

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

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

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

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

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

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

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

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

11-5

WP 35635-LC13-49

ARTICLE 29

UF-10 URBANIZABLE FRINGE OVERLAY DISTRICT

29.010 GENERAL. The regulations of UF-10 Overlay District shall supplement the regulations of the underlying City district applicable to the urbanizable area. Where the regulations and permitted uses of an underlying district conflict with those of an Overlay District, the more restrictive standards shall apply.

29.020 DESCRIPTION. The UF-10 Overlay District implements the "Growth Management and the Urban Service Area" policies of the Metro Plan by limiting the interim parcelization and prohibiting urban development of unincorporated urbanizable land. Such land will eventually be annexed to the City, and provided with a minimal level of key urban services to allow development at urban levels. All interim development shall be designed and constructed to City standards.

29.030 APPLICABILITY. The provisions of the UF-10 Overlay District apply to all urbanizable properties, except for land designated Government and Education on the Metro Plan Diagram and supersedes the Lane County IUC (Interim Urbanizing Combining District) and ICU (Industrial-Commercial Urbanizing Combining District). The UF-10 Overlay District shall cease to apply under either of the following circumstances:

(1) Upon annexation to the City, unless the applicant specifically requests, and the City agrees to its continued application.

(2) Upon City Site Plan Review approval in accordance with Article 31 of this Code, provided, however, that expiration of City Site Plan Review approval shall cause the UF-10 Overlay District to continue to apply.

29.040 REVIEW.

(1) The siting of single-family residences in this district shall be reviewed under Type I procedure.

(2) ~~Partitions~~ Land divisions shall be reviewed under Type II procedures. ~~Subdivisions are not permitted.~~

(3) All other requests shall be reviewed in accordance with the procedures applicable in the underlying district.

(4) Under Type III procedure, a City appointed Hearings Officer shall take the place of the Springfield Planning Commission. The decision of the Hearings Officer shall be final with no right of Appeal to the City Council.

(5) A complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

29.050 SCHEDULE OF USE CATEGORIES WHEN THERE IS AN UNDERLYING RESIDENTIAL DISTRICT. The following uses may be permitted in the underlying residential district subject to the provisions, additional restrictions and exceptions set forth in this Code. URBAN USES (e.g., multiple-family or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.

"p" = PERMITTED USE, subject to the standards of this Code; may be processed under Type I, II or III procedures.

"s" = SPECIAL USE, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

* = SITE PLAN REVIEW REQUIRED

- | | | |
|-----|---|----|
| (1) | Child care facilities for less than 6 children. | P |
| (2) | Agricultural uses (need definition) <u>and structures</u> . | P |
| (3) | Detached single-family dwellings, excluding mobile homes. | S |
| (4) | Neighborhood parks that do not require urban services. | S* |
| (5) | Public Utility Facilities. | |
| | (a) High Impact Facilities | S* |
| | (b) Low Impact Facilities | P |
| (6) | Temporary sales/display of produce, the majority of which is grown on the premises. | P |
| (7) | Home Occupations. | S |
| (8) | Tree Cutting (Article 38) | S |

29.060 SCHEDULE OF USE CATEGORIES WHEN THERE IS AN UNDERLYING COMMERCIAL OR INDUSTRIAL DISTRICT. The following uses may be permitted when the UF-10 District overlays a commercial or industrial zone, subject to the provisions, additional restrictions and exceptions set forth in this Code. USES NOT SPECIFICALLY LISTED SHALL BE PROHIBITED.

"P" = PERMITTED USE, subject to the standards of this Code; may be processed under Type I, II or III procedures.

"S" = SPECIAL USE, subject to special locational and siting standards to be met prior to being deemed a permitted use; may be processed under Type I, II or III procedures.

"D" = DISCRETIONARY USE, may or may not be permitted, based upon the application of general criteria; may be subject to special locational and siting standards to be met prior to being deemed a permitted use; processed under Type III procedures.

* = SITE PLAN REVIEW REQUIRED

- | | | |
|------|--|-----------|
| (1) | Expansion of non-conforming uses existing on the effective date of Lane County's application of either the /ICU or I/U District to the property. | D* |
| (2) | Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district. | S* |
| (3) | Expansion or replacement of lawful Discretionary uses in the underlying district. | D* |
| (4) | Agricultural Uses. <u>and structures.</u> | P |
| (5) | Temporary sales/display of produce, the majority of which is grown on the premises. | P |
| (6) | Home occupations. | S |
| (7) | Night watchman's mobile home (or office) in an industrial district. | S* |
| (8) | RV parks and campgrounds that do not require urban services. | D* |
| (9) | New Permitted and Special Uses in the underlying district within existing structures. | S* |
| (10) | Tree cutting (Article 38) | S |
| (11) | <u>Public Utility Facilities.</u> | |
| | <u>(a) High Impact Facilities</u> | <u>S*</u> |
| | <u>(b) Low Impact Facilities</u> | <u>P</u> |

29.070 SPECIAL USE STANDARDS.

(1) Partitions.

(a) The minimum area for the partitioning of land shall be 10 acres except as permitted below.

(b) Any proposed new lot between 5 and 10 acres shall meet the following standards:

1. The efficient and full urban use of the property, or neighboring properties shall not be limited by the partition;

2. A conceptual plan for the urban development shall be required where the property is redivisible into smaller parcels. The conceptual plan shall be in accordance with the redivision plan procedures and requirements of Subsection (5) ~~(1)~~ ~~(g)~~ of this Section;

3. Proposed land uses and densities shall conform with the Metro Plan and this Code;

(c) Any proposed new lot less than five acres shall meet, in addition to the standards of Subsection (1) (b) of this Section, one of the following standards:

1. The property shall be owned or operated by a governmental agency or public utility; or

2. A majority of parcels located within 100 feet of the property shall be smaller than five acres.

~~(d) The owner of any property requiring development approval shall sign an annexation agreement with the City.~~

(2) The owner of any property requiring Type II, III, or IV development approval, or type I development approval with respect to new single family residences and Site Plan reviews, shall sign an annexation agreement with the City.

(3) ~~(e)~~ The Lane County Sanitarian shall certify that the proposed individual waste water disposal system meets D.E.Q. standards prior to development approval.

(4) ~~(f)~~ Siting of Residential Uses.

(a) ~~1.~~ Detached single family dwellings shall be sited so as to allow the future division and/or more intensive use of the property consistent with the Metro Plan.

(b) ~~2.~~ The applicable on-site sewage disposal facility or building construction permit shall be conditional, and made a part of such permit as necessary to achieve the standards of this Special Purpose District. The following standards shall apply:

1. ~~A.~~ Approval of a conceptual plan for the property to achieve ultimate densities provided in the Metro Plan, which may include a redivision plan.

2. ~~B.~~ Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities, shall be applied where necessary to reserve land for future urban development.

(5) ~~(g)~~ The following standards shall be met for approval of a conceptual development or redivision plan:

(a) ~~1.~~ For land designated residential, the plan shall provide for urban densities (i.e., 8 dwelling units per developable acre for areas designated Low Density Residential and a density of 15-20 dwelling units per developable acre for areas designated Medium Density Residential).

(b) ~~2.~~ The existing character of the property and limitations to its more intensive development shall be considered; and may modify Subsection 1. above.

(c) ~~3.~~ The existing and allowable future development of adjacent properties, as designated in the Metro Plan, and any redivision plans for such properties previously approved in accordance with this Section.

(d) ~~4.~~ Adopted Public Facilities plans for the area.

(6) ~~(2)~~ Neighborhood Parks shall be shown on the Metro Plan or an adopted refinement plan, or shall be reviewed under Type III Discretionary Use procedures.

(7) ~~(3)~~ Home occupations shall meet the standards of Section 16.100(4) of this Code.

(8) ~~(4)~~ New permitted uses and expansion of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate, singly or in the aggregate additional need for key urban services.

(9) ~~(5)~~ Special and Discretionary uses shall meet the standard of Subsection (8) ~~(4)~~ of this Section, and shall also meet applicable Special Use Standards and/or Discretionary Use criteria.

(10) ~~(6)~~ There shall be no charge to remove a property from the ~~UF-10~~ Overlay District, when the application is in conjunction with Annexation to the City or Site Plan Review approval. If for any reason, a development is not completed in accordance with Article 31, Site Plan Review Standards, and the land has not been Annexed to the City, the provisions of this district shall continue to apply.

(11) ~~(7)~~ Lane County shall be considered an affected party and notified of all development applications.

ORDINANCE NO. 16-86

Copy of Springfield Development Code attached here

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILED

ORDINANCE NO. 17-86

AT _____ O'CLOCK _____ M

APR 10 1987

County Clerk
For Lane County, Oregon
BY Stephanie A. Riden
DEPUTY

) IN THE MATTER REVISING LANE
) CODE CHAPTER 11 TO TRANSFER
) THE ADMINISTRATION OF BUILDING
) CODES TO THE CITY OF EUGENE,
) TO ADOPT THE EUGENE BUILDING
) CODE FOR APPLICATION WITHIN
) THE URBAN GROWTH BOUNDARY
) OF EUGENE, ADOPTING A SEVER-
) ABILITY CLAUSE,
)

WHEREAS, the Lane County Board of Commissioners adopted Order No. 86-3-13-1 (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. 86-6-4-4, adopting an agreement regarding the transfer of building and land use responsibilities within the urbanizable portion of the Eugene Urban Growth Boundary (see attached Exhibit "B"); and

WHEREAS, pursuant to the authority granted them, the County Administrator and Eugene 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 Eugene Urban Growth Boundary (see attached Exhibit "C"); and

WHEREAS, the Board of County Commissioners has received a report from the Lane County Planning Commission recommending approval of the proposed changes; 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 Eugene within the urbanizable portion of Eugene'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, and these pages are attached hereto and incorporated by reference.

Remove These Pages

11.025(5) - 11.035,
i.e. 11-3
(a total of one page)

Insert These Pages

11.025(5) - 11.026(1) to
11.026(1) - 11.035,
i.e. 11-3 to 11-3a
(a total of two pages)

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

ENACTED this 8 day of April, 1987.

Bill Rogers
Chairperson, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 11/20/87 lane county
W. W.
OFFICE OF LEGAL COUNSEL

Judy Haldeman
Recording Secretary for this Meeting of the Board

- (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.

11.026 Eugene Urban Growth Boundary.

(1) The City of Eugene shall have the responsibility and authority to administer its building regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

Building Regulations. The City of Eugene's currently 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 in effect on January 1, 1987. These regulations shall include, but shall not be limited to, the following:

- (a) Structural Specialty code and Fire and Life Safety regulations.
- (b) Council of American Building Officials One and Two Family Dwelling Code.
- (c) Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.
- (d) Plumbing Specialty Code.
- (e) OAR 814-23-055 to 814-23-080, Mobile Home Installations, Tiedown and Accessory Building Requirements.
- (f) Uniform Code for the Abatement of Dangerous Buildings, as Amended.

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	12-86; 11.1.86	

WP 35635-LC13-05

(g) Electrical Specialty Code and Oregon State Electrical Code for 1 and 2 family dwellings and the Electrical Safety Law.

(h) Fire Prevention Code.

(i) Weatherization Code.

(j) Sign Code.

(k) Administrative Code.

(l) Swimming Pool Code.

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).

Urbanizable Land. Urbanizable land, are those unincorporated lands between the Eugene City limits and the Eugene Urban Growth Boundary.

(2) Applicable Building Regulations. Lane County has adopted the above building regulations to be applied by Springfield on urbanizable land within the Eugene Urban Growth Boundary, and copies of these building regulations shall be on file at the Lane County Land Management division.]

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
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 12-86; 11.1.86

11-3a

WP 35635-LC13-05

11.025(5)

Lane Code

11.026(1)

- (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.

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- (a) Structural Specialty code and Fire and Life Safety regulations.
- (b) Council of American Building Officials One and Two Family Dwelling Code.
- (c) Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.
- (d) Plumbing Specialty Code.
- (e) OAR 814-23-055 to 814-23-080, Mobile Home Installations, Tiedown and Accessory Building Requirements.
- (f) Uniform Code for the Abatement of Dangerous Buildings, as Amended.

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(h) Fire Prevention Code.

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(j) Sign Code.

(k) Administrative Code.

(l) Swimming Pool Code.

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).

Urbanizable Land. Urbanizable land, are those unincorporated lands between the Eugene City limits and the Eugene Urban Growth Boundary.

(2) Applicable Building Regulations. Lane County has adopted the above building regulations to be applied by Springfield on urbanizable land within the Eugene Urban Growth Boundary, and copies of these building regulations shall be on file at the Lane County Land Management division.]

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.

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3-76; 4.7.76 14-83; 6.22.83
9-76; 8.27.76 12-86; 11.1.86

11-3a

WP 35635-LC13-05

ORDINANCE NO. 17-86

EXHIBIT "A"

ORDER NO. 85-3-13-1

(IN THE MATTER OF THE LANE COUNTY BOARD
(OF COMMISSIONERS RECOGNITION OF THE
(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:

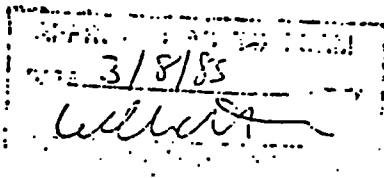
1. the County shall acknowledge the Cities' role as the principal providers of urban services within the established jurisdictional area of the Metropolitan General Plan and shall help plan for the eventual delivery of urban services according to a phased program of improvements meeting the service needs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

FILED ORDINANCE NO. 18-86

AT O'CLOCK M

APR 10 1987

County Clerk
For Lane County, Oregon
BY Stephanie J. Judd
DEPUTY

) IN THE MATTER OF AMENDING CHAPTER
) 10 OF LANE CODE TO TRANSFER THE
) ADMINISTRATION OF LAND USE
) REGULATIONS TO THE CITY OF
) EUGENE, ADOPT THE EUGENE LAND USE
) REGULATIONS FOR APPLICATION WITH-
) IN THE EUGENE URBAN GROWTH
) BOUNDARY, ADOPTING A SEVERABILITY
) CLAUSE.

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. 86-6-4-4, adopting an agreement regarding the transfer of building and land use responsibilities within the urbanizable portion of the Eugene Urban Growth Boundary (see attached Exhibit "B"); and

WHEREAS, pursuant to the authority granted them, the County Administrator and Eugene 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 Eugene Urban Growth Boundary (see attached Exhibit "C"); and

WHEREAS, the Board of County Commissioners has received a report from the Lane County Planning Commission recommending approval of the proposed changes; 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 Eugene within the urbanizable portion of Eugene'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

10.600-20 - 10.600-25(2),
i.e. 10-338b
(a total of one new page)

The Eugene land use regulations, attached hereto are hereby adopted. The regulations 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", and "C" as Findings in support of this decision.

ENACTED this 8 day of April, 1987.

Bill Rogers
Chairperson, Lane County Board of Commissioners

Judy Haldeman
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
Date 11/28/87 lane county
with
OFFICE OF LEGAL COUNSEL

-20 Eugene Urban Growth Boundary. The City of Eugene shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Eugene Urban Growth Boundary. 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).

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary.

-25 Applicable Land Use Regulations. Lane County has adopted the following land use regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary.

(1) The Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as a part of Ordinance No. 18-86.

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

ORDINANCE NO. 18-86 EXHIBIT "A"

ORDER NO. 85-3-13-1

(IN THE MATTER OF THE LANE COUNTY BOARD
(OF COMMISSIONERS RECOGNITION OF THE
(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:

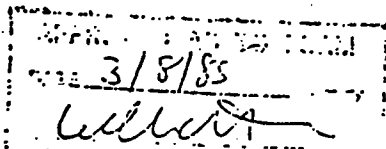
NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Commissioners of Lane County that:

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



ORDINANCE NO 18-86
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

c1*jcplagr1



MEMORANDUM

Date: May 7, 2008

To: Mayor Piercy and City Council

From: Susan Muir, 682-6077
Executive Director

Subject: **COUNCIL ASSIGNMENT RESPONSE: COUNTY RESOLUTION 190
AGREEMENT FOR URBAN TRANSITION AREA**

At the April 14 Council Work Session Councilors Bettman and Clark asked: *Describe how proposed County resolution on 190 Agreement impacts City policy, Metro Plan and finances. Include information on how it will impact the County, e.g., fee-supported services.*

The proposed county resolution on the 190 agreement (intergovernmental agreement or IGA) related to the Metro Plan, which has not yet been discussed by the Board of Commissioners, would terminate the existing 190 Agreement that transfers to the City all building and land use responsibilities in the area outside the city limits and inside the urban growth boundary, also known as the urban transition area (UTA).

The IGA was initially approved in 1986, and then re-approved (with a small amendment) in May of 1987. A copy of the IGA is attached. In short, it provides that the County will adopt the City's building and land use regulations (to be applied in the UTA) and transfer to the city the responsibility to administer those regulations, including issuance of building and land use permits in that area. The City, in turn, agreed that it would administer and enforce the building and land use regulations in the UTA area. In the light of the confusion in the media recently, it should be noted that the building and land use regulations that are enforced by the City in the UTA area are those that the Board of County Commissioners has adopted to apply in that area.

The IGA notes that one of its purposes was to implement a number of provisions or policies of the Metro Plan. The Metro Plan has been revised since that time, but those concepts remain. For example, one of the Fundamental Principles of the Metro Plan states: "The Metro Plan is based on the premise that Eugene and Springfield, the two existing cities, are the logical providers of services accommodating urban levels of development within the UGB." (Metro Plan II-A-2.) In addition to the Metro Plan, the City worked with Lane County to develop the land use code provisions for the UTA, which were subsequently adopted by the County. These provisions govern the allowed uses, development standards and land use procedures, including the triggers

for annexation. Lane County also periodically amended the UTA code since the adoption of the IGA, including the Land Use Code Update (LUCU) in 2001 and the Goal 5 protection measures in 2006.

If the IGA is terminated, then the City no longer will be responsible for administering or enforcing the building codes or the land use code in the UTA, and instead, the County will become responsible for that work. Unless the County repeals its current regulations for the UTA and adopts new ones, it will simply be administering the same code that the City applies under the IGA. Assessing the true cost to administer the land use code and building permit services in the UTA is difficult to estimate given the range of services involved, including such services as responses to general inquiries at the City's Permit and Information Center. However, staff would conclude that the revenues generated from land use and building permit activity likely do not fully cover the costs of providing these services. Building permit activity in the UTA has generated approximately \$135,000 annually, over the past five years, while it's estimated that land use applications total less than \$15,000 per year (less than ten applications/year). Unless fees were increased, it's expected that Lane County would assume a similar level of costs to fully implement the services provided under this agreement.

If you have questions or need additional information please contact me at 682-6077 or via e-mail (susan.l.muir@ci.eugene.or.us).

1 **IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON**

2
3
4 ORDER 08-

)IN THE MATTER OF TERMINATING
)THE JOINT AGREEMENT REGARDING
)THE TRANSFER OF BUILDING AND
)LAND USE RESPONSIBILITIES
)WITHIN THE URBANIZABLE PORTION
)OF THE EUGENE URBAN GROWTH
)BOUNDARY EXECUTED ON MAY 7,
11)1987 (Attachment 1).

12 **WHEREAS**, the Vision of Government of Lane County government is that it
13 be "trusted and respected as a dynamic and innovative organization that provides
14 high-quality services;" and

15 **WHEREAS**, the City and the County are subject to the policy mandates of
16 the Eugene-Springfield Metropolitan Area General Plan, hereinafter referred to as
17 the "Metro Plan" (See Attachment 2: Chapter II - Fundamental Principles and
18 Growth Management Policy Framework; and

19 **WHEREAS**, the City and County previously adopted policy resolutions which
20 called for the transition of urban services in the urbanizable area from the County
21 to the City; and

22 **WHEREAS**, this Agreement implemented certain policy mandates of the
23 Metro Plan, some of which are either non-applicable or missing (e.g. missing
24 policies: Policy 13 (p. II-B-5); Policy 14 (p. II-B-6); and Policy 15 (p. II-B-6)); and

25 **WHEREAS**, ORS 190.003 et seq. provides for intergovernmental agreements
26 between units of local government, including the City and County, to allow
27 performance of functions or activities of one unit of local government for another;
28 and

29 **WHEREAS**, within this Agreement Article IX: Termination, states: This
30 Agreement may be terminated at will by any party prior to April 27, 1987 or prior
31 to the time the County adopts the City's land use and building regulations,
32 whichever is later. Thereafter, this Agreement shall continue indefinitely unless
33 terminated by either party upon twelve (12) months advance written notification
34 provided to the other party; and

35 **WHEREAS**, over the last 20-years Oregon's land use laws, regulations,
36 policies and procedures have evolved, as well as, there has been an increase in
37 general perception by the public that an orderly transition of urban services in the
38 urbanizable area from the County to the City should be conducted in a more
39 transparent and public manner; and

1 **WHEREAS**, due to inherent multiple ambiguities within the original
2 Agreement, as well as, the development of new Laws and policies since the
3 enactment of this Agreement, there exists many questions and concerns as to
4 the legal validity behind the premise of this Agreement, such as:

- 5 • A City annexes an existing property by utilizing the platted property line
6 to the center of the street, thus, annexing the street right of way adjacent
7 to the property - why annex the entire street?
- 8 • Are the terms 'annexation' and 'jurisdiction' synonymous as applied in ORS
9 373.270?
- 10 • If the City and the County are both using ORS 373.270 to transfer streets,
11 and the ORS states that the streets must be within the city prior to,
12 jurisdiction transfer —is the statute being violated?
- 13 • In regards to the issuance of a building permit within the UGB, an
14 Oregon Supreme Court ruling (S53777) states that "cities do not have
15 inherent home rule authority to extend their borders to annex unwilling
16 property owners thereby making them subject to municipal obligation."
 - 17 ◦ If this is applicable to the City and County, then there are two
18 corrective actions that must take place:
 - 19 ▪ The County issues all building permits outside its cities limits.
 - 20 ▪ Ask for and obtain a written statement from the property
21 owner as to whether or not they wish to be annexed.
- 22 • Recently the Oregon Legislature passed legislation (HB2760A) resulting in
23 restricting "island annexation" to include less than 25% of public right of
24 way, or be fully contiguous to the existing city boundary.
- 25 • The Oregon State Legislature has terminated the Lane County Boundary
26 Commission (SB-417A), restoring this function back to Lane County, which
27 has created another level of uncertainty with respect to future annexation
28 requests as per ORS 221 and 222.
- 29 • Additionally, the Oregon Legislature recently split the cities of Eugene and
30 Springfield apart from their requirement to co-adopt residential, commercial
31 and industrial inventories (HB3337A).
- 32 • Lastly, the Board of County Commissioners recently assumed population
33 forecasting authority from the Lane Council of Governments, again creating
34 uncertainty as to the validity of this 1987 Agreement; and

35 **WHEREAS**, the County has repeatedly requested a Joint Elected Officials
36 meeting with the City of Eugene to address the above concerns, with no apparent
37 interest by the City; and

38 **WHEREAS**, Lane County has long committed to asking citizens for their input
39 on task forces – from animals to the budget – Source: 'Lane County Working For
40 You' brochure; and

41 **NOW, THEREFORE IT IS HEREBY ORDERED**, the County Administrator
42 prepare and execute a letter of termination of the May 7th, 1987 Agreement
43 between The City of Eugene and Lane County (Attachment 1) on or before May 1st,
44 2008. The notice of termination shall provide the minimum 12-month notice,

1 although the County understands the City may wish to terminate the Agreement
2 immediately. The administrator will accept an immediate termination by the City.
3

4 **IT IS HEREBY FURTHER ORDERED,** The Board shall, by Board Order,
5 establish within 90-days* of adoption of this Order, the structure, composition and
6 function of an 'Urban Transition Ad Hoc Committee' (UTAHC) to work closely with
7 the County Administrator to analyze, develop and implement an urban transition
8 process that is both consistent with the existing law, and most importantly,
9 encourages public participation. The UTAHC shall report back to the Board with its
10 comprehensive recommendations and/or a draft IGA within 180-days of its
11 implementation date for possible County and City adoption. The UTAHC shall report
12 directly to the Board upon request. The UTAHC shall consist of one (1) City of
13 Eugene elected representative (if they wish to participate); one (1) Lane County
14 elected representative, two (2) citizens from the Eugene urban transition area, and
15 one (1) citizen for the City of Eugene. The UTAHC will be provided appropriate staff
16 support from both the City (if they wish to contribute) and County, but staff will be
17 limited to answering technical questions and providing legal advice. The intent of
18 this process is to develop an urban transition IGA that may be utilized with all
19 municipalities within Lane County. (*If the City immediately terminates this
20 Agreement, then all time lines stated in this section shall be reduced by half)

21 **IT IS HEREBY FURTHER ORDERED,** The Board shall, by Board Order, establish
22 the structure, composition and function of an 'Urban Transition Advisory Committee'
23 (UTAC) that will immediately follow the services of the UTAHC. The UTAC shall, in
24 addition to Board directives, assess both the adequacy of the newly adopted urban
25 transition Agreement(s), and recommend opportunities for program
26 improvements; the UTAC shall also advise the County and City on model and 'state
27 of the art' urban transition programs within a regional and national scope of review.
28 Included in its charge, the UTAC will continue to monitor the systematic
29 implementation of the UTAHC's recommendations, including code revisions and
30 program upgrades that promote a transparent fully compliant urban transition
31 process.

32 Dated this _____ day of _____.

33 _____
34 Chair, Lane County Board of Commissioners
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ATTACHMENT 1**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 on , 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. 11-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.

- 1 D. To provide for the transfer of certain land use and building regulation responsibilities from the
2 County to the City for land within the Eugene Urban Growth Boundary.
3 E. To avoid the duplication of governmental effort and public confusion concerning land development
4 processes and standards.
5

6 **ARTICLE II: DEFINITIONS**
7

8 As used in this Agreement, the following words shall mean or include:
9

- 10 A. **Building Official**: The building official appointed by the Eugene City Manager pursuant to ORS 456.800.
11 B. **Building Regulations**: The City's adopted version of the State Building Specialty Codes and applicable
12 Oregon Administrative Rules, together with modifications and supplements to the building codes,
13 contained in Chapter 8 of the Eugene Code and shall include, but shall not be limited to, the following:
14 1. Structural Specialty Code and Fire and Life Safety regulations.
15 2. Council of American Building Officials One and Two Family dwelling Code.
16 3. Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.
17 4. Plumbing Specialty Code.
18 5. OAR 814-23-055 to 814-23-080, Mobile Home Installation, Tiedown and Accessory Building
19 Requirements.
20 6. Uniform Code for the Abatement of Dangerous Buildings.
21 7. Electrical Specialty Code and Oregon State Electrical Code for 1 and 2 family dwellings and
22 the Electrical Safety Law.
23 8. Fire Prevention Code.
24 9. Weatherization Code.
25 10. Sign Code.
26 11. Administrative Code.
27 12. Swimming Pool Code
28 C. **Hearings Official**: An individual or individuals appointed by the City under the Eugene Code which
29 appointments ratified by Lane County.
30 D. **Land Use Regulations**: Those regulations, as defined by ORS 197.0 applicable to the urbanizable portion
31 of the Eugene Urban Growth Bo For the purposes of this Agreement, land use regulations shall include
32 shall not necessarily be limited to, the Eugene Land Use Code (Chapter 9 of the Eugene Code),
33 including the Land Division Ordinance and the Ordinance.
34 E. **Eugene Urban Growth Boundary Area**: All urbanizable land within the urban growth boundary, as
35 defined by the Eugene-Springfield Metropolitan Area General Plan, which is west of 1-5 or within the
36 area known as Glenwood (bounded on the north and east by the Willamette River and the west and
37 south by 1-5).
38 F. **Urbanizable Land**: Urbanizable land are those unincorporated lands the Eugene City limits and the
39 Eugene Urban Growth Boundary.
40

41 **ARTICLE III: BUILDING SERVICES TO BE TRANSFERRED**
42

- 43 A. The County shall, by April 27, 1987:
44 1. Adopt the Building Regulations of the City to be applied to the
45 Eugene Urban Growth Boundary Area.
46 2. Transfer to the City and its Building Officials the responsibility and
47 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 Sates 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 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 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 permit ted 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: RESPONSIBILITY FOR COUNTY ROADS

Lane County's existing responsibility 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 regulation} 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 decision\$ under this Agreement, or regarding the terms, conditions or meaning of 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.

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2 **ARTICLE IX: TERMINATION**

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

8
9 **ARTICLE X: SEVERABILITY**

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

14
15 **IN WITNESS WHEREOF**, the authorized representatives of the City and County, as parties hereto,
16 have

17
18 **HEREBY AGREED:**

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20
21 _____
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23 City Manager
24 City Of Eugene

County Administrator
Lane County

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26 Dated: _____

Dated: _____

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Attachment 2

Chapter II Fundamental Principles and Growth Management Policy Framework

This chapter contains Fundamental Principles that reflect the overall themes of the *Metro Plan*. The chapter also contains: Metropolitan Goals; Growth Management Goals, Findings, and Policies; Eugene and Springfield Jurisdictional Responsibility; Urban and Urbanizable Land; River Road and Santa Clara Goals, Findings and Policies; and *Metro Plan* Diagram.

A. Fundamental Principles

There are seven principles that are fundamental to the entire *Metro Plan*. They are implicitly included in the various individual *Metro Plan* components. These Fundamental Principles are:

1. The *Metro Plan* is a long-range policy document providing the framework within which more detailed refinement plans are prepared. This concept is discussed in more detail in the Introduction (Chapter I).
2. To be meaningful, the *Metro Plan* requires cooperation by all general purpose, special district, and special function agencies in the community. This reflects its comprehensive nature encompassing physical land use, social, and economic implications for the metropolitan area. Examples where cooperation is essential include planning and implementation of a transportation system, development of a metropolitan-wide energy plan, metropolitan-wide analysis and resolution of certain housing issues, and planning for areas outside the urban growth boundary (UGB) and within the Plan Boundary.
3. The *Metro Plan* and most of its elements are oriented to and require that urban development occur in a compact configuration within 'the metropolitan UGB. Elaboration of this principle is treated in the other sections of this chapter, and in the Public Facilities and Services Element in Chapter III.
4. Comprehensive plans identify and establish the plan-zoning consistency concept and recognize the importance of timing concerning implementation techniques. Implementation techniques, including zoning, shall generally be consistent with the precepts established in the *Metro Plan*, which is the broad policy document for the metropolitan area. The consistency test shall continuously be applied to implementation measures and public actions taken to rectify inconsistencies when the general direction provided by the *Metro Plan* is modified. A variety of potential solutions to consistency problems exist, including modification to the *Metro Plan* or alteration to the implementation techniques themselves.
5. The zoning process shall be monitored and adjusted to meet current urban land use demands through the planning period for all land use categories.
6. The *Metro Plan* is based on the premise that Eugene and Springfield, the two existing cities, are the logical providers of services accommodating urban levels of development within the UGB.
7. The *Metro Plan* was developed to meet the supporting facilities and services

1 necessary to serve a population of 286,000 within the UGB by the year 2015.

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