



Lane County

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MEMORANDUM

To: Board of County Commissioners

From : Matt Laird, LMD Manager *M*

Date: February, 10, 2010

Re: Report Back on Long Range Planning Work Program -
Citizen Involvement Process for Consideration of Land Use Policy
Changes to Lane Code

Background

On February 3, 2010, the Board of County Commissioners (BCC) directed the Land Management Division Manager to report back on a process for engaging the citizens of Lane County to participate in the identification and analysis of issues within the land use chapters in Lane Code and the Lane County Rural Comprehensive Plan. The BCC has specifically requested additional information on how Item 1 of the LMD Long-Range Planning Work Program Project List will be implemented. The title of Item 1 states the following:

“Modernize and streamline Lane Code/Lane Manual, create internal consistency, incorporate recent state law changes, consider policy changes.”

Analysis

Item 1 of the work program has been divided into two projects. The first project includes the code amendments implementing changes in state law. This project has been scheduled to be heard by the Lane County Planning Commission (LCPC) on March 2, 2010 with a first reading to the BCC on March 17 and a second reading and public hearing at the BCC on March 31st.

The second project implementing Item 1 of the work program is a comprehensive prioritization of identified amendments to the land use portions of Lane Code and the Rural Comprehensive Plan. (Attached is a preliminary list including items developed by staff.) This will be a much larger project than the legislative changes and will include a significant amount of citizen involvement, consistent with the good governance policies established by the Board. Depending upon what tasks are chosen by the Board, it is likely there will be a need for more staff time than the .8 FTE that has been allocated in the Long Range Planning Work Program.

The following timeline is proposed to begin the citizen involvement process of developing Lane Code and Rural Comprehensive Plan amendments in accordance with Item 1 of the Long Range Planning Work Program.

Phase 1

- 01/28/10 Send email announcement to interested parties
- 02/12/10 Add website notice of upcoming meetings, send email invitations, continue to develop stakeholder list
- 02/25/10 First stakeholder meeting – focus on issue identification, specific code sections to be amended, and reasons and justification for the changes
- 03/04/10 Second stakeholder meeting – sort issues by category, type, and importance, discuss and debate policy implications, identify complexity
- 03/18/10 Third stakeholder meeting – finish sorting and debate of proposals, begin preliminary prioritization
- 04/15/10 Fourth stakeholder meeting – evaluate staff and financial resources, finalize priority list to present to BCC
- 05/19/10 Report back to BCC with stakeholder recommendations - BCC to evaluate Long Range Planning Work Program Project List and make final priority decisions

Phase II

- June – July Stakeholder Meetings – develop specific code and plan language necessary for implementing the BCC policy choices
- Aug – Sept. LCPC – Public hearings
- Oct – Nov. BCC – Public hearings

02/10/10 Preliminary List of Code Amendments and Policy Issues

PROPOSED AMENDMENTS BY GOAL 1

Topic	Zone	RCP or LC Citation.	Summary/Problem/Issue	Fix/Notes
1 RCP Policy Amendment		RCP Goal 2, Policy 9	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
2 RCP Policy Amendment		RCP Goal 2, Policy 11	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
3 RCP Policy Amendment		RCP Goal 2, Policy 12	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
4 RCP Policy Amendment		RCP Goal 3, Policy 7	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
5		16.400 (8)(a)(i)	Restricts new "developed and committed exceptions"	Remove Developed and Committed Exceptions Process
6 RCP Policy Amendment		RCP Goal 2, Policy 18	Restricts new "nonresource land" designations	Replacement language requiring exception to state Planning Goals to remove land from a forest or farm designation.
7 RCP Policy Amendment		RCP Goal 2, Policy 19	Restricts new "nonresource land" designations	Removes policy 19 regarding residential densities for non-resource lands
8 RCP Policy Amendment		RCP Goal 2, Policy 27	Amends policies regarding forest land zone changes from F-1 to F-2.	Replaces language regarding "conformity determinations"
9 RCP Policy Amendment		RCP Goal 2, Policy 27 (a)(ii)	Amends policies regarding forest land zone changes from F-1 to F-2.	Replaces language regarding qualifying circumstances for consideration of conformity determinations
10 RCP Policy Amendment		RCP Goal 4, Policy 15(a)	Amends policies regarding forest land zone changes from F-1 to F-2.	Replaces policy 15(a), inserts language regarding F-1 and F-2 characteristics.
11 LC Amendment		16.090	Amends definition of a "tract"	Replaces current language with statutory language
12 LC Amendment		16.090, 13.010	Deletes definition of "contiguous"	Deletes definition of "contiguous"
13 RCP Policy Amendment		RCP Goal 4, Policy 7	Amends policies regarding minimum land division size in forest zone	Removes exceptions to 80 acre minimum
14 RCP Policy Amendment		RCP Goal 4, Policy 8	Amends OAR citation regarding fire safety standards	Clarifies OAR citation
15 RCP Policy Amendment		RCP Goal 4, Policy 15	Inconsistency with RCP policies on County website	deletes web version of RCP, Goal 4, Policy 15
16 LC Amendment	F-2	16.211(5)	Amends language regarding manufactured homes included within a template dwelling application	Specifies that manufactured home must be permanent and in continuous existence since 1993
17 LC Amendment	F-2	16.211(8)(c)	Amends language regarding fire siting standards	Removes language regarding fire siting standards "or their equivalent"
18 LC Amendment		14.050(3)(b)	Amends language regarding code compliance	Adds language regarding land use applications on properties containing an alleged violation
19 LC Amendment		16.090	Amends definition of "home occupation"	Adds standards regarding "home occupations"
20 LC Amendment	RR	16.290(2)(h)	Removes home occupation as permitted use in RR zone	Requires all home occupations to be subject to director approval, reference 16.290(3).
21 LC Amendment	F-2	16.211(5)(c)	Amends language regarding the placement of a "square template"	Amends language regarding the orientation of the "template" and the determination of the center of the property
22 LC Amendment	F-2	16.211(5)(c)	Amends language regarding the number of dwellings needed to qualify for a template test	Increases the number of dwellings (from 3 to 5) needed to qualify for a template test, requires that all dwellings must fall within the template

23	LC Amendment	F-2	16.211 (5)(a)	Amends language regarding a "tract" in a template dwelling application	Adds an ownership date (01/01/10) of the tract
24	LC Amendment	F-2	16.211(5)(c)	Amends language regarding the "rectangular template"	Adds language regarding the distance the tract must about a road and the alignment of the rectangular template
25	RCP Policy Amendment		RCP Goal 2, Policy 25	Adds new plan designation and zone classification "Lands of Critical Importance"	Adds new plan designation and zone classification "Lands of Critical Importance"
26	RCP Policy Amendment		RCP Goal 2	Adds new policy 28 regarding greenhouse gas emissions and fossil fuel energy conservation	Adds new policy regarding greenhouse gas emissions and fossil fuel energy conservation
27	RCP Policy Amendment		RCP Goal 3	Adds new agricultural policy 17 regarding global warming and fossil fuels	Requires inventory of Agricultural land deemed to be of critical importance
28	RCP Policy Amendment		RCP Goal 4	Adds new forest policy 16 regarding global warming and fossil fuels	Requires inventory of Forest land deemed to be of critical importance
29	RCP Policy Amendment		RCP Goal 6	Adds new air quality policy 7 regarding greenhouse gas emissions	Sets goals for reducing greenhouse gas emissions
30	RCP Policy Amendment		RCP Goal 12	Adds new transportation policy 5 regarding global warming and fossil fuels	Requires transportation system impacts to meet greenhouse gas emission and energy consumption goals and objectives
31	RCP Policy Amendment		RCP Goal 13	Adds new energy conservation policy 4 regarding peak oil, peak natural gas, and peak coal	Requires the initiation of mitigation options in advance of peaking
32	RCP Policy Amendment		RCP Goal 13	Adds new energy conservation policy 5 regarding the oil depletion protocol	Adds language regarding reducing oil consumption by the world depletion rate
33	RCP Policy Amendment		RCP Goal 13	Adds new energy conservation policy 6 regarding minimizing adverse energy consequences of land development and building permit requests	Requires the development of standards for identifying, evaluation and minimizing adverse energy consequences associated with land development and building permits
34	RCP Policy Amendment		RCP Goal 13	Adds new energy conservation policy 7 regarding sources of electricity	Requires Lane County electricity to be generated by sources other than coal-fired plants unless carbon emissions are permanently sequestered.
35	RCP Policy Amendment		RCP Goal 14	Adds new urbanization policy 18 regarding global warming and fossil fuels	Requires Lane County to meet greenhouse gas emission and energy consumption goals and objectives

ISSUES IDENTIFIED BY LMD STAFF

Topic	Zone	RCP or LC Citation.	Summary/Problem/Issue	Fix/Notes	
36	Code Organization/Streamlining	C-1; M-1; M-3; IWP; RA; RG; C-2; C-3; C-R; M-2; RR (16.231)	16.220; 16.221; 16.222; 16.223; 16.224; 16.225; 16.226; 16.227; 16.229; 16.230; 16.231; 16.012; RCP Policies	Eliminate unused and remnant zoning designations that predate the last periodic review	Confirm no parcels currently zoned C-1; M-1; M-3; RA; or RG. Where remnant zones are still in use, redesignate to comparable acknowledged rural zones created during periodic review. Coordinate with cities where appropriate.
37	Code Organization/Streamlining	CH 16	Standardize the names and definitions of uses; consistent use of terms; comprehensive list of definitions in one section	Review entire code for standard definitions and use of terms; definitions in one place rather than multiple definitions for the same term or use. Statutory construction may complicate consolidation of definitions.	
38	Code Organization/Streamlining	CH 16	Improve code organization to make more user friendly	Group base zones (F-1, F-2, EFU, RR, etc.); group overlay zones (PW, /NRC, /BD, /H, etc.); group regulations that apply to all zones (Riparian, Greenway, parking, telecom, etc.); group admin procedures (rezoning, plan amendments, enforcement, variances, etc.)	

39	Code Organization/Streamlining	CH 16	Repetitive lists of uses in each zone.	Use matrix for uses (all uses in rows, zones in columns, notation for allowed/AA/DA/HO approval). Use matrices allow at-a-glance cross-zone comparisons of permitted uses. Statutory construction, especially for the different methods for getting dwellings in resource zones, and overlay zones may complicate a use matrix. See Jackson County.
40	Code Organization/Streamlining	Ch. 16 Table of Contents	Headings are misleading	Specifically, not all zones listed under a heading relate to that heading, i.e. "NONCONFORMING USES", "CONSERVATION ESTUARY ZONE...", and "NONIMPACTED FOREST LANDS ZONE"
41	Code Organization/Streamlining	CH 10	Ch 10 is antiquated, hasn't been updated to reflect changes in statutes, rules, and policies	Modernize standards for development within UGBs.
42	Policy Clarification - Guesthouse/Accessory Structure in resource zones	F-1; F-2; EFU 16.210; 16.211; 16.214	Director Interpretation allows accessory structure or accessory residential structure (guest house) in resource zones	Need codified standards
43	Policy Clarification - 'Development Area' for residential accessory structures	F-1; F-2; EFU 16.210; 16.211; 16.212	Director Interpretation that residential accessory structures must be in same 'development area' for resource zones (within 142 feet, based on same site replacement provision)	Need codified standards
44	Policy Clarification - Guesthouse/Accessory Residential Structures	RR [F-1, F-2, EFU] 16.090; 16.290(2)(4); 16.290(2)(0)	Accessory structure/residential structure/guesthouse language inconsistent	Clarify what constitutes 'accessory residential structure' (i.e., 'habitable space' or heated space) versus shop or storage space; clarify standards for 'mixed' structures (habitable space over garage); conversion standards between different types of structures.
45	Policy Clarification - Guesthouse/Accessory Residential Structures	RR [F-1, F-2, EFU] 16.090; 16.290(2)(4); 16.290(2)(0)	Accessory structure/residential structure/guesthouse size and scale	Clarify size and scale for accessory structures in resource and nonresource zones
46	Policy Clarification - HO Determination	16.264(c)(ii)(C)	"Documentation in the form of lease agreements for a minimum of two collocations..."	Language needs to be updated to reflect HO determination in PA 07-6830 that this provision is inconsistent with federal law.
47	Policy Clarification - Telecom Director Hearing	16.264(4)(a)	"An application for placement of a transmission tower requires submittal of an application in accordance with LC 14.050 and a hearing with the Director in accordance with LC 14.300..."	Director Hearings were removed from 14. This should be changed to either a Director Approval per 14.100 or an HO Approval per 14.300(b).
48	Policy Clarification - BCC Interpretation	RR 16.290(4)(f)	RV & boat storage facilities in the rural residential zone	Language needs to be updated to reflect BCC interpretation in PA 07-6721
50	Text Clarification - Home Occupations	F-2; EFU; RR 16.090; 16.211; 16.212; 16.290	Home Occupation & Rural Home Business definitions and language inconsistent	Use one term/definition for Director Approval use in RR, F-2, and EFU, and one term/definition for permitted use in RR.
51	Text Clarification - Home Occupations	F-2 16.211(3)(n)(ix) [all home oc. provisions]	"...or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below."	The language in this subsection is confusing and seems contradictory to the two year provision later in the subsection. Could be broken into two subsections, one for initial expiration and one for extensions.
52	Text Clarification - Parking	16.250(4)(d)	"... and the parking lot shall be six feet in height."	Should read "and the ornamental fence, wall or hedge enclosing the parking area shall be six feet in height."
53	Text Clarification - Replacement Rights	F-2; EFU; RR 16.211(4)(a)(i)(b) b); 16.212(5)(a)(i)(b) b); 16.290(2)(b)(ii)	"...predates the zoning of the subject property."	should read "predates zoning that would restrict or regulate dwelling use on the subject property"

54	Text Clarification - RR Livestock	RR	16.290(4)(a)	"More feeding, breeding and management of livestock, poultry or fur bearing animals, stables, riding academies and commercial riding than allowed in LC 16.290(2)(i) above."	Unclear, (2)(i) relates to the number of animals and not stables and riding academies. Should read: "Feeding, breeding and management of livestock, poultry or fur bearing animals in excess of the standards in LC 16.290(2)(i) above, as well as stables, riding academies, and commercial riding."
55	Text Clarification - RR Septic System	RR	16.290(4)(e)	"An onsite sewage disposal system for nearby property in a rural zone."	Should be "... for a nonresidential use on nearby property."
56	Text Clarification - Telecom Fire Stiling Interpretation		16.264(3)(i)	16.264(3)(i)(i) fuelbreaks for new generators. 16.264(3)(i)(ii) road standards for new towers	Revise language to reflect this
57	Text Clarification - Temp Medical Hardships	F-2; EFU; RR	16.211(3)(o)(ii); 16.212(5)(d); 16.290(2)(d)	TMH language inconsistent between sections	Standardize language across zones.
58	Text Clarification - Tract Definition	F-2	16.090 Tract; 16.211(5)(a); 16.211(6)(b); 16.211(7)(a);	Definition in 16.090 does not make sense and needs to be clarified; definitions in other sections are inconsistent with each other	"Unit of land comprised of adjacent lots, parcels, or units of land under the same ownership." (?)
59	Text (Policy?) Clarification F-1 Replacement Rights	F-1	16.210	No standards for replacement dwellings in F1	Add codified standards.
61	Text Clarification - Coastal Overlays	Coastal overlays	16.235; 16.236; 16.237; 16.237; 16.238; 16.239; 16.240; 16.241; 16.243	coastal overlay zones need steep slope criteria, not reliance on 16.005(2) "Grading, Excavation and Clearing"	Develop standards that clarify when geotech analysis required
62	Text Clarification - Dwellings	F-2; EFU; RR	16.211(5), (8), (10); 16.212(5), (6), (7)	References to "dwellings and manufactured dwellings" are redundant. The definition of dwelling includes manufactured homes. There is no definition of "manufactured dwelling".	Remove references to "... and manufactured dwellings"
63	Text Clarification - Signs		Most zones	Some language inconsistency between sections	Clarify lighting restrictions, lumens, include "moving" definition
64	Text Clarification - F-1 Fire Siting Standards (Legislative Update?)	F-1	16.210(6); 16.211(8)(e)	The fire siting standards are different in the F1 and the F2. They also mix terms and do not indicate clearly if they apply to structures or dwellings.	Update F-1 standards to be consistent with F-2.
65	Text/Citation Error		16.090 Farm Use. (4)	ORS 321.267(1)(e) or 321.415(5)	These ORS citations have changed
66	Text/Citation Error	F-2	16.211(2)(k)	"... subject to review under LC 16.211(3)(f-f) below."	(f-f) should be (e-e)
67	Text/Citation Error	EFU	16.212(3)(w)	"... subject to review under LC 16.212(4)(f-f) below."	(f-f) should be (f-f)
68	Text/Citation Error	EFU	16.212(7)(d)(i)	"... or woodlot required in LC 16.212(7)(c)(i) above"	16.212(7)(c)(i) should be 16.212(7)(c)(i)(a-a)
69	Text/Citation Error	NR	16.213(4)	"Special Uses - Director Official Approval."	'Director' should be 'Hearings'
70	Text/Citation Error	ML	16.214(2)(b)	"... requirements of LC 16.214(6) below."	(6) should be (7); (7) is development standards
71	Text/Citation Error	/H	16.233 Title [also in Table of Contents]	"HISTORIC STRUCTURES OF SITES COMBINING ZONE"	"OF" should be "OR" or "AND" in order to be consistent with the language in the Purpose statement.
72	Text/Citation Error	/PW	16.238(6)(f)	"... setback area specified by LC 16.238(8)"	(8) should be (7); (7) has additional setback requirements
49	Text/Citation Error - /BD Preliminary Investigation	/BD	16.243(10)	"Any proposal for development, with the exception of minimal development or timber harvesting zone is combined, shall require a Preliminary Investigation..."	"...or timber harvesting zone is combined, ..." does not make sense. Strike "zone is combined"
73	Text/Citation Error	/AS	16.246(5)(c)	"A horizontal plan 150 feet above..."	'plan' should be 'plane'
74	Text/Citation Error	CLWP	16.258(7)(d)	"... roofed structures regulated by the Uniform Building Code shall..."	Uniform Building Code' should be 'International Building Code or International Residential Code, as amended by the State of Oregon,"

75	Text/Citation Error		16.264(2) Changeout.	"... LC 163.264(3)(h). "	should be 16.264(3)(h)
76	Text/Citation Error	RR	16.290(4)(o)(i)	"the local rural area; or"	'or' should be 'and'
77	Text/Citation Error	RI	16.292(3)	"... requirements of LC 16.292(4)(a) through (g)..."	(g) should be (i)
78	Text/Citation Error	RI	16.292(3)(f)	"requirements of LC 16.292(6)(d)"	should be 16.292(2)(b)(iv)
79	Text/Citation Error		13.010(4) Cluster Subdivision.	"... cluster subdivision Policy #24 set forth under Goal 2..."	#24 should be #23

LMD Long-Range Planning Work Program Project List		Mandatory Yes / No	LCPC Priority Ranking	Project Duration	FTE Requirement
Program Maintenance					
1.	Modernize & streamline Lane Code/Manual, create internal consistency, incorporate recent state law changes, consider policy changes	NO	# 1c	Ongoing	0.8
2.	E-Government Services: GIS Application Development & Web Maintenance	YES		Ongoing	0.15
3.	FEMA - Community Rating System	YES		Ongoing	0.5
Policy Issues					
4.	Protection of Surface Water and Groundwater Source Zones (.1 FTE allocated to Tri-County water quality effort)	NO	# 1a	Ongoing	0.2
5.	Analysis of Riparian Ordinance	NO	# 1b	6-12 months	0.25
6.	Farmland and Open Space Protection	NO	# 2	Multi-Year	0.4
7.	Channel Migration Hazard Overlay Study	NO	# 3	Multi-Year	0.4
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	
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
New Projects					
15.	Goshen Rural Industrial / Urban Industrial Plan Amendment and Zone Change	NO		4-6 months	0.05
Total FTE:					4.5