MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nicole Mardell, Associate Planner

DATE: September 5, 2019

SUBJECT: Land Division of Split Zoned Flood Plain Property Amendments (247-19-000532-TA) – Continued Public Hearing

The Deschutes County Planning Commission held a public hearing on August 8, 2019. As there was extensive public testimony provided, the Commission chose to continue both the oral and written components of the public hearing until September 12, 2019.

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 staff 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 packet1 and on the project website: https://www.deschutes.org/cd/page/flood-plain-information-and-text-amendments.

1http://deschutescountyor.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2126&Inline=True
II. PUBLIC COMMENTS
Staff received written comments from the following individuals as of 10 am on September 5, 2019 (Attachment 1). Many of the comments received were generally opposed to any amendments involving the Flood Plain Zone due to impacts to wildlife from additional development near sensitive riparian areas. Conway proposed additional text to be included in the amendments to address lot line divisions on split zone properties containing Flood Plain Zoning. Fancher and Netter proposed minor text edits to provide clarity on eligible properties.

- Alvarado
- Benson
- Brewer
- Caram
- Castelbaum
- Central Oregon Land Watch
- Conway
- Elshoff
- Emerson/Brayfield
- Fancher
- Frank
- Gould
- Harris
- Kassy
- Kruse
- Lozito
- McKay
- Monte
- Netter
- ODFW - Vaughn
- Pederson
- Pokorny
- Quinlan
- Resto-Spotts
- Storm
- Warriner

III. ODFW TESTIMONY
The comments submitted by ODFW requested additional time to work with County staff on the proposed amendments. Staff has not received any additional materials from ODFW, outside of their initial testimony provided in their August 8, 2019 letter (Attachment 1) for reference. To provide greater context on the history of Deschutes County’s Goal 5 inventory, staff is including a more thoroughly detailed index and full text of previous ordinances (Attachment 2).

IV. NEXT STEPS
The public hearing to take testimony on the proposed amendments will be held on Thursday, September 12, 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 Comments – General Comments and Comments Specific to 247-19-000532-TA
2) Deschutes County Goal 5 Index and Ordinances