



BROOKS-HOPMERE COMMUNITY PLAN

PART I: Brooks-Hopmere Plan

A. Background

1. Location and Community Description

Brooks and Hopmere are located approximately three miles north of Salem/Keizer, with Brooks on the east side of Interstate 5 (I-5) and Hopmere west of the freeway. Brooks began to develop in 1878 as a platted subdivision along the Southern Pacific railroad, while Hopmere is adjacent to the Burlington Northern rail line. The original communities are connected by Brooklake Road, a county roadway, and this area has built-up over the years with a mix of commercial and industrial uses. Neither community was ever incorporated. A map of the community is provided in Figure 1.

The area includes a mix of residential, commercial, industrial and public land uses. Brooks has two schools, a fire station, and a post office. Hopmere contains industrial and commercial uses within the Brooks-Hopmere boundary; with several residences along River Road on less than an acre parcels being included in the boundary due to existing non-farm use under current Exclusive Farm Use zoning.

The county comprehensive plan originally prepared to address statewide planning goals listed Hopmere as a Rural Service Center and Brooks as a Rural Community. The freeway interchange between the two was also recognized as a Rural Development Center in the plan. The community includes only areas planned and zoned for residential, commercial and industrial development and public uses; no land planned for farm use is included though the Ogden-Martin waste to energy utility facility is included in the boundary and zoned Exclusive Farm Use.

2. Population and Growth

Portland State University conducted a population and income survey of Brooks in 1987. At that time there were 374 persons in the community in 204 housing units. The population of the community is still about the same. The survey also noted that the community had significant commercial and industrial sites, providing a vital service and industrial center for the surrounding agricultural community and providing goods and services for local residents. The survey found that most economic growth was occurring through expansion of existing businesses and industries in areas south of Brooklake Road near Portland Road (Highway 99E), at the interchange, and along Brooklake Road west of the interchange. There are five residential dwellings within the community west of I-5 in the Hopmere area.

3. Periodic Review

In December 1994, the Land Conservation and Development Commission (LCDC) adopted Oregon Administrative Rule (OAR) Chapter 660, Division 22, or the Unincorporated Communities Rule ("the UCR"). The UCR provides the framework for land use designations and development standards to plan and zone for unincorporated communities outside established Urban Growth Boundaries. In 1998 and 1999, Marion County, as part of a comprehensive plan review process, undertook a plan update for the Brooks-Hopmere community in order to comply with the UCR. The UCR provides a framework for counties to use in the identification and designation of unincorporated communities, including boundary establishment, permitted uses and public facilities.

4. Citizen Involvement

Marion County held two community meetings during the development of the Brooks-Hopmere Community Plan. Prior to these meetings, a fact sheet was mailed to community members, providing them with information about the planning process, announcing opportunities for participation, and publicizing the meetings.

The first meeting took place on October 21, 1998 at the Brooks Elementary School Cafeteria. Approximately thirty people attended this meeting. The purpose of the meeting was to explain the need for a plan for the area, to gather information from participants about preferences regarding the future of the community, and to discuss community boundary options. County staff and consultant team members engaged participants in a discussion about three community boundary options including:

1. Brooks and Hopmere designated as one Urban Unincorporated Community;
2. Brooks, including Norpac lands, designated as an Urban Unincorporated Community with Hopmere designated as a rural community; or
3. Brooks designated as an Urban Unincorporated Community, excluding Norpac and interchange lands, with Hopmere designated as a rural community.

Participants expressed a desire to preserve the rural nature of the area and the majority of participants expressed an interest in seeing Brooks and Hopmere planned as one Urban Unincorporated Community. Participants also expressed their desire to retain the 1.5-acre minimum residential lot size, and expressed concern about having adequate sewer and water systems to service the community. Several participants stated that traffic needed to be better controlled to make the area safe.

Exit questionnaires collected from fourteen participants at the end of the meeting provided comments similar to those voiced during the discussion, which focused mainly on the desire to maintain the rural feel of the community, the need for sewer service extensions, and the need for improved transportation facilities at the I-5 interchange and intersection of Portland and Brooklake Roads.

The second community meeting was held February 18, 1999, again at the Brooks Elementary School Cafeteria. Approximately twenty people attended. This meeting focused on a draft Brooks-Hopmere Community Plan. County staff explained how community member comments from the first meeting had been used to create the plan and how the plan met state planning requirements. Participants reviewed the draft plan and a discussion between county staff, the consultant team, and community members followed.

The discussion focused on clarification of new guidelines in the commercial and industrial zones. Participants discussed current land use requirements and proposed land use under the draft plan. Public facilities expansion and financing were also mentioned.

Public hearings on the draft Brooks-Hopmere Community Plan were held before the Marion County Planning Commission in May and June of 1999, and before the Marion County Board of Commissioners in December 1999 and March 2000.

In order to provide for continuing citizen involvement after the Brooks-Hopmere Community Plan is adopted, an Area Advisory Committee (AAC) shall be established. The AAC will be a voluntary mailing list of interested parties that will receive notice of pending land use actions and public hearings concerning property within the Brooks/Hopmere Community. This notice is in addition to any required notification as part of land use action. For example, a zone change request requires notice to be sent to property owners within a specified distance of the subject parcel. In addition to these property owners, members of the AAC will receive the notice.

B. Land-Use Planning

1. Existing Land Uses

Brooks-Hopmere contains a mix of residential, commercial, industrial, interchange, and public land uses. Residential land uses are almost exclusively single-family residential and include a planned community (Bethel Gospel Park) and a mobile home park. Commercial uses include used car sales, a hardware store, a convenience store, a truck stop, and several other establishments. Industrial uses include agricultural processing, construction, warehousing, trucking related industries, and several small manufacturing concerns.

The largest industrial use is Norpac, which includes food processing and cold storage. Norpac also has a previous approval for development of an industrial park, visitor's center, two restaurants, meeting and training facilities, and office facilities on adjacent undeveloped land on the same property. The Norpac property is zoned industrial and has been excepted from statewide Goal 14 (Urbanization). Public uses include two schools, a fire station, and a post office. A private museum is also zoned Public. The Ogden-Martin waste-to-energy, garbage burner is an utility facility zoned EFU and the UCR provisions allow for inclusion of this land and the use within the community as EFU designated land.

A land use inventory (Pacific Rim Resources, 1999) was conducted as part of the Brooks-Hopmere community planning process (Table 1). The inventory focused on existing development patterns, including identification of vacant and redevelopable lands. Findings were verified by field inspection of each

property and review of assessor's parcel maps.

2. Guidelines for Plan Development

This section identifies assumptions and principles used in the development of the Brooks-Hopmere Community Plan. These are derived from community input, existing comprehensive plan and zoning designations, and UCR provisions.

Comprehensive Plan

The comprehensive plan designations for parcels within the community will remain consistent with their designation prior to this plan update, with the exception of the following changes: property owned by the rural fire district, which is changed from a mix of commercial and residential to public; the Hopmere properties included within the community from primary agriculture to rural residential except for the Ross Bros. property which is changed from primary agriculture to industrial; the southeast Brooks properties included within the community from primary agriculture to rural residential except for the Kuzmenko property which is changed from primary agriculture to commercial; the Oregon Onion property from rural residential to industrial; the Lucas property which is included within the community from primary agriculture to industrial; the Atwood property from commercial to industrial; and the Mortimore property which is changed from rural residential to commercial. The plan is implemented by the rural zoning ordinance, and the commercial, industrial, interchange, and public zones need to be amended to address requirements of the UCR. **TABLE 1: Existing Land Uses**

Land Use (by zone type)	Total Uses	Developed Acres	Vacant Acres	Total Acres
Residential	204	154.20	5.09	159.30
Commercial	38	35.39	0.47	35.86
Industrial	48	47.83	299.08	346.91
Interchange	7	53.57	44.92	98.49
Public	3	67.27	0	67.27
Totals	300	358.26	349.56	707.83

Rural Zoning Ordinance

The Marion County Rural Zoning Ordinance provides the following zoning designations for the Brooks-Hopmere Community:

Acreage Residential (AR)

Multi-Family Residential (RM)

Community Commercial (CC)

Unincorporated Community Industrial (IUC)

Interchange District (ID)

Public (P)

Exclusive Farm Use (EFU)

The Community Commercial (CC) and Unincorporated Community Industrial (IUC) zones specifically apply to unincorporated communities. Under the UCR, these designations allow for more intensive development in an Urban Unincorporated Community than commercial and industrial zones in Rural Communities and Rural Service Centers, or rural areas outside unincorporated communities. An explanation of how the uses and limitations in the applicable zones satisfy the UCR is contained in Part III of this plan.

General

- Brooks and Hopmere will be planned as one Urban Unincorporated Community (UUC).
- Land use regulations shall conform to the requirements of the Unincorporated Communities Rule (OAR Chapter 660, Division 22).
- Parcels subject to a Limited Use overlay zone (LU) designation prior to the Brooks-Hopmere Community Plan will still be subject to the limitations contained in the conditions of approval.

Development Standards

These proposed policies and standards were used to forecast future development within the community to ensure the Brooks-Hopmere Community Plan was consistent with the available capacity of the public facilities. The impact of this future development is discussed in the next section.

Residential

- The current minimum lot size of 1.5 acres will be retained.
- No new development will occur at the Brooks School or the Willamette Valley Christian School sites.

Commercial

- New commercial development will generally be limited to small-scale, low impact uses with a maximum building size of 8,000 square feet.

Industrial

- New industrial development will generally be "dry" industry, to avoid overloading the sewer system.

Interchange

- No changes to commercial standards of this zone will be needed, and previous conditions of limited use overlay are retained.

Public

- No new development may occur on the Antique Powerland Museum property. Additional development must demonstrate that the new or expanded use will not create unacceptable adverse impacts on public facilities, including sewer and water.
- No new development will occur at the Marion County Recycling Center without a demonstration that the new or expanded use will not create unacceptable adverse impacts on public facilities, including sewer service and roads.
- Development on the Marion County Fire District #1 lands will not exceed 20 full-time persons and 200-day use visitors. Overnight lodging facilities for employees will be allowed. Expansion of the facilities beyond the preceding limits will require additional traffic and public facility impact analysis.
- The Public zone will be amended to allow public safety uses.

C. Public Facilities Planning

1. Background

The Brooks Community Sewer District serves most of Brooks, portions of the Norpac site, and extends to the west side of I-5 to serve interchange uses. The system includes a treatment plant, storage lagoons, and a delivery system. The July 1990 Sanitary Sewerage System Facilities Plan for the Brooks Community Sewer District is the community's most recent public facilities plan.

Brooks contains three private water systems, one owned by the fire district with twelve hook-ups operating at capacity, one serving a manufactured home park, and one serving a planned development. Most of Brooks and all of Hopmere relies on individual wells for water supply.

The community has no stormwater collection or treatment facilities.

2. Community Public Facility Conditions

Using the Sanitary Sewerage System Facilities Plan as a guide, a limited public facilities analysis (Sigurdson, 1999) was conducted to determine the current sewer capacity and demand, and the ramifications of future development proposed under the Brooks-Hopmere Community Plan. A key assumption is that all new industrial development will be "dry," unless on-site wastewater disposal is provided. "Wet" developments are water-intensive uses, such as food processing, that require water as part of their industrial or manufacturing process, as opposed to washing or restroom use only.

The public facilities analysis concluded that the system could accommodate projected growth under the Brooks-Hopmere Community Plan for the entire area within the community boundary, both inside and outside the current sewer service district. The exception is the hydraulic loading (volume of water) of the plant. The wet-weather flow is three times higher than the dry weather flow, which indicates there is a problem with inflow and infiltration into the system. The problem is serious but can be addressed by the district through inspections to identify leaky septic tanks, site piping, or illegal connections. This problem can be controlled and capacity restored with additional monitoring and minor improvements, providing enough hydraulic capacity to accommodate growth.

The other aspects of the system, such as treatment loading, effluent discharges and the collection system should have the capacity to accommodate projected growth for the entire community.

Regarding water supply, the community is not within a state-designated water management area, and no public testimony included concerns regarding the adequacy of the area's water supply. The *Willamette Basin Report* (Oregon Water Resources Department, 1992) lists several areas with known or potential groundwater supply concerns. Brooks-Hopmere is not near any of them. Interest was expressed during a community meeting for eventual establishment of a water system to provide service to homes and businesses throughout the community. The county does not intend to establish such service at this time, but a policy contained in this plan is intended to recognize and facilitate future community water service.

D. Transportation Planning

1. Background

The Brooks-Hopmere community is primarily served by three major north-south routes (Portland Road, Interstate 5, and River Road) and one east-west route (Brooklake Road). The *Brooklake Road/I-5 Interchange Management Plan* (Kimley-Horn and Associates, 1997) prepared for ODOT, is the most recent transportation study available. The Brooks-Hopmere Community Plan updates the land use assumptions used in the interchange management plan to ensure that planned land uses are consistent with the identified function, capacity, and level of service of the transportation system serving the community.

The Brooks-Hopmere Community Plan land use assumptions include slightly more aggressive development for the community with the exception of the Norpac site. The development assumptions for the Norpac site continue to be the plans for the Oregon Agricultural Center and associated industrial park that has already received tentative subdivision plat approval.

2. Transportation System Constraints

In 1999, Kimley-Horn updated the land use assumptions made in the Brooklake Interchange Management Plan (BIMP). This added an additional 1,919 daily

trips to the buildout of current zoning in the community. With buildout of current zoning in the BIMP, it was determined that in year 2015, most of the intersections on Brooklake Road would function acceptably, however certain private driveways and two major intersections would not (Brooklake Road /NB I-5 ramp and Brooklake Road /99E). This would occur even if the NORPAC development constructed several major improvements to the transportation network. Several improvements would be needed to mitigate this unacceptable performance. It was outside the scope of this community study to add the additional trips and re-analyze all the intersections on the corridor, however, it is obvious that adding an additional 1,919 trips will only cause more of the intersections to operate unacceptably in the future.

In addition, several property owners have submitted requests to be included in the boundary and have their property more intensely zoned. Kimley-Horn also estimated the additional trip generation from several of those requests. For seven of the most significant requests, the net added daily trips was estimated at 3,995 vehicles. A full analysis of the impact of these trips was not included in the study, but again, there will be obvious negative impacts to many of the intersections on the corridor.

As the review process has progressed, another 11 parcels have been under consideration for either inclusion or rezoning. The traffic impacts for these have not been estimated but it appears most of them will have little or no increase in traffic. A few of the proposals are so preliminary that it is not possible to even estimate what they might generate in vehicle trips.

With the finding that the current level of development will have the Brooklake corridor on the threshold of unacceptable roadway function over the planning horizon, intensifying the use of any parcels should be approached with caution. To ensure adequate performance of the transportation network, any land use changes that would result in added trips more than a very minimal amount, will be required to submit a detailed Traffic Impact Analysis and agree to appropriate mitigation improvements as defined by the applicable road authority.

3. Norpac Transportation

Norpac is reconsidering development options for their site. Completion of this Brooks-Hopmere Community Plan is an opportunity to create flexibility in the land use regulations, while still ensuring adequate performance of the transportation system.

The plan creates performance-based development standards that establish a trip allocation, or "bank," for the entire Norpac site (including the existing development). New development would "withdraw" available trips from the bank, whereas capacity improvements would "deposit" them. Under this approach, each time a request for a building permit is made, the applicant will be required to demonstrate that there are trips available to accommodate the development. This approach will allow the site to develop in smaller phases than originally proposed in the tentative subdivision plat, or with a different mix of uses than originally planned.

In general, the Interchange Management Plan and supplemental assessments show that the Norpac site can be intensively developed with a mix of industrial and commercial uses if the development includes transportation impact mitigation to insure the system continues to perform adequately. The proposed trip allocation approach allows more flexibility in the mix of uses and in phasing of development and transportation improvements.

As part of the first development application, a new Transportation Impact Analysis that establishes the baselines for the trip allocation will be required. The baselines will include: current capacity of the existing transportation system, current trip generation of existing uses, expected growth in background traffic, future trip generation of potential new development for the community, and current trip generation for the existing Norpac facilities. These baselines would establish the number of trips currently available to the Norpac site. Future development could use up those trips or additional trips could be added with new improvements. Each subsequent building permit application for new development will require a supplemental impact analysis to update the balance sheet (trips available minus trips used equals new balance in trip bank).

PART II: Comprehensive Plan Policies

A. Land Use and Transportation

1. County plans and land use regulations shall ensure that new uses authorized within the Brooks-Hopmere Community do not adversely affect agricultural uses in the surrounding EFU areas.
2. New development shall be reviewed to ensure that it will not result in the capacity of the transportation system within the community being exceeded.
3. New development shall be limited to prevent excess demand on the Brooks Community Sewer System.
4. No parcels will be rezoned to multifamily in the Brooks-Hopmere Community unless the applicant can demonstrate there will be no unacceptable adverse

impact to the transportation system.

5. Marion County will adopt performance- based criteria and procedures to create a trip allocation bank to provide flexibility in the development of the Norpac site, while still ensuring adequate performance of the transportation system.

Parcels subject to a Limited Use overlay zone designation that was based on a reasons exception to statewide Goal 3 prior to adoption of the Brooks-Hopmere Community Plan shall continue to be subject to the limitations of the overlay zone.

B. Utilities

1. New uses or expansion of existing uses requiring land use approval in Brooks-Hopmere shall be approved only upon confirmation from the Brooks Community Sewer District that it can provide sewer services to the property, unless an on-site system has been approved by Marion County or the Oregon Department of Environmental Quality.

2. Industrial uses that require water as part of their industrial or manufacturing processes shall be required to demonstrate a capability for on-site sewage disposal.

3. Marion County will encourage and support the development of a community water system serving all or a portion of the Brooks-Hopmere community.

PART III: Findings Regarding OAR 660, Division 22

Summary

This section provides findings to support zoning and comprehensive plan amendments to show compliance with OAR Chapter 660, Division 22, the Unincorporated Communities Rule.

OAD 660-022-0010 Definitions

(9) "Urban Unincorporated Community" is an unincorporated community, which has the following characteristics:

(a) Includes at least 150 permanent residential dwelling units;

Finding: *The Brooks-Hopmere Community has 204 permanent residential units (See Part I: Brooks-Hopmere Community Plan, Section B.1: Existing Land Uses).*

(b) Contains a mixture of land uses, including three or more public, commercial or industrial land uses;

Finding: *The Brooks-Hopmere Community includes 38 commercial, 44 industrial, 7 interchange, and 3 public uses (See Part I: Brooks-Hopmere Community Plan, Section B.1: Existing Land Uses).*

(c) Includes areas served by a community sewer system; and

Finding: *A "community sewer system" is defined in the rule as a sewage disposal system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community. The Brooks-Hopmere Community is served by the Brooks Community Sewer District which serves most of the Brooks area, in addition to portions of the Norpac property, and the interchange area. There are more than 15 sewer hook-ups.*

(d) Includes areas served by a community water system.

Finding: *A "community water system" is defined in the rule as a system that distributes potable water through pipes to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community. There are two community water service systems in Brooks (Green Oaks Mobile Park and Bethel Gospel Park). Each of these systems has more than 15 hook-ups.*

(10) "Unincorporated Community" means a settlement with these characteristics:

(a) It is made up of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;

Finding: *The land inside the Brooks-Hopmere Community boundary includes only land designated for commercial, industrial, public, or residential uses under the current acknowledged Comprehensive Plan or exceptions granted under the rural community planning process. All lands will have exceptions to Statewide Planning Goal 3 as part of the community planning process.*

(b) It was either identified in a county's acknowledged comprehensive plan as a "rural community", "service center", "resort community", or similar term before October 28, 1994, or is listed in the Department of Land Conservation and Development (DLCD) January 30, 1997 "Survey of Oregon's Incorporated Communities".

Finding: *The 1981 Marion County Comprehensive Plan designated Brooks as a Rural Community, Hopmere as a Rural Service Center, and the interchange as a Rural Development Center. Brooks and Hopmere are listed in DLCD's Survey of Oregon's Unincorporated Communities.*

(c) It lies outside the urban growth boundary of any city;

Finding: *Brooks-Hopmere is not within a UGB.*

(d) It is not incorporated as a city; and

Finding: *The Brooks-Hopmere Community does not include land that has been incorporated as a city.*

(e) It meets the definition of one of the four types of unincorporated communities in section (6) through (9) of this rule and included the uses described in those definitions, prior to the adoption of this division (October 28, 1994).

Finding: *Brooks-Hopmere satisfies the definition of Urban Unincorporated Community under OAR 660-022-0010(9) (see findings for subsection 9 above).*

CONCLUSION: The Brooks-Hopmere community satisfies the rule definitions of unincorporated community and Urban Unincorporated Community.

OAR 660-022-0020 Designation of Community Areas

(1) Except as provided in OAR 660-022-0070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-022-0010. Counties may amend these designations as circumstances change over time.

Finding: *Adoption of the Brooks-Hopmere Community Plan will designate and plan for the Brooks-Hopmere Community as urban unincorporated community accordance with the rule.*

(2) Counties shall establish boundaries of unincorporated communities in order to distinguish lands within the community from adjacent exception areas, resource lands and other rural lands. The boundary of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included.

Finding: *Brooks-Hopmere Community boundary distinguishes the urban unincorporated community from rural land. Figure 1 shows the Brooks-Hopmere Community boundary at a scale that clearly shows individual parcel boundaries.*

(3) Only land meeting the following criteria may be included within an unincorporated community:

(a) Land which has been acknowledged as a Goal 3 or Goal 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:

(A) Commercial, industrial, or public uses; and/or

(B) Dwelling units and associated residential lots at a greater density than exception lands outside rural communities.

Finding: *With the committed exceptions for the "Lucas", Southeast Brooks, and Hopmere properties, all lands within Brooks-Hopmere will be acknowledged as Goal 3 exception areas, and are historically part of either Brooks or Hopmere. The Brooks area consists primarily of residential uses associated with the historic agricultural nature of the area, but also includes some commercial, industrial, and public uses. The Hopmere area consists of commercial and industrial uses providing services primarily for agriculturally related uses, but also includes some residential uses. Norpac land between Brooks and Hopmere was included in the 1980 developed and committed exception to Goal 3 for Brooks. All lands in Brooks-Hopmere include only existing contiguous concentrations of commercial, industrial, public, interchange, and residential lots as planned in the current acknowledged comprehensive plan.*

(b) Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule.

Finding: *The only land planned and zoned for farm or forest use within the Brooks-Hopmere community boundary will be the Ogden-Martin waste-to-energy facility which meets the criteria in section (4) of this rule for land occupied by a utility facility zoned EFU that is considered part of the Brooks community. With the committed exceptions for the "Lucas", Southeast Brooks, and Hopmere properties, no other lands within the Brooks-Hopmere community will be zoned for farm or forest use.*

(4) Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met:

(a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;

(b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;

(c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and

(d) The land remains planned and zoned under Goals 3 or 4.

Finding: *The Brooks-Hopmere Community boundary includes the Ogden-Martin waste-to-energy facility which will retain the existing farm designation (EFU zoning) under which it is an allowed use and meets the criteria stated in this section for the inclusion of such lands within the community boundary.*

(5) Site specific unincorporated community boundaries that are shown on an acknowledged plan map on October 28, 1994, are deemed to comply with subsections (2) and (3) of this rule unless the boundary includes land designated for farm or forest use that does not meet the criteria in section (4) of this rule.

Finding: *The 1981 Marion County Comprehensive Plan did not use site-specific boundaries.*

(6) Communities which meet the definitions in both OAR 660-022-0010(6) and (9) shall be classified and planned as either resort communities or urban unincorporated communities.

***Finding:** The Brooks-Hopmere Community does not satisfy the definition of a resort community, so this subsection does not apply.*

CONCLUSION: The Brooks-Hopmere Community Plan is part of the Marion County Comprehensive Plan and meets all designation requirements under OAR 660-022-00200.

OAR 660-022-0030 Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

***Finding:** Figure 2 provides plan designations for each property within the Brooks-Hopmere Community boundary in compliance with this requirement.*

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

***Finding:** The zoning designations include acreage residential and multi-family residential uses that are applied to parcels that were designated as such under the original acknowledged comprehensive plan. These designations do not change under the Brooks-Hopmere Community Plan.*

(3) County plans and land use regulations may authorize only the following new industrial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Expansion of a use existing on the date of this rule;

(c) Small-scale, low-impact uses;

(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);

(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;

(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

(A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and surrounding rural area;

(B) That such uses would not rely upon a work force served by uses within urban growth boundaries; and

(C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.

Finding: *The Community Industrial zone permits uses under paragraphs (a), (b), (c), and (e) from the above list. Provisions of the zone require any new development exceeding the small-scale, low-impact size threshold (maximum 20,000 square feet of floor space) be served by on-site sewage disposal because the findings in this plan do not show that the community system can provide service to larger uses without exceeding its treatment capacity. See the findings under subsection (8) of this rule, below. Regarding water supply, also see the findings under subsection (8).*

In addition to the community industrial zone, a limited use overlay zone is applied to the Norpac property. The purpose of this limited use overlay zone is to implement the conditions of approval from a previous Goal 14 exception, consistent with the requirements of the Unincorporated Communities Rule. Application of this zone is limited to the 287-acre Norpac parcel that was granted a Goal 14 exception under Marion County Ordinance #1027 (dated October 11, 1995). A limited use overlay is also applied to the "Lucas" property. The purpose of the overlay zone is to limit permitted uses to the Truss Manufacturing business used to justify the Goal 3 exception. A limited use overlay is also applied to the "Atwood" property for the purpose of limiting permitted uses to the existing warehouse and storage uses.

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Small scale, low impact uses;

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area;

Finding: *The development standards for the Community Commercial zone include limits on building sizes that are consistent with the definition of small-scale, low impact uses (maximum 8,000 square feet of floor space) as defined by OAR 660-022-0030(10). To ensure adequate performance of the transportation system, significant new development will be required to submit a Traffic Impact Analysis with appropriate mitigation improvements as part of a land use or building permit application.*

In addition to the community commercial zone, a limited use overlay is applied on only the Kuzmenko property in southeast Brooks. The purpose of this overlay zone is to limit the use of the property to the existing land use activity occurring on the property which is a residence with a plastering business that is operated from the property. Any change in the use or expansion of activity will require compliance with the provisions of the community commercial zone, the removal of the limited use and addressing adequacy of the transportation system including submittal of a Traffic Impact Analysis.

(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:

(a) Any number of new motel and hotel units may be allowed in resort communities;

(b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community in the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;

(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 miles from any urban growth boundary;

Finding: *The Brooks-Hopmere Community is located approximately three road miles from the Salem-Keizer UGB. Motels and hotels are prohibited in Brooks-Hopmere.*

(6) County plans and land use regulations shall ensure that new uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

Finding: *Brooks-Hopmere is surrounded by exclusive farm use land. The Acreage Residential zone requires that new dwellings be set back 100 feet from an EFU zone boundary. Commercial and industrial areas have been established and any new development will be primarily infill, and the size and nature of permitted uses are restricted in a manner to insure continued compatibility with surrounding uses.*

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

Findings: *The community is served by three major north-south routes (Portland Road, Interstate 5, and River Road) and one east-west route (Brooklake Road). The Brooklake Road/I-5 Interchange Management Plan (Kimley-Horn, 1997), prepared for ODOT, is the most recent transportation study available. The Brooks/Hopmere Community Plan updates the land use assumptions used in the Interchange Management Plan to ensure that the planned land uses are consistent with the identified function, capacity, and level of service of the transportation system serving the community.*

With the updated land use assumptions (Kimley-Horn and Associates, 1999), the PM peak-hour traffic levels are nearly the same as the original Interchange Management Plan. Many of the intersections along Brooklake Road were previously determined to operate at a poor level of service in 2015, even with assumed roadway and signal improvements that were the conditions of approval on the Norpac development. The performance at key intersections is at the threshold of acceptability, and in most cases could be improved to acceptable levels with reasonable and financially feasible roadway improvements. To ensure adequate performance of the transportation system, significant new development will still be required to submit a Traffic Impact Analysis with appropriate mitigation improvements as part of a land use or building permit application.

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(a) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

(b) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

Findings: *The Sanitary Sewerage System Facilities Plan for the Brooks Community Sewer District (Marion County, 1990) is the community's most recent public facilities plan. Using this plan as a guide, a limited public facilities analysis was conducted to determine the current sewer capacity, the current sewer demand, the ramifications of future development proposed under the Brooks-Hopmere Community Plan (Sigurdson, 1999). The public facilities analysis concluded that the system can accommodate projected growth under the Brooks-Hopmere Community, both inside and outside the current sewer system service district.*

Regarding water supply, a study of community water systems in Marion County (Beighle and Whelan, 1995) included profiles of two systems in Brooks-Hopmere, and indicated they have adequate supply for their expected needs. Most of the community relies on individual wells for water supply. The Willamette Basin Report (Oregon Water Resources Department, 1992) lists several areas with known or potential groundwater supply concerns. Brooks-Hopmere is not near any of them. The community is not within a state-designated water management area, and no public testimony included concerns regarding the adequacy water supply. The evidence indicates that the carrying capacity of existing water supply resources will not be exceeded by uses permitted by the community plan.

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

Finding: This criterion is not applicable because no metropolitan or regional plan exists for this part of Marion County.

CONCLUSION: The Brooks-Hopmere Community Plan is implemented through the community commercial, community industrial, interchange, public, acreage residential, multi-family, exclusive farm use, and limited use overlay zoning districts, consistent with the requirements of OAR 660-022-00300.

OAR 660-022-0040 Urban Unincorporated Communities

(1) Counties with qualifying communities shall adopt plans and land use regulations for urban unincorporated communities (UUC's). All statewide planning goals applicable to cities shall also apply to UUC's, except for those goals provisions relating to urban growth boundaries and related requirements regarding the accommodation of long-term need for housing and employment growth.

Findings: the Brooks-Hopmere Community Plan is consistent with applicable statewide goals because it is consistent with corresponding UCC Rule requirements. The applicable are goals addressed by provisions in the rule in the following sections:

Goal 1 - 660-22-0060

Goal 2 - 660-22-0020 through 0040

Goal 3 - 660-22-0030 subsection (6)

Goal 6 - 660-22-0039 subsection (8)

Goal 11 - 660-22-0050

Goal 12 - 660-22-0030 subsection (7)

(2) Counties may expand the boundaries of those UUC's with the following characteristics during regularly scheduled periodic review in order to include developable land to meet a demonstrated long-term need for housing and employment:

(a) The UUC is at least 20 road miles from an urban growth boundary with a population over 25,000; and

(b) The UUC is at least 10 road miles from an urban growth boundary with a population of 25,000 or less.

Finding: Brooks-Hopmere does not satisfy these criteria, so the county will not be permitted to expand the boundaries of the community.

(3) - (5) [These sections include rules for expanding UUC boundaries. Since Brooks-Hopmere cannot be expanded, these sections do not apply.]

(6) Counties shall not rely upon the use of land included within a UUC as the basis for determining that nearby land designated in compliance with goals relating to agriculture or forestry is committed to nonresource use as defined in OAR 660-004-0005(3).

Finding: *This section does not include requirements relevant to the community plan, but rather to potential land-use actions on adjacent lands.*

(7) Counties shall include findings of fact and conclusions of law demonstrating compliance with the provisions of this rule in their comprehensive plans.

Finding: *This report satisfies this requirement.*

CONCLUSION: The procedures and requirements of OAR 660-022-00400 have been satisfied.

OAR 660-022-0050 Community Public Facility Plans

(1) In coordination with special districts, counties shall adopt public facility plans meeting the requirements of OAR 660, Division 11, and include them in the comprehensive plan for unincorporated communities over 2,500 in population. A community public facility plan addressing sewer and water is required if the unincorporated community is designated as an urban unincorporated community under OAR 660-022-0010 and 660-022-0020. For all communities, a sewer and water community public facility plan is required if:

(a) Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state or federal standards; or

(b) The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community facilities and services; or

(c) The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or

(d) Land in the community has been declared a health hazard, or has a history of failing septic systems or wells, or a community sewage or water system is projected to be needed by the next periodic review.

(2) A community public facility plan shall include inventories, projected needs, policies and regulations for the water and sewerage facilities which are existing or needed to serve the unincorporated community, including:

(a) An inventory of the condition and capacity of existing public facilities and services;

(b) An assessment of the level of facilities and services needed to adequately serve the planned buildout within the community area boundary; and

(c) Coordination agreements consistent with ORS Chapter 195.

(3) If existing community facilities and services are not currently adequate to serve the development allowed in the plan and zoning ordinance, the community public facility plan shall contain either:

(a) Development restrictions to ensure development will not exceed the capacity of the land to absorb waste and provide potable water and will not exceed the capacity of public facilities; or

(b) A list of new facilities, and improvements for existing public facilities, necessary to adequately serve the planned buildout in the unincorporated community, including the projected costs of these improvements and an identification of the provider or providers of these improvements; and

(c) A discussion of the provider's funding mechanisms and the ability of these and possibly new mechanisms to fund the development of each community public facility project; and

(d) A requirement that development not occur until the necessary public facilities are available for that development.

Findings: *Brooks-Hopmere has a population of less than 2,500. The community has a sewer plan, and the Brooks Community Sewer District serves the majority of the community. The community also has three small water service systems serving some uses in the Brooks area. The July 1990 Marion County Sanitary Sewerage System Facilities Plan for the Brooks Community Sewer District is the community's most recent public facilities plan. A limited public facilities analysis was conducted to determine the current sewer capacity, the current sewer demand, and the ramifications of future development proposed under the Brooks-Hopmere Community Plan. The public facilities analysis concluded that the existing system could accommodate projected growth under the Brooks-Hopmere Community Plan for the entire area within the community boundary, both inside and outside the current sewer service district. Growth under the plan is limited and conditioned to accommodate the limitation of the community sewer system or to meet the DEQ requirements of on-site sewage regulations.*

Currently, sewer and water services are sufficient for existing needs and projected growth under the Brooks-Hopmere Community Plan. The community is not within a groundwater limited or groundwater critical area identified by the Water Resources Department. There is no land within the community that has been declared a health hazard. Prior to the development of the Brooks Community Sewer District, some areas experienced septic system failure.

CONCLUSION: The Brooks-Hopmere Community Plan satisfies the public facilities planning requirements of OAR 660-022-0050.

OAR 660-022-0060 Coordination and Citizen Involvement

(1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs.

Finding: *The Brooks-Hopmere Community Plan is the result of a community planning process that included residents and business owners within the community, citizens from the surrounding area, and affected state and local agencies. The citizen involvement process is documented in the Brooks-Hopmere Community Plan.*

(2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:

- (a) How residents of the community and surrounding area will be informed about the proposal;
- (b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;
- (c) Which citizen advisory committees will be notified of the proposal.

Findings: *All of the property owners inside the Brooks-Hopmere community boundary have been included on a mailing list that was used to distribute regular newsletters throughout the community planning process. In addition, state and local regulations require Marion County to mail notice property owners prior to public hearings as part of formal adoption of the Marion County Comprehensive Plan update. The Brooks-Hopmere Community plan was reviewed by the Marion County Planning Commission prior to action by the Board of County Commissioners on the community plan and implementation measures. Public hearings were held on the Plan and property owners notified of the hearings before the Commission and Board.*

Regarding individual land-use decisions within the community, the notice requirements of ORS 197.763 are followed. The community is within an area with a county-designated Area Advisory Committee. The committee is comprised of area residents, who are notified of all pending land-use actions. The comment period is 10 days.

(3) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-022-0040(2).

Finding: *The Brooks-Hopmere Community Plan has had extensive participation and coordination with affected local and state agencies as required.*

CONCLUSION: The Brooks-Hopmere Community planning process satisfies the requirements of OAR 66-022-0060. References

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BROOKS-HOPMERE COMMUNITY PLAN



Prepared by the
Marion County Public Works
Department, Planning Division, and

Pacific Rim Resources.

Adopted July 2000

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The Marion County Planning Commission is comprised of Jake Stockfleth (chair), George Grabenhorst (vice-chair), Mike Fischer, Darrell Learn, Charles Vining, Maureen Kirkbride, and Marilee Mack. The planning commission was assisted by Rob Hallyburton, Principal Planner; Norm Bickell, Associate Planner; and Tami Amala, Administrative Supervisor.

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Brooks-Hopmere Community Plan

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Amendments to the Rural Zoning Ordinance to Implement the Community Plan

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