

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 14-15

**IN THE MATTER OF AMENDING LANE
CODE CHAPTER 10 TO REFLECT
ADOPTED AMENDMENTS TO THE CITY
OF EUGENE AND CITY OF SPRINGFIELD
DEVELOPMENT CODES TO IMPLEMENT
METRO PLAN REVIEW AMENDMENTS
AND REFINEMENTS AND ADOPTING A
SAVINGS AND SEVERABILITY CLAUSE
(LANE CODE FILE NO. 509-PA14-0551)**

WHEREAS, on November 24, 1986, the Lane County Board of Commissioners enacted Ordinance No. 16-86 to adopt the City of Springfield land use regulation for application to urbanizable lands within the Springfield Urban Growth Boundary in accordance with an urban transition agreement with the City of Springfield; and

WHEREAS, on April 8, 1987, the Lane County Board of Commissioners enacted Ordinance No. 18-86 to adopt the City of Eugene land use regulation for application to urbanizable lands within the Eugene Urban Growth Boundary in accordance with an urban transition agreement with the City of Eugene; and

WHEREAS, provisions of those urban transition agreements provide for County adoption and of land use regulations applicable to urbanizable lands within the Springfield and Eugene Urban Growth Boundaries; and

WHEREAS, there is a need to amend the Springfield and Eugene development codes to implement recent changes to Chapter IV of the Eugene-Springfield Metropolitan Area General Plan; and

WHEREAS Planning Commission of Springfield, Eugene and Lane County held a joint public hearing on this matter and the Lane County Planning Commission recommended adoption of the proposed changes to the Springfield and Eugene codes to the Board of Commissioners; and

WHEREAS, the Springfield City Council, the Eugene City Council and the Board of County Commissioners conducted a joint hearing on this matter on November 10, 2014 and is ready to take action.

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

1. The provisions of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Lane County Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, 2-06, 16-07, 4-09, 7-11, 3-12, 13-05, 13-07 and 14-13 are hereby further amended to include to amendments specified in the attached Exhibit "A", (Springfield Ordinance No. 6332) incorporated by this reference. These amendments are

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adopted and incorporated herein by this reference for application on the urbanizable lands within the Springfield Urban Growth Area and shall not be codified into Lane Code.

2. The provisions of the Eugene Land Use Code, as adopted by Lane County Ordinance No. 18-86, and amended by Lane County Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02 and 3-02 are hereby further amended to include amendments specified in the attached Exhibit "B", (Eugene Ordinance No. 20545) incorporated by this reference. These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Eugene Urban Growth Area and shall not be codified into Lane Code

3. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

REMOVE THESE SECTIONS

10.600-15
10.600-25

INSERT THESE SECTIONS

10.600-15
10.600-25

Said section is attached hereto as Exhibit "C" and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include reference to this Board of County Commissioners action adopting amendments to the City of Springfield and City of Eugene land use regulations to be applied by the each city within the urbanizable lands of their respective Urban Growth Areas.

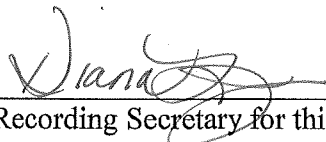
4. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior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

5. 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.



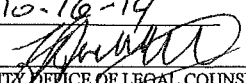
Pat Farr, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 10-16-14



LANE COUNTY OFFICE OF LEGAL COUNSEL

Ordinance No. _____

AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE SECTION 5.14-100—METRO PLAN AMENDMENTS TO IMPLEMENT CHANGES MADE TO CHAPTER IV OF THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Springfield finds that:

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, Section 5.14-100 of the Springfield Development Code (SDC) implements the policies and procedures for processing and approving amendments to the Metro Plan; and

WHEREAS, changes to *Metro Plan* Chapter IV require SDC Section 5.14-100 to be amended. The purpose of the proposed amendments are to accurately implement the policies and procedures for amending the *Metro Plan* as modified by the adopted Chapter IV amendments; and

WHEREAS, Section 5.6 -100 of the SDC sets forth procedures for the amendment of the Springfield Development Code; and

WHEREAS, the Springfield Planning Commission conducted a public hearing concerning the proposed amendments to SDC Section 5.14-100 on October 23, 2014, and voted to recommend approval of the amendments to Council. The Planning Commission recommendation to the Council is based upon findings set forth in the Staff Report and on the evidence and testimony in the record; and

WHEREAS, the City Council conducted a first reading and public hearing concerning the proposed amendments to SDC Section 5.14-100 on November 10, 2014; and

WHEREAS, on December 1, 2014, City Council conducted a second reading of the ordinance and is now ready to take action on this application based upon findings in support of adoption of these SDC amendments as set forth in the aforementioned Staff Report incorporated herein by as Exhibit A and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance.

NOW, THEREFORE, based on the foregoing recitals, the City Council of the City of Springfield does ordain as follows:

SECTION 1. Springfield Development Code Section 5.14-100 is amended to read as follows:

Section 5.14-100 Metro Plan Amendments

Subsections

- 5.14-105 Purpose**
- 5.14-110 Review**
- 5.14-115 Metro Plan Amendment Classifications**
- 5.14-120 Relationship to Refinement Plans, Special Area Studies or Functional Plan Amendments**
- 5.14-125 Initiation**
- 5.14-130 Approval Process**
- 5.14-135 Criteria**
- 5.14-140 Appeals**
- 5.14-145 Limitation on Refiling**

5.14-105 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 Springfield's acknowledged land use policy document, 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.

5.14-110 Review

- A.** A Development Issues Meeting is encouraged for citizen initiated amendment applications.
- B.** Metro Plan amendments are reviewed under Type IV procedures as specified in Section-5.1-140.
- C.** A special review, and if appropriate, Metro Plan amendment, shall be initiated if changes in the Metro Plan basic assumptions occur. An example would be a change in public demand for certain housing types that in turn may affect the overall inventory of residential land.

5.14-115 Metro Plan Amendment Classifications

A proposed amendment to the Metro Plan shall be classified as Type I, Type II or Type III depending upon the number of governing bodies (Springfield, Eugene and Lane County) required to approve the decision.

- A.** A Type I amendment requires approval by Springfield only:
 - 1.** Type I Diagram amendments include amendments to the Metro Plan Diagram for land inside Springfield's city limits.

2. Type I Text amendments include:

- a.** Amendments that are non-site specific and apply only to land inside Springfield's city limits;
- b.** Site specific amendments that apply only to land inside Springfield's city limits;
- c.** Amendments to a regional transportation system plan or a regional and public facilities plan when only Springfield's participation is required by the amendment provisions of those plans; and
- d.** The creation of new Metro Plan designations and the amendment of existing Metro Plan designation descriptions that apply only within Springfield's city limits.

B. A Type II amendment requires approval by Springfield and Lane County only:

1. Type II Diagram amendments include:

- a.** Amendments to the Metro Plan Diagram for the area between Springfield's city limits and the Plan Boundary; and
- b.** An Urban Growth Boundary (UGB) or Metro Plan Boundary amendment east of I-5 that is not described as a Type III amendment.

2. Type II Text amendments include:

- a.** Amendments that are non-site specific and apply only to Lane County and Springfield;
- b.** Amendments that have a site specific application between Springfield's city limits and the Plan Boundary; and
- c.** Amendments to a jointly adopted regional transportation system plan or a regional public facilities plan when participation by Springfield and Lane County is required by the amendment provisions of those plans.

C. A Type III amendment requires approval by Springfield, Eugene and Lane County:

1. Type III Diagram amendments include:

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

2. Type III Text amendments include:

- a. Amendments that change a Fundamental Principle as specified in Metro Plan Chapter II A.;
- b. Non site specific amendments that impact Springfield, Eugene and Lane County; and
- c. Amendments to a jointly adopted regional transportation system plan or a regional public facilities plan, when the participation of Springfield, Eugene and Lane County is required by the amendment provisions of those plans.

5.14-120 Relationship to Refinement Plans, Special Area Studies or Functional Plan Amendments

- A. In addition to a Metro Plan update, refinement studies may be undertaken for individual geographical areas and special purpose or functional elements, as determined appropriate by Springfield, Eugene or Lane County.
- B. All refinement and functional plans shall be consistent with the Metro Plan. Should inconsistencies occur, the Metro Plan is the prevailing policy document.
- C. When a Metro Plan amendment also requires an amendment of a refinement plan or functional plan diagram map and/or text for consistency, the Metro Plan, refinement plan and/or functional plan amendments shall be processed concurrently.
- D. When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan map or diagram for consistency, the Metro Plan Diagram amendment automatically amends the diagram or map if no amendment to the refinement plan or functional plan text is involved.
- E. An amendment of the Springfield Comprehensive Plan shall be processed as a Metro Plan amendment and comply with the approval criteria specified in Subsection 5.14-135.

5.14-125 Initiation

Metro Plan amendments shall be initiated as follows:

- A. A Type I amendment may be initiated by Springfield at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in this Code (See also Subsection E.)
- B. A Type II amendment may be initiated by Springfield or Lane County at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in this Code and the Lane Code (See also Subsection E.).

EXCEPTION: Consideration of a property owner initiated Metro Plan amendment (Type I and II) will be postponed by the Director if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled

to commence within 3 months of the date of application submittal. The requested Metro Plan amendment will be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study process has not begun within the 3-month period, the Metro Plan amendment application process shall begin immediately following the 3-month period. The Director may exempt particular plan amendment applications from postponement under this Subsection and require more immediate review if there is a finding 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.

- C. A Type III amendment may be initiated at any time by Springfield, Eugene or Lane County.
- D. Only Springfield, Eugene or Lane County may initiate a refinement plan, a functional plan, a special area plan, Periodic Review or a Metro Plan update.
- E. Metro Plan updates shall be initiated no less frequently than during the state required Periodic Review of the Metro Plan, although Springfield, Eugene and Lane County may initiate an update of the *Metro Plan* at any time.

5.14-130 Approval Process

- A. The initiating government body of any Type I, Type II or Type III amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed within 20 days. If any governing body disagrees with the Type of proposed amendment, that governing body may refer the matter to the process specified in Subsections E. or F. as appropriate
- B. For any Type I, Type II or Type III amendment, a public hearing date shall be set for the Springfield Planning Commission, and the Planning Commissions of Eugene and Lane County, as applicable, within 90 days.
- C. For Type I, Type II and Type III amendments, the Springfield Planning Commission and the Planning Commissions of Eugene and Lane County, shall conduct a single or joint public hearing, as appropriate, and forward that record and their recommendations to the Springfield City Council and to their respective elected officials. The Springfield City Council and the participating elected officials shall also conduct a public hearing, as appropriate, prior to making a final decision.
- D. If all participating governing bodies reach a consensus to approve a proposed Type II or Type III amendment, substantively identical Ordinances effecting the applications shall be adopted. Where there is no consensus a proposed amendment, it may not be re-initiated, except by either Springfield, Eugene or Lane County, for one year (See also Section 5.14-150).
- E. A Type II amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayor of Springfield for further examination of the issues in 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.

- F. A Type III amendment for which there is no consensus, shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Springfield and Eugene for further examination of the issues in 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.
- G. If a plan amendment is denied because of a lack of consensus, the director of the jurisdiction where the application originated shall issue a denial. For quasi-judicial amendments, the denial 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 government bodies. The decision of the planning director is final.
- H. When identical action is required of two or three government bodies on an amendment, and the amendment results in a number of different plan changes, unless otherwise specified in the adoption Ordinance of any of the government bodies, action by all of the government 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 no consensus as specified under Subsections E. and F., above.
- I. A different process, time line, or both, than the processes and time lines may be established by the governing bodies of Springfield, Eugene and Lane County for any government initiated Metro Plan amendment.

5.14-135 Criteria

A Metro Plan amendment may be approved only if the Springfield City Council and other applicable governing body or bodies find that the proposal conforms to the following criteria:

- A. The amendment shall be consistent with applicable Statewide Planning Goals; and
- B. Plan inconsistency:
 - 1. In those cases where the Metro Plan applies, adoption of the amendment shall not make the Metro Plan internally inconsistent.
 - 2. In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan.

5.14-140 Appeals

Adopted or denied Metro Plan amendments may be appealed to Oregon Land Use Board (LUBA) or the Department of Land Conservation and Development (DLCD) according to state law.

5.14-145 Limitation on Refiling

The City shall not consider a property owner-initiated Metro Plan amendment application if a

substantially similar or identical plan amendment has been denied by the City within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.

SECTION 2. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED by the Common Council of the City of Springfield by a vote of ____ for and ____ against, this ____ day of _____, 2014.

APPROVED by the Mayor of the City of Springfield, this ____ day of _____, 2014

ATTEST:

Mayor

City Recorder

N:\City\Planning Zoning\Metro Plan Chapter IV Amendments (UGB Step 2)\Draft Springfield Ordinance-Chapter IV Development Code 10_2_2014 .docx

ORDINANCE NO. _____

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

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

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

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

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

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

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

~~**Metro Plan Amendment Regional Impact.** Site specific Metro Plan amendments have regional impact if the change in plan designation or site location will:~~
~~(A) Require an amendment of a jointly adopted functional plan including the Public Facilities Plan, a Natural Resources Functional Plan, or an amendment to TransPlan, when the Transportation Planning Committee (TPC) determines the necessary amendment to be regional, or necessary in order to provide the subject properties with an adequate level of necessary urban services or facilities; or~~

- ~~(B) Have a demonstrable impact on the water, storm drainage, sanitary sewer or transportation facilities of the non-home city; or~~
- ~~(C) Affect the buildable land inventory in such a way as to impact the regional supply by:~~
 - ~~1. Significantly decreasing the net inventory of needed buildable land in the following plan designation categories: Medium Density Residential, High Density Residential, Commercial; or~~
 - ~~2. Significantly increasing the net inventory of buildable land in the following plan designation categories: Low Density Residential, Special Light Industrial, Light Medium Industrial, Heavy Industrial; except in the following two cases:~~
 - ~~a. A jurisdiction may amend the plan designations to compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction, or~~
 - ~~b. A jurisdiction may change a plan designation to accommodate the contiguous expansion of an existing business with a site specific requirement.~~

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

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

~~Metro Plan Type II Amendment.~~ ~~An amendment to the Metro Plan which is not otherwise a Type I plan amendment and which:~~

- ~~(A) Changes the plan diagram; or~~
- ~~(B) Is a site specific plan text amendment.~~

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

Section 2. The line item for “Metro Plan Amendment” in Table 9.7055 of Section 9.7055

of the Eugene Code, 1971, is amended to provide as follows:

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

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

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

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

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

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

initiated Metro Plan amendments are not subject to the 120-calendar-day review period. Metro Plan amendments shall be made in accordance with the standards contained in Chapter IV of the Metro Plan and the provisions of this land use code.]

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

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

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

9.7715 Metro Plan Amendments - Initiation of Plan Amendments.

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

process has not begun within the 3-month period, the Metro Plan amendment application process shall begin immediately following the 3-month period. The planning director may except particular plan amendment applications from postponement under this subsection and require more immediate review if the planning director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

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

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

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

- Amendment (Type I or Type II), planning staff determines that the proposed amendment is part of an existing planned refinement plan or special area study adoption or amendment process, or a refinement plan or special area study adoption or amendment process is scheduled to commence within three months of the date of the Metro Plan amendment application, planning staff shall postpone processing the Metro Plan amendment.*
- (b) Such a requested Metro Plan amendment shall be considered in the legislative proceedings of the refinement plan or special area study.*
 - (c) If the refinement plan or special area study process has not begun within three months of the date of the Metro Plan amendment application, the city shall continue processing the Metro Plan amendment.*
 - (d) A Metro Plan amendment need not be postponed under subsection (a) of this section if the planning director finds:

 - 1. There is a public need for more immediate consideration of the proposed plan amendment, or*
 - 2. Review of the proposed plan amendment as part of a refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.**
- (4) **Limitation on Refiling.** The city shall not consider a property owner-initiated Metro Plan amendment application if a substantially similar or identical plan amendment has been denied by the city within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The planning director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.*

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

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

Metro Plan Amendments – Referrals and Public Notice.

- (1) **Referrals.** Within 20 days of city initiation of any Type I, II, or III Metro Plan amendment, the city shall notify Springfield and Lane County of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment, that governing body may refer the matter to the processes provided in EC 9.7730(6)(a) or (b) as appropriate. All property owner-initiated Metro Plan amendments shall be referred to Springfield and Lane County at least 20 days prior to the planning commission public hearing.*
- (2) **Public Notice.** At least 20 days before the planning commission hearing, notice of the hearing shall be published in a local newspaper of general circulation and mailed to the applicant and to persons who have*

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

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

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

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

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

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

- ~~[(a) Inside City Limits. To become effective, a Type II Metro Plan amendment inside the city limits must be approved by the Metro Plan amendment home city.~~
- ~~(b) Between the City Limits and Plan Boundary. To become effective, a Type II Metro Plan amendment between the city limits and the plan boundary must be approved by the Metro Plan amendment home city and Lane County. Exception: If the non-home city, after referral of the proposal, determines that the amendment has regional impact and, as a result of that determination, chooses to participate in the hearing, all 3 governing bodies must approve the amendment.]~~
- (a) Investigation and Report. After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of Eugene and Lane County. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the two commissions.**
- (b) Planning Commission Consideration. The joint planning commission public hearing to consider the proposed amendment shall be scheduled within 90 days of initiation of the amendment. After the joint public hearing and close of the public hearing record, both planning commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.**
- (c) Governing Body Action. After the date the last planning commission provides a recommendation on the proposed amendment, the governing bodies of Eugene and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria at EC 9.7735. The actions of the governing bodies are final if they adopt substantively identical ordinances or decisions. The conflict resolution provisions of EC 9.7730(6) apply if the two governing bodies do not adopt substantively identical ordinances or decisions.**

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

- ~~(a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and~~
- ~~(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.]~~

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

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

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

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

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

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

repealed.

[9.7740] Metro Plan – Plan Amendment Approval Process: 2 Jurisdictions.

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

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

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

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

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

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

[9.7750 Metro Plan - Plan Amendment Processes: General Provisions.

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

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

~~(5) **Relationship of Amendment Process to Metro Plan Update and Periodic Review.** An update of any element of the Metro Plan requires initiation and approval by all 3 jurisdictions. Amendments to the Metro Plan that result from state-mandated periodic review require approval by all 3 jurisdictions.~~

~~(6) **Severability of Plan Amendment Adoption Actions.** When identical action is required of 2 or 3 governing bodies on a Metro Plan amendment, and the amendment results in a number of different plan changes, unless otherwise specified in the adoption ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is not consensus to the metropolitan policy committee for review under EC 9.7740 and EC 9.7745.]~~

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

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

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

Passed by the City Council this

___ day of _____, 2014

Approved by the Mayor this

___ day of _____, 2014

City Recorder

Mayor

10.600-10

Lane Code

10.600-25

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

10.600-10 Springfield Urban Growth Boundary.

The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. *(Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99)*

10.600-15 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, 2-06, 16-07, 4-09, 7-11, 3-12, 13-05 and 13-07, 14-13 and 14-15.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06; 16-07, 1.4.08; 4-09, 10.15.09; 7-11, 11.4.2011; 3-12, 10.05.12; 13-05, 11.19.13; 13-07, 04.15.14)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary.

(1) The Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 18-86 as amended in Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 2-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02 and 3-02, and 14-15.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02)*