**COLW Comments on Forest Management and EFU Chapters October 25, 2018**

This table is in reference to COLW comments made by Rory Isbell August 17, 2018

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| The County provided model codes from DLCD to the public in May 2018 and requested public comment on those model codes. The County did not provide any information about what sections of those model codes it was interested in adopting, or what sections  of the County’s existing code it was interested in amending. | Staff: The Planning Commission sought comment from the public on the model code chapters provided by DLCD. The model code chapters are presented by the state as up to date legally. Seeking the public’s comment on the state’s basis for comparison of codes-- the state’s touchstone—was a fundamental step to identifying issues the public finds important and it also presents them with what the state says is a full menu of options. |
| Is the County interested in only  updating its existing code to account for changes in state law? Is the County interested in adopting  discretionary provisions allowed by state law but not required? Is the County interested in amending any existing sections of its code, either strengthening or weakening regulations of farm or forest land? | Staff: The process is designed to consider the state’s model, the current code, the public’s issues and values, and the Commissioners’ valuable analysis and opinion. The goal is to update the farm and forest chapters after this process of consideration. |
| A public hearing before the Planning Commission on the Draft Exclusive Farm Use Chapter and Draft Forest Chapter was held on July 26, 2018. The County made those Draft Chapters  available to the public for the first time in a staff report dated July 19, 2018. It is unclear when this staff report was made available to the public, but LandWatch first noticed it posted to the County’s  website on July 23, 2018. Two other documents, entitled “Comparison Tables,” compare the model  codes with sections of the existing JCZO. These documents are not dated but appear to have been posted on the County’s website within twenty-four hours before the Planning Commission hearing on July 26, 2018. | The draft chapters and public comment tables were on the website by July 19th 9:02AM. On July 26th comparison tables, which were requested by members of the public, were made available as a tool. |
| Is the County proposing to  adopt all of the model zone discretionary text included in italics in the Draft Chapters? What text in the existing JCZO will be replaced by the “Model Zone mandatory language” and/or the “Model Zone discretionary language,” respectively? The Draft Chapters are unclear about what text in the County’s existing code is being replaced by either mandatory or discretionary text from the model  codes. | The Planning Commission presented one draft EFU chapter and one draft Forest chapter. The language presented was the proposed language. There were no other proposals to conflict with these chapters. The chapters, at the request of the public, had different text elements (bold, italic) so that they could identify what is discretionary language and what is current zoning code language. |
| This indicates that the County is considering adopting all discretionary  language in the model codes without an explanation for the need, or the anticipated effects. | The Planning Commission did not want to limit the public’s ability to comment and identify any issues in consideration all discretionary items. There is no requirement for explanation of need or anticipated effects for adopting discretionary language—only that it is allowed by law (ORS, OAR, Goals), that it is consistent with Jeff Co comprehensive plan. |
| The points of direction from the Planning Commission listed in the July 19, 2018 staff report for the July 26th public hearing offer only a partial explanation, and create greater confusion. In particular, item three states “[i]f the language is discretionary and there is no Jeff Co language, put  the discretionary language.” | The directive seems clear. If there is no current language for something in the zoning ordinance and it’s discretionary, include the model code language. |
| The Draft Chapters do not clearly indicate what sections of the existing JCZO are proposed for changes. | The proposed chapters were complete replacements. They also included text differences that identified where language came from. |
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| How are the standards and criteria mandatory, while the use is  discretionary? Is there any existing JCZO text that this section is replacing or amending? | As has been discussed in public meetings: yes, some uses are discretionary but have mandatory standards. That is the guidance of the DLCD and consultants working for DLCD. To see if it is directly replacing any language, one can look at the comparison tables provided as tools. |
| Why does mandatory qualifying text  apply to a discretionary use? Why is the County adopting this discretionary use, and what will be its effect? | As has been discussed in public meetings: yes, some uses are discretionary but have mandatory standards. That is the guidance of the DLCD and consultants working for DLCD. The County is not adopting anything. The Planning Commission provided the public with the full opportunity to provide comments on all discretionary uses. |
| Is this section replacing any existing JCZO text relating to destination resorts? | Please look at the comparison table tool to answer this question. |
| The Comparison Tables also lead to more confusion than explanation. | The comparison tables were created at the request of the public. They wanted the tool. |
| To clearly and easily alert the public to what changes are proposed, we suggest the County provide a “redline,” “tracked changes,” or “strikethrough” version of existing code with the proposed changes so the public can see precisely what existing text is proposed to be amended and what new text is proposed to be added. | The format presented was that which considered request by the public, the Planning Commission’s preference, and the consultant’s advice and ability to deliver. There are two versions which present the material differenty. On the table version, the far right column clearly identifies change. |
| We also suggest an explanation of why each change is being made. | The suggestion is noted. There is no requirement for explanation of why each change is being made—only that it is allowed by law (ORS, OAR, Goals), that it is consistent with Jeff Co comprehensive plan. |
| Deficiencies in notice | There are deficiencies in the current code regarding notice. A reading as COLW suggests would mean that for each hearing, each landowner in Jefferson County in EFU and Forest zones would have to be mailed notification. I am unaware of an instance in Oregon wherein all landowners are notified by mail of each public hearing. There is a requirement that a consideration of adoption of land use rules that may be more restrictive must be mailed to those potentially affected. That will be done when the BOC considers adoption. It is called M56. If every hearing requires a notice, then there would have been no need for M56.  There is one item that appears to correct an error, that notice of the hearings should be made to all those who have provided comments previously 20 days prior to the hearing. Thank you for drawing attention to this error. It will be corrected. |
| LandWatch objects to the July 26, 2018 hearing because the County did not provide the required notice at least twenty days prior. | Noted. COLW attended the hearing, provided comment, and has continued to participate. Is COLW claiming it has been prejudiced? What remedy does COLW suggest? |

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| **ii. Required notice under State law.**  Commonly referred as “Measure 56 notice”…. section | The requirement applies to adoption or amendments. The Planning Commission is doing neither. It is making a recommendation. |
| We recommend that the County strengthen, or at the least maintain, its regulations for guest ranches. | The Planning Commission will take this recommendation into consideration. |
| Before adopting the detailed criteria included in the model code, the County should carefully consider where and how photovoltaic solar energy facilities should be allowed on EFU and Forest-zoned land. | The Planning Commission will take this recommendation into consideration. |
| Mass Gathering | The BOC adopted Small Outdoor Gathering language in 2017 modeled after the Mass gathering language with a threshold of 250 people |
| the model code would also allow conditional uses in the Forest zone that the County is under no obligation to allow, | The PC and public are considering all discretionary elements. |
| The Comparison Table for the Forest code also appears to add or amend several new use standards (at X.07). These include standards for home occupations and solid waste disposal facilities. The Comparison Table also includes several new or amended standards for conditional  uses, youth camps, and land divisions. Why are these changes being made now? | Jefferson County is going through an update of two code chapters. It is using the model code that the state developed and the consultant help develop to identify all the potential uses and standards that are available to the citizens of Jefferson County. |
| As stated above, we recommend the County provide a “redline,” “tracked changes,” or “strikethrough” version of its current code so the public can clearly  see what changes are proposed. | The Planning Commission presented one draft EFU chapter and one draft Forest chapter. The language presented was the proposed language. There were no other proposals to conflict with these chapters. The chapters, at the request of the public, had different text elements (bold, italic) so that they could identify what is discretionary language and what is current zoning code language. Furthermore, at the request of the public a side-by-side was provided as a tool (comparison tables) |
| The County should also provide an explanation for each proposed  change that informs the public why the change is needed, and what its effect will be. | The Planning Commission will take this recommendation into consideration. |
| To best accomplish this, we recommend providing notice to all affected landowners and interested parties, and many separate public hearings on specific areas of code that are proposed for changes. | M56 notices will be made when the BOC considers adoption or amendment. Any legal deficiencies in notice will be addressed. What remedy does COLW suggest for any July 26 hearing errors? |