

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 17-03

IN THE MATTER OF AMENDING LANE
CODE CHAPTER 10 TO REFLECT
ADOPTED AMENDMENTS TO THE
EUGENE DEVELOPMENT CODE ADDING
PROVISIONS RELATING TO THE CLEAR
LAKE OVERLAY ZONE BY AMENDING
SECTIONS 10.600-20 AND 10.600-25 (LC
10.600-20 AND 10.600-25) AND ADOPTING
A SAVINGS AND SEVERABILITY CLAUSE

WHEREAS, on April 8, 1986 the Lane County Board of Commissioners enacted Ordinance No. 18-86 to adopt the City of Eugene land use regulation for application to urbanizable lands within the Eugene Urban Growth Boundary in accordance with an urban transition agreement with the City of Eugene; and

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

WHEREAS, the Lane County Board of Commissioners has from time to time enacted ordinances subsequent to Ordinance No. 18-86 to adopt amendments to the City of Eugene land use regulation for application to urbanizable lands within the Eugene Urban Growth Boundary in accordance with an urban transition agreement with the City of Eugene, including most recently in Lane County Ordinance 14-15; and

WHEREAS, by enactment of Lane County Ordinance 14-15 on December 2, 2014, the Lane County Board of Commissioners intended to incorporate what became Eugene Ordinance No. 20546, but by a scrivener's error Ordinance 14-15 indicated that Eugene Ordinance No. 20545 was being incorporated; and

WHEREAS, the Lane County Board of Commissioners now wishes to correct the above error; and

WHEREAS, the Eugene Planning Commission held a public hearing and after deliberation, recommended approval of the amendments of the Eugene Development Code; and

WHEREAS, the Eugene City Council held a hearing and adopted the amendments to the Eugene Development Code and has requested adoption of the proposed changes by the Lane County Board of Commissioners for application to the urbanizable lands within the Eugene Urban Growth Area; and

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

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

1. The provisions of the Eugene Land Use Code (Chapter 9 of the Eugene Code, 1971, in effect on the date this Ordinance is enacted), as those provisions are amended by the revisions shown in Exhibit "A", are adopted and incorporated by this reference for application on the specific urbanizable lands within the Eugene Urban Growth Area specified in Lane Code 10.600-25(2), as amended by this ordinance, and will not be codified into Lane Code.

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

REMOVE THESE SECTIONS

10.600-20 and 10.600-25

INSERT THESE SECTIONS

10.600-20 and 10.600-25

These sections are attached and incorporated by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include reference to this Board of County Commissioners action adopting amendments to the City of Eugene land use regulations to be applied by the City of Eugene on urbanizable lands within the Eugene Urban Growth Area as specified Lane Code 10.600-25(2), as amended.

3. Ordinances and regulations amended by this Ordinance 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.
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 constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

ENACTED this ____ day of _____, 2017.

Pat Farr, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date _____

LANE COUNTY OFFICE OF LEGAL COUNSEL

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

10.600-10 Springfield Urban Growth Boundary.

The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) 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. *(Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99)*

10.600-15 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05, 2-06, 16-07, 4-09, 7-11, 3-12, 13-05, 13-07, 14-13, 14-15 and 16-05.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06; 16-07, 1.4.08; 4-09, 10.15.09; 7-11, 11.4.2011; 3-12, 10.05.12; 13-05, 11.19.13; 13-07, 04.15.14; 14-13, 11.25.14; 14-15, 1.2.15; 16-05, 1.5.17)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene has the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary as specified in Lane Code 10.600-25. For the purpose of this subsection, the following words and phrases have the following meanings:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on the specified urbanizable land within the Eugene Urban Growth Boundary.

(1) To all urbanizable land not addressed in (2), the Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 5-00 as amended in Ordinance No. PA 1234, as further amended by the incorporation of Eugene Ordinance 20546 through enactment of Lane County Ordinance 14-15.

(2) To the land added to the Eugene Urban Growth Boundary by Ordinance No. PA 1345 as shown on the maps at Exhibit A-4 (“Proposed Metro Plan Designations”)

attached to Ordinance No. PA 1345, the provisions of Chapter 9 of the Eugene Code, 1971, in effect on the date Ordinance 17-03 is approved (“Eugene Land Use Code”), as that Land Use Code is amended by the revisions shown in Exhibit A to Ordinance No. 17-03.

(3) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02; 14-15, 1.2.15)*

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

10.600-20 Lane Code 10.600-25

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06; 16-07, 1.4.08; 4-09, 10.15.09; 7-11, 11.4.2011; 3-12, 10.05.12; 13-05, 11.19.13; 13-07, 04.15.14; 14-13, 11.25.14; 14-15, 1.2.15; 16-05, 1.5.17)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene ~~shall have~~**has** the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary **as specified in Lane Code 10.600-25**. For the purpose of this subsection, the following words and phrases ~~shall mean~~**have the following meanings:**

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on **the specified** urbanizable land within the Eugene Urban Growth Boundary.

(1) **To all urbanizable land not addressed in (2), ~~the~~ Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 18-86-5-00 as amended in Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 2-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02, 3-02 and 14-15 PA 1234, as further amended by the incorporation of Eugene Ordinance 20546 through enactment of Lane County Ordinance 14-15.**

(2) **To the land added to the Eugene Urban Growth Boundary by Ordinance No. PA 1345 as shown on the maps at Exhibit A-4 (“Proposed Metro Plan Designations”) attached to Ordinance No. PA 1345, the provisions of Chapter 9 of the Eugene Code, 1971, in effect on the date Ordinance 17-03 is approved (“Eugene Land Use Code”), as that Land Use Code is amended by the revisions shown in Exhibit A Ordinance No. 17-03.**

(~~2~~**3**) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02; 14-15, 1.2.15)*