



## ATTACHMENT A - DRAFT STAFF FINDINGS

**FILE NUMBER(S):** 247-24-000710-PA, 737-ZC

**APPLICANT:** Deschutes County Planning Division

**REQUEST:** Amend Greater Sage-Grouse Area Combining Zone Map to comply with OAR 660-23-0115

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**RECORD:** Record items can be viewed and downloaded from:  
[Bit.ly/2024sagegrouse](https://bit.ly/2024sagegrouse)

### I. APPLICABLE CRITERIA

Deschutes County Code (DCC)  
Title 22, Deschutes County Development Procedures Ordinance  
Chapter 22.012, Legislative Procedures

Oregon Administrative Rule (OAR)  
OAR 660-015, Statewide Planning Goals and Guidelines  
OAR 660-023-0115, Procedures and Requirements for Complying with Goal 5, Greater Sage-Grouse

### II. BASIC FINDINGS

#### PROPOSAL

This is a legislative plan and text amendment to amend Deschutes County's Greater Sage-Grouse Area Combining Zone Map to comply with state law.

#### BACKGROUND

In 2015, the Land Conservation and Development Commission (LCDC) adopted OAR 660-023-0115. This rule requires seven eastern Oregon counties, including Deschutes County, to regulate large-scale development in Greater Sage-Grouse habitat. The Oregon Department of Fish and Wildlife (ODFW) produced a map of these habitat areas included as Exhibit B of the rule, which has been

incorporated into the County's zoning map as the Greater Sage-Grouse Area Combining Zone (GSGA).

On January 23, 2025, LCDC will consider adoption of an updated map of Greater Sage-Grouse habitat to replace Exhibit B, OAR 660-023-0115 in addition to minor definition changes. This new map provides updated guidance on general, low density, and core habitat areas through collaring data and ODFW's enhanced habitat modeling. As the rule will be amended, Deschutes County is required to update the GSGA to incorporate this new information.

LCDC is only considering an update to the map, no other changes to OAR 660-023-0115 are proposed. No changes to the County's development code are required.

### **REVIEW CRITERIA**

There are no specific criteria in DCC Titles 18, 22, or 23 for legislative plan and text amendment reviews. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and the County's Comprehensive Plan.

### **III. FINDINGS & CONCLUSIONS**

#### **CHAPTER 22.12, LEGISLATIVE PROCEDURES**

##### Section 22.12.010.

##### ***Hearing Required***

**FINDING:** This criterion is met. A public hearing will be held before the Board of County Commissioners on February 5, 2025, allowing for an opportunity for public testimony to be gathered.

##### 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 will be published in the Bend Bulletin newspaper on January 21, 2025, for the Board of County Commissioners' initial public hearing.

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

**FINDING:** The Planning Director determined that posted notice was not necessary.

- 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:** LCDC required the County to send Measure 56 notice to affected properties 45 days prior to LCDC hearing to adopt the new maps into OAR 660-023-0115. The notice was mailed on December 4, 2024.

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

**FINDING:** Notice was provided to the County public information officer for wider media distribution.

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 of County Commissioners and has received a fee waiver. 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.****
- 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:** The Planning Commission will hold a work session on this matter on January 23, 2025. Due to the limited scope of the amendment, focused solely on compliance with state law, a hearing before the Planning Commission was deemed unnecessary. The Board of County Commissioners will hold a public hearing on February 5, 2025.

Section 22.12.050 Final Decision

**All legislative changes shall be adopted by ordinance.**

**FINDING:** The proposed legislative changes will be implemented by Ordinance 2025-xxx, upon approval and adoption by the Board of County Commissioners. This criterion will be met.

**OAR 660-015, Statewide Planning Goals and Guidelines**

Goal 1: Citizen Involvement:

**FINDING:** The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning:

**FINDING:** The purpose of the amendment is to update the County's GSGA Combining Zone to comply with changes to state law. This criterion is met.

Goal 3: Agricultural Lands:

**FINDING:** No changes related to agricultural lands are proposed as part of the text amendments. This goal does not apply.

Goal 4: Forest Lands:

**FINDING:** No changes related to forest lands are proposed as part of the text amendments. This goal does not apply.

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

**FINDING:** Statewide Planning Goal 5 addresses natural resources, historic and cultural resources, and mineral and aggregate resources. The purpose of the amendment is to update County zoning maps to be consistent with OAR 660-023-0115, relating to the protection of Greater Sage-Grouse. This amendment is consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6. This goal does not apply.

Goal 7: Areas Subject to Natural Disasters and Hazards:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 7. This goal does not apply.

Goal 8: Recreational Needs:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 8. This goal does not apply.

Goal 9: Economic Development:

**FINDING** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 9. This goal does not apply.

Goal 10: Housing:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 10. This goal does not apply.

Goal 11: Public Facilities and Services:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 11. This goal does not apply.

Goal 12: Transportation:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 12. This goal does not apply.

Goal 13: Energy Conservation:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 13. This goal does not apply.

Goal 14: Urbanization:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 14. This goal does not apply.

Goals 15 through 19

**FINDING:** These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

**OAR 660, Division 23**

**Procedures and Requirements for Complying with Goal 5**

660-023-0115 Greater Sage-Grouse

- (5) ***Quality, Quantity and Location. For purposes of this rule, sage-grouse habitat is only present in Baker, Crook, Deschutes, Harney, Lake, Malheur and Union Counties. The location of sage-grouse habitat within these counties shall be determined by following the map produced by ODFW included as Exhibit B.***

**FINDING:** Exhibit B has been adopted through the County's GSGA Combining Zone. LCDC will consider adoption of an updated Exhibit B habitat map on January 23, 2025. The purpose of the amendments is to modify the County's GSGA Combining Zone to incorporate this updated map information. Therefore, this criterion is met.

**IV. CONCLUSION**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed map amendment as drafted.