

Miriam Partida

From: Erik Nobel
Sent: Friday, August 20, 2021 1:54 PM
To: Miriam Partida
Subject: FW: Klamath County Solar Ordinance

From: COLLOM Thomas R * ODFW <Thomas.R.COLLOM@odfw.oregon.gov>
Sent: Friday, August 20, 2021 9:32 AM
To: Erik Nobel <enobel@klamathcounty.org>
Subject: Klamath County Solar Ordinance

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Dear Erik,

Thanks for offering ODFW the opportunity to review Klamath County's draft Commercial Solar ordinance. We appreciate Klamath County's emphasis on avoiding habitat loss within crucial big game winter ranges (as defined in our February 2, 2020 letter, provided at the County's request), including those areas already identified as a Significant Goal 5 resource. These habitat areas are crucial (i.e., irreplaceable) because if lost or fragmented these habitats cannot be replaced (i.e., mitigated) within an acceptable period of time and would likely result in significant impact to the big game population.

During our review of the draft ordinance, we noticed some areas that might benefit from increased clarity to help applicants better understand the solar siting process. This includes:

- Section XXX.030 (Application Requirements): This section would allow certain requirements to be waived by the Planning Director. However, it is not clear under what standards or criteria this would occur. Can you please clarify under what criteria the need for a habitat mitigation plan (A4) may be waived?
 - Section A4 regarding submittal of a draft habitat mitigation plan: We appreciate that a draft will need review by the County and ODFW and we know that in practice there is a lot of back-and-forth between the applicant and ODFW between original submittal and county approval, but we recommend you consider including some language around the need for a finalized mitigation plan (consistent with Division 33 or 215.446) prior to the county adopting findings. This helps ensure the County receives mitigation plans that clearly demonstrate how the wildlife standards will be met.
 - Also, section (A2) as written does not require the applicant to identify conflicts with Goal 5 resources, but it may be helpful to applicants to understand that this is an important step in determining if a habitat mitigation plan is needed.
- Section XXX.045 (Specific Review Standards): Under this section, the Division 33 and ORS 215.446 standards are referenced. It may be beneficial if the ordinance could further clarify, for an applicants' benefit, when those different standards apply (i.e., size of project).

ODFW remains available to provide additional technical assistance to the county as you continue to analyze and propose updates to Klamath County's Goal 5 program to protect big game habitat. Thanks again for the opportunity to review, and we look forward to additional collaboration and support as you move this proposal forward.

P.S. I'm assuming the Planning Commission meeting scheduled for next Tuesday is still in person??

~ Tom

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