BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 16-03-08-04

IN THE MATTER OF ENTERING INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY AND THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT FOR THE DRAFTING OF MODEL FARM, FOREST AND MARGINAL LANDS ZONING REGULATIONS.

WHEREAS, the Board of County Commissioners prioritized the update of Lane Code Chapter 16 on the 2015-2016 Long Range Planning Work Program on July 14, 2015; and

WHEREAS, the Oregon Department of Land Conservation and Development has allocated a portion of its Technical Assistance grant funds for the 2015-2017 biennium to assist several counties in updating the farm, forest and marginal lands elements of their zoning regulations; and

WHEREAS, the Board of County Commissioners approved Order No. 10-20-15-05, authorizing the Land Management Division to submit an application to DLCD requesting to participate in the State’s Multi County Code Update Project; and

WHEREAS, Lane County has been selected to participate in the Multi County Code Update Project and is required to enter into a Memorandum of Understanding with the State before resources will be provided.

NOW, THEREFORE, the Board of County Commissioners of Lane County ORDERS as follows:

1. The Chair of the Board of County Commissioners is authorized and directed to sign the Memorandum of Understanding included as Exhibit A between Lane County and the Oregon Department of Land Conservation and Development, which memorializes the details of a no cost working relationship between the County and DLCD. The purpose of this collaboration is to update existing Exclusive Farm Use (EFU), Nonimpacted Forest (F1), Impacted Forest (F2) and Marginal Lands (ML) zoning regulations within Lane Code Chapter 16.

ADOPTED this 8th day of March, 2016.

Faye Stewart, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 2/29/16

LANE COUNTY OFFICE OF LEGAL COUNSEL
Memorandum of Understanding between the Oregon Dept. of Land Conservation and Development and Lane County

Resource Zone Updates

This Memorandum of Understanding explains and memorializes a no cost working relationship between the Department of Land Conservation and Development (DLCD) and Lane County (County). The purpose of this collaboration is to update the F-1, F-2, E, and ML zones for the County.

Background

The primary responsibility for the implementation of Statewide Planning Goals 3 and 4 (Agricultural and Forest Land), together with ORS chapter 215 and OAR divisions 6 and 33, resides with Oregon’s 36 counties. All of the state’s counties have comprehensive plans and land use regulations that were acknowledged as conforming with statutory and rule requirements. Comprehensive plans include background information, maps, and policies intended to guide local land use regulations. Local land use regulations must, in turn, be consistent with local comprehensive plans and statutes and administrative rules.

As amendments are made to statutes and rules, counties must update their land use regulations for consistency with those amendments. When counties do not update their regulations, they are required instead to directly apply statutory and rule requirements. Yet, because of the complexity of state law involving Goals 3 and 4, the direct application of these changes is also a significant challenge for county planning staffs and property owners.

The County’s exclusive farm use and forest zones have not been comprehensively updated to reflect changes in state law since 1984. It seeks to adopt new or amended chapters of its zoning ordinance so that its provisions for exclusive farm use, forest, and mixed farm/forest are consistent with state law and the needs of the county.

DLCD has allocated a portion of its Technical Assistance grant funds for the 2015-2017 biennium to assist several counties in updating the exclusive farm use and forest zone chapters of their zoning ordinances (the “Multi County Code Update Project”). The Multi County Code Update Project is financed with State of Oregon General Funds. State funds are paid under this Agreement by DLCD to the Angelo Planning Group (Consultant) who will assist each county as described in Attachment A. No grant funding is provided directly to the county.

Project Objective and Major Deliverables

The primary objective of this project is to update the F-1, F-2, E, and ML zones for the County. This will include “non-discretionary” amendments – to reflect state statutes and rules where the County has no authority to deviate from prescribed provisions – and “discretionary” amendments – where the County will need to decide from various options what the ordinance
should provide. To accomplish this objective, Consultant will assist the County in drafting amendments. The County will adopt the amended provisions into its zoning ordinance.

Roles and Responsibilities

County: Overall management of the Project will be the responsibility of the County. County will appoint a Project Manager to be the County’s principal contact person for DLCD’s Contract Administrator and the Consultant on all matters dealing with the Project.

Specific project management duties of the County will include:
  a. Coordinating project schedule and deliverables with Consultant.
  b. Coordinating County staff and Consultant work and reviewing and editing Consultant work.
  c. Noticing, scheduling and managing public official work sessions and public hearings. Activities include preparing and distributing meeting notices, agendas, and summaries; and assisting the Consultant with meeting facilitation.

DLCD: DLCD will provide financial, administrative, and technical assistance to the Project. Technical assistance will be provided as requested by the County or Consultant. DLCD will not participate in planning commission or board of commissioner meetings or hearings unless requested. DLCD will review and approve Consultant’s work, billings and progress reports.

Consultant: Consultant will assist the County in drafting amendments and presenting a draft or drafts to a local committee, commission, or board. The Consultant will employ model zones provided by DLCD as a basis for drafting the amendments, with the understanding that the model zones are only a guide for discretionary amendments. The Consultant will deliver hearings-ready drafts of the F-1, F-2, E, and ML zones to the county for adoption.

Contacts:

Lane County
Keir Miller, Project Manager
3050 North Delta Hwy
Eugene, OR 97478
keir.miller@co.lane.or.us
541-682-4631

Department of Land Conservation and Development
Project Manager
Katherine Daniels
635 Capitol St. NE
Salem, OR 97301
katherine.daniels@state.or.us
503-934-0069

Regional Representative
Ed Moore
1715 Franklin Blvd. Rm. 221
Eugene, OR 97403
ed.w.moore@state.or.us
971-239-9453
This scope of work describes the responsibilities of all entities involved in this cooperative project.

### SCOPE OF WORK

The Lane County Resource Zone Update project will be composed of the following tasks. This scope of work is intended to illustrate the project in general, but specific details will be settled through discussion between the County and Consultant. Changes to deliverables do not require an amendment to this Memorandum of Understanding as long as they are acceptable to the County, DLCD, and Consultant and documented by e-mail. The timelines are guides intended as benchmarks not deadlines. All Consultant work must be completed no later than May 31, 2017.

**Task 1: Project Kick-Off**

The purpose of this task is for Consultant to become familiar with local conditions and with County’s planning documents, to confirm the objectives of the project, and to refine the project schedule, and for the County to prepare for the Project. Consultant will contact County via a conference call to ask preliminary questions to establish project expectations and familiarize itself with county-specific concerns. Consultant will verify the action items identified through this initial conference call with the participating county and will develop and share a proposed schedule for creating and reviewing the draft updated ordinance sections, public outreach and notification, work sessions, and hearings.

**Task 1 Consultant Deliverables:**
- 1.1 Summary of major tasks and action items for the Project
- 1.2 Proposed Project schedule

**Task 1 County Deliverables:**
- 1.1 Copies of relevant zoning ordinance chapters

**Task 1 timeline:** Task 1 is estimated to be completed by December 31, 2015.

**Task 2: Draft Ordinance Amendments**

Consultant will produce an initial draft of the county’s updated resource zone chapters, and other sections of the ordinance as determined through Contractor-county coordination, for local staff review. Consultant will be available to assist County at two public meetings. These meetings could be a work session with appointed and elected officials or public hearings. The meetings attended will be established through Consultant-County coordination. Consultant will be available to assist County with outreach or presentation materials, such as a PowerPoint presentation or reviewing public notification text. One of the meetings attended by the Consultant may be during Task 3, as determined through Consultant-County coordination.
Task 2 Consultant Deliverables:
2.1 First public draft amendments to the F-1, F-2, E, and ML zones
2.2 Draft outreach or presentation materials, or assistance to staff with meeting materials, to assist County appointed and elected officials and the public understand options and potential outcomes of their decisions
2.3 Hearings-ready draft amendments to the F-1, F-2, E, and ML zones

Task 2 County Deliverables:
2.1 Comments on interim ordinance amendment drafts provided by Consultant

Task 2 timeline:
Consultant deliverable 2.1 will be delivered by April 18, 2016
Consultant deliverable 2.2 will be provided as needed
Consultant deliverable 2.3 will be delivered by September 1, 2016

County deliverable 2.1 will be delivered by July 1, 2016

Task 3: Ordinance Amendment Adoption
County will conduct planning commission and board of commissioner hearings to consider adoption of the draft amendments provided by Consultant as deliverable 2.3. Notice of the hearings will be provided as required by County ordinance and state law. While the outcome of the hearings cannot be pre-determined, every reasonable effort to complete final adoption of amendments will be made.

Task 3 Consultant Deliverable:
3.1 Assistance with presentation materials for public hearings

Task 3 County Deliverables:
3.1 Planning commission hearing notice, including a Notice of Proposed Amendment (“35-day notice” as required by OAR 660-018-0020
3.2 Hearing materials, including draft amendments, staff reports, and other background documents as needed
3.3 Board of commissioner hearing notice
3.4 Notice of adoption as required by OAR 660-018-0040

Task 3 timeline: Final adoption of ordinance amendments will be complete by January 28, 2017.
OTHER CONSIDERATIONS

This agreement will be effective as of the date of the last signature. The termination of this document may occur by mutual consent of the parties with 60 days written notice.

Except as provided herein, nothing in this Memorandum of Understanding shall be construed as obligating the other party to expend funds or obligate future payment of money authorized by law and administratively available for this work.

Lane County Board of Commissioners

__________________________  ____________________
Faye Stewart, Chair          Date

Department of Land Conservation & Development

__________________________  ____________________
Jim Rue, Director            Date