



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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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/24/2014

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 017-13

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: Monday, April 07, 2014

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**  
 File No.: 017-13 (20124)  
 [17807]  
 Received: 3/17/2014

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 13-13**

Date of adoption: 3/6/14

Date sent: 3/13/2014

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): 12/10/2013

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](mailto:steve.p.ochs@ci.eugene.or.us)

Street address: 99 West 10<sup>th</sup> 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 C-1	to GO	Acres: 3.1
Change from R-1	to C-1	Acres: 1.8
Change from R-1	to GO	Acres: 3.3
Change from R-1	to R-2	Acres: 8.8

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

Overlay zone designation: SR Acres added: 8.2 Acres removed:

Location of affected property (T, R, Sec., TL and address): 17-04-14-32/03800 - Maxwell Road and North Park

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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:**

Pennington Family Trust – Z 13-13

**Applicant's Request:**

To rezone a property from R-1 Low-Density Residential and C-1 Neighborhood Commercial to combination of R-2 Medium-Density Residential, C-1 Neighborhood Commercial and GO General Office while retaining the /WR Water Resource overlay zone.

**Subject Property/Location:**

17.55 acres located south of Maxwell Road between North Park and the Maxwell Connector on Tax Lot 3800 of Tax Lot 4800 of Assessor's Map 17-04-14-32.

**Relevant Dates:**

Zone Change application submitted on November 6, 2013; application deemed complete on December 3, 2013; public hearing held on January 22, 2014, record closed on February 5, 2014.

**Applicant's Representatives:**

Richard Satre, Schirmer Satre Group (541) 686-4540

**Lead City Staff:**

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

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**Summary of the Public Hearing**

The Hearings Official held a public hearing on this application on January 22, 2014. 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's representative Rick Satre gave a brief history of the property and the reasons for the proposed zone change. He agreed with the findings of the staff report and the applicability of the WR Water Resource overlay zone. He also agreed that the SR Site Review overly should apply to the portions of the subject property zoned GO General Office and C-1 Commercial.

Several other parties testified as neutral parties, primarily asking questions about future development of the site, access issues, and transportation impacts. The Hearings Officer allowed a question and answer type discussion between the interested parties, staff and Mr. Satre. At the end of the hearing at least one participant requested that the written record remain open. That request was granted for one week until January 29, 2014. The applicant was granted until February 5, 2014 to submit at final argument. The record closed on February 5, 2014.

**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 final revised 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. No additional argument or evidence was submitted by an opposing party during the open record period.

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

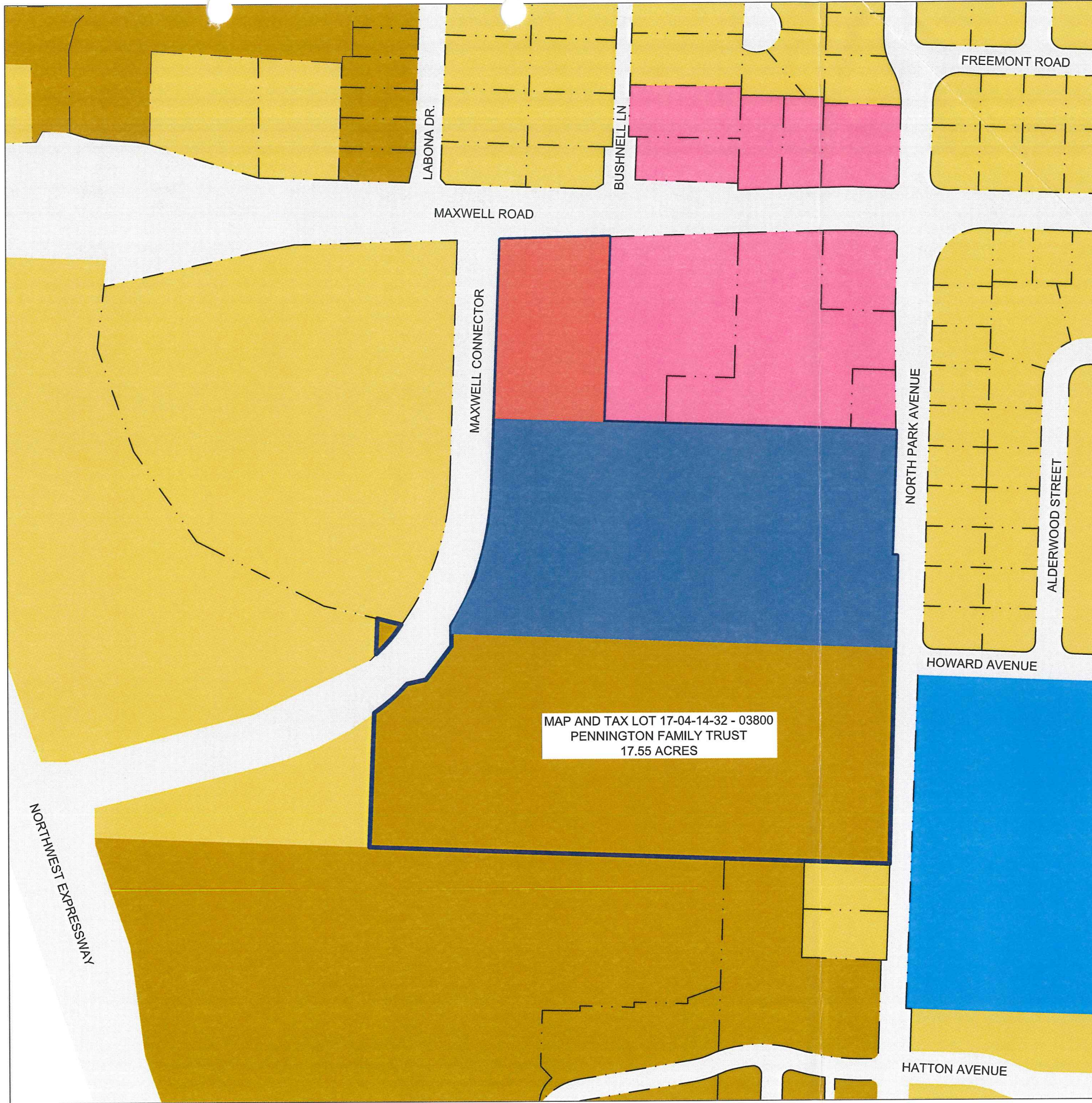
Dated this 20<sup>th</sup> day of February.

Mailed this 21 day of February.



Kenneth D. Helm  
Hearings Official

SEE NOTICE OF HEARINGS OFFICIAL DECISION FOR STATEMENT OF APPEAL RIGHTS

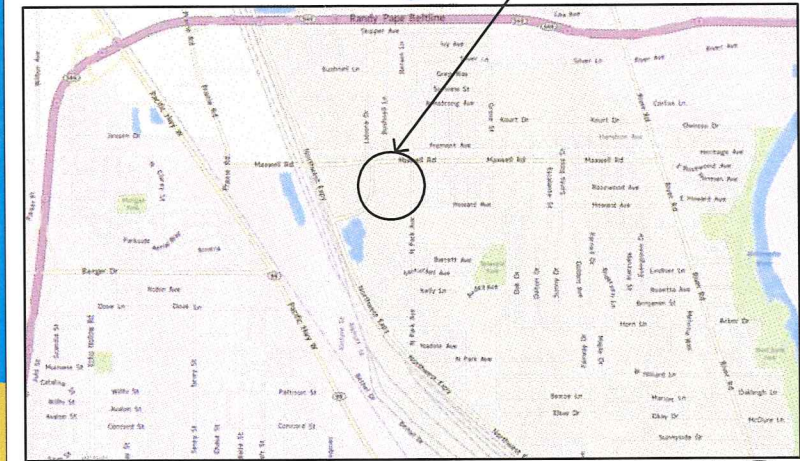


MAP AND TAX LOT 17-04-14-32 - 03800  
PENNINGTON FAMILY TRUST  
17.55 ACRES

LEGEND

- SUBJECT PROPERTY
- PROPERTY LINE
- R-1 - LOW DENISTY RESIDENTIAL
- R-2 - MEDIUM DENSITY RESIDENTIAL
- C-1 - NEIGHBORHOOD COMMERCIAL
- C-2 - COMMUNITY COMMERCIAL
- GO - GENERAL OFFICE
- PL - PUBLIC LAND
- /WR - WATER RESOURCES CONSERVATION OVERLAY ZONE

RECEIVED  
NOV - 6 2013  
CITY OF EUGENE  
PLANNING DIVISION  
SUBJECT SITE



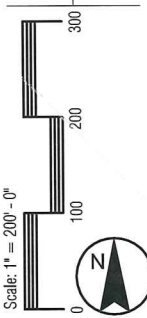
VICINITY MAP



SCHIRMER SATRE GROUP  
375 West 4th, Suite 201, Eugene, OR 97401  
Phone: 541.686.4540 Fax: 541.686.4577  
www.schirmersatre.com



SITE PLAN  
PROPOSED ZONING  
Pennington Family Trust  
Map and Tax Lot: 17-04-14-32 / 03800



Revisions	
#	Description

Project Number: 1053  
Drawn By: JH  
Checked: ms  
Date: 9/8/2013  
Phase: Zone Change

L2.0