



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/4/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lebanon Plan Amendment
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, August 14, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Douglas S. Parker, City of Lebanon
Gloria Gardiner, DLCD Urban Planning Specialist

Matt Crall, DLCD Transportation Planner

<paa> YA

FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

JUL 27 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Lebanon**

Local file number: **CPMA-06-01 & ZMA-06-01**

Date of Adoption: **July 22, 2009**

Date Mailed: **July 24, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **January 26, 2006**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Re-designated an 11.84 acre portion of a 14.08 acre parcel from a Comprehensive Plan Map Amendment designation of Residential Mixed Density to Mixed Use; and a Zoning Map designation of Residential Mixed Density (RM) to Mixed Use (Z-MU).

Does the Adoption differ from proposal? **No.**

Plan Map Changed from: **Residential Mixed Density**

to: **Mixed Use**

Zone Map Changed from: **Residential Mixed Density**

to: **Mixed Use (Z-MU)**

Location: **T12S-R2W-Sec23B, Tax Lot 1701 (in part)**

Acres Involved: **11.84 acres**

Specify Density: Previous: **Residential**

New: **Mixed**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

001-06 (14964) [15647]

DLCD file No. Unknown

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Please list all affected State or Federal Agencies, Local Governments or Special Districts:
ODOT, OECDD, Housing and Human Services

Local Contact: Walt Wendolowski, AICP	Phone: 541-258-4252	Extension:
Address: 853 Main Street	Fax Number: 541-258-4955	
City: Lebanon	Zip: 97355	E-mail Address: wwendolowski@ci.lebanon.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

A BILL FOR AN ORDINANCE AMENDING)
 THE MAP OF THE COMPREHENSIVE PLAN)
 FOR THE CITY OF LEBANON FROM)
 RESIDENTIAL MIXED DENSITY (C-RM) TO)
 MIXED USE (C-MU))
 Applicant: John & LuAnn Court CPMA-06-01)

ORDINANCE BILL NO. 7
 for 2009
 ORDINANCE NO. 2777

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Comprehensive Plan Map Amendment Case No. 06-01 and made findings recommending an amendment to the Comprehensive Plan Map for the City of Lebanon on June 27, 2006; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Municipal Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed map amendment, such hearing being conducted on July 22, 2009; and

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

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

Section 1. In addition to the findings referred to above, the City Council does hereby adopt the findings and conditions 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.

After Recording Please Return To:

City of Lebanon

City Recorder

925 Main Street

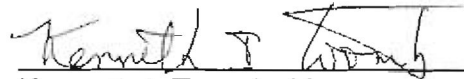
Lebanon, OR 97355

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Section 3. Said Exhibit "A" shall be attached to and become a part of the Lebanon Comprehensive Plan upon entry of this order.

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 6 for and 0 against and approved by the Mayor this 22nd day of July, 2009.



Kenneth I. Toomb, Mayor
Bob Elliott, Council President

Attest:



Linda Kaser, City Clerk / Recorder

EXHIBIT B - FINDINGS

Criteria Set # 1

LCP Chapter 10: Plan Implementation, Coordination, and Amendment -- Comprehensive Plan and Map Amendment Policies:

- P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.
- P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.
- P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.

Finding # 1

The proposed amendment complies with the above noted criteria in that the application will be reviewed by the Planning Commission and City Council at public hearings. If approved, the change will be made by ordinance adopted by the City Council. The adopted change will be incorporated into the Comprehensive Plan Map.

Conclusion: Planning Commission and Council review of the applications, Council approval and adoption by ordinance, and incorporation of any approved changes into the Comprehensive Plan Map complies with the requirements of LCP 10.6.0 Policies 1, 2 and 3.

Criteria Set # 2

LCP Chapter 10: Plan Implementation, Coordination, and Amendment -- Comprehensive Plan and Map Amendment Policies:

- P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:
 - a. Updated data demonstrates significantly different trends than previous data;
 - b. New data reflects new or previously undisclosed public needs;
 - c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
 - d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

Finding # 2

The proposed amendment complies with the above noted criteria given the following information from the applicant:

Property History: The subject property was annexed to the City and designated Mixed Density Residential in 1994. In 1996, a plan to develop a manufactured dwelling park on the property was approved by the City. The park was not built and the approval expired. During the mid and late 1990s, the demand for manufactured homes was strong in the mid-Willamette Valley, and many manufactured home parks were developed. In recent years, the cost to purchase a home and rent space in a park has increased rapidly and it has not been economical to build new manufactured home parks for a number of years.

In 1996, adjoining land to the north and east was the former site of the Motor-Vu Drive-in Theater. The Comprehensive Plan designation of the portion of the theater property that borders the subject property was Mixed Density Residential. Land further north was designated Special Development District (SPD). Under the designations in place at that time, the Motor-Vu property and the subject property could have been developed with a mix of commercial and residential uses in a manner that would have been consistent with the policies of the Comprehensive Plan that relate to buffering between commercial and residential uses and general compatibility of adjacent land uses.

Impacts of Commercial Development to the North and East: Since 1994, the entire Motor-Vu property has been redesignated as Mixed Use (C-MU and Z-MU) and the Wal-Mart Super Center, Carl's Jr. and Kentucky Fried Chicken/A&W have been built on the property. There are still two lots available for development as "out-pads."

The redesignation of the Motor-Vu property and construction of the Wal-Mart Super Center and other commercial uses immediately to the north and east of the subject property make it difficult, if not impossible, to create a safe, quiet residential living environment on the subject property. Certain characteristics of the Wal-Mart Super Center are difficult or impossible to mitigate: size of the building; traffic impacts; size of the parking lot; parking lot lighting; noise from the parking lot and loading areas; and others. These are fundamental elements that are incompatible with residential development.

The C-MU designation allows a wider range of commercial uses and increases the likelihood that the subject property will be developed commercially. The C-MU designation will allow the property to be developed with a mix of uses and in a manner that creates a transitional buffer between the intensive commercial development to the north and east and the large lot residential development to the south and west. In addition, all uses allowed in the proposed Z-MU district are subject to conditional use review by the City. This review will insure that future development on the subject property is designed to be compatible with surrounding land uses.

Rate of Population Growth: Lebanon's projected population in the year 2025 is based on an annual average growth rate of 1.7 percent. In the last four years, the annual average growth rate was 1.4 percent. However, the most recent growth patterns are ahead of the projected growth rate. In the last two years the annual average growth rate has been 3.0 percent, nearly double the projected rate. This accelerated growth rate is due in part to the competitive housing prices in smaller markets such as Lebanon. If this trend continues, Lebanon will need to provide more opportunities for residential and commercial growth sooner than anticipated.

Annual Population Estimates, 2000-2004, and Percent Change		
Year	Population	Percent Change
2000	13,010	-----
2001	13,190	1.4%
2002	13,110	-0.6%
2003	13,140	0.2%
2004	13,550	3.1%
2005	13,938	2.9%

Source: Portland State University Population Research Center

Also driving the need for more commercial development is growth in the industrial sector. [LCP] Section 3.6, "Major Development and Employment Projections," anticipates the ripple effect on the local economy of attracting one or more large employers to the community.

"The employment projections in this Chapter cannot accurately predict a major jump in employment that could result from the location of one or more large employers in the community during the planning period. This could take place if the City were successful in its recruitment efforts, either on its own and/or in conjunction with initiatives of State agencies to bring new industry to the State. Such a major change in the community's employment may not be accounted for in the growth anticipated by the City's employment forecast and may result in the need to revise future land needs (for employment, but also for housing, parks and other uses). Major economic events such as the successful recruitment of a very large employer are very difficult to include in a study of this nature (e.g., ECONorthwest 2004 Lebanon Urbanization Study). The implications, however, are relatively predictable according to ECONorthwest: more demand for land (of all types) and public services."

Since the Comprehensive Plan policies and population projections were developed, Lebanon has attracted a major employer, Lowes Distribution Center. According to City documents, between 400 and 750, or more, full time jobs will be created to operate the distribution warehouse. These are family wage jobs with full benefits including profit sharing. The boost in the local economic base brought about by the opening of Lowes will spin off in other businesses, spurring the demand for more commercial development.

Distribution of Future Population Growth and Impacts on Commercial Land Needs: While the City has a surplus of land designated to meet future employment and commercial needs over the next 20 years, there is a shortage of off-highway commercial land in the southern part of the City. This area contains the largest amount of undeveloped residential land within the urban growth boundary and will experience most of the population growth in the City. Redesignating the subject property to C-MU will provide a suitable site in south Lebanon for commercial use.

Conclusions:

1. Prior to construction of the Wal-Mart Super Center, the subject property could have been developed with a mix of commercial and residential uses that would have served as a transitional buffer. The property could have been developed in a manner that would have been compatible with surrounding land uses and created safe, quiet living environments, consistent with the Comprehensive Plan. The Wal-Mart Super Center creates impacts that are difficult to mitigate. Redesignating the subject property to C-MU will increase the likelihood that the subject property will develop with commercial uses. This will provide more alternatives for a development that can serve as a transitional buffer between the Wal-Mart Super Center and large-lot residential development along Lebanonite Drive.
2. A conditional use review is required for all development in the Z-MU. This review will insure that future development is designed in a manner that minimizes impacts to surrounding residential uses.
3. Regionally competitive housing costs and the opening of Lowes Distribution Center may continue to drive population growth in Lebanon faster than the 1.7% per year projected in the Comprehensive Plan. Most of the City's population growth will be in the southern portion of the City. There is a shortage of commercial land in this area. Redesignation of the subject property to C-MU will help alleviate the shortage.

4. The construction of the Wal-Mart Super Center, the opening of Lowes Distribution Center and the relatively rapid growth in population combine to create new conditions and information and significantly different trends in the area that justify consideration of a Comprehensive Plan Map Amendment for the property.

Criteria Set # 3

LCP Chapter 10: Plan Implementation, Coordination, and Amendment -- Comprehensive Plan and Map Amendment Policies:

- P-5:** Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:
- a. There is a need for the proposed change;
 - b. The identified need can best be served by granting the change requested;
 - c. The proposed change complies with the Statewide Planning Goals; and,
 - d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

Finding # 3

The proposed amendment complies with the above noted criteria given the following information from the applicant:

Policy 5(a): There is a need for the proposed change.

Applicants' Statement: In 2003, the City completed an inventory of the amount of land needed and available within the urban growth boundary through the year 2025. The inventory was adopted into the City's Comprehensive Plan. The results of the inventory for RM and MU land are shown below.

From Lebanon Comprehensive Plan:

Plan Designation	Projected Need (acres)	Current Supply (acres)	(Deficit) or Surplus of Land 2003-2025 (acres)
Mixed Density Mixed Density Residential	356	1,478	1,123
Mixed Use	85 to 164	352	189 to 268

The City projects a need for 356 acres of RM land for the 2003 to 2025 planning period. There were 1,479 gross buildable acres of RM land available in 2003. The City has an estimated surplus of about 1,123 acres of RM land for the next 20-years, more than four times the projected need.

The City projects a need for 85 to 164 acres of Mixed Use land for the 2003 to 2025 planning period. There were 352 gross buildable acres of MU land available in 2003. The City has an estimated surplus of between 189 and 268 acres of Mixed Use land for the next 20-years, two to four times the projected need.

The City clearly has a sufficient supply of land in both the RM and MU designations to meet the projected growth needs of Lebanon. Redesignating the 11.84 acre subject property will not significantly affect the amount of available land in either category.

The City does, however, have a shortage of:

- Commercial land in the southern portion of the City.
- Large commercial lots with highway access.

(Refer to City's BLI Figure 2.3: "Vacant and Partially Vacant Lots by Comprehensive Plan Designation.")

The southern portion of the City contains most of the developable residential land within the UGB. This area will experience the largest increase in population as Lebanon grows. There are very few vacant, commercially designated lots in south Lebanon.

Redesignating the subject property to Mixed Use would address both of these shortages. It would create 11.84 acres of land available for commercial development in the southern part of the City. It would also help preserve the limited supply of existing large commercial lots with highway access by providing a suitable alternative location for small to medium-size commercial uses that do not require direct highway access.

Conclusions:

1. There is a large projected surplus of both RM and MU designated land within the UGB for the next 20 years. Redesignating the subject property to MU will not significantly impact the amount of available land in either category.
2. Locational factors create a need for additional commercial land in the southern portion of the City. There is a need to designate the subject property for commercial uses based on:
 - a. The projected high population growth in the southern portion of the City and the shortage of available commercial land in south Lebanon to service this growth.
 - b. The beneficial affect of preserving the limited supply of existing large commercial lots with highway access by providing suitable alternative locations for small to medium-size commercial uses that do not require direct highway access.

Policy 5(b): The identified need can best be served by granting the change requested.

Applicants' Statement: The southern portion of the City and the urban growth area south of the City limits contain most of the vacant and buildable residential land in Lebanon. This area currently contains very little commercial land. There is a need to designate additional commercial land in the southern portion of the City in order to establish a land use pattern that promotes stable growth and efficient use of resources.

The subject property is 11.84 acres. It is located in the southern portion of the City, immediately south of the Wal-Mart Super Center. It borders the City limits to the south. It is an appropriate size to accommodate a wide range of small to medium-size commercial uses. It does not have frontage on the Santiam Highway. There are few, if any, other parcels this large in south Lebanon that are appropriately located to provide commercial opportunities without adversely impacting existing neighborhoods.

Designating the property Mixed Use will create a suitable alternative location for small to medium-size commercial uses that do not require direct highway access. This will help preserve the limited supply of existing large commercial lots with highway access.

A Mixed Use Plan designation is more appropriate for this property than a Neighborhood Mixed Use or Commercial designation, to meet the need for commercial land in south Lebanon. The C-MU designation allows a wider range of uses appropriate to the subject property and surrounding neighborhood. A conditional use permit is required for all uses in the Z-MU district. This review will insure that approved uses are compatible with surrounding residential uses.

The Neighborhood Mixed Use designation is intended to provide for small commercial opportunities in areas primarily suitable for residential uses. The Commercial Plan designation is intended for the downtown area and for areas along major transportation thoroughfares. Neither of these designations address the identified need as well as the C-MU designation.

Conclusions:

1. The subject property is an appropriate size and is located in an area that will provide opportunities for a variety of commercial uses that will serve the needs of the community and will not adversely impact the surrounding neighborhood. There are few if any other parcels this large in south Lebanon that are appropriately located to provide commercial opportunities without adversely affecting existing neighborhoods. Therefore, the need for additional commercial land in the southern portion of the City can best be met by redesignating the subject property to Mixed Use.
2. Designating the property Mixed Use best meet the City's need to create suitable alternative locations for small to medium-size commercial uses that do not require direct highway access. This will help preserve the limited supply of existing large commercial lots with highway access.

Policy 5(c): The proposed change complies with the Statewide Planning Goals.

Applicants' Statement: The Lebanon Comprehensive Plan and Zoning Ordinance are acknowledged as in compliance with the Statewide Planning Goals. Implementation of the applicable Plan policies and Code provisions assures consideration of applicable statewide planning goals as required by LCP 10.6.0 Policy 5(c). Compliance with the Comprehensive Plan and Development Code is demonstrated by evidence submitted in the applications. [Also see applicant's responses to individual goals under Criteria # 15.]

Policy 5(d): The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

Applicants' Statement: Consistency with the provisions of the City's Comprehensive Plan is demonstrated by the submitted facts, statements and conclusions.

Criteria Set # 4

LCP Chapter 1 – Introduction – Policy P-6: The City shall follow relevant policies when amending the Comprehensive Plan or developing other plans or ordinances that affect land use, such as public facility plans, zoning, and development standards.

Finding # 4

The proposed amendment complies with the above noted criteria given the following information from the applicant:

The Lebanon Comprehensive Plan provides policy direction for land uses within the urban growth boundary. The policies of the Comprehensive Plan address many topics related to land use.

Policies that are general in nature can be implemented in a variety of ways. More detailed policies are intended to be implemented in a specific manner. The following facts, statements and conclusions demonstrate that the requested Map Amendments are consistent with the goals and policies of the Comprehensive Plan and, when considered as a whole, the Plan's goals and policies are supportive of the map changes.

The Comprehensive Plan policies are organized topically by chapter. The policies relevant to the proposed map changes from RM to MU are found in every chapter of the Comprehensive Plan. The most relevant policies are those that address the buildable land supply (Chapter 3), the arrangement of land uses in the community (Chapter 4), and the City's transportation system (Chapter 8).

Criteria Set # 5

LCP Chapter 2 - Natural Environment -- **Natural Resource Policies** -- The City shall:

P-10: Protect natural ponds, sloughs, wetlands, rivers, and streams (including intermittent ones) to maintain existing surface water drainage patterns and to maintain the water quality benefits derived from such natural water bodies.

P-12: Require, where practical, the use of open, naturally vegetated drainage ways to reduce stormwater runoff and improve water quality.

Finding # 5

The proposed amendment complies with the above noted criteria given the following information from the applicant:

The subject property is located on a level site with elevations ranging from 360 to 365 feet. The site has been significantly altered over time with the result that no mature vegetation remains on the site. The only "natural features" are a wetland, along the west edge of the property and a natural drainage along the southwest property line. The drainage flows through the wetland.

The wetland area was enhanced in 1997 to comply with a Division of State Lands (DSL) Removal/Fill permit issued as part of the mobile home park approval. Although the mobile home park was never built, the wetland mitigation required to develop the site was completed and approved by DSL. This wetland contains the only remaining natural vegetation on the site.

No Threatened, Endangered, or Sensitive plant or animal species have been identified on this site. Surface water flows are not sufficient to support any fish species. There is no riparian habitat. Mineral, aggregate, and energy resources have not been found on the site. The site is not proximate to Lebanon's unique natural features: Cheadle Lake, Santiam Special Planning Area, or Ridgway Butte. The site is not susceptible to a mapped floodplain or other natural hazard.

When developed, an open naturally vegetated drainage system may be considered for the site. However, it is premature to make that determination because the applicant does not have a development plan for the site. A conceptual plan was presented at the neighborhood meeting. It was intended only to illustrate one way the site could be developed for commercial uses in a manner that would be compatible with the surrounding neighborhood. Details of site development, such as whether to use an open naturally vegetated drainage system will be determined at the time of development.

Conclusion: There are no natural ponds, sloughs, rivers, or streams on the property. Removal or fill in the wetland area is subject to the requirements of the Division of State Lands and Army Corps of Engineers. It is subject to the same regulatory requirements under the RM or MU designations. Changing the designation of the property to MU will not affect its regulatory status. The practicality of retaining the open, naturally vegetated Drainage way along the southwestern property line can be determined when a specific development proposal is submitted. Changing the designation of the property to MU will not affect this consideration.

Criteria Set # 6

LCP Chapter 1 – Introduction – Goal G-10: Providing a sound basis for urbanization by providing for appropriate relationships between residential, commercial, industrial, public and open space land uses, and the natural environment.

LCP Chapter 3 – Urbanization -- Urbanization Policy P-30: -- The City shall: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the market place, through implementation of land use regulations and land use policies.

Finding # 6

The proposed amendment complies with the above noted criteria given the following information from the applicant:

In 2003, the City completed an inventory of the amount of land needed and available within the urban growth boundary through the year 2025. The inventory was adopted into the City's Comprehensive Plan. The results of the inventory for RM and MU land are shown below. From Lebanon Comprehensive Plan:

Table 3.2: Comparison of Land Need and Land Supply within the UGB, 2003-2025			
Plan Designation	Projected Need (acres)	Current Supply (acres)	(Deficit) or Surplus of Land 2003-2025 (acres)
Mixed Density Mixed Density Residential	356	1,478	1,123
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The City projects a need for 356 acres of RM land for the 2003 to 2025 planning period. There were 1,479 gross buildable acres of RM land available in 2003. The City has an estimated surplus of about 1,123 acres of RM land for the next 20-years, more than four times the projected need.

The City projects a need for 85 to 164 acres of Mixed Use land for the 2003 to 2025 planning period. There were 352 gross buildable acres of MU land available in 2003. The City has an estimated surplus of between 189 and 268 acres of Mixed Use land for the next 20-years, two to four times the projected need.

The City clearly has a sufficient supply of land in both the RM and MU designations to meet the projected growth needs of Lebanon. Redesignating the 11.84 acre subject property will not significantly affect the amount of available land in either category.

Conclusions: There is a large projected surplus of both RM and MU designated land within the UGB for the next 20 years. Redesignating the subject property to MU will not significantly impact the amount of available land in either category.

Criteria Set # 7

LCP Chapter 4 – Land Use -- Land Use Policies – Policy P-20 for Residential Uses -- The City shall Permit and encourage compact residential development to provide more efficient land utilization and to reduce the cost of housing, public facilities and services. The City encourages this type of development by offering incentives such as density or open space bonuses.

Finding # 7

The proposed amendment complies with the above noted criteria given the following information from the applicant:

Both the current C-RM and C-MU designations permit and encourage compact residential development through the standards of the Lebanon Zoning Ordinance. Density and open space bonuses are offered in both zones.

Conclusion: There is no difference in the manner in which compact residential development is regulated between the C-RM and C-MU designations. Density and open space bonuses are offered in both zones.

Criteria Set # 8

LCP Chapter 4 – Land Use -- Land Use Policies – Policy P-21 for Residential Uses -- The City shall Require that new residential districts be designed in ways that discourage impacts from heavy through traffic, conflicting land uses, or other encroachments that would impair a safe, quiet living environment.

Finding # 8

The proposed amendment complies with the above noted criteria given the following information from the applicant:

Under the C-RM or C-MU designations the subject property could be fully developed for residential use. However, the C-MU designation provides more opportunities for commercial use and it is more likely that the property will be developed with residential uses under the current C-RM designation. In fact, the property was approved for development as a mobile home park in 1996. In the mid-Willamette Valley during the late 1990s, the demand for manufactured homes was strong and manufactured home parks developed at a rapid pace. However, in recent years the cost to purchase a home and rent space in a park has risen rapidly. For this reason, it has not been economical to build new manufactured home parks for a number of years.

Until recently land to the north and northeast was the site of the Motor-Vu drive-in theater. The Comprehensive Plan anticipated that the site would be most valuable for its frontage on Highway 20 and allowed commercial use of the property. Redevelopment of the Motor-Vu site was completed in 2005 with the opening of a Wal-Mart Super Center, a retail store with a regional market draw.

Redevelopment of the Motor-Vu site with a single, very large retail store makes it difficult, if not impossible to create a safe, quiet residential living environment on the subject property. Certain characteristics of the Wal-Mart Super Center are difficult or impossible to mitigate: size of the building; traffic impacts; size of the parking lot; parking lot lighting; and noise from the parking lot and loading areas. These are fundamental elements that are incompatible with residential development.

To create a safe, quiet living environment on the subject property as called for in Residential Use Policy P-21 would require a broad buffer strip along the perimeter of the site, thus removing a portion of the site from development. A 20- or 30-foot buffer strip with mature trees on a landscaped berm would take years to create and would not adequately mitigate the impacts of such a large retail establishment.

To further add to the difficulty of creating a safe, quiet living environment, Weldwood Drive, when completed, will connect Highway 20 and S. Main Street. Weldwood Drive will likely carry a fairly high volume of traffic and function as a collector. This will make it difficult to discourage impacts from heavy through traffic that would impair a safe, quiet living environment as required by P-21.

Under the current RM designation, it is more likely that apartments or townhouses would be developed on the site between Weldwood Drive and the Wal-Mart Super Center. The result would be an enclave of high density homes, unconnected to nearby residential neighborhoods and impacted by the sights, noise, and lights of a large commercial establishment. This is not consistent with the Residential Use policies of the Lebanon Comprehensive Plan and would not create a livable neighborhood for the citizens of Lebanon.

Conclusions:

1. The property is more likely to be developed with residential uses under the current C-RM designation than under the proposed C-MU designation. The character of the neighborhood has changed significantly since the original C-RM designation was applied in 1994. Completion of the Wal-Mart Super Center in 2005 created significant impacts to adjacent property. These impacts will be difficult or impossible to adequately mitigate if residential uses are established immediately adjacent to the Wal-Mart Super Center. These compatibility problems will be exacerbated by the completion of Weldwood Drive, when the subject property is developed. It will be difficult to design a residential development on the subject property in a way that discourages impacts from heavy traffic and conflicting land uses to the north and east and creates a safe, quiet living environment.
2. The C-MU designation allows a wider range of commercial uses and increases the likelihood that the property will be developed commercially. The C-MU designation will allow the property to be developed with a mix of uses and in a manner that creates a transitional buffer between the intensive commercial uses to the north and east and the large lot residential uses to the south and west. In addition, all uses allowed in the proposed Z-MU district are subject to conditional use review by the City. This will insure that future development on the subject property is designed to achieve these objectives. For these reasons, the C-MU designation better complies with Land Use Policy 21 than the current C-RM designation.

Criteria Set # 9

LCP Chapter 4 – Land Use -- Land Use Policies – Policy P-26 for Commercial Uses -- The City shall NOT allow Highway Commercial development with direct access to U.S. Highway 20 (Santiam Highway) south of the intersection of Cascade Drive/Weldwood Drive and U.S. Highway 20 (Santiam Highway).

Finding # 9

The proposed amendment complies with the above noted criteria given the following information from the applicant:

The subject property does not have direct access to Highway 20. The proposed redesignation to C-MU will assist in the implementation of P-26 by providing an off-highway location for commercial development. This will help preserve the limited supply of available commercial land along Highway 20 for highway dependent uses.

Conclusion: The property does not have direct access to Highway 20. The proposed redesignation to C-MU will help implement P-26.

Criteria Set # 10

LCP Chapter 4 – Land Use -- Land Use Policies – Policy P-32 for Commercial Uses -- The City shall NOT allow Highway Commercial development with direct access to U.S. Highway 20 (Santiam Highway) south of the intersection of Cascade Drive/Weldwood Drive and U.S. Highway 20 (Santiam Highway).

Finding # 10

The proposed amendment complies with the above noted criteria given the following information from the applicant:

The intensive commercial development to the north and east and the traffic volume on Weldwood Drive will make it difficult to establish an effective buffer and minimize negative impacts to potential residential development on the subject property. The proposed MU designation would allow a broader selection of commercial uses on the subject property including retail trade establishments, offices, financial institutions, motels, restaurants, and personal and business services. These uses can be designed to effectively buffer the impacts of the Wal-Mart Super Center and other high-volume commercial uses from the residential uses along Lebanite Drive.

Conclusion: The variety of commercial uses and the review procedures for development under the MU designation would increase the likelihood that the site will be developed in a manner that is compatible with both the Wal-Mart Super Center and other high volume commercial uses and the large-lot residential development to the south and west and the manufactured dwelling parks at either end of Weldwood Drive.

Criteria Set # 11

LCP Chapter 4 – Land Use -- Land Use Policies – Policy P-40 for Mixed Uses -- The City shall Encourage a mix of commercial and residential uses within individual buildings, lots, and neighborhoods, in order to promote a compact, pedestrian friendly environment. Industrial uses should be allowed to mix with residential and commercial uses where there are limited potentials for nuisance or jeopardy to the public health, safety, and welfare.

Finding # 11

The proposed amendment complies with the above noted criteria given the following information from the applicant:

Development of the subject property would be an infill project. Surrounding property is largely developed with residential and commercial uses. Surrounding land uses are not mixed. There are high-volume commercial uses

to the north and east, while there are three distinct residential neighborhoods bordering the property to the southeast, south and west. To the south, outside the City limits is White Oaks Addition, a 73-lot subdivision platted in 1952 developed with single-family homes on large lots. To the southeast is Santiam Village, a manufactured home park, and to the northwest is Santiam Village North, a manufactured home park. To the west is Oak Grove Condominiums.

An appropriately designed development on the subject property will insure an adequate transition from large format retail to existing residential neighborhoods. This will protect pedestrian corridors between homes and businesses and promote an urban design that seamlessly integrates residential and commercial uses. This is more likely to occur under the proposed C-MU designation.

Conclusion: The proposed C-MU designation is more likely to promote a compact, pedestrian friendly environment, in compliance with P-40, than the current C-RM designation.

Criteria Set # 12

LCP Chapter 5 – Population and Economy -- Economic Goals:

- G-1: Providing employment opportunities for its citizens.
- G-2: Providing a viable tax base for the community in order to pay for essential community services.
- G-3: Encouraging a diversified economic base for the community which broadens and improves long-term employment opportunities in all sectors, including, retail, service, and industrial.
- G-4: Providing the opportunity for a full range of commercial, cultural, recreational, educational, health services, and other professional services to meet the needs of the City's residents and visitors.
- G-5: Supporting the establishment of new employment and the expansion of existing employment to strengthen the City's economic base in order to provide adequate employment opportunities and maintain community livability.
- G-6: Seeking balanced, concurrent growth in the commercial, industrial and residential sectors that are within the carrying capacity of community resources.

Finding Set # 12

The proposed amendment complies with the above noted criteria given the following information from the applicant:

The City has a number of economic goals pertaining to providing and supporting employment opportunities, creating and sustaining a viable tax base and a diversified economic base and seeking balanced growth. The subject property is a vacant property located between two major streets, S. Main Street and Santiam Highway. It is bordered by large scale retail development, eating establishments and residential neighborhoods. It is ideally located to fill a needed retail service niche in south Lebanon.

The property is located in the southern part of the City where most of the population growth will occur in the next 20 years. Commercial development of the property will provide the opportunity for balanced, concurrent growth in the commercial and residential sectors in the area.

Conclusions: The C-MU designation allows a wider range of commercial development opportunities than the current C-RM designation. The property is more likely to develop with commercial uses if it is redesignated C-MU. Development of the property with appropriately sized commercial uses will diversify the economic base, expand employment opportunities, expand the City's tax base and support balanced growth. Development of the property under the C-MU designation is consistent with the aspirations of Economic Goals 1 through 6.

Criteria Set # 13

LCP Chapter 5 – Population and Economy -- Economic Goals and Policies:

- G-7: Ensuring an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in City, including commercial, professional, and industrial development.
- P-5: [The City shall] Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.
- P-27: [The City shall] Plan for the projected population of the year 2025.

Finding # 13

The proposed amendment complies with the above noted criteria given the following information from the applicant:

Population, economic and employment trends and projections provide a basis for determining land use, housing, transportation and public facility needs. The population forecasts in the Comprehensive Plan are based on analysis of past growth trends, current trends, and county, regional, and statewide demographic characteristics, and U.S. Census data.

The availability of commercial and residential land is has been reviewed. There is a significant surplus of land in both the RM and MU categories, based on the growth parameters used in the Comprehensive Plan. There is however, a shortage of large, off-highway commercial lots in the southern part of the City, where most of the future population growth will occur.

The planned population of the year 2025 is based on an annual average growth rate of 1.7 percent. In the last four years, the annual average growth rate was 1.4 percent. In the two years since 2003 when the 2025 population forecast was developed, the annual average growth rate has been 3.0 percent, nearly double the adopted rate. While a short term trend does not control a long-term forecast, recent growth patterns are ahead of the presumed rate of growth. This accelerated growth rate is due in part to the competitive housing prices in smaller markets such as Lebanon. If this trend continues, Lebanon will need to provide more opportunities for residential and commercial growth sooner than anticipated.

Annual Population Estimates, 2000-2004, and Percent Change		
Year	Population	Percent Change
2000	13,010	-----
2001	13,190	1.4%
2002	13,110	-0.6%
2003	13,140	0.2%
2004	13,550	3.1%
2005	13,938	2.9%

Source: Portland State University Population Research Center

Also driving the need for more commercial development is growth in the industrial sector. [LCP] Section 3.6, "Major Development and Employment Projections," anticipates the ripple effect on the local economy of attracting one or more large employers to the community.

"The employment projections in this Chapter cannot accurately predict a major jump in employment that could result from the location of one or more large employers in the community during the planning period. This could take place if the City were successful in its recruitment efforts, either on its own and/or in conjunction with initiatives of State agencies to bring new industry to the State. Such a major change in the community's employment may not be accounted for in the growth anticipated by the City's employment forecast and may result in the need to revise future land needs (for employment, but also for housing, parks and other uses). Major economic events such as the successful recruitment of a very large employer are very difficult to include in a study of this nature (e.g., ECONorthwest 2004 Lebanon Urbanization Study). The implications, however, are relatively predictable according to ECONorthwest: **more demand for land (of all types) and public services.**" (Emphasis added)

Since the Comprehensive Plan policies and population projections were developed, Lebanon has attracted a major employer, Lowes Distribution Center. According to City documents, between 400 and 750, or more, full time jobs will be created to operate the distribution warehouse. These are family wage jobs with full benefits including profit sharing. The boost in the local economic base brought about by the opening of Lowes will spin off in other businesses, spurring the demand for more commercial development.

Conclusion: The City has designated a surplus of land to meet future housing, employment and commercial needs over the next 20 years. There is however, a shortage of large, off-highway commercial lots in the southern portion of the City. Redesignating the subject property to C-MU will help alleviate that shortage.

Criteria Set # 14

LCP Chapter 6 – Housing -- Policies for Housing Variety, Type, Density, and Location Amenities -- The City shall:

- P-30:** Ensure that the Comprehensive Plan Map provides opportunities for a variety of housing types, densities and locations within the Urban Growth Boundary area including both the area inside the City limits and the Urban Growth Area.
- P-34:** Assure an adequate supply of developable land within the City appropriate for a variety of needed housing types, at different price levels, in order to meet the 20-year population projections, and to provide adequate choices in the housing marketplace for the City's residents.
- P-36:** Maintain an adequate availability of residential, buildable lands that provide locational choices for each housing type.
- P-38:** Plan for at least the number and type of new housing units by the year 2025 and all of the land and services needs required by such growth, as indicated in the 2004 Lebanon Urbanization Study (ECONorthwest).

Finding # 14

The proposed amendment complies with the above noted criteria given the following information from the applicant:

The Lebanon Comprehensive Plan reports that between 2003 and 2025, a projected population increase of 6,457 persons will be housed in 2,716 additional housing units. An estimated 1,902 new single-family dwelling units and 815 new multifamily dwelling units are needed to accommodate this growth.

Table 6-16 of the Lebanon Comprehensive Plan shows that Lebanon had 1,553 vacant potentially buildable acres of land designated for residential development in its UGB as of April 2004. According to the 2004 ECONorthwest study, the City will need about 468 gross buildable acres of residential land to accommodate new housing between 2003 and 2025. Thus, the City has a potential surplus of about 1,085 residential acres.

Conclusion:

1. The City has designated a significant surplus of residential land to meet housing needs through 2025. Residential land is in a variety of locations throughout the City and urban growth area. The supply and location of residential land is more than adequate to provide opportunities for a variety of housing types, at different prices in different locations. The City has planned for more than the number and type of new housing units needed through 2025, and all the land and service needs required by such growth, as indicated in the 2004 Lebanon Urbanization Study by ECONorthwest. Redesignating the 11.84 acre subject property from residential land to C-MU will not significantly impact the overall surplus of residential land or create a shortage of land in a particular area of the City.
2. For these reasons, the loss of RM-zoned land will not prevent the City from achieving the housing goals set forth in the Comprehensive Plan.

Criteria Set # 15

LCP Chapter 8 – Transportation -- The City's Transportation Related Goals include the following:

- G-1:** Developing and maintaining a well-planned, comprehensive transportation system that balances the needs of future land development with a system that serves all users.
- G-2:** Providing a transportation policy plan as a guide for development of a systematic network of traffic ways related to the patterns and needs of community activity.
- G-3:** Promoting connectivity and efficient multi-modal access within and between developments and neighborhoods.
- G-4:** Promoting efficient access to land development and maintaining operational levels of traffic flow in terms of safety, capacity, functional classification, and performance standards.
- G-5:** Complying with all applicable Statewide Planning Goal 12 requirements for transportation.

The City's Transportation Related Policies s include the following -- The City shall:

- P-3:** Create local street connectivity standards to ensure that new street development provides a high degree of connectivity between streets for automobiles and also for bicyclists and pedestrians.
- P-11:** The transportation system shall be planned and developed in a manner that contributes to community livability, recognizes and respects the characteristics of natural features, and minimizes the negative effects on abutting land uses.
- P-12:** The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.
- P-26:** Future streets and highways shall contribute to the creation of an efficient circulation network and provide for convenient movement of traffic and access to all parts of the community.
- P-27:** The circulation network shall help encourage compact community development, without disrupting or bisecting neighborhoods or other areas with a natural unity.

Finding # 15

The proposed amendment complies with the above noted criteria given the following information from the applicant:

No specific development proposal has been submitted as part of these applications. The applicants presume that Weldwood Drive will be constructed to City standards when the property is developed. The completion of this section of Weldwood Drive will connect the current east and west dead-end sections of the street, which currently end at the applicants' property lines. One possible alignment is shown on the conceptual plan that accompanies the traffic impact analysis (Figure 3). This plan is intended only to represent one possible way the connection could be made. The exact alignment will be determined when the property is developed.

Redesignation of the property to C-MU will expedite construction of Weldwood Drive. Construction of Weldwood Drive will connect S. Main Road and Santiam Highway. This connection will facilitate traffic flow in this part of Lebanon. The connection is considered an essential element of the transportation system in the City's draft Transportation System Plan.

A Traffic Impact Analysis was conducted by PTV America, Inc. in order to determine the potential impacts of redesignating the property (Exhibit B). The study analyzed potential traffic impacts on the street network in the study area caused by future development under the proposed C-MU and Z-MU designations. The scope for the study was developed in consultation with City of Lebanon staff. The study area includes the following intersections:

- Santiam Hwy. / Weldwood Drive
- Santiam Hwy. / Market Street
- S. Main Street / Weldwood Drive
- S. Main Street / Market Street
- S. Main Street / Walker Road

The analysis found that all five intersections currently meet the City of Lebanon's level-of-service (LOS) standard and ODOT's mobility standard.

The property was analyzed using a "build-out" scenario under the proposed C-MU and Z-MU designation that included (as shown on the attached conceptual plan, Figure 3):

- 47,640 square feet of Specialty Retail space;
- 7,500 square feet General Office space;
- 3,150 and 2,600 square feet of Fast-Food Restaurants with Drive-Through Windows; and
- 6,600 square feet of High Turnover (Sit-Down) Restaurant.

This level of development would generate approximately 220 new entering and 192 new exiting trips during the AM peak hour and 199 new entering and 250 new exiting trips during the PM peak hour period. For purposes of the analysis, this additional traffic was compared to the traffic generated by uses on the property in its current, undeveloped condition (zero trips). This provides the most conservative analysis and overestimates any potential impacts. In fact, about 32 single-family dwelling units and 93 apartments could reasonably be built on the property under the current zoning.

About 37% (AM peak hour) and 31% (PM peak hour) of the new trips generated under the commercial development scenario are expected to be passer-by trips, where the individual who visits the site was already driving by the site on Santiam Highway or S. Main Road. Since the site will contain several types of development, some of the trips generated will be internal trips. It was estimated that 27 of the new trips generated in the PM peak hour would be internal trips.

Three time frames were analyzed in order to assess the traffic impacts generated by the proposed development: Existing conditions in 2005 and projected conditions in 2006 and 2026. Analysis of these scenarios satisfies the City Lebanon's TIA Guidelines as well as ODOT's Transportation Planning Rule (TPR) analysis guidelines.

Traffic generated by the commercial build-out scenario under the proposed C-MU and Z-MU designations for the property does not have a significant impact on the study area intersections. The operation, as measured by LOS, of some of the studied intersections is projected to change after the subject property is fully developed, but LOS remained acceptable at all intersections and the projected v/c ratios will comply with ODOT's standards. Based on the data and analysis, the study conducted by PTV America, Inc. originally found that no mitigation was necessary or recommend.

ODOT eventually reviewed and commented upon a revised TIA in a letter dated April 3, 2009. The revised comments were, in part, the result of the City of Lebanon adopting a Transportation System Plan that required the extension of Weldwood Drive from Highway 20 to South Main Road. This change anticipated significant impacts at the Highway 20/Weldwood intersection but concluded these impacts could be mitigated.

In response, ODOT noted OAR 660-002-0060(4) states existing transportation facilities and certain planned facilities can be relied upon to determine whether a proposal presents significance impacts. A planned facility can be relied upon if: (1) it will be funded through the State Transportation Improvement Program (STIP); or, (2) included in a TSP with a funding plan in place or approved.

Improvements for this section of Highway 20 are not included in the current or 2008-2011 STIP. Therefore, the City could approve the plan map amendment if development agreements or conditions of approval are adopted to assure: (1) construction of the Weldwood Extension; and, (2) improvements at the Highway 20/Weldwood Drive intersection.

The revised TIA subsequently proposed the following mitigation actions: (1) construct a right-turn lane for north-bound vehicles at the Highway 20/Weldwood intersection; and, (2) alter the eastbound and westbound approach lane configuration and signal phasing to operate a split-phased traffic signal for eastbound and westbound traffic.

ODOT agrees with the TIA in that these efforts would comply with Transportation Planning Rule requirements. However, this action requires additional right-of-way from property located in T12S, R2W, Section 23B, Tax Lots 105 and 106. ODOT will not use their eminent domain authority to obtain the right-of-way. If the applicant can demonstrate the needed right-of-way can be obtained, then the right-turn lane is a viable part of the mitigation package. If this cannot occur, then either a further TIA is necessary to mitigate the traffic impacts; or as alternative, the City can purchase the right-of-way through its eminent domain powers.

For the record, ODOT evaluated a different set of mitigation actions and determined to mitigate the development's significant affect the following must occur: (1) changing the eastbound approach to create two-left turn lanes, one through lane and one right-turn lane; and, (2) adding right-turn overlap signals with appropriate phasing for the southbound, eastbound and westbound right-turn lanes.

While either mitigation plan is acceptable, ODOT notes it is not clear whether either can be constructed. ODOT uses, and would require, the "ODOT Traffic Signal Modification Request" process to evaluate actual construction design to assure the proposed modification can be built to ODOT's standards.

Therefore, ODOT recommended the City of Lebanon require that the applicant demonstrate the proposed improvements at the Highway 20/Weldwood Drive intersection can actually be constructed. To this end, the applicant should be required to:

- (1) Show that the needed right-of-way can be obtained or provide a revised TIA with a different set of mitigation requirements; or alternatively, the City of Lebanon obtain the right-of-way through its eminent domain powers.

(2) The applicant should submit an "ODOT Traffic Signal Modification Request" to Lebanon, documenting the mitigation that will be constructed.

The applicants have an agreement with the property owner (OSU Federal Credit Union) to purchase the additional right-of-way but are hesitant to invest in another signal study at an estimated cost of \$30,000 to \$40,000. Development Engineering and Planning agree with the applicants in this case. The additional study may have little or no consequence as the City anticipates installing a traffic signal at Cascade Drive, which will alleviate some of the problems at the Santiam Highway signal. Further, both Departments agree a study will certainly depend on the level of development on the applicant's property.

City staff concurs with ODOT regarding the importance of addressing traffic impacts at this intersection and supports the following actions: (1) the applicant purchase the right-of-way to create the right-turn lane; and (2) as previously recommended, require a development agreement to ensure Weldwood Drive extends to South Main Road when the subject property is developed. However, based on the City's anticipated signalization of Cascade Drive, and its impact on the validity of any signalization study at the Highway 20/Weldwood Drive intersection, staff does not support placement of an "ODOT Traffic Signal Modification Request" study as a condition of the plan map amendment.

Conclusions:

1. No development proposal is proposed at the current time. Redesignating the property to C-MU will facilitate completion of Weldwood Drive through the subject property. This connection will facilitate traffic flow in the area. The connection is considered an essential element of the transportation system in the City's draft Transportation System Plan.
2. The applicants' traffic impact analysis demonstrates that the Level of Service and volume to capacity ratios (v/c) at all nearby intersections will comply with City and ODOT requirements with the property fully developed with uses allowed under the C-MU designation. Subsequent analysis supports the need for the purchase of additional right-of-way along Highway 20 to create a right-turn only lane. Further, ODOT recommends a further signalization study should be required documenting the mitigation that will be constructed.
3. Completion of Weldwood Drive through the subject property will contribute to an efficient circulation network and provide for convenient movement of traffic and access to the area. Completion of Weldwood Drive will encourage compact development and will not disrupt or bisect neighborhoods or any area with a natural unity.

Recommendations

For these reasons, the approval should be conditioned on completion of the following:

- A. The applicants shall purchase the necessary right-of-way along Highway 20 (Township 12 South; Range 2 West; Section 23B; Tax Lots 105 and 106).
- B. The applicants shall enter into a development agreement with the City of Lebanon to ensure the construction of Weldwood Drive to South Main Road as well as construction of the necessary improvements – both street and signalization - to the Highway 20/Weldwood Drive intersection. The agreement shall become part of the deed record of the property and apply to the current owners or any future owner.

Criteria Set # 16

LCP Chapter 3 – Urbanization -- **Urbanization Policy P-10:** -- The City shall: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.

LCP Chapter 9 – Public Facilities and Services -- The City's Public Facilities and Services Related Policies include the following -- The City shall:

P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. (Same as Urbanization, Public Facilities Capability Policy P-10)

P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before-development proposals, or rezoning applications are approved.

Finding # 16

The proposed amendment complies with the above noted criteria given the following information from the applicant:

The property is bordered by urban development and City utility services to the north, east and west. It is bordered by the City limits to the south. The following urban utility services and other public facilities and services are available to the site (Refer to Figure 4, "Existing Urban Utility Services"):

Water: There is a 12" waterline stubbed to the east property line. There is an 8" water line along the northern property line.

Sanitary Sewer: There is a 12" sanitary sewer line along the northern property line and part of the eastern property line. There is an 8" sanitary sewer line along the remainder of the eastern property line.

Storm Drainage: There is an open, natural drainageway along the western end of the southern property line. There is a 12" storm drain line and a catch basin at the northeast corner of the property.

Other Urban Services: The property is within the City limits. All urban services including, fire protection, law enforcement, electric, natural gas, telephone, cable, etc. are available to the property.

Estimated Demand for Urban Utility Services:

Water

The following usage and per capita figures were taken from the City of Lebanon Waste Water study and the City of Lebanon Water study.

Total area requesting redesignation = 11.84 ac.

Commercial Usage Rate: 1500 Gallons per acre per day (GPAD)

Total Projected Water Usage = (11.84 ac)x(1500 GPAD) = 17,760 GPD

Residential Usage Rate: 170 Gallons per capita per day (GPCD)

Avg. Household size = 2.51 individuals per household

Total Projected Water Usage = (125 DU)x(2.51 ind/DU)x(170 GPCD) = 53,338 GPD

Residential use places a much higher demand on water than commercial uses. The estimated daily demand for residential use on the subject property is about 53,300 GPD. The estimated daily demand for commercial use on the property is about 17,800 GPD

Sanitary Sewer:

Commercial Usage Rate: 1500 GPAD

Total Projected Sanitary Sewer Generation = (11.84 ac)x(1500 GPAD) = 25,752 GPD

Residential Usage Rate: 80 GPCD

Avg. Household size = 2.51 individuals per household

**Total Projected Sanitary Sewer Generation= (125 units)x(2.51 ind/unit)x(80GPCD)
=36,395 GPD**

Both Commercial and Residential have an Infiltration and Inflow contribution of 3,000 GPAD and a peaking factor of 1.45. Therefore for this comparison, neither was included.

Residential use places a higher demand on the sanitary sewer system than commercial uses. The estimated daily demand for residential use on the subject property is about 36,400 GPD. The estimated daily demand for commercial use on the property is about 25,800 GPD

Storm Drainage:

Both Commercial and Residential development will require storm water detention and release rates metered to pre-development levels. Therefore, both will have the same net effect on existing storm drainage systems.

Conclusion: Adequately sized water, sewer and storm drainage facilities are available to the subject property. Commercial use of the property will place less demand on the City's water and sewer systems than residential use. The impact to the City's storm water drainage system is the same for commercial or residential use. Redesignating the property to C-MU will increase the likelihood that there will be commercial uses on the property in the future and result in a lower demand on these systems. No community facilities have been identified as being substantially impacted by the proposed redesignation.

Criteria Set # 17

Statewide Planning Goals

The following Statewide Planning Goals (SWPG) are relevant for this Comprehensive Plan Map Amendment: 1, 2, 5, 9, 10, 11, 12

SWPG 1. Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

SWPG 2. Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

SWPG 5. Natural Resources, Scenic And Historic Areas, And Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

SWPG 9. Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

SWPG 10: Housing: To provide for the housing needs of citizens of the state.

SWPG 11: Public Facilities And Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

SWPG 12: Transportation: To provide and encourage a safe, convenient and economic transportation system.

Finding # 17

The proposed amendment complies with the above noted criteria given the following information from the applicant:

Goal 1 – Citizen Involvement. This goal calls for the “opportunity for citizens to be involved in all phases of the planning process.” The applications have been reviewed in accordance with the City's Acknowledged procedures for compliance with Goal 1. These procedures include public notification, the opportunity to provide written and oral testimony before the decision-making authority at or prior to two public hearings and notification of the City's decision and the procedures for appealing the decision. These procedures have been followed. Therefore, the applications comply with Statewide Planning Goal 1.

Goal 2 – Land Use Planning. Goal 2 mandates the establishment of “a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” The land use program in place in the City of Lebanon, including the Comprehensive Plan and Zoning Ordinance used to review these applications, is acknowledged to be in compliance with Statewide Planning Goal 2. Substantial evidence has been submitted to demonstrate compliance with the City's criteria and standards and with the requirements of the statewide planning goals. This evidence will provide an adequate factual base for approval of the applications. The review of these applications has complied with the City's land use program and the City's findings and decisions will be based on substantial evidence that provide an adequate factual base for the decision. Therefore, the applications comply with Statewide Planning Goal 2.

Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources. The property contains no inventoried or otherwise identified open space, scenic and historic areas or other land that is subject to Statewide Planning Goal 5. Therefore, Statewide Planning Goal 5 does not apply to these applications.

Goal 9 – Economy of the State. “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.” Goal 9 requires jurisdictions to seek ways to diversify and improve their economy and the overall economy of the state. Redesignating the property to Mixed Use will provide more alternatives for commercial development. It will enhance opportunities for economic activities that contribute to the health, welfare and prosperity of Lebanon's citizens. Therefore, the annexation petition complies with Statewide Planning Goal 9.

Goal 10 – Housing. Goal 10 requires that Cities plan for and accommodate needed housing types. The applications contain substantial evidence which demonstrates the City has a large surplus of residentially designated land. Redesignating the subject property to C-MU will not significantly impact the overall supply of residential land or create a shortage of residential land in any region of the City or for any housing type. Therefore, the applications comply with Statewide Planning Goal 10.

Goal 11 – Public Facilities and Services. Goal 11 requires efficient planning of public services such as sewers, water, law enforcement, and fire protection. The applications contain substantial evidence which demonstrates appropriately sized City services are available to the site and the proposed redesignation to C-MU will result in a lower demand for City water and sanitary sewer services than if the property is developed under the current C-RM designation. Redesignation to C-MU will have no impact on the storm water drainage system. All other public services are currently available to the property and redesignation the property to C-MU will not have an adverse impact on any of these services. Therefore, the applications comply with Statewide Planning Goal 11.

Goal 12 – Transportation. Goal 12 is “to provide and encourage a safe, convenient and economic transportation system.” The applications contain substantial evidence which demonstrates the proposed redesignation is consistent with the City's Transportation Plan and the State's Transportation Planning Rule. Therefore, the applications comply with Statewide Planning Goal 12.

A BILL FOR AN ORDINANCE AMENDING)	ORDINANCE BILL NO. 8
THE ZONING MAP FOR THE CITY OF)	for 2009
LEBANON FROM RESIDENTIAL MIXED)	
DENSITY (RM) TO MIXED USE (MU).)	ORDINANCE NO. 2778
Applicant: John & LuAnn Court ZMA-06-01)	

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on Zone Map Amendment 06-01, and made findings recommending an amendment to the Zoning Map for the City of Lebanon on June 27, 2006; and

WHEREAS, the City Council, pursuant to the provisions of the Lebanon Municipal Code, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning such proposed map amendment, such hearing being conducted on July 22, 2009; and

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

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

Section 1. In addition to the findings referred to above, the City Council 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.

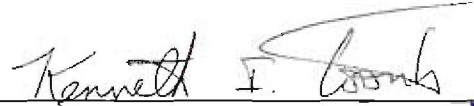
Section 2. Based upon the findings adopted herein, the Lebanon Zoning Map is hereby amended as specified in Exhibit "A";

Section 3. 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.

After Recording Please Return To:

City of Lebanon
City Recorder
925 Main Street
Lebanon, OR 97355

Passed by the Lebanon City Council by a vote of 6 for and 0 against
and approved by the Mayor this 22nd day of July, 2009.



Kenneth I. Toomb, Mayor
Bob Elliott, Council President

Attested:



Linda Kaser, City Clerk / Recorder

EXHIBIT A - ZONING MAP

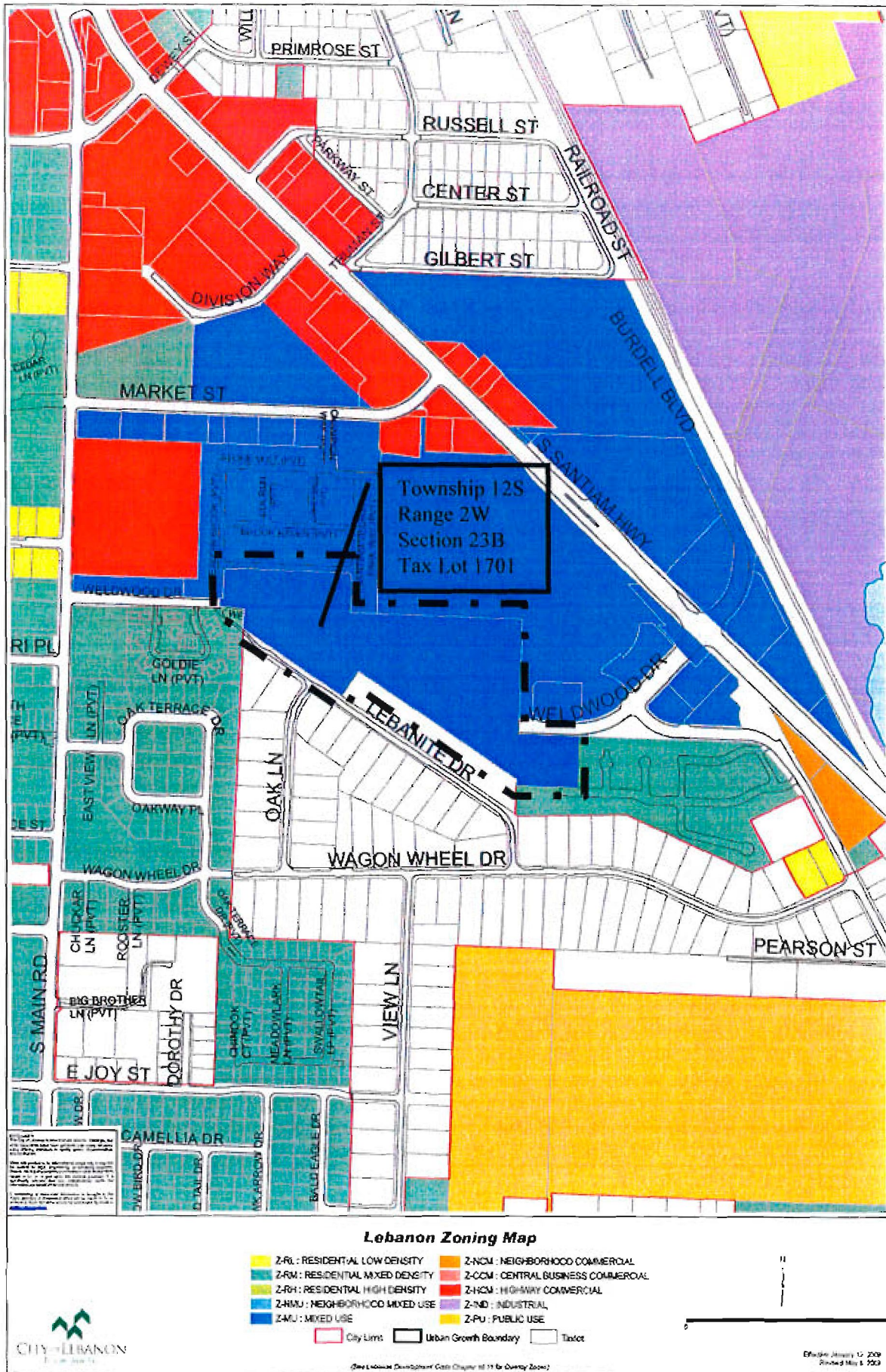


EXHIBIT B – FINDINGS

Criteria Set # 1

LCP Chapter 10: Plan Implementation, Coordination, and Amendment -- Narrative Text

1.1.4 Amending the Zoning Ordinance and Zoning Map

Zoning Code provisions and the Zoning Map may be amended, either upon initiation by the City or following a request by an applicant. Amendments shall be consistent with the Comprehensive Plan.

Finding # 1

The proposed amendment complies with the above noted criteria in that [from the applicant]:

Applicants' Statement: An amendment to the Zoning Map has been initiated by the applicants. The goals and policies of the Comprehensive Plan that are relevant to this request have been reviewed as part of the application narrative for the Comprehensive Plan Map Amendment. The facts, statements and conclusions constitute substantial evidence which demonstrates that redesignating the property from Z-RM to Z-MU is consistent with the goals and policies of the Comprehensive Plan.

Conclusion: The facts, statements and conclusions in the application narrative provide substantial evidence which demonstrates that redesignating the property from Z-RM to Z-MU is consistent with the goals and policies of the Comprehensive Plan.

Criteria Set # 2

LCP Chapter 10: Plan Implementation, Coordination, and Amendment -- Narrative Text

1.1.4 Amending the Zoning Ordinance and Zoning Map

b. If a proposed zoning designation other than one in accordance with the Comprehensive Plan Map (also see the Annexation Zoning Matrix – Chap. 4, Table 4.2) is requested by an applicant, the re-zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect and guide the requested zoning map amendment. However, these requests may be handled concurrently. The Zoning Map must accurately reflect and implement the Comprehensive Plan Map.

LCP Chapter 3: Urbanization -- Narrative Text

3.4.5 A Zoning Map Amendment requires a separate application, hearing and decision and is necessitated in two instances:

- a. At the time of annexation, if and only if a zoning designation other than one in accordance with the Comprehensive Plan Map (also see the Annexation Zoning Matrix) is requested by an applicant (see 3.4.4 above).
- b. In order to change the City Zoning designation on property in the City Limits and thus already possessing a City Zoning Map designation, an amendment to the Zoning Map must be initiated. An amendment to the Zoning Map may be initiated by the City Council, the City Planning Commission or by application of a property owner.
- c. In both cases, whenever a Zoning Map Amendment is requested and the applicant requests a zoning designation other than one in accordance with the Comprehensive Plan Map (see the Annexation Zoning Matrix), the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence with the zone that has been requested.

LCP Chapter 4: Land Use -- Narrative Text

1.2 Land Use Categories and the Comprehensive Plan and Map Designations

Every parcel of land within the City of Lebanon's Urban Growth Boundary is classified in one of the categories shown in Table 4-1 below. The Comprehensive Plan Map shows where the land categories are located, and Table 4-1 explains each category.

1.3 Land Use Categories and the Zoning Ordinance and Map

Each Comprehensive Plan land use category has corresponding zones in the zoning code (land use ordinance) and Zoning Map. **Table 4-2**, the *Annexation Zoning Matrix -- A Conversion Table for Property Annexed into the City of Lebanon*, shows the corresponding land use designations between the Comprehensive Plan (and Map) and the Zoning Ordinance (and Map). . . .

2.3 Conversion of Property Annexed into the City of Lebanon

All areas annexed into the City are automatically placed in a zoning classification in accordance with the adopted Comprehensive Plan and Map. **Table 4-2** provides a summary of the automatic Zoning Map designations for land annexed into the City from each of Lebanon’s seven Comprehensive Plan Land Use categories. Such zoning assignments, in and of themselves, are not zoning map changes and shall not require approval of a zoning map amendment, or a separate proceeding. However, if an applicant requests a zone designation other than one in accordance with the Comprehensive Plan and Map, this would require separate proceedings for both a Zoning Map change and a Comprehensive Plan Map Amendment. The zone requested for the annexation territory cannot be granted until the Comprehensive Plan Map designation for the subject property is first amended accordingly.

Finding # 2

The proposed amendment complies with the above noted criteria given the following information from the applicant:

Applicants' Statement: The proposed Z-MU zoning designation is not consistent with the current C-RM Plan designation. The applicants have concurrently requested a change in the Plan designation to C-MU.

The proposed zoning designation will be consistent with the Plan designation if the requested Comprehensive Plan Map Amendment to C-MU is approved.

Conclusion: The proposed zoning designation will be consistent with the Plan designation if the requested Comprehensive Plan Map Amendment to C-MU is approved.

Criteria Set # 3: "1980 Zoning Ordinance"

SECTION 3.030 LOCATION OF ZONES

The boundaries for the zones listed in this ordinance are indicated on the Lebanon Zoning Map of 1980 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

SECTION 3.040 ZONING MAPS

A zoning map or zoning map amendment adopted by Section 3.030 of this ordinance or by an amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

SECTION 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.

SECTION 3.060 ZONE BOUNDARIES

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

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.

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.

SECTION 9.030 Record of Amendments

The City Recorder shall maintain records of amendments to the text and zoning map of this Ordinance.

SECTION 9.040 Limitation

No application of a property owner for an amendment to the text of this Ordinance or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence of a change of circumstances warrants it.

Finding # 3

The proposed amendment complies with the above noted criteria based on the applicant's information and the fact that these considerations are subject to the current proceedings before the Planning Commission, and subsequently the City Council after appropriate notice.



CITY OF LEBANON

It's better from here.

Community Development Center
853 Main Street
Lebanon, Oregon 97355

Attention: Plan Amendment Specialist
DLCD
635 Capitol St NE Ste 150
Salem OR 97301-2540



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JUL 24 2009
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