

W. D.A.

## AGENDA COVER MEMO

**DATE:** June 1, 2006 (Date of memo)  
June 14, 2006 (Date of work session)

**TO:** LANE COUNTY BOARD OF COMMISSIONERS

**FROM:** Public Works Department/Land Management Division (LMD)

**PRESENTED BY:** Kent Howe, Planning Director  
Jeff Towery, Division Manager

**AGENDA ITEM TITLE:** BOARD DIRECTION ON LONG-RANGE PLANNING  
WORK PROJECTS AND REVENUES DURING THE  
FISCAL YEAR 2006-2007.

### ISSUE

Land Management Division (LMD) conducts long-range planning activities based on available funding sources and the expressed priorities of the Board of County Commissioners.

### DISCUSSION

LMD anticipates revenues during the Fiscal Year 2006-2007 in the amount of \$500,000.00 for long-range planning projects. There are four sources for these revenues:

1. Long Range surcharge on LMD permit fees (7.5%)	\$ 285,000.00
2. EDSC Video Lottery grant	\$ 170,000.00
3. DLCD Technical Assistance grant (Dredge Materials Disposal Plan)	\$ 30,000.00
4. <u>DLCD Periodic Review grant (CRMP Periodic Review)</u>	<u>\$ 15,000.00</u>
Revenue	\$ 500,000.00

LMD is also involved in discussions with the Economic Development Standing Committee (EDSC) for approval of a second Video Lottery grant during FY 2006-2007 to secure an additional \$100,000 following the Request For Proposals evaluation and selection process for securing a contract with a private consulting firm to overhaul the Lane Code Chapter 10 land use regulations within the urban growth boundaries of Florence, Veneta, Junction City, Coburg, Creswell, Cottage Grove, Lowell, Westfir and Oakridge, and Lane Code Chapter 16 land use regulations within the Metro Plan area and rural Lane County. If the second EDSC grant is authorized, LMD's anticipated revenues for long range planning projects in FY 2006-2007 will be \$ 600,000.00. This item was presented to the Budget Committee as an add package (approved) and is discussed in further detail in the Economic Development Standing Committee subsection.

All of the grants that have been approved, including the EDSC funding referenced above, are allocated to specific work projects and specific products or actions and are accountable to the sources allocating the funds. This memo will identify the specific projects and the funding sources currently in place.

### Economic Development Standing Committee

In February 2006, LMD submitted an application to the Economic Development Standing Committee identifying nine projects with anticipated expenses totaling \$327,439.80. LMD requested funding in the amount of \$170,000.00 to partially offset the anticipated budgets.

The nine projects were:

Project	Budget	FTE**
• GIS Zoning Diagrams/Website	\$ 54,475.60	0.45
• Floodplain/CRS (Community Rating System) program	\$ 28,782.00	0.40
• Metro – Small Cities Urban Planning	\$ 88,226.80	1.10
• Ballot Measure 37 Preparedness and Processing	\$ 48,601.40	0.50
• Legislative updates to LC Chapters 13 and 16	\$ 15,855.50	0.20
• Siuslaw River Dredge Materials Disposal Plan	* \$ 23,875.80	0.45
• Coastal Resource Management Plan (Periodic Review)	# \$ 17,959.80	0.25
• Overhaul of Lane Code Chapters 10 (Urban) and 16 (Rural)	\$ 41,264.90	0.50
• ORS 836 Private Airport Planning	\$ 8,398.00	0.10
Totals	\$ 327,439.80	3.95

Note: \* Anticipated expenses and FTE in addition to the DLCD grant in the amount of 30,000.00.

# Anticipated expenses and FTE in addition to the DLCD grant in the amount of 15,000.00.

\*\* FTE includes both LMD and PW-GIS personnel.

In discussions with the EDSC it was acknowledged that LMD would use the grant funds spread over five of the nine projects, based on the most appropriate uses of the funds under the economic development guidelines. The five identified projects were:

Project	Expense	FTE
• GIS Zoning Diagrams/Website	\$ 54,475.60	0.45
• Floodplain/CRS (Community Rating System) program	\$ 28,782.00	0.40
• Metro – Small Cities Urban Planning	\$ 88,226.80	1.10
• Ballot Measure 37 Preparedness and Processing	\$ 48,601.40	0.50
• <u>Overhaul of Lane Code Chapters 10 (Urban) and 16 (Rural)</u>	\$ 41,264.90	0.50
Totals	\$ 261,350.70	2.95

It was understood that LMD would utilize \$91,350.70 from the annual LR surcharge on permit fee revenue to supplement the difference between the EDSC grant and the total expenses for the five projects. This would leave \$193,649.30 of the surcharge to be allocated to additional projects.

As mentioned above in the EDSC discussions, it was also understood that LMD was proposing a three-year project linked to the EDSC \$41,264.90 allocation that would initiate actions in preparation for an in-depth overhaul of the Lane Code Chapter 10 land use regulations applicable to inside urban growth boundaries (UGB) of the ten small cities of Lane County, and the Lane Code Chapter 16 land use regulations that apply within the Metro Plan Boundary and the Rural Comprehensive Plan areas outside the UGBs within the County. FY 2006-2007 actions will include scoping the project requirements, compiling necessary documentation, preparing a request for proposal guidelines, and processing the submittals to select a qualified consulting firm.

LMD has submitted additional information to EDSC which is currently being reviewed by staff and will be initially discussed by the Standing Committee on June 1. Any action or recommendation by the committee will be provided to the Board as supplemental information or incorporated into the staff report for this item. This will be the first in a series of four grant requests over four consecutive, fiscal years. The EDSC Video Lottery grant will request \$100,000.00 to hire the selected consulting firm from the private sector to initiate the project in the latter part of FY 2006-2007. Dependent on the success of negotiations for a final contract for services, LMD anticipates annual requests to EDSC in the range of \$100,000 to \$150,000 during FY 2007-2008 through FY 2009-2010, to complete the project with adoption by the Board of County Commissioners of implementing ordinances by June 30, 2010.

### **Oregon Department of Land Conservation and Development (DLCD)**

The two DLCD grants partially fund the Coastal Resource Management Plan projects. Additional funds are needed to complete the projects and qualify for reimbursement under the grants.

Project	Budget	DLCD Grant	LR Revenue	FTE
• Siuslaw Dredge Materials Disposal Plan	\$ 53,875.80	\$ 30,000.00	\$ 23,875.80	0.45
• Coastal Resource Management Plan	\$ 32,959.80	\$ 15,000.00	\$ 17,959.80	0.15
Totals	\$ 86,835.60	\$ 45,000.00	\$ 41,835.60	0.60

The County has secured a grant to partially fund the coordination between the jurisdictions of Lane County, City of Florence, Port of Siuslaw, and the Corps of Engineers is essential to ensure that the Siuslaw Dredge Materials Disposal Plan will provide an opportunity for environmental protection and economic development within the Siuslaw River basin in the decades ahead. The jurisdictions will incorporate the expertise and interests of the Siuslaw Watershed Council, Siuslaw National Forest, Oregon Division of State Lands, West Lane Soil & Water Conservation District, and private property owners in the process to make necessary revisions to the Plan and designated dredge material disposal sites.

The County has also secured a grant to partially fund completion of the final periodic review work tasks under the Goal 16 - Estuarine and Goal 17 - Shorelands guidelines. The tasks include analysis of water-related and water-dependent uses in the Rural Commercial and Rural Industrial zones.

This would leave \$ 151,813.70 of the surcharge to be allocated to additional projects.

### **Lane County Legislative Committee Title III**

The Community Wildfire Protection Plan Steering Committee has a pending Title III grant application before the Legislative Committee in the amount of \$150,538.00. The funding is spread over 12 action items to fund outreach, education, training and planning activities with allocations to the Lane County Fire Defense Board, Lane County Fire Prevention Cooperative, Oregon Department of Forestry, LC Public Works, and LMD. The LMD requested funds for coordination and planning with the other CWPP partners is in the amount of \$16,829.00. LMD considers the work of the Steering Committee crucial to the protection of lives, property and resources in rural Lane County. The Board's adoption of the CWPP in July 2005 commits LMD to participation on the Steering Committee. If the Board does not approve the Title III grant application then LMD will be obliged to fund the \$ 16,829.00 out of the LR surcharge revenue reducing the available surcharge revenue from \$ 151,813.70 to \$ 134,984.70.

### **Unfunded and mandated projects**

Lane County has inherited policy decisions stemming from unfunded mandates resulting from LUBA and Oregon Supreme Court opinions.

Depending on the Board's direction in future work sessions, LMD may be amending the regulations in Rural Commercial (RC), Rural Industrial (RI), Rural Public Facility (RPF) in response to the 2002 LUBA decision *Doty vs. Coos County*. The opinion has resulted in a challenge to the County's annual post-acknowledgement plan amendments to conform zoning designations to uses or circumstances on specific properties within the Coast Fork Willamette and the Middle Fork Willamette Watersheds. Twenty-three of the 36 properties in the Coast Fork are in one of the three designations, within developed & committed exception areas outside designated rural communities. Approximately 30 of the 43 properties in the Middle Fork are in this same situation. Moving ahead on the amendments to the D&C properties would require amendments to LC 16.291 (RC), LC 16.292 (RI), and LC 16.293 (RPF) and the establishment of "single numerical minimum lot sizes". The current minimum parcel size in the three sections of Lane Code is based on "carrying capacities" to address the projected intensity of a use rather than a one-size-fits-all, density by square footage or acres. If the Board determines that the proposed amendments into any of these three zonings designations should be retained in Lane Code, then a work program including a Ballot Measure 56 notice would be required with an anticipated budget of \$12,700 and approximately \$6,000 for the notice.

The Oregon Supreme Court issued the *Outdoor Media Dimensions vs. ODMV* opinion on March 26, 2006 addressing the content of signage in some zones. Lane Code provisions restrict off-sight advertising in some zone designations and "outdoor advertising" to the Rural Industrial Zone. To bring Lane Code into compliance will require an expenditure of \$8,160 for the work project and an additional \$6,000 for Ballot Measure 56 notice.

Project	Project Budget	BM 56 Notice	LR Total	FTE
• Minimum Lot Standards RC, RI, RPF	\$ 12,700.00	\$ 6,000.00	\$ 18,700.00	0.15
• Supreme Court Opinion "Content of signs".	\$ 8,160.00	\$ 6,000.00	\$ 14,160.00	0.10
Totals	\$ 20,860.00	\$ 12,000.00	\$ 32,860.00	0.25

Responding to these two mandates would leave \$102,124.70 of the available surcharge to be allocated to additional projects.

### **Other work projects**

#### **Post-acknowledgement plan amendments**

Ordinances implementing post-periodic review actions in the McKenzie (2003), Siuslaw (2004) and Long Tom (2004) watersheds have been adopted by the Board of Commissioners. Post-acknowledgement plan amendments (PAPA) have resulted in zoning designation amendments for multiple properties in each of the watersheds.

Ordinance No. PA 1226 proposing amendments for 36 properties in the Coast Fork Willamette Watershed have been processed by the Planning Commission and deliberations have been completed on recommendations to the Board. Actions on 23 of the 36 subject properties in Ordinance No. PA 1226 are contingent on the Boards' policy direction on whether or not to amended the minimum lot size in the RC, RI and RPF zones as discussed in the Unfunded and

mandated projects subsection above. No additional funding is required to complete the processing of this ordinance before the Board.

Work on the Middle Fork Willamette Watershed PAPA ordinance was halted in 2005 until direction from the Board of Commissioners to LMD staff had been completed via Ordinance No. PA 1226. If minimum lot size amendments are adopted in the RC, RI and RPF Lane Code regulations, then staff will prepare an ordinance and staff reports for the 47 Middle Fork properties. This would commit staff during FY 2006-2007 in the following manner:

<u>Project</u>	<u>Project Budget</u>	<u>LR Revenue</u>	<u>FTE</u>
Middle Fork Willamette Watershed PAPA	\$ 32,431.00	\$ 32,431.00	0.3

This budget would include providing written formal notice to property owners surrounding the 47 subject properties and conducting public hearings with the Planning Commission and the Board.

Processing the Middle Fork Willamette Watershed ordinance would leave \$69,693.70 of the surcharge revenue for other projects.

#### GIS maintenance and digitizing contract

Over the past two years LMD has secured grant funding for the LC Public Works GIS section to digitize zoning designation layers registered to the PW-GIS created parcel base. The GIS effort has resulted in the completion of the initial designations that are currently being checked for accuracy against the official paper plots. LMD is proposing to set aside \$12,500 of LR revenue to address GIS maintenance and revisions (\$2,500), analysis and production of GIS data and plots to support LMD long-range projects (\$5,000), and digitizing of new GIS layers on a priority basis for LMD as identified (\$5,000).

Allocating the GIS maintenance and project funding would leave \$57,193.70 of the surcharge revenue for other projects.

#### Eugene Airport Master Plan

Expansion of the runways at the Mahlen Sweet Airport in 2002 has resulted in required amendments to the implementing Lane Code 16 airport safety regulations. LMD needs to process the proposed amended regulations through the Planning Commission and the Board of Commissioners. The Airport staff is also embarking on an update to the Eugene Airport Master Plan that will result in adoptions to the Rural Comprehensive Plan and the Metro Plan. LMD staff commitment will result in the following expenditures:

<u>Project</u>	<u>Project Budget</u>	<u>LR Revenue</u>	<u>FTE</u>
Eugene Airport Master Plan and LC 16 amendments	\$ 8,660.00	\$ 8,660.00	0.1

Funding this project would leave \$48,533.70 of the available surcharge revenue for other projects.

#### Fire Safety Standards (F2)

The Board of Commissioners provided direction to staff following the May 24<sup>th</sup> work session on the proposed implementation of “structural defensible space” standards for new residential development in the wildland-urban interface of rural Lane County. The Board opted to apply the fire safety standards as advisory in all zoning designations other than the Impacted Forest Land

Zone. The Board opted to amend Lane Code 16.211(8)(c) fuel break standards to comply with the “structural defensible space” modeled on SB 360 (1997) and current recommendations of fire professionals.

Project	Project Budget	LR Revenue	FTE
“Structural Defensible Space” (F2) LC 16.211(8)(c)	\$ 8,660.00	\$ 8,660.00	0.1

Funding this project would leave \$39,873.70 of the available surcharge revenue for other projects.

#### Bi-Annual Legislative Updates

After each legislative session, LMD amends Lane Code 10, 13, 14 and 16 to comply with revisions to the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). Due to staff shortages and BM37 processing demands, the amendments mandated by the 2003 and 2005 Legislative Assembly have not occurred. This project will bring the local codes into compliance with state law.

Project	Project Budget	LR Revenue	FTE
• Legislative updates LC 13 & 16	\$ 15,855.50	\$ 15,855.50	0.2

Funding this project would leave \$ 24,018.20 of the available surcharge revenue for other projects.

#### Small Airport Planning

ORS 836 and OAR 660-013-0155 require that local jurisdictions bring airport safety and planning processes up to date with state regulations. In this particular instance, State law addresses Private Airport Planning sites within the rural area.

Project	Project Budget	LR Revenue	FTE
• ORS 836 Private Airports	\$ 8,398.00	\$ 8,398.00	0.1

Funding this project would leave \$ 15,620.20 of the available surcharge revenue for other projects.

#### e-Government and Contingency Fund

LMD is proposing to set aside \$ 10,000.00 earmarked for contributions to e-Government projects as they develop over the FY 2006-2007 cycle.

This final proposal would reduce the anticipated surcharge revenues to \$ 5,620.20 to meet unforeseen expenses in the work projects outlined in this proposal.

#### LANE COUNTY PLANNING COMMISSION RECOMMENDATION

In the Planning Commissions annual report to the Board, the LCPC prioritized ten work projects that they felt the long-range planning staff should concentrate on in the FY 2006-2007 work program. Six of eight on the LCPC “high” priority list are included in this proposal. The report is attached as Attachment “A”.

## SUMMARY

Land Management Division is requesting direction from the Board of Commissioners as to any additional information desired as well as the process the Board wants to use to evaluate and direct LMD on these projects or others.

Projects	Project Cost	Grants	LMD Revenue	FTE
• GIS Zoning Diagrams/Website.	\$ 54,475.60			0.45
• Floodplain/CRS program.	\$ 28,782.00			0.40
• Metro – Small Cities.	\$ 88,226.80			1.10
• Ballot Measure 37 Processing.	\$ 48,601.40			0.50
• Overhaul of LC 10 and 16.	\$ 41,264.90			0.50
Subtotal	\$ 261,350.70	←-----→	\$ 170,000.00	\$ 91,350.70
• Dredge Materials Disposal Plan.	\$ 53,875.80	\$ 30,000.00	\$ 23,875.80	0.45
• CRMP Goals 16-17 PR work tasks.	\$ 32,959.80	\$ 15,000.00	\$ 17,959.80	0.15
• Title III CWPP Implementation grant	\$ 16,829.00		\$ 16,829.00	0.25
• Minimum Lot Sizes RC, RI, RPF.	\$ 18,700.00		\$ 18,700.00	0.15
• Supreme Court Opinion “signs”.	\$ 14,160.00		\$ 14,160.00	0.10
• Middle Fork Willamette Watershed.	\$ 32,431.00		\$ 32,431.00	0.30
• PW-GIS Maintenance Contract	\$ 12,500.00		\$ 12,500.00	
• Eugene Airport Master Plan /LC 16.	\$ 8,660.00		\$ 8,660.00	0.10
• “Structural Defensible Space” (F2).	\$ 8,660.00		\$ 8,660.00	0.10
• Legislative updates LC 13 & 16.	\$ 15,855.50		\$ 15,855.50	0.20
• ORS 836 Private Airports.	\$ 8,398.00		\$ 8,398.00	0.10
• e-Government Fund	\$ 10,000.00		\$ 10,000.00	
• Contingency Fund	\$ 5,620.20		\$ 5,620.20	
Total	\$ 500,000.00	\$ 215,000.00	\$ 285,000.00	4.85

**LANE COUNTY PLANNING COMMISSION RECOMMENDATIONS  
FOR 2006 ANNUAL REPORT**

**Proposed 2006 Work Program**

**Ranking** (A – High, B- Med, C – Low)

- A Complete RCP Periodic Review for Coastal Resources Management Plan (CRMP)**
  - **Inventory of Water Dependent Uses**
  - **Review CRMP implementation**
- A Resolve minimum parcel size requirement for C, I & PF in OAR 660-04-0018(2)**
- A Lane County Commercial and Industrial Buildable Lands Study**
- A Code Amendments for Wildfire Protection Standards**
- A Legislative Updates from 2003 and 2005 Legislative Sessions**
- A GIS Zoning Layer Update**
- A Update Lane County Development Code (Chapters 10 & 16)  
“Housekeeping to make more understandable and streamline”**
- A Further and complete review of Marginal Lands process (including “peer review”)**
- C Riparian Protection revisions**
- C Farmland Inventory**

**Proposed Process Improvements**

- A Provide Planning Commission with regular work sessions on the following topics:**
  - **Laws governing the public hearing process**
    - **timely due process**
    - **requests for continuations or to leave record open**
    - **decisions based on Findings of Fact**
    - **quasi-judicial v. legislative**
    - **application of Goals, Statutes, Rules and Code**
    - **notice requirements**
  - **Transportation Planning (TSP)**
- A Use of technology (digital medium) email, etc. for submissions of information to the LCPC**