



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

04/15/2014

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 001-12

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: Friday, May 02, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. 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.: 001-12 (19204)  
               [17837]  
 Received: 4/11/2014

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 11-5**

Date of adoption: 3/27/12

Date sent: 4/11/2014

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): No  
 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, Associate Planner

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 C-2	Acres: .46
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: .46 Acres removed:

Location of affected property (T, R, Sec., TL and address): 925 River Road, 17-04-24-24/07701 & 07800

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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 (Numbers):**

W. Dickinson Properties (Z 11-5)

**Applicant's Request:**

Zone change from C-1 Neighborhood Commercial to C-2 Community Commercial.

**Subject Property/Location:**

Tax Lots 7800 and 7701 of Lane County Assessor's Map 17-04-24-24; Located at 925 River Road on the east side of River Road between Oakleigh Lane and McClure Lane.

**Relevant Dates:**

Zone Change application submitted on November 23, 2012; application deemed complete on January 27, 2012; public hearing date scheduled for March 14, 2012.

**Applicant's Representative:**

Richard Satre, Schirmer Satre Group (541) 686-4577

**Lead City Staff:**

Steve Ochs, Associate Planner, Eugene Planning Division, Phone: (541) 682-5453.

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**Summary of the Public Hearing**

The hearings official held a public hearing on this application on March 14, 2012. 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.

Steve Ochs, Associate Planner, Becky Taylor, Associate Planner, and Gabe Flock, Senior Planner, were present for the hearing. Mr. Ochs presented the staff report. Staff recommended approval of the application. Richard Satre, Schirmer-Satre Group, representing the applicant spoke at the hearing and stated that he concurred with the staff's recommendation. No other person spoke at the hearing. The hearings official closed the hearing.

**Site Characteristics and Present Request:**

The applicant proposes a zone change from C-1 Neighborhood Commercial to C-2 Community Commercial for the 0.46 acre subject property comprised of Tax Lots 7800 and 7701 on Lane County Assessor's Map 17-04-24-24.

Tax Lot 7800, which fronts on River Road, is currently developed with a 2,680 square foot commercial building and associated parking, and has most recently been used as a retail/gift shop. Tax Lot 7701 is located east of Tax Lot 7800, has driveway access through Tax Lot 7800 and is currently vacant.

The subject parcels were recently annexed (see City File A 11-1); they are located in a commercial strip along River Road that includes a combination of C-1 Neighborhood Commercial and C-2 Community Commercial zoned properties to the north and south. These properties are generally developed with retail and restaurant uses. To the east, the properties abut an R-1 Low-Density Residential zoned area developed with single-family residences. To the west, across River Road, which is a major arterial, the area is also zoned R-1 and primarily developed with single-family homes.

#### **Documents Considered by the Hearings Official**

Staff Report and Attachment A - vicinity map with zoning (March 2012)

Branch Engineering, Technical Memorandum (Mar. 1, 2012)

Letter from Steve Ochs to Richard Satre (Feb. 2, 2012).

Schirmer-Satre Group Transmittal Form (Nov. 23, 2011)

Letter from Steve Ochs to Richard Satre with attached completeness review checklists and step sheet (Nov. 17, 2011)

Zone Change Application and written statement and attachments (dated Oct. 14, 2011, stamped rec'd Nov. 23, 2011)

Zone Change Application and written statement with attachments (dated Oct. 14, 2011, stamped rec'd Oct. 18, 2011)

Referral comments from Public Works via email from Deanna Kreger (Nov. 3, 2011)

Public Hearing Notice Mailing List (Feb. 13, 2012)

DLCD Form 1 Notice of Proposed Amendment (mailed Feb. 27, 2012)

Referrals for Z 11-5 (undated)

Copy of Resolution No. 5052 (Jan. 23, 2012) with attached annexation file materials

Planning Commission decision for Z 06-3

Hearings Official decisions for Z 07-18 and Z 08-3

#### **Evaluation of Zone Change Request**

The Eugene Code, EC 9.7330 and 9.8865, requires the Hearings Official to review an application for a zone change and consider pertinent evidence and testimony as to whether the proposed change is consistent with the criteria required for approval, shown below in **bold typeface**.

**EC 9.8865(1): The proposed zone 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.**

The Metro Plan land use diagram depicts a commercial designation in the area of the subject property, with a low-density residential designation to the east. The properties along River Road are clearly designated commercial, but the lack of physical referents and the scale of the diagram

make it difficult to determine with certainty where the boundary occurs between the commercial and residential area to the east, in relation to the subject property. The Metro Plan (Page II-G-2) indicates that land use designations shown on the diagram are depicted at a metropolitan scale. It is to be used with text and local plans and policies in providing direction for local decision making, such as the requested zone change. In the absence of more specificity such as clear physical referents on the Metro Plan land use diagram, further interpretation based upon analysis of the applicable refinement plan is required. The more detailed subarea plan diagram and text of the River Road Santa Clara Urban Facilities Plan (RRSC) are discussed below under the approval criterion at EC 9.8865(2).

The applicant did not address any Metro Plan policies in the application materials; however, there are several policies that appear relevant and provide general support for the requested zone change:

#### Economic Element

*B.2 Encourage economic development, which utilizes local and imported capital, entrepreneurial skills, and the resident labor force.*

*B.11 Encourage economic activities, which strengthen the metropolitan area's position as a regional distribution, trade, health and service center.*

*B.29 Encourage the expansion or redevelopment of existing neighborhood commercial facilities as surrounding residential densities increase or as the characteristics of the support population change.*

As noted by the applicant, the intent of this re-zone is to allow a commercial use to move into an existing vacant commercial building. The proposed C-2 zoning allows for a greater range of economic activities than the existing C-1 zone, which can generally encourage economic development consistent with these policies.

#### Transportation Element

*F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.*

River Road is well served with two bus routes providing transit service, consistent with this policy.

The proposed zone change is consistent with the Metro Plan.

**EC 9.8865(2): The proposed change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.**

The applicable adopted refinement plan for the area of the proposed zone change is the River Road Santa Clara Urban Facilities Plan (RRSC). As stated in the refinement plan, its land use diagram along with policies and suggested actions is intended to provide a more detailed guide to future land use than shown on the Metro Plan land use diagram. The RRSC plan also includes subarea maps showing the land use designations and recommendations relating to each, which is discussed further below.

The land use diagram found on page 2-3 of the RRSC plan appears to designate the area of the subject parcels along River Road for commercial use, which is consistent with the Metro Plan diagram. However, the RRSC diagram does not clearly delineate the boundary between commercial and residential use designations as it relates to the eastern edge of the subject property. The subject parcels are also located in the RRSC's subarea c. River Road/Hilliard, which includes a somewhat more specific land use diagram and description, as well as recommendations regarding the specific subarea. The subarea diagram does provide a closer view of the land use designations in the area of the subject property than the Metro Plan diagram, but the diagram is not parcel specific (nor to scale) and therefore, still requires some degree of interpretation.

The applicant's written statement on page 5 notes the following:

- The Metro Plan and RRSC land use diagram (as well as subarea) diagram are "Diagrammatic" and not tax lot specific. Therefore the "edges" of the ambiguous areas must rely on additional information for a conclusive determination.
- Tax Lot 7701 currently has a zoning designation of C-1 Neighborhood Commercial
- The Tax Lots directly to the south of the proposed zone change are also C-1 Neighborhood Commercial
- The River Road/Hilliard subarea description in the RRSC (page 2-24) notes that "This subarea is characterized by strip commercial uses and contains several non-conforming uses. A 200-foot strip along both east and west River Road has been zoned for commercial use." If this were the case, Tax Lots 7800 and 7701 would have portions that fall outside of the 200 foot strip.
- Recommendation on RRSC (page 2-26) states to rezone small split zone tax lots to their most intensive use.
- Therefore, Tax Lot 7701 should be considered as having a commercial designation.

Staff noted that the subarea's "200 foot description" speaks only to existing zoning conditions at the time of the refinement plan adoption, and therefore does not necessarily support future rezoning based on that language. Additionally, while the subarea recommendation may describe the intent of having split-zoned lots rezoned to their most intensive use, the subject tax lots are not currently split-zoned, so this RRSC recommendation does not apply or provide any support for the request as suggested by the applicant.

Nonetheless, based on the RRSC's subarea c. River Road/Hilliard diagram, it appears as if the area included in the request can reasonably be interpreted to be designated for commercial use. While the subarea diagram is not entirely clear, there appears to be no other plan text providing more guidance in this case, nor any evidence or argument to the contrary.

General Land Use Policy 1.0 (RRSC page 2-7) states:

*1.0 Minimize land use conflicts by promoting compatibility between land uses, especially among residential, commercial-industrial, and commercial-agricultural uses.*

The direction of potential land use conflicts is towards the east where the proposed C-2 Community Commercial zoning would abut low-density residential uses. To ensure consistency with this policy, as well as Commercial and Industrial Land Use Policies 1.0 and 2.0 noted below, the addition of a site review (/SR) overlay is warranted. There are past zone change decisions in the area (subject to these same RRSC policies) which provide precedence for the /SR overlay being used to ensure compatibility (see Z 06-3, Z 07-18 and Z 08-3). In these past zone changes, the /SR overlay was proposed or otherwise required to address compatibility and other RRSC policies.

In the first of these three zone changes in 2006 (Z 06-3), on appeal, the Eugene Planning Commission concluded that the application of the /SR overlay ensures that future commercial development and redevelopment (either C-1 or C-2) will be compatible with adjacent residential uses. The Planning Commission noted that "[i]f site review is sufficient to ameliorate the impacts generated by C-2 uses, it is sufficient to ameliorate the impacts generated by C-1 uses." This same reasoning was applied by the Hearings Official in approving two subsequent zone changes (Z 07-18 and Z 08-3) that relied on the /SR overlay to address these policies.

No person has provided argument to the hearings official suggesting that the city's prior reasoning and practice for ensuring compliance with this policy is incorrect as a matter of law or inappropriate for the purpose of this zone change. Hence, the hearings official concludes the /SR designation is the appropriate zoning mechanism to minimize conflicts between residential and commercial uses consistent with this policy.

General Land Use Policy 2.0 (RRSC page 2-7) states:

*2.0 Adopt zoning that is consistent with the land use diagram and policies contained in the land use element of the Urban Facilities Plan.*

The findings above regarding consistency with the land use diagram are incorporated herein by reference, along with the findings of compliance with other policies in the RRSC, to show that the proposed C-2 zoning is consistent with this policy.

Commercial and Industrial Land Use Policies 1.0 and 2.0 (RRSC page 2-18) state:



*1.0 Maintain and enhance the compatibility of adjacent land uses through the use of appropriate buffering mechanisms, such as landscaping standards.*

*2.0 Require site plan reviews for all new commercial and industrial developments.*

The applicant asserts that no new commercial development is proposed as part of this application, therefore the application of the site review overlay is not required. While no new development is proposed as part of the zone change, the portion of the site closest to the low-density residences to the east is currently vacant. The addition of the /SR overlay will ensure that site review will be required for new development and future redevelopment, if triggered by the code. As an informational item, current code requires site review for new development of vacant sites (excluding the expansion of parking areas) and expansion of 20 percent or more of the total existing building square footage on the development site (see site review applicability provisions at EC 9.8430). Application of the /SR overlay is also necessary as part of the zone change request, as the last reasonable opportunity to ensure consistency with the refinement plan policies prior to future development.

As noted previously, the addition of the /SR overlay is also consistent with prior zone change approvals for commercial properties in the River Road-Santa Clara area subject to these same RRSC policies. With addition of the /SR overlay, the proposal is consistent with these policies.

Commercial and Industrial Land Use Policy 3.0 (page 2-18) states:

*3.0 Prohibit the linear expansion of existing strip commercial areas fronting on River Road. Existing strip commercial development may expand by infilling, redevelopment, or expansion onto contiguous property that does not front on River Road.*

The applicant notes that the proposal does not result in the expansion of strip commercial areas on River Road since it is already zoned C-1 Neighborhood Commercial. Tax Lot 7800 which fronts on River Road is zoned C-1 and is currently developed with a commercial building fronting on River Road. This zone change will expand the range and intensity of commercial uses permitted, but is not expanding the existing strip commercial area fronting River Road to the north or south. Any future development will be by infilling, redevelopment or expansion onto contiguous property (i.e. the vacant, easterly subject parcel), consistent with this policy. The other property involved in the zone change, Tax Lot 7701 is also zoned C-1 and does not front on River Road. Thus, the proposed rezoning does not involve any linear expansion of an existing strip commercial area along River Road as prohibited by this policy.

Commercial and Industrial Land Use Policy 4.0 (page 2-18) states:

*4.0 Provide for buffering and traffic control for existing development that fronts River Road (to minimize conflicts with surrounding residential development.)*

Future development and any proposed use generating over 100 peak hour trips would further be

required to comply with Traffic Impact Analysis (TIA) provisions. The addition of the /SR overlay will address compatibility with surrounding properties. To the extent that this policy can be addressed as part of the zone change, future development will need to meet Site Review and TIA standards when applicable, which will address buffering and traffic for the development site.

Commercial and Industrial Land Use Policy 5.0 (page 2-18) states:

*5.0 Minimize impacts of new commercial development intended to consolidate and improve existing strip commercial areas along River Road by requiring development standards.*

Any future development would be subject to all applicable commercial development standards. The development of vacant areas included in this zone change and/or redevelopment of the existing buildings will need to meet all required development standards which could include criteria applied through the site review process.

Commercial and Industrial Land Use Policies 6.0 and 7.0 are not applicable to this application, since they address neighborhood commercial developments, not a proposed rezoning to C-2, Community Commercial, as is proposed in this application.

The proposed zone change is consistent with the River Road Santa Clara Urban Facilities Plan, the applicable refinement plan.

**EC 9.8865(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.**

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 on a district-wide basis (see Metro Plan page V-3). As confirmed by referral comments from Public Works staff and determined at the time of the annexation (see City file A 11-1), the minimum level of key urban facilities and services are currently available.

An 8-inch public wastewater line is within River Road, adjacent to this site. Sewer connection records (#48100) indicate a connection to the public system within River Road. There are public stormwater lines within River Road, owned and maintained by the City in this location. As an informational item, future development of the property may require the applicant to submit a feasible stormwater proposal and demonstrate that all applicable stormwater management standards have been met, including establishing capacity of the receiving system, pre-treating impervious areas prior to discharge, and possibly oil and source controls, depending on proposed development.

For transportation purposes, the properties will most likely take access from the existing driveway connection to River Road. This segment of River Road is a major arterial with an existing right-of-

way width of at least 100 feet, which is the minimum standard for this classification. As an informational item, Public Works staff notes that this property may be within an intersection influence area where the number, width and location of access connections (and other design issues) are managed through the standards at EC 7.408 through 7.445.

Given the above findings, all key urban services are currently available, or can be extended in an orderly manner to the subject property. The proposal complies with this criterion.

**EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:**

**(f) EC 9.2150 Commercial Zone Siting Requirements.**

The commercial zone siting requirements referred to in EC 9.2150 pertain to the establishment of C-1 and C-4 zoning. The requested zone is C-2; therefore the siting requirements are inapplicable in this case.

**EC 9.8865(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.**

The proposed zone change does not include the NR zone.; this criterion does not apply.

#### **Transportation Planning Rule**

The Transportation Planning Rule (TPR) (OAR 660-012-0060(1)) applies to zone change applications. LCDC adopted amendments to the TPR on December 9, 2011, which became effective January 1, 2012. This zone change application was submitted on October 18, 2011 and is therefore subject to the state regulations in effect prior to these recently adopted revisions.

TPR requires additional analysis to determine if the proposed zone change would significantly affect an existing or planned transportation facility, as defined in OAR 660-012-0060(1). The first question is to determine whether the proposed zone change would "significantly affect" an existing or planned transportation facility.

A significant affect to the transportation facility occurs when:

- There is a change to the functional classification of an existing planned transportation facility;
- There is a change to the standards implementing a functional classification system; or,
- As measured at the end of the planning period (2027), if the change:
  - allows levels of travel inconsistent with the classification of the street
  - reduces the performance of an existing facility below minimum acceptable levels
  - worsens the performance of the existing system that is otherwise projected to

perform below the projected performance standard.

If the answer to any of the above is yes, then the TPR applies and further consideration is required. If the answer is no, then no further consideration is required.

In order to determine significant affect, a worst-case scenario for the existing zoning and proposed zoning must be prepared. The applicant submitted a memorandum from Branch Engineering, Inc. dated October 14, 2011 regarding trip generation to address TPR. The applicant subsequently provided a revised memorandum on March 1, 2012. The analysis provides a worst-case scenario under existing and proposed zoning, which concludes that the proposed zone change from C-1 Neighborhood Commercial to C-2 Community Commercial will not significantly affect the transportation system.

**Net Effect Trip Generation**

The applicant's analysis, which includes a "worst-case trip generation potential table" found on page 3 of the March 1, 2012 memorandum, concludes that the proposed change in zoning would not increase the trip generation potential of the site based on comparison of worst-case development scenarios which is summarized in the table below. As the worst-case scenario trip generation use of a 24-hour convenience store is permitted in both the existing and proposed zone, there is no difference in trips between the two scenarios. A comparison of these scenarios is represented in the following table.

<b>Zoning</b>	<b>Permitted Use / Worst-Case Traffic Generation</b>	<b>Traffic Generation / Total PM Peak Trips</b>
Existing C-1	Convenience Store (ITE 851)	140
Proposed C-2	Convenience Store (ITE 851)	140
<b>Total Difference</b>		0

At the hearing, staff described how the site characteristics (principally size and configuration) of the subject property make a convenience store the reasonable worst-case scenario in both the C-1 and C-2 zones. This is not always the case. Each zone change application will be evaluated to determine reasonable worst-case traffic generation.

This zone change does not implicate the changing of the functional classification of an existing or planned transportation facility, or the changing of standards implementing a functional classification system. Additionally, as no new trips will be generated based on the applicant's worst-case analysis, levels of travel will remain consistent with the street classification, and performance of the existing facilities and system will not be reduced or worsen.

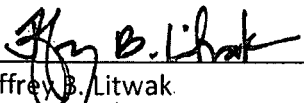
Therefore, the proposed change in zone results in no significant effect on any planned or existing facilities under OAR 660-012-0060(1)(a), (b) or (c) and, therefore, OAR 660-012-0060(2) is inapplicable in this instance and no further analysis is required.

**Decision**

Based upon the available evidence, preceding findings, the Hearings Official APPROVES the applicant's request for a zone change from C-1 Neighborhood Commercial to C-2 Community Commercial, with the addition of an /SR Site Review overlay to ensure compliance with applicable refinement plan policies.

Dated this 26 day of March 2012.

Mailed this 27 day of March 2012.

  
\_\_\_\_\_  
Jeffrey B. Litwak  
Hearings Official

SEE NOTICE OF HEARINGS OFFICIAL DECISION FOR STATEMENT OF APPEAL RIGHTS






# W. Dickinson Properties (Z 11-5) 17-04-24-24/07701 & 07800



Change of zoning from C-1 Neighborhood Commercial  
to C-2 Community Commercial



## Zoning

-  Neighborhood Commercial
-  Community Commercial
-  General Office
-  Low Density Residential
-  Subject Site

