

Goal One Coalition Proposals: Technical Fix and “Big Picture” Policy Elements

The proposals submitted by Goal One Coalition and LandWatch Lane County and forwarded by the Board of Commissioners for consideration by the Land Use contain both technical fixes to existing law, intended to simplify and clarify decision-making; and “big picture” policy elements intended to address new realities that will loom ever larger over the coming decades.

I. The big picture

Oregon’s planning program was designed as a growth management program, intended to protect resources and resource lands in the face of continued exponential growth. The approach taken was one commonly taken to environmental issues in the 1970s: identify valuable resources, draw a line around them, and pretty much keep people out. We have since learned that this approach has a fatal flaw. Resources don’t exist in isolation - they are part of the fabric of the encompassing ecosystem. You can’t protect valuable resources if the surrounding fabric is unraveling. What is necessary is to protect the integrity of the fabric. And humans are not above the ecosystem - they are deeply enmeshed within the ecosystem, are part of the fabric.

The need to protect farm and forest lands has not lessened; rather, growing populations mean we’re going to need intact agricultural and forest systems more than ever in the coming years. In addition, we face new and unprecedented challenges. Climate change is a sign that the integrity of the global ecosystem is at risk. Global warming says we must change.

Peak oil means we will change, whether we want to or not. The transportation fuels necessary to support a sprawling rural infrastructure simply won’t be available. We have to begin now to construct rural economies that will function and allow people to prosper in a future where energy is scarce and expensive.

The challenge of our planning program over the coming decades is not only to protect resources for future generations, it’s to do so while taking into account the energy and emissions consequences of the way we live within the landscape.

II. How the proposals fit within the big picture

Following is a brief summary of each proposal and a discussion of how it falls within the big picture described above.

1. Home occupations and compliance enhancement

These proposals would establish sidebars around businesses allowed in rural areas – sidebars which currently are not found in either state or local law – and provide additional tools for the county to use to enforce the rules. The objectives are twofold: to enhance the livability of rural communities while minimizing transportation needs.

These involve policy issues rather than technical fixes to existing code provisions.

2. Eliminating “developed and committed” exceptions.

Developed and committed exceptions are authorized under state and local law to recognize the impacts of existing uses developed prior to adoption of the statewide planning goals and local comprehensive plans. Uses developed in compliance with the goals cannot be used to justify “developed and committed” exceptions.

The rationale underlying “developed and committed” exceptions implies that they would go away at some point in time. 35 years after adoption of the goals, that time has come.

This is purely a policy question.

3. Eliminating non-resource designations

State law allows for lands not falling within the definition of either agricultural or forest land to be redesignated for rural uses other than farm or forest uses. In practice, this means residential uses.

Applicant-initiated conversion of rural lands to nonresource uses takes place with virtually no consideration of the consequences on the surrounding farm and forest economy. It certainly takes place with no consideration for energy or emissions consequences.

This is purely a policy question.

4. F1 – F2 zone changes

a. Goal 4 Policy 15

Lane County Rural Comprehensive Plan (Plan) Goal 4 Policy 15 sets forth “characteristics” used to determine whether forest land should be designated F1 (Nonimpacted Forest Land), a zone which doesn’t allow for residential development; or F2 (Impacted Forest Land), a zone which allows for residential development.

The existing “characteristics” contain language which is imprecise and ambiguous, and their application in reaching a conclusion murky and subjective. The proposals would tighten and clarify the language of the “characteristics” and make their application a clear and objective process.

We don’t believe that the outcome of the proposed changes can be foretold with any certainty, although we suspect that it would be more difficult to rezone land from F1 to F2 and thus for that land to become eligible for the siting of a dwelling.

The proposed changes to Goal 4 Policy 15 are mostly technical fixes, although there is a policy element.

b. Goal 2 Policy 27, Conformity Determinations

Conformity determinations were originally conceived as a cheap (for the property owner) means of correcting errors made by the county when it first applied zoning to lands in Lane County.

Recently, Goal 2 Policy 27 was amended to allow the “cheap” process to be used to rezone F1 land to F2 whenever the F2 designation is “suitable.” A zone change can also be obtained using the regular zone change process – it just costs more.

The proposed changes would restore the original purpose of Goal 2 Policy 27 – to provide an inexpensive way to correct an error made by the county.

This is a policy matter, but one unrelated to the “big picture” policy issues identified in the first section.

c. Definitions of “tract” and “contiguous”

The current LC 16.090 definition of “tract” is not consistent with state law. The proposal is to change the definition to reflect state law.

The existing LC 16.090 and 13.010 definitions of “contiguous” contains a “greater than eight feet” requirement. The purpose for including this requirement is mysterious; the proposal is to eliminate the definition entirely.

These are both technical fixes.

d. Minimum parcel sizes in F2 zone; Goal 4 Policy 8

We believe that the provisions in Plan Goal 4 Policy 7 do not comply with statute or administrative rule. The proposal is to delete the existing Policy 7 and replace it with a reference to the applicable sections of statute and administrative rule.

Plan Goal 4 Policy 8 contains a citation to an early version of the forest administrative rules.

These are technical fixes.

5. Template dwellings

The proposal regarding template dwellings contains both policy and technical fix elements.

a. Technical fix elements

- Adding language to LC 16.211(5) to reflect changes in state law
- Eliminating LC 16.090 & 13.010 definitions of “contiguous”.

- Specifying in LC 16.21(5)(c)(i), (ii), & (iii) how a rectangular template is to be aligned with a road or stream.
- Specifying how the center of a lot or parcel is to be determined.

b. Policy elements

- Specifying how a square template is to be aligned rather than allowing it to be rotated so as to include the required number of lots or parcels and dwellings.
- Increasing the number of qualifying dwellings from three to five.
- Requiring that the qualifying dwellings themselves must fall within the template, not just the lot or parcel containing the dwellings.
- Specifying a date for identifying a “tract”, thus eliminating the ability to transfer ownership of lots or parcels and qualify for multiple dwellings.
- Requiring that a property had to be zoned F2 on November 4, 1993, thus eliminating the possibility of rezoning from F1 to F2 and qualify for a dwelling.
- Eliminating the waiver of fire siting standards in the riparian setback area.