

ORDINANCE NO. _____

AN ORDINANCE CONCERNING METRO PLAN AMENDMENT PROCEDURES; AMENDING SECTIONS 9.0500, 9.7055, 9.7700, 9.7705, 9.7715, 9.7720, 9.7725, 9.7730 AND 9.7735 OF THE EUGENE CODE, 1971; AND REPEALING SECTIONS 9.7740, 9.7745 AND 9.7750 OF THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0500 of the Eugene Code, 1971, is amended by amending the definition of “Metro Plan” and deleting the definitions of “Metro Plan Amendment Home City,” “Metro Plan Amendment Initiation,” “Metro Plan Amendment Regional Impact,” “Metro Plan Type I Amendment,” “Metro Plan Type II Amendment,” and “Metropolitan Policy Committee” to provide as follows:

9.0500 **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Metro Plan. The Eugene-Springfield Metropolitan Area General Plan, is the **regional** comprehensive land use plan for the cities of Eugene and Springfield and those parts of Lane County within the [~~Eugene-Springfield~~] urban growth boundary. The jurisdictional boundary of the plan **also** includes a slightly larger geographic area outside the urban growth boundary **west of I-5**.

~~**Metro Plan Amendment Home City.**~~ The City of Springfield shall be the home city for all site specific Type I and Type II Metro Plan amendments east of Interstate 5. The City of Eugene shall be the home city for all site specific Type I and Type II Metro Plan amendments west of Interstate 5. The applicability of home city shall have no basis with respect to non-site specific Type I Metro Plan amendments.

~~**Metro Plan Amendment Initiation.**~~ Any of the three governing bodies may initiate a Type I Metro Plan amendment at their discretion or, at their discretion, initiate a Type I Metro Plan amendment on behalf of a citizen who has made such a request. Any of the three governing bodies or a citizen who owns property that is the subject of the proposed amendment may initiate a Type II Metro Plan amendment at any time.

~~**Metro Plan Amendment Regional Impact.**~~ Site specific Metro Plan amendments have regional impact if the change in plan designation or site location will:

~~(A) Require an amendment of a jointly adopted functional plan including the Public Facilities Plan, a Natural Resources Functional Plan, or an amendment to TransPlan, when the Transportation Planning Committee (TPC) determines the necessary amendment to be regional, or necessary in order to provide the subject properties with an adequate level of necessary urban services or facilities; or~~

- ~~(B) Have a demonstrable impact on the water, storm drainage, sanitary sewer or transportation facilities of the non-home city; or~~
- ~~(C) Affect the buildable land inventory in such a way as to impact the regional supply by:

 - ~~1. Significantly decreasing the net inventory of needed buildable land in the following plan designation categories: Medium Density Residential, High Density Residential, Commercial; or~~
 - ~~2. Significantly increasing the net inventory of buildable land in the following plan designation categories: Low Density Residential, Special Light Industrial, Light-Medium Industrial, Heavy Industrial; except in the following two cases:

 - ~~a. A jurisdiction may amend the plan designations to compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction, or~~
 - ~~b. A jurisdiction may change a plan designation to accommodate the contiguous expansion of an existing business with a site specific requirement.~~~~~~

~~The non-home city may choose to participate in the site specific plan amendment process, excluding amendments within city limits, if the non-home city adopts a resolution determining that the proposed amendment has regional impact. Lane County shall participate in all Metro Plan amendments outside of city limits.~~

~~**Metro Plan Type I Amendment.** Any change to the Metro Plan which (1) changes the urban growth boundary or the jurisdictional boundary of the Plan; (2) requires a goal exception not related to a UGB expansion to be taken under statewide planning goal 2; or, (3) is a non-site specific amendment of the Plan text.~~

~~**Metro Plan Type II Amendment.** An amendment to the Metro Plan which is not otherwise a Type I plan amendment and which:
 (A) Changes the plan diagram; or
 (B) Is a site-specific plan text amendment.~~

~~**Metropolitan Policy Committee.** An intergovernmental committee created to promote problem-solving and to resolve intergovernmental disagreements among Eugene, Springfield and Lane County, the membership of which includes 2 elected officials from each jurisdiction, and when considering transportation matters, 2 members of the Lane Transit District.]~~

Section 2. The line item for “Metro Plan Amendment” in Table 9.7055 of Section 9.7055 of the Eugene Code, 1971, is amended to provide as follows:

9.7055 Applications and Review Authorities. Table 9.7055 Applications and Review Authorities, lists applications and the typical review authorities for the decision and the appeal of the decision. To accommodate a request for concurrent review, the city may instead review multiple applications according to the highest applicable type.

Table 9.7055 Applications and Review Authorities						
R = Recommendation, D = Decision Maker, A = Appeal Review Authority						
Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Metro Plan Amendment [(See EC 9.7700)]	[IV or V N/A (See EC 9.7700)]				R	D

Section 3. Section 9.7700 of the Eugene Code, 1971, is amended to provide as follows:

9.7700 ~~[Description of]~~ **Metro Plan Amendments - Purpose.** The Metropolitan Area General Plan (Metro Plan) is the [~~long-range general~~] **regional comprehensive land use** plan of metropolitan Lane County and the cities of Eugene and Springfield. ***In response to changing conditions, needs and attitudes of the community, the Metro Plan may require updating or amending. Metro Plan amendments shall be made in accordance with Chapter IV of the Metro Plan and the provisions of this land use code.*** [~~The plan provides public policy direction concerning the growth and development of the metropolitan area. The plan is acknowledged by the State Land Conservation and Development Commission to be in compliance with the Statewide Planning Goals. Any changes to the plan must meet local approval and be found consistent with the Statewide Planning Goals. Metro Plan Amendments are separated into two types of amendments:~~
~~(1) Type I Metro Plan amendments include any change to the Metro Plan which:~~
~~(a) Changes the urban growth boundary or the jurisdictional boundary of the plan;~~
~~(b) Requires a goal exception not related to a UGB expansion to be taken under statewide planning goal 2; or,~~
~~(c) Is a non-site specific amendment of the plan text.~~
~~(2) Type II Metro Plan amendments include any change to the Metro Plan which is not otherwise a Type I plan amendment and which:~~
~~(a) Changes the plan diagram; or,~~
~~(b) Is a site-specific plan text amendment.~~
 The review process of a Metro Plan amendment will be determined by how many of the 3 jurisdictions -- the City of Eugene, City of Springfield and Lane County -- are determined to be decision-makers.]

Section 4. Section 9.7705 of the Eugene Code, 1971, is amended to provide as follows:

9.7705 **Metro Plan Amendments – [Purpose] Classification of Amendment Types.** [~~The Metropolitan Area General Plan (Metro Plan) allows citizen-initiated Type II Metro Plan amendments to be initiated at any time. Amendments that require a final decision from 1 or 2 jurisdictions shall be concluded within 120 days of the initiating date. Amendments that require a final decision from all 3 governing bodies shall be concluded within 180 days of the initiation date. The city council may initiate a Type I or Type II Metro Plan amendment at any time. City council-initiated Metro Plan~~

~~amendments are not subject to the 120-calendar-day review period. Metro Plan amendments shall be made in accordance with the standards contained in Chapter IV of the Metro Plan and the provisions of this land use code.]~~ **A proposed amendment to the Metro Plan shall be classified as a Type I, Type II or Type III amendment depending upon the number of governing bodies required to approve the decision.**

- (1) **Type I. A Type I amendment requires approval by City of Eugene only.**
 - (a) **Type I Diagram Amendments include amendments to the Metro Plan Diagram for land inside the Eugene city limits.**
 - (b) **Type I Text Amendments include:**
 1. **Amendments that are non-site specific and apply only to land inside the Eugene city limits;**
 2. **Site specific amendments that apply only to land inside the Eugene city limits;**
 3. **Amendments to a regional transportation system plan, or a regional public facilities plan, when only participation by the City of Eugene is required by the amendment provisions of those plans;**
 4. **The creation of new Metro Plan designations and the amendment of existing Metro Plan designation descriptions that apply only within the Eugene city limits.**
- (2) **Type II. A Type II Amendment requires approval by City of Eugene and Lane County.**
 - (a) **Type II Diagram Amendments include:**
 1. **Amendments to the Metro Plan Diagram for the area between the Eugene city limits and the Plan Boundary;**
 2. **A UGB or Metro Plan Boundary amendment that is not described as a Type III amendment.**
 - (b) **Type II Text Amendments include:**
 1. **Amendments that are non-site specific and apply only to Lane County and the City of Eugene;**
 2. **Amendments that have a site specific application between the Eugene city limits and the Plan Boundary;**
 3. **Amendments to a jointly adopted regional transportation system plan, or a regional public facilities plan, when only participation by Lane County and City of Eugene is required by the amendment provisions of those plans.**
- (3) **Type III. A Type III Amendment requires approval by all three governing bodies (Eugene, Springfield and Lane County):**
 - (a) **Type III Diagram Amendments include:**
 1. **Amendments of the Common UGB along I-5; and**
 2. **A UGB or Metro Plan Boundary change that crosses I-5.**
 - (b) **Type III Text Amendments include:**
 1. **Amendments that change a Fundamental Principle as set forth in Chapter II A. of the Metro Plan;**
 2. **Non site specific amendments that apply to all three jurisdictions;**
 3. **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.**

Section 5. Section 9.7715 of the Eugene Code, 1971, is amended to provide as follows:

9.7715 Metro Plan Amendments - Initiation of Plan Amendments.

- ~~(1) Who Can Initiate Metro Plan Amendments.~~ [An amendment to the Metro Plan can be initiated [by the following persons or entities] **as follows:**
- ~~(a) Type I Non-Site Specific Text Amendments, UGB/Plan Boundary Changes or Other Goal Exceptions.~~ By any of the 3 governing bodies:
- ~~1.~~ The council may solicit a recommendation from the planning commission before initiating this category of amendment.
 - ~~2.~~ A citizen may seek council initiation of a Type I Metro Plan amendment by filing a written request with the city. A staff report on the request shall be submitted to the council within 30 days of receipt of the request. At the direction of 3 councilors, the request shall be placed on the council agenda for discussion. The request shall be considered denied if the council takes no action within 60 days of the date the staff report is submitted to the council. The council need not hold a public hearing on a private Type I amendment request and may deny the request for any reason. A citizen seeking council initiation of a site specific Type I Metro Plan amendment must own the property subject to the amendment.
- ~~(b) Type II Plan Diagram and Site Specific Text Amendments.~~
- ~~1.~~ Inside the city limits. By the Metro Plan home city and citizens.
 - ~~2.~~ Between the city limits and the plan boundary. By any of the 3 governing bodies and citizens.
 - ~~3.~~ The council may solicit a recommendation from the planning commission before initiating this category of amendment. A citizen initiating a Type II Metro Plan amendment must own the property subject to the amendment.
 - ~~4.~~ A citizen may seek council initiation of a Type II Metro Plan amendment subject to the above requirements regarding Type I Metro Plan amendments initiated by the council at the request of a citizen.
- ~~(2) When Plan Amendments Can be Initiated.~~ Amendments to the Metro Plan shall be initiated and considered at the following times:
- ~~(a)~~ The city council may initiate a Type I or Type II Metro Plan amendment at any time. Consideration of this type of amendment shall begin immediately thereafter.
 - ~~(b)~~ Citizen-initiated Type II Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place within 60 days of acceptance of a complete application.
 - ~~(c)~~ Consideration of a citizen-initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled to commence within 3 months of the date of application submittal. Such a requested Metro Plan amendment shall be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study

~~process has not begun within the 3-month period, the Metro Plan amendment application process shall begin immediately following the 3 month period. The planning director may except 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.** Citizen-initiated Metro Plan amendment applications shall be filed in the planning office of the home city if within the UGB, or with Lane County if outside the UGB and the amendment is not a request to expand the UGB.]~~
- ~~(1) **Type I. A Type I amendment may be initiated by the City of Eugene at any time. A property owner may initiate an amendment for property they own at any time.**~~
 - ~~(2) **Type II. A Type II amendment may be initiated by the City of Eugene or Lane County at any time. A property owner may initiate an amendment for property they own at any time.**~~
 - ~~(3) **Type III. A Type III amendment may only be initiated by one of the three governing bodies (Eugene, Springfield or Lane County). Such an amendment may be initiated at any time.**~~

Section 6. Section 9.7720 of the Eugene Code, 1971, is amended to provide as follows:

- 9.7720 Metro Plan Amendments – [Referral of Plan Amendment] Property Owner-Initiated Amendments.** ~~[All Metro Plan amendments outside the city limits of Eugene shall be referred to the city of Springfield for consideration of regional impact. Lane County shall participate in the hearing and decision of all Metro Plan amendments outside the city limits. All Metro Plan amendments inside the city limits shall be referred to the city of Springfield and Lane County so they may participate as parties to the hearing. All referrals shall occur within 10 days of the plan amendment initiation date. Any referral that is provided for the purpose of determining regional impact shall be answered by the referral jurisdiction within 45 days of receipt of the referral. Failure of a jurisdiction to take action on the referral within 45 days from the date of referral shall be deemed a finding of no regional impact. If a referral jurisdiction adopts a resolution, ordinance, or order finding that the proposed amendment has a regional impact, that referral jurisdiction may participate in the decision if it so chooses. All jurisdictions participating in the plan amendment decision process must approve the amendment in order to enact the amendment.]~~
- ~~(1) **Application Filing. Property owner-initiated Metro Plan amendment applications shall be filed in the planning office of Eugene if within the UGB, or with Lane County if outside the UGB.**~~
 - ~~(2) **Application Fee. The applicant for a property owner-initiated Metro Plan amendment shall pay an application fee in an amount set by the city manager under EC section 2.020. No application shall be processed until it is complete and the application fee is paid.**~~
 - ~~(3) **Concurrent Processing with Certain Legislative Proceedings.**
 - ~~(a) **If, upon receipt of a property owner-initiated Metro Plan**~~~~

Amendment (Type I or Type II), planning staff determines that the proposed amendment is part of an existing planned refinement plan or special area study adoption or amendment process, or a refinement plan or special area study adoption or amendment process is scheduled to commence within three months of the date of the Metro Plan amendment application, planning staff shall postpone processing the Metro Plan amendment.

(b) Such a requested Metro Plan amendment shall be considered in the legislative proceedings of the refinement plan or special area study.

(c) If the refinement plan or special area study process has not begun within three months of the date of the Metro Plan amendment application, the city shall continue processing the Metro Plan amendment.

(d) A Metro Plan amendment need not be postponed under subsection (a) of this section if the planning director finds:

- 1. There is a public need for more immediate consideration of the proposed plan amendment, or**
- 2. Review of the proposed plan amendment as part of a refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.**

(4) Limitation on Refiling. The city shall not consider a property owner-initiated Metro Plan amendment application if a substantially similar or identical plan amendment has been denied by the city 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.

Section 7. Section 9.7725 of the Eugene Code, 1971, is amended to provide as follows:

9.7725 ~~**Metro Plan – Plan Amendment Application Fee.** The applicant for a citizen-initiated Metro Plan amendment shall pay an application fee in an amount set by the city manager under EC section 2.020. No application shall be processed until it is complete and accurate and the application fee is paid.]~~

Metro Plan Amendments – Referrals and Public Notice.

(1) Referrals. Within 20 days of city initiation of any Type I, II, or III Metro Plan amendment, the city shall notify Springfield and Lane County of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment, that governing body may refer the matter to the processes provided in EC 9.7730(6)(a) or (b) as appropriate. All property owner-initiated Metro Plan amendments shall be referred to Springfield and Lane County at least 20 days prior to the planning commission public hearing.

(2) Public Notice. At least 20 days before the planning commission hearing, notice of the hearing shall be published in a local newspaper of general circulation and mailed to the applicant and to persons who have

requested notice. At least 20 days before the planning commission hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this land use code and state law.

Section 8. Section 9.7730 of the Eugene Code, 1971, is amended to provide as follows:

9.7730 Metro Plan Amendments - Approval [of a Plan Amendment] Process.

- (1) **Type I Amendment Process.** *The following process shall be used to consider Type I Metro Plan amendments.*
- ~~[(a) Non-Site Specific. To become effective, a non-site specific Metro Plan text Type I Metro Plan amendment must be approved by all 3 governing bodies.~~
- ~~(b) Site Specific. To become effective, a site-specific Type I Metro Plan amendment that involves a UGB or plan boundary change that crosses the Willamette or McKenzie rivers, or that crosses over a ridge into a new basin, or that involves a goal exception not related to a UGB expansion, must be approved by all 3 governing bodies. See Map 9.7730 Eugene-Springfield Metro Area Ridges and Rivers.~~
- ~~(c) Site Specific. To become effective, a site-specific Type I Metro Plan amendment that involves a UGB or plan boundary change must be approved by the home city and Lane County. Exception: If the non-home city, after referral of the proposal, determines that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all 3 governing bodies must approve the amendment.]~~
- (a) **Investigation and Report.** *After the Metro Plan amendment initiation date, planning staff shall investigate the facts bearing on the amendment application, prepare a report, and submit it to the planning commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the commission.*
- (b) **Planning Commission Consideration.** *The planning commission public hearing to consider the proposed Metro Plan amendment shall be scheduled within 90 days of initiation of the amendment. 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 at EC 9.7735. After the public hearing and close of the public hearing 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.*
- (c) **City Council Action.** *After the planning commission recommendation, the city council shall schedule a public hearing on the proposed amendment. After the public hearing, the council shall approve, modify and approve, or deny the proposed*

amendment. The council shall take this action by ordinance with adopted findings and conclusions on whether the proposal or a modified proposal meets the approval criteria at EC 9.7735. The action of the city council is final.

(2) Type II Amendment Process. The following process shall be used to consider Type II Metro Plan amendments

~~[(a) Inside City Limits. To become effective, a Type II Metro Plan amendment inside the city limits must be approved by the Metro Plan amendment home city.~~

~~(b) Between the City Limits and Plan Boundary. To become effective, a Type II Metro Plan amendment between the city limits and the plan boundary must be approved by the Metro Plan amendment home city and Lane County. Exception: If the non-home city, after referral of the proposal, determines that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all 3 governing bodies must approve the amendment.]~~

(a) Investigation and Report. After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of Eugene and Lane County. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the two commissions.

(b) Planning Commission Consideration. The joint planning commission public hearing to consider the proposed amendment shall be scheduled within 90 days of initiation of the amendment. After the joint public hearing and close of the public hearing record, both planning commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.

(c) Governing Body Action. After the date the last planning commission provides a recommendation on the proposed amendment, the governing bodies of Eugene and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria at EC 9.7735. The actions of the governing bodies are final if they adopt substantively identical ordinances or decisions. The conflict resolution provisions of EC 9.7730(6) apply if the two governing bodies do not adopt substantively identical ordinances or decisions.

~~**[(3) Criteria for Approval of Plan Amendment. The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:**~~

~~(a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and~~

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

- (3) **Type III Amendment Process.** The following process shall be used to consider Type III Metro Plan amendments.
- (a) **Investigation and Report.** After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of Eugene, Springfield and Lane County. The report shall be mailed or delivered to affected and interested parties at the same time it is delivered to the three planning commissions.
 - (b) **Planning Commission Consideration.** The joint public hearing of the Eugene, Springfield, and Lane County planning commissions on the proposed amendment shall be scheduled within 90 days of initiation. After the joint public hearing and close of the public hearing record, each planning commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.
 - (c) **Governing Bodies' Action.** After the date the last the last planning commission acts on the proposed amendment, the governing bodies of Eugene, Springfield and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria at EC 9.7735. The actions of the governing bodies are final if all three governing bodies adopt substantively identical ordinances or decisions. The conflict resolution provisions of EC 9.7730(6) apply if the governing bodies do not adopt substantively identical ordinances or decisions.
- (4) **Process for Government Initiated Plan Amendments.** Notwithstanding (1), (2) or (3) above, a different process, time line, or both may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.
- (5) **Relationship to Refinement Plan or Functional Plan Amendments.**
- (a) When a Metro Plan diagram amendment requires a refinement plan or functional plan diagram or map and text amendment for consistency, the Metro Plan, refinement plan and functional plan amendments shall be processed concurrently.
 - (b) When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan or functional plan diagram or map if no amendment to the refinement plan or functional plan text is involved.
- (6) **Conflict Resolution Process and Severability of Amendment Adoption Actions.** The following process shall be used when the governing bodies cannot agree on substantively identical decisions on a proposed Metro Plan amendment:

- (a) *A Type II amendment for which there is no consensus shall be referred to the Mayor of Eugene and the Chair of the Lane County Board of Commissioners for further examination of the issue(s) in the dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.*
 - (b) *A Type III amendment for which there is no consensus shall be referred to the Mayors of Eugene and Springfield and the Chair of the Lane County Board of Commissioners for further examination of the issue(s) in the dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.*
 - (c) *If the plan amendment is denied because of lack of consensus, within 10 days the planning director of the jurisdiction where the application originated shall issue a denial decision. For quasi-judicial amendments, the denial decision shall include findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the planning director is final.*
 - (d) *When identical action is required of two or three governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, 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 as specified under subsections (a) and (b) above.*
- (7) *Appeals. 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 (DLCDD) according to applicable state law.*

Section 9. Section 9.7735 of the Eugene Code, 1971, is amended to provide as follows:

- 9.7735 **Metro Plan Amendments – [Plan Amendment Approval Process: Single Jurisdiction] Criteria for Approval.** *The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:*
- (1) *The proposed amendment is consistent with the relevant Statewide Planning Goals; and*
 - (2) *The proposed amendment does not make the Metro Plan internally inconsistent.*
 - (3) *When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.*
- ~~[(1) **When the Single Jurisdiction Process is Used.** The following process shall be used to consider Type II Metro Plan amendments inside the city limits of Eugene.~~

- ~~(2) **Investigation and Report.** Within 30 days after the Metro Plan amendment initiation date, planning staff shall investigate the facts bearing on the amendment application, prepare a report, and submit it to the planning commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the commission.~~
- ~~(3) **Planning Commission Consideration.** Within 30 days after receipt of the staff report, the planning commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing shall be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. At least 20 days before the hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this land use code and state law. The planning commission shall review the proposed amendment and receive evidence and testimony on whether the proposed change can be justified under the approval criteria. Within 30 days after the public hearing and close of the evidentiary record, the planning commission shall adopt a written recommendation on the proposed amendment. The recommendation shall contain findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.~~
- ~~(4) **City Council Action.** Within 45 days after planning commission action, the city council shall hold a public hearing on the proposed amendment. The council's decision shall be based solely on the evidentiary record created before the planning commission. No new evidence shall be allowed at the council hearing. Within 30 days after the public hearing, the council shall approve, modify and approve, or deny the proposed amendment. The council 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 city council is final.]~~

Section 10. Sections 9.7740, 9.7745, and 9.7750 of the Eugene Code, 1971, are repealed.

~~**[9.7740] Metro Plan - Plan Amendment Approval Process: 2 Jurisdictions.**~~

- ~~(1) **When the 2 Jurisdictions Process is Used.** The following process shall be used to approve Type II Metro Plan amendments when Eugene is the Metro Plan amendment home city and Lane County must participate in the decision and the City of Springfield has chosen not to participate after consideration of a referral.~~
- ~~(2) **Investigation and Report.** Within 30 days after a response is received from the city of Springfield, or within 50 days after the Metro Plan amendment initiation date if no response is received, the Eugene planning staff shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of both affected jurisdictions. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the 2 commissions.~~

- ~~(3) **Planning Commission Consideration.** Within 30 days after receipt of the staff report, the planning commissions of both affected jurisdictions shall hold a joint public hearing to consider the proposed Metro Plan amendment. The provisions of EC 9.7735(3) apply to the joint planning commission hearing and decision on a proposed Metro Plan amendment. Within 30 days after the joint public hearing and close of the evidentiary record, both planning commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.~~
- ~~(4) **Governing Body Action.** Within 30 days after the date the last planning commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the planning commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the decision becomes effective.~~
- ~~(5) **Conflict Resolution Process.** The following process shall be used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment:~~
- ~~(a) The Metro Plan amendment shall be referred to the metropolitan policy committee within 5 days after the last governing body action. The metropolitan policy committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions, and interested persons. The committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment shall be denied if the committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the committee.~~
- ~~(b) If the plan amendment is denied because of lack of consensus or committee inaction, within 5 days the planning director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by 1 or both of the governing bodies. The decision of the planning director is final.]~~

~~[9.7745 **Metro Plan - Plan Amendment Approval Process: 3 Jurisdictions.**~~

- ~~(1) **When the 3 Jurisdiction Process is Used.** The following process shall be used to approve Type I and Type II Metro Plan amendments where all 3 jurisdictions participate in the decision.~~
- ~~(2) **Investigation and Report.** Within 30 days after responses are received from both referral jurisdictions or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed amendment was submitted shall investigate~~

the facts bearing on the application, prepare a report, and submit it to the planning commissions of all 3 jurisdictions. The report shall be mailed or delivered to affected and interested parties at the same time it is delivered to the 3 planning commissions.

- ~~(3) **Planning Commission Consideration.** Within 30 days after receipt of the staff report, the planning commissions of Eugene, Springfield, and Lane County shall hold a joint public hearing on the proposed plan amendment. The provisions of EC 9.7735(3) apply to the joint planning commission hearing. Within 30 days after the proposed plan amendment hearing and close of the evidentiary record, each planning commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.~~
- ~~(4) **Governing Bodies' Action.** Within 30 days after the last planning commission acts on the Metro Plan amendment proposal, the governing bodies of Eugene, Springfield and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decision shall be based solely on the evidentiary record created before the planning commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if all 3 governing bodies adopt identical decisions. The date the last governing body acts shall be the date the action becomes effective. The conflict resolution provisions of EC 9.7740(5) apply if the governing bodies do not adopt identical ordinances.]~~

~~[9.7750 **Metro Plan – Plan Amendment Processes: General Provisions.**~~

- ~~(1) **Process for Government Initiated Plan Amendments.** A different process, time line, or both, than the processes and time lines specified in EC 9.7735, 9.7740, or 9.7745 may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.~~
- ~~(2) **Time Frame Waiver.** The time frames prescribed in connection with the Metro Plan amendment processes can be waived if affected property owners agree to the waiver.~~
- ~~(3) **Bar on Resubmittal.** The city shall not consider a privately initiated Metro Plan amendment application if a substantially similar or identical plan amendment has been denied by the city within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The planning director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.~~
- ~~(4) **Relationship to Refinement Plan or Functional Plan Amendments.** When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan or functional plan diagram or map if no amendment to the refinement plan or functional plan text is involved. When a Metro Plan diagram amendment requires a refinement plan or functional plan diagram or map and text~~

~~amendment for consistency, the Metro Plan, refinement plan and functional plan amendments shall be processed concurrently.~~

- ~~(5) **Relationship of Amendment Process to Metro Plan Update and Periodic Review.** An update of any element of the Metro Plan requires initiation and approval by all 3 jurisdictions. Amendments to the Metro Plan that result from state-mandated periodic review require approval by all 3 jurisdictions.~~
- ~~(6) **Severability of Plan Amendment Adoption Actions.** When identical action is required of 2 or 3 governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, 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 for review under EC 9.7740 and EC 9.7745.]~~

Section 11. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 12. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 13. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Passed by the City Council this
____ day of _____, 2014

Approved by the Mayor this
____ day of _____, 2014

City Recorder

Mayor

Findings

Land Use Code Amendments for Metro Plan Amendment Procedures City File CA 14-2

Overview

The purpose of these land use code amendments is to implement the recently adopted policy changes to Chapter IV of the Metro Plan (Metro Plan Review, Amendments, and Refinements) regarding the review and approval process of Metro Plan amendments. The amendments revise the Metro Plan Amendment Procedures in the version of the Eugene Code that applies within the Eugene city limits, and in the code that applies between the Eugene city limits and the urban growth boundary (also referred to as the Urban Transition Code).

Findings

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on August 30, 2013. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 23, 2014. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 10, 2014. Consistent with code requirements, the Joint Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard. Information concerning the proposed amendments the dates of the public hearings were posted on the City of Eugene websites.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance is consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City coordinated with Springfield and Lane County in the drafting of these amendments, and provided notice of the proposed action and opportunity to comment to the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. *To preserve agricultural lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. *To conserve open space and protect natural and scenic resources.*

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing. *To provide for the housing needs of citizens of the state.*

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. *To provide and encourage a safe, convenient and economic transportation system.*

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The amendments do not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under (a), (b) or (c). Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.*

Applicable Metro Plan Policies

The following policies from the Metro Plan (identified below in *italics*) are applicable to these amendments. These policies are from the recently amended Chapter IV of the Metro Plan (Metro Plan Review, Amendments, and Refinements) that were adopted by Eugene, Springfield and Lane County in November 2013.

3. *A proposed amendment to the Metro Plan shall be classified as a Type I, Type II or Type III amendment depending upon the number of governing bodies required to approve the decision.*

This policy is incorporated into the land use code amendments at EC 9.7705.

4. *A Type I amendment requires approval by the home city.*
 - a. *Type I Diagram Amendments include amendments to the Metro Plan Diagram for land inside the city limits.*
 - b. *Type I 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.*

This policy is incorporated into the land use code amendments at EC 9.7705(1).

- 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:*
 - 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 III 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.*

This policy is incorporated into the land use code amendments at EC 9.7705(2).

- 6. *A Type III Amendment requires approval by all three governing bodies:*
 - a. *Type III Diagram Amendments include:*
 - i. *Amendments of the Common UGB along I-5; and*
 - ii. *A UGB or Metro Plan Boundary change that crosses I-5.*
 - b. *Type III 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.*

This policy is incorporated into the land use code amendments at EC 9.7705(3).

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

- a. *A Type I amendment may be initiated by the home city at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development code of the home city.*
- b. *A Type II amendment may be initiated by the home city or county at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development codes of the home city and Lane County.*
- c. *A Type III amendment may be initiated by any one of the three governing bodies at any time.*

This policy is incorporated into the land use code amendments at EC 9.7715(1)-(3).

- 8. *The approval process for Metro Plan amendments shall be as follows:*
 - a. *The initiating governing body of any Type I, II, or III Metro Plan amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.*

This policy is incorporated into the land use code amendments at EC 9.7725(1).

- b. *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.*

This policy is incorporated into the land use code amendments at EC 9.7730(2) and (3).

- c. *If all participating governing bodies reach a consensus to approve a proposed amendment, substantively identical ordinances effecting the changes shall be adopted. When an amendment is not approved, it may not be re-initiated, except by one of the three governing bodies, for one year.*
- 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. *A Type III 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.*

This policy is incorporated into the land use code amendments at EC 9.7730(6).

- f. 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.*

This policy is incorporated into the land use code amendments at EC 9.7730(7).

- g. The three governing bodies shall develop jointly and adopt Metro Plan amendment application procedures.*

Consistent with this policy, staff from Eugene, Springfield and Lane County worked together to develop these code amendments. A joint public hearing process was established to provide for joint consideration by the governing bodies. Because each jurisdiction's code is organized differently, the amendments do not appear identical; however, they are all consistent in their implementation of the Chapter IV policies.

- h. A different process, time line, or both, than the processes and timelines specified in 8.b. through 8.g. above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.*

This policy is incorporated into the land use code amendments at EC 9.7730(4).

Applicable Refinement Plans

No relevant policies were found in Eugene's adopted refinement plans.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of the Metro Plan.

(3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.*

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.



COUNCIL ORDINANCE NO. 20519

COUNCIL BILL NO. 5101

**AN ORDINANCE AMENDING THE EUGENE-
SPRINGFIELD METROPOLITAN AREA
GENERAL PLAN TEXT, CHAPTER IV;
ADOPTING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.**

ADOPTED: November 18, 2013

SIGNED: November 20, 2013

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: Pursuant to Section 4 of the Ordinance

ORDINANCE NO. 20519

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TEXT, CHAPTER IV; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. On March 18, 2013, the Springfield City Council approved a motion to initiate amendments to Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to reflect the establishment of separate Urban Growth Boundaries for Eugene and Springfield stemming from the enactment of ORS 197.304, also known as HB 3337.

B. Chapter IV of the Metro Plan sets forth procedures for amendment of the Metro Plan, which for Eugene are implemented by provisions of Sections 9.7700 through 9.7750 of the Eugene Code.

C. Following an October 15, 2013 joint public hearing with the Springfield and Lane County Planning Commissions, the Eugene Planning Commission voted to recommend amendments to Chapter IV of the Metro Plan to the Eugene City Council.

D. The City Council conducted a joint public hearing on this amendment on November 4, 2013, with the Springfield City Council and the Lane County Board of Commissioners, and is now ready to take action based on the above recommendations and evidence and testimony already in the record as well as the evidence and testimony presented at the joint elected officials public hearing.

E. Substantial evidence exists within the record demonstrating that the proposal meets the requirements of the Metro Plan, Eugene Code and applicable state and local law as described in the findings attached as Exhibit A, and which are adopted in support of this Ordinance.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter IV of the Eugene-Springfield Metropolitan Area General Plan is amended to read as follows:

**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 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 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* 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 *Metro Plan* so it will remain current and valid.
2. Maintain a current land use and parcel information base for monitoring and updating the *Metro Plan*.
3. Prepare refinement and functional plans that supplement the *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. A proposed amendment to the *Metro Plan* shall be classified as a Type I, Type II or Type III amendment depending upon the number of governing bodies required to approve the decision.
4. A Type I amendment requires approval by the home city.
 - a. Type I Diagram Amendments include amendments to the *Metro Plan* Diagram for land inside the city limits.
 - b. Type I 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.
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:
 - 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 III 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 all three governing bodies:

- a. Type III Diagram Amendments include:
 - i. Amendments of the Common UGB along I-5; and
 - ii. A UGB or *Metro Plan* Boundary change that crosses I-5.
 - b. Type III 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.
7. Initiation of *Metro Plan* amendments shall be as follows:
- a. A Type I amendment may be initiated by the home city at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development code of the home city.
 - b. A Type II amendment may be initiated by the home city or county at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development codes of the home city and Lane County.
 - c. A Type III amendment may be initiated by any one of the three governing bodies at any time.
 - 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 any governing body may initiate an update of the *Metro Plan* at any time.
8. The approval process for *Metro Plan* amendments shall be as follows:
- a. The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.
 - b. 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.

- c. If all participating governing bodies reach a consensus to approve a proposed amendment, substantively identical ordinances effecting the changes shall be adopted. When an amendment is not approved, it may not be re-initiated, except by one of the three governing bodies, for one year.
- 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. A Type III 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.
- f. 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.
- g. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures.
- h. A different process, time line, or both, than the processes and timelines specified in 8.b. through 8.g. above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated *Metro Plan* amendment.
- 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.
- 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.
- 11. Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.

Section 2. The findings set forth in attached Exhibit A are adopted as findings in support of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor, or upon the date that the Springfield City Council and

the Lane County Board of Commissioners have adopted substantially identical ordinances containing provisions as described in Section 1 of this Ordinance, whichever is later.

Passed by the City Council this

18th day of November, 2013.

Beeth Louest

City Recorder

Approved by the Mayor this

20 day of November, 2013.

Kitty Percy

Mayor