



MEMORANDUM

TO: Deschutes County Planning Commission
FROM: Tanya Saltzman, AICP, Senior Planner
DATE: April 20, 2023
SUBJECT: Continued Public Hearing – Mule Deer Winter Range Inventory Update

The Deschutes County Planning Commission will conduct a continued public hearing on April 27, 2023 at 5:30 P.M. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms, to consider amendments to update the mule deer inventory (File No. 247-23-000144-TA). This will be a continuation of the initial public hearing held on April 13, 2023,¹ which was attended by approximately 100 people in person and approximately 40 additional via Zoom. Approximately 40 individuals testified in person; due to this demand, virtual testimony was postponed to the second hearing date. All hearing materials and the entirety of the record can be found at www.deschutes.org/muledeer.

Staff submitted a Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on March 8, 2023 and established a project website, www.deschutes.org/muledeer, wherein the record and supporting documents are published. Staff presented the proposed amendments and project history and background to the Planning Commission at a work session on March 23, 2023.² Staff also conducted three public information sessions on April 4, 6, and 10th.

I. BACKGROUND

The first phase of this project took place in 2020-2021, in which Deschutes County initiated the process of considering updates to three of its Goal 5 wildlife inventories. Utilizing an Interagency Working Group (IWG) of wildlife biologists from state agencies as well as an independent wildlife biologist consultant, the IWG collected and vetted new data to define these new inventories. For a detailed history and documents relating to Phase 1, visit [Wildlife Inventory Update - Phase 1](#).

The current phase of this project follows the procedures in [Oregon Administrative Rules \(OAR\) Chapter 660, Division 23](#) to update or designate a new Goal 5 resource—in this case, the mule deer winter range.

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-35>

² <https://www.deschutes.org/bc-pc/page/planning-commission-28>

This proposal creates a new mule deer combining (or overlay) zone and corresponding new code chapters to address uses in that zone.

II. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning, and the Comprehensive Plan. This proposal creates a new mule deer combining (or overlay) zone and a corresponding new code chapter to address uses in that zone. The purpose of the 2023 Mule Deer Winter Range Combining Zone is to conserve important mule deer winter range habitat in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the mule deer resource. This zone and its regulations will be separate from the existing Wildlife Area (WA) Combining Zone, which remains unchanged.

A brief summary of the amendments are as follows, with further description available in the materials provided for the initial hearing:

- DCC 18.91 – Mule Deer Winter Range Combining Zone - WA-MD. Creates a new combining zone, the 2023 Mule Deer Winter Range Combining Zone (WA-MD) and corresponding code chapter (DCC 18.91). This combining zone is entirely separate from the existing WA Combining Zone (DCC 18.88), in terms of its physical boundaries and the zoning regulations governing them. There will be no changes proposed to the boundaries or regulations of the existing WA Combining Zone.

Per the OAR cited above, the WA-MD Combining Zone regulations contain criteria for a set of uses deemed “conflicting” because they could adversely affect mule deer winter range habitat. These draft criteria represent a starting point for the community conversations to follow during the hearings process.

- DCC 18.12: Adds WA-MD to list of combining zones.
- Deschutes County Comprehensive Plan, Chapter 2, Resource Management, Section 2.6, Wildlife: adds language describing the mule deer winter range update.
- Deschutes County Comprehensive Plan Chapter 5.12 and DCC 23.01: updates the legislative history of the Comprehensive Plan.

III. NEXT STEPS

At the conclusion of the public hearing, the Planning Commission may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain; or
- Close the hearing and commence deliberations.

Once the Planning Commission process has concluded, staff will then commence the legislative process with the Board of County Commissioners.