



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, MAY 08, 2025

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

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

AGENDA

MEETING FORMAT

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

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

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

<https://bit.ly/dcpczoom>

Passcode: 764609

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

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 824 8646 7893 and Passcode: 764609. Written comments can also be provided for the public comment section to planningcommission@deschutes.org by 5:00 p.m. on May 8. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - April 24

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Deliberations: Clear & Objective Housing Text Amendments – Goal 5 (Title 18) (*Tanya Saltzman, Senior Planner*)

V. PLANNING COMMISSION AND STAFF COMMENTS

VI. ADJOURN



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



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: May 1, 2025

FILE NO.: 247-25-000171-TA

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

The Deschutes County Planning Commission (Commission) will conduct deliberations on May 8, 2025 at 5:30 p.m. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms concerning text amendments establishing “clear and objective” housing development standards required under Oregon Revised Statute (ORS) 197A.400. This deliberation will address proposed changes to the chapters of Deschutes County Code (DCC) addressing Oregon's statewide planning Goal 5 for natural resources, scenic areas, and open spaces)

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on March 19, 2025. Staff presented the proposed amendments to the Planning Commission on April 10, 2025.¹ An initial public hearing was held before the Commission on April 24, 2025.² At that time, the oral portion of the public hearing was closed and the written record was held open until April 30, 2025 at 4:00 p.m.

All record materials can be found on the project website:
<https://bit.ly/DeschutesClearAndObjectiveGoal5>

I. BACKGROUND

Beginning in 2017, the Oregon State Legislature passed a series of bills to encourage efforts to expand the supply of housing statewide. The passage of Senate Bill (SB) 1051 prohibited cities from denying applications for housing developments within urban growth boundaries,

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-65>

² <https://www.deschutes.org/bc-pc/page/planning-commission-66>

provided those applications complied with “clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.”³

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

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

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

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

In 2023, ORS 197A.400⁵ (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197⁶. The newly established ORS 197A.400 will become effective on July 1, 2025, and states the following [emphasis added]:

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

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

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

...

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

³ <https://olis.oregonlegislature.gov/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled>

⁴ https://oregon.public.law/statutes/ors_197.307

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

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

- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;
- (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
- (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.

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

II. OVERVIEW OF AMENDMENTS

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

With the assistance of consultants from MIG, planning staff have identified areas of the DCC that are not in compliance with statute and drafted packages of text amendments to address each issue. These packages have been broken into distinct segments to provide the public, the Deschutes County Planning Commission (Commission), and the Deschutes County Board of Commissioners (Board) the opportunity to review and vet the proposed changes in a structured manner.

Where possible, planning staff have drafted amendments that effectuate a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and purpose of each amended code provision are preserved. Where that approach is not viable, alternative standards or criteria have been proposed. Additionally, certain amendments have been proposed to broadly remove ambiguity from implementing sections of the DCC, maintain conformity across all development standards, and ensure review clarity for staff and members of the public.

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

- Definitions for the Deschutes County Zoning Code – DCC 18.04
- Basic Provisions – DCC 18.08
- Multiple Use Agricultural Zone – DCC 18.32
- Surface Mine Impact Area (SMIA) – DCC 18.56
- Rural Residential Zone – DCC 18.60

- Terrebonne Rural Community Zoning District – DCC 18.66
- Landscape Management Combining Zone – DCC 18.84
- Wildlife Area Combining Zone – DCC 18.88
- Sensitive Bird and Mammal Habitat Combining Zone – DCC 18.90
- Urban Unincorporated Community Zone; Sunriver – DCC 18.108
- Supplementary Provisions – DCC 18.116
- Exceptions – DCC 18.120
- Conditional Use – DCC 18.128

III. HEARING TESTIMONY

Three individuals provided written testimony preceding the public hearing on April 24, 2025, and one individual provided verbal testimony during the hearing. The full written comments are available in the record for the Planning Commission's reference. Brief summaries of the testimony are provided below:

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

2. *Jessica Wilkes, Oregon Department of Fish and Wildlife*: this testimony acknowledged the complexity of complying with the state law in these chapters of Deschutes County Code. The existing Goal 5 program for protecting fish and wildlife is discretionary; the clear and objective criteria removes that discretionary flexibility and with it, the ability to utilize ODFW's expertise. The testimony concludes, "ODFW recommends continued consultation with state and federal agencies to protect Goal 5 resources."
3. *Matt Cyrus, Deschutes County Planning Commissioner*: Commissioner Cyrus asked clarifying questions to be discussed during the hearing regarding the origins of the requirements in DCC 18.88.051 – Dimensional Standards – Clear and Objective Standards. He also requested additional clarification regarding cluster and planned developments.
4. *Casey Roscoe, Deschutes County resident*, provided verbal testimony in person. Roscoe's testimony addressed several issues. She questioned the specificity of the paint color palette provided in the clear and objective path in the Landscape Management Combining Zone, noting that one particular brand (Miller Paint) was provided and not enough options were provided. Roscoe also spoke to the limitations in the Wildlife Area Combining Zone as a whole, including prohibited uses and the County's ability to require conditions of approval for outdoor assemblies in the WA zone.

IV. OPEN RECORD TESTIMONY

As part of the open record period, the following comments were received:

1. *Joy Lovett, Oregon Department of Fish and Wildlife (April 25, 2025)*: This testimony followed up on discussions held at the hearing concerning ODFW's initial testimony. Staff interpreted ODFW's initial testimony as requesting changes to the amendments to allow for some degree of ODFW participation in the clear and objective path in the Sensitive Bird and Mammal Habitat Combining Zone (DCC 18.90.061). Lovett's testimony clarified that ODFW recommends maintaining the proposed language as is, which requires compliance with the existing ESEE analyses, and noted that there are capacity issues with requiring ODFW concurrence on every clear and objective application or a possible veto option that was discussed.
2. *Toni Williams, Deschutes County Planning Commissioner (April 29, 2025)*: Commissioner Williams sought clarification on the development of the muted earth tone color palette required in the clear and objective path in the Landscape Management Combining Zone.

V. STAFF ADDENDUMS AND DISCUSSION

During the work session, the Planning Commission identified one item that may have been written in error, which staff will revisit:

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

Staff will take the recommendations received in testimony into consideration for the next round of amendments with the Board of County Commissioners, if directed to do so by the Planning Commission. In addition, staff offers the following discussion of some items that were raised:

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

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

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

Items raised by LandWatch: In response to the items raised by Central Oregon LandWatch and summarized above, the Planning Commission can choose to discuss any of these items, or direct staff to further consider the text changes in the first two parts of the testimony provided.

Regarding the need for significant additional ESEE analysis, staff, in consultation with County Legal Counsel, has determined that these amendments do not require a new Goal 5 analysis under OAR 660-023-0250(3) because they maintain equivalent protections for Goal 5 resources while simply providing an alternative approval path that uses quantifiable standards. The amendments neither add new uses nor reduce protections for Goal 5 resources. The findings document specifically outlines the ways in which those protections are maintained by the proposed amendments.

VI. NEXT STEPS

At the conclusion of the meeting, the Commission can:

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

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

- Approve amendments as drafted;
- Approve amendments with suggested edits or suggestions to carry forward;
- Approve certain amendments / deny others;
- Deny amendments altogether;
- Other

Attachment:

- 1) Proposed Findings and Text Amendments

TITLE 18 COUNTY ZONING

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

CHAPTER 18.08 BASIC PROVISIONS

CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA

CHAPTER 18.56 SURFACE MINING IMPACT AREA COMBINING ZONE; SMIA

CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10

CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

CHAPTER 18.84 LANDSCAPE MANAGEMENT COMBINING ZONE; LM

CHAPTER 18.88 WILDLIFE AREA COMBINING ZONE; WA

CHAPTER 18.90 SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE; SBMH

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

CHAPTER 18.120 EXCEPTIONS

CHAPTER 18.128 CONDITIONAL USE

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

18.04.030 Definitions

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

* * *

~~"Bank full stage" means the elevation at which water overflows the natural banks of a stream, river or lake and begins to inundate the upland. In the absence of physical evidence, the two-year reoccurrence interval flood elevation may be used to approximate bank full stage.~~

~~"Bed or banks of stream or river" has the meaning given at OAR 141-085-0510. means the physical container of the waters of a stream or river lying below bank full stage and the land 10 feet on either side of the container.~~

~~"Cluster development" means a development permitting the clustering of single-unit or multi-unit family residences dwellings units on part of the property, with individual lots or parcels of not less than two acres in size and not exceeding three acres in size, and dedicated open space for a minimum of 65 percent of the parcel, lot, or tract. No commercial or industrial uses not allowed by the applicable zoning ordinance are permitted.~~

~~"Conflicting use" means a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). "Conflicting use" means a land use which could negatively impact or be negatively impacted by a Goal 5 resource.~~

~~"Dust-sensitive use" means use of a site, lot, or parcel, or tract as a dwelling unit, school, church religious institutions or assemblies, hospital, or similar use. Industrial or agricultural use of a site, lot, or parcel, or tract is not "dust-sensitive" unless it meets the above criteria in more than an incidental and subordinate~~

manner. Accessory structures, such as, but not limited to garages and workshops, do not constitute dust-sensitive uses.

"Dust-sensitive building" means a building that contains a dust-sensitive use.

"ESEE" stands for "economic, social, environmental, and energy." ~~ESEE means the economic, social, environmental and energy "consequences," as defined in OAR 660-16-005, that might result from prohibiting, restricting, or fully allowing a "conflicting" use.~~ In Title 18, ESEE refers to a decision document that identifies "ESEE consequences" and the "program to achieve the goal", as these terms are defined in OAR 660-023-0010. A conflicting use is one which could negatively impact or be negatively impacted by the Goal 5 resource.

"Fill", as used in the context of lakes, rivers, streams, floodplains, wetlands, or riparian areas, means:

- A. The deposit by artificial means of material within any lake, river, stream, floodplain, wetland, or riparian area.
- B. Fill includes any excavation or grading within any lake, river, stream, floodplain, wetland, or riparian area.
- C. Fill does not include ~~shall not include~~ practices that constitute accepted farming practices as defined in ORS chapter 215.

"Goal 5 resource" means open spaces, scenic and historic areas and natural resources as specified in Goal 5 of Oregon's Statewide Planning Goals and its implementing Administrative Rules, OAR chapter 660, ~~Divisions 1516 and 23~~.

"Grade" means the elevation of the ground surface. Grade is further defined as:

- A. "Grade, average", for the purposes of calculating structural height, means the average of two points which shall be the highest finished grade abutting the structure and the lowest finished grade abutting the structure.
- B. "Grade, existing" means the existing elevation of the ground surface prior to grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.
- C. "Grade, finished" means the final elevation of the ground surface following all grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.
- ~~D. For purposes of height determination in the Landscape Management Combining Zone, "grade" shall be the average of natural ground elevations prior to development, for the wall closest to and facing the road, river, or stream.~~
- ~~E-D.~~ For the purposes of streets or slopes, "grade" shall mean the degree of inclination.

"Noise-sensitive use" means use of a site, lot, ~~or~~ parcel, ~~or tract normally used for sleeping~~ approved for overnight human occupancy, or normally used as schools, ~~churches religious institutions or assemblies~~, hospitals, or public libraries. Industrial or agricultural uses of a site, lot, parcel, or tract are not "noise-sensitive" unless the use meets the above criteria in more than an incidental and subordinate manner. Accessory ~~uses-structures~~, such as but not limited to garages or workshops, do not constitute noise-sensitive uses.

"Noise-sensitive building" means a building that contains a noise-sensitive use.

"Ordinary High Water Line (OHWL)" has the meaning given at OAR 141-085-0510.

"Ordinary High Water Mark (OHWM)" ~~has the same meaning as "Ordinary High Water Line." means the highest level on the bank or shore of a lake, river, or stream to which the water ordinarily rises annually in season.~~

"Rimrock" means any ledge, outcropping, or top or overlying stratum of rock, which meets the following:

- A. ~~fForms a face~~Has a slope in excess of 45 degrees, as measured across any 10-foot horizontal distance. Where two or more horizontal measurements yield different results, the most restrictive measurement shall apply; and
- B. ~~which c~~Creates or is within the canyon of the following rivers and streams: (1) Deschutes River, (2) Crooked River, (3) Fall River (4) Little Deschutes River (5) Spring River (6) Paulina Creek (7) Whychus Creek and (8) Tumalo Creek.
- C. For the purpose of DCC Title 18, the edge of the rimrock is the uppermost rock ledge or outcrop of rimrock.

"River" has the same meaning as "stream."

"Stream" means a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

HISTORY

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

Amended by Ord. [82-013](#) §1 on 5/25/1982

Amended by Ord. [83-037](#) §2 on 6/1/1983

Amended by Ord. [83-033](#) §1 on 6/15/1983

Amended by Ord. [84-023](#) §1 on 8/1/1984

Amended by Ord. [85-002](#) §2 on 2/13/1985

Amended by Ord. [86-032](#) §1 on 4/2/1986

Amended by Ord. [86-018](#) §1 on 6/30/1986

Amended by Ord. [86-054](#) §1 on 6/30/1986

Amended by Ord. [86-056](#) §2 on 6/30/1986

Amended by Ord. [87-015](#) §1 on 6/10/1987

Amended by Ord. [88-009](#) §1 on 3/30/1988

Amended by Ord. [88-030](#) §3 on 8/17/1988

Amended by Ord. [89-004](#) §1 on 3/24/1989

Amended by Ord. [89-009](#) §2 on 11/29/1989

Amended by Ord. [90-014](#) §2 on 7/12/1990

Amended by Ord. [91-002](#) §11 on 2/6/1991

Amended by Ord. [91-005](#) §1 on 3/4/1991

Amended by Ord. [92-025](#) §1 on 4/15/1991

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

Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991

Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992

Amended by Ord. [92-034](#) §1 on 4/8/1992

Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992

Amended by Ord. [92-066](#) §1 on 11/25/1992

Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993
Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993
Amended by Ord. [93-038](#) §1 on 7/28/1993
Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993
Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994
Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994
Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994
Amended by Ord. [94-038](#) §3 on 10/5/1994
Amended by Ord. [94-053](#) §1 on 12/7/1994
Amended by Ord. [95-007](#) §1 on 3/1/1995
Amended by Ord. [95-001](#) §1 on 3/29/1995
Amended by Ord. [95-075](#) §1 on 11/29/1995
Amended by Ord. [95-077](#) §2 on 12/20/1995
Amended by Ord. [96-003](#) §2 on 3/27/1996
Amended by Ord. [96-082](#) §1 on 11/13/1996
Amended by Ord. [97-017](#) §1 on 3/12/1997
Amended by Ord. [97-003](#) §1 on 6/4/1997
Amended by Ord. [97-078](#) §5 on 12/31/1997
Amended by Ord. [2001-037](#) §1 on 9/26/2001
Amended by Ord. [2001-044](#) §2 on 10/10/2001
Amended by Ord. [2001-033](#) §2 on 10/10/2001
Amended by Ord. [2001-048](#) §1 on 12/10/2001
Amended by Ord. [2003-028](#) §1 on 9/24/2003
Amended by Ord. [2004-001](#) §1 on 7/14/2004
Amended by Ord. [2004-024](#) §1 on 12/20/2004
Amended by Ord. [2005-041](#) §1 on 8/24/2005
Amended by Ord. [2006-008](#) §1 on 8/29/2006
Amended by Ord. [2007-019](#) §1 on 9/28/2007
Amended by Ord. [2007-020](#) §1 on 2/6/2008
Amended by Ord. [2007-005](#) §1 on 2/28/2008
Amended by Ord. [2008-015](#) §1 on 6/30/2008
Amended by Ord. [2008-007](#) §1 on 8/18/2008
Amended by Ord. [2010-018](#) §3 on 6/28/2010
Amended by Ord. [2010-022](#) §1 on 7/19/2010
Amended by Ord. [2011-009](#) §1 on 10/17/2011
Amended by Ord. [2012-004](#) §1 on 4/16/2012
Amended by Ord. [2012-007](#) §1 on 5/2/2012
Amended by Ord. [2013-008](#) §1 on 7/5/2013
Amended by Ord. [2014-009](#) §1 on 8/6/2014
Amended by Ord. [2015-004](#) §1 on 4/22/2015
Amended by Ord. [2016-015](#) §1 on 7/1/2016
Amended by Ord. [2016-026](#) §1 on 11/9/2016
Amended by Ord. [2016-006](#) §1 on 2/27/2017
Amended by Ord. [2017-015](#) §1 on 11/1/2017

Repealed by Ord. [2018-005](#) §8 on 10/10/2018
 Amended by Ord. [2018-006](#) §4 on 11/20/2018
 Amended by Ord. [2019-010](#) §1 on 5/8/2019
 Amended by Ord. [2019-016](#) §1 on 2/24/2020
 Amended by Ord. [2020-001](#) §1 on 4/21/2020
 Amended by Ord. [2020-010](#) §1 on 7/3/2020
 Amended by Ord. [2020-007](#) §7 on 10/27/2020
 Amended by Ord. [2021-013](#) §3 on 4/5/2022
 Amended by Ord. [2022-014](#) §1 on 4/4/2023
 Amended by Ord. [2023-001](#) §2 on 5/30/2023
 Amended by Ord. [2024-008](#) §2 on 10/9/2024
 Amended by Ord. [2025-002](#) §1 on 2/26/2025
 Amended by Ord. [2025-xxx](#) §x on x/xx/2025

CHAPTER 18.08 BASIC PROVISIONS

18.08.050 Review Pursuant to ORS 197A.400

* * *

18.08.050 Review Pursuant to ORS 197A.400

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

- A. In each case where Title 18 contains alternative standards or criteria describing processes for: (1) Clear and Objective Standards or Criteria (i.e., review pursuant to ORS 197A.400), and (2) General/Discretionary Standards or Criteria (i.e., review not pursuant to ORS 197A.400), the applicant shall identify in the application materials which set of alternative standards/criteria the applicant elects to be reviewed under.
- B. The County shall review the application exclusively under the standards and criteria selected by the applicant – either the clear and objective standards/criteria or the discretionary standards/criteria.
- C. Any request to elect to use different standards/criteria than those identified in the application materials shall constitute a modification of application under Title 22.

HISTORY

Adopted by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA

18.32.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the lot or parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an abutting County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured dwelling as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a lot or parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.

~~O. Planned developments.~~

~~P. Cluster developments.~~

~~Q.O.~~ _____ A disposal site which includes a land disposal site for which they Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

~~R.P.~~ Time share unit or the creation thereof.

~~S.Q.~~ Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.

~~T.R.~~ Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.

~~U.S.~~ Bed and breakfast inn.

~~V.T.~~ Fill or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.

~~W.U.~~ _____ Religious institutions or assemblies, subject to DCC 18.124 and 18.128.080.

~~X.V.~~ Private or public schools, including all buildings essential to the operation of such a school.

~~Y.W.~~ Utility facility necessary to serve the area subject to the provisions of DCC 18.124.

~~Z.X.~~ Cemetery, mausoleum or crematorium.

~~AA.Y.~~ _____ Commercial horse stables.

~~ABZ.~~ Horse events, including associated structures, not allowed as a permitted use in this zone.

~~ACAA.~~ Manufactured dwelling park or recreational vehicle park on a lot or parcel in use as a manufactured dwelling park or recreational vehicle park prior to the adoption of Ordinance PL-15 in 1979 and being operated as of June 12, 1996, as a manufactured dwelling park or recreational vehicle park, including any expansion of such uses on the same lot or parcel, as configured on June 12, 1996.

~~ADAB.~~ A new manufactured dwelling or recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(8)(g) that:

1. Is on a lot or parcel abutting an existing manufactured dwelling or recreational vehicle park;
2. Is abutting the City of Bend Urban Growth Boundary; and
3. Has no more than 10 dwelling units.

~~AEAC.~~ The full or partial conversion from a manufactured dwelling park or recreational vehicle park described in DCC 18.32.030 (~~CCAA~~) to a manufactured dwelling park or recreational vehicle park on the same parcel, as configured on June 12 1996.

~~AFAD.~~ Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

~~AGAE.~~ Guest lodge.

AHAF. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

HISTORY

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

Amended by Ord. [80-206](#) §3 on 10/13/1980

Amended by Ord. [83-033](#) §2 on 6/15/1983

Amended by Ord. [86-018](#) §7 on 6/30/1986

Amended by Ord. [90-014](#) §§27 and 35 on 7/12/1990

Amended by Ord. [91-002](#) §7 on 2/6/1991

Amended by Ord. [91-005](#) §§19 and 20 on 3/4/1991

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

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

Amended by Ord. [92-055](#) §2 on 8/17/1992

Amended by Ord. [93-043](#) §§4A and B on 8/25/1993

Amended by Ord. [94-008](#) §11 on 6/8/1994

Amended by Ord. [94-053](#) §2 on 12/7/1994

Amended by Ord. [96-038](#) §1 on 6/12/1996

Amended by Ord. [97-017](#) §2 on 3/12/1997

Amended by Ord. [97-029](#) §2 on 5/14/1997

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

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

Amended by Ord. [2001-039](#) §2 on 12/12/2001

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

Amended by Ord. [2009-018](#) §1 on 11/5/2009

Amended by Ord. [2015-002](#) §1 on 7/8/2015

Amended by Ord. [2016-015](#) §3 on 7/1/2016

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

Amended by Ord. [2021-004](#) §2 on 5/27/2021

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

Amended by Ord. [2023-001](#) §4 on 5/30/2023

Amended by Ord. [2025-002](#) §6 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.32.040 Dimensional Standards

In an MUA Zone, the following dimensional standards shall apply:

- A. The minimum lot area shall be 10 acres, ~~except planned and cluster developments shall be allowed an equivalent density of one unit per seven and one-half acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five acre minimum lot area or equivalent density.~~
- B. The minimum lot width shall be 150 feet and the minimum street frontage 50 feet.

- C. No structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.

HISTORY

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

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

Amended by Ord. [92-055](#) §3 on 8/17/1992

Amended by Ord. [2006-008](#) §4 on 8/29/2006

Amended by Ord. [2025-002](#) §6 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.56 SURFACE MINING IMPACT AREA COMBINING ZONE; SMIA

18.56.070 Setbacks

A. General/Discretionary Standards:

The setbacks shall be the same as those prescribed in the underlying zone, except as follows:

1. No noise-sensitive or dust-sensitive use or ~~structure-building~~ established or constructed after the designation of the SMIA Zone shall be located within 250 feet of any surface mining zone, except as provided in DCC 18.56.140; ~~and~~
2. No noise-sensitive or dust-sensitive use or structure established or constructed after the designation of the SMIA Zone shall be located within one-quarter mile of any existing or proposed surface mining processing or storage site, unless the applicant demonstrates that the proposed use will not prevent the adjacent surface mining operation from meeting the setbacks, standards, and conditions set forth in DCC 18.52.090, 18.52.110, and 18.52.140, respectively;
3. Additional setbacks in the SMIA Zone may be required by the Planning Director or Hearings Body as part of the site plan review under DCC 18.56.100; ~~and-~~
4. An exception to the 250-foot setback in DCC 18.56.070(A), shall be allowed pursuant to a written agreement for a lesser setback made between the owner of the noise-sensitive or dust-sensitive use or structure located within 250 feet of the proposed surface mining activity and the owner or operator of the proposed surface mine. The agreement shall be submitted at the time of site plan review or site plan modification. Such- Upon approval, the agreement shall be notarized and recorded in the Deschutes County Official Records and shall run with the land. ~~Such agreement shall be submitted and considered at the time of site plan review or site plan modification.~~

B. Clear and Objective Standards:

The setbacks shall be the same as those prescribed in the underlying zone, except as follows:

1. No dwellings shall be approved after the designation of the SMIA Zone within 250 feet of any surface mining zone, except as provided in DCC 18.56.140; and

2. No dwellings shall be approved after the designation of the SMIA Zone within one-quarter mile of any existing or proposed surface mining processing or storage site unless the site is a preexisting or nonconforming site as defined in DCC 18.52.160.

HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [90-035](#) §§1 and 2 on 9/5/1990

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.080 Use Limitations

No dwelling units, additions to dwelling units ~~or, other~~ noise-sensitive ~~structures~~ buildings, or ~~or~~ dust-sensitive ~~uses or structures~~ buildings shall be erected in any SMIA Zone without first obtaining site plan approval under the standards and criteria set forth in DCC 18.56.090 through 18.56.120.

HISTORY

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

Amended by Ord. [91-014](#) §5 on 3/13/1991

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.090 Specific Use Standards

The following ~~shall be subject to the criteria established in DCC 18.56.100 or DCC 18.56.110~~ standards ~~shall apply~~ in the SMIA Zone:

- A. New dwelling units;
- B. ~~Other~~ Other new noise-sensitive and dust-sensitive uses or structures ~~buildings; and~~
- C. ~~a~~ Additions to dwelling units, in existence on the effective date of Ordinance No. 90-014, which increase the floor area of the structure by 10 percent or more; or
- D. ~~o~~ Addition to other noise and dust sensitive uses or structures ~~buildings, in existence on the effective date of Ordinance No. 90-014, which increase the lot area associated with use or floor area of the structure by 10 percent or more. exceed 10 percent of the size of the existing dwelling or use, shall be subject to the criteria established in DCC 18.56.100.~~

HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.100 Site Plan Review And Approval Criteria

- A. Elements of Site Plan Application. ~~An site plan application~~ shall be submitted in a form prescribed by the Planning Director ~~or Hearings Body detailing the location of the proposed noise sensitive use, the location of the nearby surface mine zone and operation, if any, and other information necessary to evaluate the approval criteria contained in DCC 18.56.100.~~
- B. Site plan review and approval, pursuant to the ~~DCC Title 22 County Uniform Land Use Action Procedures Ordinance~~, shall be required for all development types uses listed under DCC 18.56.090 in the SMIA Zone prior to the commencement of any construction or use.
- C. The Planning Director or Hearings Body may grant or deny site plan approval and ~~may shall~~ require ~~such~~ modifications to the site plan ~~as are determined to be if~~ necessary to meet the setbacks, standards, and conditions described above.
- D. The site plan shall be approved if the Planning Director or Hearings Body finds ~~that~~ the site plan is consistent with the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan and that the proposed development use will not prevent the adjacent abutting surface mining operation from meeting the setbacks, standards, and conditions set forth in DCC 18.52.090, 18.52.110, and 18.52.140, respectively.
- E. ~~Public n~~Notice shall be as set forth in DCC Title 22, ~~the Uniform Development Procedures Ordinance~~, ~~except that and~~ in all cases notice ~~of the receipt~~ of an SMIA site plan review application shall be sent to the mine owners and/or operators whose SM-~~Zoned-zoned~~ site necessitated triggered the SMIA review.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 90-014 §5 on 7/12/1990

Amended by Ord. 90-035 §3 on 9/5/1990

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 2025-002 §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.110 Abbreviated SMIA Site Plan Review

- A. An abbreviated site plan review under DCC 18.56.110 shall be required for uses or structures, as specified in DCC 18.56.090, if all of the following are met:
 - 1. The lot or parcel is at least one-quarter mile from an SM Zone; and
 - ~~1-2. There are at least two dwellings or other noise-sensitive or dust-sensitive uses between the lot or parcel and the SM-zoned site necessitating the review. new or enlarged noise- or dust-sensitive use, as specified in DCC 18.56.090, to which DCC 18.56.110 applies that is at least one-quarter mile from an SM Zone and that has at least two dwellings or other noise- or dust-sensitive uses between it and the SM zone is presumed to meet the approval criteria set forth in DCC 18.56.100(D), and shall be processed under DCC 18.56.110.~~

- B. Abbreviated SMIA site plan review shall require the submission of an application ~~in a form prescribed by the Planning Director or Hearings Body and such documentation as is necessary to demonstrate in~~ conformance with DCC 18.56.110(A).
- C. Unless the underlying zoning at the SMIA site would require additional review of the proposed use for some other land use permit, abbreviated site plan review shall be conducted
1. ~~(1) a~~ Administratively without prior public notice;
 2. ~~(2) with public n~~ Notice of the Findings and Decision shall be mailed consistent with DCC 18.56.100(E), to all persons entitled to receive notice; and
 - 1.3. ~~(3) with a~~ An appeal period and procedures as set forth in DCC Title 22, ~~the Uniform Development Procedures Ordinance~~. Appellants may submit evidence to overcome the presumption set forth in DCC 18.56.110(A).

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 90-014 §5 on 7/12/1990

Amended by Ord. 90-035 §4 on 9/5/1990

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 2025-002 §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.120 Waiver Of Remonstrance

As a condition of~~The applicant for~~ site plan approval under DCC 18.56.100 or DCC 18.56.110, in the SMIA Zone~~the property owner~~ shall sign and record in the Deschutes County Official Records a ~~statement~~ Waiver of Remonstrance declaring that the ~~applicant-property owner~~ and ~~his~~their successors will not now or in the future complain about the allowed surface mining activities on the ~~adjacent~~ surface mining site(s) necessitating the review.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 90-014 §5 on 7/12/1990

Amended by Ord. 2025-002 §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.56.130 Development Agreement And Performance Bond

- A. General/Discretionary Standard: As a condition of site plan approval under DCC 18.56.100 or DCC 18.56.110, the property owner may be required to execute a development agreement with the County and performance bond or other form of security approved by the County to ensure full and faithful performance of any improvements required to meet the setbacks, standards, and conditions set forth above. Any bond shall be for 110 percent of the dollar amount of the improvement costs.

B. Clear and Objective Standard: Execution of a development agreement and/or performance bond is not permitted. All improvements, required setbacks, standards, and conditions must be installed and approved prior to building permit approval.

HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

[18.56.140 Exemptions](#)

The following shall be exempt from the provisions of DCC 18.56:

- A. Uses in the SMIA Zone which are not within one-half mile of any identified resource in the SM Zone after all reclamation has occurred.
- B. Continuation and maintenance of a conforming or nonconforming use established prior to the effective date of Ordinance No. 90-014;
- C. The employment of land for farm or forest use; and
- D. Additions to noise-sensitive or dust-sensitive uses or structures-buildings, which are completely screened from the surface mining site by the existing use or structure, if the use or structure was: if DCC 18.56.140(D)(1) or DCC 18.56.140(2) is met and DCC 18.56.140(D)(3) is met:
 - 1. The use or structure existed eExisting on the effective date of Ordinance No. 90-014; or
 - 2. The existing use was established or constructed in accordance with DCC Chapter 18.56; and
 - 1.3. which areThe addition is completely screened from the surface mining site by the existing use or structure.

HISTORY

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

Amended by Ord. [83-037](#) §15 on 6/1/1983

Amended by Ord. [85-002](#) §8 on 2/13/1985

Amended by Ord. [86-018](#) §12 on 6/30/1986

Amended by Ord. [86-053](#) §12 on 6/30/1986

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [2004-013](#) §5 on 9/21/2004

Amended by Ord. [2025-002](#) §11 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10

18.60.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public park, playground, recreation facility or community center owned and operated by a government agency or nonprofit community organization.
- B. Dude ranch.
- C. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in DCC 18.60.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- ~~E. Planned development.~~
- ~~F. Cluster development.~~
- ~~G.~~E. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.
- ~~H.~~F. A disposal site which includes a land disposal site for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- ~~I.~~G. Cemetery.
- ~~J.~~H. Time-share unit or the creation thereof.
- ~~K.~~I. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- ~~L.~~J. Bed and breakfast inn.
- ~~M.~~K. _____ Golf course.
- ~~N.~~L. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- ~~O.~~M. _____ Religious institutions or assemblies.
- ~~P.~~N. Public Uses.

~~Q.O.~~ _____ Semipublic Uses.

~~R.P.~~ Commercial horse stables.

~~S.Q.~~ Private or public school, including all buildings essential to the operation of such a school.

~~T.R.~~ Manufactured dwelling park or recreational vehicle park on a lot or parcel in use as a manufactured dwelling park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured dwelling park or recreational vehicle park, including expansion, conversion and combination of such uses on the same lot or parcel, as configured on June 12, 1996.

~~U.S.~~ The full or partial conversion from a manufactured dwelling park or recreational vehicle park described in DCC 18.60.030 (T) to a manufactured dwelling park or recreational vehicle park on the same parcel, as configured on June 12, 1996.

~~V.T.~~ Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

~~W.U.~~ _____ Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

HISTORY

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

Amended by Ord. [83-033](#) §5 on 6/15/1983

Amended by Ord. [86-018](#) §13 on 6/30/1986

Amended by Ord. [90-014](#) §22 on 7/12/1990

Amended by Ord. [91-005](#) §32 on 3/4/1991

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

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

Amended by Ord. [92-004](#) §10 on 2/7/1992

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

Amended by Ord. [94-008](#) §13 on 6/8/1994

Amended by Ord. [96-021](#) §1 on 2/28/1996

Amended by Ord. [96-038](#) §2 on 6/12/1996

Amended by Ord. [97-017](#) §3 on 3/12/1997

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

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

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

Amended by Ord. [2004-002](#) §8 on 4/28/2004

Amended by Ord. [2009-018](#) §2 on 11/5/2009

Amended by Ord. [2020-001](#) §5 on 4/21/2020

Amended by Ord. [2023-001](#) §8 on 5/30/2023

Amended by Ord. [2025-002](#) §12 on 2/26/2025

~~Amended by Ord. [2025-xxx](#) §x on x/xx/2025~~

18.60.060 Dimensional Standards

In an RR-10 Zone, the following dimensional standards shall apply:

- A. Lot coverage shall not exceed 30 percent of the lot area.
- B. No structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- C. Minimum lot area shall be 10 acres, ~~except planned and cluster developments shall be allowed an equivalent density of one unit per 7.5 acres. Planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five-acre minimum lot size or equivalent density. For parcels separated by new arterial rights of way, an exemption shall be granted pursuant to DCC 18.120.020(D).~~ For lots or parcels separated by new arterial rights of way, an exemption to the lot area requirements of this section shall be granted pursuant to DCC 18.120.020.

HISTORY

Adopted by Ord. [PL-15](#) §4.120 on 11/1/1979

Amended by Ord. [92-055](#) §6 on 8/17/1992

Amended by Ord. [93-034](#) §1 on 6/30/1993

Amended by Ord. [2025-002](#) §12 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

18.66.020 Residential (TeR) District

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

- A. Permitted uses. The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124:
 - 1. A single-unit dwelling or a manufactured dwelling subject to DCC 18.116.070.
 - 2. A duplex.
 - 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 - 4. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the lot area divided by 20,000 square feet.

- b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of lot area.
- 5. Class I and II road or street project subject to approval as part of a land partition, subdivision, or subject to the standards of DCC 18.66.070 and 18.116.230.
- 6. Class III road or street project.
- 7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- 8. Residential home.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
 - 1. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
 - 1. Manufactured dwelling park.
 - 2. Multi-unit dwelling.
 - 3. Retirement center or nursing home.
 - ~~4.~~ ~~Cluster development.~~
 - ~~5-4.~~ Religious institutions or assemblies.
 - ~~6-5.~~ Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - ~~7-6.~~ Public or private school.
 - ~~8-7.~~ Park.
 - ~~9-8.~~ Public or semi-public building.
 - ~~10-9.~~ Utility facility.
 - ~~11-10.~~ Water supply or treatment facility.
 - ~~12-11.~~ Veterinary clinic.
 - ~~13-12.~~ Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - ~~14-13.~~ Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

~~15-14.~~ Residential facility.

HISTORY

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

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

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

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

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

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

Amended by Ord. [2025-002](#) §15 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.84 LANDSCAPE MANAGEMENT COMBINING ZONE; LM

18.84.080 Design Review Standards – General/Discretionary Standards

18.84.081 Design Review Standards – Clear and Objective Standards

18.84.090 Setbacks – General/Discretionary Standards

18.84.091 Setbacks – Clear and Objective Standards

18.84.020 Application Of Provisions

The provisions of DCC 18.84 shall apply to all areas within one-fourth mile of roads identified as landscape management corridors in the Comprehensive Plan and the County Zoning Map. The provisions of DCC 18.84 shall also apply to all areas ~~within the boundaries of a State scenic waterway or Federal wild and scenic river corridor and all areas within 660 feet of rivers and streams otherwise~~ identified as landscape management corridors in the comprehensive plan and the County Zoning Map. The distance specified above shall be measured horizontally from the center line of designated landscape management roadways or from the nearest ordinary high water mark of a designated landscape management river or stream. The limitations in DCC 18.84.20 shall not unduly restrict accepted agricultural practices.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.030 Uses Permitted Outright

Uses permitted in the underlying zone with which ~~the an~~ LM Zone is combined shall be permitted in ~~the an~~ LM Zone, subject to the provisions in DCC 18.84.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.84.040 Uses Permitted Conditionally

Uses permitted conditionally in the underlying zone with which ~~the an~~ LM Zone is combined shall be permitted as conditional uses in ~~the an~~ LM Zone, subject to the provisions in DCC 18.84.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.84.050 Use Limitations

- A. Any new structure or substantial exterior alteration of a structure requiring a building permit or an agricultural ~~building or equine facility~~structure within an LM Zone shall obtain site plan approval in accordance with DCC 18.84 prior to construction. As used in DCC 18.84 substantial exterior alteration consists of an alteration which exceeds 25 percent in the ~~size building mass~~floor area or 25 percent of the assessed value of the structure. ~~For the purposes of this criterion "building mass" means the total volume of the structure.~~

- B. General/Discretionary Standards. Structures ~~and/or lots or parcels~~ which are not visible from the designated roadway, river, or stream and which are assured of remaining not visible because of vegetation, topography, or existing development are exempt from the provisions of DCC 18.84.080 (Design Review Standards) and DCC 18.84.090 (Setbacks). An applicant for site plan review in the LM Zone shall conform with the provisions of DCC 18.84, or may submit evidence that the proposed structure ~~and/or lot or parcel~~ will not be visible from the designated road, river, or stream. Structures not visible from the designated road, river, or stream must meet setback standards of the underlying zone(s).

C. Clear and Objective Standards. All structures located in an LM Zone shall comply with the provisions of DCC 18.84.080 (Design Review Standards) and DCC 18.84.090 (Setbacks).

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

Amended by Ord. [2015-016](#) §5 on 3/28/2016

Amended by Ord. [2025-002](#) §20 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.060 Dimensional Standards

In an LM Zone, the minimum lot area shall be as established in the underlying zone(s) with which the LM Zone is combined.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

Amended by Ord. [2025-002](#) §20 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.070 Application

An application for site plan approval for development in ~~the an~~ LM Zone shall be submitted to the Planning Division. The site plan application shall include the following:

A. A plot plan, drawn to scale, showing:

1. Location and dimensions of existing and proposed structures.
2. Setbacks from lot lines (and ~~the ordinary high water line~~~~river~~ and rimrock, if present).
3. Existing and proposed access.
4. Existing and proposed exterior lighting.

B. A drawing of the proposed structure elevations showing:

1. Exterior appearance.

2. Average natural grade.

2.3. Height dimensions measured from average natural grade.

3.4. Siding and roofing material and color.

4.5. Location and size of windows, including skylights.

C. A landscape plan drawn to scale, showing:

1. Location, size, and species of existing trees six inches in diameter or greater, or existing shrub vegetation higher than four feet, between the proposed development and the designated landscape management road, river, or stream.
 - a. For applications reviewed under General/Discretionary Standards pursuant to DCC 18.08.050, w~~W~~here a significant amount of vegetation exists, the applicant may submit a landscape plan ~~may be accepted which that~~ generalizes and explains how the existing trees and shrubs provide screening. This option is not available for applications reviewed under Clear and Objective Standards.
2. Proposed location and species of introduced vegetation which will screen the proposed development from the designated landscape management road, river, or stream.

D. A minimum of two colored photographs taken from documented locations, oriented between the protected resource (river, stream, and/or road) and the proposed development, showing the extent of existing vegetation or other screening.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Repealed & Reenacted by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 92-034 §2 on 4/8/1992

Amended by Ord. 93-043 §12 on 8/25/1993

Amended by Ord. 95-075 §3 on 11/29/1995

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

Amended by Ord. 2003-034 §1 on 10/29/2003

Amended by Ord. 2025-002 §20 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.080 Design Review Standards – General/Discretionary Standards

The following standards will be used to evaluate the proposed site plan:

- A. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from ~~the a~~ designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased, or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.

- B. It is recommended ~~that~~ new structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
- C. No large areas, including roofs, shall be finished with white, bright, or reflective materials. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape. DCC 18.84.080(C) shall not apply to attached additions to structures lawfully in existence on April 8, 1992, unless substantial improvement to the roof of the existing structure occurs.
- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18.84.090(E), all structures shall be sited to take advantage of existing vegetation, trees, and topographic features in order to reduce visual impact as seen from ~~the~~ designated road, river, or stream. When more than one nonagricultural structure is to exist and no vegetation, trees, or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the designated road, river, or stream.
- E. Structures shall not exceed 30 feet in height measured from average natural grade- existing and the natural grade on the side(s) facing the road, river or stream. For the purposes of this measurement, "average natural grade" shall be the average of natural ground elevations prior to development, for the wall closest to and facing the road, river, or stream. Within the LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flag poles or other projections from the roof of the structure. DCC 18.84.080(E) shall not apply to agricultural buildings or equine facilities~~structures~~ located at least 50 feet from a rimrock.
- F. New residential or commercial driveway access to designated landscape management roads shall be consolidated wherever possible.
- G. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from ~~a~~the designated road, river, or stream.
- H. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the new structure or substantial exterior alteration, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation, or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points, or views of mountains, forests, and other open and scenic areas as seen from ~~the~~a designated ~~landscape management~~ road, river, or stream. Use of native species shall be encouraged. ~~(Formerly section 18.84.080 (C))~~
- I. No signs or other forms of outdoor advertising that are visible from a designated ~~landscape management~~road, river, or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.,) are permitted.
- J. A conservation easement as defined in DCC 18.04.030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little

Deschutes River, Spring River, Whychus Creek, and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

HISTORY

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

Amended by Ord. [90-020](#) §1 on 6/6/1990

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [93-043](#) §12A and 12B on 8/25/1993

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [97-068](#) §1 on 11/26/1997

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

Amended by Ord. [2015-016](#) §5 on 3/28/2016

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

Amended by Ord. [2020-007](#) §13 on 10/27/2020

Amended by Ord. [2025-002](#) §20 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.84.081 Design Review Standards – Clear and Objective Standards

- A. All existing tree and shrub cover between the development and the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, or removal of dead, diseased, or hazardous vegetation as part of a housing application.
 - 1. For the purposes of this provision, “hazardous” means either:
 - a. A tree or branch that has been identified by arborist as an imminent danger to people or property; or
 - b. Vegetation that is subject to mandatory fire break, fuel break, or defensible space requirements under the ORS, OAR, DCC Chapter 8.21, and/or- DCC Title 18.
- B. New structures and additions to existing structures, provided that they add one or more dwelling units, shall be finished in a color listed in Appendix A (DCC 18.18A) or with natural unpainted wood or stone.
- C. Roofing, including metal roofing, shall be non-reflective and shall have a solar reflectance index (SRI) of 60 or less.
- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18. 84.090(E), when there are existing topographic features, such as rocky outcrops, knolls, hills, or ridges, that have the ability to obscure any portion of the proposed structure, as viewed from the designated road, river or stream, the proposed structure shall be located such that the topographic feature(s) is situated between the structure and the designated road, river, or stream.

- E. Structures shall not exceed 30 feet in height measured from lowest adjacent natural grade. For the purposes of this measurement, "lowest adjacent natural grade" shall be the lowest natural ground elevation adjacent to the structure prior to development. Within an LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flag poles, or other projections from the roof of the structure.
- F. No driveway access to a designated landscape management road for a dwelling unit shall be permitted.
- G. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from a designated road, river, or stream.
- H. Screening shall be provided between a proposed dwelling unit and any designated road, river, or stream. At least one non-deciduous tree that will reach a mature diameter of 10 inches or greater as measured four feet above the ground (known as DBH, "diameter at breast height") shall be planted for every 15 horizontal feet of wall facing or visible from any point along a designated road, river, or stream. Required non-deciduous trees at planting must be a minimum six feet in height measured from the soil to the top of the tree. Existing, retained, non-deciduous trees may count toward the required tree planting. Use of native species is encouraged, but not required. Plantings shall conform with the defensible space standards of DCC Chapter 8.21.
- I. No signs or other forms of outdoor advertising that are visible from a designated road, river, or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.) are permitted.
- J. A conservation easement as defined in DCC 18.04.030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving a lot or parcel adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Whychus Creek, and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

HISTORY

Adopted by Ord. 2025-xxx \$x on x/xx/2025

18.84.090 Setbacks – General/Discretionary Standards

- A. Except as provided in DCC 18.84.090, the minimum setbacks shall be those established in the underlying zone(s) with which ~~the~~a LM Zone is combined. The larger minimum more restrictive setback requirement shall govern in all cases.
- B. Road Setbacks. All new structures or additions to existing structures on lots or parcels with street frontage on a designated landscape management road shall have a minimum setback of 100 feet from the edge of the designated road right-of-way unless the Planning Director or Hearings Body finds that:
 - 1. A location closer to ~~the~~a designated road would more effectively screen the ~~building~~ structure from the road; or protect a distant vista; or

2. The lot ~~width dimensions~~ makes a 100-foot setback not feasible; or
 3. Buildings on both lots or parcels abutting the subject lot or parcel have front setbacks of less than 100 feet and the ~~abutting~~ buildings ~~on the abutting lots or parcels~~ are within 100 feet of the lot lines of the subject property, and the depth of the front setback area is not less than the average depth of the front setback areas of the abutting lots or parcels.
 - 3.4. If the above findings are made, the Planning Director or Hearings Body may approve a less restrictive front setback which will be appropriate to carry out the purpose of the zone.
- C. River and Stream Setbacks. All new structures or additions to existing structures shall have a minimum setback of at least 100 feet from the ordinary high water ~~mark line~~ of designated streams and rivers or obtain a setback exception in accordance with DCC 18.120.030. For the purpose of DCC 18.84.090(C), decks are considered part of a structure and must conform with the setback requirement.
- The placement of on-site ~~sewage disposal wastewater~~ systems shall be subject to joint review by the Planning Director or Hearings Body and the Deschutes County Onsite Wastewater Division. The placement of such systems shall minimize the impact on the vegetation along the river or stream and shall allow a dwelling unit to be constructed on the site as far from the river, stream, or lake as possible. Sand filter or alternative treatment technology systems may be required as replacement systems when this will allow a dwelling unit to be set back ~~located~~ further from the river or stream, or to meet the 100-foot setback requirement.
- D. Rimrock Setbacks. New structures (including decks or additions to existing structures) shall have a minimum setback of 50 feet from the rimrock in an LM Zone. An exception to this setback may be granted pursuant to the provisions of DCC 18.84.090(E).
- E. Rimrock Setback Exceptions. An exception to the 50-foot rimrock setback may be granted by the Planning Director or Hearings Body, subject to the following standards and criteria.
1. An exception shall be granted when the Planning Director or Hearings Body finds one of the following is met ~~that~~:
 - a. A lesser setback will make the structure less visible or completely screened from the river or stream; ~~or~~
 - b. The subject lot or parcel was a lot of record prior to the adoption of this ordinance; ~~or~~
 - c. Dwelling units (including decks) on both lots or parcels abutting the subject lot or parcel are within 50 feet of the rimrock and the buildings on the abutting lots or parcels are within 100 feet of the lot lines of the subject lot or parcel ~~property~~; or
 - d. Adherence to the 50-foot setback would prevent the structure from being sited on the lot or parcel.

2. A dwelling unit qualifying for a rimrock setback exception under the criteria set forth in the above shall ~~comply with all of the following standards~~~~be located as follows~~:
- a. The structure shall be designed and sited to minimize the visual impact when viewed from the ordinary high water ~~mark line~~ on the far side of the river or stream. This shall be determined by viewing the ~~property lot or parcel~~ from the ordinary high water ~~mark line~~ immediately across from the center of the river frontage on which the structure is proposed with like evaluations being made 300 feet upstream and downstream on either side of that point over the entire length of river frontage on which the structure is proposed.
 - b. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
 - c. The height of the structure shall not exceed the setback from the edge of the rimrock, except as described in the exception section (f), below.
 - d. No structure (including decks) shall be located closer than 20 feet from the edge of the rimrock unless the Planning Director or Hearings Body finds that the lesser setback will make the structure less visible or the structure is completely screened from the river or stream except as described in the exception section (f), below.
 - e. Where multiple nonagricultural structures are proposed on a lot or parcel, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the affected area. This shall require ~~a~~ maintenance of at least 65 percent open space along ~~the~~ rimrock~~s~~ ~~within on the~~ subject lots or parcels.
 - f. Exception: For vacant lots or parcels less than one-half acre, existing prior to the adoption of Ordinance 92-034, with undulating rimrock, and where there are lawfully established dwelling units within 100 feet of the abutting lot lines on the subject property on both of the abutting lots or parcels with rimrock setbacks less than the depth required in section (d) above, the dwelling unit setback shall meet the following criteria:
 1. The setback shall be the average distance between the dwelling units on each abutting lot or parcel, as measured from each subject lot or parcel's front lot line to the furthest point of the dwelling unit facing the river or stream.
 2. The height of the structure shall not exceed the height of the tallest dwelling unit on an abutting lot or parcel and in no case shall exceed 24 feet, except for chimneys.
 3. The highest ridgeline shall slope up and away from, and run parallel with, the river or stream.

4. Dormers are prohibited on the riverside or streamside of the dwelling unit and are allowed on the street-side of the dwelling unit with the height not exceeding the height of the ridgeline.
5. The setback for decks on the rimrock side of the dwelling unit shall be the average of the decks on the abutting lots or parcels as measured from the front lot line of the subject property and in no case shall extend and protrude over the rimrock.

HISTORY

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

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

Amended by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

Amended by Ord. [2000-033](#) §3 on 12/6/2000

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

Amended by Ord. [2005-002](#) §1 on 1/5/2005

Amended by Ord. [2007-020](#) §5 on 2/6/2008

Amended by Ord. [2025-002](#) §20 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.84.091 Setbacks – Clear and Objective Standards

- A. Except as provided in DCC 18.84.091, the minimum setbacks shall be those established in the underlying zone(s) with which an LM Zone is combined. The more restrictive setback requirement shall govern in all cases.
- B. Road Setbacks. All new structures or additions to existing structures on a lot or parcel with street frontage on a designated landscape management road shall be set back at least 100 feet from the front lot line with street frontage on a designated landscape management road.
- C. River and Stream Setbacks. All new structures, on-site wastewater systems, and additions to existing structures shall be set-back at least 100 feet from the ordinary high water line of designated streams, rivers, and lakes. For the purpose of DCC 18.84.091(C), decks are considered part of a structure and must conform with their setback requirement. An exception to this setback may be granted for additions to existing dwelling unit, pursuant to the provisions of DCC 18.120.030(D).
- D. Rimrock Setback. New structures (including decks or additions to existing structures) shall be 50 feet from the rimrock in an LM Zone.

HISTORY

[Adopted by Ord. 2025-xxx §x on x/xx/2025](#)

CHAPTER 18.84A Appendix A. LM Zone: Approved Clear & Objective Color Palette

Pursuant to DCC 18.84.081, exterior siding for development reviewed under Clear and Objective Design Review Standards in an LM zone must conform to the approved color palette. The following approved palette of swatches is selected from the Miller Paint Northwest Color Collection. Proposed exterior finish colors are required to match colors in the approved palette but do not need to be Miller Paint brand.

Tannic Tea R132	Rum Cherry R126	Mission Fig R120	Mulberry R114	Meraki R108	Chance R102
Moscow Mule R131	Apple of Granada R125	After Party R119	Bombastic R113	Avant Gothic R107	Deep Well R101
Chocolate Opal R130	Ardent Red R124	Hypnotic R118	Dusk Til Dawn R112	Violaceous R106	Wabi Sabi R100
Indigo Leaves R096	Dark Ages R090	Raven Grass R072	Foundation R066	Trillion R060	Handcrafted R054
Midnight Surf R095	Deep Plunge R089	Fallen Fir R071	Haven R065	Forest Walk R059	Aberdeen R051
December Sky R094	Evening Tide R087	Artifact R070	Mossy Driftwood R064	Verde R058	Heathered Herb R050
Garden Moss R048	Leather Panel R042	Caffe Americano R036	Chocolate Bark R030	Ambiguous Black R024	Coal Black R018
Bronze Lantern R047	Rustic Timber R041	Leather Ottoman R035	Bam Rafter R029	Space Dive R023	Midnight Wanderer R017
Vintage Shutter R046	Garden Chalet R040	Whiskey Barrel R034	Country Market R028	In the Dark R022	Gloomy Weather R016

CHAPTER 18.88 WILDLIFE AREA COMBINING ZONE; WA

18.88.050 Dimensional Standards – General/Discretionary Standards

18.88.051 Dimensional Standards – Clear and Objective Standards

18.88.010 Purpose

The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

HISTORY

Adopted by Ord. [PL-15](#) §4.190(1) on 11/1/1979

Amended by Ord. [93-043](#) §§13 and 13A on 8/25/1993

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.88.020 Application Of Provisions

The provisions of DCC 18.88 shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range, or deer migration corridor. Unincorporated ~~communities~~ [Communities](#) are exempt from the provisions of DCC 18.88.

HISTORY

Adopted by Ord. [PL-15](#) §4.190(2) on 11/1/1979

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [96-003](#) §6 on 3/27/1996

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

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.88.040 Uses Permitted Conditionally

- A. Except as provided in DCC 18.88.040(B), in a zone with which the WA Zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone subject to the provisions of the Comprehensive Plan, DCC 18.128 and other applicable sections of this title. To minimize impacts to wildlife habitat, the County may include conditions of approval limiting the duration, frequency, seasonality, and total number of all outdoor assemblies occurring in the WA Zone, whether or not such outdoor assemblies are public or private, secular or religious.
- B. The following uses are not permitted in that portion of the WA Zone designated as deer winter ranges, significant elk habitat, or antelope range:
 1. Golf course, not included in a destination resort;
 2. Commercial dog kennel;

3. Public or private school;
 4. Bed and breakfast inn;
 5. Dude ranch;
 6. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
 7. Time share unit;
 8. Veterinary clinic;
 9. Fishing lodge.
- C. Subject to DCC 18.88.040(E), the following uses are permitted in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as conditional uses:
1. Religious institutions or assemblies;
 2. Public or private school;
 3. Bed and breakfast inn;
 4. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
- D. Subject to DCC 18.113, destination resorts are allowed as a conditional use in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as long as the property is not in an area designated as “Deer Migration Priority Area” on the 1999 ODFW map submitted to the South County Regional Problem Solving Group.
- E. Use limitations. The uses listed in DCC 18.88.040(C) are subject to the applicable provisions of DCC 18.116 and 18.124 and the following criteria:
1. The lot or parcel shall be zoned RR-10;
 2. The lot or parcel shall be located within one-quarter mile of a rural service center and abut a rural collector or a rural arterial identified on the Deschutes County Transportation Plan;
 3. The lot or parcel shall have a lot area not less than one acre and no more than five acres;
 4. The lot or parcel shall be farther than 100 feet from identified wetlands, floodplains, or riparian areas.
 5. The ~~lot or parcel~~property shall be outside areas designated as “Existing High Use Migration Areas” or “Important Connective Areas Through Existing Developed Areas” on the 1997 ODFW map submitted to the South County Regional Problem Solving Group.
 6. Fences developed as part of the conditional uses listed in DCC 18.88.040(C) shall be built from posts and poles or smooth wire and shall have a minimum bottom pole or wire

height of 18 inches from the ground and a maximum top pole or wire height of 40 inches from the ground. Fences exempted from these standards shall be constructed in accordance with the provisions of DCC 18.88.070(B).

- F. Expansion of any use listed in DCC 18.88.040(B) that was lawfully established prior to August 5, 1992, is allowed, subject to provisions of DCC Title 18 applicable to the establishment of such uses. Expansion of golf courses under DCC 18.88.040 shall be limited to a final size of 18 holes.

HISTORY

Adopted by Ord. [PL-15](#) §4.190(4) on 11/1/1979

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [95-001](#) §3 on 3/29/1995

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-013](#) §1 on 1/28/1998

Amended by Ord. [2001-019](#) §1 on 4/25/2001

Amended by Ord. [2018-003](#) §1 on 1/25/2018

Amended by Ord. [2020-001](#) §11 on 4/21/2020

Amended by Ord. [2025-002](#) §21 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.88.050 Dimensional Standards – General/Discretionary Standards

In a WA Zone, the following dimensional standards shall apply:

- A. In the Tumalo, Metolius, North Paulina, and Grizzly deer winter ranges designated ~~on~~ in the ~~Comprehensive Plan Resource Element~~ County's official zoning map, the minimum lot size for new lots or parcels shall be 40 acres except as provided in DCC 18.88.050(D).
- B. In areas designated as significant elk habitat in the ~~Comprehensive Plan Resource Element~~ County's official zoning map, the minimum lot size for new lots or parcels shall be 160 acres.
- C. In areas designated as antelope range in the ~~Comprehensive Plan Resource Element~~ County's official zoning map, the minimum lot size for new lots or parcels shall be 320 acres.
- D. Residential land divisions, including partitions, in deer winter range where the underlying zone is RR-10 or MUA-10, shall not be permitted except as a planned development or cluster development conforming to the following standards:
 1. The minimum lot area for a planned or cluster development shall be at least 40 acres.
 2. The planned or cluster development shall retain a minimum of 80 percent of the lot area as open space and conform with the provisions of DCC 18.128.200 or DCC 18.128.210.
 3. Notwithstanding ~~the provisions of DCC 18.128.200, or DCC 18.128.210, or DCC 18.60.060(C)~~ other provisions in Title 18, the total number of dwelling units in a cluster development may not exceed the density permitted in the underlying zone.

- E. Residential land divisions, including partitions, in the Bend/La Pine Deer Migration Corridor designated on the County's official zoning map where the underlying zone is RR-10 shall not be permitted except as a cluster development conforming to the following standards:
1. The minimum lot area for a cluster development shall be at least 20 acres.
 2. The cluster development shall retain a minimum of 80 percent of the lot area as open space and conform with the provisions of DCC 18.128.200 or 210.
 3. Notwithstanding other provisions in Title 18~~the provisions of DCC 18.128.200, or DCC 18.60.060(C)~~, the total number of dwelling units in the cluster development may not exceed the density permitted in the underlying zone.

HISTORY

Adopted by Ord. PL-15 §4.190(6) on 11/1/1979

Amended by Ord. 92-042 §1 on 8/5/1991

Amended by Ord. 95-075 §1 on 11/29/1995

Amended by Ord. 2025-002 §21 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.88.051 Dimensional Standards – Clear and Objective Standards

In a WA Zone, the following dimensional standards shall apply:

- A. In the Tumalo, Metolius, North Paulina, and Grizzly deer winter ranges designated on the County's Official Zoning map, the minimum lot for new lots or parcels shall be 40 acres except as provided in DCC 18.88.051(D).
- B. In areas designated as significant elk habitat in the designated ~~in~~ on the County's Official Zoning map, the minimum lot size for new lots or parcels shall be 160 acres.
- C. In areas designated as antelope range in the designated on the County's Official Zoning map, the minimum lot size for new lots or parcels shall be 320 acres.
- D. Land divisions creating lots or parcels eligible for a dwelling unit in deer winter range where the underlying zone is RR-10 or MUA-10, are not permitted.
- E. Land divisions creating lots or parcels eligible for a dwelling unit in the Bend/La Pine Deer Migration Corridor designated on the County's Official Zoning map where the underlying zone is RR-10 are not permitted.

HISTORY

Adopted by Ord. 2025-xxx §x on x/x/2025

18.88.060 Siting Standards

- A. Setbacks shall be those described in the underlying zone with which the WA Zone is combined.
- B. Dwelling Unit Placement.

1. General/Discretionary Standard: The structural footprint, including decks and porches, for new dwelling units shall be located entirely within 300 feet of public roads, private roads, or recorded easements for vehicular access existing as of August 5, 1992, unless it can be found that:
 - a. Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern; or,
 - b. The siting within 300 feet of such roads or easements for vehicular access would force the dwelling unit to be located on irrigated land, in which case, the dwelling unit shall be located to provide the least possible impact on wildlife habitat considering browse, forage, cover, access to water, and migration corridors, and minimizing length of new access roads and driveways; or,
 - c. The dwelling unit has a maximum setback of no more than 50 feet from the edge of a driveway that existed as of August 5, 1992.

2. Clear and Objective Standard: The structural footprint, including decks and porches, for dwelling unit shall be located entirely within 300 feet of public roads, private roads, or recorded easements for vehicular access existing as of August 5, 1992.

B-C. General/Discretionary Standards: Submitting evidence fFor purposes of DCC 18.88.060(B)(1):

1. A private road, easement for vehicular access, or driveway will conclusively be regarded as having existed prior to August 5, 1992, if the applicant submits any of the following:
 - a. A copy of an easement recorded with the County Clerk prior to August 5, 1992, establishing a right of ingress and egress for vehicular use;
 - b. An aerial photograph with proof that it was taken prior to August 5, 1992, on which the road, easement, or driveway allowing vehicular access is visible;
 1. An aerial photograph will be found to meet DCC 18.88.060(C)(1)(b) if and only if a continuous, improved, or cleared vehicular travel surface of at least 10 feet in width is clearly visible on such photograph.

b-c. A map published prior to August 5, 1992, or a Assessor's map from prior to August 5, 1992, showing the road (but not showing a mere trail or footpath).

2. An applicant may submit any other evidence thought to establish the existence of a private road, easement for vehicular access, or driveway as of August 5, 1992, which evidence need not be regarded as conclusive.

D. Clear and Objective Standards: Submitting evidence for purposes of DCC 18.88.060(B)(2):

1. A private road, easement for vehicular access, or driveway will conclusively be regarded as having existed prior to August 5, 1992, if the applicant submits any of the following:

- a. A copy of an easement recorded with the County Clerk prior to August 5, 1992, establishing a right of ingress and egress for vehicular use;
- b. United States Geological Survey Topographic Map published prior to August 5, 1992 showing the road (but not showing a mere trail or footpath).

HISTORY

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [95-001](#) §3 on 3/29/1995

Amended by Ord. [2025-002](#) §21 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

CHAPTER 18.90 SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE; SBMH

18.90.060 Site Plan Review Criteria – General/Discretionary Criteria

18.90.061 Site Plan Review Criteria – Clear and Objective Criteria

18.90.010 Purpose

The purpose of the Sensitive Bird and Mammal Combining Zone is to ~~insure~~ensure that sensitive habitat areas identified in the County's Goal 5 sensitive bird and mammal inventory as critical for the survival of the northern bald eagle, great blue heron, golden eagle, prairie falcon, osprey, great grey owl, and the Townsend's big-eared bat are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act. This objective shall be achieved by implementation of the decision resulting from the economic, social, environmental, and energy analysis (ESEE) for each inventoried sensitive habitat area.

HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [2015-011](#) §2 on 12/11/2015

Amended by Ord. 2025-xxx §x on x/xx/2025

18.90.020 Definition Of Sensitive Habitat Area

- A. The sensitive habitat area is the area identified in the Deschutes County Comprehensive Plan Natural Resources Element ~~inventory and the County's official zoning map inventory~~ and site specific ESEE for each sensitive bird or mammal site. The sensitive habitat area to be protected by the provisions of DCC 18.90 is defined as the area:
 - 1. Within a radius of 1,320 feet of a golden eagle, bald eagle, prairie falcon nest, or a Townsend's big-eared bat hibernating or nursery site.
 - 2. Within a radius of 300 feet of a great blue heron rookery or osprey nest.
 - 3. Within a radius of 900 feet of a great grey owl nest site.

- B. Inventoried sensitive bird or mammal sites located on federal land are not subject to the provisions of DCC 18.90 unless the sensitive habitat area identified in DCC 18.90.020(A)(1) extends onto nonfederal land.

HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [93-043](#) §14 on 8/25/1993

Amended by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [2015-011](#) §1 on 12/11/2015

Amended by Ord. 2025-xxx §x on x/xx/2025

18.90.050 Site Plan Review Requirement

- A. For those proposals identified in DCC 18.90.040 to be sited within an inventoried sensitive habitat area, as defined under DCC 18.90.020, a site plan shall be prepared in accordance with the requirements of DCC 18.90.050. The site plan shall be approved prior to issuance of a building permit, land division, conditional use permit, or site plan identified in DCC 18.90.040.
- B. The site plan application shall provide the following information:
1. A plot plan showing the location of all development including existing and proposed roads, driveways, and structures.
 2. Description of operating characteristics of the proposed use including times when activity within the sensitive habitat area would generate noise, dust, vibration, lights, traffic, or be visible from the nest, rookery or hibernation site.
 3. Timing of construction activities including grading or filling land, hauling materials, and building.
 4. Description of existing vegetation and vegetation to be removed for the proposed development.
- C. The County shall submit a copy of the site plan to the Oregon Department of Fish and Wildlife for comment. ODFW shall have 20 days from the date the site plan is mailed to submit written comments to the County.
- D. Based upon the record, and evaluation of the proposal based on the criteria in DCC 18.90.060 or 18.90.061 as applicable, and conformance with the specific ESEE analysis for the site ~~contained in the Resource Element of the Comprehensive Plan~~, the County shall approve or reject the site plan. In lieu of rejection of the site plan, the County may allow the applicant to revise the site plan if the applicant has not met the standards for approval. The Applicant shall waive the 150-day time limit if it chooses to revise the site plan.
- E. Approval of a site plan under DCC 18.90.050 shall be conditioned upon applicant's-the property owner's implementation of the plan.

HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [93-043](#) §14B on 8/25/1993

Amended by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2015-011](#) §2 on 12/11/2015

Amended by Ord. [2020-007](#) §14 on 10/27/2020

Amended by Ord. [2025-002](#) §23 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.90.060 Site Plan Review Criteria – General/Discretionary Criteria

Approval of the site plan shall be based on the following criteria:

- A. The site plan shall consider the biology of the identified sensitive species, nesting trees, critical nesting periods, roosting sites, and buffer areas. Based on the biology of the species and the characteristics of the site, the site plan shall provide protection that will prevent destruction of the subject nesting site, hibernation site, or rookery and will, to a reasonable certainty, avoid causing the site to be abandoned.
- B. Development activities, including ~~grading and fill~~[earthmoving](#), mining, construction, or activities generating noise or dust within the sensitive habitat area shall be prohibited during the nesting, strutting, or hibernation season identified in the site specific ESEE analysis and decision for each habitat site. An exception to this standard may be made if the Oregon Department of Fish and Wildlife determines in writing that the nest, or rookery is not active and will not become active during the proposed construction period or if the sensitive birds have fledged. Construction activities within an enclosed structure may be conducted during the nesting, strutting, or hibernation season. Construction activities necessary to repair an existing [onsite](#) septic system or to replace or repair a structure destroyed or damaged by fire or other natural causes may be conducted during the nesting, strutting, or hibernation season.
- C. New roads, driveways, or public trails shall be located at the greatest distance possible from the nest, rookery, or hibernation site unless topographic or vegetation or structural features will provide greater visual and/or noise buffer from the nest, rookery, or hibernation site.
- D. Existing vegetation or other landscape features which are located on the subject ~~property lot or~~[parcel](#) and which obscure the view of the nest, rookery, or hibernation site from the proposed development, shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
- E. No partitions or subdivisions shall be permitted which would force location of a dwelling unit or other structure, not otherwise permitted by the site specific ESEE, within the designated sensitive habitat area.
- F. All exterior lighting, including security lighting shall be sited and shielded so that the light is directed downward and does not shine on the subject nest, rookery, or hibernation site.

- G. The site plan shall conform with the requirements of the ESEE decision for the subject sensitive bird or mammal site contained in the Natural Resources Element of the Deschutes County Comprehensive ~~p~~Plan.

HISTORY

Adopted by Ord. 94-005 §1 on 6/15/1994

Amended by Ord. 2015-011 §2 on 12/11/2015

Amended by Ord. 2025-002 §23 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.90.061 Site Plan Review Criteria – Clear and Objective Criteria

Approval of the site plan shall be based on the following criteria:

- A. The site plan shall conform with the requirements of the ESEE decision for the subject sensitive bird or mammal site. Where the ESEE decision provides the option to reduce a requirement through discretionary standards or review, such option shall only be available under the General/Discretionary Criteria in DCC 18.90.060.
- B. The following additional limitations shall apply. In the event of conflicting provisions between the following standards and the ESEE decision, the more restrictive provision shall control:
 1. All development within the sensitive habitat area shall be prohibited during the time period identified in the site specific ESEE decision for each habitat site. This provision supersedes any allowance for development during the time period identified. Construction activities within an enclosed structure may be conducted during the identified period.
 2. New roads or driveways shall be set back at least 500 feet from the sensitive habitat site.
 3. Existing vegetation or other landscape features which are located on the subject lot or parcel between the proposed development and the sensitive habitat site shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
 4. Land divisions creating lots or parcels eligible for a dwelling unit are prohibited.
 5. Exterior Lighting.
 - a. All exterior lighting, including security lighting, shall be sited and designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination on the sensitive habitat site.
 - b. For the purposes of these lighting standards, the following definitions shall apply:
 - i. Full cut-off means a light fixture designed and constructed so light is directed down and no light is projected above the horizontal plane.

- ~~i.ii.~~ Shielding means an externally applied device such as a shroud or hood of metal, wood, opaque plastic, or opaque painted glass so light emitted by the fixture is directed downward below the horizontal plane.

HISTORY

Adopted by Ord. 2025-xxx §x on x/x/2025

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

18.108.040 Multiple Unit Residential; RM District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright subject to the applicable provisions of DCC 18.116, DCC 18.124, and DCC Title 17:
1. A duplex.
 2. Multi-unit dwellings and dwelling unit groups, including townhouses and condominiums.
 3. Uses permitted outright in the RS District.
 - ~~4. Planned unit developments and redevelopment.~~
 - ~~5.4.~~ Recreational path.
 - ~~6.5.~~ Residential home.
 - ~~7.6.~~ Residential facility.
 - ~~8.7.~~ Type 1 Home Occupation, subject to DCC 18.116.280.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.116, 18.124, and 18.128:
1. Park, playground and picnic and barbecue area.
 2. Fire station.
 3. Library.
 4. Museum.
 5. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
 6. Off-street parking lots when abutting a less restrictive zoning district.
 7. Community center.
 8. Religious institutions or assemblies.
 9. Temporary sales office for on-site dwelling units.

10. Interval ownership and/or time-share unit or the creation thereof.

11. Health and fitness facility.

C. Height Regulations. No structure shall be hereafter erected, enlarged, or structurally altered to exceed 30 feet in height.

D. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:

1. Duplexes and multi-unit dwellings:

- a. Lot Area. Every lot or parcel shall have a minimum lot area of 5,000 square feet for the first dwelling unit, plus the following minimum lot area based upon the number of bedrooms per additional dwelling unit in the following table:

Studio or Efficiency	750 sq. ft.
1 Bedroom	1,000 sq. ft.
2 Bedrooms	1,500 sq. ft.
3 Bedrooms	2,250 sq. ft.
4 Bedrooms	2,500 sq. ft.

The overall density shall not exceed eight dwelling units per acre.

- b. Lot Width. Every lot or parcel shall have a minimum lot width of 50 feet.
- c. Frontage. Every lot or parcel shall have a minimum street frontage of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
- d. Front Setback. The front setback shall be a minimum of 10 feet.
- e. Side Setback. There shall be a minimum side setback of five feet and the sum of the side setbacks shall be a minimum of 15 feet. The side setbacks shall be increased by one-half foot for each foot by which the structure height exceeds 15 feet.
- f. Rear Setback. The rear setback shall not be less than five feet. The rear setback shall be increased by one-half foot for each foot by which the structure height exceeds 15 feet.
- g. Lot Coverage. Lot coverage shall not exceed 40 percent of the total lot area.
2. Townhouses, condominiums, and zero lot line dwelling units, ~~and planned unit developments~~:
- a. There shall be no minimum lot area for townhouse, condominium, and zero lot line developments, ~~or planned unit developments~~ provided, however, that the overall density shall not exceed eight dwelling units per acre.

- b. Setbacks. Setbacks, lot widths and lot coverage shall be determined at the time of site plan approval.

3. Single-Unit Dwellings--:

- a. Lot widths, setbacks and lot coverage shall be the same as provided in the RS District, provided that the overall density shall not exceed eight dwelling units per acre.

- E. Off-Street Parking. Off-street parking shall be provided for a minimum of two cars per dwelling unit.

HISTORY

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

Amended by Ord. [99-036](#) §1 on 12/15/1999

Amended by Ord. [2004-002](#) §22 on 4/28/2004

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

Amended by Ord. [2025-002](#) §23 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

18.116.390 Identification of Certain Features for Clear and Objective Applications

18.116.400 Land Divisions

18.116.160 Rimrock Setbacks Outside Of LM Combining Zone

A. General/Discretionary Standards:

1. All structures, including decks, within 50 feet from the edge of a rimrock, as defined in DCC 18.04.030, shall be subject to site review if visible from the river or stream. Prior to approval of any structure within 50 feet of a rimrock, the Planning Director or Hearings Body shall make the following findings: All structures, including decks, shall be set back a minimum of 20 feet from the edge of the rimrock.
2. The height of the structure shall not exceed the setback from the edge of the rimrock.
3. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
4. Where multiple structures are proposed on a lot or parcel, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the ~~effected~~affected area. This shall require a maintenance of at least 65 percent open space along all rimrocks.

B. Clear and Objective Standards:

1. All structures, including decks, shall have a minimum setback of 50 feet from the edge of a rimrock.

2. Existing trees and shrubs that are located between the rimrock and the proposed structure shall be retained.
3. At least 65 percent of the lot area within 100 feet of the upper most ledge of rimrock shall be maintained as open space. The required open space must either be entirely planted with landscaping or the natural landscape must be preserved. Plantings shall conform with the defensible space standards of DCC Chapter 8.21. Where multiple structures are proposed on a lot or parcel, the structures shall be wholly located within a 200-foot diameter circle.

HISTORY

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

Amended by Ord. [81-015](#) §1 on 4/14/1981

Amended by Ord. [82-013](#) §2 on 5/25/1982

Amended by Ord. [85-016](#) §2 on 7/3/1985

Amended by Ord. [86-053](#) §21 on 6/30/1986

Amended by Ord. [88-004](#) §1 on 1/27/1988

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

Amended by Ord. [92-034](#) §3 on 4/8/1992

Amended by Ord. [2025-002](#) §30 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.116.390 Identification of Certain Features for Clear and Objective Applications

For applications reviewed under Clear and Objective standards pursuant to pursuant to DCC 18.08.050, the following procedures will be used, as applicable, to determine whether standards and criteria are met:

A. Determining the Ordinary High Water Line (OHWL)

1. The elevation of the OHWL shall be determined by a field assessment conducted by a qualified biologist in accordance with OAR 141-085-0515(3). For the purposes of this criteria, a “qualified biologist” is a person who has a minimum of a bachelor’s degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited college or university with a minimum of four years’ experience as a practicing fish or wildlife habitat biologist.
2. The OHWL shall be identified, flagged, and documented per subsection (3), and labeled on survey plans prepared by a licensed professional surveyor registered in the state of Oregon.
3. OHWL Documentation.
 - a. Photographs shall be taken both up- and down-stream of the project site and both banks- after OHWL markers are set. Photos shall include field indicators and the location of the placed markers.

- b. A written explanation or justification of observations shall accompany each photo.

B. Measuring and Calculating Volume of Fill or Removal

1. Fill or removal volume shall be calculated in accordance with the specifications of OAR 141-085-0525.

HISTORY

Adopted by Ord. 2025-xxx §x on x/x/2025

18.116.400 Land Divisions

- A. General/Discretionary Standard: Partitions and subdivisions are subject to the applicable provisions of Title 17 and Title 18 except as modified by the following:

1. Cluster developments are allowed as conditional uses in MUA-10, RR-10, TER zones and subject to DCC 18.128.
2. Planned developments are allowed as conditional uses in SURM, MUA-10, RR-10 zones and subject to DCC 18.128.
3. In the MUA-10 zone, cluster and planned developments shall be allowed an equivalent density of one unit per seven and one-half acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five acre minimum lot area or equivalent density.
4. In the RR-10 zone, cluster and planned developments shall be allowed an equivalent density of one unit per 7.5 acres. Planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five-acre minimum lot area or equivalent density.
5. In an SURM zone, there shall be no minimum lot area for planned developments provided that the overall density shall not exceed eight dwelling units per acre.

- B. Clear and Objective Standard: Partitions and subdivisions are subject to the applicable provisions of Title 17 and Title 18.

HISTORY

Adopted by Ord. 2025-xxx §x on x/x/2025

CHAPTER 18.120 EXCEPTIONS

18.120.030 Exceptions To Setback Requirements

The following exceptions to setback requirements may be authorized for a lot or parcel in any zone:

- A. If there are buildings on both lots or parcels abutting an intervening lot or parcel that are within 100 feet of the intervening lot or parcel, and the buildings have front setbacks of less than the

minimum required for the zone, the front setback for the intervening lot or parcel need not exceed the average measurement of the front setbacks of the abutting lots or parcels.

- B. Cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than three feet into a required front, rear, or side setback area, provided that the projection is not closer than three feet to a lot line.
- C. The following features are not subject to front, rear, or side setbacks:
 - 1. Steps, terraces, platforms, and porches having no roof covering;
 - 2. Utility infrastructure, at or below finished grade;
 - 3. Utility poles and transmission lines;
 - 4. Utility boxes not interfering with the vision clearance requirements;
 - 5. Outdoor improvements at finished grade, including, but not limited to, paved areas, driveways, or walkways;
 - 6. Signs conforming to the requirements of DCC Title 15 and Title 18.
 - 7. Fences conforming to the requirements of DCC 18.116.120.

D. An addition to an existing lawfully established dwelling unit which is within 100 feet of the ordinary high water ~~mark-line~~ along a stream, river, or lake may be constructed provided the following are met:

- 1. The addition is for an expansion of the dwelling unit;residential dwelling purposes,
- 2. ~~No~~ part of the addition is closer to the stream, river, or lake than the existing residential structuredwelling unit's structural footprint;
- 3. ~~The~~ floor area ~~of for~~ the addition is 900 square feet or less and does not exceed the floor area of the existing structure-dwelling unit; and
- 8.4. ~~The~~ addition conforms with all other applicable setbacks, zoning standards, and building limitations.

D.E. For applications reviewed under General/Discretionary Standards pursuant to DCC 18.08.050, ~~D~~dwellings on lots or parcels created prior to November 1, 1979, may be granted an exception to the 100-foot setback from the ordinary high water ~~mark-line~~ along a stream, river, or lake, pursuant to DCC 18.84.090, subject to DCC Title 22, ~~the Uniform Development Procedures Ordinance,~~ and the following conditions in subsections (1) – (4). Applications reviewed under Clear and Objective Standards are not eligible for this setback exception.:

- 1. An application shall be filed which includes:
 - a. A detailed explanation of the planned development.
 - b. An explanation of why an exception is necessary.

- c. A site plan, drawn to scale, and accompanied by such drawings, sketches, and descriptions necessary to describe and illustrate the proposed development. The site plan shall, at a minimum, include:
 1. An inventory of existing vegetation, including trees on the lot or parcel located within 200 feet of the ordinary high water mark-line along the stream, river, or lake. The inventory shall be in sufficient detail to allow the review and evaluation of the impacts of the proposed development.
 2. Proposed modifications of the vegetation on the lot or parcel within 200 feet of the ordinary high water mark-line along the stream, river, or lake, including the size, species, and approximate locations of existing vegetation to be retained and new vegetation proposed to be placed upon the site.
 3. Existing and proposed site contours.
 4. The locations and dimensions of all structures, property-lot lines, easements, ordinary high water mark-lines-or-marks, utilities, and uses.
 5. Other site elements and information that will assist in the evaluation of the proposed development.
 - d. An explanation of how the proposed development will satisfy each of the exception criteria set forth in DCC 18.120.030(E)(4)(b).
2. An exception may be granted only upon findings that:
 - a. The structure to be sited is a dwelling unit with a structural footprint that is no greater than 40 feet in depth (including garages, carports, and decks);
 - b. Adherence to the 100-foot setback would create a hardship, as defined in DCC 18.120.030(E)(3), preventing such a dwelling unit from being sited on the lot or parcel;
 - c. The site plan protects and enhances the vegetative fringe between the dwelling unit and the stream, river, or lake to the degree necessary to meet the requirements set forth in the applicable goals and policies of the Comprehensive Plan; and
 - d. A conservation easement providing that the elements of the site plan will be carried out and maintained as approved, in perpetuity, for the area between the ordinary high water mark-line and the dwelling unit has been conveyed to the County.
 3. For the purposes of DCC 18.120.030, a hardship exists in one or more of the following situations:

- a. Adherence to setbacks required by the zoning ordinance in effect at the time of the application made under DCC 18.120.030 would prevent the dwelling unit from being sited on the lot or parcel, if the 100-foot setback were observed;
 - b. The siting of a legal on-site wastewater septic disposal-system, placed on the lot or parcel prior to November 1, 1979, makes it impossible for the dwelling unit to meet the 100-foot setback;
 - c. Any approved initial on-site wastewater septic sewage disposal-system and replacement system other than a sand filter A or an alternative treatment technology system cannot be sited on the lot or parcel in a manner that will allow the dwelling unit to meet the 100-foot setback requirement;
 - d. If the only initial on-site wastewater septic sewage disposal-system for which approval can be obtained is a sand filter system or an alternative treatment technology system and such a system and its replacement system cannot be sited on the lot or parcel in a manner that will allow the dwelling unit to meet the 100-foot setback requirement; or
 - e. Dwelling units exist on both abutting lots or parcels that are closer to the stream, river, or lake than the proposed dwelling unit and such existing dwelling units are located within 40 feet of the proposed dwelling unit. If utilization of a sand filter system or alternative treatment system as a replacement system will allow such a dwelling unit to meet the 100-foot setback, no exception shall be granted for reasons of on-site sewage disposal constraints.
4. Dwelling units qualifying for a setback exception under the criteria set forth above shall be located as follows:
- a. Except as set forth in DCC 18.120.030(E)(4)(b), the dwelling unit must be located as far as possible from the ordinary high water mark-line of the stream, river, or lake, allowing for the hardship constraints identified for the property.
 - 1. In instances where use of a sand filter system or alternative treatment system for a replacement system would allow the dwelling unit to be located further from the stream, river, or lake than if another type of replacement system were utilized, the dwelling unit shall be sited in a manner to allow only enough room for the approved initial on-site wastewater septic sewage disposal-system and a sand filter system or alterative treatment technology system as a replacement system.
 - b. Where a dwelling unit qualifies for a setback by virtue of DCC 18.120.030(E)(3)(e), the dwelling unit may be set back at a distance from the ordinary high water mark-line consistent with the dwelling units on the abutting lots or parcels, but in no case shall any part of such dwelling unit be located closer to the ordinary high water line mark than a line extending between the points of the dwelling units on the abutting lots or parcels that are closest to the stream, river, or lake.

HISTORY

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

Amended by Ord. [81-003](#) §1 on 1/21/1981

Amended by Ord. [81-005](#) §1 on 1/27/1981

Amended by Ord. [84-002](#) §1 on 3/21/1984

Amended by Ord. [86-032](#) §1 on 4/2/1986

Amended by Ord. [90-020](#) §2 on 6/6/1990

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

Amended by Ord. [93-043](#) §§20A and B on 8/25/1993

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2004-013](#) §13 on 9/21/2004

Amended by Ord. [2025-002](#) §30 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

18.120.040 Structure Height Exceptions

- A. The following structures or structural parts are not subject to the building height limitations of DCC Title 18, except in the Airport Development Zone, Airport Safety Combining Zone, or Landscape Management Combining Zone:
 1. Chimneys and vents, not more than three feet six inches above the highest point of the roof;
 2. Vertical support structures for telephone and power transmission lines in utility easements or public rights-of-way, not requiring a site plan review as defined in DCC 18.124.060;
 3. Flagpoles not exceeding 40 feet;
 4. Agricultural buildings or equine facilities as defined in DCC 18.04.030 not exceeding 36 feet; and
 5. Amateur radio facilities as outlined in DCC Title 18.116.290.
- B. For the purposes of calculating structural height, the following method may be used as a discretionary alternative when determining average grade:
 1. Perimeter Sampling Method: The average of eight measurements around the entire structural footprint perimeter, with the first measurement point starting at the lowest finished grade abutting the structure, and subsequent measurement points spaced equidistantly along the finished grade abutting the structure.
- C. The following structures or structural parts may receive exceptions to the building height limitations of DCC Title 18 if approved as part of a Site Plan Review, as defined in DCC 18.124.060 and subject to the criteria contained therein. However, this exception does not supersede the

more restrictive requirements that are found in the Airport Safety Combining Zone or Landscape Management Combining Zone:

1. Non-commercial wind energy systems generating less than 100 kW of electricity;
 2. Public schools;
 3. Vertical support structures for telephone and power transmission lines requiring a site plan;
 4. Structures that are necessary for public safety; and
 5. Flagpoles.
- D. For applications reviewed under General/Discretionary Standards pursuant to DCC 18.08.050, aAn exception (up to 36 feet) to the building height limitations for structures not otherwise exempted by DCC 18.120.040(A) may be approved upon findings ~~that~~consistent with subsections (1) through (5). Applications reviewed under Clear and Objective Standards are not eligible for this building height exception.
1. The structure is not located in a Landscape Management Zone, except when the structure is a single-unit dwelling with an attached hangar located in an unincorporated community and the structure has a maximum height of 35 feet including chimneys, antennas, flagpoles, or other projections from the roof of the structure;
 2. The structure is not located within 100 feet of any rimrock, as defined in DCC 18.04.030;
 3. After consultation with the applicable fire department, the proposed height does not exceed the height limitation of the department's fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the department;
 4. The proposed additional height will not adversely impact scenic views from existing nearby dwelling units; and-
 5. The proposed structure shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- E. An exception to building height limitations for agricultural buildings or equine facilities may be approved upon findings that the applicant meets the criteria listed in DCC 18.120.040(C)(1) through (3) and demonstrates that the proposed structure is:
1. An agricultural building or equine facility as defined in DCC 18.04.030;
 2. Located in an EFU or Forest zone; and
 3. Necessary to conduct ~~generally~~ accepted farming practices ~~that are typical or customary of Deschutes County farmers who are regularly involved in the proposed type of agriculture~~ as defined in ORS 215.203(2)(c). The applicant shall document satisfaction of

this criterion by submitting evidence or testimony from an authorized representative of the Deschutes County Farm Bureau.

HISTORY

Adopted by Ord. [PL-15](#) §6.050 on 11/1/1979

Amended by Ord. [92-036](#) §1 on 4/29/1992

Amended by Ord. [92-055](#) §10 on 8/17/1992

Amended by Ord. [93-043](#) §20C on 8/25/1993

Amended by Ord. [96-035](#) §1 on 4/24/1996

Amended by Ord. [98-035](#) §1 on 6/10/1998

Amended by Ord. [2001-004](#) §3 on 5/23/2001

Amended by Ord. [2001-033](#) §1 on 10/10/2001

Amended by Ord. [2008-007](#) §3 on 8/18/2008

Amended by Ord. [2011-009](#) §1 on 10/17/2011

Amended by Ord. [2025-002](#) §31 on 2/26/2025

[Amended by Ord. 2025-xxx §x on x/xx/2025](#)

CHAPTER 18.128 CONDITIONAL USE

[18.128.270 Fill Or Removal – General/Discretionary Standards](#)

[18.128.271 Fill Or Removal – Clear and Objective Standards](#)

18.128.270 Fill ~~or~~ Or Removal – General/Discretionary Standards

Except as otherwise provided in DCC Title 18, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river, or in any wetland, unless such fill or removal is approved as a conditional use subject to the following standards:

- A. An application shall be filed containing a plan with the following information:
 1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
 2. An explanation of why the fill or removal is necessary.
 3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
 - a. An inventory of existing vegetation.
 - b. The proposed modifications, if any, to the vegetation.
 - c. Existing and proposed site contours.
 - d. Location of lot lines, easements and high water marks.

- e. Other site elements or information that will assist in the evaluation of the proposed fill or removal.
- B. Public facility and service uses such as construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations, shall not be granted conditional use permits to fill or remove unless the following findings are made:
 - 1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - 2. That the public facility and service uses and related facilities cannot, as a practical matter, be located outside of the wetland or bed and banks of the stream or river.
 - 3. That the construction or maintenance requiring the fill or removal will be done in a manner designed to minimize the adverse impact upon the wetland, stream, or river.
 - 4. That erosion will be adequately controlled during and after construction.
 - 5. That the impacts on fish and wildlife habitat from the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 - 6. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
- C. Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks, and public walkways shall not be allowed as a conditional use unless the following findings are made:
 - 1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.
 - 2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
 - 3. That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
 - 4. That such construction and maintenance is designed to minimize the adverse impact on the site.
 - 5. That erosion will be adequately controlled during and after construction.
 - 6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.

7. That the specific location of a site for a public park, recreation area, natural and outdoor education area, historic and scientific area, wildlife refuges, public boat launching ramps, public docks, and public walkways will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
- D. Except for uses identified in DCC 18.128.270(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river, or wetland:
1. Shall be granted only after consideration of the following factors:
 - a. The effects on public or private water supplies and water quality.
 - b. The effects on aquatic life and habitat, and wildlife and habitat. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 - c. Recreational, aesthetic, and economic values of the affected water resources.
 - d. Effects on the hydrologic characteristics of the water body such as direction and velocity of flow, elevation of water surface, sediment transportation capacity, stabilization of the bank and flood hazards.
 - e. The character of the area, considering existing streambank stabilization problems and fill or removal projects which have previously occurred.
 2. Shall not be granted unless all of the following conditions are met:
 - a. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - b. That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - c. That there will be no significant impacts on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - d. That erosion will be adequately controlled during and after the project.
 - e. That the essential character, quality, and density of existing vegetation will be maintained. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values, aesthetic resources, and to prevent erosion.
 - f. That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.
 - g. That a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," shall be conveyed to the County, which provides, at a minimum, that

all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill or removal area and all real property on the same lot or parcel, within 10 feet of any wetland, river or stream.

HISTORY

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

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

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

Amended by Ord. [93-043](#) §23H-J on 8/25/1993

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2025-002](#) §33 on 2/26/2025

Amended by Ord. 2025-xxx §x on x/xx/2025

18.128.271 Fill or Removal – Clear and Objective Standards

A. Applicability. This section applies to proposed fill or removal, as defined in DCC 18.04.030, within the bed and banks of any stream or river, or within any mapped boundary of a wetland as identified in the Statewide Wetland Inventory.

B. Standards.

1. A maximum of one (1) cubic yard of fill or removal shall be permitted within areas identified in subsection (A). Additional fill or removal is subject to the standards in DCC 18.128.270.
2. An application for fill or removal shall meet the application requirements of subsection (C), and shall meet the standards in subsection (D).

C. An application shall be filed containing a plan with the following information:

1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
2. An explanation of why the fill or removal is necessary.
3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
 - a. An inventory of existing vegetation.
 - b. The proposed modifications, if any, to the vegetation.
 - c. Existing and proposed site contours.
 - d. Location of lot lines, easements, and high water marks.
4. A signed statement by a professional engineer licensed in the state of Oregon confirming the criterion in DCC 18.128.271(D)(2) is met.

5. A signed statement by a qualified biologist confirming the criterion in DCC 18.128.271(D)(2) is met. For the purposes of DCC 18.128.271, a “qualified biologist” is a person who has a minimum of a bachelor’s degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited college or university with a minimum of four years’ experience as a practicing fish or wildlife habitat biologist.
6. If subject to regulation from state or federal agencies, statements from Army Corps of Engineers (ACOE), Department of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW), or United States Fish and Wildlife Service (USFWS), as applicable, identifying if any permitting is required through these agencies.

D. Permits for fill or removal shall not be granted unless the following criteria are met:

1. All necessary state and federal permits will be obtained as a condition of approval of the conditional use;
2. A professional engineer licensed in the state of Oregon has provided a signed statement confirming the proposed fill or removal will not adversely impact water quality, flooding, the stability of the bank, or other hydrologic characteristics of the water body, and that erosion will be adequately controlled during and after the project; and
3. A qualified biologist has provided a signed statement confirming the proposed fill or removal will result in no net loss of the functions and values, as defined in OAR 141-085-0510, of the stream, river, or wetland.
4. Except for the uses identified below, a conservation easement, as defined in DCC 18.04.030, shall be conveyed to the County, which provides, at a minimum, all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill or removal area and all real property on the same lot or parcel, within 10 feet of any wetland, river, or stream.
 - a. This requirement does not apply to permits for public facility and service uses such as construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations.

HISTORY

Adopted by Ord. 2025-xxx §x on x/x/2025



FINDINGS

CLEAR & OBJECTIVE TEXT AMENDMENTS – GOAL 5

I. **APPLICABLE CRITERIA:**

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

II. **BACKGROUND:**

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

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

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

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

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

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

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

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

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

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

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

...

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

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

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

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

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

III. BASIC FINDINGS

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

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

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

Where possible, planning staff have drafted amendments that effectuate a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and purpose of each amended code provision are preserved. Where that approach is not viable, alternative standards or criteria have been proposed. Additionally, certain amendments have been proposed to broadly remove ambiguity from implementing sections of the DCC, maintain conformity across all development standards, and ensure review clarity for staff and members of the public.

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

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

IV. METHODOLOGY:

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

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

- **True/False Standards** – These can be used to evaluate whether a proposed development has satisfied a certain objective criterion. (e.g. – is the structure on a lot or parcel within a rural residential zone?)
- **Counts and Measurements** – These standards are typically based on a minimum value, a maximum value, or an acceptable range of values. (e.g. - maximum building height of 30 feet)
- **Lists/Menus** – Lists and menus provide flexibility for applicants to meet a standard by choosing among several options. Lists can specify a range of acceptable options (“Any of the following...”) or can require selection of a minimum number of elements (“At least two of the following five options...”)
- **Two-Track Systems: Discretionary Review** – While a clear and objective review path is required for residential development, the flexibility provided by discretionary review may continue to be attractive for some projects and it may not be practical or achievable to write clear and objective standards that work in every development situation. ORS 197A recognizes this, and allows local governments to also provide an optional discretionary review path or parallel track. To that end, the amendments proposed as part of this package in some cases maintain the existing standards as an optional, discretionary track for housing. These discretionary standards will also remain in place for all non-residential development. The advantage of a two-track system is that it offers both certainty and flexibility. Applicants willing to work within the clear and objective standards have the option of a simplified review process that saves time and increases the certainty of approval. Clear and objective standards also offer certainty to reviewers, who can review applications more efficiently with less time devoted to interpreting discretionary/unclear requirements, and to the public, who will benefit from knowing whether a project will or will not be approved. For applicants with creative ideas or unique circumstances that don’t meet the objective standards, discretionary review is available, which can provide more flexibility.

V. **FINDINGS:**

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

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

FINDING: This criterion is met because a public hearing was held before the Deschutes County Planning Commission (Commission) on 4/24/2025 and a public hearing was held before the Board of County Commissioners (Board) on X/X/2025.

Section 22.12.020, Notice

Notice**A. Published Notice**

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

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

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

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

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

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

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

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

Section 22.12.030 Initiation of Legislative Changes.

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

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

Section 22.12.040. Hearings Body**A. The following shall serve as hearings or review body for legislative changes in this order:**

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

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

FINDING: This criterion is met as the Commission held a public hearing on 4/24/2025. The Board held a public hearing on X/X/2025.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

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

VI. Oregon Statewide Planning Goals:

Statewide Planning Goal 1 – Citizen Involvement:

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

FINDING: The County's citizen involvement program ensures that any amendments to the County's development code are reviewed through a duly noticed public process. This legislative process to review the proposed amendments will require two public hearings, one before the Commission on 4/24/2025 and one before the Board on X/X/2025.

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

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

Statewide Planning Goal 2 – Land Use Planning:

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

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

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

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

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

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

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

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

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

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

Surface Mining:

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

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

Fish and Wildlife:

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

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

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

Rivers and Streams, Lakes and Reservoirs:

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

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

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

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

1. Fish Habitat

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

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

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

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

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

2. Deer Winter Range

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

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

There are no proposed changes to fence standards.

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

3. Furbearer Habitat

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

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

4. Elk Habitat

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

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

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

5. Waterfowl Habitat

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

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

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

6. Upland Game Bird Habitat

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

7. Wetland and Riparian Areas

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

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

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

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

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

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

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

9. Landscape Management Rivers and Streams

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

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

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

Conservation easements are also recognized as part of the program to protect this Goal 5 resource. See findings in Item 5 (Waterfowl Habitat) addressing the proposed amendments related to conservation easements and their consistency with the existing program to protect.

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

Therefore, the proposed program aligns with the ESEE program recommendations.

10. State Scenic Waterways and Federal Wild and Scenic Rivers

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

The LM zone design standards have been updated with the intent to achieve equivalent outcomes to the existing program to protect, including fill and removal permits, wetland removal regulations, rimrock setbacks, conservation easements, and landscape management. See findings for Item 9 (Landscape Management Rivers and Streams).

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

11. Deer Migration Corridor

In the current regulations, residential land divisions in the Bend/La Pine Deer Migration Corridor, where the underlying zone is RR-10, are only permitted as a cluster development. Because cluster development review is designed to balance a variety of development goals in a discretionary, site-specific manner, it cannot be used for clear and objective reviews. Applicants seeking a land division can still follow the discretionary pathway. Cluster development standards follow the existing program to protect. Therefore, the proposed amendments retain the existing protections, explicitly separating the clear and objective and discretionary options.

See Item 2 (Deer Winter Range) for findings addressing the proposed amendments to the building placement standards in the WA zone and their consistency with the existing program to protect.

There are no proposed changes to fence standards.

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

12. Antelope Habitat

The proposed clear and objective approval path in the WA zone (DCC 18.88.051(C)) retains the existing minimum lot size of 320 acres for new parcels in the antelope range. This represents no change to the existing program to protect the resource.

For other proposed amendments in the WA zone, see findings in Item 2 (Deer Winter Range).

The proposed amendments are consistent with the existing program to protect.

13. Habitat for Sensitive Birds

Existing site plan review criteria in the Sensitive Bird and Mammal Habitat (SBMH) zone (DCC 18.90.060) require all development to conform to the requirements of the ESEE decision for the subject sensitive habitat site. The proposed clear and objective standards (DCC 18.90.061) retain this requirement, and state that where the provisions of the ESEE decision and DCC conflict, the more restrictive provision prevails.

The current site plan review criteria require the site plan to “provide protection that will prevent destruction of the subject nesting site, hibernation site or rookery.” Each site-specific ESEE decision establishes requirements such as setbacks and buffers from the habitat site, which are intended to ensure site protection. The proposed clear and objective approach relies on the ESEE requirements to establish the standards that protect the resource, rather than reiterating the protection requirements in the site plan criteria (DCC 18.90.061(A) and (B)(1)).

The current criteria also require that “new roads, driveways or public trails shall be located at the greatest distance possible from the nest, rookery or hibernation site unless topographic or vegetation or structural features will provide greater visual and/or noise buffer from the nest, rookery or hibernation site.” The proposed clear and objective approach requires that new roads or driveways be located at least 500 feet from the sensitive habitat site. This provides equivalent protection as requiring such features be located “at the greatest distance possible,” by minimizing impacts to the habitat site from roads, driveways, and vehicles, while removing discretionary language around buffer features (DCC 18.90.061(B)(2)).

The existing requirement for preservation of existing vegetation and prohibition of land divisions that create residential building sites within the habitat area are proposed to be retained in the clear and objective path, but worded to remove discretion (DCC 18.90.061(B)(3) and (4)).

In the current criteria, all exterior lighting must “be sited and shielded so that the light is directed downward and does not shine on” the sensitive habitat site. The proposed clear and objective path replaces this with more specific shielding and cut-off standards to ensure light does not shine on the habitat site.

Therefore, the proposed program aligns with the ESEE program recommendations.

14. Habitat Area for Townsend’s Big-Eared Bats

There are no proposed changes to the EFU zones, where bat caves are located, as part of this code amendment project. The proposed clear and objective standards for the SBMH combining zone are only applicable to residential development (see Item 13 for findings addressing the SBMH zone).

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

15. Lakes and Reservoirs

The regulations identified as applicable to this Goal 5 resource do not require amendments to achieve a clear and objective review pathway for residential development and therefore are not addressed in the proposed amendments.

16. Wilderness Areas, Areas of Special Concerns, Energy Sources, and Groundwater Resources

This resource was not analyzed as they are either located on federal land or clear and objective requirements are not applicable.

17. Surface Mining and Mineral and Aggregate Inventory Sites

The proposed clear and objective path for site plan review and other standards in the Surface Mining Impact Area (SMIA) combining zone maintains limitations on residential uses that are the same as the existing standards, which require new dwellings to be at least 250 feet from a surface mining zone and one-quarter mile from surface mining processing or storage sites. The only difference is that the clear and objective regulations are limited to dwellings and exceptions to the setback standards are not permitted in the clear and objective path.

There are no proposed substantive changes to the site plan review or approval criteria. Therefore, the proposed program aligns with the existing program to protect.

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

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

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

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

To protect people and property from natural hazards.

FINDING: The County is currently in compliance with the State's Goal 7 program through adoption and implementation of the County's Natural Hazard Mitigation Plan⁵. No changes will occur to County programs related to flood management, wildfire mitigation, or other natural hazards. The amendments are consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs:

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

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

Statewide Planning Goal 9 – Economic Development:

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

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

Statewide Planning Goal 10 – Housing:

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

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

Statewide Planning Goal 11 – Public Facilities and Services:

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

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

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

Statewide Planning Goal 12 – Transportation:

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

FINDING: The County is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule - TPR). Additionally, the Deschutes County Senior Transportation Planner reviewed the proposed amendments for potential TPR effects and found that the proposed amendments appear to comply with TPR provisions. As such, the proposed amendments do not alter the County’s compliance with Goal 12.

Statewide Planning Goal 13 – Energy Conservation:

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

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

Statewide Planning Goal 14 – Urbanization:

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

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

VII. CONCLUSION:

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