

OHA ANALYSIS
Deschutes County Mule Deer Winter Range Combining Zone (DRAFT)

Mule deer populations have experienced declines in much of Eastern Oregon especially in Central Oregon. The loss or deterioration of habitat has been associated with these declines. As the human population grows and development pressure increases, it is becoming increasingly apparent that using outdated inventories can result in more conflicts between land use and wildlife protection.

Existing Deschutes County wildlife inventories are from the 1990's and no longer reflect the best available wildlife habitat information. The South-Central mule deer research project completed in 2012 greatly improved ODFW understanding of where and how mule deer utilize winter range habitats.

OHA supports the proposed 2023 Mule Deer Winter Range Combining Zone Maps as identified by Oregon Department of Fish & Wildlife.

After reviewing the proposed Chapter 18.91 development code for the 2023 Mule Deer Winter Range Combining Zone (WA-MD) it appears that the proposed use limitations are less restrictive than the existing chapter 18.88 Wildlife Area Zone (WA).

OHA recommends 18.91.030 uses permitted outright be modified to include additional limitations identified in 18.91.050, 18.91.060 and 18.91.070 to minimize the impacts of development in migration corridors and winter ranges that will interfere with big game movements and result in habitat loss and fragmentation.

For clarification, OHA recommends 18.91.050, 18.91.060 and 18.91.070 be referred to in 18.91.040 (A). 18.91.040 (E) 2 states all buildings shall be located in accordance with siting standards identified in 18.91.060. Which states all buildings will be 300 ft from a public or private road. While (E 3a) states the use, all structures and use areas shall be locate within 1,320 ft (1/4 mile) of a County road. This is confusing and needs clarification.

OHA recommends similar 18.91.040 (E) 2 and 3 a-c use limitations be added to 18.91.040 (F) use limitations for Campgrounds and Recreational Vehicle Parks in addition to the fence standards.

As opposed to the existing WA there are no prohibited uses identified in the proposed WA-MD. The proposed WA-MD would allow uses permitted outright or by conditional use permits by the underlying zone including solar and wind energy development 18.91.040 (D). A primary impact of utility-scale solar development is the near-total loss of wildlife habitat and landscape permeability due to fencing and grading requirements, among other things. Utility-scale energy development and supporting infrastructure (substations and transmission lines) in migration corridors and winter ranges have been shown to interfere with big game movements and result in habitat loss and fragmentation that impacts the ability of big game populations to access critical resources.

Due to the direct and indirect adverse impacts of utility-scale energy development and related infrastructure on big game use of migration corridors and winter ranges and examples of poorly sited solar energy developments impeding migratory ungulates in the west, OHA recommends Deschutes County prohibit solar and wind energy development in WA-MD.

If the new WA-MD will allow the development of solar and wind energy in migration corridors and winter ranges the County should develop energy specific rules to avoid impacts of solar development to

the greatest extent possible, minimize impacts that are unavoidable, and, to the extent impacts can neither be avoided or minimized, require mitigation.

OHA has the following recommendations if the proposed WA-MD will allow the development of utility scale solar and wind energy in migration corridors and winter ranges. 18.91.040 (G)1 states all buildings will be located within 1,320 ft (1/4 mile) of a County Road. While 18.91.060 (B) states all buildings will be 300 ft from a public or private road. Do 18.91.060 standards apply to utility scale energy developments? This is confusing and needs to be clarified. Are the solar panels considered buildings? OHA recommends use limitation 18.91.040 (G) 1 be modified to include all structures, including solar panels, and use areas shall be limited with similar 18.91.040 (E) 2 and 3 a-c siting standards.

There is no minimum lot size for new parcels proposed WA-MD except as is provided in the underlying zone 18.91.050 (A). OHA recommends within the WA-MD the minimum land divisions including partitioning of new parcels shall be 40 acres or the minimum parcel size identified in the underlying zones whichever is greater to minimize fragmentation of mule deer habitat.

18.91.050 (B) states any land divisions, including partitions in RR10 or MUA 10 shall not be permitted except when conforming to identified standards. OHA recommends these standards (B 1-6) also be applied to the EFU, F1 and F2 underlying zones.

The WA required 80% of a cluster development be maintained as open space the new WA-MD 18.91.050 (B) 3 proposes 65% open space be maintained. OHA recommends 75% of cluster developments be maintained as open space to minimize fragmentation of mule deer habitat.

OHA recommends the fence standards in 18.91.070 be modified to meet standard wildlife friendly fence specifications of the bottom wire shall be smooth and 18" off the ground not 15" and the top wire shall not be more than 42" above the ground not 48". In addition, these fence standards should apply to all new fence construction within the WA-MD.