

W.C.B.

AGENDA COVER MEMO

DATE: November 29, 2004 (Date of Memo)
December 15, 2004 (Agenda Date)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Steve Hopkins, AICP

AGENDA ITEM TITLE: Report back regarding Legal Lot Verifications, Property Line Adjustments and roads dividing legal lots.

I. MOTION

No action required. This presentation is to inform the Board of the group's progress.

II. ISSUE OR PROBLEM

Report back to the Board regarding the progress the group is making to resolve the issues identified at the June 15, 2004 hearing.

III. DISCUSSION

On June 15, 2004, the Board adopted Ordinance No. 7-04, which made certain legal lot verifications into a land use decision. On that date, the Board directed staff to work on the broader issues that were enumerated at the hearing. Those issues were generally identified as:

- Creating standards for property line adjustments,
- Resolving when a road divides a legal lot, and
- Refining the legal lot verification process.

Since that date, Measure 37 has introduced a new issue for the group to address. Measure 37 may not have any impact on the property line adjustment or legal lot verification processes, but the group will need to discuss this possibility.

IV. IMPLEMENTATION/FOLLOW-UP

A group of 17 members has met 4 times to draft an amendment to the Lane Code that would resolve the broader issues not covered in Ordinance No. 7-04. The next meeting is January 10. The group intends to present a completed draft by the first part of next year. The group has made significant progress and is on schedule to meet this goal.

The group is comprised of people who gave testimony regarding Ordinance No. 7-04, and the people involved in the first attempt at a property line adjustment ordinance that occurred in 1999 and 2000. Refer to Attachment #3 for names of members.

V. ATTACHMENTS

Attachment #1: Property Line Adjustment

Attachment #2: Legal Lot Verification

Attachment #3: List of participants and meeting dates.

PROPERTY LINE ADJUSTMENTS

The group has reached consensus regarding the following items:

- Property line adjustments will be organized into 3 categories
 - Exempt. No application is required, but the adjustment must comply with state and county law. An example is an adjustment to a parcel in the F1 zone with no dwellings.
 - Ministerial review. An application is required, but staff only reviews objective criteria. This is not a land use decision. Examples include an adjustment to parcels in the same zone that meet the dimensional standards of the zone, or adjustments in the commercial and industrial zones.
 - Director Approval. This is the standard land use decision process and is the most complex adjustment. Examples include adjustments that create parcels with multiple zones, or adjustments to nonconforming parcels.
- General criteria
 - Can't combine resource and nonresource zones on a single parcel.
 - All structures and improvements must comply with setbacks and fire breaks.
 - A series of adjustments can be reviewed in a single land use application. This is called a serial adjustment. A separate deed is required for each adjustment. Serial adjustments require director approval.
 - All land owners involved in the adjustment must sign the application.
 - Can't change number of lots/parcels in a plat.
 - Existing dwellings must remain on the same lot/parcel.

LEGAL LOT CRITERIA

The group has reached consensus regarding the following items:

- Codify the existing policies.
- A legal lot verification is required prior to, or in conjunction with, any use that requires a legal lot.
- A legal lot verification is not required for the replacement of a lawfully established dwelling.
- Roads dividing a legal lot:
 - A road does not divide a legal lot if the legal lot was created after September 28, 1991.
 - A road meeting the following criteria does not divide a unit of land:
 - A county or public road existing on January 1, 2005, that has not been constructed as of January 1, 2005.
 - A county or public road that does not provide physical vehicular access through the unit of land.

PARTICIPANTS IN THE PROPERTY LINE ADJUSTMENT GROUP

The following people gave testimony regarding Ordinance No. 7-04, or were involved in the first property line adjustment group that met in 1999 and 2000.

1. Al Couper
2. Bill Kloos
3. Bob Ezell
4. Dan Baker
5. Dan Terrell
6. Doug DuPriest
7. Harry Taylor
8. Jim McLaughlin
9. Larry Olson
10. Lauri Segel
11. Michael Farthing
12. Mike Evans
13. Norm Maxwell
14. Jim Just
15. Robert Emmons
16. Steve Cornacchia
17. Tim Fassbender

The group has met on the following dates:

- August 16
- September 20
- October 18
- November 15

The next meeting will be on January 10.