



## MEMORANDUM

**TO:** Deschutes County Board of County Commissioners (“Board”)

**FROM:** Nicole Mardell, AICP, Senior Planner – Long Range  
Will Groves, Planning Manager

**DATE:** November 1, 2024

**SUBJECT:** Greater Sage-Grouse – 2024 Mapping Update

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Staff will conduct a work session with the Board on November 18, 2024, to discuss the Oregon Department of Fish and Wildlife (ODFW)’s and the Oregon Department of Land Conservation and Development (LCDC)’s efforts to update the Greater Sage-Grouse habitat maps.

### I. BACKGROUND

In 2015, LCDC adopted new rules<sup>1</sup> 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 of the Deschutes County Code, the Greater-Sage Grouse Area Combining Zone.

The Greater-Sage Grouse Area Combining Zone 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

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<sup>1</sup> OAR 660-23-0015

including leks.<sup>2</sup> This area has the greatest limitations and mitigation requirements for large-scale<sup>3</sup> 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 Greater-Sage Grouse Combining Zone applies only to areas that are within 3.1 miles of a lek and apply to lands protected under Statewide Planning Goals 3 and 4. 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.

## II. 2022-2024 UPDATE PROCESS

ODFW staff initiated the process to update the Sage-Grouse Conservation Assessment and Strategy for Oregon (CAAS) and Sage-Grouse habitat maps in March 2022. The new maps were intended to provide a more accurate boundary of Greater Sage-Grouse habitat through updated collaring data. ODFW held a public outreach process in summer 2023 to gather feedback on the new maps, including outreach to County staff and individual property owners. Any amendments to the maps were required to be supported by biological data related to Greater-Sage Grouse leks and habitat areas. To our knowledge, no map amendments were submitted by Deschutes County residents to ODFW for consideration. In December 2023, the OFWC adopted the new maps and began coordination with DLCD to formally integrate the new information into OAR 660-023-0115.

Once adopted into OAR 660-023-0115, land use requirements would officially apply to the new map boundary. On Monday, October 21, 2024, CDD staff received notice of an LCDC

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<sup>2</sup> "Lek" means an area where male sage-grouse display during the breeding season to attract females (also referred to as strutting-ground).

<sup>3</sup> "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.

public hearing on January 23, 2025, to consider the new maps. LCDC is required to send Measure 56 notice to all properties impacted by the map changes. Deschutes County will be sending that notice on behalf of DLCD. The notice will also include information on a hearing before the Board of County Commissioners, as any changes to OAR 660-023-0115 require amendments to the County's Sage-Grouse Combining Zone, which implements the state rule.

### III. NOTABLE MAP CHANGES

At the July 2023 work session, staff presented information to the Board on notable map changes utilizing the dataset provided by ODFW. DLCD staff sent over a new dataset on October 21, 2024. After reanalyzing the new map information, it appears four properties in the Millican Rural Service Center have been removed from the low-density habitat area, and therefore are not subject to the requirements of OAR 660-023-0115. All other changes to properties in Deschutes County resulting from the map update are the same as presented in July 2023.

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, this process will result in minor changes to 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. 70 taxlots (13,604 acres) will be remapped from Low Density to Core Habitat and subject to additional regulations, while 32 taxlots (3,626 acres) will be remapped from Core to Low Density, and will be subject to lesser regulations.

### IV. IMPACT OF GREATER SAGE-GROUSE COMBINING ZONE

The combining zone aims to regulate activities that are 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. Meanwhile, 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.

The applicable regulations are discussed in greater detail in Attachment A.

## **V. NEXT STEPS**

Staff is seeking direction from the Board on providing comments to DLCD for the January 23, 2025, public hearing to adopt the new Greater Sage-Grouse maps into OAR 660-023-0115.

Following adoption of the maps by LCDC, staff will return for a public hearing before the Board to integrate the new map information into the County's Greater Sage-Grouse Combining Zone.

## **ATTACHMENTS**

- A. Ordinance No. 2015-010 and 2015-010 Findings – Establishment of Greater Sage-Grouse Combining Zone
- B. November 8, 2024: Draft Sage-Grouse Combining Zone Comparison Map