



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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NOTICE OF ADOPTED AMENDMENT

11/23/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Eugene Plan Amendment
DLCD File Number 009-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, December 04, 2009

This amendment was submitted to DLCD for review prior to adoption. with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Gabriel Flock, City of Eugene
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Eugene**

Local file number: **CA 09-5**

Date of Adoption: **November 9, 2009**

Date Mailed: **November 13, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: August 7, 2009

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The goal of these amendments is to relieve economic hardship by providing a one-time effective date extension to certain approved land use applications that otherwise might expire due to difficult economic times. The ordinance provides a 3-year extension to the expiration period for specified land use applications.

Does the Adoption differ from proposal? **Yes**, Please explain below:

The proposed ordinance was revised based on public input and a Planning Commission recommendation to increase the amount of time granted in the extension, from 2 years to 3 years. The original proposal to include new code process and approval criteria for additional time extension requests has also been removed. Also see supplemental revised DLCD notice of proposed amendment submitted August 20, 2009.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...Yes (see date above)

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Gabriel Flock**

Phone: (541) 682-5697 Extension: 5697

Address: 99 W. 10th Avenue

Fax Number: 541-682-5572

City: Eugene

Zip: 97401

E-mail Address: gabriel.flock@ci.eugene.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing larry.french@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to larry.french@state.or.us - **Attention: Plan Amendment Specialist**.

COUNCIL ORDINANCE NUMBER 20440

COUNCIL BILL NUMBER 5011

AN ORDINANCE CONCERNING TIME
EXTENSIONS FOR APPROVED DEVELOPMENTS
AND PROVIDING AN EFFECTIVE DATE

ADOPTED: November 9, 2009

SIGNED: November 10, 2009

PASSED: 6/1

REJECTED:

OPPOSED: Brown

ABSENT: Taylor

EFFECTIVE: December 11, 2009

ORDINANCE NO. 20440

AN ORDINANCE CONCERNING TIME EXTENSIONS FOR APPROVED DEVELOPMENTS; AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. To aid economic recovery in difficult economic conditions, the City Council wishes to be proactive and programmatic in granting a three-year extension to those unexpired development approvals that were granted by the city after a process that included a public notice and comment period.

B. For land use approvals that include an extended phasing plan, it is intended that the three-year extension be applied to the current phase of development and that the time periods for all phases be adjusted to accommodate the one-time extension granted by this Ordinance.

NOW, THEREFORE, based on the above findings,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The legislative findings attached as Exhibit A hereto are adopted in support of this Ordinance.

Section 2. The expiration dates for all Type II and III land use application approvals in effect on the date this Ordinance takes effect are hereby extended by three years. Further extensions for these land use approvals may be sought pursuant to Chapter 9 of the Eugene Code, 1971.

Section 3. For any Type II or III land use application approval with an executed performance agreement in effect on the date this Ordinance takes effect, each reference to a specific year within in the Time Schedule section of said performance agreement (referencing a commencement or a completion year) is hereby extended by three additional years.

EXHIBIT A

Findings

Land Use Application Timeline Extensions (CA 09-5)

Eugene Code Section 9.8065 requires that the proposed ordinance comply with the following approval criteria (in bold and *italics*):

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposed action only extends the effective date for land use applications that have already been approved. These approved land use applications have already undergone a codified process that involves citizens through public comment and/or hearings and appeal processes. This action does not amend the citizen involvement provisions included in these application processes. The process for adopting these amendments complies with Goal 1 because it is consistent with, and will not change the City's existing and acknowledged citizen involvement provisions.

The Planning Commission public hearing on the proposed ordinance was duly noticed to the City of Springfield, Lane County, and all neighborhood organizations, as well as community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard. The City Council then held a duly noticed public hearing to consider approval, modification, or denial of the proposed ordinance. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the proposed ordinance is consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The City's acknowledged land use code specifies the procedures and criteria to be used for decisions and actions related to land use applications. The proposed ordinance does not change the planning process, policy framework or information relied on in making decisions and actions related to land use applications. The ordinance extends the time that these decisions are effective once the process has been completed and the policy framework and facts of each application have been determined and decided.

The record also shows that there is an adequate factual basis for the proposed ordinance. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development.

There are no Goal 2 Exceptions required for the proposed ordinance. Therefore, it is consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. *To preserve agricultural lands.*

The proposed ordinance does not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The does not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. *To conserve open space and protect natural and scenic resources.*

OR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The proposed ordinance does not create or amend the City's adopted inventory of Goal 5 resources, and does not amend any code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The proposed ordinance does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6 - Air, Water and Land Resource Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The ordinance does not affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. The proposed action only extends the effective date for land use applications that have already been approved. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The proposed ordinance does not affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendment does not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of or any existing commercially designated land.

Goal 9 further requires cities take into account methods and devices for overcoming certain regional conditions and deficiencies for implementing this goal, to include land use controls and ordinances. The proposed ordinance related to timeline extensions is specifically intended help applicants overcome economic hardships by extending the expiration period for already approved land use applications. Therefore, to the extent applicable, the amendment is consistent with Goal 9.

Goal 10 - Housing. *To provide for the housing needs of citizens of the state.*

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The proposed ordinance does not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for

residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, to the extent applicable, the amendments are consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The proposed ordinance does not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). TransPlan provides the regional policy framework through which the TPR is enacted at the local level.

The proposed ordinance will not significantly affect any transportation facility. The level of development currently permitted through existing code and zoning regulations will remain the same. No change in the functional classification of streets will result from the proposed ordinance. In addition, no changes are proposed to the standards that implement the functional classification system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

The proposed ordinance does not affect any of the City's energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

The proposed ordinance does not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The proposed ordinance does not include any changes that affect the regulation of areas within the adopted Willamette River Greenway boundaries. Therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

The proposed ordinance does not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, these goals are not relevant and the proposed ordinance will not affect compliance with Statewide Planning Goals 16 through 19.

(2) The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The proposed ordinance granting timeline extensions for approved land use applications does not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan and applicable refinement plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria in this instance or otherwise limit the expiration period for approved land use applications. Therefore, the proposed ordinance complies with the above criterion.

(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.

The proposed ordinance does not establish a special area zone. Therefore, this criterion does not apply.



Planning & Development
Planning
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Eugene, Oregon 97401

FIRST CLASS



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11/13/2009
Mailed From: 97401
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