

WASCO COUNTY PLANNING COMMISSION

February 2, 2010

Meeting begins at 3:00p.m.

Columbia Gorge Discovery Center

Classroom, lower level

5000 Discovery Drive

The Dalles, OR 97058

I. REGULAR HEARING CALL TO ORDER

II. ROLL CALL

PLANNING COMMISSIONERS PRESENT

Don Hoffman
Vicki Ashley
Jill Amery
Russell Hargrave
Mike Omeg

PLANNING COMMISSIONERS ABSENT

Ron Archer
Joel Brown

COUNTY COMMISSIONERS PRESENT

Sherry Holliday (present for work session only)
Bill Lennox (present for work session only)
Dan Ericksen (present for work session only)

STAFF PRESENT

Todd Cornett, Planning Director
Gary Nychyk, Senior Planner
Brenda Jenkins, Planning Coordinator

III. PUBLIC COMMENT: Maximum 15 minutes, limited to items not being heard or discussed elsewhere on the agenda.

None

IV. APPROVAL OF PAST MINUTES- December 1, 2009

Vice Chair Ashley moved to approve the minutes as submitted.
Commissioner Amery seconded
Chair Hoffman called for discussion
None.
Chair Hoffman called for the vote

The motion was unanimously approved 4 to 0, 1 abstain (Commissioner Omeg), 2 absent (Commissioners Brown and Archer). A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hoffman – yes
Vice-Chair Ashley – yes
Commissioner Hargrave – yes
Commissioner Brown – absent
Commissioner Omeg – yes
Commissioner Archer – absent
Commissioner Amery – yes

- V. BOARD OF COUNTY COMMISSIONERS AND PLANNING COMMISSION JOINT WORK SESSION:
Wasco County proposal to amend Chapter 22 – Flood Damage Prevention of the Land Use and Development Ordinances in the County, as well as the National Scenic Area. The purposes of these amendments are to: 1) Update the Ordinances so that they comply with current FEMA regulations pertaining to development within the an Area of Special Flood Hazard, 2) Reorganize and restructure the ordinances to make it easier for the administrator of the ordinances and the public to understand and implement the applicable provisions, and 3) include new provisions in the ordinances to clarify the regulations and / or are thought to be beneficial to the citizens of the county. Ordinance Changes will include Chapter 1 – Definitions, Chapter 3 – Basic Provisions, and Chapter 22 – Flood Damage Prevention. Additionally, minor revisions are being proposed to Chapter 2 – Physical Characteristics and Chapter 15 – Goals and Policies of the Wasco County Comprehensive Plan.

Chair Hoffman opened the session as follows:

Chair Hoffman explained the procedure for the work session:

- a. The Planning Department will give a presentation.
- b. Members of the audience who wish to ask questions or provide comments will be allowed to do so after the presentation.
- c. The first evidentiary hearing will be held on March 2, 2010 at 3:00pm in this same location.

He further explained that a summary of today's workshop is available at the back of the room, and that all documents, comments and information pertaining to the proposed updates are available on the Planning Department's Website.

Chair Hoffman called for the staff presentation and staff report.

Gary Nychyk, Senior Planner

Senior Planner Nychyk presented the staff report as follows:

Goals: The Primary goals are to:

- 1) Amend ordinances pertaining to the Flood Hazard Overlay to be consistent with FEMA regulations,
- 2) Reorganize the ordinances to be more understandable and easier to implement, and
- 3) include provisions that Planning Staff feel are beneficial to Wasco County. Additionally, the contents of Flood Damage Protection (Chapter 22) will be moved into the Environmental Protection District (Division 1 – Flood Hazard Overlay) and Chapter 22 will be removed.

Last Meaningful Update: April, 1987: Although several attempts to update this ordinance have been made in the past few years, no request has been brought before the Planning Commission or County Commission.

Overall Process:

- Research and Write Draft Ordinances (one for the County and one for the NSA).
 - Review suggested amendments as proposed by the DLCD Natural Hazard Specialist.
 - Review current Oregon State Model Ordinance.

- Write draft Ordinance.
 - Provide draft Ordinance to DLCD Natural Hazard Specialist for comments.
 - Provide draft Ordinance to FEMA Region X representative.
 - Provide draft Ordinance to Gorge Commission Staff to initiate GC adoption.
 - Planning Commission Workshop
 - Direct property owner notification to all properties within 200 feet of the Area of Special Flood Hazard (ASFH) Boundary as shown in the Wasco County GIS. (This additional notification was done because the ASFH in Wasco County was not based on a Flood Insurance Study, and is only an approximation.)
 - Agency Notification
 - Information available on website and at counter
 - Recommended updates to Chapters 2 and 15 of the Wasco County Comprehensive Plan.
 - Recommended updates to Chapter 3 within each zone in the County.
 - Recommended updates to Section 3.740 (County) and Section 3.240 (NSA) of the Land Use and Development Ordinance.
 - Recommended deletion of Chapter 22 from both the County LUDO and the NSA LUDO.
 - Comments can be submitted via email through our website, in writing or at the workshop.
 - Planning Commission Hearing (scheduled for March 2, 2010 at 3:00 PM).
 - Direct property owner notification as described above.
 - Information available on website and at counter:
 - All information provided during the Workshop, and
 - Potential amendments to the Comprehensive Plan and Ordinances that were included either at or after the Workshop.
 - Comments can be submitted via email through our website, in writing or at the Hearing.
 - County Commission Hearing (Tentatively scheduled for April 7, 2010 in Room 202 of the Court House at 10:00 AM)
 - Notification will only be to those who have participated at prior hearings, submitted written comments, or requested to be notified.
 - Information available on website and at counter:
 - All information provided at the Planning Commission Hearing, and
 - Potential amendments to the Comprehensive Plan and Ordinances that were included either at or after the Planning Commission Hearing.
 - Comments can be submitted via email through our website, in writing or at the workshop.
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Today's Workshop Procedure:

- I will present proposed changes of note. The summary has been provided as a handout. The summary corresponds to the changes I will be discussing, and I will be using the projector to show the actual amendments. The page numbers are included the summary for each proposed change. Changes within the ordinance are marked by either yellow highlight (DLCD recommendations and text removal through strikethrough) or gray highlight (Staff recommended changes) and the sections are marked in the actual chapter by the use of cyan highlight.
- Members of the Planning Commission and County Commission should feel free to ask questions throughout the presentation.

- Members of the audience will be able to ask questions or provide comments once my presentation is complete.

For your convenience, I have included note pads and pens at the back of the room.

You will need to come up to the table, state your name and sign in. If the question is simple I will try and answer it after it is asked. If it is detailed I will try and get to it after everyone has had a chance to comment.

Proposed Changes of Note

A. Wasco County Land Use and Development Ordinance Changes

1. Chapter 3 – Basic Provisions and Zoning (Pages 3.110-10, 3.120-15, 3.210-13, 3.220-4, 3.230-4, 3.240-3, 3.250-4, 3.310-3, 3.410-3, 3.510-3, 3.601-3, 3.602-3, 3.603-4, 3.604-4, 3.606-3, 3.611-3, 3.612-3, 3.613-3, 3.614-3 and Section 3.740 Division 1 – Flood Hazard Overlay)

Amended the “Development Standards” from each Zone as follows:

Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740, Flood Hazard Overlay

This language will be added to each zone in Wasco County.

2. Division 1 Flood Hazard Overlay
 1. Relocation: The Flood Hazard Overlay provisions were relocated from Chapter 22 – Flood Damage Prevention. This relocation was done in the County and NSA LUDO.
 2. Overall Reorganization
Chapter 22 currently is composed of eighteen (18) sections that are organized (more or less) by the date the original idea was conceived. This results in unrelated concepts being grouped together and certain related sections being located in completely different parts of the ordinance. Implementing an ordinance that is organized this way is extremely difficult, and can easily lead to mistakes. Therefore, the Planning Department reorganized the ordinance into nine (9) sections that group similar concepts together.
3. Section 3.740 Flood Hazard Overlay (page 3.740-1)
 - a. Reorganization of this section includes:
 - i. Statement of Purpose (moved from 22.010 to 3.740.A.2)
 - ii. Methods of Reducing Flood Losses (moved from 22.020 to 3.740.A.3)
 - iii. Applicability now includes:
 - (1) Lands to which this Chapter Applies (from 22.040 to 3.740.B.1)
 - (2) Basis for Establishing ASFH (from 22.050 to 3.740.B.2)
 - (3) Abrogation and Greater Restrictions (from 22.060 to 3.740.B.3)
 - (4) Interpretation (moved from 22.070 to 3.740.C)
 - (5) Warning and Disclaimer of Liability (from 22.080 to 3.740.D)

- b. DLCD Recommended Changes:
 - i. Findings of Fact: Recommended verbatim from DLCD model ordinance. This section lays the foundation behind establishing the flood protection ordinance.
 - ii. Abrogation and Greater Restrictions: Specifically included state building codes in the second sentence to indicate that this ordinance is not meant to usurp other regulations or legal agreements.
- c. Staff Recommended Changes
 - i. Included a provision under Applicability to let the Planning Director evaluate proposed development that appears to be outside of the ASFH. The reason for this inclusion is to reiterate that Wasco County only includes Approximate A-Zones with no established Base Flood Elevation. Proposed language is as follows:

Although Wasco County holds and utilizes the official Flood Insurance Rate Maps (FIRMs) supplied by FEMA, there is no Flood Insurance Study (FIS) for the County. This FIS typically provides the detailed information and cross sections necessary to establish the Base Flood Elevation in a given area. For that reason, the Area of Special Flood Hazard as shown on the FEMA FIRMs is only an approximation of the Floodplain boundary. Without the FIS, the Director may require additional information to determine that a proposed development, which may appear to be located outside of an Area of Special Flood Hazard based on the FIRMs, is in fact reasonably safe from flooding as required by Section 3.742.B – Duties and Responsibilities of the Planning Director. In a situation where the Director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, it shall be the responsibility of the applicant to provide the Base Flood Elevation for the property using FEMA approved methodologies.

- 4. Section 3.741 Special Definitions (Page 3.740-4)
 - a. Reorganization of this section includes: moving this section from 22.030.
 - b. DLCD Recommended Changes
 - 1. Added Appeal:
 - 2. Added Base Flood Elevation:
 - 3. Added Basement:
 - 4. Added Critical Facility
 - 5. Added Existing Manufactured Home Park:
 - 6. Added Expansion to an Existing Manufactured Home Park:
 - 7. Added Flood Insurance Study:
 - 8. Amended Manufactured Home to include a recommended statement that “**The term ‘manufactured home’ does not include a ‘recreational vehicle’.**”
 - 9. Added New Construction:
 - 10. Added New Manufactured Home Park:
 - 11. Added Recreational Vehicle:
 - c. Staff Recommended Changes
 - i. Section Header: Added statement to clarify the applicability of Definitions found in this section.
 - ii. Critical Facility: Added language requiring a Variance to place a Critical Facility in the ASFH.
 - iii. Expansion to an Existing Manufactured Home Park: Added language requiring a Variance to place an Expansion of an Existing Manufactured Home Park within the ASFH.
 - iv. Added Flood Resistant Material:

- v. Added Improvement or Repair Cost:
 - vi. New Manufactured Home Park: Added language requiring a Variance to place a New Manufactured Home Park within the ASFH.
 - vii. Added Raised Structure
5. Section 3.742 Planning Director (page 3.740-9)
- a. Reorganization of this section includes:
 - i. Designation of the Planning Director (moved from 22.100)
 - ii. Duties and responsibilities of the Planning Director (moved from 22.120 and 22.140)
 - b. DLCD Recommended Changes
 - i. Amend Alteration of Watercourses to include maintenance requirement (Subsection b).
 - ii. Amend Information to be Obtained and Maintained by adding language that specifies the as-built elevation of new development.
 - c. Staff Recommended Changes
 - i. Added Determination of Appropriate Review Method to clarify which review process (Type I or Type II) would be used. This section gives the Director the authority to determine if a request can be reviewed through the Ministerial process. **(THIS LANGUAGE WILL NOT BE INCLUDED IN THE NSA ORDINANCE)**
 - ii. Added "Development" to the title of Development Permit Review: This addition clarifies that the permit being described is specifically a Development Permit associated with the Flood Hazard Overlay.
 - iii. Added specific jurisdictions to the notification section of Alteration of Watercourses to ensure that the Planner notifies the appropriate agencies.
 - iv. Added two (2) responsibilities to the Planning Director in the Information to be Obtained and Maintained section.
6. Section 3.743 Development Permit (page 3.740-11)
- a. Reorganization of this section includes:
 - i. Establishment of Development Permit (moved from 22.090)
 - ii. Application Requirements (Moved from part of 22.090)
 - iii. General Standards (moved from 22.130)
 - iv. Specific Standards (moved from 22.120A, 22.130, 22.130.D, 22.150, 22.160, 22.170, and, 22.180.B)
 - b. DLCD Recommended Changes
 - i. Establishment of Development Permit. Added language indicating that the Development permit is for all structures and all development.
 - ii. Amended Manufactured Homes for compliance with current regulations.
 - iii. Added language as recommended by DLCD to clarify skirting on Manufactured Homes:
 - iv. Added provisions specific to Recreational Vehicles:
 - v. Amended Non-Residential Construction to require flood proofing "at or above" instead of "to" the BFE.
 - vi. Added recommended provisions specific to Critical Facilities:
 - c. Staff Recommended Changes

- i. Added provisions for Establishing the Development Permit. The added provisions allow the director to evaluate development that may appear to be located outside of the ASFH to ensure that the proposal is “reasonably safe from flooding”.
 - ii. Added a section describing Application Types. This section identifies the situations where a Type I (Ministerial) application can be requested instead of the Type II (Administrative). **(THIS LANGUAGE WILL NOT BE INCLUDED IN THE NSA ORDINANCE)**
 - iii. Added the requirement that residential structures shall be elevated a minimum of one foot above BFE in Residential Construction:
 - iv. Added provisions for Partition Proposals that are based on Subdivision Proposals:
 - v. Added provisions for Storage of Hazardous or Toxic Materials at recommendation from DLCD.
 - vi. Added language to DLCD’s recommended language that will only allow Critical Facilities through a Variance:
 - vii. Since Wasco County does not have Floodways, Staff amended language from Section 22.160 – Floodways to describe requirements associated with Development Within Riparian Areas.
 - viii. Added criteria for reviewing Fish Habitat Structures in Specific Standards.

- 7. Section 3.744 Variances (page 3.740-9)
 - a. DLCD Recommended Changes
This entire section was added as a recommendation by DLCD

- 8. Section 3.745 Appeals (page 3.740-24)
 - a. DLCD Recommended Changes
This entire section was added as a recommendation by DLCD. All appeals will be processed as described in Chapter 2 of the LUDO

- 9. Section 3.746 Compliance Required (page 3.740-24)
 - a. DLCD Recommended Changes
DLCD recommended that we incorporate provisions regulating a violation of the Flood Hazard Overlay ordinances.
 - b. Staff included this compliance section, which indicates that all violations of provisions of Division 1 – Flood Hazard Overlay are subject to the regulations and policies set forth in the Wasco County Code Compliance and Nuisance Abatement Ordinance.

- 10. Section 3.747 Revising FIRM Maps (page 3.740-25)
 - a. Staff recommends including new provisions to educate Staff and the public regarding revising FIRM Maps.

- 11. Section 3.748 Notes on Insurance (page 3.740-27)
 - a. Staff recommends including new provisions to educate Staff and the public regarding Flood Insurance.

- 12. Chapter 22 – Flood Damage Prevention (Deleting this entire chapter)

This entire chapter will be deleted, and its contents moved into Chapter 3, Section 3.740 – Division 1 – Flood Hazard Overlay

3. Wasco County Comprehensive Plan
 1. Chapter 2 – Physical Characteristics (Pages 2-21 – 2-22)
 - a. Replaced the hand-drawn Flood Hazard Area Map (Figure 10) with a modern GIS generated map
 - b. Updated references to the September 24, 1984 FIRMs from the November 1, 1977 HUD maps.
 - c. Changed “special flood hazard areas” to Areas of Special Flood Hazard” to be consistent with LUDO provisions.
 2. Chapter 15 – Goals and Policies (Page 15-21)
 - a. Updated references to the September 24, 1984 FIRMs from the November 1, 1977 HUD maps.
 - b. Corrected typographical error to a LUDO Section Reference pertaining to Geologic Hazard Protection. The citation currently reads “Chapter 3.700”, and will be amended to read Chapter 3.750”.

4. National Scenic Area Land Use and Development Ordinance Changes
 1. Chapter 3 – Basic Provisions and Zoning(Pages 3-27(A-1), 3-42 (A-2), 3-51 (F-1), 3-62 (F-3), 3-68 (R-R), 3-76 (PR), 3-85 (OS), and 3-90 (AS)), and Section 3.240 Division 1 – Flood Hazard Overlay)
 - a. Amended the “Development Standards” from each Zone as follows:

Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.240, Flood Hazard Overlay

This language will be added to each zone in the Scenic Area.
 - b. Planning Staff utilized the proposed changes to the Wasco County LUDO described previously to establish changes to the NSA LUDO. However, it was noted that we would not be able to use the option to review certain requests for development permits within the Area of Special Flood Hazard through the Ministerial (Type I) process. Therefore, certain sections of the LUDO as specified were deleted or modified to eliminate reference to the Ministerial (Type I) process.
 2. Determination of Appropriate Review Method (Type I or Type II) (WC Section 3.742.B.3):

This section has not been included with the proposed updates in the NSA LUDO because there doesn't appear to be a situation where a floodplain review could be performed through the Ministerial (Type I) process.
 3. Application Types (WC Section 3.743.B):

This section was not included in the proposed NSA LUDO updates. All development requests within the ASFH of the NSA will be processed as an Administrative (Type II) action
 4. Fish Habitat Structures (WC Section 3.743.E.10):

This section differs from the County LUDO by removing reference to the Ministerial (Type I) process. All development requests within the ASFH of the NSA will be processed as an Administrative (Type II) action.

5. Final editorial revisions

If approved a final editorial revision will be required. This will not change the substance of what is approved by the Wasco County Court. It will be limited to editorial changes including but not limited section numbers, references to section numbers and headers and footers.

Chair Hoffman called for additional questions from the Commission.
None.

VI. ELECTION OF OFFICERS FOR 2010

Vice-Chair Ashley moved to recommend reappointment of Donald Hoffman as Commission Chair
Commissioner Hargrave seconded.
Chair Hoffman called for discussion
None.
Chair Hoffman called for the vote

The motion was unanimously approved 5 to 0, 2 absent (Commissioners Brown and Archer). A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hoffman – yes
Vice-Chair Ashley – yes
Commissioner Hargrave – yes
Commissioner Brown – absent
Commissioner Omeg – yes
Commissioner Archer – absent
Commissioner Amery – yes

Commissioner Amery moved to recommend reappointment of Vicki Ashley as Commission Vice-Chair
Commissioner Hargrave seconded.
Chair Hoffman called for discussion
None.
Chair Hoffman called for the vote

The motion was unanimously approved 5 to 0, 2 absent (Commissioners Brown and Archer). A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hoffman – yes
Vice-Chair Ashley – yes
Commissioner Hargrave – yes
Commissioner Brown – absent
Commissioner Omeg – yes
Commissioner Archer – absent
Commissioner Amery – yes

VII. FUTURE AGENDA ITEMS:

March 2, 2010 – Hearing on the Floodplain Updates

VIII. OTHER BUSINESS:

Director Cornett gave a presentation on the scheduled long range planning projects which the Planning Office will be working on this year.

Don formal welcome to Mike Omeg.
Don watch what we put on the record.

IX. ADJOURNMENT

Adjourned at 6:05

Respectfully submitted,

Donald Hoffman, Chair
Wasco County Planning Commission

Todd Cornett, Planning Director
Wasco County Planning & Development