



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/27/2012

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 004-12

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: Thursday, September 06, 2012

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Steve Ochs, City of Eugene
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst
Gary Fish, DLCD Transportation Planner

<paa> Y



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

AUG 20 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Eugene**

Local file number: **Z 12-3**

Date of Adoption: **8/14/2012**

Date Mailed: **8/16/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **6/27/2012**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Zone Change on 3 parcels from 1-2/WP Light Medium Industrial with the Waterside Protection overlay, to C-2/WP Community Commercial with the Waterside Protection overlay and the removal of the /SR overlay on one parcel and the removal of the /PD overlay on another.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **No change**

to:

Zone Map Changed from: **I-2/WP, C-2/PD/WP, C-2/SR/WP** to: **C-2/WP**

Location: **North of Commerce, south of Amazon Creek**

Acres Involved: **4**

Specify Density: Previous: **NA**

New: **NA**

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

TAR

Did DLCD receive a Notice of Proposed Amendment...

35-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: **Steve Ochs**

Phone: (541) 682-2547 Extension:

Address: 99 West 10th Avenue

Fax Number: - -

City: Eugene

Zip: 97401-

E-mail Address: steve.p.ochs@ci.eugene.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

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

ZONE CHANGE REQUEST

Application File Name (Numbers):

Marvin, Phil (Z 12-3)

Applicant's Request:

Zone Change from I-2/WP Light-Medium Industrial with Waterside Protection overlay, to C-2/WP Community Commercial with Waterside Protection. Also includes the removal of the /SR Site Review overlay from one parcel and the /PD overlay from another parcel.

Subject Property/Location:

Tax Lots 4003, 4004, 4005 and 4006 of Lane County Assessor's Map 17-04-34-00; Tax Lot 4400 of Lane County Assessor's Map 17-04-33-10; Located on Commerce Street, north of West 11th Avenue and south of the Amazon Channel.

Relevant Dates:

Zone Change application submitted on June 6, 2012; application deemed complete on June 26, 2012; public hearing date held on August 1, 2012.

Applicant's Representative:

Douglas P. Schwin, P.E. Poage Engineering and Surveying, Inc. (541) 485-4505

Lead City Staff:

Steve Ochs, Associate Planner, Eugene Planning Division, Phone: (541) 682-5453.

Summary of the Public Hearing:

The hearings official held a public hearing on this application on August 1, 2012. 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.

Steve Ochs, Associate Planner, Becky Taylor, Associate Planner, and Gabe Flock, Senior Planner, were present for the hearing. Mr. Ochs presented the staff report. Staff recommended approval of the application. Douglas Schwin appeared on behalf of the applicant. Phil Marvin, the applicant, was also present. Neither Mr. Schwin nor Mr. Marvin expressed any concern with the staff report; both stated they were only present in case the hearings official had any questions.

The hearings official closed the hearing and the record on August 1, 2012.

Site Characteristics and Present Request:

The present request is for zone change on five contiguous parcels as outlined below.

<u>Map and Taxlot</u>	<u>Size</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>
17-04-33-10 TL 4400	0.8 acres	C-2/SR/WP	C-2/WP
17-04-34-00 TL 4006	0.57 acres	C-2/PD/WP	C-2/WP
17-04-34-00 TL 4005	0.57 acres	I-2/WP	C-2/WP
17-04-34-00 TL 4004	0.58 acres	I-2/WP	C-2/WP
17-04-34-00 TL 4003	1.6 acres	I-2/WP	C-2/WP

All of the parcels are vacant. Four of the parcels have direct frontage and access on Commerce Avenue, while Tax Lot 4400 is accessed from an internal private drive that extends west toward the adjacent Target Store parking lot from Commerce Avenue. The subject parcels are located in a predominately commercial area along West 11th Avenue with a large retail store (Target) located directly to the west and commercial development including fast food restaurants, small retail stores and an athletic facility located all located on Commerce Avenue between the subject properties and West 11th Avenue. To the north, the properties are adjacent to the Amazon Channel and protected areas zoned NR Natural Resource. Properties to the east are primarily zoned I-2, Light-Medium Industrial and developed with industrial uses.

Application Referrals and Public Hearing Notice:

This zone change application was deemed complete on June 26, 2012. Staff provided information concerning the application to other appropriate City departments, public agencies, and the affected neighborhood group (West Eugene Community Organization) on June 28, 2012. Staff also mailed notice of the proposed zone change to the Oregon Department of Land Conservation and Development (DLCD) on June 27, 2012. DLCD staff provided comments regarding the applicant’s Transportation Planning Rule (TPR) findings and the applicability of OAR 660-009-0010(4). In response to DLCD’s comments, OAR 660-009-0010(4) applies only to plan designation amendments and the proposed zone change does not include any plan designation change. Because the property is already designated Commercial, and the proposal will bring the zoning into conformance with this existing plan designation, OAR 660-009-0010(4) is not triggered in this case. Other relevant referral comments are incorporated into the following evaluation of compliance with the applicable criteria.

Staff mailed public notice of the proposed zone change and the hearing date on July 2, 2012 in accordance with code requirements. No written public testimony was received.

Evaluation of Zone Change Request:

The Eugene Code, EC 9.7330 and 9.8865, requires the Hearings Official to review an application for a zone change and consider pertinent evidence and testimony as to whether the proposed change is consistent with the criteria required for approval, shown below in **bold** typeface.

EC 9.8865(1): The proposed zone change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The applicant is requesting to maintain a C-2 Community Commercial zoning on two parcels (while removing the /SR and /PD overlay), and change the base zoning from I-2 Light-Medium Industrial to C-2 Community Commercial on three parcels (while maintaining the /WP overlay). The Metro Plan land use diagram depicts a Commercial designation in the area of the subject property. The four western parcels are clearly within the Commercial designation. The easternmost parcel seems to be at least partially within the area shown as Commercial. Because the map is generalized and drawn at an 11 x 17 size, the designation of this easternmost parcel is not particularly clear. The commercial and industrial designations appear to abut at this location; however, a zone change from I-2 to C-2 occurred in 2006 on Tax Lot 4002, which is directly to the south of the subject property, addressed this designation issue. In that earlier zone change decision (see Obie 06-13), the hearings official found that the Metro Plan did not contemplate an exact measurement using the adopted land use diagram, and that the subject property was located at the eastern boundary of an area on the north and south side of West 11th Avenue designated for commercial use. The same conclusion is reached in this case, as the commercial designation appears to begin around the eastern property line of Tax Lot 4003, and the proposed C-2 zoning is consistent with the subject property's commercial plan designation.

The Metro Plan (Page II-G-4) describes Community Commercial Centers as one category of commercial use shown on the Metro Plan diagram, and the subject property appears to be located in an area that fits this description (as opposed to Major Retail Centers). EC 9.2110, Purpose of C-2 Community Commercial Zone, notes that the C-2 zone is designed to implement the Metro Plan by providing areas for community commercial use. Even though the applicant does not address any specific Metro Plan policies, and none appear to serve as mandatory approval criteria in this instance, there are three that appear relevant and provide general support for the requested zone change:

Economic Element

- B.2 *Encourage economic development, which utilizes local and imported capital, entrepreneurial skills, and the resident labor force.*

- B.11 *Encourage economic activities, which strengthen the metropolitan area's position as a regional distribution, trade, health and service center.*

The proposed C-2 Community Commercial zoning allows for a greater range of economic activities than the existing I-2 Light-Medium Industrial zone, which can generally encourage economic development consistent with these policies.

Transportation Element

F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit oriented development along major transit corridors and near transit stations; medium- and high-density residential development within 1/4 mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.

The proposed rezoning on three parcels from I-2 to C-2 allows for a higher intensity of development near a major arterial that is well served by transit service on West 11th Avenue. Additional transportation policies in the Metro Plan including F.14, F.15 and F.17 address the mobility needs of various users of the transportation system. Future development of the properties will be subject to Traffic Impact Analysis Review which may require transportation facilities to accommodate the traffic impact of the proposed development.

The proposed zone change is consistent with applicable provisions of the Metro Plan.

EC 9.8865(2): The proposed change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The applicable adopted refinement plan for the area of the proposed zone change is the Bethel Danebo Refinement Plan, Phase 2. This refinement plan does not contain an adopted land use diagram, or any adopted policy that would appear to serve as mandatory approval criteria for the proposed zone change.

In a prior zone change application involving the adjacent parcels to the south of the southeast-most of the subject lots, the Hearings Official considered Recommended Policy #5 on page 19 of the refinement plan (and the related Map 5, Focus for Future Action). See Obie (Z 06-13). That decision did not conclusively determine the status of the policy or related map as having the effect of mandatory approval criteria for the zone change; the Hearings Official found only that the recommendation “may apply,” and that Map 5 is “conceptual.”

The hearings official continues to believe this policy and the related map may apply and thus makes findings here. That policy states that the lots within Area 2 shown on the map on page 22 of the framework plan should be designated Light-Medium Industrial. These lots are clearly within Area 2 because they are north of Commerce Street. The current designation of the subject parcels is Commercial. According to policy 5, the designation should seem to be Light-Medium Industrial. As noted above, the Metro Plan seems to show the subject parcels in a Commercial designation, and this criterion states that in the event of a conflict between the framework plan and the Metro Plan, the Metro Plan controls, so a zone change from an industrial designation to a commercial designation is consistent with this policy.

The applicant is also proposing to remove the /SR overlay from one parcel (Tax Lot 4400) and /PD overlay from another (Tax Lot 4006). There is no policy guidance in the refinement plan regarding the /SR and /PD overlays. In the case of Tax Lot 4400, the /SR overlay was added by a prior zone change (Z 84-6) to replace the /PD overlay that existed at the time. Findings in that prior zone change do indicate that the /PD overlay was added in 1978 (and in the case of Tax Lot 4400, the /SR overlay that replaced it) with the intent of ensuring access to West 11th Avenue, proper treatment of the Amazon Channel, and to appropriately address the relationship to adjacent industrial development.

Since that time, a majority of the surrounding properties have been developed. Adequate access to West 11th Avenue has been provided via Commerce Street to the subject properties. The /WP Waterside Protection overlay was added to the properties in 1996, which requires a setback from the Amazon Channel and will be retained on all properties through this zone change. In regards to adjacent development, the Eugene Code was amended in 2002, to include citywide commercial development standards, which improve the quality and appearance of commercial development and ensure that development is compatible with adjacent development. These commercial development standards will apply to the subject property based on the C-2 zoning, regardless of the /SR or /PD overlay zone. Without the /SR or /PD overlay zones and the related procedures, the commercial development standards will still address compatibility and other relevant design issues as part of the building permit for any new commercial development, consistent with the original intent of the overlay zones.

The proposed zone change is consistent with the applicable refinement plan.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City- wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan page V-3).

An 8-inch public wastewater line is within Commerce Street adjacent to the subject property sites. There are piped public stormwater facilities within Commerce Street and within a public easement. For transportation purposes, the properties will take access from Commerce Street, a local commercial/industrial street with 44-feet of paving within a 60-foot right-of-way. As the properties are already within the City limits, the Eugene Water and Electric Board (EWEB) will provide water and electric services. Police protection is provided by the City of Eugene and emergency and fire services are currently provided on a regional basis by the cities of Eugene and Springfield. Qwest communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area and planning and building permit services are provided by the City of Eugene. The properties are located in the Willow Creek parks planning area; parks and recreation services will be provided by the City of

Eugene. Additionally education services will be provided by the Eugene 4J School district and the properties will be served by Twin Oaks Elementary School, Kennedy Middle School and Churchill High School.

The minimum level of key urban services are currently available, or can be extended in an orderly manner to the subject property, as required.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(f) EC 9.2150 Commercial Zone Siting Requirements.

The commercial zone siting requirements referred to in EC 9.2150 pertain to the establishment of C-1 and C-4 zoning. The request is for C-2 zoning, and as such, the siting requirements are inapplicable.

(q) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.

As noted at EC 9.4715, the /WP overlay zone applies to streams, rivers, channels, ponds and other water features and adjacent areas that meet the approval criteria of EC 9.8865 and that are specified for protection in an adopted plan, as described in EC 9.4720. The /WP overlay zone was previously applied to all of the subject properties, to protect the Amazon Channel as specified in the West Eugene Wetlands Plan. Consistent with this adopted plan and applicable siting requirements, /WP overlay zoning will remain in place as part of the zone change.

EC 9.8865(5): In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the City to ensure the area is maintained as a natural resource area for a minimum of 50 years.

The proposed zone change does not include the NR zone.; this criterion does not apply.

Transportation Planning Rule:

OAR 660-012-0060(1) states: "If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation, then the local government must put in place measures as provided in section (2) of this rules, unless the amendment is allowed under section (3), (9) or (10) of this rule." The applicant in this case has requested that the City find, pursuant to OAR 660-012-0060(9), that the zone change does not significantly affect an existing or planned transportation facility.

OAR 660-012-0060(9) states:

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the plan map:*
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
- (c) The area subject to the amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660- 024- 220(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

For the reasons discussed below, the City finds that the proposed zone change does not significantly affect an existing or planned transportation facility because all of the requirements in OAR 660-012- 0060(9) are met.

0060(9)(a): The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the plan map:

As discussed above at EC 9.8865(1), the subject properties are designated as commercial on the City's adopted comprehensive plan map (i.e., the Eugene-Springfield Metropolitan Area General Plan, Plan Diagram (Metro Plan Diagram). The proposed C-2 zoning is consistent with the current commercial comprehensive plan map designation. The amendment does not change the plan map.

0060(9)(b): The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP:

The City of Eugene's adopted and acknowledged Transportation System Plan (TSP) is the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan). The Eugene City Council adopted the current version of the plan on September 10, 2001, by Ordinance No. 20234.¹ In 2001, the criteria for adopting TransPlan (classified as a "major update" to the 1986 version), was as follows: ""(a) Consistency with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and (b) Consistency with the Eugene-Springfield Metropolitan Area General Plan (Metro Plan)."" In support of its adoption of the

¹ The City Council has subsequently amended TransPlan by Ordinance No. 20442 (enacted on November 9, 2009) and Ordinance No. 20461 (enacted on August 11, 2010). Those amendments are immaterial to these findings.

2001 TransPlan, the City Council adopted 50 pages of legislative findings demonstrating its compliance with these two criteria.

Both before and since the City Council adopted the 2001 TransPlan, the subject properties were designated on the City's adopted comprehensive plan map (Metro Plan Diagram) as commercial. In adopting TransPlan, the City Council found it to be consistent with the Metro Plan, which includes the Metro Plan Diagram. Since the 2001 Metro Plan Diagram designated the subject properties as commercial, the 2001 finding that TransPlan is consistent with the Metro Plan is a finding that TransPlan is consistent with a commercial designation for these properties. Because a commercial zoning on these properties will not change (is consistent with) the properties' comprehensive plan map commercial designation, and TransPlan is consistent with the commercial designation, a commercial zoning on these properties is consistent with the City's acknowledged TSP.

Additionally, pursuant to OAR 660-012-0030(3), within UGBs, the determination of local and regional transportation needs must be based on population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan. The City's 2001 finding that TransPlan is consistent with OAR 660-012-0030(3) specifically states that TransPlan relied on the same forecasts and distributions that were relied upon for the Metro Plan periodic review. Because the 2001 Metro Plan designates the subject properties as commercial, the forecasts and distributions relied upon for TransPlan were based on that same commercial designation. Since TransPlan was found to be consistent with OAR 660-012-0060(3), and acknowledged as such, the City finds that the determination of transportation needs embodied in, and addressed by, TransPlan, is consistent with the subject properties' commercial designation.

0060(c): The area subject to the amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-220(1)(d), or the area was exempted from this rule bur the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

The subject properties were not exempted from the TPR at the time of an urban growth boundary amendment.

The proposed zoning map amendment does not significantly affect an existing or planned transportation facility.

///

///

///

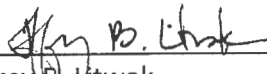
///

Decision:

Based upon the available evidence, preceding findings, the Hearings Official APPROVES the applicant's request for zone changes to the subject parcels as described above.

Dated this 14 day of August 2012.

Mailed this 15 day of August 2012.



Jeffrey B. Litwak
Hearings Official

SEE NOTICE OF HEARINGS OFFICIAL DECISION FOR STATEMENT OF APPEAL RIGHTS

Marvin, Phil (Z 12-3)

17-04-33-10/4400 and 17-04-34-00/4003, 4004, 4005, 4006



Change of zoning from I-2/WP Light-Medium Industrial with Waterside Protection overlay, C-2/PD/WP Community Commercial with Planned Unit Development and Waterside Protection overlays, C-2/SR/WP Community Commercial with Site Review and Waterside Protection overlays to C-2/WP Community Commercial with Waterside Protection overlay.



Surrounding Zoning

- C-2 Community Commercial
- I-2 Light-Medium Industrial
- NR Natural Resource

Subject Site

Proposed Zoning of Subject Site

- C-2/SR/WP Community Commercial with Site Review and Waterside Protection Overlays to C-2/WP Community Commercial with Waterside Protection Overlays
- C-2/PD/WP Community Commercial with Waterside Protection and Planned Unit Development Overlays to C-2/WP Community Commercial with Waterside Protection Overlay
- I-2/WP Light-Medium Industrial with Waterside Protection Overlay to C-2/WP Community Commercial with Waterside Protection Overlay





**Notice of
Hearings Official
Decision**

Date of Notice: August 14, 2012
File Name: **Marvin, Phil (File No. Z 12-3)**
Location: North of Commerce, south of Amazon Creek

On August 14, 2012, the Eugene Hearings Official approved the zone change application noted above, for a change from I-2/WP Light-Medium Industrial with Waterside Protection overlay, C-2/PD/WP Community Commercial with Planned Unit Development and Waterside Protection overlay, C-2/SR/WP Community Commercial with Site Review and Waterside Protection overlay to C-2/WP Community Commercial with Waterside Protection overlay.

A copy of the application, decision, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for review at the Planning Division and may be obtained at a reasonable cost. This notice and the Planning Director's decision may also be viewed by visiting www.eugene-or.gov/luplanning.

Unless appealed pursuant to Eugene Code Sections 9.7650 through 9.7685, this Hearings Official decision will be effective when the appeal period has expired. In this case, **any appeal must be received by 5 p.m. by August 27, 2012.** Appeal procedures, forms, and fee information are available at the City's Planning Division or on our web site. In accordance with Section 9.7655 of the Eugene Code, the Eugene Planning Commission will consider any appeals of this land use application.

For questions, contact: Steve Ochs, Associate Planner
Phone: 541-682-5453, E-mail: steve.p.ochs@ci.eugene.or.us



**Planning & Development
Planning**

City of Eugene
99 West 10th Ave
Eugene, OR 97401

neopost[®]
08/16/2012
US POSTAGE

FIRST-CLASS MAIL
\$00.85⁰



ZIP 97401
041L1123877

DEPT OF

AUG 20 2012

**LAND CONSERVATION
AND DEVELOPMENT**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540**

