

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 6-90

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

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 - 12.210 to
12.230(1) - 12.235(3)
i.e 12-8 to 12-12
(a total of 5 pages)

INSERT THESE PAGES

12.200 - 12.205 to
12.250 - 12.250(4)
i.e. 12-8 to 12-16
(a total of 9 pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to replace LC sections 12.200 through 12.235, to add new LC sections 12.240, 12.245 and 12.250, 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 29 day of Oct., 1990.

Bill Rogers

Chair, Lane County Board of Commissioners

Mari E. Matheson

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 11-20-90 Lane County

Stephen J. Charles
OFFICE OF LEGAL COUNSEL

FILED

NOV 16 1990

COUNTY CLERK
FOR LANE COUNTY OR
BY *Allen Dubois*

EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN ELEMENT

12.200 Purpose. The Metropolitan Area General Plan allows citizen-initiated minor Plan amendments to be initiated at any time and requires that citizen-initiated major Plan amendments 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.

Home Jurisdiction. With respect to Metropolitan Plan amendment processes, the general purpose government having primary land use decision making authority in the area of the proposed plan amendment (for site specific plan changes) or the government with whom the plan amendment application is filed or by whom the amendment is initiated (for non-site specific plan changes).

Major Plan Amendment. A change to the Metropolitan Plan which (1) amends the text of the Plan; (2) is a substantial diagram amendment; (3) requires an ESEE analysis under statewide planning Goal 5; (4) requires another concurrent Plan amendment to maintain plan consistency; or (5) substantively affects the City of Eugene, the City of Springfield and Lane County.

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 urban growth boundary.

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

Plan Amendment Initiation Date. For minor plan amendments, the amendment initiation date is the date the amendment is finally classified as a minor plan amendment or the date a governing body initiates the plan amendment. For major plan amendments, the amendment initiation date is the next January 1 or July 1 following either the date the amendment is classified or determined to be a major plan amendment or the date a governing body initiates the plan amendment, whichever date is later.

Plan Update Amendment. 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.

13-76; 1.21.77
14-86; 10.1.86
4-87; 6.19.87

12-8

WPI/co/00025/K

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

Substantial Diagram Amendment. A change to the Metropolitan Plan diagram which is a change to or from medium or high density residential or commercial designations for more than 15 acres of land or which is any other change affecting more than 30 acres of land.

Substantive Effect. A Metropolitan 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 written findings declaring that it is substantively affected by the proposed change.

12.210 Initiation of Plan Amendments.

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

(a) The Board of Commissioners may initiate a major or minor plan amendment at its own instance or at the request of a person. The Board may solicit a recommendation from the Planning Commission before acting to initiate an amendment. Any person seeking Board initiation of a plan amendment shall file 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 request 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 the request within 60 days of its filing. The Board may deny the request for any reason and need not hold a public hearing on the request.

(b) A person may initiate a Metropolitan Plan diagram amendment if the person owns property which is the subject of the diagram change. A person may initiate a plan text amendment if the person's economic or property interests are affected by the proposed plan change.

(c) Initiation of a plan update amendment requires initiating actions by the governing bodies of the City of Eugene, City of Springfield and Lane County. A plan update amendment may not be privately initiated.

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

(a) The Board may initiate an amendment at any time. A privately-initiated minor plan amendment may be initiated at anytime. Consideration of these types of amendments shall occur immediately thereafter.

(b) Privately-initiated major amendments may be applied for at any time. Consideration of an application for a major plan amendment shall not begin until the next January 1 or July 1 following the filing of the application.

(c) Consideration of a privately-initiated plan amendment shall be postponed if the subject matter of the proposed amendment is the subject matter of an ongoing or planned refinement plan or special area study adoption or amendment process. Such a requested plan amendment shall be considered in the legislative proceedings on the refinement plan or special area study. A refinement plan or special area study adoption or amendment process is "planned" if it is scheduled on an adopted work program of the Planning Commission to begin within six months of the plan amendment initiation date. If the refinement plan or special area study process has not begun within six months of the plan amendment initiation date, the plan amendment shall be adjudicated during the next major plan amendment process under LC 12.245 below. The Planning Director may accept particular plan amendment applications from 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 Plan Amendment Application is Filed. Privately initiated Metropolitan Plan amendment applications shall be filed in the planning office of the home jurisdiction. A proposed Metropolitan 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.

12.215 Preliminary Review of Privately-Initiated Amendment.

(1) Preliminary Review Fee. An applicant for a Metropolitan Plan amendment shall pay a preliminary review fee at the time of filing the application. The fee shall be an amount set by the Board of Commissioners.

(2) Completeness Review. The Planning Director shall determine if the plan amendment application is complete. The Director shall advise the applicant within 15 days of the filing of the application of any needed information to complete the application. The applicant shall have 30 days thereafter to complete the application. Any application that is not complete within that time shall be denied by the Planning Director.

(3) Classification of Plan Amendment. Within five days after the filing of a complete application for a Metropolitan Plan amendment, the Planning Director shall determine if the requested amendment is a major plan amendment, a minor plan amendment or a plan update amendment and if the requested amendment is quasi-judicial or legislative in nature. The determination of the Planning Director shall be in writing and shall be mailed to the applicant.

(4) Appeal of Classification Determination. An applicant may appeal a classification decision of the Planning Director by filing a completed appeal form with the County within 10 days of the time the applicant receives the written decision. The appeal shall be heard by the Metropolitan Policy Committee within 20 days of the time the appeal is filed. The Metropolitan Policy Committee shall allow the applicant and the Planning Director the opportunity to present oral and written arguments on the appeal. The committee shall render a decision on the appeal within 30 days of the time the appeal is filed. The decision of the committee is final.

(5) Effect of Classification Determination. If the plan amendment is determined to be a major plan amendment, it shall be considered under the procedures set forth in LC 12.235 below. If the plan amendment is determined to be a minor plan amendment, it shall be referred under LC 12.220 below. The classification of a plan amendment as quasi-judicial or legislative affects the type of process used to consider the amendment.

12.220 Referral of Plan Amendment. A minor plan amendment initiated by the Board or applied for by a person shall be referred to the Cities of 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 30 days from the date of referral to determine if the proposed amendment substantively affects their jurisdiction. If a referral jurisdiction issues a written finding that the proposed amendment substantively affects land uses within its jurisdiction, the approval of the governing body of that jurisdiction shall be required in order to adopt a plan amendment. Failure of a jurisdiction to take action on the referral within 30 days shall be deemed a finding of no substantive effect. A jurisdiction need not make a finding of substantive effect to be included in the decisional process if the property which is the subject of the amendment request is within the territory over which the jurisdiction exercises governmental authority. If both referral jurisdictions adopt written findings of substantive effect, the amendment shall be classified as a major plan amendment and will be subject to the provisions of LC 12.245 below.

12.225 Plan Amendment Application Fee. After referral responses have been received by the home jurisdiction and after any classification decision by the Planning Director or the Metropolitan Policy Committee, an applicant for a privately-initiated 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 is minor or major. An applicant shall be entitled to a credit against the application fee of any amount previously paid as a permit processing fee for the application under LC 12.215(1) above. No application shall be processed further until the application fee is paid.

12.230 Approval of Plan Amendment.

(1) Who Must Approve Plan Amendment. In order to become effective, a minor plan amendment must be approved by the governing body of the home jurisdiction and by the governing body of any other jurisdiction which is substantively affected by the proposed amendment. A major plan amendment and a plan update amendment must be approved by the governing bodies of the City of Eugene, City of Springfield and Lane County.

(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 or initiation:

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

(b) Adoption of the amendment must not make the Metropolitan Plan internally inconsistent; and

(c) 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 LC 12.210(1)(c) above. In determining whether a plan amendment is a plan update amendment, the Board is not bound by the determination of the Planning Director or Metropolitan Policy Committee made under LC 12.215 above.

12.235 Plan Amendment Approval Process (Single Jurisdiction).

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

(2) Planning Commission Consideration. Within 85 days of the plan amendment initiation, the Planning Commission shall hold a public hearing to consider the proposed 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, the owners and occupants of properties that are the subject of the proposed amendment, persons who have requested notice, and property owners of record of property located within 300 feet of the subject property. The content of the notice, timing of the staff report, 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 following 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.

(3) Board Decision. Within 30 days after Planning Commission action on the proposed plan amendment, the Board of Commissioners shall hold a public hearing to consider arguments on the proposal. The plan amendment decision shall be based solely on the evidentiary record created before the Planning Commission. No new evidence shall be allowed at the hearing before the Board of Commissioners unless otherwise required by law. Within 30 days of 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.

12.240 Plan Amendment Approval Process (Two Jurisdictions).

(1) When Two Jurisdictions Process is Used. The following process shall be used to approve minor plan amendments when Lane County is the home jurisdiction 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) Planning Commission Consideration. Within 85 days of the plan amendment initiation date the Planning Commission of the home jurisdiction shall hold a public hearing on the proposed amendment. If feasible, a joint public hearing of the Planning Commissioners of the home jurisdiction and of the referral jurisdiction shall be held within that time. If a joint hearing is not held, the Planning Commission of the referral jurisdiction need not hold a public hearing on the amendment. If the referral jurisdiction Planning Commission does take action on the amendment, it may rely on the record of the home jurisdiction Planning Commission to support that action. If a joint hearing is conducted, both Planning Commissions shall take action on the amendment. The provisions of LC 12.235 above apply to the home jurisdiction or joint Planning Commission hearing and decision on a proposed plan amendment. If the Planning Commissions are not able to reach an identical recommendation on a plan amendment proposal or if any Planning Commission fails to make a recommendation within the time deadline, the proposal shall be referred to a committee of planning commissioners from all three jurisdictions. The referral shall occur within five days after the last Planning Commission takes action on the proposal, or not later than 105 days after the plan amendment initiation date where a Planning Commission fails to act. Within 20 days after this referral, the committee shall issue a report to the governing bodies on the proposal which may contain a recommended action.

(3) Governing Body Action. Within 60 days of the date the home jurisdiction Planning Commission acts on the plan amendment, the governing bodies of the home jurisdiction and the referral jurisdiction may hold a joint public hearing on the proposed amendment to consider arguments on the proposal. Consideration of the proposed plan amendment shall be based on the Planning Commission evidentiary record. No new evidence shall be allowed at the governing body hearing or hearings. If a joint hearing cannot be held within 60 days, a hearing shall be held within that time before the home jurisdiction governing body. If a joint hearing is not held, the governing body of the referral jurisdiction does not need to hold a public hearing on the amendment. Within 30 days of the joint public hearing or the home jurisdiction governing body hearing, the governing bodies shall approve, modify and approve, or deny the proposed amendment. Each of the 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 identical actions are taken. The date the last governing body acts shall be the time the decision becomes final.

(4) Conflict Resolution Process. If the governing bodies do not enact identical decisions on the plan amendment, or if either or both bodies fail to act within the prescribed time period, the plan amendment shall be referred to the Metropolitan Policy Committee. The referral shall occur five days after the last governing body action, or, if either or both governing bodies fail to act, 35 days after the date of the joint hearing or the home jurisdiction governing body hearing. 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 plan amendment shall be denied if the committee fails to act within 40 days of the referral date or if both governing bodies fail to adopt identical plan amendment actions within 20 days of receiving a recommendation from the committee.

(a) If the plan amendment is denied because of lack of consensus or committee inaction, the Planning Director of the home jurisdiction 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 of the governing bodies.

(b) The denial decision of the Planning Director shall be issued no later than 60 days from the time the proposed amendment is referred to the committee. The decision of the Planning Director is final.

12.245 Major Plan Amendment Process (Three Jurisdictions).

(1) When Major Plan Amendment Process is Used. The following process shall be used to consider major plan amendments. Any major plan amendment initiated by a governing body or classified as a major plan amendment between July 1 and December 31 shall be considered in the major plan amendment process beginning during the following January. Any major plan amendment initiated or classified between January 1 and June 30 shall be considered in the major plan amendment process beginning during the following July.

(2) Investigation and Report. No later than 30 days after the plan initiation date, a report on each major plan amendment shall be prepared by the planning staff of the amendment's home jurisdiction. The report shall be submitted to the Planning Commissions and mailed to affected and interested parties at least 10 days prior to the joint public hearing on the plan amendment.

(3) Planning Commission Consideration. No later than 60 days after the plan amendment initiation date, the Planning Commissions of the City of Eugene, the City of Springfield and Lane County shall hold at least one joint public meeting on the major plan amendments to be considered. The commissions shall hold a hearing on each quasi-judicial plan amendment during the joint meeting(s) on the major plan amendments to be decided. The provisions of LC 12.235(2) above apply to the hearings at the joint Planning Commission meeting. No later than 90 days after the plan amendment initiation date, each Planning Commission shall make a recommendation to the governing bodies on each major plan amendment proposal. If the Planning Commissions are not able to reach an identical recommendation of a plan amendment proposal or if any Planning Commission fails to make a recommendation within the time deadline, the provisions of LC 12.240(2) above, committee review, apply.

(4) Governing Bodies Decision. No later than 120 days after the plan amendment initiation date, the governing bodies of the City of Eugene, City of Springfield and Lane County shall hold at least one joint public meeting on the plan amendments to be considered. The governing bodies shall hold a hearing on each quasi-judicial plan amendment during the joint meeting(s) on the plan amendments to be decided in order to allow oral argument. The evidentiary record for each plan amendment shall be the record before the Planning Commissions. No new evidence shall be considered by the governing bodies. Within 30 days of the last public meeting, each governing body shall approve, modify and approve, or deny each proposed plan amendment by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The provisions of LC 12.240(4) above apply if the governing bodies do not adopt identical plan amendments.

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

A different process or timeline than the procedures and timelines specified in sections LC 12.235, 12.240 or 12.245 above, may be established by the governing bodies for the City of Eugene, City of Springfield and Lane County for any government-initiated plan amendment. The procedures for adoption of a plan update amendment shall be established by these governing bodies on a case-by-case basis.

(2) Bar on Resubmittal. No 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.

(3) Relationship to Refinement Plan Amendments. An initiation by a governing body of a Metropolitan Plan amendment which is not consistent with an adopted refinement plan shall be deemed to be an initiation of a corresponding refinement plan amendment. No final action on the refinement plan amendment shall be taken until final action on the Metropolitan Plan amendment. Final adoption of a Metropolitan Plan amendment (no matter how initiated) which is not consistent with an adopted refinement plan shall also be deemed to be an initiation of a corresponding refinement plan amendment.

(4) Severability of Plan Amendment Adoption Actions. When identical action is required of two or three governing bodies on a Metropolitan 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 12.240(4) and 12.245(4) above.

EXHIBIT A

Findings in Support of Ordinance No. 6-90

1. The revisions to Chapter 12 of the Lane Code are consistent with proposed changes to Chapter IV of the Metropolitan Area General Plan.

The revisions to Chapter 12 of the Lane Code have been drafted to implement the policy guidelines and requirements of Chapter IV of the Metropolitan Area General Plan. The revisions to Chapter 12 are also identical in substance to the code language proposed by the cities of Eugene and Springfield to implement the revisions to Chapter 12.

2. The revisions to Chapter 12 of the Lane Code are consistent with applicable Statewide Planning Goals.

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 the refinement plan which resulted in these proposed amendments. The following summarizes the major citizen involvement opportunities in the development of the revisions to Chapter 12 of the Lane Code and demonstrates how the revisions enhance citizen-initiated amendments to the Plan:

1. In August of 1984, Chapter IV of the Metropolitan Area General Plan was amended to provide for a semi-annual plan amendment process. This process provided that all citizen-initiated amendments, regardless of scope, could be initiated twice each year.
2. In June of 1987, the Eugene-Springfield Metropolitan Area General Plan was subject to the a semi-annual plan amendment process. During this amendment process, proposed amendments to the Metropolitan Plan were subject to public hearings before the Metropolitan Area Planning Advisory Committee (MAPAC) and the planning commissions and the governing bodies of the three metropolitan governing bodies. One of the proposed amendments concerned a small-acreage, Plan Diagram change to property located within the corporate limits of Eugene.
3. Following the conclusion of the semi-annual amendment process, elected officials voiced concern over the number of hearings required of a proposed amendment and the time limitation upon the initiation of small-scale, citizen-initiated amendments.
4. In October of 1988, the Metropolitan Policy Committee (MPC) directed metropolitan staff to draft changes to Chapter IV of the Metropolitan Plan to streamline the plan amendment process.

5. Proposed revisions to the plan amendment process were developed by staff and reviewed by MAPAC and the three metropolitan planning commissions during the Spring and Summer of 1989. These meetings were noticed through mailouts to interested parties and by news releases to local newspapers.
6. On October 11, 1989, the Eugene City Council, the Springfield City Council and the Lane County Board of County Commissioners reviewed the proposed revisions to the Metropolitan Plan amendment process at a joint public hearing. The elected officials reached consensus on guidelines for the preparation of revisions to Chapter IV of the Metropolitan Plan and implementing code language at this public hearing. This public hearing was noticed through mailings to interested parties and through news releases to local newspapers.
7. On April 16, 1990, the Joint Planning Commission Committee (JPCC) reviewed and approved revisions to Chapter IV of the Metropolitan Plan and implementing code language based upon the October 11, 1989 consensus guidelines. This meeting was noticed through mailings to interested parties and by news releases through local newspapers.
8. On May 24, 1990, the Eugene, Springfield and Lane County planning commissions, at a joint public hearing, considered and recommended approval of the proposed revisions to Chapter IV of the Metropolitan Plan. The three planning considered and recommended approval, with slight modifications, of the implementing code language. Interested parties were notified of this meeting, a display ad was placed in the Register Guard newspaper 30 days prior to the public hearing, and a legal advertizement of the public hearing was placed in the Register Guard newspaper 10 days prior to the public hearing.
9. On July 25, 1990, the Eugene City Council, the Springfield City Council and the Lane County Board of County Commissioners considered the proposed revisions to Chapter IV of the Metropolitan Plan and implementing code language at a joint public hearing. Interested parties were notified of this hearing, a display advertizement of the public hearing was placed in the Register Guard newspaper 30 days prior to the public hearing and a legal advertizement of the public hearing was placed in the Register Guard newspaper 10 days prior to the public hearing.
10. The code language implementing the changes to Chapter IV of the Metropolitan Plan enhances citizen involvement by allowing minor amendments to the Metropolitan Plan to be initiated and processed at any time.
11. The code language implementing the changes to Chapter IV of the Metropolitan Plan enhances citizen involvement by allowing for the single-jurisdiction review and approval of some minor plan amendments. Single-jurisdiction review allows the review of a proposed

plan amendment to be expedited by avoiding the necessity of scheduling joint hearings at the planning commission and governing body level and the need for dispute resolution actions. Single-jurisdiction review reduces the level of participation by the other two jurisdictions, thereby reducing costs that might otherwise be passed on to citizens through application fees.

Goal 2--Land Use Planning

Goal 2 requires that comprehensive plans be the basis for specific implementation measures that shall be consistent with and adequate to carry out the plans. 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."

1. Lane County Ordinance No. PA 985 revises Chapter IV of the Eugene-Springfield Metropolitan Area General Plan to allow citizen-initiated minor amendments to be initiated at any time and to simplify the procedure for minor amendments. Lane County Ordinance No. 6-90 is intended to implement the revisions to Chapter IV of the Eugene-Springfield Metropolitan Area General Plan.
2. The proposed revisions to Chapter 12 of the Lane Code set out the framework whereby citizens may initiate major and minor amendments to the Eugene-Springfield Metropolitan Area General Plan.

[12.200

Lane Code

12.210(1)

BOOK 145 PAGE 1505

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 nonrefundable 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.

(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.

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.

12.200

Lane Code

12.[210(1)]205

EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN ELEMENT

12.200 Purpose. The Metropolitan Area General Plan allows citizen-initiated minor Plan amendments to be initiated at any time and requires that citizen-initiated major Plan amendments 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.

Home Jurisdiction. With respect to Metropolitan Plan amendment processes, the general purpose government having primary land use decision making authority in the area of the proposed plan amendment (for site specific plan changes) or the government with whom the plan amendment application is filed or by whom the amendment is initiated (for non-site specific plan changes).

Major Plan Amendment. A change to the Metropolitan Plan which (1) amends the text of the Plan; (2) is a substantial diagram amendment; (3) requires an ESEE analysis under statewide planning Goal 5; (4) requires another concurrent Plan amendment to maintain plan consistency; or (5) substantively affects the City of Eugene, the City of Springfield and Lane County.

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 urban growth boundary.

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

Plan Amendment Initiation Date. For minor plan amendments, the amendment initiation date is the date the amendment is finally classified as a minor plan amendment or the date a governing body initiates the plan amendment. For major plan amendments, the amendment initiation date is the next January 1 or July 1 following either the date the amendment is classified or determined to be a major plan amendment or the date a governing body initiates the plan amendment, whichever date is later.

Plan Update Amendment. 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.

13-76; 1.21.77
14-86; 10.1.86
4-87; 6.19.87

12-8

WP 1/co/00025/K

12.[210(2)]205Lane Code12.2[15(3)]10(2)

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

Substantial Diagram Amendment. A change to the Metropolitan Plan diagram which is a change to or from medium or high density residential or commercial designations for more than 15 acres of land or which is any other change affecting more than 30 acres of land.

Substantive Effect. A Metropolitan 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 written findings declaring that it is substantively affected by the proposed change.

12.210 Initiation of Plan Amendments.

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

(a) The Board of Commissioners may initiate a major or minor plan amendment at its own instance or at the request of a person. The Board may solicit a recommendation from the Planning Commission before acting to initiate an amendment. Any person seeking Board initiation of a plan amendment shall file 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 request 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 the request within 60 days of its filing. The Board may deny the request for any reason and need not hold a public hearing on the request.

(b) A person may initiate a Metropolitan Plan diagram amendment if the person owns property which is the subject of the diagram change. A person may initiate a plan text amendment if the person's economic or property interests are affected by the proposed plan change.

(c) Initiation of a plan update amendment requires initiating actions by the governing bodies of the City of Eugene, City of Springfield and Lane County. A plan update amendment may not be privately initiated.

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

(a) The Board may initiate an amendment at any time. A privately-initiated minor plan amendment may be initiated at anytime. Consideration of these types of amendments shall occur immediately thereafter.

(b) Privately-initiated major amendments may be applied for at any time. Consideration of an application for a major plan amendment shall not begin until the next January 1 or July 1 following the filing of the application.

(c) Consideration of a privately-initiated plan amendment shall be postponed if the subject matter of the proposed amendment is the subject matter of an ongoing or planned refinement plan or special area study adoption or amendment process. Such a requested plan amendment shall be considered in the legislative proceedings on the refinement plan or special area study. A refinement plan or special area study adoption or amendment process is "planned" if it is scheduled on an adopted work program of the Planning Commission to begin within six months of the plan amendment initiation date. If the refinement plan or special area study process has not begun within six months of the plan amendment initiation date, the plan amendment shall be adjudicated during the next major plan amendment process under LC 12.245 below. The Planning Director may accept particular plan amendment applications from 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 Plan Amendment Application is Filed. Privately initiated Metropolitan Plan amendment applications shall be filed in the planning office of the home jurisdiction. A proposed Metropolitan 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.

12.215 Preliminary Review of Privately-Initiated Amendment.

(1) Preliminary Review Fee. An applicant for a Metropolitan Plan amendment shall pay a preliminary review fee at the time of filing the application. The fee shall be an amount set by the Board of Commissioners.

(2) Completeness Review. The Planning Director shall determine if the plan amendment application is complete. The Director shall advise the applicant within 15 days of the filing of the application of any needed information to complete the application. The applicant shall have 30 days thereafter to complete the application. Any application that is not complete within that time shall be denied by the Planning Director.

(3) Classification of Plan Amendment. Within five days after the filing of a complete application for a Metropolitan Plan amendment, the Planning Director shall determine if the requested amendment is a major plan amendment, a minor plan amendment or a plan update amendment and if the requested amendment is quasi-judicial or legislative in nature. The determination of the Planning Director shall be in writing and shall be mailed to the applicant.

12.2[225(2)]15(4)Lane Code12.2[230(1)]25

(4) Appeal of Classification Determination. An applicant may appeal a classification decision of the Planning Director by filing a completed appeal form with the County within 10 days of the time the applicant receives the written decision. The appeal shall be heard by the Metropolitan Policy Committee within 20 days of the time the appeal is filed. The Metropolitan Policy Committee shall allow the applicant and the Planning Director the opportunity to present oral and written arguments on the appeal. The committee shall render a decision on the appeal within 30 days of the time the appeal is filed. The decision of the committee is final.

(5) Effect of Classification Determination. If the plan amendment is determined to be a major plan amendment, it shall be considered under the procedures set forth in LC 12.235 below. If the plan amendment is determined to be a minor plan amendment, it shall be referred under LC 12.220 below. The classification of a plan amendment as quasi-judicial or legislative affects the type of process used to consider the amendment.

12.220 Referral of Plan Amendment. A minor plan amendment initiated by the Board or applied for by a person shall be referred to the Cities of 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 30 days from the date of referral to determine if the proposed amendment substantively affects their jurisdiction. If a referral jurisdiction issues a written finding that the proposed amendment substantively affects land uses within its jurisdiction, the approval of the governing body of that jurisdiction shall be required in order to adopt a plan amendment. Failure of a jurisdiction to take action on the referral within 30 days shall be deemed a finding of no substantive effect. A jurisdiction need not make a finding of substantive effect to be included in the decisional process if the property which is the subject of the amendment request is within the territory over which the jurisdiction exercises governmental authority. If both referral jurisdictions adopt written findings of substantive effect, the amendment shall be classified as a major plan amendment and will be subject to the provisions of LC 12.245 below.

12.225 Plan Amendment Application Fee. After referral responses have been received by the home jurisdiction and after any classification decision by the Planning Director or the Metropolitan Policy Committee, an applicant for a privately-initiated 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 is minor or major. An applicant shall be entitled to a credit against the application fee of any amount previously paid as a permit processing fee for the application under LC 12.215(1) above. No application shall be processed further until the application fee is paid.

12.230Lane Code12.235[(3)](2)12.230 Approval of Plan Amendment.

(1) Who Must Approve Plan Amendment. In order to become effective, a minor plan amendment must be approved by the governing body of the home jurisdiction and by the governing body of any other jurisdiction which is substantively affected by the proposed amendment. A major plan amendment and a plan update amendment must be approved by the governing bodies of the City of Eugene, City of Springfield and Lane County.

(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 or initiation:

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

(b) Adoption of the amendment must not make the Metropolitan Plan internally inconsistent; and

(c) 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 LC 12.210(1)(c) above. In determining whether a plan amendment is a plan update amendment, the Board is not bound by the determination of the Planning Director or Metropolitan Policy Committee made under LC 12.215 above.

12.235 Plan Amendment Approval Process (Single Jurisdiction).

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

(2) Planning Commission Consideration. Within 85 days of the plan amendment initiation, the Planning Commission shall hold a public hearing to consider the proposed 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, the owners and occupants of properties that are the subject of the proposed amendment, persons who have requested notice, and property owners of record of property located within 300 feet of the subject property. The content of the notice, timing of the staff report, 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 following 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.

4-87; 6.19.8712-12WP 1/co/00025/K

12.235(3)Lane Code12.240(2)

(3) Board Decision. Within 30 days after Planning Commission action on the proposed plan amendment, the Board of Commissioners shall hold a public hearing to consider arguments on the proposal. The plan amendment decision shall be based solely on the evidentiary record created before the Planning Commission. No new evidence shall be allowed at the hearing before the Board of Commissioners unless otherwise required by law. Within 30 days of 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.

12.240 Plan Amendment Approval Process (Two Jurisdictions).

(1) When Two Jurisdictions Process is Used. The following process shall be used to approve minor plan amendments when Lane County is the home jurisdiction 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) Planning Commission Consideration. Within 85 days of the plan amendment initiation date the Planning Commission of the home jurisdiction shall hold a public hearing on the proposed amendment. If feasible, a joint public hearing of the Planning Commissioners of the home jurisdiction and of the referral jurisdiction shall be held within that time. If a joint hearing is not held, the Planning Commission of the referral jurisdiction need not hold a public hearing on the amendment. If the referral jurisdiction Planning Commission does take action on the amendment, it may rely on the record of the home jurisdiction Planning Commission to support that action. If a joint hearing is conducted, both Planning Commissions shall take action on the amendment. The provisions of LC 12.235 above apply to the home jurisdiction or joint Planning Commission hearing and decision on a proposed plan amendment. If the Planning Commissions are not able to reach an identical recommendation on a plan amendment proposal or if any Planning Commission fails to make a recommendation within the time deadline, the proposal shall be referred to a committee of planning commissioners from all three jurisdictions. The referral shall occur within five days after the last Planning Commission takes action on the proposal, or not later than 105 days after the plan amendment initiation date where a Planning Commission fails to act. Within 20 days after this referral, the committee shall issue a report to the governing bodies on the proposal which may contain a recommended action.

(3) Governing Body Action. Within 60 days of the date the home jurisdiction Planning Commission acts on the plan amendment, the governing bodies of the home jurisdiction and the referral jurisdiction may hold a joint public hearing on the proposed amendment to consider arguments on the proposal. Consideration of the proposed plan amendment shall be based on the Planning Commission evidentiary record. No new evidence shall be allowed at the governing body hearing or hearings. If a joint hearing cannot be held within 60 days, a hearing shall be held within that time before the home jurisdiction governing body. If a joint hearing is not held, the governing body of the referral jurisdiction does not need to hold a public hearing on the amendment. Within 30 days of the joint public hearing or the home jurisdiction governing body hearing, the governing bodies shall approve, modify and approve, or deny the proposed amendment. Each of the 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 identical actions are taken. The date the last governing body acts shall be the time the decision becomes final.

(4) Conflict Resolution Process. If the governing bodies do not enact identical decisions on the plan amendment, or if either or both bodies fail to act within the prescribed time period, the plan amendment shall be referred to the Metropolitan Policy Committee. The referral shall occur five days after the last governing body action, or, if either or both governing bodies fail to act, 35 days after the date of the joint hearing or the home jurisdiction governing body hearing. 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 plan amendment shall be denied if the committee fails to act within 40 days of the referral date or if both governing bodies fail to adopt identical plan amendment actions within 20 days of receiving a recommendation from the committee.

(a) If the plan amendment is denied because of lack of consensus or committee inaction, the Planning Director of the home jurisdiction 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 of the governing bodies.

(b) The denial decision of the Planning Director shall be issued no later than 60 days from the time the proposed amendment is referred to the committee. The decision of the Planning Director is final.

12.245Lane Code12.245 Major Plan Amendment Process (Three Jurisdictions).

(1) When Major Plan Amendment Process is Used. The following process shall be used to consider major plan amendments. Any major plan amendment initiated by a governing body or classified as a major plan amendment between July 1 and December 31 shall be considered in the major plan amendment process beginning during the following January. Any major plan amendment initiated or classified between January 1 and June 30 shall be considered in the major plan amendment process beginning during the following July.

(2) Investigation and Report. No later than 30 days after the plan initiation date, a report on each major plan amendment shall be prepared by the planning staff of the amendment's home jurisdiction. The report shall be submitted to the Planning Commissions and mailed to affected and interested parties at least 10 days prior to the joint public hearing on the plan amendment.

(3) Planning Commission Consideration. No later than 60 days after the plan amendment initiation date, the Planning Commissions of the City of Eugene, the City of Springfield and Lane County shall hold at least one joint public meeting on the major plan amendments to be considered. The commissions shall hold a hearing on each quasi-judicial plan amendment during the joint meeting(s) on the major plan amendments to be decided. The provisions of LC 12.235(2) above apply to the hearings at the joint Planning Commission meeting. No later than 90 days after the plan amendment initiation date, each Planning Commission shall make a recommendation to the governing bodies on each major plan amendment proposal. If the Planning Commissions are not able to reach an identical recommendation of a plan amendment proposal or if any Planning Commission fails to make a recommendation within the time deadline, the provisions of LC 12.240(2) above, committee review, apply.

(4) Governing Bodies Decision. No later than 120 days after the plan amendment initiation date, the governing bodies of the City of Eugene, City of Springfield and Lane County shall hold at least one joint public meeting on the plan amendments to be considered. The governing bodies shall hold a hearing on each quasi-judicial plan amendment during the joint meeting(s) on the plan amendments to be decided in order to allow oral argument. The evidentiary record for each plan amendment shall be the record before the Planning Commissions. No new evidence shall be considered by the governing bodies. Within 30 days of the last public meeting, each governing body shall approve, modify and approve, or deny each proposed plan amendment by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The provisions of LC 12.240(4) above apply if the governing bodies do not adopt identical plan amendments.

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

A different process or timeline than the procedures and timelines specified in sections LC 12.235, 12.240 or 12.245 above, may be established by the governing bodies for the City of Eugene, City of Springfield and Lane County for any government-initiated plan amendment. The procedures for adoption of a plan update amendment shall be established by these governing bodies on a case-by-case basis.

(2) Bar on Resubmittal. No 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.

(3) Relationship to Refinement Plan Amendments. An initiation by a governing body of a Metropolitan Plan amendment which is not consistent with an adopted refinement plan shall be deemed to be an initiation of a corresponding refinement plan amendment. No final action on the refinement plan amendment shall be taken until final action on the Metropolitan Plan amendment. Final adoption of a Metropolitan Plan amendment (no matter how initiated) which is not consistent with an adopted refinement plan shall also be deemed to be an initiation of a corresponding refinement plan amendment.

(4) Severability of Plan Amendment Adoption Actions. When identical action is required of two or three governing bodies on a Metropolitan 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 12.240(4) and 12.245(4) above.