(10) on 11/1/1979

Repealed & Reenacted by Ord. [81-043](#) §§1, 6.015(11) on 12/31/1981

Amended by Ord. [93-012](#) §36 on 8/4/1993

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

17.36.130 Sidewalks

- A. Within ~~an urban growth boundary~~ areas subject to City Joint Management Agreements, sidewalks shall be installed on both sides of a public road or street and in any special pedestrian way within the subdivision or partition, and along any collectors and arterials improved in accordance with the subdivision or partition approval.

- B. ~~Within an urban area~~When sidewalks are required based on the road standards provided in DCC 17.48 Table A and Title 12, sidewalks shall be required along frontage roads only on the side of the frontage road abutting the development.
- C. Sidewalk requirements for areas outside of urban areas are set forth in DCC 17.48.175. In the absence of a special requirement set forth by the Road Department Director under DCC 17.48.030, sidewalks and curbs are never required in rural areas outside unincorporated communities as that term is defined in DCC Title 18.

HISTORY

Adopted by Ord. [PL-14](#) §8.030(5) on 11/1/1979

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

Amended by Ord. [88-015](#) §3 on 5/18/1988

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

Amended by Ord. [93-012](#) §37 on 8/4/1993

Amended by Ord. [96-003](#) §11 on 3/27/1996

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

17.36.140 Bicycle, Pedestrian And Transit Requirements

Pedestrian and Bicycle Circulation within Subdivision.

A. Tentative Plan.

A.1. General/Discretionary Standards: The tentative plan for a proposed subdivision shall provide for bicycle and pedestrian routes, facilities and improvements within the subdivision and to nearby existing or planned neighborhood activity centers, such as schools, shopping areas and parks in a manner that will:

1-A. Minimize such interference from automobile traffic that would discourage pedestrian or cycle travel for short trips;

2-B. Provide a direct route of travel between destinations within the subdivision and existing or planned neighborhood activity centers, and

C. Otherwise meet the needs of cyclists and pedestrians, considering the destination and length of trip.

2. Clear and Objective Standards: The tentative plan for a proposed subdivision shall provide multi-use paths within the subdivision.

A. These multi-use paths shall be:

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

1. Each lot in the subdivision;

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

3. Public roads adjacent to the subdivision.

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

B. Subdivision layout.

1. Cul-de-sacs.

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

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

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

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

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

C. Facilities and Improvements.

1. Bikeways ~~may~~shall be provided by either a separate paved path or an on-street bike lane, consistent with the requirements of DCC ~~Title-17.48.140~~ and Title 12.

2. Pedestrian access ~~may~~shall be provided by sidewalks or a separate paved path, consistent with the requirements of DCC ~~Title-17.36.130~~ and applicable standards in DCC 17.48 and Title 12.

3. Connections shall have a 20-foot right of way, ~~with at least a 10-foot usable surface and shall meet the applicable dimensional standards of DCC 17.48 Table B and Title 12.~~

HISTORY

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

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

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

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

[17.36.150 Blocks](#)

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

HISTORY

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

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

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

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

[17.36.160 Easements](#)

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

HISTORY

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

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

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

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

17.36.170 Lots; Size And Shape

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

B. Clear and Objective Standards:

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

HISTORY

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

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

Amended by Ord. 90-003 §1 on 1/8/1990

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

17.36.180 Road Frontage

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

~~roads. Frontage for partitions off U.S. Forest Service or Bureau of Land Management roads shall be decided on a case by case basis based on the location of the property, the condition of the road, and the orientation of the proposed parcels, but shall be at least 20 feet. In the La Pine Neighborhood Planning Area Residential Center District, lot widths may be less than 50 feet in width, as specified in DCC 18.61, Table 2: La Pine Neighborhood Planning Area Zoning Standards. Road frontage standards in destination resorts shall be subject to review in the conceptual master plan.~~

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

HISTORY

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

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

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

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

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

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

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

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

[17.36.190 Through Lots](#)

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

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

HISTORY

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

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

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

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

[17.36.200 Corner Lots](#)

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

HISTORY

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

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

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

[17.36.210 Solar Access Performance](#)

A. General/Discretionary Standards:

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

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

HISTORY

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

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

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

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

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

[17.36.220 Underground Facilities](#)

A. General/Discretionary Standards: Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities; provided, however, the Hearings Body may allow overhead utilities if the surrounding area is already served by overhead utilities and the proposed subdivision or partition would

create less than 10 lots. The subdivision or partition shall be responsible for complying with requirements of DCC 17.36.220, and shall:

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

~~B.2.~~ Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission.

3. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable, and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

B. Clear and Objective Standards: Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities. The subdivision or partition shall :

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

2. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission; and

4-3. Construct all underground utilities, sanitary sewers and storm drains installed in streets prior to the surfacing of such streets and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

HISTORY

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

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

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

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

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

[17.36.230 Grading Of Building Sites](#)

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

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

~~A.1.~~ Cut slope ratios shall not exceed one foot vertically to one and one-half feet horizontally.

~~B.2.~~ Fill slope ratios shall not exceed one foot vertically to two feet horizontally.

~~C.3.~~ The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

~~D.4.~~ When filling or grading is ~~contemplated-proposed~~ by the subdivider, ~~he~~they shall submit plans showing existing and finished grades for the approval of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

B. Clear and Objective Standards:

1. Cut slope ratios shall not exceed one foot vertically to one and one-half feet horizontally.
2. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
3. A Professional Engineer registered in the State of Oregon shall confirm in writing that fill and grading will meet the requirements of the Oregon Structural Specialty Code, Oregon Residential Specialty Code, and Central Oregon Stormwater Manual pertaining to grading, fill, slope stability, drainage, compaction and erosion control, as applicable.

HISTORY

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

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

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

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

[17.36.240 \(Repealed\)](#)

HISTORY

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

[17.36.250 Lighting](#)

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

HISTORY

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

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

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

[17.36.260 Fire Hazards](#)

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

HISTORY

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

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

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

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

17.36.270 Street Tree Planting

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

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

HISTORY

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

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

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

17.36.280 Water And Sewer Lines

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

HISTORY

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

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

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

Amended by Ord. [93-012](#) §41 on 8/4/1993

17.36.290 Individual Wells

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

HISTORY

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

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

Amended by Ord. [93-012](#) §42 on 8/4/1993

17.36.300 Public Water System

In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the ~~appropriate state or federal agency~~ [Oregon Health Authority](#). A ~~community-public~~ water system shall be required where ~~proposed~~ lot ~~areaser~~ ~~parcel sizes~~ are less ~~the~~ ~~than~~ one acre or where potable water sources are at depths greater than 500 feet, excepting land partitions. Except as provided for in DCC 17.24.120 and 17.24.130, a required water

system shall be constructed and operational, with water lines extended to the lot line of each ~~and every~~ lot or parcel depicted in the proposed subdivision or partition plat, prior to final approval.

HISTORY

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

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

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

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

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

CHAPTER 17.40 IMPROVEMENTS

[17.40.010 Conformance Required](#)

[17.40.020 Plan Review And Approval](#)

[17.40.030 Improvement Plans; Filing](#)

[17.40.040 Inspection And Approval](#)

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

[17.40.060 Partitions](#)

[17.40.070 Acceptance After Inspection](#)

[17.40.010 Conformance Required](#)

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

HISTORY

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

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

[17.40.020 Plan Review And Approval](#)

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

HISTORY

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

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

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

[17.40.030 Improvement Plans; Filing](#)

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

HISTORY

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

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

[17.40.040 Inspection And Approval](#)

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

HISTORY

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

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

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

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

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

HISTORY

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

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

[17.40.060 Partitions](#)

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

HISTORY

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

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

[17.40.070 Acceptance After Inspection](#)

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

HISTORY

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

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

CHAPTER 17.44 PARK DEVELOPMENT

17.44.010 Dedication Of Land: General/Discretionary Standards

17.44.015 Dedication of Land: Clear and Objective Standards

17.44.020 Fee In Lieu Of Dedication

17.44.030 Annexation Agreement

17.44.010 Dedication Of Land: General/Discretionary Standards

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

HISTORY

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

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

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

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

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

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

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

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

17.44.015 Dedication Of Land: Clear and Objective Standards

The developer shall:

- A. Set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development;; and

- B. Shall either dedicate the land set aside to the public, provided an applicable park district agrees in writing to accept the deed to the land proposed to be dedicated to the public, or develop and provide maintenance for the land set aside as a private park open to the public.

HISTORY

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

17.44.020 Fee In Lieu Of Dedication

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

HISTORY

Adopted by Ord. 81-043 §§1, 6.080 on 12/31/1981

Amended by Ord. 93-012 §§45 and 46 on 8/4/1993

Amended by Ord. 93-054 §2 on 12/15/1993

Amended by Ord. 95-010 §2 on 3/1/1995

Amended by Ord. 97-075 §1 on 12/31/1997

Amended by Ord. 2012-008 §2 on 5/2/2012

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

17.44.030 Annexation Agreement

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

HISTORY

Adopted by Ord. 97-075 §2 on 12/31/1997

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

CHAPTER 17.48 DESIGN AND CONSTRUCTION SPECIFICATIONS ROAD DEVELOPMENT STANDARDS

17.48.010 Minimum Standards Established

17.48.020 Implementation ~~o~~Of Requirements

17.48.030 Additional Design Requirements
17.48.040 Approval of Variations
17.48.050 Road Design
17.48.060 Improvement Plans
17.48.070 Horizontal Alignment
17.48.080 Vertical Alignment
17.48.090 Intersections
17.48.100 Minimum Right Of Way Width
17.48.110 Turn Lanes
17.48.120 Partial Width Roads
17.48.130 Road Names
17.48.140 Bikeways
17.48.150 Structures
17.48.160 Road Development Requirements; General Standards
17.48.165 Road Development Requirements; Subdivisions
17.48.170 Road Development Requirements; Partitions
17.48.175 Road Development Requirements; Unincorporated Communities
17.48.180 Private Roads Road Development Requirements; Destination Resorts, Planned Unit Developments and Cluster Developments
17.48.190 Drainage
17.48.200 Surveying
17.48.210 Access
17.48.220 Driveways
17.48.230 Utilities; Standards
17.48.240 Utilities; Permit
17.48.250 Utilities; Construction; Performance Standards
17.48.260 Utilities; Construction; Excavation
17.48.270 Utilities; Construction; Backfilling And Restoring
17.48.280 Utilities; Construction; Inspection
17.48.290 Fees
17.48.300 Bonds
17.48.310 Insurance
17.48.320 Indemnification
17.48.330 Construction; General Specifications
17.48.340 Construction; Testing
17.48.350 Construction; Inspection
17.48.360 Construction; Handling Of Explosives
17.48.370 Construction; Cooperation With Utilities
17.48.380 Construction; Temporary Traffic Control
17.48.390 Construction; Clearing And Grubbing
17.48.400 Construction; Dust Control
17.48.410 Construction; Subgrade Construction
17.48.420 Construction; Surfacing Requirements
17.48.430 Construction; Concrete Curb

- ~~[17.48.440 Construction; Sidewalks](#)~~
- ~~[17.48.450 Construction; Slopes And Backfill](#)~~
- ~~[17.48.460 Construction; Catchbasins](#)~~
- ~~[17.48.470 Construction; Permanent Traffic Control](#)~~
- ~~[17.48.480 Construction; Final Cleanup](#)~~
- ~~[17.48.490 Road And Street Project](#)~~
- ~~[17.48 Table A Minimum Road Design Standards](#)~~
- ~~[17.48 Table B Minimum Bikeway Design Standards](#)~~

17.48.010 Minimum Standards Established

~~Except as otherwise noted, in addition to the standards specifications for design and construction contained within DCC [17.48.12.25](#) and standard drawings as determined by the Road Department Director, the requirements of DCC [17.48](#) are the minimum standards governing construction of roads and other improvements and facilities—[associated with land development, including subdivisions and partitions.](#)~~

HISTORY

- Adopted by Ord. [81-043](#) §1, Exhibit A, §8.010 on 12/31/1981*
- Amended by Ord. [95-082](#) §4 on 12/13/1995*
- Amended by Ord. [2001-016](#) §1 on 3/28/2001*
- Amended by Ord. [2011-018](#) on 1/30/2012*
- Amended by Ord. [2021-007](#) §1 on 7/9/2021*
- ~~*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*~~

17.48.020 Implementation ~~o~~f Requirements

- A. It is the duty of the Road Department Director (“Director”), or the Director’s authorized representative, to implement the provisions and requirements of these standards in such a way as to carry out their intent and purpose.
- B. For purposes of this chapter, all references to “Road Department Director” shall include the ~~Director’s authorized representative~~[County Engineer](#).

HISTORY

- Adopted by Ord. [81-043](#) §1, Exhibit A, §8.015 on 12/31/1981*
- Amended by Ord. [2001-016](#) §1 on 3/28/2001*
- Amended by Ord. [2011-018](#) on 1/30/2012*
- ~~*Amended by Ord. [XX-XXXX](#) §XX on X/X/XXXX*~~

[17.48.030 Additional Design Requirements \(Renumbered\)](#)

~~[\(Renumbered to 12.25.030\)](#)~~

~~The Road Department Director may impose additional design requirements as are reasonably necessary to protect the interests of the public.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.020 on 12/31/1981

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

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

17.48.040 Approval of Variations

- A. ~~As part of a discretionary land use application,~~ The Planning Director or Hearings Body may approve proposed variations in the improvement standards of up to 10 percent of the standards of DCC ~~Title 17-12.25~~ at the time a tentative plat application is reviewed without the need for a variance to the standards provided the Planning Director or Hearings Body finds, after consultation with the County Road Department Director, that:
1. There is no adverse impact to the public in allowing the variations;
 2. The variation promotes the intent and purposes of the ordinances; and
 3. There are practical difficulties that will create an unreasonable construction expense that will not result in a significant public benefit.
- B. If a request for a variance from the standards is made after approval of a tentative plat and before the final plat, the applicant shall file a separate variance application, to be reviewed under the criteria set forth in DCC 17.48.040(A).

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.700 on 12/31/1981

Amended by Ord. [93-012](#) §47 on 8/4/1993

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

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

17.48.050 Road Design (Renumbered)

(Renumbered to 12.25.100)

- ~~A. The design of roads covered by DCC Title 17 is to be prepared by a registered professional engineer and shall at a minimum conform to the design standards for new or existing roads set forth in Table A of DCC Title 17 (or in the design standards set forth for a particular zone in a zoning ordinance) and shall otherwise conform with AASHTO standards.~~
- ~~B. Base and pavement dimensions set forth in Table A (or in specifications set forth for a particular zone) may be increased by the Road Department Director if necessitated by anticipated traffic volumes.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(1) on 12/31/1981

Amended by Ord. [93-012](#) §48 on 8/4/1993

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

Amended by Ord. [95-082](#) §5 on 12/13/1995

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

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

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

17.48.060 Improvement Plans (Renumbered)

(Renumbered to 12.25.105)

- ~~A.—A complete set of certified mylar improvement plans shall be approved by the Road Department Director prior to the start of construction or the signing of the final plat.~~
- ~~B.—The improvement plans shall become the property of the County and will remain at the Road Department.~~
- ~~C.—The improvement plans which shall be 24 by 36 inches shall include, but not be limited to:
 - ~~1.—A plan view showing:
 - ~~a.—Centerline alignment showing points of curve and point of tangent stationing on all curves, necessary curve data and bearing of tangents,~~
 - ~~b.—Dimensioning necessary to survey and relocate the roadway,~~
 - ~~c.—Right of way lines as shown on the final plat,~~
 - ~~d.—Existing easements and recording references,~~
 - ~~e.—Type, location and size of all existing and proposed drainage and irrigation structures and utilities within the right of way,~~
 - ~~f.—Location and type of all existing and proposed signs and barricades,~~
 - ~~g.—Vicinity map showing the complete roadway network complete with names of roads,~~
 - ~~h.—Toe and fills and top of cuts,~~
 - ~~i.—Scale,~~
 - ~~j.—North arrow, and~~
 - ~~k.—Stamp and signature of the registered engineer;~~~~
 - ~~2.—A profile showing:
 - ~~a.—Centerline grades and vertical curves, complete with point of intersection elevations and stations and length of vertical curves,~~
 - ~~b.—Original ground at centerline and extending 500 feet past the construction limits and at ditch lines if a significant transverse slope exists,~~~~~~

- c. ~~Curb profiles, where curbs are required,~~
 - d. ~~Superelevation transition diagrams for horizontal curves if curbs are not required,~~
 - e. ~~Type, location and size of all existing and proposed drainage and irrigation structures and utilities within the right of way, and~~
 - f. ~~Scale;~~
3. ~~Typical roadway cross-section showing:~~
- a. ~~Width, depth and type of base,~~
 - b. ~~Width, depth and type of paving,~~
 - c. ~~Curbs, if required,~~
 - d. ~~Side slopes,~~
 - e. ~~Ditch section,~~
 - f. ~~Crown slope, and~~
 - g. ~~Utilities;~~
4. ~~Structural and detail plans of all structures, including, but not limited to, bridges, drainage structures, irrigation structures and sewer lines stamped by a registered engineer;~~
5. ~~A signature box with spaces provided for County approval and for approval by all affected utility companies and irrigation districts;~~
6. ~~The developer shall submit, with proposed improvement plans, an itemized construction cost estimate. This estimate shall include all related roadwork and affected utility installation and/or related relocation;~~
7. ~~Any other information required by the Road Department Director.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(11) on 12/31/1981

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

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

[17.48.070 Horizontal Alignment \(Renumbered\)](#)

[\(Renumbered to 12.25.110\)](#)

- A. ~~Horizontal curves and tangent distances shall meet current AASHTO minimum standards for all streets except principal arterials, which shall conform to current ODOT standards.~~
- B. ~~The centerline of road improvements shall coincide with the centerline of the right of way.~~

~~C.—Superelevation shall be designed in accordance with current AASHTO specifications with the maximum superelevation being six percent.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(6) on 12/31/1981

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

Amended by Ord. [97-005](#) §5 on 6/4/1997

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

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

[17.48.080 Vertical Alignment \(Renumbered\)](#)

[\(Renumbered to 12.25.115\)](#)

- ~~A.—Vertical curves shall be designed to be consistent with and complimentary to the horizontal curves. Vertical curves shall be designed in accordance with current AASHTO standards or, for principal arterials, to current ODOT standards.~~
- ~~B.—Maximum percent of grade shall be as shown in Table A (or in right of way specifications, if any, set forth for a particular zone in a zoning ordinance). (See Table A set out at the end of DCC Title 17.)~~
- ~~C.—Minimum grade shall be one half percent for all roads, unless a drainage plan is submitted to and approved by the Road Department Director.~~
- ~~D.—Angle points shall not be allowed on grade breaks over one percent.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(7) on 12/31/1981

Amended by Ord. [93-012](#) §48(A) on 8/4/1993

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

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

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

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

[17.48.090 Intersections \(Renumbered\)](#)

[\(Renumbered to 12.25.120\)](#)

- ~~A.—All intersections shall be planned for through traffic on the street with the greatest projected average daily traffic (ADT). The side street shall be at right angles to the main street per current AASHTO standards.~~
- ~~B.—Intersecting streets, including driveways to commercial and industrial properties, shall be separated by at least the following distances when the through road is:
 - ~~1.—Arterial, 500 feet;~~
 - ~~2.—Collector, 300 feet;~~
 - ~~3.—Local, 100 feet;~~~~

~~4.—Industrial park, 250 feet; and~~

~~5.—Primary access, 250 feet.~~

~~To be measured between the intersecting centerlines of the streets or driveways.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(8) on 12/31/1981

Amended by Ord. [93-012](#) §48(AA) on 8/4/1993

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

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

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

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

[17.48.100 Minimum Right Of Way Width \(Renumbered\)](#)

[\(Renumbered to 12.25.130\)](#)

~~The minimum right of way width is 60 feet unless specified otherwise in Table A (or in any right of way specifications set forth for a particular zone in a zoning ordinance). (See Table A set out at the end of DCC Title 17.)~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(9) on 12/31/1981

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

Amended by Ord. [97-005](#) §7 on 6/4/1997

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

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

[17.48.110 Turn Lanes \(Renumbered\)](#)

[\(Renumbered to 12.25.140\)](#)

~~When a turn lane is required, it shall be a minimum of 14 feet in width, except where road specifications in a zoning ordinance provide for travel lanes of lesser width. Additional right of way may be required.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(5) on 12/31/1981

Amended by Ord. [97-005](#) §8 on 6/4/1997

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

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

[17.48.120 Partial Width Roads \(Repealed\)](#)

~~Partial width roads or half streets shall not be allowed for the traveled portion of the roadway. All traveled portions of a road must be constructed to the full applicable standards specified in DCC 12.25 for the relevant road classification.~~

~~Auxiliary improvements, such as curbs, sidewalks, bike lanes, and stormwater drainage systems, are only required on the applicant's side of the road unless the subject property spans both sides of the road or otherwise required by the County Engineer.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(5) on 12/31/1981

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

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

[17.48.130 Road Names \(Renumbered\)](#)

~~(Renumbered to 12.25.040)~~

~~All roads shall be named in conformance with the provisions of the Deschutes County uniform road naming system set forth in DCC Title 16.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(2) on 12/31/1981

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

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

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

[17.48.140 Bikeways \(Renumbered\)](#)

~~(Renumbered to 12.25.155)~~

~~A.—General Design Criteria.~~

- ~~1.—Bikeways shall be designed in accordance with the current standards and guidelines of the Oregon (ODOT) Bicycle and Pedestrian Plan, the American Association of State Highway Transportation Officials (AASHTO) Guide for Development of New Bicycle Facilities, and the Deschutes County Bicycle Master Plan. See DCC 17.48 Table B.~~
- ~~2.—All collectors and arterials shown on the County Transportation Plan map shall be constructed to include bikeways as defined by the Deschutes County Bicycle Master Plan.~~
- ~~3.—If interim road standards are used, interim bikeways and/or walkways shall be provided. These interim facilities shall be adequate to serve bicyclists and pedestrians until the time of road upgrade.~~

~~B.—Multi-use Paths.~~

- ~~1.—Multi-use paths shall be used where aesthetic, recreation and safety concerns are primary and a direct route with few intersections can be established. If private roads are constructed to a width of less than 28 feet, multi-use paths shall be provided.~~
- ~~2.—Multi-use paths are two-way facilities with a standard width of 10 feet, but with a 12-foot width if they are subjected to high use by multiple users. These paths shall meet County multi-use path standards and shall connect with bike facilities on public roads.~~

~~C.—Bike Lanes. Six-foot bike lanes shall be used on new construction of curbed arterials and collectors.~~

~~D.—Shoulder Bikeways.~~

- ~~1. Shoulder bikeways shall be used on new construction of uncurbed arterials and collectors.~~
- ~~2. Shoulder bikeways shall be at least four feet wide. Where the travel lane on an existing arterial or collector is not greater than eleven feet, the bikeway shall be a minimum of four feet wide.~~

~~E. Mountain Bike Trails.~~

- ~~1. Mountain bike (dirt or other unpaved surface) trails may be used as recreational or interim transportation facilities.~~
- ~~2. Trails used for transportation shall have a two-foot minimum tread width and a six-foot minimum clearing width centered over the trail, and a minimum overhead clearance of seven feet. Trails used solely for recreational use may be narrower with less clearing of vegetation.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(3) on 12/31/1981

Amended by Ord. [88-015](#) §4 on 5/18/1988

Amended by Ord. [93-012](#) §49 on 8/4/1993

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

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

[17.48.150 Structures \(Repealed\)](#)

~~All structures that carry a road or cross over a road shall be designed to have a 50 year life span. All designs must be approved by the Road Department Director and other affected public or private agencies.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.110(10) on 12/31/1981

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

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

[17.48.160 Road Development Requirements; General Standards](#)

~~A. Subdivision Standards. All roads in new subdivisions shall either be constructed to a standard acceptable for inclusion in the County maintained system or the subdivision shall be part of a special road district or a homeowners association in a planned unit development.~~

~~B.A. _____ Improvements of Public Rights of Way.~~

- ~~1. The developer of a subdivision or partition will be required to improve all public ways that are adjacent to or within the land development.~~
- ~~2. All improvements within public rights of way shall conform to the improvement standards designated in DCC [12.25](#) Title 17 for the applicable road classification, ~~except where a zoning ordinance sets forth different standards for a particular zone.~~~~

3. Road improvements shall include mitigation as required under DCC 18.116.310(I).
4. Road improvements shall include dedication of new or additional public rights of way to provide the minimum standard right of way widths as specified in DCC 12.25. Additional right of way in excess of the minimum standard may be required to accommodate road improvements that cannot be contained within the minimum standard right of way width.

~~C.B. Primary Access Roads-~~

1. The primary access road for any new subdivision or partition shall be improved to the applicable standard set forth in ~~Table A~~DCC 12.25.
2. The applicable standard shall be determined with reference to the road's classification under the relevant transportation plan.
3. For the purposes of DCC 17.48.160, a primary access road is a road leading to the subdivision or partition from an existing paved county, city or state-maintained road that provides the primary access to the subdivision or partition from such a road.

~~D. Secondary Access Roads. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.~~

C. Interior Roads

1. Interior roads for any new subdivision or partition shall be improved to the applicable standard set forth in DCC 12.25.
2. The applicable standard shall be determined with reference to the road's classification under the current transportation system plan. For new roads, the applicable standard shall be determined with reference to the road's anticipated classification based on the functional classification definitions given in the current Deschutes County Transportation System Plan.

~~1.3. Stubbed Roads. Any proposed road that terminates at a development boundary shall be constructed with a paved cul-de-sac bulb turnaround facility approved by the applicable fire protection district. Temporary easements for turnaround facilities shall not be granted by plat declaration.~~

~~D. Partial Width Road Improvements - Partial width road improvements shall not be permitted. All portions of a road traveled by motor vehicles and bicycles that are adjacent to, within, or provide primary access to a subdivision or partition shall be constructed to the full width under the applicable standards specified in DCC 12.25 for the relevant road classification.~~

~~E. Stubbed Roads. Any proposed road that terminates at a development boundary shall be constructed with a paved cul-de-sac bulb.~~

~~F. Cul de sacs.~~

~~1. Cul de sacs shall have a length of less than 600 feet, unless a longer length is approved by the applicable fire protection district, and more than 100 feet from the center of the bulb to the intersection with the main road.~~

~~2. The maximum grade on the bulb shall be four percent.~~

~~G. Frontage Roads. Right of way widths shall be 40 feet when immediately adjacent to a main highway/arterial; 60 feet when the frontage road is separated from the highway or arterial by private land or as set forth for a particular zone in the zoning ordinance.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.120(1)-(6) on 12/31/1981

Amended by Ord. [93-012](#) §50 on 8/4/1993

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

Amended by Ord. [97-005](#) §9 on 6/4/1997

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

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

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

17.48.165 Road Development Requirements; Subdivisions

A. For subdivisions that are not part of a destination resort, planned unit development, or cluster development, roadway improvements shall be constructed as follows:

1. Arterial roads shall be constructed according to the provisions of DCC 12.25.170.

2. Collector roads shall be constructed according to the provisions of DCC 12.25.180.

3. Local roads shall be constructed according to the provisions of DCC 12.25.190 pertaining to paved roads.

B. Unless an improvement agreement under the provisions of DCC 17.24.120 has been fully executed, road improvements for a subdivision shall be constructed prior to final plat approval.

C. Secondary Access Roads. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.

HISTORY

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

17.48.170 Road Development Requirements; Partitions

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

~~A. For a parcel size of 10 acres or larger, the minimum road improvement standard shall be 20 feet wide with five inches of aggregate surfacing (cinders are acceptable), the centerline of which~~

~~coincides with the centerline of the right of way; Arterial roads shall be constructed according to the provisions of DCC 12.25.170.~~

- B. ~~For a parcel size of less than 10 acres, the road standards used shall be the same as for a subdivision. Collector roads shall be constructed according to the provisions of DCC 12.25.180.~~

A. Local roads

1. For partitions with an average parcel size of 10 acres or more, local roads shall be constructed according to the provisions of DCC 12.25.190 pertaining to unpaved roads.
2. For partitions with an average parcel size of less than 10 acres, local roads shall be constructed according to the provisions of DCC 12.25.190 pertaining to paved roads.

HISTORY

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

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

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

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

[17.48.175 Road Development Requirements; Unincorporated Communities \(Repealed\)](#)

~~A.—Standards.~~

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

HISTORY

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

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

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

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

Amended by Ord. [97-035](#) §1 on 6/25/1997
Amended by Ord. [98-004](#) §2 on 1/28/1998
Amended by Ord. [2001-016](#) §1 on 3/28/2001
Amended by Ord. [2001-041](#) §2 on 9/26/2001
~~Repealed by Ord. [XX-XXXX](#) §XX on X/X/XXXX~~

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

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

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

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.130 on 12/31/1981
Amended by Ord. [93-012](#) §53 on 8/4/1993
Amended by Ord. [2001-016](#) §1 on 3/28/2001
Amended by Ord. [2004-025](#) §3 on 12/20/2004

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

17.48.190 Drainage (Renumbered)

(Renumbered to 12.25.230)

~~A.—Minimum Requirements.~~

- ~~1.—Drainage facilities shall be designed and constructed to receive and/or transport at least a design storm as defined in the current Central Oregon Stormwater Manual created by Central Oregon Intergovernmental Council and all surface drainage water coming to and/or passing through the development or roadway.~~
- ~~2.—The system shall be designed for maximum allowable development.~~

~~B.—Curbed Sections.~~

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

~~C.—Noncurbed Sections.~~

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

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

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

~~F.—Drill Holes. Drill holes are prohibited.~~

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

HISTORY

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

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

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

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

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

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

17.48.200 Surveying (Renumbered)

(Renumbered to 12.25.240)

- ~~A.—Preliminary Procedures. All roads shall be staked prior to construction by a registered land surveyor on the horizontal and vertical alignments shown on the improvement plans.~~
- ~~B.—Cuts and Fills. Sections with a cut or fill and any superelevated sections shall be staked every 50 feet or less with:
 - ~~1.—A clearing lath; and~~
 - ~~2.—Offset stakes marked with the offset distance and the cut or fill to the subgrade shoulder, except that offset stakes may be the same stakes as the clearing lath; and~~
 - ~~3.—Shoulder lath for the aggregate base.~~~~
- ~~C.—Curbs. Curb sections shall require offset hubs every 25 feet with stakes marked with the offset distance and the cut or fill to the subgrade shoulder and the top of the curb.~~
- ~~D.—Centerline Monuments.
 - ~~1.—Centerline monuments, as approved by the Road Department Director, shall be installed at all centerline intersections where they fall in the paved section, point of curvatures and point of tangencies of each curve and at all centers of cul-de-sacs.~~
 - ~~2.—All metal caps shall be stamped to identify the monument, i.e., P.I., P.C., P.T., Int, and carry the registration number of the surveyor or engineer setting the monument.~~~~

HISTORY

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

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

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

17.48.210 Access (Renumbered)

(Renumbered to 12.28.010 – 12.28.180)

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

~~D.—Sight Distance. Access shall be denied at locations that do not meet AASHTO sight distance standards.~~

HISTORY

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

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

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

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

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

~~(Renumbered to 12.28.010 – 12.28.180)~~

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

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

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

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

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

HISTORY

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

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

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

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

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

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

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

HISTORY

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

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

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

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

17.48.240 Utilities; Permit (Repealed)

- ~~A.—Prior to any work being done in a public right of way, a permit shall be obtained from the Road Department.~~
- ~~B.—A minimum of two weeks prior to the desired commencement date of the project, the applicant shall deliver to the Road Department the following:~~
- ~~1.—A completed permit on the Deschutes County Road Department standard form containing the following:~~
 - ~~a.—Applicant's name, address and telephone number;~~
 - ~~b.—Name, address and telephone number of the contractor and foreman or other person responsible for the work if different from the contractor;~~
 - ~~c.—Location of project, including:
 - ~~1.—Township, range and section,~~
 - ~~2.—Road name,~~
 - ~~3.—Nearest intersecting roads.~~~~
 - ~~d.—Type of facility;~~
 - ~~e.—The proposed starting and completion dates.~~
 - ~~2.—Two sets of construction plans showing all pertinent construction details;~~
 - ~~3.—A plan for traffic control; in the case of a road closure, a proposed detour and/or other method of controlling traffic;~~
 - ~~4.—A bond or cash deposit as required in DCC 17.48.300.~~
- ~~C.—Road Department Approval.~~
- ~~One set of the documents described in DCC 17.48.240(A) shall be signed by the Road Department Director and returned to the applicant together with any necessary supplemental instructions.~~
- ~~1.—The approved documents and supplemental instructions shall become a part of the permit and be binding on the applicant.~~
- ~~D.—Permit Conditions.~~
- ~~1.—In granting any permit, the Road Department Director may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property~~

~~or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance.~~

~~2.—Such conditions may include but shall not be limited to:~~

- ~~a.—Limitations on the period of the year in which the work may be performed;~~
- ~~b.—Restrictions as to the size and type of equipment;~~
- ~~c.—Designation of routes upon which material may be transported;~~
- ~~d.—The place and manner of disposal of excavated material;~~
- ~~e.—Requirements as to the control of dust, the cleaning of streets, the prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof; and~~
- ~~f.—Regulations as to the use of roads in the course of the work.~~

HISTORY

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

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

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

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

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

[17.48.250 Utilities; Construction; Performance Standards \(Repealed\)](#)

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

HISTORY

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

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

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

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

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

17.48.260 Utilities; Construction; Excavation (Repealed)

- ~~A.— The minimum cover between the top of a buried utility and road or ground surface shall be 30 inches.~~
- ~~B.— Where practical, underground utilities shall be jacked, pushed, bored or washed under roads when crossing same.~~
- ~~C.— No opening or excavation in any road shall extend beyond the centerline of the road before being backfilled and the surface of the road temporarily restored.~~
- ~~D.— No more than 300 feet of trench, measured longitudinally, shall be opened along a road at one time.~~
- ~~E.— Excavated materials shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as possible to public travel.~~
- ~~F.— All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.~~

HISTORY

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

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

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

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

17.48.270 Utilities; Construction; Backfilling And Restoring (Repealed)

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

HISTORY

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

Amended by Ord. [2001-016](#) §1 on 3/28/2001
Amended by Ord. [2011-018](#) §1 on 1/30/2012
Amended by Ord. [2021-007](#) §1 on 7/9/2021
~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

17.48.280 Utilities; Construction; Inspection (Repealed)

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

~~B.—Costs:~~

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

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.500(3)(D) on 12/31/1981
Amended by Ord. [2001-016](#) §1 on 3/28/2001
Amended by Ord. [2021-007](#) §1 on 7/9/2021
~~Repealed by Ord. XX-XXXX §XX on X/X/XXXX~~

17.48.290 Fees (Renumbered)

~~(Renumbered to 12.25.300)~~

~~All plan review and field inspection costs shall be borne by the applicant. Such costs shall be based on a schedule of charges on file in the Road Department.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.610 on 12/31/1981
Amended by Ord. [2001-016](#) §1 on 3/28/2001
~~Renumbered by Ord. XX-XXXX §XX on X/X/XXXX~~

17.48.300 Bonds (Repealed)

~~A.—Required. When, in the opinion of the Road Department Director, an existing public way is endangered by an applicant, such applicant shall be required to file an agreement and security with the County.~~

~~B.—Type of Security. The applicant shall file with the agreement, to assure the applicant's full performance thereof, one of the following:~~

- ~~1.—A surety bond executed by a surety company authorized to transact business in the state in a form approved by the County; or~~
- ~~2.—Cash.~~

~~C.—Amount Required. Such assurance of full performance shall be for a sum approved by the Road Department Director as sufficient to cover the cost of improvements and repairs, including related engineering, inspection and incidental expenses.~~

~~D.—Default Status:~~

~~1.—If the applicant fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement.~~

~~2.—If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, it shall release the remainder.~~

~~3.—If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.~~

~~E.—Expiration. The bond shall not be released by the County until one year from the improvement completion date specified by the applicant.~~

~~F.—The bonds shall not be released by the County until County inspectors have inspected the improvements and approved them in writing.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.620 on 12/31/1981

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

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

[17.48.310 Insurance \(Renumbered\)](#)

[\(Renumbered to 12.25.330\)](#)

~~During the term of authorized work within a public right of way, the applicant or their contractor, including all subcontractors, shall procure and continue to carry insurance coverages, including but not limited to commercial general liability and commercial automobile liability, from a responsible insurance provider with minimum coverage amounts as determined by the Road Department Director.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.640 on 12/31/1981

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

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

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

[17.48.320 Indemnification \(Renumbered\)](#)

[\(Renumbered to 12.25.340\)](#)

~~A.—The licensee shall be responsible and liable for all injuries to other persons or property resulting from any negligence or otherwise tortious acts or omissions of the licensee, its servants or agents.~~

- ~~B.—The licensee shall indemnify the County and hold it harmless against any and all claims, demands, lawsuits, injuries, damages or costs, including litigation costs, which the County may sustain by reason of any such acts or omissions.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.630 on 12/31/1981

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

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

[17.48.330 Construction; General Specifications \(Renumbered\)](#)

~~(Renumbered to 12.25.400)~~

- ~~A.—Unless otherwise detailed in DCC 17.48, all roadway excavation, fill construction, subgrade preparation, aggregate base, surfacing, prime coats and paving will be done in accordance with the current edition of the ODOT/APWA Oregon Standard Specifications for Construction, hereinafter referred to as the general specifications.~~
- ~~B.—Whenever these specifications refer to the state, they shall be taken to mean the County, the appropriate County address, and likewise, reference to the commission or the engineer shall be taken to mean the Board of County Commissioners or the Road Department Director.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(2) on 12/31/1981

Amended by Ord. [88-017](#) §1 on 5/18/1988

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

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

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

[17.48.340 Construction; Testing \(Repealed\)](#)

~~All testing shall conform to methods described in the current edition of the AASHTO Materials, Part II, Tests, or the current edition of the Oregon State Highway Division Laboratory Manual of Test Procedure.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(2) on 12/31/1981

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

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

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

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

[17.48.350 Construction; Inspection \(Repealed\)](#)

- ~~A.—The Road Department shall be notified two working days in advance of the time for subgrade inspection, two working days in advance of the time for base inspection and two working days in advance of the time for paving inspection.~~

- ~~B.—Each stage of construction must be inspected and approved prior to the commencement of the next stage of construction. The final inspection shall be requested seven working days in advance.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(3) on 12/31/1981

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

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

[17.48.360 Construction; Handling Of Explosives \(Repealed\)](#)

~~In the handling of explosives, the contractor must comply with federal, state and local laws, and the County will in no way be responsible for any noncompliance therewith or for damages to property or injury to persons resulting from accidental or premature explosions.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(4) on 12/31/1981

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

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

[17.48.370 Construction; Cooperation With Utilities \(Repealed\)](#)

- ~~A.—The contractor shall cooperate with and shall avoid damaging the facilities of all utility owners, railroads, and fire control authorities who have facilities located within the vicinity of the work.~~
- ~~B.—The contractor shall immediately notify any utility owners, railroads, and fire control authorities whose facilities have been damaged.~~
- ~~C.—The Oregon Utility Notification Center shall be notified according to applicable Oregon Administrative Rules.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(5) on 12/31/1981

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

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

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

[17.48.380 Construction; Temporary Traffic Control \(Renumbered\)](#)

[\(Renumbered to 12.25.420\)](#)

- ~~A.—Temporary protective and directional measures for traffic control shall be in conformance with the Federal Highway Administration's current Manual on Uniform Traffic Control Devices.~~
- ~~B.—The contractor shall be required to allow one-way traffic through the project during working hours.~~
- ~~1.—However, one-way traffic operation will not be permitted until such time as the contractor has labor, equipment and materials on the project necessary to proceed without delaying the work.~~

~~2.—Once one way traffic is established, the contractor shall perform the construction work in a continuous and efficient manner.~~

~~C.—Contact Person.~~

~~1.—The contractor shall have a person on the job during working hours and on call at all other times, who shall have the responsibility to maintain all directional and warning devices in proper position.~~

~~2.—The County will be provided with the name and telephone number of such person.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(6) on 12/31/1981

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

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

[17.48.390 Construction; Clearing And Grubbing \(Repealed\)](#)

~~All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction supplemented and/or modified as follows:~~

~~A.—The right of way shall be cleared of all fixed objects.~~

~~B.—However, in developments where traffic safety would not be involved, and a lesser requirement would not create a hazard, the right of way shall be cleared a minimum of 40 feet or four feet beyond the edge of the shoulder or curb line of the finished road.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(7) on 12/31/1981

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

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

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

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

[17.48.400 Construction; Dust Control \(Repealed\)](#)

~~A.—The work shall consist of the furnishing and applying of water for the alleviation or prevention of dust nuisance in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~B.—Responsibility for dust abatement will be the contractor's.~~

~~C.—Watering will be done when ordered by the Road Department Director.~~

~~D.—The contractor shall supply the applicant's own water source.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(8) on 12/31/1981

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

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

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

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

17.48.410 Construction; Subgrade Construction (Repealed)

- ~~A.—All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~
- ~~B.—Material shall be considered unsuitable for fill, subgrade, shoulders and other uses if it contains organic matter, soft spongy earth or other material of such nature that compaction to the specified density is unobtainable.~~
- ~~C.—No material having a maximum dimension of three inches or more shall be considered suitable for fill material in the top one foot of subgrade, including the fill side slopes.~~
- ~~D.—Compaction shall be a minimum of 95 percent of the relative maximum density.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(9) on 12/31/1981

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

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

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

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

17.48.420 Construction; Surfacing Requirements (Repealed)

- ~~A.—Aggregate Base.
 - ~~1.—Crushed aggregate meeting the requirements of the current ODOT/APWA Oregon Standard Specifications for Construction shall be used.~~
 - ~~2.—All work shall be performed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~~~
- ~~B.—Asphalt Prime Coat. For all roadway sections using asphalt penetration macadam, an asphalt prime coat will be applied to the aggregate base in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with standard drawings as determined by the Road Department Director.~~
- ~~C.—Asphalt Penetration Macadam. When an oil mat is placed, it shall be applied in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction and in accordance with standard drawings as determined by the Road Department Director.~~
- ~~D.—Asphaltic Concrete Pavement.
 - ~~1.—Where asphaltic concrete pavement is required, it shall be placed in accordance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~
 - ~~2.—The asphalt cement shall be as required by the Road Department Director.~~
 - ~~3.—The class of asphaltic concrete shall be Level 3 HMAc.~~~~

~~4.—A mix design shall be submitted to the Road Department Director at least one week prior to paving.~~

~~E.—Tack Coat. When a tack coat is required by the Road Department Director, the tack coat shall be applied in conformance with the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~F.—Portland Cement Concrete Pavement. When portland cement concrete pavement is used, it shall be designed and constructed in accordance with the publications of the Portland Cement Association.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(10)-(15) on 12/31/1981

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

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

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

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

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

[17.48.430 Construction; Concrete Curb \(Repealed\)](#)

~~A.—Where required, portland cement concrete curbs shall be constructed in accordance with standard drawings as determined by the Road Department Director and the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~B.—The concrete shall be class 3000.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(16) on 12/31/1981

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

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

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

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

[17.48.440 Construction; Sidewalks \(Repealed\)](#)

~~A.—Sidewalks shall be constructed with Class 3000 concrete as specified in the current ODOT/APWA Oregon Standard Specifications for Construction.~~

~~B.—Sidewalks shall conform to standard drawings as determined by the Road Department Director. Sidewalks shall not be less than five feet wide.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(17) on 12/31/1981

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

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

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

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

17.48.450 Construction; Slopes And Backfill (Repealed)

- ~~A.—Curb and sidewalk backfill material shall be good quality topsoil.~~
- ~~B.—The material shall be spread accurately and smoothly within the public right of way.~~
- ~~C.—Topsoil shall be suitable silty sand from an approved source, containing no rock or gravel larger than three-fourths inch and at least 70 percent of material passing a No. 4 U.S. Standard sieve size.~~
- ~~D.—It shall be free of roots, sticks, seeds and other noxious vegetation.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(18) on 12/31/1981

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

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

17.48.460 Construction; Catchbasins (Repealed)

~~Catchbasins shall be constructed of class 3000 portland cement concrete and in accordance with standard drawings as determined by the Road Department Director.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(19) on 12/31/1981

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

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

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

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

17.48.470 Construction; Permanent Traffic Control (Repealed)

~~All traffic control devices required by the Road Department Director shall be procured and installed by the developer and shall meet the requirements of the current Federal Highway Administration's Manual on Uniform Traffic Control Devices ("MUTCD").~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, § 8.200(20) on 12/31/1981

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

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

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

17.48.480 Construction; Final Cleanup (Repealed)

- ~~A.—Final cleanup shall consist of pulling the shoulders and dressing of the earthwork side slopes.~~
- ~~B.—Any material pulled onto the pavement is to be broomed off.~~
- ~~C.—The roadway side slopes are to be raked to remove all equipment tracks and berms.~~

HISTORY

Adopted by Ord. [81-043](#) §1, Exhibit A, §8.200(21) on 12/31/1981

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

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

[17.48.490 Road And Street Project \(Renumbered\)](#)

[\(Renumbered to 12.25.500\)](#)

- ~~A.—Subdivision Standards Applicable. Design and construction standards set forth in DCC 17.48 are applicable to all road and street projects.~~
- ~~B.—Land Use Permit Required. A land use permit shall be required for any Class I or Class II road and street project. No land use permit shall be required for a Class III road and street project. The road project shall be reviewed against the applicable comprehensive plan Transportation Plan element and the following standards:~~
- ~~1.—Compatibility with existing land use and social patterns, including noise generation, safety hazards (e.g. children in a residential area), and zoning.~~
 - ~~2.—Environmental impacts, including hazards imposed to and by wildlife (e.g. migration or water use patterns).~~
 - ~~3.—Retention of scenic quality, including tree preservation.~~
 - ~~4.—Means to improve the safety and function of the facility, including surrounding zoning, access control and terrain modifications.~~
 - ~~5.—In the case of roadways where modification results in a change of traffic types or density, impacts on route safety, route land use patterns, and route nonmotorized/pedestrian traffic.~~
 - ~~6.—Consideration of the potential developmental impact created by the facility.~~
 - ~~7.—Cost effectiveness.~~
- ~~C.—Bicycle Facilities. Bicycle facilities consisting of a portion of the paved roadway and designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists, shall be constructed in conjunction with a road and street project if the project involves the new construction, modernization, reconstruction or major alteration of an arterial or collector to the adopted County road standards.~~
- ~~D.—Sidewalks. Sidewalks shall be required in conjunction with a road and street project in accordance with DCC 12.35.100, Developed Area Sidewalks.~~

HISTORY

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

Amended by Ord. [93-012](#) §54 on 8/4/1993

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

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

17.48 Table A Minimum Road Design Standards (Repealed)

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)	Sidewalk Required ^(a)	Surface Type	Base Depth ^(a)	Max. Grade ^(a)	Design Speed/Min. Tang./Min. Curve
State Highway	80'-100'	36'-70'	12'	6'	--	14'	n/a	--	(+)	(1)	6%	(1)
Minor Arterial	80'	28'-46' ^(a)	11'	3'-5'	2'	14'	n/a	--	3" AC	10"	6%	(2)
Collector	60'	28'-46' ^(a)	11'	3'-5'	2'	14'	n/a	--	3" AC	8"	8%	(2)
Local	60'	20', 24' ^(a)	--	--	2'	--	Yes	--	0-9 or 2" AC	6"	10%	(2)
Partition												
< 10 acre avg. lot size	60'	20'	--	--	2'	--	Yes	--	0-9 or 2" AC	6"	10%	(2)
> 10 acre avg. lot size	60'	20'	--	--	--	--	--	--	Aggregate	5"	10%	(2)
Other												
Industrial	60'	32'	--	--	--	--	--	--	3" AC	10"	6%	(2)
Private	--	20', 28' ^(a)	--	--	--	--	--	--	0-9 or 2" AC	6"	12%	(2)
Frontage	40'-60'	28'	--	--	--	--	--	--	3" AC	8"	10%	(2)

LA PINE Urban Unincorporated Community, La Pine Planning Area												
US Highway 97	100'	74'	12'	6'	6'	14'	No	Yes ⁽²⁺⁾	(+)	(+)	6%	(1)
Minor Arterial	80'	36-50'	12'	6'	2'	14'	Yes	Yes	3" AC	10"	6%	(2)
Collector	60'	36'	12'	6'	2'	14'	Yes	Yes	3" AC	8"	8%	(2)
Local												
Commercial	60'	32'	11'	5'	2'	--	Yes	Yes	3" AC	8"	10%	(2)
Residential (>250 projected ADT)	60'	28'	10'	4'	2'	--	Yes	No ⁽¹⁺⁾	2" AC	6"	10%	(2)
Residential (<250 projected ADT)	60'	24'	10'	2'	2'	--	Yes	No ⁽⁴⁺⁾	2" AC	6"	10%	(2)
Other												
Alley	20'	15'-20'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	20'	8' ⁽²⁺⁾	--	--	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	(+)	(+)	6%	(+)
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)
<i>Other</i>												
Alley	20'	15'-20'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	20'	8' ⁽²²⁾	--	--	2.5'	--	No	--	Variable	4"	10%	--
LA PINE Urban Unincorporated Community, Neighborhood Planning Area												
<i>Central Collector</i>	90'	24'	12'	--	2'	--	Yes	No (20)	3" AC	10"	6%	(2)
<i>Neighborhood Collector</i>	80'	22'	11'	--	2'	--	Yes	No (20)	3" AC	8"	8%	(2)
<i>Perimeter Collector</i>	60'	24'	12'	--	2'	--	Yes	No (20)	3" AC	8"	8%	(2)
<i>Local</i>												
Commercial	60'	24'	12'	--	2'	--	Yes	Yes	3" AC	8"	10%	(2)
Residential	60'	20'	10'	--	2'	--	Yes	No (20)	2" AC	6"	10%	(2)
<i>Other</i>												
Alley	20'	15'	--	--	--	--	No	No	2" AC	4"	10%	(2)
Pathway	15'	8' ⁽²²⁾	--	--	2.5'	--	No	--	Variable	4"	10%	--
TUMALO Unincorporated Community												
<i>US Highway 20</i>	80'- 100'	60'	12'	4'	6'	14'	No	No	(1)	(1)	6%	(1)
<i>Collector</i>												
Commercial	60'	30'	11'	4'	2'	14'	Yes	Yes	3" AC	8"	8%	(2)

Residential	60'	36'	12'	6'	2'	14'	Yes	No	3" AC	8"	8%	(2)
Local												
Commercial	60'	20'	10'	--	2'	--	Yes	No (15,16)	3" AC	8"	8%	(2)
Residential	60'	20'	10'	--	2'	--	Yes	No	0-9 or 2" AC	6"	10%	(2)
Other												
Alley (Commercial)	20'	20'	--	--	--	--	No	No	2" AC	6"	10%	(2)
Path/Trail	15'	6' unpaved 8' paved ⁽²³⁾	--	--	2.5' (if paved)	--	--	--	2" AC	4"	5%	--

TERREBONNE Unincorporated Community													
Road Type/Class	ROW	Paved Width ⁽⁶⁾	Travel Lane Width	Paved Shoulder Width	Gravel Shoulder Width	Turn Lane Width	Swale ⁽²¹⁾	Surface Type	Sidewalk Required	Base Depth ⁽⁸⁾	Max Grade ⁽⁹⁾	Design Speed/ Min. Tang/ Min. Curve	
US Highway 97	80'- 100'	60'	12'	6'	6'	14'	No	(1)	No (14)	(1)	6%	(1)	
Minor Arterial													
Smith Rock Way	TeC	60'	34'	12'	5'	2'	14'	Yes	3" AC	Yes (15)	10"	6%	(2)
	TeR	60'	34'	12'	5'	2'	14'	No	3" AC	No	10"	6%	(2)
Lower Bridge Way	60'	34'	12'	5'	2'	14'	No	3" AC	No	10"	6%	(2)	
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 (16)	3" AC	No (16)	8"	8%	(2)
Local													
Commercial	TeC	60'	24'	12'	--	2'	--	Yes	3" AC	Yes (15)	8"	8%	(2)
	TeR	60'	24'	12'	--	2'	--	No	3" AC	No	8"	8%	(2)
Residential	TeR	60'	20'	12'	--	2'	--	No (17)	0-9 or 2" AC	No (17)	6"	10%	(2)
Other													
Alley (Commercial)		20'	20'	10'	--	--	--	No	2" AC	No	6"	10%	(2)
Path/Trail		15'	6' unpaved 8' paved (23)	--	--	2.5 (if paved)	--	--	2" AC	--	4"	5%	--

Notes: (1) Design shall be in accordance with Oregon Department of Transportation Design Standards. (2) Design shall be in accordance with AASHTO standards. (3) Pavement widths are variable, depending on such factors as anticipated traffic volumes, and whether the road section involves turn lanes, bike lanes, and whether frontage roads border an arterial or collector, etc. (4) The required base depth may be increased when a C.B.R., or R valve is required by the Road Department. (5) Cul-de-sac bulb to be constructed with a 45-foot minimum radius. (6) Increase in grade of 2 percent may be allowed in unusually steep areas. (7) No curb for rural frontage roads. (8) 20' allowed for cul-de-sac's and roads with low anticipated traffic volumes as long as separate multiple use paths are provided. 28' width required (including the required 4' striped shoulder bikeway in each direction) for circulator and primary subdivision access roads and other roads when separate multiple use paths are not provided. (9) The larger of the two widths is necessary if a shoulder bikeway is required (4' for collector and 5' for arterial). (10) 20' allowed for cul-de-sac's and roads with low anticipated traffic volumes. 24' width required for circulator and primary subdivision access roads. (11) Sidewalks required for new subdivisions and partitions, within Unincorporated Communities, that result in an average lot size of 11,000 square feet or less. (12) Widths are variable, but in no case shall a swale be less than 6 feet in width. Swales shall conform as much as practicable to DEQ best management practices for non-underground injection control (UIC) systems such as grassy or vegetated bioswales designed (sized) to mitigate anticipated storm water runoff. (13) Where drainage swales are not required, the standards for drainage in Title 17, Chapter 17.48 shall still apply. (14) 6-foot sidewalks required on both sides of Highway 97 between South 11th Avenue and Central Avenue intersections. Includes pedestrian crossing improvement at B Avenue and C Avenue intersection (see Terrebonne Comprehensive Plan Map D-3). (15) 5-foot curbless sidewalks with a drainage swale required on both sides of the road. (16) 5-foot curbless sidewalks with drainage swales required in Terrebonne from West

19th Street to 15th Street on the south side of C Avenue (see Terrebonne Comprehensive Plan Map D-3), or those roads in Tumalo designated for sidewalks (see Tumalo Comprehensive Plan Map D2). (17) 5-foot curbless sidewalks with drainage swales required along school frontage on B Avenue and 5th Street (see Terrebonne Comprehensive Plan Map D-3). (18) Where allowed, parking must be off pavement. (19) 40 feet immediately adjacent to arterial road, or 60 feet when frontage road is separated from arterial by private land. (20) In the Community Facility Limited District, sidewalks at least five feet wide shall be installed at the time of development. The sidewalks shall be property line tight and meet ADA accessibility requirements. (21) 10-foot sidewalks required on both sides of US Highway 97 between First/Reed and 6th Street intersections. (22) Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots. (23) The minimum width is 8 ft. However, 8 ft. wide multiuse paths are not recommended in most situations because they may become over-crowded. They should only be constructed as short connectors, or where long term usage is expected to be low, and with proper horizontal and vertical alignment to assure good sight distances. 10 ft is the standard width for a two-way multi-use path but they should be 12 ft wide in areas with high mixed use. Optimum width should be based on the relative use by cyclists and pedestrians. High use by skaters may also require greater width.

HISTORY

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

17.48 Table B Minimum Bikeway Design Standards (Repealed)

Type	Stripe	On/ Off Road	Width*			Vertical Clearance		Lateral Clearance (each side)		Cros- slop e Grade	Grade		Pavement Structure		Mul- ti- use	RO W
			Min.	Stand- ard	Hi gh Us e	Min.	Stan- dard	Min.	Stan- dard		Stand- ard	Max.	Aggreg- ate Base	A. C.		
Multi use Path		Off								2%	Stand- ard	Max.			Yes	Min.
			8'	10'	12'	8'	10'	2'	3'		5%	>5% up to dista nce of 500'	4"	2"		15'
Mt. Bike Trail		Off		2'		7'	10'								Yes	
Bike Lane	8" with paint ed stenc il	On	4' w/op en shoul der 5' w/cur bor	6'							Use on urban arterial or major collector, or rural roads near urban areas with	Same as parent roadway		No		

			parking							high anticipated bike use			
Shoulder Bikeway	4"	On	4'	4' w/open shoulder 5' w/curb or other barrier	6'					Recommended on higher speed, and traffic volume rural roads	Same as parent roadway	No	
Shared Roadway		On								Recommended only on local roads with speeds of 25 mph or less, and <3,000 ADT	Same as parent roadway	Yes	

Note: A.C. is asphalt concrete

⁴ 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