

FINDINGS

I. SUMMARY

Ordinance No. 2023-00x updates Deschutes County's mule deer winter range inventory through the creation of the 2023 Mule Deer Winter Range Combining Zone (WA-MD). This ordinance amends the Deschutes County Comprehensive Plan and create a new chapter in Deschutes County Code (DCC) Title 18: Chapter 18.91, 2023 Mule Deer Winter Range Combining Zone. There are no changes to the existing Chapter 18.88, Wildlife Area Combining Zone. The WA-MD Combining Zone applies to new mapped areas beyond the parameters of the WA Combining Zone.

II. BACKGROUND

Wildlife Area Combining Zone / Deer Winter Range

Deschutes County adopted Ordinance Nos. 92-041 and 92-042, which addressed wildlife protection, during the periodic review process in 1992.¹ These ordinances, among many others, amended the Wildlife Chapter of the Comprehensive Plan and DCC Chapter 18.88, Wildlife Area (WA) Combining Zone.² Ordinance 92-041 adopted several inventories, including deer winter range, based on an Economic, Social, Environmental and Energy (ESEE) analysis. As a result of this analysis, Deschutes County balanced the conflicts between deer winter range habitat and other uses that are otherwise permitted outright or conditionally in the underlying zone, by limiting certain uses and prohibiting others.³ The following is a relevant excerpt:

Program to Achieve the Goal (Conserve Deer Winter Range): The Wildlife Area Combining Zone, Title 18.88, (WA) is applied to all areas designated as deer winter range on the Big Game Habitat Wildlife Area Combining Zone Map. The WA zone requires a 40-acre minimum lot size for all new land divisions, prohibits certain conflicting uses (i.e. golf course, schools etc.), establishes siting and fencing standards, and requires that all land divisions in the Rural Residential (RR-10) or Multiple Use Agricultural (MUA-10) Zone be clustered or planned development.

Ordinance No. 92-042 amended DCC Chapter 18.88 to regulate land use as described in Ordinance No. 92-041 to achieve the goal of minimizing the impacts of property development and use on designated deer winter range.⁴

¹ Deschutes County completed periodic review on January 23, 2003.

² Ordinance Nos. 92-040, 92-045, 92-046, 92-052, 94-003, 94-004, 94-007, 94-021

³ Ordinance 92-041, Exhibit A, Page 24.

⁴ https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=CHAPTER_18.88_WILDLIFE_AREA_COMBINING_ZONE;_WA

DLCD Technical Assistance Grant / Wildlife Inventory Update

In 2019, Deschutes County received an 18-month Department of Land Conservation and Development (DLCD) Technical Assistance grant to begin updating the County's Statewide Planning Goal 5 wildlife habitat inventories. For the initial phase of the project, the County engaged the public to present updated biological data and then gauged general interest in pursuing an update of three inventories that were selected by a team of wildlife biologists with experience in the County: (a) mule deer winter range, (b) elk winter range, and (c) sensitive birds (golden and bald eagles).

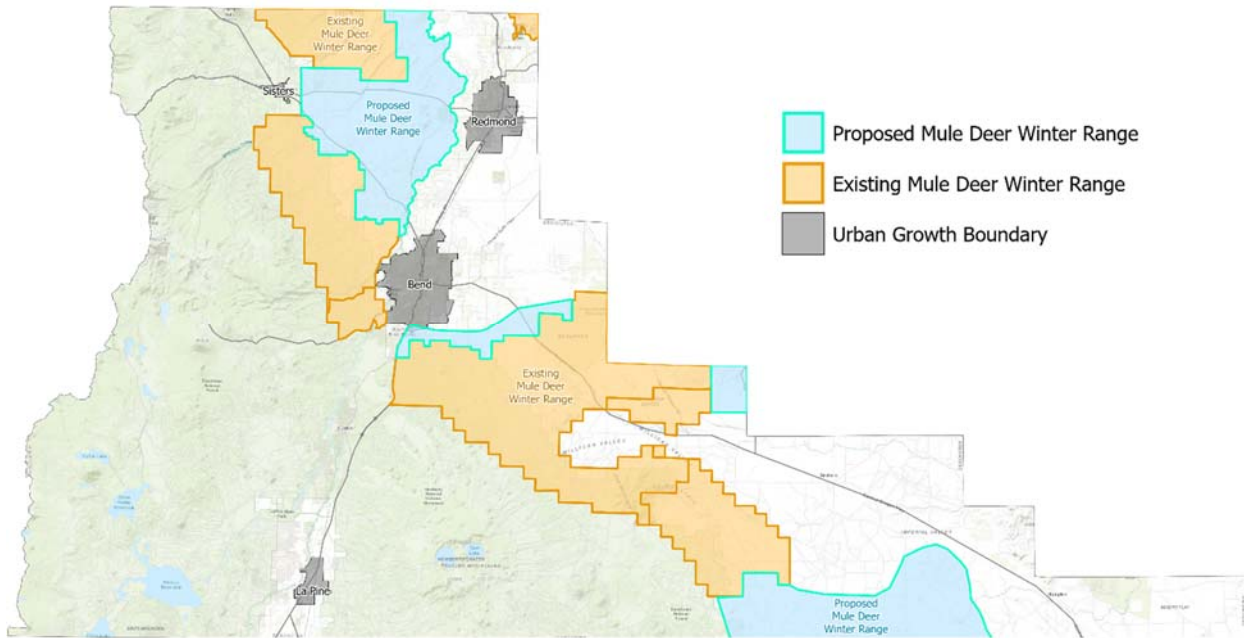
The inventory update process was managed by an Interagency Working Group (IWG), which consisted of technical experts from Oregon Department of Fish & Wildlife (ODFW), U.S. Fish & Wildlife Service (USFWS), and the project consultant wildlife biologist. The process was summarized in a report by the consultant (IWG Report), which is included as an appendix to the Public Outreach Report. The IWG Report provides an overview of the inventory selection process and the methodology of data collected and utilized by the IWG to form new recommended inventories for deer winter range, elk winter range, and sensitive birds. The IWG Report then formed the basis of the information presented during the public outreach process, which consisted of two virtual open houses, an interactive online StoryMap, and an online survey.⁵

As noted in the Public Outreach Report, the IWG collected raw data on the three selected inventories using several methods explained in the report (aerial, collar data, etc.); using that data, the IWG developed recommended new inventory areas. The proposed boundaries of the new inventories do not mean that the inventoried species only exist within the proposed boundaries. Rather, the areas within the proposed boundaries are the most biologically significant with respect to critical habitat.⁶ The proposed new inventory boundaries are illustrated below and viewable in greater detail on the project website at the link below:

<https://www.deschutes.org/muledeer>

⁵ <https://www.deschutes.org/cd/page/wildlife-inventory-update>

⁶ https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/wildlife_inventory_update_outreach_report_with_appendices.pdf



Mule Deer Inventory Pilot Project

On November 1, 2021, the Board of County Commissioners (Board) directed staff to update the Deschutes County Comprehensive Plan and DCC to address the new mule deer winter range inventory. It was recognized that this process has generally not been undertaken by Oregon counties, given the removal of periodic review requirements, as well as the time and resources required. Therefore, this inventory update can serve as a model for future wildlife inventory updates following the completion of the Comprehensive Plan Update.

The current WA Combining Zone for mule deer winter range, which remains unchanged and is not addressed by this proposal, covers approximately 315,847 acres; the 2023 area covers 188,132 acres, of which approximately 82,000 acres is nonfederal land and therefore is regulated by Deschutes County zoning. As in the existing WA Combining Zone, unincorporated communities (Tumalo and Terrebonne, as well as areas within urban growth boundaries and areas regulated pursuant to Title 19, remain exempt from the provisions of the combining zone's regulations due to their dense development pattern and mixture of residential, commercial, industrial and/or public uses.

Of the proposed 188,132 acres subject to the new WA-MD Combining Zone:

- 106,404 acres (56.5%) are on federal land
- 81,728 acres (43.4%) are on nonfederal land

Disaggregating the 81,728 acres on nonfederal land subject to Deschutes County's land use authority:

- 61,126 acres (3,573 tax lots) zoned Exclusive Farm Use

- 1,205 acres (9 tax lots) zoned Forest Use
- 9,368 acres (1,608 tax lots) zoned RR-10
- 7,603 acres (1,494 tax lots) zoned MUA-10
- 141 acres (3 tax lots) zoned OS&C
- 1,018 acres (26 tax lots) zoned Surface Mining
- 715 acres (39 tax lots) zoned Flood Plain

Conflicting Uses

The term “conflicting use” is used to refer to a land use or other activity reasonably and customarily subject to land use regulations that could adversely affect mule deer winter range, which is a significant Goal 5 resource.⁷ These findings will examine a number of conflicting uses to the mule deer winter range, and utilize an ESEE (Economic, Social, Environmental and Energy) analysis to consider potential scenarios for those conflicting uses to inform the proposed amendments. The process the County has used to identify the conflicting uses is explained in the sections below.

Previously Identified Conflicting Uses

Ordinance 92-041 states:

Conflicting Uses:

Researchers and the Oregon Department of Fish and Wildlife have identified dwellings, roads, and dogs as the major conflicts with wintering deer. Actions which cause deterioration of forage quality and quantity or cover are conflicting uses. Fences that do not allow safe passage of deer are also a conflicting use. Limiting conflicting uses greatly enhances the chances of survival for deer during the winter when they are gathered in the winter range and are competing for forage.

Dwellings, the residential land division which increase the supply of potential dwellings, and fencing were identified to be conflicting uses with mule deer winter range under Ordinance 92-041. This proposal considers dwellings as a conflicting use for the purpose of the analysis; however, fences and land divisions are addressed not as stand-alone conflicting uses, but as components of other uses (for instance, a land division results in dwellings) or, in the case of fencing, as criteria that are regulated as part of all uses. Following the approach taken in 1992, roads and dogs are not specifically analyzed as conflicting uses and are, instead, evaluated as part of other conflicting uses.

The 2009 interagency report stated:

⁷ ORS 660-023-0010. <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175709>
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Mule Deer in Deschutes County are considered by the Oregon Department of Fish and Wildlife to be sensitive to human disturbance. The land uses described throughout this document generate a high level of public activity, noise, and habitat alteration, which in turn can impact large geographic spaces and alter many acres of valuable wildlife habitat. Game species avoid areas with these uses, which results in reduced overall habitat effectiveness of these critical habitats.

In the ESEE, conflicting use impacts to mule deer habitat are evaluated based on the expected level of public activity, noise, and habitat alteration generated by the uses, as these habitat impacts can result in direct loss of habitat, interference with migration routes, increase in stress on animals through harassment, increase game-caused damage, reduction in overall mule deer population levels, and curtailment of recreational hunting opportunities.

ODFW Conflicting Use Recommendations

The following nine uses are prohibited in the existing mule deer winter range combining zone as codified in Deschutes County Code Chapter 18.88, Wildlife Area Combining Zone.⁸ These uses have been deemed conflicting uses for the 2023 combining zone by ODFW:

1. Bed and breakfast inn (see below for further discussion of this use);
2. Commercial dog kennel;
3. Dude ranch; (see below for further discussion of this use)
4. Fishing lodge.
5. Golf course, not included in a destination resort;
6. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
7. Public or private school;
8. Timeshare unit;
9. Veterinary clinic;

In 2009, ODFW, USFWS, Bureau of Land Management (BLM), and the U.S. Forest Service (USFS), collaborated to provide a report on wildlife in Deschutes County titled “Updated Wildlife Information and Recommendations for the Deschutes County Comprehensive Plan Update” (Interagency Report). It provided updated information to be used in revising County Goal 5 wildlife inventories, and most notably included several additional uses to add to the list of conflicting uses that were not envisioned at the time of the initial study. As the County began the current update process, ODFW reconfirmed that the below uses listed in the Interagency Report are deemed to be conflicting uses in the 2023 mule deer winter range combining zone because of expected level of public activity, noise, and/or habitat alteration generated by the uses:

⁸ DCC 18.88.040(B)

10. BMX courses (ODFW notes that this category could potentially include other types of bikes, i.e. mountain bike courses)
11. Guest ranch (see below for further discussion of this use)
12. Model airplane park
13. Off-Highway Motor Vehicle (OHV) course
14. Outdoor commercial events, i.e. wedding venues (see below for further discussion of this use)
15. Paintball course
16. Shooting range

After the publication of the Interagency Report, ODFW recommended that the following four additional uses be considered conflicting in the 2023 mule deer winter range combining zone owing to their high disturbance levels:

17. Commercial camping areas (see below for further discussion of this use)
18. RV park areas
19. Solar farms
20. Wind farm development

For clarity in the code and findings, certain uses with similar use characteristics and impacts have been grouped together. For example, outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses are grouped for evaluation and regulation.

Destination Resorts

As with the uses listed above, destination resorts have potential for high human use and disturbance. Ordinance 92-041 states:

The Department of Fish and Wildlife Land Use Planning Guide (1989) states that destination resorts, because of their intensity and scale of use, can result in direct loss of habitat, interference with migration routes, increase in stress on animals through harassment, increase game caused damage, reduction in overall population levels and curtail recreational hunting opportunities.

Given this, the process for establishing and regulating destination resorts with respect to Goal 5 wildlife resources is dictated by specific code provisions separate from those governing the other uses in these amendments.

Destination Resorts are regulated by DCC Chapter 18.113, which establishes a mechanism for siting destination resorts, including an eligibility map and approval criteria that require any negative impact on fish and wildlife resources to be completely mitigated, by mandating

that there be no net loss or net degradation of the resource.⁹ Destination resorts are subject to final master plan requirements that require evaluation of and address acknowledged Goal 5 resources in the Comprehensive Plan at the time of application. No new lands will be able to be added to the eligibility map for destination resorts.¹⁰ Because of this established process and applicable criteria, staff finds that destination resorts do not qualify as a conflicting use for the purpose of this analysis.

Outdoor Commercial Events

As described above, ODFW recommended that outdoor commercial events, such as wedding venues, be considered a conflicting use. Infrequent outdoor gatherings are not regulated by Deschutes County's Zoning Ordinance. They are instead regulated under DCC Chapter 8.16, Events, Parades, Funeral Processions and Outdoor Gatherings. These are one-time events that generally occur in the summer, not during the deer winter season, which has been identified by ODFW as lasting from December through March. Given the temporary, and typical seasonal scheduling of these events, as well as the fact that events are not regulated as land uses, these activities are not included as conflicting uses under this ESEE analysis.

Like destination resorts, Agri-Tourism and other Commercial Events or Activities are limited by existing County Code and conflicts are avoided by application of regulations that preclude the events/activities during the months of December through March:

- 13. *Agri-Tourism and other Commercial Events or Activities shall not be allowed:***
a. *Within the County adopted big game winter ranges during the months of December through March.*¹¹

Given these factors, Deschutes County does not consider these uses a conflicting use for further analysis in the ESEE.

Single Family Dwellings and Land Divisions

Single family dwellings were identified by ODFW as a conflicting use in the 1992 ESEE, as cited in Ord. 92-041. This proposal considers dwellings as a conflicting use for the purpose of the analysis. Residential land divisions are addressed not as a stand-alone conflicting use because the mere division of land does not create a conflicting use. The County recognizes that residential land divisions are a mechanism to obtain a dwelling use.

⁹

DCC

18.113.070(D).

[https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=18.113.070 Approval Criteria](https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=18.113.070%20Approval%20Criteria)

¹⁰ Lands can no longer be added to Deschutes County's Destination Resort eligibility map due to the fact that the City of Bend's Urban Growth Boundary exceeds a population of 100,000. ORS 197.455(1)(a) now prohibits the citing of destination resorts with residential uses within 24 air miles of the City of Bend's UGB. This radius, coupled with Deschutes County's other destination resort criteria (Comprehensive Plan Policy 3.9.3), precludes adding any new lands to the eligibility map.

¹¹ DCC 18.16.042(C)(13)

Conflicting Use Descriptions

Below is a list of each conflicting use that will be considered in the subsequent ESEE analysis (Appendix A). The uses listed above are those provided by ODFW or are from current Deschutes County Code. In certain cases, use category names have changed, are named differently in different base zones, or are sub-types of broader use categories. For the sake of clarity, this report has modified the terminology used to identify the various use categories set forth in the county Comprehensive Plan and Code. The following terms are used for organizing an ESEE analysis and a discussion of consequences that could result from different management approaches. Where the uses are defined in the DCC, these definitions are included.

Bed and breakfast inn: This use category remains named as such in most zones, but is now regulated as a “room and board arrangement” in the EFU zone under Deschutes County Ordinance No. 2009-014. This category, as analyzed in this proposal, also includes the MUA10 use “guest lodge”, as it has near identical operating characteristics and potential impacts.

“Bed and breakfast inn” means a single-family dwelling unit where lodging and meals are provided for compensation, in which no more than three guest rooms are provided for no more than eight guests. A guest shall not rent for a time period longer than 30 consecutive days.

“Room and board arrangement” means an owner-occupied single-family dwelling unit where lodging and meals are provided, in which no more than four guest rooms are provided for no more than five unrelated guests.

“Guest lodge” means an owner-occupied single-family dwelling unit located on a parcel of not less than five acres where lodging and meals are provided for compensation and in which no more than five guest rooms are provided for no more than 10 guests at one time.

BMX courses: This use would be reviewed as a type of a “Public Park,” “Private Park,” or “Recreation-oriented facility requiring large acreage.”

Campgrounds: ODFW recommends considering “commercial campgrounds” as a conflicting use. Because campgrounds have similar impacts to deer winter range regardless of ownership or business model, Deschutes County includes all campgrounds, not just commercial campgrounds, in this use category.

“Campground” means an area devoted to overnight, temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by the occupants of the campground. It is also

where facilities are provided to accommodate camping for two or more tents, travel trailers, yurts or recreational vehicles. A campground shall not include campsite utility hook-ups, intensely developed recreational uses such as swimming pools or tennis courts or commercial activities such as retail stores or gas stations. A private campground may provide yurts for overnight camping. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6-month period.

Commercial dog kennel: This use would be reviewed as a "Kennel".

"Kennel" means a lot or building in which four or more dogs, cats, pot bellied pigs or other animals at least four months of age are kept commercially for board, breeding, training or sale.

Dude ranch/Guest ranch: "Dude ranch" is a conditional use in the RR10 and MUA10 zones. "Guest ranch" is a use with similar operating characteristics in the EFU zone. Because guest and dude ranches have similar impacts to deer winter range, guest ranch and dude ranch uses are considered together as a single conflicting use.

"Dude ranch" means a ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

"Guest ranch" means a facility for overnight guest lodging units, including passive recreational activities and food services, as set forth in ORS 215 that are incidental and accessory to an existing livestock operation that qualifies as a farm use under DCC 18.04.030.

Fishing lodge: This is a use category in the Forest (F1 and F2) Zones.

Golf course, not included in a destination resort: This would be reviewed as a "golf course."

"Golf course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green and often one or more natural or artificial hazards. A "golf course" may be a nine or 18-hole regulation golf course or a combination nine and 18-hole regulation golf course consistent with the following:

1. A regulation 18-hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.

2. A regulation nine-hole golf course is generally characterized by a site of 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards and a par of 31 to 36 strokes.

"Golf course" does not include a stand-alone driving range. In EFU zones, "golf course" includes only regulation golf courses and does not include a golf course or golf course-like development that does not meet this definition. Excluded from this definition is such nonregulation development as executive golf courses, Par 3 golf courses, pitch and putt golf courses and miniature golf courses.

Model airplane park: These would be reviewed as a type of a "Public Park" or "Private Park". The use could possibly also be reviewed as a "Recreation-oriented facility requiring large acreage" in the RR10 zone.

OHV Course: These would be reviewed as a type of a "Public Park" or "Private Park". The use could possibly also be reviewed as a "Recreation-oriented facility requiring large acreage" in the RR10 zone.

Paintball course: These would be reviewed as a type of a "Public Park" or "Private Park". The use could possibly also be reviewed as a "Recreation-oriented facility requiring large acreage" in the RR10 zone.

Playground, recreation facility or community center: These would be reviewed as a type of a "Public Park" or "Private Park". The use could possibly also be reviewed as a "Recreation-oriented facility requiring large acreage" in the RR10 zone.

Public or private school: These would be reviewed as a type of a "Public School" or "Private School."

"School, private" means any licensed or accredited private entity that offers instruction or training for any academic, technical or identified occupational objective.

"School, public" means a school operated by a government agency.

Single-Family Dwelling: "Single family dwelling" means a detached building containing one dwelling unit and designed for occupancy by one family only, not including temporary structures such as tents, teepees, travel trailers and other similar structures.

Room and board arrangement: See "bed and breakfast inn" above.

RV park areas: Expansion of existing uses are currently allowed in the MUA-10 and RR-10 zones.

Shooting range: These would be reviewed as a type of a “Firearms training facility,” “Public Park,” or “Private Park.” The use could possibly also be reviewed as a “Recreation-oriented facility requiring large acreage” in the RR10 zone.

Photovoltaic solar power generation facility: These are defined in OAR 660-033-0130 and would be reviewed as a “Photovoltaic solar power generation facilities,” “Utility Facility,” or “Commercial utility facilities for the purpose of generating power.”

Timeshare unit: This use is defined in ORS 94.803:

As used in this section and ORS 94.807 (Application) to 94.945 (Advertising regulation):

- (18) “Timeshare” means a timeshare estate or a timeshare license.
- (20) “Timeshare estate” means a right to occupy an accommodation during five or more separated timeshare periods over a period of at least five years, including renewal options, coupled with a freehold estate or an estate for years in the timeshare property.
- (22) “Timeshare license” means a right to occupy an accommodation during five or more separated timeshare periods over a period of more than three years, including renewal options, not coupled with a freehold estate or an estate for years.

Wind farm developments: These are defined in OAR 660-033-0130 and would be reviewed as a “Wind power generation facilities” or “Utility Facility.” Staff notes that this prohibition does not include Wind Energy Systems That Generate Less Than 100 KW, regulated under DCC 18.116.300.

“Wind Energy System” consists of equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteries or other component used in the system. A wind energy system may be a grid-connected or a stand-alone system.

Veterinary clinic: These would be reviewed as a “Commercial Activity in Conjunction with Farm Use” or “Veterinary Clinic.”

III. PROPOSED AMENDMENTS

The proposed amendments to the Comprehensive Plan and Deschutes County Code (DCC) are described in Ordinance No. 2023-00x, Exhibit x. Added language is underlined and deleted shown as ~~strikethrough~~.

OAR 660-023-0040 – ESEE Decision Process, outlines the decision-making process for how a County chooses to allow, prohibit, or limit conflicting uses. Deschutes County has determined that all of the conflicting uses under consideration shall be limited in various ways, notwithstanding the possible impacts on the deer winter range. As determined in 1992, the deer winter range habitat and conflicting uses each are important. Conflicts between deer winter range habitat and conflicting uses are balanced by regulating such uses in different ways. The full methodology for these determinations occurs in Appendix A.

Allowed with Limitations

As described in the ESEE analysis in Appendix A, Deschutes County finds that the significance of mule deer winter range as weighed against the conflicting uses listed below warrants limiting such conflicting uses as set forth below.

Table 1 provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone.

Table 1 – Summary of Use Limitations

Conflicting Use	Limitation
<ul style="list-style-type: none"> • Golf course, not included in a destination resort; • Kennel; • Public or private school; • Bed and breakfast inn, room and board arrangement, or guest lodge; • Dude ranch; • Playground, recreation facility, or community center owned and operated by a government agency or a nonprofit community organization; • Timeshare unit, as defined in ORS 94.803; • Veterinary clinic; • Fishing lodge; • Guest ranch; • Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use 	<ul style="list-style-type: none"> • Seasonal limitations: prohibited December - March • Siting standards for buildings associated with the use • Locational and acreage standards for the use, all structures, and use areas • Fencing standards

category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	
<ul style="list-style-type: none"> • Recreational vehicle parks • Campgrounds 	<ul style="list-style-type: none"> • Fencing standards
<ul style="list-style-type: none"> • Photovoltaic solar power generation facility, as defined in OAR 660-033-0130. • Wind power generation facility, as defined in OAR 660-033-0130. 	<ul style="list-style-type: none"> • Locational standards: all buildings associated with these uses shall be located entirely within 1,320 feet of a County road designated as an arterial on the TSP. • Government Entities, including but not limited to quasi-municipal corporations, are exempt from locational standards
<p>For all uses, the above limitations may be waived by the County upon a determination that habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern, after consultation with the Oregon Department of Fish and Wildlife.</p>	
<p>Single Family Dwellings are proposed to be limited by siting standards requiring development near existing roads or alternative siting that provides equivalent habitat protection. Residential land divisions are proposed to be limited by partition/subdivision configuration requirements or alternative configurations that will provide equivalent habitat protections.</p>	

IV. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan and text amendment. Nonetheless, because this is a Deschutes County initiated amendment, the County bears the responsibility for justifying that the amendments are consistent with the Statewide Planning Goals and its Comprehensive Plan.

V. FINDINGS

Chapter 22.12, Legislative Procedures

Section 22.12.010.

Hearing Required

FINDING: The Planning Commission held a public hearing on April 13, 2023. The Board held a public hearing on [date]. This criterion is met.

Section 22.12.020, Notice

Notice

A. Published Notice

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

FINDING: This criterion is met as notice was published in the Bend Bulletin newspaper on [date] and [date] respectively.

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

FINDING: This criterion is met as notice was posted in the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend as well as on the Planning Division website on March 15, 2023.

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

FINDING: The Planning Director exercised his discretion not to provide individual notice to property owners. Individual notice is not required by ORS 215.503. This criterion is met.

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

FINDING: Notice was provided on March 16, 2023, to the County public information official for wider media distribution. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

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

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board. This criterion is met.

Section 22.12.040. Hearings Body

- A. The following shall serve as hearings or review body for legislative changes in this order:**
- 1. The Planning Commission.**

2. *The Board of County Commissioners.*

FINDING: This criterion is met as the Planning Commission held an initial public hearing on April 13, 2023, followed by deliberations. The Board held its public hearing on [date].

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

FINDING: This criterion is met as the Planning Commission public hearing preceded the Board public hearing.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: Land use application 247-23-000144-TA is implemented by Ordinance No. 2023-00x. This criterion is met.

Statewide Planning Goals

The parameters for evaluating these specific amendments are based on an adequate factual base and supportive evidence demonstrating consistency with Statewide Planning Goals. The following findings demonstrate that Ordinance No. 2023-00x complies with applicable statewide planning goals and state law.

- **Goal 1, Citizen Involvement,** is met through this adoption process because these amendments received a public hearing before the Planning Commission and the Board, consistent with ORS 215.060 and DCC 22.12.010.
- **Goal 2, Land Use Planning,** is met because ORS 197.610 allows local governments to initiate post acknowledgment plan amendments (PAPA). An Oregon Department of Land Conservation and Development 35-day notice was initiated on March 8, 2023.¹² This findings document provides the adequate factual basis and documented analysis for this plan and zoning text amendment.
- **Goal 3, Agricultural Lands**
ODFW has identified certain conflicting land uses in the 2023 mule deer winter deer range combining zone, which is located in certain mapped areas within the Exclusive Farm Use zones. Of the land uses being considered as conflicting uses in the 2023

¹² See footnote 1.

winter range combining zone, the uses set forth in Table 2 are allowed in DCC Chapter 18.16, Exclusive Farm Use (EFU).

Table 2 – Conflicting Uses / EFU Zone

Conflicting Use	Currently Allowed in the EFU Zone
Bed and Breakfast Inn/Room and Board Arrangement	DCC 18.16.030(S) - Room and board arrangements for a maximum of five unrelated persons in an existing residence.
Community Centers	DCC 18.16.030(I) - Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
Dog Kennel	DCC 18.16.030(AE) - Commercial dog boarding kennel.
Guest Ranch	DCC 18.16.037 - Guest Ranch.
Golf Course	DCC 18.16.031(B) - Golf course.
Shooting ranges, paintball course, BMX/mountain bike courses, model airplane park, campgrounds	These potentially may be permitted as sub-types of DCC 18.16.031(D) - Private parks, playgrounds, hunting and fishing preserves and campgrounds.
Public or private schools	DCC 18.16.031(E) - Public or private schools.
Single Family Dwellings	DCC 18.16.025 and 18.030
Photovoltaic Solar Power Generation Facility	DCC 18.16.030(AD) - Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.
Veterinary clinic	These potentially may be permitted as sub-types of DCC 18.16.030(E) - Commercial activities that are in conjunction with farm use.
Wind Power Generation Facility	DCC 18.16.030(AC) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.

Deschutes County may enact regulations that are more restrictive than state law, as long as they do not apply to land uses listed in ORS 215.283(1).¹³ *Brentmar v. Jackson County*, 321 Or. 481, 900 P.2d 1030 (1995). All of the uses listed above are not listed in ORS 215.283(1).

Goal 3, Agricultural Lands is met.

¹³ https://oregon.public.law/statutes/ors_215.283

- **Goal 4, Forest Lands:**

ODFW has identified several conflicting land uses in the 2023 mule deer winter range combining zone, which is located in certain mapped areas within Forest Use Zones. Of the land uses being considered as conflicting uses, the uses set forth in Table 3 are allowed in DCC Chapters 18.36, Forest Use Zone (F-1) and 18.40, Forest Use Zone (F-2):

Table 3 – Conflicting Uses / Forest Use Zones

Conflicting Use	Currently Allowed in the Forest Use Zones
Fishing lodge	DCC 18.36.030(U) and 18.40-030(V)- Private accommodations for fishing occupied on a temporary basis.
Single family dwellings	DCC 18.36.030 and 18.40.030
Shooting range	DCC 18.36.030(A) and 18.40-030(A) – Private hunting and fishing operations without any lodging accommodations. DCC 18.36.030(AD) and 18.40-030(FF)- Firearms training facility.
Shooting ranges, paintball course, BMX/mountain bike courses, model airplane park, campgrounds.	These potentially may be permitted as sub-types of DCC 18.36.030(G) and 18.40-030(H)- Private parks and campgrounds.

In the Forest Use zones, Deschutes County may enact regulations that are more restrictive than state law.

Goal 4, Forest Lands is met.

- **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces:** See Appendix A. This goal is met for the reasons set forth in Appendix A.
- **Goal 6, Air, Water and Land Resources Quality and Goal 7, Natural Hazards** are met because the County has other code provisions, DCC 18.16.025, Uses Permitted Subject to Special Provisions; 18.116, Supplementary Provisions; 18.124, Site Plan Review; and DCC 18.128 Conditional Use that are designed to protect air, water and land resources quality and to assure that permitted development mitigates its impacts in areas subject to natural resources and natural hazards.
- **Goal 8, Recreational Needs,** is not applicable because the proposed amendments are not addressing a recreational use or need. This goal is met.
- **Goal 9, Economic Development**
Deschutes County is proposing to limit certain conflicting uses in the 2023 mule deer winter range combining zone. Economic development considerations are discussed throughout the ESEE analysis and as such, this goal is met.

- **Goal 10, Housing** is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements. Therefore, this goal does not apply.
- **Goal 11, Public Facilities** is not applicable because the proposed amendments do not impact any existing public facilities nor do they substantiate a need for the development of new public facilities. Therefore, this goal does not apply.
- **Goal 12, Transportation**
The proposed amendments do not approve any specific development proposal. Development projects will be reviewed individually for compliance with the Transportation Planning Rule (TPR). Therefore, this goal does not apply.
- **Goal 13, Energy Conservation**
The proposed amendments do not approve any specific development proposal. Development projects will be reviewed individually for compliance with Deschutes County's Solar Height Restrictions, DCC 18.116.170 and the Uniform Building Code. Therefore, this goal does not apply.
- **Goal 14, Urbanization**, is not applicable because no expansion of an urban area is proposed with these amendments.
- **Goals 15 through 19** are not applicable to any amendments to the County's comprehensive plan because the county has none of those types of lands.

Deschutes County Comprehensive Plan

Chapter 2, Resource Management

Section 2.6, Wildlife Policies

Policy 2.6.3 Ensure Goal 5 wildlife inventories and habitat protection programs are up-to-date through public processes and expert sources, such as the 2009 Interagency Report.

FINDING: The inventory process and data collection was conducted by an Interagency Working Group (IWG) that consisted of technical experts from ODFW, USFWS, and the project consultant wildlife biologist. The IWG collected raw data on the selected inventory using several methods explained in its report (aerial, collar data, etc.); using that data, the IWG developed recommended new inventory areas for mule deer winter range, totaling 188,132 new acres separate from the existing 315,847 acres in the wildlife overlay zone (WA). The 2023 inventory does not mean that species do not exist outside of the proposed boundaries—rather, the areas within the proposed areas were deemed the most biologically

significant with respect to critical habitat.¹⁴ In identifying conflicting uses related to winter deer range, ODFW revisited and supplemented the Interagency Report's recommendations as described on page 6. The proposal is consistent with this policy.

Policy 2.6.4 Support incentives for restoring and/or preserving significant wildlife habitat by traditional means such as zoning or innovative means, including land swaps, conservation easements, transfer of development rights, tax incentives or purchase by public or non-profit agencies.

FINDING: Deschutes County is proposing to limit certain conflicting uses to mule deer range. The proposal is consistent with this policy.

Policy 2.6.7 Use a combination of incentives, regulations and education to promote stewardship of wildlife habitat and address the impacts of development.

FINDING: Deschutes County is proposing to limit certain conflicting uses to mule deer range in its regulatory framework set forth in the Deschutes County Code. Separate from this proposal, the County is currently undergoing an update of the Comprehensive Plan, in which wildlife goals and policies are being reviewed, including opportunities for education and incentives. The proposal is consistent with this policy.

¹⁴https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/wildlife_inventory_update_outreach_report_with_appendices.pdf

APPENDIX A – GOAL 5 FINDINGS

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

Chapter 660 - Division 23 - Procedures and Requirements For Complying With Goal 5

660-023-0250 - Applicability

(2) The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996. OAR 660, Division 16 applies to PAPAs initiated prior to September 1, 1996. For purposes of this section "initiated" means that the local government has deemed the PAPA application to be complete.

FINDING: Deschutes County initiated a PAPA in 2023. This rule applies.

(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

FINDING: This PAPA amends a resource list and a portion of an acknowledged plan and land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The County is applying Goal 5 in consideration of this PAPA.

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list;

FINDING: No new uses are proposed in this PAPA that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list. OAR 660-023-0250(3)(b) is inapplicable.

(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, division 16.

FINDING: Only the inventories and other implementing measures described herein are proposed for amendment. OAR 660-023-0250(4) is inapplicable.

(5) Local governments are required to amend acknowledged plan or land use regulations at periodic review to address Goal 5 and the requirements of this division only if one or more of the following conditions apply, unless exempted by the director under section (7) of this rule:

(a) The plan was acknowledged to comply with Goal 5 prior to the applicability of OAR 660, division 16, and has not subsequently been amended in order to comply with that division;

(b) The jurisdiction includes riparian corridors, wetlands, or wildlife habitat as provided under OAR 660-023-0090 through 660-023-0110, or aggregate resources as provided under OAR 660-023-0180; or

(c) New information is submitted at the time of periodic review concerning resource sites not addressed by the plan at the time of acknowledgement or in previous periodic reviews, except for historic, open space, or scenic resources.

FINDING: Deschutes County is not subject to periodic review.¹⁵ It nonetheless is initiating an update to its mule deer winter range and is subject to OAR 660, Division 23. OAR 660-023-0250(5) is inapplicable.

660-023-0020 - Standard and Specific Rules and Safe Harbors

(1) The standard Goal 5 process, OAR 660-023-0030 through 660-023-0050, consists of procedures and requirements to guide local planning for all Goal 5 resource categories. This division also provides specific rules for each of the fifteen Goal 5 resource categories (see OAR 660-023-0090 through 660-023-0230). In some cases this division indicates that both the standard and the specific rules apply to Goal 5 decisions. In other cases, this division indicates that the specific rules supersede parts or all of the standard process rules (i.e., local governments must follow the specific rules rather than the standard Goal 5 process). In case of conflict, the resource-specific rules set forth in OAR 660-023-0090 through 660-023-0230 shall supersede the standard provisions in OAR 660-023-0030 through 660-023-0050.

(2) A “safe harbor” consists of an optional course of action that satisfies certain requirements under the standard process. Local governments may follow safe harbor requirements rather than addressing certain requirements in the standard Goal 5 process. For example, a jurisdiction may choose to identify “significant” riparian corridors using the safe harbor criteria under OAR 660-023-0090(5) rather than follow the general requirements for determining

¹⁵ Periodic Review is a term used in Oregon law to describe the periodic evaluation and revision of a local comprehensive plan. Prior to 2003, state law (ORS 197.628 – 636) called for counties to review their comprehensive plans according to a periodic schedule established by the Land Conservation and Development Commission (LCDC). The Oregon Legislature eliminated periodic review requirements for counties in 2003 (SB 920).

“significance” in the standard Goal 5 process under OAR 660-023-0030(4). Similarly, a jurisdiction may adopt a wetlands ordinance that meets the requirements of OAR 660-023-0100(4)(b) in lieu of following the ESEE decision process in OAR 660-023-0040.

FINDING: Deschutes County relies on the “safe harbor” provisions of 660-023-0110, Wildlife Habitat, as described herein for the determination of wildlife habitat significance. In case of conflict, the resource-specific rules set forth in 660-023-0110, Wildlife Habitat, supersede the standard provisions in OAR 660-023-0030 through 660-023-0050. The proposal is consistent with OAR 660-023-0020(2).

660-023-0030 - Inventory Goal 5 Resources.

FINDING: Deschutes County adopted Ordinance Nos. 92-041 and 92-042, which addressed wildlife protection for mule deer, during periodic review in 1992. These ordinances amended the Wildlife Chapter of the Comprehensive Plan, and DCC 18.88, WA Combining Zone. Ordinance No. 92-041 adopted deer winter range based on an ESEE analysis.

Deschutes County is using newly available data to create the 2023 mule deer winter range combining zone. Deschutes County is relying on the safe harbor methodology described in section (4) of 660-023-0110, Wildlife Habitat, to conduct the inventory process and determine significant wildlife habitat, rather than the standard inventory process described in OAR 660-023-0030. The proposal is consistent with OAR 660-023-0030.

660-023-0110 - Wildlife Habitat.

(1) For purposes of this rule, the following definitions apply:

(a) “Documented” means that an area is shown on a map published or issued by a state or federal agency or by a professional with demonstrated expertise in habitat identification.

(b) “Wildlife habitat” is an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites

FINDING: Staff notes these definitions for the purposes of making findings below.

(2). Local governments shall conduct the inventory process and determine significant wildlife habitat as set forth in OAR 660-023-0250(5) by following either the safe harbor methodology described in section (4) of this rule or the standard inventory process described in OAR 660-023-0030.

FINDING: Deschutes County is relying on the safe harbor methodology described in section (4) of 660-023-0110, Wildlife Habitat, to conduct the inventory process and determine

significant wildlife habitat, rather than the standard inventory process described in OAR 660-023-0030. The proposal is consistent with OAR 660-023-0110(2).

(3). When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:

...

(c). Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).

FINDING: Deschutes County is relying on the safe harbor methodology described in section (4) of 660-023-0110, Wildlife Habitat, to conduct the inventory process and determine significant wildlife habitat, rather than the standard inventory process described in OAR 660-023-0030. The proposal is consistent with OAR 660-023-0110(3).

(4) Local governments may determine wildlife habitat significance under OAR 660-023-0040 or apply the safe harbor criteria in this section. Under the safe harbor, local governments may determine that “wildlife” does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:

FINDING: Deschutes County relies on the “safe harbor” provisions of 660-023-0110, Wildlife Habitat, as described herein for the determination of wildlife habitat significance. The proposal is consistent with OAR 660-023-0110(4).

(e). The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

FINDING: In 2021, ODFW identified and mapped a new inventory for mule deer winter range based on the process outlined herein.

Research tools available to scientists have evolved since the original wildlife-related inventories were adopted by the County back in the 1990s. For example, in the case of mule deer winter range habitat, since the County established the last inventory, ODFW revised study designs to alter winter range sampling to more effectively measure changes in the deer population. ODFW and their research partners also completed studies that tracked deer use of the winter range habitat by collaring some individuals with GPS location transmitters, greatly enhancing ODFW’s understanding of how deer are using the winter range habitat.

Finally, ODFW applied recently developed spatial modeling tools to better predict how mule deer utilize winter range habitat.

In order to effectively compile new inventory data pursuant to Oregon Administrative Rule, in 2020 the Community Development Department (CDD) hired a consultant, Mason, Bruce & Girard (MB&G), with wildlife biology expertise to function as a liaison between CDD and ODFW and USFWS, to understand the technical aspects and methodology of a new mule deer inventory, as well as two other inventories that received initial review but were not subsequently pursued for an update.

This Interagency Working Group (IWG) was tasked with reviewing existing data and developing new inventories based on the best available science and professional opinion. The IWG members included agency representatives from ODFW and USFWS; discussions were facilitated by MB&G. The IWG representatives worked within their agencies and, where appropriate, consulted with other biologists to gather the most current data to inform the inventory updates. The inventory process and data collected by the IWG was summarized in a report by the consultant.¹⁶

The 2023 mule deer winter range habitat was developed by ODFW based on the following data sources:

- The existing Deschutes County WA Combining Zone for mule deer winter range, including the Deer Winter Range, Tumalo Deer Winter Range, Metolius Deer Winter Range, Grizzly Deer Winter Range, and North Paulina Deer Winter Range.
- The biological mule deer winter range (ODFW 2012) which provides a general outline of mule deer winter range east of the crest of the Cascades in Oregon. ODFW considers the winter range to be that area normally occupied by deer from December through April.
- Aerial and ground survey observations of deer group sizes collected by ODFW biologists during each winter from 2015 through 2020 (unpublished).
- Mule deer resource selection function (RSF) model raster for probability of use in winter based on the “south central study” (Coe et al. 2018).
- Deer density polygons from two years of collar data for an area that was left out of the “south central study” (unpublished).

The 2023 mule deer winter range combining zone that constitutes this proposal covers approximately 188,132 acres.

Snapshots of the raw data informing the inventory update were provided by ODFW and are included in Appendix B of the IWG Report.¹⁷ In the context of the mule deer winter range

¹⁶https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/wildlife_inventory_update_outreach_report_with_appendices.pdf. Appendix A. Page 2.

¹⁷ Ibid. Appendix B.

(ODFW 2012) from which the significant inventory is derived, these newly selected areas were found to be particularly significant portions of the winter range habitat for mule deer based on the raw data inputs depicted in Appendix B of the IWG Report cited above, and therefore they were identified for protection by the members of the IWG representing ODFW. The proposal is consistent with OAR 660-023-0110(4)(e).

(3)(c) Information on quantity shall include an estimate of the relative abundance or scarcity of the resource.

According to ODFW, the Central Oregon mule deer population is declining at a rate of 10 percent per year. Mule deer populations are at 55 percent of their management objective. Decline in habitat and the scarcity of habitat compared to past decades due in part to increasing population and development is one of several factors that influences deer population. This criterion is met.

660-023-0040 – ESEE Decision Process

(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site.

FINDING: The conflicting uses identified for this proposal have been identified to the County by ODFW over time, beginning with those identified for the County's original 1992 WA Combining Zone. The following uses are prohibited in the existing WA combining zone. These uses were also recommended as conflicting uses for areas identified in the 2023 combining zone:

1. Bed and breakfast inn (see below for further discussion of this use)
2. Commercial dog kennel
3. Dude ranch¹⁸ (see below for further discussion of this use)
4. Fishing lodge
5. Golf course, not included in a destination resort

¹⁸ See footnote #7.

6. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization
7. Public or private school
8. Timeshare unit, as defined in ORS 94.803
9. Veterinary clinic

In 2009, ODFW, USFWS, Bureau of Land Management (BLM), and the U.S. Forest Service (USFS), collaborated to provide a report on wildlife in Deschutes County titled “Updated Wildlife Information and Recommendations for the Deschutes County Comprehensive Plan Update” (Interagency Report). It provided updated information to be used in revising County Goal 5 wildlife inventories, most notably several additional uses to add to the list of conflicting uses that were not envisioned at the time of the initial study. As the County began the current update process, ODFW reconfirmed that the below uses listed in the Interagency Report are deemed to be conflicting uses in the 2023 mule deer winter range combining zone because of expected level of public activity, noise, and/or habitat alteration generated by the uses:

10. BMX courses (ODFW notes that this category could potentially include other types of bikes, i.e. mountain bike courses)
11. Guest ranch (see below for further discussion of this use)
12. Model airplane park
13. Off-Highway Motor Vehicle (OHV) course
14. Outdoor commercial events, i.e. wedding venues (see below for further discussion of this use)
15. Paintball course
16. Shooting range

After the publication of the Interagency Report, ODFW recommended that the following four additional uses be considered conflicting in the 2023 mule deer winter range combining zone owing to their high disturbance levels:

17. Commercial camping areas (see below for further discussion of this use)
18. RV park areas
19. Solar farms
20. Wind farm development

For clarity in the code and findings, certain similar uses have been grouped together, specifically, outdoor sporting and recreation uses.

In addition, as discussed in the earlier description of conflicting uses on page 4, based on the ESEE analysis in Ordinance 92-040, single family dwellings are also included as conflicting uses.

Table A1 provides a summary of the conflicting uses that will be utilized in the ESEE analysis for the 2023 combining zone. The proposal is consistent with OAR 660-023-0040(1) and (2).

Table A1 – Summary of Conflicting Uses in 2023 Mule Deer Winter Range Combining Zone

Conflicting Uses
Golf course, not included in a destination resort;
Kennel
Public or private school
Bed and breakfast inn, room and board arrangement, or guest lodge
Dude/guest ranch
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization
Timeshare unit, as defined in ORS 94.803
Veterinary clinic
Fishing lodge
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.
Campgrounds
Recreational Vehicle Parks
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130
Wind power generation facility, as defined in OAR 660-033-0130
Single family dwellings

(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

FINDING: The 2023 mule deer winter range combining zone is comprised of 188,132 acres. Snapshots of the raw data informing this impact area were provided by ODFW and are included in Appendix B of the Public Outreach Report.¹⁹ Ordinance No. 2023-00x, Exhibit x also shows the affected tax lots in the impact area. The proposal is consistent with OAR 660-023-0040(3).

(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a

¹⁹ See Footnote #17.

conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

FINDING: As described herein, this document analyzes the ESEE consequences that could result from decisions to allow, limit, or prohibit each conflicting use. The analyses of the ESEE consequences will be adopted as part of the plan and as land use regulations. Generally, uses adversely impact the deer winter range where they:

- Increase habitat fragmentation through the introduction of new uses, driveways, roads, dogs, and fencing.
- Cause deterioration of forage quality, forage quantity, or cover.
- Cause high levels of public activity, noise, and habitat alteration.
- Result in fences that do not allow safe passage of deer are also a conflicting use.

The total consequences of these uses on habitat is a function of how frequently they occur, the total acreage impacted, and the intensity of the impacts. In the following ESEE analysis tables, estimates are provided on the total anticipated consequences from allowing, prohibiting, or limiting the conflicting use. Consequences are evaluated by:

- A description of how frequently the use type is anticipated to occur, often based on historical approvals.
- How much land is typically required by the use.
- The intensity of the positive or negative consequences anticipated.

The resulting evaluations rank consequences as Insignificant, Very Limited, Limited, Moderate, Significant, or Very Significant.

In the following tables, a blank response means that the consequences are generally well described by the “Common to all Conflicting Uses” discussion, and that there are no additional consequences specific to that use.

Note: Data in the tables below relating to potential single-family dwellings and land divisions are based on existing county records and analysis from the County’s Geographic Information Systems (GIS). This data has not been verified per-parcel and should be understood as a

general order of magnitude, rather than a precise count of potential single-family dwellings and land divisions.

(a) Allow the conflicting use.

FINDING: In this section, the consequences of fully allowing all identified conflicting uses are evaluated.

Economic consequences: Table A2 addresses the positive and negative economic consequences of allowing without restriction the conflicting land uses identified in Table A1 in the 2023 mule deer winter range combining zone.

Table A2 – Economic Consequences of Allowing Conflicting Uses

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
<p>Common to all Conflicting Uses</p>	<p>Continuing to allow each of the conflicting uses would provide direct economic benefits to the owners of the subject properties as well as the various industries that would market and develop the new uses.</p> <p>For commercial uses, ongoing employment opportunities and income streams are anticipated.</p>	<p>Based on testimony from ODFW, these land uses could lead to loss of habitat functions due to alterations of the landscape from development and impacts associated with increased activity, resulting in downward pressures on mule deer populations.</p> <p>ODFW estimates that hunting and wildlife viewing contributes more than \$50 million to the Deschutes County economy annually in increased tourism to the area.</p> <p>All the identified conflicting uses could have negative economic consequences, by reducing hunting and wildlife viewing opportunities. However, it is unclear to what extent changes in deer populations would impact hunting and wildlife viewing economic contributions.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Golf course, not included in a destination resort	<p>Deschutes County has not approved an independent golf course outside of a destination resort, resort community, or Sunriver (unincorporated community) since 1988 (Quail Run).</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited.</p> <p>Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>
Kennel	<p>Deschutes County has approved approximately 7 dog kennels since 1992.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited.</p> <p>Limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>
Public or private school	<p>There are several public and private schools located in rural Deschutes County to meet the needs of a growing population. All but one is located outside of a wildlife inventory in an unincorporated community of Tumalo, Terrebonne or Sunriver (Cascade Academy). Allowing public and private schools create positive economic consequences by supporting new businesses that help meet Deschutes County's growing population and student needs.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Bed and breakfast inn, room and board arrangement, or guest lodge	<p>Approximately 11 such uses have been approved in the County since 1992.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>
Dude/guest ranch	<p>Permitting a guest/dude ranch could have positive economic consequences by allowing ranchers to supplement their farm income. To date, Deschutes County has approved two guest ranches. Only one is vested.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization	<p>There are currently no playgrounds, recreation facilities or community centers located in the 2023 mule deer inventory area. Allowing these uses could create positive employment consequences by offering job opportunities and amenities to community members.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Timeshare unit, as defined in ORS 94.803	<p>Deschutes County has not approved a timeshare unit outside of a destination resort, resort community, or Sunriver (unincorporated community).</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Veterinary clinic	<p>There are several veterinary clinics in Deschutes County. Approximately 3 have been approved in recent years.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Fishing lodge	<p>Deschutes County has approved one fishing lodge. Due to the small number of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	<p>Deschutes County has approved a paintball course; two shooting ranges; zero OHV courses; zero model airplane courses; one bicycle course.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Campgrounds	<p>Deschutes County recently approved a camping area outside the new mule deer combining zone. To date, it is not vested. All remaining campsites on non-federal land are recognized as legal nonconforming uses.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Recreational Vehicle Parks	<p>Deschutes County has not approved an RV park for over 40 years due to restrictions in State law. Allowing an RV park could create positive economic consequences by supporting new businesses.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	<p>Deschutes County has approved six solar farms, five of which are vested. All five are located in areas outside a Goal 5 wildlife inventory.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total economic benefits would be anticipated.</p> <p>Governmental Entities, such as irrigation districts, have limited uses that can be undertaken on district lands. Solar generation represents a significant economic opportunity to these entities.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Wind power generation facility, as defined in OAR 660-033-0130	<p>Deschutes County has not approved a wind farm development.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. However, moderate economic benefit could come from future approvals.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the very limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
Single family dwellings	<p>Allowing single-family dwellings would result in very significant economic benefits through the residential development of vacant properties and creation of new properties for residential development.</p> <p>Since potential development of properties is dependent on a number of factors, any estimate of the number of potentially developable parcels is a rough estimate, at best. Staff estimates that there are approximately 1,000 existing properties in the inventory that might be residentially developed.</p> <p>Since potential land division of properties is dependent on a number of factors, any estimate of the number of parcels that might be created by land division is a rough estimate, at best. Staff estimates that there are approximately 500 new residential lots or parcels in the inventory that might be created by land division.</p>	<p>Moderate total mule deer related economic losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Social consequences:

Table A3 addresses the positive and negative social consequences of allowing without restriction the conflicting land uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A3 but is incorporated herein by reference.

Table A3 –Social Consequences of Allowing Conflicting Uses

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p>Common to all Conflicting Uses</p>		<p>Based on testimony from ODFW, these land uses could lead to loss of habitat functions due to alterations of the landscape from development and impacts associated with increased activity, resulting in downward pressures on mule deer populations. During the public open houses held in April 2021, many residents expressed their appreciation for wildlife and the importance of wildlife, including hunting opportunities, as a defining feature contributing to Deschutes County’s quality of life.</p> <p>However, it is unclear to what extent changes in deer populations would change measures of quality of life.</p>
<p>Golf course, not included in a destination resort;</p>	<p>Allowing a golf course could create positive social consequences by adding another recreational amenity for residents and visitors.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be limited. Limited total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>
<p>Kennel</p>	<p>Allowing dog kennels could create positive social consequences by accommodating a growing population of dog ownership in a region known for being dog friendly.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
Public or private school	<p>Allowing public and private schools could create positive social consequences by increasing the supply of sites available to educate a growing student body.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>
Bed and breakfast inn, room and board arrangement, or guest lodge	<p>Allowing bed and breakfast inns/room and board arrangements/guest lodges could create positive social consequences by offering lodging opportunities for tourists and interacting with rural residents and business owners.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total social benefits would be anticipated.</p>	<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>
Dude/guest ranch	<p>Permitting a guest/dude ranch could have positive social consequences because passive recreational activities can include helping with chores, ranch tours, classes on ranching, animal care and raising crops, and horseback riding, providing people with connections to agriculture and the surrounding land.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total social benefits would be anticipated.</p>	<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Playground, recreation facility or community center owned and operated by a government agency or a	<p>Allowing these uses could create positive social consequences by increasing the supply of sites available to offer amenities that foster community relationships.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
nonprofit community organization	Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. Moderate total social benefits would be anticipated.	
Timeshare unit	<p>Allowing a timeshare could create positive social consequences by adding another recreational amenity for visitors.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total social benefits would be anticipated.</p>	Very limited total mule deer related social losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Veterinary clinic	<p>Allowing veterinary clinics could create positive social consequences by helping to meet the needs of a growing population with pets and domestic livestock.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total social benefits would be anticipated.</p>	Very limited total mule deer related social losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Fishing lodge	<p>Allowing fishing lodges could create positive social consequences by establishing another recreational amenity for residents and visitors.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total social benefits would be anticipated.</p>	Very limited total mule deer related social losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane	Allowing these uses could generate positive social consequences by providing the potential for additional recreational amenities for residents and tourists. In the case of OHV and bicycle courses, it could offset growing impacts of	Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p>park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.</p>	<p>recreational biking use on federal lands and create a user experience that is less crowded for residents and visitors.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total social benefits would be anticipated.</p>	
<p>Campgrounds</p>	<p>Allowing camping areas could have positive social consequences by offsetting the growing impacts of dispersed camping on federal lands and addressing Deschutes County's housing crisis by helping to provide a safe, comfortable place to stay temporarily.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
<p>Recreational Vehicle Parks</p>	<p>Allowing RV park areas could have positive social consequences by offsetting the growing impacts of dispersed camping on federal lands to help address Deschutes County's housing crisis and creating a social environment for visitors and residents.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	<p>Allowing solar farms could have positive social consequences by bringing distinction to the county as a place to invest for renewable energy sources.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
Wind power generation facility, as defined in OAR 660-033-0130	<p>Allowing wind power generation facilities could have positive social consequences by bringing distinction to the county as a place to invest for renewable energy sources.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total social benefits would be anticipated.</p>	<p>Very limited total mule deer related social losses would be anticipated due to the very limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
Single family dwellings	<p>Allowing single-family dwellings would result in positive social consequence of increasing the supply of rural living options, for those people who prefer such options, through the residential development of vacant properties and creation of new properties for residential development. Very significant total social benefits would be anticipated.</p> <p>As described above, roughly 1,000 existing parcels could be residentially developed and 500 additional residential lots could be created through land division.</p>	<p>Moderate total mule deer related social losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Environmental consequences: Table A4 addresses the positive and negative environmental consequences of allowing without restriction the conflicting land uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A4 but is incorporated herein by reference.

Table A4 –Environmental Consequences of Allowing Conflicting Uses

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Common to all Conflicting Uses		Based on testimony from ODFW, these land uses could lead to loss of habitat functions due to alterations of the landscape from development and impacts associated with increased activity, resulting on downward pressures on mule deer populations. Based on testimony from ODFW, mule deer populations have declined significantly since 2000. Their testimony identified elements contributing to reductions in mule deer populations tied to land development and land uses that interrupt habitat functions, result in fragmentation of habitat, and cause overall disturbance and loss of winter range.
Golf course, not included in a destination resort		Limited total mule deer related environmental losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.
Kennel		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.
Public or private school		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Bed and breakfast inn, room and board arrangement, or guest lodge		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.
Dude/guest ranch	<p>There could be opportunities for voluntary stewardship practices by developers of any of these uses.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total environmental benefits would be anticipated.</p>	Very limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Timeshare unit, as defined in ORS 94.803		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Veterinary clinic		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Fishing lodge		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
<p>Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.</p>	<p>Increased availability of shooting ranges and OHV courses could offset the impact of these uses on federal lands; for shooting ranges, this could include reduced dispersed lead contamination of soils on public lands.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total environmental benefits would be anticipated.</p>	<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
<p>Campgrounds</p>	<p>Increased availability of potential camping area sites could increase the total number of such sites and reduce trash, sewage, and general degradation of federal lands from dispersed camping.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total environmental benefits would be anticipated.</p>	<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
<p>Recreational Vehicle Parks</p>	<p>Increased availability of potential RV park area sites could increase the total number of such sites and reduce trash, sewage, and general degradation of federal lands from dispersed camping.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total environmental benefits would be anticipated.</p>	<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	<p>Increased availability of potential solar farm sites could increase the total number of such sites and reduce reliance on more pollution-intensive energy sources.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total environmental benefits would be anticipated.</p>	<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
Wind power generation facility, as defined in OAR 660-033-0130	<p>Increased availability of potential wind farm sites could increase the total number of such sites and reduce reliance on more pollution-intensive energy sources.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total environmental benefits would be anticipated.</p>	<p>Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
Single family dwellings		<p>Moderate total mule deer related environmental losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Energy consequences: Energy consumption is unlikely to be significantly affected by allowing the conflicting uses in the 2023 mule deer winter range combining zone. No significant changes in energy consumption are anticipated by allowing the conflicting uses in the 2023 mule deer winter range combining zone. Regarding solar and wind energy facilities, availability of land for the placement and maintenance of these systems would be maximized for efficiency by allowing these uses and would provide options for clean energy generation, resulting in moderate positive energy consequences of allowing the uses in the 2023 mule deer winter range combining zone.

Table A5 summarizes the net effect of **allowing the conflicting uses** in the 2023 mule deer winter range combining zone. The cumulative net effect column shows the “strength” of the positive or negative consequences of allowing the conflicting use, taking into account the intensity, scale, and demand based on prevalence and history of applications of each

conflicting use in the County. The maximum positive score in each category is +5 and the maximum negative score is -5, per-category. These points are assigned based on the consequence evaluations and are ranked as Insignificant (0), Very Limited (1), Limited (2), Moderate (3), Significant (4), or Very Significant (5). Negative consequence points are subtracted from positive consequence point to arrive at a score, per-use, and per-category of analysis.

A strong positive score suggests that, on the whole, allowing the conflicting use would provide a net benefit to the County, whereas a negative score would suggest that allowing the use might result in a net negative effect and should be considered for limitations or prohibition. Results of this table are carried forward to the Program Recommendation section of this analysis.

Table A5 – Summary of Consequences of Allowing Conflicting Uses

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Allowing
Golf course, not included in a destination resort	1	0	-2	0	-1
Kennel	0	0	-2	0	-2
Public or private school	1	0	-2	0	-1
Bed and breakfast inn, room and board arrangement, or guest lodge	1	1	-2	0	0
Dude/guest ranch	2	0	-2	0	0
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization	1	1	0	0	2
Timeshare unit, as defined in ORS 94.803	-1	1	-2	0	-2
Veterinary clinic	-1	0	-1	0	-2
Fishing lodge	-1	1	-1	0	-1
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian	0	0	-1	0	-1

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Allowing
trail uses, and uses subject to DCC 18.16.042.					
Campgrounds	0	1	0	0	1
Recreational vehicle parks	0	1	0	0	1
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	0	1	0	0	1
Wind power facility, as defined in OAR 660-033-0130	1	0	1	3	5
Single family dwellings	2	1	1	3	7

(b) Prohibit conflicting uses.

FINDING: In this scenario, Deschutes County would prohibit all of the conflicting uses identified in this document in the 2023 mule deer winter range combining zone. In the “prohibit” scenario, positive and negative consequences would be reversed from the “allow” scenario. For example, the positive economic effects of allowing single family residences would reverse, becoming very significantly negative in a “prohibit” scenario, but moderate benefits would accrue from the economic activity enhanced by hunting and wildlife viewing from the preserved mule deer habitat.

Consequently, the Economic, Social, Environmental, and Energy Consequences tables have not been duplicated here in reverse. The “prohibit” summary table is provided below.

Table A6 – Summary of Consequences of Prohibiting Conflicting Uses

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Allowing
Golf course, not included in a destination resort	-1	0	2	0	1
Kennel	0	0	2	0	2
Public or private school	-1	0	2	0	1
Bed and breakfast inn, room and board arrangement, or guest lodge	-1	-1	2	0	0
Dude/guest ranch	-2	0	2	0	0
Playground, recreation facility or community center owned and operated by a government agency or a	-1	-1	0	0	-2

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Allowing
nonprofit community organization					
Timeshare unit, as defined in ORS 94.803	1	-1	2	0	2
Veterinary clinic	1	0	1	0	2
Fishing lodge	1	-1	1	0	1
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	0	0	1	0	1
Campgrounds	0	-1	0	0	-1
Recreational vehicle parks	0	-1	0	0	-1
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	0	-1	0	0	-1
Wind power facility, as defined in OAR 660-033-0130	-1	0	-1	-3	-5
Single family dwellings	-2	-1	-1	-3	-7

(c) Limit conflicting uses.

FINDING: In this scenario, conflicting uses would be limited (by regulations) within the 2023 mule deer winter range, as outlined in Table 1, which provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone.

Economic consequences: Table A7 addresses the positive and negative economic consequences of limiting conflicting uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A7 but is incorporated herein by reference.

Table A7 – Economic Consequences of Limiting Conflicting Uses

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
<p>Common to all Conflicting Uses</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the economic effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>Accordingly, the positive economic consequences are those listed in Table A2 and are not repeated here.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide economic benefits from enhancement of mule deer viewing and hunting opportunities. However, these benefits would be less than the “prohibit” option.</p> <p>Generally speaking, the magnitude of the economic loss to conflicting uses and gain to mule deer viewing and hunting opportunities would be roughly equivalent.</p> <p>Salient differences per-use, if any, are noted below.</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the economic effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide economic benefits from enhancement of wildlife viewing and hunting opportunities, when compared with the “allowed” option. However, these benefits would be less than the “prohibit” option.</p> <p>Salient differences per-use, if any, are noted below.</p>

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
Golf course, not included in a destination resort		<p>Very limited total mule deer related economic losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Kennel		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
Public or private school		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
Bed and breakfast inn, room and board arrangement, or guest lodge		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
Dude/guest ranch		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Timeshare unit, as defined in ORS 94.803		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Veterinary clinic		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
Fishing lodge		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
<p>Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.</p>		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Campgrounds		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Recreational Vehicle Parks		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Wind power generation facility, as defined in OAR 660-033-0130		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
Single family dwellings		<p>Under the proposed limitations, no dwelling or potential lots or parcels created by land division would be precluded. However, limitations on homesite location could result in the limited reduction in value of properties. In addition, limitations on land divisions could result in the limited reduction in the per-lot value of land divisions.</p> <p>Limited total mule deer related economic losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Social consequences:

Table A8 addresses the positive and negative social consequences of limiting the land uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A8 but is incorporated herein by reference.

Table A8 –Social Consequences of Limiting Conflicting Uses

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
<p>Common to all Conflicting Uses</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the social effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>Accordingly, the positive social consequences are those listed in Table A3 and are not repeated here.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide social benefits from enhancement of mule deer viewing and hunting opportunities. However, these benefits would be less than the “prohibit” option.</p> <p>Generally speaking, the magnitude of the social losses to conflicting uses and gain to mule deer viewing and hunting opportunities would be roughly equivalent.</p> <p>Salient differences per-use, if any, are noted below.</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the social effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide social benefits from enhancement of wildlife viewing and hunting opportunities, when compared with the “allowed” option. However, these benefits would be less than the “prohibit” option.</p> <p>Salient differences per-use, if any, are noted below.</p>

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
Golf course, not included in a destination resort;		<p>Very limited total mule deer related social losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Kennel		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
Public or private school		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
Bed and breakfast inn, room and board arrangement, or guest lodge		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
Dude/guest ranch		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Timeshare unit, as defined in ORS 94.803		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Veterinary clinic		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
Fishing lodge		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
<p>Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.</p>		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Campgrounds		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Recreational Vehicle Parks		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Wind power generation facility, as defined in OAR 660-033-0130		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
Single family dwellings		<p>Under the proposed limitations, no dwelling or potential lots or parcels created by land division would be precluded. However, limitations on homesite location could result in the limited reduction in social value of properties. In addition, limitations on land divisions could result in the limited reduction in the per-lot value of land divisions.</p> <p>Limited total mule deer related social losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Environmental consequences: Table A9 addresses the positive and negative environmental Consequences of Limiting the land uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A9 but is incorporated herein by reference.

Table A9 – Environmental Consequences of Limiting Conflicting Uses

Conflicting Use	Positive Environmental Consequences of Limiting	Negative Environmental Consequences of Limiting
<p>Common to all Conflicting Uses</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the environmental effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>Accordingly, the positive environmental consequences are those listed in Table A4 and are not repeated here.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide environmental benefits from enhancement mule deer habitat. However, these benefits would be less than the “prohibit” option.</p> <p>Salient differences per-use, if any, are noted below.</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the environmental effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide environmental benefits from enhancement of mule deer habitat, when compared with the “allowed” option. However, these benefits would be less than the “prohibit” option.</p> <p>Salient differences per-use, if any, are noted below.</p>
<p>Golf course, not included in a destination resort</p>		<p>Limited total mule deer related environmental losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>
<p>Kennel</p>		<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Environmental Consequences of Limiting	Negative Environmental Consequences of Limiting
Public or private school		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.
Bed and breakfast inn, room and board arrangement, or guest lodge		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.
Dude/guest ranch		Very limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Timeshare unit, as defined in ORS 94.803		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Veterinary clinic		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.

Conflicting Use	Positive Environmental Consequences of Limiting	Negative Environmental Consequences of Limiting
Fishing lodge		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Campgrounds		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Recreational Vehicle Parks		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and moderate habitat impacts per instance of the use.

Conflicting Use	Positive Environmental Consequences of Limiting	Negative Environmental Consequences of Limiting
Wind power generation facility, as defined in OAR 660-033-0130		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and moderate habitat impacts per instance of the use.
Single family dwellings		<p>Under the proposed limitations, no dwelling or potential lots or parcels created by land division would be precluded. However, limitations on homesite location could result in the limited reduction in the social value of properties. In addition, limitations on land divisions could result in the limited reduction in the per-lot social value of new lots or parcels</p> <p>Limited total mule deer related social losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Energy consequences: Energy consumption is unlikely to be significantly affected by limiting the conflicting uses in the 2023 mule deer winter range combining zone. No significant changes in energy consumption are anticipated by limiting the conflicting uses in the 2023 mule deer winter range combining zone. Regarding solar and wind energy facilities, availability of land for the placement and maintenance of these systems would be maximized for efficiency by limiting these uses and would provide options for clean energy generation, resulting in moderate positive energy consequences of limiting the uses.

Table A10 summarizes the net effect of limiting the conflicting uses in the 2023 mule deer winter range combining zone. The cumulative net effect column shows the “strength” of the positive or negative consequences of limiting the conflicting use, taking into account the intensity, scale, and relative prevalence of the use in the County. The maximum positive score is +5 and the maximum negative score is -5. A strong positive score suggests that, on the whole, limiting the conflicting use would provide a net benefit to the County, whereas a negative score would suggest that the use would have a net negative affect and should be considered for allowance or prohibition. Results of this table are carried forward to the Program Recommendation section of this analysis.

As shown in Table A10, the net effect of limiting conflicting uses in the 2023 mule deer winter range combining zone is **positive** for all uses to varying degrees. Placing various types of limitations on conflicting uses as described above aims to achieve a balance between full prohibition and full allowance, recognizing both property rights and economic opportunities while still creating meaningful protections for mule deer habitat.

Ensuring that these conflicting uses are available to property owners subject to limitations provides moderate economic or social benefits while still providing meaningful habitat protections. In addition, considering the lack of previous and anticipated demand for these uses, this option represents a balance wherein adverse effects are negligible.

Table A11 – Summary of Consequences of Limiting Conflicting Uses

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Limiting
Golf course, not included in a destination resort	2	1	-1	0	2
Kennel	1	1	-1	0	1
Public or private school	2	1	-1	0	2
Bed and breakfast inn, room and board arrangement, or guest lodge	2	2	-1	0	3
Dude/guest ranch	3	1	-1	0	3
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization	2	2	1	0	5
Timeshare unit, as defined in ORS 94.803	0	2	-1	0	1
Veterinary clinic	0	1	0	0	1
Fishing lodge	0	2	0	0	2
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	1	1	0	0	2
Campgrounds	1	2	1	0	4
Recreational vehicle parks	1	2	1	0	4

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Limiting
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	1	2	1	0	4
Wind power facility, as defined in OAR 660-033-0130	2	1	2	3	8
Single family dwellings	3	2	2	3	10

660-023-0040 - ESEE Decision Process

(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.***
- (b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.***
- (c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.***

FINDING: Table A12, below, identifies the “net effect” from Tables A5, A6, and A11 and provides a general assessment for each use category. The possible numeric values range from -10 to +10. A value of -10 suggests that the scenario (allow, limit, prohibit) would likely result in negative economic, social, environmental and energy consequences. Whereas, a value of +10 suggests that the scenario would likely result in positive consequences. The assessment is based on identifying the strongest positive outcome.

Table A12 – Summary of Net Effect of Allowing, Limiting, or Prohibiting Conflicting Uses within Mule Deer Winter Range

Conflicting Use	Allow (from Table A5)	Prohibit (from Table A6)	Limit (from Table A11)
Golf course, not included in a destination resort	-1	1	2
Kennel	-2	2	1
Public or private school	-1	1	2
Bed and breakfast inn, room and board arrangement, or guest lodge	0	0	3
Dude/guest ranch	0	0	3
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization	2	-2	5
Timeshare unit, as defined in ORS 94.803	-2	2	1
Veterinary clinic	-2	2	1
Fishing lodge	-1	1	2
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	-1	1	2
Campgrounds	1	-1	4
Recreational vehicle parks	1	-1	4
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	1	-1	4
Wind power facility, as defined in OAR 660-033-0130	5	-5	8
Single family dwellings	7	-7	10

Based on the ESEE Analysis, Deschutes County has determined, consistent with subsections (a), (b) and (c), that all of the conflicting uses under consideration shall be limited in various ways, notwithstanding the possible impacts on the deer winter range. As determined in 1992, the deer winter range habitat and conflicting uses are important relative to each other, and those conflicts are balanced by regulating certain uses in different ways.

Allowed with Limitations

As described in this ESEE analysis, Deschutes County finds that the significance of 2023 mule deer winter range compared to the conflicting uses listed below warrants limiting the listed conflicting uses.

Table 1 provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone.

660-023-0050 - Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).

FINDING: As noted above, Deschutes County has determined, consistent with subsections (a), (b) and (c), that all of the conflicting uses under consideration shall be limited in various ways, notwithstanding the possible impacts on the deer winter range. Table 1 provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone. The Comprehensive Plan and DCC have been updated to reflect this decision.

(2) When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;***
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or***
- (c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).***

FINDING: As noted above, Deschutes County has determined, consistent with subsections (a), (b) and (c), that all of the conflicting uses under consideration shall be limited in various ways, notwithstanding the possible impacts on the deer winter range. Table 1 provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone. The Comprehensive Plan and DCC have been updated to reflect this decision.

Implementing code has been designed to contain clear and objective standards or performance standards specifying the objective criteria to be used in evaluating outcome or performance. As described under OAR 660-023-0050(3), below, additional alternative approval processes that include land use regulations that are not clear and objective are also available.

- (3) In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:***
- (a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and***
 - (b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).***

FINDING: As noted above, the proposed regulations also provide an alternative to the clear and objective standards set forth in the Deschutes County Code. In each case, regulatory use limitations may be waived upon a determination that habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern, after consultation with the Oregon Department of Fish and Wildlife.

660-023-0060 - Notice and Land Owner Involvement

Local governments shall provide timely notice to landowners and opportunities for citizen involvement during the inventory and ESEE process. Notification and involvement of landowners, citizens, and public agencies should occur at the earliest possible opportunity whenever a Goal 5 task is undertaken in the periodic review or plan amendment process. A local government shall comply with its acknowledged citizen involvement program, with statewide goal requirements for citizen involvement and coordination, and with other applicable procedures in statutes, rules, or local ordinances.

FINDING: Deschutes County has provided timely notice to landowners and opportunities for citizen involvement throughout this process, recognizing the scale and complexity of the

proposal. Opportunities for public involvement during the first phase of this project, which addressed the initial biological inventory, included open houses, a website, and an online survey, which are summarized in the Public Outreach Report that culminated that phase.²⁰

For this proposal, Oregon Department of Land Conservation and Development 35-day notice was initiated on March 8, 2023. In addition, the County issued mailed notice to property owners in the 2023 Mule Deer Winter Range Combining Zone pursuant to ORS 215.503 and Ballot Measure 56 on March 15. As noted above, published and posted notice was provided pursuant to DCC 22.12.010. Deschutes County has coordinated with Oregon Department of Fish and Wildlife (ODFW) and the Department of Land Conservation and Development (DLCD) since the proposal was first envisioned in 2020.

For citizen involvement, three public information sessions were held prior to the first public hearing to give the public opportunities to understand the proposal and to ask questions of both planning staff and ODFW. The amendments, findings, maps, and a Frequently Asked Questions document were made available on a dedicated project website, along with the documents comprising the public record.

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