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Memorandum Date: June 27, 2008

Work Session Date: July 9, 2008

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Kent Howe, Planning Director

AGENDA ITEM TITLE: **Report** / Urban Transition Agreements with Cities of Eugene and Springfield

I. Issue:

Report to the Board regarding the Urban Transition Agreements for planning and building services with the Cities of Eugene and Springfield and a draft order directing termination of the agreement with Eugene and creation of an Urban Transition Ad Hoc Committee and an Urban Transition Advisory Committee.

II. AGENDA ITEM SUMMARY

The Board requested a report from the Land Management Division and County Counsel regarding the historic context of the 1986 Urban Transition Agreements (UTAs) and the current relevancy of these agreements to the provision of planning and building permit services for properties located inside the Urban Growth Boundary (UGB) but outside the city limits of Eugene and Springfield, an area referred to as the Urban Growth Area (UGA). Specifically, the Board requested additional analysis and information on the two UTAs delegating planning and building permitting authority inside the UGAs of Eugene and Springfield, as well as the draft order presented on April 2, 2008, directing termination of the Eugene UTA and establishing an Urban Transition Ad Hoc Committee and an Urban Transition Advisory Committee to analyze, develop and implement urban transition processes, agreements and programs for all of Lane County.

The purpose of this work session is to provide additional information about the above areas of concern to guide the Board's discussion on the topic of the delegation of planning and building permitting authority inside the UGAs of Eugene and Springfield, and to facilitate their discussion with the Joint Elected Officials of the Eugene-Springfield Metropolitan Area Plan (Metro Plan) when exploring options to address the Board's concerns.

III. BACKGROUND

A. Board Action and Other History

Over the last several years the Board has attempted to engage the cities of Eugene and Springfield in a conversation on urban transition and the provision of various services in the metropolitan area: who provides them and how are the services going to be funded. On April 2, 2008, the Board directed staff to prepare background information for the Board on the two UTAs with Eugene and Springfield delegating planning and building permit responsibilities and a draft order terminating the agreement with Eugene to prepare them for their discussions with the Joint Elected Officials on the Metro Plan.

B. Policy Issues

Multiple policy options are available to the Board with regards to this matter, including but not limited to, the choices below:

1. Continue with the existing UTAs with the Cities of Eugene and Springfield and use this information in dialogue with the Joint Elected Officials in upcoming discussions of the Metro Plan to perhaps update or modify the UTAs and improve service to the citizens with property located in the UGA.
2. Provide notice to the Cities of Eugene and Springfield to begin termination of the existing UTAs, initiate Metro Plan Policy amendments and make preparations for the Land Management Division to assume the Planning and Building permitting authority inside the UGA of Eugene and Springfield.
3. Take no action on the matter.

C. Board Goals

Lane County Strategic Plan Goal 5: "Contribute to *appropriate community development* in the areas of transportation and telecommunications infrastructure, housing, growth management, and land development."

Staff Response: Discussing the agreements with Eugene and Springfield provides an opportunity to consider this goal. ORS 190.003 provides for intergovernmental agreements between units of local government, including the Cities of Eugene, Springfield and Lane County, to allow the performance of functions or activities of one unit of local government for another. Lane County's adoption of the 1986 UTAs (Order No. 86-6-4-3 and Order No. 86-6-4-4) delegating planning and building administrative responsibilities inside the UGB to the Cities of Eugene and Springfield, respectively, and adoption of city regulations is consistent with the statute and the strategic plan goal 5 regarding community development and growth management.

Strategic Plan Implementation Strategies

A. Service Improvement Strategy

A1(a). Lane County Government will actively seek to improve the efficiency, effectiveness, and quality of public services by considering reorganization of service delivery systems both within county government and across government agencies. We will examine areas where similar or closely related services exist in different organizational units.

Staff Response: Since 1986, Lane County has delegated the administrative planning and building permit responsibilities inside the UGA of Eugene and Springfield to the two cities respectively. The Board is reviewing these agreements in accordance with the above strategy.

A1(e). We will give early priority to evaluation of intergovernmental reorganization opportunities in the following direct service areas:

- Land use and building, planning and development.

Staff Response: The Board is reviewing the agreements with Eugene and Springfield in accordance with the above strategy. Mandated activities have been identified by the Strategic Plan as a Priority 3 item.

A2(e). Lane County Government supports contracting out as one option to consider for assuring the efficiency and effectiveness of its services.

Staff Response: The Board may choose to use private consultants to evaluate the UTAs with Eugene and Springfield. The existing UTAs provide efficiency for citizens developing land in the UGA that may require annexation under current Metro Plan policies and implementing land use regulations adopted by the Board.

B. Resource Planning and Allocation Strategy

B3. Allocate resources strategically.

B3(a)(3). The third funding priority is services that are mandated and that do not otherwise fall into the categories addressed by the first two priorities. The level of funding for these functions and the level of service provided may be flexible and will be guided by the demonstrated cost-effectiveness and broad public support of the services.

Staff Response: Pursuant to the above strategy, cost effectiveness may be used by the Board as a consideration for determining a course of action regarding the UTA's with the Cities of Eugene and Springfield.

D. Financial and/or Resource Considerations

Below, please find a brief description of the financial and resource considerations of the multiple options available to the Board with regards to planning and building responsibilities. Discussion will also be contained in the analysis section.

1. Continue with the existing UTAs with the Cities of Eugene and Springfield and use this information in dialogue with the Joint Elected Officials in upcoming discussions of the Metro Plan to perhaps update or modify the UTAs and improve service to the citizens with property located in the UGA.

Staff Response: Proceeding with this option would have some financial impact to the County. It would maintain the current land use permitting and building permitting processes with the Cities of Eugene and Springfield and may lead to improvements in service for citizens with property located within the UGA of Eugene and Springfield. Efforts to modify the UTAs or develop specific implementation options would depend on Board direction. Depending on the changes to the UTA, proceeding with this option could have minimal financial impact to the County if the Cities of Eugene and Springfield maintained the land use and building permitting responsibilities. Updating the UTAs would involve a work program effort for the planning program and legal staff to prepare a revised UTA for approval by each jurisdiction.

2. Provide notice to the City of Eugene and Springfield to begin termination of the existing UTAs, initiation of Metro Plan Policy amendments and make preparations for the Land Management Division to assume the Planning and Building permitting authority inside the UTA of Eugene and Springfield.

Staff Response: Proceeding with this option would have significant financial impact to the County. The population of the UGA of Eugene and Springfield is approximately 31,000. Additional FTE would be required to provide public service to the property owners inside the UGA of Eugene and Springfield. It would be difficult to fund the additional staff resources necessary to provide property development services with development fee revenue collected by the Land Management Division (LMD) since any significant development currently would require annexation and those permit fees would be paid to Eugene and Springfield. An approximate annual cost estimate of providing this service would be at least \$400,000 when considering 4 FTE to address development inquiries, permit review and inspections and additional expenses related to updating or developing data layers, GIS coverage and property development records for development inside the UGA.

3. Take no action.

Staff Response: Proceeding with this option would have little financial impact to the County. It would maintain the current land use and building permitting processes adopted by the Board and administered by the Cities of Eugene and Springfield.

E. Analysis

At the April 2, 2008, meeting the Board identified the two UTAs with Eugene and Springfield and concerns about disenfranchisement of County citizens with the transfer of land use and building permit responsibilities within the UGA of Eugene and Springfield as a major area of concern. A draft order was also introduced to address the agreement with the City of Eugene. The following analysis provides the policy context within which the Board delegated the planning and building permit responsibilities to the two cities. Copies of the referenced Board actions initially taken to implement the urban transition policies and studies undertaken at that time are attached. Those actions provide a framework for the UTAs and termination of either agreement will not eliminate the applicable Metro Plan policies or implementing land use regulations previously adopted by the Board. Further analysis of the draft order is also provided.

In 1985, with the adoption of Order No. 85-3-13-1, the Board of Commissioners recognized the following:

1. That the Eugene/Springfield Metropolitan Area General Plan is based on the premise that the two existing cities are the logical providers of services accommodating urban levels of development.
2. The integrated nature of the urban area and the essential role of the central cities and a desire to enhance the economic well-being of the entire area.
3. The lack of services constraining the area's economic development and its residential, commercial and industrial development to the detriment of all the residents of the metropolitan area.
4. A full-range of urban services shall ultimately be provided to urban areas and those services include sanitary sewers, water service, fire service, land use controls, police protection, parks and recreation programs, electric service, storm drainage facilities, street lighting and libraries.
5. The Metropolitan Plan calls for efforts to reduce the number of unnecessary special service districts and to revise confusing or illogical service boundaries, including those that result in a duplication of effort or overlap of services.
6. That there has been a decline in revenues available for the provision of services, causing the need for greater governmental efficiency.
7. That the County has a desire to work cooperatively with other jurisdictions within the planned urban services boundary to efficiently transfer and increase or consolidate municipal services in an orderly and efficient manner.
8. That the County would transfer or reduce the urban services which it provides in the Eugene/Springfield Metropolitan Area and encourage the unincorporated areas to obtain those services by means of annexation to the Cities.
9. That the County would assist the Cities with a Public Education Program within the urban services area to inform residents and property owners of the shift in service delivery responsibility and to encourage annexation.

Subsequent actions of the Board approved the actual urban transition agreements and adopted the city building and land use regulations for application in the urban growth areas around each city. Since then, several amendments or updates to the

city development codes have been adopted by the Board as those changes were developed and presented for consideration.

The cities of Eugene and Springfield and Lane County co-adopted and remain subject to the policy mandates of the Metro Plan. The 1986 UTAs implement specific policy guidance provided by the Metro Plan as listed below (Reference pages are given from the current "Growth Management and Urban Services Area" section of the Metro Plan) and described in each UTA:

Policy 2 (Current Plan Policy 3) Control of location, timing, and financing of the major public investments that directly influence the growth form of the metropolitan area shall be planned and coordinated on a metropolitan-wide basis. (p. II-C-4)

Policy 7 (Current Plan Policy 8) Land within the projected urban service area may be converted from urbanizable to urban only through annexation to a city. (p. II-C-4)

Policy 12 (Current Plan Policy 26) 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. (p. II-C-7)

Policy 13 (Current Plan Policy 27) The creation of lots 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. (p. II-C-8)

Policy 14 (Current Plan Policy 28) Lane County shall review the siting of all residences on urbanizable lots served by on-site sewage disposal systems. (p. II-C-8)

Policy 15 (Current Plan Policy 29) Lane County shall have the responsibility of approving on-site sewage disposal systems for urbanizable area uses. (p. II-C-8)

The purpose sections of the UTAs provide the main reasons for the agreement which include the following:

- To enable the Cities to provide municipal services where it is logical and efficient to do so, and to enable the County to reduce the provision of these services in order to enhance the provision of County-wide non-municipal services.
- To provide for the orderly transition of municipal service delivery from County to City.

- To enable the City and County to better implement the goals and policies of the "Growth Management and Urban Services Area" section of the Metro Plan.
- To provide for the transfer of certain land use and building regulation responsibilities from the County to the City for land within the Eugene and Springfield Urban Growth Boundary.
- To avoid the duplication of governmental effort and public confusion concerning land development processes and standards.

The statements in Board Order No. 85-3-13-1, the current Metro Plan Policies 3, 8, 26, 27, 28 and 29 from the "Growth Management and Urban Services Area" section of the Metro Plan, and the recitals and Purpose sections of the UTAs cited above, all derive from the fundamental principal of the Metro Plan that the jurisdiction that is the ultimate provider of urban services is the most logical entity to provide the planning and building permit services to those lands within the Urban Growth Boundary until the property is annexed to the City. The UTAs establish the framework for implementing those policies and extensive studies undertaken by the cities and Lane County in the 1980s. The UTAs provide for County review and adoption of the city building and land use regulations for application in the respective urban growth areas after which the cities agree to administer those regulations.

Information obtained from the City of Eugene indicates approximately 120 land use applications processed annually for properties located outside the city limits of which only a few did not require annexation first to allow the proposed development. The experience at the City of Springfield is similar. Only a small percentage of the development applications are processed with the City of Springfield before annexation.

Staff conclude that the revenues generated from the land use and building permit activity in the Urban Transition Area likely do not fully cover the costs of providing these services. The City of Eugene reports that building permit activity generates approximately \$135,000 annually, while the land use applications total less than \$15,000 per year (less than 10 applications/year for development that does not trigger annexation). Attached May 7, 2008 memorandum from Susan Muir to Mayor Piercy and City Council. From a financial viewpoint, it does not make sense to assume these responsibilities since the fees for any significant development would go to the cities upon the property being annexed and developed at urban densities. In addition, the city regulations will remain effective and would need to be applied by county staff until they are repealed and replaced by county regulations. Any new land use regulations would need to be consistent with applicable Metro Plan policies.

The real issue seems to be the appearance of disenfranchisement of County citizens with the transfer of county planning and building responsibilities within the UGA of Eugene and Springfield. Citizens complain of taxation without representation and annexation policies followed by the City of Eugene. It should be noted that the ultimate land use policy jurisdictional authority still remains with the County for the citizens that live outside the city limits within the UGB, although changes to Metro Plan policies could require agreement by both cities. The Board has adopted the Metro Plan Policies

and implementing code provisions that are applied by the two cities. All that has changed is the Board has delegated the administrative permitting authority to the cities of Eugene and Springfield for the properties located within the UGA. Those citizens outside the city limits are still represented by the Board of County Commissioners. Unless the Board repealed the current land use and building regulations applicable in the UGA and adopted new ones, the County would be administering the same regulations that Eugene and Springfield currently apply under the UTAs, if the agreement is terminated.

When citizens that live in the UGA complain to the Board of Commissioners however, the Board is faced with having to tell the constituent that authority for planning and building permit administration has been delegated to the cities of Eugene and Springfield and the Board adopted the applicable regulations. So, the citizens feel that their elected officials are unable to address their issue because they are referred to the applicable city. Termination of the UTAs would not eliminate the Metro Plan policies or implementing land use regulations that may cause many of the citizen complaints.

The draft order presented at the April 2, 2008 Board meeting directing termination of the UTA with the City of Eugene seems to be premised on several questions or concerns that are not part of or governed by that agreement. Those concerns may not be relevant or addressed by termination of the UTA. First, the applicable Metro Plan policies remain effective and may be relevant to further Board actions unless those policies are changed. Second, the agreements are not ambiguous. They clearly describe the relationship and responsibilities of the cities and Lane County around building and land use regulations and permit administration in the urban growth areas. The UTAs do not address or dictate any particular result in any annexation requests. Annexations and the surrender of County Roads under ORS 373.270 are separate issues and unrelated to the building and land use permit responsibilities described in the UTAs. There is no ability to effectuate a surrender of jurisdiction until a County Road is annexed. Historically, the road partnership urban transition agreements urged surrender on an annual basis when first adopted. Third, the case quoted as establishing lack of city home rule authority to annex "unwilling property owners" involved an island annexation where not all of the involved property was included in the city annexation. *Costco Wholesale Corp. v. City of Beaverton*, 343 Or 18, 161 P3d 926 (2007). The Oregon Supreme Court concluded the statutory authority provided the only legal basis for annexation without owner consent and such an action must include all the property surrounded by the city. Since the city action did not include all of the property in the "island," the court concluded it was not consistent with ORS 222.750 and invalid. The case is not directly applicable to and does not address the UTAs or the Metro Plan policies and implementing land use regulations that describe when a property owner request for a development or building permit may trigger annexation. Finally, the recent legislation described in the draft order addresses how cities exercise annexation authority returned to them by abolishment of the Lane County Boundary Commission and the separate UGB authority of HB 3337. Those legislative enactments and the population forecasting responsibilities recently undertaken by the Board are not directly applicable to the subject matter covered by the UTAs.

Perhaps an approach to provide the citizens that live in the UGA of Eugene or Springfield an ability for Board members to have a "listening ear" would be to have a city liaison that the Board members could contact to specifically work with constituent problems dealing with land use and building permits within the UGA. Once the facts of the situation were established, they could be presented to the Board member and the Board member could then explain the reasons to the constituent. If the Board felt the City was not correctly applying the process or restrictions, they could have a joint meeting with the City Council to discuss and work out policy direction as necessary.

Another possibility would be to engage the cities in policy level discussions about annexation policies and practices to determine if any of the Metro Plan policies or implementing land use regulations need to be revised to address Board or citizen concerns. This discussion might also explore the roles the county might play in city annexation or land use permitting processes.

F. Alternatives/Options

1. Continue with the existing UTA with the Cities of Eugene and Springfield and use this information in dialogue with the Joint Elected Officials in upcoming discussions of the Metro Plan to perhaps update or modify the UTAs and improve service to the citizens with property located in the UGA and formalize a process for the Board to have a city contact or liaison position to address constituent issues.

Staff Response: Choosing this option would reaffirm the County role as the governing body with authority to address unincorporated area constituent issues. It would provide the Board with an effective process to address constituent issues in the UGA. If each city could provide the contact or liaison position, it would not require the county to subsidize the position.

2. Provide advance written notice to the cities to terminate the 1986 Urban Transition Agreements, taking back the planning and building permitting authority within the UGA, initiate Metro Plan Policy amendments and make preparations for the Land Management Division to assume the Planning and Building permitting authority inside the UGA of Eugene and Springfield.

Staff Response: This option would also reaffirm our role as the governing body with authority to address unincorporated area constituent issues. However, the Board would have to address the fundamental Metro Plan Policies that speak to Eugene and Springfield as the logical providers of services accommodating urban levels of development within the UGB. The County would be responsible for implementing the same zoning regulations that are currently applicable. These regulations do not allow significant levels of urban development outside the City Limits. The County would be responsible for answering questions and providing information on the regulations governing all levels of development, including development that can occur upon annexation. There could be significant costs to provide such information to non-

paying customers, then upon annexation the development fees would go to the cities of Eugene and Springfield. The additional costs for providing the service would have to be subsidized by the application fees for non-urban development. Since the Land Management Division is fee supported, the County will be subsidizing the cities for this customer service.

3. Take no action on the matter.

Staff Response: While this option could be the most cost effective for the County, it may not respond to the needs of the citizens that are located in the UGA of Eugene and Springfield and feel disenfranchised. It would have little financial impact to the County and would maintain the current land use and building permitting processes adopted by the Board and administered by the Cities of Eugene and Springfield.

V. TIMING/IMPLEMENTATION

Specific timelines have not been developed and are dependant upon which option the Board chooses to pursue.

VI. RECOMMENDATION

Option 1: Work with the Cities of Eugene and Springfield to establish a city liaison position to specifically work with constituent problems dealing with land use and building permits within the UGB. Establish a process for working out constituent issues. This option is consistent with the Metro Plan Policies and the 1986 Urban Transition Agreement and could be introduced at the JEO meeting in July.

Proposed Motion:

I hereby direct the Lane County Land Management Division to follow Option 1 discussed above and draft a proposal for the Board to present to the Joint Elected Officials meeting in September.

VII. FOLLOW-UP

If the proposed motion is passed, the Lane County Land Management Division will work with the County Administrator and County Counsel to develop a proposal for the Board to present to the Joint Elected Officials in September.

VII. ATTACHMENTS

1. Order No. 85-3-13-1, Recognition of Cities of Eugene and Springfield as Logical Providers of Urban Services in UGA
2. Order No. 86-6-4-3, Agreement Regarding Transfer of Planning and Building Responsibilities Within the UGA of Springfield

ORDER NO. 85-3-13-1

(IN THE MATTER OF THE LANE COUNTY EXHIBIT 'A'
(OF COMMISSIONERS RECOGNITION O
(CITIES OF EUGENE AND SPRINGFIELD AS
(THE LOGICAL PROVIDERS OF URBAN SERVICES
(WITHIN URBAN GROWTH BOUNDARIES OF THE
(ACKNOWLEDGED EUGENE-SPRINGFIELD METRO
(AREA GENERAL PLAN

WHEREAS, the County of Lane finds that the acknowledged Eugene-Springfield Metropolitan Area General Plan is based on the premise that the two existing cities are the logical providers of services accommodating urban levels of development; and

WHEREAS, it is within the County's interest to participate in resolving the service needs of the presently unincorporated area within the Metropolitan Plan area; and

WHEREAS, the County recognizes the integrated nature of the urban area and the essential role of the central city and wishes to enhance the economic well-being of the entire area; and

WHEREAS, the present lack of services constrains the area's economic development and its residential, commercial and industrial development to the detriment of all the residents of the metropolitan area; and

WHEREAS, a full-range of urban services shall ultimately be provided to urban areas and those services include sanitary sewers, water service, fire service, land use controls, police protection, parks and recreation programs, electric service, storm drainage facilities, street lighting, libraries; and

WHEREAS, the Metropolitan Plan and the Glenwood jurisdictional study have determined the area of jurisdictional responsibility for Eugene and Springfield; and

WHEREAS, the Metropolitan Plan calls for efforts to reduce the number of unnecessary special service districts and to revise confusing or illogical service boundaries, including those that result in a duplication of effort or overlap of services; and

WHEREAS, the County has adopted the Urbanization Report and a set of Urban Transition Policies; and

WHEREAS, there has been a decline in revenues available for the provision of services, causing the need for greater governmental efficiency; and

WHEREAS, the County has a desire to work cooperatively with other jurisdictions within the planned urban services boundary to efficiently transfer, increase or consolidate municipal services in an orderly and efficient manner;

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Commissioners of Lane County that:

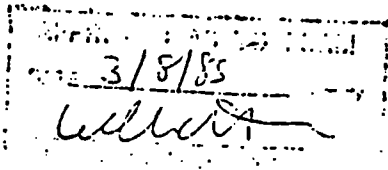
1. the County shall acknowledge the Cities' role as the principal providers of urban services within the established jurisdictional area of the Metropolitan General Plan and shall help plan for the eventual delivery of urban services according to a phased program of improvements meeting the service needs of individual areas.

2. the County shall name two members of the Board to participate on a Metro Urban Transition Policy Committee.
3. the work of this committee on an urban transition/consolidation process shall commence by July 1, 1985 and be completed no later than December 31, 1986.
4. the County shall commit the necessary staff and financial resources for the urban transition/consolidation process including intergovernmental coordination and staffing for the Urban Transition Policy Committee.
5. the County shall coordinate closely with other jurisdictions to ensure continuing delivery of effective and efficient urban services.
6. the County shall transfer or reduce the urban services which it provides in the metropolitan area and encourage the unincorporated areas to obtain those services by means of annexation to the Cities.
7. the County shall assist the Cities with a Public Education Program within the urban services area to inform residents and property owners of the shift in service delivery responsibility and to encourage annexation.

Dated this 13th day of March, 1985.



Chair, Lane County Board of Commissioners



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

ORDINANCE NO. 17-86-
EXHIBIT "B"

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 86-6-4-4

(IN THE MATTER OF ADOPTING AN
(AGREEMENT REGARDING THE
(TRANSFER OF BUILDING AND
(LAND USE RESPONSIBILITIES
(WITHIN THE URBANIZEABLE PORTION
(OF THE EUGENE URBAN GROWTH
(BOUNDARY

WHEREAS, the City of Eugene 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 Eugene 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 Services Policy Committee has approved a concept paper outlining the conditions of the transfer of building and land use responsibilities; and

WHEREAS, ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City of Eugene 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 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 Eugene.

DATED this 4th day of June, 1986.



Chuck Ivey, Chairperson
Lane County Board of Commissioners

EXHIBIT 'C'

**AGREEMENT REGARDING THE TRANSFER OF BUILDING AND LAND USE
RESPONSIBILITIES WITHIN THE URBANIZABLE PORTION OF THE
EUGENE URBAN GROWTH BOUNDARY**

THIS AGREEMENT is entered into pursuant to the authority granted in Chapter 190 of Oregon Revised Statutes. It implements policy guidance provided by the Eugene-Springfield Metropolitan Area General Plan. The Agreement is between the CITY OF EUGENE, an Oregon municipal corporation, hereinafter called the "City", and the COUNTY OF LANE, a political subdivision of the State of Oregon, hereinafter called the "County," in order to provide for the transition of responsibility for certain services from the County to the City.

RECITALS

WHEREAS, the City and the 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 implements the policy mandates of the Metro Plan, particularly Policy 2 (p. II-B-3), Policy 12 (p. II-B-5), Policy 13 (p. II-B-5), Policy 14 (p. II-B-6), and Policy 15 (p. II-B-6); and

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

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

WHEREAS, ORS 190.003 et seq. provides for intergovernmental agreements between units of local government, including the City and the 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;

NOW, THEREFORE, PURSUANT TO THE PROVISIONS OF ORS 190.003 et seq., THE CITY AND COUNTY AGREE AS FOLLOWS:

AGREEMENTS

ARTICLE I: PURPOSE

- A. To enable the City to provide municipal services where it is logical and efficient to do so, and to enable the County to reduce the provision of these services in order to enhance the provision of County-wide non-municipal services.
- B. To provide for the orderly transition of municipal service delivery from County to City.
- C. To enable the City and the County to better implement the goals and policies of the "Growth Management and Urban Service Area" section of the Metro Plan.
- D. To provide for the transfer of certain land use and building regulation responsibilities from the County to the City for land within the Eugene Urban Growth Boundary.
- E. To avoid the duplication of governmental effort and public confusion concerning land development processes and standards.

ARTICLE II: DEFINITIONS

As used in this Agreement, the following words shall mean or include:

- A. Building Official: The building official appointed by the Eugene City Manager pursuant to ORS 456.800.
- B. Building Regulations: The City's adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules, together with modifications and supplements to the building codes, contained in Chapter 8 of the Eugene Code and 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 One and Two Family Dwelling Code.
 - 3. Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.
 - 4. Plumbing Specialty Code.
 - 5. OAR 814-23-055 to 814-23-080, Mobile Home Installation, Tiedown 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 and the Electrical Safety Law.
 8. Fire Prevention Code.
 9. Weatherization Code.
 10. Sign Code.
 11. Administrative Code.
 12. Swimming Pool Code.
- C. Hearings Official: An individual or individuals appointed by the City under the Eugene Code which appointment is ratified by Lane County.
- D. Land Use Regulations: Those regulations, as defined by ORS 197.015(11), applicable to the urbanizable portion of the Eugene Urban Growth Boundary. For the purposes of this Agreement, land use regulations shall include, but shall not necessarily be limited to, the Eugene Land Use Code (Chapter 9 of the Eugene Code), including the Land Division Ordinance and the Zoning Ordinance.
- E. Eugene Urban Growth Boundary Area: All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, which is west of I-5 or within the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by I-5).
- F. Urbanizable Land: Urbanizable land are those unincorporated lands between the Eugene City limits and the Eugene Urban Growth Boundary.

ARTICLE III: BUILDING SERVICES TO BE TRANSFERRED

- A. The County shall, by April 27, 1987:
1. Adopt the Building Regulations of the City to be applied to the Eugene Urban Growth Boundary Area.
 2. Transfer to the City and its Building Official the responsibility and authority to administer the Building Regulations within the urbanizable portion of the Eugene Urban Growth Boundary Area and to set appropriate fees.
 3. Assist in any necessary transfer of authority from the State of Oregon and the State Fire Marshall to the City for the administration of building regulations within the Eugene Urban Growth Boundary Area.
 4. Continue to process permits filed before April 27, 1987.
 5. Retain existing authority over the administration of on-site sewage disposal systems within the Eugene Urban Growth Boundary Area and compliance with all state and federal orders applicable thereto.

B. The City shall, by and after April 27, 1987:

1. Administer its Building Regulations, except those retained by the County under Section A.5 above, within the Eugene Urban Growth Boundary Area.
2. Adopt appropriate fees for the Area. These fees may differ from fees charged for similar permits within the City or County and may be adjusted in the future.
3. Assume all responsibilities for building inspection and plan review for the Eugene Urban Growth Boundary Area and receive all fees required for that service and the proceeds from any fines.
4. Complete negotiations with the County on the amount of revenue to be transferred from the County to the City for the provision of these building safety functions.
5. Hold harmless and indemnify the County, to the extent permitted by law, from any liability or costs to the County arising from the City's administration and enforcement of building regulations within the Eugene Urban Growth Boundary Area.

ARTICLE IV: LAND USE SERVICES TO BE TRANSFERRED

A. The County shall, by April 27, 1987:

1. Adopt the Land Use Regulations of the City to be applied to the Eugene Urban Growth Boundary Area.
2. Legislatively rezone lands within the Eugene Urban Growth Boundary Area from the current County district to the appropriate City district.
3. Transfer to the City and Hearings Official, the responsibility and authority to administer land use regulations within the Eugene Urban Growth Boundary Area.
4. Continue processing permits filed before April 27, 1987.
5. Together with the City jointly develop an overlay zoning district that replaces the existing Interim Urbanizing (/U) and Industrial-Commercial Urbanizing (ICU) districts by requiring "consent to annexation" agreements for (1) land divisions when lots or parcels created will be less than the minimum areas specified in the Metro Plan without complying with additional criteria or conditions and (2) uses in commercial and industrial areas that may generate, singly or in the aggregate, an additional need for urban facilities or services, and apply this overlay district to all lands within the Eugene Urban Growth Boundary Area.

B. The City shall, by and after April 27, 1987:

1. Administer and enforce the land use regulations for the Eugene Urban Growth Boundary Area using adopted City processes.
2. Give the County automatic party status for all development requests administered within the Eugene Urban Growth Boundary Area and exercise final decision-making responsibility only after the County has been provided the opportunity to make timely recommendations.
3. Assume permit issuance and site inspection duties necessary for the administration of the land use regulations within the Eugene Urban Growth Boundary Area.
4. Set all fees for land use regulations, permits, processing, appeals and enforcement. These fees for lands within the Eugene Urban Growth Boundary Area may differ from fees charged for applications inside the City. The City shall receive all such fees and any fines resulting from enforcement of such regulations.
5. Complete negotiations with the County on the amount of revenue to be transferred from the County to the City for the provision of these land use regulation functions. An addendum to this agreement will be developed to provide for the necessary fund transfer prior to the actual transfer of responsibility.
6. Hold harmless and indemnify the County, to the extent permitted by law, from any liability or costs to the County arising from the City's administration and enforcement of land use regulations within the Eugene Urban Growth Boundary Area.

ARTICLE V: RESPONSIBILITIES FOR COUNTY ROADS

Lane County's existing responsibilities for County roads, including the authority for the issuance of facility permits, are not affected by this agreement.

ARTICLE VI: APPEALS

- A. Appeals of administrative decisions regarding building regulations shall be made to the Eugene Building Code Board of Appeals or its successor. Appeals of the City action shall be to the Oregon Department of Commerce.
- B. Appeals of administrative decisions regarding land use regulations shall be reviewed by the hearings official.
- C. Other decisions regarding land use regulations shall be made by the hearings official for lands within the Eugene Urban Growth Boundary Area and shall constitute the final local land use decision. The City shall accord the County automatic party status during the processing of these decisions.
- D. The City shall defend any administrative or judicial review of its decisions regarding application of building or land use regulations to land within the Eugene Urban Growth Boundary Area.

ARTICLE VII: DISPUTE RESOLUTION

City and County planning and building officials shall attempt to informally resolve any disputes regarding either party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. Disputes which are not resolved through this informal process shall be resolved by arbitration. Either party may request arbitration upon ten (10) days' prior written notice. If the parties cannot agree to a single arbitrator within ten (10) days of the notice, each party shall have five (5) additional days to select a person to represent the party and the two representatives shall, within five (5) days, select an impartial third person to complete a three-member arbitration panel. The panel shall conduct the arbitration in accordance with the provisions of ORS Ch 33 or the future corresponding provisions of any such law. The arbitrators shall assess all or part of the cost of arbitration, including attorney's fees, to one or both parties.

ARTICLE VIII: AMENDMENT

This Agreement may be modified in writing by mutual consent of both parties. The parties recognize an obligation on the part of County to extend the application of this Agreement to lands included in the future within the Eugene Urban Growth Boundary Area and to adopt any future changes in the building regulations or land use regulations made by the City for application to the Eugene Urban Growth Boundary Area.

ARTICLE IX: TERMINATION

This Agreement may be terminated at will by any party prior to April 27, 1987 or prior to the time the County adopts the City's land use and building regulations, whichever is later. Thereafter, this Agreement shall continue indefinitely unless terminated by either party upon twelve (12) months advance written notification provided to the other party.

ARTICLE X: SEVERABILITY

If any Article, section, subsection, clause or phrase of this Agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining Agreement, which shall continue to be in effect.

IN WITNESS WHEREOF, the authorized representatives of the City and County, as parties hereto, have

HEREBY AGREED:

Michael D. Gleason
City Manager
City of Eugene

James R. Johnson
County Administrator
Lane County

Dated: January __, 1987

Dated: January __, 1987

cl*jcplagr1

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 12-86

) 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:

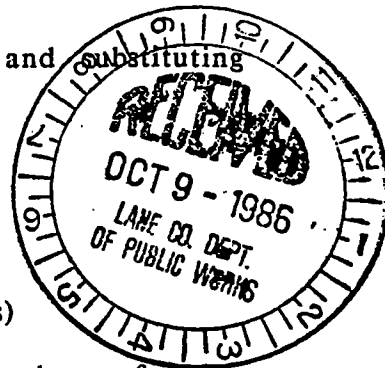
Chapter 11 of Lane Code is hereby amended by removing and substituting the following pages:

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 Lane County

W. J. [Signature]
OFFICE OF LEGAL COUNSEL

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

Brackets [] indicate material being added

[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
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 No.'s 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.]

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.

**AGREEMENT REGARDING THE TRANSFER OF BUILDING AND LAND USE
RESPONSIBILITIES WITHIN THE URBANIZABLE PORTION OF THE
EUGENE URBAN GROWTH BOUNDARY**

THIS AGREEMENT is entered into pursuant to the authority granted in Chapter 190 of Oregon Revised Statutes. It implements policy guidance provided by the Eugene-Springfield Metropolitan Area General Plan. The Agreement is between the CITY OF EUGENE, an Oregon municipal corporation, hereinafter called the "City", and the COUNTY OF LANE, a political subdivision of the State of Oregon, hereinafter called the "County," in order to provide for the transition of responsibility for certain services from the County to the City.

RECITALS

WHEREAS, the City and the 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 implements the policy mandates of the Metro Plan, particularly Policy 2 (p. II-B-3), Policy 12 (p. II-B-5), Policy 13 (p. II-B-5), Policy 14 (p. II-B-6), and Policy 15 (p. II-B-6); and

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

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

WHEREAS, ORS 190.003 et seq. provides for intergovernmental agreements between units of local government, including the City and the 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;

NOW, THEREFORE, PURSUANT TO THE PROVISIONS OF ORS 190.003 et seq., THE CITY AND COUNTY AGREE AS FOLLOWS:

AGREEMENTS

ARTICLE I: PURPOSE

- A. To enable the City to provide municipal services where it is logical and efficient to do so, and to enable the County to reduce the provision of these services in order to enhance the provision of County-wide non-municipal services.
- B. To provide for the orderly transition of municipal service delivery from County to City.
- C. To enable the City and the County to better implement the goals and policies of the "Growth Management and Urban Service Area" section of the Metro Plan.
- D. To provide for the transfer of certain land use and building regulation responsibilities from the County to the City for land within the Eugene Urban Growth Boundary.
- E. To avoid the duplication of governmental effort and public confusion concerning land development processes and standards.

ARTICLE II: DEFINITIONS

As used in this Agreement, the following words shall mean or include:

- A. Building Official: The building official appointed by the Eugene City Manager pursuant to ORS 456.800.
- B. Building Regulations: The City's adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules, together with modifications and supplements to the building codes, contained in Chapter 8 of the Eugene Code and 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 One and Two Family Dwelling Code.
 - 3. Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.
 - 4. Plumbing Specialty Code.
 - 5. OAR 814-23-055 to 814-23-080, Mobile Home Installation, Tiedown 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 and the Electrical Safety Law.

8. Fire Prevention Code.
 9. Weatherization Code.
 10. Sign Code.
 11. Administrative Code.
 12. Swimming Pool Code.
- C. Hearings Official: An individual or individuals appointed by the City under the Eugene Code which appointment is ratified by Lane County.
- D. Land Use Regulations: Those regulations, as defined by ORS 197.015(11), applicable to the urbanizable portion of the Eugene Urban Growth Boundary. For the purposes of this Agreement, land use regulations shall include, but shall not necessarily be limited to, the Eugene Land Use Code (Chapter 9 of the Eugene Code), including the Land Division Ordinance and the Zoning Ordinance.
- E. Eugene Urban Growth Boundary Area: All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, which is west of I-5 or within the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by I-5).
- F. Urbanizable Land: Urbanizable land are those unincorporated lands between the Eugene City limits and the Eugene Urban Growth Boundary.

ARTICLE III: BUILDING SERVICES TO BE TRANSFERRED

- A. The County shall, by April 27, 1987:
1. Adopt the Building Regulations of the City to be applied to the Eugene Urban Growth Boundary Area.
 2. Transfer to the City and its Building Official the responsibility and authority to administer the Building Regulations within the urbanizable portion of the Eugene Urban Growth Boundary Area and to set appropriate fees.
 3. Assist in any necessary transfer of authority from the State of Oregon and the State Fire Marshall to the City for the administration of building regulations within the Eugene Urban Growth Boundary Area.
 4. Continue to process permits filed before April 27, 1987.
 5. Retain existing authority over the administration of on-site sewage disposal systems within the Eugene Urban Growth Boundary Area and compliance with all state and federal orders applicable thereto.
- B. The City shall, by and after April 27, 1987:
1. Administer its Building Regulations, except those retained by the County under Section A.5 above, within the Eugene Urban Growth Boundary Area.

2. Adopt appropriate fees for the Area. These fees may differ from fees charged for similar permits within the City or County and may be adjusted in the future.
3. Assume all responsibilities for building inspection and plan review for the Eugene Urban Growth Boundary Area and receive all fees required for that service and the proceeds from any fines.
4. Complete negotiations with the County on the amount of revenue to be transferred from the County to the City for the provision of these building safety functions.
5. Hold harmless and indemnify the County, to the extent permitted by law, from any liability or costs to the County arising from the City's administration and enforcement of building regulations within the Eugene Urban Growth Boundary Area.

ARTICLE IV: LAND USE SERVICES TO BE TRANSFERRED

A. The County shall, by April 27, 1987:

1. Adopt the Land Use Regulations of the City to be applied to the Eugene Urban Growth Boundary Area.
2. Legislatively rezone lands within the Eugene Urban Growth Boundary Area from the current County district to the appropriate City district.
3. Transfer to the City and Hearings Official, the responsibility and authority to administer land use regulations within the Eugene Urban Growth Boundary Area.
4. Continue processing permits filed before April 27, 1987.
5. Together with the City jointly develop an overlay zoning district that replaces the existing Interim Urbanizing (/U) and Industrial-Commercial Urbanizing (ICU) districts by requiring "consent to annexation" agreements for (1) land divisions when lots or parcels created will be less than the minimum areas specified in the Metro Plan without complying with additional criteria or conditions and (2) uses in commercial and industrial areas that may generate, singly or in the aggregate, an additional need for urban facilities or services, and apply this overlay district to all lands within the Eugene Urban Growth Boundary Area.

B. The City shall, by and after April 27, 1987:

1. Administer and enforce the land use regulations for the Eugene Urban Growth Boundary Area using adopted City processes.
2. Give the County automatic party status for all development requests administered within the Eugene Urban Growth Boundary Area and exercise final decision-making responsibility only after the County has been provided the opportunity to make timely recommendations.

3. Assume permit issuance and site inspection duties necessary for the administration of the land use regulations within the Eugene Urban Growth Boundary Area.
4. Set all fees for land use regulations, permits, processing, appeals and enforcement. These fees for lands within the Eugene Urban Growth Boundary Area may differ from fees charged for applications inside the City. The City shall receive all such fees and any fines resulting from enforcement of such regulations.
5. Complete negotiations with the County on the amount of revenue to be transferred from the County to the City for the provision of these land use regulation functions.
6. Hold harmless and indemnify the County, to the extent permitted by law, from any liability or costs to the County arising from the City's administration and enforcement of land use regulations within the Eugene Urban Growth Boundary Area.

ARTICLE V: RESPONSIBILITIES FOR COUNTY ROADS

Lane County's existing responsibilities for County roads, including the authority for the issuance of facility permits, are not affected by this agreement.

ARTICLE VI: APPEALS

- A. Appeals of administrative decisions regarding building regulations shall be made to the Eugene Building Code Board of Appeals or its successor. Appeals of the City action shall be to the Oregon Department of Commerce.
- B. Appeals of administrative decisions regarding land use regulations shall be reviewed by the hearings official.
- C. Other decisions regarding land use regulations shall be made by the hearings official for lands within the Eugene Urban Growth Boundary Area and shall constitute the final local land use decision. The City shall accord the County automatic party status during the processing of these decisions.
- D. The City shall defend any administrative or judicial review of its decisions regarding application of building or land use regulations to land within the Eugene Urban Growth Boundary Area.

ARTICLE VII: DISPUTE RESOLUTION

City and County planning and building officials shall attempt to informally resolve any disputes regarding either party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. Disputes which are not resolved through this informal process shall be resolved by arbitration. Either party may request arbitration upon ten (10) days' prior written notice. If the parties cannot agree to a single arbitrator within ten (10) days of the notice, each party shall have five (5) additional days to select a person to represent the party and the two representatives shall, within

five (5) days, select an impartial third person to complete a three-member arbitration panel. The panel shall conduct the arbitration in accordance with the provisions of ORS Ch 33 or the future corresponding provisions of any such law. The arbitrators shall assess all or part of the cost of arbitration, including attorney's fees, to one or both parties.

ARTICLE VIII: AMENDMENT

This Agreement may be modified in writing by mutual consent of both parties. The parties recognize an obligation on the part of County to extend the application of this Agreement to lands included in the future within the Eugene Urban Growth Boundary Area and to adopt any future changes in the building regulations or land use regulations made by the City for application to the Eugene Urban Growth Boundary Area.

ARTICLE IX: TERMINATION

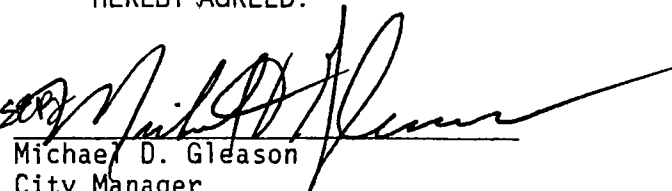
This Agreement may be terminated at will by any party prior to April 27, 1987 or prior to the time the County adopts the City's land use and building regulations, whichever is later. Thereafter, this Agreement shall continue indefinitely unless terminated by either party upon twelve (12) months advance written notification provided to the other party.

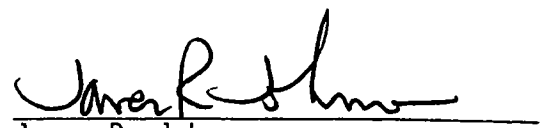
ARTICLE X: SEVERABILITY

If any Article, section, subsection, clause or phrase of this Agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining Agreement, which shall continue to be in effect.

IN WITNESS WHEREOF, the authorized representatives of the City and County, as parties hereto, have

HEREBY AGREED:


Michael D. Gleason
City Manager
City of Eugene


James R. Johnson
County Administrator
Lane County

Dated: January __, 1987

Dated: ~~January~~ __, 1987

cl*jcplagr1

APPROVED AS TO FORM

Date 5/8/87 lane county


OFFICE OF LEGAL COUNSEL

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 16-86) IN THE MATTER OF AMENDING CHAPTER
) 10 OF LANE CODE TO TRANSFER THE
) ADMINISTRATION OF LAND USE REGU-
) LATIONS TO THE CITY OF SPRINGFIELD,
) ADOPT THE SPRINGFIELD DEVELOPMENT
) CODE FOR APPLICATION WITHIN
) THE SPRINGFIELD URBAN GROWTH
) BOUNDARY, ADOPT A SEVERABILITY
) CLAUSE, DECLARE AN EMERGENCY,
) AND SET AN EFFECTIVE DATE OF
) DECEMBER 1, 1986.

WHEREAS, the Lane County Board of Commissioners adopted Order No. 85-3-13-1 (see attached Exhibit "A") 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 "B"); and

WHEREAS, pursuant to the authority granted them, the County Administrator and Springfield City Manager have adopted an agreement to implement the policy directions of the elected officials for the transfer of building and land use responsibilities within the urbanizable portion of the Springfield Urban Growth Boundary (see attached Exhibit "C"); and

WHEREAS, pursuant to the adoption of Ordinance No. 12-86 (see attached Exhibit "D"), the Lane County Board of Commissioners has already transferred to Springfield building regulatory responsibilities for the urbanizable portion of the Springfield Urban Growth Boundary; and

WHEREAS, the Board is prepared to revise Lane Code, Chapter 10, "Zoning", for the purpose of transferring the administration of land use regulations to the City of Springfield within Springfield's Urban Growth Boundary, and for adopting the land use regulations of the City; NOW THEREFORE

The Board of County Commissioners of Lane County ordains as follows:

Chapter 10 of Lane Code is hereby amended by adding the following page, and said page is attached hereto and incorporated by reference.

Remove this Page

Insert this Page

10.600-10 - 10.600-10(3),
i.e. 10-338a
(a total of one new page)

The Springfield Development Code attached hereto, adopted by Lane Code 10.600-15, shall not be codified into Lane Code.

Planning applications 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 Exhibits "A", "B", "C", and "D" as Findings in support of this decision.

An emergency is hereby declared to exist, and this Ordinance, being enacted by the Board in the 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 December 1, 1986.

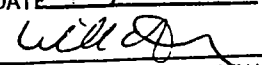
ENACTED this 24th day of November, 1986.



Chairperson, Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
DATE 10/30/86 Lane County


OFFICE OF LEGAL COUNSEL

-10 Springfield Urban Growth Boundary. The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) 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.

(2) 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.

-15 Applicable Land Use Regulations. Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code in effect on December 1, 1986.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Management Division.

[10.600-10

Lane Code

10.600-15(2)

-10 Springfield Urban Growth Boundary. The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) 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.

(2) 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.

-15 Applicable Land Use Regulations. Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code in effect on December 1, 1986.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Management Division.]

AGREEMENT REGARDING THE TRANSFER OF BUILDING AND
RESPONSIBILITIES WITHIN THE URBANIZABLE PORTION (
SPRINGFIELD URBAN GROWTH BOUNDARY

ORD. NO. 16-86

EXHIBIT 'C'

THIS AGREEMENT is entered into pursuant to the authority granted in Chapter 190 of Oregon Revised Statutes and in accord with the policy guidance provided by the Eugene-Springfield Metropolitan Area General Plan, by and between the CITY OF SPRINGFIELD, a local municipality of the State of Oregon, hereinafter called the "City," and the COUNTY OF LANE, a political subdivision of the State of Oregon, hereinafter called the "County," as the parties hereto to provide for the transition of responsibility for certain services from the County to the City.

RECITALS

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

WHEREAS, the intergovernmental Urban Services 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 metropolitanwide 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 and the 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;

NOW, THEREFORE, PURSUANT TO THE PROVISIONS OF ORS 190.003 et seq, THE CITY AND COUNTY AGREE AS FOLLOWS:

AGREEMENTS

ARTICLE I: PURPOSE

- A. To enable the City to provide municipal services where it is logical and efficient to do so, and to enable the County to reduce the provision of these services in order to enhance the provision of County-wide non-municipal services.
- B. To provide for the orderly transition of municipal services delivery from County to City.
- C. To enable the City and the County to better implement the goals and policies of the "Growth Management and Urban Service Area" section of the Metro Plan.
- D. To provide for the transfer of certain land use and building regulation responsibilities from the County to the City for the urbanizable portion of the Springfield Urban Growth Boundary.
- E. To avoid the duplication of governmental effort and public confusion concerning land development processes and standards.

ARTICLE II: DEFINITIONS

- A. Building Regulations: For the purposes of this Agreement, building regulations shall be the City's currently adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules. These regulations shall include, but shall not be limited too, the following:
1. Structural Specialty Code and Fire and Life Safety regulations.
 2. Council of Americal Building Officials One and Two Family Dwelling Code.
 3. Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.
 4. Plumbing Specialty Code.
 5. OAR 814-23-055 to 814-23-080, Mobile Home Installation, Tiedown 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.
- B. Hearings Officer: As used in this Agreement, the hearings officer means an individual or individuals appointed to implement Type III development procedures through a quasi-judicial decision-making process and to hear and render decisions regarding violations of the land use regulations applied within the urbanizable portion of the Springfield Urban Growth Boundary.
- C. Land Use Regulations: Those regulations, as defined by ORS 197.015(11), applicable to the urbanizable portion of the Springfield Urban Growth Boundary. For the purposes of this Agreement, land use regulations shall include, but shall not necessarily be limited to, the Springfield Development Code.
- D. 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).
- E. 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.

ARTICLE III: BUILDING SERVICES TO BE TRANSFERRED

A. The County shall, as of November 1, 1986:

1. Transfer to the City the responsibility and authority to administer building regulations, with the exception of the Electrical Specialty Code and the Oregon State Electrical Code for 1 and 2 family dwellings, within the urbanizable portion of the Springfield Urban Growth Boundary.
2. Assist in the transfer of the authority from the State of Oregon to the City for the administration of the Electrical Specialty Code and the Oregon State Electrical Code for 1 and 2 family dwellings.
3. Assist in the transfer of the authority from the State Fire Marshall to the City for the administration of the Fire and Life Safety Code for the urbanizable portion of the Springfield Urban Growth Boundary.
4. Adopt the building regulations of the City.
5. Retain authority over the administration of on-site sewage disposal systems within the urbanizable portion of the Springfield Urban Growth Boundary.
6. Continue to process permits accepted prior to the effective date of this Agreement.

B. The City shall, as of November 1, 1986:

1. Have the responsibility and the authority to administer its building regulations within the urbanizable portion of the Springfield Urban Growth Boundary.
2. Assume all building inspection and plan review responsibilities within the urbanizable portion of the Springfield Urban Growth Boundary and shall receive all fees required for that service.
3. Specify required building permit fees in the Springfield Building and Safety Codes. These fees may differ from fees charged for similar permits inside the City or in the remainder of the County and may be adjusted in the future to more closely reflect the fee schedule for urbanizable lands within the Springfield Urban Growth Boundary.
4. Process appeals of administrative decisions through the Springfield Building Board of Appeals. Appeals from the Building Board shall be to the Oregon Department of Commerce.
5. Hold harmless and indemnify the County from the administration and enforcement of building regulations within the urbanizable portion of the Springfield Urban Growth Boundary.

ARTICLE IV: LAND USE SERVICES TO BE TRANSFERRED

A. The County shall, as of January 1, 1987:

1. Transfer to the City the responsibility and authority to administer land use regulations within the urbanizable portion of the Springfield Urban Growth Boundary.
2. With the City, jointly develop land use regulations to be applied to the urbanizable portion of the Springfield Urban Growth Boundary. Following at least one hearing on these regulations by the planning commissions of Springfield and Lane County, the Springfield City Council and the Lane County Board of Commissioners shall adopt identical versions of these land use regulations.

These jointly developed land use regulations shall include an overlay zoning district which shall require, except in the case of existing single-family residences, "consent to annexation" and "waiver of remonstrance" agreements for all Type II-IV development permits and Type I development permits with respect to new single family residences and duplexes and site plan reviews.

3. Transfer to the Springfield Planning Commission the legislative land use authority for the urbanizable portion of the Springfield Urban Growth Boundary currently exercised by the Lane County Planning Commission.
4. Continue processing permits accepted prior to the effective date of this Agreement.

B. The City shall, as of January 1, 1987:

1. Administer, in conformance with the Metro Plan, the land use regulations jointly developed between the County and the City.
2. Refer each development request pertaining to the urbanizable portion of the Springfield Urban Growth Boundary to the County for comment.
3. Accord the County automatic party status for all development requests administered within the urbanizable portion of the Springfield Urban Growth Boundary and shall exercise final decision-making responsibility only after the County has been provided a reasonable opportunity to make timely recommendations.
4. Assume permit issuance and site inspection duties necessary for the administration of the jointly developed land use regulations within the urbanizable portion of the Springfield Urban Growth Boundary.
5. Have the authority to set all fees for land use regulation and shall receive all fees associated with the implementation of these regulations. These fees for applications affecting urbanizable lands may differ from fees charged for applications inside the City.

6. Prosecute violations of the jointly developed land use regulations as a City Infraction. Prosecution shall be pursuant to the City's administrative hearing procedures and determination before a hearings officer, as provided by Article V of this Agreement.
7. Establish and receive all fees concerning appeals of hearings officer decisions regarding the issuance of land use permits within the urbanizable portion of the Springfield Urban Growth Boundary.
8. The City shall provide for the position of a hearings officer in appropriate code provisions. The City shall remunerate the hearings officer for appeals of administrative decisions made by Springfield in the implementation of the jointly developed land use regulations.
9. Hold harmless and indemnify the County from the administration and enforcement of land use regulations within the urbanizable portion of the Springfield Urban Growth Boundary.

ARTICLE V: APPEALS

- A. Appeals of administrative decisions made by Springfield in the implementation of the jointly developed land use regulations and violations of the City's land use regulations shall be reviewed by a hearings officer.
- B. The position of hearings officer shall be mutually agreed upon and appointed by the City and the County for a period of four years.
- C. A person charged with a violation of the City's land use regulations may appeal a final adverse ruling by the hearings officer through the Writ of Review process provided by ORS Chapter 34 or through other legal mechanisms as appropriate. The City shall defend such appeals as appropriate.
- D. Decisions by the hearings officer regarding the issuance of land use permits within the urbanizable portion of the Springfield Urban Growth Boundary shall constitute the final level of local appeal. Appeals of hearings official decisions regarding the issuance of land use permits shall be to the Oregon Land Use Board of Appeals. The City shall accord the County automatic party status during the prosecution of these appeals.

ARTICLE VI: DISPUTE RESOLUTION

City and County planning and building officials shall attempt to informally resolve any disputes regarding either party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. Disputes which are not resolved through this informal process shall be resolved by arbitration. Either party may request arbitration upon ten (10) days' prior written notice. If the parties cannot agree to a single arbitrator within ten (10) days of the notice, each party shall have five (5) additional days to select a person to represent the party and the two representatives shall, within five (5) days, select an impartial third person to complete a three-member arbitration panel. The panel shall conduct the arbitration in accordance with the provisions of ORS Ch 33 or the future corresponding provisions of any such

law. The arbitrators shall assess all or part of the cost of arbitration, including attorney's fees, to one or both parties. The decision of the arbitrator shall be final and shall be filed as a judgment in Circuit Court.

ARTICLE VII: AMENDMENT

This Agreement may be modified by mutual consent of both parties according to the procedure outlined in Section B of Article IV of this Agreement. It is recognized that the City may renegotiate the provisions of Section D, Article V of this Agreement, in the event the County and the City of Eugene execute a similar agreement where the role of the Lane County Board of Commissioners in the appeal process differs substantially from the terms of this Agreement.

ARTICLE VIII: TERMINATION

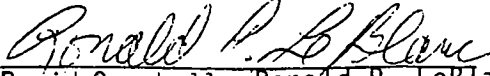
Failure by the County to adopt the City's land use and building regulations within the timeframes specified within this Agreement for the transfer of services shall, without prejudice, automatically terminate this Agreement. This Agreement may be terminated at will until the provisions of this Agreement have been implemented. Following the implementation of the provisions of this Agreement, this Agreement shall continue indefinitely unless terminated by either party upon twelve (12) months advance written notification provided to the other party.

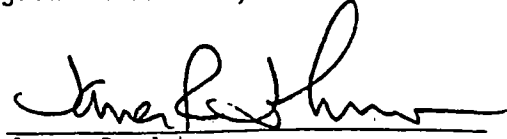
ARTICLE IX: SEPARABILITY

If any Article, section, subsection, clause or phrase of this Agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining Agreement, which shall continue to be in effect.

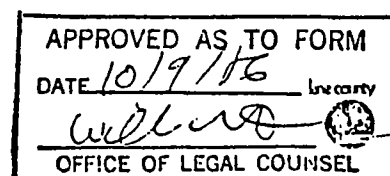
IN WITNESS WHEREOF, the authorized representatives of the City and County, as parties hereto, acting pursuant to the authority granted to them, have

HEREBY AGREED:


~~David Campbell~~ Ronald P. LeBlanc
Acting City Manager
City of Springfield


James R. Johnson
County Administrator
Lane County

clgdagr3



IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 12-86) 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 Lane county

William
OFFICE OF LEGAL COUNSEL

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.

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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- (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

WP 35635-LC13-05

(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

WP 35635-LC13-06