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BOOK 139 PAGE 1063

MAY 16 1989 THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

BY Debra Davis County Clerk
Deputy
DEPUTY

ORDINANCE NO. 2-89

) IN THE MATTER OF ADOPTING
) EUGENE LAND USE REGULATIONS:
) SECTIONS 9.138, 9.139, 9.140,
) 9.141, 9.142, 9.143, 9.144,
) 9.145, 9.146, 9.147, AND 9.148
) OF THE 1971 EUGENE CODE, WHICH
) INDICATE THE AMENDMENT
) PROCEEDURE AND THE ROLE OF
) EUGENE, SPRINGFIELD, AND LANE
) COUNTY IN MAKING AMENDMENTS TO
) THE RIVER ROAD/SANTA CLARA URBAN
) FACILITIES PLAN, AND ADOPTING A
) SEVERABILITY CLAUSE.

WHEREAS, the River Road/Santa Clara Urban Facilities Plan, a neighborhood refinement plan to the Eugene/Springfield Metropolitan Area General Plan, was jointly adopted by the three metropolitan area jurisdictions in the spring of 1987; and

WHEREAS, on September 28, 1987, The Eugene City Council adopted Eugene Ordinance No. 19499 establishing procedures for refinement plan amendments; and

WHEREAS, the Eugene Planning Commission held a public hearing on the proposed plan amendment process for the RR/SC UFP on March 14, 1988 and, on April 26, 1988, forwarded a unanimous recommendation of approval by the Eugene City Council.

WHEREAS, On June 1, 1988, the Springfield Planning Commission recommended approval of the proposed amendment process for the RR/SC UFP, followed by the Springfield City Council recommending approval of the proposed amendment process for the RR/SC UFP on July 18, 1988.

WHEREAS, On August 2, 1988, the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed amendment process for the RR/SC UFP and recommended approval of an amended version of the proposed amendment process for the RR/SC UFP.

WHEREAS, on November 15, 1988, the Lane County Planning Commission conducted a work session and upheld their recommendation of an amended version of the proposed amendment process for the RR/SC UFP; and

WHEREAS, on January 25, 1989, the Lane County Board of Commissioners conducted the First Reading of this Ordinance and on February 8, 1989, conducted the Second Reading and held a public hearing to review the proposed procedures for making refinement plan amendments; and

WHEREAS, the Lane County Board of County Commissioners has considered the recommendations received from staff, the Lane County Planning Commission, public testimony at the Board's hearing of February 8, 1989, and the actions taken to-date by the other metropolitan area jurisdictions; and

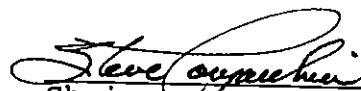
WHEREAS, based upon the above record and findings (Exhibit "B"), the Lane County Board of County Commissioners concludes that the provisions of the Eugene Code as adopted in Eugene Ordinance No. 19499 implement the River Road/Santa Clara Urban Facilities Plan amendments set forth in Lane County Ordinance No. PA 957, and are consistent with the Statewide Goals and with the Eugene-Springfield Metropolitan Area General Plan;

NOW, THEREFORE, the board of county commissioners of Lane County ordains as follows:

1. Sections 9.138, 9.139, 9.140, 9.141, 9.142, 9.143, 9.144, 9.145, 9.146, 9.147, and 9.148 of the Eugene Code, 1971, as amended by Eugene Ordinance No. 19499 on September 28, 1987, attached hereto as Exhibit 'A' are hereby adopted. The regulations shall not be codified into Lane Code.
2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portions hereof.

While not part of this Ordinance, findings in support of this decision are adopted as attached Exhibit 'B'.

DATED this 10th day of May, 1989.



Chairperson, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1-13-89 Lane County



OFFICE OF LEGAL COUNSEL



Recording Secretary for this Meeting of the Board

AN ORDINANCE CONCERNING REFINEMENT PLAN AMENDMENT PROCEDURES; AND ADDING SECTIONS 9.138, 9.139, 9.140, 9.141, 9.142, 9.143, 9.144, 9.145, 9.146, 9.147, AND 9.148 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. A caption, and Sections 9.138, 9.139, 9.140, 9.141, 9.142, 9.143, 9.144, 9.145, 9.146, 9.147, and 9.148 are added to the Eugene Code, 1971, to provide:

REFINEMENT PLAN

Amendment Procedures

9.138 Refinement Plan - Amendments.

(1) Amendments to a refinement plan may be needed because of changes in adopted municipal policies or community circumstances, or in order to implement a general plan provision. Amendments to refinement plans made outside of major update processes shall be adopted in accordance with the procedures of sections 9.139 to 9.148.

(2) As used in sections 9.138 to 9.148:

(a) "Refinement plan" means a comprehensive land use plan for a discrete part of the geographic area regulated by the Metropolitan Area General Plan. "Refinement plan" includes special area studies and those refinement plans and special area studies listed in the Metropolitan Area General Plan.

(b) "Major refinement plan amendment" is one which significantly changes or amends key principles or policies in the plan, necessitates substantial plan amendments to maintain internal plan consistency, requires significant factual or policy analysis so as to substantially alter approved work programs of affected city departments, or is premature because of other related plan studies, amendments, or updates in progress. All other amendments are "minor refinement plan amendments".

9.139 Refinement Plan - Initiation of Amendments. Amendments to an adopted refinement plan may be initiated by:

(a) Action of the planning commission or city council on its own motion, or at the request of any person in the manner set forth in section 9.142; or

(b) Application of any qualified person if the refinement plan amendment is minor and after investigation and review in the manner set forth in section 9.141.

9.140 Refinement Plan - Pre-application Review.

(1) Prior to the filing of an application for a refinement plan amendment, the planning commission shall determine if the proposed amendment is a major or minor refinement plan amendment. If the proposed amendment is a major amendment, it can only be initiated by the planning commission or city council. Minor amendments may be initiated under section 9.141.

(2) A person seeking such a determination shall file a written request with the planning department. Within five days of filing the planning department shall mail notice of the request to affected neighborhood group(s). The notice shall solicit written comments resulting from a neighborhood group meeting. The request will be reviewed and classified by the planning commission within 45 days of its filing.

(3) In determining whether the amendment is a major refinement plan amendment as defined by section 9.138(2)(b), the commission may consider the number of acres affected by the amendment, and the effect of the amendment on the provision of public services and facilities.

(4) Written notice of the commission's action shall be mailed to the applicant and the neighborhood group(s) the day after the commission takes action on the request. The decision of the commission is final. Any application for a refinement plan amendment must be submitted within 90 days of the planning commission's decision.

9.141 Refinement Plan - Application Process for Privately Initiated Amendments. An application for a minor refinement plan amendment shall only be considered when:

(a) The commission has classified it as a minor refinement plan amendment no more than 90 days prior to the date the application is filed;

(b) It is submitted with the required fee set in the manner provided by law; and

(c) It is accompanied by the consent of a minimum of 75 percent of the owners of property affected by the amendment if a specific geographic diagram change is sought.

9.142 Refinement Plan - City Initiated Amendments.

(1) Major or minor refinement plan amendments may be initiated by an adopted motion of the planning commission or city council at any time.

(2) Such an initiation may be at the request of any member of the commission or council, the staff, or by any other person.

(3) A person may officially request a city-initiated plan amendment by consulting with and filing a written request with the planning department. The planning department shall investigate matters relevant to the request, prepare a report, and submit the report to the planning commission. A copy of the report shall be mailed or delivered to the person requesting the amendment and the affected neighborhood group(s) at the same time it is delivered to the commission. The planning commission need not hold a public hearing on the request. The commission shall decide whether to initiate the request based on the guidelines set out in subsection (4) below. A decision by the commission not to initiate a requested amendment is final.

(4) The planning commission and council shall consider the following guidelines in determining whether the city should initiate an amendment

to a refinement plan:

- (a) There is an urgent need to consider the amendment in advance of the time it would normally be considered; and
- (b) The plan amendment will address one of the following:
 - 1. New or amended policies set forth in a state statute, regulation, planning goal or state agency land use plan; or
 - 2. New or amended city policies or recommendations that have a direct relationship to the refinement plan; or
 - 3. A community-wide need based on direct and ascertainable community benefits occasioned by the plan change; and,
- (c) Such other considerations as the council or commission may deem appropriate. The council or commission may refuse to initiate a plan amendment for any reason.

9.143 Refinement Plan - Notice of Hearing on Initiated Amendments.

(1) At least 30 days before the planning commission public hearing on an initiated refinement plan amendment, the planning department shall mail notice of the request and the date of the public hearing to:

- (a) The applicant.
- (b) Affected neighborhood group(s) and any affected city boards and commissions.
- (c) Owners and occupants of properties that are the subject of a proposed amendment to a Land Use Diagram, and to property owners and occupants within 400 feet of the perimeter of the subject property.
- (d) The Lane County and City of Springfield planning directors.

(2) At least ten days prior to the planning commission public hearing, the planning department shall post at least three notices of the nature of any proposed amendments to a Land Use Diagram within 400 feet of the subject property.

(3) At least ten days prior to the planning commission public hearing, notice prominently describing and depicting the proposed amendment and stating the time and place of the public hearing shall be published in a newspaper of general circulation within the city.

9.144 Refinement Plan - Investigation and Report. The planning department shall investigate the facts pertaining to the refinement plan amendment, prepare a report, and submit it to the planning commission for consideration prior to the public hearing. At the same time, copies of the report shall be mailed or delivered to persons entitled to written notice of the hearing. Copies will also be available for other interested parties at the planning department and at the public hearing.

9.145 Refinement Plan - Public Hearing.

(1) Unless the applicant agrees to a longer time frame, within 45 days of receipt of a complete and accurate application, the planning commission shall hold a public hearing to consider the proposed amendment. A city-

initiated amendment shall be considered by the commission within 60 days of the date of initiation, unless the commission provides for a longer time.

(2) The planning commission shall review the proposed amendment and receive evidence, and decide whether the proposed change is consistent with the following approval criteria:

(a) The plan amendment is consistent with the Metropolitan Area General Plan;

(b) The plan amendment is consistent with remaining portions of the refinement plan; and

(c) The plan amendment is found to address one or more of the following:

1. An error in the publication of the plan;
2. A change of circumstances in a substantial manner not anticipated in the plan;
3. Incorporation into the plan of new inventory material which relates to a statewide goal; or
4. A change in public policy.

9.146 Refinement Plan - Planning Commission Recommendation.

(1) Unless a postponement is agreed to by the applicant, within 30 days following the public hearing the planning commission shall recommend to the city council approval, or approval with modification, or shall deny the plan amendment, with written findings and conclusions based on the approval criteria in subsection 9.145(2).

(2) On the day after the planning commission decision, the planning department shall mail a copy of the decision to the applicant, affected neighborhood group(s), and parties who have requested a copy.

(3) Unless appealed, the planning commission's decision to deny an amendment is final on the eleventh day after it is rendered.

9.147 Refinement Plan - Appeal; Council Action on Denied Amendments.

(1) The applicant, an adversely affected party, or a party entitled to written notice may appeal the commission's denial of an amendment to the city council. An appeal must be commenced by filing a complete and sufficient notice of appeal with the planning department within ten (10) days of the commission's decision. The notice of appeal shall be on a planning department form and must state specifically how the planning commission failed

to make a decision consistent with the approval criteria. The planning department shall provide the council with the notice of appeal and the record before the commission.

(2) Unless the appellant agrees to a longer time frame, the council shall hold a public hearing on the appeal within 45 days of filing of a notice of appeal. At least ten days prior to the hearing the planning department shall mail notice of the hearing to the applicant, appellant, and persons who requested notice of the commission decision.

(3) Unless the appellant agrees to a longer time frame, the council shall make a decision within 30 days of the hearing. The council may affirm, reverse, or modify the planning commission's decision.

9.148 Refinement Plan - Council Review and Decision on Approved Amendments

(1) Within 45 days of the planning commission's recommendation to approve an amendment, unless a longer time frame is agreed to by the person or entity initiating the amendment, the city council shall conduct a public hearing on the planning commission's recommendation. At least ten days prior to the council hearing, the planning department shall mail written notice of the hearing to the applicant, affected neighborhood group(s), and parties who requested notice of the planning commission's decision.

(2) The council shall make a decision within 30 days of the hearing, unless a longer time frame is agreed to by the person or entity initiating the amendment. The council may approve, modify and approve, or deny the amendment.

(3) Applications considered and denied by the commission or council shall not be resubmitted within one year from the date of denial.

Passed by the City Council this

28th day of September, 1987

Gary P. Long
City Recorder

Approved by the Mayor this

28th day of September, 1987

[Signature]
Mayor

I hereby certify that the foregoing is a true and correct copy of the original document and the whole thereof.

[Signature]
Deputy City Recorder

Refinement Plan Amendment procedures

8/14/87

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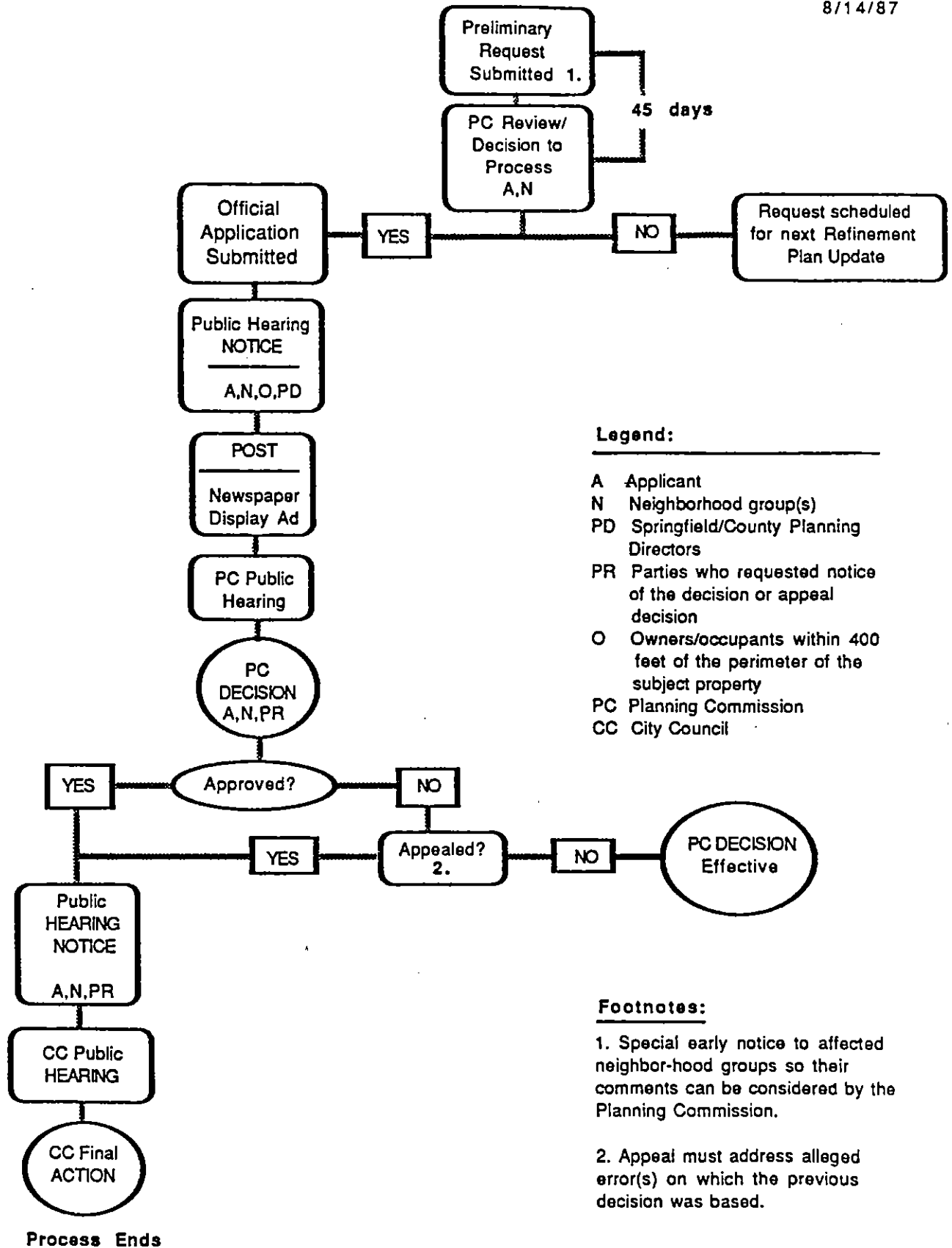
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145



Legend:

- A Applicant
- N Neighborhood group(s)
- PD Springfield/County Planning Directors
- PR Parties who requested notice of the decision or appeal decision
- O Owners/occupants within 400 feet of the perimeter of the subject property
- PC Planning Commission
- CC City Council

Footnotes:

1. Special early notice to affected neighborhood groups so their comments can be considered by the Planning Commission.

2. Appeal must address alleged error(s) on which the previous decision was based.

Exhibit 'B'

Findings for Lane County Ordinance No. 2-89

1. The River Road/Santa Clara Urban Facilities Plan (RR/SC UFP) was jointly adopted by the three metropolitan area jurisdictions in the spring of 1987.
2. The RR/SC UFP is the adopted neighborhood refinement plan of the Eugene/Springfield Metropolitan Area General Plan for the River Road/Santa Clara area.
3. As adopted the RR/SC UFP provides no direction on how it can be amended to address changes in circumstances, new information, or changes in public policy.
4. The proposed amendment to the amendment procedures for the RR/SC UFP will add language to the plan so that future amendments would not require formal action by the City of Springfield and would not require action by Lane County if the amendments affect property solely within the City of Eugene.
5. Any amendments requiring an amendment of the Eugene/Springfield Metropolitan Area General Plan will continue to follow amendment processes set out in the Metro Plan, requiring consideration and adoption by all three metropolitan area jurisdictions.
6. The RR/SC UFP, as amended, is consistent with the Eugene/Springfield Metropolitan Area General Plan and applicable Statewide Goals.
7. The provisions of the Eugene Code as adopted in Eugene Ordinance No. 19499 implement the River Road/Santa Clara Urban Facilities Plan amendments set forth in Lane County Ordinance No. PA 957, and are consistent with the Statewide Goals and the Eugene/Springfield Metropolitan Area General Plan.