

W. S. A.

AGENDA COVER MEMO

DATE OF MEMO: April 12, 2005

MEETING DATE: April 20, 2005

TO: Board of County Commissioners

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Steve Hopkins, AICP

AGENDA ITEM TITLE:

Report back to the Board regarding legal lot verifications, property line adjustments, and roads dividing legal lots.

I. MOTION

Move to direct staff to begin the code amendment process.

II. ISSUE OR PROBLEM

The document included as Attachment "A" is the product of the collaborative efforts of all the members of the group that met to discuss property line adjustments and legal lots. It represents the best efforts of the participants to create a document that is a compromise between conflicting opinions on several issues. The document does not have unanimous support from the group. The goal of the group was to reach a compromise regarding several issues. If the group was unable to reach a consensus and was at an impasse regarding an issue, a vote was taken.

Now staff is asking for direction on how to proceed. There are two questions before the Board.

1. Should staff begin the code amendment process for legal lot verifications?
2. Does the Board want staff to continue work on developing regulations for property line adjustments?

III. DISCUSSION

A. Background

Why are we doing this?

The Land Management Task Force was created by the Board on June 12, 2002. Its directive was to "review the structure and operation of the land management division". As part of this directive, the Taskforce discussed the issues of property line adjustments, legal lots and roads dividing legal lots. The Task Force was unable to resolve these issues, but reached agreement that notification of legal lot verifications would address the greatest number of issues. On April 8, 2003, the Taskforce made the following recommendation to the Board:

"In an effort to address the wide range of concerns identified, the Task Force recommends that a legal lot determination be considered a land use decision when resulting from complex property line adjustments and that notification of those decisions be sent to surrounding property owners with opportunity for appeal. "

This recommendation resulted in Ord. No. 7-04, which was adopted on June 15, 2004. That ordinance requires notice to surrounding land owners for certain legal lot verifications. When this ordinance was heard by the Board, there was testimony regarding several issues that were outside the scope of the amendment. The Board decided to pursue the issues that were presented during the hearing. Those issues were generally identified as:

- Create standards to regulate property line adjustments,
- Resolve when/if a road divides a legal lot, and
- Refine the legal lot verification process.

To address these issues, staff organized a group comprised of people who gave testimony regarding Ordinance No. 7-04, and people involved in the first attempt at developing a property line adjustment procedure and legal lot criteria that occurred in 2000. The efforts of this group did not result in an amendment to the Lane Code. However, it created a document that was the starting point for the current group. That document is included as Attachment "C".

The members of the current group had a wide variety of opinions regarding the issues before them. Table 1 lists the members of the group. This was an informal group that was only convened to address the issues identified by the Board. Because the document does not have unanimous support from the members, staff sent an email to each member requesting an indication of whether the member supported the document. Some members responded by telephone and others responded by email. The email responses are included as Attachment "B". A blank space means the person did not indicate a position, or did not respond by the date of this report.

Table 1

Support	Affiliation	Name
YES	Attorney	Bill Kloos
YES	Attorney	Steve Cornacchia
YES	Planning Consultant	Al Couper
YES	Planning Consultant	Harry Taylor
YES	Planning Consultant	Jim McLaughlin
YES	Planning Consultant	Mike Evans
YES	Surveyor	Dan Baker
YES	Surveyor	Larry Olson
YES	Surveyor	Tim Fassbender
Partial Support	LandWatch	Norm Maxwell
NO	1,000 Friends	Lauri Segel
NO	LandWatch	Jim Just
NO	LandWatch	Robert Emmons
	Attorney	Doug DuPriest
	Attorney	Michael Farthing
	Surveyor	Bob Ezell

The group met on the dates indicated in Table 2.

Table 2

2004	2005
August 16	January 10
September 20	February 14
October 8	March 14
November 15	

On December 15, 2004, staff updated the Board on the efforts and direction of the group. At that time, the Board directed staff to continue the efforts of the group. Now, the group has created a document that addresses the issues that were identified by the Board.

B. Analysis

A legal lot is a unit of land that was created in conformance with applicable law. It is important to identify a legal lot because it is a requirement for most land use approvals, in conformance with the ORS and Lane Code. The current process used to identify a legal lot is the Legal Lot Verification. The Board has identified issues with the process and the standards of legal lots. The group has created a document that addresses these issues. Specifically, the document does the following:

1. Establishes when a road divides a legal lot.
2. Updates the definitions in Chapters 13 and 16 to comply with the ORS.
3. Refines the Legal Lot Verification process.
4. Codifies the legal lot criteria.

Roads Dividing Legal Lots

One of the largest issues of contention was whether a road divides a legal lot. The opinions of the members ranged from roads never divide to roads always divide. The group reached a compromise by creating a set of criteria that a road must meet in order to divide a legal lot. This resulted in a clear set of standards that are easy to understand. Refer to 13.020(3)(b)(xvi) in Attachment "A". The date of September 28, 1991, is cited because this is when ORS 92.10(7) was amended to indicate that roads do not always divide legal lots.

Refined Legal Lot Verification Process

The document created by the group states when an application is required and if it can be submitted with other land use applications. It also creates standards for evaluating legal lots. Currently, there is only a list of past practices that staff relies upon to evaluate legal lots. These practices are based on state law and LUBA case law and have evolved since 1985. In that year, ORS 92 was amended. That amendment introduced the concepts of noncontiguous property and legal lots. Because the document created by the group is based on existing statutes and LUBA case law, it would not create new land use regulations. However, because the Lane Code does not currently contain any standards for legal lots, there is a possibility the codification of past practices could be considered a new land use regulation. There is a low risk of a Measure 37 claim because the proposed legal lot criteria are based on state law as well as county policy and practice.

Property Line Adjustments

The document created by the group does not contain any standards for regulating property line adjustments. The majority of the group decided not to address this issue because the Legislature may address this topic during the current legislative session. In addition, this would constitute new land use regulations which could open the County to Measure 37 claims. It should be noted there were three members of the group who strongly disagreed with this direction and want to include standards for property line adjustments. This is also one of the reasons why they do not support the document.

Support from the Members of the Group

Because the document created by the group is an attempt to reach a compromise from conflicting opinions, it does not have unanimous support from the members of the group. Of the 16 members, there are 10 members who support the document. Table 3 shows the wide variety of opinions regarding the three most divisive issues and the outcome reached by the group. The opinions have been simplified for brevity. This table shows the amount of effort and compromise each member made in crafting the document. Considering the complexity of the issues and the broad range of opinions, the document is remarkable because it represents the best efforts of the group to create a document that addressed the issues before it.

Table 3

ISSUE	OPINIONS	RESOLUTION
Roads dividing legal lots.	Roads never divide a legal lot.	A road divides a legal lot if the road meets specific criteria.
	Roads always divide a legal lot.	
Property line adjustments	The County should adopt regulations similar to the City of Springfield.	Do not regulate property line adjustments at this time.
	Regulating property line adjustments will open the county to Measure 37 claims.	
	The Legislature will address the issue of property line adjustments.	
	The County is required by statute to regulate property line adjustments.	
	The County is allowed, but not required, to regulate property line adjustments.	
Legal Lot Criteria	The County is already regulating property line adjustments.	Include a "basket clause" that broadens the criteria without rendering them ineffective. Revise the definition of "contiguous". Delete the definition of "tract".
	The criteria are too narrow.	
	The applicant should not have to appeal to LUBA when a unique situation creates a legal lot.	
	Remove all criteria and rely on statute to recognize a legal lot.	

C. Alternatives/Options

- #1. Begin the code amendment process.
- #2. Do not begin the code amendment process.

D. Recommendations

Staff recommends #1. Begin the code amendment process for clarifying legal lot verifications.

IV. IMPLEMENTATION/FOLLOW-UP

Staff must notify DLCD of a proposed amendment at least 45 days prior to the first Planning Commission hearing. After that, staff will forward the recommendation for the Planning Commission and schedule a hearing with the Board.

V. ATTACHMENTS

Attachment A: Document created by the group that identifies possible changes to Chapters 13 and 16 of the Lane Code.

Attachment B: Written responses identifying support or lack of support for the document created by the group. They are listed in the order received.

- Jim Just
- Mike Evans
- Norm Maxwell
- Lauri Segel
- Bill Kloos
- Robert Emmons
- Al Couper
- Bob Ezell

Attachment C: Draft from first effort in 2000. Legal lot criteria and property line adjustment process.

Attachment D: Minutes from Board work session on June 15, 2004.

Final Version

**LANE CODE
CHAPTER 13**

LAND DIVISIONS

13.010 Definitions.

Amendment, Minor. A change to a preliminary plan or plat which:

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

Amendment, Major. A change to preliminary plan or plat which is not a minor amendment.

Area. The total horizontal area within the boundary lines of a parcel, lot or unpartitioned or unsubdivided tract of land, exclusive of County or local access i.e., public roads.

Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building and appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapters 10 and 16. Consistency with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.

Contiguous. Having at least one common boundary line greater than eight feet in length. ~~Tracts~~ Units of land under the same ownership and which are intervened by a street (local access-public, County, State or Federal street) shall not be considered contiguous.

Current Employment of Land for Farm Use. Includes the following:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in subparagraph (4), prior to maturity;

(4) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

(5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(6) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(x) and 215.283 (1)(u);

(7) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(8) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(10) Any land described under ORS 321.267 (3) or 321.824 (3); and

(11) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

Department. The Department of Public Works.

Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

Director. "Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the inland or tidal waters from any source.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form improved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

Legal Lot. ~~A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided as provided by law.~~ A lot, parcel or other unit of land that conforms to one or more of the criteria of LC 13.020(3).

Legal Lot Verification. A determination that a unit of land was or was not created in conformance with the Lane Code and other applicable law. ~~A preliminary determination shall only become final when it is made and noticed pursuant to LC 13.020.~~

Lot. A unit of land that is created by a subdivision of land.

Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

Parcel.

(1) Includes a unit of land created:

(a) By partitioning land as defined in LC 13.010.

(b) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or

(c) By deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

(2) It does not include a unit of land created solely to establish a separate tax account.

Partition. ~~Either an act of partitioning land or an area or tract of land partitioned. Either an act of partitioning land or an area or tract of land partitioned. Partitions shall be divided into the following two types:~~

~~(1) Major Partitions. A partition which includes the creation of a road.~~

~~(2) Minor Partition. A partition that does not include the creation of any road.~~

Partition Land. To divide land into two or three parcels of land within a calendar year but does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure or a recorded contract for the sale of real property or the creation of cemetery lots, or

(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance, or

(3) A sale or grant by a person to a public agency or public body for state highway, County road, city street or other right-of-way purposes, provided that such road or right-of-way complies with the applicable comprehensive plan and ~~ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r).~~ ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(4) A sale or grant by a public agency or public body of excess property resulting from

the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Partition plat. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Performance Agreement. A written agreement executed by a subdivider or practitioner in a form approved by the Board and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Plat. ~~Includes a A final diagram and other documents relating to a subdivision plat,~~ replat or partition plat.

~~Plat Partition. A final diagram and other documentation relating to a major or minor partition.~~

Property line adjustment. The relocation of a common property line between two abutting properties.

~~Replat. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings concerning a recorded subdivision or partition plat. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.~~

Road. The entire right-of-way of any public or private way that provides vehicular ingress and egress from property or provides travel between places by vehicles.

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial waste, garbage or other wastes.

(1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

(2) Sewerage Facility, Individual. A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

(3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided, or is available, for public use.

Street. The term is synonymous with "road."

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

~~Tract. A lot or parcel as defined in LC 13.010.~~

~~Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines. (Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-86, 9.10.86; 1-90, 2.7.90; 7-04, 7.15.04)~~

13.020 Legal Lot Verification.

~~A legal lot verification by the Director is considered final when it is made and noticed pursuant to LC 14.100 and shall occur when:~~

- ~~1. An application is submitted pursuant to LC 14.050, excluding LC 14.050(3)(c), for a legal lot verification on a lot or parcel resulting from a property line adjustment; or~~
- ~~2. If notice is requested by the property owner for any legal lot verification, upon submitting an application pursuant to LC 14.050, excluding LC 14.050(3)(c). (Revised by Ordinance No. 7-04; Effective 7.15.04)~~

(1) Applicability.

(a) A legal lot verification application is required:

- (i) Prior to, or in conjunction with, an application for any use that requires a legal lot;
- (ii) Prior to rezoning or Plan amendment of any property unless done by a legislative action;
- (iii) Prior to, or in conjunction with, a partitioning or subdivision of land.

(b) Legal lot verification is not required if one or more of the following apply:

- (i) The unit of land is a lot or parcel created by an approved subdivision or partition.
- (ii) The legal lot status of the unit of land has been confirmed by issuance of a valid building permit or other approval.
- (iii) The unit of land has been determined to be a legal lot through the legal lot verification process of this section.
- (iv) For the replacement of a lawfully established dwelling.

(2) Process.

- (a) An application for a legal lot verification shall be submitted pursuant to LC 14.050, excluding LC 14.050(3)(c), and shall be processed pursuant to LC 14.100.
- (b) The application shall be accompanied by all information requested on the application form.

(3) Legal Lot Criteria.

- (a) A legal lot shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the legal lot is further divided, as provided by law.
- (b) To the extent consistent with ORS Chapters 92, 197 and 215, a decision that a unit of land constitutes a legal lot shall require findings that the unit of land conforms to one or more of the following criteria:

- (i) Words such as "and" or "also" in legal descriptions contained in instruments conveying real property, establish individual legal lots only when the units of land are noncontiguous.
- (ii) The unit of land was created by an approved partition or an approved subdivision;
- (iii) The unit of land was created by deed, lease or land sales contract signed prior to any applicable zoning, partitioning or subdivision ordinances;
- (iv) The unit of land was created by a deed, lease or land sales contract, in compliance with applicable zoning requirements, signed at a time prior to applicable partitioning or subdivision ordinances;
- (v) The unit of land was created by deed, lease or land sales contract between May 2, 1962 and March 26, 1975, and:
 - (A) Was located in the urbanizing area as shown one of the following maps:
 - a. Map entitled "Lane County Urbanizing Area" contained in the Revised Subdivision Ordinance enacted on May 2, 1962, or
 - b. Map entitled "Cottage Grove Urbanizing Area" contained in the Revised Subdivision Ordinance enacted on June 3, 1970.
 - (B) Was a division of land for agricultural purposes, where each resulting lot or parcel is 5 acres or larger in size, and
 - (C) Has a width of not less than 300 feet for the entire length between the front lot line and rear lot line, and
 - (D) Has frontage of not less than 300 feet on a street; provided that such street has a right of way width of not less than 50 feet and not less than such width as may be called for in the Master Road Plan.
- (vi) The unit of land was created as a result of a foreclosure of a lien or trust deed mortgage;
- (vii) The unit of land was created by the claim of intervening state or federal ownership of navigable streams, meandered lakes, tidewaters;
- (viii) The unit of land was created by deed in a resource zone from March 26, 1975 to August 31, 1978 and not more than three units of land were created in a calendar year, and:
 - (A) Each resulting unit of land constituted a government lot, or
 - (B) Each unit of land contained at least 38 acres.
- (ix) A unit of land determined to be a legal lot through a prior County approval of a land use decision or building permit;
- (x) The unit of land is part of an unrecorded subdivision filed with the County as a survey prior to January 1, 1955;

- (xi) The unit of land was created by a circuit court decision between Oct.3, 1973 and Oct. 4, 1977;
- (xii) The unit of land was created by the sale or grant of federal lands by the federal government;
- (xiii) The unit of land is recognized as a legal lot as the result of court decisions or LUBA opinions;
- (xiv) The unit of land is the remainder of a parcel resulting from a lawful division and met the land use regulations in place at the time of creation;
- (xv) The unit of land has previously been determined to be a legal lot;
- (xvi) A road divides a legal lot when:
 - (A) The road was created prior to September 28, 1991, and
 - (B) The road is a state, county or public road that existed and was constructed prior to January 1, 2005, and
 - (C) The road is visible and provides physical vehicular access through the unit of land.
- (xvii) Any other unit of land determined to be lawfully created.

**LANE CODE
CHAPTER 16**

Only the terms to be amended have been included in this document.

16.090 Definitions.

Current Employment of Land for Farm Use. Includes:

(1) Farmland, the operation or use of which is subject to any farm-related government program;

(2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(3) Land planted in orchards or other perennials, other than land specified in LC 16.090(64) below prior to maturity;

(4) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years; Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(6) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(x) and 215.283(1)(u); Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

~~(7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(x) and 215.283(1)(u);~~

~~(87) Water impoundments lying in or adjacent to and in common ownership with farm use land;~~

(8) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(10) Any land described under ORS 321.267(1)(e)(3) or 321.415(5); ~~824(3)~~ and

(11) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

Farm Use. Means:

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

(2) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;

(3) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(13)(e) or 321.415(5)824(3);

(5) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or

(6) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition.

Legal Lot. ~~A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided as provided by law.~~ A lot, parcel or other unit of land that conforms to the criteria of LC 13.020(3).

Partition. Either an act of partitioning land or an area or tract of land partitioned. ~~Partitions shall be divided into the following two types:~~

~~(1) Major Partition. A partition which includes the creation of a road.~~

~~(2) Minor Partition. A partition that does not include the creation of any road.~~

Partition Land. To divide land into two or three parcels of land within a calendar year, but does not include:

(1a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or

(2b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

(3) A sale or grant by a person to a public agency or public body for state highway, County road, city street or other right-of-way purposes, provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(4) A sale or grant by a public agency or public body of excess property resulting from

the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.

ATTACHMENT "B"

Written responses concerning personal support or lack of support for the document created by the group.

Just.txt

From: Jim Just [goal1@pacifier.com]

Sent: Thursday, March 17, 2005 4:33 PM

To: HOPKINS Steve

Cc: HOWE Kent; LANFEAR Thom; NICKELL Don G

Subject: Re: PLA/legal lot group

Goal One does not support the document. Goal One's position is that the project should be abandoned in its entirety.

Jim Just, Executive Director

Goal One Coalition
39625 Almen Drive
Lebanon, OR 97355
phone: 541.258.6074
fax: 541.258.6810
www.goal1.org

Championing citizen participation in realizing sustainable communities,
economies, and environments

HOPKINS Steve P

From: Geri Betz [landplancon@comcast.net]
Sent: Wednesday, March 30, 2005 7:06 PM
To: HOPKINS Steve P
Subject: Legal lot

LAND PLANNING CONSULTANTS
1071 HARLOW ROAD
SPRINGFIELD OR 97477

Phone 541-726-8523

March 30, 2005

To: Steve Hopkins

From: Mike Evans

Sorry for the delay in responding to your request.

As you know the document regulating legal lot determinations was developed by a group of participants with a very broad range of backgrounds and interests. The final version is a compromise that resulted from a majority consensus.

I am not completely happy with every provision but am willing to support the entire document as a workable balanced compromise. My recommendation to the Board is to adopt the document as written or don't adopt any new regulation and continue to have County staff simply follow State law.

Thank you for your and other staff members' time and effort in gathering a wide variety of suggestions and developing a workable document. It hasn't been easy.

HOPKINS Steve P

From: Norm_Maxwell@blm.gov
Sent: Friday, April 01, 2005 10:07 AM
To: HOPKINS Steve P
Subject: Re: PLA/legal lot group

Steve, I support the part about Lane County land use policy reflecting Oregon land use law. Norm Maxwell

From: SEGEL Lauri (SMTP)

Sent: Friday, April 01, 2005 10:48 AM

To: HOPKINS Steve P; scornacchia@hershnerhunter.com; couplan@ordata.com; billkloos@landuseoregon.com; Lapinebsezell@aol.com; dbaker@callatg.com; Dan Terrell; dupriest@eugene-law.com; FARTHING Michael (SMTP); hatland@att.net; goal1@pacifier.com; j-mcl@comcast.net; larry@olsonandmorris.com; landplancom@comcast.net; Norm_Maxwell@or.blm.gov; Robert Emmons; FASSBENDER Tim
H

Subject: RE: PLA/legal lot group

Steve:

I did appreciate efforts on the part of some committee members to find common ground on certain issues. However, overall it felt like an underlying objective, i.e. - not to undermine the status quo - really was a driving force.

1000 Friends of Oregon cannot support the product for a couple of reasons:

- a majority of the members of the Property Line Adjustment committee decided early on to not discuss or otherwise review the County's problematic property line adjustment procedures/provisions - thus, one of the major tasks of the committee was generally ignored;
- the draft amendments continue to institutionalize the county's practice of recognizing roads dividing parcels. I believe I heard Don say at the final meeting of the 'committee; that LC is the only County in the state to have this practice, and that the County would not consider amendments that changed that practice.

Thank you for the reminder about your deadline.

Lauri Segel

1000 Friends of Oregon
Lane County Advocate
1192 Lawrence
Eugene OR 97401

phone: 541-431-7059
fax: 541-431-7078

Help keep Oregon a place we're proud to call home -- today and for the future
<http://www.friends.org/support/>

kloos.txt

From: Bill Kloos [billkloos@landuseoregon.com]

Sent: Friday, April 01, 2005 10:52 AM

To: HOPKINS Steve P

Subject: RE: PLA/legal lot group

I'm on board, notwithstanding the lack of donuts at the meetings.

Bill Kloos

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576 Olive Street, Suite 300
Eugene, OR 97440
Phone: (541)343-8596
Fax: (541)343-8702
e-mail: billkloos@landuseoregon.com
Web www.LandUseOregon.com

HOPKINS Steve P

From: HOPSBAN@aol.com
Sent: Friday, April 01, 2005 12:13 PM
To: HOPKINS Steve P
Subject: Re: PLA/legal lot group

Steve,

I support the comments that you have received from Lauri Segel and Jim Just.

Sincerely, Robert Emmons

Al Couper.txt

From: Al Couper [couplan@ordata.com]
Sent: Monday, April 04, 2005 2:29 PM
To: HOPKINS Steve P
Subject: Re: PLA/legal lot group

Steve,

I have not participated closely in this activity. I do, however support the opinions of Bill Kloos and Mike Farthing. I thought Goal One Coalition's "lets scrap it all" message was unproductive.

Thanks

HOPKINS Steve P

From: Lapinebsezell@aol.com
Sent: Sunday, April 10, 2005 2:50 PM
To: HOPKINS Steve P
Subject: Re: PLA/legal lot group

Steve, you have been very helpful as a county staff member in leading and helping the discussion on the recent PLA/legal lot review and revisions. It has been good to get to know you by these several meetings. I see little benefit in polling the various citizens, land planners and attorneys who have worked on these particular chapters. As you know the chapter topics have been worked on by various individuals and some with vested interest for several years. The last effort is just one on many investments that individuals have contributed. I suggest that it is OK to generalize that x number of attorneys, relators, private land planners and interested citizens have participated in this final version. Then say that there may not be complete agreement in all areas of the final version. There may be those who attend the BCC planning hearing that may object to certain elements of the proposed PLA/legal lot version.

Bob Ezell

PS I would be interested when the PLS/Legal lot comes up on the BCC agenda. I would be surprised that it will be adopted in the first presentation.

DRAFT created by the group that met in 2000

LEGAL LOTS

Section 1 - LANE CODE REQUIREMENTS FOR REVIEW OF LEGAL LOT STATUS

LEGAL LOT VERIFICATIONS WILL BE REQUIRED FOR:

- All Lane Code uses that specify legal lot status as a requirement for the use
- Rezones/ plan amendments - Requiring a legal lot verification prior to any Plan or Zone change would avoid the creation of split-zoned parcels
- Land divisions - a requirement for legal lot verification prior to submittal of a request for a land division will assure that only complete parcels are divided and eliminate some unnecessary applications when more than one legal lot is discovered

LEGAL LOT VERIFICATION NOT REQUIRED FOR UNALTERED: - any alteration of the boundaries that have occurred would require review to assure that legal lot status has been retained. Verification of legal lot status available at landowners request.

- Subdivision lots - legal lots by definition no review necessary
- Partition parcels - legal lots by definition, no review necessary
- Minor subdivision lots from 5/2/1962 to 3/26/75 - legal lots by definition, no review necessary
- previously determined FINAL legal lots after adoption of revised Lane Code - This provision would assure that a final legal lot verification would remain valid unless that parcel configuration is changed.
- Prior "preliminary" legal lot verifications that received final approval through a valid Building Permit or other approval - This would finalize the older legal lot verification that have been acted upon to construct dwellings

EXCEPTIONS TO LEGAL LOT REQUIREMENTS

- Replacement of an existing home constructed with a valid Building Permit or constructed prior to Building Code or availability of records - this provision would eliminate the review of legal lot status for replacement of a residence in the Residential Zone. This would make the Residential Zone function similarly to the Resource Zones (F-2, EFU) for replacement dwellings that allow replacement of a lawfully established dwelling regardless of legal lot status.

PROPOSED CHANGES (to Existing Lane Code)

- Remove legal lot requirement for Temporary hardship mobile home - the requirement for legal lot status appears unnecessary for TMH as they are temporary in nature, accessory to the existing residence and must be renewed every two years
- Require owners' signature or authorization on application for Legal Lot Verification - this provision would conform to the requirements for all other land use applications.
- Create new Lane Code section for Legal Lot Verifications (Chapter 13 or 16) - For ease of administration and understanding, these provisions should be developed in one organized location rather than be spread throughout the Lane Code.

- Thorough review of linkages within Lane Code 13, 14, 16 - Review of the existing provisions must occur to assure there are no conflicts
- Definition of legal lot - There needs to be a section on the processes and types of documents that create legal lots, see below
- Definition of "preliminary" - The purpose and procedure for the obtaining of a "preliminary" legal lot verification must be codified

Section 2 -NOTICE REQUIREMENTS

MINISTERIAL DECISIONS (No notice required):

- One deed and one legal description - This would be a clear determination based upon the date of creation. Process for appeal of a denial must be placed into the Lane Code
- First deed before zoning/ partition laws (unaltered); creation of less than 4 parcels - these are deeds written prior to any land use provisions or land division ordinances
- Resource zoned parcel of 38 acres or more created from March 26,1975 to August 31, 1978 - specific exemption to partition requirements was in place at this time
- Circuit court decrees from Oct. 5, 1973 to Oct. 4 1977 (unaltered) - specific exemption to partition requirements was in place at this time

DISCRETIONARY DECISIONS (requiring notice per LC 14.100)

- All other legal lot verifications - This will require notice and opportunity for appeal to the surrounding land owners and conform to statutes governing land use decisions

PROCESS OPTIONS FOR THE DISCRETIONARY DECISIONS - A variety of process options could be accommodated within the Lane Code

- Preliminary decision ONLY (delay notice of final decision until future date) - a landowner may choose to have the research into legal lot status performed only. No notice would be sent to surrounding landowners.
- Final decision with notice (for previously made preliminary decision) - This would allow the finalization of prior preliminary legal lot verifications
- Final decision with notice immediately - This would be the standard process for legal lot verifications
- Notice of final decision included with concurrent land use decision - Special use permits that require legal lot status as a standard could incorporate the legal lot verification into the notice of decision.

Section 3 DEFINITIONS

Creation of legal lot definitions section that specifies the policies for review of legal lot status:

- roads dividing property - public & County - a clear provision specifying the circumstances under which County and public roads divide property
- remainders - parcels that result from the creation of a legal lot out of a portion of the parent parcel, are legal lots although no deed description exists for the exact remaining configuration

- Date of creation - defined as the date of the signing or recording of the first legal description of a parcel or becoming a remainder
- Prior legal lot verifications issued without "preliminary" disclaimer
- Trust deeds mortgage foreclosures - foreclosure on the original deed that created the parcel
- Circuit court - Oct.3, 1973 - Oct. 4, 1977
- Resource divisions - Resource zoned parcel of 38 acres or more created from March 26, 1975 to August 31, 1978 - specific exemption to partition requirements were in place at this time
- Also's & And's - definition of how these phrases within deeds are to be viewed in a legal lot verification - not legal lots unless they describe non-contiguous parcels
- Government lots - definition of how these lots are to be viewed in the legal lot context - separate legal lots if the Government lot is listed individually on a deed, or multiple non-contiguous Government lots are listed
- Parcels within old partitions - definition of County policy with regards to prior legal lots within existing partitions: old parcels can be recognized provided all parcels created during the later partition continue to comply with applicable minimum parcel sizes
- Donation Land Claims - considered legal lots
- Patents - considered legal lots
- Meandered Streams - separates parcels when stream bed ownership is claimed by State:
 - Tidewaters - 1996 Tidal Influence Creeks
 - Navigable Streams - identified by Court Cases
 - Meandered Streams - identified on GLO Plat Map 1851 - 1910
 - Meandered Lakes - identified on list of meandered lakes
- Tidewaters
- Adverse Possession - recognize Court Decision (Judgement of Possession) as a property line adjustment; must comply with minimum parcel size requirements in effect on date of original possession
- Federal lots - parcels created by the sale of Federal Lands by the Federal Government would be recognized as legal lots; not applicable to exchanges
- Legal lots recognized by virtue of recent Court decisions and LUBA opinions

POLICY ISSUES FOR BCC

- Is a legal lot verification required prior to a Plan Amendment/Zone Change
- Identification of Lane Code provisions that require legal lot verifications

DRAFT created by the group that met in 2000

PROPERTY LINE ADJUSTMENTS

County approval will be required for Complex Property Line Adjustments. The review process will occur in two-steps (similar to partitioning): a preliminary and a final. The legal lot status will not be determined at this time. A disclaimer will state that this is only a property line adjustment approval and not a legal lot verification. If the owner/owners want to determine a legal lot status (for ex. building permit, partition, subdivision, and zone change) then application can be made for a combination legal lot/ property line adjustment.

Section 1: TYPES OF PROPERTY LINE ADJUSTMENTS Property Line Adjustments fall into two categories: simple & complex.

SIMPLE PROPERTY LINE ADJUSTMENTS (No County Approval Required)

To be considered a simple property line adjustment, the proposal must comply with all the following criteria:

- a) No more than 2 units of land may be involved (use ORS 92.010(11) definition of property line adjustment: "relocation of a common property line between two abutting properties") - proposals that adhere to the statutory definition of property line adjustment are not regulated by the County.
- b) Both resulting parcels shall >10 acres and meet or exceed the minimum parcel zoning requirement; except existing substandard size resource zoned parcels - The ten acres is an arbitrary threshold. There are issues that arise when moving lines in parcels that are smaller in size
- c) Both parcels shall be within the same zoning district or have same Plan designations - if different zone boundaries are involved, then review is required, with the exception of Exclusive Farm Use Zones and Forest Zones
- d) Parcels with existing frontage on a public road must contain, after revision, an existing or approved physical access approach onto the public road. Legal access must be maintained.
- e) The revised line must not cause a violation of structural setback requirements of zone
- f) No dwellings or guest houses shall be moved from one parcel to another. Property line adjustments must not be used to develop vacant lands unless the requirements of the zoning designations are met.
- g) No conforming sized parcel shall be reduced to a size below the minimum acreage requirement of the applicable zoning district.
- h) A survey is required for all resulting parcels less than 10 acres in size per ORS 92.
- i) A property line adjustment document and, if appropriate, a conveyance deed must be recorded.

COMPLEX PROPERTY LINE ADJUSTMENTS (Requires County Approval)

Complex property line adjustments are all other property line adjustments

Section 2: PROPERTY LINE ADJUSTMENTS NOTICE REQUIREMENTS

Simple property line adjustments do not require County review and approval.

Complex property line adjustments require notice per Lane Code 14.100. These adjustments will be reviewed and processed as land use decisions.

Section 3: PROPERTY LINE ADJUSTMENTS REVIEW PROCEDURES

The following procedure shall be followed for complex property line adjustment:

PRELIMINARY SUBMITTAL - This process is similar to the one used for review of subdivisions and partitions.

The owners must submit either an 8.5 inch by 11 inch or 11 inch by 17 inch map and additional documentation that shows the following information:

- a) A description of both existing parcels
- b) Old property line
- c) New property line
- d) Zoning
- e) All buildings and other improvements including (but not limited to) roads, drainfields, wells, out buildings, and other improvements
- f) Legal and physical access into the parcels including road easements
- g) The approximate acreage of both parcels must be shown (before and after the adjustment)
- h) Owners of both parcels
- i) The map should be prepared by one of the owners or authorized agents
- j) General land use application plus fees

The Code would identify that the above requirements would be identified on a standard application form by the Department

FINAL SUBMITTAL

The owners/ owners must submit the following:

- a) A map prepared by a registered professional land surveyor consisting of
 - the final filed survey map (CSF#) or
 - If no survey is required, a map will be submitted to show the new boundary locations; (The map shall contain the elements similar to, but not exactly as, those required for a partition)
- b) The recorded property line adjustment deed, and, if applicable, conveyance deed on standardized form (ORS 92.190(4));
- c) General land use application plus fees

COMBINATION LEGAL LOT VERIFICATIONS/ PROPERTY LINE

ADJUSTMENTS. Legal Lot Verifications may be combined with a Property Line Adjustment Review. Review and notice shall occur as required under each appropriate section but are combined into one procedure

Section 4: COMPLEX PROPERTY LINE ADJUSTMENT REVIEW CRITERIA

Complex Property Line adjustments shall meet the following review criteria of Lane Code 13.050 (as revised appropriately to meet the review needs):

1. Conformity with the Zoning;
2. access;
3. dangerous areas (floodway etc.);
4. sewerage facilities in non-resource zones.

Complex Property Line adjustments involving lands zoned for Resource use (EFU, F-1, F-2, PR) and lands within a Developed and Committed Exception Area or Community which result in a split-zoning of a parcel shall be required to comply with the following requirements:

- The Rural Residential portion of a split-zoned property may not be developed with a residence unless the Rural Residential acreage meets or exceeds the minimum acreage requirement of the Rural Residential Zone. This would be applied as a covenant requirement.

CONDITIONS

Conditions may be placed upon the preliminary approval including:

- A proposed complex property line adjustment within a plat may require a replat map to be filed as the final map. This shall be determined during the preliminary approval;
- Proof of legal access. A disclaimer shall be placed on the final notice & information sheet that identifies the limitations of the approval (e.g. approval of adjusted boundaries does not guarantee development of the parcels).

PLAT REQUIREMENTS

Property Line Adjustments are permitted within plats, including the adjustment of boundaries with property outside of the plat boundaries. Property Line Adjustments must be accompanied by a vacation of the old plat lines. The review process for the preliminary Complex property line adjustments will include the referrals necessary for the vacation of the old plat lines. A replat map may be required as a condition of preliminary approval. Construction on platted lines requires covenant for placement of dwelling or other uses requiring additional land use approval.

POLICY ISSUES FOR BCC

- **property line adjustments across zone boundaries (see Section 4 above e.g. UGB/RR/Resource**
- Can property lines of illegal parcels be adjusted other than to resolve legal lot status
- Are title reports required
- Can a vacation order be written to take effect upon final approval of the complex property line adjustment

Only the minutes related to Ord. No. 7-04 have been included.

**BOARD OF COMMISSIONERS'
WORK SESSION**

June 15, 2004

9:00 a.m.

Commissioners' Conference Room

APPROVED 9/15/04

Commissioner Bobby Green, Sr., presided with Commissioners Bill Dwyer, Don Hampton, Anna Morrison and Peter Sorenson present. County Administrator Bill Van Vactor, Assistant County Counsel Stephen Vorhes and Recording Secretary Melissa Zimmer were also present.

6. PUBLIC WORKS

- a. **THIRD READING AND DELIBERATION/Ordinance No. 7-04**In the Matter of Amending Chapter 13 of Lane Code to Add Definitions Pertaining to Legal Lots and Property Line Adjustments and to Add a Legal Lot Verification Provision (LC 13.010 and 13.020). (NBA & PM 4/28/04 & 5/12/04).

Steve Hopkins, Land Management, recalled the first hearing on this matter was on May 12 and at that time the Board directed staff to close the hearing. The Board also wanted staff to revise the amendment in order to address the issues that were raised during public comment. He stated the Board gave direction to staff to polish the wording to make the intent clearer, not to expand the scope of the amendment. He said the Board didn't want any more public hearings and to keep the amendment simple.

Hopkins indicated he made several versions and each one resulted in creating new issues that could only be resolved by expanding the scope of the amendments. He noted the definition of legal lot in the amendment is the same as what is currently in Lane Code Chapter 16. He added if they wanted to change that, they would have to re-open the hearing.

Hopkins recalled that at the first hearing, Land Watch and 1000 Friends of Eugene wanted to address the definition of legal lot. He added the Goal 1 Coalition wanted to expand the definition of property line adjustment from what is in the ORS. He said that Bob Ezell, Surveyor, stated it violated ORS 92 and 215 but it does not. Hopkins noted that Ezell said the amendment does not regulate property line adjustments and he indicated that ORS required them to do that. Hopkins stated they are only allowed to do that; they are not required to regulate property line adjustments.

With regard to roads dividing parcels, Hopkins stated it was a complex issue and was beyond the scope of this amendment. He said if they wanted to address that, they would need to look at the broader issues of regulating property line adjustments and looking at the other criteria for what creates a legal lot. He indicated he created a work program to

address those issues. (Copy in file) He said it would take at least six months at a .5 FTE to address and resolve those issues.

Hopkins' recommendation to the Board is that they adopt what is before them. He added if the Board wanted to address the broader issues, then there should be a separate amendment created.

Sorenson asked if all of the draft amendments were shared with the people who testified at the public hearing.

Hopkins responded they weren't. He said they were shared with Kent Howe, Land Management and county counsel. He stated they all agreed it was bringing up issues that were beyond the scope.

Sorenson asked what the difficulty would be in sharing the drafts with the group of attorneys and consultants that testified.

Hopkins explained in order to do that it would require an expanded work program. He said all the comments were regarding expanding the scope of the amendment. He noted what this amendment does is take a narrow view that says they would notice certain verifications. He added the comments wanted to go beyond that and there was no way to address those comments.

Sorenson asked what the downsize was for the Board not approving this as proposed as it doesn't address all of the comments.

Hopkins recalled this was something that was recommended by the task force and planning commission and is what the public wanted.

Vorhes explained the process the Board contemplates could happen but the direction of the Board at the last meeting was for staff to review the comments and consider whether that should result in changes to the proposal that was in front of the Board and that is what they did. With regard to the downside, he said the issue of legal lots and property line adjustments is what the task force directed to be done as possible. He said this piece would not happen until the larger study and effort comes to a conclusion and the Board takes action to adopt whatever comes out of that.

Green reiterated the recommendation from staff was to adopt this as presented and the larger issues would come back in a work plan. He agreed with that.

Sorenson commented because of the narrow scope of the project, he was concerned they would adopt this and the rest would come later. He asked what remained to be done to straighten out the topic.

Hopkins responded the Board would have to determine whether or not they want to regulate property line adjustments, they have to address whether they want to codify the

legal lot criteria, whether roads divide legal lots. He said any issues that the task force did not come to an agreement on could take longer. He added an option would be not to do anything.

Sorenson thought this could be a starting point for a broader look to issues that the task force wasn't able to resolve instead of approving this knowing there is opposition to it.

Green stated the issue is whether they want to take an incremental approach and put it into a work plan as presented. He said if that is not acceptable by the Board, staff said it would take a minimum of a year to get to that part. He thought the report was to do something to demonstrate they are considering it and then put the other piece in a perspective that is workable.

Dwyer wanted to see all the issues resolved. He said this requires notice where notice wasn't required before. He supported this if it was part of a more comprehensive look at those other issues. He said if he could get a commitment, they could examine the other issues that come up with a more comprehensive solution. He said he would be okay with this.

Green commented the value of having a work plan is that they could request updates as often as possible in terms of an action plan.

Hampton hoped the Board would give clear direction that this is only the beginning and they want the whole thing completed so they could be in compliance in state law. He wondered why Lane County wasn't doing it the same as everyone else.

Green stated while this represents the work plan and the level of staff that would be necessary, there are implications with this. He said if the Board is willing to go with this, then something else in Land Management doesn't get done.

Sorenson asked what the downside would be of putting in a sunset clause.

Vorhes responded the downside would be similar to not acting because when it is no longer in effect, this kind of decision would not have the notice provisions or any of those things happening, unless the Board were to enact something else to take its place. He noted the second issue is to incorporate into this ordinance a sunset provision. He explained a sunset provision means it would no longer be in effect.

Hampton concurred with Green about Land Management periodically checking in with the Board to let them know what they are working on.

Dwyer wanted to go in good faith that they wanted this first step to be incorporated into a larger project and bring back those incorporations before the year is out so they could act on a broader aspect that incorporates the changes that they made.

MOTION: to adopt Ordinance No. 7-04.

Dwyer MOVED, Morrison SECONDED.

Sorenson thought the written testimony before the Board is that the proposed definition of legal lot in this ordinance is confusing, incomplete, and not helpful. He added the proposed definition of legal lot verification fails to directly address property line adjustments. He was voting against the motion.

ROLL CALL VOTE: 4-1 (Sorenson dissenting).

Howe noted that Land Management has the telecommunication tower standards that are going to the Lane County Planning Commission in July. He stated the riparian regulation is a large work program effort that they hadn't started yet. He added for the rural area there is legislative rule updates that are pending which they hope to get to the Planning Commission in September. He indicated they are doing monitoring for Regional Parks and Open Space and the Southern Willamette Valley groundwater issue, which is a minor work effort. He said the Community Wildfire Protection Plan and Lane County Parks Master Plan Update are items that are coming up. He noted they only have a certain number of staff. He thought things could be stretched out and they could still do the larger version of the legal lot issue but they wouldn't be able to do the riparian regulations at the same time. He thought they could get back to the Board by the end of the year on the work they had done. He said they would be working on this but not on the riparian regulations.

MOTION: to move to direct Land Management to work on the broader issues that were enumerated and to be able to fold into this ordinance and have it done by the end of the year.

Dwyer MOVED, Hampton SECONDED.

Sorenson asked if the motion directed Land Management to work with the people who came in to oppose the previous ordinance and that their views would also be equally considered with the consultants and attorneys that represent.

Dwyer responded his motion would not exclude any dialogue of people who might be affected.

Sorenson wanted to make sure it was the intent of the Board that County resources are applied equally in the development of the ordinance.

VOTE: 5-0