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Chapter 12 – COMPREHENSIVE PLAN

12.100 - Comprehensive Plan – General

12.100.005 - Purpose.

The Board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.

(Ordinance 3-72, 2.10.72)

12.100.010 - Scope and Elements.

~~(1)~~**A.** The comprehensive plan shall consist of a statement (by words, maps, graphic and other appropriate forms) of the goals, policies, programs and standards to guide the development of the county, and of land inside its boundaries which bears a relationship to its planning. The comprehensive plan shall be so prepared that it may be adopted for all or individual elements, or portions of such elements, and will be made up of a number of geographic and functional elements which shall include at least the following:

~~(a)~~**1.** A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

~~(b)~~**2.** A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

~~(2)~~**B.** The comprehensive plan may also include the following elements, or any part or phase thereof:

~~(a)~~**1.** A conservation element for the conservation, development, and utilization of natural resources.

~~(b)~~**2.** A recreation element showing a comprehensive system of areas and sites for public and private recreation.

~~(c)~~**3.** A refined circulation element with recommendations concerning parking facilities and building setback lines; a system of street naming, house and building number; terminals, viaducts and grade separations; port, harbor, aviation, and related facilities; a transit system showing a proposed system of transit lines, and related facilities and such other matters as may be related to the improvement of circulation of traffic and transportation.

~~(d)~~**4.** A public services and facilities element showing comprehensive plans for sewerage, refuse disposal, drainage, public water supply, local utilities, and rights of way, easements, and facilities for them.

~~(e)~~**5.** A housing element consisting of standards and plans for the correction of substandard dwelling conditions, the improvement of housing and housing conditions, and for provision of adequate sites for housing.

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- ~~(f)~~**6.** A redevelopment element consisting of plans and programs for the correction of slums and blighted areas and for community redevelopment.
- ~~(g)~~**7.** A safety element for the protection of the community from fires, geologic hazards, flood hazard areas, and other hazards dangerous to life or property.
- ~~(h)~~**8.** A community plans element consisting of standards and principles and showing recommended designs for individual community and neighborhood development and redevelopment, including the location and extent of public and private uses of land and a local street system.
- ~~(i)~~**9.** A comprehensive plan adopted by other public bodies which bear a relationship to the planning of the county.
- ~~(j)~~**10.** Such additional elements dealing with other subjects which in the judgment of the county relate to the physical, economic, or social development of the county.

(Ordinance 3-72, 2.10.72)

12.100.015 - Adoption of Applicable Law.

The comprehensive plan or amendment to such plan shall be adopted in the manner provided in this chapter.

(Ordinance 3-72, 2.10.72)

12.100.020 - Referral to Planning Commission.

Before the board takes any action on a comprehensive plan or an amendment to such plan, a report and recommendation thereon shall be requested from the county planning commission and a reasonable time allowed for the submission of such report and recommendation.

(Ordinance 3-72, 2.10.72)

12.100.025 - Planning Commission - Hearing and Notice.

- ~~(1)~~**A.** The planning commission shall hold at least one public hearing before making a recommendation to the board on a comprehensive plan or an amendment to such plan.
- ~~(2)~~**B.** Notice of the time and place of hearing shall be given, at least ten (10) days in advance, by publication in a newspaper of general circulation in the county or in a newspaper published in the territory concerned. A hearing may be continued to another date if not concluded, if notice of the time and place thereof is publicly announced at the hearing or is given by newspaper publication not less than five (5) days prior to the continued hearing.
- ~~(3)~~**C.** The proposed comprehensive plan or an amendment to such plan shall be on file in the county planning department office for public examination for at least ten (10) days prior to the time set for hearing thereon.

(Ordinance 3-72, 2.10.72)

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12.100.030 - Planning Commission - Consideration for Other Agencies.

- ~~(1)~~**A.** In considering a comprehensive plan or an amendment to such plan, the planning commission shall take account of and seek to harmonize, within the framework of the needs of the county; the comprehensive plans of cities, and the plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the county and adjacent to it.
- ~~(2)~~**B.** The planning commission, during consideration of a comprehensive plan or an amendment to such plan, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of plans may be secured.
- ~~(3)~~**C.** Whenever the planning commission is considering a comprehensive plan or an amendment to such plan, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.
- ~~(4)~~**D.** The provisions of this section are directory, not mandatory, and the failure to refer such plan or an amendment to such plan shall not in any manner affect its validity.

(Ordinance 3-72, 2.10.72)

12.100.035 - Planning Commission - Recommendation and Record.

- ~~(1)~~**A.** Recommendation of the planning commission on an amendment to the plan shall be by resolution of the commission carried by the affirmative vote of not less than a majority of its total voting members.
- ~~(2)~~**B.** The record made at the planning commission hearings on a comprehensive plan or an amendment to such plan and all materials submitted to or gathered by the planning commission for its consideration, shall be forwarded to the board along with the recommendation.

(Ordinance 3-72, 2.10.72)

12.100.040 - Board Action - Hearing and Notice.

- ~~(1)~~**A.** After a recommendation has been submitted to the board by the planning commission on the comprehensive plan or an amendment to such plan, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board.
- ~~(2)~~**B.** Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning Commission as specified in LC 12.025(2) above. The hearing may be continued to another date if not concluded, provided notice of the time and place thereof is publicly announced at the hearing or is given by newspaper publication not less than five days prior to the continued hearing.

(Ordinance 17-73, 1.16.74; 15-77, 11.11.77)

12.100.045- Board Referral.

Before the Board makes any change or additions to a plan or plan amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 35 days after the

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reference, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such proposed change or addition.

(Ordinance 17-73, 1.16.74)

12.100.050 - Method of Adoption and Amendment.

~~(1)~~**A.** The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

~~(2)~~**B.** The Board may amend or supplement the comprehensive plan upon a finding of:

- ~~(a)~~**1.** An error in the plan; or
- ~~(b)~~**2.** Changed circumstances affecting or pertaining to the plan; or
- ~~(c)~~**3.** A change in public policy; or
- ~~(d)~~**4.** A change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.

(Ordinance 17-73, 1.16.74; 15-77, 11.11.77)

12.100.055 - Validation of Prior Action.

The adoption of a comprehensive plan or an amendment to such plan under the authority of prior acts is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(Ordinance 17-73, 1.16.74)

12.100.060 - Eugene-Springfield Metropolitan Area General Plan Element.

Notwithstanding any other provisions of this Chapter, compliance with the provisions of Chapter IV of the Eugene-Springfield Metropolitan Area General Plan is required for any review, amendment or refinement of the Eugene-Springfield Metropolitan Area General Plan.

(Ordinance 13-76, 1.21.77; 14-86, 10.1.86)

12.200 - Implementation of the Comprehensive Plan

12.200.005160 - Planning Commission Action.

~~(1)~~**A.** The planning commission may, or if so directed by the board, shall recommend to the board for adoption ordinances as may in its judgment be required for the systematic implementation of the comprehensive plan.

~~(2)~~**B.** Ordinances submitted in furtherance of subsection (1) may include:

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- ~~(a)~~**1.** Regulations for the use of land and buildings in the county, the height and bulk of buildings, and the open spaces about buildings.
 - ~~(b)~~**2.** Regulations limiting the location of buildings and other improvements with respect to existing or planned rights-of-way.
 - ~~(c)~~**3.** Regulations establishing minimum widths, frontage and access requirements for building lots.
 - ~~(d)~~**4.** Regulations controlling the subdivision or other partitioning of land within the county.
 - ~~(e)~~**5.** Conservation of the natural resources of the county.
 - ~~(f)~~**6.** Regulations controlling the location, construction, moving, maintenance, repair and alteration of buildings and other structures.
 - ~~(g)~~**7.** Street and highway naming and numbering plans in order to establish the official names of streets and highways, to remove conflicts, duplication and uncertainty among such names, and to provide an orderly system for the numbering of buildings and properties.
 - ~~(h)~~**8.** Such other matters which will accomplish the purposes of this chapter, including procedure for the administration of such regulations.
- ~~(3)~~**C.** Such other measures as may be required to insure the implementation of the comprehensive plan.
(Ordinance 3-72, 2.10.72)

12.200.010465 - Form of Action.

All actions taken under authority of ordinances dealing with the matters contained in section 12.160 shall be pursuant to the procedures set forth in this chapter.

(Ordinance 3-72, 2.10.72)

12.200.015470 - Procedure for Making Recommendation.

Before making a recommendation to the board on any of the matters covered in LC 12.160 and 12.165, the planning commission shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given at least ten (10) days in advance, by publication in a newspaper of general circulation in the county or in a newspaper published in the territory concerned. A hearing may be continued to another date if not concluded, if notice of the time and place thereof is publicly announced at the hearing or is given by newspaper publication not less than five (5) days prior to the continued hearing.

(Ordinance 3-72, 2.10.72; 5-72, 3.1.72)

12.200.020475 - Board Action.

The board may enact, amend, or repeal ordinances dealing with matters contained in LC 12.160(2) only after having forwarded such to the planning commission to consider in accordance with LC 12.170.

(Ordinance 5-72, 3.1.72)

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12.200.025180 - Board Referral.

Before the board makes any changes or additions to the Lane Code dealing with matters contained in LC 12.160(2) or adopts or amends special general provisions in an interim zone in accordance with LC 12.300, it may first refer the proposed change or addition to the planning commission for a recommendation. Failure of the planning commission to report within twenty (20) days after the reference, or such longer period as may be designated by the board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the planning commission to hold a public hearing on the proposed change or addition.

(Ordinance 5-72, 3.1.72)

12.200.030485 - Validation of Existing Ordinances.

All ordinances dealing with the matters contained in LC 12.160(2) which are legally adopted under any prior enabling acts, and all actions taken under the authority of any such ordinances, are hereby validated and continued in effect until amended or repealed by action of the board taken under authority of this chapter.

(Ordinance 5-72, 3.1.72)

12.300 - Eugene-Springfield Metropolitan Area General Plan Element

12.300.005290 - Purpose.

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

(Ordinance 13-76, 1.21.77; 14-86, 10.1.86; 4-87, 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95; 14-12, 1.2.15)

12.300.010295 - Metro Plan Amendment Classifications.

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

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

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

~~(a)~~**1.** Type II Diagram Amendments include:

4a. Amendments to the Metro Plan Diagram for the area between the city limits and the Plan Boundary;

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

(Ordinance 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95; 3-99, 7.28.99; 14-12, 1.2.15)

12.300.015249 - Initiation of Metro Plan Amendments.

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

- ~~(1)~~**A.** Type I. A Type I amendment may be initiated by the home city at any time. A property owner may initiate an amendment for property they own at any time and they are subject to the limitations for such amendments set out in the development code of the home city and Lane Code Chapter 12.
- ~~(2)~~**B.** Type II. A Type II amendment may be initiated by the home city or Lane County at any time. A property owner may initiate an amendment for property they own at any time and they are subject to the limitations for such amendments set out in the development code of the home city and Lane Code Chapter 12.
- ~~(3)~~**C.** Type III. A Type III amendment may be initiated by one of the three governing bodies (Eugene, Springfield or Lane County). Such an amendment may be initiated at any time.
- ~~(4)~~**D.** Only a governing body may initiate a refinement plan, a functional plan, a special area study or Periodic Review or Metro Plan update.

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~~(5)~~**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.

(Ordinance 4-87, 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95; 14-12, 1.2.15)

12.300.020215 -Metro Plan Amendment Property Owner-Initiated

~~(1)~~**A.** Application Filing. Property owner-initiated Metro Plan amendment applications shall be filed in the planning office of the home city if within the UGB, or with Lane County if outside the UGB and the amendment is not a request to expand the UGB.

~~(2)~~**B.** Application Fee. An applicant for a property owner-initiated Metro Plan amendment submitted to Lane County shall pay an application fee in an amount set by the Board of Commissioners. The application fee shall differ depending upon whether the requested amendment requires approval by one, two or three jurisdictions to become effective. No application shall be processed until it is complete and until the application fee is paid.

~~(3)~~**C.** Concurrent Processing with Certain Legislative Proceedings. Consideration of a Property owner-initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process or one that is scheduled on the Planning Commission's work program to begin within three months of the date the Metro Plan amendment application is submitted. Such a requested Metro Plan amendment shall be considered in the legislative proceedings on the refinement plan or special area study. If the refinement plan or special area study process has not begun within the three month period, the Metro Plan amendment application process shall begin immediately following the three month period. The Planning Director may waive a particular plan amendment application postponement under this subsection and require more immediate review if the Planning Director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

~~(4)~~**D.** Bar on Resubmittal. No privately initiated Metro Plan amendment application submitted to Lane County shall be considered if a substantially similar or identical plan amendment has been denied within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Planning Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.

(Ordinance 4-87, 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95; 14-12, 1.2.15)

12.300.025220 - Metro Plan Amendment Approval Process.

The approval process for Metro Plan amendments is as follows:

~~(1)~~**A.** Referrals and Public Notice

~~(a)~~**1.** Referrals. Within 20 days of initiation of any Type II Metro Plan amendment, the County shall notify Eugene and Springfield of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment, that governing body may refer the matter to the processes provided in LC 12.220(6)(a) or (b).

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~~(b)~~**2.** Public Notice. At least 20 days before the planning commission hearing, notice of the hearing must be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. If the proposed amendment is quasi-judicial, at least 20 days before the hearing, notice of the hearing shall be mailed to the owners of properties that are the subject of the proposed and to property owners of record of property located within 300 feet of the subject property. The content of the notice shall be the same as required in LC 14.070(2).

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

~~(a)~~**1.** Investigation and Report. After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of the home city and Lane County. The report shall be made available for review to the public at the time it is delivered to the Commissions.

~~(b)~~**2.** 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.

~~(e)~~**3.** Governing Body Action. After both planning commissions provide a recommendation on the proposed amendment, the governing bodies of the home city and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria of LC 12.225. The actions of the governing bodies are final if they are substantively identical ordinances or decisions. Conflict resolution provisions of LC 12.220(6) apply if the two governing bodies do not adopt substantively identical ordinances or decisions.

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

~~(a)~~**1.** Investigation and Report. After the Metro Plan amendment initiation date, planning staff of the jurisdiction where the proposed amendment was submitted or initiated shall investigate the facts bearing on the application, prepare a report, and submit it to the planning commissions of Eugene, Springfield, and Lane County. The report shall be made available for review to the public at the time it is delivered to the Commissions.

~~(b)~~**2.** Planning Commission Consideration. The joint public hearing before the Eugene, Springfield, and Lane County planning commissions to consider the proposed amendment shall be scheduled within 90 days of initiation of the amendment. After the joint public hearing and close of the public hearing record, all three planning commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.

~~(e)~~**3.** Governing Body Action. After all three planning commissions provide a recommendation on the proposed amendment, the governing bodies of Eugene, Springfield, and Lane County shall schedule a joint public hearing on the proposed amendment. After the joint public hearing, all three governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. All three governing bodies shall take action by ordinance, with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria of LC 12.225. The actions of the governing bodies are final if they are substantively identical

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ordinances or decisions. Conflict resolution provisions of LC 12.220(6) apply if the governing bodies do not adopt substantively identical ordinances or decisions.

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

~~(5)~~**E.** Relationship to Refinement Plan Amendments. When a Metro Plan amendment is enacted that requires an amendment to a refinement plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan diagram or map if no amendment to the refinement plan text is involved. When a Metro Plan diagram amendment requires a refinement plan diagram or map and text amendment for consistency, the Metro Plan and refinement plan amendments shall be processed concurrently.

~~(6)~~**F.** 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)~~**1.** A Type II amendment for which there is no consensus shall be referred to the Mayor of the home city and the Chair of the Lane County Board of Commissioners for further examination of the issue(s) in the dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.

~~(b)~~**2.** 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)~~**3.** 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)~~**4.** 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.

(Ordinance 4-87, 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95; 14-12, 1.2.15)

12.300.030225 - Metro Plan Amendment Criteria.

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

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

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

(Ordinance 4-87, 6.19.87; 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95; 14-12, 1.2.15)

12.300.035230 - Metro Plan Amendment Appeals.

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

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

(Ordinance 6-90, 11.28.90; 2-93, 3.19.93; 1-95, 3.9.95; 14-12, 1.2.15)