

**FILED**

BOOK 135 PAGE 1385

O'CLOCK M

JUN 21 1988 BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

County Clerk  
Per Lane County, Oregon  
BY [Signature]  
DEPUTY

ORDINANCE NO. 6-88

) IN THE MATTER OF ADOPTING EUGENE  
) LAND USE REGULATIONS; SECTIONS  
) 8.820, 9.035, 9.154, 9.512,  
) 9.672, AND 9.706 OF THE EUGENE  
) CODE, 1971, AS AMENDED BY EUGENE  
) ORDINANCE NO. 19528; CONCERNING  
) NOTICE REQUIREMENTS FOR CERTAIN  
) LAND USE APPLICATIONS WITHIN THE  
) EUGENE URBAN GROWTH BOUNDARY AS  
) AUTHORIZED BY LANE CODE CHAPTER  
) 10, AND ADOPTING A SEVERABILITY  
) CLAUSE.

WHEREAS, on April 8, 1987, the Lane County Board of Commissioners adopted Ordinance No. 18-86 (see attached Exhibit "B") amending Chapter 10 of Lane Code to transfer the administration of land use regulations to the City of Eugene and adopted the Eugene land use regulations for application within the Eugene Urban Growth Boundary; and

WHEREAS, on November 25, 1987, the Lane County Board of Commissioners adopted Ordinance No. 21-87 (see attached Exhibit "C") amending Chapter 10 of Lane Code to revise applicable land use regulation provisions (LC 10.600-25(1)); and

WHEREAS, on November 18, 1987, the Eugene Planning Commission held a public hearing to review the proposed amendments to the Eugene Code to change the notice requirements for land use applications and voted to recommend the changes to the Eugene City Council; and

WHEREAS, on January 11, 1988, the Eugene City Council adopted Ordinance No. 19528 amending Sections 8.820, 9.035, 9.154, 9.512, 9.672, and 9.706, of the Eugene Code, 1971, creating a uniform notification process for various land use applications; and

WHEREAS, on April 5, 1988, the Lane County Planning Commission held a public hearing to review the proposed amendments to the Eugene Code notification requirements and unanimously recommended that the proposed amendments to the Eugene Code be approved; and

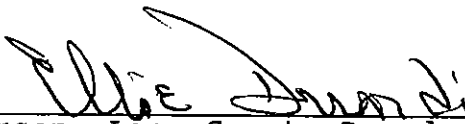
WHEREAS, on June 1, 1988, the Lane County Board of Commissioners conducted the First Reading on this Ordinance and on June 22, 1988, conducted the Second Reading and held a public hearing on this Ordinance to adopt the proposed amendments to the Eugene Code to change the notice requirements for land use applications; NOW

THEREFORE, BE IT RESOLVED, the Lane County Board of County Commissioners Ordains as follows:

1. Sections 8.820, 9.035, 9.154, 9.512, 9.672, and 9.706 of Eugene Code, 1971, as amended by Eugene Ordinance No. 19528 on January 11, 1988, attached hereto as Exhibit "A" are hereby adopted. The regulations shall not be codified into Lane Code.
2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a 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 "B" and "C" as findings in support of this decision.

DATED this 22nd day of June, 1988.

  
\_\_\_\_\_  
Chairperson, Lane County Board of Commissioners

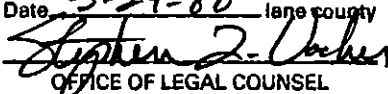
APPROVED AS TO FORM  
Date 5-24-88 Lane County  
  
OFFICE OF LEGAL COUNSEL

Exhibit "A"

ORDINANCE NO. 19528

AN ORDINANCE CONCERNING NOTICE REQUIREMENTS FOR CERTAIN LAND USE APPLICATIONS; AMENDING SECTIONS 8.820, 9.035, 9.154, 9.512, 9.672, AND 9.706 OF THE EUGENE CODE, 1971; AND DECLARING AN EMERGENCY.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (3) of Section 8.820 of the Eugene Code, 1971, is amended to provide:

8.820 Application, Fee, and Public Hearing Notice.

(3) At least ten days before the hearing, the planning department shall mail a notice thereof and information on the nature of the request to the applicant, owners and occupants of the affected property, ~~{abutting-prop-erty-owners-and-occupants;}~~ and owners and occupants of propert{ies} ~~{adja-cent-to-abutting-properties}~~ located within 300 feet of the perimeter of the subject property. If the requested sign district change is from Residential to any other district, the notice required hereunder shall be expanded to include owners and occupants of property located within 500 feet of the peri-meter of the subject property. ~~{For-this-notice,-properties-abutting-the-area-of-the-sign-district-boundary-change-proposal-include-those-separated-from-it-by-intervening-streets-or-alleys;}~~ At least ten days prior to the hearing, the planning department shall also post notices of the nature of the request and the hearing in at least three ~~{places}~~ locations within 300 feet of the perimeter of the subject property.

Section 2. Subsection (3) of Section 9.035 of the Eugene Code, 1971, is amended to provide:

9.035 Major Partition and Subdivision Tentative Plan Procedure.

(3) Tentative Plan - Notice to {Abutting} Other Properties. With-  
Ordinance - 1

ten days of receipt of a complete and accurate application and at least ten days before the planning director makes a decision, the planning department shall mail notice of the request to ~~{abutting-property}~~ owners and occupants ~~{, -and-owners-and-occupants}~~ of property ~~{ies-adjacent-to-abutting-properties-}~~. ~~For this notice, -properties-abutting-the-area-of-the-application-include-those separated-from-it-by-intervening-streets-or-alleys-}~~ located within 300 feet of the perimeter of the subject property.

Section 3. Subsection (3) of Section 9.154 of the Eugene Code, 1971, is amended to provide:

9.154 Application, Fee, and Public Hearing Notice.

(3) At least ten days before the hearing, the planning department shall mail a notice thereof to the applicant, all owners and occupants of property included in the application, ~~{abutting-property-owners-and-occupants}~~ and owners and occupants of properties ~~{adjacent-to-abutting-properties}~~ located within 300 feet of the perimeter of the subject property. ~~{For this notice, -properties-abutting-the-area-of-the-annexation-proposal-include-those separated-from-it-by-intervening-streets-or-alleys-}~~ At least ten days prior to the hearing, the planning department shall also post notices of the hearing in at least three ~~{places}~~ locations within 300 feet of the perimeter of the annexation proposal.

Section 4. Subsection (5) of Section 9.512 of the Eugene Code, 1971, is amended to provide:

9.512 Tentative Plan Consideration.

(5) Notice of hearing. At least ten days before a tentative plan public hearing, the planning department shall give notice of the proposal and

the time, date, and place of the hearing by:

(a) Mailing written notice to owners and occupants of {abutting} propert{ies}y located within 300 feet of the perimeter of the subject property {and-properties-adjacent-to-abutting-properties--Properties-abutting-the-area-of-the-application-include-those-separated-from-it-by-intervening-streets-or-alleys}; and

(b) Posting notice of the hearing in at least three locations within 300 feet of the perimeter of the subject property.

Section 5. Subsection (3) of Section 9.672 of the Eugene Code, 1971, is amended to provide:

9.672 Application, Fee, and Public Hearing Notice.

(3) At least ten days before the hearing, the planning department shall mail a notice thereof and information on the nature of the request to the applicant, owners and occupants of the subject property, {abutting-property-owners-and-occupants,} and to owners and occupants of property{ies-adjacent-to-abutting-properties--For-this-notice;-properties-abutting-the-area-of-the-zone-change-proposal-include-those-separated-from-it-by-intervening streets-or-alleys} located within 300 feet of the perimeter of the subject property. If the requested change in zoning district is from AG, RA, R-1, R-2 and R-3 to R-4 district, a residential zoning district to an office, commercial or industrial district, or from PL Public Land district to any other zoning district, the notice required herein shall be expanded to include owners and occupants of property located within 500 feet of the perimeter of the subject property. At least ten days prior to the hearing, the planning department shall also post notices of the nature of the request and the hearing in at least three places within 300 feet of the perimeter of the subject

property.

Section 6. Subsection (1) of Section 9.706 of the Eugene Code, 1971, is amended to provide:

9.706 Notice, Public Hearing, and Decision.

(1) Unless the applicant agrees to a longer time period, a public hearing shall be scheduled on each application no later than 45 days after receipt of a complete and accurate application. At least ten days prior to the hearing, the planning department shall post a written notice of the hearing and the nature of the request in at least three places within 300 feet of the perimeter of the affected property and mail a written notice of the hearing and the nature of the request to the applicant ~~{; -owners-and-occupants of abutting properties;}~~ and owners and occupants of property ~~{ies-adjacent to abutting properties; -- Properties abutting the area of an application include those separated from it by intervening streets or alleys}~~ located within 300 feet of the perimeter of the subject property.

Section 7. The City Recorder, at the request of or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other sections of the Eugene Code, 1971, to the provisions amended herein.

Section 8. That the matters contained herein concern the public welfare, and in order to insure the orderly implementation of the provisions contained herein, an emergency is hereby declared to exist, and this Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor.

Passed by the City Council this  
11th day of January, 1988

Approved by the Mayor this  
11th day of January, 1988

/s/ Gary Long  
City Recorder

/s/ Brian Obie  
Mayor

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 [Signature]*  
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

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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 11/20/87 lane county  
with  
OFFICE OF LEGAL COUNSEL

10.600-20

Lane Code

10.600-25(2)

-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

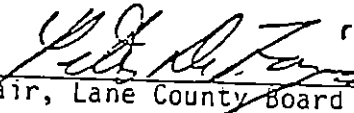
WHEREAS, the County has a desire to work cooperatively with other jurisdictions within the planned urban services boundary to efficiently transfer, increase or consolidate municipal services in an orderly and efficient manner;

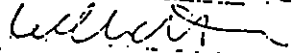
NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Commissioners of Lane County that:

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

APPROVED:   
DATE: 3/8/85

ORDINANCE NO 18-86

EXHIBIT "B"

BOOK 135 PAGE 1396

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 86-6-4-4

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

WHEREAS, the City of Eugene and Lane County are subject to the policy mandates of the Eugene-Springfield Metropolitan Area General Plan, hereinafter referred to as the "Metro Plan;" and

WHEREAS, this Agreement is intended to implement the policy mandates of the Metro Plan; and

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

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

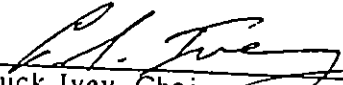
WHEREAS, ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City of Eugene and Lane County, to allow the performance of functions or activities of one unit of local government for another; and

WHEREAS, ORS 190.003 et seq requires that an intergovernmental agreement contemplating the performance of functions or activities by one unit of local government for another shall specify the responsibilities between the parties; and

WHEREAS, the Board of Commissioners of Lane County has met at a public meeting to consider the adoption of this Agreement and is desirous of adopting the Agreement; NOW

THEREFORE BE IT ORDERED that the Lane County Board of Commissioners adopts the Agreement attached and described as Exhibit "A" and, in so doing, authorizes James R. Johnson, County Administrator for Lane County, to consign and execute the Agreement with the City of Eugene.

DATED this 4th day of June, 1986.

  
\_\_\_\_\_  
Chuck Ivey, Chairperson  
Lane County Board of Commissioners

## EXHIBIT 'C'

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

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

## RECITALS

WHEREAS, the City and the County are subject to the policy mandates of the Eugene-Springfield Metropolitan Area General Plan, hereinafter referred to as the "Metro Plan;" and

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

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

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

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

WHEREAS, ORS 190.003 et seq. requires that an intergovernmental agreement contemplating the performance of functions or activities by one unit of local government for another shall specify the responsibilities between the parties;

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

## AGREEMENTS

ARTICLE I: PURPOSE

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

ARTICLE II: DEFINITIONS

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

- A. Building Official: The building official appointed by the Eugene City Manager pursuant to ORS 456.800.
- B. Building Regulations: The City's adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules, together with modifications and supplements to the building codes, contained in Chapter 8 of the Eugene Code and shall include, but shall not be limited to, the following:
  1. Structural Specialty Code and Fire and Life Safety regulations.
  2. Council of American Building Officials One and Two Family Dwelling Code.
  3. Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.
  4. Plumbing Specialty Code.
  5. OAR 814-23-055 to 814-23-080, Mobile Home Installation, Tiedown and Accessory Building Requirements.
  6. Uniform Code for the Abatement of Dangerous Buildings.

7. Electrical Specialty Code and Oregon State Electrical Code for 1 and 2 family dwellings and the Electrical Safety Law.
  8. Fire Prevention Code.
  9. Weatherization Code.
  10. Sign Code.
  11. Administrative Code.
  12. Swimming Pool Code.
- C. Hearings Official: An individual or individuals appointed by the City under the Eugene Code which appointment is ratified by Lane County.
- D. Land Use Regulations: Those regulations, as defined by ORS 197.015(11), applicable to the urbanizable portion of the Eugene Urban Growth Boundary. For the purposes of this Agreement, land use regulations shall include, but shall not necessarily be limited to, the Eugene Land Use Code (Chapter 9 of the Eugene Code), including the Land Division Ordinance and the Zoning Ordinance.
- E. Eugene Urban Growth Boundary Area: All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, which is west of I-5 or within the area known as Glenwood (bounded on the north and east by the Willamette River and the west and south by I-5).
- F. Urbanizable Land: Urbanizable land are those unincorporated lands between the Eugene City limits and the Eugene Urban Growth Boundary.

### ARTICLE III: BUILDING SERVICES TO BE TRANSFERRED

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

- B. The City shall, by and after April 27, 1987:
1. Administer its Building Regulations, except those retained by the County under Section A.5 above, within the Eugene Urban Growth Boundary Area.
  2. Adopt appropriate fees for the Area. These fees may differ from fees charged for similar permits within the City or County and may be adjusted in the future.
  3. Assume all responsibilities for building inspection and plan review for the Eugene Urban Growth Boundary Area and receive all fees required for that service and the proceeds from any fines.
  4. Complete negotiations with the County on the amount of revenue to be transferred from the County to the City for the provision of these building safety functions.
  5. Hold harmless and indemnify the County, to the extent permitted by law, from any liability or costs to the County arising from the City's administration and enforcement of building regulations within the Eugene Urban Growth Boundary Area.

ARTICLE IV: LAND USE SERVICES TO BE TRANSFERRED

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

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

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

#### ARTICLE V: RESPONSIBILITIES FOR COUNTY ROADS

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

#### ARTICLE VI: APPEALS

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

ARTICLE VII: DISPUTE RESOLUTION

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

ARTICLE VIII: AMENDMENT

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

ARTICLE IX: TERMINATION

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

ARTICLE X: SEVERABILITY

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

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

HEREBY AGREED:

\_\_\_\_\_  
Michael D. Gleason  
City Manager  
City of Eugene

\_\_\_\_\_  
James R. Johnson  
County Administrator  
Lane County

Dated: January \_\_, 1987

Dated: January \_\_, 1987

cl\*jcplagr1

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 21-87 ) IN THE MATTER OF AMENDING CHAPTER  
 ) 10 OF LANE CODE TO REVISE APPLI-  
 ) CABLE LAND USE REGULATIONS PROVI-  
 ) SIONS (LC 10.600-25(1), ADOPT A  
 ) SEVERABILITY CLAUSE AND DECLARE 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 page:

REMOVE THIS PAGE

INSERT THIS PAGE

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

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


Said page is attached hereto and incorporated herein by reference. The purpose of this substitution is to revise applicable land use regulations (LC 10.600-25(1), adopt a severability clause and declare an emergency.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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.

Enacted this *25th* day of *November*, 1987.

*Bill Rogers*  
\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM  
 DATE *10/11/87* LANE COUNTY  
  
 OFFICE OF LEGAL COUNSEL

*Judy Waldeman*  
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

1 - IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO REVISE APPLICABLE LAND USE REGULATIONS PROVISIONS (LC 10.600-25(1), ADOPT A SEVERABILITY CLAUSE AND DECLARE AN EMERGENCY

10.600-20

Lane Code

10.600-25(2)

-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 part of Ordinance No. 18-86 as amended in Ordinance 16-87.

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