

## LAND MANAGEMENT DIVISION



# ZONE CHANGE

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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, have a single UGB and Comprehensive Plan, the *Eugene-Springfield Metropolitan Area General Plan*, often called 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.

### How to Apply for a Plan Amendment

A Plan Amendment is a complex undertaking. It involves changing the Plan's category of land, or changing the Plan's policy statements that guide development. Amendments can be initiated by the County or by private citizens. In either case, a variety of legal tests must be met. Most privately-initiated Plan Amendments are for land use designation changes, and a rezoning is often processed at the same time. Oregon law governs Plan Amendments; they must comply with state-level planning policy. Changing the Plan can easily have a "ripple effect," resulting in changes in zoning, allowable or Special Uses, demands on public services and facilities, modifications to local land use and population patterns, impacts on natural resource quality, and other similar outcomes.

The application process for a Plan Amendment requires supplying information to meet approval criteria, and the payment of processing fees. The Land Management Division costs are funded through application fees paid by benefiting parties, there are no general fund tax dollars supporting development services to the public. Processing applications requires conducting public hearings by both the Planning Commission and the Board of County Commissioners that include notification to neighboring property owners and

interested parties and opportunity for opposing views to be considered in the process. The final decision on the Plan Amendment is made by the Board of Commissioners.

Lane Code (LC) 16.400 contains the procedures and requirements for processing Rural Comprehensive Plan Amendments. Several criteria found in LC16.400(6)(h)(iii) must be met to ensure amendments are not detrimental to the Rural Comp Plan or its guidance of resource use and development throughout Lane County. The applicant has the responsibility to meet all applicable criteria. Staff can not prepare or assist in preparation of your application.

Most Amendments initiated by property owners will be Minor Amendments, because they deal with a specific parcel of land. A Goal Exception is often involved in a Minor Amendment. A Goal Exception is a procedure to prove that land should not be subject to restrictions of a particular statewide planning Goal and should be considered for a change of use by means of an Amendment.

### **How to Apply for a Zone Change**

Zone changes can be initiated by private individuals, and can be processed concurrently with a Plan Designation amendment or as a single application for a rezone. A zone change requires changing the established pattern of land use designations which are the foundation for county-wide zoning. A rezoning will put a new district on the property and with it a new set of development and use possibilities.

For applications in rural Lane County, the process for a Rezoning requires supplying information to meet approval criteria and the payment of processing fees. When an individual applies for a Rezone, public hearings are held and notice is provided to neighboring property owners and interested parties. A Rezone without a Plan Amendment, or within a rural "community", is subject to review and action by the County Hearings Official. If the Rezone is processed concurrently with a Plan Amendment, the hearings are held before the Planning Commission and the Board of County Commissioners, and a decision is made by the Board.

Rezoning applications for the Metro UGB area should be submitted to the appropriate city, either Eugene or Springfield,

because the cities process the rezoning applications in this urbanizable area. Chapter 16 of the Code applies.

Rezoning must help to achieve the general purposes of the zoning code, and should fulfill one or more of the purpose statements for the zone. In addition, the Rezoning must not be contrary to the public interest. This means that Rezoning applications must be for reasonable and lawful purposes which are not detrimental to the well being of the citizens of Lane County. The Rezone must also be consistent with the Rural Comp Plan policies that apply.

### **What Assistance is Provided by Land Management Staff?**

Planning staff in the Land Management Division (LMD) must provide objective support to County decision-makers, they do not serve as your advocates, prepare your application, nor defend your interests if your request is challenged or denied. The duty of LMD staff is to help you understand and respond to the requirements for a Plan Amendment or Zone Change, to provide you with the necessary forms and Plan documents you may need, and to process your application once it is submitted according to legal procedures for notice, public involvement and analysis.

Because Plan Amendments and Rezoning applications are a complex undertaking, it is strongly recommended that you consider obtaining the services of a professional planning consultant or land use attorney who is familiar with the Statewide Planning Laws and Amendment Process. A professional agent can become your personal advocate and can help you deal with problems or issues that may come up as your request is processed.

In processing a Plan Amendment or a Rezoning application, the County must make sure that it satisfies state Goals and state Administrative Rules which enforce the Goals, as well as the County's own rules. An amendment cannot be adopted merely for the benefit of an individual applicant – it must meet many legal tests. Before adoption, a Rural Plan Amendment or Rezone must be reviewed by the state Land Conservation and Development Commission staff for compliance with state law. The state has the authority to contest a proposal which does not meet the law.