

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 86

AT.....O'CLOCK.....M

OCT 22 1986

BY *Stephanie Karcher*
County Clerk
For Lane County, Oregon

) IN THE MATTER REVISING LANE
) CODE CHAPTER 11 TO TRANSFER
) BUILDING CODE AUTHORITY TO
) CITY OF SPRINGFIELD WITHIN
) THE URBAN GROWTH BOUNDARY
) OF SPRINGFIELD, AND DECLARING
) AN EMERGENCY

WHEREAS, the Lane County Board of Commissioners adopted Order No. 85-3-13-1, which, among other items, recognized the following:

1. Within the Urban Growth Boundary of Eugene and Springfield, the Cities are the principal providers of urban services.
2. The County shall coordinate closely with other jurisdictions to ensure continued delivery of effective and efficient urban services.
3. The County shall transfer or reduce the urban services which it provides in the metropolitan area; and

WHEREAS, the Lane County Board of Commissioners approved Order No. 86-6-4-3, adopting an agreement regarding the transfer of building and land use responsibilities within the urbanizable portion of the Springfield Urban Growth Boundary (see attached Exhibit "C"); and

WHEREAS, the Board is prepared to revise Lane Code, Chapter 11, Buildings for the purpose of transferring building code authority to the City of Springfield within Springfield's Urban Growth Boundary, and of adopting the building regulations of the City; NOW

THEREFORE, the Board of County Commissioners of Lane County Ordains As Follows:

Chapter 11 of Lane Code is hereby amended by removing and substituting the following pages:

Remove These Pages

11.010(5)-11.015(2) to
11.035 - 11.035,
i.e., 11-2 to 11-5
(a total of four pages)

Insert These Pages

11.015(5)-11.025(4) to
11.035 - 11.035,
i.e., 11-2 to 11.5
(a total of four pages)

Said pages are attached hereto and incorporated herein by reference.

Building permits accepted prior to the effective date of this Ordinance shall continue to be processed through Lane County.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and

independent provision and such holding shall not effect the validity of the remaining portions hereof.

While not part of this Ordinance, we adopt the attached Exhibit "B" and "C" as Findings in support of this decision.

An emergency is hereby declared to exist and, this Ordinance, being enacted by the Board in exercise of its police power for the purpose of meeting such emergency and for the preservation of the public peace, health, and safety, shall take effect November 1, 1986.

ENACTED this 8th day of October, 1986.

APPROVED AS TO FORM

Date 10/8/86 Law Clerk

[Signature]
OFFICE OF LEGAL COUNSEL

[Signature: John Ball]
v. Chairperson, Lane County Board of Commissioners

EXHIBIT 'B'

FINDINGS

1. The City of Springfield and Lane County are subject to the policy mandates of the Eugene-Springfield Metropolitan Area General Plan, and the following Metro Plan "Growth Management and Urban Service Area" policies support the administration of City authority within the urbanizable portion of the Springfield Urban Growth Boundary:
 - 1) Policy #2, page II-B-3, requires that the location, timing and financing of major public investments that directly influence the growth form of the metropolitan area be planned and coordinated on a metropolitan wide basis.
 - 2) Policy #7, page II-B-4 provides that land within the projected urban service area may be converted from urbanizable to urban only through annexation to a city.
 - 3) Policy #12, page II-B-5, requires that any development taking place within an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. This policy further provides that with the exception of area designated "special light industrial" the minimum lot size within the urbanizable area shall be 10 acres.
 - 4) Policy #13, page II-B-5, requires that the creation of lots of under five acres in size in the urbanizable area shall require a city-county Agreement. This Agreement shall be subject to certain ownership, locational and size standards imposed by this policy.
 - 5) Policy #14, page II-B-6, provides that Lane County shall review the siting of all residences on urbanizable lots served by on-site sewage disposal systems.
 - 6) Policy #15, page II-B-6, provides that Lane County shall have the responsibility of approving on-site sewage disposal systems for urbanizable area uses.
2. The City of Springfield and Lane County have adopted policy resolutions which call for the transition of urban services in the urbanizable area from Lane County to the City of Springfield (see Order No.'s 85-3-13-1 and 86-6-4-3).
3. The intergovernmental Urban Service Policy Committee has approved a concept paper outlining the conditions of the transfer of building and land use responsibilities.
4. ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City of Springfield and Lane County, to allow the performance of functions or activities of one unit of local government for another.

11.010(5)

Lane Code

11.025(4)

costs to be charged against the owner or property, or both, as specified in Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings, 1982 Edition.

Section 205. The Building Appeals and Advisory Board as currently constituted in Lane County shall serve as the Section 205 Board of Appeals.

11.015 Permits, Fees and Refunds.

(1) Permits. Permits are required for all work covered by the Building Codes of Lane County and agricultural buildings.

(2) Fees. Building permit fees shall be as required by separate Order of the Board and shall not exceed the limits in ORS 456.760.

(3) Refunds. All fees are nonrefundable, except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. The amount of refund shall be determined by the Director and shall be based upon the proportion of staff time allotted to processing the permit relative to complete processing of a permit.

11.020 Designation of Building Official. In accordance with ORS 456.800, the Senior Plans Examiner, Department of Planning and Community Development, is hereby appointed as the Lane County Building Official.

11.025 Springfield Urban Growth Boundary. Notwithstanding other subsections of this Chapter, the City of Springfield shall have the responsibility and the authority to administer its building regulations on urbanizable land within the Springfield Urban Growth Boundary, and the same building regulations are adopted by Lane County for the purpose of this subsection. For the purpose of this subsection, the following words and phrases shall mean:

Building Regulations. The City of Springfield's currently adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules. These regulations shall include, but shall not be limited to, the following:

(1) Structural Specialty Code and Fire and Life Safety regulations

(2) Council of American Building Officials 1 and 2 Family Dwelling Code

(3) Mechanical Specialty Code and Mechanical Fire and Life Safety regulations

(4) Plumbing Specialty Code

9-74; 7.3.74 16-79; 1.18.80 11-2
 6-75; 3.26.75 18-80; 9.5.80
 11-75; 9.5.76 10-82; 7.9.82
 3-76; 4.7.76 14-83; 6.22.83
 9-76; 8.27.76 1-85; 5.10.85

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11.025(5)

Lane Code

11.035

- (5) OAR 814-23-055 to 814-23-080, Mobile Home Installation, Tie-down and Accessory Building Requirements
- (6) Uniform Code for the Abatement of Dangerous Buildings
- (7) Electrical Specialty Code and Oregon State Electrical Code for 1 and 2 Family Dwellings
- (8) OAR Chapter 837, Division 40, Fire and Life Safety Code

Refer to City of Springfield Ordinance No. 5188 (general), adopted August 15, 1983; Ordinance Nos. 5343 (general), 5344 (general), 5345 (general), and 5346 (general), adopted July 21, 1986.

Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, east of I-5 excluding the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by I-5). Refer to Lane County Ordinance No. 9-80, adopted 8-27-80, and as amended by the following Ordinances: 9-80A, 856, 885, 893, 901, 904, and 907.

Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary.

11.035 Definitions. For the purposes of this Chapter, the following words and phrases shall mean:

Agricultural Building. A structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment, or for the raising, harvesting and selling of crops, or in the feeding, breeding, management and sale of, or the produce of livestock, poultry, furbearing animals or honeybees, or for dairying and sale of dairy products, or any other agricultural or horticultural use or animal husbandry or any combination thereof, including the preparation and storage of products raised on such farm for human use and animal use and by disposal by marketing or otherwise. Sales and allowable square footage of sales areas shall be governed by Lane Code Chapter 10, "Zoning." Agricultural Building does not include:

- (a) A dwelling.
- (b) A structure used for a purpose other than growing plants in which persons perform more than 144 person-hours of labor a week.
- (c) A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476.
- (d) A place used by the public.

9-74; 7.3.74 16-79; 1.18.80 11-3
 6-75; 3.26.75 18-80; 9.5.80
 11-75; 9.5.76 10-82; 7.9.82
 3-76; 4.7.76 14-83; 6.22.83
 9-76; 8.27.76

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11.035

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11.035

(e) A structure subject to §§ 4001-4127, Title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder, (ORS 456.758).

Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.

Architect. An individual qualified and licensed to practice architecture under ORS 671.010 to 671.220.

Area of Flood Hazard. The land in the floodplain within a community subject to a one percent chance of flooding in any given year.

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Building or Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built upon or composed of parts joined together in some definite manner, and shall specifically include, but shall not be limited to, house trailers which are placed upon property, other than a licensed trailer park, for the apparent use as a living unit.

Camper. A structure designed to be mounted upon a vehicle, which may or may not be permanently attached thereto.

Campground. Any lot, tract or parcel of land where two or more camping spaces are located which provide facilities for living in any manner other than in a permanent residence.

Camping Space. An individual camp space intended for overnight camping by only one camping vehicle, tent vehicle or tent.

Camping Vehicle. See "Recreational Vehicle."

Camping Vehicle Park. See "Recreational Vehicle Park."

Community Water System. A water supply system, whether publicly or privately owned, which serves more than a single- or two-family residence, dwelling or mobile home for the purpose of supplying water for drinking, culinary or household use.

County Road. A public road in the County which has been expressly accepted by the Board as a part of the County road system as provided for in ORS Chapter 368, or a road which has been adjudicated to be a part of the County road system by a court of competent jurisdiction, and which road the County thereafter has the obligation for its maintenance or improvement.

Department. The Department of Planning and Community Development of the County.

9-74; 7.3.74 16-79; 1.18.80 11-4
 6-75; 3.26.75 18-80; 9.5.80
 11-75; 9.5.76 10-82; 7.9.82
 3-76; 4.7.76 14-83; 6.22.83
 9-76; 8.27.76

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11.035

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Development. A human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Director. The Director of the Department of Planning and Community Development of the County or his or her duly authorized representative.

Dwelling. A building or structure, or portion thereof, which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and auto courts.

Engineer. An individual who is registered in the State of Oregon and holds a valid certificate to practice a particular branch of engineering as provided by ORS 672.020.

Engineer Designed Fill. The depositing of earth material placed by artificial means and compacted to a minimum of 90 percent of maximum density as determined by ASTM test method D1556-58T.

Existing Mobile Home Park. Any lot where two or more permanent mobile homes are located or proposed to be located for the primary purpose of being rented or leased for residential purposes, for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed.

Expansion of an Existing Mobile Home Park. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

9-74; 7.3.74
 6-75; 3.26.75
 11-75; 9.5.76
 3-76; 4.7.76
 9-76; 8.27.76
 16-79; 1.18.80
 18-80; 9.5.80
 10-82; 7.9.82
 14-83; 6.22.83

11-5

WP 35635-LC13-49

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 86-6-4-3

(IN THE MATTER OF ADOPTING AN
(AGREEMENT REGARDING THE
(TRANSFER OF BUILDING AND
(LAND USE RESPONSIBILITIES
(WITHIN THE URBANIZEABLE POR-
(TION OF THE SPRINGFIELD
(URBAN GROWTH BOUNDARY

WHEREAS, the City of Springfield and Lane County are subject to the policy mandates of the Eugene-Springfield Metropolitan Area General Plan, hereinafter referred to as the "Metro Plan;" and

WHEREAS, this Agreement is intended to implement the policy mandates of the Metro Plan; and

WHEREAS, the City of Springfield and Lane County have adopted policy resolutions which call for the transition of urban services in the urbanizable area from Lane County to the City of Eugene; and

WHEREAS, the intergovernmental Urban Service Policy Committee has approved a concept paper outlining the conditions of the transfer of building and land use responsibilities; and

WHEREAS, the following Metro Plan "Growth Management and Urban Service Area" policies support the administration of City authority within the urbanizable portion of the Springfield Urban Growth Boundary:

1. Policy #2, page II-B-3, requires that the location, timing and financing of major public investments that directly influence the growth form of the metropolitan area be planned and coordinated on a metropolitan wide basis.
2. Policy #7, page II-B-4 provides that land within the projected urban service area may be converted from urbanizable to urban only through annexation to a city.
3. Policy #12, page II-B-5, requires that any development taking place within an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. This policy further provides that with the exception of areas designated "special light industrial" the minimum lot size within the urbanizable area shall be 10 acres.
4. Policy #13, page II-B-5, requires that the creation of lots of under five acres in size in the urbanizable area shall require a city-county Agreement. This Agreement shall be subject to certain ownership, locational and size standards imposed by this policy.
5. Policy #14, page II-B-6, provides that Lane County shall review the siting of all residences on urbanizable lots served by on-site sewage disposal systems.
6. Policy #15, page II-B-6, provides that Lane County shall have the responsibility of approving on-site sewage disposal systems for

urbanizable area uses; and

WHEREAS, the City and the County wish to implement the "Growth Management and Urban Service Area" policy considerations of the Metro Plan by transferring building regulation and land use responsibilities for the urbanizable portion of the Springfield Urban Growth Boundary from the County to the City; and

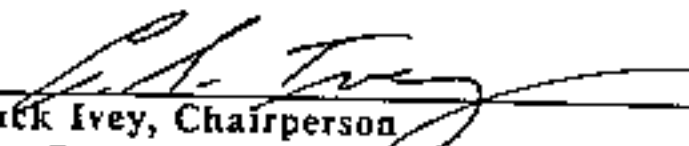
WHEREAS, ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City of Springfield and Lane County, to allow the performance of functions or activities of one unit of local government for another; and

WHEREAS, ORS 190.003 et seq requires that an intergovernmental agreement contemplating the performance of functions or activities by one unit of local government for another shall specify the responsibilities between the parties; and

WHEREAS, the Board of County Commissioners of Lane County has met at a public meeting to consider the adoption of this Agreement and is desirous of adopting the Agreement; NOW

THEREFORE BE IT ORDERED that the Lane County Board of Commissioners adopts the Agreement attached and described as Exhibit "A" and, in so doing, authorizes James R. Johnson, County Administrator for Lane County, to consign and execute the Agreement with the City of Springfield.

DATED this 4th day of June, 1986.



Chuck Ivey, Chairperson
Lane County Board of Commissioners