Oregon
John A. Kitzhaber, M.D., Governor

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 12/12/2014

Jurisdiction: City of Springfield

Local file no.: TYP413-00001

DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/10/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 42 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2

NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 004-14 {22440}
Received: 12/10/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (*See* OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Springfield

Local file no.: **TYP413-00001**

Date of adoption: 12/2/2014 Date sent: 12/11/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?
Yes: Date (use the date of last revision if a revised Form 1was submitted): 8/26/2014
No

Is the adopted change different from what was described in the Notice of Proposed Change? **Yes** No
If yes, describe how the adoption differs from the proposal:

Changes were made to Sections 5.14-125--Initiation, 5.14-130--Approval Process, 5.14-135--Criteria, and 5.14-140 Effective Date of Adoption. These changes were made in consultation with Eugene and Lane County to ensure consistency between jurisdiction when processing Metro Plan amendments.

Local contact (name and title): Mark Metzger, Senior Planner

Phone: 541-726-3775 E-mail: mrmetzger@springfield-or.gov

Street address: 225 Fifth Street City: Springfield Zip: 97477

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:
Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:
Identify the former and new map designations and the area affected:

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:
Identify the sections of the ordinance or code that were added or amended by title and number:

The entirety of Springfield Development Code (SDC) Section 5.14-100--"Metro Plan Amendments" was replaced to implement the extensive changes made to Chapter IV--Metro Plan Amendments, of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) in 2013. Eugene and Lane County have recently adopted similar changes to their respective codes.

For a change to a zoning map:
Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Springfield, Lane County. On December 2, 2014, Lane County adopted the same amendments (County Ordinance #14-15) to SDC Section 5.14-100 that Springfield approved. This allows Springfield to apply its planning standards outside of the city limits and within the UGB.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The attached staff report and ordinance provide an overview of the changes, findings in support of the changes and the actual changes that were adopted.

Ordinance No. 6331

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 a 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 5 for and 0 against, this 1 day of DECEMBER, 2014. (1 abs - Ralston)

APPROVED by the Mayor of the City of Springfield, this 1 day of DECEMBER, 2014

ATTEST:

Christine L. Lundberg
Mayor

Amy Sowa
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

City of Springfield, Oregon

CERTIFIED TRUE COPY

Amy Sowa
City Recorder

REVIEWED & APPROVED
AS TO FORM
Laura Kisler
DATE: 10/27/14
OFFICE OF CITY ATTORNEY

Type IV Amendment to the Springfield Development Code
Staff Report

Project Name: Amendments to the Springfield Development Code (SDC) Section 5.14-100—Metro Plan Amendments.

Nature of Application: To replace SDC Section 5.14-100 with a new policy section guiding the policies and procedures for amending the Metro Plan that implement changes to Metro Plan Chapter IV—Review, Amendments and Refinements.

Case Number: TYP413-00001

Project Location: City-wide legislative action

Date of Initiation: August 25, 2014

Date of DLCD Notice of Proposed Amendment: August 25, 2014

Dates of Newspaper Notices: September 30, 2014, October 30, 2014

I. Executive Summary

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). The Chapter IV amendments were acknowledged by the Department of Land Conservation and Development on December 12, 2013.

Each jurisdiction has local land use regulations which implement the policies and procedures set forth in *Metro Plan* Chapter IV. Section 5.14-100 of the Springfield Development Code (SDC) implements the policies and procedures for processing and approving amendments to the *Metro Plan*. Changes to *Metro Plan* Chapter IV require SDC Section 5.14-100 to be amended. The purpose of the proposed amendments is to accurately implement the policies and procedures for amending the *Metro Plan* as modified by the Chapter IV amendments.

SDC Section 5.6-115 describes the criteria to be used in approving an amendment to the SDC. It states that in reaching a decision, the Planning Commission and the City Council must adopt findings which demonstrate conformance with "*1) the Metro Plan; 2) applicable State statutes; and to 3) applicable State-wide Planning Goals and Administrative Rules.*"

Based on its findings with respect to the criteria defined in SDC Section 5.6-115 for approving amendments to the Springfield Development Code, staff finds the proposed amendments to SDC Section 5.14-100 to be consistent with these criteria and recommend approval of the proposed amendments.

II. Procedural Findings

Procedural requirements for amending the Springfield Development Code (SDC) are described in Sections 5.6-100 and 5.1-140.

SDC Section 5.6-105 indicates that the Planning Director, Planning Commission, City Council or a resident of the City can initiate amendments to the SDC. Such amendments of are reviewed under a "Type IV" procedure (Section 5.6-110) and require public hearings before the Planning Commission and the City Council. Type IV procedures are detailed in Section 5.1-140 of the SDC. The proposed revision to SDC Section 5.14-100 was initiated by the Director.

SDC Section 5.2-110 (B) requires that legislative land use decisions be advertised in a newspaper of general circulation, providing information about the legislative action and the time, place and location of the hearing.

Findings:

Finding #1. The City of Springfield initiated the proposed amendment to SDC Section 5.14-100. The amendment is not site-specific and falls under the definition of a legislative action.

Finding #2. A "DLCD Notice Proposed Amendment" was e-mailed with mailed copies following to the Oregon Department of Land Conservation and Development (DLCD) on August 26, 2014 alerting the agency to Springfield's intent to amend SDC Section 5.14-100. The notice was mailed more than 35 days in advance of the first evidentiary hearing as required by ORS 197.610 (1).

Finding #3. Notice of the public hearing concerning the proposed amendments was published on September 30, 2014 in the Register Guard, advertising the hearing before the Joint Planning Commissions of Springfield, Eugene and Lane County on October 23, 2014. A second notice was published on October 30, 2014 advertising the joint meeting of the Springfield and Eugene City Councils and the Lane County Board of Commissioners on November 10, 2014. The content of the notice followed the direction given in SDC Section 5.2-115 for legislative actions.

Finding #4. ORS 197.047(4) requires the local government to mail a notice to every landowner whose property would be "rezoned" as a result of an amendment to planning policies that would limit or prohibit land uses previously allowed in the affected zone. The proposed amendments to the Springfield, Eugene and Lane County land use regulations do not change the allowed uses or zoning for any property. Mailed notice is not required.

Conclusion: Procedural requirements described in SDC Sections 5.6-100 and 5.1-140, have been followed. Notice requirements established by DLCD and the Oregon Revised Statutes for amending local land use regulations have also been followed.

III. Decision Criteria and Findings

SDC Section 5.6-115 describes the criteria to be used in approving an amendment to the SDC. It states that in reaching a decision, the Planning Commission and the City Council must adopt findings which

demonstrate conformance with "*1) the Metro Plan; 2) applicable State statutes; and to 3) applicable State-wide Planning Goals and Administrative Rules."*

The purpose of the proposed SDC amendments is to implement changes to Chapter IV of the *Metro Plan* that were recently adopted. *Criterion #1—Conformance with the Metro Plan,* examines the consistency of the code changes with the changes to *Metro Plan* Chapter IV. In doing so, the findings below will systematically compare the changes to the SDC with the adopted new Chapter IV statements and policies.

Criterion #1 "Conformance with the Metro Plan"

Findings:

Finding #5. 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]. The Chapter IV amendments were acknowledged by the Department of Land Conservation and Development on December 12, 2013.

Finding #6. Each jurisdiction has local land use regulations which implement the policies and procedures set forth in *Metro Plan* Chapter IV. Section 5.14-100 of the Springfield Development Code (SDC) implements the policies and procedures for processing and approving amendments to the *Metro Plan*.

Finding #7. Changes to *Metro Plan* Chapter IV require SDC Section 5.14-100 to be amended. The purpose of the proposed amendments is to accurately implement the policies and procedures for amending the *Metro Plan* as modified by the Chapter IV amendments.

Finding #8. Table 1. compares the amended *Metro Plan* Chapter IV policies and procedures with the amended implementing regulations proposed for SDC Section 5.14-100.

Table 1. Comparison of Metro Plan Chapter IV and Proposed Amendments to Springfield Development Code Section 5.14-100

Commentary. *The proposed text is based upon the Metro Plan Chapter IV amendment Ordinance 6304, effective date December 18, 2013. The yellow highlighted text throughout are Springfield specific modifications to the adopted ordinance text. The proposed text addresses all adopted Metro Plan Chapter IV amendment polices except: 2.; 8.g., 8.h; 9 and 11.*

Amended *Metro Plan* Chapter IV Policies	**Proposed Implementing Standards for the Springfield Development Code**
The *Metro Plan* is the long-range public policy document which establishes the broad framework upon which Eugene, Springfield, and Lane County make coordinated land use decisions. While the *Metro Plan* is the basic guiding land use policy document, it may require update or amendment in response to changes in the law or circumstances of importance to the community. Likewise, the *Metro Plan* may be	**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

Amended *Metro Plan* Chapter IV Policies	Proposed Implementing Standards for the Springfield Development Code
augmented and implemented by more detailed plans and regulatory measures.	law or circumstances of importance to the community. Additionally, the Metro Plan may be augmented and implemented by more detailed plans and regulatory measures.
[There is no corresponding policy for this standard in Metro Plan Chapter IV] **[There is no corresponding policy for this standard in Metro Plan Chapter IV]** **Policy 1.** A special review, and if appropriate, *Metro Plan* amendment, shall be initiated if changes in the basic assumptions of the *Metro Plan* occur. An example would be a change in public demand for certain housing types that in turn may affect the overall inventory of residential land. **Policy 2.** The regional land information database shall be maintained on a regular basis.	**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~~s~~ 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. **[There is no corresponding standard for this policy in this section of the Development Code. This is a directive for an existing practice.]**
Policy 3. A proposed amendment to the *Metro Plan* shall be classified as a Type I, Type II or Type III amendment depending upon the number of governing bodies required to approve the decision. **Policy 4**. A Type I amendment requires approval by the home city. a. Type I Diagram Amendments include amendments to the *Metro Plan* Diagram for land inside the city limits. b. Type I Text Amendments include: i. Amendments that are non-site specific and apply only to land inside the city limits of the home city; ii. Site specific amendments that apply only to land inside the city limits of the home city;	**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;

Amended *Metro Plan* Chapter IV Policies	Proposed Implementing Standards for the Springfield Development Code
iii. Amendments to a regional transportation system plan, or a regional public facilities plan, when only participation by the home city is required by the amendment provisions of those plans;	**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
iv. The creation of new *Metro Plan* designations and the amendment of existing *Metro Plan* designation descriptions that apply only within the city limits of the home city.	**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.
Policy 5. A Type II Amendment requires approval by two governing bodies. The governing bodies in a Type II are the home city and Lane County. Eugene is the home city for amendments west of I-5, and Springfield is the home city for amendments east of I-5:	**B.** A Type II amendment requires approval by Springfield and Lane County only:
a. Type II Diagram Amendments include:	**1.** Type II Diagram amendments include:
i. Amendments to the *Metro Plan* Diagram for the area between a city limit and the Plan Boundary;	**a.** Amendments to the Metro Plan Diagram for the area between Springfield's city limits and the Plan Boundary; and
ii. A UGB or *Metro Plan* Boundary amendment east or west of I-5 that is not described as a Type III amendment.	**b.** An Urban Growth Boundary (UGB) or Metro Plan Boundary amendment east of I-5 that is not described as a Type III amendment.
b. Type II Text Amendments include:	**2.** Type II Text amendments include:
i. Amendments that are non-site specific and apply only to Lane County and one of the cities;	**a.** Amendments that are non-site specific and apply only to Lane County and Springfield;
ii. Amendments that have a site specific application between a city limit of the home city and the Plan Boundary;	**b.** Amendments that have a site specific application between Springfield's city limits and the Plan Boundary; and

Amended *Metro Plan* Chapter IV Policies	Proposed Implementing Standards for the Springfield Development Code
iii. Amendments to a jointly adopted regional transportation system plan, or a regional public facilities plan, when only participation by Lane County and one of the cities is required by the amendment provisions of those plans.	**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.
Policy 6. A Type III Amendment requires approval by all three governing bodies: a. Type III Diagram Amendments include: i. Amendments of the Common UGB along I-5; and ii. A UGB or *Metro Plan* Boundary change that crosses I-5. b. Type III Text Amendments include: i. Amendments that change a Fundamental Principle as set forth in Chapter II A. of the *Metro Plan;* ii. Non site specific amendments that apply to all three jurisdictions; iii. Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.	**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.
[This standard corresponds to Policy 10 discussed	**5.14-120 Relationship to Refinement Plans, Special Area Studies or Functional Plan Amendments** **A.** In addition to a Metro Plan update, refinement

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below.]	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. **Commentary.** *Proposed Subsection C. is based upon current SDC Subsections 5.14-155 D. and E.* **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.
Policy 7. Initiation of *Metro Plan* amendments shall be as follows: a. A Type I amendment may be initiated by the home city at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development code of the home city. b. A Type II amendment may be initiated by the home city or county at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are	**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

Amended *Metro Plan* Chapter IV Policies	Proposed Implementing Standards for the Springfield Development Code
subject to the limitations for such amendments set out in the development codes of the home city and Lane County.	in this Code and the Lane Code (See also Subsection E.). **Commentary.** *The proposed text is from current SDC Section 5.4-120B.3. with minor modifications.*
[There is no corresponding policy for this exception in Metro Plan Chapter IV. It is an existing policy within the Development Code which is intended to bar consideration of proposed new Metro Plan amendment concerning land which is part of a study that is being considered for amendment by the City.]	**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 by any one of the three governing bodies at any time.	**C.** A Type III amendment may be initiated at any time by Springfield, Eugene or Lane County.
d. Only a governing body may initiate a refinement plan, a functional plan, a special area study or Periodic Review or *Metro Plan* update.	**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 any governing body may initiate an update of the *Metro Plan* at any time.	**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.

Amended *Metro Plan* Chapter IV Policies	Proposed Implementing Standards for the Springfield Development Code
Policy 8. The approval process for *Metro Plan* amendments shall be as follows:	**5.14-130 Approval Process**
a. The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.	**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.
b. When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision.	**C.** 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.
c. If all participating governing bodies reach a consensus to approve a proposed amendment, substantively identical ordinances effecting the changes shall be adopted. When an amendment is not approved, it may not be re-initiated, except by one of the three governing bodies, for one year.	**D.** 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 to approve 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).
d. A Type II amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayor of the home city for further examination of the issue(s) in dispute and recommendation back to the governing bodies.	**E.** A Type 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.

Amended *Metro Plan* Chapter IV Policies	Proposed Implementing Standards for the Springfield Development Code
e. A Type III amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Eugene and Springfield for further examination of the issue(s) in dispute and recommendation back to the governing bodies.	**F.** 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.
[There is no corresponding policy for this standard in Metro Plan Chapter IV. This section of the code is proposed to provide administrative detail to Policy 8.e. above] .	**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.
[There is no corresponding policy for this standard in Metro Plan Chapter IV. This section of the code is proposed to provide administrative detail to Policy 8.e. above.]	**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.
f. Adopted or denied *Metro Plan* amendments may be appealed to the Oregon Land Use Board of Appeals (LUBA) or the Department of Land Conservation and Development (DLCD) according to applicable state law.	**5.14-140 Appeals** Decisions made by the Springfield City Council 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 et seq. Commentary. *The proposed text is new.*
[There is no corresponding policy for this exception in Metro Plan Chapter IV. This section of the code is	EXCEPTION: Decisions made by the Springfield City Council and other applicable governing bodies to

Amended *Metro Plan* Chapter IV Policies	Proposed Implementing Standards for the Springfield Development Code
proposed to provide administrative detail to Policy 8.f. above.]	approve or deny a Metro Plan amendment that is subject to Land Conservation and Development Commission review and approval, e.g. Periodic Review or a UGB expansion larger than 50 acres, may be appealed to Court of Appeals as specified in ORS 197.650 and 197.651.
g. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures.	**[There is no corresponding standard for this policy in this section of the Development Code. SDC Section 5.14-100 provides standards and process for Metro Plan Amendments. The Code amendments under consideration with this proposal are evidence that the three governing bodies work jointly to develop Metro Plan application procedures. This is a directive calling for an existing practice.]** **Commentary.** *Proposed Subsection I. is based upon current SDC Subsection 5.14-155 A. The section implements Metro Plan Chapter IV, Policy 8 h.*
h. A different process, time line, or both, than the processes and timelines specified in 8b. through 8g. above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated *Metro Plan* amendment.	**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.
Policy 9. In addition to the update of the *Metro Plan*, refinement studies may be undertaken for individual geographical areas and special purpose or functional elements, as determined appropriate by each governing body.	**[There is no corresponding standard for this policy in this section of the Development Code. Each jurisdiction routinely conducts studies, prepares refinement plans and functional plans which supplement the Metro Plan. This is a directive calling for an existing practice.]**
Policy 10. All refinement and functional plans must be consistent with the *Metro Plan* and should inconsistencies occur, the *Metro Plan* is the prevailing policy document.	**5.14-135 Criteria** **Commentary.** *The proposed text is based upon current text in SDC Subsection 5.4-135C. However, Subsection B. has been modified as proposed.* 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

Amended *Metro Plan* Chapter IV Policies	Proposed Implementing Standards for the Springfield Development Code
	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.
Policy 11. Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.	**[There is no corresponding standard for Policy 11 in this section of the Development Code. This is a directive calling for an existing practice. The Springfield Development Code requires zoning to be consistent with the Metro Plan designation for site development approval (Section 5.17-125 A.]**
[There is an administrative detail related to Policy 8. c. which clarifies that the City shall not consider a property owner initiated Metro Plan application if it is substantially similar to one denied in the prior year.]	**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.

Conclusion: Table 1 shows that the proposed new Section 5.14-100 conforms to the substantive policies found in *Metro Plan* Chapter IV, as amended in 2013.

Criterion #2 "Conformance with Applicable State Statutes"

The Oregon Revised Statutes have little to say about the process for amending local land use regulations. It is clear that local jurisdictions are required to adopt land use regulations which implement their local comprehensive plans. The proposed amendments to the Springfield Development Code, are intended to implement Metro Plan Chapter IV, as amended, in November 2013.

Findings

Finding #13. Oregon Revised Statutes (ORS) 197.175(2) states that … "each city and county in this

state shall: (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission; (b) Enact land use regulations to implement their comprehensive plans;

Finding #14. The proposed amendments to SDC 5.14-100, EC Section 9.7700 and LC Section 12.200 implement the amendments to Chapter IV of the Metro Plan as required by ORS 197.175(2).

Finding #15. ORS 197.610 requires local jurisdictions to submit proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development…

Finding #16. As noted in Finding #2, notice of the proposed implementing amendments to the Springfield Development Code was provided to DLCD more than 35 days in advance of the first evidentiary hearing concerning the amendments.

Finding #17. ORS 197.304 requires the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield. Passage of this statute was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives.

Finding #18. Amendments to Metro Plan Chapter IV were adopted Eugene, Springfield and Lane County on November 18, 2013 to implement ORS 197.304 and to clarify which governing bodies will participate in decision making given the establishment of separate UGBs. The amendments to Chapter IV were intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

Finding #19. The Chapter IV changes preserve the *Metro Plan* as the acknowledged comprehensive plan for the Eugene-Springfield area. The most significant changes to Chapter IV of the *Metro Plan* are summarized below.

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

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

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

- When governing bodies do not reach consensus on a *Metro Plan* amendment, the current policy sends the matter to the Metropolitan Policy Committee (MPC). The proposed amendments would send unresolved decisions to the Chair of the Board of County Commissioners and one or both of the Mayors of Eugene and Springfield, depending on how many governing bodies are participating in the decision.

Finding #20. The proposed amendments to SDC Section 5.14-100, implement the amendments to Metro Plan Chapter IV that were adopted in response to ORS 197.304. Table 1 referenced in Finding #10 illustrates how the proposed changes to the Springfield Development Code implement the adopted amendments to Metro Plan Chapter IV.

Conclusion: The proposed amendments conform to the applicable state statutes.

Criterion #3 "Applicable State-wide Planning Goals and Administrative Rules"

Compliance with Statewide Planning Goals

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

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

Finding #21. The proposed amendments to SDC Section 5.14-100 were the subject of legislative public hearings advertised in the Register Guard on September 30, 2014. The Joint Planning Commissions for Springfield, Eugene and Lane County are scheduled to consider the amendments in a public hearing on October 23, 2014.

Finding #22. A second notice was published in the Register Guard on October 30, 2014 advertising the November 10, 2014 public hearing with the Eugene and Springfield City Councils and the Lane County Board of Commissioners.

Finding #23. The content of the notices followed the direction given in SDC Section 5.2-115 B. Information concerning the proposed amendments to the *Springfield Development Code* and the dates of the public hearings were posted on the City of Springfield website. These web sites routinely include information about upcoming and continuing planning matters.

Finding #24. Agenda notice and or agenda packets are routinely provided (primarily by e-mailed) to interested parties who have asked for such notification. Those notified include local media outlets and newspapers, local utilities, school districts and partner agencies, local state representatives, the Eugene and Springfield Chambers of Commerce, the Lane Homebuilders Association, as well as various neighborhood groups and leaders.

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

Finding #25. Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) is the acknowledged comprehensive plan that guides land use planning in Springfield, Eugene and Lane County.

Finding #26. The purpose of the proposed amendments to SDC 5.14-100 is to implement changes to Chapter IV of the *Metro Plan* that were adopted by Springfield, Eugene and Lane County.

Finding #27. ORS 197.304 (HB 3337) requires the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Refinement Plan* and the *Envision Eugene* planning initiatives. As these planning efforts are readied for adoption, amendments to Chapter IV are needed to clarify which governing bodies will participate in decision making given the establishment of separate UGBs. The amendments to Chapter IV are intended to support a framework for needed planning collaboration among the jurisdictions while respecting the autonomy of each.

Finding #28. The proposed changes to the Springfield Development Code implement amendments to *Metro Plan* Chapter IV stemming from ORS 197.304. The most significant changes to Chapter IV are summarized below.

- Three types of *Metro Plan* amendments are established: Type I which may be enacted by the home city alone; Type II which requires the participation of the home city and Lane County; and Type III amendments requires the participation of all three jurisdictions. The current policy defines only two types of amendments. Under the amended Chapter IV, adoption of the Springfield 2030 Plan and other Springfield-specific amendments would be a Type II decision approved with the participation of the City and Lane County.
- Currently, all three governing bodies must approve a site specific UGB or *Metro Plan* Boundary adjustments that cross the Willamette or McKenzie Rivers or that cross over a ridge into a new basin. The proposed amendments would instead require all three governing bodies approve amendments of the common UGB along I-5 and for UGB or *Metro Plan* Boundary changes that cross I-5.

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

- When governing bodies do not reach consensus on a *Metro Plan* amendment, the current policy sends the matter to the Metropolitan Policy Committee (MPC). The proposed amendments would send unresolved decisions to the Chair of the Board of County Commissioners and one or both of the Mayors of Eugene and Springfield, depending on how many governing bodies are participating in the decision.

The proposed amendments to SDC Section 5.14-100 do not change the goal of *Metro Plan* Chapter IV, which is to ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community. The proposed SDC amendments refine the amendment process to reflect the existence of separate UGBs.

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

Finding #39. This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any agricultural zoning districts. These amendments do not apply outside the urban growth boundary and, because of limitations on commercial and industrial development without full urban services, generally do not apply outside the city limits. All land in the City's urban transition area carries City zoning. An exception to this goal was taken in 1982 when the comprehensive plan was acknowledged.

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

Finding #40. This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any forest zoning districts. These amendments do not apply outside the urban growth boundary and, because of limitations on commercial and industrial development without full urban services, generally do not apply outside the city limits. All land in the City's urban transition area carries City zoning. An exception to this goal was taken in 1982 when the comprehensive plan was acknowledged.

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

Finding #29. The *Metro Plan* Environmental Resources and Historic Preservation Elements contain policies (*Metro Plan* pgs. III-C-3, III-I-2) addressing Goal 5 resource protection. The Springfield natural Resources Study contains inventories and a program for protection of upland, riparian and wetland resources. SDC Sections 4.3-117 (Wetlands and Riparian Corridors), 3.3-200 (Drinking Water), 3.2-700 (Public land and Open Space), 3.2-800 (Aggregate Resources) and 3.3-900 (Historic District) contain policies regulating Springfield's Goal 5 resources. The proposed amendments to SDC 5.14-100 do not change the resource policies found in these sections.

Finding #30. OAR 660-023-0250 (3) narrows the applicability of Statewide Planning Goal 5 to comprehensive plan amendments (PAPA):

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

> (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

Subsections (a) through (c) above are not applicable to this request as the proposed amendments to SDC 5.14-100 do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that conflict with Goal 5 and do not amend the acknowledged Urban Growth Boundary. Based on OAR 660-023-0250, Goal 5 is not applicable to the proposed amendments.

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

Finding #31. The *Metro Plan* Environmental Resources Element (*Metro Plan* pg. III-C-14) contains polices addressing air, water and land resources quality. *The Springfield Development Code* contains regulatory standards that protect air, water and land resources.

Finding #32. The amendment to SDC Section 5.14-100 does not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to any identified air, water or land resource issues. No changes to supporting ordinances or policy documents adopted to comply with Goal 6 are affected by these amendments.

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

Finding #33. The *Metro Plan* Environmental Resources Element contains policies addressing natural hazards (*Metro Plan* pg. III-C-15). All known sites within Springfield that are subject to these hazards (floodplain, erosion, landslides, earthquakes, and weak foundation soils) are inventoried through a variety of sources. The proposed amendments to SDC 5.14-100 do not remove or exempt compliance with Code standards that apply to development within these hazard areas.

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

Finding #34. The *Metro Plan* Park and Recreation Facilities Element contains policies addressing recreational needs (*Metro Plan* pg. III-H-4). The proposed amendments to SDC 5.14-100 do not change these policies.

Finding #35. Willamalane Park and Recreation District is the entity responsible for park planning, development and maintenance in the urban transition area as well as the city limits. In 2013 the 2012 Willamalane Park and Recreation Comprehensive Plan was adopted by the City of Springfield and Lane County as a functional plan of the *Metro Plan*. The proposed amendments to SDC 5.14-100 do not alter Willamalane's responsibility to plan for or provide recreational programs or facilities.

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

Finding #36. The Metro Plan Economic Element contains policies (Metro Plan pg. III-B-4) addressing economic development. Springfield adopted the Metropolitan Industrial Lands Inventory Report and Metropolitan Industrial Lands Policy Report in 1993. These reports provided the jurisdictions with a database and policy recommendations needed to plan for an adequate and appropriate supply of industrial land.

Finding #37. The amendment to SDC Section 5.14-100 does not repeal, replace or void existing *Metro Plan* policy or Development Code regulations with respect to any economic development issues. No changes to supporting ordinances or policy documents adopted to comply with Goal 9 are affected by these amendments.

Finding #38. The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Springfield Commercial Lands Study was adopted in February 2000 as a policy document to guide the provision of commercial land within in its planning jurisdiction. The amendments to SDC 5.14-100 do not impact the supply of industrial or commercial lands.

Goal 10 – Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

Finding #39. The *Metro Plan* Residential Land Use and Housing Element addresses the housing needs of current and future residents of the metropolitan area. The Element includes a projection of housing need based on a coordinated population projection and polices (*Metro Plan* pg. III-A-7) aimed at meeting the calculated need.

Finding #40. Lane County has adopted a coordinated population projection for Springfield through the year 2030. Projections of needed housing are based in part of this projection. Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units.

Finding #41. The amendment to SDC Section 5.14-100 does not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to any housing issues. No changes to supporting ordinances or policy documents adopted to comply with Goal 10 are affected by these amendments.

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

Finding #42. The Eugene-Springfield Metropolitan Public Services and Facilities Plan (PFSP) is a refinement plan of the *Metro Plan* that guides the provision of Springfield's public infrastructure, including water, sewer, storm water management, and electricity. In addition, Springfield has an adopted Capital Improvement Plan, as well as sewer and stormwater plans which project future service needs, needed improvements and estimates costs for these improvements.

Finding #43. The amendment to SDC Section 5.14-100 does not repeal, replace or void existing PFSP or policy or Development Code regulations with respect to any public facilities issues. No changes to supporting ordinances or policy documents adopted to comply with Goal 11 are affected by these amendments.

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

Finding #39. The Springfield Transportation System Plan (TSP) was adopted in March 2014. The TSP is a functional plan of the *Metro Plan* which provides policies addressing Springfield's transportation facilities.

Finding #40. The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

"*(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment."

Finding #41. The proposed amendments do not change the functional classification of an existing or planned transportation facility, do not change the standards implementing a functional classification, do not allow types or levels of land uses which would result in levels of travel or access with are inconsistent with the functional classification of a transportation facility and will not reduce the performance standards of a facility below the minimal acceptable level identified in the TSP. The level of development currently permitted through existing code and zoning regulations will remain the same as a result of this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 12.

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

Finding #42. The *Metro Plan* Energy Element deals with the conservation and efficient use of energy in the metropolitan area and is meant to provide a long-range guide to energy-related decisions concerning physical development and land uses. The Element contains policies (*Metro Plan* pg. III-J-3) which support Goal 13. The amendments to SDC Section 5.14-100 do not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to energy conservation. No changes to supporting ordinances or policy documents adopted to comply with Goal 13 are affected by these amendments.

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

Finding #43. The Metro Plan "Fundamental Principles and Growth Management Policy" contains growth management and urbanization policies (Sections C and E, pgs. II-C-3 and II-E-1).

Finding #44. The amendment to SDC Section 5.14-100 does not repeal, replace or void existing Metro Plan policy or Development Code regulations with respect to Springfield's growth management or annexation. No changes to supporting ordinances or policy documents adopted to comply with Goal 14 are affected by these amendments.

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

Finding #41. The *Metro Plan* Willamette River Greenway, River Corridors and Waterways Element includes policies for administering the Willamette River corridor as it passes through the Eugene-Springfield area.

Finding #42. The proposed amendment to SDC Section 5.14-100 does not change the City's existing standards for development with respect to the Willamette River Greenway. The Greenway provisions allow development of permitted uses in the underlying zone, provided that all other Greenway requirements are satisfied. The City's adopted, acknowledged Greenway ordinance will not be changed.

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

Finding #45. There are no coastal, ocean, estuarine, or beach and dune resources within the Eugene or Springfield Urban Growth Boundaries or the *Metro Plan* Boundary. These goals do not apply to this proposal.

Conclusion: The proposed amendment to SDC Section 5.14-100, based on the findings included above, are consistent with Oregon Administrative Rules and Oregon's Statewide Planning Goals. It is the conclusion of staff that the proposed amendments comply with this criterion.

IV. Conclusion and Recommendation of Staff

Based on its findings with respect to the criteria defined in SDC Section 5.6-115 for approving amendments to the Springfield Development Code, staff finds the proposed amendments to SDC

Section 5.14-100 to be consistent with these criteria and recommend approval of the proposed amendments.

ATTACHMENT:

1. Proposed Amendments to Springfield Development Code Section 5.14-100 in legislative format with commentary.

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

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	INSERT THESE SECTIONS
10.600-15	10.600-15
10.600-25	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 a 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

_____
City Recorder

Approved by the Mayor this

____ day of _____, 2014

_____
Mayor

Exhibit "C" to ordinance No. 14-15

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 Grown 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 th 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)*