

AGENDA COVER MEMO

DATE: March 8, 2006 (Memo)
March 15, 2006 (Third Reading/Deliberations)

TO: LANE COUNTY BOARD OF COMMISSIONERS

FROM: Stephanie Schulz/Planner

DEPARTMENT: Public Works/Land Management Division

TITLE: **ORDINANCE NO. 2-06** IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT REGULATIONS FOR APPLICATION TO URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH AREA (LC 10.600-15) AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (Applicant: City of Springfield)

SUPPLEMENTAL MATERIAL FOR FINAL ORDINANCE

This memo transmits the final version of documents revised to reflect Board action taken on February 15, 2006, to include in Ordinance No. 2-06 the most recent Springfield City Council Ordinance that amends SDC Section 5.090 for consistency regarding the status of waiver transferability under a Ballot Measure 37 Claim. By Board action enacting Ordinance No. 2-06 both Springfield Ordinance Nos. 6133 and 6151 will be included in the Lane County action.

IV. ATTACHMENT

- A. Revised Ordinance No. 2-06 cover pages showing inclusion of Ordinance No. 6151
- B. Springfield City Council Ordinance No. 6151 amending SDC Section 5.090 for consistency regarding the status of waiver transferability under a BM37 claim (City Council action taken 1-17-06)

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 2-06

IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT REGULATIONS FOR APPLICATION TO URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH AREA (LC 10.600-15) AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES

WHEREAS, on November 24, 1986 the Lane County Board of Commissioners enacted Ordinance No. 16-86 to adopt the City of Springfield land use regulations for application to urbanizable lands within the Springfield Urban Growth Boundary in accordance with an urban transition agreement with the City of Springfield; and

WHEREAS, that urban transition agreement provides for joint development and adoption of land use regulations applicable to urbanizable lands within the Springfield Urban Growth Boundary; and

WHEREAS, the Springfield Planning Commission and Lane County Planning Commission held public hearings and after further deliberations, both recommended approval of the amendments to the Springfield Development Code; and

WHEREAS, the Springfield City Council held hearings and adopted the amendments to the Springfield Development Code and has requested adoption of the proposed changes by the Lane County Board of Commissioners for application to the urbanizable lands within the Springfield Urban Growth Area; and

WHEREAS, the Board of County Commissioners has conducted a public hearing, reviewed the record, and is ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

Section 1. The provisions of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86 and amended by Lane County Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04 and 2-05 are hereby further amended to add the amendments as specified in the attached Exhibit "A," (Ordinance Nos. 6133 and 6151) incorporated here by this reference. These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Springfield Urban Growth Area and shall not be codified into Lane Code.

Section 2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

REMOVE THIS SECTION

10.600-15
i.e. 10-814
(a total of 1 page)

INSERT THIS SECTION

10.600-15
i.e. 10-814
(a total of 1 page)

Said section is attached hereto and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include specific reference to this Board of County Commissioners action adopting amendments to the City of Springfield land use regulations to be applied by the City of Springfield on urbanizable lands within the Springfield Urban Growth Area.

Section 3. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

Section 4. 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 affect the validity of the remaining portions hereof.

While not part of this Ordinance, the findings attached as Exhibit "B" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this _____ day of _____, 2006.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

ORDINANCE

ORDINANCE NO. 6152 6151 (General)

**AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE,
SECTION 5.090 AND DECLARING AN EMERGENCY**

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, the Springfield Development Code (SDC) was adopted by the Springfield City Council on May 5, 1986, and amendments thereto were subsequently adopted by Ordinance; and

WHEREAS, Article 7 of the SDC sets forth procedures for the amendment of this document; and

WHEREAS, on July 18, 2005, the Springfield City Council held a public hearing and adopted the SDC "housekeeping" amendments Ordinance 6133 (Case Number LRP 2005-00012); and

WHEREAS, the Intergovernmental Agreement between the City of Springfield and Lane County requires the Lane County Board of Commissioners to adopt amendments to the SDC that are effective within the City's urbanizable area; and

WHEREAS, on October 18, 2005, the Lane County Planning Commission held a work session on this SDC "housekeeping" amendment application and raised a question concerning SDC Section 5.090; and

WHEREAS, City staff determined that a minor amendment of Section 5.090 was necessary in order to resolve any uncertainties concerning consistency among Lane Code, the Springfield Municipal Code and the SDC; and

WHEREAS, on December 6, 2005, the Springfield Planning Commission held a public hearing on this SDC amendment application (Case Number LRP 2005-00036) and unanimously recommended City Council adoption of the attached Ordinance; and

WHEREAS, on January 17, 2006, the Springfield City Council held a public hearing and is now ready to take action on this matter based upon the above recommendation and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of adopting this ordinance amending the SDC.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: Section 5.090 is hereby amended to read as follows: "Notwithstanding the foregoing provisions and regulations of this Article, any waivers to the standards of this Code granted by the City Council in response to a Demand for compensation, as may be permitted in accordance with the Springfield Municipal Code 1997, shall supersede the provisions and regulations of this Article and shall be transferable to a future purchaser of the property only to the extent required by Ballot Measure 37."

Section 2: Declaration of Emergency. It is hereby found and declared that matters pertaining to the amendment of, and additions to the Springfield Development Code affect the public health, safety and welfare of the City of Springfield and that this Ordinance shall, therefore, take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and 0 against, this 17th day of January, 2006.

APPROVED by the Mayor of the City of Springfield, this 17th day of January, 2006.

ATTEST:

Amy Sowa
City Recorder

[Signature]
Mayor

REVIEWED & APPROVED
Jordan S. Lamm
1/11/06
OFFICE OF CITY ATTORNEY

City of Springfield, Oregon

CERTIFIED TRUE COPY

Amy Sowa
City Recorder