



# Oregon

Kate Brown, Governor

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

Date: May 24, 2016  
Jurisdiction: City of Eugene  
Local file no.: Z 15-12  
DLCD file no.: 004-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/18/2016. 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 [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
File No.: 004-16 {24461}  
Received: 5/18/2016

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 15-12**

Date of adoption: 4/28/16

Date sent: 5/11/2016

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):

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): Nick Gioello, Associate Planner

Phone: 541-682-5453

E-mail: [nick.r.gioello@ci.eugene.or.us](mailto:nick.r.gioello@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 C-2	Acres: 7.67
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: /SR Acres added: Acres removed: 9.13

Location of affected property (T, R, Sec., TL and address): 1980 Echo Hollow Rd, 17-04-21-11-00100, 00200, 00300, 00400

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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**

**INTRODUCTION**

**Application File Name (Number):**

Echo Hollow Properties; LLC (Z 15-12)

**Applicant's Request:**

Zone change from C-1 Neighborhood Commercial with Site Review Overlay to C-2 Community Commercial for two lots and to remove Site Review Overlays from four lots.

**Subject Property/Location:**

Located at 1980 Echo Hollow Road. Assessor's Map 17-04-21-11, Tax Lots 100, 200, 300, and 400.

**Relevant Dates:**

Application submitted on December 22, 2015; application deemed complete on February 3, 2016; public hearing held on March 30, 2016.

**Applicant's Representative:**

Kristen Taylor of TBG Architects + Planners.

**Lead City Staff:**

Nick Gioello, Associate Planner, Eugene Planning Division.

**Summary of the Public Hearing**

The Hearings Official held a public hearing on this application on March 30, 2016. The Hearings Official stated he had no conflicts of interests, was not biased, and had no *ex parte* communications to disclose. No person objected to the Hearings Official conducting the hearing. Nick Gioello (Gioello), Associate Planner, and Gabe Flock, Senior Planner, were present for the hearing. Gioello presented the staff report at the public hearing, recommending approval of the application. Kristen Taylor spoke in favor of the application. No one testified in opposition to the application. At the conclusion of the public hearing, the Hearings Official closed the record

**FACTS**

The subject property is roughly square in shape and consists of four contiguous parcels located at the southwest corner of Barger Drive and Echo Hollow Road east of the Randy Pape Beltline. Tax Lot 100 is located at the northwest corner, is approximately .14 acres, and is zoned

C-1/SR. Tax Lot 300 is located in the northeast corner, is approximately .42 acres, and is zoned C-2/SR. Tax Lot 400 is located in the southeast corner, is approximately 1.04 acres, and is zoned C-1/SR. Tax Lot 200 consists of the rest of the subject property, is approximately 7.53 acres, and is zoned C-1/SR. The subject property is developed with a large commercial multi-tenant building along the southern portion and with three smaller commercial buildings on the northern portion. The center portion of the subject property consists of parking lots. The surrounding area is mixed with Beltline to the west, commercial uses to the north, and residential uses to the south and east. The applicant proposes to remove the Site Review overlay from all four tax lots and to rezone Tax Lots 100 and 200 from C-1 to C-2.

### **DOCUMENTS CONSIDERED BY THE HEARINGS OFFICIAL**

I have considered all of the documents in the planning file for the proposed zone change, (Z 15-12) as well as the testimony and documents provided at the public hearing.

### **ANALYSIS**

Eugene Code (EC) 9.8865 provides the criteria for approval of a zone change:

“Zone Change Approval Criteria. Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

- “(1) The proposed 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.
- “(2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.
- “(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.
- “(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone \* \* \*.
- “(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.”

**EC 9.8865(1)**

EC 9.8865(1) requires that the proposed zone change be consistent with applicable provisions of the Metro Plan. The staff report thoroughly explains why the proposed rezonings are consistent with the Metro. I adopt and incorporate the findings in the staff report in the decision. Therefore, I find that the proposed zone change is consistent with the provisions of the Metro Plan and that EC 9.8865(1) is satisfied.

**EC 9.8865(2)**

EC 9.8865(2) requires that the proposed zone change be consistent with the applicable adopted refinement plans. The applicable refinement plan for the property is the Bethel-Danebo Refinement Plan (BDRP). The staff report explains why the proposed rezonings are consistent with the BDRP. I adopt and incorporate the findings in the staff report in this decision. Therefore, EC 9.8865(2) is satisfied.

**EC 9.8865(3)**

EC 9.8865(3) requires that the uses and densities allowed by the proposed zoning 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.

Referral comments from the Public Works Department confirm that the uses and densities allowed by the C-1 and C-2 zones can be serviced through the orderly extension of key urban facilities and services. Therefore, I find that EC 9.8865(3) is satisfied.

**EC 9.8865(4)**

EC 9.8865(4) requires that the proposed zone change be consistent with certain applicable siting requirements. In this case the only potential siting requirement would be EC 9.2150, which provides:

**“Commercial Zone Siting Requirements.** In addition to the approval criteria of EC 9.8865 Zone Change Approval Criteria, the following C-1 Neighborhood Commercial siting requirements apply:

- “(1) New C-1 zones shall be located within convenient walking or bicycling distance of an adequate support population. For new C-1 areas between 41/2

and 5 acres, an adequate support population is 4,000 people (existing or planned) within an area conveniently accessible to the site.

- “(2) New C-1 areas larger than 1.5 acres shall be located on a collector or arterial street.
- “(3) Existing neighborhood commercial areas shall not be allowed to expand to greater than 1.5 acres unless the development area site abuts a collector or arterial street.”

EC 9.2150(1) is not applicable because no new C-1 zones are being proposed. EC 9.2150(2) is not applicable because no new C-1 zones are being proposed. EC 9.2150(3) is not applicable because no expansion of any C-1 zones are being proposed. Therefore, EC 9.8865(4) is satisfied.

**EC 9.8865(5)**

EC 9.8865(5) requires that certain arrangements must be made with the City when an NR Natural Resource zone is applied based on EC 9.2510(3). The proposed zone change does not include any NR Natural Resource zoning, so this criterion does not affect the application. Therefore, I find that EC 9.8865(5) is satisfied.

**Transportation Planning Rule**

Oregon Transportation Planning Rule (TPR), OAR 660-012-0060(1) provides:

- “(1) 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 facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:
  - “(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - “(b) Change standards implementing a functional classification system; or
  - “(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic

generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

“(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

“(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

“(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”

If a proposed zone change would “significantly affect an existing or planned transportation facility” then certain measures must be put in place to approve the zone change. An applicant for a zone change may avoid the analysis of OAR 660-012-0060(1) if it qualifies for an exception under OAR 660-012-0060(9), which provides:

“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 comprehensive 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 zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(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.”

The proposed rezoning of two lots from C-1 to C-2 and removing the Site Review overlay from all four lots is consistent with the existing comprehensive plan, and the amendment does not




change the comprehensive plan map. Thus, OAR 660-012-0060(9)(a) is satisfied. The City's acknowledged Transportation System Plan (TSP) is TransPlan, and the proposed zoning is consistent with the TSP. Thus, OAR 660-012-0060(9)(b) is satisfied. The subject property was not exempted from the TPR at the time of an urban growth boundary agreement. Thus, OAR 660-012-0060(9)(c) is satisfied. Therefore, the proposed zone change does not significantly affect a transportation facility for purposes of the TPR and therefore complies with the TPR.

**DECISION**

Based upon the available evidence and preceding findings, the Hearings Official APPROVES the applicant's request for a zone change from C-1 Neighborhood Commercial to C-2 Community Commercial for Tax Lots 100 and 200, and to remove the Site Review overlay from Tax Lots 100, 200, 300, and 400.

Dated this 12<sup>th</sup> day of April, 2016.

Mailed this 15 day of April 2016.



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Fred Wilson  
Hearings Official

SEE NOTICE OF HEARINGS OFFICIAL DECISION FOR STATEMENT OF APPEAL RIGHTS


# Echo Hollow Plaza (Z 15-12)

17-04-21-11/00100, 00200, 00300, 00400



Zone change of four contiguous properties to remove the Site Review Overlay (SR) zone from all four properties and convert two properties from Neighborhood Commercial (C-1) to Community Commercial (C-2) zone.



 Subject Site

