



# Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

04/22/2014

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 002-13

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, May 06, 2014

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  
Angela Lazarean, DLCD Regional Representative

<paa> N



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>
002-13 (20099)
File No.: [17844]
Received: 4/15/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: **Polk County**

Local file no.: **LA 13-02**

Date of adoption: **4/9/2014**

Date sent: **4/15/2014**

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): **11/25/2013**

No

Is the adopted change different from what was described in the Notice of Proposed Change?    **Yes**    **No**

If yes, describe how the adoption differs from the proposal:

**The adopted text amendment has minor differences from what was attached to the Notice of Proposed Change**

Local contact (name and title): Jerry Sorte, Planning Manager

Phone: 503-623-9237

E-mail: [sorte.jerry@co.polk.or.us](mailto:sorte.jerry@co.polk.or.us)

Street address: 850 Main Street

City: Dallas

Zip: 97338

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**Repealed: Definition of “Bed and Breakfast Facility” listed in Polk County Zoning Ordinance (PCZO) Section 110.107.**

**Added: Zoning administration clarification to PCZO Section 111.040; Interpretation of Ordinance Added: Bed and Breakfast Facility standards to the conditional uses permitted in the following zones:**

- a. **Suburban Residential (SR) Zoning District; PCZO Section 127.040(L)**
- b. **Acreage Residential-5 Acre (AR-5) Zoning District; PCZO Section 128.540(V)**
- c. **Acreage Residential-10 Acre (AR-10) Zoning District; PCZO Section 128.740(K)**
- d. **Agriculture and Forestry-10 Acre (AF-10) Zoning District; PCZO Section 128.840(JJ)**
- e. **Single Family Residential (RS) Zoning District; PCZO Section 131.040(K)**
- f. **Duplex Residential (RD) Zoning District; PCZO Section 132.040(K)**
- g. **Limited Multi-Family Residential (RL) Zoning District; PCZO Section 133.040(U)**
- h. **Multi-Family Residential (RM) Zoning District; PCZO Section 134.040(K)**

**Amended: Bed and Breakfast Facility conditional use standards in the following zones:**

- a. **The Grand Ronde Low Density Residential (GR/LDR) Zoning District; PCZO Section 130.030(C)**
- b. **The Rural Commercial (R-COM) Zoning District; PCZO Section 144.060(A)(4)**

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Polk County cities with urban growth boundaries that are outside city limits: Salem, Monmouth, Independence, Dallas, and Willamina.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**Included is Polk County Ordinance No. 14-04. This ordinance includes as exhibits findings in support of the amendments and the details, including the text, of the adopted amendments.**

---

## NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

---

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to

[plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and

1  
2  
3  
4  
5 **BEFORE THE BOARD OF COMMISSIONERS FOR**  
6 **POLK COUNTY, OREGON**  
7

8  
9 In the matter of Legislative )  
10 Amendment LA 13-02 to amend the )  
11 standards for Bed and Breakfast )  
12 Facilities in the Polk County Zoning )  
13 Ordinance and provide additional )  
14 clarification pertaining to the )  
15 interpretation of the Polk County )  
16 Zoning Ordinance )  
17

**RECORDED IN POLK COUNTY** **CJ2014-36**  
Valerie Unger, County Clerk  
Commissioners' Journal 04/11/2014 03:34:10 PM

18  
19 **ORDINANCE NO. 14-04**  
20  
21

22 **WHEREAS**, on October 23, 2013, the Board of Commissioners adopted Resolution 13-  
23 14 which included initiating the legislative amendment process for this project; and  
24

25 **WHEREAS**, the Planning Commission conducted a duly noticed public hearing on  
26 February 25, 2014 to receive comments and testimony. The Planning Commission deliberated at  
27 the February 25, 2014 meeting and recommended that the Board of Commissioners approve a  
28 uniform set of standards for Polk County's residential zones, the Rural Commercial zone, and  
29 the Grand Ronde Low Density Residential zone. The Planning Commission also recommended  
30 that the Board of Commissioners adopt additional clarification regarding how uses are classified  
31 from zone to zone; and  
32

33 **WHEREAS**, the Board of Commissioners conducted a duly noticed public hearing on  
34 March 26, 2014, and provided an opportunity for the submission of testimony and evidence. The  
35 Board of Commissioners deliberated at the March 26, 2014 meeting, and passed a motion to  
36 approve Legislative Amendment 13-02 as recommended by the Planning Commission and  
37 Planning staff; now therefore  
38

39 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:**  
40

41 Sec. 1. That Polk County adopts the findings in favor of the amendments to the Polk  
42 County Zoning Ordinance as shown on Exhibit A.  
43

44 Sec. 2. That Polk County repeals the definition of "Bed and Breakfast Facility" listed in  
45 Polk County Zoning Ordinance Section 110.107.  
46

47 Sec. 3. That Polk County adopts "Bed and Breakfast Facilities" as a use that may be  
48 established in Polk County's residential zones as shown on Exhibit B.  
49

50 Sec. 4. That Polk County amends the standards for Bed and Breakfast Facilities in the  
51 Grand Ronde Low Density Residential and the Rural Commercial zones as shown on Exhibit C.  
52

1/8

1 Sec 5. That Polk County amends Polk County Zoning Ordinance Section 111.040 as shown  
2 on Exhibit D.

3  
4 Sec 6. That Polk County determines that an emergency related to the economic welfare of  
5 the citizens of Polk County is declared and this ordinance is effective immediately upon passage.

6  
7 Dated this 9 day of April 2014, at Dallas, Oregon.  
8  
9


10 POLK COUNTY BOARD OF COMMISSIONERS

11  
12  
13  
14 Unavailable for Signature  
15 Craig Pope, Chair

16  
17  
18   
19 Jennifer Wheeler, Commissioner

20  
21  
22   
23 Mike Ainsworth, Commissioner

24  
25  
26  
27  
28 Approved as to Form

29   
30  
31 David Doyle  
32 County Counsel

33  
34 First Reading: April 9 2014  
35 Second Reading: N/A  
36 Recording Secretary: Heather Merrill



Findings in Support of Legislative Amendment 13-02

**I. CRITERIA FOR LEGISLATIVE AMENDMENTS**

A legislative amendment to the text of the Polk County Zoning Ordinance (PCZO) may be approved provided that the request is based on substantive information that supports the change. In amending the PCZO, Polk County shall demonstrate compliance with PCZO 115.060. The applicable review and decision criteria are listed in bold, followed by Staff's analysis and findings.

- (A) Compliance with Oregon Revised Statutes, and the statewide planning goals and related administrative rules. If an exception to one or more of the goals is necessary, Polk County shall adopt findings which address the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4; [PCZO 115.060(A)]**

Staff Findings: The proposed Polk County Zoning Ordinance (PCZO) text amendments regarding Bed and Breakfast Facilities would apply to properties in Polk County's residential zones. These properties are considered "exception land" in that they have already received an exception to Statewide Planning Goal 3; Agricultural Lands, and Goal 4; Forest Lands. The proposed Bed and Breakfast Facility standards would not affect the parcel density of those zones. As a result, staff is not aware of any statewide planning goals, Oregon Revised Statutes (ORS), or Oregon Administrative Rules (OAR) that are applicable to the regulation of Bed and Breakfast Facilities in Polk County's residential zones. Staff has not identified any sections of ORS, OAR, or the statewide planning goals that are directly applicable to approval of the proposed procedural clarification that is proposed to be added to PCZO Chapter 111.

The application complies with this criterion.

- (B) Conformance with the Comprehensive Plan (PCCP) goals, policies and intent, and any plan map amendment criteria in the plan; [PCZO 115.060(B)]**

- 1. It is the intent of the Rural Lands Plan designation to provide an opportunity for a segment of the population to obtain acreage home sites in a rural area, while at the same time encouraging and protecting agriculture and forestry. [PCCP Section 4, Rural Lands]**
- 2. The Urban Reserve designation addresses itself toward protecting the intent and integrity of the city's coordinated and adopted land use plan by limiting random development actions which could stand in the way of logical, planned development. The Urban Reserve designation recognizes that the provision of adequate levels of public facilities and services should guide urban development, and not the other way around.**
- 3. The Urban Reserve designation acknowledges that lands under such a designation will eventually be developed for urban uses. The designation identifies those lands which can be preserved until needed for urban purposes and annexed.**

**The Urban Reserve designation shall reflect and be in support of the County's Urban Land Development policies, and the policies and intent statements contained within the intergovernmental agreement adopted by Polk County and each municipality regarding the development and management of urbanizable lands. [PCCP Section 4, Urban Reserve Land Designation]**

**It is the intent of the Unincorporated Community Residential Plan designation to provide for residential development at densities which will not result in public health hazards or exceed the carrying capacity of the land to provide for water resources and adequate on-site wastewater disposal systems. [PCCP Section 4, Unincorporated Community Residential]**

- 4. The commercial designation is used mostly to accommodate existing commercial uses in rural areas, to provide for commercial development in districts which have access to major arterials, airports or railroads. [PCCP Section 4, Commercial Land Designation]**
- 5. To provide for and maintain a viable economy while preserving the present sense of community and high level of environmental quality. [PCCP Section 2, Element H, Goal 5]**

Staff Findings: The proposed addition of Bed and Breakfast Facilities to Polk County's residential zones would allow additional economic opportunities for property owners in those zones. The question posed by this criterion is whether it is possible for the typical Bed and Breakfast Facility, established under the parameters that would be added to the zoning ordinance, to comply with the PCCP goals, policies, and intent that apply to the zones where these uses would be added.

Polk County's residential zones are designated Rural Lands, Urban Reserve, and Unincorporated Community Residential. The purpose and intent statements list that development in those areas should encourage and protect agriculture and forestry (Rural Lands), limit random development (Urban Reserve), and not exceed the capacity of the land to provide for water resources and adequate on-site wastewater disposal systems (Unincorporated Community Residential). A Bed and Breakfast Facility that would be established under the proposed standards would need to be established in an existing single-family dwelling. That characteristic would limit the impact of the facility on surrounding farm and forestry operations, and would limit random development, because the new standards do not permit the construction of new buildings that are solely guest services facilities. The new use would likely result in an increase of parking facilities, but those would likely be located in close proximity to the existing dwelling. Authorization of a Bed and Breakfast Facility would require that the applicant obtain all necessary septic permits in accordance with existing state laws. A Bed and Breakfast Facility proprietor would also need to provide potable water in accordance with existing state statutes and administrative rules. That oversight and permitting process would help to ensure that the development does not exceed the capacity of the land to provide water and waste water disposal.

Prior to establishing a Bed and Breakfast Facility, a property owner would need to obtain a conditional use permit. The conditional use permit requires that an applicant demonstrate "[t]hat such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone." (PCZO 119.070(B)). The conditional use permit process allows for evaluation of the proposals on a case by case basis and the process allows neighboring property owners to submit comments prior to a county decision. The conditional use review process would further ensure that each individual Bed and Breakfast Facility would be harmonious with the surrounding neighborhood.

The second component of this legislative amendment would clarify how uses are categorized in the Polk County Zoning Ordinance (PCZO). The proposed amendment to PCZO Chapter 111 clarifies that if a use is specifically defined in one zone, that does not prevent that use from being established under a "catch-all" in another zone. This memorializes the County's past practice in the application of the PCZO. This change does not affect any of the permitted uses in any zones, nor does it change the process for processing a land use application. As a result, the proposed amendment is consistent with the goals and policies in the PCCP.

- (C) That the proposed change is in the public interest and will be of general public benefit; and [PCZO 115.060(C)]**



Staff Findings: Staff believes that clarifying if, and with what restrictions, Bed and Breakfast Facilities are allowed in Polk County's residential zones would be in the public interest and of general public benefit. This clarification would assist property owners in the management of their property. Staff believes that it would be beneficial to permit Bed and Breakfast Facilities at some capacity in residential zones, because most of Polk County's residential properties are located in low density areas. In those instances where the business may interfere with neighboring property owners, the County and the neighborhood would have an opportunity to mitigate concerns through the conditional use permit process.

Clarifying that uses that are specifically described in one zone may be established under a "catch-all" in another zone would assist in the administration of the PCZO. Providing this clarification would be in the public interest and of general public benefit, because it would remove a type of uncertainty that property owners may encounter when determining the array of permitted uses on their property.

Based on the above reasons, the proposed amendments to the PCZO comply with this criterion.

**(D) Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land. [PCZO 115.060(D)]**

Staff Findings: Lands within the UGBs are predominantly zoned Suburban Residential (SR), although some land is zoned Exclusive Farm Use (EFU) and Farm/Forest (F/F). The addition of Bed and Breakfast Facilities as a conditionally permitted use in the SR zone would add that as a new use that can be established in the Dallas, Monmouth, Independence, and Salem UGBs.

Polk County has adopted intergovernmental agreements (IGAs) with each of the cities that have urban growth boundaries (UGB) that extend outside of city limits and into Polk County's planning jurisdiction. These cities are Salem, Dallas, Monmouth, Independence, and Willamina. The Falls City UGB is entirely located within city limits; therefore, Polk County does not have an IGA regarding UGB land use management with Falls City. Those cities were notified of the Planning Commission and Board of Commissioner's public hearings on January 30, 2014. Staff has not received any comments from the cities as of the writing of this staff report.

**II. CONCLUSION**

Based on the findings above, Staff concludes that the proposed amendments to the Polk County Zoning Ordinance comply with all of the applicable review and decision criteria for a legislative amendment.

Exhibit B to Ordinance No. 14-04

1. The following Bed and Breakfast Facility standards shall be added to the residential zones listed in Section 2:

**Bed and Breakfast Facility. A Bed and Breakfast Facility may be authorized within a single-family dwelling subject to the following standards:**

1. **The Bed and Breakfast Facility shall be operated by a resident(s) of the dwelling in which the Bed and Breakfast Facility is located.**
2. **The number of guest bedrooms shall not exceed five.**
3. **The length of stay for any guest shall not exceed 15 consecutive nights.**
4. **Food service may be provided only to overnight guests of the Bed and Breakfast Facility. Food service may include the service of meals other than breakfast.** [Amended by Ordinance 14-04]

2. The Bed and Breakfast Facility standards listed in Section 1 shall be added as the following sections of Polk County residential zones:
  - a. Suburban Residential (SR) Zoning District; PCZO Section 127.040(L)
  - b. Acreage Residential-5 Acre (AR-5) Zoning District; PCZO Section 128.540(V)
  - c. Acreage Residential-10 Acre (AR-10) Zoning District; PCZO Section 128.740(K)
  - d. Agriculture and Forestry-10 Acre (AF-10) Zoning District; PCZO Section 128.840(JJ)
  - e. Single Family Residential (RS) Zoning District; PCZO Section 131.040(K)
  - f. Duplex Residential (RD) Zoning District; PCZO Section 132.040(K)
  - g. Limited Multi-Family Residential (RL) Zoning District; PCZO Section 133.040(U)
  - h. Multi-Family Residential (RM) Zoning District; PCZO Section 134.040(K)

Exhibit C to Ordinance No. 14-04

1. The Grand Ronde Low Density Residential (GR/LDR) Zoning District and the Rural Commercial (R-COM) Zoning District shall be amended as follows. Additions to the Polk County Zoning Ordinance (PCZO) are double-underlined. Deletions are marked in ~~strikethrough~~.

- a. In the GR/LDR zone, PCZO Section 130.030(C) shall be amended as follows:

PCZO 130.030 CONDITIONAL USES.

- C. ~~Bed and Breakfast Facility.~~ A Bed and Breakfast Facility may be authorized within a single-family dwelling subject to the following standards:

1. The Bed and Breakfast Facility shall be operated by a resident(s) of the dwelling in which the Bed and Breakfast Facility is located.
2. The number of guest bedrooms shall not exceed five.
3. The length of stay for any guest shall not exceed 15 consecutive nights.
4. Food service may be provided only to overnight guests of the Bed and Breakfast Facility. Food service may include the service of meals other than breakfast.

- b. In the R-COM zone, PCZO Section 144.060(A)(4), shall be amended as follows:

PCZO 144.060. CONDITIONAL USES.

- (A) Uses which serve the needs of the surrounding rural area or the traveling public:

- (4) ~~Bed and Breakfast Facility (see Section 110.107);~~ A Bed and Breakfast Facility may be authorized within a single-family dwelling subject to the following standards:

1. The Bed and Breakfast Facility shall be operated by a resident(s) of the dwelling in which the Bed and Breakfast Facility is located.
2. The number of guest bedrooms shall not exceed five.
3. The length of stay for any guest shall not exceed 15 consecutive nights.
4. Food service may be provided only to overnight guests of the Bed and Breakfast Facility. Food service may include the service of meals other than breakfast.

Exhibit D to Ordinance No. 14-04

Polk County Zoning Ordinance Section 111.040 shall be amended as follows. Additions are double-underlined. There are no deletions.

**111.040. INTERPRETATION OF ORDINANCE.**

(C) A use is not precluded from being established or authorized in a zone based solely on the fact that the use is more specifically identified in another zone.



# POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338  
503-623-9237 ★ FAX 503-623-6009

AUSTIN MCGUIGAN  
Director

## NOTICE OF BOARD OF COMMISSIONERS DECISIONS

---

### The Board of Commissioners adopted Ordinance Numbers 14-04, 14-05, and 14-06

Ordinance No. 14-04 approves Legislative Amendment (LA) 13-02 by authorizing and adopting standards for Bed and Breakfast Facilities in Polk County's residential zones. This ordinance also repeals the definition of "Bed and Breakfast Facility" in Polk County Zoning Ordinance Section 110.107, and adopts new standards for Bed and Breakfast Facilities in the Rural Commercial (R-COM) Zone and the Grand Ronde Low Density Residential (GR/LDR) Zone. Ordinance No. 14-04 also provides technical clarification that categorizing uses in the Polk County Zoning Ordinance occurs on a zone by zone basis, and the specific identification of a use in one zone does not preclude that use from being authorized under a "catch-all" in another zone.

Ordinance No. 14-05 approves Legislative Amendment (LA) 14-01 by amending the Polk County Transportation Systems Plan (TSP). This ordinance adopts a new goal and policy that emphasize the importance of planning, constructing, and maintaining multiple travel routes to connect critical facilities (hospitals, evacuation routes, etc.) both to and within Polk County cities and neighboring counties.

Ordinance No. 14-06 approves Legislative Amendment (LA) 14-02 by adding "gasoline service stations (Standard Industrial Classification Category 5541)" as a use that may be established as an outright permitted use in the Unincorporated Community Commercial Retail (UC-CR) Zone, PCZO Chapter 146; the Unincorporated Community Commercial General (UC-CG) Zone, PCZO Chapter 147; and the Unincorporated Community Industrial Commercial (UC-IC) Zone, PCZO Chapter 152. Automotive dealerships may continue to be permitted in those zones through the conditional use permit application process.

FILE NUMBERS: Legislative Amendments LA 13-02, LA 14-01, and 14-02

REVIEW AND

DECISION CRITERIA: Polk County Zoning Ordinance 115.060

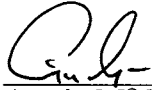
STAFF CONTACT: Jerry Sorte, Phone: (503) 623-9237, Email: [sorte.jerry@co.polk.or.us](mailto:sorte.jerry@co.polk.or.us)

---

Ordinance Numbers 14-04, 14-05, and 14-06 and all documents submitted regarding those legislative amendments are included in the file at the Community Development Department, Polk County Courthouse, 850 Main Street, Dallas. The files are available for review during regular business hours, and copies may be purchased for cost at the Community Development Department.

Objectors may appeal this decision(s) to the Land Use Board of Appeals as provided by ORS 197.825 through 197.830. A decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 days after the mailing of the decision. These decisions were mailed April 17, 2014. Contact LUBA (DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301, 503-373-1265) for appeal procedures.

Ordinance Numbers 14-04, 14-05, and 14-06 become effective April 9, 2014, the date the ordinances were signed, unless the decision(s) is appealed as allowed by law.



\_\_\_\_\_  
Austin McGuigan, Planning Director

4/17/14

\_\_\_\_\_  
Date

A copy of the file, all documents and evidence, and the applicable criteria are available for inspection at no cost and will be provided at the Community Development Department (Polk County Courthouse, 850 Main Street, Dallas, Oregon 97338 (503-623-9237) for the cost of copying. Failure of an issue to be raised in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS Chapter 215 requires that if you receive this Notice of Decision(s), it must promptly be forwarded to the purchaser.