



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: August 14, 2015
Jurisdiction: Polk County
Local file no.: CU 15-02 & PA 15-01
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/12/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

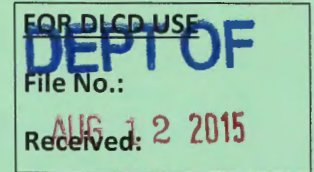
DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



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



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

Jurisdiction: Polk County

Local file no.: **CU 15-02 and PA 15-01**

Date of adoption: 8-5-2015

Date sent: 8/11/2015

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3-16-2015

No

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

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

No

Local contact (name and title): Austin McGuigan

Phone: 503-623-9237

E-mail: mcguigan.austin@co.polk.or.us

Street address: 850 Main Street

City: Dallas

Zip: 97338-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

Appendix F of the Polk County Comprehensive Plan was amended to include the Goal Exception for expansion of a school within three miles of an urban growth boundary.

For a change to a comprehensive plan map:

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

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

Location of affected property (T, R, Sec., TL and address): 17475 Bridgeport Road, Dallas, OR 97338 (T8S, R6W, Section 2

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

For a change to a zoning map:

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

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

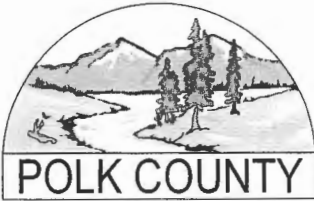
Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

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



POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE * DALLAS, OREGON 97338
(503) 623-9237 * FAX (503) 623-6009

AUSTIN M'GUIGAN
Director

NOTICE OF LAND USE DECISIONS

The Polk County Board of Commissioners approved the following applications:

APPLICATIONS:

The Polk County Board of Commissioners approved the following applications affecting an approximately 4.76 acre parcel located in the Exclusive Farm Use (EFU) and Public Education (PE) zones. These applications consist of the following:

1. Conditional Use Permit to expand an existing K-12 school, Luckiamute Valley Charter School, located at the Bridgeport School site in the EFU zone.
2. Comprehensive Plan Amendment consisting of an exception to Oregon Statewide Planning Goal 3 to permit the proposed multi-use facility with a design capacity of more than 100 occupants within 3 miles of the Falls City urban growth boundary.

APPLICANT: Lane Shetterly

OWNER: Luckiamute Valley Charter Schools

PROPERTY LOCATION: 17475 Bridgeport Road, Dallas, OR 97338 (T8S, R6W, Section 26, Tax Lots 501, 600, 700 and 801)

FILE NUMBERS: CU 15-02 and PA 15-01

REVIEW AND

DECISION CRITERIA: Polk County Zoning Ordinance Sections 119.070, 136.050(II), 136.060 and 136.065.

POLK COUNTY CONTACT: Austin McGuigan; Phone: (503) 623-9237, Fax: (503) 623-6009

The Board of Commissioners adopted ORDINANCE NO. 15-02 which includes findings in support of the conditional use permit and Comprehensive Plan amendment, and conditions of approval.

Ordinance 15-02, a copy of the file, all documents and evidence, and the applicable criteria are available for inspection at no cost and will be provided at the Community Development Department (Polk County Courthouse, 850 Main Street, Dallas, Oregon 97338) for the cost of copying.

Objectors may appeal to the Land Use Board of Appeals (LUBA) as provided by ORS 197.825 through 197.830. A decision may be appealed to LUBA within 21 days after the mailing of the decision. Contact LUBA (550 Capitol Street NE, Suite 235, Salem, Oregon 97310, 503-373-1265) for appeal procedures.

EFFECTIVE DATE: September 1, 2015. This conditional use authorization shall be effective only when exercised **within one (1) year** after the effective date of this land use decision. In case such right has not been exercised or extension obtained as allowed, the conditional use shall be void. A written request for an extension of time shall be filed with the Planning Director **at least 30 days** before the expiration of the approval, and shall extend the running of the one year period until the Planning Director has acted on said request.

Austin McGuigan, Planning Director

Date

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

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

8 In The Matter Of Plan Amendment PA 15-01 and)
9 Conditional Use CU 15-02 on an Approximately)
10 4.8 Acre Parcel in the Public Education and)
11 Exclusive Farm Use Zones at T8S, R6W, Section 26,)
12 Tax Lots 501, 600, 700 and 801.)
13
14

15 **ORDINANCE NO. 15-02**
16

17 **WHEREAS**, the Board of Commissioners held a public hearing on July 22, 2015 with
18 due notice of such public hearing having been given, and provided an opportunity for public
19 comments and testimony; and
20

21 **WHEREAS**, the Board of Commissioners received a recommendation in support of Plan
22 Amendment 15-01 and Conditional Use 15-02 from the Polk County Hearings Officer based
23 upon his public hearing and conclusions; and
24

25 **WHEREAS**, the Board of Commissioners received a recommendation in support of Plan
26 Amendment 15-01 and Conditional Use 15-02 from Polk County Planning staff based upon the
27 findings and evidence in the record; and
28

29 **WHEREAS**, the Board of Commissioners on July 22, 2015, publicly deliberated and
30 unanimously passed a motion to approve Plan Amendment 15-01 and Conditional Use 15-02;
31 now therefore,
32

33 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:**
34

35 Sec. 1. That Polk County adopts the findings and conditions of development for
36 Plan Amendment PA 15-01 and Conditional Use 15-02 found in the Hearings Officer's
37 recommendation as shown on Exhibit A.
38

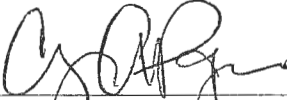
39 Sec. 2 That Polk County adopts, as part of the Polk County Comprehensive Plan,
40 an exception to Oregon Statewide Planning Goal 3 for the subject property. Polk County amends
41 Appendix F of the Comprehensive Plan to include the Goal exception findings as shown on
42 Exhibit B.
43

1 Sec. 3. An emergency is declared, and the provisions of this ordinance become
2 effective upon its adoption.

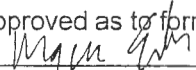
3
4 Dated this 5th day of August, 2015 at Dallas, Oregon.

5
6 POLK COUNTY BOARD OF COMMISSIONERS

7
8 
9 _____
10 Mike Ainsworth, Chairman

11
12 
13 _____
14 Craig Pope, Commissioner

15
16 
17 _____
18 Jennifer Wheeler, Commissioner

19
20 Approved as to form:
21 
22 _____
23 Morgan Smith
24 County Counsel

25 First Reading: August 5 2015
26 Second Reading: N/A
27 Recording Secretary: Himmel

RECEIVED
JUN 08 2015

EXHIBIT A

POLK COUNTY
COMMUNITY DEVELOPMENT

BEFORE THE PLANNING DIVISION
FOR POLK COUNTY, OREGON

In the Matter of the Application of)
Luckiamute Valley Charter Schools)

Conditional Use 15-02
Plan Amendment 15-01

SUMMARY OF PROCEEDINGS

This matter arose on the application of Luckiamute Valley Charter Schools, Bridgeport Site, to expand an existing K-8 school, Bridgeport School Site, for an amendment to the Polk County Comprehensive Plan (PCCP) amendment for a multi-purpose building with a design capacity of more than 100 occupants within three miles of an urban growth boundary. The subject parcel contains approximately 4.8 acres. The original school site consists of one acre (tax lot 600) now zoned Public Education (PE) and the surrounding 3.76 acres (tax lots 501, 700 and 801) are zoned Exclusive Farm Use (EFU). The application was submitted and deemed complete on February 11, 2015.

The subject parcel is located at 17475 Bridgeport Road, Dallas, Oregon 97338, and is legally described as T8S, R6W, Section 26, tax lots 501, 600, 700 and 801, and is owned by Luckiamute Valley Charter Schools. The applicable review and decision criteria are Polk County Zoning Ordinance (PCZO) 115.050, 119.070, 136.050(II), 136.060 and 136.065. The proposed school expansion would occur on Tax Lot 501 within the EFU zone. The Luckiamute Valley Charter Schools Bridgeport School includes the original one-acre site (Tax Lot 600) designated as Public Lands under the PCCP and zoned Public Education (PE) and an additional 3.76 acres (adjacent Tax Lots 501, 700 and 801) designated as Agriculture under the PCCP and zoned EFU. Tax Lot 600 contains the main school classroom building and three modular classroom buildings with a total of eight classrooms and a covered play-shed, and Tax Lot 700 contains a modular office building.

The school property was the subject of two land use actions in 2014: A Polk County Planning conditional use approval (CU 14-07) that authorized the siting of the modular office building on Tax Lot 700; and, a property line adjustment approval (LLA 14-38) which added the area now identified as Tax Lot 501.

Based on a review of Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, (FIRM) panel number 41053C0360F, dated December 19, 2006, the subject tract is located inside the 100-year floodplain of the Little Luckiamute River. Based on a review of the Polk County Significant Resource Areas (SRA) Map, the Little Luckiamute River is a significant fish bearing stream. According to the National Wetlands Inventory (NWI) Map, the Little Luckiamute River is also a riparian corridor. Based on the applicant's plot plan, the proposed multi-use facility would not be located within the riparian setback area. Any development activity that is identified as a conflicting use in PCZO 182.070(C) within 100 feet of the Little Luckiamute River (the riparian setback area) may be prohibited or require additional permitting. Staff recommended that the applicant contact the Polk County Planning Division prior to any development in proximity to that riparian setback area. There are no inventoried historic structures or Willamette River Greenway areas located on the subject property.

As indicated above, the subject property is designated Public Lands/Agriculture in the PCCP, and zoned PE/EFU. All surrounding properties are designated Agriculture and zoned EFU.

The subject tract has frontage on Bridgeport Road, a minor collector as defined in the *Polk County Transportation Systems Plan*. Water is provided by the Luckiamute Domestic Water Cooperative, and there is an on-site septic system.

Notice for this application and the public hearing before the Polk County Hearings Officer was mailed to area property owners and governmental agencies on April 29, 2015. The notice announced the Hearings Officer's hearing date of May 26, 2015. Notice of the hearing appeared in the Polk

County *Itemizer-Observer* newspaper on May 6, 2015. Notice was posted on the subject tract on May 4, 2015. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on March 16, 2015. Notification was provided pursuant to Polk County Zoning Ordinance Chapter 111.340 through 111.370.

PRE-HEARING WRITTEN COMMENTS

No written comments were received prior to the public hearing.

PUBLIC HEARING

A duly advertised public hearing was held in the Polk County Courthouse on May 26, 2015. There were no objections as to notice, jurisdiction, or conflict of interest. Staff recited the applicable review and decision criteria, and recommended approval. The Hearings Officer announced that he had no personal interest in the outcome of the matter. Applicant was represented by its attorney, Lane Shetterly of Dallas, Oregon, who endorsed the staff report and recommendation. No one else appeared to testify on the matter. The Hearings Officer then declared the record closed, and adjourned the meeting.

Robert W. Oliver, Polk County Hearings Officer, presided. He was given authority by the Polk County Board of Commissioners to conduct the hearing and make a recommendation to the Board.

FINDINGS

(General)

The review and decision criteria for a PCCP text amendment are provided under PCZO) 115.050. Under this provision, the Hearings Officer conducts a public hearing pursuant to PCZO 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Board conducts a public hearing pursuant to PCZO 115.030 and makes a final local decision. The review and decision criteria for a conditional use are listed in PCZO 119.070, 136.050(II), 136.060, and 136.065. below.

PCZO 136.050(II)(3) provides:

New schools and the expansion of existing schools are subject to Section 136.060 and the following standards:

- A. Existing schools, not including those listed in subsection (2) of this section, may be expanded on the same tract, subject to other requirements of law. Enclosed existing structures within three miles of an urban growth boundary may not be expanded beyond the requirements listed in Section 136.065(A) and (B).**

The Applicant is requesting to expand an existing K-8 school, Luckiamute Valley Charter Schools Bridgeport School site, and a PCCP amendment for a multi-use facility with a design capacity of more than 100 occupants within 3 miles of an urban growth boundary (UGB). The subject area (Tax Lot 501, approximately 3.07 acres) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in CU 14-07. The subject property is located approximately 1.9 miles from the City of Falls City UGB.

According to the Applicant, the proposed multi-purpose building would have dimensions approximately 60 feet by 100 feet. With the additional classrooms in the proposed multi-purpose building, the total number of classrooms at Bridgeport School would be 10.

The proposed multi-purpose building site, as shown in Attachment A-3 of the Applicant's submission, is within the special flood hazard Zone A, as identified on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) panel number 41053C0260F, dated December 19, 2006. Preparation of the proposed multi-purpose building site may require non-structural development within the floodplain, such as filling, grading and excavation. Structural development would be subject to floodplain development standards. Applicant acknowledges that floodplain development standards will have to be met for any structural and non-structural development within the floodplain pursuant to PCZO Chapter 178, Floodplain Overlay Zone. Staff recommends, as a condition of approval, that floodplain development standards would be required to be met for any structural and non-structural development in the floodplain pursuant to PCZO 178.060(B)(4) addresses non-structural development within the floodplain, such as filling, grading, driveway construction, and excavation. PCZO 178.070 addresses general standards for development in the floodplain such as the construction of dwellings and accessory structures.

Based on a review of the Polk County Significant Resource Areas (SRA) Map, the Little Luckiamute River is a significant fish bearing stream. According to the National Wetlands Inventory (NWI) Map, the Little Luckiamute River is also a riparian corridor. Based on the applicant's plot plan, the proposed multi-use building would not be located within the riparian setback area. Nevertheless, a condition should state that any development activity that is identified as a conflicting use in PCZO 182.070(C) within 100 feet of the Little Luckiamute River (the riparian setback area) may be prohibited or require additional permitting. Staff recommends that the applicant contact the Polk County Planning Division prior to any development in proximity to that riparian setback area. There are no inventoried historic structures or Willamette River Greenway areas located on the subject property.

PCZO 136.050(II)(3) requires that the expansion of school facilities shall be on the same tract. In the decision for LLA 14-38, Polk County determined that the school had outgrown its current size on the approximately one acre parcel developed with the school buildings, and approved the property line adjustment to provide additional acreage to be utilized by the school. The proposed multi-purpose building would be located on the school tract. The requirements of PCZO 136.060 and 136.065(A) and (B) are addressed below.

The application complies with this criterion.

Expansion and UGB Proximity Standards:

- A. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34. [PCZO 136.065(A)]**
- B. Any enclosed structures or group of enclosed structures described in subsection (A) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010. [PCZO 136.065(B)]**

As noted above, Bridgeport School is located at 17475 Bridgeport Road, Dallas, Oregon. The subject area of the proposed school expansion (Tax Lot 501 approximately 3.07 acres) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in CU 14-07.

The existing school buildings on the PE-zoned portion of the school property are not subject to restriction under PCZO 136.065. The modular office building located on Tax Lot 700 was approved by the decision in CU-14-07.

The subject property is located approximately 1.9 miles from the City of Falls City UGB. The design capacity of the proposed multi-purpose building, with dimensions of 60 feet by 100 feet, would exceed 100 for all-school assemblies and activities; sports, physical education, recess and before-school and after-school activities; specialized classrooms; school kitchen facilities; and a staff room. The proposed building is not in a master plan approved under the provisions of OAR 660, division 34. As such, an exception pursuant to ORS 197.732 and OAR chapter 660, division 4 is required. The exception criteria are addressed below.

The proximity of the proposed multi-purpose building to the existing school buildings would constitute it as part of a single group of structures for the purpose of PCZO 136.065(B). A condition of approval should require the proposed multi-purpose building to be established substantially in the location and of the size proposed in the application (Attachment A of the staff report).

Subject to the exception required under ORS 197.732 and OAR chapter 660, division 4, addressed below, the application meets these criteria.

3. CRITERIA FOR NON-LEGISLATIVE PLAN AMENDMENTS. A non-legislative plan amendment may be approved provided that the request is based on substantive information providing a factual basis to support the change. It is the applicant's responsibility to provide the information necessary to determine if the request meets the pertinent criteria. [PCZO 115.050]

(A) Amendments to the Comprehensive Plan Map must meet one or more of the following criteria:

- (1) The Comprehensive Plan designation is erroneous and the proposed amendment would correct the error; or**
- (2) The Comprehensive Plan Designation is no longer appropriate due to changing conditions in the surrounding area; and [PCZO 115.050(A)(2)]**
- (3) The purpose of the Comprehensive Plan will be carried out through approval of the proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]**
 - (a) Evidence that the proposal conforms to the intent of relevant goals and policies in the Comprehensive Plan and the purpose and intent of the proposed land use designation.**
 - (b) Compliance with Oregon Revised Statutes, statewide planning goals and related administrative rules which applies to the particular property(s) or situations. If an exception to one or more of the goals is necessary, the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4 shall apply; and**
 - (c) Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land.**

This application does not propose to change the PCCP Map or underlying Agricultural PCCP designation. As discussed above in this report, the subject property is located approximately 1.9 miles from the City of Falls City UGB. As a result, there are not any applicable intergovernmental agreements pertaining to UGB's and urbanizable land applicable to this proceeding. The design capacity of the proposed multi-purpose building, with dimensions of 60 feet by 100 feet, would exceed 100 occupants for all-school assemblies and activities; sports, physical education, recess and before-school and after-school activities; specialized classrooms; school kitchen facilities; and a staff room. The proposed building is not in a master plan approved under the provisions of OAR 660,

division 34. As such, an exception pursuant to ORS 197.732 and OAR chapter 660, division 4 is required. If approved, the Goal exception must be included in the PCCP.

This conditional use request is specific to the subject property and does not establish a planning or zoning policy of general applicability. As a result, this proposal requires Polk County to make a quasi-judicial land use decision. There are no specific standards in the PCZO for including non-legislative (quasi-judicial) Goal exception findings in the PCCP. Typically, a quasi-judicial Goal exception is used to justify a change to a property's PCCP designation which also requires a change to the PCCP Map. As a result of that process a Goal exception is included in the PCCP in an appendix. However, due to the unique requirements in State law that require adoption of a Goal exception as part of a conditional use criterion, Polk County must include the Goal exception in the PCCP even though it does not change the PCCP Map. The Applicant provided the information necessary to determine if the request meets the pertinent criteria to approve the Goal exception. With an approved Goal exception, the conditional use activity would be consistent with the existing zoning designation and the existing PCCP designation. As this application does not propose to change the underlying Agricultural PCCP designation or the PCCP Map, PCZO 115.050(A) is not applicable to this request.

The Hearings Officer concludes that the application complies with PCZO 115.050.

(Goal Exception)

As noted above, this application requires an exception to the UGB proximity standards under PCZO 136.065(A), pursuant to ORS 197.732 and OAR chapter 660, division 4, and a corresponding PCCP amendment to allow the proposed use, for the reason that the proposed multi-use structure would have a design capacity of greater than 100 people.

This application is based on a "Reasons Exception," under ORS 197.732(2)(c). ORS 197.732 is implemented through OAR 660, division 4. Reasons exceptions are governed by OAR 660-004-0020.

"The applicable Statewide Planning Goal to which an exception is required for this application is Goal 3, Agricultural Lands. Goal 3 provides that its purpose is "[t]o preserve and maintain agricultural lands."

OAR 660-004-0020 provides:

*"If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal * * * the justification shall be set forth in the comprehensive plan as an exception."*

OAR 660-004-0020(2) sets forth the four standards in Goal 2, Part II(c) as well as "general standards applicable to each of the factors." Under the rule, local government may adopt an exception to a goal when the following standards are met:

- A. Reasons justify why the state policy embodied in the applicable goals should not apply. The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.**

Reasons that meet the foregoing criteria for an exception to Goal 3 include that "[t]he proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." OAR 660-004-0022(1)(c).⁴

⁴ This reason is one of three reasons listed under OAR 660-004-0022(1) that may be used to justify a reasons exception. The reasons listed in the rule are illustrative, and not exclusive, as the rule states: "Such reasons *include but are not limited to*" the reasons listed in the rule.

The subject area (Tax Lot 501, approximately 3.07 acres in size) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Conditional Use CU 14-07.

The new multi-purpose building is proposed for the purpose of meeting several needs of Bridgeport School, including the need for a single facility with sufficient space to accommodate all-school assemblies and other school events, including athletics, for which there is presently no indoor space. Currently, all-school assemblies can only be held outside, which limits such assemblies to days when the weather permits such gatherings. There are no indoor athletic, school recess or physical education facilities for the school, which the proposed building would provide. The building would include additional space for specialized (i.e., not general education) classrooms, but is not designed or intended to increase the current projected enrollment capacity of the school. The building would include kitchen facilities for food preparation as part of Applicant's planned "Farm to School" program, utilizing locally produced farm products in its school meal service. The facility would also provide space for a staff room for the school, and provide an enclosed space for before-school and after-school activities for students. Consistent with its role as a rural school, the building would also be available for limited use by the rural community, for such activities as adult education and recreation.

According to the Applicant, the proposed multi-purpose building is integral to the school program and services that the school provides. The Applicant states that it would be utilized daily – before, during and after school, by students and staff, who would come and go between it and the existing school buildings on the school property. The school property is surrounded by resource lands that are predominantly used for agricultural and rural residential uses. (See the expanded vicinity map attached as Exhibit 3 of the Applicant's submittal). The only property in the vicinity of the subject property that is designated under the PCCP and zoned for school use is the Applicant's school property which is already fully occupied by the existing school buildings. There are no other parcels designated or available for school use in the vicinity of the subject property.

Staff confirms that the only other non-resource lands in the expanded area are Camp Kilowan and the Falls City Cemetery, both of which are occupied and unsuitable considering both distance and use for the multi-purpose building.

The Falls City UGB is 1.9 miles away.

It is reasonable to conclude that it would not be feasible to locate the proposed multi-purpose building on property away from the existing school property, necessitating the busing of students and staff to and from the building. The close proximity of the multi-purpose building to the existing classrooms and school buildings is essential to its function.

The application meets this criterion.

B. Areas which do not require a new exception cannot reasonably accommodate the use. The exception must meet the following requirements:

- (1) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;**
- (2) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:**

- (i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?
 - (ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?
 - (iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?
 - (iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?
- (3) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need only assess whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

Bridgeport School is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Polk County Conditional Use CU 14-07.

According to the Applicant, the proposed multi-purpose building is integral to the school program and services that the school provides. The Applicant states that it would be utilized daily – before, during and after school, by students and staff, who would come and go between it and the existing school buildings on the school property. The school property is surrounded by resource lands that are predominantly used for agricultural and rural residential uses. (See the expanded vicinity map attached as Exhibit 3 of the Applicant’s submittal). The only property in the vicinity of the subject property that is designated under the PCCP and zoned for school use is the Applicant’s school property which is already fully developed with the existing school buildings. There are no other parcels designated or available for school use in the vicinity of the subject property.

Staff confirms that only other non-resource lands in the expanded area are Camp Kilowan and the Falls City Cemetery, both of which are currently occupied and unsuitable considering both distance and use for the multi-purpose building.

Staff confirms that the nearest resource land that appears to be committed to non-resource uses is Bridgeport Community Chapel, 16930 Bridgeport Road, which is more than 3000 feet by road from the subject property and is currently occupied.

The Falls City UGB is 1.9 miles away from the subject property.

The proposed multi-purpose building is itself a public facility would be dedicated to uses associated with the Bridgeport School program. It is reasonable to conclude that it would not be feasible to locate the proposed multi-purpose building on property away from the existing school property so as to require busing students and staff to and from the building. The close proximity of the proposed multi-purpose building to the existing classrooms and school buildings is essential to its function.

Staff and the Hearings Officer agree with the Applicant that this general assessment of alternative areas is sufficient under OAR 660-004-0020(C) to demonstrate that “those similar types of areas in the vicinity could not reasonably accommodate the proposed use.”

The application meets these criteria.

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

The subject area (Tax Lot 501, approximately 3.07 acres) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Polk County Conditional Use CU 14-07.

Polk County previously determined in Conditional Use CU 14-07 that the surrounding properties are predominantly used for agricultural and residential uses. Staff confirms that those conditions continue to exist. The neighboring property to the north, east and west is under the ownership of Victoria Avery (described on the Assessment Map as T8S, R6W, Section 26, Tax Lot 500) and contains a mix of dense trees and open space. The Avery property is predominantly used for raising livestock, specifically cattle and sheep. Ms. Avery, as an applicant in Polk County Property Line Adjustment LLA 14-38, stated that the use of her property as a result of the property line adjustment and anticipated expansion of school facilities would not change. A review of uses on neighboring properties, outside the immediate vicinity of the subject property, indicates that the predominant use is farm use. Polk County previously determined in LLA 14-38 that the property line adjustment approved in that action would act as a buffer for the school to neighboring property uses. There is no new evidence to indicate that the area adjusted is not acting as a buffer for the school.

According to the Applicant, there is no alternative site – i.e., an alternative site that would also require a goal exception to build the multi-purpose facility – that would have any less environmental, economic, social or energy consequences from the existing and proposed use of the property. On the contrary, Bridgeport School has been operated on the school property as a rural school since the 1800s, without conflict between the school and surrounding uses. The Applicant contends, and staff agrees, that approval of this application and construction of the multi-purpose facility would not force a significant change in accepted farm or forest practices on surrounding lands. To locate the multi-purpose building on some other parcel requiring a Goal exception would require all new accommodations and measures to address the environmental, economic, social and

energy consequences of the school, while still leaving substantial impacts from the existing development in place on the school property. The Hearings Officer agrees.

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

The application meets this criterion.

D. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce the adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

The subject area (Tax Lot 501 approximately 3.07 acres in size) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Polk County Conditional Use CU 14-07.

As noted above, Polk County previously determined in Conditional Use CU 14-07 that the surrounding properties are predominantly used for agricultural and rural residential uses. Staff confirms that those conditions continue to exist. The neighboring property to the north, east and west is under the ownership of Victoria Avery (described on the Assessment Map as T8S, R6W, Section 26, Tax Lot 500) and contains a mix of dense trees and open space. The Avery property is predominantly used for raising livestock, specifically cattle and sheep. Ms. Avery, as an applicant in Polk County Property Line Adjustment LLA 14-38, stated that the use of her property as a result of the property line adjustment and anticipated expansion of school facilities would not change. A review of uses on neighboring properties, outside the immediate vicinity of the subject property, indicates that the predominant use is farm use. Polk County previously determined in LLA 14-38 that the property line adjustment approved in that action would act as a buffer for the school to neighboring property uses. There is no new evidence to indicate that the area adjusted is not acting as a buffer for the school.

According to the Applicant, the proposed multi-purpose building is intended primarily to serve the current and currently projected student enrollment, not to increase it. Bridgeport School has been operated on the school property as a rural school since the 1800s, without conflict between the school and surrounding uses. Staff and the Hearings Officer conclude that the school is compatible with other adjacent uses.

The application meets this criterion.

(Impact on Neighboring Lands)

GENERAL REVIEW STADARDS: To ensure compatibility with farming and forestry activities, the Planning Director or hearings body shall determine that the proposed use meets the following requirements:

A. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use. [PCZO 136.060(A)]

As noted above, Bridgeport School is located at 17475 Bridgeport Road, Dallas, OR, in T8S, R6W, Section 26. The subject area, being approximately 3.07 acres in size, is part of the EFU

portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in CU 14-07.

The Applicant is proposing to construct a multi-purpose building to provide indoor space for all-school assemblies and activities; sports, physical education, recess and before-school and after-school activities; specialized classrooms; school kitchen facilities; and a staff room. Consistent with its role as a rural school, the building would also be available for limited use by the rural community for such activities as adult education and recreation. The proposed building is intended to serve primarily the current and the currently projected student enrollment, and would not result in an increase in student enrollment beyond the current projection. The multi-purpose building would have dimensions approximately 60 feet by 100 feet. With the additional classrooms in the proposed multi-purpose building, the total number of classrooms at Bridgeport School would be 10.

As noted above, in the decision for CU14-07, Polk County determined that the surrounding properties are predominantly used for agricultural and residential uses. The neighboring property to the north, east and west is under the ownership of Victoria Avery (described on the Assessment Map as T8S, R6W, Section 26, Tax Lot 500) and contains a mix of dense trees and open space. The Avery property is predominantly used for raising livestock, specifically cattle and sheep. Ms. Avery, as an applicant in LLA 14-38, stated that the use of her property as a result of the property line adjustment and anticipated expansion of school facilities would not change. A review of uses on neighboring properties, outside the immediate vicinity of the subject property, indicates that the predominant use is farm use. Polk County determined in the decision for LLA 14-38 that the property line adjustment approved in that action would act as a buffer for the school benefitting neighboring property uses.

As stated above, the proposed multi-purpose building is intended primarily to serve the current and currently-projected student enrollment, not to increase it. Bridgeport School has been operated on the school property as a rural school since the 1800s, without conflict between the school and surrounding uses. Staff believes approval of this application and construction of the multi-purpose facility would not force a significant change in accepted farm or forest practices on surrounding lands. The Hearings Officer concurs.

The application complies this criterion.

B. The proposed use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. [PCZO 136.060(B)]

The Applicant is proposing to construct a multi-purpose building to provide indoor space for all-school assemblies and activities; sports, physical education, recess and before-school and after-school activities; specialized classrooms; school kitchen facilities; staff room; and additional restrooms for the school. Consistent with its role as a rural school, the building would also be available for limited use by the rural community, for such activities as adult education and recreation. The proposed building is intended to serve primarily the current and the currently projected student population, and would not result in an increase in student enrollment beyond the current projection.

The multi-purpose building would have dimensions approximately 60 feet by 100 feet. With the additional classrooms in the proposed multi-purpose building, the total number of classrooms at Bridgeport School would be 10.

In the decision for CU-14-07, Polk County determined that surrounding properties are predominantly used for agricultural and residential uses. Common agricultural practices may include spraying chemicals on crops, raising livestock and operating machinery. These activities may cause dust, noise and odors. The neighboring property to the north, east and west is under the ownership of Victoria Avery (described on the Assessment Map as T8S, R6W, Section 26, Tax Lot 500) and contains a mix of dense trees and open space. The Avery property is predominantly used for raising

livestock, specifically cattle and sheep. Ms. Avery, as an applicant in LLA 14-38, stated that the use of her property as a result of the property line adjustment and anticipated expansion of school facilities would not change. A review of uses on neighboring properties, outside the immediate vicinity of the subject property, indicates that the predominant use is farm use. In the decision for LLA 14-38, Polk County determined that the property line adjustment approved in that action would act as a buffer for the school benefitting neighboring property uses.

As stated above, the proposed multi-purpose building is intended primarily to serve the current and currently projected student enrollment, not to increase it. Bridgeport School has been operated on the school property as a rural school since the 1800s, without conflict between the school and surrounding uses. Staff believes that approval of this application and construction of the multi-purpose facility would not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use, and the Hearings Officer concurs.

The application complies with this criterion.

CONDITIONAL USE

Before granting a conditional use, the Hearings Officer or Planning Director shall determine:

A. That he or she has the power to grant the conditional use; [PCZO 119.070(A)]

Pursuant to PCZO 111.250(A) and 119.030, the Hearings Officer has the power to make a decision on conditional use permits.

B. That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zoning district; [PCZO 119.070(B)]

(1) EFU Purpose and intent. The purpose and intent of the Exclusive Farm Use (EFU) Zoning District is to conserve agricultural lands, consistent with the Goals and Policies of the Polk County Comprehensive Plan. This objective is achieved by establishing clear standards for the use and development of designated agricultural lands.

The Exclusive Farm Use Zoning District will be applied to lands defined as "agricultural lands" by Oregon Administrative Rule (OAR) 660-33-020(1). Within the Exclusive Farm Use Zoning District, the use and development of land is subject to review and authorization as provided by Polk County's land use regulations and as may further be indicated in State and federal laws. [PCZO 136.010]

The subject area (Tax Lot 501 approximately 3.07 acres in size) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Polk County Conditional Use CU 14-07.

Polk County has adopted clear standards for the use and development of designated agricultural lands which can be found in PCZO Chapter 136, Exclusive Farm Use. The expansion of school facilities is a use that can be permitted within the EFU zone. PCZO 136.050(II)(3) requires that the expansion of school facilities shall be on the same tract. In the decision for LLA 14-38, Polk County determined that the school had outgrown its current size on the approximately one acre parcel developed with the school buildings, and approved the property line adjustment to provide additional acreage to be utilized by the school. The proposed multi-purpose building would be located on the school tract. The requirements of PCZO 136.060 and 136.065(A) and (B) are addressed above and staff found that the Applicant has demonstrated compliance with those criteria. As noted above, this

application also requires an exception to the UGB proximity standards under PCZO 136.065(A), pursuant to ORS 197.732 and OAR chapter 660, division 4, and a corresponding PCCP amendment to allow the proposed use, for the reason that the proposed multi-use structure would have a design capacity of greater than 100 people. Those requirements are addressed above and the Applicant has demonstrated compliance with those criteria.

Polk County previously determined in Conditional Use CU 14-07 that the surrounding properties are predominantly used for agricultural and residential uses. Staff confirms that those conditions continue to exist. The neighboring property to the north, east and west is under the ownership of Victoria Avery (described on the Assessment Map as T8S, R6W, Section 26, Tax Lot 500) and contains a mix of dense trees and open space. The Avery property is predominantly used for raising livestock, specifically cattle and sheep. Ms. Avery, as an applicant in Polk County Property Line Adjustment LLA 14-38, stated that the use of her property as a result of the property line adjustment and anticipated expansion of school facilities would not change. A review of uses on neighboring properties, outside the immediate vicinity of the subject property, indicates that the predominant use is farm use. Polk County previously determined in LLA 14-38 that the property line adjustment approved in that action would act as a buffer for the school to neighboring property uses. There is no new evidence to indicate that the area adjusted is not acting as a buffer for the school.

According to the Applicant, the proposed multi-purpose building is intended primarily to serve the current and currently-projected student enrollment, not to increase it. Bridgeport School has been operated on the school property as a rural school since the 1800s, without conflict between the school and surrounding uses.

For the reasons above, Staff concludes that the school conditional use would be in harmony with the purpose and intent of the EFU zone, and the Hearings Officer concurs.

C. That such conditional use, as described by the applicant, complies with any specific provisions for such a use as provided by the zone or by Section 119.150. [PCZO 119.070(C)]

There are no special provisions for the proposed conditional use identified in PCZO 119.150 that are applicable to this application.

D. That the imposition of conditions is deemed 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. PCZO 119.070(D)]

In order to meet the requirements of this criterion, staff recommended the following conditions of approval that address required parking and loading facilities for the school expansion.

Off-street automobile parking requirements. Off-street automobile parking shall be provided as required by PCZO Section 112.270 and approved by the Planning Director in the amounts not less than those listed below: [PCZO 112.250(O)]

<i>Elementary or Junior High School:</i>	<i>2 spaces per classroom, plus off-street student loading and unloading facility</i>
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According to the Applicant, the school presently has eight classrooms serving students in the K-8 grades. As such, the current parking requirement under PCZO 112.250 is 16 spaces. The proposed multi-purpose building would include up to an additional two classrooms, increasing the parking requirement to 20 spaces. Parking and loading development standards are governed by PCZO 112.270. The property owner shall provide additional parking spaces if needed. No parking shall be allowed within a public right-of-way. As required by PCZO 112.260(B), one loading space at least 12 feet wide, 30 feet long, and 14 feet high, shall be provided for all buildings except residential buildings and those used entirely for office use; up to 2,000 square feet gross floor area, and one for

each additional 40,000 square feet of floor area. This standard requires the Applicant to provide at least one loading space. The Applicant would need to increase the parking and loading areas on the property as needed in order to ensure that there is adequate parking to serve all activities that would be occurring on the property.

Bridgeport School is presently served by a paved driveway from Bridgeport Road. The current paved parking area and bus loading area is shown by Attachments A-2 and A-3 of the Applicant's submittal. Construction of the proposed multi-purpose building would require compliance with the parking standards of the PCZO at the time of building permits. As required by PCZO 112.270, the parking and loading areas shall be surfaced in gravel, asphalt or concrete. The standard surface base is six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) inch minus or an alternative as approved by the Director of Public Works. Bumper guards or wheel barriers shall be installed so that no portion of a vehicle will project onto a public right-of-way or over adjoining property. All parking and loading areas shall be served with either separate ingress and egress driveways or with adequate turn-arounds sized and constructed to provide adequate ability for emergency service vehicles to turn around. The property owner shall meet all other applicable parking standards set forth in PCZO Chapter 112.

The Applicant is proposing to build a multi-purpose building. The new building would need to be located the minimum structural setback distance from all property lines as described in PCZO 112.430(A). The setbacks in the EFU zone are 30 feet from the front property line and 20 feet from the side and rear property lines. PCZO Chapter 182 designates a wetland and riparian setback from significant wetlands and riparian areas that ranges between 25 and 100 feet based on the size wetland or stream. Structural development in the riparian setback area is prohibited, and non-structural development is subject to the restrictions listed in PCZO Chapter 182. Staff recommended that the property owners contact the Polk County Planning Division prior to any development adjacent to the inventoried riparian area in order to determine if permits are needed. According to comments by the Polk County Environmental Health Division, the subject property currently has a septic system, but would need a septic permit if any additional structures are connected. Staff recommended a condition of approval that the applicant shall obtain all necessary Environmental Health permits.

Based on the Applicant's plot plan, the proposed structure could meet these minimum setbacks.

In order to minimize the risk of flood damage, a condition of approval should require the Applicant to obtain all necessary floodplain development permits for any structural or non-structural development in the floodplain pursuant to PZCO Chapter 178 Floodplain Overlay Zone. PCZO 178.060(B)(4) addresses non-structural development within the floodplain, such as filling, grading, driveway construction, and excavation. PCZO 178.070 addresses general standards for development in the floodplain such as the construction of dwellings and accessory structures.

A condition of approval should also require that prior to establishing the conditional use; the Applicant shall obtain all required local, State, and Federal permits. These permits may include, but are not limited to the following: septic permits from the Polk County Environmental Health Division; building, electrical, mechanical and plumbing permits from the Building Division; a new or amended access permit from the Polk County Public Works Department.

The above conditions are intended to ensure that the proposed conditional use meets the criteria of the application and does not significantly interfere with existing uses or with other permitted uses on nearby land. With the recommended conditions, the application complies with this criterion.

Pursuant to PCZO 119.140, the Hearings Officer, Planning Director, or Board of Commissioners may rescind any conditional use permit granted under the conditional use ordinance if it is ascertained that the application contains any false statements. In case of such rescission, the matter may be referred to County Counsel for an opinion. In such case, it shall be unlawful for any

person to exercise any right granted by the Hearings Officer, Planning Director, or the Board of Commissioners pursuant to such application.

Pursuant to PCZO 119.090, this conditional use authorization shall be effective only when exercised within one (1) year after the effective date of that conditional use, unless a longer period is specified or allowed by the Hearings Officer or Planning Director. In case such right has not been exercised or extension obtained as allowed, the conditional use shall be void. A written request for an extension of time shall be filed with the Planning Director at least 30 days before the expiration of the approval, and shall extend the running of the one year period until the Planning Director has acted on said request.

Pursuant to PCZO 119.100, discontinuance of the exercise of any right heretofore or hereafter authorized for any conditional use for a continuous period of six (6) months shall be deemed an abandonment of such conditional use.

CONCLUSION AND RECOMMENDATION

Based on the evidence submitted, staff and the Hearings Officer recommend APPROVAL of the proposed conditional use and Goal exception PCCP amendment by the Polk County Board of Commissioners. Staff recommended the conditions of development listed below in order to ensure that the proposed school expansion is consistent with the findings in the Review and Decision Criteria and as required by the PCZO and other provisions of law. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained listed above. Any modifications to conditions are subject to approval in accordance with provisions of law (variance, or subsequent land use application, etc.).

CONDITIONS OF DEVELOPMENT

1. The proposed multi-purpose building shall be established substantially in the location and of the size and function proposed in this application.
2. The Applicant shall obtain all required local, State, and Federal permits. These permits may include, but are not limited to the following: septic permits from the Polk County Environmental Health Division; building, electrical, mechanical, and plumbing permits from the Polk County Building Division; a new or amended access permit from the Polk County Public Works Department, and floodplain development permits from the Polk County Planning Division.
3. The Applicant shall provide sufficient parking and loading facilities to comply with the standards listed in PCZO 112.210 to 112.270. The property owner shall provide additional parking or loading spaces if needed. No parking or loading shall be allowed within a public right-of-way.
4. As required by PCZO 112.270, the parking and loading areas shall be surfaced in gravel, asphalt or concrete. The standard surface base is six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) inch minus or an alternative as approved by the Director of Public Works. Bumper guards or wheel barriers shall be installed so that no portion of a vehicle will project onto a public right-of-way or over adjoining property. All parking and loading areas shall be served with either separate ingress and egress driveways or with adequate turn-arounds sized and constructed to provide adequate ability for emergency service vehicles to turn around, and the property owner shall meet all other applicable parking standards set forth in PCZO Chapter 112.
5. The property owners shall obtain all necessary floodplain development permits for any structural or non-structural development in the floodplain pursuant to PZCO Chapter 178 Floodplain Overlay Zone. PCZO 178.060(B)(4) addresses non-structural development within the floodplain, such as filling, grading, driveway construction, and excavation. PCZO 178.070 addresses general standards for development in the floodplain such as the construction of dwellings and accessory structures.

6. The proposed structure located within the EFU zone shall comply with the setback standards of the EFU zone described in PCZO 112.430(A). Those setbacks are summarized as follows: front - 30 feet, side - 20 feet, and rear - 20 feet.
7. According to the National Wetlands Inventory (NWI) Map, and Polk County Significant Resource Areas (SRA) map the Little Luckiamute River contains riparian wetlands and is a significant fish bearing river. As a result, any development activity that is identified as a conflicting use in PCZO 182.070(C) within 100 feet of the top of the stream bank may be prohibited or require additional permitting. Staff recommends that the applicant contact the Polk County Planning Division prior to any development in proximity to that riparian area.-
8. This conditional use authorization shall be effective only when exercised within one (1) year after the effective date of this land use decision. In case such right has not been exercised or extension obtained as allowed, the conditional use shall be void. A written request for an extension of time shall be filed with the Planning Director at least 30 days before the expiration of the approval, and shall extend the running of the one year period until the Planning Director has acted on said request.
9. Discontinuance of the activity authorized for this conditional use for a continuous period of six (6) months shall be deemed an abandonment of such conditional use. The conditional use approval would then become null and void.

Dallas, Oregon, June 7, 2015.



Robert W. Oliver
Polk County Hearings Officer

EXHIBIT B

DATE: August 12, 2015

SUBJECT: Plan Amendment 15-01

PROPERTY ADDRESS: 17475 Bridgeport Road, Dallas, OR 97338 (T8S, R6W, Section 26, Tax Lots 501, 600, 700 and 801)

PROPERTY LOCATION: The subject property contains approximately 4.8 acres, and is located approximately 1.9 miles southeast of the Falls City Urban Growth Boundary (UGB) along Bridgeport Road.

REQUEST: The Applicant is requesting to expand an existing K-8 school, Luckiamute Valley Charter Schools Bridgeport School site with a conditional use and Comprehensive Plan amendment Goal exception in order to establish a multi-use structure with a design capacity of more than 100 occupants within 3 miles of an UGB. Bridgeport School is located at 17475 Bridgeport Road. The subject area (Tax Lot 501, approximately 3.07 acres in size) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is also part of the subject property, contains a modular office building that was approved by the decision in CU 14-07. The subject property is located approximately 1.9 miles from the City of Falls City UGB. PCZO 136.065(A) prohibits enclosed structures with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, in connection with the school use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34. The multi-use structure is not described in an adopted master plan.

CRITERIA: As noted above, this application requires an exception to the UGB proximity standards under PCZO 136.065(A), pursuant to ORS 197.732 and OAR chapter 660, division 4, and a corresponding Comprehensive Plan amendment to allow the proposed use, for the reason that the proposed multi-use structure would have a design capacity of greater than 100 people. This application is based on a "Reasons Exception," under ORS 197.732(2)(c). ORS 197.732 is implemented through OAR 660, division 4. Reasons exceptions are governed by OAR 660-004-0020.

The applicable Statewide Planning Goal to which an exception is required for this application is Goal 3, Agricultural Lands. Goal 3 provides that its purpose is "[t]o preserve and maintain agricultural lands."

OAR 660-004-0020 provides:

*"If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal * * * the justification shall be set forth in the comprehensive plan as an exception."*

OAR 660-004-0020(2) sets forth the four standards in Goal 2, Part II(c) as well as “general standards applicable to each of the factors.” Under the rule, local government may adopt an exception to a goal when the following standards are met.

A. Reasons justify why the state policy embodied in the applicable goals should not apply. The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.

Staff Findings: Reasons that meet the foregoing criteria for an exception to Goal 3 include that “[t]he proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.” OAR 660-004-0022(1)(c).⁴

Bridgeport School is located at 17475 Bridgeport Road, Dallas, OR, in T8S, R6W, Section 26. The subject area (Tax Lot 501, approximately 3.07 acres in size) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Conditional Use CU 14-07.

The new multi-purpose building is proposed for the purpose of meeting several needs of Bridgeport School, including the need for a single facility with sufficient space to accommodate all-school assemblies and other school events, including athletics, for which there is presently no indoor space. Currently, all-school assemblies can only be held outside, which limits such assemblies to days when the weather permits such gatherings. There are no indoor athletic, school recess or physical education facilities for the school, which the proposed building would provide. The building would include additional space for specialized (i.e., not general education) classrooms, but is not designed or intended to increase the current projected enrollment capacity of the school. The building would include kitchen facilities for food preparation as part of Applicant’s planned “Farm to School” program, utilizing locally produced farm products in its school meal service. The facility would also provide space for a staff room for the school, and provide an enclosed space for before-school and after-school activities for students. Consistent with its role as a rural school, the building would also be available for limited use by the rural community, for such activities as adult education and recreation.

According to the Applicant, the proposed multi-purpose building is integral to the school program and services that the school provides. The Applicant states that it would be utilized daily – before, during and after school – by students and staff, who would come and go between it and the existing school buildings on the school property. The school property is surrounded by resource lands that are predominantly used for agricultural and rural residential uses. (See the expanded vicinity map attached as Exhibit 3 of the Applicant’s submittal). The only property in the vicinity of the subject property that is designated under the Comprehensive Plan and zoned for school use is the Applicant’s school property which is already fully occupied by the existing school buildings. There are no other parcels designated or available for school use in the vicinity of the subject property.

Staff confirms that only other non-resource lands in the expanded area are Camp Kilowan and the Falls City Cemetery, both of which are occupied and unsuitable considering both distance and use for the multi-purpose building.

⁴ This reason is one of three reasons listed under OAR 660-004-0022(1) that may be used to justify a reasons exception. The reasons listed in the rule are illustrative, and not exclusive, as the rule states: “Such reasons include but are not limited to” the reasons listed in the rule.

The Falls City UGB is 1.9 miles away.

Staff finds it reasonable to conclude that it would be infeasible to locate the proposed multi-purpose building on property away from the existing school property, necessitating the busing of students and staff to and from the building. The close proximity of the multi-purpose building to the existing classrooms and school buildings is essential to its function.

The application meets this criterion.

B. Areas which do not require a new exception cannot reasonably accommodate the use. The exception must meet the following requirements:

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

Staff Findings: Bridgeport School is located at 17475 Bridgeport Road, Dallas, OR, in T8S, R6W, Section 26. The subject area (Tax Lot 501, approximately 3.07 acres in size) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Polk County Conditional Use CU 14-07.

According to the Applicant, the proposed multi-purpose building is integral to the school program and services that the school provides. The Applicant states that it would be utilized

daily – before, during and after school – by students and staff, who would come and go between it and the existing school buildings on the school property. The school property is surrounded by resource lands that are predominantly used for agricultural and rural residential uses. (See the expanded vicinity map attached as Exhibit 3 of the Applicant’s submittal). The only property in the vicinity of the subject property that is designated under the Comprehensive Plan and zoned for school use is the Applicants school property which is already fully developed with the existing school buildings. There are no other parcels designated or available for school use in the vicinity of the subject property.

Staff confirms that only other non-resource lands in the expanded area are Camp Kilowan and the Falls City Cemetery, both of which are currently occupied and unsuitable considering both distance and use for the multi-purpose building.

Staff confirms that the nearest resource land that appears to be committed to non-resource uses is Bridgeport Community Chapel, 16930 Bridgeport Road, which is more than 3000 feet by road from the subject property and is currently occupied.

The Falls City UGB is 1.9 miles away from the subject property.

The proposed multi-purpose building is itself a public facility would be dedicated to uses associated with the Bridgeport School program. Staff finds it reasonable to conclude that it would be infeasible to locate the proposed multi-purpose building on property away from the existing school property so as to require busing students and staff to and from the building. The close proximity of the proposed multi-purpose building to the existing classrooms and school buildings is essential to its function.

Staff agrees with the Applicant that this general assessment of alternative areas is sufficient under OAR 660-004-0020(C) to demonstrate that “those similar types of areas in the vicinity could not reasonably accommodate the proposed use.”

The application meets these criteria.

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

Staff Findings: Bridgeport School is located at 17475 Bridgeport Road, Dallas, OR, in T8S, R6W, Section 26. The subject area (Tax Lot 501, approximately 3.07 acres in size) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of

the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Polk County Conditional Use CU 14-07.

The County previously determined in Conditional Use CU 14-07 that the surrounding properties are predominantly used for agricultural and residential uses. Staff confirms that those conditions continue to exist. The neighboring property to the north, east and west is under the ownership of Victoria Avery (described on the Assessment Map as T8S, R6W, Section 26, Tax Lot 500) and contains a mix of dense trees and open space. The Avery property is predominantly used for raising livestock, specifically cattle and sheep. Ms. Avery, as an applicant in Polk County Property Line Adjustment LLA 14-38, stated that the use of her property as a result of the property line adjustment and anticipated expansion of school facilities would not change. A review of uses on neighboring properties, outside the immediate vicinity of the subject property, indicates that the predominant use is farm use. The County previously determined in LLA 14-38 that the property line adjustment approved in that action would act as a buffer for the school to neighboring property uses. There is no new evidence to indicate that the area adjusted is not acting as a buffer for the school.

According to the Applicant, there is no alternative site – i.e., an alternative site that would also require a goal exception to build the multi-purpose facility – that would have any less environmental, economic, social or energy consequences from the existing and proposed use of the property. On the contrary, Bridgeport School has been operated on the school property as a rural school since the 1800s, without conflict between the school and surrounding uses. The Applicant contends, and staff agrees, that approval of this application and construction of the multi-purpose facility would not force a significant change in accepted farm or forest practices on surrounding lands. To locate the multi-purpose building on some other parcel requiring a Goal exception would require all new accommodations and measures to address the environmental, economic, social and energy consequences of the school, while still leaving substantial impacts from the existing development in place on the school property.

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

The application meets this criterion.

- D. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce the adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.**

Staff Findings: Bridgeport School is located at 17475 Bridgeport Road, Dallas, OR, in T8S, R6W, Section 26. The subject area (Tax Lot 501 approximately 3.07 acres in size) is part of the EFU portion of the school property located in the EFU and PE zones. The PE zoned portion of the school property (Tax Lot 600) is approximately one acre and contains the main school building and three modular classroom buildings with eight existing classrooms and a covered play-shed. Tax Lot 700, which is part of the subject property, contains a modular office building that was approved by the decision in Polk County Conditional Use CU 14-07.

The County previously determined in Conditional Use CU 14-07 that the surrounding properties are predominantly used for agricultural and rural residential uses. Staff confirms that those conditions continue to exist. The neighboring property to the north, east and west is under the

ownership of Victoria Avery (described on the Assessment Map as T8S, R6W, Section 26, Tax Lot 500) and contains a mix of dense trees and open space. The Avery property is predominantly used for raising livestock, specifically cattle and sheep. Ms. Avery, as an applicant in Polk County Property Line Adjustment LLA 14-38, stated that the use of her property as a result of the property line adjustment and anticipated expansion of school facilities would not change. A review of uses on neighboring properties, outside the immediate vicinity of the subject property, indicates that the predominant use is farm use. The County previously determined in LLA 14-38 that the property line adjustment approved in that action would act as a buffer for the school to neighboring property uses. There is no new evidence to indicate that the area adjusted is not acting as a buffer for the school.

According to the Applicant, the proposed multi-purpose building is intended primarily to serve the current and currently projected student enrollment, not to increase it. Bridgeport School has been operated on the school property as a rural school since the 1800s, without conflict between the school and surrounding uses. Staff concludes that the school is compatible with other adjacent uses.

The application meets this criterion.

ADDRESS SERVICE
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Polk County Community Development

Polk County Courthouse
850 Main Street
Dallas, Oregon 97338



TO:

Department of Land Conservation and
Development, Plan Amendment Specialist
635 Capital Street NE STE 150
Salem, OR 97301

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AUG 12 2015

LAND CONSERVATION
AND DEVELOPMENT