



# Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

02/12/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Benton County Plan Amendment  
DLCD File Number 001-08

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, February 26, 2009

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

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

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

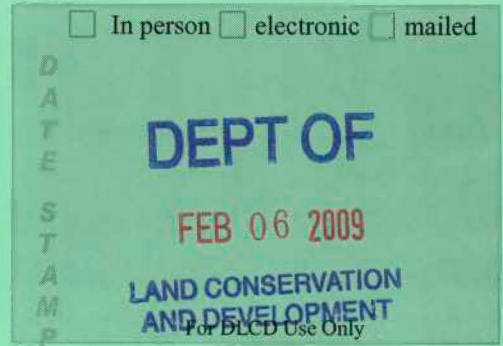
Cc: Chris Bentley, Benton County  
Doug White, DLCD Community Services Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist  
Ed Moore, DLCD Regional Representative  
Doug White, DLCD Community Services Specialist

<paa> Y/l

FORM 2

# DLCD

## Notice of Adoption



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

Jurisdiction: **Benton County**

Local file number: **LU-08-009**

Date of Adoption: **1/27/2008**

Date Mailed: **2/4/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/1/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Goal Exceptions: 3, 4 and 14**

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

Re-zone from EFU to RR-5 six (6) taxlots under five (5) separate ownerships, totalling 33.59 acres. These parcels are located within a triangle bordered by Highway 99W and county roads on three sides. (Tax lot numbers 1000, 1001, 1002, 1003, 1100, 1500).

Does the Adoption differ from proposal? Yes, Please explain below:

Proposed zone was originally RR-2, which was unsupported by staff. The applicants subsequently changed their proposed zone to RR-5. One tax lot consisting of 1.04 acres (tax lot 1200) was removed from this rezone, due to inability to locate and obtain signature of one of several family members holding title.

Plan Map Changed from: **Agriculture**

to: **Residential**

Zone Map Changed from: **EFU**

to: **RR-5**

Location: **T14S, R5W, Section 34**

Acres Involved:

Specify Density: Previous: **80 acres**

New: **5 acres**

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

*DLCD # 001-08 (17059)*

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **Chris Bentley, Benton County**

Phone: (541) 766-6819 Extension: 6293

Address: **360 SW Avery Avenue**

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

City: **Corvallis**

Zip: **97333-**

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

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## **ADOPTION SUBMITTAL REQUIREMENTS**

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

<b>In the Matter of Amending the Benton County Comprehensive Plan Map and Zoning Map.</b>	) ) )	<b>ORDINANCE  No. 2008-0229</b>
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**WHEREAS**, the applicants' agent, Frank Walker, submitted an application for a Comprehensive Plan Map Amendment, Zoning Map Amendment, and Goal Exception on January 24, 2008, for 33.59-acres identified as Township 14 South, Range 5 West, Section 4, Tax Lots 1000, 1001, 1002, 1003, 1100 and 1500; and

**WHEREAS**, the requested action would change the property's designation on the Benton County Comprehensive Plan Map from Agriculture to Rural Residential, and would change the property's designation on the Benton County Zoning Map from Exclusive Farm Use to Rural Residential, 5-Acre Minimum Parcel Size; and

**WHEREAS**, the requested action would cause an exception to Statewide Planning Goals 3, 4, and 14 to be adopted into the Benton County Comprehensive Plan; and

**WHEREAS**, the Benton County Planning Commission held a duly advertised public hearing on October 21, 2008, and voted to recommend that the Board of Commissioners approve the Zoning Map Amendment, Comprehensive Plan Map Amendment and Goal Exception; and

**WHEREAS**, the Benton County Board of Commissioners held a duly advertised public hearing on November 25, 2008, to consider the request; and

**WHEREAS**, the Board of County Commissioners finds that the proposed Map Amendments comply with the criteria of Benton County Code 53.505 through 53.525 and Oregon Administrative Rules 660-004-0018, 660-004-0028, 660-012-0060, and 660-014-0030, and are consistent with the applicable policies and procedures of the 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 Zoning Map Amendment and Goal Exception on November 25, 2008; and

**WHEREAS**, the Benton County conducted the First Reading of the proposed Ordinance on January 13, 2009; and

**WHEREAS**, the Benton County Board of Commissioners conducted the Second Reading of the proposed Ordinance on January 27, 2009.

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.

- PART II:** Authority. The Board of County Commissioners of Benton County has authority to amend the Zoning Map and Comprehensive Plan Map pursuant to ORS Chapter 215 and the Benton County Charter.
- PART III.** The Zone Change Application No. LU-08-009 is hereby approved, based on the Findings and Conclusions contained in "Exhibit 2" and hereby adopted and incorporated herein.
- PART IV.** Benton County Comprehensive Plan Map is hereby amended to identify the property described on the attached legal description and map in "Exhibit 1".
- PART V.** Benton County Zoning Map is hereby amended to identify the property described on the attached "Exhibit 1" as Rural Residential, 5-Acre Minimum Parcel Size
- PART VII.** The effective date for these amendments to the Benton County Comprehensive Plan Map and Zoning Map will be:

First Reading: 1/13/09  
 Second Reading: 1/27/09  
 Effective Date: 2/28/09

**BENTON COUNTY BOARD OF COMMISSIONERS**

[Signature]  
 Chair

[Signature]  
 Commissioners

[Signature]  
 Commissioner

Approved as to Form:

[Signature] 1-27-09  
 County Counsel

[Signature]  
 Recording Secretary

Exhibit 1

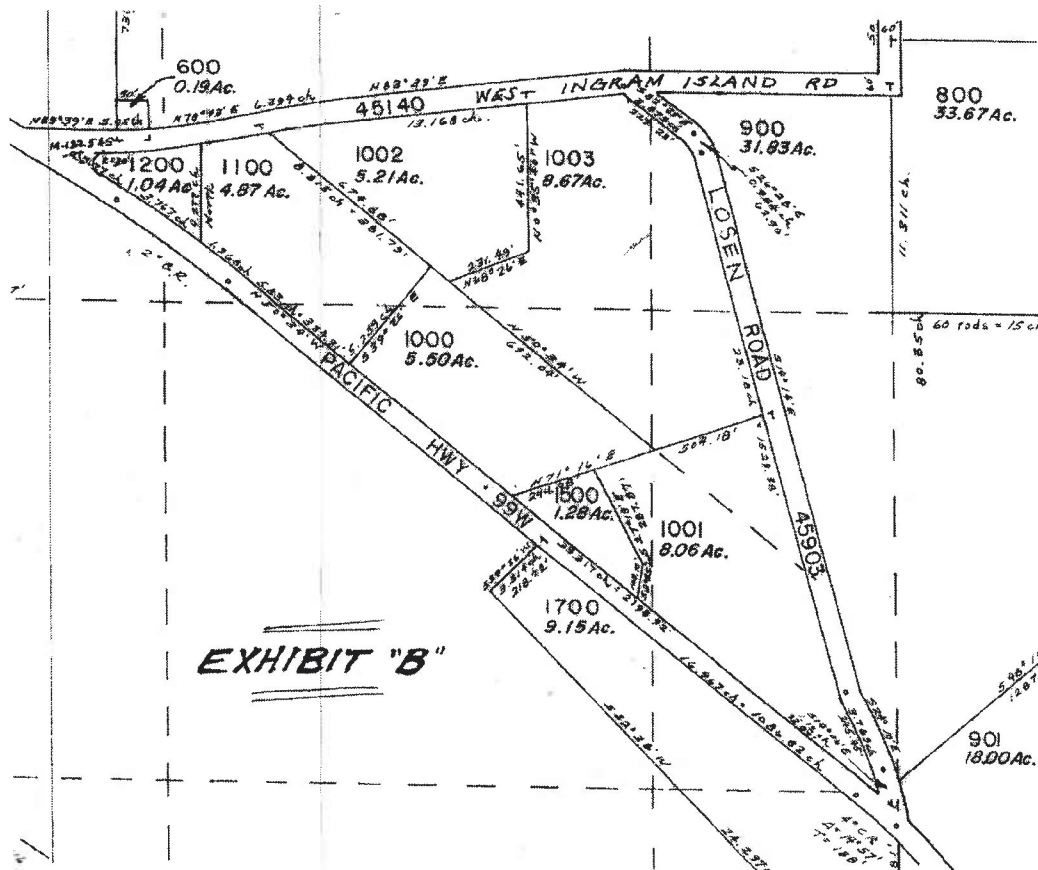
Legal Description and Map of Zone Change Area  
Losen Road Zone Change; File No. LU-08-009

The following described real property in the County of Benton and State of Oregon:

A Tract of land in Section 34, Township 14 South, Range 5 West, Willamette Meridian, Benton County, Oregon, said Tract being more specifically described as follows:

All that land lying SOUTH of County Road No. 45140 (West Ingram Island Road), WEST of County Road No. 45903 (Losen Road), Northeast of Pacific Highway 99W, and EAST of that tract of land conveyed to Merle Logan, et al, per Document 2005-389947, Benton County Deed Records.

The above-described Tract contains approximately 33.59 acres and consists of Tax Lots 1000, 1001, 1002, 1003, 1100 and 1500 (Assessor's Map 14-5-34) as shown on EXHIBIT "B" attached hereto.



**Exhibit 2**

**Findings of Fact and Conclusions of Law**  
**Losen Road Zone Change; File No. LU-08-009**

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<b>NATURE OF REQUEST: NATURE OF APPLICATION:</b>	An application to re-zone 33.59 acres from Exclusive Farm Use (EFU) to Rural Residential, 5-acre Minimum Parcel Size (RR-5). This property consists of six (6) tax lots under five (5) separate ownerships, totalling 33.59 acres, located within a triangle bordered by State Highway 99W, Losen Road, and West Ingram Island Road.  The specific requests are as follows:  <ol style="list-style-type: none"><li>1. Amendment to the Comprehensive Plan Map designation from Agriculture to Rural Residential.</li><li>2. Zone Change from Exclusive Farm Use to Rural Residential, 5-acre Minimum Parcel Size.</li><li>3. Adoption of an Exception to Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), and 14 (Urbanization).</li></ol>
<b>APPLICABLE CRITERIA:</b>	Benton County Comprehensive Plan Sections 3, 4, and 17; Benton County Code Sections 53.505 through 53.525 (Zone Change Criteria and Procedures); and Oregon Administrative Rule 660 Divisions 004, 012, and 014.
<b>PROPERTY LOCATION:</b>	East of Monroe approximately one-half mile. Within a triangle bordered by State Highway 99W, Losen Road, and West Ingram Island Road. (Township 14 South, Range 5 West, Section 34, Tax Lots 1000, 1001, 1002, 1003, 1100, 1500). See attached map.
<b>PROPERTY OWNERS/ APPLICANTS:</b>	<b>Robert E. Scott, Karen and Paul Krot, Debra J. and Daniel T. Werner, Sara D. and Dustin K. Ballard, William E. Smith Trust.</b> Representative: <b>Frank Walker</b>
<b>ZONE DESIGNATION:</b>	Exclusive Farm Use
<b>COMPREHENSIVE PLAN DESIGNATION:</b>	Agriculture
<b>CAC PLANNING AREA:</b>	South Benton (inactive)
<b>STAFF CONTACT:</b>	Chris Bentley
<b>FILE NUMBER:</b>	LU-08-009

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**A. NATURE OF THE PROCEEDINGS**

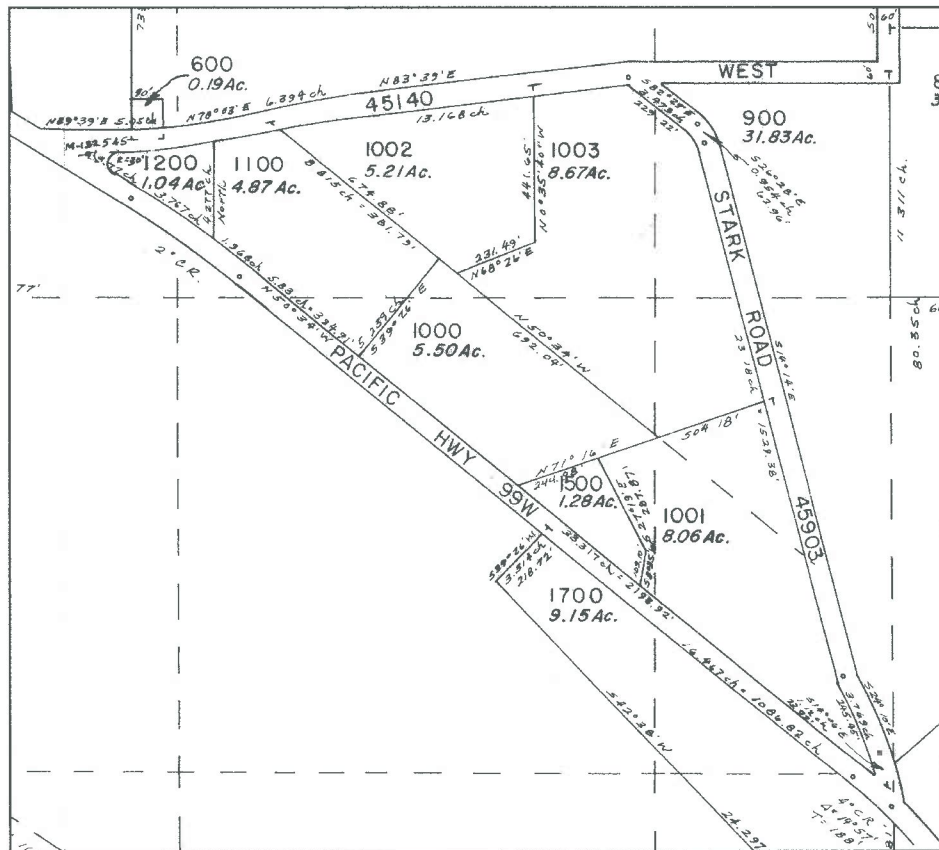
The applicant's agent, Frank Walker & Associates, submitted an application for a Comprehensive Plan Map Amendment, Zoning Map Amendment, and Goal Exceptions on

January 24, 2008. This submittal included an addendum dated October 29, 2007. In staff's initial review, Planning Director Greg Verret determined the application to be incomplete, and notified the applicant of the necessary information that was lacking on March 11, 2008. On May 5, 2008, the applicant's agent submitted additional materials in response to the Planning Director's request; however, these materials did not address all items identified in the March 11 letter. An email request from Mr. Verret to Mr. Walker on May 29 noted the materials that were still required. On July 1 Mr. Walker provided an additional addendum to his application and the submittal was considered complete.

Notice of the application was mailed to the Department of Land Conservation and Development (DLCD) on August 1, 2008. Notice was sent to affected public agencies and property owners within 750 feet of the subject property on October 7, 2008; and a legal advertisement was published in the *Corvallis Gazette-Times* on Thursday, October 9, 2008.

### B. GENERAL FINDINGS

The subject property consists of six (6) separate tax lots totaling 33.59 acres located within the triangle formed by State Highway 99W, Losen Road, and West Ingram Island Road. (Note: Losen Road is erroneously labeled as Stark Road on the Assessor's map below.) All properties within the triangle except Tax Lot 1200 are proposed for rezoning, and all except Tax Lot 1200 are subject to the tax exemption for farm use.

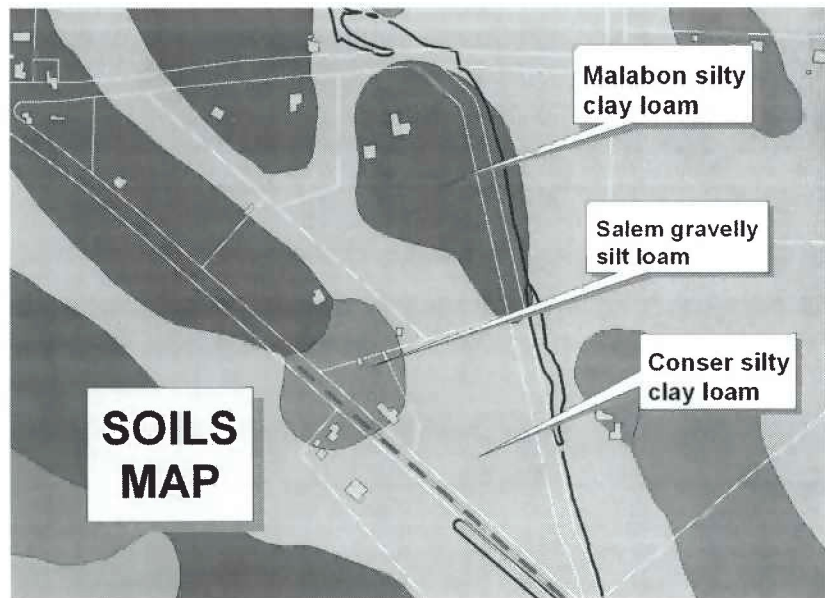


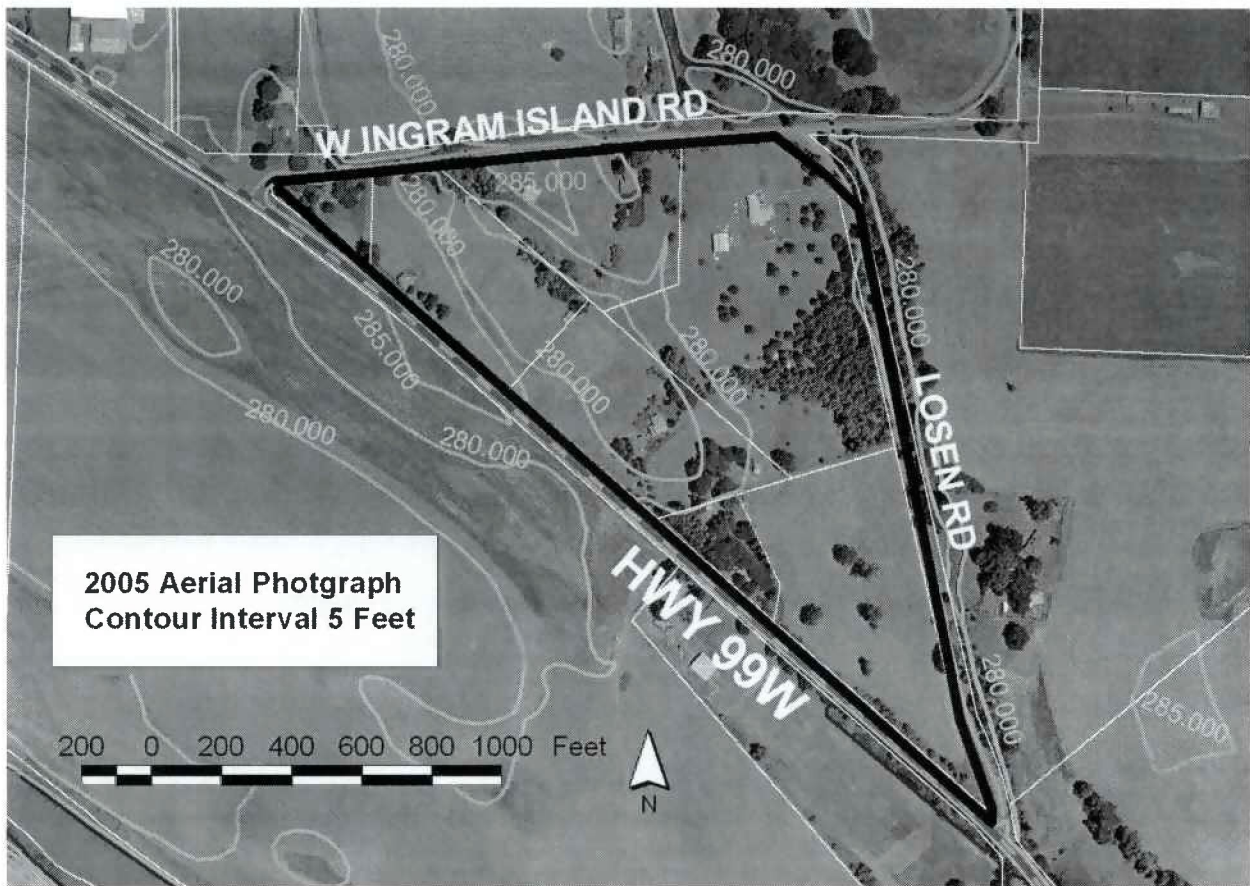


<b>Tax Lot</b>	<b>Acres</b>	<b>Owner/s</b>	<b>Improvements</b>
<b>1000</b>	5.5	Sara D. & Dustin K. Ballard 24645 Highway 99W, Junction City	1977 dwelling, accessory buildings
<b>1001</b>	8.06	Robert E. Scott 24623 Highway 99W, Junction City	none
<b>1002</b>	5.21	Paul & Karen Krot 27196 W. Ingram Island Rd., Monroe	1920 dwelling, accessory building
<b>1003</b>	8.67	Daniel T. Werner 24656 Losen Rd., Junction City	1997 manufactured home, accessory buildings
<b>1100</b>	4.87	William E. Smith Trust 24707 Highway 99W, Junction City	1920 dwelling, accessory buildings
<b>1500</b>	1.28	Robert E. Scott 24623 Highway 99W, Junction City	1961 dwelling, accessory buildings

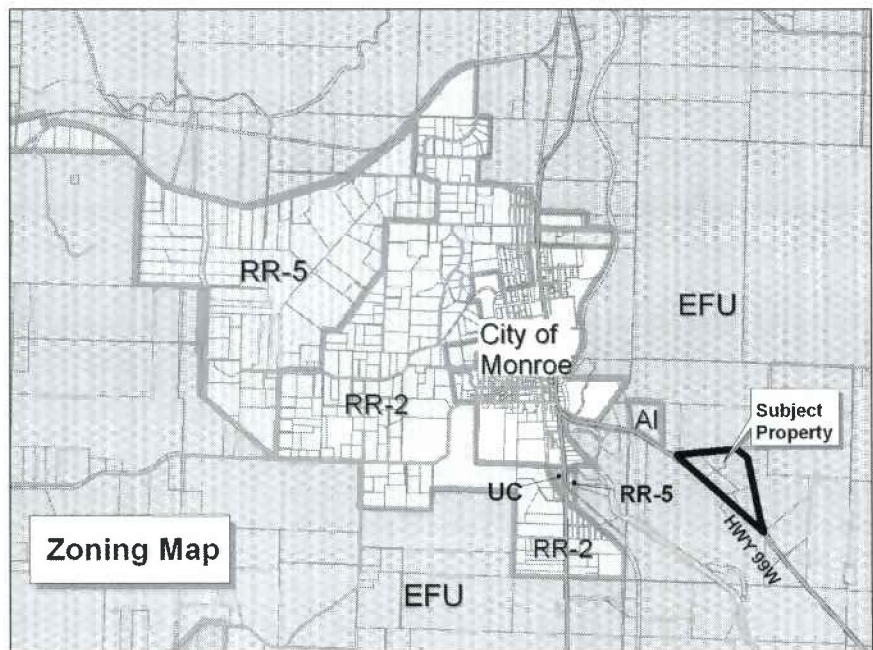
The majority of the property is open, consisting of pasture and hayfields, with scattered trees, primarily conifers, riparian species, and a few oaks. A small wetland (0.5 acre) has been mapped near the southern tip of this land, and 100-year floodplain covers most of Tax Lot 1200 (not included in this zone change), at the western tip.

The property is gently sloped to flat, with no more than ten feet of elevation difference within the entire triangle. Soils are all defined as high-value farm soils: They are: Malabon silty clay loam, a well-drained alluvial Class II soil; and Conser silty clay loam, a poorly-drained Class III soil found in the lower areas. Salem gravelly silt loam is found along Highway 99W. The subject properties are considered legal parcels; detailed review is included in a separate document.





**Zoning:** Contiguous properties on all sides are zoned EFU, with parcel sizes from 9.15 to 111.43 acres, and used for agriculture. North on Highway 99W is a 15-acre parcel zoned Agricultural Industrial, with a manufacturing facility. Directly west about one-half mile and adjacent to the Monroe City Limits is an area of six (6) acres zoned RR-5, and five (5) acres zoned Urban Commercial. Surrounding the City of Monroe to the north, west and south is an RR-2 zone of 829 acres and an RR-5 zone of 566 acres.



## C. COMMENTS

No comments have been received from the public. A letter of comment was received from Doug White, Community Services Specialist at the Department of Land Conservation and Development in Salem. This letter is included as Attachment D.

## D. FINDINGS ADDRESSING APPLICABLE CRITERIA

To change the zoning from Exclusive Farm Use to Rural Residential 2-acre Minimum Parcel Size requires that exception to Goal 3 (Agricultural Lands) and Goal 14 (Urbanization) be taken pursuant to Oregon Administrative Rules (OAR) Chapter 660, Division 4. OAR 660-004-0000(2) states that “an exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals.... The documentation for an exception must be set forth in a local government’s comprehensive plan.” Thus, if the exceptions are approved, the Board of Commissioners action will amend the Comprehensive Plan to include the Goal Exception Findings.

The findings and analyses in this document are divided into six (6) sections:

- Part 1, Interpretation of the Goal Exception Process
- Part 2, Application of Goal 14 to Urban Development on Rural Lands
- Part 3, Planning and Zoning for Exception Areas
- Part 4, Applying the Transportation Planning Rule
- Part 5, Application of Development Code and Comprehensive Plan Criteria

<p style="text-align: center;"><b>Part 1: OAR 660-004-0028</b> <b>Exception Requirements for Land Irrevocably Committed to Other Uses</b></p>
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**660-004-0028 (1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable....**

**(2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:**

- (a) The characteristics of the exception area;**
- (b) The characteristics of the adjacent lands;**
- (c) The relationship between the exception area and the lands adjacent to it; and**
- (d) The other relevant factors set forth in OAR 660-004-0028(6) (below).**

**(3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined**

**through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource-protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible". For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:**

**(a) Farm use as defined in ORS 215.203;** [ORS 215.203(2)(a): "...the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. ..."]

**(b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and**

**(c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).**

**Findings:** To summarize, the administrative rule stipulates that a Goal 3 exception is justified if the characteristics of the exception area and adjacent lands, the relationship between the exception area and adjacent lands, and other relevant factors render farm use for profit impracticable. The Oregon Court of Appeals has further clarified that Goal 2 (Land Use Planning) and the OARs require "[the character of] **surrounding areas and their relationship to the exception area to be the basis for determining whether the exception is allowable.**" (DLCD v. Curry County, CAA98550) In other words, the focal point of the justification must be that the relationship between the subject property and adjacent lands somehow commits the resource-zoned land to non-resource use.

**Findings:** The application submittal states that a combination of unsuitable site conditions, activities on adjacent properties, bordering roads, and existing small-parcel residential uses makes farm use impracticable. Despite the fact that the vast majority of the site is composed of Class II and III agricultural soils, the application suggests that *"The absence of any new farm activities and the relative lack of change within the rezone area suggest that an error of zoning was made at the time of adoption. The subject property was physically developed then and had the same natural restrictions (sloughs, wetlands and seasonally high water table) as it does now."*

The application submittal also discusses difficulty of farming the small sizes (1.28 to 8.67 acres) and shapes of the subject properties, due to the locations of improvements and seasonally wet soils. The narrative provided by the applicants (Attachment A) describes soils that are

impassable due to standing water during several months of the year and “compressible” soils that do not easily support the weight of farm equipment. Also noted is the fact that with the closure of Losen Road at Highway 99W, access of commercial scale farm equipment to Ingram Island Road from the highway is “impossible” due to the alignment of the intersection. The narrative further states that these parcels have no history of commercial agricultural use, and that adjacent farmers have no interest in bring lands within the proposed rezone area under cultivation due to the wet soils and isolation of these properties by existing roads.

The subject property is within one-half mile of Rural Residentially zoned lands totaling nearly 1400 acres, and the City Limits of Monroe. This Rural Residential area is Goal Exception No.27, established in 1982, when the average parcel size of the exception area was 8 acres and 68% of the 152 parcels were developed with residences. In comparison, the average parcel size in the proposed rezone area is 5.6 acres, and 83% of the parcels are residentially developed. This data supports the applicants’ position that the proposed rezone area was overlooked during the 1982 goal exception process, and would have been more appropriately zoned Rural Residential at that time.

**Analysis and Conclusions:** To recapitulate, the County must find that farm use and commercial forestry activities are rendered *impracticable* (not capable of being put into practice), due to the character of surrounding lands and their relationship to the subject property (primary factor) and due to conditions of the subject property and other relevant factors.

The Board of Commissioners concludes that these properties cannot practicably be put to farm use, considering the statutory definition which includes “... **for the primary purpose of obtaining a profit ...**” from farming activities. Placement of dwellings, septic drainfields, wells, driveways, accessory buildings, and property lines, in combination with natural drainage features precludes commercial agriculture on most portions of this area, and renders this group of parcels primarily rural residential in nature, with small-scale or “hobby” farming playing a secondary role. The only area that could potentially be farmed in conjunction with another adjacent parcel is Tax Lot 1001, which is has no structures and is adjacent to a 34-acre parcel to the east, across Losen Road. On a site visit, staff observed that although Losen Road is closed, and in effect becomes a driveway on its southern half, the placement of the residential compound, consisting of a residence and several farm buildings, would prevent connectivity for farming purposes. In addition, a seasonal streambed several feet deep on the east side of Losen Road prevents the 34-acre parcel from being farmed in conjunction with Tax Lot 1001. The Board of Commissioners concludes that putting the proposed rezone properties to resource use is not practicable, and that the impracticability results from the combination of site limitations, placement of existing structures, driveways, and property lines, and the isolation of the subject properties from adjacent lands by roads, highways, and natural features such as sloughs and seasonal streams. **This criterion is met.**

**(4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) (below) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.**

**Findings:** The application submittal addresses this “statement of reasons” by proposing three main premises:

*“1) The properties individually, and the rezone area in particular, are both generally unsuitable for the production of farm crops and timber on a commercial scale.*

- 2) *The subject rezone area cannot reasonably or feasibly be utilized for farm or forest use by itself or in conjunction with adjoining properties due to activities on adjoining properties and the fact it is surrounded by roads that restrict free movement of goods and services.*
- 3) *The absence of any new farm activities and the relative lack of change within the rezone area suggest that an error of zoning was made at the time of adoption. The subject property was physically developed then and had the same natural restrictions (sloughs, wetlands and seasonally high water table) as it does now."*

The applicants' submittal details several factors that restrict each parcel in the proposed rezone area from being practicably used for resource use.

**(5) Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.**

Detailed findings for each separate parcel as well as for the area as a whole are included in the applicants' submittal.

**(6) Findings of fact for a committed exception shall address the following factors:**

- (a) Existing adjacent uses;**
- (b) Existing public facilities and services (water and sewer lines, etc.);**
- (c) Parcel size and ownership patterns of the exception area and adjacent lands:**
  - (A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;**
  - (B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if**

**they stand alone amidst larger farm or forest operations, or are buffered from such operations.**

- (d) Neighborhood and regional characteristics;**
- (e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;**
- (f) Physical development according to OAR 660-040-0025; and**
- (g) Other relevant factors.**

**Findings:** Benton County first applied EFU zoning to this area in August of 1974. At that time the current pattern of parcelization was in existence, and all dwellings were in place, with the exception of the dwelling on Tax Lot 1003, which was added as a Lot of Record Dwelling in 1997. As mentioned above in (6)(c)(B) **“Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels.”** In this case, the parcels are in separate ownerships and clustered, and three of the six dwellings take access from West Ingram Island and Losen Roads.

Impediments separating the proposed rezone area from surrounding resource land include Highway 99W, which separates it from the large agricultural parcel to the west; roads and associated drainage ditches along West Ingram Island and Losen Roads; and sloughs and seasonal streams on the north and east sides of the subject properties.

The application submittal addresses each of the required factors.

**(7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.**

**Findings:** The maps and photographs submitted with the application are sufficient for this purpose.

**Analysis and Conclusion:** A combination of factors has rendered this area irrevocably committed to non-resource use, when considering the definition of farm use, and the characteristics of this and adjacent properties. **The Board of Commissioners concludes this criterion is met.**

**Part 2: OAR 660-014-0030**  
**Rural Lands Irrevocably Committed to Urban Levels of Development**

**660-014-0030 (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). If a conclusion that land is irrevocably committed to urban levels of development is supported, the four factors in Goal 2 and OAR 660-004-0020(2) need not be addressed.**

**Findings:** The proposed zone change contends that the exception area is irrevocably committed to urban levels of development. The findings below in this section address the reasons and facts. Recent rule changes at the state level have changed the operative definition of “rural” and “urban” density for purposes of zoning. The current regulation states:

**660-004-0040 (7) (i) For rural residential areas designated after the effective date of this rule (June 9, 2000), the affected county shall either:**

**(A) Require that any new lot or parcel have an area of at least ten acres, or**

**(B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."**

In other words, any parcel size smaller than 10 acres in newly designated residential zones shall be considered “urban” and require an exception to Goal 14, Urbanization.

The applicants’ have stated, in the second (June, 2008) addendum to the application, that *“The RR-10 designation would not work at this location because all of the lots are smaller than 10 acres.”* The application submittal consistently refers to the proposed zone change as rural in character. Extensive information is provided in the applicants’ addendum dated October 27, 2007 in support of designating the proposed rezone area RR-2. Specifically, description of the characteristics of other south Benton County exception areas is used to support the conclusion that the proposed rezone area is comparable, and was overlooked at the time exception areas were identified. Information is provided in support of the applicants’ conclusion that the proposed rezone area is indeed more appropriate for residential use than the existing Rural Residential areas. In fact, the applicants’ analysis of the rate of buildout of the existing south Benton County exception areas demonstrates that an adequate supply of land exists that is zoned residential, but that much of this land is currently being used for productive agriculture. The application submittal states that even though this supply exists *“The key factor is that the subject property is already built and committed to uses that would not otherwise be permitted in the EFU zone, most notably dwellings that have no linkage to the farm enterprise of the area.”*

**Conclusion:** The requested zone change requires an exception to Goal 14. The criteria from OAR 660-014 are addressed below.

**(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.**



**Findings:** Using the definition of “urban” put forward in OAR – parcels smaller than 10 acres – all parcels in the proposed zone change area are developed at an urban density, with the exception of the southernmost parcel of 8.06 acres, which is undeveloped. The average density of this area (33.59 acres with five dwellings) is one dwelling per 5.77 acres. Part I of these findings establish that this area is irrevocably committed to non-resource use. By applying the accepted definition of “urban” to these lands, it can therefore be said that these lands are irrevocably committed to urban levels of development.

**(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.**

**Findings:** No commercial or industrial uses exist within the proposed rezone area. Five dwellings and numerous outbuildings exist on six parcels, for an overall density of one dwelling per 6.7 acres. No urban level services exist in this area, with all residences served by wells and on-site septic systems. It should be noted that the City of Monroe sewage treatment facility is located within less than a mile of these properties; however, unless the properties were added to the Monroe urban growth boundary they are not eligible to receive municipal sewer service. Parcel sizes range from 1.28 to 8.67, with an average parcel size of 5.6 acres. These factors are addressed greater detail in the application submittal.

**(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.**

**Findings:** The density of dwellings existing within this bounded area (contained by three roads), creates a distinct neighborhood that is already developed at a density exceeding the definition of “rural.” Because of the constraints on resource use of these lands and the existing level of development, in the long run residential use is likely the most viable use.

**Conclusion:** The exception area is irrevocably committed to an urban density of development.

**(5) More detailed findings and reasons must be provided to demonstrate that land is committed to urban development than would be required if the land is currently built upon at urban densities.**

**Analysis and Conclusion:** While the County may not concur with the state’s definition of “urban”, application of this definition to the proposed rezone area leads to the conclusion that the proposed rezone area is committed to an urban level of development.

**Conclusion (Goal Exception Criteria): The Board of Commissioners concludes that a goal exception has been justified.**

**Part 3: OAR 660-004-0018  
Planning and Zoning for Exception Areas**

**OAR 660-004-0018 (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**

**Findings:** The application proposes an "irrevocably committed" exception and a 5-acre Rural Residential zone. The applicants' proposed zoning would limit uses to those which are the same as the existing land uses in the exception area, but the density would increase. According to the definition of "urban" in OAR 660-0040(7), the proposed 5-acre parcel size would result in urban density development, for which a Goal 14 exception is proposed. (See Part II of these findings.)

**Findings:** One new dwelling could be permitted under the proposed RR-5 zoning. Another could be permitted if a property line adjustment is performed. According to the applicants' information, wells in this area produce adequately, and in any case, creation of any new parcels would require compliance with Development Code criteria for water supply and protection of adjacent wells. Creation of 1-2 new parcels would require the addition of septic systems to this property, which may prove difficult considering the seasonal soil saturation in some areas. Assuming that up to two septic systems could be approved, the remaining public facility to be addressed is the transportation system, which will be discussed in Part IV of these findings.

**Analysis and Conclusion:** Because the definition of "urban" precludes consideration of Rural Residential properties with a 5-acre minimum parcel size as "rural", this proposal will not maintain the land as "Rural Land". This criterion is not met, and therefore the applicant must justify an exception to the Goal 14 requirement to maintain rural land as "rural". That goal exception is addressed in Part II of these findings.

**(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**

**Findings:** The potential ways in which the proposed uses and density could impact nearby resource uses include traffic on local roads, traffic on Highway 99W, and conflicts resulting from residences in proximity to active farm practices (such as tilling, spraying, harvesting, burning). The applicant states that the requested zone change would result in the addition of 1 or 2 dwellings and the creation of 1 new parcel. This will result in an increase in traffic on Losen Road from one or two non-farm related residences. This represents a small total amount of traffic in this area, relative to existing traffic levels. Traffic impacts to Highway 99W are addressed in Section IV.

Regarding traffic conflicts, the existing residential pattern in the proposed rezone area has existed for more than 30 years with no noted negative effects to resource use in the area. Infill development within the area long-developed to residential uses is not likely to significantly alter the existing relationship between resource and non-resource uses in the area. If additional residential pressures affect nearby resource land, it would most likely be in a reduction of the level of service on adjacent Highway 99W, which will be addressed in Part IV - transportation planning.

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

**Findings:** As discussed earlier in these findings, the proposed rezone area is a half mile from the City Limits of Monroe and nearly 1400 acres of Rural Residentially zoned lands. It is likely that the rezoning of the subject properties will not be incompatible with existing resource use, due in part to the long history of this interface and the fact that the proposed rezone area has essentially been developed residentially for many years, even though it has been zoned EFU. Adding residential uses on the subject properties is unlikely to create new conflicts or significantly exacerbate any existing ones, due to the configuration of the exception area and the fact that it is buffered from adjacent resource uses by significant natural features, roads, and a highway.

**Conclusion:** Although Rural Residential zoning at 2 or 5-acre minimum parcel sizes is not considered “rural” by state definition, the likely continued existence of “rural” uses such as small hobby farms and livestock for personal use will allow this area to continue to be compatible with adjacent resource use.

The Board of Commissioners concludes that the proposed rezoning will be consistent with the rural status of the area, will not commit additional resource land to nonresource use, and will be compatible with nearby resource uses. **This criterion is met.**

**Part 4: OAR 660-012-0060 FINDINGS  
APPLYING THE TRANSPORTATION PLANNING RULE  
FOR PLAN AND LAND USE REGULATION AMENDMENTS**

**OAR 660-012-0060 (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall**

assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

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

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

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

**Findings:** The proposed zone change and Comprehensive Plan map amendment would result in one, and possibly two, new residences accessing the county road system via a private road. It is not anticipated that this would result in a level of travel or access inconsistent with the functional classification of any county road, nor would such use reduce the performance standards of any facility below the minimum level identified in the County's transportation plan.

**Conclusion:** The proposed plan amendment would not significantly affect a transportation facility, and the requirements of subsection (1) do not apply. **The Board of Commissioners finds this criterion is met.**

**Part 5: BCC 53.505**  
**FINDINGS APPLYING DEVELOPMENT CODE CRITERIA**  
**and COMPREHENSIVE PLAN POLICIES**

**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;**

**Findings in Favor:** To summarize the application submittal, the physical limitations of the site (seasonally wet soils, surrounding sloughs and drainageways) combined with surrounding existing parcelization and structures and the proximity of residential development (Monroe and surrounding RR zone) render the property not well-suited to resource use. The applicants state

that the proposed rezone area is more consistent with nearby Rural Residential zoning than it is with the area's agricultural lands. Addressed earlier in these findings, these properties were created in the 60s and 70s, and all but one dwelling was built prior to the Goal Exception process in Benton County in 1982. Four of the five existing dwellings were constructed prior to the application of EFU zoning in 1974. This information supports the applicants' opinion that this area was overlooked for goal exception in 1982, and should therefore be rezoned now.

The application further states that the scale of the soil survey does not consider the site-specific conditions that render this group of properties unsuitable for agriculture that fits the definition of "farm use".

**Findings in opposition:** The Soil Survey identifies the property as Class II and III agricultural soils.

**Analysis and conclusion:** The 1982 Goal Exception document for Benton County, in its discussion of the Monroe area exception, states that this area was "... *developed and committed according to Benton County's criteria. This area reflects long-term and development pattern {sic} adjacent to the Monroe urban area. Thirty-seven vacant ownerships are less than twenty acres in size. These committed parcels are both clustered on wooded hillsides and randomly located. The remaining large ownerships are enclosed within this area. The mix of developed and committed ownerships do not make it reasonably possible to apply Goals 3 and 4 to this area.*" Committed parcels were defined as those 5 to 10 acres with a dwelling when less than 50% of the contiguous parcels were 5 to 10 acres with a dwelling or in a platted subdivision. Also considered committed were vacant parcels 10 acres or smaller. The average ownership size of the Monroe Rural Residential area was 8 acres, in contrast to the 5.6-acre average ownership size in the proposed rezone area.

The Board of Commissioners finds that the property is not well-suited to agriculture or forestry, for the reasons discussed in the goal exception section of this report. The suitability of this property for increased residential use will most likely be subject to approval criteria for septic systems. The Board concludes that the property is better suited to residential use than to resource use, and therefore the proposed zoning is more appropriate than the existing zoning. **This criterion is met.**

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

**Findings in favor:** As stated in the application submittal, the proposed zoning and use of this property are compatible with the adjacent resource zoned properties by virtue of the site conditions which isolate this group of properties from surrounding agricultural lands. The required 300-foot setback from EFU lands for dwellings in the RR zone is not in effect when a road intervenes.

**Analysis and Conclusion:** Given the sizes, existing development, and configuration of the subject properties, as well as the factors isolating these properties from adjacent EFU lands, the Board of Commissioners concludes that the rezoning would have minimal impacts on adjacent properties.

**(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**

**Findings:** The additional public services that would be demanded as a result of the zone change are limited to: additional road access for dwellings (average 10 vehicle trips per day) via West Ingram Island Road; additional impacts to Highway 99W; and additional fire protection for new dwellings located within the Monroe Rural Fire District. Approval of any new parcels and/or dwellings would be the occasion for road improvements to be required on West Ingram Island Road, as well as the approval of any access permits on either Ingram Island or Highway 99W.

**Conclusion:** The road improvements required by Benton County would ensure that the required level of improvements will be made available to the area. **This criterion is met.**

**(4) The proposed zone change is consistent with the policies of the Comprehensive Plan.**

**Findings:** The application submittal addresses several Comprehensive Plan policies, which follow this section.

## **FINDINGS FOR AMENDING THE COMPREHENSIVE PLAN MAP**

Chapter 17 of the Benton County Comprehensive Plan, 2007, outlines the procedures and criteria for amending the Comprehensive Plan Map:

### **1. Initiation of Amendments:**

**A Comprehensive Plan Map or Text amendment may be initiated by the Board of Commissioners, either on the Board's own volition or in response to petition from the Planning Commission, Planning Official, Citizen Advisory Committees (CACs), or private individuals.**

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

### **2. Amendment Review Procedures:**

**If a proposed amendment to the Comprehensive Plan would (A) result in or require a property to be rezoned in order to comply with the amended Comprehensive Plan, or (B) limit or prohibit a use or uses currently allowed on a property, the Planning Official shall mail notice of the proposed amendment to affected property owners pursuant to ORS 215.503.**

**The staff will be responsible for preparing a background report which describes the proposed amendment and provides other information needed for proper consideration. This report will be forwarded to affected CACs and agencies for comment. Following public review, a full staff report will be prepared analyzing the impacts of the amendment.**

**The Planning Commission will hold at least one public hearing before determining whether or not the application warrants approval. The Planning Commission shall either forward a recommendation for approval to the Board of Commissioners, or shall deny the proposed amendment. In the case of an application from a private individual, the applicant may appeal the Planning Commission's denial. Upon receipt of a Planning Commission recommendation or an applicant's appeal, the Board shall schedule the matter for hearing. The Board will hold at least one public hearing before adopting an ordinance amending the Comprehensive Plan. After the**

**first reading of the ordinance to amend the Comprehensive Plan, the Board shall either deny the request or schedule the matter for a second reading.**

### **3. Criteria for Amendments:**

#### **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.**

#### **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]**

**Findings:** The applicants' submittal has been reviewed for compliance with Development Code and Oregon Administrative Rules. Compliance with the state requirements for goal exceptions is discussed in Parts I and II of these findings, in which the Board determined a goal exception had been justified. The following policy, from Chapter 2 of the Comprehensive Plan – Land Use Planning, has been determined to be most applicable to this process.

**Policy 2.1.4 In order to preserve farm and forest land, Benton County shall limit rural residential development to areas where goal exceptions have been allowed. Criteria shall be established to accommodate residential development at appropriate densities based on the carrying capacity of the land and public infrastructure.**

**Findings:** Criteria for goal exceptions have been addressed previously in these findings. The expression “carrying capacity” is generally defined as the ability of the land to support proposed development in a manner that preserves public health and safety as well as the desired quality of life. In this case, carrying capacity has been addressed through application of the criteria for wells, septic systems, and transportation systems. Certain unknowns, such as the feasibility of these properties for on-site septic systems and the requirements for road improvements, will only be determined at the time of application for partition, if this rezoning application is approved.

**Conclusion:** The proposed Comprehensive Plan Map amendment from Agriculture to Rural Residential is consistent with the Comprehensive Plan, and a public need has been shown to exist. The Board of Commissioners earlier concluded that a goal exception had been justified, and applicable portions of OAR and Development Code have been addressed. Therefore, **this criterion has been met.**

## **E. SUMMARY AND CONCLUSION**

### **Findings and conclusions of the Board of Commissioners are:**

Goal Exception Criteria: The subject property is substantially constrained by patterns of parcelization, the existence of dwellings, presence of soils unfavorable to farming, the pattern of adjacent roads and highways, and the isolation of this area from surrounding agricultural lands

by built and topographic features. These factors led to the determination that farm use was impracticable.

The Board of Commissioners concludes that an “irrevocably committed” goal exception has been justified.

Planning and Zoning for Exception Areas (OAR 660-004-0018): The proposed rezoning will be consistent with the rural status of the area, will not commit additional resource land to nonresource use, and will be compatible with nearby resource uses.

Development Code Zone Change Criteria: The proposal meets the Development Code criteria. The proposed zoning is more appropriate than the current zoning, the impact on adjacent properties will be minimal, and the proposal complies with applicable policies of the Comprehensive Plan.

Criteria for Amending the Comprehensive Plan Map: A public need can be demonstrated, and consistency with Comprehensive Plan policies and statewide goals has been demonstrated.

Compliance with Transportation Planning Rule: The proposed zone change is consistent with the provisions of the Transportation Planning Rule (OAR 660-012-0060).

**Overall Conclusion: The Board of Commissioners concludes that the approval criteria have been met and the application should therefore be approved.**



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