



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, MAY 11, 2023

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://us02web.zoom.us/j/82487876281?pwd=eVh5dmRjazZkM0JHbHh6dUpyT0JWdz09>

Passcode: 794432

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Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 824 8787 6281 and Passcode: 794432. Written comments can also be provided for the public comment section to planningcommission@deschutes.org by 5:00 p.m. on May 11. They will be entered into the record.

I. APPROVAL OF MINUTES - April 13, 2023

I. CALL TO ORDER

II. PUBLIC COMMENT

III. ACTION ITEMS

1. Deliberations – Planning Division Work Plan for Fiscal Year 2023-24 (*Peter Gutowsky, Community Development Director*)
2. Deliberations – Mule Deer Inventory Update Amendments (*Tanya Saltzman, Senior Planner*)

IV. PLANNING COMMISSION AND STAFF COMMENTS

V. ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Peter Gutowsky, AICP, Director
Will Groves, Planning Manager

DATE: April 28, 2023

SUBJECT: Draft Planning Division Work Plan for Fiscal Year (FY) 2023-24 / Deliberations

I. SUMMARY

The Planning Commission held a public hearing on the draft Planning Division FY 2023-24 Work Plan on March 30 (Attachment).¹ On May 11, the Planning Commission will deliberate and provide a recommendation to the Board of County Commissioners (Board).² Below are four tables to facilitate a Planning Commission recommendation.

Table 1 captures priority discretionary and nondiscretionary projects that are supported by the Board and Planning Commission; grant funded; or in process. These projects in their totality are “significant,” requiring staffing resources that span 6 to 12 months or longer.

Table 1 – Priority Discretionary and Non-discretionary Projects

Priority Projects	
1. Current Planning ³	5. Transportation System Plan (TSP) Update
2. Comprehensive Plan 2040 Update ⁴	6. SB 391, Rural Accessory Dwelling Units
<ul style="list-style-type: none"> Engage Newberry Country and Terrebonne residents to determine if area and/or community plans require updates.⁵ 	7. New Mule Deer Wildlife Inventory ⁶
3. Tumalo Community Plan Update (TGM Grant)	8. SB 762, Wildfire Mitigation ⁷
4. Sisters Country Trails (TGM Grant)	9. Historic Preservation (CLG Grant)

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-34>

² CDD received one comment from March 31 to April 5 (see footnote 4). The extended written record period ended on April 7.

³ Current Planning responsibilities are non-discretionary. Local land use decisions are subject to specific deadlines per state law. ORS 215.427.

⁴ Testimony from a Deschutes County resident stressed the importance of incentives as it pertains to existing wildlife inventories. Testimony from a local organization supported the mule deer winter range update and updating elk habitat and eagle nesting inventories, among other items. Testimony from a Deschutes County resident on April 5 emphasized inclusion and biodiversity.

⁵ Testimony from a local organization asked for monthly participation in community conversations in South County for a strategic plan.

⁶ Testimony from a Deschutes County resident questioned the validity of the mule deer inventory, ODFW’s science, and the role of public lands while emphasizing the importance of property rights.

⁷ Testimony from a local organization supports fire hardening for all structures regardless of wildfire risk and limiting development in fire prone areas.

Table 2 identifies ongoing Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks. These projects in their totality range from “minor” to “moderate,” requiring staffing resources that span 4 to 8 months to complete.

Table 2 – Operational Responsibilities, Coordination Duties, and Code Maintenance

Category	Projects
Operational Responsibilities	<ol style="list-style-type: none"> 1. Destination Resort and Overnight Lodging Reporting. 2. Marijuana inspections. 3. Population estimates and forecasting. 4. Staffing Historic Landmarks Commission (HLC), Bicycle and Pedestrian Advisory Committee (BPAC), and Deschutes River Mitigation and Enhancement Committee (M&E). 5. Participate in 2024 Legislative Short Session. 6. Support internal County departments (new landfill siting, etc.).
Coordination Duties	<ol style="list-style-type: none"> 7. City of Bend Coordination <ul style="list-style-type: none"> • Adopt the Bend Airport Master Plan (BAMP) and amend the County’s Comprehensive Plan and Development Code to implement measures that allow for a new air traffic control tower and new airport-related businesses. • Coordinate on growth management issues, including technical analyses related to housing and employment needs and modernizing Title 19 for the Deschutes County Jail. • Process a Plan Amendment and Zone Change to add the Stevens Road Tract to the Bend Urban Growth Boundary (UGB) in accordance with HB 3319. 8. City of La Pine Coordination <ul style="list-style-type: none"> • Participate with Property Management and the City of La Pine process to update and amend the County-owned New Neighborhood comprehensive plan designations, master plan and implementing regulations. 9. City of Redmond Coordination <ul style="list-style-type: none"> • Coordinate on growth management issues, including with Central Oregon Intergovernmental Council (COIC) on CORE3, a multi-stakeholder regional emergency center, and the City’s upcoming East Redmond plan, which will involve over 1,000 acres of County-owned land. (updated by the City of Redmond) • Process Conditional Use Permit and Site Plan Review applications for a new wastewater treatment plant. • Coordinate on an update of the Airport Safety Zone associated with the Redmond Airport. • Support City Staff to modernize the Joint Management Agreement (JMA) and assist with City-led updates to DCC Title 20 (i.e., UH-10 zone updates). (updated by the City of Redmond) • Continue to engage the City as a stakeholder in the County’s Comprehensive Plan and TSP updates. (updated by the City of Redmond) 10. City of Sisters Coordination <ul style="list-style-type: none"> • Participate in the implementation of Sisters Country Vision Plan and City of Sisters Comprehensive Plan Update.

Category	Projects
	11. Transportation Planning <ul style="list-style-type: none"> Process Road Naming requests associated with certain types of development on a semi-annual basis. Coordinate with Oregon Department of Transportation (ODOT) and Parks Districts on regional trail projects. 12. Sage Grouse Coordination. 13. Housing Strategies. <ul style="list-style-type: none"> Explore options and approaches to address rural housing and homelessness as allowed under state law.⁸ 14. Short Term Rentals <ul style="list-style-type: none"> Prepare a white paper describing methods for regulating short term rentals and coordinate with the Board on next steps. 15. Dark Skies.
Code Maintenance	16. Housekeeping Amendments <ul style="list-style-type: none"> Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.

Table 3 lists discretionary zoning text amendments. These are “lower” priority projects, requiring staffing resources that span 4 to 12 months or longer to complete.

Table 3 – Low Priority Zoning Text Amendments

Category	Projects
Zoning Text Amendments	1. Accessory structures, clarifying concurrent or after primary residence with certain facilit. 2. Applicant initiated plan amendment, zone changes, and/or text amendments. 3. Allow “self-serve” farm stands in Rural residential Exception Areas 4. Code amendments related to the Natural Hazard Mitigation Plan. 5. Establish childcare facilities in industrial zones to implement House Bill 3109 (2021). 6. Define family for unrelated persons per HB 2538 (Non-familial Individuals). 7. Forest Zone Code—Review for compliance with Oregon Administrative Rule. 8. In conduit hydroelectric generation code amendments. 9. Lot Line Adjustments and Re-platting. 10. Medical Hardship Dwellings—review for consistency with state law. 11. Minor variance 10% lot area rule for farm and forest zoned properties. 12. Outdoor Mass Gatherings update. 13. Repeal Conventional Housing Combining Zone. 14. Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments). 15. Sign code to become consistent with federal law. 16. Temporary use of recreational vehicles as dwellings. 17. Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses. 18. Title 22—Procedures Ord. for consistency with state law and County interpretations. 19. Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.

⁸ Testimony from a Deschutes County resident encouraged more housing including in rural areas. Testimony from a local organization emphasized prioritizing working with the City of Bend to plan for future growth and allowing rural ADUs subject to strong sideboards.

Table 4 is structured to allow the Planning Commission to prioritize and recommend Planning Division projects for FY 2023-24. The Board will ultimately prioritize projects based on their annual goals and objectives as planning resources become available.

Table 4 – Planning Commission Priorities

Planning Commission Priorities	Projects
1. Current Planning ⁹	<ul style="list-style-type: none"> • Comprehensive Plan 2040 Update • Tumalo Community Plan Update (TGM Grant) • Sisters Country Trails (TGM Grant) • Transportation System Plan (TSP) Update • SB 391, Rural Accessory Dwelling Units • New Mule Deer Wildlife Inventory • SB 762, Wildfire Mitigation • Historic Preservation (CLG Grant) <p><u>Coordination Duties</u></p> <ul style="list-style-type: none"> • x <p><u>Zoning Text Amendments</u></p> <ul style="list-style-type: none"> • x
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

II. PLANNING COMMISSION RECOMMENDATION & NEXT STEPS

Staff is respectfully asking the Planning Commission to make a recommendation on May 11.¹⁰ The Board is scheduled to conduct a public hearing on the draft CDD FY 2023-24 Work Plan on May 31.

Attachment:

Draft CDD FY 2023-2024 Work Plan and 2022 Annual Report

⁹ See footnote #3.

¹⁰ Last year after thoughtful consideration, the Planning Commission felt it was important to endorse all of the projects listed in Table 1 without weighing one over another. They considered all of them noteworthy projects for the community. To the extent that resources became available, they recommended several projects that could lead to zoning text amendments pertaining to livability, economic development, and environmental sustainability. Beyond those listed in Table 1, the Planning Commission took special interest in projects relating to lighting/dark skies and destination resort remapping. The Planning Commission also emphasized interest in work plan projects that intersected with regional water issues, houselessness, wildfire, and wildlife.



COMMUNITY DEVELOPMENT

DRAFT FY 2023-24 Work Plan & 2022 Annual Report



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Building Safety
Code Compliance
Coordinated Services
Onsite Wastewater
Planning

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Introduction

Community Development Mission Statement

The Community Development Department (CDD) facilitates orderly growth and development in the Deschutes County community through coordinated programs of Building Safety, Code Compliance, Coordinated Services, Onsite Wastewater, Planning and education and service to the public.

Purpose

2023-24 Work Plan and 2022 Annual Report highlight the department's accomplishments, goals and objectives and are developed to:

- Report on achievements and performance.
- Implement the Board of County Commissioners (BOCC) goals and objectives.
- Implement the Deschutes County Customer Service "Every Time" Standards.
- Effectively and efficiently manage organizational assets, capabilities and finances.
- Fulfill the department's regulatory compliance requirements.
- Address changes in state law.
- Enhance the county as a safe, sustainable and highly desirable place to live, work, learn, recreate, visit and more.

Adoption

The BOCC adopted this report on **June XX, 2023**, after considering public, stakeholder and partner organization input and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.



Elected & Appointed Officials

BOARD OF COUNTY COMMISSIONERS

Anthony DeBone, Chair, January 2027
 Patti Adair, Vice Chair, January 2027
 Phil Chang, Commissioner, January 2025

COUNTY ADMINISTRATION

Nick Lelack, County Administrator
 Erik Kropp, Deputy County Administrator
 Whitney Hale, Deputy County Administrator

PLANNING COMMISSION

Jessica Kieras— Chair, Redmond Area, 6/30/26
 Nathan Hovekamp—Vice Chair, At Large, 6/30/24
 Susan Altman—Bend Area, 6/30/24
 Dale Crawford — At Large, 6/30/23
 Maggie Kirby—Bend Area, 6/30/23
 Toni Williams—South County Area, 6/30/25
 Matt Cyrus—Sisters Area, 6/30/26

HISTORIC LANDMARKS COMMISSION

Kelly Madden—Chair, Unincorporated Area, 3/31/24
 Sharon Leighty—Vice Chair, Unincorporated Area, 3/31/26
 Dennis Schmidling—Secretary, City of Sisters, 3/31/24
 Christine Horting-Jones—Ex-Officio, 3/31/24
 Rachel Stemach—Bend Area, 3/31/24
 Dan Ellingson—Pioneer Association, 3/31/26

HEARINGS OFFICERS

Gregory J. Frank
 Tommy Brooks
 Laura Westmeyer
 Alan Rapplelea

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Dave Thomson—Chair, At Large, 6/30/24
 David Green—Vice Chair, At Large, 6/30/23
 Rachel Zakem— Secretary, At Large 6/30/23
 Wendy Holzman—At Large, 6/30/23
 Ann Marland—Sisters, 6/30/23
 Scott Morgan—La Pine, 6/30/23
 Kenneth Piarulli—Redmond, 6/30/23
 David Roth—Bend, 6/30/23
 Mason Lacy—At Large, 6/30/23
 Christopher Cassard—At Large, 6/30/23
 Emily Boynton—At Large, 6/30/24
 Neil Baungard—Bend, 6/30/24
 Mark Smith—At Large, 6/30/24

Board of County Commissioners

Mission Statement: Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

FY 2023-24 Goals & Objectives

Safe Communities (SC): Protect the community through planning, preparedness, and delivery of coordinated services.

- Provide safe and secure communities through coordinated public safety and crisis management services.
- Reduce crime and recidivism and support victim restoration and well-being through equitable engagement, prevention, reparation of harm, intervention, supervision and enforcement.
- Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.

Healthy People (HP): Enhance and protect the health and well-being of communities and their residents.

- Support and advance the health and safety of all Deschutes County's residents.
- Promote well-being through behavioral health and community support programs.
- Help to sustain natural resources and air and water quality in balance with other community needs.
- Continue to support pandemic response and community recovery, examining lessons learned to ensure we are prepared for future events.

A Resilient County (RC): Promote policies and actions that sustain and stimulate economic resilience and a strong regional workforce.

- Update County land use plans and policies to promote livability, economic opportunity, disaster preparedness, and a healthy environment.
- Maintain a safe, efficient and economically sustainable transportation system.
- Manage County assets and enhance partnerships that grow and sustain businesses, tourism, and recreation.

Housing Stability and Supply (HS): Support actions to increase housing production and achieve stability.

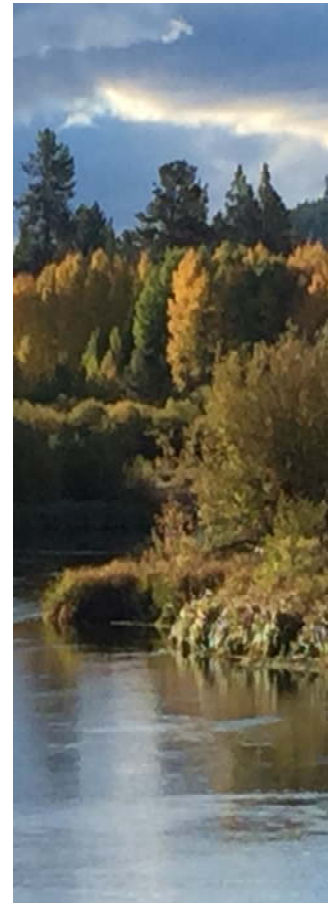
- Expand opportunities for residential development on appropriate County-owned properties.
- Support actions to increase housing supply.
- Collaborate with partner organizations to provide an adequate supply of short-term and permanent housing and services to address housing insecurity.

Board of County Commissioners

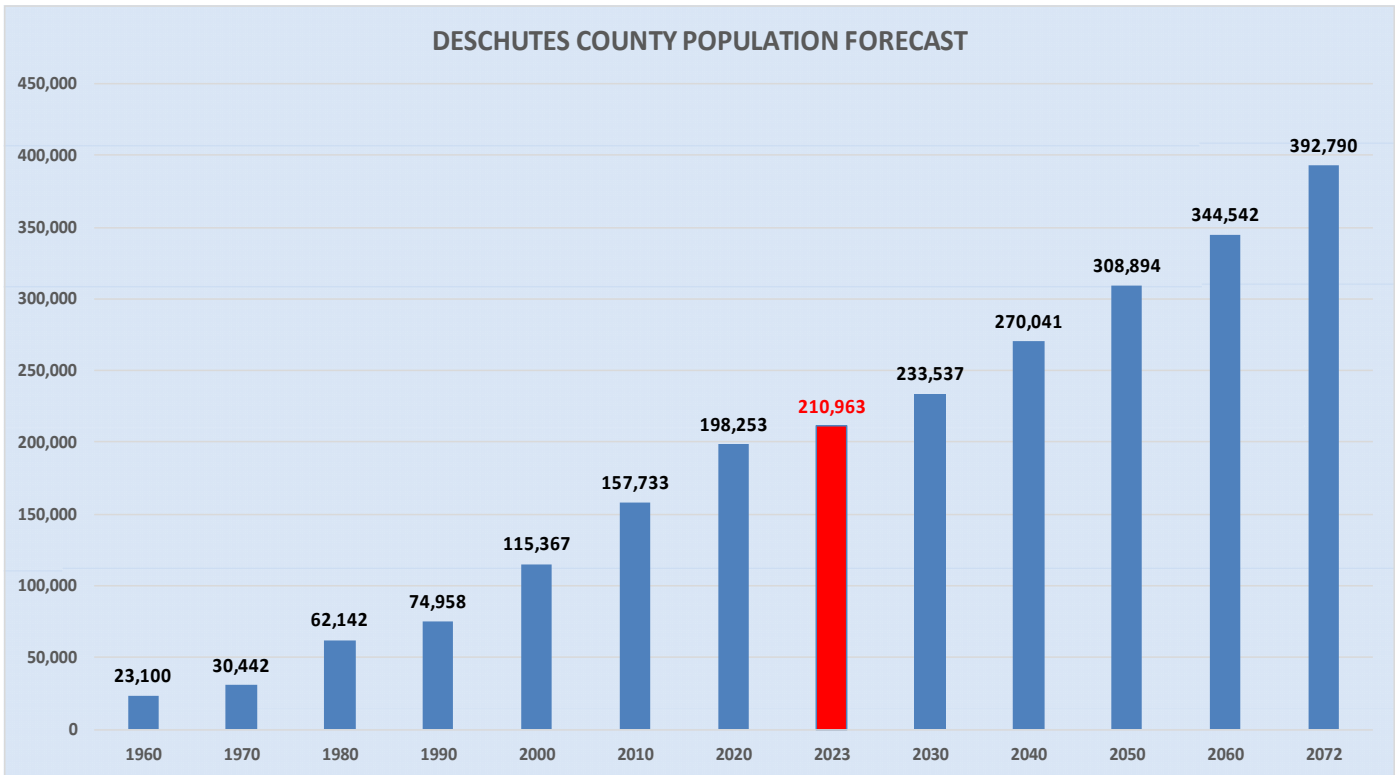
FY 2023-24 Goals & Objectives, Continued

Service Delivery (SD): Provide solution-oriented service that is cost-effective and efficient.

- Ensure quality service delivery through the use of innovative technology and systems.
- Support and promote Deschutes County Customer Service “Every Time” standards.
- Continue to enhance community participation and proactively welcome residents to engage with County programs, services and policy deliberations.
- Preserve, expand and enhance capital assets, to ensure sufficient space for operational needs.
- Maintain strong fiscal practices to support short and long-term county needs.
- Provide collaborative internal support for County operations with a focus on recruitment and retention initiatives.



Population Growth



This graph provides a snapshot of the County’s growth since 1960 and the coordinated 50-year Portland State University (PSU), Oregon Population Forecast Program, through 2072.

HISTORICAL AND PORTLAND STATE UNIVERSITY FORECAST TRENDS

Geographic Area	2000	2010	*AAGR 2023-2047	2023	2047	2072
Deschutes County	114,827	157,733	1.5%	210,836	298,937	392,790
Bend	52,163	77,010	1.7%	105,794	160,361	225,619
Redmond	15,524	26,508	1.9%	38,059	60,060	82,601
Sisters	961	2,038	3.4%	3,554	7,911	14,881
La Pine	899	1,653	2.5%	2,806	5,129	8,336
Unincorporated	45,280	50,524	0.3%	60,624	65,476	61,352

*AAGR: Average Annual Growth Rate

Budget & Organization

Fiscal Issues

- Ensure financial stability and sustained high quality services by establishing a financial contingency plan providing a clear course of action if CDD's reserve funds decline.
- CDD is experiencing a decrease in permitting volume during a period in which there has been significant staff turnover and increased costs. A short-term challenge will be to navigate this period of decreasing revenue while focusing on service delivery and staff training and education while reducing expenditures, where possible.
- CDD is responding to inquiries regarding rural development opportunities. Many of these inquiries require research and in-depth responses, but do not result in permits and corresponding revenue. This "non-fee generating" work, a public good, is consuming limited resources to efficiently process a variety of permits.

Operational Challenges

- Maintaining productivity while experiencing staff turnover resulting in comprehensive training and development plans for new staff. During 2022, CDD welcomed 11 new staff, internally promoted 8 staff, and ended the year with 14 unfilled positions with 8 of those being removed in early 2023. An estimated 57% of CDD staff have 5 years or less experience with the department.
- Coordinating with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Succession planning for upcoming staff retirements. An estimated 14% of current staff will be eligible for retirement within the next 6 to 8 years based on length of service.
- Continuing modified business operations including remote work opportunities, dispatching field staff from home, adherence to ongoing public health and safety measures and continued expansion of CDD online services and meeting technologies.
- Improving public hearing and engagement strategies with in-person and remote/online participation opportunities.
- Implementing new laws from the 2023 Legislative Session.
- Processing complex and controversial code compliance cases.
- Addressing affordable housing through collaboration with cities, the County's Property Manager, and rural land use strategies.
- Continuing improvement of the department's website and other electronic internal and external services to improve efficiencies and service delivery.



Budget & Organization

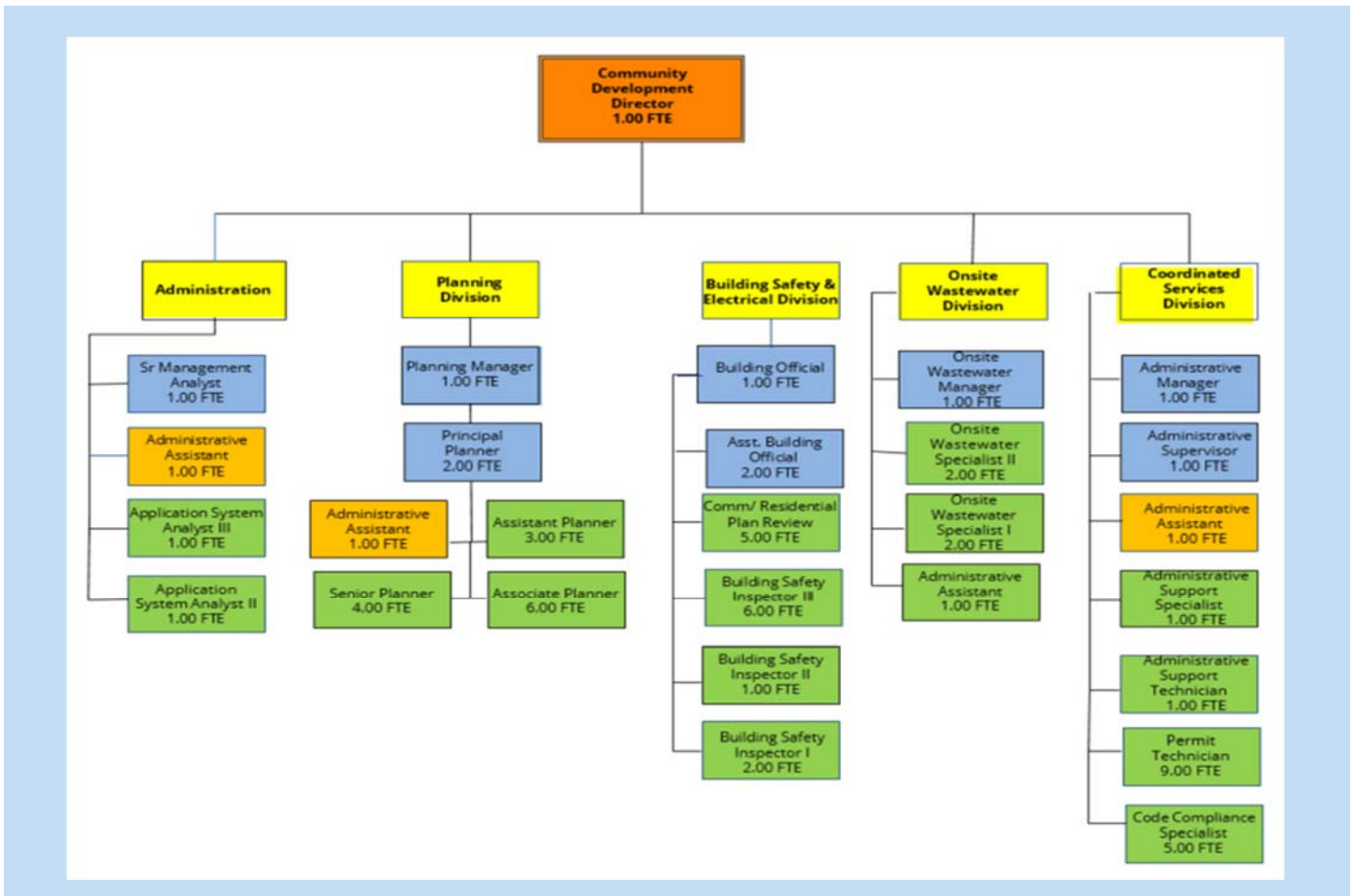
Budget Summary

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Resources	\$9,927,078	\$10,940,808	\$11,302,683	\$13,932,023	TBD
Requirements	\$9,927,078	\$10,940,808	\$11,302,683	\$13,932,023	TBD

Staff Summary

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Total FTE's	58.00	65.00	70.00	64.00	64.00

Organizational Chart



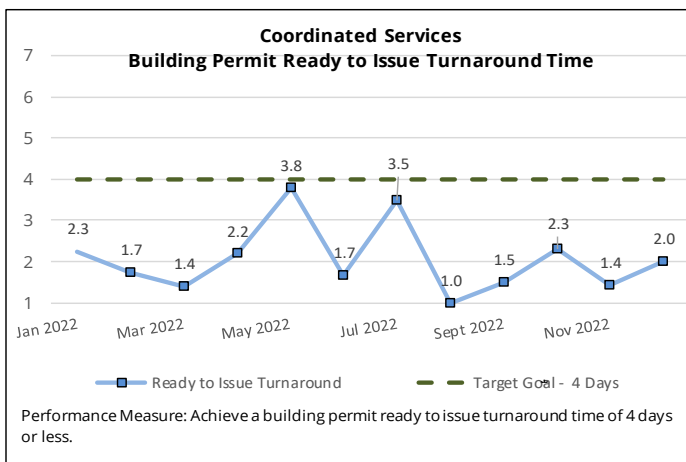
Performance Management

CDD is committed to a comprehensive approach to managing performance. The department achieves its goals and objectives by strategically establishing and monitoring performance measures and by adjusting operations based on those results. The performance measures allow staff to:

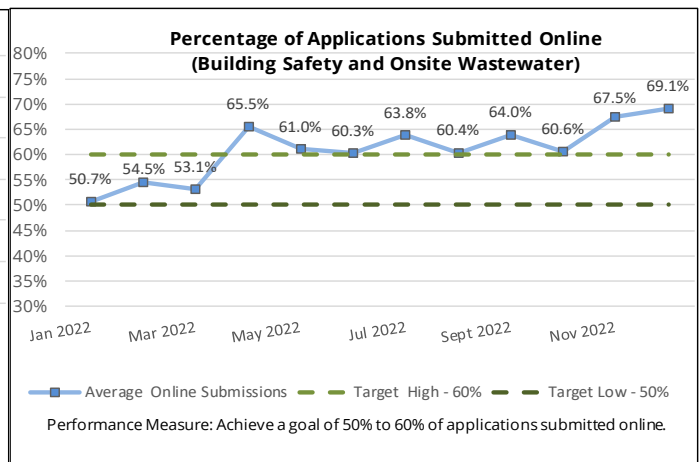
- Address service delivery expectations from the perspectives of CDD’s customers.
- Ensure the department fulfills its regulatory compliance requirements.
- Efficiently and effectively manage the organization’s assets, capacities and finances; and
- Preserve and enhance the County as a safe, sustainable and desirable place to live, visit, work, learn and recreate.

The following graphs represent a sample of CDD’s performance measures for 2022. For a complete review of performance measures, please follow this link: <https://deschutes.org/cd/>.

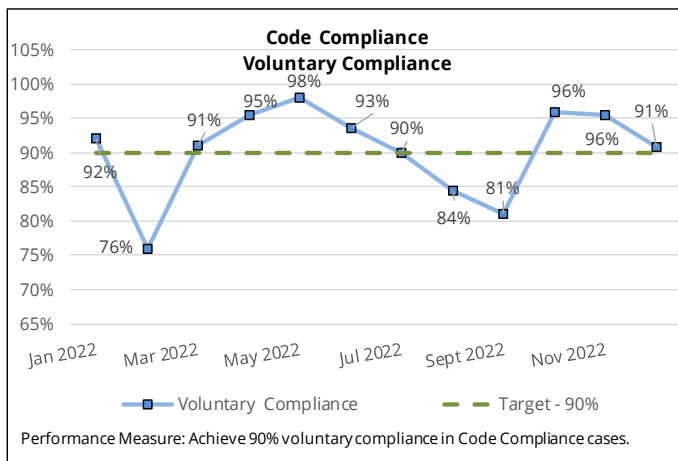
2022 Performance Management Results



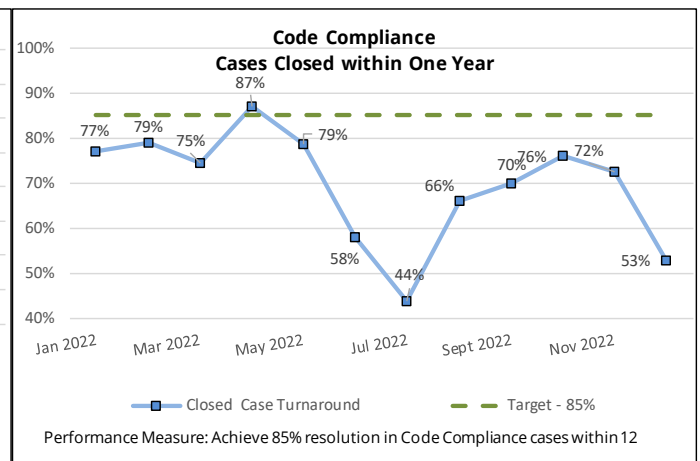
Annual Average of 2.0 Days - Target Achieved



Annual Average of 60.4% Submitted Online- Target Achieved



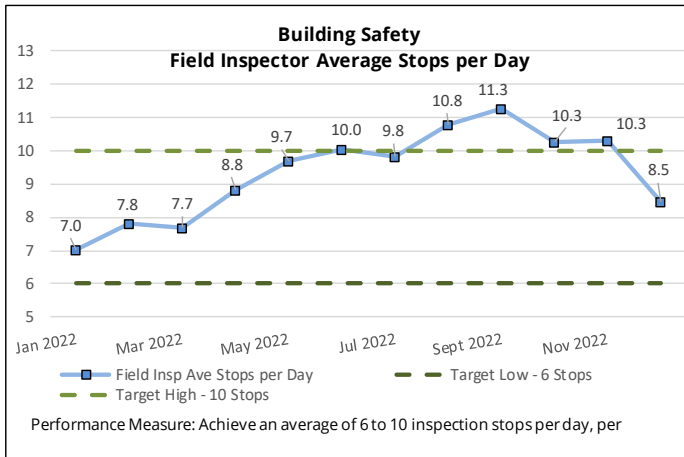
Annual Average of 90% Compliance - Target Achieved



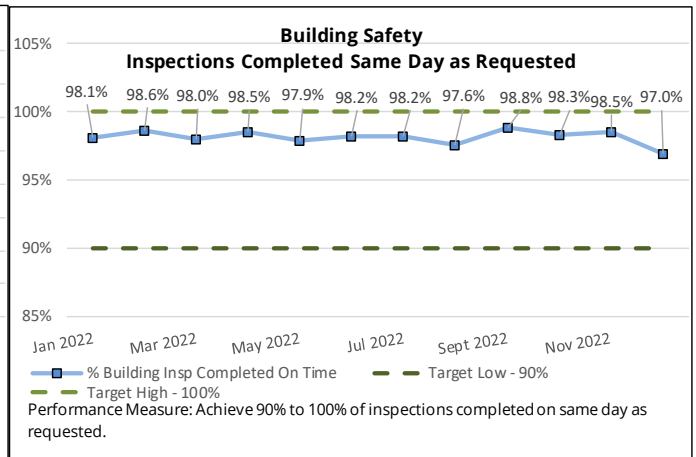
Annual Average of 70% Closed within 1 Year- Target Not Achieved

Performance Management

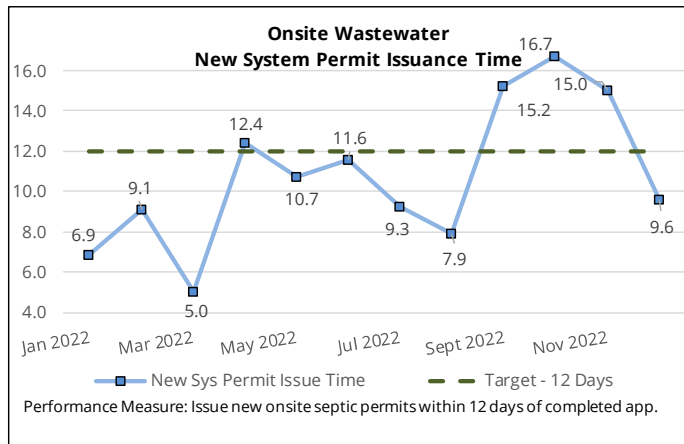
2022 Performance Management Results, continued



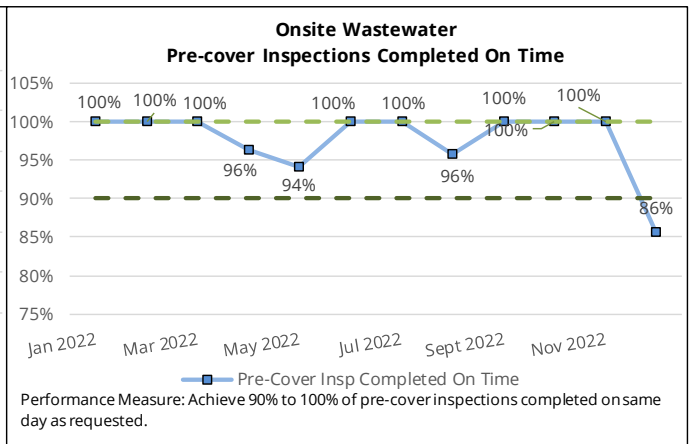
Annual Average of 9.2 per Day - Target Achieved



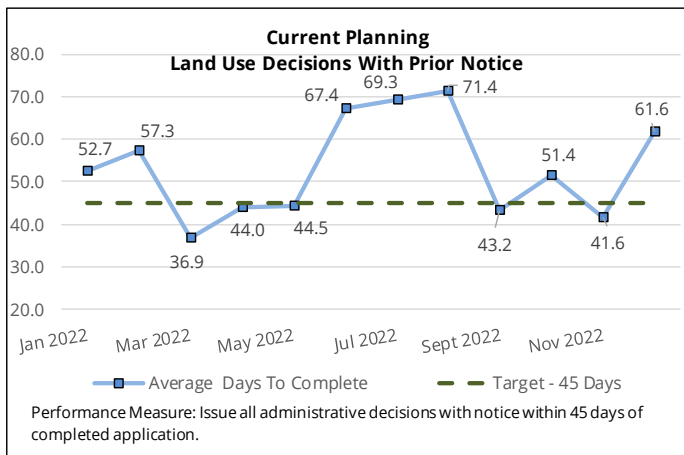
Annual Average of 98.2% Completed - Target Achieved



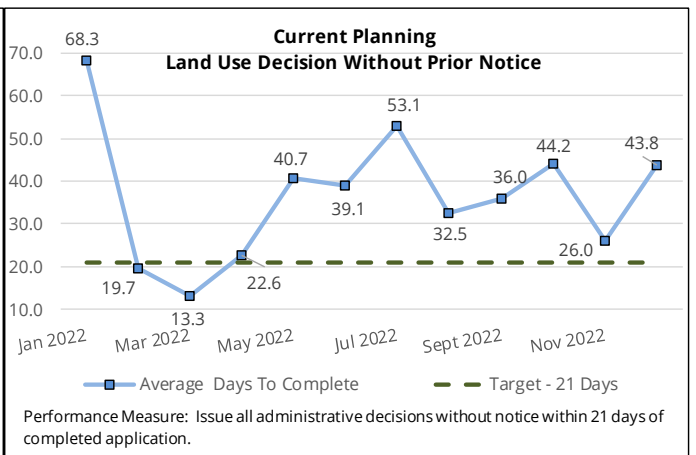
Annual Average of 10.5 Days - Target Within Range



Annual Average of 97.9% Completed - Target Achieved



Annual Average of 51.2 Days - Target Within Range



Annual Average of 36.8 Days - Target Not Achieved

Performance Management

2022 Year in Review

- Invested significant resources in comprehensive training and development plans for new staff.
- Transitioned residential plan submissions to electronic submittals.
- Improved system interoperability of Accela and DIAL software systems by increasing efficiency and improved service by allowing “real time” document upload.
- Participated in pilot program to test the Oregon ePermitting inspector application



FY 2023-24 Performance Measures By Division

CDD's 2023-24 performance measures align the department's operations and work plan with BOCC annual goals and objectives and the County's Customer Service "Every Time" Standards. <https://intranet.deschutes.org/Pages/Customer-Service-Standards.aspx>

Building Safety

- Achieve 8—12 inspection stops per day to provide quality service. (BOCC Goal & Objective SD-1)
- Achieve an average turnaround time on building plan reviews of 8-10 days to meet or exceed state requirements. (BOCC Goal & Objective SD-1)
- Achieve 50-80% of inspections scheduled online. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of inspections completed the same day as requested. (BOCC Goal & Objective SD-1)
- Provide community training opportunities for online application submission to obtain a goal of 70% of application submittals conducted online. (BOCC Goal & Objective SD-1)

Code Compliance

- Achieve 90% voluntary compliance in Code Compliance cases. (BOCC Goal & Objective SC-1)

Coordinated Services

- Expand community training opportunities for online application submissions to obtain a goal of 60-70% of application submittals conducted online. (BOCC Goal & Objective SD-1)
- Achieve structural permit ready-to-issue turnaround time for Coordinated Services of 4 days or less. (BOCC Goal & Objective SD-1)

Performance Management

FY 2023-24 Performance Measures By Division, continued

Onsite Wastewater

- Achieve compliance with the Alternative Treatment Technology (ATT) Septic System Operation and Maintenance (O&M) reporting requirements of 95% to protect groundwater. (BOCC Goal & Objective HP-3)
- Achieve the issuance of onsite septic system permits within 12 days of completed application. (BOCC Goal & Objective SD-1)
- Achieve 50% of inspections scheduled online. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of Pre-cover inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

Planning

- Sustain the issuance of land use administrative decisions with notice within 45 days and without notice within 21 days of completed application. (BOCC Goal & Objective SD-1)
- Address Housing strategies by amending County Code to implement SB 391, Rural Accessory Dwelling Units (ADU). (BOCC Goal & Objectives RC-1 and HP-1)
- Natural Resources:
 - Natural Hazards— Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762—Wildfire Mitigation. (BOCC Goal & Objectives SC-3, HP-3, and RC-1)
 - Wildlife Inventories—Amend Comprehensive Plan and Zoning Code to incorporate a new mule deer winter range inventory from ODFW. (BOCC Goal & Objectives HP-3)



Administrative Services

Overview

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts and one Administrative Assistant. The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budget, customer services, technology and performance measures. Analyst staff are responsible for the integration of technology across all CDD divisions, coordination with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

2022 Year in Review

- ✓ Continued remote work options for approximately 50% of staff.
- ✓ Improved system interoperability of Accela and DIAL software systems by increasing efficiency and improved service by allowing “real time” document upload.
- ✓ Completed a reorganization of office spaces and small remodel on CDD’s first floor in an effort to better utilize available square footage.
- ✓ Implemented process and procedure to invoice non-residential transportation system development charges (SDCs) in an effort to identify charges due and allow for online payments.
- ✓ Adopted Unmanned Aerial System (Drones) Policy to establish guidelines for the use of drones to perform building safety inspections.
- ✓ Provided addressing services to the City of Redmond on contract.
- ✓ Published a Community Engagement Center webpage in an effort to provide an opportunity for public engagement, learn about current projects and post department announcements.



Administrative Services

FY 2023-24 Work Plan Projects

- Continue to reconfigure Accela to improve code compliance case management and planning land use module interoperability.
- Continue to participate in a County-led effort to create a county-wide Pre-disaster Preparedness Plan.
- Continue to update CDD's Continuity Of Operation Plan (COOP), as necessary, based on lessons learned and ensure staff are aware of their roles and responsibilities during an emergency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Coordinate with Human Resources to develop a Permit Technician job series.
- Continue to explore and research opportunities to increase CDD's sustainable business practices while maximizing the efficiency of operations in a cost effective manner.
- Publish CDD's enhanced website which is more customer-centric. Improved content will allow customers to better understand CDD's policies and procedures and create an improved customer experience that acts as a guide for understanding the process of development in Deschutes County while also expanding online application instruction content.
- Implement a new employee onboarding process to acclimate new employees to their role and an exit interview process for departing staff to learn where department improvements can be made and make sure the employee feels satisfied about their service.
- Research help desk service software to assist with tracking citizen inquiries and staff responses.
- Expand Code Compliance reporting capabilities.
- Explore redesign of CDD main office lobby in an effort to increase security measures.

Staff Directory

Peter Gutowsky	Community Development Director	(541) 385-1709	Peter.Gutowsky@deschutes.org
Tim Berg	Applications System Analyst III	(541) 330-4648	Tim.Berg@deschutes.org
Ines Curland	Applications System Analyst II	(541) 317-3193	Ines.Curland@deschutes.org
Tracy Griffin	Administrative Assistant	(541) 388-6573	Tracy.Griffin@deschutes.org
Sherri Pinner	Senior Management Analyst	(541) 385-1712	Sherri.Pinner@deschutes.org

Building Safety

Overview

Building Safety consists of one Building Official, two Assistant Building Officials and fourteen Building Safety Inspectors. The Building Safety Division administers and implements state and federal building codes through a process of education and a clear and consistent application of the specialty codes. The division provides construction plan reviews, consultation and inspection services throughout the rural county and the cities of La Pine and Sisters. The division also provides services to Lake, Jefferson, Klamath and Crook counties, the cities of Bend and Redmond, and the State of Oregon Building Codes Division (BCD) on an as-needed basis.

2022 Year in Review

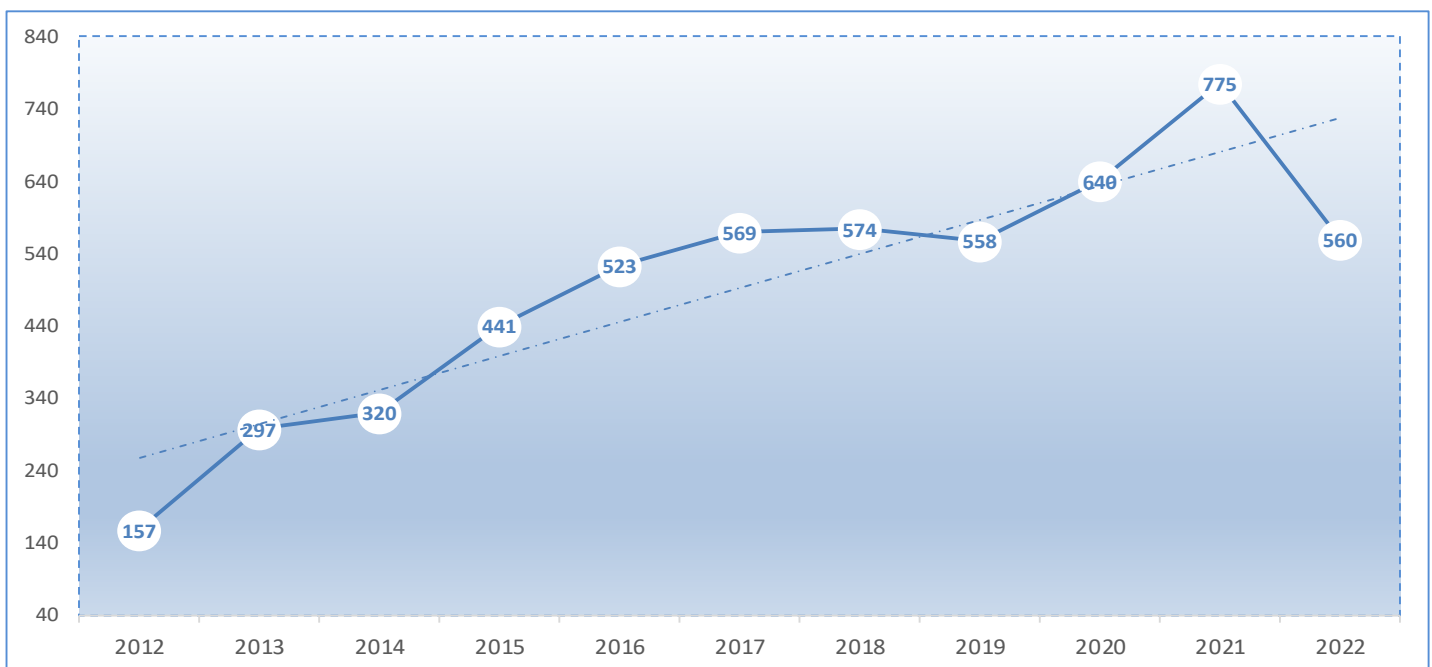
- ✓ Issued 560 new single-family dwelling permits in 2022. The distribution of these new homes for Deschutes County's building jurisdiction included:
 - Rural/unincorporated areas: 419
 - City of La Pine: 70
 - City of Sisters: 71
- ✓ Completed inspections on major projects such as:
 - Healing Reins Therapeutic Riding Center
 - Commercial Photovoltaic Solar System in Sisters
 - Black Butte Ranch Lodge Dining Facility
 - Several Large Custom Homes over 10K sq. ft. .
 - Caldera Springs Pool & Fitness Center
 - Two apartment buildings in La Pine
 - Lab remodel for Bend Research
 - Two cannabis extraction facilities
 - Fifteen aircraft hangars
- ✓ Completed major building plan reviews for:
 - Leading Edge helicopter facility
 - U.S. Forest Service storage building
 - 41K sq. ft. speculative industrial building
 - Caldera Springs Pool & Fitness Center
 - Deschutes Public Library remodels in La Pine and Sisters
 - Sisters School District Elementary School
 - 15K sq. ft. church building
 - Six multi-story apartment buildings in La Pine and Sisters
 - Negus Transfer Station
 - Aircraft paint booth
- ✓ Maintained high levels of customers service, productivity and efficiency while navigating staff turnover and remote work schedules.
- ✓ A Building Safety Inspector III participated on the 2023 Oregon Residential Specialty Code review committee through the Oregon BCD.
- ✓ Coordinated local discussions regarding most recent building code updates.
- ✓ Participated in public, community and customer-specific education and outreach efforts such as Oregon Administrative Rule (OAR) 918-480-0125 Uniform Alternate Construction Standards for mitigation due to a lack of firefighting water supplies.
- ✓ Coordinated with state and county staff to promote and educate customers on how to apply for online permits and inspections.
- ✓ Continued succession planning, cross-training and technology investments to maintain and improve efficiencies.

Building Safety

2022 Year in Review, continued

- ✓ A Building Safety Inspector III was elected to serve as Vice President of the Central Oregon Chapter of the International Code Council (ICC).
- ✓ There was an internal promotion for a second Assistant Building Official position.
- ✓ The Building Safety Director was appointed to Electronic Processes Review Committee by BCD.
- ✓ Participated in pilot program to test the Oregon ePermitting inspector application.
- ✓ Implemented the use of drones and other technology to accomplish high risk inspections such as roof diaphragm nailing, chimney construction, PV solar installations and high lift concrete masonry unit grouting.
- ✓ Actively participated in discussions related to:
 - SB 762, Wildfire Mitigation, and forthcoming requirements to apply Oregon Residential Specialty Code (ORSC) 327.4 to new development.
 - Newly created requirements for daycare and adult foster care facilities located in private residential homes.
 - Local contractors in regards to the new American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) ventilation requirements.
- ✓ Provided A-level commercial electrical and plumbing inspections services for the City of Redmond, on contract.

New Single Family Dwelling Permits Issued



Building Safety

FY 2023-24 Work Plan Projects

- Continue succession planning for future retirements and explore staffing needs such as obtaining additional certifications to enhance department efficiencies.
- Continue certification cross-training for all new hires to maintain the division's goal of having fully certified residential inspection staff.
- Continue participation in SB 762, Wildfire Mitigation and the forthcoming process of implementing additional construction standards to reduce hazards presented by wildfire ORSC R327.4, and/or defensible space requirements into Deschutes County Code (DCC).
- Continue participation in SB 391 discussions regarding Rural Accessory Dwelling Unit's (ADU's) in Deschutes County.
- Produce new informational brochures as required by OAR 918-020-0090 to help customers navigate code changes such as Energy Code and Daycare Facility updates.
- Host Chemeketa Community College Building Inspection Technology students for summer Cooperative Work Experience program which provides an opportunity to demonstrate the county's customer friendly, service-oriented approach as a regulatory agency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.
- Promote use of video inspections for difficult to access areas, such as, underfloor areas that are covered.
- Continue participation in CDD's website updates.



Building Safety



Staff Directory

Randy Scheid	Building Safety Director	(541) 317-3137	Randy.Scheid@deschutes.org
Krista Appleby	Assistant Building Official	(541) 385-1701	Krista.Appleby@deschutes.org
Keri Blackburn	Building Inspector III	(541) 388-6577	Keri.Blackburn@deschutes.org
Mark Byrd	Building Inspector III	(541) 749-7909	Mark.Byrd@deschutes.org
Rainer Doerge	Building Inspector III	(541) 480-8935	Rainer.Doerge@deschutes.org
Ami Dougherty	Building Inspector I	(541) 385-3217	Ami.Dougherty@deschutes.org
Travis Eggleston	Building Inspector I	(541) 480-8934	Travis.Eggleston@deschutes.org
David Farrin	Building Inspector III	(541) 385-1702	David.Farrin@deschutes.org
Owen Gilstrap	Building Inspector III	(541) 480-8948	Owen.Gilstrap@deschutes.org
John Kelley	Building Inspector III	(541) 797-3582	John.Kelley@deschutes.org
Michael Liskh	Building Inspector III	(541) 280-0342	Michael.Liskh@deschutes.org
Brian Moore	Building Inspector III	(541) 385-1705	Brian.Moore@deschutes.org
Aaron Susee	Building Inspector II	(541) 749-7370	Aaron.Susee@deschutes.org
Laurie Wilson	Building Inspector III	(541) 383-6711	Laurie.Wilson@deschutes.org
Nicholas Wood	Building Inspector I	(541) 213-0653	Nicholas.Wood@deschutes.org

Code Compliance

Overview

Code Compliance consists of four Code Compliance Specialists with one designated as Lead. The program is managed by the Coordinated Services Administrative Manager and is supported by a law enforcement deputy from the Deschutes County Sheriff's Office (DCSO) and CDD's operating divisions. The Code Compliance Division is responsible for investigating code violation complaints to ensure compliance with land use, onsite wastewater disposal, building and solid waste codes (by contract with the Solid Waste Department), and provides direct service to the cities of La Pine and Sisters for building code violations under the Building Safety program. The program's overriding goal is to achieve voluntary compliance. If necessary, cases are resolved through Circuit Court, Justice Court or before a Code Compliance Administrative Hearings Officer proceeding. The program continues to adapt to the county's challenges of growth and diversification, incorporating new measures to ensure timely code compliance.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code compliance action because of delayed correction or non-compliance. Through the refinement of departmental procedures for administrative civil penalty, Code Compliance is obtaining compliance from citations rather than court adjudication, resulting in greater cost recovery. A disconcerting trend is the need for county abatement in some cases. In abatement, the county corrects the violations. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Compliance is closely coordinating with other county departments in the development and enactment of abatement plans.

2022 Year in Review

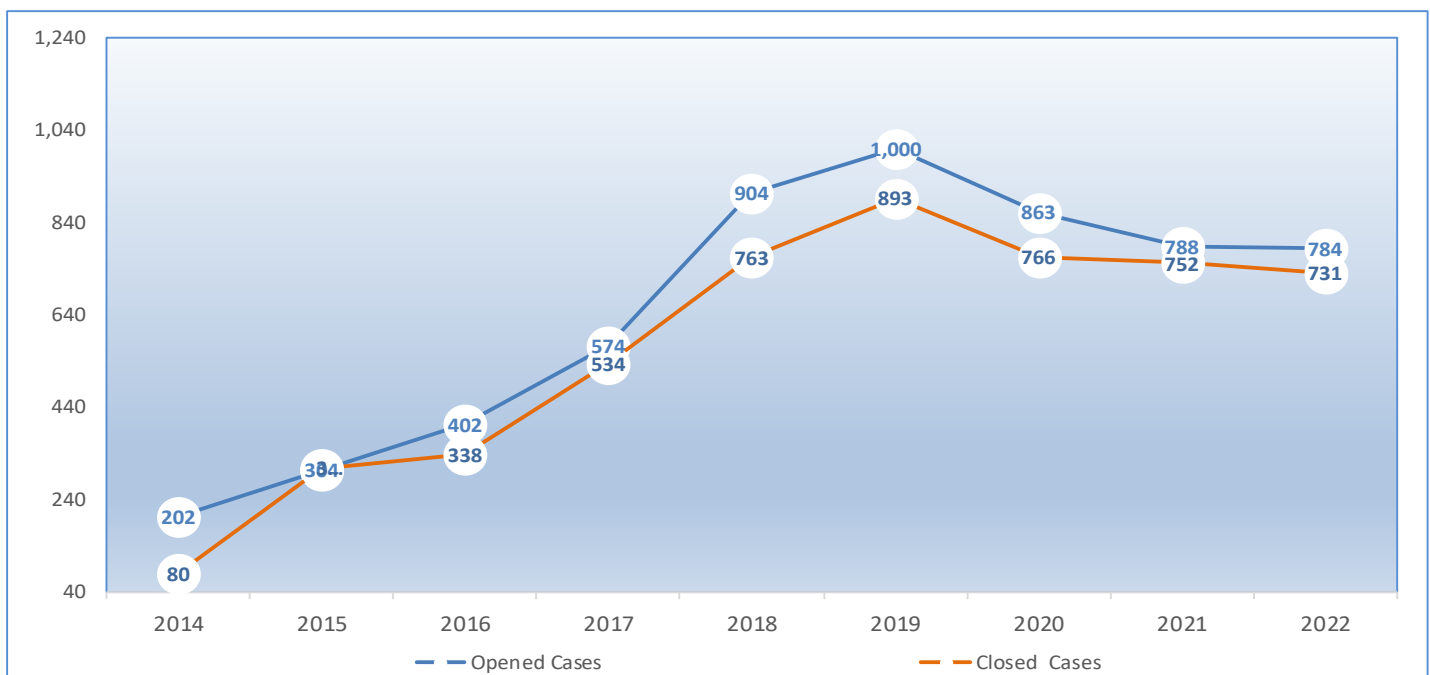
- ✓ Received 784 new cases and resolved 731. This is near identical to new and resolved cases from the previous year.
- ✓ Designated a lead Code Compliance Specialist and assigned duties.
- ✓ Analyzed the Code Compliance program in an effort to create efficiencies for case assignment, management and proceedings.
- ✓ Revised the Voluntary Compliance Agreement and templates for Pre-Enforcement Notices to improve communications.
- ✓ Continued to partner with county departments to resolve difficult cases. Coordination ensures efficient operations and avoids overlapping efforts, thus allowing staff to conduct a thorough investigation on behalf of community members.
- ✓ Implemented staff remote work options and flex schedules for efficiency.
- ✓ Utilized the designated DSCO deputy for site visits as a safety measure.
- ✓ Revised method of case assignments to incorporate staff experience and training opportunities.
- ✓ Implemented post-pandemic remote hearing proceedings and engagement strategies to ensure an opportunity for citizens to participate.

Code Compliance

FY 2023-24 Work Plan Projects

- Improve methods of communication with complainants regarding case status and case closure.
- Continue to improve training program for new hires to include staff onboarding and procedural guidelines.
- Coordinate with DSCO and Risk Management to develop and implement annual field safety classes.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Coordinate with Solid Waste Department and BOCC to identify a funding source for code abatement processes.
- In coordination with the Legal Department, explore the creation of policies and procedures related to discretionary immunity and caps on lien amounts, among other topics.
- Revise online complaint submittal process to include photos, geographic information systems (GIS) and communication in an effort to improve efficiency and record keeping.
- Update Deschutes County Code (DCC) 1.16 Abatement language to include appeal processes.
- Revise Code Compliance dashboard to include management tools to ensure relevant data is utilized.
- Explore software revisions to improve record keeping and enable collection of court fines and fees.

Annual Cases Opened and Closed



Code Compliance



Staff Directory

Scott Durr	Code Compliance Specialist	(541) 385-1745	Scott.Durr@deschutes.org
Carolyn Francis	Code Compliance Specialist	(541) 617-4736	Carolyn.Francis@deschutes.org
Dan Smith	Code Compliance Specialist	(541) 385-1710	Daniel.Smith@deschutes.org
Jeff Williams	Code Compliance Specialist	(541) 385-1745	Jeff.Williams@deschutes.org

Coordinated Services

Overview

Coordinated Services consists of an Administrative Manager, one Administrative Supervisor, eight Permit Technicians, one Administrative Assistant, one Administrative Support Specialist and one Administrative Support Technician. The Coordinated Services Division provides permitting and “front line” direct services to customers. While coordinating with all operating divisions, staff ensure accurate information is provided to the public, while minimizing wait times and ensuring the efficient operation of the front counter and online portal.

2022 Year in Review

- ✓ Permit Technicians continued to provide exceptional customer service to in-person customers as well as virtually through the Accela online portal.
- ✓ Implemented a flexible work schedule for staff.
- ✓ Implemented an improved phased staff training program including cross division record research and permitting processes.
- ✓ Continued to update the Standard Operating Procedures manual which serves as an additional resource for staff consistency and succession planning.
- ✓ Revised role of administrative staff to include complex assignments in an effort to increase staff retention.
- ✓ Increased electronic permit submittals through public education and outreach to licensed professionals. Received 60.4% of Building Safety and Onsite Wastewater applications online compared to 49.9% in 2021.
- ✓ Transitioned residential plans from paper to electronic submittals.
- ✓ Transitioned residential plans from paper to electronic submittals locations in City of Sisters and City of La Pine which allowed reallocation of staff resources to the main office in Bend.



Coordinated Services

FY 2023-24 Work Plan Projects

- Revise CDD's decommissioning plan process and procedure.
- Revise internal process and procedure for legitimizing unpermitted structures.
- Implement increased safety measures for the front lobby including staff safety training from DCSO.
- Continue to improve efficiencies in permit processes and procedures.
- Coordinate with the Human Resources Department to evaluate, propose and implement a Permit Technician job series through the creation of a new Permit Technician II classification in an effort to attract and retain staff to meet service demands in a highly competitive market.
- Continue participation in CDD's website updates.

Office Location & Lobby Hours

117 NW Lafayette Ave, Bend, OR 97703
 Monday, Tuesday, Thursday, Friday 8:00 AM—4:00 PM,
 Wednesday 9:00 AM—4:00 PM

Staff Directory

Angie Havniear	Administrative Manager	(541) 317-3122	Angela.Havniear@deschutes.org
Jennifer Lawrence	Administrative Supervisor	(541) 385-1405	Jennifer.L.Lawrence@deschutes.org
Karly Bires	Administrative Support	(541) 383-4392	Karly.Bires@deschutes.org
Taylor Eagan	Permit Technician	(541) 388-6562	Taylor.Eagan@deschutes.org
Robert Graham	Administrative Assistant	(541) 385-3217	Robert.Graham@deschutes.org
Miu Green	Permit Technician	(541) 385-3200	Miu.Green@deschutes.org
Jessie Henderson	Permit Technician	(541) 385-1730	Jessica.Henderson@deschutes.org
Terese Jarvis	Permit Technician	(541) 383-4435	Terese.Jarvis@deschutes.org
Jean Miller	Permit Technician	(541) 383-6711	Jean.Miller@deschutes.org
Mikaela Watson	Permit Technician	(541) 385-1714	Mikaela.Watson@deschutes.org

Onsite Wastewater

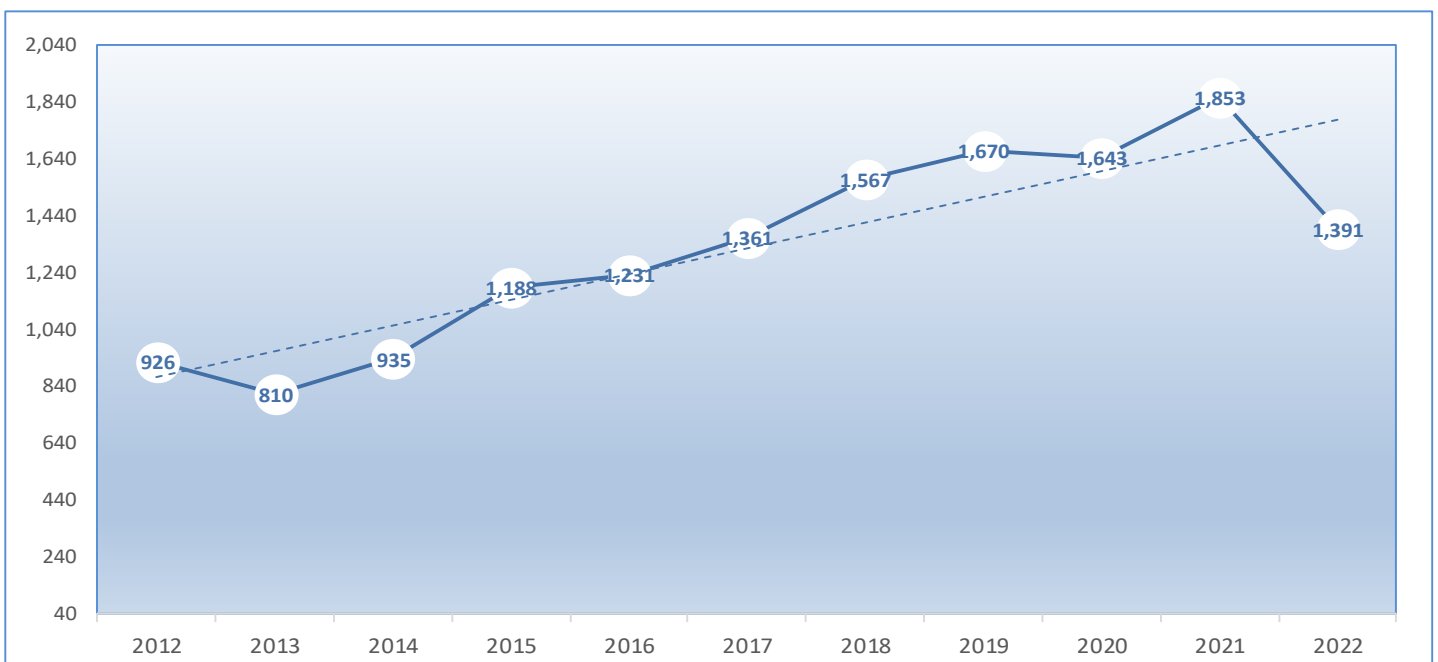
Overview

Onsite Wastewater consists of one Onsite Wastewater Manager, two Onsite Wastewater Specialists II, two Onsite Wastewater Specialists I and one Administrative Assistant. The Onsite Wastewater Division regulates on-site wastewater treatment systems (septic) to assure compliance with state rules, and monitors environmental factors for public health and resource protection. They provide site evaluations, design reviews, permitting, inspections and education and coordination with the Oregon Department of Environmental Quality (DEQ) for onsite wastewater treatment and dispersal systems. Staff inspects sewage pumper trucks, reports on the condition of existing wastewater systems, maintains an Operation & Maintenance (O&M) tracking system, provides the public with information on wastewater treatment systems and regulations and investigates sewage hazards to protect public health and the environment. Staff are also engaged in the proactive pursuit of protecting the groundwater in Deschutes County and continue to work with DEQ on permitting protective onsite wastewater systems in Southern Deschutes County.

2022 Year in Review

- ✓ Assessed 216 sites for onsite wastewater treatment and dispersal systems, a decrease of 43.5% from 2021, and issued 1,175 permits and authorizations for new and existing onsite treatment and dispersal systems, a decrease of 21% from 2021. Applications continue to increase in complexity and technical requirements.
- ✓ Repaired 223 failing or substandard systems correcting sewage health hazards and protecting public health and the environment.
- ✓ Increased electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals. The division received 45.7% of applications online compared to 43.2% in 2021.
- ✓ Created Onsite Wastewater Manager classification.

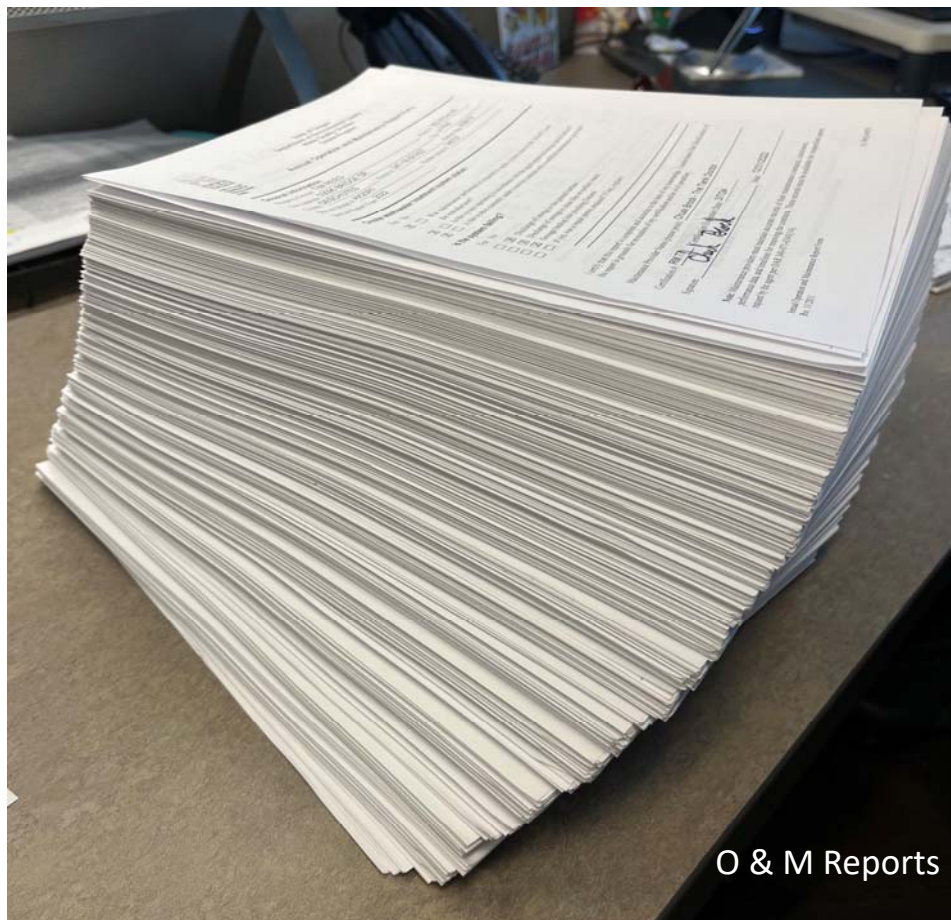
Onsite Permits Issued



Onsite Wastewater

2022 Year in Review, continued

- ✓ Provided eleven property owners in South County with rebates of \$3,750 per property for upgrading conventional onsite wastewater treatment systems to nitrogen-reducing pollution reduction systems.
- ✓ Provided technical assistance to Terrebonne Sanitary District Formation Committee.
- ✓ Provided technical assistance for the Tumalo sewer feasibility study.
- ✓ Verified an estimated 1,500 septic system maintenance contracts for the O&M tracking system.
- ✓ Coordinated with the City of Bend and DEQ staff regarding the septic to sewer program, and the impact on homeowners with onsite wastewater systems.
- ✓ Worked with DEQ on permitting protective onsite wastewater systems in South County. Participated in dozens of variance hearings for modified advanced treatment systems on severely limited sites.
- ✓ Coordinated with DEQ staff for a South County groundwater and drinking well sampling event.
- ✓ Supported and provided technical assistance for Central Oregon Intergovernmental Council applying for and receiving DEQ Onsite Financial Aid Program (OSFAP) to assist property owners with septic repairs.
- ✓ Onsite trainees are fully integrated team members knowledgeable about permitting, inspections and other tasks.



O & M Reports

Onsite Wastewater

FY 2023-24 Work Plan Projects

- Work with DEQ staff on planning for and funding of long term and regular well sampling events approximately every 10 years to monitor changes in water quality in the aquifer.
- Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.
- Continue to provide financial assistance opportunities to South County property owners to upgrade conventional systems to nitrogen reducing pollution reduction systems through Nitrogen Reducing System Rebates and the NeighborImpact Non-conforming Loan Partnership.
- Review current groundwater protection policies for South County and continue review of variance applications with DEQ onsite staff to ensure the goals of water resource protection are addressed. Highest risk areas may require greater scrutiny.
- Prepare for development to occur in the Newberry Neighborhood in La Pine by reviewing financial assistance programs for groundwater protection efforts. This may include creation of a financial advisory group process to include community members.
- Continue providing technical assistance support for the Terrebonne Sanitary District formation and Tumalo sewer feasibility study.
- Coordinate with the Planning Division regarding process or code amendments that could impact onsite wastewater processes for temporary use permits, hardship dwellings and lot line adjustments.
- Update website information for onsite wastewater and groundwater protection.



Staff Directory

Todd Cleveland	Environmental Health Supervisor	(541) 617-4714	Todd.Cleveland@deschutes.org
Keoni Frampton	Environmental Health Specialist I	(541) 330-4666	Keoni.Frampton@deschutes.org
Kevin Hesson	Environmental Health Specialist II	(541) 322-7181	Kevin.Hesson@deschutes.org
Lindsey Holloway	Environmental Health Specialist I	(541) 388-6596	Lindsey.Holloway@deschutes.org
Kiley Rucker-Clamons	Environmental Health Specialist II	(541) 383-6709	Kiley.Rucker-Clamons@deschutes.org
Martha Shields	Administrative Assistant	(541) 385-1706	Martha.Shields@deschutes.org

Planning

Overview

Planning consists of one Planning Director, one Planning Manager, two Principal Planners, two Senior Planners, two Senior Long Range Planners, one Senior Transportation Planner, six Associate Planners, three Assistant Planners and one Administrative Assistant. The Planning Division consists of two operational areas: Current Planning and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the county through updates to the comprehensive plan, changes to the county code and other special projects.

Current Planning

Responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Compliance to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural county and City of Redmond under contract.

Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and implementing land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with Portland State University and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.

Transportation Planning

Provides comments and expertise on land use applications, calculates System Development Charges (SDC's) as part of land use application review process or upon request; provides comments to the County's Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan (CIP) process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee, and Central Oregon Area Commission on Transportation Technical Advisory Committee (TAC).

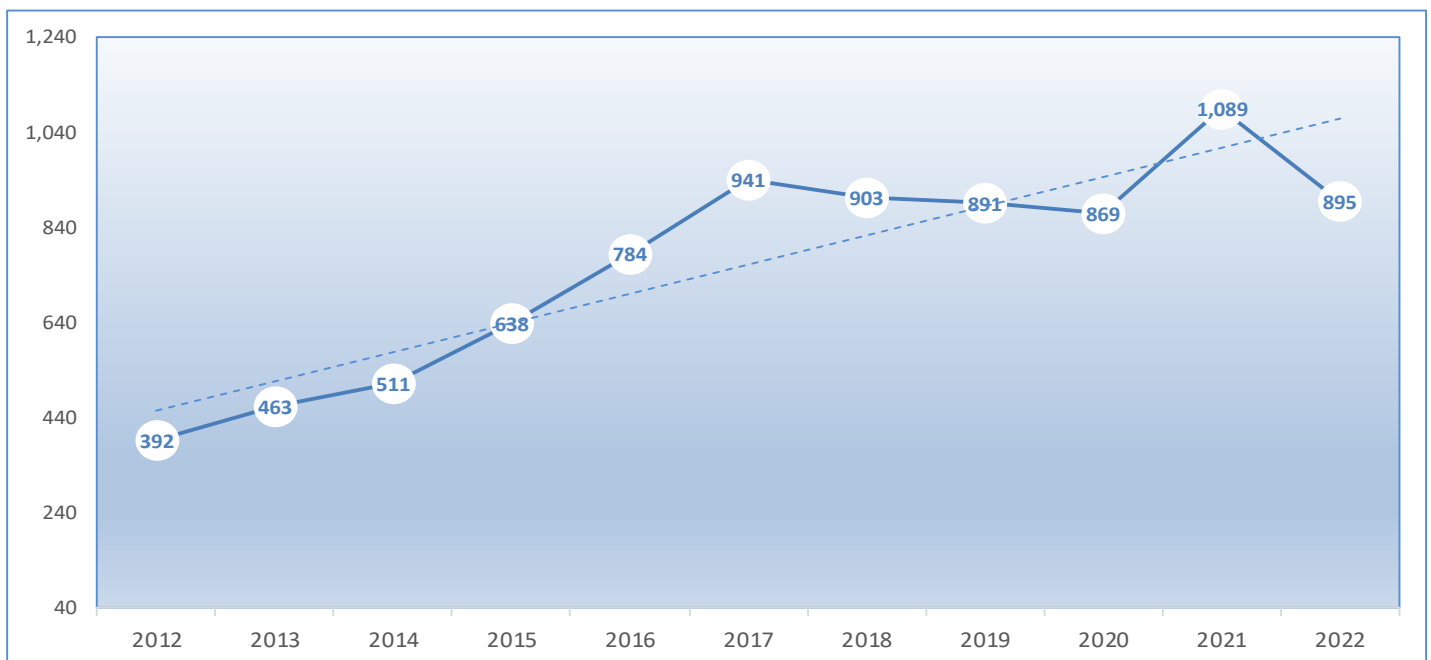
Floodplain & Wetlands Planning

Responsible for providing comments and expertise on land use applications, code compliance, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains certification as an Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager to provide customers with up-to-date and accurate information regarding Federal Emergency Management Agency (FEMA) regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands (DSL), ODFW, and USFS.

2022 Year in Review

- ✓ Counter coverage averaged 222 customer visits a month compared to 242 in 2021.
- ✓ Staff responded to 2,757 emails and 2,598 phone call inquiries. This equates to over 229 emails and 217 phone calls per month.
- ✓ Received 895 land use applications compared to 1,089 in 2021, a decrease of 17.8% over prior year.
- ✓ The Planning Division received 10 non-farm dwelling applications compared with 22 for 2021.
- ✓ Twenty (20) final plats were recorded in 2022 or are in the process of being recorded, creating a total of 210 residential lots.
- ✓ Selected a consultant to lead a major Deschutes County Comprehensive Plan Update process.

Land Use Applications Received



Planning

2022 Year in Review, continued

Thirteen (13) land use applications were reviewed by Hearings Officers compared to 20 in 2021. They include:

- ✓ Thornburg Destination Resort (3)
- ✓ Declaratory Rulings for Initiation of Use of Prior Approvals (2)
- ✓ Quasi-Judicial Hearings for Land Use Applications (3)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zoning (4)
- ✓ City of Bend Urban Growth Boundary (UGB) Amendment / HB 4079 (1)

The BOCC conducted 16 quasi-judicial land use hearings or proceedings, equal to 2021.

- ✓ Appeals declined for review by the BOCC (3)
- ✓ Improvement Agreements (2)
- ✓ City of Bend UGB Amendment (1)
- ✓ Road Name Change (1)
- ✓ Noise Variances (3)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zones (3)
- ✓ Quasi-Judicial Hearings for Land Use Applications (1)

Ten (10) appeals were filed with the Land Use Board of Appeals (LUBA) in 2022, compared to 11 in 2021:

- ✓ Oregon Water Resources Department Land Use Compatibility Statement / Quasi-Municipal Water Right
- ✓ Private Airstrip
- ✓ Template Dwelling
- ✓ Wireless Tower / ODOT Right of Way
- ✓ Declaratory Ruling for Tumalo Sewer Expansion
- ✓ Thornburgh Destination Resort (4)
- ✓ Plan Amendment Zone Change Remand



2022 Year in Review, continued

Legislative Amendments

The BOCC adopted:

- ✓ Psilocybin Time, Place, and Manner (TPM) Amendments—Pursuant to Measure 109, the county adopted ordinances that impose reasonable TPM regulations on the location and operation of psilocybin businesses.

Deschutes 2040 Comprehensive Plan Update

Planning staff initiated an 18-month process to update the County's Comprehensive Plan in May 2022. The initial phases of the project focused on conducting background research to form the technical basis for the plan update, and collecting community feedback to identify the key issues, goals, and challenges facing the county for the next 20 years. During the last 7 months, staff accomplished the following:

- ✓ Initiated a professional services agreement with the project consultant for an estimated \$233,000.
- ✓ Received a \$5,000 technical assistance grant from Department of Land Conservation and Development (DLCD) for virtual engagement and software tools.
- ✓ Drafted background summaries of existing conditions and projected trends in Deschutes County, which will ultimately be used as the narrative for Comprehensive Plan Update chapters.
- ✓ Conducted a community engagement training for staff.
- ✓ Created a community engagement plan to raise awareness of the project and ensure an inclusive strategy for outreach.
- ✓ Conducted the first round of community engagements including four in-person open houses, an online survey, and over 50 local meetings designed for community groups, stakeholders and residents to come together and share their thoughts. These meetings resulted in responses from 550 community members.
- ✓ Established a project website using a new integrative tool (ArcHub) and utilized social media to spread awareness of the project website and meetings, resulting in 9,699 post views across a variety of social media platforms.
- ✓ Provided two project updates through a Constant Contact email list with 391 subscribers.
- ✓ Established the Planning Commission as the community advisory body for the project and met six times to review and discuss the project scope, community engagement plan, and staff edits to the Comprehensive Plan goals and policies.

Planning

2022 Year in Review, continued

Grants

Certified Local Government Grant

Planning staff administered an 18-month \$11,500 Certified Local Government (CLG) Grant from the State Historic Preservation Office (SHPO) to assist Deschutes County with its historic preservation programs.

Technical Assistance Grant

In November 2022, DLCD awarded the department a \$5,000 Technical Assistance Grant to fund the use of specialized software tools to assist in virtual outreach for the county's Comprehensive Plan Update.

Transportation Growth Management Grant

Planning staff coordinated with ODOT to execute a \$75,000 Transportation and Growth Management (TGM) Grant to update the Tumalo Community Plan bike/ped/transit elements and implement the rural trails portion of the Sisters Country Vision Action Plan.

Coordination with Other Jurisdictions, Agencies and Committees

Bicycle and Pedestrian Advisory Committee

BPAC met 12 times, commenting on regional Transportation System Plan (TSP) updates, trail connections between cities and recreation areas, bicycle and pedestrian safety issues and ODOT projects, among others.

Oregon Department of Transportation (ODOT)

Participated in Baker Road-Lava Butte Multi-use Path and Lava Butte-La Pine Multi-use Path Technical Advisory Committee (TAC); Baker Road Interchange Area Management Plan TAC; quarterly meetings with ODOT, Road Department, and cities of Bend and Redmond to review traffic modeling needs; stakeholder committee for ODOT study on wildlife passages for US 20 between Bend and Santiam Pass; US 20 (Greenwood Ave.) 3rd Street / Powell Butte Hwy Refinement Plan.

Deschutes River Mitigation and Enhancement Committee

Convened two Deschutes River Mitigation and Enhancement Committee meetings to receive updates from ODFW and Central Oregon Irrigation District (COID).



2022 Year in Review, continued

Coordination with Other Jurisdictions, Agencies and Committees

City of Bend—Coordinated with City staff regarding:

- ✓ Bend Airport Master Plan.
- ✓ Bend UGB Amendment / HB 4079 / Affordable Housing Project.
- ✓ Long-term Planning for the Outback Water Filtration Facility.
- ✓ Bend Metropolitan Planning Organization TAC.
- ✓ Bend UGB Amendment / HB 3318 / Stevens Road Tract.

City of La Pine—Coordinated with City staff regarding:

- ✓ Land use applications for effects on county road system.
- ✓ Participation with Property Management and the city to update and amend the county owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation.

City of Redmond—Coordinated with City staff regarding:

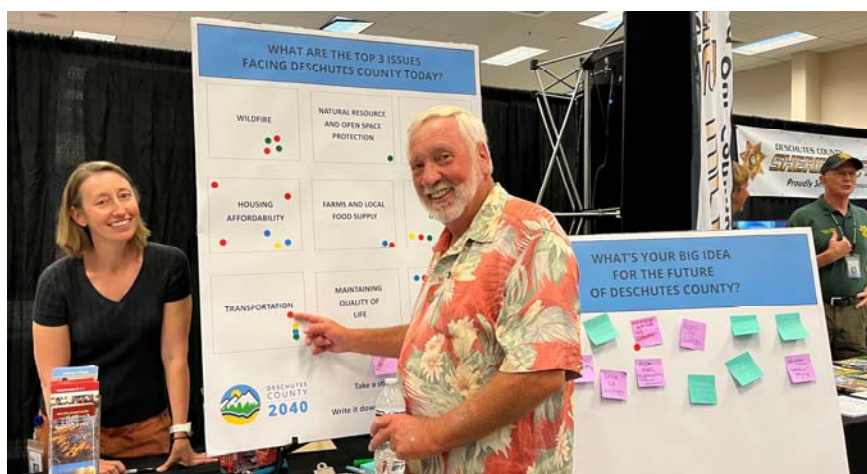
- ✓ CORE3—UGB Amendment for dedicated, multi-agency coordination center for emergency operations and training led by Central Oregon Intergovernmental Council (COIC)
- ✓ Relocation and expansion of wastewater treatment plant.
- ✓ Update Airport Safety Zone associated with the Redmond Airport Master Plan Update.

City of Sisters—Coordinated with City staff regarding:

- ✓ Participation in the implementation of Sisters Country Vision Plan and Sisters Comprehensive Plan.

Deschutes County

- ✓ Provided updates to BOCC regarding SB 391 Rural ADUs, SB 762 Wildfire Mitigation, wildlife inventories produced by ODFW, Portland State University (PSU) population updates, short-term rentals, Tumalo Community Plan update and dark skies project.



Planning

FY 2023-24 Work Plan Projects

Development Review

- Respond to phone and email customer inquiries within 48 to 72 hours.
- Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of a complete application.
- Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of a complete application.
- Process Hearings Officer decisions for land use actions and potential appeals to the BOCC within 150 days per State law.
- Continue to improve website accessibility to the public to view records associated with complex land use applications.

Comprehensive Plan Update

- Amend Comprehensive Plan (Comp Plan 2040) to incorporate new existing conditions, goals and policies.
- Engage Newberry County and Terrebonne and residents to determine if community plans, goals, and policies meet the current and future needs of the area and whether there is an interest and readiness for area and/or community plan updates.

Natural Resources

- Natural Hazards—Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 (2021, Wildfire Mitigation).
- Natural Hazards—Initiate recommended development code amendments related to the Natural Hazard Mitigation Plan.
- Wildlife Inventories—Amend the Comprehensive Plan and Zoning Code to incorporate a new mule deer winter range inventory from ODFW.
- Sage-Grouse—Participate as a Coordinating Agency with the Bureau of Land Management (BLM).
- Dark Skies Update—Revisit County's existing outdoor lighting ordinance and update regulations to reflect current best practices and technology.

Transportation Growth Management (TGM) Grant

- Amend Comprehensive Plan to incorporate the Tumalo Community Plan update.
- Implement the rural trails portion of the Sisters Country Vision Action Plan.

Planning

FY 2023-24 Work Plan Projects, continued

Transportation Planning

- Amend Comprehensive Plan to incorporate Transportation System Plan (TSP) update in coordination with Road Department and ODOT.
- Process road naming requests associated with certain types of development on a semi-annual basis.
- Coordinate with ODOT and Parks Districts on regional trail projects.

City of Bend Coordination

- Adopt the Bend Airport Master Plan (BAMP) and amend the County's Comprehensive Plan and Development Code to implement measures that allow for a new air traffic control tower and new airport-related businesses.
- Coordinate on growth management issues, including technical analyses related to housing and employment needs and modernizing Title 19 for the Deschutes County Jail.
- Process a Plan Amendment and Zone Change to add the Stevens Road Tract to the Bend Urban Growth Boundary (UGB), in accordance with HB 3318.

City of La Pine Coordination

- Participate with Property Management and the City of La Pine process to update and amend the county-owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulations.

City of Redmond Coordination

- Coordinate on growth management issues, including with Central Oregon Intergovernmental Council (COIC) on CORE3, a multi-stakeholder regional emergency center.
- Process Conditional Use Permit and Site Plan Review applications for a new wastewater treatment plant.
- Coordinate on an update of the Airport Safety Zone associated with the Redmond Airport.

City of Sisters Coordination

- Participate in the implementation of Sisters Country Vision Plan and their Comprehensive Plan Update.

Growth Management Committees

- Coordinate and/or participate on Deschutes County BPAC, Project Wildfire, and Deschutes River Mitigation and Enhancement Committee.

Historic Preservation—Certified Local Government (CLG) Grant

- Administer 2023-24 Certified Local Government Grant from SHPO.



FY 2023-24 Work Plan Projects, continued

Housekeeping Amendments

- Initiate housekeeping amendments to ensure County Code complies with state law.

Housing Strategies

- Amend County Code to implement SB 391, Rural ADUs.
- Amend County Code to repeal Conventional Housing Combining Zone.
- Amend County Code to define family for unrelated persons HB 2538 (non-familial Individuals).
- Explore options and approaches to address rural housing and homelessness as allowed under state law.

Legislative Session (2023-24)

- Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.
- Participate in legislative or rulemaking work groups to shape state laws that benefit Deschutes County.

Short Term Rentals

- Prepare a white paper describing methods for regulating short term rentals.
- Coordinate with BOCC on next steps

Zoning Text Amendments

- Accessory structure amendments clarifying it must be built concurrent with or after the establishment of a primary residence with certain allowed facilities.
- Applicant initiated plan amendment, zone changes, and/or text amendments.
- Allow “self-serve” farm stands in Rural residential Exception Areas Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones.
- Define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Forest Zone Code—Review for compliance with Oregon Administrative Rule.
- In conduit hydroelectric generation code amendments.
- Lot Line Adjustments and Re-platting.
- Medical Hardship Dwellings—review for consistency with state law.
- Minor variance 10% lot area rule for farm and forest zoned properties.
- Outdoor Mass Gatherings update.
- Repeal Conventional Housing Combining Zone.
- Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).
- Sign code to become consistent with federal law.
- Temporary use of recreational vehicles as dwellings.
- Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.

Planning

FY 2023-24 Work Plan Projects, continued

- Title 22—Procedures Ordinance for consistency with state law and planning department interpretations.
- Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.

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Community Involvement Report

2022

Statewide Planning Goal 1, Citizen Involvement, requires cities and counties to create a citizen involvement program that provides opportunities for community participation in land use planning processes and decisions.

Land use legislation, policies and implementation measures made by Oregonians nearly 50 years ago helped shape Oregon's urban and rural environments. Likewise, choices made today will ultimately shape these areas in the future. Successful land use planning occurs through an open and public process that provides room for information gathering, analysis and vigorous debate. Deschutes County's Community Involvement program is defined in Section 1.2 of the Comprehensive Plan.

This chapter identifies the County Planning Commission as the committee for citizen involvement. It also contains the County's Community Involvement goal and corresponding five policies that comply with Goal 1. This report briefly discusses the noteworthy community involvement actions undertaken by the Planning Division in 2022. The report is intended to provide county residents and stakeholders with a tool to assess its effectiveness and offer additional suggestions the County can utilize to ensure that its diverse communities remain actively involved in land use planning discussions.



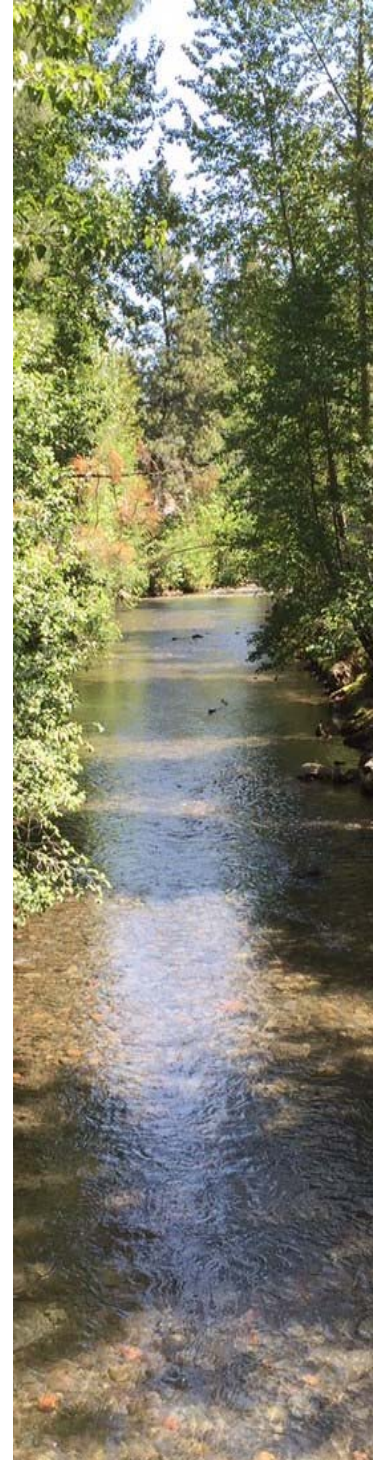
Community Involvement Report

2022

Planning Commission

The Planning Commission convened 17 times to consider:

- ✓ Amateur (HAM) Radio Facility Text Amendments
- ✓ CDD FY 2022-23 Annual Report & Work Plan
- ✓ Dark Skies Update
- ✓ Deschutes 2040 Meetings:
 - Comprehensive Plan Update Briefing
 - Community Engagement Plan Review
 - Phase 1 Results Overview and Phase 2 Activities
 - Key Planning Issues, Challenges, and Goals
 - Initial Policy Review
 - Results of Phase 2 Visioning Activities, and Initial Policy Review
- ✓ Deschutes County Transportation System Plan 2020-2040 Update
- ✓ Joint BOCC / PC Work Session
- ✓ Psilocybin TPM Amendments
- ✓ SB 391—Rural ADU Text Amendment
- ✓ SB 762—Wildfire Hazard Risk Mapping and the Wildland Urban Interface
- ✓ TGM Grant for Bike/Ped/Transit in Tumalo; Rural trails in Sisters Country
- ✓ Tumalo Community Plan
- ✓ Water Resources Discussion Panel
- ✓ Wildlife Inventory Update



Community Involvement Report

2022

Historic Landmarks Commission

Convened 5 times in 2022 to consider:

- ✓ Archeological Society of Central Oregon—Introduction
- ✓ CDD FY 2022-23 Annual Report & Work Plan
- ✓ CLG Grant Application
- ✓ City of Sisters Check-In—CLG Grant Projects
- ✓ Deschutes County 2040—Project Briefing
- ✓ Field Trip Discussion
- ✓ HLC Policies and Procedures Manual
- ✓ Preservation Month 2023
- ✓ Regional Coordination
- ✓ Strategic Plan
- ✓ Updates from Bend and Redmond Historic Landmarks Commission





STAFF REPORT

TO: Deschutes County Planning Commission

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

DATE: May 4, 2023

SUBJECT: Deliberations – Mule Deer Inventory Update Amendments

On May 11, 2023 the Deschutes County Planning Commission will conduct deliberations to consider legislative text amendments to update the mule deer inventory (File No. 247-23-000144-TA).

I. BACKGROUND

Staff submitted a 35-day 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, 2023.¹ Staff also conducted three public information sessions on April 4, 6, and 10th. The Planning Commission held public hearings on April 13² and April 27.³ The written record was held open until May 1, 2023 at 5:00 p.m.

The record, which contains all memoranda, notices, and written testimony received, is available at the following website: www.deschutes.org/muledeer

Attached to this memorandum are the proposed text amendments and findings for reference. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~.

II. OVERVIEW OF TESTIMONY

A summary of testimony received is as follows. Note that many people provided both written testimony and verbal testimony; both are captured in the below counts and as such the total number of individuals providing testimony is likely slightly less than the sum of the written and verbal testimony.

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

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

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

- Written testimony (received between March 8 and May 1): 226 individuals
- Public hearing verbal testimony (April 13): 40 individuals
- Public hearing verbal testimony (April 27): 46 individuals

A. Dominant Themes from Opponents

Many were opposed to the proposed mule deer amendments. Dominant themes included:

- **Other reasons for mule deer population decline are more significant.** Many opponents cited other significant causes of mule deer mortality noted by Oregon Department of Fish and Wildlife (ODFW), notably predation (cougars and wolves), poaching, and vehicle strikes, and stated that these other causes pose greater threats to the population. Predation by cougars and issues with cougar management was highlighted by many individuals as a significant reason for the mule deer population decline. Some expressed a desire for a holistic plan that addresses all of these causes rather than just land use/zoning; for instance, there are tools such as anti-poaching initiatives, improvements in cougar management, and wildlife crossings.
- **Burden on private property owners versus public landowners.** Given that so much of the proposed inventory area is on federally owned land, many opponents desired prioritizing protections on publicly owned land first, before placing land use restrictions on private landowners. They also noted the inherent conflicts when private property that could be subject to these regulations is directly adjacent to public land, including areas that are used by homeless populations that cause active disturbance to deer.
- **Science and data.** Some opponents were dissatisfied with the data presented by ODFW and stated that there is not sufficient biological evidence to support the amendments. Others cited a lack of measurable data to assess exactly how much this proposal would help the deer and questioned why the boundaries were drawn in certain areas and not others. The balance of urban/non-migratory deer and rural migratory deer was highlighted by some as skewing the data that provides the basis for the proposal's boundaries.
- **Private property rights/government overreach.** Many opponents viewed this proposal as a direct threat to private property rights, an example of government overreach, and a possible "taking." They were concerned with a loss of property value and about being compensated for this loss.
- **Desire for incentives.** Some commenters expressed a desire for incentives for individual landowners to provide mule deer habitat rather than regulations requiring siting or fencing standards or other measures.
- **Burden on farmers.** Some opponents felt that an undue burden would be placed on farmers, whose land already provides benefits to mule deer in various ways.
- **General opposition.**

B. Dominant Themes from Proponents

Many were in support of the proposal. Dominant themes included:

- **Stronger standards.** A significant number of proponents wanted the proposal to be stronger than currently proposed, to match the existing Wildlife Area Combining Zone. Specifically, they requested a 40-acre minimum parcel size for land divisions and ODFW agreement and concurrence with an alternative habitat mitigation plan (not just consultation).
- **Multi-pronged approach.** Supporters of the amendments stated that this is just one part of a more holistic approach to helping the deer population, which is in decline for many reasons. While there are other tools (better poaching management; wildlife crossings; cougar management) that are being addressed by ODFW and at by other state agencies, they stated that the current proposal represents the land use tool, of which the Planning Commission and Board of County Commissioners (Board) has purview over.
- **Doing nothing is not an option.** To that end, supporters of the amendments stated that it is necessary to take some action rather than none at all, noting that some aspects of a more holistic approach could take years to establish, and the current proposal is a tool that could be utilized now.
- **General support.**

C. Other Themes

Additional testimony received by individuals during the open record period addressed the following:

- Studies about mule deer habitat; cougar management; other deer management approaches
- Confusion/disagreement with ESEE analysis
- Requests for exceptions: for specific properties; for properties within established subdivisions; for properties within a certain distance of the urban growth boundary; for split-zoned properties; for existing properties (regulations should apply to new owners only)
- Clarification on language for “bicycle course” and related uses
- Requests for prohibition of solar farms
- Concerns that destination resorts are not addressed in this proposal
- Concerns about canal piping
- Concerns about duration of written record period
- Planning Commissioners’ potential conflicts of interest and/or activity outside of Planning Commission meetings⁴

⁴ The Planning Commission does not have procedural authority to address conflict of interest objections.

III. AGENCY / SPECIAL DISTRICT / QUASI-MUNICIPAL TESTIMONY

Several agencies provided testimony. Highlights of more extensive agency testimony are noted below.

A. ODFW

Staff has recognized throughout the process that ODFW has two roles in this process: first, to provide the data that provides the factual basis for the amendments; second, the agency also provided testimony pertaining to the land use regulations.

- General support for the process of updating the mule deer winter range and the WA-MD combining zone
- ODFW recommends the WA-MD Zone standards and criteria are at least as protective as the existing WA-Zone in DCC 18.88, which support existing County policies in Ordinance Nos. 92-041 and 92-042 to protect deer winter range.
- ODFW recommends the County retain the 40-acre minimum lot size to minimize habitat fragmentation. This is consistent with the guidance and recommendations from ODFW's Land Use Planning Guide, which includes the dwelling density recommendations as part of ODFW's State Agency Coordination Agreement with DLCD.
- ODFW recommends retaining the requirement for cluster developments with 80% open space, as currently required in the WA-Zone. An alternative could be a tiered approach where an 80% open space is preferred with the development of clear and objective standards that preserves, protects and enhances wildlife habitat, and a lower threshold (e.g., 65-70%) may be considered with the development of a wildlife management plan.
- ODFW recommends a wildlife management plan be required, similar to the language in DCC 18.128.200(B)(3), or DCC 18.128.200 be amended to comply with the WA-MD Zone in addition to the WA-Zone.
- ODFW recommends retaining the 300' siting standards, which is consistent with the language in DCC 18.88.060.
- Recommends the ESEE analysis further consider the duration, frequency, seasonality and size of campgrounds and RV parks
- ODFW recommends the ESEE analysis include information about various other regulations (Oregon Administrative Rule and Oregon Revised Statutes concerning solar facilities of various size thresholds) for solar facilities for clarity and transparency on how the conflicting uses with solar developments may be addressed during local land use reviews.
- ODFW recommends the ESEE analysis further evaluate the conflicting uses as a result of land divisions and emphasize the potential for significant negative environmental consequences of allowing the use, especially if the loss of habitat function is not being adequately considered.

B. Bend Park and Recreation District (BPRD)

BPRD noted that the proposed regulations could have an impact on future park sites within the county.

- Requests that playground, recreation facility, community center, outdoor sporting and recreation uses, and multi-use pedestrian and bike trails, when owned and operated by a government agency, are exempt from the use limitations in 18.91.040(E)(1)-(3).
- BPRD supports the prohibition of some uses from December through March: sports fields, sports courts, disc golf and archery ranges. BPRD also suggests that drone (and similar) flying parks are subject to the limitations proposed, and that dog parks are prohibited.
- Requests that park and recreation uses owned and operated by a government entity are exempt from siting standards
- Requests that fencing standards have exemptions for certain types of uses (such as sports courts), or a progressive exemption, allowing larger properties a larger exemption

C. Tumalo Irrigation District (TID)

TID provided four pieces of testimony, noting that it has “significant concerns with respect to the use and valuation of TID’s properties, operation of TID’s irrigation facilities, and burdens on TID’s patrons and their right to farm.”

- The mule deer population decline is not a land use problem, but rather a deer management problem and the solution should be addressed at the federal/state level, not via local land use
- The regulations would devalue TID’s 540-acre property, its most valuable fungible asset, through the land division requirements
- Regulations should preserve at least some path for property owners to achieve the maximum density presently allowed on MUA-10 and RR-10 properties such as the 540-acre property
- Concern about the imposition of additional local criteria for agricultural buildings. Instead of a discretionary exception, agricultural buildings need to be outright excepted and such outright exception should also include buildings associated with other ORS 215.283(1) uses, such as irrigation facilities and utility facilities.
- Request for Commissioner Hovekamp to recuse himself due to his prior affiliation with Central Oregon LandWatch
- Objection to boundaries of proposed zone including certain areas of Tumalo
- Concern for increase of staff time/resources and legal budget if the amendments are adopted; costs to homeowners

IV. DELIBERATION

Based on testimony received throughout the public process and in coordination with Planning Commissioner Chair Kieras, staff highlighted several issues for the Planning Commission to consider, ordered from a general/wider scope and increasing in specificity. Staff anticipates deliberation of these items may span more than one meeting.

Staff also notes that the Planning Commission does not need to address the specifics of the ESEE analysis during deliberations; the ESEE will be revisited after the Board’s public hearing and deliberation to reflect the final product.

Issue #1

Staff recommends the Planning Commission first consider a formal motion for Issue #1 before proceeding with Issue #2, if applicable.

Does the Planning Commission *generally* support adopting the mule deer inventory into the Comprehensive Plan and creating a separate Wildlife Area Combining Zone in Deschutes County Code, Title 18 (County Zoning)?

- If yes, proceed to the next items to determine what changes, if any, the Planning Commission may recommend.
- If no, additional issues associated with the below list are unnecessary, and staff will forward a “no” recommendation to the Board.

Issue #2

The Planning Commission may choose to provide a general recommendation to the Board or provide detailed and specific recommendations, or a hybrid of these approaches. A general recommendation might include one or more of the following elements:

- Recommendation of adoption of the amendments as proposed by staff and the documents provided for the public hearings
- Recommendation of adoption of the amendments with the modifications proposed by ODFW
- Recommendation that the Board adopt the amendments following consideration of modifications to address concerns raised by BPRD and/or TID
- Recommendation that the Board pause County legislative action to await comprehensive, multi-agency action to address threats to mule deer
- Recommendation that the Board direct staff to investigate voluntary and/or incentive-based habitat protections

Does the Planning Commission support a general recommendation to the Board?

Does the Planning Commission support specific revisions to the limitations as proposed by staff in the draft amendments provided for the hearing?

- If yes, proceed to the matrix shown in Table 1 to determine what changes, if any, the Planning Commission may recommend.
- If no, additional issues associated with the matrix are unnecessary, and staff will forward the general recommendation to the Board.

Issue #3**Does the Planning Commission want to revisit other exemption requests?⁵**

- If yes, consider deliberating these requests on May 25. Staff can prepare additional materials to assist in the discussion.
- If no, staff will forward the recommendations from the above deliberations to the Board.

⁵ Requests for exceptions: for specific properties; for properties within established subdivisions; for properties within a certain distance of the urban growth boundary; for split-zoned properties; for existing properties (regulations should apply to new owners only); for bicycle courses.

Table 1 – Conflicting Uses in Proposed Amendments

User Guide: This guide is intended to distill the proposed code language in DCC 18.91 into a table for easier reference. The table groups conflicting uses as proposed by the different sets of proposed regulations in the code; provides explanation/context to those conflicting uses; and summarizes the proposed amendments. The Planning Commission can choose whether to consider each listed use or discuss only those uses that it deems necessary given the testimony received. For each use under consideration, the Planning Commission may decide whether to change the proposed limitations in some manner, prohibit the use, or allow the use fully.

Conflicting Use List	Conflicting Use Explanation	Proposed Amendments ⁶
<ol style="list-style-type: none"> 1. Bed and breakfast inn, room and board arrangement, or guest lodge; 2. Kennel; 3. Dude ranch; 4. Fishing lodge; 5. Golf course, not included in a destination resort; 6. Playground, recreation facility, or community center owned and operated by a government agency or a nonprofit community organization; 7. Public or private school; 8. Timeshare unit, as defined in ORS 94.803; 9. Veterinary clinic; 10. Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042. 11. Guest ranch 	<ul style="list-style-type: none"> • Land uses 1-9 are identified as conflicting uses. They are prohibited in the existing mule deer winter range (WA) combining zone. • Land uses 10-11 identified in 2009 Interagency Report are recommended as conflicting uses by ODFW 	<ul style="list-style-type: none"> • Seasonal limitations: outdoor activities associated with the use are prohibited December - March • Siting standards (300') for buildings associated with the use • Locational and acreage standards for the use, all structures, and use areas: shall be located entirely within 1,320 feet of a County arterial; 5 acre minimum lot/parcel; 2-acre envelope except golf courses • Fencing standards: 15-inch space between ground and bottom strand; 48 inches maximum height; smooth wire/wooden materials
<ol style="list-style-type: none"> 12. Photovoltaic solar power generation facility, as defined in OAR 660-033-0130. 13. Wind power generation facility, as defined in OAR 660-033-0130. 	<ul style="list-style-type: none"> • Land uses 12-15 are identified as conflicting uses by ODFW and/or Deschutes County 	<ul style="list-style-type: none"> • Locational standards: all buildings associated with these uses shall be located entirely within 1,320 feet of a County road designated as an arterial on the TSP. • Government Entities, including but not limited to quasi-municipal

⁶ For all uses, the above limitations may be waived by the County upon a determination that habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern, after consultation with ODFW.

		<p>corporations, are exempt from locational standards</p>
<p>14. Recreational vehicle parks 15. Campgrounds</p>		<ul style="list-style-type: none"> Fencing standards: 15-inch space between ground and bottom strand; 48 inches maximum height; smooth wire/wooden materials
<p>16. Single Family Dwellings</p>	<ul style="list-style-type: none"> Land uses 16-17 are identified as conflicting uses by ODFW and/or Deschutes County. Single family dwellings and accessory structures permitted outright located in existing mule deer wildlife area (WA) combining zone require being sited within 300 feet of a road. 	<ul style="list-style-type: none"> Proposed to be limited by siting standards (within 300' of public road, private road, or recorded easement) or alternative siting that provides equivalent habitat protection.
<p>17. Residential land divisions</p>	<ul style="list-style-type: none"> Land divisions located in existing mule deer wildlife area (WA) combining zone require clustering or a planned unit development with 80% open space. Minimum area (lot or parcel size) for cluster or planned development is 40 acres. 	<ul style="list-style-type: none"> Proposed to be limited by cluster requirements with no minimum area (lot or parcel size). Requires 65% open space.

V. NEXT STEPS

At the conclusion of the meeting, the Commission can:

- Continue deliberations to May 25;
- Close deliberations and propose a recommendation during this meeting.

Ultimately, the Planning Commission will provide a recommendation to the Board. Options include:

- Recommend approval of amendments as drafted;
- Recommend approval of amendments with suggested edits or recommendations;
- Recommend denial of amendments;
- Other.

Attachments:

1. Proposed Text Amendments and Findings

CHAPTER 18.12 ESTABLISHMENT OF ZONES

18.12.010 Establishment Of Zones

18.12.010 Establishment Of Zones

For the purpose of DCC Title 18, the following primary zones, combining zones, subzones and unincorporated community zone districts are hereby established:

A. Primary Zones.

Primary Zones	Abbreviations
Airport Development	AD
Exclusive Farm Use Zones	EFU
Flood Plain	FP
Forest Use	F1
Forest Use	F2
Multiple Use Agriculture	MUA10
Open Space and Conservation	OS&C
Rural Commercial	RC
Rural Industrial	RI
Rural Residential	RR10
Surface Mining	SM

B. Combining Zones.

Combining Zones	Abbreviations
Airport Safety	AH
Conventional Housing	CH
Destination Resort	DR
Landscape Management	LM
Limited Use	LU
Sensitive Bird & Mammal Habitat	SBMH
Surface Mining Impact Area	SMIA
Wildlife Area	WA
<u>2023 Mule Deer Winter Range</u>	<u>WA-MD</u>

HISTORY

Amended by Ord. [92-025](#) §5 on 4/15/1991

Amended by Ord. [96-003](#) §4 on 3/27/1996

Amended by Ord. [98-063](#) §2 on 9/30/1998

Amended by Ord. [2001-044](#) §2 on 10/10/2001

Amended by Ord. [2001-048](#) §4 on 12/10/2001

Amended by Ord. [2002-001](#) §1 on 6/5/2002

Amended by Ord. [2002-019](#) §1 on 8/7/2002

Amended by Ord. [2005-016](#) §1 on 4/27/2005

Amended by Ord. [2006-008](#) §2 on 8/29/2006
Amended by Ord. [2008-017](#) §1 on 8/18/2008
Repealed by Ord. [2018-005](#) §9 on 10/10/2018
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2023-xxx](#) §x on x/x/2023

CHAPTER 18.91 2023 MULE DEER WINTER RANGE COMBINING ZONE; WA-MD

18.91.010 Purpose

18.91.020 Application Of Provisions

18.91.030 Uses Permitted Outright

18.91.040 Uses Permitted Conditionally

18.91.050 Dimensional Standards

18.91.060 Siting Standards

18.91.070 Fence Standards

18.91.010 Purpose

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.

HISTORY

Adopted by Ord. 2023-xxx §x on x/x/xxxx

18.91.020 Application Of Provisions

The provisions of DCC 18.91 shall apply to all areas identified in the Comprehensive Plan as 2023 Mule Deer Winter Range Combining Zone. Unincorporated Communities are exempt from the provisions of DCC 18.91.

HISTORY

Adopted by Ord. 2023-xxx §x on x/x/xxxx

18.91.030 Uses Permitted Outright

In a zone with which the WA-MD Zone is combined, the uses permitted outright shall be those permitted outright by the underlying zone.

HISTORY

Adopted by Ord. 2023-xxx §x on x/x/xxxx

18.91.040 Uses Permitted Conditionally

A. Except as provided in DCC 18.91.040(B), (C), and (D), in a zone with which the WA-MD Zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone subject to the provisions of the Comprehensive Plan, DCC 18.128 and other applicable sections of this title. To minimize impacts to mule deer winter range habitat, the County may include conditions of approval limiting the duration, frequency, seasonality, and total number of all outdoor assemblies occurring in the WA-MD Zone, whether or not such outdoor assemblies are public or private, secular or religious.

B. The following uses are subject to additional limitations identified in DCC 18.91.040(E):

1. Golf course, not included in a destination resort;
2. Kennel;
3. Public or private school;
4. Bed and breakfast inn, room and board arrangement, or guest lodge;
5. Dude ranch;
6. Playground, recreation facility, or community center owned and operated by a government agency or a nonprofit community organization;
7. Timeshare unit, as defined in ORS 94.803;

- 8. Veterinary clinic;
 - 9. Fishing lodge;
 - 10. Guest ranch;
 - 11. Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.
- C. The following uses are subject to additional limitations identified in DCC 18.91.040(F)
- 1. Campgrounds;
 - 2. Recreational Vehicle Parks.
- D. The following uses are subject to additional limitations identified in DCC 18.91.040(G)
- 1. Photovoltaic solar power generation facility, as defined in OAR 660-033-0130;
 - 2. Wind power generation facility, as defined in OAR 660-033-0130.
- E. Use limitations. The uses listed in DCC 18.91.040(B) are subject to the applicable sections of this title and the following criteria:
- 1. Outdoor events or activities associated with the use shall be prohibited from December through March. This limitation does not apply to parking or the loading or unloading for indoor events or activities associated with the use.
 - 2. All buildings associated with the use shall be located in accordance with DCC 18.91.060.
 - 3. The use, all structures, and use areas, including but not limited to parking, drive aisles, outdoor activity areas shall be:
 - a. Located entirely within 1,320 feet of a County road designated as an arterial on the TSP.
 - b. Shall occur on a lot or parcel that is at least 5 acres in lot area.
 - c. Shall be limited to a two-acre envelope. This restriction shall not apply to golf courses.
 - 4. Fences developed as part of the use shall be constructed in accordance with DCC 18.91.070.
- F. Use limitations. The uses listed in DCC 18.91.040(C) are subject to the applicable sections of this title and the following criteria:
- 1. Fences developed as part of the use shall be constructed in accordance with DCC 18.91.070.
- G. Use limitations. The uses listed in DCC 18.91.040(D) are subject to the applicable sections of this title and the following criteria:
- 1. All buildings associated with the use shall be located entirely within 1,320 feet of a County road designated as an arterial on the TSP.
 - 2. The use limitations of DCC 18.91.040(G)(1) do not apply to Government Entities, including but not limited to quasi-municipal corporations.
 - 3. The fence standards of 18.91.070 do not apply to the uses listed in DCC 18.91.040(D).
- H. Alteration, maintenance, restoration, or replacement of any use listed in DCC 18.91.040(B), (C), or (D) that was lawfully established, prior to [date of adoption] may be allowed, subject to DCC 18.120.010.

- I. Use limitations identified in DCC 18.91.040 (E), (F), or (G) may be waived by the County upon a determination that habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern, after consultation with the Oregon Department of Fish and Wildlife.

HISTORY

Adopted by Ord. 2023-xxx §x on x/x/xxxx

18.91.050 Dimensional Standards

In a WA-MD Zone, the following dimensional standards shall apply:

- A. In the 2023 mule deer winter range, there is no minimum lot size for new parcels except as provided in the underlying zone and DCC 18.91.050(B).
- B. Land divisions, including partitions, where the underlying zone is RR-10 or MUA-10, shall not be permitted except when conforming to the following standards:
1. The number of new residential dwelling lots or parcels may not exceed 10.
 2. The total number of residences in the development may not exceed the equivalent density of one dwelling unit per 10 acres, despite any provision to the contrary.
 3. The development shall retain a minimum of 65 percent open space on a single lot or parcel identified as open space on the plat. The open space lot or parcel shall be subject to the following conditions:
 1. Uses permitted in the open space lot or parcel shall be limited to:
 1. Agricultural use,
 2. Equestrian or pedestrian trail systems, and
 3. Reclamation and enhancement that creates or improves wetlands, creates or improves wildlife habitat, restores native vegetation, or provides for agricultural use of the property after reclamation.
 4. Residential dwelling lots or parcels shall be platted with a minimum acreage of two acres and maximum acreage of three acres.
 5. All residential lots or parcels shall be adjoining.
 6. All buildings associated with the use shall be located in accordance with DCC 18.91.060.
- C. Standards identified in DCC 18.91.050(B)(3-6) may be waived by the County upon a determination that habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern, after consultation with the Oregon Department of Fish and Wildlife.

HISTORY

Adopted by Ord. 2023-xxx §x on x/x/xxxx

18.91.060 Siting Standards

- A. Setbacks shall be those described in the underlying zone with which the WA-MD Zone is combined.
- B. The footprint, including decks and porches, for new buildings, not including replacement buildings in the same footprint, shall be located either:
1. Entirely within 300 feet of public roads, private roads or recorded easements for vehicular access existing as of [date of adoption], or
 2. Where no such location exists on the property compliant with DCC 18.88.060(B)(1), the footprint, including decks and porches, for new buildings, not including replacement buildings in the same footprint, shall be located within 300 feet of a point on the

property closest to a public road, private road or recorded easement for vehicular access existing as of [date of adoption].

C. The siting standards of DCC 18.91.060(B) may be waived where the County determines that:

1. Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern, after consultation with the Oregon Department of Fish and Wildlife; or,
2. The siting within 300 feet of such roads or easements for vehicular access would force the building to be located on irrigated land, in which case, the building shall be located to provide the least possible impact on wildlife habitat considering browse, forage, cover, access to water and migration corridors, and minimizing length of new access roads and driveways; or,
3. The building is set back no more than 50 feet from the edge of a driveway that existed as of [date of adoption].
4. Buildings accessory to the Farm use or Agricultural Use of a property.

D. For purposes of DCC 18.88.060(B):

1. A private road, easement for vehicular access or driveway will conclusively be regarded as having existed prior to [date of adoption] if the applicant submits any of the following:
 - a. A copy of an easement recorded with the County Clerk prior to [date of adoption] establishing a right of ingress and egress for vehicular use;
 - b. An aerial photograph with proof that it was taken prior to [date of adoption] on which the road, easement or driveway allowing vehicular access is visible;
 - c. A map published prior to [date of adoption] or assessor's map from prior to [date of adoption] showing the road (but not showing a mere trail or footpath).
2. An applicant may submit any other evidence thought to establish the existence of a private road, easement for vehicular access or driveway as of [date of adoption] which evidence need not be regarded as conclusive.

HISTORY

Adopted by Ord. 2023-xxx §x on x/x/xxxx

18.91.070 Fence Standards

The following fencing provisions shall apply as a condition of approval for any new fences constructed as a part of development of a property in conjunction with a conditional use permit or site plan review.

A. New fences in the WA-MD Zone shall be designed to permit wildlife passage.

1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.
2. The height of the fence shall not exceed 48 inches above ground level.
3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.

B. Exemptions:

1. Fences of less than 400 feet in total length per lot or parcel; or
2. Fences used for accepted farming practices; or
3. An alternative fence design which provides equivalent wildlife passage may be approved by the County after consultation with the Oregon Department of Fish and Wildlife.

HISTORY

Adopted by Ord. 2023-xxx §x on x/x/xxxx

CHAPTER 23.01 COMPREHENSIVE PLAN

* * *

AZ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-006, are incorporated by reference herein.

BA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-xxx, are incorporated by reference herein.

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/compplan>)

HISTORY

Amended by Ord. [2011-027](#) §10 on 11/9/2011
 Adopted by Ord. [2011-003](#) §2 on 11/9/2011
 Amended by Ord. [2011-017](#) §5 on 11/30/2011
 Amended by Ord. [2012-012](#) §1, 2, 3, 4 on 8/20/2012
 Amended by Ord. [2012-005](#) §1 on 11/19/2012
 Amended by Ord. [2013-002](#) §1 on 1/7/2013
 Repealed by Ord. [2013-001](#) §1 on 1/7/2013
 Amended by Ord. [2013-005](#) §1 on 1/23/2013
 Amended by Ord. [2012-016](#) §1 on 3/4/2013
 Amended by Ord. [2013-009](#) §1 on 5/8/2013
 Amended by Ord. [2013-012](#) §1 on 8/8/2013
 Amended by Ord. [2013-007](#) §1 on 8/28/2013
 Amended by Ord. [2014-005](#) §2 on 2/26/2014
 Amended by Ord. [2014-006](#) §2 on 3/15/2014
 Amended by Ord. [2014-012](#) §1 on 8/6/2014
 Amended by Ord. [2014-021](#) §1 on 11/26/2014
 Amended by Ord. [2015-029](#) §1 on 11/30/2015
 Amended by Ord. [2015-010](#) §1 on 12/21/2015
 Amended by Ord. [2015-021](#) §1 on 2/22/2016
 Amended by Ord. [2015-018](#) §1 on 3/28/2016
 Amended by Ord. [2016-001](#) §1 on 4/5/2016
 Amended by Ord. [2016-022](#) §1 on 9/28/2016
 Repealed & Reenacted by Ord. [2016-027](#) §1, 2 on 12/28/2016
 Amended by Ord. [2016-005](#) §1 on 2/27/2017
 Amended by Ord. [2016-029](#) §1 on 3/28/2017
 Amended by Ord. [2017-007](#) §1 on 11/1/2017
 Amended by Ord. [2018-002](#) §1 on 1/25/2018
 Amended by Ord. [2018-005](#) §2 on 10/10/2018
 Amended by Ord. [2018-008](#) §1 on 10/26/2018
 Amended by Ord. [2018-006](#) §1 on 11/20/2018
 Amended by Ord. [2018-011](#) §1 on 12/11/2018
 Amended by Ord. [2019-004](#) §1 on 3/14/2019

Amended by Ord. [2019-003](#) §1 on 3/14/2019
Amended by Ord. [2019-002](#) §1 on 4/2/2019
Amended by Ord. [2019-001](#) §1 on 4/16/2019
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2019-011](#) §1 on 5/17/2019
Amended by Ord. [2019-006](#) §1 on 6/11/2019
Amended by Ord. [2019-019](#) §2 on 12/11/2019
Amended by Ord. [2020-001](#) §26 on 4/21/2020
Amended by Ord. [2020-003](#) §1 on 5/26/2020
Amended by Ord. [2020-002](#) §1 on 5/26/2020
Amended by Ord. [2020-008](#) §5 on 9/22/2020
Amended by Ord. [2020-007](#) §1 on 10/27/2020
Amended by Ord. [2020-006](#) §1 on 11/10/2020
Amended by Ord. [2020-009](#) §4 on 11/17/2020
Amended by Ord. [2020-013](#) §1 on 11/24/2020
Amended by Ord. [2021-002](#) §3 on 4/27/2021
Amended by Ord. [2021-005](#) §1 on 6/16/2021
Amended by Ord. [2021-008](#) §1 on 6/30/2021
Amended by Ord. [2022-001](#) §2 on 7/12/2022
Amended by Ord. [2022-003](#) §2 on 7/19/2022
Amended by Ord. [2022-006](#) §2 on 7/22/2022
[Amended by Ord. 2023-xxx §x on x/x/2023](#)

Section 2.6 Wildlife

Background

Wildlife diversity is a major attraction of Deschutes County. It was mentioned in many Comprehensive Plan meetings in 2008 and 2009 as important to the community. Healthy wildlife populations are often a sign of a healthy environment for humans as well as other species. The key to protecting wildlife is protecting the habitats each species needs for food, water, shelter and reproduction. Also important is retaining or enhancing connectivity between habitats, in order to protect migration routes and avoid isolated populations.

Wildlife is tied to land use planning because human development impacts habitats in complex ways. Wildlife protections are provided by federal, state and local governments. Oregon land use planning protects wildlife with Statewide Planning Goal 5, Open Spaces, Scenic and Historical Areas and Natural Resources and the associated Oregon Administrative Rule (OAR) 660-023 (this Rule replaced 660-016 in 1996). Statewide Goal 5 includes a list of resources which each local government must inventory, including wildlife habitat.

The process requires local governments to inventory wildlife habitat and determine which items on the inventory are significant. For sites identified as significant, an Economic, Social, Environmental and Energy (ESEE) analysis is required. The analysis leads to one of three choices: preserve the resource, allow proposed uses that conflict with the resource or strike a balance between the resource and the conflicting uses. A program must be provided to protect the resources as determined by the ESEE analysis.

In considering wildlife habitat, counties rely on the expertise of the Oregon Department of Fish and Wildlife (ODFW) and U.S. Fish and Wildlife Service (USFWS). Those agencies provide information for the required wildlife inventory and recommendations on how to protect wildlife habitat on private lands. Note that this section focuses on wildlife, while fish are covered in the Water Resources section of this Plan.

Wildlife Designations

Comprehensive Planning for Wildlife

Plan 2000, the Comprehensive Plan adopted in 1979, included a Fish and Wildlife Chapter with policies aimed at protecting wildlife. That Plan also noted the controversial nature of wildlife protections. To implement the Plan policies, the Wildlife Area Combining Zone was adopted. This overlay zone was intended to protect identified big game habitat through zoning tools such as appropriate lot sizes and setbacks. In 1986 a River Study was completed and adopted into the Resource Element. Goals and policies from that study, including wildlife goals, were added to Plan 2000.

As part of State mandated Periodic Review, the County took another look at wildlife protections to further comply with the requirements of Goal 5 and the then prevailing OAR 660-16. The County worked with the ODFW to obtain the most recent inventory information on fish and wildlife resources in the county and to identify uses conflicting with those resources. This information was used to update the inventories and amend the ESEE analyses.

In addition, ODFW provided information to support zoning ordinance provisions to resolve conflicts between fish and wildlife resource protection and development. The County adopted a Sensitive Bird and Mammal Combining Zone which identified and protected specific bird nests or leks and bat hibernating or nursery sites.

Ordinances for Compliance with Goal 5

During periodic review in 1992, Deschutes County met the requirements of Goal 5 by:

- The adoption of Goals and Policies in Ordinance 92-040 reflecting Goal 5 requirements, including a Sensitive Bird and Mammal Combining Zone to identify and protect specific bird nests or leks and bat hibernating or nursery sites;
- The adoption of Ordinance 92-041 amended the comprehensive plan to inventory each Goal 5 resource, analyze conflicting uses, and analyze the ESEE consequences of protecting or not protecting inventoried fish and wildlife resources;
- The adoption of zoning ordinance provisions in Ordinance 92-042, as applied to inventoried sites by the map adopted by Ordinance 92-046.

In 2015, the Land Conservation and Development Commission (LCDC) adopted rules to Oregon Administrative Rule (OAR) chapter 660, division 23, to establish procedures for considering development proposals on lands identified as Greater Sage-Grouse Area Habitat. Deschutes County met the requirements by:

- Adopting the 2015 Goal 5 Greater Sage Grouse habitat Area Inventory Map into its Comprehensive Plan and amending the Sensitive Bird and Mammal Habitat Inventory to remove 1990 sage grouse lek and range data by Ordinance 2015-010 (Those maps are incorporated by reference herein); and,
- Adopting sage grouse regulations as a Greater Sage Grouse Area Combining Zone by Ordinance 2015-011.

Wildlife Snapshot 2008-2009

Source: County GIS data

- There are 816,649 acres in Deschutes County's Wildlife Area Combining Zone.
- There are 40 sites protected by the Sensitive Bird and Mammal Habitat Combining Zone.
- 76% of County land is owned and managed by the Federal government through the U.S. Forest Service and Bureau of Land Management.

Source: Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008 May 2009 Prepared for Oregon Department of Fish and Wildlife by Dean Runyan Associates

- Nearly \$70 million was spent in Deschutes County on travel generated expenditures on wildlife viewing, fishing and hunting by people from over 50 miles away.
- Over 60% of the \$70 million noted above was spent for wildlife viewing, with fishing second with nearly 30% and nearly 10% on hunting.
- Over \$8 million in revenue from fishing, hunting and wildlife viewing came from people who live in the County or within 50 miles of the County.
- Over 60% of the \$8 million noted above was spent on fishing, over 20% was spent on hunting and under 20% was spent on wildlife viewing.
- All total, over \$78 million was spent in Deschutes County on fishing, hunting and wildlife viewing.

Deer Migration Corridor

The Bend/La Pine migration corridor is approximately 56 miles long and 3 to 4 miles wide and parallels the Deschutes and Little Deschutes Rivers. The corridor is used by deer migrating from summer range in the forest along the east slope of the Cascades to the North Paulina deer winter range. Deschutes County adopted a “Deer Migration Priority Area” based on a 1999 ODFW map submitted to the South County Regional Problem Solving Group. This specific sub-area is precluded from destination resorts.

Deer Winter Range

The ODFW identified the Metolius, Tumalo and North Paulina deer winter ranges during Deschutes County’s initial comprehensive plan. The boundaries of these winter ranges are shown on the Big Game Sensitive Area map in the 1978 Comprehensive Plan and have been zoned with the Wildlife Combining Zone since 1979. The winter ranges support a population of approximately 15,000 deer.

In 1992, ODFW recommended deer winter range in the northeast corner of the county, in the Smith Rock State Park area, be included in the Deschutes County inventory and protected with the same measures applied to other deer winter range. This area was officially included and mapped on the Wildlife Combining Map when Ordinance 92-040 was adopted by the Board of County Commissioners.

In 2023, a new Mule Deer Winter Range Combining Zone was developed and codified by Ordinance No. 2023-xxx. This new inventory area was initially identified by ODFW with the assistance of a consulting biologist as part of a Department of Land Conservation and Development Technical Assistance Grant in recognition that the existing data was over thirty years old. The 2023 combining zone is a separate area from the existing Wildlife Area Combining Zone and contains protection measures that consider elements from the 2009 Interagency Report (see below) as well as subsequent recommendations from ODFW.

Section 5.12 Legislative History

Background

This section contains the legislative history of this Comprehensive Plan.

Table 5.12.1 Comprehensive Plan Ordinance History

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
* * *			
2022-010	07-27-22/10-25-22	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
<u>2023-xxx</u>	<u>xx-xx-23/xx-xx-23</u>	<u>2.6, 23.01.010</u>	<u>Comprehensive Plan Text Amendment to add the 2023 Mule Deer Winter Range Combining Zone</u>

FINDINGS

I. SUMMARY

Ordinance No. 2023-00x updates Deschutes County's mule deer winter range inventory through the creation of the 2023 Mule Deer Winter Range Combining Zone (WA-MD). This ordinance amends the Deschutes County Comprehensive Plan text and creates a new chapter in Deschutes County Code (DCC) Title 18: Chapter 18.91, 2023 Mule Deer Winter Range Combining Zone. There are no changes to the existing Chapter 18.88, Wildlife Area Combining Zone. The WA-MD Combining Zone applies to new mapped areas beyond the parameters of the WA Combining Zone.

II. BACKGROUND

Wildlife Area Combining Zone / Deer Winter Range

Deschutes County adopted Ordinance Nos. 92-041 and 92-042, which addressed wildlife protection, during the periodic review process in 1992.¹ These ordinances, among many others, amended the Wildlife Chapter of the Comprehensive Plan and DCC Chapter 18.88, Wildlife Area (WA) Combining Zone.² Ordinance 92-041 adopted several inventories, including deer winter range, based on an Economic, Social, Environmental and Energy (ESEE) analysis. As a result of this analysis, Deschutes County balanced the conflicts between deer winter range habitat and other uses that are otherwise permitted outright or conditionally in the underlying zone, by limiting certain uses and prohibiting others.³ The following is a relevant excerpt:

Program to Achieve the Goal (Conserve Deer Winter Range): The Wildlife Area Combining Zone, Title 18.88, (WA) is applied to all areas designated as deer winter range on the Big Game Habitat Wildlife Area Combining Zone Map. The WA zone requires a 40-acre minimum lot size for all new land divisions, prohibits certain conflicting uses (i.e. golf course, schools etc.), establishes siting and fencing standards, and requires that all land divisions in the Rural Residential (RR-10) or Multiple Use Agricultural (MUA-10) Zone be clustered or planned development.

Ordinance No. 92-042 amended DCC Chapter 18.88 to regulate land use as described in Ordinance No. 92-041 to achieve the goal of minimizing the impacts of property development and use on designated deer winter range.⁴

¹ Deschutes County completed periodic review on January 23, 2003.

² Ordinance Nos. 92-040, 92-045, 92-046, 92-052, 94-003, 94-004, 94-007, 94-021

³ Ordinance 92-041, Exhibit A, Page 24.

⁴ https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=CHAPTER_18.88_WILDLIFE_AREA_COMBINING_ZONE;_WA

DLCD Technical Assistance Grant / Wildlife Inventory Update

In 2019, Deschutes County received an 18-month Department of Land Conservation and Development (DLCD) Technical Assistance grant to begin updating the County's Statewide Planning Goal 5 wildlife habitat inventories. For the initial phase of the project, the County engaged the public to present updated biological data and then gauged general interest in pursuing an update of three inventories that were selected by a team of wildlife biologists with experience in the County: (a) mule deer winter range, (b) elk winter range, and (c) sensitive birds (golden and bald eagles).

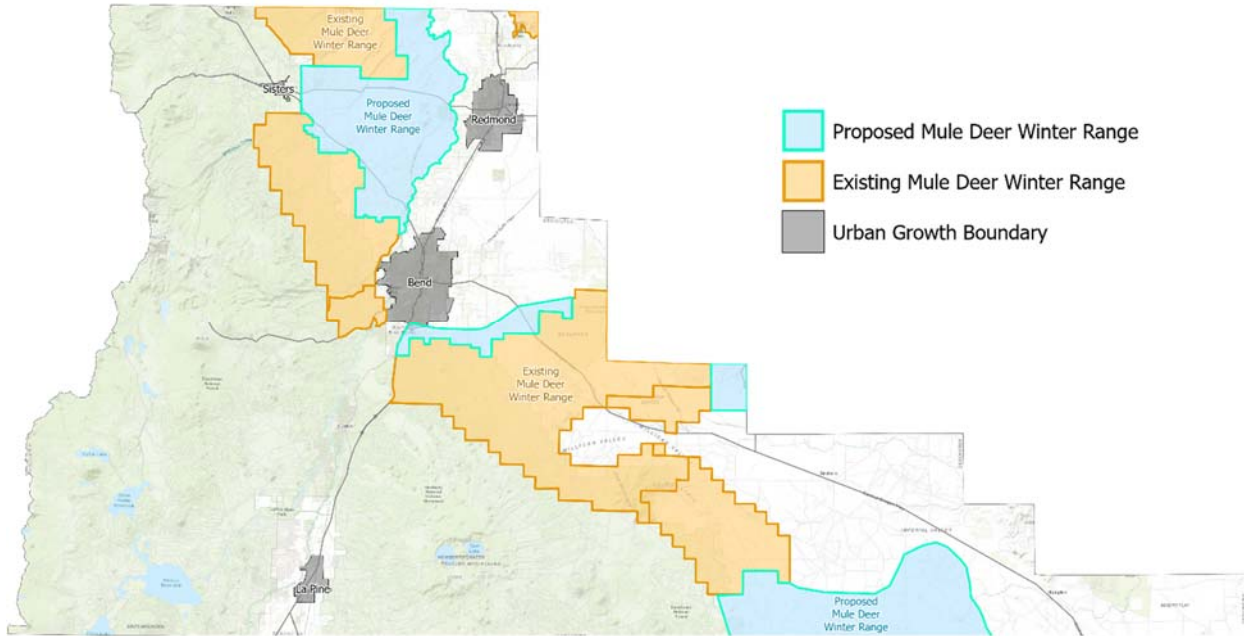
The inventory update process was managed by an Interagency Working Group (IWG), which consisted of technical experts from Oregon Department of Fish & Wildlife (ODFW), U.S. Fish & Wildlife Service (USFWS), and the project consultant wildlife biologist. The process was summarized in a report by the consultant (IWG Report), which is included as an appendix to the Public Outreach Report. The IWG Report provides an overview of the inventory selection process and the methodology of data collected and utilized by the IWG to form new recommended inventories for deer winter range, elk winter range, and sensitive birds. The IWG Report then formed the basis of the information presented during the public outreach process, which consisted of two virtual open houses, an interactive online StoryMap, and an online survey.⁵

As noted in the Public Outreach Report, the IWG collected raw data on the three selected inventories using several methods explained in the report (aerial, collar data, etc.); using that data, the IWG developed recommended new inventory areas. The proposed boundaries of the new inventories do not mean that the inventoried species only exist within the proposed boundaries. Rather, the areas within the proposed boundaries are the most biologically significant with respect to critical habitat.⁶ The proposed new inventory boundaries are illustrated below and viewable in greater detail on the project website at the link below:

<https://www.deschutes.org/muledeer>

⁵ <https://www.deschutes.org/cd/page/wildlife-inventory-update>

⁶ https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/wildlife_inventory_update_outreach_report_with_appendices.pdf



Mule Deer Inventory Pilot Project

On November 1, 2021, the Board of County Commissioners (Board) directed staff to update the Deschutes County Comprehensive Plan and DCC to address the new mule deer winter range inventory. It was recognized that this process has generally not been undertaken by Oregon counties, given the removal of periodic review requirements, as well as the time and resources required. Therefore, this inventory update can serve as a model for future wildlife inventory updates following the completion of the Comprehensive Plan Update.

The current WA Combining Zone for mule deer winter range, which remains unchanged and is not addressed by this proposal, covers approximately 315,847 acres; the 2023 area covers 188,132 acres, of which approximately 82,000 acres is nonfederal land and therefore is regulated by Deschutes County zoning. As in the existing WA Combining Zone, unincorporated communities (Tumalo and Terrebonne, as well as areas within urban growth boundaries and areas regulated pursuant to Title 19, remain exempt from the provisions of the combining zone's regulations due to their dense development pattern and mixture of residential, commercial, industrial and/or public uses.

Of the proposed 188,132 acres subject to the new WA-MD Combining Zone:

- 106,404 acres (56.5%) are on federal land
- 81,728 acres (43.4%) are on nonfederal land

Disaggregating the 81,728 acres on nonfederal land subject to Deschutes County's land use authority:

- 61,126 acres (3,573 tax lots) zoned Exclusive Farm Use

- 1,205 acres (9 tax lots) zoned Forest Use
- 9,368 acres (1,608 tax lots) zoned RR-10
- 7,603 acres (1,494 tax lots) zoned MUA-10
- 141 acres (3 tax lots) zoned OS&C
- 1,018 acres (26 tax lots) zoned Surface Mining
- 715 acres (39 tax lots) zoned Flood Plain

Conflicting Uses

The term “conflicting use” is used to refer to a land use or other activity reasonably and customarily subject to land use regulations that could adversely affect mule deer winter range, which is a significant Goal 5 resource.⁷ These findings will examine a number of conflicting uses to the mule deer winter range, and utilize an ESEE (Economic, Social, Environmental and Energy) analysis to consider potential scenarios for those conflicting uses to inform the proposed amendments. The process the County has used to identify the conflicting uses is explained in the sections below.

Previously Identified Conflicting Uses

Ordinance 92-041 states:

Conflicting Uses:

Researchers and the Oregon Department of Fish and Wildlife have identified dwellings, roads, and dogs as the major conflicts with wintering deer. Actions which cause deterioration of forage quality and quantity or cover are conflicting uses. Fences that do not allow safe passage of deer are also a conflicting use. Limiting conflicting uses greatly enhances the chances of survival for deer during the winter when they are gathered in the winter range and are competing for forage.

Dwellings, the residential land division which increase the supply of potential dwellings, and fencing were identified to be conflicting uses with mule deer winter range under Ordinance 92-041. This proposal considers dwellings as a conflicting use for the purpose of the analysis; however, fences and land divisions are addressed not as stand-alone conflicting uses, but as components of other uses (for instance, a land division results in dwellings) or, in the case of fencing, as criteria that are regulated as part of all uses. Following the approach taken in 1992, roads and dogs are not specifically analyzed as conflicting uses and are, instead, evaluated as part of other conflicting uses.

The 2009 interagency report stated:

⁷ ORS 660-023-0010. <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175709>
PAGE 4 OF 66 – EXHIBIT “X” TO ORDINANCE 2023-00x

Mule Deer in Deschutes County are considered by the Oregon Department of Fish and Wildlife to be sensitive to human disturbance. The land uses described throughout this document generate a high level of public activity, noise, and habitat alteration, which in turn can impact large geographic spaces and alter many acres of valuable wildlife habitat. Game species avoid areas with these uses, which results in reduced overall habitat effectiveness of these critical habitats.

In the ESEE, conflicting use impacts to mule deer habitat are evaluated based on the expected level of public activity, noise, and habitat alteration generated by the uses, as these habitat impacts can result in direct loss of habitat, interference with migration routes, increase in stress on animals through harassment, increase game-caused damage, reduction in overall mule deer population levels, and curtailment of recreational hunting opportunities.

ODFW Conflicting Use Recommendations

The following nine uses are prohibited in the existing mule deer winter range combining zone as codified in Deschutes County Code Chapter 18.88, Wildlife Area Combining Zone.⁸ These uses have been deemed conflicting uses for the 2023 combining zone by ODFW:

1. Bed and breakfast inn (see below for further discussion of this use);
2. Commercial dog kennel;
3. Dude ranch; (see below for further discussion of this use)
4. Fishing lodge.
5. Golf course, not included in a destination resort;
6. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
7. Public or private school;
8. Timeshare unit;
9. Veterinary clinic;

In 2009, ODFW, USFWS, Bureau of Land Management (BLM), and the U.S. Forest Service (USFS), collaborated to provide a report on wildlife in Deschutes County titled “Updated Wildlife Information and Recommendations for the Deschutes County Comprehensive Plan Update” (Interagency Report). It provided updated information to be used in revising County Goal 5 wildlife inventories, and most notably included several additional uses to add to the list of conflicting uses that were not envisioned at the time of the initial study. As the County began the current update process, ODFW reconfirmed that the below uses listed in the Interagency Report are deemed to be conflicting uses in the 2023 mule deer winter range combining zone because of expected level of public activity, noise, and/or habitat alteration generated by the uses:

⁸ DCC 18.88.040(B)

10. BMX courses (ODFW notes that this category could potentially include other types of bikes, i.e. mountain bike courses)
11. Guest ranch (see below for further discussion of this use)
12. Model airplane park
13. Off-Highway Motor Vehicle (OHV) course
14. Outdoor commercial events, i.e. wedding venues (see below for further discussion of this use)
15. Paintball course
16. Shooting range

After the publication of the Interagency Report, ODFW recommended that the following four additional uses be considered conflicting in the 2023 mule deer winter range combining zone owing to their high disturbance levels:

17. Commercial camping areas (see below for further discussion of this use)
18. RV park areas
19. Solar farms
20. Wind farm development

For clarity in the code and findings, certain uses with similar use characteristics and impacts have been grouped together. For example, outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses are grouped for evaluation and regulation.

Destination Resorts

As with the uses listed above, destination resorts have potential for high human use and disturbance. Ordinance 92-041 states:

The Department of Fish and Wildlife Land Use Planning Guide (1989) states that destination resorts, because of their intensity and scale of use, can result in direct loss of habitat, interference with migration routes, increase in stress on animals through harassment, increase game caused damage, reduction in overall population levels and curtail recreational hunting opportunities.

Given this, the process for establishing and regulating destination resorts with respect to Goal 5 wildlife resources is dictated by specific code provisions separate from those governing the other uses in these amendments.

Destination Resorts are regulated by DCC Chapter 18.113, which establishes a mechanism for siting destination resorts, including an eligibility map and approval criteria that require any negative impact on fish and wildlife resources to be completely mitigated, by mandating

that there be no net loss or net degradation of the resource.⁹ Destination resorts are subject to final master plan requirements that require evaluation of and address acknowledged Goal 5 resources in the Comprehensive Plan at the time of application. No new lands will be able to be added to the eligibility map for destination resorts.¹⁰ Because of this established process and applicable criteria, staff finds that destination resorts do not qualify as a conflicting use for the purpose of this analysis.

Outdoor Commercial Events

As described above, ODFW recommended that outdoor commercial events, such as wedding venues, be considered a conflicting use. Infrequent outdoor gatherings are not regulated by Deschutes County's Zoning Ordinance. They are instead regulated under DCC Chapter 8.16, Events, Parades, Funeral Processions and Outdoor Gatherings. These are one-time events that generally occur in the summer, not during the deer winter season, which has been identified by ODFW as lasting from December through March. Given the temporary, and typical seasonal scheduling of these events, as well as the fact that events are not regulated as land uses, these activities are not included as conflicting uses under this ESEE analysis.

Like destination resorts, Agri-Tourism and other Commercial Events or Activities are limited by existing County Code and conflicts are avoided by application of regulations that preclude the events/activities during the months of December through March:

- 13. *Agri-Tourism and other Commercial Events or Activities shall not be allowed:***
- a. *Within the County adopted big game winter ranges during the months of December through March.***¹¹

Given these factors, Deschutes County does not consider these uses a conflicting use for further analysis in the ESEE.

Single Family Dwellings and Land Divisions

Single family dwellings were identified by ODFW as a conflicting use in the 1992 ESEE, as cited in Ord. 92-041. This proposal considers dwellings as a conflicting use for the purpose of the analysis. Residential land divisions are addressed not as a stand-alone conflicting use because the mere division of land does not create a conflicting use. The County recognizes that residential land divisions are a mechanism to obtain a dwelling use.

⁹

DCC

18.113.070(D).

https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=18.113.070_Approval_Criteria

¹⁰ Lands can no longer be added to Deschutes County's Destination Resort eligibility map due to the fact that the City of Bend's Urban Growth Boundary exceeds a population of 100,000. ORS 197.455(1)(a) now prohibits the citing of destination resorts with residential uses within 24 air miles of the City of Bend's UGB. This radius, coupled with Deschutes County's other destination resort criteria (Comprehensive Plan Policy 3.9.3), precludes adding any new lands to the eligibility map.

¹¹ DCC 18.16.042(C)(13)

Conflicting Use Descriptions

Below is a list of each conflicting use that will be considered in the subsequent ESEE analysis (Appendix A). The uses listed above are those provided by ODFW or are from current Deschutes County Code. In certain cases, use category names have changed, are named differently in different base zones, or are sub-types of broader use categories. For the sake of clarity, this report has modified the terminology used to identify the various use categories set forth in the county Comprehensive Plan and Code. The following terms are used for organizing an ESEE analysis and a discussion of consequences that could result from different management approaches. Where the uses are defined in the DCC, these definitions are included.

Bed and breakfast inn: This use category remains named as such in most zones, but is now regulated as a “room and board arrangement” in the EFU zone under Deschutes County Ordinance No. 2009-014. This category, as analyzed in this proposal, also includes the MUA10 use “guest lodge”, as it has near identical operating characteristics and potential impacts.

“Bed and breakfast inn” means a single-family dwelling unit where lodging and meals are provided for compensation, in which no more than three guest rooms are provided for no more than eight guests. A guest shall not rent for a time period longer than 30 consecutive days.

“Room and board arrangement” means an owner-occupied single-family dwelling unit where lodging and meals are provided, in which no more than four guest rooms are provided for no more than five unrelated guests.

“Guest lodge” means an owner-occupied single-family dwelling unit located on a parcel of not less than five acres where lodging and meals are provided for compensation and in which no more than five guest rooms are provided for no more than 10 guests at one time.

BMX courses: This use would be reviewed as a type of a “Public Park,” “Private Park,” or “Recreation-oriented facility requiring large acreage.”

Campgrounds: ODFW recommends considering “commercial campgrounds” as a conflicting use. Because campgrounds have similar impacts to deer winter range regardless of ownership or business model, Deschutes County includes all campgrounds, not just commercial campgrounds, in this use category.

“Campground” means an area devoted to overnight, temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by the occupants of the campground. It is also

where facilities are provided to accommodate camping for two or more tents, travel trailers, yurts or recreational vehicles. A campground shall not include campsite utility hook-ups, intensely developed recreational uses such as swimming pools or tennis courts or commercial activities such as retail stores or gas stations. A private campground may provide yurts for overnight camping. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6-month period.

Commercial dog kennel: This use would be reviewed as a "Kennel".

"Kennel" means a lot or building in which four or more dogs, cats, pot bellied pigs or other animals at least four months of age are kept commercially for board, breeding, training or sale.

Dude ranch/Guest ranch: "Dude ranch" is a conditional use in the RR10 and MUA10 zones. "Guest ranch" is a use with similar operating characteristics in the EFU zone. Because guest and dude ranches have similar impacts to deer winter range, guest ranch and dude ranch uses are considered together as a single conflicting use.

"Dude ranch" means a ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

"Guest ranch" means a facility for overnight guest lodging units, including passive recreational activities and food services, as set forth in ORS 215 that are incidental and accessory to an existing livestock operation that qualifies as a farm use under DCC 18.04.030.

Fishing lodge: This is a use category in the Forest (F1 and F2) Zones.

Golf course, not included in a destination resort: This would be reviewed as a "golf course."

"Golf course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green and often one or more natural or artificial hazards. A "golf course" may be a nine or 18-hole regulation golf course or a combination nine and 18-hole regulation golf course consistent with the following:

1. A regulation 18-hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.

2. A regulation nine-hole golf course is generally characterized by a site of 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards and a par of 31 to 36 strokes.

"Golf course" does not include a stand-alone driving range. In EFU zones, "golf course" includes only regulation golf courses and does not include a golf course or golf course-like development that does not meet this definition. Excluded from this definition is such nonregulation development as executive golf courses, Par 3 golf courses, pitch and putt golf courses and miniature golf courses.

Model airplane park: These would be reviewed as a type of a "Public Park" or "Private Park". The use could possibly also be reviewed as a "Recreation-oriented facility requiring large acreage" in the RR10 zone.

OHV Course: These would be reviewed as a type of a "Public Park" or "Private Park". The use could possibly also be reviewed as a "Recreation-oriented facility requiring large acreage" in the RR10 zone.

Paintball course: These would be reviewed as a type of a "Public Park" or "Private Park". The use could possibly also be reviewed as a "Recreation-oriented facility requiring large acreage" in the RR10 zone.

Playground, recreation facility or community center: These would be reviewed as a type of a "Public Park" or "Private Park". The use could possibly also be reviewed as a "Recreation-oriented facility requiring large acreage" in the RR10 zone.

Public or private school: These would be reviewed as a type of a "Public School" or "Private School."

"School, private" means any licensed or accredited private entity that offers instruction or training for any academic, technical or identified occupational objective.

"School, public" means a school operated by a government agency.

Single-Family Dwelling: "Single family dwelling" means a detached building containing one dwelling unit and designed for occupancy by one family only, not including temporary structures such as tents, teepees, travel trailers and other similar structures.

Room and board arrangement: See "bed and breakfast inn" above.

RV park areas: Expansion of existing uses are currently allowed in the MUA-10 and RR-10 zones.

Shooting range: These would be reviewed as a type of a “Firearms training facility,” “Public Park,” or “Private Park.” The use could possibly also be reviewed as a “Recreation-oriented facility requiring large acreage” in the RR10 zone.

Photovoltaic solar power generation facility: These are defined in OAR 660-033-0130 and would be reviewed as a “Photovoltaic solar power generation facilities,” “Utility Facility,” or “Commercial utility facilities for the purpose of generating power.”

Timeshare unit: This use is defined in ORS 94.803:

As used in this section and ORS 94.807 (Application) to 94.945 (Advertising regulation):

- (18) “Timeshare” means a timeshare estate or a timeshare license.
- (20) “Timeshare estate” means a right to occupy an accommodation during five or more separated timeshare periods over a period of at least five years, including renewal options, coupled with a freehold estate or an estate for years in the timeshare property.
- (22) “Timeshare license” means a right to occupy an accommodation during five or more separated timeshare periods over a period of more than three years, including renewal options, not coupled with a freehold estate or an estate for years.

Wind farm developments: These are defined in OAR 660-033-0130 and would be reviewed as a “Wind power generation facilities” or “Utility Facility.” Staff notes that this prohibition does not include Wind Energy Systems That Generate Less Than 100 KW, regulated under DCC 18.116.300.

“Wind Energy System” consists of equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteries or other component used in the system. A wind energy system may be a grid-connected or a stand-alone system.

Veterinary clinic: These would be reviewed as a “Commercial Activity in Conjunction with Farm Use” or “Veterinary Clinic.”

III. PROPOSED AMENDMENTS

The proposed amendments to the Comprehensive Plan and Deschutes County Code (DCC) are described in Ordinance No. 2023-00x, Exhibit x. Added language is underlined and deleted shown as ~~strikethrough~~.

OAR 660-023-0040 – ESEE Decision Process, outlines the decision-making process for how a County chooses to allow, prohibit, or limit conflicting uses. Deschutes County has determined that all of the conflicting uses under consideration shall be limited in various ways, notwithstanding the possible impacts on the deer winter range. As determined in 1992, the deer winter range habitat and conflicting uses each are important. Conflicts between deer winter range habitat and conflicting uses are balanced by regulating such uses in different ways. The full methodology for these determinations occurs in Appendix A.

Allowed with Limitations

As described in the ESEE analysis in Appendix A, Deschutes County finds that the significance of mule deer winter range as weighed against the conflicting uses listed below warrants limiting such conflicting uses as set forth below.

Table 1 provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone.

Table 1 – Summary of Use Limitations

Conflicting Use	Limitation
<ul style="list-style-type: none"> • Golf course, not included in a destination resort; • Kennel; • Public or private school; • Bed and breakfast inn, room and board arrangement, or guest lodge; • Dude ranch; • Playground, recreation facility, or community center owned and operated by a government agency or a nonprofit community organization; • Timeshare unit, as defined in ORS 94.803; • Veterinary clinic; • Fishing lodge; • Guest ranch; • Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use 	<ul style="list-style-type: none"> • Seasonal limitations: prohibited December - March • Siting standards for buildings associated with the use • Locational and acreage standards for the use, all structures, and use areas • Fencing standards

category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	
<ul style="list-style-type: none"> • Recreational vehicle parks • Campgrounds 	<ul style="list-style-type: none"> • Fencing standards
<ul style="list-style-type: none"> • Photovoltaic solar power generation facility, as defined in OAR 660-033-0130. • Wind power generation facility, as defined in OAR 660-033-0130. 	<ul style="list-style-type: none"> • Locational standards: all buildings associated with these uses shall be located entirely within 1,320 feet of a County road designated as an arterial on the TSP. • Government Entities, including but not limited to quasi-municipal corporations, are exempt from locational standards
<p>For all uses, the above limitations may be waived by the County upon a determination that habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern, after consultation with the Oregon Department of Fish and Wildlife.</p>	
<p>Single Family Dwellings are proposed to be limited by siting standards requiring development near existing roads or alternative siting that provides equivalent habitat protection. Residential land divisions are proposed to be limited by partition/subdivision configuration requirements or alternative configurations that will provide equivalent habitat protections.</p>	

IV. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan and text amendment. Nonetheless, because this is a Deschutes County initiated amendment, the County bears the responsibility for justifying that the amendments are consistent with the Statewide Planning Goals and its Comprehensive Plan.

V. FINDINGS

Chapter 22.12, Legislative Procedures

Section 22.12.010.

Hearing Required

FINDING: The Planning Commission held a public hearing on April 13, 2023. The Board held a public hearing on [date]. This criterion is met.

Section 22.12.020, Notice

Notice

A. Published Notice

1. **Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.**
2. **The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.**

FINDING: This criterion is met as notice was published in the Bend Bulletin newspaper on [date] and [date] respectively.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: This criterion is met as notice was posted in the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend as well as on the Planning Division website on March 15, 2023.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: The Planning Director exercised his discretion not to provide individual notice to property owners. Individual notice is not required by ORS 215.503. This criterion is met.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided on March 16, 2023, to the County public information official for wider media distribution. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board. This criterion is met.

Section 22.12.040. Hearings Body

- A. The following shall serve as hearings or review body for legislative changes in this order:**
1. **The Planning Commission.**

2. *The Board of County Commissioners.*

FINDING: This criterion is met as the Planning Commission held an initial public hearing on April 13, 2023, followed by deliberations. The Board held its public hearing on [date].

B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.*

FINDING: This criterion is met as the Planning Commission public hearing preceded the Board public hearing.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: Land use application 247-23-000144-TA is implemented by Ordinance No. 2023-00x. This criterion is met.

Statewide Planning Goals

The parameters for evaluating these specific amendments are based on an adequate factual base and supportive evidence demonstrating consistency with Statewide Planning Goals. The following findings demonstrate that Ordinance No. 2023-00x complies with applicable statewide planning goals and state law.

- **Goal 1, Citizen Involvement,** is met through this adoption process because these amendments received a public hearing before the Planning Commission and the Board, consistent with ORS 215.060 and DCC 22.12.010.
- **Goal 2, Land Use Planning,** is met because ORS 197.610 allows local governments to initiate post acknowledgment plan amendments (PAPA). An Oregon Department of Land Conservation and Development 35-day notice was initiated on March 8, 2023.¹² This findings document provides the adequate factual basis and documented analysis for this plan and zoning text amendment.
- **Goal 3, Agricultural Lands**
ODFW has identified certain conflicting land uses in the 2023 mule deer winter deer range combining zone, which is located in certain mapped areas within the Exclusive Farm Use zones. Of the land uses being considered as conflicting uses in the 2023

¹² See footnote 1.

winter range combining zone, the uses set forth in Table 2 are allowed in DCC Chapter 18.16, Exclusive Farm Use (EFU).

Table 2 – Conflicting Uses / EFU Zone

Conflicting Use	Currently Allowed in the EFU Zone
Bed and Breakfast Inn/Room and Board Arrangement	DCC 18.16.030(S) - Room and board arrangements for a maximum of five unrelated persons in an existing residence.
Community Centers	DCC 18.16.030(I) - Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
Dog Kennel	DCC 18.16.030(AE) - Commercial dog boarding kennel.
Guest Ranch	DCC 18.16.037 - Guest Ranch.
Golf Course	DCC 18.16.031(B) - Golf course.
Shooting ranges, paintball course, BMX/mountain bike courses, model airplane park, campgrounds	These potentially may be permitted as sub-types of DCC 18.16.031(D) - Private parks, playgrounds, hunting and fishing preserves and campgrounds.
Public or private schools	DCC 18.16.031(E) - Public or private schools.
Single Family Dwellings	DCC 18.16.025 and 18.030
Photovoltaic Solar Power Generation Facility	DCC 18.16.030(AD) - Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.
Veterinary clinic	These potentially may be permitted as sub-types of DCC 18.16.030(E) - Commercial activities that are in conjunction with farm use.
Wind Power Generation Facility	DCC 18.16.030(AC) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.

Deschutes County may enact regulations that are more restrictive than state law, as long as they do not apply to land uses listed in ORS 215.283(1).¹³ *Brentmar v. Jackson County*, 321 Or. 481, 900 P.2d 1030 (1995). All of the uses listed above are not listed in ORS 215.283(1).

Goal 3, Agricultural Lands is met.

¹³ https://oregon.public.law/statutes/ors_215.283

- **Goal 4, Forest Lands:**

ODFW has identified several conflicting land uses in the 2023 mule deer winter range combining zone, which is located in certain mapped areas within Forest Use Zones. Of the land uses being considered as conflicting uses, the uses set forth in Table 3 are allowed in DCC Chapters 18.36, Forest Use Zone (F-1) and 18.40, Forest Use Zone (F-2):

Table 3 – Conflicting Uses / Forest Use Zones

Conflicting Use	Currently Allowed in the Forest Use Zones
Fishing lodge	DCC 18.36.030(U) and 18.40-030(V)- Private accommodations for fishing occupied on a temporary basis.
Single family dwellings	DCC 18.36.030 and 18.40.030
Shooting range	DCC 18.36.030(A) and 18.40-030(A) – Private hunting and fishing operations without any lodging accommodations. DCC 18.36.030(AD) and 18.40-030(FF)- Firearms training facility.
Shooting ranges, paintball course, BMX/mountain bike courses, model airplane park, campgrounds.	These potentially may be permitted as sub-types of DCC 18.36.030(G) and 18.40-030(H)- Private parks and campgrounds.

In the Forest Use zones, Deschutes County may enact regulations that are more restrictive than state law.

Goal 4, Forest Lands is met.

- **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces:** See Appendix A. This goal is met for the reasons set forth in Appendix A.
- **Goal 6, Air, Water and Land Resources Quality and Goal 7, Natural Hazards** are met because the County has other code provisions, DCC 18.16.025, Uses Permitted Subject to Special Provisions; 18.116, Supplementary Provisions; 18.124, Site Plan Review; and DCC 18.128 Conditional Use that are designed to protect air, water and land resources quality and to assure that permitted development mitigates its impacts in areas subject to natural resources and natural hazards.
- **Goal 8, Recreational Needs,** is not applicable because the proposed amendments are not addressing a recreational use or need. This goal is met.
- **Goal 9, Economic Development**
Deschutes County is proposing to limit certain conflicting uses in the 2023 mule deer winter range combining zone. Economic development considerations are discussed throughout the ESEE analysis and as such, this goal is met.

- **Goal 10, Housing** is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements. Therefore, this goal does not apply.
- **Goal 11, Public Facilities** is not applicable because the proposed amendments do not impact any existing public facilities nor do they substantiate a need for the development of new public facilities. Therefore, this goal does not apply.
- **Goal 12, Transportation**
The proposed amendments do not approve any specific development proposal. Development projects will be reviewed individually for compliance with the Transportation Planning Rule (TPR). Therefore, this goal does not apply.
- **Goal 13, Energy Conservation**
The proposed amendments do not approve any specific development proposal. Development projects will be reviewed individually for compliance with Deschutes County's Solar Height Restrictions, DCC 18.116.170 and the Uniform Building Code. Therefore, this goal does not apply.
- **Goal 14, Urbanization**, is not applicable because no expansion of an urban area is proposed with these amendments.
- **Goals 15 through 19** are not applicable to any amendments to the County's comprehensive plan because the county has none of those types of lands.

Deschutes County Comprehensive Plan

Chapter 2, Resource Management

Section 2.6, Wildlife Policies

Policy 2.6.3 Ensure Goal 5 wildlife inventories and habitat protection programs are up-to-date through public processes and expert sources, such as the 2009 Interagency Report.

FINDING: The inventory process and data collection was conducted by an Interagency Working Group (IWG) that consisted of technical experts from ODFW, USFWS, and the project consultant wildlife biologist. The IWG collected raw data on the selected inventory using several methods explained in its report (aerial, collar data, etc.); using that data, the IWG developed recommended new inventory areas for mule deer winter range, totaling 188,132 new acres separate from the existing 315,847 acres in the wildlife overlay zone (WA). The 2023 inventory does not mean that species do not exist outside of the proposed boundaries—rather, the areas within the proposed areas were deemed the most biologically

significant with respect to critical habitat.¹⁴ In identifying conflicting uses related to winter deer range, ODFW revisited and supplemented the Interagency Report's recommendations as described on page 6. The proposal is consistent with this policy.

Policy 2.6.4 Support incentives for restoring and/or preserving significant wildlife habitat by traditional means such as zoning or innovative means, including land swaps, conservation easements, transfer of development rights, tax incentives or purchase by public or non-profit agencies.

FINDING: Deschutes County is proposing to limit certain conflicting uses to mule deer range. The proposal is consistent with this policy.

Policy 2.6.7 Use a combination of incentives, regulations and education to promote stewardship of wildlife habitat and address the impacts of development.

FINDING: Deschutes County is proposing to limit certain conflicting uses to mule deer range in its regulatory framework set forth in the Deschutes County Code. Separate from this proposal, the County is currently undergoing an update of the Comprehensive Plan, in which wildlife goals and policies are being reviewed, including opportunities for education and incentives. The proposal is consistent with this policy.

¹⁴https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/wildlife_inventory_update_outreach_report_with_appendices.pdf

APPENDIX A – GOAL 5 FINDINGS

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

Chapter 660 - Division 23 - Procedures and Requirements For Complying With Goal 5

660-023-0250 - Applicability

(2) The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996. OAR 660, Division 16 applies to PAPAs initiated prior to September 1, 1996. For purposes of this section "initiated" means that the local government has deemed the PAPA application to be complete.

FINDING: Deschutes County initiated a PAPA in 2023. This rule applies.

(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

FINDING: This PAPA amends a resource list and a portion of an acknowledged plan and land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The County is applying Goal 5 in consideration of this PAPA.

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list;

FINDING: No new uses are proposed in this PAPA that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list. OAR 660-023-0250(3)(b) is inapplicable.

(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, division 16.

FINDING: Only the inventories and other implementing measures described herein are proposed for amendment. OAR 660-023-0250(4) is inapplicable.

(5) Local governments are required to amend acknowledged plan or land use regulations at periodic review to address Goal 5 and the requirements of this division only if one or more of the following conditions apply, unless exempted by the director under section (7) of this rule:

- (a) The plan was acknowledged to comply with Goal 5 prior to the applicability of OAR 660, division 16, and has not subsequently been amended in order to comply with that division;**
- (b) The jurisdiction includes riparian corridors, wetlands, or wildlife habitat as provided under OAR 660-023-0090 through 660-023-0110, or aggregate resources as provided under OAR 660-023-0180; or**
- (c) New information is submitted at the time of periodic review concerning resource sites not addressed by the plan at the time of acknowledgement or in previous periodic reviews, except for historic, open space, or scenic resources.**

FINDING: Deschutes County is not subject to periodic review.¹⁵ It nonetheless is initiating an update to its mule deer winter range and is subject to OAR 660, Division 23. OAR 660-023-0250(5) is inapplicable.

660-023-0020 - Standard and Specific Rules and Safe Harbors

- (1) The standard Goal 5 process, OAR 660-023-0030 through 660-023-0050, consists of procedures and requirements to guide local planning for all Goal 5 resource categories. This division also provides specific rules for each of the fifteen Goal 5 resource categories (see OAR 660-023-0090 through 660-023-0230). In some cases this division indicates that both the standard and the specific rules apply to Goal 5 decisions. In other cases, this division indicates that the specific rules supersede parts or all of the standard process rules (i.e., local governments must follow the specific rules rather than the standard Goal 5 process). In case of conflict, the resource-specific rules set forth in OAR 660-023-0090 through 660-023-0230 shall supersede the standard provisions in OAR 660-023-0030 through 660-023-0050.**
- (2) A “safe harbor” consists of an optional course of action that satisfies certain requirements under the standard process. Local governments may follow safe harbor requirements rather than addressing certain requirements in the standard Goal 5 process. For example, a jurisdiction may choose to identify “significant” riparian corridors using the safe harbor criteria under OAR 660-023-0090(5) rather than follow the general requirements for determining**

¹⁵ Periodic Review is a term used in Oregon law to describe the periodic evaluation and revision of a local comprehensive plan. Prior to 2003, state law (ORS 197.628 – 636) called for counties to review their comprehensive plans according to a periodic schedule established by the Land Conservation and Development Commission (LCDC). The Oregon Legislature eliminated periodic review requirements for counties in 2003 (SB 920).

“significance” in the standard Goal 5 process under OAR 660-023-0030(4). Similarly, a jurisdiction may adopt a wetlands ordinance that meets the requirements of OAR 660-023-0100(4)(b) in lieu of following the ESEE decision process in OAR 660-023-0040.

FINDING: Deschutes County relies on the “safe harbor” provisions of 660-023-0110, Wildlife Habitat, as described herein for the determination of wildlife habitat significance. In case of conflict, the resource-specific rules set forth in 660-023-0110, Wildlife Habitat, supersede the standard provisions in OAR 660-023-0030 through 660-023-0050. The proposal is consistent with OAR 660-023-0020(2).

660-023-0030 - Inventory Goal 5 Resources.

FINDING: Deschutes County adopted Ordinance Nos. 92-041 and 92-042, which addressed wildlife protection for mule deer, during periodic review in 1992. These ordinances amended the Wildlife Chapter of the Comprehensive Plan, and DCC 18.88, WA Combining Zone. Ordinance No. 92-041 adopted deer winter range based on an ESEE analysis.

Deschutes County is using newly available data to create the 2023 mule deer winter range combining zone. Deschutes County is relying on the safe harbor methodology described in section (4) of 660-023-0110, Wildlife Habitat, to conduct the inventory process and determine significant wildlife habitat, rather than the standard inventory process described in OAR 660-023-0030. The proposal is consistent with OAR 660-023-0030.

660-023-0110 - Wildlife Habitat.

(1) For purposes of this rule, the following definitions apply:

- (a) “Documented” means that an area is shown on a map published or issued by a state or federal agency or by a professional with demonstrated expertise in habitat identification.***
- (b) “Wildlife habitat” is an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites***

FINDING: Staff notes these definitions for the purposes of making findings below.

(2). Local governments shall conduct the inventory process and determine significant wildlife habitat as set forth in OAR 660-023-0250(5) by following either the safe harbor methodology described in section (4) of this rule or the standard inventory process described in OAR 660-023-0030.

FINDING: Deschutes County is relying on the safe harbor methodology described in section (4) of 660-023-0110, Wildlife Habitat, to conduct the inventory process and determine

significant wildlife habitat, rather than the standard inventory process described in OAR 660-023-0030. The proposal is consistent with OAR 660-023-0110(2).

(3). When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:

...

(c). Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).

FINDING: Deschutes County is relying on the safe harbor methodology described in section (4) of 660-023-0110, Wildlife Habitat, to conduct the inventory process and determine significant wildlife habitat, rather than the standard inventory process described in OAR 660-023-0030. The proposal is consistent with OAR 660-023-0110(3).

(4) Local governments may determine wildlife habitat significance under OAR 660-023-0040 or apply the safe harbor criteria in this section. Under the safe harbor, local governments may determine that “wildlife” does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:

FINDING: Deschutes County relies on the “safe harbor” provisions of 660-023-0110, Wildlife Habitat, as described herein for the determination of wildlife habitat significance. The proposal is consistent with OAR 660-023-0110(4).

(e). The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

FINDING: In 2021, ODFW identified and mapped a new inventory for mule deer winter range based on the process outlined herein.

Research tools available to scientists have evolved since the original wildlife-related inventories were adopted by the County back in the 1990s. For example, in the case of mule deer winter range habitat, since the County established the last inventory, ODFW revised study designs to alter winter range sampling to more effectively measure changes in the deer population. ODFW and their research partners also completed studies that tracked deer use of the winter range habitat by collaring some individuals with GPS location transmitters, greatly enhancing ODFW’s understanding of how deer are using the winter range habitat.

Finally, ODFW applied recently developed spatial modeling tools to better predict how mule deer utilize winter range habitat.

In order to effectively compile new inventory data pursuant to Oregon Administrative Rule, in 2020 the Community Development Department (CDD) hired a consultant, Mason, Bruce & Girard (MB&G), with wildlife biology expertise to function as a liaison between CDD and ODFW and USFWS, to understand the technical aspects and methodology of a new mule deer inventory, as well as two other inventories that received initial review but were not subsequently pursued for an update.

This Interagency Working Group (IWG) was tasked with reviewing existing data and developing new inventories based on the best available science and professional opinion. The IWG members included agency representatives from ODFW and USFWS; discussions were facilitated by MB&G. The IWG representatives worked within their agencies and, where appropriate, consulted with other biologists to gather the most current data to inform the inventory updates. The inventory process and data collected by the IWG was summarized in a report by the consultant.¹⁶

The 2023 mule deer winter range habitat was developed by ODFW based on the following data sources:

- The existing Deschutes County WA Combining Zone for mule deer winter range, including the Deer Winter Range, Tumalo Deer Winter Range, Metolius Deer Winter Range, Grizzly Deer Winter Range, and North Paulina Deer Winter Range.
- The biological mule deer winter range (ODFW 2012) which provides a general outline of mule deer winter range east of the crest of the Cascades in Oregon. ODFW considers the winter range to be that area normally occupied by deer from December through April.
- Aerial and ground survey observations of deer group sizes collected by ODFW biologists during each winter from 2015 through 2020 (unpublished).
- Mule deer resource selection function (RSF) model raster for probability of use in winter based on the “south central study” (Coe et al. 2018).
- Deer density polygons from two years of collar data for an area that was left out of the “south central study” (unpublished).

The 2023 mule deer winter range combining zone that constitutes this proposal covers approximately 188,132 acres.

Snapshots of the raw data informing the inventory update were provided by ODFW and are included in Appendix B of the IWG Report.¹⁷ In the context of the mule deer winter range

¹⁶https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/wildlife_inventory_update_outreach_report_with_appendices.pdf. Appendix A. Page 2.

¹⁷ Ibid. Appendix B.

(ODFW 2012) from which the significant inventory is derived, these newly selected areas were found to be particularly significant portions of the winter range habitat for mule deer based on the raw data inputs depicted in Appendix B of the IWG Report cited above, and therefore they were identified for protection by the members of the IWG representing ODFW. The proposal is consistent with OAR 660-023-0110(4)(e).

(3)(c) Information on quantity shall include an estimate of the relative abundance or scarcity of the resource.

According to ODFW, the Central Oregon mule deer population is declining at a rate of 10 percent per year. Mule deer populations are at 55 percent of their management objective. Decline in habitat and the scarcity of habitat compared to past decades due in part to increasing population and development is one of several factors that influences deer population. This criterion is met.

660-023-0040 – ESEE Decision Process

(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site.

FINDING: The conflicting uses identified for this proposal have been identified to the County by ODFW over time, beginning with those identified for the County's original 1992 WA Combining Zone. The following uses are prohibited in the existing WA combining zone. These uses were also recommended as conflicting uses for areas identified in the 2023 combining zone:

1. Bed and breakfast inn (see below for further discussion of this use)
2. Commercial dog kennel
3. Dude ranch¹⁸ (see below for further discussion of this use)
4. Fishing lodge
5. Golf course, not included in a destination resort

¹⁸ See footnote #7.

6. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization
7. Public or private school
8. Timeshare unit, as defined in ORS 94.803
9. Veterinary clinic

In 2009, ODFW, USFWS, Bureau of Land Management (BLM), and the U.S. Forest Service (USFS), collaborated to provide a report on wildlife in Deschutes County titled “Updated Wildlife Information and Recommendations for the Deschutes County Comprehensive Plan Update” (Interagency Report). It provided updated information to be used in revising County Goal 5 wildlife inventories, most notably several additional uses to add to the list of conflicting uses that were not envisioned at the time of the initial study. As the County began the current update process, ODFW reconfirmed that the below uses listed in the Interagency Report are deemed to be conflicting uses in the 2023 mule deer winter range combining zone because of expected level of public activity, noise, and/or habitat alteration generated by the uses:

10. BMX courses (ODFW notes that this category could potentially include other types of bikes, i.e. mountain bike courses)
11. Guest ranch (see below for further discussion of this use)
12. Model airplane park
13. Off-Highway Motor Vehicle (OHV) course
14. Outdoor commercial events, i.e. wedding venues (see below for further discussion of this use)
15. Paintball course
16. Shooting range

After the publication of the Interagency Report, ODFW recommended that the following four additional uses be considered conflicting in the 2023 mule deer winter range combining zone owing to their high disturbance levels:

17. Commercial camping areas (see below for further discussion of this use)
18. RV park areas
19. Solar farms
20. Wind farm development

For clarity in the code and findings, certain similar uses have been grouped together, specifically, outdoor sporting and recreation uses.

In addition, as discussed in the earlier description of conflicting uses on page 4, based on the ESEE analysis in Ordinance 92-040, single family dwellings are also included as conflicting uses.

Table A1 provides a summary of the conflicting uses that will be utilized in the ESEE analysis for the 2023 combining zone. The proposal is consistent with OAR 660-023-0040(1) and (2).

Table A1 – Summary of Conflicting Uses in 2023 Mule Deer Winter Range Combining Zone

Conflicting Uses
Golf course, not included in a destination resort;
Kennel
Public or private school
Bed and breakfast inn, room and board arrangement, or guest lodge
Dude/guest ranch
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization
Timeshare unit, as defined in ORS 94.803
Veterinary clinic
Fishing lodge
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.
Campgrounds
Recreational Vehicle Parks
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130
Wind power generation facility, as defined in OAR 660-033-0130
Single family dwellings

(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

FINDING: The 2023 mule deer winter range combining zone is comprised of 188,132 acres. Snapshots of the raw data informing this impact area were provided by ODFW and are included in Appendix B of the Public Outreach Report.¹⁹ Ordinance No. 2023-00x, Exhibit x also shows the affected tax lots in the impact area. The proposal is consistent with OAR 660-023-0040(3).

(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a

¹⁹ See Footnote #17.

conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

FINDING: As described herein, this document analyzes the ESEE consequences that could result from decisions to allow, limit, or prohibit each conflicting use. The analyses of the ESEE consequences will be adopted as part of the plan and as land use regulations. Generally, uses adversely impact the deer winter range where they:

- Increase habitat fragmentation through the introduction of new uses, driveways, roads, dogs, and fencing.
- Cause deterioration of forage quality, forage quantity, or cover.
- Cause high levels of public activity, noise, and habitat alteration.
- Result in fences that do not allow safe passage of deer are also a conflicting use.

The total consequences of these uses on habitat is a function of how frequently they occur, the total acreage impacted, and the intensity of the impacts. In the following ESEE analysis tables, estimates are provided on the total anticipated consequences from allowing, prohibiting, or limiting the conflicting use. Consequences are evaluated by:

- A description of how frequently the use type is anticipated to occur, often based on historical approvals.
- How much land is typically required by the use.
- The intensity of the positive or negative consequences anticipated.

The resulting evaluations rank consequences as Insignificant, Very Limited, Limited, Moderate, Significant, or Very Significant.

In the following tables, a blank response means that the consequences are generally well described by the “Common to all Conflicting Uses” discussion, and that there are no additional consequences specific to that use.

Note: Data in the tables below relating to potential single-family dwellings and land divisions are based on existing county records and analysis from the County’s Geographic Information Systems (GIS). This data has not been verified per-parcel and should be understood as a

general order of magnitude, rather than a precise count of potential single-family dwellings and land divisions.

(a) Allow the conflicting use.

FINDING: In this section, the consequences of fully allowing all identified conflicting uses are evaluated.

Economic consequences: Table A2 addresses the positive and negative economic consequences of allowing without restriction the conflicting land uses identified in Table A1 in the 2023 mule deer winter range combining zone.

Table A2 – Economic Consequences of Allowing Conflicting Uses

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
<p>Common to all Conflicting Uses</p>	<p>Continuing to allow each of the conflicting uses would provide direct economic benefits to the owners of the subject properties as well as the various industries that would market and develop the new uses.</p> <p>For commercial uses, ongoing employment opportunities and income streams are anticipated.</p>	<p>Based on testimony from ODFW, these land uses could lead to loss of habitat functions due to alterations of the landscape from development and impacts associated with increased activity, resulting in downward pressures on mule deer populations.</p> <p>ODFW estimates that hunting and wildlife viewing contributes more than \$50 million to the Deschutes County economy annually in increased tourism to the area.</p> <p>All the identified conflicting uses could have negative economic consequences, by reducing hunting and wildlife viewing opportunities. However, it is unclear to what extent changes in deer populations would impact hunting and wildlife viewing economic contributions.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Golf course, not included in a destination resort	<p>Deschutes County has not approved an independent golf course outside of a destination resort, resort community, or Sunriver (unincorporated community) since 1988 (Quail Run).</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited.</p> <p>Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>
Kennel	<p>Deschutes County has approved approximately 7 dog kennels since 1992.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited.</p> <p>Limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>
Public or private school	<p>There are several public and private schools located in rural Deschutes County to meet the needs of a growing population. All but one is located outside of a wildlife inventory in an unincorporated community of Tumalo, Terrebonne or Sunriver (Cascade Academy). Allowing public and private schools create positive economic consequences by supporting new businesses that help meet Deschutes County's growing population and student needs.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
<p>Bed and breakfast inn, room and board arrangement, or guest lodge</p>	<p>Approximately 11 such uses have been approved in the County since 1992.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>
<p>Dude/guest ranch</p>	<p>Permitting a guest/dude ranch could have positive economic consequences by allowing ranchers to supplement their farm income. To date, Deschutes County has approved two guest ranches. Only one is vested.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
<p>Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization</p>	<p>There are currently no playgrounds, recreation facilities or community centers located in the 2023 mule deer inventory area. Allowing these uses could create positive employment consequences by offering job opportunities and amenities to community members.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Timeshare unit, as defined in ORS 94.803	<p>Deschutes County has not approved a timeshare unit outside of a destination resort, resort community, or Sunriver (unincorporated community).</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Veterinary clinic	<p>There are several veterinary clinics in Deschutes County. Approximately 3 have been approved in recent years.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Fishing lodge	<p>Deschutes County has approved one fishing lodge. Due to the small number of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total economic benefits would be anticipated.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	<p>Deschutes County has approved a paintball course; two shooting ranges; zero OHV courses; zero model airplane courses; one bicycle course.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Campgrounds	<p>Deschutes County recently approved a camping area outside the new mule deer combining zone. To date, it is not vested. All remaining campsites on non-federal land are recognized as legal nonconforming uses.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Recreational Vehicle Parks	<p>Deschutes County has not approved an RV park for over 40 years due to restrictions in State law. Allowing an RV park could create positive economic consequences by supporting new businesses.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total economic benefits would be anticipated.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	<p>Deschutes County has approved six solar farms, five of which are vested. All five are located in areas outside a Goal 5 wildlife inventory.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total economic benefits would be anticipated.</p> <p>Governmental Entities, such as irrigation districts, have limited uses that can be undertaken on district lands. Solar generation represents a significant economic opportunity to these entities.</p>	<p>Limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
<p>Wind power generation facility, as defined in OAR 660-033-0130</p>	<p>Deschutes County has not approved a wind farm development.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. However, moderate economic benefit could come from future approvals.</p>	<p>Very limited total mule deer related economic losses would be anticipated due to the very limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
<p>Single family dwellings</p>	<p>Allowing single-family dwellings would result in very significant economic benefits through the residential development of vacant properties and creation of new properties for residential development.</p> <p>Since potential development of properties is dependent on a number of factors, any estimate of the number of potentially developable parcels is a rough estimate, at best. Staff estimates that there are approximately 1,000 existing properties in the inventory that might be residentially developed.</p> <p>Since potential land division of properties is dependent on a number of factors, any estimate of the number of parcels that might be created by land division is a rough estimate, at best. Staff estimates that there are approximately 500 new residential lots or parcels in the inventory that might be created by land division.</p>	<p>Moderate total mule deer related economic losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Social consequences:

Table A3 addresses the positive and negative social consequences of allowing without restriction the conflicting land uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A3 but is incorporated herein by reference.

Table A3 –Social Consequences of Allowing Conflicting Uses

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
Common to all Conflicting Uses		<p>Based on testimony from ODFW, these land uses could lead to loss of habitat functions due to alterations of the landscape from development and impacts associated with increased activity, resulting in downward pressures on mule deer populations. During the public open houses held in April 2021, many residents expressed their appreciation for wildlife and the importance of wildlife, including hunting opportunities, as a defining feature contributing to Deschutes County's quality of life.</p> <p>However, it is unclear to what extent changes in deer populations would change measures of quality of life.</p>
Golf course, not included in a destination resort;	<p>Allowing a golf course could create positive social consequences by adding another recreational amenity for residents and visitors.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be limited. Limited total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>
Kennel	<p>Allowing dog kennels could create positive social consequences by accommodating a growing population of dog ownership in a region known for being dog friendly.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
Public or private school	<p>Allowing public and private schools could create positive social consequences by increasing the supply of sites available to educate a growing student body.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>
Bed and breakfast inn, room and board arrangement, or guest lodge	<p>Allowing bed and breakfast inns/room and board arrangements/guest lodges could create positive social consequences by offering lodging opportunities for tourists and interacting with rural residents and business owners.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total social benefits would be anticipated.</p>	<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>
Dude/guest ranch	<p>Permitting a guest/dude ranch could have positive social consequences because passive recreational activities can include helping with chores, ranch tours, classes on ranching, animal care and raising crops, and horseback riding, providing people with connections to agriculture and the surrounding land.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total social benefits would be anticipated.</p>	<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
Playground, recreation facility or community center owned and operated by a government agency or a	<p>Allowing these uses could create positive social consequences by increasing the supply of sites available to offer amenities that foster community relationships.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
nonprofit community organization	Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. Moderate total social benefits would be anticipated.	
Timeshare unit	<p>Allowing a timeshare could create positive social consequences by adding another recreational amenity for visitors.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total social benefits would be anticipated.</p>	Very limited total mule deer related social losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Veterinary clinic	<p>Allowing veterinary clinics could create positive social consequences by helping to meet the needs of a growing population with pets and domestic livestock.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total social benefits would be anticipated.</p>	Very limited total mule deer related social losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Fishing lodge	<p>Allowing fishing lodges could create positive social consequences by establishing another recreational amenity for residents and visitors.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total social benefits would be anticipated.</p>	Very limited total mule deer related social losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane	Allowing these uses could generate positive social consequences by providing the potential for additional recreational amenities for residents and tourists. In the case of OHV and bicycle courses, it could offset growing impacts of	Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p>park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.</p>	<p>recreational biking use on federal lands and create a user experience that is less crowded for residents and visitors.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total social benefits would be anticipated.</p>	
<p>Campgrounds</p>	<p>Allowing camping areas could have positive social consequences by offsetting the growing impacts of dispersed camping on federal lands and addressing Deschutes County's housing crisis by helping to provide a safe, comfortable place to stay temporarily.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
<p>Recreational Vehicle Parks</p>	<p>Allowing RV park areas could have positive social consequences by offsetting the growing impacts of dispersed camping on federal lands to help address Deschutes County's housing crisis and creating a social environment for visitors and residents.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p>Photovoltaic solar power generation facility, as defined in OAR 660-033-0130</p>	<p>Allowing solar farms could have positive social consequences by bringing distinction to the county as a place to invest for renewable energy sources.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total social benefits would be anticipated.</p>	<p>Limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
<p>Wind power generation facility, as defined in OAR 660-033-0130</p>	<p>Allowing wind power generation facilities could have positive social consequences by bringing distinction to the county as a place to invest for renewable energy sources.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be very limited. Limited total social benefits would be anticipated.</p>	<p>Very limited total mule deer related social losses would be anticipated due to the very limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
<p>Single family dwellings</p>	<p>Allowing single-family dwellings would result in positive social consequence of increasing the supply of rural living options, for those people who prefer such options, through the residential development of vacant properties and creation of new properties for residential development. Very significant total social benefits would be anticipated.</p> <p>As described above, roughly 1,000 existing parcels could be residentially developed and 500 additional residential lots could be created through land division.</p>	<p>Moderate total mule deer related social losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Environmental consequences: Table A4 addresses the positive and negative environmental consequences of allowing without restriction the conflicting land uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A4 but is incorporated herein by reference.

Table A4 –Environmental Consequences of Allowing Conflicting Uses

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Common to all Conflicting Uses		Based on testimony from ODFW, these land uses could lead to loss of habitat functions due to alterations of the landscape from development and impacts associated with increased activity, resulting on downward pressures on mule deer populations. Based on testimony from ODFW, mule deer populations have declined significantly since 2000. Their testimony identified elements contributing to reductions in mule deer populations tied to land development and land uses that interrupt habitat functions, result in fragmentation of habitat, and cause overall disturbance and loss of winter range.
Golf course, not included in a destination resort		Limited total mule deer related environmental losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.
Kennel		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.
Public or private school		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Bed and breakfast inn, room and board arrangement, or guest lodge		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.
Dude/guest ranch	<p>There could be opportunities for voluntary stewardship practices by developers of any of these uses.</p> <p>Due to the small number of approvals to date, future approvals of this use type are anticipated to be very limited. Very limited total environmental benefits would be anticipated.</p>	Very limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Timeshare unit, as defined in ORS 94.803		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Veterinary clinic		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Fishing lodge		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
<p>Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.</p>	<p>Increased availability of shooting ranges and OHV courses could offset the impact of these uses on federal lands; for shooting ranges, this could include reduced dispersed lead contamination of soils on public lands.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total environmental benefits would be anticipated.</p>	<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
<p>Campgrounds</p>	<p>Increased availability of potential camping area sites could increase the total number of such sites and reduce trash, sewage, and general degradation of federal lands from dispersed camping.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total environmental benefits would be anticipated.</p>	<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>
<p>Recreational Vehicle Parks</p>	<p>Increased availability of potential RV park area sites could increase the total number of such sites and reduce trash, sewage, and general degradation of federal lands from dispersed camping.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Limited total environmental benefits would be anticipated.</p>	<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	<p>Increased availability of potential solar farm sites could increase the total number of such sites and reduce reliance on more pollution-intensive energy sources.</p> <p>Due to the number of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total environmental benefits would be anticipated.</p>	<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
Wind power generation facility, as defined in OAR 660-033-0130	<p>Increased availability of potential wind farm sites could increase the total number of such sites and reduce reliance on more pollution-intensive energy sources.</p> <p>Due to the lack of approvals to date, future approvals of this use type are anticipated to be limited. Moderate total environmental benefits would be anticipated.</p>	<p>Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and moderate habitat impacts per instance of the use.</p>
Single family dwellings		<p>Moderate total mule deer related environmental losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Energy consequences: Energy consumption is unlikely to be significantly affected by allowing the conflicting uses in the 2023 mule deer winter range combining zone. No significant changes in energy consumption are anticipated by allowing the conflicting uses in the 2023 mule deer winter range combining zone. Regarding solar and wind energy facilities, availability of land for the placement and maintenance of these systems would be maximized for efficiency by allowing these uses and would provide options for clean energy generation, resulting in moderate positive energy consequences of allowing the uses in the 2023 mule deer winter range combining zone.

Table A5 summarizes the net effect of **allowing the conflicting uses** in the 2023 mule deer winter range combining zone. The cumulative net effect column shows the “strength” of the positive or negative consequences of allowing the conflicting use, taking into account the intensity, scale, and demand based on prevalence and history of applications of each

conflicting use in the County. The maximum positive score in each category is +5 and the maximum negative score is -5, per-category. These points are assigned based on the consequence evaluations and are ranked as Insignificant (0), Very Limited (1), Limited (2), Moderate (3), Significant (4), or Very Significant (5). Negative consequence points are subtracted from positive consequence point to arrive at a score, per-use, and per-category of analysis.

A strong positive score suggests that, on the whole, allowing the conflicting use would provide a net benefit to the County, whereas a negative score would suggest that allowing the use might result in a net negative effect and should be considered for limitations or prohibition. Results of this table are carried forward to the Program Recommendation section of this analysis.

Table A5 – Summary of Consequences of Allowing Conflicting Uses

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Allowing
Golf course, not included in a destination resort	1	0	-2	0	-1
Kennel	0	0	-2	0	-2
Public or private school	1	0	-2	0	-1
Bed and breakfast inn, room and board arrangement, or guest lodge	1	1	-2	0	0
Dude/guest ranch	2	0	-2	0	0
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization	1	1	0	0	2
Timeshare unit, as defined in ORS 94.803	-1	1	-2	0	-2
Veterinary clinic	-1	0	-1	0	-2
Fishing lodge	-1	1	-1	0	-1
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian	0	0	-1	0	-1

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Allowing
trail uses, and uses subject to DCC 18.16.042.					
Campgrounds	0	1	0	0	1
Recreational vehicle parks	0	1	0	0	1
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	0	1	0	0	1
Wind power facility, as defined in OAR 660-033-0130	1	0	1	3	5
Single family dwellings	2	1	1	3	7

(b) Prohibit conflicting uses.

FINDING: In this scenario, Deschutes County would prohibit all of the conflicting uses identified in this document in the 2023 mule deer winter range combining zone. In the “prohibit” scenario, positive and negative consequences would be reversed from the “allow” scenario. For example, the positive economic effects of allowing single family residences would reverse, becoming very significantly negative in a “prohibit” scenario, but moderate benefits would accrue from the economic activity enhanced by hunting and wildlife viewing from the preserved mule deer habitat.

Consequently, the Economic, Social, Environmental, and Energy Consequences tables have not been duplicated here in reverse. The “prohibit” summary table is provided below.

Table A6 – Summary of Consequences of Prohibiting Conflicting Uses

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Allowing
Golf course, not included in a destination resort	-1	0	2	0	1
Kennel	0	0	2	0	2
Public or private school	-1	0	2	0	1
Bed and breakfast inn, room and board arrangement, or guest lodge	-1	-1	2	0	0
Dude/guest ranch	-2	0	2	0	0
Playground, recreation facility or community center owned and operated by a government agency or a	-1	-1	0	0	-2

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Allowing
nonprofit community organization					
Timeshare unit, as defined in ORS 94.803	1	-1	2	0	2
Veterinary clinic	1	0	1	0	2
Fishing lodge	1	-1	1	0	1
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	0	0	1	0	1
Campgrounds	0	-1	0	0	-1
Recreational vehicle parks	0	-1	0	0	-1
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	0	-1	0	0	-1
Wind power facility, as defined in OAR 660-033-0130	-1	0	-1	-3	-5
Single family dwellings	-2	-1	-1	-3	-7

(c) Limit conflicting uses.

FINDING: In this scenario, conflicting uses would be limited (by regulations) within the 2023 mule deer winter range, as outlined in Table 1, which provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in [Exhibit X](#), DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone.

Economic consequences: Table A7 addresses the positive and negative economic consequences of limiting conflicting uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A7 but is incorporated herein by reference.

Table A7 – Economic Consequences of Limiting Conflicting Uses

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
<p>Common to all Conflicting Uses</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the economic effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>Accordingly, the positive economic consequences are those listed in Table A2 and are not repeated here.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide economic benefits from enhancement of mule deer viewing and hunting opportunities. However, these benefits would be less than the “prohibit” option.</p> <p>Generally speaking, the magnitude of the economic loss to conflicting uses and gain to mule deer viewing and hunting opportunities would be roughly equivalent.</p> <p>Salient differences per-use, if any, are noted below.</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the economic effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide economic benefits from enhancement of wildlife viewing and hunting opportunities, when compared with the “allowed” option. However, these benefits would be less than the “prohibit” option.</p> <p>Salient differences per-use, if any, are noted below.</p>

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
Golf course, not included in a destination resort		<p>Very limited total mule deer related economic losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Kennel		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
Public or private school		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
Bed and breakfast inn, room and board arrangement, or guest lodge		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
Dude/guest ranch		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Timeshare unit, as defined in ORS 94.803		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Veterinary clinic		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
Fishing lodge		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
<p>Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.</p>		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Campgrounds		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Recreational Vehicle Parks		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>

Conflicting Use	Positive Economic Consequences of Limiting	Negative Economic Consequences of Limiting
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130		<p>Very limited total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be very limited.</p>
Wind power generation facility, as defined in OAR 660-033-0130		<p>Insignificant total mule deer related economic losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Economic losses associated with the proposed limitations are anticipated to be insignificant.</p>
Single family dwellings		<p>Under the proposed limitations, no dwelling or potential lots or parcels created by land division would be precluded. However, limitations on homesite location could result in the limited reduction in value of properties. In addition, limitations on land divisions could result in the limited reduction in the per-lot value of land divisions.</p> <p>Limited total mule deer related economic losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Social consequences:

Table A8 addresses the positive and negative social consequences of limiting the land uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A8 but is incorporated herein by reference.

Table A8 –Social Consequences of Limiting Conflicting Uses

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
<p>Common to all Conflicting Uses</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the social effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>Accordingly, the positive social consequences are those listed in Table A3 and are not repeated here.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide social benefits from enhancement of mule deer viewing and hunting opportunities. However, these benefits would be less than the “prohibit” option.</p> <p>Generally speaking, the magnitude of the social losses to conflicting uses and gain to mule deer viewing and hunting opportunities would be roughly equivalent.</p> <p>Salient differences per-use, if any, are noted below.</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the social effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide social benefits from enhancement of wildlife viewing and hunting opportunities, when compared with the “allowed” option. However, these benefits would be less than the “prohibit” option.</p> <p>Salient differences per-use, if any, are noted below.</p>

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
Golf course, not included in a destination resort;		<p>Very limited total mule deer related social losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Kennel		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
Public or private school		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
Bed and breakfast inn, room and board arrangement, or guest lodge		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
Dude/guest ranch		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Timeshare unit, as defined in ORS 94.803		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Veterinary clinic		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
Fishing lodge		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
<p>Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.</p>		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Campgrounds		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Recreational Vehicle Parks		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>

Conflicting Use	Positive Social Consequences of Limiting	Negative Social Consequences of Limiting
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130		<p>Very limited total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be very limited.</p>
Wind power generation facility, as defined in OAR 660-033-0130		<p>Insignificant total mule deer related social losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.</p> <p>Social losses associated with the proposed limitations are anticipated to be insignificant.</p>
Single family dwellings		<p>Under the proposed limitations, no dwelling or potential lots or parcels created by land division would be precluded. However, limitations on homesite location could result in the limited reduction in social value of properties. In addition, limitations on land divisions could result in the limited reduction in the per-lot value of land divisions.</p> <p>Limited total mule deer related social losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Environmental consequences: Table A9 addresses the positive and negative environmental Consequences of Limiting the land uses identified in Table A1 in the 2023 mule deer winter range combining zone. Staff notes that discussion of the historic prevalence of each conflicting use is not repeated in Table A9 but is incorporated herein by reference.

Table A9 – Environmental Consequences of Limiting Conflicting Uses

Conflicting Use	Positive Environmental Consequences of Limiting	Negative Environmental Consequences of Limiting
<p>Common to all Conflicting Uses</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the environmental effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>Accordingly, the positive environmental consequences are those listed in Table A4 and are not repeated here.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide environmental benefits from enhancement mule deer habitat. However, these benefits would be less than the “prohibit” option.</p> <p>Salient differences per-use, if any, are noted below.</p>	<p>Under the proposed limitations, each of the identified conflicting uses would be allowed with limitations. Because the limitations provide clear and objective means of compliance, as well as allowing for alternative methods of compliance that provide equivalent habitat protection, it is anticipated that the environmental effects of “allowing” or “limiting” conflicting uses would not be significantly different for those uses.</p> <p>In addition, the anticipated reduction in habitat fragmentation and degradation resulting from the proposed limitations would provide environmental benefits from enhancement of mule deer habitat, when compared with the “allowed” option. However, these benefits would be less than the “prohibit” option.</p> <p>Salient differences per-use, if any, are noted below.</p>
<p>Golf course, not included in a destination resort</p>		<p>Limited total mule deer related environmental losses would be anticipated, due to the very limited anticipated frequency of the use and extensive habitat impacts per instance of the use.</p>
<p>Kennel</p>		<p>Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.</p>

Conflicting Use	Positive Environmental Consequences of Limiting	Negative Environmental Consequences of Limiting
Public or private school		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and extensive habitat impacts per instance of the use.
Bed and breakfast inn, room and board arrangement, or guest lodge		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and very limited habitat impacts per instance of the use.
Dude/guest ranch		Very limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Timeshare unit, as defined in ORS 94.803		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Veterinary clinic		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.

Conflicting Use	Positive Environmental Consequences of Limiting	Negative Environmental Consequences of Limiting
Fishing lodge		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Campgrounds		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Recreational Vehicle Parks		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and limited habitat impacts per instance of the use.
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130		Limited total mule deer related environmental losses would be anticipated due to the limited anticipated frequency of the use and moderate habitat impacts per instance of the use.

Conflicting Use	Positive Environmental Consequences of Limiting	Negative Environmental Consequences of Limiting
Wind power generation facility, as defined in OAR 660-033-0130		Very limited total mule deer related environmental losses would be anticipated due to the very limited anticipated frequency of the use and moderate habitat impacts per instance of the use.
Single family dwellings		<p>Under the proposed limitations, no dwelling or potential lots or parcels created by land division would be precluded. However, limitations on homesite location could result in the limited reduction in the social value of properties. In addition, limitations on land divisions could result in the limited reduction in the per-lot social value of new lots or parcels</p> <p>Limited total mule deer related social losses would be anticipated due to the high anticipated frequency of the use and limited habitat impacts per instance of the use.</p>

Energy consequences: Energy consumption is unlikely to be significantly affected by limiting the conflicting uses in the 2023 mule deer winter range combining zone. No significant changes in energy consumption are anticipated by limiting the conflicting uses in the 2023 mule deer winter range combining zone. Regarding solar and wind energy facilities, availability of land for the placement and maintenance of these systems would be maximized for efficiency by limiting these uses and would provide options for clean energy generation, resulting in moderate positive energy consequences of limiting the uses.

Table A10 summarizes the net effect of limiting the conflicting uses in the 2023 mule deer winter range combining zone. The cumulative net effect column shows the “strength” of the positive or negative consequences of limiting the conflicting use, taking into account the intensity, scale, and relative prevalence of the use in the County. The maximum positive score is +5 and the maximum negative score is -5. A strong positive score suggests that, on the whole, limiting the conflicting use would provide a net benefit to the County, whereas a negative score would suggest that the use would have a net negative affect and should be considered for allowance or prohibition. Results of this table are carried forward to the Program Recommendation section of this analysis.

As shown in Table A10, the net effect of limiting conflicting uses in the 2023 mule deer winter range combining zone is **positive** for all uses to varying degrees. Placing various types of limitations on conflicting uses as described above aims to achieve a balance between full prohibition and full allowance, recognizing both property rights and economic opportunities while still creating meaningful protections for mule deer habitat.

Ensuring that these conflicting uses are available to property owners subject to limitations provides moderate economic or social benefits while still providing meaningful habitat protections. In addition, considering the lack of previous and anticipated demand for these uses, this option represents a balance wherein adverse effects are negligible.

Table A11 – Summary of Consequences of Limiting Conflicting Uses

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Limiting
Golf course, not included in a destination resort	2	1	-1	0	2
Kennel	1	1	-1	0	1
Public or private school	2	1	-1	0	2
Bed and breakfast inn, room and board arrangement, or guest lodge	2	2	-1	0	3
Dude/guest ranch	3	1	-1	0	3
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization	2	2	1	0	5
Timeshare unit, as defined in ORS 94.803	0	2	-1	0	1
Veterinary clinic	0	1	0	0	1
Fishing lodge	0	2	0	0	2
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	1	1	0	0	2
Campgrounds	1	2	1	0	4
Recreational vehicle parks	1	2	1	0	4

Conflicting Use	Economic	Social	Environmental	Energy	Cumulative Effect of Limiting
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	1	2	1	0	4
Wind power facility, as defined in OAR 660-033-0130	2	1	2	3	8
Single family dwellings	3	2	2	3	10

660-023-0040 - ESEE Decision Process

(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.***
- (b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.***
- (c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.***

FINDING: Table A12, below, identifies the “net effect” from Tables A5, A6, and A11 and provides a general assessment for each use category. The possible numeric values range from -10 to +10. A value of -10 suggests that the scenario (allow, limit, prohibit) would likely result in negative economic, social, environmental and energy consequences. Whereas, a value of +10 suggests that the scenario would likely result in positive consequences. The assessment is based on identifying the strongest positive outcome.

Table A12 – Summary of Net Effect of Allowing, Limiting, or Prohibiting Conflicting Uses within Mule Deer Winter Range

Conflicting Use	Allow (from Table A5)	Prohibit (from Table A6)	Limit (from Table A11)
Golf course, not included in a destination resort	-1	1	2
Kennel	-2	2	1
Public or private school	-1	1	2
Bed and breakfast inn, room and board arrangement, or guest lodge	0	0	3
Dude/guest ranch	0	0	3
Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization	2	-2	5
Timeshare unit, as defined in ORS 94.803	-2	2	1
Veterinary clinic	-2	2	1
Fishing lodge	-1	1	2
Outdoor sporting and recreation uses, including but not limited to paintball park, shooting range, off-highway motor vehicle course, model airplane park, or bicycle courses. This use category excludes equestrian uses, pedestrian trail uses, and uses subject to DCC 18.16.042.	-1	1	2
Campgrounds	1	-1	4
Recreational vehicle parks	1	-1	4
Photovoltaic solar power generation facility, as defined in OAR 660-033-0130	1	-1	4
Wind power facility, as defined in OAR 660-033-0130	5	-5	8
Single family dwellings	7	-7	10

Based on the ESEE Analysis, Deschutes County has determined, consistent with subsections (a), (b) and (c), that all of the conflicting uses under consideration shall be limited in various ways, notwithstanding the possible impacts on the deer winter range. As determined in 1992, the deer winter range habitat and conflicting uses are important relative to each other, and those conflicts are balanced by regulating certain uses in different ways.

Allowed with Limitations

As described in this ESEE analysis, Deschutes County finds that the significance of 2023 mule deer winter range compared to the conflicting uses listed below warrants limiting the listed conflicting uses.

Table 1 provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone.

660-023-0050 - Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).

FINDING: As noted above, Deschutes County has determined, consistent with subsections (a), (b) and (c), that all of the conflicting uses under consideration shall be limited in various ways, notwithstanding the possible impacts on the deer winter range. Table 1 provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone. The Comprehensive Plan and DCC have been updated to reflect this decision.

(2) When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:

(a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;

(b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or

(c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).

FINDING: As noted above, Deschutes County has determined, consistent with subsections (a), (b) and (c), that all of the conflicting uses under consideration shall be limited in various ways, notwithstanding the possible impacts on the deer winter range. Table 1 provides a general summary of proposed limitations to conflicting uses. Detailed limitations appear in Exhibit X, DCC 18.91 – 2023 Mule Deer Winter Range Combining Zone. The Comprehensive Plan and DCC have been updated to reflect this decision.

Implementing code has been designed to contain clear and objective standards or performance standards specifying the objective criteria to be used in evaluating outcome or performance. As described under OAR 660-023-0050(3), below, additional alternative approval processes that include land use regulations that are not clear and objective are also available.

- (3) In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:***
- (a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and***
 - (b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).***

FINDING: As noted above, the proposed regulations also provide an alternative to the clear and objective standards set forth in the Deschutes County Code. In each case, regulatory use limitations may be waived upon a determination that habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern, after consultation with the Oregon Department of Fish and Wildlife.

660-023-0060 - Notice and Land Owner Involvement

Local governments shall provide timely notice to landowners and opportunities for citizen involvement during the inventory and ESEE process. Notification and involvement of landowners, citizens, and public agencies should occur at the earliest possible opportunity whenever a Goal 5 task is undertaken in the periodic review or plan amendment process. A local government shall comply with its acknowledged citizen involvement program, with statewide goal requirements for citizen involvement and coordination, and with other applicable procedures in statutes, rules, or local ordinances.

FINDING: Deschutes County has provided timely notice to landowners and opportunities for citizen involvement throughout this process, recognizing the scale and complexity of the

proposal. Opportunities for public involvement during the first phase of this project, which addressed the initial biological inventory, included open houses, a website, and an online survey, which are summarized in the Public Outreach Report that culminated that phase.²⁰

For this proposal, Oregon Department of Land Conservation and Development 35-day notice was initiated on March 8, 2023. In addition, the County issued mailed notice to property owners in the 2023 Mule Deer Winter Range Combining Zone pursuant to ORS 215.503 and Ballot Measure 56 on March 15. As noted above, published and posted notice was provided pursuant to DCC 22.12.010. Deschutes County has coordinated with Oregon Department of Fish and Wildlife (ODFW) and the Department of Land Conservation and Development (DLCD) since the proposal was first envisioned in 2020.

For citizen involvement, three public information sessions were held prior to the first public hearing to give the public opportunities to understand the proposal and to ask questions of both planning staff and ODFW. The amendments, findings, maps, and a Frequently Asked Questions document were made available on a dedicated project website, along with the documents comprising the public record.

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https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/25713/wildlife_inventory_update_outreach_report_with_appendices.pdf