

FILED

BOOK 132 PAGE 318

AT _____ O'CLOCK _____ M

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

MAY 27 1987

BY *[Signature]*
County Clerk
For Lane County, Oregon
DEPUTY

ORDINANCE NO. 4-87

-) IN THE MATTER OF AMENDING CHAPTER
-) 12 OF LANE CODE, TO PROVIDE
-) A SEMIANNUAL PLAN AMENDMENT
-) PROCESS FOR THE EUGENE-SPRINGFIELD
-) METROPOLITAN AREA GENERAL PLAN
-) AND ADOPT A SEVERABILITY CLAUSE

WHEREAS, ORS 215.050 provides that the Lane County Board of Commissioners shall adopt and may revise a comprehensive plan and a zoning ordinance; and

WHEREAS, the Eugene-Springfield Metropolitan Area General Plan, Chapter IV Plan Review, Amendment and Refinement provides for a citizen initiated plan amendment process, and that the process be developed and adopted by the three metropolitan jurisdictions; and

WHEREAS, the Lane County Planning Commission has held a public hearing on this matter on March 17, 1987, and recommends approval of the proposal; and

WHEREAS, the Lane County Board of Commissioners has held a public hearing on this matter and desires to amend Lane Code Chapter 12 to comply with the Eugene-Springfield Metropolitan Area General Plan; NOW

THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

Chapter 12 of Lane Code is hereby amended by removing and substituting the following pages:

Remove this Page

12.060 - 12.060
i.e. 12-5

(a total of one page)

Insert this Page

12.200 - 12.210(1)
12.230(1) - 12.235(3) to
i.e. 12-8 to 12-12

(a total of five pages)

Said pages are attached hereto and incorporated herein by reference.

The provisions repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective dated of this Ordinance.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such hold shall not affect the validity of the remaining portions hereof.

While not part of this Ordinance, we adopt the attached Exhibit 'A' as Findings in support of this decision.


ENACTED this 20 day of May, 1987.



Chairperson, Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
Date 4-14-87 lane county

OFFICE OF LEGAL COUNSEL

12.200

Lane Code

12.210(1)

EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN ELEMENT

12.200 Purpose. The Metropolitan Area General Plan requires that citizen-initiated Plan amendments shall be considered on a semiannual basis in years between Plan Updates. Plan amendments shall be made in accordance with the standards contained in Chapter IV of the Metropolitan Area General Plan and the provisions of this Code.

12.205 Initiation. A proposed amendment to the Metropolitan Area General Plan may be initiated at any time by the Planning Commission or the Board of County Commissioners.

An individual requesting an amendment to the Plan Diagram shall file such request with the planning staff of the city whose Urban Growth Boundary or incorporated area is being affected or with the County Planning staff if the affected property lies outside the Urban Growth Boundary. A proposed textual change not affecting the allowed uses for a specific property or group of properties may be initiated through a request to any of the three planning departments. If a proposed Plan amendment would be classified as a Plan Update, then the concurrence of all three governing bodies shall be required for the proposed Plan amendment to be considered.

12.210 Plan Amendment Categories. Proposed Plan amendments shall be placed into one of three categories: Minor Plan Amendment; Major Plan Amendment; or Plan Update by the Planning Director. The classification of a proposed Plan amendment shall be determined by the application of the following standards:

(1) Minor Plan Amendment. A proposed Plan amendment shall be classified as minor if it:

- (a) Does not change the Urban Growth Boundary or the Plan Boundary; and
- (b) Does not require changes to the Plan Diagram which involve more than 15 acres; and
- (c) Does not change the fundamental principles or policies contained in Chapter II of the Plan; and
- (d) Does not create a substantial inconsistency between the Plan and an existing refinement plan; and
- (e) Does not appear to raise substantial goal issues, require a goal exception or involve the application of a Statewide Planning Goal #5 conflict resolution process.

12.210(2)

Lane Code

12.215(3)

(2) Major Plan Amendment. A proposed Plan amendment shall be classified as major if it:

- (a) Changes the Urban Growth Boundary or the Plan Boundary; or
- (b) Requires a redesignation of land in excess of 15 acres; or
- (c) Creates a substantial inconsistency between the Plan and an existing refinement plan; or
- (d) Necessitates another Plan amendment to maintain internal Plan consistency; or a Statewide Planning Goal #2 exception to maintain goal compliance; and the work involved in addressing the proposed amendment is not complex; and would not require a substantial diversion of budgeted planning resources from the approved work programs of affected County departments.

(3) Plan Update. The processing of a proposed Plan amendment shall be postponed until the next regularly-scheduled Update of the Plan if the proposed amendment:

- (a) Changes the fundamental principles or policies contained in Chapter II of the Plan; or
- (b) Necessitates substantial plan amendments to maintain internal Plan consistency; or a Statewide Planning Goal #2 exception to maintain goal compliance; or
- (c) The work involved in addressing the proposed amendment is complex or would require a substantial diversion of budgeted planning resources from the approved work programs of affected County departments; or
- (d) Is premature for consideration because of other related Plan studies in progress or because of a scheduled Plan update.

12.215 Application.

(1) Submission Procedure. An application for a Plan amendment shall be submitted to the Planning Director on a form prescribed by the Planning Director. This form shall be accompanied by a non-refundable deposit to help cover cost of categorizing amendment.

(2) Preliminary Submission Date. All applications for Plan amendments, except those submitted by one of the three metropolitan jurisdictions, shall be submitted on or before the first Monday in December or June of each year.

(3) Completeness Check and Amendment Classification. Applications for Plan amendments shall be reviewed for completeness by the appropriate planning department within two weeks of submission. During this period, the proposed Plan amendment will also be classified by the Planning Director as a Minor Amendment, Major Amendment, or placed in a Plan Update category.

12.215(4)

Lane Code

12.225(2)

(4) Payment of Fee. The applicant shall pay a fee appropriate to the classification of the proposed Plan amendment as established by the Board of County Commissioners. No application shall be accepted or processed further prior to the payment of this fee.

(5) Return of Incomplete Applications. Applications found to be incomplete shall not be accepted and shall be returned by the Planning Director within two weeks of their submission dates with a detailed list of instructions regarding the nature of the deficiency(s) and how it may be corrected.

(6) Final Acceptance Date. All applications must be verified as complete, including payment of fee, by the final acceptance date of the first Monday in January or July, whichever date is appropriate. Applications not found to be complete by the aforementioned dates shall not be processed further during that processing period.

(7) Resubmission Barred for One Year. Applications considered and denied by the Lane County Board of Commissioners, Eugene City Council or the Springfield City Council shall not be resubmitted within one year from their dates of original submission.

12.220 Appeal of Plan Amendment Classification.

(1) Decisions concerning the classification of a proposed Plan amendment may be appealed by an applicant to the Metropolitan Policy Committee.

(2) Appeals shall be accompanied by a nonrefundable fee set by the Board of County Commissioners.

(3) Appeals of Plan amendment classifications must be made to the Planning Director within seven days of the final acceptance date.

(4) The Metropolitan Policy Committee shall hear appeals of Plan amendment classifications within 21 days of the final acceptance date.

(5) The Metropolitan Policy Committee shall decide all appeals of Plan amendment classifications within 30 days of the final acceptance date. This decision is final.

12.225 Public Hearing Procedure.

(1) Metropolitan Area Planning Advisory Committee (MAPAC) Review. Plan amendments shall be referred to the MAPAC within 10 days of the final acceptance date. MAPAC may make a recommendation to the three Metropolitan Planning Commissions.

(2) Planning Commission Review. Within 45 days of the final acceptance date, the Planning Commission shall hold a public hearing to consider the proposed amendment. When possible, the public hearing shall be a joint public hearing of the three Metropolitan Planning Commissions.

12.225(2)

Lane Code

12.230(1)

The Planning Commission shall review the application and receive pertinent evidence and testimony as to why or how the proposed change is consistent with the criteria required for approval.

Within 30 days following the public hearing, the Planning Commission shall recommend to the Lane County Board of Commissioners approval, modification or denial of the application with written findings and conclusions based on the required decision criteria.

(3) Staff Report on Nonconsensus Plan Amendments. Those Plan amendments for which there is no consensus by the three Metropolitan Planning Commissions shall be referred for further analysis to a committee composed of planning staff from each of the three Metropolitan jurisdictions. Coordinated by L-COG, the committee shall forward the recommendations of the three Commissions and shall make a recommendation concerning each of these Plan amendments to the governing bodies of the three Metropolitan jurisdictions either prior to or at the public hearing.

(4) Governing Body Review. Within 30 days after the last Planning Commission recommendation, the Board of County Commissioners shall conduct a public hearing on the application including the Planning Commission's recommendations. When possible, the Board of County Commissioners shall join the Eugene City Council and the Springfield City Council in a joint public hearing. The Board of County Commissioners shall make a decision within 30 days of the hearing to approve, modify and approve or deny the amendment.

(5) Reconsideration of Nonconsensus Plan Amendments. Plan amendments for which there is no consensus at the elected officials level shall be referred to the Metropolitan Policy Committee (MPC) within 10 days after the last elected body takes action. The MPC shall review the testimony, staff reports and actions of the elected officials. Within 20 days of referral, MPC shall forward a recommendation back to the elected officials to approve, modify or deny the Plan amendments. Any amendments not acted on by MPC within 20 days of the referral shall be considered denied. Any amendment the elected officials are unable to reach consensus and act on within 30 days after MPC review, shall also be considered denied.

12.230 Public Hearing Notice.

(1) Notice of a proposed amendment to the Metropolitan Plan shall be published, at least 10 days in advance of each public hearing, in a newspaper of general circulation. Said notice shall contain:

(a) A brief description of the proposed Plan amendment and a map indicating the general location of any proposed diagram changes.

(b) The time, date and place of the public hearing.

12.230(1)

Lane Code

12.235(3)

(c) Disclosure of any deadlines for the submittal of written materials prior to the hearing.

(d) Identification of which body will conduct the hearing.

(e) Where to receive more information.

(2) Notice of a proposed amendment to the Metropolitan Plan shall be mailed at least 10 days in advance of the Planning Commission public hearing to:

(a) The applicant.

(b) The owner(s) and occupants of the property subject to the proposed diagram amendment.

(c) Others who have requested notice.

(3) Notice of a proposed amendment to the Metropolitan Plan shall be mailed at least 10 days in advance to the governing body's public hearing to:

(a) The applicant.

(b) Others who requested notice.

12.235 Decision Criteria. In order to enact a Plan amendment, adoption by all three governing bodies of an identical version of the proposed Plan amendment will be necessary. A decision to approve or deny a proposed Plan amendment must be based upon written findings of fact and conclusions of law which demonstrate that the proposed amendment is consistent with the following criteria:

(1) The Plan amendment is consistent with applicable Statewide Planning Goals; and

(2) The Plan amendment is consistent with the fundamental principles and applicable policies of the Metropolitan Plan; and

(3) The Plan amendment is found to address one or more of the following:

(a) An error in the publication of the Plan; or

(b) Circumstances have changed in a substantial manner that was not anticipated in the Plan; or

(c) Incorporation into the Plan, following acknowledgement, of newly-inventoried material which relates to a Statewide Planning Goal.

(d) A change in public policy.

Exhibit 'A'
Ordinance No. 4-87

FINDINGS:

1. Lane Code, Chapter 12.060 Eugene-Springfield Metropolitan Area General Plan Element currently only references Chapter IV of the Eugene-Springfield Metropolitan Area General Plan for requirements for any review, amendment or refinement to the Plan.
2. As a part of the Mid-Period Review process of the Metropolitan Plan, Lane County adopted Ordinance No. 907 (June 18, 1986). This Ordinance replaced sections in Chapter IV for the purpose of clarifying and streamlining the Plan amendment and Plan refinement processes of Chapter IV.
3. A major element of the Plan Amendment process calls for the three metropolitan jurisdictions to jointly develop and adopt a citizen-initiated amendment process (see Metropolitan Plan, Chapter IV-A).
4. The proposed Lane Code revisions implement Plan amendment requirements and are consistent with the provisions of the Eugene-Springfield Metropolitan Area General Plan.