

## Chapter IV

### *Metro Plan Review, Amendments, and Refinements*

The *Metro Plan* is the long-range public policy document which establishes the broad framework upon which Eugene, Springfield, and Lane County make coordinated land use decisions. While the *Metro Plan* is the basic guiding land use policy document, it may be amended from time to time require update or amendment in response to changes in the law or circumstances of importance to the community. Likewise, the *Metro Plan* may be augmented and implemented by more detailed refinement plans and regulatory measures.

#### Goal

Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community.

#### Findings, Objectives, and Policies

##### Findings

1. If the *Metro Plan* is to maintain its effectiveness as a policy guide, it must be adaptable to the changing laws and the needs and circumstances of the community.
2. Between *Metro Plan* updates, changes to the *Metro Plan* may occur through Periodic Review and amendments initiated by the governing bodies and citizens.
3. Refinements to the *Metro Plan* ~~are~~ may be necessary in certain geographical portions of the community where there is a great deal of development pressure or for certain special purposes.
4. Refinement plans augment and assist in the implementation of the *Metro Plan*.
5. Enactment of ORS 197.304 required each city to separately establish its own Urban Growth Boundary (UGB) and demonstrate that it has sufficient buildable lands to accommodate its estimated housing needs for twenty years.

##### Objectives

1. Maintain a schedule for monitoring, reviewing, and amending the ~~Metropolitan Area General Plan~~ *Metro Plan* so it will remain current and valid.
2. Maintain a current land use and parcel information base for monitoring and updating the ~~Metropolitan Area General Plan~~ *Metro Plan*.
3. Prepare refinement and functional plans that supplement the ~~Metropolitan Area General Plan~~ *Metro Plan*.

##### Policies

1. A special review, and if appropriate, *Metro Plan* amendment, shall be initiated if changes in the basic assumptions of the *Metro Plan* occur. An example would be a change in public demand for certain housing types that in turn may affect the overall inventory of residential land.
2. The regional land information database shall be maintained on a regular basis.

3. ~~All amendments~~ A proposed amendment to the *Metro Plan* shall be classified as a Type I, ~~or~~ Type II or Type III amendment depending upon the ~~specific changes sought by the initiator of the proposal~~ number of governing bodies required to approve the decision.
- a. ~~A Type I amendment shall include any change to the urban growth boundary (UGB) or the Metro Plan Plan Boundary (Plan Boundary) of the Metro Plan; any change that requires a goal exception to be taken under Statewide Planning Goal 2 that is not related to the UGB expansion; and any amendment to the Metro Plan text that is non-site specific.~~
- b. ~~A Type II amendment shall include any change to the Metro Plan Diagram or Metro Plan text that is site specific and not otherwise a Type I category amendment.~~
- c. ~~Adoption or amendment of some refinement plans, functional plans, or special area plans may, in some circumstances, be classified as Type I or Type II amendments. Amendments to the Metro Plan that result from state mandated Periodic Review or Metro Plan updates also shall be classified as Type I or Type II amendments depending upon the specific changes that would result from these actions.~~
4. A Type I Amendment requires approval by all three governing bodies:
- a. Type I Diagram Amendments include: [Derived in part from former Policy 5. b.]
- i. Amendments of the Common UGB along I-5; and
- ii. A UGB or Metro Plan Boundary change that crosses I-5.
- b. Type I Text Amendments include:
- i. Amendments that change a Fundamental Principle as set forth in Chapter II A. of the Metro Plan;
- ii. Non site specific amendments that apply to all three jurisdictions;
- iii. Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.
5. A Type II Amendment requires approval by two governing bodies. The governing bodies in a Type II are the home city and Lane County. Eugene is the home city for amendments west of I-5, and Springfield is the home city for amendments east of I-5: [Derived in part from former Policy 5. b.]
- a. Type II Diagram Amendments include:
- i. Amendments to the Metro Plan Diagram for the area between a city limit and the Plan Boundary;
- ii. A UGB or Metro Plan Boundary amendment east or west of I-5 that is not described as a Type I amendment.
- b. Type II Text Amendments include:
- i. Amendments that are non site specific and apply only to Lane County and one of the cities;

- ii. Amendments that have a site specific application between a city limit of the home city and the Plan Boundary;
- iii. Amendments to a jointly adopted regional transportation system plan, or a regional public facilities plan, when only participation by Lane County and one of the cities is required by the amendment provisions of those plans.

6. A Type III amendment requires approval by the home city.

- a. Type III Diagram Amendments include amendments to the *Metro Plan* Diagram for land inside the city limits.
- b. Type III Text Amendments include:
  - i. Amendments that are non site specific and apply only to land inside the city limits of the home city;
  - ii. Site specific amendments that apply only to land inside the city limits of the home city;
  - iii. Amendments to a regional transportation system plan, or a regional public facilities plan, when only participation by the home city is required by the amendment provisions of those plans;
  - iv. The creation of new *Metro Plan* designations and the amendment of existing *Metro Plan* designation descriptions that apply only within the city limits of the home city.

4-7. Initiation of *Metro Plan* amendments shall be as follows:

- a. A Type I amendment may be initiated ~~at the discretion of any one of~~ by the three governing bodies. ~~(Note: this correction reflects adopted ordinance and code.)~~ at any time.
- b. A Type II amendment may be initiated ~~at the discretion of any one of the three governing bodies or by any citizen who owns property that is subject of the proposed amendment~~ by the home city or county at any time. A property owner whose property is the subject of a proposed amendment may initiate a Type II amendment at any time subject to limitations set out in the development codes of the home city and Lane County.
- c. A Type III amendment may be initiated by Eugene, Springfield, or a property owner whose property is the subject of the proposed amendment at any time subject to limitations set out in the home city development code.
- e- ~~d.~~ Only a governing body may initiate a refinement plan, a functional plan, a special area study or Periodic Review or *Metro Plan* update.
- e. *Metro Plan* updates shall be initiated no less frequently than during the state required Periodic Review of the *Metro Plan*, although the governing bodies may initiate an update of the *Metro Plan* at any time. [Derived from former Policy 10.]

5. ~~The approval process for *Metro Plan* amendments, including the number of governing bodies who participate and the timeline for final action, will vary depending upon the classification of amendment and whether a determination is made that the proposed amendment will have Regional Impact.~~

- a. ~~All three governing bodies must approve non-site specific text amendments; site specific *Metro Plan* Diagram amendments that involve a UGB or Plan Boundary change that crosses the~~

~~Willamette or McKenzie Rivers or that crosses over a ridge into a new basin; and, amendments that involve a goal exception not related to a UGB expansion.~~

- b. ~~A site specific Type I *Metro Plan* amendment that involves a UGB expansion or Plan Boundary change and a Type II *Metro Plan* amendment between the city limits and Plan Boundary, must be approved by the home city and Lane County (Springfield is the home city for amendments east of I-5 and Eugene is the home city for amendments west of I-5). The non-home city will be sent a referral of the proposed amendment and, based upon a determination that the proposal will have Regional Impact, may choose to participate in the decision. Unless the non-home city makes affirmative findings of Regional Impact, the non-home city will not participate in the decision. [Moved in part to Policy 5.]~~
- e. ~~An amendment will be considered to have Regional Impact if:~~
- ~~(1) It will require an amendment to a jointly adopted functional plan [*Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)*, *Eugene-Springfield Public Facilities and Services Plan (Public Facilities and Services Plan)*, etc.] in order to provide the subject property with an adequate level of urban services and facilities; or~~
  - ~~(2) It has a demonstrable impact on the water, storm drainage, wastewater, or transportation facilities of the non-home city; or~~
  - ~~(3) It affects the buildable land inventory by significantly adding to Low Density Residential (LDR), Campus Industrial (CI), Light Medium Industrial (LMI), or Heavy Industrial (HI) designations or significantly reducing the Medium Density Residential (MDR), High Density Residential (HDR), or Community Commercial (CC) designations.~~
- d. ~~A jurisdiction may amend a *Metro Plan* designation without causing Regional Impact when this action is taken to: compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction; or accommodate the contiguous expansion of an existing business with a site specific requirement.~~
- e. ~~Decisions on all Type II amendments within city limits shall be the sole responsibility of the home city.~~
6. ~~Public hearings by the governing bodies for *Metro Plan* amendments requiring participation from one or two jurisdictions shall be held within 120 days of the initiation date. *Metro Plan* amendments that require a final decision from all three governing bodies shall be concluded within 180 days of the initiation date. When more than one jurisdiction participates in the decision, the Planning Commissions of the participating jurisdictions shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials also shall conduct a joint public hearing prior to making a final decision. The time frames prescribed in connection with Type II *Metro Plan* amendment processes can be waived if the applicant agrees to the waiver. [Moved in part to Policy 8. a.]~~
7. ~~If all participating jurisdictions reach a consensus to approve a proposed amendment, substantively identical ordinances affecting the changes shall be adopted. Where there is a consensus to deny a proposed amendment, it may not be re-initiated, except by one of the three governing bodies, for one year. Amendments for which there is no consensus shall be referred to the Metropolitan Policy Committee (MPC) for additional study, conflict resolution, and recommendation back to the governing bodies. [Moved in part to Policy 8. b.]~~

- ~~8. Adopted or denied *Metro Plan* amendments may be appealed to the Oregon Land Use Board of Appeals (LUBA) or the Department of Land Conservation and Development (DLCD) according to applicable state law. [Moved to Policy 8. e.]~~
- ~~9. The three metropolitan jurisdictions shall jointly develop and adopt *Metro Plan* amendment application procedures and a fee schedule. [Moved in part to Policy 8. f.]~~
- ~~10. *Metro Plan* updates shall be initiated no less frequently than during the state required Periodic Review of the *Metro Plan*, although the governing bodies may initiate an update of the *Metro Plan* at any time. [Moved to Policy 7. e.]~~

8. The approval process for *Metro Plan* amendments shall be as follows:

- a. When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision. [Derived in part from former Policy 6.]
- b. If all participating governing bodies reach a consensus to approve a proposed amendment, substantively identical ordinances effecting the changes shall be adopted. Where there is a consensus to deny a proposed amendment, it may not be re-initiated, except by one of the three governing bodies, for one year. [Derived in part from former Policy 7.]
- c. A Type I amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Eugene and Springfield for further examination of the issue(s) in dispute and recommendation back to the governing bodies.
- d. A Type II amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayor of the home city for further examination of the issue(s) in dispute and recommendation back to the governing bodies.
- e. Adopted or denied *Metro Plan* amendments may be appealed to the Oregon Land Use Board of Appeals (LUBA) or the Department of Land Conservation and Development (DLCD) according to applicable state law. [Derived from former Policy 8.]
- f. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures. [Derived from former Policy 9.]
- g. A different process, time line, or both, than the processes and timelines specified in 8a. through 8f. above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated *Metro Plan* amendment.
- ~~11. 9. In addition to the update of the *Metro Plan*, refinement studies may be undertaken for individual geographical areas and special purpose or functional elements, as determined appropriate by each governing body.~~
- ~~12. 10. All refinement and functional plans must be consistent with the *Metro Plan* and should inconsistencies occur, the *Metro Plan* is the prevailing policy document.~~
- ~~13. 11. Refinement plans developed by one jurisdiction governing body shall be referred to the other two jurisdictions for their review. Either of the two referral jurisdictions governing bodies may determine that an amendment to the *Metro Plan* is required.~~

~~14-~~12. Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.