

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 7-99

) IN THE MATTER OF AMENDING CHAPTER 10
) OF LANE CODE TO ADOPT AMENDMENTS
) TO THE SPRINGFIELD DEVELOPMENT CODE
) FOR APPLICATION TO 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, the Springfield City Council has adopted an Ordinance amending Articles 5 and 10 of the Springfield Development Code to add sections and subsections concerning nonconforming uses and residential development standards on lands within the Glenwood portion of the Springfield urbanizable area; and

WHEREAS, the City of Springfield has requested that Lane County adopt the regulations contained in the Ordinance 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 Ordinance described above; and

WHEREAS, prior to adoption of the Ordinance 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, 13-94, and 3-97, are hereby further amended as specified by the City of Springfield Ordinance attached as Exhibit "A". 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.

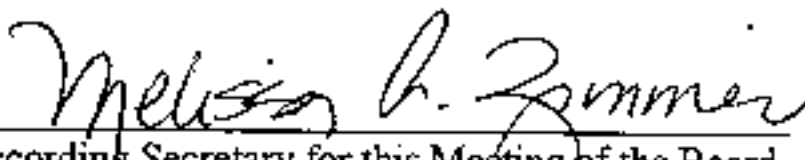
Section 3. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation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

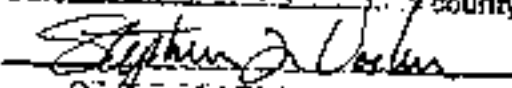
Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions hereof.

While not part of this Ordinance, findings in attached Exhibit "B" are adopted in support of this decision.

ENACTED this 8th day of NOV, 1999.


Vice Chair, Lane County Board of Commissioners


Recording Secretary for this Meeting of the Board

APPROVED TO BE FORM
Date 10-5-99 county

OFFICE OF LEGAL COUNSEL

ORDINANCE NO _____

AN ORDINANCE ADOPTING THE AMENDED GLENWOOD REFINEMENT PLAN AND RELATED AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE; INCLUDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY**The Springfield City Council finds that:**

1. In 1984, Glenwood was included in Eugene's urban growth boundary and that City was given jurisdiction for the purposes of planning and the provision of urban services;
2. On July 14, 1986, the Glenwood Refinement Plan, Phase I (**Ordinance No. 19392**) and on July 14, 1990 the Glenwood Refinement Plan (**Ordinance No. 19713**) were adopted by Eugene as a refinement of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).
3. On July 25, 1990 the Glenwood Refinement Plan (**PA 913**) was adopted and approved by the Lane County Board of Commissioners as a refinement of the Metro Plan.
4. In 1994, the current effort to review the question of appropriate jurisdictional boundaries for Glenwood began with a petition signed by over 450 members of the community presented to the Springfield City Council.
5. From 1994 to 1998 several studies were prepared by L-COG and Springfield concerning the Glenwood jurisdictional issue culminating in the 1998 Glenwood Jurisdictional Study. That study called for a Metro Plan amendment to allow Glenwood to be transferred from Eugene to Springfield.
6. The 1998 Glenwood Jurisdictional Study also called for Springfield to adopt and implement the Glenwood Refinement Plan as the land use policy document in those areas where jurisdiction was transferred.
7. On November 16, 1998 Springfield (**Ordinance 5900**) and Lane County (**Ordinance PA 1123**) approved the Metro Plan amendment changing the jurisdiction of Glenwood from Eugene to Springfield.
8. On December 7, 1998 Eugene (**Ordinance 20137**) approved the Metro Plan amendment changing the jurisdiction of Glenwood from Eugene to Springfield.
9. The Intergovernmental Agreement that was part of the Metro Plan amendment approval process also called for Springfield to officially adopt the Glenwood Refinement Plan.
10. On January 28, 1999 the Glenwood Planning Advisory Committee held the first of 8 meetings to review the Glenwood Refinement Plan prior to adoption by Springfield and Lane County. As required by the 1998 Glenwood Jurisdictional Study, the Springfield Planning Commission acting as the City's Committee for Citizen Involvement, approved the re-establishment of the Glenwood Planning Advisory Committee in November 1998. The Glenwood Planning Advisory Committee made the following revisions with no substantive changes to the Glenwood Refinement Plan:
 - The standard name changes -- "Eugene" to "Springfield", where applicable; "EWEB" to "SUB" (including the statement that SUB will be the ultimate electric and water provider for Glenwood); and "Southern Pacific" to "Union Pacific";

- Resolution of inconsistencies caused by changes to ORS since the adoption of the GRP -- the change from "mobile homes" to "manufactured dwellings";
- Resolution of inconsistencies between Eugene and Springfield Municipal Code regulations concerning street improvement projects, storm drainage improvements and Bancrofting methods.
- Resolution of inconsistencies between Eugene and Springfield land use regulations -- Eugene's Site Review Overlay District vs. Springfield's Site Plan Review process, Conditional vs. Discretionary Use approval, types of streets - "principal" vs. "arterial", and Eugene's Historic Preservation Ordinance vs. SDC Article 30;
- Establishment of the Greenway Setback Line along the Willamette River within one year of the adoption of the GRP;
- Deletion of portions of the GRP that no longer apply -- outdated land use data, language pertaining to allowing "mobile homes" on individual lots, reference to the small "mobile home" park at the southwest corner of Nugget Way and the McVay Highway, reference to the "remnant" parcel owned by Lane Transit District along Henderson Avenue that is no longer available as a future park site, reference to the stand of mature fir trees on the west side of McVay Highway that have been cut down, and infrastructure projects that have been completed since the adoption of the GRP - extension of the sanitary sewer line across the Willamette River, the bikeway connector to the Knickerbocker bike bridge, and park policies requiring coordination between Eugene and Willamalane;
- Inclusion of TransPlan topics such as "nodes" and BRT (Bus Rapid Transit);
- Revision of the refinement plan diagram -- the only change has been to show that the Lane County Transfer Facility is designated Public Land, rather than Light-Medium Industrial, consistent with the current Metro Plan diagram; and
- Minor modification to numerous maps in the plan.
- The Springfield Development Code (**Article 5 Non Conforming Uses**, specifically adding **Subsections (5) and (6) to Section 5.030** and adding **Section 5.070**; and amending **Article 16 Residential Zoning Districts**, specifically adding **Subsection (15) to Section 16.100**. These amendments concern non-conforming uses in Glenwood with the purpose of consistency with Eugene's regulations.

11. On May 4 and July 7, 1999 the Springfield Planning Commission conducted two Work Sessions to review the amended Glenwood Refinement Plan and related amendments to the Springfield Development Code.

12. On August 2, 1999 the Springfield City Council conducted a Work Session to review the amended Glenwood Refinement Plan and related amendments to the Springfield Development Code.

13. On September 21, 1999 the Springfield Planning Commission conducted a public hearing on the amended Glenwood Refinement Plan and related amendments to the Springfield Development Code with a recommendation of adoption to the Springfield City Council. This public hearing was advertised in accordance with Springfield Development Code **Section 14.030**.

14. On November 8, 1999 the Springfield City Council and the Lane County Board of Commissioners conducted a joint public hearing on the amended Glenwood Refinement Plan and related amendments to the Springfield Development Code. This joint public hearing was advertised in accordance with Springfield Development Code **Section 14.030**.

15. The Springfield Planning Commission and City Council have reviewed the amended Glenwood Refinement Plan and related amendments to the Springfield Development Code. Based upon the recommendation of the Planning Commission, the public testimony and preceding findings, the City Council has determined that the amended Glenwood Refinement Plan and related amendments to the Springfield Development Code are consistent with the Metro Plan, as acknowledged by the Land Conservation and Development Commission. The Glenwood Refinement Plan and related amendments to the Springfield Development Code conform to applicable Statewide Goals, Administrative Rules and State Statutes.

NOW, THEREFORE,

THE CITY OF SPRINGFIELD DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above and in the Staff Report, Attachment A, attached hereto, are hereby adopted.

Section 2. The City of Springfield as described in the Staff Report, Attachment A, hereby adopts the goals and policies contained in the amended Glenwood Refinement Plan dated November 8, 1999 and related amendments to the Springfield Development Code as attached hereto.

Section 3. The amended Glenwood Refinement Plan dated November 8, 1999, Attachment B, is a refinement to the Metro Plan.

Section 4. The Plan diagram included in the amended Glenwood Refinement Plan dated November 8, 1999, Attachment B, is hereby adopted, consistent with and as a refinement of the Metro Plan diagram. The explanatory text discussing each segment of the amended Glenwood Refinement Plan diagram is recognized as clarifying and providing further explanation of the intent of the Metro Plan diagram.

Section 5. The Springfield Development Code (Article 5 Non Conforming Uses, specifically adding Subsections (5) and (6) to Section 5.030 and adding Section 5.070; and amending Article 16 Residential Zoning Districts, specifically adding Subsection (15) to Section 16.100 is hereby amended as described in Attachment C.

Section 6. 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.

ADOPTED by the Common Council of the City of Springfield this 8th day of November 1999, by a vote of ____ for and ____ against.

APPROVED by the Mayor of the City of Springfield this 8th day of November 1999.

ATTEST:

Mayor

City Recorder

**ATTACHMENT C
AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT CODE**

ARTICLE 5 NON-CONFORMING USE

5.030 CONTINUANCE

Add the following Subsections:

- (5) Existing single-wide manufactured dwellings on individual lots in Glenwood may be replaced with a similar single-wide manufactured dwelling within the time line specified in Section 5.050 of this Article.
- (6) Agriculture and agricultural uses and structures on land in Glenwood permitted under Section 9.384 of the Code prior to the adoption of the Glenwood Refinement Plan by the City may continue on the land annexed to the City at the request of the property owner.

Add the following Section:

5.070 EXEMPTIONS.

Except as specified in Subsection (2):

- (1) Residential buildings and uses existing and legally permitted or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of January 27, 1982 shall be exempt from Sections 5.020, 5.030 and 5.040 of this Article. Commercial and industrial buildings and uses existing and legally permitted or permitted under Discretionary Use approval in the LMI zoning district or LMI plan designation in Glenwood as of December 7, 1998 shall be exempt from Sections 5.020, 5.030 and 5.040 of this Article.
- (2) Any expansion on property zoned or designated LMI that has a use listed under HI, as specified in Section 20.020 of this Code, and abuts any residential use shall require Site Plan Review approval. This exception is in addition to the Site Plan Review applicability list in Section 31.020 of this Code. This exception applies as follows: to expansions of buildings or land or both; expansions onto contiguous properties under the same ownership; and regardless of the direction or location of the expansion, in relation to the residential use.

ARTICLE 16 RESIDENTIAL ZONING DISTRICTS

16.100 SPECIAL USE STANDARDS

Add the following Subsection:

- (15) RVs as a Residential Use.

RVs as a residential use shall be permitted only in those manufactured dwelling parks in Glenwood that exist as of January 27, 1982.