TALKING POINTS: The Refinement Plan

DEFINITION: A document adopted by the City Council that provides planning elements that are consistent with, but more specific than, the planning elements in a metro plan.

EUGENE’S LAND USE PLANS (Envision Eugene, Comprehensive Plan, Metro Plan, Refinement Plan):

Eugene is in the process of developing and adopting the Envision Eugene Comprehensive Plan. Currently the City of Eugene addresses much of its land use planning through the regional Eugene-Springfield Metropolitan Area General Plan (Metro Plan). Metro Plan policies were based on the fact that Eugene and Springfield shared a single, regional urban growth boundary (UGB). ORS 197.304, adopted by the Oregon Legislature with the passage of House Bill 3337 in 2007, required Eugene and Springfield to divide their shared UGB, so that each city would have its own, separate UGB and separate policies for land use within its own UGB.

The full development and adoption of all chapters of the Envision Eugene Comprehensive Plan is still in progress. As new chapters of the Envision Eugene Comprehensive Plan are adopted, the Metro Plan will be amended. The Metro Plan will continue to serve as Eugene’s comprehensive plan to address those land use planning issues not covered in Envision Eugene or that are regional in nature. Any adopted plan or amendment whether to the Metro plan or Envision Eugene or a refinement plan is sent to the state of Oregon for approval that such plan is consistent with the Oregon Statewide Planning Goals.

Refinement plans that have been adopted as refinements of the Metro Plan become part of the comprehensive plan. Refinement plans, which by their nature and purpose are more detailed than the Metro Plan, have exactly the same legal status as the Metro Plan.

REFINEMENT PLAN TYPES:

Neighborhood -- addresses land use and development, housing and transportation particular to one or more city-chartered neighborhood organizations.

Special Area -- pertains to the same issues involving parts of two or more neighborhood organizations.

Functional -- addresses a specific planning subject such as transportation and can overlap jurisdictions.

WHAT IS THE PURPOSE OF A REFINEMENT PLAN?

- To implement and be consistent with the first and foremost of Oregon’s Statewide Planning Goals: citizen involvement
- To allow a much higher level of citizen involvement than would be possible with city-led area planning
- To address special planning needs that could have adverse impacts on citizens:
  - when broad changes to permitted uses and/or density are being imposed (e.g., SW-SAZ)
  - when major public infrastructure or service changes are being made (e.g., EmX)
  - when expansion of a large institution causes impacts (e.g., UO)
o when a new neighborhood is being developed that could impact existing neighborhoods and/or transportation, natural resources, etc. (e.g., Northridge development out Delta Highway)

WHAT IS THE LEGAL STATUS OF A REFINEMENT PLAN?

- A refinement plan is Oregon’s statutory form of a community-based plan;
- Provisions for refinement plans are laid out in Oregon Revised Statutes (ORS) 197.200 and in Eugene Code Chapter 9;
- Refinement plan policies prevail over land use code including zoning standards for uses, lots, and development;
- Refinement plan policy has the same legal force as a Metro Plan policy;
- When a refinement plan policy is adopted or amended, it must not conflict with the Metro Plan, which is why the City Council adopts amendments to the Metro Plan at the same time it adopts or amends a refinement plan, keeping them consistent;
- When approved, refinement plan policies are legally binding on the City;
- Refinement plans and other area plans are subject to periodic review and amendments.

WHAT IS THE LEGAL EFFECT OF A REFINEMENT PLAN?

- Oregon Court of Appeals recognizes that neighborhood refinement plans are a part of a larger area plan;
- Eugene Lane Use Code: amendments must not conflict with refinement plans;
- Oregon Supreme Court: ruling that a city cannot allow development that is more intensive than the comprehensive plan – including refinement plans – would allow, no matter what the zoning would allow.

WHAT IS COVERED IN A TYPICAL REFINEMENT PLAN?

- Land use
- Neighborhood character & design
- Transportation & traffic
- Public facilities & services
- Public safety
- Parks & recreation
- Economic development
- Historic assets
- Plan implementation, priorities, & updates

HOW IS A REFINEMENT PLAN STRUCTURED AND WHAT DOES IT CONTAIN?

- Goal: broad statement of philosophy
- Objective: attainable target
- Policy: statements as part of the larger plan to provide specific course of action
- Plan Diagram: depictions of allowed land use
- Finding: factual statement resulting from investigations, analysis, observation
- Implementation recommendation or proposed action: non-binding recommendation
- Narrative text: additional descriptive text

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WHAT ARE THE STEPS IN ADOPTING A REFINEMENT PLAN?

- City Council approves a work plan to develop a refinement plan;
- Planning Team (citizens representing neighborhoods and city planning staff) is appointed;
- Planning Team creates a proposed draft plan through a community process;
- The city-chartered Neighborhood Associations within the plan boundary review and revise the draft plan;
- Draft plan goes to Planning Commission for public review and a public hearing according to State and local regulations;
- Planning Commission sends its recommendation to City Council;
- Plan undergoes public review and public hearing before the City Council;
- City Council votes to adopt the refinement plan;
- Plan is reviewed and acknowledged by the State Department of Land Conservation and Development (DLCD).

WHAT IS A PLANNING TEAM?

- A group of citizens for and of the neighborhood for which the refinement plan is being written;
- A group of citizens that serves as a Citizen Advisory Committee (CAC) organized to develop and maintain a comprehensive plan and its land use regulations for the neighborhood;
- A group also known as a neighborhood planning organization, area advisory committee, or another similar name;
- The group that conveys the draft neighborhood refinement plan directly to the City of Eugene’s Planning Commission and City Council.

WHAT IS THE STATUTORY REFINEMENT PLAN APPROVAL PROCESS?

- Public notices are mailed for the Planning Commission and City Council public hearings;
- Spoken or written testimony are solicited by the Planning Commission and City Council;
- Work Session meetings are scheduled for the Planning Commission and City Council during which city staff participate but the public can only observe the proceedings;
- Following final City Council action, a notice of pending action is sent to the State Department of Land Conservation and Development (DLCD);
- An approved plan (or plan amendment) can be appealed to the State.

WILL REFINEMENT PLANS DEVELOPED BY COMMUNITY MEMBERS RESULT IN NIMBYISM?

A refinement plan draft undergoes review by the Planning Commission and City Council. Both of these require public hearings. Eugene has approximately a dozen refinement plans currently in place and planning teams have understood that a neighborhood refinement plan must involve genuine citizen involvement and address city-wide issues including affordability and compact development. The major advantage of a community-based planning team is they have a deeper understanding of the best ways to integrate broader city goals into their own community while maintaining or enhancing community cohesion than through a top-down, city-led planning process.