

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1101 (IN THE MATTER OF AMENDING THE LANE COUNTY GENERAL PLAN (POLICIES (AN ELEMENT OF THE LANE COUNTY RURAL COMPREHENSIVE (PLAN) GOAL ONE CITIZEN INVOLVEMENT, POLICIES 4 & 5, AND GOAL TWO (LAND USE PLANNING, POLICY 5 TO COMBINE THE LANE COUNTY (PLANNING COMMISSION WITH THE WEST LANE PLANNING COMMISSION (AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE.

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 883, has adopted the Lane County General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendments of components of the Rural Comprehensive Plan; and

WHEREAS, the proposal was reviewed at a public hearing on October 16, 1997, with the West lane Planning Commission, the Lane County Planning Commission and the Lane County Board of Commissioners; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

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

The Lane County General Plan Policies, Goal One Citizen Involvement Policies 4 & 5, and Goal Two Land Use Planning Policy 5, adopted by Ordinance No. PA 883, are amended by repeal and substitution of a new set of Lane County General Plan Policies, Goal One Citizen Involvement Policies 4 & 5, and Goal Two Land Use Planning Policy 5, as set forth in Exhibit "A".

FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts Findings in support of this action as set forth in the attached Exhibit "B". Furthermore, although not part of this ordinance, the repealed and substituted portions of the General Plan Policies contained in Exhibit "A" are adopted in legislative format for illustration purposes in the attached Exhibit "C".

The prior policies repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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

ENACTED this 21 day of October, 1997.

Steve Cooper
Vice-Chair, Lane County Board of County Commissioners

Kimberly A. Goo
Recording Secretary for this Meeting of the Board

FILED

APPROVED TO FORM
Date 9-29-97 county
Stephen J. Baker
OFFICE OF LEGAL COUNSEL

NOV 06 1997
COUNTY CLERK
BY *M. Bolding*

PART II: LANE COUNTY GENERAL PLAN POLICES

GOAL ONE: CITIZEN INVOLVEMENT

1. Lane County shall assure the availability of planning information in a timely manner to all County citizens.
2. Plan implementation shall include participation by the general public through a citizen involvement program in the development, adoption and application of codes and ordinances needed to carry out the County General Plan requirements.
3. Firmly identified public needs and desires shall be responded to by the County planning process, within the parameters of state and local planning requirements.
4. The Citizen Involvement Program Committee (CIPC) of Lane County is recognized as the primary body advising the Board as to:
 - a. citizen access to planning information;
 - b. effectiveness of the existing program;
 - c. needed program changes or new program areas;
 - d. compliance with LCDC Goal #1 (Citizen Involvement).Because of its regular meeting schedule, its countywide perspective coming from members representing different geographical and population areas of Lane County, and its expertise in land use policy matters, the Planning Commission has been designated as Lane County's Citizen Involvement Program Committees.
5. The program of communicating with chartered community organizations shall be continued. And, Lane County shall communicate with watershed councils (recognized pursuant to LM 3.508) and citizens within watershed areas, and provide them with opportunities to assist Lane county with development of community plans.
6. Identification of priorities for and adoption of capital improvement programs shall be done through the citizen involvement program.

GOAL TWO: LAND USE PLANNING

1. The purpose of the revised Lane County Comprehensive Plan shall be to provide information to assist public and private decision-making, and to meet the requirement of Oregon State Planning Goals and associated laws.
2. The Policies shall provide the direction for County growth and development and programs for dealing with planning issues; the Plan Diagrams shall be specific graphic descriptions of proposed land use throughout the County, and shall be the primary basis for zoning decisions.
3. All products of the County Planning process shall be made available for public review and comment and shall be adopted through the hearings process.
4. The County shall be divided into two sub-County regions: the Coastal Region and the Inland Region. Each region shall have its own Plan Diagram. The dividing line shall be the eastern jurisdictional boundary of the West Lane Planning Commission.
5. The Lane County Planning Commission shall have primary advisory authority to the Board of County Commissioners for and Countywide land use policy issues.

BOOK **159** PAGE **1689**
Ordinance No. PA 1101
Findings Exhibit "B"

1. LC 16.400(6)(h)(i) requires, "The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance." The Lane County General Plan Policies are defined by LC 16.400(4)(a)(i) as one of the components of the Rural Comprehensive Plan. Therefore, any amendments to the Lane County General Plan Policies must comply with LC 16.400(6)(h)(i) and, "be by Ordinance". Ord. No. PA 1101 would amend the Lane County General Plan Policies Goal One Citizen Involvement, Policies 4&5, and Goal Two Land Use Planning Policy 5. Therefore, the adoption of these amendments in Ord. No. PA 1101 would comply with LC 16.400(6)(h)(i).
2. LC 16.400(6)(h)(iii)(aa) allows the Board to amend or supplement the Rural Comprehensive Plan upon making a finding that, "For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules." The amendments contained in Ord. No. PA 1101 are defined by LC 16.400(8)(a) as a major amendment, because they are not limited only to the Plan Diagram and would change the Lane County General Plan Policies. The changes to the Lane County General Plan Policies comply with all applicable requirements of local and state law, including the Statewide Planning Goals, as explained below in findings 2a - 2d:
 - a. ORS 215.020(1) authorizes counties to establish one or more planning commissions, "The governing body of any county may create and provide for the organization and operations of one or more county planning commissions." The amendments in Ord. No. PA 1101 to the Lane County General Plan Policies Goal One Policy 4 and Goal Two Policy 5 would combine the Lane County Planning Commission with the West Lane Planning Commission and create one planning commission for Lane County. Therefore, these amendments to create one planning commission comply with ORS 215.020(1) which authorizes counties to create one planning commission.
 - b. ORS 215.020(2) provides, "This section shall be liberally construed and shall include the authority to create more than one planning commission for a county or the use of a joint planning commission or intergovernmental agency for planning as authorized by ORS 190.003 to 190.110." This express requirement to liberally construe ORS 215.020 emphasizes each county's right to choose whether or not to have one planning commission or more than one planning commission. Approval of Ord. No. 1101 would comply with ORS 215.020(2), because it would be an exercise of Lane County's right to create one planning commission.
 - c. Statewide Planning Goal 1 Citizen Involvement requires "a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." and requires the citizen involvement program to incorporate the six citizen involvement components mentioned in Goal 1. Lane County is making two changes to

its adopted citizen involvement program. The first change will be to create a single planning commission to function as Lane County's Citizen Involvement Program Committee (CIPC) rather than two planning commissions which now function as the CIPC. The second change will be to provide expanded opportunities for citizen involvement with watershed councils and citizens when doing community plans. For the following reasons, these two changes comply Goal 1:

- (1) Citizen Involvement -- To provide for widespread citizen involvement. Lane County's citizen involvement program will provide for a cross-section of affected citizens to be involved in all phases of the planning process. The planning commission membership will represent the different geographical areas of Lane County. Individual citizens now have the opportunity to participate in the adoption and application of codes and ordinances intended to carry out the Rural Comprehensive Plan. This opportunity will be extended to watershed councils.
- (2) Communication. -- To assure effective two-way communication with citizens. A single planning commission will be able to communicate as effectively as two planning commissions because of its countywide geographical representation and its experience and familiarity with county wide land use planning issues. Lane County will enhance its communication with citizens by communicating with watershed councils when doing the community plans.
- (3) Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process. The changes will provide opportunities for citizens to be involved in the planning process through representation on the planning commission and by providing watershed councils and citizens with opportunities to become involved in the development of community plans.
- (4) Technical Information -- To assure technical information is available in an understandable form. One of the ongoing functions of the planning commission is to review technical information and to assure that it is available for citizens in an understandable form. This function will be continued and not affected by combining the planning commissions.
- (5) Feedback Mechanisms -- To assure that citizens will receive a response from policy makers. This function will be continued by the planning commission and will not be affected by combining the planning commissions. Watershed councils can assist the planning commission by providing them with a watershed or regional perspective on relevant issues.
- (6) Financial Support -- To insure funding for the citizen involvement program. Combining the planning commissions will reduce operating costs and improve the ability of Lane County's planning program to continue its support of the planning commission and citizen involvement program.

- d. Statewide Planning Goal 2 requires a land use planning process that provides opportunities "for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances." The proposed changes to combine the planning commissions and to provide opportunities for

watershed councils and citizens to participate in the development of community plans comply with this goal. Citizens can be involved through service on the planning commission and through the community plan development involvement opportunities that will be extended to watershed councils and citizens.

UNDERLINE: indicates material being added. LEGISLATIVE
~~STRIKETHROUGH~~ indicates material being deleted. FORMAT

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 - c. needed program changes or new program areas;
 - d. compliance with LCDC Goal #1 (Citizen Involvement).Because of ~~their~~ its regular meeting schedule, its countywide perspective coming from members representing different geographical and population areas of Lane County, and its expertise in land use policy matters, the Planning Commission ~~have~~ has been designated as Lane County's Citizen Involvement Program Committees.
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5. The Lane County Planning Commission ~~and the West Lane Planning Commission~~ shall have primary advisory authority to the Board of County Commissioners for the Inland and Coastal Regional Plan Diagrams, respectively. ~~Both Commissions shall have equal authority with respect to and Countywide land use policy issues, including County Policies (not including geographically based Policies, such as the Coastal Goals or the Willamette Greenway). Conflicts between the two Commissions shall be resolved by the Board of County Commissioners.~~