



Community Development Department

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TO: Deschutes County Planning Commission

FROM: Matthew Martin, AICP, Associate Planner

DATE: May 4, 2017

SUBJECT: Work Session: County Land Use File Nos. 247-17-000140-ZC/141-PA/142-TA – Flood Plain Zone Amendments

I. SUMMARY

This memorandum summarizes the changes made to the original amendments that were presented at the public hearing on April 13, 2017. This information is provided in preparation for the work session on May 11, 2017.

II. BACKGROUND

The Planning Commission conducted a public hearing on April 13, 2017, to receive testimony on a package of legislative amendments to the Deschutes County Comprehensive Plan, Zoning Map, and Zoning Ordinance that change the Flood Plain zone to a combining (overlay) zone. Prior to the hearing, staff identified issues in the proposal that warranted continuing the public hearing to May 25, 2017.

III. UPDATED AMENDMENTS

Changes to the original package of amendments are focused on the zone change map exhibit and amendments to Deschutes County Code (DCC), Chapter 18.96. Changes to the zoning map will be handed out at the meeting. Updated amendments to DCC 18.96 are included as an attachment. Summaries of both are provided below.

Zone Change Exhibit A – Flood Plain Overlay Zone Map Amendment

Minor changes were made including:

- Reference to Maps 33-35 (unincorporated communities) added to cover reference map
- Added reference to Map 33 (Terrebonne) on Map 4
- Added reference to Map 34 (Tumalo) on Map 9
- Added reference to Map 35 (Sunriver) on Maps 16 and 21

Text Amendment: Exhibit D, Chapter 18.96. Flood Plain Combining Zone

- **Section 18.96.030. Uses Permitted Outright**
 - Subsection 18.936.030(A) provides reference to the underlining primary zone to determine those uses that are permitted outright.

- Subsection 18.96.030(B) recognizes there are additional uses that are specifically referenced in the flood plain zone that are permitted outright in the Flood Plain Combining Zone.
- Subsection 18.96.030(B)(10) adds reference to uses listed in section 18.120.050, Fill and Removal Exceptions, that are permitted outright in the Flood Plain Combining Zone.
- Subsection 18.96.030(B)(11) provides exception to flood plain zone standards if the location of development is located with the boundary of the Flood Plain Combining Zone but determined to be located outside for the Special Flood Hazard Area (aka 100-year flood plain).
- **Section 18.96.040. Conditional Uses Permitted**
 - Subsection 18.96.040(A) provides reference to the underlining primary zone to determine those uses that are permitted as conditional uses.
 - Subsection 18.96.040(B) allows "flood plain development" as a conditional use. As defined in Title 18, "flood plain development" means *any man made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.*
 - Subsection 18.96.040(C) includes conditional uses specific to the Flood Plain Combining Zone.
- **Section 18.96.045. Use Limitations**
 - Originally proposed section removed. The proposed exception for structures in the flood plain zone but found to be outside of the special flood hazard area was incorporated into section 18.96.030 as previously noted.
- **Section 18.96.070. Application for Conditional Use**
 - Subsection 18.96.070(A) is amended to provide an exception to the submission of flood elevation data if the proposal expressly precludes residential and non-residential construction flood plain area.
- **Section 18.96.080. Criteria to Evaluate Conditional Uses**
 - Subsection 18.96.080(E)(4) is amended, similar to above, to provide an exception to the submission of flood elevation data if the proposal expressly precludes residential and non-residential construction flood plain area.
 - Subsection 18.96.080(G)(8) is moved from section 18.96.040, conditional uses permitted. This use will continue to be regulated as a conditional use that is now defined generally as "Flood Plain Development."
 - Subsection (H)(5) was included in the original proposal but has since been removed. Staff has determined these standards for stream habitat restoration should be considered for a future individual amendment.

IV. NEXT STEPS

Following the work session on May 11, the continued public hearing is scheduled for May 25, 2017.

Attachment:

- Amendments to DCC 18.96 (Exhibit D)