



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/01/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: Polk County Plan Amendment
DLCD File Number 004-11

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: Friday, June 15, 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: Jerry Sorte, Polk County
Jon Jinings, DLCD Community Services Specialist
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA

PROP **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: **Polk County**

Local file number: **PA 11-02 and ZC 11-03**

Date of Adoption: **5/23/2012**

Date Mailed: **5/25/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 12/29/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

These applications expand the size of the Womer Cemetery. The applications consist of a Comprehensive Plan Map amendment for an approximately 2.2 acre portion of an approximately 3.9 acre parcel from Agriculture to Public. The applications also change the zoning of that area from Exclusive Farm Use (EFU) to Public and Private Cemeteries (PC) and Limited Use Overlay (LU). The LU zone limits the use of the expansion area to cemetery use. These applications include a "Reasons" exception to Statewide Planning Goal 3.

Does the Adoption differ from proposal? Yes

The adopted ordinance added the LU zone to the expansion area.

Plan Map Changed from: **Agriculture**

to: **Public**

Zone Map Changed from: **EFU**

to: **PC and LU**

Location: One property north of 12970 South Kings Valley Highway, Monmouth, OR Acres Involved: **2.2**

Specify Density: Previous: **80 acre min parcel size**

New: **No min parcel size**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO Goal 3 Exception

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-11 (19122) [17058]

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

Local Contact: **Jerry Sorte**

Phone: (503) 623-9237 Extension:

Address: **850 Main Street**

Fax Number: **503-623-6009**

City: **Dallas**

Zip: **OR**

E-mail Address: **sorte.jerry@co.polk.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, 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
FOR THE COUNTY OF POLK, STATE OF OREGON**

In the matter of Plan Amendment PA 11-02 and)
Zone Change ZC 11-03 that would authorize)
expansion of the Womer Cemetery onto a)
2.16 acre area at T9S, R6W, Section 32, Tax Lot 302)

ORDINANCE NO. 12-02

WHEREAS, the Board of Commissioners held a public hearing on May 9, 2012 with due notice of such public hearing having been given, and provided an opportunity for public comments and testimony; and

WHEREAS, the Board of Commissioners received a recommendation in support of Plan Amendment PA 11-02 and Zone Change ZC 11-03 from the Polk County Hearings Officer based upon his public hearing and conclusions; and

WHEREAS, the Board of Commissioners received a recommendation in support of Plan Amendment PA 11-02 and Zone Change ZC 11-03 from Polk County Planning staff based upon the findings and evidence in the record; and

WHEREAS, the Board of Commissioners on May 9, 2012, publicly deliberated and unanimously passed a motion to approve Plan Amendment 11-02 and Zone Change 11-03; now therefore,

THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Sec. 1. That Polk County adopts the findings for Plan Amendment PA 11-02 and Zone Change ZC 11-03 located in the Hearings Officer's recommendation as shown on Exhibit C.

Sec. 2 That Polk County adopts as part of the Polk County Comprehensive Plan a "Reasons" exception to Oregon Statewide Planning Goal 3 for the subject property. Polk County amends Appendix F of the Comprehensive Plan to include the "Reasons" exception findings located in the Hearings Officer's recommendation included as Exhibit C.

Sec. 3. That Polk County amends the Polk County Comprehensive Plan Map for the approximately 2.16 acre property identified on the Assessment Maps as T9S, R6W, Section 32, Tax Lot 302 from Agriculture to Public as shown on Exhibit A.

1/25

RECORDED IN POLK COUNTY **CJ 2012-53**
Valerie Unger, County Clerk
Commissioners' Journal 05/24/2012 10:52:36 AM

Ordinance 1
12-02

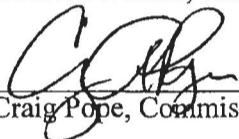
Sec. 4. That Polk County amends the Polk County Zoning Map for the approximately 2.16 acre property identified on the Assessment Maps as T9S, R6W, Section 32, Tax Lot 302 from Exclusive Farm Use (EFU) to Public and Private Cemeteries (PC) and Limited Use Overlay (LU) as shown on Exhibit B. As recommended by the Hearings Officer, the Limited Use Overlay Zone shall restrict use of the subject property to a cemetery.

Sec. 5. An emergency is declared, and the provisions of this ordinance become effective upon its adoption.

Dated this 23rd day of May 2012 at Dallas, Oregon.

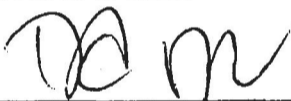
POLK COUNTY BOARD OF COMMISSIONERS


Mike Ainsworth, Chair


Craig Pope, Commissioner

unavailable for signature
Jennifer Wheeler, Commissioner

Approved as to form:


David Doyle
County Counsel

First Reading: May 23, 2012

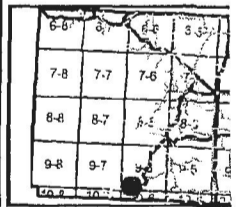
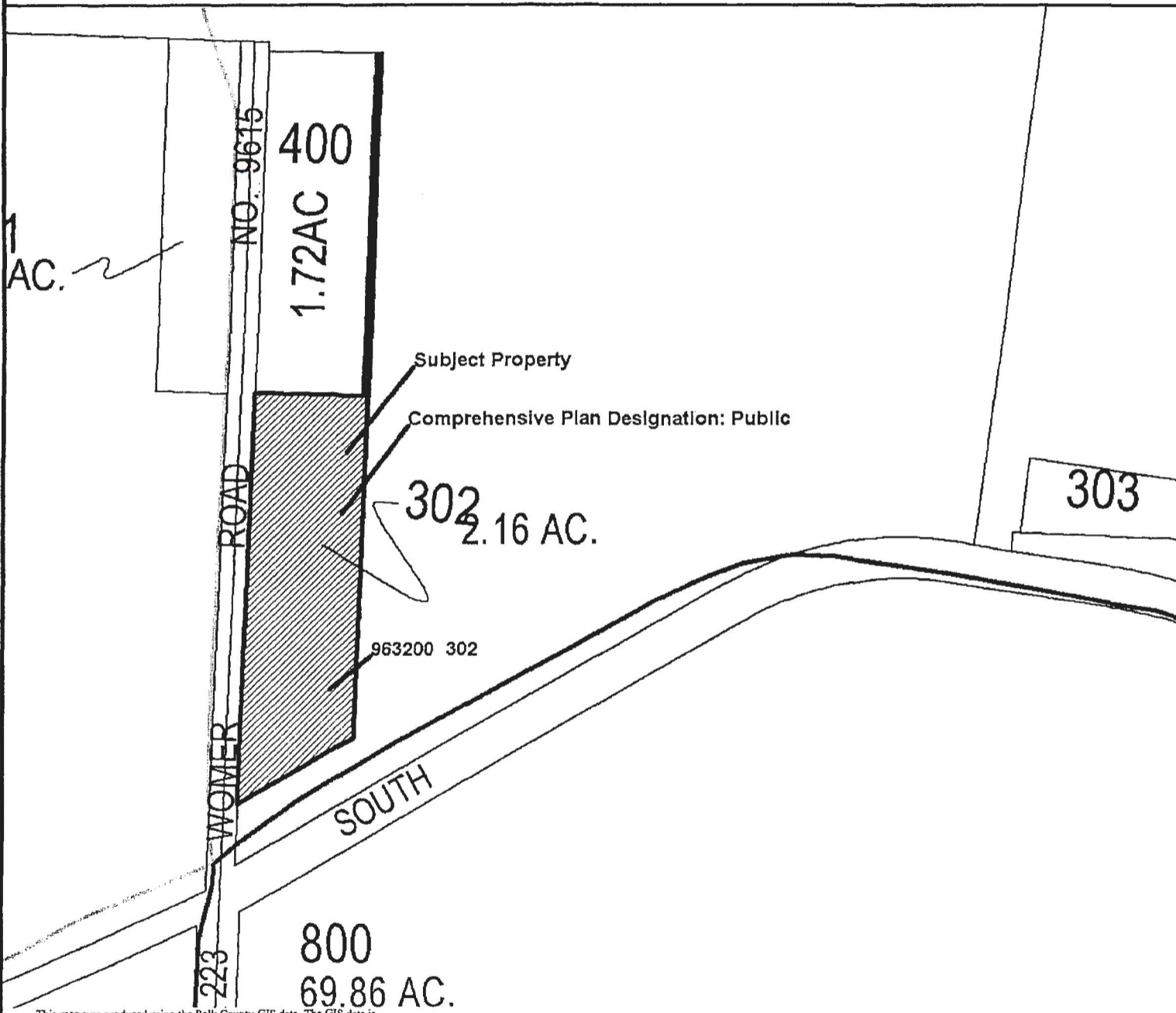
Second Reading: May 23, 2012

Recording Secretary: Spencer

Polk County Map

Community Development

- Roads
 - GRAVEL
 - OTHER
 - STATEHWY
- Taxlot12
 - Taxlot Arrows12
 - Taxlot Boundary12
 - taxlot12



This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

1 in. = 200 ft.

5/9/2012

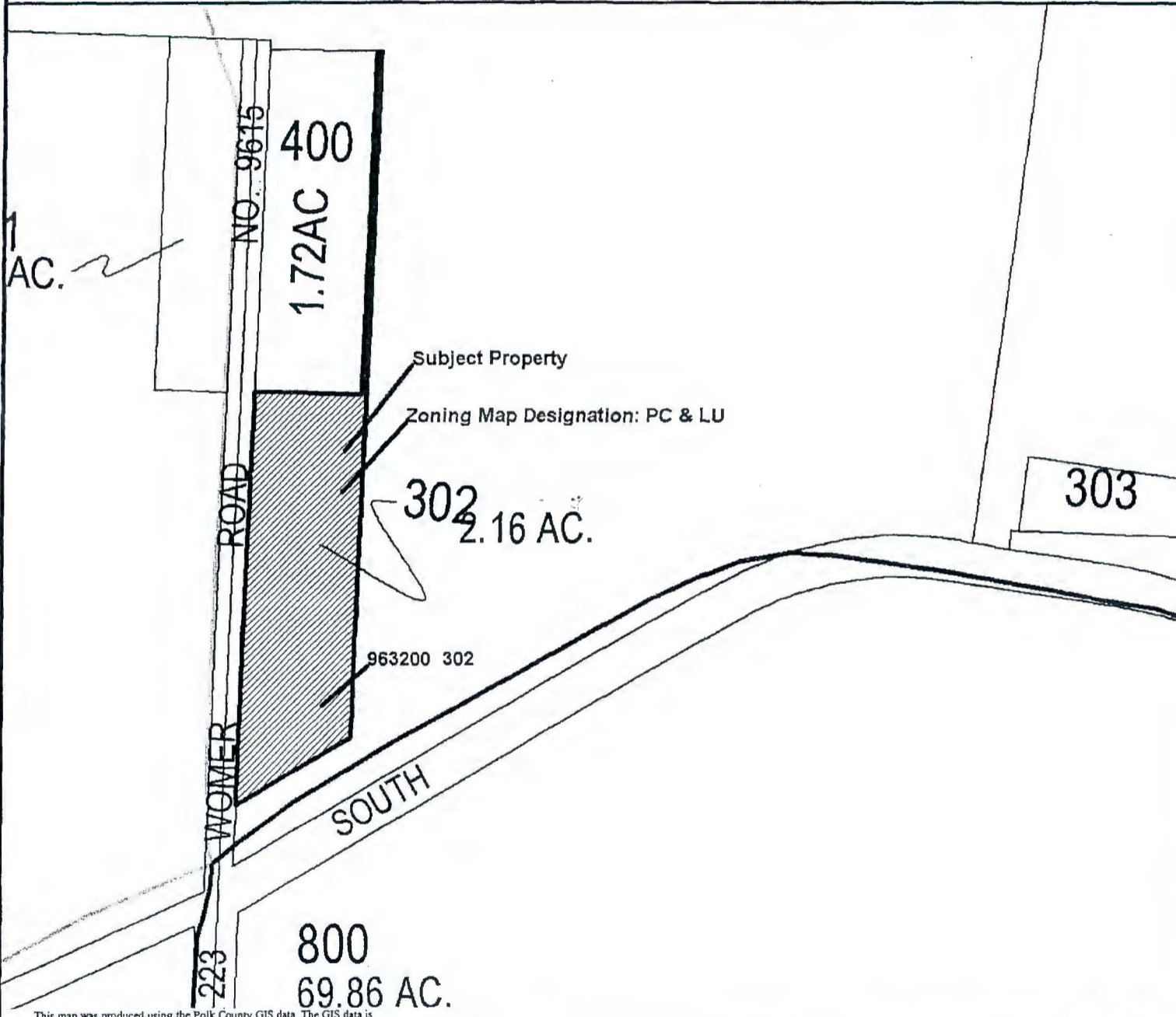


Exhibit A

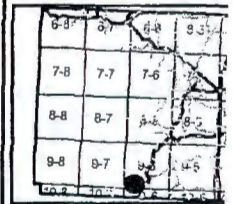
3/25

Polk County Map

Community Development



- Roads
 - GRAVEL
 - OTHER
 - STATEHWY
- Taxlot12
 - Taxlot Arrows12
 - Taxlot Boundary12
 - taxlot12



5/9/2012



1 in. = 200 ft.

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Exhibit B

selh
4/25

APR 19 2012
POLK COUNTY
COMMUNITY DEVELOPMENT

**BEFORE THE PLANNING DIVISION
FOR POLK COUNTY, OREGON**

In the Matter of the Application of)
Pedee Cemetery Maintenance District)

Plan Amendment 11-02
Zone Change 11-03

SUMMARY OF PROCEEDINGS

(General)

This matter arose on the application of Pedee Cemetery Maintenance District to expand the Womer Cemetery from its current size of approximately 1.8 acres to approximately 3.88 acres. Involved is a 2.16-acre portion of the 3.88-acre subject property. This affected area is legally described as tax lot 302, section 32, T9S, R6W, WWM, and is referred to in this document as "tax lot 302," and tax lot 400 adjacent thereto. It is located one property north of 12970 South Kings Valley Highway, Monmouth, Oregon.

An amendment to the Polk County Comprehensive Plan (PCCP) would change the designation of tax lot 302 from Agriculture to Public; a PCCP text amendment would adopt a "reasons" exception to Statewide Planning Goal 3 on tax lot 302; and a zoning plan amendment to change the zoning of tax lot 302 from Exclusive Farm Use (EFU) to Public and Private Cemeteries (PC) and Limited Use Overlay (LU). The LU zone would restrict the use of the subject property to cemetery.

The applicable review and decision criteria are Polk County Zoning Ordinance (PCZO) 111.140, 115.050; Oregon Administrative Rules (OAR) 660-004-0018, 660-004-0020, 660-004-0022, 880-012-0060; and Oregon Statewide Planning Goals.

(Project and Property Description)

The Womer Cemetery currently utilizes 1.72 acres of the 3.88-acre subject property. The applicant has submitted these applications in order to expand the cemetery onto the remaining 2.16 acres of the property. The applicant has concurrently applied to change the PCCP designation, adopt a text amendment to the PCCP, and to change the Zoning Map designation for approximately 2.16 acres of a 3.88-acre parcel owned by the Pedee Cemetery Maintenance District. The purpose of these applications is to authorize expansion of the Womer Cemetery onto the portion of the parcel immediately to the south of the existing cemetery. The applicant is proposing to change the PCCP Map designation of the approximately 2.16 acre area from Agriculture to Public and to change the zoning of that area from EFU to PC and the Limited Use Overlay zone. The LU zone would restrict the use of the expansion area to use as a cemetery. These applications require an exception to Statewide Planning Goal 3, and the applicant has applied for a "Reasons" exception to Goal 3. The proposed "Reasons" exception would be adopted into the text of the PCCP.

These requests are evaluated in below. These applications were submitted on December 22, 2011. The applicant provided additional findings and evidence to support the applications on February 8, 2011 and March 12, 2012. Public hearings were scheduled for these applications before the Hearings Officer on April 10, 2012, and before the Board of Commissioners for May 9, 2012.

According to the information in the application, Womer Cemetery was acquired by the District in 1963 and has since been managed as a public cemetery. All cemetery plots have been sold, and the District is seeking this expansion in order to continue to provide cemetery plots to the public.

As indicated on maps submitted into the Record, the subject property and a property to the west are designated Agriculture and Public in the PCCP, and zoned EFU and PC. Properties to the north, east and south are designated Agriculture and zoned EFU.

5/25

The subject property is located one property north of 12970 South Kings Valley Highway, Monmouth, OR (Assessment Map T9S, R6W, Section 32, Tax Lots 302 and 400). The subject property was lawfully created pursuant to Polk County Subdivision and Partition Ordinance Section 91.950(1)(b) as a result of a property line adjustment, identified as Polk County planning authorization LLA 97-14. The subject property is depicted on County Survey 13667. The subject property is currently described in Polk County Clerk Document 2011-11468, dated December 12, 2011. Based on a review of the Polk County Assessor records, the subject property does not contain any assessed buildings.

Based on a review of the Polk County Significant Resource Areas Map, the subject property is located in the Deer and Elk Winter Range. Polk County does not have record of any inventoried wetlands on the subject property. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41053C0525F, dated December 19, 2006, the subject property is located outside of the 100-year floodplain. The subject property does not contain any inventoried historic landmarks, and is located outside of the Willamette River Greenway.

As described above, the subject property is split-zoned. The portion of the subject property identified as Tax Lot 400 is zoned PC, and the area identified as Tax Lot 302 is zoned EFU. Tax Lot 302, which is the area subject to these applications, was added to the Womer Cemetery property through property line adjustment LLA 97-14. That property line adjustment is depicted on County Survey (CS) 13667. If these applications are approved, Tax Lot 302 would be authorized to be used as a part of Womer Cemetery.

Based on the information presented into the Record, approximately 51% of the soils located on the subject parcel are classified under ORS 215 and OAR 660-033 as high-value soils. This information is based on NRCS soil information, Polk County Tax Assessment data, and staff's approximation of the proposed parcel configurations. This information was provided for land use planning purposes only.

(Services)

The subject property has frontage along Womer Road and South Kings Valley Highway (Highway 223). Womer Road is designated as a local road in the *Polk County Transportation Systems Plan*, Figure 3. South Kings Valley Highway is designated as a minor arterial. The subject property currently does not have a source of potable water or contain an on-site sewage disposal system.

(Notification)

Notice of the April 10, 2012, hearing before the Polk County Hearings Officer and the May 9, 2012, hearing before the Board of Commissioners was provided as required by PCZO 111.340 to 111.370. Notice was mailed to property owners located within 750 feet of the outside perimeter of the subject property on March 14, 2012. Notice was printed in the Dallas, Oregon, *Itemizer-Observer* on March 21, 2012. Notice was posted on the subject property by March 21, 2012.

(Written comments)

The Polk County Public Works Department indicated that the most recent traffic count on Womer Road showed an average daily trip count of 11 vehicle trips. The Department does not believe that traffic has increased significantly since then, and has not requested any road upgrades as a part of this proceeding. Womer Road is rated for zero to 500 average daily trips.

No other written comments were received prior to the public hearing.

(Public Hearing)

A duly advertised public hearing was held on April 10, 2012, in the Polk County Courthouse. There were no objections as to notice, jurisdiction, or conflict of interest. Applicant appeared by the presence of a member of its Board, Ted Osgood, and was represented by Lane Shetterly, an attorney. The Hearings Officer recited the admonitions required by law. Staff summarized its report and read the applicable review and decision criteria. Shetterly seconded the staff recommendation for

approval. No one spoke in opposition. There were no requests for a continuance, or to keep the Record open. The Hearings Officer closed the Record, and adjourned the meeting.

Robert W. Oliver, Polk County Hearings Officer, presided. He was given authority by the Polk County Board of Commissioners to render a decision and make recommendations in this matter.

**FINDINGS
(General)**

The review and decision criteria for a PCCP map and text amendment and a zone change are provided under PCZO 115.050 and 111.275. Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO 111.190 and 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Board conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final local decision. The applicant proposed findings that were included as Attachments F and G in the Staff Report.

(Plan Map Amendment (PA 11-02))

PCZO 115.050(A) requires that amendments to the PCCP Map must meet one or more of the following criteria:

- A. **The Comprehensive Plan designation is erroneous and the proposed amendment would correct the error, or [PCZO 115.050(A)(1)]**
- B. **The Comprehensive Plan Designation is no longer appropriate due to changing conditions in the surrounding area; and [PCZO 115.050(A)(2)]**

Applicant states that the existing Womer Cemetery is at capacity and no longer able to accommodate additional burial plots. The District continues to receive inquires and requests for burial plots, which it has had to decline or defer for lack of capacity. There is continued demand for the use of the cemetery and it is appropriate for the District to be able to expand the cemetery onto the subject property, which it purchased for that purpose, as acknowledged by Polk County in its approval of LLA 97-14:

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery." LLA 97-14 Administrative Action, page 3. (Emphasis added; see Exhibit "C" of the Staff Report.)

The number of burials in the cemetery varies from year to year, but in recent years have averaged up to eight. Assuming a capacity of 315 burials on the subject property (as noted above, that is the approximate number of people buried in the existing Womer Cemetery, which is of comparable size and configuration as the subject property) that would provide approximately 39 years of additional capacity. District represents that is an appropriate amount of capacity for cemetery development. The two-acre size of the subject property, while being more than the District needs for its immediate use, will allow the District to develop and implement its mid- to long-term plans for the expansion of the cemetery, while continuing to manage the undeveloped portion of the subject property until needed for burial space. The subject property is a unit that, based on the previously approved property line adjustment, is currently split as to its plan designation and zoning. It would not be feasible or practical to undertake a Comprehensive Plan amendment and zone change for less than the full two-acres of the subject property, expecting that District would have to file additional applications in the future, to change the plan designation and zoning for the subject property serially.

Applicant concluded that Womer Cemetery has reached its capacity. The need to expand the cemetery onto the subject property for use as a cemetery, to continue to serve the needs of the rural Pedee community and fulfill the purpose for which District was established, as previously acknowledged by the county, constitutes changed circumstances that render the current plan designation on the subject property no longer appropriate for its use, and the two-acre size of the

subject parcel is appropriate for this PCCP amendment.

Staff concluded that the applicant is proposing this PCCP Map amendment in order to increase the size of the existing Womer Cemetery. According to the information in the application, the Womer Cemetery has reached capacity and needs to expand in order to fulfill its public mission. The applicant contends that the Agriculture PCCP designation of the subject property is no longer appropriate. The proposed PCCP Map amendment and Zoning Map amendment would effectively double the size of the existing cemetery. Staff agreed with the applicant that the need for additional land for cemetery purposes is a "changing condition in the surrounding area" that complies with this criterion, and the Hearings Officer concurs.

C. The purpose of the Comprehensive Plan will be carried out through approval of the proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]

1. Evidence that the proposal conforms to the intent of relevant goals and policies in the Comprehensive Plan and the purpose and intent of the proposed land use designation. [PCZO 115.050(A)(3)(a)]

- (a) The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living. [PCCP Section 4]**

Applicant states that the PCCP indicates that the purpose of the Public Plan designation is as follows:

"The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, *cemeteries* and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living." Polk County Comprehensive Plan, p. 68. (Emphasis added.)

The District is a governmental entity, and provides a government service, that being the operation of a public cemetery maintenance district. The Public Plan is implemented through PCZO 170.020, which authorizes the use of property as a cemetery, consistent with the current operation of Womer Cemetery by the District and the intended use of the subject property.

Applicant concludes that the application proposes to expand a public use, that being a public cemetery operated by District, as a public body, which conforms to the intent of relevant goals and policies in the PCCP and the purpose and intent of the proposed land use designation.

Staff concluded that the purpose of the Public Plan Designation is to recognize those facilities that provide public services to Polk County citizens. As stated in PCCP Section 4, a cemetery is a public service, and the proposed applications would facilitate expansion of an existing cemetery. The proposed applications would provide an appropriate public zoning for the proposed expansion area. The applicant has concurrently applied for a "Reason's" exception to Statewide Planning Goal 3; therefore, the Polk County Agriculture Plan designation goals and policies are not applicable to this request. Staff has not identified any other goals or policies in the PCCP that are applicable to this request. As discussed throughout this staff report, the applicant's proposal would allow expansion of an existing and needed government service; therefore, the application complies with this criterion, and the Hearings Officer so finds.

2. Compliance with Oregon Revised Statutes, statewide planning goals and related administrative rules which applies to the particular property(s) or situations. If an exception to one or more of the goals is necessary, the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4 shall apply; and [PCZO

115.050(A)(3)(b)]

Applicant contends that this application is based on a "Reasons Exception" to Statewide Planning Goal 3 (Agricultural Land), pursuant to Statewide Planning Goal 2, part II(c), and OAR 660-004-0020. A reasons exception "can be taken for any use not allowed by the applicable goal(s)." OAR 660-004-0022.

Goal 3 provides that its purpose is "[t]o preserve and maintain agricultural lands." OAR 660-015-0000(3). Uses permitted under the goal are described as "farm uses and those nonfarm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices." OAR 660-033-0120 describes (in Table I attached to the rule) the uses authorized on agricultural lands. Those authorized uses include "Churches and cemeteries in conjunction with churches consistent with ORS 215.441," but District is not a church and neither the existing Womer Cemetery nor the subject property is or will be operated as a cemetery in conjunction with a church. There is no other authorization in statute or in the goal or rule for the operation of a stand-alone cemetery, not operated in conjunction with a church, on agricultural land. That being the case, an exception to statewide planning Goal 3 is required in order to approve this application.

Womer Road, which provides direct access to the cemetery, is designated as a Local Road under the *Polk County Transportation System Plan (TSP)*. (Figure 3, "Functional Classifications, TSP.") The proposed PCCP amendment of the subject property (and related zone change) and the proposed expansion over time of Womer Cemetery onto the subject property will not measurably increase vehicle traffic or otherwise increase transportation demands on Womer Road. Therefore, the PCCP amendment requested with this application will not "significantly affect" a transportation facility under OAR 660-012-0060(1), and no mitigating measures are required under subsection (2) of the rule.

Polk County Public Works Road Standards 1998 requires a Transportation Impact Analysis (TIA) for any proposed development "that reasonably can be expected to generate more than 300 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour." (Road Standards, Section X.B 1.) A TIA may be required for any proposed development expected to generate more than 150 vehicle trips per day or more than 40 per hour. (Road Standards, Section X.B 2.) For the reasons stated above, no TIA is required for this proposed PCCP amendment under either standard.

Applicant acknowledges that in the event of any future development of the cemetery that would generate increased vehicle traffic, such development will be subject to all applicable provisions of the TSP and the Public Works Road Standards, and may not exceed the planned capacity of the county roads serving the cemetery.

(Findings Submitted February 8, 2012)

Womer Road is a dead-end road that serves only Womer and Edwards Cemeteries. There is a gate across the road at the north end of both cemetery properties, where the road enters onto private timberland.

The district estimates that, except on the occasion of a funeral or a holiday such as Memorial Day or Veterans Day, when cemetery visits are more common, there are no more than 60 vehicle trips per month on Womer Road. Over time, as the expanded cemetery fills, more traffic can be expected, but even a doubling of the traffic would not amount to more than 120 vehicle trips per month. The expansion would not increase funeral-related travel, as the expansion would not result in more frequent funerals (or necessarily larger funerals), just more of them over time, but presumably at about the same rate as they currently occur. There could be an increase in holiday vehicle travel over time, as the expanded cemetery develops, but given the low volume of current traffic there is no reason to believe it would have a significant impact on the transportation facility that would require a Transportation Impact Analysis under the standards of the Polk County Public Works Standards 1998, or mitigating factors under OAR 660-012-0060(1).

Staff concluded that the applicant is proposing a PCCP Map amendment and zone change in

order to expand the Womer Cemetery. The applicant is applying to designate approximately 2.16 acres of the 3.88 acre subject property Public on the PCCP Map and Public and Private Cemeteries (PC) and Limited Use Overlay (LU) on the Zoning Map. The applicant submitted proposed findings to support a "Reason's" exception to Goal 3, which are addressed below.

With respect to Goal 12; Transportation, the subject property is accessed from Womer Road, which is a local road as identified on Figure 3 of the *Polk County Transportation Systems Plan*. A cemetery is a use that typically receives low amounts of traffic, and staff has not requested that the applicant prepare a traffic impact analysis to project the traffic impacts to the road system if these applications are approved. Staff does not believe that the proposed PCCP amendment and zone change would result in a significant impact on area transportation facilities as that term is used in OAR 660-012-0060. Cemeteries are unique; in that a larger cemetery does not necessary translate into a proportionally equivalent increase in average daily vehicle trips (ADT) to the property. A burial and funeral only take place once, and only a finite number can attend at a cemetery. As more people are buried at a cemetery, an increasing percentage of traffic is attributed to gravesite visits rather than burials and funerals. Staff anticipates that the occasional trips from gravesite visits would have less of an impact on the traffic system than an occasional surge of traffic attributed to a burial and funeral. The applicant asserts that traffic impacts from the cemetery are minimal. The applicant indicates that the cemetery averages only eight burials per year, and Memorial Day may see increased traffic to the area. When considering days that burials occur and holidays when the public traditionally visits gravesites, there may be eight or nine days of increased traffic in Womer Cemetery area. Based on decades of such occasional traffic impacts, staff is unaware of any significant negative impacts that the Womer Cemetery has had on neighboring forestry operations or the Edwards Cemetery. Consequently, staff does not anticipate that expansion of the Womer Cemetery would result in creating a significantly negative traffic impact on the surrounding area.

The Polk County Public Works Department indicates that the last traffic count performed on Womer Road was in 1986. At that time it logged 11 ADT. The Department does not estimate that ADT has increased significantly since that time. Womer Road is a local road and is designed to accommodate up to 500 ADT. Due to currently low estimated traffic volumes on Womer Road, and the small traffic impact anticipated from expansion of the Womer Cemetery, the Department has indicated that road improvements should not be required if these applications are approved.

With respect to Goal 14; Urbanization, Staff did not believe that expanding the existing cemetery, and designating and zoning the property accordingly on the PCCP and Zoning Maps, would amount to establishing an urban use on rural lands. Based on the information in the application, the Womer Cemetery is within the Pedee Cemetery District, and primarily provides burial plot availability to the surrounding rural community.

A "Reasons" exception to Oregon Statewide Planning Goal 3 is necessary to approve these applications. The applicant has submitted findings to justify an exception to Statewide Planning Goal 3. The Oregon Statewide Planning Goal 3 exception is addressed below.

Staff concluded that the application complies with this criterion, and the Hearings Officer so finds.

3. Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land. [PCZO 115.050(A)(3)(c)]

Staff concluded that the subject property is not located within an urban growth boundary or within an incorporated city. As a result, no intergovernmental agreements are applicable to this application. This criterion is not applicable to the proposed amendment.

(Goal 3 Exception)

- A. When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone**

designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception; [OAR 660-004-0018(4)(a)]

Applicant states that in this case, the District has applied for a PCCP amendment and zone change to accommodate the expansion of Womer Cemetery onto the subject property for use as burial ground. While the PC Zone allows for a caretaker's or watchman's dwelling within the zone, PCZO 170.020(B), the District does not seek approval for either use. District will consent to a limited use overlay that will restrict the use of the property for cemetery purposes, only, under PCZO 170.020(A), and not for either of the other uses permitted in the zone under subsections (B) or (C). Based on that, the applications comply with OAR 660-004-0018(4)(a), and PCZO 184.010 - .030.

Staff concluded that the applicant has applied for a "Reasons" exception in order to expand the Womer Cemetery on to an additional 2.16 acres of the subject property. The applicant has proposed to apply the Public PCCP Designation and the Public and Private Cemeteries (PC) and Limited Use Overlay (LU) zones to that area. The LU zone would restrict the use of the subject property only to cemetery use. The cemetery use is the use justified under the "Reasons" exception findings provided by the applicant; therefore, the Hearings Officer finds that the application fulfills this requirement.

B. "Reasons justify why the state policy embodied in the applicable goals should not apply"; The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land and why the use requires a location on resource land; [OAR 660-004-0020(2)(a)]

Reasons that meet the foregoing criteria for an exception to Goal 3 include that "(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and * * * (B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." OAR 660-004-0020(1).

As noted above, the District operates Womer Cemetery, which is at capacity, and continues to receive inquiries and requests for plots that it has had to decline or defer due to lack of capacity. This demonstrates the need for the continued use and expansion of the cemetery onto the subject property, which was acknowledged by the county in its Administrative Action 97-14, as quoted above:

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery."

Goal 11 recognizes the need for "public facilities and services to serve as a framework for urban and rural development." While Goal 11 and its administrative rule, OAR 660-011, typically speak of "public facilities" in terms of water and sewer facilities, the term is more broadly applicable to include a broad range of "urban and rural public facilities and services appropriate for, but not limited to, the needs and requirements of the urban, urbanizable, and rural areas" (Goal 11), as recognized in and implemented by the Public Plan portion of the PCCP.

Polk County recognized in Administrative Action 97-14 that District's purchase of the subject property was "for the purpose of expanding Womer Cemetery." The District is now at capacity and continues to receive inquiries for the purchase of burial plots, which it has had to decline or defer due to lack of capacity. The subject property is immediately adjacent to the existing Womer Cemetery, the proximity of which constitutes a "special feature or quality" that justifies and necessitates the expansion of the cemetery onto the subject property.

Applicant states that Womer Cemetery is a public facility that provides "government services to the people of Polk County," within the meaning of the Public Plan policy in the PCCP. There is a demonstrated need for the expansion of Womer Cemetery onto the subject property because Womer Cemetery is at capacity and District continues to receive requests for burial plots, which it has had to decline or defer due to lack of capacity. District purchased the subject property specifically for

the future expansion of Womer Cemetery, which Polk County acknowledged in Administrative Action 97-14. The subject property has special features or qualities that necessitate the expansion of Womer Cemetery onto the subject property, in that it is located immediately adjacent to, and is a part of the existing cemetery.

- C. **“Areas which do not require a new exception cannot reasonably accommodate the use”:** [OAR 660-004-0020(2)(b)]
1. **The exceptions shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;** [OAR 660-004-0020(2)(b)(A)]
 2. **To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:** [OAR 660-004-0020(2)(b)(B)]
 - a. **Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?** [OAR 660-004-0020(2)(b)(B)(i)]
 - b. **Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by this applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?** [OAR 660-004-0020(2)(b)(B)(ii)]
 - c. **Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?** [OAR 660-004-0020(2)(b)(B)(iii)]
 - d. **Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?** [OAR 660-004-0020(2)(b)(B)(iv)]
 3. **This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.** [OAR 660-004-0020(2) (b) (C)]

Applicant argues that this alternative site standard is both complicated and satisfied in this case by the fact that the subject property is located immediately adjacent to the current Womer Cemetery, which is proposed to be expanded onto the subject property. The subject property is situated in a rural and remote area of the county that is generally designated as Agriculture and Forest Land under the PCCP. As noted above, District operates Womer Cemetery as a public cemetery primarily for the rural residents of the Pedee and Kings Valley areas, and has historically served as their community cemetery. The only nonresource land in the immediate vicinity of Womer Cemetery is Edwards Cemetery, a private cemetery shown as Tax Lot 601 on Exhibit “G” of the Staff Report, located across Womer Road from Womer Cemetery. As a private cemetery, Edwards Cemetery is not available to District or to the public that District serves. There is no

contiguous nonresource land. Any expansion of the cemetery onto some non-contiguous nonresource land would defeat the purpose of the cemetery as a single operational community cemetery and would frustrate the District's management of the cemetery as a single facility. There is no nonresource land that could reasonably accommodate the use. (OAR 660-004-0020(2)(b)(B)(i)).

There is no nonresource land in the general vicinity that is irrevocably committed to nonresource uses that could accommodate the use. (OAR 660-004-0020(2)(b)(B)(ii)). Pedee Memorial Evangelical Church, 12995 Kings Valley Highway, Monmouth, is located approximately one-quarter mile (one road mile) from Womer Cemetery, but does not have a cemetery associated with it. The church property is approximately three acres in size and is already developed with a church building, parking and a play area and does not have the space to accommodate a cemetery. Apart from that, as above, any expansion of the cemetery onto some non-contiguous nonresource land that is irrevocably committed to nonresource uses would defeat the purpose of the cemetery as a single operational community cemetery, and as a public cemetery, and would frustrate the District's management of the cemetery as a single facility.

District manages two other small cemeteries within its boundaries, those being Taylor Cemetery on Ira Hooker Road and Montgomery Cemetery, located on private property near Maple Grove Road. Both of these cemeteries are pioneer family cemeteries. Taylor cemetery is full. Both cemeteries include unmarked graves that make them unsuitable for further use and development as a public cemetery.

The use cannot be reasonably accommodated inside an urban growth boundary. (OAR 660-004-0020(b)(B)(iii)). As noted above, Womer Cemetery serves as the community cemetery primarily for the rural Pedee and Kings Valley communities. The nearest urban area is Falls City, which is approximately 15 miles by paved road from Womer Cemetery. Falls City is outside the geographical boundary of District, and is already served by a municipal cemetery and an International Order of Odd Fellows Cemetery. It would not be reasonable or feasible for the rural communities presently served by Womer Cemetery to adopt one of the Falls City cemeteries as their community cemetery, nor to expect Falls City or the Odd Fellows to accommodate in their cemeteries the needs of the rural communities served by Womer Cemetery. Nor would it be reasonable or feasible for District to purchase land within the Falls City urban growth boundary to develop as an expansion of Womer Cemetery for the residents of the Pedee and Kings Valley communities. For one thing, as noted, Falls City is outside District's boundaries. District purchased the subject property for the express purpose of expanding the cemetery, as acknowledged with approval by the county in its Administrative Action 97-14. Further, any expansion of the cemetery onto land within the Falls City urban growth boundary would defeat the purpose of the cemetery as a single operational community cemetery and would frustrate the District's management of the cemetery as a single facility. Womer Cemetery, as a community cemetery is, in the words of the Public Plan policy of the PCCP, "essential to [the] well ordered community life [of the communities it serves], sustaining and enhancing the health, safety, educational and recreational aspects of rural living." PCCP, p. 68. The expansion of the community cemetery cannot be reasonably accommodated within an urban growth boundary.

The final sub-criteria under OAR 660-004-0020(b)(B) asks whether "the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?" (OAR 660-004-0020(b)(B)(iv)). In this case, the proposed use is inextricably connected to an existing use, that being Womer Cemetery. As noted above, Womer Cemetery is at capacity and in need of room to expand in order to continue to serve as the community cemetery for the Pedee area. This application does not seek the establishment of a new use. As also noted above, Edwards Cemetery, located across Womer Road from Womer Cemetery, is a private family cemetery and not available to District or to the people of the communities it serves. Pedee Memorial Evangelical Church is located in the vicinity of the cemetery, and within the geographical boundaries of District, but does not have the capacity on its property to provide a private cemetery in conjunction with a church, which would be an allowed use in agricultural land under OAR 660-033-0120 and ORS 215.441. There are no other churches - with or without cemeteries - located within the geographical boundaries of District. The Taylor and Montgomery cemeteries, within District's boundaries, are full

or otherwise not available for expansion and development as cemeteries today. As such, this proposed expansion of an existing public cemetery onto the subject property cannot be reasonably accommodated without the provision of a public facility. OAR 660-004-0020(b)(B)(iv).

Staff concluded, and the Hearings Officer concurs, that this general assessment of alternative areas is sufficient under OAR 660-004-0020(C) to demonstrate that those similar types of areas in the vicinity could not reasonably accommodate the proposed use." Staff also asked for additional findings "as to why Edwards Cemetery cannot be considered" as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A). The reasons why Edwards Cemetery, located across Womer Road from the existing Womer Cemetery, is not available for expansion are two-fold; one reason being practical and historical, and the other being economic.

As noted in the Statements of Intent filed with these applications, Edwards Cemetery is maintained as a private family cemetery. Womer Cemetery, while now operated by the District as the Pedee community cemetery, was originally established as a private family cemetery for the Womer family. The story is told that many years ago, Mr. Edwards and Mr. Womer, who were the founders of the Edwards and Womer families in Pedee, were of different political parties, one being a staunch Republican and the other just as staunch a Democrat. While this was a source of some personal conflict between them, they came to an "understanding" in their relationship whereby they both agreed that they would not vote, and so would avoid partisan conflict. But one day one of them cast a vote, and when the other learned of it, their understanding and relationship were irrevocably ruptured and the division, which manifested itself in part in the establishment of the two separate family cemeteries (neither would be buried in a cemetery that held the other), is still honored by Mr. Edwards' descendants. The District approached the current owners of Edwards Cemetery about a lot line adjustment or some other accommodation that would make it possible for the District to expand its Womer Cemetery onto Edwards Cemetery property. But because of the history between the families, and out of respect for the memory of Mr. Edwards, the Edwards family has declined to make their private family cemetery property available to the District.

The economic consideration is that the District already owns the subject property, which it purchased through a property line adjustment approved by Polk County (LLA 97-14) for the express acknowledged "purpose of expanding Womer Cemetery." (LLA 97-14 Administrative Action, page 3.) Having been turned away by Edwards Cemetery, and having invested its public funds instead in the purchase of the subject property for the expansion of the existing Womer Cemetery, it would not be practical for the District to now acquire a portion of Edwards Cemetery, or economical to do so, even if it could.

In evaluating whether an area that does not require an exception can accommodate the proposed use for which an exception is sought, OAR 660-004-0020(2)(b) permits consideration of "Economic factors along with other relevant factors." In this case, the economic factor is that the District already owns the subject property (which it purchased for the express and acknowledged purpose of expanding Womer Cemetery) and is able to do so without having to spend more public funds to acquire other property. The "other relevant factor" is the history of the Edwards and Womer families in the Pedee area that functionally makes Edwards Cemetery unavailable to the District. Based on consideration of these factors, Edwards Cemetery cannot be considered as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A).

As noted in the Statements of Intent that were filed with these applications, the District is responsible for two other small family cemeteries within its boundaries, namely the Taylor Cemetery, located on Ira Hooker Road, and the Montgomery Cemetery, located on private land owned by Philip Kendall Cates, at 17395 Maple Grove Road. Montgomery Cemetery is located on property that is zoned EFU. While the cemetery is located within the District's geographical boundaries, and the District nominally manages it, the District does not own it. Nor, because it is located on and in the middle of EFU-zoned land, can it be expanded on land that does not require an exception. Taylor Cemetery is located on Ira Hooker Road, and is owned by the District. Taylor

Cemetery is a one-half acre pioneer family cemetery on land designated Public under the PCCP and zoned PC. It is surrounded by property zoned Suburban Residential (SR). While it would not take a goal exception or PCCP amendment to expand Taylor Cemetery in the SR zone, it would require a zone change, as cemeteries are not one of the uses allowed in the SR zone, under PCZO 127.020, .030, .035 or .040.

As with the Edwards Cemetery, there are practical and economic considerations that make it infeasible for the District to meet its needs for additional cemetery space by expanding the Taylor Cemetery. As noted above Taylor Cemetery is an old family cemetery, which did not have capacity to be used as a public cemetery when it was conveyed by the Taylor family to the District in 1969. It has never been used as the public "community" cemetery. That role fell to Womer Cemetery, as it had capacity when it was conveyed to the District, so it became the community cemetery for the families of the Pedee area. Several generations of some Pedee families are buried in Womer Cemetery; it is appropriate and in the best interest of the community that future generations of those families (as well as new and future community members) be provided for by expanding the existing Womer Cemetery, so that the "community" can be kept together in the cemetery that has become the community burial place. To close Womer Cemetery off to any further expansion for ongoing use as the community cemetery, and force the District to acquire additional land with which to expand Taylor Cemetery, and make that the public cemetery going forward, would divide the community cemetery. A community cemetery, where friends and families and community members can share a common resting place, is an integral feature to a community that cannot be maintained by expanding the cemetery space at Taylor Cemetery.

Taylor Cemetery also has physical and locational constraints that make it inappropriate for expansion. It is located in the point of a "V," between a private driveway on the east of the cemetery that leads to a private dwelling located immediately behind (south of) the cemetery, and Ira Hooker Road on the west side of the cemetery. Immediately north of the cemetery is a property that is developed for residential and commercial use that is not well-suited or maintained as an appropriate gateway property to a community cemetery.

As a matter of economics, as with Edwards Cemetery, the fact is that the District has already invested its resources in the purchase of the subject property, for the express and acknowledged purpose of expanding Womer Cemetery, so it would not be economical to require the District to expend additional public funds to acquire additional land to expand Taylor Cemetery, even if were feasible to do so. Further, it will be more economical for the District, in terms of development cost, maintenance and operations, to expand at Womer Cemetery, where the cemetery "infrastructure" is already in place, than to expand at Taylor Cemetery, and divide its maintenance and operations between two physically separate cemeteries.

For the foregoing reasons, staff and the Hearings Officer find that Montgomery Cemetery and Taylor Cemetery cannot be considered as alternative areas for the use "which do not require a new exception." OAR 660-004-0020(2)(b)(A).

Staff asked if the use can be "reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on nonresource land? If not why not?" OAR 660-004-0020(B)(i).

As noted above, when cemetery plots are sold, they become the property of the purchasers of the plots, with each plot able to accommodate up to four "openings." As also noted above, it may take years – sometimes many years – for a plot to fill; and in some cases plots may not fill to capacity, but they still remain the property of the owners, to use when and as they deem fit. Given the nature of a cemetery plot, it is not feasible to increase the density of the use at Womer Cemetery. In the expanded cemetery on the subject property, the District is contemplating making options available for smaller plots, such as with just two openings, rather than four. That could extend the functional life of the subject property by increasing density, but it is impossible to say that that would be the case, or, if so, by how much. In any event, it is not possible for the District now to increase the density of use in the existing Womer Cemetery. As for the size of the plots, this confirms, as noted above, that the correct plot size for the new cemetery (for four openings) will be

200 square feet, which will accommodate caskets, grave liners and vaults for each of the graves in the plot, leaving a modest buffer between the graves and between the plots.

Based on the foregoing, staff concluded and the Hearings Officer agrees, that the use cannot be "reasonably accommodated on non-resource land that would not require an exception," by increasing the density of uses on nonresource land. OAR 660-004-0020(B)(i).

Staff asked why the Pedee Unincorporated Community cannot reasonably accommodate the use. OAR 660-004-0020(2). See the discussion above regarding Taylor Cemetery. For the same reasons, it would not be practical or economically feasible to close Womer Cemetery off to additional expansion for use as the Pedee community cemetery and require the District to spend additional public funds to acquire and thereafter maintain a new and separate site for the expansion of the community cemetery in the Urban Reserve-designated area of the Pedee community.

Staff and the Hearings Officer concur that the Pedee Unincorporated Community cannot be considered as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A).

- D. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts; [OAR 660-004-0020(2)(c)]**

Staff concluded that there is no alternative site - i.e., an alternative site that would also require a goal exception for expansion of Womer Cemetery - that would have any less environmental, economic, social or energy consequences from the existing and proposed use of the property. On the contrary, such impacts have already substantially been absorbed into and accommodated on the existing property, based on its immediate proximity to the existing cemetery. To locate the expanded cemetery to some other parcel requiring a goal exception would require all new accommodations and measures to address the environmental, economic, social and energy consequences of the [cemetery], while still leaving substantial impacts from the existing cemetery in place.

The long-term environmental, economic, social and energy consequences from the proposed site with measures to reduce adverse impacts are not more adverse (significantly or otherwise) than would result from the same proposed site being located on areas requiring a goal exception other than the proposed site.

- E. "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses.**

The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. [OAR 660-004-0020(2)(d)]

This criteria is easily satisfied by the long-established existence and operation of Womer Cemetery immediately adjacent to the subject property - for more than 100 years - without a history of reports or complaints of conflicts with adjacent uses. The current cemetery has operated in harmony with those adjacent uses. The proposed expansion of the cemetery onto the subject property will be gradual over time. This establishes that the cemetery is and will remain compatible with adjacent uses. To the extent that any future development of the subject property may have impacts on account of such development, those impacts can be addressed in the context of the proposed development.

Applicant concludes that the proposed use is an expansion of the long-established current use of the existing Womer Cemetery, which is immediately adjacent to the subject property. Womer Cemetery does not have a record of conflicts or complaints of conflicts with existing uses. The expansion of the cemetery onto the subject property will be gradual over time, and that part of the subject property not immediately needed for cemetery use will continue to be managed as it presently is being managed, for timber production, until such time as it is needed. The proposed use is compatible with other adjacent uses.

F. For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: [660-004-0022(1)]

- 1. There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either**
- 2. A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or**
- 3. The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.**

Reasons that meet the foregoing criteria for an exception to Goal 3 include that "(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and * * * (B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." OAR 660-004-0020(1).¹

As noted above, the District operates Womer Cemetery, which is at capacity, and continues to receive inquiries and requests for plots that it has had to decline or defer due to lack of capacity. This demonstrates the need for the continued use and expansion of the cemetery onto the subject property, which was acknowledged by the county in its Administrative Action 97-14.

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery."

¹ This reason is one of the reasons listed under OAR 660-004-0022(1) that may be used to justify a reasons exception. The reasons listed in the rule as illustrative, and not exclusive, as the rule states: "Such reasons *include but are not limited to*" the reasons listed in the rule.

Goal 11 recognizes the need for "public facilities and services to serve as a framework for urban and rural development." While Goal 11 and its administrative rule, OAR 660-011, typically speak of "public facilities" in terms of water and sewer facilities, the term is more broadly applicable to include a broad range of "urban and rural public facilities and services appropriate for, but not limited to, the needs and requirements of the urban, urbanizable, and rural areas" (Goal 11), as recognized in and implemented by the Public Plan portion of the PCCP.²

Polk County recognized in Administrative Action 97-14 that District's purchase of the subject property was "for the purpose of expanding Womer Cemetery." The District is now at capacity and continues to receive inquiries for the purchase of burial plots, which it has had to decline or defer due to lack of capacity. The subject property is immediately adjacent to the existing Womer Cemetery, the proximity of which constitutes a "special feature or quality" that justifies and necessitates the expansion of the cemetery onto the subject property.

Applicant concluded that Womer Cemetery is a public facility that provides "government services to the people of Polk County," within the meaning of the Public Plan policy in the PCCP. There is a demonstrated need for the expansion of Womer Cemetery onto the subject property because Womer Cemetery is at capacity and District continues to receive requests for burial plots, which it has had to decline or defer due to lack of capacity. District purchased the subject property specifically for the future expansion of Womer Cemetery, which Polk County acknowledged in Administrative Action 97-14. The subject property has special features or qualities that necessitate the expansion of Womer Cemetery onto the subject property, in that it is located immediately adjacent to, and is a part of the existing cemetery.

In the Statements of Intent submitted with these applications, it was stated that the standard size of a cemetery plot is 336 square feet (or 14 by 24 feet). That number is in error. The correct size of a burial plot today is 200 square feet (or 10 feet by 20 feet).

In the earlier days of the Womer Cemetery, in the "old" portion of the cemetery (plots 1 through 84, as shown on the cemetery map filed in the Record), the plot size was 160 square feet (or 8 feet by 20 feet), but with a general increase in the size of caskets and related burial containers (including the use of grave vaults and liners) in more recent times, the standard size has increased. Plots 85 through 191 of the existing Womer Cemetery are 200 square feet. Each plot accommodates four individual "openings" or graves. The plots planned for the expansion area that is the subject of these applications are planned for 200 square feet as well, with some consideration being given to selling plots of fewer than four openings. (See the discussion below under "Increasing Density.")

As noted, the District sells its burial space on the basis of plots, which can accommodate up to four individual "openings," or graves. The existing Womer Cemetery has 191 plots that currently hold approximately 315 people. When a plot is sold, it is no longer available to be resold by the District. It is up to the owner of each plot to determine how the plot is utilized. Most plots are purchased to hold multiple graves, and many do; but not all. In many cases, plots have been purchased for persons who are still living, such as with "family plots," in which case such plots will become fully occupied only over time (in some cases over many years), as the individuals for whom the plot was purchased pass on and are buried. In other cases, individuals elect not to fully utilize their plots, or their intentions to utilize them change due to changes in circumstances over time. In any event, once a plot has been sold, it is the property of the owner(s) of the plot and is no longer available for the District to re-sell or for anyone else to use. (As a practical matter, if Mr. and Mrs. Smith have purchased a family plot for themselves and their two children, even if one or both of their children should eventually decide later to be buried elsewhere, it would not be appropriate for the District to bury someone else in the Smith's family plot. Besides, there is always the possibility

² The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks, fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to all ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living." Polk County Comprehensive Plan, p. 68.

that a grandchild or some other relation of the Smiths would eventually choose to be buried there.) Thus, while the absolute capacity of the existing cemetery would be 764 graves, if every opening in every plot were filled, the functional capacity is determined not just by the number of people buried, but also by the number of plots available and sold. Unlike land within an urban growth boundary, it is not possible to do "in-fill" with grave sites or to "redevelop" plots once they have been sold.

Applicant submitted for the Record a copy of the District's "official" map of the existing 1.72 acre Womer Cemetery. (It is the only map of the cemetery.) The map is not to scale, but shows generally the layout of the existing cemetery with a roadway and the 191 burial plots. Also submitted was a conceptual sketch of the proposed expansion area. This sketch indicates that the narrow strip "pan handle" of the subject property (Tax Lot 302) that lies to the east of the existing cemetery will remain as a buffer, in the event of a change in use of the property to the east of the cemetery (which is currently forested). The south end of the subject property that is proposed for cemetery expansion will also be left as a buffer along Kings Valley Highway, to allow for landscaping to provide a measure of privacy and protection for the cemetery. As the expansion area is developed, the District also anticipates building a road on the subject property. (In addition to these defined buffer areas and the road, some space is also left between the plots, which further reduces the acreage available for burial space.) With all of that, it is anticipated that the capacity of the expansion property will be approximately the same as the existing Womer Cemetery. It is on that basis that the projected demonstrated need for the cemetery expansion is based on the actual history of development of the existing cemetery.

When the District acquired title to the existing Womer Cemetery in 1963, it was a small family cemetery. Since then, it has become the Pedee community cemetery. As a community cemetery under the management of the District, it has reached its capacity over a period of about 48 years. With the road and buffer zones to be developed on the subject property, the District anticipates having approximately the same amount of useable space and approximately the same grave capacity on the expansion property as on the existing cemetery. Assuming the same rate of utilization of the expansion property as the District is currently seeing with the existing Womer Cemetery, the expansion area will provide for approximately 39 years of additional capacity. This is admittedly an inexact estimate, but given that people buy plots for personal and family use that may take a couple of generations or more to fill, even a longer time-horizon for the full utilization of the expansion property (such as the 48 years it has taken the current cemetery to fill since it became a community cemetery) is reasonable and appropriate.

Applicant concluded that Womer Cemetery has reached capacity, and additional cemetery capacity is needed in order for the District to continue to serve the Pedee community, as it was created by order of the county to do. The District has already purchased the subject property for the purpose of expanding Womer Cemetery, as the county expressly acknowledged in its Administrative Action in LLA 97-14. This application is the outgrowth of the long-term plan for cemetery expansion that the District initiated with the approval of its 1997 lot line adjustment. Womer Cemetery is the community cemetery of the Pedee Community and should be maintained as a unit, both for the purpose of maintaining the important community nature of the cemetery, and for the District's economic and practical objectives in operating and maintaining it as a single facility. Based all of these considerations, sufficient reasons have been presented to satisfy the exception criteria under OAR 660-004-0020, and the application should be granted. Further, given that an expansion of the cemetery has been justified, it is appropriate that the full 2.17 acres of the subject property be approved for a comprehensive plan amendment and zone change, rather than that a smaller amendment be approved now, resulting in an even smaller split-zoned parcel than currently exists, and the necessity for the District to return at a later date to finish what it can substantially justify now.

Staff asked about how long it will take to sell out the burial plots on the proposed expansion of Womer Cemetery. Applicant replied that it will take less time to sell the plots than it will to fill them. That makes sense. People buy the plots ahead of time and use them later. Based on the recent pace of an average of 8 burials per year, and assuming a utilization timeline for the expanded cemetery that reflects the utilization of the current cemetery (39 to 48 years to achieve the same

level of burial utilization) it can be expected that the plots will be sold prior to the expiration of that 39 to 48-year horizon. Thirty to 35 years would be a reasonable estimate, based (again) on the current and historical rate of utilization of the existing cemetery.

Staff concluded that this criterion first requires that the applicant demonstrate there is a need for the proposed expansion. The applicant indicates that the Womer Cemetery has currently sold all burial plots and needs additional acreage in order to supply burial plots into the future. This requires that the applicant demonstrate that the amount of acreage that they are requesting is warranted and necessary in order to provide for that need. The applicant indicates that the Womer Cemetery was acquired by the District and became a community cemetery in 1963. Prior to its purchase, the cemetery was a small, family cemetery; however, the acreage of this small, family cemetery was not provided by the applicant. The cemetery has since sold all available cemetery plots within the 1.72 acres of the subject parcel that is currently zoned PC. The applicant is proposing to expand the existing cemetery by 2.16 acres. The applicant provided a plot plan (included in Attachment "G" of the staff report) of how the proposed cemetery expansion area would be managed. According to this plot plan a buffer would be provided along the eastern and southern property lines. This buffer would amount to approximately 0.50 acre. That would leave the expansion area with approximately 1.68 acres for burial plots and access roads. The expansion, would effectively double the size of the existing cemetery. The applicant has indicated that approximately eight burials occur per year at the Womer Cemetery. Cemetery lots; however, are sold in plots of four lots, which complicates using the number of yearly burials to estimate future sales of cemetery lots. The applicant indicates that the Cemetery District projects that all lots in the expansion area would be sold within 35 years. The District estimates the same pace of cemetery sales and rates of utilization (number of burials). The applicant does not provide detailed demand data or analysis; however, staff finds it reasonable to estimate that if it took 48 years to fill the approximately 1.72 acre cemetery, then an addition of roughly 1.70 acres to the cemetery would add an additional 48 years of capacity. Staff believes that 48 years is a reasonable planning horizon for a cemetery. The subject property is split-zoned, and the applicant wishes to allow the entire parcel to be used for cemetery purposes. While one could take the position that the cemetery should use a more traditional planning horizon, such as 20 years, and add just an acre to the existing cemetery, staff believes that such a scenario would not be practical. As discussed by the applicant, changing the zoning and Comprehensive Plan Map designation of just one acre of the subject property would leave the subject parcel split zoned with only an acre remaining zoned EFU. It is unlikely that the one acre of EFU would be devoted to commercial farm or forestry purposes. It would likely be employed as a buffer, similar to how it would be managed by the expanding cemetery if all of the property was zoned PC.

The applicant also contends that the proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site. The applicant has provided an alternative areas analysis which is discussed above. Staff agrees with the applicant that the existence of the Womer Cemetery on the subject property equates to the subject parcel containing a special feature or quality that necessitates expansion of the Womer Cemetery contiguous to the existing cemetery at the location proposed.

Based on the findings provided by the applicant, staff and the Hearings Officer agree that the application complies with the criteria for a "Reasons" exception.

(Zone Change)

PCZO 111.140 provides:

- A. A zone change is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and a recommendation made by the Hearings Officer or the Planning Commission. Such change shall be an ordinance enacted by the Board of Commissioners after proceedings have been accomplished in accordance with the provisions of this chapter. [PCZO 111.140]**

The authorizations for a zone change, a PCCP Map amendment, and a PCCP text amendment are provided under PCZO 111.275 and 115.050. The Hearings Officer holds a public hearing

pursuant to PCZO 111.190 and 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Board holds a public hearing pursuant to PCZO 111.200 and 115.030, and makes a final local decision.

- B. Pursuant to Section 111.160, a zone change may be approved, provided that the request satisfies all applicable requirements of this ordinance, and provided that with written findings, the applicant(s) clearly demonstrate compliance with the following criteria:**
- 1. The proposed zone is appropriate for the comprehensive plan land use designation on the property and is consistent with the purpose and policies for the applicable comprehensive plan land use classification; [PCZO 111.275 (A)]**
 - a. The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living. [PCCP, Section 4]**

Applicant, in support of the above, quotes the following from the Statement of Intent in support of the companion application for change of the PCCP designation filed with this application:

"The existing Womer Cemetery is at capacity and no longer able to accommodate additional burial plots. The District continues to receive inquires and requests for burial plots, which it has had to decline or defer for lack of capacity. There is continued demand for the use of the cemetery and it is appropriate for the District to be able to expand the cemetery onto the subject property, which it purchased for that purpose, as acknowledged by Polk County in its approval of LLA 97-14:

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery." LLA 97-14 Administrative Action, page 3. (Emphasis added; see Exhibit C.)

"The number of burials in the cemetery varies from year to year, but in recent years have averaged up to eight. Assuming a capacity of 315 burials on the subject property (as noted above, that is the approximate number of people buried in the existing Womer Cemetery, which is of comparable size and configuration as the subject property) that would provide approximately 39 years of additional capacity. District represents that is an appropriate amount of capacity for cemetery development. The two-acre size of the subject property, while being more than the District needs for its immediate use, will allow the District to develop and implement its mid-to-long-term plans for the expansion of the cemetery, while continuing to manage the undeveloped portion of the subject property until needed for burial space. The subject property is a unit that, based on the previously approved property line adjustment, is currently split as to its plan designation and zoning. It would not be feasible or practical to undertake a Comprehensive Plan amendment and zone change for less than the full two-acres of the subject property, expecting that District would have to file additional applications in the future, to change the plan designation and zoning for the subject property serially."

Upon approval of the companion application to amend the PCCP designation of the property the proposed zone is appropriate for the PCCP designation and consistent with the applicable purposes and policies for the applicable PCCP land use classification.

Staff concluded that, as described in Section 4 of the PCCP, the purpose of the Public plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. The applicant seeks to use the entire subject property as a cemetery. The proposed cemetery expansion would allow the Womer Cemetery to

continue to serve residents in the Pedee Cemetery District. The proposed Public plan designation and PC/LU zoning are the appropriate designations to accommodate a cemetery.

The Hearings Officer finds that the application complies with this criterion.

2. The proposal conforms with the purpose statement of the proposed zone;
[PCZO 111.275 (B)]

Applicant believes PCZO 170.020(A) authorizes the use of property within the Public and Private Cemeteries Zone as a cemetery, consistent with the current operation of Womer Cemetery by the District and the intended use of the subject property. Hence, this proposal to amend the zoning of the camp property to PC conforms to the purpose and intent of the proposed land use designation.

Staff concluded that the applicant proposes applying the PC and LU zoning districts, if an approval of the proposed amendment to the PCCP map and text is granted. PC would be an appropriate zone to implement the Public PCCP designation. The proposed LU zone would restrict the uses allowed in the PC zone to use only for a cemetery. Unlike most zones in Polk County, there is no purpose statement listed for the public zones in PCZO Chapter 170. Consequently, it is reasonable to substitute the purpose and intent of the Public land use designation listed in Section 4 of the PCCP, which states:

The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living.

The proposed PC and LU zones would allow the applicant to establish a cemetery on the subject property. As described in the application, the proposed cemetery would provide a public service. The public service that would be provided by the proposed, expanded cemetery would be consistent with the purpose statement of the Public lands PCCP designation.

The Hearings Officer finds that the application complies with this criterion.

3. The uses allowed in the proposed designation will not significantly adversely affect allowed uses on adjacent lands; [PCZO 111.275(C)]

Applicant states that the subject property is situated in a rural and remote area of the county that is generally designated as Agriculture and Forest Land under the PCCP. (See the aerial vicinity photograph attached as Exhibit "H" of the staff report.)

This criteria is easily satisfied by the long-established existence and operation of Womer Cemetery immediately adjacent to the subject property - for more than 100 years - without a history of reports or complaints of conflicts with adjacent uses. The current cemetery has operated in harmony with those adjacent uses. The proposed expansion of the cemetery onto the subject property will be gradual over time. This establishes that the cemetery is and will remain compatible with adjacent uses. To the extent that any future development of the subject property may have impacts on account of such development, those impacts can be addressed in the context of the proposed development.

Staff, based on a review of the 2008 Polk County Aerial Photograph and the applicant's statement, found that contiguous properties to the north, south, east, and west contain mature timber stands and are managed for forestry. A contiguous property to the west, across Womer Road, contains Edwards Cemetery. Edwards Cemetery is a private, family cemetery.

The subject property currently contains 3.88 acres. The current Womer Cemetery constitutes the northern 1.72 acres of the subject property. The applicant is requesting that the southern 2.16 acres, which also includes a narrow, 11-foot strip along the existing Womer Cemetery, be zoned so that it could also be used for cemetery purposes. As discussed above, one component of the "Reasons" exception criteria will be met by applying the LU zone. The LU zone would only allow the 2.16 acres to be used for cemetery purposes. The applicant would not have the option to

establish a residence for a caretaker in that area, which is a use that is permitted in the PC zone if the LU zone is not also applied.

As described by the applicant, and as commonly understood, a cemetery produces minimal offsite impacts. A cemetery use primarily consists of funerals, burials, and visits by individuals and groups. An offsite impact that the cemetery has a potential to create is traffic on Womer Road and the general area. Cemeteries are unique, in that a larger cemetery, does not necessarily translate into a proportionally equivalent increase in average daily vehicle trips (ADT) to the property. A burial and funeral only occurs once, and only a finite number can occur at a cemetery. As more people are buried at a cemetery, an increasing percentage of traffic is attributed to gravesite visits rather than burials and funerals. Staff anticipates that the occasional trips from gravesite visits would have less of an impact on the traffic system than an occasional surge of traffic attributed to a burial and funeral. The applicant asserts that traffic impacts from the cemetery are minimal. The applicant indicates that the cemetery averages only eight burials per year, and Memorial Day may see increased traffic to the area. When considering days when burials occur and holidays where the public traditionally visits gravesites, there may be eight or nine days of increased traffic in the vicinity of the Womer Cemetery. Based on decades of such occasional traffic impacts, staff is unaware of any significant negative impacts that the Womer Cemetery has had on neighboring forestry operations or the Edwards Cemetery. Consequently, staff does not anticipate that expansion of the Womer Cemetery would result in creating a significantly negative traffic impact on the surrounding area.

The Polk County Public Works Department indicates that the most recent traffic count performed on Womer Road was in 1986. At that time it logged 11 ADT. The Department does not estimate that ADT has increased significantly since that time. Womer Road is a local road and is designed to accommodate up to 500 ADT. Due to currently low estimated traffic volumes on Womer Road, and the small traffic impact anticipated from expansion of the Womer Cemetery, the Department has indicated that road improvements should not be required if these applications are approved. If the applicant proposes a new access location to Womer Road, an access permit from the Department may be required. The subject property also has frontage along Highway 223. If the applicant seeks access to Highway 223, an access permit would be required from the Oregon Department of Transportation.

Staff has not identified any other significant offsite impacts that would occur if the Womer Cemetery expansion is approved. Staff has not found evidence to suggest that the cemetery would produce significant noise, dust, or other emissions. In consideration of the above factors, the proposed, expanded cemetery would not significantly adversely affect allowed uses on adjacent lands. Staff and the Hearings Officer find that the proposed zone change and PCCP amendment are appropriate when taking into account surrounding land uses. The application meets this criterion.

4. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property;
[PCZO 111.275(D)]

Applicant states that the subject property does not require public facilities for development and operation as a cemetery. It is located in the Southwest Polk County Fire District. Womer Road, which provides direct access to the cemetery, is designated as a Local Road under the *Polk County Transportation System Plan* (TSP). (Figure 3, "Functional Classifications, TSP.") The proposed zone change of the subject property and the proposed expansion over time of Womer Cemetery onto the subject property will not measurably increase vehicle traffic or otherwise increase transportation demands on Womer Road. As such, the public facilities, services and transportation networks in place are adequate.

Staff states that the applicant is proposing to change the zoning of the subject property to PC and LU in order to expand the Womer Cemetery. The applicant indicates that the subject property does not require public facilities for development and operation as a cemetery. The subject property does not currently contain any buildings and the applicant has not indicated that any buildings are proposed to be built in the future. If a restroom is built in the future, it would need to be attached to

an on-site sewage (septic) system. The subject property is not served by a rural water provider. Water, if needed, would need to be provided by a well. Polk County does not regulate the drilling or operation of individual on-site wells that are not public water systems. The applicant would be required to comply with all applicable state and federal water laws. There have been no identified effects on local schools that would result from the proposed change. Polk County Fire District Number 1 and the Polk County Sheriff Department provide emergency services to the subject property. Womer Road, a local road as identified in Figure 3 of the *Polk County Transportation Systems Plan*, provides access to the subject property.

Based on the information included in the application and discussed above, an expanded Womer Cemetery would not require additional public facilities. As discussed in previous sections of this report, existing transportation facilities would be adequate to accommodate the proposed expansion. Staff and the Hearings Officer find that the application complies with this criterion.

- 5. The proposed change is appropriate taking into consideration the following:**
- a. Surrounding land uses,
 - b. The density and pattern of development in the area,
 - c. Any changes which may have occurred in the vicinity to support the proposed amendment. [PCZO 111.275(E)(1-3)]

Applicant states that the subject property is situated in a rural and remote area of the county that is generally designated as Agriculture and Forest Land under the PCCP. There is one farm dwelling in the vicinity, located on Tax Lot 301 (see the aerial vicinity photograph attached as Exhibit "H" of the staff report), approximately one-quarter mile from the subject property. Pedee Memorial Evangelical Church, 12995 Kings Valley Highway, Monmouth, is located approximately one-quarter mile from the subject property. The existing Womer Cemetery has operated for more than 100 years, in harmony with those adjacent uses, and without a history of reports or complaints of conflicts with adjacent uses.

The existing Womer Cemetery is at capacity and no longer able to accommodate additional burial plots. The District continues to receive inquires and requests for burial plots, which it has had to decline or defer for lack of capacity. There is continued demand for the use of the cemetery and it is appropriate for the District to be able to expand the cemetery onto the subject property, which it purchased for that purpose, as acknowledged by Polk County in its approval of LLA 97-14:

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery." LLA 97-14 Administrative Action, page 3. (Emphasis added; see Exhibit C.)

Two acres, while being more than the District needs for its immediate use, will allow the District to develop and implement long-term plans for the expansion of the cemetery, while continuing to manage the undeveloped portion of the subject property until needed for burial space. The subject property is a unit; it would not be feasible or practical to undertake a zone change for less than the full two acres of the subject property. Applicant concludes that the proposed zone change is appropriate in consideration of the surrounding uses, the pattern of development in the area, and changes that support the proposed amendment.

Staff concluded that, based on a review of the 2008 Polk County Aerial Photograph, the subject property is located in a low density area, surrounded by properties used for cemetery and forestry purposes. See Attachment "E" of the staff report. A cemetery is a low impact use that may bring occasional traffic surges to the road system. There is no evidence in the record to indicate that traffic associated with the cemetery would be detrimental to neighboring properties. The proposed zone change would be appropriate in consideration of surrounding land uses.

The proposed zone change from EFU to PC/LU would increase the parcel density potential of the subject property because the PC zone has no fixed minimum parcel size. The use of the area

subject to this zone change would be limited to cemetery purposes. Staff believes that a cemetery is different from commercial, industrial, or residential uses in that if the subject property was to be partitioned, the smaller parcels combined would most likely contain a comparable number of burial plots. Consequently, theoretically higher density would not equate to a significant change in the use of the property or increase in offsite impacts to the neighborhood.

Based on the above findings, and information submitted by the applicant, staff and the Hearings Officer find that the application complies with this criterion.

6. The proposal complies with any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land; and [PCZO 111.275(F)]

The subject property is not located within an Urban Growth Boundary. This criterion is therefore not applicable to this request.

7. The proposal complies with Oregon Revised Statutes, all applicable statewide planning goals and associated administrative rules. If an exception to one or more of the goals is necessary, the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4 shall apply. [PCZO 111.275(G)]

This application is based on a "Reasons Exception" to Statewide Planning Goal 4 (Forest Land), pursuant to Goal 2, part II(c), and OAR 660-004-0020. See the discussion of the exception criteria in the Statement of Intent submitted with the companion application for a PCCP amendment of the subject property.

An exception to Oregon Statewide Planning Goal 3 is necessary in order to approve the proposed zoning of the subject property. As described above, the applicant has demonstrated compliance with the criteria for a Goal 3 exception. Staff and the Hearings Officer find that the application complies with this criterion.

CONCLUSION

The applicant provided information and proposed findings to address the applicable Review and Decision Criteria listed above. Based on the above and staff findings, staff recommended that the Hearings Officer recommend that the Board of Commissioners approve these applications.

ORDER AND RECOMMENDATION

Based on the above, the Hearings Officer APPROVES the application for a Zone Change (ZC 11-03), conditioned upon approval by the Board of Commissioners of the PCCP map and text Amendments as proposed in PA 11-02. Further, the Hearings Officer RECOMMENDS that the Board APPROVE PA 11-02.

Dallas, Oregon, April 18, 2012.



Robert W. Oliver
Polk County Hearings Officer

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF POLK, STATE OF OREGON**

In the matter of Plan Amendment PA 11-02 and)
Zone Change ZC 11-03 that would authorize)
expansion of the Womer Cemetery onto a)
2.16 acre area at T9S, R6W, Section 32, Tax Lot 302)

ORDINANCE NO. 12-02

WHEREAS, the Board of Commissioners held a public hearing on May 9, 2012 with due notice of such public hearing having been given, and provided an opportunity for public comments and testimony; and

WHEREAS, the Board of Commissioners received a recommendation in support of Plan Amendment PA 11-02 and Zone Change ZC 11-03 from the Polk County Hearings Officer based upon his public hearing and conclusions; and

WHEREAS, the Board of Commissioners received a recommendation in support of Plan Amendment PA 11-02 and Zone Change ZC 11-03 from Polk County Planning staff based upon the findings and evidence in the record; and

WHEREAS, the Board of Commissioners on May 9, 2012, publicly deliberated and unanimously passed a motion to approve Plan Amendment 11-02 and Zone Change 11-03; now therefore,

THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Sec. 1. That Polk County adopts the findings for Plan Amendment PA 11-02 and Zone Change ZC 11-03 located in the Hearings Officer's recommendation as shown on Exhibit C.

Sec. 2 That Polk County adopts as part of the Polk County Comprehensive Plan a "Reasons" exception to Oregon Statewide Planning Goal 3 for the subject property. Polk County amends Appendix F of the Comprehensive Plan to include the "Reasons" exception findings located in the Hearings Officer's recommendation included as Exhibit C.

Sec. 3. That Polk County amends the Polk County Comprehensive Plan Map for the approximately 2.16 acre property identified on the Assessment Maps as T9S, R6W, Section 32, Tax Lot 302 from Agriculture to Public as shown on Exhibit A.

1/25

RECORDED IN POLK COUNTY **CJ 2012-53**
Valerie Unger, County Clerk
Commissioners' Journal 05/24/2012 10:52:36 AM

Ordinance 1
12-02

Sec. 4. That Polk County amends the Polk County Zoning Map for the approximately 2.16 acre property identified on the Assessment Maps as T9S, R6W, Section 32, Tax Lot 302 from Exclusive Farm Use (EFU) to Public and Private Cemeteries (PC) and Limited Use Overlay (LU) as shown on Exhibit B. As recommended by the Hearings Officer, the Limited Use Overlay Zone shall restrict use of the subject property to a cemetery.

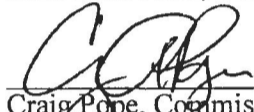
Sec. 5. An emergency is declared, and the provisions of this ordinance become effective upon its adoption.

Dated this 23rd day of May 2012 at Dallas, Oregon.

POLK COUNTY BOARD OF COMMISSIONERS



Mike Ainsworth, Chair




Craig Pope, Commissioner

unavailable for signature

Jennifer Wheeler, Commissioner

Approved as to form:



David Doyle
County Counsel

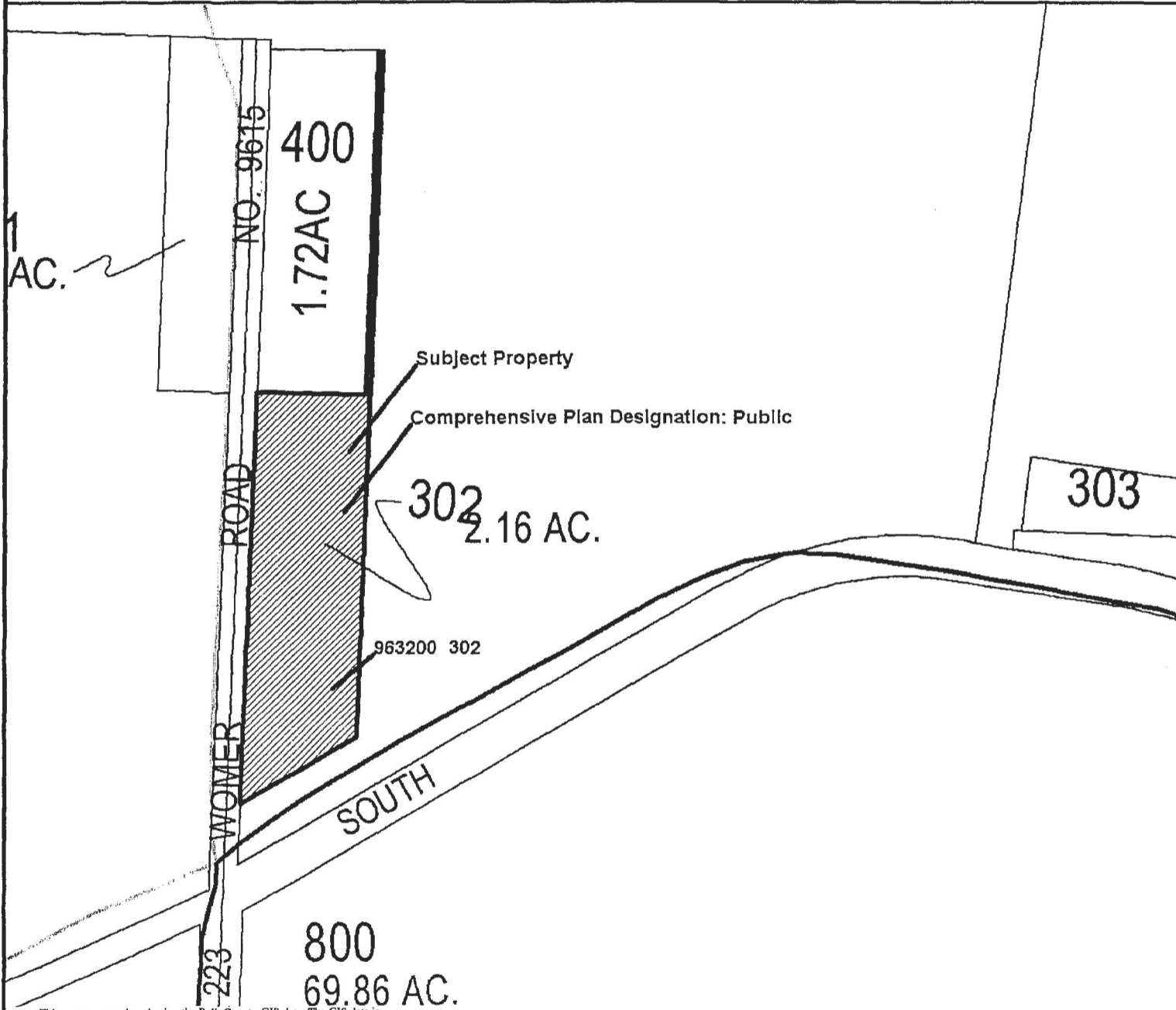
First Reading: May 23, 2012

Second Reading: May 23, 2012

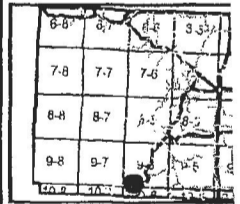
Recording Secretary: *Deanne Wares*

Polk County Map

Community Development



- Roads
 - GRAVEL
 - OTHER
 - STATEHWY
- Taxlot12
 - Taxlot Arrows12
 - Taxlot Boundary12
 - taxlot12



1 in. = 200 ft.

5/9/2012

POLK

Exhibit A

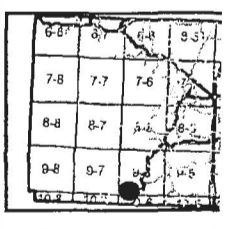
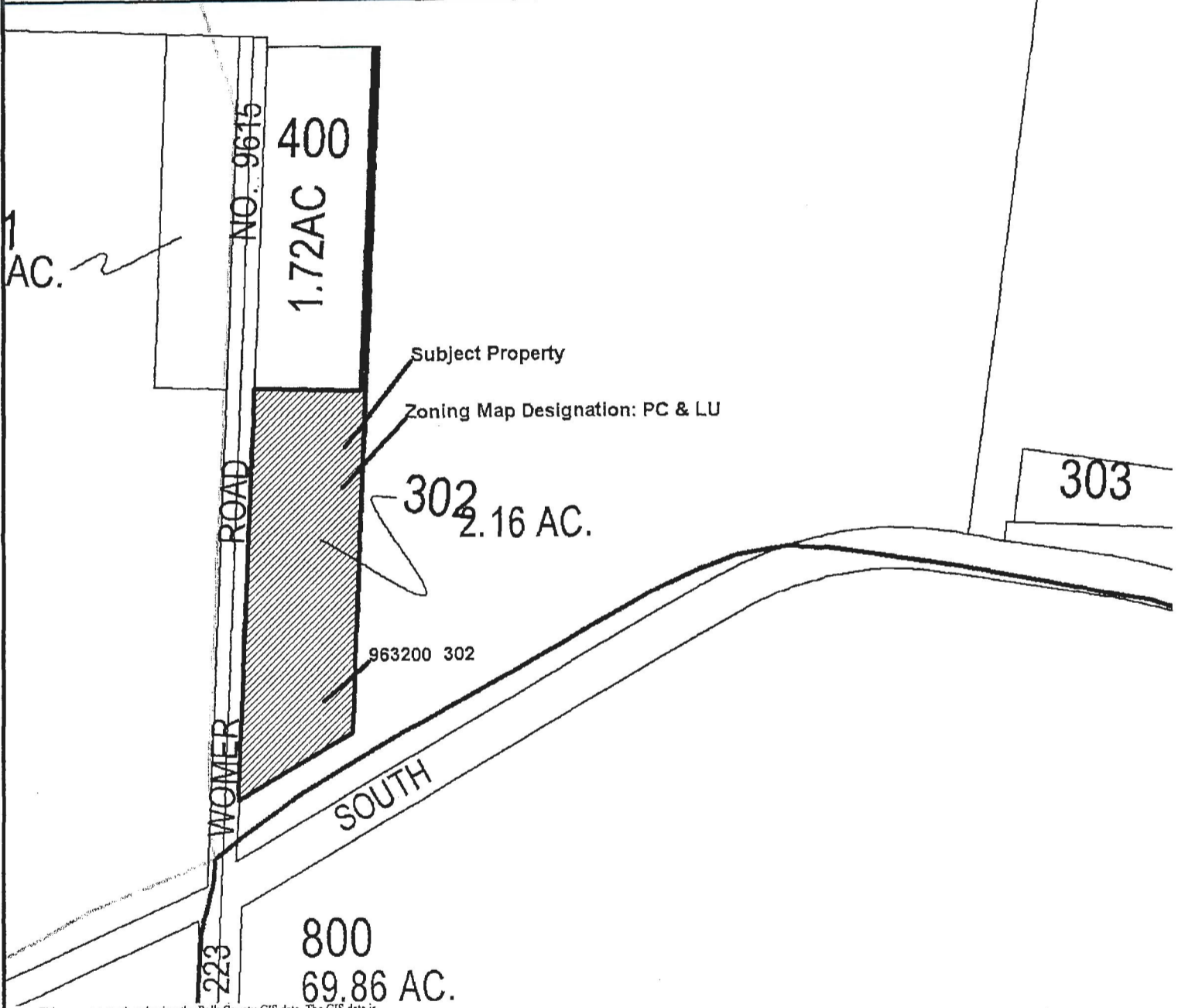
3/25

This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

Polk County Map

Community Development

- Roads
 - GRAVEL
 - OTHER
 - STATEHWY
- Taxlot12
 - Taxlot Arrows12
 - Taxlot Boundary12
 - taxlot12



1 in. = 200 ft.

5/9/2012

POL

This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

5817

Exhibit B

Exhibit C

APR 19 2012
POLK COUNTY
COMMUNITY DEVELOPMENT

**BEFORE THE PLANNING DIVISION
FOR POLK COUNTY, OREGON**

In the Matter of the Application of)
Pedee Cemetery Maintenance District)

Plan Amendment 11-02
Zone Change 11-03

**SUMMARY OF PROCEEDINGS
(General)**

This matter arose on the application of Pedee Cemetery Maintenance District to expand the Womer Cemetery from its current size of approximately 1.8 acres to approximately 3.88 acres. Involved is a 2.16-acre portion of the 3.88-acre subject property. This affected area is legally described as tax lot 302, section 32, T9S, R6W, WWM, and is referred to in this document as "tax lot 302," and tax lot 400 adjacent thereto. It is located one property north of 12970 South Kings Valley Highway, Monmouth, Oregon.

An amendment to the Polk County Comprehensive Plan (PCCP) would change the designation of tax lot 302 from Agriculture to Public; a PCCP text amendment would adopt a "reasons" exception to Statewide Planning Goal 3 on tax lot 302; and a zoning plan amendment to change the zoning of tax lot 302 from Exclusive Farm Use (EFU) to Public and Private Cemeteries (PC) and Limited Use Overlay (LU). The LU zone would restrict the use of the subject property to cemetery.

The applicable review and decision criteria are Polk County Zoning Ordinance (PCZO) 111.140, 115.050; Oregon Administrative Rules (OAR) 660-004-0018, 660-004-0020, 660-004-0022, 880-012-0060; and Oregon Statewide Planning Goals.

(Project and Property Description)

The Womer Cemetery currently utilizes 1.72 acres of the 3.88-acre subject property. The applicant has submitted these applications in order to expand the cemetery onto the remaining 2.16 acres of the property. The applicant has concurrently applied to change the PCCP designation, adopt a text amendment to the PCCP, and to change the Zoning Map designation for approximately 2.16 acres of a 3.88-acre parcel owned by the Pedee Cemetery Maintenance District. The purpose of these applications is to authorize expansion of the Womer Cemetery onto the portion of the parcel immediately to the south of the existing cemetery. The applicant is proposing to change the PCCP Map designation of the approximately 2.16 acre area from Agriculture to Public and to change the zoning of that area from EFU to PC and the Limited Use Overlay zone. The LU zone would restrict the use of the expansion area to use as a cemetery. These applications require an exception to Statewide Planning Goal 3, and the applicant has applied for a "Reasons" exception to Goal 3. The proposed "Reasons" exception would be adopted into the text of the PCCP.

These requests are evaluated in below. These applications were submitted on December 22, 2011. The applicant provided additional findings and evidence to support the applications on February 8, 2011 and March 12, 2012. Public hearings were scheduled for these applications before the Hearings Officer on April 10, 2012, and before the Board of Commissioners for May 9, 2012.

According to the information in the application, Womer Cemetery was acquired by the District in 1963 and has since been managed as a public cemetery. All cemetery plots have been sold, and the District is seeking this expansion in order to continue to provide cemetery plots to the public.

As indicated on maps submitted into the Record, the subject property and a property to the west are designated Agriculture and Public in the PCCP, and zoned EFU and PC. Properties to the north, east and south are designated Agriculture and zoned EFU.

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The subject property is located one property north of 12970 South Kings Valley Highway, Monmouth, OR (Assessment Map T9S, R6W, Section 32, Tax Lots 302 and 400). The subject property was lawfully created pursuant to Polk County Subdivision and Partition Ordinance Section 91.950(1)(b) as a result of a property line adjustment, identified as Polk County planning authorization LLA 97-14. The subject property is depicted on County Survey 13667. The subject property is currently described in Polk County Clerk Document 2011-11468, dated December 12, 2011. Based on a review of the Polk County Assessor records, the subject property does not contain any assessed buildings.

Based on a review of the Polk County Significant Resource Areas Map, the subject property is located in the Deer and Elk Winter Range. Polk County does not have record of any inventoried wetlands on the subject property. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41053C0525F, dated December 19, 2006, the subject property is located outside of the 100-year floodplain. The subject property does not contain any inventoried historic landmarks, and is located outside of the Willamette River Greenway.

As described above, the subject property is split-zoned. The portion of the subject property identified as Tax Lot 400 is zoned PC, and the area identified as Tax Lot 302 is zoned EFU. Tax Lot 302, which is the area subject to these applications, was added to the Womer Cemetery property through property line adjustment LLA 97-14. That property line adjustment is depicted on County Survey (CS) 13667. If these applications are approved, Tax Lot 302 would be authorized to be used as a part of Womer Cemetery.

Based on the information presented into the Record, approximately 51% of the soils located on the subject parcel are classified under ORS 215 and OAR 660-033 as high-value soils. This information is based on NRCS soil information, Polk County Tax Assessment data, and staff's approximation of the proposed parcel configurations. This information was provided for land use planning purposes only.

(Services)

The subject property has frontage along Womer Road and South Kings Valley Highway (Highway 223). Womer Road is designated as a local road in the *Polk County Transportation Systems Plan*, Figure 3. South Kings Valley Highway is designated as a minor arterial. The subject property currently does not have a source of potable water or contain an on-site sewage disposal system.

(Notification)

Notice of the April 10, 2012, hearing before the Polk County Hearings Officer and the May 9, 2012, hearing before the Board of Commissioners was provided as required by PCZO 111.340 to 111.370. Notice was mailed to property owners located within 750 feet of the outside perimeter of the subject property on March 14, 2012. Notice was printed in the Dallas, Oregon, *Itemizer-Observer* on March 21, 2012. Notice was posted on the subject property by March 21, 2012.

(Written comments)

The Polk County Public Works Department indicated that the most recent traffic count on Womer Road showed an average daily trip count of 11 vehicle trips. The Department does not believe that traffic has increased significantly since then, and has not requested any road upgrades as a part of this proceeding. Womer Road is rated for zero to 500 average daily trips.

No other written comments were received prior to the public hearing.

(Public Hearing)

A duly advertised public hearing was held on April 10, 2012, in the Polk County Courthouse. There were no objections as to notice, jurisdiction, or conflict of interest. Applicant appeared by the presence of a member of its Board, Ted Osgood, and was represented by Lane Shetterly, an attorney. The Hearings Officer recited the admonitions required by law. Staff summarized its report and read the applicable review and decision criteria. Shetterly seconded the staff recommendation for

approval. No one spoke in opposition. There were no requests for a continuance, or to keep the Record open. The Hearings Officer closed the Record, and adjourned the meeting.

Robert W. Oliver, Polk County Hearings Officer, presided. He was given authority by the Polk County Board of Commissioners to render a decision and make recommendations in this matter.

**FINDINGS
(General)**

The review and decision criteria for a PCCP map and text amendment and a zone change are provided under PCZO 115.050 and 111.275. Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO 111.190 and 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Board conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final local decision. The applicant proposed findings that were included as Attachments F and G in the Staff Report.

(Plan Map Amendment (PA 11-02))

PCZO 115.050(A) requires that amendments to the PCCP Map must meet one or more of the following criteria:

- A. The Comprehensive Plan designation is erroneous and the proposed amendment would correct the error, or [PCZO 115.050(A)(1)]**
- B. The Comprehensive Plan Designation is no longer appropriate due to changing conditions in the surrounding area; and [PCZO 115.050(A)(2)]**

Applicant states that the existing Womer Cemetery is at capacity and no longer able to accommodate additional burial plots. The District continues to receive inquires and requests for burial plots, which it has had to decline or defer for lack of capacity. There is continued demand for the use of the cemetery and it is appropriate for the District to be able to expand the cemetery onto the subject property, which it purchased for that purpose, as acknowledged by Polk County in its approval of LLA 97-14:

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery." LLA 97-14 Administrative Action, page 3. (Emphasis added; see Exhibit "C" of the Staff Report.)

The number of burials in the cemetery varies from year to year, but in recent years have averaged up to eight. Assuming a capacity of 315 burials on the subject property (as noted above, that is the approximate number of people buried in the existing Womer Cemetery, which is of comparable size and configuration as the subject property) that would provide approximately 39 years of additional capacity. District represents that is an appropriate amount of capacity for cemetery development. The two-acre size of the subject property, while being more than the District needs for its immediate use, will allow the District to develop and implement its mid- to long-term plans for the expansion of the cemetery, while continuing to manage the undeveloped portion of the subject property until needed for burial space. The subject property is a unit that, based on the previously approved property line adjustment, is currently split as to its plan designation and zoning. It would not be feasible or practical to undertake a Comprehensive Plan amendment and zone change for less than the full two-acres of the subject property, expecting that District would have to file additional applications in the future, to change the plan designation and zoning for the subject property serially.

Applicant concluded that Womer Cemetery has reached its capacity. The need to expand the cemetery onto the subject property for use as a cemetery, to continue to serve the needs of the rural Pedee community and fulfill the purpose for which District was established, as previously acknowledged by the county, constitutes changed circumstances that render the current plan designation on the subject property no longer appropriate for its use, and the two-acre size of the

subject parcel is appropriate for this PCCP amendment.

Staff concluded that the applicant is proposing this PCCP Map amendment in order to increase the size of the existing Womer Cemetery. According to the information in the application, the Womer Cemetery has reached capacity and needs to expand in order to fulfill its public mission. The applicant contends that the Agriculture PCCP designation of the subject property is no longer appropriate. The proposed PCCP Map amendment and Zoning Map amendment would effectively double the size of the existing cemetery. Staff agreed with the applicant that the need for additional land for cemetery purposes is a "changing condition in the surrounding area" that complies with this criterion, and the Hearings Officer concurs.

C. The purpose of the Comprehensive Plan will be carried out through approval of the proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]

1. Evidence that the proposal conforms to the intent of relevant goals and policies in the Comprehensive Plan and the purpose and intent of the proposed land use designation. [PCZO 115.050(A)(3)(a)]

- (a) The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living. [PCCP Section 4]**

Applicant states that the PCCP indicates that the purpose of the Public Plan designation is as follows:

"The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, *cemeteries* and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living." Polk County Comprehensive Plan, p. 68. (Emphasis added.)

The District is a governmental entity, and provides a government service, that being the operation of a public cemetery maintenance district. The Public Plan is implemented through PCZO 170.020, which authorizes the use of property as a cemetery, consistent with the current operation of Womer Cemetery by the District and the intended use of the subject property.

Applicant concludes that the application proposes to expand a public use, that being a public cemetery operated by District, as a public body, which conforms to the intent of relevant goals and policies in the PCCP and the purpose and intent of the proposed land use designation.

Staff concluded that the purpose of the Public Plan Designation is to recognize those facilities that provide public services to Polk County citizens. As stated in PCCP Section 4, a cemetery is a public service, and the proposed applications would facilitate expansion of an existing cemetery. The proposed applications would provide an appropriate public zoning for the proposed expansion area. The applicant has concurrently applied for a "Reason's" exception to Statewide Planning Goal 3; therefore, the Polk County Agriculture Plan designation goals and policies are not applicable to this request. Staff has not identified any other goals or policies in the PCCP that are applicable to this request. As discussed throughout this staff report, the applicant's proposal would allow expansion of an existing and needed government service; therefore, the application complies with this criterion, and the Hearings Officer so finds.

- 2. Compliance with Oregon Revised Statutes, statewide planning goals and related administrative rules which applies to the particular property(s) or situations. If an exception to one or more of the goals is necessary, the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4 shall apply; and [PCZO**

115.050(A)(3)(b)]

Applicant contends that this application is based on a "Reasons Exception" to Statewide Planning Goal 3 (Agricultural Land), pursuant to Statewide Planning Goal 2, part II(c), and OAR 660-004-0020. A reasons exception "can be taken for any use not allowed by the applicable goal(s)." OAR 660-004-0022.

Goal 3 provides that its purpose is "[t]o preserve and maintain agricultural lands." OAR 660-015-0000(3). Uses permitted under the goal are described as "farm uses and those nonfarm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices." OAR 660-033-0120 describes (in Table I attached to the rule) the uses authorized on agricultural lands. Those authorized uses include "Churches and cemeteries in conjunction with churches consistent with ORS 215.441," but District is not a church and neither the existing Womer Cemetery nor the subject property is or will be operated as a cemetery in conjunction with a church. There is no other authorization in statute or in the goal or rule for the operation of a stand-alone cemetery, not operated in conjunction with a church, on agricultural land. That being the case, an exception to statewide planning Goal 3 is required in order to approve this application.

Womer Road, which provides direct access to the cemetery, is designated as a Local Road under the *Polk County Transportation System Plan (TSP)*. (Figure 3, "Functional Classifications, TSP.") The proposed PCCP amendment of the subject property (and related zone change) and the proposed expansion over time of Womer Cemetery onto the subject property will not measurably increase vehicle traffic or otherwise increase transportation demands on Womer Road. Therefore, the PCCP amendment requested with this application will not "significantly affect" a transportation facility under OAR 660-012-0060(1), and no mitigating measures are required under subsection (2) of the rule.

Polk County Public Works Road Standards 1998 requires a Transportation Impact Analysis (TIA) for any proposed development "that reasonably can be expected to generate more than 300 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour." (Road Standards, Section X.B 1.) A TIA may be required for any proposed development expected to generate more than 150 vehicle trips per day or more than 40 per hour. (Road Standards, Section X.B 2.) For the reasons stated above, no TIA is required for this proposed PCCP amendment under either standard.

Applicant acknowledges that in the event of any future development of the cemetery that would generate increased vehicle traffic, such development will be subject to all applicable provisions of the TSP and the Public Works Road Standards, and may not exceed the planned capacity of the county roads serving the cemetery.

(Findings Submitted February 8, 2012)

Womer Road is a dead-end road that serves only Womer and Edwards Cemeteries. There is a gate across the road at the north end of both cemetery properties, where the road enters onto private timberland.

The district estimates that, except on the occasion of a funeral or a holiday such as Memorial Day or Veterans Day, when cemetery visits are more common, there are no more than 60 vehicle trips per month on Womer Road. Over time, as the expanded cemetery fills, more traffic can be expected, but even a doubling of the traffic would not amount to more than 120 vehicle trips per month. The expansion would not increase funeral-related travel, as the expansion would not result in more frequent funerals (or necessarily larger funerals), just more of them over time, but presumably at about the same rate as they currently occur. There could be an increase in holiday vehicle travel over time, as the expanded cemetery develops, but given the low volume of current traffic there is no reason to believe it would have a significant impact on the transportation facility that would require a Transportation Impact Analysis under the standards of the Polk County Public Works Standards 1998, or mitigating factors under OAR 660-012-0060(1).

Staff concluded that the applicant is proposing a PCCP Map amendment and zone change in

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order to expand the Womer Cemetery. The applicant is applying to designate approximately 2.16 acres of the 3.88 acre subject property Public on the PCCP Map and Public and Private Cemeteries (PC) and Limited Use Overlay (LU) on the Zoning Map. The applicant submitted proposed findings to support a "Reason's" exception to Goal 3, which are addressed below.

With respect to Goal 12; Transportation, the subject property is accessed from Womer Road, which is a local road as identified on Figure 3 of the *Polk County Transportation Systems Plan*. A cemetery is a use that typically receives low amounts of traffic, and staff has not requested that the applicant prepare a traffic impact analysis to project the traffic impacts to the road system if these applications are approved. Staff does not believe that the proposed PCCP amendment and zone change would result in a significant impact on area transportation facilities as that term is used in OAR 660-012-0060. Cemeteries are unique; in that a larger cemetery does not necessary translate into a proportionally equivalent increase in average daily vehicle trips (ADT) to the property. A burial and funeral only take place once, and only a finite number can attend at a cemetery. As more people are buried at a cemetery, an increasing percentage of traffic is attributed to gravesite visits rather than burials and funerals. Staff anticipates that the occasional trips from gravesite visits would have less of an impact on the traffic system than an occasional surge of traffic attributed to a burial and funeral. The applicant asserts that traffic impacts from the cemetery are minimal. The applicant indicates that the cemetery averages only eight burials per year, and Memorial Day may see increased traffic to the area. When considering days that burials occur and holidays when the public traditionally visits gravesites, there may be eight or nine days of increased traffic in Womer Cemetery area. Based on decades of such occasional traffic impacts, staff is unaware of any significant negative impacts that the Womer Cemetery has had on neighboring forestry operations or the Edwards Cemetery. Consequently, staff does not anticipate that expansion of the Womer Cemetery would result in creating a significantly negative traffic impact on the surrounding area.

The Polk County Public Works Department indicates that the last traffic count performed on Womer Road was in 1986. At that time it logged 11 ADT. The Department does not estimate that ADT has increased significantly since that time. Womer Road is a local road and is designed to accommodate up to 500 ADT. Due to currently low estimated traffic volumes on Womer Road, and the small traffic impact anticipated from expansion of the Womer Cemetery, the Department has indicated that road improvements should not be required if these applications are approved.

With respect to Goal 14; Urbanization, Staff did not believe that expanding the existing cemetery, and designating and zoning the property accordingly on the PCCP and Zoning Maps, would amount to establishing an urban use on rural lands. Based on the information in the application, the Womer Cemetery is within the Pedee Cemetery District, and primarily provides burial plot availability to the surrounding rural community.

A "Reasons" exception to Oregon Statewide Planning Goal 3 is necessary to approve these applications. The applicant has submitted findings to justify an exception to Statewide Planning Goal 3. The Oregon Statewide Planning Goal 3 exception is addressed below.

Staff concluded that the application complies with this criterion, and the Hearings Officer so finds.

3. Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land. [PCZO 115.050(A)(3)(c)]

Staff concluded that the subject property is not located within an urban growth boundary or within an incorporated city. As a result, no intergovernmental agreements are applicable to this application. This criterion is not applicable to the proposed amendment.

(Goal 3 Exception)

- A. When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone**

designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception; [OAR 660-004-0018(4)(a)]

Applicant states that in this case, the District has applied for a PCCP amendment and zone change to accommodate the expansion of Womer Cemetery onto the subject property for use as burial ground. While the PC Zone allows for a caretaker's or watchman's dwelling within the zone, PCZO 170.020(B), the District does not seek approval for either use. District will consent to a limited use overlay that will restrict the use of the property for cemetery purposes, only, under PCZO 170.020(A), and not for either of the other uses permitted in the zone under subsections (B) or (C). Based on that, the applications comply with OAR 660-004-0018(4)(a), and PCZO 184.010 - .030.

Staff concluded that the applicant has applied for a "Reasons" exception in order to expand the Womer Cemetery on to an additional 2.16 acres of the subject property. The applicant has proposed to apply the Public PCCP Designation and the Public and Private Cemeteries (PC) and Limited Use Overlay (LU) zones to that area. The LU zone would restrict the use of the subject property only to cemetery use. The cemetery use is the use justified under the "Reasons" exception findings provided by the applicant; therefore, the Hearings Officer finds that the application fulfills this requirement.

B. "Reasons justify why the state policy embodied in the applicable goals should not apply"; The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land and why the use requires a location on resource land; [OAR 660-004-0020(2)(a)]

Reasons that meet the foregoing criteria for an exception to Goal 3 include that "(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and * * * (B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." OAR 660-004-0020(1).

As noted above, the District operates Womer Cemetery, which is at capacity, and continues to receive inquires and requests for plots that it has had to decline or defer due to lack of capacity. This demonstrates the need for the continued use and expansion of the cemetery onto the subject property, which was acknowledged by the county in its Administrative Action 97-14, as quoted above:

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery."

Goal 11 recognizes the need for "public facilities and services to serve as a framework for urban and rural development." While Goal 11 and its administrative rule, OAR 660-011, typically speak of "public facilities" in terms of water and sewer facilities, the term is more broadly applicable to include a broad range of "urban and rural public facilities and services appropriate for, but not limited to, the needs and requirements of the urban, urbanizable, and rural areas" (Goal 11), as recognized in and implemented by the Public Plan portion of the PCCP.

Polk County recognized in Administrative Action 97-14 that District's purchase of the subject property was "for the purpose of expanding Womer Cemetery." The District is now at capacity and continues to receive inquiries for the purchase of burial plots, which it has had to decline or defer due to lack of capacity. The subject property is immediately adjacent to the existing Womer Cemetery, the proximity of which constitutes a "special feature or quality" that justifies and necessitates the expansion of the cemetery onto the subject property.

Applicant states that Womer Cemetery is a public facility that provides "government services to the people of Polk County," within the meaning of the Public Plan policy in the PCCP. There is a demonstrated need for the expansion of Womer Cemetery onto the subject property because Womer Cemetery is at capacity and District continues to receive requests for burial plots, which it has had to decline or defer due to lack of capacity. District purchased the subject property specifically for

the future expansion of Womer Cemetery, which Polk County acknowledged in Administrative Action 97-14. The subject property has special features or qualities that necessitate the expansion of Womer Cemetery onto the subject property, in that it is located immediately adjacent to, and is a part of the existing cemetery.

- C. **“Areas which do not require a new exception cannot reasonably accommodate the use”:** [OAR 660-004-0020(2)(b)]
1. **The exceptions shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;** [OAR 660-004-0020(2)(b)(A)]
 2. **To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:** [OAR 660-004-0020(2)(b)(B)]
 - a. **Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?** [OAR 660-004-0020(2)(b)(B)(i)]
 - b. **Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by this applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?** [OAR 660-004-0020(2)(b)(B)(ii)]
 - c. **Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?** [OAR 660-004-0020(2)(b)(B)(iii)]
 - d. **Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?** [OAR 660-004-0020(2)(b)(B)(iv)]
 3. **This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.** [OAR 660-004-0020(2) (b) (C)]

Applicant argues that this alternative site standard is both complicated and satisfied in this case by the fact that the subject property is located immediately adjacent to the current Womer Cemetery, which is proposed to be expanded onto the subject property. The subject property is situated in a rural and remote area of the county that is generally designated as Agriculture and Forest Land under the PCCP. As noted above, District operates Womer Cemetery as a public cemetery primarily for the rural residents of the Pedee and Kings Valley areas, and has historically served as their community cemetery. The only nonresource land in the immediate vicinity of Womer Cemetery is Edwards Cemetery, a private cemetery shown as Tax Lot 601 on Exhibit “G” of the Staff Report, located across Womer Road from Womer Cemetery. As a private cemetery, Edwards Cemetery is not available to District or to the public that District serves. There is no

contiguous nonresource land. Any expansion of the cemetery onto some non-contiguous nonresource land would defeat the purpose of the cemetery as a single operational community cemetery and would frustrate the District's management of the cemetery as a single facility. There is no nonresource land that could reasonably accommodate the use. (OAR 660-004-0020(2)(b)(B)(i)).

There is no nonresource land in the general vicinity that is irrevocably committed to nonresource uses that could accommodate the use. (OAR 660-004-0020(2)(b)(B)(ii)). Pedee Memorial Evangelical Church, 12995 Kings Valley Highway, Monmouth, is located approximately one-quarter mile (one road mile) from Womer Cemetery, but does not have a cemetery associated with it. The church property is approximately three acres in size and is already developed with a church building, parking and a play area and does not have the space to accommodate a cemetery. Apart from that, as above, any expansion of the cemetery onto some non-contiguous nonresource land that is irrevocably committed to nonresource uses would defeat the purpose of the cemetery as a single operational community cemetery, and as a public cemetery, and would frustrate the District's management of the cemetery as a single facility.

District manages two other small cemeteries within its boundaries, those being Taylor Cemetery on Ira Hooker Road and Montgomery Cemetery, located on private property near Maple Grove Road. Both of these cemeteries are pioneer family cemeteries. Taylor cemetery is full. Both cemeteries include unmarked graves that make them unsuitable for further use and development as a public cemetery.

The use cannot be reasonably accommodated inside an urban growth boundary. (OAR 660-004-0020(b)(B)(iii)). As noted above, Womer Cemetery serves as the community cemetery primarily for the rural Pedee and Kings Valley communities. The nearest urban area is Falls City, which is approximately 15 miles by paved road from Womer Cemetery. Falls City is outside the geographical boundary of District, and is already served by a municipal cemetery and an International Order of Odd Fellows Cemetery. It would not be reasonable or feasible for the rural communities presently served by Womer Cemetery to adopt one of the Falls City cemeteries as their community cemetery, nor to expect Falls City or the Odd Fellows to accommodate in their cemeteries the needs of the rural communities served by Womer Cemetery. Nor would it be reasonable or feasible for District to purchase land within the Falls City urban growth boundary to develop as an expansion of Womer Cemetery for the residents of the Pedee and Kings Valley communities. For one thing, as noted, Falls City is outside District's boundaries. District purchased the subject property for the express purpose of expanding the cemetery, as acknowledged with approval by the county in its Administrative Action 97-14. Further, any expansion of the cemetery onto land within the Falls City urban growth boundary would defeat the purpose of the cemetery as a single operational community cemetery and would frustrate the District's management of the cemetery as a single facility. Womer Cemetery, as a community cemetery is, in the words of the Public Plan policy of the PCCP, "essential to [the] well ordered community life [of the communities it serves], sustaining and enhancing the health, safety, educational and recreational aspects of rural living." PCCP, p. 68. The expansion of the community cemetery cannot be reasonably accommodated within an urban growth boundary.

The final sub-criteria under OAR 660-004-0020(b)(B) asks whether "the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?" (OAR 660-004-0020(b)(B)(iv)). In this case, the proposed use is inextricably connected to an existing use, that being Womer Cemetery. As noted above, Womer Cemetery is at capacity and in need of room to expand in order to continue to serve as the community cemetery for the Pedee area. This application does not seek the establishment of a new use. As also noted above, Edwards Cemetery, located across Womer Road from Womer Cemetery, is a private family cemetery and not available to District or to the people of the communities it serves. Pedee Memorial Evangelical Church is located in the vicinity of the cemetery, and within the geographical boundaries of District, but does not have the capacity on its property to provide a private cemetery in conjunction with a church, which would be an allowed use in agricultural land under OAR 660-033-0120 and ORS 215.441. There are no other churches - with or without cemeteries - located within the geographical boundaries of District. The Taylor and Montgomery cemeteries, within District's boundaries, are full

or otherwise not available for expansion and development as cemeteries today. As such, this proposed expansion of an existing public cemetery onto the subject property cannot be reasonably accommodated without the provision of a public facility. OAR 660-004-0020(b)(B)(iv).

Staff concluded, and the Hearings Officer concurs, that this general assessment of alternative areas is sufficient under OAR 660-004-0020(C) to demonstrate that those similar types of areas in the vicinity could not reasonably accommodate the proposed use." Staff also asked for additional findings "as to why Edwards Cemetery cannot be considered" as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A). The reasons why Edwards Cemetery, located across Womer Road from the existing Womer Cemetery, is not available for expansion are two-fold; one reason being practical and historical, and the other being economic.

As noted in the Statements of Intent filed with these applications, Edwards Cemetery is maintained as a private family cemetery. Womer Cemetery, while now operated by the District as the Pedee community cemetery, was originally established as a private family cemetery for the Womer family. The story is told that many years ago, Mr. Edwards and Mr. Womer, who were the founders of the Edwards and Womer families in Pedee, were of different political parties, one being a staunch Republican and the other just as staunch a Democrat. While this was a source of some personal conflict between them, they came to an "understanding" in their relationship whereby they both agreed that they would not vote, and so would avoid partisan conflict. But one day one of them cast a vote, and when the other learned of it, their understanding and relationship were irrevocably ruptured and the division, which manifested itself in part in the establishment of the two separate family cemeteries (neither would be buried in a cemetery that held the other), is still honored by Mr. Edwards' descendants. The District approached the current owners of Edwards Cemetery about a lot line adjustment or some other accommodation that would make it possible for the District to expand its Womer Cemetery onto Edwards Cemetery property. But because of the history between the families, and out of respect for the memory of Mr. Edwards, the Edwards family has declined to make their private family cemetery property available to the District.

The economic consideration is that the District already owns the subject property, which it purchased through a property line adjustment approved by Polk County (LLA 97-14) for the express acknowledged "purpose of expanding Womer Cemetery." (LLA 97-14 Administrative Action, page 3.) Having been turned away by Edwards Cemetery, and having invested its public funds instead in the purchase of the subject property for the expansion of the existing Womer Cemetery, it would not be practical for the District to now acquire a portion of Edwards Cemetery, or economical to do so, even if it could.

In evaluating whether an area that does not require an exception can accommodate the proposed use for which an exception is sought, OAR 660-004-0020(2)(b) permits consideration of "Economic factors along with other relevant factors." In this case, the economic factor is that the District already owns the subject property (which it purchased for the express and acknowledged purpose of expanding Womer Cemetery) and is able to do so without having to spend more public funds to acquire other property. The "other relevant factor" is the history of the Edwards and Womer families in the Pedee area that functionally makes Edwards Cemetery unavailable to the District. Based on consideration of these factors, Edwards Cemetery cannot be considered as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A).

As noted in the Statements of Intent that were filed with these applications, the District is responsible for two other small family cemeteries within its boundaries, namely the Taylor Cemetery, located on Ira Hooker Road, and the Montgomery Cemetery, located on private land owned by Philip Kendall Cates, at 17395 Maple Grove Road. Montgomery Cemetery is located on property that is zoned EFU. While the cemetery is located within the District's geographical boundaries, and the District nominally manages it, the District does not own it. Nor, because it is located on and in the middle of EFU-zoned land, can it be expanded on land that does not require an exception. Taylor Cemetery is located on Ira Hooker Road, and is owned by the District. Taylor

Cemetery is a one-half acre pioneer family cemetery on land designated Public under the PCCP and zoned PC. It is surrounded by property zoned Suburban Residential (SR). While it would not take a goal exception or PCCP amendment to expand Taylor Cemetery in the SR zone, it would require a zone change, as cemeteries are not one of the uses allowed in the SR zone, under PCZO 127.020, .030, .035 or .040.

As with the Edwards Cemetery, there are practical and economic considerations that make it infeasible for the District to meet its needs for additional cemetery space by expanding the Taylor Cemetery. As noted above Taylor Cemetery is an old family cemetery, which did not have capacity to be used as a public cemetery when it was conveyed by the Taylor family to the District in 1969. It has never been used as the public "community" cemetery. That role fell to Womer Cemetery, as it had capacity when it was conveyed to the District, so it became the community cemetery for the families of the Pedee area. Several generations of some Pedee families are buried in Womer Cemetery; it is appropriate and in the best interest of the community that future generations of those families (as well as new and future community members) be provided for by expanding the existing Womer Cemetery, so that the "community" can be kept together in the cemetery that has become the community burial place. To close Womer Cemetery off to any further expansion for ongoing use as the community cemetery, and force the District to acquire additional land with which to expand Taylor Cemetery, and make that the public cemetery going forward, would divide the community cemetery. A community cemetery, where friends and families and community members can share a common resting place, is an integral feature to a community that cannot be maintained by expanding the cemetery space at Taylor Cemetery.

Taylor Cemetery also has physical and locational constraints that make it inappropriate for expansion. It is located in the point of a "V," between a private driveway on the east of the cemetery that leads to a private dwelling located immediately behind (south of) the cemetery, and Ira Hooker Road on the west side of the cemetery. Immediately north of the cemetery is a property that is developed for residential and commercial use that is not well-suited or maintained as an appropriate gateway property to a community cemetery.

As a matter of economics, as with Edwards Cemetery, the fact is that the District has already invested its resources in the purchase of the subject property, for the express and acknowledged purpose of expanding Womer Cemetery, so it would not be economical to require the District to expend additional public funds to acquire additional land to expand Taylor Cemetery, even if were feasible to do so. Further, it will be more economical for the District, in terms of development cost, maintenance and operations, to expand at Womer Cemetery, where the cemetery "infrastructure" is already in place, than to expand at Taylor Cemetery, and divide its maintenance and operations between two physically separate cemeteries.

For the foregoing reasons, staff and the Hearings Officer find that Montgomery Cemetery and Taylor Cemetery cannot be considered as alternative areas for the use "which do not require a new exception." OAR 660-004-0020(2)(b)(A).

Staff asked if the use can be "reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on nonresource land? If not why not?" OAR 660-004-0020(B)(i).

As noted above, when cemetery plots are sold, they become the property of the purchasers of the plots, with each plot able to accommodate up to four "openings." As also noted above, it may take years – sometimes many years – for a plot to fill; and in some cases plots may not fill to capacity, but they still remain the property of the owners, to use when and as they deem fit. Given the nature of a cemetery plot, it is not feasible to increase the density of the use at Womer Cemetery. In the expanded cemetery on the subject property, the District is contemplating making options available for smaller plots, such as with just two openings, rather than four. That could extend the functional life of the subject property by increasing density, but it is impossible to say that that would be the case, or, if so, by how much. In any event, it is not possible for the District now to increase the density of use in the existing Womer Cemetery. As for the size of the plots, this confirms, as noted above, that the correct plot size for the new cemetery (for four openings) will be

200 square feet, which will accommodate caskets, grave liners and vaults for each of the graves in the plot, leaving a modest buffer between the graves and between the plots.

Based on the foregoing, staff concluded and the Hearings Officer agrees, that the use cannot be "reasonably accommodated on non-resource land that would not require an exception," by increasing the density of uses on nonresource land. OAR 660-004-0020(B)(i).

Staff asked why the Pedee Unincorporated Community cannot reasonably accommodate the use. OAR 660-004-0020(2). See the discussion above regarding Taylor Cemetery. For the same reasons, it would not be practical or economically feasible to close Womer Cemetery off to additional expansion for use as the Pedee community cemetery and require the District to spend additional public funds to acquire and thereafter maintain a new and separate site for the expansion of the community cemetery in the Urban Reserve-designated area of the Pedee community.

Staff and the Hearings Officer concur that the Pedee Unincorporated Community cannot be considered as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A).

- D. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts; [OAR 660-004-0020(2)(c)]**

Staff concluded that there is no alternative site - i.e., an alternative site that would also require a goal exception for expansion of Womer Cemetery - that would have any less environmental, economic, social or energy consequences from the existing and proposed use of the property. On the contrary, such impacts have already substantially been absorbed into and accommodated on the existing property, based on its immediate proximity to the existing cemetery. To locate the expanded cemetery to some other parcel requiring a goal exception would require all new accommodations and measures to address the environmental, economic, social and energy consequences of the [cemetery], while still leaving substantial impacts from the existing cemetery in place.

The long-term environmental, economic, social and energy consequences from the proposed site with measures to reduce adverse impacts are not more adverse (significantly or otherwise) than would result from the same proposed site being located on areas requiring a goal exception other than the proposed site.

- E. "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses.**

The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. [OAR 660-004-0020(2)(d)]

This criteria is easily satisfied by the long-established existence and operation of Womer Cemetery immediately adjacent to the subject property - for more than 100 years - without a history of reports or complaints of conflicts with adjacent uses. The current cemetery has operated in harmony with those adjacent uses. The proposed expansion of the cemetery onto the subject property will be gradual over time. This establishes that the cemetery is and will remain compatible with adjacent uses. To the extent that any future development of the subject property may have impacts on account of such development, those impacts can be addressed in the context of the proposed development.

Applicant concludes that the proposed use is an expansion of the long-established current use of the existing Womer Cemetery, which is immediately adjacent to the subject property. Womer Cemetery does not have a record of conflicts or complaints of conflicts with existing uses. The expansion of the cemetery onto the subject property will be gradual over time, and that part of the subject property not immediately needed for cemetery use will continue to be managed as it presently is being managed, for timber production, until such time as it is needed. The proposed use is compatible with other adjacent uses.

- F. For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: [660-004-0022(1)]**
- 1. There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either**
 - 2. A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or**
 - 3. The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.**

Reasons that meet the foregoing criteria for an exception to Goal 3 include that "(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and * * * (B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." OAR 660-004-0020(1).¹

As noted above, the District operates Womer Cemetery, which is at capacity, and continues to receive inquires and requests for plots that it has had to decline or defer due to lack of capacity. This demonstrates the need for the continued use and expansion of the cemetery onto the subject property, which was acknowledged by the county in its Administrative Action 97-14.

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery."

¹ This reason is one of the reasons listed under OAR 660-004-0022(1) that may be used to justify a reasons exception. The reasons listed in the rule as illustrative, and not exclusive, as the rule states: "Such reasons *include but are not limited to*" the reasons listed in the rule.

Goal 11 recognizes the need for "public facilities and services to serve as a framework for urban and rural development." While Goal 11 and its administrative rule, OAR 660-011, typically speak of "public facilities" in terms of water and sewer facilities, the term is more broadly applicable to include a broad range of "urban and rural public facilities and services appropriate for, but not limited to, the needs and requirements of the urban, urbanizable, and rural areas" (Goal 11), as recognized in and implemented by the Public Plan portion of the PCCP.²

Polk County recognized in Administrative Action 97-14 that District's purchase of the subject property was "for the purpose of expanding Womer Cemetery." The District is now at capacity and continues to receive inquiries for the purchase of burial plots, which it has had to decline or defer due to lack of capacity. The subject property is immediately adjacent to the existing Womer Cemetery, the proximity of which constitutes a "special feature or quality" that justifies and necessitates the expansion of the cemetery onto the subject property.

Applicant concluded that Womer Cemetery is a public facility that provides "government services to the people of Polk County," within the meaning of the Public Plan policy in the PCCP. There is a demonstrated need for the expansion of Womer Cemetery onto the subject property because Womer Cemetery is at capacity and District continues to receive requests for burial plots, which it has had to decline or defer due to lack of capacity. District purchased the subject property specifically for the future expansion of Womer Cemetery, which Polk County acknowledged in Administrative Action 97-14. The subject property has special features or qualities that necessitate the expansion of Womer Cemetery onto the subject property, in that it is located immediately adjacent to, and is a part of the existing cemetery.

In the Statements of Intent submitted with these applications, it was stated that the standard size of a cemetery plot is 336 square feet (or 14 by 24 feet). That number is in error. The correct size of a burial plot today is 200 square feet (or 10 feet by 20 feet).

In the earlier days of the Womer Cemetery, in the "old" portion of the cemetery (plots 1 through 84, as shown on the cemetery map filed in the Record), the plot size was 160 square feet (or 8 feet by 20 feet), but with a general increase in the size of caskets and related burial containers (including the use of grave vaults and liners) in more recent times, the standard size has increased. Plots 85 through 191 of the existing Womer Cemetery are 200 square feet. Each plot accommodates four individual "openings" or graves. The plots planned for the expansion area that is the subject of these applications are planned for 200 square feet as well, with some consideration being given to selling plots of fewer than four openings. (See the discussion below under "Increasing Density.")

As noted, the District sells its burial space on the basis of plots, which can accommodate up to four individual "openings," or graves. The existing Womer Cemetery has 191 plots that currently hold approximately 315 people. When a plot is sold, it is no longer available to be resold by the District. It is up to the owner of each plot to determine how the plot is utilized. Most plots are purchased to hold multiple graves, and many do; but not all. In many cases, plots have been purchased for persons who are still living, such as with "family plots," in which case such plots will become fully occupied only over time (in some cases over many years), as the individuals for whom the plot was purchased pass on and are buried. In other cases, individuals elect not to fully utilize their plots, or their intentions to utilize them change due to changes in circumstances over time. In any event, once a plot has been sold, it is the property of the owner(s) of the plot and is no longer available for the District to re-sell or for anyone else to use. (As a practical matter, if Mr. and Mrs. Smith have purchased a family plot for themselves and their two children, even if one or both of their children should eventually decide later to be buried elsewhere, it would not be appropriate for the District to bury someone else in the Smith's family plot. Besides, there is always the possibility

² The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks, fire stations, hospitals, cemeteries and other public buildings. Adequate *public facilities* are essential to all ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living." Polk County Comprehensive Plan, p. 68.

that a grandchild or some other relation of the Smiths would eventually choose to be buried there.) Thus, while the absolute capacity of the existing cemetery would be 764 graves, if every opening in every plot were filled, the functional capacity is determined not just by the number of people buried, but also by the number of plots available and sold. Unlike land within an urban growth boundary, it is not possible to do "in-fill" with grave sites or to "redevelop" plots once they have been sold.

Applicant submitted for the Record a copy of the District's "official" map of the existing 1.72 acre Womer Cemetery. (It is the only map of the cemetery.) The map is not to scale, but shows generally the layout of the existing cemetery with a roadway and the 191 burial plots. Also submitted was a conceptual sketch of the proposed expansion area. This sketch indicates that the narrow strip "pan handle" of the subject property (Tax Lot 302) that lies to the east of the existing cemetery will remain as a buffer, in the event of a change in use of the property to the east of the cemetery (which is currently forested). The south end of the subject property that is proposed for cemetery expansion will also be left as a buffer along Kings Valley Highway, to allow for landscaping to provide a measure of privacy and protection for the cemetery. As the expansion area is developed, the District also anticipates building a road on the subject property. (In addition to these defined buffer areas and the road, some space is also left between the plots, which further reduces the acreage available for burial space.) With all of that, it is anticipated that the capacity of the expansion property will be approximately the same as the existing Womer Cemetery. It is on that basis that the projected demonstrated need for the cemetery expansion is based on the actual history of development of the existing cemetery.

When the District acquired title to the existing Womer Cemetery in 1963, it was a small family cemetery. Since then, it has become the Pedee community cemetery. As a community cemetery under the management of the District, it has reached its capacity over a period of about 48 years. With the road and buffer zones to be developed on the subject property, the District anticipates having approximately the same amount of useable space and approximately the same grave capacity on the expansion property as on the existing cemetery. Assuming the same rate of utilization of the expansion property as the District is currently seeing with the existing Womer Cemetery, the expansion area will provide for approximately 39 years of additional capacity. This is admittedly an inexact estimate, but given that people buy plots for personal and family use that may take a couple of generations or more to fill, even a longer time-horizon for the full utilization of the expansion property (such as the 48 years it has taken the current cemetery to fill since it became a community cemetery) is reasonable and appropriate.

Applicant concluded that Womer Cemetery has reached capacity, and additional cemetery capacity is needed in order for the District to continue to serve the Pedee community, as it was created by order of the county to do. The District has already purchased the subject property for the purpose of expanding Womer Cemetery, as the county expressly acknowledged in its Administrative Action in LLA 97-14. This application is the outgrowth of the long-term plan for cemetery expansion that the District initiated with the approval of its 1997 lot line adjustment. Womer Cemetery is the community cemetery of the Pedee Community and should be maintained as a unit, both for the purpose of maintaining the important community nature of the cemetery, and for the District's economic and practical objectives in operating and maintaining it as a single facility. Based on all of these considerations, sufficient reasons have been presented to satisfy the exception criteria under OAR 660-004-0020, and the application should be granted. Further, given that an expansion of the cemetery has been justified, it is appropriate that the full 2.17 acres of the subject property be approved for a comprehensive plan amendment and zone change, rather than that a smaller amendment be approved now, resulting in an even smaller split-zoned parcel than currently exists, and the necessity for the District to return at a later date to finish what it can substantially justify now.

Staff asked about how long it will take to sell out the burial plots on the proposed expansion of Womer Cemetery. Applicant replied that it will take less time to sell the plots than it will to fill them. That makes sense. People buy the plots ahead of time and use them later. Based on the recent pace of an average of 8 burials per year, and assuming a utilization timeline for the expanded cemetery that reflects the utilization of the current cemetery (39 to 48 years to achieve the same

level of burial utilization) it can be expected that the plots will be sold prior to the expiration of that 39 to 48-year horizon. Thirty to 35 years would be a reasonable estimate, based (again) on the current and historical rate of utilization of the existing cemetery.

Staff concluded that this criterion first requires that the applicant demonstrate there is a need for the proposed expansion. The applicant indicates that the Womer Cemetery has currently sold all burial plots and needs additional acreage in order to supply burial plots into the future. This requires that the applicant demonstrate that the amount of acreage that they are requesting is warranted and necessary in order to provide for that need. The applicant indicates that the Womer Cemetery was acquired by the District and became a community cemetery in 1963. Prior to its purchase, the cemetery was a small, family cemetery; however, the acreage of this small, family cemetery was not provided by the applicant. The cemetery has since sold all available cemetery plots within the 1.72 acres of the subject parcel that is currently zoned PC. The applicant is proposing to expand the existing cemetery by 2.16 acres. The applicant provided a plot plan (included in Attachment "G" of the staff report) of how the proposed cemetery expansion area would be managed. According to this plot plan a buffer would be provided along the eastern and southern property lines. This buffer would amount to approximately 0.50 acre. That would leave the expansion area with approximately 1.68 acres for burial plots and access roads. The expansion, would effectively double the size of the existing cemetery. The applicant has indicated that approximately eight burials occur per year at the Womer Cemetery. Cemetery lots; however, are sold in plots of four lots, which complicates using the number of yearly burials to estimate future sales of cemetery lots. The applicant indicates that the Cemetery District projects that all lots in the expansion area would be sold within 35 years. The District estimates the same pace of cemetery sales and rates of utilization (number of burials). The applicant does not provide detailed demand data or analysis; however, staff finds it reasonable to estimate that if it took 48 years to fill the approximately 1.72 acre cemetery, then an addition of roughly 1.70 acres to the cemetery would add an additional 48 years of capacity. Staff believes that 48 years is a reasonable planning horizon for a cemetery. The subject property is split-zoned, and the applicant wishes to allow the entire parcel to be used for cemetery purposes. While one could take the position that the cemetery should use a more traditional planning horizon, such as 20 years, and add just an acre to the existing cemetery, staff believes that such a scenario would not be practical. As discussed by the applicant, changing the zoning and Comprehensive Plan Map designation of just one acre of the subject property would leave the subject parcel split zoned with only an acre remaining zoned EFU. It is unlikely that the one acre of EFU would be devoted to commercial farm or forestry purposes. It would likely be employed as a buffer, similar to how it would be managed by the expanding cemetery if all of the property was zoned PC.

The applicant also contends that the proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site. The applicant has provided an alternative areas analysis which is discussed above. Staff agrees with the applicant that the existence of the Womer Cemetery on the subject property equates to the subject parcel containing a special feature or quality that necessitates expansion of the Womer Cemetery contiguous to the existing cemetery at the location proposed.

Based on the findings provided by the applicant, staff and the Hearings Officer agree that the application complies with the criteria for a "Reasons" exception.

(Zone Change)

PCZO 111.140 provides:

- A. **A zone change is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and a recommendation made by the Hearings Officer or the Planning Commission. Such change shall be an ordinance enacted by the Board of Commissioners after proceedings have been accomplished in accordance with the provisions of this chapter. [PCZO 111.140]**

The authorizations for a zone change, a PCCP Map amendment, and a PCCP text amendment are provided under PCZO 111.275 and 115.050. The Hearings Officer holds a public hearing

pursuant to PCZO 111.190 and 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Board holds a public hearing pursuant to PCZO 111.200 and 115.030, and makes a final local decision.

- B. Pursuant to Section 111.160, a zone change may be approved, provided that the request satisfies all applicable requirements of this ordinance, and provided that with written findings, the applicant(s) clearly demonstrate compliance with the following criteria:**
- 1. The proposed zone is appropriate for the comprehensive plan land use designation on the property and is consistent with the purpose and policies for the applicable comprehensive plan land use classification; [PCZO 111.275 (A)]**
 - a. The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living. [PCCP, Section 4]**

Applicant, in support of the above, quotes the following from the Statement of Intent in support of the companion application for change of the PCCP designation filed with this application:

"The existing Womer Cemetery is at capacity and no longer able to accommodate additional burial plots. The District continues to receive inquires and requests for burial plots, which it has had to decline or defer for lack of capacity. There is continued demand for the use of the cemetery and it is appropriate for the District to be able to expand the cemetery onto the subject property, which it purchased for that purpose, as acknowledged by Polk County in its approval of LLA 97-14:

'The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery.' LLA 97-14 Administrative Action, page 3. (Emphasis added; see Exhibit C.)

"The number of burials in the cemetery varies from year to year, but in recent years have averaged up to eight. Assuming a capacity of 315 burials on the subject property (as noted above, that is the approximate number of people buried in the existing Womer Cemetery, which is of comparable size and configuration as the subject property) that would provide approximately 39 years of additional capacity. District represents that is an appropriate amount of capacity for cemetery development. The two-acre size of the subject property, while being more than the District needs for its immediate use, will allow the District to develop and implement its mid-to-long-term plans for the expansion of the cemetery, while continuing to manage the undeveloped portion of the subject property until needed for burial space. The subject property is a unit that, based on the previously approved property line adjustment, is currently split as to its plan designation and zoning. It would not be feasible or practical to undertake a Comprehensive Plan amendment and zone change for less than the full two-acres of the subject property, expecting that District would have to file additional applications in the future, to change the plan designation and zoning for the subject property serially."

Upon approval of the companion application to amend the PCCP designation of the property the proposed zone is appropriate for the PCCP designation and consistent with the applicable purposes and policies for the applicable PCCP land use classification.

Staff concluded that, as described in Section 4 of the PCCP, the purpose of the Public plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. The applicant seeks to use the entire subject property as a cemetery. The proposed cemetery expansion would allow the Womer Cemetery to

continue to serve residents in the Pedee Cemetery District. The proposed Public plan designation and PC/LU zoning are the appropriate designations to accommodate a cemetery.

The Hearings Officer finds that the application complies with this criterion.

2. The proposal conforms with the purpose statement of the proposed zone;
[PCZO 111.275 (B)]

Applicant believes PCZO 170.020(A) authorizes the use of property within the Public and Private Cemeteries Zone as a cemetery, consistent with the current operation of Womer Cemetery by the District and the intended use of the subject property. Hence, this proposal to amend the zoning of the camp property to PC conforms to the purpose and intent of the proposed land use designation.

Staff concluded that the applicant proposes applying the PC and LU zoning districts, if an approval of the proposed amendment to the PCCP map and text is granted. PC would be an appropriate zone to implement the Public PCCP designation. The proposed LU zone would restrict the uses allowed in the PC zone to use only for a cemetery. Unlike most zones in Polk County, there is no purpose statement listed for the public zones in PCZO Chapter 170. Consequently, it is reasonable to substitute the purpose and intent of the Public land use designation listed in Section 4 of the PCCP, which states:

The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living.

The proposed PC and LU zones would allow the applicant to establish a cemetery on the subject property. As described in the application, the proposed cemetery would provide a public service. The public service that would be provided by the proposed, expanded cemetery would be consistent with the purpose statement of the Public lands PCCP designation.

The Hearings Officer finds that the application complies with this criterion.

3. The uses allowed in the proposed designation will not significantly adversely affect allowed uses on adjacent lands; [PCZO 111.275(C)]

Applicant states that the subject property is situated in a rural and remote area of the county that is generally designated as Agriculture and Forest Land under the PCCP. (See the aerial vicinity photograph attached as Exhibit "H" of the staff report.)

This criteria is easily satisfied by the long-established existence and operation of Womer Cemetery immediately adjacent to the subject property - for more than 100 years - without a history of reports or complaints of conflicts with adjacent uses. The current cemetery has operated in harmony with those adjacent uses. The proposed expansion of the cemetery onto the subject property will be gradual over time. This establishes that the cemetery is and will remain compatible with adjacent uses. To the extent that any future development of the subject property may have impacts on account of such development, those impacts can be addressed in the context of the proposed development.

Staff, based on a review of the 2008 Polk County Aerial Photograph and the applicant's statement, found that contiguous properties to the north, south, east, and west contain mature timber stands and are managed for forestry. A contiguous property to the west, across Womer Road, contains Edwards Cemetery. Edwards Cemetery is a private, family cemetery.

The subject property currently contains 3.88 acres. The current Womer Cemetery constitutes the northern 1.72 acres of the subject property. The applicant is requesting that the southern 2.16 acres, which also includes a narrow, 11-foot strip along the existing Womer Cemetery, be zoned so that it could also be used for cemetery purposes. As discussed above, one component of the "Reasons" exception criteria will be met by applying the LU zone. The LU zone would only allow the 2.16 acres to be used for cemetery purposes. The applicant would not have the option to

establish a residence for a caretaker in that area, which is a use that is permitted in the PC zone if the LU zone is not also applied.

As described by the applicant, and as commonly understood, a cemetery produces minimal offsite impacts. A cemetery use primarily consists of funerals, burials, and visits by individuals and groups. An offsite impact that the cemetery has a potential to create is traffic on Womer Road and the general area. Cemeteries are unique, in that a larger cemetery, does not necessarily translate into a proportionally equivalent increase in average daily vehicle trips (ADT) to the property. A burial and funeral only occurs once, and only a finite number can occur at a cemetery. As more people are buried at a cemetery, an increasing percentage of traffic is attributed to gravesite visits rather than burials and funerals. Staff anticipates that the occasional trips from gravesite visits would have less of an impact on the traffic system than an occasional surge of traffic attributed to a burial and funeral. The applicant asserts that traffic impacts from the cemetery are minimal. The applicant indicates that the cemetery averages only eight burials per year, and Memorial Day may see increased traffic to the area. When considering days when burials occur and holidays where the public traditionally visits gravesites, there may be eight or nine days of increased traffic in the vicinity of the Womer Cemetery. Based on decades of such occasional traffic impacts, staff is unaware of any significant negative impacts that the Womer Cemetery has had on neighboring forestry operations or the Edwards Cemetery. Consequently, staff does not anticipate that expansion of the Womer Cemetery would result in creating a significantly negative traffic impact on the surrounding area.

The Polk County Public Works Department indicates that the most recent traffic count performed on Womer Road was in 1986. At that time it logged 11 ADT. The Department does not estimate that ADT has increased significantly since that time. Womer Road is a local road and is designed to accommodate up to 500 ADT. Due to currently low estimated traffic volumes on Womer Road, and the small traffic impact anticipated from expansion of the Womer Cemetery, the Department has indicated that road improvements should not be required if these applications are approved. If the applicant proposes a new access location to Womer Road, an access permit from the Department may be required. The subject property also has frontage along Highway 223. If the applicant seeks access to Highway 223, an access permit would be required from the Oregon Department of Transportation.

Staff has not identified any other significant offsite impacts that would occur if the Womer Cemetery expansion is approved. Staff has not found evidence to suggest that the cemetery would produce significant noise, dust, or other emissions. In consideration of the above factors, the proposed, expanded cemetery would not significantly adversely affect allowed uses on adjacent lands. Staff and the Hearings Officer find that the proposed zone change and PCCP amendment are appropriate when taking into account surrounding land uses. The application meets this criterion.

4. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property;
[PCZO 111.275(D)]

Applicant states that the subject property does not require public facilities for development and operation as a cemetery. It is located in the Southwest Polk County Fire District. Womer Road, which provides direct access to the cemetery, is designated as a Local Road under the *Polk County Transportation System Plan* (TSP). (Figure 3, "Functional Classifications, TSP.") The proposed zone change of the subject property and the proposed expansion over time of Womer Cemetery onto the subject property will not measurably increase vehicle traffic or otherwise increase transportation demands on Womer Road. As such, the public facilities, services and transportation networks in place are adequate.

Staff states that the applicant is proposing to change the zoning of the subject property to PC and LU in order to expand the Womer Cemetery. The applicant indicates that the subject property does not require public facilities for development and operation as a cemetery. The subject property does not currently contain any buildings and the applicant has not indicated that any buildings are proposed to be built in the future. If a restroom is built in the future, it would need to be attached to

an on-site sewage (septic) system. The subject property is not served by a rural water provider. Water, if needed, would need to be provided by a well. Polk County does not regulate the drilling or operation of individual on-site wells that are not public water systems. The applicant would be required to comply with all applicable state and federal water laws. There have been no identified effects on local schools that would result from the proposed change. Polk County Fire District Number 1 and the Polk County Sheriff Department provide emergency services to the subject property. Womer Road, a local road as identified in Figure 3 of the *Polk County Transportation Systems Plan*, provides access to the subject property.

Based on the information included in the application and discussed above, an expanded Womer Cemetery would not require additional public facilities. As discussed in previous sections of this report, existing transportation facilities would be adequate to accommodate the proposed expansion. Staff and the Hearings Officer find that the application complies with this criterion.

5. **The proposed change is appropriate taking into consideration the following:**
 - a. **Surrounding land uses,**
 - b. **The density and pattern of development in the area,**
 - c. **Any changes which may have occurred in the vicinity to support the proposed amendment. [PCZO 111.275(E)(1-3)]**

Applicant states that the subject property is situated in a rural and remote area of the county that is generally designated as Agriculture and Forest Land under the PCCP. There is one farm dwelling in the vicinity, located on Tax Lot 301 (see the aerial vicinity photograph attached as Exhibit "H" of the staff report), approximately one-quarter mile from the subject property. Pedee Memorial Evangelical Church, 12995 Kings Valley Highway, Monmouth, is located approximately one-quarter mile from the subject property. The existing Womer Cemetery has operated for more than 100 years, in harmony with those adjacent uses, and without a history of reports or complaints of conflicts with adjacent uses.

The existing Womer Cemetery is at capacity and no longer able to accommodate additional burial plots. The District continues to receive inquiries and requests for burial plots, which it has had to decline or defer for lack of capacity. There is continued demand for the use of the cemetery and it is appropriate for the District to be able to expand the cemetery onto the subject property, which it purchased for that purpose, as acknowledged by Polk County in its approval of LLA 97-14:

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] *for the purpose of expanding Womer Cemetery.*" LLA 97-14 Administrative Action, page 3. (Emphasis added; see Exhibit C.)

Two acres, while being more than the District needs for its immediate use, will allow the District to develop and implement long-term plans for the expansion of the cemetery, while continuing to manage the undeveloped portion of the subject property until needed for burial space. The subject property is a unit; it would not be feasible or practical to undertake a zone change for less than the full two acres of the subject property. Applicant concludes that the proposed zone change is appropriate in consideration of the surrounding uses, the pattern of development in the area, and changes that support the proposed amendment.

Staff concluded that, based on a review of the 2008 Polk County Aerial Photograph, the subject property is located in a low density area, surrounded by properties used for cemetery and forestry purposes. See Attachment "E" of the staff report. A cemetery is a low impact use that may bring occasional traffic surges to the road system. There is no evidence in the record to indicate that traffic associated with the cemetery would be detrimental to neighboring properties. The proposed zone change would be appropriate in consideration of surrounding land uses.

The proposed zone change from EFU to PC/LU would increase the parcel density potential of the subject property because the PC zone has no fixed minimum parcel size. The use of the area

subject to this zone change would be limited to cemetery purposes. Staff believes that a cemetery is different from commercial, industrial, or residential uses in that if the subject property was to be partitioned, the smaller parcels combined would most likely contain a comparable number of burial plots. Consequently, theoretically higher density would not equate to a significant change in the use of the property or increase in offsite impacts to the neighborhood.

Based on the above findings, and information submitted by the applicant, staff and the Hearings Officer find that the application complies with this criterion.

6. The proposal complies with any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land; and [PCZO 111.275(F)]

The subject property is not located within an Urban Growth Boundary. This criterion is therefore not applicable to this request.

7. The proposal complies with Oregon Revised Statutes, all applicable statewide planning goals and associated administrative rules. If an exception to one or more of the goals is necessary, the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4 shall apply. [PCZO 111.275(G)]

This application is based on a "Reasons Exception" to Statewide Planning Goal 4 (Forest Land), pursuant to Goal 2, part II(c), and OAR 660-004-0020. See the discussion of the exception criteria in the Statement of Intent submitted with the companion application for a PCCP amendment of the subject property.

An exception to Oregon Statewide Planning Goal 3 is necessary in order to approve the proposed zoning of the subject property. As described above, the applicant has demonstrated compliance with the criteria for a Goal 3 exception. Staff and the Hearings Officer find that the application complies with this criterion.


CONCLUSION

The applicant provided information and proposed findings to address the applicable Review and Decision Criteria listed above. Based on the above and staff findings, staff recommended that the Hearings Officer recommend that the Board of Commissioners approve these applications.

ORDER AND RECOMMENDATION

Based on the above, the Hearings Officer APPROVES the application for a Zone Change (ZC 11-03), conditioned upon approval by the Board of Commissioners of the PCCP map and text Amendments as proposed in PA 11-02. Further, the Hearings Officer RECOMMENDS that the Board APPROVE PA 11-02.

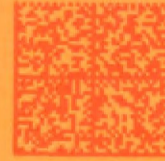
Dallas, Oregon, April 18, 2012.



Robert W. Oliver
Polk County Hearings Officer

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Plan Amendment Specialist
635 Capitol ST NE, Suite 150
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