

# Department of Land Conservation and Development

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www.oregon.gov/LCD

# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Date: December 04, 2015

Jurisdiction: City of Eugene

Local file no.: Z 15-9 DLCD file no.: 008-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/03/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

# **Appeal Procedures**

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

#### **DLCD Contact**

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or <a href="mailto:plan.amendments@state.or.us">plan.amendments@state.or.us</a>

#### **DLCD FORM 2**



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE** 

File No.: 008-15 {24155}

**Received:** 12/3/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation no more than 20 days after the adoption. (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review. Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Eugene

Local file no.: Z 15-9

Date of adoption: 11/16/15 Date sent: 12/1/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/30/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Erik Berg-Johansen

Phone: 541-682-5437 E-mail: erik.berg@ci.eugene.or.us

Street address: 99 West 10th Avenue City: Eugene Zip: 97401-

#### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

# For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

# For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from A goal exception was required for this to acres.

change.

Change from to acres. A goal exception was required for this

change.

Change from A goal exception was required for this to acres.

change.

Change from A goal exception was required for this change. to acres.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres: Forest – Acres: Marginal Lands – Acres:

Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres: Forest – Acres: Marginal Lands – Acres:

Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres: Other: – Acres:

# For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

# For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from General Office to Community Commercial Acres: .8

Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): 74 E.  $18^{th}$  and 1850 Oak / 18-03-06-11-03200 / 18-03-06-11-03300

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

# DECISION OF THE HEARINGS OFFICIAL FOR THE CITY OF EUGENE, OREGON

#### **ZONE CHANGE**

#### **Application File Name (Numbers):**

Vance, Eric & Cork, Donna (Z 15-9)

#### **Applicant's Request:**

Rezone subject properties from General Office (GO) to Community Commercial (C-2)

# **Subject Property/Location:**

Tax Lots 3200 and 3300 of Assessor's Map 18-03-06-11; Located at 74 E. 18<sup>th</sup> Avenue and 1850 Oak Street.

#### **Relevant Dates:**

Application submitted on August, 24, 2015; supplemental application materials submitted on September 23, 2015; application deemed complete on September 28, 2015; public hearing scheduled for November 4, 2015.

#### Applicant's Representatives:

Eric Vance, Cowboys Savannah, LLC

# **Lead City Staff:**

Erik Berg-Johansen, Assistant Planner, Eugene Planning Division, Phone: (541) 682-5437

# **Summary of the Public Hearing**

The Hearings Official held a public hearing on this application on November 4, 2015. The Hearings Official stated he had no conflicts of interests and had no *ex parte* communications to disclose. No person objected to the Hearings Official conducting the hearing.

Planner Erik Berg-Johansen provided an overview of the staff report and explained the nature of the proposed planned unit development. Staff recommended approval of the application.

The applicant spoke in favor of the application. He stated the reasons and timing of the request. No other party testified on the application. No opposition testimony was submitted into the written record.

# **Documents Considered by the Hearings Official**

The Hearings Official has considered all the documents submitted into the record which closed on November 4, 2015.

# Decision

The Hearings Official finds that the findings and conclusions set forth in the October, 2015 Staff Report are sufficient to demonstrate that all applicable criteria have been met and the Hearings Official adopts those findings and conclusions as his own by this reference.

Dated this 16<sup>th</sup> day of November.

Kennett D. Heh

Mailed this 16<sup>th</sup> day of November.

Kenneth D. Helm Hearings Official

SEE NOTICE OF HEARINGS OFFICIAL DECISION FOR STATEMENT OF APPEAL RIGHTS