City Council
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EUGENE CITY COUNCIL AGENDA

November 4, 2013

5:30 p.m. **CITY COUNCIL WORK SESSION**
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

7:30 p.m. **CITY COUNCIL MEETING**
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of November 4, 2013;
Her Honor Mayor Kitty Piercy Presiding

Councilors

George Brown, President	Pat Farr, Vice President
Mike Clark	George Poling
Chris Pryor	Claire Syrett
Betty Taylor	Alan Zelenka

JOINT ELECTED OFFICIALS WORK SESSION WITH EUGENE CITY COUNCIL, SPRINGFIELD CITY COUNCIL AND LANE COUNTY BOARD OF COMMISSIONERS
Springfield City Hall

6:00 p.m. **A.** **WORK SESSION:**
Amendments to Chapter IV of the Eugene-Springfield Metropolitan

Area General Plan (Metro Plan)

JOINT ELECTED OFFICIALS PUBLIC HEARING WITH EUGENE CITY COUNCIL, SPRINGFIELD CITY COUNCIL AND LANE COUNTY BOARD OF COMMISSIONERS
Springfield CityHall

1. **PUBLIC HEARING:**
   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)

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

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El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010, or visit us online at www.eugene-or.gov

AGENDA ITEM SUMMARY	**Meeting Date:**	11/4/2013
	Meeting Type:	Work Session/Reg. Mtg
	Staff Contact/Dept.:	Mark Metzger/DPW
	Staff Phone No:	541-726-3775
	Estimated Time:	45 Minutes/30 Minutes
S P R I N G F I E L D C I T Y C O U N C I L	**Council Goals:**	Mandate

ITEM TITLE:	AMENDMENTS TO CHAPTER IV OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (*METRO PLAN*)
ACTION REQUESTED:	Hold a joint meeting with the elected officials of Eugene and Lane County to consider proposed amendments to Chapter IV of the *Metro Plan*. Conduct a first reading and public hearing concerning AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TEXT, CHAPTER IV; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
ISSUE STATEMENT:	The planning staffs and legal counsel for Eugene, Springfield and Lane County have prepared amendments to Chapter IV of the *Metro Plan* for the purpose of implementing ORS 197.304. The proposed amendments clarify each jurisdiction's role in future Metro Plan amendments and amendments to related documents.
ATTACHMENTS:	1. Proposed *Metro Plan* Chapter IV Amendments 2. Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV 3. Draft Ordinance with timelines 4. Draft Ordinance without timelines 5. Staff Report and Findings 6. Planning Commission Recommendation
DISCUSSION:	ORS 197.304 (HB 3337) established separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are needed to clarify which governing bodies will participate in decision making given the establishment of separate UGBs. The most significant changes to Chapter IV of the *Metro Plan* are: • Three types of *Metro Plan* amendments are established: Type I which may be enacted by the home city alone; Type II which requires the participation of the home city and Lane County; and Type III amendments requires the participation of all three jurisdictions. • The proposed amendments remove references to *Metro Plan* amendments with "regional impact." Removal of the regional impact language does not change similar language found in Chapter VI of the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) which provides for multi-jurisdictional review of public facility projects which have a significant impact on serving more than one jurisdiction. • When governing bodies do not reach consensus on a *Metro Plan* amendment, 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 for resolution, depending on how many governing bodies are participating in the decision. The Springfield Planning Commission conducted a joint public hearing on the Chapter IV amendments with Eugene and Lane County on October 15, 2013. Each of the Commissions voted to recommend approval of the amendments with certain recommended changes. These changes were incorporated in to the Proposed Chapter IV Amendments (Attachment 1). Staff notes, with respect to the recommendation to include timelines, that: (1) there is no statutory timeline for comprehensive plan amendments; (2) a timeframe might unnecessarily restrict the process of the decision makers; and (3) there is really no enforcement mechanism for the existing timelines. Eugene staff have not recommended the inclusion of such timelines. Council is being presented two draft ordinances for consideration: one including the timeline language and one without. It may be necessary to reconcile the two ordinances before final action.

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 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: **[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 all three governing bodies:

a. Type III 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 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.

~~4.~~ 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 ~~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 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 ~~I~~ III amendment may be initiated ~~at the discretion of any one of~~ by any one of the three governing bodies ~~(Note: this correction reflects adopted ordinance and code.)~~ at any time.

~~c.~~ 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. **[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.]**

c. 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. 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. **[Derived in part from former Policy 6.]**

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. **[Derived in part from former Policy 7.]**

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. **[Derived from former Policy 8.]**

g. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures. **[Derived from former Policy 9.]**

h. Quasi-judicial Metro Plan amendments shall be decided within 120 days of initiation. Legislative Metro Plan amendments will be decided within 180 days of initiation. **[Derived from former Policy 6.]**

i. A different process, time line, or both, than the processes and timelines specified in 8b. through h. 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. Refinement plans developed by one jurisdiction shall be referred to the other two jurisdictions for their review. Either of the two referral jurisdictions may determine that an amendment to the *Metro Plan* is required.~~

~~14.~~ 11. Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.

Metro Plan Chapter IV: Metro Plan Review, Amendments, and Refinements
Summary of Proposed Changes

Topic		Current *Metro Plan*	Proposed Change	Rationale
Amendment Types: Process		• Amendments are classified as Type I or Type II (See below under amendment types: decision makers) • Decision making process does not follow amendment types (i.e. Some Type I amendments require participation of all three governing bodies, some only require participation of two).	• Expand to three Amendment Types (I, II and III) • Align Amendment Types with the number of jurisdictions requires to approve the amendment. Type I amendments require participation of just the home city; Type II amendments require the participation of the home city and Lane County; and Type III amendments require the participation of three governing bodies.	• Makes *Metro Plan* consistent with HB 3337. • Amendment types are defined by the participants required for decision making. • Responds to the establishment of separate UGBs. • Defines when jurisdictions may act alone as a home city and when the County and or the non-home city may participate.
Amendment Types: Decision Maker	Any change to the UGB or Metro Plan boundary; (currently Type I)	• All three governing bodies must approve a site specific UGB or *Metro Plan* Boundary adjustments that cross the Willamette or McKenzie Rivers or that crosses over a ridge into a new basin. • The home city and Lane County must approve a site specific UGB expansion or Plan boundary adjustment between city limits and plan boundary. Non-home city receives referral and may participate as decision make if determine regional impact (see below).	• All three governing bodies must approve amendments of the common UGB along I-5 and for UGB or *Metro Plan* Boundary changes that cross I-5. • The home city and Lane County participate in a UGB or plan boundary amendment east or west I-5 that is not described above.	• Narrows the opportunity of the none-home city to participate in UGB decisions by the home city and the County.
	Any change that requires a goal exception to be taken under Statewide Planning Goal 2 that is not related to the UGB expansion (Currently Type I)	All three governing bodies must approve amendments that involve a goal exception not related to a UGB expansion.	This section is removed.	Actions requiring an exemption to Statewide Planning Goals that are not related to a UGB expansion are very rare. The goal exception to Statewide Planning Goal 15—Willamette River Greenway to for construction of the new I-5 Bridges and adjoining bike viaduct is the only one requested in recent memory. Virtually all goal exceptions are sought for UGB expansions or for the development of resource lands in rural areas.
	Any amendment to the *Metro Plan* text that is not site specific or any change to a Fundamental Principle in Chapter II (Currently Type I)	All three governing bodies must approve.	Add changes to the Metro Plan's Fundamental Principles to list of Type I non site specific text amendments requiring the approval of all three jurisdictions.	The Fundamental Principles found in Chapter II of the *Metro Plan* set forth the basic concepts of the *Plan*. The Principles are not site specific. Changing one or more of them fit the definition of a Type I amendment.
	Any change to the *Metro Plan* Diagram or *Metro Plan* text that is site specific and not otherwise a Type I amendment (Currently Type II)	Home City must approve	No change	Changes to the *Metro Plan* that are not site specific would affect all jurisdictions. Participation of all jurisdictions is appropriate for such amendments.
	Amendments to a regional transportation system plan, or a regional public facilities plan,	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. Chapter VI of the *Eugene Springfield Metropolitan Area Public Facilities*	Either the home city, the home city and Lane County, or all three governing bodies shall approve changes to the *Metro Plan* as required by the amendment type (Type I, II, or III). Plans with their own amendment provisions shall be governed by those provisions. The *Public Facilities Plan*, for example, contains its own amendment provisions which are not affected by the	Consistent with the establishment of Type I, II, and III amendments, changes to TransPlan, functional plans or special area plans shall follow the amendment process dictated by the amendment type. Plans which have their own amendment provisions are not affected by these changes.

		and Services Plan (*Public Facilities Plan*) contains amendment provisions which are specific to that plan. Those provisions are not changed by these amendments.	proposed changes to Chapter IV.	
	Creation of new *Metro Plan* designations and amendment of existing designation descriptions that apply only within the city limits of the home city.	All three jurisdictions must approve text amendments which are non-site specific. Creation of a new Metro Plan designation is a text amendment which is non-site specific.	Home city.	The proposed change amendments will allow a home city to independently approve new Metro Plan designations which apply only within its city limits.
Regional Impact		An amendment will be considered to have Regional Impact if: • It will require an amendment to a jointly adopted functional plan [*Eugene- Springfield Metropolitan Area Transportation Plan* (*TransPlan*), *Eugene- Springfield Metropolitan Area Public Facilities and Services Plan* (*Public Facilities Plan*), etc.] in order to provide the subject property with an adequate level of urban services and facilities; or • It has a demonstrable impact on the water, storm drainage, wastewater, or transportation facilities of the non-home city; or • 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.	Language referencing "Regional Impact" is removed from Chapter IV.	Removal of the regional impact language does not change Chapter VI of the *Public Facilities Plan* which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. A *Metro Plan* amendment which causes a significant impact on public facilities will be subject to the provisions of Chapter VI. Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the *Public Facilities Plan.* The establishment of separate UGBs has prompted each city to establish their own inventories of residential, commercial and industrial Lands. The proposed change allows cities to act independently to add or subtract land from their inventories so long as these amendments do not significantly impact public facilities outside of their jurisdiction.
Conflict Resolution		When there is no consensus on an amendment (such as when one jurisdiction approves and the other does not), the amendment is referred to the Metropolitan Policy Committee (MPC) for additional study, conflict resolution and recommendation back to the governing bodies.	For Type II amendments, the amendments shall be referred to the Chair of the Board and the Mayor of the home city. For a Type III amendment where there is no consensus, the amendment shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Eugene and Springfield for examination of the issue(s) in dispute and recommendation back to the governing bodies.	The MPC is comprised of two elected officials each from Eugene, Springfield, and Lane County. When the MPC is considering metropolitan transportation matters, the two members of the Lane Transit District (LTD) Board serve as voting members. The change provides more flexibility for decision makers to determine a conflict resolution method that is tailored to the specific situation.
Timelines		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.	Quasi-judicial Metro Plan amendments shall be decided within 120 days of initiation. Legislative Metro Plan amendments will be decided within 180 days of initiation.	Staff notes, with respect to the recommendation to include timelines that: (1) there is no statutory timeline for comprehensive plan amendments; (2) a timeframe might unnecessarily restrict the process of the decision makers; and (3) there is really no enforcement mechanism for the existing timelines.

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

WHEREAS, 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.

WHEREAS, Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) sets forth procedures for amendment of the Metro Plan, which for Springfield are implemented by provisions of Section 5.14-100 of the Springfield Development Code; and

WHEREAS, following an October 15, 2013 joint public hearing with the Eugene and Lane County Planning Commissions, the Springfield Planning Commission, voted to recommended amendments to Chapter IV of the Metro Plan amendments to the Springfield City Council; and

WHEREAS, the City Council conducted a joint public hearing on this amendment on November 4, 2013, with the Eugene 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; and

WHEREAS, substantial evidence exists within the record demonstrating that the proposal meets the requirements of the Metro Plan, Springfield Development 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 Common Council of the City of Springfield does ordain as follows:

Section 1: Chapter IV of the Eugene-Springfield Metropolitan Area General Plan is now 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 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 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. Quasi-judicial Metro Plan amendments shall be decided within 120 days of initiation. Legislative Metro Plan amendments will be decided within 180 days of initiation.

   i. A different process, time line, or both, than the processes and timelines specified in 8b. through 8h. 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 by Section 2.110 of the Springfield Municipal Code 1997, 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 date the Eugene City Council and the Lane County Board of Commissioners have adopted ordinances containing identical provisions to those described in Sections 1 of this Ordinance.

Adopted by the Common Council of the City of Springfield this ____ day of November, 2013 by a vote of _____ in favor and _____ against.

Approved by the Mayor of the City of Springfield this _____ day of November, 2013.

_____

Mayor

ATTEST:

_____

City Recorder

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

WHEREAS, 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.

WHEREAS, Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) sets forth procedures for amendment of the Metro Plan, which for Springfield are implemented by provisions of Section 5.14-100 of the Springfield Development Code; and

WHEREAS, following an October 15, 2013 joint public hearing with the Eugene and Lane County Planning Commissions, the Springfield Planning Commission, voted to recommended amendments to Chapter IV of the Metro Plan amendments to the Springfield City Council; and

WHEREAS, the City Council conducted a joint public hearing on this amendment on November 4, 2013, with the Eugene 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; and

WHEREAS, substantial evidence exists within the record demonstrating that the proposal meets the requirements of the Metro Plan, Springfield Development 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 Common Council of the City of Springfield does ordain as follows:

Section 1: Chapter IV of the Eugene-Springfield Metropolitan Area General Plan is now 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 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 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 8b. through 8g. 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 by Section 2.110 of the Springfield Municipal Code 1997, 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 date the Eugene City Council and the Lane County Board of

Commissioners have adopted ordinances containing identical provisions to those described in Sections 1 of this Ordinance.

Adopted by the Common Council of the City of Springfield this ____ day of November, 2013 by a vote of _____ in favor and _____ against.

Approved by the Mayor of the City of Springfield this _____ day of November, 2013.

_____

Mayor

ATTEST:

_____

City Recorder

Metro Plan Chapter IV Amendments
Staff Report and Findings
November 4, 2013

Applicants:	**Local File Numbers:**
City of Springfield (initiated the amendment) City of Eugene Lane County	Springfield File No. TYP411-0001 Eugene File No. MA 13-3 Lane County File No. 509-PA13-05171
Request: To amend Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) to reflect the establishment of separate Urban Growth Boundaries as required by Oregon Revised Statute 197.304	**ProcedureType:** Type I *Metro Plan* Amendment
Attachments: Attachment 1: Proposed *Metro Plan* Chapter IV Amendments. Attachment 2: Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV. Attachment 3: Recommendations of the Eugene, Springfield and Lane County Planning Commissions	

I. Executive Summary

The goal of *Metro Plan* Chapter IV (titled *Metro Plan* Review, Amendments and Refinements) is to "ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community." ORS 197.304 (HB 3337) required the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are necessary to make the *Metro Plan* consistent with the statute and to clarify which governing bodies will participate in decision making. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

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

- Three types of *Metro Plan* amendments are established: Type I which may be enacted by the home city alone; Type II which requires the participation of the home city and Lane County; and Type III amendments requires the participation of all three jurisdictions. The current policy defines only two types of amendments. Under the amended Chapter IV, adoption of the Springfield 2030 Plan and other Springfield-specific amendments would be a Type I or Type II decision approved with the participation of the City alone or the City and Lane County.

- Currently, all three governing bodies must approve a site specific UGB or Metro Plan Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross 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.The proposed amendments remove references to *Metro Plan* amendments with "regional impact." Removal of the regional impact language does not impact similar language that is found in Chapter VI of the Eugene-Springfield Metropolitan Area Public

Facilities and Services Plan (*Public Facilities Plan*) which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the *Public Facilities Plan.*

- 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 for further examination. The purpose of this proposed change to Ch IV is to provide a conflict resolution mechanism that is flexible enough to apply to different types of situations and specifically involves the appropriate decision makers.

The proposed amendments do not change the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed amendments refine the amendment process to reflect the existence of separate UGBs.

The Springfield Planning Commission conducted a joint public hearing on the Chapter IV amendments with Eugene and Lane County on October 15, 2013. Each of the Commissions voted to recommend approval of the amendments with certain recommended changes. These changes were incorporated in to the Proposed Chapter IV Amendments (Attachment 1). Staff notes, with respect to the recommendation to include timelines that: (1) there is no statutory timeline for comprehensive plan amendments; (2) a timeframe might unnecessarily restrict the process of the decision makers; and (3) there is really no enforcement mechanism for the existing timelines.

Eugene staff have not recommended the inclusion of such timelines and, accordingly, it will be necessary to reconcile the two ordinances before final action. The specific recommendations of each Commission are contained in the Staff Report and Findings (Attachment 4).

Conclusion and Recommendation of Staff

This report includes findings demonstrating conformance with the criteria for approving *Metro Plan* amendments found in Section 5.14-135(C) of the Springfield Development Code. Section 5.14-135 (C) states:

"1. The amendment shall be consistent with the relevant Statewide planning goals adopted by the Land Conservation and Development Commission; and

2. Adoption of the amendment shall not make the *Metro Plan* internally inconsistent."

The same criteria for approving a *Metro Plan* amendment are found in Eugene Code 9.7730(3) and Section 12.225(2) (a&b) of the Lane Code. Based on the findings of staff with respect to the approval criteria cited above, staff find the proposed text amendments to Chapter IV the *Metro Plan* to be consistent with these criteria and recommend approval of the amendment.

II. Procedural Requirements

Procedural requirements for *Metro Plan* amendments are described in Chapter IV. The amendment procedures are reflected in each jurisdiction's local land use codes. Sections 5.2-115, 5.4-135 and 5.4-140 of the Springfield Development Code, and sections 9.7700 through 9.7750 of the Eugene Code, and Lane Code Chapter 12.220 through 12.225 and 12.240 contain the amendment procedures and policies found in Chapter IV of the *Metro Plan*.

Findings:

Finding #1. Section 5.14-115 of the Springfield Development Code (SDC), Eugene Code (EC) 9.7700, and Lane Code 12.205 includes definitions of two types of amendments to the *Metro Plan*. Section 5.14-115 (B.) and EC 9.7700(1) describes a Type I amendment as one which includes changes to the urban growth boundary or the jurisdictional boundary of the plan, requires a goal exception not related to a UGB expansion, or is a non-site specific amendment of the Plan text. This proposal is a non-site specific text amendment to the *Metro Plan*. By the definition found in SDC Section 5.14-115, EC 9.7700(1) and Lane Code 12.205, this proposal is a Type I amendment.

Finding #2. SDC Section 5.14-120 (1) states that a Type I non-site specific text amendment to the *Metro Plan* may be initiated by any of the three governing bodies. This *Metro Plan* amendment was initiated by a motion of the Springfield City Council on March 18, 2013.

Finding #3. A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on August 30, 2013.

Finding #4. SDC 5.14-135, EC 9.7730(1) (b) and LC 12.225 (1) (a) (i) states that to become effective, "a non-site specific *Metro Plan* Type I amendment shall be approved by all three governing bodies."

Finding #5. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 15, 2013. The Joint Planning Commissions met on that date. No testimony was offered at the hearing. Each Commission voted to recommend that their respective elected bodies approve the Chapter IV amendments with some changes.

Finding #6. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 4, 2013.

Finding #7. SDC Section 5.2-115 (B), EC 9.7745(3), LC 12.025(2) and LC 12.040(2) require that proposed land use actions be advertised in a newspaper of general circulation, providing information about the legislative action and the time, place and location of the hearing.

Finding #8. Notice of the public hearings concerning this matter was published on September 26, 2013 in the Register Guard, advertising hearing before the Joint Planning Commissions on October 15, 2013. A second notice was published in the Register Guard on October 17, 2013 advertising the November 4, 2013 public hearing with the Eugene and Springfield City Councils and the Lane County Board of Commissioners. The content of the notices followed the direction given in SDC Section 5.2-115 B, EC 9.7735(3), LC 12.025(2) and LC 12.040(2).

Finding #9. Information concerning the proposed amendments to the *Metro Plan* Chapter IV and the dates of the public hearings were posted on the City of Springfield and the City of Eugene websites. These web sites routinely include information about upcoming and continuing planning matters. Agenda notice and or agenda packets are routinely provided (primarily by e-mailed) to many interested parties who have asked for such notification by Eugene, Springfield and Lane County. Those notified include local media outlets and newspapers, local utilities, school districts and partner agencies, local state representatives, the Eugene and Springfield Chambers of Commerce, the Lane Homebuilders Association, as well as various neighborhood groups and leaders. In addition, staff made informal contact with 1000 Friends of Oregon and other local stakeholders who were thought to have an interest in the amendments.

Conclusion:

The procedural requirements described in SDC Sections 5.2-115, 5.4-135 and 5.4-140, EC 9.7745 and EC 9.7735(3) and LC 12.210 through LC 12.245 have been followed. Notice requirements established by DLCD for amending the Development Code have also been followed.

III. Decision Criteria and Findings

SDC Section 5.14-135 C, EC 9.7730(3) and LC 12.225 (2) describe the criteria to be used in approving an amendment to the *Metro Plan*. In reaching a decision, the Planning Commissions and the City Councils and County Commissioners must adopt findings which demonstrate that the proposal meets certain approval criteria. These criteria and findings are shown below.

Criterion #1 "The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission."
Findings:

Goal 1 – Citizen Involvement. **Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."**

Finding #10. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 15, 2013. The Joint Planning Commissions met on that date. No testimony was offered at the hearing. Each Commission voted to recommend that their respective elected bodies approve the Chapter IV amendments with some changes. These changes were incorporated in to the Proposed Chapter IV Amendments (Attachment 1). Staff notes, with respect to the recommendation to include timelines that: (1) there is no statutory timeline for comprehensive plan amendments; (2) a timeframe might unnecessarily restrict the process of the decision makers; and (3) there is really no enforcement mechanism for the existing timelines. Eugene staff have not recommended the inclusion of such timelines and, accordingly, it will be necessary to reconcile the two ordinances before final action. The specific recommendations of each Commission are contained in the Staff Report and Findings (Attachment 4).

Finding #11. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 4, 2013.

Finding #12. Notice of the public hearings concerning this matter was published on September 26, 2013 in the Register Guard, advertising hearing before the Joint Planning Commissions on October 15, 2013. A second notice was published in the Register Guard on October 17, 2013 advertising the November 4, 2013 public hearing with the Eugene and Springfield City Councils and the Lane County Board of Commissioners. The content of the notices followed the direction given in SDC Section 5.2-115 B, EC 9.7735(3), LC 12.025(2) and LC 12.040(2). Information concerning the proposed amendments to the *Metro Plan* Chapter IV and the dates of the public hearings were posted on the City of Springfield and the City of Eugene websites. These web sites routinely include information about upcoming and continuing planning matters. Agenda notice and or agenda packets are routinely provided (primarily by e-mailed) to many interested parties who have asked for such notification by Eugene, Springfield and Lane County. Those notified include local media outlets and newspapers, local utilities, school districts and partner agencies, local state representatives, the Eugene and Springfield Chambers of Commerce, the Lane Homebuilders Association, as well as various neighborhood groups and leaders. In addition, staff made informal contact with 1000 Friends of Oregon and other local stakeholders who were thought to have an interest in the amendments.

Goal 2 – Land Use Planning. **Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted.**

Finding #13. Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) is the acknowledged comprehensive plan that guides land use planning in Springfield, Eugene and Lane County.

Finding #14. The goal of Chapter IV of the *Metro Plan* is to "Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes."

Finding #15. ORS 197.304 (HB 3337) requires the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are needed to clarify which governing bodies will participate in decision making given the establishment of separate UGBs. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

Finding #16. The proposed changes preserve the *Metro Plan* as the acknowledged comprehensive plan for the Eugene-Springfield area. The amendments Chapter IV implement changes stemming from ORS 197.304. The most significant changes to Chapter IV of the *Metro Plan* are summarized below.

- Three types of *Metro Plan* amendments are established: Type I which may be enacted by the home city alone; Type II which requires the participation of the home city and Lane County; and Type III amendments requires the participation of all three jurisdictions. The current policy defines only two types of amendments. Under the amended Chapter IV, adoption of the Springfield 2030 Plan and other Springfield-specific amendments would be a Type II decision approved with the participation of the City and Lane County.

- Currently, all three governing bodies must approve a site specific UGB or *Metro Plan* Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross over a ridge into a new

basin. The proposed amendments would instead require all three governing bodies approve amendments of the common UGB along I-5 and for UGB or *Metro Plan* Boundary changes that cross I-5.

- The proposed amendments remove references to *Metro Plan* amendments with "regional impact." Removal of the regional impact language does not change similar language that is found in Chapter VI of the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the *Public Facilities Plan.*

- 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 proposed amendments do not change the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed amendments refine the amendment process to reflect the existence of separate UGBs.

Goal 3 – Agricultural Land. **Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.**

Finding #17. This goal generally does not apply within adopted, acknowledged urban growth boundaries. The *Metro Plan* Diagram describes an Agriculture designation (*Metro Plan* II-G-9). The amendments do not change *Metro Plan* policies concerning the Agriculture designation. The amendments do not change the policies or standards regulating Eugene's Agricultural Zone (EC 9.2000) or Lane County's Exclusive Farm Use Zone (LC 16.212) within the *Metro Plan* Boundary. The City of Springfield does not have an agricultural zoning district.

Finding #18. The Environmental Resources Element includes policies addressing the use and preservation of agricultural lands (*Metro Plan* III-C-3). The proposed Chapter IV amendments do not change these policies.

Goal 4 – Forest Land. **This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."**

Finding #19. This goal does not generally apply within adopted, acknowledged urban growth boundaries. The *Metro Plan* Diagram describes a Forest Lands designation. The proposed amendments do not change *Metro Plan* policies concerning the Forest lands designation. Neither Springfield nor Eugene has a forest zoning district. Lane County has Impacted and Non-Impacted Forest Zones (LC 16.211, LC 16.211). The proposed Chapter IV amendments do not change the County policies or standards governing these districts.

Finding #20. The Environmental Resources Element includes policies addressing the use and preservation of forest lands (*Metro Plan* III-C-5). The proposed Chapter IV amendments do not change these policies.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. **Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated.**

Finding #21. The *Metro Plan* Environmental Resources and Historic Preservation Elements contain policies (*Metro Plan* pgs. III-C-3, III-I-2) addressing Goal 5 resource protection. Eugene and Springfield have policies regulating the inventory and protection of Goal 5 resources in their respective development codes. The proposed Chapter IV amendments do not change the resource policies or protections found in the *Metro Plan* or in the Eugene and Springfield development codes.

Finding #22. OAR 660-023-0250 (3) narrows the applicability of Statewide Planning Goal 5 to comprehensive plan amendments (PAPA):

(3) 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.

Subsections (a) through (c) above are not applicable to this request as the proposed Chapter IV amendments do not create or amend a list of Goal 5 resources, do not amend a plan or 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 conflict with Goal 5 and do not amend the acknowledged Urban Growth Boundary. Based on OAR 660-023-0250, Goal 5 is not applicable to the proposed amendments.

Goal 6 – Air, Water and Land Resources Quality. **This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.**

Finding #23. The *Metro Plan* Environmental Resources Element (*Metro Plan* pg. III-C-14) contains polices addressing air, water and land resources quality. The proposed amendment to Chapter IV will not alter the metropolitan area's air, water quality or land resource policies. Eugene and Springfield have regulatory standards that protect air, water and land resources in their respective development codes. The proposed amendments do not change these standards.

Goal 7 – Areas Subject to Natural Disasters and Hazards. **Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.**

Finding #24. The *Metro Plan* Environmental Resources Element contains policies addressing natural hazards (*Metro Plan* pg. III-C-15). The proposed Chapter IV amendments do not change these policies. All known sites within Eugene and Springfield that are subject to these hazards (floodplain, erosion, landslides, earthquakes, and weak foundation soils) are inventoried through a variety of sources. The proposed *Metro Plan* text amendment does not remove or exempt compliance with Code standards that apply to development within these hazard areas.

Goal 8 – Recreational Needs. **This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.**

Finding #25. The *Metro Plan* Park and Recreation Facilities Element contains policies addressing recreational needs (*Metro Plan* pg. III-H-4). The proposed Chapter IV amendments do not change these policies.

Finding #26. Parks and recreation facilities and programs are administered by park and recreation agencies in Eugene and Lane County and by two park and recreation districts (River Road Park and Recreation District and Willamalane Park and Recreation District). Willamalane serves the greater Springfield area. River Road serves the River Road neighborhood in the North Eugene. These amendments do not affect either city's provisions for recreation areas, facilities or recreational opportunities.

Goal 9 – Economic Development. **Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.**

Finding #27. The *Metro Plan* Economic Element contains policies (*Metro Plan* pg. III-B-4) addressing economic development. Eugene, Springfield and Lane County adopted the *Metropolitan Industrial Lands Inventory Report* and *Metropolitan Industrial Lands Policy Report* in 1993. These reports provided the jurisdictions with a database and policy recommendations needed to plan for an adequate and appropriate supply of industrial land. The proposed Chapter IV amendment does not change these policies.

Finding #28. The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the *Metro Plan*, and complies with the requirements of Goal 9 and its Administrative Rule. The Springfield Commercial Lands Study was adopted in February 2000 as a policy document to guide the provision of commercial land within in its planning jurisdiction. 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. **This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.**

Finding #29. The *Metro Plan* Residential Land Use and Housing Element addresses the housing needs of current and future residents of the metropolitan area. The Element includes a projection of housing need based on a coordinated population projection and polices (*Metro Plan* pg. III-A-7) aimed at meeting the calculated need. The proposed Chapter IV amendments will not reduce available housing capacity and will not impact needed housing.

Lane County has adopted a coordinated population projection for the Eugene and Springfield through the year 2030. Projections of needed housing are based in part of this projection. Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The proposed amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 11 – Public Facilities and Services. **Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.**

Finding #30. The Eugene-Springfield Metropolitan Public Services and Facilities Plan (PFSP) is a refinement plan of the *Metro Plan* that guides the provision of public infrastructure, including water, sewer, storm water management, and electricity. The proposed Chapter IV amendments do not affect either city's provision of public facilities and services.

Goal 12 – Transportation. **The goal aims to provide "a safe, convenient and economic transportation system."**

TransPlan (2002) is Eugene-Springfield's local Transportation System Plan and is a functional plan of the *Metro Plan*. TransPlan provides policies addressing transportation facilities and policies for the Eugene-Springfield Metropolitan Area. 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.

The proposed amendments do not change the functional classification of an existing or planned transportation facility, do not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access with are inconsistent with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP. The level of development currently permitted through existing code and zoning regulations will remain the same as a result of this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation. **Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."**

Finding #31. The *Metro Plan* Energy Element deals with the conservation and efficient use of energy in the metropolitan area and is meant to provide a long-range guide to energy-related decisions concerning physical development and land uses. The Element contains policies (*Metro Plan* pg. III-J-3) which support Goal 13. The proposed *Metro Plan* Chapter IV text amendments do not change these policies and will not have a direct impact on efforts to conserve energy.

Goal 14 – Urbanization. **This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.**

Finding #32. The *Metro Plan* "Fundamental Principles and Growth Management Policy" contains growth management and urbanization sections (Sections C and E, pgs. II-C-3 and II-E-1). The proposed Chapter IV amendments do not change the policies contained in these sections.

Goal 15 – Willamette River Greenway. **Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.**

Finding #33. The *Metro Plan* Willamette River Greenway, River Corridors and Waterways Element includes policies for administering the Willamette River corridor as it passes through the Eugene-Springfield area. The proposed Chapter IV amendments do not change these policies.

Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Finding #34. There are no coastal, ocean, estuarine, or beach and dune resources within the Eugene or Springfield Urban Growth Boundaries or the *Metro Plan* Boundary. These goals do not apply to this proposal.

Conclusion: The proposed amendments to Chapter IV of the *Metro Plan* are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission.

Criterion #2. "Adoption of the amendment must not make the Metro Plan internally inconsistent."

Findings:

Finding #35. The Introduction to the *Metro Plan* (*Metro Plan* pg. I-3) states that "Chapter IV of the *Metro Plan* establishes the procedures for ensuring that the *Metro Plan* retains its applicability to changing circumstances in the community. It includes procedures and time schedules for reviewing and updating the *Metro Plan*, provides procedures for amending it and resolving conflicts, and recognizes that refinement will be necessary where conflicts exist."

Finding #36. *Metro Plan* Chapter II, "Fundamental Principles and Growth Management Policy Framework, lists various Metropolitan Goals. The goal for *Metro Plan* Review, Amendments, and Refinements states: "Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community (*Metro Plan* pg. II-B-3).

Finding #37. The proposed amendments support the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to change in the community. The proposed amendments to Chapter IV modify the procedures by which amendments to the *Metro Plan* are processed.

Conclusion: The proposed *Metro Plan* text amendments do not make the *Metro Plan* internally inconsistent.

V. Conclusion and Recommendation of Staff

Based on the findings of staff with respect to the criteria defined in Section 5.14-135 C of the Springfield Development Code and EC 9.7730(3) Lane Code 12.225 (2) for approving a *Metro Plan* amendment; staff find the proposed text amendment to Chapter IV of the *Metro Plan* to be consistent with these criteria and recommend approval of the amendment.

VI. Attachments

Attachment 1: Proposed *Metro Plan* Chapter IV Amendments.
(Attachment 1 to the Agenda Item Summary, November 4, 2013)
Attachment 2: Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV.
(Attachment 2 to the Agenda Item Summary, November 4, 2013)
Attachment 3: Recommendations of the Eugene, Springfield and Lane County Planning Commissions

Attachment 1
Proposed *Metro Plan* Chapter IV Amendments
(Attachment 1 to the Agenda Item Summary, November 4, 2013)

Attachment 2
Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV
(Attachment 2 to the Agenda Item Summary, November 4, 2013)

Attachment 3
Recommendations of the Eugene, Springfield and Lane County Planning Commissions

The Planning Commissions for Eugene, Springfield and Lane County met jointly on October 15 in work session and then conducted a public hearing to consider the proposed Metro Plan Chapter IV amendments. The Planning Commissions deliberated separately and each voted on the proposed amendments. Eugene, Springfield and Lane County each voted to recommend that their elected officials approve the Metro Plan Chapter IV amendments with changes. Each Commission listed their recommended changes separately. While the Commissions deliberated separately, many of the recommendations overlapped in content with the other bodies. Staff has integrated the recommended changes into the Proposed Metro Plan Amendments (Attachment 1). Shown below are the specific recommendations provided by each of the Planning Commissions.

Eugene Planning Commission

The Eugene Planning Commission voted 7-0 to recommend to the Eugene City Council the adoption of the proposed Amendments to the Metro Plan Chapter IV with the following changes:

- At 7a, add "by **any one of** the three governing bodies…"
- At 7b and 7c, Staff to correct wording to clarify.
- At 7e, change wording to "Metro Plan, although ~~the~~ **any** governing ~~bodies~~ **body** may initiate…"
- At 8, add wording that timelines in Type I and Type II amendments be established, at one to two years, and all participating governing bodies must agree to any extension. *(Passed 4-3 in concept and 5-2 as worded. The 4-3 vote reflects reluctance by 3 commissioners to have any timelines.)*
- At 8 generally, add a requirement that in all proposed Metro Plan Amendments, the governing body or bodies initiating an amendment shall notify all other governing bodies of the intended amendment and Type of amendment proposed. In the event there is not consensus regarding such Type determination, the same referral process outlined in 8c through 8e shall be undertaken.
- At 11, change wording to "Refinement plans ~~developed~~ **adopted** by one…"
- **General**: recommend changing Type I to mean only requiring one governing body Type II, two governing bodies and Type III all three governing bodies.

Lane County Planning Commission

The Lane County Planning Commission recommended Approval of Ordinance No. PA 1300 with the following changes:

- Modify Policy 7 (a) "A Type I amendment may be initiated by **any of** the three governing bodies.
- Modify Policy 7 (e) "Metro Plan updates shall be initiated no less frequently than during the state required Periodic Review of the Metro Plan, although **any of** the governing bodies may initiate an update of the Metro Plan.
- Replace policy 11 with new notification language something like this: "The initiating body of any Type 1, II, or III metro plan amendment shall send notice to the other two governing bodies."
- Add more detail to the findings (10, 11, and 12) associated with Criterion #1, Goal 1 Citizen Involvement.

Springfield Planning Commission

Ms. Bean, seconded, by Ms. Sallady, moved that the Springfield Planning Commission recommend to the City Council that the City Council approve with the following specific recommendations:

- Keep some form of a timeline for the process in place
- Revisit the conflict resolution to include not only the Mayor and the Chair of the BCC, or a designee by the Mayor and Chair of the BCC; or, that they as a body, vote on who to send to resolve the conflict.

Before the Planning Commission
Of the
City of Springfield

METRO PLAN CHAPTER IV AMENDMENTS] **RECOMMENDATION TO THE**
] **CITY COUNCIL**

NATURE OF THE APPLICATION

This proposal amends *Metro Plan* Chapter IV to make it consistent with ORS 197.304 (HB 3337) and to clarify which governing bodies will participate in decision making. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

1. On March 18, 2013, the Springfield City Council initiated the proposed *Metro Plan* amendment in accordance with Section 5.14-120 (1) of the Springfield Development Code (SDC).

2. Notice of the public hearing concerning this matter was published on Thursday, September 26, 2013 in the Eugene Register Guard, advertising a joint hearing before the Eugene, Springfield and Lane County Planning Commissions on October 15, 2013. The content of the notice followed the direction given in Section 5.2-115 of the SDC for legislative actions.

3. On October 15, 2013, a public hearing concerning the proposed amendments to Chapter IV of the *Metro Plan* was held before the City of Springfield Planning Commission in conjunction with the Eugene and Lane County Commissions. The Staff Report and recommendation together with the testimony and submittals of the persons testifying at the hearing have been entered in the public record and have been considered during this proceeding.

CONCLUSION

On the basis of this record, the proposed amendments to Chapter IV of the *Metro Plan*, as submitted, are consistent with the approval criteria found in SDC Section 5.14-135 C. This general finding is supported by the specific findings of fact and conclusions in the attached Staff Report and Findings.

RECOMMENDATION

The Planning Commission hereby recommends to the City Council to approve the request as recommended herein at their October 15, 2013 meeting.

ATTEST: Planning Commission Chairperson

AYES: 6
NOES: 0
ABSTAIN: 0

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Joint Elected Officials Public Hearing: 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)

Meeting Date: November 4, 2013 | Agenda Item Number: 1
Department: Planning and Development | Staff Contact: Alissa Hansen
www.eugene-or.gov | Contact Telephone Number: 541-682-5508

ISSUE STATEMENT
The topic of this joint public hearing 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 require the participation of all three jurisdictions; Type II requires the participation of the home city and Lane County; and Type III amendments may be enacted by the home city alone. 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. These provisions allow for the non-home city elect to become a decision-maker if the city council determines the amendment has regional impact (as defined by the Metro Plan). Removal of the regional impact provision does not change similar language found in the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. There is no known instance when regional impact provisions have been invoked. Given the recent action to make the Metro Plan boundary co-terminus with Springfield's urban growth boundary, there is even less likelihood of this provision being invoked.

- ***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.

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 B).

COUNCIL OPTIONS

No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled for November 18, 2013.

CITY MANAGER'S RECOMMENDATION
This item is scheduled for a public hearing only. Following the City's receipt of all testimony, the City Manager will make a recommendation to be included in the council packet for action on November 18, 2013.

SUGGESTED MOTION
No motion is proposed as this item is scheduled for a public hearing only. Following the City's receipt of all testimony, the City Manager will make a recommendation and associated motion to be included in the council packet for action on November 18, 2013.

ATTACHMENTS
A. Springfield Agenda Item Summary with Attachments
B. City of Eugene Ordinance and Findings

FOR MORE INFORMATION
Staff Contact: Alissa Hansen
Telephone: 541-682-5508
Staff E-Mail: alissa.h.hansen@ci.eugene.or.us

AGENDA ITEM SUMMARY	**Meeting Date:**	11/4/2013
	Meeting Type:	Work Session/Reg. Mtg
	Staff Contact/Dept.:	Mark Metzger/DPW
	Staff Phone No:	541-726-3775
	Estimated Time:	45 Minutes
S P R I N G F I E L D C I T Y C O U N C I L	**Council Goals:**	Mandate

ITEM TITLE:	AMENDMENTS TO CHAPTER IV OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (*METRO PLAN*)
ACTION REQUESTED:	Hold a joint meeting with the elected officials of Eugene and Lane County to consider proposed amendments to Chapter IV of the *Metro Plan*. Conduct a first reading and public hearing concerning AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TEXT, CHAPTER IV; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
ISSUE STATEMENT:	The planning staffs and legal counsel for Eugene, Springfield and Lane County have prepared amendments to Chapter IV of the *Metro Plan* for the purpose of implementing ORS 197.304. The proposed amendments clarify each jurisdiction's role in future Metro Plan amendments and amendments to related documents.
ATTACHMENTS:	1. Proposed *Metro Plan* Chapter IV Amendments 2. Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV 3. Springfield Adopting Ordinance 4. Staff Report and Findings 5. Planning Commission Recommendation
DISCUSSION:	ORS 197.304 (HB 3337) established separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are needed to clarify which governing bodies will participate in decision making given the establishment of separate UGBs. The most significant changes to Chapter IV of the *Metro Plan* are: • Three types of *Metro Plan* amendments are established: Type I which may be enacted by the home city alone; Type II which requires the participation of the home city and Lane County; and Type III amendments requires the participation of all three jurisdictions. • The proposed amendments remove references to *Metro Plan* amendments with "regional impact." Removal of the regional impact language does not change similar language found in Chapter VI of the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) which provides for multi-jurisdictional review of public facility projects which have a significant impact on serving more than one jurisdiction. • When governing bodies do not reach consensus on a *Metro Plan* amendment, 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 for resolution, depending on how many governing bodies are participating in the decision. The Springfield Planning Commission conducted a joint public hearing on the Chapter IV amendments with Eugene and Lane County on October 15, 2013. Each of the Commissions voted to recommend approval of the amendments with certain recommended changes. These changes were incorporated in to the Proposed Chapter IV Amendments (Attachment 1) with the exception of the Commission recommendations to add back timelines for processing amendments that were removed from the attached proposal. Staff do not recommend the inclusion of timelines since: (1) there is no statutory timeline for comprehensive plan amendments; (2) a timeframe would unnecessarily restrict the process of the decision makers; and (3) there is really no enforcement mechanism for the existing timelines. The specific recommendations of each Commission are contained in the Staff Report and Findings (Attachment 4).

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 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: **[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 all three governing bodies:

a. Type III 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 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.

~~4.~~ 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 ~~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 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 ~~I~~ III amendment may be initiated ~~at the discretion of any one of~~ by any one of the three governing bodies ~~(Note: this correction reflects adopted ordinance and code.)~~ at any time.

~~c.~~ 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. **[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.]**

~~c. 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. 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. **[Derived in part from former Policy 6.]**

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. **[Derived in part from former Policy 7.]**

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. **[Derived from former Policy 8.]**

g. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures. **[Derived from former Policy 9.]**

h. A different process, time line, or both, than the processes and timelines specified in 8b. through 8g. 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. Refinement plans developed by one jurisdiction shall be referred to the other two jurisdictions for their review. Either of the two referral jurisdictions may determine that an amendment to the *Metro Plan* is required.~~

~~14.~~11. Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.

Metro Plan Chapter IV: Metro Plan Review, Amendments, and Refinements
Summary of Proposed Changes

Topic		Current *Metro Plan*	Proposed Change	Rationale
Amendment Types: Process		• Amendments are classified as Type I or Type II (See below under amendment types: decision makers) • Decision making process does not follow amendment types (i.e. Some Type I amendments require participation of all three governing bodies, some only require participation of two).	• Expand to three Amendment Types (I, II and III) • Align Amendment Types with the number of jurisdictions requires to approve the amendment. Type I amendments require participation of just the home city; Type II amendments require the participation of the home city and Lane County; and Type III amendments require the participation of three governing bodies.	• Makes *Metro Plan* consistent with HB 3337. • Amendment types are defined by the participants required for decision making. • Responds to the establishment of separate UGBs. • Defines when jurisdictions may act alone as a home city and when the County and or the non-home city may participate.
Amendment Types: Decision Maker	Any change to the UGB or Metro Plan boundary; (currently Type I)	• All three governing bodies must approve a site specific UGB or *Metro Plan* Boundary adjustments that cross the Willamette or McKenzie Rivers or that crosses over a ridge into a new basin. • The home city and Lane County must approve a site specific UGB expansion or Plan boundary adjustment between city limits and plan boundary. Non-home city receives referral and may participate as decision make if determine regional impact (see below).	• All three governing bodies must approve amendments of the common UGB along I-5 and for UGB or *Metro Plan* Boundary changes that cross I-5. • The home city and Lane County participate in a UGB or plan boundary amendment east or west I-5 that is not described above.	• Narrows the opportunity of the none-home city to participate in UGB decisions by the home city and the County.
	Any change that requires a goal exception to be taken under Statewide Planning Goal 2 that is not related to the UGB expansion (Currently Type I)	All three governing bodies must approve amendments that involve a goal exception not related to a UGB expansion.	This section is removed.	Actions requiring an exemption to Statewide Planning Goals that are not related to a UGB expansion are very rare. The goal exception to Statewide Planning Goal 15—Willamette River Greenway to for construction of the new I-5 Bridges and adjoining bike viaduct is the only one requested in recent memory. Virtually all goal exceptions are sought for UGB expansions or for the development of resource lands in rural areas.
	Any amendment to the *Metro Plan* text that is not site specific or any change to a Fundamental Principle in Chapter II (Currently Type I)	All three governing bodies must approve.	Add changes to the Metro Plan's Fundamental Principles to list of Type I non site specific text amendments requiring the approval of all three jurisdictions.	The Fundamental Principles found in Chapter II of the *Metro Plan* set forth the basic concepts of the *Plan*. The Principles are not site specific. Changing one or more of them fit the definition of a Type I amendment.
	Any change to the *Metro Plan* Diagram or *Metro Plan* text that is site specific and not otherwise a Type I amendment (Currently Type II)	Home City must approve	No change	Changes to the *Metro Plan* that are not site specific would affect all jurisdictions. Participation of all jurisdictions is appropriate for such amendments.
	Amendments to a regional transportation system plan, or a regional public facilities plan,	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. Chapter VI of the *Eugene Springfield Metropolitan Area Public Facilities*	Either the home city, the home city and Lane County, or all three governing bodies shall approve changes to the *Metro Plan* as required by the amendment type (Type I, II, or III). Plans with their own amendment provisions shall be governed by those provisions. The *Public Facilities Plan*, for example, contains its own amendment provisions which are not affected by the	Consistent with the establishment of Type I, II, and III amendments, changes to TransPlan, functional plans or special area plans shall follow the amendment process dictated by the amendment type. Plans which have their own amendment provisions are not affected by these changes.

		and Services Plan (*Public Facilities Plan*) contains amendment provisions which are specific to that plan. Those provisions are not changed by these amendments.	proposed changes to Chapter IV.	
	Creation of new *Metro Plan* designations and amendment of existing designation descriptions that apply only within the city limits of the home city.	All three jurisdictions must approve text amendments which are non-site specific. Creation of a new Metro Plan designation is a text amendment which is non-site specific.	Home city.	The proposed change amendments will allow a home city to independently approve new Metro Plan designations which apply only within its city limits.
Regional Impact		An amendment will be considered to have Regional Impact if: • It will require an amendment to a jointly adopted functional plan [*Eugene- Springfield Metropolitan Area Transportation Plan* (*TransPlan*), *Eugene- Springfield Metropolitan Area Public Facilities and Services Plan* (*Public Facilities Plan*), etc.] in order to provide the subject property with an adequate level of urban services and facilities; or • It has a demonstrable impact on the water, storm drainage, wastewater, or transportation facilities of the non-home city; or • 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.	Language referencing "Regional Impact" is removed from Chapter IV.	Removal of the regional impact language does not change Chapter VI of the *Public Facilities Plan* which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. A *Metro Plan* amendment which causes a significant impact on public facilities will be subject to the provisions of Chapter VI. Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the *Public Facilities Plan.* The establishment of separate UGBs has prompted each city to establish their own inventories of residential, commercial and industrial Lands. The proposed change allows cities to act independently to add or subtract land from their inventories so long as these amendments do not significantly impact public facilities outside of their jurisdiction.
Conflict Resolution		When there is no consensus on an amendment (such as when one jurisdiction approves and the other does not), the amendment is referred to the Metropolitan Policy Committee (MPC) for additional study, conflict resolution and recommendation back to the governing bodies.	For Type II amendments, the amendments shall be referred to the Chair of the Board and the Mayor of the home city. For a Type III amendment where there is no consensus, the amendment shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Eugene and Springfield for examination of the issue(s) in dispute and recommendation back to the governing bodies.	The MPC is comprised of two elected officials each from Eugene, Springfield, and Lane County. When the MPC is considering metropolitan transportation matters, the two members of the Lane Transit District (LTD) Board serve as voting members. The change provides more flexibility for decision makers to determine a conflict resolution method that is tailored to the specific situation.
Timelines		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.	Timelines for plan amendment processing have been removed.	Staff do not recommend the inclusion of timelines since: (1) there is no statutory timeline for comprehensive plan amendments; (2) a timeframe would unnecessarily restrict the process of the decision makers; and (3) there is really no enforcement mechanism for the existing timelines.

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

WHEREAS, 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.

WHEREAS, Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) sets forth procedures for amendment of the Metro Plan, which for Springfield are implemented by provisions of Section 5.14-100 of the Springfield Development Code; and

WHEREAS, following an October 15, 2013 joint public hearing with the Eugene and Lane County Planning Commissions, the Springfield Planning Commission, voted to recommended amendments to Chapter IV of the Metro Plan amendments to the Springfield City Council; and

WHEREAS, the City Council conducted a joint public hearing on this amendment on November 4, 2013, with the Eugene 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; and

WHEREAS, substantial evidence exists within the record demonstrating that the proposal meets the requirements of the Metro Plan, Springfield Development 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 Common Council of the City of Springfield does ordain as follows:

Section 1: Chapter IV of the Eugene-Springfield Metropolitan Area General Plan is now 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 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 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 8b. through 8g. 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 by Section 2.110 of the Springfield Municipal Code 1997, 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 date the Eugene City Council and the Lane County Board of

Commissioners have adopted ordinances containing identical provisions to those described in Sections 1 of this Ordinance.

Adopted by the Common Council of the City of Springfield this ____ day of November, 2013 by a vote of _____ in favor and _____ against.

Approved by the Mayor of the City of Springfield this _____ day of November, 2013.

_____

Mayor

ATTEST:

_____

City Recorder

EXHIBIT 4 to ATTACHMENT A

Metro Plan Chapter IV Amendments
Staff Report and Findings
November 4, 2013

Applicants:	**Local File Numbers:**
City of Springfield (initiated the amendment) City of Eugene Lane County	Springfield File No. TYP411-0001 Eugene File No. MA 13-3 Lane County File No. 509-PA13-05171
Request: To amend Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) to reflect the establishment of separate Urban Growth Boundaries as required by Oregon Revised Statute 197.304	**ProcedureType:** Type I *Metro Plan* Amendment
Attachments: Attachment 1: Proposed *Metro Plan* Chapter IV Amendments. Attachment 2: Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV. Attachment 3: Recommendations of the Eugene, Springfield and Lane County Planning Commissions	

I. Executive Summary

The goal of *Metro Plan* Chapter IV (titled *Metro Plan* Review, Amendments and Refinements) is to "ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community." ORS 197.304 (HB 3337) required the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are necessary to make the *Metro Plan* consistent with the statute and to clarify which governing bodies will participate in decision making. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

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

- Three types of *Metro Plan* amendments are established: Type I which may be enacted by the home city alone; Type II which requires the participation of the home city and Lane County; and Type III amendments requires the participation of all three jurisdictions. The current policy defines only two types of amendments. Under the amended Chapter IV, adoption of the Springfield 2030 Plan and other Springfield-specific amendments would be a Type II decision approved with the participation of the City and Lane County.

- Currently, all three governing bodies must approve a site specific UGB or Metro Plan Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross 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.The proposed amendments remove references to *Metro Plan* amendments with "regional impact." Removal of the regional impact language does not impact similar language that is found in Chapter VI of the Eugene-Springfield Metropolitan Area Public

Facilities and Services Plan (*Public Facilities Plan*) which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the *Public Facilities Plan.*

- 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 for further examination. The purpose of this proposed change to Ch IV is to provide a conflict resolution mechanism that is flexible enough to apply to different types of situations and specifically involves the appropriate decision makers.

The proposed amendments do not change the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed amendments refine the amendment process to reflect the existence of separate UGBs.

The Springfield Planning Commission conducted a joint public hearing on the Chapter IV amendments with Eugene and Lane County on October 15, 2013. Each of the Commissions voted to recommend approval of the amendments with certain recommended changes. These changes were incorporated in to the Proposed Chapter IV Amendments (Attachment 1) with the exception of the Commission recommendations to add back timelines for processing amendments that were removed from the attached proposal. Staff do not recommend the inclusion of timelines since: (1) there is no statutory timeline for comprehensive plan amendments; (2) a timeframe would unnecessarily restrict the process of the decision makers; and (3) there is really no enforcement mechanism for the existing timelines. The specific recommendations of each Commission are contained in the Staff Report and Findings (Attachment 4).

Conclusion and Recommendation of Staff

This report includes findings demonstrating conformance with the criteria for approving *Metro Plan* amendments found in Section 5.14-135(C) of the Springfield Development Code. Section 5.14-135 (C) states:

"1. The amendment shall be consistent with the relevant Statewide planning goals adopted by the Land Conservation and Development Commission; and

2. Adoption of the amendment shall not make the *Metro Plan* internally inconsistent."

The same criteria for approving a *Metro Plan* amendment are found in Eugene Code 9.7730(3) and Section 12.225(2) (a&b) of the Lane Code. Based on the findings of staff with respect to the approval criteria cited above, staff find the proposed text amendments to Chapter IV the *Metro Plan* to be consistent with these criteria and recommend approval of the amendment.

II. Procedural Requirements

Procedural requirements for *Metro Plan* amendments are described in Chapter IV. The amendment procedures are reflected in each jurisdiction's local land use codes. Sections 5.2-115, 5.4-135 and 5.4-140 of the Springfield Development Code, and sections 9.7700 through 9.7750 of the Eugene Code, and Lane Code Chapter 12.220 through 12.225 and 12.240 contain the amendment procedures and policies found in Chapter IV of the *Metro Plan*.

Findings:

Finding #1. Section 5.14-115 of the Springfield Development Code (SDC), Eugene Code (EC) 9.7700, and Lane Code 12.205 includes definitions of two types of amendments to the *Metro Plan*. Section 5.14-115 (B.) and EC 9.7700(1) describes a Type I amendment as one which includes changes to the urban growth boundary or the jurisdictional boundary of the plan, requires a goal exception not related to a UGB expansion, or is a non-site specific amendment of the Plan text. This proposal is a non-site specific text amendment to the *Metro Plan*. By the definition found in SDC Section 5.14-115, EC 9.7700(1) and Lane Code 12.205, this proposal is a Type I amendment.

Finding #2. SDC Section 5.14-120 (1) states that a Type I non-site specific text amendment to the *Metro Plan* may be initiated by any of the three governing bodies. This *Metro Plan* amendment was initiated by a motion of the Springfield City Council on March 18, 2013.

Finding #3. A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on August 30, 2013.

Finding #4. SDC 5.14-135, EC 9.7730(1) (b) and LC 12.225 (1) (a) (i) states that to become effective, "a non-site specific *Metro Plan* Type I amendment shall be approved by all three governing bodies."

Finding #5. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 15, 2013. The Joint Planning Commissions met on that date. No testimony was offered at the hearing. Each Commission voted to recommend that their respective elected bodies approve the Chapter IV amendments with some changes.

Finding #6. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 4, 2013.

Finding #7. SDC Section 5.2-115 (B), EC 9.7745(3), LC 12.025(2) and LC 12.040(2) require that proposed land use actions be advertised in a newspaper of general circulation, providing information about the legislative action and the time, place and location of the hearing.

Finding #8. Notice of the public hearings concerning this matter was published on September 26, 2013 in the Register Guard, advertising hearing before the Joint Planning Commissions on October 15, 2013. A second notice was published in the Register Guard on October 17, 2013 advertising the November 4, 2013 public hearing with the Eugene and Springfield City Councils and the Lane County Board of Commissioners. The content of the notices followed the direction given in SDC Section 5.2-115 B, EC 9.7735(3), LC 12.025(2) and LC 12.040(2).

Finding #9. Information concerning the proposed amendments to the *Metro Plan* Chapter IV and the dates of the public hearings were posted on the City of Springfield and the City of Eugene websites. These web sites routinely include information about upcoming and continuing planning matters. Agenda notice and or agenda packets are routinely provided (primarily by e-mailed) to many interested parties who have asked for such notification by Eugene, Springfield and Lane County. Those notified include local media outlets and newspapers, local utilities, school districts and partner agencies, local state representatives, the Eugene and Springfield Chambers of Commerce, the Lane Homebuilders Association, as well as various neighborhood groups and leaders. In addition, staff made informal contact with 1000 Friends of Oregon and other local stakeholders who were thought to have an interest in the amendments.

Conclusion:

The procedural requirements described in SDC Sections 5.2-115, 5.4-135 and 5.4-140, EC 9.7745 and EC 9.7735(3) and LC 12.210 through LC 12.245 have been followed. Notice requirements established by DLCD for amending the Development Code have also been followed.

III. Decision Criteria and Findings

SDC Section 5.14-135 C, EC 9.7730(3) and LC 12.225 (2) describe the criteria to be used in approving an amendment to the *Metro Plan*. In reaching a decision, the Planning Commissions and the City Councils and County Commissioners must adopt findings which demonstrate that the proposal meets certain approval criteria. These criteria and findings are shown below.

Criterion #1 "The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission."
Findings:

Goal 1 – Citizen Involvement. **Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."**

Finding #10. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 15, 2013. The Joint Planning Commissions met on that date. No testimony was offered at the hearing. Each Commission voted to recommend that their respective elected bodies approve the Chapter IV amendments with some changes. These changes were incorporated in to the Proposed Chapter IV Amendments (Attachment 1) with the exception of the Commission recommendations to add back timelines for processing amendments that were removed from the attached proposal. Staff do not recommend the inclusion of timelines since: (1) there is no statutory timeline for comprehensive plan amendments; (2) a timeframe would unnecessarily restrict the process of the decision makers; and (3) there is really no enforcement mechanism for the existing timelines. The specific recommendations of each Commission are included as Attachment 3 to this report

Finding #11. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 4, 2013.

Finding #12. Notice of the public hearings concerning this matter was published on September 26, 2013 in the Register Guard, advertising hearing before the Joint Planning Commissions on October 15, 2013. A second notice was published in the Register Guard on October 17, 2013 advertising the November 4, 2013 public hearing with the Eugene and Springfield City Councils and the Lane County Board of Commissioners. The content of the notices followed the direction given in SDC Section 5.2-115 B, EC 9.7735(3), LC 12.025(2) and LC 12.040(2). Information concerning the proposed amendments to the *Metro Plan* Chapter IV and the dates of the public hearings were posted on the City of Springfield and the City of Eugene websites. These web sites routinely include information about upcoming and continuing planning matters. Agenda notice and or agenda packets are routinely provided (primarily by e-mailed) to many interested parties who have asked for such notification by Eugene, Springfield and Lane County. Those notified include local media outlets and newspapers, local utilities, school districts and partner agencies, local state representatives, the Eugene and Springfield Chambers of Commerce, the Lane Homebuilders Association, as well as various neighborhood groups and leaders. In addition, staff made informal contact with 1000 Friends of Oregon and other local stakeholders who were thought to have an interest in the amendments.

Goal 2 – Land Use Planning. **Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted.**

Finding #13. Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) is the acknowledged comprehensive plan that guides land use planning in Springfield, Eugene and Lane County.

Finding #14. The goal of Chapter IV of the *Metro Plan* is to "Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes."

Finding #15. ORS 197.304 (HB 3337) requires the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are needed to clarify which governing bodies will participate in decision making given the establishment of separate UGBs. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

Finding #16. The proposed changes preserve the *Metro Plan* as the acknowledged comprehensive plan for the Eugene-Springfield area. The amendments Chapter IV implement changes stemming from ORS 197.304. The most significant changes to Chapter IV of the *Metro Plan* are summarized below.

- Three types of *Metro Plan* amendments are established: Type I which may be enacted by the home city alone; Type II which requires the participation of the home city and Lane County; and Type III amendments requires the participation of all three jurisdictions. The current policy defines only two types of amendments. Under the amended Chapter IV, adoption of the Springfield 2030 Plan and other Springfield-specific amendments would be a Type II decision approved with the participation of the City and Lane County.

- Currently, all three governing bodies must approve a site specific UGB or *Metro Plan* Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross over a ridge into a new

basin. The proposed amendments would instead require all three governing bodies approve amendments of the common UGB along I-5 and for UGB or *Metro Plan* Boundary changes that cross I-5.

- The proposed amendments remove references to *Metro Plan* amendments with "regional impact." Removal of the regional impact language does not change similar language that is found in Chapter VI of the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the *Public Facilities Plan.*

- 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 proposed amendments do not change the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed amendments refine the amendment process to reflect the existence of separate UGBs.

Goal 3 – Agricultural Land. **Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.**

Finding #17. This goal generally does not apply within adopted, acknowledged urban growth boundaries. The *Metro Plan* Diagram describes an Agriculture designation (*Metro Plan* II-G-9). The amendments do not change *Metro Plan* policies concerning the Agriculture designation. The amendments do not change the policies or standards regulating Eugene's Agricultural Zone (EC 9.2000) or Lane County's Exclusive Farm Use Zone (LC 16.212) within the *Metro Plan* Boundary. The City of Springfield does not have an agricultural zoning district.

Finding #18. The Environmental Resources Element includes policies addressing the use and preservation of agricultural lands (*Metro Plan* III-C-3). The proposed Chapter IV amendments do not change these policies.

Goal 4 – Forest Land. **This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."**

Finding #19. This goal does not generally apply within adopted, acknowledged urban growth boundaries. The *Metro Plan* Diagram describes a Forest Lands designation. The proposed amendments do not change *Metro Plan* policies concerning the Forest lands designation. Neither Springfield nor Eugene has a forest zoning district. Lane County has Impacted and Non-Impacted Forest Zones (LC 16.211, LC 16.211). The proposed Chapter IV amendments do not change the County policies or standards governing these districts.

Finding #20. The Environmental Resources Element includes policies addressing the use and preservation of forest lands (*Metro Plan* III-C-5). The proposed Chapter IV amendments do not change these policies.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. **Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated.**

Finding #21. The *Metro Plan* Environmental Resources and Historic Preservation Elements contain policies (*Metro Plan* pgs. III-C-3, III-I-2) addressing Goal 5 resource protection. Eugene and Springfield have policies regulating the inventory and protection of Goal 5 resources in their respective development codes. The proposed Chapter IV amendments do not change the resource policies or protections found in the *Metro Plan* or in the Eugene and Springfield development codes.

Finding #22. OAR 660-023-0250 (3) narrows the applicability of Statewide Planning Goal 5 to comprehensive plan amendments (PAPA):

(3) 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.

Subsections (a) through (c) above are not applicable to this request as the proposed Chapter IV amendments do not create or amend a list of Goal 5 resources, do not amend a plan or 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 conflict with Goal 5 and do not amend the acknowledged Urban Growth Boundary. Based on OAR 660-023-0250, Goal 5 is not applicable to the proposed amendments.

Goal 6 – Air, Water and Land Resources Quality. **This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.**

Finding #23. The *Metro Plan* Environmental Resources Element (*Metro Plan* pg. III-C-14) contains polices addressing air, water and land resources quality. The proposed amendment to Chapter IV will not alter the metropolitan area's air, water quality or land resource policies. Eugene and Springfield have regulatory standards that protect air, water and land resources in their respective development codes. The proposed amendments do not change these standards.

Goal 7 – Areas Subject to Natural Disasters and Hazards. **Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.**

Finding #24. The *Metro Plan* Environmental Resources Element contains policies addressing natural hazards (*Metro Plan* pg. III-C-15). The proposed Chapter IV amendments do not change these policies. All known sites within Eugene and Springfield that are subject to these hazards (floodplain, erosion, landslides, earthquakes, and weak foundation soils) are inventoried through a variety of sources. The proposed *Metro Plan* text amendment does not remove or exempt compliance with Code standards that apply to development within these hazard areas.

Goal 8 – Recreational Needs. **This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.**

Finding #25. The *Metro Plan* Park and Recreation Facilities Element contains policies addressing recreational needs (*Metro Plan* pg. III-H-4). The proposed Chapter IV amendments do not change these policies.

Finding #26. Parks and recreation facilities and programs are administered by park and recreation agencies in Eugene and Lane County and by two park and recreation districts (River Road Park and Recreation District and Willamalane Park and Recreation District). Willamalane serves the greater Springfield area. River Road serves the River Road neighborhood in the North Eugene. These amendments do not affect either city's provisions for recreation areas, facilities or recreational opportunities.

Goal 9 – Economic Development. **Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.**

Finding #27. The *Metro Plan* Economic Element contains policies (*Metro Plan* pg. III-B-4) addressing economic development. Eugene, Springfield and Lane County adopted the *Metropolitan Industrial Lands Inventory Report* and *Metropolitan Industrial Lands Policy Report* in 1993. These reports provided the jurisdictions with a database and policy recommendations needed to plan for an adequate and appropriate supply of industrial land. The proposed Chapter IV amendment does not change these policies.

Finding #28. The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the *Metro Plan*, and complies with the requirements of Goal 9 and its Administrative Rule. The Springfield Commercial Lands Study was adopted in February 2000 as a policy document to guide the provision of commercial land within in its planning jurisdiction. 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. **This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.**

Finding #29. The *Metro Plan* Residential Land Use and Housing Element addresses the housing needs of current and future residents of the metropolitan area. The Element includes a projection of housing need based on a coordinated population projection and polices (*Metro Plan* pg. III-A-7) aimed at meeting the calculated need. The proposed Chapter IV amendments will not reduce available housing capacity and will not impact needed housing.

Lane County has adopted a coordinated population projection for the Eugene and Springfield through the year 2030. Projections of needed housing are based in part of this projection. Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The proposed amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 11 – Public Facilities and Services. **Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.**

Finding #30. The Eugene-Springfield Metropolitan Public Services and Facilities Plan (PFSP) is a refinement plan of the *Metro Plan* that guides the provision of public infrastructure, including water, sewer, storm water management, and electricity. The proposed Chapter IV amendments do not affect either city's provision of public facilities and services.

Goal 12 – Transportation. **The goal aims to provide "a safe, convenient and economic transportation system."**

TransPlan (2002) is Eugene-Springfield's local Transportation System Plan and is a functional plan of the *Metro Plan*. TransPlan provides policies addressing transportation facilities and policies for the Eugene-Springfield Metropolitan Area. 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.

The proposed amendments do not change the functional classification of an existing or planned transportation facility, do not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access with are inconsistent with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP. The level of development currently permitted through existing code and zoning regulations will remain the same as a result of this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation. **Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."**

Finding #31. The *Metro Plan* Energy Element deals with the conservation and efficient use of energy in the metropolitan area and is meant to provide a long-range guide to energy-related decisions concerning physical development and land uses. The Element contains policies (*Metro Plan* pg. III-J-3) which support Goal 13. The proposed *Metro Plan* Chapter IV text amendments do not change these policies and will not have a direct impact on efforts to conserve energy.

Goal 14 – Urbanization. **This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.**

Finding #32. The *Metro Plan* "Fundamental Principles and Growth Management Policy" contains growth management and urbanization sections (Sections C and E, pgs. II-C-3 and II-E-1). The proposed Chapter IV amendments do not change the policies contained in these sections.

Goal 15 – Willamette River Greenway. **Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.**

Finding #33. The *Metro Plan* Willamette River Greenway, River Corridors and Waterways Element includes policies for administering the Willamette River corridor as it passes through the Eugene-Springfield area. The proposed Chapter IV amendments do not change these policies.

Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Finding #34. There are no coastal, ocean, estuarine, or beach and dune resources within the Eugene or Springfield Urban Growth Boundaries or the *Metro Plan* Boundary. These goals do not apply to this proposal.

Conclusion: The proposed amendments to Chapter IV of the *Metro Plan* are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission.

Criterion #2. "Adoption of the amendment must not make the Metro Plan internally inconsistent."

Findings:

Finding #35. The Introduction to the *Metro Plan* (*Metro Plan* pg. I-3) states that "Chapter IV of the *Metro Plan* establishes the procedures for ensuring that the *Metro Plan* retains its applicability to changing circumstances in the community. It includes procedures and time schedules for reviewing and updating the *Metro Plan*, provides procedures for amending it and resolving conflicts, and recognizes that refinement will be necessary where conflicts exist."

Finding #36. *Metro Plan* Chapter II, "Fundamental Principles and Growth Management Policy Framework, lists various Metropolitan Goals. The goal for *Metro Plan* Review, Amendments, and Refinements states: "Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community (*Metro Plan* pg. II-B-3).

Finding #37. The proposed amendments support the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to change in the community. The proposed amendments to Chapter IV modify the procedures by which amendments to the *Metro Plan* are processed.

Conclusion: The proposed *Metro Plan* text amendments do not make the *Metro Plan* internally inconsistent.

V. Conclusion and Recommendation of Staff

Based on the findings of staff with respect to the criteria defined in Section 5.14-135 C of the Springfield Development Code and EC 9.7730(3) Lane Code 12.225 (2) for approving a *Metro Plan* amendment; staff find the proposed text amendment to Chapter IV of the *Metro Plan* to be consistent with these criteria and recommend approval of the amendment.

VI. Attachments

Attachment 1: Proposed *Metro Plan* Chapter IV Amendments.
(Attachment 1 to the Agenda Item Summary, November 4, 2013)
Attachment 2: Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV.
(Attachment 2 to the Agenda Item Summary, November 4, 2013)
Attachment 3: Recommendations of the Eugene, Springfield and Lane County Planning Commissions

EXHIBIT 4 to ATTACHMENT A

Attachment 1
Proposed *Metro Plan* Chapter IV Amendments
(Attachment 1 to the Agenda Item Summary, November 4, 2013)

EXHIBIT 4 to ATTACHMENT A

Attachment 2
Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV
(Attachment 2 to the Agenda Item Summary, November 4, 2013)

Attachment 3
Recommendations of the Eugene, Springfield and Lane County Planning Commissions

The Planning Commissions for Eugene, Springfield and Lane County met jointly on October 15 in work session and then conducted a public hearing to consider the proposed Metro Plan Chapter IV amendments. The Planning Commissions deliberated separately and each voted on the proposed amendments. Eugene, Springfield and Lane County each voted to recommend that their elected officials approve the Metro Plan Chapter IV amendments with changes. Each Commission listed their recommended changes separately. While the Commissions deliberated separately, many of the recommendations overlapped in content with the other bodies. Staff has integrated the recommended changes into the Proposed Metro Plan Amendments (Attachment 1). Shown below are the specific recommendations provided by each of the Planning Commissions.

Eugene Planning Commission

The Eugene Planning Commission voted 7-0 to recommend to the Eugene City Council the adoption of the proposed Amendments to the Metro Plan Chapter IV with the following changes:

- At 7a, add "by **any one of** the three governing bodies…"
- At 7b and 7c, Staff to correct wording to clarify.
- At 7e, change wording to "Metro Plan, although ~~the~~ **any** governing ~~bodies~~ **body** may initiate…"
- At 8, add wording that timelines in Type I and Type II amendments be established, at one to two years, and all participating governing bodies must agree to any extension. *(Passed 4-3 in concept and 5-2 as worded. The 4-3 vote reflects reluctance by 3 commissioners to have any timelines.)*
- At 8 generally, add a requirement that in all proposed Metro Plan Amendments, the governing body or bodies initiating an amendment shall notify all other governing bodies of the intended amendment and Type of amendment proposed. In the event there is not consensus regarding such Type determination, the same referral process outlined in 8c through 8e shall be undertaken.
- At 11, change wording to "Refinement plans ~~developed~~ **adopted** by one…"
- **General**: recommend changing Type I to mean only requiring one governing body Type II, two governing bodies and Type III all three governing bodies.

Lane County Planning Commission

The Lane County Planning Commission recommended Approval of Ordinance No. PA 1300 with the following changes:

- Modify Policy 7 (a) "A Type I amendment may be initiated by **any of** the three governing bodies.
- Modify Policy 7 (e) "Metro Plan updates shall be initiated no less frequently than during the state required Periodic Review of the Metro Plan, although **any of** the governing bodies may initiate an update of the Metro Plan.
- Replace policy 11 with new notification language something like this: "The initiating body of any Type 1, II, or III metro plan amendment shall send notice to the other two governing bodies."
- Add more detail to the findings (10, 11, and 12) associated with Criterion #1, Goal 1 Citizen Involvement.

Springfield Planning Commission

Ms. Bean, seconded, by Ms. Sallady, moved that the Springfield Planning Commission recommend to the City Council that the City Council approve with the following specific recommendations:

- Keep some form of a timeline for the process in place
- Revisit the conflict resolution to include not only the Mayor and the Chair of the BCC, or a designee by the Mayor and Chair of the BCC; or, that they as a body, vote on who to send to resolve the conflict.

ORDINANCE NO. _____

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 all three governing bodies:

a. Type I 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 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:

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; and

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.

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

a. A Type I amendment may be initiated by the three governing bodies at any time.

b. A Type II amendment may be initiated 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.

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.

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.

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.

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.

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

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.

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. Refinement plans developed by one governing body shall be referred to the other two jurisdictions for their review. Either of the two referral governing bodies may determine that an amendment to the *Metro Plan* is required.

12. 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

____ day of _____, 2013.

_____

City Recorder

Approved by the Mayor this

_____ day of _____, 2013.

_____

Mayor

Metro Plan Chapter IV Amendments
Findings
October 15, 2013

Applicants:	**Local File Numbers:**
City of Springfield (initiated the amendment) City of Eugene Lane County	Springfield File No. TYP411-0001 Eugene File No. MA 13-3 Lane County File No. 509-PA13-05171
Request: To amend Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) to reflect the establishment of separate Urban Growth Boundaries as required by Oregon Revised Statute 197.304	**Procedure Type:** Type I *Metro Plan* Amendment

I. Executive Summary

The goal of *Metro Plan* Chapter IV (titled *Metro Plan* Review, Amendments and Refinements) is to "ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community." ORS 197.304 (HB 3337) required the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are necessary to make the *Metro Plan* consistent with the statute and to clarify which governing bodies will participate in decision making. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

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

- Three types of *Metro Plan* amendments are established by the number of jurisdictions required to approve the proposed amendment: Type I amendments require the participation of all three jurisdictions; Type II requires the participation of the home city and Lane County; and Type III amendments may be enacted by the home city alone. The current policy defines only two types of amendments: Types I and II.

- Currently, all three governing bodies must approve a site specific UGB or Metro Plan Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross 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.The proposed amendments remove references to *Metro Plan* amendments with "regional impact." Removal of the regional impact language does not impact similar language that is found in Chapter VI of the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (*Public Facilities Plan*) which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the *Public Facilities Plan.*

- 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 for further examination. The purpose of this proposed change to Ch. IV is to provide a conflict resolution mechanism that is flexible enough to apply to different types of situations and specifically involves the appropriate decision makers.

The proposed amendments do not change the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed amendments refine the amendment process to reflect the existence of separate UGBs.

Conclusion and Recommendation of Staff

This report includes findings demonstrating conformance with the criteria for approving *Metro Plan* amendments found in Eugene Code 9.7730(3). Eugene Code 9.7730(3) states:

"1. The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and

2. Adoption of the amendment must not make the *Metro Plan* internally inconsistent."

The same criteria for approving a *Metro Plan* amendment are found in Section 5.14-135(C) of the Springfield Development Code and Section 12.225(2) (a&b) of the Lane Code. Based on the findings of staff with respect to the approval criteria cited above, staff find the proposed text amendments to Chapter IV the *Metro Plan* to be consistent with these criteria and recommend approval of the amendment.

II. Procedural Requirements

Procedural requirements for *Metro Plan* amendments are described in Chapter IV. The amendment procedures are reflected in each jurisdiction's local land use codes. Sections 5.2-115, 5.4-135 and 5.4-140 of the Springfield Development Code, and sections 9.7700 through 9.7750 of the Eugene Code, and Lane Code Chapter 12.220 through 12.225 and 12.240 contain the amendment procedures and policies found in Chapter IV of the *Metro Plan*.

Findings:

Finding #1. Section 5.14-115 of the Springfield Development Code (SDC), Eugene Code (EC) 9.7700, and Lane Code 12.205 includes definitions of two types of amendments to the *Metro Plan*. Section 5.14-115 (B.) and EC 9.7700(1) describes a Type I amendment as one which includes changes to the urban growth boundary or the jurisdictional boundary of the plan, requires a goal exception not related to a UGB expansion, or is a non-site specific amendment of the Plan text. This proposal is a non-site specific text amendment to the *Metro Plan*. By the definition found in SDC Section 5.14-115, EC 9.7700(1) and Lane Code 12.205, this proposal is a Type I amendment.

Finding #2. SDC Section 5.14-120 (1) states that a Type I non-site specific text amendment to the *Metro Plan* may be initiated by any of the three governing bodies. This *Metro Plan* amendment was initiated by a motion of the Springfield City Council on March 18, 2013.

Finding #3. A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on August 30, 2013.

Finding #4. SDC 5.14-135, EC 9.7730(1) (b) and LC 12.225 (1) (a) (i) states that to become effective, "a non-site specific *Metro Plan* Type I amendment shall be approved by all three governing bodies."

Finding #5. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 15, 2013.

Finding #6. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 4, 2013.

Finding #7. SDC Section 5.2-115 (B), EC 9.7745(3), LC 12.025(2) and LC 12.040(2) require that proposed land use actions be advertised in a newspaper of general circulation, providing information about the legislative action and the time, place and location of the hearing.

Finding #8. Notice of the public hearings concerning this matter was published in the Register Guard, advertising the hearing before the Joint Planning Commissions on October 15, 2013. A second notice was published in the Register Guard advertising the hearing before the Joint Elected Officials on November 4, 2013. The content of the Joint Planning Commission notice followed the direction given in SDC Section 5.2-115 B, EC 9.7745(3), LC 12.025(2) and LC 12.040(2).

Finding #9. Information concerning the proposed amendments to the *Metro Plan* Chapter IV and the dates of the public hearings were posted on the City of Springfield and the City of Eugene websites.

Conclusion:

The procedural requirements described in SDC Sections 5.2-115, 5.4-135 and 5.4-140, EC 9.7745 and EC 9.7735(3) and LC 12.210 through LC 12.245 have been followed. Notice requirements established by DLCD for amending the Development Code have also been followed.

III. Decision Criteria and Findings

SDC Section 5.14-135 C, EC 9.7730(3) and LC 12.225 (2) describe the criteria to be used in approving an amendment to the *Metro Plan*. In reaching a decision, the Planning Commissions and the City Councils and County Commissioners must adopt findings which demonstrate that the proposal meets certain approval criteria. These criteria and findings are shown below.

Criterion #1 "The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission."
Findings:

Goal 1 – Citizen Involvement. **Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."**

Finding #10. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 15, 2013.

Finding #11. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 4, 2013.

Finding #12. Notice of the public hearings concerning this matter was published in the Register Guard, advertising both the hearing before the Joint Planning Commissions on October 15, 2013, and the Joint Elected Officials on November 4, 2013. The content of the notice followed the direction given in SDC Section 5.2-115 B, EC 9.7735(3), LC 12.025(2) and LC 12.040(2).

Goal 2 – Land Use Planning. **Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted.**

Finding #13. Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) is the acknowledged comprehensive plan that guides land use planning in Springfield, Eugene and Lane County.

Finding #14. The goal of Chapter IV of the *Metro Plan* is to "Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes."

Finding #15. ORS 197.304 (HB 3337) requires the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are needed to clarify which governing bodies will participate in decision making given the establishment of separate UGBs. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

Finding #16. The proposed changes preserve the *Metro Plan* as the acknowledged comprehensive plan for the Eugene-Springfield area. The amendments Chapter IV implement changes stemming from ORS 197.304. The most significant changes to Chapter IV of the *Metro Plan* are summarized below.

- Three types of *Metro Plan* amendments are established by the amendments: Type I which requires the participation of all three jurisdictions; Type II which requires the participation of the home city and Lane County; and Type III amendments which may be enacted by the home city alone. The current policy defines only two types of amendments: Types I and II.

- Currently, all three governing bodies must approve a site specific UGB or *Metro Plan* Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross over a ridge into a new basin. The proposed amendments would instead require all three governing bodies approve amendments of the common UGB along I-5 and for UGB or *Metro Plan* Boundary changes that cross I-5.

- The proposed amendments remove references to *Metro Plan* amendments with "regional impact." Removal of the regional impact language does not change similar language that is found in Chapter VI of the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) which provides for multi-jurisdictional review of public facility projects which have a significant impact on water, stormwater, wastewater and electrical facilities serving more than one jurisdiction. Amendments to other functional plans and refinement plans will be subject to the amended Chapter IV processes unless those documents specify a different amendment process like that found in the *Public Facilities Plan.*

- 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 proposed amendments do not change the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed amendments refine the amendment process to reflect the existence of separate UGBs.

Goal 3 – Agricultural Land. **Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.**

Finding #17. This goal generally does not apply within adopted, acknowledged urban growth boundaries. The *Metro Plan* Diagram describes an Agriculture designation (*Metro Plan* II-G-9). The amendments do not change *Metro Plan* policies concerning the Agriculture designation. The amendments do not change the policies or standards regulating Eugene's Agricultural Zone (EC 9.2000) or Lane County's Exclusive Farm Use Zone (LC 16.212) within the *Metro Plan* Boundary. The City of Springfield does not have an agricultural zoning district.

Finding #18. The Environmental Resources Element includes policies addressing the use and preservation of agricultural lands (*Metro Plan* III-C-3). The proposed Chapter IV amendments do not change these policies.

Goal 4 – Forest Land. **This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."**

Finding #19. This goal does not generally apply within adopted, acknowledged urban growth boundaries. The *Metro Plan* Diagram describes a Forest Lands designation. The proposed amendments do not change *Metro Plan* policies concerning the Forest lands designation. Neither Springfield nor Eugene has a forest zoning district. Lane County has Impacted and Non-Impacted Forest Zones (LC 16.211, LC 16.211). The proposed Chapter IV amendments do not change the County policies or standards governing these districts.

Finding #20. The Environmental Resources Element includes policies addressing the use and preservation of forest lands (*Metro Plan* III-C-5). The proposed Chapter IV amendments do not change these policies.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. **Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated.**

Finding #21. The *Metro Plan* Environmental Resources and Historic Preservation Elements contain policies (*Metro Plan* pgs. III-C-3, III-I-2) addressing Goal 5 resource protection. Eugene and Springfield have policies regulating the inventory and protection of Goal 5 resources in their respective development codes. The proposed Chapter IV amendments do not change the resource policies or protections found in the *Metro Plan* or in the Eugene and Springfield development codes.

Finding #22. OAR 660-023-0250 (3) narrows the applicability of Statewide Planning Goal 5 to comprehensive plan amendments (PAPA):

(3) 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.

Subsections (a) through (c) above are not applicable to this request as the proposed Chapter IV amendments do not create or amend a list of Goal 5 resources, do not amend a plan or 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 conflict with Goal 5 and do not amend the acknowledged Urban Growth Boundary. Based on OAR 660-023-0250, Goal 5 is not applicable to the proposed amendments.

Goal 6 – Air, Water and Land Resources Quality. **This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.**

Finding #23. The *Metro Plan* Environmental Resources Element (*Metro Plan* pg. III-C-14) contains polices addressing air, water and land resources quality. The proposed amendment to Chapter IV will not alter the metropolitan area's air, water quality or land resource policies. Eugene and Springfield have regulatory standards that protect air, water and land resources in their respective development codes. The proposed amendments do not change these standards.

Goal 7 – Areas Subject to Natural Disasters and Hazards. **Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.**

Finding #24. The *Metro Plan* Environmental Resources Element contains policies addressing natural hazards (*Metro Plan* pg. III-C-15). The proposed Chapter IV amendments do not change these policies. All known sites within Eugene and Springfield that are subject to these hazards (floodplain, erosion, landslides, earthquakes, and weak foundation soils) are inventoried through a variety of sources. The proposed *Metro Plan* text amendment does not remove or exempt compliance with Code standards that apply to development within these hazard areas.

Goal 8 – Recreational Needs. **This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.**

Finding #25. The *Metro Plan* Park and Recreation Facilities Element contains policies addressing recreational needs (*Metro Plan* pg. III-H-4). The proposed Chapter IV amendments do not change these policies.

Finding #26. Parks and recreation facilities and programs are administered by park and recreation agencies in Eugene and Lane County and by two park and recreation districts (River Road Park and Recreation District and Willamalane Park and Recreation District). Willamalane serves the greater Springfield area. River Road serves the River Road neighborhood in the North Eugene. These amendments do not affect either city's provisions for recreation areas, facilities or recreational opportunities.

Goal 9 – Economic Development. **Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.**

Finding #27. The *Metro Plan* Economic Element contains policies (*Metro Plan* pg. III-B-4) addressing economic development. Eugene, Springfield and Lane County adopted the *Metropolitan Industrial Lands Inventory Report* and *Metropolitan Industrial Lands Policy Report* in 1993. These reports provided the jurisdictions with a database and policy recommendations needed to plan for an adequate and appropriate supply of industrial land. The proposed Chapter IV amendment does not change these policies.

Finding #28. The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the *Metro Plan*, and complies with the requirements of Goal 9 and its Administrative Rule. The Springfield Commercial Lands Study was adopted in February 2000 as a policy document to guide the provision of commercial land within in its planning jurisdiction. 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. **This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.**

Finding #29. The *Metro Plan* Residential Land Use and Housing Element addresses the housing needs of current and future residents of the metropolitan area. The Element includes a projection of housing need based on a coordinated population projection and polices (*Metro Plan* pg. III-A-7) aimed at

meeting the calculated need. The proposed Chapter IV amendments will not reduce available housing capacity and will not impact needed housing.

Lane County has adopted a coordinated population projection for the Eugene and Springfield through the year 2030. Projections of needed housing are based in part of this projection. Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The proposed amendments do not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 11 – Public Facilities and Services. **Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.**

Finding #30. The Eugene-Springfield Metropolitan Public Services and Facilities Plan (PFSP) is a refinement plan of the *Metro Plan* that guides the provision of public infrastructure, including water, sewer, storm water management, and electricity. The proposed Chapter IV amendments do not affect either city's provision of public facilities and services.

Goal 12 – Transportation. **The goal aims to provide "a safe, convenient and economic transportation system."**

TransPlan (2002) is Eugene-Springfield's local Transportation System Plan and is a functional plan of the *Metro Plan*. TransPlan provides policies addressing transportation facilities and policies for the Eugene-Springfield Metropolitan Area. 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.

The proposed amendments do not change the functional classification of an existing or planned transportation facility, do not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access with are inconsistent

with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP. The level of development currently permitted through existing code and zoning regulations will remain the same as a result of this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation. **Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."**

Finding #31. The *Metro Plan* Energy Element deals with the conservation and efficient use of energy in the metropolitan area and is meant to provide a long-range guide to energy-related decisions concerning physical development and land uses. The Element contains policies (*Metro Plan* pg. III-J-3) which support Goal 13. The proposed *Metro Plan* Chapter IV text amendments do not change these policies and will not have a direct impact on efforts to conserve energy.

Goal 14 – Urbanization. **This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.**

Finding #32. The *Metro Plan* "Fundamental Principles and Growth Management Policy" contains growth management and urbanization sections (Sections C and E, pgs. II-C-3 and II-E-1). The proposed Chapter IV amendments do not change the policies contained in these sections.

Goal 15 – Willamette River Greenway. **Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.**

Finding #33. The *Metro Plan* Willamette River Greenway, River Corridors and Waterways Element includes policies for administering the Willamette River corridor as it passes through the Eugene-Springfield area. The proposed Chapter IV amendments do not change these policies.

Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Finding #34. There are no coastal, ocean, estuarine, or beach and dune resources within the Eugene or Springfield Urban Growth Boundaries or the *Metro Plan* Boundary. These goals do not apply to this proposal.

Conclusion: The proposed amendments to Chapter IV of the *Metro Plan* are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission.

Criterion #2. "Adoption of the amendment must not make the Metro Plan internally inconsistent."

Findings:

Finding #35. The Introduction to the *Metro Plan* (*Metro Plan* pg. I-3) states that "Chapter IV of the *Metro Plan* establishes the procedures for ensuring that the *Metro Plan* retains its applicability to changing circumstances in the community. It includes procedures and time schedules for reviewing and updating the *Metro Plan*, provides procedures for amending it and resolving conflicts, and recognizes that refinement will be necessary where conflicts exist."

Finding #36. *Metro Plan* Chapter II, "Fundamental Principles and Growth Management Policy Framework, lists various Metropolitan Goals. The goal for *Metro Plan* Review, Amendments, and Refinements states: "Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community (*Metro Plan* pg. II-B-3).

Finding #37. The proposed amendments support the goal of Chapter IV, which is to ensure that the *Metro Plan* is responsive to change in the community. The proposed amendments to Chapter IV modify the procedures by which amendments to the *Metro Plan* are processed.

Conclusion: The proposed *Metro Plan* text amendments do not make the *Metro Plan* internally inconsistent.

V. Conclusion and Recommendation of Staff

Based on the findings of staff with respect to the criteria defined in Section 5.14-135 C of the Springfield Development Code and EC 9.7730(3) Lane Code 12.225 (2) for approving a *Metro Plan* amendment; staff find the proposed text amendment to Chapter IV of the *Metro Plan* to be consistent with these criteria and recommend approval of the amendment.

VI. Attachments

Attachment 1: Proposed *Metro Plan* Chapter IV Amendments.
Attachment 2: Chart Comparing Current and Proposed Standards for *Metro Plan* Chapter IV.