



## COMMUNITY DEVELOPMENT

### DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, JULY 24, 2025

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

(541) 388-6575 | [www.deschutes.org](http://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](http://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](mailto:planningcommission@deschutes.org) by 5:00 p.m. on July 24. They will be entered into the record.

### I. CALL TO ORDER

### II. APPROVAL OF MINUTES - July 10

### III. PUBLIC COMMENT

### IV. ACTION ITEMS

- [1.](#) Public Hearing: Property Line Adjustment / Minor Variance Text Amendments (*Nicole Mardell, Senior Planner*)
- [2.](#) Deliberations: Dark Skies Text Amendments (*Tanya Saltzman, Senior Planner*)
- [3.](#) Work Session: Text Amendments for Repeal of the State Wildfire Hazard Map (*Kyle Collins, 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.

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**MEMORANDUM**

**TO:** Deschutes County Planning Commission

**FROM:** Nicole Mardell, AICP, Senior Planner  
Will Groves, Planning Manager

**DATE:** July 17, 2025

**SUBJECT:** Public Hearing: Property Line Adjustment / Minor Variance Text Amendments

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The Deschutes County Planning Commission (Commission) will conduct a public hearing on July 24, 2025, to consider amendments to the Deschutes County Code (file no. 247-25-000399-TA). These amendments propose removing local criteria for property line adjustments involving parcels smaller than the minimum lot size and aim to directly apply state standards. The amendments also seek to clarify that variances are not required for this type of property line adjustment.

Attached to this memorandum are the proposed text amendments (Attachment A) and findings (Attachment B) summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~.

All record materials and hearing information can be found on the project website: [bit.ly/399TA](http://bit.ly/399TA).

**I. BACKGROUND**

Requirements for property line adjustments involving substandard lots have historically been ambiguous under local code and state statute. No significant limitations on the use of property line adjustments existed in state or local code prior to 1991.

In 1991, County Code was amended (Ord. 91-038) to limit area reduction of lots smaller than the minimum lot size (to a maximum reduction of ten percent) without a more complicated variance review process. This minor variance process for line adjustments applied to all zones in Deschutes County.

In 2010, the Board of County Commissioners adopted Ordinance 2010-003, which created the current minor variance provisions to allow property line adjustments resulting in a reduction of more than 10 percent in all zones, except the farm and forest zones. This

provision was added to relieve an ongoing property line issue in the Dustan Road area of the county, although it was able to be applied to other historically platted subdivisions. The Board did not address issues in the EFU and Forest zone at that time, likely due to the narrow scope of the text amendment.

Beginning in 2008, state statute (ORS 92.192) has been repeatedly updated to increase protections for lot-area-based standards. Over time, these state statutory requirements have become more robust and nuanced than the County Code provision. Currently, both the state and county protections apply.

However, because the older County provisions are less nuanced when compared with newer state statute, the local code can cause unexpected problems for property owners. Specifically, the local 10% limitation can preclude beneficial property line adjustments that would otherwise comply with the modern, robust protections of 92.192. Staff added the proposed amendment to the department's work plan beginning in 2020, to explore deconflicting state and local property line adjustment provisions.

The Board directed that this text amendment be initiated during review of the Community Development Department's 2025-2026 work plan. An individual testified to the unintended consequences of this provision, noting its impact on large farm owners. Specifically, the minimum lot size for most farm-zoned properties is 80 acres. The transfer of sub-80-acre pieces between neighboring farm operations is unnecessarily complicated by the provisions of the County Code. Property line adjustments may be used to correct issues between property owners, such as a fence or building being located over a property line. For larger resource-zoned properties, the most efficient and streamlined process to correct this type of issue is unavailable due to the ten percent (10%) limitation.

The amendments seek to clarify otherwise ambiguous code provisions and reduce the risk of litigation by directly applying ORS 92.192.

## II. STATE REQUIREMENTS - ORS 92.192

Under ORS 92.192, a county **may** approve a property line adjustment on land outside of city limits under the following scenarios.

### ORS 92.192(3)(a)

One or both parcels are smaller than the minimum lot size for the applicable zone before the property line adjustment, and after the adjustment, one is as large or larger than the minimum parcel size.

Figure 1 demonstrates a situation under this scenario. Both parcels are in the MUA-10 zone with a minimum lot size of 10 acres. Before the adjustment, Parcel 1 is six (6) acres (below the minimum lot size), and Parcel 2 is 15 acres (greater than the minimum lot size). Following the adjustment, Parcel 1 is increased in size to 9 acres but remains below the minimum lot size, and Parcel 2 is decreased to 12 acres, but remains larger than the minimum lot size.

Figure 1

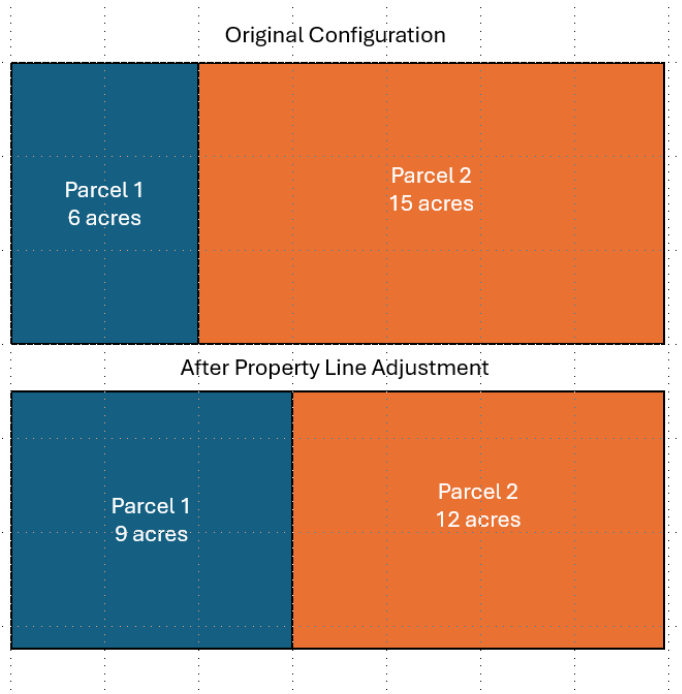


Figure 2 demonstrates another situation under this scenario. Both parcels are in the MUA-10 zone with a minimum lot size of 10 acres. Before the adjustment, each parcel is below the minimum lot size. Following the adjustment, Parcel 1 is decreased in size and remains below the minimum, while Parcel 2 is increased to meet the minimum lot size for the zone.

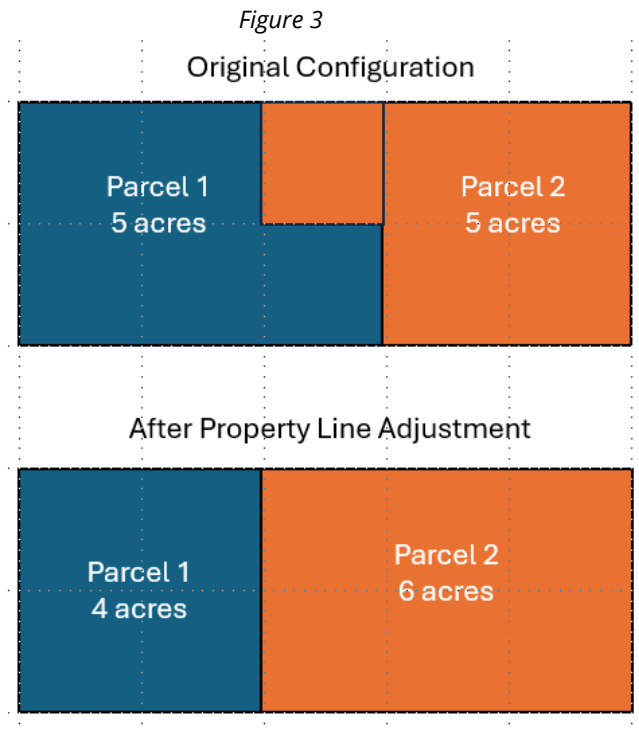
Figure 2



ORS 92.192(3)(b)

Both parcels are smaller than the minimum lot size before and after the property line adjustment.

Figure 3 demonstrates a situation under this scenario. Both parcels are in the MUA-10 zone with a minimum lot size of 10 acres. Before the adjustment, both parcels are below the minimum lot size. Following the adjustment, Parcel 1 is decreased in size and Parcel 2 is increased in size, with both parcels remaining smaller than the minimum lot size.

Farm and Forest Restrictions - ORS 92.192(4)(a)-(d)

In addition to the requirements above, the statute places additional restrictions on property line adjustments in the Exclusive Farm Use and Forest zones. Counties **may not** approve a property line adjustment involving properties smaller than the minimum lot size if:

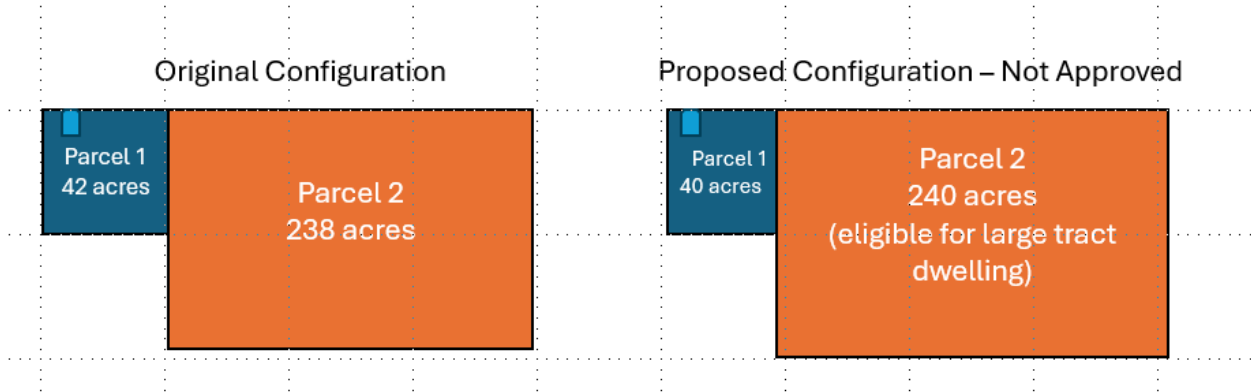
- a. The adjustment decreases the size of a parcel that is already smaller than the minimum lot size and contains an existing dwelling (or has received approval for the construction of a dwelling), while increasing the other parcel to at least the minimum lot size required to qualify for a dwelling.

In Deschutes County, minimum lot size requirements apply to farm-related dwellings in farm zones and large tract dwellings in forest zones.

Figure 4 provides an example under this scenario. Parcel 1 is below the minimum lot size and is developed with a dwelling. Parcel 2 is undeveloped and above the minimum lot size for the Forest Use 1 zone (80 acres), but does not meet the minimum lot size for a large tract dwelling, which is 240 acres. If property owners

proposed a property line adjustment to shift two acres from Parcel 1 to Parcel 2, it could not be approved. The effect of the property line adjustment would be to decrease the size of Parcel 1, already below the minimum lot size and containing a dwelling, and would increase Parcel 2, making it newly eligible for a large tract dwelling. This would trigger the restriction in ORS 192.192(4)(a).

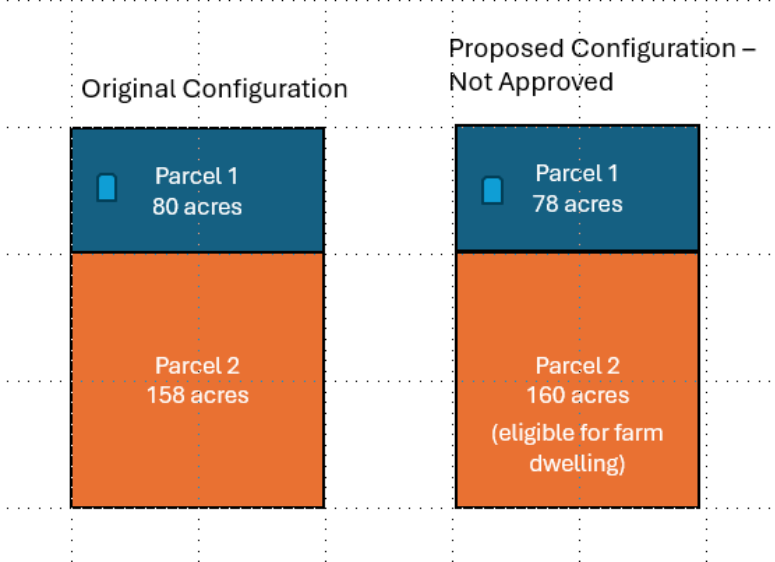
Figure 4



- b. The adjustment decreases the size of a parcel that currently meets or exceeds the minimum lot size and contains an existing dwelling (or is approved for the construction of a dwelling) to below the minimum lot size and increases the other parcel to or above the minimum lot size for a dwelling.

Figure 5 provides an example of this scenario. Each parcel is in the Exclusive Farm Use Zone with a minimum lot size of 80 acres. Parcel 1 was developed with a dwelling prior to the creation of the state land use system and meets the minimum lot size. Parcel 2 is undeveloped and meets the minimum lot size for the zone, but is just under the minimum lot size required to qualify for a farm dwelling (160 acres). The County could not approve the property line adjustment proposed, as it would decrease Parcel 1 to below the minimum lot size and increase Parcel 2 to the minimum lot size needed for a farm dwelling.

Figure 5

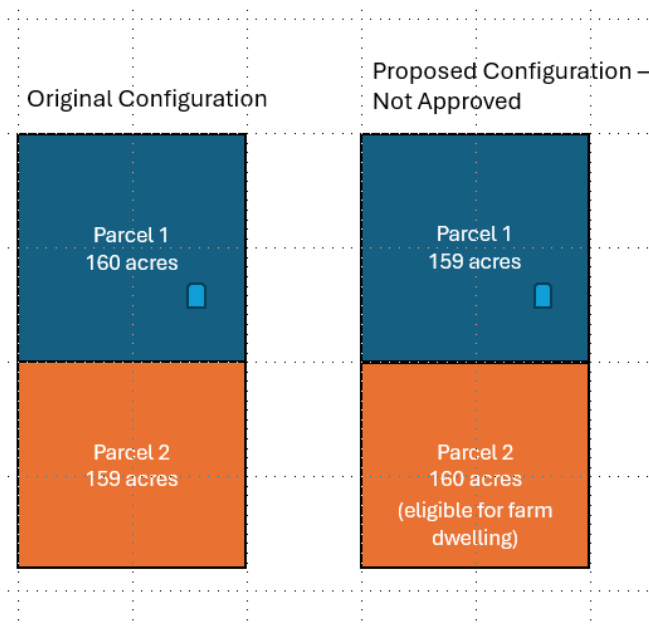


- c. The adjustment allows an area of land used to qualify a parcel for a dwelling based on an acreage standard to be used to qualify another parcel for a dwelling based on an acreage standard.

This practice is considered "double dipping," as the property owner would be using a portion of a property to qualify for a dwelling by meeting all standard code provisions, and subsequently adjusting the property line to make the dwelling noncompliant, thereby enabling the construction of another dwelling on an adjacent property.

Figure 6 provides an example of this scenario. Each parcel is in the Exclusive Farm Use Zone. Parcel 1 contains a farm-related dwelling approved under an acreage test that required 160 acres. Parcel 2 is undeveloped and is seeking approval for a farm-related dwelling that requires meeting an acreage test that requires 160 acres. The County could not approve the property line adjustment reducing Parcel 1 below 160 acres, as the adjustment would involve land used to qualify Parcel 1's dwelling for another dwelling on Parcel 2.

Figure 6



- d. Adjust a property line on a parcel created through Measure 36 or 49 claim, to adjust any parcel to be larger than:
- Two acres, if previously under two acres and is high-value farmland or forestland.
  - Five acres, if previously under five acres and not high-value farmland or forestland.

The provision above is relatively straightforward and intends to limit adjustments to properties approved under the special allowances within the state's Measures 36 and 49 claim process.



Staff finds that these requirements efficiently evaluate property line adjustments involving parcels below the minimum lot size.

### III. OVERVIEW OF AMENDMENTS

At the direction of the Board, staff is proposing the following amendments:

- Add 18.132.020(D) to clarify that property line adjustments are not eligible for variances, and that property line adjustments complying with ORS 92.192 do not require a variance.
- Delete existing 18.132.025(B) to remove the variance requirement for property line adjustments involving parcels smaller than the minimum lot area.
- Delete existing 18.132.025(C) to remove local limitations on property line adjustments involving substandard parcels beyond the requirements in ORS 92.192.
- Add new 18.132.025(C) to clarify that property line adjustments are not eligible for minor variances, and that property line adjustments complying with ORS 92.192 do not require a minor variance.

Staff may propose additional amendments during the hearing process following review from the public, Planning Commission, and Board of County Commissioners.

### IV. AGENCY AND PUBLIC COMMENTS

Notice of the Post-Acknowledgement Plan Amendment (PAPA) was submitted to the Department of Land Conservation and Development on June 18, 2025. One public comment has been received from the requestor of the amendments, Adam Smith, suggesting minor revisions. Staff has integrated these comments into the revised version of the findings.

### V. NEXT STEPS

The Planning Commission will recommend action to the Board of County Commissioners. It may approve, revise, or deny the proposed amendments.

At the conclusion of the public hearing, the Planning Commission may:

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

#### Attachments

- A. Text Amendments
- B. Proposed Findings

## **CHAPTER 18.132 VARIANCES**

[18.132.010 Variance Application](#)

[18.132.020 Authority Of Hearings Body](#)

[18.132.025 Minor Variances](#)

[18.132.030 Hearings Body Action On Variance](#)

[18.132.040 Variance Procedure](#)

### **18.132.010 Variance Application**

The Planning Director or Hearings Body may authorize area or use variance from the requirements of DCC Title 18. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner.

#### **HISTORY**

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

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

### **18.132.020 Authority Of Hearings Body**

A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the Planning Director or Hearings Body shall make all of the following findings:

#### **A. Onsite Requirements Variance.**

1. That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit.
2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
3. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.
4. That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

#### **B. Use variance.**

1. That the literal application of the ordinance would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance.
2. Each of the findings listed in DCC 18.132.020(A)(1), (2), and (4).

C. Statutory Provisions.

1. Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).

D. Property Line Adjustments

1. Property line adjustments are not eligible for variance. No variance is required for property line adjustments that are compliant with ORS 92.192.

HISTORY

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

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

*Amended by Ord. [93-043](#) §24 on 8/25/1993*

*Amended by Ord. [2023-014](#) §4 on 12/1/2023*

*Amended by Ord. [2025-002](#) §34 on 3/28/2025*

**18.132.025 Minor Variances**

A variance seeking to depart from on-site requirements of DCC Title 18, such as setbacks and area requirements, by no greater than 10 percent of the required distance or area may be granted by the Planning Director or Hearings Body in conformance with DCC 18.132.025.

- A. In the case of a setback or lot area variance, the applicant shall show that the approval will result in:
  1. More efficient use of the site;
  2. Preservation of natural features where appropriate;
  3. Adequate provision of light and privacy to abutting properties; and
  4. Preservation of topographic, vegetative and drainage features which would be adversely affected by application of the standards otherwise required by DCC Title 18.

~~B.—A lot or parcel that is smaller than the minimum lot area at the time of application may not be reduced by more than 10 percent from its current lot area without a variance.~~

~~C.—Notwithstanding B, above, a lot or parcel may be reduced by more than 10 percent of its current lot area without a variance if:~~

- ~~1.—The property is located outside of a Farm (EFU) or Forest (F) zone;~~
- ~~2.—The long-standing occupation area is different than the legal description in the deed for the subject property;~~
- ~~3.—The purpose of the property line adjustment is to correct the deed description to match the long-standing occupation lines of the properties; and~~
- ~~4.—The discrepancy between the deed lines and the occupation lines is documented by submittal of a narrative and maps prepared by an Oregon Licensed Professional Surveyor.~~
- ~~5.—As used in this sub-section, “long-standing” means in excess of ten (10) years.~~

~~D.B. \_\_\_\_\_ Statutory Provisions.~~

- ~~1. Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).~~

~~C. Property Line Adjustments.~~

- ~~1. Property line adjustments are not eligible for variance. No variance is required for property line adjustments that are compliant with ORS 92.192.~~

## HISTORY

*Adopted by Ord. [91-038](#) §3 on 9/30/1991*

*Amended by Ord. [2004-013](#) §15 on 9/21/2004*

*Amended by Ord. [2010-003](#) §1 on 7/6/2010*

*Amended by Ord. [2023-014](#) §4 on 12/1/2023*

*Amended by Ord. [2025-002](#) §34 on 3/28/2025*

*~~Amended by Ord. [2025-00x](#) §xx on x/xx/xxxx~~*

### **18.132.030 Hearings Body Action On Variance**

In granting or denying a variance, the Planning Director or Hearings Body shall make a written record of his findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The Planning Department shall keep the findings on file, and a copy of the variance granted and the condition thereof shall be recorded with the County Clerk.

#### **HISTORY**

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

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

### **18.132.040 Variance Procedure**

The variance application shall be processed according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.

#### **HISTORY**

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

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



## FINDINGS

### Property Line Adjustment / Minor Variance Text Amendment 247-25-000399-TA

#### I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

#### II. BACKGROUND:

Requirements for property line adjustments involving substandard lots have historically been ambiguous under local code and state statute. No significant limitations on the use of property line adjustments existed in state or local code prior to 1991.

In 1991, County Code was amended (Ord. 91-038) to limit area reduction of lots smaller than the minimum lot size (to a maximum reduction of ten percent) without a more complicated variance review process. This minor variance process for line adjustments applied to all zones in Deschutes County.

In 2010, the Board of County Commissioners adopted Ordinance 2010-003, which created the current minor variance provisions to allow property line adjustments resulting in a reduction of more than 10 percent in all zones, except the farm and forest zones. This provision was added to relieve an ongoing property line issue in the Dustan Road area of the county, although it was able to be applied to other historically platted subdivisions. The Board did not address issues in the EFU and Forest zone at that time, likely due to the narrow scope of the text amendment.

Beginning in 2008, state statute (ORS 92.192) has been repeatedly updated to increase protections for lot-area-based standards. Over time, these state statutory requirements have become more robust and nuanced than the County Code provision. Currently, both the state and county protections apply.

However, because the older County provisions are less nuanced when compared with newer state statute, the local code can cause unexpected problems for property owners. Specifically, the local 10% limitation can preclude beneficial property line adjustments that would otherwise comply with the modern, robust protections of 92.192. Staff added the proposed amendment to the department's work plan beginning in 2020, to explore deconflicting state and local property line adjustment provisions.

The Board directed that this text amendment be initiated during review of the Community Development Department's 2025-2026 work plan. An individual testified to the unintended consequences of this provision, noting its impact on large farm owners. Specifically, the minimum lot size for most farm-zoned properties is 80 acres. The transfer of sub-80-acre pieces between neighboring farm operations is unnecessarily complicated by the provisions of the County Code. Property line adjustments may be used to correct issues between property owners, such as a fence or building being located over a property line. For larger resource-zoned properties, the most efficient and streamlined process to correct this type of issue is unavailable due to the ten percent (10%) limitation.

The amendments seek to clarify otherwise ambiguous code provisions and reduce the risk of litigation by directly applying ORS 92.192.

### III. **AMENDMENT SUMMARY:**

At the direction of the Board, staff is proposing the following amendments:

- Add 18.132.020(D) to clarify that property line adjustments are not eligible for variances, and that property line adjustments complying with ORS 92.192 do not require a variance.
- Delete existing 18.132.025(B) to remove the variance requirement for lot line adjustments involving parcels smaller than the minimum lot area.
- Delete existing 18.132.025(C) to remove local limitations on lot line adjustments involving substandard parcels beyond the requirements in ORS 92.192.
- Add new 18.132.025(C) to clarify that property line adjustments are not eligible for minor variances, and that property line adjustments complying with ORS 92.192 do not require a minor variance.

Staff may propose additional amendments during the hearing process following review from the public, Planning Commission, and Board of County Commissioners.

### IV. **BASIC FINDINGS:**

The Board of County Commissioners directed staff to initiate the proposed text amendment. Staff initiated the proposed amendments and notified the Oregon Department of Land Conservation and Development on June 18, 2025 (File no. 247-25-000399-TA). As demonstrated in the findings below, the amendments remain consistent with the Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

### V. **FINDINGS:**

#### **CHAPTER 22.12, LEGISLATIVE PROCEDURES**

Section 22.12.010.

***Hearing Required***

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

**FINDING:** This criterion will be met because public hearings will be held before the Deschutes County Planning Commission (Commission) and the Board of County Commissioners (Board).

Section 22.12.020, Notice

**Notice**

**A. Published Notice**

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

**FINDING:** This criterion will be met as notice will be published in *The Bulletin* newspaper at least 10 days prior to each public hearing.

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

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

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

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

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

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

Section 22.12.030 Initiation of Legislative Changes.

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



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

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
- 1. *The Planning Commission.***
  - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

**FINDING:** This criterion will be met because public hearings will be held before the Deschutes County Planning Commission (Commission) and the Board of County Commissioners (Board).

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes included in file no. 247-25-000399-TA will be implemented by ordinances upon approval and adoption by the Board.

**OAR 660-015, STATEWIDE PLANNING GOALS AND GUIDELINES**

Goal 1: Citizen Involvement:

**FINDING:** The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning:

**FINDING:** The purpose of the amendment is to remove limitations on lot line adjustments involving substandard lots and relying directly on requirements in state statute. The proposal has a factual base and is consistent with the intent of the Comprehensive Plan and zoning districts. This goal is met.

Goal 3: Agricultural Lands:

**FINDING:** The proposed amendments will directly apply ORS 92.192 to lot line adjustments involving farm land. ORS 92.192, as adopted by the state, is understood to meet the requirements of Goal 3 and offer adequate protection of agricultural lands. This goal is met.

Goal 4: Forest Lands:

**FINDING:** The proposed amendments will directly apply ORS 92.192 to lot line adjustments involving forest land. ORS 92.192, as adopted by the state, is understood to meet the requirements of Goal 3 and offer adequate protection of forest lands. This goal is met.

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

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 5. This goal does not apply.

Goal 6: Air, Water and Land Resources Quality:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6. This goal does not apply.

Goal 7: Areas Subject to Natural Disasters and Hazards:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 7. This goal does not apply.

Goal 8: Recreational Needs:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 8. This goal does not apply.

Goal 9: Economic Development:

**FINDING** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 9. This goal does not apply.

Goal 10: Housing:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 10. This goal does not apply.

Goal 11: Public Facilities and Services:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 11. This goal does not apply.

Goal 12: Transportation:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 12. This goal does not apply.

Goal 13: Energy Conservation:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 13. This goal does not apply.

Goal 14: Urbanization:

**FINDING:** The proposed amendments remove local requirements for lot line adjustments involving substandard lots and directly apply requirements in state statute. In reviewing case law and the applicable rule, staff understand the requirements in ORS 92.192 to comply with Goal 14. This goal is met.

Goals 15 through 19

**FINDING:** These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

## **2011 DESCHUTES COUNTY COMPREHENSIVE PLAN**

### Chapter 2 – Resource Management -Section 2.2 Agricultural Land Policies

**Policy 2.2.5 Uses allowed in Exclusive Farm Use zones shall comply with State Statute and Oregon Administrative Rule.**

**Policy 2.2.6 Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.**

**FINDING:** The intent of the text amendment is to remove unnecessary local requirements and directly apply requirements for lot line adjustments involving substandard lots from statute into local code. As directed by the board, the proposed text amendments will remove unnecessary local barriers that may impact uses allowed on farm-zoned property and put the County at risk for litigation. These policies are met.

### Chapter 2 – Resource Management -Section 2.3 Forest Land Policies

**Policy 2.3.5 Uses allowed in Forest zones shall comply with State Statute and Oregon Administrative Rule.**

**FINDING:** The intent of the text amendment is to remove unnecessary local requirements and directly apply requirements for lot line adjustments involving substandard lots from statute into local code. As directed by the board, the proposed text amendments will remove unnecessary local barriers that may impact uses allowed on forest-zoned property and put the County at risk for litigation. These policies are met.

## **VI. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments.



## MEMORANDUM

**TO:** Deschutes County Planning Commission

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

**DATE:** July 17, 2025

**SUBJECT:** Deliberations: Dark Skies Text Amendments

The Deschutes County Planning Commission (Commission) will conduct deliberations on July 24, 2025 at 5:30 p.m. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider text amendments to update Deschutes County Code (DCC) Chapter 15.10, Outdoor Lighting Control (File no. 247-25-000377-TA). The amendment package is also referred to as "Dark Skies Amendments."

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 5, 2025. Staff presented the proposed amendments to the Planning Commission on June 26, 2025.<sup>1</sup> An initial public hearing was held before the Commission on July 10, 2025.<sup>2</sup> At that time, the oral portion of the public hearing was closed and the written record was held open until July 16, 2025 at 5:00 p.m.

All record materials can be found on the project website:

<https://bit.ly/DeschutesDarkSkies>

### I. BACKGROUND

Since November 2021, both the Board and Planning Commission have expressed support for updating DCC Chapter 15.10, Outdoor Lighting Control. In February 2022, the Planning Commission convened an 8-person panel reflecting varying perspectives related to dark skies and outdoor lighting. The panel discussed the importance of dark sky best practices and the increase in light pollution in the region from approximately 2012-2020.

<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-68>

<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-70>

In April 2022, the Board directed staff to pursue dark skies best practices and potential goals and policies as part of the Deschutes County 2040 Comprehensive Plan Update process. In October, during a Community Development Department FY 2022-23 Planning Division Work Plan Update, the Board expressed support for revisiting DCC Chapter 15.10 as a standalone work item, emphasizing educational outreach efforts rather than code enforcement responses.

Staff convened a second panel discussion in April 2023 to further explore such issues. The panel included representatives from the Oregon Chapter of International Dark-Sky Association (subsequently renamed to DarkSky International), an astronomer, Visit Central Oregon, Central Oregon Builders Association (COBA), Deschutes County Code Enforcement, a farmer/rancher, and a science educator.

Notable points that were raised by individuals (but not necessarily group consensus) in this panel included:

- Code update should include a revised purpose statement
- Exception from shielding for lights on timers should be eliminated
- Dark skies initiative is a great example of a diverse economic driver that aligns with natural resource values, destination values, etc. associated with the types of visitors that come to Central Oregon
- Full cutoff fixtures and prevention of light trespass are already measures that the building community is supportive of, but they would likely not be supportive of additional inspection fees
- Timers are often the subject of complaints - while they are on a timed window, they can be triggered multiple times each night, which creates more or less continuous lighting.
- If all lighting is required to be shielded, it could aid with enforcement

## **Existing Regulations**

DCC Chapter 15.10, Outdoor Lighting Control, was adopted in 1994. The 1994 amendments require all private and commercial outdoor lighting fixtures located in the unincorporated areas installed after August 10, 1994 utilizing a 110-watt or brighter incandescent bulb to be shielded by design or modification that directs light downward, and must limit direct line-of-sight of the fixture's lamp to the property on which the fixture is installed. Other types of bulbs have different shielding requirements depending on wattage. DCC Chapter 15.10 also provides several exemptions.

## **Legislative Approach and Challenges**

Updating lighting regulations to improve dark skies has been a consistent theme of Board, Planning Commission, citizen, and panel discussion on this topic. Any new regulations must balance the effectiveness of the code against the public and private costs to operate and enforce the program. Notably, implementation and enforcement are significant challenges; as a result, the proposed amendments seek to simplify the code wherever possible. The proposed code also includes guiding principles for effective and responsible lighting that are

not intended to be mandatory approval criteria. In addition to the proposed code amendments, staff will initiate public education efforts aimed at educating County residents and visitors about dark sky principles.

The Building Safety Division administers and implements state building codes. Plans examiners and building inspectors do not have the capacity to review or inspect outdoor lighting fixtures through a separate, unfunded application for lighting review. Currently, every building permit reviewed by the Building Safety Division Plan is stamped with a notation that exterior lighting must comply with Deschutes County's lighting regulations. At final inspection, however, not everything noted or stamped on a building plan is inspected.

Outdoor lighting-related code enforcement violations are currently identified as a relatively low priority for resolution. Currently, outdoor lighting-related complaints constitute approximately 2% of the total received annually. Code enforcement specialists typically send educational materials to violators to encourage them to achieve compliance through changing their lights and/or shielding their lighting fixtures. Generally, outdoor lighting regulations are difficult to enforce for reasons of property access, inaccuracy of photos as evidence, after-hours site visits/investigations, inaccuracies/calibration/training for measurement devices, and other issues. Notably, code enforcement staff observed during the 2023 panel that a simpler code would likely be easier to enforce.

## **II. AMENDMENT SUMMARY**

The proposed streamlined code takes the challenges of enforcement and implementation into consideration, while addressing concerns that have been raised by experts and the public over the last several years.

- **Definitions:** Definitions, which previously utilized a separate section for each term, have been consolidated into a single section, and superfluous or outdated definitions (for instance, those defining certain types of light fixtures that are no longer referred to in the chapter) have been removed. New definitions have been provided for several terms, most notably “downcast,” “light trespass,” and “string lights.”
- **Purpose statement:** This statement has been revised utilizing previous input from a DarkSky representative to reflect the need for lighting practices that are both safe and responsible, recognizing the County's night sky as an economic and community natural resource.
- **Guiding principles:** These principles, based on those from DarkSky International, have been added and are not intended to be mandatory. However, recognizing the limitations of enforcement, guiding principles can provide applicants with best practices for responsible lighting concepts. The City of Sisters utilizes a similar technique in its recently revised lighting ordinance.
- **Primary requirements:** DCC 15.10.050 presents three requirements applicable to all non-exempt outdoor light fixtures: lights must be downcast, fully shielded, and light trespass is prohibited. The proposed amendments remove distinctions between—

and tables referring to—different types of bulbs/fixtures and wattage in favor of a simplified approach that is easier to implement and enforce. During the panel discussions, this simplification was acknowledged as a potentially effective strategy that recognizes the limitations of implementation and enforcement and that is easy to understand.

- Prohibitions (formerly DCC 15.10.150) and externally lighted advertising signs (formerly DCC 15.10.160): Both of these sections were deleted, with some language moved to DCC 15.10.060, Exemptions. Both contained redundant references to lighting that must conform to the shielding requirements that apply to all non-exempt fixtures (for instance, top mounted fixtures for advertising signs). Provisions for searchlights, recreational facilities, and bottom mounted advertising lighting were moved to DCC 15.10.060 Exemptions, which more accurately captures the criteria for these types of light fixtures.
- Exemptions: The proposed amendments clarify some existing exemptions and add others (see above). The amendments remove several exemptions that would now be subject to the requirements of DCC 15.10.050, including correctional institutions, historical areas, and motion detector lights. The amendments add exemptions for string lights, publicly owned lighting including streetlights, and searchlights.

### III. HEARING TESTIMONY

In total, thirteen individuals provided written testimony before the close of the written record period. Three individuals provided verbal testimony during the hearing. The full written comments are available in the record for the Planning Commission's reference. The Planning Commission may choose to address all, some, or none of these issues in its recommendation to the Board.

All individuals providing testimony were in support of adopting the amendments and of reducing light pollution; seven supported adopting the amendments as written. Other individuals provided questions or suggestions to refine the amendments, which are summarized below with staff responses as applicable.

1. *Kevin English, Deschutes County resident*: Questioned if amendments allow for lighting of the U.S. flag per the U.S. Flag Code

*Staff response*: The regulations in the draft code pertaining to flags have not changed since the previous version and maintain an exemption from the standard shielding requirements for "U.S. flags displayed by top mounted lighting on a 24-hour basis." There is not a specific reference in the County code to the U.S. flag code, but it is consistent with the U.S. Flag Code, which states "It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flag staffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness."

2. *James Anthony, Deschutes County resident:*

- Suggestion to revise definition of "light trespass" to include a measurement of lumens: ""Light trespass" exists when the sum of artificial light illumination beyond the property lines on which the light sources are installed, exceeds *nnn* lumens." (J Anthony comment)
- Suggestion to revise holiday lighting exemption to better reflect current practices, from 45 days cumulatively in a calendar year to "no more than 45 days in a single event and 90 days cumulatively in a calendar year." (J Anthony comment)

3. *Bill Kowalik/DarkSky Oregon:* On behalf of DarkSky Oregon, Mr. Kowalik provided two written comments and verbal testimony at the hearing. The organization supports County efforts and provided a presentation document and table outlining DarkSky Oregon's assessment of the proposed code as it compares to the existing code and specific comments on numerous provisions. The table in its entirety is available for review in the record; the Planning Commission may choose to deliberate on any of the items provided therein. Remarks include, but are not limited to:

- Amendments should include color spectrum requirements: at minimum, require 3,000K or less, but ideally require range of 1,800-2,200K, which generally appear amber and minimize the negative impact of security lights. Amber lights are preferable in general.
- Recommends all greenhouse lighting be subject to same regulations as marijuana facilities: Inside building lighting, including greenhouses, hoop houses, and similar structures, shall not be visible outside the building from 7:00 p.m. to 7:00 a.m.
- Recommends 11 p.m. lights off for any lights (not just string lights) including internally lighted signs and digital billboard signs; exception for shielded amber lights. Lights off within 30 minutes of close of commercial business, within 1 hour of close of business for parking lots or close of play for sports fields.
- Holiday lighting: Recommends specific dates for simplification: December 1-January 15
- Requests evaluation of lighting plans before approval, and requests inspection during or after construction.

4. *Meg Voedisch, Deschutes County resident/Dark Skies Over Eagle Crest:* Question about the necessity of exemptions for string lights (M. Voedisch)

*Staff response:* Staff notes that string lights were previously unregulated by the code but are common throughout the County, so the proposed regulations seek to put some degree of regulation on them, recognizing that they are a unique type of light fixture. The proposed amendments follow the example of the City of Sisters, providing regulations for commercial and non-commercial uses of string lights.

5. *Toni Williams, Deschutes County resident and Planning Commissioner:*



- General support for amendments
- Understands lack of resources for enforcement and supports educational efforts, particularly concerning lighting that is downcast and shielded, and concerning light color.
- Concerning education, suggests a mailer to be bundled with property tax bills and/or a QR code that links to educational materials

### **Agency/Government Testimony**

1. *Scott Woodford, City of Sisters Community Development Director:* In response to an inquiry about how Sisters manages its outdoor lighting code, Mr. Woodford noted that the City reviews lighting plans during the building permit process and inspects at the time of occupancy. Sisters is also pursuing education methods such as mailers, community events, and social media. Code enforcement is complaint-based, beginning with a letter sent to those in violation of the code.
2. *Randy Scheid, Deschutes County Building Official* noted that per state law, local building department fees are to be utilized solely for the building inspection program to facilitate safe, sanitary, and durable dwellings, during their construction, alterations, and repairs and in accordance with OAR 918 and the Oregon Residential Specialty Code (OSRC). He also noted that “It has been my observation that most of our non-compliant Dark Sky lighting fixtures were installed without permits or inspection well after any final inspection was made.” Scheid emphasized the importance of educational efforts and suggested potential land use sign off or property owner/contractor affidavit prior to issuance of a Certificate of Occupancy.

### **IV. 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



## FINDINGS

### DARK SKIES TEXT AMENDMENTS

#### 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.

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#### **IV. BASIC FINDINGS**

The Planning Division determined that amendments were necessary to incorporate changes to modernize Deschutes County’s outdoor lighting standards. Staff initiated the proposed

amendments and notified the Oregon Department of Land Conservation and Development on June 5, 2025 (File no. 247-25-000377-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code and the Statewide Planning Goals.

## V. FINDINGS:

### CHAPTER 22.12, LEGISLATIVE PROCEDURES

#### Section 22.12.010.

##### ***Hearing Required***

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

**FINDING:** This criterion is met because a public hearing was held before the Deschutes County Planning Commission (Commission) on 7/10/2025 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 7/10/2025. 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. 247-25-000377-TA will be implemented by ordinances upon approval and adoption by the Board. This criterion will be met.

**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 7/10/2025 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:** No changes related to agricultural or forest lands are proposed as part of the text amendments. The amendments seek to encourage the utilization of responsible lighting practices that recognize the County's night sky as an economic and community natural resource while still allowing customary farm and forest practices to occur. This goal does not apply.

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

**FINDING:** This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas. No changes related to Goal 5 resources are proposed as part of the text amendments. This goal does not apply.

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

**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 air, water, and land resource quality. This goal does not apply.

### **Statewide Planning Goal 7 – Areas Subject to Natural Hazards:**

**FINDING:** No changes will occur to County programs related to flood management, wildfire mitigation, or other natural hazards. This goal does not apply.

### **Statewide Planning Goal 8 – Recreational Needs:**

**FINDING:** The proposed amendments do not address or alter any County recreational programs or land use requirements related to parks and recreation. This goal does not apply.

### **Statewide Planning Goal 9 – Economic Development:**

**FINDING:** The proposed amendments do not alter the County’s compliance with Goal 9, which is to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The amendments seek to encourage the utilization of responsible lighting practices that recognize the County’s night sky as an economic and community natural resource. The proposed amendments are in compliance with Goal 9.

### **Statewide Planning Goal 10 – Housing:**

**FINDING:** This goal is not applicable because unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

### **Statewide Planning Goal 11 – Public Facilities and Services:**

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

### **Statewide Planning Goal 12 – Transportation:**

**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). The proposed amendments do not alter the County’s compliance with Goal 12.

### **Statewide Planning Goal 13 – Energy Conservation:**



**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:**

**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.

**VI. CONCLUSION:**

Based on the information provided herein, staff recommends the Board of County Commissioners approve the proposed text amendments that make changes necessary to modernize the outdoor lighting ordinance.

## CHAPTER 15.10 OUTDOOR LIGHTING CONTROL

[15.10.010 Purpose And Intent As Relates To Guiding Principles For Residential, Commercial And Public Area Lighting](#)

[15.10.020 Purpose And Intent As Relates To Street Lighting](#)

[15.10.030 Conformance With Applicable Codes](#)

[15.10.040 Approved Materials And Methods Of Construction Or Installation/Operation](#)

[15.10.050-040 Definitions](#)

[15.10.055 Definition; Outdoor And Greenhouse Light Fixtures](#)

[15.10.060 Definition; Community Development Department](#)

[15.10.065 Definition; Exempt Light Fixtures](#)

[15.10.070 Definition; Individual](#)

[15.10.075 Definition; Installed](#)

[15.10.080 Definition; Shielding](#)

[15.10.085 Definition; Fully Shielded](#)

[15.10.090 Definition; Partially Shielded](#)

[15.10.095 Definition; Directed Shielding](#)

[15.10.100 Definition; Unshielded](#)

[15.10.105 Definition; High Intensity Discharge Lamp Sources](#)

[15.10.110 Definition; Luminous Tube Lighting](#)

[15.10.115 Definition; Greenhouse](#)

[15.10.120-050 Requirements For Installation Of Outdoor Lighting](#)

[15.10.130 Submission Of Plans And Evidence Of Compliance With Code; Subdivision Plats](#)

[15.10.140 Shielding](#)

[15.10.150 Prohibitions](#)

[15.10.160 Externally Lighted Outdoor Advertising Signs, Billboards](#)

[15.10.170-060 Exemptions](#)

[15.10.180-070 Violations And Penalties](#)

[15.10.190-080 Violations Constitute Public Nuisance](#)

[15.10.200 Code Requirements Tables For Shielding Tables 1, 2, And 3](#)

### [15.10.010 Purpose And Intent As Relates To Guiding Principles For Residential, Commercial And Public Area Lighting](#)

- A. The purposes of DCC 15.10 is-are to encourage the utilization of responsible lighting practices to provide safely lit areas for residents and visitors and to protect citizen health and safety and quality of life through the use of illumination that is energy efficient, prevents light pollution from light trespass, minimizes impact on wildlife and natural vistas, and recognizes Deschutes County's night sky as an economic and community natural resource, affirm the right of citizens in Deschutes County, Oregon to illuminate residential, commercial and public areas with lighting fixtures appropriate to the need while utilizing such illumination in a way that preserves rural and urban vistas and is confined to the property from which it is generated.

B. The following guiding principles have been developed by DarkSky International and the Illuminating Engineering Society. Guiding principles are not intended to be mandatory approval criteria.

1. Useful: Use light only if it is needed. All light should have a clear purpose. Consider how the use of light will impact the area, including wildlife and their habitats.
2. Targeted: Direct light so it falls only where it is needed. Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.
3. Low level: Light should be no brighter than necessary. Use the lowest light level required. Be mindful of surface conditions, as some surfaces may reflect more light into the night sky than intended.
4. Controlled: Use light only when it is needed. Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.
5. Warm-colored: Use warmer color lights when possible. Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

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

#### **15.10.020 Purpose And Intent As Relates To Street Lighting**

The purpose of DCC 15.10, as it relates to street lighting, is to affirm that the safety of citizens of Deschutes County, Oregon ~~have a right to the safety of~~ depends in part on well-lighted streets and highways, and to recognize that such illumination by nature cannot be confined to the property from which it is generated. Thus, certain ~~high wattage and low wattage~~ applications for the ~~propose purpose of highway street safety as defined below~~ are allowed under ~~these provisionsthis ordinance~~.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

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

#### **15.10.030 Conformance With Applicable Codes**

All outdoor electrically powered illuminating devices shall be installed, used and maintained in conformance with the provisions of this code, the building code, the electrical code, and the applicable sign code of the jurisdiction in which a sign(s) is installed. No provision of this ordinance ~~are is~~ intended to pre-empt applicable state codes.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. 2025-xxx Sx on x/x/2025*

### **15.10.040 Approved Materials And Methods Of Construction Or Installation/Operation**

The provisions of this code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved. The building official may approve any such proposed alternate that: Provides an equivalent alternative design that does not exceed 1800 lumens nor project light off-site of the subject lot or parcel.

#### **HISTORY**

*Adopted by Ord. 94-024 S1 on 8/31/1994*

### **15.10.050-040 Definitions**

For purposes of applying and enforcing this ordinance, Whenever appropriate in applying the provisions of DCC 15.10, the following words and phrases are defined as set forth in DCC 15.10.055-110 follows:

“Downcast” means lighting that is installed such that light rays from an outdoor light fixture are directed downward toward the ground and which includes a fixture shield parallel with the level ground.

"Exempt light fixtures" means outdoor artificial illuminating devices which are exempted from this ordinance by DCC 15.10.060.

“Farming practice” shall have the meaning set forth in ORS 30.930.

“Forest practice” shall have the meaning set forth in ORS 30.930.

"Fully shielded" means outdoor light fixtures that are shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane. [image to be inserted]

"Installed" means the initial installation of outdoor light fixtures following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.

“Light Trespass” means a condition in which light emitted by a light fixture illuminates any area beyond the property lines of the property on which the fixture is installed. “Light Trespass” exists when a person is able to see illumination from an off-site light fixture. Light trespass does not include indirect reflection or scattering of light from mounting hardware or any other surfaces.

"Outdoor light fixtures" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable.

“Searchlight” means a light fixture generating parallel rays that may be oriented in any particular direction, often used to draw the attention to a place or event.

"Shielding" may be provided for a lighting fixture by the design of such fixture, or by an externally applied device such as a shroud or hood of metal, wood or painted glass that does not allow transmission of light.

"String lights" means electric lights on a wire, string, or cable used as decoration or for outdoor lighting.

#### HISTORY

Adopted by Ord. [94-024](#) §1 on 8/31/1994

Amended by Ord. [95-063](#) §1 on 10/11/1995

Amended by Ord. [2016-014](#) §1 on 7/1/2016

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

#### **15.10.055 Definition; Outdoor And Greenhouse Light Fixtures**

"Outdoor light fixtures" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot, agricultural production/grow, and flood lights for:

- A.—Buildings and structures;
- B.—Recreational areas;
- C.—Parking lot lighting;
- D.—Landscape lighting;
- E.—Billboards and other signs (advertising or other);
- F.—Street lighting;
- G.—Product display area lighting;
- H.—Building overhangs and open canopies;
- I.—Holiday lighting;
- J.—Greenhouse interior lighting.

#### HISTORY

Adopted by Ord. [95-063](#) §1 on 10/11/1995

Amended by Ord. [2016-014](#) §1 on 7/1/2016

#### **15.10.060 Definition; Community Development Department**

"Community Development Department" means the Community Development Department or designated representative(s) for the purposes of this ordinance.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Adopted by Ord. 95-063 §2 on 10/11/1995*

**15.10.065 Definition; Exempt Light Fixtures**

"Exempt light fixtures" means outdoor artificial illuminating devices which are exempted by DCC 15.10.170:

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

**15.10.070 Definition; Individual**

"Individual" means any private individual, tenant, lessee, owner or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations:

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

**15.10.075 Definition; Installed**

"Installed" means initial installation of outdoor lighting fixtures following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only:

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

**15.10.080 Definition; Shielding**

"Shielding" for the purpose of this ordinance is provided for a lighting fixture by design of such fixture or by an externally applied device such as a shroud or hood of metal, wood or painted glass that does not allow transmission of light:

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

**15.10.085 Definition; Fully Shielded**

"Fully shielded" means outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane:

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

**15.10.090 Definition; Partially Shielded**

"Partially shielded" means shielding so that the edge of the shield is at or below the centerline of the light source or lamp so as to limit light emission above the horizontal plane to 10 percent or less:

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

**15.10.095 Definition; Directed Shielding**

"Directed shielding" means shielding by design or external application that directs light downward and limits direct line-of-sight of a fixture's lamp to the property upon which the fixture is installed.

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

**15.10.100 Definition; Unshielded**

"Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*

**15.10.105 Definition; High Intensity Discharge Lamp Sources**

"High intensity discharge lamp sources" means high pressure sodium, mercury vapor, metal halide, low pressure sodium, and other similar lamps.

**HISTORY**

*Adopted by Ord. 95-063 §1 on 10/11/1995*

**15.10.110 Definition; Luminous Tube Lighting**

"Luminous tube lighting" means gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

**15.10.115 Definition; Greenhouse**

"Greenhouse" means any building that is constructed of glass, plastic, or other transparent material in which plants are grown under climate-controlled conditions, and includes hoop houses and other similar structures.

**HISTORY**

*Adopted by Ord. 2016-014 §1 on 7/1/2016*

**15.10.120-050 Requirements For Installation Of Outdoor Lighting**

A. Except as exempted by provisions of this ordinance, ~~as of the date of adoption,~~ the installation and use of outdoor lighting fixtures shall be subject to the provisions of this ordinance.

B. All non-exempt outdoor lighting fixtures shall meet the following requirements:

1. Downcast. Lighting shall be downcast. Uplighting is prohibited.
2. Fully Shielded. Unless subject to an exemption, all light fixtures shall be fully shielded.
3. Light Trespass. Unless subject to an exemption, light trespass is prohibited for outdoor light fixtures.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*

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

#### **15.10.130 Submission Of Plans And Evidence Of Compliance With Code; Subdivision Plats**

~~All proposed subdivisions and partitions within Deschutes County that include outdoor lighting fixtures or street lighting shall be subject to the provisions of this ordinance.~~

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*

#### **15.10.140 Shielding**

~~All nonexempt outdoor lighting fixtures shall have shielding as required by the tables set forth in DCC 15.10.200.~~

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*

#### **15.10.150 Prohibitions**

- A.—~~Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.~~
- B.—~~Searchlights. The operation of searchlights for advertising purposes is prohibited between eleven o'clock P.M. and sunrise the following morning.~~
- C.—~~Recreational Facilities. No outdoor recreational facility, public or private, shall be illuminated after eleven o'clock P.M. except to conclude a specific recreational or sporting event or any other similar activity conducted at or in the facility which was in progress under such illumination prior to eleven o'clock P.M., except that any outdoor recreational facility, public or private, which is illuminated with outdoor lighting fixtures conforming to this code may operate any time with such illumination.~~

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*



### ~~15.10.160 Externally Lighted Outdoor Advertising Signs, Billboards~~

All externally lighted advertising signs and billboards will be illuminated by one of the following manners:

- A.—~~Top-mounted fixtures in which case such fixtures will conform to the shielding requirements as set forth in DCC 15.10.140.~~
- B.—~~Bottom-mounted fixtures in which case such fixtures shall be shielded either by application of external device or manufactured in such a way that upward and side directed light is confined to an area within four inches of the outermost surface of the sign's top and sides. Shielding will be constructed in such a manner that no reflective surface of the lighting fixture will extend past the limit of the shielding in the vertical plane when viewed from directly above. (See typical drawings – Table 1 and Table 2 attached.)~~

#### HISTORY

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*

### ~~15.10.170-060 Exemptions~~

~~Certain outdoor light fixtures are exempt from this ordinance, subject to the following standards:~~

#### A. Nonconformance.

1. All ~~other~~ outdoor light fixtures lawfully installed prior to and operable on the effective date of the requirements codified in this ordinance are exempt from all such requirements except ~~those regulated in DCC 15.10.150(A), (B) and (C) or~~ as follows:

- a. All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provisions of this ordinance.
- b. Until a date ~~six five~~ years after the date of adoption of this ~~code ordinance,~~ ~~August 31, 2000.~~

- 2.—~~Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirement of DCC 15.10.~~

- B. Airport operations lighting and aircraft navigational beacons ~~required by the Federal or State Law as established by the Federal Aviation Administration~~ are ~~permanently~~ exempt from these provisions. All other airport outdoor lighting must conform ~~to the intent of~~with this ordinance.

~~C.—Correctional Institutions. Exterior lighting for County correctional institutions shall be shielded high pressure sodium except at the immediate entry area, in which case other lighting may be used that conforms to the intent of this ordinance.~~

~~D.C.~~        Lights used for Holiday decorations for no more than 45 days cumulatively in a calendar year are exempt from the requirements of this ordinance.

~~E.D. Carnivals and Fairs~~ Special events that require the use of temporary outdoor lighting fixtures are exempt for up to 10 consecutive days, except that P permanent installations at dedicated sites must conform to the requirements of this ordinance.

~~F. Historical areas as designated by proper authority are exempt from the requirements of this ordinance. Use of the minimum illumination necessary to maintain public safety is encouraged.~~

~~G. Motion detector lights that operate automatically for periods of less than 20 minutes.~~

~~H.E.~~ U.S. flags displayed by top mounted lighting on a ~~24-24~~ hours basis.

~~H.F.~~ Internally lighted advertising signs.

~~G. Bottom mounted fixtures on externally lighted advertising signs and billboards, in which case such fixtures shall be shielded either by application of external device or manufactured in such a way that upward and side directed light is confined to an area within four inches of the outermost surface of the sign's top and sides. Shielding will be constructed in such a manner that no reflective surface of the lighting fixture will extend past the limit of the shielding in the vertical plane when viewed from directly above.~~

~~H.H.~~ Temporary exemptions to the provision(s) of DCC Title 15 for five days cumulatively in a per calendar year.

~~K.I.~~ Television or movie film productions are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

~~L.J. Customary agricultural practices are exempt except that~~ Farming practices and forest practices. ~~Permanent~~ permanent installations ~~at dedicated sites~~ must conform to the requirements of this ordinance.

~~K.~~ Construction lighting necessary for an allowed use. ~~are exempt except that P~~ permanent installations at dedicated sites must conform to the requirements of this ordinance.

~~L.~~ Recreational Facilities. Outdoor light fixtures in association with a sports or recreational facility, public or private, prior to eleven o'clock P.M.

~~M.~~ String Lights, subject to the following standards:

- ~~1. String lights shall not be used to solely illuminate or decorate landscaping features, walls, or fences.~~
- ~~2. All installations of string lighting shall employ lamps that do not flash or flicker.~~
- ~~3. In association with non-residential uses, string lights may be installed in outdoor dining and entertainment areas only and shall not be used to delineate or outline the edges of a building or for any other purpose. String lighting must be completely extinguished by the end of normal business hours.~~

4. In association with residential uses, string lighting may be used to delineate or outline the edges of patios, porches, decks and similar structures. String lighting must be completely extinguished by 11 P.M.

5. These limitations do not apply to string lights used as holiday lighting, which are instead subject to holiday lighting standards.

N. Publicly Owned Lighting. Publicly owned lighting (including streetlights located in the public right-of-way) shall be fully shielded but are not required to comply with light trespass requirements.

O. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*

*Amended by Ord. [99-022](#) §1 on 8/25/1999*

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

#### **15.10.180-070 Violations And Penalties**

For any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any lighting structure, or cause the same to be done, contrary to or in violation of any provision of this ordinance shall constitute a code violation subject to DCC 18.144.050.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*

*Amended by Ord. [2003-021](#) §33 on 4/9/2003*

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

#### **15.10.190-080 Violations Constitute Public Nuisance**

Any outdoor lighting fixture erected, constructed, enlarged, altered, repaired, moved, improved, or converted, contrary to the provisions of this ordinance shall constitute a **public nuisance code violation** subject to DCC 18.144.040.

#### HISTORY

*Adopted by Ord. [94-024](#) §1 on 8/31/1994*

*Amended by Ord. [95-063](#) §1 on 10/11/1995*

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

#### **15.10.200 Code Requirements Tables For Shielding Tables 1, 2, And 3**

A. ~~Outdoor lighting fixtures (except street lighting – see Table 2).~~

1. TABLE 1-WATTAGE-SEE SECTION 1 BELOW

LAMP TYPE	25	30	35	40	50	60	75	100	110 OR MORE
LOW PRESSURE SODIUM	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
HIGH PRESSURE SODIUM	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
METAL HALIDE	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
FLUORESCENT	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
QUARTZ	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
TUNGSTEN HALOGEN	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
MERCURY VAPOR	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD	DIRECTED SHIELD
INCANDESCENT	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	UNSHIELDED	DIRECTED SHIELD

1. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.
2. Lamp types not listed in the table may be approved for use by the building official providing installation of these lamps conforms to the lumen limits established in this section.
3. Glass tubes filled with argon, neon or krypton do not require shielding.

TABLE 2 TYPICAL LUMEN VALUES FOR VARIOUS LAMP WATTAGE \*\*

WATTAGE	LOW PRESSURE SODIUM	HIGH PRESSURE SODIUM	METAL HALIDE	FLUORESCENT	QUARTZ	MERCURY VAPOR	INCANDESCENT
9				600			
18	1,800						
35	4,725	2,250					
40		4,000		2,250			480
50					1,400	1,140	480
55	7,925						
60							870
70		5,800	5,500				
75						2,800	1,190
90	14,400						
100		9,500	8,000			4,300	1,750
110				6,600			
150		16,000					2,850

175			14,000			8,600	
200		22,000					4,010
250		27,500	20,500			12,100	
300							6,360
400		50,000	36,000			22,500	
500							10,850

2. ~~\*\*~~Taken from data supplied by Portland General Electric - Energy Resource Center

3.2. STREET LIGHTING. All street lighting fixtures will be shielded in conformance with Table 3 included in this section.

TABLE 3 WATTAGE-SEE SECTION 1 BELOW

WATTAGE	55	70	75	90	100	150	175	250	400-OR-MORE
LOW PRESSURE SODIUM	PARTIAL SHIELDING	PARTIAL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
HIGH PRESSURE SODIUM	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
METAL HALIDE	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
FLUORESCENT	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING

QUARTZ	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
MERCURY VAPOR	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING
INCANDESCENT	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	PARTIAL SHIELDING	FULL SHIELDING	FULL SHIELDING	FULL SHIELDING

4. — 1. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.  
2. Lamp types not listed in the table may be approved for use by the building official providing installation of these lamps conforms to the intent of this code.

**HISTORY**

*Adopted by Ord. 94-024 §1 on 8/31/1994*

*Amended by Ord. 95-063 §1 on 10/11/1995*



## MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Kyle Collins, Senior Planner  
Will Groves, Planning Manager

**DATE:** July 16, 2025

**SUBJECT:** Work Session: Text Amendments for Repeal of the State Wildfire Hazard Map

The Deschutes County Planning Commission (Commission) will conduct a work session on July 24, 2025, to consider amendments to the Deschutes County Code (file no. 247-25-000425-TA). The amendments are intended to remove local criteria for wildfire mitigation building code standards as originally governed by the State Wildfire Hazard Map (Hazard Map).

This work session is in preparation for a public hearing before the Board of County Commissioners (Board) scheduled for August 13, 2025. Attached to this memorandum are the findings (Attachment A) and proposed text amendments (Attachment B) summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~.

All record materials can be found on the project website: [bit.ly/0425TA](https://bit.ly/0425TA)

### I. BACKGROUND

During the 2021 state legislative session, Senate Bill (SB) 762<sup>1</sup> was passed to help modernize and improve wildfire preparedness across Oregon. SB 762 was subsequently modified by the passage of SB 80<sup>2</sup> in 2023. These pieces of legislation were developed to address wildfire issues through three key strategies: creating fire-adapted communities, developing safe and effective responses, and increasing the resiliency of Oregon's landscapes.

One of the primary components of SBs 762 and 80 was the creation of a comprehensive Hazard Map to guide new wildfire regulations for development. Under SBs 762 and 80, once the Hazard Map was finalized, properties included in **both** a designated Wildland Urban

<sup>1</sup> <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled>

<sup>2</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB80/Enrolled>



Interface (WUI) boundary and classified as high hazard would be subject to additional development regulations. SB 80 required that, at a minimum, local governments ensure that properties meeting both of these classifications would be subject to:

- 1) Home hardening building codes as described in section R327 of the Oregon Residential Specialty Code.
- 2) Defensible space standards as determined by the Oregon State Fire Marshal.

Additionally, SB 391<sup>3</sup> was passed in 2021 which allowed local jurisdictions to adopt standards for rural accessory dwelling units (ADUs) pursuant to certain minimum state standards. Subsequently, SB 644<sup>4</sup> was passed in 2023 and modified certain standards included within the state rural ADU program, including additional standards for wildfire hazard mitigation before and after final adoption of the Hazard Map.

However, due to public concern the state legislature repealed the Hazard Map and all associated requirements in June 2025 with the passage of SBs 83<sup>5</sup> and 75<sup>6</sup>. Pursuant to SBs 83 and 75, text amendments are required to remove all local references to the Hazard Map.

## II. OVERVIEW OF AMENDMENTS

The proposed text amendments remove all wildfire mitigation standards for rural ADUs, which were previously governed by the Hazard Map. These standards to be removed are as follows:

- Defensible space standards for rural ADUs, both before and after adoption of the Hazard Map
- Home hardening building codes as described in section R327 of the Oregon Residential Specialty Code, both before and after adoption of the Hazard Map

## III. AGENCY AND PUBLIC COMMENTS

Notice of the Post-Acknowledgement Plan Amendment (PAPA) was submitted to the Department of Land Conservation and Development on July 1, 2025. No public comments have been received to date.

## IV. NEXT STEPS

The Board of County Commissioners will hold a public hearing on the proposed amendments on August 13, 2025.

<sup>3</sup> <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0391/A-Engrossed>

<sup>4</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB644/Enrolled>

<sup>5</sup> <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB83/Enrolled>

<sup>6</sup> <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB75/Enrolled>

Attachments

- A. Proposed Findings
- B. Text Amendments



## FINDINGS

### STATE WILDFIRE HAZARD MAP REPEAL - TEXT AMENDMENTS

#### I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

#### II. **BACKGROUND:**

Pursuant to Senate Bills (SBs) 83 and 75, Text Amendments are required to remove local references to the State Wildfire Hazard Map originally established by SB 762 and SB 80. The text amendments would also remove all wildfire mitigation standards for Rural Accessory Dwelling Units (ADUs), which were previously governed by the Wildfire Hazard Map.

#### III. **BASIC FINDINGS:**

On June 26, 2025, the Oregon Legislature adopted SB 83<sup>1</sup>. This Bill repeals the State Wildfire Hazard Map which was previously adopted and administered pursuant to SBs 762<sup>2</sup> and 80<sup>3</sup>. Additionally, SB 75<sup>4</sup> was adopted concurrently with SB 83 and removes all wildfire mitigation building and defensible space standards which were previously activated by the State Wildfire Hazard Map. The proposed text amendments are necessary to align Deschutes County Code with state statutes governing wildfire mitigation building standards.

Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on June 30, 2025 (File no. 247-25-000425-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

#### IV. **FINDINGS:**

##### **CHAPTER 22.12, LEGISLATIVE PROCEDURES**

Section 22.12.010.

<sup>1</sup> <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB83>

<sup>2</sup> <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled>

<sup>3</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB80/Enrolled>

<sup>4</sup> <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB75>

### ***Hearing Required***

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

**FINDING:** This criterion will be met because the proposal was reviewed by the Deschutes County Planning Commission (Commission) on July 24, 2025 and a public hearing was held before the Board of County Commissioners (Board) on August 13, 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 July 13, 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.

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***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 reviewed the proposed amendments on July 24, 2025. The Board held a public hearing on August 13, 2025.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes included in file no. 247-25-000425-TA will be implemented by ordinances upon approval and adoption by the Board.

**V. PROPOSED TEXT AMENDMENTS:**

The proposed text amendments are detailed in the referenced ordinance with additional text identified by underline and deleted text by ~~striketrough~~. Below are summary explanations of the proposed changes.

**Title 18, County Zoning:**

**Chapter 18.116. SUPPLEMENTARY PROVISIONS - (See Exhibit A)**

**Section 18.116.355. Accessory Dwelling Units In The RR-10 And MUA Zones**

The proposed changes alter the standards for establishing a rural accessory dwelling units (ADUs) within the Multiple Use Agricultural (MUA10) and Rural Residential (RR10) Zones to match the updated state statutory standards put in place by SB 75, and referenced in ORS 215.495. The modified statutory language:

- Removes the mandatory construction provisions from section R327 of the Oregon Residential Specialty Code that apply to rural accessory dwelling units.
- Removes the mandatory defensible space provisions as determined by the Oregon State Fire Marshal that apply to rural accessory dwelling units.

## **Title 19, BEND URBAN GROWTH BOUNDARY ORDINANCE:**

### **Chapter 19.92. INTERPRETATIONS AND EXCEPTIONS - (See Exhibit B)**

#### **Section 19.92.160. Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ Zones**

The proposed changes alter the standards for establishing a rural accessory dwelling unit (ADU) within the Urban Area Reserve (UAR10), Suburban Low Density Residential (SR 2 1/2), and Westside Transect (WTZ) Zones to match the updated state statutory standards put in place by SB 75, and referenced in ORS 215.495. The modified statutory language:

- Removes the mandatory construction provisions from section R327 of the Oregon Residential Specialty Code that apply to rural accessory dwelling units.
- Removes the mandatory defensible space provisions as determined by the Oregon State Fire Marshal that apply to rural accessory dwelling units.

## **VI. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments that make minor changes necessary to clarify existing standards and procedural requirements based on the repeal of the State Wildfire Hazard Map.

## **CHAPTER 18.116 SUPPLEMENTARY PROVISIONS**

[18.116.010 Authorization Of Similar Uses](#)

[18.116.020 Clear Vision Areas](#)

[18.116.030 Off-Street Parking And Loading](#)

[18.116.031 Bicycle Parking](#)

[18.116.035 Bicycle Commuter Facilities](#)

[18.116.036 Special Parking Provisions For The Sunriver Town Center \(TC\) District](#)

[18.116.040 Accessory Uses](#)

[18.116.045 Exceptions To Permitted Dwelling Unit Facilities](#)

[18.116.050 Manufactured Dwellings](#)

[18.116.070 Placement Standards For Manufactured Dwellings](#)

[18.116.080 Manufactured Dwelling Or RV As A Temporary Dwelling Unit On An Individual Lot Or Parcel During Construction](#)

[18.116.090 Manufactured Dwelling Or Recreational Vehicle As A Temporary Hardship Dwelling](#)

[18.116.095 Recreational Vehicle As A Temporary Dwelling On An Individual Lot Or Parcel](#)

[18.116.100 Building Projections](#)

[18.116.120 Fences](#)

[18.116.130 Hydroelectric Facilities](#)

[18.116.140 Electrical Substations](#)

[18.116.150 Endangered Species](#)

[18.116.160 Rimrock Setbacks Outside Of LM Combining Zone](#)

[18.116.170 Solar Height Restrictions](#)

[18.116.180 Building Setbacks For The Protection Of Solar Access](#)

[18.116.190 Solar Access Permit](#)

[18.116.200 \(Repealed\)](#)

[18.116.210 Residential Homes And Residential Facilities](#)

[18.116.215 Family Child Care Provider](#)

[18.116.220 Conservation Easements On Property Abutting Rivers And Streams; Prohibitions](#)

[18.116.230 Standards For Class I And II Road Projects](#)

[18.116.240 Protection Of Historic Sites](#)

[18.116.250 Wireless Telecommunications Facilities](#)

[18.116.260 Rock Crushing Outside The SM Zone](#)

[18.116.270 Conducting Filming Activities In All Zones](#)

[18.116.280 Home Occupations](#)

[18.116.290 Amateur Radio Facilities](#)

[18.116.300 Wind Energy Systems That Generate Less Than 100 KW](#)

[18.116.310 Traffic Impact Studies](#)

[18.116.320 Medical Marijuana Dispensary](#)

[18.116.330 Marijuana Production, Processing, Retailing, And Wholesaling](#)

[18.116.340 Marijuana Production Registered By The Oregon Health Authority \(OHA\)](#)

[18.116.350 Historic Home Accessory Dwelling Units In RR-10 And MUA Zones](#)

[18.116.355 Accessory Dwelling Units In The RR-10 And MUA Zones](#)

[18.116.360 Nursery Schools](#)

[18.116.380 Psilocybin Manufacturing, Service Centers, And Testing Laboratories](#)

### **18.116.355 Accessory Dwelling Units In The RR-10 And MUA Zones**

#### A. As used in this section:

1. “Accessory dwelling unit” means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, “auxiliary” means a use or structure incidental and subordinate to the single-family dwelling on the property, and located on the same lot or parcel as the single-family dwelling.
2. “Accessory dwelling unit structure” means all areas of an accessory dwelling unit inclusive of garages, carports, decks, and porch covers.
3. “Rural residential use” means a lot or parcel located in the RR-10 or MUA-10 Zones, consistent with the definition in ORS 215.501..
4. “Single-family dwelling” means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type. For the purposes of this chapter, “single-family dwelling” shall be synonymous with “single-unit dwelling” as defined in DCC 18.04.030..
5. “Useable floor area” means all areas of an accessory dwelling unit defined as floor area in DCC 18.04.030, exclusive of garages, carports, decks, and porch covers.
6. “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
  - a. The occupant rents the unit for vacation purposes only, not as a principal residence; and



- b. The occupant has a principal residence other than at the unit; and
  - c. The period of authorized occupancy does not exceed 45 days.
- B. One accessory dwelling unit is permitted outright on a lot or parcel zoned RR-10 or MUA-10, provided all of the following standards are met:
  - 1. One single-family dwelling is sited on the lot or parcel:
    - a. As used in this section, “sited” means established onsite or applied for prior to issuance of any building or land use permits for an accessory dwelling unit.
    - b. An existing single-family dwelling meeting all other criteria in this section may be converted to an accessory dwelling unit during construction of a new primary single-family dwelling.
  - 2. There is no guest-house, temporary dwelling unit as identified in DCC 18.116.090, or additional dwelling units except the primary single-family dwelling established on the subject property.
    - a. An existing lawfully established guest house, temporary dwelling unit as identified in DCC 18.116.090, or an additional dwelling unit meeting all other criteria in this section may be converted to an accessory dwelling unit.
  - 3. The lot or parcel is not located within an Urban Reserve Area, consistent with ORS 195.137.
  - 4. No portion of the lot or parcel is within the Metolius Area of Critical State Concern, as defined in ORS 197.416.
  - 5. The lot area is at least two acres, with the exception of those unsewered areas between Sunriver and the Klamath County border, defined as those unincorporated portions of Deschutes County contained in Townships 19S, 20S, 21S, and 22S and Ranges 9E, 10E and 11E. Within these exception areas, the lot area is at least five acres.
  - 6. The accessory dwelling unit structure will have a minimum setback of 100 feet from all lot lines abutting properties zoned F-1, F-2, or EFU and meet any other minimum setback requirements of the underlying zone(s) and combining zone.

7. The accessory dwelling unit will not include more than 900 square feet of useable floor area.
8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the existing single-family dwelling to the nearest part of the useable floor area of the accessory dwelling unit.
  - a. An existing structure converted to an accessory dwelling unit must be located no farther than 100 feet from the existing single-family dwelling, measured from the existing single-family dwelling to the nearest part of the accessory dwelling unit structure. For the purposes of this section, “existing” means the structure was lawfully established on or before November 1, 2023.
9. Prior to application, the accessory dwelling unit receives approval from a sewer authority or the Deschutes County Onsite Wastewater Division for onsite wastewater disposal and treatment.
10. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.
11. The accessory dwelling unit provides for all of the following:
  - a. Adequate access connecting an accessory dwelling unit with a fire protection service provider with professionals who have received training or certification described in ORS 181A.410. Adequate access is met by demonstrating compliance with section 11(a)i and 11(a)(ii), or section 11(a)(iii):
    1. A continuous, minimum 20-foot width right(s)-of-way with an unobstructed vertical clearance of not less than 13.5 feet. For the purposes of this section, right(s)-of-way are defined as:
      - A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or
      - B. Private roads, as permitted by DCC Title 18, with maintenance responsibility assigned to landowners or

homeowners associations by covenant or agreement pursuant to ORS 105; and

2. A continuous, minimum 12-foot width onsite driveway with an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, designed and maintained as follows:
  - A. Composed of an all-weather surface including asphalt or concrete; or
  - B. Designed and maintained to support a minimum gross vehicle weight (GVW) of 75,000 lbs as certified by a Professional Engineer, registered in Oregon;
3. Written confirmation from a fire protection service provider with professionals who have received training or certification described in ORS 181A.410, on a form prepared by Deschutes County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

~~12.-Wildfire Hazard Mitigation Building Code Standards:~~

~~a.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply to the accessory dwelling unit structure:~~

~~1.—For areas designated as high wildfire hazard that are identified pursuant to ORS 477.490:~~

~~A.—The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code:~~

~~b.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, the following requirements shall apply to the accessory dwelling unit structure:~~

~~1.—The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code:~~

### 13. Wildfire Hazard Mitigation Defensible Space Standards:

a. ~~If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply:~~

1. ~~For all wildfire hazard designations in the wildland-urban interface that are identified pursuant to ORS 477.490:~~

A. ~~The minimum defensible space rules established by the State Fire Marshal as described in ORS 476.392.~~

b. ~~If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, then either the section 13(b)(i) or 13(b)(ii) requirements shall apply:~~

1. ~~Prior to issuance of building permits, the property owner(s) shall construct and maintain the following firebreaks on land surrounding the accessory dwelling unit that is owned or controlled by the owner:~~

A. ~~Primary Firebreak. A primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders, or other similar materials; and~~

B. ~~Secondary Firebreak. A secondary firebreak of not less than 20 feet wide shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and~~

C. ~~Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and~~

~~brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and~~

~~D.—No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.~~

~~2.—Prior to issuance of building permits, the property owner(s) shall construct and maintain defensible space and fuel breaks as developed in consultation with local fire protection service providers who have received training or certification described in ORS 181A.410. Applicable defensible space and fuel breaks shall be on land surrounding the accessory dwelling unit on land that is owned or controlled by the owner.~~

~~14.12.~~ The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

~~15.13.~~ A lot or parcel with an accessory dwelling unit approved under this section is ineligible for:

- a. A subdivision, partition, other division of the lot or parcel, or a property line adjustment where the result of such application would be to situate the existing single-family dwelling on a different lot or parcel than the accessory dwelling unit; and
- b. Placement or construction of any additional dwelling unit, guest house, or any other temporary dwelling unit as identified in DCC 18.116.090.

~~16.14.~~ If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

~~17.15.~~ At the time of application, a letter confirming that the supplier of water is "Willing and Able to Serve" the accessory dwelling unit shall be provided if the accessory dwelling unit is to be served by any water source other than an onsite domestic well.

~~18-16.~~ 19-17. An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating ground water right exemptions under ORS 537.545(1).

~~19-17.~~ 20-18. If the water supply source for the accessory dwelling unit or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

~~20-18.~~ 21-19. Prior to issuance of building permits, the applicant shall sign and record with the County Clerk, a restrictive covenant stating an accessory dwelling unit allowed under this section and the primary single-family dwelling cannot be used for vacation occupancy, as defined in DCC 18.116.355(A)(6) and consistent with ORS 90.100.

#### HISTORY

*Adopted by Ord. [2023-014](#) §3 on 12/1/2023*

*Amended by Ord. [2025-002](#) §30 (and edit to (B)(20) citation) on 3/28/2025*

*[Amended by Ord. 2025-015 §1 on 8/13/2025](#)*

## **CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS**

**19.92.010 General Exceptions To Lot Area Requirements**

**19.92.020 Accessory Uses And Structures**

**19.92.025 Exceptions To Permitted Dwelling Unit Facilities**

**19.92.030 Exception To Height Regulations**

**19.92.040 Establishment And Measure Of Clear Vision Areas**

**19.92.050 Exceptions To Setback Requirements**

**19.92.060 Authorization For Similar Uses**

**19.92.070 Existing Uses**

**19.92.080 Pending Building Permits**

**19.92.090 River Setback (Repealed)**

**19.92.100 (Untitled)**

**19.92.110 Solar Height Restrictions**

**19.92.120 Conservation Easements On Property Adjacent To Rivers And Streams;**

**Prohibitions**

**19.92.130 Fill And Removal Exceptions**

**19.92.140 Existing Marijuana Production Registered By The Oregon Health Authority (OHA)**

**19.92.150 Historic Home Accessory Dwelling Units In UAR-10 And SR-2 1/2 Zones**

**19.92.160 Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ Zones**

**19.92.170 Recreational Vehicles A Rental Dwellings In UAR-10, SR-2 1/2, And WTZ Zones**

**19.92.160 Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ Zones**

A. As used in this section:

1. "Accessory dwelling unit" means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, "auxiliary" means a use or structure incidental and subordinate to the single-family dwelling on the property, and located on the same lot or parcel as the single-family dwelling.
2. "Accessory dwelling unit structure" means all areas of an accessory dwelling unit inclusive of garages, carports, decks, and porch covers.

3. “Rural residential use” means a lot or parcel located in the UAR-10, SR-2 ½, or WTZ Zones, consistent with the definition in ORS 215.501..
  4. “Single-family dwelling” means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type. For the purposes of this chapter, “single-family dwelling” shall be synonymous with “single-unit dwelling” as defined in DCC 19.04.040..
  5. “Useable floor area” means all areas of an accessory dwelling unit defined as floor area in DCC 19.04.040, exclusive of garages, carports, decks, and porch covers.
  6. “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
    - a. The occupant rents the unit for vacation purposes only, not as a principal residence; and
    - b. The occupant has a principal residence other than at the unit; and
    - c. The period of authorized occupancy does not exceed 45 days.
- B. One accessory dwelling unit is permitted outright on a lot or parcel zoned UAR-10, SR-2 ½, or WTZ, provided all of the following standards are met:
1. One single-family dwelling is sited on the lot or parcel:
    - a. As used in this section, “sited” means established onsite or applied for prior to issuance of any building or land use permits for an accessory dwelling unit.
    - b. An existing single-family dwelling meeting all other criteria in this section may be converted to an accessory dwelling unit during construction of a new primary single-family dwelling.
  2. There is no guest-house, temporary dwelling unit as identified in DCC 19.88.090, or additional dwelling units except the primary single-family dwelling established on the subject property.
    - a. An existing lawfully established guesthouse, temporary dwelling unit as identified in DCC 19.88.090, or an additional dwelling unit meeting all other criteria in this section may be converted to an accessory dwelling unit.



3. The lot or parcel is not located within an Urban Reserve Area, consistent with ORS 195.137.
4. No portion of the lot or parcel is within the Metolius Area of Critical State Concern, as defined in ORS 197.416.
5. The lot area is at least two acres, with the exception of those unsewered areas between Sunriver and the Klamath County border, defined as those unincorporated portions of Deschutes County contained in Townships 19S, 20S, 21S, and 22S and Ranges 9E, 10E and 11E. Within these exception areas, the lot area is at least five acres.
6. The accessory dwelling unit structure will have a minimum setback of 100 feet from all lot lines abutting properties zoned F-1, F-2, or EFU and meet any other minimum setback requirements of the underlying zone(s) and combining zones.
7. The accessory dwelling unit will not include more than 900 square feet of useable floor area.
8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the existing single-family dwelling to the nearest part of the useable floor area of the accessory dwelling unit.
  - a. An existing structure converted to an accessory dwelling unit must be located no farther than 100 feet from the existing single-family dwelling, measured from the existing single-family dwelling to the nearest part of the accessory dwelling unit structure. For the purposes of this section, “existing” means the structure was lawfully established on or before November 1, 2023.
9. Prior to application, the accessory dwelling unit receives approval from a sewer authority or the Deschutes County Onsite Wastewater Division for onsite wastewater disposal and treatment.
10. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.
11. The accessory dwelling unit provides for all of the following:

- a. Adequate access connecting an accessory dwelling unit with a fire protection service provider with professionals who have received training or certification described in ORS 181A.410. Adequate access is met by demonstrating compliance with section 11(a)i and 11(a)(ii), or section 11(a)(iii):
- (1) A continuous, minimum 20-foot width right(s)-of-way with an unobstructed vertical clearance of not less than 13.5 feet. For the purposes of this section, right(s)-of-way are defined as:
    - (A) Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or
    - (B) Private roads, as permitted by DCC Title 19, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105; and
  - (2) A continuous, minimum 12-foot width onsite driveway with an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, designed and maintained as follows:
    - (A) Composed of an all-weather surface including asphalt or concrete; or
    - (B) Designed and maintained to support a minimum gross vehicle weight (GVW) of 75,000 lbs as certified by a Professional Engineer, registered in Oregon;
  - (3) Written confirmation from a fire protection service provider with professionals who have received training or certification described in ORS 181A.410, on a form prepared by Deschutes County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

~~12. Wildfire Hazard Mitigation Building Code Standards:~~

~~a.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply to the accessory dwelling unit structure:~~

~~(1)—For areas designated as high wildfire hazard that are identified pursuant to ORS 477.490:~~

~~(A)—The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code:~~

~~b.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, the following requirements shall apply to the accessory dwelling unit structure:~~

~~(1)—The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code:~~

#### ~~13. Wildfire Hazard Mitigation Defensible Space Standards:~~

~~a.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply:~~

~~(1)—For all wildfire hazard designations in the wildland-urban interface that are identified pursuant to ORS 477.490:~~

~~(A)—The minimum defensible space rules established by the State Fire Marshal as described in ORS 476.392:~~

~~b.—If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, then either the section 13(b)(i) or 13(b)(ii) requirements shall apply:~~

~~(1)—Prior to issuance of building permits, the property owner(s) shall construct and maintain the following firebreaks on land surrounding the accessory dwelling unit on land that is owned or controlled by the owner:~~

~~(A)—Primary Firebreak. A primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders, or other similar materials; and~~

~~(B)-Secondary Firebreak. A secondary firebreak of not less than 20 feet wide shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and~~

~~(C)-Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and~~

~~(D)-No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.~~

~~(2)-Prior to issuance of building permits, the property owner(s) shall construct and maintain defensible space and fuel breaks as developed in consultation with local fire protection service providers who have received training or certification described in ORS 181A.410. Applicable defensible space and fuel breaks shall be on land surrounding the accessory dwelling unit that is owned or controlled by the owner.~~

14.12. The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

15.13. A lot or parcel with an accessory dwelling unit approved under this section is ineligible for:

- a. A subdivision, partition, other division of the lot or parcel, or a property line adjustment where the result of such application would

be to situate the existing single-family dwelling on a different lot or parcel than the accessory dwelling unit; and

- b. Placement or construction of any additional dwelling unit, guest-house, or any other temporary dwelling unit as identified in DCC 19.88.090.

~~16-14.~~ If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

~~17-15.~~ At the time of application, a letter confirming that the supplier of water is “Willing and Able to Serve” the accessory dwelling unit shall be provided if the accessory dwelling unit is to be served by any water source other than an onsite domestic well.

~~18-16.~~ An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating ground water right exemptions under ORS 537.545(1).

~~19-17.~~ If the water supply source for the accessory dwelling unit or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

~~20-18.~~ Prior to issuance of building permits, the applicant shall sign and record with the County Clerk, a restrictive covenant stating an accessory dwelling unit allowed under this section and the primary single-family dwelling cannot be used for vacation occupancy, as defined in DCC 19.92.160(A)(6) and consistent with ORS 90.100.

#### HISTORY

Adopted by Ord. [2023-014](#) §9 on 12/1/2023

Amended by Ord. [2025-002](#) §50 (and edit to (B)(20) citation) on 3/28/2025

*Amended by Ord. [2025-015](#) §2 on 8/13/2025*