PROJECT PURPOSE STATEMENT

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 statute and rule.

As amendments have been made to statutes and rules, counties typically 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. A number of counties have not kept current with these changes, often lacking sufficient staff resources to do so. 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. The lack of county staff resources means that current state law regarding Goals 3 and 4 may not be appropriately implemented in all counties. The DLCD has reserved a portion of its grant funds for the 2013-2015 biennium to complete a project to address at least part of this problem by helping counties update their farm and forest land protection provisions to be consistent with state regulations, with the assistance of a consultant.

Statutory and rule requirements that apply to farm and forest land are for the most part prescriptive and specific and, as a result, county land use regulations are very similar in many respects, with some variation reflecting different parts of the State. Statutory and rule requirements are specific with respect to authorized uses, review criteria for some of these uses and minimum parcel sizes except where go-below parcel sizes exist. Counties have discretion in review criteria for conditional uses and design or siting criteria, and some discretion in permitted uses, type of review, purpose statements, format, and a few other areas.

Statutory and rule requirements for Goals 3 and 4 apply uniformly to the state or to large regions of the state, yet county land use regulations must also reflect local needs and choices. Accordingly, this project employs a process for updating county land use regulations that involves a partnership in which DLCD and participating counties will work together in three phases. The three phases will result in the development of several model codes and use of the model codes to update the farm and forest zone sections of several individual county zoning ordinances.

In Phase 1, DLCD, in consultation with counties, will identify uniform requirements and develop draft model exclusive farm use, forest, and mixed farm-forest zones that reflect non-discretionary statutory and rule requirements only.

In Phase 2, participating counties, with the assistance of the Contractor, will develop discretionary elements for the draft model zones. The Contractor will work with up to three
regional Model Zone Project Teams – Eastern Oregon, Willamette Valley, and Western Oregon outside the valley – to solicit ideas, facilitate consensus, and incorporate discretionary elements into the draft model zones. This phase will complete the model zones by incorporating the discretionary and non-discretionary elements. The model zones may include more than one option regarding discretionary elements to provide counties with different choices.

In Phase 3, the Contractor will coordinate with each participating county to tailor these model zones to meet local needs. This may involve the local appointment of citizen review committees to meet to provide independent reviews of the model zones, as the discretion of counties. The consultant can facilitate these meetings as negotiated with the participating county.

**PROJECT OVERVIEW AND MANAGEMENT**

Overall management of the Project will be the responsibility of the Contractor and DLCD Grant Manager jointly. Specific Project management duties of the Contractor will include organizing, facilitating, and managing the advisory committee.

Specific Project management duties of DLCD will include:

a. Overseeing the work of the Contractor described in this Project Description;
b. Assisting the Contractor with meeting facilitation;
c. Scheduling and managing meetings, including activities such as, preparing and distributing meeting notices, agendas, and summaries.
d. Selecting counties for code development and adoption support

**Advisory Committees**
The Project will employ three Model Zone Project Teams (Teams) composed of local government and state agency staff and others identified by the Team. The final model codes will be developed by the Teams. There will be three Teams comprised of county planning directors, or their designee, and the DLCD Farm and Forest Lands Specialist or designee. The three teams are:

1. Eastern Oregon, comprised of the participating counties from those counties identified in ORS 321.805;
2. Willamette Valley, comprised of the participating counties from those counties identified in ORS 215.010(5); and
3. Western Oregon, comprised of the participating counties from those counties identified in ORS 321.257 not included on the Willamette Valley team.

Participants will be encouraged to attend meetings in-person as is no substitute for face-to-face communication. However, options will be provide the ability for participants who are unable to attend in-person to do so online using a program such as GoToMeeting or something similar.

The Teams will recommend model zones to DLCD for web posting.
Agency Role
DLCD will provide financial, administrative, and technical assistance to the Project. Specific tasks that DLCD will perform are provided in the “Schedule, Products, and Budget” section of this Project Description.

County Role
In order for this project to be successful, planning directors for participating counties will need to:

1. Provide a digital copy of current county resource zones to DLCD, if they are not accessible on the Web, assisting on completion of Phase 1;
2. Provide direction to the consultant in the development of county-specific, hearings-ready draft resource zones in Phase 3; and
3. Provide notice and hold a public hearing to receive public input on the draft resource zones, followed by the local adoption process.

Counties are encouraged to take part in the following optional items.

4. Provide input to DLCD on uniform requirements and draft model zones as described in 1.4.1 for Phase 1;
5. Participate in Team meetings to complete the tasks involved in Phase 2;
6. Appoint a local citizen review committee to provide feedback on county zone amendments, in coordination with the consultant, as part of Phase 3; and
7. Provide input to the consultant in the development of a common set of application forms and staff report templates as part of Phase 3.

Project Meeting Materials
Contractor shall prepare meeting agendas and summaries for each Team meeting. Contractor shall distribute meeting materials electronically to project committee members at least five days prior to any scheduled meeting.

Project Schedule
The schedule identified in “Schedule, Products, and Budget” section of this Project Description will be observed.

Expectations for All Written and Graphic Products
All reports and Products will be delivered to the DLCD Grant Manager according to the schedule provided in this Project Description.

Contractor will provide all draft and final Products, including memos, reports, and maps produced by this contract in a digital media format. The term “digital media” means a compact disc, digital video disc, USB flash drive, e-mail, or FTP submittal authorized by DLCD.
SCHEDULE, PRODUCTS, AND BUDGET

PHASE 1 – KICK-OFF AND MODEL CODE NON-DISCRETIONARY PROVISIONS

In Phase 1, DLCD, in consultation with counties, will identify uniform requirements and develop draft model exclusive farm use, forest, and mixed farm-forest zones that reflect non-discretionary statutory and rule requirements only.

Task 1: Kick-off

The Contractor will prepare a draft agenda and facilitate a kick-off meeting via conference call. Contractor and DLCD will discuss scope, schedule, and other coordination issues. Contractor will consult with DLCD to help refine project objectives, products and outcomes, and key milestones; and develop a communication strategy to encourage county participation.

Task 1 Products:
- 1.1 Draft agenda for kick-off meeting
- 1.2 Summary of kick-off meeting
- 1.3 Communication strategy

Task 1 Timeline:
- Products 1.1 and 1.2 Kick-off meeting will be held during May 2014
- Product 1.3 Within two weeks after the kick-off meeting


This task will result in the first draft of the model code. DLCD will:

1. Research and summarize historic and recent legislative and rule changes and key court cases that affect resource zones;
2. Consult with and obtain input from participating counties on uniform zone requirements and key court cases;
3. Create drafts for at least six model zones that reflect statutory and rule requirements only (leaving blank spaces for discretionary sections to be added by counties) for the following types of resource land:
   a. Exclusive farm use (eastern Oregon)
   b. Exclusive farm use (Willamette Valley)
   c. Exclusive farm use (western Oregon outside Willamette Valley)
   d. Exclusive farm use (rangeland)
   e. Forest (eastern Oregon)
   f. Forest (western Oregon)
   g. Mixed farm-forest
4. Compile a sample of discretionary sections in existing county resource zones;
5. Distribute all materials developed or compiled by DLCD to participating counties.
Contractor will review and provide written comments to DLCD on background materials and draft model zones.

**Task 2 Product:** Comments on the scope and approach for drafting Task 2 products produced by DLCD.

**Task 2 Timeline:** May to June 2014

**Task 3: Sample Discretionary Sections**

DLCD will compile a sample of discretionary sections from existing county resource zones. Contractor will review these compiled code sections and will provide one set of written comments to DLCD. Comments will generally address common themes and best practices, and approaches or strategies for developing options for Team review in Phase 2.

**Task 3 Product:** A memo regarding common themes, best practices, and strategies for developing options for Team review of model zones.

**Task 3 Timeline:** May to June 2014

**PHASE 2 – MODEL ZONE COMPLETION**

In Phase 2, counties, with the assistance of the Contractor, will develop discretionary elements of statutes and administrative rules for the draft model zones. Contractor will work with three Teams, as described in the Project Overview and Management section of this attachment, to solicit ideas, facilitate consensus, and incorporate discretionary elements into the draft model zones. This phase will complete the model zones by incorporating the discretionary and non-discretionary elements. The model zones may include more than one option regarding discretionary elements to provide counties with different choices.

**Task 4: Preparation and Orientation**

Based on the review of sample code sections in Task 3, Contractor will develop a workbook tailored to each of the Teams explaining where local discretion can be used in county resource zones and summarizing how these areas have been codified in each of the three regions. This workbook will be distributed prior to the first series of Project Team meetings and will be used to initiate a conversation on how effectively existing discretionary elements are currently functioning in participating counties and identifying possible alternatives for incorporation into the model code. To help participants prepare for this first meeting, the workbook will also provide “homework” questions and suggestions regarding specific information to bring to the meeting.

DLCD will assemble participants for the three teams described in the Project Overview and Management section of this Attachment A. The Teams will meet to discuss the process and content for model zone completion. The first Team meetings, conducted by the Contractor in
each region, will focus on describing and discussing the draft model zones created in Phase 1 and explore where local discretion can be used in county resource zones. Materials (including “homework”) will be distributed in advance to facilitate a conversation about the effectiveness of existing discretionary elements and identifying possible alternatives for incorporation into the model zones. Homework questions could include identifying how resource zones are currently defined in adopted comprehensive plan language, where they are addressed in the local code and what discretionary elements are specified therein. Work at this first meeting will focus on discretionary procedures in particular, identifying where counties have experienced problems in discretionary decisions and what uses have been controversial in the communities or subject to appeals to LUBA, or both. Contractor will prepare agendas prior to the meetings, facilitate the meetings, and prepare draft and final minutes afterwards.

Informed by feedback from the Team meetings, Contractor will develop a draft model zone outline for each Team that details alternative options for discretionary code elements and proposes sample code language addressing these elements in applicable resource land types. The Contractor, in coordination with the Teams, may determine that the regions are similar enough that only one model zone outline is required.

**Task 4 Products:**

1. Three workbooks – one each for the three regional Teams
2. Meeting agendas and minutes for three Team meetings
3. Three draft model zone outlines

**Task 4 Timeline:**

- Product 4.1 June 2014 to July 2014
- Product 4.2 Team meetings will be held during July and August 2014
- Product 4.3 July to September 2014

**Task 5: Model Zone Refinement**

Utilizing direction from the Teams, Contractor will integrate the identified discretionary elements into the model zones developed in Phase 1 of the project. The discretionary sections of resource zones often reflect comprehensive plan policy and may include but are not limited to:

- Zone purpose statements
- Definitions
- Review process (i.e., ministerial, administrative, public hearing, etc.)
- Which ORS 215.283(2) uses to permit and which to permit with local review criteria
- Conditional use review criteria to add to those required by statute
- Siting and design standards
- Format and numbering

Based on recommendations regarding which discretionary elements to include, the content of those elements, and the outline completed in Task 4, Contractor will create the draft model zones that detail alternative options for discretionary code elements and propose sample code language addressing these elements in applicable resource land types. The drafts will include commentary
and guidance where more than one option can be applied, depending on local needs and circumstances. The draft model zones will be distributed to the Teams for review and comment.

The second Team meeting will include all the regional teams together in a location most convenient to Team members. The Team meeting agenda will include discussion of options and refinement of the model code language, and a consensus-based recommendation on what to include in the final model zones. Contractor will prepare agendas prior to the meetings, facilitate the meetings, and prepare draft and final minutes afterwards.

Contractor will prepare a second draft of the model zone discretionary sections based on the guidance and recommendations provided at the second Team meeting. The draft model zones will be distributed to the Teams for review and comment.

Further input on the draft model zones will be provided via e-mail or other communications that do not require a meeting. Subsequent drafts of discretionary elements, and a combined draft including discretionary and non-discretionary elements, will be prepared by DLCD based on Team input. DLCD will post the final model zones on its website.

**Task 5 Products:**
- 5.1 First draft of discretionary sections of model zones
- 5.2 Meeting agendas and minutes for one Team meeting
- 5.3 Second draft of discretionary sections of model zones

**Task 5 Timeline:**
- Products 5.1 and 5.2 Meeting will be held in November 2014
- Product 5.3 Completed by December 31, 2014

**Task 6: Forms and Templates**

To support local adoption of updated resource zone code amendments, Contractor will develop a set of application forms and staff report templates. Contractor will develop an easy-to-use application form template to ensure criteria and standards are addressed in local code updates. This template will include review criteria and statutory requirements, based on different uses, which can be used by counties to ensure that the right approval criteria are being employed when reviewing land use applications for uses in resource zones. Contractor will also develop checklists to provide guidance to applicants and staff on the type of information that is needed to support land use applications in resource zones.

Contractor will develop educational tools, such as a PowerPoint presentation template, that can be modified and used by county staff to explain resource land goals and objectives, the impetus for updating the county code, and the specific modifications being proposed. Drafts of these materials will be developed prior to, and discussed at, the second Team meeting. Modifications will be based on comments received and input from DLCD staff and a final set of these materials will be produced. DLCD will post the final templates on its website.
Task 6 Products:
6.1 Application form templates for uses in resource zones, including checklists
6.2 Staff report templates for uses in resource zones
6.3 Presentation template

Task 6 Timeline:  May 2014 to October 2014

PHASE 3 – LOCAL IMPLEMENTATION

The objective of Phase 3 is to provide individual counties with assistance modifying their local ordinances. The Contractor will coordinate with each participating county to tailor the model zones to meet local needs. This may involve the local appointment of citizen review committees to meet to provide independent reviews of the model zones, as the discretion of counties. The Contractor will facilitate these meetings as negotiated with the participating county. A participating county may choose which elements of the model code to implement; there is no presumption that every participating county will use every element. If more counties wish to participate in Phase 3 than resources permit, participating counties will be selected based on criteria developed by DLCD in coordination with the Teams.

Task 7: Code Preparation

Contractor will prepare hearings-ready code amendments. Contractor will coordinate with participating counties primarily through telephone and electronic communications. Support will include Contractor attendance at one local meeting at each participating county, such as a citizen review or advisory committee, or a public official work session. The county will be responsible for making arrangements for and facilitating the meeting. The county will be responsible for preparing a staff report, if one is needed, with assistance from Contractor.

The number of counties assisted will depend on which counties are selected, as travel expenses and the scope of work negotiated with each county will affect the outcome, but the Contractor will prepare hearings-ready code amendments under this task for at least six counties.

Task 7 Products:
7.1. First drafts of county resource zone amendments
7.2. Meeting materials for each participating county
7.3. Final drafts of county resource zone amendments

Task 7 Timeline:
Products 7.1 and 7.2 Contingent upon negotiations with individual counties, but no later than February 27, 2015
Product 7.3 Completed by May 29, 2015
**Task 8: County Consultation**

Contractor will be available for consultation over the phone and via e-mail or online meetings to assist individual counties that are not participating in Task 6 with outlining the steps necessary to adopt updated zones and code language and for answering specific questions related to local implementation. This task will be limited by budget and not by number of counties seeking assistance. Counties will be notified that the service is available and that contact must be made through the DLCD Grant Manager so that requests, forecasts of demand, and resources can be monitored and organized by DLCD.

**Task 8 Product:** Up to six monthly progress reports documenting content of county consultations

**Task 8 Timeline:** For Services provided through May 29, 2015