



Oregon

Theodore R. Kubongoski, 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 002-14

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

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

FOR DLCD USE
002-14 (20186)
File No.: [17846]
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 14-01**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): **1/15/2014**

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:

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

Phone: 503-623-9237

E-mail: 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:

Polk County Ordinance No. 14-05 amends the Polk County Transportation Systems Plan (TSP) by adding a goal and policy to that document. The TSP is a component of the Polk County Comprehensive Plan. The TSP implements Goal 12.

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:

Polk County Ordinance No. 14-05 adds a new goal (Goal 6) and policy (Policy 6.1) to the Transportation Goals and Policies section of the Polk County Transportation Systems Plan (TSP). The TSP is a component of the Polk County Comprehensive Plan and constitutes Section 2, Element M of that document.

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:
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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. 14-05. This ordinance includes as exhibits findings in support of the amendments and the details, including the text, of the adopted amendments.

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5 **BEFORE THE BOARD OF COMMISSIONERS FOR**
6 **POLK COUNTY, OREGON**

7
8 In the matter of Legislative)
9 Amendment LA 14-01 to amend the)
10 Polk County Transportation Systems)
11 Plan)

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14 **ORDINANCE NO. 14-05**

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17 **WHEREAS**, On December 18, 2013, the Board of Commissioners signed Resolution
18 No. 13-16 which adopted a new action item into the 2009 Polk County Multi-Jurisdictional
19 Hazard Mitigation Plan. The adopted action item directs the County to develop and seek
20 adoption of transportation policies that emphasize the importance of planning, constructing, and
21 maintaining multiple travel routes to connect critical facilities (hospitals, evacuation routes, etc.)
22 both to and within our cities and neighboring counties; and

23
24 **WHEREAS**, on January 15, 2014, the Board of Commissioners adopted Resolution No.
25 14-02 which initiated the legislative amendment process for this project; and

26
27 **WHEREAS**, the Planning Commission conducted a duly noticed public hearing on
28 February 25, 2014 to receive comments and testimony. The Planning Commission deliberated at
29 the February 25, 2014 meeting and recommended that the Board of Commissioners approve the
30 proposed amendments to the Polk County Transportation Systems Plan; and

31
32 **WHEREAS**, the Board of Commissioners conducted a duly noticed public hearing on
33 March 26, 2014, and provided an opportunity for the submission of testimony and evidence. The
34 Board of Commissioners deliberated at the March 26, 2014 meeting, and passed a motion to
35 approve Legislative Amendment 14-01 as recommended by the Planning Commission and
36 Planning staff; now therefore

37
38 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:**

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

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43 Sec. 2. That Polk County amends the Polk County Transportation Systems Plan as shown
44 on Exhibit B.

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46 Sec. 3. That Polk County determines that an emergency related to the economic welfare of
47 the citizens of Polk County is declared and this ordinance is effective immediately upon passage.
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Dated this 9 day of April 2014, at Dallas, Oregon.

POLK COUNTY BOARD OF COMMISSIONERS

Unavailable for signature
Craig Pope, Chair

Jennifer Wheeler
Jennifer Wheeler, Commissioner

Mike Ainsworth
Mike Ainsworth, Commissioner

Approved as to Form

DDM
David Doyle
County Counsel

First Reading: April 9 2014

Second Reading: N/A

Recording Secretary: Heather Merrill

Exhibit A to Ordinance No. 14-05

Findings in Support of Legislative Amendment 14-01

I. CRITERIA FOR LEGISLATIVE AMENDMENTS

A legislative amendment to the text of Transportation Systems Plan (TSP) may be approved provided that the request is based on substantive information that supports the change. In amending the TSP, 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 Oregon Administrative Rules (OAR) that describe the requirements of a county transportation systems plan are listed in OAR 660-012, the Transportation Planning Rule. The proposed amendment to the TSP would add a goal and policy that would apply in those instances where the County evaluates transportation facility alternatives. This proposal would be consistent with OAR 660-012. The proposed text amendments to the TSP would not change the network of transportation facilities planned for under the TSP. Nor would the amendments change the County's transportation needs or the County's plans for alternative forms of transportation. This proposal would not impact the existing evaluation and selection transportation system alternatives listed in OAR 660-012-0035.

Staff has not identified any additional sections of ORS, OAR, or the statewide planning goals that are directly applicable to the proposed TSP amendment.

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. To develop a timely, orderly and efficient arrangement of public facilities and services to serve as framework for urban and rural development. [PCCP Section 2, Element J, Goal 1]**
- 2. To support the provision of needed public services for all residents of Polk County. [PCCP Section 2, Element J, Goal 2]**
- 3. To plan the efficient and economic provision of public facilities and services for the people of Polk County. [PCCP Section 2, Element J, Goal 3]**

Staff Findings: The proposed goal and policy that would be added to the TSP would add an additional consideration that would be applied in those instances where the County evaluates alternatives between transportation facilities. This consideration would place a priority on approving those alternatives that provide redundancy between critical facilities. This consideration would be consistent with the PCCP because it would allow for a more efficient arrangement of public facilities and allow better access to critical facilities during times of emergency. Providing redundancy in the connection between critical facilities would in turn allow the transportation system to better serve the people of Polk County. This TSP amendment would not change any of the uses permitted in any of Polk County's zones.

Based on the findings above, the proposed amendments would be consistent with Element J of the PCCP which provides goals and policies for the provision of public facilities. Staff has not

identified any other goals or policies in the PCCP that are directly applicable to this legislative amendment. The application complies with this criterion.

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

Staff Findings: The proposed amendments would be in the public interest and of general public benefit, because they would bring the goals and policies in the TSP into alignment with the 2009 Polk County Multi-Jurisdictional Hazard Mitigation Plan. It would also help to regionally align action items relating to critical transportation routes. The proposed TSP text amendments would add public benefit by adding redundancy to the transportation network between critical facilities. This would hopefully allow greater public access to critical facilities during emergency situations. The proposed TSP text amendment would allow the County to find that future on-the-ground projects that implement the above objectives, and require land use approval, are consistent with the Polk County Comprehensive Plan.

Based on the above reasons, the proposed amendments to the TSP 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: 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, 2013. Staff has not received any comments from the cities as of the writing of this staff report. The proposed TSP text amendments would not change any of the uses that are permitted in the urban growth boundaries that are regulated by Polk County and city intergovernmental agreements. City comprehensive plans would remain the guiding documents that apply to projects that are jointly regulated by the County and a city.

Staff has not received any comments from the cities as of the writing of this staff report. Based on the findings discussed above, the proposed amendments to the PCZO would comply with all applicable IGAs.

II. CONCLUSION

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

Exhibit B to Ordinance No. 14-05

Polk County Legislative Amendment (LA) 14-01
Transportation Systems Plan Text Amendment

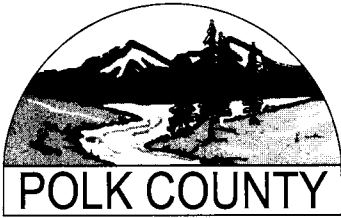
The following language is added to the Transportation Goals and Policies section of the Polk County Transportation Systems Plan (TSP). The TSP is a component of Polk County Comprehensive Plan (PCCP) and constitutes Section 2, Element M of that document. Proposed text additions are double underlined. No text deletions are proposed.

GOAL 6

To support the planning, construction and maintenance of multiple travel routes to connect critical facilities both to and within Polk County cities and neighboring counties.

POLICIES

6.1 When evaluating transportation facility alternatives, Polk County will favor those alternatives that provide added redundancy to the connection of critical facilities.



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

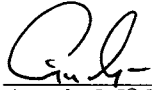
DECISION CRITERIA: Polk County Zoning Ordinance 115.060

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

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.