AGENDA

DESCHUTES COUNTY PLANNING COMMISSION
NOVEMBER 14, 2019, 5:30 PM
BARNES SAWYER ROOMS
DESCHUTES SERVICES CENTER
1300 NW WALL STREET BEND, OR, 97703

I. Call to Order

II. Approval of September 12, 26 and October 10, 2019 Minutes

III. Public Comment

IV. Sunriver Business Park / Employee Housing Text Amendments / Public Hearing
   1. Public Hearing: Sunriver Employee Housing Text Amendments - Tanya Saltzman, Associate Planner

V. Flood Plain Amendments – Split Zone Amendment / Deliberation
   1. Cont'd Deliberations: Land Division of Split Zoned, Flood Plain Property Amendments (247-19-000532-TA) - Nicole Mardell, Associate Planner

VI. Nonprime Resource Lands / Work Session / Check-in
   1. Nonprime Resource Lands Update - Zechariah Heck, Associate Planner

VII. Planning Commission and Staff Comments

VIII. Adjourn
Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.
Cont’d Deliberations: Land Division of Split Zoned, Flood Plain Property Amendments (247-19-000532-TA)
MEMORANDUM

TO: Deschutes County Planning Commission
FROM: Nicole Mardell, Associate Planner
DATE: November 7, 2019
SUBJECT: Land Division of Split Zoned Flood Plain Property Amendments (247-19-000532-TA) – Continued Deliberations

The Deschutes County Planning Commission held public hearings on August 8, September 12, and September 26, 2019, respectively. Deliberations were initially scheduled for October 10, 2019. The Planning Commission postponed deliberations so staff could coordinate with stakeholders to better understand concerns raised during the hearing process.

I. PROPOSAL

Deschutes County, through File No. 247-19-000532-TA is amending the Deschutes County Zoning Ordinance to add procedures for divisions involving split zoned Flood Plain properties. Many properties in the County are split zoned, meaning they contain more than one base zone. Base zones control development and land division requirements including: permitted and conditional uses, setbacks, and minimum lots sizes for the creation of new parcels. The current county code is unclear as it pertains to division of Flood Plain, split zoned properties, and staff had to rely on previous administrative and Hearings Officers decisions to determine division eligibility.

These amendments are intended to clarify the requirements for land divisions as long as the property contains no more than two base zones and one comprehensive plan designation, and the Flood Plain portion of the property is entirely located on one parcel resulting from the division. The amendments do not alter the mapped Federal Emergency Management Agency (FEMA) Flood Plain zone boundary or the standards applicable to development within the Special Flood Hazard Area, also known as the 100-year Flood Plain. Extensive background is provided in the July 25, 2019 work session packet\(^1\) and on the project website: https://www.deschutes.org/cd/page/flood-plain-information-and-text-amendments.

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\(^1\) [http://deschutescountyor.igm2.com/Citizens/FileOpen.aspx?Type=1&ID=2126&Inline=True](http://deschutescountyor.igm2.com/Citizens/FileOpen.aspx?Type=1&ID=2126&Inline=True)
II. STAKEHOLDER ENGAGEMENT

The Planning Commission supported a staff recommendation to reach out to stakeholders who submitted comments on the Split Zone amendments to better understand their concerns and explore the potential for consensus. Since the October 10 meeting, staff met with Central Oregon LandWatch and Liz Fancher, who represents Fred and Theresa Netter.2

There was consensus that the Flood Plain Zone’s minimum lot size incorrectly limits the Netter’s property, and others similarly situated. The water source that previously could have caused flooding (irrigation canal) is no longer a risk as it has been piped. Since these properties are not near riparian areas associated with any inventoried river or stream, the Flood Plain portion of the property is not a Goal 5 (wildlife) resource. The wetlands on the property likewise are not associated with a riverine system or a perennial water body, and the County’s program to protect them does not include any limitations on dividing upland areas. Rather, Deschutes County Code contains specific development limitations, including special review and state agency coordination for fill and removal.

III. Refined Amendments

Based on the stakeholder meetings, the amendments now encompass the following criteria. An eligible Flood Plain zoned property must:

- Contain Exclusive Farm Use (EFU) zoning and an underlying Agricultural Comprehensive Plan Designation;
- Bisect, or be adjacent to a piped irrigation canal or lateral;
- Meet the EFU minimum lot size requirements for partitioning; and
- Not contain any Goal 5 resources or significant riparian habitat defined in Ordinance 94-007.

The requirement for Flood Plain zoned land to remain fully intact within a single parcel following division will remain.

IV. NEXT STEPS

The Planning Commission will continue deliberations on November 14, 2019. At the conclusion of the meeting, the Planning Commission can choose one of the following:

- Continue deliberations to a scheduled date;
- Conclude deliberations and recommend approval of the amendments as proposed;

2 Staff also reached out to other stakeholders (ODFW, Tim Ramis, and Myles Conway) who were comfortable with the refined, narrowed scope of the proposed amendments.
• Conclude deliberations and recommend approval of the amendments with additional minor changes; or
• Conclude deliberations and recommend denial of the proposed amendments.

ATTACHMENT
1. Refined Draft Text Amendments (11.7.19)
ATTACHMENT 1: ZONING TEXT AMENDMENTS

Chapter 18.96. FLOOD PLAIN ZONE - FP

18.96.010. Purposes.
18.96.020. Designated Areas.
18.96.030. Uses Permitted Outright.
18.96.050. Prohibited Uses.
18.96.060. Limitations on Conditional Uses.
18.96.070. Application for Conditional Use.
18.96.080. Criteria to Evaluate Conditional Uses.
18.96.085. Elevation Certification.
18.96.090. Yard and Setback Requirements.
18.96.100. Stream Setback.
18.96.110. Dimensional Standards.
18.96.120. Warning and Disclaimer of Liability.
18.96.130 Interpretation of FIRM Boundaries
18.96.140 Use Variances.
18.96.150 Acreage Calculation for Partition or Subdivision of Certain Properties Containing Flood Plain Zoned Lands

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18.96.150. Acreage Calculation for Partition or Subdivision of Certain Properties Containing Flood Plain Zoned Lands

Partitions of certain split-zoned properties are subject to the following area calculation and configuration standards.

A. Eligibility
   1. Property contains two base zones, Flood Plain and Exclusive Farm Use; and
   2. Property contains one Comprehensive Plan designation, Agricultural; and
   3. Property is not located in a WA Combining Zone and does not contain significant riparian habitat per Ordinance 94-007,
   4. Property adjoins or was formerly adjacent to or bisected by an irrigation canal or lateral that has been removed or piped; and
   5. Parent property must meet the minimum lot size requirements for partitions set forth in 18.16.055.

B. Procedure
   1. The Flood Plain and Exclusive Farm Use zoned area shall be summed for the purposes of lot area calculation.
   2. The minimum lot size for new parcels resulting from such partitions shall be determined by applying the minimum parcel sizes of DCC 18.16.055 and 18.16.065.
   3. All Flood Plain zoned lands from the parent lot or parcel must be contained within a single partition parcel.

(Ord 2019-0xx §1, 2019)