



Legislation Text

File #: PC 18-078, **Version:** 1

Remand of Land Use Board of Appeals Court Decision for Planning Files PZ 15-01: Comprehensive Plan Amendment and ZC 15-03: Zone Change Located near Beaver Creek Road and Highway 213 (Tentative Decision)

RECOMMENDED ACTION (Motion):

Closure of the record and a tentative recommendation of approval for files PZ 15-01 and ZC 15-03 for the limited purpose of argument and evidence related to the LUBA remand for Goal 5 with a continuation of files PZ 15-01 and ZC 15-03 for adoption of final findings.

BACKGROUND:

The City approved Planning files PZ 15-01: Comprehensive Plan Amendment and ZC 15-03: Zone Change to amend the Comprehensive Plan Map from Low Density Residential and Medium Density Residential to "MUC" Mixed Use Corridor and a Zone Change from "R-3.5" Dwelling District, "R-6" Single-Family Dwelling District and "R-10" Single-Family Dwelling District to "MUC-2" Mixed-Use Corridor 2 for properties located near the northeast corner of Highway 213 and Beaver Creek Road. The City's approval was appealed to the Land Use Board of Appeals (LUBA) whom remanded the decision back to the City for additional findings relating to Goal 5: Natural Resources. LUBA determined that the City must determine if the new uses allowed by the application could conflict with the Goal 5 resources and if the new uses would result in increased volume and velocity of stormwater or the possibility of increased levels of contaminants.

The LUBA decision was subsequently appealed to the court of Appeals whom affirmed LUBA's decision, and the State Supreme Court whom declined to hear the case. The City Commission then remanded the application to the Planning Commission to hold a public hearing limited to the remand issues. The record is open. All parties have an opportunity to submit argument and additional evidence limited to the Goal 5 issues on remand before the Planning Commission until the record is closed.