

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 14-12

IN THE MATTER OF AMENDING LANE  
CODE CHAPTER 12 TO CODIFY  
METRO PLAN REVIEW  
AMENDMENTS AND REFINEMENTS  
IMPLEMENTED BY ORDINANCE NO.  
PA 1300 AND ADOPTING A SAVINGS  
AND SEVERABILITY CLAUSE

WHEREAS, on November 18, 2013, the Eugene and Springfield City Councils and the Lane County Board of Commissioners approved amendments to *Metro Plan* Chapter IV which modified the process and procedures for amending the Metro Plan. [Springfield Ordinance 6304, Eugene Ordinance 20519 and Lane County Ordinance PA-1300]; and

WHEREAS, the *Metro Plan* Chapter IV amendments were acknowledged by the Oregon Department of Land Conservation and Development on December 12, 2013; and

WHEREAS, ORS 197.175 sets forth the cities and counties planning responsibilities, and subsection 2 (b) states that each city and county in this state shall enact land use regulations to implement their comprehensive plans; and

WHEREAS, each jurisdiction has local land use regulations which implement the policies and procedures set forth in *Metro Plan* Chapter IV; and

WHEREAS, Lane Code Chapter 12.200-12.245 implements the policies and procedures for processing and approving amendments to the Metro Plan; and

WHEREAS, said Lane Code sections must be revised to reflect those changes implemented by Ordinance No. PA 1300; and

WHEREAS, the Board of County Commissioners has conducted a public hearing, reviewed the record, and is ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. Lane Code Chapter 12 is amended by removing, substituting and adding the following sections:

**REMOVE THESE SECTIONS**

**INSERT THESE SECTIONS**

12.205  
12.210  
12.215  
12.220  
12.225  
12.230  
12.235  
12.240  
12.245

12.205  
12.210  
N/A  
12.215  
12.220  
12.225  
N/A  
N/A  
N/A

Said section is attached hereto as Exhibit "A" and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 12 to codify changes made to Chapter IV of the Eugene Springfield Metropolitan area General Plan.

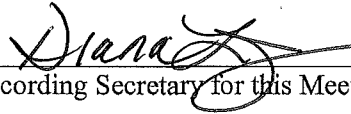
2. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

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

ENACTED this 2nd day of December, 2014.



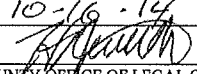
Pat Farr, Chair  
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 10-16-14

  
LANE COUNTY OFFICE OF LEGAL COUNSEL

Lane Code  
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EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN ELEMENT

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**EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN  
ELEMENT**

**12.200 Purpose.**

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the long-range public policy document that establishes the broad framework upon which Springfield, Eugene and Lane County make coordinated land use decisions. While the Metro Plan is one of Lane County's acknowledged land use policy documents, it may require update or amendment in response to changes in the law or circumstances of importance to the community. Additionally, the Metro Plan may be augmented and implemented by more detailed plans and regulatory measures. *(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 Metro Plan Amendment Classifications.** A proposed amendment to the Metro Plan shall be classified as a Type I, Type II, or Type III amendment depending upon the number of governing bodies required to approve the decision.

(1) Type I. A Type I amendment requires approval by the City of Eugene or City of Springfield and not does require co-adoption by Lane County.

(2) Type II. A Type II Amendment requires approval by the home city and Lane County. Eugene is the home city for amendment west of I-5 and Springfield is the home city for amendments east of I-5

(a) Type II Diagram Amendments include:

1. Amendments to the Metro Plan Diagram for the area between the city limits and the Plan Boundary;
2. A UGB or Metro Plan Boundary amendment east or west of I-5 that is not described as a Type III amendment.

(b) Type II Text Amendments include:

1. Amendments that are non-site specific and apply only to Lane County and the home city;
2. Amendments that have a site specific application between the city limits and the Plan Boundary;
3. Amendments to a jointly adopted regional transportation system plan, or a regional public facilities plan, when only participation by Lane County and one city is required by the amendment provisions of those plans.

(3) Type III. A Type III Amendment requires approval by all three governing bodies (Eugene, Springfield and Lane County):

(a) Type III Diagram Amendments include:

1. Amendments of the Common UGB along I-5; and
2. A UGB or Metro Plan Boundary change that crosses I-5.

(b). Type III Text Amendments include:

1. Amendments that change a Fundamental Principle as set forth in Chapter II A. of the Metro Plan;
2. Non site specific amendments that apply to all three jurisdictions;
3. Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans. *(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 Metro Plan Amendments.**

An amendment to the Metro Plan can be initiated as follows:

(1) Type I. 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 and they are subject to the limitations for such amendments set out in the development code of the home city and Lane Code Chapter 12.

(2) Type II. A Type II amendment may be initiated by the home city or Lane County at any time. A property owner may initiate an amendment for property they own at any time and they are subject to the limitations for such amendments set out in the development code of the home city and Lane Code Chapter 12.

(3) Type III. A Type III amendment may be initiated by one of the three governing bodies (Eugene, Springfield or Lane County). Such an amendment may be initiated at any time.

(4) Only a governing body may initiate a refinement plan, a functional plan, a special area study or Periodic Review or Metro Plan update.

(5) 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. *(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 Metro Plan Amendment Property Owner-Initiated**

(1) Application Filing. Property owner-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.

(2) Application Fee. An applicant for a property owner-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 until the application fee is paid.

(3) Concurrent Processing with Certain Legislative Proceedings. Consideration of a Property owner-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.

(4) 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. *(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 Approval Process.**

The approval process for Metro Plan amendments is as follows:

(1) Referrals and Public Notice

(a) Referrals. Within 20 days of initiation of any Type II Metro Plan amendment, the County shall notify Eugene and Springfield 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 LC 12.220(6)(a) or (b).

(b) Public Notice. At least 20 days before the planning commission hearing, notice of the hearing must 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 be mailed to the owners of properties that are the subject of the proposed and to property owners of record of property located within 300 feet of the subject property. The content of the notice shall be the same as required in LC 14.070(2).

(2) Type II Amendment Process.

(a) Investigation and Report. After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of the home city and Lane County. The report shall be made available for review to the public at the time it is delivered to the Commissions.

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

(c) Governing Body Action. After both planning commissions provide a recommendation on the proposed amendment, the governing bodies of the home city and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria of LC 12.225. The actions of the governing bodies are final if they are substantively identical ordinances or decisions. Conflict resolution provisions of LC 12.220(6) apply if the two governing bodies do not adopt substantively identical ordinances or decisions.

(3) Type III Amendment Process.

(a) Investigation and Report. After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of Eugene, Springfield, and Lane County. The report shall be made available for review to the public at the time it is delivered to the Commissions.

(b) Planning Commission Consideration. The joint public hearing before the Eugene, Springfield, and Lane County planning commissions to consider the proposed amendment shall be scheduled within 90 days of initiation of the amendment.

After the joint public hearing and close of the public hearing record, all three planning commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.

(c) **Governing Body Action.** After all three planning commissions provide a recommendation on the proposed amendment, the governing bodies of Eugene, Springfield, and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, all three governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. All three governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria of LC 12.225. The actions of the governing bodies are final if they are substantively identical ordinances or decisions. Conflict resolution provisions of LC 12.220(6) apply if the governing bodies do not adopt substantively identical ordinances or decisions.

(4) **Process for Government Initiated Plan Amendments.** A Different process, time line, or both, than the processes and timelines specified in LC 12.220(1), (2) or (3) above, may be established by the governing bodies of Eugene, Springfield, and Lane County for any government initiated Metro Plan amendment.

(5) **Relationship to Refinement Plan 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.

(6) **Conflict Resolution Process and Severability of Amendment Adoption Actions.** The following process shall be used when the governing bodies cannot agree on substantively identical decisions on a proposed Metro Plan amendment:

(a) A Type II amendment for which there is no consensus shall be referred to the Mayor of the home city and the Chair of the Lane County Board of Commissioners for further examination of the issue(s) in the dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.

(b) A Type III amendment for which there is no consensus shall be referred to the Mayors of Eugene and Springfield and the Chair of the Lane County Board of Commissioners for further examination of the issue(s) in the dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.

(c) If the plan amendment is denied because of lack of consensus, within 10 days the planning director of the jurisdiction where the application originated shall issue a denial decision. For quasi-judicial amendments, the denial decision shall include findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the planning director is final.

(d) When identical action is required of two or three governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, unless otherwise specified in the adoption ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is not consensus as specified under

subsections (a) and (b) above. *(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 Amendment Criteria.**

The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:

- (1) The proposed amendment is consistent with the relevant Statewide Planning Goals; and
- (2) The proposed amendment does not make the Metro Plan internally inconsistent. *(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 Amendment Appeals.**

- (1) Decisions made by the Board of Commissioners and other applicable governing bodies to approve or deny a Metro Plan amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) as specified in ORS 197.830.
- (2) Decisions made by the Board of Commissioners and other applicable governing bodies to approve or deny a Metro Plan amendment that is subject to Land Conservation and Development Commission review and approval (e.g. Periodic Review or UGB expansion larger than 50 acres) may be appealed to the Court of Appeals as specified in ORS 197.650 and 197.651. *(Revised by Ordinance No. 6-90, Effective 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95)*



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**EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN  
ELEMENT**

**12.200 Purpose.**

**The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the long-range public policy document that establishes the broad framework upon which Springfield, Eugene and Lane County make coordinated land use decisions. While the Metro Plan is one of Lane County’s acknowledged land use policy documents, it may require update or amendment in response to changes in the law or circumstances of importance to the community. Additionally, the Metro Plan may be augmented and implemented by more detailed plans and regulatory measures.**

~~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)*

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

(1) **Type I.** A Type I amendment requires approval by the City of Eugene or City of Springfield and not does require co-adoption by Lane County.

(2) **Type II.** A Type II Amendment requires approval by the home city and Lane County. Eugene is the home city for amendment west of I-5 and Springfield is the home city for amendments east of I-5

(a) **Type II Diagram Amendments include:**

1. Amendments to the Metro Plan Diagram for the area between the city limits and the Plan Boundary;

2. A UGB or Metro Plan Boundary amendment east or west of I-5 that is not described as a Type III amendment.

(b) **Type II Text Amendments include:**

1. Amendments that are non-site specific and apply only to Lane County and the home city;

2. Amendments that have a site specific application between the city limits and the Plan Boundary;

3. Amendments to a jointly adopted regional transportation system plan, or a regional public facilities plan, when only participation by Lane County and one city is required by the amendment provisions of those plans.

(3) **Type III.** A Type III Amendment requires approval by all three governing bodies (Eugene, Springfield and Lane County):

(a) **Type III Diagram Amendments include:**

1. Amendments of the Common UGB along I-5; and

2. A UGB or Metro Plan Boundary change that crosses I-5.

(b). **Type III Text Amendments include:**

1. Amendments that change a Fundamental Principle as set forth in Chapter II A. of the Metro Plan;

2. Non site specific amendments that apply to all three jurisdictions;

3. Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.

**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.

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~~**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)~~

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**12.210 Initiation of Metro Plan Amendments.**

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

**(1) Type I. A Type I amendment may be initiated by the home city at any time. A property owner may initiate an amendment for property they owner at any time and they are subject to the limitations for such amendments set out in the development code of the home city and Lane Code Chapter 12.**

**(2) Type II. A Type II amendment may be initiated by the home city or Lane County at any time. A property owner may initiate an amendment for property they own at any time and they are subject to the limitations for such amendments set out in the development code of the home city and Lane Code Chapter 12.**

**(3) Type III. A Type III amendment may be initiated by one of the three governing bodies (Eugene, Springfield or Lane County). Such an amendment may be initiated at any time.**

**(4) Only a governing body may initiate a refinement plan, a functional plan, a special area study or Periodic Review or Metro Plan update.**

**(5) 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.**

~~(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:~~

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~~\_\_\_\_\_ (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)*~~

**12.22015 Metro Plan Amendment Application Fee. Property Owner-Initiated**

**(1) Application Filing.** Property owner-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.

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**(2) Application Fee.** An applicant for a ~~privately~~**property owner--**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.

**(3) Concurrent Processing with Certain Legislative Proceedings.** Consideration of a Property owner-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.

**(4) 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.

*(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)*

**12.2250 Metro Plan ~~Approval of A Plan Amendment~~ Approval Process.** The approval process for Metro Plan amendments is as follows:

**(1) Referrals and Public Notice**

**(a) Referrals.** Within 20 days of initiation of any Type II Metro Plan amendment, the County shall notify Eugene and Springfield 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 LC 12.220(6)(a) or (b).

**(b) Public Notice.** At least 20 days before the planning commission hearing, notice of the hearing must 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 be mailed to the owners of properties that are the subject of the proposed and to property owners of record of property located within 300 feet of the subject property. The content of the notice shall be the same as required in LC 14.070(2).



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**(2) Type II Amendment Process.**

**(a) Investigation and Report.** After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of the home city and Lane County. The report shall be made available for review to the public at the time it is delivered to the Commissions.

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

**(c) Governing Body Action.** After both planning commissions provide a recommendation on the proposed amendment, the governing bodies of the home city and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria of LC 12.225. The actions of the governing bodies are final if they are substantively identical ordinances or decisions. Conflict resolution provisions of LC 12.220(6) apply if the two governing bodies do not adopt substantively identical ordinances or decisions.

**(3) Type III Amendment Process.**

**(a) Investigation and Report.** After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of Eugene, Springfield, and Lane County. The report shall be made available for review to the public at the time it is delivered to the Commissions.

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

**(c) Governing Body Action.** After all three planning commissions provide a recommendation on the proposed amendment, the governing bodies of Eugene, Springfield, and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, all three governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. All three governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria of LC 12.225. The actions of the governing bodies are final if they are substantively identical ordinances or decisions. Conflict resolution provisions of LC 12.220(6) apply if the governing bodies do not adopt substantively identical ordinances or decisions.



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**(4) Process for Government Initiated Plan Amendments. A Different process, time line, or both, than the processes and timelines specified in LC 12.220(1), (2) or (3) above, may be established by the governing bodies of Eugene, Springfield, and Lane County for any government initiated Metro Plan amendment.**

**(5) Relationship to Refinement Plan 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.**

**(6) Conflict Resolution Process and Severability of Amendment Adoption Actions. The following process shall be used when the governing bodies cannot agree on substantively identical decisions on a proposed Metro Plan amendment:**

**(a) A Type II amendment for which there is no consensus shall be referred to the Mayor of the home city and the Chair of the Lane County Board of Commissioners for further examination of the issue(s) in the dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.**

**(b) A Type III amendment for which there is no consensus shall be referred to the Mayors of Eugene and Springfield and the Chair of the Lane County Board of Commissioners for further examination of the issue(s) in the dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.**

**(c) If the plan amendment is denied because of lack of consensus, within 10 days the planning director of the jurisdiction where the application originated shall issue a denial decision. For quasi-judicial amendments, the denial decision shall include findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the planning director is final.**

**(d) When identical action is required of two or three governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, unless otherwise specified in the adoption ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is not consensus as specified under subsections (a) and (b) above.**

~~(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~~

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~~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.~~

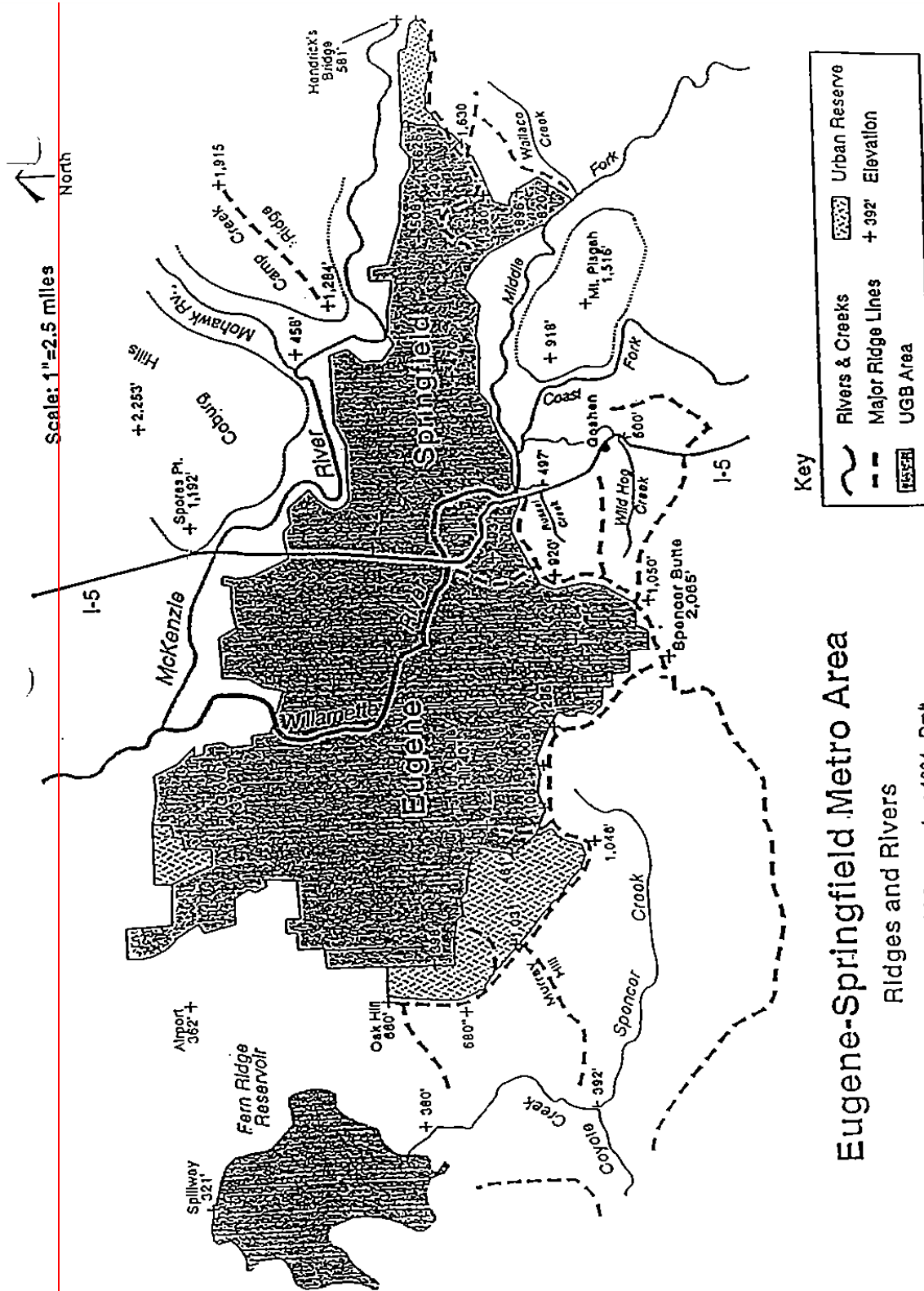
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**Eugene-Springfield Metro Area**

Ridges and Rivers

Map Produced by LCOG June 1994 - Draft

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~~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)*

**12.23025 Metro Plan—Plan Amendment Approval Process—Single Jurisdiction Criteria.**

**The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:**

**(1) The proposed amendment is consistent with the relevant Statewide Planning Goals; and**

**(2) The proposed amendment does not make the Metro Plan internally inconsistent.**

~~(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~~

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~~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)

**12.23530 Metro Plan—Plan Amendment Appeals Approval Process—Two Jurisdictions.**

(1) ~~Decisions made by the Board of Commissioners and other applicable governing bodies to approve or deny a Metro Plan amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) as specified in ORS 197.830.~~

(2) ~~Decisions made by the Board of Commissioners and other applicable governing bodies to approve or deny a Metro Plan amendment that is subject to Land Conservation and Development Commission review and approval (e.g. Periodic Review or UGB expansion larger than 50 acres) may be appealed to the Court of Appeals as specified in ORS 197.650 and 197.651.~~

~~———(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.~~

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~~(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~~

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~~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)~~