

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 Pursuant To DCC 22.08.040

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. 2025-009 §8 on 6/18/2025](#)

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. 2025-009 §8 on 6/18/2025](#)

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. 2025-009 §8 on 6/18/2025

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. 2025-009 §8 on 6/18/2025

18.90.061 Site Plan Review Criteria – Clear and Objective Criteria Pursuant To DCC 22.08.040

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. 2025-009 §8 on 6/18/2025