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IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

County Clerk  
For Lane County, Oregon

ORDINANCE NO. 11-83  
*Patricia Bittner* DEPUTY

) IN THE MATTER OF AMENDING CHAPTER 10  
) OF LANE CODE TO ADD ADDITIONAL PURPOSES  
) TO THE /ICU ORDINANCE, DELETE THE 50%  
) EXPANSION PROVISION, ADD CONSENT TO  
) ANNEXATION AGREEMENTS AS A PREREQUISITE  
) FOR EXPANSION OF EXISTING LAWFUL USES,  
) WITH CERTAIN MINOR EXCEPTIONS AND ADD  
) A PROVISION WHICH MAKES THE ORDINANCE  
) APPLICABLE TO CERTAIN PROPERTY WITHIN  
) THE JUNCTION CITY URBAN GROWTH BOUNDARY,  
) AND DECLARING AN EMERGENCY

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

Chapter 10 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

10.183-05 - 10.183-10(4) to  
10.183-50 - 10.183-55  
(a total of five pages)

INSERT THESE PAGES

10.183-05 - 10.183-10(1) to  
10.183-45(4) - 10.183-55, i.e.  
10-172f to 10-172k  
(a total of six pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to add additional purposes to the /ICU ordinance, delete the 50% expansion provision, add consent to annexation agreements as a prerequisite for expansion of existing lawful uses, with certain minor exceptions and add a provision which makes the ordinance applicable to certain property within the Junction City Urban Growth Boundary.

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 immediate preservation of the public peace, health and safety, shall take effect immediately. In support of this decision, we adopt the findings attached hereto as Exhibit "A".

Enacted this 13th day of April 1983.

*Geoffrey Rust Jr.*  
Chairman, Lane County Board of  
Commissioners

*Debbie Mohr*  
Recording Secretary for this Meeting  
of the Board

APPROVED AS TO FORM  
DATE 3-22-83 In the county  
*Teresa Wilk*  
OFFICE OF LEGAL COUNSEL

In the Matter of Amending Chapter 10 of Lane Code to Add Additional Purpose to the /ICU Ordinance, Delete the 50% Expansion Provision, Add Consent to Annexation Agreements as a Prerequisite for Expansion of Existing Lawful Uses, With Certain Minor Exceptions and Add a Provision Which Makes the Ordinance Applicable to Certain Property Within the Junction City Urban Growth Boundary, and Declaring an Emergency

OUTLINE OF /ICU PROPOSED REVISIONS

- 05      Purpose.  
Expanded purpose section specifying that:
1. The ordinance applies to property within UGB capable of accommodating additional commercial or industrial development.
  2. Expansion and urbanization shall occur in an orderly manner.
  3. Additional development shall not inhibit development of nearby parcels to urban intensity.
  4. Any development must be designed to conform to the development standard of the adjacent city.
- 10      Permitted Uses.  
Lawful existing uses continue to be permitted. In addition, the restriction on expansions of 50% or more has been deleted. The revision allows expansions if the applicant:
1. Executes a consent to annexation agreement.
  2. Designs his or her development to conform to the development standards of the adjacent city.
- 15      Special Uses--Planning Director Review.  
No change.
- 20      Special Uses--Hearings Official Approval.  
Eliminate expansions as a special use. (That is now a permitted use.)
- 25      Additional Use Limitations - Special Light Industrial Lands.  
No change.
- 30      Review of Special Uses by Adjacent City.  
Section 15 and 20 (regular permitted and conditional uses) are referred to the adjacent city. The application is reviewed for consistency with criteria set forth in Section 35. The city has 30 days to submit a response or the application is deemed approved by the city. The county then takes action, which if different than city's action, must describe with particularity why a different result has been chosen.
- 35      Special Uses Criteria.
1. Section 15 and 20 uses must also meet the following criteria:
    - a) The uses will not general singly or in the aggregate an additional need for key urban facilities and services or the applicant executes an annexation agreement.
    - b) The development will be designed to conform to the development standard of the adjacent city.
- 40      Additional Special Use Requirement.
1. Execution of a consent to annexation agreement for all expansions and regular permitted and conditional uses are required.
  2. Two legislative exceptions
    - a) Canopies,
    - b) renovations.

3. A procedure is established whereby an applicant who does not believe his or her expansion replacement or development will increase the service levels of the public facilities of the adjacent city may apply to the city for exception. The city reviews the request and forwards its response to the county. Again, special findings are required if the county's decision is at variance with the city position. As in the review of special uses the city has 30 days to respond or they are deemed to agree that a consent to annexation is not necessary.

-45

Lot Area.

1. No change.
2. No change.
3. Delete old consent to annex language.

NEW PROVISION

1. Execute consent to annex agreement as authorized by State law ORS 222.170. The consent to annex requirement is only applicable to contiguous annexations.
2. The consent to annexation agreement must provide that:
  - a) Any annexation is contingent upon the ability of the city to provide within a reasonable period of time key urban facilities and services.
  - b) That the city cannot levy assessments, taxes or fees not otherwise applied to properties of similar character.
3. No change.
4. No change.

-50

Site and Development Requirements.

1. No change.
2. No change.
3. No change.
4. No change.
5. Added provision so that the ordinance may be applied within Junction City's UGB.

-55

Site Review Requirements.

No change.

10.183-05

Lane Code

10.183-10(5)

INDUSTRIAL-COMMERCIAL URBANIZING COMBINING DISTRICT (/ICU)

-05 Purpose. The Industrial-Commercial Urbanizing Combining District (/ICU) is intended to insure that:

- (1) Any development in an urbanizable area be designed to conform to the development standard of the city to which the property will ultimately be annexed, and thus be usable for industrial or commercial use;
- (2) Any development will not be developed in such a manner as to inhibit the development of nearby parcels to urban-intensity; and
- (3) Expansion and urbanization occur in an orderly manner.

The /ICU District is applied to properties which are located within an adopted urban growth boundary and are capable of accommodating additional industrial or commercial development. The /ICU Combining District may only be used in conjunction with another District.

-10 Permitted Uses. The following buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this Chapter:

- (1) Lawful uses existing on a property at the time of the effective date of the application of this District to the property, and expansion or replacement of such uses, upon meeting the requisites of LC 10.183-40 below.
- (2) The following agricultural uses:
  - (a) General farming, including, but not limited to, the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed and similar food and fibre products.
  - (b) Pastures and grazing.
  - (c) The raising, tending or breeding of cattle, horses, sheep, goats, bees, swine, fowl or fur-bearing animals; such animal husbandry shall not be a part of, nor be conducted in conjunction with, any livestock yard, slaughter house or animal by-product business.
  - (d) Dairying.
- (3) The management, growing and harvesting of forest products, including Christmas tree raising, but excluding primary timber processing operations or vehicles and/or equipment maintenance facilities.
- (4) Sale of agricultural products and livestock grown or raised on the premises.
- (5) Sales stands for agricultural products not grown nor raised on the premises, such stands to be no greater than 300 square feet in sales area.

10-183-10(6)

Lane Code

10-183-30(2)

(6) One single-family dwelling per lot or one mobile home per lot in conjunction with a farm use or in conjunction with the management, growing or harvesting of forest products.

(7) Accessory buildings and uses customarily provided in conjunction with a use permitted in this subsection.

(8) Minor Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

-15 Special Uses--Planning Director Review. The following uses are subject to approval by the Planning Director, in the manner provided in LC 10.316, and are also subject to approval by the adjacent city according to LC 10.183-30 below.

(1) Mobile homes for persons employed on the premises.

(2) Sales stands for agricultural products not grown nor raised on the premises where such stands exceed 300 square feet in sales area.

(3) All other uses listed as permitted in the District with which the /ICU District is combined.

-20 Special Uses--Hearings Official's Approval. The following uses are subject to approval by the Hearings Official in the manner provided in LC 10.317 and are also subject to approval by the adjacent city according to LC 10.183-30 below.

(1) Major Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

(2) Camping vehicle parks.

(3) Campgrounds.

(4) All other uses listed as requiring conditional use approval in the District with which the /ICU District is combined.

-25 Additional Use Limitations--Special Light Industrial Lands. For land designated /ICU-50, special uses authorized by LC 10.183-15 and -20 above shall be further limited to such uses which are also authorized in either Eugene City Code Section 9.442, I-1 Special Industrial District, or Springfield Zoning Code Section 5.01, ML Special Light Industrial District, whichever city is adjacent to the property.

-30 Review of Special Uses by Adjacent City. For special uses authorized in LC 10.183-15 and -20 above, the following additional procedures shall apply relative to the required approval of the adjacent city:

(1) The Department shall refer the application to the adjacent city for appropriate action.

(2) The adjacent city shall take action on the application in accordance with the criteria provided in LC 10.183-35 and with the requirements provided in LC 10.183-50 below and shall report back to the Department on its finding. Failure to officially notify the Department of its finding of consistency with the criteria set forth

10-183-30(2)

Lane Code

10.183-40(3)

in LC 10.183-35 below within 30 days from the date of receipt of the referral from the Department shall constitute a recommendation of consistency by the city.

(3) The Planning Director or Hearings Official, as the case may be, shall then take action on the special use application. If the County official's action is inconsistent with the finding of the adjacent city, the official shall make and enter findings from the record and conclusions therefor which support the decision, and the findings and conclusions shall specifically and particularly respond to the finding of the adjacent city.

-35 Special Use Criteria. Special uses authorized by LC 10.183-15 and -20 above shall be approved only upon submission of evidence the following criteria are met:

(1) The use will not generate, singly or in the aggregate, an additional need for key urban facilities and services, unless the applicant executes an annexation agreement as specified in LC 10.183-45(3)(b) below.

(2) For special uses as provided in LC 10.183-20(4) above, all other criteria applicable to a conditional use required by the District with which the /ICU District is combined.

(3) The use will be designed to conform to the development standards to the city to which the property will most likely be annexed as set forth in LC 10.183-50 below.

-40 Additional Special Use Requirement.

(1) Except as specified below, a use authorized by LC 10.183-15 and -20 above and any expansion or replacement authorized by LC 10.183-10(1) above shall require the execution of an annexation agreement between the applicant and the adjacent city, in the manner specified in LC 10.183-45(3)(b) below.

(2) The following uses may be expanded without fulfilling the requirements of LC 10.183-45(5)(b) below:

(a) Canopies or coverings of existing lawful activities.

(b) Renovation or efficiency remodeling which does not increase the demand on public facilities and/or services provided by the adjacent city.

(3) An applicant, who believes his or her expansion, replacement or development will not increase the service levels of public facilities and services as set forth in LC 10.183-35(1) above, and otherwise meets the requirement of LC 10.183-35(3) above, may apply to that city for an exception to the requirement of LC 10.183-45(2)(b) below as follows:

(a) The exception request shall be submitted in writing to the Planning Director of the adjacent city.

(b) The applicant shall set forth in the application how the proposed development will be consistent with LC 10.183-35(1) and (3) above.

10.183-40(3)

Lane Code

10.183-45(3)

(c) The Planning Director of the adjacent city shall review the exception request and prepare a staff report, together with a recommendation and forward the same to the County Planning Director or Hearings Official, as the case may be. The County official shall then take action on the exception request. If the County official's action is inconsistent with the finding of the adjacent city, the official shall make and enter findings from the record and conclusions therefor which support the decision, and the findings and conclusions shall specifically and particularly respond to the finding of the adjacent city.

(d) Failure of the City Planning Director to forward a report and recommendation to the County Hearings Official within 30 days of receipt of an application pursuant to LC 10.183-40(3)(a) above shall constitute a recommendation that the applicant's development is minor and does not require the execution of a consent to annexation agreement.

(e) Special exception requests may be processed simultaneously with the review by the city pursuant to LC 10.183-30 above.

-45 Lot Area. (Also see LC 10.300-20)

(1) The minimum area for the division of land for property within an area generally depicted as "Special Light Industrial" on the Comprehensive Plan map or diagram shall be 50 acres and shall be designated /ICU-50.

(2) The minimum area for the division of land for all other property zoned Industrial-Commercial Urbanizing Combining District shall be 10 acres and shall be designated /ICU-10.

(3) Exceptions to the requirements of LC 10.183-45(1) and (2) above, to no less than five acres, are permissible upon agreement by the adjacent city and the County that such lot size would be appropriate for the area, using the following standards:

(a) The approval of a conceptual plan for the ultimate development at urban densities in accord with applicable plans and policies, and

(b) The owner executes a consent to contiguous annexation as authorized by ORS 222.170. The agreement shall be binding upon his or her heirs or successors in interest. The agreement shall be recorded in the Lane County Deed Records. The agreement shall provide:

(i) Any annexation shall be contingent in its application to any particular annexation request upon the annexing city, within a logical and reasonable time, to provide for key urban facilities and services,

10.183-45(3)

Lane Code

10.183-50(5)

including, where applicable, sanitary sewers, solid waste management, water service, fire protection, police protection, parks and recreation programs, electrical service, land use controls, communication facilities, public schools on a districtwide basis (in other words, not necessarily within walking distance of all students served), paved streets and adequate provision for storm water runoff and pedestrian travel.

(ii) The city shall not levy assessments, taxes or fees against the consenting landowner not applied to properties of similar character throughout the rest of the city.

(4) Exceptions to the requirements of LC 10.183-45(1) and (2) above, to less than five acres, are permissible using the following standards:

- (a) As provided in LC 10.183-45(3) above, and either
- (b) The property will be owned or operated by a governmental agency or public utility, or
- (c) A majority of parcels located within 100 feet of the property are smaller than five acres.

(5) The city will not withhold approval of the division arbitrarily if it is in compliance with applicable plans, policies and standards, as interpreted by the city, as well as in compliance with the conceptual plan approved under LC 10.183-45(3)(a) above.

-50 Site and Development Requirements. The requirements for yards, setbacks, coverage, vision clearance, height, parking and off-street loading space shall be the same as provided in the respective District with which the /ICU District is combined, except as herein specifically modified according to the adopted Zoning District standards of the adjacent city as follows:

(1) For property zoned I-1/ICU-50, as contained in either Eugene City Code Section 9.442, I-1 Special Industrial District, or Springfield Zoning Code Section 5.01, ML Special Light Industrial District, whichever is applicable.

(2) For property zoned I-1/ICU-10, as contained in Eugene City Code Section 9.448, M-1 Limited Industrial District.

(3) For property zoned I-2/ICU-10, as contained in either Eugene City Code Section 9.462, M-2 Light Industrial District, or Springfield Zoning Code Section 5.02, MM Medium Industrial District, whichever is applicable.

(4) For property zoned M-3/ICU-10, either Eugene City Code Section 9.468, Heavy Industrial District, or Springfield Zoning Code Section, 5.03, MH Heavy Industrial District, whichever is applicable.

(5) For property zoned M-1 Light Industrial District, Section XII and zoned M-2 Heavy Industrial District Section XIII of the Junction City zoning ordinance.

10.183-55

Lane Code

10.183-55

-55 Site Review Requirements. Any property zoned /ICU which is also zoned SR, "Site Review" according to LC 10.335-15(3) shall require a Site Review Permit for any use requiring special use approval, notwithstanding the provisions of LC 10.335-18(2) and (3). The site review application shall be processed concurrent with the special use application.

LEGISLATIVE  
FINDINGS IN SUPPORT OF  
ORDINANCE 11-83

1. LCDC goals 11 and 14 require Lane County to plan and zone land within Urban Growth Boundaries in such a manner as to provide for an orderly and efficient transition from rural to urban land. The purpose of these revisions is to better fulfill that legal obligation. Sections 30, 35 and 45 implement this requirement of the statewide goals.
2. The 1982 amendments to the 1980 metropolitan area general plan, Section II-B, Growth Management and the Urban Service Area policy 7, provides that conversion of land from urbanizable to urban occurs only through annexation when there are a minimum level of key urban services available. In addition, policy 12, page II B-5 of the metropolitan plan provides that development within the Urban Growth Boundary shall be designed to meet the development standard of the adjacent city. Sections 30, 35, 40 and 45 of ordinance 11-83 implement those plan provisions.
3. The Junction City comprehensive plan requires the orderly conversion of urbanized land to urban. The plan also provides for the use of the /ICU ordinance to meet that requirement. Amendment to Section 50 of the /ICU ordinance will allow the application of the ordinance within the Junction City Urban Growth Boundary.

CONCLUSIONS OF LAW

The Revisions conform to LCDC goals 11 and 14, the metropolitan area general plan and the Junction City comprehensive plan.