

LAND MANAGEMENT DIVISION



TYPE IV PLAN AMENDMENT PROCESS

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Oregon's Statewide Land Use Planning System Law provides for local jurisdictions to develop Comprehensive Plans that guide resource use and land development. Policy statements in Comprehensive Plans direct how decisions about land and resource use should be made and identify categories of land use, such as residential, agricultural, or commercial.

What is the Rural Comprehensive Plan?

The Lane County *Rural Comprehensive Plan (Rural Comp Plan)* is the Plan that covers rural Lane County lands that are outside the Urban Growth Boundaries of the twelve cities in Lane County. The *Rural Comp Plan* consists of a General Policies document, the Plan Diagram which is a set of 650 maps that cover the entire County, and several Special Purpose Plans such as the *Coastal Resources Management Plan (CRMP)* and the *Willamette Greenway Plan*. The *Rural Comp Plan* was adopted in 1984, and has been updated many times since then as the laws change and citizens initiate changes to the land uses in Lane County.

What is an Urban Growth Boundary?

An Urban Growth Boundary (UGB) is the line that separates rural lands from lands that are planned to be developed to urban levels of density and complexity under Oregon's Statewide Planning Laws. UGB's surround all incorporated cities in Lane County, Sometimes they are the same line as the city limits, but more typically they are outside the city limits at a distance that will provide enough land for the cities urban development for the next twenty years. Eugene and Springfield, the largest cities in Lane County, also are within the *Eugene-Springfield Metropolitan Area General Plan (the Metro Plan)*. The other ten cities in Lane County each have their own UGB and Comprehensive Plan.

What is a Comprehensive Plan Designation?

Plan designations are the broad categories of land use such as commercial, industrial, residential, or parks and open space identified in Comprehensive Plans. The Plan Designations guide the long term development type for the future. Each Plan Designation can include one or more zones, which provide further detail and specific guidance for development that can be in the code. Setbacks, density of development, the allowed uses and the special or conditional uses may all be different in different zones.

What is Zoning?

Zoning is a civil legal code which spells out what kind of development and land use activities are allowed on private and public property. Zoning districts are applied to the land to implement the Comprehensive Plan Designations. For example, if the Plan designation is Residential, the zoning district is often a further refinement of the density, such as RR-1, RR-2 or RR-5, meaning one, two, or five acre minimum sized lots under the Plan Designation of Rural Residential. In Lane County, all non-federal unincorporated land outside of city limits have an assigned zoning code in place, under the *Rural Comp Plan*. Each zoning district contains specific sets of use regulations which are applied to all property in that zone. Some uses are allowed outright, other uses require a special use permit or a conditional use permit that are allowable only if certain conditions are met.

Lane County administers zoning regulations through two chapters in Lane Code – Chapter 10 contains zoning districts that apply to lands within the UGB's of the small cities in Lane County. Chapter 16 contains the zone districts applied to all rural unincorporated lands outside the small cities UGB's. For the Eugene-Springfield urbanizable area outside their city limits and within the Metro UGB, Chapter 16 applies and the Metro cities process applications for rezoning.

What is the Lane County Planning Commission?

The Lane County Planning Commission (LCPC) is responsible for acting as an advisory body to the Board of County Commissioners regarding land use adoptions, ordinances, zoning, and land use matters. It is composed of nine Lane County residents; at least two members must reside within city limits and at least three members must reside in unincorporated Lane County and at least one of the members must reside in the County's coastal area.

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What is the process for processing a Comprehensive Plan Amendment?

Any land use application before the LCPC requires notice and opportunities for citizens and agencies to obtain information about the proposal, raise concerns and provide objections or support. The LCPC then conducts the first evidentiary public hearing. The applicant will present the proposal and demonstrate how it meets the approval criteria requirements. Citizens will then have an opportunity to comment on the proposal and raise concerns, objections, or offer support in writing or verbally during the hearing. It may take several meetings for the Lane County Planning Commission to conduct its review and make recommendations to the Lane County Board of Commissioners (BCC). Some application materials are available on Land Management Division Property Records Online and the LCPC Documents page. The entire file typically contains a large amount of material that may not in its entirety be yet available online. The full file is available to review and/or to request copies at the PW Customer Service Center. Citizens interested in reviewing files may call staff at 541-682-3577 with questions about how to view the file.

Upon the LCPC making its recommendation, a public hearing will be scheduled before the BCC. All public notices listed above – newspaper, surrounding property owners, and

posted notice on the property – will be provided again prior to the BCC's public hearing.

Citizens will have another opportunity to comment on the proposal and raise concerns, objections, or offer support during the BCC's public hearing. It may take several meetings for the BCC to conduct its review and make its decision.

The BCC must adopt its decision on the proposal according to applicable ordinances. The process is governed by Oregon Administrative Rules, Oregon Revised Statute, Lane County Rural Comprehensive Plan Policies, and Lane Code.

Parties can appeal the decision to the Oregon Land Use Board of Appeals (LUBA). Decisions of LUBA can be appealed to the Oregon Court of Appeals and decisions of the Oregon Court of Appeals can be appealed to the Oregon Supreme Court, subject to State law.

Because of the extensive review process and public involvement opportunities, and in general more complex nature of plan amendment applications, processing of these types of applications through the Planning Commission and Board of County Commissioners usually takes a year or more.