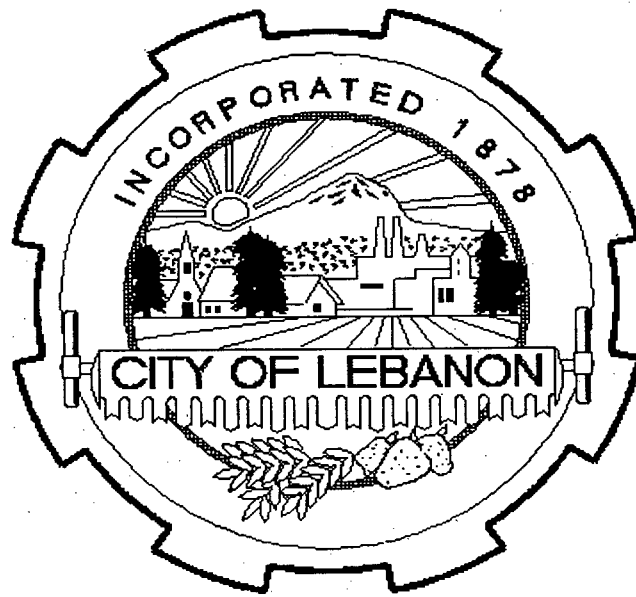


Council Agenda



November 13, 2002

7:30 p.m.

**CITY COUNCIL MEETING
November 13, 2002
7:30 p.m.**

School District Board Room
485 S. 5th Street

AGENDA

CALL TO ORDER/FLAG SALUTE

ROLL CALL

CONSENT CALENDER

a) MEETING MINUTES:

- ◆ City Council Meeting Minutes – October 23, 2002
- ◆ City Council Work Session Minutes – October 23, 2002

PUBLIC HEARINGS

- 1) LIQUOR LICENSE APPLICATION – Tobacco World, Inc.
Presented by: Mr. Mike Healy, Policy Chief
- 2) COMPREHENSIVE PLAN TEXT AMENDMENT (CPTA-02-01)
Presented by: Mr. Terry Lewis, Assistant City Planner
- 3) COMPREHENSIVE PLAN MAP AMENDMENT (CPMA-02-01)
Presented by: Mr. Terry Lewis, Assistant City Planner
- 4) REQUEST FOR ANNEXATION (A-02-04) - Wal-Mart
Presented by: Mr. Terry Lewis, Assistant City Planner

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time.*

ITEMS FROM COUNCIL MEMBERS

ADJOURNMENT

Consent Calendar

a) MEETING MINUTES:

- ◆ City Council Meeting Minutes – October 23, 2002
- ◆ City Council Work Session Minutes – October 23, 2002

**MINUTES
LEBANON CITY COUNCIL MEETING**

October 23, 2002

Members Present: Mayor Scott Simpson, Councilors Mel Harrington, Ron Miller, Roger Munk, Dan Thackaberry, Ken Toombs and Stan Usinger

Staff Present: City Administrator John Hitt, City Attorney Tom McHill, Finance Director Casey Cole, Police Chief Mike Healy, Public Works Director Ruef, City Engineer Dannen, Maintenance Division Manager Rod Sell and Administrative Assistant Linda Kaser

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Mayor Simpson called the regular session of the Lebanon City Council to order at 7:30 p.m. in the Lebanon School District Board Room at 485 S. 5th Street. All members were present.

CONSENT CALENDER

a) MEETING MINUTES:

- ◆ City Council Meeting Minutes – October 9, 2002
- ◆ City Council Work Session Minutes – October 9, 2002
- ◆ Library Advisory Board Meeting Minutes – September 11, 2002
- ◆ Planning Commission Meeting Minutes – September 18, 2002
- ◆ Senior Advisory Board Meeting Minutes – September 18, 2002

b) EASEMENT FOR PUBLIC ACCESS AND UTILITIES:

- ◆ Lebanon School District No. 9

c) STREET DISPLAY REQUEST – Grand Opening @ 661 Main St., November 15 & 16.

d) ACCEPTANCE OF AMENDED PC MINUTES - September 18, 2002.

Mayor Simpson added items "C" and "D" to the consent calendar.

A motion was made by Councilor Toombs, seconded by Councilor Usinger and passed unanimously that the *Consent Calendar of October 23, 2002* be approved as amended.

APPOINTMENTS

LIBRARY ADVISORY BOARD APPOINTMENTS

A motion was made by Councilor Munk, seconded by Councilor Usinger and passed unanimously to appoint Nancy Eaton and Glenda Claborn to the Library Advisory Board.

PRESENTATION

LMS MASTER PLAN (Report on Open House)

Mr. Seder gave a report on the recent Open House held at LBCC. The proposed master plan of the new City Hall facilities: Administration, Finance, Library, Courts, Police Department, Public Works and Senior Center to be located on the old Lebanon Middle School and Santiam School sites was on display. The feedback received from the public was very positive.

After discussing the possible addition and location of an Aquatic Center to one of the sites, Council asked Mr. Seder to bring back several different drawings incorporating the Aquatic Center to the *Santiam site* along with the Courts and Police Departments. The new drawings will be discussed at the December 11 Council Meeting.

LEGISLATIVE SESSION

1) PROPOSED AMENDMENT TO SIDEWALK ORDINANCES (SKATEBOARDS)

Maintenance Division Manager Rod Sell discussed the damage to sidewalks, gazebos and picnic tables due to skateboarders. The proposed ordinance amendments will protect the parks and enable the Police Department to better enforce.

Section, 10.04.010

Mr. Sell stated the only thing added to the following ordinance is "A" a definition of "Alley". Councilor Usinger was concerned about definition "B" being interpreted for wheelchairs. The intent of this definition is to only cover tandem wheeled devices. Therefore, wheelchairs are not included in this definition.

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE AMENDING SECTION 10.04.010. DEFINITIONS, OF THE LEBANON MUNICIPAL CODE.

A motion was made by Councilor Miller, seconded by Councilor Usinger and passed unanimously by roll call that ***A BILL FOR AN ORDINANCE AMENDING SECTION 10.04.010 DEFINITIONS, OF THE LEBANON MUNICIPAL CODE be adopted.***

Section, 10.44.100

Councilor Harrington would like to see the boundaries (sited in Section 10.44.100, numbers 1, 2, 3, and 8) extended to Rose Street instead of Vine due to the businesses in those areas. Public Works Director Ruef suggested bringing drawings back to Council to get a clearer picture of the boundaries.

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.100, SIDEWALK RIDING PROHIBITED WHERE, OF THE LEBANON MUNICIPAL CODE.

A motion was made by Councilor Thackaberry, seconded by Councilor Toombs and passed unanimously by roll call that **A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.100 SIDEWALK RIDING PROHIBITED WHERE, OF THE LEBANON MUNICIPAL CODE be adopted. The boundaries may be extended, thereby amending the ordinance, at a later date.**

Chapter 12.12

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.12 OF THE LEBANON MUNICIPAL CODE, ADDING A NEW SECTION PROHIBITING OPERATION OF BYCYCLES, SCOOTERS, ROLLERSKATES, OR OTHER WHEELED VEHICLES IN AREAS OF CITY PARKS.

A motion was made by Councilor Toombs, seconded by Councilor Thackaberry and passed unanimously by roll call that **A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.12 OF THE LEBANON MUNICIPAL CODE, ADDING A NEW SECTION PROHIBITING OPERATION OF BYCYCLES, SCOOTERS, ROLLERSKATES, OR OTHER WHEELED VEHICLES IN AREAS OF CITY PARKS be adopted.**

Section 12.12.015

The amendment to the following Ordinance is the addition of the definition of "Skateboard".

City Attorney McHill read the following Ordinance by title:

A BILL FOR AN ORDINANCE AMENDING SECTION 12.12.015. DEFINITIONS, OF THE LEBANON MUNICIPAL CODE.

A motion was made by Councilor Munk, seconded by Councilor Thackaberry and passed unanimously by roll call that **A BILL FOR AN ORDINANCE AMENDING SECTION 12.12.015. DEFINITIONS, OF THE LEBANON MUNICIPAL CODE, be adopted.**

2) CITY/CHAMBER AGREEMENT

City Administrator Hitt presented the proposed Chamber of Commerce and City of Lebanon Agreement for tourism services the Chamber has agreed to provide the City. This agreement differs from the previous (expired) agreement in that the proposed agreement calls for reimbursement of actual expenses incurred by the Chamber in fulfilling the agreement, the Chamber is required to submit documentation to verify that the \$500 monthly allocation was spent in tourism promotion activities only, and the Chamber's reimbursable expenses are limited to the "dissemination of information" about tourist, tourism and recreational facilities and activities.

Mr. Hitt read Item 7 of the agreement and further explained it for clarification.

Councilor Harrington asked for the removal of Item 7. Councilor Toombs stated he would like to give the Chamber the latitude of asking for more funds if needed for special events or emergencies. Councilor Toombs addressed the safeguards in place for Council and the LTC to approve/disapprove any additional funds. Councilor Miller added that the Chamber might need to order supplies one month that would put them over the allotted \$500.

Mayor Simpson asked for clarification regarding Item 7 the phrase "not to exceed \$500/mth". City Administrator Hitt stated if the Chamber provides receipts for less they would be reimbursed for less.

A motion was made by Councilor Harrington, seconded by Councilor Thackaberry, and passed unanimously to amend Page 3, Section "F", of the agreement changing "180" to "90 days", reducing the required termination notification.

A motion was made by Councilor Harrington to delete the last two sentences of Item 7, beginning with . . . However, in the event The motion died for lack of a second.

A motion was made by Councilor Toombs, seconded by Councilor Thackaberry, and passed with 5 yeas (Councilor Miller, Munk, Thackaberry, Toombs and Usinger) and one nay (Councilor Harrington) to accept the City of Lebanon/Lebanon Area Chamber of Commerce Agreement as amended with the required time period for notification of terminating the agreement set at "90 days".

3) REHABILITATION GRANT PROGRAM MANAGER SELECTION

Finance Director Cole explained that only one bid was received, from Linn County Affordable Housing (LCAH), to provide program management and administration services for an Oregon Community Development Block Grant Award of \$300,000.

Finance Director Cole disclosed his volunteer position on the Board of Directors for Linn County Affordable Housing. However, he had no participation in the preparation of the proposal.

Finance Director Cole explained that the proposal included an agreement with Oregon Rural Housing Services (ORHS). Sarah Branson of ORHS and David Vanderlip from LCAH would be Co-Program Managers. The cost for the program management and administration services would be the allowed 20% (\$60,000), which would be funded from the grant.

A motion was made by Councilor Miller, seconded by Councilor Toombs, and passed unanimously to ***enter into a contract with Linn County Affordable Housing to provide program management and administration services for an Oregon Community Development Block Grant in the amount of \$60,000.***

4) SANTIAM TRAVEL STATION (PHASE II)

City Engineer Dannen provided information on the funding status (Attachment "1") and bid results for the Santiam Travel Station, Phase II project. The lowest of the three bids came in at \$393,135.37 by Preferred Construction from Springfield, Oregon.

Mr. Dannen presented a schematic of the site (3rd Street) and talked about maximizing the parking on the eastside of the street by the city obtaining and then removing two public street accesses in order to gain parking on the eastside of the street. Staff consulted with City Attorney McHill and he recommended negotiating with the property owners. Those negotiations proved unproductive.

After reviewing the funding status, staff recommended scaling back the work to be done on 3rd Street. Five angled parking spaces would be lost and one large space for a bus or RV. Along with that, make no improvements to the sidewalks in that area (except the curb extensions). These changes should result in a total savings of \$12,700. Still leaving a shortfall of \$49,477.

Since the bid came in approximately \$30,000 above the estimate, staff believes additional funding is available from ODOT. The City could get \$10,000, possible as much as \$20,000. As mentioned at a previous meeting, the State Foot and Bike Path (550) and 2001 STP Allocation (571) funds can also help fund the shortfall.

Councilor Harrington felt that the driveways should be left, however the sidewalks should be completed in this phase. It looks as though the potential additional revenue is available to fund the shortfall without making the staff's recommended reduction of the sidewalks. The sidewalks are essential for a finished look.

Mayor Simpson asked about the lot on the east of the site. City Engineer Dannen stated that the City applied for a CIF grant for additional parking, but was unsuccessful.

Councilor Miller asked what expenditures were in Fund 571. Mr. Dannen stated the fund was primarily used for street overlays and suggested using this fund last. Councilor Miller did not want to use any fund from 571 for this project. Mr. Dannen stated the overlay program has done well and feels there is some room for adjustment if Council approves.

Councilor Thackaberry asked what other items could be cut out of the project to take care of the shortfall. Mr. Dannen stated that another item that could be taken elsewhere from the budget is the required bike shelter structure, \$12,500. Cost cutting measures are: The pedestrian loading zone area could be replaced with striping, savings of approximately \$6,000; flagpole and drinking fountains could save approx. \$6,000. Councilor Harrington stated the flagpole would be donated.

A motion was made by Councilor Miller, seconded by Toombs, and passed with 5 yeas (Councilor Miller, Munk, Thackaberry, Toombs and Usinger) and one nay (Councilor Harrington) to authorize the use of Fund 550 to complete the project to the extent possible and reduce the scope of the project as discussed with the 3rd Street sidewalks being the last item to be eliminated if necessary.

5) 5TH AND MARY STREET TRAFFIC ANALYSIS

City Engineer Dannen addressed the City Council's request to have an engineering analysis performed at the intersection of 5th and Mary Street due to speeding complaints. Mr. Dannen explained the standard of requirements and conditions from the Manual on Uniform Traffic Control Devices (MUTCD) and summarized staff's findings. Mr. Dannen stated the intersection did not warrant a four-way stop according to the MUTCD and felt that the existing traffic controls be maintained.

Councilor Miller and Councilor Toombs stated they live in an area (Franklin Street) where the installation of a stop sign has not only controlled traffic, but also eliminated accidents since being installed. Councilor Miller has received several complaints about speeding at this intersection and is concerned for the safety of the school children and requested a 4-way stop sign be installed.

A motion was made by Councilor Miller, seconded by Councilor Toombs, and passed with 5 yeas (Councilor Harrington, Miller, Thackaberry, Toombs and Usinger) and one nay (Councilor Munk) to **direct staff to come back to the City Council with a Resolution for a 4-Way Stop at the intersection of 5th and Mary Street.**

6) CITY ADMINISTRATOR'S REPORT

City Administrator Hitt gave an update on:

- Mr. Hitt requested taking Friday, October 25, off as a vacation day.
- There will not be a Read File on Friday, October 25, due to a voluminous packet of information regarding the Wal-Mart hearings to be distributed October 25. This information is extensive, but will be organized in a way that will help the Council to be prepared for the Wal-Mart hearings. A reminder was given to contact City Attorney McHill as soon as possible to meet regarding the hearings.
- City Hall will be closed Monday, November 11, for Veterans' Day.
- Wal-Mart Hearings are set for November 13 and, if needed, November 14.

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time.*

Ben Johnson, 325 Park Street, asked Council to consider changing the cycling of lights at the intersection of Grant and Williams Street. Mr. Johnson also commented on the skateboard damage discussed earlier, suggesting purchasing indestructible items for the parks.

ITEMS FROM COUNCIL MEMBERS - None

CITIZEN COMMENTS - *Those citizens with comments concerning public matters may do so at this time.*

ADJOURNMENT

Mayor Simpson adjourned the meeting at 9:35 p.m.

Meeting recorded and transcribed by Administrative Assistant Linda Kaser.

J. Scott Simpson, Mayor []
Ken Toombs, Council President []

ATTESTED BY:

John E. Hitt, City Recorder

**SANTIAM TRAVEL STATION PHASE 2
Funding Status - October 23, 2002**

ORIGINAL REVENUE

TEA-21 Grant	\$390,258
City Matching Funds Available for Phase 2	\$45,200
Total	\$435,458

ESTIMATED COST TO COMPLETION

Design	\$65,200
Construction	\$393,135
Construction Engineering	\$39,300
Contingency	\$0
Total	\$497,635

RECOMMENDED SCOPE REDUCTION

3rd Street East Side Driveways/Sidewalk	\$12,700
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CURRENT SHORTFALL	\$49,477
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POTENTIAL ADDITIONAL REVENUE

Possible Additional ODOT Grant Funds	\$20,000
State Foot & Bike Path Funds (Fund 550)	\$16,000
2001 STP Allocation (Fund 571)	\$65,000

**MINUTES
LEBANON CITY COUNCIL
ECONOMIC DEVELOPMENT WORK SESSION**

October 23, 2002

City Council Present: Mayor Scott Simpson, Councilors Mel Harrington, Ron Miller, Roger Munk, Dan Thackaberry, Ken Toombs and Stan Usinger

Guests: County Commissioner John Lindsey, City Council candidates Paul Aziz and Bob Elliott, Economic Development Strategist Keith Miller

Staff Present: City Administrator John Hitt, Finance Director Casey Cole, Police Chief Mike Healy, Public Works Director Ruef and Administrative Assistant Linda Kaser

Cheadle Lake URD

Commissioner Lindsey addressed his concerns on the direction the Cheadle Lake Urban Renewal District was heading. There has been economic development interest in the area but those businesses have been reluctant to commit until a date for enhancements in the area is known. Commissioner Lindsey stated that when the County jurisdiction is in an "urban growth area" the County would prefer the City dictate enhancements needed.

Commissioner Lindsey briefly discussed the urgent drainage problem in the area. If the County reconstructed Porter Street a connection to one of the drainage basins already established near Highway 20 could remedy the problem.

Commissioner Lindsey stated the County had money designated for street improvements in the area and would like to work in unison with the City, i.e., while the streets are tore up the utilities could be put in place. At the very least, the County would need to know where the utilities are going to be located in order to be cost effective. Commissioner Munk asked if Primrose was a County or City road. Commissioner Lindsey stated that it is a part County and part City owned road. However, the majority is County owned.

Councilor Munk stated that the City is scheduled to have a plan for the site in January or February. A brief discussion followed regarding the location of the "frontage" road and the need for the residents in the area to have their concerns addressed.

City Administrator Hitt stated he felt the Citizens Advisory Committee (CAC) was put in place to act as a liaison, not a technical advisory committee, between staff and the residents of the area to establish input. The group would not necessarily be qualified to make a recommendation to the Council, but simply as a communication device between the residents and the City. Mr. Hitt stated the reason the CAC has not met for a couple years was addressed in previous letters; the URD had no money to pay for engineering expenses or to engage in other work in the URD.

Mayor Simpson stated that the County and City would need to set a date to meet with the engineering department and with the Citizen Advisory Committee.

Promoting Industrial Development

Mayor Simpson briefed Council on the Chamber's Economic Development Forum, which addressed what Lebanon could do to become more successful at bringing new businesses to town.

Top three items of importance in bringing business to Lebanon:

- 1) Wetlands Mitigation Issues
- 2) Infrastructure Needed to Support a Site
- 3) Property Inventory List

Mayor Simpson focused on creating a property inventory list of those industrial properties where the owner is committed to sell under pre-determined conditions. It has been suggested that the Lebanon Industrial Development Corporation (LIDC) act as the liaison/negotiator between the City and the property owner to create a comfort zone for the property owner. The LIDC would enlist realtors they felt they could work with and discuss creating an inventory list.

After a brief discussion on failed property buying attempts, Mayor Simpson asked Council to what degree they would like to be involved with the selection of the property inventory list and how willing they are to seriously address the matter of an owner unwilling to make a decision?

Councilor Miller stated that the past few development losses the city suffered were because the companies were ready to move in a matter of months, but the City had no available land to accommodate their time period. Once a proper inventory list is established the City is better capable of serving the developer's needs.

Councilor Munk asked how the property price would be established. Mayor Simpson stated that the intent was to enter into an agreement with the property owner for six months to a year at a time to avoid the property owner changing the price once they find out who the developer is.

Councilor Thackaberry supported changing the UGB if the property owner has continually held up development. Public Works Director Ruef briefed Council on the Westside Interceptor's capabilities.

Councilor Toombs felt they should, in partnership with LIDC and realtors, establish an inventory list with agreed upon prices and concurred with Councilor Thackaberry that, if necessary, the City could seek to move the UGB. Councilor Toombs stated negotiators are needed to establish property prices, but feels the City should not be involved with the initial negotiation.

Councilor Harrington stated he concurred the inventory list needs to be established and it should move forward in a timely manner. Candidates Aziz and Elliott also concurred.

The meeting ended at 7:10 p.m.

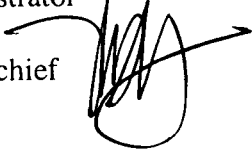
Recorded and transcribed by: Administrative Assistant Linda Kaser

Agenda Item 1



LEBANON POLICE DEPARTMENT MEMORANDUM

TO: John Hitt, City Administrator

FROM: Michael Healy, Police chief 

DATE: 6 November 2002

RE: LIQUOR LICENSE APPLICATIONS

CC:

The following Lebanon, Oregon establishment is requesting reconsideration of denial of application for OLCC liquor license:

<u>Business Name</u>	<u>Address</u>	<u>Classification:</u>
Tabacco World, Inc.	1695 S. Main St. Lebanon, OR 97355	Off Premises Sales
New Outlet	Owner: Manoj Mungra	

The Police Department does not possess any documented evidence to support the denial of this request.

LIQUOR LICENSE APPLICATION APPROVAL/DENIAL FORM
FINANCE DEPARTMENT
CITY OF LEBANON

APPLICANT NAME:

DATE: 24 October 2002

LOCATION: 1695 S. Main Street, Lebanon, OR 97355

PARTICIPANT: Tabacco World, Inc. (Manoj D. Mungra)

LICENSE TYPE: New Outlet - Off-Premises Sales

RECOMMENDATION:	APPROVAL	DENIAL	DATE
FIRE DISTRICT <u>Mark Wiley</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
POLICE DEPT <u>McHenry</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HEALTH DEPT <u>N/A</u>	<u>N/A</u>	<u>N/A</u>	
FOOD SAFETY DIV _____	<input type="checkbox"/>	<input type="checkbox"/>	
PLANNING DEPT <u>Barker</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11/4/02
BUILDING DEPT <u>Barker</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11/4/02
CITY ADMINISTRATOR _____	<input type="checkbox"/>	<input type="checkbox"/>	

NOTE: Recommendation for denial must be accompanied by supporting documentation.

INSURANCE COMPANY:

Food safety passed 11-5-02 they have not yet licensed their facility so are withdrawing approval until that happens - j m

Agenda Item 2



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

MEMORANDUM

DATE: November 7, 2002

TO: John Hitt, City Administrator

FROM: Doug Parker, City Planner; Terry Lewis, Assistant City Planner

SUBJECT: Staff Reports for City Council for Three Hearings on November 13, 2002; and, Unapproved [Revised Draft] Planning Commission Minutes of October 16, 2002

This packet contains the Unapproved [Revised Draft] Planning Commission Minutes of October 16, 2002, and Staff Reports for City Council for three hearings on November 13, 2002:

- Comprehensive Plan Text Amendment [File #: CPTA-02-01]
- Comprehensive Plan Map Amendment [File #: CPMA-02-01]
- Request for Annexation [File #: A-02-04]

Each of the three staff reports for City Council contains several elements:

- A cover memo and a table of contents.
- **CITY COUNCIL STAFF REPORT SUMMARY** – The essential information from the Planning Commission Staff Report has been extracted and presented in each City Council Staff Report Summary. This summary includes adopted Planning Commission findings, and proposed additional findings for City Council consideration.
- ADDENDUM I: Staff Report for Planning Commission (August 21, 2002), including all original attachments.
- ADDENDUM II: Binder (made available to City Council beginning October 25, 2002) with *Addenda (Supplemental Documents and General Correspondence) for City of Lebanon City Council Hearings November 13, 2002.* (This binder also contains the Planning Commission minutes from August 21, August 22, and September 18, 2002.)
- ADDENDUM III: Unapproved [Revised Draft] Planning Commission Minutes of October 16, 2002 [Available as a separate handout by November 7, 2002]

Together, all of the above-mentioned documents represent the entire **Planning Commission record for these three hearings** that are now forwarded and are now before the City Council.



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

MEMORANDUM

DATE: November 7, 2002
TO: John Hitt, City Administrator
FROM: Doug Parker, City Planner; Terry Lewis, Assistant City Planner
SUBJECT: **Comprehensive Plan Text Amendment [File #: CPTA-02-01] -- Comprehensive Plan Land Use Element, Commercial Land Use Section, Policy # 5 (page 5-P-3)**

On September 18, 2002, the Planning Commission conducted a public hearing (continued from August 21, 2002) and voted to recommend to the City Council that the Lebanon Comprehensive Plan Land Use Element, Commercial Land Use Policy # 5 (page 5-P-3) be changed to read as follows: *Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).*

Proposed New Language

Showing Additions with Underlining and Deletions in ~~Strikeout~~

Highway commercial development with direct access to along U.S. Highway 20 (Santiam Highway) should not be allowed south of terminated at the Southgate Shopping Center, located at the intersection of Cascade Drive Market Street and U.S. Highway 20 (Santiam Highway).

The proposed policy change is needed to permit the commercial redevelopment of existing commercial sites south of Market Street on the west side of State Highway 20, and development of properties on the east side of the Highway that were rezoned (changed) from Industrial to Mixed Use as a result of the findings of a 1995 Lebanon Commercial Lands Study (an approved Periodic Review Work Task) that identified the local need for more vacant commercial developable property along the Santiam Highway (State Highway 20).

All Comprehensive Plan text amendments are undertaken according to procedures identified in Lebanon Zoning Ordinance Section 9.020 (Public Hearings on Amendments).

The Planning Commission staff report and a summary are attached for review, along with recommended findings.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed Comprehensive Plan text amendment. Council approval is required in order to amend the text of the Comprehensive Plan. If, upon conclusion of the public hearing, the Council favors the proposed amendment, the Council needs to approve ordinances amending the text of the Comprehensive Plan (and Municipal Code).

The entire Planning Commission record for this hearing (CPTA-02-01) is forwarded and is now before the City Council.

Agenda Item 3



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

MEMORANDUM

DATE: November 7, 2002
TO: John Hitt, City Administrator
FROM: Doug Parker, City Planner; Terry Lewis, Assistant City Planner
SUBJECT: **Comprehensive Plan Map Amendment [File #: CPMA-02-01] -- Re-designation of Tax Lots 1800 and 1901 (Assessor's Map 12-2W-23B) from Mixed Density Residential to Special Development District (SPD).**

On October 16, 2002, the Planning Commission conducted a public hearing (continued from August 21, 2002) and voted to recommend to the City Council that the Lebanon Comprehensive Plan Map be amended for the subject property: Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901. The request is to re-designate the 10.59 acre site from Mixed Density Residential to Special Development District (SPD). The owner of the property, Lebanon Theatres, Inc, initiated this action.

All Comprehensive Plan Map amendments are undertaken according to procedures identified in Lebanon Zoning Ordinance Section 9.020 (Public Hearings on Amendments).

The Planning Commission staff report and a summary are attached for review, along with recommended findings.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed Comprehensive Plan Map amendment. Council approval is required in order to amend the Map of the Comprehensive Plan. If, upon conclusion of the public hearing, the Council favors the proposed amendment, the Council needs to approve ordinances amending the Map of the Comprehensive Plan (and Municipal Code).

The entire Planning Commission record for this hearing (CPMA-02-01) is forwarded and is now before the City Council.

Agenda Item 4



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

MEMORANDUM

DATE: November 7, 2002
TO: John Hitt, City Administrator
FROM: Doug Parker, City Planner; Terry Lewis, Assistant City Planner
SUBJECT: Request for Annexation [File #: A-02-04] -- Tax Lots 1800 and 1901 (Assessor's Map 12-2W-23B) with a Mixed Use (MU) Zoning designation, pending the approval of CPMA-02-01.

On October 16, 2002, the Planning Commission conducted a public hearing (continued from August 21, 2002) and voted to recommend that the City Council approve the annexation request for the subject property: Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901. The owner of the property, Lebanon Theatres, Inc, initiated this action for the annexation of the 10.59 acre site. Pending the approval of CPMA-02-01, the annexation of this property would result in a Mixed Use (MU) Zoning designation.

City of Lebanon Resolution 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.310 lists the development opportunities, standards, and requirements for the Mixed Use (MU) zone. Comprehensive Plan Policies, which may pertain to this proposal, include: Urbanization Element, Annexations Section, Policies 1 & 3 (page 4-P-2).

The Planning Commission staff report (including the legal description and an annexation map) and a summary are attached for review, along with recommended findings.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation. Council approval is required in order to annex the subject property. If, upon conclusion of the public hearing, the Council favors the proposed annexation, the Council needs to adopt a bill for an ordinance annexing and zoning the property.

The entire Planning Commission record for this hearing (A-02-04) is forwarded and is now before the City Council.



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

MEMORANDUM

DATE: November 7, 2002

TO: John Hitt, City Administrator

FROM: Doug Parker, City Planner; Terry Lewis, Assistant City Planner

SUBJECT: Staff Reports for City Council for Three Hearings on November 13, 2002; and, Unapproved [Revised Draft] Planning Commission Minutes of October 16, 2002

This packet contains the Unapproved [Revised Draft] Planning Commission Minutes of October 16, 2002, and Staff Reports for City Council for three hearings on November 13, 2002:

- Comprehensive Plan Text Amendment [File #: CPTA-02-01]
- Comprehensive Plan Map Amendment [File #: CPMA-02-01]
- Request for Annexation [File #: A-02-04]

Each of the three staff reports for City Council contains several elements:

- A cover memo and a table of contents.
- **CITY COUNCIL STAFF REPORT SUMMARY** – The essential information from the Planning Commission Staff Report has been extracted and presented in each City Council Staff Report Summary. This summary includes adopted Planning Commission findings, and proposed additional findings for City Council consideration.
- ADDENDUM I: Staff Report for Planning Commission (August 21, 2002), including all original attachments.
- ADDENDUM II: Binder (made available to City Council beginning October 25, 2002) with *Addenda (Supplemental Documents and General Correspondence) for City of Lebanon City Council Hearings November 13, 2002.* (This binder also contains the Planning Commission minutes from August 21, August 22, and September 18, 2002.)
- ADDENDUM III: Unapproved [Revised Draft] Planning Commission Minutes of October 16, 2002 [Available as a separate handout by November 7, 2002]

Together, all of the above-mentioned documents represent the **entire Planning Commission record for these three hearings** that are now forwarded and are now before the City Council.



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

MEMORANDUM

DATE: November 7, 2002
TO: John Hitt, City Administrator
FROM: Doug Parker, City Planner; Terry Lewis, Assistant City Planner
SUBJECT: **Comprehensive Plan Text Amendment [File #: CPTA-02-01] -- Comprehensive Plan Land Use Element, Commercial Land Use Section, Policy # 5 (page 5-P-3)**

On September 18, 2002, the Planning Commission conducted a public hearing (continued from August 21, 2002) and voted to recommend to the City Council that the Lebanon Comprehensive Plan Land Use Element, Commercial Land Use Policy # 5 (page 5-P-3) be changed to read as follows: *Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).*

Proposed New Language

Showing Additions with Underlining and Deletions in ~~Strikeout~~

Highway commercial development with direct access to along U.S. Highway 20 (Santiam Highway) should not be allowed south of ~~terminated at the Southgate Shopping Center, located at the intersection of Cascade Drive Market Street and U.S. Highway 20 (Santiam Highway).~~

The proposed policy change is needed to permit the commercial redevelopment of existing commercial sites south of Market Street on the west side of State Highway 20, and development of properties on the east side of the Highway that were rezoned (changed) from Industrial to Mixed Use as a result of the findings of a 1995 Lebanon Commercial Lands Study (an approved Periodic Review Work Task) that identified the local need for more vacant commercial developable property along the Santiam Highway (State Highway 20).

All Comprehensive Plan text amendments are undertaken according to procedures identified in Lebanon Zoning Ordinance Section 9.020 (Public Hearings on Amendments).

The Planning Commission staff report and a summary are attached for review, along with recommended findings.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed Comprehensive Plan text amendment. Council approval is required in order to amend the text of the Comprehensive Plan. If, upon conclusion of the public hearing, the Council favors the proposed amendment, the Council needs to approve ordinances amending the text of the Comprehensive Plan (and Municipal Code).

The entire Planning Commission record for this hearing (CPTA-02-01) is forwarded and is now before the City Council.

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File #: CPTA-02-01

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[Available as a separate handout by November 7, 2002]

**CITY OF LEBANON
CITY COUNCIL STAFF REPORT SUMMARY**

COMPREHENSIVE PLAN TEXT AMENDMENT

NATURE OF REQUEST: A City-Initiated change of a Comprehensive Plan policy found in the Land Use Element, Commercial Land Use Section. Commercial Land Use Policy # 5 (page 5-P-3) currently reads *Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20*. The City proposes to modify this policy as follows: *Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway)*.

APPLICANT: City of Lebanon

INTRODUCTION AND PROPOSAL

The City of Lebanon proposes to change a Comprehensive Plan policy found in the Land Use Element, Commercial Land Use Section. Commercial Land Use Policy # 5 (page 5-P-3) currently reads *Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20*. The City proposes to modify this policy as follows: *Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway)*. The proposed policy change is needed to permit the proposed Wal-Mart Superstore and to permit development of properties on the east side of Santiam Highway that were rezoned (changed) from Industrial to Mixed Use as a result of the findings of a 1995 Lebanon Commercial Lands Study (an approved Periodic Review Work Task) that identified the local need for more vacant commercial developable property along State Highway 20.

Current Text Policy Language

Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20.

Proposed New Language

Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).

Proposed New Language
Showing Additions with Underlining and Deletions in ~~Strikeout~~

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PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that the City Council approve this proposed Comprehensive Plan Text Amendment. On September 18, 2002, at the conclusion of the Planning Commission hearing on this application, a motion was made by Commissioner Carson, seconded by Commissioner Davis, and passed unanimously **that the Planning Commission recommend to City Council the approval of the Comp Plan Text Amendment (CPTA-02-01) with staff proposed finding and additional findings developed by the Planning Commission as follows:**

ADOPTED PLANNING COMMISSION FINDINGS

1. The request for the Comprehensive Plan Text Amendment (change) complies with Zoning Ordinance Section 9.010 in that the applicant is the City.
2. The proposed Comprehensive Plan Text Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #1, (page 1-P-1) that states t the Comprehensive Plan shall be maintained as an ongoing decision-making guideline.
3. The proposed Comprehensive Plan Text Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #2, (page 1-P-1) that states that the Comprehensive Plan and Implementing Ordinances shall be reviewed annually and may be revised and amended as needed to reflect changing needs and conditions within the planning area. This clearly was the intent of the 1995 Commercial Lands Study and failing to amend Commercial Land Use Policy #5 will substantially defeat or nullify the intent, results and positive community benefits of that completed, adopted and acknowledged Periodic Review Work Task.
4. The proposed Comprehensive Plan Text Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #8, (page 1-P-1) that states that the City of Lebanon hereby adopts the applicable Statewide Planning Goals as they apply to the community, and reinforces them through specific goals, objectives, and policies in response to community needs. There is a demonstrated community need for vacant commercial lands as documented in the 1995 Commercial Lands Study. Failing to implement the proposed Comprehensive Plan Text Amendment will result in this community based need not being adequately addressed and thereby also failing to comply with the intent of Statewide Goal 9 as pertaining to vacant commercial lands.

5. The Planning Commission review of CPTA-02-01 has complied with the public hearing procedures listed in Lebanon Zoning Ordinance Section 9.020(1-5).
6. The transportation planning requirements of Statewide Planning Goal # 12 (Transportation) and the Transportation Planning Rule (TPR) are routinely and systematically addressed as part of the development proposal planning review and approval process implemented by both city staff and the Planning Commission. This is particularly appurtenant to properties designated as Special Development District (SPD) and zoned Mixed Use (MU) as such designation and zoning require Planning Commission public hearing review of all development proposals including proposed transportation impacts, mitigating measures and facility improvements. All of the large, vacant properties south of Market Street (and thereby impacted by the proposed Text Amendment) and abutting the highway are designated and/or zoned SPD or MU, respectively, and consequently are automatically subject to these transportation scrutinizing project review procedures. Additionally, City review of highway abutting/accessing development proposals includes access management considerations and ODOT Highway Division staff involvement including ODOT issued highway access permits. For all of the above-cited reasons, it is evident that the Lebanon planning review and approval procedures include adequate consideration of transportation related impacts and issues.

**PROPOSED ADDITIONAL FINDINGS FOR CITY COUNCIL
CONSIDERATION AND ADOPTION (IDENTIFIED BY STAFF)**

Specific

7. This proposed Comprehensive Plan Text Amendment implements the previously adopted Commercial Lands and Highway Access Plans Study (June 1995) and accompanying Comprehensive Plan Map Amendments approved by the Lebanon City Council on September 27, 1995. This amendment now corrects Comprehensive Plan Policy 5, an action that was inadvertently overlooked in 1995 when it should have been amended to bring it into conformity with the Lands Study and accompanying Comprehensive Plan Map Amendments. This proposed Comprehensive Plan Text Amendment and the September 27, 1995 Comprehensive Plan Map Amendments are both necessary to enable the intended uses of several parcels including the property owned by the Lebanon Community Foundation and home of the Strawberry Festival on the east side of the Santiam Highway.
8. The City of Lebanon's commercial land needs would be fulfilled by this proposed Comprehensive Plan Text Amendment, as shown in the Commercial Lands and Highway Access Plans Study of June 1995. This study was recommended for adoption the Lebanon Planning Commission on September 20, 1995, adopted by the Lebanon City Council on September 27, 1995, and approved by the Oregon Division of Lands, conservation and Development (DLCD) on December 1, 1995 (see attachment to Planning Commission Report of August 21, 2002). [Note: the 1995 Study did not specifically identify the Champion and Motor-Vu properties because they both were being used for commercial purposes at that time.]
9. This proposed Comprehensive Plan Text Amendment meets statewide planning Goal 9, which requires that: "Comprehensive Plans shall contribute to a stable and healthy economy... and shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration...."a wide variety of factors." The testimony of John Hitt on August 21, 2002, establishes the need for available commercial lands of greater than 10 acres along Highway 20. Several inquiries by developers have made such requests.

10. Adoption of the proposed Comprehensive Plan Text Amendment complies with the requirement established in statewide planning Goal 9 to consider factors beyond mere total acreage and growth absorption rates. This would include: the size and location developable parcels, health of the current economy, labor market factors, and current market forces.
- Linn County's high unemployment rates, Lebanon's very short supply of larger (over ten acres) commercial sites and the market forces favoring large scale, non-strip and/or non-downtown development, all speak to the necessity of this proposed Comprehensive Plan Text Plan change in the light of Goal 9.
 - Goal 9 further recognizes these needs by requiring that Comprehensive Plans ...“provide for at least an adequate supply of suitable sites, types, locations and service levels for a variety of industrial and commercial uses...” To be consistent with the Goal 9 requirement, the City must eliminate a Comprehensive Plan Text provision that would otherwise prevent the City from having available commercial sites, of various sizes and locations, and that also respect current labor and commercial market factors.
 - Even if the City had a huge supply of small, isolated parcels of limited depth and poor transportation access this acreage would not meet the requirements of Goal 9.
 - As an example, the City has only one commercial site on the entire south side of the City that is barely over two acres and that is north of Market Street. With the current Comprehensive Plan language in place, there could be no commercial development larger than two acres, except at the very north entrance to the city, some 2 and ½ miles from Market Street. Hence, the only effective way for the City to meet the requirements of Goal 9 is to make available commercial sites, south of Market Street, that provide economic development opportunities unmatched by exist sites north of Market.
11. The proposed Comprehensive Plan Text Amendment is consistent with Goal 12 because it establishes a standard to protect the flow of goods and services on Highway 20 (Lebanon's principal transportation artery) by prohibiting all commercial land uses south of Cascade from making direct access to Highway 20. Statewide planning Goal 12 (Transportation) requires a transportation plan that will, among other things, “facilitate the flow of goods and services so as to strengthen the local and regional economy.” The proposed amendment, in conjunction with the rest of the Comprehensive Plan, and implementing ordinances, are a cohesive whole system that implements Goal 12 and the Transportation Planning Rule.

12. The proposed Comprehensive Plan Text Amendment is a Minor Change of the Lebanon comprehensive Plan. Statewide planning Goal 2 (Land Use Planning) requires that "...all land-use plans... shall be reviewed and, as needed, revised... to take into account public policies and circumstances ..." In addition Goal 2 contemplates, "minor changes, i.e., those which do not have significant effect beyond the immediate area of the change and, should be based on special studies or other information which will serve as the factual basis to support the change." The City of Lebanon Comprehensive Plan under *Plan Revisions and Changes* (Page 1-15) notes that:

(1) **Major Revisions** "include land use changes that have widespread and significant impact within the community." (2) **Minor changes** "are those which do not have significant effect beyond an immediate area or are individual aspects of the Plan that do not represent a major policy change relative to the community as a whole. Minor changes should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should be made as needed to maintain the Plan as an up-to-date guideline for community growth and development."

The area impacted by this proposed Comprehensive Plan Text Amendment is the portion of the City of Lebanon and the UGB immediately south of Market Street that is or could at some later date be available for **highway commercial with direct access to Highway 20 (Santiam Highway)**. This does **NOT** represent a significant and widespread impact within the community. This proposed change would not have significant effect beyond an immediate area and represents a change to only an individual aspect of the Plan since it does not represent a major policy change relative to the community as a whole.

13. This proposed Comprehensive Plan Text Amendment is based on a special study that provides information that serves as a factual basis to support the proposed change, and thereby complies with this requirement of a Minor Change noted above. In June of 1995 the City completed its "Commercial Lands Study and Highway Access Plans" in partial fulfillment of these Goal 2 requirements. The City then approved this study based on the City's public policy (both then and now) of encouraging a variety of economic development throughout the City, in addition to the need for more, large size commercial sites to meet the growth and employment needs of the city.
14. This proposed Comprehensive Plan Text Amendment is necessary to meet the basic public need for lands suitable for commercial development.
- There has been extensive economic development interest in several parcels of land south of Market Street. All of this interest has been commercial in nature including, among others, an RV Park, Hotel, Movie Theatre Complex and large box retail. These types of uses, which would provide badly needed jobs (local unemployment rate over 9%) generally need sites that are 10 acres or larger. There are no other similarly serviced and sized commercial parcels anywhere in Lebanon.

- At least two owners of the parcels that were designated as commercial in 1995 have expressed to the City, an interest in promoting quality commercial development on their property. Failure to make the Text Plan change would defeat the public need to deal consistently with property owners as they contemplate appropriate use(s) of their property. Additionally, none of the sites for potential commercial development south of Market Street are an existing natural resource land and they have always been included in the Lebanon Urban Growth Boundary.
- The Text Amendment will also provide necessary transportation by providing controlled access along Highway 20 and allowing for commercial development that can provide funding for necessary transportation improvements along Highway 20 south of Market Street.

15. This proposed Comprehensive Plan Text Amendment does not encourage or create Strip Development as restricted by **Commercial Land Use Policy #6**. This Policy #6 states that, "[e]xisting commercial businesses should be allowed to continue but no new developments of a strip nature should occur" (Lebanon Comp Plan, page 5-P-3). Strip development is defined as follows in the Land-Use Planning in Oregon (pages 213-214): "A linear pattern of commercial development along a major street or highway...[that]...brings several disadvantages to the community... high costs to extend sewer, water, and other utilities over a long distance; higher fuel consumption for longer vehicle trips along the extended commercial area; isolation of land behind the strip; traffic problems resulting from uncontrolled entrance and exit of many vehicles to and from a multitude of driveways; and the aesthetic costs of 'visual pollution' from neon signs, bright store fronts, parked cars, etc." Several facts support the finding that this proposed amendment does not encourage or create Strip Development. (1) The properties between Market Street and Cascade Drive affected by this proposed amendment were already in commercial use when the 1995 Commercial Lands and Highway Access Plans Study was conducted. (2) The proposed amendment prohibits any new direct access to the Santiam Highway from commercial development south of Cascade Drive. (3) The proposed amendment actually prohibits "strip development" as defined in Land-Use Planning in Oregon.

pp
Language

16. With the proposed Comprehensive Plan Text Amendment, the overall Lebanon Comprehensive Plan is consistent with Commercial Land Use Policy #5. Without the amendment, the existing Commercial Land Use Policy #5 is in conflict with numerous provisions of the current Comprehensive Plan, including:

- **Commercial Land Use Policy 10** (Lebanon Comp Plan, page 5-P-3) – "Commercial developments shall be constructed as compact centers rather than scattered along roadways or mixed in with non-commercial land uses that would conflict."
- **Shopping Centers** (Lebanon Comp Plan, page 5-14) -- The recognition that, "There are no major shopping centers in Lebanon", and that as the small, then existing shopping areas reach maximum utilization, "new outlying centers would be encouraged to serve an expanding population." The only two places these proposed "outlying centers" could go, then and now, are either south of Market Street or north of Mary Street.
- The proposed Comprehensive Plan Text Amendment would be consistent with **Commercial Land Use Policy 7** (Lebanon Comp Plan, page 5-P-3) that states, "Existing commercial businesses should be reinforced prior to development of new outlying centers."

- **Commercial Reserve and Commercial Development Standards [for Shopping Centers]** (Lebanon Comp Plan, page 5-15) -- "Future shopping centers..." should be based on the criteria of, among others, (a) "Limited access," (b) Adequate joint use of off-street parking, as well as traffic access, (c) Sidewalks and landscape buffers should be provided, and a "preferred locations would be at the intersections of ... an arterial and a highway." Most of the area that than can meets these criteria is south of Market Street. Even commercial sites north of Mary Street would have trouble meeting criteria b and c.
 - **Highway Commercial** (Lebanon Comp Plan, page 5-13) -- The plan recognizes that "auto oriented businesses requiring direct vehicular access find locations on major arterials or highways attractive." The Plan also notes the problems associated with Highway commercial strip development and proposes the prohibition of commercial development south of Market Street as a partial cure (page 5-13). However, this proposed cure does not address the stated traffic problems, but in fact, exacerbates them. Focusing more and more intense commercial development north of Market Street will (and has) only serve to create more congestion, more turning conflicts and more ingress and egress conflicts. The proposed amendment actually addresses these Comprehensive Plan concerns by allowing the development of larger scale, multi-use commercial developments with coordinated, limited, and controlled access to Highway 20, as well as, the ability to reduce vehicular hazards.
 - The Comprehensive Plan makes numerous commitments to "...reducing the unemployment problem by attracting new industrial and business development, " and a self described "aggressive attitude toward growth" and a commitment to "broaden opportunities for economic expansion and development." (Plan 3-18 & 19 and 1-17). A blanket prohibition on all commercial development south of Market Street, including the Strawberry Festival site, especially in light of current market conditions and the desired need for larger retail sites, stands in contradiction to these stated Comprehensive Plan goals and objectives. The proposed Comprehensive Plan Text Amendment to Commercial Land Use Policy #5 addresses these concerns highlighted in the above-mentioned sections of Comprehensive Plan.
17. This proposed Comprehensive Plan Text Amendment, and multi-agency involvement in the review process for this amendment, demonstrate compliance with the provisions of the Transportation Planning Rule (TPR) cited in the ODOT letters of 8/6/02 and 8/12/02 attached to the August 21, 2002, Planning Commission Staff Report (CPTA-02-01, pages 8-14). Specifically, compliance is demonstrated with OAR 660-012-0045(2) that, among other things, requires access management and control, as well as a process for coordinated review to consider all aspects of compliance. This current coordinated review process, which includes related applications, also takes into account the alignment of streets as noted in OAR 660-012-0045(6)(a-c), and also enhanced facilities for vehicle, pedestrian/bicycle access and circulation as mandated in OAR 660-012-0045(3)(a-e). In addition, the City routinely requires the construction of sidewalks and pedestrian/bike paths as part of the approval process of development applications, further satisfying OAR 660-012-0045(3)(a-e). Studies supporting this text amendment, and other related applications, further demonstrate that that the function of the Highway will not be adversely impacted as required by OAR 660-012-060 (see Addendum II, Items 3, 4, 10, 11, 16, 18, 22, 26, 44).

18. This proposed Comprehensive Plan Text Amendment complies with Comprehensive Plan Commercial Land Use Policies # 7 and #10 (Plan, page 5-P-3), and related land use recommendation (Plan, page 5-5) because it does not encourage commercial sprawl and reinforces existing commercial centers. Sprawl is defined as follows in the Land-Use Planning in Oregon (page 210): *“The uncontrolled spread of development over rural or undeveloped land...it usually connotes low densities, inefficient use of land, premature conversion of rural farm or forest land to urban uses, and the spread of development outward from cities in an amoeba-like manner.”*

In conclusion, if City Council approves the proposed Comprehensive Plan Text Amendment to Commercial Land Use Policy #5, staff recommends the adoption of at least the above-enumerated eighteen findings as the official findings of the City Council in support of its decision.

CITY OF LEBANON PLANNING COMMISSION

August 21, 2002
6:00 P.M.

AGENDA

Lebanon School District Admin.
Office, Board Room
485 S. 5th Street

MEMBERS: Chairman Don Robertson, Vice-Chairman Barry Scott, Commissioners Paul Aziz, John Brown, Jon Davis, Robyn Carson, Tom Owen, Peggy Snyder and Mike Wells.

1. **CALL TO ORDER/ROLL CALL**
2. **APPROVAL OF MINUTES** – July 22, 2002
3. **CITIZEN COMMENT** (restricted to items not on Agenda)
4. **PUBLIC HEARING**
 - A. Comprehensive Plan Text Amendment CPTA-02-01

A City-Initiated change of a Comprehensive Plan policy found in the Land Use Element, Commercial Land Use Section. Commercial Land Use Policy # 5 (page 5-P-3) currently reads Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20. The City proposes to modify this policy as follows: Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway). The proposed policy change is needed to permit the proposed Wal-Mart Superstore and to permit development of properties on the east side of Santiam Highway which were rezoned (changed) from Industrial to Mixed Use as a result of the findings of a 1995 Lebanon Commercial Lands Study (an approved Periodic Review Work Task) which identified the local need for more vacant commercial developable property along State Highway 20.

- B. Comprehensive Plan Map Amendment CPMA-02-01 (Motor Vu Property)

A request to re-designate on the City of Lebanon Comprehensive Plan Map a 10.20 acre area from Mixed Density Residential to Special Development District (SPD). The requested Special Development District (SPD) designation typically results in a zoning map assignment of Mixed Use (MU). The subject property is the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

- C. Annexation A-02-04 (Motor Vu Drive-in Theater site)

Initiated per property owner's request. This approximately 10.20 acre annexation area is comprised of two parcels, one containing the Lebanon Motor Vu Drive-in Theater. This site is currently designated as Mixed-Density Residential on the City of Lebanon Comprehensive Plan Map and is proposed for re-designation to Special Development District (SPD) [File # CPMA-02-01] which would assign a Mixed Use (MU) zoning designation upon annexation. The subject property is the Motor Vu Drive-in Theater site and an adjacent, narrow vacant parcel located on the west side of U.S. Highway 20

(Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

D. Planned Development PD-02-01 (Cheadle Lake Commercial Center: Wal-Mart Superstore)

A request to develop a 25.40 acre site currently containing the Lebanon Motor Vu Drive-in Theater and formerly containing the Champion Tree Nursery site into a new 187,173 square foot Wal-Mart superstore as well as a gas station, a 904 space parking lot, a public road and three additional lots to be developed by others through separate planning actions. Public and private utility improvements and extensions are included in this project. This site includes portions of the historic Santiam Wagon Road. The subject property is the former Champion Tree Nursery site and the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway), south of Market Street and west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1001, 1600, 1800 and 1901.

5. **OLD BUSINESS**

- A. Update of status of candidate open space development standards for multi-family residential developments.

6. **OTHER BUSINESS**

- A. Meeting Schedule - September 18 and October 16, 2002.
- B. Oregon Planning Institute- October 2-4, 2002
- C. Russell Drive Area Mixed Use study

7. **COMMISSIONER COMMENTS**

8. **ADJOURNMENT**

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

COMPREHENSIVE PLAN TEXT AMENDMENT

NATURE OF REQUEST: A City-Initiated change of a Comprehensive Plan policy found in the Land Use Element, Commercial Land Use Section. Commercial Land Use Policy # 5 (page 5-P-3) currently reads *Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20.* The City proposes to modify this policy as follows: *Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).*

APPLICANT: City of Lebanon

INTRODUCTION AND PROPOSAL

The City of Lebanon proposes to change a Comprehensive Plan policy found in the Land Use Element, Commercial Land Use Section. Commercial Land Use Policy # 5 (page 5-P-3) currently reads *Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20.* The City proposes to modify this policy as follows: *Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).* The proposed policy change is needed to permit the proposed Wal-Mart Superstore and to permit development of properties on the east side of Santiam Highway that were rezoned (changed) from Industrial to Mixed Use as a result of the findings of a 1995 Lebanon Commercial Lands Study (an approved Periodic Review Work Task) that identified the local need for more vacant commercial developable property along State Highway 20.

Current Text Policy Language

Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20.

Proposed New Language

Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).

Proposed New Language

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Highway commercial development with direct access to ~~along~~ U.S. Highway 20 (Santiam Highway) should not be allowed south of ~~terminated at the Southgate Shopping Center, located at the intersection of~~ Cascade Drive Market Street and U.S. Highway 20 (Santiam Highway).

BACKGROUND

In 1995 the City of Lebanon conducted a Periodic Review Work Task pertaining to available/developable commercial lands and local land needs. This COMMERCIAL LANDS STUDY inventoried and mapped all large, vacant and underdeveloped parcels adjacent to Highway 20 and identified five key study sites. A lands need assessment was then undertaken to determine the current and future commercial land development needs of the community that resulted in a range of needed acreage to meet the City's commercial land development need. Consequently, three study sites representing approximately 200 acres were proposed to be re-designated from Industrial and Residential to a Special Development District (SPD) in order to address both commercial and mixed use land development needs. Site 1 was an 83 acre area in the north of town, while Sites 4 (26 acres) and 5 (91 acres) are both located at or south of the intersection of Market Street and Highway 20. The Commercial Lands Study acknowledged Commercial Land Use Policy #5 but did not amend that policy as part of the Commercial Lands Study. A public informational meeting as well as Planning Commission and City Council public hearings were held on the proposed re-designations that resulted in the Comprehensive Plan Map Amendments for these properties. This work task was approved by the Department of Land Conservation and Development (DLCD).

Since the conclusion of the Commercial Lands Study, there have not been any commercial development proposals for properties along Highway 20 south of Market Street until now with the current Wal-Mart superstore proposal that has caused Commercial Land Policy #5 to be addressed as it poses a direct conflict with the development proposal.

The current and proposed (amendment) policy language impacts the former Champion Tree Nursery and Motor Vu Drive-in Theater sites on the west side of Highway 20 and the Lebanite Corp., Freres Lumber, and Cheadle Lake properties (including the Strawberry Festival Site) on the east side of Highway 20. If Commercial Land Use Policy # 5 is not amended as propose then approximately 132 acres of vacant, developable commercial and mixed use lands will not

be available for commercial development. Consequently, the City will need to identify other commercial land reserves to supplement the loss of these sites from the City's commercial vacant land inventory in order to assure that there is an adequate vacant land supply.

CITY RATIONALE FOR THE PROPOSED TEXT AMENDMENT

- a. **Summary:** The proposed policy change is needed to permit the proposed Wal-Mart Superstore and to permit development of properties on the east side of Santiam Highway that were rezoned (changed) from Industrial to Mixed Use as a result of the findings of a 1995 Lebanon Commercial Lands Study (an approved Periodic Review Work Task) that identified the local need for more vacant commercial developable property along State Highway 20.
- b. The Southgate Shopping Center no longer exists.
- c. Market Street west of the Santiam Highway was reconfigured several years ago, and was shifted approximately 362 feet to the north.
- d. Failure to amend the current limiting Comprehensive Plan Policy will preclude demonstrably needed vacant commercial lands from being available to serve the City's commercial land needs. Consequently, if this policy amendment is not approved, the City will need to re-evaluate its vacant commercial land status and identify other vacant properties to assure an adequate supply of vacant and redevelopable commercial lands.
- e. The properties currently impacted by the limiting policy include the significant vacant commercial developable lands in the south part of the community. Failure to amend this policy will result in a local deficiency of needed commercial lands.
- f. The re-wording of this Commercial Land Use Policy #5 will achieve two fundamental goals: (A) availing adequate vacant commercial land for local development needs, (B) completing an important element of the previously approved 1995 Commercial Lands Study and property re-designations and (C) promoting highway access control.

ZONING ORDINANCE AND COMPREHENSIVE PLAN CRITERIA

1. ZONING ORDINANCE SECTION 9.010 Authorization to Initiate Amendments

An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Official using forms prescribed pursuant to Section 2.070. A filing fee in accordance with the provisions of Section 2.080 shall accompany an application by a property owner for an amendment.

2. ZONING ORDINANCE SECTION 9.020 Public Hearings on Amendments

All requests for amendment to the text or zoning map of this Ordinance shall comply with the following public hearing procedures:

- (1) Notice of public hearing shall be as specified in Section 2.100.
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.
- (3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.
- (4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provision of Section 2.100
- (5) All public hearing procedures shall be in accordance with the City procedures for the conduct of hearings before the Planning Commission and the City Council.
- (6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

COMPREHENSIVE PLAN CRITERIA

The following Comprehensive Plan policies have been identified as those that are most relevant to this proposal:

ADMINISTRATIVE POLICIES AND RECOMMENDATIONS

1. The Lebanon Comprehensive Plan shall be maintained as an ongoing decision-making guideline for planning and development actions within the Lebanon Urban Growth Boundary. (page 1-P-1)
2. The adopted Comprehensive Plan and Implementing Ordinances shall be reviewed annually and may be revised and amended as needed to reflect changing needs and conditions within the planning area. (page 1-P-1)
8. The City of Lebanon hereby adopts the applicable Statewide Planning Goals as they apply to the community, and reinforces them through specific goals, objectives, and policies in response to community needs.

Note: Statewide Planning Goal 9 (Economic Development), directs local communities to maintain an adequate supply of developable land to meet the communities commercial and industrial land development needs.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommends approval of this proposed Comprehensive Plan Text/Policy Amendment to the City Council. This text/policy amendment is needed to preserve the City's valuable vacant commercial land inventory and permit the Wal-Mart development to be considered at its proposed location. If this text/policy amendment is not approved, then the City will no longer have any vacant highway commercial developable properties larger than 2 acres in the south part of town and the City will have a deficiency of vacant developable lands in this land use category.

PROPOSED FINDINGS

1. The request for the Comprehensive Plan Text Amendment (change) complies with Zoning Ordinance Section 9.010 in that the applicant is the City.
2. The proposed Comprehensive Plan Text Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #1, (page 1-P-1) that states that the Comprehensive Plan shall be maintained as an ongoing decision-making guideline.
3. The proposed Comprehensive Plan Text Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #2, (page 1-P-1) that states that the Comprehensive Plan and Implementing Ordinances shall be reviewed annually and may be revised and amended as needed to reflect changing needs and conditions within the planning area. This clearly was the intent of the 1995 Commercial Lands Study and failing to amend Commercial Land Use Policy #5 will substantially defeat or nullify the intent, results and positive community benefits of that completed, adopted and acknowledged Periodic Review Work Task.
4. The proposed Comprehensive Plan Text Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #8, (page 1-P-1) that states that the City of Lebanon hereby adopts the applicable Statewide Planning Goals as they apply to the community, and reinforces them through specific goals, objectives, and policies in response to community needs. There is a demonstrated community need for vacant commercial lands as documented in the 1995 Commercial Lands Study. Failing to implement the proposed Comprehensive Plan Text Amendment will result in this community based need not being adequately addressed and thereby also failing to comply with the intent of Statewide Goal 9 as pertaining to vacant commercial lands.

FORM 1

ATTACHMENT A For Comp Plan Policy Text Amendment

DLCD NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing
Per ORS 197.110, OAR Chapter 660 - Division 18
and Senate Bill 543 and effective on June 30, 1999.
(See reverse side for submittal requirements)

Jurisdiction: City of Lebanon Local File No.: CPTA-02-01
(If no number, use none)

Date of First Evidentiary Hearing: August 21, 2002 Date of Final Hearing: Sept. 25, 2002
(Must be filled in) (Must be filled in)

Date this proposal was sent or mailed: July 3, 2002
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes: No: X Date:

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other:
(Please Specify Type of Action)

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

This Text Amendment is necessary to support a previously approved Periodic Review Work Task pertaining to Highway Commercial Lands. That Work Task resulted in the re-designation of property abutting Highway 20 (Santiam Highway) to a Special Development District Designation and Mixed Use Zoning (MU). The current Comp Plan language for Commercial Land Use Policy #5 inhibits realizing the commercial land development opportunities intended by the prior Work Task findings and resulting Comp Plan Map Amendment. The attached amendment to Policy #5 will also permit the development of currently designated and zoned Mixed Use land south of the northward-relocated Market Street intersection. Finally, this policy change is crafted so as to promote highway access control by precluding future direct highway access for individual commercial properties south of the Cascade Drive intersection with the Highway.

Plan Map Changed from: to

Zone Map Changed from: to

Location: Acres Involved:

Specified Change in Density: Current: Proposed:

Applicable Statewide Planning Goals: 9, 12, 14

Is an Exception Proposed? Yes: No: X

Affected State or Federal Agencies, Local Governments or Special Districts: DLCD, ODOT, and OECDD

Local Contact: Douglas S. Parker Area Code + Phone Number: 541-451-7425

Address: Community Development Manager 853 Main Street

City: Lebanon, Oregon Zip Code + 4: 97355-3220



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

**Proposed New Language for Amendment of
Commercial Land Use Policy #5
(Page 5-P-3 of 1980 Lebanon Comprehensive Plan)**

Current Language

Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20.

Proposed New Language

Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).

**Proposed New Language
Showing Additions with Underlining and Deletions in ~~Strikeout~~**

Highway commercial development with direct access to along U.S. Highway 20 (Santiam Highway) should not be allowed south of ~~terminated at the Southgate Shopping Center, located at the intersection of~~ Cascade Drive Market Street and U.S. Highway 20 (Santiam Highway).

City's Rationale for Proposed Amendment

1. The Southgate Shopping Center no longer exists.
2. Market Street west of the Santiam Highway was reconfigured several years ago, and was shifted approximately 362 feet to the north.
3. Failure to amend the current limiting Comprehensive Plan Policy will preclude demonstrably needed vacant commercial lands from being available to serve the City's commercial land needs.
4. The properties currently impacted by the limiting policy include the significant vacant commercial developable lands in the south part of the community. Failure to amend this policy will result in a local deficiency of needed commercial lands.
5. The re-wording of this Commercial Land Use Policy #5 will achieve two fundamental goals: (A) availing adequate vacant commercial land for local development needs, and (B) promoting highway access control.



ATTACHMENT B For Comp Plan Policy Text Amendment

Oregon

Department of Land Conservation and Development

1111 NE Oregon Street

Salem, Oregon 97331

Phone (503) 378-3000

Director's Fax (503) 378-3000

Main Fax (503) 378-3000

Rural/Coastal Fax (503) 378-3000

TGM/Urban Fax (503) 378-2000

Web Address: <http://www.lcd.state.or.us>

8/6/02

Douglas Parker, Community Development Manager
853 Main Street
Lebanon, Oregon 97355-3220



Re: Cascade Drive Wal-Mart: Local File # CPM-02-01 and CPTA-02-01

Dear Douglas,

Thank you for the opportunity to review and comment on the proposed Cascade Drive Wal-Mart development. Our review is focused on the proposal's compliance with the Transportation Planning Rule (TPR) and how the surrounding community will access the site. In summary, the Agency recommends that the city delay adoption of these proposed zone changes until after we and other affected agencies (ODOT) have a chance to review a completed Transportation Impact Study (TIS) and a complete development proposal has been submitted to the City.

This or any other proposal on this site needs to address the following requirements of the Transportation Planning Rule:

Transportation Facilities

660-012-0045(2)

The proposed zone change and text amendment will ultimately result in significant impacts to the adjacent land uses and transportation facilities along Cascade Drive and these impacts are not addressed in either of the submitted plan amendments. Adoption of the proposed amendments will allow an extremely large retail / commercial project to move closer to development before any determination of their impact on the community and its facilities as required by the TPR.

TPR requires local governments to adopt ordinances to protect transportation facilities, corridors or sites for their identified use. These regulations establish access control measures (a); standards to protect future operations of roads and transit corridors (b); a process for coordinated review of land use decisions affecting transportation facilities, corridors or sites (d); a process to apply conditions to development proposals to protect facilities, corridors and sites (e); and a process that assures "that amendments to land use designations, densities,

and design standards are consistent with the functions, capacities and level of service of facilities in the TSP (g).

Because these impacts have yet to be addressed, the Agency, as mentioned above, recommends that the city postpone a decision on these plan amendment requests until they and other affected agencies have a chance to review a complete proposal and a TIS.

Vehicle, Pedestrian and Bicycle Access and Circulation

660-012-0045(3)(a - c)

Presently, the site plan does not show any vehicular, pedestrian or bicycle connections to the site from adjacent development and does not include any clear bike and pedestrian infrastructure on site. The TPR requires local communities to "provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is less likely if connections are provided, and which avoids wherever possible levels of automobile traffic with might interfere with or discourage pedestrian or bicycle travel."

Specifically, on site bicycle parking facilities are required; clear pedestrian circulation paths and internal pedestrian circulation shall be "provided through clustering of buildings, construction of accessways, walkways and similar techniques," and; safe and convenient physical connections to surrounding development must be built.

Alignment of Streets


660-012-0060(6)(a-c)

We support ODOT's comments regarding 0060 and add that the City is required by 0060(6)(a-c) to pass an amendment to their comprehensive plan, TSP or local street plan a requirement for the alignment of on-site "streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) (see above)." We understand that these issues must be specific to the site and the type of development proposed so we again recommend that the adoptions of these plan amendments be delayed so the City, developer, ODOT and the Department can craft a practical solution.

We would be happy to work with you, your staff and Wal-Mart representatives to resolve these issues.

Please enter this letter into the record of the proceedings. We request that if additional information is provided the record be held open at least 7 days but preferably 15 days pursuant to ORS 197.763 (4) (b), to allow us time to review your final decision in this matter. If you have any questions contact me at 503-373-0050, extension 278.

Sincerely



Larry Ksionzyk
Transportation and Land Use Planner

Cc: Bob Cortright
Marguerite Nabeta
Nancy Reynolds

DLCD / Transportation Growth Management
DLCD Regional Representative
ODOT Region 2

ATTACHMENT C
For Comp Plan Policy Text Amendment

Oregon Department of Transportation



FAX # (503) 986-2840

Date 12 Aug 02
Page 1 of 6

To: Doug Parker

FAX # (541) 451-1260

From: Nancy Reynolds

**If there was a problem with this fax transmission,
please call (503) 986-5764.**



Oregon

John W. Peterson, M.D., Governor

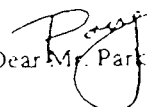
Department of Transportation

1500 NE Oregon Street
Salem, Oregon 97331
Telephone (503) 986-2533
FAX (503) 986-2533

August 12, 2002

Doug Parker
Community Development Manager
City of Lebanon
853 Main Street
Lebanon, OR 97355-3220

**SUBJECT: Wal-Mart Superstore Comprehensive Plan Text Amendment (CPTA-02-01) and
Comprehensive Plan Map Amendment (CPMA-02-01)**


Dear Mr. Parker:

Thank you for notifying and involving the Oregon Department of Transportation (ODOT) in the land use action identified above. The purpose of this letter is to inform you that ODOT has concerns about this proposed project and its potential impacts to area transportation facilities.

The proposed project is a comprehensive plan text amendment to Commercial Land Use Policy #5, and a plan map amendment from Mixed Density Residential to Special Development District, which will typically result in a zoning map assignment of Mixed Use. The property under consideration is 10.2 acres located along US 20 at Cascade Drive. The traffic generated by potential development associated with this plan amendment has the potential to significantly impact US 20.

As this project includes a comprehensive plan text and plan map amendment, it is subject to the requirements of the Transportation Planning Rule (TPR - OAR 660-12), which implements Goal 12 of the Statewide Planning Goals and Guidelines. Specifically, the requirements of OAR 660-12-060 apply here:

660-12-060

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This may be accomplished by either:

(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;

(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or

(c) Altering land use designations, densities, or design requirements to reduce the demand for automobile travel to meet travel needs through other modes.

Doug Parker, August 12, 2002
Wal-Mart Comprehensive Plan Amendment
Page 1

US 20 is designated as a regional level of importance route by the 1999 Oregon Highway Plan. The primary function of these routes is to provide connections and links to regional centers, Statewide or Interstate Highways, or economic or activity centers of regional significance. In the area of the proposed project, the highway is carrying over 17,000 vehicles per day. The intersection of Cascade Drive and US 20 is located near the south end of the proposed plan amendment. Introducing a significant number of new trips to the highway could negatively impact the functioning of this area.

The intended use of the property is to be developed with a commercial center consisting of a national retail anchor store and several pad sites for additional commercial and retail uses (e.g., gas station). The project proposes to close the existing severely skewed intersection of Cascade Drive and realign it approximately 400 feet to the north, make a 90-degree connection with US20, and construct a signal. The project also proposes to construct a secondary approach to the highway at a location approximately mid-way (750 feet) between the existing Market Street and the new Cascade Drive intersections. The proposed secondary approach meets ODOT's Access Management Spacing Standards for Approaches for this highway.

The developer must apply on behalf of the City of Lebanon for a Public Approach Road Permit for the realignment of Cascade Drive, and must apply for a Private Approach Road Permit for the secondary approach. ODOT will evaluate the request(s) in accordance with Oregon Administrative Rule (OAR) 734 Division 51 and will consider the impacts to the Historic Resource and the operation of the highway and surrounding transportation system as evaluated in the Transportation Impact Study (TIS) submitted by the City of Lebanon. The ultimate lane configurations for either requested approach are yet to be determined and will be dependent upon the analysis provided in the TIS.

The proposed traffic signal at the realigned Cascade Drive must meet traffic signal warrants and will require support by Region 2 Traffic and ultimate approval by the State Traffic Engineer. The proposed signal must comply with all of the requirements in OAR 734 Division 20.

As noted above, the City must comply with OAR 660-12-060 by including evidence in the record that indicates that the project will not adversely affect the operation of the area transportation facilities. ODOT has received the transportation impact studies (TIS) completed by the applicant and by the City. ODOT will review the TIS to determine the magnitude of project-related impacts to the transportation system, and evaluate mitigation measures necessary to ensure that the project will not adversely affect the state highway, county roads, or city streets. ODOT staff are working with the City and applicant, and are committed to timely review of the TIS.

The Santiam Wagon Road (a National Register eligible historic resource) parallels US 20 along the east side of the property. The current proposal indicates that the project will reserve the land between the parking area and the highway as an historic easement to preserve the trail. In addition, plantings are proposed along the trail to recreate the tree-lined trail and in some areas to buffer the trail from development. The primary access to the site at the south end of the project is a realignment of Cascade Drive. This realignment will cross property that is currently owned by ODOT (tax lot 1900). A request to surplus this property has been made to ODOT. State requirements (ORS358.653) specify that "any state agency or political subdivision responsible for real property of historical significance in consultation with the State Historic Preservation Officer shall institute a program to conserve the property and assure that such property shall not be inadvertently transferred, sold, demolished, substantially altered or allowed to deteriorate." ODOT must therefore consider impacts to the Santiam Wagon Road as a result of a potential surplus property transfer. The State Historic Preservation Office (SHPO) has identified a

Doug Parker, August 12, 2002
Wal-Mart Comprehensive Plan Amendments
Page 1

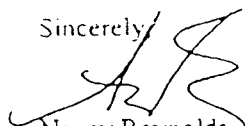
number of requirements to retain the historic nature of the Santiam Wagon Road. These are attached. A Historic Resource Management Plan will be included in the transfer of surplus property to the City.

The existing drainage system in the area is at capacity. Oregon Drainage Law requires historic flow rate into the existing systems be maintained, or the applicant must develop a drainage system on site. All drainage issues must be resolved prior to issuance of a road approach permit from ODOT.

This letter should be included in the hearing record as ODOT testimony. ODOT should be considered a party to the hearing and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the City's decision, including findings and conclusions.

Please contact Tony Martin at (503-986-2655) or Gerry Juster (503-986-2732) if you have any questions regarding the TIS evaluation.

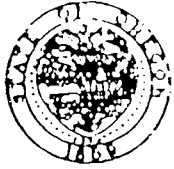
Sincerely,



Nancy Reynolds

Senior Transportation Planner

cc: Bob Wood, District 4 Manager
Dick Upton, Area 4 Manager
Rod Bricco, District 4 Assistant Manager
Gerry Juster, Access Management
Gene Walton, District 4 Permit Specialist
Roz Keeney, Cultural Resources Specialist
Larry Ksionzyk, DLCD
David McEldowney, Right of Way
Nancy Niedernhofer



Oregon

John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
 State Historic Preservation Office
 1115 Commercial Street
 Salem, OR 97301-1012
 (503) 378-4168
 FAX (503) 378-6447

August 5, 2002

ODOT, District 4
 Attn: Robert Wood, District Manager
 3700 SW Philomath Blvd.
 Corvallis, Oregon 97333

Re: Santiam Wagon Road

Dear Mr. Wood:

The purpose of this letter is to finalize the resolutions to cultural resources issues with regard to the proposed development that will affect the National Register eligible Santiam Wagon Road segment in Lebanon, Linn County, Oregon. The State Historic Preservation Office (SHPO) and the Oregon Historic Trails Advisory Council (OHTAC) conditionally approves Oregon Department of Transportation (ODOT) transferring Tax Lot 1900 in the City of Lebanon to City ownership in compliance with Oregon Revised Statute (ORS) 358.653.

The conditions are those specified in a letter from our office dated June 18, 2002 to CLC Associates. A meeting conducted on July 15, 2002, attended by ODOT, SHPO, OHTAC, CLC Associates (the developer's designers), Greg Hathaway of Davis Wright Tremaine LLP (the developer's legal representation), and the City of Lebanon, used these conditions as the basis of the discussion.

These conditions serve as our understanding of the results of the discussion and the terms of SHPO and OHTAC approving the transfer of the subject property and are consistent with the July 11, 2002 drawing prepared by CLC Associates incorporated herewith by reference:

Item 1. The developer has agreed to a 15-foot buffer around the historic Santiam Wagon Road. This is demonstrated in the drawing dated July 11, 2002 produced by CLC Associates. No development or new construction is to occur within that buffer.

Items 2. SHPO/OHTAC require that the lane width of the proposed realignment of Cascade Drive is to be the minimum width possible to accommodate life and safety issues as demonstrated by the traffic impact studies and subject to approval by ODOT and the City of Lebanon. If the realignment is approved then SHPO/OHTAC requests that the developer remove the existing Cascade Drive intersection and restore that portion of the Santiam Wagon Road.

Item 3. SHPO/OHTAC require that ingress and egress lanes, if deemed necessary by the traffic impact studies, be designed to have the most minimal impact possible on the resource, taking into account life and safety issues as demonstrated by the studies and subject to approval by ODOT and the City of Lebanon. If deemed necessary and approved, the developer should use existing Champion approach road for ingress/egress so as not to further damage the historic resource.

Should the existing approach road not be necessary as ingress/egress lanes into the development, SHPO/OHTAC would request restoration of the wagon road at these points. Should additional approach road to the site be necessary in the future, SHPO/OHTAC would recommend consideration of widening the realigned Cascade Drive rather than an additional approach road that impacts the Santiam Wagon Road.

Page 2
 CLC - Santiam Wagon Road
 7/26/02

Item 4. SHPO/OHTAC appreciates the developer's willingness to construct a kiosk for interpretation of the historic resource and welcomes the opportunity to work with your office on the design and interpretive materials of the kiosk. In 2000 the National Park Service published a bulletin entitled, "Telling the Stories: Planning Effective Interpretive Programs for Properties Listed in the National Register of Historic Places" which will serve as an excellent and proper basis for the interpretation of this National Register eligible historic resource.

Item 5. The SHPO office strongly recommends that the developer donate the historic resource as an easement to the City of Lebanon for responsibility for future control, access, and maintenance of the resource. In exchange, the SHPO office recommends that the City enter into an agreement document with the developer, based on their indicated willingness, to create a fund for the long-term maintenance of the historic resource, to include funds for landscape upkeep, trash clean up, irrigation, and maintenance of the kiosk. The SHPO office, in conjunction with OHTAC, will provide recommended language for the agreement document.

Item 6. Ensure that sidewalk/multi-use path is physically separated from the Wagon Road. The City has indicated their preference to have the sidewalk moved away from the highway, SHPO would like to ensure that the path is separate from the Santiam Wagon Road, is placed so as to minimize impacts to existing historic vegetation, and that the path is not located within the 15' buffer that has been agreed to in Item 1 above, except at points shown on the July 11, 2002 drawing, if the ingress/egress lanes for a second approach road are determined to be necessary.

Item 7. The developer should maintain most of the trail-related landscape elements, and has indicated a willingness to do so, as shown on the July 11, 2002 drawing. SHPO/OHTAC are supportive of the removal of dying or diseased trees and replanting with new, healthy ones. We would recommend hiring a certified arborist to evaluate the health of the existing trees and write a report detailing the health of the existing trees, need for the removal of any trees, and recommended maintenance treatments.

The above conditions do not preclude ODOT and/or the developer from complying with ORS 358.910 in the case of an inadvertent discovery of archeological materials during development. Please do not hesitate to call me at (503) 378-4168, ext. 256 if you have any questions or concerns.

Sincerely,



Nancy A. Niedernhofer
 National Register Coordinator

cc: James Hamrick, SHPO
 Honorable Scott Simpson, Mayor of Lebanon
 John Hirt, Lebanon City Manager
 Doug Parker, Lebanon City Planner
 Eileen G. Fitzsimons, OHTAC Chair
 Todd Whipple, CLC
 Dean Logsdon, CLC
 Greg Harshaw, Davis Wright Tremaine LLP
 Gerard Juster, ODOT
 Rosalind Keeney, ODOT
 David McEldowney, ODOT
 Gene Walton, ODOT
 Tony Martin, ODOT



ATTACHMENT D
For Comp Plan Policy Text Amendment

CITY OF LEBANON
925 MAIN STREET
LEBANON, OREGON 97355-3200
FAX: (503)451-1260

October 27, 1995

NOTICE OF PERIODIC REVIEW WORK TASK

On September 27, 1995 the City of Lebanon made its final decision about periodic review work task #1. This work task amended the Comprehensive Plan Map designation for three sites adjacent to U.S. Highway 20 to accommodate commercial land development needs projected for the next 20 years. Additionally, the City developed and adopted preliminary highway access plans for these sites (and 2 other sites) in conformance with ODOT Highway Access Management and Control Policies and Guidelines. In reaching this decision, the City conducted an inventory of vacant and underdeveloped parcels adjacent to U.S. Highway 20 and conducted a commercial lands needs assessment.

You may review a copy of this decision at the Planning Department office. The office is at Lebanon City Hall, 925 Main Street, Lebanon, Oregon 97355. Office hours are 8:00 am to 5:00 pm Monday through Friday. A copy of all documents and evidence relied on and considered in making the decision are available for inspection and review at no cost and will be provided at a cost of 15 cents per single-sided page. If you have questions or need additional information please contact Douglas Parker, City Planner at 451-7435.

If you disagree with the City's decision, you may seek review by the Department of Land Conservation and Development (DLCD) or the Land Use Board of Appeals (LUBA).

If you believe the City did not satisfactorily complete the work task or the work task does not comply with the statewide planning goals, you may object to DLCD. To file an objection with DLCD, you *must* do three things. One, submit a written objection to DLCD's Salem office (1175 Court Street NE, Salem, OR 97310-0590). DLCD must receive the objection *within 21 days* of the date on this notice. Two, send a copy of the objection to the City Planning Department. Three, address these requirements in your objection:

1. Show how you participated in the City's periodic review either by speaking at a public meeting or by sending written comments about the work task;
2. Explain your complaint about the work task; and
3. Recommend a specific change to the work task that would resolve your objection.

If you have questions about DLCD's review of this work task, call Mel Lucas at 378-2472.

If your disagreement concerns issues of the City's decision that do not involve periodic review and the statewide planning goals or are outside the jurisdiction of the Land Conservation and Development Commission (LCDC), you may appeal to LUBA. Consult Oregon Administrative Rules Chapter 661, Division 10 for appeal procedures.

dm

MINUTES
LEBANON CITY COUNCIL MEETING
SEPTEMBER 27, 1995

MEMBERS PRESENT Councilor Ron Miller, Diane Branson, John Richard, Wayne Rieskamp and Floyd Fisher

STAFF PRESENT Joseph Windell, City Administrator, Tom McHill, City Attorney; Judy Wendland, Finance Director; Walt Richmond, Chief of Police; Douglas Parker, City Planner; Charles Eaton, Senior Engineer; Dorothy Nicholson, Secretary

CALL TO ORDER

Due to the absence of Mayor Bob Smith the meeting was called to order by Ron Miller, President of the City Council at 7:30 P.M., September 27, 1995 in the Lebanon School District Board room at 485 S. 5th Street. Roll call was taken with five members present. Councilor Ken Toombs was absent.

APPROVAL OF MINUTES

1. MINUTES OF SEPTEMBER 13, 1995 CITY COUNCIL MEETING

The Minutes of the September 13, 1995 meeting were approved as submitted.

LEGISLATIVE ACTION

3. AWARD OF BID - CITY SHOP PAVING AND FENCE

Senior Engineer Eaton presented bids received for Shop Site Phase 1, Project #92726-44, Paving and fence. Staff recommend bid submitted by John McGregor Construction (GKB) of \$154,002.65. This bid includes Option A (early completion) and Alternatives H (plastic slats in the fence and I (welded wire fabric in the concrete floor slabs instead of rebar). Four bids were received:

John McGregor Construction (GKB Construction)	\$157,102.65
Roger Langeliers Construction	187,459.65
Kip Construction Company	196,642.00
Alan Roth Construction	222,498.33

A motion was made by Councilor Rieskamp, seconded by Councilor Branson and passed unanimously that:

We accept the low bid by John McGregor (GKB) Construction.

4. CENTURY PARK GRANT AGREEMENT

City Administrator Windell reported the Intergovernmental Agreement was approved by the County Commissioner this morning, Wednesday, September 27, 1995. Mr. Windell presented Council members with picture of playground equipment recommended for the park. The equipment should be delivered October 25, 1995. Linda Bahrke, from the audience, stated there is a need for a work crew and is asking for volunteers. Councilor Miller suggested she investigate the possibility of asking the Construction Class at the Lebanon High School. Dates for setting up the equipment are set for October 25, 26, 27.

A motion was made by Councilor Rieskamp, seconded by Councilor Fisher and passed unanimously that:

We approve the grant for the purchase of Century Park playground equipment.

PUBLIC HEARING

Councilor Miller opened the Public Hearing at 7:37 P.M.

2. COMPREHENSIVE PLAN MAP AMENDMENTS AND ADOPTION OF PRELIMINARY HIGHWAY ACCESS PLANS

City Attorney McHill commented there are technically four public hearings on four related matters and unless there are any objections staff proposes that we proceed in giving all of those hearings at the same time. He explained to the audience that they would be asked if there is any conflicts of interest or ex parte contact with members of the council, any contacts they would have had outside of this room regarding these issues or any conflict of interest they need to disclose with respect to the comprehensive plan map amendments and the access plans. The taking of testimony from anyone wishing to speak for or against the proposed plan map amendments or access plans will then follow. Mr. McHill stated that Staff identified criteria, that all evidence must be related to the criteria identified or some other criteria, and that failure to raise an issue with sufficient specificity to let the Council or parties respond will preclude an appeal to LUBA on that issue.

Council President Miller asked for any conflicts of interest or ex parte of the members of the council. There were none.

City Planner Parker stated that as part of the City's periodic review update of the Comprehensive Plan and Zoning Ordinance, staff identified things that need to be done to bring the ordinances up to date. There is a need to be sure there is an adequate amount of vacant, developable land to respond to the community's commercial development. Staff made an inventory of the larger pieces of undeveloped or underdeveloped properties within the urban growth boundary adjacent to our highways, in this case Hwy 20. There was also a needs assessment

done, finding a range of needed acres for commercial development over the next twenty years, between 98 acres to 228 acres. He stated the Planning Commission recommends the four amendments be approved. Mr. Parker emphasized that it is very important to note that the proposed changes will not result in any restrictions or any precluding of development opportunities that are currently available under the existing zoning and/or comprehensive plan map designations. Everything that is being proposed is presenting new opportunities and not any restraints. Mr. Parker reviewed each site proposed for change.

Mr. Parker also stated that in addition to the above site zoning changes a study also involved a development of highway access plans. The biggest impediments for the development was properties adjacent to the highway, getting highway decisions and access permits. Staff has been trying to locate new access locations for these vacant sites that would most effectively address the site's access needs and still comply with the highway division's access controls and policies.

Councilor Rieskamp questioned Mr. Parker regarding Site #3. Does it have to do with the realignment with Market Street? Mr. Parker responded that it does. We already have an existing control in that intersection but it doesn't extend eastward across the highway so does not as yet provide any controlled access to this site to the industrial property to the east. Oregon Department of Transportation (ODOT) will not allow a signal here because it is too close to the existing signal, however ODOT is in favor of the proposed controlled access.

President Miller asked if there was anyone in the audience who would like to speak in favor of these changes.

Larry Spires, 37343 Gore Drive, spoke regarding Site #1. He noted that he owns about half of this site. He congratulated the staff for having the foresight to be prepared to accommodate industry that might be looking at this community. Mr. Spires recommended that the council accept staff's recommendations. Mr. Spires commented on the spirit of cooperation being shown by ODOT at this time. He pleaded with the council that they accept all three sites in the comprehensive change that is being recommended. He does not see any problems with the preferred access changes.

Mike Groff, 210 Cascade Dr., spoke in favor of the proposal regarding #4, but does have a concern about the development of the sewer system down Cascade Drive. He asked that the council address this problem.

President Miller asked if there was anyone in the audience who wished to speak in opposition to these changes.

There being no further comments, President Miller declared the public hearing closed at 8:00 P.M.

Councilor Rieskamp asked if Mr. Groff's request regarding the sewer system has been brought up at a previous public hearing. Mr. Parker responded that it had not, and if it had, he would have had an engineering response for it. He was not sure that a cross connection can be done under the highway. Senior Engineer Eaton stated that the interceptor study done a couple of years ago addresses all of the property on the south and that the proposal is for Phase #4 interceptor to come down Crowfoot Rd., all the way to the highway to feed those sites.

City Attorney McHill proceeded to read the resolutions by title:

Site #1 A RESOLUTION APPROVING COMPREHENSIVE PLAN AND ZONE MAP AMENDMENTS TO REDESIGNATE 82.74 ACRES FROM MIXED DENSITY RESIDENTIAL AND SPECIAL DEVELOPMENT DISTRICT TO SPECIAL DEVELOPMENT DISTRICT.

A motion was made by Councilor Branson, seconded by Councilor Richard and passed unanimously:

That the Resolution for Site #1 be approved.

Site #3 A RESOLUTION APPROVING COMPREHENSIVE PLAN AND ZONE MAP AMENDMENTS TO REZONE 26.37 ACRES FROM HIGHWAY COMMERCIAL AND LIMITED INDUSTRIAL TO HIGHWAY COMMERCIAL AND MIXED USE.

A motion was made by Councilor Rieskamp, seconded by Councilor Richard and passed unanimously:

That we approve the Resolution for Site #3.

Site #4 A RESOLUTION APPROVING COMPREHENSIVE PLAN MAP AMENDMENTS CONCERNING 91.17 ACRES FROM GENERAL INDUSTRIAL TO A SPECIAL DEVELOPMENT DISTRICT.

A motion was made by Councilor Richard, seconded by Councilor Rieskamp and passed unanimously:

That we approve the Resolution for Site #4.

A RESOLUTION APPROVING COMPREHENSIVE PLAN MAP0 AMENDMENTS CONCERNING HIGHWAY ACCESS LOCATIONS FOR CERTAIN SITES WITHIN THE CITY OF LEBANON.

A motion was made by Councilor Branson, seconded by Councilor Rieskamp and passed unanimously:

That we approve the Resolution.

MONTHLY BOARD MINUTES

5. SENIOR AND DISABLED SERVICES ADVISORY BOARD MINUTES

Senior and Disabled Services Advisory Board Minutes of August 23, 1995.

OTHER MATTERS

6. "COPS IN SHOPS" PROGRAM INFORMATION

Chief of Police Richmond reported that in his discussion with one of the police captains of Springfield police department the captain stated they had not had a lot of success with their plain clothes people going into stores that sell alcohol or even anyone acting as a store employee to observe anyone under 21 years of age attempting to purchase alcohol. The police captain felt the poster program was very effective. Chief Richmond showed posters to place in the windows and buttons for employees to wear that are available with statements such as "NO SALE, NO ID, NO WAY! These items help the stores control someone under 21 attempting to purchase alcohol. We can initiate this program with the help of OLCC. The Councilors approved that Chief Richmond proceed with this project.

CITIZENS COMMENTS

Dixie and Blaine Belveal presented a letter to the Council regarding their company now located in Sweet Home, West Coast Industrial Systems. They are wishing to purchase a four acre industrial site on Airport Road. They are asking the city to waive city fees of \$26,600 because they are not sure the bank will approve their loan with the additional fees. City Administrator Windell stated these costs can be put under the Bancroft Act. City Planner Parker reported that the application fees of \$1,000 had been waived. Mr. Windell reported that local benefits provided under the enterprise zone could be waived. But he remarked that it will not be any lower than \$14,600.

City Administrator Windell will investigate the above possibilities of reducing the fees. If the Council needs to vote on this issue a special (noon) meeting could be called.

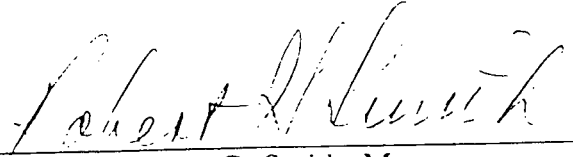
OTHER BUSINESS

City Administrator Windell reported the city has the contract for the ADA architect. He recommended that as long as City Attorney McHill feels the agreement is a good agreement from a legal standpoint the Council approve the signing of the contract so the project can proceed. Mr. McHill feels there is no legal responsibility to do that but that Mr. Windell explain the constructural changes that are necessary which Mr. Windell proceeded to do. The members of the Council gave concensus to proceed with the signing of the contract.

ADJOURNMENT

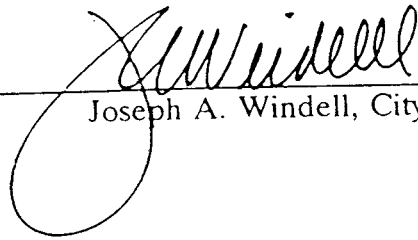
There being no further business to come before the Lebanon City Council, the meeting was adjourned at 8:50 P.M.

Recorded by Dorothy Nicholson, Secretary



Robert G. Smith, Mayor

ATTEST:



Joseph A. Windell, City Recorder

CITY OF LEBANON PLANNING COMMISSION

September 20, 1995

7:30 P.M.

A G E N D A

Lebanon School District Admin. Office
Board Room - 485 S. 5th

MEMBERS: Chairperson Thackaberry, Vice Chairperson Nelson, Commissioners Allen, Dornhecker, Harding, King, Larson, Nicholson, Whitlock

1. CALL TO ORDER/ROLL CALL

A. Minutes of August 30, 1995 meeting

2. PUBLIC HEARING (7:35 pm)

A. Comprehensive Plan Map Amendment CPA-95-1

A City-Initiated request to re-designate a 82.74 acre territory on the Lebanon Comprehensive Plan Map from Mixed Density Residential to Special Development District (SPD). The proposed re-designation is a result of the findings of the recently-completed Lebanon Commercial Lands Study which identified the local need for more vacant commercial developable property along State Highway 20. The subject property is currently primarily in agricultural production and contains about a half dozen residences, is 82.74 acres in area, and consists of 14 different parcels. The property is located south of Albany-Santiam Canal, west of Highway 20, east of Hansard Avenue and north of Mary Street. Assessor's Map 12-2W-3D, Tax Lots 100, 103, 116; Assessor's Map 12-2W-3C, Tax Lot 100; Assessor's Map 12-2W-3A, Tax Lots 1900, 1200, 1800, 2000, 2001, 2101, 2100, 2003.

B. Comprehensive Plan Map Amendment CPA-95-2/Zone Map Amendment ZMA-95-1

A City-Initiated request to re-designate a 26.37 acre territory on the Lebanon Comprehensive Plan Map from Commercial and Light Industrial to Special Development District (SPD). This proposed re-designation is a result of the findings of the recently-completed Lebanon Commercial Lands Study which identified the local need for more vacant commercial developable property along State Highway 20. The subject property is currently a vacant field, is 26.37 acres in area, and consists of 2 different parcels. The property is located north and east of Highway 20, south of Gilbert Street and east of the OERR tracks. Assessor's Map 12-2W-23B, Tax Lots 100, 102.

C. Comprehensive Plan Map Amendment CPA-95-3

A City-Initiated request to re-designate a 91.17 acre territory on the Lebanon Comprehensive Plan Map from General Industrial to Special Development District (SPD). This proposed

MINUTES

CITY OF LEBANON PLANNING COMMISSION

September 20, 1995

MEMBERS PRESENT: Chairperson Dan Thackaberry, Vice Chairperson Joanne Nelson, Commissioners Malia Allen, Doug Dornhecker, Jeff Harding, Retha Larson, Robin Whitlock

STAFF: Doug Parker, City Planner; Jim Clark, Engineering Division Manager; Tom McHill, City Attorney; Anna Rae Goetz, Secretary

1. CALL TO ORDER/ROLL CALL

The meeting was called to order by Chairperson Thackaberry at 7:35 p.m. in the Lebanon School District Board Room. 485 S. 5th. Roll call was taken. Commissioners King and Nicholson were absent.

The minutes of August 30, 1995 were approved as amended.

2. PUBLIC HEARING

Chairperson Thackaberry reviewed public hearing procedures and format. City Attorney McHill stated for the record that any evidence or testimony presented must address the posted relevant criteria.

A. Annexation A-95-3 (Riverview Estates)

Proposed annexation of a 48.31 acre territory containing three residences and a large agricultural field in support of a proposed residential subdivision.

Chairperson Thackaberry opened the public hearing and asked for ex parte contact or conflict of interest from the commissioners. Commissioner Harding stated that he received a call from a citizen addressing concerns about the proposal.

Planner Parker reviewed the staff report including the Introduction, Site Description, Planning and Zoning Considerations, and Relevant Criteria. Planner Parker reviewed the Staff Recommendation and offered the staff report for the record, which Chairperson Thackaberry accepted. Planner Parker then reviewed Proposed Findings.

Chairperson Thackaberry asked for questions from the commissioners.

There was discussion regarding access to the proposed annexation area.

Chairperson Thackaberry asked for testimony from the applicant.

There was further discussion regarding construction of the bridge.

Engineering Manager Clark addressed issues raised regarding the Glen Oaks Subdivision. He explained that from the beginning staff had developed a master plan for the area that included extending Russell Drive to the east. He noted that at that time staff acknowledged that a bridge would be required in the future but no commitment as to when was given. Engineering Manager Clark also explained that the pump station was a mandatory requirement for providing sewer service to the Glen Oak Subdivision but construction of a bridge for the completion of this proposed subdivision phase is not mandatory. There was discussion regarding anticipated traffic flow at time of bridge construction and full buildout of proposed subdivision. There was discussion regarding bike lanes.

Commissioner Harding moved to approve S-95-2 (Phase 1) based on the information contained in the application, staff report and testimony, including the conditions of approval in the staff report, proposed findings, and Department Comment (m). Commissioner Nelson seconded and there was discussion on the motion. The motion was approved by a vote of 4 in favor and 2 opposed.

Commissioner Whitlock excused herself from the remainder of the meeting.

- C. Comprehensive Plan Map Amendment CPA-95-1
- Comprehensive Plan Map Amendment CPA-95-2/Zone Map Amendment ZMA-95-1
- Comprehensive Plan Map Amendment CPA-95-3
- Comprehensive Plan Amendment CPA-95-4 (Highway Access Plans)

City Attorney McHill stated that for the record that Comprehensive Plan Map Amendment public hearings are scheduled, there is a quorum present and no public attending for testimony. City Attorney McHill reviewed procedures as follows: Dispense with formal recitation, review staff report, open and close public hearing, and proceed toward decision.

Chairperson Thackaberry opened the public hearing and asked for ex parte contact or conflict of interest from the commissioners. There was none.

Planner Parker summarized the amendment process and the prior meeting addressing these amendments. Planner Parker reviewed the amendment proposals.

Chairperson Thackaberry asked for questions from the commissioners. There were none.

Chairperson Thackaberry closed the public hearing and asked for discussion among the commissioners.

Commissioner Larson moved to recommend to City Council to approve CPA-95-1, CPA-95-2, ZMA-95-1, CPA-95-3 and CPA-95-4 based on the information contained in the application and staff report, with the conditions of approval in the staff report and proposed findings. Commissioner Dornhecker seconded and the motion was unanimously

approved

3. OLD BUSINESS. There was no old business discussed.

4. OTHER BUSINESS

A. Meeting Schedule. Meetings were scheduled for October 18 and November 15.

5. COMMISSIONER'S COMMENTS

6. ADJOURNMENT

The meeting was adjourned at 12:05 a.m., September 21, 1995.

Recorded by Anna Rae Goetz

CITY OF LEBANON

COMMERCIAL LANDS STUDY

AND

HIGHWAY ACCESS PLANS

June, 1995

Prepared by:

Lebanon Planning, Public Works and Engineering Departments

Lebanon City Hall

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Lebanon, OR 97355

Phone: (503) 451-7435

Fax: (503) 451-1260

Joseph A. Windell, City Administrator

Douglas S. Parker, City Planner

James P. Ruef, Public Works Director

This project and the preparation of this document was funded in large part by a grant from the Oregon Department of Land Conservation and Development

LEBANON COMMERCIAL LANDS STUDY

INTRODUCTION

The City of Lebanon has identified the need to provide adequate vacant land for commercial and mixed use development. Specifically, large parcels of developable commercial property adjacent to highways and arterials are very scarce, if available at all. The economic base of the community has experienced a substantial shift since the Comprehensive Plan and Zoning Maps were first developed. In order to assure that current zoning and map designations reflect local current conditions and needs and to enable the community to respond to economic development opportunities, the City has undertaken a commercial lands study as part of its Periodic Review Work Program which is designed to update the City's zoning and planning procedures, policies and practices.

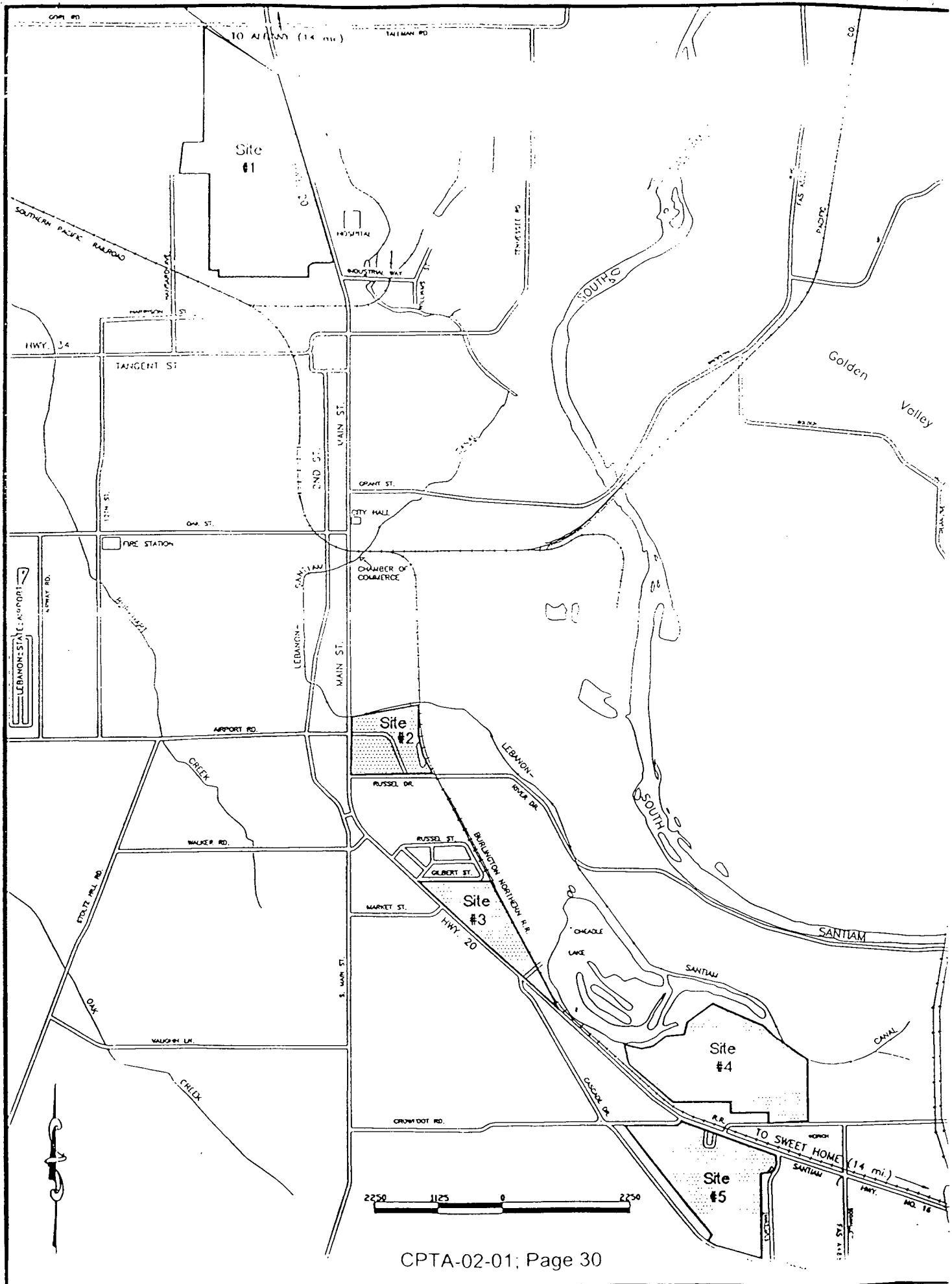
A vital component of the study involves developing preliminary highway access plans for identified development sites. The major transportation routes through town, Highways 20 and 34, are owned and maintained by the Oregon Department of Transportation (ODOT). All access permits onto Highways 20 and 34 are administered and issued by ODOT who has recently adopted Highway Access Management and Control policies and guidelines in order to assure that land development (and access) adjacent to state highways does not conflict with the safety and operations of those roadways. Consequently, the commercial lands study includes the identification of proposed access locations that comply with ODOT's programs.

A public informational meeting was conducted in May and attended by more than 50 people. All property owners, local real estate offices, local developers and other interested parties were sent notice of the meeting and informational packets. The study and its preliminary findings were well received. A second informational meeting will take place prior to Planning Commission public hearings. The City Council is scheduled to take action on the Planning Commission recommendations by the end of September.

THE PROCESS

The study consists of four primary components as follows:

1. Inventory. All large, vacant and underdeveloped parcels adjacent to Highway 20 were inventoried and mapped. Study sites were identified including groups of properties that comprise a logical development site. The inventory resulted in the identification of five study sites consisting of groupings of properties ranging in size from 28 to 163 acres (see map). The five study sites constitute 400 acres.
2. Land Needs Assessment. A determination of the current and future commercial land development needs of the community was then undertaken. This needs assessment focused



on commercial and for the following reasons: 1) there are very few large commercial sites currently available for development or re-development, 2) a substantial amount of vacant residential and industrial designated properties within the Urban Growth Boundary (UGB) exist, 3) commercial development favors sites that are visible from primary transportation routes and therefore the likely development of the inventoried highway-abutting sites will be for commercial purposes, and 4) the preparation of coordinated highway access plans will actually facilitate the development of the inventoried sites as commercial developments represent the most demanding highway access users.

The methodology for the land needs assessment is discussed in detail in Attachment A. Growth in population and therefore job/employment growth is the primary consideration as more people translate to more jobs and shopping demand.

The City employed an "academic approach" by following the guidelines of various texts regarding population projections and number of employees per acre. City staff then evaluated these projections by comparing them to actual local development patterns of the past six years. Actual local development projects were evaluated for land "consumption" and number of employees per acre. It is strongly felt that locally valid and applicable assumptions and "thumb rules" were necessary. Consequently, a range of needed acreage for future commercial development in the next 20 years was developed. Whereas the exact types and scale of future commercial development is unknown at this time, it was determined that it would be optimal to address the range of needed lands in order to assure that the community's needs will be met. The range for needed commercial land for development in the next 20 years was from 98 acres to 228 acres.

3. Comprehensive Plan and Zoning Map Amendments

The five study sites were then evaluated as to their Comprehensive Plan and zoning designations to determine their "opportunity status" relative to the needs assessment. The five sites represented a variety of designations including residential, commercial, industrial and mixed use designations. The objective of this part of the study is to enhance the development opportunity or potential of the study sites and to assure that needed lands are available to respond to development opportunity.

The approach undertaken was not to preclude future development opportunity permitted by existing map designations but rather to enhance and diversify site development opportunities thereby addressing the identified commercial land development need. Consequently, where any amendments are proposed they are for Comprehensive Plan Map and Zoning Map amendments to special development districts and mixed use zones, respectively. These designations permit commercial development while not precluding development opportunities under the existing, historic designations. This approach promotes diversified, mixed uses which are favored as they decrease transportation demands and better reflect local community needs and values.

The mixed use zoning designations permit industrial, commercial or residential development pending a conditional use planning review and compatibility evaluation. This designation does not guarantee that these sites will be developed commercially and, therefore, it is prudent to designate an amount of land in this category in excess of the minimum identified in the needs assessment. In fact, it is anticipated that at least half of Site 1 (80 acres) will be residentially developed, all of Site 4 (91.17 acres) will be developed for recreation commercial, and Site 5 (81 acres) for residential development.

4. Preliminary Highway Access Plans.

The provision of highway access is a critical element of the development of any site, especially a large commercial one. ODOT requires a permit process for all new and changed existing access; this process can at times be difficult, lengthy and expensive if major highway improvements (widening, turn lanes, signals, etc.) are required. ODOT has implemented new highway access controls which may preclude various proposed accesses if they pose potential traffic conflicts or substantially diminish the existing level of service of the adjacent highway.

As part of the Commercial Lands Study, preliminary highway access plans have been developed for the study sites regardless of their status regarding Comprehensive Plan and Zoning Map amendments. These preliminary access plans have been developed in cooperation with ODOT Highway Division staff and are intended to implement and fulfill ODOT's access control program. These access plans also reflect the City's policies and requirements regarding road access as well as the adopted Transportation (Facility) Master Plan.

It is noteworthy that two of the five study sites (Sites 4 and 5) are currently the subject of a Traffic Impact Analysis in support of a proposed development of Site 4. Consequently, access plans for these two sites will be developed pending the findings of this analysis.

FINDINGS AND CONCLUSION

Of the five study sites, two are found to have appropriate map designations (Sites 2 and 5). Site 1 is proposed to have half of the site redesignated. Sites 3 and 4 are both undeveloped industrial sites that are proposed for redesignation. Individual site reports have been prepared including proposed preliminary highway access plans.

Study findings and recommendations are summarized as follows:

SITE	TOTAL ACREAGE	CURRENT DESIGNATION	PROPOSED DESIGNATION	CURRENT ZONING	PROPOSED ZONING	PROPOSED ACRES TO BE CHANGED	PROPOSED # OF PLANNED ACCESS POINTS
1	163	Mixed Density Residential and Special Development District (SPD)	Special Development District (SPD)	UGM-10 (County) and Mixed Use (MU) (City)	Mixed Use (MU)	82.74	4
2	31	Commercial and Special Development District (SPD)	No Change	UGM-10 Heavy Industrial (County) and Highway Commercial (CH) (City)	No Change	0	4
3	28	Commercial and Light Industrial	Commercial and Special Development District (SPD)	Highway Commercial (CH) and Limited Industrial (ML)	Highway Commercial (CH) and Mixed Use (MU)	26.37	3
4	91.17	General Industrial	Special Development District (SPD)	EFU-80	Mixed Use (MU)	91.17	Pending Traffic Impact Analysis
5	81	Mixed Density Residential and Commercial	No Change	UGM-10 and Light Industrial	No Change	0	Pending Traffic Impact Analysis

Total area of all five study sites: 394.17 acres
 Total area proposed for redesignation: 200.28 acres

LEBANON COMMERCIAL LAND STUDY

CITY OF LEBANON PLANNING COMMISSION STAFF REPORT

COMPREHENSIVE PLAN MAP AND ZONE MAP AMENDMENTS

Commercial Lands Study Site #	<u>3</u>	Files #:
Total Land Area:	<u>28</u> acres	CPA-95-2
Number of Parcels:	<u>8</u>	ZMA-95-1

Site Location: North and east of Highway 20, south of Gilbert Street and east of the OERR tracks

Current Zone Designation: Highway Commercial and Limited Industrial

Proposed Zone Designation: Highway Commercial and Mixed Use

Current Comprehensive Plan Designation: Commercial and Light Industrial

Proposed Comprehensive Plan Designation: Commercial and Special Development District

Parcel Legal Description (Assessor's Map) of parcels proposed for Amendment:

1. T12S - R2W - 23B, Tax Lot 102 (13.76 acres)
2. T12S - R2W - 23B, Tax Lot 100 (12.61 acres)

Total area proposed for Amendment ~ 26.37 acres

Proposed Amendment - from Light Industrial to Special Development District

Background and Site Description

The proposed redesignation area consists of two large, vacant, industrial zoned parcels that function as a buffer zone separating the remaining industrial activity (GP hardboard mill) to the east from the commercial (and limited residential) development along Highway 20. The south part of the site abuts a vacant mill site that once was the world's largest plywood mill. Development of this transitional area has been limited by the lack of a good highway access and city services. Recent major commercial development (Wal-Mart) across the highway from this site has generated interest in the study site. This site most recently serves the circus/carnival when it visits town.

Planning and Zoning Consideration

This site is unique in that it offers total visibility from the highway, has railroad access and abuts a vacant lumber mill. The odd triangular shape of the parcel as well as its limited width diminishes its potential as an industrial site. This site is the last large vacant parcel in city limits on the south side of town with commercial developer potential. Lebanon's largest commercial centers are located across Highway 20 to the direct west and northwest from this site.

A very large amount of available land for potential development of limited industrial properties exists in the north and west portions of the City. The proposed development of retail, commercial and mixed (with infrastructure/utility) properties. Realigning this site from Limited Industrial to Special Development District will not result in an inadequate amount of available Limited Industrial land.

Highway Access - Issues and Status

A number of special access considerations are involved with this site. Market Street, which was re-aligned during the development of Wal-Mart, is a recent signalized intersection that does not currently continue eastward across the highway and, in fact, such extension is currently blocked by a privately owned commercial parcel. No additional signals will be allowed in this vicinity according to ODOT. The exclusive truck access to the industrial area is from an uncontrolled, industrial-size driveway in the middle of the site. This stretch of highway is an acceleration zone for outgoing, southbound traffic and a deceleration zone for northbound, incoming traffic. These conditions make across highway truck movements (left turns) and access difficult and at times dangerous.

Discussions with ODOT staff have resulted in the following access proposal for this site:

1. Market Street will be extended eastward across the highway providing a full service, controlled access that can be used by industrial users (trucks) and future commercial users. It is noteworthy that the eastward extension of this existing controlled (signalized) intersection is important because no other signal (other than at the extreme south) would be permitted to serve this site due to the proximity of the Market Street signal;
2. The existing industrial truck access may remain but would become a much less used, right-in and right-out access; and
3. A possible new access to the site across from the existing intersection of Cascade Drive and Highway 20 (Mile Post 15.18) which is currently a dangerous high-use intersection that is proposed for future reconfiguration/reconstruction and a possible signal.

Zoning Ordinance and Comprehensive Plan Criteria

1. Section 9.010 of the Lebanon Zoning Ordinance identifies the procedures by which a property owner or the City may petition a zone map change or amendment.
2. Section 9.020 of the Lebanon Zoning Ordinance identifies the procedures to be followed by the Planning Commission and City Council regarding public hearings on proposed zone map (and text) amendments.
3. Sections 4.210 (3-5) of the Lebanon Zoning Ordinance identifies the permitted uses in the ML zone.
4. Section 4.310 of the Lebanon Zoning Ordinance identify the permitted uses in the MU zone.
5. The Comprehensive Plan Map designation of this site is Light Industrial and is proposed for amendment to a Special Development District. The following Comprehensive Plan policies have been identified as those which are most relevant to this proposal. The following industrial and commercial land use policies are found in the Land Use Element of the Lebanon Comprehensive Plan:

Policy No.

Industrial Land Use Section

1. Suitable space for industrial development and expansion shall be preserved and protected from encroachment by incompatible land uses, to protect the City's economic growth potential.

2. Industries shall be encouraged that are compatible with Lebanon's livability and will not disrupt residential areas due to excessive traffic, noise, pollution, or other impacts that would impair the livability of the community.
4. A sufficient supply of suitable industrial land shall be maintained to actually attract industry, particularly light non-polluting industries, in support of the City's economic development program.

Commercial Land Use Section

5. Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20.
6. Existing commercial businesses should be allowed to continue but no new developments of a strip nature should occur.
7. Existing commercial centers should be reinforced and expanded prior to development of new outlying centers.
10. Commercial developments shall be constructed as compact centers rather than scattered along roadways or mixed in with noncommercial land uses that would conflict.
11. Limited industrial uses apply to activities that include wholesaling, warehousing, and material supply shops conducted primarily within an enclosed building on sites located within commercial centers. Some limited industrial uses and high density housing should be allowed secondary uses in commercial districts.

Transportation Element, Streets and Highways Section

9. The use of land adjacent to arterials shall not be allowed to conflict with the safe and efficient movement of traffic.

Staff Recommendation

Staff recommends that while reviewing this proposal that consideration be given to potential impacts of existing nearby uses, recent development trends in the area, the capacity of public infrastructure serving the site, the uniqueness of the site and its development capacity, the amount of vacant designated industrial lands, and the needs of the community relative to the potential use opportunities of the Limited Industrial (ML) and Mixed Use (MU) zones. It is noteworthy that the proposed SPD Comprehensive Plan Map amendment does not eliminate or preclude any specific use opportunities. Upon annexation, an SPD designated property will be assigned Mixed Use zoning or upon request residential, commercial or industrial zoning if a specific development proposal is presented. The MU zone allows any use permitted in any zone pending a conditional use public hearing "compatibility review."

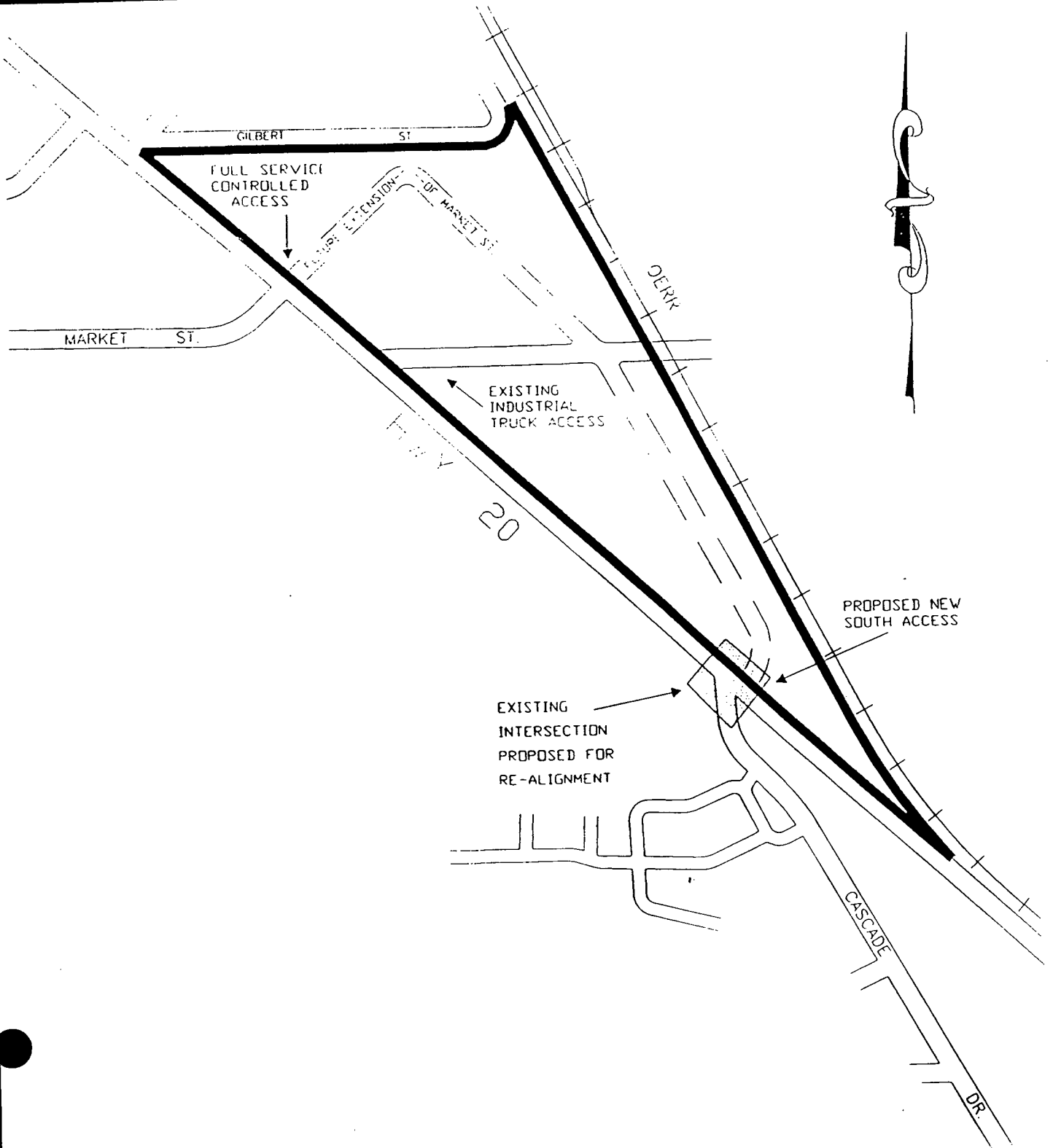
Staff believes that the SPD redesignation will allow for more flexibility and integrated or mixed use development. It is reasonable to assume that some industrial related development will still occur on this site. The SPD designation will allow for limited manufacturing, shopping and employment opportunities.

The proposed access areas will help facilitate site development that is designed to compliment the efficiency of highway travel with a minimum of conflict. Restricting access areas will require cooperation of adjacent property owners which will promote coordinated development in the area. Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council.



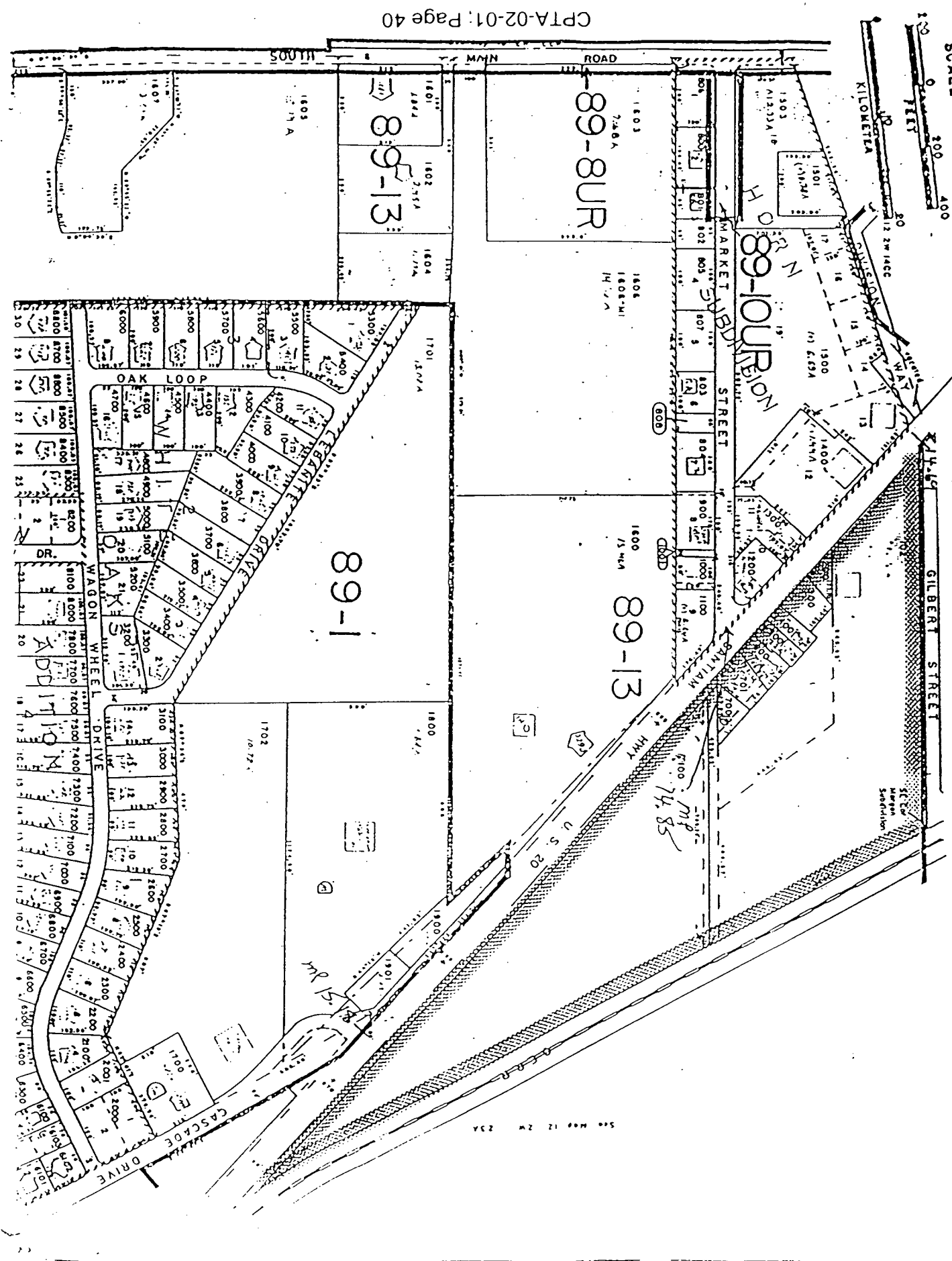
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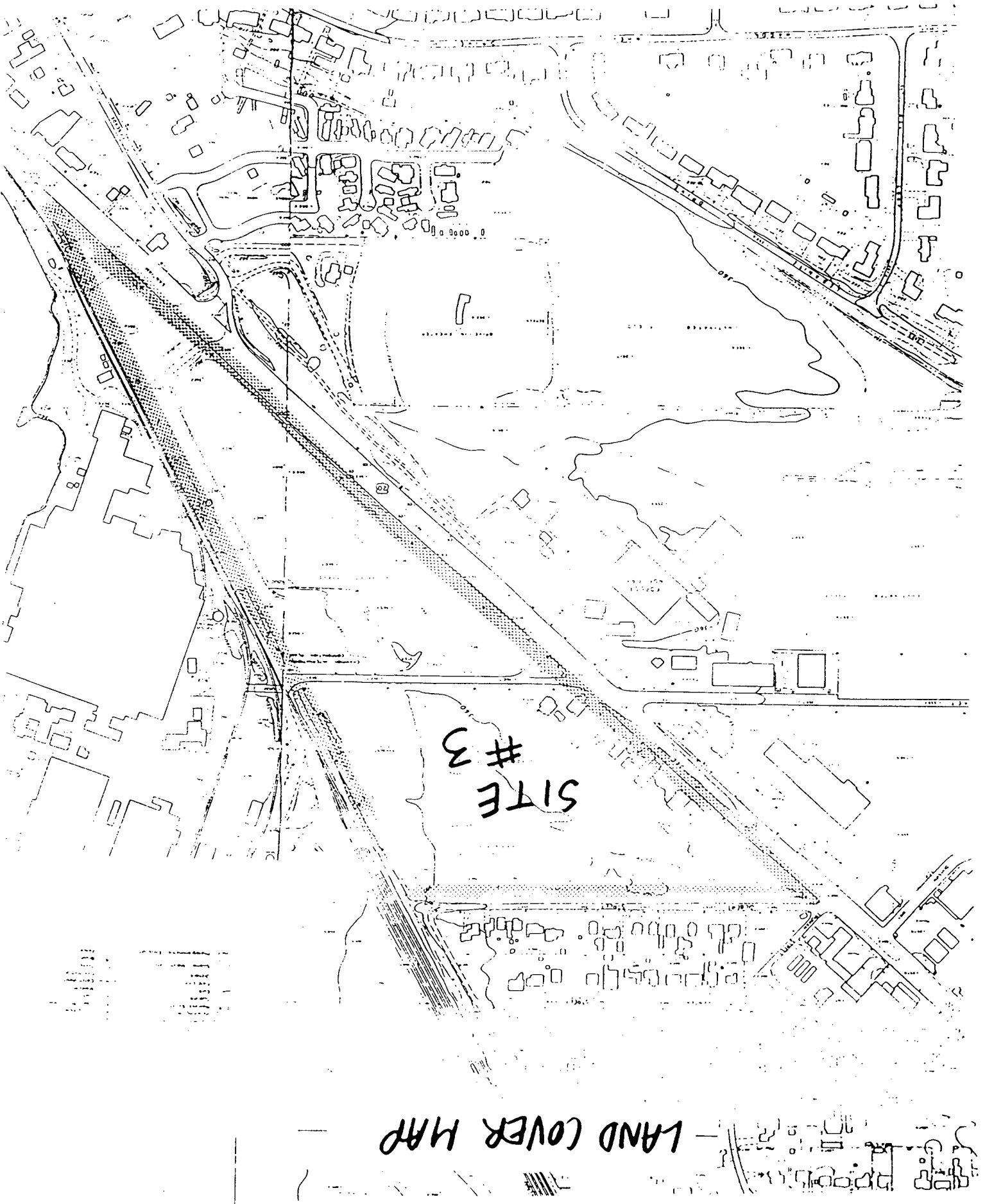




ASSESSOR'S MAP



2 20 23



SITE #3

LAND COVER MAP

CITY OF LEBANON COMMERCIAL LAND NEEDS ASSESSMENT
(April 1995)

PURPOSE

The purpose of this assessment is to determine the amount of buildable commercial land required in the next 20 years to accommodate projected population and employment increases in the City of Lebanon and within its Urban Growth Boundary.

BACKGROUND

Vacant commercial land in Lebanon has become scarce and few large lots are currently available for development. Various parcels abut Lebanon's highways and arterials but most are designated as industrial reflecting past economic conditions. This assessment will determine commercial land needs for the next 20 years and may be used to justify redesignation and rezoning of certain properties to accommodate future commercial development.

This assessment is one element of a commercial land analysis which may result in (1) adoption of comprehensive plan and zoning map amendments and (2) adoption of highway access plans for key properties in accordance with ODOT access control and management programs.

The commercial land analysis is one element of the comprehensive plan periodic review process as required per ORS 197.640-.650. The analysis may result in revision of the plan's factual base, its policy element, and land use map.

FINDINGS

The City projects a need of 98 to 228 additional acres of buildable commercial lands for the next 20 years.

METHODOLOGY

The basic assumption of this assessment is that an increase in economic activity is preceded by a population increase. The increases may occur simultaneously, but a population must increase before a climate of job creation can exist.

The City of Lebanon projects a 38% population increase over the next 20 years. This population increase will generate increased economic activity (jobs) and a large share of this increased activity will involve the commercial sector.

Population and employment in the area have increased at steady rates over the past five years and these rates are expected to be relatively consistent over the next 20 years. Assuming these steady rates, population and job growth can be reasonably projected. Once job growth is projected, acreage needs are easily established by dividing the number of new jobs created by employee per acre ratios.

Table 1 Lebanon Population Projections

Year	City	City & UGB	% Change
1980	10413	13162	
1990	10950	13841	5.2
1991	11075	13999	1.1
1992	11110	14031	0.2
1993	11250	14208	1.3
1994	11450	14461	1.8
1995	11679	14750	2.0
1996	11913	15045	2.0
1997	12151	15346	2.0
1998	12394	15653	2.0
1999	12642	15966	2.0
2000	12895	16285	2.0
2001	13088	16529	1.5
2002	13284	16777	1.5
2003	13483	17029	1.5
2004	13685	17284	1.5
2005	13890	17543	1.5
2006	14098	17806	1.5
2007	14309	18073	1.5
2008	14524	18354	1.5
2009	14742	18629	1.5
2010	14963	18908	1.5
2011	15187	19192	1.5
2012	15415	19480	1.5
2013	15646	19772	1.5
2014	15881	20069	1.5
2015	16119	20370	1.5

1. 1980-1994 city numbers based on US Census and PSU data.
2. 1980 City and UGB number from: Demographic Characteristics of Lebanon, ECO Northwest, Sept., 1988.
3. 1995-2015 projections based on assumed 2.0% and 1.5% annual population growth rates.

Table 2 - Lebanon Employment and Acreage Projections

Linn County NonManufacturing (i.e., commercial) Wage & Salary Employment

Year	#employees	#employees/total population = % of population commercial employees
1990	22490	22490/91227 = 25%
1994	24900	24900/96300 = 26%

Lebanon New Commercial Employment 1990-1995 (derived per above)

(assume 2% commercial employment growth per 5 years)

Year	% pop commercial employees x City & UGB pop = # commercial employees
1990	.25 x 13841 = 3460
1995	<u>.27 x 14750 = 3983</u>

523 new commercial employees 1990-1995

Commercial Employees per Acre Ratio - method A

new comm'l employees 1990-95 derived / comm'l acres built 1990-95 = comm'l employees per ac

$$523 / 43 = 12 \text{ comm'l employees per acre}$$

Commercial Employees per Acre Ratio - method B

new comm'l employees 1989-95 survey / comm'l acres built in survey = comm'l employees per ac

$$333 / 28.19 = 12 \text{ comm'l employees per acre}$$

Commercial Employees per Acre Ratio - method C

(method A ratio + "academic" ratio) / 2 = comm'l employees per acre

$$12 + 44 / 2 = 28 \text{ comm'l employees per acre}$$

Commercial Employees per Acre Ratio - method D

(method B ratio + "academic" ratio) / 2 = comm'l employees per acre

$$12 + 44 / 2 = 28 \text{ comm'l employees per acre}$$

Employment & Acreage Projections 2000-2015

year %pop commercial employees x City & UGB pop = # comm'l employees

(assume 2% comm'l employment growth per 5 years)

$$2000 \quad .29 \times 16285 = 4723$$

$$2005 \quad .31 \times 17543 = 5438$$

(assume 1 % comm'l employment growth per 5 years)

$$2010 \quad .32 \times 18908 = 6051$$

$$2015 \quad \underline{.33 \times 20370 = 6722}$$

2739 new comm'l employees 1995-2015

2739 new comm'l employees / method A ratio = 2739/12 = **228 acres needed**

2739 new comm'l employees / method B ratio = 2739/12 = **228 acres needed**

2739 new comm'l employees / method C ratio = 2739/28 = **98 acres needed**

2739 new comm'l employees / method D ratio = 2739/28 = **98 acres needed**

Table 3 - 1989-95 New Commercial Developments & Number of Employees

Table 3 - 1989-95 New Commercial Developments & Number of Employees

Case #	Business	Acreage	# Employees
AR 94-4	Hickox Auto Repair	1.37	4
AR 94-16	Ries & Sons	5.27	12
AR 93-1	Rons Oil Co	0.38	5
AR 93.15	Modderman Storage	0.36	2
AR 92-7	Crocker's Cars	0.80	8
AR 91-2	Little Caesars	0.35	11
AR 91-7	Modderman Office	0.17	4
PD 91-1	Walmart	9.50	213
AR 90-5	R & S Corp	0.84	1
CU 90-3	Armstrong Const	3.42	11
PD 89-1	Fores Shop & Kart	3.40	52
AR 95-3	Jimco Electric	2.00	5
AR 95-4	Stove & Spa Store	<u>0.33</u>	<u>5</u>
		TOTAL 28.19	333

Commercial Employees per Acre = $333/28.19 = 12$

Notes

1. Employment numbers based on Oregon Employment Division data.
2. Commercial acres built 1989-95 based on City of Lebanon Planning Dept. files.
3. Commercial employee survey conducted by City of Lebanon Planning Dept, April 1995.
4. "Academic" ratio from - Land Use Standards: A Method for Determining Land Needs in Urban Growth Boundaries, Kim Wright, Sept. 1979.

LEBANON PERIODIC REVIEW WORK PROGRAM

I. COMMERCIAL LAND

Issue: Vacant commercial land has become scarce and few large lots are currently available for development. Various large, undeveloped or vacated parcels abut the City's highways and arterials but most are designated general industrial reflecting past economic conditions. An assessment of commercial land needs to support future development activity will identify more efficient community-wide uses of these idle properties. Concurrent highway access plans will help to assure that these key vacant sites can be developed and accessed in a manner consistent with ODOT Highway Division's access management and control programs.

- Subtasks:
- a. Develop formal scope of work collaborating with ODOT staff.
 - b. Citizen involvement including property owners and local realtors/businesses.
 - c. Conduct inventory of vacant properties abutting highways and arterials.
 - d. Conduct a commercial land needs assessment.
 - e. Identify key properties that could satisfy needs assessment.
 - f. Develop preliminary highway access plans for identified sites.
 - g. Re-designate and re-zone (if necessary) identified sites.

- Product:
1. Inventory of large vacant properties abutting highway and arterials.
 2. Commercial lands needs assessment.
 3. Adoption of Comprehensive Plan and Zoning Map Amendments to assure adequate supply of developable vacant commercial land.
 4. Adoption of preliminary highway access plans for key vacant sites that will implement ODOT Highway Division access control and management programs.

Initiate: January 1, 1995

Submittal Date to DLCD: June 30, 1995

CITY OF LEBANON
COMMERCIAL LANDS STUDY
PUBLIC MEETING

May 22, 1995

Boys & Girls Club
Multi-Purpose Room
7:00-9:00 pm

- I. **INTRODUCTION**
- II. **BRIEF REVIEW OF AGENDA**
- III. **WHY CONDUCTING THE STUDY**
 - Comprehensive Plan •Managing Public Resources •ODOT Highway Access Management Program •Transportation Master Plan •Periodic Review •Vacant Developable Commercial Land (Goal 9) •Citizen Involvement (Goal 1) •Highway 20 Improvements
- IV. **MEETING NOTICE - who received**
- V. **COMMERCIAL LAND NEEDS PROJECTION**
- VI. **QUICK REVIEW OF SITES - issues**
- VII. **PROCESS/OUTCOMES/NEXT STEP**
- VIII. **QUESTIONS - general, not site specific**
- IX. **SITE BREAK OUT GROUPS**
 - Site specific issues and questions •Contact lists •Neighborhood networking •Cooperative approaches to highway access

City of Lebanon

REVISED PERIODIC REVIEW WORK PROGRAM SUMMARY

DLCD Field Representative and

and Periodic Review Team Leader: Mel Lucas Phone: 373-0050 extension 256

City Planning Director: Doug Parker Phone: (503) 451-7435

County Planning Director: Steve Michaels Phone: (503) 967-3825

Date Work Program Revised by DLCD: ~~January 24, 1995~~

Revised: ~~May 8, 1996~~

May 13, 1997

Final Work Program Completion Date: *June 30, 1999*

Major Work Tasks Subject to Public Notice and DLCD Review (See OAR 660-25-130)

Task	Action/Product	Submittal Date
1	Task 1 <i>Commercial Land</i>	Sept. 29, 1995 <i>Approved 12/1/95</i> <i>#00527</i>
2	Task 2 <i>Urban Growth Management</i>	Sept. 29, 1995 <i>Approved 10/10/95</i> <i>#00506</i>
3	Task 3 <i>Multi-Family Residential</i>	June 30, 1996 Dec. 27, 1996 July 31, 1997 <i>Under Review</i> <i>Approved 4/18/02</i> <i>#001383</i>
4	Task 4 <i>Wildlife Habitat and Riparian Corridors</i>	June 30, 1996 Dec. 27, 1996 Nov. 30, 1997 <i>Approved 6/19/98</i>



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

MEMORANDUM

DATE: November 7, 2002
TO: John Hitt, City Administrator
FROM: Doug Parker, City Planner; Terry Lewis, Assistant City Planner
SUBJECT: **Comprehensive Plan Map Amendment [File #: CPMA-02-01]** -- Re-designation of Tax Lots 1800 and 1901 (Assessor's Map 12-2W-23B) from Mixed Density Residential to Special Development District (SPD).

On October 16, 2002, the Planning Commission conducted a public hearing (continued from August 21, 2002) and voted to recommend to the City Council that the Lebanon Comprehensive Plan Map be amended for the subject property: Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901. The request is to re-designate the 10.59 acre site from Mixed Density Residential to Special Development District (SPD). The owner of the property, Lebanon Theatres, Inc, initiated this action.

All Comprehensive Plan Map amendments are undertaken according to procedures identified in Lebanon Zoning Ordinance Section 9.020 (Public Hearings on Amendments).

The Planning Commission staff report and a summary are attached for review, along with recommended findings.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed Comprehensive Plan Map amendment. Council approval is required in order to amend the Map of the Comprehensive Plan. If, upon conclusion of the public hearing, the Council favors the proposed amendment, the Council needs to approve ordinances amending the Map of the Comprehensive Plan (and Municipal Code).

The entire Planning Commission record for this hearing (CPMA-02-01) is forwarded and is now before the City Council.

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COMPREHENSIVE PLAN MAP AMENDMENT

File #: CPMA-02-01

November 7, 2002

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	Attachment A: Exhibit No. 2 Comprehensive Plan Amendment Application "Fact Sheet" Cheadle Lake Commercial Center (pages 1-5) – CLC, June 20, 2002	13-17
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5. **ADDENDUM II: See Binder with Addenda (Supplemental Documents and General Correspondence) for City of Lebanon City Council Hearings November 13, 2002**
[Available October 25, 2002]
6. **ADDENDUM III: Unapproved [Revised Draft] Planning Commission Minutes of October 16, 2002**
[Available as a separate handout by November 7, 2002]

**CITY OF LEBANON
CITY COUNCIL STAFF REPORT SUMMARY
COMPREHENSIVE PLAN MAP AMENDMENT**

NATURE OF REQUEST: Re-designate a 10.59 acre site from Mixed Density Residential to Special Development District (SPD).

APPLICANT: Lebanon Theatres, Inc.

PROPERTY LOCATION

The subject property is the Motor Vu Drive-in Theater site and an adjacent, narrow vacant parcel located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

INTRODUCTION AND PROPOSAL

- Current Zone Designation: Urban Growth Management - 10 Acre Minimum (County)
- Current Comprehensive Plan Designation: Single Family Residential
- Proposed Comprehensive Plan Designation: Special Development District

This is a request to re-designate on the City of Lebanon Comprehensive Plan Map a 10.59 acre area from Mixed Density Residential to Special Development District (SPD). TI requested Special Development District (SPD) designation typically results in a zoning map assignment of Mixed Use (MU). The MU zone permits retail commercial activity according to the specifications of the Highway Commercial (CH) zone according to Lebanon Zoning Ordinance Section 4.310. Part of the parking lot for a Wal-Mart superstore is proposed to be located on this property, as well as proposed lease parcels that could be developed into a gas station and/or other uses.

SITE DESCRIPTION

- The subject property is the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection.
- The Motor Vu Drive-In was built in the fall of 1949, and first opened for service on Friday March 10th, 1950 (*Lebanon Express*: March 10, 1950). It was built to accommodate 500 cars over an area of 12 acres. The 64 feet high screen was constructed of steel, wood, and asbestos material (*Lebanon Express*: March 10, 1950).

- The area immediately to the north (Tax Lots 1001 and 1600) is the former site of the Champion Forests Products facility that has been vacant for some years. This site has a Comprehensive Plan Map designation of "Special Development District" and a Land Use Zoning Map designation of "Mixed Use" (MU). The area immediately to the east, across the Santiam Highway (Hwy 20), also has a Comprehensive Plan Map designation of "Special Development District" and a Land Use Zoning Map designation of "Mixed Use" (MU). In the fall of 1995, the City changed the Comprehensive Plan Map Designation from Light Industrial on these east side parcels to Special Development District, and land Use Zoning Map Designation to Mixed Use - these areas are currently vacant. South and west of the subject property are areas designated "Mixed-Density Residential" that have a Land Use Zoning Map Designation of "Residential Mixed Density" (RM). The Santiam Village manufactured home park is due south of the subject property while to the immediate west is an undeveloped area. Farther west and south are neighborhoods of single-family residences. Southeast of the subject property, along the west side of the Highway is a small area zoned "Highway Commercial" (CH) [Comprehensive Plan Map designation of "Commercial"].

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that the City Council approve this proposed Comprehensive Plan Map Amendment. On October 16, 2002, at the conclusion of the Planning Commission hearing on this application, *a motion was made by Commissioner Aziz, seconded by Commissioner Brown, and passed unanimously that the Planning Commission recommend to the Lebanon City Council the approval of the Comp Plan Map Amendment CPMA-02-01 (Motor-Vu Property) including the adoption of proposed findings from staff and the Davis Wright Tremaine letter (for the applicant) dated September 26, 2002, (Pgs. 2 - 7).* These adopted findings are as follows:

ADOPTED PLANNING COMMISSION FINDINGS IDENTIFIED IN STAFF REPORT

Finding #

1. The request for the Comprehensive Plan Map Amendment (change) complies with Zoning Ordinance Section 9.010 in that the applicant is the property owner and the applicant followed the procedures of Section 9.010.
2. The proposed Comprehensive Plan Map Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #1, (page 1-P-1) that states that the Comprehensive Plan shall be maintained as an ongoing decision-making guideline.
3. The proposed Comprehensive Plan Map Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #2, (page 1-P-1) ^{Coak} that states that the Comprehensive Plan and Implementing Ordinances shall be reviewed annually and may be revised and amended as needed to reflect changing needs and conditions within the planning area. The marketplace has identified the need for a minimum 20 acre vacant or redevelopable commercial site to serve the proposed new Wal-Mart superstore. There are no other fully serviceable highway commercial sites of this size available for development in the south part of the City.

4. The proposed Comprehensive Plan Map Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #8, (page 1-P- that states that the City of Lebanon hereby adopts the applicable Statewide Planning Goals as they apply to the community, and reinforces them through specific goals, objectives, and policies in response to community needs. There is a community need for competitive, versatile local shopping opportunities and the proposed Comp. Plan Map Amendment will help to address that local consumer need by providing a new, expanded, local shopping opportunity. Goal 9 requires that comprehensive plans for urban areas shall: (3). *Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.* The Comp. Plan Map Amendment is necessary to provide a site of adequate size to respond to marketplace needs for new development.

**ADOPTED PLANNING COMMISSION FINDINGS FROM THE DAVIS WRIGHT TREMAINE
LETTER FOR THE APPLICANT
Dated September 26, 2002, (Pgs. 2 - 8)**

Finding #

5. The Comprehensive Plan Map Amendment proposes to re-designate the Motor Vu Property from Mixed-Density Residential to SPD. The Planning Commission finds that the Comprehensive Plan Map Amendment complies with all of the relevant approval criteria. Therefore, the Planning Commission recommends that the City Council approve the Comprehensive Plan Map Amendment Application subject to the City Staff's recommended conditions of approval.
6. As a preliminary matter, the Opposition asserts that there is no SPD designation because it is purportedly not recognized in the Comprehensive Plan. The Comprehensive Plan recognizes the SPD designation. Although the Comprehensive Plan text does not reference the SPD designation in the sections noted by the Opposition, none of the six comprehensive plan designations are referenced in these sections. Although the Comprehensive Plan text describes and sets goals and policies for residential, commercial and industrial land uses, it does not specifically identify the land use designations applicable to each of these land uses. All of the Comprehensive plan designations, including the SPD designation, are specifically identified on the Comprehensive Plan Map. The Comprehensive Plan Map is part of the Comprehensive Plan. Additionally, Ordinance No. 1833, amending the Comprehensive Plan text, specifically references the SPD designation under the Goal 9 section. Therefore, the SPD designation is recognized by the Comprehensive Plan.

Additionally, the City has implemented the SPD designation on numerous properties in the City throughout the history of the Comprehensive Plan. For example, the Champion Property was designated SPD in 1980 when the Comprehensive Plan was initially adopted. In 1995, approximately 200 acres of land was re-designated to the SPD designation as a result of the City's adoption of the 1995 Commercial Lands Study. Therefore, the SPD is recognized in the Comprehensive Plan and can be considered under the Comprehensive Plan Map Amendment.

A. ZONING ORDINANCE {LZO} [CRITERIA]

1. **LZO 9.010 - Authorization to Initiate Amendments:** *An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Official using forms prescribed pursuant to Section 2.070. A filing fee in accordance with the provisions of Section 2.080 shall accompany an application by a property owner for an amendment.*

7. **Findings:** The Comprehensive Plan Map Amendment complies with Section 9.010 because one of the Applicants includes the property owner of the Motor Vu Property and the Applicants filed the Comprehensive Plan Map Amendment Application according to the procedures of Section 9.010, including the filing of an application on forms provided by the Planning Department and payment of the applicable fees.

2. **LZO 9.020 - Public Hearings on Amendments:** *All requests for amendment to the text or zoning map of this Ordinance shall comply with the following public hearing procedures:*

(1) *Notice of public hearing shall be as specified in Section 2.100.*

(2) *The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.*

(3) *The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.*

(4) *After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provision of Section 2.100*

(5) *All public hearing procedures shall be in accordance with the City procedures for the conduct of hearings before the Planning Commission and the City Council.*

(6) *Within seven (7) days after a decision has been rendered with reference to an amendment, the Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.*

8. **Findings:** The City complied with the required procedures for the Comprehensive Plan Map Amendment. The City provided the required notice of public hearing as specified in Section 2.100. The Planning Commission conducted a public hearing on August 21 and 22, 2002. The Planning Commission recommends to the City Council that the Comprehensive Plan Map Amendment be approved. The City intends to conduct the City Council proceeding consistent with Section 9.020.

B. COMPREHENSIVE PLAN [CRITERIA]

1. Introductory Provisions – Chapter 1.0

a. Administrative Policies and Recommendations

Policy 1 - The Lebanon Comprehensive Plan shall be maintained as an ongoing decision-making guideline for planning and development actions within the Lebanon Urban Growth Boundary. (page 1-P-1)

9. Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it is consistent with the Comprehensive Plan.

Policy 2 - The adopted Comprehensive Plan and Implementing Ordinances shall be reviewed annually and may be revised and amended as needed to reflect changing needs and conditions within the planning area. (page 1-P-1)

10. Findings: The Comprehensive Plan Map Amendment is consistent with this policy because there have been a number of changes in the area since the present Comprehensive Plan designation was applied to the Motor Vu Property that support and warrant the Comprehensive Plan Map Amendment. These changing needs and conditions include the following:

1) The 1995 Commercial Lands Study, adopted by the City as part of its acknowledged Comprehensive Plan, identified the need for 98 – 228 acres of additional commercial property. The Motor-Vu Property was deemed to be in commercial use at the time of the 1995 Commercial Lands Study. The Motor Vu Property, in conjunction with the Champion Property, will be one of the largest available and vacant land areas in the south part of the City suitable for Highway Commercial development, and is the last parcel that would be eligible for such development with direct access to the Highway south of Market Street. The Comprehensive Plan Map Amendment will provide additional commercial lands to meet part of the City's need for additional commercial lands.

2) The closing and removal of the Champion Forest Products commercial nursery facility has left the Champion Property vacant and idle awaiting redevelopment. The Champion Property was in commercial use at the time of the 1995 Commercial Lands Study and relied upon as part of the City's existing commercial inventory. The Project, which the Comprehensive Plan Map Amendment is a part of, will enable commercial development on the Champion Property as part of the Planned Development to meet part of the City's need for additional commercial lands.

3) As outlined in the 1995 Commercial Lands Study, the existing Highway 20 and Cascade Drive intersection was determined to be unsafe. Since that time there has been an increase of traffic volumes along Highway 20. ODOT, the City and Linn County have expressed their desire to realign the Highway 20 and Cascade Drive intersection to create a safer intersection. The Project, which the Comprehensive Plan Map Amendment is a part of, will allow the development of the Properties and provide the necessary funding for the realignment and signalization of the Highway 20 and Cascade Drive intersection.

4) Pursuant to the 1995 Commercial Lands Study, surrounding properties along Highway 20 have been redesignated SPD and rezoned MU. The Comprehensive Plan Map Amendment completes the corridor of SPD designated and MU zoned properties on both sides of Highway 20 south to Cascade Drive.

Policy 8 - The City of Lebanon hereby adopts the applicable Statewide Planning Goals as they apply to the community, and reinforces them through specific goals, objectives, and policies in response to community needs. (Note: Statewide Planning Goal 9 Economic Development, directs local communities to maintain an adequate supply of developable land to meet the communities commercial and industrial land development needs.)

11. Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it is consistent with the applicable Comprehensive Plan goals and policies, and therefore is consistent with the applicable Statewide Planning Goals. The 1995 Commercial Lands Study, adopted by the City to amend the Comprehensive Plan to be consistent with Statewide Planning Goal 9, identified a need for 98 – 228 additional acres of developable commercial lands to meet the needs of the City for the next 20 years. The Comprehensive Plan Map Amendment is consistent with the City's requirement to comply with Statewide Planning Goal 9 because it will provide additional commercial lands to meet a part of the identified commercial lands need.

C. STATEWIDE PLANNING GOALS & REGULATIONS [CRITERIA]

12. The Opposition asserts that the Comprehensive Plan Map Amendment fails to comply with a number of Statewide Planning Goals. The Planning Commission concludes that the Comprehensive Plan Map Amendment is in compliance with these Statewide Planning Goals because it complies with the acknowledged Comprehensive Plan. Nonetheless, the Planning Commission will address Statewide Planning Goals 9 and 12.

1. Goal 9

13. Findings: The Comprehensive Plan Map Amendment is consistent with Statewide Planning Goal 9 because it will provide additional commercial lands to meet a part of the City's identified commercial lands need.

[13.1] In 1981, the City adopted Ordinance No. 1833, Ordinance Bill No. 7 for 1981, dated March 4, 1981, amending the Comprehensive Plan to be consistent with Statewide Planning Goal 9, to meet LCDC Compliance Recommendations (the "1981 Ordinance"). The 1981 Ordinance concluded that the City had a need for 222 acres of commercial lands. At that time the City had 114 acres of existing commercial. Therefore, 108 acres of new commercial lands were needed to fulfill the required 222 acres. Of these 108 acres, 56 acres were designated to be commercial reserve (12 acres downtown and 44 acres highway and commercial centers). The remaining 52 acres were not specifically designated as commercial lands, but as Non-reserve Commercial. The 1981 Ordinance provides:

"The 52 acres of long-range projected commercial need, not located within a commercial reserve, is allocated to the "SPD – Mixed Use District" and the "Mixed-Density Residential District" in conformance with the "Planned Development" standards and procedures of the Zoning Ordinance and the locational and development standards for commercial centers on page 5-15 of the Comprehensive Plan.

It is anticipated that this commercial need would be fulfilled by development of new shopping centers and neighborhood convenience centers within or adjacent to neighborhoods.

Specific locations for commercial developments of this type cannot be identified in advance. The Comprehensive Plan recognizes this fact and has provided criteria and guidelines that allow alternative locational choices for commercial centers developments within the specified standards and procedures of the Zoning Ordinance based upon adequate findings that support the need for additional commercial centers as the community grows."

[13.2] In 1995, the City adopted the 1995 Commercial Lands Study to amend the Comprehensive Plan to be consistent with Statewide Planning Goal 9. The 1995 Commercial Lands Study identified a need for 98 – 228 additional acres of developable commercial lands to meet the needs of the City for the next 20 years. Although the City re-designated and rezoned approximately 200 acres of land to SPD and MU zone to meet this commercial need, the 1995 Commercial Lands Study concluded that additional commercial acreage was necessary to meet the City's commercial needs for the following reasons:

"The mixed use zoning designations permit industrial, commercial or residential development pending a conditional use planning review and compatibility evaluation. This designation does not guarantee that these sites will be developed commercially and, therefore, it is prudent to designate an amount of land in this category in excess of the minimum identified in the needs assessment. In fact, it is anticipated that at least half of Site 1 (80 acres) will be residentially developed, all of Site 4 (91.17 acres) will be developed for recreation commercial, and Site 5 (81 acres) for residential development."

[13.3] Therefore, the City's need for additional commercial lands was first identified in the 1981 Ordinance and again identified in the 1995 Commercial Lands Study. The Comprehensive Plan Map Amendment is consistent with Goal 9 because it will fulfill some of the City's commercial land needs. This is particularly important given that at the time of both the 1981 Ordinance and the 1995 Commercial Lands Study, the Motor Vu Property was being used for commercial purposes and is still being operated as a nonconforming commercial use.

[13.4] Based on the City's more recent annual Planning and Development Year-End Summary Reports, there has been a significant and steady increase in commercial development since 1995, including but not limited to the new Safeway and the Rite-Aid which were developed after 1995. This demonstrates that commercial development has steadily increased since 1995 as projected by the 1995 Commercial Lands Study. Therefore, the need for additional commercial lands as identified in the 1995 Commercial Lands Study is necessary to accommodate the City's significant and steady increase in commercial development.

[13.5] The Opposition asserts that the City should ignore the 1995 Commercial Lands Study and conclude that there is no need for additional commercial lands based on the 1999 Economic and Housing Study, commissioned by the Cascade West Council of Governments (the "1999 Cascade West Council of Governments Study"). The City cannot ignore the 1995 Commercial Lands Study, which the City adopted and relied upon for Statewide Plan Goal 9 purposes as part of the acknowledged Comprehensive Plan, and rely upon a study that has not been adopted or recognized by the City. The 1999 Study is a region specific study, not a City of Lebanon study. The 1999 Cascade West Council of Governments Study has not been adopted by the City and is not part of the Comprehensive Plan, Zoning Ordinance or the Municipal Code. Even though the City is a member of the Council of Governments, the City is not required or compelled to use this study in any of their planning efforts. The Planning Commission's decision is limited to determining if the Comprehensive Plan Map Amendment meets the requirements as set forth in the Municipal Code, the Comprehensive Plan and Zoning Ordinance. The 1999 Cascade West Council of Governments Study has not been adopted by the City and does not have any basis in the decision of the Applications before the Planning Commission.

2. Goal 12 & Transportation Planning Rule

14. The Comprehensive Plan Map Amendment must comply with Statewide Planning Goal 12 and the Transportation Planning Rule set forth in OAR 660-12-060 (the "TPR"). OAR 660-12-060(2)(d) provides that a comprehensive plan amendment "significantly affects" a transportation facility if it "would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP." To determine if a comprehensive plan amendment "significantly affects" a transportation facility, the local jurisdiction should consider the *net effect* on the transportation facilities. If a comprehensive plan amendment "significantly affects" a transportation facility there shall be assurances that allowed land uses are consistent with the identified function, capacity in performance standards of the transportation facility through one of the four mitigation measures set forth in OAR 660-12-060(1).

The Comprehensive Plan Map Amendment complies with Statewide Planning Goal 12 and the TPR because it will not "significantly affect" Highway 20. Commercial development, such as the Project, is allowed under the existing Comprehensive Plan designation pursuant to LZO 4.020(4) and the Commercial Reserve and Commercial Development Standards and Commercial Land Use Policy Nos. 8 and 9 of the Comprehensive Plan. The purpose for the Comprehensive Plan Map Amendment is not to allow for a commercial use, but to make the Motor Vu Property consistent with the SPD designation currently on the Champion Property so that the Project's development standards and criteria are consistent. Therefore, the Comprehensive Plan Map Amendment will not result in any additional traffic to the transportation facilities.

In conclusion, if City Council approves the proposed Comprehensive Plan Map Amendment (change), staff recommends the adoption of at least the above-enumerated fourteen findings as the official findings of the City Council in support of its decision.

CITY OF LEBANON PLANNING COMMISSION

August 21, 2002
6:00 P.M.

AGENDA

Lebanon School District Admin.
Office, Board Room
485 S. 5th Street

MEMBERS: Chairman Don Robertson, Vice-Chairman Barry Scott, Commissioners Paul Aziz, John Brown, Jon Davis, Robyn Carson, Tom Owen, Peggy Snyder and Mike Wells.

1. **CALL TO ORDER/ROLL CALL**
2. **APPROVAL OF MINUTES** – July 22, 2002
3. **CITIZEN COMMENT** (restricted to items not on Agenda)
4. **PUBLIC HEARING**
 - A. Comprehensive Plan Text Amendment CPTA-02-01

A City-Initiated change of a Comprehensive Plan policy found in the Land Use Element, Commercial Land Use Section. Commercial Land Use Policy # 5 (page 5-P-3) currently reads *Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20.* The City proposes to modify this policy as follows: *Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).* The proposed policy change is needed to permit the proposed Wal-Mart Superstore and to permit development of properties on the east side of Santiam Highway which were rezoned (changed) from Industrial to Mixed Use as a result of the findings of a 1995 Lebanon Commercial Lands Study (an approved Periodic Review Work Task) which identified the local need for more vacant commercial developable property along State Highway 20.

- B. Comprehensive Plan Map Amendment CPMA-02-01 (Motor Vu Property)

A request to re-designate on the City of Lebanon Comprehensive Plan Map a 10.20 acre area from Mixed Density Residential to Special Development District (SPD). The requested Special Development District (SPD) designation typically results in a zoning map assignment of Mixed Use (MU). The subject property is the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

- C. Annexation A-02-04 (Motor Vu Drive-in Theater site)

Initiated per property owner's request. This approximately 10.20 acre annexation area is comprised of two parcels, one containing the Lebanon Motor Vu Drive-in Theater. This site is currently designated as Mixed-Density Residential on the City of Lebanon Comprehensive Plan Map and is proposed for re-designation to Special Development District (SPD) [File # CPMA-02-01] which would assign a Mixed Use (MU) zoning designation upon annexation. The subject property is the Motor Vu Drive-in Theater site and an adjacent, narrow vacant parcel located on the west side of U.S. Highway 20

(Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

D. Planned Development PD-02-01 (Cheadle Lake Commercial Center: Wal-Mart Superstore)

A request to develop a 25.40 acre site currently containing the Lebanon Motor Vu Drive-in Theater and formerly containing the Champion Tree Nursery site into a new 187,173 square foot Wal-Mart superstore as well as a gas station, a 904 space parking lot, a public road and three additional lots to be developed by others through separate planning actions. Public and private utility improvements and extensions are included in this project. This site includes portions of the historic Santiam Wagon Road. The subject property is the former Champion Tree Nursery site and the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway), south of Market Street and west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1001, 1600, 1800 and 1901.

5. **OLD BUSINESS**

- A. Update of status of candidate open space development standards for multi-family residential developments.

6. **OTHER BUSINESS**

- A. Meeting Schedule - September 18 and October 16, 2002.
B. Oregon Planning Institute- October 2-4, 2002
C. Russell Drive Area Mixed Use study

7. **COMMISSIONER COMMENTS**

8. **ADJOURNMENT**

August 12, 2002

File # CPMA-02-01

**CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT**

COMPREHENSIVE PLAN MAP AMENDMENT

NATURE OF REQUEST: Redesignate a 10.59 acre site from Mixed Density Residential to Special Development District (SPD).

APPLICANT: Lebanon Theatres, Inc.

PROPERTY LOCATION: The subject property is the Motor Vu Drive-in Theater site and an adjacent, narrow vacant parcel located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

CURRENT ZONE DESIGNATION: Urban Growth Management - 10 acre min.(County)

CURRENT COMP PLAN DESIGNATION: Single Family Residential

PROPOSED COMP PLAN DESIGNATION: Special Development District

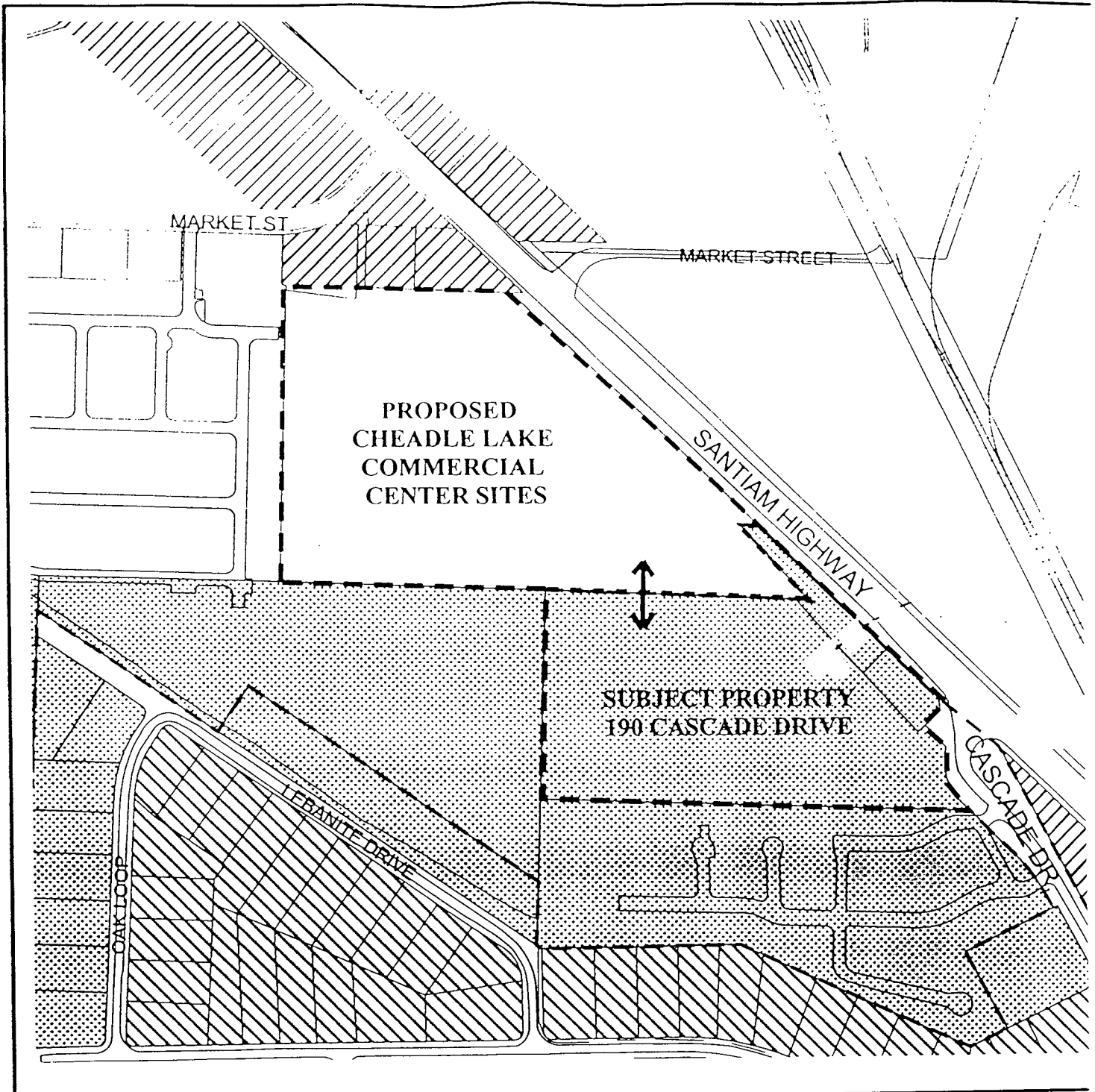
INTRODUCTION AND PROPOSAL

A request to re-designate on the City of Lebanon Comprehensive Plan Map a 10.59 acre area from Mixed Density Residential to Special Development District (SPD). The requested Special Development District (SPD) designation typically results in a zoning map assignment of Mixed Use (MU). The MU zone permits retail commercial activity according to the specifications of the Highway Commercial (CH) zone according to Lebanon Zoning Ordinance Section 4.310. Part of the parking lot for a Wal-Mart superstore is proposed to be located on this property, as well as proposed lease parcels that could be developed into a gas station and/or other uses.

Attachment "A" is a narrative in support of the proposal submitted by the applicant.

SITE DESCRIPTION

The subject property is the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection.

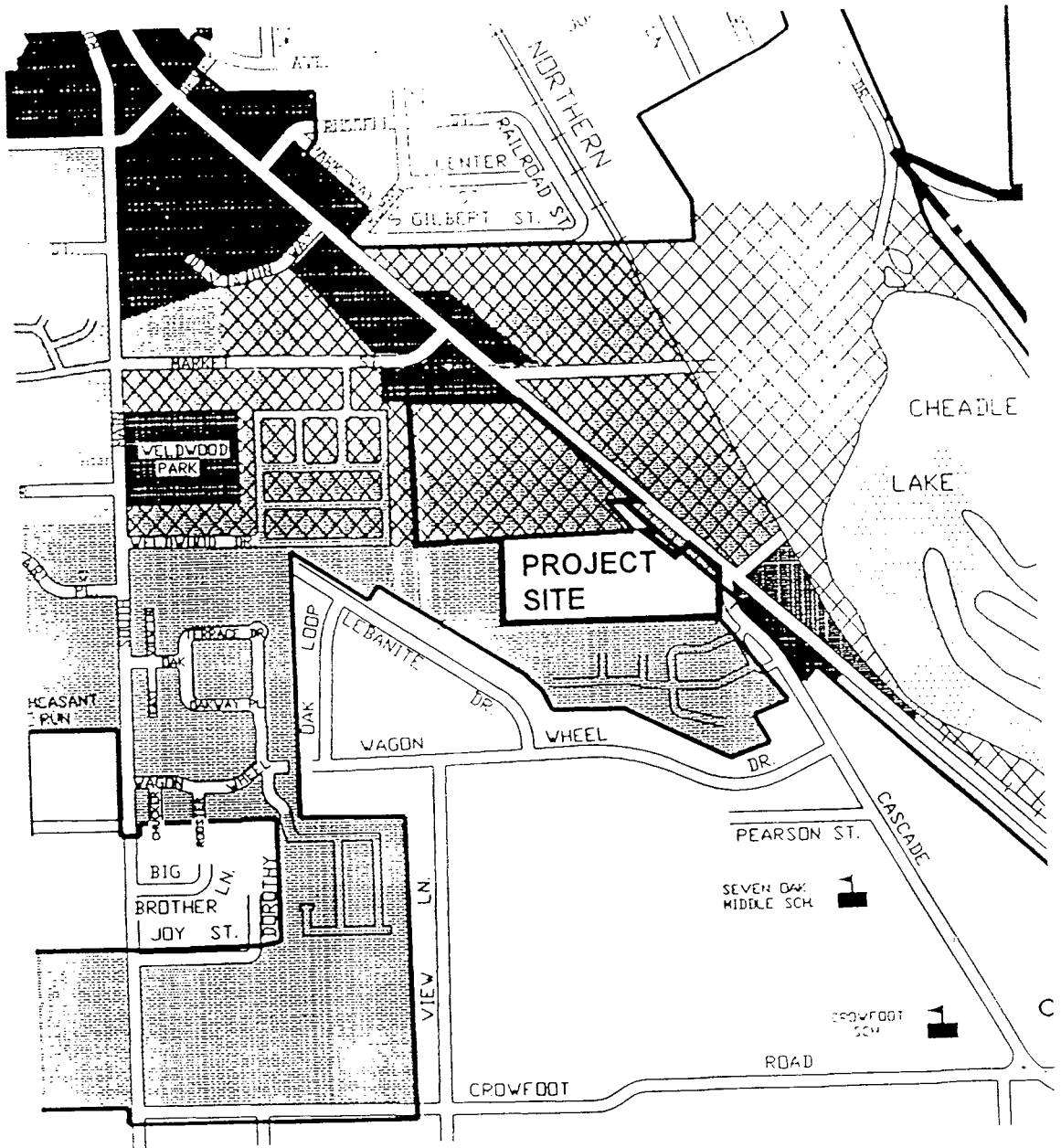


July 1, 2002
Project "CLCC"
Site Plan
File: wjk/arcview/chadlelake.c.

Project "CLCC" Comprehensive Plan Map

- City limits
- Streets
- Paved street
- Tax lots (lines)
- Tax lot
- Public ROW
- Comprehensive Plan**
- Commercial
- General industrial
- Mixed - density residential
- Single - family residential
- Special development district

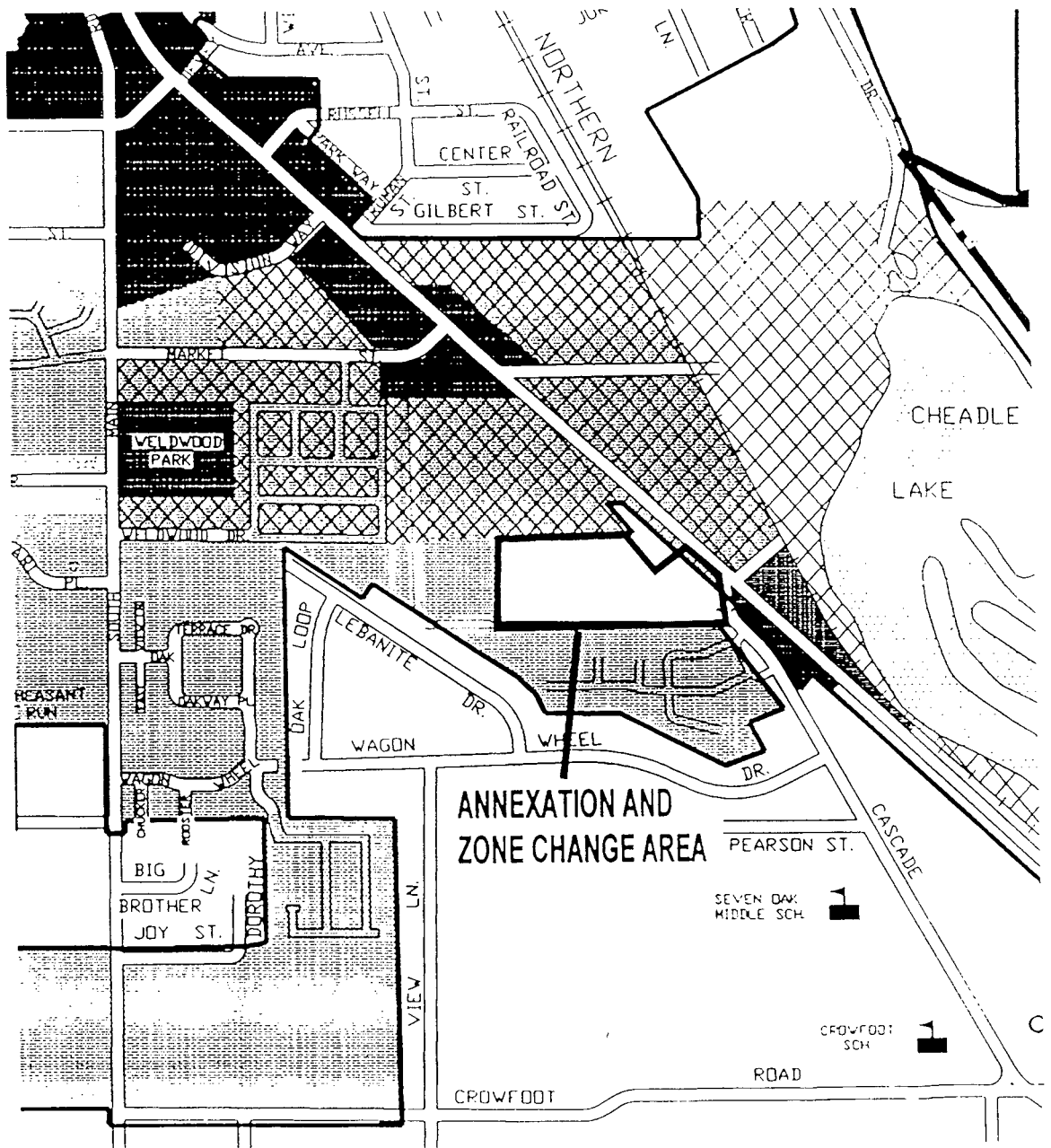
EXHIBIT NO. 3 EXISTING ZONING MAP



Legend

CH		Highway Commercial Zone	RL		Residential Low Density Zone
ML		Limited Industrial Zone	RM		Residential Mixed Density Zone
MG		General Industrial Zone	RH		Residential High Density Zone
MU		Mixed Use Zone	CN		Neighborhood Commercial Zone
AC		Aircraft Control Subzone	CB		Central Business Commercial Zone

EXHIBIT NO. 4
ANNEXATION AND ZONING MAP CHANGE AREA



The Motor Vu Drive-in was built in the fall of 1949, and first opened for service on Friday March 10, 1950 (*Lebanon Express*: March 10, 1950). It was built to accommodate 500 cars over an area of 12 acres. The 64 feet high screen was constructed of steel, wood, and asbestos material (*Lebanon Express*: March 10, 1950), that is now known to be a carcinogen. In 1998 the Oregon Department of Transportation indicated that between 1948-1954 approximately 67 drive-in's opened in Oregon, but by the late 90s approximately only five drive-ins were still in operation.

The area immediately to the north (Tax Lots 1001 and 1600) is the former site of the Champion Forests Products facility that has been vacant for some years. This site has a Comprehensive Plan Map designation of "Special Development District" and a Land Use Zoning Map designation of "Mixed Use" (MU). The area immediately to the east, across the Santiam Highway (Hwy 20), also has a Comprehensive Plan Map designation of "Special Development District" and a Land Use Zoning Map designation of "Mixed Use" (MU). In the fall of 1995, the City changed the Comprehensive Plan Map Designation from Light Industrial on these east side parcels to Special Development District, and land Use Zoning Map Designation to Mixed Use - these areas are currently vacant. South and west of the subject property are areas designated "Mixed-Density Residential" that have a Land Use Zoning Map Designation of "Residential Mixed Density" (RM). The Santiam Village manufactured home park is due south of the subject property while to the immediate west is an undeveloped area. Farther west and south are neighborhoods of single-family residences. Southeast of the subject property, along the west side of the Highway is a small area zoned "Highway Commercial" (CH) [Comprehensive Plan Map designation of "Commercial"].

EXCERPTS FROM THE APPLICANT'S NARRATIVE

The requested change is to amend the Comprehensive Plan map for the subject property from "Mixed - Density Residential" to "Special Development District" to allow it be rezoned to "Mixed Use" upon annexation into the City and combined with like zoned property immediately adjacent to the north as part of a commercial planned development.

The proposed project would create four parcels for commercial development. A large retail facility with an area reserved as a lease lot, usually developed as a gas station, would develop the largest parcel, approximately 19.55 acres. It is anticipated that others would develop the other three parcels and lease lot, ranging in size from 0.94 to 1.61 acres, for commercial purposes.

The proposed Comprehensive Plan map amendment is consistent with the general intent and purpose of the Lebanon Comprehensive Plan and conforms to the specific goals and policies applicable to the request as found in the Land Use Chapter of the plan. These policies are cited below:

Policy 8 of the Commercial Land Use section states

Future commercial centers should be allowed within the Mixed Density Residential District based upon an approved development plan in conformance with the Planned Development standards and procedures of the Zoning Ordinance, provided access is from a designated highway or arterial and urban services are available.

Policy 10 of the Commercial Land Use section states:

Commercial developments shall be constructed as compact centers rather than scattered along roadways or mixed in with noncommercial land uses that would conflict.

The proposed Cheadle Lake Commercial Center is being proposed and processed as a Planned Development in accordance with the zoning code standards and procedures. The site will have limited access from Highway 20 and Cascade Drive and will be provided all necessary City services and utilities.

The development site includes land that formerly housed the Champion Forest Products facility and land that is presently used by the "Motor Vu" Drive-in Theater. The proposal seeks to redevelop these two existing commercial sites into a compact commercial center consisting of a national retail anchor store and several pad sites for additional commercial and retail uses.

The Lebanon Comprehensive Plan provides a discussion of Commercial Reserve and Commercial Development Standards at page 5-15 of the Plan. The discussion states, in part, "*no additional locations are identified for shopping center development other than what now exists. However, future shopping centers should be allowed upon request within the Mixed-Density Residential District based on an approved development in conformance with the 'Planned Development' standards and procedures of the Zoning Ordinance.*"

The discussion goes on to list five criteria for new shopping center commercial clusters. These criteria are:

- 1. Locations should be adjacent to arterial streets or highways. Preferred locations would be at the intersections of two arterials, an arterial and a highway, or a collector street and an arterial.*
- 2. Developments should be centralized and not allowed to spread into a commercial strip.*
- 3. Limited access should be carefully controlled. To minimize pedestrian and vehicular conflicts, turning lanes should also be encouraged.*
- 4. Adequate joint use off-street parking should be provided and pedestrian and bicycle access should be encouraged.*
- 5. Sign, setback, sidewalks and landscaped buffer regulations should be enforced to protect adjacent property owners, the neighborhood and to provide environmental amenities within the project.*

The proposed Cheadle Lake Commercial Center meets each of these criteria:

1. The site is located on Highway 20 at the intersection of Highway 20 and Cascade Drive.
2. The development will be self-contained within the proposed 25-acre site. The development will be a coordinated center with shared access and parking that will not promote or lead to commercial strip development.
3. Access will be strictly controlled with right in, right out access to Highway 20 with both deceleration and acceleration lanes to promote smooth entry to and from the development. The site will be directly accessible from the Santiam Wagon Road non-motorized trail that traverses the east boundary of the site adjacent and parallel to Highway 20. Crossing of the trail will be marked to inform and warn motorists of the pedestrian and bicycle crossing.
4. Each individual business within the center will be required to develop off-street parking to meet the standards of the City of Lebanon zoning code. The parking areas within the center will, however, be shared and accessible throughout the center.
5. The site plan will be reviewed under the "Planned Development" provisions of the zoning code. The site plan provides for landscape planting areas, landscape buffers, pedestrian circulation and other amenities. The site will be landscaped, screened and fenced in accordance with the City of Lebanon's Land Development Ordinance. Screening and fencing will occur along the western and southern site boundaries as the site abuts single-family residences. An 8-foot high sound wall will be placed along the west and south property lines, adjacent to the proposed retail facility, and then landscaped along both sides. The wall will be set back 3 feet from the property line to allow for a row of shrubs to buffer the wall from the adjacent residential uses. A 6-foot high fence will be placed along the west and south property lines, adjacent to the drive-in theatre parcel, and then landscaped. Fencing is planned along these property lines, as retail spaces are not adjacent to existing single-family residences, but are separated by a site roadway. The site will not be screened along the northern boundary. Existing adjacent land use is commercial and this property line will be landscaped, but not screened from the adjacent uses. On-site landscaping will include parking lot landscaping as defined by the Land Development Ordinance. Additional landscaping will be provided along the Wagon Road, as previously identified, to assist in recreating the trail, as it once existed, and to screen the site from the trail, where possible.

The development site consists of two properties historically used for commercial purposes. The northern portion, which is already within the City limits and zoned "Mixed Use", is the former Champion Forest Products site, which sits vacant and idle, awaiting redevelopment. The southern portion, the subject of this Comprehensive Plan request is presently used as the "Motor-vu" Drive in Movie Theater. Land uses adjacent to the site include commercial uses along the northern boundary, Highway 20 and vacant land abuts the eastern boundary of the site. Trailer parks, manufactured homes, stick built single-family residences and vacant property abut the project site along the southern and western site boundaries.

Public utilities, sanitary sewer, water and solid waste disposal are all available to serve project. The site presently has two sanitary sewer lines crossing the site. One is located along the northern boundary and the second line crosses the site along the south property line of Parcel 1600; then runs south along the western area of Parcel 1800 and then runs west to Cascade Drive. The sewer line locations are shown on the site plan.

The City has water lines in Market Street and in the manufactured home development to the west of the site. The project proposes to extend these water lines into the site to provide for the domestic, irrigation and fire suppression needs of the project. If the existing City's lines west of the site cannot provide the pressure and flows required of the project, then the existing water line at Russell and Highway 20 will need to be extended south along and across the highway to the site, at the developer's expense.

There have been a number of changes in the area since the present Comprehensive Plan designation was applied to the property that support and warrant the request and include the following:

- There has been an increase of traffic volumes on Highway 20.
- Oregon Department of Transportation and Linn County want to realign the intersection of Highway 20 and Cascade Drive to create a safer intersection. This realignment will be accomplished by the proposed project.
- Development of residential uses in the area supports the need for additional commercial opportunities.
- The closing and removal of the Champion Forest Products facility from the property leaving it vacant and idle awaiting redevelopment.
- The subject property is surrounded by the City of Lebanon on three sides and is only not in the City and zoned appropriately because the present property owner asked to opt out during the last process. The present property owner now wants to annex into the City and be zoned appropriately.
- The proposed project completes the corridor of Special Development District and Mixed Use Zone on both sides of Highway 20 south to Cascade Drive.
- The project buffers residential areas from highway arterial traffic on Highway 20.

It is also notable that the proposed Comprehensive Plan Map amendment is being requested in conjunction with an annexation, a Zone Change (Map) amendment, Planned Development application, Lot Line Adjustment and Minor Land Partition.

CITY IDENTIFIED FACTORS AND CONSIDERATIONS

1. A 1997 Periodic Review Work Task found that the City's housing needs for the next twenty years could be met by utilizing only 390 acres (25%) of the available 1,331 vacant residential acres. Therefore, this Map Amendment does not adversely impact the City's needed residential land inventory.
2. The subject property is part of the largest vacant land area in the south part of the City suitable for Highway Commercial development, and is the last parcel that would be eligible for such development with direct access to the Highway south of Market Street.
3. The proposed development will actually reduce the number of currently allowed direct access points from the west to the Highway from the affected properties. The subject property is currently in commercial use as the site of the "Motorvu" Drive -in Theatre, and the adjacent property to the north (included in the overall development proposal) is the former site of the Champion Forest Products facility. Together, the two sites currently have five direct access points to the Highway
4. A proposed new frontage road on the east side of the highway running from north of Russell Drive to the Cascade Drive area will allow Highway Commercial development that does not directly access the Highway, thereby promoting highway access control.
5. The proposed development of the subject property and adjoining parcels also includes the reconfiguration of Cascade Drive on the west side of the Highway and install a signal at the Highway 20 intersection. This would shift the access point approximately 500 feet to the north and improve safety on the highway and at the intersection.
6. The proposed reconfiguration of Cascade Drive on the west side of the Highway also results in a major safety enhancement for the pedestrians, bicyclists and motorists who use this intersection, and all who travel the Highway in both directions. In its present configuration, this is a very hazardous intersection. Without this Comprehensive Map Amendment, there is no guarantee that subsequent piecemeal development would create the necessary rational nexus sufficient for reconfiguring this intersection.
7. The proposed Comprehensive Plan Map Amendment establishes the conditions for subsequent local connectivity with the road and sidewalk network to the west of the subject property. This assists the community in its ongoing efforts to comply with the directives of the Transportation Planning Rule.
8. Properties to the north of the subject site have previously been designated "Special Development District." These properties will have great difficulty - at best -- developing on their own and achieving controlled access to the Highway without the subject property also being re-designated.
9. According to Policy 8 of the Commercial Land Use policies, the subject property could be developed under the current Comprehensive Plan Map designation (Residential Mixed Density) but the applicant prefers an amendment to SPD so as to have a single Comp. Plan Map and Zoning Map designation and single set of development standards. Commercial Land Use Policy #8 states:

Future commercial centers should be allowed within the Mixed Density Residential District but only upon an approved development plan in conformance with the Planned Development standards and procedures of the Zoning Ordinance, provided access is from a designated highway or arterial and urban services are available.

ZONING ORDINANCE AND COMPREHENSIVE PLAN CRITERIA

1. ZONING ORDINANCE SECTION 9.010 Authorization to Initiate Amendments

An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Official using forms prescribed pursuant to Section 2.070. A filing fee in accordance with the provisions of Section 2.080 shall accompany an application by a property owner for an amendment.

2. ZONING ORDINANCE SECTION 9.020 Public Hearings on Amendments

All requests for amendment to the text or zoning map of this Ordinance shall comply with following public hearing procedures:

- (1) Notice of public hearing shall be as specified in Section 2.100.
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.
- (3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.
- (4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provision of Section 2.100
- (5) All public hearing procedures shall be in accordance with the City procedures for the conduct of hearings before the Planning Commission and the City Council.
- (6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

COMPREHENSIVE PLAN CRITERIA

The following Comprehensive Plan policies have been identified as those that are most relevant to this proposal:

ADMINISTRATIVE POLICIES AND RECOMMENDATIONS

1. The Lebanon Comprehensive Plan shall be maintained as an ongoing decision-making guideline for planning and development actions within the Lebanon Urban Growth Boundary. (page 1-P-1)
2. The adopted Comprehensive Plan and Implementing Ordinances shall be reviewed annually and may be revised and amended as needed to reflect changing needs and conditions within the planning area. (page 1-P-1)
8. The City of Lebanon hereby adopts the applicable Statewide Planning Goals as they apply to the community, and reinforces them through specific goals, objectives, and policies in response to community needs.

Note: Statewide Planning Goal 9 (Economic Development), directs local communities to maintain an adequate supply of developable land to meet the communities commercial and industrial land development needs.

STAFF RECOMMENDATION

The City Development Review Team (comprised of the City Administrator, Public Works Director, Community Development Manager, City Engineer, Special Projects Manager, Building Official (AIC) and Fire Marshal) recommends that the Planning Commission recommends approval of this proposed Comprehensive Plan Map Amendment to the City Council. This map amendment is needed to permit the Wal-Mart proposal to be development with a single zoning designation and set of development standards. Approval of the proposed Comprehensive Plan Map Amendment will support the development of the Wal-Mart proposal that will result in substantial local public infrastructure improvements including the re-alignment and signalization of the Cascade Drive/Highway 20 intersection.

PROPOSED FINDINGS

1. The request for the Comprehensive Plan Map Amendment (change) complies with Zoning Ordinance Section 9.010 in that the applicant is the property owner and the applicant followed the procedures of Section 9.010.

2. The proposed Comprehensive Plan Map Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #1, (page 1-P-1) that states that the Comprehensive Plan shall be maintained as an ongoing decision-making guideline.
3. The proposed Comprehensive Plan Map Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #2, (page 1-P-1) that states that the Comprehensive Plan and Implementing Ordinances shall be reviewed annually and may be revised and amended as needed to reflect changing needs and conditions within the planning area. The marketplace has identified the need for a minimum 20 acre vacant or redevelopable commercial site to serve the proposed new Wal-Mart superstore. There are no other fully serviceable highway commercial sites of this size available for development in the south part of the City.
4. The proposed Comprehensive Plan Map Amendment (change) complies with the Comp. Plan Administrative Policies and Recommendations, Policy #8, (page 1-P-1) that states that the City of Lebanon hereby adopts the applicable Statewide Planning Goals as they apply to the community, and reinforces them through specific goals, objectives, and policies in response to community needs. There is a community need for competitive, versatile local shopping opportunities and the proposed Comp. Plan Map Amendment will help to address that local consumer need by providing a new, expanded, local shopping opportunity. Goal 9 requires that comprehensive plans for urban areas shall: (3). *Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.* The Comp. Plan Map Amendment is necessary to provide a site of adequate size to respond to marketplace needs for new development.

ATTACHMENT A

For: Comp Plan Policy Map Amendment

EXHIBIT NO. 2
COMPREHENSIVE PLAN AMENDMENT APPLICATION
"FACT SHEET"
CHEADLE LAKE COMMERCIAL CENTER

1. **Reasons for the requested change and the intended use of the property:**

The requested change is to amend the Comprehensive Plan map for the subject property from "Mixed – Density Residential" to "Special Development District" to allow it be rezoned to "Mixed Use" upon annexation into the City and combined with like zoned property immediately adjacent to the north and developed with a multiple tenant commercial development as a "planned development".

The proposed project would create four parcels for commercial development. A large retail facility with an area reserved as a lease lot, usually developed as a gas station, would develop the largest parcel, approximately 19.55 acres. It is anticipated that others would develop the other three parcels and lease lot, ranging in size from 0.94 to 1.61 acres, for commercial purposes. The project includes the realignment of Cascade Drive to create a safer, signalized intersection with Highway 20. Cascade Drive is being realigned at the request of the City of Lebanon, Linn County and Oregon Department of Transportation (ODOT).

The project would be developed in phases. Phase one would include the national retailer the realignment of Cascade Drive. Phase two, and beyond, would complete the other three parcels and the internal lease lot.

The proposed large retail facility would be approximately 188,000 square feet in size. The building will be constructed out of concrete masonry units, both split and smooth faced. An 8-foot high sound wall will be placed along the west and south property lines, adjacent to the proposed retail facility, and then landscaped along both sides. The wall will be set back 3 feet from the property line to allow for a row of shrubs to buffer the wall from the adjacent residential uses. A 6-foot high fence will be placed along the west and south property lines, adjacent to the drive-in theatre parcel, and then landscaped. Fencing is planned along these property lines, as retail spaces are not adjacent to existing single-family residences, but are separated by a site roadway.

At the present time, an area potentially identified as the Santiam Wagon Road Trail runs parallel to Highway 20 and across the eastern portion of the project site. The project must cross the area twice for ingress and egress and the relocated Cascade Drive will also cross the area. Based on continuing conversations with the State Historic Preservation Office, the Oregon Historic Trail Advisory Committee and ODOT, the project proposes to keep the area intact, except where crossings must occur. The project proposes the following mitigation measures to protect the trail resource:

1. **Construct an informational kiosk for use by the public.**

2. Provide informational signage and install said signs in the kiosk. Local and State historical groups will provide the data to be posted and we will complete the signs and post them.
3. We will provide 10 parking spaces, including handicap spaces, for the general public's use in accessing the kiosk.
4. We will post the Wagon Road at the Cascade Drive crossing so that the traveling public is aware that they are crossing the trail. An informational sign will be posted on North bound Cascade Drive and on both sides of Highway 20 identifying an historical site and information area. We will also post on-site signs to direct the public to the kiosk.
5. We will provide additional landscaping parallel to the resource to help recreate the tree-lined trail. The landscaping will include both evergreen and deciduous trees and, where space permits, shrubs to create a screen between the trail and the developed site.

2. Show in detail, by citing specific goals and policies how your request conforms to applicable goals and policies of the Lebanon Comprehensive Plan:

The City of Lebanon Comprehensive Plan provides the framework and policy guidance for land development both within the City limits proper and the City's urban growth boundary. Consistent themes found throughout the plan are: protection of public health, safety and welfare; promoting efficiency of land use and provision of public facilities and services necessary for urban development; maintaining adequate supplies for land for various land uses; promoting a compact urban form and growth pattern; conservation of resources; protecting the natural environment; providing for employment and economic opportunities; and ensuring that Lebanon retains and enhances the positive features of the community.

The proposed Comprehensive Plan amendment is consistent with the general intent and purpose of the Lebanon Comprehensive Plan and conforms to the specific goals and policies applicable to the request as found in the Land Use Chapter of the plan. These policies are cited below:

Policy 8 of the Commercial Land Use section states:

Future commercial centers should be allowed within the Mixed Density Residential District based upon an approved development plan in conformance with the Planned Development standards and procedures of the Zoning Ordinance, provided access is from a designated highway or arterial and urban services are available.

Policy 10 of the Commercial Land Use section states:

Commercial developments shall be constructed as compact centers rather than scattered along roadways or mixed in with noncommercial land uses that would conflict.

The proposed Cheadle Lake Commercial Center is being proposed and processed as a Planned Development in accordance with the zoning code standards and procedures. The site will have limited access from Highway 20 and Cascade Drive and will be provided all necessary City services and utilities.

The development site includes land that formerly housed the Champion Forest Products facility and land that is presently used by the "Motorvu" Drive-in Theater. The proposal seeks to redevelop these two existing commercial sites into a compact commercial center consisting of a national retail anchor store and several pad sites for additional commercial and retail uses.

The Lebanon Comprehensive Plan provides a discussion of Commercial Reserve and Commercial Development Standards at page 5-15 of the Plan. The discussion states, in part, *"no additional locations are identified for shopping center development other than what now exists. However, future shopping centers should be allowed upon request within the Mixed-Density Residential District based on an approved development in conformance with the 'Planned Development' standards and procedures of the Zoning Ordinance."*

The discussion goes on to list five criteria for new shopping center commercial clusters. These criteria are:

- 1. Locations should be adjacent to arterial streets or highways. Preferred locations would be at the intersections of two arterials, an arterial and a highway, or a collector street and an arterial.*
- 2. Developments should be centralized and not allowed to spread into a commercial strip.*
- 3. Limited access should be carefully controlled. To minimize pedestrian and vehicular conflicts, turning lanes should also be encouraged.*
- 4. Adequate joint use off-street parking should be provided and pedestrian and bicycle access should be encouraged.*
- 5. Sign, setback, sidewalks and landscaped buffer regulations should be enforced to protect adjacent property owners, the neighborhood and to provide environmental amenities within the project.*

The proposed Cheadle Lake Commercial Center meets each of these criteria:

- 1. The site is located on Highway 20 at the intersection of Highway 20 and Cascade Drive.**
- 2. The development will be self-contained within the proposed 25-acre site. The development will be a coordinated center with shared access and parking that will not promote or lead to commercial strip development.**
- 3. Access will be strictly controlled with right in, right out access to Highway 20 with both deceleration and acceleration lanes to promote smooth entry to and from the development. The site will be directly accessible from the Santiam Wagon Road non-**

motorized trail that traverses the east boundary of the site adjacent and parallel to Highway 20. Crossing of the trail will be marked to inform and warn motorists of the pedestrian and bicycle crossing.

4. Each individual business within the center will be required to develop off-street parking to meet the standards of the City of Lebanon zoning code. The parking areas within the center will, however, be shared and accessible throughout the center.

5. The site plan will be reviewed under the "Planned Development" provisions of the zoning code. The site plan provides for landscape planting areas, landscape buffers, pedestrian circulation and other amenities. The site will be landscaped, screened and fenced in accordance with the City of Lebanon's Land Development Ordinance. Screening and fencing will occur along the western and southern site boundaries as the site abuts single-family residences. An 8-foot high sound wall will be placed along the west and south property lines, adjacent to the proposed retail facility, and then landscaped along both sides. The wall will be set back 3 feet from the property line to allow for a row of shrubs to buffer the wall from the adjacent residential uses. A 6-foot high fence will be placed along the west and south property lines, adjacent to the drive-in theatre parcel, and then landscaped. Fencing is planned along these property lines, as retail spaces are not adjacent to existing single-family residences, but are separated by a site roadway. The site will not be screened along the northern boundary. Existing adjacent land use is commercial and this property line will be landscaped, but not screened from the adjacent uses. On-site landscaping will include parking lot landscaping as defined by the Land Development Ordinance. Additional landscaping will be provided along the Wagon Road, as previously identified, to assist in recreating the trail, as it once existed, and to screen the site from the trail, where possible

3. Considering the pattern of development in the area and surrounding land uses, detail how the proposed amendment is orderly and timely:

The development site consists of two properties historically used for commercial purposes. The northern portion, which is already within the City limits and zoned "Mixed Use", is the former Champion Forest Products site, which sits vacant and idle, awaiting redevelopment. The southern portion, the subject of this Comprehensive Plan request is presently used as the "Motor-vu" Drive in Movie Theater. Land uses adjacent to the site include commercial uses along the northern boundary, Highway 20 and vacant land abuts the eastern boundary of the site. Trailer parks, manufactured homes, stick built single-family residences and vacant property abut the project site along the southern and western site boundaries.

Public utilities, sanitary sewer, water and solid waste disposal are all available to serve the project. The site presently has two sanitary sewer lines crossing the site. One is located along the northern boundary and the second line crosses the site along the south property line of Parcel 1600; then runs south along the western area of Parcel 1800 and then runs west to Cascade Drive. The sewer line locations are shown on the site plan.

The City has water lines in Market Street and in the manufactured home development to the west of the site. The project proposes to extend these water lines into the site to provide for the domestic, irrigation and fire suppression needs of the project. If the existing City's lines west of the site cannot provide the pressure and flows required of the project, then the existing water line at Russell and Highway 20 will need to be extended south along and across the highway to the site, at the developer's expense.

The project site is also within the High Priority For Future Use Area according to the Phased Growth Map.

4. Describe any changes in the neighborhood or surrounding area which might support or warrant the request:

There have been a number of changes in the area since the present Comprehensive Plan designation was applied to the property that support and warrant the request and include the following:

- There has been an increase of traffic volumes on Highway 20.
- Oregon Department of Transportation and Linn County want to realign the intersection of Highway 20 and Cascade Drive to create a safer intersection. This realignment will be accomplished by the proposed project.
- Development of residential uses in the area supports the need for additional commercial opportunities.
- The closing and removal of the Champion Forest Products facility from the property leaving it vacant and idle awaiting redevelopment.
- The subject property is surrounded by the City of Lebanon on three sides and is only not in the City and zoned appropriately because the present property owner asked to opt out during the last process. The present property owner now wants to annex into the City and be zoned appropriately.
- The proposed project completes the corridor of Special Development District and Mixed Use Zone on both sides of Highway 20 south to Cascade Drive.
- The project buffers residential areas from highway arterial traffic on Highway 20.

It is also notable that the proposed Comprehensive Plan Map amendment is being requested in conjunction with an annexation, a Zone Change (Map) amendment, Planned Development application, Lot Line Adjustment and Minor Land Partition.



ATTACHMENT B - Comp Plan Policy Map Amendment
Oregon Department of Land Conservation and Development

8/6/02

1000 Capitol Mall, N.E.
Salem, Oregon 97331
Phone (503) 378-7000
Director's Fax (503) 378-7000
Main Fax (503) 378-7000
Rural/Coastal Fax (503) 378-7000
TGM/Urban Fax (503) 378-7000
Web Address: <http://www.lcd.state.or.us>

Douglas Parker, Community Development Manager
853 Main Street
Lebanon, Oregon 97355-3220



Re: Cascade Drive Wal-Mart: Local File # CPM-02-01 and CPTA-02-01

Dear Douglas,

Thank you for the opportunity to review and comment on the proposed Cascade Drive Wal-Mart development. Our review is focused on the proposal's compliance with the Transportation Planning Rule (TPR) and how the surrounding community will access the site. In summary, the Agency recommends that the city delay adoption of these proposed zone changes until after we and other affected agencies (ODOT) have a chance to review a completed Transportation Impact Study (TIS) and a complete development proposal has been submitted to the City.

This or any other proposal on this site needs to address the following requirements of the Transportation Planning Rule:

Transportation Facilities
660-012-0045(2)

The proposed zone change and text amendment will ultimately result in significant impacts to the adjacent land uses and transportation facilities along Cascade Drive and these impacts are not addressed in either of the submitted plan amendments. Adoption of the proposed amendments will allow an extremely large retail / commercial project to move closer to development before any determination of their impact on the community and its facilities as required by the TPR.

TPR requires local governments to adopt ordinances to protect transportation facilities, corridors or sites for their identified use. These regulations establish access control measures (a); standards to protect future operations of roads and transit corridors (b); a process for coordinated review of land use decisions affecting transportation facilities, corridors or sites (d); a process to apply conditions to development proposals to protect facilities, corridors and sites (e); and a process that assures "that amendments to land use designations, densities,

and design standards are consistent with the functions, capacities and level of service of facilities in the TSP (g).

Because these impacts have yet to be addressed, the Agency, as mentioned above, recommends that the city postpone a decision on these plan amendment requests until they and other affected agencies have a chance to review a complete proposal and a TIS.

Vehicle, Pedestrian and Bicycle Access and Circulation

660-012-0045(3)(a - e)

Presently, the site plan does not show any vehicular, pedestrian or bicycle connections to the site from adjacent development and does not include any clear bike and pedestrian infrastructure on site. The TPR requires local communities to "provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is less likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel."

Specifically, on site bicycle parking facilities are required; clear pedestrian circulation paths and internal pedestrian circulation shall be "provided through clustering of buildings, construction of accessways, walkways and similar techniques," and; safe and convenient physical connections to surrounding development must be built.

Alignment of Streets

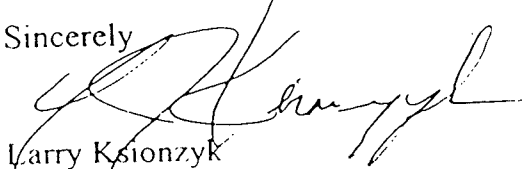
660-012-0060(6)(a-c)

We support ODOT's comments regarding 0060 and add that the City is required by 0060(6)(a-c) to pass an amendment to their comprehensive plan, TSP or local street plan a requirement for the alignment of on-site "streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) (see above)." We understand that these issues must be specific to the site and the type of development proposed so we again recommend that the adoptions of these plan amendments be delayed so the City, developer, ODOT and the Department can craft a practical solution.

We would be happy to work with you, your staff and Wal-Mart representatives to resolve these issues.

Please enter this letter into the record of the proceedings. We request that if additional information is provided the record be held open at least 7 days but preferably 15 days pursuant to ORS 197.763 (4) (b), to allow us time to review your final decision in this matter. If you have any questions contact me at 503-373-0050, extension 278.

Sincerely



Larry Ksionzyk
Transportation and Land Use Planner

Cc: Bob Cortright
Marguerite Nabeta
Nancy Reynolds

DLCD / Transportation Growth Management
DLCD Regional Representative
ODOT Region 2



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 2

455 Airport Rd. SE Bldg. B

Salem, Oregon 97301-5395

Telephone (503) 986-2836

FAX (503) 986-2840
 The Code PLA

August 12, 2002

**ATTACHMENT C -
 Comp Plan Policy Map
 Amendment**

Doug Parker
 Community Development Manager
 City of Lebanon
 853 Main Street
 Lebanon, OR 97355-3220

**SUBJECT: Wal-Mart Superstore Comprehensive Plan Text Amendment (CPTA-02-01) and
 Comprehensive Plan Map Amendment (CPMA-02-01)**

Dear Mr. Parker:

Thank you for notifying and involving the Oregon Department of Transportation (ODOT) in the land use action identified above. The purpose of this letter is to inform you that ODOT has concerns about this proposed project and its potential impacts to area transportation facilities.

The proposed project is a comprehensive plan text amendment to Commercial Land Use Policy #5, and a plan map amendment from Mixed Density Residential to Special Development District, which will typically result in a zoning map assignment of Mixed Use. The property under consideration is 10.2 acres located along US 20 at Cascade Drive. The traffic generated by potential development associated with this plan amendment has the potential to significantly impact US 20.

As this project includes a comprehensive plan text and plan map amendment, it is subject to the requirements of the Transportation Planning Rule (TPR - OAR 660-12), which implements Goal 12 of the Statewide Planning Goals and Guidelines. Specifically, the requirements of OAR 660-12-060 apply here:

660-12-060

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This may be accomplished by either:

(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;

(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or

(c) Altering land use designations, densities, or design requirements to reduce the demand for automobile travel to meet travel needs through other modes.

Doug Parker, August 12, 2002
Wal-Mart Comprehensive Plan Amendments
Page 7

US 20 is designated as a regional level of importance route by the *1999 Oregon Highway Plan*. The primary function of these routes is to provide connections and links to regional centers, Statewide or Interstate Highways, or economic or activity centers of regional significance. In the area of the proposed project, the highway is carrying over 17,000 vehicles per day. The intersection of Cascade Drive and US 20 is located near the south end of the proposed plan amendment. Introducing a significant number of new trips to the highway could negatively impact the functioning of this area.

The intended use of the property is to be developed with a commercial center consisting of a national retail anchor store and several pad sites for additional commercial and retail uses (e.g., gas station). The project proposes to close the existing severely skewed intersection of Cascade Drive and realign it approximately 400 feet to the north, make a 90-degree connection with US20, and construct a signal. The project also proposes to construct a secondary approach to the highway at a location approximately mid-way (750 feet) between the existing Market Street and the new Cascade Drive intersections. The proposed secondary approach meets ODOT's Access Management Spacing Standards for Approaches for this highway.

The developer must apply on behalf of the City of Lebanon for a Public Approach Road Permit for the realignment of Cascade Drive, and must apply for a Private Approach Road Permit for the secondary approach. ODOT will evaluate the request(s) in accordance with Oregon Administrative Rule (OAR) 734 Division 51 and will consider the impacts to the Historic Resource and the operation of the highway and surrounding transportation system as evaluated in the Transportation Impact Study (TIS) submitted by the City of Lebanon. The ultimate lane configurations for either requested approach are yet to be determined and will be dependent upon the analysis provided in the TIS.

The proposed traffic signal at the realigned Cascade Drive must meet traffic signal warrants and will require support by Region 2 Traffic and ultimate approval by the State Traffic Engineer. The proposed signal must comply with all of the requirements in OAR 734 Division 20.

As noted above, the City must comply with OAR 660-12-060 by including evidence in the record that indicates that the project will not adversely affect the operation of the area transportation facilities. ODOT has received the transportation impact studies (TIS) completed by the applicant and by the City. ODOT will review the TIS to determine the magnitude of project-related impacts to the transportation system, and evaluate mitigation measures necessary to ensure that the project will not adversely affect the state highway, county roads, or city streets. ODOT staff are working with the City and applicant, and are committed to timely review of the TIS.

The Santiam Wagon Road (a National Register eligible historic resource) parallels US 20 along the east side of the property. The current proposal indicates that the project will reserve the land between the parking area and the highway as an historic easement to preserve the trail. In addition, plantings are proposed along the trail to recreate the tree-lined trail and in some areas to buffer the trail from development. The primary access to the site at the south end of the project is a realignment of Cascade Drive. This realignment will cross property that is currently owned by ODOT (tax lot 1900). A request to surplus this property has been made to ODOT. State requirements (ORS358.653) specify that "any state agency or political subdivision responsible for real property of historical significance in consultation with the State Historic Preservation Officer shall institute a program to conserve the property and assure that such property shall not be inadvertently transferred, sold, demolished, substantially altered or allowed to deteriorate." ODOT must therefore consider impacts to the Santiam Wagon Road as a result of a potential surplus property transfer. The State Historic Preservation Office (SHPO) has identified a

Doug Parker, August 12, 2002
Wal-Mart Comprehensive Plan Amendments
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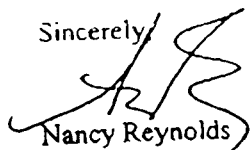
number of requirements to retain the historic nature of the Santiam Wagon Road. These are attached. A Historic Resource Management Plan will be included in the transfer of surplus property to the City.

The existing drainage system in the area is at capacity. Oregon Drainage Law requires historic flow rate into the existing systems be maintained, or the applicant must develop a drainage system on site. All drainage issues must be resolved prior to issuance of a road approach permit from ODOT.

This letter should be included in the hearing record as ODOT testimony. ODOT should be considered a party to the hearing and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the City's decision, including findings and conclusions.

Please contact Tony Martin at (503-986-2655) or Gerry Juster (503-986-2732) if you have any questions regarding the TIS evaluation.

Sincerely,



Nancy Reynolds
Senior Transportation Planner

cc: Bob Wood, District 4 Manager
Dick Upton, Area 4 Manager
Rod Bricco, District 4 Assistant Manager
Gerry Juster, Access Management
Gene Walton, District 4 Permit Specialist
Roz Keeney, Cultural Resources Specialist
Larry Ksionzyk, DLCD
David McEldowney, Right of Way
Nancy Niedernhofer



Oregon

John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
 State Historic Preservation Office
 1115 Commercial St. NE
 Salem, OR 97301-1012
 (503) 378-4168
 FAX (503) 378-6447

August 5, 2002

ODOT, District 4
 Attn: Robert Wood, District Manager
 3700 SW Philomath Blvd.
 Corvallis, Oregon 97333

Re: Santiam Wagon Road

Dear Mr. Wood:

The purpose of this letter is to finalize the resolutions to cultural resources issues with regard to the proposed development that will affect the National Register eligible Santiam Wagon Road segment in Lebanon, Linn County, Oregon. The State Historic Preservation Office (SHPO) and the Oregon Historic Trails Advisory Council (OHTAC) conditionally approves Oregon Department of Transportation (ODOT) transferring Tax Lot 1900 in the City of Lebanon to City ownership in compliance with Oregon Revised Statute (ORS) 358.653.

The conditions are those specified in a letter from our office dated June 18, 2002 to CLC Associates. . . meeting conducted on July 15, 2002, attended by ODOT, SHPO, OHTAC, CLC Associates (the developer's designers), Greg Hathaway of Davis Wright Tremaine LLP (the developer's legal representation), and the City of Lebanon, used these conditions as the basis of the discussion.

These conditions serve as our understanding of the results of the discussion and the terms of SHPO and OHTAC approving the transfer of the subject property and are consistent with the July 11, 2002 drawing prepared by CLC Associates incorporated herewith by reference:

Item 1. The developer has agreed to a 15-foot buffer around the historic Santiam Wagon Road. This is demonstrated in the drawing dated July 11, 2002 produced by CLC Associates. No development or new construction is to occur within that buffer.

Items 2. SHPO/OHTAC require that the lane width of the proposed realignment of Cascade Drive is to be the minimum width possible to accommodate life and safety issues as demonstrated by the traffic impact studies and subject to approval by ODOT and the City of Lebanon. If the realignment is approved then SHPO/OHTAC requests that the developer remove the existing Cascade Drive intersection and restore that portion of the Santiam Wagon Road.

Item 3. SHPO/OHTAC require that ingress and egress lanes, if deemed necessary by the traffic impact studies, be designed to have the most minimal impact possible on the resource, taking into account life and safety issues as demonstrated by the studies and subject to approval by ODOT and the City of Lebanon. If deemed necessary and approved, the developer should use existing Champion approach road for ingress/egress so as not to further damage the historic resource.

Should the existing approach road not be necessary as ingress/egress lanes into the development SHPO/OHTAC would request restoration of the wagon road at these points. Should additional approach road to the site be necessary in the future, SHPO/OHTAC would recommend consideration of widening the realigned Cascade Drive rather than an additional approach road that impacts the Santiam Wagon Road.

-Page 2-

CLC - Santiam Wagon Road

7/26/02

Item 4. SHPO/OHTAC appreciates the developer's willingness to construct a kiosk for interpretation of the historic resource and welcomes the opportunity to work with your office on the design and interpretive materials of the kiosk. In 2000 the National Park Service published a bulletin entitled, "Telling the Stories: Planning Effective Interpretive Programs for Properties Listed in the National Register of Historic Places" which will serve as an excellent and proper basis for the interpretation of this National Register eligible historic resource.


Item 5. The SHPO office strongly recommends that the developer donate the historic resource an easement to the City of Lebanon for responsibility for future control, access, and maintenance of the resource. In exchange, the SHPO office recommends that the City enter into an agreement document with the developer, based on their indicated willingness, to create a fund for the long-term maintenance of the historic resource, to include funds for landscape upkeep, trash clean up, irrigation, and maintenance of the kiosk. The SHPO office, in conjunction with OHTAC, will provide recommended language for the agreement document.

Item 6. Ensure that sidewalk/multi-use path is physically separated from the Wagon Road. The City has indicated their preference to have the sidewalk moved away from the highway, SHPO would like to ensure that the path is separate from the Santiam Wagon Road, is placed so as to minimize impacts to existing historic vegetation, and that the path is not located within the 15' buffer that has been agreed to in Item 1 above, except at points shown on the July 11, 2002 drawing, if the ingress/egress lanes for a second approach road are determined to be necessary.

Item 7. The developer should maintain most of the trail-related landscape elements, and has indicated a willingness to do so, as shown on the July 11, 2002 drawing. SHPO/OHTAC are supportive of the removal of dying or diseased trees and replanting with new, healthy ones. We would recommend hiring a certified arborist to evaluate the health of the existing trees and write a report detailing the health of the existing trees, need for the removal of any trees, and recommended maintenance treatments.

The above conditions do not preclude ODOT and/or the developer from complying with ORS 358.910 in the case of an inadvertent discovery of archeological materials during development. Please do not hesitate to call me at (503) 378-4168, ext. 256 if you have any questions or concerns.

Sincerely,


Nancy A. Niedermhofer
National Register Coordinator

cc: James Hamrick, SHPO
Honorable Scott Simpson, Mayor of Lebanon
John Hix, Lebanon City Manager
Doug Parker, Lebanon City Planner
Eileen G. Fitzsimons, OHTAC Chair
Todd Whipple, CLC
Dean Logsdon, CLC
Greg Hathaway, Davis Wright Tremaine LLP
Gerard Juster, ODOT
Rosalind Keency, ODOT
David McKelowney, ODOT
Gene Walton, ODOT
Tony Martin, ODOT



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

City's Rationale for Proposed Map Amendment

1. A 1997 Periodic Review Work Task found that the City's housing needs for the next twenty years could be met by utilizing only 390 acres (25%) of the available 1,331 vacant residential acres. Therefore, this Map Amendment does not adversely impact the City's needed residential land inventory.
2. The subject property is part of the largest vacant land area in the south part of the City suitable for Highway Commercial development, and is the last parcel that would be eligible for such development with direct access to the Highway south of Market Street.
3. The proposed development will actually reduce the number of currently allowed direct access points from the west to the Highway from the affected properties. The subject property is currently in commercial use as the site of the "Motorvu" Drive -in Theatre, and the adjacent property to the north (included in the overall development proposal) is the former site of the Champion Forest Products facility. Together, the two sites currently have five direct access points to the Highway
4. A proposed new frontage road on the east side of the highway running from north of Russell Drive to the Cascade Drive area will allow Highway Commercial development that does not directly access the Highway, thereby promoting highway access control.
5. The proposed development of the subject property and adjoining parcels also includes the reconfiguration of Cascade Drive on the west side of the Highway. This would shift the access point approximately 500 feet to the north and improve turning motions, thereby making traffic patterns flow more smoothly on this segment of the Highway.
6. The proposed reconfiguration of Cascade Drive on the west side of the Highway also results in a major safety enhancement for the pedestrians, bicyclists and motorists who use this intersection, and all who travel the Highway in both directions. In its present configuration, this is a very hazardous intersection. Without this Comprehensive Map Amendment, there is no guarantee that subsequent piecemeal development would create the necessary rational nexus sufficient for reconfiguring this intersection.
7. The proposed Comprehensive Plan Map Amendment establishes the conditions for subsequent local connectivity with the road and sidewalk network to the west of the subject property. This assists the community in its ongoing efforts to comply with the directives of the Transportation Planning Rule.
8. Properties to the north of the subject site have previously been designated "Special Development District." These properties will have great difficulty - at best -- developing on their own and achieving controlled access to the Highway without the subject property also being re-designated.
9. Finally, this Map Amendment is necessary to support the proposed Cheadle Lake Commercial Center development.



CITY OF LEBANON
PUBLIC WORKS DEPARTMENT
Community Development/Planning
925 Main Street
Lebanon, Oregon 97355-3200

MEMORANDUM

DATE: November 7, 2002
TO: John Hitt, City Administrator
FROM: Doug Parker, City Planner; Terry Lewis, Assistant City Planner
SUBJECT: Request for Annexation [File #: A-02-04] -- Tax Lots 1800 and 1901 (Assessor's Map 12-2W-23B) with a Mixed Use (MU) Zoning designation, pending the approval of CPMA-02-01.

On October 16, 2002, the Planning Commission conducted a public hearing (continued from August 21, 2002) and voted to recommend that the City Council approve the annexation request for the subject property: Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901. The owner of the property, Lebanon Theatres, Inc, initiated this action for the annexation of the 10.59 acre site. Pending the approval of CPMA-02-01, the annexation of this property would result in a Mixed Use (MU) Zoning designation.

City of Lebanon Resolution 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.310 lists the development opportunities, standards, and requirements for the Mixed Use (MU) zone. Comprehensive Plan Policies, which may pertain to this proposal, include: Urbanization Element, Annexations Section, Policies 1 & 3 (page 4-P-2).

The Planning Commission staff report (including the legal description and an annexation map) and a summary are attached for review, along with recommended findings.

At this time it is appropriate for the City Council to conduct a public hearing regarding the proposed annexation. Council approval is required in order to annex the subject property. If, upon conclusion of the public hearing, the Council favors the proposed annexation, the Council needs to adopt a bill for an ordinance annexing and zoning the property.

The entire Planning Commission record for this hearing (A-02-04) is forwarded and is now before the City Council.

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ANNEXATION REQUEST

File #: A-02-04

November 7, 2002

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**CITY OF LEBANON
CITY COUNCIL STAFF REPORT SUMMARY
ANNEXATION REQUEST**

NATURE OF REQUEST: Annexation of approximately a 10.59 acre territory comprised of two parcels, one vacant and one containing the Motor Vu Drive-in Theater, and a portion of Cascade Drive.

APPLICANT: Lebanon Theatres, Inc.

PROPERTY LOCATION

The subject property is the Motor Vu Drive-in Theater site and an adjacent, narrow vacant parcel located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

INTRODUCTION AND PROPOSAL

- Zone Designation: Mixed Use (MU), pending the approval of CPMA-02-01.
- Comprehensive Plan Designation: Special Development District (SPD), pending the approval of CPMA-02-01.

This site is currently designated as Mixed-Density Residential on the City of Lebanon Comprehensive Plan Map and is proposed for re-designation to Special Development District (SPD) [File # CPMA-02-01] that would assign a Mixed Use (MU) zoning designation upon annexation. The MU zone permits retail commercial activity according to the specifications of the Highway Commercial (CH) zone according to Lebanon Zoning Ordinance Section 4.310.

The subject property is being annexed in support of the Wal-Mart superstore land development proposal. Part of the parking lot for the proposed Wal-Mart superstore is proposed to be located on this property, as well as two additional development sites that could be developed into a gas station and/or other uses.

SITE DESCRIPTION

- The subject property is the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection.
- The Legal Description is located on page 6 of Addendum I, the attached Planning Commission Staff Report of August 2002 for A-02-04.
- The Motor Vu Drive-In was built in the fall of 1949, and first opened for service on Friday March 10th, 1950 (*Lebanon Express*: March 10, 1950). It was built to accommodate 500 cars over an area of 12 acres. The 64 feet high screen was constructed of steel, wood, and asbestos material (*Lebanon Express*: March 10, 1950).

- The area immediately to the north (Tax Lots 1001 and 1600) is the former site of the Champion Forests Products facility that has been vacant for some years. This site has a Comprehensive Plan Map designation of "Special Development District" and a Land Use Zoning Map designation of "Mixed Use" (MU). The area immediately to the east, across the Santiam Highway (Hwy 20), also has a Comprehensive Plan Map designation of "Special Development District" and a Land Use Zoning Map designation of "Mixed Use" (MU). In the fall of 1995, the City changed the Comprehensive Plan Map Designation from Light Industrial on these east side parcels to Special Development District, and land Use Zoning Map Designation to Mixed Use - these areas are currently vacant. South and west of the subject property are areas designated "Mixed-Density Residential" that have a Land Use Zoning Map Designation of "Residential Mixed Density" (RM). The Santiam Village manufactured home park is due south of the subject property while to the immediate west is an undeveloped area. Farther west and south are neighborhoods of single-family residences. Southeast of the subject property, along the west side of the Highway is a small area zoned "Highway Commercial" (CH) [Comprehensive Plan Map designation of "Commercial"].

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that the City Council approve this proposed annexation. On October 16, 2002, at the conclusion of the Planning Commission hearing on this application, *A motion was made by Commissioner Carson, seconded by Commissioner Brown, and passed unanimously that the Planning Commission recommend, to Lebanon City Council, the approval of the Annexation A-02-04 (Motor Vu Drive-In Theater Site with the proposed findings from staff and the Davis Wright Tremaine letter (for applicant) dated September 26, 2002 (Pgs. 8 – 16).* These adopted findings are as follows:

ADOPTED PLANNING COMMISSION FINDINGS IDENTIFIED IN STAFF REPORT

Finding

1. The proposed annexation complies with City Annexation Policy, Section 1, in that some urban services (sanitary sewer) are currently available to serve the property and the development of the site as proposed will result in full urban services being made available to serve this site with expanded and enhanced service capacities.
2. The proposed annexation complies with City Annexation Policy, Section 2, in that the development of the site will result in substantial road and pedestrian/bikeway improvements, including additional needed right-of-way dedications, thereby providing enhanced safety and efficiency for vehicles, bicycles and pedestrians.
3. The proposed annexation complies with City Annexation Policy, Section 3, in that substantial public infrastructure improvements are included in the development proposal.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that the development proposal complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning as modified by planning actions CPTA-02-01 and CPMA-02-01.

5. The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for as many local marketplace and employment opportunities as the local economy can support.
6. The proposed annexation complies with Comp. Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of City limits within City service capabilities.
7. *MUNICIPAL* The proposed annexation complies with Comp. Plan Urbanization Element, Annexation Policy #1, (page 4-P-2) in that the City needs additional developable land to meet growing marketplace demands and the proposed annexation area uniquely addresses the Wal-Mart Superstore area and siting requirements while expanding City limits in an orderly, compact growth pattern within the City's service capabilities and the proposed development will result in enhanced local road and utility service capabilities thereby benefiting adjacent, unserved properties.
8. The proposed annexation complies with Comp. Plan Urbanization Element, Annexation Policy #2, (page 4-P-2) in that this annexation application is accompanied by the Wal-Mart superstore development proposal.
9. The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities and the site development will result in enhanced local community facilities, especially the relocated and signalized Cascade Drive intersection with Highway 20.

ADOPTED PLANNING COMMISSION FINDINGS FROM THE DAVIS WRIGHT TREMAINE LETTER FOR THE APPLICANT, Dated September 26, 2002, (Pgs. 8 - 16)

Finding #

10. The Annexation and Zone Establishment proposes to annex the Motor Vu Property and assign it a MU zone consistent with the SPD Comprehensive Plan designation being proposed pursuant to the Comprehensive Plan Map Amendment. The Planning Commission finds that the Annexation and Zone Establishment complies with all of the relevant approval criteria. Therefore, the Planning Commission recommends that the City Council approve the Annexation and Zone Establishment Application subject to the City Staff's recommended conditions of approval.

A. ZONING ORDINANCE {LZO} [CRITERIA]

1. **LZO 3.050 – Zoning of Annexed Areas:** *All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the plan is amended to reflect concurrence.*

11. **Findings:** Pursuant to Section 3.050, the zoning for property that is being annexed into the City is established as part of the annexation process itself. The Applicants are requesting that the Motor Vu Property be zoned MU as part of the Annexation and Zone Establishment assuming that the Comprehensive Plan Map Amendment is approved.

[11.1] The MU zone is the appropriate zone to establish on the Motor Vu Property for two reasons. First, the MU zone is the zone that typically implements the Comprehensive Plan designation of Special Development District ("SPD"). The City has historically administered the Comprehensive Plan and LZO by placing the MU Zone on properties with a SPD designation since the Comprehensive Plan was adopted. For example, the Champion Property was designated SPD and zoned MU by the City in 1980. Additionally, those properties that were redesignated SPD pursuant to the 1995 Commercial Lands Study were also rezoned MU.

[11.2] Second, pursuant to the Planned Development, the Applicants are proposing to develop the Motor Vu Property in conjunction with the Champion Property. The Champion Property is designated SPD and zoned MU. Therefore, the Motor Vu Property should be similarly zoned. This consistent plan designation and zone for the Properties will result in one set of development standards for the Planned Development.

[11.3] The Opposition asserts that the Applicants were required to file a Zone Change Application and demonstrate compliance with the zone change criteria. This assertion is contrary to the express language of Section 3.050, which clearly states that the zoning for property that is being annexed into the City is established as part of the annexation process itself. The City cannot change a City zone until the City first establishes a zone for the property pursuant to Section 3.050. Moreover, the Opposition fails to explain what different or additional Comprehensive Plan and LZO provisions are applicable that have not already been considered as part of the Annexation and Zone Establishment, Comprehensive Plan Map Amendment and Planned Development review.

B. COMPREHENSIVE PLAN – APPROVAL CRITERIA

1. **The City Annexation Policy:** *Section 1 – The City of Lebanon shall require proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*

12. **Findings:** The Annexation and Zone Establishment complies with this policy because the Applicants demonstrated that urban services (water, sanitary sewer, storm drainage facilities, streets, etc.) are available or will be made available by the Applicants, at the Applicants sole expense, to serve the Motor Vu Property and that the City has the capacity to serve the proposed needs of the Project. The Applicants worked in coordination with the City Engineer and Planning Staff to verify that the City has the capacity to serve the demands of the Project. The Applicants provided information to the City regarding its public infrastructure needs so that the City could verify, through its own system models and utility master plans, that the systems have the available capacity. The Applicants also provided the City with a Transportation Impact Analysis ("TIA"), and the City conducted their own TIA for the development, which in combination demonstrates that the existing street system, modified with the mitigations outlined in the TIA, including the development of Weldwood Drive, realignment of Cascade Drive, a new signalized intersection at Highway 20, and improved site ingress and egress from Highway 20, will have the capacity to carry the Project's traffic loads. As stated at the Public Hearings, the City Engineer and Planning Staff determined, based upon the information provided, that the City's urban services have sufficient capacity to meet the needs of the Project subject to the improvements that the Applicants agreed to perform at the Applicants' sole expense.

[12.1] Although it is not required by the applicable Comprehensive Plan and LZO provisions, since the Opposition questioned this analysis the Applicants prepared a letter to the City Engineer, dated September 17, 2002 (the "Applicants September 17th Letter"), requesting verification that the City's facilities have the capacity to meet the Project's demands. Pursuant to the letter from the City Engineer to the Applicants' representative, dated September 18, 2002 (the "City Engineer's September 18th Letter"), the City verified that the City's facilities currently have the capacity or will have the capacity with the Applicants improvements to meet the Project's needs. Other utility services, such as telephone, electricity, natural gas and cable TV, are adjacent to the Property and the Applicants discussions with the purveyors of these services has identified that they all have the capacity to serve the Property and the Planned Development. Public services such as fire protection, life and safety emergency services and police protection are available. The Project will not impact the capabilities of these services or restrict their ability to serve the site and the City of Lebanon. Based on the testimony at the Public Hearings and the City Engineer's September 18th Letter, there is substantial evidence in the record to demonstrate that urban services are available or will be made available by the Applicants, at the Applicants' sole expense, to serve the Motor Vu Property and that the City has the capacity to serve the proposed needs of the Project. Therefore, the Annexation and Zone Establishment complies with City Annexation Policy, Section 1 urban services and/or public facilities are available or will be made available by the Applicants, at the Applicants' sole expense, to serve the Property and that the City has the capacity to serve the proposed needs of the Project.

[The City Annexation Policy] Section 2 - Public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.

13. Findings: The Annexation and Zone Establishment complies with this policy because the Applicants demonstrated that the Project will provide substantial road and pedestrian/bikeway improvements at the Applicants' sole expense, including additional needed right-of-way dedications, thereby providing enhanced safety and efficiency for vehicles, bicycles and pedestrians. Street improvements include a realigned intersection at Highway 20 (~~Weldwood Drive~~) to replace the existing Cascade Drive intersection, a relocated Cascade Drive and Weldwood Drive intersection, and a new roadway, Weldwood Drive, to the west. Bike and pedestrian pathways will extend from Market Street south to Cascade Drive, from Highway 20 west to South Main, upon granting of easements and right-of-ways, and provide connectivity throughout the proposed project. Right-of-way dedication and proposed improvements will be accomplished at the Applicants' sole expense.

[13.1] The Opposition questioned whether the necessary public rights-of-way have been provided given that tax lot 1900 is not part of the Annexation and Zone Establishment proposal. It is not necessary to annex tax lot 1900 to provide the necessary rights-of-way for three reasons.

[13.1.1] First, the annexation process is not the process used to dedicate rights-of-way to the City. It is done through a platting process. The Applicants provided the proposed location of the necessary rights-of-way and the proposed pedestrian and bicycle facilities pursuant to the City's request. These proposed right-of-way provide for the safe and efficient movement of traffic, bicycles and pedestrians. All the rights-of-ways required by the City will be dedicated to the City.

[13.1.2] Second, it is not necessary to annex tax lot 1900 to provide the necessary rights-of-way because ODOT will surplus tax lot 1900 to the City upon completion of the Santiam Wagon Road protection measures. Tax lot 1900 was not included in the Annexation and Zone Establishment request because that property is owned by ODOT, not the Applicants. Once ODOT surpluses this property to the City, the City can annex that parcel at anytime. It is important to note that it is ODOT's common practice not to have its properties annexed into any city.

[13.1.3] Third, the fact that tax lot 1900 is not included in the Annexation and Zone Establishment request will not affect the ability of the City and ODOT to realign the Highway 20 and Cascade Drive intersection. The City, Linn County and ODOT all support the proposed realignment of Cascade Drive. The Applicants worked with Linn County Engineer, David Warren, the City of Lebanon City Engineer and Public Works Director, and ODOT staff to determine the location of the realignment of Cascade Drive. The City requested that ODOT surplus parcel 1900 to the City upon approval of the Applications. Surplussing of this property could not occur until ODOT was provided direction on how to protect the Santiam Wagon Road, which crosses that property. ODOT received that direction in letters from the Oregon State Historic Preservation Office, dated August 5 and September 3, 2002.

[13.2] Therefore, the Annexation and Zone Establishment complies with City Annexation Policy, Section 2 because it will provide the necessary public rights-of-way necessary for the safe and efficient movement of traffic, bicycles and pedestrians.

[The City Annexation Policy] Section 3 - Parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.

14. **Findings:** The Annexation and Zone Establishment complies with this policy because the Applicants demonstrated that they will provide the necessary upgrades to the urban services and/or public facilities at the Applicants' expense. These upgrades and/or improvements include extension of City water mains through the property, upgrading of portions of the Burkhart Creek drainage system, public rights-of-way dedication for and construction of Cascade Drive and Weldwood Drive, and installation of a traffic signal at Highway 20 and the new Weldwood Drive intersection. As stated in response to City Annexation Policy, Section 1, the Applicants demonstrated that urban services and/or public facilities are available or will be made available by the Applicants, at the Applicants' expense, to serve the Motor Vu Property and that the City has the capacity to serve the proposed needs of the Project. Therefore, the proposed annexation complies with City Annexation Policy, Section 3 because the Applicants will provide the necessary upgrades to the urban services and/or public facilities.

[The City Annexation Policy] Section 4 - No annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.

15. **Findings:** The Annexation and Zone Establishment complies with this policy because the Applicants demonstrated that the Annexation and Zone Establishment, as well as the Comprehensive Plan Map Amendment and Planned Development, comply with the Comprehensive Plan and its goals and policies.

[The City Annexation Policy] Section 5 - It shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.

16. **Findings:** The Annexation and Zone Establishment complies with this policy because the Applicants demonstrated that there is a public need for the Annexation and Zone Establishment and the Annexation and Zone Establishment will serve the public interests for the following reasons:

1) The Annexation and Zone Establishment will allow commercial development on the Property to meet part of the City's need for additional commercial lands. The 1995 Commercial Lands Study, which was adopted by the City as part of its acknowledged Comprehensive Plan, identified the need for 98 – 228 acres of additional commercial property. The Motor Vu Property was deemed to be in commercial use at the time of the 1995 Commercial Lands Study. The Motor Vu Property, in combination with the Champion Property, is one of the largest available and vacant land areas in the south part of the City suitable for Highway Commercial development, and is the last parcel that would be eligible for such development with direct access to the Highway south of Market Street. The closing and removal of the Champion Forest Products commercial nursery facility has left the Champion Property vacant and idle awaiting redevelopment.

2) The Annexation and Zone Establishment will in-fill this area which is currently an island of County jurisdiction surrounded by the City of Lebanon. The Motor Vu Property is surrounded by the City of Lebanon on three sides and is currently not in the City and zoned appropriately because the present property owner asked to opt out during the last annexation process. The property owner now wants to annex into the City and be zoned appropriately. Annexing this property provides in-fill opportunities within the City's corporate boundaries and provides for efficient and managed growth within the City and discourages sprawl.

3) The Annexation and Zone Establishment will allow for the reconfiguration of the Highway 20 and Cascade Drive intersection and provide major safety enhancement for the pedestrians, bicyclists and motorists who use this intersection, and who travel the Highway in both directions. The proposed reconfiguration will shift the access point approximately 500 feet to the north and improve safety on the highway and at the intersection. In its present configuration, this is a very hazardous intersection. Without the annexation and accompanying Comprehensive Map Amendment, there is no guarantee that subsequent piecemeal development would create the necessary rational nexus sufficient for funding the reconfiguring of this intersection.

4) The Annexation and Zone Establishment and subsequent development will reduce the number of currently allowed direct access points to Highway 20. The Property currently has five direct access points to Highway 20. The Project will reduce the access points to Highway 20 by 4 locations as the Project proposes one right-in and one right-out only access.

5) The area being annexed is located in the City's designated High Priority for Future Use area, as shown on the Phased Growth Map on page 4-26 of the Comprehensive Plan.

[15.1] Therefore, the Annexation and Zone Establishment complies with City Annexation Policy, Section 5 because it serves a number of public needs and is in the best interest of the public.

2. **Urbanization Policies – Chapter 4.0 [Comp Plan]**

a. **Phased Growth Program**

Policy 1 - The city shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the city.

16. **Findings:** The Annexation and Zone Establishment complies with this policy because it will result in an orderly and efficient connection or in-fill of City limits within the City service capabilities. The Annexation and Zone Establishment will in-fill this area, which is currently an island of County jurisdiction surrounded by the City of Lebanon. The Motor Vu Property is surrounded by the City of Lebanon on three sides and is currently not in the City only because the present property owner asked to opt out during the last annexation process. As an in-fill property, City services already “leap frog” over the Motor Vu Property. Annexing the Motor Vu Property provides for efficient and managed growth within the City. As stated in response to City Annexation Policy, Section 1, the Motor Vu Property is within the service capabilities of the City. Therefore, the Annexation and Zone Establishment complies with the Comprehensive Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) because it expands the City limits incrementally in an orderly and efficient manner within the service capabilities of the City.

b. **Annexation [Comp Plan]**

Policy 1 -The city shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the city's service capability.

17. **Findings:** The Annexation and Zone Establishment complies with this policy because the Motor Vu Property is within the Urban Growth Boundary and will satisfy the City's need for additional commercially developable land to meet growing marketplace demands. The 1995 Commercial Lands Study identified the need for 98 - 228 acres of additional commercial property. As an in-fill property, City services already “leap frog” over the Motor Vu Property. The proposed annexation area will fill in this hole in the City limits, thereby completing the City's service requirements and capabilities in this area. Additionally, the area being annexed is located in the City's designated High Priority for Future Use area, as shown on the Phased Growth Map on page 4-26 of the Comprehensive Plan. The Project will also result in enhanced local road and utility service capabilities thereby benefiting adjacent, unserved properties. Annexing the Motor Vu Property provides for efficient and managed growth within the City. As stated in response to City Annexation Policy, Section 1, the Motor Vu Property is within the service capabilities of the City. Therefore, the Annexation and Zone Establishment complies with Comprehensive Plan, Urbanization Element, Annexation Policy #1, (page 4-P-2) because the Motor Vu Property is within the Urban Growth Boundary and it will support the need for additional developable land in order to maintain an orderly, compact growth pattern within the City's service capability.

Policy 3 - Unless otherwise approved by the city, specific development proposals shall be required for annexation requests on vacant land adjacent to the city to insure completion within a reasonable time limit in conformance with a plan approved by the city.

18. Findings: The Annexation and Zone Establishment complies with this policy in that it is being filed concurrently with the specific development proposal set forth in the Planned Development and will insure completion within a reasonable time limit.

c. Public Facilities and Services [Comp Plan]

General Policy 2 - The city shall consider impacts on community facilities before ... annexation requests are approved.

19. Findings: The Annexation and Zone Establishment complies with this policy because it will not result in an adverse impact on community services and facilities as stated in response to City Annexation Policy, Section 1. The Project will in fact result in enhanced local community facilities, in particular the relocated and signalized Cascade Drive intersection with Highway 20, bike/pedestrian pathway improvements along Highway 20, west to South Main and throughout the Properties, the storm drainage system upgrades to the Burkhart Creek Drainage and the water system extensions through the Properties south to Cascade Drive. The Project will also protect the Santiam Wagon Road, as stated in the letters from the Oregon State Historic Preservation Office ("SHPO"), dated August 5 and September 3, 2002, and will grant a historic resource conservation easement, giving the City the rights to protect the trail for future generations and for use by the general public.

C. STATEWIDE PLANNING GOALS & REGULATIONS

20. The Opposition asserts that the Annexation and Zone Establishment fails to comply with a number of Statewide Planning Goals. The Planning Commission concludes that the Annexation and Zone Establishment complies with these Statewide Planning Goals because it complies with the acknowledged Comprehensive Plan.

In conclusion, if City Council approves the proposed Annexation, staff recommends the adoption of at least the above-enumerated twenty findings as the official findings of the City Council in support of its decision.

CITY OF LEBANON PLANNING COMMISSION

August 21, 2002
6:00 P.M.

AGENDA

Lebanon School District Admin.
Office, Board Room
485 S. 5th Street

MEMBERS: Chairman Don Robertson, Vice-Chairman Barry Scott, Commissioners Paul Aziz, John Brown, Jon Davis, Robyn Carson, Tom Owen, Peggy Snyder and Mike Wells.

1. **CALL TO ORDER/ROLL CALL**
2. **APPROVAL OF MINUTES** – July 22, 2002
3. **CITIZEN COMMENT** (restricted to items not on Agenda)
4. **PUBLIC HEARING**
 - A. Comprehensive Plan Text Amendment CPTA-02-01

A City-Initiated change of a Comprehensive Plan policy found in the Land Use Element, Commercial Land Use Section. Commercial Land Use Policy # 5 (page 5-P-3) currently reads *Highway commercial development along U.S. 20 should be terminated at the Southgate Shopping Center, located at the intersection of Market Street and U.S. 20.* The City proposes to modify this policy as follows: *Highway commercial development with direct access to U.S. Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and U.S. Highway 20 (Santiam Highway).* The proposed policy change is needed to permit the proposed Wal-Mart Superstore and to permit development of properties on the east side of Santiam Highway which were rezoned (changed) from Industrial to Mixed Use as a result of the findings of a 1995 Lebanon Commercial Lands Study (an approved Periodic Review Work Task) which identified the local need for more vacant commercial developable property along State Highway 20.

- B. Comprehensive Plan Map Amendment CPMA-02-01 (Motor Vu Property)

A request to re-designate on the City of Lebanon Comprehensive Plan Map a 10.20 acre area from Mixed Density Residential to Special Development District (SPD). The requested Special Development District (SPD) designation typically results in a zoning map assignment of Mixed Use (MU). The subject property is the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

- C. Annexation A-02-04 (Motor Vu Drive-in Theater site)

Initiated per property owner's request. This approximately 10.20 acre annexation area is comprised of two parcels, one containing the Lebanon Motor Vu Drive-in Theater. This site is currently designated as Mixed-Density Residential on the City of Lebanon Comprehensive Plan Map and is proposed for re-designation to Special Development District (SPD) [File # CPMA-02-01] which would assign a Mixed Use (MU) zoning designation upon annexation. The subject property is the Motor Vu Drive-in Theater site and an adjacent, narrow vacant parcel located on the west side of U.S. Highway 20

(Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.

D. Planned Development PD-02-01 (Cheadle Lake Commercial Center: Wal-Mart Superstore)

A request to develop a 25.40 acre site currently containing the Lebanon Motor Vu Drive-in Theater and formerly containing the Champion Tree Nursery site into a new 187,173 square foot Wal-Mart superstore as well as a gas station, a 904 space parking lot, a public road and three additional lots to be developed by others through separate planning actions. Public and private utility improvements and extensions are included in this project. This site includes portions of the historic Santiam Wagon Road. The subject property is the former Champion Tree Nursery site and the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway), south of Market Street and west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1001, 1600, 1800 and 1901.

5. **OLD BUSINESS**

- A. Update of status of candidate open space development standards for multi-family residential developments.

6. **OTHER BUSINESS**

- A. Meeting Schedule - September 18 and October 16, 2002.
B. Oregon Planning Institute- October 2-4, 2002
C. Russell Drive Area Mixed Use study

7. **COMMISSIONER COMMENTS**

8. **ADJOURNMENT**

CITY OF LEBANON
PLANNING COMMISSION STAFF REPORT

ANNEXATION REQUEST

- NATURE OF REQUEST: An approximately 10.59 acre annexation territory comprised of two parcels, one vacant and one containing the Motor Vu Drive-in Theater, and a portion of Cascade Drive.
- APPLICANT: Lebanon Theatres, Inc.
- PROPERTY LOCATION: The subject property is the Motor Vu Drive-in Theater site and an adjacent, narrow vacant parcel located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection. Assessor's Map 12-2W-23B, Tax Lots 1800 and 1901.
- ZONE DESIGNATION: Proposed to be Mixed Use (pending outcome of CPMA-02-01)
- COMP PLAN DESIGNATION: Proposed to be Special Development District (pending outcome of CPMA-02-01)

INTRODUCTION

The subject property is being annexed in support of the Wal-Mart superstore land development proposal. Part of the parking lot for the proposed Wal-Mart superstore is proposed to be located on this property, as well as two additional development sites that could be developed into a gas station and/or other uses.

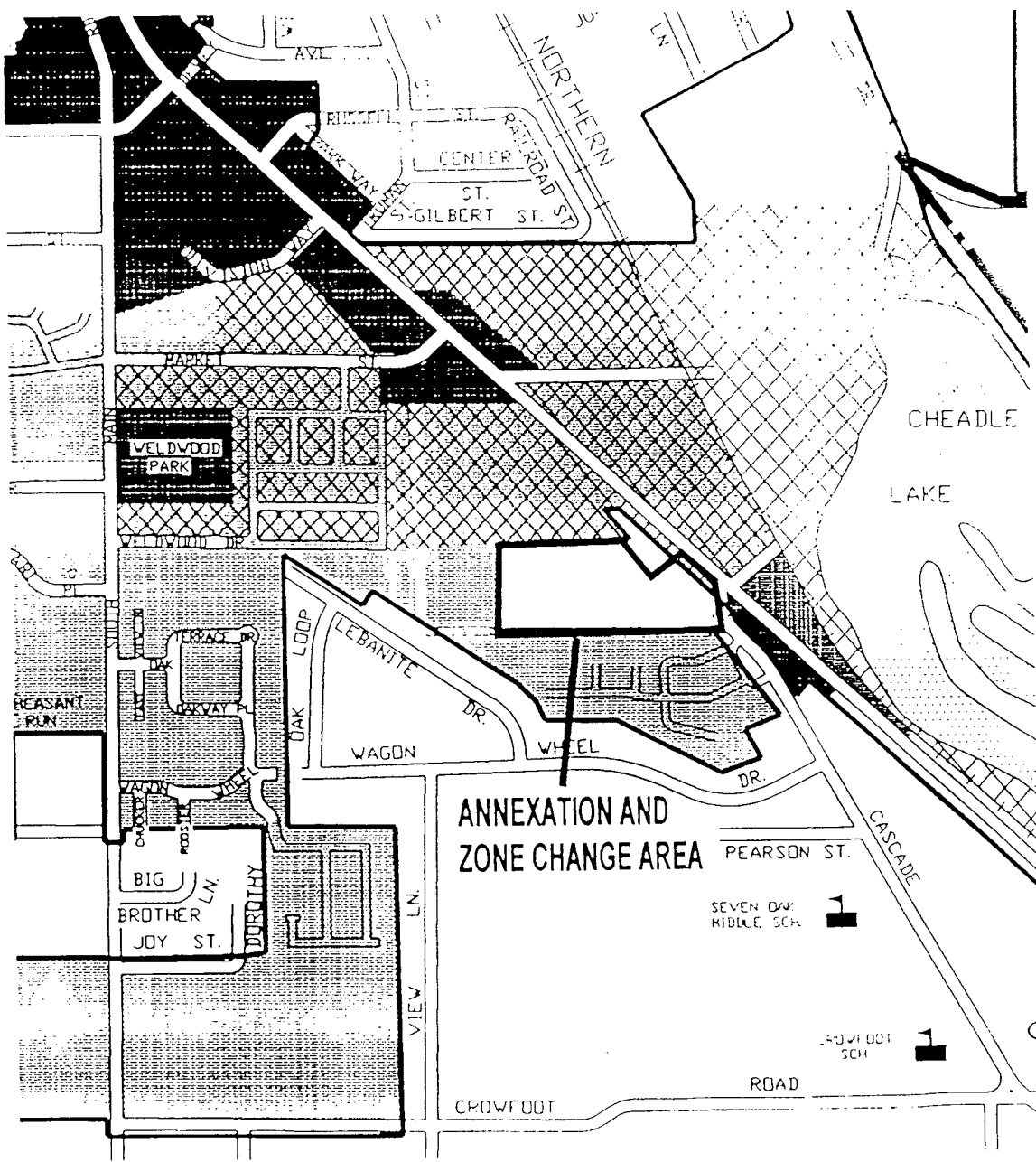
This site is currently designated as Mixed-Density Residential on the City of Lebanon Comprehensive Plan Map and is proposed for re-designation to Special Development District (SPD) [File # CPMA-02-01] that would assign a Mixed Use (MU) zoning designation upon annexation. The subject property is the Motor Vu Drive-in Theater site and an adjacent, narrow vacant parcel located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection.

The MU zone permits retail commercial activity according to the specifications of the Highway Commercial (CH) zone according to Lebanon Zoning Ordinance Section 4.310.

SITE DESCRIPTION

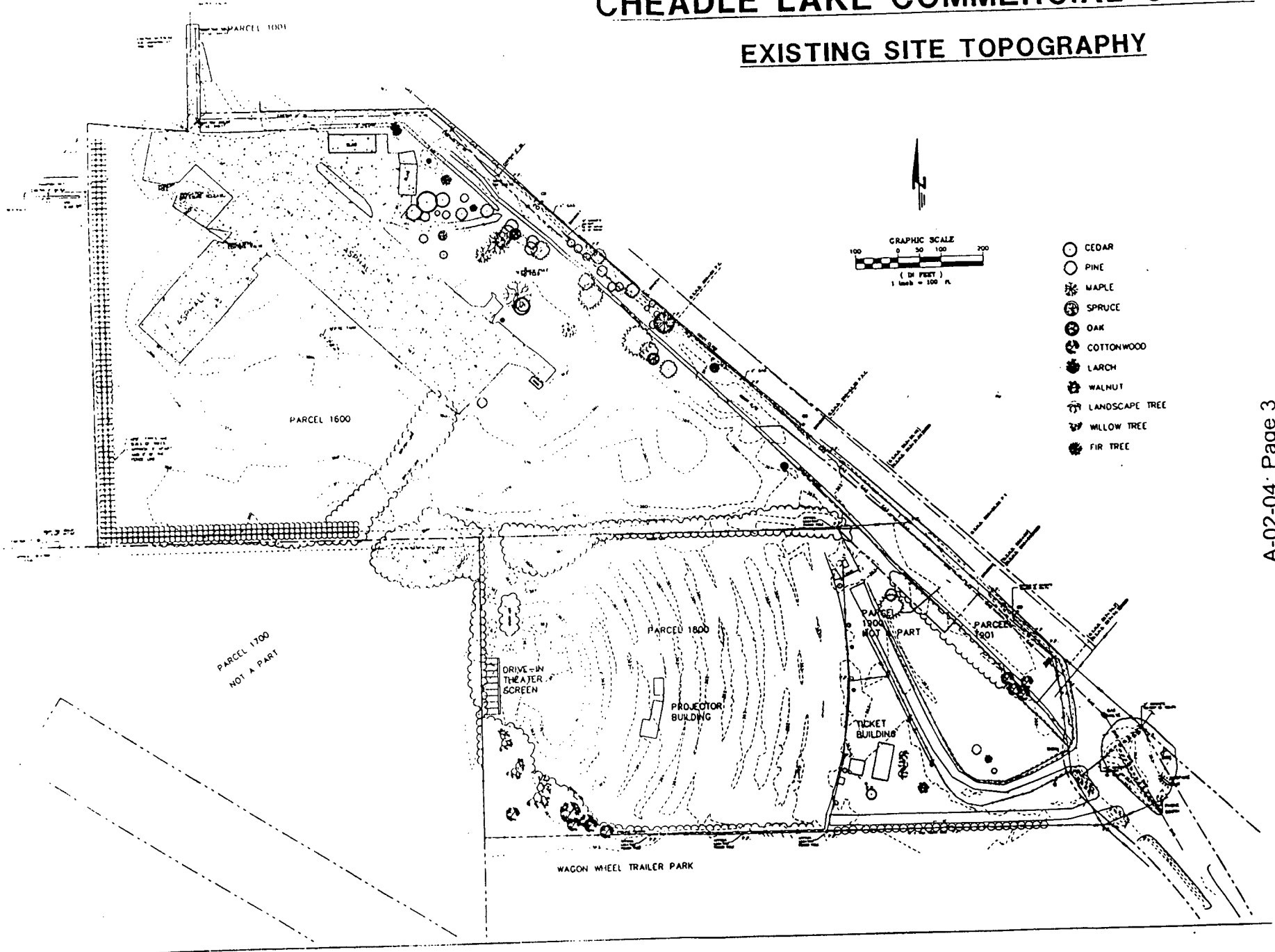
The subject property is the Motor Vu Drive-in Theater site located on the west side of U.S. Highway 20 (Santiam Highway) immediately west of the Cascade Drive intersection.

EXHIBIT NO. 4
ANNEXATION AND ZONING MAP CHANGE AREA



CHEADLE LAKE COMMERCIAL CENTER

EXISTING SITE TOPOGRAPHY



MAP 12-2W-238
 TAX LOT 1600
 DEED REF. WF 986-666

EXISTING CITY LIMITS BOUNDARY
 BASED ON RECORDS OF CLC ASSOCIATES
 TO BE CHANGED BY THIS MAP

EXISTING CITY LIMITS BOUNDARY
 [IN BRACKETED] IS SHOWN

ANNEXATION AREA

MAP 12-2W-238
 TAX LOT 1800 AND 1901
 AREA 10.59 AC±

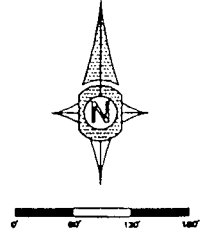
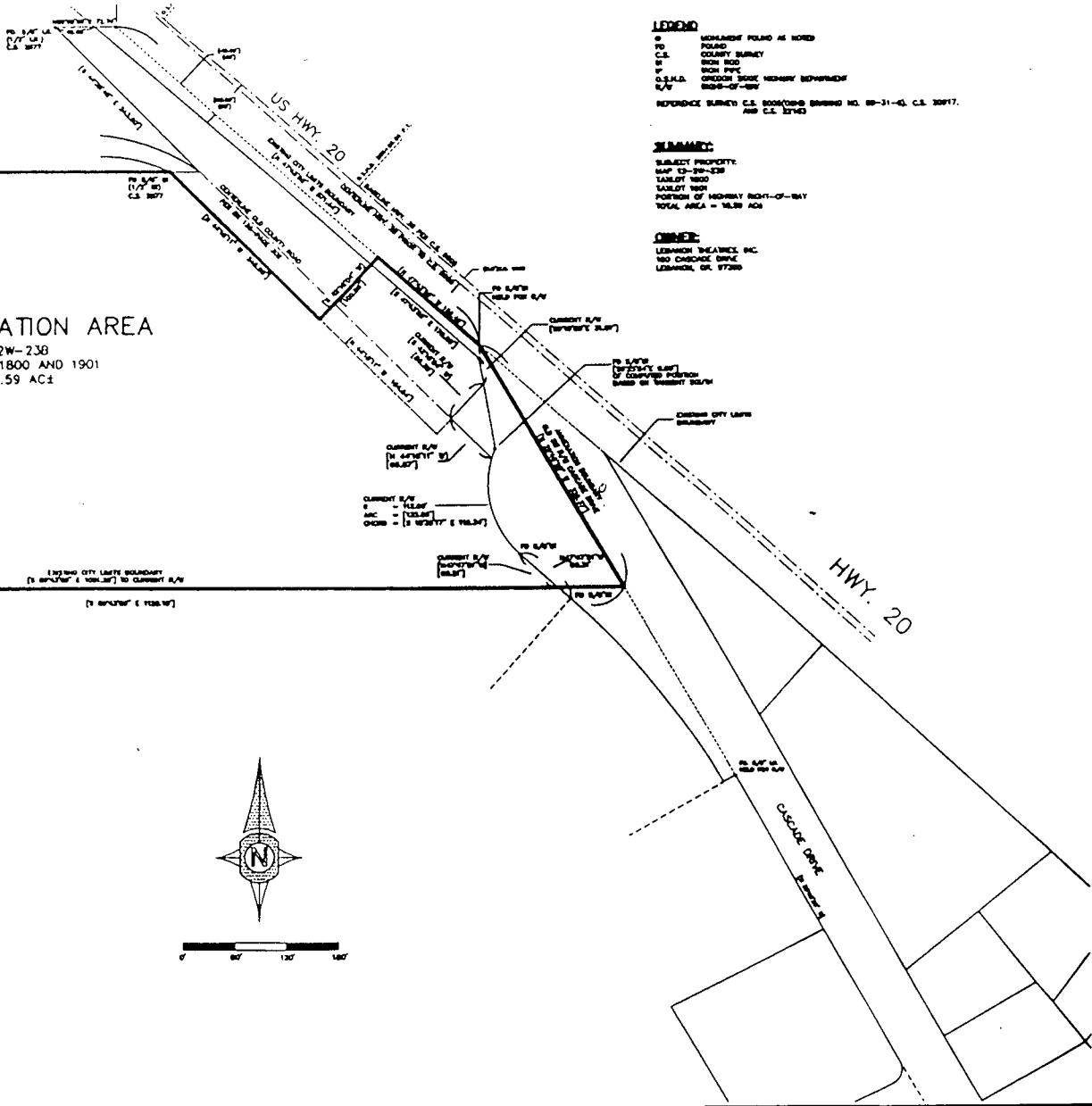
POINT OF BEGINNING
 PC, S 1/4, S 1/4
 [SECTION 12-2W-238] AND
 [SECTION 12-2W-237] FROM
 THE SOUTHWEST CORNER OF
 THE SECTION

BY CENTER LINE, 1/4 SECTION 12-2W-238

BY SECTION 12-2W-238
 CORNER OF SECTION 12-2W-238
 S 1/4, S 1/4

LOT 14 LOT 13
 BLOCK 1
 WHITE OAKS ADDITION

WHERE WHITE OAKS



LEGEND
 @ MONUMENT FOUND AS NOTED
 TO FOUND
 C.S. COUNTY SURVEY
 S. SECTION 36
 C.S. & D. OREGON STATE HIGHWAY DEPARTMENT
 S.W. SECTION 36-07-20W
 REFERENCE SURVEY C.S. 8006/8008 BARRING NO. 89-31-0, C.S. 30917,
 AND C.S. 32143

SUMMARY
 SUBJECT PROPERTY:
 MAP 12-2W-238
 TAXLOT 1800
 TAXLOT 1901
 PORTION OF HIGHWAY RIGHT-OF-WAY
 TOTAL AREA = 10.59 AC±

OWNER:
 LEONARD TRAILERS, INC.
 150 CASCADE DRIVE
 LEONARD, OR 97286



EXISTING CITY LIMITS BOUNDARY
[N 89°43'06" W 599.06']

FD 5/8" IR
(1/2" IR)
C.S. 2877

ANNEXATION AREA

MAP 12-2W-23B
TAX LOT 1800 AND 1901
AREA 10.59 AC±

EXISTING CITY LIMITS BOUNDARY
[S 89°43'06" E 1051.29'] TO CURRENT R/W

[S 89°43'06" E 1128.10']

HWY. 20

EXISTING CITY LIMITS BOUNDARY
[N 47°43'56" W 571.44']

CENTERLINE HWY. 20 PER C.S. 9005
C.S.D. 865+06.66 P.T.

CENTERLINE OLD COUNTY ROAD
PER BK 136-PAGE 302
[N 44°16'11" W 248.95']

[S 42°16'04" W]
[100.95']

[N 47°43'56" W 159.46']
[S 47°43'56" E 170.00']

(8.0') C.S. 9005
FD 5/8" IR
HELD FOR R/W

CURRENT R/W
[S 9°10'50" E 31.07']

CURRENT R/W
[S 42°16'04" W]
[56.35']

[N 44°16'11" W 194.64']

CURRENT R/W
[N 44°16'11" W]
[66.87']

CURRENT R/W
R = 112.00'
ARC = [125.86']
CHORD = [S 15°36'17" E 119.34']

CURRENT R/W
[N 47°47'51" W]
[80.21']

FD 5/8" IR

N 47°47'51" W
80.31'

FD 5/8" IR

ANNEXATION BOUNDARY
OLD SW R/W CASCADE DRIVE
[N 29°46'25" W 336.37']

JAMES F. UDELL UDELL ENGINEERING & SURVEYING

63 EAST ASH STREET
LEBANON, OREGON 97355
PHONE (541) 451-5125
FAX (541) 451-1366

Annexation Legal Description

An area of land in Section 23 of Township 12 South of Range 2 West of the Willamette Meridian, Linn County, Oregon described as follows:

Beginning at a 5/8" iron rod marking the Southwest corner of the land described in Linn County deed reference Microfilm Volume 109-Page 322 which bears South 1218.79 feet and East 445.73 feet from the Southwest corner of Lot 9 in Horn Subdivision, Linn County, Oregon; thence South 89°43'06" East 1128.10 feet to the West line of Cascade Drive right-of-way and also be on the East line of Oregon Department of Transportation right-of-way per Linn County deed reference Book 308- Page 595; thence North 29°46'25" West, along the West line of said Cascade Drive right-of-way, 336.37 feet to a point; thence North 47°43'56" West 159.46 feet to a point; thence South 42°16'04" West 100.95 feet to a point; thence North 44°16'11" West 248.95 feet to a 5/8" iron rod; thence North 89°43'06" West 599.06 feet to the Northwest corner of the land described in said Linn County deed reference Microfilm Volume 109- Page 322; thence South 0°16'06" West 500.18 feet to the point of beginning.

I hereby certify the above legal description closes within the tolerance outlined in O.R.S. and as recognized in the Surveying profession.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Vandetta

OREGON
JULY 13, 1999
BRIAN S. VANDETTA
51041-LS

EXPIRES

6-30-2002

The Motor Vu Drive-In was built in the fall of 1949, and first opened for service on Friday March 10, 1950 (*Lebanon Express*: March 10, 1950). It was built to accommodate 500 cars over an area of 12 acres. The 64 feet high screen was constructed of steel, wood, and asbestos material (*Lebanon Express*: March 10, 1950), that is now known to be a carcinogen. In 1998 the Oregon Department of Transportation indicated that between 1948-1954 approximately 67 drive-ins opened in Oregon, but by the late 90s approximately only five drive-ins were still in operation.

The area immediately to the north (Tax Lots 1001 and 1600) is the former site of the Champion Forests Products facility that has been vacant for some years. This site has a Comprehensive Plan Map designation of "Special Development District" and a Land Use Zoning Map designation of "Mixed Use" (MU). The area immediately to the east, across the Santiam Highway (Hwy 20), also has a Comprehensive Plan Map designation of "Special Development District" and a Land Use Zoning Map designation of "Mixed Use" (MU). In the fall of 1995, the City changed the Comprehensive Plan Map Designation from Light Industrial on these east side parcels to Special Development District, and land Use Zoning Map Designation to Mixed Use - these areas are currently vacant. South and west of the subject property are areas designated "Mixed-Density Residential" that have a Land Use Zoning Map Designation of "Residential Mixed Density" (RM). The Santiam Village manufactured home park is due south of the subject property while to the immediate west is an undeveloped area. Farther west and south are neighborhoods of single-family residences. Southeast of the subject property, along the west side of the Highway is a small area zoned "Highway Commercial" (CH) [Comprehensive Plan Map designation of "Commercial"].

PLANNING AND ZONING CONSIDERATIONS

The proposed revised Comprehensive Plan Map designation of the subject property Special Development District that assigns Mixed Use zoning upon annexation. City of Lebanon Resolution No. 11 for 1982, a Resolution Establishing an Annexation Policy, contains the factors and conditions that the City considers in evaluating an annexation request. Lebanon Zoning Ordinance Section 4.310 lists the development opportunities, standards and requirements for the Mixed Use (MU) zone.

STAFF COMMENTS

1. Planning:
 - A. The legal description and a map describing the entire annexation area has been submitted and are included in this report.
 - B. If CPMA-02-01 is not approved, this property will annex with a Zoning assignment of Residential Mixed Density (RM).

2 Engineering

Urban services are or can be made available to serve the proposed annexation area. The following comments review the City's infrastructure. Redevelopment of this area may require additional infrastructure improvements.

- A. Streets – The Santiam Highway is adjacent to the site allowing access subject to ODOT regulations. Cascade Drive, a county standard road, also abuts a small portion of the southeast part of the site. Local road extensions constructed to City standards will be required with this development.
- B. Water - The nearest water mains are a 16-inch main on Santiam Highway southeast of Truman Street and an 8-inch main on Market Street. Depending on the fire flow requirements for the development, extension of both mains may be required. Connection to a new City water main will also involve costs for service lines, meters, plumbing permit fees, and a water system development charge.
- C. Drainage – The Santiam Highway contains an ODOT-maintained piped drainage system that is available to serve the site subject to ODOT regulations. A combined surface/piped public drainage system that eventually discharges to Burkhart Creek is also available from the neighboring property to the east of the site.
- D. Sanitary Sewer - A 12-inch sanitary sewer main has been constructed through the site and down Cascade Drive to Seven Oak School. Upon acceptance, this sewer will be available to serve the annexation. A 12-inch sanitary sewer main from Market Street is also available near the north property line of the site. Connection to City sanitary sewer will involve costs for service lines, plumbing permit fees, and a sanitary sewer system development charge. In addition, upon connection to the new sanitary sewer main there may be a cost recovery assessment due to reimburse the Lebanon Community School District for extending the sanitary sewer.

RELEVANT CRITERIA

1. City Annexation Policy (City of Lebanon Resolution #11 for 1982), Section 1, requires *proof that urban services are available or can be made available to serve the property considered for annexation and that the additional demands that would be placed on those services will not overburden their present capacities.*
2. City Annexation Policy, Section 2, states that *public rights of way necessary for the safe and efficient movement of traffic, bicycles and pedestrians shall be provided with the annexation and without obligation to the City of Lebanon.*

3. City Annexation Policy, Section 3, specifies that *parties involved in seeking the annexation or who may be included in the annexation shall initiate a program to upgrade any urban services and/or public facilities within the area considered for annexation that do not meet standards as may be established by the City of Lebanon.*
4. City Annexation Policy, Section 4, states that *no annexation shall be considered that does not conform with the Lebanon Comprehensive Plan and its goals and policies.*
5. City Annexation Policy, Section 5, states that *it shall be the burden of proof of the applicant that a public need exists for the proposed annexation and that the annexation is in the public's interest.*
6. Urbanization Element of the Comprehensive Plan, Phased Growth Program, Policy #1 (page 4-P-1) states that *. . . the city shall maintain a compact growth pattern that expands the city limits incrementally in an orderly and efficient manner within the service capabilities of the city.*
7. Urbanization Element of the Comprehensive Plan, Annexation Policy #1 (page 4-P-2) states that *. . . the city shall annex land only within the Urban Growth Boundary on the basis of findings that support the need for additional developable land in order to maintain an orderly, compact growth pattern within the city's service capability.*
8. Urbanization Element of the Comprehensive Plan, Annexation Policy #3 (page 4-P-2) states that *.... Unless otherwise approved by the city, specific development proposals shall be required for annexation requests on vacant land adjacent to the city to insure completion within a reasonable time limit in conformance with a plan approved by the city.*
9. Public Facilities and Services Element of the Comprehensive Plan, General Policy #2 (page 8-P-1) states that *the city shall consider impacts on community facilities before ... annexation requests are approved.*

RECOMMENDATION

Unless the public hearing identifies hitherto unknown reasons why the proposed annexation would be to the detriment of surrounding properties, the neighborhood or the City, the City Development Review Team (comprised of the City Administrator, Public Works Director, Community Development Manager, City Engineer, Special Projects Manager, Building Official (AIC) and Fire Marshal) recommends that the Planning Commission recommend to the City Council that the proposed annexation and requested zoning be approved as proposed.

PROPOSED FINDINGS

1. The proposed annexation complies with City Annexation Policy, Section 1, in that some urban services (sanitary sewer) are currently available to serve the property and the development of the site as proposed will result in full urban services being made available to serve this site with expanded and enhanced service capacities.
2. The proposed annexation complies with City Annexation Policy, Section 2, in that the development of the site will result in substantial road and pedestrian/bikeway improvements, including additional needed right-of-way dedications, thereby providing enhanced safety and efficiency for vehicles, bicycles and pedestrians.
3. The proposed annexation complies with City Annexation Policy, Section 3, in that substantial public infrastructure improvements are included in the development proposal.
4. The proposed annexation complies with City Annexation Policy, Section 4, in that the development proposal complies with Zoning Ordinance and Comprehensive Plan policies pertaining to the property and zoning as modified by planning actions CPTA-02-01 and CPMA-02-01.
5. The proposed annexation complies with City Annexation Policy, Section 5, in that a public need exists for as many local marketplace and employment opportunities as the local economy can support.
6. The proposed annexation complies with Comp. Plan Urbanization Element, Phased Growth Program, Policy #1, (page 4-P-1) in that it would be an orderly and efficient expansion of City limits within City service capabilities.
7. The proposed annexation complies with Comp. Plan Urbanization Element, Annexation Policy #1, (page 4-P-2) in that the City needs additional developable land to meet growing marketplace demands and the proposed annexation area uniquely addresses the Wal-Mart Superstore area and siting requirements while expanding City limits in an orderly, compact growth pattern within the City's service capabilities and the proposed development will result in enhanced local road and utility service capabilities thereby benefitting adjacent, unserved properties.
8. The proposed annexation complies with Comp. Plan Urbanization Element, Annexation Policy #2, (page 4-P-2) in that this annexation application is accompanied by the Wal-Mart superstore development proposal.
9. The proposed annexation complies with Comp. Plan Public Facilities and Services Element, General Policy #2, (page 8-P-1) in that the annexation will not result in an adverse impact on community facilities and the site development will result in enhanced local community facilities, especially the relocated and signalized Cascade Drive intersection with Highway 20.

Unapproved

MINUTES
CITY OF LEBANON
PLANNING COMMISSION

OCTOBER 16, 2002

MEMBERS PRESENT: Chairman Don Robertson, Vice Chairman Barry Scott, Commissioners Paul Aziz, John Brown, Robyn Carson, Tom Owen and Mike Wells.

STAFF PRESENT: City Planner Doug Parker, City Attorney Tom McHill, City Administrator John Hitt, City Engineer Allen Dannen, Assistance City Planner Terry Lewis and Administrative Assistant Linda Kaser.

1. CALL TO ORDER/ROLL CALL

Chairman Robertson called the meeting of the City of Lebanon Planning Commission to order at 6:05 p.m. on October 16, 2002, in the Lebanon School District Board Room, at 485 S. 5th Street. Roll call was taken with Commissioners Davis and Snyder both absent.

2. APPROVAL OF MINUTES

The Planning Commission Meeting Minutes of August 21 and 22 were approved as presented.

Findings were added to the September 18, 2002 Planning Commission Meeting Minutes. Commissioner Scott asked to amend the wording on Pg.2, ¶2, changing "amend" to "effect".

A motion was made by Commissioner Aziz, seconded by Commissioner Brown, and passed unanimously that the September 18, 2002 Planning Commission Meeting Minutes be approved as amended to include adoption of additional Findings submitted.

3. CITIZEN COMMENTS

Mr. John Puma asked for clarification on how and when the City Council would accept information regarding Wal-Mart. City Administrator Hitt responded that the City Council is the deciding body of three of the four Wal-Mart hearings. That meeting will be held at 7:30 p.m. on November 13 with the opportunity to provide written or oral public testimony. Staff does not anticipate a decision will be made that night. Therefore, the record will be left open for the required time period and the Council will render a decision at the December 11, 2002 City Council Meeting. The City Council will be provided with the entire Planning Commission record.

Irina Just commented on not being able to hear with the current audio system. A brief discussion on the system followed.

4. PUBLIC HEARINGS (continued from August 21, 2002)

1. Comprehensive Plan Map Amendment CPMA-02-01 (Motor Vu Property)

Chairman Robertson reopened the hearing stating that all testimony, written and verbal, had been received. Therefore, no new testimony would be added to the record.

Chairman Robertson asked City Planner Parker to discuss the reason for the order of hearings. City Planner Parker explained the order: 1) Text Amendment is being discussed first, which would establish the land use opportunity for commercial development south of Market Street, 2) The Comp Plan Map Amendment establishes what the zoning is upon annexation, 3) The annexation would then follow because it would receive the zoning assignment, and 4) The Planned Development would then be able to be dealt with per the Commission's prior approvals.

Chairman Robertson began with five major points of discussion.

Zone Change

Commissioner Owen stated the properties across the street are zoned Commercial. Chairman Robertson added the properties to the north are also zoned Commercial. Properties to the west and south are zoned Residential. These properties have been historically used for commercial purposes (a nursery and drive-in theater) and no one has complained about those businesses. Commissioner Wells stated the noise level in the past has not been a problem. All Commissioners concurred this was not an issue.

Foot Traffic

Chairman Robertson read Subsection (K)(3) of Lebanon Zoning Ordinance, Section 4.310, and asked, "If the zone were changed to Mixed-Use, would it create a problem? The cited objection was that it would help to accommodate the "big box" stores and is not conducive to foot traffic. Commissioner Scott stated the ordinance establishes right up front that this kind of traffic is one of the listed permitted uses. There is no conflict. Chairman Robertson stated the ordinance does not say it needs to cater "exclusively" to foot traffic. All Commissioners concurred there was no conflict regarding foot traffic.

Highway Commercial vs. Mixed Use

Chairman Robertson stated it was suggested that the only appropriate zoning for the proposed Commercial Center would be Highway Commercial rather than Mixed-Use due to the location of the highway, referring to Comp Plan (Pgs. 5 -13). Commissioner Aziz stated it was a non-issue since the intersection would be enhanced providing safer transportation on Highway 20. Commissioner Brown stated that there would be fewer highway access points than there are currently. All Commissioners concurred this was not an issue.

Public Need

Chairman Robertson stated the contention is that the public need has not been identified. Commissioner Brown stated several areas of public need: 1) A safer intersection with the proposed changes; Cascade Drive is currently a class "F" (failed) intersection, 2) The Cheadle Lake Commercial Center site would benefit with the extension of sidewalks, water and sewer lines possibly extending from Truman Street to Cascade Drive, 3) A sidewalk will take the place of a muddy trail where the Santiam Wagon trail is, and 4) Assist the City in meeting its "open space" needed for future economic development.

Commissioner Wells stated it was difficult for him to distinguish public need when discussing a map amendment. The discussion should focus on the map amendment, not the development request.

Commissioner Scott reiterated conversations in previous hearings that made it clear the need for commercial land. Commissioner Wells agreed on the public need for larger parcels for development.

Commercial Sprawl

Chairman Robertson asked if this CPMA would encourage commercial sprawl. City Planner Parker read the definition of *sprawl* from "Land Use Planning in Oregon" (Pg. 210).

Commissioner Aziz felt it did not connote sprawl since there are already commercial businesses there, they're simply being replaced. Commissioner Brown, referring to the CPMA supplemental materials submitted (Regional Jobs Housing Study Table 38), indicates that Lebanon has a 12.69-acre deficit in public land and the amendment would lower the deficit by approximately 1.5 acres. The consensus was that "sprawl" was not an issue.

Commissioner Aziz clarified for the record that "SPD" (Special Development District) is a recognized planning term, contrary to what Mr. Jim Just, FOLC, had indicated.

Chairman Robertson explained that the passage or denial of the map amendment does not preclude development because Mixed-Density Residential also allows for commercial development within that zoning. This amendment is an accommodation to the applicant so they can develop under one rather than two separate zone development standards.

A motion was made by Commissioner Aziz, seconded by Commissioner Brown, and passed unanimously that the Planning Commission recommend, to Lebanon City Council, the approval of the Comprehensive Plan Map Amendment CPMA-02-01 (Motor Vu Property) including the adoption of proposed findings from staff and Davis Wright Tremaine's letter (for the applicant) dated September 26, 2002 (Pgs. 2 – 8).

Chairman Robertson inadvertently neglected to ask the Commissioners to declare any ex parte contact since the last hearing regarding the CPMA. All Commissioners, with the exception of Commissioner Owen, disclosed they had some form of contact and would be able to render an impartial decision.

2. ANNEXATION A-02-04 (Motor Vu Drive-In Theater Site)

Chairman Robertson asked all Commissioners to declare any ex parte contact regarding the proposed Annexation since the last hearing. All Commissioners, with the exception of Commissioner Owen, disclosed they had but were able to render an impartial decision.

Chairman Robertson identified several points of discussion.'

Available Services

Annexation Policy, Section 1, talks about the availability of city services without overburdening the system. Commissioner Brown stated that the City Engineer provided all the information in his staff report. Commissioner Scott added that City Engineer Dannen was asked specifically during public testimony if the city services were adequate or could be made to be adequate and he affirmed they

were. Commissioner Brown stated three problem areas were identified and it was agreed they would be alleviated. The Commissioners concurred that the annexation would not overburden the system.

Tax Lot 1900 (Owned by Oregon Department of Transportation)

Chairman Robertson stated, per Annexation Policy, Section 2, the contention was that Tax Lot 1900 was not part of the annexation and since it is intended to be the access point this policy is not satisfied. Commissioner Brown stated he thought ODOT would be transferring the property to the City. City Administrator Hitt clarified that ODOT had not responded formally but it is still under consideration. However, there have been no objections to using Tax Lot 1900 as an access point. City Planner Parker pointed out the letter to Robert Wood, ODOT, from SHPO conditionally approving ODOT's transfer of Tax Lot 1900. The applicant and all agencies involved are working toward a mutual agreement. Before ODOT can transfer the property, they must demonstrate that the cultural resource (Santiam Wagon Road) is protected. Mr. Parker feels that the letter from SHPO reinforces that all parties involved are working in good faith to get the ownership of Tax Lot 1900 transferred to the City.

Commissioner Scott pointed out the proposed findings from Davis Wright Tremaine (Pgs. 11 & 12) stating all the reasons why Tax Lot 1900 is not a prerequisite to the annexation and development of this project. The consensus was that Tax Lot 1900 was not relevant to the proposed annexation.

Chairman Robertson asked if the annexation conformed to the Comp Plan Policies listed below from the Land Use Element, Commercial Land Use section:

Strip Development (Policy #6)

Commissioner Aziz asked Doug to read the definition of *strip development* from "Land Use Planning in Oregon" (Pg. 213). Commissioner Aziz stated that the connection of public utilities was an issue. The annexation would be in a compact manner and the services are available. Commissioner Wells stated the main issue is uncontrolled access and can be dealt with properly with the development request. The consensus was that commercial sprawl was not an issue relevant to the proposed annexation.

Existing Development vs. Creating new Development (Policy #7)

Commissioner Scott reiterated the testimony revolving mainly around the size of available properties. There are no other properties available with the area capacity to serve this type development. They are not bypassing other opportunities, but there are no other properties available to do the project. Chairman Robertson addressed the point raised to expand the existing Wal-Mart instead of relocating it. Commissioner Owens stated that point should be discussed when addressing the Planned Development proposal. Commissioner Brown stated there was no place to expand at the existing site.

Commercial Sprawl

Chairman Robertson asked if the Commissioners still agreed that sprawl was not an issue. All the Commissioners agreed.

Diversified Economic Base (Comp Plan, Population and Economy Element, Policy #2)

Chairman Robertson asked if this is a detriment rather than an economic benefit. The consensus discuss the policy during the Planned Development hearing.

Encouraging Industrial and Business Development (Comp Plan, Population and Economy Element, Policy #3)

The consensus was to discuss the policy during the Planned Development hearing.

Public Need

Commissioner Brown reiterated from the previous hearing the public would have a safer intersection at Cascade Drive and Highway 20, and the Cheadle Lake Commercial Center site would benefit with the extension of sidewalks along Market to Cascade Drive. Commissioner Owen felt that the need only existed because of the Wal-Mart Store; a need to reconstruct the roads because of the new Wal-Mart store. Commissioner Owen did agree there was a need to service the Cheadle Lake fairground site, but the need is not nearly as great if the proposed Wal-Mart store does not relocate. Commissioner Wells stated that there was a perceived need now, by parents delivering kids to school. Wal-Mart aside, due to the potential development that could occur, there is a need for enhanced public safety. The annexation could alleviate or improve the highway access problem.

Commissioner Brown stated public need is hospital, police, fire, water and sewer. Commissioner Brown looked at public need from a consumer driven basis stating that the people who put these types of developments in do a lot of research first. If there weren't the need and clientele for their business, they would not build a store in that location. Commissioner Scott addressed the previous testimony and findings prepared by Davis Wright Tremaine describing public need (Pg. 13). The established need for additional commercial property within the city is being filled with this request. The consolidation of zoning uses in that area of town would discourage sprawl by moving towards a compact and uniform pattern, and it also meets a need in that it improves the transportation situation for both pedestrian and motorists. Commissioner Scott concurred with the proposed findings because the annexation does serve a number of public needs.

Mr. Parker read the definition of *Public Need* from "Land Use Planning In Oregon" (Pg. 154).

The consensus of the Commissioners was that Public Need was established.

Chairman Robertson cited Comp Plan, Urbanization Element, Annexation Section, Policy #1 (4-P-2), asking if this annexation constituted an orderly and compact growth pattern. Commissioner Wells stated there was no doubt in his mind because the County land is completely surrounded by the City making it orderly compact by definition. The consensus of the Commissioners was the proposed annexation remained orderly and compact.

Commissioner Carson addressed the letter from John Puma, FOLC, of September 5 regarding Comp Plan, Urbanization Element, Annexation Section, Policy #3, "*Unless otherwise approved by the City, specific development proposals shall be required for annexation requests on vacant land adjacent to the city to insure completion within a reasonable time.*" Commissioner Carson pointed out that they are not dealing with vacant land and does not feel that there is a conflict when talking about Policy #3.

A motion was made by Commissioner Carson, seconded by Commissioner Brown, and passed unanimously that the Planning Commission recommend, to Lebanon City Council, the approval of the Annexation A-02-04 (Motor Vu Drive-In Theater Site) with the proposed findings from staff and Davis Wright Tremaine's letter (for applicant) dated September 26, 2002 (Pgs. 8 – 16).

3. Planned Development PD-02-01 (Cheadle Lake Commercial Center & Wal-Mart Superstore)

Chairman Robertson asked the Commissioners to declare any ex parte contact. All Commissioners, with the exception of Commissioner Owen disclosed they had, but all Commissioners stated that they were able to render an impartial decision.

Chairman Robertson asked the Commissioners for feedback regarding ORS 227.178, Subsection 3, An application must be considered based on the laws that were in place at the time the application was made. Therefore, the planned development application needs to be considered based on the laws currently in affect and reminded the Commissioners the CPTA allowing commercial development south of Market Street recommended to Council has not been implemented. Chairman Robertson asked how the Commissioners would like to proceed in regards to this law.

Commissioner Scott's interpretation of the law was that the intent was to protect the applicant. The law was designed so the applicant would not have to apply for the same thing twice. This particular applicant would not be in violation. Commissioner Aziz stated that the Planning Commission is not making the decision, but a *recommendation* to City Council. Therefore, this would apply more to the Council then to Planning Commission and it does not apply in this particular case. Commissioner Owens questioned the Planning Commissions part in interpreting the law. Commissioner Scott stated that it is their job to interpret the law, decide whether certain requirements and criteria are met, and make a judgment on them. Commissioner Owen deferred to City Attorney McHill. City Attorney concurred with Commissioner Scott. Otherwise, many of the things that the PC does that are conditional upon other actions of the City Council would all be invalid. Attorney McHill stated the statute was designed to protect the applicant and suggested proceeding with the application. Commissioner Owen asked if a decision could be made on a planned development if the land is not within the city boundaries. McHill stated it was all subject to approval by City Council.

Chairman Robertson highlighted the major points of discussion.

Other Developable Land in the City Limits

The contention was that there is already adequate redevelopable land to accommodate the proposed development in the city limits. Commissioner Scott is not aware of any testimony or evidence that suggests that is true. There was significant testimony that there was no other particular site that would accommodate this development.

Foot Traffic

Chairman Robertson read Subsection (K)(3) of Lebanon Zoning Ordinance, Section 4.310. As per the earlier hearing, all the Commissioners concurred there was no conflict regarding foot traffic.

Mixed Use Zone, Section 4.310(1)

Chairman Robertson gave his interpretation of Mixed Use. Planner Parker read the purpose of the Mixed-Use Zone (Zoning Ordinance Section 4.310(1)). *The purpose of the MU Zone is to recognize the areas that possess potential for several types of land use, residential, commercial and industrial or combinations of different land use.*

Commissioner Scott referred to Davis Wright Tremaine's proposed findings (Pg. 16), which state the Mixed-Use Zone allows for a combination or mix of uses, but does not *require* a combination of uses or prohibits a single use within the zone.

Historic Preservation

Chairman Robertson referred to Comp Plan, General Goals and Objectives, Policy 3 (Pgs. 1 – 17) . . . *To preserve those features that are special and unique to the community while also being responsive to changing needs and conditions.*

Commissioner Brown stated that the enhancement of the Santiam Wagon Road would preserve those features. Enhancements include historical trees, 15 foot buffer from center line in both directions, a kiosk will be put up when the roads are in, parking areas and sidewalks, and redesign a section of Cascade Drive that would give more unobstructed footage of the Santiam Wagon Road.

Commissioner Scott, referring to the September 3, 2002 letter from James Hamrick of SHPO, concluded that if the conditions stipulated were met, SHPO agrees that the transfer of the property would be a beneficial effect to the resource. SHPO is considering the historic site and its preservation and enhancement and has stated this could be a success story to other communities. The consensus was that the Planned Development meets requirements of incremental growth.

Commissioner Aziz brought up the economic development and impact on local retailers. CLC Associates reported a study from W. Virginia and the economic impact of the Wal-Mart centers in that area, indicating different figures than the opposition presented. The positive effects were that more businesses moved into the area and employment was up. Commissioner Aziz felt this, along with the other findings, would be positive for the city and covered diversified economic base.

Commissioner Owens referred to the Comp Plan, Population and Economy Element, Policy #2. *The City shall encourage a diversified economic base for the community, which broadens and improves long-term employment opportunities . . .* Commissioner Owen felt the new Wal-Mart did not bring anything new to the community. Commissioner Aziz added that the new store would offer several different things than the old store. Commissioner Owen expressed that those things already existed in town versus bringing in factory jobs. Commissioner Scott explained that Burger King was approved last year, yet the city already has several other burger places. Safeway built a new store expanding greatly to include fuel pumps, which offered serious competition to Shop N' Kart and Roth's Grocery. Commissioner Aziz stated that the Planning Commission could not dictate what stores come to town, it is not their business – it's competition. The Planning Commission needs to focus on the planned development.

Chairman Robertson addressed another point brought out. Whenever there is development such as this there are similar developments that happen because of it. The more reaching effect is that potential developers will look at Lebanon and the livability and want to locate here.

Planner Parker clarified that Policy #2 is a guidance tool not a directive.

Commissioner Aziz addressed the maps of the planned development. Near the kiosk, there are no handicap parking spaces. Commissioner Aziz would like to make sure the parking spaces are included in the development plan. Planner Parker stated that the City would require them.

Commissioner Brown referred to Dean Logsdon's statement that the water, sewer, street improvements and drainage systems would be at the sole expense of the developer.

Commissioner Aziz addressed the noise and lighting issues to the adjacent neighbors. Commissioner Aziz noted that a noise wall was not always effective and would like the staff to work closely with the

development in making sure the local community is involved with it. Commissioner Scott read that the City would require the applicant to do a noise study. Planner Parker read a section of the staff report (Pg. 24), "To ensure that the noise generated from the truck loading dock operations of the rear store does not unduly adversely impact residents of the adjacent nearby properties, a professional acoustic impact evaluation would be conducted to assure compliance . . ."

Chairman Robertson spoke about the residential area behind the development possibly having pedestrian access to the development site. Planner Parker responded that from a public safety perspective it would not be conducive. There isn't adequate visibility in the area; the public would be in an isolated or hidden area creating a potential safety problem. There is going to be a pedestrian trail required as a condition of approval to connect the area to the west, ultimately to Weldwood Park and South Main Road. Providing access through the sound wall would compromise its function.

Commissioner Wells stated the development should be an attractive addition to the community and was concerned about the site being properly maintained. Planner Parker stated that the Commission could add a maintenance schedule as a condition of approval. City Administrator Hitt stated that the Planning Commission or staff could initiate an ordinance for developing and maintaining properties for future City Council consideration. Commissioner Scott and Wells stated they would like the applicant to submit a grounds and landscaping maintenance schedule and maintenance standards.

Commissioner Owen addressed the conflicting reports on the traffic situation, referring to Mr. Bernstein's letter. A major part of Wal-Mart's traffic would be at the same time school is exiting. Commissioner Scott referred to a letter from Nancy Reynolds, ODOT, in the original staff report. The project is subject to the requirements of the Transportation Planning Rules, which implements Goal 12 of the Statewide Planning Goals and Guidelines. Commissioner Scott felt there would be a significant number of agencies monitoring the project to make sure it met all the guidelines. Commissioner Owens questioned who would monitor traffic by the school. Commissioner Scott stated that they would. Chairman Robertson agreed that the traffic reports were conflicting, but ultimately ODOT would have the final say on the traffic flow of the planned development.

A motion was made by Commissioner Brown, seconded by Commissioner Aziz, and passed with six yeas (Commissioners Aziz, Brown, Carson, Robertson, Scott and Wells) and one nay (Commissioner Owen) that the Planning Commission grant approval of the Preliminary Development Plan of Planned Development PD-02-01 (Cheadle Lake Commercial Center: Wal-Mart Superstore) including responding to staff comments and providing a landscape maintenance schedule; adopt the proposed Findings from the staff report, Davis Wright Tremaine's letter (for applicant) dated September 26, 2002 (Pgs. 16 – 44), the letter dated September 19 from Dean Logsdon of CLC Associates, and the letter dated September 5 from Mr. Todd Whipple of CLC Associates. The approval is subject to the City Council approving the CPTA and Annexation submitted by the applicant.

Chairman Robertson asked for a five minutes recess.

5. OLD BUSINESS

A. Status of candidate open space development standards for multi-family residential developments.

A revision to the RM requirements and the Otak/DLCD Preliminary Code Audit was distributed. Planner Parker asked when the Commissioners would like to review it. It was decided to meet

November 20 at 6:00 p.m. in the CDC Conference Room with dinner provided. Assistant Planner Terry Lewis will conduct the meeting in Mr. Parker's absence.

Administrative Assistant Kaser will email or deliver, before October 30, tonight's Planning Commission Minutes for review prior to the unapproved minutes going to the City Council. The revisions should be back to Linda no later than November 1.

6. OTHER BUSINESS

- A. Mr. Parker announced that the Conditional Use for the High School, zone change next to Shop N' Kart, and an annexation for a piece of property on the west side of the Lebanon State Airport are scheduled for the next Planning Commission Meeting on December 18.
- B. Mr. Parker gave a brief discussion on the Oregon Planning Institute and distributed a handout on training from the AICP Code of Ethics.
- C. Russell Drive Area Mixed Use Study. Mr. Parker asked for feedback on the October 9 Briefing. Commissioner Aziz felt it was thorough. Commissioners Scott and Wells felt the briefing was nebulous and were unclear what direction would be taken next. After brief discussion, Mr. Parker assured them it would be made clear; this was the first step in getting the neighbors involved.
- D. Comprehensive Plan Update. Mr. Parker reiterated that a substantial amount of staff time would be directed to the Comp Plan Update.

7. COMMISSIONER COMMENTS

Chairman Robertson applauded the Commissioners for doing such a great job over the past few months sifting and deciphering the mounds of paperwork for the hearings. The Commissioners commended Chairman Robertson for directing the hearings so well. City Administrator praised the Commission. In his experience working with different Planning Commissions, these hearings were the most professionally conducted. Commissioner Aziz commended staff for doing such a great job at preparing them.

8. ADJOURNMENT

Chairman Robertson adjourned the meeting at 9:05 p.m.

Meeting recorded and transcribed by Linda Kaser, Administrative Assistant