

Memo Date: September 29, 2009
Work Session Date: October 27, 2009

T. G. C.



TO: BOARD OF COUNTY COMMISSIONERS

FROM: Public Works Department/Land Management Division

PRESENTED BY: Kent Howe, Planning Director & Keir Miller, Associate Planner

AGENDA ITEM TITLE: Work Session / Board Direction Concerning the Land Management Division's 2009 /10 Long Range Planning Work Program

I. PROPOSED MOTION

I move that the Land Management Division be directed to undertake or, where appropriate, continue to implement the 14 long range planning projects listed in Attachment "A" to this memo.

Or,

I move that the Land Management Division be directed to undertake or, where appropriate, continue to implement the long-range planning projects listed in Attachment "A" to this memo with the following exception(s):

1. The following project(s) shall not be undertaken; _____, _____, _____, _____, _____.
(Identify those projects LMD is not to undertake)
2. In place of the project(s) not being undertaken LMD is directed to begin work on the following project(s): _____, _____, _____. (Identify any new project(s) LMD should undertake. Please note, prior to directing LMD to undertake any additional projects, sufficient staff resources must first be identified.)

II. AGENDA ITEM SUMMARY

The Land Management Division's Long Range Planning Program is responsible for the maintenance of the Lane County Rural Comprehensive Plan (RCP) and the formulation and amendment of land use regulations to implement the RCP. In addition to these responsibilities, long range planning staff complete projects at the direction of the Board of Commissioners and collaborate with other local, State, and Federal agencies and organizations to help guide Lane County toward a balanced and sustainable future consistent with Oregon's Statewide Planning Goals.

Fourteen long range planning projects have been identified for possible action over the next twelve months. The Board is being asked to provide Land Management direction regarding these projects.

III. DISCUSSION

A. Board Action and Other History

Each year the Board prioritizes the work plan of the Long-Range Planning Program. In recent years, LMD has been directed to undertake a broad spectrum of activities. These have included numerous plan amendments and associated actions to address periodic review, Metro and small city planning coordination, administration of the countywide-coordinated population forecast project, private airport planning, implementation of FEMA's Community Rating System, development of a countywide zoning and planning geographic information system, grant writing and administration and, most recently, updates to Lane Code Chapters 13 and 14.

In addition to these activities, long range staff have provided periodic support and coverage to the Current Planning (permit processing) Program and have developed and implemented the new Firewise Incentive Program.

Much of the long range work that the Board has directed LMD to undertake is ongoing from year-to-year. This work includes the processing of plan amendments, multi-jurisdictional coordination, maintenance and upkeep of LMD's web presence and GIS technologies, annual Community Rating System recertification and other work. In addition to these projects, which are ongoing in nature, new project concepts arise each year and projects that were not prioritized by the Board in years past also resurface.

Last year, the Board reviewed an unprecedented number of large and complex planning projects. However, due to budget shortfalls, LMD had recently reduced its long range planning program from 4 planners down to just 2. For this reason, resources were not available to undertake many of the identified projects and therefore, some of these projects have been carried forward for possible action this year.

The Board has also identified a number of new projects. On August 26, 2009, the Board held a discussion regarding the use of rural reserves or other possible conservation mechanisms to protect resource lands that may be susceptible to urbanization. During that discussion the Board directed LMD to place "Farmland and Open Space Protection" on its list of work tasks. Also during that discussion, Commissioner Dwyer suggested that plan amendments be initiated to eliminate the option for zone changes based upon a "developed and committed exception" and that provisions enabling template dwellings be removed from Lane Code Chapter 16.211.

B. Planning Commission Input

On September 15, 2009, the Lane County Planning Commission held a work session to discuss the Long Range Planning Work Program for FY09/10. Acknowledging the fact that some of the items in the work plan would likely be considered mandatory and recognizing that limited staff resources exist, the LCPC discussed how they might categorize the areas of the work program and make recommendations on a programmatic basis to further assist the Board in prioritizing possible work tasks.

The LCPC came up with 5 basic categories or areas of effort that they recommended for Board consideration:

1. Basic Program Maintenance: legislative code updates, E-government services (i.e. online applications & GIS development) and maintenance of the floodplain program to continue the County's participation in the CRS program
2. Intergovernmental Coordination Functions: Eugene/Springfield metro area and small city planning coordination
3. Policy Development: water protection (ground and surface), riparian protection regulations, channel migration, farm and open space protection
4. Other Recent Board Considerations: eliminate "template dwellings" in F-2 zone and eliminate plan amendment/zone changes from resource designations to developed and committed designations
5. Areas for future attention and Planning Commission training: transportation/land use and UGB issues

With the exception of a few miscellaneous tasks, categories 1 – 4 capture nearly all of the work items currently known to staff. Category 5 refers to training opportunities that the LCPC is interested in pursuing. In addition to developing these categories, the LCPC also provided priority recommendations for projects that were not considered mandatory. A table listing all of the identified projects, along with the LCPC priority recommendation is included as Attachment "A" to this memo. Minutes from the LCPC work session are included as Attachment "B".

C. Policy Considerations

As in previous years, multiple complex planning projects have been identified for possible action. However, unlike recent years, it appears that this year LMD will have sufficient staff resources to undertake all of the currently proposed projects. Therefore, the Board does not need to select certain projects at the expense of others. Instead, the Board simply needs to affirm if staff should begin or continue work on the identified projects or if additional projects need to be considered.

It should be recognized that a subset of the proposed projects have the potential to become controversial and highly politicized. Removal of the template dwelling provisions in the F2 zone and modification of the existing riparian ordinance are two projects that will likely garner a lot of public interest. Also, depending on what direction may be taken to protect farmland and open space or address river channel migration, these projects may amplify in complexity, scope and contention.

D. Board Goals

Many of the projects identified for possible implementation align with one or more of the following Strategic Goals: 1.3 Promoting electronic access to public services, 2.2 Information technology, and 3.3 strengthening analytical capabilities. In addition, efforts to protect water quality enhance riparian protections and protect farmland and open space relate to the following goal, which can be found on page 13 of the Strategic Plan:

- *Maintain a healthy environment with regard to air quality, water quality, waste management, land use and parks.*

These activities would also seem to support the 2008-2010 economic development goal to: “*Focus on what we do best and take advantage of our unique strengths and image* “. Lane County is recognized as an area with high-quality environmental assets. These assets contribute to Lane County's image as a highly livable community and play an important role in attracting both businesses and employees to the region.

E. Financial and/or Resource Considerations

Since 2002, the Land Management Division's budget, Fund 570, has been considered an “enterprise fund” with the objective of being completely supported by user fees. Many of services provided by LMD, such as the issuance of building and sanitation permits, can be adequately covered with fees. However, this model has proven ineffective at adequately funding other types of services including public assistance, BCC requests, code enforcement and long range planning.

Traditionally, LMD has funded long range planning through a number of sources including; grants from the Department of Land Conservation and Development, long-range planning surcharges assessed to land use and building permits, Title III funding (for qualifying projects) and economic development (video lottery) dollars. Recently, budget shortfalls in LMD caused by the downturn in the national economy and exacerbated by the severe financial impacts of Measure 37, forced LMD to make drastic cuts across its planning program. This reduction in resources severely hampered LMD's ability to address several pressing long range work tasks within the past year.

Recent steps to augment LMD's operational budget through an increase in the Waste Management Division's tipping fees will enabled LMD to reestablish 2 planning positions. This will double the Division's long range capacity from 2.0 FTE to 4.0 FTE and provide enough resources to work on all 14 of the currently identified projects, if so directed by the Board. However, it is important to note that parameters have not yet been set and objectives have not been fully defined for some of these projects. Two of these projects; the channel migration study and the farmland and open space protection project, will likely grow in scope and complexity

and may require additional staffing, funding and or external expertise to complete. This is because both of these projects may involve new and alternative solutions, which are highly complex, costly and untested within the framework of Oregon's Statewide Planning System. Two areas of particular concern to staff are:

1. The potential costs and expertise required to delineate channel migration hazards areas countywide, and
2. The feasibility of establishing a viable Transfer of Development Rights (TDR) program within this troubled economy.

LMD is actively working with a broad coalition of stakeholders (see Attachment "C") to identify possible funding sources and outside expertise, which could assist with the channel migration study effort. LMD is also working with the county's Intergovernmental Relations Manager to explore the possibility of adding elements of the water quality/riparian and channel migration work to the United Front congressional lobbying initiative.

F. Analysis

There are currently 14 long range planning projects that have been identified for possible action within the next year. These projects are listed in Attachment "A" to this memo and summarized in Attachment "C".

With the addition of two new FTE in LMD, it appears that staff resources will be available to undertake all of the identified projects. However, as previously discussed, the channel migration and farmland and open space projects may expand in scope and complexity. Expectations regarding the deliverables, parameters and requirements of these projects have not yet been identified. Staff is recommending that preliminary work begin on these projects with the understanding that additional resources may be necessary to complete them.

It's estimated that a minimum of 4.0 FTE will be required to address all 14 of the identified projects. If the Board is interested in adding any new projects to the work program they will need to identify which project(s) will not be undertaken.

G. Alternatives/Options

At this time the Board may choose to:

1. Direct staff to pursue the work plan as proposed.
2. Direct staff to undertake an alternate work plan.
3. Refrain from acting and direct staff to provide additional information.

H. Recommendation

Staff recommends that the Board choose Option 1.

IV. TIMING/IMPLEMENTATION

Unless otherwise directed by the Board, LMD will carry out selected projects as follows:

1. Projects that are already ongoing or necessary to ensure the continuity and delivery of LMD's basic essential services will be given priority. These include projects #2, #3, #8, #9, #12, #13 and #14.
2. Start dates for other projects will vary depending on external partner needs and staff availability.
3. With the exception of the channel migration study and farmland and open space protection project, it's estimated that all other projects will be carried out within 12 months.

V. ATTACHMENTS

- A. Long Range Planning Program proposed project list
- B. Meeting minutes from the September 15, 2009 Planning Commission meeting
- C. Proposed Projects Descriptions
 - Exhibit "1" to Attachment "A" – Description of water quality related projects

Descriptions of potential water-quality-related work items for Lane County Land Management Division
Long-Range Planning Work Program

Water Quality Technical Committee (Technical Committee)

This will be an advisory committee to Lane County planning staff working on issues pertaining to water quality, floodplain and riparian development, channel migration zones and protection of drinking water source areas. The committee will consist of representatives from agencies and organizations who have been working on these issues, including Lane County watershed councils, EWEB, SUB, DEQ, DHS, UO and LCOG, as well as additional stakeholders representing the interests of developers, real estate agents, and environmental organizations. The committee will provide technical expertise based on data that these organizations have collected and analyzed, knowledge of relevant studies, and on-the-ground experience with issues related to water quality.

Community Rating System (CRS) – Floodplain Ordinance

A study conducted by the University of Oregon found that Lane County code and permitting practices allow development in flood zones and riparian areas that pose threats to water quality, structures, and habitat, and put a strain on Lane County staff resources in terms of time and cost to review permits. The building of an initial structure often leads to a series of subsequent permits/variances, which further augment the strain on County staff resources. In terms of water quality impacts, studies in the Southern Willamette Valley Groundwater Management Area, which is primarily located within the floodplain, show nitrate levels well above the Environmental Protection Agency (EPA) maximum contaminant level for safe drinking water. An estimated 74 tons of nitrogen are contributed by septic systems alone.

Lane County staff can address these concerns by continuing their work on CRS implementation, with a focus on the floodplain ordinance. Staff would use information and findings provided by the Technical Committee to craft changes to the floodplain ordinance that could address these impacts and improve public health and safety, while reducing costs associated with flooding damages and water treatment. This work could lead to improving the County’s CRS rating.

One approach to addressing both floodplain development and development in riparian areas (see below) is to examine best practices—or, what other communities across the state or country are doing or have done to address similar concerns. There are numerous examples of ordinances, regulations, and voluntary projects that have been implemented to restrict development in high risk areas and encourage sustainable development in alternative areas that are not as likely to sustain damage from high flow events. For example, King County, which has an exemplary CRS rating of 2, has implemented regulations preventing new development in the floodway and requiring development in the floodplain to meet certain standards, including having no adverse impact on downstream properties. Because CRS is about more than just regulation, the work program should include evaluation of non-regulatory floodplain management strategies.

Moreover, because rivers are dynamic, channel and floodplain changes are not represented in the current FEMA floodplain maps. Lane County staff will work with the Technical Committee, University of Oregon, Oregon Department of Geology and Mineral Industries (DOGAMI) and others to explore more accurate floodplain, floodway and channel migration zone mapping and determine the benefits and drawbacks of taking on this responsibility as part of a larger consortium

Objectives:

- Incorporate information and expertise from Technical Committee in order to craft changes to the floodplain ordinance that could address these impacts and improve public health and safety, while reducing costs associated with flooding damages and water treatment.
- Evaluate non-regulatory floodplain management strategies.
- Prepare for potential implications from pending FEMA lawsuit.
- Work with the Technical Committee and other partner organizations to more accurately map floodplain, floodway, and channel migration zones.

Riparian Ordinance

There is a significant amount of development along riparian areas in Lane County. This type of development poses a threat to water quality in the form of increases in pesticide and fertilizer use, loss of riparian vegetation, increased use of revetment, loss of floodplain function, higher density/clusters of septic systems, and increased demand for individual and small drinking water systems. The current riparian ordinance generally allows for removal of up to 25% of riparian vegetation. The ordinance, however, is complicated and confusing. Problems with riparian ordinance implementation are similar to those with the floodplain ordinance (mentioned above) in terms of placing additional strain on Lane County resources to review permits, but the riparian ordinance focuses on vegetation and covers areas that may be outside of the floodplain such as smaller creeks and tributaries.

The Technical Committee’s approach would be to carefully examine the riparian code issues that the UO identified in its study; namely how the code is currently implemented and its effects on public health, safety, and Lane County staff resources. Lane County staff would use information and findings provided by the Technical Committee to research and develop potential code revisions and other solutions to address these concerns. In addition to strict code revisions, broader solutions might include incentives for protecting/conserving riparian areas and partnering with watershed councils and other groups to provide education and outreach about the importance of maintaining healthy riparian areas.

Objectives:

- Incorporate information and expertise from Technical Committee in order to craft changes to the riparian ordinance. Priority for changes should be focused on simplifying the ordinance and increasing riparian protection from development.
- With the help of the Technical Committee, explore alternative solutions for protecting/conserving riparian areas such as landowner incentives and education and outreach addressing the importance of maintaining healthy riparian areas.

Channel Migration Zones

A channel migration zone refers to the area where a river or stream has been and may be susceptible to channel erosion and movement in the future. Delineating channel migration zones is one way to evaluate where development activities pose a high risk to public health and safety and property loss due

to the natural movement of river channels. Limiting development in these areas can reduce the costs of repairing and replacing infrastructure, protect private and public property, and reduce habitat loss.

We recommend taking advantage of the technical expertise and funding from partner agencies/organizations to delineate channel migration zones. Both LCOG and the UO have expressed interest in participating in this effort. Accomplishing this activity will provide updated, detailed information about risks from flooding and erosion and support the county’s continued work on improving its community rating system class. It should be recognized that mapping all rivers potentially susceptible to channel migration within Lane County may be a very complex and time consuming process. Therefore, the technical advisory committee proposes to work with county planning staff to identify one or two priority stream reach segments to conduct pilot analysis on.

Objectives:

- Work with technical committee to begin delineating channel migration zones, which will help to mitigate risk from flooding and erosion and support the County’s ongoing CRS work.
- Work with technical committee to develop draft Channel Migration overlay zone ordinance language.

Protection of Surface Water and Groundwater Source Zones

Safe drinking water is vital to the economic health and livability of Lane County communities. Lane County has 67 community water systems, which serve a total population of 279,413 people, or 83% of the Lane County population. Water providers and state and local agencies have been working together to protect public drinking water through partnerships, education and outreach, and on-the-ground projects (such as agricultural chemical collection events, septic system assistance to landowners, and water quality monitoring).

To protect drinking water source areas, it is essential to understand where they are located spatially and how they relate to other critical areas such as riparian zones and the floodway/floodplain. One of the recommendations that came out of a joint public water systems workshop in October 2007 was for Lane County staff to incorporate maps of the drinking water protection areas in the county into the planning process. This would ensure that planners know when potential developments are located in these critical areas so that they might require additional mitigation measures and/or consideration of alternative plans. Having access to this information could provide an additional layer of protection to these critical areas. Preventing water quality degradation/contamination is *much* less expensive and more effective than attempting to clean up pollution after the fact. Furthermore, with climate change and development threatening the quantity, as well as quality of county water resources, it is imperative to protect our limited drinking water resources for future generations.

Water providers are generally not part of the county planning/permitting process and thus do not have input into whether or not, or how, development occurs within drinking water source protection areas. One remedy is to set up a process whereby public water systems are notified of proposed development activity that falls within their source protection areas. This would give providers an opportunity to comment on how proposed development may affect water quality and could lead to conditions on a development application that would need to be met in order to mitigate for any potential negative impacts.

The Technical Committee includes water providers and state agencies who have electronic maps of drinking water protection areas and can serve as a resource for county planners. In addition, the Springfield Utility Board, City of Veneta, Benton County, and the City of Adair Village have been awarded a grant of \$60,000 from the Department of Human Services, Public Health Division, Drinking Water Program to complete drinking water protection projects, including development of the drinking water source area GIS layer and the water provider notification system. Therefore, this project would require very little time commitment for County staff. In addition, other deliverables from this grant include educational brochures relating to septic system maintenance and drinking water protection, fact sheets with best management practices for development in drinking water source areas, and drinking water protection web site content. These materials would be applicable to all of Lane County.

Objectives:

- Work with Technical Committee to develop clear maps of drinking water protection areas within Lane County and provide these maps to County staff for use in the planning process.
- Work with Technical Committee to set up a notification system alerting public water systems about potential development within their source protection areas.

ATTACHMENT "A"

LMD Long-Range Planning Work Program Project List	Mandatory Yes / No	LCPC Priority Ranking	Project Duration	FTE Requirement
Program Maintenance				
1. Legislative Code Updates for Changes Enacted Since 2003	NO	# 1c	4 months	0.15
2. E-Government Services: GIS Application Development & Web Maintenance	YES		Ongoing	0.15
3. FEMA - Community Rating System	YES		Ongoing	0.25 -0.5
Policy Issues				
4. Protection of Surface Water and Groundwater Source Zones	NO	# 1a	3 months	0.1
5. Analysis of Riparian Ordinance	NO	# 1b	6-12 months	0.25
6. Farmland and Open Space Protection	NO	# 2	Multi-Year	0.5 - .75
7. Channel Migration Hazard Overlay Study	NO	# 3	Multi-Year	0.25 - .75
Intergovernmental Coordination				
8. Intergovernmental Coordination - Small Cities	YES		Ongoing	0.5
9. Intergovernmental Coordination - Metro Area	YES		Ongoing	0.5
Recent Board Considerations				
10. Eliminate F-2 Template Dwelling Provisions	NO	No Recommendation	4-6 months	0.1
11. Eliminate Option for Zone Changes from Resource Land Based on D&C Status	NO	No Recommendation	4-6 months	0.1
Miscellaneous Work				
12. Plan Amendments and Zone Change Applications	YES		Ongoing	0.5
13. Land Use Compatibility Review for Riparian Enhancement Projects	YES		Ongoing	0.1
14. Research Assistance to DLCD on Active Ballot Measure 49 Claims	YES		Ongoing	0.05
Total FTE:				4.0 - 4.5

MINUTES

Lane County Planning Commission
Board of Commissioners Conference Room—125 East 8th Avenue
Eugene, Oregon

September 15, 2009
5:30 p.m.

PRESENT: Lisa Arkin, Chair; Robert Noble, Vice Chair; Steve Dignam, Todd Johnston, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, John Sullivan, Lane County Planning Commissioners; Kent Howe, Lane County Land Management Division.

ABSENT: Tony McCown, Lane County Planning Commissioner.

Ms. Arkin convened the work session of the Lane County Planning Commission (LCPC) at 5:40 p.m.

WORK SESSION

1. LANE COUNTY PLANNING COMMISSION WORK PLAN

Mr. Howe offered the staff report. He explained that 65 percent of the Land Management staff had been laid off due to budget constraints, which impacted both the staff and commission work plan. He reviewed the Planning Commission's current work plan, noting it had been approved by the Board of County Commissioners (BCC). He facilitated a discussion of the current and proposed work plans based on the table below. He said 4.35 full time equivalent (FTE) employees would be required to carry out all of the identified projects on the proposed list while current funding provided for 2.4 FTE. In March 2008, the BCC identified Coordinated Population as a top priority. Due to the work on the Community Rating System (CRS), the county's insurance rates were reduced 15 percent. However, continued maintenance on the CRS was necessary to continue to receive the lower rates.

Mr. Howe explained headway had been made with the Joint Elected Officials (JEO) on Eugene/Springfield Metropolitan Plan (Metro Plan) coordination, who had given direction on policy areas. Staff would present a proposed work plan to the JEOs on December 7, 2009 for approval. Issues related to urban services had been defined in the Metro Plan over 25 years ago, prior to Ballot Measures 5, 47 and 50 which had resulted in funding limitations that allowed no General Fund support for the project.

Mr. Howe reviewed several projects requiring resources, including House Bill (H.B.) 3337 that mandated dividing the current urban growth boundary (UGB) in two, one for the City of Eugene and the second for the City of Springfield. Review of the economic opportunities analysis and buildable lands analysis were also required to determine whether the UGB should be adjusted to meet Eugene and Springfield's land use needs. Small city coordination, including UGB expansion issues for Junction City related to the State of Oregon hospital and prison, and the Grain Miller was in process as well as small city coordination issues related to the City of Florence Realization 2020 Plan. He noted the Florence process had been expanded to include updating the coastal resources management plan. He added the City of Coburg interchange area management plan (IMAP) was also under review and required Lane County staff

resources. The City of Cottage Grove and the City of Veneta were also considering changes that would need staff resources.

WORK ITEMS CARRIED OVER	NEW PROJECTS	ACCOMPLISHMENTS
Rural Reserves	Farmland and Open Space Protection	Coordinated Population Forecast
Drinking Water Protection Zones	Channel Migration Zone	Chapter 13/14
Revised Riparian Protection Standards	Protection of Surface Water and Groundwater Source Zones	Metro Plan
Community Rating System (CRS) (FEMA)	Riparian Ordinance	Small City Coordination
Eugene/Springfield Metropolitan Plan Coordination (Metro Plan)	Community Rating System (CRS)	
Small City Coordination	Eliminate Template Dwelling Provisions	
Lane Code Updates for 2003, 2005, 2007, 2008, 2009	Eliminate Zone Changes from Resource to DNC	
E-gov internet access	RV/Boat Storage Code Amendment	

Mr. Howe stated that changes made during the 2003, 2005, 2007, 2008, and 2009 Oregon Legislative sessions had not yet been codified. While keeping the Lane Code updated was important, other priorities of population study and Chapter 13 and 14, took precedence. E-gov and internet access, while not issues the Planning Commission would need to address, were on the work plan of long range planning staff.

Mr. Howe reviewed new projects. He noted the watershed councils and the Eugene Water and Electric Board (EWB) recently made presentations to the Planning Commission and BCC regarding work on a channel migration zone, the Community Rating System (CRS) which addressed Federal Emergency Management Agency (FEMA) and floodplain regulation, the riparian ordinance and protection of surface water and groundwater source zones. All of the new projects would need to be addressed with existing staff resources.

Mr. Howe reviewed accomplishments, noting the coordinated population forecast effort was completed. The Planning Commission had reviewed Chapter 13, which addressed legal lots, property line adjustments, verification of legal lots, and other issues. The commission's recommendation regarding Chapter 14, which was streamlining the appeal process, had been taken to the BCC. The BCC then recommended staff meet with other stakeholders and a new proposal developed through that process would go the BCC in November 2009.

Mr. Howe stated the BCC recently added the following projects to the work plan: eliminate template dwelling provisions, eliminate zone changes from resource to DLC, and RV/boat storage code amendments.

Ms. Arkin supported staff's work, and observed that the Planning Commission's suggestions related to the work plan had been taken seriously by the BCC. She suggested the BCC would support a well thought out work plan.

Mr. Siekiel-Zdzienicki suggested having legal counsel available when the commission held public hearings on template dwellings and zone changes from resource to DLC.

Mr. Sullivan observed two things had happened. Staffing levels across Lane County had been dramatically reduced and he opined that was not fully taken into consideration by the BCC. Additionally, some of the issues had limited support at the board level. He opined everything on the work plan was important, noting they fell into three categories: land rights; public safety related to water quality; and, expansion of the UGB and small cities issues. He suggested the Planning Commission could offer suggestions to the BCC for prioritization of the work plan items.

Ms. Nichols emphasized the importance of identifying goals for all items on the work plan.

Mr. Dignam averred the commission's support of investigating water protection issues was in line with concerns raised in other countries. He wanted to ensure that things recommended last year by the commission did not necessarily imply that the commission endorsed those issues, but rather that the commission was recommending that the topics deserved further investigation. He noted that of the several items on the proposed work plan, staff could reasonably be expected to address basic work such as taking care of the Metro Plan, small cities coordination, and perhaps one additional item. He was concerned when commissioners focused on specific and important policy issues such as RV/boat storage, to the detriment of the basic work. He thought updating Lane Code to reflect current state law was one specific issue that staff should focus on.

Mr. Noble stated the proposed list did broach the items the commission had identified as important. He concurred with Mr. Dignam's comments regarding the importance of advancing water issues to the BCC. He noted the recent heavy use of fire retardants raised concerns about water quality. He supported Mr. Sullivan's suggestion that work plan items should be prioritized based upon the available staff resources.

Ms. Arkin stated the agenda for the upcoming Oregon Planning Institute (OPI) meeting contained topics the Planning Commission could look at for future consideration. Ms. Nichols, Mr. Sullivan and Mr. Siekiel-Zdzienicki would attend the meeting.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Howe said .5 FTE would be needed to take protection of surface and groundwater issues, as well as coordination of the riparian ordinance and flood plain issues, through the public information/outreach process and public hearing process before final adoption.

Mr. Howe stated staff would take the work plan which would include all needed staff and other resources to complete the work to the BCC. It would be up to the BCC to determine how staff resources would be prioritized and allocated.

Mr. Siekiel-Zdzienicki asserted updating the code should be a priority.

Mr. Howe assured commissioners that Lane County did nothing that was against state law. Although Lane Code may not expressly contain additions or deletions to state law, state law was implemented. However, it was difficult for the average person to go to Lane Code and determine what was legal and what was not when the code was so out of date.

Mr. Sullivan said the realities were that FTE's devoted to protection of surface and ground water and the riparian ordinance were better spent than channel migration at this time. Although water quality and safety were important, they did not warrant being an FTE commitment versus surface and groundwater

protection. He added that farmland and open space protection was more important than elimination of temporary dwellings.

Responding to a question from Ms. Nichols regarding UGB issues, marginal lands and other lower quality lands, Mr. Howe explained state law contained provisions in urban reserves. He noted urban reserves were a way to engage the cities and work cooperatively with them in identifying where the cities would want to expand. Oregon Revised Statutes (ORS) contained the prioritization of lands the UGBs could expand onto, DNC lands followed by marginal lands, non-resource lands and high quality farm land. The BCC had been clear that it wanted to identify rural farm land for open space protection.

Mr. Johnston agreed with Mr. Sullivan and Mr. Siekiel-Zdzienicki, stating that the Planning Commission could bring value to the process by categorizing and prioritizing some of the issues on the work plan. He opined potential efficiencies could be identified through efficient use of FTEs. Value could be brought to the process by identifying those items having immediate economic impact such as the CRS, where a decline in the County's insurance was significant, and efforts should be taken to maintain that rating.

Mr. Dignam suggested there were two categories, basic operations and long range planning. He offered the following prioritization:

- Basic operations: Metro Plan coordination including ensuring Lane County was preparing for implementation of H.B. 3337; small cities coordination; and, Lane Code updates.
- Long range planning: Protection of surface and groundwater sources.

Ms. Arkin said land use planning would need to begin to consider transportation and land use integration, and should be included in the policy discussion. Additionally, climate change and the impact on the carbon cycle needed to be considered in land use and transportation planning.

Commissioners revised the table to reflect the following proposed work plan which it further discussed:

MAINTENANCE	COORDINATION	POLICY	RECENT CONSIDERATION S	AREAS FOR FUTURE ATTENTION AND PLANNING COMMISSION TRAINING
Code Update	Metro Plan	Water Protection	Eliminate F-2 Template Dwelling Provisions	Transportation and Lane Use Integration
CRS (FEMA)	Small Cities Coordination	Riparian Ordinance	Eliminate Zone changes from Resources to DLC	UGB Issues
E-gov	Farmland and Open Space Protection	Channel Migration		

Mr. Sullivan suggested the Planning Commission should meet jointly with the citizen advisory committee on transportation once or twice a year.

Mr. Howe noted the role of the roads advisory committee was to prioritize projects rather than addressing policy issues.

Mr. Siekiel-Zdzienicki referred to a recent Register Guard article about wineries being a transportation issue that was related to land use, due to increased traffic volume related to functions at the wineries.

Ms. Arkin stated she and Mr. Noble had received nothing but compliments from the BCC during recent check-ins with the BCC. County Commissioners expressed appreciation for the willingness of Planning Commissioners to bring issues forward to the board.

Following a brief discussion, commissioners decided to rank the items on the proposed work plan prior to submitting to the BCC. The table below illustrates that ranking, with an (*) identifying those issues that were basic issues the county needed to address and 1-4 ranking those issues that should be addressed within available resources.

MAINTENANCE	COORDINATION	POLICY	RECENT CONSIDERATIONS	AREAS FOR FUTURE ATTENTION AND PLANNING COMMISSION TRAINING
1) Code Update	* Metro Plan	3) Water Protection	Eliminate F-2 Template Dwelling Provisions	Transportation and Land Use Integration
* CRS (FEMA)	* Small Cities Coordination	3) Riparian Ordinance	Eliminate Zone changes from Resources to DLC	UGB Issues
* E-gov	2) Farmland and Open Space Protection	4) Channel Migration		

Mr. Howe agreed to prepare a written summary of tonight's discussion which he would forward to Planning Commissioners prior to presenting to the BCC. Ms. Arkin and Mr. Noble agreed to attend the October 22, 2009 BCC meeting.

Mr. Howe reviewed the Planning Commission's schedule for September and October.

The meeting adjourned at 7:40 p.m.

(Recorded by Linda Henry)

2009 /10 Long Range Planning Project Descriptions

Note: Due to the inter-related nature of projects #3, #4, #5 and #7, descriptions for these projects have been combined and are included as Exhibit “1” to this attachment.

1. Legislative Code Updates for Changes Enacted Since 2003

After each legislative session Lane Code Chapters 10, 13, 14 and 16 should be revised to appropriately comply with any changes made to the Oregon Revised Statutes (ORS) and the Oregon Administrative Rules (OAR). Unfortunately, legislative updates have not been regularly completed. A backlog of updates to Lane Code must be made to reflect changes in state law from the 2003, 2005 and 2007 general sessions and the 2008 special session. In addition, there are also several minor “house keeping” revisions that need to be made to Lane Code. These revisions are limited in nature, do not substantively effect policy and generally, are only needed to correct typos, incorrect citations and other minor problems identified in the code.

2. E-Government Services: GIS Application Development & Web Maintenance

Within the past three years, the Land Management Division has drastically changed way it conducts business. A major component in this positive transformation has been the increased use of internet technology as a platform for exchanging information, providing services and transacting with citizens. The LMD Planning Program has invested hundreds of staff hours and thousands of dollars developing online tools and information to assist the public.

This work has included the creation and online publication of dozens of new forms, guidance documents, streamlined permit applications, schedules and agendas. In addition to this information, long-range staff, with the assistance of the Public Works-GIS Program and Information Services, have developed several Geographic Information System (GIS) – based applications for use by both staff and the general public. To develop these tools, LMD’s entire official map library was converted into a digital format. This involved the digitization and rectification of thousands of zoning and plan maps, greenway maps, coastal resource and hazard maps, special district maps and wildlife habitat, archeological and water resource inventories.

In December of 2007, LMD, PW-GIS and IS presented to the Board an application that enables the public to access LMD’s digital maps over Internet. The tool, known as the *Zone & Plan Map Viewer*, has been steadily gaining in popularity and use by the public. At that meeting, the Board directed staff to continue to develop the application to maintain its accuracy and functionality and to improve its interface and usability.

For over a decade, LMD employed a full time cartographer to maintain its map library. Now that the library is digital, maintenance is simpler and maps can be amended much easier. However, upkeep of LMD’s GIS capability will still require the dedication of some staff resources. In addition, other periodic updates to the LMD-Planning web pages will be required to maintain essential E-government services.

3. FEMA - Community Rating System

See Exhibit “1” to Attachment “A” – for a description of this water quality related project

4. Protection of Surface Water and Groundwater Source Zones

See Exhibit “1” to Attachment “A” – for a description of this water quality related project

5. Analysis of Riparian Ordinance

See Exhibit “1” to Attachment “A” – for a description of this water quality related project

6. Farmland and Open Space Protection

Within the past year, the Board has held several discussions where the concept of “rural reserves” has been raised as a possible conservation strategy to protect resource lands that may be susceptible to urbanization. During a work session on August 26, 2009, the Board indicated that the term rural reserves should no longer be used and instead, directed staff to pursue a broad “Farmland and Open Space Protection” (FOSP) effort. The Board was fairly general in its direction regarding this project but as staff understands it, they are directed to: 1) explore both regulatory and non-regulatory approaches to protect farmland and open space, 2) use the Post Acknowledgment Plan Amendment Process (PAPA) to enact necessary changes, 3) focus on coordinating efforts with rural communities and land owners but not with cities and, 4) the scope of the project should be countywide and not limited to the Eugene-Springfield Metro Area.

7. Channel Migration Hazard Overlay Study

See Exhibit “1” to Attachment “A” – for a description of this water quality related project

8. Intergovernmental Coordination - Small Cities

Land Management Division is required under state law to coordinate co-adoption of land use projects and proposals that affect the land and policies that apply within the Urban Growth Boundaries of any city. Several of the smaller cities within the county contract with LCOG for planning services, so coordination for city/county co-adoption can involve LCOG staff as well. Projects include UGB expansions, with and without rezoning of the subject property, amendments to refinement plans such as Transportation System and Coastal Resource Plans and text amendments to Lane Code Chapter 10.

9. Intergovernmental Coordination - Metro Area

As with the small cities, staff also works with the county’s Metro Plan partners on the co-adoption of Metro Plan amendments and other essential Metro-related planning coordination.

10. Eliminate F-2 Template Dwelling Provisions

Within the Impacted Forest Zone (F2) a provision exists that enables development of a single family dwelling on a lot or parcel when that lot or parcel meets certain review criteria. This review is commonly referred to as the “template test” because the primary review analysis involves an examination of the density of surrounding parcels and dwelling centered on a 160 acre template area.

The template dwelling provision was established in 1993, and since that time it has been the provision most often used to site dwellings on resource lands within Lane County. Commissioner Dwyer has suggested that the template provision be removed from Lane Code.

Under the Statewide Planning System, cities and counties may enact zoning ordinances that are more restrictive than state standards. Removal of the template provision appears possible, however, it should be noted that its elimination may expose the county to claims for compensation under Ballot Measure 49.

11. Eliminate Option for Zone Changes from Resource Land Based on D & C Status

Under ORS 197.732, land owners may attempt to rezone their property based upon what is known as a “developed and committed exception”. Under the “D & C” exception, landowners attempt to prove that their property is physically developed or irrevocably committed to a use contrary to what the property is currently zoned for. An example would be a small tract of land that is zoned for exclusive farming but which, in reality, has a large logging mill operating on it.

Attachment “C”

Commissioner Dwyer has suggested that the option for zone changes based upon D & C status not be permitted. Because this provision is allowed in state law and it is not codified within Lane Code, the legal feasibility of prohibiting this type of zone change is unclear. However, if directed by the Board, staff will investigate this question further.

It should be noted that within Lane County very few applications (less than 1 per year) are filed to rezone a piece of land based upon a D & C exception.

12. Plan Amendments and Zone Change Applications

Unlike typical Type I or Type II land use applications, which are processed by LMD's current planning staff, plan amendments and zone change applications are often completed by long range planning staff. This is because these types of applications have no statutory processing timelines and are generally very time intensive to process. When assigned to a current planner, these applications have the tendency to throw off or delay the regimented timelines of the other applications being processed by that planner. Also, these applications occasionally deal with broader policy issues that are more appropriately addressed by long range staff.

13. Land Use Compatibility Review for Riparian Enhancement Projects

The Oregon Watershed Enhancement Board (OWEB) is a state agency that promotes and funds voluntary actions that strive to enhance Oregon's watersheds. OWEB programs support efforts to restore salmon runs, improve water quality, and strengthen ecosystems that are critical to healthy watersheds and sustainable communities. OWEB administers a grant program that supports voluntary efforts by Oregonians that help create and maintain healthy watersheds.

In Lane County, local watershed councils and soil and water conservation districts conduct numerous restoration projects each year. These projects are often funded wholly or in part by OWEB grants. To qualify for grant funding, applicants must demonstrate to OWEB that the proposed restoration projects do not conflict with local land use regulations. To address this requirement staff reviews grant proposals for conformance with the Rural Comprehensive Plan and advises the applicants of necessary requirements including, floodplain / floodway development permits, riparian modification requirements, greenway permits, fill removal permits, etc.

14. Research Assistance to DLCD on Active Ballot Measure 49 Claims

In November 2007, voters approved Ballot Measure 49, which modified Measure 37. The Oregon Department of Land Conservation and Development (DLCD) is the state agency responsible for evaluating approved Measure 37 claims to determine if compensation under Measure 49 is warranted.

DLCD is currently processing Measure 49 claims and as part of their review process, Lane County must provide research assistance to DLCD regarding historical zone designations and development criteria.