



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



October 29, 2012

TO: Land Conservation and Development Commission

FROM: Josh LeBombard, Southern Oregon Regional Representative
Michael Morrissey, Policy Analyst

SUBJECT: **Agenda Item 8, November 15, 2012 LCDC Meeting**

SOUTHERN OREGON REGIONAL PILOT PROGRAM (EO 12-07)

Since the commission meeting in September, much progress has been made on drafting a grant agreement with the Regional Partners (Jackson, Josephine, and Douglas counties) and the Rogue Valley Council of Governments (RVCOG).

Attached to this memo is a final draft of the grant work program, informally agreed to by the Regional Partners, RVCOG, and the department. The work program will act as the backbone of the grant agreement by outlining administration and information responsibilities, the scope of work, and distribution of funds regarding the Southern Oregon Regional Pilot Program authorized by Executive Order 12-07.

The Regional Partners will be holding public meetings to allow the counties (via RVCOG) to enter into the grant agreement. Those meeting will likely occur the first week in November. We will provide you an update on those meetings on November 15, if applicable.

Regional Pilot Program Grant Agreement Work Program

Introduction. Utilizing the direction provided in Executive Order (EO) 12-07, the Regional Partners will analyze identified strategies that may allow appropriate variation in what lands must be planned and managed as farm and forest lands in Douglas, Jackson, and Josephine counties. The program consists of three major phases.

Phase 1 will be an analysis of regional definitions and criteria for farm and forest lands to explore:

1. An alternative forest land designation, including revised methods for the authorization of dwellings.
2. Alternative farm parcel size opportunities.
3. Designating non-resource lands.

Phase 2 will be:

1. The identification of mapping errors made in the acknowledgement process; and
2. An analysis of the appropriate level and types of uses on the carrying capacity of the land of pursuing the approaches listed above, as outlined in EO 12-07.

Phase 3 will be preparation of a petition for rulemaking to LCDC or a project summary report if information necessary to prepare a petition is not completed.

Phase 1

Payment 1. Upon execution of this grant agreement, the Department shall distribute to the Grantee a sum of \$110,000 to complete the products required under Tasks 1 and 2. Grantee shall, at the time Task 1, 2, 3, and 4 products are submitted to the Department as complete, provide an affidavit that the costs to the Regional Partners and Grantee to complete the products equaled or exceeded the amount of Payment 1 or reimburse unexpended grant funds.

Task 1: Initial Public Information and Participation. Regional Partners shall:

1. Inform each board of commissioners and planning commission about project activities through staff briefings and reports according to established practices for the individual county.
2. Conduct at least one opportunity in each county, prior to entering into this grant agreement, for the public to provide comment regarding the Pilot Program to the Board of Commissioners.
3. Maintain a listserv or other appropriate means for the public and other interested parties to subscribe to receive meeting notices and other pertinent information.

Task 1 products:

1. Summary of oral public comment and copies of written materials delivered at initial public meeting regarding the Pilot Program.

2. Evidence that the boards of commissioners and planning commissions in each of the Regional Partner counties has received at least one briefing regarding the intent and progress of the Pilot Program.

Task 1 product submittal: November 15, 2012.

Task 2: Project Organization. Regional Partners shall:

In collaboration with the Department and the Oregon departments of Agriculture and Forestry, review current statutory and administrative rule provisions regarding farm and forest lands protection under the statewide planning program relevant to carrying out the Pilot Program.

Task 2 product:

Educational materials regarding state farm and forest land definitions.

Task 2 product submittal: December 15, 2012.

Task 3: Ongoing Project Administration and Oversight. Regional Partners shall:

1. Maintain regular communication with the Grantee, the Department, other state agencies, and each other during the course of organizing and carrying out the Pilot Program.
2. Establish and maintain a Tri-County Ad Hoc Steering Committee comprised of one county commissioner and the planning director from each county to oversee the progress of the Pilot Program and report to respective boards of commissioners.
3. Maintain a consistent message regarding the progress and content of the Pilot Program.
4. Establish and maintain information available via the Web regarding the progress of the Pilot Program, public participation opportunities, and data and materials developed under this grant.
5. Establish a technical advisory committee for its respective county to review data and information and provide comments and recommendations to the County and Regional Partners regarding the completeness and accuracy of data and other tasks as the Regional Partner County assigns. To present a balanced approach, the committee shall include, but not be limited to, local members with expertise in the following fields: farming, ranching, forestry, special districts, mining/aggregate, economic development, land use, and city government. The committee shall also include ex-officio members from the Department; the Oregon departments of Agriculture, Fish and Wildlife, Forestry, Transportation, and Water Resources; and affected Indian Tribes. The Department will ensure participation by the Oregon departments.
6. Develop a uniform method and format to create and disseminate data and information generated by the regional Partners.

Task 3 products:

1. Evidence that steering and technical committees were established and documentation of their participation during the process of developing data, analysis, and program deliverables.
2. Web site accessible from the Grantee's and each Regional Partner County's current site containing information pertinent to the public, state agencies, and stakeholders regarding the Pilot Program.
3. Examples of methods and format Regional Partners will employ in the generation and communication of data, maps and information as part of the Pilot Program.

Task 3 product submittal:

Committees shall be established by February 1, 2013.

Task 4: Data Acquisition. Each Regional Partner shall develop maps and associated data regarding issues pertinent to subsequent analysis identified in Tasks 5, 6, and 7. The maps shall be consistent and compiled using existing data and methodology and shall be displayed in a uniform format across the region.

Task 4 products: GIS maps showing the following for the entire county:

1. Soils capability for farm use
2. Forest productivity
3. High-value soils as defined in ORS 195
4. Groundwater resources
5. Goal 5 inventory areas
6. The most recent wildlife mapping from ODFW
7. Fire protection districts
8. Parcelization and existing development
9. Current farm, forest, non-resource, and exception-area plan and zone designations
10. Level of utilization of existing rural residential lands
11. Areas of natural hazards and other development constraints

Task 4 product submittal: February 28, 2013

Payment 2. The Department shall distribute a sum of \$55,000 upon submittal of Task 4 products to complete the products required under Task 5. Grantee shall, at the time Task 5 products are submitted to the Department as complete, provide an affidavit that the costs to the regional Partners and Grantee to complete the products equaled or exceeded the amount of Payment 2 or reimburse unexpended grant funds.

Task 5: Assessment of Resource Lands. Regional Partners shall, in consultation with appropriate state agencies, analyze lands currently designated for farm and forest use to:

1. Explore establishing regional criteria or factors for designating:
 - An alternative forest land designation, including revised methods for the authorization of dwellings. This also includes providing additional tools to

- manage interface areas with non-commercial forest characteristics and to protect other forest values.
- Alternative farm parcel size opportunities characteristic to Southern Oregon agricultural lands management and emerging agricultural practices while protecting other farm values.
2. Explore establishing regional criteria or factors for determining which lands should not be designated under Goals 3 or 4, consistent with the requirements of EO 12-07.

Each Regional Partner shall conduct at least one public meeting prior to Task 5 product submittal.

Task 5 products:

1. Identification of any criteria or methods established in items 1 and 2 above.
2. Maps of all the land in each county in the region that will be under consideration for alternative forest land designation, alternative farm parcel size opportunities, or to be re-designated to non-resource land. The maps shall be compiled using consistent data and methodology and shall be displayed in a uniform format across the region. The criteria or methods shall be consistent across the region.
3. Minutes of required meeting.

Task 5 product submittal: April 15, 2013.

Payment 3. The Department will distribute \$55,000 upon submittal of Task 5 products. If the Regional Partners cannot complete Task 5 with Payments allocated for this Task, then with approval from the Department, money from Payments 4 and 5 may be reallocated to this Task. Regional Partners will provide an affidavit that the costs to the regional Partners and Grantee to complete the products exceeded or will exceed the amount of Payments 2 and 3 in order to qualify for reallocation of the Payments. Additionally, Regional Partners shall identify the amount of reallocation necessary to complete Task 5. In the event of reallocation of Payments, the Department and Regional Partners will jointly request from the legislature additional funds to complete the remaining work for the Pilot Program.

Phase 2

Task 6: Assessment of Mapping Errors. Regional Partners shall, in consultation with appropriate state agencies, analyze lands currently designated for farm and forest use to identify any mapping errors made in the acknowledgement process consistent with ORS 215.788-791.

Task 6 product:

Maps and data for all mapping errors identified in each county.

Task 6 product submittal: May 31, 2013.

Task 7: Carrying Capacity Analysis. Regional Partners shall:

1. Establish common factors or criteria, in accordance with EO 12-07, section 5, to determine the appropriate level and types of uses for lands eligible for consideration for alternative forest land designation, alternative farm parcel size opportunities, or to be re-designated to non-resource land. The factors or criteria shall be applied to sample areas in each county. The number, size, and location of the sample areas shall be representative of all land identified for consideration in Task 5.
2. Conduct at least one public meeting in each county prior to Task 7 product submittal.

Task 7 products:

1. GIS maps, data, and narrative showing the results of the carrying capacity analysis on the identified sample areas.
2. Minutes of required meeting.

Task 7 product submittal: May 31, 2013.

Payment 4. The department will distribute \$100,000 upon submittal of Tasks 6 and 7 products, unless money for this Payment has been reallocated to Task 5 as described above.

Phase 3

Task 8: Preparation of Petition for Rulemaking or Project Summary Report. Regional Partners shall:

1. Utilize products from prior tasks to prepare a petition to the Commission for rulemaking. The petition for rulemaking shall contain all products identified in the previous tasks as well as a summary of additional local/regional tasks necessary to implement new rules.
2. If a petition for rulemaking is not complete, then a project summary report will suffice. The project summary shall contain all products identified in the previous tasks as well as a summary of additional local/regional tasks necessary to complete a petition for rulemaking and to implement new rules.

Task 8 product: Draft petition for rulemaking or project summary report as listed above.

Task 8 product submittal: June 30, 2013.

Payment 5. The department will distribute \$30,000 upon submittal of Task 8 products, unless money for this Payment has been reallocated to Task 5 as described above.