

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Action: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Text, Chapter IV; Adopting a Severability Clause; and Providing an Effective Date (City of Eugene File MA 13-3)

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Meeting Date: November 18, 2013  
Department: Planning and Development  
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Agenda Item Number: 2  
Staff Contact: Alissa Hansen  
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### ISSUE STATEMENT

The topic of these deliberations is a City of Springfield-initiated amendment to Chapter IV of the Metro Plan.

### BACKGROUND

Earlier this year the Springfield City Council initiated an amendment to Chapter IV of the Metro Plan. Chapter IV (titled Metro Plan Review, Amendments and Refinements) provides the decision-making structure and process for amendments to the Metro Plan. The goal of this chapter is to “ensure that the Metro Plan is responsive to the changing conditions, needs, and attitudes of the community.”

Consistent with this goal, the purpose of the proposed amendments is to respond to changing conditions brought about by ORS 197.304 (commonly referred to as HB 3337) including adoption of separate urban growth boundaries, and to clarify which governing bodies will participate in decision making. As proposed, the amendments change how the Metro Plan is amended and clarify which of the three jurisdictions would participate in approving those amendments. The amendments to Chapter IV are intended to support a framework for planning collaboration among the jurisdictions while respecting the autonomy of each. Land use code amendments to codify these changes will be necessary as part of a future action.

The most significant proposed changes to Chapter IV of the Metro Plan are summarized below.

- **Amendment Types/Process:** The proposed amendments would align the Metro Plan amendment types with the amendment process. Three types of Metro Plan amendments are proposed to be established based on the number of jurisdictions required to approve the proposed amendment: Type I amendments may be enacted by the home city alone; Type II requires the participation of the home city and Lane County; and Type III amendments require the participation of all three jurisdictions. The current policy defines only two types of amendments: Types I and II. The current process for amendments is not based on the application types. For example, certain Type I applications require approval

of all three jurisdictions, while other Type I applications require approval of only two jurisdictions.

- ***Amendment Process for UGB or Boundary Amendment:*** Currently, all three governing bodies must approve a site specific urban growth boundary (UGB) or Metro Plan boundary adjustment that crosses the Willamette or McKenzie Rivers or that crosses over a ridge into a new basin. The proposed amendments would instead require all three governing bodies approve only the amendments of the common UGB along I-5 and for UGB or Metro Plan boundary amendments that cross I-5. All other types of UGB or boundary amendments would be Type II amendments, requiring the participation of the home city and Lane County.
- ***Regional Impact:*** The proposed amendments remove references to Metro Plan amendments with "regional impact." The regional impact provisions currently apply to amendments where the home city and Lane County are required to participate as decision makers. This only applies in the areas between the city limits and the Metro Plan boundary, see Attachment A. These provisions allow for the non-home city elect to become a decision-maker if the city council determines the amendment has regional impact. Regional impact can be triggered in three ways:
  - If an amendment to TransPlan or the regional Public Facility and Services Plan (PFSP) would be required to serve the property that is subject to the amendment.
  - If there would be a demonstrable impact on the non-home city's services (water, stormwater, wastewater and transportation)
  - If there would be a significant change to the shared buildable lands inventory

Even with the removal of the Regional Impact provision from the Metro Plan, each jurisdiction retains the ability to weigh in on decisions that significantly affect water, stormwater, wastewater and transportation services. This ability is provided through the existing Public Facility and Services Plan and TransPlan. Staff and legal counsel have carefully considered the removal of the regional impact provision from Chapter IV and can think of no scenario where Eugene decision-makers would be giving up control that they currently have.

- ***Conflict Resolution:*** When governing bodies do not reach consensus on a Metro Plan amendment, the current policy sends the matter to the Metropolitan Policy Committee (MPC). The proposed amendments would send unresolved decisions to the chair of the Board of County Commissioners and one or both of the mayors of Eugene and Springfield, depending on how many governing bodies are participating in the decision. The purpose of this proposed change to Chapter IV is to provide a conflict resolution mechanism that is flexible enough to apply to different types of situations and involves the appropriate decision makers.

The planning commissions of Lane County, Springfield and Eugene held a joint public hearing on October 15, 2013, to consider the proposed amendments. No one provided testimony at the public hearing. Following the close of the public hearing, the three planning commissions met separately for deliberations and to provide recommendations to their respective elected officials. All three bodies recommended approval of the proposed amendments with modifications.

Attachment B provides a compilation of recommended changes identified by the three commissions. All of the planning commission recommendations have been incorporated into the draft ordinance with the exception of a recommendation to include timelines for processing Metro Plan amendments.

A work session and public hearing of the Joint Elected Officials was held on November 4, 2013. No individuals provided testimony and no written testimony was received on this topic. The Joint Elected Officials discussed whether to include a timeline in the ordinance, as recommended by the Eugene and Springfield planning commissions. It was generally agreed upon that a timeline would not be included in the ordinance, but code language (to be developed at a later date) would address target timelines for the processing of Metro Plan amendments and a mechanism for providing updates if those timelines are not met.

The draft ordinance is included as Attachment C and is revised from the ordinance originally posted for public hearing. These changes can be seen in Attachment D which shows the changes in legislative format. Revisions to the ordinance generally include the following:

- Textual clarifications
- Aligning the type of amendment with the number of jurisdictions involved (i.e. changing Type I to mean only requiring one governing body Type II, two governing bodies and Type III all three governing bodies)
- Provision for sending notice to the other jurisdictions when a Metro Plan amendment is initiated

### **RELATED CITY POLICIES**

Findings addressing consistency with related City policies, including provisions of the Metro Plan, are included as an exhibit to the proposed ordinance (Exhibit A of Attachment C).

### **COUNCIL OPTIONS**

The City Council may consider the following options:

1. Approve the ordinance.
2. Approve the ordinance with specific modifications as determined by the City Council. (Note: All three jurisdictions must adopt substantively identical ordinances for the proposal to take effect. Any substantive changes to the ordinance by the Eugene City Council will require new action by the Springfield City Council and Board of County Commissioners.)
3. Deny the ordinance.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council approve the proposed ordinance contained in Attachment C.

### **SUGGESTED MOTION**

Move to adopt Council Bill 5101 amending the Eugene-Springfield Metropolitan Area General Plan text, Chapter IV; adopting a severability clause; and providing an effective date.

## **ATTACHMENTS**

- A. Jurisdictional Boundaries Map
- B. Recommendations by Eugene, Springfield, and Lane County Planning Commissions
- C. Proposed Ordinance and Exhibits
- D. Legislative format showing changes to ordinance posted for public hearing

## **FOR MORE INFORMATION**

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