

TITLE 18 COUNTY ZONING

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CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

18.04.030 Definitions

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 18.08 BASIC PROVISIONS

18.08.050 Review Pursuant to ORS 197A.400

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18.08.050 Review Pursuant to ORS 197A.400

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

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

HISTORY

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

CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA

18.32.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

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

~~Q. Planned developments.~~

~~P. Cluster developments.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~AGAE.~~ Guest lodge.

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.32.040 Dimensional Standards

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

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

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

HISTORY

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

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

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

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

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

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

CHAPTER 18.56 SURFACE MINING IMPACT AREA COMBINING ZONE; SMIA

18.56.070 Setbacks

A. General/Discretionary Standards:

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

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

B. Clear and Objective Standards:

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

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

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

HISTORY

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

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

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

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

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

18.56.080 Use Limitations

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

HISTORY

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

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

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

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

18.56.090 Specific Use Standards

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

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

HISTORY

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

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

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

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

18.56.100 Site Plan Review And Approval Criteria

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

HISTORY

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

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

Amended by Ord. 90-035 §3 on 9/5/1990

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

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

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

18.56.110 Abbreviated SMIA Site Plan Review

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

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

HISTORY

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

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

Amended by Ord. [90-035](#) §4 on 9/5/1990

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

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

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

18.56.120 Waiver Of Remonstrance

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

HISTORY

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

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

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

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

18.56.130 Development Agreement And Performance Bond

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

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

HISTORY

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

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

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

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

18.56.140 Exemptions

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

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

HISTORY

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

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

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

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

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

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

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

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

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

CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10

18.60.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public park, playground, recreation facility or community center owned and operated by a government agency or nonprofit community organization.
- B. Dude ranch.
- C. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in DCC 18.60.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

~~E. Planned development.~~

~~F. Cluster development.~~

~~G.~~E. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.

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

~~I.~~G. Cemetery.

~~J.~~H. Time-share unit or the creation thereof.

~~K.~~I. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.

~~L.~~J. Bed and breakfast inn.

~~M.~~K. _____ Golf course.

~~N.~~L. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.

~~O.~~M. _____ Religious institutions or assemblies.

~~P.~~N. Public Uses.

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

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

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

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.60.060 Dimensional Standards

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

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

HISTORY

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

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

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

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

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

CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

18.66.020 Residential (TeR) District

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

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

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

~~15-14.~~ Residential facility.

HISTORY

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

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

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

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

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

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

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

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

CHAPTER 18.84 LANDSCAPE MANAGEMENT COMBINING ZONE; LM

[18.84.080 Design Review Standards – General/Discretionary Standards](#)

[18.84.081 Design Review Standards – Clear and Objective Standards](#)

[18.84.090 Setbacks – General/Discretionary Standards](#)

[18.84.091 Setbacks – Clear and Objective Standards](#)

18.84.020 Application Of Provisions

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

HISTORY

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

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

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

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

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

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

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

18.84.030 Uses Permitted Outright

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

HISTORY

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

Amended by Ord. 90-020 §1 on 6/6/1990

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

Amended by Ord. 92-034 §2 on 4/8/1992

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

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

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

18.84.040 Uses Permitted Conditionally

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

HISTORY

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

Amended by Ord. 90-020 §1 on 6/6/1990

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

Amended by Ord. 92-034 §2 on 4/8/1992

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

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

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

18.84.050 Use Limitations

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

18.84.060 Dimensional Standards

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

HISTORY

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

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

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

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

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

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

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

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

18.84.070 Application

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

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

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

B. A drawing of the proposed structure elevations showing:

1. Exterior appearance.

2. Average natural grade.

2.3. Height dimensions measured from average natural grade.

3.4. Siding and roofing material and color.

4.5. Location and size of windows, including skylights.

C. A landscape plan drawn to scale, showing:

1. Location, size, and species of existing trees six inches in diameter or greater, or existing shrub vegetation higher than four feet, between the proposed development and the designated landscape management road, river, or stream.

a. For applications reviewed under General/Discretionary Standards pursuant to DCC 18.08.050, w~~h~~ere a significant amount of vegetation exists, the applicant may submit a landscape plan ~~may be accepted which that~~ generalizes and explains how the existing trees and shrubs provide screening. This option is not available for applications reviewed under Clear and Objective Standards.

2. Proposed location and species of introduced vegetation which will screen the proposed development from the designated landscape management road, river, or stream.

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

HISTORY

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

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

Amended by Ord. 92-034 §2 on 4/8/1992

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

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

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

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

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

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

18.84.080 Design Review Standards – General/Discretionary Standards

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

18.84.081 Design Review Standards – Clear and Objective Standards

- A. All existing tree and shrub cover between the development and the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, or removal of dead, diseased, or hazardous vegetation as part of a housing application.
 - 1. For the purposes of this provision, “hazardous” means either:
 - a. A tree or branch that has been identified by arborist as an imminent danger to people or property; or
 - b. Vegetation that is subject to mandatory fire break, fuel break, or defensible space requirements under the ORS, OAR, DCC Chapter 8.21, and/or- DCC Title 18.
- B. New structures and additions to existing structures, provided that they add one or more dwelling units, shall be finished in a color listed in Appendix A (DCC 18.18A) or with natural unpainted wood or stone.
- C. Roofing, including metal roofing, shall be non-reflective and shall have a light reflectance value (LRV) of 40 or less.
- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18. 84.090(E), when there are existing topographic features, such as rocky outcrops, knolls, hills, or ridges, that have the ability to obscure any portion of the proposed structure, as viewed from the designated road, river or stream, the proposed structure shall be located such that the topographic feature(s) is situated between the structure and the designated road, river, or stream.

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

HISTORY

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

18.84.090 Setbacks – General/Discretionary Standards

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

18.84.091 Setbacks – Clear and Objective Standards

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

HISTORY

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

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

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

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

CHAPTER 18.88 WILDLIFE AREA COMBINING ZONE; WA

18.88.050 Dimensional Standards – General/Discretionary Standards

18.88.051 Dimensional Standards – Clear and Objective Standards

18.88.010 Purpose

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

HISTORY

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

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

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

18.88.020 Application Of Provisions

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

HISTORY

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

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

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

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

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

18.88.040 Uses Permitted Conditionally

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

18.88.050 Dimensional Standards – General/Discretionary Standards

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

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

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

HISTORY

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

Amended by Ord. 92-042 §1 on 8/5/1991

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

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

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

18.88.051 Dimensional Standards – Clear and Objective Standards

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

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

HISTORY

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

18.88.060 Siting Standards

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

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

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

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

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

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

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

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

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

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

HISTORY

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

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

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

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

CHAPTER 18.90 SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE; SBMH

18.90.060 Site Plan Review Criteria – General/Discretionary Criteria

18.90.061 Site Plan Review Criteria – Clear and Objective Criteria

18.90.010 Purpose

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

HISTORY

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

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

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

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

18.90.020 Definition Of Sensitive Habitat Area

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

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

HISTORY

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

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

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

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

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

18.90.050 Site Plan Review Requirement

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

HISTORY

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

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

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

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

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

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

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

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

18.90.060 Site Plan Review Criteria – General/Discretionary Criteria

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

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

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

HISTORY

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

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

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

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

18.90.061 Site Plan Review Criteria – Clear and Objective Criteria

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

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

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

HISTORY

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

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

18.108.040 Multiple Unit Residential; RM District

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

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

11. Health and fitness facility.

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

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

1. Duplexes and multi-unit dwellings:

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

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

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

- b. Lot Width. Every lot or parcel shall have a minimum lot width of 50 feet.
- c. Frontage. Every lot or parcel shall have a minimum street frontage of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
- d. Front Setback. The front setback shall be a minimum of 10 feet.
- e. Side Setback. There shall be a minimum side setback of five feet and the sum of the side setbacks shall be a minimum of 15 feet. The side setbacks shall be increased by one-half foot for each foot by which the structure height exceeds 15 feet.
- f. Rear Setback. The rear setback shall not be less than five feet. The rear setback shall be increased by one-half foot for each foot by which the structure height exceeds 15 feet.
- g. Lot Coverage. Lot coverage shall not exceed 40 percent of the total lot area.

2. Townhouses, condominiums, and zero lot line dwelling units, ~~and planned unit developments~~:

- a. There shall be no minimum lot area for townhouse, condominium, and zero lot line developments, ~~or planned unit developments~~ provided, however, that the overall density shall not exceed eight dwelling units per acre.

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

3. Single-Unit Dwellings~~:-~~:

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

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

HISTORY

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

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

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

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

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

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

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

18.116.390 Identification of Certain Features for Clear and Objective Applications

18.116.400 Land Divisions

18.116.160 Rimrock Setbacks Outside Of LM Combining Zone

A. General/Discretionary Standards:

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

B. Clear and Objective Standards:

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

18.116.390 Identification of Certain Features for Clear and Objective Applications

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

A. Determining the Ordinary High Water Line (OHWL)

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

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

B. Measuring and Calculating Volume of Fill or Removal

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

HISTORY

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

18.116.400 Land Divisions

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

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

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

HISTORY

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

CHAPTER 18.120 EXCEPTIONS

18.120.030 Exceptions To Setback Requirements

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

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

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

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

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

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

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

18.120.040 Structure Height Exceptions

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

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

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

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

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 18.128 CONDITIONAL USE

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

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

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

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

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

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

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

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

HISTORY

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

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

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

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

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

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

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

18.128.271 Fill or Removal – Clear and Objective Standards

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

B. Standards.

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

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

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

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

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

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

HISTORY

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