

Greater Sage-Grouse Area Text Amendments

Applicant: Deschutes County

Planning Commission Work Session

September 10, 2015



Overview

- Background
- LCDC Rulemaking
- Comprehensive Plan and Zoning amendments (247-15-000445-PA)
- Public Hearing scheduled for **October 8, 2015** in Brothers



Background

- U.S. Fish and Wildlife Service in 2010 determined protection of greater sage-grouse under federal Endangered Species Act was warranted. Sage-grouse became a candidate species for listing
- Sage grouse habitat in Oregon includes 11 million acres distributed across five Bureau of Land Management (BLM) management districts in seven central and eastern Oregon counties
- Last January, Governor Kitzhaber requested LCDC initiate rulemaking to address potential conflicts between “large-scale development” and sage grouse habitat

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Background

- Goal is to demonstrate that Oregon can implement a plan of action that will demonstrate federal listing for sage-grouse in Oregon is unnecessary
- LCDC on July 24 adopted rules (OAR 660-023-0115) applying to non-federal lands in eastern Oregon. They became effective on August 13
- State law, ORS 197.646(3) **requires** seven eastern Oregon counties, including Deschutes, to implement them



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Comprehensive Plan Amendments

- Amending DCC 23.010.010, Introduction
- Adopting new ODFW Greater Sage Grouse Habitat [inventories](#)
- Removing outdated 1990 sage grouse inventory and lek locations from Sensitive Bird and Mammal Habitat Inventory
- Amending Chapter 2, Resource Management, Section 2.6 – Wildlife, describing new inventories and adding a policy
- Amending Chapter 5, Supplemental Sections, Section 5.12 – Legislative History

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Zoning Code Amendments

- Adopting new zone:
 - ❖ DCC Chapter 18.89, Greater Sage-Grouse Area Combining Zone ([mirrors Oregon Administrative Rule 660-023-0115](#))
- Removing outdated references to sage grouse and lek locations from DCC 18.90, Sensitive Bird and Mammal Habitat Combining Zone



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Greater Sage-Grouse Area Combining Zone

What does it accomplish?

- Establishes three sage-habitat areas in Exclusive Farm Use and Forest Use zones: core area, low density and general habitat within 3.1 miles of a lek
- Determines when development subject to land use regulation and mitigation
- Establishes disturbance threshold, limiting large scale development in each core area to 1% of total area for every ten year increment, not to exceed 3% overall

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Regulatory Thresholds

Two Types of Development Require Review

1. Large-scale development in core areas, low density, and lands within general habitat located within 3.1 miles of occupied or occupied-pending lek
2. Land uses that do not qualify as "large-scale development" require review if proposed in:
 - Core area within 4.0 miles of an occupied or occupied-pending lek;
 - Low density within 3.1 miles of an occupied or occupied-pending lek; or
 - General habitat within 3.1 miles of an occupied or occupied-pending lek

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Regulatory Thresholds

Large-scale Development

- Two part analysis:
 - Part 1 - Is it a regulated use (OAR 660-033-120 table)?
 - Part 2 -
 - ❖ 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?
- If yes to Part 1 and any Part 2 questions, land use subject to review

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Large-Scale Development

Core Area

- Large-scale development subject to the full mitigation hierarchy, which includes rigorous avoidance test, minimization requirements and compensatory mitigation responsibility
- Also subject to disturbance thresholds: 1% of core area over ten year increments with maximum 3% cap

Low Density

- Large-scale development also subject to the full mitigation hierarchy, but more lenient avoidance test applies to allow development in low density areas
- Not subject to disturbance cap

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Large-Scale Development

General Habitat

- Only applies to lands within 3.1 miles of a lek
- Development subject to consultation with ODFW
- Includes consideration for avoidance, in addition to minimization of activities and ordinary obligations for compensation mitigation
- Not subject to disturbance cap



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Regulatory Thresholds

Other Development

- Two part analysis:
 - Part 1 - Is it a regulated use (OAR 660-033-120 table)?
 - Part 2 – Is it located in:
 - ❖ Core area and within 4.0 miles of an occupied or occupied-pending lek?
 - ❖ Low density area and within 3.1 miles of an occupied or occupied-pending lek? or
 - ❖ General habitat and within 3.1 miles of an occupied or occupied-pending lek?
- If yes to Part 1 and any Part 2 questions, land use subject to review

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Other Development

Core Area

- If development proposed within 4 miles of lek:
 - ❖ Pre-application conference required with ODFW to determine if minimization of activities or mitigation is required
 - ❖ It should not result in denial of any proposal

Low Density / General Habitat

- If development proposed within 3.1 miles of lek:
 - ❖ Same as above

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Review Criteria

- ORS 197.646(3) requires Deschutes County to implement OAR 660-023-0115
- Changes to Comprehensive Plan and new regulations in DCC Chapter 18.89 mirror State rules
- Therefore, DCC Chapters 18.89 and revisions to DCC Chapter 18.90 are consistent with Comprehensive Plan

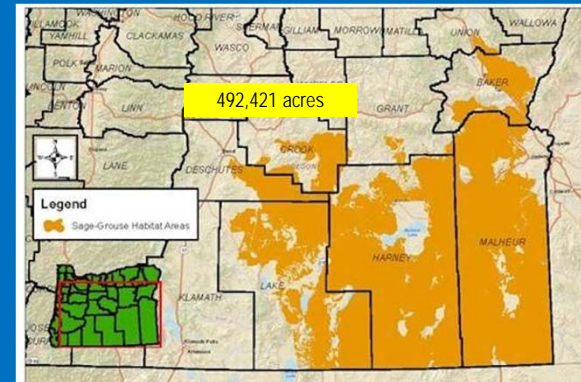


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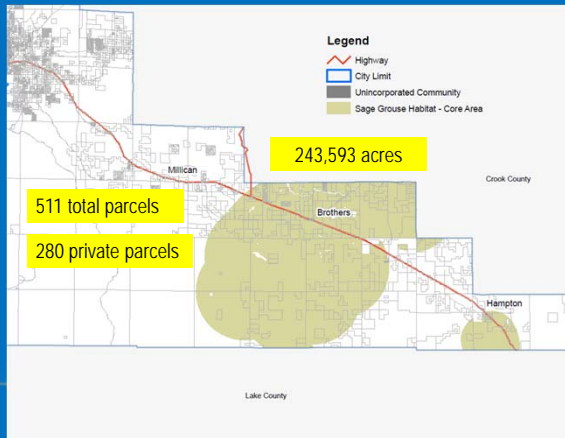
Questions or Comments . . .



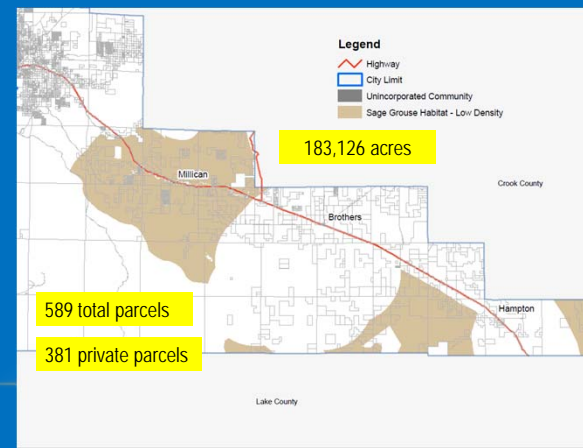
Deschutes County



Greater Sage Grouse Area Habitat Inventory



Greater Sage Grouse Area Habitat Inventory



Greater Sage Grouse Area Habitat Inventory

