

Jefferson Westside Neighbors

A City-Chartered Neighborhood Association

www.jwneugene.org

September 6, 2011

Eugene Planning Commission
99 W. 10th Ave.
Eugene, OR 97401

RE: Looking Glass School Zone Change (Z 11-3)

Dear Commissioners,

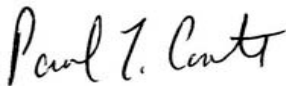
All members of the **Jefferson Westside Neighbors** (JWN) Executive Board have reviewed and approve of the attached “Draft Final Order, Findings, and Conclusions of the Eugene Planning Commission: Looking Glass School (Z 11-3)” dated September 6, 2011.

Throughout this zone change approval process, the JWN board has consistently expressed support for Looking Glass’s desire to operate their school at the subject site, and we would be pleased to welcome the school as a new neighbor under the two zone change conditions specified on page two of the draft final order.

Based on policies in the *1987 Westside Neighborhood Plan* (WNP), and the views expressed by JWN members who reside or own property near the subject site, the board has also consistently opposed any future use of the property that would threaten or diminish the safety, stability, livability or positive qualities of the adjacent and nearby residential areas. The two zone change conditions specified on page two of the draft final order adequately comply with the WNP policies.

Thank you for your consideration.

Sincerely,



Paul Conte, Chair
1461 W. 10th Ave.
Chair@jwneugene.org 541.344.2552

2011-2012 Executive Board

Paul Conte, Chair; Stephen Heider, Vice Chair

Kirsten Kelso, Treasurer; Emma Stocker, Secretary; Sue Cummings; Tiffany Petry; Angie Towle

**DRAFT FINAL ORDER, FINDINGS, AND CONCLUSIONS
OF THE EUGENE PLANNING COMMISSION:
LOOKING GLASS SCHOOL (Z 11-3)**



I. INTRODUCTION

The Eugene Hearings Official held a public hearing for the subject zone change application on July 13, 2011. After an open record period to allow additional testimony following the public hearing, the Hearings Official issued a decision approving the request on August 4, 2011. On August 16, 2011, an appeal of the Hearings Official's decision was filed by Paul Conte on behalf of the Jefferson Westside Neighbors (JWN).

In accordance with EC 9.7655(1), the City mailed written notice of the appeal hearing to the applicant, the appellant, the Jefferson Westside Neighbors (JWN), all persons who submitted written comments in regard to the original application, and all persons who requested notice. The written notice included the required elements set forth in EC 9.7655(2).

The Planning Commission held a public hearing on this appeal on September 6, 2011. At the public hearing, the appellant and applicant provided testimony regarding settlement of the appeal which is included in the record. On September 6, 2011 after the public hearing and record was closed, the Planning Commission deliberated before taking final action on the appeal. The appeal is based on the record and comprised of 3 assignments of error with respect to the applicable zone change approval criteria at EC 9.8865(1) and (2). As described below, the Planning Commission affirms and modifies the Hearings Official's decision to include conditions of zone change approval that satisfy the applicable criteria in this instance.

II. APPLICABLE ZONE CHANGE APPROVAL CRITERIA

Compliance with the zone change approval criteria at EC 9.8865(1) and (2) are raised in the appellant's assignments of error on appeal. Those relevant criteria are listed below, for reference.

EC 9.8865: 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.**

III. ADDITIONAL FINDINGS AND MODIFIED ZONE CHANGE APPROVAL

After consideration of all testimony and evidence in the record, the Planning Commission modifies the Hearings Official's decision as provided below.

Based testimony received at the September 6, 2011 public hearing reflecting agreement between the applicant and appellant, the Planning Commission hereby modifies the Hearings Official's decision to include the following conditions of approval:

- 1. The site, while zoned C-2 Community Commercial, may be occupied only by Looking Glass School. Upon the City's receipt of actual notice that Looking Glass School no longer occupies the site (either as a tenant or an owner), the City shall send notice to the City and County Recorder of the site's reversion back to the GO General Commercial zone.**
- 2. Looking Glass School or the property owner shall mail notice to the City's Planning Director at least 60 days prior to its termination of occupancy (either as a tenant or an owner), with a copy of the Planning Commission's final order attached.**

The Planning Commission otherwise affirms the Hearings Official's decision to approve the requested zone change.

IV. CONCLUSION

The Eugene Planning Commission has reviewed the record, and has voted to modify the decision of the Hearings Official to conditionally approve the zone change for Looking Glass School (Z 11-3), as provided above, in Section III of this Final Order.

The foregoing findings and conclusions are adopted as the Final Order of the Eugene Planning Commission, for Looking Glass School (Z 11-3), this 6th day of September, 2011.

Jeff Mills, Chair
Eugene Planning Commission