

COMPREHENSIVE PLAN

- 12.005 Purpose.
- 12.010 Scope and Elements.
- 12.015 Adoption of Applicable Law.
- 12.020 Referral to Planning Commission.
- 12.025 Planning Commission - Hearing and Notice.
- 12.030 Planning Commission - Consideration for Other Agencies.
- 12.035 Planning Commission - Recommendation and Record.
- 12.040 Board Action - Hearing and Notice.
- 12.045 Board Referral.
- 12.050 Method of Adoption and Amendment.
- 12.055 Validation of Prior Action.
- 12.060 Eugene-Springfield Metropolitan Area General Plan Element.

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

- 12.160 Planning Commission Action.
- 12.165 Form of Action.
- 12.170 Procedure for Making Recommendation.
- 12.175 Board Action.
- 12.180 Board Referral.
- 12.185 Validation of Existing Ordinances.

EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN ELEMENT

- 12.200 Purpose.
- 12.205 Definitions.
- 12.210 Initiation of Plan Amendments.
- 12.215 Referral of Plan Amendment.
- 12.220 Metro Plan Amendment Application Fee.
- 12.225 Metro Plan - Approval of A Plan Amendment.
- 12.230 Metro Plan - Plan Amendment Approval Process - Single Jurisdiction.
- 12.235 Metro Plan - Plan Amendment Approval Process - Two Jurisdictions.
- 12.240 Metro Plan - Plan Amendment Process - Three Jurisdictions.
- 12.245 Plan Amendment Processes - General Provisions.

COMPREHENSIVE PLAN

12.005 Purpose.

The Board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.010 Scope and Elements.

(1) The comprehensive plan shall consist of a statement (by words, maps, graphic and other appropriate forms) of the goals, policies, programs and standards to guide the development of the county, and of land inside its boundaries which bears a relationship to its planning. The comprehensive plan shall be so prepared that it may be adopted for all or individual elements, or portions of such elements, and will be made up of a number of geographic and functional elements which shall include at least the following:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) The comprehensive plan may also include the following elements, or any part or phase thereof:

(a) A conservation element for the conservation, development, and utilization of natural resources.

(b) A recreation element showing a comprehensive system of areas and sites for public and private recreation.

(c) A refined circulation element with recommendations concerning parking facilities and building setback lines; a system of street naming, house and building number; terminals, viaducts and grade separations; port, harbor, aviation, and related facilities; a transit system showing a proposed system of transit lines, and related facilities and such other matters as may be related to the improvement of circulation of traffic and transportation.

(d) A public services and facilities element showing comprehensive plans for sewerage, refuse disposal, drainage, public water supply, local utilities, and rights of way, easements, and facilities for them.

(e) A housing element consisting of standards and plans for the correction of substandard dwelling conditions, the improvement of housing and housing conditions, and for provision of adequate sites for housing.

(f) A redevelopment element consisting of plans and programs for the correction of slums and blighted areas and for community redevelopment.

(g) A safety element for the protection of the community from fires, geologic hazards, flood hazard areas, and other hazards dangerous to life or property.

(h) A community plans element consisting of standards and principles and showing recommended designs for individual community and neighborhood development and redevelopment, including the location and extent of public and private uses of land and a local street system.

(i) A comprehensive plan adopted by other public bodies which bear a relationship to the planning of the county.

(j) Such additional elements dealing with other subjects which in the judgment of the county relate to the physical, economic, or social development of the county. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.015 Adoption of Applicable Law.

The comprehensive plan or amendment to such plan shall be adopted in the manner provided in this chapter. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.020 Referral to Planning Commission.

Before the board takes any action on a comprehensive plan or an amendment to such plan, a report and recommendation thereon shall be requested from the county planning commission and a reasonable time allowed for the submission of such report and recommendation. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.025 Planning Commission - Hearing and Notice.

(1) The planning commission shall hold at least one public hearing before making a recommendation to the board on a comprehensive plan or an amendment to such plan.

(2) Notice of the time and place of hearing shall be given, at least ten (10) days in advance, by publication in a newspaper of general circulation in the county or in a newspaper published in the territory concerned. A hearing may be continued to another date if not concluded, if notice of the time and place thereof is publicly announced at the hearing or is given by newspaper publication not less than five (5) days prior to the continued hearing.

(3) The proposed comprehensive plan or an amendment to such plan shall be on file in the county planning department office for public examination for at least ten (10) days prior to the time set for hearing thereon. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.030 Planning Commission - Consideration for Other Agencies.

(1) In considering a comprehensive plan or an amendment to such plan, the planning commission shall take account of and seek to harmonize, within the framework of the needs of the county; the comprehensive plans of cities, and the plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the county and adjacent to it.

(2) The planning commission, during consideration of a comprehensive plan or an amendment to such plan, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of plans may be secured.

(3) Whenever the planning commission is considering a comprehensive plan or an amendment to such plan, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(4) The provisions of this section are directory, not mandatory, and the failure to refer such plan or an amendment to such plan shall not in any manner affect its validity. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.035 Planning Commission - Recommendation and Record.

(1) Recommendation of the planning commission on an amendment to the plan shall be by resolution of the commission carried by the affirmative vote of not less than a majority of its total voting members.

(2) The record made at the planning commission hearings on a comprehensive plan or an amendment to such plan and all materials submitted to or gathered by the planning commission for its consideration, shall be forwarded to the board along with the recommendation. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.040 Board Action - Hearing and Notice.

(1) After a recommendation has been submitted to the board by the planning commission on the comprehensive plan or an amendment to such plan, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board.

(2) Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning Commission as specified in LC 12.025(2) above. The hearing may be continued to another date if not concluded, provided notice of the time and place thereof is publicly announced at the hearing or is given by newspaper publication not less than five days prior to the continued hearing. *(Revised by Ordinance No. 17-73, Effective 1.16.74; 15-77, 11.11.77)*

12.045 Board Referral.

Before the Board makes any change or additions to a plan or plan amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 35 days after the reference, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such proposed change or addition. *(Revised by Ordinance No. 17-73, Effective 1.16.74)*

12.050 Method of Adoption and Amendment.

(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

(2) The Board may amend or supplement the comprehensive plan upon a finding of:

- (a) an error in the plan; or
- (b) changed circumstances affecting or pertaining to the plan; or
- (c) a change in public policy; or
- (d) a change in public need based on a reevaluation of factors affecting

the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above. *(Revised by Ordinance No. 17-73, Effective 1.16.74; 15-77, 11.11.77)*

12.055 Validation of Prior Action.

The adoption of a comprehensive plan or an amendment to such plan under the authority of prior acts is hereby validated and shall continue in effect until changed or amended under the authority of these provisions. *(Revised by Ordinance No. 17-73, Effective 1.16.74)*

12.060 Eugene-Springfield Metropolitan Area General Plan Element.

Notwithstanding any other provisions of this Chapter, compliance with the provisions of Chapter IV of the Eugene-Springfield Metropolitan Area General Plan is required for any review, amendment or refinement of the Eugene-Springfield Metropolitan Area General Plan. *(Revised by Ordinance No. 13-76, Effective 1.21.77; 14-86, 10.1.86)*

IMPLEMENTATION OF THE COMPREHENSIVE PLAN

12.160 Planning Commission Action.

(1) The planning commission may, or if so directed by the board, shall recommend to the board for adoption ordinances as may in its judgment be required for the systematic implementation of the comprehensive plan.

(2) Ordinances submitted in furtherance of subsection (1) may include:

(a) Regulations for the use of land and buildings in the county, the height and bulk of buildings, and the open spaces about buildings.

(b) Regulations limiting the location of buildings and other improvements with respect to existing or planned rights-of-way.

(c) Regulations establishing minimum widths, frontage and access requirements for building lots.

(d) Regulations controlling the subdivision or other partitioning of land within the county.

(e) Conservation of the natural resources of the county.

(f) Regulations controlling the location, construction, moving, maintenance, repair and alteration of buildings and other structures.

(g) Street and highway naming and numbering plans in order to establish the official names of streets and highways, to remove conflicts, duplication and uncertainty among such names, and to provide an orderly system for the numbering of buildings and properties.

(h) Such other matters which will accomplish the purposes of this chapter, including procedure for the administration of such regulations.

(3) Such other measures as may be required to insure the implementation of the comprehensive plan. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.165 Form of Action.

All actions taken under authority of ordinances dealing with the matters contained in section 12.160 shall be pursuant to the procedures set forth in this chapter. *(Revised by Ordinance No. 3-72, Effective 2.10.72)*

12.170 Procedure for Making Recommendation.

Before making a recommendation to the board on any of the matters covered in LC 12.160 and 12.165, the planning commission shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given at least ten (10) days in advance, by publication in a newspaper of general circulation in the county or in a newspaper published in the territory concerned. A hearing may be continued to another date if not concluded, if notice of the time and place thereof is publicly announced at the hearing or is given by newspaper publication not less than five (5) days prior to the continued hearing. *(Revised by Ordinance No. 3-72, Effective 2.10.72; 5-72, 3.1.72)*

12.175 Board Action.

The board may enact, amend, or repeal ordinances dealing with matters contained in LC 12.160(2) only after having forwarded such to the planning commission to consider in accordance with LC 12.170. *(Revised by Ordinance No. 5-72, Effective 3.1.72)*

12.180 Board Referral.

Before the board makes any changes or additions to the Lane Code dealing with matters contained in LC 12.160(2) or adopts or amends special general provisions in an interim zone in accordance with LC 12.300, it may first refer the proposed change or addition to

the planning commission for a recommendation. Failure of the planning commission to report within twenty (20) days after the reference, or such longer period as may be designated by the board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the planning commission to hold a public hearing on the proposed change or addition. *(Revised by Ordinance No. 5-72, Effective 3.1.72)*

12.185 Validation of Existing Ordinances.

All ordinances dealing with the matters contained in LC 12.160(2) which are legally adopted under any prior enabling acts, and all actions taken under the authority of any such ordinances, are hereby validated and continued in effect until amended or repealed by action of the board taken under authority of this chapter. *(Revised by Ordinance No. 5-72, Effective 3.1.72)*

EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN ELEMENT

12.200 Purpose.

The Metropolitan Area General Plan (Metro Plan) allows citizen-initiated Type II Metro Plan amendments to be initiated at any time. Amendments that require a final decision from one or two jurisdictions shall have a public hearing before the appropriate governing bodies within 120 days of the initiation date. Amendments that require a final decision from all three governing bodies shall be concluded within 180 days of the initiation date. The Board of Commissioners may initiate a Type I or Type II Metro Plan amendment at any time. Metro Plan amendments shall be made in accordance with the standards contained in Chapter IV of the Metro Plan and the provisions of this Code. *(Revised by Ordinance No. 13-76, Effective 1.21.77; 14-86, 10.1.86; 4-87, 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*

12.205 Definitions.

Amendment. An amendment to or change in: (1) the text of the Metro Plan, refinement plan, or functional plan; or, (2) the diagram of the Metro Plan, refinement plan or functional plan.

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

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

Metro Plan Amendment - Type II. An amendment to the Metro Plan which is not otherwise a Type I plan amendment and which: (1) changes the Plan diagram; or, (2) is a site-specific Plan text amendment.

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

Metropolitan Plan (Metro Plan). The Eugene-Springfield Metropolitan Area General Plan, a land use comprehensive plan for the cities of Eugene and Springfield and those parts of Lane County within its boundary.

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

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

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

(1) require an amendment of a jointly adopted functional plan including the Public Facilities Plan, a Natural Resources Functional Plan or involves an amendment to TransPlan, determined by the Transportation Planning Committee (TPC) to be regional in nature, in order to provide the subject properties with an adequate level of necessary urban services or facilities; or

(2) have a demonstrable impact on the water, storm drainage, sanitary sewer or transportation facilities of the non-Home City; or

(3) affect the buildable land inventory in such a way as to impact the regional supply by: (a) significantly decreasing the net inventory of needed buildable land in the following plan designation categories: Medium Density Residential; High Density Residential; or Commercial; or (b) significantly increasing the net inventory of buildable land in the following plan designation categories: Low Density Residential; Special Light Industrial; Light-Medium Industrial; or Heavy Industrial except in the following two cases:

(a) a jurisdiction may amend the plan designations to compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction, or

(b) a jurisdiction may change a plan designation to accommodate the contiguous expansion of an existing business with a site specific requirement.

The non-home City may choose to participate in the site specific plan amendment process, excluding amendments within city limits, if the non-home City adopts a resolution determining that the proposed amendment has Regional Impact. Lane County shall participate in all Metro Plan amendments outside of city limits. *(Revised by Ordinance No. 6-90, Effective 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95; 3-99, 7.28.99)*

12.210 Initiation of Plan Amendments.

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

(a) Type I Non-Site Specific Text Amendments, UGB/ Plan Boundary Changes or Other Goal Exceptions: Any of the three governing bodies.

(i) The Board of Commissioners may solicit a recommendation from the planning commission before initiating this category of amendment.

(ii) A citizen may seek council initiation of a Metro Plan Type I amendment by filing a written request with the County. A staff report on the request shall be submitted to the Board of Commissioners within 30 days of receipt of the request. At the direction of two Board members, the request shall be placed on the Board agenda for discussion. The request shall be considered denied if the Board takes no action within 60 days of the date the staff report is submitted to the Board. The Board need not hold a public hearing on a private Type I amendment request and may deny the request for any reason. A citizen seeking Board initiation of a site specific Metro Plan Type I amendment must own the property subject to the amendment.

(b) Type II Plan Diagram and Site Specific Text Amendments.

(i) Inside the City limits: The Home City and citizens
 (ii) Between the City limits and the Plan Boundary: Any of the three governing bodies and citizens.

(A) The Board may solicit a recommendation from the planning commission before initiating this category of amendment. A citizen initiating a Metro Plan Type II amendment must own the property subject to the amendment.

(B) A citizen may seek Board initiation of a Metro Plan Type II amendment subject to the above requirements regarding Metro Plan Type I amendments initiated by the Board at the request of a citizen.

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

(a) The Board may initiate a Type I or Type II Metro Plan amendment at any time. Consideration of this type of amendment shall begin immediately thereafter.

(b) Citizen initiated Type II Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place within 60 days of acceptance of a complete application.

(c) Consideration of a privately initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process or one that is scheduled on the Planning Commission's work program to begin within three months of the date the Metro Plan amendment application is submitted. Such a requested Metro Plan amendment shall be considered in the legislative proceedings on the refinement plan or special area study. If the refinement plan or special area study process has not begun within the three month period, the Metro Plan amendment application process shall begin immediately following the three month period. The Planning Director may waive a particular plan amendment application postponement under this subsection and require more immediate review if the Planning Director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

(3) Where A Plan Amendment Application is Filed. Citizen initiated Metro Plan amendment applications shall be filed in the planning office of the home City if within the UGB, or with Lane County if outside the UGB and the amendment is not a request to expand the UGB. *(Revised by Ordinance No. 4-87, Effective 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*

12.215 Referral of Plan Amendment.

All Metro Plan amendments affecting land outside the city limits of either city shall be referred to the other city for consideration of Regional Impact. Lane County shall participate in the hearing and decision of all Metro Plan amendments outside the city limits. All Metro Plan amendments affecting land inside the city limits of one city shall be referred to the other city and Lane County so that they may participate as parties to the hearing. All referrals shall occur within 10 days of the plan amendment initiation date. Any referral that is provided for the purpose of determining Regional Impact shall be answered by the referral jurisdiction within 45 days of receipt of the referral. Failure of a jurisdiction to take action on the referral within 45 days from the date of referral shall be deemed a finding of no Regional Impact.

If a referral jurisdiction adopts a resolution, ordinance, or order finding that the proposed amendment has a Regional Impact that referral jurisdiction may participate in the decision if they so choose. All jurisdictions participating in the plan amendment

decision process must approve the amendment in order to enact the amendment. *(Revised by Ordinance No. 4-87, Effective 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*

12.220 Metro Plan Amendment Application Fee.

An applicant for a privately initiated Metro Plan amendment submitted to Lane County shall pay an application fee in an amount set by the Board of Commissioners. The application fee shall differ depending upon whether the requested amendment requires approval by one, two or three jurisdictions to become effective. No application shall be processed until it is complete and accurate and until the application fee is paid. *(Revised by Ordinance No. 4-87, Effective 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*

12.225 Metro Plan - Approval of A Plan Amendment.

(1) Who Must Approve Plan Amendment.

(a) Type I.

(i) Non-Site Specific. To become effective, a non-site specific Metro Plan text Type I amendment must be approved by all three governing bodies.

(ii) Site Specific. To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change that crosses the Willamette or McKenzie River, or that crosses over a ridge into a new basin, or that involves a goal exception not related to a UGB expansion, must be approved by all three governing bodies. (See Appendix "A")

(iii) Site Specific. To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change must be approved by the Home City and Lane County. Exception: If the non-home City, after referral of the proposal, determines that the amendment has Regional Impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies must approve the amendment.

(b) Type II.

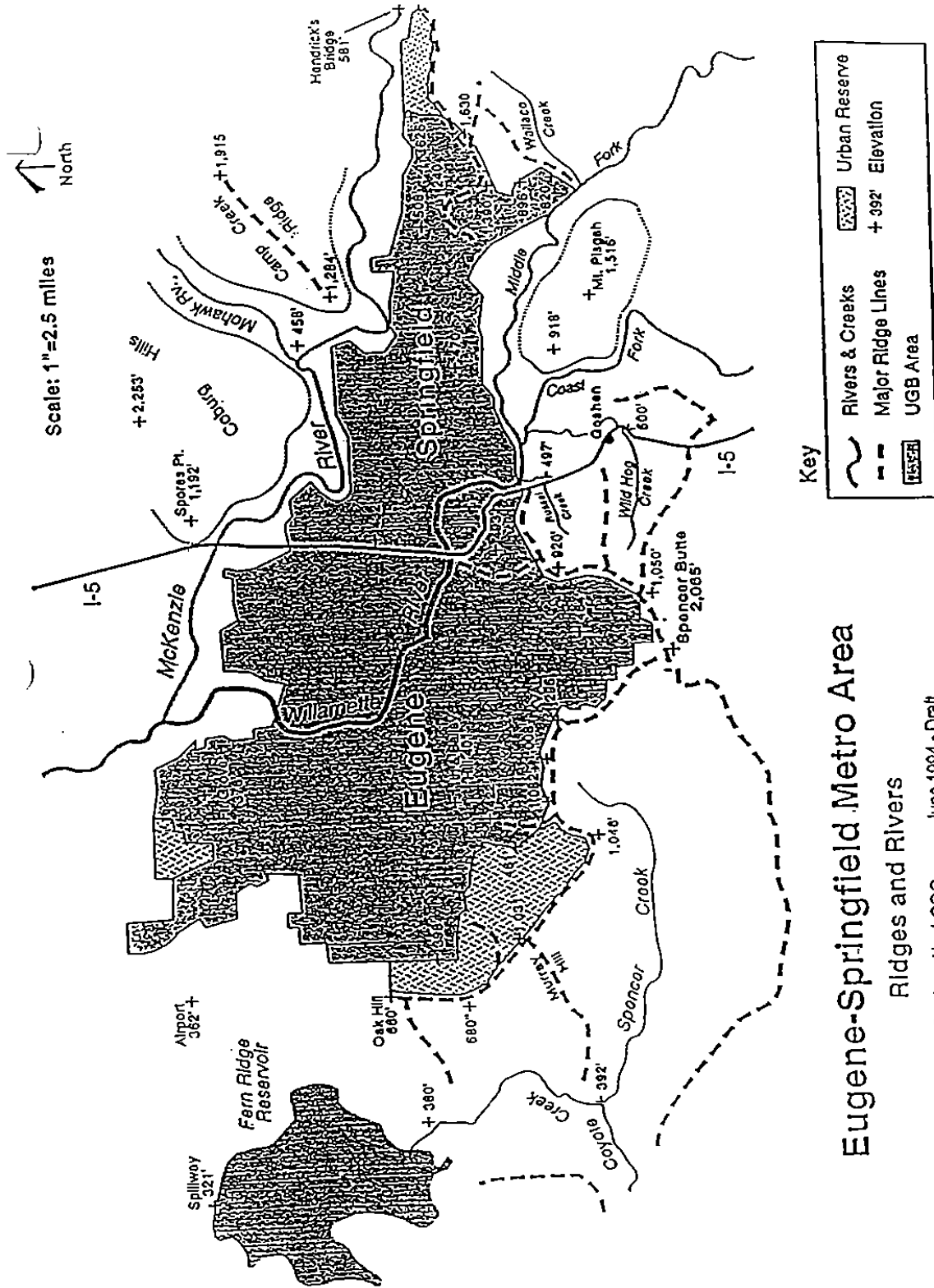
(i) Inside City Limits. To become effective, a Metro Plan Type II amendment inside the city limits must be approved by the Home City.

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

(2) Criteria for Approval of Plan Amendment. The following criteria shall be applied by the Board of Commissioners in approving or denying a plan amendment application:

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

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



APPENDIX "A" to LC Chapter 12
(LC 12.225(1)(a)(ii))

(Revised by Ordinance No. 4-87, Effective 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)

12.230 Metro Plan - Plan Amendment Approval Process - Single Jurisdiction.

(1) When the Single Jurisdiction Process is Used. The following process shall be used to approve Metro Plan amendments for land located inside the city limits of Eugene or Springfield.

(2) Investigation and Report. Within 30 days after the Metro Plan amendment initiation date, the planning staff of the Home City shall investigate the facts bearing on the application, prepare a report, and submit it to the Home City's Planning Commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the Commission.

(3) Planning Commission Consideration. Within 30 days after receipt of the staff report, the Home City's Planning Commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing shall be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. If the proposed amendment is quasi-judicial, at least 20 days before the hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record of property located within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this code and state law. The Home City's Planning Commission shall review the proposed amendment and receive evidence and testimony on whether the proposed change can be justified under the approval criteria. Within 30 days after the public hearing and close of the evidentiary record, the Home City's Planning Commission shall adopt a written recommendation on the proposed amendment. The recommendation shall contain findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.

(4) City Council Action. Within 45 days after the Home City's Planning Commission action on the proposed Metro Plan amendment, the City Council of the Home City shall hold a public hearing on the proposed amendment. The Council's plan amendment decision shall be based solely on the evidentiary record created before the Home City's Planning Commission. No new evidence shall be allowed at the City Council hearing unless otherwise required by law. Within 30 days after the public hearing, the City Council shall approve, modify and approve, or deny the proposed amendment. The City Council shall take this action by ordinance with adopted findings and conclusions on whether the proposal or a modified proposal meets the approval criteria. The action of the City Council is final. *(Revised by Ordinance No. 4-87, Effective 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*

12.235 Metro Plan - Plan Amendment Approval Process - Two Jurisdictions.

(1) When the Two Jurisdictions Process is Used. The following process shall be used to approve Metro Plan amendments when an amendment concerns land located outside of the corporate limits of one of the cities and the other city has chosen not to participate in the approval process.

(2) Investigation and Report. Within 30 days after a response is received from both referral jurisdictions or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed Metro Plan amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the Commission.

(3) Planning Commission Consideration. Within 30 days after receipt of the staff report, the Planning Commissions of both affected jurisdictions shall hold a joint public hearing to consider the proposed Metro Plan amendment. The provisions of LC 12.230 above apply to the joint Planning Commission hearing and decision on a proposed Metro Plan amendment. Within 30 days after the joint public hearing and close of the evidentiary record, both Planning Commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.

(4) Governing Body Action. Within 30 days after the date the last Planning Commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies' decisions shall be based on the evidentiary record created before the Planning Commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the decision becomes final.

(5) Conflict Resolution Process. The following process shall be used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment.

(a) The Metro Plan amendment shall be referred to the Metropolitan Policy Committee within five days after the last governing body action. The Metropolitan Policy Committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions and interested persons. The committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment shall be denied if the committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the committee.

(b) If the plan amendment is denied because of lack of consensus or committee inaction, within 5 days the planning director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the director is final. *(Revised by Ordinance No. 6-90, Effective 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*

12.240 Metro Plan - Plan Amendment Process - Three Jurisdictions.

(1) When The Three Jurisdiction Process is Used. The following process shall be used to approve Metro Plan Type I amendments and Type II amendments where all three jurisdictions participate in the decision.

(2) Investigation and Report. Within 30 days after responses are received from both referral jurisdictions or within 50 days after the initiation date if no response is received, the planning staff of the home jurisdiction where the proposed amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commissions of all three jurisdictions. The report shall be mailed or delivered to affected and interested parties at the same time it is delivered to the three Planning Commissions.

(3) Planning Commission Consideration. Within 30 days after receipt of the staff report, the Planning Commissions of Eugene, Springfield and Lane County shall

hold a joint public hearing on the proposed Metro Plan amendment. The provisions of LC 12.230(3) above apply to the joint Planning Commission hearing. Within 30 days after the proposed Metro Plan amendment hearing and close of the evidentiary record, each Planning Commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.

(4) Governing Bodies Action. Within 30 days after the last Planning Commission acts on the Metro Plan amendment proposal, the governing bodies of Eugene, Springfield and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the action becomes final. The provisions of LC 12.235(5) above apply if the governing bodies do not enact an identical plan amendment. *(Revised by Ordinance No. 6-90, Effective 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*

12.245 Plan Amendment Processes - General Provisions.

(1) Process for Government Initiated Plan Amendments. A different process, time line, or both, than the processes and timelines specified in LC 12.230, 12.235 or 12.240 above, may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.

(2) Time Frame Waiver. The time frames prescribed in connection with Type II Metro Plan amendment processes can be waived if the applicant agrees to the waivers.

(3) Bar on Resubmittal. No privately initiated Metro Plan amendment application submitted to Lane County shall be considered if a substantially similar or identical plan amendment has been denied within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Planning Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.

(4) Relationship to Refinement Plan Amendments. When a Metro Plan amendment is enacted that requires an amendment to a refinement plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan diagram or map if no amendment to the refinement plan text is involved. When a Metro Plan diagram amendment requires a refinement plan diagram or map and text amendment for consistency, the Metro Plan and refinement plan amendments shall be processed concurrently.

(5) Severability of Plan Amendment Adoption Actions. When identical action is required of two or three governing bodies on a Metro Plan Amendment, and the amendment is a number of different plan changes, the following applies. Unless otherwise specified in the adoption ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is not consensus to the Metropolitan Policy Committee under LC 12.235(5) and 12.240(4) above.

(6) Relationship Of Amendment Process To Metro Plan Update And Periodic Review. An update of any element of the Metro Plan requires initiation and approval by all three jurisdictions. Amendments to the Metro Plan that result from state-mandated

Periodic Review require approval by all three jurisdictions. *(Revised by Ordinance No. 6-90, Effective 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*