



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

2/26/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Marion County Plan Amendment  
DLCD File Number 011-09

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 11, 2010

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: Lisa Milliman, Marion County  
Jon Jinings, DLCD Community Services Specialist  
Gary Fish, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**FEB 19 2010**

**LAND CONSERVATION AND DEVELOPMENT**

Jurisdiction: **MARION COUNTY**

Local file number: **ZC/CP/CU09-09**

Date of Adoption: **02/17/10**

Date Mailed: **02/18/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

Change the zone from IUC-LU (Unincorporated Community Industrial Limited Use Overlay) to P (Public) and change the Comprehensive Plan designation from Industrial to Public

New Land Use Regulation

Other:

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

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

Did not need a Goal 3 exception (Agricultural Lands)

Plan Map Changed from: **Industrial** to: **Public**

Zone Map Changed from: **Unincorporated Community Industrial Use Overlay** to: **Public**

Location: **4910 and 4960 Brooklake Rd NE** Acres Involved: **11.84**

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** 011-09 (1777) [15999]

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

Local Contact: **Sterling Anderson**

Phone: **(503) 588-5038**

Extension: **5906**

Address: **PO Box 14500**

Fax Number: **- -**

City: **Salem**

Zip: **97308**

E-mail Address:

**BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON**

In the Matter of the	)	Case No. ZC/CP/CU09-09
	)	
Application of:	)	Clerk's File No. 5638
	)	
Chemeketa Community College and	)	
Lucas Land Co., LLC	)	

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. 1300

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. Purpose

This matter comes before the Marion County Board of Commissioners ("Board") on the application of Chemeketa Community College and Lucas Land Company, LLC to change the zone from IUC-LU (Unincorporated Community Industrial-Limited Use Overlay) to P (Public), to change the Comprehensive Plan designation from Industrial to Public on an 11.84 acre parcel, and then for a conditional use to operate a training facility for emergency responders on 16.17 acres (11.84 acres subject to the zone change and an adjacent 4.33 acres) in a P zone at 8820 Pueblo Avenue NE and 4910 and 4960 Brooklake Road NE, Brooks, Marion County, Oregon (T6S, R2W, S17C, tax lot 800, S17CA, tax lots 900 and 1300 and S17DB, tax lot 3300).

SECTION II. Procedural History

The Marion County Hearings Officer held a duly noticed public hearing on this application on October 21, 2009. Mailed notice was provided to all property owners within 250 feet of the subject property at least 20 days before the hearing. On December 30, 2009, the Hearings Officer issued a report recommending the Board not grant the requested change. The Board held a duly noticed public hearing on the application on February 3, 2010. Official notice was taken of the Planning Division file, the Hearings Officer's recommendation, all arguments of the parties and is otherwise fully advised in the premises.

SECTION III. Adoption of Findings and Conclusion

After careful consideration of all facts and evidence in the record, the Board adopts as its own the Findings of Facts and Conclusions of Law contained in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION IV. Action

The requested Comprehensive Plan designation change from Industrial to Public is hereby **GRANTED**. The requested zone change from IUC-LU (Unincorporated Community Industrial-Limited Use Overlay) to P (Public) zone and conditional use to operate a training facility for fire, police, emergency responders services, and associated offices is hereby **GRANTED**, subject to conditions identified in Exhibit B, attached hereto, and by this reference incorporated herein.

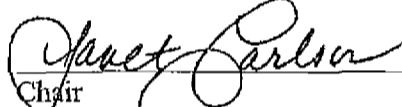
The property rezoned by this Ordinance is described in Exhibit C, attached hereto and by this reference incorporated herein. The Official Marion County Zoning Map shall be changed pursuant to the Marion County Zone Code 17.110.660 to reflect the new zoning.

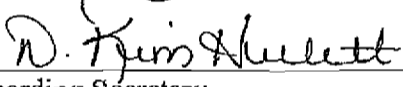
SECTION V. Effective Date

Pursuant to Ordinance 669, this is an Administrative Ordinance and shall take effect 21 days after the adoption and final signatures of the Marion County Board of Commissioners.

SIGNED and FINALIZED this 17<sup>th</sup> day of February,  
2010, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

  
Chair

  
Recording Secretary

**JUDICIAL NOTICE**

Oregon Revised Statutes, Chapter 197.830, provides that land use decisions may be reviewed by the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days from the date this Ordinance becomes final.

## **EXHIBIT A**

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Marion County Board of Commissioners after careful consideration of all the testimony and evidence in the record makes the following findings of fact and conclusions of law in Planning Case. No. ZC/CP/CU 09-09.

#### **General Findings**

1. There are two adjacent properties subject to this application. The property subject to the comprehensive plan amendment, zone change, and conditional use permit request consists of an 11.84 acre tax lot designated Industrial in the Marion County Comprehensive Plan (MCCP) and zoned Unincorporated Community Industrial – Limited Use Overlay Zone (IUC-LU) in the Marion County Rural Zoning Ordinance (MCRZO) (referred to herein as the "11.84-acre Property"). An additional 4.33-acre area containing the existing Chemeketa Community College fire-training site is subject to the conditional use permit application only (referred to herein as the "4.33-acre Property"). Unless specifically stated otherwise, the "subject property" as referred to in these findings refers to both properties collectively.
2. The subject property is south of Brooklake Road NE and east of Pueblo Avenue NE. A wood products manufacturing business with two buildings occupies the 11.84-acre Property.
3. The subject property and property to the north, east and west are within the Brooks-Hopmere Unincorporated Community. Property to the east and west are zoned IUC-LU and CC (community commercial). Property north of the P zoned property owned by Chemeketa Community College is zoned AR (acreage residential). Property to the south is zoned EFU (exclusive farm use).
4. Applicants are Chemeketa Community College (CCC) as owner of the 4.33-acre property, and Lucas Land Company, LLC and CCC as the owner and the condemnor of the 11.84-acre property (see CCC resolution 08-09-10). Applicant asks to change the zone on the 11.84-acre Property from IUC-LU to Public (P), to change the MCCP designation from Industrial to Public, and for a conditional use to operate a training facility for fire, police, emergency responder services, and associated administrative offices. The proposal will allow expansion of the existing training facility on the 4.33-acre Property to include the 11.84 acres.
5. The Marion County Planning Division requested comments on the application from various governmental agencies.  
The Marion County Tax Office provided information on the tax status of the properties.

The Marion County Public Works Engineering Division (DPW) provided comments to the Board in a memorandum dated January 26, 2010. Prior the Board's hearing on February 3, 2010, the applicant and DPW agreed to revisions to the comments and conditions. DPW's comments, including the agreed-upon revisions, are as follows:

## **STREETS**

1. Because of the zone change and the level of development, the applicant was required to submit a Transportation Impact Analysis (TIA). Staff has reviewed the TIA prepared by DKS Associates dated July 2009, and the subsequent update dated October 2009, and is generally comfortable with the assumptions and methodologies used in the analyses. The TIA assumed that the training facility would generate 672 new daily trips, and also analyzed the impacts of an additional 636 vested trips (trips assumed above and beyond the proposed development) to allow a limited amount of any future development without the need to re-evaluate the traffic impacts, for a total of 1,308 daily trips on both parcels. These comments are based on the level of development presented in the TIA. If the enrollment is increased in the future, or additional development occurs beyond the 636 additional vested trips, additional mitigations may be required. Based on the TIA and application materials, we have determined the following:
  - a. The applicant assumed a trip cap for the conditional zone change for the southern parcel that will accommodate the proposed uses and allow a limited amount of future development. Therefore, we recommend that a condition be included limiting the number of trips attributed to the parcel associated with the zone change to 1,056 per day as proposed in the TIA
  - b. Left-turn refuges are warranted on Brooklake Road NE at the project driveway, and at the intersection with Pueblo Avenue NE. The applicant shall design and construct a continuous two-way left-turn lane to accommodate both locations that begins at a point 25-feet west of Pueblo Avenue NE continuing to a point 100-feet east of the project driveway, with the appropriate tapers according to Marion County standards. This improvement shall be completed prior to the issuance of any certificate of occupancy on the subject parcels.
  - c. An eastbound right-turn lane is warranted on Brooklake Road NE at the intersection with OR99E. The applicant shall design and construct a 150-foot (full-width storage) eastbound right-turn lane, with appropriate leading tapers, at the Brooklake Road NE/OR99E intersection to Marion County and ODOT standards. This shall include all necessary signal modifications required to accommodate the

improvement. This improvement shall be completed prior to the issuance of any certificate of occupancy on the subject parcels.

- d. The proposed development will add traffic to the I-5 Interchange ramps and the Brooklake Road NE/Huff Avenue NE intersection, which exceed both Marion County and ODOT operating standards. A discussion of these intersections is included in a sub-area plan in the Marion County Rural Transportation System Plan (RTSP). The applicant shall contribute a proportionate share of the projects identified in the RTSP in the amount of \$30,500. The assessment is in 2009 dollars and will be adjusted by the Seattle Cost of Construction Index if the amount is collected in a later year, and does not include mitigation for the vested trips. The assessment will be collected at the time of building permits.
  - e. The applicant shall meet all requirements imposed by ODOT, as set forth in the letter from ODOT dated October 19, 2009.
2. As part of the process for Land Use Planning Action applications, the County reviews sufficiency of available right-of-way width relative to the current standards as defined in the Marion County RTSP. Additional width may be required to allow turn lanes and all required public improvements to be within the right-of-way. Right-of-way dedications should be made to the public, not Marion County.
- a. Brooklake Road NE is classified as an Arterial, with a required right-of-way width of 68-feet or 34-foot half-width for an urban cross-section. Based on review of County Tax Assessor Maps, there is a four (4) foot deficiency in width across the Tax Lot 062W17CA0900 frontage on Brooklake Road NE. The applicant shall dedicate sufficient right-of-way to provide the public dedicated right-of-way half-width of 34-feet.
  - b. The applicant shall dedicate a 30-foot radius at the property line corner of the intersection of Brooklake Road NE and the east side of Pueblo Avenue NE.
  - c. Pueblo Avenue NE is classified as a Local road, with a required right-of-way width of 60- feet or 30-foot half width. It appears that no additional width is required.
3. Prior to the issuance of final occupancy permits, the developer will be required to design and construct urban improvements to Brooklake Road NE and Pueblo Avenue NE in accordance with appropriate standards as directed by Public Works, as follows:
- a. Construct urban half-street improvements to Brooklake Road NE along

their frontage. This will include such elements as a 24-foot paved half-width, pavement re-striping, curb, gutter, curb line or property line sidewalk, transition tapers that may extend beyond the property lines, sign relocation, closed system drainage work, grading, landscaping, and whatever improvements are necessary on the north side to accommodate an adequate westbound travel lane and paved shoulder as determined by Public Works. This will be combined with the continuous two-way left-turn lane as required in condition 1.b., above.

- b. Construct urban half-street improvements to Pueblo Avenue NE along their frontage from the intersection with Brooklake Road NE to a point coincident with the northern property line of the property addressed as #8860 Pueblo Avenue NE (Tax Lot 062W17CA01600). This will include such elements as a 17-foot paved half-width, curb, gutter, 5-foot sidewalk, transition tapers that may extend beyond the property lines, sign relocation, open and/or closed system drainage work, grading, landscaping, and whatever improvements are necessary on the west side to accommodate a 12-foot southbound travel lane. Improvements shall be required on the west side of Pueblo Avenue NE at the intersection with Brooklake Road NE to ensure that the intersection operates safely. This is anticipated to include curbing or other improvements within 100-feet of the intersection, including a corner radius sidewalk with an ADA-compliant pedestrian landing.
- c. Typically, the applicant would be required to construct street improvements along the entire property frontage. In lieu of constructing street improvements along the segment of Pueblo Avenue NE with frontage adjacent to Tax Lot 062W17C00800 (the 11.84-acre parcel) at this time, the applicant shall enter into an agreement with Marion County to defer construction or funding of such improvements until such time as one of the following events occurs: 1) The County causes or requires this segment of Pueblo Avenue NE be improved; 2) owners of the property adjacent to the west side of this segment of Pueblo Avenue NE are required to improve such segment of Pueblo Avenue NE; 3) the applicant develops Tax Lot 062W17C00800 sufficient to require additional access, other than emergency access, from Pueblo Avenue NE to Tax Lot 062W17C00800; or 4) the applicant develops Tax Lot 062W17C00800 sufficient to exceed the proposed trip cap of 1,056 daily trips. The applicant may, with Public Works Approval, construct additional urban street improvements on a portion of the west side of Pueblo Avenue NE and/or Brooklake Road NE, in consideration for a portion of the deferral agreement described above.
- d. Engineered design drawings are required for submission to and approval by Marion County Public Works for all improvements within



public right-of-way. Marion County Major Construction Permits are also required. Utility relocations will likely be necessary, for which all or a portion of the cost to do so may be borne by the applicant. In addition, the acquisition of right-of-way and slope easements, and property owner coordination necessary to complete required improvements shall be the responsibility of the applicant.

4. Pueblo Avenue NE from Brooklake Road NE to Walnut Street NE (the existing access), a length of approximately 300 feet, is a County-maintained road section. Pueblo Avenue NE from Walnut Street south to the road terminus is designated a Local Access Road as defined in ORS 368.001(3), and is not maintained by the County. The applicant is proposing to construct a full-street improvement on Pueblo Avenue NE (except for sidewalks on the west side) from Brooklake Road to the northern property line of the property addressed as 8860 Pueblo Avenue NE. If these improvements are completed to the satisfaction of the County, Public Works agrees to request that the Board of Commissioners take over jurisdiction of the newly improved portion of Pueblo Avenue NE from the northern property line of 8860 Pueblo Avenue NE north to where County maintenance begins (approximately 140 feet) after successful completion of the one-year warranty period. The portion of Pueblo Avenue NE south of the improvement will remain a Local Access Road) and maintenance will continue to be the responsibility of the adjacent property owners. The applicant shall provide evidence of a recorded Declaration of Covenants for Road Maintenance Agreement (RMA) regarding the portion of Pueblo Avenue NE designated as a Local Access Road, the repair and maintenance obligations of which may be prorated among adjacent property owners proportionate to their usage of such segment. Public Works' needs to review, approve and sign the RMA prior to recordation. Please contact Tedd Joling at (503) 584-7714 for details.
5. In accordance with Marion County Ordinance #651, access permits are required for any new access or change in use of the existing access to the public right-of-way. If this ZC/CP/CU is approved, the applicant will be required to apply for an "Access Permit". Driveways must meet sight distance, design, spacing, and safety standards. Up to one (1) new direct access from Pueblo Avenue NE could be approved; however, shared access is encouraged.
6. Notwithstanding Public Works requirements for access, the local fire district has authority to require that driveways and private easements either meet fire district standards for access, have a fire sprinkler suppression system installed on any proposed structure, or be approved by waiver of the local fire marshal, prior to the issuance of building permits. The *Marion County Fire Code Applications Guide* also specifies a suitable turnaround area for emergency vehicles for an access in excess of 150 feet in length.
7. A civil site plan is required for 0.5-acres or more of proposed development.

This should be submitted in advance of application for building permits to allow adequate time for review. A traffic circulation and parking plan needs to be included.

8. The applicant is reminded of their responsibility to preserve and protect nearby roads and ditches to the satisfaction of Marion County Public Works during transport of materials and construction activities. Failure to preserve and protect the road and ditches may result in the user being responsible for replacing or reconstructing the damaged road or ditch at their expense.

#### **STORM DRAINAGE / ENVIRONMENTAL**

9. The applicant is advised that construction of improvements on the property should not block historical or naturally occurring runoff from adjacent properties. Furthermore, site grading should not impact surrounding properties, roads, or drainage ways in a negative manner. The applicant shall submit a site drainage plan to demonstrate that there is no negative impact.
10. The existing site already has a storm water master plan and multiple detention systems. County GIS data indicates the presence of a stormwater drainage trunk line traversing the property addressed as #8820 Pueblo Avenue NE. The referenced pipe is oriented parallel to and approximately 45 feet south of the northern property line. The applicant shall field verify the pipe location and dedicate a 15-foot wide drainage easement centered about the pipe.
11. The County requires any development 0.5 acre or larger to provide storm water detention for any increase in runoff. The applicant will need to show that stormwater detention systems will retain enough of the storm-water runoff on site so that there is no net rate increase in storm-water flow from the subject property. Such a system shall be sized and modified so that it will detain the difference between a 5-year frequency storm under pre-development conditions and a 50-year frequency storm under development conditions. Storm drainage shall be discharged to a suitable outlet and, where applicable, evidence provided that an adequate easement exists for transit of the water to this outlet. Storm drainage improvements shall be built to Marion County Engineering and Construction Standards. Prior to issuance of building permits, the applicant shall provide a storm drainage plan for the site that addresses drainage issues and includes detention elements. Acceptable drainage and detention systems must be in place prior to final building inspections.
12. The subject property is located within the Brooks Community Service District. As such, any sanitary sewer modifications will require incorporation of design elements into the engineering plans and a Brooks Community Service District Permit. The contact person for permit issuance is Dan Keeley, PE, in the

Marion County Capital Projects Division at (503) 588-5036.

13. Proof of issuance to the County of a National Pollutant Discharge Elimination System (NPDES) 1200-C permit is required for all construction activities that disturb one acre or more. If required, the NPDES permit is obtained through the DEQ.

#### **GENERAL**

14. The subject property is within the unincorporated area of Marion County. Transportation System Development Charges (SDCs) may be assessed upon development of the property.
15. Any work in the public right-of-way will require a permit from Public Works Land Development Engineering & Permits.

The Oregon Department of Transportation (ODOT) commented:

The application includes a zone change from IUC-LU (Unincorporated Community Industrial—Limited Use Overlay) to P (Public) and a comprehensive plan designation change from Industrial to Public on an 11.84 acre parcel. A proposal to establish and operate a training facility for emergency responders as a conditional use on the above parcel and an adjacent 4.33 acre parcel is also proposed. The project is located south of Brooklake Road east of its intersection with OR 99E. ODOT has previously reviewed and commented on a transportation impact analysis (TIA) prepared for this proposal. Our comments are based on the revised version of that TIA. ("*Chemeketa Community College Brooks Campus Transportation Impact Analysis*" prepared by DKS Associates, October 2009.) We have also received a copy of a memorandum from Marion County Public Works—Engineering Division dated October 12, 2009 (Public Works memo) (Marion County Public Works Memorandum to Lisa Milliman, Planning Division from John Rasmussen, Public Works Engineering Division, dated October 12, 2009) that contains recommendations for transportation system improvements, among other things.

The TIA analyzed three intersections which are under ODOT jurisdiction: OR 99E at Brooklake Road, I-5 northbound ramps at Brooklake Road, and I-5 southbound ramps at Brooklake Road. The analysis indicates that two intersections currently operate below ODOT mobility standards. With the addition of project-generated traffic, all three intersections will exceed ODOT mobility standards. In the case where the standard is exceeded in the existing condition, the mitigation standard is to be pre-project (existing) condition. The standard must be maintained where it has not been exceeded in the existing condition. Comments/ recommendations on the proposed mitigation measures are as follows:

### **OR 99E at Brooklake Road**

The TIA recommends the installation of a 150 foot eastbound right-turn lane at this intersection. ODOT concurs with this recommendation. As this is a change to traffic control, including potentially a modification of a traffic signal, this improvement must be approved by ODOT. The Public Works memo proposes condition 1.c. which requires that the improvement be designed and constructed to Marion County and ODOT standards and that it be completed prior to the issuance of a certificate of use and occupancy. ODOT concurs with this recommendation subject to the provision that all plans be approved and installation of improvements be certified by ODOT. The applicant will also have to apply for and obtain appropriate permits for any construction within ODOT right-of-way.

### **I-5 Northbound and Southbound Ramps at Brooklake Road**

The TIA states that the following improvements are necessary at the I-5/Brooklake Road interchange to mitigate project impacts:

- Install signals at both ramp terminals
- Install exclusive right-turn lanes for the I-5 off-ramps, and a free right-turn from eastbound Brooklake Road to the I-5 southbound ramp
- Improve Brooklake Road to a five-lane section, and widen the northbound off-ramp for dual left-turns

The TIA states, at Page 21, that these improvements are identified in the Marion County Rural Transportation System Plan (RTSP) and states they are "funded." For the record, there is no current funding for these improvements programmed. Therefore, they cannot be considered "reasonably likely" as that term is used in OAR 660-012-0060 for purposes of supporting the land use change. The Public Works memo recommends condition 1.d. that requires the applicant to contribute a proportionate share toward these unfunded improvements at the I-5/Brooklake Road interchange. ODOT concurs that this is an acceptable level of mitigation of the applicant's anticipated impact at these intersections.

The Brooks Community Service District commented that if the college desires to annex the property into the service district, a fee based on the existing system cost and desired level of service, plus an administrative charge, will be required. In response to the request made by the Marion County Hearings Officer for additional information regarding capacity, the District also issued a letter to the applicant's engineer, Steve Ward, dated January 22, 2010. The letter confirms that the District has the capacity for the applicant's maximum demand.

Applicant requested annexation into the Brooks Community Service District service area as a part of this application. Requests for annexation into the Brooks Community

Service District are made directly to the service district. The annexation request is not considered in this application.

All other contacted agencies contacted either failed to respond or stated no objection to the proposal.

6. The subject 11.84-acre property was zoned EFU prior to being changed to IUC-LU when the Brooks-Hopmire Community Plan (BHCP) was adopted in 2000. Use of the property was limited to the manufacture of structural members and wooden trusses (SIC 2439) in a structure or structures not exceeding 60,000 square feet of floor area. The zone change and comprehensive plan amendment required an exception to Statewide Planning Goal 3, Agricultural Lands. An irrevocably committed lands exception was taken and approved by the Department of Land Conservation and Development (DLCD). OAR 660-04-0018 normally applies to planning and zoning within exception areas, but because the subject property is within an unincorporated community, OAR 660-022 applies. OAR 660-022-0020(3) allows land, under certain conditions, that includes existing, contiguous concentrations of commercial, industrial or public uses to be included in unincorporated community areas. Public uses are allowed in unincorporated communities and are specifically provided for in the BHCP. ORS 197 post-acknowledgment plan amendment procedures are being followed in this land use process, including DLCD notification under ORS 197.610. OAR 660-022-0030(1) is met.
7. OAR 660-022-0030 contains provisions relating to planning and zoning in unincorporated communities. Some provisions are specific to residential, industrial and commercial uses. The following is a discussion of the subsections of OAR 660-022-0030:
  - (1) Subsection (1) provides guidelines for Counties' creation of plan and zoning designations for unincorporated communities. 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.
  - (2) OAR 660-022-0030(2) involves residential uses and is not applicable.
  - (3) OAR 660-022-0030(3) involves industrial uses and is not applicable.
  - (4) OAR 660-022-0030(4) involves commercial uses and is not applicable.

- (5) OAR 660-022-0030(5) involves placement of hotels and motels and is not applicable.
- (6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

The County's P zone criteria do not address interference with agriculture so this requirement needs to be addressed directly. There are no applicable criteria defining what constitutes adverse affect on agricultural uses. However, interference with farm use is addressed in ORS 215.296(1), which governs properties zoned for farm use. Though not directly applicable to uses outside of farm zones, ORS 215.296(1) does provide a logical method of measuring compatibility of the proposed use and adjacent agricultural use.

Under ORS 215.296(1), certain uses allowed in farm zones under ORS 215.213(2) or 215.283(2) may be approved only where the local governing body or its designee finds that the use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

LUBA has found that under ORS 215.296(1), the decision-maker needs to (1) describe the farm and forest practices on surrounding lands devoted to farm or forest use; (2) explain why the proposed use will not force a significant change in those practices; and (3) explain why the proposed use will not significantly increase the cost of those practices. *Schellenberg v. Polk County*, 21 Or LUBA 425, 440 (1991). In *Schellenberg, v. Polk County*, 22 Or LUBA 673, 686 (1992), Polk County based its identification of accepted farm or forest practices on the definition of "accepted farming practice" in ORS 215.203(2)(c). LUBA found this was a correct approach to interpreting the virtually identical term, accepted farm and forest practices, in ORS 215.296(1).

ORS 215.203(2)(c) defines accepted farming practice as a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use. Experimental farm practices or those atypical to area farms do not need to be evaluated.

The term "surrounding lands" is not defined in statute or ordinance but here, only one adjacent property is in farm use. All other farm parcels are well separated from the subject property by other property in the Brooks community. Land directly to the south is zoned EFU and is in farm use.

Prior to the Board hearing, Applicant provided additional information to the Board regarding farm practice on the property to the south of the subject property. The neighboring property owner (Hollin) provided a letter in the record demonstrating that the property is farmed for seed purposes, including wildflower seed last year. Mr. Hollin found no conflict between the applicant's proposed use and agricultural activity on his property, and welcomed the training facility as a neighboring use. A seed warehouse/processing plant is on the northwestern corner of the property near the subject property. Applicant also provided aerial photographs and assessor records further evidencing the seed operations and farming activity on the Hollin property. The aerial photographs also demonstrate that the entire northerly boundary of the Hollin property abuts commercial and industrial uses of the Brooks unincorporated community.

The Board finds that agricultural activity on the Hollin property has long co-existed with not only the wood-products manufacturing business currently on the 11.84-acre Property, but the other commercial or industrial activities along its northern border as well. There has not been conflict between these uses. The Board finds that the applicant's proposed training activities on the 11.84-acre property are likely to be less-intrusive than the current manufacturing business. The site plan demonstrates that the portion of the College property adjacent to the Hollin property is to be used for large, open-area training activities. At the hearing, applicant's representatives testified that there will not be activity on a daily basis in this area of the subject property as there currently is. The areas will be used much less frequently than the classroom facility on the 4.33-acre Property close to Brooklake Road.

For these reasons, the Board concludes that the proposed zone change and activities proposed by applicant associated therewith will not force any change in the neighboring farm practices or increase the cost of the neighboring agricultural practices in any way. The Board finds it more likely than not that the proposed use will reduce conflicts. Also, as the applicant noted in its January 29, 2010 letter to the Board, fire protection service facilities are allowed in exclusive farm use zones (ORS 215.283(1)(s)). Accordingly, the application is consistent with OAR 660-022-0030(6).

- (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).

Under OAR 660-012-0060(1), where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
  - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Brooklake Road is identified as an arterial road in the M CCP Rural Transportation System Plan (RTSP). Pueblo Avenue is identified as a local road. Applicant submitted a traffic impact analysis (TIA) for the record. The trips generated by the proposed use will not change the functional classification of these roads. Brooklake Road will remain an arterial road, linking I-5 and State Highway 99E and serving a higher density of travel.



Pueblo Avenue will remain a local road. Pueblo is a dead end street, not a thoroughfare, and will continue providing access only to adjacent lands. Accordingly, the proposed plan amendment will not significantly affect the transportation facility under OAR 660-012-0060(1)(a).

The proposed comprehensive plan amendment is a plan map amendment that will allow the expansion of an existing use. The proposal will not change the standards implementing the functional classification system in the RTSP. Accordingly, the proposed plan amendment will not significantly affect the transportation facility under OAR 660-012-0060(1)(b).

Marion County DPW and ODOT reviewed applicants' TIA and commented on the proposal. In the form of conditions of approval included with these findings, DPW requested mitigation measures for the amount of traffic anticipated under the TIA. ODOT concurred with DPW's comments and conditions. The number of traffic trips requested by applicant allows a cushion for future growth of the training center beyond the current proposal. Applicant agrees to meet ODOT's requirements set forth in ODOT's October 19, 2009 letter to Marion County Planning. The mitigation measures will ensure that traffic levels will not be inconsistent with the functional classification of the roadway system, that will not reduce the performance of the roadway system below the minimum acceptable performance standard identified in the county's RTSP, and will not worsen the performance of any roadway system that is otherwise projected to perform below the minimum acceptable performance standards identified in the RTSP. With the mitigation measures, the proposed plan amendment will accordingly not significantly affect the transportation facility under OAR 660-012-0060(1)(c). The Board finds that where applicant is constructing improvements as constructed, transportation facility performance will be improved.

The proposal, with mitigation, is consistent with the identified function, capacity and level of service of transportation facilities serving the community. Accordingly, the application is consistent with OAR 660-022-0030(7).

- (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.

The Brooks Community Service District (BCSD) provides sewer services for the Brooks community. The 11.84-acre Property is served by the BCSD. Applicant's engineer consulted with BCSD regarding service for the proposed new use, confirming that the district has the capacity to serve the use without interfering with the district's ability to serve the existing and future community uses. BCSD provided evidence that the system has capacity for applicant's proposed use. No public health hazards or adverse environmental impacts will result that violate state or federal water quality regulations or exceed the carrying capacity of the soil or sewer services. The 11.84 acres will be served by existing wells on the property. Brooks is not in a sensitive groundwater overlay area and although the number of students in the program will increase, the use will not significantly intensify the existing water use and will not interfere with water supply resources. The application is consistent with OAR 660-022-0030(8).

- (9) OAR 660-022-0030(9) involves metropolitan regional goals and is not applicable.
  - (10) OAR 660-022-0030(10) involves commercial uses and is not applicable.
  - (11) OAR 660-022-0030(11) involves industrial uses and is not applicable.
8. Based on the findings and evidence above, the Board finds that the application, as conditioned by this decision, is consistent with the requirements for zoning and planning within an unincorporated community and the Brooks-Hopmere Community Plan. The Brooks-Hopmere Community Plan and the Marion County Comprehensive Plan were acknowledged as compliant with Statewide Planning Goals. The application is therefore consistent with the Goals and no Goal exception is required.

#### COMPREHENSIVE PLAN AMENDMENT

- 9. Applicant asks to change the M CCP designation from Industrial to Public. All comprehensive plan amendments are subject to DLCD review. DLCD was notified as required by state law and provided no comments on the proposal.
- 10. Under the M CCP, plan changes directly involving six or fewer properties are considered quasi-judicial amendments, are reviewed by the MCRZO zone change procedure, and are processed simultaneously with zone change requests. Comprehensive plan amendments must be consistent with comprehensive plan policies. The M CCP Rural Development section dealing with rural communities refers users to the BHCP for a discussion of the county's intent for future development. The BHCP is an adopted part of the M CCP.
- 11. BHCP Part II contains the following applicable BHCP comprehensive plan policies:

*Land Use and Transportation policy 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.

The surrounding agricultural uses are addressed in the discussion of OAR 660-022-0030(6) in Section 7 above. As explained in that section, the applicant's proposal will not adversely affect that agricultural activity. The Board finds the application to be consistent with this policy.

*Land Use and Transportation policy 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.

Goal 12 and the unincorporated communities rules regarding transportation, OAR 660-022-0030(7), are addressed in the discussion of OAR 660-022-0030(7) in Section 7 above. With the mitigation measures approved by ODOT and DPW, the proposal will not result in the capacity of the transportation system within the community being exceeded. The application is consistent with this policy.

*Land Use and Transportation policy 3.* New development shall be limited to prevent excess demand on the Brooks Community Sewer System.

Applicant's engineers coordinated with BCSD representatives and concluded that the district can provide sewer services for the proposed use without excess demand being placed on the sewer system. BCSD engineer, Dan Keeley, PE, also provided a letter dated January 22, 2010 confirming such capacity. The application is consistent with this policy.

*Land Use and Transportation policy [6].* 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.

The subject 11.84 acres were subject to a limited use overlay zone upon being brought into the BHCP, but an irrevocably committed rather than a reasons exception was taken. This policy is not applicable.

*Utilities policy 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.

As discussed above and confirmed with evidence provided by the applicant and BCSD, the Service District has sewer capacity for the maximum demand of the applicant. The application is consistent with this policy.

12. The Board finds that the application, as conditioned, is consistent with applicable comprehensive plan policies.

#### ZONE CHANGE

13. Under MCRZO 123.060, approval of a zone change application shall include findings that the change meets the following criteria:
  - (a) The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan; and
  - (b) The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area; and
  - (c) Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property; and
  - (d) The other lands in the County already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors; and
  - (e) If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.
14. Comprehensive plan policies were discussed above. The application, as conditioned, is consistent with applicable comprehensive plan policies. With the comprehensive plan designation being amended to Public, the proposed P (Public) zone will be appropriate to the comprehensive plan designation, and MCRZO 123.060(a) will be satisfied.
15. The 11.84-acre Property is within the Brooks-Hopmere Unincorporated Community. The proposed use is an expansion of the already existing use to the north. The existing use has been compatible with the uses in the area. As demonstrated above,

the expanded training facility use will also be compatible with the neighboring agricultural use to the south. Considering the surrounding uses, density, and pattern of development in the area, the Board finds the proposed zoning and new use therein will be consistent with surrounding uses. MCRZO 123.060(b) is met.

16. The Marion County Sheriff's Office provides police services for the subject property. The adjacent Marion County Fire District 1 station provides fire services. Water is provided by on-site well. Roadways and sewer service were discussed above. With ODOT and DPW transportation related conditions discussed above, MCRZO 123.060(c) will be met.
17. The proposed use must be located in a P zone. According to the BHCP, all 67 acres of P zoned property in the BHCP boundary are already developed. This is typical of P zoned land because property is zoned P in response to a specific need for a public or semi-public use. Applicants' current fire science training program is already located adjacent to the subject 11.84 acres. In the BHCP area, 299 acres of industrial land are vacant so removal of the 11.84 acres will not burden potential industrial development in Brooks. Other lands in the county already designated for the proposed use are unavailable, and there is virtually no other property in the County as well suited for the proposed fire science training program in light of the existing, adjacent facility. Expansion of the existing facility on the adjacent 4.33 acres results in the most efficient land use. MCRZO 123.060(d) is met.
18. The P zone is the only implementing zone for the Public designation. MCRZO 123.060(e) is not applicable.
19. The Board finds that the proposed zone change, as conditioned by this approval, satisfies the criteria of MCRZO 123.060.

#### CONDITIONAL USE

20. Under MCRZO 119.070, before granting a conditional use, the following shall be determined:
  - (a) That [the decision maker] has the power to grant the conditional use;
  - (b) That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone;
  - (c) That any condition imposed is necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood.

21. Under MCRZO 119.030, the Board of Commissioners may hear and decide applications for conditional uses, their expansion or alteration listed in the MCRZO. A training facility for emergency responders exceeding 20 full-time persons and 200 day-use visitors is listed as a conditional use in MCRZO 171.030(L). The BOC may hear and determine this matter. MCRZO 119.070(a) is met.
22. According to MCRZO 171.010, the purpose and intent of the P zone is to provide regulations governing the development of lands appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the P zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. It is not intended that a property zoned Public for one type of use be allowed to change without demonstrating that the proposed conditional use will be compatible with adjacent uses and the property is better suited to the proposed use than alternative locations.

The Applicant's proposed use has existed on the 4.33-acre Property in Brooks since 2001. The proposal will not introduce any uses in Brooks or in the vicinity of the subject property that have not already existed at this location. The drill grounds and props are being relocated to the 11.84-acre Property and more classroom space being created on the 4.33-acre Property. The intensity of use on the 11.84-acre Property resulting from the zone change will likely diminish as compared to the existing industrial use on that property. The two subject properties are surrounded by public, industrial, or commercial uses in the Brooks Unincorporated Community that have co-existed with the training facility since its inception. As explained above, the neighboring agricultural property has been compatible with the current industrial use on the 11.84-acre Property. There have been no issues of compatibility with surrounding uses. The training center has instead created synergy with the neighboring fire station as trainees of the training facility have opportunities for on-the-job experience with firefighters of the fire station. The proposed uses are the same as the uses that have long-existed on the 4.33-acre Property, and have been consistent with the purpose of the P zone.

The P zone does provide regulations governing the proposed use. Developing under the applicable development standards found in the P zone will ensure that the resulting use and development will be consistent with the purpose and intent of the P zone, and the surrounding area.

For these reasons, Applicant's proposed use, as conditioned, is in harmony with the purpose and intent of the P zone. MCRZO 119.070(b) is therefore met.

23. The proposed conditions are necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the

protection of property or improvements in the neighborhood. MCRZO 119.070(c) is met.

24. MCRZO 171.060 contains the following property development standards:

- (A) HEIGHT. No building or structure in a P zone shall exceed 6 stories or 70 feet, provided that buildings or structures shall set back from every street and lot line 1 foot for each foot of height of the building in excess of 35 feet in addition to all other yard and setback requirements herein specified.
- (B) FRONT YARD. Front yard shall be a minimum of 20 feet. No parking shall be permitted within the minimum front yard area.
- (C) SIDE YARDS. Where the side of a lot in a P zone abuts upon the side of a lot in any "R" zone, there shall be a minimum side yard of 10 feet. Otherwise there shall be no minimum side yard setback. Where the side of a lot abuts upon a street there shall be a minimum side yard of 20 feet wherein no parking shall be permitted.
- (D) REAR YARD. In a P zone there shall be a rear yard that shall have a minimum depth of 30 feet.
- (E) LOT AREA AND COVERAGE. The minimum requirements in P zones for dwellings shall be 1 acre except 6,000 square feet inside an unincorporated community boundary where public sewer and water service is provided. No main building, including dwellings, shall occupy more than 30% of the lot area.
- (F) OPEN STORAGE.
  - (1) All yard areas, exclusive of those required to be landscaped as provided in Section 171.060(G), may be used for materials and equipment storage areas related to a use permitted in the P zone, provided such area is screened so it cannot be seen from public roads, or from dwellings on property in other zones.
  - (2) The surface of open storage areas, including automobile and truck parking area shall be paved or graveled and maintained at all times in a dust-free condition.
- (G) LANDSCAPING. The area within 20 feet of a street shall be landscaped. As a condition of approval for a conditional use additional landscaping may be required if necessary to make the use compatible with the area.

- (H) PERFORMANCE STANDARDS. No land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality.
- (I) SEWAGE DISPOSAL. Demonstrate that the development will not exceed the existing carrying capacity of the local sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.
- (J) TRAFFIC ANALYSIS. Demonstrate that the development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis, approved by the Marion County Department of Public Works, may be required prior to building permit approval.

The standards in 171.060 (A) through (H) will apply when applicant submits application for building permits on the subject property. Demonstration of the standards in (I) and (J) were covered above and conditions of approval are proposed to address these standards.



## EXHIBIT B

The Marion County Board of Commissioners adopts the following conditions in ZC/CP/CU 09-9/Chemeketa Community College and Lucas Land Company.

### CONDITIONS OF APPROVAL:

Pursuant to the Marion County Zone Code 17.123.070, the following conditions apply to the P (Public) zoning granted in this action. These conditions are reasonably related to the specific development proposed, will serve the public interest of reducing land use conflicts, and are based upon standards adopted by the County. The P zoning significantly intensifies the use of the land. The conditions are necessary for the public health, safety and welfare.

1. The applicants shall meet the following conditions to the satisfaction of the Marion County Public Works Land Development, Engineering, and Permits Division. The requirements shall be met to the department's satisfaction.
  - A. The number of trips attributed to the parcel associated with the zone change shall be limited to 1,056 per day as proposed in the TIA.
  - B. Left-turn refuges are warranted on Brooklake Road NE at the project driveway, and at the intersection with Pueblo Avenue NE. The applicant shall design and construct a continuous two-way left-turn lane to accommodate both locations that begins at a point 25-feet west of Pueblo Avenue NE continuing to a point 100-feet east of the project driveway, with the appropriate tapers according to Marion County standards. This improvement shall be completed prior to the issuance of any certificate of occupancy on the subject parcels.
  - C. An eastbound right-turn lane is warranted on Brooklake Road NE at the intersection with OR99E. The applicant shall design and construct a 150-foot (full-width storage) eastbound right-turn lane, with appropriate leading tapers, at the Brooklake Road NE/OR99E intersection to Marion County and ODOT standards. This shall include all necessary signal modifications required to accommodate the improvement. This improvement shall be completed prior to the issuance of any certificate of occupancy on the subject parcels.
  - D. The proposed development will add traffic to the I-5 Interchange ramps and the Brooklake Road NE/Huff Avenue NE intersection, which exceed both Marion County and ODOT operating standards. A discussion of these intersections is included in a sub-area plan in the Marion County Rural Transportation System Plan (RTSP). The applicant shall contribute a proportionate share of the projects identified in the RTSP in the amount of \$30,500. The assessment is in 2009 dollars and will be adjusted by the Seattle Cost of Construction Index if the amount is collected in a later year, and does not include mitigation for the vested trips. The assessment will be collected at the time of building permits.
  - E. The applicant shall meet all requirements imposed by ODOT, as set forth in the letter from ODOT dated October 19, 2009.
  - F. Brooklake Road NE is classified as an Arterial, with a required right-of-way width of 68-feet or 34-foot half-width for an urban cross-section. Based on review of County Tax Assessor

Maps, there is a four (4) foot deficiency in width across the Tax Lot 062W17CA0900 frontage on Brooklake Road NE. The applicant shall dedicate sufficient right-of-way to provide the public dedicated right-of-way half-width of 34-feet.

- G. The applicant shall dedicate a 30-foot radius at the property line corner of the intersection of Brooklake Road NE and the east side of Pueblo Avenue NE.
- H. Pueblo Avenue NE is classified as a Local road, with a required right-of-way width of 60-foot or 30-foot half width. It appears that no additional width is required.
- I. Prior to the issuance of final occupancy permits, design and construct urban half-street improvements to Brooklake Road NE along their frontage in accordance with appropriate standards as directed by Public Works. This will include such elements as a 24-foot paved half-width, pavement re-striping, curb, gutter, curb line or property line sidewalk, transition tapers that may extend beyond the property lines, sign relocation, closed system drainage work, grading, landscaping, and whatever improvements are necessary on the north side to accommodate an adequate westbound travel lane and paved shoulder as determined by Public Works. This will be combined with the continuous two-way left-turn lane as required in condition B., above.
- J. Prior to the issuance of final occupancy permits, design and construct urban half-street improvements to Pueblo Avenue NE along their frontage from the intersection with Brooklake Road NE to a point coincident with the northern property line of the property addressed as #8860 Pueblo Avenue NE (Tax Lot 062W17CA01600) in accordance with appropriate standards as directed by Public Works. This will include such elements as a 17-foot paved half-width, curb, gutter, 5-foot sidewalk, transition tapers that may extend beyond the property lines, sign relocation, open and/or closed system drainage work, grading, landscaping, and whatever improvements are necessary on the west side to accommodate a 12-foot southbound travel lane. Improvements shall be required on the west side of Pueblo Avenue NE at the intersection with Brooklake Road NE to ensure that the intersection operates safely. This is anticipated to include curbing or other improvements within 100-feet of the intersection, including a corner radius sidewalk with an ADA-compliant pedestrian landing.
- K. Typically, the applicant would be required to construct street improvements along the entire property frontage. In lieu of constructing street improvements along the segment of Pueblo Avenue NE with frontage adjacent to Tax Lot 062W17C00800 (the 11.84-acre parcel at this time, the applicant shall enter into an agreement with Marion County to defer construction or funding of such improvements until such time as one of the following events occurs:
  - 1) The County causes or requires this segment of Pueblo Avenue NE be improve.
  - 2) Owners of the property adjacent to the west side of this segment of Pueblo Avenue NE are required to improve such segment of Pueblo Avenue NE.
  - 3) The applicant develops Tax Lot 062W17C00800 sufficient to require additional access, other than emergency access, from Pueblo Avenue NE to Tax Lot 062W17C00800.

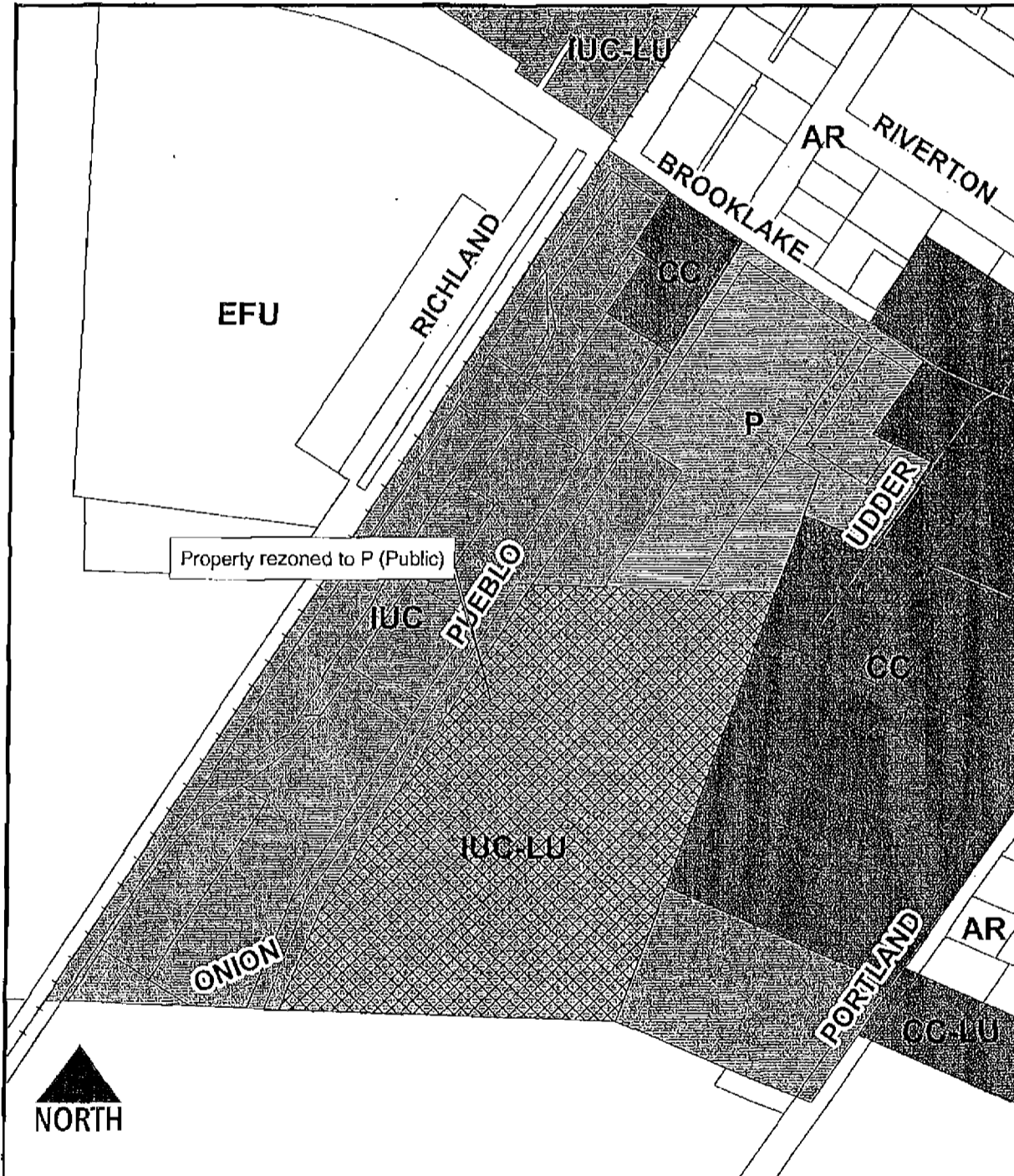
- 4) The applicant develops Tax Lot 062W17C00800 sufficient to exceed the proposed trip cap of 1,056 daily trips.

The applicant may, with Public Works Approval, construct additional urban street improvements on a portion of the west side of Pueblo Avenue NE and/or Brooklake Road NE, in consideration for a portion of the deferral agreement described above.

- L. Engineered design drawings are required for submission to and approval by Marion County Public Works for all improvements within public right-of-way. Marion County Major Construction Permits are also required. Utility relocations will likely be necessary, for which all or a portion of the cost to do so may be borne by the applicant. In addition, the acquisition of right-of-way and slope easements, and property owner coordination necessary to complete required improvements shall be the responsibility of the applicant.
- M. Pueblo Avenue NE from Brooklake Road NE to Walnut Street NE (the existing access), a length of approximately 300 feet, is a County-maintained road section. Pueblo Avenue NE from Walnut Street south to the road terminus is designated a Local Access Road as defined in ORS 368.001(3), and is not maintained by the County. The applicant is proposing to construct a full-street improvement on Pueblo Avenue NE (except for sidewalks on the west side) from Brooklake Road to the northern property line of the property addressed as 8860 Pueblo Avenue NE. If these improvements are completed to the satisfaction of the County, Public Works agrees to request that the Board of Commissioners take over jurisdiction of the newly improved portion of Pueblo Avenue NE from the northern property line of 8860 Pueblo Avenue NE north to where County maintenance begins (approximately 140 feet) after successful completion of the one-year warranty period. The portion of Pueblo Avenue NE south of the improvement will remain a Local Access Road) and maintenance will continue to be the responsibility of the adjacent property owners. The applicant shall provide evidence of a recorded Declaration of Covenants for Road Maintenance Agreement (RMA) regarding the portion of Pueblo Avenue NE designated as a Local Access Road, the repair and maintenance obligations of which may be prorated among adjacent property owners proportionate to their usage of such segment. Public Works needs to review, approve and sign the RMA prior to recordation. Please contact Tedd Joling at (503) 584-7714 for details.
- N. In accordance with Marion County Ordinance #651, access permits are required for any new access or change in use of the existing access to the public right-of-way. If this ZC/CP/CU is approved, the applicant will be required to apply for an "Access Permit". Driveways must meet sight distance, design, spacing, and safety standards. Up to one (1) new direct access from Pueblo Avenue NE could be approved; however, shared access is encouraged.
- O. The applicant is advised that construction of improvements on the property should not block historical or naturally occurring runoff from adjacent properties. Furthermore, site grading should not impact surrounding properties, roads, or drainage ways in a negative manner. The applicant shall submit a site drainage plan to demonstrate that there is no negative impact.
- P. The existing site already has a storm water master plan and multiple detention systems. County GIS data indicates the presence of a stormwater drainage trunk line traversing the property addressed as #8820 Pueblo Avenue NE. The referenced pipe is oriented parallel to and approximately 45 feet south of the northern property line. The applicant shall field verify the pipe location and dedicate a 15-foot wide drainage easement centered about the pipe.

EXHIBIT C

The following described property is rezoned from IUC-LU (Unincorporated Community Industrial - Limited Use Overlay) to P (Public) zone. ZC/CP/CU09-09/Chemeketa Community College and Lucas Land Co., LLC.



Marion County Planning Division  
555 Court St. NE, Room 2130  
PO Box 14500  
Salem, OR 97309

*Handwritten signature*

STATE OF OREGON LCDC  
DENNIS MILLER  
635 CAPITOL ST NE SUITE 200  
SALEM OR 97301-6033

ADDRESS  
SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



Hasler

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