

Lane County Planning Commission Briefing Memo



May 3, 2015 (Date of Memo)
May 10, 2016 (Date of Work Session)

TO: Lane County Planning Commission
DEPARTMENT: Public Works / Land Management Division
PRESENTED BY: Keir Miller, Senior Planner
RE: Introduction to the Land Management Division's Code Modernization Project

I. PROPOSED MOTION(S):

No motions are necessary. This is a report and discussion item only.

II. ISSUE:

The Land Management Division (LMD) has initiated a multi-year work program to update the land use elements of Lane Code. Under the Code Modernization Project (CMP) several separate but related legislative text amendments to Lane Code will be proposed. The Planning Commission (PC) is scheduled to review the three components of the CMP work program in the coming months. They are:

- Updates to Lane Code Chapter 13 - Land Divisions
- Updates to Lane Code Chapter 14 - Application Review and Appeal Procedures
- Modernization of Lane Code Chapter 16 Resource Zones

The purpose of this work session is to familiarize the Planning Commission with the CMP in general and to provide a high level overview of the three specific CMP components that will be the focus of additional work sessions and public hearings with the Planning Commission/Lane County Citizen Advisory Committee in 2016.

III. DISCUSSION:

A. Background

Due to its size, location and diverse physical geography, Lane County is the only jurisdiction in Oregon where all 19 of the Statewide Planning Goals apply. As a result, Lane County must implement what is arguably the most complex rural land use program in the state. Compounding this complexity is the fact that the majority of the land use regulations and related subdivision and procedural components of Lane Code are extremely out of date and unnecessarily complicated.

Each year LMD processes routine housekeeping and legislative updates to Lane Code. However, a comprehensive overhaul of the code's land use elements has never been undertaken. Since 2010, staff has recommended that a systematic update of the Lane Code should be prioritized on the Long Range Planning Work Program. In June of 2014, the Board of County Commissioner's (BCC or Board) directed LMD to begin the initial research and scoping necessary to modernize Chapters 13, 14 and 16.

In 2015, work began on this scoping. During this time staff primarily focused on identifying existing issues within the code and researching other land use codes and best management practices that could be incorporated into future updates. Staff also applied for a Technical Assistance Grant from the Department of Land Conservation and Development (DLCD) to help design and fund a public outreach plan to support the CMP. Unfortunately, that grant was not awarded but DLCD did offer to provide technical assistance with drafting updated chapters for the resource zones contained in Lane Code Chapter 16 including the Exclusive Farm Use, Impacted and Non-Forest zones and the Marginal Lands zones.

In 2016, staff began more substantive work developing preliminary concept drafts of Chapters 13 and 14. Working with Angelo Planning, a private consulting firm under contract with DLCD, staff also began reviewing and commenting on model resource zone language developed by the State.

At this time the preliminary concept drafts of Chapters 13 and 14 have been reviewed internally by Lane County staff. In addition, the concept draft of Chapter 13 is currently under review by variety of external stakeholders. It must be stressed that these preliminary concept drafts are intended as a conversation starting point. Code development is an iterative process and it is anticipated that the drafts will be revised throughout the public involvement and adoption process.

B. Overview of Proposed Code Revisions

Chapter 13 Updates:

Lane Code Chapter 13 codifies and implements the subdivision and partitioning standards of ORS Chapters 92,197 and 215 and also contains provisions for property line adjustments and the verifications of lawfully established units of land. In 2009, elements of Chapter 13 were revised to reflect the recommendations of a County appointed land use task force. There is general consensus among staff and many former members of the task force that the code updates undertaken in 2009 have proven to be difficult to understand and implement. In addition, there are a number of long standing issues with Chapter 13 that were not adequately addressed during the 2009 update. At this time staff is recommending a comprehensive update of Chapter 13. The more significant proposed changes are:

- Revising the Definition section; adding a handful of new definitions and removing ones that aren't used in the new code
- Adding a new section to explain the Partition and Subdivision Procedure process, including a new section for timeline extensions for preliminary plans
- Adding new section addressing the problematic issue of multi-jurisdictional overlap
- Updating/clarifying the Dangerous and Sensitive Areas criteria for preliminary plans
- Adding storm water drainage system criteria for preliminary plans
- Updating the septic system and water supply criteria for preliminary plans
- Adding a new section for minor revisions to preliminary plans (formerly called minor and major amendments)
- Rewriting the Re-platting and Property Line Adjustment sections

- Creating an administrative Legal Lot Verification process (with clear and objective criteria)

These proposed changes have been drafted in coordination with staff from the Lane County Surveyor's Office, the County Engineer, Environmental Services and the State Water Master's Office.

Chapter 14 Updates:

Lane Code Chapter 14 includes procedures for the submittal, acceptance, review and processing of land use applications and appeals. This critical Chapter of Lane Code provides the necessary procedural framework, which describes how land use applications must be submitted and how staff must review and process them. In addition, key information such as timelines and hearing procedures are outlined.

The proposed amendments to Chapter 14 are less substantive to those proposed for Chapter 13 but if implemented they will significantly modernize Lane County's review procedures and provide more clarity to staff and the general public. The following changes are being proposed:

- Reorganize the chapter to provide a more logical structure
- Include missing/incomplete procedures for administrative and legislative matters
- Clarify timeline procedures
- Remove outdated and obsolete references to State Statutes
- Revise nomenclature for procedure types to more modern terminology
- Reformat the chapter to enhance its readability and usability

Modernization of Lane Code Chapter 16 Resource Zones:

Lane Code Chapter 16 was originally adopted in the 1984 to comply with State land use law. The chapter includes provisions designed to regulate and coordinate the orderly development and use of land in unincorporated Lane County consistent with the Rural Comprehensive Plan. Chapter 16 comprises more than 680 pages, 82 chapters, and 44 zones, covering resource and non-resource lands, the coast, floodplains, the Willamette Greenway, transportation facilities, nonconforming uses, airport regulations, signs, parking, etc. Chapter 16 has not been systematically updated since its adoption and it is exceedingly out-of-date, poorly formatted, riddled with inconsistencies, and difficult to navigate or interpret. The State recognized these deficiencies in granting Lane County the technical assistance to help update the most critical and most often used zoning sections. Additionally, during LMD's 2015 process improvement initiative staff identified the outdated nature of Chapter 16 as the number one impediment to providing timely and accurate services to the public.

Because of its complexity and size, modernizing Lane Code Chapter 16 will be a multi-year effort. On LMD's 2015-2016 Long Range Planning Work Program resources were assigned to scope and prioritize updates to the Code. However, in January 2016, the BCC revised the work program to enable staff to begin immediate updates to the Farm, Forest and Marginal Lands sections of Chapter 16. The work plan was adjusted to take

advantage of the DLCD technical assistance offer discussed above. By partnering with the State staff is able to leverage resources and make considerable headway on the Chapter 16 update.

At this time staff is working directly with an external consultant to develop revised drafts of the following resource zones within Chapter 16:

- LC 16.210 – Non-Impacted Forest Zone (F1)
- LC 16.211 – Impacted Forest Zone (F2)
- LC 16.212 – Exclusive Farm Use Zone (EFU)
- LC 16.214 – Marginal Lands Zone (ML)

The revised drafts will be based on model zoning code language that DLCD developed and which has been adopted by other counties. Currently, staff is conducting an extensive review of the model zones and comparing them with the County's existing resource zones, State Statutes and Administrative Rules.

C. Policy Issues

The proposed updates to Lane Code are being presented primarily to modernize the code by enhancing readability, providing more clarity and certainty, and updating and poorly written language. However, the updates are not strictly limited to housekeeping and formatting changes. Updates to Lane Code Chapter 13, Chapter 14 and the resource zone elements of Chapter 16 will present a number of policy considerations for the Planning Commission and Board of County Commissioners. Each of the various policy choices will be highlighted as the individual work items are presented to the Planning Commission. The PC's role will be to evaluate these various policy options, taking into account input from the public and staff and provide recommendations to the BCC.

IV. ACTION:

No action is needed at this time.

A. Follow Up

Numerous work sessions and public hearings are scheduled with the PC to review elements of the CMP. The most immediate dates include a May 17 work session on the proposed Chapter 14 updates followed by a June 7 work session on the proposed Chapter 13 amendments.