MEMORANDUM

TO: Deschutes County Planning Commission
FROM: Nicole Mardell, Associate Planner
DATE: August 1, 2019
SUBJECT: Model Flood Amendments (247-19-000530-TA / 533-PA) – Public Hearing

I. PROPOSAL
Deschutes County, through File Nos. 247-19-000530-TA / 533-PA, is amending the Deschutes County Zoning Ordinance and Comprehensive Plan to incorporate text from the Department of Land Conservation and Development (DLCD)'s 2014 Oregon Model Flood Damage Prevention Ordinance referred to hereafter as “DLCD's Model Flood Ordinance”. The purpose of incorporating these changes is to provide greater consistency between local land use approvals and state requirements.

II. BACKGROUND
On September 19, 2018, the Board adopted Ordinance 2018-005, reflecting large scale changes to the Flood Plain Zone, including a proposal to change the Base Zone to a Combining Zone, and proposed text changes to incorporate DLCD’s 2014 Oregon Model Flood Ordinance language, and to clarify procedures on cluster developments and land divisions on property zoned Flood Plain. The ordinance was then appealed to the Land Use Board of Appeals (LUBA), on the basis that the findings were incomplete and did not adequately address State Land Use Planning Goal 5, among other less substantial issues. Prior to the LUBA hearing and in consultation with County legal counsel, the Board found the need for substantial record additions. On May 8, 2019, the Board opted to repeal Ordinance No. 2018-005 (Ordinance 2019-010), and initiate a new Post Acknowledgement Plan Amendment (PAPA).

Following this process, the County determined the proposed amendments should be broken up into three separate packages in order to efficiently and effectively analyze the potential impacts to state and local goals and regulations. These amendments are solely focused on
amendments to the Deschutes County Code (DCC) and Comprehensive Plan that incorporate language from DLCD's Model Flood Ordinance. The Model Flood Ordinance is a statewide standard and includes requirements for critical facilities, accessory structures, and storage in the Flood Plain Zone, among other items listed in the attached Findings. Staff is proposing these amendments to ensure consistency among local land use approvals and state requirements.

III. WORK SESSION DISCUSSION AND MATERIALS
The Planning Commission held a work session at the Terrebonne Community School on July 25, 2019. Staff presented the staff findings and proposed amendments in the meeting packet, found on the Deschutes County public meetings page¹.

IV. PUBLIC COMMENTS
Staff received a comment from Nunzie Gould, directed generally at all three flood plain amendments, included as Attachment 1.

V. NEXT STEPS
The public hearing to take testimony on the proposed amendments will be held on Thursday, August 8, 2019 at 5:30 pm, in the Barnes and Sawyer Room, 1300 NW Wall Street, Bend, OR. At the conclusion of the public hearing, the Planning Commission can:

1) Continue the hearing to a date certain;
2) Close the hearing and leave the written record open to a date certain; or
3) Close the hearing, and commence deliberations.

ATTACHMENTS
1) Public Comment – Gould

¹ [http://deschutescounty.org/Citizens/FileOpen.aspx?Type=1&ID=2126&Inline=True](http://deschutescounty.org/Citizens/FileOpen.aspx?Type=1&ID=2126&Inline=True)
From: Nunzie <nunzie@pacifier.com>
Date: August 1, 2019 at 4:43:13 AM PDT
To: Nick Lelack <Nick.Lelack@deschutes.org>
Subject: flood plain text amendment

Please enter this email into the record for this evenings flood plain text amendment.

Human encroachment into and onto the floodplain is unwise especially with the following
CCR's are not enforced by Deschutes County: CCR's are set upon adjacent property owners to
take to civil court
Firewise treatments are occuring for views and in the guise of 'safety' where entire trees and
vegetation in the river setbacks are chopped down.
We have recently had another 25 year storm which when coupled with vegetative removal causes
huge sediment run offs into our river systems
Deschutes County Community Development does not actually implement conditions of
approval. Our code is complaint enforced: again this befalls our willing citizens.
We do not need changes to the flood plain setbacks and we certainly should not include flood
plain lands into measurements or calculations to justify adding density along our river systems in
Deschutes County.
The proposed flood plain text amendment is a one off for the 'lower bridge llc' development: the
language is poorly thought thru and could apply to areas within our scenic portion of our scenic
waterway just downstream from Twin Bridges Road:
We do not need more human encroachment on our river ecosystems.
Thank you
Nunzie Gould