



**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners  
**FROM:** Tanya Saltzman, AICP, Senior Planner  
**DATE:** June 21, 2023  
**SUBJECT:** Mule Deer Inventory Update – Status Report

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Staff is providing an update to the Board of County Commissioners (Board) concerning the mule deer wildlife inventory update project and seeks direction for next steps, including potential dates for a work session and hearing. This memorandum will also provide a general overview of the process thus far and the Planning Commission recommendations that emerged from the Planning Commission hearings, with the intention of a more in-depth review to be provided closer to the Board hearing date.

**I. Planning Commission Process**

As noted previously, the Planning Commission process began with public outreach prior to the public hearing, consisting of:

- A project website ([www.deschutes.org/muledeer](http://www.deschutes.org/muledeer)) with both interactive and downloadable maps, FAQ documents, summaries of the amendments, and the official record.
- A dedicated phone line to provide general information and provide staff follow up to questions from the public
- Ballot 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. Measure 56 notices with the required statutory language were mailed on March 15, 2023 to property owners in the proposed 2023 Mule Deer Winter Range Combining Zone, totaling approximately 7,000 property addresses (approximately 5,500 property owners).
- Three public information sessions were held in Sisters on April 4, Bend/online on April 6, and Redmond on April 10. These sessions featured presentations by staff and Oregon Department of Fish and Wildlife (ODFW), and a question and answer period. Approximately 130 people provided their contact information across all three of these meetings; staff estimates several dozen more people participated without signing up for additional information.

## II. Planning Commission Hearings and Testimony

Staff presented the proposed amendments, project history, and regulatory background to the Planning Commission at a work session on March 23, 2023.<sup>1</sup> The Planning Commission held public hearings on April 13<sup>2</sup> and April 27.<sup>3</sup> The written record was held open until May 1, 2023 at 5:00 p.m.

The hearings were extremely well attended, both in-person and online, and the amount of written testimony was robust: staff estimates approximately 90 individuals provided testimony at the hearing (both in-person and online) and staff received written testimony from approximately 226 individuals, some of whom also provided oral testimony. Several agencies also provided testimony. A detailed summary of all testimony received will be provided to the Board at a subsequent meeting, and was also summarized in a memorandum for Planning Commission deliberations on May 11.<sup>4</sup> All written testimony is available for review at [www.deschutes.org/muledeer](http://www.deschutes.org/muledeer).

Ultimately, the Planning Commission provided the following recommendations to the Board:

1. The Planning Commission voted to recommend that the Board adopt the mule deer inventory into the Comprehensive Plan and create a new Mule Deer Combining Zone in Deschutes County Code, Title 18 (County Zoning).
2. The Planning Commission voted to recommend a set of general recommendations to the Board—in this case, they recommended adoption of the amendments with modifications proposed by ODFW. ODFW's testimony letter is available in the record. In general, ODFW recommended stricter standards than in the proposal, desiring regulations that align with the existing Wildlife Area (WA) Combining Zone.
3. The Planning Commission voted in favor of recommending that a stakeholder workgroup comprised of agencies as well as landowners, hunters, etc. be convened to discuss mule deer population management goals and potential solutions. This came out of the acknowledgement from all sides of the table that the mule deer population decline is a multi-pronged issue and land use is but one of those prongs.

Other items that did not rise to the level of formal motions but were important points of discussion:

- Several commissioners expressed the desire for the Board to revisit the siting standards requiring new buildings to be within 300 feet of a public or private road or recorded easement. A similar requirement exists in the current WA Combining Zone.

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<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-28>

<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-35>

<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-36>

<sup>4</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-25>

- Individual commissioners also had other notes that they requested be conveyed:
  - Consider outright prohibition of solar and wind generation facilities.
  - Consider some type of planting requirements or other method to provide forage for deer around solar facilities.

### **III. Next Steps / Board Direction**

Staff requests Board direction concerning next steps, including dates for a public hearing and work session. Determination of a public hearing date will also require coordination with ODFW, as staff recommends a representative from ODFW is present at the hearing.

Staff offers the following schedule for Board consideration, which provides ample time for public notice (in addition to required published notice, notice via social media, press releases, etc.) and submission of written testimony prior to the hearing:

1. Public hearing Wednesday, August 23; either:
  - Morning, afternoon, and/or evening sessions on the same day; or
  - Standard hearing timing on August 23 with potential continuation to second date.
2. Preparatory work session on Monday, August 14 or Monday, August 21

Staff is available to discuss other options for next steps if requested.