



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: April 19, 2016

Jurisdiction: City of Eugene

Local file no.: Z 15-10

DLCD file no.: 002-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/15/2016. 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 40 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



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

FOR DLCD USE

File No.: 002-16 {24237}

Received: 4/15/2016

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 15-10**

Date of adoption: 3/30/16

Date sent: 4/15/2016

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): 1/26/16

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): Erik Berg-Johansen, Assistant Planner

Phone: 541-682-5437

E-mail: erik.berg@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-3	to C-1	Acres: .57
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): 17-03-21-22/06700 - 1755 Coburg Road

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**

TENTATIVE PLANNED UNIT DEVELOPMENT AND ADJUSTMENT REVIEW

INTRODUCTION

Application File Name (Number):

Prestige Care Skilled Nursing (PDT 15-4 & ARB 16-1)

Applicant's Request:

Tentative Planned Unit Development and Adjustment Review approval for the development of a skilled nursing facility.

Subject Property/Location:

Located at 2880 Crescent Avenue east of Coburg Road near the intersection of Crescent Avenue and Suzanne Way. Assessor's Map 17-03-16-23, Tax Lot 5100.

Relevant Dates:

The Planned Unit Development application was submitted on December 29, 2015; supplemental application materials were submitted on February 3, 2016; the application was deemed complete on February 8, 2016; and a public hearing was held on March 30, 2016.

Applicant's Representative:

Jeff Reynoldson of Myhre Group Architects.

Lead City Staff:

Erik Berg-Johansen, 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. Erik Berg-Johansen (Berg-Johansen), Associate Planner, Gabe Flock, Senior Planner, and Steve Nystrom, Principal Planner, were present for the hearing. Berg-Johansen presented the staff report at the public hearing, recommending approval of the application. Raymond Clancy and Kelly Sandow spoke in favor of the application. Mike Edwards (Edwards) testified that he was neutral but was concerned about shared parking with the applicant. Kevin Merwin (Merwin) testified that he was neutral but was concerned about transients traversing the property. No one spoke in

opposition to the application. At the conclusion of the public hearing, the Hearings Official closed the record.

FACTS

The subject property is a 3.12-acre parcel zoned C-2/SR/ND – Community Commercial with Site Review and Nodal Development overlays. The property is located east of Coburg Road at the intersection of Crescent Avenue and Suzanne Way. The property is oddly shaped with a long narrow section running north south along the eastern border. The northern tip of this section has a narrow frontage on Crescent Avenue. The property has more frontage on the western boundary along Suzanne Way. Currently the property is an undeveloped field. The property is surrounded by various commercial developments, including a Parties To Go store to the southwest that has a shared parking agreement with the applicant. The applicant seeks approval of a Planned Unit Development (PUD) to develop a 106-bed skilled nursing facility. The proposed PUD includes a 4360 square foot physical therapy center on the first floor and a 2255 square foot outpatient medical clinic on the second floor. The applicant also seeks Adjustment Review approval of thirteen adjustments, many due to the odd shape of the lot.

DOCUMENTS CONSIDERED BY THE HEARINGS OFFICIAL

I have considered all of the documents in the planning file for the proposed tentative planned unit development and adjustment review, (PDT 15-4 and ARB 16-1) as well as the testimony and documents provided at the public hearing.

ANALYSIS

The staff report does a very thorough job explaining why all the numerous approval criteria are satisfied. The findings in the staff report are not challenged, and it would be a waste of the City's money and resources to review and repeat all of the unchallenged findings. Therefore, I adopt and incorporate the findings in the staff report in this decision.

Edwards, who operates the Parties To Go store to the southwest of the subject property, testified that he currently experiences parking problems and is concerned the proposed development will exacerbate those problems. There is a private joint-use access, parking, and delivery easement across the southeast portion of the subject property that benefits Parties To Go. Consistent with that easement, the proposed PUD dedicates eight parking spaces to Parties To Go. There is a proposed condition of approval which requires the PUD plans to clearly indicate: 1) all parking spaces designated as part of the existing parking agreement; 2) the location of all existing shared access

agreements; and 3) a reference to the supplemental “Easement Memo” submitted into the record on February 3, 2016. Those eight spaces are not counted towards the applicant’s parking requirements. In fact, the proposed PUD would provide more parking spaces than the minimum required by the Eugene Code PUD provisions. If anything, the proposed PUD would improve the parking situation in the area.

Merwin operates the commercial building to the east of the subject property. Apparently, a number of transients populate the area south of Merwin’s building and traverse the subject property regularly. According to Merwin, there are a number of problems associated with the transient population, including drugs, hygiene, and trash. Merwin is concerned that the proposed development would increase his problems with transients. Merwin would like a fence installed along the eastern border of the property to prevent transients from crossing from his property to the subject property. I have been pointed to no approval criteria that would require a fence, and I am not aware of anything that would allow this to be a basis for denying the applications. I tend to agree with the applicant that development of the subject property would likely improve rather than exacerbate the problem as the subject property would be developed and occupied rather than remaining as an open field that transients could use for various purposes. The applicant also stated that it would be happy to work with Merwin on the problem as the applicant also would not want a transient population using the subject property. Certain approval criteria require pedestrian access to the east, so a fence along the entire property line may be untenable, but the applicant could work with Merwin on other alternatives to alleviate the problem. In any event, this is not a basis to deny the application.

DECISION

Based upon the available evidence and preceding findings, the Hearings Official APPROVES the applicant’s request for tentative approval of a planned unit development for a skilled nursing facility and APPROVES the applicant’s request for adjustment review, with the following conditions of approval.

CONDITIONS OF APPROVAL

Public Works

1. Final PUD plans shall be modified to remove the detention system if the applicant demonstrates the receiving system has the capacity to accommodate runoff from the development without detention.
2. Final PUD plans shall be modified to show that the future solid waste storage area will

comply with all applicable Source Control standards in the Stormwater Management Manual, including hydraulic isolation and connection to the private wastewater system.

3. Final PUD plans shall include the note: “Onsite stormwater management facilities will be privately owned and operated. An operation and maintenance plan will be developed consistent with the City’s Stormwater Management Manual, and notice of this plan will be recorded during the building permit process.”
4. Final PUD plans shall provide additional details regarding the proposed benches (including exact number of seats proposed and a manufacturer’s detail sheet of the selected furniture). One or more of the following additional pedestrian amenities shall also be implemented within the northeastern pedestrian area: textured paving, covered trellis, drinking fountain, and public art. Details of this amenity shall be included in the Final PUD plans.
5. The pedestrian path that crosses the northern access driveway shall be constructed of colored brick pavers or other textured and high contrast material that will increase safety of the crossing. This change shall be noted on the Final PUD plans.
6. Final PUD plans shall indicate all pedestrian paths will be constructed of concrete or a comparable hard surface material.
7. Final PUD plans shall clearly indicate: 1) all parking spaces designated as part of the existing parking agreement; 2) the location of all existing shared access easements; and 3) a reference to the supplemental “Easement Memo” submitted February 3, 2016.

Dated this 14th day of April, 2016.

Mailed this ____ day of April 2016.



Fred Wilson
Hearings Official

SEE NOTICE OF HEARINGS OFFICIAL DECISION FOR STATEMENT OF APPEAL RIGHTS

Coburg Place (Z 15-10)

17-03-21-22/06700



Change in zoning from R-3 Limited High Density Residential and C-2 Community Commercial to C-1 Neighborhood Commercial and C-2 Community Commercial.



Current Zoning

- C-1 Neighborhood Commercial
- C-2 Community Commercial
- ⊗ GO General Office
- ▤ R-1 Low-Density Residential
- ▥ R-2 Medium-Density Residential
- ▧ R-3 Limited High-Density Residential



Subject Site

