

A BILL FOR AN ORDINANCE AMENDING THE)
MAP OF THE COMPREHENSIVE PLAN FOR THE)
CITY)

ORDINANCE BILL NO. 47
for 2002
ORDINANCE NO. 2335

WHEREAS, the Planning Commission for the City of Lebanon conducted hearings and subsequently made findings recommending an amendment to the Comprehensive Plan Map for the City of Lebanon on September 18, 2002; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Municipal Code, after appropriate notice given, has conducted hearings to take testimony, hear arguments and to consider all of the evidence concerning such proposed map amendment, such hearings conducted on November 13 and 14, 2002; and

WHEREAS, all parties and interested persons have been allowed to submit evidence after the public hearing referred to above, to further submit rebuttal evidence and closing arguments; and

WHEREAS, the City Council has considered all relevant evidence and deliberated.

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. The City Council, in addition to the findings made above, does hereby adopt and find those matters contained in Exhibit "B", which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Section 3. Said Exhibit "A" shall be attached to and become a part of the Lebanon Comprehensive Plan, and shall be incorporated into the Plan during its next update review.

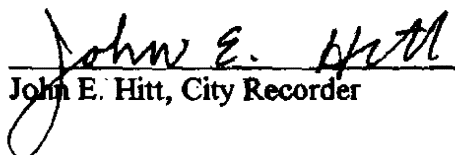
Section 4. Exhibit "A" shall be forwarded to Linn County, Oregon, to the Oregon Land Conservation and Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of 4 for and 0 against and approved by the Mayor this 11th day of December, 2002.

XX

J. Scott Simpson, Mayor

ATTEST:


John E. Hitt, City Recorder



Kenneth Toombs, City Council President

EXHIBIT A

For

COMPREHENSIVE PLAN MAP AMENDMENT

File #: CPMA-02-01

Part One: Legal Description of Subject Property – Page 2

Part Two: Map of Subject Property – Page 3

JAMES F. UDELL UDELL ENGINEERING & SURVEYING

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

Comprehensive Plan Map Amendment

Re-designation of a 10.59 acre site from Mixed Density Residential to Special Development District (SPD). 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.)

EXHIBIT A

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 being 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

EXHIBIT A

COMPREHENSIVE PLAN MAP AMENDMENT CHANGE AREA

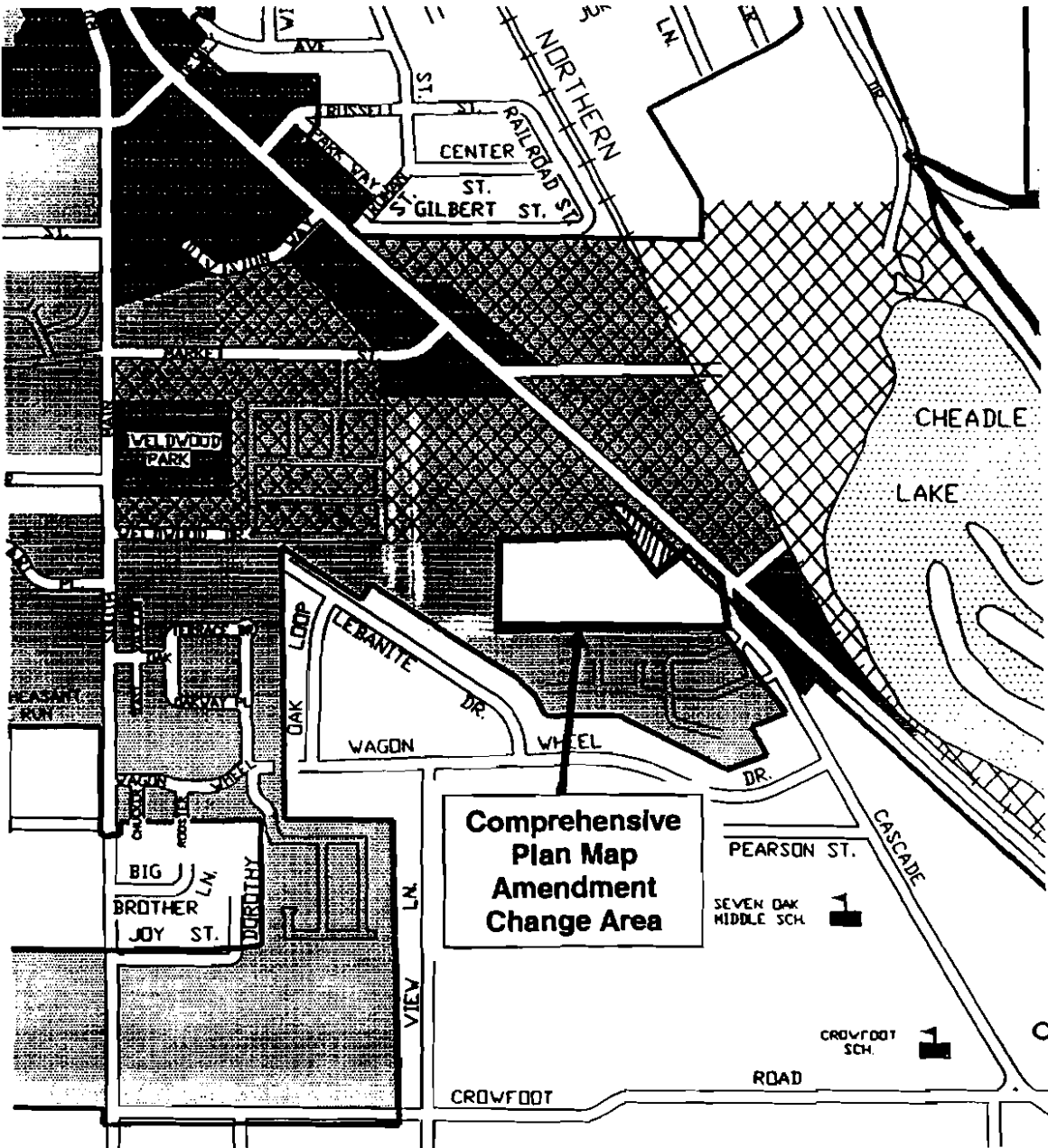


EXHIBIT B

FINDINGS WITH CRITERIA COMPREHENSIVE PLAN MAP AMENDMENT

File #: CPMA-02-01

The Comprehensive Plan Map Amendment proposes to re-designate the Motor Vu Property from Mixed-Density Residential to SPD. The City Council finds that the Comprehensive Plan Map Amendment complies with all of the relevant approval criteria. Therefore, the City Council affirms the Planning Commission's recommendation to approve the Comprehensive Plan Map Amendment Application subject to the Staff's recommended conditions of approval.

As a preliminary matter, the Opposition asserts that the Comprehensive Plan Map Amendment is not consistent with a number of Comprehensive Plan goals and policies based on issues related specifically to the Project being proposed as part of the Planned Development. The Planned Development is not relevant to the Comprehensive Plan Map Amendment because neither the Planned Development nor the Project are being reviewed or approved under these proceedings. The Planning Commission reviewed and approved the Planned Development, in accordance with the applicable Comprehensive Plan and LZO provisions, in a separate proceeding. Therefore, the City Council's review in this proceeding is limited to the consideration of the Comprehensive Plan Map Amendment.

A. ZONING ORDINANCE

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.

Findings: The Comprehensive Plan Map Amendment complies with Section 9.010 because the Applicant is the property owner of the Motor Vu Property and the Applicant 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.*

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 the required Planning Commission Hearings on August 21 and 22, and October 16, 2002. The Planning Commission unanimously recommended to the City Council that the Comprehensive Plan Map Amendment be approved. The City Council conducted the required City Council Hearings on November 13 and 14, 2002, and December 11, 2002, and approved the Comprehensive Plan Map Amendment.

B. COMPREHENSIVE PLAN

The City Council concludes that the Comprehensive Plan Map Amendment is consistent with the applicable Comprehensive Plan goals and policies as explained below.

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)

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it is consistent with the Comprehensive Plan and the applicable Statewide Planning Goals.

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)

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 one or more of the following:

1) The Comprehensive Plan Map Amendment will better enable the Motor Vu Property to be developed in conjunction with the Champion Property. The closing and removal of the Champion Forest Products commercial nursery facility has left the Champion Property vacant and idle awaiting redevelopment. The Properties will be one of the largest available and vacant land areas in the south part of the City suitable for 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 consistent Comprehensive Plan designations for the Properties so that they can be developed together under the same development standards.

2) The development of the Properties in conjunction will allow for a commercial development that can more likely provide the necessary funding for the realignment and signalization of the Highway 20 and Cascade Drive intersection. 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.

3) Pursuant to the 1995 Commercial Lands Study, adopted by the City as part of its acknowledged Comprehensive Plan, the property located on the east side of Highway 20 has been redesignated SPD. This Comprehensive Plan Map Amendment completes the corridor of SPD designated properties on both sides of Highway 20 south to Cascade Drive.

4) The Motor Vu Drive-In Theatre is a nonconforming use under the existing plan designation and zone. The Motor Vu Drive-In Theatre will be a conforming use under the proposed SPD plan designation and the proposed MU zoning under the Annexation and Zone Establishment Application.

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.)

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 the need for additional developable commercial lands to meet the commercial needs of the City for the next 20 years. The 1995 Commercial Lands Study also relied upon the Motor Vu Property and the Champion Property as part of the City's existing commercial inventory because both properties were being used for commercial purposes. The Motor Vu Property has been used for commercial purposes for the past 50 years. The Champion Property is currently vacant and idle, awaiting redevelopment. The Comprehensive Plan Map Amendment will provide for the redevelopment of the Motor Vu Property and the Champion Property under the same development standards. Therefore, the Comprehensive Plan Map Amendment is consistent with the City's requirement to comply with Statewide Planning Goal 9 because it will accommodate the commercial redevelopment of the Properties and provide additional commercial lands to meet a part of the identified commercial lands need.

b. Plan Revisions & Change – Minor Revision

Findings: The Comprehensive Plan Map Amendment is a minor revision to the Comprehensive Plan because it does not have a significant effect beyond the immediate area and does not represent a major policy change because it is limited to the redesignation of a single property, the Motor Vu Property.

The Comprehensive Plan Map Amendment satisfies the minor change requirements because there is a public need and justification for it. The public need and justification for the Comprehensive Plan Map Amendment includes the following:

1) The Comprehensive Plan Map Amendment will better enable the Motor Vu Property to be developed in conjunction with the Champion Property. The closing and removal of the Champion Forest Products commercial nursery facility has left the Champion Property vacant and idle awaiting redevelopment. The Properties will be one of the largest available and vacant land areas in the south part of the City suitable for 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 consistent Comprehensive Plan designations for the Properties so that they can be developed together under the same development standards.

2) The development of the Properties in conjunction will allow for a commercial development that can more likely provide the necessary funding for the realignment and signalization of the Highway 20 and Cascade Drive intersection. 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.

3) Pursuant to the 1995 Commercial Lands Study, adopted by the City as part of its acknowledged Comprehensive Plan, the property located on the east side of Highway 20 has been redesignated SPD. The Comprehensive Plan Map Amendment completes the corridor of SPD designated properties on both sides of Highway 20 south to Cascade Drive.

4) The Motor Vu Drive-In Theatre is a nonconforming use under the existing plan designation and zone. The Motor Vu Drive-In Theatre will be a conforming use under the proposed SPD plan designation and the proposed MU zoning under the Annexation and Zone Establishment Application.

The Opposition asserts that the Applicant failed to adequately demonstrate a public need and justification because the Applicant did not demonstrate that there is a need for additional commercial lands and/or the Project. The Applicant is not required to demonstrate that there is a need for additional commercial lands and/or the Project for several reasons.

1) The Comprehensive Plan Map Amendment will not result in additional commercial lands because commercial development is already allowed under the existing Comprehensive Plan designation pursuant to 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 Properties can be developed under the same development standards and criteria.

2) The 1995 Commercial Lands Study relied upon the Motor Vu Property and the Champion Property as part of the City's existing commercial inventory because both properties were being used for commercial purposes. The Motor Vu Property has been used for commercial purposes for the past 50 years. The Champion Property is currently vacant and idle, awaiting redevelopment. The Comprehensive Plan Map Amendment will accommodate the redevelopment of the Motor Vu Property and the Champion Property under the same development standards.

3) The Opposition incorrectly assumes that property cannot be redesignated for commercial use unless there is a demonstrated need for additional commercial. Although Goal 9 and the Comprehensive Plan goals and policies implementing Goal 9 require the City to maintain a minimum amount of commercial lands sufficient to meet the City's commercial needs, Goal 9 and these Comprehensive Plan goals and policies do not prohibit or restrict the City from providing more commercial lands than is necessary to satisfy the commercial needs. Therefore, even if the Opposition were correct that the Comprehensive Plan Map Amendment would result in a surplus of commercial lands it would still be permissible.

4) The Opposition incorrectly assumes that the City can reconsider and reevaluate the 1995 Commercial Lands Study as part of this proceeding. The City cannot ignore or reevaluate the 1995 Commercial Lands Study as part of this proceeding. The City already adopted the 1995 Commercial Lands Study for purposes of demonstrating compliance with Goal 9 and evaluated the City's commercial needs over the required 20 year planning period. The 1995 Commercial Lands Study is part of the City's acknowledged Comprehensive Plan. Neither the Opposition's economic information nor the 1999 Cascade West Council of Governments Study that the Opposition relies upon have been adopted by the City and neither are part of the acknowledged Comprehensive Plan. Therefore, the City Council must rely upon the 1995 Commercial Lands Study, which identified a need, for additional commercial lands, for purposes of its decision regarding the Comprehensive Plan Map Amendment.

5) The Opposition incorrectly asserts that the City's implementation of the 1995 Commercial Lands Study provided a surplus of commercial lands. As noted above, the 1995 Commercial Lands Study itself recognizes that the City's redesignation and rezoning of the various properties does not guarantee that the sites will be developed commercially because the SPD Comprehensive Plan designation and MU zoning allow for noncommercial uses. Therefore, the 1995 Commercial Lands Study recognizes that the City may need to provide additional commercial lands to satisfy its commercial needs depending on how those properties, redesigned and rezoned under the 1995 Commercial Lands Study are developed in the future.

6) The Project is not relevant to the Comprehensive Plan Map Amendment because neither the Planned Development nor the Project are being reviewed or approved under these proceedings.

2. Land Use – Chapter 5.0

a. Commercial Land Use

Policy 5 - Highway commercial development with direct access to US Highway 20 (Santiam Highway) should not be allowed south of the intersection of Cascade Drive and US Highway 20. (5-P-3)

Findings: The City Council approved the City's Text Amendment, and therefore Policy 5 has been amended to the above-referenced language. The Comprehensive Plan Map Amendment is consistent with this policy because it does not propose direct access to US Highway 20 south of the intersection of Highway 20 and Cascade Drive.

Policy 6 - Existing commercial businesses should be allowed to continue but no new developments of a strip nature should occur. (5-P-3)

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it will not create strip development. The Comprehensive Plan Map Amendment will not create new commercial development in this area, but allow for the commercial redevelopment of this area. The 1995 Commercial Lands Study relied upon the Motor Vu Property and the Champion Property as part of the City's existing commercial inventory because both properties were being used for commercial purposes. The Motor Vu Property has been used for commercial purposes for the past 50 years. The Comprehensive Plan Map Amendment will merely accommodate the redevelopment of the Motor Vu Property and the Champion Property under the same development standards. Moreover, the Motor Vu Property is surrounded by properties to the north, east, and south that are either currently in commercial use or are commercially designated and zoned to allow for commercial uses in the future. Lastly, the SPD district allows for a variety of commercial, industrial and residential uses. A specific type of development is not being reviewed or considered under these proceedings.

Policy 7 - Existing commercial centers should be reinforced and expanded prior to development of new outlying centers. (5-P-3)

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it will not create new commercial centers. The Comprehensive Plan Map Amendment will not result in new commercial development because it is already allowed under the existing Comprehensive Plan designation pursuant to 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 Properties can be developed under the same development standards and criteria. The 1995 Commercial Lands Study relied upon the Motor Vu Property and the Champion Property as part of the City's existing commercial inventory because both properties were being used for commercial purposes. The Motor Vu Property has been used for commercial purposes for the past 50 years. The Comprehensive Plan Map Amendment will merely accommodate the redevelopment of the Motor Vu Property and the Champion Property under the same development standards. Moreover, the Motor Vu Property is surrounded by properties to the north, east, and south that are either currently in commercial use or are commercially designated and zoned to allow for commercial uses in the future.

Policy 8 - 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. (5-P-3)

Findings: The Comprehensive Plan Map Amendment is consistent with this policy. The Motor Vu Property is currently designated Mixed-Density Residential in the Comprehensive Plan, which allows commercial development pursuant to this policy, as well as the Commercial Reserve and Commercial Development Standards and Commercial Land Use Policy No. 9 of the Comprehensive Plan. The purpose for the Comprehensive Plan Map Amendment is to make the Motor Vu Property consistent with the SPD designation currently on the Champion Property so that the Properties can be developed under the same development standards and criteria. The Comprehensive Plan Map Amendment does not include a specific development proposal under the existing Mixed-Density Residential, and therefore it is not necessary to address access and urban services issues noted in this policy.

Policy 10 - Commercial developments shall be constructed as compact centers rather than scattered along roadways or mixed in with noncommercial land uses that would conflict. (5-P-3)

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it will not result in scattered commercial development or commercial development mixed in with conflicting noncommercial land uses. The Motor Vu Property is currently designated Mixed –Density Residential in the Comprehensive Plan, which allows commercial development pursuant to 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 new commercial, but to make the Motor Vu Property consistent with the SPD designation currently on the Champion Property so that the Properties can be developed as a compact commercial development under the same development standards and criteria. Additionally, the Motor Vu Property has been used for commercial purposes for the past 50 years. Moreover, the Properties are surrounded by properties to the north, east and south that are either in commercial use or are commercially zoned.

b. Commercial Locational Standards

The Opposition asserts that the Comprehensive Plan Map Amendment is not consistent with the locational and development standards set forth at Comprehensive Plan 5-15. The commercial locational and development standards apply to commercial center development. The Comprehensive Plan Map Amendment does not include a proposal for a commercial center development. The Opposition's assertion that the Project is not consistent with the commercial locational and development standards is irrelevant because neither the Planned Development nor the Project are being reviewed or approved under these proceedings. Moreover, commercial development is already allowed under the existing Comprehensive Plan designation pursuant to 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 Properties can be developed under the same development standards and criteria.

3. Transportation – Chapter 7.0

The Comprehensive Plan Map Amendment is consistent with the Transportation goals and policies for two separate and independent reasons. First, the Comprehensive Plan Map Amendment will not result in a more traffic intense use of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. Second, the Comprehensive Plan Map Amendment includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant's performance of these transportation improvements is a condition of approval for the Comprehensive Plan Map Amendment.

First, the Comprehensive Plan Map Amendment will not result in a more traffic intense use of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. The Motor Vu Property currently has a Mixed-Density Residential Comprehensive Plan designation that allows commercial development pursuant to 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 to make the Motor Vu Property consistent with the SPD designation currently on the Champion Property so that the Properties can be developed under the same development standards and criteria. The Opposition's assertion regarding the transportation goals and policies are primarily, if not exclusively, related to the Project proposed as part of the Planned Development. The Planned Development is not relevant because it is not being reviewed or considered under these proceedings.

Second, the Comprehensive Plan Map Amendment includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant will realign the Cascade Drive intersection, which is currently a safety hazard, and add a new traffic signal that will allow for the efficient movement of the site generated traffic and the local traffic onto and off of Highway 20. The transportation improvements also include the construction of Weldwood Drive. The Applicant's performance of these transportation improvements is a condition of approval for the Comprehensive Plan Map Amendment.

Both the Applicant and the City performed independent traffic impact analysis ("TIA"). The Applicant's and the City's TIA confirm that the Comprehensive Plan Map Amendment will not adversely impact the safe and efficient movement of traffic. The City's TIA demonstrates that the existing street system, upgraded by the Applicants' transportation improvements, will have the capacity to carry the projected traffic loads. The City's TIA studied the traffic impacts on the surrounding roadways,

including Market Street to the north, Highway 20 and Cascade Drive to the east, Crowfoot Road to the south and South Main Road to the west, and concluded that it will not adversely impact the safe and efficient movement of traffic.

The Opposition raised a number of assertions regarding transportation issues, including: (1) the TIAs do not evaluate the impacts on local/collector streets, (2) the TIAs do not account for middle school traffic impacts, (3) the realignment of Cascade/Hwy 20 is a problem because tax lot 1900 is not being annexed; and (4) the Opposition's traffic engineer discredited the Applicant's and the City's TIA. The City Council disagrees with these assertions for the following reasons:

1) The City's TIA studied all of the necessary roadways surrounding the site that will be impacted by the commercial development of the Properties, including Market Street to the north, Highway 20 and Cascade Drive to the east, Crowfoot Road to the south and South Main Road to the west. The TIA considered impacts on Market Street, which is identified as a local street. The reason that the City's TIA did not include other local streets in the study area is that they will not be impacted by the commercial development of the Properties because no other local or collector streets run north/south from Crowfoot to Market Street or east/west from Highway 20 or Cascade Drive to South Main. The traffic will stay on these main routes of travel, unless the motorists live inside the study area in which case their traffic counts were included in the TIA.

2) As the City's traffic engineer explained at the City Council Hearings, the City's TIA did not account for the traffic generated by the middle school because the evening (PM) peak traffic volume for the study area is greater than the morning (AM) peak traffic volume. Because the PM peak is greater than the AM peak, the PM peak is used to develop the TIA. The school's afternoon traffic rush occurs at the end of the school day. There is an approximate 15 to 20 minute period after school where the buses, parents and teachers depart. The students and staff remaining for after school activities are a fraction of the school population and, from a traffic standpoint, do not add a significant volume to the PM peak traffic. The PM peak occurs between 4:00 pm and 6:00 pm. By the time of the PM peak the school afternoon rush has ended and that traffic is elsewhere on the local road system and not impacting the study area.

3) The fact that tax lot 1900 is not being annexed at this time 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 Applicant worked in coordination with Linn County, the City, and ODOT to determine the location of the realignment of Cascade Drive. The City requested that ODOT surplus tax lot 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. Since ODOT will be surplussing this property to the City, the City can annex that parcel at anytime once they gain control of the property. The fact that tax lot 1900 is not being annexed at this time in no way affects the ability of the City and ODOT to have the Cascade Drive intersection realigned.

4) The Opposition's traffic engineer did not discredited the Applicant's and the City's TIA because the traffic analysis performed by the Applicant's and the City's traffic engineers is more credible. The Opposition's traffic engineer, Robert Bernstein, questioned the results of the Applicant's and the City's TIA. The Opposition's traffic engineer did not perform an independent traffic analysis, but merely reviewed the Applicant's and the City's TIA. At the City Council Hearings and in a rebuttal statement by the City's traffic engineer, the Applicant's and the City's traffic engineers provided adequate responses to each of the issues raised by the Opposition's traffic engineer. Based on this evidence, the City Council concludes that the Applicant's and the City's traffic engineers, and the traffic analysis they performed, are more credible than the analysis performed by the Opposition's traffic engineer.

a. *General Policies*

Policy 1 - The City shall seek to develop a balanced transportation system which includes all transportation modes appropriate to the City's needs.

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it will contribute to a balanced transportation system and will accommodate all transportation modes by providing adequate vehicular transit, bicycle and pedestrian use. The Comprehensive Plan Map Amendment will not result in a more traffic intense use of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. Additionally, as stated above, the Comprehensive Plan Map Amendment will provide substantial transportation improvements that will significantly improve the safety and efficiency of the transportation system within this area. The Comprehensive Plan Map Amendment will also provide a bicycle and pedestrian pathway along Highway 20 from Market Street south to the existing Cascade Drive. Pedestrian sidewalks will be provided along the realigned Cascade Drive and the new Weldwood Drive. Bike lanes will be provided in the travel lanes of Cascade Drive and Weldwood Drive. A bike/pedestrian path will be constructed from the west end of Weldwood Drive west to South Main. The Comprehensive Plan Map Amendment will provide for on-site pedestrian access from Highway 20 and Weldwood Drive. Bicycle routes of travel will also be provided on-site. The Applicant's performance of these transportation improvements is a condition of approval for the Comprehensive Plan Amendment.

Policy 2 - Transportation proposals shall be reviewed to minimize adverse social, economic, energy and environmental impacts and costs.

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it will minimize adverse social, economic, energy and environmental impacts and costs. The Comprehensive Plan Map Amendment will not result in a more traffic intense use of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. Additionally, as stated above it includes substantial transportation improvements that will result in positive social, economic, energy and environmental impacts. The City and ODOT have identified the Cascade Drive/Highway 20 intersection to be a nonfunctional intersection. The existing Level of Service for this intersection is F, which means that it has failed and that users will tend to take risks to move through this intersection. The Comprehensive Plan Map Amendment will improve this intersection by realigning the intersection and signaling the intersection. These improvements will improve the efficiency and safety of this intersection and increase the movement of traffic.

b. Streets and Highways

Policy 9 - The use of land adjacent to arterials shall not be allowed to conflict with the safe and efficient movement of traffic. (7-P-2)

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it will not conflict with the safe and efficient movement of traffic. The Comprehensive Plan Map Amendment will not result in a more traffic intense use of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. Additionally, as stated above it includes substantial transportation improvements that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant will realign the Cascade Drive intersection, which is currently a safety hazard, and add a new traffic signal that will allow for the efficient movement of the site generated traffic and the local traffic onto and off of Highway 20. The Comprehensive Plan Map Amendment also includes the construction of Weldwood Drive.

Policy 10 - Collector streets shall provide for movement within the City's neighborhoods and collect and distribute traffic from arterial streets and highways.

Findings: This policy does not apply to the Comprehensive Plan Map Amendment because it does not involve improvements to or the construction of collector streets. The Comprehensive Plan Map Amendment includes improvements to Cascade Drive, a minor arterial, and construction of a new roadway, Weldwood Drive, that is to be designated as a minor arterial.

Policy 11 - Local residential streets shall be designed and constructed to discourage through traffic within residential neighborhoods.

Findings: This policy does not apply to the Comprehensive Plan Map Amendment because it does not involve improvements to or the construction of residential streets. The Comprehensive Plan Map Amendment includes improvements to Cascade Drive, a minor arterial, and construction of a new roadway, Weldwood Drive, that is to be designated as a minor arterial.

c. Bicycle and Pedestrian Ways

Policy 5 - The Planning Commission shall include consideration of bicycle and pedestrian needs as part of the project review procedure. (7-P-3)

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it takes into consideration bicycle and pedestrian needs. The Comprehensive Plan Map Amendment will not result in a more traffic intense use of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. Additionally, as stated above, it will provide a bicycle and pedestrian pathway along Highway 20 from Market Street south to the existing Cascade Drive. Pedestrian sidewalks will be provided along the realigned Cascade Drive and the new Weldwood Drive. Bike lanes will be provided in the travel lanes of Cascade Drive and Weldwood Drive. A bike/pedestrian path will be constructed from the west end of Weldwood Drive west to South Main. The Comprehensive Plan Map Amendment will provide for on-site pedestrian access from Highway 20 and Weldwood Drive. Bicycle routes of travel will also be provided on-site. The Applicant's performance of these transportation improvements is a condition of approval for the Comprehensive Plan Amendment.

Policy 6 - The City shall continue to provide and improve sidewalks and pedestrian ways as part of its continuing street improvement program. (7-P-3)

Findings: The Comprehensive Plan Map Amendment is consistent with this policy because it will provide the necessary sidewalks and pedestrian ways. The Comprehensive Plan Map Amendment will provide a bicycle and pedestrian pathway along Highway 20 from Market Street south to the existing Cascade Drive. Pedestrian sidewalks will be provided along the realigned Cascade Drive and the new Weldwood Drive. Bike lanes will be provided in the travel lanes of Cascade Drive and Weldwood Drive. The Comprehensive Plan Map Amendment will provide for on-site pedestrian access from Highway 20 and Weldwood Drive. Bicycle routes of travel will also be provided on-site.

C. STATEWIDE PLANNING GOALS & REGULATIONS

The City Council concludes that the Comprehensive Plan Map Amendment is consistent with the applicable Statewide Planning Goals and implementing regulations. As noted above, the City Council concludes that the Comprehensive Plan Map Amendment is consistent with the City's acknowledged Comprehensive Plan. Therefore, the City Council considers compliance with the Statewide Planning Goals only to the extent that the Comprehensive Plan Map Amendment amends the City's acknowledged Comprehensive Plan.

1. Goal 1: Citizen Involvement

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 1 because it allowed for ample citizen involvement in the proceedings. The City provided the required notice of the public hearings consistent with the state law, Comprehensive Plan and LZO. Both the Planning Commission and the City Council conducted several public hearings consistent with the state law, Comprehensive Plan and LZO, in which all interested parties were given the opportunity to comment and participate in the proceedings.

2. Goal 2: Land Use Planning

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 2 because, as noted above, it is consistent with the City's acknowledged Comprehensive Plan. Additionally, the Comprehensive Plan Map Amendment provided the necessary coordination with the affected state and local governments and agencies, including Linn County, ODOT, DLCDD and SHPO. The Opposition asserts that the Applicant failed to coordinate with Linn County regarding the transportation and historic resources issues associated with the Cascade Drive right-of-way and tax lot 1900. Based on the information provided by the Applicant and the letters from Linn County's Roadmaster and County Engineers, the City Council concludes that the Applicant provided the required involvement and coordination with Linn County regarding the transportation issues. The Opposition also asserts that the Applicant failed to coordinate with Linn County and other local county agencies regarding the Santiam Wagon Road. Measures to protect the Santiam Wagon Road and surplus parcel 1900 to the City were agreed upon by ODOT, SHPO, OTC through OHTAC, and the City, the agencies legislated to protect Oregon's historic trails and incorporated herein as conditions of approval. Upon annexation of the Motor Vu Property and surplus of parcel 1900 to the City, Linn County will have no jurisdiction of the trail.

3. Goal 3: Agricultural Lands & Goal 4: Forest Lands

Findings: Goals 3 and 4 are not applicable because the Comprehensive Plan Map Amendment does not involve agricultural or forest lands.

4. Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 5 because it will not adversely impact natural or historical resources. The Opposition asserts that the Comprehensive Plan Map Amendment is inconsistent with Goal 5 because it will impact the Santiam Wagon Road. Measures to protect the Santiam Wagon Road and surplus parcel 1900 to the City were agreed upon by ODOT, SHPO, OTC through OHTAC, and the City, the agencies legislated to protect Oregon's historic trails and incorporated herein as conditions of approval. Upon annexation of the Motor Vu Property and surplus of parcel 1900 to the City, Linn County will have no jurisdiction of the trail.

5. Goal 6: Air, Water and Land Resources Quality

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 6 because it will not adversely impact the City's air, water and land resources. The Comprehensive Plan Map Amendment will not result in more intense uses of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. Additionally, as noted in the Annexation and Zone Establishment findings below, the Applicant demonstrated that urban services (water, sanitary sewer, storm drainage facilities, streets, etc.) are available or will be made available by the Applicant, at the Applicant's sole expense, to serve the Motor Vu Property and that the City has the capacity to serve these needs.

6. Goal 7: Areas Subject to Natural Disasters and Hazards & Goal 8: Recreational Needs

Findings: Goals 7 and 8 are not applicable because the Comprehensive Plan Map Amendment does not involve property with natural disaster or hazardous features or recreational uses.

7. Goal 9: Economy of the State

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 9 because the proposed SPD Comprehensive Plan designation allows for commercial development of the Motor Vu Property. Therefore, the Comprehensive Plan Map Amendment is consistent with Goal 9 because it will not reduce the amount of the City's commercial lands.

Although it is not necessary to demonstrate for purposes of Goal 9 compliance, the Comprehensive Plan Map Amendment will in fact provide additional commercial lands to meet a part of the City's identified commercial lands need. 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 only 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.

In 1995, the City adopted the 1995 Commercial Lands Study to amend the Comprehensive Plan to be consistent with 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 redesignated 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.”

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. This projection is consistent with the City's more recent annual Planning and Development Year-End Summary Reports, which indicates that 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. The Comprehensive Plan Map Amendment will assist the City in satisfying its Goal 9 obligations 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.

The Opposition asserts that the Comprehensive Plan Map Amendment is inconsistent with Goal 9 because the Applicant failed to demonstrate that there is a need for additional commercial lands. There are several problems with the Opposition's assertion for the following reasons:

1) The Opposition incorrectly assumes that Goal 9 prohibits the City from having more commercial lands than the demonstrated commercial needs of the City. Although Goal 9 requires the City to maintain a minimum amount of commercial lands sufficient to meet the City's commercial needs, it does not prohibit or restrict

the City from providing more commercial lands than is necessary to satisfy the commercial needs. Therefore, even if the Opposition were correct that the City has a surplus of commercial lands the Comprehensive Plan Map Amendment would still be consistent with Goal 9.

2) The Opposition incorrectly assumes that the City can reconsider and reevaluate the 1995 Commercial Lands Study as part of this proceeding. The City cannot ignore or reevaluate the 1995 Commercial Lands Study as part of this proceeding. The City already adopted the 1995 Commercial Lands Study for purposes of demonstrating compliance with Goal 9 and evaluated the City's commercial needs over the required 20 year planning period. The 1995 Commercial Lands Study is part of the City's acknowledged Comprehensive Plan. Neither the Opposition's economic information nor the 1999 Cascade West Council of Governments Study that the Opposition relies upon have been adopted by the City and neither are part of the acknowledged Comprehensive Plan. Therefore, the City council must rely upon the 1995 Commercial Lands Study for purposes of its decision regarding the Comprehensive Plan Map Amendment.

3) The Opposition incorrectly asserts that the City's implementation of the 1995 Commercial Lands Study provided a surplus of commercial lands. As noted above, the 1995 Commercial Lands Study itself recognizes that the City's redesignation and rezoning of the various properties does not guarantee that the sites will be developed commercially because the SPD Comprehensive Plan designation and MU zoning allow for noncommercial uses. Therefore, the 1995 Commercial Lands Study recognizes that the City may need to provide additional commercial lands to satisfy its commercial needs depending on how those properties, redesignated and rezoned under the 1995 Commercial Lands Study, are developed in the future. Moreover, the 1995 Commercial Lands Study also relied upon the Motor Vu Property and the Champion Property as part of the City's existing commercial inventory because both properties were being used for commercial purposes. The Motor Vu Property has been used for commercial purposes for the past 50 years. The Champion Property is currently vacant and idle, awaiting redevelopment. The Comprehensive Plan Map Amendment will provide for the redevelopment of the Motor Vu Property and the Champion Property under the same development standards.

8. Goal 10: Housing

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 10 because the proposed SPD Comprehensive Plan designation allows for residential development. Therefore, the Comprehensive Plan Map Amendment is consistent with Goal 10 because it will not reduce the amount of the City's available residentially developable lands to provide for the City's housing needs. Moreover, the Motor Vu Property is currently being used for commercial purposes, not residential. Therefore, the commercial redevelopment of the Motor Vu Property will not result in the loss of any housing units.

9. Goal 11: Public Facilities and Services

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 11 because there is substantial evidence that the City has adequate public facilities to accommodate it. The Comprehensive Plan Map Amendment will not itself result in more intense uses of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. Additionally, as noted in the Annexation and Zone Establishment findings below, the Applicant demonstrated that urban services (water, sanitary sewer, storm drainage facilities, streets, etc.) are available or will be made available by the Applicant, at the Applicant's sole expense, to serve the Motor Vu Property and that the City has the capacity to serve these needs.

10. Goal 12: Transportation

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 12 for two separate and independent reasons. First, the Comprehensive Plan Map Amendment will not result in a more traffic intense use of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. Second, the Applicant demonstrated that the Comprehensive Plan Map Amendment will not adversely impact the surrounding transportation system because it includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant's performance of these transportation improvements is a condition of approval for the Comprehensive Plan Map Amendment.

First, the Comprehensive Plan Map Amendment will not result in a more traffic intense use of the Motor Vu Property because commercial uses are already permitted under the existing Comprehensive Plan designation. The Motor Vu Property currently has a Mixed-Density Residential Comprehensive Plan designation that allows commercial development pursuant to 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 to make the Motor Vu Property consistent with the SPD designation currently on the Champion Property so that the Properties can be developed under the same development standards and criteria. The Opposition's assertion regarding Goal 12 are primarily, if not exclusively, related to the Project proposed as part of the Planned Development. The Planned Development is not relevant because it is not being reviewed or considered under these proceedings.

Second, the Applicant demonstrated that the Comprehensive Plan Map Amendment will not adversely impact the surrounding transportation system because it includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The Applicant's and the City's TIA confirm that the Comprehensive Plan Map Amendment will not adversely impact the safe and

efficient movement of traffic on the surrounding transportation system. The City's TIA demonstrates that the existing street system, upgraded by the Applicants' transportation improvements, will have the capacity to carry the projected traffic loads. The City's TIA studied the traffic impacts on all of the applicable surrounding roadways and pedestrian/bicycle routes, including Market Street to the north, Highway 20 and Cascade Drive to the east, Crowfoot Road to the south and South Main Road to the west, and concluded that it will not adversely impact the safe and efficient movement of traffic because it includes substantial transportation improvements, at the Applicant's expense, that will improve the safety of motorists and the efficient movement of traffic in the area. The substantial transportation improvements include realigning the Cascade Drive intersection, which is currently a safety hazard, and adding a new traffic signal that will allow for the efficient movement of the site traffic generated and the local traffic onto and off of Highway 20, and the construction of Weldwood Drive. The Applicant's performance of these transportation improvements is a condition of approval for the Comprehensive Plan Map Amendment.

As noted in the response to the Comprehensive Plan Transportation goals and policies, which the City Council hereby incorporates for purposes of its response to Goal 12, the Applicant's and the City's TIAs sufficiently studied the impacts on the surrounding transportation systems and are more credible than the Opposition's analysis.

The Comprehensive Plan Map Amendment is also consistent with the Transportation Planning Rule set forth in OAR 660-12-060 (the "TPR"). The TPR applies to amendments to the comprehensive plan. 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.

As noted above, the Comprehensive Plan Map Amendment will not "significantly affect" any transportation systems because it will not result in more intense uses of the Motor Vu Property given that commercial uses are already permitted under the existing Comprehensive Plan designation. Therefore, the Comprehensive Plan Map Amendment is consistent with the TPR.

11. Goal 13: Energy Conservation

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 13 because it will promote energy conservation. The Comprehensive Plan Map Amendment 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, which will further the City's energy conservation efforts.

12. Goal 14: Urbanization

Findings: The Comprehensive Plan Map Amendment is consistent with Goal 14 because urban uses are already permitted under the existing Comprehensive Plan designation. The Motor Vu Property is located within the City's Urban Growth Boundary and currently has a Mixed-Density Residential Comprehensive Plan designation that allows urban development pursuant to the Commercial Reserve and Commercial Development Standards and Commercial Land Use Policy Nos. 8 and 9 of the Comprehensive Plan. Therefore, the Comprehensive Plan Map Amendment will not result in the conversion of urbanizable land to urban uses.

13. Goal 15: Willamette River Greenway, Goal 16: Estuarine Resources, Goal 17: Coastal Shorelands, Goal 18: Beaches and Dunes, and Goal 19: Ocean Resources

Findings: Goals 15-19 are not applicable because the Comprehensive Plan Map Amendment does not involve property within the Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, or Ocean Resources.

D. OTHER ISSUES RAISED BY THE OPPOSITION

The Opposition raised several other issues that do not necessarily pertain specifically to the Comprehensive Plan, LZO or Statewide Planning Goals and regulations. The City Council responds to these issues as follows.

1. The Comprehensive Plan Recognizes the SPD District.

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 City's acknowledged 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. Additionally, other lands have been designated SPD since the adoption of the Comprehensive Plan and include the Wal-Mart facility and the Santiam Village North Manufactured Home Park. Therefore, the SPD is recognized in the Comprehensive Plan and can be considered under the Comprehensive Plan Map Amendment.

2. Zone Change is Not Required.

The Opposition asserts that the Applicant was required to file a Zone Change Application and demonstrate compliance with the zone change criteria in conjunction with the Comprehensive Plan Map Amendment. 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 Applicant is proposing to annex the Motor Vu Property pursuant to the Annexation and Zone Establishment. 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 Comprehensive Plan Map Amendment and Annexation and Zone Establishment review.

CONCLUSION

Based on the substantial evidence in the record, the City Council concludes that the Application complies with the applicable Comprehensive Plan and LZO provisions, as well as the applicable state law. Accordingly, the City Council hereby approves the Comprehensive Plan Map Amendment to the City Staff's recommended conditions of approval:

STAFF RECOMMENDED CONDITIONS OF APPROVAL

The following are the Staff recommended conditions of approval for the Comprehensive Plan Map Amendment and the Annexation and Zone Establishment request:

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).
- C. Santiam Wagon Road – The protective measures set forth in the letter from the Oregon State Historic Preservation Office to ODOT, dated August 5, 2002, are hereby imposed as a condition of approval. Applicant shall provide in favor of the City a historic resource conservation easement for the full length of the Santiam Wagon Road that is under control or ownership of the developer. The maintenance of this conservation easement is the responsibility of the property owners.

2. Engineering.

- 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.

- E. This proposal requires installation of new public improvements. All public improvements shall:
 - a. Conform to the latest "City of Lebanon Standards for Public Improvements.
 - b. Require completion of a Drawing Review Application and a Public Improvements permit prior to beginning construction.
 - c. Be designed by a professional engineer registered in the State of Oregon.
 - d. Extend through the entire site providing continuity of service to neighboring properties.

- F. City funding for public improvements may be available for "oversize" components of the work only if those components are identified in the Systems Development Charge (SDC) plan and sufficient SDC funds exist. The developer is responsible for submitting a detailed cost report for oversized infrastructure within 60 days of public acceptance of the improvement.

3. Transportation System.

- A. Coordinate with, and obtain a permit from, ODOT for the proposed Highway 20 accesses and traffic signal.

- B. City staff has received written correspondence regarding the proposed Comprehensive Plan text and map amendments from DLCD and ODOT citing the applicability of the Transportation Planning Rule (TPR – OAR 660-12) to the proposed development. Specifically, the TPR requires vehicular, pedestrian, and bicycle connectivity to the local transportation system. The developer is required to cooperate with neighboring property owners and City staff to establish pedestrian and bicycle connections to Weldwood Drive as well as to establish a mechanism for an extension of Weldwood Drive to the site.

- C. Extend a public street from the realigned Cascade Drive to the west property line of the existing drive-in theater property for connection to Weldwood Drive. This street shall be constructed to a collector level City standard including a center turn lane, bike lanes, and setback sidewalks.

- D. Work with City staff to reconfigure the alignment of Cascade Drive, the future connection to Weldwood Drive, and the site accesses. The revised configuration shall include:
1. A second access to the retail store parking lot from Cascade Drive;
 2. Separation of the access for trucks from the primary access for passenger vehicles;
 3. An intersection of Cascade Drive and the connection to Weldwood Drive that establishes traffic accessing or leaving the development as the major traffic movement and traffic traveling north or south along Cascade Drive as the minor traffic movement; and,
 4. Appropriate traffic control devices as necessary.
- E. Provide a 12-foot wide multi-use path set back from the curb for pedestrian and bike travel along the entire frontage of Highway 20. Where constrained by the historic resource conservation easement for the Santiam Wagon Road, a narrower path (recommended minimum width of 10 feet) will be acceptable. The multi-use path shall:
1. Connect to existing facilities at Market Street;
 2. Provide sufficient connections to on-site pedestrian ways and covered bike parking;
 3. Connect to pedestrian crossing facilities at Highway 20 and Cascade Drive;
 4. Connect to bike lanes on Cascade Drive;
 5. Provide opportunity for the future extension of pedestrian facilities down Cascade Drive.
- F. Provide setback sidewalks and on-street bike lanes on Cascade Drive connecting to the multi-use path.
- G. A wetlands delineation shall be performed for all public rights-of-way. Mitigation is required for any identified wetlands.
- H. Linn County approval is required to connect the realigned Cascade Drive to the existing county road.
- I. All public and private improvements must comply with ADA accessibility requirements.

4. *Water System.*

- A. Not enough information has been provided about the proposed building construction to determine the minimum required on-site fire flow. An extension of the 16-inch water main on Highway 20 may be required along the site's highway frontage to meet fire flow requirements.
- B. Provide minimum 15-foot wide public utility easements for the entire public water system located outside of the right-of-way. Additional access easements will be required.

- C. Extend the water main to the west property line along the street connection to Weldwood Drive and to the east property line along Cascade Drive.

5. Sewer System.

- A. Indicate all existing public utility easements for sanitary sewer mains on the plans.
- B. All on-site septic systems shall be abandoned according to state, county, and city regulations prior to connection to the public sewer system.

6. Drainage System.

- A. The drainage system and grading plan shall be designed so as not to adversely impact drainage to or from adjacent properties. With the engineered site plan, provide a grading plan for the site that indicates existing and proposed elevations along property boundaries. Drainage improvements (ditches and or piping) may be required at these locations. The engineered site plan shall clearly identify public and private drainage improvements.
- B. Storm water runoff must be maintained at historic levels. Provide storm drainage and detention calculations with the engineered site plans.
- C. Two drainage systems are available to drain the site. ODOT's piped system along Highway 20 and a city combined piped/surface drainage system that discharges to the upper end of Burkhart Creek.
 - 1. Coordinate with, and obtain a permit from, ODOT for any connection to the Highway 20 drainage system.
 - 2. Portions of the system draining to Burkhart Creek are inadequately sized for even historic flows. Drainage improvements will be required to ensure that 10-year storm runoff volumes do not cause flooding to neighboring properties at the existing 18-inch pipe north of Santiam Village, the 24-inch culvert north of Weldwood Park, and the 24-inch culvert through the southwest corner of Twin Cedars Mobile Home Park.