

“****” Denotes portions of the code not amended by Ordinance 2011-008.

Chapter 23.104. FISH AND WILDLIFE

23.104.030. Policies.

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1. In light of the need to protect deer winter range and to be consistent with plan policies restricting rural sprawl, the Metolius, North Paulina, Tumalo and Grizzly deer winter ranges shall be protected by special zones. The winter ranges shall be as designated on the Big Game Habitat – Wildlife Area Combining Zone Map contained in this plan’s resource element. Within the winter ranges the minimum lot size shall be 40 acres, except that in the Rural Residential Zone and the Multiple Use Agricultural Zone planned or cluster developments are required for new land divisions. In planned and cluster developments man’s activities must be limited to 20 percent of the development’s lands with 80 percent left as open space. The density of planned and cluster developments shall be determined by the underlying zone.
2. The County shall enforce an animal control ordinance which prohibits dogs to be at large or not under the complete control of a capable person.
3. In the Bend/La Pine deer migration corridor identified in the comprehensive plan resource element, new land divisions, where the underlying zone is Rural Residential – 10, shall be cluster developments.
4. Because public access to fish and wildlife areas is so important to the economic and livability aspects of Deschutes County, walking easements and periodic boat access points shall be provided in areas where public river access is limited, as determined appropriate by the County and State Department of Fish and Wildlife.
5. Consistent with Policy 4 and in order to protect the sensitive riparian areas, as well as to protect people and property from flood damage, the zoning ordinance shall prohibit development (except floating docks) within 100 feet of the mean high water mark of a perennial or intermittent stream or lake. Exceptions may be permitted on lots created prior to November 1, 1979 where adherence to the 100-foot setback would cause a hardship.
6. In addition to State and Federal laws, County ordinances shall require all identified nesting sites for eagles, ospreys, prairie falcons or other species listed on the Oregon State or Federal threatened or endangered species list shall be protected.
7. Sensitive bird habitat sites (bald eagle, golden eagle, osprey, great grey owl, prairie falcon nests, great blue heron rookeries, and sage grouse leks) and mammal habitat sites (Townsend’s big-eared bat hibernating and nesting caves) identified in the Resource Element of this plan shall be protected by a Sensitive Bird and Mammal Overlay Zone. A protection program acceptable to the Oregon Department of Fish and Wildlife for the nests or sites shall be submitted by the applicant for a development or land use permit and used implemented during and after construction of the development.
8. The antelope range and antelope winter range identified on the Big Game Habitat-Wildlife Area Combining Zone Map included in the Resource Element of this plan shall be protected by a wildlife area combining zone. The minimum lot size for new parcels shall be 320 acres. The Rural Service Centers of Brothers, Hampton and Millican shall be exempt from the provisions of the Wildlife Area Combining Zone.

9. The areas containing land identified as significant elk habitat on the Big Game Habitat Map – Wildlife Area Combining Zone Map included in the Resource Element of this plan shall be protected by a wildlife area combining zone. The minimum lot size for new parcels shall be 160 acres in the combining zone.
10. The County shall notify the Oregon Department of Fish and Wildlife of all land use applications for lands located in the WA Combining Zone or the Sensitive Bird and Mammal Overlay Zone.
11. The County shall work with ODFW and the Deschutes Basin Resource Committee to review existing protection of riparian and wetland area vegetation and recommend comprehensive plan and ordinance amendments, if necessary, by December 31, 1993.
12. When site specific information is available to the County on the location, quality and quantity of threatened and endangered fish and wildlife species listed by State or Federal wildlife agencies and the Oregon Department of Fish and Wildlife develops protection criteria for the species, the County shall proceed with a Goal 5 ESEE analysis in compliance with OAR 660 Div.16.
13. The County shall review the La Pine and Bull Flat elk habitat areas and the Metolius deer migration corridor designated as “1B” Goal 5 resources during the next periodic review or as additional information on the location, quality and quantity of the habitat areas becomes available.
14. The County shall maintain an inventory of County-owned property in the Bend/La Pine deer migration corridor. Prior to sale or exchange of County owned property in the corridor, the County shall consult the Oregon Department of Fish and Wildlife to determine the value of the land for deer migration and make reasonable efforts to consolidate properties to maintain habitat characteristics important to preserving the migration corridor.
15. The County shall work with ODFW to identify specific areas where the County and ODFW shall encourage public retention and acquisition of land or seek conservation easements for the protection of the deer migration corridor.
16. The County shall retain and encourage public ownership of significant fish and wildlife habitat and riparian areas.
17. County-owned land shall be managed to protect and enhance fish and wildlife habitat except where a conflicting public use outweighs the loss of habitat.
18. The County shall notify the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife of any development applications for land within a wetland identified on the National Wetlands Inventory [or South Deschutes County Local Wetland Inventory](#) maps.
19. The County shall encourage the formation of nonprofit land trusts for the protection of fish and wildlife habitat, wetland, riparian and natural areas. The County should provide support and assistance when deemed appropriate by the Board of County Commissioners.

(Ord. [2011-008 §1, 2011](#); 2002-005 §1, 2002; Ord. 80-203, 1980)