



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/04/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: Benton County Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, September 18, 2012

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

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

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Chris Bentley, Benton County
Jon Jinings, DLCD Community Services Specialist
Katherine Daniels, DLCD Farm/Forest Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	AUG 29 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Benton County**

Local file number: **LU-11-052, LU-12-011**

Date of Adoption: **8/21/2012**

Date Mailed: **8/22/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/8/2012

☒ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☒ Zoning Map Amendment

☒ New Land Use Regulation

☒ Other: **Goal Exceptions**

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

Amend the Comprehensive Plan to add a Special Use Plan Map designation. Amend the Development Code to add a Special Use (SU) zone and Special Use-Children's Farm Home (SU-CFH) subzone. Amend the Plan and Zoning Maps to apply the Special Use designation and SU-CFH subzone, respectively, to a 50.5-acre area containing the existing Children's Farm Home campus. These amendments require, and are based on, a physically developed exception to Statewide Planning Goals 3, 4, 11 and 14.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Agriculture**

to: **Special Use**

Zone Map Changed from: **Exclusive Farm Use**

to: **Special Use-Children's Farm Home**

Location: **4455 NW Hwy 20, Corvallis. T11S, R4S, Sect. 18, T**

Acres Involved: **50**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☒	☒	☒	☒	☐	☐	☐	☐	☒	☒	☐	☒	☐	☐	☐	☐	☐

Was an Exception Adopted? ☒ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File No. 001-12 (19230) [17147]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, DSL, DEQ, City of Corvallis, Corvallis RFPD

Local Contact: **Chris Bentley**

Phone: **(541) 766-6819** Extension:

Address: **360 SW Avery Avenue**

Fax Number: **541-766-6891**

City: **Corvallis**

Zip: **97333-1139**

E-mail Address: **chris.bentley@co.benton.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
STATE OF OREGON**

In the Matter of Amending the Benton	)	ORDINANCE
County Development Code,	)	
Comprehensive Plan Map and Zoning	)	No. 2012-0247
Map for the Creation of a Special Use	)	
Zone	)	

WHEREAS, pursuant to Benton County Code Section 53.605, on occasion it is appropriate to amend sections of the Comprehensive Plan and Development Code to respond to changing policies and conditions or to clarify the text; and

WHEREAS, pursuant to Benton County Code Section 53.610, on August 30, 2011 the Board of County Commissioners initiated text amendments to the Benton County Development Code, Comprehensive Plan Map, and Zoning Map, and directed the Planning Official to prepare the necessary materials; and

WHEREAS, the amendments pertaining to Benton County Code Chapter 81, the Special Use Zone, will create a new zone for the recognition of unique existing or planned uses, facilities, and/or developments that are not suitably addressed by the other zones of the Code; and

WHEREAS, the amendments pertaining to Benton County Code Chapter 81.100, the Special Use – Children’s Farm Home Zone, will establish standards for development within the fifty-acre Children’s Farm Home Campus in Benton County; and

WHEREAS, the text amendments pertaining to Benton County Code Sections 51.100, 51.205, and Chapter 91 will improve consistency between the Special Use Zone and other sections of Development Code; and

WHEREAS, the Benton County Planning Commission held a duly advertised public hearing on April 17, 2012, and voted to recommend that the Board of Commissioners approve the Development Code Amendments, Zoning Map Amendment and Comprehensive Plan Map Amendment; and

WHEREAS, the Board of County Commissioners finds that the proposed amendments are consistent with Oregon Revised Statutes, Oregon Administrative Rules, Statewide Planning Goals, the Benton County Development Code and Comprehensive Plan; and

WHEREAS, the Benton County Board of Commissioners held a duly advertised public hearing on June 19, 2012, in the Board of Commissioners Meeting Room, 205 NW 5th Street, Corvallis, Oregon, to consider the proposed amendments, at which time the Board closed the hearing and deliberated; and

WHEREAS, the Benton County Board of Commissioners has considered the staff report, the testimony of witnesses, the recommendations forwarded by the Benton County Planning Commission, and the record as a whole. The Board of Commissioners approved the proposed ordinance and conducted the First Reading of the proposed ordinance on August 7, 2012; and

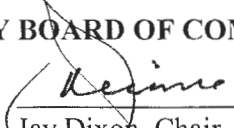
WHEREAS, the Benton County Board of Commissioners held the Second Reading of the proposed ordinance on August 21, 2012.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

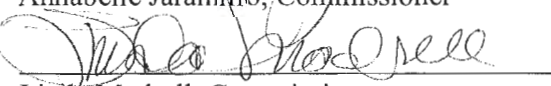
- PART I:** Short Title. Amendments to the Benton County Development Code, Comprehensive Plan Map and Zoning Map for the creation of a Special Use Zone.
- PART II:** Authority. The Board of County Commissioners of Benton County has authority to amend the Development Code, Zoning Map, and Comprehensive Plan Map pursuant to ORS Chapter 215 and the Benton County Charter.
- PART III.** The amendments described in planning file numbers LU-11-052 and LU-12-011 are hereby approved, based on the Findings and Conclusions contained in the attached "Exhibit 5" and hereby adopted and incorporated herein by reference.
- PART IV.** Benton County Development Code is hereby amended to include new Chapter 81, as well as minor text amendments to Chapters 51 and 91, as shown in "Exhibit 1."
- PART V.** The map shown in "Exhibit 2" is hereby adopted as the subarea map identified in Section 81.120 of the Benton County Development Code; the subarea boundaries shown on the map may be amended pursuant to administrative procedures as specified in Section 81.135.
- PART VI.** The Benton County Comprehensive Plan Map legend is hereby amended to include "Special Use" as a Map Designation, as shown in "Exhibit 3."
- PART VII.** Benton County Zoning Map is hereby amended to include "Special Use" as a Primary Zone, as shown in "Exhibit 4."
- PART VIII.** The effective date for these amendments to the Benton County Development Code, Comprehensive Plan Map and Zoning Map will be:

First Reading: August 7, 2012
Second Reading: August 21, 2012
Effective Date: September 20, 2012

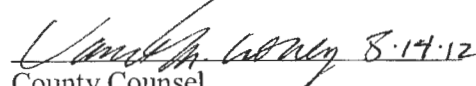
BENTON COUNTY BOARD OF COMMISSIONERS


Jay Dixon, Chair


Annabelle Jaramillo, Commissioner


Linda Modrell, Commissioner

Approved as to Form:


County Counsel


Recording Secretary

Exhibit 1

Development Code Amendments Children's Farm Home; File Nos. LU-11-052, LU-12-011

New Chapter 80.00 and Section 81.100 (Underscore indicates new text):

Chapter 81 Special Use (SU)

81.005 Purpose. The Special Use Zone shall provide for the recognition of unique existing or planned uses, facilities, and/or developments that are not suitably addressed by the other zones of the Benton County Development Code. The Special Use Zone shall require the designation of a Special Use Subzone to define specific permitted uses, conditional uses, site development requirements, and siting standards within each area to which the Special Use Zone is applied. [Ord. 2012-0247]

81.010 Application. The Special Use Zone may be applied where the following requirements are met:

- (1) The property is designated Special Use on the adopted Comprehensive Plan Map;
- (2) The property is either:
 - (a) The subject of an exception to one or more Statewide Planning Goal(s), in which the exception is based on existing or planned uses that do not fit within another zone in this Code, and the planned uses are limited to those justified through the goal exception; or
 - (b) Located within an urban growth boundary and:
 - (A) The proposed zoning is consistent with the applicable city's Comprehensive Plan; and
 - (B) The existing or planned uses do not fit within another zone in this Code; or
 - (c) Located within an unincorporated community boundary and:
 - (A) The proposed zoning is consistent with the adopted community plan; and
 - (B) The existing or planned uses do not fit within another zone in this Code.
- (3) Special Use Subzone standards specific to the subject property are applied to the property. [Ord. 2012-0247]

81.015 Process. Application of the Special Use Zone to a property shall require initiation of the following elements as necessary. These elements may be processed concurrently.

- (1) Zone change pursuant to BCC 53.510;
- (2) Development Code text amendment pursuant to BCC 53.610; and
- (3) Comprehensive Plan text and map amendments, and any associated goal exceptions, pursuant to BCC 53.605-625. [Ord. 2012-0247]

81.020 Subzones. The Special Use Zone includes the following approved Subzones:

- (1) Children's Farm Home Subzone (SU-CFH) [Ord. 2012-0247]

81.100 Special Use - Children's Farm Home Subzone (SU-CFH)

81.105 Purpose. The Children's Farm Home Subzone (CFH) of the Special Use Zone shall establish standards for development within the Children's Farm Home Campus in Benton County. By providing appropriate land use controls, this subzone shall enable the continued operation of the Children's Farm Home, and address needs for growth, change, and/or expansion to accommodate associated, ancillary, or otherwise related uses. [Ord. 2012-0247]

81.110 Application. The Children's Farm Home Subzone shall apply to areas that are within the Special Use Zone, are designated Special Use on the Comprehensive Plan Map, and are the subject of an Exception to Statewide Planning Goals, 3, 4, 11 and 14 for the Children's Farm Home Campus. [Ord. 2012-0247]

81.115 Definitions. As used in this chapter:

- (1) "Community treatment program"** means a facility or collection of facilities providing comprehensive care for a specific population, primarily persons under 18 years of age; including but not limited to educational activities, recreational activities, secured adolescent intensive programs, therapeutic activities, vocational training, and residential facilities. The entire CFH campus comprises the community treatment program.
- (2) "Educational activities"** means any organized action that is intended to have a formative effect on the mind, character, or physical ability of an individual. In the case of CFH, educational activities occur primarily in classrooms.
- (3) "Recreational activities"** means any action intended generally for enjoyment, amusement or pleasure, whether for educational, therapeutic, or leisure purposes. In the case of CFH, recreational activities occur throughout the campus, but primarily within the sports fields, playgrounds, gardens, livestock barns, and indoor multipurpose spaces.
- (4) "Residential facility"** means a facility which provides residential care in conjunction with a community treatment program, including facilities needed to maintain a residential population, such as laundry, food service, and common living space. Residential facility includes one or more buildings providing housing for up to 65 individuals who need not be related, per building. Residential facility may also include a single family residence for caretaker, manager, instructor, or care provider.
- (5) "Secured adolescent intensive program"** means a program which provides complete therapeutic and educational services in a limited-access, secured facility. In the case of CFH, the secured adolescent intensive program is housed in buildings designed specifically to house such a program and in accordance with State of Oregon and Federal requirements.
- (6) "Therapeutic activities"** means any action intended to help people with disabilities to address their specific problems. In the case of CFH, therapeutic activities occur throughout the campus, but primarily in classrooms, clinics, studios, and structured and/or unstructured outdoor recreational areas.
- (7) "Vocational training"** means any action intended to provide education and/or direct experience in preparation for employment in a trade, job or profession. In the case of CFH, vocational training occurs throughout the campus but primarily in classrooms, workshops, horticultural areas, and the livestock barns. [Ord. 2012-0247]

81.120 Subareas. Subareas of the Children's Farm Home Subzone shall be as shown on the map adopted by Part V of Ordinance 2012-0247, as modified pursuant to BCC 81.135(2). The purposes of the subareas are described in this section. The specific uses allowed in each subarea are identified in BCC 81.125.

(1) Administration/Vocational (A/V). The A/V subarea shall provide for facilities and uses dedicated primarily to administration of the Children's Farm Home Campus; and vocational training and therapeutic activities associated with a community treatment program.

(2) Residential/Education (Res/E). The Res/E subarea shall provide for facilities and uses dedicated primarily to providing residential services associated with a community treatment program; educational activities associated with a community treatment program; and secured adolescent intensive activities.

(3) Recreational/Utilities (Rec/U). The Rec/U subarea shall provide for facilities and uses dedicated primarily to recreational activities associated with therapeutic activities and/or vocational training; and sewer, water, storm water, electrical, fire protection, telecommunication and other similar utilities serving the Children's Farm Home Campus.

(4) Highway Buffer (HB). The HB subarea shall provide for facilities and uses dedicated primarily to providing a landscaped buffer between the Children's Farm Home Campus and the adjacent State highway. [Ord. 2012-0247]

81.125 Permitted Uses. The following uses are allowed within the Children's Farm Home Subzone to the extent that they relate to and serve the community treatment program as defined in BCC 81.115. The SU-CFH subarea(s) where each use is allowed is/are indicated in Table 1:

Table 1 Permitted Uses

<u>Use</u>	<u>A/V</u>	<u>Res/E</u>	<u>Rec/U</u>	<u>HB</u>
(1) <u>Administrative and professional offices ;</u>	<u>X</u>			
(2) <u>Educational activities ;</u>	<u>X</u>	<u>X</u>		
(3) <u>Vocational training ;</u>	<u>X</u>	<u>X</u>		
(4) <u>Dormitory housing ;</u>		<u>X</u>		
(5) <u>Secured adolescent intensive program ;</u>		<u>X</u>		
(6) <u>Cafeteria/group dining ;</u>	<u>X</u>	<u>X</u>		
(7) <u>Day care center or preschool nursery ;</u>	<u>X</u>	<u>X</u>		
(8) <u>Recreational activities and facilities ;</u>	<u>X</u>	<u>X</u>	<u>X</u>	
(9) <u>Health clinic, health care facility including out-patient services ;</u>	<u>X</u>	<u>X</u>		
(10) <u>Accessory use or structure ;</u>	<u>X</u>	<u>X</u>	<u>X</u>	
(11) <u>Undeveloped open space ;</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
(12) <u>Art or craft gallery or gift shop, related to onsite education, vocational training, or treatment, not exceeding 2,000 square feet, located within a larger multi-purpose building ;</u>	<u>X</u>			
(13) <u>Café open to the public and related to onsite vocational training and limited to 50 seats, located within a larger multi-purpose building;</u>	<u>X</u>			
(14) <u>Place of public assembly open to the public and limited to 200 seats, including church, auditorium, meeting room, theater, or other similar non-profit community facility ;</u>	<u>X</u>			
(15) <u>Outdoor activities such as ceremonies, games, festivals, and presentations ;</u>	<u>X</u>		<u>X</u>	
(16) <u>Private and public utilities; provided that a community sewer system is not allowed to serve any land outside the Children's Farm Home Subzone.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

[Ord. 2012-0247]

81.130 Existing Uses.

(1) A lawfully established use not listed in BCC 81.125 existing as of September 20, 2012 shall be considered an outright permitted use and shall not be subject to the nonconforming use provisions of BCC 53.305 through 53.335. The total square footage in one or more buildings devoted to such use may be replaced or expanded through Site Development Plan Review pursuant to Section 81.145. [Ord. 2012-0247]

81.135 Conditional Uses. The following uses may be allowed in the Children's Farm Home Subzone by conditional use permit approved by the Planning Official pursuant to BCC 53.205 through 53.235:

(1) One single-family residence per parcel, for caretaker, manager, instructor, or provider in conjunction with a community treatment program.

(2) Change in the boundary of any subarea. [Ord. 2012-0247]

81.140 Minimum Parcel or Lot Size. The minimum parcel size in the Children's Farm Home Subzone shall be two acres. [Ord. 2012-0247]

81.142 Property Line Adjustments and Land Divisions. Property line adjustments and partitions are allowed in the Children's Farm Home Subzone. A maximum of three additional parcels may be created by partition within the Children's Farm Home Subzone in existence on September 6, 2012. Series partitions and subdivisions are prohibited in the Children's Farm Home Subzone. [Ord. 2012-0247]

81.145 Site Development Plan.

(1) When a building addition or replacement, change of use, new construction, new road/ driveway, or placement of a structure is proposed in the Children's Farm Home Subzone, the applicant shall submit a site development plan prior to the issuance of building permits. A site development plan shall contain an appropriate level of detail showing existing and proposed locations of buildings, access, parking, loading, landscaping, drainage, water supply, sewage disposal, public utilities, and exterior lighting. The site development plan shall be accompanied by a letter prepared by a licensed professional engineer competent to practice transportation engineering documenting the expected AM peak hour, PM peak hour, and average daily traffic trip generation resulting from the proposed development or change of use. The site development plan shall demonstrate compliance with siting standards provided in BCC 81.150 and other provisions of this Code.

(2) Any change, within the permitted uses, to the scope of services offered, type of services offered, and/or specific population served, shall require written notification to the Benton County Board of Commissioners and Community Development Department. [Ord. 2012-0247]

81.150 Siting Standards. All structures allowed in the Children's Farm Home Subzone shall be sited in compliance with BCC Chapters 91, Special Use Standards, and 99, General Development Standards, and the standards of this section. In the case of a conflict between BCC Chapters 91 and 99 and this section, the standards of this section will control.

(1) Either the site shall be adequately served by water, sewage disposal, and improved roads, or final approval of the site development plan shall be conditioned on assurances for the provision of the necessary facilities.

- (2) The setback to a public road right-of-way shall be at least twenty-five (25) feet, and to a highway right-of-way the setback shall be 50 feet. Such area shall be utilized exclusively for landscaping, fences, decorative walls, and driveways.
- (3) Except as otherwise provided in this section, there shall be a setback of at least fifteen (15) feet from the boundary of the CFH subzone.
- (4) No setback is required for a structure of 120 square feet or less. A side or rear setback for an accessory structure may be reduced to three (3) feet from the subzone boundary if the structure:
 - (a) Is detached from other buildings by five (5) feet or more;
 - (b) Does not exceed a height of twenty (20) feet; and
 - (c) Does not exceed an area of 500 square feet.
- (5) A structure which is not a water-dependent use shall be placed at least fifty (50) feet from the ordinary high water line of a lake, river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.
- (6) The setback to adjoining property in a resource zone shall be at least thirty (30) feet. Off-street parking areas and setbacks adjacent to adjoining resource-zoned property shall be adequately landscaped and screened to create a visual buffer.
- (7) A structure shall not exceed sixty (60) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.
- (8) Off-street parking and loading for new development and improvements shall be consistent with BCC 91.615 to 91.655. The number of parking spaces in a common parking area serving more than one use shall meet the normal operation peak demand of all uses, based on hours of operation. In the case where a single use is proposed on an individual parcel, the standards of BCC 91.605 shall apply.
- (9) The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare effects on adjacent properties.
- (10) Artificial lighting, including lights for parking areas, shall be arranged and constructed to avoid direct glare or unreasonable interference with the use and enjoyment of adjacent properties. [Ord. 2012-0247]

Amendments to Section 51.100:

51.100 Designated Primary Zones. The unincorporated portions of Benton County are divided into primary zones which establish the requirements for the use of land in a given area. Primary zones in Benton County are:

- (1) Exclusive Farm Use (EFU)

- (2) Multi-Purpose Agriculture (MPA)
- (3) Floodplain Agriculture (FPA)
- (4) Forest Conservation (FC)
- (5) Open Space (OS)
- (6) Rural Residential (RR)
- (7) Urban Residential (UR)
- (8) Commercial (C)
- (9) Industrial (I)
- (10) Agricultural Industrial (AI)
- (11) Landfill Site (LS)
- (12) Public (P)
- (13) Rural Service Center (RSC)
- (14) Philomath Low-Density Residential (PR-1)
- (15) Philomath Medium-Density Residential (PR-2)
- (16) Philomath High-Density Residential (PR-3)
- (17) Philomath General Commercial (PC-2)
- (18) Philomath Light Industrial (PLI)
- (19) Philomath Heavy Industrial (PHI)
- (20) Special Use (SU) [Ord. 90-0069, Ord 2009-0233 eff. 6/2/2011; Ord. 2012-0247]

Amendments to Section 51.205(1):

51.205 Duties and Powers of the Planning Official. The Planning Official is responsible for the administration of the Development Code. In carrying out these duties, the Planning Official shall have the following powers:

(2) The Planning Official may approve a use not specifically listed in the Development Code in any zone, provided that the use is substantially similar in character, scale, and impact to permitted uses in the zone, and is compatible with the purpose of the zone. However, if the use in question is specifically listed in another zone other than Chapter 81 (Special Use Zone), the Planning Official shall not approve the use through this procedure. [Ord. 2012-0247]

Amendment to Chapter 91 title:

Change from “Special Use Standards” to “Specific Use Standards”

Exhibit 2
Subareas Map -- Children's Farm Home Subzone

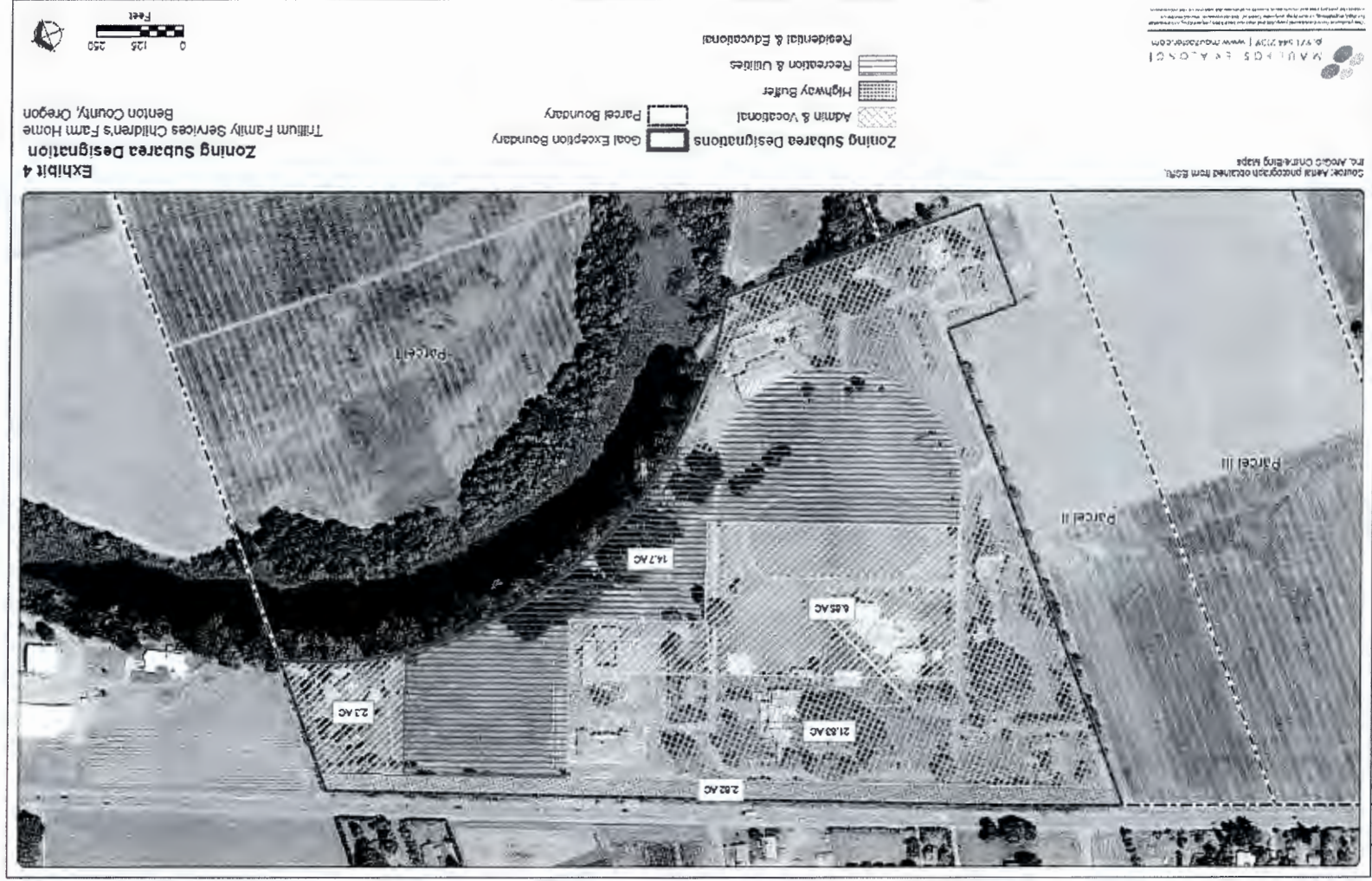


Exhibit 3

Amendments to Comprehensive Plan Map
Children's Farm Home; File Nos. LU-11-052, LU-12-011

Legend:

<i>Comprehensive Plan Map Designation</i>	<i>Description</i>	<i>Corresponding Zoning Map Designations</i>
Agriculture	Lands designated as agricultural lands under Statewide Goal 3, to be preserved and maintained to encourage their utilization for agricultural production. These lands are designated Exclusive Farm Use on the Benton County Zoning Map.	Exclusive Farm Use
Agriculture Industrial	Lands to be used for commercial and industrial uses related to agriculture.	Agricultural Industrial
Commercial	Lands to be utilized to provide for the buying and selling of goods and services within various regions of the county. The Commercial designation is used primarily to accommodate existing commercial uses in rural areas. This designation at these locations contributes to energy conservation by providing some retail services within the rural areas.	Commercial
Forestry	Lands designated as forestlands pursuant to Statewide Goal 4, to be conserved and maintained for forest uses.	Forest Conservation
Industrial	Lands to be utilized for general industrial uses, including large scale business operations such as manufacturing.	Industrial
Landfill Site	Lands designated for solid waste disposal and other associated or complementary uses.	Landfill Site
Multi-Purpose Agriculture	Lands designated as agricultural lands under Statewide Goal 3, to be preserved and maintained to encourage their utilization for agricultural production. Applied to certain lands in the Alsea and Lobster Valley areas, where a 20-acre minimum parcel size is appropriate when considering the predominant size of farms in the area.	Multi-Purpose Agriculture

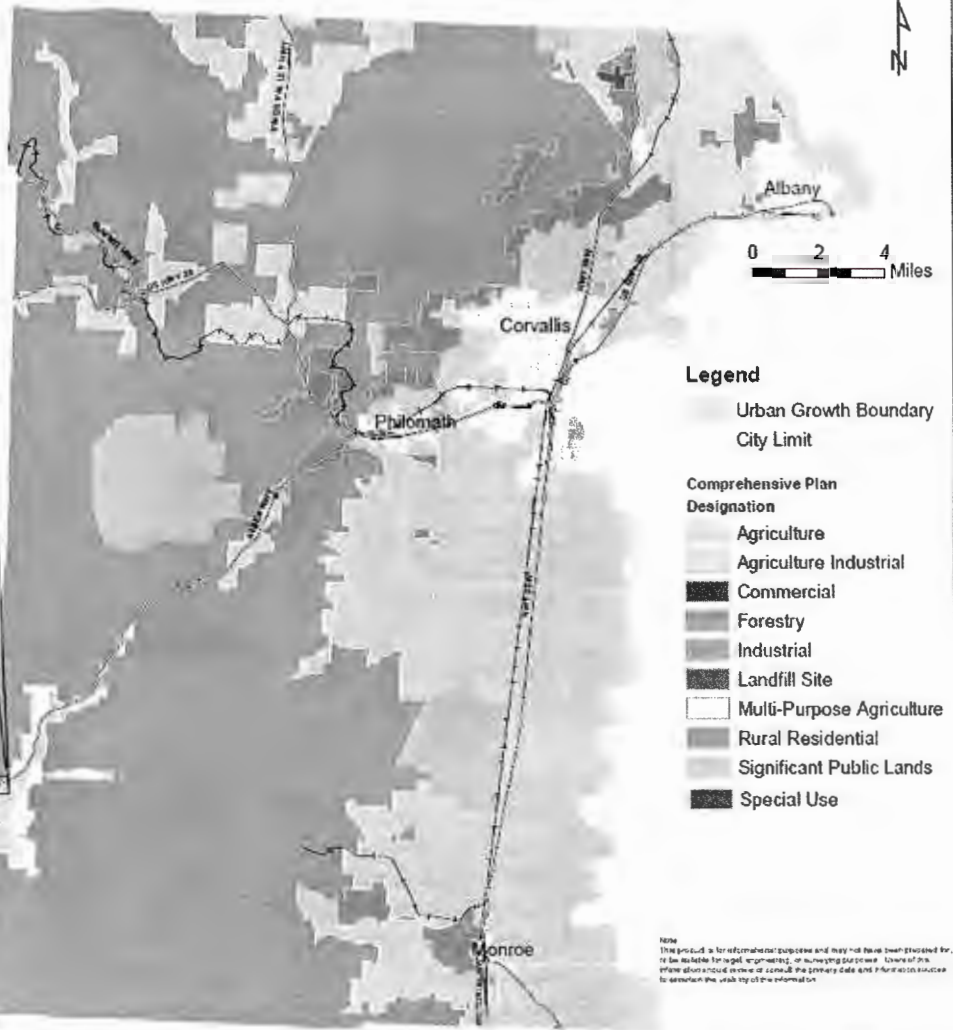
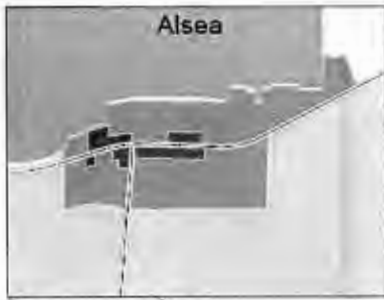
<i>Comprehensive Plan Map Designation</i>	<i>Description</i>	<i>Corresponding Zoning Map Designations</i>
Rural Residential	Lands outside of urban growth boundaries and unincorporated communities, for which an exception to the statewide goals for agricultural lands and forest lands has been adopted. Rural Residential lands shall be utilized to provide a variety of rural housing opportunities for the County's citizens. These lands will provide for low-density, small-acreage home sites and will not be developed with the intention of transition into an urbanizing area.	• Rural Residential – 2-acre Minimum • Rural Residential – 5-acre Minimum • Rural Residential – 10-acre Minimum • Rural Residential – 20-acre Minimum
Significant Public Lands		• Public • Open Space
<u>Special Use</u>	<u>Recognition of unique existing or planned uses, facilities, and/or developments that are not suitably addressed by the other zones of the Code</u>	<u>Special Use</u>



Comprehensive Plan Map

This map was produced using the
Official Comprehensive Plan Designation adopted
by Ordinance No. 2004-0198
Effective July 8th, 2004

Official Data is stored on optical disk
in the Benton County Survey Vault



S:\maps\ZONING\compplan_8X11inch_6-2-12.mxd

Printed: July 2, 2012

Exhibit 4

Amendments to Zoning Map Legend

Children's Farm Home; File Nos. LU-11-052, LU-12-011

LEGEND	
Airport Overlays	
	Runway
	Buffer Zone
	Clear Zone
	Approach Safety Zone
Zoning Overlays	
	Sensitive Fish & Wildlife Overlay
	Surface Mining Overlay
	Transitional-UGB
	Wetland Overlay
	Floodplain Overlay
	Willamette Greenway
	NFI Natural Feature
	NFI Hazard
Zoning	
	Exclusive Farm Use
	Forest Conservation
	Multi Purpose Agriculture
	Flood Plain Agriculture
	Agricultural Industrial
	Industrial
	Industrial 20 Acre Minimum/PUD
	Industrial/Flexible Industrial
	Landfill Site
	Commercial
	Open Space
	Public
	Special Use
	Rural Residential 2 Acre Minimum
	Rural Residential 5 Acre Minimum
	Rural Residential 10 Acre Minimum
	Rural Residential 20 Acre Minimum
	Urban Residential 5 Acre Minimum
	Urban Residential 10 Acre Minimum
	Urban Residential 50 Acre Minimum
	City Limits
	Urban Growth Boundary

Exhibit 5

Findings of Fact and Conclusions of Law **Children's Farm Home; File Nos. LU-11-052, LU-12-011**

A. GENERAL FINDINGS

On August 30, 2011, the Benton County Board of Commissioners initiated a text amendment to the county's Development Code (BCDC) and Comprehensive Plan at the request of Trillium Family Services, Incorporated. The requested BCDC text amendment would establish a Special Use Zone for application at qualifying locations in Benton County; and a new map designation would be added to the Comprehensive Plan map legend.

On behalf of the applicant Trillium Family Services, Inc. (TFS), authorized agent Maul Foster & Alongi, Inc. submitted an application for Comprehensive Plan Map Amendment, and Zoning Map Amendment with Goal Exemption on February 22, 2012. The application was deemed complete.

Notice of the application was mailed to the Department of Land Conservation and Development (DLCD) on March 8, 2012. Notice was sent to affected public agencies and property owners within 750 feet of the subject property on March 30, 2012; and a legal advertisement was published in the *Corvallis Gazette-Times* on Saturday, April 7, 2012.

Following Planning Commission review in public hearing on April 17, 2012, notification of the Board of Commissioners public hearing was mailed on June 5, 2012, and advertised in the *Corvallis Gazette-Times* on June 8, 2012.

BACKGROUND

The Children's Farm Home was founded in 1922 by the Women's Christian Temperance Union as a nonprofit agency to provide care, housing, and education for neglected, homeless, orphaned and abandoned children. One of the primary considerations in the selection of a farm-like environment was to instill the values of hard work, offer skills and training, and assure that the facility would be self-sustaining to some degree. Originally the children attended Corvallis public schools, until 1924 when the State Legislature appropriated funds to construct a school – the Old School, completed in 1926.

Several structures on the CFH property were constructed in the 1920s, and of these structures the Old School building alone has attained protected historic status with its listing in 2007 on the Benton County Register of Historic Resources, and in 2008 on the National Register of Historic Places. As a National Register structure, proposed alterations to its exterior require review by the Benton County Historic Resources Commission in accordance with Chapter 89 of Benton County Development Code to ensure consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Abandoned for many years, the Old School is currently under rehabilitation to be used by CFH for administrative and vocational offices. Portions of the structure are planned for limited public use, including interpretation of the history of the Children's Farm Home.

Over the years CFH has transitioned to a facility providing residential psychiatric care to children; one of two such facilities operated by Trillium Family Services, Inc. The Applicant has described the purpose of the facility today:

“Children’s Farm Home (CFH) is a state-of-the-art children’s psychiatric facility, focused on sub-acute residential care and a spectrum of community outreach programs. CFH is owned by Applicant Trillium Family Services, Inc. (TFS), a private, nonprofit organization that provides services to children with serious mental health and behavioral issues and their families. Professionals and staff provide a coordinated array of services and programs that include residential treatment programs; therapeutic school; outpatient treatment; a variety of community services; staff training; and a full complement of supporting administrative and maintenance activities.”

ZONING HISTORY

At the time of the establishment of CFH no zoning regulations were in place in Benton County, and with the adoption of the first zoning map in 1968 this property was zoned Urban Residential (RU), one of eight broad zoning designations. With adoption of the zoning map of 1974, Exclusive Farm Use (EFU) zoning was established and has remained in effect continuously to this day. While activities related to farming, existing both historically and currently, are allowed in the EFU zone, the majority of land uses associated with the Children’s Farm Home is not allowed in the zone, and therefore given the status of nonconforming use. Development Code contains standards for regulating nonconforming uses:

BCC 53.305 Nonconforming Use Allowed to Continue. A legally established use of any building, structure or land existing at the time of the enactment or amendment of the Development Code or Zoning Map may continue in use. Continuation of a nonconforming use includes a change of ownership or occupancy. [Ord 26, Ord 90-0069]

In order to alter a nonconforming use, Development Code requires approval of a permit for Alteration of a Nonconforming Use:

BCC 53.315 Alteration of a Nonconforming Use. (1) Alteration or change of a nonconforming use may be permitted if the alteration or change of the use, or of the structure or physical improvements associated with the nonconforming use, has no greater adverse impact on the neighborhood than did the existing use at the time it became nonconforming. An application to alter a nonconforming use shall be reviewed by the Planning Official. The Planning Official may impose conditions of approval pursuant to BCC 53.220 (Conditional Use Permit, Conditions of Approval) in order to reduce the impact of the alteration on the neighborhood.

Beginning in 1988, the Children’s Farm Home has applied for and received a series of conditional use permits, and modifications of those permits, reflecting changing administration, conditions, and objectives on the CFH campus.

B. FINDINGS APPLYING DEVELOPMENT CODE CRITERIA and COMPREHENSIVE PLAN POLICIES

CREATION OF THE SPECIAL USE ZONE

Section 53.610 of Benton County Development Code states the process for initiating a text amendment: **“The Board of Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed text amendment.”** The Board of Commissioners held a work session in August of 2011, and after

discussion with planning staff and CFH representatives, initiated the Special Use Zone (SU) text amendment, as well as the Special Use Zone – Children’s Farm Home Subzone (SU-CFH) text amendment.

Section 53.605 states the purpose for a text amendment: **“On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify the text.”** There are no more specific review criteria listed for a text amendment.

Our current Development Code is the result of earlier codes that were modified in response to changing policies and conditions, and continues to undergo frequent updates. Policies from the State of Oregon form much of the underlying structure of our Code, and State policies change annually to reflect changing conditions. For example, uses allowed in the EFU Zone have grown over the years to include uses that were not in existence or not anticipated when the zone was created; uses such as wineries with tasting rooms, composting facilities, and on-site filming activities. Our Development Code of 1980 listed five (5) permitted uses in the EFU Zone; today’s Code lists twenty-two (22). Spurred by changing conditions in the form of technological advances, uses such as cell towers and wind farms have been added to the list, demonstrating that zoning regulations are not static texts, but living documents that require change to remain relevant.

WHY A SPECIAL USE ZONE?

With its unique combination of residential, office, recreational, vocational, psychiatric, and support facilities, the Children’s Farm Home campus does not “fit” within any zoning designation currently existing in the county.

The list of uses currently existing on the CFH campus, shown in Table 1, page 1-4 of the applicant’s narrative, displays a variety of uses: offices, school classrooms, vocational training facilities, gymnasium, cafeteria, chapel, clinic, client residences, gallery, recreation, café, and utility facilities. Many of these uses are currently permitted individually in existing county zones, but no zone permits all or even most of the current CFH uses.

Application of any existing zone to this property would recognize some of CFH’s current uses while relegating others to nonconforming status, thus perpetuating the need for filing of Alteration of Nonconforming Use applications when any changes are anticipated. It is reasonable to expect that change will be ongoing considering the complexity of the built and functional environment at CFH, the need to address changing “best practices” in professional practice, and the variability of public and private funding levels.

For example, a school is defined in BCC 51.020(61) as **“... a public or private place or institution for teaching, instructing, educating, and learning; including elementary, secondary, college or university levels, and trade schools; including their accessory structures.”** Schools are conditional uses in the Rural Residential, Urban Residential, Village Residential, Urban Commercial, Rural Commercial, and Village Commercial Zones; public schools are permitted outright in the Public Zone; and vocational schools are permitted outright in the Urban Industrial and Rural Industrial Zones. The EFU zone allows schools, but not within three miles of an urban growth boundary and on high-value farmland, both of which apply in this case.

In determining which existing zone might be suited to the medical/psychiatric function of CFH, a review of Development Code finds that a “clinic” is allowed as an outright use in the Urban

Commercial, Rural Commercial, and Village Commercial Zones, while a “hospital” is a conditional use in the Village Commercial Zone only. Similarly, “professional office” uses are allowed outright in only the Urban Commercial and Rural Commercial Zones, while medical services are listed as an outright permitted use in the Village Commercial Zone. The Village Commercial zone exists only within unincorporated rural communities.

The residential treatment element of the CFH campus can be found in no existing zone in the county. Residences in Commercial and Industrial Zones are allowed only as a single residence “...for the employer or employee for management or safeguarding ...” of the commercial or industrial use. A “Residential Facility” as defined in BCC 51.020(53) provides care in a residential setting for six (6) to fifteen (15) individuals, and is allowed as a conditional use in the Rural Residential, Urban Residential, and Village Residential Zones.

In the words of the proposed text for the Special Use Zone: **“The Special Use Zone shall provide for the recognition of unique existing or planned uses, facilities, and/or developments that are not suitably addressed by the other zones of the Benton County Development Code.”**

WIDER APPLICABILITY OF THE SPECIAL USE ZONE

When deciding to initiate the creation of a Special Use Zone, the Board of Commissioners found that other situations exist in the county that could benefit by the application of this zone. As proposed in the language of Chapter 81 – Special Use Zone, these situations would require an exception to Statewide Planning Goals, which means that they would be characterized by existing development or commitment to a use other than resource use.

SPECIAL USE SUBZONE REQUIRED

Because the Special Use Zone is a broad category allowing a variety of unique uses, a site-specific subzone is required to limit the uses allowed on any site proposed for this zone. Therefore, an applicant for re-zoning to Special Use will propose a Subzone that addresses the unique combination of uses on their site. The process proposed enables concurrent processing of a zone change initiated by the Board of Commissioners or the applicant, as well as Development Code and Comprehensive Plan text and map amendments initiated the Board of Commissioners or the Planning Commission, as noted in Section 53.610, below.

BCC 53.610 Initiating a Text Amendment. (1) The Board of Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed text amendment.

(2) The Planning Commission may initiate a text amendment. The Planning Commission shall notify the Board of Commissioners of its intent to initiate an amendment. The Board must conceptually approve the amendment before the Planning Commission may cause an Ordinance to be drafted or a public hearing to be held. [Ord 90-0069]

For example, if the owners of the Alsea Ranger Station develop a business plan that involves changing the zoning to allow a specific and multi-use facility, they would request the Board of Commissioners to initiate a text amendment to adopt a unique subzone, and would apply for a zone change. These elements would be processed concurrently, and the subzone, if adopted, would be added to the list in Section 81.105.

AMENDMENTS TO ZONING AND COMPREHENSIVE PLAN MAPS

The Development Code specifies the procedure for amending the Zoning Map.

BCC 51.110 Official Zoning Map. (1) The Official Zoning Map shall divide Benton County into primary and overlay zones and shall be consistent with the Benton County Comprehensive Plan Map and adopted City Comprehensive Plan Maps. The boundaries of the zones shown on the Official Zoning Map may be modified in accordance with the procedures for a zone change pursuant to this code. Annexation of territory to a City shall result in automatic amendment of the zoning map as of the effective date of annexation. [Ord 90-0069]

Adoption of the text amendment adding the Special Use Zone as a new primary zone in the Development Code will require addition of this zone to the legends of both the Zoning Map and the Comprehensive Plan Map. The applicant has applied for a zone change in conformance with this section, which is implemented in Ordinance 2012-0248.

CHANGES TO CHAPTER 51 AND 91

Section 51.100 lists primary zones in Benton County, and addition of the proposed Special Use Zone will require its inclusion on the list, as noted below in (20).

BCC 51.100 Designated Primary Zones. The unincorporated portions of Benton County are divided into primary zones which establish the requirements for the use of land in a given area. Primary zones in Benton County are:

- (1) Exclusive Farm Use (EFU)
- (2) Multi-Purpose Agriculture (MPA)
- (3) Floodplain Agriculture (FPA)
- (4) Forest Conservation (FC)
- (5) Open Space (OS)
- (6) Rural Residential (RR)
- (7) Urban Residential (UR)
- (8) Commercial (C)
- (9) Industrial (I)
- (10) Agricultural Industrial (AI)
- (11) Landfill Site (LS)
- (12) Public (P)
- (13) Rural Service Center (RSC)
- (14) Philomath Low-Density Residential (PR-1)
- (15) Philomath Medium-Density Residential (PR-2)
- (16) Philomath High-Density Residential (PR-3)
- (17) Philomath General Commercial (PC-2)
- (18) Philomath Light Industrial (PLI)
- (19) Philomath Heavy Industrial (PHI) [Ord 90-0069, Ord 2009-0233 eff. 6/2/2011]
- (20) Special Use (SU)

In addition, Section 51.205 describes the duties of the Planning Official, and subsection (2) will require the addition of the underscored text below:

BCC 51.205 Duties and Powers of the Planning Official. The Planning Official is responsible for the administration of the Development Code. In carrying out these duties, the Planning Official shall have the following powers: ...

(2) The Planning Official may approve a use not specifically listed in the Development Code in any zone, provided that the use is substantially similar in character, scale, and impact to permitted uses in the zone, and is compatible with the purpose of the zone. However, if the use in question is specifically listed in another zone other than Chapter 81 (Special Use Zone), the Planning Official shall not approve the use through this procedure.

This section of code is premised on the Development Code having been created as a coherent whole, and that when a use is specifically allowed in one zone, its omission in another zone is intentional. Within the proposed Special Use zone, detailed lists of uses will be added to the Development Code. These uses may overlap with uses listed elsewhere in the Code, or may be uses unanticipated or unintended to be allowed in other zones. The proposed text addition will avoid unintentional precluding of a use from being allowed by interpretation in another zone.

For example, an equestrian therapy program might be considered a use similar in nature to a horse-boarding facility, which is a use allowed in the EFU zone. However, because equestrian therapy is specifically listed in the SU-CFH zone, it could not be allowed by interpretation within the EFU zone – unless the proposed amendment to BCC 51.205 is adopted.

Chapter 91 is currently entitled “**Special Use Standards**”, and changing the title to “Specific Use Standard” will more accurately describe the content of this chapter, while avoiding confusion between this chapter and the proposed Special Use Zone. Chapter 91 contains standards for *specific* uses such as care centers, cemeteries, home occupations, junkyards, kennels, manufactured dwellings, parking, municipal sewer services, signs, and surface mining.

In this case the term “**specific**”, according to Merriam Webster’s definition, “*constituting or falling into a specifiable category*” is more appropriate than the term “**special**”, defined as “*distinguished by some unusual quality*”.

Analysis and Conclusion: The Board of Commissioners finds that the addition of a Special Use Zone as a primary zone in Benton County would prove advantageous for certain unique multi-use facilities that are not adequately addressed by existing zoning regulations. This amendment meets the intent of Section 53.605, stating that the purpose of text amendments to Development Code is to respond to changing policies and conditions, and affording greater clarity within the text.

The Board of Commissioners further concludes that amendments will be necessary to add Special Use to both the Zoning and Comprehensive Plan maps, as well as to amend the text as proposed in Chapters 51 and 91 to provide greater clarity.

AMENDMENT OF DEVELOPMENT CODE TEXT, CHAPTER 81.100, SPECIAL USE – CHILDREN’S FARM HOME SUBZONE (SU-CFH) AS A NEW SECTION

DEVELOPMENT CODE CONTEXT

As cited above, pursuant to BCC 53.610, the Board of Commissioners initiated the text amendment in August 2011. Following is the justification for these proposed text amendments.

REASON FOR ZONE CHANGE REQUEST

The Applicant has stated specific reasons for the current application:

“TFS would like the existing and probable future uses that are or will be part of the CFH complex on the 50-acre CFH campus to be permitted uses under the applicable BCCP Special Use Map designation and SU-CFH subzone district. Permitted-use status will give TFS a guarantee of permanence and flexibility in planning for the CFH facility that it currently lacks.”

Although no specific changes are proposed at this time, the Applicant has stated that the ongoing operation of the facility requires that certain changes will occur over time:

“No development is currently proposed. However, it is likely that CFH will need to replace or upgrade certain essential facilities in order to maintain the best and most healthy environment for the community it serves.”

PROPOSED SPECIAL USE – CHILDREN’S FARM HOME SUBZONE TEXT

Please refer to Exhibit 1, proposed Chapter 81.100 text.

The **Purpose and Application**, Sections 81.105 and 81.110 are straightforward and simply state the need to control development within the SU-CFH Zone while allowing the organization to function and address the forces of change.

Section 81.115, **Definitions**, lays the groundwork of basic understanding of terminology and operations at CFH. Because many of the terms used here have different definitions when used elsewhere in the community, it’s necessary for staff and the public to know what is meant when these terms are used on the CFH campus. For example, “therapeutic activities” are not limited to clinics and counselor’s offices, but also occur in classrooms, studios, and outdoor recreational area.

Section 81.120, **Subareas**, describes the purposes of the four (4) general areas on campus, corresponding with the subarea map. A map identifying the subarea boundaries is adopted as Exhibit 2 of this ordinance. Subsequent subarea boundary changes require conditional use approval pursuant to BCC 81.135(2).

Section 81.125, **Permitted Uses Table**, forms an important portion of this chapter. Originally these uses were described in a lengthy text in which finding the right use in the right subzone was difficult. The tabular form allows comparison of uses and subzones, providing easy understanding of the interplay between uses. It becomes apparent that the core residential facility, with the exception of the Northpoint facility, is located centrally on the campus, buffered from the outside by other non-residential zones. Public functions such as administrative and professional offices, gift shop, meeting room, art gallery, and café are located in the exterior subareas, while residential and secured facilities are primarily located interior to the campus.

Section 81.130, **Existing Uses**, stipulates that the uses that are now existing in this zone will be considered permitted, not nonconforming uses. This paragraph reflects similar language in the Village Commercial and Willamette River Greenway zones, in which existing uses receive permitted status. This removes the necessity to apply for Alteration of Nonconforming Use and modification of Conditional Use Permit each time an alteration is proposed. Instead, a Site Development Plan review is required, as described below.

Section 81.135, **Conditional Uses**, requires that a dwelling or a change in the boundary of any subzone will require conditional use review, which includes notification to surrounding property owners and

applicable agencies. CFH staff has stated that efficiency could be maximized if a dwelling existing on-site for an adult in conjunction with the community treatment program.

Section 81.142, **Property Line Adjustments and Land Divisions**, allows that three (3) additional parcels no smaller than two (2) acres, the **Minimum Parcel or Lot Size** proposed in this zone. If the property owners wished to separate the 50-acre SU Zoned property from the agricultural portion of the land, that would constitute one land division, allowing two additional property lines to be drawn within the zone. CFH staff has commented that it may in the future be advantageous to divide a portion of the property, for example the Northpoint facility, from the rest to allow another ownership to operate in cooperation with Trillium Family Services. A land division or change in ownership would not change the uses allowed in the zone, or the process required for development.

Section 81.145, **Site Development Plan**, regulates any development on the property, whether a change of use from one building to another, any new construction, or a new road or driveway. Site Development Plan review is a ministerial action and requires a detailed site plan that will allow planning staff review of the proposal to ascertain adequate setbacks, access, utilities, parking, lighting, etc. Site Development Plan review is required for development in the Rural and Urban Commercial Zones, the Urban and Rural Industrial Zones, the Agricultural Industrial Zone, the Landfill Site Zone, and the Village Commercial Zone.

An additional requirement in the SU-CFH Zone would be the requirement that the Site Development Plan be accompanied by a “... **letter prepared by a professional transportation engineer documenting the expected AM peak hour, PM peak hour, and average daily traffic trip generation resulting from the proposed development or change of use.**” This letter would be forwarded to ODOT, allowing them to determine whether impacts to the state highway would be significant enough to require improvements.

The **Siting Standards** in Section 81.150 reflect the format found in other county zones, and stipulate physical dimensions required of setbacks, building height, parking requirements, lighting standards, and the requirement that new development be adequately served by water, sewer, and improved roads.

Analysis and Conclusion: Section 81.100, above, was the result of a lengthy process of collaboration characterized by proposal and revision between the Applicant’s representatives and planning staff. Many features of this zone, such as the Siting Standards and Site Development Plan requirements have been adapted from other zones and tailored to the specific needs of CFH, while meeting the desires of the Development Department staff to (a) balance the needs of the CFH with the need to establish certainty about future uses and minimize off-site impacts, and (b) present a structured format for review of proposed development.

The Board of Commissioners finds that this text represents a regulatory framework that recognizes the unique features of the CFH campus, provides planning staff with clear guidelines for review of proposed development, and offers the community the benefit of including this facility as an asset while knowing what to expect in terms of land use.

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
STATE OF OREGON**

In the Matter of Amending the Benton	)	ORDINANCE
County Comprehensive Plan Map, Text,	)	
and Zoning Map; and Adopting	)	No. 2012-0248
Statewide Planning Goal Exceptions	)	

WHEREAS, the applicant, Trillium Family Services, Inc., submitted an application for a Comprehensive Plan Map and Text Amendment, Zoning Map Amendment, and Statewide Planning Goal Exceptions on February 23, 2012, for the property described in Exhibit 1; and

WHEREAS, the requested action would change the property's designation on the Benton County Comprehensive Plan Map from Agriculture to Special Use, and would change the property's designation on the Benton County Zoning Map from Exclusive Farm Use to Special Use – Children's Farm Home; and

WHEREAS, the Benton County Planning Commission held a duly advertised public hearing on April 17, 2012, and voted to recommend that the Board of Commissioners approve the Comprehensive Plan Map and Text Amendment, Zoning Map Amendment, and Statewide Planning Goal Exceptions; and

WHEREAS, the Benton County Board of Commissioners held a duly advertised public hearing on June 19, 2012, to consider the request; and

WHEREAS, the Board of County Commissioners finds that the proposed Comprehensive Plan and Text and Zoning Map Amendments and Statewide Planning Goal Exceptions comply with Oregon Revised Statutes, Oregon Administrative Rules, Statewide Planning Goals, the Benton County Development Code and Comprehensive Plan; and

WHEREAS, the Benton County Board of Commissioners has considered the staff report, the application materials, the testimony of witnesses, the recommendation of the Benton County Planning Commission, and the record as a whole. The Board of Commissioners deliberated and approved the application for a Comprehensive Plan Map and Text Amendment, Zoning Map Amendment, and Statewide Planning Goal Exceptions, and conducted the First Reading of the proposed Ordinance on August 7, 2012; and

WHEREAS, the Benton County Board of Commissioners conducted the Second Reading of the proposed Ordinance on August 21, 2012;

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

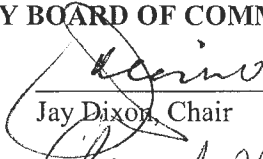
- PART I:** Short Title. Amendments to the Zoning Map and Comprehensive Plan Map and Text and adoption of Statewide Planning Goal Exceptions.
- PART II:** Authority. The Board of County Commissioners of Benton County has authority to amend the Zoning Map, Comprehensive Plan text and Comprehensive Plan Map pursuant to ORS Chapter 215 and the Benton County Charter.
- PART III:** The Amendments to the Zoning Map and Comprehensive Plan Map and text and Statewide Planning Goal Exceptions, Application No. LU-12-011, are hereby approved, based on the Findings and Conclusions contained in the attached "Exhibit 4" and hereby adopted and incorporated herein.
- PART IV:** Benton County Comprehensive Plan Map is hereby amended to identify the property described on the attached "Exhibit 1" as Special Use.
- PART V:** Benton County Zoning Map is hereby amended to identify the property described on the attached "Exhibit 2" as Special Use-Children's Farm Home.
- PART VI:** Benton County Comprehensive Plan text is hereby amended to include the Statewide Planning Goal Exceptions contained in "Exhibit 3".
- PART VII:** The effective date for these amendments to the Benton County Comprehensive Plan Map and text and Zoning Map will be:

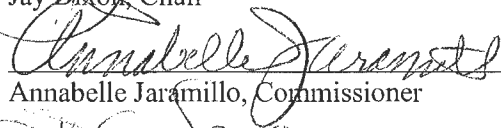
First Reading: August 7, 2012

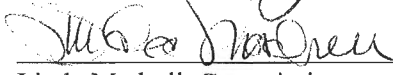
Second Reading: August 21, 2012

Effective Date: September 20, 2012

BENTON COUNTY BOARD OF COMMISSIONERS


Jay Dixon, Chair


Annabelle Jaramillo, Commissioner


Linda Modrell, Commissioner

Approved as to Form:


County Counsel

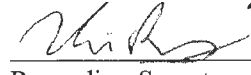

Recording Secretary

Exhibit 1

Comprehensive Plan Map Amendment Children's Farm Home; File Nos. LU-11-052, LU-12-011

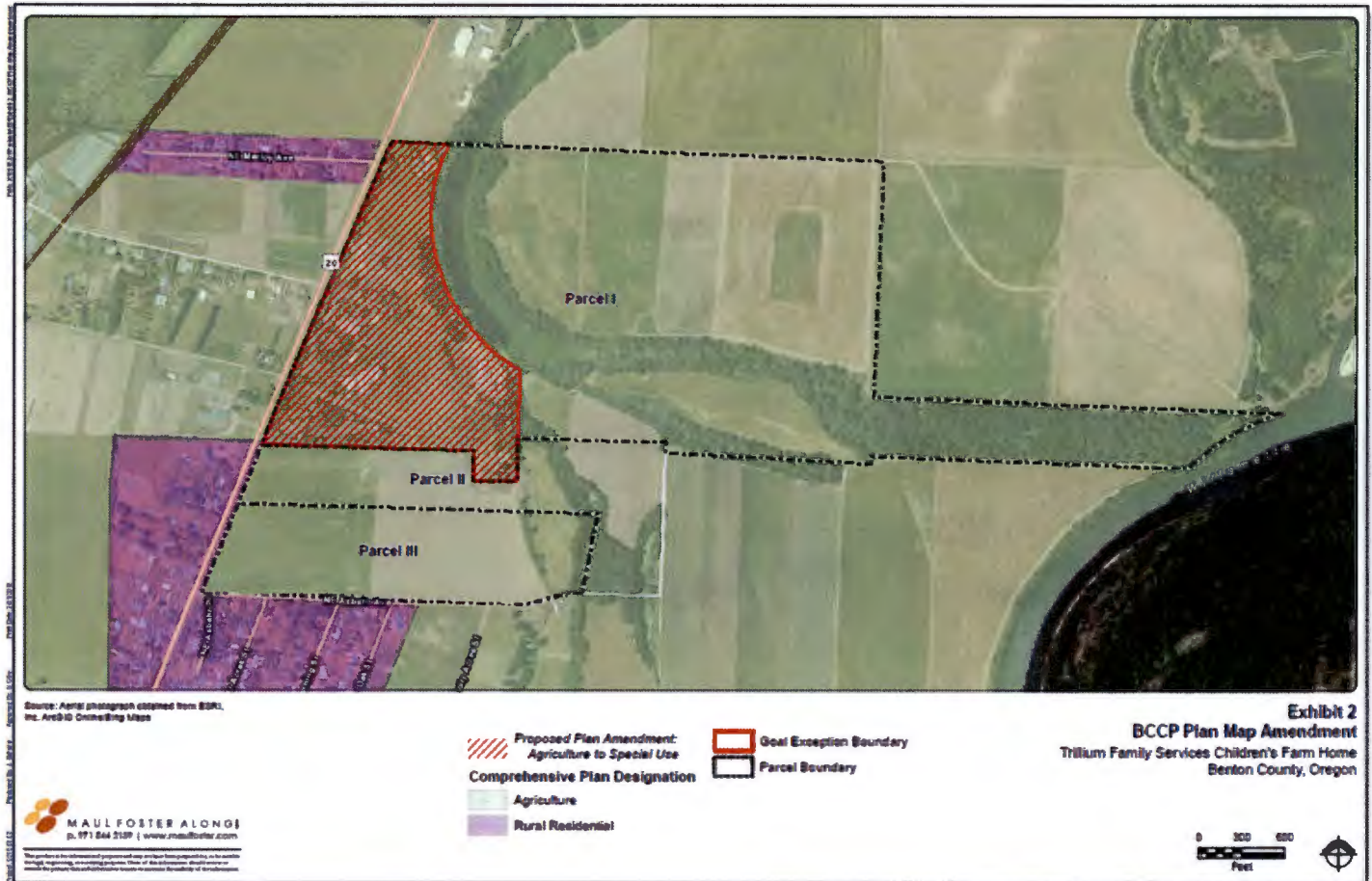


Exhibit 2
Zoning Map Amendment
Children's Farm Home; File Nos. LU-11-052, LU-12-011

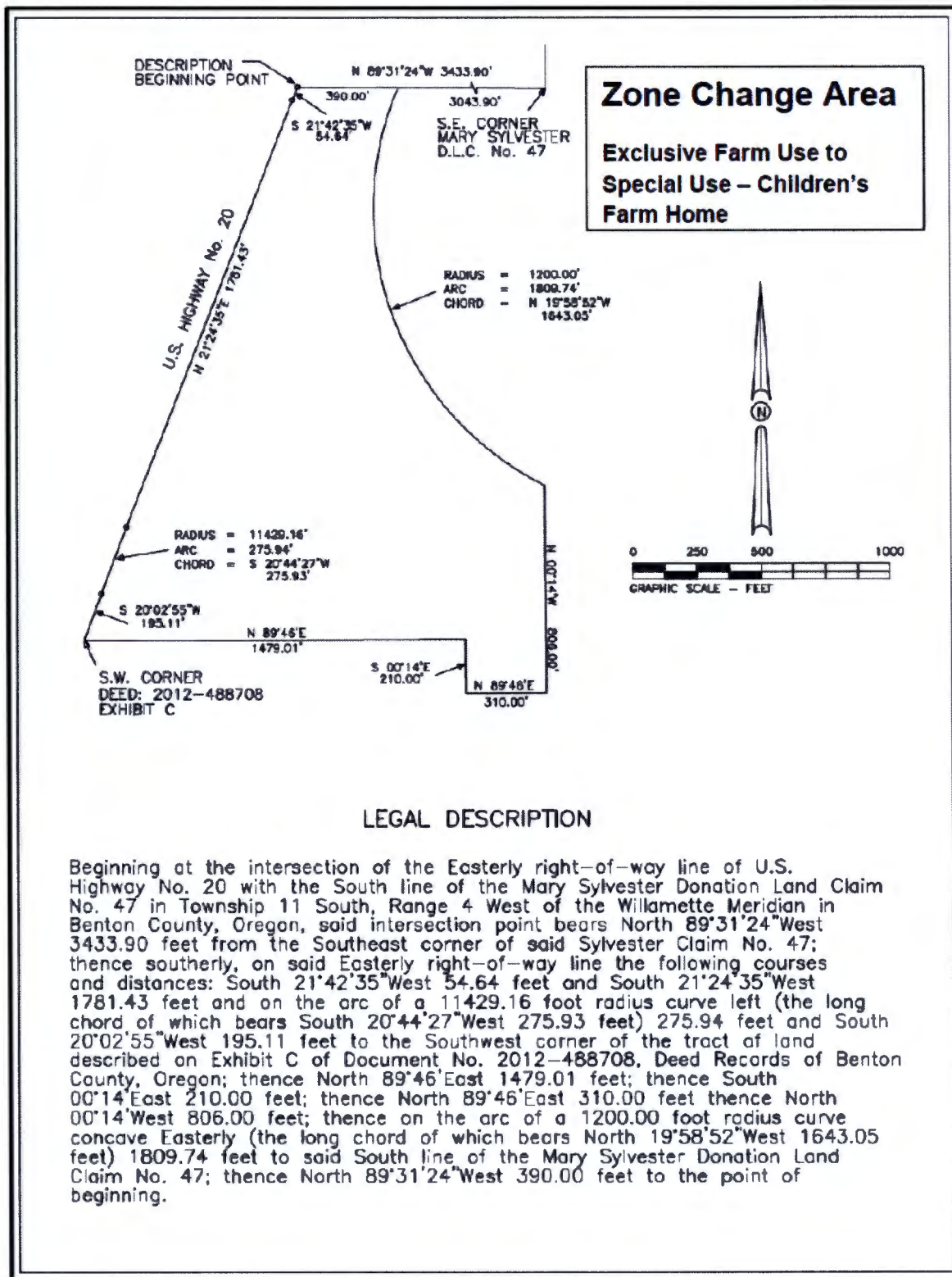


Exhibit 3

Statewide Planning Goal Exception Children's Farm Home; File Nos. LU-11-052, LU-12-011



Findings and Conclusion

FINDINGS: The Board of Commissioners finds that the CFH campus contains approximately 22 structures, all as part of the children's psychiatric facility. Areas of the campus not bearing structures serve various functions related to the children's psychiatric facility, including as sites for parking lots, septic drain fields, community water and sewer system lines, recreational uses, buffers, and screening.

The structures and uses on the CFH campus are served by a single private water system that has been approved and is monitored by the Oregon Health Authority (OHA), and a single, integrated private community septic system that was legally established and that has been approved by the county and DEQ. The existing density of development within the CFH campus area, consisting of 22 buildings housing approximately 281 full and part-time staff and 74 resident clients, makes it not possible to serve existing and future uses with individual wells and septic systems. In addition, Section 81.125(16) of Benton County Code, adopted via Ordinance 2012-0147, does not allow the CFH utility system to serve lands outside the SU-CFH Subzone.

Goal 14 prohibits urban levels of development outside UGBs or urban UCBs. However, OAR 660-014-0030 allows exceptions to this prohibition for land "built upon at urban densities." The CFH campus contains 22 structures, which can be occupied by 150 to 180 clients (both residential and outpatient) and 250 to 300 staff members (both full-time and part-time), as well as numerous volunteers and visitors. These uses are served by integrated, private community water and sewer systems; a fire protection system; and a telecommunications system.

Analysis and Conclusion: The Board of Commissioners finds that the Applicant has demonstrated that the CFH campus contains urban level development, and has been unavailable for farm use since early in the century. The Board of Commissioners concludes that this land meets the requirements for a Goal Exception for Land Physically Developed to Other Uses. The 50-acre CFH campus site is built upon with urban types and levels of development, and is not available for the farm and forest uses allowed by Goals 3 and 4. In addition, the Board of Commissioners finds that provisions in Development Code assure that the existing on-site septic system will not serve any uses other than those that have been justified in the exception.

The Board of Commissioners concludes that Exceptions to Statewide Planning Goals 3, 4, 11, and 14 have been justified and that the Children's Farm Home Goal Exception shall be included in the Benton County Comprehensive Plan.

Exhibit 4

Findings of Fact and Conclusions of Law **Children's Farm Home; File Nos. LU-11-052, LU-12-011**

A. GENERAL FINDINGS

On August 30, 2011, the Benton County Board of Commissioners initiated a text amendment to the county's Development Code (BCDC) and Comprehensive Plan at the request of Trillium Family Services, Incorporated. The requested BCDC text amendment would establish a Special Use Zone for application at qualifying locations in Benton County; and a new map designation would be added to the Comprehensive Plan map legend.

On behalf of the applicant Trillium Family Services, Inc. (TFS), authorized agent Maul Foster & Alongi, Inc. submitted an application for Comprehensive Plan Map and Text Amendment, and Zoning Map Amendment with Goal Exception on February 22, 2012. The application was deemed complete.

Notice of the application was mailed to the Department of Land Conservation and Development (DLCDC) on March 8, 2012. Notice was sent to affected public agencies and property owners within 750 feet of the subject property on March 30, 2012; and a legal advertisement was published in the *Corvallis Gazette-Times* on Saturday, April 7, 2012.

Following Planning Commission review in public hearing on April 17, 2012, notification of the Board of Commissioners public hearing was mailed on June 5, 2012, and advertised in the *Corvallis Gazette-Times* on June 8, 2012.

BACKGROUND

The Children's Farm Home was founded in 1922 by the Women's Christian Temperance Union as a nonprofit agency to provide care, housing, and education for neglected, homeless, orphaned and abandoned children. One of the primary considerations in the selection of a farm-like environment was to instill the values of hard work, offer skills and training, and assure that the facility would be self-sustaining to some degree. Originally the children attended Corvallis public schools, until 1924 when the State Legislature appropriated funds to construct a school – the Old School, completed in 1926.

Several structures on the CFH property were constructed in the 1920s, and of these structures the Old School building alone has attained protected historic status with its listing in 2007 on the Benton County Register of Historic Resources, and in 2008 on the National Register of Historic Places. As a National Register structure, proposed alterations to its exterior require review by the Benton County Historic Resources Commission in accordance with Chapter 89 of Benton County Development Code to ensure consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Abandoned for many years, the Old School is currently under rehabilitation to be used by CFH for administrative and vocational offices.

Portions of the structure are planned for limited public use, including interpretation of the history of the Children's Farm Home.

Over the years CFH has transitioned to a facility providing residential psychiatric care to children; one of two such facilities operated by Trillium Family Services, Inc. The Applicant has described the purpose of the facility today:

"Children's Farm Home (CFH) is a state-of-the-art children's psychiatric facility, focused on sub-acute residential care and a spectrum of community outreach programs. CFH is owned by Applicant Trillium Family Services, Inc. (TFS), a private, nonprofit organization that provides services to children with serious mental health and behavioral issues and their families. Professionals and staff provide a coordinated array of services and programs that include residential treatment programs; therapeutic school; outpatient treatment; a variety of community services; staff training; and a full complement of supporting administrative and maintenance activities."

ZONING HISTORY

At the time of the establishment of CFH no zoning regulations were in place in Benton County, and with the adoption of the first zoning map in 1968 this property was zoned Urban Residential (RU), one of eight broad zoning designations. With adoption of the zoning map of 1974, Exclusive Farm Use (EFU) zoning was established and has remained in effect continuously to this day. While activities related to farming, existing both historically and currently, are allowed in the EFU zone, the majority of land uses associated with the Children's Farm Home is not allowed in the zone, and therefore given the status of nonconforming use. Development Code contains standards for regulating nonconforming uses:

ESTABLISHMENT OF SPECIAL USE ZONE

Ordinance 2012-0247 established the Special Use Zone in Benton County for the following stated purpose: **"The Special Use Zone shall provide for the recognition of unique existing or planned uses, facilities, and/or developments that are not suitably addressed by the other zones of the Benton County Development Code."**

SPECIAL USE SUBZONE REQUIRED

Because the Special Use Zone is a broad category allowing a variety of unique uses, a site-specific subzone is required to limit the uses allowed on any site proposed for this zone. Therefore, an applicant for re-zoning to Special Use will propose a Subzone that addresses the unique combination of uses on their site. The process enables concurrent processing of a zone change initiated by the Board of Commissioners or the applicant, as well as Development Code and Comprehensive Plan text and map amendments initiated the Board of Commissioners or the Planning Commission.

SPECIAL USE-CHILDREN'S FARM HOME SUBZONE ESTABLISHED

Ordinance 2012-0247 established the Special Use-Children's Farm Home Subzone for the following stated purpose: **"The Children's Farm Home Subzone (CFH) of the Special Use Zone shall establish standards for development within the Children's Farm Home Campus in Benton County. By providing appropriate land use controls, this subzone shall enable the continued operation of the Children's Farm Home, and address needs for**

growth, change, and/or expansion to accommodate associated, ancillary, or otherwise related uses.”

REASON FOR ZONE CHANGE REQUEST

The Applicant has stated specific reasons for the current application:

“TFS would like the existing and probable future uses that are or will be part of the CFH complex on the 50-acre CFH campus to be permitted uses under the applicable BCCP Special Use Map designation and SU-CFH subzone district. Permitted-use status will give TFS a guarantee of permanence and flexibility in planning for the CFH facility that it currently lacks.”

Although no specific changes are proposed at this time, the Applicant has stated that the ongoing operation of the facility requires that certain changes will occur over time:

“No development is currently proposed. However, it is likely that CFH will need to replace or upgrade certain essential facilities in order to maintain the best and most healthy environment for the community it serves.”

B. GOAL EXCEPTION FINDINGS

SUMMARY OF GOAL EXCEPTIONS

Applicant’s Statement: *“Oregon Statewide Planning Goal 2 (Land Use Planning), Part II (Exceptions) provides a process for departing from the strict requirements of other Goals in limited circumstances. One of these circumstances is when the subject land “is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.”*

TFS proposes that the approximately 50-acre CFH campus site be the subject of a “physically developed” (developed) exception to Goals 3 (Agricultural Lands), 4 (Forest Lands), 11 (Public Facilities and Services), and 14 (Urbanization). See Exhibit 1 in Appendix B for a map of the area included.

Goals 3 and 4 allow a variety of farm- and forest-related uses. However, in this case, the 50-acre CFH campus has already been built on, with approximately 22 structures, including ones for group residential, treatment, educational, vocational, and recreational facilities, as well as buildings for administrative and utility purposes, all as part of the children’s psychiatric facility. Areas of the campus not bearing structures serve various functions related to the children’s psychiatric facility, including as sites for parking lots, septic drain fields, community water and sewer system lines, recreational uses, buffers, and screening. The 50-acre CFH campus site is not available for the farm and forest uses allowed by Goals 3 and 4.

Goal 11 and OAR 660-011-0060 include prohibitions against the establishment and extension of water and sewer systems outside urban growth boundaries (UGBs) or unincorporated community boundaries (UCBs). The structures and uses on the CFH campus are served by a single private water system that has been approved and is monitored by the Oregon Health

Authority (OHA), and a single, integrated private community septic system that was legally established and that has been approved by the county and DEQ. The existing density of development within the CFH campus area, consisting of 22 buildings housing approximately 281 full and part-time staff and 74 resident clients, makes it not possible to serve existing and future uses with individual wells and septic systems.

Goal 14 prohibits urban levels of development outside UGBs or urban UCBs. However, OAR 660-014-0030 allows exceptions to this prohibition for land “built upon at urban densities.” The CFH campus contains 22 structures, which can be occupied by 150 to 180 clients (both residential and outpatient) and 250 to 300 staff members (both full-time and part-time), as well as numerous volunteers and visitors. These uses are served by integrated, private community water and sewer systems; a fire protection system; and a telecommunications system. Thus, the CFH campus is already built upon with urban types and levels of development.”

**OREGON ADMINISTRATIVE RULE 660-004-0025
EXCEPTION REQUIREMENTS FOR LAND PHYSICALLY DEVELOPED TO
OTHER USES**

(1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. Other rules may also apply, as described in OAR 660-004-0000(1).

(2) Whether land has been physically developed with uses not allowed by an applicable goal will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

Applicant’s Statement: *“In the current case of the CFH site, the 50.5 acres included in the proposed exception area have been developed over the past 90 years to a level that precludes agricultural or forestry uses, as well as most on the non-agricultural and non-forestry uses allowed under Goals 3 and 4. The existing development includes buildings, parking lots, roads, landscaping, and utilities associated with an urban level of development. The developed area contains 22 buildings, totaling 123,594 square feet of building area. Please refer to Table 1 for detail. The on-site infrastructure is spread throughout the exception area, including two large areas of septic system drain fields. Please refer to the Existing Development Plans in Appendix C for detail on the level and extent of development in the proposed exception area. Land is not available within the proposed exception area for the uses allowed under Goals 3 and 4. Furthermore, most of the uses allowable under Goals 3 and 4 would be incompatible with the existing uses of the proposed exception area.”*

Analysis and Conclusion: The Board of Commissioners finds that the Applicant has demonstrated that the CFH campus contains urban level development, and has been unavailable for farm use since early in the century. The Board of Commissioners concludes that this land meets the requirements for a Goal Exception for Land Physically Developed to Other Uses.

OAR 660-011-0060 SEWER SERVICE TO RURAL LANDS

(9) A local government may allow the establishment of new sewer systems or the extension of sewer lines not otherwise provided for in section (4) of this rule, or allow a use to connect to an existing sewer line not otherwise provided for in section (8) of this rule, provided the standards for an exception to Goal 11 have been met, and provided the local government adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception. Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following:

(a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and, there is no practicable alternative to the sewer system in order to avoid the imminent public health hazard, or

(b) The extension of an existing sewer system will serve land that, by operation of federal law, is not subject to statewide planning Goal 11 and, if necessary, Goal 14.

Applicant's Statement: *"For the purpose of compliance with this rule, TFS assumes that the CFH on-site community septic system meets the definition of "sewer system" in OAR 660-011-0060(1)(f). Section (9) of this rule allows the establishment of a new sewer system, extension of sewer lines or connection to sewer lines, outside UGBs and UCBs only where an exception to Goal 11 is taken. As explained in section a, a developed exception to Goal 11 requires demonstrating that there is an existing sewer system (in this case, a community septic sewage treatment system) serving the exception area, and that the level of existing development makes it impossible to serve the existing and future uses in the exception area with the individual on-site septic systems that would be allowed by Goal 11 on rural land.*

The sanitary sewer system on the CFH property consists of gravity flow sewer lines leading from each building to one of two large onsite septic tanks, followed by effluent pre-treatment in re-circulating gravel filters and then onsite disposal in standard septic drainfield trenches. Waste water from the northern portion of the campus is collected in one 22,000 gallon septic tank which outflows to a 22,000 gallon co-mingle tank. Waste water from the southern portion of the campus is collected in a different 22,000 gallon septic tank that outflows to an 11,000 gallon pump tank which then pumps effluent to the co-mingle tank. All effluent is then pumped from the co-mingle tank to the re-circulating gravel filter system which consists of two re-circulating 11,000 gallon pump tanks and four gravel filter beds before being pumped to the two drainfield areas for onsite disposal. Treated effluent from the gravel filter system is routed to a 22,000 gallon dosing tank which then doses the effluent to the drainfield areas. The northern drainfield provides 5,400 linear feet of disposal trench divided into fifteen cells (360 linear feet per cell). The mid-point drainfield provides 1,800 linear feet of trench divided into

five cells (360 linear feet per cell). The septic system was designed to accommodate existing development on the property and has capacity to serve potential future development as allowed under the proposed SU-CFH subzone. Current demand on the system is approximately 11,000 gallons per day and the system has capacity to handle twice that amount. The septic system does not include facilities for connections to properties outside the proposed exception area.

The existing density of development within the CFH campus exception area, consisting of 22 buildings housing approximately 281 full and part-time staff and 74 resident clients, as well as the presence of a developed community water system and other facilities, distributed throughout the CFH campus area make it not possible to serve existing and future uses in the CFH campus area with individual septic systems otherwise allowed under Goal 11.

Section (9) also requires that the County “adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception.” Section 81.125(16) of the proposed CFH subzone includes such a restriction, by allowing private and public utilities, provided that a community sewer system is not allowed to serve land outside the CFH subzone. Please refer to Exhibit 2 of Appendix E for more detail.”

Analysis and Conclusion: The Board of Commissioners finds that the CFH campus has been served by an on-site septic treatment system since its inception, and this system continues to be necessary to avoid public health hazard that would exist if no such system were available. The Board of Commissioners concludes that this system serves land that is the subject of an exception to Goals 11 and 14, and provisions in Development Code assure that this system will not serve lands outside the SU-CFH boundary.

OAR 660-014-0030 RURAL LANDS IRREVOCABLY COMMITTED TO URBAN LEVELS OF DEVELOPMENT

- (1) A conclusion, supported by reasons and facts, that rural land is irrevocably committed to urban levels of development can satisfy the Goal 2 exceptions standard (e.g., that it is not appropriate to apply Goals 14's requirement prohibiting the establishment of urban uses on rural lands). ...**
- (2) A decision that land has been built upon at urban densities or irrevocably committed to an urban level of development depends on the situation at the specific site. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact.**
- (3) A decision that land is committed to urban levels of development shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:**
 - (a) Size and extent of commercial and industrial uses;**
 - (b) Location, number and density of residential dwellings;**
 - (c) Location of urban levels of facilities and services; including at least public water and sewer facilities; and**
 - (d) Parcel sizes and ownership patterns.**

(4) A conclusion that rural land is irrevocably committed to urban development shall be based on all of the factors listed in section (3) of this rule. The conclusion shall be supported by a statement of reasons explaining why the facts found support the conclusion that the land in question is committed to urban uses and urban level development rather than a rural level of development. ...

Applicant's Statement: *"For a developed exception to Goal 14, OAR 660-014-0030 requires showing that the existing development is urban in nature and density. The CFH campus contains 22 structures that house a myriad of uses associated with the community treatment program, including health and therapeutic activities, educational and vocational training, administrative offices, and dormitory residential living. Please refer to Table 1 (Application, page 1-4) for detail on the existing buildings and their current uses. The campus is also served by community water and sewer systems as befitting an urban level of development. Please refer to the Existing Development Plans in Appendix C (Application) for a depiction of the density of structures and facilities within the proposed exception area. The uses and level of development found on the CFH campus are not allowed under the rural designations and zones found in the BCCP and BCDC, and are more in line with an urban scale and pattern of development."*

Analysis and Conclusion: The Board of Commissioners finds that urban levels of development exist on the CFH campus, and that the size, location, and number of structures on this site, as well as the urban levels of utilities characterize this site as urban, and irrevocably committed to urban development.

OAR 660-004-0018 PLANNING AND ZONING FOR EXCEPTION AREAS

(1) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule.

(2) For "physically developed" and "irrevocably committed" exceptions to goals, plan, and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density, and public facilities and services to those:

- (a) Which are the same as the existing land uses on the exception site; or**
- (b) Which meet the following requirements:**

(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and

(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.

Applicant's Statement: *"Sections (1) and (2)(a) of this rule require a demonstration that the proposed plan designation and zone will limit uses, density, and facilities to the continuation of existing types of development and land uses on the developed exception site. This requirement is accomplished for the CFH exception site through the limitations on uses and land divisions allowed in the proposed SU-CFH subzone. Under proposed Sec. 81.125, the uses permitted are required to serve the community treatment program, and Table 1 generally limits the types of uses allowed to ones that are consistent with the existing and historic community treatment program uses. Sec. 81.142 prohibits subdivisions and serial partitions and allows the creation of a maximum of three additional parcels through partitioning.*

Section (2)(b)(A), which requires that the land be maintained as "Rural Land," is not applicable because TFS is proposing an exception to the Goal 14 prohibition against urban uses on rural lands. For the same reason, sections (2)(b)(B) and (C) should be applied to this application exclusive of the "rural" in their requirements. Accordingly, sections (2)(b)(B) and (C) basically require that the types of uses, density and public facilities allowed are compatible with adjacent and nearby resource uses and will not commit adjacent or nearby resource land to uses not allowed by the Goals.

The CFH campus area subject to the current goal exception proposal is bordered to the north, east, and south by property that is designated Agriculture, zoned EFU and currently in active agricultural use. The land to the south and east of the CFH campus is owned by TFS and leased out for row crop and pasture use. The property to the north of the campus is dedicated to agricultural use for row crops and nursery supply. The property to the west of the campus, across Highway 20, is primarily designated Agriculture and zoned EFU and includes a mix of rural residential and agricultural uses. The agricultural uses to the west include a mix of row crop cultivation and nursery supporting activities.

Although the existing and proposed uses and facilities on the CFH campus are more intensive in use and urban in character, they have been co-existing with the surrounding resource uses for the past nine decades and will continue to do so in the future. There has been no history of complaints against the CFH campus uses, or interference between the CFH campus uses and the neighboring agricultural and residential uses, nor is there any reason to think this situation will change in the future."

Analysis and Conclusion: The Board of Commissioners finds that zoning proposed for the CFH campus clearly recognizes and allows continuation of existing types of uses in the exception area. Adjacent resource lands not subject to exception will not be committed to non-resource use through adoption of the proposed zoning, and compatibility with adjacent resource use will continue.

**C. COMPREHENSIVE PLAN MAP AND ZONING MAP
AMENDMENT FINDINGS**

**OAR 660-012-0060 APPLYING THE TRANSPORTATION PLANNING RULE
FOR 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.

Statewide Planning Goal 12: Transportation - To provide and encourage a safe, convenient, and economic transportation system.

Applicant's Statement: "This goal requires the provision of a safe, convenient, and economic transportation system to move people and goods between geographic and jurisdictional areas. It is implemented by LCDC's Transportation Planning Rule (TPR), OAR Chapter 660, Division 12.

A Traffic Impact Study (TIS) was prepared for the proposed comprehensive plan and land use regulation amendments (included as Appendix F). The TIS demonstrates that the proposed BCCP and BCDC amendments comply with the standards and requirements of the TPR, the Oregon Highway Plan (OHP), and the Benton County Transportation System Plan (TSP). The OHP applies in this case because it is the State TSP and the only access to the exception area is from State Highway 20. Specifically, the TIS found the following:

" * * Development under the proposed zoning could result in the addition of 81 site trips during the morning peak hour, with 73 entering and 8 exiting the site. During the evening peak hour, 81 additional trips could be generated, comprising 8 entering and 73 exiting the site. A weekday increase of 358 trips could be expected, with half entering and half exiting the site.*

"Sight distance was examined along the site frontage and found to be sufficient for the roadway design speeds. Since Highway 20 is relatively flat and straight in the vicinity of the subject property, multiple safe points of access exist, including the locations of current access.

"Turn lane warrants were examined for the main site access as well as the south site access. Turn lane warrants are not currently met, but it is anticipated that development under the proposed zoning could result in the need for left and right turn lanes on the highway at the main site access location. Turn lane warrants are not projected to be met at the south access location. Since the satisfaction and timing of turn lane warrants are dependent on both the actual number of site trips generated by future infill development and the increases in background traffic, it is recommended that the need for turn lanes be assessed as future development within the site occurs. Traffic signal warrants are not projected to be met under any analysis scenarios. No new traffic signals are recommended.

"The crash rates of area intersections and the highway segment analyzed are within acceptable levels. No specific safety mitigations are recommended based on the crash data.

“The site access intersections are projected to continue to operate acceptably through 2026/2027 without additional site development. With full development under the proposed zoning, the main site access will require separate westbound left and right turn lanes and a center refuge for two-stage left-turns in order to maintain acceptable operation of the driveway approach. Since these capacity improvements are not currently needed, it is recommended that the timing of these improvements be determined as development proceeds under the proposed zoning. No mitigations are needed for the south access location.

“With the addition of the maximum reasonable development under the proposed zoning, it is projected that a center left-turn lane will be needed on the highway, in addition to left- and right-turn lanes on the westbound driveway approach at the main site access, in order to maintain acceptable operation. No other operational mitigations are recommended.” TIS, p. 3.

1. OAR 660-012-0060

OAR 660-012-0060 (Plan and Land Use Regulation Amendments) requires that if an amendment to a comprehensive plan or land use regulation would significantly affect an existing or planned transportation facility, as defined in section (1) of the rule, the local government must put in place specific measures to ensure that the transportation facility will be in compliance with applicable performance standards as measured at the end of the planning period, as provided in section (2) of the rule, unless the amendment is allowed under section (3), (9) or (10) of the rule. Accordingly, the first step in determining compliance with OAR 660-012-0060 is to determine whether the proposed comprehensive plan and land use regulation amendments would significantly affect an existing or planned transportation facility.

Section (1)(a) and (b) are not applicable because the proposed amendments would neither change the functional classification of an existing or planned transportation facility nor change the standards implementing a functional classification system.

Section (1)(c) provides that a plan or land use regulation amendment significantly affects a transportation facility if it would result in any of the effects listed in paragraphs (A) through (C), based on projected conditions measured at the end of the planning period identified in the adopted TSP. The County TSP, adopted in 2001 (Ordinance 2001-173), uses a 20-year planning horizon (extending to 2021). However, the State TSP (OHP), Highway Mobility Policy, provides that the planning horizon for amendments to comprehensive plans or land use regulations shall be “the greater of 15 years or the planning horizon of the applicable local and regional [TSPs].” Consequently, a planning horizon of 15 years (extending to 2026/2027) was used in the TIS.

Paragraph (A) of section (1)(c) is not applicable, because the proposed amendments would not result in types or levels of travel or access on State Highway 20 that are inconsistent with its functional classification in the OHP and TSP as a Regional Highway and designated Truck Route.

Whether paragraph (B) or (C) of section (1)(c) is potentially applicable is determined by whether, without the proposed amendments, State Highway 20 is projected to “meet the performance standards identified in the TSP or comprehensive plan,” as measured at the end of the relevant planning period. In this case, the TIS shows that the 2026/2027 Background Conditions at both the main and southern accesses to the CFH site will comply with the maximum volume-to-capacity (v/c) ratio of 0.95 established by the OHP for regional highways within Metropolitan Planning Organization (MPO) areas, for both highway and driveway intersection approaches. The highway approaches at both intersections are projected to have a v/c ratio of 0.92 in the PM Peak Hour and 0.78 in the AM Peak Hour, and the driveway approaches at the main intersection are projected to have a v/c ratio of 0.73 in the PM Peak Hour and 0.10 in the AM Peak Hour. TIS, p. 19.

Accordingly, paragraph (B) is applicable. Therefore, under section (1)(c)(B), the proposed BCCP and BCDC amendments would significantly affect Highway 20 if they would degrade its performance, as measured at the end of the planning period, so that it will not meet the established v/c ratio of 0.95. Here, the TIS shows that with the proposed BCCP and BCDC amendments (2026/2027 Background plus Site), although the v/c ratio of the highway approach at the main access point during the AM Peak Hour and PM peak hours would remain under 0.95, the v/c ratio of the driveway approach at the main access point during the PM Peak Hour would be increased from 0.73 to 1.84. Therefore, the proposed amendments would have a significant effect on State Highway 20.

Consequently, the issue becomes whether the County can ensure that the uses allowed by the proposed BCCP and BCZO amendments will be consistent with the performance standards for Highway 20, as measured in 2026/2027, through one of the remedies listed in section (2) of OAR 660-012-0060. Section (2)(d) states that a local government may ensure consistency with performance standards by providing for other measures, including minor transportation improvements, as a condition of development. “Minor transportation improvements” are defined by OAR 660-012-0005(15) as including, among other things, the “addition of turn lanes or merge/deceleration lanes on arterials” and “design modifications located within an approved corridor.” Section 2(d) also requires a local government to identify, as part of the amendment, when such improvements will be provided.

In this case, the TIS shows that what is needed to bring operation of the driveway approaches at the main CFH access intersection with Highway 20 within the acceptable v/c ratio of 0.95 by 2026/2027 is the addition of a center two-way left turn lane to Highway 20 and separate westbound left and right turn lanes on the driveway approach to Highway 20.

ODOT has jurisdiction over the intersections with State Highway 20 that provide the only access to the CFH campus area. The OHP is part of the State TSP adopted pursuant to OAR 660-012-0015(1). In accordance with ODOT’s OAR Chapter 734, Division 51 access rules, any future infill development within the CFH site that cumulatively increases site traffic generation by a specified amount will require the approval of new access permits for all points of access serving the CFH site. As part of the access permitting process, ODOT will require improvements as needed to meet applicable OHP standards. Through this process, ODOT will determine the timing of and specifications for the addition of a center two-way left-turn lane

and separate left and right turn lanes on the westbound driveway approach at the main site access.

Under Sec. 81.145 of the proposed CFH subzone, any proposed development or change of use within the CFH campus area will require County site development plan review. The site development plan is required to be accompanied by a letter prepared by a professional transportation engineer documenting the expected AM peak hour, PM peak hour, and average daily traffic trip generation resulting from the proposed development or change of use. Following its coordination requirements, the County will provide this information to ODOT, for ODOT's use in determining when the requirement for an approach permit review is triggered. As explained above, as part of that approach permit review, ODOT will determine when the center two-way left-turn lane and separate left and right turn lanes on the westbound driveway approach at the main site access, as well as other possible access modifications, must be provided.

These BCCP and BCZO amendments have been coordinated with ODOT, the applicant's TIS has been revised to address ODOT's concerns, and ODOT has indicated its agreement with the TIS as revised. Since the County site development plan process will keep ODOT informed of any change in CFH site traffic generation due to proposed infill development, and appropriate ODOT access permits will need to be obtained prior to occupancy of future infill development, these approval processes together will ensure that required improvements will be in place concurrent with operational and safety needs. This ensures that the state highway and approaches will continuously meet the requirements of the OHP, and fully mitigates the projected impacts of the proposed BCCP and BCZO amendments.

2. OAR 660-012-0065

OAR 660-012-0065 (Transportation Improvements on Rural Lands) of the TPR identifies transportation facilities, services, and improvements that may be permitted on rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception. The current application does not propose transportation improvements that would not be allowed on rural land under the provisions of this rule.

Analysis and Conclusion: The Board of Commissioners concurs with officials from ODOT in their interpretation that the amendments proposed in this action do not meet the threshold for “**regulations which significantly affect a transportation facility**”, and concludes that OAR 660-012-0060 is not applicable. The Board of Commissioners also finds that the application does not propose transportation facilities, services or improvements on rural lands that require a goal exception and, therefore, complies with OAR 660-012-0065.

COMPREHENSIVE PLAN MAP AMENDMENT CRITERIA

Chapter 3 of the Comprehensive Plan, adopted in 2007, has specified the Agricultural Lands Goal Exception policy and the process required:

Comprehensive Plan 3.1.1 Agricultural lands as defined by Statewide Planning Goal 3, which are not developed or committed to non-farm uses, shall be protected with appropriate resource designations on the Comprehensive Plan and Zoning Maps. Comprehensive Plan Map amendments from “Agriculture” to a non-resource designation shall require an exception to Goal 3.

Chapter 17 of the Benton County Comprehensive Plan, 2007, outlines the procedures for amending the Comprehensive Plan Map. Criteria for a map amendment are as follows: **Amendments to the Plan map may be approved when compliance with all elements of the Comprehensive Plan and with statewide land use planning goals can be shown. Map amendments requiring goal exceptions shall comply with procedure and standards of OAR 660 Division 4 and State goals.**

Analysis and Conclusion: The Board of Commissioners finds that the applicant has submitted an application for exceptions to Statewide Planning Goals 3, 4, 11, and 14, and met the procedural criteria relevant to these Goal Exceptions.

ZONE CHANGE CRITERIA

BCC 53.505 Zone Change Criteria. The Official Zoning Map may be amended if:

(1) The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;

Applicant’s Statement: *“The current proposal will change the zone designation of the CFH campus area of the TFS property from EFU to SU-CFH. The EFU zone is not appropriate for the existing uses found on the CFH campus site.*

The main CFH campus has not been used for farm production since before 1922, when the CFH was founded. The EFU zone designation was placed on this property in 1974, over 50 years after the main campus of the CFH had been established and developed. There are approximately 234 acres of land that surround the main campus and constitute the rest of the CFH facility. Of this land approximately 138 acres is tillable land; 71 acres is considered forest or wetlands; and the remaining 25 acres are used for pasture area.

The Agriculture plan designation and EFU zone are not appropriate to the uses existing on the main campus of the CFH property. The campus area is defined as the 50 westernmost acres on Tax Lots 00900 and 01100, as indicated on the attached Exhibit 1 of Appendix B. As previously mentioned, this area is developed with a variety of uses and facilities that are not allowed in the current EFU zoning district. These uses and facilities include group residential, vocational training, office administrative, health care, and recreational.

The 22 structures and associated site development that comprise the existing community treatment program (see Table 1) are not included in the allowed uses listed in the EFU zone (see Table 2.1). The SU-CFH subzone has been developed by County staff in cooperation with the Applicant to recognize the existing uses on the property and allow for limited expansion of those uses and infill under the standards and criteria established in the BCDC.

Therefore, the proposed SU zone district and SU-CFH subzone are more appropriate to the mix of uses currently existing on the CFH campus portion of the TFS property.”

Analysis and Conclusion: : The Board of Commissioners finds that the zoning proposed is more appropriate than the zoning existing, considering existing uses of a longstanding nature.

BCC 53.505 (2) The impact on adjacent properties will be minimal;

Applicant’s Statement: *“The proposed zone change recognizes the uses at CFH that have been in place on the property in one form or another over the course of the past 90 years. The current proposal does not include approval for new development, but does allow for the possibility of future infill development of a similar type in the CFH campus area (as designated on Exhibit 1 in Appendix B). Future development will be required to demonstrate compliance with all applicable standards and criteria of the BCDC. It is extremely unlikely that adjacent properties will be impacted by future development on the CFH campus site, because all property to the east and south of the CFH campus area is under the common ownership of TFS and is intended to be maintained in its current state of farmland and/or protected open space; to the north the CFH campus is adjoined by an oak grove and grass seed farm; and to the west, the CFH campus is adjoined by State Highway 20.*

The proposed uses on the subject property include all uses existing at the time of this application and similar uses allowed through the proposed SU-CFH subzone. These proposed uses are consistent with what has been in place on the CFH property in one form or another since 1922.

It is not anticipated that such uses present an impact to the surrounding uses, all of which are compatible with the CFH. However, as proposed, the SU-CFH subzone would provide for Site Development Plan review of proposed uses.”

Analysis and Conclusion: The Board of Commissioners finds that farmland adjacent to the CFH campus has a history of compatibility with activities on campus, and that impact on these properties is unlikely to change as a result of this proposal.

BCC 53.505(3) Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area; and

Applicant’s Statement: *“The current proposal does not include new development, but does allow for the possibility of future infill development of a similar type within the CFH campus site (as designated on Exhibit 1 in Appendix B). Future development will be required to demonstrate availability and adequacy of services, consistent with Sec. 81.150(1) of the SU-CFH subzone.*

The CFH is fully self-contained, with on-site water and septic systems, including three wells for domestic, fire, and irrigation water. Fire suppression is provided by a distribution system that draws water from an on-site storage facility. Fire suppression systems are planned for all occupied buildings. The septic system is currently undergoing an upgrade that will expand capacity in order to accommodate current and potential future demand. Improvements to the

water system for both domestic and fire service will be addressed during agency review prior to the issuance of building permits.

Storm drainage and runoff will be contained on site and will meet DEQ and Benton County water quality regulations. The property is located in the jurisdiction of Corvallis 509J School District, and no impact to the district is anticipated.

Access issues will be addressed by ODOT during the review of development permits, as access to the site is provided via Highway 20. A traffic study has been prepared (Appendix F) and will be implemented on an incremental basis as development is proposed and impacts are assessed."

Analysis and Conclusion: The Board of Commissioners finds that the method proposed for informing ODOT of alterations to buildings or uses on the CFH campus is adequate to provide traffic generation information. This method includes notifying ODOT staff of any alterations, and providing *"a letter prepared by a professional transportation engineer documenting the expected AM peak hour, PM peak hour, and average daily traffic trip generation resulting from the proposed development or change of use."* This requirement would be met each time a building permit is applied for, or a new road or driveway is proposed.

BCC 53.505 (4) The proposed zone change is consistent with the policies of the Comprehensive Plan. [Ord 90-0069]

Applicant's Statement: *"The Applicant is requesting a comprehensive plan amendment concurrent with this zone change application to create a Special Use Plan Map designation within the BCCP and apply that designation to the CFH campus site. Application of the SU zone and SU-CFH subzone to the CFH campus site is necessary to implement the Special Use Plan Map designation. Compliance of the SU zone and SU-CFH subzone with applicable BCCP goals and policies is demonstrated in Chapter 4."*

Benton County Comprehensive Plan - Goal 1 Citizen Involvement

To ensure opportunities for citizens to be involved in the development of public policies and all phases of the planning process.

Response: The current proposal has been processed through the county's review process, which includes notice to the public and a public hearing before approval. In addition, TFS organized a preapplication open house meeting for the local neighborhood, at which TFS's concept for a goal exception/comprehensive plan amendment/zone change for the CFH campus was discussed. The event was held at the CFH campus and was attended by members of the community. Invitations were sent to all neighboring property owners, participants in previous community meetings related to this project at CFH, and the county planning department. A second community meeting was held after the filing of the application and prior to the hearing before the Benton County Planning Commission.

1.1.3 Benton County shall seek input from County appointed Boards and Committees, local organizations, and individual citizens, and shall strive to refine procedures, improve communication, and respond to citizen concerns.

Response: The County has provided public notice pursuant to BCDC Sections 51.605 to 51.625. Compliance with these BCDC provisions assures compliance with this policy. In addition, the Benton County Historic Resources Commission has indicated that it supports the proposed amendments.

Goal 2 Land Use Planning

To maintain a transparent land use planning process in which decisions are based on factual information.

Response: The proposed application is consistent with Goal 2 Land Use Planning. The Applicant has provided the county with sufficient factual information to support the proposed land use action. The Applicant submitted the current application in compliance with the land use process established by the county and participated in all required public hearings as dictated by the applicable policies and standards of the BCDC.

2.1.6 Benton County shall maintain records of the background information and findings upon which its Comprehensive Plan and land use decisions are based. These records shall be available to the public.

Response: The County record and findings supporting its decision on the current application will be maintained and made available to the public.

Goal 3 Agricultural Lands

To preserve and maintain agricultural lands and to support agriculture for production and conservation.

Response: Applicant TFS has justified a developed exception to Statewide Planning Goal 3 in order to allow a BCCP Map amendment and zone change for the CFH campus site. The current proposal will not impact the protection of lands suitable for and available to agricultural uses.

3.1.1 Agricultural lands as defined by Statewide Planning Goal 3, which are not developed or committed to non-farm uses, shall be protected with appropriate resource designations on the Comprehensive Plan and Zoning Maps. Comprehensive Plan Map amendments from “Agriculture” to a non-resource designation shall require an exception to Goal 3.

Response: The Applicant has justified a developed exception to Statewide Planning Goal 3 in order to allow a BCCP Map amendment and zone change for the CFH campus site.

3.1.4 Benton County shall minimize conflicts between residential development and agricultural lands by requiring setbacks for residences adjacent to agricultural lands.

Response: The SU-CFH subzone would allow a maximum of four dwellings on the 50-acre CFH campus site, and only in conjunction with the community treatment program. The SU-CFH subzone will require residences to be set back at least 30 feet from adjoining resource-zoned land.

3.1.7 Benton County shall encourage the preservation of valued natural features such as wetlands and wildlife habitat.

Response: The application is consistent with Policy 3.1.7. Applicant TFS is proposing a BCCP Map amendment and zone change on a designated portion of the subject property. The designated area, as shown in Exhibit 1 of Appendix B, excludes all existing wetlands and wildlife habitat on the subject property. No significant Goal 5 natural resource sites have been inventoried on the subject property.

Goal 4 Forest Lands

To preserve and maintain forest lands for growing and harvesting trees and other forest products, watershed functions, conservation, recreation, and agriculture.

Response: The Applicant has justified an exception to Statewide Planning Goal 4 in order to allow a BCCP Map amendment and zone change for the CFH campus site. The current proposal will not impact the use and protection of lands suitable and available for forest uses.

4.1.2 Forest lands as defined by Goal 4, which are not developed or committed to non-forest uses, shall be protected with zoning designations. Comprehensive Plan Map amendments from Forestry to a non-resource designation shall require an exception to Statewide Planning Goal 4.

Response: The Applicant has justified an exception to Statewide Planning Goal 4 in order to allow a BCCP Map amendment and zone change for the CFH campus site.

Goal 5 Natural Resources, Scenic & Historic Areas, Open Spaces

5.5 Historic Resources

To promote appreciation and preservation of Benton County's diverse historic resources.

Response: The historic Old School Building has been included in the county's inventory of historic resources. The application is consistent with this policy because the proposed plan amendment and zone change will help to ensure that the property remains in use as an institution for the education and rehabilitation of young Oregonians.

TFS is currently in the process of renovating the Old School Building for future productive use and in accordance with historic preservation standards as approved by the county's planning department. Compliance with Statewide Planning Goal 5 regarding historic resources is addressed in Section 3.5 of this report.

5.6 Riparian Resources and Fish Habitat

To preserve aquatic systems and their riparian areas to provide for productive ecological function.

5.6.1 Benton County shall undertake the Goal 5 process and adopt a protection program for significant riparian areas within 18 months of adoption of the Plan amendments.

5.6.3 Benton County shall require land development and transportation projects to be designed to minimize incursions and other impacts to floodplains, wetlands, and riparian areas. When no reasonable option exists, roads, bridges, and access ways may be allowed, provided fish passage is assured, channel capacity is maintained, and removal of riparian vegetation is minimized.

Response: The County is in the process of adopting riparian area standards, and the eastern edge of the CFH campus likely includes portions of the riparian borders of Asbahr Lake and its inlet creek. These areas are not currently identified in the acknowledged BCCP as Goal 5 significant riparian resources. The SU-CFH subzone, Sec. 81.150(5), contains buffer standards intended to ensure that future development does not encroach on the riparian areas of the site.

Goal 6 Air, Water & Land Resource Quality

To maintain and improve the quality of air, land, and water resources in a manner that will meet current needs and preserve resources for future generations.

Response: The current application is consistent with Goal 6 Air, Water & Land Resource Quality. The proposal is intended to define an area within the TFS property where development has historically taken place and limited infill development can be allowed, under the controls of the SU-CFH zone. The proposal will not allow development on portions of the TFS property that are undeveloped and exist primarily in a natural state or that have been converted to farm use, thereby limiting potential impacts to air, land, and water resources.

6.1.4 In reviewing land use actions, Benton County shall evaluate potential impacts on air, surface water, groundwater, noise and glare levels, and land quality, where possible utilizing existing studies and prioritizations such as the County's Environmental Assessment Priority List. Appropriate steps shall be taken to minimize degradation.

Response: The current application recognizes existing development on the CFH campus portion of the TFS property and allows for expansion of existing uses and limited infill development as specified in the SU-CFH subzone. Because the CFH campus site is currently

developed, it is not anticipated that existing and potential future development will result in significant degradation of natural resources.

6.2.3 Benton County shall assure that public water systems and private wells meet minimum water quality standards.

Response: The application does not preclude the ability of the County to meet the intent of this policy. The CFH campus water system uses water from private wells that have capacity to serve the current development of the site and future limited infill development, as allowed under the SU-CFH subzone, while meeting minimum water quality standards of the BCDC Chapter 99 General Development Standards.

6.2.6 Benton County shall require development to be designed or located in a manner that will result in no net degradation of water quality and quantity.

Response: The application recognizes existing development on the CFH property and allows for expansion of existing uses and limited development of new uses as specified in the SU-CFH subzone. Future development on the property will be designed and/or located in a manner that complies with the requirements of the BCDC Chapter 99 General Development Standards relating to water quality and quantity.

6.3.1 Benton County shall develop and implement programs necessary to meet or exceed air quality standards. This effort will include but not be limited to: considering air quality implications when reviewing capital improvement projects and making land use decisions, developing and implementing controls, reducing vehicle miles traveled (VMT), and monitoring and promoting proper burning practices.

Response: The current proposal does not prevent or limit the county from meeting the policy. The proposed plan amendment and zone change and future development that occurs as the result will comply with applicable standards and criteria enacted by the county to meet established air quality standards.

Goal 7 Natural Hazards

To protect Benton County citizens, critical public facilities and infrastructure, private property, and the environment from natural hazards, and to guide the county toward building a safer, more sustainable community.

Response: In Benton County, natural hazards include flooding, landslides and slope erosion, stream erosion and deposition, earthquakes, and wildfire. No natural hazards have been identified on the CFH campus site. The current proposal does not impede the county from meeting its obligations under this goal.

Goal 8 Recreational Needs

To maintain a park and open space system that represents the heritage and natural and scenic qualities of Benton County and provides outdoor recreation opportunities that contribute to healthy individuals, children, and families.

Response: The goals and policies included in this section address planning and management of parks, open space, natural areas, and trail systems in Benton County. Statewide planning directs the county to inventory recreation needs and opportunities and to develop long-range plans for meeting the recreational needs of its citizens in coordination with private interests and public agencies. Goal 8 requires planning for and maintenance of the county's park and open space system. The TFS application will have no impact on the county park and open space system.

Goal 9 Economic Development

To support a stable and sustainable local economy, vital to the health, welfare, and prosperity of County residents.

Response: The application is consistent with Goal 9 Economic Development. The CFH has historically been, and continues to be, an employer of local professionals. Currently this employment consists of between 250 and 300 full-time and part-time staff, as well as various suppliers and subcontractors in the local area.

9.1.4 Benton County's local and regional transportation network should operate efficiently and effectively in order to economically move materials and products to and from markets.

Response: Please refer to the section of these findings addressing OAR 660-012-0060 for findings that demonstrate compliance with this policy.

9.1.8 Benton County shall support educational institutions and work force training programs in order to maintain an educated work force and low unemployment rates, and to meet the needs of existing and future businesses and industries.

Response: The CFH provides therapy, rehabilitation, and vocational training to youth from the local and regional vicinity with the intent of helping troubled and at-risk youth become contributing members of society.

Goal 11 Public Facilities & Services

To plan, develop, and maintain public facilities and services that serve the needs of Benton County in an orderly and efficient manner.

11.2.3 Benton County shall require developers to demonstrate that water supplies are adequate and sustainable for the scale of development proposed.

Response: The application recognizes existing development on the CFH property and allows for expansion of existing uses and limited development of new uses as specified in the SU-CFH subzone. Future development on the property will be approved through the applicable standards and criteria of BCDC Sections 81.150 and 99.800 through 99.830 that address the adequacy and sustainability of water supply.

11.4.1 Benton County shall require proposed developments to address on-site and off-site stormwater runoff to minimize impacts to downstream properties.

Response: The application recognizes existing development on the CFH property and allows for expansion of existing uses and limited development of new uses as specified in the SU-CFH subzone. Future development on the property will be approved through the applicable standards and criteria of BCDC Sections 99.650 through 99.670 that address stormwater management.

11.6.2 Benton County shall consider law enforcement and fire protection needs when reviewing the physical design of development plans.

Response: The application recognizes existing development on the CFH property and allows for expansion of existing uses and limited development of new uses as specified in the SU-CFH subzone. Future development on the property will be approved through the standards and criteria of the BCDC that address law enforcement and fire protection needs, as applicable.

11.6.4 Benton County shall collaborate with the fire districts in establishing and applying uniform standards and procedures to ensure new development will be provided with adequate fire protection.

Response: The application recognizes existing development on the CFH property and allows for expansion of existing uses and limited development of new uses as specified in the SU-CFH subzone. Future development on the property will be approved through the standards and criteria of the BCDC that address fire protection.

11.7.1 Benton County shall work to increase access to health and social services, especially for those disadvantaged by age, income, or disability.

Response: The application aids the county in complying with this policy. By recognizing the uses associated with the CFH and allowing those uses in the BCCP and BCDC, the county is helping to ensure that a significant health and social service to Oregon youth remains in place and available to the population that needs it.

Goal 12 Transportation

The County seeks to preserve, protect, and promote the county's livability, sustainability, and vitality by:

- **Providing choices of alternative travel modes,**

- **Maximizing the efficiency of existing facilities,**
- **Intertwining quality of life, land use, and transportation decision-making, and**
- **Providing equitably funded, safe, efficient, cost-effective mobility and accessibility to all county residents, businesses, and emergency services within and across county boundaries.**

Response: The proposal is consistent with Goal 12 Transportation; please refer to the section of these findings addressing the TPR. By recognizing the existing uses of the CFH, the county is ensuring that the facility remains in its current location, utilizing existing facilities, and does not seek to develop on previously undeveloped land where the transportation system cannot support it. By limiting the BCCP Map amendment and zone change to the physically developed CFH campus area, the current proposal will help to ensure that future development does not overtax the transportation system.

12.1.7 Benton County shall ensure that major new developments provide both primary and secondary access for emergency services.

Response: The CFH property currently has four access points to the adjacent State Highway 20. The fourth, located in front of the Northpoint portion of the CFH campus, is a secondary access for emergency service vehicles only.

12.1.12 Traffic impacts of development will be mitigated by requiring:

- a. A traffic analysis that identifies adverse impacts to transportation flow caused by development and demonstrates how adverse impacts will be mitigated.**

Response: The application includes a Transportation Impact Study (TIS) as Appendix F. The TIS identifies the adverse impacts of the current proposal and demonstrates how adverse impacts will be mitigated.

- b. Rights-of-way dedication of land where existing rights-of-way are inadequate or are needed for future roadways as development occurs.**

Response: The application does not warrant, nor has the County or ODOT requested, the dedication of land for right-of-way for roadways.

- c. Developers to make roadway improvements for their portion of the roadway based on: 1) existing conditions, 2) rough proportionality to the impacts of the development and 3) the functional classification of the road.**

Response: The TIS, provided as Appendix F to the application, shows that no improvements are required under the existing conditions on Highway 20 and the CFH campus. The TIS also demonstrates no mitigation improvements will be needed at off-site locations through the planning horizon. Since impacts are limited to the highway approaches and driveway approaches at the site access driveways, which operate under ODOT jurisdiction and are subject to ODOT approach permit review, including compliance with the OHP, it is

appropriate that ODOT make determinations as to the extent and timing of improvements required as development occurs. Future development allowed under the provisions of the SU-CFH subzone will be reviewed by the County through Site Development Plan review and by ODOT through its approach permit process. Section 81.145 of the SU-CFH subzone will require site plans for any development or change of use on the CFH campus to be accompanied by a traffic generation projection prepared by a professional transportation engineer. As part of its coordination program, the County will share these reports with ODOT, which will enable ODOT to determine when its requirements for an approach permit review are triggered. Appropriate improvements to the Highway 20 approaches and driveway approaches at the site access driveways shall be required by ODOT, when the need for them is determined in the approach permit review process.

d. Bonding or agreement to participate in future improvements when the development has a significant impact that is identified through a traffic analysis and which impact cannot be mitigated in conjunction with or through design of the particular development.

Response: Any impacts of the proposed BCCP and BCDC amendments on the operation of Highway 20 approaches and driveway approaches at the site access driveways will be mitigated by the requirement for a center left turn lane on Highway 20 at the main CFH access driveway, sufficient to provide a left turn refuge for southbound traffic entering the site and a refuge for two-stage left turns for traffic exiting from the main site access driveway, and for separate left and right turn lanes on the westbound driveway approach, as identified in the TIS and Section 3.12.1 of the application. These improvements will prevent traffic generated by future development allowed through the proposed BCCP and BCDC amendments from further degrading the performance (v/c ratio) of Highway 20, as compared to background v/c ratios over the planning period.

12.1.15 Land use actions affecting state highways shall be consistent with the Oregon Highway Plan.

Response: The TIS, included as Appendix F to the application, has reviewed the current proposal per the OHP and has determined that the current proposal is consistent with the requirements of the OHP. Please refer to the TIS and the findings in Section 3.12 of the application.

12.1.16 Benton County shall use volume/capacity ratios and spacing standards from the Oregon Highway Plan (OHP) for projects and development proposals affecting state highway facilities. Decisions on alternatives shall be evaluated in accordance with the OHP.

Response: Under the SU-CFH subzone, future development proposals will be reviewed through the Site Development Plan review process. Sec. 81.150(1) requires the County to determine that the Site Development Plan demonstrates the proposed development will be adequately served by improved roads. This policy requires that the County use v/c ratios and

spacing standards from the OHP in performing such a review for development proposals affecting state highways.

The TIS demonstrates that future infill development within the subject property can be accomplished while conforming to the requirements of the Oregon Highway Plan for v/c ratios and access spacing. Future infill development within the subject property which results in increases in traffic generation will result in a change in use as defined under ODOT's Chapter 734, Division 51 access rules, and will require new access applications. Accordingly, the timing and nature of access improvements required will be determined as development occurs through site development plan review and the ODOT access permitting process. The OHP v/c and access spacing requirements must be met in order to obtain the required ODOT access permits.

12.3.5 Comprehensive Plan amendments affecting land use designations, densities and design standards shall be consistent with capacities and levels of service of facilities identified in the Benton County TSP.

Response: The Traffic Impact Study prepared by Lancaster Engineering is included as Appendix F of the application package. The TIS demonstrates that the land use designations, densities, and design standards resulting from the proposed BCCP amendments are consistent with the capacities and levels of service of facilities identified in the Benton County TSP. The BCCP and BCDC amendments will not impact off-site intersections. With the mitigation proposed in the TIS, the proposed amendments also will not impact the operation of the highway facilities at the site access locations. The BCCP and BCDC amendments are therefore consistent with the Benton County TSP, the OHP and the classification of existing roadway facilities. Please refer to the findings provided in Section 3.12, and to the TIS in Appendix F of the application for more detail.

12.4.1 Benton County shall preserve and protect transportation corridors essential to the economic vitality of the county.

Response: Highway 20 is identified in the county's TSP as a Regional Highway and a designated Truck Route. The current proposal has been demonstrated to comply with the capacities and levels of service identified in the TSP (please refer to the TIS included as Appendix F to this report). Therefore, the proposal will not impact the preservation and protection of the Highway 20 transportation corridor. Future development proposals that may impact service will receive additional review from the county and ODOT at the time of Site Development Plan review, as provided in SU-CFH subzone Section 81.145.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use; to accommodate urban populations and employment inside urban growth boundaries, to preserve rural character outside urban growth boundaries, and to preserve small town character.

Response: Because of the level of development that currently exists on the CFH property, it is not possible to comply with the requirement of Statewide Planning Goal 14 to contain future development within a UGB. Therefore, the current proposal requests a developed exception from these Goal 14 provisions. Please refer to Section B of these findings.

14.1.4 Benton County shall work with municipalities to contain future urban development within the geographical limits of a mutually adopted urban growth boundary.

Response: The provisions of Policy 14.1.4 implement Statewide Planning Goal 14. The CFH campus is located outside an adopted UGB. Therefore, the applicant has justified a developed exception from Statewide Planning Goal 14 to allow for urban development on the CFH campus,.

Goal 15 Willamette River Greenway

Response: The CFH campus site is not located within the Willamette River Greenway. Therefore, the provisions of this section do not apply.

Amending the Comprehensive Plan

1. Initiation of Amendments:

b. Private individuals may request a Plan map or text amendment by completing a County application form and paying the established fee.

Response: TFS is requesting a Comprehensive Plan text amendment to adopt an exception to Statewide Planning Goals 3, 4, 11 and 14 for the CFH campus site. *See* Exhibit 3 of this Ordinance. TFS also requests that the Comprehensive Plan Map be amended to apply the Special Use designation to the CFH campus site. *See* Exhibit 1 of this Ordinance. TFS submitted an application form for these amendments and paid the established fee.

3. Criteria for Amendments:

a. Text Amendments:

Amendment to the text may be considered to correct an error, improve the accuracy of information, expand the data contained in the Plan, bring the Plan into compliance or more into compliance with statewide land use planning goals, or to reflect a public need in compliance with the State goals.

Response: The text amendment adopted by Ordinance 2012-0247 will add the Special Use Plan Map designation to the BCCP Map Legend, while this ordinance applies the Special Use designation to, and adopts an exception to Statewide Planning Goals 3, 4, 11 and 14 for, the 50.5-acre CFH campus site. These changes will bring the BCCP more into compliance with the statewide land use planning goals, and responds to a public need in conjunction with the state

goals by providing for a unique use that provides community treatment programs and facilities to a disadvantaged and medically needy segment of the population.

b. Map Amendments:

Amendments to the Plan map may be approved when compliance with all elements of the Comprehensive Plan and with statewide land use planning goals can be shown. Map amendments requiring goal exceptions shall comply with procedure and standards of OAR 660 Division 4 and State goals. [Ord 91-0080]

Analysis and Conclusion: Comprehensive Plan policies recommend against conversion of production resource land to non-resource use, and the Board of Commissioners finds that through adoption of goal exceptions for this property, compliance with these policies is achieved. Policies for Citizen Involvement have been met through neighborhood meetings as well as notification procedures, and Goal 5 Historic Resources policies are met through provisions for public access and historic interpretation of the National Register structure on the CFH campus. Through these policies and others addressed within the Application Narrative, the Board of Commissioners concludes that this proposal is consistent with the policies of the Comprehensive Plan.



Benton County
Community Development
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DLCD
635 Capitol St. NE, Ste. 150
Salem OR 97310-2540