

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY OREGON

ORDINANCE NO. 5-00

) IN THE MATTER OF AMENDING CHAPTER 10
) OF LANE CODE TO ADOPT A REVISED AND
) UPDATED VERSION OF THE EUGENE LAND USE
) REGULATIONS FOR APPLICATION TO THE
) URBANIZABLE LANDS WITHIN THE EUGENE
) URBAN GROWTH BOUNDARY; AND ADOPTING
) SAVINGS AND SEVERABILITY CLAUSES

WHEREAS, on April 8, 1987, the Lane County Board of Commissioners enacted Ordinance No. 18-86 to adopt the City of Eugene land use regulations for application to urbanizable land within the Eugene Urban Growth Boundary in accordance with the urban transition agreement with the City of Eugene; and

WHEREAS, Article VII of that urban transition agreement provides for County adoption of changes to land use regulations made by the City for application to urbanizable land within the Eugene Urban Growth Boundary; and

WHEREAS, the provisions of the Eugene land use regulations adopted by Lane County Ordinance No. 18-86 have been amended by Lane County 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 and 3-02; and

WHEREAS, the City of Eugene has requested that Lane County adopt a comprehensive revision of the Eugene Land Use Code for application on the urbanizable lands within the Eugene Urban Growth Boundary; and

WHEREAS, on January 18, 2000, the Lane County and Eugene planning commissions held a joint public hearing on revisions to the Eugene Land Use Code. Public hearings were also held by the Eugene Planning Commission on January 27, February 1 and March 28, 2000, the minutes of which were provided to the Lane County Planning Commission; and

WHEREAS, on April 25, 2000, the Lane County Planning Commission reviewed the proposed amendments and made a recommendation to the Board of County Commissioners; and

WHEREAS, on May 31, 2000, the Lane County Board of County Commissioner and Eugene City Council conducted a joint public hearing on the proposed revisions; and

WHEREAS, on January 16, 2002 and April 9, 2003, the Lane County Board of County Commissioner conducted additional public hearings on the proposed revisions; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of applicable state and local law as described in the findings adopted in support of this Ordinance.

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

Section 1. The provisions of the Eugene Land Use Code, as adopted by Lane County Ordinance No. 18-86, and amended by Lane County 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 and 3-02 are hereby repealed and replaced with the provisions in attached Exhibit "A," as

1. IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO ADOPT A REVISED AND UPDATED VERSION OF THE EUGENE LAND USE REGULATIONS FOR APPLICATION TO THE URBANIZABLE LANDS WITHIN THE EUGENE URBAN GROWTH BOUNDARY; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES

amended by Exhibits "A-1," "A-2," "A-3," "A-4" and "A-5." These provisions are adopted and incorporated herein by this reference for application by the City of Eugene on the urbanizable lands within the Eugene Urban Growth Boundary and shall not be codified into Lane Code.

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

REMOVE THIS SECTION

10.600-25(1)
located on page 10-459
(a total of one page)

INSERT THIS SECTION

10.600-25(1)
located on page 10-459
(a total of one page)

This section 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 a revised and updated version of the City of Eugene land use regulations to be applied by the City of Eugene on urbanizable lands within the Eugene Urban Growth Boundary.

Section 3. Ordinances and regulations repealed by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the provisions enacted by this Ordinance take effect, for an offense or violation committed under the previous Ordinances or regulations 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.

Section 5. The Eugene City Recorder, at the request of, or with the concurrence of the City Attorney and Lane County Counsel, is authorized to administratively correct any reference errors contained in the provisions hereby adopted consistent with LC 2.020.

Section 6. Notwithstanding the effective date of ordinances as provided in the Lane County Charter, the provisions of Sections 1 and 2 of this Ordinance shall only become effective 30 days from the date of enactment of this Ordinance by the Lane County Board of Commissioners, or upon the date of acknowledgment as provided by ORS 197.625, whichever is later.

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

ENACTED this 7th day of MAY, 2003.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 4-2-2003 Lane County

OFFICE OF LEGAL COUNSEL