



MEMORANDUM

TO: Deschutes County Board of Commissioners (“Board”)
FROM: Nicole Mardell, AICP, Senior Planner
DATE: January 29, 2025
SUBJECT: Public Hearing: Greater Sage-Grouse Habitat Map Update

The Board will conduct a public hearing to gather testimony on Deschutes County file no. 247-24-000710-PA/737-ZC during the Board’s regularly scheduled meeting on February 5, 2025. The hearing will take place in the Barnes and Sawyer Rooms, 1300 NW Wall Street, Bend and virtually via Zoom. The proposal is to consider an update to the County’s Greater Sage-Grouse Area Combining Zone to be consistent with state administrative rule.

All record materials can be found on the project website: <https://bit.ly/2024sagegrouse>

I. BACKGROUND

In 2015, the Oregon Land Conservation and Development Commission (LCDC) adopted new rules¹ addressing potential conflicts between large-scale development and sage-grouse habitat. The rules applied to seven eastern Oregon counties with significant sage-grouse habitat, based on data and maps approved by the Oregon Fish and Wildlife Commission (OFWC) in 2011.

Shortly after this rulemaking, the Board of County Commissioners adopted Ordinance Nos. 2015-010 and 2015-011, incorporating sage-grouse habitat maps and regulations into the Deschutes County Code and Comprehensive Plan. This is implemented through Chapter 18.89, Greater Sage-Grouse Area Combining Zone (GSGA) of the Deschutes County Code.

The GSGA currently includes three habitat areas:

- Core Area, also known as Priority Areas for Conservation (PACs): mapped sagebrush types or other habitats that support sage-grouse annual life history requirements including leks². This area has

¹ OAR 660-23-0015

² “Lek” means an area where male sage-grouse display during the breeding season to attract females (also referred to as strutting-ground).

the greatest limitations and mitigation requirements for large-scale³ development.

- Low Density Habitat: mapped sagebrush types or other habitats that support sage-grouse. This area has limitations and mitigation requirements for large-scale development, although at a lesser tier than in core areas.
- General habitat: occupied (seasonal or year-round) habitat outside core and low-density habitats.

The GSGA Zone only applies to areas that are within 3.1 miles of a lek. Privately owned property in the Alfalfa, Horse Ridge East, and Bend-Tumalo-Redmond Exclusive Farm Use (EFU subzones) are included in these areas, as well as one property that is split-zoned and includes land zoned for Forest Use (F-1). Federal lands are exempt from County land use requirements, although several federally owned properties are included within the boundary of this zone.

The combining zone regulates activities potentially harmful to sage grouse habitats. Development projects within specified areas near occupied sage-grouse breeding sites, or leks, require County and ODFW review to ascertain if they pose a conflict. There are two main types: large-scale and smaller developments.

- Large-scale developments are subject to a two-step analysis, evaluating their size, potential impact area, traffic generation, height, and noise levels. Examples include solar projects and aggregate quarries.
- Smaller-scale developments in mapped sage-grouse habitat areas, like a two-acre guest ranch, would require evaluation from the Oregon Department of Fish and Wildlife (ODFW) for potential threats to the habitat.

The regulation and mitigation guidelines differ based on the area type - Core Area, Low Density Area, or General Habitat. These regulations detail allowable disturbances, mitigation measures, and consultations required with ODFW, ensuring the protection and conservation of the sage grouse habitat.

II. 2022-2025 UPDATE PROCESS

ODFW staff initiated the process to update the Sage-Grouse Conservation Assessment and Strategy for Oregon (CAAS) and statewide Sage-Grouse habitat maps in March 2022, utilizing new collaring data and

³ "Large-scale development" means uses that are: over 50 feet in height; have a direct impact in excess of five acres; generate more than 50 vehicle trips per day; or create noise levels of at least 70 dB at zero meters for sustained periods of time. Uses that constitute large-scale development also require review by county decision makers and are listed in one of the following categories identified in the table attached to OAR 660-033-0120.

- A. Commercial Uses.
- B. Mineral, Aggregate, Oil and Gas Uses.
- C. Transportation Uses.
- D. Utility/Solid Waste Disposal Facilities.
- E. Parks/Public/Quasi-Public.

advanced modeling. In December 2023, the OFWC adopted the new maps and began coordinating with DLCD to integrate the new information into OAR 660-023-0115.

In October 2024, CDD staff received notice of an LCDC public hearing to consider the new maps and minor definition changes. LCDC was required to send Measure 56 notice to all properties impacted by the map changes. The County mailed these notices on LCDC’s behalf on December 4, 2024. Following a public hearing on January 23, 2025, LCDC voted to adopt the updated habitat maps, although tabled adoption of the minor definition changes to a later date. Now that LCDC has adopted the maps, the land use requirements above apply to the updated habitat boundary.

To be consistent with state law, staff has initiated a post-acknowledgment plan amendment (PAPA) to update the local GSGA maps to be consistent with state law. These maps are included as Exhibit B of the attached Ordinance 2025-001. The County does not have discretion on amending or altering these maps in any way. Due to the mandatory nature of the text amendment, staff proposes the Board conduct the public hearing, deliberate, and consider emergency adoption of the proposed map amendments at the February 5, 2025, meeting.

III. NOTABLE MAP CHANGES

Staff presented an overview of the notable map changes to the Board during their November 18, 2024, meeting⁴.

Existing Total Area (Acres)	Draft Total Area (Acres)	Change
493,641	466,288	-27,353
Existing Non-Federal Taxlots	Draft Non-Federal Taxlots	Change
1,114	934	-180
Existing Non-Federal Acres	Draft Non-Federal Acres	Change
133,382	144,506	11,124

Overall, the updated maps result in minor changes to the mapped Sage-Grouse habitat in Deschutes County for non-federal properties (owned by County, State, or private parties). Approximately 180 taxlots (11,124 acres) will be removed from the habitat area entirely, while 188 taxlots will be newly added to the habitat area. Seventy (70) taxlots (13,604 acres) will be remapped from Low Density to Core Habitat and subject to additional regulations, while thirty-two (32) taxlots (3,626 acres) will be remapped from Core to Low Density and will be subject to lesser regulations.

IV. PUBLIC COMMENTS

Staff received two public comments following initiation of the post-acknowledgement plan amendment.

⁴ <https://mccmeetingspublic.blob.core.usgovcloudapi.net/deschutes-meet-c81edba0cd0b407eb50db16b6468ce92/ITEM-Attachment-001-09d9e7175e11419cb3443b6746820a9b.pdf>

The first requested information on the LCDC public hearing and information on the definition of “large scale development. The second expressed opposition to the map changes.

V. NEXT STEPS

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations;
- Close the hearing and schedule deliberations for a date and time to be determined; or
- Close the hearing, commence deliberations, and conduct first and second reading to adopt the ordinance by emergency.

ATTACHMENTS

Draft Ordinance No. 2025-001

- Exhibit A. Title 23.01
- Exhibit B. Zoning Maps
- Exhibit C. Chapter 5.12 Legislative History
- Exhibit D. Staff Findings