

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE 2-93

) IN THE MATTER OF AMENDING LANE
) CODE CHAPTER 12 TO CONFORM TO
) REVISIONS IN CHAPTER IV OF THE
) EUGENE-SPRINGFIELD METROPOLITAN
) AREA GENERAL PLAN CONCERNING THE
) PLAN AMENDMENT PROCESS

The Board of County Commissioners of Lane County ordains as follows:

Chapter 12 of Lane Code is hereby amended by removing, substituting and adding new pages as follows:

REMOVE THESE PAGES

12.200 - 12.205 to
12.250 - 12.250(4)
i.e. 12-8 to 12-16
(a total of nine pages)

INSERT THESE PAGES

12.200 - 12.205 to
12.200 - 12.245(6)
i.e. 12-8 to 12-16
(a total of 10 pages)

Said pages are attached hereto and incorporated herein by this reference. The purpose of these substitutions and additions is to replace LC 12.200 through 12.250 with LC 12.200 through 12.245, and to regulate the process for amendments and refinements to the Eugene-Springfield Metropolitan Area General Plan.

While not part of this Ordinance, findings in attached Exhibit "A" are adopted in support of this decision.

ENACTED this 17th day of February 1993.

Steve Oyler

Chair, Lane County Board
of Commissioners

Sharon L. Giles

Recording Secretary for this Meeting
of the Board

FILED

FEB 19 1993

COUNTY CLERK

BY *Debra Dubois*

APPROVED AS TO FORM
DATE 1-4-93 Lane County
Stephen L. Clarke
OF LANE COUNTY

12.200

Lane Code

12.205

EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN ELEMENT

12.200 Purpose. The Metropolitan Area General Plan allows citizen-initiated Category II Plan amendments to be initiated at any time and requires that they be considered on a semi-annual 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 Definitions.

Metro Plan Amendment Home Jurisdiction. With respect to Metro Plan Category I amendments, the general purpose government whose governing body initiated the amendment. With respect to Category II amendments, the home jurisdiction consists of (1) Eugene for amendments within the Eugene city limits, (2) Eugene and Lane County for amendments between the Eugene city limits and the Eugene urban growth boundary, (3) Springfield for amendments within the Springfield city limits, (4) Springfield and Lane County for amendments between the Springfield city limits and the Springfield urban growth boundary, and (5) Lane County for amendments between the urban growth boundary and the Metro Plan jurisdictional boundary.

Metropolitan Plan (Metro Plan). The Eugene-Springfield Metropolitan Area General Plan, a land use comprehensive plan for the cities of Eugene and Springfield and those parts of Lane County within its boundary.

Metropolitan Policy Committee. The committee established by Board Order 87-3-25-2 adopted March 25, 1987.

Metro Plan Amendment Initiation Date. For privately initiated plan amendments, the next January 1 or July 1 following the date a complete and accurate application is submitted to and received by the home jurisdiction.

Metro Plan Category I Amendment. Any change to the Metro Plan which (1) changes the urban growth boundary or the jurisdictional boundary of the Plan; (2) requires a goal exception to be taken under statewide planning goal 2; (3) amends the plan text, except for site-specific text amendments; or (4) requires a substantial diversion of budgeted planning resources from the approved work programs of affected city or County departments.

Metro Plan Category II Amendment. An amendment to the Metro Plan which is not otherwise a Category I Plan amendment.

13-76; 1.21.77
14-86; 10.1.86
4-87; 6.19.87
6-90; 11.28.90

12-8

WP 1/co/00025/K
REV: 1/cr/00200/T

12.205

Lane Code

12.210(1)(a)

Planning Director. The person designated by the Board of Commissioners to administer the land use ordinances of Lane County or their designee.

Metro Plan Amendment Substantive Effect. A Metro Plan amendment has a substantive effect or substantively affects a general purpose governmental entity when property affected by the amendment is in the geographic area where the entity has governmental authority or has been delegated land use decision making authority or when the jurisdiction has adopted a resolution, ordinance or order finding that it is substantively affected by the proposed change.

12.210 Initiation of Plan Amendments.

(1) Who Can Initiate Metro Plan Amendments. An amendment to the Metro Plan can be initiated by the following persons or entities:

(a) Category I Amendments.

(i) All Category I Metro Plan amendments must be initiated by the Board of Commissioners unless the Board agrees to initiation by the governing bodies of Eugene or Springfield. The Board may solicit a recommendation from the Planning Commission before initiating a Category I amendment. If the Board initiates a Category I amendment, the Eugene and Springfield governing bodies must agree to that initiation for it to proceed.

(ii) A person may seek Board of Commissioners initiation of a Category I amendment by filing a written request with the County Planning Director. A staff report on the request shall be submitted to the Board within 30 days of receipt of the request. At the direction of two Commissioners, the matter shall be placed on the Board agenda for discussion. The request shall be considered denied if the Board takes no action on it within 60 days of the date the staff report is submitted to the Board. The Board need not hold a public hearing on a private Category I request and may deny it for any reason.

4-87; 6.19.87
6-90; 11.28.90

12-9

WP 1/co/00025/K
REV: 1/cr/00200/T

12.210(1)(b)

Lane Code

12.210(2)(a)

(b) Category II Amendments.

(i) The Board may initiate a Category II Metro Plan amendment. The Board may solicit a recommendation from the Planning Commission before initiating a Category II amendment. A person may initiate a Category II amendment if the person owns property which is subject to the Category II amendment change.

(ii) A person may also seek Board initiation of a Category II amendment subject to the requirements in LC 12.210(1)(a)(ii) above regarding Category I amendments initiated by the Board at the request of a person.

(2) When Plan Amendments Can be Initiated. Amendments to the Metro Plan shall be initiated and considered at the following times:

(a) The Board may initiate a Metro Plan amendment at any time. Consideration of this type of amendment shall begin immediately thereafter.

12.210(2)(b)

Lane Code

12.210(3)

(b) Privately initiated Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place after the next January 1 or July 1 following the filing of the application.

(c) Consideration of a privately initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process or one that is scheduled on the Planning Commission's work program to begin within six months of the next January 1 or July 1 following the date the Metro Plan amendment application is submitted. Such a requested Metro Plan amendment shall be considered in the legislative proceedings on the refinement plan or special area study. If the refinement plan or special area study process has not begun within the six month period, the Metro Plan amendment application process shall begin the next January 1 or July 1 following the six month period. The Planning Director may waive a particular plan amendment application postponement under this subsection and require more immediate review if the Planning Director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

(3) Where A Plan Amendment Application is Filed.

Privately initiated Metro Plan amendment applications shall be filed in the planning office of the home jurisdiction. A proposed Metro Plan amendment that particularly affects land within the urban growth boundary of one of the two cities shall be filed only with the planning director of that city.

4-87; 6.19.87
6-90; 11.28.90

12-10

WP 1/co/00025/K
REV: 1/cr/00200/T

12.215

Lane Code

12.220

12.215 Referral of Plan Amendment. All Metro Plan amendments shall be referred to the Springfield and Eugene governing bodies for consideration. The referral shall occur within 10 days of the plan amendment initiation date. The referral jurisdictions shall have 45 days from the date of referral to determine if the proposed amendment substantively affects their jurisdiction. If a referral jurisdiction adopts a resolution, ordinance or order finding that the proposed amendment substantively affects land uses within its jurisdiction, the approval of the governing body of that jurisdiction shall be required to adopt the amendment. Failure of a jurisdiction to take action on the referral within 45 days shall be deemed a finding of no substantive effect. Home jurisdictions need not make a finding of substantive effect. They are automatically included in the decisional process.

12.220 Metro Plan Amendment Application Fee. After referral responses have been received by the home jurisdiction, an applicant for a privately initiated Metro Plan amendment shall pay an application fee in an amount set by the Board of Commissioners. The application fee shall differ depending upon whether the requested amendment requires approval by one, two or three jurisdictions to become effective. No application shall be processed until it is complete and accurate and until the application fee is paid.

4-87; 6.19.87
6-90; 11.28.90

12-11

WP 1/co/00025/K
REV: 1/cr/00200/T

12.225

Lane Code

12.230(3)

12.225 Metro Plan - Approval of A Plan Amendment.

(1) Who Must Approve Plan Amendment. To become effective, a Metro Plan Category I amendment must be approved by the governing bodies of Eugene, Springfield and Lane County. To become effective, Metro Plan Category II amendments must be approved by the governing bodies of the home jurisdiction and any substantively affected jurisdictions.

(2) Criteria for Approval of Plan Amendment. The following criteria shall be applied by the Board of Commissioners in approving or denying a plan amendment application:

(a) The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and

(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

12.230 Metro Plan - Plan Amendment Approval Process - Single Jurisdiction.

(1) When the Single Jurisdiction Process is Used. The following process shall be used to approve Metro Plan amendments when Lane County is the home jurisdiction and no other jurisdiction is substantively affected by the proposed amendment.

(2) Investigation and Report. Within 30 days after a response is received from both referral jurisdictions or within 85 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed Metro Plan amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the Commission.

(3) Planning Commission Consideration. Within 60 days after receipt of the staff report, the Planning Commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing shall be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. If the proposed amendment is quasi-judicial, at least 20 days before the hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record of property located within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this code and state law. The Planning Commission shall review the proposed amendment and receive evidence and testimony on whether the proposed change can be justified under the approval criteria. Within 30 days after the public hearing and close of the evidentiary record, the Planning Commission shall adopt a written recommendation on the proposed amendment. The recommendation shall contain findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.

12.230(4)

Lane Code

12.235(3)

(4) Board Action. Within 60 days after Planning Commission action on the proposed Metro Plan amendment, the Board of Commissioners shall hold a public hearing on the proposed amendment. The Board's plan amendment decision shall be based solely on the evidentiary record created before the Planning Commission. No new evidence shall be allowed at the Board of Commissioners hearing unless otherwise required by law. Within 30 days after the public hearing, the Board of Commissioners shall approve, modify and approve, or deny the proposed amendment. The Board of Commissioners shall take this action by ordinance with adopted findings and conclusions on whether the proposal or a modified proposal meets the approval criteria. The action of the Board of Commissioners is final.

12.235 Metro Plan - Plan Amendment Approval Process - Two Jurisdictions.

(1) When the Two Jurisdictions Process is Used. The following process shall be used to approve Metro Plan amendments when Lane County is the home jurisdiction where the application was submitted and one other jurisdiction is substantively affected by the proposed amendment. This process shall also be used when another jurisdiction is the home jurisdiction and Lane County is substantively affected by the proposed amendment.

(2) Investigation and Report. Within 30 days after a response is received from both referral jurisdictions or within 85 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed Metro Plan amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the Commission.

(3) Planning Commission Consideration. Within 60 days after receipt of the staff report, the Planning Commissions of both affected jurisdictions shall hold a joint public hearing to consider the proposed Metro Plan amendment. The provisions of LC 12.230 above apply to the joint Planning Commission hearing and decision on a proposed Metro Plan amendment. Within 30 days after the joint public hearing and close of the evidentiary record, both Planning Commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.

12.235(4)

Lane Code

12.235(5)(b)

(4) Governing Body Action. Within 60 days after the date the last Planning Commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies' decisions shall be based on the evidentiary record created before the Planning Commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the decision becomes final.

(5) Conflict Resolution Process. The following process shall be used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment.

(a) The Metro Plan amendment shall be referred to the Metropolitan Policy Committee within five days after the last governing body action. The Metropolitan Policy Committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions and interested persons. The committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment shall be denied if the committee fails to act within 40 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the committee.

(b) If the plan amendment is denied because of lack of consensus or committee inaction, within 5 days the planning director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the director is final.

6-90; 11.28.90

12-14

WP 1/co/00025/K
REV: 1/cr/00200/T

12.240 Lane Code 12.240(4)

12.240 Metro Plan - Plan Amendment Process - Three Jurisdictions.

(1) When The Three Jurisdiction Process is Used. The following process shall be used to approve Metro Plan Category I amendments and Category II amendments that substantively affect Eugene, Springfield and Lane County.

(2) Investigation and Report. Within 30 days after responses are received from both referral jurisdictions or within 85 days after the initiation date if no response is received, the planning staff of the home jurisdiction where the proposed amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commissions of all three jurisdictions. The report shall be mailed or delivered to affected and interested parties at the same time it is delivered to the three Planning Commissions.

(3) Planning Commission Consideration. Within 60 days after receipt of the staff report, the Planning Commissions of Eugene, Springfield and Lane County shall hold a joint public hearing on the proposed Metro Plan amendment. The provisions of LC 12.230(3) above apply to the joint Planning Commission hearing. Within 30 days after the proposed Metro Plan amendment hearing and close of the evidentiary record, each Planning Commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.

(4) Governing Bodies Action. Within 60 days after the last Planning Commission acts on the Metro Plan amendment proposal, the governing bodies of Eugene, Springfield and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the action becomes final. The provisions of LC 12.235(5) above apply if the governing bodies do not enact an identical plan amendment.

12.245

Lane Code

12.245(5)

12.245 Plan Amendment Processes - General Provisions.(1) Process for Government Initiated Plan Amendments.

A different process, time line, or both, than the processes and timelines specified in LC 12.230, 12.235 or 12.240 above, may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.

(2) Time Frame Waiver. The time frames prescribed in connection with Category II Metro Plan amendment processes can be waived if the applicant agrees to the waivers.

(3) Bar on Resubmittal. No privately initiated Metro Plan amendment application submitted to Lane County shall be considered if a substantially similar or identical plan amendment has been denied within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Planning Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.

(4) Relationship to Refinement Plan Amendments. When a Metro Plan amendment is enacted that requires an amendment to a refinement plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan diagram or map if no amendment to the refinement plan text is involved. When a Metro Plan diagram amendment requires a refinement plan diagram or map and text amendment for consistency, the Metro Plan and refinement plan amendments shall be processed concurrently.

(5) Severability of Plan Amendment Adoption Actions. When identical action is required of two or three governing bodies on a Metro Plan Amendment, and the amendment is a number of different plan changes, the following applies. Unless otherwise specified in the adoption ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is not consensus to the Metropolitan Policy Committee under LC 12.235(5) and 12.240(4) above.

EXHIBIT A

Findings in Support of Ordinance No. PA 2-93

Lane Code 12.230(2) provides that the following criteria shall be applied by the Board of Commissioners in approving or denying a plan amendment application or initiation:

1. **The amendment must be consistent with the relevant state-wide planning goals adopted by the Land Conservation and Development Commission.**

The following are the applicable Statewide Planning Goals:

Goal 1 – Citizen Involvement

Goal 1 is intended to ensure that citizens are involved in all stages of the planning process. Citizens have been involved in all stages of the development of this amendment. The following summarizes the major citizen involvement opportunities in the development of the proposed revisions to Chapter IV of the Eugene-Springfield Metropolitan Area General Plan and accompanying changes to Lane Code Chapter 12, and demonstrates how the revisions enhance citizen-initiated amendments to the Plan:

1. In October of 1988, the Metropolitan Policy Committee (MPC) directed the metropolitan staff to draft changes to Chapter IV of the Metropolitan Plan to streamline the plan amendment process.
2. Changes to Chapter IV of the Metropolitan Plan were developed by metropolitan staff and reviewed and approved by the Joint Planning Commission Committee (JPCC) and the three metropolitan planning commissions and approved by the three governing bodies in 1990.
3. In March of 1992, the Metropolitan Policy Committee directed that metropolitan staff draft amendments to the Metropolitan Plan text that would further simplify and streamline the amendment process to the Plan.
4. The proposed revisions to Chapter IV and Lane Code Chapter 12 enhance citizen involvement by clarifying that citizen initiated Metropolitan Plan amendment proposals are limited to changes to the Metropolitan Plan diagram and site-specific references to the Metropolitan Plan text and by placing the policies in Chapter IV into a more logical sequence.
5. The Joint Planning Commission Committee reviewed the proposed revisions to Chapter IV of the Metropolitan Plan and accompanying changes to Lane Code Chapter 12 on May 18, 1992.
6. The proposed revisions to Chapter IV and Lane Code Chapter 12 were reviewed by the three metropolitan planning commissions at a joint hearing on September 29, 1992.

7. The Lane County and the Eugene Planning Commissions have recommended adoption, with modifications regarding timelines, of the proposed revisions to Chapter IV of the Metropolitan Plan and Lane Code Chapter 12.
8. Ordinance 2-93 codifies the revisions into Lane Code Chapter 12 to allow Lane County to apply the revised procedures to Plan amendment proposals.

Goal 2 – Land Use Planning

Goal 2 states that “Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision on plans and implementation ordinances.” Goal 2 further provides that all land use plans and implementation ordinances shall be reviewed on a periodic cycle in accord with a schedule set forth in the plan.

1. The proposed revisions to Chapter IV clarifies the framework whereby citizens may initiate amendments to the Metropolitan Plan.
2. **Adoption of the amendment must not make the Metropolitan Plan internally inconsistent.**

The proposed revisions to Chapter IV reorganize the first 8 policies of that Chapter and change existing policy 6 to recognize that site-specific changes to the Metropolitan Plan text are also subject to citizen-initiated amendments to the Metropolitan Plan.

3. **The amendment is not a plan update amendment, unless the amendment has been initiated by the governing bodies of the City of Eugene, City of Springfield, and Lane County under Lane Code 12.210(1)(c). In determining whether a plan amendment is a plan update amendment, the Board of Commissioners is not bound by the determination of the planning director or Metropolitan Policy Committee made under Lane Code 12.215.**

Lane Code 12.205 defines a Plan Update Amendment as “Any change to the Metropolitan Plan which (1) changes the urban growth boundary or the jurisdictional boundary of the Plan; (2) requires a goal exception to be taken under statewide planning goal 2; (3) amends a fundamental principle, metropolitan goal or policy set out in Chapter II of the Plan; or (4) requires a substantial diversion of budgeted planning resources from the approved work programs of affected city departments.

The proposed amendment does not change the urban growth boundary or the jurisdictional boundary of the Metropolitan Plan. The changes are restricted to Plan policies in Chapter IV and do not require an exception to statewide planning goal 2 nor do they amend a fundamental principle, metropolitan goal or policy set out in Chapter II of the Plan. The proposed changes are being processed within the existing budgets of the planning departments of the three metropolitan jurisdictions and within the scope of the intergovernmental agreement related to the on-going maintenance, monitoring, review and amendment to the Metropolitan Area General Plan entered into by the three metropolitan jurisdictions and the Lane Council of governments.