

LANE COUNTY LAND USE TASK FORCE REPORT

1/26/10 GOAL ONE COALITION PROPOSAL REGARDING F-1 to F-2 ZONE CHANGES

The author of the original proposal is Jim Just of Goal One Coalition, a Lane County Land Use Task Force (LCLUTF) member. Mr. Just explained his original proposal in a January 26, 2010 memorandum to Commissioner Fleenor entitled “Needed RCP Goal 4: Forest Land policy amendments” and in an undated memorandum entitled “Goal One Coalition Proposals: Technical Fix and ‘Big Picture’ Policy Elements.”

Mr. Just has subsequently withdrawn the original proposal.

This report briefly describes the LCLUTF discussion of the original proposal prior to its withdrawal and presents an alternative proposal that was developed by a subcommittee of the LCLUTF, and further refined by LCLUTF member and subcommittee member, Thom Lanfear.

Goal of Proposal: Remove ambiguity and discretion from standards necessary to allow a change in zoning from F-1 to F-2.¹

Consensus on Goal? Yes.

Consensus on Proposal? Not applicable – no vote taken because the proposal was withdrawn by Mr. Just.

Consensus on Alternative Proposal? No.

Potential Measure 49 claims? If the original proposal was adopted by the Board, Assistant County Counsel Steve Vorhes has opined that there would likely not be any Measure 49 claims.

Measure 56 notice required? If the original proposal was adopted by the Board, Assistant County Counsel Steve Vorhes has opined that there would likely not be any Measure 56 notice required.

Discussion:

The original proposal was considered at six LCLUTF meetings (May 10th, May 17th, May 24th, June 3rd, June 7th, June 14th and June 24th). Lane County has two forest land zone designations: F1 (Nonimpacted Forest Land), a zone which does not permit any residential dwellings and F2 (Impacted Forest Land), a zone which, in limited circumstances may allow for residential dwellings. The Lane County Rural Comprehensive Plan (RCP) Goal 4 Policy 15 sets forth ‘characteristics’ used to determine whether forest land should be designated F1 or F2.

The goal of the original proposal is best stated by Mr. Just: “The existing ‘characteristics’ contain language which is imprecise and ambiguous, and their application in reaching a conclusion murky and subjective.”² Staff provided data for

¹ Mr. Just also expressed that he had a variety of goals including maintaining the resource and the productive capability of the forest and to achieve a purported statewide policy of the Board of Forestry of having “no net loss of wildland forest between 2009 and 2020.” LCLUTF Meeting minutes, May 17, 2010, page 2. There was not consensus for these goals.

² Goal One Coalition Proposals: Technical Fix and ‘Big Picture’ Policy Elements.

the LCLUTF regarding F-1 to F-2 zone changes from 2000 to 2009. During this period, five applications were made to the Lane County Hearings Official, with two applications being approved, affecting a total of 109 acres.

The LCLUTF discussed various issues that the LCLUTF could not reach consensus on. However, because it appeared that there was consensus on the goal to clean up the language and make the process more objective, a four-member subcommittee was appointed to draft an alternative (compromise) proposal. The subcommittee developed an alternative proposal that included specific, objective, approval criteria that was agreed to in concept by all members of the LCLUTF. The LCLUTF directed staff to draft language that would incorporate the specific, objective approval criteria to the RCP and the Lane Code.

However, at the June 14th LCLUTF, member Mr. Emmons withdrew his support for the alternative proposal. Mr. Emmons stated that he withdrew his support after further reflection and review of the zoning maps provided at past LCLUTF meetings. He believed that the alternative proposal would permit more zone changes than under the current regulations. Ms. Driscoll also withdrew her support based on Mr. Emmon's expressed concerns. Mr. Just also withdrew his support and explained that his withdrawal of support was because there was not consensus on his proposal that newly re-zoned F-2 parcels be ineligible for new dwellings. Mr. Emmons also expressed a desire to have the LCLUTF review the complete package of all of the proposals before indicating final votes on all of the proposals.

Although full consensus on the alternative proposal was retracted it was decided that the alternative proposal would be forwarded on to the Board based on the subcommittee's work in developing a product that attempted to achieve the original goal of the original Goal One Coalition proposal. As one of the members of the subcommittee, Thom Lanfear volunteered to refine the alternative proposal based on the previous work done by the subcommittee. For the benefit of the Board, I have attached the alternative proposal that would introduce objective criteria into the process.

Conclusion:

The original Goal One Coalition proposal was exhaustively analyzed by the LCLUTF, a subcommittee developed a compromise proposal, and ultimately no consensus was achieved. A refined alternative, objective proposal is attached for the Board's consideration.

Submitted this 23rd day of July, 2010, by:



Mia Nelson, Chair



Micheal M. Reeder, Vice Chair

Attachments: Current RCP Goal 4; F1 F2 Characteristics - Table 1; Goal 4 Policy 15 Text Alternative

GOAL 4: FOREST LANDS

1. Conserve forest lands by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.

2. Forest lands will be segregated into two categories, Non-impacted and Impacted and these categories shall be defined and mapped by the general characteristics specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics.
3. Forest lands that satisfy the requirements of ORS 197.247 (1991 Edition), may be designated as Marginal Lands and such designations shall also be made in accordance with other Plan policies. Uses and land divisions allowed on Marginal Lands shall be those allowed by ORS 197.247 (1991 Edition).
4. Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in the Oregon Forest Practices Act, ORS 527.722.
5. Prohibit residences on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing residences.
6. Dwellings shall be allowed in the Impacted Forest Land (F-2/RCP) Zone District as provided in OAR 660-06.
7. The minimum land division size for the Nonimpacted Forest Lands (F-1/RCP) Zone and the Impacted Forest Lands (F-2/RCP) zone shall comply with OAR 660-06.
8. New structures must comply with the Siting and Fire Safety Standards of OAR 660-06-029 and 660-06-035.
9. Recreational activities in the Park and Recreation (PR/RCP) Zone District within resource areas that are outside lands for which a built or committed exception to a Statewide Planning Goal has been taken shall be limited to those uses consistent with Statewide Planning Goals 3 and 4.

10. The effects of a projected shortfall in timber supplies within the near future are of considerable concern to Lane County. The County supports efforts by state and federal agencies in developing plans that will address the situation. The County intends to be an active, committed participant in such plan development.
11. Encourage the consolidation of forest land ownership in order to form larger more viable forest resource units.
12. Encourage the conversion of under-productive forest lands through silvicultural practices and reforestation efforts.
13. Encourage the development of assistance programs, tax laws, educational programs and research that will assist small woodland owners with the management of their forest land.
14. Lane County recognizes that the Oregon Forest Practices Act shall be the only mechanism regulating the growing and harvesting of forest tree species on commercial forest lands unless Goal #5 resource sites have been recognized and identified as being more important through an analysis of ESEE consequences and conflict resolution as per Goal #5. No other findings, assumptions, goal policy or other planning regulation shall be construed as additional regulation of forest management activities.
15. Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). A decision to apply one of the above zones or both of the above zones in a split zone fashion shall be based upon:
 - a. A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.
 - b. Non-impacted Forest Land Zone (F-1, RCP) Characteristics:
 - (1) Predominantly ownerships not developed by residences or nonforest uses.
 - (2) Predominantly contiguous, ownerships of 80 acres or larger in size.
 - (3) Predominantly ownerships contiguous to other lands utilized for commercial forest or commercial farm uses.
 - (4) Accessed by arterial roads or roads intended primarily for forest management. Primarily under commercial forest management.
 - c. Impacted Forest Land Zone (F-2, RCP) Characteristics:
 - (1) Predominantly ownerships developed by residences or nonforest uses
 - (2) Predominantly ownerships 80 acres or less in size.
 - (3) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.

- (4) Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.

Table 1

Tract Size	Current Zoning			F-1	F-2
> 160 ac	F-1			X	
	Other	adjacent to F-1 lands		X	
		not adjacent to F-1 lands			X
> 80 ac to 160 ac	F-1	adjacent to F-1 lands along 50% or more of the perimeter of the tract	adjacent to D+C Exception Area		X
			not adjacent to D+C Exception Area	X	
	Other	not adjacent to F-1 lands			X
		adjacent to F-1 lands along 50% or more of the perimeter of the tract		X	
		adjacent to F-1 lands along less than 50% of the perimeter of the tract	adjacent to D+C Exception Area		X
			not adjacent to D+C Exception Area	X	
80 ac or less	F-1	adjacent to Developed and Committed Area	meets Template Test OAR 660-006-0027(1)(f)		X
			does not meet Template Test OAR 660-006-0027(1)(f)	X	
			not adjacent to D+C Exception Area	X	
	Other	not adjacent to F-1 lands			X
		adjacent to F-1 lands along 50% or more of the perimeter of the tract		X	
		adjacent to F-1 lands along less than 50% of the perimeter of the tract	adjacent to D+C Exception Area		X
			not adjacent to D+C Exception Area	X	

1. For purposes of applying these criteria, Sections contain 640 acres; the Subdivision of Sections contain 160 acres in Quarter Sections and 40 acres in Quarter/Quarter Sections.
2. For purposes of applying these criteria, lands separated from the subject tract by streams with an average annual streamflow greater than 1000 cfs shall not be considered as adjacent lands.
3. F-1 parcels greater than 160 acres in size on the effective date of this ordinance shall not be eligible for rezoning to F-2.
4. Acreage applies to subject tract.

Goal 4 Policy 15 Text Alternative

15. Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non Impacted Forest Lands (F 1, RCP) or Impacted Forest Lands (F 2, RCP). A decision to apply one of the above zones or both of the above zones in a split zone fashion to tracts of land shall be based upon the characteristics and conditions contained in Table 1.