

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

) 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,  
)  
)  
)

**FILED** ORDINANCE No. 17-86

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M

APR 10 1987

BY *Stephan Rader*  
County Clerk  
For Lane County, Oregon  
DEPUTY

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 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 1/20/87 Lane County  
[Signature]  
OFFICE OF LEGAL COUNSEL

Judy Waldeman  
Recording Secretary for this Meeting of the Board

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.

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

11.026(1)

Lane Code

11.035

(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

BRACKETS [ ] indicate material being added.

LEGISLATIVE FORMAT

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
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WP 35635-LC13-05

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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

# SIGN DISTRICT MAP

PEDESTRIAN AUTO DISTRICT	
HIGHWAY ORIENTED DISTRICT	
OUTLYING COMMERCIAL	
INTEGRATED SHOPPING DISTRICT	
INDUSTRIAL DISTRICT	
RESIDENTIAL & PUBLIC	
PROFESSIONAL OFFICE	

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

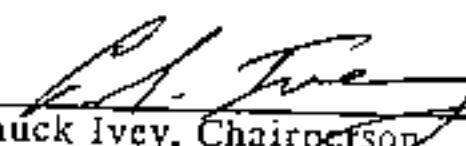
WHEREAS, ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City of Eugene and Lane County, to allow the performance of functions or activities of one unit of local government for another; and

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

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

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