

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 3-97

**FILED**

APR 04 1997

COUNTY CLERK

*M. Bolden*

) IN THE MATTER OF AMENDING CHAPTER 10  
 ) OF LANE CODE TO ADOPT VARIOUS AMEND-  
 ) MENTS TO THE SPRINGFIELD DEVELOPMENT  
 ) CODE FOR THE URBANIZABLE LANDS WITHIN  
 ) THE SPRINGFIELD URBAN GROWTH BOUNDARY  
 ) (LC 10.600-15), AND ADOPTING SAVINGS  
 ) AND SEVERABILITY CLAUSES

WHEREAS, on November 24, 1986, the Lane County Board of Commissioners enacted Ordinance No. 16-86 to adopt the City of Springfield land use regulations for application to urbanizable lands within the Springfield Urban Growth Boundary in accordance with the urban transition agreement with the City of Springfield; and

WHEREAS, that urban transition agreement provides for joint development and adoption of land use regulations applicable to urbanizable lands within the Springfield Urban Growth Boundary; and

WHEREAS, on December 18, 1995, the Springfield City Council adopted Ordinance No. 5804 which made various "housekeeping" amendments to the Springfield Development Code to conform to state law, and amendments concerning solar access, appeals and interpretations of the Springfield Development Code, tree cutting and other adjustments to the Code; on April 15, 1996, the Springfield City Council adopted Ordinance No. 5819 which amended the Springfield Development Code concerning tree cutting and expedited land division processing; and on February 3, 1997, the Springfield City Council adopted Ordinance No. 5840 which amended the Springfield Development Code's reference date to Federal Emergency Management Agency (FEMA) flood insurance rate maps; and

WHEREAS, the City of Springfield has requested that Lane County adopt the regulations contained in the Ordinances described above, for application on the urbanizable lands within the Springfield Urban Growth Boundary; and

WHEREAS, Article IV.A.3 of the urban transition agreement (Exhibit "C" to Ordinance No. 16-86) transferred the planning commission legislative land use authority for the urbanizable lands within the Springfield Urban Growth Boundary to the Springfield Planning Commission and that body reviewed and recommended approval of the Ordinances described above; and

WHEREAS, prior to adoption of the Ordinances described above, the City of Springfield Planning Commission and City Council held public hearings and took action in accordance with applicable laws and regulations; and

WHEREAS, Lane County Board of County Commissioners has conducted a public hearing and is ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

Section 1. The provisions of the Springfield Development Code, as adopted by Lane County Ordinance No. 16-86, and amended by Lane County Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93 and 13-94, are hereby fur-

ther amended as specified by the City of Springfield Ordinances described as follows: Ordinance No. 5804, attached as Exhibit "A"; Ordinance No. 5819, attached as Exhibit "B"; and Ordinance No. 5840, attached as Exhibit "C". These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Springfield Urban Growth Boundary and shall not be codified into Lane Code.

Section 2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following page:

**REMOVE THIS PAGE**  
10.600-10 -10.600-15(2)  
i.e. 10-358  
(a total of one page)

**INSERT THIS PAGE**  
10.600-10 - 10.600 - 15(2)  
i.e. 10-358  
(a total of one page)

This page is attached hereto and incorporated herein by this reference. The purpose of this substitution is to include specific reference to this Board of County Commissioners action adopting amendments to the City of Springfield land use regulations to be applied by the City of Springfield on urbanizable lands within the Springfield Urban Growth Boundary.

Section 3. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

Section 4. 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, findings in attached Exhibits "A", "B" and "C" are adopted in support of this decision.

ENACTED this 3 day of 19, 1997.

*Cindy Wealdreyer*  
Chair, Lane County Board of Commissioners

*Joanne Gilstrap*  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM  
Date 2-13-97 Lane County  
*Stephen J. Vacker*  
OFFICE OF LEGAL COUNSEL