



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

12/16/2013

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 011-13

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: Tuesday, December 31, 2013

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

<paa> YA



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

FOR DLCD USE
011-13 (20001)
File No.: [17705]
Received: 12/10/2013

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 13-6**

Date of adoption: 11/07/13 Date sent: 12/10/2013

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): 9/11/13
- 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): Steve Ochs

Phone: 541-682-5453 E-mail: steve.p.ochs@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 to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.

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 R-1 to R-2. Acres: 4.2

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): 17-03-19-30/00900, 04800, 04900 - Robin Hood Avenue

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

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 REQUEST

Application File Name (Numbers):

Bruce Wiechert Custom Homes – Z 13-6

Applicant's Request:

Change of zoning from R-1 Low Density Residential, to R-2 Medium Density Residential.

Subject Property/Location:

Approximately 4 acres located east of Delta Highway and west of Willagillespie Road, south of Robin Hood Avenue on tax lots 900, 4900 and the southern portion of tax lot 4800 of Assessor's Map 17-03-30.

Relevant Dates:

Zone Change application submitted on June 25, 2013; application deemed complete on August 23, 2013; public hearing held on October 16, 2013.

Applicant's Representatives:

Anthony Favreau, The Favreau Group (541)683-7048

Lead City Staff:

Steve Ochs, Associate Planner, Phone: (541) 682-5453

Summary of the Public Hearing

The Hearings Official held a public hearing on this application on October 16, 2013. 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 Steve Ochs provided an overview of the staff report and explained the nature of the proposal. Staff recommended approval of the application.

The applicant made a brief presentation and accepted the findings of the staff report.

Two parties, Joanne Jones and John Quilter testified in opposition to the application. Ms. Jones's testimony consisted of questions about access to Willagillespie Road and a nearby bike island that she stated has caused accidents. Mr. Quilter's comments were related to the layout of the tentative subdivision which will be considered as part of a separate land use application. Staff responded to all the questions raised at the hearing.

The hearing and the record closed on October 16, 2013.

Documents Considered by the Hearings Official

The Hearings Official has considered all the record documents related to this application.

Decision

The Hearings Official finds that the findings and conclusions set forth in the 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.

The Hearings Official finds that the comments raised by opponents of the application are not relevant to the criteria governing zone changes. The comments and concerns may be relevant to review of any future subdivision proposal, but they are premature in a zone change proceeding.

Based upon the available evidence and preceding findings, the Hearings Official APPROVES the applicant's request for a zone change

Dated this 22nd day of October, 2013.

Mailed this 25 day of October, 2013.



Kenneth D. Helm
Hearings Official

SEE NOTICE OF HEARINGS OFFICIAL DECISION FOR STATEMENT OF APPEAL RIGHTS

Bruce Wiechert Custom Homes (Z 13-6)

17-03-19-30/00900, 04800, 04900



Change in zoning from R-1 Low Density Residential to R-2 Medium Density Residential



- C-2 Community Commercial
- GO General Office
- PL Public Land
- R-1 Low Density Residential
- R-2 Medium Density Residential

Subject Site

