



**COUNCIL ORDINANCE NO. 20546**

**COUNCIL BILL 5131**

**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.**

**ADOPTED: November 24, 2014**

**SIGNED: November 25, 2014**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**EFFECTIVE: December 24, 2014**



**ORDINANCE NO. 20546**

**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 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.

**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.

| <b>Table 9.7055 Applications and Review Authorities</b>             |                             |                          |                          |                              |                            |                     |
|---|-----------------------------|--------------------------|--------------------------|------------------------------|----------------------------|---------------------|
| R = Recommendation, D = Decision Maker, A = Appeal Review Authority |                             |                          |                          |                              |                            |                     |
| <b>Application</b>  | <b>Type</b>                 | <b>Planning Director</b> | <b>Hearings Official</b> | <b>Historic Review Board</b> | <b>Planning Commission</b> | <b>City Council</b> |
| Metro Plan Amendment  | N/A<br>(See<br>EC<br>9.7700 |                          |                          |                              | R                          | D                   |

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

**9.7700** **Metro Plan Amendments - Purpose.** The Metropolitan Area General Plan (Metro Plan) is the 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.

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

**9.7705** **Metro Plan Amendments –Classification of Amendment Types.** 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.** An amendment to the Metro Plan can be initiated as follows:
- (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 – Property Owner-Initiated Amendments.**
- (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 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 Process.**

- (1) Type I Amendment Process.** The following process shall be used to consider Type I Metro Plan amendments.
  - (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) 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) **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 – 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.

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

**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**

**24<sup>th</sup> day of November, 2014**

*Beth Forrest*

\_\_\_\_\_  
City Recorder

**Approved by the Mayor this**

**25 day of November, 2014**

*Kitty Percy*

\_\_\_\_\_  
Mayor

## Findings

### Land Use Code Amendments for Metro Plan Amendment Procedures City File CA 14-2

#### Overview

The purpose of these land use code amendments is to implement the recently adopted policy changes to Chapter IV of the Metro Plan (Metro Plan Review, Amendments, and Refinements) regarding the review and approval process of Metro Plan amendments. The amendments revise the Metro Plan Amendment Procedures in the version of the Eugene Code that applies within the Eugene city limits, and in the code that applies between the Eugene city limits and the urban growth boundary (also referred to as the Urban Transition Code).

#### Findings

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

*Goal 1 - Citizen Involvement.* *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 because it is consistent with the citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on August 30, 2013. A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on October 23, 2014. A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on November 10, 2014. Consistent with code requirements, the Joint Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene, community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard. Information concerning the proposed amendments the dates of the public hearings were posted on the City of Eugene websites.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance is consistent with Statewide Planning Goal 1.

*Goal 2 - Land Use Planning.* *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

Eugene's land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City coordinated with Springfield and Lane County in the drafting of these amendments, and provided notice of the proposed action and opportunity to comment to the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. *To preserve agricultural lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The amendments are for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. *To conserve open space and protect natural and scenic resources.*

*OAR 660-023-0250(3) provides: 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.*

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a 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 could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

*Goal 7 - Areas Subject to Natural Disasters and Hazards.* *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

*Goal 8 - Recreational Needs.* *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

*Goal 9 - Economic Development.* *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Lands Study (1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

*Goal 10 - Housing.* *To provide for the housing needs of citizens of the state.*

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the Residential Lands Study, there is sufficient buildable residential land to meet the identified land need.

The amendments do not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendments do not otherwise diminish the lands available for residential use. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. *To provide and encourage a safe, convenient and economic transportation system.*

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.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The amendments do not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the amendments do not have a significant effect under (a), (b) or (c). Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

*Goal 14 - Urbanization.* *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

*Goal 15 - Willamette River Greenway.* *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

*Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.*

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

**(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***

*Applicable Metro Plan Policies*

The following policies from the Metro Plan (identified below in *italics*) are applicable to these amendments. These policies are from the recently amended Chapter IV of the Metro Plan (Metro Plan Review, Amendments, and Refinements) that were adopted by Eugene, Springfield and Lane County in November 2013.

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.*

This policy is incorporated into the land use code amendments at EC 9.7705.

4. *A Type I amendment requires approval by the home city.*
  - a. *Type I Diagram Amendments include amendments to the Metro Plan Diagram for land inside the city limits.*
  - b. *Type I Text Amendments include:*
    - i. *Amendments that are non site specific and apply only to land inside the city limits of the home city;*
    - ii. *Site specific amendments that apply only to land inside the city limits of the home city;*

- iii. *Amendments to a regional transportation system plan, or a regional public facilities plan, when only participation by the home city is required by the amendment provisions of those plans;*
- iv. *The creation of new Metro Plan designations and the amendment of existing Metro Plan designation descriptions that apply only within the city limits of the home city.*

This policy is incorporated into the land use code amendments at EC 9.7705(1).

- 5. *A Type II Amendment requires approval by two governing bodies. The governing bodies in a Type II are the home city and Lane County. Eugene is the home city for amendments west of I-5, and Springfield is the home city for amendments east of I-5:*
  - a. *Type II Diagram Amendments include:*
    - i. *Amendments to the Metro Plan Diagram for the area between a city limit and the Plan Boundary;*
    - ii. *A UGB or Metro Plan Boundary amendment east or west of I-5 that is not described as a Type III amendment.*
  - b. *Type II Text Amendments include:*
    - i. *Amendments that are non site specific and apply only to Lane County and one of the cities;*
    - ii. *Amendments that have a site specific application between a city limit of the home city and the Plan Boundary;*
    - iii. *Amendments to a jointly adopted regional transportation system plan, or a regional public facilities plan, when only participation by Lane County and one of the cities is required by the amendment provisions of those plans.*

This policy is incorporated into the land use code amendments at EC 9.7705(2).

- 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.*

This policy is incorporated into the land use code amendments at EC 9.7705(3).

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

- a. *A Type I amendment may be initiated by the home city at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development code of the home city.*
- b. *A Type II amendment may be initiated by the home city or county at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development codes of the home city and Lane County.*
- c. *A Type III amendment may be initiated by any one of the three governing bodies at any time.*

This policy is incorporated into the land use code amendments at EC 9.7715(1)-(3).

- 8. *The approval process for Metro Plan amendments shall be as follows:*
  - a. *The initiating governing body of any Type I, II, or III Metro Plan amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.*

This policy is incorporated into the land use code amendments at EC 9.7725(1).

- 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.*

This policy is incorporated into the land use code amendments at EC 9.7730(2) and (3).

- c. *If all participating governing bodies reach a consensus to approve a proposed amendment, substantively identical ordinances effecting the changes shall be adopted. When an amendment is not approved, it may not be re-initiated, except by one of the three governing bodies, for one year.*
- d. *A Type II amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayor of the home city for further examination of the issue(s) in dispute and recommendation back to the governing bodies.*
- e. *A Type III amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Eugene and Springfield for further examination of the issue(s) in dispute and recommendation back to the governing bodies.*

This policy is incorporated into the land use code amendments at EC 9.7730(6).



- 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.*

This policy is incorporated into the land use code amendments at EC 9.7730(7).

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

Consistent with this policy, staff from Eugene, Springfield and Lane County worked together to develop these code amendments. A joint public hearing process was established to provide for joint consideration by the governing bodies. Because each jurisdiction's code is organized differently, the amendments do not appear identical; however, they are all consistent in their implementation of the Chapter IV policies.

- h. A different process, time line, or both, than the processes and timelines specified in 8.b. through 8.g. above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.*

This policy is incorporated into the land use code amendments at EC 9.7730(4).

### **Applicable Refinement Plans**

No relevant policies were found in Eugene's adopted refinement plans.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of the Metro Plan.

### ***(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

The amendments do not establish a special area zone. Therefore, this criterion does not apply to these amendments.