



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner
Will Groves, Planning Manager

DATE: March 1, 2023

SUBJECT: Mule Deer Inventory Update – Status Report

Staff is providing an update to the Board of County Commissioners (Board) concerning the mule deer wildlife inventory update project, which is ready to initiate for the first evidentiary hearing before the Planning Commission on April 13, 2023. This memorandum will provide an overview of the proposed timeline and associated milestones and will outline the overall project strategy.

I. Project Timeline and Structure

This project was postponed in July 2022 to allow Long Range Planning staff to address other matters by the end of the calendar year. In January 2023, staff received Board direction to re-initiate this project.

The April 13 hearing date was chosen for several reasons: public testimony over the last two years has voiced a consistent desire to undertake this project once again after a pause, and recognition that once initiated, the legislative process will take a significant amount of time. Additionally, staff notes that two of the seven members of the Planning Commission are scheduled to end their terms on June 30, 2023, and that extending the Planning Commission portion of the legislative process to span two different commissioner rosters would result in a compromised process that is potentially procedurally problematic. To that end, staff has selected the hearing date to provide adequate time for the Planning Commission to hold several public hearings if necessary, and several deliberation sessions if necessary, in order to ensure that it will be possible for the Commission to issue a recommendation to the Board prior to June 30, 2023.

The following related milestones support the hearing date:

March 9: 35-day notice of PAPA (Post-Acknowledgement Plan Amendment) provided to Department of Land Conservation and Development (DLCD)

Counties are required to provide DLCD with written notice of a land use change 35 days prior to the first evidentiary hearing. At this point, draft amendments and findings are provided to DLCD

and written comments may now be provided to staff for incorporation into the record. Staff anticipates providing this notice on March 8.

March 9: Website

To coincide with the 35-day notice, staff is creating a project website that provides relevant maps, draft amendments, and information on the public process. The website will include a digital map (similar to the StoryMap utilized in Phase 1 of this project) as well as downloadable/printable maps in PDF format. The website will also include public information session information (and links to recordings, once complete), instructions for how to submit to the record, and an FAQ document that seeks to distill the amendments into a simple question-and-answer format. The website will also link back to the first phase of this project and all related documents, including the Interagency Working Group and Public Outreach Reports. Lastly, the website will include the written record, as is standard throughout the Planning Division.

March 4 – March 24: Measure 56 mailings

Measure 56 requires counties to provide notice to landowners between 20 and 40 days prior to the first public hearing when a land use change limits or prohibits previously allowed uses. Subject to verification by County legal counsel, Measure 56 notices with the required statutory language will be mailed to property owners in the new 2023 Mule Deer Winter Range Combining Zone.

Weeks of April 3 and April 10: Public Information Sessions (3)

Given the high visibility and complexity of this project, staff believes it will be helpful to conduct several public information sessions to provide an overview of the inventory update. This will enable members of the public as well as stakeholders to more fully digest the proposed amendments well in advance of the formal public process and will allow staff to explain the project and answer questions. Representatives from Oregon Department of Fish and Wildlife (ODFW) will be present to discuss and answer questions about the methodology behind the data collection and inventory boundary development. Staff anticipates that verbal comments provided at these sessions would not be part of the official record and will make that clear during all sessions. However, given that these sessions will occur after 35-day notice has been provided to DLCD, any written comments received would indeed be a part of the record. Staff aims to conduct three information sessions: one hybrid online/in-person meeting in Bend, one in person in Sisters, and one in-person in Redmond.

April 13: First evidentiary hearing before the Planning Commission

April 27: Potential second Planning Commission hearing (TBD)

May 11: Potential third Planning Commission hearing (TBD)

May 25, June 8, June 22: options for Planning Commission deliberation (TBD)

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

III. Project Concept

Over the last several months, staff has been constructing the draft amendments and corresponding findings. These will be provided to the Board prior to the hearings process as they are finalized and posted on the project website.

The amendments will:

- Create a new combining zone, the 2023 Mule Deer Winter Range Combining Zone (WA-MD) and corresponding code chapter (DCC 18.91). This combining zone will be 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. The 2023 mule deer winter range combining zone covers 188,132 acres, of which approximately 75,000 acres are nonfederal and therefore under the jurisdiction of Deschutes County zoning. The new WA-MD zone corresponds to the boundaries determined by the Interagency Working Group (including ODFW and a wildlife biologist consultant) during the first phase of the project. The methodology for determining these boundaries was described in the Interagency Report and the Public Outreach Report provided to the Board previously. The WA-MD zone will provide regulations for certain uses that have been identified as conflicting uses, pursuant to OAR Chapter 660, Division 23, Procedures and Requirements for Complying with Goal 5.
- Update Deschutes County's Comprehensive Plan, Chapter 2, Resource Management, Section 2.6, Wildlife, by describing the mule deer winter range update.
- Update other sections of County Code to be consistent with proposed changes to the Wildlife Area (WA) Combining Zone (for example, DCC 18.04, Definitions).

III. Next Steps

Staff will initiate 35-day notice on March 8 and will provide updates to the Board as the legislative process progresses.