MEMORANDUM

TO: **Mayor and City Council**

FROM: **Ken Gibb, Community Development Director**

DATE: **February 10, 2004**

RE: **CPA03-00004, ZDC03-00014, PLD03-00012; Corvallis Business Park - Perlenfein Comprehensive Plan Amendment and Appeal of Zoning District Change and Major Planned Development Modification**

I. ISSUE

The Planning Commission, at its January 21, 2004, public hearing, recommended that the City Council deny the Comprehensive Plan Amendment request to redesignate a 2.54-acre parcel from General Industrial to Mixed Use Commercial and to modify the text of Comprehensive Plan Policies 8.10.5 and 8.12.1. At the same hearing, the Planning Commission denied the associated Zoning District Change request to redesignate the property from Mixed Use Employment with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay. At the hearing, the Planning Commission also denied the associated Major Planned Development Modification to allow development on the subject property under Mixed Use Commercial zoning. The applicant has filed an appeal of the Zoning District Change and Major Planned Development Modification decisions **(Exhibit I)**. The Land Development Code specifies that the City Council makes decisions regarding Comprehensive Plan Amendment requests and hears appeals of Planning Commission decisions regarding Zoning District Change and Major Planned Development Modification applications.

II. BACKGROUND and DISCUSSION

On January 21, 2004, the Planning Commission held a public hearing on the proposed Comprehensive Plan Amendment, Zoning District Change, and Major Planned Development Modification applications (CPA03-00004, ZDC03-00014, PLD03-00012). The Planning Commission deliberated that evening and recommended denial of the Comprehensive Plan Amendment and denied the Zoning District Change and Major Planned Development Modification requests **(Exhibit II)**.

Planning Commission Action: Specific criteria and policies that apply to the proposed development were addressed in the January 14, 2004, Staff Report to the Planning Commission **(Exhibit III)**. In denying the application, the Planning Commission adopted the findings contained in the January 21, 2004, Planning Commission meeting minutes that demonstrate support for denial of the requests, as well as findings from the January 14,

2004, Staff Report. Copies of the complete January 21, 2004, Planning Commission minutes relating to the Perlenfein application may be found in **Exhibit IV**.

Appeal Issues:

The submitted appeal identifies the following grounds for appeal:

> *"The Planning Commission erred in its findings that the application did not meet the criteria for approval. Specifically, the application materials show:*
>
> *I. There is a demonstrated public need for the comprehensive plan amendment, district change and modification of the PD based on the shortage of commercially designated land.*
> *II. The applications comply with all comprehensive plan policies.*
> *III. The site is part of an approved Planned Development and is not "strip development"*
> *IV. Commercial use of the property meets all compatibility and public facilities criteria.*
> *V. Commercial uses have been approved on adjacent property under the same approval criteria (K-Mart, Safeway, Staples, etc. - this is the last undeveloped lot)."*

Most of the issues raised by the appellant have been adequately addressed in the January 14, 2004, Staff Report to the Planning Commission **(Exhibit III)**. Pages 10 and 11 of the staff report address demonstrated public need; pages 8 - 10 address consistency with Comprehensive Plan policies and the "strip development" issue; and pages 13 - 22 address compliance with compatibility and public facilities criteria. In response to the fifth argument, it is not accurate to state that K-Mart, Safeway, and Staples have all been approved under the same approval criteria. Although most of the decision criteria in place since K-Mart was developed in 1990 have been the same, there have been some changes to applicable criteria since that time, notably in Comprehensive Plan Policy 8.12.1, which was implemented in June, 2000, and reads:

> **Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.**

It is accurate to note that over the period of time since K-Mart developed in 1990, there has been a gradual expansion of commercial uses at the southeast corner of Highway 99W and Circle Boulevard, but the approval criteria in place over the span of that time have changed in some significant ways.

III. REQUESTED ACTIONS

With respect to the Planning Commission's decision to recommend denial of the proposed **Comprehensive Plan Amendment**, the City Council has the following options:

OPTION #1: Concur with the Planning Commission's recommendation and **deny** the requested Comprehensive Plan Amendment;

OPTION #2: Differ from the Planning Commission's recommendation and **approve** the requested Comprehensive Plan Amendment; or

OPTION #3: Differ from the Planning Commission's recommendation and **Modify and approve** the requested Comprehensive Plan Amendment with modifications that the City Council believes are appropriate.

From the facts presented, staff and the Planning Commission recommend that the City Council Approve **Option #1** above. If the City Council agrees with this recommendation, it is recommended that the Council entertain the following motion:

MOTION: I move to deny the requested Comprehensive Plan Amendments for Corvallis Business Park - Perlenfein (CPA03-00004), subject to the review and approval of a final order.

With respect to the Planning Commission's decision to deny the requested **Zoning District Change**, the City Council has the following options:

OPTION #1: Uphold the Planning Commission's decision and **deny** the requested Zoning District Change; or

OPTION #2: Reverse the Planning Commission's decision and **approve** the requested Zoning District Change; or

OPTION #3: Reverse the Planning Commission's decision and **modify and approve** the requested Zoning District Change with modifications that the City Council believes are appropriate.

From the facts presented, staff and the Planning Commission recommend that the City Council Approve **Option #1** above. If the City Council agrees with this recommendation, it is recommended that the Council entertain the following motion:

MOTION: I move to deny the appeal of the Planning Commission's decision and to deny the requested Zoning District Change for Corvallis Business Park - Perlenfein (ZDC03-00014), subject to the review and approval of a final order.

With respect to the Planning Commission's decision to deny the requested **Major Planned Development Modification**, the City Council has the following options:

OPTION #1: Uphold the Planning Commission's decision and **deny** the requested Major Planned Development Modification; or

OPTION #2: Reverse the Planning Commission's decision and **approve** the requested Major Planned Development Modification; or

OPTION #3: Reverse the Planning Commission's decision and **modify and approve** the requested Major Planned Development Modification with modifications that the City Council believes are appropriate.

From the facts presented, staff and the Planning Commission recommend that the City Council Approve **Option #1** above. If the City Council agrees with this recommendation, it is recommended that the Council entertain the following motion:

MOTION: **I move to deny the appeal of the Planning Commission's decision and to deny the requested Major Planned Development Modification for Corvallis Business Park - Perlenfein (PLD03-00012), subject to the review and approval of a final order.**

ATTACHMENTS

EXHIBIT I - Appeal Statement, received February 3, 2004
EXHIBIT II - Planning Commission Notice of Disposition for Corvallis Business Park - Perlenfein, signed January 23, 2004
EXHIBIT III - Staff Report to Planning Commission, dated January 14, 2004
EXHIBIT IV Excerpts from Planning Commission minutes of January 21, 2004, including all discussion of the Corvallis Business Park - Perlenfein application

Review and Concur:

Jon S. Nelson, City Manager

CABLE HUSTON BENEDICT HAAGENSEN & LLOYD, LLP
ATTORNEYS AT LAW
582 NW VAN BUREN
P.O. BOX 546
CORVALLIS, OREGON 97339

PHONE (541) 754-7477
FACSIMILE (541) 754-0051
Email: lawyerg@callatg.com

OF COUNSEL
GEORGE B. HEILIG

February 3, 2004

Corvallis City Recorder
City Manager's Office, City Hall
501 SW Madison Avenue
Corvallis, OR 97333

Re: Appeal of Corvallis Business Park – Perlenfein (ZDC03-00014 and PLD03-00012)

To the City Recorder:

My client, Mr. Steve Perlenfein is appealing the decisions of the Planning Commission to deny the applications referenced above. Mr. Perlenfein is the property owner and applicant. His address is 631 Kouns Dr. NW, Albany, OR. 97321.

The Planning Commission erred in its findings that the application did not meet the criteria for approval. Specifically, the application materials show:

- There is a demonstrated public need for the comprehensive plan amendment, district change and modification of the PD based on the shortage of commercially designated land.
- The applications comply with all comprehensive plan policies.
- The site is part of an approved Planned Development and is not "strip development"
- Commercial use of the property meets all compatibility and public facilities criteria.
- Commercial uses have been approved on adjacent property under the same approval criteria (K-Mart, Safeway, Staples, etc. - this is the last undeveloped lot).

The filing fee of $240 is enclosed please contact me if you need any further information regarding this appeal.

Sincerely,

George Heilig

RECEIVED
FEB 03 2004
TIME 9:20am/KC
CITY RECORDER'S OFFICE

Exhibit 1-1

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 2004 - 9

CASE: **Corvallis Business Park - Perlenfein (CPA03-00004, ZDC03-00014, PLD03-00012)**

REQUEST: Approval of Comprehensive Plan Text and Map Amendments to allow the redesignation of a 2.54-acre parcel from General Industrial to Mixed Use Commercial. The Comprehensive Plan Text Amendment would modify Comprehensive Plan Policies 8.10.5 and 8.12.1. Also, approval of a District Change for the property from Mixed Use Employment with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay. Additionally, a Major Planned Development Modification to allow development in accordance with the Mixed Use Commercial zone provisions.

APPLICANT: Steve Perlenfein
631 Kouns Drive NW
Albany, OR 97321

APPLICANT'S REPRESENTATIVE: George Heilig
PO Box 546
Corvallis, OR 97339

LOCATION: South of Circle Boulevard and east of Highway 99W. The site is just to the east of the Staples office supply store on the south side of Circle Boulevard. The site is identified on Assessor's Map 11-5-25-B as Tax Lot 1900.

DECISION: The Corvallis Planning Commission conducted a review of the above cases on January 21, 2004, and found that the proposed request regarding the Comprehensive Plan Amendment should be forwarded to the City Council with a recommendation of denial. The Planning Commission denied the Zoning District Change and the Major Planned Development Modification. The Planning Commission has adopted the findings contained in the January 21, 2004, minutes that demonstrate support for denial of the requests, and from the January 14, 2004, staff report. The Planning Commission action on the Comprehensive Plan Amendment is a recommendation only and there is no appeal process. The final decision will be made by the City Council at a public hearing.

If you are an affected party and wish to appeal the Planning Commission's decisions on the District Change and/or Major Planned Development Modification, appeals must be filed, in writing, with the City Recorder within 12 days from the date that this notice of disposition is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.
5. Filing fee of $240.00.

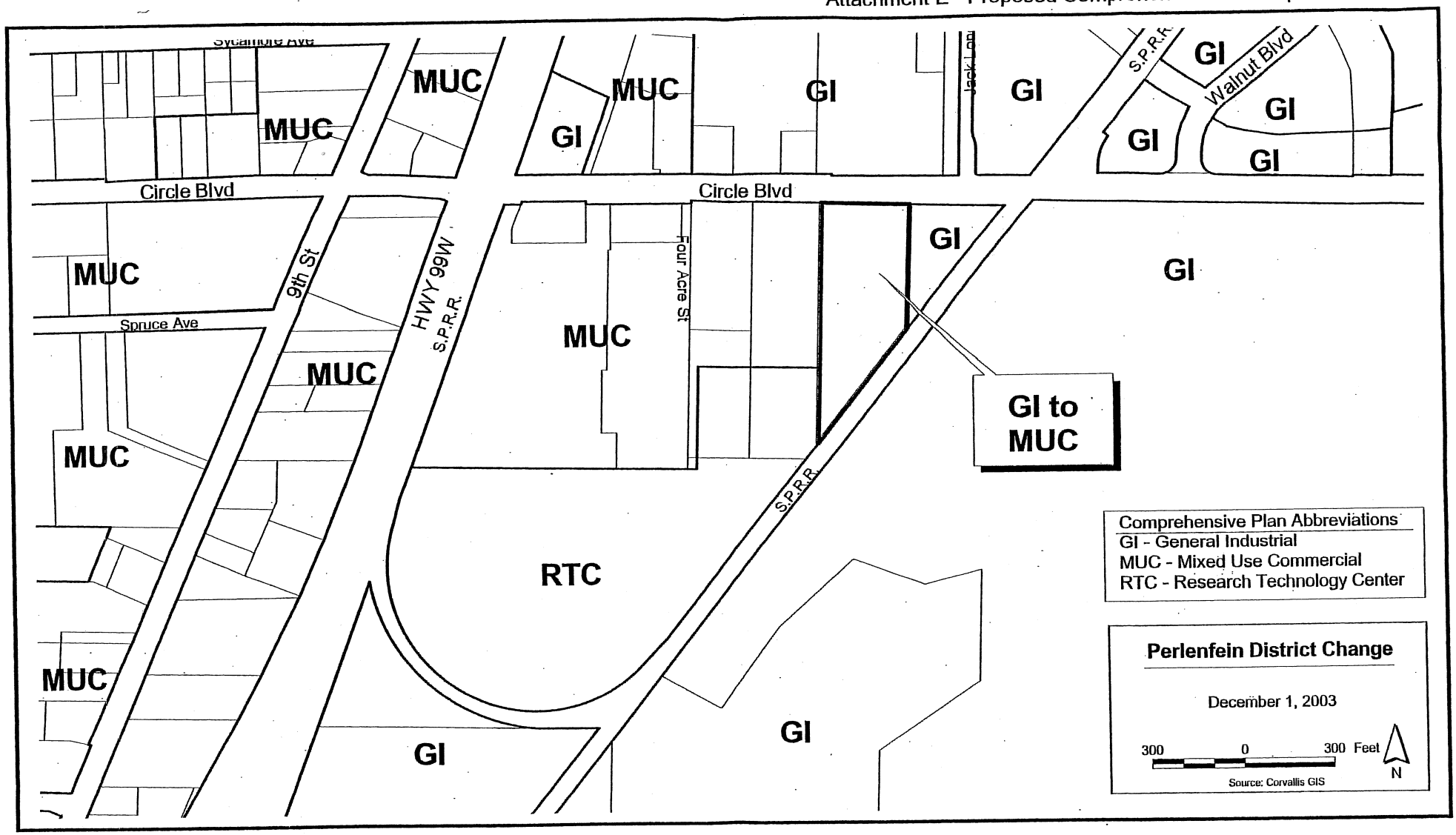
Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

Ed Barlow-Pieterick, Chair
Corvallis Planning Commission

Signed this 23rd day of January, 2004.

EXHIBIT II - 7

Attachment E - Proposed Comprehensive Plan Map Amendment



ATTACHMENT D

Current Wording:

Policy 8.10.5: **Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998.**

Policy 8.12.1: **Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.**

Proposed Text Amendments (new language is underlined):

Policy 8.10.5: Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

Policy 8.12.1: Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 heet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

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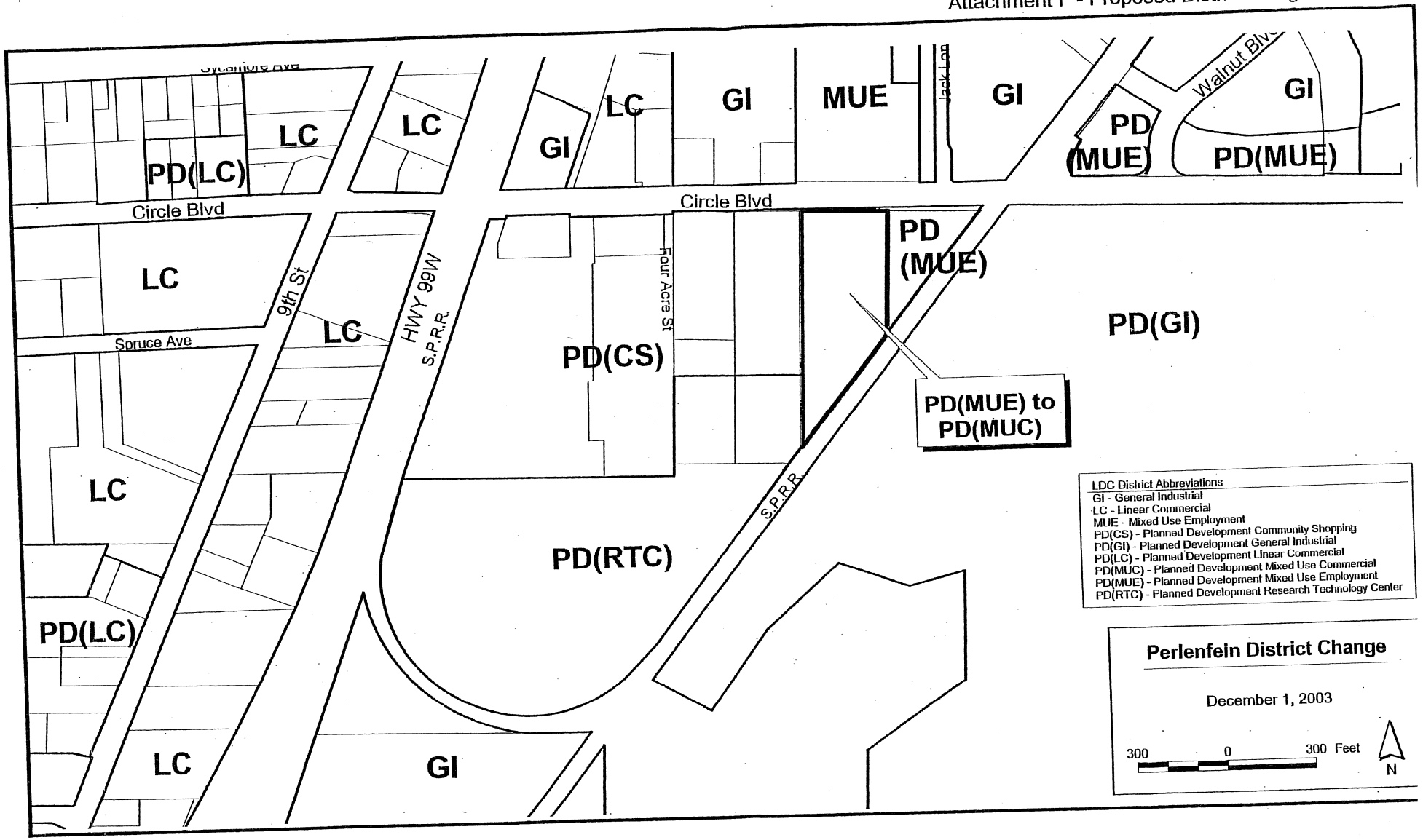
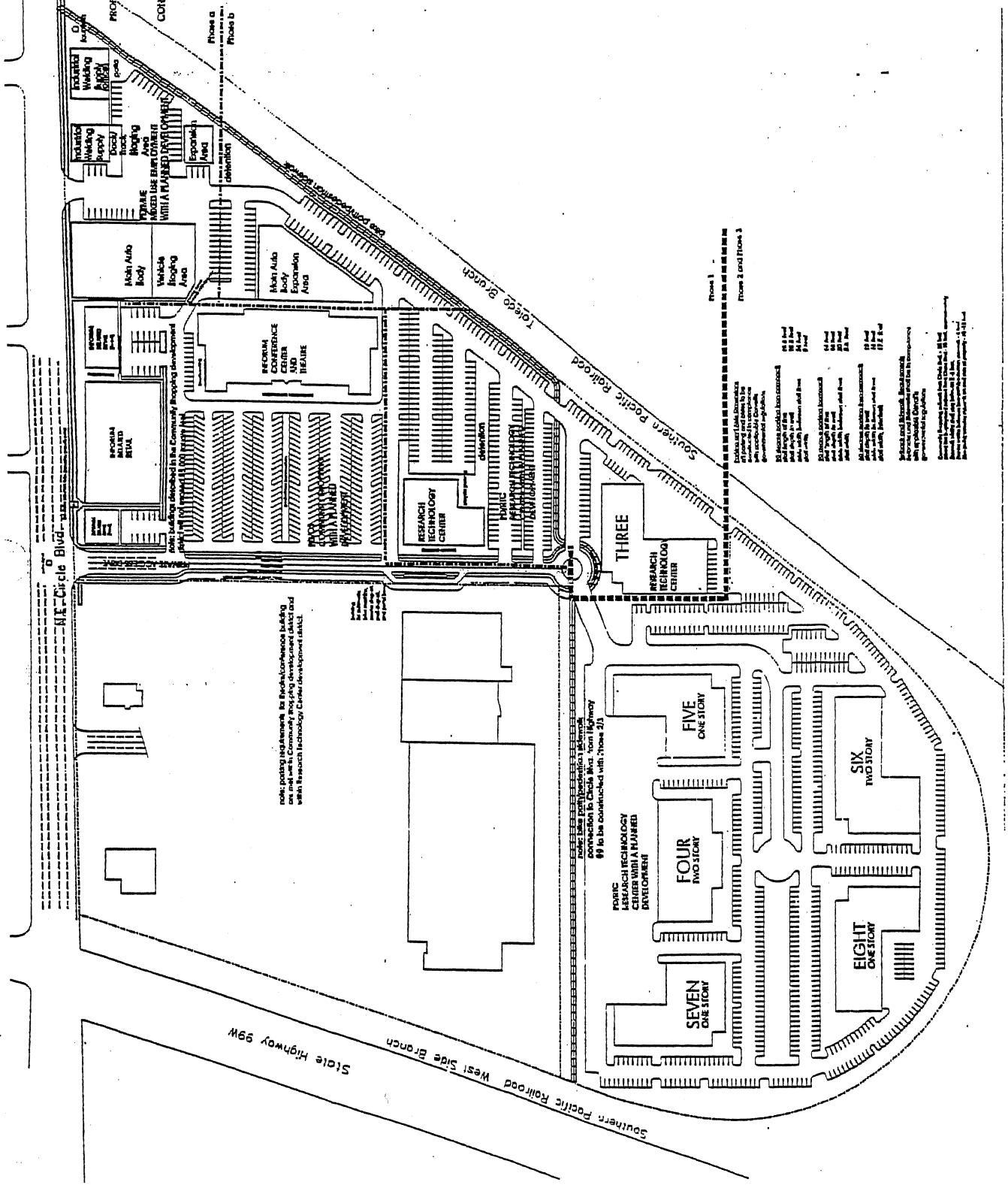
Attachment F - Proposed District Designation Change



ATTACHMENT E

Proposed Major Planned Development Modification & Conditional Development Site Plan



II-5

Attachment H-9

Copies of all Attachments, including those missing from this abbreviated staff report, are available for review at the Planning Division Office, 3rd Floor, City Hall, 501 SW Madison, or at the Benton County Public Library

Corvallis Planning Division
Report to Planning Commission
Planning Commission Hearing:
January 21, 2004
Report: January 14, 2004
Kevin Young - 766-6908

CASE: **Corvallis Business Park - Perlenfein - CPA03-00004, ZDC03-00014, PLD03-00012**

REQUEST: Approval of Comprehensive Plan Text and Map Amendments to allow the redesignation of a 2.54-acre parcel from General Industrial to Mixed Use Commercial. The Comprehensive Plan Text Amendment would modify Comprehensive Plan Policies 8.10.5 and 8.12.1. Also, approval of a District Change for the property from Mixed Use Employment with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay. Additionally, a Major Planned Development Modification to allow development in accordance with the Mixed Use Commercial zone provisions.

LOCATION: South of Circle Boulevard and east of Highway 99W. The site is just to the east of the Staples office supply store on the south side of Circle Boulevard. The site is identified on Assessor's Map 11-5-25-B as Tax Lot 1900.

ACRES: 2.54 acres

ZONING DISTRICT: Mixed Use Employment, with a Planned Development Overlay PD(MUE)

COMPREHENSIVE PLAN DESIGNATION: General Industrial with a Research Technology Overlay (GI)

APPLICANT/ OWNER:
Steve Perlenfein
631 Kouns Drive NW
Albany, OR 97321

APPLICANT'S REPRESENTATIVE:
George Heilig
PO Box 546
Corvallis, OR 97339

Exhibit III - 1

PUBLIC COMMENT 106 notices were mailed, and the site was posted, on December 30, 2003. As of January 8, 2004, no written public comment was received.

ATTACHMENTS

A- Comprehensive Plan Map
B- Zoning District Map
C- Existing Development Map
D- Proposed Comprehensive Plan Map Amendment
E- Proposed District Change Map
F- 1992 Denial of Wal-Mart Comprehensive Plan Amendment and District Change (CPA91-14, DC91-12)
G- 1993 Approval of Corvallis Business Park Comprehensive Plan Amendment, District Change, and Conceptual and Detailed Development Plan (CPA93-2, DC93-1, and PD93-5)
H- 1998 Approval of Corvallis Business Park Comprehensive Plan Amendment, Legislative Amendment to Land Development Code, District Change, Conceptual and Detailed Development Plan and a Conditional Development (CPA97-2, DC97-6, LDT97-8, PDM97-21, and CD97-9)
I- Minor Land Partitions for four parcels that establish the current configuration of Corvallis Business Park (MLP00-00011, and -00014).
J- Notice of Disposition of the Planning Commission's Denial of the Corvallis Station application (ZDC03-00019, et al.)
K- Table VIII of the Land Development and Buildable Land Report
L- Table VIII of the Buildable Lands Inventory
M- Letter received from John deTar, Senior Region Planner, ODOT, received December 15, 2003.
N- Applicable Decision Criteria
O- Applicant's Narrative, Application, and Graphics

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BACKGROUND

Prior to the development of the K-Mart Facility, the property bounded by NE Circle Boulevard, Hwy 99W, and the Willamette & Pacific Railroad tracks (formerly the Southern Pacific Railroad tracks), was under one ownership. A Regional Shopping Center (RSC) overlay was placed on this area, including the subject site.

1988 - The Comprehensive Plan Map designation for the adjacent K-Mart site was redesignated from General Industrial to Shopping Area. The property was also redistricted from GI (General Industrial) to a PD(CS) (Community Shopping with a Planned Development overlay). The remainder of the area, including the subject site, maintained General Industrial Comprehensive Plan Map and District Map designations.

1992 - The Planning Commission denied a District Change request and recommended to the City Council denial of an associated Comprehensive Plan Amendment request for Wal-Mart (CPA-91-14 & DC-91-12). The District Change request involved amending the District Map designation of 13.77 acres of the subject site from GI (General Industrial) to CS

(Community Shopping) and the Comprehensive Plan Amendment request involved changing the Comprehensive Plan Map designation of the same 13.77 acres from General Industrial with an RSC (Regional Shopping Center) overlay to Shopping Area. Upon appeal, the City Council denied the District Change request and denied the Comprehensive Plan Amendment request **(see Attachment F)**.

1993 - In September, the Planning Commission recommended to the City Council approval of a Comprehensive Plan Map Amendment on 27.5 acres of the subject site to change the overlay on this General Industrial land from Regional Shopping Center (RSC) to Research Technology (RT) (CPA-93-2). The Commission also approved a District Change from GI (General Industrial) to PD(RTC) (Research Technology with a Planned Development overlay) (DC-93-1), and approved a Detailed Development Plan for Phase 1 of Corvallis Business Park and a Conceptual Development Plan for Phases II and II of Corvallis Business Park (PD-93-5). In October, the City Council approved the Comprehensive Plan Map Amendment (CPA-93-2) **(Attachment G)**.

1996 - The Community Development Director approved a one-year Time Extension for the District Map Change associated with DC-93-1, which established the PD(RTC) (Research Technology with a Planned Development overlay) District designation of 27.5 acres of the subject site. In addition, the Planning Commission approved a two-year Time Extension for the Detailed Development Plan for Phase 1 of Corvallis Business Park and the Conceptual Development Plan for Phases II and III of Corvallis Business Park (PD-93-5).

1997 - The Community Development Director approved a second one-year time extension for the District Map Change associated with DC-93-1 which established the PD(RTC) (Research Technology with a Planned Development overlay) District designation of 27.5 acres of the subject site (DD-97-13/DC-93-1).

June, 1998 - The City Council approved a Comprehensive Plan Map Amendment (CPA-97-2) changing 6.25 acres from General Industrial with a Research Technology (RT) overlay to Shopping Area and amending Policy 7.9.1 to allow the Comprehensive Plan Map Amendment. Also approved was a District Change (DC-97-6) to modify: 2.3 acres from PD(GI) (General Industrial with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay); 1.44 acres from PD(GI) (General Industrial with a Planned Development Overlay) to PD(RTC) (Research Technology Center with a Planned Development overlay); 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay); and 6.25 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay). The Council also approved a Legislative Amendment to the Land Development Code (LDT-97-8) amending the Land Development Code Section 3.14.20.02a to allow "Spectator Sports and Entertainment - Limited and Other" as a permitted use within the CS (Community Shopping) District. Finally, the Council approved a Major Modification (PDM-97-21) to the approved Detailed Development Plan for Phase I and a revised Conceptual Development Plan for the entire site and approved a

Conditional Development Application allowing an auto body shop within the PD(MUE) (Mixed Use Employment with a Planned Development overlay) portion of the site, as well as a 40,000 square foot structure for a theater and conference facility **(Attachment H)**.

June, 2000 - The Comprehensive Plan Update, done as part of Periodic Review, was acknowledged by the State Department of Land Conservation and Development. This acknowledgment implemented numerous changes to the Comprehensive Plan Map and Text, including modifying the Shopping Area designation on the approximately 6.25-acre commercial portion of Corvallis Business Park to Mixed Use Commercial.

June and October 2000 - The Community Development Director approved two Minor Land Partitions for Assessor's Map 11-5-25B, Tax Lots 1900 and 2000; and 2100 and 2200. These new survey maps established the correct acreages for the subject properties, adjusting the previous Assessor's Map numbers for Corvallis Business Park (MLP00-00014 and MLP00-00011) **(Attachment I)**.

December 2003 - The Planning Commission has denied an application for a Zoning District Change, Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance in relation to a proposal to locate a 135,000 square foot Home Depot Home Improvement store and associated development in the area of Phases II and III (and a small portion of Phase I) of the Corvallis Business Park Planned Development. An appeal of the denial decision was received on December 29, 2003, and a tentative City Council hearing date has been scheduled to hear that appeal on January 20, 2004 **(Attachment J)**.

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SITE AND VICINITY

The subject property is located on the south side of Circle Boulevard, east of Highway 99W. The site is currently a vacant lot which contains some paved parking areas that serve adjacent development. Adjacent development includes a Staples Office Supply store immediately to the west, Industrial Welding Supply immediately to the east, and a new movie theater cineplex which is currently under construction on the west side of the property, south of the Staples store. To the north of the property, on the opposite side of Circle Boulevard, is a small residential neighborhood of detached, single family homes. The southern boundary of the site is bordered by a Willamette and Pacific Railroad line. To the south and east, on the opposite side of the railroad line, is the Hewlett-Packard campus facility. The site is flat and contains no significant vegetation. **(see Attachment C)**.

The development site is currently designated for General Industrial uses in the Comprehensive Plan, as is the property to the east. Properties to the west are designated for Mixed Use Commercial uses. The property to the south, which is currently proposed for development of a Home Depot store and associated uses, is designated for General Industrial uses, with Research Technology potential. The residential subdivision to the

north and the Hewlett-Packard campus to the east are both designated for General Industrial uses **(see Attachment A)**.

The current zoning of the site is PD(MUE) (Mixed Use Employment with a Planned Development Overlay), as is the site to the east. The properties to the west are zoned PD(CS) (Community Shopping with a Planned Development Overlay). The "Home Depot" site is zoned PD(RTC) (Research Technology Center with a Planned Development Overlay). The residential neighborhood on the north side of Circle Boulevard, between Belvue Street and Jack London Avenue, is not within the City Limits and is currently within Benton County's Industrial Zoning District. The Hewlett-Packard campus to the east is within the City Limits and is zoned PD(GI) (General Industrial with a Planned Development Overlay) **(see Attachment B)**.

APPLICANT'S PROPOSAL

Comprehensive Plan Map and Text Amendments:

The applicant is requesting amendments to the City's Comprehensive Plan Map and Text. The Comprehensive Plan Map change would change the designation for the subject 2.54 acre parcel from General Industrial to Mixed Use Commercial **(Attachment D)**. The text amendments would amend the language of two Comprehensive Plan policies as follows:

Current Wording:

Policy 8.10.5: Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998.

Policy 8.12.1: Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.

Proposed Text Amendments (new language is underlined):

Policy 8.10.5: Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

Policy 8.12.1: Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 heet to the existing

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railroad right-of-way, located on the west boundary of Hewlett-Packard.

Zoning District Change:

The applicant is proposing to change the zoning designation of the property from Mixed Use Employment with a Planned Development Overlay (PD(MUE) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC) **(Attachment E)**.

Major Planned Development Modification:

The proposed Major Planned Development Modification has been submitted only to acknowledge the change in zoning and Comprehensive Plan designation for the property. The applicant states that a subsequent Major Modification of the Detailed Development plan would be submitted after resolution of the Comprehensive Plan Amendment and Zone Change issues, in order to approve development on the property.

REPORT FORMAT & ACTIONS REQUIRED

This report identifies both Comprehensive Plan and Land Development Code criteria required to be met by the proposal, discusses the proposal's merits based on these criteria, and draws conclusions. The Planning Commission is asked to make a recommendation to the City Council to approve, modify, or deny the proposed Comprehensive Plan Amendment. The Planning Commission is asked to make a decision to approve or deny the requested Zoning District Designation, contingent upon the City Council's action on the Comprehensive Plan Amendment. The Planning Commission is also asked to make a decision to approve, deny, or modify the proposed Major Planned Development Modification, contingent upon the City Council's action on the Comprehensive Plan Amendment and upon the Planning Commission's decision on the Zoning District Designation. Part I of the report addresses the request to amend the Comprehensive Plan, Part II addresses the requested Zoning District Change, and Part III addresses the requested Major Planned Development Modification.

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PART I - CRITERIA, DISCUSSION, CONCLUSIONS - COMPREHENSIVE PLAN AMENDMENT

Applicable Land Development Code Criteria:

Comprehensive Plan Amendments - Section 2.1.30.06 - Review Criteria

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. Amendments shall be approved only when the following findings are made:

1. **There is a public need for the change;**
2. **The change being proposed is the best means of meeting the identified public need; and**
3. **There is a net benefit to the community that will result from the change.**

b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

1. **Visual elements (scale, structural design and form, materials, and so forth);**
2. **Noise attenuation;**
3. **Noxious odors;**
4. **Lighting;**
5. **Signage;**
6. **Landscaping for buffering and screening;**
7. **Traffic;**
8. **Effects on off-site parking;**
9. **Effects on air and water quality.**

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Related Comprehensive Plan Policies:

1.2.3 Amendments to the Comprehensive Plan can only be approved where the following findings are made:

A. There is a demonstrated public need for the change.

B. The advantages to the community resulting from the change shall outweigh the disadvantages.

C. The change proposed is a desirable means of meeting the public need.

8.2.1 The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.

8.9.1 The City shall designate appropriate and sufficient land in a variety of different parcel sizes and locations to fulfill the community's industrial needs.

8.9.3 Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

8.10.1 The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs.

8.10.3 All areas with commercial Comprehensive Plan Map designations other than Central Business District and Professional Office shall be redesignated as Mixed Use Commercial. (See Policy 8.10.7 for direction on Land Development Code standards to be developed to address the community's commercial needs.)

8.10.4 New commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians.

8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998.

8.10.7 The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.

8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.

13.5.4 The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

13.5.6 Development of a regional shopping center outside the downtown is inappropriate.

Consistency with Comprehensive Plan Policies

The applicant has requested that the City Council eliminate or change the text of Comprehensive Plan Policies 8.10.5 and 8.12.1. The Policies limit the expansion of commercial activities in certain locations or under certain circumstances. The applicant states that Policy 8.10.5 "is designed to prevent poorly planned linear expansion of commercial activity on major streets and the accompanying negative impacts on traffic, facilities, and land use compatibility." Because the Corvallis Business Park Planned Development approval addresses, in a comprehensive manner, access, circulation, facilities and utilities, landscaping, and parking, the applicant argues that the development will not result in linear strip development, and therefore, Policy 8.10.5 is not applicable. However, Policy 8.10.5 seems to define "strip type development" as the extension of commercial areas along collector or arterial streets. Given the applicant's request to re-

designate the subject property, which borders a designated arterial street (Circle Boulevard) from General Industrial to Mixed Use Commercial, the Policy appears to be applicable. The applicant states that the change in designation would not introduce commercial uses onto a property where they are currently not allowed because the existing MUE zoning allows for some commercial uses. The difference is one of degree. The Mixed Use Employment zone allows commercial uses in conjunction with a 0.25 FAR industrial use/structure on the site. The idea is to allow a mixture of uses, with the requirement that the primary use on the site would be industrial. Under Mixed Use Commercial standards, the commercial uses must meet a 0.25 FAR requirement and are expected to be the primary uses on the site.

Comprehensive Plan Policy 8.12.1 is a site-specific policy to restrict the expansion of commercial activity in the North Ninth Street area. The following Findings provide some explanation of the impetus for Policy 8.12.1:

Finding 8.12.b The North 9th Street area has a high degree of congestion.

Finding 8.12.c Commercial facilities near the intersection of Circle Boulevard and 9th Street provide community shopping area functions.

Finding 8.12.e Expansion of linear (strip) commercial activity is not desirable along or extending from 9th Street.

The applicant has not provided information to refute the above findings. Although the expansion of commercial activity to the subject site would not be expected to create compatibility conflicts, it would be anticipated to contribute to the proliferation of strip commercial development, which Policies 8.12.1 and 8.10.5 are designed to restrict.

The requested text and map amendments are not consistent with Comprehensive Plan Policies 8.9.1 and 8.9.3. These two policies call for the designation of land areas for industrial uses in various sizes and locations, and for the preservation of lands designated for industrial uses. A large portion of the available industrial land areas within the Corvallis Urban Growth Boundary are located in an area of South Corvallis which is encumbered by wetlands, and it is uncertain at this time how much of this area will be developable. The subject site represents a small industrial parcel in an area that adds diversity to industrial locations within the City. Consequently, the redesignation of the subject property would be in conflict with the cited Comprehensive Plan Policies.

Comprehensive Plan Policies 8.10.4 and 8.10.7 provide direction regarding the appropriate locations and characteristics of commercial development within the City. Policy 8.10.4 states that new commercial development shall be concentrated in designated mixed use districts. Policy 8.10.7 describes the desired hierarchy of mixed use commercial districts, including minor neighborhood centers, major neighborhood centers, and the downtown commercial districts. The subject property is located outside the 1/4-mile radius of the designated major neighborhood center located at the intersection of 9th Street and Circle Boulevard. Based on these factors, the proposed redesignation is inconsistent with the

above cited Comprehensive Plan Policies. Policy 13.5.4 directs the City to assist downtown in maintaining market share of retail dollars spent in the community. The expansion of commercial land use designated properties outside areas designated within the hierarchy of commercial areas, as specified in Comprehensive Plan Policy 8.10.7, is inconsistent with Policy 13.5.4 as well. Comprehensive Plan Policies 8.2.1, 8.10.1, and 8.10.3 also relate to the appropriate locations for commercial and other activities. Although the Policies generally support diversity in the location of commercial activities, none specifically conflict with Policies 8.10.5 and 8.12.1, which limit the expansion of commercial activities in some locations. The applicant's request for Mixed Use Commercial zoning is consistent with Policy 8.10.3, which provides direction regarding the appropriate zoning district to be assigned for areas with most Commercial Comprehensive Plan designations. However, this Policy does not provide support for the requested Comprehensive Plan Amendments.

Policy 13.5.6 states that development of a regional shopping center outside the downtown is inappropriate. Section 3.0.30.03.v of the Land Development Code defines a "Regional Shopping Center" as follows:

> **A grouping of commercial uses contained within an enclosed structure with at least 400,000 square feet of leasable retail floor area, with the smaller stores arranged on opposite sides of a pedestrian walkway. Uses shall include at least two full-line department stores and other uses customarily allowed in a regional shopping center.**

Based on this definition, Policy 13.5.6 does not apply to the subject application, because the configuration and size of the subject property would not support a regional shopping center.

Based on the above analysis, the requested map and text amendments are not consistent with other components of the Comprehensive Plan.

Demonstrated Public Need

Per LDC criteria 2.1.30.06.a.1 and Comprehensive Plan Policy 1.2.3.A, a Comprehensive Plan Amendment may only be approved when there is a demonstrated public need for the change. Section 40.2.2 of the Comprehensive Plan describes the proposed Mixed Use Commercial designation as follows:

> **These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands.**

In contrast, Section 40.3.4 of the Comprehensive Plan describes the current General Industrial designation as follows:

> **Intended to provide appropriate locations for a variety of general industrial uses including manufacturing and related activities with few, if any, nuisance characteristics.**

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The applicant notes that the 2002 Land Development and Buildable Land Report (LDBLR) states that there are 42 acres of vacant land in all commercial zones within the current City Limits. The LDBLR states that there are 614 acres of vacant land in all industrial zones within the current City Limits, with 503 vacant acres in the General Industrial zone alone. As a percentage of all vacant land areas within the City Limits, the amount of vacant commercial land represents 2.8% of the total, while the amount of vacant industrial land represents 40.9% of the total **(See Attachment K)**. However, as noted previously, much of the industrial areas in South Corvallis are encumbered with wetlands and it is unclear at this time how much of those areas, which make up a large portion of the available industrial land in the City, will be developable. Table VIII of the 1998 Buildable Land Inventory (BLI) projects anticipated land need and supply for Corvallis in the year 2020, based on a complex analysis of growth and development trends, demographic information, and other data. The Buildable Land Inventory represents the community's "best guess" of what quantities and types of land will be needed at the end of the planning period (2020). Table VIII of the BLI anticipates a surplus of Heavy Industrial land (which includes General Industrial lands) of 398 acres in the year 2020 **(See Attachment L)**. Table VIII anticipates a deficit of 90 acres of Commercial and Office land in the year 2020. However, the deficit results entirely from the need for additional land within office zones rather than land within commercial zones (such as the proposed Mixed Use Commercial zone). Additionally, a footnote to the text of Table VIII explains that the deficit anticipated in Commercial and Office lands would likely be compensated for by development allowed in mixed use zoning districts. Based on this analysis, applicable studies do not support the need for additional Mixed Use Commercial lands within the City. The LDBLR indicates that there is a much greater amount of vacant General Industrial land currently within the City Limits than vacant Mixed Use Commercial land, but this does not factor in the wetland issue in South Corvallis industrial lands and the potential reduction in developable industrial land that might result.

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The applicant also notes that a number of the large remaining commercial properties in the City have recently developed, thereby further reducing the amount of available commercial land. However, the developments cited by the applicant were developed prior to or during 1998, and the LDBLR data cited above accounts for these areas as part of the developed commercial areas within the City. Other factors may be considered to determine whether there is a public need for additional Mixed Use Commercial land, but the City's Buildable Land Inventory and LDBLR do not clearly indicate a need for additional Mixed Use Commercial land in the City.

Advantages to the Community Outweigh the Disadvantages/Change would provide Net Benefit to the Community

The following chart evaluates the advantages and disadvantages of the proposed Comprehensive Plan Amendment:

CHART COMPARING THE ADVANTAGES AND DISADVANTAGES OF THE PROPOSED AMENDMENT	
Advantages	**Disadvantages**
The proposal locates commercial development along an arterial street in an approved PD, with limited and controlled access, alongside other commercial development.	The proposal would expand the extent of commercial development along Circle Boulevard, which is a designated arterial street, contrary to the direction of Comprehensive Plan Policies 8.10.5 and 8.12.1.
The proposal locates commercial uses in close proximity to each other and to transit, pedestrian and bicycle facilities, making transit, pedestrian, and bicycle use of the area more effective.	The proposal would further concentrate commercial activity in the area east of Highway 99 West and south of Circle Boulevard, intensifying commercial development in an area on the periphery of the Major Neighborhood Center centered on the intersection of 9th Street and Circle Boulevard (as depicted on the Comprehensive Plan Map), rather than at or near the center of the Major Neighborhood Center, as called for by Comprehensive Plan Policy 8.10.7.
The proposed MUC designation is compatible with all surrounding land uses.	The existing GI designation and PD(MUE) zoning would result in development that is compatible with all surrounding land uses.
Under the current designation it is more likely that a limited manufacturing or light industrial use will be established on the property. The MUC designation allows a wider range of commercial uses that would support surrounding employment and visitor uses. It is very unlikely that any residential development will occur on the property under either designation.	The proposed commercial designation would reduce the amount of industrially-designated land within the Planned Development.
Commercial use of the property fits well with the existing Corvallis Business Park site design and existing traffic and other infrastructure improvements.	Although the existing site design and infrastructure improvements would serve commercial uses on the site, the proposed commercial designation is a departure from the employment-oriented concept approved in the original Planned Development.

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The proposal would permit some professional office use on the property, which, if developed, would help address the shortage of land available for offices in the city.	The current zoning designation (MUE), which is consistent with the General Industrial Comprehensive Plan Designation, also allows some professional office use on the property.
The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses.	The proposal would increase the amount of commercial activity outside the designated Major Neighborhood Center at the intersection of 9th Street and Circle Boulevard, as noted previously.

Since many of the advantages cited for the amendment can also be cited for the existing designation, the disadvantages of the proposed Comprehensive Plan Amendment appear to outweigh the advantages.

Desirable Means of Meeting the Public Need

The public need in question is for more commercially-designated land. Land Development Code criterion 2.1.30.06.a.2 requires an evaluation of whether the proposed change utilizes a desirable means of fulfilling the need. There are a number of ways in which additional commercially-designated land could be provided:

- The Comprehensive Plan Map could be amended to redesignate properties near the center of Major or Minor Neighborhood Centers for commercial uses.

- The Comprehensive Plan Map could be amended to designate new commercial properties in areas not identified in specific Comprehensive Plan Policies as areas where the expansion of commercial uses should be limited.

Given these options, the proposed Comprehensive Plan Amendment is not the most desirable means of meeting the public need.

Compatibility Factors

It is difficult to evaluate the compatibility of a proposed Comprehensive Plan Amendment because the potential range of development within a Comprehensive Plan designation is typically very broad. Given this, the following analysis briefly analyzes compliance with these criteria.

The provision of Mixed Use Commercial development in the proposed location is not anticipated to engender compatibility conflicts in its visual elements. The immediate neighborhood contains a large amount of commercial development, as explained previously. Given the diversity of architectural elements in the nearby area, it should not be difficult to design a structure that is compatible in scale, materials, and design with adjacent development.

The change from industrial to commercial uses on the property is generally anticipated to be a positive change in relation to prospective noise, odor, lighting, and air and water quality impacts. Signage for the site must comply with the City's sign code, or be consistent with the signage plan of the Planned Development. Landscaping would be required for new development on the site, whether it is industrial or commercial. Parking would need to comply with Code requirements, although some flexibility might be allowed through the Planned Development process.

Circulation

The change from industrial to commercial uses on the site is not anticipated to create undue traffic impacts. The following discussion addresses criteria related to vehicles, bicycles, pedestrians and transit.

Vehicular Circulation:

Applicable Comprehensive Plan Policies

11.2.2 The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

11.2.7 The City shall establish a Capital Improvement Program for the transportation system which:

1. **Is subject to annual review;**
2. **Is consistent with land use policies of the Comprehensive Plan and considers other facility plans;**
3. **Defines the locations of rights-of-way necessary for the creation of a community-wide transportation system;**
4. **Establishes a priority for improvements to the system;**
5. **Provides for the needs of all modes of transportation with the rights-of-way; and**
6. **Considers the economic impacts upon properties resulting from transportation improvements.**

11.2.11 The City shall coordinate with the Oregon Department of Transportation (ODOT) in implementing its highway improvement program.

11.2.12 The transportation system shall reflect consistency with the Corvallis Comprehensive Plan, land use designations, and regional and statewide transportation planning efforts.

11.2.14 Oregon Department of Transportation should fund, maintain, and improve all State highway facilities (highways, 99W, 34 and 20) to meet level-of-service standards contained in the Oregon Highway Plan. When specific construction plans are proposed, ODOT should prepare comprehensive roadway designs that recognize urban usage for surface transportation modes, including facilities for pedestrians, bicycles, transit, drainage, curbs and gutters.

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11.3.9 Adequate capacity should be provided and maintained on arterial and collector streets to accommodate intersection level-of-service (LOS) standards and to avoid traffic diversion to local streets. The level-of-service standards shall be: LOS "D" or better during morning and evening peak hours of operation for all streets intersecting with arterial or collector streets, and LOS "C" for all other times of day. Where level-of-service standards are not being met, the City shall develop a plan for meeting the LOS standards that evaluates transportation demand management and system management opportunities for delaying or reducing the need for street widening. The plan should attempt to avoid the degradation of travel modes other than the single-occupant vehicle.

Also see Comprehensive Plan Policies;11.2.3 and 11.3.6.

Applicable Oregon Administrative Rules

660-012-0060 Plan and Land Use Regulation Amendments

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

    1. **Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;**
    2. **Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;**
    3. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or**
    4. **Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided.**

2. **A plan or land use regulation amendment significantly affects a transportation facility if it:**

    A. **Changes the functional classification of an existing or planned transportation facility;**
    B. **Changes standards implementing a functional classification system;**
    C. **Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or**
    D. **Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.**

Applicable Land Development Code Section:

4.0.70.d - Street Requirements

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1. **Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.**

The subject property is a 2.54 acre lot located in Phase I of the Corvallis Business Park, which borders NE Circle Boulevard to the north. The Willamette and Pacific Railroad is located to the east and south, and a private access drive, Four Acres Street, is located to the west. Four Acres Street is 60-ft in width and consists of two previously recorded 30-ft roadway access and utility easements from the adjacent properties. The private access drive is improved with a 46-ft pavement width, on-street bike lanes and sidewalks on both sides. Four Acres Street connects to NE Circle Boulevard (arterial) to the north at a signalized intersection and provides the Corvallis Business Park and adjacent development with primary public street access. An additional right-in, right-out public access to NE Circle Boulevard serves the Corvallis Business Park site and is located just east of the Perlenfein property.

NE Circle Boulevard is improved to City standards for an arterial street. The applicant has not proposed any public street improvements in conjunction with this application.

Traffic Impact Analysis Review

In response to comments from ODOT **(Attachment M)** and City staff, the applicant has conducted a Traffic Impact Analysis to evaluate potential future effects of the proposed Comprehensive Plan Amendment (CPA) and Zoning District Change (ZDC) on Transportation System Plans (TSP) and state highway operations. An independent City staff review of the applicant's TIA resulted in a more conservative analysis of the development related traffic impacts and yet still found that the transportation system can accommodate the development related changes within the applicable transportation performance criteria as demonstrated below.

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The applicant's TIA approach compared trip generation from the current zoning district (MUE) to the possible trip generation from the proposed zoning district (MUC). It should be noted that the proposed uses were selected to represent the most intensive uses allowed under the GI and MUC Comprehensive Plan Designations in terms of trip generation. The trip generation for the site is based on standards established by the Institute of Transportation Engineers. Trip generation rates are published in the ITE Trip Generation Manual, 6th Edition. One "trip" is defined as a vehicle leaving from or arriving at the development.

The following discussion represents staff's TIA findings related to the Perlenfein application. The applicant's analysis can be found in its application. The most intensive land uses allowed under the current MUE zoning district include an Auto Care Center (ITE Land Use # 840) and a 24-hour Convenience Store (ITE Land Use # 851). The applicant applied pass-by trip reductions to the development generated trips. Pass-by trips are defined as intermediate stops on the way from an origin to a primary trip destination without

a route diversion. Of the ITE land uses reviewed under the current MUE zoning district, ITE publishes pass-by trip reductions solely for the 24-hour Convenience Store, PM Peak Hour (61% pass-by reduction). Therefore, the trip generations for the current comprehensive plan designation and zoning district reflect only this pass-by reduction. Table 1 summarizes these findings.

Table 1. Potential Trip Generations Under Current GI Comp. Plan Designation and MUE Zoning District

Potential Land Uses	Trip Generations		10% Shared Trip Reductions		Pass-by Trip Reductions		Adjusted Total	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Auto Care Center (18,500 sq. ft.)	54	63	-5	-6	0	0	49	57
24-hr. Convenience Store (5,000 sq. ft.)	327	269	-33	-27	0	0.61(242) = -148	294	94
Totals	**381**	**332**	**-38**	**-33**	**0**	**-148**	**343**	**151**

The TIA then addresses two proposed land uses with potentially high trip generation rates to represent potential traffic impacts from the proposed Comprehensive Plan Amendment/Zoning District Change (CPA/ZDC). Under the proposed CPA/ZDC, the applicant assumed trip generation rates from a fast food restaurant without a drive through window (ITE Land Use # 833) and the same 24-hour Convenience Store (ITE Land Use # 851). (Fast food restaurants with a drive-through window are not permitted outright uses in the MUC Zoning District) Of the ITE land uses reviewed under the proposed CPA/ZDC, the ITE, again publishes pass-by trip reductions solely for the 24-hour Convenience Store, PM Peak Hour (61% pass-by reduction). Therefore, the trip generations for the proposed CPA/ZDC reflect only this pass-by reduction. Table 2 summarizes these findings.

Table 2. Potential Trip Generations Under Proposed MUC Comp. Plan Designation and MUC Zoning District

Potential Land Uses	Trip Generations		10% Shared Trip Reductions		Pass-by Trip Reductions		Adjusted Total	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Fast Food Restaurant w/out drive-through (3,000 sq. ft.)	132	78	-13	-8	0	0	119	70
24-hr. Convenience Store (5,000 sq. ft.)	327	269	-33	-27	0	0.61(242) = -148	294	94
Totals	**459**	**347**	**-46**	**-19**	**0**	**-148**	**413**	**164**

The proposed CPA/ZDC results in a net increase in peak hour AM and PM vehicle trips of 70 and 13 respectively. Table 3 summarizes these findings.

Table 3. Difference in Trips Generated Between Proposed and Current Zoning

Comparison	AM Peak	PM Peak
Max. Current Zoning	343	151
Max. Proposed Zoning	413	164
Difference from Proposed to Current	**70**	**13**

The trip distribution analysis and assumptions in the applicant's TIA are consistent with the original April 1998 TIA for the Corvallis Business Park, in that approximately 25% of the development generated trips will travel east on NE Circle Boulevard and the remaining 75% will travel west on NE Circle Boulevard from the signalized intersection at Four Acres Street. The Highway 99W/NE Circle Boulevard intersection will experience an increase in 53 AM peak trips ***(approximately 1 car per minute during AM peak hour)*** and 10 PM peak trips ***(approximately 1 car per 4 minutes during PM peak hour)*** at 2004 Build-Out of the most intensive uses allowed under the MUC Comprehensive Plan Designation. Table 4 summarizes these findings.

Table 4. Trip Distribution Split

	Peak Trips Difference between Proposed and Current Zoning	75% split to west	25% split to east
AM Peak	70	53	17
PM Peak	13	10	3

The addition of the Perlenfein peak trip increases of 53 AM and 10 PM are relatively small and should not change the Level of Service (LOS) at the Highway 99W/NE Circle Boulevard intersection for the 2004 Build-Out scenario, with or without the additive effect of precursor land use applications such as the proposed Corvallis Station development.

A recent TIA for Corvallis Station located in the Corvallis Business Park, identified a Highway 99W/NE Circle Boulevard intersection AM Peak LOS "C" and PM Peak LOS "D" at that project's proposed 2004 Build-Out. The Corvallis Station analysis concluded that their development proposal could generate an increase in 59 PM Peak Hour trips which might result in an approximate 2% change in PM Peak Hour volume to capacity ratio at the intersection of Hwy 99W and NE Circle Boulevard in the year 2018. The Corvallis Station analysis also concluded that a critical element of that analysis was that impacts to intersection performance occurred with or without the proposed zone change within the planning period and was due primarily to background traffic increases. Considering the relatively similar yet potentially smaller impact that the Perlenfein development might have at the intersection of Hwy 99W and NE Circle Boulevard (increase of 10 PM Peak Hour

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trips), similar conclusions from the Corvallis Station analysis can be established for the Perlenfein development.

Based on this analysis, staff do not recommend mitigation for potential future 2018 LOS deficiencies at the Highway 99W/NE Circle Boulevard intersection at this time. Mitigation of transportation system impacts is addressed through two major City programs. First, the City's Capital Improvement Program (CIP) constantly identifies, prioritizes and implements transportation system improvements including work on state highways. The Highway 99W widening work currently under way near the project site is an example of that process. These projects are funded through a combination of federal, state and local sources and are primarily gas tax revenue based. Secondly, projects can be implemented through development review actions such as this proposal. Transportation projects are implemented under this mechanism to address impacts directly related to and concurrent with development activity. Developers also contribute to the overall capacity impacts of development through payment of System Development Charges (SDCs). SDC revenue is used to reimburse developers installing extra-capacity transportation system features and are also used to supplement other funding sources on CIP projects.

Based on review of the applicant's traffic impact analysis, the City's Highway 99W/9th Street Traffic Analysis and staff's independent analysis, staff find that the proposed action; a) will not change the functional classification of an existing or proposed transportation facility; b) will not change the standards implementing a functional classification system; c) will not allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; and d) will not reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

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Conclusion on Vehicular Circulation

As proposed by the applicant and discussed above, the vehicular circulation system complies with applicable Comprehensive Plan policies, Transportation Plan criteria, Land Development Code requirements and OAR 660-012-0060 criteria. The vehicular circulation system planned for in the Corvallis Transportation System Plan would have adequate capacity to serve development on the subject property under the Mixed Use Commercial Comprehensive Plan Designation.

Bicycle/Pedestrian Circulation:

Applicable Comprehensive Plan Policies

11.5.2 Bikeways shall provide safe, efficient corridors which encourage bicycle use. Bicycle use of major streets shall be considered as improvements are made to major transportation corridors.

Applicable Land Development Code Sections:

Section 4.0.40 - Pedestrian Requirements

b. Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops and neighborhood activity centers such as schools and parks.

Section 4.0.50 - Bicycle Requirements

c. Safe and convenient bicycle facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops and neighborhood activity centers such as schools and parks.

Bicycle/Pedestrian Facilities

Existing public standard bicycle and pedestrian improvements are located in NE Circle Boulevard. In addition to the public bicycle and pedestrian facilities serving this site, private on-street bicycle lanes and sidewalks are located along Four Acres Street from NE Circle Drive south to the Corvallis Station site. The applicant has not proposed any bicycle or pedestrian facility improvements in conjunction with this proposal.

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Conclusion on Bicycle/Pedestrian Circulation

As discussed above, the bicycle and pedestrian circulation system serving this site complies with applicable Comprehensive Plan policies, Transportation Plan criteria and Land Development Code requirements.

Transit

Applicable Comprehensive Plan Policies:

11.7.1 An improved public transportation system within the Urban Growth Boundary should be established to improve the livability of the community, to reduce pollution and traffic, and to reduce energy consumption.

Applicable Land Development Code section:

4.0.40.b All developments shall provide safe, convenient, pedestrian walkways between the buildings and transit stop, in accordance with the provisions of section 4.0.40.b.

The proposed development is located on Corvallis Transit System Routes 2 and 7. There is an existing transit stop and shelter located on the south side of NE Circle Boulevard in

front of the Blockbuster Movie Rental business. The applicant has not proposed any additional transit improvements.

Conclusion on Transit

As discussed above, the transit system complies with applicable Comprehensive Plan policies, Transportation Plan criteria and Land Development Code requirements.

Overall Conclusion on Circulation

Per the preceding discussion the existing vehicular, bicycle, pedestrian and transit circulation systems are adequately sized to support development under the proposed Mixed Use Commercial Comprehensive Plan Designation.

E. PUBLIC FACILITIES AND SERVICES

Applicable Comprehensive Plan Policies:

10.2.12 Developers will be responsible for the construction of all facilities internal to and fronting their properties and for needed extensions of facilities to and through their site.

Applicable Land Development Code Section:

4.0.80 - Public Utility Extensions

a. All development sites shall be provided with public water, sanitary sewer and storm drainage.

b. Where necessary to serve property as specified in"a" above, required public utility installations shall be constructed concurrent with development.

4.0.110 - Land for Public Purposes

a. Easements for public sanitary sewer, water, storm drain, streetlight, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside of public right-of-way in accordance with the following:

1. When located between adjacent lots, easement shall be provided on one side of a lot line.

2. The minimum easement width for a single utility is 15 feet. The minimum easement width for two adjacent utilities is 20 feet. The easement width shall be centered on the utility to greatest extent practicable. Wider easement may be required for unusually deep facilities.

Also see Land Development Code; 4.0.80.

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Water

The site is located within the 1st level (210-ft to 287-ft) water service area. Existing 8 inch public water lines are located across this site and were constructed with the initial development of Corvallis Business Park Phase I. Existing water facilities are adequately sized to serve potential Mixed Use Commercial development.

Sanitary Sewer

The Corvallis Station site is located within the Northeast Drainage Basin. An existing 8 inch public sanitary sewer line serves this site from the east through the middle of the site to the western property line. Existing public sanitary sewer facilities are adequately sized to serve potential Mixed Use Commercial development.

Storm Drainage

The Corvallis Station site is located within the Sequoia Creek Drainage Basin. A 36 inch public storm line is located in NE Circle Boulevard and across the site's southern property line. The existing Corvallis Business Park Phase I site, which this property is part of, is served by a private stormwater conveyance system. The existing private stormwater conveyance system includes a private detention pond prior to discharge to the public storm system in NE Circle Boulevard. Existing public stormwater facilities are adequately sized to serve potential Mixed Use Commercial development.

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Overall Conclusion on Public Utilities

As discussed above, the public utility system complies with applicable Comprehensive Plan Policies and Land Development Code requirements, and is adequately sized to serve potential Mixed Use Commercial development on the site.

Conclusions on the Requested Comprehensive Plan Amendment

Based on the analysis above, staff conclude that the requested Comprehensive Plan Map and Text Amendment to change the designation for the subject property from General Industrial to Mixed Use Commercial and to change the text of Comprehensive Plan Policies 8.10.5 and 8.12.1, is not consistent with many of the applicable Land Development Code criteria and Comprehensive Plan policies. The proposed change would not fulfill a public need, would not create more advantages than disadvantages, and does not utilize the most desirable means of fulfilling the identified need. The proposed changes are also inconsistent with identified Comprehensive Plan Policies, as discussed above. However, the proposed change is not anticipated to create compatibility conflicts with adjacent development and could be served without significant changes to public infrastructure

systems. While the applicable compatibility and infrastructure criteria are met, there are many land use criteria which are not. Therefore, the proposal does not meet the full criteria for approval of the request.

C. RECOMMENDATION

Based on this review, and consistent with Land Development Code Section 2.1.30.06, it is recommended that the Planning Commission recommend that the City Council **deny** CPA03-00004 to amend the Comprehensive Plan Map to designate the subject property for Mixed Use Commercial development and to amend the text of Comprehensive Plan Policies 8.10.5 and 8.12.1.

Recommended Motion for Comprehensive Plan Amendment (CPA03-00004):

MOTION: I move to recommend that the City Council deny the requested Comprehensive Plan Amendment to designate the subject property for Mixed Use Commercial Development. My motion is based upon the criteria, discussions, and conclusions contained within the January 14, 2004, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the January 21, 2004, Planning Commission Meeting.

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PART II - CRITERIA, DISCUSSION, CONCLUSIONS - ZONING DISTRICT DESIGNATION

The applicant has requested a Zoning District Change for the subject property from Mixed Use Employment with a Planned Development Overlay (PD(MUE)) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

Applicable Land Development Code Criteria:

2.2.40.05 - Review Criteria for Development District Changes

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. Visual elements (scale, structural design and form, materials, and so forth;
b. Noise attenuation;
c. Noxious odors;
d. Lighting;
e. Signage;
f. Landscaping for buffering and screening;
g. Traffic;
h. Effects on off-street parking;
i. Effects on air and water quality.

Based on the staff recommendation to deny the requested Comprehensive Plan Amendment, the existing Comprehensive Plan Designation of General Industrial is not consistent with the requested Mixed Use Commercial zoning, and the requested Zoning District Change should be denied.

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RECOMMENDATION

Based on the criteria, findings, and conclusions discussed above, staff recommends that the Planning Commission **deny** the District Change to change the zoning district of the property to PD(MUC).

Recommended Motion for District Change (ZDC03-00014):

MOTION: I move to deny the requested District Designation to change the zoning district of the subject property to PD(MUC). My motion is based upon the criteria, discussions, and conclusions contained within the January 14, 2004, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the January 21, 2004, Planning Commission Meeting.

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PART III - CRITERIA, DISCUSSION, CONCLUSIONS - MAJOR PLANNED DEVELOPMENT MODIFICATION

The applicant has requested approval of a Major Planned Development Modification solely to acknowledge the requested change in zoning and Comprehensive Plan designation for the property. The applicant states that a subsequent Major Modification of the Detailed Development plan would be submitted after resolution of the Comprehensive Plan Amendment and Zone Change issues in order to approve development on the property. Because the recommendation is for denial of the requested Comprehensive Plan Amendments and Zoning District Change, the requested Major Planned Development Modification should be denied as well. However, the following conditions are provided if the Planning Commission decides to approve the Major Modification request (the Commission would need to state its findings that support its decision as well):

Conditions of Approval (if the Planning Commission decides to approve the Major Modification request) :

1. Consistency with Plans - Development shall comply with the plans identified in **Attachment O** of the staff report, except as modified by the conditions below or unless a requested modification otherwise meets the criteria for a minor modification. Such changes may be processed in accordance with Chapter 2.5 of the Land Development Code.

2. Subsequent Major Modification - Prior to issuance of any development permit on the subject property, subsequent Major Planned Development Modification approval shall be obtained to ensure that development on the property is consistent with the Planned Development approval for the Corvallis Business Park (PDM97-21), as well as with Mixed Use Commercial Zoning District standards, all other applicable Land Development Code requirements, applicable Comprehensive Plan Policies, and any other applicable City requirements.

3. Plans for Public Improvements - Notwithstanding Condition No. 1, any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered public improvement plans from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer and storm drainage improvements are provided. Public improvement plan submittals will be reviewed and approved by the City Engineer under the public improvement procedures specified within Land Development Code Section 4.0.90.

4. Proposed Corvallis Station On-site Storm Water Improvements - As part of the building permit, the applicant shall submit the following to the City's Development

III - 26

Services Department for review and approval; and prior to issuance of any final certificate of occupancy on the development site, the storm water detention facilities and water quality facilities as conditioned below shall be installed and approved by the City.

a. Line Sizing and System Capacity Calculations - Provide calculations demonstrating that the existing downstream storm water system has sufficient capacity to convey the expected storm water volumes generated by the development.

b. Private Storm Water Detention - Provide engineered calculations for pre-development and post-development peak storm water run-off flows to verify that proposed development stormwater impacts are consistent with previous detention facility design regarding their requirement to match pre and post development flows based on the 2-year through the 100-year storm event.

c. Private Water Quality Facility Design - Provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more than 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.

5. Private Stormwater Maintenance Agreements - Prior to issuance of any structural or site utility construction permits, the applicant shall submit a signed written agreement among all affected owners that defines the terms of maintenance, access and ownership of the private stormwater conveyance and detention/water quality system.

6. Utility Extensions & Easements - All properties within Corvallis Business Park (including Phases I, II and III) shall provide private and public utility easements, consistent with the approved utility designs for the development, to and through each parcel to the edge of the adjacent parcel such that there are no reserve "spite" strips, and for the purposes of public and private utility connection. Within the entire Corvallis Business Park project, including Phases I, II and III, each property owner shall be responsible for granting and recording such public and private easements for all property under his/her control, prior to the issuance of any additional building or construction permits for any property under his/her control. Easement widths for both public and private easements shall be consistent with the Code and City of Corvallis Engineering Standards for public utility easements.

Additionally, prior to the issuance of building permits for each parcel in Corvallis Business Park (including Phases I, II and III), the applicant of that building permit shall obtain approval of, and permits for, engineered public and/or private improvement plans, consistent with the approved design, from the City. The City Engineer shall have the ability to modify the utility design if the applicant requests an alternate design and the City Engineer finds that the alternate design meets City engineering standards and other sites within or outside of the entire development are not adversely affected by the change.

Other Development Related Concerns:

A. Excavation and Grading Plans - In order to protect the environment from the impacts of erosion due to ground disturbing activities, excavation and grading plans including erosion control methods shall be submitted to the City's Development Services Department for review and approval prior to undertaking any ground disturbing activity. Excavation and Grading permits shall not be approved and issued until the erosion control methods have been installed and approved in the field.

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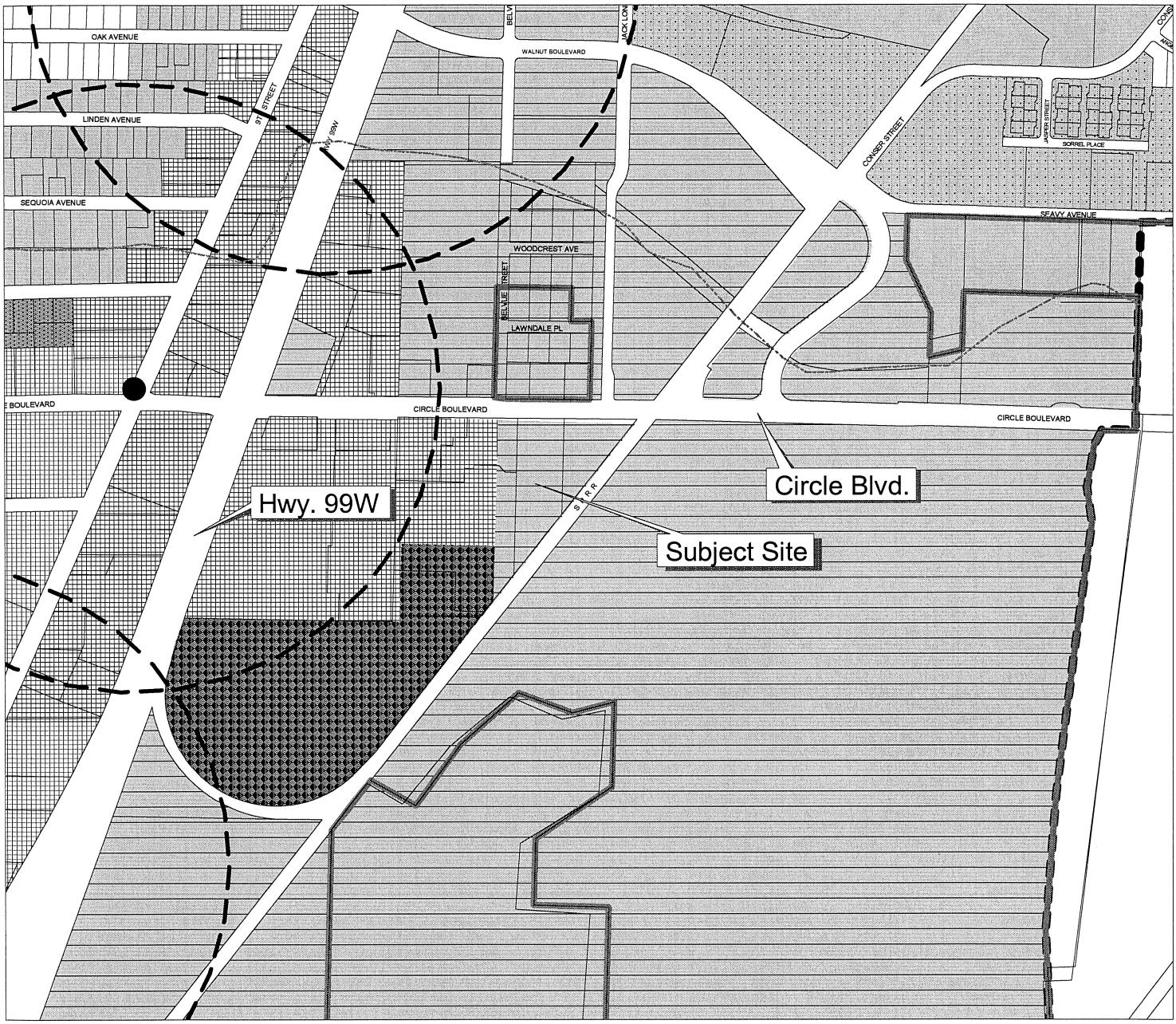
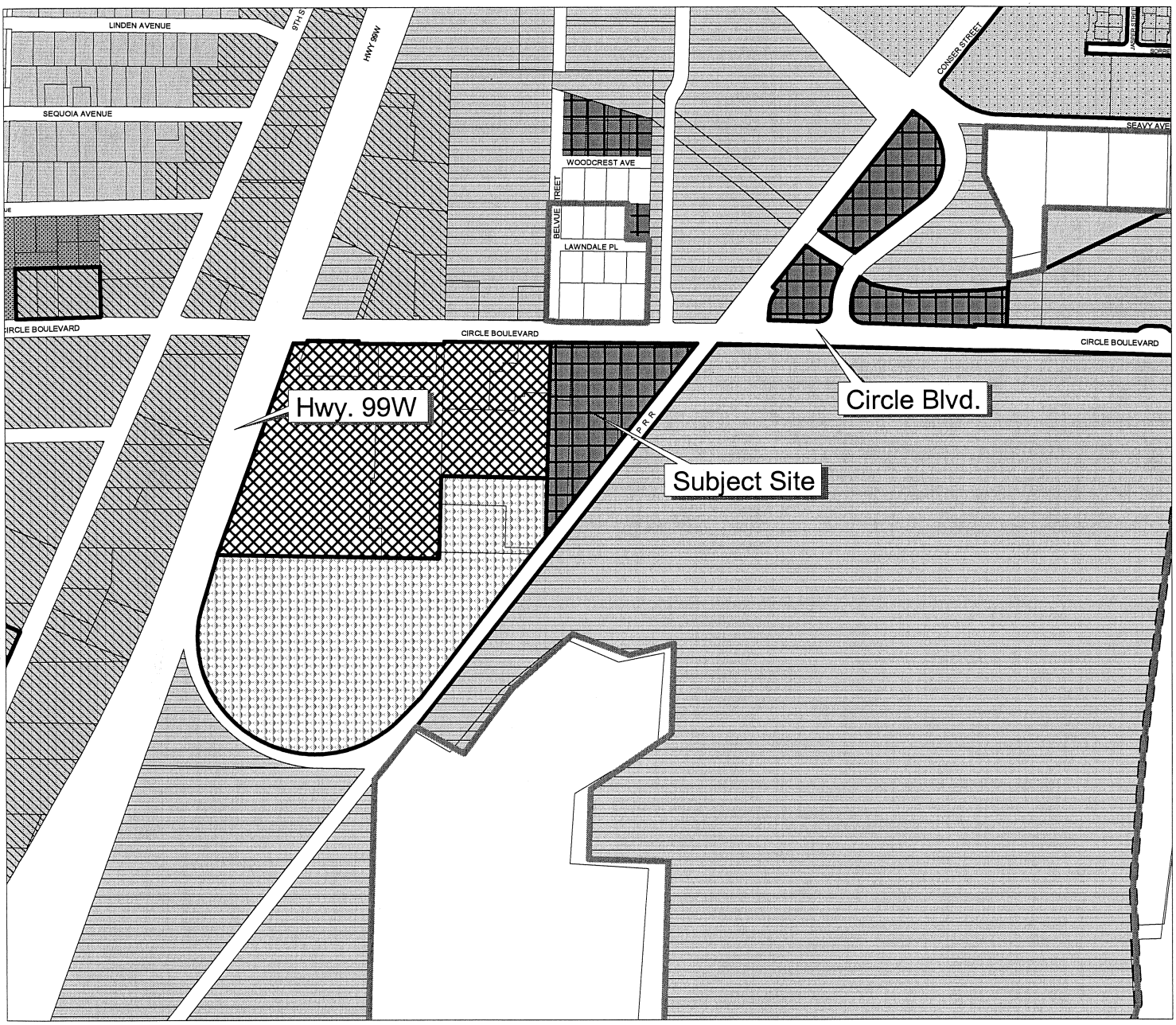
Current Comprehensive Plan Designations - Perlenfein



ATTACHMENT A

Current Zoning Districts - Perlenfein



Development Districts (Zoning) - B&W

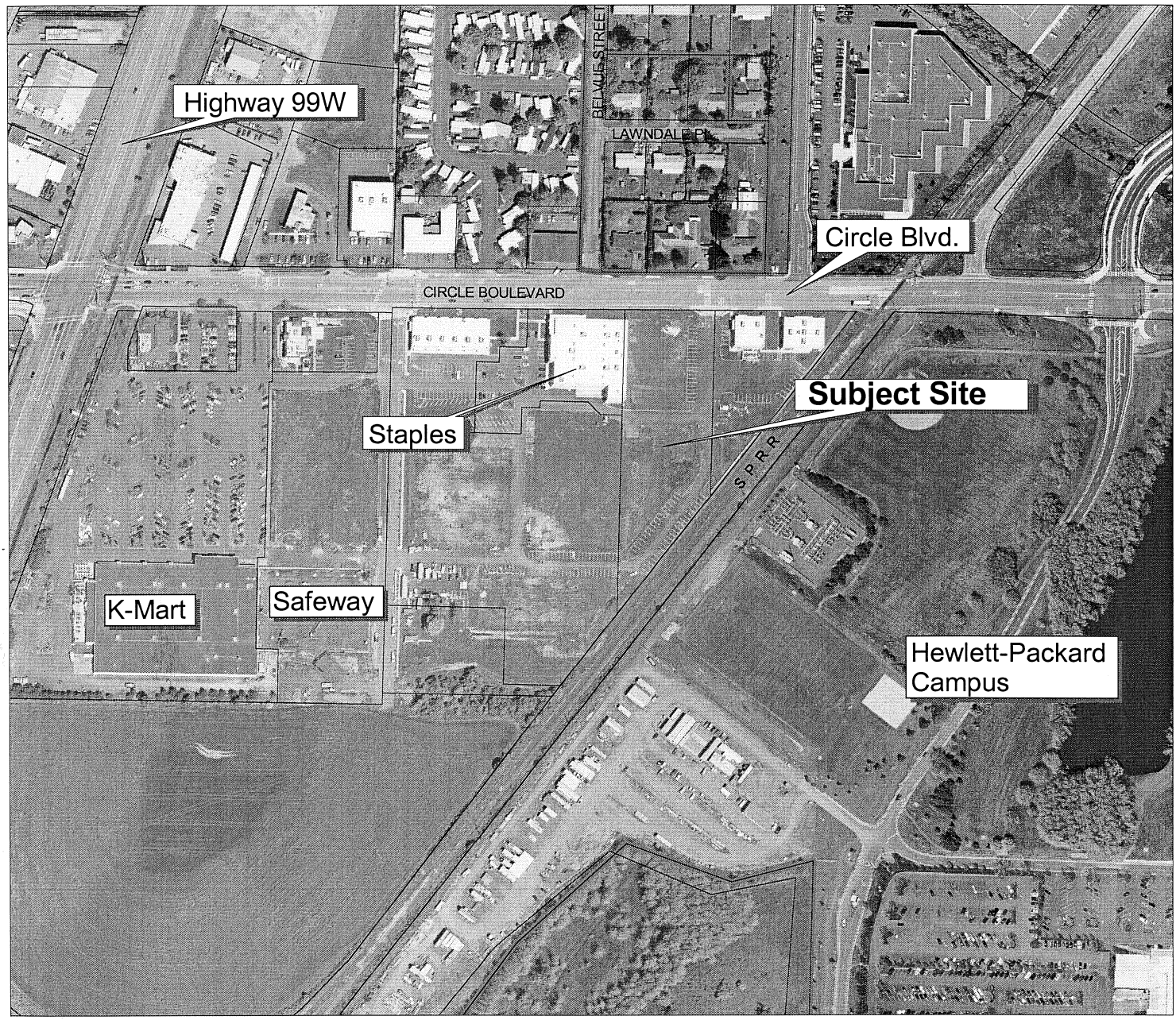
- RS-9
- PD(RS-9)
- RS-12
- PD(RS-12)
- RS-20
- LC
- PD(LC)
- PD(CS)
- MUE
- PD(MUE)
- PD(RTC)
- GI
- PD(GI)

100 0 100 200 Feet

N

ATTACHMENT B

Corvallis Business Park - Perlenfein

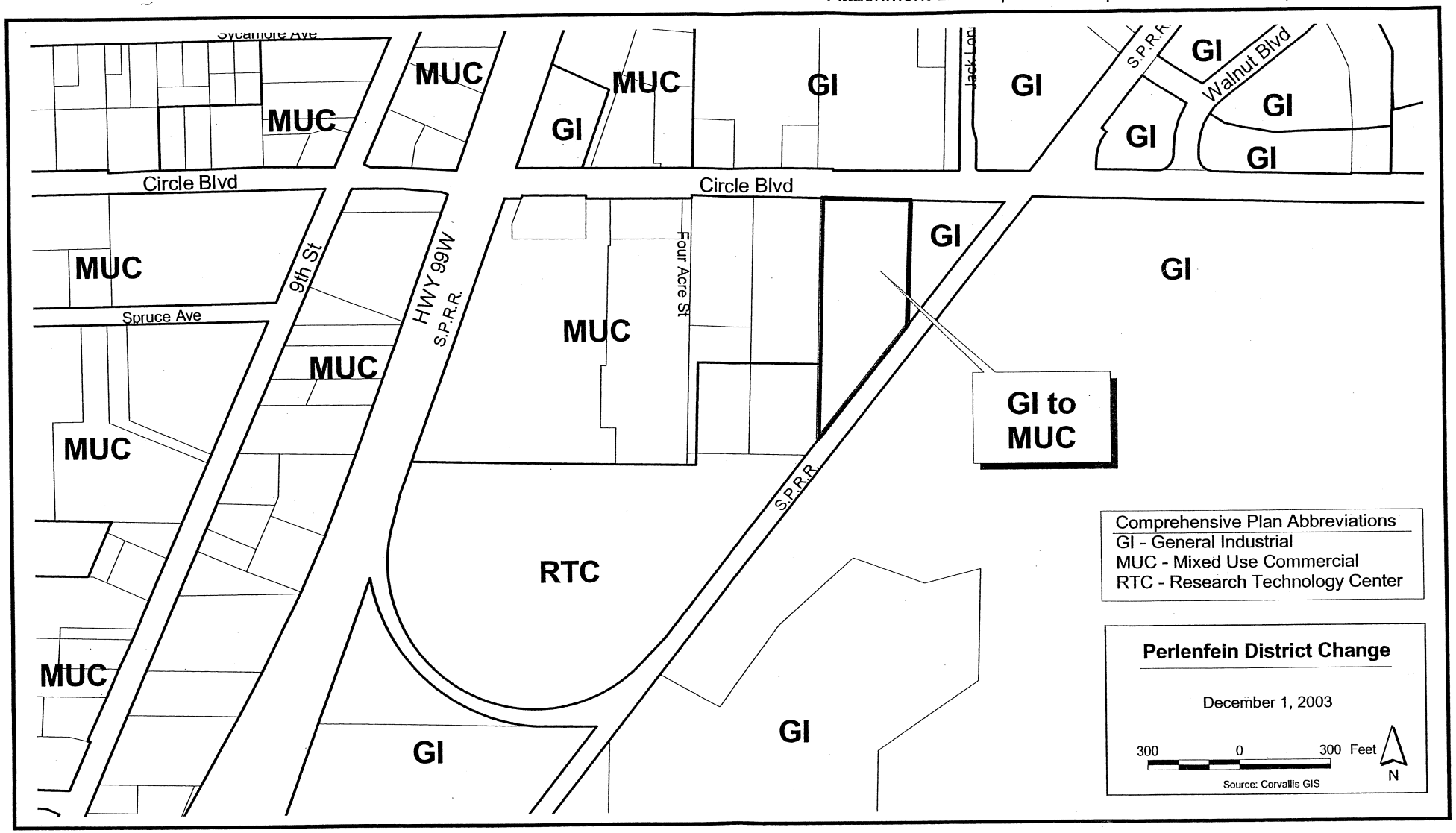


100 0 100 200 300 400 Feet

N

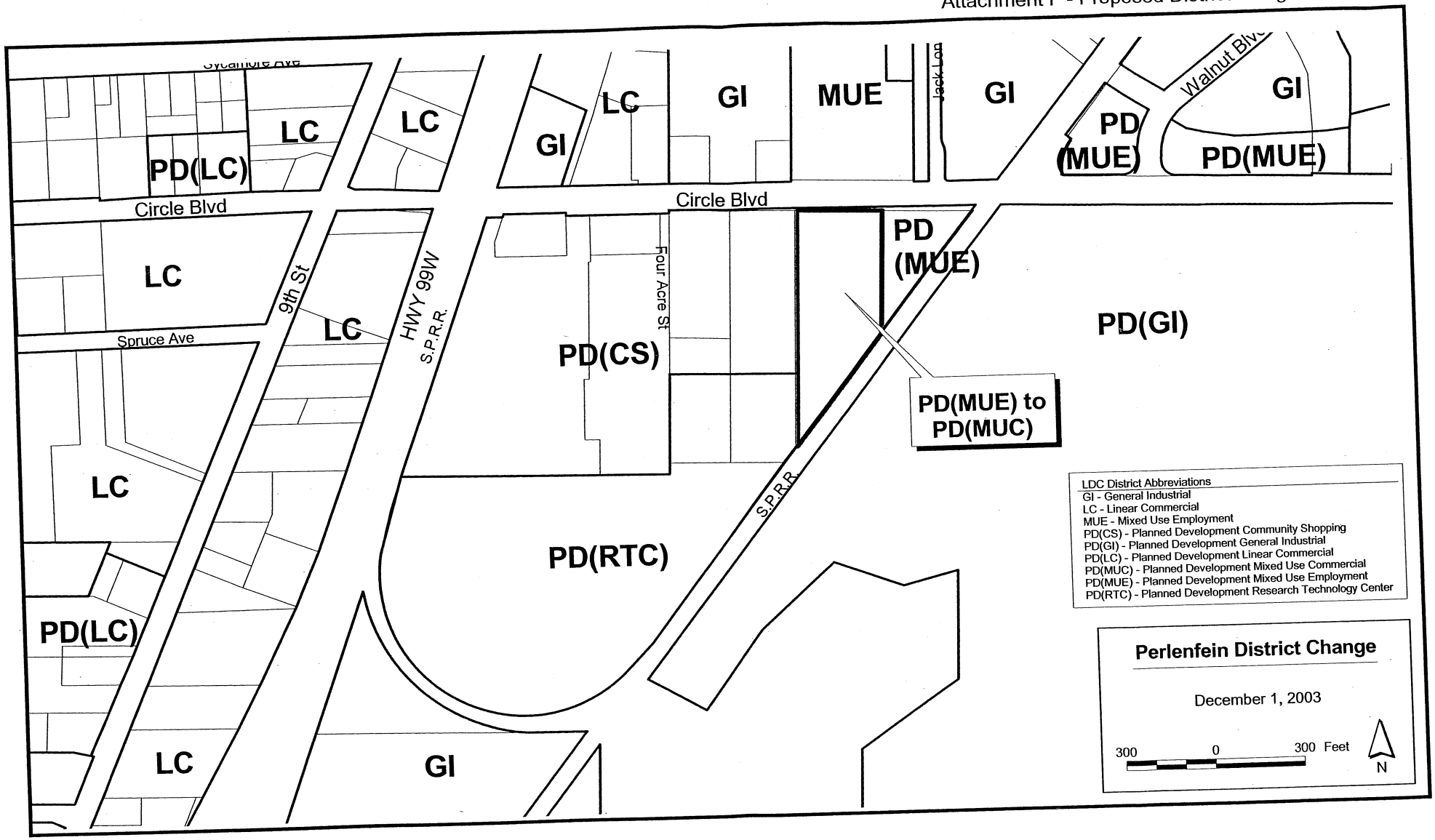
ATTACHMENT C

Attachment E - Proposed Comprehensive Plan Map Amendment



ATTACHMENT D

Attachment F - Proposed District Designation Change



ATTACHMENT E

EXCERPT OF 4/20/92
CITY COUNCIL MINUTES

The ordinance passed by the following roll call vote:

AYES: Councilors Squires, Berg, Page, Buckman, Stover, Kliewer, Miles

NAYS: Councilors Bolden, Moorefield

D. ORDINANCE 92-18, relating to a Comprehensive Plan amending Ordinance 90-52 as amended (CPA 91-11 -- Parkside II), passed unanimously.

E. ORDINANCE 92-19, relating to a Comprehensive Plan amending Ordinance 90-52 as amended (CPA 91-12 -- Elks), passed unanimously, following discussion:

Councilor Kliewer declared a conflict of interest due to his financial interest in the Clinic. He stated that he will not vote. Councilor Buckman expressed support as need and compatibility have been demonstrated. She said that, while requiring the owner to make a deal with the neighborhood is not within Council's decision making prerogative, a lot of pressure will surely come from all directions for the Clinic to work with neighborhood.

F. An ordinance relating to a Comprehensive Plan amending Ordinance 90-52 as amended (CPA 91-14 -- McFadden) was not read. It was moved and seconded to deny the appeal and adopt the Planning Commission findings.

Councilor Bolden addressed issues of community need, jobs, and industrial land: 1) community need - the Comprehensive Plan is vague; which points to an overall weakness in the Plan; 2) jobs - these types of jobs make great starter jobs, which welfare clients can do, so they are needed; 3) industrial land - does not maintain the regional shopping center designation, so fragmentation of that parcel is occurring; in the overall vision of the Comprehensive Plan, the site is to be a regional shopping center, the plan as brought forward does not allow that; if it had, he would support the request.

Councilor Buckman expressed support for the motion; said that the Planning Commission did a thorough job; cited Policies 1.6 Need; 7.6 Industrial land; 7.7 Commercial land; and 7.8 Downtown; and said that the purpose of a regional shopping center varies from this proposal.

Councilor Moorefield noted issues of scale and location of commercial, industrial, and professional activities. He said that Council's purpose is to address public need, to accomplish specific goals, and to see that activities are diversified around town; i.e., that South Corvallis

ATTAC Attachment F

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gets appropriate retail activity and that North Corvallis gets appropriate industrial activity. He said that he has decided that public need in some areas he represents will not be met by the approval of this application.

The motion to deny the appeal passed unanimously.

X. NEW BUSINESS

A. Majestic Theatre Piano. Councilor Bolden asked if a way can be devised so the City does not have things like pianos and theater lights as assets. City Manager Seals replied that, if Council wants, after approving this request, that can be done. Councilor Bolden said that he so requested, both for the Majestic Theatre enterprise and for any other venture into which the City might enter. City Manager Seals said that one way to achieve that is to bring forth a general policy statement.

It was moved and seconded to accept the recommendation of the City Manager regarding the purchase of a new piano.

Councilor Moorefield asked about the exemption from competitive bidding. City Manager Seals replied that the request is for Council to make a decision in its capacity as contract review board; that the rationale is slightly weak; however, this is an oddity. He stated that normally this would be an asset of the management company.

Mayor Vars noted that the City acquired the piano as a gift. Councilor Stover, who is on the MTM Board, said that the piano has a cracked board and cannot be used by concert pianists. He said that a chance exists to purchase a Yamaha, 7.5 foot, grand piano; time is of the essence; and he advises Council to take this action.

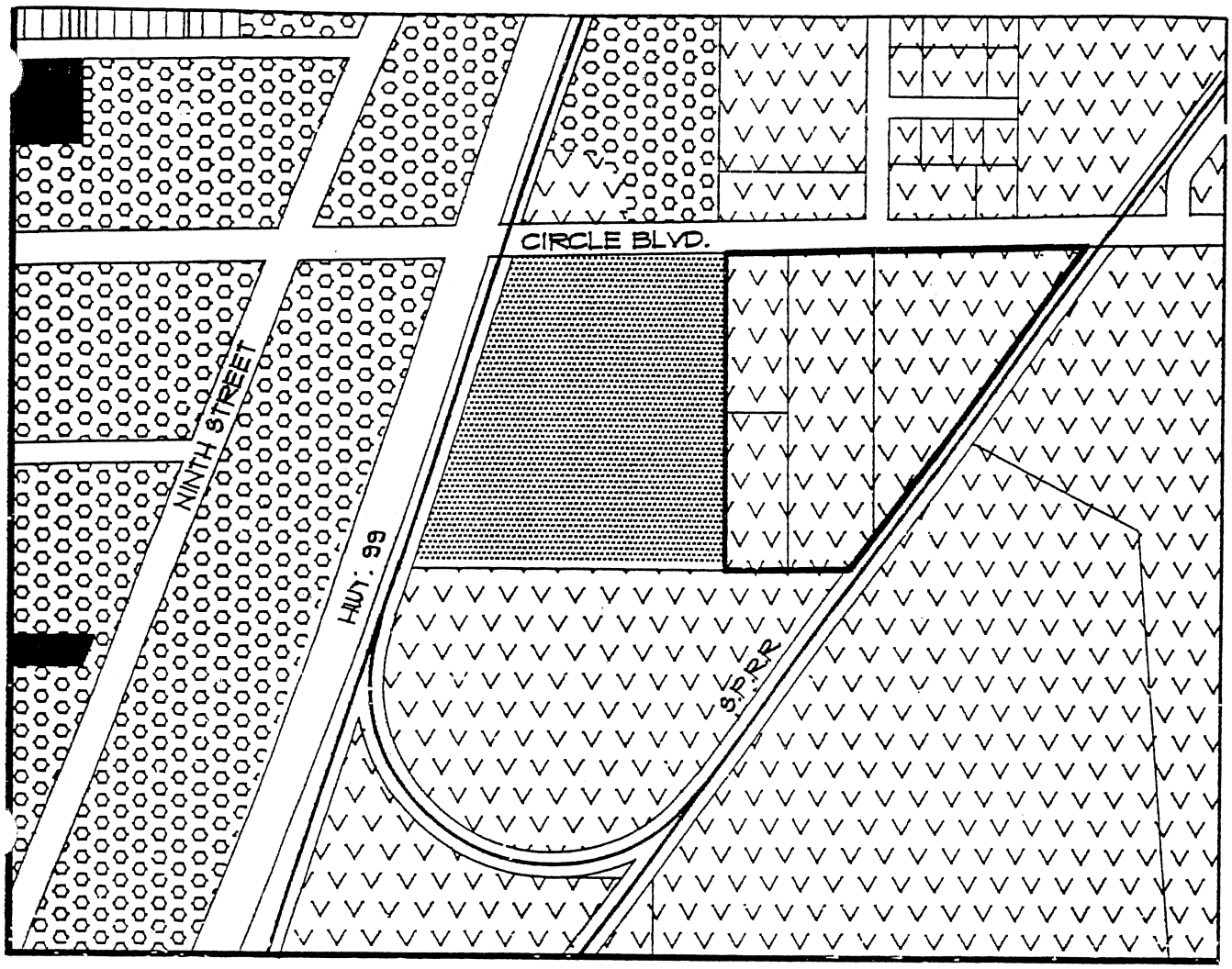
City Manager Seals said that staff recommends that Council act on this and then carry out, if inclined to agree with Councilor Bolden, divestiture of such assets, which can be done fairly simply. Councilor Bolden said that he wants to make sure the new piano is not City property. City Attorney Fewel stated that Council cannot accomplish that tonight.

The motion to accept the City Manager's recommendation passed unanimously.

B. Task Force/Closure of FISH House. Councilor Miles said that there is no organization seeking City funds for shelter and requested that Council ask the Allocations Committee to reserve funds in approximately the same amount as were allocated last year for this purpose.

Attachment F-2

Fred Wright, P.E.
Civil-Structural-Traffic Engineer



COMPREHENSIVE PLAN MAP

N

Subject Property

Medium Residential

High Residential

Commercial Linear

Commercial Shopping

Light Industrial

Attachment F-3

JEFF HARMS / DRAFTING SERVICES - 754-2

McFadden Property Rezone CPA-91-14, DC-91-12 | 12/30/91 | 5

2708 NW Monterey Drive - Corvallis, OR 97330 - Tel. 753-5365 - Fax 503-757-123

ATTACHMEN

ATTACHMENT F-3

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CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 92-16

CASE DC-91-12 McFadden, et al

REQUEST District Change from "GI" (General Industrial) to "CS" (Community Shopping)

APPLICANTS/ OWNERS
Arthur L. McFadden
P.O. Box 6026 Portland, OR 97228-6026

Mary M. Goldblatt Trust & Kathryn J. Brandis
P.O. Box 6026 Portland, OR 97228-6026

Joseph & Thelma Shambow
1915 NE Four Acre Street Corvallis, OR 97330

Industrial Welding Supply
3415 S. Pacific Boulevard Albany, OR 97321

LOCATION On the south side of NE Circle Boulevard approximately 670 feet east of Highway 99W, Assessor's Map No. 11-5-25B, Tax Lots 900, 1000, 1100 and 1200; and Assessor's Map No. 11-5-26, Tax Lot 200 (partial)

37

The Corvallis Planning Commission conducted a review of the proposed request on March 11, 1992 and found that the request should be denied based on the findings contained in the Planning Commission minutes.

If you are an affected party and wish to appeal this decision, appeals must be filed within 10 days from the date of decision, in writing, with the City Recorder. The following information must be included:

a. Name and address of the appellant(s).
b. Reference the subject development and case number, if any.
c. A statement of the specific grounds for appeal.
d. A statement as to how you are an affected party.
e. Filing fee of $102.00. (No fee required for an appeal of the Community Development Director's decision.)

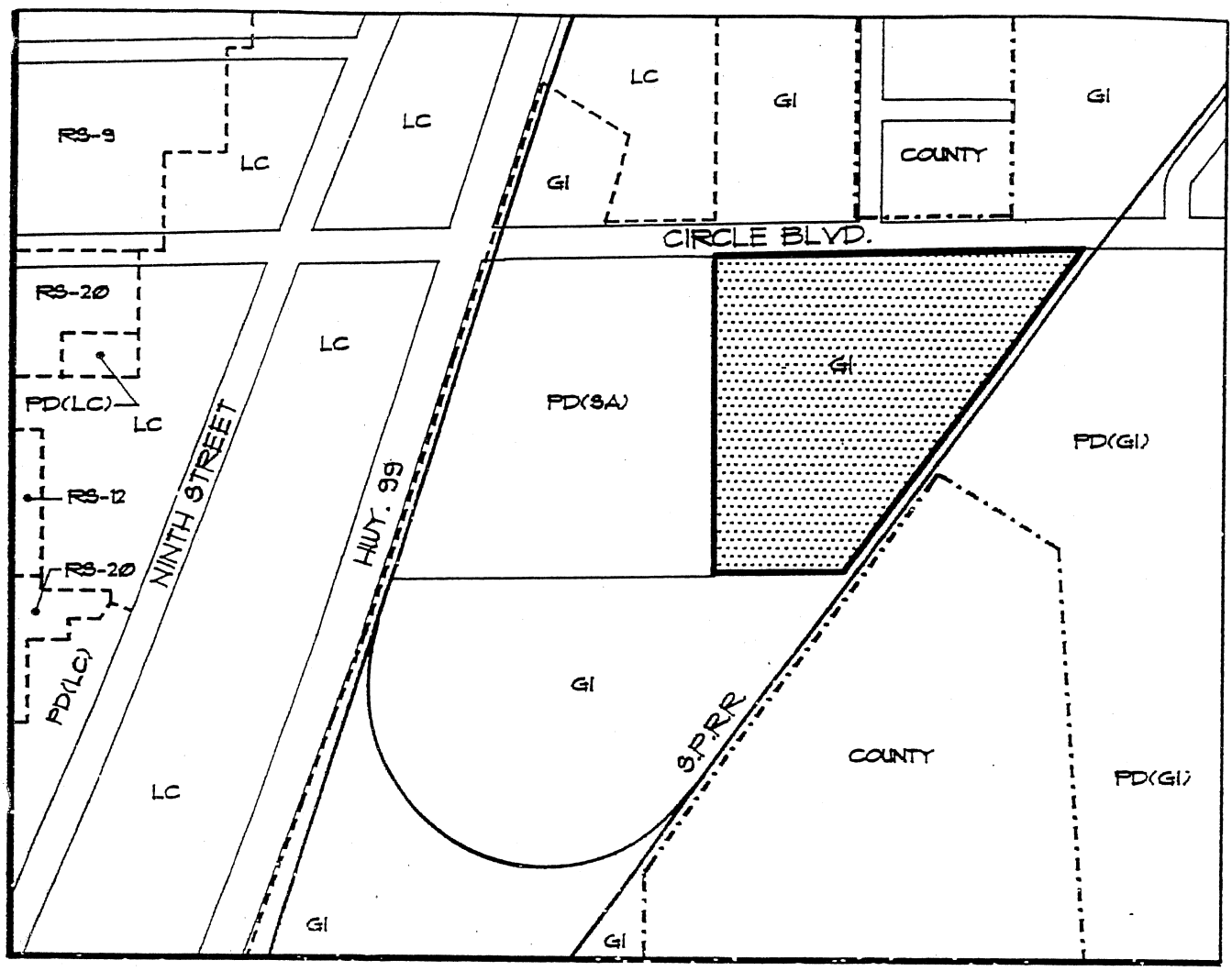
Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager's office, City Hall, 501 SW Madison Avenue, Corvallis, OR.

Terry Barker, Chairperson
Corvallis Planning Commission

0:\COMMON\DC\9112MCF.DIS

Attachment F-4

Fred Wright, P.E.
Civil-Structural-Tra... ...eer



DEVELOPMENT DISTRICT MAP

Subject Property

City Limits

N

Attachment F-5

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JEFF HARMS / DRAFTING SERVICES – 754-27

McFadden Property Rezone CPA-91-14, DC-91-12 | | 12/30/91 | 6

2708 NW Monterey Drive - Corvallis, OR 97330 - Tel. 753-5365 - Fax 503-757-12

ATTACHMENT B

ATTACHMENT F-5

CORVALLIS CITY COUNCIL
COMPREHENSIVE PLAN AMENDMENT
NOTICE OF DISPOSITION

ORDINANCE 93-23

CASE CPA 93-2 CORVALLIS BUSINESS PARK

REQUEST On a 27.5 acre site the applicant is requesting approval of the following:

A Comprehensive Plan Map Amendment replacing the Regional Shopping Center (RSC) Overlay with the Research-Technology Center (RT) Overlay within the Limited Industrial (LI) Designation.

APPLICANT Mackenzie/Saito & Associates
PO Box 69039, Portland, Oregon 97201-0039

OWNER Arthur L. McFadden and Mary M. Goldblatt Trust
3950 NW Kaiser Road, Portland, Oregon 97229

Kathryn J. Brandis
340 NW 7th Street, Corvallis, Oregon

LOCATION On the south side of Circle Boulevard between Highway 99W and the eastern spur of the Southern Pacific Railroad Tracks; Assessor's Map number 11-5-25B tax lots 900 and 1000; and 11-5-26 tax lot 200.

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The Corvallis City Council reviewed the proposed Comprehensive Plan Amendment on October 4, 1993. At that time they approved the request and adopted the findings of fact contained in the staff reports dated September 27, 1993 and August 25, 1993 and the City Council minutes dated October 4, 1993.

The ordinance and findings may be reviewed at the Community Development Department, Planning Division at City Hall, 501 SW Madison Avenue, Corvallis.

If you wish to appeal this decision, appeals of "land use decisions" must be filed within 21 days from the date of the decision, in writing, with the Oregon Land Use Board of Appeals (LUBA).

Appeals to LUBA must be filed in accordance with ORS 197.830 et seq. If you have any questions regarding the appeal process, you should consult your attorney.

Attachment G

ORDINANCE 93 - 23

AN ORDINANCE relating to the Corvallis Comprehensive Plan, Ordinance 90-52, as amended, and adopting findings.

The Planning Commission has forwarded its recommendation to the City Council concerning a request for a Comprehensive Plan map amendment (CPA-93-2). After proper legal notice, a public hearing concerning the proposed change was held on October 4, 1993, and interested persons and the general public were given an opportunity to be heard. The City Council has reviewed all matters presented and has reviewed the recommendations of the Planning Commission.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The findings of fact prepared and presented by staff in the Report to Planning Commission dated August 25, 1993, are hereby adopted by the City Council. The City Council finds that the proponents have borne their burden of proof; and therefore, the Comprehensive Plan overlay classification for the subject property (see Exhibit A) generally located on the south side of Circle Boulevard between Highway 99W and the Southern Pacific Railroad line, Toledo Branch, is changed from Regional Shopping Center (RSC) to Research - Technology Center (RT).

PASSED by the Council this 4th day of October, 1993.

APPROVED by the Mayor this 4th day of October, 1993.

Effective this 14th day of October 1993.

R. Charles Vars, Jr.
Mayor

ATTEST:

M. Eve Marier
City Recorder

-1- Ordinance
Comprehensive Plan Amendment
CPA 93-2 Corvallis Business Park

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Attachment G-2

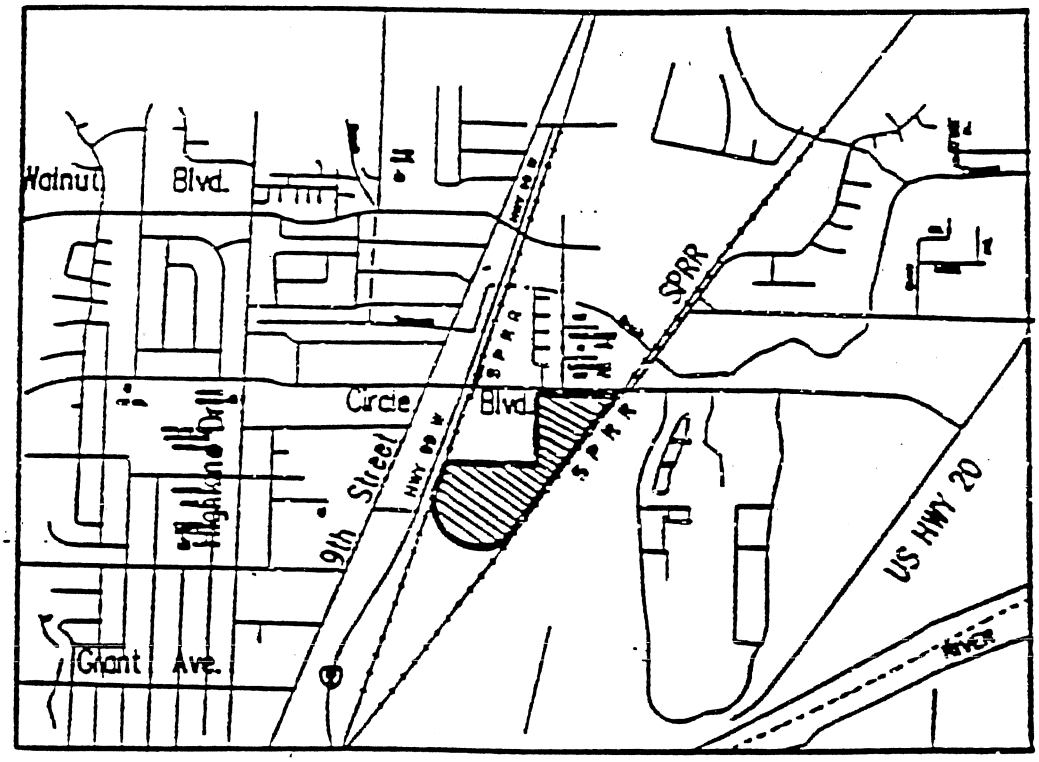
Exhibit A

CPA 93-2

CORVALLIS BUSINESS PARK

COMPREHENSIVE PLAN AMENDMENT

REGIONAL SHOPPING CENTER OVERLAY (RSC)
TO
RESEARCH TECHNOLOGY CENTER OVERLAY (RT)



AREA UNDER CONSIDERATION

Attachment G-3

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 93-54

CASE **DC 93-1; PD 93-5 CORVALLIS BUSINESS PARK**

REQUEST On a 27.5 acre site the applicant is requesting approval of the following:

1. A Development District Map change from General Industrial (GI) to Research Technology Center (RTC) with a Planned Development (PD) overlay.
2. A Detailed Development Plan for Phase 1 and a Conceptual Development Plan for Phases 2 and 3.

APPLICANT Mackenzie/Saito & Associates
PO Box 69039, Portland, Oregon 97201-0039

OWNERS Arthur L. McFadden and Mary M. Goldblatt Trust
3950 NW Kaiser Road, Portland, Oregon 97229
Kathryn J. Brandis
340 NW 7th Street, Corvallis, OR 97330

LOCATION On the south side of Circle Boulevard between Highway 99W and the eastern spur of the Southern Pacific Railroad Tracks; Assessor's Map number 11-5-25B tax lots 900, 1000; and 11-5-26 tax lot 200.

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The Corvallis Planning Commission conducted a review of the above case on September 1, 1993, and found that the request should be approved with the attached conditions. The Planning Commission has adopted the findings contained in the September 1, 1993, minutes and the August 25, 1993, staff report.

If you are an affected party and wish to appeal this decision, appeals must be filed, in writing, with the City Recorder within 10 days from the date that the notice of disposition is mailed. The following information must be included:

a. Name and address of the appellant(s).
b. Reference the subject development and case number, if any.
c. A statement of the specific grounds for appeal.
d. A statement as to how you are an affected party.
e. Filing fee of $102.00. (No fee required for an appeal of the Community Development Director's decision.)

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

David R.

David Sherrod
Corvallis Pla

Attachment G-4

CONDITIONS OF APPROVAL

CORVALLIS BUSINESS PARK: DC 93-1; PD 93-5; Detailed Development Plan /Phase 1; Conceptual Development Plan /Phases 2 and 3)

1. Entryway Treatment: A detailed entryway treatment plan shall be submitted to the Planning Division which provides a focal point for the ultimate access prior to issuance of building permits for Building #3.

2. Phase 2 & 3 Landscaping Plan: In the Detailed Development process for Phases 2 and 3 of this proposal, the owner shall develop a detailed landscaping plan which will enhance the view of the site from Highway 99W and consider the needs of proposed uses and parking/loading requirements.

3. Wetland Determination: The developer will assure that the site contains no jurisdictional wetlands, or acquire required state or federal permits for development of such areas; and

4. Engineered Plans: Prior to the issuance of any construction permits, the applicant shall submit engineered plans for streets, transit pull-out with shelter, water, storm sewer, and sanitary sewer for the approval of the City Engineer.

5. Ultimate Access: Concurrent with development of Phases 2 and/or 3, primary access to the RTC will transfer to the access at the east side of the K-Mart development as per condition of approval for PD 89-1/DC 88-6, Condition 2b. The Phase 1 access will be converted to a right-in, right-out, based on the confirmation of need by the City Engineer.

6. Traffic Signal: Concurrent with development of Phase 2 and/or 3 and construction of the ultimate access, the applicant shall install a traffic signal. The traffic signal shall be coordinated with existing signals on Circle Blvd. at the time when signal coordination is implemented on Circle Blvd.

7. Future Pedestrian and Bicycle Linkage: Concurrent with Detailed Development Plan review for Phase 2 and 3, pedestrian and bicycle linkages to public systems and linkages between different uses within and adjacent to the site shall be submitted by the developer for City approval.

8. Signage: All signage shall conform to RTC District standards contained in Chapter 4.7 of the Land Development Code.

9. Lighting: All lighting fixtures shall be focused on the site so that the lighting cone created will not spill onto adjacent properties.

10. Council Approval: Development of the site shall not begin prior to approval by the City Council of the applicant's requested Comprehensive Plan Amendment. Should the City Council reject that amendment, approval of DC-93-1 and PD-93-5 shall be nullified.

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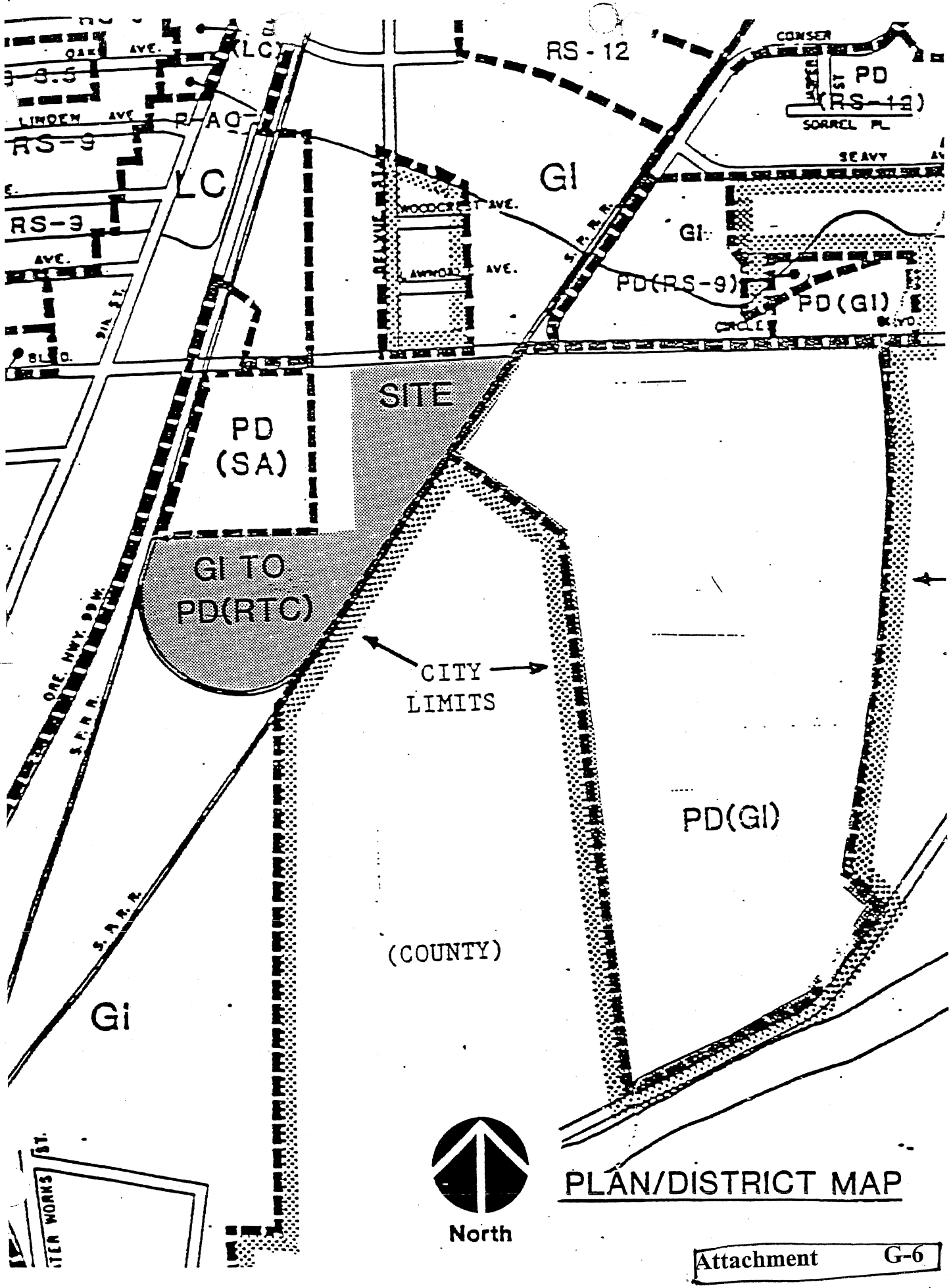
Attachment G-5



PLAN/DISTRICT MAP

Attachment G-6

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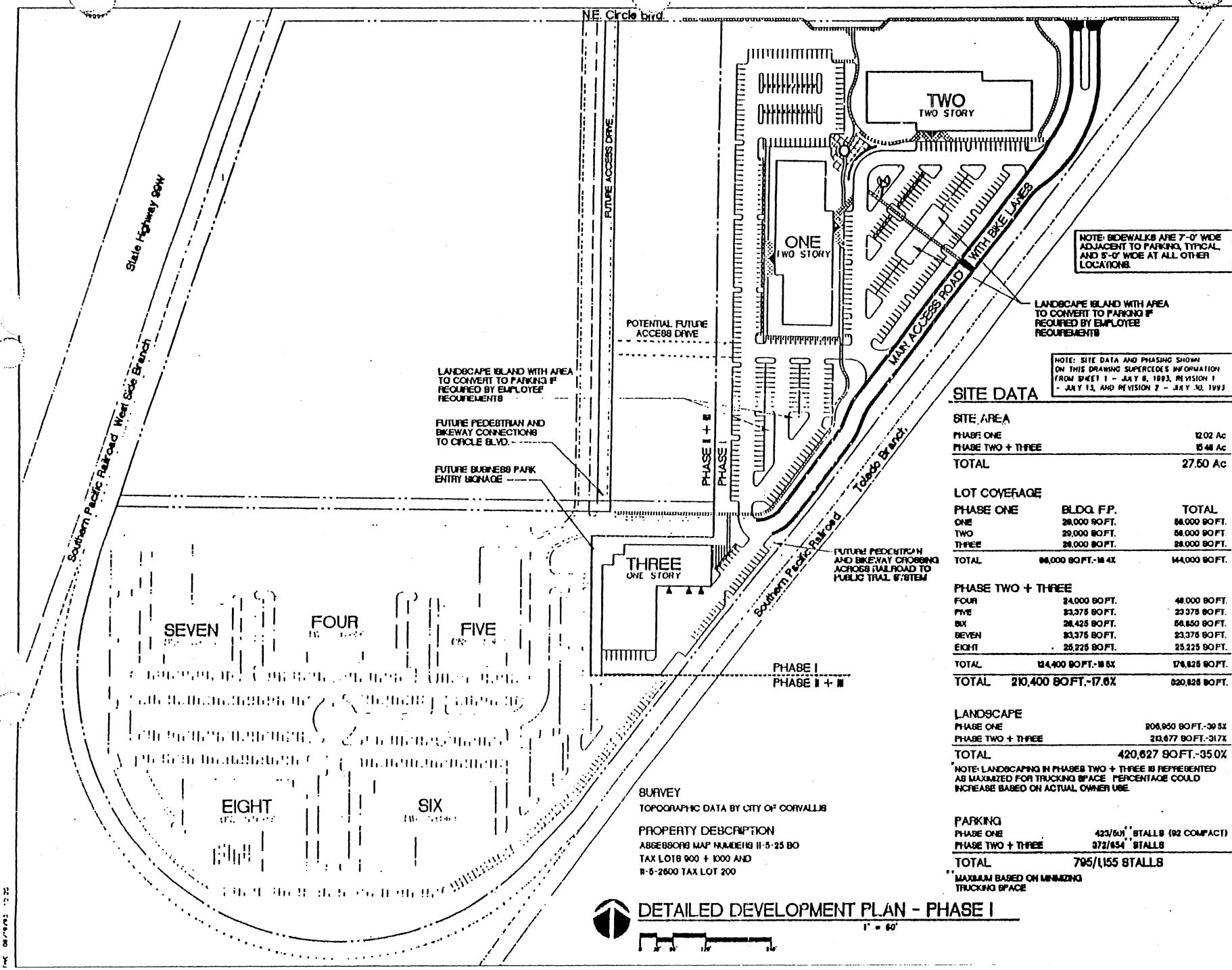
St - III



SITE DATA

SITE AREA

PHASE ONE	12.02 Ac
PHASE TWO + THREE	15.48 Ac
TOTAL	27.50 Ac

LOT COVERAGE

PHASE ONE	BLDG. F.P.	TOTAL
ONE	29,000 SQ.FT.	58,000 SQ.FT.
TWO	29,000 SQ.FT.	58,000 SQ.FT.
THREE	28,000 SQ.FT.	28,000 SQ.FT.
TOTAL	86,000 SQ.FT.-18.4%	144,000 SQ.FT.

PHASE TWO + THREE		
FOUR	24,000 SQ.FT.	48,000 SQ.FT.
FIVE	23,375 SQ.FT.	23,375 SQ.FT.
SIX	28,425 SQ.FT.	56,850 SQ.FT.
SEVEN	23,375 SQ.FT.	23,375 SQ.FT.
EIGHT	25,225 SQ.FT.	25,225 SQ.FT.
TOTAL	124,400 SQ.FT.-18.5%	176,825 SQ.FT.
TOTAL	210,400 SQ.FT.-17.6%	320,826 SQ.FT.

LANDSCAPE

PHASE ONE	206,950 SQ.FT.-39.5%
PHASE TWO + THREE	213,677 SQ.FT.-31.7%
TOTAL	420,627 SQ.FT.-35.0%

NOTE: LANDSCAPING IN PHASES TWO + THREE IS REPRESENTED AS MAXIMIZED FOR TRUCKING SPACE. PERCENTAGE COULD INCREASE BASED ON ACTUAL OWNER USE.

PARKING

PHASE ONE	423/501** STALLS (92 COMPACT)
PHASE TWO + THREE	372/654** STALLS
TOTAL	795/1,155 STALLS

** MAXIMUM BASED ON MINIMIZING TRUCKING SPACE

SURVEY
TOPOGRAPHIC DATA BY CITY OF CORVALLIS

PROPERTY DESCRIPTION
ASSESSORS MAP NUMBERS 11-5-25 BO
TAX LOTS 900 + 1000 AND
11-5-2600 TAX LOT 200

DETAILED DEVELOPMENT PLAN - PHASE I

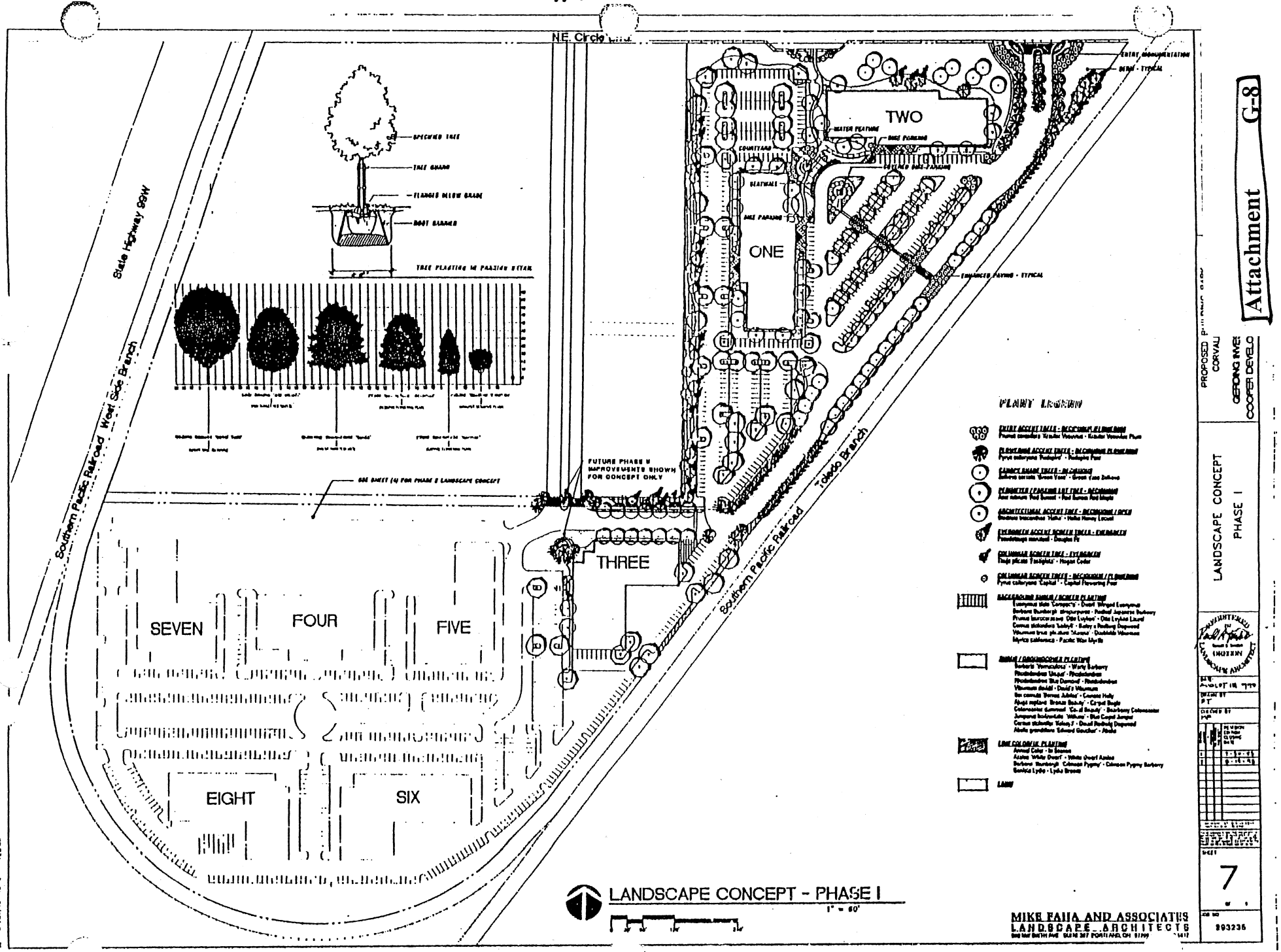
1" = 60'

Attachment G-7

DETAILED DEVELOPMENT PLAN PHASE I

293235

9h - III



LANDSCAPE CONCEPT - PHASE I

1" = 60'

MIKE FAHA AND ASSOCIATES
LANDSCAPE ARCHITECTS

PROPOSED PLANNED DEVELOPMENT
CORVALLIS
GERDING RYE
COOPER DEVELOPMENT

LANDSCAPE CONCEPT
PHASE I

DESIGNED BY
DRAWN BY
CHECKED BY

SHEET
7

JOB NO
993235

Attachment G-8

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 98-97

CASE CORVALLIS BUSINESS PARK
CPA-97-2, DC-97-6, PDM-97-21, & CD-97-9

REQUESTS

1) **Comprehensive Plan Amendment** to:
   A. Amend the Map designation of 6.25 acres from General Industrial with a Research Technology (RT) overlay to Shopping Area; and
   B. Amend Policy 7.9.1 to allow the Comprehensive Plan Map Amendment in (A).

2) **District Change** to amend the District Map designation of:
   A. 2.3 acres from GI (General Industrial) to PD(CS) (Community Shopping with a Planned Development overlay);
   B. 1.44 acres from GI (General Industrial) to PD(RTC) (Research Technology Center with a Planned Development overlay);
   C. 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay); and
   D. 3.95 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay).

3) **Major Modification to the approved Detailed Development Plan for Phase I and Conceptual Development Plan for Phases II and III for Corvallis Business Park (PD-93-5)** to allow the proposed 31.25-acre development plan to proceed, including the reduction from 219,369 to 208,369 square feet of structures/uses within Phase I and the maintenance of 176,825 square feet of structures within Phases II and III; and

4) **Conditional Development** to address the Planned Development in the Research Technology Center, Community Shopping, and Mixed Use Employment Districts, as well as:
   A. An auto body shop within the PD(MUE) (Mixed Use Employment with a Planned Development overlay) District that includes an 18,480 square foot structure and a 14,414 square foot vehicle staging area; and
   B. A 40,000 square foot structure for theater and conference facilities for more than 300 people within the PD(CS) (Community Shopping with a Planned Development overlay) District.

44 - III

APPLICANT Andrew Schlosser
221 West 6th Street, Suite 1450
Bank One Tower
Austin, Texas 78701

OWNERS

Kathryn Brandis, etal	Arthur McFadden	Industrial Welding Supply	Steve Perlenfein
340 NW 7th Street	P.O. Box 6026	3415 Pacific Blvd. SW	631 Kouns Dr. NW
Corvallis, OR 97330	Portland, OR 97228	Albany, OR 97321	Albany, OR 97321

LOCATION South of NE Circle Boulevard, between the Willamette & Pacific Railroad tracks that cross NE Circle Boulevard in the vicinity of NE Conser Street. and HWY 99W. Assessor's Map Number 11-5-25B, Tax Lots 900, 1000, 1100, & 1200. Assessor's Map Number 11-5-26, Tax Lot 200.

Attachment H3

The Corvallis City Council conducted a review and deliberations of the above case on July 6, 1998. The Council then scheduled the application for its August 17, 1998 meeting in order to allow staff time to prepare formal Findings and Conclusions. On August 17, 1998, the Council approved an Ordinance for the Comprehensive Plan Amendment request (CPA-97-2) and tentatively approved the Findings and Conclusions relative to all the requests. However, as the vote on the Comprehensive Plan Amendment Ordinance was not unanimous, on September 8, 1998, the Council conducted a second reading of the CPA Ordinance and formally adopted the Findings and Conclusions relative to the Comprehensive Plan Amendment (CPA-97-2) and the appealed requests (DC-97-6, PDM-97-21, & CD-97-9).

The City Council has adopted the formal Findings and Conclusions, prepared by staff for its August 17, 1998 meeting, as well as the minutes of the August 17, 1998 City Council meeting.

The proposal, staff report, hearing minutes, and Findings and Conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

Helen Berg

Helen Berg, Mayor
Corvallis City Council

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Attached: Map and Text of Comprehensive Plan Amendment, Map of District Change, and Relevant Graphics and Con and Conditional Development
(MAILED: _____)

Attachment A-2

FINAL CONDITIONS OF APPROVAL FOR CORVALLIS BUSINESS PARK MAJOR PLANNED DEVELOPMENT MODIFICATION AND CONDITIONAL DEVELOPMENT

1. Major Planned Development Modification & Conditional Development - The Major Planned Development Modification and Conditional Development shall be as proposed in Attachments G and M, subject to the changes required through these conditions of approval.

2. Previous Conditions of Approval - The Major Planned Development Modification and Conditional Development shall be consistent with and subject to Conditions 1, 2, & 9 of the original approval of Corvallis Business Park (PD-93-5). For reference purposes, these conditions are listed below:

   A. (Previous Condition #1) Entryway Treatment: A detailed entryway treatment plan shall be submitted to the Planning Division which provides a focal point for the ultimate access prior to the issuance of building permits for Building #3.

   B. (Previous Condition #2) Phase 2 & 3 Landscaping Plan: In the Detailed Development process for Phases 2 and 3 of this proposal, the owner shall develop a detailed landscaping plan which will enhance the view of the site from Highway 99W and consider the needs of proposed uses and parking/loading requirements.

   C. (Previous Condition #9) Lighting: All lighting fixtures shall be focused on the site so that the lighting cone created will not spill onto adjacent properties.

3. Land Use - Land uses within the PD(RTC) portion of the site shall be consistent with land uses allowed within the Chapter 3.26 of the Land Development Code, except as further restricted by Condition #23 of this approval.

4. Deed Restriction - Upon approval of the PD(MUE) District, and prior to the issuance of any construction permits, a deed restriction shall be recorded on the PD(MUE) portion of the site which states that the industrial character and underlying industrial land use designation of the property is recognized, consistent with LDC Section 3.27.40.01.d.

5. Pedestrian Amenities and Weather Protection - Prior to the issuance of building permits for the PD(MUE) portion of the site, the applicant shall demonstrate compliance with the pedestrian amenities and weather protection provisions outlined in LDC Sections 3.27.50.04 and 3.27.50.07. Buildings within the PD(CS) portion of the site shall also comply with the weather protection provisions outlined in LDC Section 3.27.50.04, in order to continue the unifying theme of the Planned Development.

6. Structure Height - The maximum structure height for the theater/conference center facility, in its current location, shall be 50 feet.

7. Architecture - The entire development site shall maintain an architectural style that includes unifying building materials and/or design characteristics to maintain consistency. Within the PD(RTC) portion of the site, the architecture shall create a campus-like setting. If metal siding and roof surfaces are utilized, they shall be covered and maintained with non-reflective paint, consistent with LDC Section 3.26.40.05.k. Within the PD(MUE) portion of the site, the architecture shall be consistent with LDC Sections 3.27.50.02 thru and including 3.27.50.08. Consistency with these provisions will require a main entrance off NE Circle Boulevard for the buildings within the PD(MUE) portion of the site. Sidewalk connections between these main entrances and the sidewalk along NE Circle Boulevard shall also be provided. Within the PD(CS) portion of the site, the construction shall be consistent with the building design standards within the MUE District, specifically LDC Sections 3.27.50.02 thru 3.27.50.04 & 3.27.50.08.

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Attachment H-3

8. Landscape Construction Documents - Prior to the issuance of any construction permits for each phase, the applicant shall submit for approval by the Community Development Director, landscape construction documents for the particular phase which contain a specific planting plan, construction plans, irrigation plans, details, and specifications for landscape areas, including perimeter landscaping, planter areas (around buildings and in parking areas), within pedestrian amenity areas, and detention pond area, etc., and any other common areas. Landscaping for "partial phases" may be considered, but shall be subject to the review and approval of the Community Development Director. Landscape areas shall be irrigated with permanent facilities sufficient to maintain the plant materials and covered by living plant materials capable of attaining 90 percent ground coverage within 3 years. A landscaped, "focal point" shall be created within and around the south side of the round-about, and on the north side of Building Three. Landscaping around the perimeter of Phases II and III shall be designed to substantially soften and buffer the buildings, consistent with the City's gateway policies (Policies 10.1.8 & 10.1.9).

   Landscape plans shall identify landscape preservation measures for any trees to be saved and locate construction fencing around these trees to at least a distance of 1.5 X the width of the trees' driplines. Such construction fencing shall be installed prior to the issuance of any grading and excavation permits. The landscape plans shall also identify mitigation for significant trees and vegetation (as defined by LDC Section 4.2.40.c) to be removed, such that replacement trees and/or vegetation is provided on a 1:1 basis. All landscaping shall be installed (or financially secured) prior to the issuance of any certificates of occupancy (temporary or otherwise).

9. Landscape Maintenance - Prior to the issuance of certificates of occupancy (temporary or otherwise), the applicant shall submit for approval, a landscape maintenance and preservation plan which outlines provisions and procedures for landscape areas addressed in the landscape plans.

III - 50

10. Financial Security for Landscaping - Prior to the issuance of certificates of occupancy (temporary or otherwise), the applicant shall financially secure the landscaping to ensure it achieves 90 percent ground coverage within 3 years. The amount to be financially secured shall be equivalent to 50% of the cost of the installation of the landscaping.

11. Parking - The applicant shall provide a minimum of 80% of the required vehicular parking outlined in Chapter 4.1 of the Land Development Code. Of the 20% allowed reduction, 10% shall be allowed for the transit facilities and up to 10% shall be allowed for additional bicycle parking. Using this standard, vehicle and bicycle parking shall be provided adequately per phase. Phase line adjustments may need to be made to accomplish this requirement. Finally, a minimum of 50% of required bicycle parking shall be covered, consistent with LDC section 4.1.70.d.

12. Wetlands Determination - Prior to the issuance of any construction permits, the applicant shall conduct a wetland delineation of the site and receive approval of the delineation by the Division of State Lands. Should any wetlands be present on the site, the applicant shall obtain the necessary permits from the Division of State Lands and the U.S. Army Corps of Engineers, and make necessary site plan modifications, prior to the issuance of construction permits for that portion of the site. If site plan modifications are needed, the applicant shall follow the procedures associated with Planned Development Modifications, as outlined in Chapter 2.5 of the Land Development Code. Processes for site plan modifications in this regard are also required to be completed prior to the issuance of construction permits for the portion of the site involved.

13. Site Access - The applicant shall install a traffic signal at the intersection of the main entrance and NE Circle Boulevard. The signal shall be completed prior to acceptance of the public improvements for Phase I of the Project. As part of the public improvement plans for Phase I, the design of the traffic signal shall be submitted to the City, for review and approval by the City Engineer. In addition, the traffic signal shall be coordinated with existing signals on Circle Boulevard at the time when signal coordination is implemented on Circle Boulevard.

Attachment H-4

In order to address safety concerns associated with poor level of service at the east entrance to the site, the left-out movement shall be restricted at this location. Public improvement plans for Phase I shall include a design for this access to ensure that this will occur. The access design shall be subject to the review and approval of the City Engineer.

14. Main Access Drive - At a minimum, the design of the main access drive shall include four lanes from its intersection with NE Circle Boulevard south, into the site, for a distance adequate to allow queuing storage. The drive shall then transition down to two lanes (one in each direction, each of which is a minimum of 12 feet in width). The main access intersection will provide for left turn movements from both lanes exiting the site. The main access drive shall also include a separated sidewalk (minimum 5 feet wide) and a landscaped parkway (minimum 6 feet wide) on the east side of the drive. Finally, on-street bike lanes shall be included in the main access drive in the event that either (1) an agreement is reached between the developer of the Corvallis Business Park and the owner of the adjacent property to the west such that the access drive is shared in some manner between the sites; or (2) a design can be accomplished for the main access drive within the Corvallis Business Park site that includes the on-street bike lanes, provides for a landscaped parkway on the east side, and fits roughly within the area currently proposed by the applicant for the main access drive. **Minor adjustments to the main access drive associated with (1) and/or (2), or other aspects of this Condition as deemed appropriate by the City Engineer, shall be processed administratively, subject to the review and approval of the Community Development Department and the City Engineer.**

If neither (1) or (2) described above occur, then the applicant shall construct the main access drive as described in the application and as modified by this decision, and the proposed separated 12-foot wide multi-use path and 6-foot wide parkway on the west side of the main access drive shall be constructed. Unless arrangements can be made with the adjacent property owner, only the portions of the multi-use path that are shown within the Corvallis Business Park property shall be constructed and appropriate interim transitions between the multi-use path and the main access drive shall be provided until such time as the neighboring property is developed and can complete the path on the west side of the access drive.

The area shown as having mail drop-off facilities and automatic teller machines, etc. on the west side of the main access drive shall be located further south such that it does not interfere with the ultimate construction of the east/west parking lot aisle between the subject site and the adjacent K-mart shopping center site and shall be designed so as to accommodate truck movement to and from proposed loading docks on the property to the west.

Prior to the issuance of any certificates of occupancy for any of the buildings within the 6.25-acre PD(CS) portion of the site, the applicant shall provide and record an access easement for the use of the private main access drive as the primary access for all parcels to the west and within the K-Mart shopping center site, as well as the parcels involved in the subject Corvallis Business Park application. This easement shall meet the approval of the City Attorney and the applicant prior to recordation and shall apply to and from the length of the main access drive. Any driveway cut locations to or from this main access drive shall be subject to the review and approval of the Building Official to ensure traffic safety.

If, prior to the applicant obtaining construction permits for the private main access drive, the property owner to the west obtains construction permits for the 30-foot access drive approved for the Retail at K-Mart Center (PD-96-14), then the Corvallis Business Park applicant shall revise and coordinate the design and alignment of the Corvallis Business Park main access drive so that it does not create conflicts between the two sites. Any revisions to the design and alignment of the private main access drive shall be subject to the review and approval of the City Engineer and shall be processed administratively.

Attachment H-5

15. Multi-Use Path - The multi-use path shall be a minimum of 10 feet in width within Phase I and a minimum 12 feet in width along the north portion of Phases II and III. A 15-foot public access easement shall be provided along its entire length through the site and it shall be constructed as shown in the phasing plan.

16. Bus Shelter - Concurrent with and as part of the public improvements for Phase I, a bus shelter that meets City Standards shall be constructed on NE Circle Boulevard by the applicant. The shelter shall be located 100-200 feet east of the proposed main entrance and signal. Prior to the issuance of the permit for public improvements for Phase I, a transit easement that meets City standards shall be granted to the City for the shelter pad.

17. Utility Easement - Within 30 days from the date of a decision on the Comprehensive Plan Amendment and Legislative Amendment to the Land Development Code (being processed concurrently with these Major Planned Development Modification and Conditional Development requests), the applicant and adjacent property owner of the property to the west, shall attempt to establish a written agreement in which the owner of the adjacent property (the K-Mart shopping center site) grants additional public sewer and water easements between the existing easements and the property line (eliminating the reserve, or "spite" strips).

    If an agreement is reached, the applicant will be required to loop water lines between the site and the lines located on the adjacent K-mart property, and provide sanitary service to a portion of Phases II & III via the collection system located on K-mart property. If no agreement is reached within that 30-day time frame, the applicant will not be required to connect to the existing utilities on the K-mart site.

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18. Storm Drainage - Peak flow rates from the site cannot exceed pre-development levels (up to the 100 year storm). This will require on site detention facilities, the design of which is subject to the review and approval of the City Engineer.

19. Plans for Public Improvements - Prior to issuance of any construction permits, the applicant shall submit engineered plans for public improvements to the City's Engineering Division for review and approval. The plans shall conform to the City of Corvallis Standard Construction Specifications and shall be accompanied by engineered calculations supporting proposed line sizing. The public water line shall be a minimum of 8-inches in diameter. Sanitary sewer lines shall be designed with a 4000 gal/acre/day inflow and infiltration rate. All public utilities shall be provided to and through the site.

20. Public Utility Easements: All sections of the public water, sanitary sewer and storm drain systems required to serve the proposed development that are aligned outside of the public right-of-way on private property, shall require the granting of appropriately-sized public utility easements. The public utility easements shall be granted prior to acceptance of public infrastructure for warranty purposes. The City standards for public utility easements are 15-foot wide easements for a single utility, centered on the utility, and 20-foot wide easements for a double utility. All public utility easements shall be provided to and through the site. No reserve strips (spite strips) are allowed.

21. Contingent Approval - These Major Planned Development Modification (PDM-97-21) and Conditional Development (CD-97-9) approvals are contingent upon approval of the associated Comprehensive Plan Amendment (CPA-97-2), District Change (DC-97-6), and Legislative Amendment to the Land Development Code (LDT-97-8) requests. Should those requests not be approved, these Major Planned Development Modification and Conditional Development requests shall be null and void.

22. Additional Signage - The applicant shall install signage within the parking lot west of the theater/conference center building that directs overflow traffic to the remainder of the parking

Attachment H-6

areas elsewhere within the Corvallis Business Park. All signage shall be consistent with the Corvallis Sign Code.

23. Additional Land Use and Square Footage Restrictions - Because the applicant has proposed that the portions of the site involving the 6.25-acre PD(CS) District (Community Shopping with a Planned Development overlay) and the 20.9-acre PD(RTC) District (Research Technology Center with a Planned Development overlay) be developed as one integrated planned development, with development within the PD(CS) portion of the site having a direct relationship to the business park development within the PD(RTC) portion of the site, the following additional restrictions shall apply:

A. Within the 6.25-acre portion of the site that is approved for the PD(CS) District, there shall be a maximum of 80,000 square feet of total floor area (inclusive of the theater/conference center building).

B. Within the 6.25-acre portion of the site that is approved for the PD(CS) District, and with the exception of the 40,000 square foot theater/conference use, no single user may occupy in excess of 30,000 square feet of building area.

C. Within the 20.9-acre portion of the site that is approved for the PD(RTC) District, the land uses specified in Land Development Code Section 3.26.30.01.**a.3** (commercial and residential use types) are prohibited within Phase I and are allowed within Phases II and/or III of Corvallis Business Park. Additionally, these uses, which are allowed within Phases II and/or III, are limited in size to 5% of the total square footage of development within the 20.9-acre PD(RTC) portion of the site. Note: Under the current development proposal, this 5% square footage number is approximately 11,241 square feet.

D. If, for any reason, the theater/conference facility building is not constructed, and an alternative use is proposed in its place, this change shall be the subject of a full Major Planned Development Modification process, including a Planning Commission public hearing, etc. If, for any reason, future modifications are requested regarding A-C above, they shall be the subject of a full Major Planned Development Modification process, including a Planning Commission public hearing, etc. Any Major Planned Development Modification process involving an alternate land use to the theater/conference center facility building **and/or** modification(s) to A-C above, shall evaluate and ensure consistency with the established objectives of this planned development - primarily that the commercial uses within the PD(CS) portion of the site are integral and related to the PD(RTC) portion of the Corvallis Business Park.

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DEVELOPMENT RELATED CONCERNS

A. Mailbox Locations - As part of the plans for public improvements, the applicant shall show proposed mailbox locations, with approval from the Post Office, as well as sidewalk transitions required by City Standards.

B. Excavation and Grading Plans - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Division for review and approval. Any construction fencing required as part of Condition 8 shall be installed prior to the issuance of these permits.

C. SDC Reimbursements - Where it is anticipated that there will be System Development Charge (SDC) reimbursements from City funds to the developer for qualifying extra capacity facilities built by the developer, the developer shall obtain written agreement with City regarding reimbursement,

Attachment H-7

amount and timing of payments prior to initiating construction of these facilities. A written request for an SDC reimbursement may be directed to the City Engineer, who will facilitate the request through City Council.

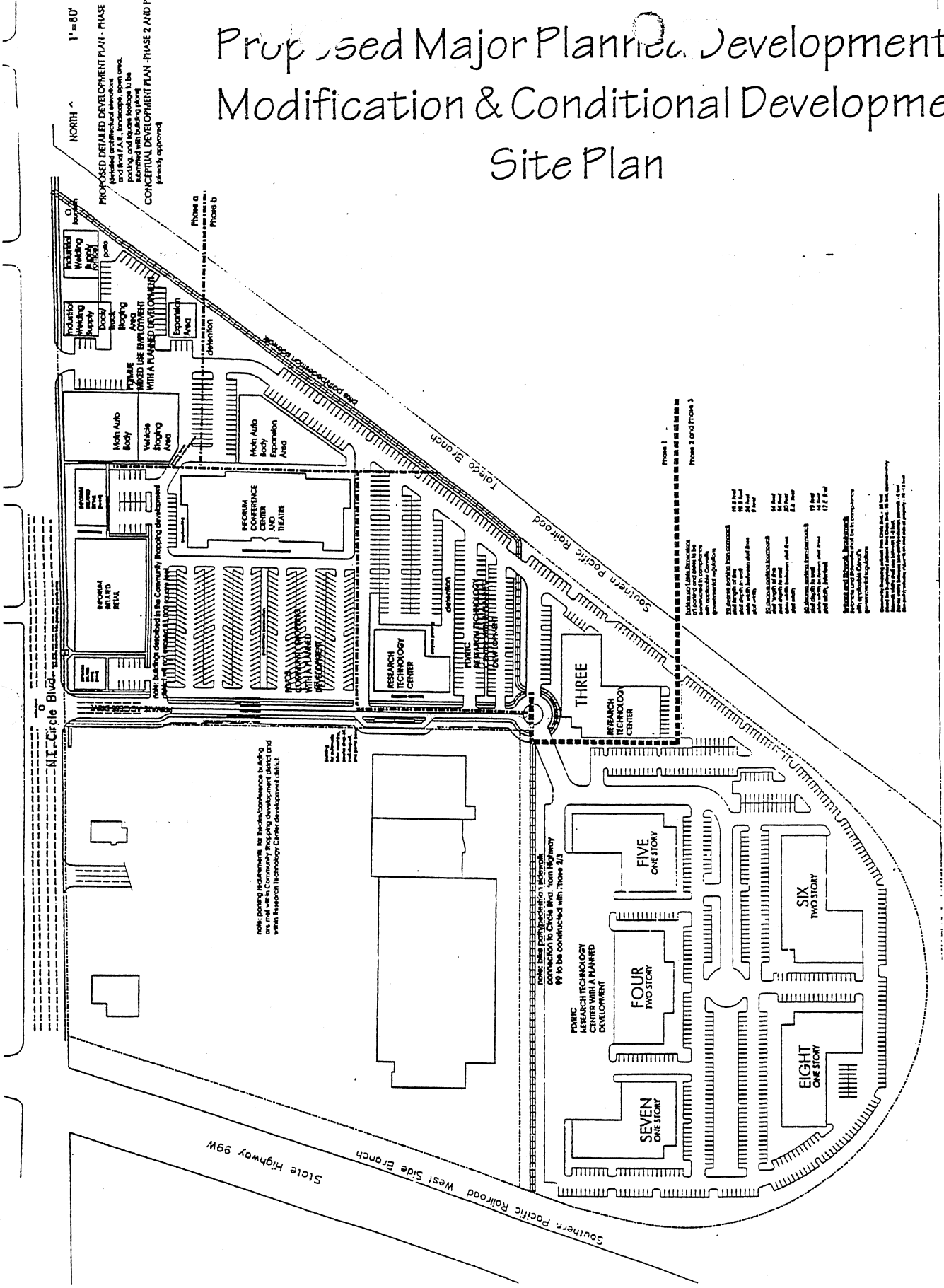
D. NPDES Permit - Prior to issuance of any construction permits, the applicant shall be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading and excavation five or more acres of the site.

Attached: Map and Text of Comprehensive Plan Amendment, Map of District Change, and Relevant Graphics and Conditions for the Major Planned Development Modification and Conditional Development
(MAILED: 9/9/98)

45 - 54

Attachment H-8

Proposed Major Planned Development Modification & Conditional Development Site Plan



III - 55

Attachment H-9

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Community Development
Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477

NOTICE OF DISPOSITION FOR A LAND PARTITION

CASE: MLP00-00014 ORDER NO. 2000-111

REQUEST: Divide a 2.97 acre tract of land into two parcels (one would contain 1.45 acres and the other would contain 1.52 acres). The property is located on the south side of NE Circle Boulevard and is currently being developed with a building on each proposed parcel. A new retail building is at 700 NE Circle Boulevard and a Staples store is at 720 NE Circle Boulevard. The property is in the PD (CS) District. This is a Community Shopping District with a planned development overlay.

APPLICANT: SDC-W-Ecircle, Ltd.
907 West 5th Street, Suite 202
Austin, TX 78703

LOCATION: 700 and 720 NE Circle Boulevard
Assessor's Map No. 11-5-25B; Tax Lot 900

PUBLIC COMMENT: Twenty-seven (27) notices were mailed with no comments received as of October 12, 2000.

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DECISION

Based on the information submitted by the applicant and City staff review; it is the decision of the Development Services Manager that the request be approved subject to the following conditions:

1. Prior to filing the partition plat, the applicant's surveyor shall provide documentation that the proposed property line between Parcels 1 and 2 is located a minimum of 20 feet at any point from the existing buildings on the subject property.

2. The location of the easements shown on the tentative plat will need to be centered over the utilities which they serve and be verified by a surveyor. The water line easements shall be granted to the City. The water line easement running north to NE Circle Blvd will likely change since the hydrant needs to be relocated due to conflicts with the Staples Building. Additionally, the water line easement for the Staples fire service line needs to be up to the Staples building

Attachment I

3. The applicant will need to provide on the partition plat an 8-foot PUE along the property's frontage adjacent to NE Circle Boulevard for franchise utilities as required by the LDC.

4. Additional easements may be required on Parcel 1 for the traffic signal at the site entrance. This is dependant on the final location of all traffic signal infrastructure.

5. The applicant needs to verify that there is a blanket utility easement over the subject property for private utilities including sewer laterals.

6 Partition plats shall contain a certificate signed by the County Assessor or Tax collector certifying that the taxes on the property being partitioned have been paid as required.

7 A partition plat for the land partition shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapters 92 and 209. The plat shall conform to the partition standards established by the County Surveyor.

8 The notarized signatures of the legal owners of the property shall be affixed to the partition plat.

9 This approval is valid for one year. If the partition plat is not filed within that time period this approval shall be null and void.

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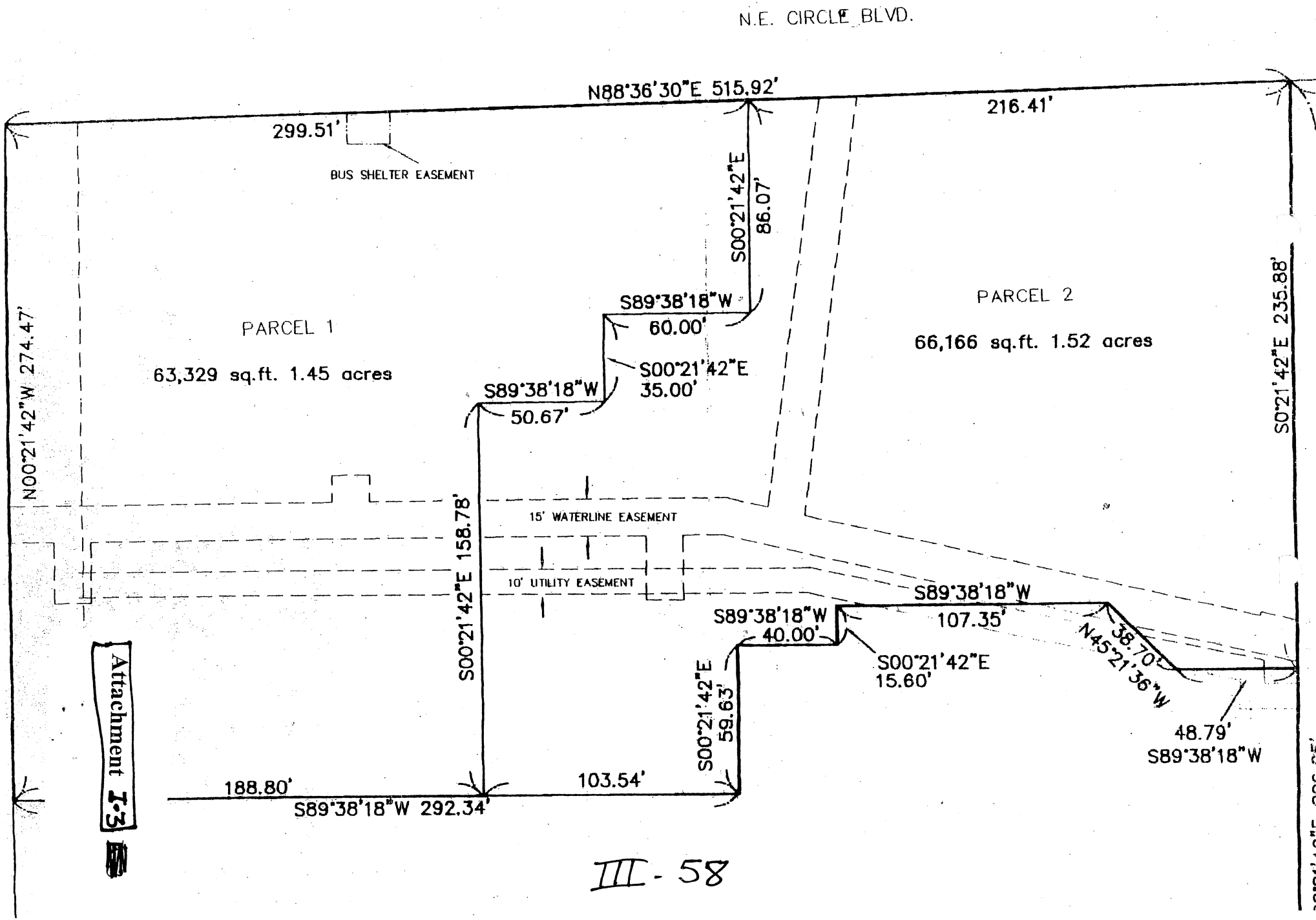
10-13-00
DATE OF DECISION

Lee Mark
DEVELOPMENT SERVICES MANAGER

APPEALS

If you wish to appeal this decision, the appeal must be filed within 12 calendar days from the date of mailing of the notice of disposition. When the final day of the appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent working day. All appeals must be submitted in writing to the City Recorder and they must explain the specific grounds for appeal. If you have any questions about the appeal process, contact this office at 766-6929.

Attachment I-2


N.E. CIRCLE BLVD.
N88°36'30"E 515.92'
299.51'
BUS SHELTER EASEMENT
216.41'
S00°21'42"E
86.07'
S89°38'18"W
60.00'
S00°21'42"E
35.00'
S89°38'18"W
50.67'
PARCEL 1
63,329 sq.ft. 1.45 acres
PARCEL 2
66,166 sq.ft. 1.52 acres
N00°21'42"W 274.47'
S0°21'42"E 235.88'
15' WATERLINE EASEMENT
10' UTILITY EASEMENT
S00°21'42"E 158.78'
S89°38'18"W
107.35'
S89°38'18"W
40.00'
S00°21'42"E
15.60'
N45°21'36"W
38.70'
S00°21'42"E
59.63'
48.79'
S89°38'18"W
188.80'
103.54'
S89°38'18"W 292.34'
Attachment I-3

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Community Development
Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477

NOTICE OF DISPOSITION FOR A LAND PARTITION

CASE	MLP00-00011	ORDER NO. 2000-66
REQUEST	Divide a 4.09 acre tract of land into two parcels (one would contain 2.54 and the other would contain 1.55 acres). The property is located on the south side of NE Circle Boulevard and on the west side of the Southern Pacific Railroad right-of-way.	
APPLICANT	SDC-W-Ecircle, Ltd. 907 West 5th Street, Suite 202 Austin, TX 78703	
LOCATION	South side of NE Circle Boulevardand on the west side of SPRR tracks Assessor's Map No. 11-5-25B; Tax Lot 900	
PUBLIC COMMENT	Thirteen (13) notices were mailed with no comments received as of June 29, 2000.	

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DECISION

Based on the information submitted by the applicant and City staff review; it is the decision of the Development Services Manager that the request be approved subject to the following conditions:

1. Partition plats shall contain a certificate signed by the County Assessor or Tax collector certifying that the taxes on the property being partitioned have been paid as required.

2. A partition plat for the land partition shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapters 92 and 209. The plat shall conform to the partition standards established by the County Surveyor.

3. The notarized signatures of the legal owners of the property shall be affixed to the partition plat.

Attachment I-4

4 This approval is valid for one year. If the partition plat is not filed within that time period this approval shall be null and void.

06/30/00
DATE OF DECISION

Michael Eagles FOR: LEE MARCH
DEVELOPMENT SERVICES MANAGER

APPEALS

If you wish to appeal this decision, the appeal must be filed within 12 calendar days from the date of mailing of the notice of disposition. When the final day of the appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent working day. All appeals must be submitted in writing to the City Recorder and they must explain the specific grounds for appeal. If you have any questions about the appeal process, contact this office at 757-6929.

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Attachment I-5

SCHLOSSER DEVELOPMENT CORPORATION

June 16, 2000

City of Corvallis
Attn: Mr. Joe Kasper
Post Office Box 1083
Corvallis, Oregon 97339-1083

Re: New Physicai and Mailing Address for SDC - W - ECIRCLE, Ltd.

To Whom It May Concern:

Please be advised that as of June 23, 2000, the new address for SDC - W - ECIRCLE, Ltd. will be:

SDC - W - ECIRCLE, Ltd.
907 West 5th Street, Suite 202
Austin, Texas 78703

The phone number, (512) 472-7774, and fax number, (512) 795-0493, will remain the same. Please feel free to contact me, if you have any questions.

Sincerely yours,

Lynne Simon

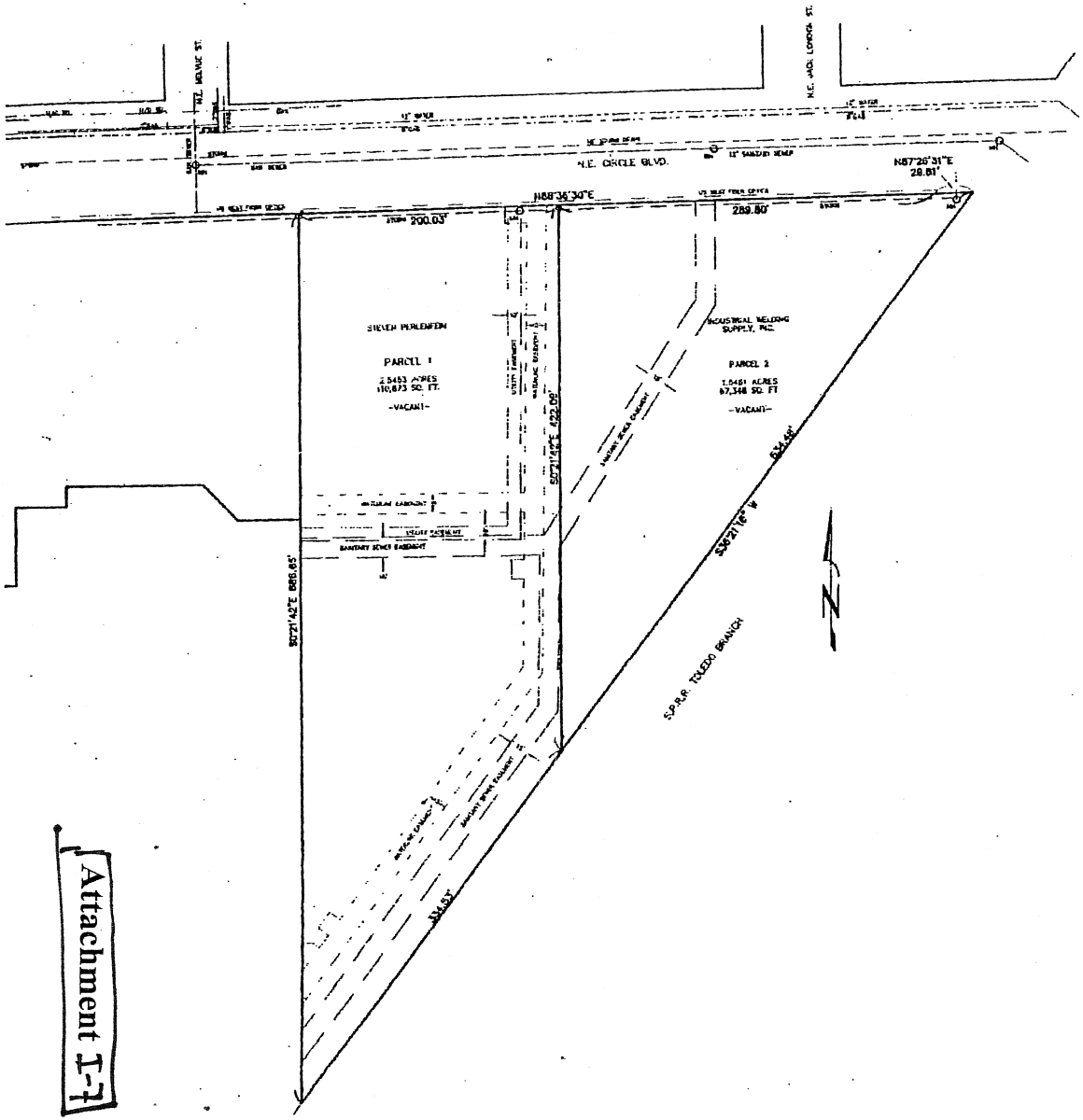
Lynne Simon

29 - III

Attachment I-6

Bank One Tower • Suite 1450 • 221 West Sixth Street • Austin, Texas 78701 • (512) 472-7774 • FAX (512) 472-5774

PROPOSED PARTITION



Attachment I-7

FRACTION OF LOT 10, WILLAMETTEDALE FARM

ASSESSOR MAP: 11-5-25B
TAX LOT 900

OWNERS:
STEVEN PERLENFEIN
636 KOUNS DR.
ALBANY, OR. 97321
AND
INDUSTRIAL WELDING SUPPLY, INC.
P.O. BOX 20340
SALEM, OR. 97307
AS TENANTS IN COMMON

By: _____ DATE 6-6-00

By: _____ DATE 6-6-00
President

SURVEYOR: CLARENCE E. BARKER

PARTITIONER: ANDREW J. SCHLOSSER
SCHLOSSER DEVELOPMENT WEST, INC.
BANK ONE TOWER
221 WEST 6TH. ST. - SUITE 1450
AUSTIN, TEXAS 78701
(512 795-0493

(#g) REFERENCE - RECIPROCAL EASEMENT AGREEMENT.

EXPIRATION DATE: 12-31-2001

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 16, 1964
CLARENCE E. BARKER

SURVEY FOR STEVEN PERLENFEIN/INDUSTRIAL WELDING SUPPLY, INC.
LOCATION:
N.W. 1/4 SEC. 25 T.11 S., R.5 W.W.M. CITY OF CORVALLIS BENTON COUNTY, OREGON
SCALE: 1"=50'
DATE: 6-5-2000
BARKER SURVEYING CO.
2035 25TH STREET S.E.
● -MON.FOUND.
○ -MON.SET. (See note)

III-62A

NW1/4 SEC. 25 T.11S. R.5W. W.M.
BENTON COUNTY

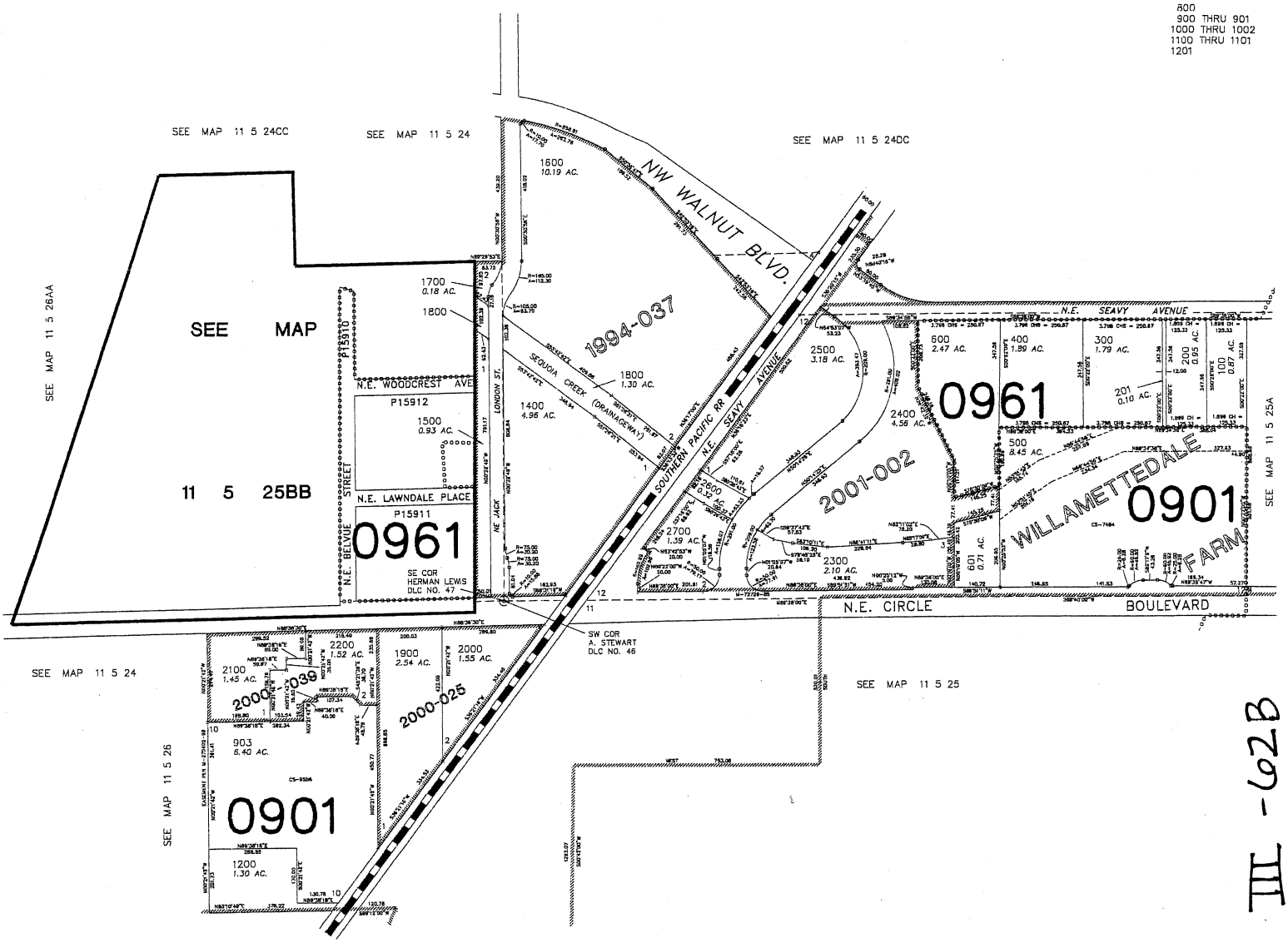
1" = 200'

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

11 5 25B
CORVALLIS

REV: 02-05-2003
CANC.

800
900 THRU 901
1000 THRU 1002
1100 THRU 1101
1201



III-62B

11 5 25B
CORVALLIS

Current Assesors Maps

Attachment I-8

NW1/4 SEC. 25 T.11S. R.5W. W.M.
BENTON COUNTY

1" = 200'

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

11 5 25B
CORVALLIS

REV: 02-05-2003
CANC.

800
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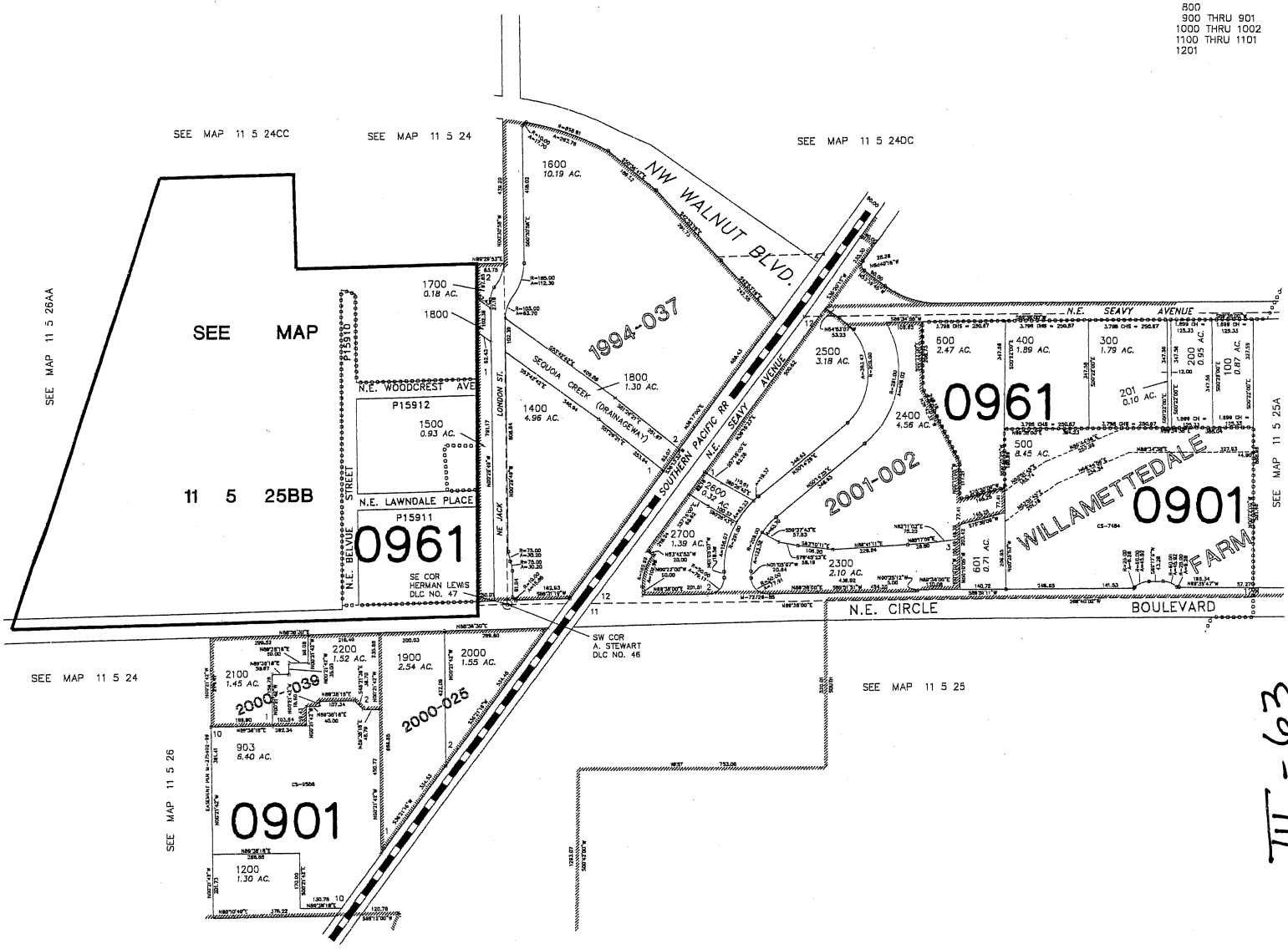

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CORVALLIS

Current Assesors Maps

Attachment I-9

I-63

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 2003-168

CASE: **Corvallis Station** (Case # ZDC03-00019, PLD03-00017, SUB03-00005 and MIS03-00062)

TOPIC Review of an Application for a District Change, a Major Modification to the Conceptual Development Plan and a Detailed Development Plan for a Home Depot building and associated buildings and improvements, a Subdivision request, and a Sign Variance.

LOCATION: The subject site is located south of Circle Boulevard and east of Highway 99, immediately behind the K-mart and Safeway shopping center. This site is identified on Assessor's Map 11-5-26 as Tax Lot 200.

APPLICANT: Group MacKenzie
500 NE Multomah #200
Portland, OR 97232

OWNER : Arthur L. McFadden
0690 SW Bancroft Street
Portland, OR 97239

DECISION: The Corvallis Planning Commission conducted a review of the above case on December 3, 2003, and deliberated on December 17, 2003. The Planning Commission found that the requests should be denied. The Planning Commission has adopted the findings contained in the November 26, 2003, Planning Commission Staff Report as well as the portion of the December 3, 2003, and December 17, 2003, minutes that demonstrate support for denial of the request.

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If you are an affected party and wish to appeal any of the Commission's decisions regarding the District Change, a Major Modification to the Conceptual Development Plan and a Detailed Development Plan for a Home Depot building and associated buildings and improvements, a Subdivision request, and a Sign Variance, appeals must be filed, in writing, with the City Recorder within 12 days from the date that this order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.
5. Filing fee of $200.00.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

Ed Barlow-Pieterick, Chair
Corvallis Planning Commission

Signed this 18th day of December, 2003.

ATTACHMENT J

TABLE VIII: 2002 SUMMARY OF CORVALLIS VACANT LANDS, BY ZONE

(Does Not Include Right-of-Way Areas or Vacant Acreage for OSU or AG-OS Zones; also does not itemize areas subject to a Planned Development Overlay. See "Other Background Information" Section for a Description of All Zones)

ZONE	Total Acres	Vacant Areas	% Of Each Zone That is Vacant	% Vacant Land Per Zone / Total Vacant Land in City
Residential:				
Low-Density (2-6 Units/Acre):				
RS-3.5	2,617.0	237.9	9.1%	15.9%
RS-5	588.7	164.2	27.9%	10.9%
RS-6	357.4	181.9	50.9%	12.1%
Medium Density (6-12 Units/Acre):				
RS-9	757.1	143.1	18.9%	9.5%
Medium-High Density (12-20 Units/Acre):				
RS-12	384.1	107.6	28.0%	7.2%
RS-12U	11.9	0.0	0.0%	0.0%
High Density (20+ Units/Acre):				
RS-20	281.8	9.3	3.3%	0.6%
Subtotal, Residential:	**4,998.0**	**844.0**	**16.9%**	**56.3%**
Commercial:				
Central Business District (CBD)	85.9	0.6	0.7%	0.0%
Central Business Fringe (CBF)	16.4	0.4	2.4%	0.0%
Linear Commercial (LC)	197.5	10.3	5.2%	0.7%
Community Shopping (CS)	73.2	0.0	0.0%	0.0%
Shopping Area (SA)	36.1	6.8	18.8%	0.5%
Shopping Area - University (SAU)	5.5	0.0	0.0%	0.0%
Special Shopping District (SSD)	7.5	0.0	0.0%	0.0%
Professional & Administrative Office (P-AO)	72.4	19.7	27.2%	1.3%
Mixed Use Commercial (MUC)	25.3	4.5	17.8%	0.3%
Subtotal, Commercial:	**519.8**	**42.3**	**8.1%**	**2.8%**
Industrial:				
Limited Industrial (LI)	38.4	12.5	32.6%	0.8%
General Industrial (GI)	896.0	503.4	56.2%	33.6%
Intensive Industrial (II)	101.0	62.0	61.4%	4.1%
Mixed Use Employment (MUE)	19.6	8.6	43.9%	0.6%
Research Technology Center (RTC)	103.6	27.6	26.6%	1.8%
Subtotal, Industrial:	**1,158.6**	**614.1**	**53.0%**	**40.9%**
Other:**	**801.8**			
TOTAL ACRES (Excluding ROW):	**7,478.2**	**1,500.4**	**20.1%**	**100.0%**

*PD = Planned Development Overlay. **Includes lands zoned OSU and Agriculture-Open Space.

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ATTACHMENT K

Table 8. Comparison of Land Need and Supply, *City Limit*, 1996-2020

Plan Designation	---- Land Need ---- Net Acres	Gross Acres	---------- Land Supply ---------- Unconst. Vacant Acres	Redev Acres[a]	Total Buildable Acres	Mixed Use Allocation	Surplus/ Deficit
Agriculture			10		10	0	10
Commercial/Office							
Commercial (CB/LC/SA)	60	76	3	12	15	98	37
Office (PAO)	176	220	41	3	44	49	-127
Comm/Office Total	236	296	44	15	59	147	-90
Industrial							
Heavy Industrial (GI/II)	35	44	417	13	430	12	398
Light Industrial (LI/RTC)	86	108	76	5	81	64	37
Industrial Total	121	152	493	18	511	76	435
Mixed Use[b]							
Intensive Development Sector	see text				-		0
Limited Office-Industrial			50	1	51		51
Mixed Use Commercial			123	29	152		152
Mixed Use Employment			31	4	35		35
Mixed Use Residential			19	-	19		19
Mixed Use Total			223	34	257		257
Public Institutional	672	739	72		72		-667
Residential							
Low Density Residential	430	558	892		892	7	341
Medium Density Residential	156	199	407		407	22	230
Medium-High Density Residential	129	161	87	7	94	3	-64
High-Density Residential	24	26	6	8	14	-	-12
Residential Total	738	944	1,392	15	1,407	33	496
Total, All Designations[c]	1,767	2,131	2,234	82	2,059	257	185

Source: ECONorthwest, 1998.

[a] Redevelopable land includes commercial, industrial ,and multi-family residential (medium-high and high) land.

[b] No land need was allocated to this sector. Mixed use allocations are shown in a separate column. Total mixed use allocation sums to vacant buildable acres in mixed use designations as shown by the shaded cells

[c] Some numbers may not add exactly because of rounding. The Total Buildable Acres value does not include acres in mixed use designations, those are shown in the mixed-use allocation column

Tables 7 and 8 suggest that public/institutional and commercial designations have land deficits. Those estimates are misleading.

The City has a deficit (estimated at 667 acres) of vacant public and institutional land. Well over half of the need derives from the City's policy stating that it should add 35 acres of parkland for every 1,000 people added to the City's population. For these uses the City is probably not required to re-designate land to address the potential deficit. The City can rely on its oversupply of low-density residential land, its subdivision and PUD process, and the land taken out of the buildable land inventory because of its natural features (e.g., steep slopes, wetlands, floodplains) to meet much of this need.

ATTACHMENT L

99-111

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Community Development

Oregon
Theodore R. Kulongoski, Governor

Oregon Department of Transportation
3700 SW Philomath Boulevard
Corvallis, Oregon 97333
Telephone (541) 757-4104/4159
FAX (541) 757-4220

December 8, 2003

Mr. Kevin Young
City of Corvallis Community Development Department
501 SW Madison Avenue
Corvallis, OR 97339-1083

SUBJECT: CPA03-00004, PLD 03-00012; ZDC03-00014

Dear Mr. Young:

Thank you for notifying the Oregon Department of Transportation (ODOT) of the land use action identified above. The proposed project would amend Corvallis land use regulations applicable to the 2.54-acre property (Tax Lot 1900, T11S R5W Section 25B). According to Oregon's Transportation Planning Rule (TPR, Oregon Administrative Rule 660-012-0060(1)), the affect of that change must be evaluated before the land use decision is made. Based on the information provided to ODOT by the City of Corvallis, ODOT believes the project would have a significant affect to state highways, particularly ORE-99W. In order to meet 1999 Oregon Highway Plan (OHP) requirements, the affect of the change in land use regulations must be evaluated for a planning horizon 15 years from the proposed adoption date for the amendment (OHP, p. 77).

The OHP, the applicable transportation system plan for state highways, identifies ORE-99W as a Regional Highway. Regional Highways have the management objective stated in OHP Policy 1A: "to provide safe and efficient, high-speed, continuous flow operation in rural areas and moderate to high-speed operations in urban and urbanizing areas. A secondary function is to serve land uses in the vicinity of these highways (OHP p. 41)." The mobility aspect of this management objective is reflected in the OHP mobility standard. OAR-660-012-0060(2) defines a significant affect as one that "would allow types or levels of land use which would result in levels of travel or access which are inconsistent with the functional classification of the transportation facility." The OHP mobility standard establishes what the "level of travel or access" can be on a Regional Highway. Within a Metropolitan Planning Organization's planning area, the OHP mobility standard for Regional Highways is a volume/capacity ratio of 0.85 (OHP Table 6, page 80).

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ATTACHMENT M

ODOT recommends that the application be revised to evaluate the affect of the change in land use regulations through a transportation impact study (TIS). Without such a study, it is ODOT's opinion that there is insufficient information to demonstrate that the project will not significantly affect area transportation facilities as called for in OAR660-012-0060 (see attachment). ODOT staff is prepared to assist the City, the applicant and their traffic consultant in developing a scope of work for the TIS. You may contact Gerry Juster, Region 2 Access/Development Review Coordinator at 503-986-2732 for assistance.

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

Yours truly,

John G. deTar
Senior Region Planner

Attachment

cc George B. Heilig
Jack Lee, ODOT (email)
Gerry Juster, ODOT (email)
Eric Jacobson, DLCD (email)
Marguerite Nabeta, DLCD (email)

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ATTACHMENT M-2

Attachment
CPA-03-00004; PLD03-00012, ZDC03-00014

660-012-0060
Plan and Land Use Regulation Amendments

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

(a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
(d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

(2) A plan or land use regulation amendment significantly affects a transportation facility if it:

(a) Changes the functional classification of an existing or planned transportation facility;
(b) Changes standards implementing a functional classification system;
(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
(d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

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(3) Determinations under subsections (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local governments.

(4) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(5) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is

ATTACHMENT M-3

available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian- friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian- friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(6) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:
(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and
(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(2).

(7) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
(a) Any one of the following:
(A) An existing central business district or downtown;
(B) An area designated as a central city, regional center, town center or main street in the *Portland Metro 2040 Regional Growth Concept;*
(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
(A) A concentration of a variety of land uses in a well-defined area, including the following:

III - 70

ATTACHMENT M-4

(i) Medium to high density residential development (12 or more units per acre);
(ii) Offices or office buildings;
(iii) Retail stores and services;
(iv) Restaurants; and
(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;
(C) A core commercial area where multi-story buildings are permitted;
(D) Buildings and building entrances oriented to streets;
(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
(G) One or more transit stops (in urban areas with fixed route transit service); and
(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Stat. Auth.: ORS 183 & ORS 197.040
Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.610 - ORS 197.625, ORS 197.628 - ORS 197.646, ORS 197.712, ORS 197.717 & ORS 197.732
Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-1999, f. & cert. ef. 8-6-99

TL - TL

ATTACHMENT M-5

Applicable Decision Criteria - Perlenfein - CPA03-00004, ZDC03-00014, PLD03-00012

Applicable Land Development Code Criteria:

Comprehensive Plan Amendments - Section 2.1.30.06 - Review Criteria

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. Amendments shall be approved only when the following findings are made:

1. **There is a public need for the change;**
2. **The change being proposed is the best means of meeting the identified public need; and**
3. **There is a net benefit to the community that will result from the change.**

b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

1. **Visual elements (scale, structural design and form, materials, and so forth);**
2. **Noise attenuation;**
3. **Noxious odors;**
4. **Lighting;**
5. **Signage;**
6. **Landscaping for buffering and screening;**
7. **Traffic;**
8. **Effects on off-site parking;**
9. **Effects on air and water quality.**

4.0.70.d - Street Requirements

1. **Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.**

Section 4.0.40 - Pedestrian Requirements

b. Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops and neighborhood activity centers such as schools and parks.

Section 4.0.50 - Bicycle Requirements

c. Safe and convenient bicycle facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops and neighborhood activity centers such as schools and parks.

ATTACHMENT N

4.0.40.b All developments shall provide safe, convenient, pedestrian walkways between the buildings and transit stop, in accordance with the provisions of section 4.0.40.b.

4.0.80 - Public Utility Extensions

a. All development sites shall be provided with public water, sanitary sewer and storm drainage.

b. Where necessary to serve property as specified in"a" above, required public utility installations shall be constructed concurrent with development.

4.0.110 - Land for Public Purposes

i. Easements for public sanitary sewer, water, storm drain, streetlight, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside of public right-of-way in accordance with the following:

1. When located between adjacent lots, easement shall be provided on one side of a lot line.

(2) The minimum easement width for a single utility is 15 feet. The minimum easement width for two adjacent utilities is 20 feet. The easement width shall be centered on the utility to greatest extent practicable. Wider easement may be required for unusually deep facilities.

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Section 4.0.80 - PUBLIC UTILITY EXTENSIONS

a. All development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights.

b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrent with development.

c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.

d. To provide for orderly development of adjacent properties, public utilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. All public utility installations required with development shall conform to the City's adopted facilities master plans.

f. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:

1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;

2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 4.0.70.f above);

ATTACHMENT N-2

3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.

2.2.40.05 - Review Criteria for Development District Changes

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. Visual elements (scale, structural design and form, materials, and so forth;
b. Noise attenuation;
c. Noxious odors;
d. Lighting;
e. Signage;
f. Landscaping for buffering and screening;
g. Traffic;
h. Effects on off-street parking;
i. Effects on air and water quality.

Applicable Comprehensive Plan Policies:

1.2.3 Amendments to the Comprehensive Plan can only be approved where the following findings are made:

A. There is a demonstrated public need for the change.

B. The advantages to the community resulting from the change shall outweigh the disadvantages.

C. The change proposed is a desirable means of meeting the public need.

8.2.1 The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.

8.9.1 The City shall designate appropriate and sufficient land in a variety of different parcel sizes and locations to fulfill the community's industrial needs.

8.9.3 Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

8.10.1 The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs.

8.10.3 All areas with commercial Comprehensive Plan Map designations other than Central Business District and Professional Office shall be redesignated as Mixed Use Commercial. (See Policy 8.10.7 for direction on Land Development Code standards to be developed to address the community's commercial needs.)

8.10.4 New commercial development shall be concentrated in designated mixed use districts,

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ATTACHMENT N-3

which are located to maximize access by transit and pedestrians.

8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998.

8.10.7 The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.

8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.

13.5.4 The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

13.5.6 Development of a regional shopping center outside the downtown is inappropriate.

11.2.2 The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

11.2.7 The City shall establish a Capital Improvement Program for the transportation system which:

- ii. Is subject to annual review;
- iii. Is consistent with land use policies of the Comprehensive Plan and considers other facility plans;
- iv. Defines the locations of rights-of-way necessary for the creation of a community-wide transportation system;
- v. Establishes a priority for improvements to the system;
- vi. Provides for the needs of all modes of transportation with the rights-of-way; and
- vii. Considers the economic impacts upon properties resulting from transportation improvements.

11.2.11 The City shall coordinate with the Oregon Department of Transportation (ODOT) in implementing its highway improvement program.

11.2.12 The transportation system shall reflect consistency with the Corvallis Comprehensive Plan, land use designations, and regional and statewide transportation planning efforts.

11.2.14 Oregon Department of Transportation should fund, maintain, and improve all State highway facilities (highways, 99W, 34 and 20) to meet level-of-service standards contained in the Oregon Highway Plan. When specific construction plans are proposed, ODOT should prepare comprehensive roadway designs that recognize urban usage for surface transportation modes, including facilities for pedestrians, bicycles, transit, drainage, curbs and gutters.

11.3.9 Adequate capacity should be provided and maintained on arterial and collector streets to

S4-75
III

ATTACHMENT N-4

accommodate intersection level-of-service (LOS) standards and to avoid traffic diversion to local streets. The level-of-service standards shall be: LOS "D" or better during morning and evening peak hours of operation for all streets intersecting with arterial or collector streets, and LOS "C" for all other times of day. Where level-of-service standards are not being met, the City shall develop a plan for meeting the LOS standards that evaluates transportation demand management and system management opportunities for delaying or reducing the need for street widening. The plan should attempt to avoid the degradation of travel modes other than the single-occupant vehicle.

11.2.3 The City shall develop and promote alternative systems of transportation which will safely, economically, and conveniently serve the needs of the residents.

11.3.6 Adequate street widths and routes shall be provided for emergency and service vehicles while maintaining accessibility to abutting properties.

11.5.2 Bikeways shall provide safe, efficient corridors which encourage bicycle use. Bicycle use of major streets shall be considered as improvements are made to major transportation corridors.

11.7.1 An improved public transportation system within the Urban Growth Boundary should be established to improve the livability of the community, to reduce pollution and traffic, and to reduce energy consumption.

10.2.12 Developers will be responsible for the construction of all facilities internal to and fronting their properties and for needed extensions of facilities to and through their site.

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Applicable Oregon Administrative Rules:

660-012-0060 Plan and Land Use Regulation Amendments

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

1. Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
2. Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
4. Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided.

2. A plan or land use regulation amendment significantly affects a transportation facility if it:

A. Changes the functional classification of an existing or planned transportation facility;

ATTACHMENT N-5

B. Changes standards implementing a functional classification system;
C. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
D. Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

44-111

ATTACHMENT N-6

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DEC 0 1 2003
Community Development

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APPLICATIONS FOR:

1. Comprehensive Plan Map and Text (Policies 8.10.5 and 8.12.1) amendments to change 2.54 acres located at T11S, R5W, Section 25B, Tax Lot 1900 from General Industrial (GI) to Mixed Use Commercial (MUC).

2. A District Designation Change on the same property from Mixed Use Employment with a Planned Development Overlay (PD(MUE)) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

3. A Major Modification of an Approved Detailed Development Plan.

NARRATIVE

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I. BACKGROUND

The subject property consists of 2.54 vacant acres (T11S, R5W, Section 25B, Tax Lot 1900) located on the south side of NE Circle Blvd., about 1,200 feet east of Highway 99W, between Staples Office Superstore and Industrial Welding Supply, Inc. The only improvements on the property are an access drive and some parking along the eastern and southern boundaries and a 30 foot wide private street that crosses the property from east to west about 225 feet south of Circle Blvd. The improvements were constructed in conjunction with other development in the Corvallis Business Park (Industrial Welding Supply, Inc. and Staples).

The current Comprehensive Plan Designation is General Industrial (GI). The current District Designation is Mixed Use Employment with a Planned Development Overlay. The property is included in the approved Detailed Development Plan for the 31.25 acre Corvallis Business Park (refer to Corvallis Development Department files: CPA-97-2, LDT-97-8, DC-97-6, PDM-97-21 and CD-97-9).

In 1988, following the development of Heritage Mall in Albany, the Big-K Mart property west of the Corvallis Business Park (CBP) was redesignated from General Industrial (GI) to Community Shopping with a Planned Development overlay (PD(CS)). The area that currently comprises CBP continued to have a General Industrial, Regional Shopping Center overlay designation ((RSC)GI).

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In September 1993, the City approved a Comprehensive Plan Map Amendment from RSC(GI) to General Industrial with a Research and Technology overlay (GI(RT)) (CPA-93-2), a District change from GI to PD(RTC) (DC-93-1), a Detailed Development Plan for Phase I and a Conceptual Development Plan for Phases II and III (PD-93-5) for the 27.5 acres that then comprised CBP.

In September 1998, the City approved a Comprehensive Plan Map Amendment to change 6.25 acres from GI(RT) to Shopping Area (SA), approved four district changes within CBP and a Major Modification of the Detailed Development Plan (CPA-97-2, LDT-97-8, DC-97-6, PDM-97-21 and CD-97-9). The district changes were:

2.30 acres from GI to PD(CS)
1.44 acres from GI to PD(RTC)
4.10 acres from PD(RTC) to PD(MUE) and
3.95 acres from PD(RTC) to PD(CS)

In June 2000, the City adopted legislative Comprehensive Plan amendments citywide that changed the CS designations to Mixed Use Commercial (MUC).

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II. SURROUNDING DESIGNATIONS AND LAND USE

Surrounding land uses are shown on Attachments B-1 and B-2. In general, there is continuous commercial development on the south side of Circle Blvd. to the west, from the subject property to North 9th Street (Staples Office Superstore, Quiznos Restaurant, Check 'n Go, Blockbuster Video, Jack in the Box Restaurant, Safeway, Big-K Mart, McGrath's Restaurant and Bi-Mart). There is a mix of commercial, residential and light industrial uses on the north side of Circle Blvd. adjacent to the subject property (Entermann's Bakery Outlet, Clayton's Auto Repair, Corvallis Power Equipment, Corvallis Color Tile, Big 5 Sports, Central Willamette Credit Union, Corvallis Rental, Inc., Self Stor, Main Auto Body Repair and Service, a mobile home park, some single-family residences and duplexes, and some high-tech businesses). Industrial Welding Supply Company is immediately to the east of the subject property. The southeastern portion of the subject property is bordered by a Southern Pacific Railroad line. Hewlett-Packard is east and south of the railroad. A multi-plex cinema is being built on property to the southwest. Further to the southwest is a vacant portion of Corvallis Business Park that is planned and designated for general industrial or research and technology center development. An application for development of a Home Depot Store on the site is currently being reviewed by the City.

Surrounding district designations are shown on Attachment D.

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III. DESCRIPTION OF REQUESTED CHANGES

1. Comprehensive Plan Map and Text (Policies 8.10.5 and 8.12.1) amendments to change 2.54 acres located at T11S, R5W, Section 25B, Tax Lot 1900 from General Industrial (GI) to Mixed Use Commercial (MUC).

2. A District Designation Change on the same property from Mixed Use Employment with a Planned Development Overlay (PD(MUE)) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

3. A Major Modification of an Approved Detailed Development Plan for the purposes of obtaining a change in Comprehensive Plan and District Designations. A subsequent application for another Major Modification of the Detailed Development Plan will be submitted at the time the property is developed. At this time, the applicant will demonstrate it is feasible to comply with the stipulations of the current PD approval and the requirements of the MUC District.

<u>Comprehensive Plan Map and Text Amendments and District Designation Change.</u>

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The current request is to change the Comprehensive Plan and district designations from GI and PD(MUE) to (MUC) and PD(MUC), respectively. It is staff's position that approval of the Comprehensive Plan Map amendment requires amending Comprehensive Plan Policies 8.10.5 and 8.12.1, which state:

> **Policy 8.10.5** - "Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998."
>
> **Policy 8.12.1** - "Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998."

The applicant requests that either: (a) the City find that Policy 8.10.5 does not apply to the subject property because it is part of an approved PD that includes a large area that is not along an arterial street; or (b) the City amend Policy 8.10.5 to allow the proposed Comprehensive Plan Map Amendment.

Policy 8.10.5 is designed to prevent poorly planned linear expansion of commercial activity on major streets and the accompanying negative impacts on traffic, facilities, utilities, and land use compatibility. This site is part of an approved 27.5 acre Planned

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Development (Corvallis Business Park) and these issues have already been addressed. The approved PD extends over ¼ mile (1,640 ft.) south of Circle Blvd. and is not linear strip development. Access to the PD is limited and controlled. Internal circulation, facilities and utilities, landscaping and parking have been approved by the City. Many of the improvements are in place. Since the parent PD has already been reviewed for compliance with the existing policies, Policy 8.10.5 does not apply to this application.

The property is bordered by commercial uses to the west and north. The current PD(MUE) District already allows many commercial uses including, neighborhood grocery stores, drugstores, eating and drinking establishments, food and beverage sales, and retail sales. The district change would not introduce commercial uses onto a property where they currently are not allowed. In most cases, the difference between the commercial uses allowed under the current and proposed districts is in their size, not the type of use. The impacts of a larger development are addressed in detail through the required PD review process.

If the City finds that Policy 8.10.5 applies to this application, there are several ways the policy could be amended to allow the proposed change in Comprehensive Plan designation. A possible amendment to the policy is:

> **Policy 8.10.5 -** "Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard."

Approval of this Comprehensive Plan Map amendment requires amending Comprehensive Plan Policy 8.12.1. There are several ways the policy could be amended. A possible amendment that would allow the proposed change is:

> **Policy 8.12.1 -** "Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard."

Comprehensive Plan Amendments, District changes and modifications to the Detailed Development Plan for Corvallis Business Park were approved by the City in September 1998. The City's approval was appealed to LUBA and final approval was not obtained

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until November 1999. At the time of the original application, in 1997, the owner , in order to facilitate the PD application, agreed to an exchange of property with the intent to construct Main Auto Body Repair and Service on the subject property. The approved PD(MUE) Designation would allow this as a permitted use. Shortly after the City's approval, property on the northeast corner of Circle Blvd. and Hwy 99W became available and Main Auto Body Repair and Service was built and is currently operating on that lot. The current approved Detailed Development Plan shows Main Auto Body Repair and Service being built on the subject property.

Major Modification of the Approved Detailed Development Plan

This application is for a Major Modification of an Approved Detailed Development Plan **solely for the purpose of obtaining changes in the Comprehensive Plan and District Designations.** A subsequent application for another Major Modification of the Detailed Development Plan will be submitted at the time the property is developed. At this time, the applicant will demonstrate it is feasible to comply with the stipulations of the current PD approval and the requirements of the MUC District.

LDC 2.5.50.06 and 2.5.50.04 require approval of a Major Modification of a Detailed Development Plan when there is a major modification in land use. The proposed Comprehensive Plan and District Changes would allow some different land uses on the property, therefore, the applications constitute a major modification of the approved development plan.

The approved Detailed Development Plan shows an 18,480 sf building containing Main Auto Body and Repair and a 14,414 sf staging area on the northern portion of the property. The plan provides an access to Circle Blvd., internal circulation and 95 parking spaces. A 16,500 sf building (Phase II) is approved for the southern portion of the lot.

The ultimate use of the subject property has not been determined. The applicant is proposing no changes to the approved Detailed Development Plan at this time. Any changes to the plan that the City determines are necessary to comply with the requirements of the requested PD(MUC) district can be required as conditions of approval of this application or the subsequent application for a major modification. No changes to the plan were identified in a preliminary review of the LDC requirements for the PD(MUC) District.

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IV. COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS

Since the proposed Map and Text Amendments are so closely related and the criteria for the amendments are the same, the following discussion of the applicable criteria and relevant facts applies to both the Map and Text Amendments.

APPLICABLE CRITERIA

Comprehensive Plan Policy 1.2.3

A. **There is a demonstrated need for the change.**

B. **The advantages to the community resulting from the change shall outweigh the disadvantages.**

C. **The change proposed is a desirable means of meeting the public need.**

LDC 2.1.30.06

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

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a. **Amendments shall be approved only when the following findings are made:**
   1. **There is a public need for the change;**
   2. **The change being proposed is the best means of meeting the identified public need; and**
   3. **There is a net benefit to the community that will result from the change.**

b. **In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:**
   1. **Visual elements (scale, structural design and form, materials, and so forth);**
   2. **Noise attenuation;**
   3. **Noxious odors;**
   4. **Lighting;**
   5. **Signage;**
   6. **Landscaping for buffering and screening;**
   7. **Traffic;**
   8. **Effects on off-site parking;**
   9. **Effects on air and water quality.**

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LDC 2.1.20 – PURPOSES

a. Respond to changing conditions and community attitudes;

b. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan;

IV.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS

APPLICABLE COMPREHENSIVE PLAN FINDINGS AND POLICIES

Policy 3.2.1 – The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact urban form;
E. Efficient provision of transportation and other public services;

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Policy 8.2.1 – The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.

Policy 8.2.3 - The City shall support existing businesses and industries and the establishment of locally-owned, managed, or controlled small businesses.

Policy 8.9.3 – Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

Policy 8.9.13 - The City shall implement the following relative to a Research-Technology District:

C. Promote small commercial uses to encourage pedestrian activity.

Finding 8.10.g – Concentrated shopping and office areas that are comprehensively planned, located at transit nodes, and integrated with the surrounding neighborhood, are the best means of meeting the commercial needs of the residents of the area.

Finding 8.10.k – To implement economic policies it is necessary to maintain an adequate supply of office lands. The Buildable Land Inventory and Land Need Analysis for Corvallis (1998) indicates that there is a shortage of office land; however,

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new Mixed Use and Limited Industrial-Office designations should adequately address this shortage.

Finding 8.10.n – The City must remain open to changes in market forces and assure that an adequate supply of commercially-designated property exists to allow for choices in the market place.

Policy 11.7.5 – New or redeveloped residential, retail, office, and other commercial, civic, recreation, and other institutional facilities at or near existing or planned transit stops shall provide preferential access to transit facilities.

Policy 12.2.5 – The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

Policy 13.5.1 – The City shall encourage private investment in the downtown that supports the diverse activities of the Central City and is consistent with maintaining downtown as the primary shopping center and business district area.

Policy 13.5.4 – The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

Policy 13.5.6 – Development of a regional shopping center outside the downtown in inappropriate.

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DEMONSTRATION OF PUBLIC NEED AND ADVANTAGES AND BENEFIT TO THE COMMUNITY

The Mixed Use Commercial Comprehensive Plan designation will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands (Comprehensive Plan 40.2.2).

The purpose of the MUC district is to introduce some residential and industrial uses into areas with commercial designations on the Comprehensive Plan Map. It is intended to provide areas for commercial uses, as well as civic and residential uses, and to provide basic services and amenities at a scale appropriate to surrounding developments. Other objectives of the Mixed Use Commercial District include: expanding housing opportunities; allowing businesses to locate in a variety of settings; providing options for living, working, and shopping environments; facilitating more intensive use of land

while minimizing potentially adverse impacts; and providing options for pedestrian-oriented lifestyles. (LDC 3.20.10)

Determination of future needs for land designated MUC must take into consideration that the district allows a mix of residential, office, commercial and civic uses that overlap other designations and that it has only been in place for four years. In the Buildable Land Inventory and Land Need Analysis for Corvallis (June 1998, Appendix G), ECONorthwest Consulting projects that there will be a need for 76 acres of commercially designated land and 220 acres of land designated office between 1996 and 2020. This is a total need for 296 acres of commercial and office land. There are currently only 42 acres, 14% of the projected need, in these designations.

The City has determined that the MUC Comprehensive Plan and district designations will be one of the most important tools used to meet this need. According to the 2002 Land Development and Buildable Land Report (2002 LDBLR) (Table 8), there are 520 acres of land designated for commercial use in the city. About 92% of this land (477 acres) is developed. Only 42 acres are vacant and developable. Within the commercial designations, there are only 4.5 acres of vacant land that are designated MUC. The 4.5 acres of MUC designated land make up only 11% of the total vacant commercial land in the City.

Based on current designations (2002 LDBLR), there are 42 acres of vacant land in all commercial (including office) zones to meet a 17 year projected need of 296 vacant buildable acres. Using projections from ECONorthwest Consulting, there will be 206 acres of vacant commercial and office land available after land has been redistricted in conjunction with the Comprehensive Plan and LDC updates. This is the land base available to meet need for 296 acres.[1] Using this best case projection, there will only be 70% of the land necessary to meet the projected commercial and office need.

The June 29, 1998 Memo from the Development Director to the Mayor and City Council outlining Staff and the Planning Commission's recommended approval of the Corvallis Business Park contains analysis of the need for additional commercially-designated land in this area (CPA-97-2). The facts and discussion under the heading "NEED" on pages 6 and 7 also pertain to the current application. The Development Director stated:

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[1] – ECONorthwest allocated vacant buildable commercial land as follows: 15 acres in current commercial districts (CB/LC/SA), 44 acres in current office designations, and an allocation of 147 acres from mixed use designations to commercial and office uses, for a total of 206 acres of commercial and office designated land.

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"The vacant land designated as Shopping Area (now MUC) on the omprehensive Plan Map has changed from 43 acres in 1981 to 34.3 acres in 1991 and 37.1 acres in 1997. When these lands designated with the Shopping Center Comprehensive Plan designation are further analyzed and updated, several points arise. First, the total category of vacant lands designated as Shopping Area on the Comprehensive Plan consists of a 22.5-acre shopping center site known as Sunset Center (at

the southwest corner of SW 53rd Street and Philomath Boulevard, an 8.2-acre site at the northwest corner of SW 53rd Street and Philomath Boulevard, and a 1.8-acre site on the east side of HWY 99W near SE Richland Avenue. Both the 22.5-acre Sunset Center site and the 8.2-acre site at the northwest corner of SW 53rd Street and SW Philomath Boulevard have Squaw Creek and wetland areas bisecting them. This significantly reduces the developable portions of these sites. In addition, an applicant has applied for building permits on the first phase of the Sunset Center site, so a good portion of it will soon be taken off the vacant land inventory list. The 4.6-acre site on the east part of the K-Mart shopping center site has a recently approved Detailed Development Plan for a commercial use. **Give the above, there is not much land actually available for Shopping Area (now MUC) development and there is a need to make new sites available.**" (bold added).

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This information demonstrates a public need for additional commercial land in the city, particularly land with an MUC designation.

The amount of land designated as General Industrial increased from 84.6 acres in 1981 to 650.1 acres in 1991. According to the 2002 LDBLR, there were 503 acres of vacant General Industrial land within the city limits in 2002. The projected need for General Industrial and Intensive Industrial land in 2020 is 398 acres (Buildable Land Inventory and Land Need Analysis for Corvallis, Appendix G, Table 8). The City projects a 26% surplus of General Industrial Land over the next 17 years. The current request would reduce the supply of vacant GI land by 2.54 acres or 0.5%. There will still be a projected 26% surplus of GI land if this request is approved. Approval of this Comprehensive Plan Amendment would result in a negligible reduction in GI land, especially when balanced against the documented shortage of MUC designated land.

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that the overall plan to redesignate portions of the CBP to from General Industrial to Community Shopping (now MUC) was desirable, provided the best means of meeting the City's need for additional lands designated for commercial use and

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provided a net benefit to the community. The same facts apply to the current application. At that time the Council found:

> "Best Means of Meeting Public Need and Net Benefit to Community: The applicant's proposal is oriented toward providing a commercial area that will be developed with uses to support the research and technology uses that will be developed within the area that remains designated with a Comprehensive Plan Map designation of General Industrial. However, staff acknowledges that there is no guarantee that the commercial area will be developed as proposed and that it must be evaluated with respect to the full range of uses which could occur within it. The current vacant parcels designated as Shopping Area on the Comprehensive Plan Map are either currently being developed, have approved and current development plans already approved for them, or have significant natural features.....affecting their developability. ..... Finally, the location of this particular 6.25 acre site is adjacent to an arterial street, along a transit route, served by pedestrian and bicycle connections, and in close proximity to supporting uses that are likely to benefit from having conference/theater facilities. Its location is such that it, more than any other in the City, could be developed with uses that do augment a research and technology park. **Given the above, the proposal is consistent with Policies ..... and provides the best means of meeting the City's need for additional lands designated on the Comprehensive Plan Map as Shopping Area (now MUC) and provides a net benefit to the community."** (bold added)

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There are numerous advantages to the community from the proposed Comprehensive Plan Amendment.

- The proposal locates commercial development appropriately along an arterial street in an approved PD with limited and controlled access, alongside other commercial development.
- The proposal locates commercial uses in close proximity to each other and to transit, pedestrian and bicycle facilities, making transit, pedestrian and bicycle use of the area more effective.
- The proposed MUC designation is compatible with all surrounding land uses.
- The proposed commercial designation supports the surrounding RTC and GI designations (see Comprehensive Plan Policy 8.9.13).
- The proposed MUC designation allows a range of uses that better support the surrounding RTC and GI area and existing adjacent development than the current GI designation. Under the current designation it is more likely that a limited

manufacturing or light industrial use will be established on the property. The MUC designation allows a wider range of commercial uses that would support surrounding employment and visitor uses. It is very unlikely that any residential development will occur on the property under either designation.

- Commercial use of the property fits well with the existing Corvallis Business Park site design and existing traffic and other infrastructure improvements.
- The proposal would permit some professional office use on the property, which would help address the shortage of land available for offices in the city.
- The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses.

The following Comprehensive Plan Policies are applicable to the proposed amendment.

Policy 3.2.1 – The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact urban form;
E. Efficient provision of transportation and other public services;

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The site provides for in-fill development within an approved Planned Development. The proposed changes in designation would enhance the development potential of the site by allowing a larger number of potential uses that are appropriate to the size, location and surrounding uses. Access to the PD is approved and in place. Infrastructure has been approved and in most cases developed in the PD. Public transportation and bicycle and pedestrian access are already installed to City standards. All facilities are available to the site. Development of the site would contribute toward the goal of efficient use of land, compact urban form and efficient use of energy and other resources.

Policy 8.2.1 – The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.

The proposed changes in designation would enhance the development potential of the site by allowing a larger number of potential uses that are appropriate to the size, location and surrounding uses. Development of the site will create employment and provide an opportunity for small locally-owned or managed businesses to be located on the property.

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Policy 8.2.3 - The City shall support existing businesses and industries and the establishment of locally-owned, managed, or controlled small businesses.

The property is 2.54 acres and is divided by a private street that provides internal circulation for the PD. Each portion of the property is an appropriate size for establishment of a small business. Local ownership or management of a business on the property is equally likely under the current and proposed designations.

Policy 8.9.3 – Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

According to the 2002 LDBLR, there were 503 acres of vacant General Industrial land within the city limits in 2002. The projected need for General Industrial and Intensive Industrial land in 2020 is 398 acres (Buildable Land Inventory and Land Need Analysis for Corvallis, Appendix G, Table 8). The City projects a 26% surplus of General Industrial Land over the next 17 years. The current request would reduce the supply of vacant GI land by 2.54 acres or 0.5%. There will still be a projected 26% surplus of GI land if this request is approved. Approval of this Comprehensive Plan Amendment would result in a negligible reduction in GI land, especially when balanced against the documented shortage of MUC designated land.

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The City will have to utilize various means to identify the additional needed commercially designated land. One of these means is the redesignation of appropriate vacant lands within the city. This request provides for the addition of 2.54 acres of vacant buildable land to the City's commercial/office land base.

Policy 8.9.13 - The City shall implement the following relative to a Research-Technology District:

C. Promote small commercial uses to encourage pedestrian activity.

The property is adjacent to an RTC district and Hewlett-Packard. The redesignation to MUC would make it likely that a small commercial use would be developed on the site. The Corvallis Business Park is designed to facilitate pedestrian use. Redesignation of the property to MUC would enhance this design.

Finding 8.10.g – Concentrated shopping and office areas that are comprehensively planned, located at transit nodes, and integrated with the surrounding neighborhood, are the best means of meeting the commercial needs of the residents of the area.

A mobile home park and a housing development are located immediately north of the property, across Circle Blvd., within easy walking distance. The property is also at a

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transit node and has fully developed bicycle access and pedestrian amenities. Corvallis Business Park has been planned and designed to function as an integrated commercial and RTC center.

Finding 8.10.k – To implement economic policies it is necessary to maintain an adequate supply of office lands. The Buildable Land Inventory and Land Need Analysis for Corvallis (1998) indicates that there is a shortage of office land; however, new Mixed Use and Limited Industrial-Office designations should adequately address this shortage.

The proposed MUC district allows: business support services; communication services; financial, insurance and real estate services; medical services; personal services; and professional and administrative services.

Finding 8.10.n – The City must remain open to changes in market forces and assure that an adequate supply of commercially-designated property exists to allow for choices in the market place.

The property is located adjacent to an area that has recently developed commercially. It is the last vacant parcel on the south side of Circle Blvd. between North 9th Street and Hewlett-Packard.

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Policy 11.7.5 – New or redeveloped residential, retail, office, and other commercial, civic, recreation, and other institutional facilities at or near existing or planned transit stops shall provide preferential access to transit facilities.

The property is part of Corvallis Business Park and is at a transit stop. If additional improvements are necessary to insure preferential access to transit facilities, they can be provided when the property develops.

Policy 12.2.5 – The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

The property is adjacent to existing commercial development. It is the last vacant parcel on the south side of Circle Blvd. between North 9th Street and Hewlett-Packard. Clustering of commercial uses near RTC, GI and other employment districts to the east, west and southwest provides an energy efficient land use pattern. Concentration of these uses near transit, pedestrian and bicycle facilities further enhances these efficiencies.

Policy 13.5.1 – The City shall encourage private investment in the downtown that supports the diverse activities of the Central City and is consistent with maintaining downtown as the primary shopping center and business district area.

See discussion under Policy 13.5.4

Policy 13.5.4 – The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

Several characteristics of the site will mitigate any potential impacts to the downtown business district. Large retail outlets (Big K and Safeway) and a multi-plex cinema are already located nearby. The property is also within easy walking distance of Hewlett-Packard. These existing developments distinguish the subject site from sites located in the downtown area. Given the relatively small size of the property, likely uses on the site under the PD(MUC) designation are some form of limited retail sales or a sit-down eating or drinking establishment with on-site parking. These are typical of the uses permitted in the district. Retail sales would most conveniently serve the immediate neighborhood and people who are employed in the area or are already shopping in the Big K, Safeway or another retail store in the area and thus not draw business directly from downtown. An eating or drinking establishment would provide lunch and dinner for people who are already working, shopping or attending a movie in the area, again, not directly competing with downtown businesses.

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Policy 13.5.6 – Development of a regional shopping center outside the downtown in inappropriate.

LDC 3.0.30.03.t defines a Regional Shopping Center as: "A grouping of commercial uses within an enclosed structure with at least 400,000 square feet of leasable retail floor space....." The subject property is 2.54 acres. All adjoining property has been developed. The property can not be developed as a regional shopping center. This policy is not applicable to the application.

Conclusion

There is a demonstrated public need for additional commercially designated land within the city. The City will have to utilize various means to identify the additional needed commercially designated land. One of these means is the redesignation of appropriate vacant lands within the city. This request provides for the addition of 2.54 acres of vacant buildable land to the City's commercial/office land base. The information presented in the analysis of available buildable land, the review of applicable Comprehensive Plan policies, and in the analysis of advantages and disadvantages demonstrates that the proposed change is desirable, is the best means of meeting the identified public need and provides a net benefit to the community.

COMPATIBILITY FACTORS

Compatibility with Surrounding and Internal Land Uses

Compatibility issues generally arise in areas where more intensive land uses abut less intensive uses. Surrounding land uses are shown on Attachments B-1 and B-2. In general, there is continuous commercial development on the south side of Circle Blvd. to the west, from the subject property to North 9th Street (Staples Office Superstore, Quiznos Restaurant, Check 'n Go, Blockbuster Video, Jack in the Box Restaurant, Safeway, Big-K Mart, McGrath's Restaurant and Bi-Mart). There is a mix of commercial, residential and light industrial uses on the north side of Circle Blvd. adjacent to the subject property (Entermann's Bakery Outlet, Clayton's Auto Repair, Corvallis Power Equipment, Corvallis Color Tile, Big 5 Sports, Central Willamette Credit Union, Corvallis Rental, Inc., Self Stor, Main Auto Body Repair and Service, a mobile home park, some single-family residences and duplexes, and some high-tech businesses). Industrial Welding Supply Company is immediately to the east of the subject property. The southeastern portion of the subject property is bordered by a Southern Pacific Railroad line. Hewlett-Packard is east of the railroad. A multi-plex cinema is being built on property to the southwest. Further to the southwest is a vacant portion of Corvallis Business Park that is planned and zoned for research and technology center development or general industrial development. An application for a Home Depot and four out-pads on the property to the southwest is currently being reviewed by the City.

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With the exception of a few of the smaller commercial uses on the north side of Circle Blvd., the commercial development in the area around the subject property has occurred in the last 10 years. The area is now a significant commercial center with a large discount store, grocery store, office supply store, sporting goods store, credit union, three restaurants and other businesses. The subject property is the only vacant property on Circle Blvd. between Hwy 99W and the railroad tracks. Development permitted in the PD(MUC) district will be compatible with all existing and potential surrounding uses.

Visual Elements

The nature of uses allowed in the PD(MUC) district makes them generally compatible with existing uses in the area. A final modification of the Detailed Development Plan for the property will have to be approved prior to issuance of development permits. If any issues arise relating to compatibility of visual elements they can be reviewed and fully mitigated through the development plan review process.

Noise Attenuation, Lighting, and Signage

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that there were no anticipated significant impacts regarding noise, lighting or signage associated with the proposed redesignations. The City found:

> "Because the proposed development includes a continuation of a similar development pattern already occurring in the area (commercial and research technology business), the Council finds that no significant negative impacts are anticipated regarding noise, lighting or signage. However, the Council notes that lighting needs to be shielded such that it does not shine on adjacent properties and signage needs to be consistent with the Corvallis Sign Code. The Council notes that these concerns are addressed satisfactorily by Conditions of Approval....."

The uses allowed in the proposed PD(MUC) district are similar in nature and impact to those reviewed and approved for adjacent property that was designated Community Shopping in 1998 and similar in impact to those allowed in the current PD(MUE) district. All future development on the property will conform with all applicable city codes. The City's 1998 finding with respect to noise attenuation, lighting and signage applies to the current request.

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Noxious odors and Effects on Air and Water Quality

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that there were no anticipated significant impacts regarding noxious odors, air and water quality associated with the proposed redesignations. The City found:

> "The Council notes that the zoning districts throughout the site do not allow uses requiring state or federal discharge permits, so uses will not generate noxious odors or negative effects on air quality. A storm water discharge permit will be required during construction per State law to address any storm water concerns during construction and storm water will be accommodated by the City's storm water system. The Division of State lands noted to staff that, although there are no known wetlands on the site, there are indications that hydric soils might be present and that a wetland delineation would be required. Condition of Approval #12 requires that prior to the issuance of any construction permits, this wetland delineation is required to be conducted. Given the above, no negative effects on water quality are anticipated."

ATTACHMENT O-17

Since the 1998 CBP approval, the northern portion of the development has been built. Public facilities have been installed and approved by the City. The proposed Comprehensive Plan and District change would allow uses that are substantially the same in nature and impacts as those for which the above finding was made. The City's 1998 finding with respect to noxious odors and effects on air and water quality applies to the current request.

Landscaping for buffering and screening

The applicant is proposing to use the landscape plan approved by the City in 1998 for the Corvallis Business Park.

Traffic Circulation

A traffic signal has been installed at the intersection of CBP's main private access drive and Circle Blvd. This traffic signal and other associated improvements were envisioned and required as the area developed. The subject property can be accessed by the signalized main access drive or by the shared access drive with Industrial Welding Supply, Inc. Redesignation of the property from GI to MUC should not change any of the approved and installed improvements with respect to traffic circulation (refer to approved Detailed Development Plan – Attachment G-1). Circle Blvd. is fully improved with bike lanes and sidewalks. Existing bicycle and pedestrian facilities are adequate to serve the proposed changes. An updated traffic study has been prepared and submitted. The traffic study demonstrates that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

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Effects on off-site parking

All parking will be on-site and in accordance with the approved Detailed Development Plan. The parcel is sufficiently large to provide on-site parking in compliance with City requirements.

Impacts of Change to Public Infrastructure

The CBP approval addressed impacts to public infrastructure. The current proposal would permit development of the property with uses that are substantially the same in magnitude and nature of impacts to public infrastructure as uses allowed under the GI and PD(MUE) designation that was approved in 1998. Facility plans with respect to streets, water, sanitary sewer and storm drainage facilities were approved at that time. Many of the improvements have been constructed and approved by the City on the site. The proposed district change will not allow uses that are inconsistent with the approved

plans or would adversely impact public infrastructure. City staff have indicated that existing water and sanitary and storm sewer systems are sufficient to accommodate uses allowed under the MUC designation.

CONSISTENCY WITH THE PURPOSES FOR COMPREHENSIVE PLAN AMENDMENTS

The proposed Comprehensive Plan Amendments will address a demonstrated public need for additional land for commercial uses. It is appropriately located alongside other commercial uses and is on an arterial street that is served by transit and bicycle facilities and has pedestrian amenities. It would enhance existing uses and services in the neighborhood. The impact on the current surplus of land designated General Industrial would be negligible and it would not negatively affect the city's supply of vacant industrial land. The requests comply with applicable Comprehensive Plan policies. Therefore, the amendments are consistent with and maintain the integrity of the Comprehensive Plan.

The surrounding area to the east has developed primarily with high-tech industry in the last 20 years. Land to the west was largely undeveloped until relatively recently. There has been significant commercial development to the west of the subject property since K-Mart was built in the early 1990s. A change to MUC will support the on-going growth in employment-generating development in the immediate area (Hewlett-Packard and related industries, K-Mart, Safeway and others) and will enhance future RTC or GI development on vacant land to the southwest. The subject property is in the middle of an area that has developed as a significant employment and commercial center. It is the only undeveloped land on Circle Blvd. between Hwy 99W and the Southern Pacific railroad line. It is exactly between large, primarily high-tech employers and recently developed commercial land. Because of its moderate size (2.54 acres) and location next to recently developed, existing commercial uses it is more appropriately designated MUC and PD(MUC).

III - 96

The Comprehensive Plan Map and text have been amended several times since 1983 to allow additional commercial use in the immediate area, most recently in 1998 and 2000. These amendments reflect the changing conditions and changes in community attitudes toward the use of this area over time that have been discussed.

ATTACHMENT O-19

V. APPLICABLE CRITERIA FOR A DISTRICT CHANGE

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. Visual elements (scale, structural design and form, materials, and so forth;
b. Noise attenuation;
c. Noxious odors;
d. Lighting;
e. Signage;
f. Landscaping for buffering and screening;
g. Traffic;
h. Effects on off-street parking;
i. Effects on air and water quality.

LDC 2.2.20 - PURPOSES

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative district map amendments to accomplish the following:

a. Maintain sound, stable, and desirable development within the City;
b. Permit changes in development district boundaries where appropriate;
c. Ensure district changes are consistent with the community's land use policies and goals; and
d. Lessen the influence of private economic interests in the land use decision-making process.

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V.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR A DISTRICT CHANGE

The subject property is included in the approved Detailed Development Plan for Corvallis Business Park. The effects of the development of CBP on city facilities and services were evaluated when CBP was approved and it was determined that there would be no negative effect on city facilities and services. Land surrounding the subject property along Circle Blvd. has been developed since 1998. All development was in compliance with city standards and the conditions of approval for CBP. The nature and impact of uses allowed in the proposed PD(MUC) district are similar to those in the

ATTACHMENT O-20

existing PD(MUE) district. No negative effects on city facilities and services resulting from the redesignation of this property to PD(MUC) have been identified. If any impacts are subsequently identified, they can be addressed and mitigated when the final modification of the detailed development plan is reviewed. An updated traffic study has been prepared and submitted. The traffic study demonstrates that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

Previous discussions in this narrative demonstrate that the proposed district change is appropriate for the property and will enhance the area. The facts presented demonstrate that the district change will maintain sound, stable, and desirable development within the city. The preceding discussion of supporting Comprehensive Plan policies shows that the district change is consistent with the community's land use policies and goals.

COMPATIBILITY FACTORS

Compatibility factors have been discussed under the review criteria for the proposed Comprehensive Plan amendment. The same facts apply to consideration of the compatibility of the proposed district change.

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CRITERIA FOR THE MIXED USE COMMERCIAL DISTRICT

LDC 3.20.20.01 - Establishment of the MUC District

The MUC district may be applied to Commercial designations on the Comprehensive Plan map or to lands designated through a legislative process. The district may also be applied to parcels which meet Land Development Code Section 2.2.30 criteria for district changes, and the following criteria for district location, dimensions, and size.

a. Locational Criteria

The following locational criteria shall be applied to district changes, in conjunction with Chapter 2.2 District Changes.

1. **The MUC district shall have frontage from at least one of the following street classifications: Arterial Highway, Arterial, or Collector, as designated by the City of Corvallis Functional Classification System. However, frontage may be provided from a Neighborhood Collector street when a Planned Development district overlay is applied to the district;**

AND EITHER

ATTACHMENT O-21

2. **All portions of the MUC district shall be located within 1/4 mile of existing or planned transit service;**

OR

3. **The MUC district shall be located in areas determined, through a Planned Development process, to be necessary to provide mixed use opportunities and services to adjacent areas.**

b. **District Size and Dimensions**

1. **The site shall consist of at least one *"whole"* legal lot if the lot is one acre or less in size. When multiple tax lots are included, portions at least one acre in size of individual lots may be included, provided the size of the remainder of each lot is developable under its district designation. Public street rights-of-way shall not count toward the total area of a district.**
2. **A Planned Development district overlay shall be applied to MUC districts which exceed three (3) acres or involve multiple parcels. In the event that all parcels within the district do not concurrently develop, the Planned Development review shall focus on the developing parcel and ensure that the proposed development does not preclude development of the adjacent parcels within the mixed use area.**
3. **The district shall have a minimum of 50 feet of frontage onto a public street, as described in Section 3.20.20.01.a.1.**

66-1 III

The subject property has 200 feet of frontage on Circle Blvd., and arterial street. Transit service is provided to Corvallis Business Park. The property is within ¼ mile of transit service. The property is one legal parcel and is 2.54 acres in size. (Partition 2000-25). The proposal complies with all size and locational criteria for the PD(MUC) district.

VI. APPLICABLE CRITERIA FOR MAJOR MODIFICATION OF DEVELOPMENT PLAN

LDC 2.5.50.06 - Major Modification(s) of a Detailed Development Plan

d. In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Detailed Development Plan submittal and review. The Commission shall consider the review criteria in 2.5.40.04 to determine whether to authorize a Major Modification.

ATTACHMENT 0-22

LDC 2.5.40.04 - Review Criteria

Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- **Basic site design (the organization of uses on a site);**
- **Visual elements (scale, structural design and form, materials, and so forth);**
- **Noise attenuation;**
- **Noxious odors;**
- **Lighting;**
- **Signage;**
- **Landscaping for buffering and screening;**
- **Traffic;**
- **Effects on off-site parking;**
- **Effects on air and water quality.**

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this chapter for the following purposes:

a. **Promote flexibility in design and permit diversification in location of structures;**
b. **Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;**
c. **Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;**
d. **Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;**
e. **Combine and coordinate architectural styles, building forms and building relationships within the Planned Development;**
f. **Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;**
g. **Promote and encourage energy conservation;**

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ATTACHMENT O-23

VI.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR A MAJOR MODIFICATION TO THE APPROVED DETAILED DEVELEOPMENT PLAN

LDC 2.5.50.06 and 2.5.50.04 require approval of a Major Modification of a Detailed Development Plan when there is a major modification in land use. The proposed Comprehensive Plan and District Changes would allow some different land uses on the property, therefore, the applications constitute a major modification of the approved development plan.

This application is for a Major Modification of an Approved Detailed Development Plan **solely for the purpose of obtaining changes in the Comprehensive Plan and District Designations.** The detailed development plan that was approved in 1998 (PDM-97-21) will remain in place (Attachment G-1). This plan meets city requirements for all development standards in the PD(MUC) district. Since 1999, all property along Circle Blvd. that is within Corvallis Business Park has been developed in compliance with the approved plan. The property immediately to the southwest is currently being developed (multi-plex cinema) and the City is currently reviewing an application for Home Depot to the southwest.

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Under the 1998 plan, the subject property is approved for an 18,480 sf building with a 14,414 sf staging area, access and internal circulation and 95 parking spaces on the parcel. The ultimate use of the subject property has not been determined. The applicant is proposing no changes to the approved Detailed Development Plan at this time. Any changes to the plan that the City determines are necessary to comply with the requirements of the requested PD(MUC) district can be required as conditions of approval. No necessary changes to the plan were identified in a preliminary review of the LDC requirements for the MUE and MUC districts. **An application for final modification of the approved plan will be submitted for City review and approval when the final use for the site is determined, before any development occurs on the property.**

Several desirable planning objectives are achieved by the proposed district change that necessitates the modification of the Detailed Development Plan. The modification would allow commercial uses to be located in close proximity to each other and to transit, pedestrian and bicycle facilities, making transit, pedestrian and bicycle use of the area more effective. It would locate commercial development appropriately on an arterial street, alongside other commercial development, with direct access to the street. It would support the surrounding RTC and GI designations, Hewlett-Packard, and other existing general industrial uses better than the current designation. Under the current designation it is more likely that a limited manufacturing or light industrial use will be established on the property. The MUC designation allows a wider range of commercial

ATTACHMENT O-24

uses that would support surrounding employment and visitor uses. Commercial use of the property is consistent with the design of the Business Park and with existing traffic and other infrastructure improvements. The proposal would permit some professional office use on the property, which would help address the shortage of land available for offices in the city. The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses. The proposed MUC designation is compatible with all surrounding land uses.

LDC 3.20.40.01 - Preservation of Commercial Land Supply

a. A minimum floor area ratio (FAR) of .25 of commercial use is required for all property with a commercial Comprehensive Plan Map designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes.

It is intended that the property be used primarily or solely for commercial purposes. This would be consistent with surrounding development on the south side of Circle Blvd. The minimum FAR will be maintained above 0.25.

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LDC 3.20.40.02 through 3.20.50.09 contain criteria and standards for the following:

- **Minimum Lot Area and Setback Requirements**
- **Structure Height**
- **Open Space Standards**
- **Off-Street Parking**
- **Coordinated Development**
- **Building Orientation and Maximum Setbacks**
- **Corner Building Entrances**
- **Weather Protection**
- **Landscaping and Screening**
- **Street Connectivity and Internal Circulation**
- **Pedestrian Amenities**
- **General Building Design Standards**
- **Neighborhood Compatibility**

The City adopted findings of compliance with site development requirements in approving the Corvallis Business Park Detailed Development Plan in 1998. The Findings that pertain to the Business Park as a whole are still applicable to this request. Those include findings of compliance with:

ATTACHMENT O-25

- Site Coverage
- Open Space
- Coordinated Development
- Perimeter Buffering
- Gateway Corridor
- Landscaping and Screening
- Street Connectivity and Internal Circulation
- Pedestrian Amenities and Weather Protection
- Neighborhood Compatibility

The approved plan (Attachment G-1)for the subject property met the Corvallis LDC requirements for the PD(MUE) district when it was approved. The approved plan also complies with all PD(MUC) development standards including:

- Setbacks
- Location of Parking and Driveway Areas
- Structure Height
- Off-Street Parking
- Lot Design
- Building Orientation and Maximum Setbacks
- Landscaping and Screening
- General Building Design

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Traffic

An updated traffic study has been prepared and submitted. The traffic study demonstrates that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

Flood Control and Drainage Provisions

The subject property is not prone to flooding and is not within the 100-year flood plain. Storm drainage will be directed to on-site storm water quality/quantity facilities prior to release into the public storm water system at Circle Blvd..

Storm drainage for the subject property will connect to the existing system for Corvallis Business Park. The system was designed and approved by the City, to serve this property. It is a private system that will be maintained by the property owners within CBP. A maintenance agreement will establish maintenance, access and ownership responsibilities. The existing system consists of collection, detention and treatment facilities. All are constructed to City standards. Any extension of the system through

the subject property will be constructed to City standards for conveyance, detention and treatment of runoff.

The Conveyance system includes catch basins, manholes, cleanouts, pipes and outfalls to the ponds. All new construction will conform to the UPC or requirements of the City. Lines are sized to accommodate runoff from a 10-year storm event. Greater intensity events may result in temporary ponding of water in the parking areas. The CBP system connects to the City system at Circle Blvd.

The CBP storm drainage system is designed to temporarily store runoff and release it at rates not to exceed the peak predeveloped rates for the 2, 10 and 100-year storm events. There is a detention pond immediately east and south of the property. The City requires treatment of storm water in accordance with the King County Surface Water Design manual. CBP currently treats storm water in accordance with these standards. Upon development, the property owner will be required to connect to the approved CBP storm water system and make all improvements necessary to insure continued compliance with the required standards.

Any additional development features deemed necessary to achieve desirable goals or policies can be required as conditions of approval.

A final modification of the approved Detailed Development Plan will be obtained before the property is developed.

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ATTACHMENT 0-27

ATTACHMENTS

Note: A full set of the original, approved Detailed Development Plan maps for the Corvallis Business Park is available in Development Department File PDM-97-21.

A Vicinity Map

B-1 Surrounding Land Uses – General
B-2 Surrounding Land Uses - Specific

C Comprehensive Plan Map

D District Designations Map

E Map of Proposed Comprehensive Plan Map Amendment

F Map of Proposed District Designation Change

G-1 Currently Approved Detailed and Conceptual Development Plans with Internal Traffic Circulation
G-2 Currently Approved Conceptual Landscape Plan

H Topographic and Natural Features

I-1 Existing Public Facilities – Subject Property
I-2 Existing Public Facilities – Corvallis Business Park Area

J City Council Findings in Support of Corvallis Business Park

K Map of Facility and Utility Easements

L Copies of Easement Documents

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ATTACHMENT 0-28

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 98-97

CASE CORVALLIS BUSINESS PARK
CPA-97-2, DC-97-6, PDM-97-21, & CD-97-9

REQUESTS

1) **Comprehensive Plan Amendment** to:
   A. Amend the Map designation of 6.25 acres from General Industrial with a Research Technology (RT) overlay to Shopping Area; and
   B. Amend Policy 7.9.1 to allow the Comprehensive Plan Map Amendment in (A).

2) **District Change** to amend the District Map designation of:
   A. 2.3 acres from GI (General Industrial) to PD(CS) (Community Shopping with a Planned Development overlay);
   B. 1.44 acres from GI (General Industrial) to PD(RTC) (Research Technology Center with a Planned Development overlay);
   C. 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay); and
   D. 3.95 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay).

3) **Major Modification to the approved Detailed Development Plan for Phase I and Conceptual Development Plan for Phases II and III for Corvallis Business Park (PD-93-5)** to allow the proposed 31.25-acre development plan to proceed, including the reduction from 219,369 to 208,369 square feet of structures/uses within Phase I and the maintenance of 176,825 square feet of structures within Phases II and III; and

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4) **Conditional Development** to address the Planned Development in the Research Technology Center, Community Shopping, and Mixed Use Employment Districts, as well as:
   A. An auto body shop within the PD(MUE) (Mixed Use Employment with a Planned Development overlay) District that includes an 18,480 square foot structure and a 14,414 square foot vehicle staging area; and
   B. A 40,000 square foot structure for theater and conference facilities for more than 300 people within the PD(CS) (Community Shopping with a Planned Development overlay) District.

APPLICANT Andrew Schlosser
221 West 6th Street, Suite 1450
Bank One Tower
Austin, Texas 78701

OWNERS

Kathryn Brandis, etal	Arthur McFadden	Industrial Welding Supply	Steve Perlenfein
340 NW 7th Street	P.O. Box 6026	3415 Pacific Blvd. SW	631 Kouns Dr. NW
Corvallis, OR 97330	Portland, OR 97228	Albany, OR 97321	Albany, OR 97321

LOCATION South of NE Circle Boulevard, between the Willamette & Pacific Railroad tracks that cross NE Circle Boulevard in the vicinity of NE Conser Street. and HWY 99W. Assessor's Map Number 11-5-25B, Tax Lots 900, 1000, 1100, & 1200. Assessor's Map Number 11-5-26, Tax Lot 200.

ATTACHMENT O-29

The Corvallis City Council conducted a review and deliberations of the above case on July 6, 1998. The Council then scheduled the application for its August 17, 1998 meeting in order to allow staff time to prepare formal Findings and Conclusions. On August 17, 1998, the Council approved an Ordinance for the Comprehensive Plan Amendment request (CPA-97-2) and tentatively approved the Findings and Conclusions relative to all the requests. However, as the vote on the Comprehensive Plan Amendment Ordinance was not unanimous, on September 8, 1998, the Council conducted a second reading of the CPA Ordinance and formally adopted the Findings and Conclusions relative to the Comprehensive Plan Amendment (CPA-97-2) and the appealed requests (DC-97-6, PDM-97-21, & CD-97-9).

The City Council has adopted the formal Findings and Conclusions, prepared by staff for its August 17, 1998 meeting, as well as the minutes of the August 17, 1998 City Council meeting.

The proposal, staff report, hearing minutes, and Findings and Conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

Helen Berg

Helen Berg, Mayor
Corvallis City Council

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Attached: Map and Text of Comprehensive Plan Amendment, Map of District Change, and Relevant Graphics and Conditions for the Major Planned Development Modification and Conditional Development
(MAILED: _____)

ATTACHMENT 0-30

FINAL CONDITIONS OF APPROVAL FOR CORVALLIS BUSINESS PARK MAJOR PLANNED DEVELOPMENT MODIFICATION AND CONDITIONAL DEVELOPMENT

1. Major Planned Development Modification & Conditional Development - The Major Planned Development Modification and Conditional Development shall be as proposed in Attachments G and M, subject to the changes required through these conditions of approval.

2. Previous Conditions of Approval - The Major Planned Development Modification and Conditional Development shall be consistent with and subject to Conditions 1, 2, & 9 of the original approval of Corvallis Business Park (PD-93-5). For reference purposes, these conditions are listed below:

   A. (Previous Condition #1) Entryway Treatment: A detailed entryway treatment plan shall be submitted to the Planning Division which provides a focal point for the ultimate access prior to the issuance of building permits for Building #3.

   B. (Previous Condition #2) Phase 2 & 3 Landscaping Plan: In the Detailed Development process for Phases 2 and 3 of this proposal, the owner shall develop a detailed landscaping plan which will enhance the view of the site from Highway 99W and consider the needs of proposed uses and parking/loading requirements.

   C. (Previous Condition #9) Lighting: All lighting fixtures shall be focused on the site so that the lighting cone created will not spill onto adjacent properties.

3. Land Use - Land uses within the PD(RTC) portion of the site shall be consistent with land uses allowed within the Chapter 3.26 of the Land Development Code, except as further restricted by Condition #23 of this approval.

4. Deed Restriction - Upon approval of the PD(MUE) District, and prior to the issuance of any construction permits, a deed restriction shall be recorded on the PD(MUE) portion of the site which states that the industrial character and underlying industrial land use designation of the property is recognized, consistent with LDC Section 3.27.40.01.d.

5. Pedestrian Amenities and Weather Protection - Prior to the issuance of building permits for the PD(MUE) portion of the site, the applicant shall demonstrate compliance with the pedestrian amenities and weather protection provisions outlined in LDC Sections 3.27.50.04 and 3.27.50.07. Buildings within the PD(CS) portion of the site shall also comply with the weather protection provisions outlined in LDC Section 3.27.50.04, in order to continue the unifying theme of the Planned Development.

6. Structure Height - The maximum structure height for the theater/conference center facility, in its current location, shall be 50 feet.

7. Architecture - The entire development site shall maintain an architectural style that includes unifying building materials and/or design characteristics to maintain consistency. Within the PD(RTC) portion of the site, the architecture shall create a campus-like setting. If metal siding and roof surfaces are utilized, they shall be covered and maintained with non-reflective paint, consistent with LDC Section 3.26.40.05.k. Within the PD(MUE) portion of the site, the architecture shall be consistent with LDC Sections 3.27.50.02 thru and including 3.27.50.08. Consistency with these provisions will require a main entrance off NE Circle Boulevard for the buildings within the PD(MUE) portion of the site. Sidewalk connections between these main entrances and the sidewalk along NE Circle Boulevard shall also be provided. Within the PD(CS) portion of the site, the construction shall be consistent with the building design standards within the MUE District, specifically LDC Sections 3.27.50.02 thru 3.27.50.04 & 3.27.50.08.

ATTACHMENT 0-31

801-III

8. Landscape Construction Documents - Prior to the issuance of any construction permits for each phase, the applicant shall submit for approval by the Community Development Director, landscape construction documents for the particular phase which contain a specific planting plan, construction plans, irrigation plans, details, and specifications for landscape areas, including perimeter landscaping, planter areas (around buildings and in parking areas), within pedestrian amenity areas, and detention pond area, etc., and any other common areas. Landscaping for "partial phases" may be considered, but shall be subject to the review and approval of the Community Development Director. Landscape areas shall be irrigated with permanent facilities sufficient to maintain the plant materials and covered by living plant materials capable of attaining 90 percent ground coverage within 3 years. A landscaped, "focal point" shall be created within and around the south side of the round-about, and on the north side of Building Three. Landscaping around the perimeter of Phases II and III shall be designed to substantially soften and buffer the buildings, consistent with the City's gateway policies (Policies 10.1.8 & 10.1.9).

Landscape plans shall identify landscape preservation measures for any trees to be saved and locate construction fencing around these trees to at least a distance of 1.5 X the width of the trees' driplines. Such construction fencing shall be installed prior to the issuance of any grading and excavation permits. The landscape plans shall also identify mitigation for significant trees and vegetation (as defined by LDC Section 4.2.40.c) to be removed, such that replacement trees and/or vegetation is provided on a 1:1 basis. All landscaping shall be installed (or financially secured) prior to the issuance of any certificates of occupancy (temporary or otherwise).

9. Landscape Maintenance - Prior to the issuance of certificates of occupancy (temporary or otherwise), the applicant shall submit for approval, a landscape maintenance and preservation plan which outlines provisions and procedures for landscape areas addressed in the landscape plans.

10. Financial Security for Landscaping - Prior to the issuance of certificates of occupancy (temporary or otherwise), the applicant shall financially secure the landscaping to ensure it achieves 90 percent ground coverage within 3 years. The amount to be financially secured shall be equivalent to 50% of the cost of the installation of the landscaping.

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11. Parking - The applicant shall provide a minimum of 80% of the required vehicular parking outlined in Chapter 4.1 of the Land Development Code. Of the 20% allowed reduction, 10% shall be allowed for the transit facilities and up to 10% shall be allowed for additional bicycle parking. Using this standard, vehicle and bicycle parking shall be provided adequately per phase. Phase line adjustments may need to be made to accomplish this requirement. Finally, a minimum of 50% of required bicycle parking shall be covered, consistent with LDC section 4.1.70.d.

12. Wetlands Determination - Prior to the issuance of any construction permits, the applicant shall conduct a wetland delineation of the site and receive approval of the delineation by the Division of State Lands. Should any wetlands be present on the site, the applicant shall obtain the necessary permits from the Division of State Lands and the U.S. Army Corps of Engineers, and make necessary site plan modifications, prior to the issuance of construction permits for that portion of the site. If site plan modifications are needed, the applicant shall follow the procedures associated with Planned Development Modifications, as outlined in Chapter 2.5 of the Land Development Code. Processes for site plan modifications in this regard are also required to be completed prior to the issuance of construction permits for the portion of the site involved.

13. Site Access - The applicant shall install a traffic signal at the intersection of the main entrance and NE Circle Boulevard. The signal shall be completed prior to acceptance of the public improvements for Phase I of the Project. As part of the public improvement plans for Phase I, the design of the traffic signal shall be submitted to the City, for review and approval by the City Engineer. In addition, the traffic signal shall be coordinated with existing signals on Circle Boulevard at the time when signal coordination is implemented on Circle Boulevard.

ATTACHMENT O-32

In order to address safety concerns associated with poor level of service at the east entrance to the site, the left-out movement shall be restricted at this location. Public improvement plans for Phase I shall include a design for this access to ensure that this will occur. The access design shall be subject to the review and approval of the City Engineer.

14. Main Access Drive - At a minimum, the design of the main access drive shall include four lanes from its intersection with NE Circle Boulevard south, into the site, for a distance adequate to allow queuing storage. The drive shall then transition down to two lanes (one in each direction, each of which is a minimum of 12 feet in width). The main access intersection will provide for left turn movements from both lanes exiting the site. The main access drive shall also include a separated sidewalk (minimum 5 feet wide) and a landscaped parkway (minimum 6 feet wide) on the east side of the drive. Finally, on-street bike lanes shall be included in the main access drive in the event that either (1) an agreement is reached between the developer of the Corvallis Business Park and the owner of the adjacent property to the west such that the access drive is shared in some manner between the sites; or (2) a design can be accomplished for the main access drive within the Corvallis Business Park site that includes the on-street bike lanes, provides for a landscaped parkway on the east side, and fits roughly within the area currently proposed by the applicant for the main access drive. **Minor adjustments to the main access drive associated with (1) and/or (2), or other aspects of this Condition as deemed appropriate by the City Engineer, shall be processed administratively, subject to the review and approval of the Community Development Department and the City Engineer.**

If neither (1) or (2) described above occur, then the applicant shall construct the main access drive as described in the application and as modified by this decision, and the proposed separated 12-foot wide multi-use path and 6-foot wide parkway on the west side of the main access drive shall be constructed. Unless arrangements can be made with the adjacent property owner, only the portions of the multi-use path that are shown within the Corvallis Business Park property shall be constructed and appropriate interim transitions between the multi-use path and the main access drive shall be provided until such time as the neighboring property is developed and can complete the path on the west side of the access drive.

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The area shown as having mail drop-off facilities and automatic teller machines, etc. on the west side of the main access drive shall be located further south such that it does not interfere with the ultimate construction of the east/west parking lot aisle between the subject site and the adjacent K-mart shopping center site and shall be designed so as to accommodate truck movement to and from proposed loading docks on the property to the west.

Prior to the issuance of any certificates of occupancy for any of the buildings within the 6.25-acre PD(CS) portion of the site, the applicant shall provide and record an access easement for the use of the private main access drive as the primary access for all parcels to the west and within the K-Mart shopping center site, as well as the parcels involved in the subject Corvallis Business Park application. This easement shall meet the approval of the City Attorney and the applicant prior to recordation and shall apply to and from the length of the main access drive. Any driveway cut locations to or from this main access drive shall be subject to the review and approval of the Building Official to ensure traffic safety.

If, prior to the applicant obtaining construction permits for the private main access drive, the property owner to the west obtains construction permits for the 30-foot access drive approved for the Retail at K-Mart Center (PD-96-14), then the Corvallis Business Park applicant shall revise and coordinate the design and alignment of the Corvallis Business Park main access drive so that it does not create conflicts between the two sites. Any revisions to the design and alignment of the private main access drive shall be subject to the review and approval of the City Engineer and shall be processed administratively.

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15. Multi-Use Path - The multi-use path shall be a minimum of 10 feet in width within Phase I and a minimum 12 feet in width along the north portion of Phases II and III. A 15-foot public access easement shall be provided along its entire length through the site and it shall be constructed as shown in the phasing plan.

16. Bus Shelter - Concurrent with and as part of the public improvements for Phase I; a bus shelter that meets City Standards shall be constructed on NE Circle Boulevard by the applicant. The shelter shall be located 100-200 feet east of the proposed main entrance and signal. Prior to the issuance of the permit for public improvements for Phase I, a transit easement that meets City standards shall be granted to the City for the shelter pad.

17. Utility Easement - Within 30 days from the date of a decision on the Comprehensive Plan Amendment and Legislative Amendment to the Land Development Code (being processed concurrently with these Major Planned Development Modification and Conditional Development requests), the applicant and adjacent property owner of the property to the west, shall attempt to establish a written agreement in which the owner of the adjacent property (the K-Mart shopping center site) grants additional public sewer and water easements between the existing easements and the property line (eliminating the reserve, or "spite" strips).

    If an agreement is reached, the applicant will be required to loop water lines between the site and the lines located on the adjacent K-mart property, and provide sanitary service to a portion of Phases II & III via the collection system located on K-mart property. If no agreement is reached within that 30-day time frame, the applicant will not be required to connect to the existing utilities on the K-mart site.

18. Storm Drainage - Peak flow rates from the site cannot exceed pre-development levels (up to the 100 year storm). This will require on site detention facilities, the design of which is subject to the review and approval of the City Engineer.

19. Plans for Public Improvements - Prior to issuance of any construction permits, the applicant shall submit engineered plans for public improvements to the City's Engineering Division for review and approval. The plans shall conform to the City of Corvallis Standard Construction Specifications and shall be accompanied by engineered calculations supporting proposed line sizing. The public water line shall be a minimum of 8-inches in diameter. Sanitary sewer lines shall be designed with a 4000 gal/acre/day inflow and infiltration rate. All public utilities shall be provided to and through the site.

20. Public Utility Easements: All sections of the public water, sanitary sewer and storm drain systems required to serve the proposed development that are aligned outside of the public right-of-way on private property, shall require the granting of appropriately-sized public utility easements. The public utility easements shall be granted prior to acceptance of public infrastructure for warranty purposes. The City standards for public utility easements are 15-foot wide easements for a single utility, centered on the utility, and 20-foot wide easements for a double utility. All public utility easements shall be provided to and through the site. No reserve strips (spite strips) are allowed.

21. Contingent Approval - These Major Planned Development Modification (PDM-97-21) and Conditional Development (CD-97-9) approvals are contingent upon approval of the associated Comprehensive Plan Amendment (CPA-97-2), District Change (DC-97-6), and Legislative Amendment to the Land Development Code (LDT-97-8) requests. Should those requests not be approved, these Major Planned Development Modification and Conditional Development requests shall be null and void.

22. Additional Signage - The applicant shall install signage within the parking lot west of the theater/conference center building that directs overflow traffic to the remainder of the parking

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areas elsewhere within the Corvallis Business Park. All signage shall be consistent with the Corvallis Sign Code.

23. Additional Land Use and Square Footage Restrictions - Because the applicant has proposed that the portions of the site involving the 6.25-acre PD(CS) District (Community Shopping with a Planned Development overlay) and the 20.9-acre PD(RTC) District (Research Technology Center with a Planned Development overlay) be developed as one integrated planned development, with development within the PD(CS) portion of the site having a direct relationship to the business park development within the PD(RTC) portion of the site, the following additional restrictions shall apply:

A. Within the 6.25-acre portion of the site that is approved for the PD(CS) District, there shall be a maximum of 80,000 square feet of total floor area (inclusive of the theater/conference center building).

B. Within the 6.25-acre portion of the site that is approved for the PD(CS) District, and with the exception of the 40,000 square foot theater/conference use, no single user may occupy in excess of 30,000 square feet of building area.

C. Within the 20.9-acre portion of the site that is approved for the PD(RTC) District, the land uses specified in Land Development Code Section 3.26.30.01.**a.3** (commercial and residential use types) are prohibited within Phase I and are allowed within Phases II and/or III of Corvallis Business Park. Additionally, these uses, which are allowed within Phases II and/or III, are limited in size to 5% of the total square footage of development within the 20.9-acre PD(RTC) portion of the site. Note: Under the current development proposal, this 5% square footage number is approximately 11,241 square feet.

D. If, for any reason, the theater/conference facility building is not constructed, and an alternative use is proposed in its place, this change shall be the subject of a full Major Planned Development Modification process, including a Planning Commission public hearing, etc. If, for any reason, future modifications are requested regarding A-C above, they shall be the subject of a full Major Planned Development Modification process, including a Planning Commission public hearing, etc. Any Major Planned Development Modification process involving an alternate land use to the theater/conference center facility building **and/or** modification(s) to A-C above, shall evaluate and ensure consistency with the established objectives of this planned development - primarily that the commercial uses within the PD(CS) portion of the site are integral and related to the PD(RTC) portion of the Corvallis Business Park.

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DEVELOPMENT RELATED CONCERNS

A. Mailbox Locations - As part of the plans for public improvements, the applicant shall show proposed mailbox locations, with approval from the Post Office, as well as sidewalk transitions required by City Standards.

B. Excavation and Grading Plans - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Division for review and approval. Any construction fencing required as part of Condition 8 shall be installed prior to the issuance of these permits.

C. SDC Reimbursements - Where it is anticipated that there will be System Development Charge (SDC) reimbursements from City funds to the developer for qualifying extra capacity facilities built by the developer, the developer shall obtain written agreement with City regarding reimbursement,

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amount and timing of payments prior to initiating construction of these facilities. A written request for an SDC reimbursement may be directed to the City Engineer, who will facilitate the request through City Council.

D. NPDES Permit - Prior to issuance of any construction permits, the applicant shall be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading and excavation five or more acres of the site.

Attached: Map and Text of Comprehensive Plan Amendment, Map of District Change, and Relevant Graphics and Conditions for the Major Planned Development Modification and Conditional Development
(MAILED: 9/9/98)

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BEFORE THE CITY Council

OF THE CITY OF CORVALLIS

In the Matter of a City Council decision to **(I) approve a Comprehensive Plan Amendment to** (A) amend the **Map** from General Industrial with a Research Technology (RT) overlay to Shopping Area for 6.25 acres of the Corvallis Business Park development; and (B) amend Policy 7.9.1 of the **Text** to allow the Map amendment in (A) to occur; **(II) approve a Legislative Amendment to Land Development Code Section 3.14.20.02.a to** allow "Spectator Sports and Entertainment - Limited and Other" as a permitted use within the Community Shopping (CS) District, subject to Conditional Development review; as well as the **Appeal of the Planning Commission decisions**) to approve **(III)** a District Change, **(IV)** a Major Planned Development Modification, and **(V)** a Conditional Development for the Corvallis Business Park development.	CPA-97-2, DC-97-6, LDT-97-8, PDM-97-21, & CD-97-9 FINDINGS AND CONCLUSIONS

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INTRODUCTION

This matter before the Corvallis City Council is **(I) a decision regarding a Comprehensive Plan Amendment to (A)** amend the Comprehensive Plan Map from General Industrial with a Research Technology (RT) overlay to Shopping Area for 6.25 acres of the Corvallis Business Park development; and **(B)** amend Policy 7.9.1 of the Comprehensive Plan Text to allow the Comprehensive Plan Map Amendment in (A) to occur; **(II) a decision regarding a Legislative Amendment to Land Development Code Section 3.14.20.02.a** to allow "Spectator Sports and Entertainment - Limited and Other" as a permitted use within the Community Shopping (CS) District subject to Conditional Development review; **as well as an appeal of Planning Commission decisions to approve (III) a District Change to amend the District Map (A)** for 2.3 acres from GI (General Industrial) to PD(CS) (Community Shopping with a Planned Development overlay); **(B)** for 1.44 acres from GI (General Industrial) to PD(RTC) (Research Technology Center with a Planned Development overlay); **(C)** 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay); and **(D)** 3.95 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay); **(IV) a Major Planned Development Modification to the Corvallis Business Park,** generally including an increase in size from 27.5 to 31.25 acres, a redesign of Phase I, a reduction of total square footage of structures/uses within Phase I from 219,369 square feet to 208,369 square feet, and the maintenance of 176,825 square feet within them remainder of the site (Phases II and III); and **(V) a Conditional Development to allow the Planned**

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Development aspect of the proposal within all three zones of the site, as well as allow (A) an auto body shop within the portion of the site districted PD(MUE) (Mixed Use Employment with a Planned Development overlay) that includes an 18,480 square foot structure and a 14,414 square foot vehicle staging area; and **(B)** a 40,000 square foot structure for theater and conference facilities for more than 300 people within the portion of the site districted PD(CS) (Community Shopping with a Planned Development overlay).

The Corvallis Business Park development is a commercial and industrial development that includes approximately 385,194 square feet of structures/uses within a 31.25-acre site located south of NW Circle Boulevard, east of HWY 99W, and west of the leg of the Willamette & Pacific Railroad tracks that intersects NW Circle Boulevard in the vicinity of NW Conser Street. The application is proposed by Andrew Schlosser of the Schlosser Development Corporation, the developer. Also parties to the application are the property owners, including Kathryn Brandis, Arthur McFadden, Industrial Welding Supply, and Steve Perlenfein. The property includes tax lots 900, 1000, 1100, and 1200 from Assessor's Map Number 11-5-25B, and tax lot 200 from Assessor's Map Number 11-5-26.

The Planning Commission held a duly-advertised public hearing on the application on May 20, 1998, at which a request was made by the public for the written record to remain open to submit additional written testimony. The Planning Commission closed the public hearing on May 20, 1998, and determined that the written record be held open for seven days. The written record was closed on May 27, 1998. The Planning Commission then allowed an additional seven days for the general public to respond to submitted testimony. The Commission held deliberations on the application on June 3, 1998, and voted unanimously to: **(I)** recommend approval of the Comprehensive Plan Amendment to the City Council; **(II)** initiate the Legislative Amendment to the Land Development Code; **(III)** approve the District Change contingent upon Council approval of the Comprehensive Plan Amendment; **(IV)** recommend approval of the Legislative Amendment to the Land Development Code to the City Council; **(V)** approve the Major Planned Development Modification contingent upon the Council approval of the Comprehensive Plan Amendment, District Change, and Legislative Amendment to the Land Development Code; and **(VI)** approve the Conditional Development contingent upon approval of the Comprehensive Plan Amendment, District Change, and Legislative Amendment to the Land Development Code. Notice of approval was mailed on June 5, 1998, in the Planning Commission's Notice of Disposition (Order No. 98-52).

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The Planning Commission's decisions to approve the District Change, Major Planned Development Modification, and Conditional Development were appealed on June 15, 1998, by Attorney Corinne Sherton, on behalf of the appellants, KFG-Corvallis Investments, Ltd. (KFG) and G. Walter Gasser.

The applicant, Mr. Andrew Schlosser, submitted a letter to the City of Corvallis Planning Division, dated June 22, 1998, that requested that the May 13, 1998 Staff Report to the Planning Commission, the June 1, 1998 supplemental Staff Memo to the Planning Commission, the revised Staff Summary of Recommendations, and Minutes of the May 20 and June 3, 1998 Planning Commission meetings be accepted as part of the official City Council record.

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The City Council held a duly-advertised ***de novo*** public hearing on the application on July 6, 1998, at which attorney Corinne Sherton, traffic engineer Dan Seeman, of Kittelson & Associates, and Craig Gasser, represented the appellants, KFG-Corvallis Investments, Ltd. (KFG) and G. Walter Gasser. The applicant was represented at the hearing by Andrew Schlosser, of the Schlosser Development Corporation, and his engineer, Dave Larson of Group MacKenzie. The Council closed the public hearing and held deliberations the same evening, July 6, 1998. The members of the Council voted 6 - 1 to APPROVE the **Comprehensive Plan Amendment to (A)** amend the Comprehensive Plan Map from General Industrial with a Research Technology (RT) overlay to Shopping Area for 6.25 acres of the Corvallis Business Park development; and **(B)** amend Policy 7.9.1 of the Comprehensive Plan Text to allow the Comprehensive Plan Map Amendment in (A) to occur.

The members of the Council voted 6 - 1 APPROVE **a District Change to amend the District Map (A)** for 2.3 acres from GI (General Industrial) to PD(CS) (Community Shopping with a Planned Development overlay); **(B)** for 1.44 acres from GI (General Industrial) to PD(RTC) (Research Technology Center with a Planned Development overlay); **(C)** 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay); and **(D)** 3.95 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay). The members of the Council voted unanimously to APPROVE **a Legislative Amendment to Land Development Code Section 3.14.20.02.a** to allow "Spectator Sports and Entertainment - Limited and Other" as a permitted use within the Community Shopping (CS) District subject to Conditional Development review. The members of the Council voted unanimously to APPROVE **a Major Planned Development Modification to the Corvallis Business Park,** generally including an increase in size from 27.5 to 31.25 acres, a redesign of Phase I, a reduction of total square footage of structures/uses within Phase I from 219,369 square feet to 208,369 square feet, and the maintenance of 176,825 square feet within them remainder of the site (Phases II and III). Finally, the Council voted unanimously to APPROVE **a Conditional Development to allow the Planned Development aspect of the proposal within all three zones of the site, as well as allow (A)** an auto body shop within the portion of the site districted PD(MUE) (Mixed Use Employment with a Planned Development overlay) that includes an 18,480 square foot structure and a 14,414 square foot vehicle staging area; and **(B)** a 40,000 square foot structure for theater and conference facilities for more than 300 people within the portion of the site districted PD(CS) (Community Shopping with a Planned Development overlay). The Council's decisions regarding the District Change, Major Planned Development Modification, and Conditional Development requests were in response to an appeal of the Planning Commission's decisions to approve these requests. By approving the requests, the Council thereby DENIED the appeal.

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Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions are separated into five sections: the first of which pertains to the Comprehensive Plan Amendment request; the second of which pertains to the appeal of the District Change request; the third of which pertains to the Legislative Amendment to the Land Development Code; the fourth of which pertains to the appeal of the Major Planned Development

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Modification request; and the fifth of which pertains to the appeal of the Conditional Development request. The findings are as follows:

APPLICABLE CRITERIA

All applicable legal criteria governing review of this application are identified in the Staff Report to the Planning Commission dated May 13, 1998, the supplemental Staff Memo to the Planning Commission dated June 1, 1998, the Minutes of the Planning Commission dated May 20, 1998 & June 3, 1998, the Staff Report to the City Council dated June 29, 1998, and the Minutes of the City Council dated July 6, 1998, and August 17, 1998.

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FINDINGS RELATING TO ISSUES ON THE COMPREHENSIVE PLAN AMENDMENT

1. Except as modified below, the City Council incorporates by reference, accepts and adopts the findings adopted by the Planning Commission, as referenced in the Notice of Disposition (Order 98-52). These include the May 13, 1998 Staff Report to the Planning Commission, the supplemental Staff Memo to the Planning Commission dated June 1, 1998, and the May 20 and June 3, 1998 Planning Commission Minutes. Also adopted as findings here are the Staff Report to the City Council dated June 29, 1998, and the July 6, 1998 and August 17, 1998 City Council Minutes. The findings below supplement and elaborate on the findings in the Staff Report to the Planning Commission (dated May 13, 1998), the supplemental Staff Memo to the Planning Commission (dated June 1, 1998), the Staff Report to the City Council (dated June 29, 1998), the Minutes of the Planning Commission public hearing and deliberations (dated May 20, 1998 and June 3, 1998), and the Minutes of the City Council public hearing and deliberations (dated July 6, 1998), all of which are attached and incorporated within.

   When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall control.

2. Because there was ample opportunity for the public to testify, the record contains all information needed to evaluate the application for compliance with the relevant criteria.

3. The subject property involved in the **Map** portion of this Comprehensive Plan Amendment consists of 6.25 acres of the Corvallis Business Park development site, located near the northwest corner of the property and pertaining to the area that the applicant has identified for a theater/conference facility and related retail/food services in the Corvallis Business Park Major Planned Development Modification Plan. The subject 6.25-acre property is designated on the Comprehensive Plan as General Industrial with a Research Technology (RT) overlay. This land use designation allows general industrial and research technology uses.

4. The subject Comprehensive Plan Policy involved in the **Text** portion of this Comprehensive Plan Amendment is Policy 7.9.1. This Policy describes physical limitations (boundaries) for commercial development on or extending from Ninth Street.

5. The applicant's proposal is to **(A)** amend the Comprehensive Plan Map designation for the subject 6.25 acre property involved in this request from General Industrial with a Research Technology (RT) overlay to Shopping Area; and **(B)** amend Comprehensive Plan policy 7.9.1 to allow the Map change in (A) to occur by modifying the language on the physical limitations (boundaries) of commercial development on or extending from Ninth Street. The Shopping Area Comprehensive Plan Map designation allows commercial development at a community scale.

6. Comprehensive Plan Amendments are reviewed in accordance with Chapter 2.1 of the Land Development Code and other applicable policies of the Comprehensive plan and any other applicable policies and standards adopted by the City Council.

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7. **Changed Conditions** - The City Council notes that Land Development Code Section 2.1.20 is stated as follows:

> ***2.1.20 - Purposes of a Comprehensive Plan Amendment***
>
> ***This chapter sets forth review criteria and procedural requirements:***
> ***a. Respond to changing conditions and community attitudes;***
> ***b. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan; and***
> ***c. Establish procedures by which the Plan text and map may be amended.***

This section in the Land Development Code indicates that a change in the Comprehensive Plan may be initiated to respond to changing conditions, provided the integrity of the Comprehensive Plan maintained. The City Council notes that the following factors support the proposal:

A. Inability to Develop Large Theater/Conference Facilities: According to Land Development Code Section 3.0.30.03, theaters, large exhibition halls, and large conferencing facilities which accommodate at least 300 people are classified as "Spectator Sports and Entertainment - Other." Upon review of the City's land uses permitted or conditionally permitted within commercial and industrial districts, this use type is only allowed in areas districted as Regional Shopping Center (RSC). Currently, there are no RSC areas districted within the City. Therefore, there is an inability for any applicant to develop large theaters, conferencing facilities, or exhibition halls within any of the commercially or industrially designated areas of Corvallis.

B. Lack of Lands With RSC Land Use Designation: At one time, the subject site had a Regional Shopping Center Comprehensive Plan overlay designation applied to it, although the zoning district never corresponded to this Comprehensive Plan designation. A subsequent planning application requested and was granted a Comprehensive Plan Map Amendment from Regional Shopping Center to Research Technology. The subject site's RSC land use designation was amended after the construction of the Heritage Mall in Albany. This mall satisfied the need for a Regional Shopping Center. Therefore, at this time there is not an alternate Regional Shopping Center designation proposed within the Corvallis Urban Growth Boundary and hence, the current land use provisions provide no opportunity to develop theater or conference facilities within any commercially or industrially designated areas within the City.

C. New Concept of Multi-Media Facilities in Research & Technology Parks: The applicant states that unlike professional, administrative, and research technology uses which are permitted in areas that have a Comprehensive Plan designation of General Industrial with a Research Technology overlay, conferencing and exhibiting uses needed today for the development of a research technology park are not allowed. The applicant contends that these conferencing and exhibiting uses were not contemplated when the City's land

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use regulations were developed and that today they are "crucial" for the success of a research technology park.

D. Growth of Hewlett-Packard & Related Businesses: The applicant states that because there has been a significant growth of the neighboring Hewlett-Packard company, there is a need to provide areas in Corvallis for business start-ups, support businesses, and activities related to that growth. The applicant contends that inherent with the need for areas to accommodate these business start-ups, support businesses, and related activities, is the need for areas that can also accommodate multi-media conference and exhibition facilities. The applicant states that rapidly changing technology, including the development of such advances as high-definition television and high-definition television projection and exhibition systems, has brought about this need.

E. Inability to Adjust to Changing Needs in Research & Technology Field: The applicant further concludes that the reason research technology parks have not developed to a greater extent in Corvallis, despite a rapidly growing economy in the technology field, is the inability to adjust to the changing needs of the technology field in terms of the provisions of the key ingredients that make a research technology park successful. These key ingredients include multi-media conference and exhibition facilities and related activities. The applicant suggests that the Comprehensive Plan land use designation most suited to accommodate the majority of these additional types of facilities is Shopping Area and concludes that the 6.25-acre portion of the site proposed for this Comprehensive Plan Map Amendment will compliment the remainder of the Corvallis Business Park to enable it to successfully develop.

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Because the City Council accepts the factors listed above as appropriate arguments for determining that changed conditions have occurred since the current land use designation for the property was established and since Comprehensive Plan Policy 7.9.1 was adopted, the Council finds that the proposal is consistent with Land Development Code Section 2.1.20.

8. **Need** - The City Council notes that Land Development Code Section 2.1.30.06.a and Comprehensive Plan Policy 1.6.11 is stated as follows:

2.1.30.06.a ***Amendments shall be approved only when the following findings are made:***

1. ***There is a public need for the change;***
2. ***The change being proposed is the best means of meeting the identified public need; and***
3. ***There is a net benefit to the community that will result from the change.***

1.6.11 ***THE CITY SHALL APPROVE AMENDMENTS TO THE COMPREHENSIVE PLAN ONLY WHERE THE FOLLOWING FINDINGS ARE MADE:***

* ***THERE IS A DEMONSTRATED PUBLIC NEED FOR THE CHANGE;***

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* ***THE CHANGE WHICH IS PROPOSED IS THE BEST MEANS OF MEETING THE PUBLIC NEED WHICH HAS BEEN IDENTIFIED;***

* ***THERE IS A NET BENEFIT TO THE COMMUNITY WHICH WILL RESULT FROM THE CHANGE.***

This Land Development Code Section and Comprehensive Plan Policy indicate that the City may only make amendments to the Comprehensive Plan when there is a demonstrated need for the change, when the change which is proposed is the best means of meeting the need, and when there is a net benefit to the community which will result from the change. The City Council notes that the following factors support the proposal:

A. Vacant Land Designated Shopping Area: The vacant land designated as Shopping Area on the Comprehensive Plan Map has changed from 43 acres in 1981 to 34.3 acres in 1991 and 37.1 acres in 1997. When these lands designated with the Shopping Center Comprehensive Plan Map designation are further analyzed and updated, several points arise. First, the total category of vacant lands designated as Shopping Area on the Comprehensive Plan Map consists of a 22.5-acre shopping center site known as Sunset Center (at the southwest corner of SW 53rd and SW Philomath Boulevard) with an active Detailed Development Plan approval, a 4.6-acre portion of the K-Mart shopping center site which also has an active Detailed Development Plan approval, an 8.2-acre site at the northwest corner of SW 53rd Street and Philomath Boulevard, and a 1.8-acre site on the east side of HWY 99W near SE Richland Avenue. Both the 22.5-acre Sunset Center site and the 8.2-acre site at the northwest corner of SW 53rd Street and SW Philomath Boulevard have Squaw Creek and wetland areas bisecting them. This significantly reduces the developable portions of these sites. In addition, an applicant has applied for building permits on the first phase of the Sunset Center site, so a good portion of it will soon be taken off the vacant land inventory list. The 4.6-acre site on the east part of the K-Mart shopping center site has a recently approved Detailed Development Plan for a commercial use. Given the above, there is not much land actually available for Shopping Area development and there is a need to make new sites available.

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B. Negligible Impact to Vacant Lands Districted RTC: The proposed Comprehensive Plan Amendment would reduce land currently districted as RTC (Research Technology Center) by a total of 2.5 acres. The proposal would reduce the amount of land currently designated as General Industrial on the Comprehensive Plan Map by 6.25 acres (inclusive of the 2.5 acres that are currently districted RTC). The applicant contends that while the land would be redesignated with a Comprehensive Plan Map designation of Shopping Area and a district designation of PD(CS) (Community Shopping with a Planned

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Development overlay), the land would be used to "bolster the research and technology purposes of the proposed development" (Corvallis Research Park). The applicant's Major Planned Development Modification and Conditional Development requests further ensure that theater and conferencing facilities will be developed within the 6.25-acre area proposed for the Comprehensive Plan Amendment. Future modifications from this proposal would require further public review.

C. Best Means of Meeting Public Need and Net Benefit to Community: The applicant's proposal is oriented toward providing a commercial area that will be developed with uses to support the research and technology uses that will be developed within the area that remains designated with a Comprehensive Plan Map designation of General Industrial. However, staff acknowledges that there is no guarantee that the commercial area will be developed as proposed and that it must be evaluated with respect to the full range of uses which could occur within it. The current vacant parcels designated as Shopping Area on the Comprehensive Plan Map are either currently being developed, have approved and current development plans already approved for them, or have significant natural features (wetlands, major drainageways, and riparian habitat) affecting their developability. There are no unencumbered commercially districted sites in the City that are large enough to apply the Community Shopping District. In addition, there are no commercial or industrial lands within the City that have the ability to develop theaters, conference facilities, or exhibition halls, with the possible exception of residential areas (which would also require a Comprehensive Plan Amendment and District Change) where the impacts of such facilities would be greatly felt. Finally, the location of this particular 6.25-acre site is adjacent to an arterial street, along a transit route, served by pedestrian and bicycle connections, and in close proximity to supporting uses that are likely to benefit from having conference/theater facilities. It's location is such that it, more than any other in the City, could be developed with uses that do augment a research and technology park. Given the above, the proposal is consistent with Policies 7.3.1, 7.5.1, 7.5.2, 7.5.3, 7.6.13, 7.6.5, 7.6.13, 7.7.7, and Findings 7.6.d, 7.6.f, 7.6.j, 7.6.k, and 7.6.l, and provides the **best means** of meeting the City's need for additional lands designated on the Comprehensive Plan Map as Shopping Area and provides a **net benefit** to the community.

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D. Negligible Impact to Vacant Lands Designated General Industrial: The amount of land designated as General Industrial increased from 84.6 acres in 1981 to 650.1 acres in 1991 and 558.3 acres in 1997. The relative balance of these vacant General Industrial lands as compared to vacant non-residential lands increased from 42.5% in 1981 to 88.2% and 83.8% in 1991 and 1997, respectively. The proposed Comprehensive Plan Amendment will reduce the amount of vacant General Industrial

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land by 6.25 acres, or a 1.1% reduction. This reduction will reduce the relative balance of vacant General Industrial land as compared to other vacant non-residential land from 83.8% to 82.9% (a reduction of 0.9%). This reduction is negligible.

E. Change Will Not Reduce Opportunities to Use RT Overlay: When the "RT," or Research Technology overlays were applied to the Comprehensive Plan Map, to provide opportunities for RTC (Research Technology Districts) to be applied at some point, the subject property was not one of the original sites chosen for the Research Technology overlay. There were originally 7 sites chosen throughout the Urban Growth Boundary. The subject site was added later when the RSC (Regional Shopping Center) designation on the property was removed, primarily due to the property's proximity to Hewlett-Packard. The addition of this site as an RT (Research Technology) site created a total of 8 sites within the Urban Growth Boundary. One site has been developed already (Sunset Research Park) and development of this site will still leave 6 sites within the Urban Growth Boundary that have the opportunity to be chosen for RT development. Comprehensive Plan Policy 7.6.8 restricts the number of RT sites which are developed to three, with a possible exception to add a fourth with specific limitations (size, types of users, etc.). Changing 6.25 acres of the subject site from General Industrial with a Research Technology overlay to Shopping Area will not reduce opportunities to use the Research Technology overlay, consistent with Policy 7.6.8.

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Councilor Howell stated that the proposal did not demonstrate that the proposal was the best means of meeting the public need for additional commercial property. However, the remainder of the Council disagreed and stated that sufficient information and justification on this subject, including Factors A - E above, was provided in the May 13, 1998 staff report to the Planning Commission, the June 1 supplemental Staff Memo to the Planning Commission, the May 20 and June 3, 1998 Minutes of the Planning Commission, and the June 29, 1998 Staff Report to the City Council. Because the City Council accepts the factors listed above as the appropriate calculation for declaring vacant commercial and industrial lands within the City, the City Council finds that there is a demonstrated need for additional commercial lands within the City and that there would be a negligible impact of the proposed Comprehensive Plan Amendment on the vacant industrial land within the City (0.9%). In addition, because the Council accepts the factors listed above as appropriate arguements in support of the proposal, the Council finds that the proposal is the best means of meeting the City's need for additional lands designated on the Comprehensive Plan Map as Shopping Area and that the proposal provides a net benefit to the community. Therefore, the City Council finds that the proposal is consistent with Land Development Code Section 2.1.30.06.a and Comprehensive Plan Policy 1.6.11.

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9. **Compatibility** - The City Council notes that Land Development Code Section 2.1.30.06.b is stated as follows:

> ***2.1.30.06.b*** ***In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:***
>
> 1. ***Visual elements (scale, structural design and form, materials, and so forth);***
> 2. ***Noise attenuation;***
> 3. ***Noxious odors;***
> 4. ***Lighting;***
> 5. ***Signage;***
> 6. ***Landscaping for buffering and screening;***
> 7. ***Traffic;***
> 8. ***Effects on off-site parking;***
> 9. ***Effects on air and water quality.***

This section of the Land Development Code indicates that compatibility factors must be considered in evaluation of a Comprehensive Plan Amendment. The City Council notes that the following factors support the proposal:

A. Compatible With Surrounding Land Uses: The 6.25-acre Comprehensive Plan Amendment portion of the site is bounded by the K-Mart shopping center site to the west, which is designated as Shopping Area on the Comprehensive Plan Map. The subject site is bounded on the east and south by the remainder of Corvallis Business Park which is designated as General Industrial with a Research Technology overlay and is bounded on the north by NE Circle Boulevard. Further to the east is the Willamette and Pacific Railroad tracks and the Hewlett Packard campus which is designated as General Industrial on the Comprehensive Plan. The physical layout of the area and associated Comprehensive Plan designations provide substantial separation between the subject site and surrounding land uses which minimizes the potential for compatibility concerns.

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B. Compatible With Internal Land Uses: Compatibility concerns are generally experienced in areas where more intensive uses abut less intensive uses. The current Comprehensive Plan designations progress from Shopping Area to General Industrial with the interface area occurring between the existing K-Mart Center site and the existing Industrial Welding site. The proposed Comprehensive Plan Amendment relocates the Shopping Area - General Industrial/Research Technology interface area so that significantly more of the interface area is internally held within the Corvallis Business Park. This allows for compatibility concerns to be addressed and designed within the project, thereby minimizing compatibility conflicts between different land uses and complying with applicable compatibility criteria.

C. Appropriate Land Use Designation for Community Shopping District: The Shopping Area Comprehensive Plan Map designation provides the appropriate land use designation for the Community Shopping district. The Legislative

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Amendment to the Land Development Code, also associated with this application, will provide the ability for "Spectator Sports and Entertainment - Limited and Other" uses, which include theaters, to be located within sites districted as Community Shopping, subject to Conditional Development Review. Community shopping areas typically contain a range of commercial uses that create an area that is "bustling" with activity. These areas are planned with infrastructure to support a more intensive level of activity, and can typically accommodate larger and/or more intensive uses because of site sizes and designs. They are described by the Comprehensive Plan as being 10-30 acres in size (Article 50). As these community shopping areas have been appropriately designed, large or more intensive uses that are located within them are likely to be more compatible with surrounding areas than large or more intensive uses located elsewhere. The 6.25-acre subject Shopping Area site, when combined with the acreage of the adjacent K-Mart site (approximately 14 acres), still fits well within the definition of a community shopping area. It has also been designed to support a more intensive level of activity because of the installation of the traffic signal. Therefore, the proposal is consistent with the applicable compatibility criteria.

D. Circulation: A traffic signal will be installed at the intersection of the development's main private access drive into the site. This traffic signal and the associated improvements were envisioned and required with development of the area as "General Industrial." Development of 6.25 acres of the site as "Shopping Area" will not change any of these requirements or result in any additional street improvements over and above those originally anticipated for the area. Northeast Circle Boulevard is fully improved with bike lanes and sidewalks. Existing bicycle and pedestrian facilities are adequate to serve the proposed change in the Comprehensive Plan. Therefore, development of 6.25 acres of the site as "Shopping Area" will not result in any additional bicycle and pedestrian improvements over and above those associated with "General Industrial" development of the area. A transit shelter will be installed adjacent to NE Circle Boulevard, east of the main access drive. This transit shelter is a needed facility whether the site is developed as "General Industrial" or "Shopping Area." Therefore, development of 6.25 acres of the site as "Shopping Area" will not change result in any additional transit improvements over and above those needed for "General Industrial" development of the site. Given the above, the proposal is consistent with the applicable circulation criteria associated with a Comprehensive Plan Amendment.

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E. Concurrent Filing With Conceptual/Detailed Development Plan: Compatibility concerns are also addressed on a site specific level as issues related to site design, public facilities, traffic flow, etc are reviewed with subsequent development proposals. Since this proposal has included a Conceptual/Detailed Development Plan as part of the application submittal, these issues can be reviewed concurrently and conditioned to address compatibility concerns, contingent upon approval of the Comprehensive Plan

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Amendment. The simultaneous filing of applications allows for a more exhaustive and comprehensive review thereby ensuring that the proposal is consistent with the applicable compatibility criteria.

Because the City Council accepts the factors listed above as the appropriate arguments to demonstrate that the proposal meets the applicable compatibility criteria, the City Council finds that the proposal is consistent with Land Development Code Section 2.1.30.06.b.

10. **Public Facilities** - The City Council notes that Land Development Code Section 4.0.80 is stated as follows:

4.0.80 - PUBLIC UTILITY EXTENSIONS

a. All development sites shall be provided with public water, sanitary sewer, and storm drainage.

b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrent with development.

c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.

d. To provide for orderly development of adjacent properties, public utilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. All public utility installations required with development shall conform to the City's adopted facilities master plans.

f. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:

1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;

2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 4.0.70.f above);

3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.

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This section of the Land Development Code indicates that adequate public facilities must be provided to development sites. As the proposed Comprehensive Plan Amendment will alter the uses of the subject development site, the adequacy of public facilities must be considered. The Council notes that the following factors support the proposal:

A. Water Facilities: Based upon a comparison of estimated water usage for typical industrial verses commercial uses, as discussed within the Draft City of Corvallis Water Distribution System Facility Plan, projected water consumption

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for the 6.25-acre area proposed for the Comprehensive Plan Amendment will be decreased by a total of approximately 16,000 gallons per day. In addition, the recommended fire flow requirements for the two land uses are approximately the same.

B. Sanitary Sewer Facilities: The sewer demand for the site is proportional to the water usage. The expected flows to the sewer lines would be less with a "Shopping Area" designation of the 6.25-acre area than a "General Industrial" designation of the area.

C. Storm Drainage Facilities: The proposed Comprehensive Plan Amendment will not affect the demand on the storm drain system since the flows from the site will be limited to pre-development levels.

Because the Council accepts the factors listed above as the appropriate arguments to demonstrate that the proposal meets the applicable public facilities and services criteria, the City Council finds that the proposal is consistent with Land Development Code Section 4.1.80.

11. **Compliance with Statewide Planning Goals** - The Council notes that Oregon Revised Statute (ORS) 197.250, ORS 197.251, Comprehensive Plan Policy 1.6.11, and Land Development Code Section 2.1.30.06 are stated as follows:

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ORS 197.250 Compliance with goals required. Except as otherwise provided in ORS 197.245, all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission. [1973 c.80 s.32; 1977 c.664 s.19; 1981 c.748 s.29a; 1983 c.827 s.56a]

ORS 197.251 Compliance acknowledgment; commission review; rules; limited acknowledgment; compliance schedule.

> ***(1) Upon the request of a local government, the Land Conservation and Development Commission shall by order grant, deny or continue acknowledgment of compliance of comprehensive plan and land use regulations with the goals. A commission order granting, denying or continuing acknowledgment shall be entered within 90 days of the date of the request by the local government unless the commission finds that due to extenuating circumstances a period of time greater than 90 days is required.***

Policy 1.6.11 THE CITY SHALL APPROVE AMENDMENTS TO THE COMPREHENSIVE PLAN ONLY WHERE THE FOLLOWING FINDINGS ARE MADE:

- ***THERE IS A DEMONSTRATED PUBLIC NEED FOR THE CHANGE;***
- ***THE CHANGE WHICH IS PROPOSED IS THE BEST MEANS OF MEETING THE PUBLIC NEED WHICH HAS BEEN IDENTIFIED;***
- ***THERE IS A NET BENEFIT TO THE COMMUNITY WHICH WILL RESULT FROM THE CHANGE.***

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LDC Section 2.1.30.06 - Review Criteria (for a Comprehensive Plan Amendment)

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. Amendments shall be approved only when the following findings are made:

1. There is a public need for the change;
2. The change being proposed is the best means of meeting the identified public need; and
3. There is a net benefit to the community that will result from the change.

b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

1. Visual elements (scale, structural design and form, materials, and so forth);
2. Noise attenuation;
3. Noxious odors;
4. Lighting;
5. Signage;
6. Landscaping for buffering and screening;
7. Traffic;
8. Effects on off-site parking;
9. Effects on air and water quality.

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The ORS statutes indicate that compliance with the Statewide Planning Goals is required for all comprehensive plans and land use regulations adopted by a local government to carry out those plans. Comprehensive Plan Policy 1.6.11 indicates that Comprehensive Plan Amendments may be approved if findings are made regarding public need, and Land Development Code Section 2.1.30.06 outlines the review criteria for Comprehensive Plan Amendments. The City Council notes that the following factors support the proposal:

A. Compliance of Comprehensive Plan With Statewide Planning Goals: Oregon Revised Statute (ORS) 197.250 requires that all Comprehensive Plans and land use regulations adopted by a local government to carry out those comprehensive plans, be in compliance with the state planning goals. Oregon Revised Statute (ORS) 197.251 states that upon the request of a local government, the Land Conservation Development Commission shall by order grant, deny or continue acknowledgment of compliance of Comprehensive Plan and land use regulations with the goals. The City of Corvallis Comprehensive Plan was adopted by the City Council in 1980 through Ordinance #80-99. Amendments were made in 1983 and the Plan and implementing ordinances were determined by the Land Conservation and Development Commission (LCDC) to be in compliance with the Statewide Planning Goals on March 15, 1984. Following a periodic review process, in January, 1991, the City Council repealed Ordinance #80-99, as amended, and adopted a newly revised Comprehensive Plan through Ordinance #90-52. In April, 1991, the Director of the Department of Land Conservation and Development notified the City of Corvallis, by letter and order, that the City had successfully completed periodic

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review and that the City's submittal met statutory and rule requirements. Given the above, the City of Corvallis Comprehensive Plan is consistent with the Statewide Planning Goals.

B. Compliance of Land Development Code With Statewide Planning Goals: The preparation of the current City of Corvallis Land Development Code was financed in part through a Regulatory Reform Grant from the State Department of Land Conservation and Development (DLCD), hence its development was closely coordinated with DLCD. It was adopted by the City Council in July of 1993, through Ordinance #93-20. According to Land Development Code Section 1.0.20, one of the main purposes of the Land Development Code is to provide land use regulations in accordance with the Comprehensive Plan and provide land use regulations which are intended to ensure *"that development is of the proper type, design, and location and serviced by a proper range of public facilities and services; and in all other respects be consistent with the goals and policies of the Corvallis Comprehensive Plan."* Given the above, the Corvallis Land Development Code is consistent with the Corvallis Comprehensive Plan, which has been accepted by the State Department of Land Conservation and Development as being consistent and in compliance with the Statewide Planning Goals.

C. Provisions for Amendments: These planning documents - the Comprehensive Plan and the Land Development Code- which have been determined as being in compliance with the Statewide Planning Goals, also contain provisions for amendments. These provisions and criteria for amendments were also approved as being consistent with the Statewide Planning Goals, as they were approved as part of the adoption of the Comprehensive Plan. Chapter 2.1 of the Land Development Code pertains to Comprehensive Plan Amendments and in its *"Background"* statement (LDC Section 2.1.10) it states that *"the adopted Comprehensive Plan is the official statement of the City that sets forth major policies concerning desired future development of the community. The Comprehensive Plan is the controlling land use planning instrument for the City, and as such land development regulations and related actions are required to conform with the Plan."* It's *"Purpose"* statement (LDC Section 2.1.20) states that *"this chapter sets forth review criteria and procedural requirements"* including to *"respond to changing conditions and community attitudes; ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan; and establish procedures by which the Plan text and map may be amended."* Finally, the review criteria set forth in Land Development Code Section 2.1.30.06 require that Comprehensive Plan Amendments be reviewed to assure consistency with the policies of the Comprehensive Plan. Included in these policies of the Comprehensive Plan is **Policy 1.6.11** which requires that there be a demonstrated public need for the change; that the change which is proposed is the best means of meeting the public need which has been identified; and that there is a net benefit to the community which will result from the change. Given

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the above, evaluation of a Comprehensive Plan Amendment request with respect to Policy 1.6.11, Land Development Code Chapter 2.1, and the other applicable Comprehensive Plan policies will ensure that the proposal is in compliance with the Comprehensive Plan, and therefore, in compliance with the Statewide Planning Goals.

D. Corvallis Business Park Application's Consistency With Statewide Planning Goals: As noted in the June, 1998 Planning Commission Notice of Disposition for Corvallis Business Park (CPA-97-2, DC-97-6, LDT-97-8, PDM-97-21, & CD-97-9), the Planning Commission found the Corvallis Business Park requests consistent with both the City's Comprehensive Plan and the City's Land Development Code. To support its decision, the Commission adopted findings from the May 13, 1998 staff report to the Planning Commission, the June 1, 1998 supplemental memo to the Planning Commission, and the May 20 & June 3, 1998 Planning Commission Minutes. Included in these documents and minutes are discussions which show that the Corvallis Business Park requests are consistent with Comprehensive Plan Policy 1.6.11, Land Development Code Chapter 2.1, and other applicable criteria within the Comprehensive Plan and Land Development Code. As both staff and the Planning Commission found the Corvallis Business Park application requests (including the proposed Comprehensive Plan Amendment) consistent with both the Comprehensive Plan and the Land Development Code criteria, and the State Department of Land Conservation and Development has acknowledged that the City's Comprehensive Plan is in compliance with the Statewide Planning Goals, then if the City Council finds that the applicant's requests are consistent with the Comprehensive Plan and Land Development Code, then the Council finds that the Corvallis Business Park application is also consistent with the Statewide Planning Goals.

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E. Further Support for Corvallis Business Park Compliance With Statewide Planning Goals: Notwithstanding Factors A - D above, the Council notes that as part of the staff evaluation of the Corvallis Business Park, review criteria from both the Comprehensive Plan and the Land Development Code were used. These review criteria all are consistent with the applicable Statewide Planning Goals. In the "Notice of Proposed Action" to the State Department of Land Conservation and Development, relative to the Corvallis Business Park, staff identified Statewide Planning goals 2, 5, 9, 11, 12, 13, and 14 as being applicable. The topics associated with these identified goals are as follows:

Goal 2: Land Use Planning
Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources
Goal 9: Economic Development
Goal 11: Public Facilities and Services
Goal 12: Transportation

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Goal 13: Energy Conservation
Goal 14: Urbanization

The criteria identified as applicable and consistent with the Corvallis Business Park application are included in the May 13, 1998 staff report to the Planning Commission, the June 1, 1998 supplemental staff memo to the Planning Commission, the May 20 & June 3, 1998 Planning Commission Minutes, and the June 29, 1998 staff memo to the City Council. By virtue of the proposal's consistency with these criteria, the proposal is also consistent with the Statewide Planning Goals. However, to demonstrate this conclusion, the listings below show the relationship between the identified Statewide Planning Goals and the criteria applied to the Corvallis Business Park application requests.

Goal 2 - Land Use Planning: The criteria that are consistent with the Corvallis Business Park application requests (as approved and recommended by the Planning Commission) and applicable to Goal 2 include Comprehensive Plan Findings 7.6.d, 7.6.f, 7.6.j, and 7.6.k, Comprehensive Plan Policies 1.6.8, 1.6.9, 1.6.11, 6.4.3, 6.4.5, 7.2.1, 7.3.1, 7.5.1, 7.5.2, 7.5.3, 7.6.1, 7.6.2, 7.6.3, 7.6.5, 7.6.7, 7.6.8, 7.6.13, 7.7.1, 7.7.5, 7.7.6, 7.7.7, 7.8.6, 7.9.1, 8.3.2, 9.1.2, 9.1.9, 9.1.12, 10.1.10, 10.2.6, 10.2.9, 10.4.1, 10.4.12, 10.5.1, 10.5.4, 10.5.6, 10.5.7, 10.5.11, 10.5.12, 10.6.1, 10.6.4, 10.6.5, and 10.6.7, and Land Development Code Sections 1.0.20, 1.2.80.01, 1.2.80.02, 1.2.80.03, 2.0.50.15, 2.1.20, 2.1.30.06, 2.1.30.07, 2.2.30.03, 2.2.40.05, 2.2.40.06, 2.3.30.04, 2.3.30.05, 2.5.20, 2.5.40.04, 2.5.40.05, 2.5.50.06, 3.0.30.03, 3.14.20.02, 3.26.10, 3.27.40.01, 3.27.40.04, 3.27.40.05, 3.27.50.02, 3.27.50.04, 3.27.50.07, 3.27.50.08, 4.0.40, 4.0.50, 4.0.60, 4.1.20.p, and 4.1.40.

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Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: The criteria that are consistent with the Corvallis Business Park application requests (as approved and recommended by the Planning Commission) and applicable to Goal 5 include Comprehensive Plan Policies 3.1.2, 3.12.1, 4.1.1, 4.1.4, 4.1.5, 4.1.7, 6.4.3, 6.4.5, 7.6.14, 10.1.1, 10.1.8, and 10.1.9, Land Development Code Article 1.2, and Land Development Code Sections 2.1.30.06, 2.2.40.05, 2.3.30.04, 2.5.20, 2.5.40.04, 3.26.40.05, 3.27.40.04, and 4.2.20.

Goal 9 - Economic Development: The criteria that are consistent with the Corvallis Business Park application requests (as approved and recommended by the Planning Commission) and applicable to Goal 9 include Comprehensive Plan Findings 7.6.f, 7.6.j, 7.6.k, and 7.6.l, Comprehensive Plan Policies 7.2.1, 7.3.1, 7.5.1, 7.5.2, 7.5.3, 7.6.1, 7.6.2, 7.6.3, 7.6.5, 7.6.7, 7.6.8, 7.6.13, 7.7.1, 7.7.5, 7.7.6, 7.7.7, 7.8.6, and 7.9.1, Land Development Code Article 1.2, and Land Development Code Section 2.5.20.

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Goal 11 - Public Facilities and Services: The criteria that are consistent with the Corvallis Business Park application requests (as approved and recommended by the Planning Commission) and applicable to Goal 11 include Comprehensive Plan Policies 4.1.7, 6.4.3, 7.2.1, 7.3.1, 9.1.2, 9.1.7, 9.1.8, 9.1.9, 9.1.12, 10.1.1, 10.1.2, 10.1.3, 10.1.5, 10.1.10, 10.2.2, 10.2.3, 10.2.6, 10.2.8, 10.2.9, 10.4.1, 10.4.4, 10.4.10, 10.4.12, 10.5.1, 10.5.4, 10.5.6, 10.5.7, 10.5.11, 10.5.12, 10.6.1, 10.6.4, 10.6.5, and 10.6.7, and Land Development Code Sections 1.0.20, 2.5.20, 4.0.40, 4.0.50, 4.0.60, 4.0.70, 4.0.80, and 4.1.40.

Goal 12 - Transportation: The criteria that are consistent with the Corvallis Business Park application requests (as approved and recommended by the Planning Commission) and applicable to Goal 12 include Comprehensive Plan Findings 7.6.f and 7.6.k, Comprehensive Plan Policies 7.3.1, 7.6.7, 7.6.8, 7.7.5, 10.1.1, 10.1.2, 10.1.3, 10.1.5, 10.1.10, 10.2.2, 10.2.3, 10.2.6, 10.2.8, 10.2.9, 10.3.8, 10.4.1, 10.4.4, 10.4.8, 10.4.10, 10.4.12, 10.5.1, 10.5.4, 10.5.6, 10.5.7, 10.5.11, 10.5.12, 10.6.1, 10.6.4, 10.6.5, and 10.6.7, and Land Development Code Sections 2.1.30.06, 2.2.40.05, 2.3.30.04, 2.5.20, 2.5.40.04, 3.27.40.05, 3.27.50.02, 3.27.50.07, 4.0.40, 4.0.50, 4.0.60, 4.0.70, and 4.1.40.

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Goal 13 - Energy Conservation: The criteria that are consistent with the Corvallis Business Park application requests (as approved and recommended by the Planning Commission) and applicable to Goal 13 include Comprehensive Plan Findings 7.6.f and 7.6.k, Comprehensive Plan Policies 7.3.1, 7.6.7, 7.6.8, 7.6.13, 7.7.5, 10.1.1, 10.1.2, 10.1.3, 10.1.5, 10.1.10, 10.2.6, 10.2.8, 10.3.8, 10.4.1, 10.4.4, 10.4.8, 10.4.10, 10.4.12, 10.5.1, 10.5.4, 10.5.6, 10.5.7, 10.5.11, 10.5.12, 10.6.1, 10.6.4, 10.6.5, and 10.6.7, and Land Development Code Sections 2.5.20, 3.27.40.05, 3.27.50.02, 3.27.50.07, 4.0.40, 4.0.50, 4.0.60, and 4.1.20.p.

Goal 14 - Urbanization: The criteria that are consistent with the Corvallis Business Park application requests (as approved and recommended by the Planning Commission) and applicable to Goal 14 include Comprehensive Plan Policies 7.6.2, 7.7.5, 9.1.2, 9.1.9, and 9.1.12, and Land Development Code section 4.0.80.

The relationship of the Comprehensive Plan and Land Development Code criteria to the applicable Statewide Planning Goals (2, 5, 9, 11, 12, 13, & 14) shows that if the City Council finds the Corvallis Business Park requests consistent with the criteria, then the Corvallis Business Park requests are consistent with the Statewide Planning Goals.

Because the City Council accepts the factors listed above as appropriate arguments in support of the proposal, the City Council finds that the proposal is consistent with the Statewide Planning Goals.

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FINDINGS RELATING TO ISSUES ON THE DISTRICT CHANGE

1. Except as modified below, the City Council incorporates by reference, accepts and adopts the findings adopted by the Planning Commission, as referenced in the Notice of Disposition (Order 98-52). These include the May 13, 1998 Staff Report to the Planning Commission, the supplemental Staff Memo to the Planning Commission dated June 1, 1998, and the May 20 and June 3, 1998 Planning Commission Minutes. Also adopted as findings here are the Staff Report to the City Council dated June 29, 1998, and the July 6, 1998 City Council Minutes. The findings below supplement and elaborate on the findings in the Staff Report to the Planning Commission (dated May 13, 1998), the supplemental Staff Memo to the Planning Commission (dated June 1, 1998), the Staff Report to the City Council (dated June 29, 1998), the Minutes of the Planning Commission public hearing and deliberations (dated May 20, 1998 and June 3, 1998), and the Minutes of the City Council public hearing and deliberations (dated July 6, 1998), all of which are attached and incorporated within.

   When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall control.

2. Because there was ample opportunity for the public to testify, the record contains all information needed to evaluate the application for compliance with the relevant criteria.

3. The subject property involved in the District Change consists of 11.79 acres of the Corvallis Business Park development site, located on the northern portion of the property and pertaining to the area that the applicant has identified for a theater/conference facility and related retail/food services, an area the applicant has identified for office space, welding supply, and auto body repair businesses, and an area the applicant has identified for research technology businesses, all within the Corvallis Business Park Major Planned Development Modification Plan. The subject 11.79 acre property is districted (zoned) as a combination of GI (General Industrial) and PD(RTC) (Research Technology Center with a Planned Development overlay). These districts allow general industrial and research technology uses and the Planned Development overlay requires that prior to the issuance of building permits, any Major Modifications to the approved Detailed Development Plan must be approved by the Planning Commission.

4. The applicant's proposal is to amend the District Map designation for **(A)** 2.3 acres of the site from GI(General Industrial) to PD(CS) (Community Shopping with a Planned Development overlay); **(B)** 3.95 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay); **(C)** 1.44 acres from GI (General Industrial) to PD(RTC) (Research Technology Center with a Planned Development overlay); and **(D)** 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay). The Community Shopping District allows commercial development at a community scale, the Research Technology Center District allows general industrial and research technology development, and the Mixed Use Employment District allows

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general industrial development with an introduction of commercial and/or residential components.

5. District Changes are reviewed in accordance with Chapter 2.2 of the Land Development Code and other applicable policies of the Comprehensive Plan and any other applicable policies and standards adopted by the City Council.

6. **Simultaneous Processing of Multiple Applications** - The Council notes that Oregon Revised Statute (ORS) 227.175 and Land Development Code Sections 1.2.80.03, 2.0.50.15, 2.1.30.07, and 2.2.40.06 are stated as follows:

> ***ORS 227.175 Application for permit or zone change; fees consolidated procedure; hearing; approval criteria; decision without hearing.***
>
> ***(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.***
>
> ***LDC 1.2.80.03 - Review of Text Amendments (Legislative Amendments to the Land Development Code)***
>
> ***The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.***
>
> ***2.0.50.15 - Multiple Applications Filed Together (from the Chapter 2.0 - Public Hearings Chapter of the Land Development Code)***
>
> ***When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting. For example, applications for development district changes are ordinarily heard by the Land Development Hearings Board. When a District change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required.***
>
> ***2.1.30.07 - Action by the Planning Commission (for Comprehensive Plan Amendment requests)***
>
> ***The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan map amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.***
>
> ***2.2.40.06 - Action by the Hearing Authority (for Quasi-Judicial District Change requests)***
>
> ***The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority shall by motion either approve the proposed district change or a modification thereof, or deny***

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the petition. The hearing authority's decision shall include findings that specify how the application has or has not complied with the above review criteria.

The Council notes the following factors that support the proposal:

A. Requirements for Consolidated Procedures: Oregon Revised Statute (ORS) 227.175 requires jurisdictions to establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. Pursuant to ORS 227.175, the City of Corvallis established Land Development Code Section 2.2.30.04 which requires that District Changes be processed in accordance with the provisions within LDC Chapter 2.0 (Public Hearings) and, more importantly, LDC Section 2.0.50.15. Land Development Code Section 2.0.50.15 is within LDC Chapter 2.0 (Public Hearings) and states that *"when more than one application has been filed at one time for a specific property or development, and any one of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same time."* Furthermore, LDC Section 2.0.50.15 states that *"when a District Change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required."*

B. Planning Commission Hearing Required: The applicant's requests include a Comprehensive Plan Amendment, a District Change, a Legislative Amendment to the Land Development Code (Land Development Code Text Amendment), a Major Planned Development Modification, and a Conditional Development. Pursuant to LDC Sections 1.2.80.03, 2.0.50.15, 2.1.30.07, 2.2.40.06, 2.3.30.05, 2.5.40.05, and 2.5.50.06, the process for all of the applicant's requests need to include a public hearing conducted by the Planning Commission.

C. Simultaneous Processing: The applicant filed all of the five requests stated above simultaneously. All five requests are required to be heard via a public hearing before the Planning Commission. Land Development Code Section 2.0.50.15 allows the applicant the opportunity to simultaneously process multiple application requests that are subject to public hearings before the Planning Commission.

Because the Council accepts the factors noted above, after consultations with the City Attorney's Office, both the City Attorney and the City Council find that the simultaneous/concurrent processing of the subject application requests for Corvallis Business Park is consistent with ORS 227.175 and with the applicable provisions of the Land Development Code.

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7. **Order of Actions** - The City Council finds that Oregon Revised Statute (ORS) 227.178(3) is stated as follows:

> *227.178 (3)* ***If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.***

The Council notes the following factors that support the proposal:

A. Timing of Application Submittal: Oregon Revised Statute 227.178(3) requires that approval or denial of an application be based upon the standards and criteria that are applicable at the time an application is first submitted. Finding #6, entitled "Simultaneously Processing of Multiple Applications," concludes that the simultaneous/concurrent processing of the subject application requests for Corvallis Business Park is consistent with ORS 227.175 which requires jurisdictions to establish a procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. Finding #6 also concluded that the simultaneous/concurrent processing of the subject application requests for Corvallis Business Park is consistent with Land Development Code Section 2.0.50.15 which allows the applicant the opportunity to simultaneously process multiple application request that are subject to public hearings before the Planning Commission.

B. Finding #11 of Comprehensive Plan Section of These Findings: Finding #11 of the Comprehensive Plan Amendment section of these Findings, entitled "Compliance with Statewide Planning Goals," finds that the Corvallis Comprehensive Plan and Land Development Code are in compliance with the Statewide Planning Goals and also contain provisions for amendments. These provisions for amendments include standards and criteria that were in place and applicable at the time the Corvallis Business Park application was first submitted.

C. Order of Actions: The Planning Commission found that the Corvallis Business Park application requests for a Comprehensive Plan Amendment, District Change, and Legislative Amendment to the Land Development Code are consistent with the respective standards and criteria for each of these amendment requests. The Planning Commission also made the approval of the District Change request contingent upon the approval of the Comprehensive Plan Amendment request. Finally, the Commission acted on the Comprehensive Plan Amendment request first, the initiation of the Legislative Amendment to the Land Development Code request second, the District Change request third (as it's approval is contingent upon the approval of the Comprehensive Plan Amendment), the Legislative Amendment to the Land

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Development Code request fourth, the Major Planned Development Modification request fifth (as it's approval is contingent upon the approval of the Comprehensive Plan Amendment, District Change, and Legislative Amendment to the Land Development Code), and the Conditional Development request sixth (as it's approval is contingent upon the approval of the Comprehensive Plan Amendment, District Change, and Legislative Amendment to the Land Development Code).

The City Council acted on the Comprehensive Plan Amendment request first, the District Change request second (as it's approval is contingent upon the approval of the Comprehensive Plan Amendment), the Legislative Amendment to the Land Development Code request third (as it had already been initiated by the Planning Commission), the Major Planned Development Modification request fourth (as it's approval is contingent upon the approval of the Comprehensive Plan Amendment, District Change, and Legislative Amendment to the Land Development Code), and the Conditional Development request fifth (as it's approval is contingent upon the approval of the Comprehensive Plan Amendment, District Change, and Legislative Amendment to the Land Development Code).

Because the City Council accepts the factors discussed above and the order of the Planning Commission and City Council actions, as well as the Comprehensive Plan and Land Development Code provisions and criteria for processing amendments and multiple application request, the Council finds that the planning process for the Corvallis Business Park application requests is consistent with ORS 227.178(3).

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8. **Land Use, Compatibility, Circulation, & Public Facilities and Services** - The City Council notes that Oregon Administrative Rule (OAR) and Land Development Code Section 2.2.40.05 are stated as follows:

OAR 660-012-0060 Plan and Land Use Regulation Amendments

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

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

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

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

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(2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*

(a) *Changes the functional classification of an existing or planned transportation facility;*

(b) *Changes standards implementing a functional classification system;*

(c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*

(d) *Would reduce the level of service of the facility below the minimum acceptable level identified in the TENTATIVE SUBDIVISION PLAT.*

(3) *Determinations under sections (1) and (2) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

(4) *The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.*

LDC 2.2.40.05 - Review Criteria (for a District Change)

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. Visual elements (scale, structural design and form, materials, and so forth;
b. Noise attenuation;
c. Noxious odors;
d. Lighting;
e. Signage;
f. Landscaping for buffering and screening;
g. Traffic;
h. Effects on off-street parking;
I. Effects on air and water quality.

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The City Council notes that the following factors support the proposal:

A. Consistency With Comprehensive Plan Designation: The proposed PD(CS) (Community Shopping with a Planned Development overlay) District designation requested for 6.25 acres of the site is consistent with the proposed Comprehensive Plan Map designation of Shopping Area (see the Comprehensive Plan Amendment section of these Findings). The proposed PD(MUE) District (Mixed Use Employment with a Planned Development overlay) and PD(RTC) District (Research Technology with a Planned Development overlay) are consistent with the current Comprehensive Plan Map designation of General Industrial. Given the above, the proposal is consistent with the applicable land use criteria.

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B. Consistency With Intent of RTC District: The portion of the site which will be designated as PD(RTC) will total 20.9 acres. Land Development Code Section 3.26.40.01 requires the minimum parcel size for an RTC development site to be 50 acres. The area of the original Corvallis Business Park was 27.5 acres. The applicant contends that the Corvallis Business Park site has been enlarged by 3.75 acres to a total of 31.25 acres, and that the entire site will function as an extension of the campus-like development of Hewlett-Packard. The building design standards of the MUE District which will be required for development adjacent to NE Circle Boulevard, as well as the deed restriction recognizing the underlying industrial designation of the PD(MUE) site (required by LDC Section 3.27.40.01.d), will assist in achieving this impression (Condition 4). As a result, the intent of the 50-acre minimum requirement is achieved.

When the "RT," or Research Technology overlays were applied to the Comprehensive Plan Map, to provide opportunities for RTC (Research Technology Districts) to be applied at some point, the subject property was not one of the original sites chosen for the Research Technology overlay. There were originally 7 sites chosen throughout the Urban Growth Boundary. The subject site was added later when the RSC (Regional Shopping Center) designation on the property was removed, primarily due to the property's proximity to Hewlett-Packard. The addition of this site as an RT (Research Technology) site created a total of 8 sites within the Urban Growth Boundary. One site has been developed already (Sunset Research Park) and development of this site will still leave 6 sites within the Urban Growth Boundary that have the opportunity to be chosen for RT development. Comprehensive Plan Policy 7.6.8 restricts the number of RT sites which are developed to three, with a possible exception to add a fourth with specific limitations (size, types of users, etc.). Reducing the size of this particular RTC-districted area from 27.5 to 20.9 acres will not reduce opportunities to use the Research Technology overlay, consistent with Policy 7.6.8.

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C. Compatibility With Surrounding and Internal Land Uses: The K-Mart shopping center and recently approved Retail at K-Mart Center (Office-Max) development are located on land immediately west of the site, adjacent to the area proposed to be changed to PD(CS). The K-Mart shopping center and Retail at K-Mart Center (Office Max) sites are both currently districted PD(CS). Therefore, no compatibility impacts between the two developments are anticipated with regard to the District Change for the PD(CS) portion of the site.

Northeast Circle Boulevard is located adjacent to the north side of both the proposed PD(CS) and PD(MUE) areas. Northeast Circle Boulevard provides a substantial physical separation between the subject site and land uses to the north. To the north of NE Circle Boulevard, a combination of commercial businesses and an existing nonconforming residential neighborhood are located. The nonconforming residential neighborhood is located outside the City limits on land designated as General Industrial on the Comprehensive Plan.

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Map and is called Whitson Acres. As part of a recent Health Hazard Annexation request, a home was requested to be annexed and received a District Designation of MUE (Mixed Use Employment), contingent upon annexation. Upon annexation of the remainder of Whitson Acres, staff will be recommending the extension of this MUE District. Given the above, no compatibility impacts are anticipated to the north as a result of the proposed District Change.

The Hewlett-Packard development is located to the east of the area proposed to be changed to PD(MUE), across the Willamette & Pacific Railroad tracks. The current PD(RTC) District Designation of the subject property was approved as being compatible with the Hewlett-Packard development. Uses allowed in the proposed PD(MUE) District and development standards required of development within an MUE District are similar to those of the RTC District. As land uses and development standards are similar between the MUE and RTC Districts, and the subject property is physically separated from the neighboring Hewlett-Packard development by the Willamette & Pacific Railroad tracks, no compatibility impacts are anticipated to the east as a result of the proposed District Change.

The area proposed to be changed from GI (General Industrial) to PD(RTC) will enable additional area to become part of the Corvallis Business Park. As such, it will be coordinated with the remainder of the property within the Corvallis Business Park and will be subject to more restrictive standards, as the RTC District is more restrictive than the GI District. Given the above, no compatibility impacts are anticipated within the site as a result of the proposed District Change.

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D. Analysis of Traffic: The City requested that the applicant provide a traffic analysis which examined the surrounding intersections and private access points. A traffic impact analysis dated March 30, 1998 and prepared by Group MacKenzie, was submitted by the applicant. This traffic study was reviewed by City staff. Impacts to surrounding and planned intersections on NE Circle Boulevard were incorporated into the staff report to the Planning Commission. Page 70 of the staff report summarizes levels of service (LOS) for these key intersections, based upon the proposed planned development. Based on information contained in the traffic impact analysis, the LOS at these intersections is anticipated to remain at acceptable levels with the completion of the proposed development.

Anticipated traffic impacts from the proposed District Change were based on the best information available, namely the planned development scenario. Staff considered the proposed Corvallis Business Park development to be indicative of the type of development anticipated with the proposed District Change and, therefore, considered the traffic study to be adequate information with which to evaluate the effects of the proposed District Change. Based on the information

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provided in the applicant's traffic study, along with staff's evaluation of it and the development's conditions of approval, the District Change is not expected to cause public transportation facilities to operate at a less than acceptable level of service. Given the above, the proposal is consistent with OAR 660-012-0060.

E. Coordination With Agencies With Jurisdiction: In January of 1988, Planning Division staff sent copies of the proposed development application to other City departments and divisions, as well as other agencies that might be impacted by or have an interest in the proposed Corvallis Business Park development. Included in this mailing was a routing slip that requested comments. Also included in this routing slip were the agencies identified by the appellant - the Oregon Department of Transportation (ODOT) and the Willamette & Pacific Railroad (WPRR). Copies of the application were sent to individuals in both these organizations. As the project changed and the application was supplemented during the planning process, these agencies were kept "up to date." Neither the Oregon Department of Transportation nor the Willamette & Pacific Railroad felt that written comments were necessary, as representatives from both agencies verbally informed City staff that there was nothing involved in the proposal that had not been sufficiently addressed by City staff. As an aside, the representative from the Willamette & Pacific Railroad did note that future users of the RTC portion of the site may be slightly limited if they intend to use testing equipment involving harmonics. This limitation is because the harmonics might be impacted by the trains. Given that both ODOT and the WPRR were notified and did not have any negative comments regarding the proposal, the proposal is consistent with OAR 660-012-0060.

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The proposed District Designations are consistent with the existing and approved Comprehensive Plan Map designations. The development, when viewed in aggregate, will meet the intent of the minimum RTC site size and has the ability to vary from development standards through the planned development process which is part of this application. In addition, this site was not one of the City's originally designated RTC sites, and reducing its size will not reduce opportunities to use the Research Technology overlay on the remaining sites where it occurs. Given that both ODOT and the WPRR were notified and did not have any negative comments regarding the proposal, the proposal is consistent with OAR 660-012-0060. Based on the information provided in the applicant's traffic study, along with staff's evaluation of it and the development's conditions of approval, the District Change is not expected to cause public transportation facilities to operate at a less than acceptable level of service. Therefore, the proposal is consistent with OAR 660-012-0060. The City Engineering Division has determined that the intersection of the private drive with NE Circle Boulevard, as conditioned, provides an acceptable level of service (LOS). Because the City Council accepts these conclusions and the factors expressed in A - E above, the Council finds that the proposal is consistent with the applicable criteria, including Land Development Code Section 2.2.40.05 and OAR 660-012-0060.

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9. **Compliance With Statewide Planning Goals** - The City Council notes that Finding #11 of the Comprehensive Plan Amendment section of these Findings addresses the Corvallis Business Park Application's compliance with the Statewide Planning Goals. Finding #11 of the Comprehensive Plan Amendment section of these Findings cites criteria that were addressed by Staff for all aspects of the subject Application, relative to the applicable Statewide Planning Goals. Because the Council accepts Finding #11 as demonstrating this Application's compliance with the Statewide Planning Goals, the Council finds the District Change request aspect of this Application consistent with the Statewide Planning Goals.

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FINDINGS RELATING TO ISSUES ON THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE

1. Except as modified below, the City Council incorporates by reference, accepts and adopts the findings adopted by the Planning Commission, as referenced in the Notice of Disposition (Order 98-52). These include the May 13, 1998 Staff Report to the Planning Commission, the supplemental Staff Memo to the Planning Commission dated June 1, 1998, and the May 20 and June 3, 1998 Planning Commission Minutes. Also adopted as findings here are the Staff Report to the City Council dated June 29, 1998, and the July 6, 1998 City Council Minutes. The findings below supplement and elaborate on the findings in the Staff Report to the Planning Commission (dated May 13, 1998), the supplemental Staff Memo to the Planning Commission (dated June 1, 1998), the Staff Report to the City Council (dated June 29, 1998), the Minutes of the Planning Commission public hearing and deliberations (dated May 20, 1998 and June 3, 1998), and the Minutes of the City Council public hearing and deliberations (dated July 6, 1998), all of which are attached and incorporated within.

   When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall control.

2. Because there was ample opportunity for the public to testify, the record contains all information needed to evaluate the application for compliance with the relevant criteria.

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3. **Simultaneous Processing of Multiple Applications** - The Council notes that Oregon Revised Statute (ORS) 227.175 and Land Development Code Sections 1.2.80.03, 2.0.50.15, 2.1.30.07, and 2.2.40.06 are stated as follows:

   ORS 227.175 Application for permit or zone change; fees consolidated procedure; hearing; approval criteria; decision without hearing.

   (2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

   LDC 1.2.80.03 - Review of Text Amendments (Legislative Amendments to the Land Development Code)

   The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.

   2.0.50.15 - Multiple Applications Filed Together (from the Chapter 2.0 - Public Hearings Chapter of the Land Development Code)

   When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting. For example, applications for development district changes are ordinarily heard by the

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Land Development Hearings Board. When a District change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required.

2.1.30.07 - Action by the Planning Commission (for Comprehensive Plan Amendment requests)

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan map amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.2.40.06 - Action by the Hearing Authority (for Quasi-Judicial District Change requests)

The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority shall by motion either approve the proposed district change or a modification thereof, or deny the petition. The hearing authority's decision shall include findings that specify how the application has or has not complied with the above review criteria.

The Council notes the following factors that support the proposal:

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A. Requirements for Consolidated Procedures: Oregon Revised Statute (ORS) 227.175 requires jurisdictions to establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. Pursuant to ORS 227.175, the City of Corvallis established Land Development Code Section 1.2.80.03 which requires that Legislative Amendments to the Land Development Code (Land Development Code Text Amendments) be processed in accordance with the provisions within LDC Chapter 2.0 (Public Hearings) and, more particularly, LDC Section 2.0.50.15. Land Development Code Section 2.0.50.15 is within LDC Chapter 2.0 (Public Hearings) and states that *"when more than one application has been filed at one time for a specific property or development, and any one of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same time."* Furthermore, LDC Section 2.0.50.15 states that *"when a District Change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required."*

B. Planning Commission Hearing Required: The applicant's requests include a Comprehensive Plan Amendment, a District Change, a Legislative Amendment to the Land Development Code (Land Development Code Text Amendment), a Major Planned Development Modification, and a Conditional Development. Pursuant to LDC Sections 1.2.80.03, 2.0.50.15, 2.1.30.07, 2.2.40.06, 2.3.30.05, 2.5.40.05, and 2.5.50.06, the process for all of the applicant's requests need to include a public hearing conducted by the Planning Commission.

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C. Simultaneous Processing: The applicant filed all of the five requests stated above simultaneously. All five requests are required to be heard via a public hearing before the Planning Commission. Land Development Code Section 2.0.50.15 allows the applicant the opportunity to simultaneously process multiple application requests that are subject to public hearings before the Planning Commission.

Because the Council accepts the factors noted above, the City Council find that the simultaneous/concurrent processing of the subject application requests for Corvallis Business Park is consistent with ORS 227.175 and with the applicable provisions of the Land Development Code.

4. **Order of Actions** - The City Council notes that Finding #7 of the District Change section of these Findings addresses the appropriate order of actions. The Council notes that in Finding #7 it was determined that the appropriate order of actions was (1) Comprehensive Plan Amendment; (2) District Change; (3) Legislative Amendment to the Land Development Code; (4) Major Planned Development Modification; and (5) Conditional Development. Because the Council accepts Finding #7 of the District Change section of these Findings, and because the Council's action on the Legislative Amendment to the Land Development Code occurred prior to the Council's actions on the Major Planned Development Modification and the Conditional Development requests, the Council finds that the proposal is consistent with ORS 227.178(3).

5. **Land Use, Compatibility, Circulation, & Public Facilities and Services** - The City Council notes that Comprehensive Plan Article 1.2, Comprehensive Plan Policies 7.2.1, 7.3.1, 7.5.3, 7.7.5, 7.7.7, and 8.3.2, and Land Development Code Sections 1.2.80.01 - 03, 2.2.30.03, 3.0.30.03, and 3.14.20.02 are stated as follows:

Article 1.2 Economic Vitality

We value economic vitality: new ideas, emerging businesses, and supporting and maintaining existing business enterprises. We value a varied economy which provides jobs for the diverse population that lives here. We want to maintain an environment that promotes innovation and opportunity, and at the same time treat our natural beauty and desirable living conditions with respect; recognizing that Corvallis' quality of life contributes to a viable economy.

7.2.1. ENCOURAGE AND SUPPORT THE SUSTAINABLE DEVELOPMENT OF HEALTH SERVICES, GOVERNMENT/PUBLIC SERVICES, AND PROFESSIONAL SERVICES.

7.3.1. THE CITY SHALL ENCOURAGE ADEQUATE SUPPORT FACILITIES FOR CORVALLIS' EXPANDING VISITOR, CONFERENCE, AND SEMINAR ACTIVITIES.

7.5.3. THE CITY SHALL ACCOMMODATE VARIETY IN SCALE, AND LOCATION OF PROFESSIONAL, INDUSTRIAL, AND COMMERCIAL ACTIVITIES.

7.7.5. COMMERCIAL DEVELOPMENT IN THE URBAN GROWTH BOUNDARY SHALL BE CONCENTRATED IN DESIGNATED SHOPPING AREAS.

7.7.7. A SHOPPING AREA IS A GROUPING OF COMMERCIAL ESTABLISHMENTS TYPICALLY PLANNED AS A UNIT AND RELATED IN LOCATION, SITE, AND TYPE OF SHOPS TO ITS TRADE AREA.

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8.3.2. CITY LAND USE ACTIONS SHALL PROTECT, MAINTAIN, AND IMPROVE ESTABLISHED RESIDENTIAL AREAS.

Section 1.2.80 - TEXT AMENDMENTS

1.2.80.01 - Background

This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies.

1.2.80.02 - Initiation

Initiation of an amendment may be accomplished by one of the following methods:

a. Majority vote of the City Council; or

b. Majority vote of the Planning Commission.

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.

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2.2.30.03 - Review Criteria (of a Legislative District Change)

Legislative district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

3.0.30.03 - Commercial Use Types

aa. Spectator Sports and Entertainment - Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

1. Limited. Those uses conducted within an enclosed building with a capacity of 299 or less people. Typical uses include small theaters and meeting halls.

2. Other. Those uses generating an attendance of 300 or more people, such as theaters, large exhibition halls and sports stadiums.

3.14.20.02 - Special Development - Uses Allowed Through Discretionary Review. (Within the Community Shopping District)

a. Type I: Conditional Development - The following uses may be permitted subject to review in accordance with Chapter 2.3 and all other applicable provisions of this Code.

1. Major Services and Utilities
2. Planned Development in accordance with Chapter 2.5

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The Council notes that the following factors support the proposal:

A. Inability to Develop "Spectator Sports and Entertainment - Limited and Other" Land Uses: "Spectator Sports and Entertainment - Limited and Other" uses such as theaters. conference centers, and exhibition halls are not allowed in any of the City's commercial or industrial districts, with the exception of the RSC (Regional Shopping Center) District. As there are no lands currently districted RSC within the City, and the likelihood of lands becoming districted RSC in the future are quite low, "Spectator Sports and Entertainment - Limited and Other" uses are not being allowed in commercial or industrial areas.

B. Need to Accommodate "Spectator Sports and Entertainment - Limited and Other" Land Uses: A wide interpretation of LDC Section 3.0.30.03 may permit the development of theaters, conference, and exhibition halls in residential areas. However, Comprehensive Plan Policy 8.3.2 states that "Land use actions shall protect, maintain, and improve established residential areas." Some of these large uses may not be particularly compatible with residential areas. Comprehensive Plan Policies 7.2.1 and 7.3.1 state that the City shall encourage and support the development of professional services and Corvallis' expanding visitor, conference, and seminar activities. Policies 7.5.3 and 7.7.1 state that the City shall accommodate a variety in scale and location, professional and commercial activities, and that the location, type, and amount of commercial activity shall be based on community needs. Policy 7.7.5 and 7.7.7 state that commercial development shall be concentrated in designated shopping areas and that a shopping area is a grouping of commercial establishments typically planned as a unit and related in location, and type of shops to its trade area. Given the above, there is a real need to accommodate the use type "Spectator Sports and Entertainment - Limited and Other" in at least some commercial area(s).

C. "Spectator Sports and Entertainment - Limited" Verses "Spectator Sports and Entertainment - Other": Comprehensive Plan Policies 7.2.1 and 7.3.1 state that the City shall encourage and support the development of professional services and Corvallis' expanding visitor, conference, and seminar activities. Policies 7.5.3 and 7.7.1 state that the City shall accommodate a variety in scale and location, professional and commercial activities, and that the location, type, and amount of commercial activity shall be based on community needs. Policy 7.7.5 and 7.7.7 state that commercial development shall be concentrated in designated shopping areas and that a shopping area is a grouping of commercial establishments typically planned as a unit and related in location, and type of shops to its trade area. Given the above, there is a real need to accommodate the use type "Spectator Sports and Entertainment - Limited and Other" in at least some commercial area(s). As uses categorized as "Spectator Sports and Entertainment - Limited" involve 299 or less people, and therefore less of an impact than "Spectator Sports and Entertainment - Other"

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uses which involve 300 or more people, it is appropriate that this text change apply to both "Spectator Sports and Entertainment - Limited & Other."

D. Amending the Land Development Code: Land Development Code Section 1.2.80.01 states that the "Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies." Findings 1-3 above explain that there is a need for a district to accommodate the use type "Spectator Sports and Entertainment - Limited and Other." This is categorized as a commercial use type in LDC Section 3.0.30.03. Policy 7.7.7 states that commercial use types shall be concentrated in designated shopping areas. The two districts that include designated shopping areas in the City are "Shopping Area" and "Community Shopping." However, the "Shopping Area" District pertains to smaller sites and the use type of "Spectator Sports and Entertainment - Other" is oriented to serving more than 300 people. Therefore, it is appropriate that the use type "Spectator Sports and Entertainment - Limited and Other" be added to the allowable uses in the Community Shopping District, subject to Conditional Development review. The Conditional Development review process is a public hearing process that will address compatibility and infrastructure (streets, water, sanitary sewer, storm drainage) impacts on a case-by-case basis to determine the appropriateness of each particular proposal.

E. Circulation & Public Facilities and Services: In terms of circulation improvements and other public facilities and services, this Legislative Amendment to the Land Development Code will allow "Spectator Sports and Entertainment - Limited and Other" uses within any parts of the community that have a Community Shopping District designation. However, this Legislative Amendment to the Land Development Code is requiring that "Spectator Sports and Entertainment - Limited and Other" uses be subject to Conditional Development review. Therefore, any time such a use is proposed within a Community Shopping District, a public hearing will be required and Conditional Development criteria will be evaluated, including compatibility criteria, circulation criteria, and public facilities and services criteria. Each particular proposal will be reviewed by the Planning Commission, as part of a public hearing process, to determine, on a case-by-case basis, whether the use can be accommodated. Any circulation and/or public facility improvements that are needed for a particular proposal will be required through that public planning process. Therefore, circulation improvements and public facilities and services can be adequately addressed.

Because the Council accepts the factors outlined in A - E above, the Council finds that the proposed Legislative Amendment to the Land Development Code is consistent with the applicable criteria, including Comprehensive Plan Article 1.2, Comprehensive Plan Policies 7.2.1, 7.3.1, 7.5.3, 7.7.5, 7.7.7, and 8.3.2, and Land Development Code Sections 1.2.80.01 - 03, 2.2.30.03, 3.0.30.03, and 3.14.20.02.

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6. **Compliance With Statewide Planning Goals** - The City Council notes that Finding #11 of the Comprehensive Plan Amendment section of these Findings addresses the Corvallis Business Park Application's compliance with the Statewide Planning Goals. Finding #11 of the Comprehensive Plan Amendment section of these Findings cites criteria that were addressed by Staff for all aspects of the subject Application, relative to the applicable Statewide Planning Goals. Because the Council accepts Finding #11 as demonstrating this Application's compliance with the Statewide Planning Goals, the Council finds the Legislative Amendment to the Land Development Code request aspect of this Application consistent with the Statewide Planning Goals.

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FINDINGS RELATING TO ISSUES ON THE MAJOR PLANNED DEVELOPMENT MODIFICATION

1. Except as modified below, the City Council incorporates by reference, accepts and adopts the findings adopted by the Planning Commission, as referenced in the Notice of Disposition (Order 98-52). These include the May 13, 1998 Staff Report to the Planning Commission, the supplemental Staff Memo to the Planning Commission dated June 1, 1998, and the May 20 and June 3, 1998 Planning Commission Minutes. Also adopted as findings here are the Staff Report to the City Council dated June 29, 1998, and the July 6, 1998 City Council Minutes. The findings below supplement and elaborate on the findings in the Staff Report to the Planning Commission (dated May 13, 1998), the supplemental Staff Memo to the Planning Commission (dated June 1, 1998), the Staff Report to the City Council (dated June 29, 1998), the Minutes of the Planning Commission public hearing and deliberations (dated May 20, 1998 and June 3, 1998), and the Minutes of the City Council public hearing and deliberations (dated July 6, 1998), all of which are attached and incorporated within.

   When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall control.

2. Because there was ample opportunity for the public to testify, the record contains all information needed to evaluate the application for compliance with the relevant criteria.

3. **Simultaneous Processing of Multiple Applications** - The Council notes that Oregon Revised Statute (ORS) 227.175 and Land Development Code Sections 1.2.80.03, 2.0.50.15, 2.1.30.07, and 2.2.40.06 are stated as follows:

   ORS 227.175 Application for permit or zone change; fees consolidated procedure; hearing; approval criteria; decision without hearing.

   (2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

   LDC 1.2.80.03 - Review of Text Amendments (Legislative Amendments to the Land Development Code)

   The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.

   2.0.50.15 - Multiple Applications Filed Together (from the Chapter 2.0 - Public Hearings Chapter of the Land Development Code)

   When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting. For example, applications for development district changes are ordinarily heard by the

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Land Development Hearings Board. When a District change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required.

2.1.30.07 - Action by the Planning Commission (for Comprehensive Plan Amendment requests)

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan map amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.2.40.06 - Action by the Hearing Authority (for Quasi-Judicial District Change requests)

The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority shall by motion either approve the proposed district change or a modification thereof, or deny the petition. The hearing authority's decision shall include findings that specify how the application has or has not complied with the above review criteria.

The Council notes the following factors that support the proposal:

A. Requirements for Consolidated Procedures: Oregon Revised Statute (ORS) 227.175 requires jurisdictions to establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. Pursuant to ORS 227.175, the City of Corvallis established Land Development Code Section 2.5.40.04 which requires that Major Planned Development Modifications be processed in accordance with the provisions within LDC Chapter 2.0 (Public Hearings) and, more importantly, LDC Section 2.0.50.15. Land Development Code Section 2.0.50.15 is within LDC Chapter 2.0 (Public Hearings) and states that *"when more than one application has been filed at one time for a specific property or development, and any one of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same time."* Furthermore, LDC Section 2.0.50.15 states that *"when a District Change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required."*

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B. Planning Commission Hearing Required: The applicant's requests include a Comprehensive Plan Amendment, a District Change, a Legislative Amendment to the Land Development Code (Land Development Code Text Amendment), a Major Planned Development Modification, and a Conditional Development. Pursuant to LDC Sections 1.2.80.03, 2.0.50.15, 2.1.30.07, 2.2.40.06, 2.3.30.05, 2.5.40.05, and 2.5.50.06, the process for all of the applicant's requests need to include a public hearing conducted by the Planning Commission.

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C. Simultaneous Processing: The applicant filed all of the five requests stated above simultaneously. All five requests are required to be heard via a public hearing before the Planning Commission. Land Development Code Section 2.0.50.15 allows the applicant the opportunity to simultaneously process multiple application requests that are subject to public hearings before the Planning Commission.

Because the Council accepts the factors noted above, the City Council find that the simultaneous/concurrent processing of the subject application requests for Corvallis Business Park is consistent with ORS 227.175 and with the applicable provisions of the Land Development Code.

4. **Order of Actions** - The City Council notes that Finding #7 of the District Change section of these Findings addresses the appropriate order of actions. The Council notes that in Finding #7 of the District Change section of these Findings it was determined that the appropriate order of actions was (1) Comprehensive Plan Amendment; (2) District Change; (3) Legislative Amendment to the Land Development Code; (4) Major Planned Development Modification; and (5) Conditional Development. Because the Council accepts Finding #7 of the District Change section of these Findings, and because the Council's action on the Major Planned Development Modification request occurred subsequent to the Council's action on the Legislative Amendment to the Land Development Code request, the Council finds that the proposal is consistent with ORS 227.178(3) and finds that the order of actions is proper procedurally.

5. **Land Use** - The City Council notes that the retail uses within the planned PD(CS) portion of the site are uses permitted outright, contingent upon approval of the proposed Comprehensive Plan Amendment and District Change requests. The "eating and drinking establishment" uses are permitted with Plan Compatibility review within the PD(CS) portion of the site. This Major Planned Development Modification request is subject to a public hearing process and compatibility review criteria more stringent than the Plan Compatibility review criteria. Therefore, these "eating and drinking establishment" uses are being reviewed as part of this Major Planned Development Modification.

The Council notes that the theater/conference facility within the PD(CS) portion of the site is an allowable use, contingent upon approval of the Comprehensive Plan Amendment, District Change, Legislative Amendment to the Land Development Code, and Conditional Development requests. The auto body repair business is an allowable use within the PD(MUE) portion of the site, contingent upon approval of the District Map Change and the Conditional Development requests. The industrial welding supply business is a use that is classified as "construction sales and service," which is a use permitted outright in the PD(MUE) portion of the site, contingent upon the District Change request. The PD(MUE) portion of the proposal is consistent with the minimum FAR requirements of 40% (for both Phase IA and Phase IB), as specified in LDC Section 3.27.40.01, and the office use will be a permitted use outright, contingent upon approval of the District Change request. The research technology center uses are allowable uses in the PD(RTC) portion of the site, contingent upon approval of the District Change request. Because the Council accepts the discussion above, the Council finds that the

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proposal is consistent with the applicable land use criteria for a Major Planned Development Modification.

6. **Site Design, Visual Elements, and Landscaping** - The Council notes that Land Development Code Section 2.5.40.04 addresses compatibility criteria for Major Planned Development Modification requests and is stated as follows:

> ***2.5.40.04 - Review Criteria (for Planned Developments)***
>
> ***Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:***
>
> - ***Basic site design (the organization of uses on a site);***
> - ***Visual elements (scale, structural design and form, materials, and so forth);***
> - ***Noise attenuation;***
> - ***Noxious odors;***
> - ***Lighting;***
> - ***Signage;***
> - ***Landscaping for buffering and screening;***
> - ***Traffic;***
> - ***Effects on off-site parking;***
> - ***Effects on air and water quality.***

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The Council notes that the following factors support the proposal:

A. Size of RTC Site: The Council notes that Finding #8 of the District Change section of these Findings concludes that the proposed size of the PD(RTC) portion of the site meets the intent of Land Development Code Section 3.26.40.01 and that the proposal does not reduce opportunities for Research Technology overlays. Because the Council finds that this Finding is also applicable and relevant to the Major Planned Development Modification request, the Council finds that it is appropriate to cite it in this section of these Findings.

B. Site Coverage: The City Council notes that Land Development Code Section 3.26.40 04 requires that total impervious surface within an RTC development (excluding open space/landscape elements) not exceed 60% of the development site. In this case, that requirement pertains to the PD(RTC) portion of the site. The original Corvallis Business Park approval allowed 35% open space instead of the required 40%, primarily because the entire eastern side of the site abuts the Willamette and Pacific Railroad tracks and, therefore, buffering is not an issue in that area. In addition, the original approval contemplated needing additional site coverage for trucking activities and stated that if those trucking activities were not actually needed, then impervious surface could be further reduced. The Council finds that these same arguments apply to the current application.

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The current application seeks to further reduce the open space calculation to 29.4%. However, this calculation is proposed for the entire site, including the PD(MUE) and PD(CS) portions. The PD(MUE) portion of the site is required to have 20% open space and there is no open space requirement within the PD(CS) portion of the site. The required open space for the PD(RTC), PD(MUE), and PD(CS) portions of the site is 8.36 acres, 0.82 acres, and 0 acres, respectively. This results in a total open space requirement for the entire site of 9.18 acres. The applicant is proposing a total of 9.19 acres of open space for the site. The Council finds that as the overall amount of open space meets the combined open space requirements of the 3 districts, the intent of LDC Section 3.26.40.04 is met. The Council also finds that these reductions are consistent with the purposes of a Planned Development (LDC Section 2.5.20) which include promoting flexibility in design, promoting efficient use of land, facilitating a more economical arrangement of buildings, circulation, and land uses, and providing for more usable and suitably located public and common facilities than would otherwise be provided under conventional development procedures.

C. Perimeter Buffer Treatments: The Council notes that Land Development Code Section 3.26.40.02 requires a 30-foot wide landscaped perimeter buffer treatment around the boundary of an RTC Districted area. The applicant proposes to reduce this buffer against the east side of the site and along the northern boundary of the PD(RTC) adjacent to the PD(CS) and PD(MUE) areas. The Council notes that the reduction is needed to enable the site to be developed in a coordinated manner. The PD(RTC) District boundary ends along the northern portion in an internal drive aisle, and along the eastern portion against the railroad tracks, where a buffer is not critical. In the buffer area against the railroad tracks, the applicant proposes to include a multi-use path and a landscape planter between the multi-use path and the adjacent parking areas.

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In order to provide an integrated development with integrated circulation patterns and building layouts, the Council finds that the proposal does not need to include the perimeter buffer treatments within the site that are typically required on Research and Technology Center (RTC) District boundary lines. In addition, because the site borders the Willamette & Pacific Railroad tracks along its entire eastern side, the Council finds that a typical buffer treatment is not needed there either. The Council finds that these reduced and eliminated buffer areas, together with the reduced requirements for landscaping and open space within the Community Shopping and Mixed Use Employment Districts, provide sufficient justification to reduce the overall landscaping requirements as the applicant has proposed. The Council finds that these reductions are consistent with the purposes of a Planned Development (LDC Section 2.5.20) which include promoting flexibility in design, promoting efficient use of land, facilitating a more economical arrangement of buildings, circulation, and land uses, and providing for more usable and suitably located public and common

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facilities than would otherwise be provided under conventional development procedures.

D. Pedestrian Amenities & Weather Protection: The Council notes that Land Development Code Section 3.27.50.07 addresses required pedestrian amenities within the MUE District. The proposal needs to fully comply with this LDC provision. Land Development Code Section 3.27.50.04 addresses weather protection for buildings within the PD(MUE) area. The proposal needs to comply with these weather protection provisions. In addition, the same type of weather protection needs to be provided along buildings within the PD(CS) District, especially along NE Circle Boulevard and the front (west side of) the theater/conference center building. The Council notes that Condition of Approval #5, entitled "Pedestrian Amenities and Weather Protection," requires that prior to the issuance of any construction permits for the PD(MUE) portion of the site, the applicant shall demonstrate compliance with the pedestrian amenities and weather protection provisions outlined in LDC Sections 3.27.50.04 and 3.27.50.07. Because the Council accepts Condition of Approval #5 as an adequate method to ensure compliance with these LDC provisions, the Council finds the proposal consistent with these pedestrian amenities and weather protection provisions.

E. Drop-Off (Mail/Bank...) Facilities: The Council notes that with respect to the mail facility, Condition of Approval # 14 states, "*The area shown as having mail drop-off facilities and automatic teller machines, etc. on the west side of the main access drive shall be located further south such that it does not interfere with the ultimate connection of the east/west parking lot aisle between the subject site and the adjacent K-Mart shopping center site and shall be designed so as to accommodate truck movement to and from proposed loading docks on the property to the west.*" The Council notes that prior to issuance of a permit for the mail facility, the applicant will be required to demonstrate that it meets the conditions of approval for the project.

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F. Structure Height: Structure height within PD(RTC) and PD(MUE) Districts is allowed to be a maximum of 75 feet. Structure height within the PD(CS) District is limited to 35 feet. The applicant contends that as the entire project is being developed in a coordinated manner as a business park, and the theater/conference building needs to be higher than 35 feet, it is appropriate to allow a structure height of up to 75 feet in the PD(CS) portion of the site. During deliberations, the Council determined that because of the unique needs of a theater/conference center building, and the fact that the building is centrally located within the site and buffered by other structures, allowing a building height of up to 50 feet for this structure is consistent with the purposes of a Planned Development. The Council specified this 50-foot height restriction for the theater/conference building within Condition of Approval #7.

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G. Architecture/Sidewalks: The applicant proposes that the exterior facade of the buildings planned within the In forum Complex (the buildings within the PD(CS) portion of the site) will be architecturally compatible with the architectural regime established by the Hewlett-Packard development. Several perspectives have been provided to present the ideas that the applicant is referring to. This style will be also be compatible with the campus-like standards of the PD(RTC) portion of the site. The applicant proposes that the architecture associated with the PD(MUE) portion of the site will be consistent with the standards of the MUE District (LDC Section 3.27.50.08). Architecture and design for the MUE portion of the site needs to be consistent with Chapter 3.27 of the Land Development Code. This includes providing a main entrance off NE Circle Boulevard for each of the buildings within the PD(MUE) portion of the site. Sidewalk connections between these main entrances and the sidewalk on NE Circle Boulevard need to also be provided. To complete a unifying theme of the site, architecture for the PD(CS) portion of the site needs to be consistent with some of the MUE District building design standards, particularly with regard to main entrances, weather protection, and building design (LDC Sections 2.27.50.02 thru 3.27.50.04, & 3.27.50.08). The Council notes that Condition of Approval #7 is stated as follows:

#7. "The entire development site shall maintain an architectural style that includes unifying building materials and/or design characteristics to maintain consistency. Within the PD(RTC) portion of the site, the architecture shall create a campus-like setting. If metal siding and roof surfaces are utilized, they shall be covered and maintained with non-reflective paint, consistent with LDC Section 3.26.40.05.k. Within the PD(MUE) portion of the site, the architecture shall be consistent with LDC Sections 3.27.50.02 thru and including 3.27.50.08. Consistency with these provisions will require a main entrance off NE Circle Boulevard for the buildings within the PD(MUE) portion of the site. Sidewalk connections between these main entrances and the sidewalk along NE Circle Boulevard shall also be provided. Within the PD(CS) portion of the site, the construction shall be consistent with the building design standards within the MUE District, specifically LDC Sections 3.27.50.02 thru 3.27.50.04 & 3.27.50.08."

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The Council finds that this condition of approval ensures that the development will be architecturally integrated and consistent with Land Development Code Chapter 3.27.

H. Gateway Corridor: Comprehensive Plan Policies 10.1.8 and 10.1.9 identify HWY 99W as a gateway corridor to the City and require that attention be given to reflect a positive and desirable image of the community. The area that will be primarily seen from HWY 99W pertains

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to Phases II and III. These phases include significant landscape buffers around the perimeter of the phase which can be attractively landscaped. Because there will be significant landscape buffers around the perimeter of Phases II and III, as seen from HWY 99W, and because Conditions of Approval #8 and #10 will ensure installation of attractive landscaping in these areas, the Council finds the proposal consistent with the City's gateway criteria.

I. Existing Vegetation/Wetlands: There is some existing vegetation on the site, primarily within the 3.75-acre area proposed to be added to Corvallis Business Park. Condition of Approval #8 requires that these trees be preserved to the maximum extent practicable and that trees that need to be removed need to be replaced at a 1:1 ratio within the development.

There may be some jurisdictional wetlands within the site. Condition of Approval #12 addresses wetlands as follows:

> **#12. "Prior to the issuance of any construction permits, the applicant shall conduct a wetland delineation of the site and receive approval of the delineation by the Division of State Lands. Should any wetlands be present on the site, the applicant shall obtain the necessary permits from the Division of State Lands and the U.S. Army Corps of Engineers, and make necessary site plan modifications, prior to the issuance of construction permits for that portion of the site. If site plan modifications are needed, the applicant shall follow the procedures associated with Planned Development Modifications, as outlined in Chapter 2.5 of the Land Development Code. Processes for site plan modifications in this regard are also required to be completed prior to the issuance of construction permits for the portion of the site involved."**

Because the Council accepts Conditions #8 and #12 as being adequate to address existing vegetation and any potentially jurisdictional wetlands within the site, the Council finds that the proposal is consistent with vegetation and wetlands criteria, including Land Development Code Section 4.2.20.c and Comprehensive Plan Policy 3.12.1.

J. Potential Adjustment to Main Access Drive: The applicant's submittal includes a possibility that if there is an agreement between the Corvallis Business Park property owner and the owner of the adjacent property to the west, there may be a slight realignment of the main access drive between the two properties. Condition of Approval #14 provides that if this occurs, these changes may be processed administratively.

Because the Council accepts Factors A - J above, the Council finds the proposal consistent with the Site Design, Visual Elements, and Landscaping components of the compatibility criteria of Land Development Code Section 2.5.40.04.

7. **Traffic** - The Council notes that Land Development Code Section 2.5.40.04 addresses compatibility criteria for Major Planned Development Modification requests and is stated as follows:

> ***2.5.40.04 - Review Criteria (for Planned Developments)***
>
> ***Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:***
>
> - ***Basic site design (the organization of uses on a site);***
> - ***Visual elements (scale, structural design and form, materials, and so forth);***
> - ***Noise attenuation;***
> - ***Noxious odors;***
> - ***Lighting;***
> - ***Signage;***
> - ***Landscaping for buffering and screening;***
> - ***Traffic;***
> - ***Effects on off-site parking;***
> - ***Effects on air and water quality.***

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The Council notes that the following factors support the proposal:

A. Circulation Network: The site will be served by a main access drive with a signalized intersection at NE Circle Boulevard, as well as an eastern access onto NE Circle Boulevard. These improvements will occur concurrently with Phase I. Left turn out movements will be restricted at the eastern access drive. A bicycle and pedestrian network will be provided throughout the site, including a multi-use path which may ultimately connect to the City's bicycle path along HWY 99W. A transit shelter will be provided east of the main access drive, along NE Circle Boulevard.

B. Coordination With Other Agencies With Jurisdiction: The Council notes that Finding #8 of the District Change Section of these Findings concludes that the proposal is consistent with OAR 660-012-0060 because both ODOT and the WPRR were notified and did not have any negative comments regarding the proposal, and because Staff's evaluation of the applicant's traffic study, together with the Planning Commission's conditions of approval, ensured that the proposal would not cause public transportation facilities to operate at a less than acceptable level of service.

C. Main Access Drive: The main access drive is a private internal drive to a parking lots. Private drives are not reviewed with respect to the standards that the City has established for public streets. Rather, they are primarily reviewed

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and regulated with respect to their interaction with the public street system. The City Engineering Department has determined that the intersection of the private drive with NE Circle Boulevard, as conditioned, provides an acceptable level of service (LOS). The Council notes that it appears that the question of a center turn lane within the private drive is more an issue of customer convenience than safety. Therefore, the Council finds that it is not necessary to pursue requiring the lane as recommended by the appellant.

During deliberations, the Council discussed whether or not to require on-street bike lanes as part of the design for the main access drive, as opposed to a separated multi-use path. The Council notes that if an agreement can be reached between the parties involved in the Corvallis Business Park and the K-Mart Shopping Center sites, the main access drive could be designed such that its location is shared in some manner between the two sites. If the location for the main access drive is shared in some manner between the two sites, the width needed to accomplish on-street bike lanes without sacrificing the required landscape parkways can be accommodated. The Council further notes that there also may be a way to design the main access drive to include on-street bike lanes even if an agreement is not reached between the parties involved in the Corvallis Business Park and the K-Mart Shopping Center sites. Therefore, the Council modified Condition of Approval #14 as outlined in the Planning Commission's Notice of Disposition (Order No. 98-52) to ensure that such changes could be accomplished administratively.

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However, the Council notes that without the sharing of the main access drive between the two sites, the on-street bike lanes may not be able to be accommodated without sacrificing the landscape parkways because there may not enough room on the Corvallis Business Park site to accommodate the improvements inclusive of the landscape parkways. The Council notes that the landscape parkways are a desired feature because of the large expanses of paved surfaces that will ultimately occur in the immediate vicinity of the main access drive and because the Applicant is already requesting a reduction in required open space and landscaping. Elimination of the landscaped parkways would further reduce open space and landscaping for the Corvallis Business Park site.

Given the above, the Council notes that it is preferable to require on-street bike lanes within the main access drive only in the event that the parties involved in the Corvallis Business Park and the K-Mart Shopping Center sites come to an agreement whereby the main access drive is physically shared in some manner between the two sites, or whereby a design can be developed that maintains the landscaped parkways. In the event that this cannot be accomplished, the Council finds that it is preferable to require a separated multi-use path in order to maintain the landscape parkways.

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D. Coordination Between Adjacent Property Owners: The Council notes that Staff has encouraged the property owners to establish a private agreement on the main access. If an agreement between the two property owners is reached which requires minor design modifications to the proposed private access drive, Condition of Approval # 14 allows City staff to process the changes as a Minor Planned Development Modification.

In the event the two property owners have not established a private agreement, the Applicant will be required to provide the access easement prior to certificate of occupancy. Staff states that "This timing is preferred so that the developer of the Corvallis Business Park will not be held up by the adjacent property owner in terms of obtaining construction permits." It will be the responsibility of the City to appropriately condition permits for the Corvallis Business Park and Retail at K-mart Center properties so that construction on one site does not preclude construction on the other.

Additionally, Staff addressed the adjacent property owner's concerns over his previous approval for a main access by stating in condition # 14, "If prior to the applicant obtaining construction permits for the private main access drive, the property owner to the west obtains construction permits for the 30-foot access drive approved for the Retail at K-mart Center (PD-96-14), then the Corvallis Business Park applicant shall revise and coordinate the design and alignment of the Corvallis Business Park main access drive so that it does not create conflicts between the two sites." Depending on who constructs the main access, it is not unreasonable for either of the property owners to make minor changes in their parking lot circulation to connect to a common access drive, and as stated in the conditions of approval these minor modifications shall be processed administratively as a Minor Modification. Since the exact locations for the access roads for both properties are no yet known, the offsets between drives accessing the Corvallis Business Park and the Retail at K-Mart Center properties will need to be evaluated at the time of permitting.

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Given that both ODOT and the WPRR were notified and did not have any negative comments regarding the proposal, the proposal is consistent with OAR 660-012-0060. Based on the information provided in the applicant's traffic study, along with staff's evaluation of it and the development's conditions of approval, the proposal is not expected to cause public transportation facilities to operate at a less than acceptable level of service. Therefore, the proposal is consistent with OAR 660-012-0060. The City Engineering Division has determined that the intersection of the private drive with NE Circle Boulevard, as conditioned, provides an acceptable level of service (LOS). The question of a center turn lane within the private drive is more an issue of customer convenience than safety. Therefore, staff did not pursue requiring the lane.

Because the City Council accepts these factors, as outlined in detail in A - D above, the Council finds that the proposal is consistent with the applicable circulation criteria, including the

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traffic aspects of the compatibility criteria addressed in Land Development Code Section 2.5.40.04.

8. **Noise Attenuation, Lighting, Signage, Noxious Odors, & Effects on Air and Water Quality** - The Council notes that Land Development Code Section 2.5.40.04 addresses compatibility criteria for Major Planned Development Modification requests and is stated as follows:

> ***2.5.40.04 - Review Criteria (for Planned Developments)***
>
> ***Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:***
>
> - ***Basic site design (the organization of uses on a site);***
> - ***Visual elements (scale, structural design and form, materials, and so forth);***
> - ***Noise attenuation;***
> - ***Noxious odors;***
> - ***Lighting;***
> - ***Signage;***
> - ***Landscaping for buffering and screening;***
> - ***Traffic;***
> - ***Effects on off-site parking;***
> - ***Effects on air and water quality.***

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The Council notes that the following factors support the proposal:

A. Noise Attenuation, Lighting, and Signage: Because the proposed development includes a continuation of a similar development pattern already occurring in the area (commercial and research technology businesses), the Council finds that no significant negative impacts are anticipated regarding noise, lighting or signage. However, the Council notes that lighting needs to be shielded such that it does not shine on adjacent properties and signage needs to be consistent with the Corvallis Sign Code. The Council notes that these concerns are addressed satisfactorily by Conditions of Approval #2 and #22.

B. Noxious Odors, & Effects on Air and Water Quality: The Council notes that the zoning districts throughout the site do not allow uses requiring State or federal discharge permits, so uses will not generate noxious odors or negative effects on air quality. A storm water permit will be required during construction per State law to address any storm water concerns during construction and storm water will be accommodated by the City's storm water system. The Division of State Lands noted to staff that, although there are no known wetlands on the site, there are indications that hydric soils might be present and that a wetland delineation would be required. Condition of Approval #12 requires that prior to the issuance of any construction permits, this wetland delineation is required to be conducted. Given the above, no negative effects on water quality are anticipated.

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Because the Council accepts factors A and B above, the Council finds the proposal consistent with the Noise Attenuation, Lighting, Signage, Noxious Odors, & Effects on Air and Water Quality components of the compatibility criteria of Land Development Code Section 2.5.40.04.

9. **Effects on Off-Site Parking** - The Council notes that Land Development Codes Sections 2.5.20, 2.5.40.04, 4.1.20.j, and 4.1.20.p are stated as follows:

Section 2.5.10 - BACKGROUND (of a Planned Development)

Development regulations with prestated requirements often frustrate innovation and use of new techniques of project and architectural design that are in the public interest, but were not contemplated when requirements were adopted. It is the intent of this chapter to establish those procedures necessary to permit flexibility in the land development process.

The Planned Development process is established to provide the mechanism for achieving greater flexibility and improved design where the scope of proposed modifications to prestated standards exceeds that permitted through a Lot Development Option. A Lot Development Option process allows modifications to required specification standards on an individual lot of record where the objectives of this Code can be met. The procedures for Lot Development Options are identified in Chapter 2.12.

A Planned Development (PD) designation is district overlay that can be applied in conjunction with any other district designation in accordance with the provisions of Chapter 3.32. Although this overlay designation permits modifications to the site development standards of the underlying district standards, it does not permit changes in uses specified by the underlying district.

The procedures of this chapter are applicable when a property owner requests a Planned Development concurrent with a specific project review or on sites where a PD designation exists on the City's Official Development District Map. A Planned Development project proposal is referred to as a "Detailed Development Plan" and, upon Planning Commission approval, building permits are issued consistent with that plan.

Section 2.5.20 - PURPOSES (of a Planned Development)

Planned Development review procedures are established in this chapter for the following purposes:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms and building relationships within the Planned Development;

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f. *Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;*

g. *Promote and encourage energy conservation; and*

h. *Provide greater compatibility with surrounding land uses than what may occur with a conventional project.*

2.5.40.04 - Review Criteria (for Planned Developments)

Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- *Basic site design (the organization of uses on a site);*
- *Visual elements (scale, structural design and form, materials, and so forth);*
- *Noise attenuation;*
- *Noxious odors;*
- *Lighting;*
- *Signage;*
- *Landscaping for buffering and screening;*
- *Traffic;*
- *Effects on off-site parking;*
- *Effects on air and water quality.*

4.1.20.j Location of Required Parking.

1. *Vehicles - Vehicle parking required for residential uses in accordance with RS-3.5, RS-5, RS-6, RS-9, RS-9U, RS-12, and RS-12U district provisions shall be provided on the development site of the primary structure. Except where permitted by 4.1.50.02 below, required parking for all other use types in other districts, as well as residential uses developed in accordance with RS-20 provisions, shall be provided on the same site as the use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is not a controlled intersection within 100 ft of the subject property.*

4.1.20.p Parking Reduction Allowed.

1. *A reduction of up to 10 percent of required vehicle parking may be allowed if a transit pull-out, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft.*

2. *The amount of vehicle parking may be reduced by one space for every 8 <u>required</u> bicycle parking spaces. (For each 4 additional covered bicycle parking spaces provided over the minimum requirement, one vehicle space may be eliminated, not to exceed 10 percent of required vehicle parking spaces. Additional reductions of vehicle parking spaces may be granted through the Lot Development Option procedures contained in Chapter 2.12).*

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The Council notes that the following factors support the proposal:

A. Location of Parking for Commercial Uses: The Council notes that some of the required parking for the theater/conference facility crosses the applicant's proposed district boundary line between the Community Shopping and Research Technology portions of the site, and some of this parking is located within the proposed PD(RTC) District. However, the commercial uses themselves, including the theater/conference facility building, are all located well within the area proposed to be districted PD(CS) (Community Shopping). It is only the parking that crosses over into the area proposed to be districted PD(RTC). Land Development Code Section 4.1.20.j addresses the location of required parking and states that required parking "*shall be provided on the same site as the use or upon abutting property.*" As the Corvallis Business Park proposal is one integrated planned development, which includes three different District Designations, and all of the parking for the development is proposed to be located within the Corvallis Business Park planned development site, the proposal is consistent with LDC Section 4.1.20.j . Given the above, and given that none of the proposed buildings with their proposed uses cross district boundary lines into areas where they would not be permitted, the proposal is also consistent with LDC Section 2.5.10 which does not permit changes in uses specified by the underlying district within a planned development.

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B. Parking Reduction for Transit Facilities: The Council notes that the applicant is requesting a reduction of up to 20% of the required vehicular parking for the development. The applicant's rationale quotes Land Development Code Section 4.1.20.p which allows up to a 10% reduction in required vehicle parking when a transit facility is located on-site or within 300 feet of a site, and up to a 10% reduction in required vehicle parking when additional bicycle parking is provided. The subject site is within 300 feet of a bus stop (on the south side of NE Circle Boulevard on the Boston Market site) and the applicant will be providing a transit shelter on-site, east of the main access drive, along NE Circle Boulevard. The applicant also proposes to provide additional bicycle parking, although no exact figures have been provided.

The most intensive land uses within the site, those uses within the buildings proposed in PD(CS) portion of the site, will be within approximately 0 - 600 feet of the transit facility. The next most intensive land uses, those within the PD(MUE) portion of the site, will be within approximately 360 - 800 feet of the transit facility. The remainder of the uses within the site are RTC uses, which are generally less intensive in terms of the number of people coming and going from the buildings. According to the City's Transportation Plan, transit facilities are planned to be used by persons located within 1/4 mile of the facilities (1,320 feet). All of the most intensive uses for the site located well within 1/4 mile from the proposed transit facility. In addition, the theater/conference facility will

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be used during daytime hours for conference, educational, and meeting purposes, and users of these services will be able to utilize transit facilities. Notwithstanding the above, LDC Section 4.1.20.p only states that to obtain a 10% reduction in required parking, transit facilities need to be provided "on-site or within 300 feet." This section does not require that the entire site be located within 300 feet of the transit facility. Given the above, the Council finds that a 10% reduction in required parking for the provision of transit facilities is consistent with LDC provisions.

C. Adequacy of Parking: The Council notes that during the Planning Commission public hearing and in written testimony, concerns were raised regarding the adequacy of vehicular parking. Some errors were identified in the parking discussion within the May 13, 1998 staff report to the Planning Commission in terms of the calculation of required parking spaces (pages 66 and 67). However, after staff identified these errors to the Planning Commission, staff explained that the calculations for determining the number of required parking spaces were rough estimates only and that parking requirements for the development were adequately addressed through Condition of Approval #11 of the Major Planned Development Modification and Conditional Development requests.

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The Council notes that an exact number of required parking spaces cannot be calculated at the current time because this calculation is dependent on knowing the exact types of land uses, floor plans of the buildings, number of seats/square footage of dining area, etc. For example, the two buildings adjacent to NE Circle Boulevard and on either side of the "In forum related retail" building, are proposed as "retail or food." The vehicular parking requirements for retail are one space for every 400 square feet of building area. The vehicular parking requirements for restaurants are one space for every four seats and one space for every 50 square feet of dining area where there are no fixed seats. Kitchen and restroom facilities, as well as food storage areas are excluded from parking calculations for restaurants. Given the above, the parking requirements can only be estimated for these two buildings. Additionally, parking requirements for all the "RTC" buildings are even more obscure because they vary from one space per 300 square feet to one space per 5,000 square feet, depending on the use (1:300 for research services, 1:400 for limited manufacturing, 1:1,000 for technological production and general industrial, and 1:5,000 for wholesaling, storage, and distribution). Therefore, the parking requirements for the RTC buildings can only be roughly estimated at this time. Given the above, the discussion in the staff report that estimates the number of required parking spaces is of very limited value. It was included in the staff report to the Planning Commission to give a general sense of what parking requirements might be.

The Council notes that in spite of the fact that parking can only be roughly estimated at this time, the development is sufficiently large, the anticipated and

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possible use types are sufficiently varied, and the site plan sufficiently inclusive of parking spaces to allow for adjustments to be made as the uses within the buildings are finalized. Condition #11 of the Major Planned Development Modification and Conditional Development reads as follows:

> **#11.** **<u>Parking</u> - The applicant shall provide a minimum of 80% of the required vehicular parking outlined in Chapter 4.1 of the Land Development Code. Of the 20% allowed reduction, 10% shall be allowed for the transit facilities and up to 10% shall be allowed for additional bicycle parking. Using this standard, vehicle and bicycle parking shall be provided adequately per phase. Phase line adjustments may need to be made to accomplish this requirement. Finally, a minimum of 50% of required bicycle parking shall be covered, consistent with LDC Section 4.1.70.d.**

This condition of approval will ensure that no more than a 20% reduction of required parking will be allowed and that an adequate number of parking spaces will be constructed per phase of the project.

Note: An estimate of parking requirements is presented in a chart on the next page.

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Estimated Required Vehicular Parking: For background informational purposes, required vehicular parking is ***roughly estimated*** as follows:

BUILDING	SQUARE FOOTAGE	RATIO TO CALC. PARKING	PARKING SPACES REQUIRED (VEH.)
Main Auto Body - Phase IA	18,480	1:400	46
Main Auto Body - Phase IB	16,500	1:400	41
Industrial Welding Supply - Phase IA	4,225 (industrial) 5,775 (office)	1:400 1:400	11 14
Industrial Welding Supply - Phase IB	3,200	1:400	8
In forum Retail	30,000	1:400	75
In forum Food or Retail	10,000 (6,000 & 4,000 sf bldgs)	1:50 sf dining area (for food) 1:400 (for retail)	**est'd** 70 - 100 (if food) or 25 (if retail)
****Deleted by Condition #23** ~~"Floating" In forum~~	~~5,000~~	~~1:400~~	~~13~~
Theater/Conference Facility	3,000 - lobby 2,200 seats	1:50 1:4 seats	60 550
"RTC" Bldg.	20,000	1:300, 1:400, or 1:1,000, or 1:5,000	**Est'd** 50 (@ 1:400)
Bldg. #3 (from Orig. CBP) "RTC" use	28,000	1:300, 1:400, or 1:1,000, or 1:5,000	**Est'd** 70 (@ 1:400)
PHASE I SUBTOTAL			925 - 1,025
PHASE I SUBTOTAL WITH 20% REDUCTION			**740 - 820**
Phases II & III	176,825 (unchanged)	1:300, 1:400, or 1:1,000, or 1:5,000	**Est'd** 442 (@ 1:400)
Phases II & III with 20% Reduction			**354**
GRAND TOTAL			**Est'd** 1,367 - 1,467
GRAND TOTAL WITH 20% REDUCTION			**Est'd 1,094 - 1,174**
APPLICANT'S PROPOSAL			**1385**

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D. Shared Parking: The Council notes that, as discussed above, Condition #11 of the Major Planned Development Modification and Conditional Development requires that parking be provided for each phase of development per Land Development Code standards outlined in LDC Chapter 4.1, with up to a 20% reduction for the provision of transit facilities and additional bicycle parking per LDC Section 4.1.20.p. Given that each use within the development will be subject to these requirements, no "shared" parking is proposed.

E. Off-Site Parking Impacts: The Council notes that, as discussed above, Condition #11 of the Major Planned Development Modification and Conditional Development requires that parking be provided for each phase of development per Land Development Code standards outlined in LDC Chapter 4.1, with up to a 20% reduction for the provision of transit facilities and additional bicycle parking per LDC Section 4.1.20.p. Given that each use within the development will be subject to these requirements, adequate parking will be provided on site. In addition, Condition #22 of the Major Planned Development Modification and Conditional Development requires that directional signs be installed within Phase I to direct overflow traffic in the vicinity of the theater/conference facility to other parts of the Corvallis Business Park. As noted in the June 3, 1998 Planning Commission minutes, the Commissioners felt that users of the Corvallis Business Park would be much more likely to park further south of the theater/conference facility in the spaces designed for the facility and within the same development site, than park in the K-Mart Shopping Center site and try to walk across a landscape parkway, a multi-use path, the main access drive, another parkway, and then through the parking area for the theater/conference facility to get to the building. Finally, during its deliberations the Council determined that in spite of the fact that it is preferable from a pedestrian and bicycle circulation standpoint to locate the theater/conference building adjacent to the main access drive, instead of its proposed location, the Council chose to maintain the building's proposed location to ensure that users of the Corvallis Business Park site will not choose to park within the Retail at K-Mart Center site and cause impacts to the K-Mart Shopping Center parking lot.

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F. Bicycle Parking: The Council notes that the exact number of bicycle parking spaces cannot be calculated at the current time because this calculation is dependent on knowing the exact vehicular parking requirements. The Council notes that the exact number of vehicular parking spaces cannot be calculated at the current time because this calculation is dependent on knowing the types of land uses, floor plans of the buildings, number of seats/square footage of dining area, etc. For example, the two buildings adjacent to NE Circle Boulevard and on either side of the "In forum related retail" building, are proposed as "retail or food." The vehicular parking requirements for retail are one space for every 400 square feet of building area. The vehicular parking requirements for restaurants are one space for every four seats and one space for every 50 square feet of dining area where there are no fixed seats. Kitchen and restroom facilities, as well as food storage areas are excluded from parking

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calculations for restaurants. Given the above, the parking requirements can only be estimated for these two buildings. Additionally, parking requirements for all the "RTC" buildings are even more obscure because they vary from one space per 300 square feet to one space per 5,000 square feet, depending on the use (1:300 for research services, 1:400 for limited manufacturing, 1:1,000 for technological production and general industrial, and 1:5,000 for wholesaling, storage, and distribution). Therefore, the parking requirements for the RTC buildings can only be roughly estimated at this time.

The Council notes that in spite of the fact that parking can only be roughly estimated at this time, the development is sufficiently large, the anticipated and possible use types are sufficiently varied, and the site plan sufficiently inclusive of parking spaces to allow for adjustments to be made as the uses within the buildings are finalized. Condition #11 of the Major Planned Development Modification and Conditional Development reads as follows:

#11. **Parking - The applicant shall provide a minimum of 80% of the required vehicular parking outlined in Chapter 4.1 of the Land Development Code. Of the 20% allowed reduction, 10% shall be allowed for the transit facilities and up to 10% shall be allowed for additional bicycle parking. Using this standard, vehicle and bicycle parking shall be provided adequately per phase. Phase line adjustments may need to be made to accomplish this requirement. Finally, a minimum of 50% of required bicycle parking shall be covered, consistent with LDC Section 4.1.70.d.**

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This condition of approval will ensure that adequate bicycle parking, consistent with Land Development Code provisions outlined in Chapter 4.1, will be provided per phase. The condition also will ensure that any reductions in required vehicle parking based on the number of bicycle parking spaces will be in accordance with Land Development Code provisions (Chapter 4.1), and that covered bicycle parking will be provided in accordance with the provisions outlined in Land Development Code Chapter 4.1.

Given the above, even with conservative estimates of the development's parking requirements, the applicant's proposal meets Land Development Code provisions for vehicular parking once the 20% reduction in parking (based upon the availability of transit facilities and the provision of additional bicycle parking) is applied. In addition, Condition #11 of the Major Planned Development Modification and the Conditional Development requests will ensure that, regardless of the parking estimates in the table above, adequate parking (per LDC provisions with a maximum of a 20% reduction) will be required and provided per phase. Because the Council accepts these conclusions, as further outlined factors in A - F above, the Council finds that the proposal is consistent with the applicable criteria regarding parking in Land Development Code Sections 2.5.10, 2.5.20, 2.5.40.04, 4.1.20.j, and 4.1.20.p, including the Effects on Off-Site Parking component of the compatibility criteria in LDC Section 2.5.40.04.

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10. **Public Facilities and Services** - The Council notes that Land Development Code Section 4.0.80 is stated as follows:

4.0.80 - PUBLIC UTILITY EXTENSIONS

a. ***All development sites shall be provided with public water, sanitary sewer, and storm drainage.***

b. ***Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrent with development.***

c. ***Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.***

d. ***To provide for orderly development of adjacent properties, public utilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).***

e. ***All public utility installations required with development shall conform to the City's adopted facilities master plans.***

f. ***Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:***

1. ***Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;***

2. ***The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 4.0.70.f above);***

3. ***The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.***

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This section of the Land Development Code indicates that adequate public facilities must be provided to development sites. The Council notes that the following factors support the proposal:

A. Water and Sanitary Sewer Facilities: The applicant proposes to connect the waterline for Phase 1 to the 12-inch line in NE Circle Boulevard at the northwest property corner and loop it through the site connecting back to the line in NE Circle Boulevard The water plan also shows phase II & III looping into the phase I lines. Because the neighboring property owner's 1-foot reserve strip ("spite strip") will not allow access or connection to the water line on the K-Mart site, there are no connections shown on the plans to the water line around the K-Mart site.

Construction of an additional waterline on this site paralleling the water line on the K-Mart property will result in an inefficient use of developer and City resources. Therefore, if the developer of the Corvallis Business Park can enter

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into an agreement with the owner of the K-Mart shopping center site, then the developer of the Corvallis Business Park will be required to make a connection to the water line on the K-Mart property to provided a looped system. That agreement will provide for the establishment of public water and/or sewer easements between K-Mart's eastern and southern property lines and existing utility easements.

The applicant proposes to connect an 8-inch sanitary sewer line serving three buildings to the existing manhole at NE Belvue Street. Another 8-inch line, which will connect at an existing manhole east of NE Belvue Street, will serve the rest of site (including phases II & III). In order to reduce the amount of public sewer line serving the site, some phase II & III buildings should connect at the west side of the property to the existing line on the K-Mart Site. This is shown as a possible future connection on the applicant's plans. However, this requirement will also be contingent upon the establishment of an agreement as discussed above.

If the parties cannot come to an agreement, the applicant will be allowed to construct the water line and sanitary sewer line improvements in a manner consistent with current design and construction practices, and without connecting to the water line and sanitary sewer line on the K-Mart property.

B. Storm Drainage Facilities: The applicant proposes to use on-site detention ponds and some on-site parking lot detention to limit runoff to pre-development levels. All the site drainage is fed to one 36-inch line which connects to a manhole over the 48-inch line, at the northeast corner of the site.

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Because the Council accepts the factors listed above as the appropriate arguments to demonstrate that the proposal meets the applicable public facilities and services criteria, the City Council finds that the proposal is consistent with Land Development Code Section 4.1.80.

10. **Compliance With Statewide Planning Goals** - The City Council notes that Finding #11 of the Comprehensive Plan Amendment section of these Findings addresses the Corvallis Business Park Application's compliance with the Statewide Planning Goals. Finding #11 of the Comprehensive Plan Amendment section of these Findings cites criteria that were addressed by Staff for all aspects of the subject Application, relative to the applicable Statewide Planning Goals. Because the Council accepts Finding #11 as demonstrating this Application's compliance with the Statewide Planning Goals, the Council finds the Major Planned Development Modification request aspect of this Application consistent with the Statewide Planning Goals.

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FINDINGS RELATING TO ISSUES ON THE CONDITIONAL DEVELOPMENT

1. Except as modified below, the City Council incorporates by reference, accepts and adopts the findings adopted by the Planning Commission, as referenced in the Notice of Disposition (Order 98-52). These include the May 13, 1998 Staff Report to the Planning Commission, the supplemental Staff Memo to the Planning Commission dated June 1, 1998, and the May 20 and June 3, 1998 Planning Commission Minutes. Also adopted as findings here are the Staff Report to the City Council dated June 29, 1998, and the July 6, 1998 City Council Minutes. The findings below supplement and elaborate on the findings in the Staff Report to the Planning Commission (dated May 13, 1998), the supplemental Staff Memo to the Planning Commission (dated June 1, 1998), the Staff Report to the City Council (dated June 29, 1998), the Minutes of the Planning Commission public hearing and deliberations (dated May 20, 1998 and June 3, 1998), and the Minutes of the City Council public hearing and deliberations (dated July 6, 1998), all of which are attached and incorporated within.

   When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall control.

2. Because there was ample opportunity for the public to testify, the record contains all information needed to evaluate the application for compliance with the relevant criteria.

3. **Simultaneous Processing of Multiple Applications** - The Council notes that Oregon Revised Statute (ORS) 227.175 and Land Development Code Sections 1.2.80.03, 2.0.50.15, 2.1.30.07, and 2.2.40.06 are stated as follows:

   ORS 227.175 Application for permit or zone change; fees consolidated procedure; hearing; approval criteria; decision without hearing.

   (2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

   LDC 1.2.80.03 - Review of Text Amendments (Legislative Amendments to the Land Development Code)

   The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.

   2.0.50.15 - Multiple Applications Filed Together (from the Chapter 2.0 - Public Hearings Chapter of the Land Development Code)

   When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting. For example, applications for development district changes are ordinarily heard by the

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Land Development Hearings Board. When a District change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required.

2.1.30.07 - Action by the Planning Commission (for Comprehensive Plan Amendment requests)

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan map amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.2.40.06 - Action by the Hearing Authority (for Quasi-Judicial District Change requests)

The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority shall by motion either approve the proposed district change or a modification thereof, or deny the petition. The hearing authority's decision shall include findings that specify how the application has or has not complied with the above review criteria.

The Council notes that the following factors support the proposal:

A. Requirements for Consolidated Procedures: Oregon Revised Statute (ORS) 227.175 requires jurisdictions to establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. Pursuant to ORS 227.175, the City of Corvallis established Land Development Code Section 2.3.30.05 which requires that Conditional Developments be processed in accordance with the provisions within LDC Chapter 2.0 (Public Hearings) and, more importantly, LDC Section 2.0.50.15. Land Development Code Section 2.0.50.15 is within LDC Chapter 2.0 (Public Hearings) and states that *"when more than one application has been filed at one time for a specific property or development, and any one of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same time."* Furthermore, LDC Section 2.0.50.15 states that *"when a District Change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required."*

B. Planning Commission Hearing Required: The applicant's requests include a Comprehensive Plan Amendment, a District Change, a Legislative Amendment to the Land Development Code (Land Development Code Text Amendment), a Major Planned Development Modification, and a Conditional Development. Pursuant to LDC Sections 1.2.80.03, 2.0.50.15, 2.1.30.07, 2.2.40.06, 2.3.30.05, 2.5.40.05, and 2.5.50.06, the process for all of the applicant's requests need to include a public hearing conducted by the Planning Commission.

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C. Simultaneous Processing: The applicant filed all of the five requests stated above simultaneously. All five requests are required to be heard via a public hearing before the Planning Commission. Land Development Code Section 2.0.50.15 allows the applicant the opportunity to simultaneously process multiple application requests that are subject to public hearings before the Planning Commission.

Because the Council accepts the factors noted above, the City Council finds that the simultaneous/concurrent processing of the subject application requests for Corvallis Business Park is consistent with ORS 227.175 and with the applicable provisions of the Land Development Code.

4. **Order of Actions** - The City Council notes that Finding #7 of the District Change section of these Findings addresses the appropriate order of actions. The Council notes that in Finding #7 it was determined that the appropriate order of actions was (1) Comprehensive Plan Amendment; (2) District Change; (3) Legislative Amendment to the Land Development Code; (4) Major Planned Development Modification; and (5) Conditional Development. Because the Council accepts Finding #7 of the District Change section of these Findings, and because the Council's action on the Conditional Development request occurred subsequent to the Council's action on the Legislative Amendment to the Land Development Code request, the Council finds that the proposal is consistent with ORS 227.178(3).

5. **Land Use** - The Council notes that the theater/conference facility within the PD(CS) portion of the site is an allowable use, contingent upon approval of the Comprehensive Plan Amendment, District Change, Legislative Amendment to the Land Development Code, and Conditional Development requests. The auto body repair business is an allowable use within the PD(MUE) portion of the site, contingent upon approval of the District Map Change and the Conditional Development requests. The industrial welding supply business is a use that is classified as "construction sales and service," which is a use permitted outright in the PD(MUE) portion of the site, contingent upon the District Change request. The PD(MUE) portion of the proposal is consistent with the minimum FAR requirements of 40% (for both Phase IA and Phase IB), as specified in LDC Section 3.27.40.01, and the office use will be a permitted use outright, contingent upon approval of the District Change request. The research technology center uses are allowable uses in the PD(RTC) portion of the site, contingent upon approval of the District Change request. Because the Council accepts the discussion above, the Council finds that the proposal is consistent with the applicable land use criteria for a Conditional Development.

6. **Compatibility, Circulation, & Public Facilities and Services** - The Council notes that Findings #6 - #9 of the Major Planned Development Modification section of these Findings addresses Compatibility, Circulation, and Public Facilities and Services criteria for the proposed Corvallis Business Park development. The discussions within these findings include all aspects of the subject Conditional Development request (relative to compatibility, circulation, and public facilities and services criteria) and the Conditional Development request is subject to the same conditions of approval as the Major Planned Development Modification request. Because the Council accepts Findings #6 - #9 of the Major Planned Development Modification section of these Findings, and these findings include the Conditional Development aspects of this

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Application, the Council finds that these same findings are applicable to the Conditional Development request with respect to compatibility, circulation, and public facilities and services.

7. **Compliance With Statewide Planning Goals** - The City Council notes that Finding #11 of the Comprehensive Plan Amendment section of these Findings addresses the Corvallis Business Park Application's compliance with the Statewide Planning Goals. Finding #11 of the Comprehensive Plan Amendment section of these Findings cites criteria that were addressed by Staff for all aspects of the subject Application, relative to the applicable Statewide Planning Goals. Because the Council accepts Finding #11 as demonstrating this Application's compliance with the Statewide Planning Goals, the Council finds the Conditional Development request aspect of this Application consistent with the Statewide Planning Goals.

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CONCLUSION

The City Council notes that there are five requests involved in the Corvallis Business Park Application, including a Comprehensive Plan Amendment request, a District change request, a Legislative Amendment to the Land Development Code request, a Major Planned Development Modification request, and a Conditional Development request. The Application, as conditioned by Staff and approved by the Planning Commission and modified by the City Council resolves concerns about compliance with the Statewide Planning Goals, compliance with State statutory requirements involving the Oregon Revised Statutes and the Oregon Administrative Rules, and compliance with City of Corvallis land use regulations regarding planning procedures, land use, compatibility, circulation, and public facilities and services. Accordingly, the following actions are accomplished:

I. The Comprehensive Plan Amendment request is APPROVED;

II. The District Change request is APPROVED, the decision of the Planning Commission is UPHELD, and the appeal of the District Change is DENIED;

III. The Legislative Amendment to the Land Development Code request is APPROVED;

IV. The Major Planned Development Modification request is APPROVED, the decision of the Planning Commission is UPHELD, and the appeal of the Major Planned Development Modification is DENIED; and

V. The Conditional Development request is APPROVED, the decision of the Planning Commission is UPHELD, and the appeal of the Conditional Development is DENIED.

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DATED August 17, 1998, for Findings and Conclusions associated with Legislative Amendment to the Land Development Code request.

DATED September 8, 1998 for Findings and Conclusions associated with Comprehensive Plan Amendment request and appeal of District Change, Major Planned Development Modification, and Conditional Development requests.

Helen Berg
MAYOR

ATTACHMENT 0-99

ORDINANCE 98-33

AN ORDINANCE relating to a Comprehensive Plan Amendment, modifying Ordinance 90-52, as amended.

The Planning Commission has forwarded its recommendation to the City Council concerning a request for a Comprehensive Plan Amendment. After proper legal notice, a public hearing concerning the proposed change was held on July 6, 1998; and interested persons and the general public were given an opportunity to be heard. The City Council has reviewed the recommendation of the Planning Commission.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1: The findings of fact prepared by staff and contained in Exhibit A (which consists of the complete staff report to the City Council, including attachments, and dated June 29, 1998, the Minutes of the July 6, 1998 City Council meeting, the staff memo dated August 12, 1998, and the Findings of Fact prepared by staff and dated August 17, 1998); are by reference incorporated herein, and are hereby adopted by the City Council. The City Council finds that the proponents have borne their burden of proof.

Section 2. The Comprehensive Plan Map classification for 6.25 acres of the subject property, generally located south of NE Circle Boulevard and east of the K-Mart shopping center site, and within the City limits, is changed from General Industrial with a Research Technology overlay to Shopping Area, as indicated in Exhibit B.

Section 3. Comprehensive Plan Policy 7.9.1 is changed to read as follows:

POLICY 7.9.1 COMMERCIAL ACTIVITY ON OR EXTENDING FROM NINTH STREET SHALL NOT BE EXTENDED:

* **NORTH OF WALNUT BOULEVARD ON THE WEST SIDE OF NINTH STREET;**
* **NORTH OF CONIFER ON THE EAST SIDE OF NINTH STREET;**
* **MORE THAN 570 FEET WEST OF NINTH STREET ON THE NORTH SIDE OF CIRCLE BOULEVARD;**
* **MORE THAN 1,380 FEET WEST OF NINTH STREET ON THE SOUTH SIDE OF CIRCLE BOULEVARD;**
* **MORE THAN 1,200 FEET EAST OF HIGHWAY 99W ALONG THE SOUTH SIDE OF CIRCLE BOULEVARD. THE COMMERCIAL BOUNDARY FOR THIS 22 ACRE AREA IS DEFINED ON THE EAST BY A 580 FOOT LINE.**
* **BEYOND A 9.53 ACRE AREA EAST OF U.S. HIGHWAY 99W AND NORTH OF CIRCLE BOULEVARD GENERALLY DEFINED BY THE FOLLOWING BOUNDARIES: APPROXIMATELY 640 FEET EAST OF**

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ATTACHMENT 0-100

HIGHWAY 99W ALONG CIRCLE BOULEVARD, 1,030 FEET NORTH OF CIRCLE BOULEVARD AND 300 FEET WEST TO HIGHWAY 99W;

* INTO RESIDENTIAL AREAS ON THE WEST SIDE OF NINTH STREET;

* SOUTH OF FREMONT AVENUE ON THE WEST SIDE OF NINTH STREET;

* SOUTH OF POLK AVENUE ON THE EAST SIDE OF NINTH STREET.

PASSED by the Council this 8th day of September, 1998.

APPROVED by the Mayor this 9th day of September, 1998.

Effective this 18th day of September, 1998.

Helen M. Berg
Mayor

ATTEST:

M. Sue Marine
City Recorder

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ATTACHMENT O-101

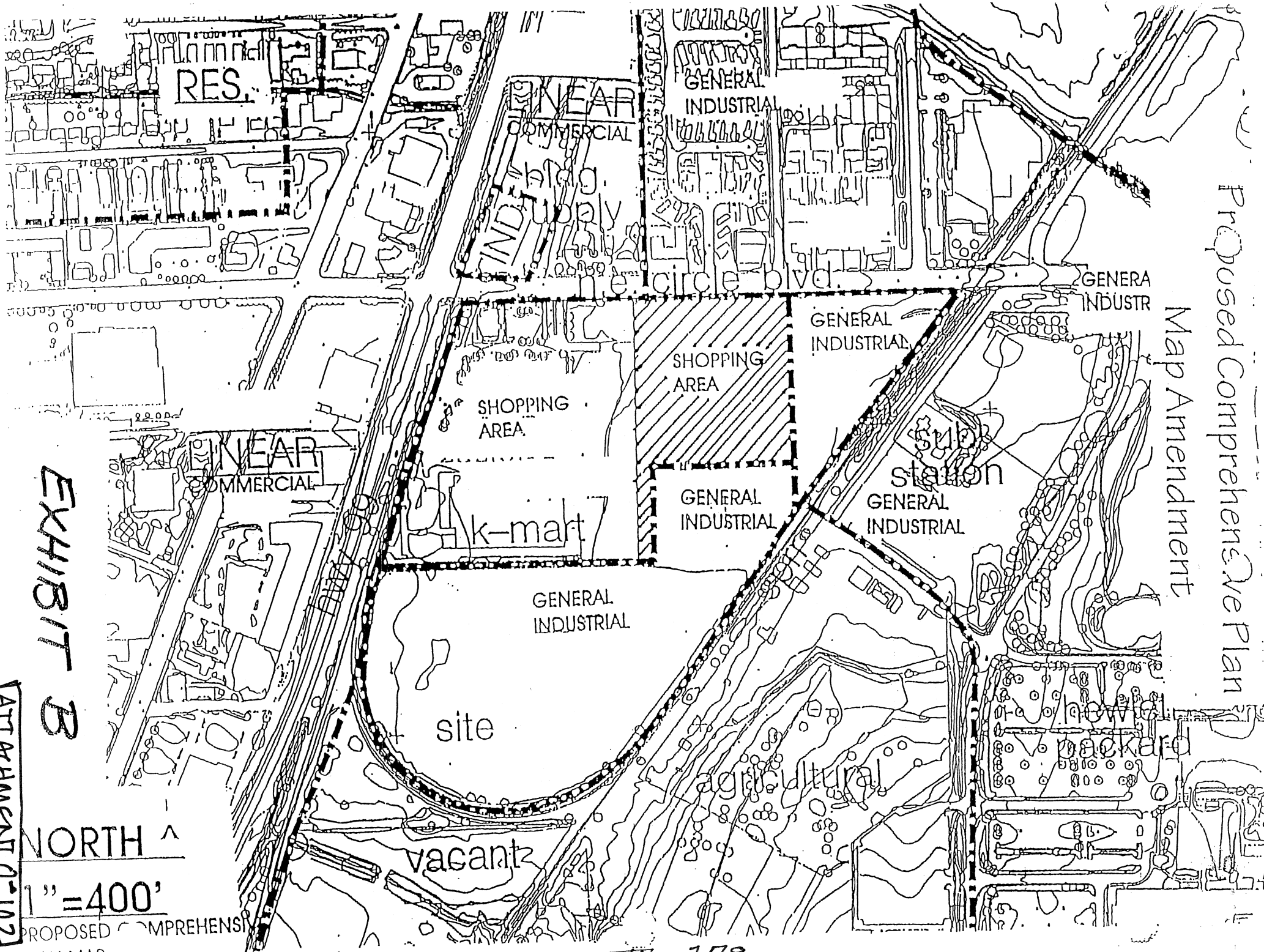

EXHIBIT B

ATTACHMENT 0-102

~~Attachment I~~ - Copies of Easement Documents

VM-275407-99

RECIPROCAL EASEMENT AGREEMENT

THE STATE OF OREGON §
§ KNOW ALL MEN BY THESE PRESENTS
COUNTY OF BENTON §

This instrument, creating certain reciprocal easements on adjacent tracts of land in Benton County, Oregon, is entered into by and between Steve Perlenfein ("Perlenfein") and Industrial Welding Supply, Inc., ("IWSI") an Oregon Corporation, hereinafter referred to as the "Owners". SDC-W-Ecircle, Ltd. a Texas Limited Partnership ("Schlosser") has conveyed to Perlenfein a Tract of Land (hereinafter called "Tract A") described on Exhibit A attached hereto, incorporated herein and made a part hereof for all purposes. Schlosser has conveyed to IWSI a Tract of Land (hereinafter called "Tract B") described on Exhibit B attached hereto, incorporated herein and made a part hereof for all purposes. Schlosser retains Ownership of adjacent Tracts (hereinafter collectively called the "Building Sites" or "Tract C") described on Exhibits C attached hereto, incorporated herein and made a part hereof for all purposes. However, Tract C shall not be serviant to this Reciprocal Easement Agreement (except, however, it is agreed that the east-west driveway, only, depicted within Tract C, on Exhibit X, and situated between Bldg. 2 and Bldg(s) 3 and connecting with the main access drive that straddles the Tract C demising line shall be serviant to this Recipricol Easement Agreement) . Schlosser, Perlenfein, and IWSI desire to create arrangements whereby the Tracts may be used and operated in a compatible manner notwithstanding changes of Ownership in any of the Tracts or any part or part(s) of the Tracts; including any change of Ownership by foreclosure of any existing or future lien on any of such Tracts (or part or part(s) of such Tracts). Notwithstanding anything stated herein to the contrary, the Owners of Tract A and Tract B agree to abide by the terms of Corvallis Disposition Order 98-97 (including, but not limited to recognizing the industrial character and underlying industrial land use designation of their tracts, consistent with LDC section 3.27.40.01.d).

AFTER RECORDING RETURN TO:
OREGON TITLE INSURANCE CO

#3[illegible]

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Definitions: As used in this document:

(a) "Schlosser", "Perlenfein", "IWSI", "Tract A", "Tract B", and "Tract C," and "Building Sites" shall have the meanings given to them above.

(b) Schlosser, Perlenfein, and IWSI and their respective successors and assigns in Ownership of the various Tracts are referred to herein as the "Owner" of a Tract.

(c) Tracts A, B, and C may be referred to jointly as the "Tracts" or singularly as a "Tract."

(d) Agreement means this Reciprocal Easement Agreement

(e) "Driveway Easement" shall have the meaning given in Section 1 below.

(f) "Sign Easement" shall have the meaning given in Section 7 below.

1. Access through Tract A and Tract B. There are hereby created, for the benefit of Owners of Tract A and Tract B (and emergency vehicles) easements for passage over and across those driveways shown on the sketch attached hereto as Exhibit X from and to the adjacent public street (Circle Boulevard) and from and to the private main access drive shown. Such easements shall be non-exclusive and the Owner of Tract A and Tract B which is affected by this Driveway Easement, and

ATTACHMENT O-103

its employees, tenants and their respective customers and invitees shall have the right to use such driveways, in common with the Owner of Tract B and Tract A , its tenants and their respective employees, customers and invitees. The easements created by this paragraph (and the area encumbered thereby as the context requires) may be referred to herein as the "Driveway Easements." No improvements or buildings may be located upon the area encumbered by the Driveway Easements other than curbs, traffic control and directions signs appropriate for the intended use of such areas as defined herein.

2. deleted

3. Utility Easements. There are hereby created easements ("Utility Easements") for the benefit of the Owner of all Tracts, (and for the benefit of Schlosser) for installation, maintenance and repair of underground utility(s) (and applicable pedestrian, vehicular, and bicycle routes) over and across Tract A and Tract B. The locations of the Utility Easements are not presently determined, but the Owners of the Tracts will hereafter record a supplement to this agreement designating or showing the location of such Utility Easements and such Owners agree to dedicate such Utility Easements as approximately shown in Exhibit Y, attached. (However, such Utility Easements will not be proposed wherever building improvements are planned as described in Exhibit X.) However, notwithstanding anything stated herein to the contrary, it is agreed by such Owners that building improvements, whenever developed, shall not exceed the size in square feet indicated on such Exhibit X, and such building improvements will be constructed within the building envelopes indicated on Exhibit X (except, at the discretion of the Owner of Tract C, the building (described as Bldg. 8 on Exhibit X, only) planned on Circle Blvd. directly west of the rail-road tracts may be constructed approximately 60 feet west of the building envelope sited on Exhibit X). Upon the recording of such supplement, the terms of this paragraph shall apply to such easements. Such Utility Easements are exclusively to be used by the Owners of both Tract A , Tract B, and Tract C; and the owner(s) of the Building Site(s) (including the owner of Phase 2 and/or Phase 3 of Corvallis Business Park, if approved by Schlosser) for water service, wastewater service, and water drainage to and from the Building Sites. The Owners of Tract A and Tract B will dedicate all or the applicable part of the Utility Easements to the city of Corvallis without joinder of any other party upon the request of applicable governmental authority and Schlosser. The party making use of the surface of the Utility Easements shall repair the surface of the area affected by such use. No building shall be built over any of the area of the Utility Easement.

4. Maintenance of Storm Sewer and Utility Systems. The Owner of any Tract shall have the right to go upon Tract A and/or Tract B to repair or maintain any storm sewer, or other utility line (including the so-called multiuse path) located in an Utility Easement in Tract A and/or Tract B, to the extent necessary. However, the Owner making such repairs or maintenance shall restore the surface to the same condition that existed before the commencement of repairs and/or maintenance. The Owner or Owner(s) of each Tract shall reimburse the Owner (making such repairs and/or performing such maintenance) an amount equal to their "Proportionate Part".

The Proportionate Part to be reimbursed by the Owners of Tracts A, B, and C to the Owner making such repair(s) and/or maintaining such storm sewer and/or

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ATTACHMENT O-104

utility(s) shall be determined by multiplying 105% of the cost of such repair and/or maintenance by a fraction; the numerator of such fraction shall be the size in square feet of a building on an Owner's Tract; and the denominator shall be the size in square feet of all of the buildings on Tract A, Tract B and Tract C. Such sums shall be payable periodically as invoiced to the Owners, but not more often than quarterly. Each such invoice shall contain a reasonable accounting together with reasonable back-up data as to the amount of the expenditures made for which reimbursement is requested. Any Owner may request an audit of all described reimbursables for the last preceding twelve (12) months. Upon such request, the Owner making such repair(s) and performing such maintenance shall be required to allow the Owner requesting such audit to conduct an audit at the offices of the Owner making such repair(s) and/or performing such maintenance, during normal business hours. Provided, however, anything in this paragraph 4 notwithstanding, the Owners of Tract A and Tract B shall not be required to pay for any repairs or maintenance of the portions of the storm sewer or utilities (including the so-called multiuse path) located out side of Tract A or Tract B.

5. Fences. No fence or other barrier which would prevent or obstruct the passage of pedestrian, bicycle, or vehicular traffic for the purposes herein permitted shall be erected or permitted on any Tract (or between any Tract and any Building Sites). However, nothing in this provision shall prevent an Owner from constructing a fence around a staging area or vehicular corral serving that respective Owner's building; or around parking spaces, and driveways that do not provide passageway to an adjoining Tract.

6. Parking. The Owner of each Tract A and Tract B shall mark parking spaces within the Parking area on such Owner's Tract as shown on Exhibit X (as to location and dimension of spaces, orientation of aisles and spaces and other features shown on Exhibit X hereto). Subect to the exception hereafter set forth, this requirement shall be independent of any requirement of the City of Corvallis or other governmental authority having jurisdiction of buildings or parking. Nothing herein shall restrict the Owner of Tract A and/or Tract B from striping more parking spaces than shown on Exhibit X. Provided, however, notwithstanding anything to the contrary in this Agreement, if the City of Corvallis requires the reduction or relocation of the number of parking spaces depicted on Exhibit X as a condition for issuing building permits for either building to be constructed on Tract A, then and in that event, the Owner of Tract A may provide fewer parking spaces than depicted on Exhibit X. However, the Owner of Tract A will not assert any right to discount the amount of parking spaces otherwise minimally required on account of the addition of bicycle parking and/or the presence of bus/transit facilities.

6.b. Notwithstanding anything stated herein to the contrary, the Owner of Tract A and Tract B shall share equally in the costs of patching, maintaining, and repairing the drive aisles on Tract(s) A and B.

7. Sign Locations. No sign shall be permitted on Tract A or Tract B other than traffic directional signs and signs advertising the businesses located thereon. Specifically, no billboard or pylon signs for general advertising purposes shall be permitted on either Tract A or Tract B.

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ATTACHMENT O-105

Notwithstanding the above, the Owner of Tract A and Tract B are not restricted from constructing mounted-building-signage (subject to governmental authority and subject to the following).

It is agreed by the Owner of Tract A and Tract B and Schlosser that the Owner of Tract A shall be allotted a total amount of signage based on multiplying the cumulative-total-signage allowed by the City of Corvallis for Phase 1 of Corvallis Business Park by a fraction; the numerator of such fraction being the total square feet of all ground-level enclosed building(s) to be constructed on Tract A; and the denominator of such fraction being the total square footage of all square footage permitted in Phase 1 of Corvallis Business Park (as defined in Disposition Order 98-97). However, if the City of Corvallis does not assert that the property described as "Building 3" in such Disposition Order shall be part of total square footage permitted in Phase 1 of Corvallis Business Park for purposes of allotting signage, then the denominator of such fraction shall be the square footage permitted in Phase 1 of Corvallis Business Park exclusive of said Building 3.

It is agreed by the Owner of Tract A and Tract B and Schlosser that the Owner of Tract B shall be allotted a total amount signage based on multiplying the cumulative-total-signage allowed by the City of Corvallis for Phase 1 of Corvallis Business by a fraction; the numerator of such fraction being the total square feet of all ground-level enclosed building(s) to be constructed on Tract B; and the denominator of such fraction being the total square footage of all square footage permitted in Phase 1 of Corvallis Business Park (as defined in Disposition Order 98-97). However, if the City of Corvallis does not assert that the property described as "Building 3" in such Disposition Order shall be part of total square footage permitted in Phase 1 of Corvallis Business Park for purposes of allotting signage, then the denominator of such fraction shall be the square footage permitted in Phase 1 of Corvallis Business Park exclusive of said Building 3.

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It is agreed that the Owners of Tract A and/or Tract B will not endeavor to obtain a sign variance from applicable governmental authorities without the express written consent of the Owner of Tract C until two years after the date that this Reciprocal Easement Agreement is executed by all parties. Additionally, after such two years, if the Owners of Tract A and/or Tract B shall endeavor to obtain a sign variance from applicable governmental authorities, they shall give written notice to the the Owner of Tract C of their intent to apply for a sign variance at least 14 days before they make such sign-variance application.

8. Screening of Trash Disposal Facilities. The Owner of each Tract shall screen any trash cans, dumpsters or other trash facilities located on their respective Tracts from public view with either masonry or wooden fences and shall maintain such fences.

9. Term. Term of the easements and restrictive covenants created herein shall begin upon the date hereof and shall continue into perpetuity, unless modified and/or amended by the written actions, jointly by the Owners of Tract A, Tract B, and/or Schlosser (and/or any of such Owner's successors and/or assigns) and any party(s) holding deed(s) of trust or mortgage(s), thereon.

ATTACHMENT O-106

10. Defaults and Remedies. If the Owner of any Tract shall default with respect to any of its obligations herein and such default shall continue for 10 days after receipt of written notice thereof from any other Owner, then the complaining Owner shall have the right to cure such default for the account of defaulting Owner and the complaining Owner shall be entitled to reimbursement from the defaulting Owner for the reasonable costs and expenses so incurred plus interest at the rate of 10% per annum and reasonable collection costs. The complaining Owner shall have the right to enter upon the property of the defaulting owner for the purposes of curing such default.

The obligation of the Owner of any Tract to reimburse costs of the Owner of any other Tract, as set out herein shall be secured by a lien which is hereby imposed upon all of the Building Sites in favor of each of the Owner(s) of each of the Tract(s). Such lien shall be junior and subordinate to the lien of any institutional lender who shall make a first mortgage loan or second mortgage loan upon Tract A, Tract B, and/or the Building Sites or any of them. Such lien may be enforced by judicial proceeding and not by private sale. The foreclosure of any prior lien upon a Tract burdened by this lien shall discharge the obligations owed prior to the date of such foreclosure, but shall not have the effect of discharging this lien and this lien, subordinate as set out above, shall remain in effect and binding upon Tract A and/or the Building Sites (as the case may be) to secure any future default and the payment of reimbursement as required by the terms of this Agreement.

11. Taxes. Each Owner of a Tract shall pay, prior to delinquency, all taxes and tax assessments upon their respective Tract(s); and shall promptly upon request of any other Owner furnish copies of tax receipts evidencing such payment.

12. Eminent Domain. In the event of an eminent domain taking of all or any portion of any Tract, the eminent domain award made with respect to such Tract (whether as compensation for the portion thereof taken or as severance damages with respect to the remainder of such Tract, and whether made with respect to the easement rights over and across such Tract as referred to herein or with respect to the subordinate estate in such Tract) shall belong solely to the Owner of the Tract taken. The Owner of the easement rights over and across the Tract taken shall not be entitled to any award made with respect to the portion of the Tract taken if the effect thereof would be to diminish the amount of the award made to the Owner of the Tract from which a portion is taken. The foregoing shall not, however, prevent the Owner of a Tract hereto from asserting a claim for damages to the Tract owned by another Owner (even though no portion thereof is taken) by reason of the eminent domain taking of a whole or a portion of the other Tract to the extent that such damages may be awarded or paid by the taking authority in recognition of the reduced access, loss of business or similar consequences to the Owner whose Tract is not taken; provided that, in any case the award so made to such Owner of the Tract not taken does not diminish the award paid to the Owner of the Tract, a portion or all of which is taken. The term "eminent domain" taking shall include (for purposes of this paragraph) a voluntary conveyance made under threat of or in anticipation of an involuntary eminent domain taking.

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ATTACHMENT O-107

13. Beneficiaries: Amendment, Enforcement. The Owner of each Tract and the holder of any mortgage upon such Tract provided that the holder of such mortgage is an insurance company, bank, trust company, savings and loan association, pension or profit-sharing trust, annuity fund, university or similar institutional lender (an "Institutional Lender") shall be a "Beneficiary" of the easements and restrictive covenants herein contained. The Owner(s) of Tract A and Tract B (which such Tract(s) A and B are servient to these easements and restrictive covenants) and any Institutional Lender which may hold a lien upon the interest of such Owner in such Tract A and B shall be a "Servant" of these easements and restrictive covenants. These restrictive covenants shall be enforceable by and only by the Beneficiaries of the easements and restrictive covenants. The easements and restrictive covenants shall be amended, modified, terminated or extended only by the joint action of all of the Beneficiaries and Servants of these restrictive covenants and easements without the consent of any other party entitled to use any portion of the Parking Areas, the Driveway Easements, or any other person whomsoever.

14. Enforcement by Injunction. In the event of any violation or attempted or threatened violation of the covenants or easements created by this instrument or any interference or attempted or threatened interference with the easement rights herein granted, the restrictive covenants and easements herein created may be enforced by any party who is a Beneficiary hereof by restraining orders and injunctions prohibiting such violation or interference and commanding compliance with the provisions hereof, which restraining orders and injunctions shall be obtainable upon the proof of the existence of such violation or attempted or threatened violation or interference with the easement rights herein granted without the necessity of proof of inadequacy of legal remedies or irreparable harm.

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15. Estoppel Certificates. Recognizing that the parties may find it necessary from time to time to establish to banks, mortgagees, accountants or the like the then current status of performance hereunder, each Owner agrees, upon the written request of the other, that it will from time to time, with reasonable promptness furnish a written statement in recordable form truthfully stating the status of any matter relating to this instrument.

16. Successors and Assigns. This agreement shall be binding upon Perlenfein and IWSI and Schlosser and their respective heirs, successors and assigns as Owners of the Tract(s) or a portion or portion(s) of a Tract or Tract(s), described herein; and shall run with the land. The rights and benefits, easements and restrictions hereby created shall not merge into fee title to the Tracts even if all Tracts are owned by a single entity unless and until all Owners and Beneficiaries of all Tracts execute and record a declaration of such merger.

17. Miscellaneous. The Owner of each Tract shall also obtain a policy of comprehensive general liability insurance from a Best-rated insurance company which also shall cover the parking areas which may be constructed upon such Tract. Such policy of comprehensive general liability insurance shall provide insurance against claims no less than $1,000,000.

ATTACHMENT O-108

After the development of buildings and parking areas on Tract A and/or Tract B and/or Tract C; the Owners will maintain their respective tracts in a fashion consistent with a first-class flex-space technology-park and shopping center, respectively.

18. Association. The Owners referred to herein is not a legal entity, joint venture or partnership and the Owners have not entered into any such joint venture or partnership between them by this Agreement or their actions under this Agreement. The provisions of this Agreement shall not make the Owners joint venturers or partners or in any way be construed or deemed to make any Owner liable for the debts or obligations of any other Owner. The provisions of this Agreement shall not be deemed or construed to make any Owner liable as an owner or person in control of any Tract which such Owner does not own, except to the extent that liability may be imposed for a failure to perform the specific acts or duties applicable to such Tract (which the Owner does not own) imposed by this Agreement.

However, notwithstanding the foregoing to the contrary, the Owners agree to cooperate with the Owner of Tract C in an effort to plat, subdivide and/or partition the tracts so that they are ultimately legal lots. The Owners agree to execute such plat/partition/subdivision application immediately after the Owner of Tract C has presented such application to such Owners; and to execute all other documents necessary to plan/partition/subdivide Tract A and Tract B into two separate legal lots.

This agreement is executed in multiple counterparts, each of which shall be deemed an original this 15th day of October 1999.

"SCHLOSSER"

SDC-W-ECircle, a Texas Limited Partnership
By: _____
Schlosser Development Corp., Inc., its general partner
By its President

"Perlenfein"

STEVE PERLENFEIN
By: _____

"IWSI"

INDUSTRIAL WELDING SUPPLY, INC.
By _____
its _____

ATTACHMENT O-109

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THE STATE OF Oregon
COUNTY OF Benton

This instrument is acknowledged before me on this the 15 day of Oct, 1999 by Guy A. Worden on behalf of Ind. Welding, Inc.

Mary L. Long
Notary Public

OFFICIAL SEAL
MARY L LONG
NOTARY PUBLIC - OREGON
COMMISSION NO. 062697
MY COMMISSION EXPIRES MARCH 12, 2001

MARY L LONG
Name - Typed or Printed

3-12-2001
Date Commission Expires

THE STATE OF Oregon
COUNTY OF Benton

This instrument is acknowledged before me on this the 21st day of October 1999, by Steve Perlenfein on behalf of himself.

Marcy Taisey
Notary Public

OFFICIAL SEAL
MARCY TAISEY
NOTARY PUBLIC OREGON
COMMISSION NO 300213
MY COMMISSION EXPIRES APRIL 15, 2001

MARCY TAISEY
Name - Typed or Printed

4/15/01
Date Commission Expires

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ATTACHMENT O-110

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STATE OF OREGON,
County of BENTON } ss.

FORM No. 23—ACKNOWLEDGMENT.
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BE IT REMEMBERED, That on this 27 day of OCTOBER, 1999 before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named ANDREW J SCHLOSSER, CP/PRES ON Behalf of SDC-W-Ecircle, LTD a Texas LTD Partnership

known to me to be the identical individual..... described in and who executed the within instrument and acknowledged to me that He executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

OFFICIAL SEAL
MARCY TAISEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 300213
MY COMMISSION EXPIRES APRIL 15 2001

Marcy Taisey
Notary Public for Oregon
My commission expires 4/15/01

ATTACHMENT O-III

LEGAL DESCRIPTION OF
TRACT A

LEGAL DESCRIPTION OF THE "NEW" PERLENFEIN TRACT
September 2, 1999

A portion of land situated in Lot 10, WILLAMETTEDALE FARM in the East half of Section 26 and the West half of Section 25 in Township 11 South, Range 5 West of the Willamette Meridian in Benton County, Oregon being described as follows: Beginning at an iron pipe marking the Southwest corner of Lot 10, WILLAMETTEDALE FARM, which point bears South 43°00'51" West 1320.51 feet from a brass cap marking the Southwest corner of the Archimedes Stewart Donation Land Claim No. 46; thence North 00°21'42" West along the West line of said Lot 10, a distance of 867.62 feet to a point on the South right-of-way line of N.E. Circle Boulevard;

thence North 88°36'30" East along said right-of-way line a distance of 515.92 feet to the TRUE POINT OF BEGINNING;

thence North 88°36'30" East along said right-of-way line, a distance of 200.03 feet;

thence South 00°21'42" East parallel with the West line of said Lot 10, a distance of 422.09 feet to a point on the westerly right-of-way line of the Southern Pacific Railroad Toledo Branch;

thence South 36°21'16" West along said right-of-way line a distance of 334.53 feet;

thence North 00°21'42" West a distance of 686.65 feet to the TRUE POINT OF BEGINNING.

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schlosser
LAND SURVEYORS
SUBDIVISIONS • CONSTRUCTION STAKING • TOPOGRAPHIC MAPPING
METROPOLITAN • RURAL • PARTITIONINGS • STRUCTURAL LAYOUTS
PHONE (503) 588-8800 • FAX (503) 588-8804

ATTACHMENT O-112

LEGAL DESCRIPTION OF
TRACT B

LEGAL DESCRIPTION OF THE "NEW" WORDON TRACT
September 2, 1999

A portion of land situated in Lot 10, WILLAMETTEDALE FARM in the East half of Section 26 and the West half of Section 25 in Township 11 South, Range 5 West of the Willamette Meridian in Benton County, Oregon being described as follows: Beginning at an iron pipe marking the Southwest corner of Lot 10, WILLAMETTEDALE FARM, which point bears South 43°00'51" West 1320.51 feet from a brass cap marking the Southwest corner of the Archimedes Stewart Donation Land Claim No. 46; thence North 00°21'42" West along the West line of said Lot 10, a distance of 867.62 feet to a point on the South right-of-way line of N.E. Circle Boulevard;

thence North 88°36'30" East along said right-of-way line a distance of 715.95 feet to the TRUE POINT OF BEGINNING;

thence North 88°36'30" East along said right-of-way line a distance of 289.79 feet;

thence North 87°26'31" East along said right-of-way line a distance of 29.81 feet to a point on the westerly right-of-way line of the Southern Pacific Railroad Toledo Branch;

thence South 36°21'16" West along said right-of-way line a distance of 534.48 feet;

thence North 00°21'42" West a distance of 422.09 feet to the TRUE POINT OF BEGINNING.

061-TL

schlosser
LAND SURVEYORS
SUBDIVISIONS • CONSTRUCTION STAKING • TOPOGRAPHIC MAPPING
METROPOLITAN • RURAL • PARTITIONINGS • STRUCTURAL LAYOUTS
PHONE (503) 588-8800 • FAX (503) 588-8804

ATTACHMENT 0-113

LEGAL DESCRIPTION OF TRACT C:
is "Legal Description of
Total Tract", below
SAVE AND EXCEPT:

the "Legal Description of
Tract A", attached hereto;
and
the "Legal Description of
Tract B", attached hereto.

"LEGAL DESCRIPTION OF TOTAL TRACT"

A tract of land situated in Lot 10, WILLAMETTEDALE FARM and adjacent land in the East half of Section 26 and the West half of Section 25 in Township 11 South, Range 5 West of the Willamette Meridian in Benton County, Oregon and being described as follows:

Beginning at an iron pipe marking the Southwest corner of Lot 10, WILLAMETTEDALE FARM, which point bears South 43°00'51" West 1320.51 feet from a brass cap marking the Southwest corner of the Archimedes Stewart Donation Land Claim No. 46; thence North 0°21'42" West along the West line of said Lot 10, a distance of 867.62 feet to a point on the South right-of-way line of N.E. Circle Boulevard; thence North 88°36'30" East along said right-of-way line a distance of 1005.75 feet to an iron rod marking an angle point in said right-of-way line; thence North 87°26'31" East continuing along said right-of-way line a distance of 29.81 feet to an iron rod on the westerly right-of-way line of the Southern Pacific Railroad Toledo Branch; thence South 36°21'16" West along the westerly right-of-way line of said railroad, a distance of 1102.57 feet to the Southeast corner of said Lot 10; thence South 36°21'16" West continuing along said right-of-way line, a distance of 24.83 feet; thence South 89°08'46" West a distance of 361.37 feet to an iron rod marking the Southeast corner of Parcel 2 of Partition Plat No. 91-32, Book of Partition Plats for Benton County; thence North 0°21'42" West 20.00 feet to the point of beginning.

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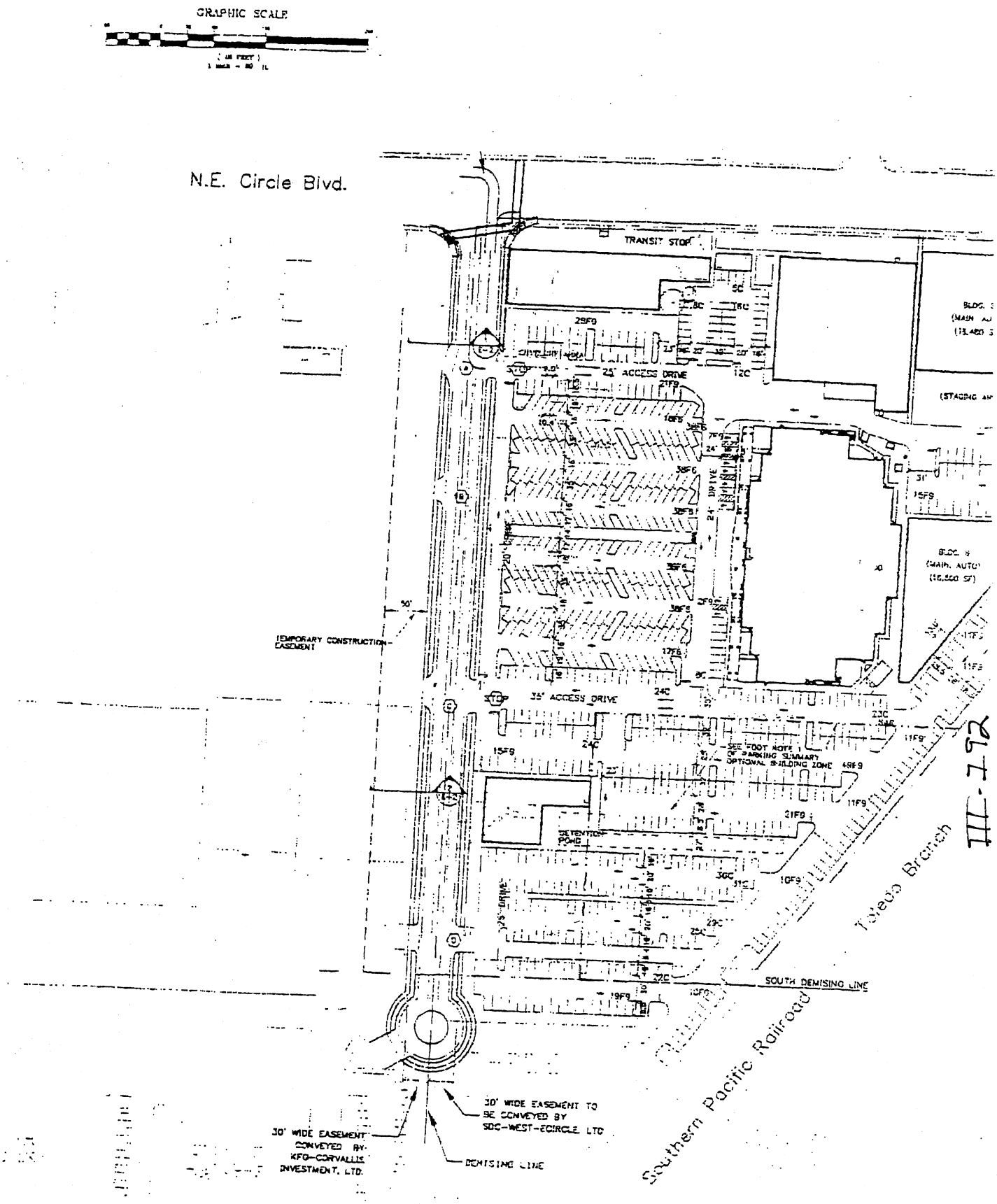
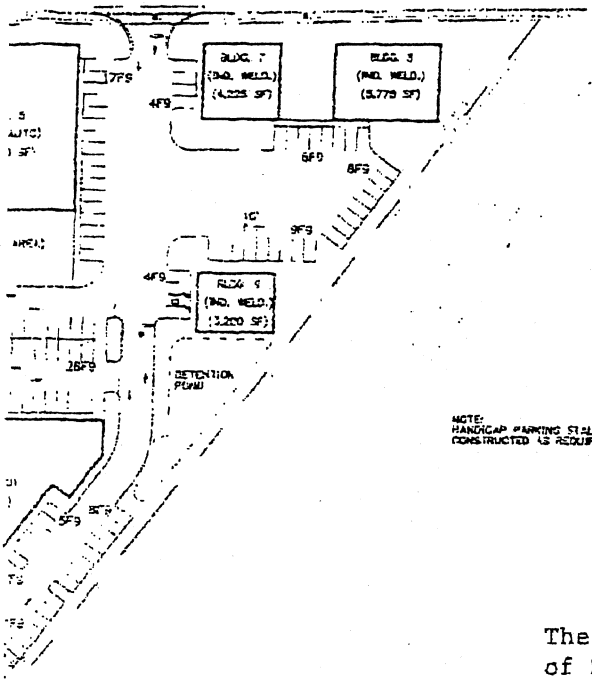
ATTACHMENT 0-114



ATTACHMENT 0-115

EXHIBIT X



The Parties to the REA agree that for the purpose of Section 7, the denominator of the fraction must be 156,180 square feet.

STATE OF OREGON } SS.
County of Benton } 270619

I hereby certify that the within instrument was received for record

1990 OCT 27 AM 9:29

AND ASSIGNED **M275407** 1999

In the microfilm records of said county

Witness My Hand and Seal of County Affixed
JOHN K. ANDERSON
County Administrative Officer

By _____ Deputy

110 15-615

NOTE:

THIS PLAN DEPICTS THE CURRENT SITE PLAN CONFIGURATION FOR CORVALLIS BUSINESS PARK. ALTHOUGH THE PLAN IS PREPARED BASED ON THE CITY OF CORVALLIS DEPARTMENT CODE, IT REMAINS SUBJECT TO FINAL DESIGN REFINEMENTS AND APPROVAL BY THE CITY OF CORVALLIS BUILDING DEPARTMENT.

THE TOPOGRAPHIC SURVEY BASE WAS PREPARED BY CLARENCE BARKER, P.L.S., FOR SCHLOSSER DEVELOPMENT CORPORATION.

GROUP MACKENZ
Architecture Interiors Land Use
Civil Engineering Structural Engineering Transportation Planning

Project
CORVALLIS BUSINESS PARK

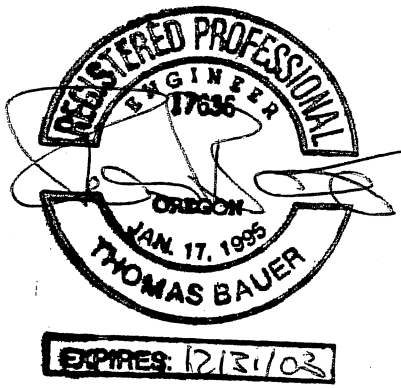
III-193

SITE DIMENSION PLAN EXHIBIT FC EASEMENT AGREEMENT

DATE: 8-3-90
DRAWN BY: RWG
CHECKED BY: DGL

EXHIBIT X

ATTACHMENT O-116



MEMO

To: George Helig
From: Thomas Bauer, P.E., ITC
Date: December 5, 2003
Re: Circle Blvd. Rezoning: Trip Generation & Traffic Operations Analysis

Memo Objectives & Project Description

A trip generation analysis was conducted for the proposed comprehensive plan amendment and rezoning of 2.54 acres of land located to the north of Circle Boulevard and to the west of Hewlett Packard. The current comprehensive plan designation and zoning on this land is General Industrial (GI) – Mixed Use Employment (MUE). The proposed zone change will convert the comprehensive plan designation to Mixed Use Commercial (MUC) and change the zoning to Mixed-Use Commercial (MUC) with a 'PD' overlay. Key intersections within the study area include Highway 99/Circle Blvd., 9th Street/Circle Blvd., and K-mart Access/Circle Blvd.

This memorandum presents a summary of the traffic impacts of the proposed zone change. A comparison was made between the near maximum number of trips generated under the existing and proposed zoning, given reasonably likely development scenarios. The development scenarios were agreed on by City staff and the applicant. The results of the trip generation and traffic operations analysis are provided in the memorandum.

Trip Generation Analysis

A trip generation analysis was conducted for both the existing and proposed zoning requirements. It was determined that the near maximum traffic impact under the current zoning will occur if an auto center and a convenience store were built on this site. Under the proposed zoning, it was determined that the near maximum impact would occur if a fast food restaurant without a drive through window and a convenience store were developed on this site. The traffic generated by the sites was calculated using a per-unit trip generation rate from the ITE Trip Generation Manual, 6th edition.

The ITE trip generation land uses, Auto Care Center (#840), 24 hour Convenience Store (#851), and Fast Food Restaurant w/o window (#833) were used for the current and proposed trip generation analysis. Under maximum current zoning, a total of 381 trips would be generated during the AM peak and a total of 331 trips could be generated during the PM Peak. Under maximum proposed zoning, a total of 459 trips were generated during the AM peak and a total of 347 trips would be generated during the PM peak.

Tables 1 and 2 show the results of the trip generation analyses for the maximum current zoning and maximum proposed zoning requirements.

Table 1. Current Zoning (GI-MUC) Trip Generation Analysis

ITE Code	ITE Land Use	Units (1000 sq. ft.)	AM Peak			PM Peak		
			Total	Enter	Exit	Total	Enter	Exit
840	Auto Care Center	18.5	54	35	19	63	32	31
851	24 hr Convenience Store	5.0	327	163	164	269	134	135
Total Trips			381	198	183	332	166	166

ATTACHMENT O-117

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Table 5. Proposed Zoning (MUC-MUC) Trip Generation Analysis w/ Pass-By Reduction

ITE Code	ITE Land Use	Units (1000 sq. ft.)	AM Peak			PM Peak		
			Total	Enter	Exit	Total	Enter	Exit
833	Fast Food w/o Drive Through Window	3.0	132	79	53	78	40	38
851	24 hr Convenience Store	5.0	327	163	164	269	134	135
	Fast Food w/o Drive Through Pass-by Reduction (43%)		-57	-34	-23	-34	-17	-17
	Convenience Store Pass-by Reduction (61%)		-199	-100	-99	-164	-82	-82
	Total Trips		203	108	95	149	75	74

Table 6. Trip Generation Comparison w/ Pass-By Reduction

Scenario	AM Peak	PM Peak
Maximum Current Zoning*	182	168
Maximum Proposed Zoning*	203	149
Difference [Proposed – Current]	+21	-19

* Reflects maximum under reasonably likely developments

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Comparison of Approved and Planned Trips

A comparison was also made between the trips that were approved in the original 1998 Corvallis Business Park traffic impact study and what has actually been built or is planned to be built in 2003. A 10% reduction was used to account for trips that will be utilizing more than one land use within the development. The comparison shows that the expected 2003 build out has a surplus of approximately 59 trips in the AM peak and 27 trips in the PM peak over the original 1998 approved trips. Table 7 shows the comparison results.

Table 7. Approved (1998) and Current Build (2003) Trip Comparison

Approved Land Use and Trips (1998 Traffic Study)					Current Land Use (2003 Actual Build)				
ITE Code	ITE Land Use	1000 sq. ft	AM	PM	ITE Code	ITE Land Use	1000 sq. ft.	AM	PM
814	Specialty Retail	28.5	97	74	814	Specialty Retail^	11.2	72	55
831	Quality Restaurant	5.0	4	37	867	Office Supply Store^^	24.6	16	83
832	High Turnover Restaurant	5.0	46	55					
444	Movie Theater	2200 seats	44	308	444	Movie Theater*	2000 seats	40	280
760	R & D Center	17.0	29	31	760	R & D Center*	17	29	31
110	Light Industrial	31.7	29	31	110	Light Industrial*	26.5	27	29
840	Auto Care Center	18.5	54	63	840	Auto Care Center*	18.5	54	63
Sub-Total			303	598	Sub-Total			238	541
10% Shared Trip Reduction			30	60	10% Shared Trip Reduction			24	54
Total			273	538	Total			214	487
Unused Trip Capacity [Approved-Current]			59	27					

^Already built in 2003, Includes Blockbuster Video, Quiznos.

^^Existing building in 2003, AM trip generation rate of 0.65 based on 1999 office supply study in Portland, OR was used.

*Planned to be built

ATTACHMENT O-118

Trip Distribution and Traffic Analysis

A trip distribution analysis was conducted on the proposed site. It was assumed that approximately 75% of the generated traffic would travel to and from the west through the intersection of Highway 99/ Circle. The site traffic for current and proposed zoning was then added to the existing traffic based on existing turning movement percentages. As discussed in the ITE Trip Generation Manual, Pass-by trips were used to reduce the overall trips assigned through Highway 99/Circle (outlined in Tables 4 and 5.)

A traffic operations analysis was conducted for the intersection of Highway 99/Circle. Synchro, a traffic operations analysis software, was used. The Oregon Department of Transportation requires that the worst case peak hour be analyzed when a zone change occurs. Our study shows that the proposed zoning is expected to generate and additional 21 non-pass-by trips over the current zoning in the AM peak and reduce the number of trips by 19 over the current zoning in the PM peak. Since the PM peak is not expected to cause additional traffic at Highway 99/Circle, it was not included within the analysis. The following scenarios were analyzed to determine the delay, level-of-service, and volume/capacity ratio.

- 2003 Volumes w/ Current Zoning – AM Peak
- 2003 Volumes w/ Proposed Zoning – AM Peak
- 2018 Volumes w/ Current Zoning (15 year planning horizon) – AM Peak
- 2018 Volumes w/ Proposed Zoning (15 year planning horizon) – AM Peak

Analysis results for the four scenarios are presented in Table 8.

Table 8. Highway 99/Circle Boulevard Analysis – AM Peak

Scenario	Delay (sec)	LOS	V/C
2003 w/ Current Zoning	23.5	C	0.66
2003 w/ Proposed Zoning	23.6	C	0.66
2018 w/ Current Zoning	27.3	C	0.78
2018 w/ Proposed Zoning	27.4	C	0.78

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Summary and Recommendations

Based on the trip generation analysis results, traffic impacts in the AM and PM peak hours will be negligible due to the proposed zoning change. The difference in non pass-by trips that will be added to Circle Boulevard due to potential developments between the near maximum current and near maximum proposed zoning will be less than 30 vehicles per hour during the AM and PM peak. In addition, a comparison between the 1998 approved trips and the 2003 current expected trips shows that there is a surplus of approximately 59 trips in the AM peak and 27 trips in the PM peak in 2003.

The traffic analysis results show that the impact of changing the zoning will have a negligible affect upon traffic operations at the intersection of Highway 99/ Circle. Under both zoning scenarios, the volume/capacity ratio is 0.66 under existing conditions. In the year 2018, the volume/capacity ratio is expected to increase to 0.78 under both the current and proposed zoning scenarios. The increase in v/c ratio is mainly due to background traffic growth and does not exceed the 0.85 v/c threshold as specified in the Oregon Department of Transportation Highway Plan. The comprehensive plan amendment and zoning change from GI-MUE to MUC-MUC will have negligible impacts on the nearby transportation network and the intersection of Highway 99/ Circle Boulevard.

APPENDIX A: Traffic Analysis Output Sheets (Synchro)

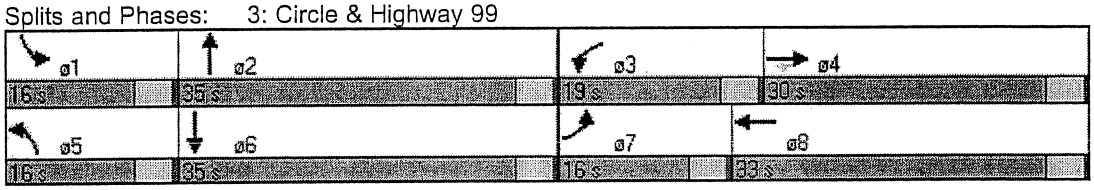
ATTACHMENT O-119

Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Volume (vph)	54	506	140	87	284	131	460	58	554
Turn Type	Prot		Perm	Prot		Prot		Prot	
Protected Phases	7	4		3	8	5	2	1	6
Permitted Phases			4						
Detector Phases	7	4	4	3	8	5	2	1	6
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	8.0	20.0	20.0	8.0	20.0	8.0	20.0	8.0	20.0
Total Split (s)	16.0	30.0	30.0	19.0	33.0	16.0	35.0	16.0	35.0
Total Split (%)	16%	30%	30%	19%	33%	16%	35%	16%	35%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lead	Lag	Lead	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min
Act Effct Green (s)	8.7	17.5	17.5	9.9	21.1	9.0	22.1	8.8	19.4
Actuated g/C Ratio	0.12	0.26	0.26	0.14	0.32	0.13	0.33	0.12	0.29
v/c Ratio	0.29	0.62	0.30	0.39	0.32	0.34	0.61	0.31	0.66
Uniform Delay, d1	30.9	21.9	0.0	28.9	17.8	29.4	18.5	30.9	20.7
Delay	35.7	25.4	5.3	33.6	21.1	34.1	21.3	35.6	23.5
LOS	D	C	A	C	C	C	C	D	C
Approach Delay		22.2			23.8		23.7		24.6
Approach LOS		C			C		C		C

Intersection Summary

Cycle Length: 100
Actuated Cycle Length: 66.9
Natural Cycle: 60
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.66
Intersection Signal Delay: 23.5 Intersection LOS: C
Intersection Capacity Utilization 57.3% ICU Level of Service A

Splits and Phases: 3: Circle & Highway 99



AM. TH

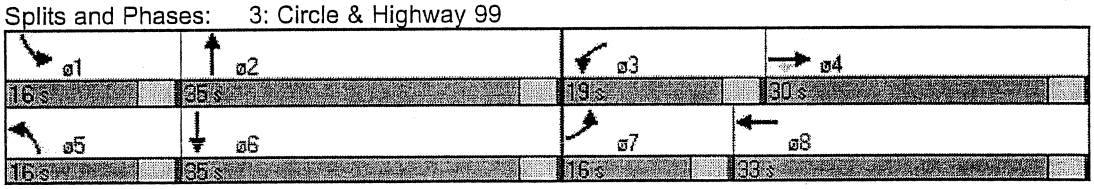
ATTACHMENT O-120

Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Volume (vph)	54	511	140	89	290	131	460	58	554
Turn Type	Prot		Perm	Prot		Prot		Prot	
Protected Phases	7	4		3	8	5	2	1	6
Permitted Phases			4						
Detector Phases	7	4	4	3	8	5	2	1	6
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	8.0	20.0	20.0	8.0	20.0	8.0	20.0	8.0	20.0
Total Split (s)	16.0	30.0	30.0	19.0	33.0	16.0	35.0	16.0	35.0
Total Split (%)	16%	30%	30%	19%	33%	16%	35%	16%	35%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lead	Lag	Lead	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min
Act Effct Green (s)	8.7	17.6	17.6	9.9	21.2	9.1	22.2	8.8	19.4
Actuated g/C Ratio	0.12	0.26	0.26	0.14	0.32	0.13	0.33	0.12	0.29
v/c Ratio	0.29	0.63	0.30	0.40	0.33	0.34	0.61	0.31	0.66
Uniform Delay, d1	31.0	22.0	0.0	29.0	17.9	29.5	18.5	31.0	20.7
Delay	35.8	25.4	5.3	33.7	21.1	34.2	21.3	35.7	23.6
LOS	D	C	A	C	C	C	C	D	C
Approach Delay		22.2			23.9		23.7		24.7
Approach LOS		C			C		C		C

Intersection Summary

Cycle Length: 100
Actuated Cycle Length: 67.1
Natural Cycle: 60
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.66
Intersection Signal Delay: 23.6 — Intersection LOS: C
Intersection Capacity Utilization 57.6% — ICU Level of Service A

Splits and Phases: 3: Circle & Highway 99



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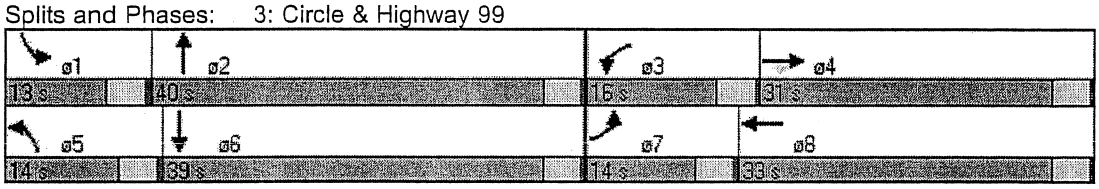
ATTACHMENT O-121

Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Volume (vph)	73	662	188	112	367	176	619	76	746
Turn Type	Prot		Perm	Prot		Prot		Prot	
Protected Phases	7	4		3	8	5	2	1	6
Permitted Phases			4						
Detector Phases	7	4	4	3	8	5	2	1	6
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	8.0	20.0	20.0	8.0	20.0	8.0	20.0	8.0	20.0
Total Split (s)	14.0	31.0	31.0	16.0	33.0	14.0	40.0	13.0	39.0
Total Split (%)	14%	31%	31%	16%	33%	14%	40%	13%	39%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lead	Lag	Lead	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min
Act Effct Green (s)	9.2	22.4	22.4	10.5	23.8	9.5	27.4	8.7	26.7
Actuated g/C Ratio	0.11	0.28	0.28	0.13	0.30	0.12	0.34	0.11	0.34
v/c Ratio	0.43	0.75	0.36	0.56	0.44	0.52	0.78	0.46	0.77
Uniform Delay, d1	35.4	26.0	0.0	35.0	22.1	35.5	22.4	35.8	23.4
Delay	41.7	29.9	4.6	41.5	25.5	40.5	24.8	42.8	26.0
LOS	D	C	A	D	C	D	C	D	C
Approach Delay		25.7			29.1		27.7		27.5
Approach LOS		C			C		C		C

Intersection Summary

Cycle Length: 100
Actuated Cycle Length: 79.6
Natural Cycle: 65
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.78
Intersection Signal Delay: 27.3 Intersection LOS: C
Intersection Capacity Utilization 71.6% ICU Level of Service C

Splits and Phases: 3: Circle & Highway 99



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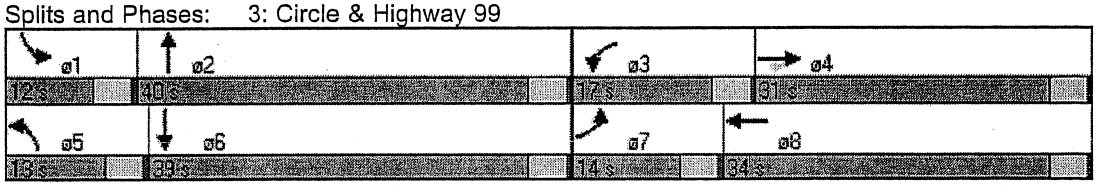
ATTACHMENT O-122

Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Volume (vph)	73	667	188	114	373	176	619	76	746
Turn Type	Prot		Perm	Prot		Prot		Prot	
Protected Phases	7	4		3	8	5	2	1	6
Permitted Phases			4						
Detector Phases	7	4	4	3	8	5	2	1	6
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	8.0	20.0	20.0	8.0	20.0	8.0	20.0	8.0	20.0
Total Split (s)	14.0	31.0	31.0	17.0	34.0	13.0	40.0	12.0	39.0
Total Split (%)	14%	31%	31%	17%	34%	13%	40%	12%	39%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lead	Lag	Lead	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min
Act Effct Green (s)	9.1	22.5	22.5	10.8	24.2	9.0	27.4	8.3	26.7
Actuated g/C Ratio	0.11	0.28	0.28	0.13	0.30	0.11	0.34	0.10	0.34
v/c Ratio	0.43	0.75	0.35	0.55	0.44	0.55	0.78	0.49	0.77
Uniform Delay, d1	35.4	25.9	0.0	34.6	21.7	36.0	22.4	36.3	23.4
Delay	41.6	30.1	4.6	40.1	25.0	42.5	24.8	48.0	26.0
LOS	D	C	A	D	C	D	C	D	C
Approach Delay		25.8			28.3		28.1		27.9
Approach LOS		C			C		C		C

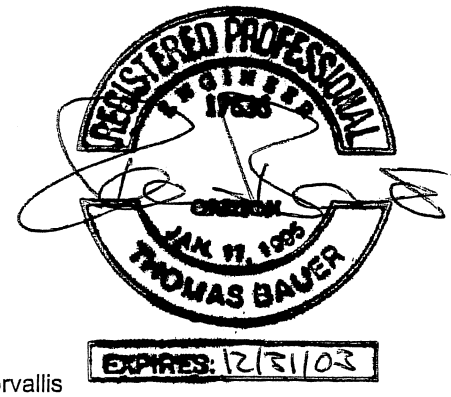
Intersection Summary	
Cycle Length: 100	
Actuated Cycle Length: 79.6	
Natural Cycle: 65	
Control Type: Actuated-Uncoordinated	
Maximum v/c Ratio: 0.78	
Intersection Signal Delay: 27.4	Intersection LOS: C
Intersection Capacity Utilization 71.9%	ICU Level of Service C

Splits and Phases: 3: Circle & Highway 99



III. 200

ATTACHMENT O-123



MEMO

To: Kevin Young, Josh Bjornstadt; City of Corvallis
From: Thomas Bauer, P.E., ITC
Date: December 11, 2003
Re: Corvallis Business Park, Perlenfein: Response to City's comments

Memo Objectives

The purpose of this memorandum is to respond to the issues brought up by the City of Corvallis's staff regarding the Perlenfein property proposed amendment plan and zone change. Discussion on pass-by trips and cumulative traffic impacts of the Corvallis Business Park and Corvallis Station developments will be provided within the memorandum.

Pass-By Trip Reductions

Pass-by trips are defined as intermediate stops on the way from an origin to a primary trip destination without a route diversion. With a pass-by trip, the development attracts existing traffic already using an adjacent street near the development. When pass-by trips are taken into account, the amount of trips affecting the study intersections along Circle Boulevard will be significantly reduced. Pass-by trip percentages are used instead of diverted trip percentages due to the nature of the location of the proposed development. It is unlikely that vehicles will divert from Highway 99 to the proposed development along Circle Boulevard. It is more likely that vehicles traveling northbound or southbound on Highway 99 will stop at businesses closer to Highway 99, such as fast-food establishments or convenience stores along 9th Street, if they wish to stop. It is expected that the pass-by trips generated by the proposed development will generally be by people traveling to and from Highway 20 and Hewlett Packard in the eastbound and westbound direction. Therefore, it is determined that pass-by trip percentages area a more appropriate analysis method than the use of diverted trip percentages.

The ITE Trip Generation Handbook specifies that a 24 hr convenience store experiences 61% pass-by trips during the PM peak. Since a convenience store land use type will be present in both the existing and proposed land use, the trips generated by the convenience store in the proposed zone change are cancelled out by the trips generated by the convenience store under the existing zoning. Both stores are expected to be the same size and generate the exact number of trips.

No pass-by data exists for ITE code #833 (*Fast Food Restaurant w/o Drive Through Window*). Data does exist for the following restaurant land use types, which are similar to ITE land use code #833:

- #831, High Quality Restaurant – 44% Pass-By (PM)
- #832, High Turnover Sit-Down Restaurant – 43% Pass-By (PM)
- #834, Fast Food Restaurant with Drive Through Window – 49% (AM), 50% (PM)

It is assumed that since ITE land use #833, *Fast Food Restaurant w/o Drive Through*, and ITE land use #832, *High Turnover Sit-Down Restaurant*, are similar uses and that the *High Turnover Sit-Down Restaurant* provides the most conservative percentage for pass-by trips, the percentage of pass-by trips for the *High Turnover Sit-Down Restaurant* could be applied to the *Fast Food Restaurant w/o Drive Through* land use. It is also assumed that since the *Fast Food Restaurant with Drive Through* land use had nearly identical AM and PM pass-by trip percentages, the same rule would apply to the *High Turnover Sit-Down Restaurant* land use. The ITE handbook specifies that the percentage of pass-by trips for the *High Turnover Sit-Down Restaurant* to be 43% during the PM peak. Therefore, it is assumed that the pass-by trip percentage for the *Fast Food Restaurant w/o Drive Through* would be 43% for both the AM and PM peak hours.

III - 201

ATTACHMENT 0-124

Tables 1 to 3 show the effect of trips generated on Circle Boulevard with the pass-by trip reduction percentages applied to the original trip generation results. (Original trip generation results are found in the first memo dated 12/4/03)

Table 1. Current Zoning (GI-MUC) Trip Generation Analysis w/ Pass-By Reduction

ITE Code	ITE Land Use	Units (1000 sq. ft.)	AM Peak			PM Peak		
			Total	Enter	Exit	Total	Enter	Exit
840	Auto Care Center	18.5	54	35	19	63	32	31
851	24 hr Convenience Store	5.0	327	163	164	269	134	135
	Convenience Store Pass-by Reduction (61%)		-199	-100	-99	-164	-82	-82
Total Trips			182	98	84	168	84	84

Table 2. Proposed Zoning (MUC-MUC) Trip Generation Analysis w/ Pass-By Reduction

ITE Code	ITE Land Use	Units (1000 sq. ft.)	AM Peak			PM Peak		
			Total	Enter	Exit	Total	Enter	Exit
833	Fast Food w/o Drive Through Window	3.0	132	79	53	78	40	38
851	24 hr Convenience Store	5.0	327	163	164	269	134	135
	Fast Food w/o Drive Through Pass-by Reduction (43%)		-57	-34	-23	-34	-17	-17
	Convenience Store Pass-by Reduction (61%)		-199	-100	-99	-164	-82	-82
Total Trips			203	108	95	149	75	74

202 - III

Table 3. Trip Generation Comparison w/ Pass-By Reduction

Scenario	AM Peak	PM Peak
Maximum Current Zoning*	182	168
Maximum Proposed Zoning*	203	149
Difference [Proposed – Current]	+21	-19

* Reflects maximum under reasonably likely developments

Cumulative Effects of All Developments

A comparison is also made between the trips that were approved in the original 1998 Corvallis Business Park traffic impact study and what has actually been built or is planned to be built in 2003. A 10% reduction is used to account for trips that will be utilizing more than one land use within the development. Table 4 shows the trip comparison for Phase 1 of the original study. The comparison shows that the expected 2003 build out has a surplus of approximately 59 trips in the AM peak and 27 trips in the PM peak over the original 1998 approved trips.

ATTACHMENT O-125

Table 4. Approved (1998) and Current Build (2003) Trip Comparison

Approved Land Use and Trips (1998 Traffic Study)					Current Land Use (2003 Actual Build)				
ITE Code	ITE Land Use	1000 sq. ft	AM	PM	ITE Code	ITE Land Use	1000 sq. ft	AM	PM
814	Specialty Retail	28.5	97	74	814	Specialty Retail^	11.2	72	55
831	Quality Restaurant	5.0	4	37	867	Office Supply Store^^	24.6	16	83
832	High Turnover Restaurant	5.0	46	55					
444	Movie Theater	2200 seats	44	308	444	Movie Theater*	2000 seats	40	280
760	R & D Center	17.0	29	31	760	R & D Center*	17	29	31
110	Light Industrial	31.7	29	31	110	Light Industrial*	26.5	27	29
840	Auto Care Center	18.5	54	63	840	Auto Care Center*	18.5	54	63
Sub-Total			303	598	Sub-Total			238	541
10% Shared Trip Reduction			30	60	10% Shared Trip Reduction			24	54
Total			273	538	Total			214	487
Unused Trip Capacity [Approved-Current]			**59**	**27**					

^Already built in 2003, Includes Blockbuster Video, Quiznos.
^^Existing building in 2003, AM trip generation rate of 0.65 based on 1999 office supply study in Portland, OR was used.
*Planned to be built

Table 3 shows that the proposed zone change will generate an additional 21 trips in the AM peak and reduce the number of trips by 19 in the PM peak. A separate traffic study found that the Corvallis Station development will generate an additional 44 trips in the AM peak and 59 trips in the PM peak over the original 1998 study due to a zone change. When the trips generated by the Perlenfein and Corvallis Station zone changes are combined with the surplus of trips shown in Table 4, the total effect of the trips generated will be less than 30 vehicles/hour for each intersection within the study area. Table 5 outlines the total traffic impacts caused by all the developments.

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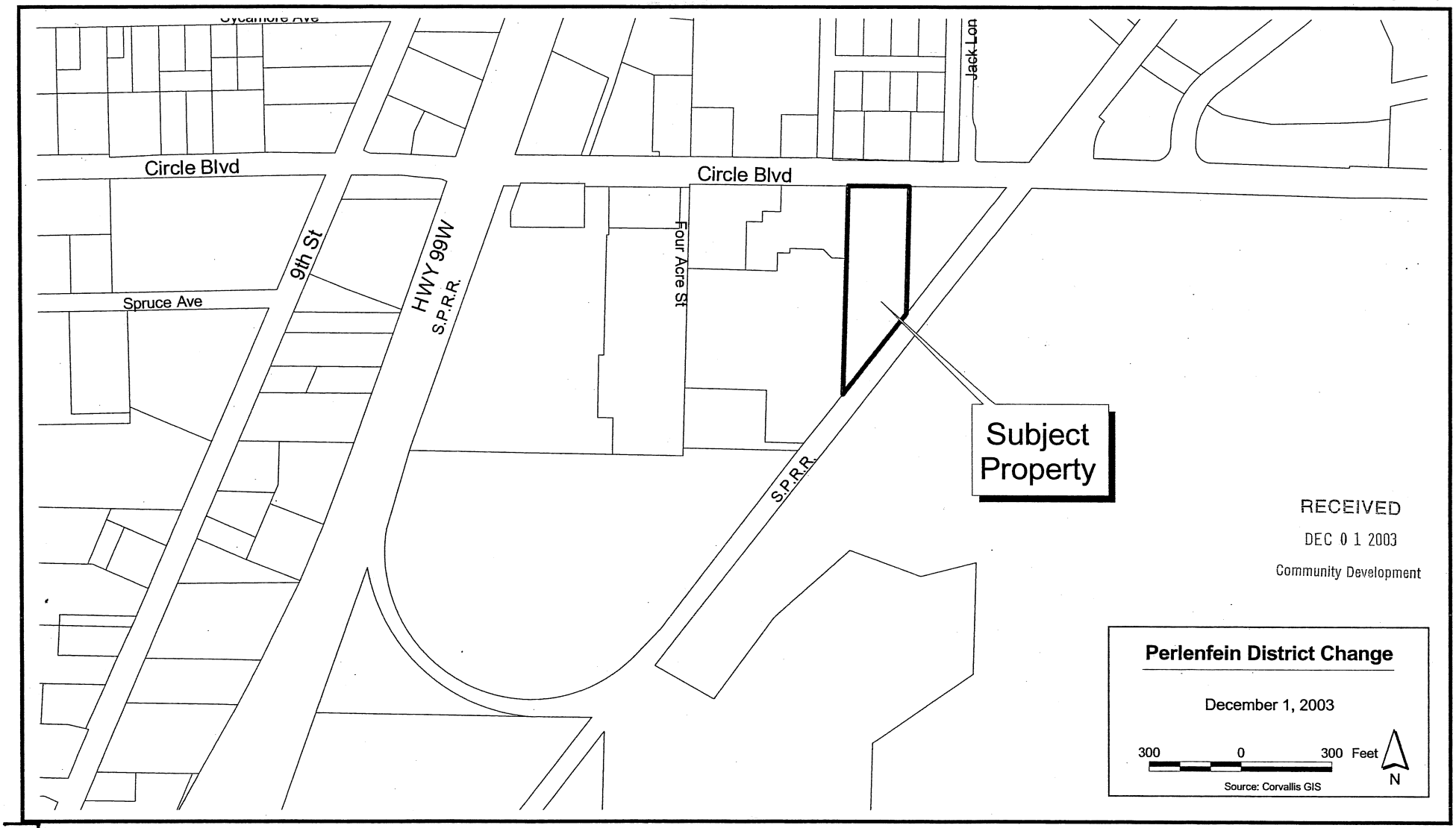
Table 5. Cumulative Trips Generated by All Developments

Source of Trips	Number of Trips	
	AM Peak	PM Peak
Perlenfein Property Zone Change	21	-19
Corvallis Station Zone Change	44	59
[-] Phase 1 Surplus Trips over '98 Study	-59	-27
Total Trips*	**6**	**13**

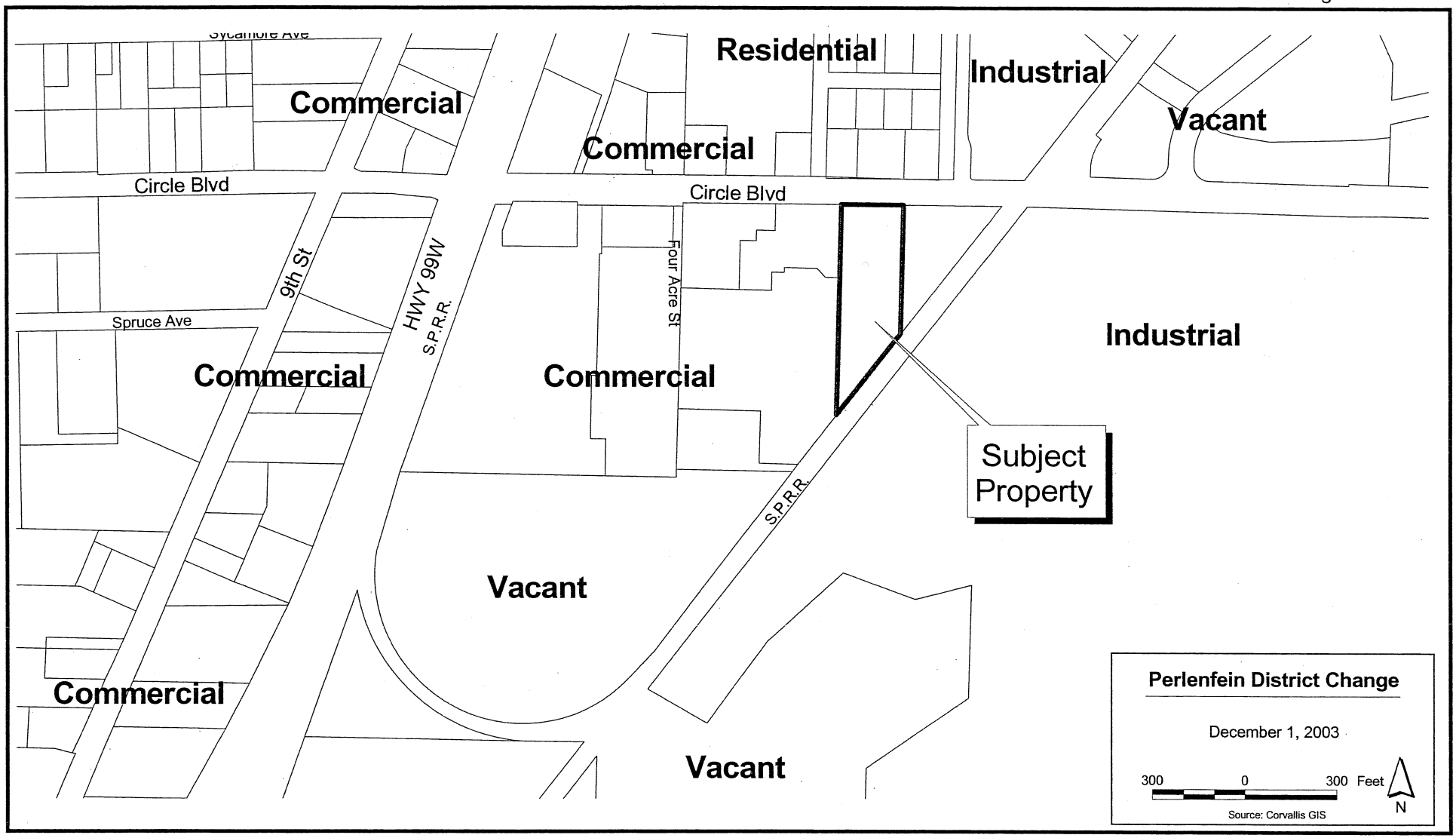
*Total Trips indicates total additional trips generated over original 1998 study.
[Total Trips] = [Perlenfein Trips] + [Corvallis Station Trips] – [Phase 1 Surplus]

Based on the analysis conducted on the cumulative effects of all developments, the proposed zone changes occurring at the Corvallis Station and Perlenfein property will generate only 6 trips in the AM peak and 13 trips in the PM peak over the original 1998 traffic impact study. Since the City of Corvallis requires that a level-of-service analysis only be conducted if an intersection's volume is increased by 30 vehicles/hour or greater, a trip distribution and level-of-service analysis is not conducted.

ATTACHMENT O-126



ATTACHMENT 0-127



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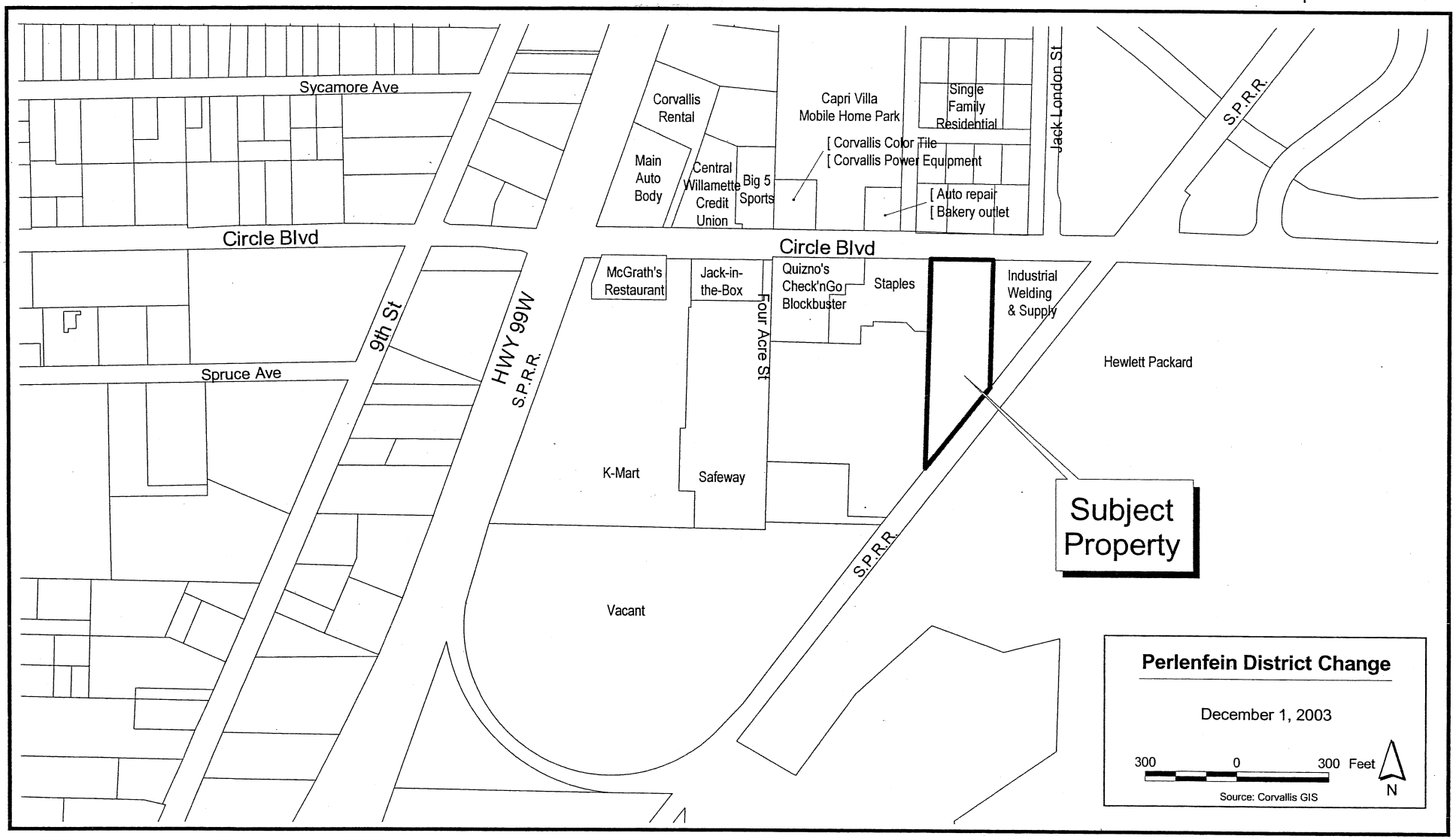

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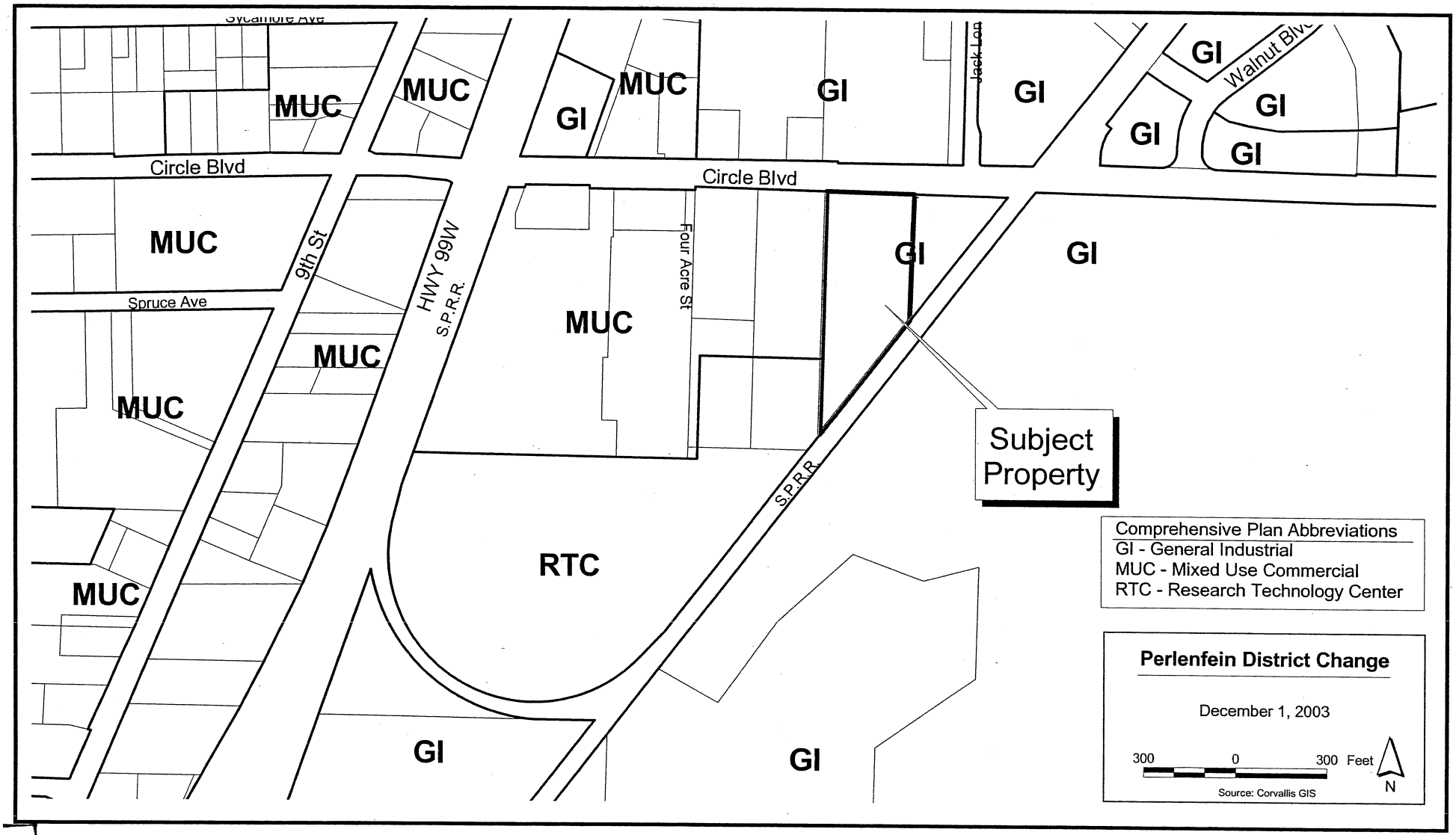
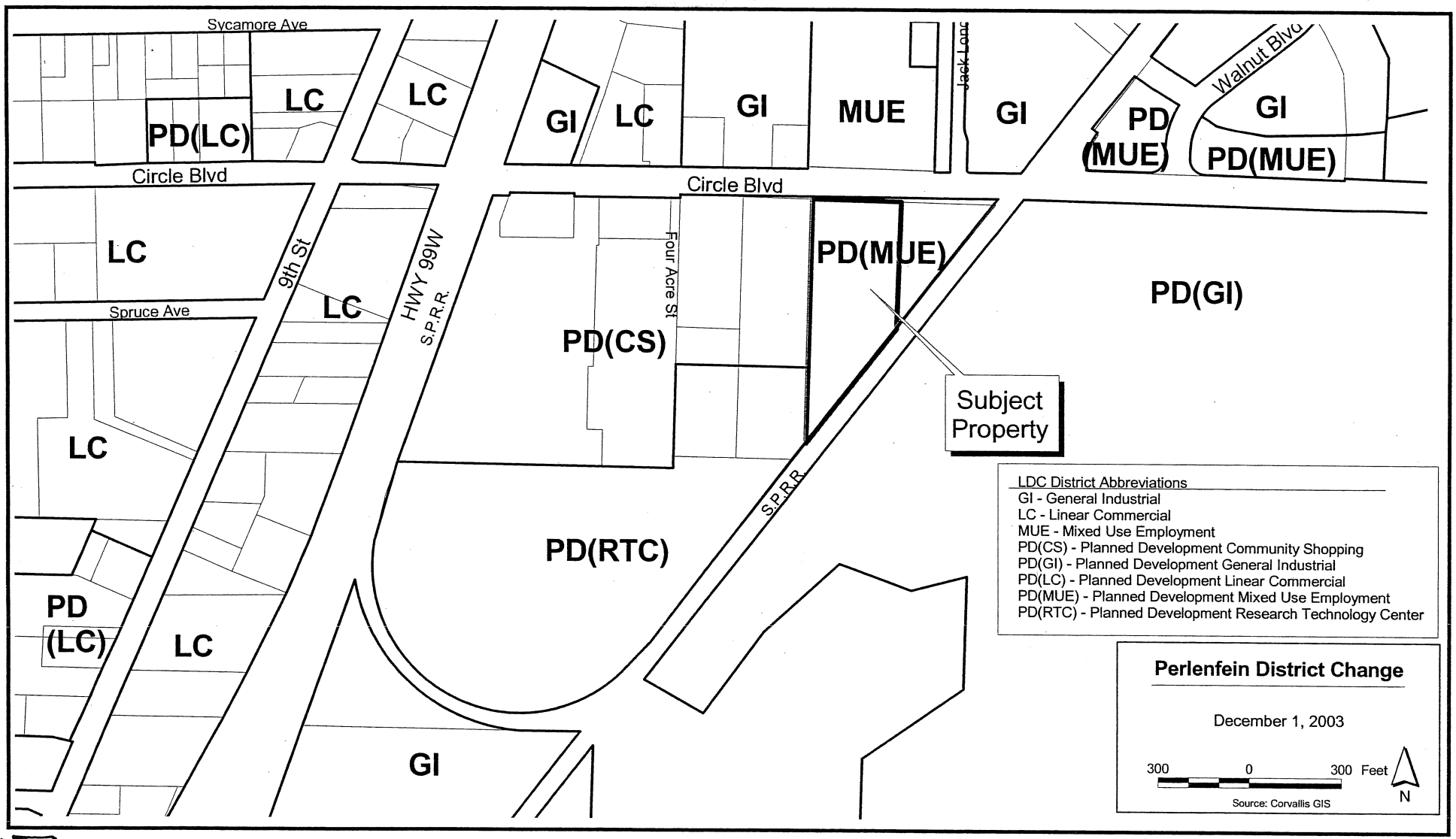
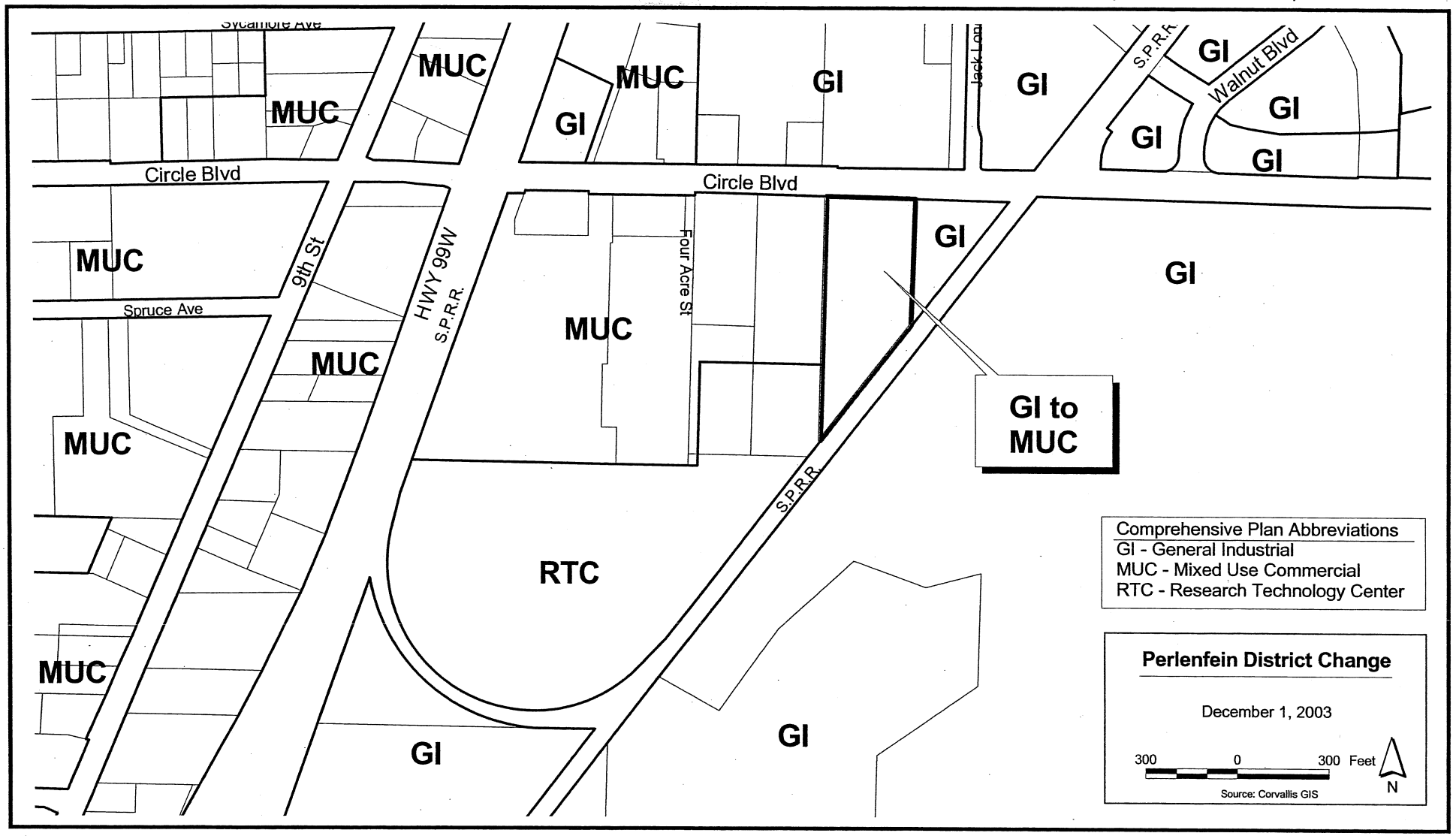


ATTACHMENT 0-130

Attachment D - Current District Designations



ATTACHMENT 0-B1



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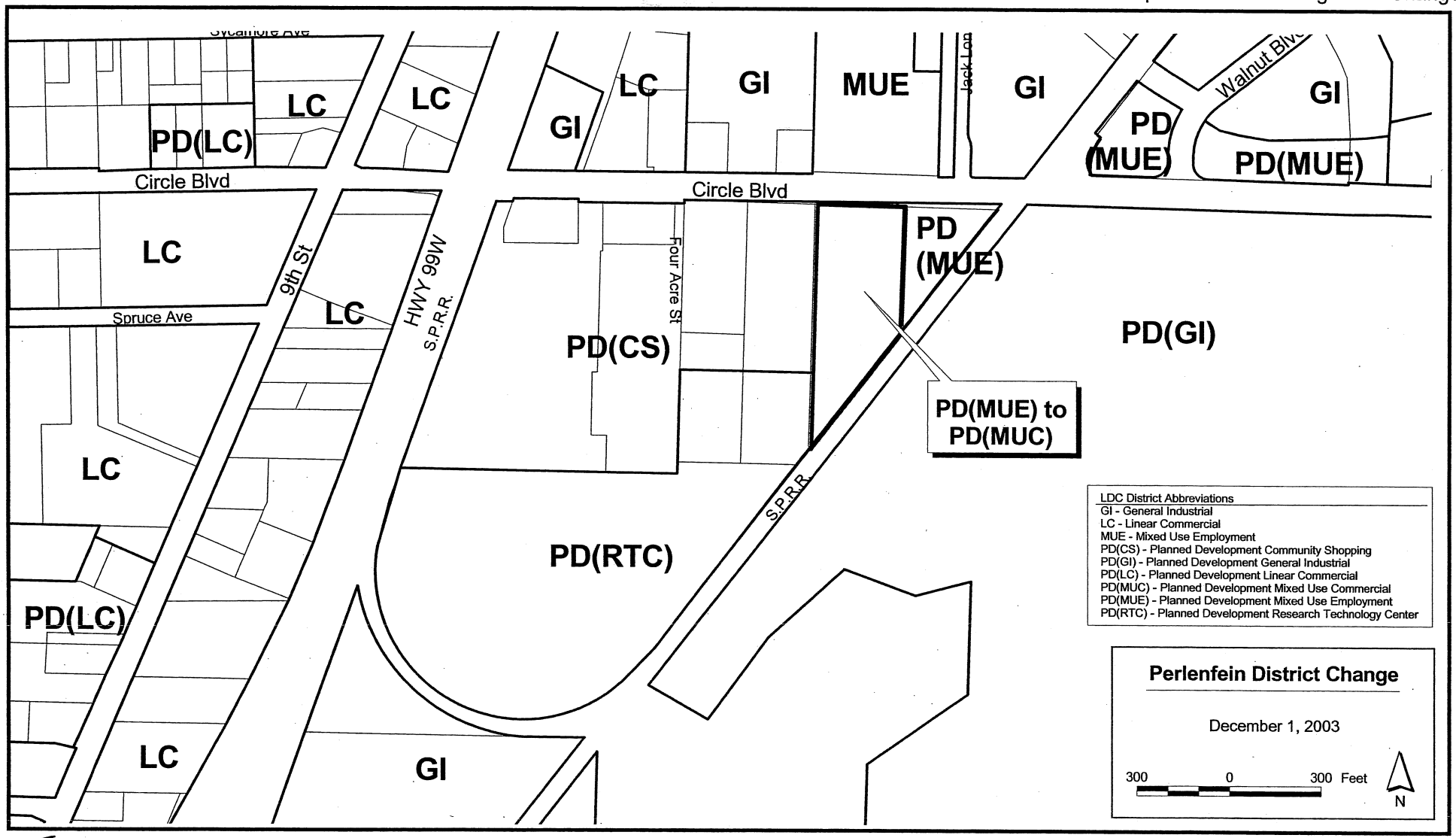

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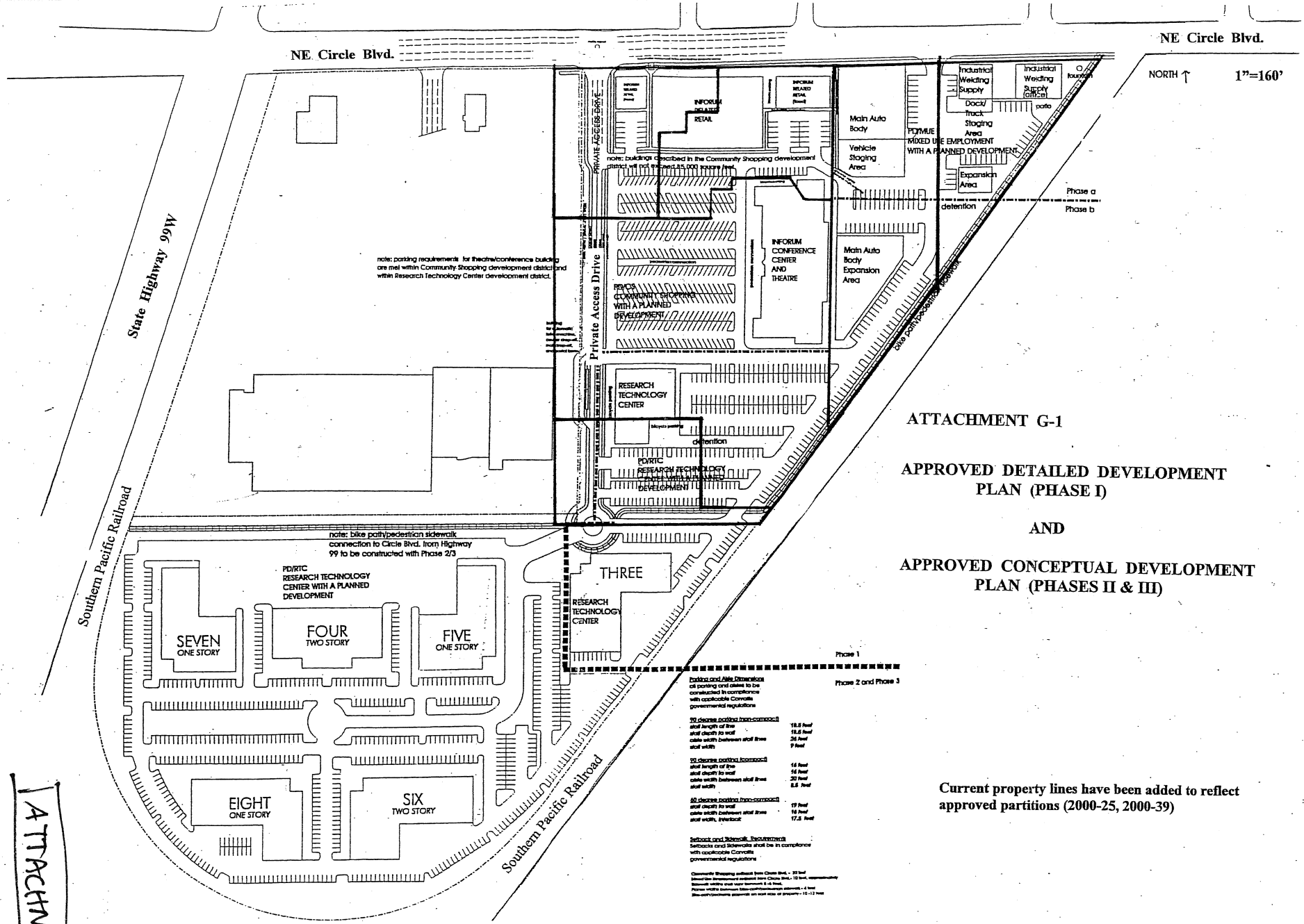

ATTACHMENT G-1

APPROVED DETAILED DEVELOPMENT PLAN (PHASE I)

AND

APPROVED CONCEPTUAL DEVELOPMENT PLAN (PHASES II & III)

Current property lines have been added to reflect approved partitions (2000-25, 2000-39)

ATTACHMENT 0-134

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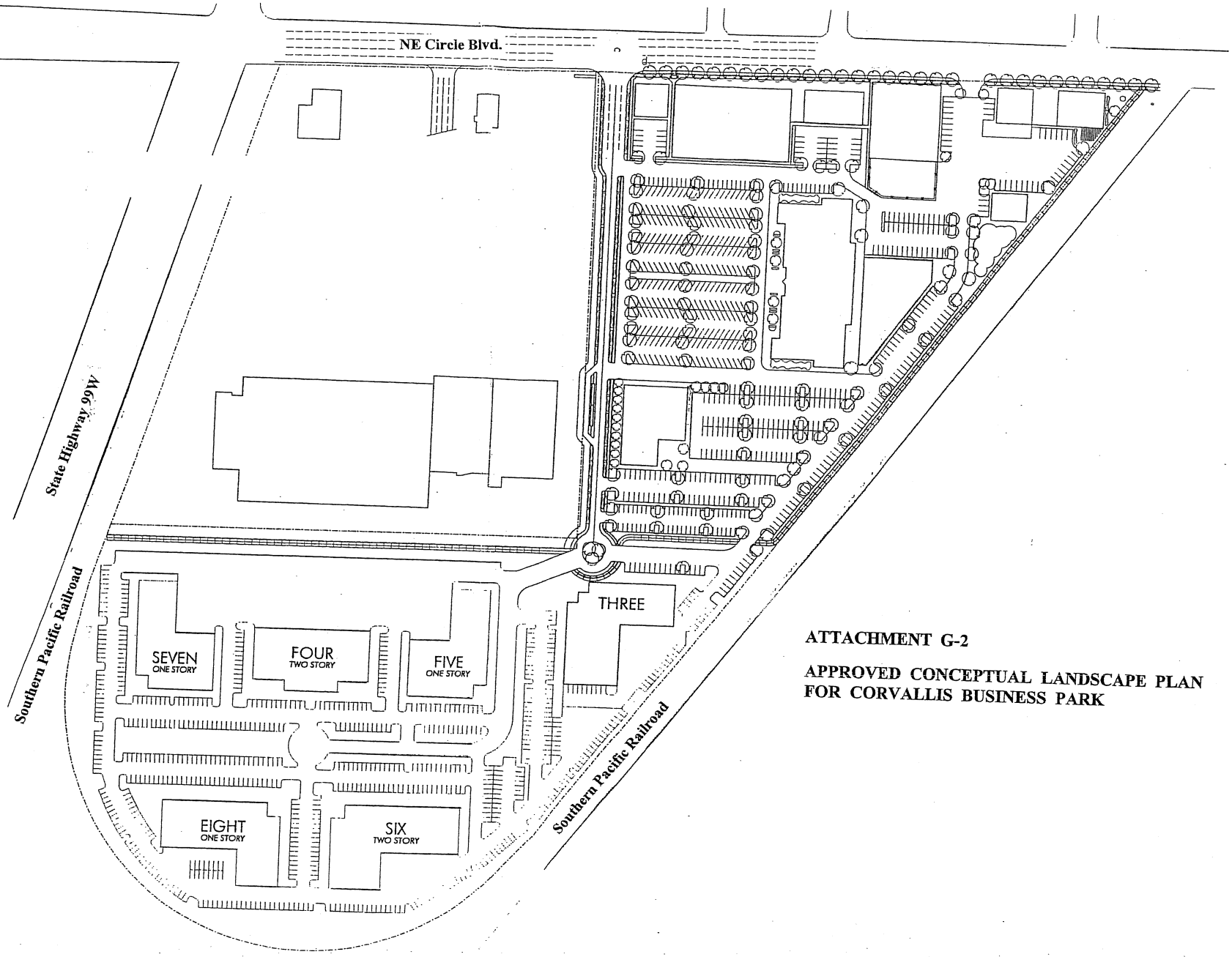
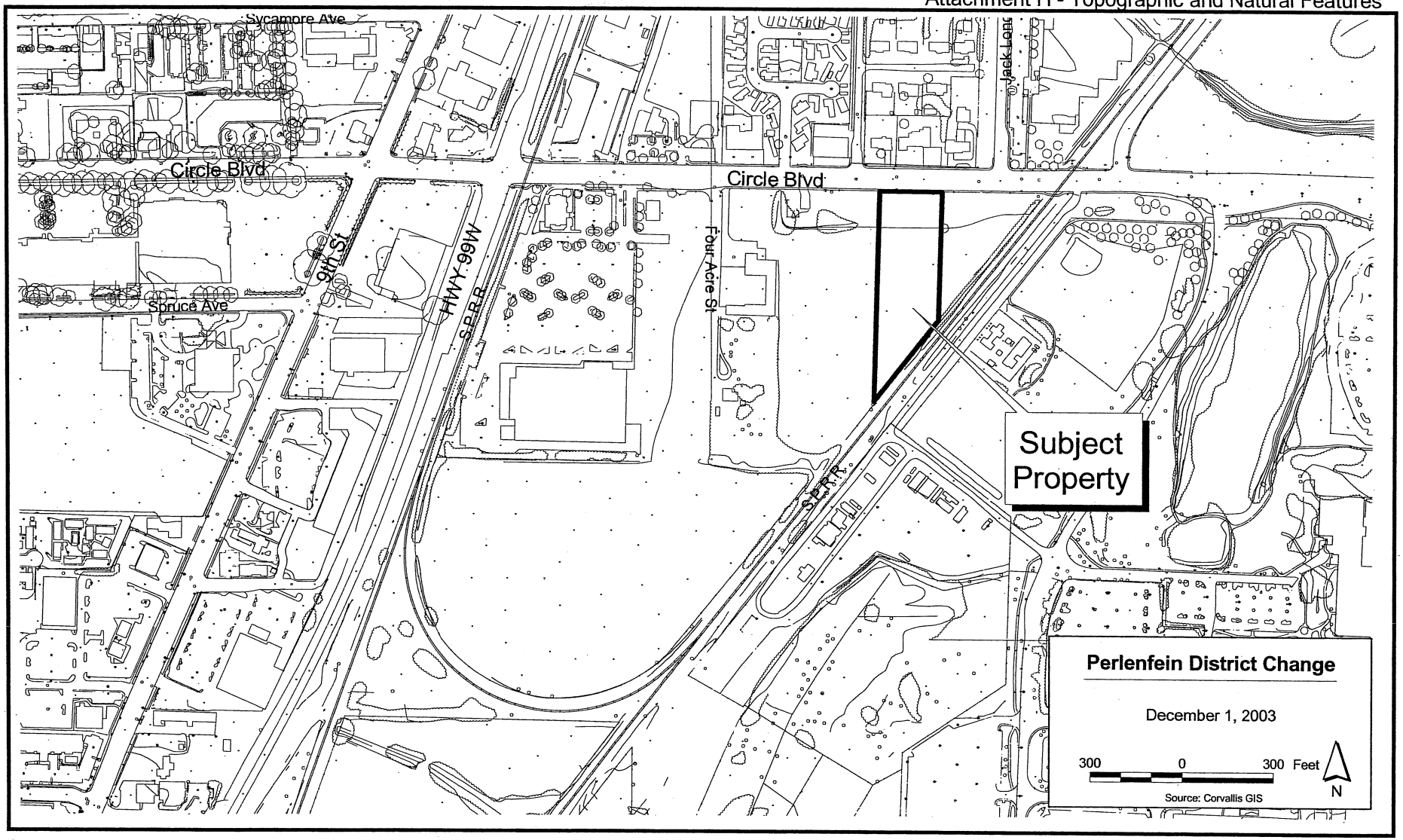


ATTACHMENT G-2

APPROVED CONCEPTUAL LANDSCAPE PLAN FOR CORVALLIS BUSINESS PARK

ATTACHMENTO-135



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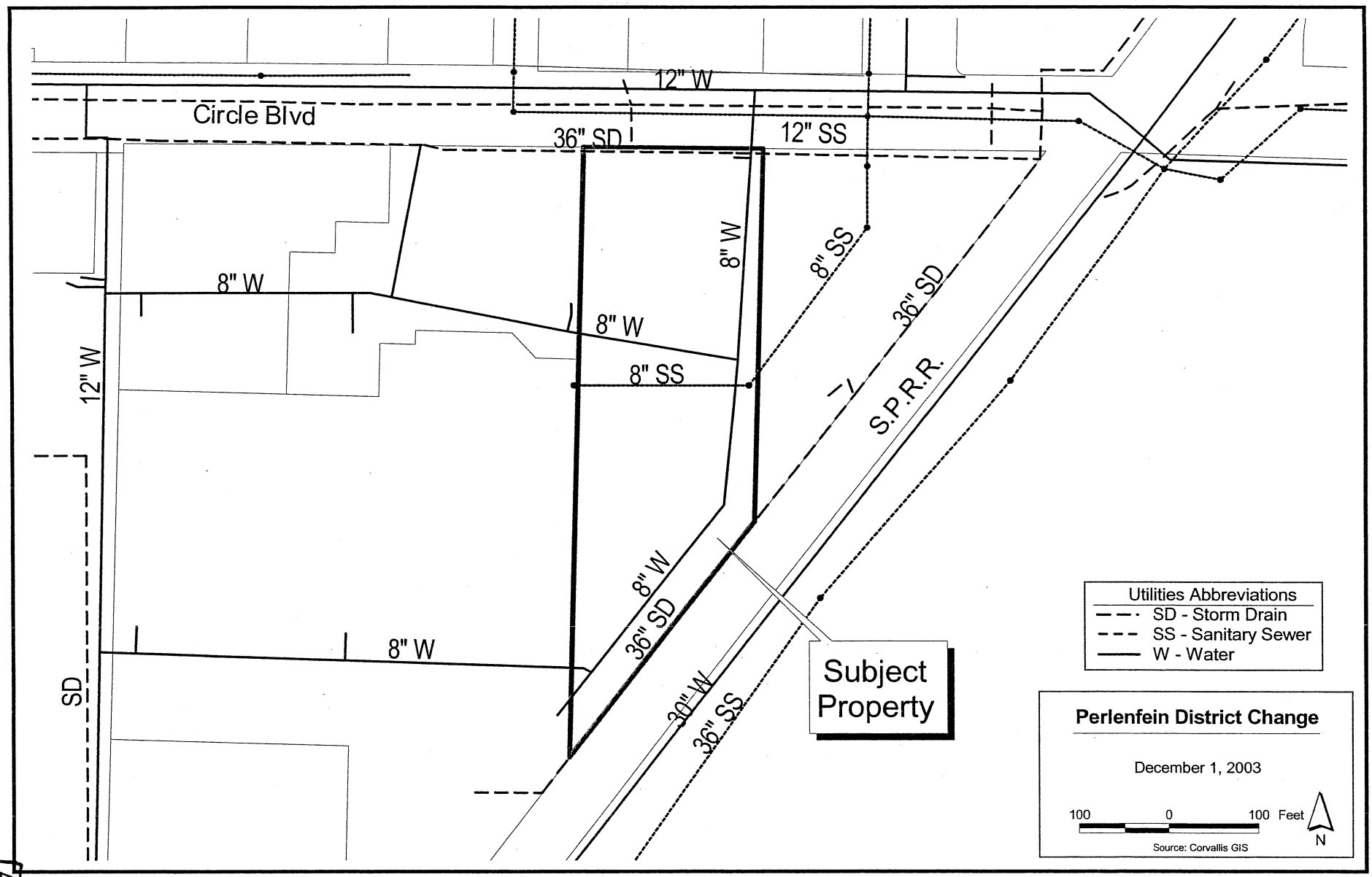

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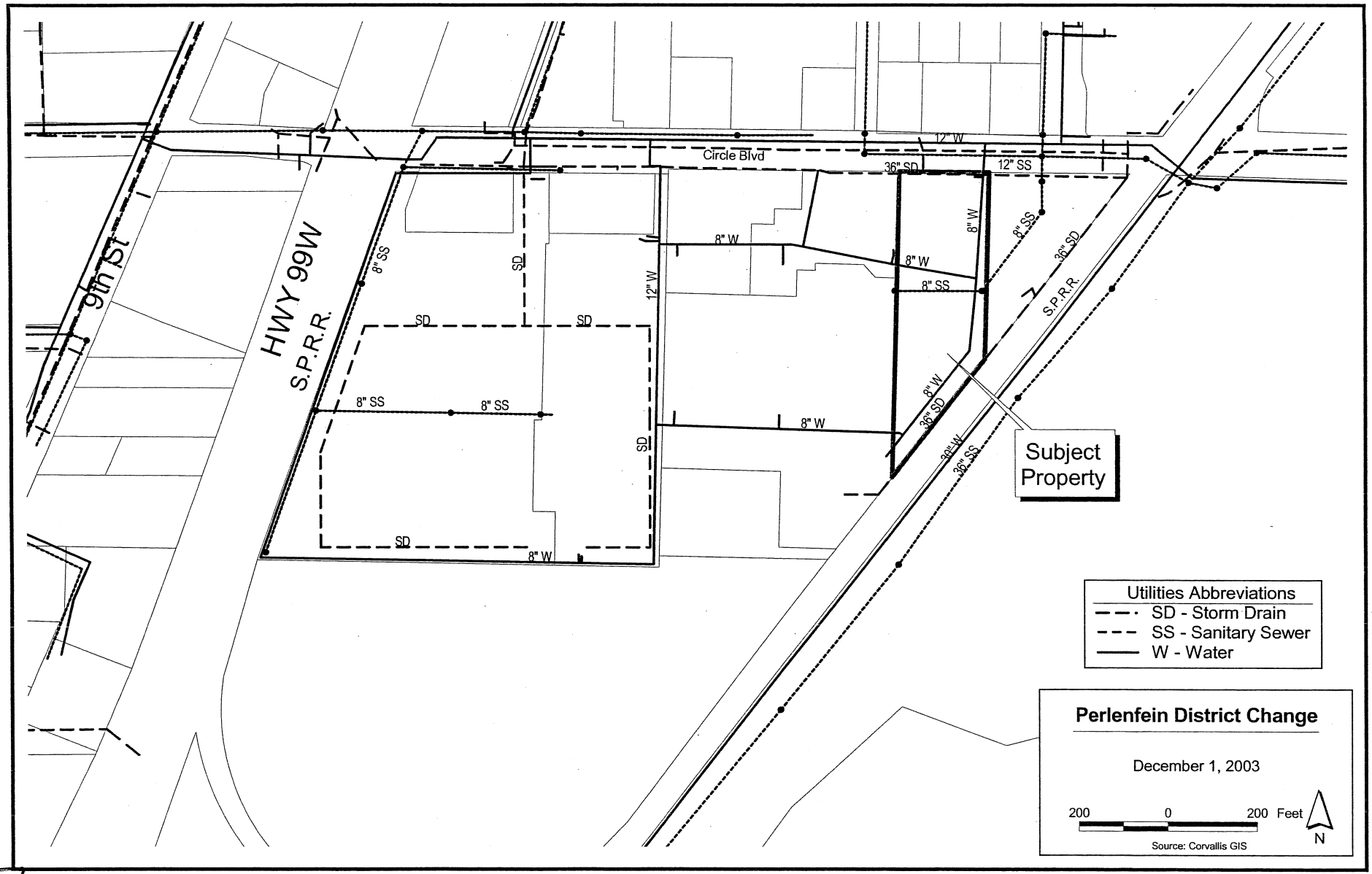

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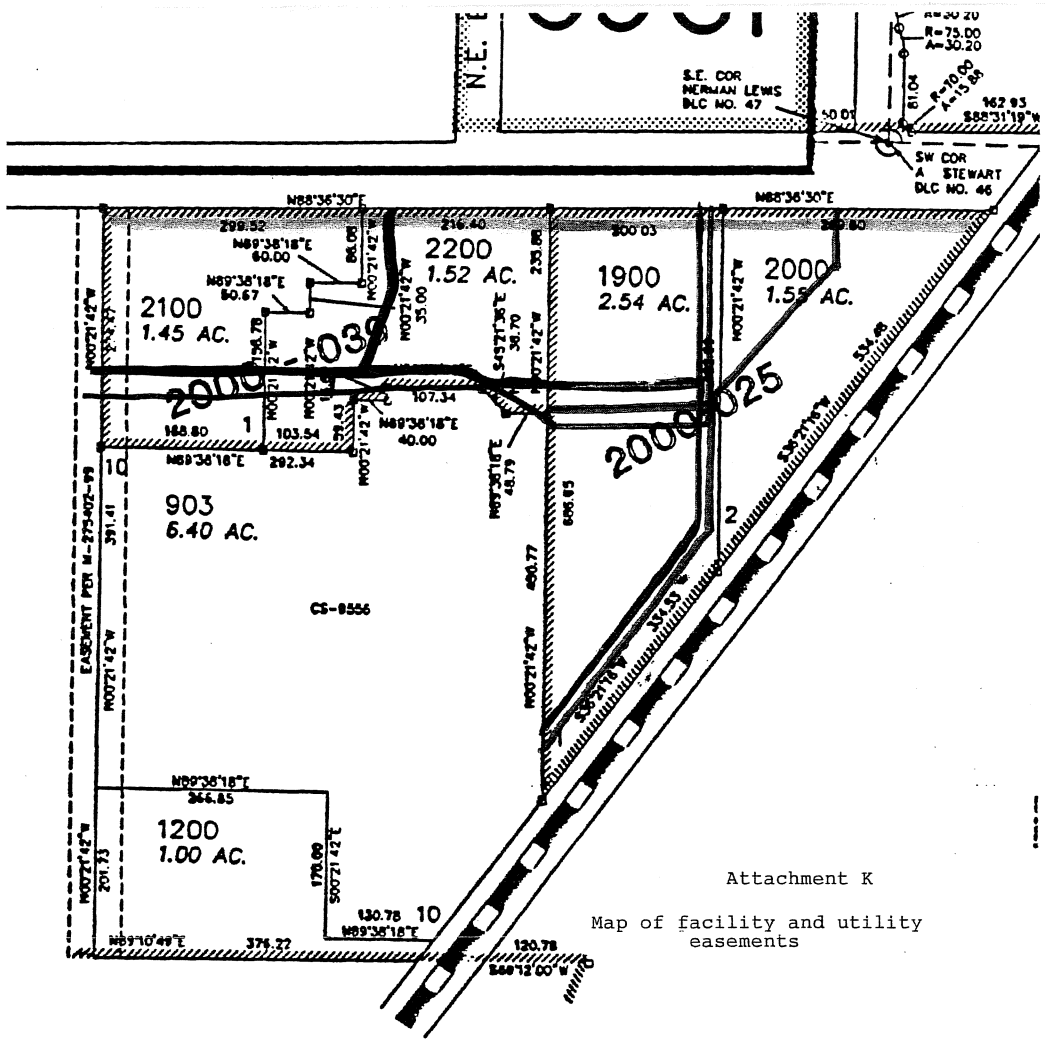

Attachment K

Map of facility and utility easements

- Easements
- 15' Sanitary Sewer
- 15' Water Line
- 10' Public Utility
- 10' Storm Drain

N

TICOR TITLE

This map and the accompanying legal description are provided solely to assist in locating the subject propert
Ticor Title assumes no liability for discrepan

ATTACHMENT O-139

III - 216

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
January 21, 2004

Present
Kirk Bailey
Ed Barlow-Pieterick, *Chair*
David Connell
Jane Fleischbein
Tony Howell
Bruce Osen
Bill York, *Vice Chair*

Staff
David Coulombe, City Attorney
Matt Samitore, Associate Planner
Kevin Young, Associate Planner
Josh Bjornsted, Development Review Engineer
Terry Nix, Recorder

Excused
Tracy Daugherty
David Graetz
Vicki McRoberts, Council Liaison

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EXHIBIT IV - 1

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Public Hearing **Garfield School Modular Building and Parking (CDP03-00009, LDC03-00042)**			Approve as conditioned.
III.	Public Hearing **Corvallis Business Park/Perlenfein (CPA03-00004, ZDC03-00014, PLD03-00012)**			Deny the application.
IV.	Minutes December 3, 2003 December 17, 2003			 Approve as corrected. Approve as corrected.
V.	Old Business	X		
VI.	New Business	X		
VII	Adjournment			Adjourned 10:45 p.m.

O. Appeal Period:

The Chair explained that the decision will be effective 12 days from when the Notice of Disposition is signed unless an appeal is filed with the City Recorder.

III. Public Hearing - Corvallis Business Park/Perlenfein (CPA03-00004, ZDC03-00014, PLD03-00012):

A. Opening and Procedures:

The Chair welcomed citizens and reviewed the public hearing procedures as follows: Staff will present an overview followed by the applicant's presentation. There will be a staff report and public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by an earlier speaker and it is sufficient to say you concur with an earlier speaker without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

B. Declarations by the Commission: Site visits, conflicts of interest or ex parte contacts

1. Site visits: Commissioners Bailey, Barlow-Pieterick, Connell and Howell declared site visits.

2. Conflicts of interest or ex parte contacts:

Commissioner Howell stated that a couple of people have asked him about this application and that he has provided only basic information about the application and advised people on how to obtain a staff report. Howell added that he participated as a decision-maker in some land use hearings for the area in question. He stated that none of the above will impact his ability to make a fair and impartial decision.

Commissioner Bailey stated that he participated in a recent public hearing regarding the Home Depot property, at which this property was mentioned. Chair Barlow-Pieterick noted that is true for all present and he questioned whether anyone felt that

Exhibit H - 1

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would impact their ability to make a fair and impartial decision in this case. All Commissioners responded that it would not.

3. There were no objections to these disclosures.

C. Staff Overview:

Associate Planner Young distributed an excerpt from the applicant's narrative from a previous proceeding on this site **(Attachment A)**, as previously requested by Commissioner Howell. He reviewed the subject site and surrounding properties and briefly reviewed the application.

D. Legal Declaration:

Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they feel are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

George Heilig, P. O. Box 546, stated that he is here in representation of the applicant, Steve Perlenfein. He distributed and reviewed an application presentation **(Attachment B)**, and reviewed the history of public proceedings as related to this site. He reviewed elements of the application and reasons for approval, including:

1) The approval makes common sense,
2) There is a need for commercial land,
3) The existing approval criteria have allowed development of adjacent commercial uses,
4) The site is part of an approved Planned Development (PD) and is not a "strip development", and
5) Commercial use meets all compatibility criteria and all pubic facilities criteria.

He stated that, according to data in the 2002 Land Development and Buildable Land Report (LDBLR), and in the Buildable Land Inventory, there is a 70% shortfall of commercial land.

Mr. Heilig reported that a restaurant is a possible occupant for the application site and he noted size, seating, capacity and parking for selected restaurants. He reviewed land currently needed and land available for general and intensive industrial uses, stating that there is an industrial land surplus of 126%. He reviewed the history of policies and land use actions on Circle Boulevard and pointed out that staff's recommendation for denial is inconsistent with past Council and Planning Commission decisions. Mr. Heilig affirmed that the Mixed Use Commercial (MUC) designation will not result in "strip" commercial development for several reasons, as outlined in his report. He pointed out that the application complies with all compatibility factors and with public facilities and services

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requirements. Mr. Heilig said that, once an end user is found, the development would come back before the Commission as part two of this process. He believes that, according to common sense, the designation Mixed Use Employment (MUE) does not work at this location, and that a change to Commercial Use is necessary in order to attract a desirable end user. He then invited questions.

Commissioner Howell referred to criteria for a Major Planned Development Modification, which is based on meeting the intent of the last approved plan. He recalled that the approved plan was to change locations of some of the existing uses so the plan could work better for the area as a whole. He inquired how this request supports the functioning of the site as a unit. Mr. Heilig stated that the Corvallis Business Park is reliant upon an exchange of properties between the applicant and Industrial Welding. The current designations were assigned because the Commission wanted this to be Research Technology Center, and so made an accommodation for the applicant, rather than insisting on its preferred designation of Commercial. The public need is now for Commercial, and the Commission would be justified in re-examining its intent and allowing for the requested adjustment.

Commissioner Howell questioned Mr. Heilig's assertion of the Commission's preference for Commercial. He noted Comprehensive Plan policies which limit how far east Commercial was to go, and which were later modified with a more general statement that there be no new Commercial outside of the existing area. Mr. Heilig stated that the Commercial area lines have been moved several times in order to obtain the desired use and that the approval criteria is fashioned so that the City is benefitted. He believes that the MUE designation on this property is an accident of a previous deal and not a result of planning.

Commissioner Bailey referred to Comprehensive Plan policies 8.10.4, 8.10.5 and 8.10.7 and stated that this area is not identified as a major or minor neighborhood center. Mr. Heilig said he is asserting that this area is, in fact, a major neighborhood center and not a strip development. This is a unique property, adjacent to the theater and Staples, and nothing will be hurt by allowing a commercial use at this site. The intent of policies which protect downtown businesses was surely not meant to imply that all development elsewhere should be denied.

Commissioner Howell referred to Mr. Heilig's testimony that there is a lack of commercial land and a surplus of industrial land. Howell noted that recent annexations have changed that surplus because it is now intended to last longer. He asked Mr. Heilig to address the industrial surplus as it relates to location and long term needs. Mr. Heilig answered that he used studies the City has chosen as benchmark studies, and that a substantial amount of industrial is indicated, along with very little commercial. This application addresses a land need and it is more important to handle the most pressing needs, as opposed to speculating on what need might be 50 years from now.

Commissioner York noted that Mr. Heilig had mentioned the City in the past expanding the district to make room for attractive projects. He inquired why the applicant is not proposing an attractive project for consideration. Mr. Heilig said the market reality is that end users are not willing to commit until a property has gone through the governmental review. He stated that MUE is too restrictive for commercial use and so he is requesting a re-designation to give more flexibility in finding an end use that is compatible with surrounding uses.

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Commissioner Fleischbein noted that, in reviewing the allowed uses for MUE versus MUC, many of the uses are the same. Mr. Heilig reiterated that the MUC provides more flexibility and more options for commercial use, including restaurant use.

Commissioner Fleischbein referred to the traffic impact study and Mr. Heilig affirmed that, based on the applicant's traffic study which was reviewed by staff, there is no negative traffic impact anticipated.

F. Staff Report:

Planner Young read the applicant's request. He read Comprehensive Plan Policies 8.10.5 and 8.12.1 and reviewed the proposed text amendments should the Commission approve this application. He stated that staff found t the proposed Comprehensive Plan Text and Map Amendments would not likely create compatibility conflicts but, based on 8.10.5, would result in "strip type development". He said staff found the proposal was not consistent with Comprehensive Plan Policies 8.9.1 and 8.9.3, or with 8.10.4 and 8.10.7. In terms of public need, he said, staff looked at the LDBLR and the Buildable Lands Inventory and found no clear need indicated for MUC in the City. It is true that there is much less commercial land than industrial land in the City, but much of the industrial land in South Corvallis contains wetlands and it is not certain how much of that land will be developable. Mr. Young reviewed criteria related to the advantages and disadvantages to the proposed amendment; means of meeting the public need; compatibility factors; circulation; and traffic. He reviewed staff's recommendation for denial of the three-part request. He also noted that staff did prepare proposed conditions of approval for consideration if the Commission should decide to approve the Major Modification request, as outlined in the staff report.

In response to an inquiry from Commissioner Howell, Planner Young reviewed the area of and amount of industrial lands throughout community and further discussed staff's analysis related to compatibility.

In response to an inquiry from Chair Barlow-Pieterick, Planner Young answered that this is staff's first look at the packet distributed by the applicant, and he has not verified its statistics.

G. Public Testimony in favor of the application: None.

H. Public Testimony in opposition to the applicant's request:

John Foster, 1205 NW Fernwood, expressed support for the staff recommendation to deny this application. He stated that this is a large commercial area and approval of the request would not be good for the City or for the downtown. He opined that it is premature to make any changes in this area until the Home Depot project has been resolved and suggested that the zoning be left as it is.

I Neutral testimony: The Chair reminded people that speaking neutrally removes rebuttal rights.

J. Rebuttal by Applicant:

Mr. Heilig referred to Policy 8.10.5 and urged the Commissioners to find that this property is part of an approved PD and is not "strip-type development". He explained that the presentation material he distributed was simply a supplement to his testimony, and that all of the information is also in the application presented to staff. He believes the numbers presented are an accurate assessment of commercial shortages and questioned how the City will address those shortages. Mr. Heilig referred to testimony regarding the applicability of the Home Depot project. He hoped the Commission would have confidence that its unanimous decision will not be reversed and should not give consideration to that issue. He urged Commissioners to approve the application.

Commissioner York said he is having difficulty finding any public benefit to the proposal and asked who would benefit, other than the applicant. Mr. Heilig said the list of end users for MUC includes uses that would better integrate into the surrounding area. Brief discussion followed regarding potential users, existing uses, and compatibility issues.

Commissioner Connell asked if the applicant is in agreement with Conditions of Approval 1 through 6, as outlined in the staff report. Mr Heilig stated that he feels that Condition 5 is aggressive and would prefer that the applicant be responsible for obtaining stormwater agreements, similar to the requirements outlined in Condition 6. He said the applicant is in agreement with the other proposed conditions.

K. Sur-rebuttal: None

L. Additional time for applicant to submit final argument::

The applicant waived the additional time to submit written argument.

M. Close the public hearing:

MOTION: Commissioner Bailey moved to close the public hearing. Commissioner Osen seconded the motion and it **passed** unanimously.

N. Discussion and Action by the Commission:

Commissioner York said his impression was that commercial land was limited by design and that the intent was to concentrate and intensify commercial activity in the City. Planner Young said he can't speak to the intent of the last Comprehensive Plan update, but the direction is toward neighborhood center, pedestrian-orientation type of commercial development. Commissioner Howell reviewed his recollection of some of the discussions and intent behind the last update.

MOTION: Commissioner Bailey moved to recommend that the Planning Commission deny the requested Comprehensive Plan Amendment to designate the subject property for Mixed Use Commercial Development. The motion is based upon the criteria, discussions, and conclusions contained within the January 14, 2004 Staff Report to the Planning Commission, and based upon the reasons given by the Planning Commission members during these deliberations. Commissioner York seconded the motion.

Commissioner Bailey referred to Comprehensive Plan 1.2.3, a and b. He said the first of these refers to identifying a public need for the requested change. He pointed out 8.9.1, which mentions having sufficient industrial land in a variety of locations; 8.9.3, which talks

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about preservation of industrial land; 8.10.4, which says new community development should be concentrated in mixed use districts; 8.10.5, which addressed the extension of Commercial along collectors and arterials; and 8.12.1, which indicates that commercial uses be limited to designated areas. Mr. Bailey stated that most of these policies suggest that this application is not something that meets public need. Policy 1.2.3.b, he said, refers to the advantages outweighing the disadvantages. He feels that most of the policies he cited would also apply here and, in particular, that this would have a disadvantageous impact on other commercial centers and the downtown.

Councilor Howell said it is important to address both Comprehensive Plan requirements and LDC requirements for map amendments, and Commissioner Bailey's comments were applicable to both. He reviewed the policy which refers to "strip-type development" and stated that this application has uses which are facing each other, which results in a more strip-like development rather than a neighborhood center design. He believes that the intent was not for this to be a commercial area, but to be reserved for Industrial.

Commissioner Connell agreed this is not a neighborhood center as envisioned. He stated that, given what has been allowed in this area until now, and because the request seems compatible with the neighborhood, he thinks it would be odd to deny this request. Mr. Connell believes it is important to consider the reality of the situation, and that this is clearly a commercial development, with recent approvals to Quiznos, Safeway, and the Theater.

Commissioner Osen noted the current situation is the result of many incremental decisions made over time and under many different Comprehensive Plans. He concurred with Commissioners Bailey and Howell and believes that 8.10.4, 8.10.5 and 8.10.7 especially indicate that this strip-type development is not appropriate.

Commissioner Howell noted that the current Comprehensive Plan was adopted after approval of the existing PD and that, under the current Comprehnsive Plan, neither K-Mart nor Safeway would have been approved. He said the goal is now to have the remainder of the site function as well as possible, with some semblance of connectivity.

Commissioner Connell reiterated that it doesn't make sense to deny this request for this remaining small lot on a narrow strip, given the surrounding uses. Brief discussion followed regarding previous processes which led to the current zoning and surrounding land uses.

Commissioner Fleischbein noted that the site is surrounded on three sides by General Industrial and MUE. An MUE designation allows for a wide variety of uses, and she has not seen a public need for this change demonstrated.

Commissioner Connell referred to the public testimony and emphasized that he would not want the Planning Commission's decision to be influenced by the Home Depot application, which is awaiting appeal. There was general agreement.

MOTION: The motion to deny the application **passed** by a vote of 5 to 1, with Commissioner Connell opposing.

MOTION: Commissioner Bailey moved to deny the requested District Designation to change the zoning district of the subject property to PD(MUC). The motion is based upon the criteria, discussions, and conclusions contained within the January 14, 2004 Staff

Report to the Planning Commission, and upon the reasons given by the Planning Commission members during these deliberations. Commissioner York seconded the motion which **passed** by a vote of 5 to 1, with Commissioner Connell opposing.

MOTION: Commissioner Bailey moved to deny the requested Major Planned Development Modification, based on the January 14, 2004 Staff Report and these Planning Commission deliberations. Commissioner Osen seconded the motion and it **passed** by a vote of 5 to 1, with Commissioner Connell opposing.

O. Appeal Period:

The Chair explained that the Zoning District Change and Major Planned Development Modification decisions will be effective 12 days from when the Notice of Disposition is signed, unless an appeal is filed with the City Recorder. The Planning Commission's recommendation regarding the Comprehensive Plan Amendment is not appealable

IV. MINUTES:

Planning Commission, December 3, 2003

Commissioner Howell requested the following change: Page 19, the last line of Patricia Daniels' testimony, replace the word **or** with the word **and**.

MOTION: Commissioner York moved to approve the minutes of the December 3, 2003, Planning Commission meeting with the above correction. Commissioner Bailey seconded the motion and it **passed** unanimously.

Planning Commission, December 17, 2003

Commissioner Fleischbein requested the following change: Page 17, paragraph 8, to read "...that the sales of appliances **and furniture** did not seem to be construction related."

Commissioner Bailey requested the following change: Page 18, Tom Powell's testimony, the last line, remove the word **some**.

Chair Barlow-Pieterick requested the following change: Page 7, the third line, insert the word **"official"** (quotation marks included) before the words **definition of a regional shopping center.**

Commissioner Howell requested the following changes: Page 8, paragraph 3, line 5, correct the misspelled word **phase**. That same paragraph, the last line, change to read "main building **sign**".

MOTION: Commissioner York moved to approve the minutes of the December 17, 2003, Planning Commission meeting, as corrected. Commissioner Howell seconded the motion and it **passed** unanimously.

draft

From applicant's narrative for CPA 97-2, et al., for Corvallis Business Park

RESEARCH-TECHNOLOGY CENTER AND INFORUM MULTI-MEDIA CENTER

Andrew J. Schlosser, Trustee (and successor) is requesting a Comprehensive Plan Amendment (including a Map Amendment and a Text Amendment); a District Map Change; a Major Modification of a Conceptual and Detailed Plan (including coincident approval of the contemplated Planned Development and uses within each of the development districts as Conditional Developments); and a Land Development Code Text Amendment.

The property affected by this request includes a 1.75 acre tract (currently zoned General Industrial) currently occupied by Industrial Welding Supply Company, a 2.00 acre tract (currently zoned General Industrial) currently proposed as a Main Auto Body and Paint unit, and an approximately 12 acre tract of vacant land (currently zoned Research Technology Center). As clarification, this request does not contemplate amending or changing the Comprehensive Plan classification and/or Development District designation of acreage (15.48 acres) that is situated directly south of the Kmart and currently delineated as (RTC) Planned Development;Research Technology Center. However, all of Applicant's requests contemplate the integration of this 15.48 tract into the Applicants ultimate, overall master-plan.

The proposed land use change will result in all of the remaining undeveloped land situated between the Southern Pacific Railroad and Circle Boulevard eventually being developed in concert and pursuant to one master-planned regime. Currently, the land south of Circle Boulevard and between the Southern Pacific Railroad tracks is affected by three development district designations: i) CS (Planned Development; Community Shopping) for the Kmart development., ii) GI (General Industrial) for the proposed Main Auto Body, and the existing Industrial Welding Supply Company, and iii) RTC (Planned Development; Research Technology Center). Each of these development district designations were obtained by the applicable property owners and/or their predecessors, separately. Although the property encompassed in each zone has been intensively planned by the owners' architects and engineers and the Community Development Department at the city of Corvallis; there is no specific planning relationship between the resulting uses contemplated by the Community Shopping development district (Kmart and related restaurants), the General Industrial development district (Industrial Welding Supply and the future Main Auto Body Shop), and Research Technology Center development district (the research and technology park approved in 1993).

This proposed land use change will ultimately create a master-plan encompassing all three development district designations and result in a logical transition between Community Shopping uses to Research Technology Center uses to Industrial uses.

- The proposed land use change will segregate the more intensive industrial land uses

ATTACHMENT A

(Main Auto Body and Industrial Welding Supply) to a location farthest east on Circle Boulevard and directly adjacent to the Southern Pacific Railroad tracks (and directly across such tracks from the utility-substation).

- The proposed land use changes will result in a major improvement to traffic-congestion on Circle Boulevard by including a specific plan for the development and construction of a new signalized private road perpendicular to Circle Boulevard and along the western boundary line of the proposed development. When Kmart consents to the closing of (or major modification to) the current main entrance to Kmart; this new private road will ease congestion at the current main entrance to the Kmart development (located directly in front of the Kmart store). This road will also guarantee excellent vehicular and pedestrian access to the Research Technology Center that has been planned and approved south of the Kmart Development and the Research Technology Center building that has been planned by Applicant approximately in the land area that Main Auto Body had originally planned a paint and auto body shop.

- The proposed land use changes for the western portion of the Property will permit the Applicant to develop and construct a multi-media conference and theatrical exhibition facility and related uses including teleconference-rooms and class- rooms, and some retail and wholesale distribution of information, educational, entertainment, and artistic material(s) (and one Research Technology Center building.) The development of this multi-media conference and exhibition facility is central to Applicant's plans for the ultimate marketing, development, construction, and build-out of the remainder of the Corvallis Business Park - Research Technology Center.

Chapter 3.26 Research Technology Center District and Chapter 3.24 General Industrial District of the Land Development Code governs the current uses permitted on Applicant's Property. The development of a multi-media conference and exhibition facility and related uses (specifically--technological innovative high-definition television projection, conference, and exhibition facilities) is not permitted anywhere in the Industrial designations (RTC and/or GI development districts) of the Comprehensive Plan. However, some aspects of the development of such a multi-media conference center and related uses <u>are</u> permitted in the (CS Community Shopping development district) Commercial Designation of the Comprehensive Plan.

The Applicant is, therefore, proposing to amend the Comprehensive Plan so that an area with a current Comprehensive Plan Designation of Industrial would be converted to a Comprehensive Plan Designation of Office/Commercial. Within the resulting tract of land that would have a Comprehensive Plan Designation of Office/Commercial, the Applicant proposes that the development district map designation would be Community Shopping CS; (Planned Development Community Shopping.) It is within this Community Shopping CS development district that Applicant proposes developing the conference/theatre facility that could generate an attendance of 300 or more people. However, land-uses generating an attendance of 300 or more

A-2

M-10

people, such as theatres, large exhibition halls and sports stadiums are limited to RSC Districts[3]. As of the date of this application, there are no development district map designations in Corvallis with RSC (Regional Shopping Center). Therefore, there is a need to amend the Land Development Code. Otherwise, land-uses generating 300 or more people are not permitted in the city of Corvallis.

The remaining portion of the 16 acre(s) with a current Comprehensive Plan Designation of Industrial (RTC) would be designated as Mixed Use Employment. Within such Mixed Use Employment;Planned Development (MUE) development district, Applicant proposes to develop and reconstruct new facilities for Industrial Welding Supply and Main Auto Body.

COMPREHENSIVE PLAN AMENDMENT

The Comprehensive Plan Amendment proposed includes not only a Map Amendment, but also a Text Amendment. This is because Comprehensive Plan Policy 7.9.1 limits commercial activities more than 670 feet east of Highway 99W, along the south side of Circle Boulevard. The Policy further states that the boundaries of the "15.27-acre" commercial area in this location are "defined on the east by a north-south 925-foot line and on the south by a line runs parallel to Circle Boulevard." These specific boundaries encompass the Kmart development site and do not include the Corvallis Business Park site.

Comprehensive Plan Text Amendment:

Therefore , in order for Applicant to proceed with the Comprehensive Plan Map Amendment to include the conference, exhibition, and theatre activities and related activities east of the Kmart development site; the Applicant proposes that Comprehensive Plan Policy 7.9.1 be modified to move the boundaries as follows:

"7.9.1 Commercial Activity on or extending from Ninth Street shall not be extended:

*North of Walnut Boulevard on the west side of Ninth Street;
*North of Conifer on the east side of Ninth Street;
*More than 570 feet west of Ninth Street on the north side of Circle Boulevard;
*More than 1,380 feet west of Ninth Street on the south side of Circle Boulevard:
*More than 1,200 feet east of Highway 99W along the south side of Circle Boulevard. The commercial boundary for this 22 acre area is defined on the east by a 580 foot line.
*Beyond a 9.53 acre area east of U.S. Highway 99W and north of Circle Boulevard generally defined by the following boundaries: approximately 640 feet east of Highway 99W along Circle Boulevard, 1,030 feet north of Circle Boulevard and 300 feet west of Highway 99W;
*Into Residential areas on the West Side of Ninth Street;

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[3] Section 3.0.30.03 aa. Spectator Sports and Entertainment 2. Other.--- of the Land Development Code permits uses generating an attendance of 300 or more people....

*South of Fremont Avenue on the west side of Ninth Street;
*South of Polk Avenue on the east side of Ninth Street.

Comprehensive Plan Map Amendment:

Please see the plan-maps attached;

* the Applicant proposes: to change the Comprehensive Plan Map designation of 31.25 acres of Industrial to ~~5.99~~ 6.25 acres of Shopping Area and ~~31.26~~ 25 acres of Industrial;

DISTRICT MAP CHANGE

Please see the plan-maps attached; The current District Map(development district) designations for the 3.75 acres between the Kmart and the Corvallis Business Park is GI (General Industrial). The Current District Map (development district) designations for the area known as the "Corvallis Business Park" is PD(RTC) - (Research Technology Center with a Planned Development Overlay).

* the Applicant proposes to change the District Map designation of 3.75 acres of General Industrial (GI) and 27.50 acres of PD (RTC) (Research Technology Center with a Planned Development overlay) to ~~5.99~~ 6.25 acres of PD (CS) (Community Shopping with a Planned Development overlay); and to 4.1 acres of PD (MUE) (Mixed Use Employment with a Planned Development overlay). ~~17.17~~ 20.9 acres will remain PD (RTC) (Research Technology with a Planned Development Overlay).

LAND DEVELOPMENT CODE TEXT AMENDMENT

A Land Development Code Text Amendment is a "legislative" amendment which is required (by Section 2.2.30.01 of the Land Development Code) to be initiated by either a majority vote by the Planning Commission or City Council. Therefore, Applicant requests that the Planning Commission "initiate a legislative amendment to amend Chapter 3.14 of the Land Development Code to allow "Spectator Sports and Entertainment - Other" within the Community Shopping district, subject to Conditional Development Review. Specifically, the legislative amendment would amend Land Development Code Section 3.14.20.02 as follows:

3.14.20.02 - Special Development- Uses Allowed Through Discretionary Review.

a. Type I: Conditional Development - The following uses may be permitted subject to review in accordance with Chapter 2.3 and all other applicable provisions of this Code.

A-4

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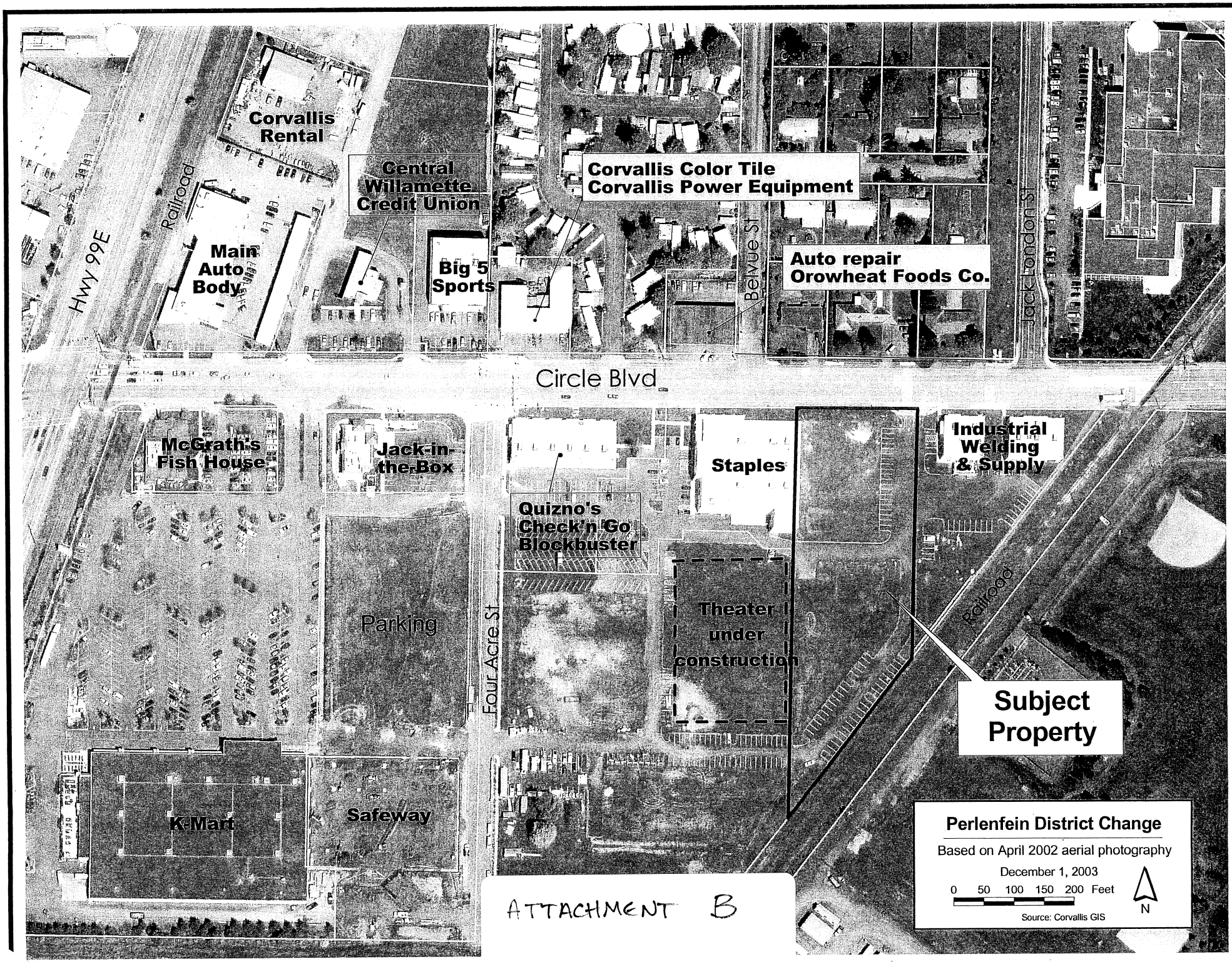

ATTACHMENT B

ELEMENTS OF THE APPLICATION

- Amendments to the Comprehensive Plan Map and Text to change 2.54 acres, located on Circle Boulevard between Staples Office Superstore and Industrial Welding Supply, from General Industrial (GI) to Mixed Use Commercial (MUC).

- A change in the District Designation from Mixed Use Employment with a Planned Development Overlay (PD(MUE)) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

- A Major Modification of an Approved Detailed Development Plan.

REASONS FOR APPROVAL

- **APPROVAL MAKES COMMON SENSE**
  - Commercial in-fill in an approved PD
  - MUC supports the neighborhood better

- **THERE IS A NEED FOR COMMERCIAL LAND**

- **THE EXISTING APPROVAL CRITERIA HAS ALLOWED DEVELOPMENT OF ADJACENT COMMERCIAL USES**
  - This is the last undeveloped lot

B-3

- **THE SITE IS PART OF AN APPROVED PD AND IS NOT A "STRIP" DEVELOPMENT**

- **COMMERCIAL USE MEETS ALL COMPATIBILITY CRITERIA**

- **COMMERCIAL USE MEETS ALL PUBLIC FACILITIES CRITERIA**

LAND CURRENTLY AVAILABLE FOR COMMERCIAL USES

Total Zoned Commercial (acres)	Amount Developed (acres)	Amount Vacant (acres)
447	424	23

LAND CURRENTLY NEEDED AND AVAILABLE FOR COMMERCIAL USES

(Land Needs Projected Through 2020)

Land Needed (acres)	Vacant Land (acres)	Shortage
76	23	-70%

SOURCES:
1. *City of Corvallis 2002 Land Development and Buildable Land Report.*
2. *Buildable Land Inventory and Land Need Analysis for Corvallis* – prepared in 1998 by ECO Northwest Consulting.

SIZE, SEATING CAPACITY, AND PARKING FOR SELECTED RESTAURANTS

Restaurant	Location	Lot Size (acres)	Floor Area (sq. ft.)	Capacity	Parking
McGrath's	NW Circle	0.76	7,000	236	43+shrd
Michael's Landing (dining & bar)	NW 2nd St.	0.98	6,300	195	57
Izzy's	NW 9th St.	1.16	5,200	185	62
El Sol de Mexico	NW 9th St.	0.69	5,550	196	40
El Presidente (dining & bar)	NW 2nd St.	0.90	6,100	227	62
Red Robin	Albany	NA	7,200	276	shared
Subject Property					
North Portion*	NW Circle	1.00	----	----	----
South Portion*	NW Circle	1.10	----	----	----

* - Approximate useable portion of the property after deducting through streets and public facility dedications and easements.

LAND CURRENTLY NEEDED AND AVAILABLE - GENERAL AND INTENSIVE INDUSTRIAL USES

Land Needed (acres)	Vacant Land (acres)	Surplus
398	503	126%*

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* - With wetland mitigation and banking available and no adopted fact basis to identify unbuildable vacant land, there is currently a surplus of industrial land.

SOURCES:
1. *City of Corvallis 2002 Land Development and Buildable Land Report.*
2. *Buildable Land Inventory and Land Need Analysis for Corvallis –* prepared in1998 by ECO Northwest Consulting.

HISTORY OF PLAN POLICIES AND LAND USE ACTIONS ON CIRCLE BOULEVARD

COMP. PLAN POLICY	YEAR ADOPTED	PROJECTS APPROVED
8.9.1	1982	1988 – K- Mart, McGraths,
8.9.3	1982	Jack-in-the-Box
8.9.10	1982	1998 – Corvallis Business Park
8.12.5	1982	Staples, Quiznos,
13.5.4	1990	Blockbuster, Check-n-Go
		2002 – Safeway
		2003 – Multi-plex Cinema

MUC DESIGNATION WILL NOT RESULT IN "STRIP" COMMERCIAL DEVELOPMENT

THE SITE IS IN AN APPROVED PLANNED DEVLOPMENT THAT IS PART OF A MAJOR NEIGHBORHOOD CENTER

THE SITE IS NOT "STRIP" DEVELOPMENT

- The site and PD are comprehensively planned and reviewed
- It will not have a negative impact on traffic
- It has limited and controlled access
- It has approved pedestrian, bicycle, and transit facilities
- It is compatible with surrounding land uses
- It has approved and installed public facilities

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THE APPLICATION COMPLIES WITH ALL COMPATIBILITY FACTORS

- Vehicle Circulation
- Bicycle and Pedestrian Circulation
- Bicycle and Pedestrian Facilities
- Transit Facilities
- Land Use Compatibility
  - Noise, Odor, Lighting, Landscaping
  - Air & Water Quality

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THE APPLICATION COMPLIES WITH PUBLIC FACILITIES AND SERVICES REQUIREMENTS

- Public Utility Extensions
- Land for Public Purposes
- Water
- Sanitary Sewer
- Storm Drainage