

POLK COUNTY

COMPREHENSIVE PLAN

Polk County Community Development Department

Planning Division

2008 Planning Staff

Austin McGuigan, Planning Director
Jerry Sorte, Senior Planner
Dana Gibson, Assistant Planner
Coren Hale, Planning Technician
Autumn Hillebrand, Office Manager / Planner

2004 Planning Staff

Jim Allen, Planning Director
Austin McGuigan, Senior Planner
Rick Davisson, Planning Technician

2001 Planning Staff

Jim Allen, Planning Director
Austin McGuigan, Associate Planner
Kathleen Gotts, Planning Secretary

1995 Planning Staff

Arthur J. Schlack, Planning Director
Mark L. Fancey, Associate Planner
Chris R. Schmoyer, Assistant Planner
Marie B. Myers, Office Manager

1990 Planning Staff

Dale A. Jordan, Planning Director
David R. Perry, Associate Planner
Sandy Mathewson, Assistant Planner

1978 Planning Staff

E. Frank Wyckoff, Planning Director
Mitch Rohse, Deputy Director
Paul Bunn, Planner
Wayne Klem, Planner
Jim Owens, Planner
Doug Parrow, Planner
David M. Siegel, Planner
Pete Wall, Planner
Carolyn Plemons, Intern Planner
James Ramsden, Planning Technician
Ken Shwartz, Intern Planner

1978 Funding assistance was provided by the
Oregon Land Conservation and Development Commission

Graphic Assistance: Rowena Beer, Oregon State University
Mapping Assistance: Sara Leslie, Oregon State University

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TABLE OF CONTENTS

| | PAGE NUMBER |
|--|-------------|
| SECTION 1: BACKGROUND INFORMATION | 1 |
| History | 2 |
| Current Land Use | 5 |
| Planning Process | 7 |
| SECTION 2: POLK COUNTY COMPREHENSIVE PLAN | 10 |
| GOALS AND POLICIES | |
| A. Citizen Involvement | 11 |
| B. Agricultural Lands | 15 |
| C. Forest Lands | 17 |
| D. Natural Resources | 20 |
| E. Willamette River Greenway | 25 |
| F. Land Capability/Resource Quality | 26 |
| G. Recreational Needs | 29 |
| H. Economic Development | 32 |
| I. Unincorporated Communities Plan Element | 36 |
| J. Public Facilities and Services | 40 |
| K. Urban Land Development | 44 |
| L. Housing | 47 |
| M. Transportation | 50 |
| N. Energy Conservation | 51 |
| SECTION 3: COMPREHENSIVE PLAN MAP | 54 |
| SECTION 4: LAND USE DESIGNATIONS | 55 |
| Agriculture | 55 |
| Commercial | 55 |
| Forest | 55 |
| Industrial | 56 |
| Unincorporated Communities Commercial | 56 |
| Unincorporated Communities Industrial | 57 |
| Unincorporated Communities Residential | 57 |
| Quarry Sites | 58 |
| Willamette River Greenway | 58 |
| Rural Lands | 58 |
| Urban Reserve | 59 |
| Farm/Forest | 59 |
| Public | 60 |
| SECTION 5: PLAN EVALUATIONS AND UPDATE | 61 |

| | |
|---|-----------|
| SECTION 6: PLAN AMENDMENT PROCEDURES | 62 |
|---|-----------|

| | |
|---|-----------|
| SECTION 7: IMPLEMENTATION TECHNIQUES | 63 |
|---|-----------|

| | |
|--|--------------------|
| APPENDICES | PAGE NUMBER |
| A. Exception Statement | 66 |
| B. Resolution 86-9, Procedures for Making Quasi-Judicial Decisions on Land Use Matters | 102 |
| C. Definition of Terms | 111 |
| D. Salem Urban Area Comprehensive Plan | 114 |
| D.1 Legal Description of the Salem UGB within Polk County | 115 |
| E. Commercial Agricultural Justification Report | 138 |
| F. Goal Exception Findings | 150 |
| F.1 Goal Exception Findings – Unincorporated Communities | 241 |
| G. Unincorporated Communities Reports | 294 |
| H. Eola Unincorporated Community Report | 307 |
| I. Rickreall-Derry Unincorporated Community Report | 321 |

TABLES

| | |
|---|------------|
| 1. Potential for Receiving Dwelling Units in Lands No Longer Available for Farm Use | Appendix A |
| 2. Potential for Receiving Dwelling Units in "Lands Needed for Non-Farm Use" | Appendix A |

FIGURES

| | |
|----------------------------|---|
| 1. Location Map | 3 |
| 2. Land Use in Polk County | 6 |

PREFACE

This current addition of the Polk County Comprehensive Plan comprises the original text adopted in 1978 and all subsequent revisions through December 20, 1989. The Plan includes a series of Background Reports, segregated into thirteen (13) separate elements. These elements include: Citizen Involvement; Agricultural Lands; Forest Lands; Natural Resources; Willamette River Greenway; Land Capability and Resources Quality; Recreation; Population and Economics; Public Facilities and Services; Urbanization; Housing; Transportation; and Energy Conservation.

The reports provide an accounting of circumstances prevailing during the period they were authored (mid to late 1970's). Each of the reports was reviewed by city and County officials, planning commissions, affected agencies, special districts, citizen involvement groups and the public at large. The reports have been deposited in the Oregon State Library and each public library within the County. In addition, a copy is available for review in the Polk County Community Development Department at the Courthouse in Dallas. This document is the text of the Comprehensive Plan which sets forth goals and policies resulting from the background studies contained in the aforementioned reports. Together with the Comprehensive Plan Map, these goals and policies are intended to serve as a guide for land use planning and development in Polk County.

Included within this text are provisions for review, evaluation and update of the Plan and procedures for its amendment. And finally, the Implementation section of the Plan is a brief overview of techniques and tools available for carrying out Plan goals, policies and general intent.

The appendices in this text include a glossary of terms, the original "Exception" statement justifying the application of non-resource zoning in specific areas of the County

SECTION 1

BACKGROUND INFORMATION

HISTORY

Settlement patterns are most often the result of physical limitations that exist in the area, such as climatic conditions, geology and availability of water. Such is the case in Polk County. Large areas of the County are geologically unsuitable for either agricultural or residential uses. Seasonal water shortages and soils of marginal value characterize the majority of the County's land area. The following discussion provides a brief historical sketch of the County and illustrates the effect of settlement patterns upon present-day Polk County. Only a few of the more important historical events have been addressed.

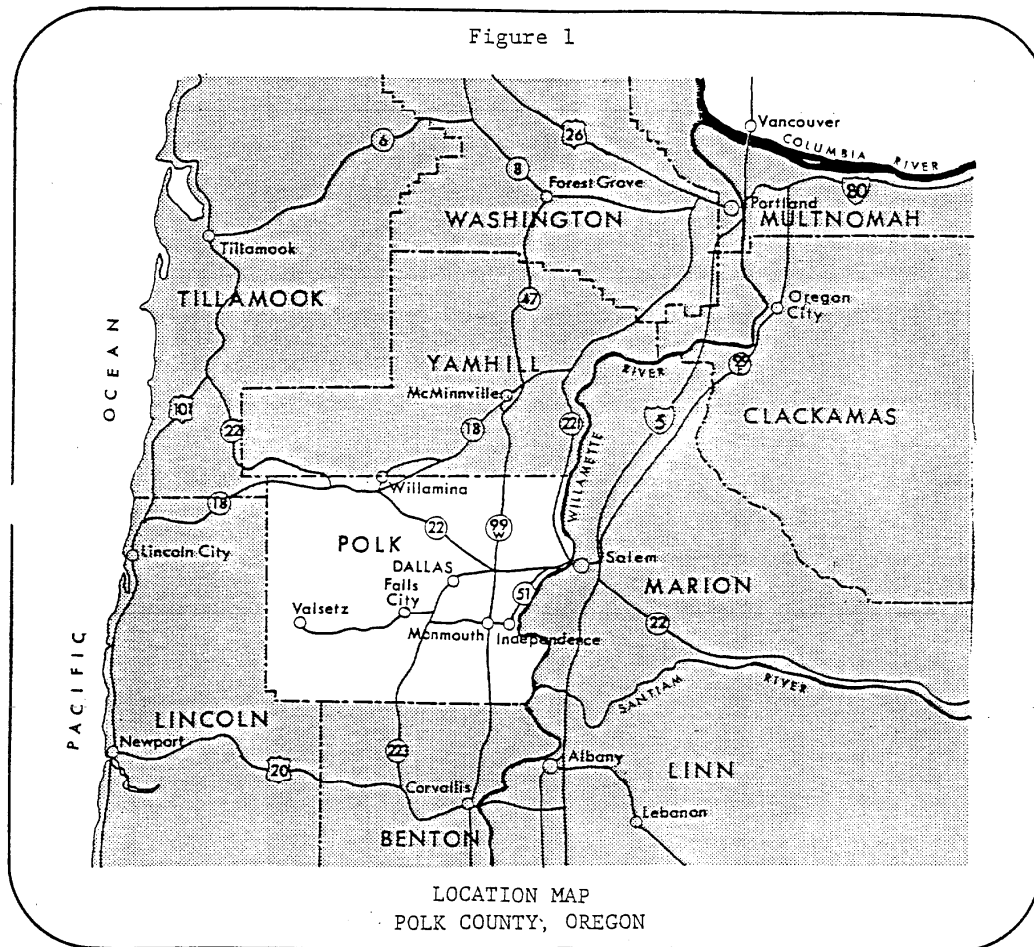
Polk County was created from Yamhill District on December 23, 1845, producing a county area which stretched from the Willamette River westward to the Pacific Ocean. Benton County was created from Polk County in 1847 and, in later years, Lane, Umpqua and Lincoln Counties were created from Benton County. In 1925, a small part of Polk County was transferred to Lincoln County. The present area of Polk County is 472,963 acres.

Hudson's Bay Company hunters and trappers had penetrated the Willamette Valley as far south as Polk County before 1830. Initial settlement of the Willamette Valley started with the establishment of Etienne Lucier's farm at the extreme northwest corner of French Prairie in 1829. French Prairie was colonized thereafter, during the 1830's and 1840's, by retired servants of the Hudson's Bay Company.

White people from the eastern United States began settlement of Polk County during the early 1840's, one settlement being made near the present site of Dallas. Jason Lee was actually the vanguard of this settlement, having established his mission at Wheatland on the east bank of the Willamette River in 1834.

The County seat was located at Cynthian (later Dallas) in 1850. A new courthouse was completed in 1860. This building was destroyed by fire in 1898 and the present courthouse was completed two years later, in 1900.

Figure 1.



Independence was named after Independence, Missouri by E.A. Thorp, a former resident of the Missouri city who platted the town in 1850. The founding of Independence was preceded by settlement of the site as early as 1845.

The city of Monmouth was founded in 1853 by settlers who moved here from Monmouth, Illinois. This group of settlers had arrived in the Willamette Valley in August, 1852 and spent their first winter at a point about three and one-half miles north-northeast of Rickreall. The present Western Oregon State College is descended historically from Monmouth University, founded by the early settlers in 1858.

Various small industries sprang up in Polk County during the period of pioneer settlement. Among them were grist and woolen mills. In the late 1840's, a grist mill was established at Ellendale and in 1852 one was established at Falls City but later moved to Rickreall. In 1865 a woolen mill was established at Ellendale at the site of the old grist mill but was later destroyed by fire. A woolen mill began operation in Dallas in 1896. What was reputedly the first pottery works in the Northwest was established at Buena Vista in 1865. Early products were housewares, but among later products was sewer pipe, a considerable amount of which was shipped to Portland. The plant closed in 1886 when the owner moved his operations to Portland.

After establishment of the Grand Ronde Indian Reservation in 1856 the remnants of the Willamette Valley Indian tribes as well as Indians from other parts of Oregon, were settled there. More than 1,000 Indians were on the reservation at one time during the 1860's. In 1908 there was a division of the reservation lands to the various Indians residing there at that time, but federal supervisory control over the last remnant of reservation land, some 500 acres, was not terminated until 1957. The Grand Ronde Agency had been terminated in 1925.

During its pioneer period, river navigation was Polk County's principal means of transport for goods produced in the County and for incoming supplies. River navigation was displaced after 1890 by railroads as the most important means of transporting goods to and from the County, although river boats were still operating as late as 1894.

It was during the period of stream navigation that the port of Lincoln attained prominence as a wheat exporting port on the Willamette. For a time, Lincoln was second only to Portland among Willamette River ports in the tonnage of wheat it handled.

Grains, cattle and sheep were among the more important of rural industries during the period after pioneer settlement in Polk County. A big change in the agricultural scene came in the 1890's with the introduction of two new crops - hops and Italian prunes. Prunes rapidly declined in importance after World War I when European prune orchards began to increasingly supply the European market. At one time there were nearly 4,000 acres of hops in the County, but this crop rapidly declined in importance after World War II, leaving only about 750 acres of hop cultivation in the County at the present time.

Polk County moved into a new era after about 1940 when influence from Salem was increasingly felt in the West Salem area. West Salem more than doubled its population between 1940 and 1950, rising from a 1940 population of 1,490 to a 1950 population of 3,053. The end of World War II and increased use of the automobile helped to bring this about. The increasing urbanization of this northeastern part of the County and its inclusion within the Salem metropolitan area are doing much to broaden the economic activity of the County.

CURRENT LAND USE

Polk County contains 739 square miles with 472,963 acres of land. Since the amount of available land is a constant which must be shared by ever increasing numbers of people, the manner in which the land is used is of critical importance to society. The development of strategies to best utilize the limited land available is among the most important tasks facing the people.

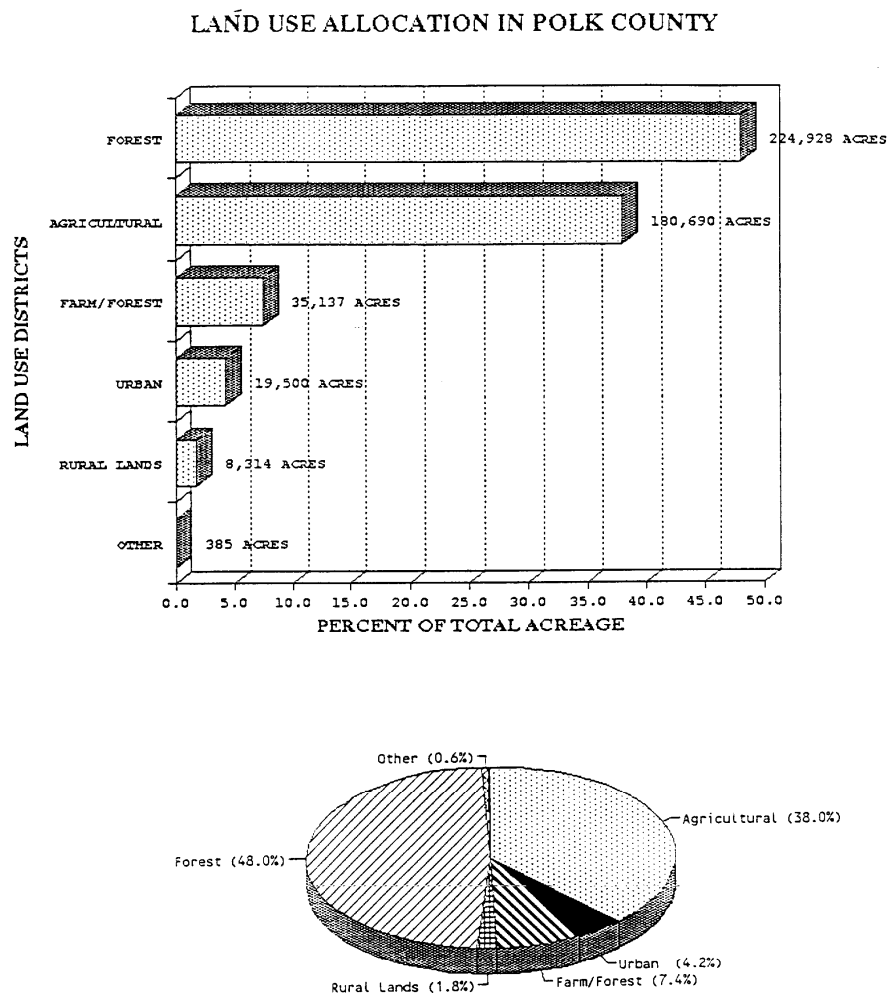
The existing land use pattern is one of the most important factors in any land use planning program. This pattern has been created and continually modified as people have settled in the County and as the area's economy has evolved. Trading centers have developed in response to the needs of the economy and, as transportation technologies have changed and needs for goods and services have been modified, a few of these centers have grown in importance. The importance of others has been reduced, and a few of them have virtually disappeared. As these forces continue to evolve; so will the pattern of land use. By anticipating these changes, the County can channel its development into areas where the financial and environmental costs can be reduced.

Agriculture and forestry have historically been central to the County's economy and the bulk of the land has been devoted to these activities. As the population has grown, these lands have been converted to residential and other urban uses and other lands have been threatened by these often incompatible uses. Between 1949 and 1974, the amount of land being used for agriculture decreased by 18 percent to 199,146 acres. Some of this decrease is a result of the conversion of agricultural lands to urban uses. As population pressures continue, additional agricultural lands will necessarily be lost through conversion. Polk County has allocated 183,700 acres or 39 percent of its total land area to agricultural use. This will protect and preserve the County's rural nature and will ensure that this key component of the economy will continue to function.

Almost half of Polk County's land area is allocated for the production of timber. As virtually all of this land is in the western half of the County away from population centers, there has not been a large amount of pressure to convert these lands to urban uses. There are approximately 217,000 acres of land in Polk County allocated for timber production. The bulk of these lands are in private ownership. Corporations own approximately 46 percent of Polk County's timber lands and other private industries own another 36 percent of these lands. The remaining lands which are under public ownership are owned by the federal government and are managed by the Bureau of Land Management. The U.S. Forest Service, the State Department of Forestry and Polk County each administer small portions of the remaining three percent of forest lands within the County.

Polk County does not face an extreme amount of pressure for high-density land uses. Less than four percent of the total land area is being used in this manner and this amount is not expected to be significantly increased. The limited growth that does occur will be around the cities of Dallas, Independence, Monmouth and Salem. There is, however, considerable pressure for the development of Polk County lands for low-density residential use. Although the amount of land devoted to this use is relatively small, in anticipation of future demands the County has allocated approximately two percent of its land area to this use. While much of this area is currently being used for agriculture, the lands are, in many cases, marginally productive.

Figure 2.



PLANNING PROCESS

PAST EFFORTS

In 1969, broad goals and objectives for comprehensive land use planning were established by ORS Chapter 215.515, becoming required interim goals under Section 48 of Senate Bill 10. In 1973, the Oregon Legislature adopted ORS Chapter 197 (Senate Bill 100) in order to provide for the development and review of coordinated local comprehensive plans and implementing ordinances. This legislation also created the Land Conservation and Development Commission (LCDC), charged with adopting statewide planning goals and guidelines to replace the interim goals. Following a period of extensive citizen involvement, the original 14 goals and guidelines were adopted on December 27, 1974. Goal 15 (Willamette River Greenway) was adopted on December 6, 1975 and Goals 16-19 (coastal goals) were adopted on December 18, 1976.

Polk County began its land-use planning efforts with the preparation of a preliminary comprehensive plan in 1964. Many of the recommendations set forth in the plan laid the basis for present day land use planning in the County. Senate Bill 10 required all jurisdictions to prepare and adopt land use plans and zoning by December 31, 1971 or show that reasonable progress toward development of a planning program being made. Zoning for the entire County was completed in July 1973 and the comprehensive land use plan was prepared in June, 1974.

With the passage of Senate Bill 100 in 1973, all jurisdictions preparing, revising or implementing comprehensive plans between the effective date of the statute, October 5, 1973 and December 31, 1975, were required to base these plans on land use goals set out in ORS 215.515. The June, 1974 Polk County Comprehensive Plan did not satisfactorily comply with these land use goals. Following further preparation by the County, the Board of Commissioners adopted Polk County Comprehensive Plan Policies and a Comprehensive Plan Map in December, 1975. Upon review of these policies, the Plan Map, and implementing ordinances and regulations, it was determined that these did not satisfactorily comply with the newly adopted statewide land use goals.

The preparation of this Comprehensive Plan began in January, 1977. It has been the untiring work of many Area Advisory Committee members, the Committee for Citizen Involvement, the Polk and West Salem Hills Planning Commissions and the Board of Commissioners which have resulted in the development of this Plan.

ROLE OF THE COMPREHENSIVE PLAN

The Comprehensive Plan for Polk County is the official policy guide for decisions on future physical development in the County. It is intended to be a statement of public policy for the guidance of growth, development and conservation of resources within the County. It is anticipated that this plan will provide for coordinated development of the County. It is hoped that it will fulfill the needs of each member of the community with respect to their health, safety and general welfare, insofar as it is practical to do so. This Comprehensive Plan is intended to serve as a basic reference to County government decision-makers and to the lay public who wish to have a better knowledge of the social, economic and physical environment of their County. The ultimate purpose of the Plan is to provide a body of sound information, public goals, criteria,

standards, policy guidelines and organizational structure that will enable Polk County to effectively manage the development of its lands and water both now and in the future.

This Plan is referred to as a Comprehensive Plan, rather than as a land use plan. This is because the Plan establishes goals and policies regarding activities other than land use activities. Goals and policies have been established in thirteen areas - citizen involvement, agricultural lands, natural resources, Willamette Greenway, land capability and resource quality, recreational needs, economic development, public facilities and services, urban land development, housing, transportation and energy conservation. These areas are addressed in recognition of their effect upon land use, and that if the Plan is to be reasonable and effective, public policies should be consistent and support one another.

Once adopted, the Comprehensive Plan becomes law. All related ordinances and regulations, and all planning-related decisions, must be in conformance with it under Oregon law. The Plan, however, allows for flexibility in decision making, as future circumstances are bound to change. As new information comes to light, objectives and priorities are altered, and goals and policies are modified, the Comprehensive Plan will change. Consequently, no fixed date is applied to the goals and policies made a part of the Plan. The time frame of the Plan is, and will remain, variable. The Plan is intended to influence and be responsive to change, rather than to restrict opportunities for change.

PROCESS

As previously mentioned, the plan update process began in January, 1977. It was decided to distribute the task among planning staff by topic area and to compile a series of background reports containing technical information and inventories of resources and current circumstances. Once a picture of current circumstances and available resources was developed, the process of identifying problems and areas of need could begin.

In March of 1977, the County planning staff and the Committee for Citizen Involvement determined that an initial public opinion survey was desirable. A questionnaire prepared that same month by the staff and the CCI initiated the Area Advisory Committees to the Comprehensive Plan update process. Input was sought for the Plan elements being prepared on agricultural lands, forest lands, natural resources and public facilities and services. Questionnaires were mailed to all members of Area Advisory Committees and other interested citizens, the results then tallied and discussed at individual Area Advisory Committee meetings. The questionnaire results were utilized during the drafting of the background reports and during early policy formulation.

For each of the technical background reports, an inventory of current circumstances was taken, and a preliminary analysis made. During this early inventory stage past publications were reviewed and public and private agencies were contacted for information germane to the topic at hand. After the information was compiled, draft background reports were prepared and distributed to citizen groups and public and private agencies for review and comment. Several of the technical reports (Agricultural, Natural Resources and Forestry) were reviewed by special subcommittees consisting of industry and agency representatives and Planning Commission members. Upon completion by staff of individual background reports, the CCI and all Area Advisory Committee members were advised of the availability of that Plan element. Local newspapers were utilized to inform the public. After a sufficient period for review, the Advisory

Committees discussed the Background Reports, and proposed policies drafted by staff based on the reports, at their monthly meetings.

Participation in the review of the Agricultural Lands elements consisted of a series of 15 meetings attended by 467 persons on the rezoning of AR-5 lands. The elements and proposed policies for forest lands, natural resources, public facilities and services and urbanization were reviewed in regular meetings of the Advisory Committees. Planning staff presented recommendations concerning the Willamette River Greenway in Polk County (as part of the Greenway element) to affected Advisory Committees in several special meetings during the month of October, 1977. Advertisements of these meetings were carried in all the County's newspapers and radio stations. Input received was made a part of the County's presentation before the Land Conservation and Development Commission.

The remaining elements of the Comprehensive Plan were reviewed by the Area Advisory Committees in a series of "town hall" meetings, held from March through June, 1978. Each "town hall" meeting concentrated on a particular set or sets of staff-proposed policies for the plan. The policies to be discussed were mailed to all AAC members prior to these meetings.

The Polk and West Salem Hills Planning Commissions reviewed each Background Report and set of proposed policies as each set was completed. In several instances, a special Planning Commission subcommittee was formed to review a specific element and set of proposed policies.

Planning staff compiled the comments received from citizen groups, townhall meetings, public and private agencies and planning commissioners, and prepared a set of draft policies to present before a public hearing. These restructured policies were printed in a newspaper format and were mailed out to each Area Advisory Committee member and placed in a number of public places for the general public to pick up and review before the hearing. The public hearing was held before the Polk County Board of Commissioners in July, 1978. The Board was presented with a packet of information containing all the input received by the planning staff from citizens and agencies regarding proposed Plan policies.

SECTION 2

POLK COUNTY COMPREHENSIVE PLAN

GOALS AND POLICIES

A. Citizen Involvement

Mission Statement

The mission of the Polk County Citizen Involvement Program is to direct and encourage active, broad based citizen participation on all aspects of land use planning in Polk County.



Vision Statement

The citizen involvement program is the cornerstone for sound land use planning in Polk County. The citizen involvement program complies with and successfully implements Statewide Planning Goal 1: Citizen Involvement. The citizen involvement program is an integral element in the Polk County Comprehensive Plan. The citizen involvement program expresses the firm commitment of the people and elected officials in Polk County to provide meaningful opportunities for citizens to participate in the planning and development of Polk County.

Through careful planning, competent administration and adequate funding, the citizen involvement program affords all citizens in Polk County – property owners, land use applicants and the general public with a range of opportunities to obtain current information, provide meaningful input into decisions and learn about the technical aspects of land use planning. A Committee for Citizen Involvement regularly advises the County Planning Commission and Board of Commissioners on all matters associated with citizen participation in land use planning in Polk County. Based on a schedule in the comprehensive plan, the citizen involvement program is periodically evaluated, and as needed, revised in order to respond to changing conditions and the needs of citizens in Polk County.

As a result of the citizen involvement program, county residents and the public are afforded opportunities to participate early and often in the adoption, amendment and implementation of the Polk County comprehensive plan and land use regulations. Citizens are able to judge the effect of proposed land use policies and actions on their properties, neighborhoods and communities. Public notice of county land use decisions, pending applications and Planning Commission and Board of Commissioner meetings and hearings are issued in a timely, understandable manner and are readily accessible through postings, regular mail and the county's web page.

As a result of adhering to the citizen involvement program, contentious land use proceedings are less likely to occur because citizens have participated in plan and ordinance development and therefore understand and support the standards and requirements for reviewing land use applications. This in turn promotes continued interest in land use planning in Polk County and means that there are fewer instances where neighbors and adjoining land owners have to bear the expense and hostility often generated by contested land use hearings and appeals.

Elements of the Polk County Citizen Involvement Program

The Polk County Citizen Involvement Program shall consist of the following elements:

1. Goals and Policies adopted by the Board of Commissioners.
2. The Citizen Involvement Committee appointed by the Board of Commissioners.
3. An Annual Implementation Plan approved by the Board of Commissioners.

Background

In 1973, the Oregon State Legislature adopted Senate Bill 100, and for the first time, citizen participation in the local decision-making process became mandatory. It is now the right of every citizen to be involved in the preparation of plans, to have his/her ideas considered by decision-makers, and to have decision-makers respond to these ideas on local land-use and comprehensive planning. It is also the responsibility of every citizen to exercise these rights.

A strong citizen involvement program is felt to be essential to the success of the Polk County planning process. During the development of the comprehensive plan, citizen involvement was at its zenith for maximum participation. There were seven area advisory committees fully functioning and active. Subsequently, the number of these committees dwindled to two, then to one and finally, for a few months, there weren't any that were active. In the late 1990s, reactivation of some of these committees, interest in providing an outreach to inform more interested citizens and direction from the Committee for Citizen Involvement directed that a review of the Citizen Involvement Goals and Policies be undertaken. Upon revision of the goals and policies, new program elements were adopted in order to implement the goals and policies. In 2007, liability risks to the County, associated with County recognized self-appointed committees, increased as a result of the uncertainty in land use planning created by Measure 37 (2004). Polk County undertook a review of the citizen involvement program in light of the liability risks with the objective of reducing liability while still providing an effective program. As a result of this review, existing program elements were modified and adopted implementing a system to allow groups to register with the Planning Division to receive County planning information in place of a system of County recognized area advisory committees. These "registered groups" are self-organized and not officially recognized by the Board of Commissioners.

In recognition of the necessity and value of participation by its citizenry in the local government decision-making process, Polk County adopts the following goals and policies:

GOALS and POLICIES

1. **GOAL 1. To provide for a wide range of opportunities for citizens to be involved in all public phases of the planning process in Polk County. For the purposes of the Polk County Citizen Involvement Program, the term "citizen" shall mean property owners, land use applicants and the general public.**
 - 1.1 Polk County will adopt and maintain a citizen involvement program that complies with Statewide Planning Goal 1 – Citizen Involvement.
 - 1.2 Private property rights of land owners and applicants for land use actions must be recognized as an important element in the land use planning process.
 - 1.3 Polk County will strive to permit those uses that have little or no impact on

neighboring properties without requiring a land use determination or limited land use determination.

- 1.4 Polk County will provide for a designated representative Committee for Citizen Involvement (CCI) to monitor, evaluate and make periodic recommendations on the structure and implementation of the Polk County citizen involvement program.
- 1.5 Polk County will provide notice to those citizens that may be affected by proposed and adopted land use decisions and actions including but not limited to: amendments to the comprehensive plan and implementing regulations, zone changes, land use determinations, variances, conditional use permits, dwelling approvals, land divisions and subdivisions.
- 1.6 Polk County will strive to encourage organizations, special districts, cities and affected local, state, tribal and federal government agencies to utilize the Polk County citizen involvement program to solicit and receive the views of the public concerning plans, programs and action affecting land use planning in Polk County.

2. GOAL 2. To make land use information readily available to the public in an understandable form and provided in a timely manner.

- 2.1 Polk County will prepare and make available to the public upon request clear and concise information reports, and supporting findings of fact and conclusions of law to citizens regarding County land use decisions and actions.
- 2.2 Polk County will, as required by law provide public notices of proposed and approved land use decisions that sufficient and concise information to enable citizens to provide timely, informed comments.
- 2.3 Polk County will employ a variety of methods to communicate land use information to citizens, government agencies and interested organizations including the news media, direct mailings, electronic means and public meetings, workshops and briefings.
- 2.4 Polk County will develop and employ a land use information and education program to increase the knowledge, awareness and understanding about all phases of land use planning in Polk County.

3. GOAL 3. To provide for an effective two-way communication on land use matters between citizens and Polk County officials, county departments and advisory bodies.

- 3.1 Polk County will provide information and procedures about how to communicate with the County Planning Commission, county staff and the Board of County Commissioners concerning County land use issues, decisions and actions.
- 3.2 Polk County will make available to the public timely responses from county staff, advisory bodies and elected officials regarding County land use actions and

decisions.

4. GOAL 4. To provide funding and staff support for the citizen involvement program.

- 4.1 Polk County will make reasonable effort to provide staff and possible financial resources to assist with implementation of the Polk County Citizen Involvement Program.
- 4.2 Polk County will provide notice and opportunity for the public and CCI to participate in the budget process concerning implementation of the Polk County Citizen Involvement Program.
- 4.3 Polk County will consider the interests and recommendations of the CCI regarding financial and staff support for the Polk County Citizen Involvement Program.

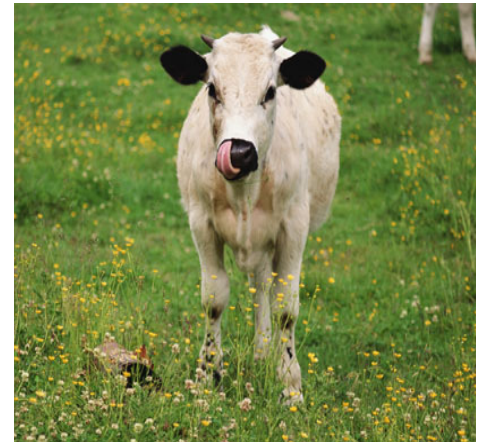
5. GOAL 5. To periodically evaluate and, as necessary, revise the citizen involvement program in response to changing conditions and needs of the citizens of Polk County.

- 5.1 On a time frame established by the Board of Commissioners, but not less than annually, the Committee for Citizen Involvement will prepare a report to the Board of County Commissioners evaluating the citizen involvement program and making any recommendations for changes or needed improvements.
- 5.2 Polk County's Citizen Involvement Program will contain evaluation criteria and procedures to guide the CCI and Board of Commissioners in evaluating citizen involvement in Polk County.
- 5.3 The CCI will submit an annual implementation plan to the Planning Commission for a recommendation to the Board of Commissioners. This plan will identify and prioritize items that will implement the adopted plan. This plan will be used in developing budget recommendations.

B. Agricultural Lands

Historically, farming has been a predominant activity in Polk County. Today, agriculture remains a focal point of activity and a major element in the county's economic viability. Nearly 206,900 acres or about 43 percent of the total land area has been designated for exclusive farm use.

In 1994, approximately 93,250 acres were devoted to crop production. Preliminary gross sales figures for 1994 show that total agricultural income in Polk County was a record high \$86.7 million - an increase of \$5.6 million over 1993. Specialty crops, in particular farm and forest products and Christmas trees, made up the largest segment of agricultural production with sales in excess of \$20 million or about 23 percent of all sales. Grass seed production remains an important component of the local agricultural economy accounting for more than \$18 million in sales in 1994 or about 21 percent of all sales. Livestock and animal production has declined from \$23 million in sales in 1992 to \$18.7 million in 1994.



Continued agricultural growth in Polk County is based on the effective management of water, a potentially scarce resource, and the development of unique and specialized agricultural products designed to target specific markets. Accordingly, because agriculture is so prevalent in and important to Polk County, the County establishes the following goal and policy statements:

GOALS

1. To preserve and protect agricultural lands within Polk County.
2. To diversify agriculture within Polk County.
3. To preserve and protect those resources considered essential for the continued stability of agriculture within Polk County.

POLICIES

1. Agriculture

- 1.1 Polk County will endeavor to conserve for agriculture those areas which exhibit a predominance of agricultural soils, and an absence of nonfarm use interference and conflicts.
- 1.2 Polk County will place lands designated as agriculture on the Comprehensive Plan Map consistent with Oregon Revised Statutes Chapter 215 and Oregon Administrative Rules Chapter 660, Division 33 in an exclusive farm use zoning district.
- 1.3 Polk County will apply standards to high-value farmland areas consistent with Oregon Revised Statutes Chapter 215 and Oregon Administrative Rules Chapter 660, Division 33.
- 1.4 Polk County will permit those farm and nonfarm uses in agricultural areas authorized by

Oregon Revised Statutes Chapter 215 and Oregon Administrative Rules Chapter 660, Division 33.

- 1.5** Polk County will discourage the development of nonfarm uses in agricultural areas.
- 1.6** Polk County will permit farm-related and non-farm residential use in agricultural areas consistent with Oregon Revised Statutes Chapter 215 and Oregon Administrative Rules Chapter 660, Division 33.
- 1.7** Polk County shall provide the opportunity to establish single-family dwellings on designated agricultural lands that comply with lot-of-record provisions established under state law, consistent with Oregon Revised Statutes, Chapter 215, and Oregon Administrative Rules, Chapter 660, Division 33.
- 1.8** Polk County will review all requests for the division of land in agricultural areas and will permit only those which meet the following criteria:
 - a. For farm parcels, the minimum parcel size is that acknowledged for Polk County by the Land Conservation and Development Commission (LCDC) on April 22, 1988 (88-ACK-347), consistent with Oregon Revised Statutes, Chapter 215.
 - b. For non-farm parcels, the proposed division is consistent with Oregon Revised Statutes Chapter 215 and Oregon Administrative Rules Chapter 660, Division 33 and complies with all applicable requirements of the zoning and partitioning ordinances.
- 1.9** Polk County will permit the extension of public services or utilities into agricultural areas only when such services or utilities are appropriately sized and necessary for agriculture, farm uses, or permitted nonfarm uses.
- 1.10** Polk County will cooperate with state and federal agencies and irrigators/farmers to increase the amount of irrigation available to County farmers.

C. Forest Lands

Forest lands are a major component of the landscape of Polk County. These lands comprise more than 271,300 acres or 57 percent of the total area of Polk County, including nearly all of the western half of the county. These forests are the source of raw materials for an industry - timber and forest products - that employed about 9 percent of the county's work force in 1993. Forest lands provide the watersheds necessary for municipal water supplies and recreation. Forests and woodlands are the principal habitat for big game and the spawning and rearing habitat for anadromous fish.



Today, however, Polk County and the State of Oregon face a major challenge from increasing demands for timber products, for outdoor recreation and for a quality environment. The steadily increasing demand for wood products will continue as population increases. Forecasts indicate that the demand for forest products will continue to increase through the end of the century. Although there is no question that Polk County has rich and renewable forest resources, these resources need to be carefully managed to meet future needs.

The importance of forest lands to the economic well-being and livability of Polk County is evident. They are certainly one of the County's most important resources. The role of forest lands in Polk County will continue to increase in the future. The preservation of prime forest land should be as important as the preservation of the rich farm land that exists in the county. In an effort to preserve, protect, and manage this resource, Polk County adopts the following goals and policies:

GOALS

1. To conserve and protect, and encourage the management of forest lands for continued timber production, harvesting and related uses.
2. To conserve and protect watersheds, fish and wildlife habitats, riparian areas and other such uses associated with forest lands.

POLICIES

1. Resource Preservation

- 1.1 Polk County will provide for the protection of productive forest lands. Designated forest lands will be areas defined as one of the following:
 - a. Predominately Forest Site Class I, II and III, for Douglas Fir as classified by the U.S. Soil Conservation Service;
 - b. Suitable for commercial forest use;
 - c. In predominately commercial forest use and predominately owned by public

- agencies and private timber companies;
 - d. Cohesive forest areas with large parcels;
 - e. Necessary for watershed protection;
 - f. Potential reforestation areas; and
 - g. Wildlife and fishery habitat areas, potential and existing recreation areas or those having scenic significance.
- 1.2** Polk County shall designate forest lands on the Comprehensive Plan Map consistent with Goal 4 and Oregon Administrative Rules Chapter 660, Division 6.
- 1.3** Polk County will place lands designated as forest land on the Comprehensive Plan Map consistent with Oregon Administrative Rules Chapter 660, Division 6 and Goal 4 in a timber conservation zoning district.
- 1.4** Polk County shall zone forest lands for uses allowed pursuant to Oregon Administrative Rules Chapter 660, Division 6. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in Oregon Revised Statute 527.722, Polk County shall allow in the forest environment the following general types of uses:
 - a. Uses related to, and in support of, forest operations;
 - b. Uses to conserve soil, water and air quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate for the forest lands;
 - c. Locally dependent uses such as communication towers, mineral and aggregate resources use, etc.;
 - d. Forest management dwellings as provided for in Oregon Administrative Rule 660-06-027; and
 - e. Other dwellings under prescribed conditions.
- 1.5** Polk County will permit new dwellings and structures on designated forest lands consistent with Oregon Revised Statutes Chapter 215 and Oregon Administrative Rules Chapter 660, Division 6.
- 1.6** Polk County shall provide the opportunity to establish single-family dwellings on designated forest lands that comply with lot-of-record provisions established under state law consistent with Oregon Revised Statutes, Chapter 215, and Oregon Administrative Rules, Chapter 660, Division 6.
- 1.7** Polk County will review all requests for the division of land in forest land areas and will permit only those which meet the following criteria:
 - a. For forest operations and practices, the minimum lot size will be at least 80 acres.
 - b. For non-forest parcels, the proposed division is consistent with Oregon Revised Statutes, Chapter 215, and Oregon Administrative Rules, Chapter 660, Division 6 and complies with all applicable requirements of the zoning and partitioning ordinances.
- 1.8** Polk County will encourage the conservation and protection of watersheds and fish and wildlife habitats on forest lands in Polk County in accordance with the Oregon Forest

Practices Act.

- 1.9 Polk County will discourage the construction of new roads within areas designated as forest lands, with the exception of secondary roads necessary for harvesting purposes.

2. Resource Management

- 2.1 Polk County will promote the efficient management of its timber resources to ensure a sustained yield of forest products, adequate grazing areas for domestic livestock, wildlife habitat, protection of watershed areas and the provision of recreational activities.
- 2.2 Polk County will pursue the efficient management of lands owned by the County and identified as forest lands.
- 2.3 Polk County will encourage the continued management of public forest lands in the County under the multiple-use and sustained yield concepts.
- 2.4 Polk County will promote the State Forest Practices Act as the model for forest practices on private lands in Polk County. Further, Polk County will urge the application of the policies and regulations of the Forest Practices Act to public forest lands where it is determined that these are more protective of the forest lands than existing policies and regulations.
- 2.5 Polk County will encourage the reforestation of cut-over timber lands and the forestation of marginal agricultural lands.
- 2.6 Polk County will encourage utilization of programs for small woodlot owners designed to promote efficient timber production.
- 2.7 Polk County will develop and maintain current information regarding forest land holdings, land use patterns, economic trends and tax assessment capabilities.

3. Recreational Use

- 3.1 Polk County will encourage access to forest lands having a high potential for recreational use.
- 3.2 Polk County will coordinate with land owners and governmental agencies to identify and designate areas for recreational vehicle use which minimize adverse impacts upon productive forest lands and domestic water sources.

D. Natural Resources

The overriding problem or need when considering the future of Polk County is to maintain the quality of life such that basic needs of an expanding population will be met and the County will continue to be a desirable place to live. The natural environment plays a major role in the quality of living and the maintenance of the environment thus becomes a major concern or need to which the County must respond.

The needs are to restore and preserve - to restore lost quality, and to preserve the remaining desirable resources. The solution to the problem is to make considered and knowledgeable choices between the alternatives for meeting needs, or if there are no choices, to lessen as much as possible adverse effects on the environment.

To accommodate the continuing dependence on natural resources while maintaining a desirable quality of life, Polk County has adopted these goals and policies.



GOALS

1. To conserve general and regulated open space in both rural and urban environments.
2. To conserve mineral and aggregate deposits for future extraction provided such deposits are not located on land for which the Comprehensive Plan designates a use that is not compatible with mineral and aggregate extraction.
3. To conserve fish and wildlife habitat, endangered species, and hunting and fishing resources.
4. To recognize and conserve natural areas when feasible.
5. To conserve and acquire, if necessary, elements of special visual or scenic value to County residents.
6. To conserve and manage water resources in order to maintain and protect water quality and quantity and to abate flood, erosion and sedimentation problems.
7. To conserve surface storage reservoir sites of ten areas or more until such time as they are either no longer determined to be feasible or the need for such projects no longer exists.
8. To conserve and acquire, if necessary, historically, archaeologically and culturally significant areas, sites, structures and objects in both rural and urban environments.
9. To locate, maintain and conserve existing trails.

POLICIES

1. Open Space

- 1.1 Polk County will cooperate with governmental agencies and special districts to protect

identified existing or potential regulated open spaces such as publicly owned lands, parks, cultural resources and trails.

2. Mineral and Aggregate

- 2.1** Polk County will permit extraction from mineral and aggregate resource sites only after public hearings have been held.
- 2.2** Polk County will require the reclamation or restoration of all lands subject to quarrying, excavation or strip mining.
- 2.3** When adequate information regarding the location, quality and quantity of mineral and aggregate resources becomes available, Polk County will make a determination of significance and, for significant sites, complete the Goal 5 process to provide a suitable level of protection to the resources site (Amended by Ordinance 91-34, dated September 25, 1991).

3. Fish and Wildlife

- 3.1** Polk County will cooperate with governmental agencies to conserve and protect identified fish and wildlife habitat.
- 3.2** Polk County will encourage the development of stocking programs for wildlife and fish in suitable habitats.
- 3.3** Polk County will continue to recognize the importance of riparian vegetation as fish and wildlife habitat as well as erosion, sediment and run-off control and shall protect it through implementing ordinances (Amended by Ord. 89-18, dated Dec. 20, 1989).
- 3.4** Polk County will recognize the value of fish and wildlife and protect identified significant (1-C) fish and wildlife resources through application of a significant resource areas overlay zone and implementing ordinance (Added by Ord. 89-18, dated Dec. 20, 1989).
- 3.5** Polk County will protect identified significant (1-C) bird nesting and habitat sites in accordance with the provisions of Chapter 182 of the Zoning Ordinance and the Sensitive Bird Sites ESEE analysis (Added by Ord. 89-18, dated Dec. 20, 1989).
- 3.6** If fish and wildlife resources, not identified on the County's Comprehensive Plan Map, are identified by the ODFW, the County or member of the public, the County shall consider the site for inclusion in the inventory of significant resource areas. If the County determines the resource site/area is significant, it shall be analyzed pursuant to applicable provisions of OAR 660-16 and, where prudent, given protection under pertinent Goal, Policies and Ordinance provisions of Polk County (Added by Ord. 89-18, dated Dec. 20, 1989).

4. Natural Areas

- 4.1** Polk County will consider the recommendations of the Nature Conservancy concerning natural areas of the County.

- 4.2 Polk County will cooperate with governmental agencies to conserve and protect identified natural areas.
- 4.3 Polk County will consider input from the Nature Conservancy when making land use decisions that affect scientifically or ecologically significant natural areas.
- 4.4 Polk County will regulate land use activities within significant natural areas in accordance with the Goal 5 management program indicated on the adopted Significant Natural Areas inventory sheet. All sites designated "3-A" or "3-C" shall be subject to applicable provisions of Chapter 182 of the Polk County Zoning Ordinance (Amended by Ord. 89-18, dated Dec. 20, 1989).
- 4.5 Polk County acknowledges the natural values associated with Hayden Island and further recognizes the potential conflicts between the existing aggregate operation and maintenance of a natural area at this location. The County shall, in conjunction with mineral and aggregate planning in 1990, review specific conflicts between these Goal 5 resources and complete the Goal 5 process relative to this proposed natural area (Added by Ord. 89-18, dated Dec. 20, 1989).

5. Scenic Resources

- 5.1 Polk County recognizes the value of the Van Duzer Corridor and the Willamette River Greenway and will designate these resources significant (1-C) and, because there are no conflicting uses, will encourage the protection of these resources through intergovernmental coordination and implementation of Statewide Goal 15, Willamette River Greenway (Amended by Ord. 89-18, dated Dec. 20, 1989).

6. Water Resources

- 6.1 Polk County will encourage the implementation of the water quality management plans of governmental agencies and may seek implementation measures at the County level that provide for the management of stream corridors, erosion, sedimentation and water quality.
- 6.2 Polk County will continue to cooperate with governmental agencies monitoring ground and surface water quality in order to not surpass the supportive capabilities of the resource.
- 6.3 Polk County will use drainage basin lines to delineate boundaries for studies relating to or affecting the carrying capacity of the County's land resources.
- 6.4 Polk County shall compile an inventory of wetlands and complete the Goal 5 process when adequate information pertaining to location, quality and quantity become available. In the interim, the County shall notify the Division of State Lands (DSL) and the Oregon Department of Fish and Wildlife (ODFW) in cases where land use actions may affect wetland resources. The expertise of the DSL and the ODFW shall be recognized in the protection of wetland resources and, when appropriate, County land use decisions may include measures, based on recommendations of the DSL and ODFW, to protect wetland resources (Added by Ord. 89-18, dated Dec. 20, 1989).

- 6.5** Polk County shall recognize the significance of municipal watershed areas and, in the course of decision making, recognize the important natural values of the watershed and prohibit any use which could potentially degrade water quality or contaminate municipal drinking waters (Added by Ord. 89-18, dated Dec. 20, 1989).

7. Reservoir Sites

- 7.1** Polk County will encourage a multiple use concept for proposed water storage projects.
- 7.2** Polk County will recognize the need to protect multiple use reservoir sites in the Plan and implementation measures and in public or private land use determinations subject to County review.
- 7.3** Polk County will encourage and cooperate with governmental agencies to identify, conserve and develop water sources on a long-range, multiple-use basis by encouraging studies and research of alternative projects as they arise.

8. Historical, Archaeological and Cultural Resources

- 8.1** Polk County will work with the Polk County Museum Commission, the Polk County Historical Society, the State Historic Preservation Office (SHPO) and other interested groups and individuals to encourage the preservation of identified sites of cultural, historic and archaeological significance (Amended by Ord. 89-18, dated Dec. 20, 1989).
- 8.2** Polk County will protect significant historic, archaeological and cultural resources by:
- a. Encouraging programs that make preservation economically possible;
 - b. Maintaining an inventory of significant historic, archaeological and cultural resources in the County; and
 - c. Developing and implementing a program to review and regulate activities which may impact historic, archaeological and cultural resources per Statewide Goal 5 and OAR 660-16 (Amended by Ord. 89-18, dated Dec. 20, 1989).
- 8.3** When adequate information becomes available, Polk County shall evaluate its 1-B historic resources for inclusion on the inventory or designation as a significant (1-C) resource and, where appropriate, provide protection under the County's Historic Resources Chapter of the Zoning Ordinance.

9. Recreation Trails

- 9.1** Polk County will cooperate with governmental agencies and interested citizens to protect identified recreation trails.
- 9.2** Polk County will encourage the protection of recreational trails with implementing measures and will recognize the importance of such uses in the Plan and private and public land use determinations subject to County review.

10. Energy Resources

- 10.1** The County shall encourage the use of solar energy in building and subdivision design

and shall further provide for adequate solar access through existing setback standards, minimum lot sizes and lot area coverage requirements. Solar energy shall be designated significant (1-C) and, because no conflicting uses exist, the County shall rely on existing regulations to protect the resource (Added by Ord. 89-18, dated Dec. 20, 1989).

E. Willamette River Greenway

The Willamette River Greenway as we know it today was enacted by the 1973 State Legislature in Oregon revised Statute 390.310 to 390.368. The overriding purpose of the Willamette River Greenway is to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River.



The intent of the Willamette River Greenway program adopted in the following goal and policies is to keep a majority of the lands along the river in private ownership while also protecting the public's right to enjoy the Willamette River as a vital resource.

GOAL

1. To protect, conserve, enhance and maintain the scenic, historical, agricultural, economic and recreational quality of land along the Willamette River.

POLICIES

- 1.1 Polk County will cooperate with governmental agencies and special districts to protect all Willamette River Greenway lands and resources.
- 1.2 Polk County will encourage the retention of streamside vegetation along the Willamette River.
- 1.3 Polk County will develop a Greenway implementation method that will include:
 - a. Locating the boundary on the zoning map and referring to it in the Zoning and Subdivision Ordinances;
 - b. Exclusive Farm Use zoning, floodplain zoning, open space zoning and other land use considerations; and
 - c. Provision in an ordinance for the review of intensification or change of use of developments to ensure their compatibility with the Willamette River.
- 1.4 Polk County will cooperate with the Forest Practices Officer in monitoring timber harvesting within the Willamette River Greenway boundary line.

F. Land Capability/Resource Quality

The increasing demands put upon the land, air and water of the County affect the capability of those resources to provide a clean, enjoyable and safe environment. As the population of Polk County increases, more land will be converted into housing sites and other intensive uses to serve the people.

Frequently, the "best" land upon which to build houses is good agricultural land. If we are to attempt to preserve farmlands, then land which is not suitable for farming will be utilized. To assure safe development of these lands requires careful analysis of any potential hazards related to the land uses proposed for these areas.

Other natural hazards, such as flooding and erosion, will tend to cause more damage and property losses as the areas subject to these hazards are urbanized. Floodplains traditionally have served as agricultural/open space uses, and should continue in this tradition. Pressures to develop erosion-prone and flood-prone areas are mounting, thus the need to carefully plan these lands.

Maintenance of high quality land, water and air resources for Polk County would suggest the establishment of the following goals and policies:

GOALS

1. To protect life and property from natural hazards and disasters.
2. To maintain and improve the quality of land resources in the county and affected regions.
3. To maintain and improve the quality of water resources in the county and affected regions.
4. To maintain and improve the air resource quality in the county and affected region.

POLICIES

1. Natural Hazards and Disasters

- 1.1 Polk County will cooperate with governmental agencies to protect life and property from natural hazards and disasters.
- 1.2 Polk County will review all proposed development in floodplains and may prohibit construction of habitable structures in designated floodplains.
- 1.3 Polk County will continue participation in the HUD Flood Insurance Program and will cooperate with governmental agencies in utilizing standards and procedures for protecting life and property from flood damage.

- 1.4 Polk County will require a geological hazards study before permitting developments of any kind in areas suspected of having slide potential and, if confirmed, will further require that the problem be corrected before construction.
- 1.5 Polk County will require a geological hazard study prior to the issuance of any construction permits for development on slopes greater than 30%.
- 1.6 Polk County will require a geological hazards study before permitting development of habitable sites suspected of being on a fault line and, if confirmed, not permit construction.

2. Land Capability and Quality

- 2.1 Polk County will continue to utilize the USDA Soil Conservation Service Soil Survey for general soil and land planning purposes.
- 2.2 Polk County will require properly designed protective measures for proposed land uses on sites that have severe use limitations according to the OR-1 Soil Survey Sheets.
- 2.3 Polk County may enact an ordinance to control erosion and sedimentation in subdivision development and both public and private roadway construction.
- 2.4 Polk County will cooperate with the State Forestry Department in the Administration of the Forest Practices Act.
- 2.5 Polk County will require that construction permits contain provisions to protect sites from erosion.
- 2.6 Polk County will support the concept and requirement of environmental impact review by the Environmental Protection Agency of all major development proposals.
- 2.7 Polk County will obtain and utilize information on the carrying capacity of Polk County's land resources from the Department of Environmental Quality and other appropriate agencies.
- 2.8 Polk County may conduct research on carrying capacity of Polk County's land resources when other data is not available.

3. Water Resources Quality

- 3.1 Polk County will cooperate with cities and governmental agencies to achieve high water quality as defined by State and Federal standards.
- 3.2 Polk County will work toward sound watershed management practices by authorizing in such areas only those land uses least likely to impair the quality of surface water runoff.
- 3.3 Polk County will support the water quality management plans and programs of governmental agencies by regulating land uses, encouraging improved treatment of point sources of pollution and controlling of non-point sources of pollution.

- 3.4 Polk County will cooperate with the DEQ in applying State laws and standards for evaluating potential septic tank drainfield sites in order to provide for public safety and high water quality.
- 3.5 Polk County will encourage development of water management systems to effectively reduce the problems of erosion, sedimentation, flooding and soil wetness.
- 3.6 Polk County will cooperate with designated agencies to develop erosion and sediment control standards and specifications for use by Polk County in connection with land development plans and the federal Water Pollution Control Act and Amendments.
- 3.7 Polk County will work closely with concerned citizens and agencies in promoting agricultural and other land use practices which reduce pollution of County water resources.
- 3.8 Polk County will obtain and utilize information on the carrying capacity of Polk County's water resources from the Department of Environmental Quality and other appropriate agencies.
- 3.9 Polk County may conduct research on the carrying capacity of Polk County's water resources when other adequate data is not available.
- 3.10 Polk County recognizes potential impacts to groundwater areas from underground storage tanks, storm drainage, chemical spills, residential on-site sewage disposal systems and other similar land uses. Potential impacts and measures to maintain groundwater quality will be considered in known problem areas through the local facilities review process and State agency coordination, when evaluating land use proposals (Ord. 92-4, Adopted May 13, 1992).

4. Air Resource Quality

- 4.1 Polk County will cooperate with the appropriate governmental agencies to achieve high air quality.
- 4.2 Polk County will consider meteorological factors such as seasonal prevailing wind direction and velocity when making land use decisions for proposed uses likely to pose a threat to air quality.
- 4.3 Polk County will apply, on a case-by-case basis, standards set forth in ORS 467.010 through 467.120 and OAR Chapter 340, Division 35 to control noise emissions which may adversely affect public health and welfare (Ord. 92-4, Adopted May 13, 1992).
- 4.4 Polk County will obtain and utilize information on the carrying capacity of Polk County's airshed from the Department of Environmental Quality and other appropriate agencies.
- 4.5 Polk County may conduct research on the carrying capacity of Polk County's airshed when other data is not available.

G. Recreational Needs

Until a few years ago, there was little demand for public or private recreational areas and facilities. Rural lands provided more than sufficient opportunity for recreational activities in the County. With increasing urbanization, however, there has come a steadily growing demand for parks and recreational facilities.

At present, there are 16 County parks in Polk County, totaling 207.91 acres. Adding those recreational facilities administered by municipalities, State and federal agencies, and private organizations and companies, there are more than 55,508 acres of land dedicated to park and recreational use in Polk County.



Recreation serves a variety of social and personal needs. It is a valuable County resource, the present system of parks and recreational facilities making Polk County an attractive place to live and work. This attractiveness will continue to depend greatly on the commitment of the County's citizenry and governmental officials to provide for recreational needs.

In an effort to meet the recreational needs of the citizens of Polk County, the following goals and policies have been adopted:

GOALS

1. To meet the recreational needs of the citizens of and visitors to Polk County.
2. To plan for, acquire, develop and manage park and recreation facilities to afford the maximum benefit to the greatest number of people.
3. To preserve, protect and acquire areas of special scenic, recreational and historic importance to the County's citizenry.

POLICIES

1. **Parks and Recreation Program**
 - 1.1 Polk County will provide recreational opportunities for all County residents with special considerations to the young, the aged and the handicapped.
 - 1.2 Polk County will identify the needs of County residents for parks and recreational facilities and programs, through an on-going planning process.
 - 1.3 Polk County will ensure that the acquisition and development of parks and recreation facilities be in general conformance with standards and priorities as developed by Polk County.

- 1.4** Polk County will provide a system of multi-purpose parks and recreation facilities for both active and passive recreation.
- 1.5** Polk County will ensure the health and safety of park and recreation facility visitors and employees by maintaining safe standards for operation, park facilities and working conditions, including renovation or improvement of deteriorating or outmoded facilities.
- 1.6** Polk County will provide for recreation activity programs and facilities designed to meet the needs of the areas represented by:
- a. Encouraging local communities to provide community parks and recreational facilities through the provision of technical expertise, assistance in securing funds, and assistance, where possible, in acquiring parks lands inside a mutually adopted urban growth boundary;
 - b. Developing rural parks in sufficient numbers and with appropriate spacing to serve the needs of County residents on sites which have unique aesthetic value, appropriate access, and are otherwise suitable for outdoor recreational activities; and by
 - c. Encouraging the development of school sites and park sites as contiguous units, whenever possible. Where appropriate, agreements should be made with school districts to ensure the provision, improvement and availability of activity rooms and athletic facilities at or adjacent to school sites.

2. Tourism

- 2.1** Polk County will promote park and recreational development designed to meet the needs of the tourist and regional population.

3. Funding and Acquisition

- 3.1** Polk County will:
- a. Attempt to acquire lands in advance of development, in order to avoid higher acquisition costs in the future;
 - b. Investigate devices, such as planned unit developments, revenue bonds, dedicated funds, user fees and open land tax policies, as means for providing for identified recreation needs;
 - c. Develop programs to encourage the donation of resources or means to meet identified recreation needs; and
 - d. Increase the level of those park and recreation programs which reduce maintenance costs, improve law enforcement and reduce vandalism.
- 3.2** Polk County will explore the possibilities of placing a share of the burden of park acquisition on developers of subdivisions within the County.

4. Planning and Management Roles

- 4.1** Polk County will utilize the resources of parks and recreation agencies to assist in planning and implementing recreation programs.

- 4.2** Polk County will request that governmental agencies developing recreation plans affecting the County provide for the review of these by the County.
- 4.3** Polk County will investigate the development of undeveloped County, State and federal lands, as potential parks and recreation facilities. Polk will also review all pieces of public property proposed for vacation, abandonment or sale for possible recreational usage.

5. Campsites

- 5.1** Polk County will encourage State and federal agencies, private organizations and recreation groups to provide overnight camping facilities, offering a variety of camping experiences from the primitive to the improved campground.

6. Trails

- 6.1** Polk County will encourage the cooperative development of a recreation trail system connecting cities, communities, parks and other points of interest.
- 6.2** Polk County will encourage the cooperative development of a system of scenic roads to enhance recreational travel and sightseeing.
- 6.3** Polk County will identify areas for recreational vehicle activity and restrict the use of these, so as to minimize the impact of such upon productive farm and forest lands, watershed, fish and wildlife habitats and areas of historic, cultural and/or scientific importance.

H. Economic Development

The economic vitality of the County is of interest to the majority of Polk County residents, for this vitality affects the way many of us lead our lives. There are a number of issues and problems which can affect this vitality which should be addressed through an economic strategy. The County's economy is largely based upon the agriculture and lumber and wood products industry, but our timber resources are gradually diminishing and both industries provide employment of a highly seasonal nature.



Polk County's municipalities are increasingly serving as bedroom communities for the Salem urban area. There are still the questions of whether or not to promote economic growth; and if so, where? Any industrial expansion will require the provision of adequate levels of services. What is the best way to stimulate private sector economic activity?

Polk County may engage in the development of an Overall Economic Development Program to serve as the basis for economic planning and future capital improvements programming, and to provide a strategy or "blueprint for action" with regard to economic growth. This program will be incorporated into the Comprehensive Plan to ensure the currency and coordination of land use and economic planning. Polk County establishes the following goal and policy statements:

GOALS

1. To achieve a rate or pattern of economic activity which; will relieve chronically high levels of unemployment and underemployment.
2. To provide an atmosphere conducive to economic activity with an emphasis on private sector activity.
3. To provide access to current social and economic trend information as it pertains to economic development in the region.
4. To avoid over-reliance on one industry.
5. To provide for and maintain a viable economy while preserving the present sense of community and high level of environmental quality.

POLICIES

1. **Employment and Job Training**

- 1.1 Polk County will favor the development of economic activities which will provide jobs able to utilize the skills of the local labor force.
- 1.2 Polk County will encourage the provision of economic opportunities in or near areas of

high unemployment.

- 1.3 Polk County will encourage the development of local job training programs for residents seeking employment.

2. Economic Planning

- 2.1 Polk County will obtain an adequate and accurate data base depicting social and economic conditions and trends.
- 2.2 Polk County will encourage those economic development projects which would be consistent with the predominant timber and agricultural character of Polk County.
- 2.3 Polk County may develop and maintain an Overall Economic Development Program through which:
 - a. Social and economic trend information may be evaluated;
 - b. Potentials and limitations for economic development may be identified;
 - c. Economic development goals and strategies and policies may be determined and amended; and
 - d. Implementation measures may be prepared.
- 2.4 Polk County will ensure citizen involvement in economic planning on a continuing basis through the Polk County Citizen Involvement Program (CIP).
- 2.5 Polk County will ensure that any Overall Economic Development Program is consistent with the County Comprehensive Plan. Upon preparation, it is intended that the Overall Economic Development Program be incorporated into the economic element of the County Comprehensive Plan.
- 2.6 Polk County will maintain the currency and usefulness of an Overall Economic Development Program by preparing an annual assessment and update of the data base and management program.
- 2.7 Polk County will further develop and maintain a current industry site survey file, providing information on topography, land capability, public services, transportation, surrounding land use and land use trends.
- 2.8 Polk County will coordinate and cooperate with relevant federal, State, regional and local government agencies in economic development planning.

3. Economic Development

- 3.1 Polk County will coordinate with public agencies and concerned citizens in encouraging a diversified economy and employment base in order to reduce or avoid reliance upon one sector of economic activity.

4. Land Use – Industrial

- 4.1 Polk County will encourage the development of industrial land uses within urbanized

areas or serviced industrial parks unless an industry specifically requires a rural site.

- 4.2 Within urban growth boundaries, Polk County will support the location of industrial uses in accordance with adopted intergovernmental agreements pertaining to urban growth boundaries and urbanizable land.
- 4.3 Polk County will allow rural industrial uses inside unincorporated communities and in appropriate rural industrial zones in rural areas.
- 4.4 Polk County will encourage the concentration of industries of similar types, performance characteristics and service needs.
- 4.5 Polk will require industrial uses to locate so as to minimize adverse social, economic and environmental impacts.
- 4.6 Polk County will require utilities such as power, water and waste disposal facilities are readily available and adequately sized prior to construction of industrial buildings or operating systems.
- 4.7 Polk County will recognize existing rural industrial uses outside of urban growth boundaries and unincorporated communities. The County will support the continued use of any lawfully established use that existed on (date this policy is adopted), as a use permitted outright and shall not classify the use as nonconforming.
- 4.8 Polk County will allow new rural industrial uses or expansion of existing uses consistent with Goal 14 in rural industrial zones outside of urban growth boundaries and unincorporated communities provided that:
 - a. The use is authorized under Goal 3 and Goal 4; or
 - b. The use is small in size and low impact; or
 - c. The use is significantly dependent upon a specific resource located on agricultural or forest land; and
 - d. The use will not have adverse impacts on surrounding farm and forest activities; and
 - e. The new or expanded use will not exceed the capacity of the site itself to provide adequate water and absorb waste water.

5. Land Use – Commercial

- 5.1 Polk County will encourage commercial uses to locate within existing municipalities, urban growth boundaries, unincorporated communities and existing rural commercial areas.
- 5.2 Within urban growth boundaries, Polk County will support the location of commercial uses in accordance with adopted intergovernmental agreements pertaining to urban growth boundaries and urbanizable land.
- 5.3 Polk County will recognize existing rural commercial uses outside of urban growth boundaries and unincorporated communities and will support the continuation of any lawfully established use that existed on (date this policy is adopted), as a use permitted

outright and shall not classify the use as nonconforming.

- 5.4** Polk County will allow new rural commercial uses or expansion of existing uses consistent with Goal 14 in rural commercial zones outside of urban growth boundaries and unincorporated communities provided that:
- a. The use is authorized under Goal 3 and Goal 4; or
 - b. The use is small in size and low impact; or
 - c. The use is intended to serve the needs of the rural area or the needs of the traveling public; and
 - d. The new or expanded use will not have adverse impacts on surrounding farm and forest activities; and
 - e. The new or expanded use will not exceed the capacity of the site itself to provide adequate water and absorb waste water.

I. UNINCORPORATED COMMUNITIES PLAN ELEMENT

The historic contribution of the 15 unincorporated communities within Polk County is well documented. Unincorporated communities were established as small towns and hamlets which were dependent on the local farm and forestry industries. At this time, local businesses in these small communities provided a vital service to residents and businesses. However, due to changes in the essential nature of farming and forest practices and the development of more efficient and affordable automobiles and highways, the focus of these communities as rural resource employment centers has shifted. As a result, many of the businesses that were once located in these communities have moved to larger communities situated along major transportation routes.

Today, unincorporated communities are predominantly residential in nature, containing few vital services. Many residents of these communities work and obtain services outside the community. The residential focus of these communities will continue to be a strong feature of these communities as commuting has become common place. These communities are expected to continue to grow in popularity and, as they do, the quality of environment will continue to be important.

Unincorporated communities are generally too small to support community-based water supply systems and wastewater systems. Therefore, the capacity of water availability and soil ability to process wastewater can be the greatest limiting factor to development. The most important component of future development is the capacity of the area to provide services. Typically, development within unincorporated communities consists of small home sites with limited commercial and industrial development. Some unincorporated communities are served by community water systems. With the exception of the community of Grand Ronde, which has a community sewer system, all development within unincorporated communities uses on-site wastewater disposal systems. The possibility exists that other community sewer systems may need to be developed in the future in communities with soils which are not generally conducive to on-site wastewater systems.

Polk County allows commercial and industrial uses within unincorporated communities consistent with the provisions Oregon Administrative Rule (OAR) Chapter 660, Division 22 (Unincorporated Communities). Among the general types of commercial and industrial uses allowed in unincorporated are those defined by OAR 660, Division 22 as “small-scale, low impact”. OAR 660, Division 22 specifies that the size of the buildings associated with these uses is limited to 4,000/8,000 square feet for commercial uses and 20,000/40,000 square feet for industrial uses. Polk County has adopted these size limitation standards as part of the commercial and industrial zones which are applied to land within unincorporated communities.

The County recognizes that some commercial or industrial uses in unincorporated communities will often exceed the “small-scale, low impact” square footage standard. The types

of uses that can be expected to exceed this standard are those uses that complement surrounding agricultural and forest activities or require proximity to rural resources and commercial uses which serve the needs of the surrounding rural area or the traveling public. Nearly all of the unincorporated communities within Polk County are located more than 10 miles from urban areas. This distance from urban services and retail centers may also require that, in some cases commercial or industrial uses will exceed the size standard for “small-scale, low impact” uses.

In some cases, Polk County will permit specific commercial uses within unincorporated communities to exceed the small-scale, low impact, square footage requirement provided that it can be demonstrated that the proposed use will serve local rural markets and/or the needs of the traveling public and that the proposed use will rely on a work force from the surrounding rural area. Polk County will also allow some specific industrial uses to exceed the small-scale, low impact square footage limitation provided it can be demonstrated that the proposed use will provide employment that does not exceed the total projected work force within the community and the surrounding rural area and the proposed use would not rely upon a work force served by uses within an urban growth boundary. The findings demonstrating compliance with these requirements for commercial and industrial uses shall be adopted as an amendment to the Comprehensive Plan.

As a result of the impacts generated from the creation of Spirit Mountain Casino, which has become the largest single destination tourist attraction in the state, coupled with the interest in additional housing opportunities and traffic concerns, the unincorporated area of Grand Ronde was chosen as one of four demonstration projects referred to as regional problem solving. The regional problem solving subject area included the Unincorporated Communities of Grand Ronde, Fort Hill, and Valley Junction.

Collaborative Regional Problem Solving Oregon Revised Statute Chapter 197.656 (2) states that following the procedures set forth in subsection 2 of ORS 197.656, the Land Conservation and Development Commission (LCDC) may acknowledge amendments to comprehensive plans and land use regulations, or new land use regulations, that do not fully comply with the rules of the Commission that implement the statewide planning goals, without taking an exception. In collaboration with the participants of the regional problem solving process, Polk County adopted elements of the Grand Ronde - Willamina Regional Problem Solving Project Final Report that were consistent with the criteria listed in ORS 197.656. However, LCDC and ultimately the Oregon Court of Appeals ruled that the Regional Problem Solving Statutes could not be applied due to a lack of participation from Yamhill County. As a result, Polk County demonstrated compliance with the Unincorporated Communities Rules (OAR 660, Division 22) when establishing community boundaries and zoning for the unincorporated communities of Grand Ronde, Valley Junction and Fort Hill.

In establishing the unincorporated community boundaries, Polk County satisfied all sections of the Unincorporated Communities Rules (OAR 660, Division 22) except with respect to OAR 660-22-030(3)(a). This rule provision sets forth the requirements for establishing the boundary of an unincorporated community. Polk County deviated from this provision only with respect to including within the community boundaries: Tribal trust land that is contiguous to the existing community, historically considered part of the community, and that is planned for tribal development and previously acknowledged exception areas that are historically considered to be within each of the communities, all of which were acknowledged by LCDC. All other lands included within the boundaries satisfy these rules.

The Unincorporated Communities of Eola, Rickreall, Grand Ronde, Valley Junction and Fort Hill have unique characteristics including a substantial rural community population base and development potential, and are located in direct proximity to State highways that carry substantial amounts of traffic. These specific characteristics warrant some uses that exceed the commercial small-scale low impact building size limitations listed in Oregon Administrative Rules Chapter 660 Division 22 Section 30 Subsections (4) and (10). As a result, Polk County will permit eating and drinking places in those communities as a permitted use that serves the needs of the community, surrounding rural area or the travel needs of people passing through. Polk County acknowledges the potential need to permit eating and drinking places that will exceed the commercial small-scale low impact building size limitations, and recognizes that eating and drinking places serve the needs of the community and surrounding rural area or the travel needs of people passing through the area.

It is in the best interest of Polk County to support these communities by encouraging citizen involvement in policies effecting these communities and supporting the viability of communities through Plan policies and zoning.

GOALS

1. To provide maximum opportunity for citizens to participate in unincorporated community planning.
2. To establish unincorporated community boundaries in order to distinguish land within the community from exception areas, resource lands and other rural lands.
3. To support the historically significant contribution that unincorporated communities have made to the economic structure of Polk County.
4. To provide for opportunities for development in unincorporated communities while preventing development that would exceed that ability of the area to provide potable water, wastewater management, or transportation services.
5. To provide for and maintain a viable economy while preserving the present sense of community and environment.

POLICIES

1. Unincorporated Communities

- 1.1 Polk County will recognize existing unincorporated residential and service communities which demonstrate a historic identity as a hamlet or town through the designation of "unincorporated community" as defined in OAR 660-22.
- 1.2 Polk County will maintain residential densities in unincorporated communities at low levels and will require that new developments meet appropriate standards for water quality and sewage disposal.
- 1.3 Polk County will only permit those uses in unincorporated communities for which it can be clearly demonstrated that such uses:
 - a. Contribute to the well-being of the community;
 - b. Do not seriously interfere with surrounding or adjacent activities;
 - c. Are consistent with the identified function, capacity and level of service of facilities.

- 1.4** Polk County will designate and identify unincorporated communities in accordance with the definitions of Oregon Administrative Rule (OAR) 660-022, the Unincorporated Communities Rule.
- 1.5** Polk County shall adopt individual plan and zone designations reflecting the projected use (e.g. residential, commercial, industrial, and public) for each property for all land in each community.
- 1.6** Polk County shall ensure that new uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.
- 1.7** Polk County shall ensure that the cumulative development within unincorporated communities will not:
 - a. Result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and,
 - b. Exceed the carrying capacity of the soil or of existing water supply resources and sewer services.
- 1.8** As required, Polk County shall adopt public facility plans meeting the requirements of OAR 660, Division 11, and include them in this Plan. For all communities, a community public facility plan, addressing water and sewer, is required if conditions within the community can be described by OAR 660-22-050(1).
- 1.9** Polk County shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process and in accordance with the Citizen Involvement chapter of this Plan.
- 1.10** Polk County shall allow commercial and industrial uses within unincorporated communities in accordance with the provisions of Oregon Administrative Rule OAR 660, Division 22, the Unincorporated Communities Rule.

J. Public Facilities and Services

Public facilities and services provide the basic support systems for urban and rural development as well as for many activities in our daily lives. Included under this heading are the following topics: domestic water supply systems, sewerage and storm drainage, solid waste, police and fire protection, libraries and educational facilities, public utilities and communications and community health and social services. Public facilities and services affect a community in two ways: a) through the costs involved in their financing, and b) through their influence on land use patterns. The nature and level of these services does much to define a community, clearly marking the differences between urban and rural land usage by their presence or absence. The type and level of these services also has a major effect upon the way many County residents live. The availability of mobile health clinics, for example, makes it possible for many County residents to obtain medical care in areas not served by a full-time doctor or health care facility. Realizing the importance of public facilities and services upon land use and overall quality of life, Polk County establishes the following goal and policy statements:

GOALS

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

POLICIES

1. **Sewerage**
 - 1.1 Polk County will cooperate with the cities within its jurisdiction in developing a phased growth plan to guide the provision of municipal sewer service to urbanizable areas upon annexation.
 - 1.2 Polk County may permit the creation or extension of sewer services to lands outside of Urban Growth Boundaries in the event of health hazard only after public hearings have been held, the problem carefully evaluated, an affirmative decision made by the County Board of Commissioners, and an appropriate annexation has occurred or service district has been created.
 - 1.3 Polk County may assist in the organization of sewerage-related special service districts in areas with persistent demonstrated problems and needs; the intent not being to foster further development in land not within Urban Growth Boundaries.
 - 1.4 Polk County will encourage alternate methods of sewage disposal when such methods are

economically, legally and environmentally feasible.

- 1.5 Polk County will facilitate the proper care and maintenance of subsurface sewage disposal systems in order to protect environmental quality and the public health.

2. Solid Waste

- 2.1 Polk County will continue to comply with the provisions of the Chemeketa Region Solid Waste Management Program and shall work toward the implementation of the program's recommendations as they relate to solid waste disposal. In accordance with the Chemeketa Plan, Polk County will pursue the development of the following:

- a. A solid waste transfer station in the Dallas-Rickreall area;
- b. A rural drop-box station at Falls City; and
- c. A backup landfill to serve in the event of an emergency.

- 2.2 Polk County will promote further development, implementation and enforcement of the solid waste ordinance.

3. Community Health and Social Services

- 3.1 Polk County will encourage and coordinate with the appropriate jurisdictions and agencies in increasing the accessibility (overcoming geographic, architectural and transportation barriers) of health and social services to the general public, especially to the elderly, the handicapped and the young.

- 3.2 Polk County will provide for the involvement of the public in definition of problems and identification of needs with regard to health and social services, and the definition of responsibilities relating to the provision of those services.

- 3.3 Polk County will continue to cooperate with all appropriate governmental jurisdictions, agencies and special districts in developing a coordinated approach for the planning and delivery of health and social services.

4. Domestic Water Supply

- 4.1 Polk County will identify and encourage the acquisition and/or advance reservation and protection of suitable watershed areas and reservoir sites in order to serve increasing rural and urban domestic water needs.

- 4.2 Polk County will assist in the organization of water-related special districts which would be eligible for federal and State funding for water supply projects for the relief of demonstrated shortages.

- 4.3 Polk County will encourage domestic water supply systems to be maintained at a level sufficient to:

- a. Provide adequate fire flow and storage capacity to meet the service area requirements;
- b. Provide adequate pressure to ensure the efficient operation of the water distribution system; and

- c. Meet the anticipated long-range maximum daily use and emergency needs of the service area.

4.4 Polk County will cooperate with cities within its jurisdiction in developing a phased growth plan to guide the provision of municipal water service to urbanizable areas.

5. Libraries

5.1 Polk County will continue to support the Chemeketa Cooperative Regional Library Service in its efforts to bring library service to areas having existing facilities.

6. Police and Fire Protection

6.1 Polk County will seek and consider information about the provision of police and fire protection in the development of plans, land division proposals and land use decisions regarding urbanization and annexation.

6.2 Polk County will require that the availability of police and fire protection in levels adequate to meet the requirements of a proposed land development action or annexation be demonstrated prior to the County approving such an action.

6.3 Polk County will encourage the upgrading of the level and quality of police and fire protection to rural areas.

6.4 Polk County will continue to support coordinated planning for law enforcement and fire protection with applicable governmental agencies.

6.5 Polk County will pursue the development of a coordinated and consolidated central dispatch system in order to more effectively serve County residents with emergency service such as police, fire protection and emergency medical assistance.

7. Public Buildings

7.1 Polk County will promote the consolidation of government and services in an effort to provide centralized, attractively designed building and open space assemblages to better accommodate the use of facilities and services by the general public.

7.2 Polk County will promote the joint-use of public buildings for use by the public for organizational and public meetings, recreational, personal enrichment and educational uses.

7.3 Polk County will promote the upgrading of existing rural community facilities and the provision of facilities more accessible to the physically handicapped.

7.4 Polk County will coordinate with appropriate agencies to take steps to make public buildings and facilities more accessible to the physically handicapped.

8. Educational Facility Location

8.1 Polk County will encourage the selection of school sites based upon cooperative planning

between school districts and local government. Prior to acquisition and development of a school site, the appropriate Planning Commission, school district and governmental agency shall consider the following factors:

- a. Population, housing, housing and development patterns, trends and projections;
- b. Consistency with existing comprehensive plans and zoning ordinances;
- c. Convenience and accessibility to users of the building and grounds;
- d. Location in relation to the Urban Growth Boundary;
- e. Availability of service;
- f. Size of site and adequacy for off-street parking.

- 8.2** Polk County will encourage schools that serve primarily urban populations to be located within an Urban Growth Boundary.

9. Rural Development and Services

- 9.1** Polk County will require that domestic water and sewage disposal systems for rural areas be provided or maintained at levels appropriate for rural use only. Rural Services are not to be developed to support urban uses.

- 9.2** Polk County will establish standards for the minimum adequate level of public services in the unincorporated portions of the County. Such services will include, but not necessarily be limited to, educational facilities, police and fire protection, domestic water supply, sewage disposal and roadways.

Such standards shall not be considered to be directives governing the operation of schools, community water districts or any other public service agency, but shall be used only to assure that new residential development in rural areas does not exceed the capacity of one or more public service agencies to serve the existing population. The standards shall not conflict with existing State laws regarding the roles, functions and operation of public facilities and services.

- 9.3** Polk County will periodically review these standards and amend them as necessary prior to any such change; Polk County will consult those responsible for providing the relevant public service, the Polk County Planning Commission and the County Citizen Involvement Program for input.

- 9.4** Polk County will apply these standards to all proposed rural subdivisions specifically, and as a general rule for consideration when reviewing other proposed land use actions prior to decision-making. Polk County may deny tentative approval of any rural subdivision in which it is found that either of the following conditions exist:

- a. The existing level of one or more public services does not meet established minimum standards or will not meet such standards if additional residential development occurs; and
- b. The level of public services planned by the public agency or agencies will not meet the established minimum standards for such services if the proposed residential development occurs.

K. Urban Land Development

The leading edge of expansion outward from the existing urban communities is a concern of the County Plan. The fostering of the necessary cooperation and coordination of planning among cities and the County is essential if logical patterns of land use are to be developed adjacent to and ultimately within these jurisdictions. Nationally, thousands of acres of agricultural land are converted daily to other uses, most of them urban uses. Running counter to this trend is an annual increase of two to three million domestic consumers of food. Random, small-scale developments in the fringe areas of cities are a main cause of urban sprawl and land use incompatibility. Sprawl development results in higher costs in providing public facilities and services due to the extension, then under utilization of those services. Concern over the issues of agricultural land conversion, sprawl development, and the "catch up" provisions of public services has resulted in the establishment of the following goals and policies:



GOALS

1. To protect agricultural land from urban expansion and random development through containment of urban growth.
2. To provide for an orderly and efficient transition from rural to urban land use within designated growth areas.

POLICIES

1. Urban Growth Policies

- 1.1 Polk County and each municipality will contain future urban development within the geographical limits of a mutually adopted Urban Growth Boundary.
- 1.2 Polk and each municipality will review Urban Growth Boundaries at least every five years, in order to reflect changing trends in population growth, land use patterns and other factors which may determine need for expansion or reduction in the supply of land required for urban growth.
- 1.3 Polk County and municipalities will base establishment and change of urban growth boundaries upon consideration of the following factors:
 - a. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
 - b. Need for housing, employment opportunities and livability;
 - c. Orderly and economic provision for public facilities and services;
 - d. Maximum efficiency of land uses within and on the fringe of the existing urban area;
 - e. Environmental, energy, economic and social consequences;

- f. Retention of agricultural lands as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
- g. Compatibility of the proposed urban uses with nearby agricultural activities.

Change of an adopted Urban Growth Boundary will be a cooperative process between Polk County and the affected municipality.

2. Urban Land Development

- 2.1** Polk County will consider areas lying between unincorporated city limits and an adopted urban growth boundary as "urbanizable," available for annexation and urban development over time.
- 2.2** Polk County will support the development of land within existing urban areas before the conversion of urbanizable lands to urban uses. Expansion of urban areas should occur outward from existing development in an orderly, efficient and logical manner.
- 2.3** Polk County will recognize that the type and form of development of urbanizable land is to be based upon each municipality's adopted land use and phased growth plan, a plan which has been coordinated with that of the County.
- 2.4** Polk County will provide the opportunity for each city to review and comment upon any proposed land use action within that municipality's urbanizable area prior to County action.
- 2.5** Polk County zoning will reflect and support the intent of a municipality's coordinated and adopted land use plan for the urbanizable area in order to protect that area from random development actions.
- 2.6** Polk County and municipalities within its jurisdiction will refrain from the development, creation or extension of sewer or water service to urbanizable areas until such time that these areas are first annexed to the city, except where those services are already being provided or where the city has a legal commitment to provide those services.
- 2.7** Polk County will encourage all parties to work toward the development of the most efficient and economical method for providing specific urban services.
- 2.8** Polk County will encourage the orderly annexation to municipalities of the land within the adopted urban growth boundary.
- 2.9** Polk County will utilize a maximum density of one dwelling unit per acre for the development of urbanizable lands.
- 2.10** Polk County will require that subdivision proposals for property located within urbanizable areas be accompanied by an approved re-division plan of lots to a maximum urban density of 6,000 square feet with reservations made for the necessary streets prior to final approval. Approval of such re-division plans is to be determined by the appropriate planning commission. Re-division plans shall take the following factors into consideration:
 - a. Existing and proposed plans for circulation systems;

- b. Existing and proposed locations for sewer, water and utility transmission lines; and
 - c. The adopted phased growth plan for the urbanizable area.
- 2.11** Polk County will maintain the area outside the urban growth boundaries with low-density living areas, open space lands, agricultural uses, and other uses compatible with the intent and purpose of the adopted urban growth policies of the city and County land use plans.
- 2.12** Polk County will encourage the use of the planned unit development concept to provide for greater flexibility and mixing of land uses, housing types and densities, and to ensure the provision of adequate open space within urban growth boundaries.
- 2.13** Polk County will work toward attaining improved delivery systems of services that require coordination between larger units of government.

3. Growth Management

- 3.1** Polk County and each municipality will adopt a plan for the management of growth and the provision of services to the urbanizable area. Growth management plans are to set forth priorities for the provision of urban services over time, and to guide the eventual annexation and development of urbanizable lands. Growth management plans should include a process for plan implementation and review.
- 3.2** Polk County will coordinate with each municipality in the development and adoption of growth management plans to ensure consistency with County plans and programs.
- 3.3** Polk County and municipalities will utilize policies contained within the intergovernmental agreement between the two parties to guide the annexation and development of urbanizable lands until specific growth management plans are developed.

L. Housing

Through the use of its powers, government can have an enormous affect on housing supply. It can, through unnecessary rules, force residential growth into areas where building costs are high and where the provision for public facilities and services are prohibitively expensive. Government can also help to keep housing costs down through careful use of zoning and expansion policies and by taking advantage of state and federal assistance for low and moderate-income housing.



It is important that government carefully monitor the adequacy of the housing supply and the availability of buildable lands. It is in this way that informed decisions can be made regarding the need to take remedial action to increase the supply of housing, to assist in the rehabilitation of existing housing, and to open new areas to residential development in ways permitting the best utilization of resources.

While the free market functions well to meet the housing needs of households with annual incomes in excess of \$15,000, this excludes approximately half of the families in Polk County. For most of these people, governmental assistance, available through a variety of state and federal programs is necessary to provide them with adequate housing.

In recognition of the County's role in facilitating the development of adequate, economic housing and of the need for public involvement in the development of housing for low and moderate-income households and for the elderly, Polk County adopts the following goals and policies:

GOALS

1. To encourage the development and retention of housing which, provides a variety of choices in type, location, density and cost.
2. To minimize adverse social, economic and environmental impacts resulting from residential development.
3. To assist in the provision of housing to the elderly and poor.

POLICIES

1. Residential Development

- 1.1 Polk County will encourage residential development only in those areas where necessary public facilities and services can be economically provided and where conflicts with agricultural uses are minimized.
- 1.2 Polk County will assist in the planning for the availability of adequate numbers of

housing units at price ranges and rent levels commensurate with the financial capabilities of County residents.

- 1.3 Polk County will support development of housing which provides variety in location, type, density and cost where compatible with development on surrounding lands and consistent with the predominately rural character of the County.
- 1.4 Polk County will, in areas of rural residential development, encourage the use of planned unit developments which utilize the clustering of structures to allow the retention of open space and to provide buffers between the developments and adjacent rural activities.
- 1.5 Polk County will permit rural residential development in those designated areas when and where it can be demonstrated that:
 - a. Water is available which meets the standards of the State Department of Health;
 - b. Each housing unit will have either an approved site for sewage disposal system which meets the standards of the County and the Department of Environmental Quality or ready access to a community system;
 - c. The setback requirements for the development of wells and septic systems on adjacent parcels have been observed;
 - d. Sufficient public facilities and services, including police and fire protection, health services, schools and transportation facilities, exist or will be provided to accommodate the additional population resulting from the development; and
 - e. Development of residential units will not result in the loss of lands suitable for agriculture or forestry and will not interfere with surrounding agriculture or forestry activities.
- 1.6 Polk County will permit temporary siting of mobile homes in specified locations in the event of an emergency.

2. Governmental Cooperation and Coordination

- 2.1 Polk County will coordinate its programs for encouraging an adequate housing supply with regional, County and municipal governments.
- 2.2 Polk County will cooperate with governmental agencies and housing authorities within the region in promoting unified housing policies and in ensuring equitable distribution of assisted housing throughout the County.
- 2.3 Polk County will encourage State and federal agencies to develop programs and funding sources to increase the level of support for the maintenance and rehabilitation of existing housing and for the development of additional housing.

3. Housing Rehabilitation

- 3.1 Polk County will develop and maintain an inventory of the type and condition of the current housing stock.
- 3.2 Polk County will encourage the retention of the current housing stock and, where necessary and feasible, will assist in the rehabilitation of substandard housing units.

4. Assisted Housing

- 4.1** Polk County may assist its residents in obtaining housing assistance by coordinating County services with those of other agencies and by maintaining an inventory of housing development resources.
- 4.2** Polk County will support the efforts of private developers to meet the need for low and moderate-income housing.
- 4.3** Polk County will recognize and support only those sponsors of assisted housing who do not discriminate in their hiring practices or in the rental or sale of housing units.

M. Transportation

**Amended by Ordinance 09-08. For text, see
The Polk County Transportation Systems Plan.**

TRANSPORTATION
TRANSPORTATION

N. Energy Conservation

Defined in a very technical sense "energy is the capability to do work, expressed in units of power or capacity over time" (Oregon Department of Energy). In nature, the health and stability of any living system depends upon a constant supply of energy. This is true of the technological society in which we live today. Evidence of this dependency became readily apparent in the mid-western and eastern sections of the United States during severe winters of 1977 and 1978. Factories, schools - whole communities - were closed down due to a lack of natural gas, oil and/or coal. During the drought of 1976-77 there was some concern that the same could occur in Oregon because of a lack of water behind the hydroelectric dams.

With the Arab oil embargo in October, 1973, society realized that energy resources are finite and there is a real possibility the world might soon run out of energy. At the very least people came to the realization that a ready supply of inexpensive fuel could no longer be taken for granted.

Polk County, similar to a natural system, is highly dependent upon a constant supply of energy. If the Polk County community structure is to remain stable and in good "health," strategies must be developed and implemented whereby the County's dependency on expensive, potentially unreliable and nonrenewable sources of energy will be reduced. It is the intent of the following goals and policies to provide a basis from which to Polk County may develop programs which will lead to a fulfillment of this objective.

GOALS

1. To conserve energy in Polk County.
2. To decrease the use of non-renewable energy resources.

POLICIES

1. Land Use Development

- 1.1 Polk County will encourage the concentration of land use development within rural community centers and areas located within urban growth boundaries.
- 1.2 Polk County will promote the concept of cluster and mixed-use development as opposed to strip development.
- 1.3 Polk County will encourage the protection of potential solar rights-of-way for commercial, industrial and residential uses.
- 1.4 Polk County will encourage for all types of development the use of site planning techniques which ensure the convenient use of non-motorized transit.

- 1.5 Polk County will encourage the development of industries for which there is a reliable energy supply and which utilize energy efficient processes.
- 1.6 Polk County will encourage the development of labor (rather than energy) intensive industries.
- 1.7 Polk County will encourage industrial co-generation of electricity.
- 1.8 Polk County will promote energy efficient patterns of growth and development through planning and the review of plans for the development of public facilities and services.
- 1.9 Polk County will encourage the location of industry in areas with ready access to rail and public transit.

2. Construction

- 2.1 Polk County will encourage energy efficient design, siting, and construction of all commercial, industrial, public and residential development.
- 2.2 Polk County will encourage the retrofitting of existing residential units with enough insulation to meet minimum standards designated in the Uniform Housing Code.
- 2.3 Polk County will encourage site designs which promote the capture and re-use of waste heat in commercial and industrial processes.

3. Transportation

- 3.1 Polk County will encourage the development and/or maintenance of energy efficient modes of transportation.
- 3.2 Polk County will encourage the development of bicycle and foot paths among residential, commercial and industrial developments where feasible.
- 3.3 Polk County will promote energy efficient design, siting and construction of transportation systems.

4. Recycling and Alternative Energy Sources

- 4.1 Polk County will promote recycling and resource recovery efforts.
- 4.2 Polk County will encourage the development and utilization of alternative energy sources and appropriate technologies to achieve the conservation of energy.
- 4.3 Polk County will cooperate with farmers, concerned citizens and private and public agencies in developing agricultural waste products into renewable energy sources or fertilizer.
- 4.4 Polk County will cooperate with governmental agencies to seek and utilize environmentally and economically suitable energy sources for the benefit of the residents

of the County.

- 4.5** Polk County will formulate and implement measures for the protection of alternative energy sources when they are discovered or developed.

5. Agency Coordination and Public Education

- 5.1** Polk County will develop and maintain programs which will make information on energy conservation available to the general public.
- 5.2** Polk County will coordinate and cooperate with energy conservation programs promoted by State and federal agencies.

SECTION 3

THE COMPREHENSIVE PLAN MAP

The Comprehensive Plan map is often thought of as "the Plan." It is a significant part of the Comprehensive Plan, but it is only one part. The Plan is comprised of goals and policies as well as a map and it is the interrelation of these that gives the map its significance.

The Plan map describes all lands within Polk County in terms of the five Plan designations explained in the following section. These designations indicate which of the Plan's goal and policies apply to the different areas of the County. For areas designated "Agriculture," for example, the County has adopted three general goals and thirteen specific policies, designed to achieve these goals.

The Plan map is not a zoning map. Zoning is a set of highly specific and detailed ordinances designed to implement the long-range goals and policies of the plan. Within one area having the same Plan designation there may be several different zones.

SECTION 4

LAND USE PLAN DESIGNATIONS

The land use plan map indicates areas in which various types of land uses will be guided through the application of the intent of zoning and other implementation techniques. At this point, a brief description of the intent of each of the land use plan designations is necessary. Descriptions of the major land use designations that comprise the land use plan follow:

AGRICULTURE

The areas designated Agriculture occur mainly in the eastern and central sections of the County. These areas are characterized by large ownerships and few non-farm uses. Topography in these areas is usually gentle, including bottom lands, central valley plains and the low foothills of the Coastal Range. This diversity of terrain allows County farmers the option of producing a variety of commodities. Farmers can produce grain or livestock in level areas; set up orchards, vineyards and pastures on the hills; or develop woodlots (or farm forestry) on the foothills. The areas designated for agriculture have a predominance of agricultural soils (SCS capability class I-IV).

It is the intent of the Agriculture Plan designation to preserve agricultural areas and separate them from conflicting non-farm uses. Toward that end, the County will discourage the division of parcels and the development of non-farm uses in a farm area (Only those non-farm uses considered essential for agriculture will be permitted).

The Agriculture Plan designation will be implemented throughout the Exclusive Farm Use Zones.

COMMERCIAL

The Commercial Plan designation indicates areas suitable for business activities. Because most commercial uses require urban facilities and services, very little of Polk County's rural land is described as commercial in the Comprehensive Plan.

The commercial designation is used mostly to accommodate existing commercial uses in rural areas, to provide for commercial development in districts which have access to major arterials, airports or railroads.

Implementation of the Commercial Plan designation is accomplished mainly through zoning. There are three commercial zones in Polk County's Zoning Ordinance: Commercial Office (CO), Commercial Retail (CR) and Commercial General (CG).

FOREST

The areas designated as Forest are located within the western reaches of the County, primarily in the Coast Range. These areas generally have large holdings and few urban uses.

The predominant use in the Forest area is timber production. Besides providing employment and wood products, forest lands are valued by County residents for the opportunities they present for enjoyment of scenic beauty, open space and recreational activities such as camping, fishing, hiking, hunting and swimming. Forest lands also play a valuable role in helping to maintain air, land and water quality and in serving as habitats for fish and wildlife.

It is the intent of the Forest Plan designation to conserve forest lands for continued timber production, harvesting and processing. This designation also aims to protect watersheds and wildlife habitats. Land use activities will be permitted for which it can be demonstrated that potential hazards from fire, pollution or ecological damage from over use will be minimal.

In general, the Forest Plan designation will be implemented through the Timber Conservation Zone.

INDUSTRIAL

The Industrial Plan designation indicates the sites of existing industrial developments in rural areas and provides for future industrial uses in districts which are close to cities, major arterials, railroad or airports. The industrial uses found in these areas include fertilizer processing and storage, cleaning and storage facilities for grains, lumber and wood products-related processing plants and mineral extraction and processing operations.

It is the intent of the Industrial Plan designation to protect existing employment and provide employment opportunities for some of the non-farm residents living in surrounding rural areas.

The Industrial Plan designation will be implemented through the Industrial-Commercial, Industrial Park, Light Industrial, Heavy Industrial and Mineral Extraction Zones.

UNINCORPORATED COMMUNITY COMMERCIAL

The Unincorporated Community Commercial Plan designation applies to areas within designated unincorporated communities suitable for commercial business activities. While much of the land within these communities is devoted to residential uses, some opportunities for commercial activities exist. In addition to serving the needs of the local community, commercial uses within unincorporated communities include uses which complement nearby farm and forest uses, uses which serve the traveling public, and other uses which are small-scale and low impact.

It is the intent of the Unincorporated Community Commercial Plan designation to protect existing employment and provide limited employment opportunities for some of the residents living in and nearby unincorporated communities.

The Unincorporated Community Commercial Plan designation is accomplished mainly through the Unincorporated Community Commercial Office (UC-CO), Unincorporated Community Commercial Retail (UC-CR), and Unincorporated Community Commercial General (UC-CG) zones. Within the unincorporated community of Eola, the Unincorporated Community Commercial Plan designation is accomplished through the Eola Unincorporated Community Commercial (Eola UC-C) zone. Within the unincorporated community of Rickreall, the Unincorporated Community Commercial Plan designation is accomplished through the Rickreall Unincorporated Community Commercial (Rickreall UC-C) zone.

Within the unincorporated communities of Grand Ronde, Valley Junction and Fort Hill, the Unincorporated Community Commercial Plan designation is implemented through the Northwest Polk County Commercial Zone (NPC-C).

UNINCORPORATED COMMUNITY INDUSTRIAL

The Unincorporated Community Industrial Plan designation applies to areas within designated unincorporated communities suitable for industrial business activities. These sites are often associated with processing or storage of farm or forest products produced in the surrounding area and are connected to the historic development of these communities. In addition to industrial uses which make use of rural resources, industrial uses within unincorporated communities also include other uses which are small-scale and low impact.

It is the intent of the Unincorporated Community Industrial Plan designation to protect existing employment and provide limited employment opportunities for some of the residents living in and nearby unincorporated communities.

The Unincorporated Community Industrial Plan designation will be implemented through the Unincorporated Community Industrial-Commercial (UC-IC), Unincorporated Community Industrial Park (UC-IP), Unincorporated Community Light Industrial (UC-IL), and Unincorporated Community Heavy Industrial (UC-IH). Within the unincorporated community of Eola, the Unincorporated Community Industrial Plan designation is accomplished through the Eola Unincorporated Community Industrial (Eola UC-I) zone and Eola Unincorporated Community Industrial Commercial (Eola UC-IC) zone. Within the unincorporated community of Rickreall, the Unincorporated Community Industrial Plan designation is accomplished through the Rickreall Unincorporated Community Industrial (Rickreall UC-I) zone and Rickreall Unincorporated Community Industrial Commercial (Rickreall UC-IC) zone.

Within the unincorporated communities of Grand Ronde, Valley Junction, and Fort Hill, the Unincorporated Community Industrial Plan designation is accomplished through the Unincorporated Community Industrial Commercial (UC-IC), Unincorporated Community Light Industrial (UC-IL) and the Unincorporated Community Heavy Industrial (UC-IH) zones.

UNINCORPORATED COMMUNITY RESIDENTIAL

The Unincorporated Community Residential Plan designation applies to areas within designated unincorporated communities suitable for residential development. These communities often have limited commercial or industrial development and are primarily devoted to residential uses. Typically, residential development within unincorporated communities consists of small home sites. Some unincorporated communities are served by community water systems. With the exception of the community of Grand Ronde, which has a community sewer system, residential development within unincorporated communities uses on-site wastewater disposal systems. The possibility exists that other community sewer systems may need to be developed in the future in communities with soils which are poorly drained and not generally conducive to on-site wastewater disposal systems.

It is the intent of the Unincorporated Community Residential Plan designation to provide for residential development at densities which will not result in public health hazards or exceed the carrying capacity of the land to provide for water resources and adequate on-site wastewater

disposal systems.

The Unincorporated Community Residential Plan designation will be implemented through the Suburban Residential (SR) and Acreage Residential 5-acre Minimum (AR-5) Zones. The Unincorporated Community of Grand Ronde shall also have the Grand Ronde Low Density Residential Zone (GR / LDR) as implementing the Unincorporated Community Residential Plan designation.

QUARRY SITES

The Quarry Site designation indicates the locations of existing and potential aggregate resources. Some of the minerals found at the quarry sites include gravel, basalt rock, limestone, building stone, siltstone, manganese oil and gas. With the possible exception of the gravel deposits, most of the other aggregate resources can not be economically mined with existing technology. However, it is expected that changes in technology and in market demand will make the utilization of these sites more feasible in the near future.

It is the intent of the Quarry Site Plan designation to identify and protect aggregate resource deposits and to provide an opportunity for their extraction.

The Quarry Site Plan designation will be implemented through the Mineral Extraction Zone.

WILLAMETTE RIVER GREENWAY

The Willamette River Greenway Plan designation delineates a natural and scenic area located along the Willamette River. The Greenway Plan designation represents an attempt by Polk County to provide opportunities for its residents to enjoy the natural and cultural assets that exist along the river without denying or infringing upon the rights of property owners located in the area.

It is the intent of the Greenway Plan designation to protect, conserve, and wherever possible, enhance the natural, scenic, historical, agricultural, economic and recreational attributes of land along the Willamette River.

The Greenway Plan designation will be generally implemented through the Exclusive Farm Use Flood Plain and Greenway Management Zones. The specificity of the Willamette River Greenway line does not permit it to be shown on the Land Use Plan Map contained within this document. The photos on which the line is drawn are a part of this Plan and are on file in the County Clerk's Office and the County Planning Office.

RURAL LANDS

The Rural Lands Plan designation applies to lands in the County which for the most part lie between the relatively flat agricultural areas and the foothills of the Coast Range. These lands are generally hilly, heavily vegetated, and have low densities of residential development.

It is the intent of the Rural Lands Plan designation to provide an opportunity for a segment of the population to obtain acreage home sites in a rural area, while at the same time

encouraging and protecting agriculture and forestry.

In those areas that receive an exception from the Oregon Statewide Planning Agricultural and Forest Land Goals #3 and #4, but are not given an exception to Oregon Statewide Planning Urbanization Goal #14, implementation will be accomplished with the Acreage Residential 10-Acre (AR-10) Zone and Agriculture and Forestry 10-Acre (AF-10) Zone. In those areas that receive an exception from the Oregon Statewide Planning Agricultural and Forest Land Goals #3 and #4 and Urbanization Goal #14, implementation will be accomplished with the Acreage Residential (AR-5) or Suburban Residential (SR) Zones.

URBAN RESERVE

The Urban Reserve designation applies to lands lying within urban growth boundaries but outside of city limits. The Urban Reserve designation recognizes that:

- a) The Urban Growth Boundary was designed to provide the supply of land available for the city's urban growth needs to the year 2000;
- b) All of the land within the Urban Growth Boundary does not need to be developed immediately;
- c) The type and form of development of land between existing municipal limits and the adopted Urban Growth Boundary is to be based upon an adopted land use plan which has been coordinated with the County; and
- d) That agreements between Polk County and its municipalities limit the provision of public sewer or water service to areas within the city limits.

The Urban Reserve designation addresses itself toward protecting the intent and integrity of the city's coordinated and adopted land use plan by limiting random development actions which could stand in the way of logical, planned development. The Urban Reserve designation recognizes that the provision of adequate levels of public facilities and services should guide urban development, and not the other way around.

The Urban Reserve designation acknowledges that lands under such a designation will eventually be developed for urban uses. The designation identifies those lands which can be preserved until needed for urban purposes and annexed.

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

The Urban Reserve designation may be implemented through a number of zones, but primarily through the Suburban Residential (SR) zone or the Exclusive Farm Use (EFU) Zone.

FARM/FOREST

The Farm/Forest designation applies to lands which, for the most part, lie between the relatively flat agricultural areas and the foothills of the Coast Range.

These lands are generally hilly, heavily vegetative, and have scattered areas of residential

development. These lands had originally been designated Rural Lands. However, the Land Conservation and Development Commission (LCDC) did not grant a general exception to the Oregon Statewide Planning Goals, as requested by the County, for approximately 41,000-acres of Rural Lands designated properties. As a result, those properties converted to the Farm Forest Plan Designation. There are many full-time farms located in this area; however, more of the smaller part-time farms that exist in the area were created through the land division process when the area was designated Rural Lands. The Farm Forest Plan Designation recognizes those smaller properties. These areas exhibit a predominance of agricultural soils and timber lands as defined by State statutes.

It is the intent of the Farm/Forest designation to provide an opportunity for the continuance and the creation of large and small scale commercial farm and forestry operations. It is also intended that the addition and location of new structures and improvements will not pose limitations upon the existing farm and forest practices in the area or surrounding area and that additional density will not adversely affect the agricultural or forestry operations of the area through the increased use of roads, demands for ground water during the growing season, or demands for increased levels of public facilities and services.

It is the specific intent of the Farm/Forest Plan designation to ensure that land use actions are consistent with definitions of agricultural and forest lands contained within the Polk County Comprehensive Plan. The Farm/Forest Plan designation will be implemented through the use of the Farm/Forest (F/F) Zone which includes areas designated as Farm/Forest Overlay on the zoning map.

The Farm/Forest Zone Overlay is implemented by the Farm/Forest zone and the additional provisions of the EFU zone for land divisions and farm dwelling approvals. The Farm/Forest zone shall be applied to land where the parcelization pattern was predominately less than 80 acres as of October 12, 1988. The Farm/Forest zone overlay shall be applied to land where the parcelization pattern is greater than 80 acres located along the perimeter of the Farm Forest designation, or in large block within the Farm Forest Designation.

PUBLIC

The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living.

SECTION 5

PLAN EVALUATION AND UPDATE

Comprehensive plans must be continually evaluated in terms of changing public values, and in light of unforeseen physical, environmental, social or economic factors which may occur. If planning is to play an effective role in the process to provide for the needs of people, land uses must be inventoried, needs identified and new development and facilities designed to meet their needs. All this must be done on a regular, continuing basis for planning to be effective.

The procedure for evaluating or reviewing the Polk County Comprehensive Plan will be essentially the same as the process the County went through in formulating this Plan. Advisory committees and the Planning Commission will meet regularly to discuss any problems, assess the current situation and make recommendations in response to the County's needs. Through the public hearing process, revisions to the Comprehensive Plan will be debated and decided upon.

The Comprehensive Plan is not intended to be a static document. It is a set of goals and policies designed to guide the future of Polk County for a finite period. A full-scale review and evaluation of the Plan should occur every five years (see Plan Amendment Procedures), and urban growth boundaries reviewed at least every five years. In the interim, Plan amendments will be made where necessary and proper. Any and all revisions should be examined in light of their effect upon the Plan as a whole and should be treated with cautious reflection.

SECTION 6

PLAN AMENDMENT PROCEDURES

A. Amendments to Urban Growth Boundaries:

Amendments to that portion of the urban growth boundary which lies in Polk County must be concurred with by the City and Polk County.

**B. Amendments to the Comprehensive Plan
other than Amendments to the Urban Growth Boundary:**

Amendments to comprehensive plans which apply within urban growth boundaries must be concurred with by the City and Polk County. Amendments to a comprehensive plan which apply only within a city's incorporated limits may be enacted by the City. Amendments which apply only within unincorporated Polk County and outside of urban growth boundaries may be enacted by Polk County.

C. Notice:

Notice of all proposed amendments must be given to Polk County and to any affected city.

D. Legislative Amendments:

Amendments to the urban growth boundary or to other parts of the Comprehensive Plan which are legislative in character shall be adopted in accordance with Oregon law for the enactment of legislative acts.

E. Quasi-Judicial Amendments and Rules of Procedure:

Amendments to the urban growth boundary or to other parts of the Comprehensive Plan which are legislative in character shall be adopted in accordance with Oregon law for taking quasi-judicial action. Each planning commission and each governing body within Polk County should adopt rules of procedure to govern the initiation and processing of amendments to this Plan in geographic area of the jurisdictions.

F. Review and Revision:

The Polk County Comprehensive Plan shall be subject to major review and where necessary, revision every five years commencing in 1985. Except for quasi-judicial Plan changes, plan amendments should, wherever possible, be reserved for those years when the Plan undergoes major review. The Plan and implementation measures will be routinely reviewed at least every two years with revision being made where necessary.

G. Initiation:

A Plan amendment may be initiated by any owner of real property in Polk County or by any person residing in Polk County.

SECTION 7

IMPLEMENTATION TECHNIQUES

The Comprehensive Plan is a guide to the growth and development of Polk County for the foreseeable future. The goals and policies, together with the background information and the Plan map, constitute public policy for the County. While the Plan map is a visible result of the goals and policies spelled out in the Plan, it is the policies that contain the decisions to attract, accommodate, divert, or discourage growth and development. Every development action should be guided on the basis of policies expressed in the Plan.

To have any meaning, the Comprehensive Plan must be implemented. The most common implementation tools available are the zoning and subdivision ordinances, building and sanitation codes, and growth management programs. These and other implementation measures are developed as items separate from but tied to the Plan and which must, by statute, be in conformance with the Plan.

ZONING

The zoning ordinance for Polk County, adopted in December 1975, is the most important implementation tool currently utilized by the County. In theory, the zoning ordinance is a legislative expression of the Comprehensive Plan and must satisfy certain standards set out by state statute.

It should be stated at this point, that while planning and zoning are clearly interrelated, they are distinctly different. Zoning is a regulatory device which can further the proper development of land uses. As such, it may be viewed as one of the tools of planning in that it involves day-to-day attention to those details of land use control necessary to achievement of the major goals of land use planning. Planning provides the body of ideas within which zoning operates and the use of zoning ordinances is one of the devices through which planning goals are achieved. The objectives and goals of planning are phrased in the language of advice and recommendation. In this respect, planning functions as a guide to zoning. The effectiveness of good planning and zoning may be measured in the degree to which the long range goals of the Plan are realized. Zoning should be used to help promote the goals of the Comprehensive Plan.

The existing zoning in Polk County has been brought into compliance with the proposed comprehensive plan. Upon adoption of the plan, there will be parcels of land and buildings that will not conform to the land use designations approved for the particular area. It is not the intent of the Plan to force those non-conforming uses away or out of existence but rather to allow them to continue in their present capacity.

The Willamette River Greenway will be implemented through an overlay zone. This zone will utilize the conditional use permit process for proposed uses within the Greenway.

SUBDIVISION CODE

Polk County has a recently revised Subdivision Code which has aided in structuring

residential growth in the urban areas of the County. The subdivision ordinance is an important tool in achieving some of the goals of the Plan. As such, it is designed to ensure that streets are dedicated in the right location and width that lots are of a proper size and shape, that storm and sewage disposal is handled adequately, and that suitable sites are provided for parks and schools. To be effective, the Subdivision Code will be kept abreast of the changes that are taking place in land development techniques and practices.

BUILDING CODE

The Building Code is an additional implementation device. The enforcement of codes which require minimum standards for the structure and facilities of buildings are a part of the County's police power. As such, these codes are designed to protect the health, safety, and welfare of the general public.

Polk County utilizes the 1976 edition of the Uniform Building Code with amendments specifically tailored to the State of Oregon. Specific codes enforce standards for plumbing and mechanical construction.

PARTITIONING ORDINANCE

A partitioning ordinance is an integral part of the County's Subdivision Code. This ordinance is designed to monitor and structure residential growth in rural areas of the County, as well as those un-annexed areas within urban growth boundaries established for all municipalities in the County.

FLOOD INSURANCE

Polk County participates in the National Flood Insurance Program. Any construction within the adopted 100 year floodplain requires approval through the conditional use process.

URBAN GROWTH BOUNDARIES AND GROWTH MANAGEMENT PROGRAMS

Urban growth boundaries are utilized by both the County and its cities to contain urban development in planned urban areas where basic services, such as sewers, water facilities, police and fire protection, and schools can be provided in the most efficient and economical manner.

The Comprehensive plan for Polk County designates mutually-agreed upon urban growth boundaries for all municipalities within the County. The location of these boundaries is site specific. There are agreed-upon methods for amending the boundaries. Processes have been established for coordinating the provision of urban services and facilities within unincorporated areas inside the boundaries, as well as processes for reviewing and coordinating with affected agencies any land use actions, such as annexations, within the boundaries.

Intergovernmental agreements between city and County regarding urban land development and the provisions of public facilities and services within urban growth boundaries serve as one means of implementing County urban land development policies. The County will be working with cities within its jurisdiction in developing growth management programs for urbanizable lands. These programs may involve such components as capital improvements programming, systems development charges and the phasing or staging of public facilities and services.

GRANTS-IN-AID

Several federal and state agencies offer grants-in-aid for social service programs, housing programs, land use planning, sewer and water projects and various other items. Such grants are a valuable tool in assisting local governments in attaining goals and fulfilling Comprehensive Plan policies. Polk County has utilized grants in the past and will continue to do so where practical.

INTERGOVERNMENTAL COOPERATION

The Comprehensive Plan policies frequently refer to intergovernmental cooperation. Senate Bill 100 mandated coordination by counties of all planning activities affecting land uses within a county. Coordination of planning efforts has become another important implementation tool, Polk County having already established numerous agreements and policies of cooperation with the municipalities and special districts within the County, as well as agencies, committees, boards, and individuals involved in planning for the County.

As a member of the Mid-Willamette Valley Council of Governments, Polk County recognizes the need for inter-county and city-county cooperation in areas such as public health, transportation, parks and recreation, water supply and sewerage facilities, and planning. The focus is clearly as much a city-county as an inter-county relationship, and Polk County supports both perspectives. The County also recognizes the opportunity for planning coordination with counties and jurisdictions which are not members of the Mid-Willamette Valley Council of Governments.

CITIZEN INVOLVEMENT

For the purpose of obtaining citizen participation in coordinating planning within the County, the Board of Commissioners has established advisory committees on land use planning for various geographic areas of the county. State law mandates that the local government decision makers must consult with these advisory committees in respect to the preparation, adoption, revision, and implementation of the comprehensive Plan. This has been accomplished in the plan preparation phase and will be sustained as part of the ongoing planning program. The Citizen Involvement Background Report explains in detail the County's program and efforts to provide for citizen involvement. Citizen involvement groups will be providing valuable input as the County implements the Plan through guidance and review of proposed actions.

APPENDIX A

PREFACE

Polk County is taking an Exception to the statewide planning goal dealing with agricultural lands (Goal #3). The amount of acreage involved in this Exception is approximately 53,000 acres. A complete and detailed Exceptions statement is presented in the section that follows, for an area that contains approximately 12,000 acres. The zoning is Acreage Residential, five acre minimum, and the plan designation is Rural Lands. The remaining 41,000 acres are zoned Agriculture-Forest (AF) and are also plan designated Rural Lands. The AF zone is intended to define and protect areas identified as less highly productive agricultural lands in the comprehensive plan, including some lands identified as agricultural or forest land in the statewide planning goals. It is the purpose of the AF zone to encourage agriculture or forestry as the dominant uses of such lands, to preserve such lands as long as possible for the production of agricultural and forest products, and to insure that the conversion of such lands to urban or non-farm rural uses -- where necessary and appropriate -- occurs in an orderly and economical manner.

Polk County believes that the Agriculture-Forestry zone meets the spirit and intent of Goal #3. However, the county will also put forth an Exceptions statement to the agricultural lands goal for the 41,000 acres zoned Agriculture-Forestry. That Exception will be presented in the following section, after the Exceptions statement that was developed for areas zoned Acreage Residential - 5 (Refer to Part IV).

INTRODUCTION

In 1973, the Oregon Legislative Assembly adopted Senate Bill 100 (ORS Chapter 197), the 1973 Land Use Act. The Land Use Act represented the latest in a series of attempts by the Oregon Legislature to promote and coordinate comprehensive land-use planning at the local level. The Land Use Act provided for the creation of the Land Conservation and Development Commission (LCDC) and mandated that LCDC adopt statewide planning goals and guidelines by January 1, 1975. These goals and guidelines were to serve as standards by which state review of local comprehensive plans could be conducted. LCDC adopted 19 land-use planning goals; Goal #3 addresses the preservation of agricultural lands. Specifically, Goal #3 mandates the following:

"Agriculture lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space."

Goal #3 further states that all agricultural lands shall be inventoried and preserved by adopting exclusive farm use zones. Agricultural land in western Oregon is defined as land of predominately Class I, II, III, and IV soils, as identified in the Soil Capability Classification System of the United States Soil Conservation Service. Other lands suitable for farm use - taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices (including lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearly lands) - shall be included as agricultural land.

In the event that the county does not adopt an exclusive farm use zone (during the preparation or update of the comprehensive plan) for areas exhibiting agricultural lands, an Exception to the agricultural goal must be taken.

"Simply stated, the Exceptions Process is a method for describing how the land use requirements of certain Statewide Goals have been balanced against local land use needs, as those needs apply to specific situations. In some situations, the specific requirements of certain Statewide Planning Goals may conflict with one of the community's site specific land use needs. The Exceptions Process provides the flexibility to deal with those kinds of conflicts.'

The Exception itself is the documentation of a city or county's conclusion that 'it is not possible to apply' a particular goal to certain land areas. That conclusion must be based on a justified need for a use, not otherwise allowed by a goal, to be located in a specific area. The conclusion must be well supported by compelling reasons and facts....'

"It must be clearly understood that the Exceptions Process is not to be used to indicate that a jurisdiction disagrees with a goal or does not wish to comply with a specific goal." (Kvarsten, 1978, pg. 3)

The Exceptions Process is used to set forth the factors and reasons for determining that certain agricultural lands may be in one of two categories of land:

1. Land no longer available for farm use; or
2. Agricultural lands needed for future urban or rural nonfarm uses.

- a. Land no longer available for farm use; when agricultural land is no longer available for farm use, the full findings, ordinarily required for an exception, are not necessary. The finding that the land has been 1) physically developed or built upon, or that the land has been 2) irrevocably committed to urban or rural uses, is the only information necessary to support a valid exception. How much of the land is considered as physically developed or irrevocably committed must be set forth with the facts supporting the designation of "developed" or "committed".
- b. Lands needed for non-farm uses; if the county determines there is a need to use agricultural lands for either an urban or rural non-farm use, the justification is set forth in the county comprehensive plan as an Exception. The information justifying the Exception includes a complete statement of the compelling reasons and facts for the finding that specific agricultural land must be allocated for non-farm uses. The following reasons are set forth in the Plan:
 - 1) Why these other uses should be provided for;
 - 2) what alternative locations within the area could be used for the proposed uses;
 - 3) what are the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use'
 - 4) a finding that the proposed uses will be compatible with other adjacent uses.

There are several areas in the county with agricultural lands which are not zoned for Exclusive Farm Use. These areas are not plan designated for Agriculture because they fall into one of the aforementioned categories. Accordingly, Polk County is taking an Exception to the Agricultural Lands Goal; that Exceptions statement is presented in the following pages. It is presented as a discussion of the rationale and data used by the county to determine which areas consisted of lands no longer available for farm use; or lands needed for non-farm uses.

PART I

DISCUSSION OF RATIONALE AND DATA USED TO DETERMINE AREAS UNSUITABLE FOR AGRICULTURAL AND FORESTRY USES

LANDS NO LONGER AVAILABLE FOR FARM USE

There are 28 sub-planning discussion areas plan designated as Rural Lands which fit into this category. Total acreage for these 28 areas is approximately 3,244 acres. Average parcel size ranges from one to eight acres; and a majority of the parcels are occupied by either dwelling units or commercial-use structures.

There are six sub-areas which do not fit into the above generalizations.

- a) There is one area wherein a majority of the parcels are not occupied by dwelling units or commercial-use structures, but the average parcel size is less than two acres, Sub-area II"B"
- b) There are three areas wherein a majority of parcels are not occupied by dwelling units or commercial-use structures, but they serve as sites for major subdivisions. These areas exhibit capital investments for roads and public water systems (e.g., connections to rural domestic water systems), Sub-areas IV "A", IV "C", and XL.
- c) Two areas serve as locations for rural community centers, Valley Junction and Grand Ronde, Sub-areas XXXV"A" and XL"C".

More detailed information on the above six areas as well as the other 22 can be found in Part II of this document.

LANDS NEEDED FOR NON-FARM USES

There are 17 sub-planning discussion areas plan designated for Rural Lands which fall under this category. The following lists sub-areas and the number of acres contained in each.

1. Areas considered by the West Salem Hills Planning Commission.

| <u>Sub-area</u> | <u>Number of Acres</u> |
|-----------------|------------------------|
| V | 140 |
| V "A" | 85 |
| VII "A" | 212 |
| TOTAL | 437 |

2. Areas considered by the Polk County Planning Commission.

| <u>Sub-area</u> | <u>Number of Acres</u> |
|-----------------|------------------------|
| VI 1, | 361 |
| XVII "B" | 800 |
| XVII "C" | 580 |
| XIX | 169 |
| XXIV | 2,545 |
| XXVI | 564 |
| XXVIII | 2,142 |
| XXXIV "C" | 227 |
| XXXVI "D" | 74 |
| XXXVII "B" | 118 |
| XL "B" | 126 |
| TOTAL | 8,706 |

As stated previously, information presented by the county to support an Exception for this category of land must be detailed and complete. In view of that consideration, presented in the following pages are the Exception Process questions and the county's response to each of them.

NEED: Why these other uses should be provided for.

Polk County is taking an Exception for the following reasons:

- A. Areas are needed to provide acreage to help meet the housing needs of the county rural population to the year 2000.
 - B. Polk County believes that by plan designating areas of marginal farmland for rural residential use, the county would be helping to protect quality agricultural lands.
- 1) It is a county policy (Polk County Comprehensive Plan policies XI, Housing) to provide

an opportunity for a segment of the county population to live in rural areas on acreage home sites. This policy is the result of many hours of input received through citizen involvement during Polk County's planning program. During the latest comprehensive plan update process, that policy was again re-affirmed and heavily supported by citizen input.

Areas selected for rural residential development had to meet at least one of two criteria:

- A. They had to offer only marginal suitability for agricultural or forestry use; or
- B. They had to exhibit public utilities (such as connections to rural domestic water systems or an adequate rural road system) sufficient to accommodate the projected growth.

In order to develop some estimation of how much rural residential housing the county should provide for, it was decided to base an estimation on rural population projections.

Consider the following:

Between 1975 and 2000, total population growth in Polk County is projected to increase to 59,219 - an increase of 18,953. Twenty-five percent of that total, or 4,710 residents, are projected for the rural areas (Siegel, 1977, p. 26). The average household size by 2000 is expected to be 3.03 members*. Accordingly, there will be a need for approximately 1,554 dwelling units to meet rural population housing needs. Assuming one dwelling unit per parcel, there will be a need for 1,554 developable parcels. It is further assumed that the units will be single-family.

The number of additional dwelling units that can be developed in "lands no longer available for farm use" is 264. (Refer to Table 1). The number of units that can be developed in "lands needed for non-farm use" is 1573. (Refer to Table 2). Total potential is 1,837. However, based on past averages, 24 percent of all site evaluations for septic system installation will be denied.** Therefore, the total number of developable parcels (and the number of single family units that can be constructed) is estimated at 1,396.

$$\begin{aligned} 1837 \times .24 &= 440.88 \\ 1837 - 441 &= 1396 \end{aligned}$$

*Average computed from information contained in The Regional Land Use Element, Mid-Willamette Valley Council of Governments, September, 1977, pg. 41.

**Information obtained through the Polk County Department of County Development, Environmental Health Division.

TABLE 1
POTENTIAL FOR RECEIVING DWELLING UNITS IN
LANDS NO LONGER AVAILABLE FOR FARM USE*

1. Areas considered by the West Salem Hills Planning Commission.

| <u>Sub-areas</u> | <u>Dwelling Units</u> |
|------------------|-----------------------|
| I "C" | 4 |
| II "A" | 7 |
| II "B" | 7 |
| IV "A" | 21 |
| IV "C" | 47 |
| IV "D" | 24 |
| VI | 3 |
| VII "B" | 2 |
| IX | 19 |
| XIII | 3 |
| XIV "A" | 1 |
| XIV "C" | 2 |
| TOTAL | 140 |

2. Areas Considered by the Polk County Planning Commission

| <u>Sub-areas</u> | <u>Dwelling Units</u> |
|------------------|-----------------------|
| X | 1 |
| XIII | 4 |
| XV | 8 |
| XVIII | 1 |
| XXI | 11 |
| XXVI "A" | 4 |
| XXVI "B" | 13 |
| XXXIII "A" | 2 |
| XXXV "A" | 2 |
| XL | 47 |
| XL "A" | 17 |
| XL "C" | 14 |
| TOTAL | 124 |

*Assumption: Maximum density allowed; one dwelling unit per five acres.

TABLE 2
POTENTIAL FOR RECEIVING DWELLING UNITS
IN "LANDS NEED FOR NON-FARM USES"*

1. Areas considered by the West Salem Hills Planning Commission.

| <u>Sub-areas</u> | <u>Dwelling Units</u> |
|------------------|-----------------------|
| V | 25 |
| V "A" | 8 |
| VII "A" | 39 |
| TOTAL | 72 |

2. Areas considered by the Polk County Planning Commission.

| <u>Sub-areas</u> | <u>Dwelling Units</u> |
|------------------|-----------------------|
| VI "A" | 31 |
| "B" | 45 |
| "C" | 31 |
| "D" | 112 |
| XVII "B" | 145 |
| XVII "C" | 104 |
| XIX | 15 |
| XXIV | 438 |
| XXVI | 118 |
| XXVIII | 372 |
| XXXIV "C" | 39 |
| XXXVI "D" | 13 |
| XXXVII "B" | 18 |
| XL "B" | 20 |
| TOTAL | 1,501 |

*Assumption: maximum density allowed; one dwelling unit per five acres.

- 2) In Polk County, there are four general landforms:
- A. Alluvial Bottomlands (elevation: 120-220 ft.),
 - B. Terraces - Willamette Valley (175-750 ft.) and Coast Range (600-1100 ft.),
 - C. Foothills - low (275-350 ft.) and high (300-1100 ft.),
 - D. Mountainous Upland - (750-1700 ft.) and "cold" (1700 ft.).

Most of the area plan designated for rural residential use; are found in the foothills category. The major cities in the county - Dallas (its eastern half), Independence, Monmouth, and West Salem - are situated in either the alluvial bottomland or terrace (Willamette Valley landforms (refer to Map 1).

As indicated in the data contained in Table 3, there are more soil associations with higher agricultural productivity indexes in the alluvial bottomland and terrace landforms than in the foothills category.

Attention should be given to the fact that soil types which might share the same land capability rating (i.e., Class I - VIII), do not necessarily share the same agricultural productivity indexes. For example: The Malabon-Coburg soil association, found in the Willamette Valley terraces, has a land capability rating of Class II and a productivity index of 90 percent. The Nekia-Jory-Ritner association, found in the foothills, has capability ratings of Class II and III, but a productivity index of only 60 percent. Equal land capability ratings do not guarantee equal agricultural productivity.

Accordingly, the county believes that, generally areas located in the alluvial bottomlands and terraces offer more agricultural potential than those areas situated in the foothills, even though the areas might exhibit soils with identical land capability ratings.

Another indication of the agricultural potential of an area is the current use of the land; whether it is cleared or covered by timber. The cost of bringing timber covered land into agricultural production averages \$250 -300 per acre, plus another \$150 - 200 per acre to stock the land (Burt, March, 1978). Accordingly, regardless of the land capability rating of the soils in as area, if a land owner lacks the capital or inclination to prepare the land for agricultural use, the land will remain "idle".

Most areas in the bottomlands or valley terraces are cleared while most of the foothills are covered with trees. Thus, the bottomlands and terraces will remain the most active and productive agricultural lands in the county because they take the least amount of effort or capital to operate. In times of high agricultural market values and revenues, many farmers will attempt to expand their operations into the foothill areas. In most instances, this is unfortunate because erosion problems often result (Burt, March, 1978).

As indicated earlier, rural population growth is projected for Polk County. In that event, the county believes this growth should occur in the foothill areas. If growth in these areas is prevented, growth pressures will increase further on the cities, and eventually force their expansion onto the most productive agricultural lands.

ALTERNATIVES

What locations within the area could be used for the proposed uses?

In order to address this segment of the Exceptions Process, each of the sub-planning discussion areas must be examined separately. Essentially, the sub-areas recommended for rural residential use under "lands needed for nonfarm uses", fit into one of four basic categories:

- A. Areas selected because of a general lack of agricultural soils;
- B. Areas selected because of the extent of parcelization they exhibit:
- C. Areas selected because their development would help to keep growth in the vicinity of existing urban areas, which would allow for the future provision and maintenance of public facilities and services at maximum efficiency; and
- D. Areas selected because they are experiencing non-farm use interference and conflict, wherein continued agricultural activity is judged infeasible.

- 1) Areas selected because of a general lack of agricultural soils.

| <u>Sub-areas</u> | <u>General Location</u> |
|------------------|-------------------------|
| V | Eola Hills |
| VII "A" | Eola Hills |
| VI "D" | Bridgeport |
| XXXIV "C" | Grand Ronde |

Sub-area V

| | |
|-------------------------------------|-----------|
| Total Acreage | 145 acres |
| Total Acreage of Agricultural Soils | 86 acres |
| Percent in Agricultural Soils | 59% |
| Predominant Soil Class | Class IV |

Sub-area VII "A"

| | |
|-------------------------------------|--------------------|
| Total Acreage | 212 acres |
| Total Acreage of Agricultural Soils | 62 acres |
| Percent in Agricultural Soils | 29% |
| Predominant Soil Classes | Classes III and IV |

Sub-area VI "B"

| | |
|-------------------------------------|--------------------|
| Total Acreage | 590 acres |
| Total Acreage of Agricultural Soils | 235 acres |
| Percent in Agricultural Soils | 40% |
| Predominant Soil Classes | Classes III and IV |

Sub-area XXXIV "C"

| | |
|-------------------------------------|-----------|
| Total Acreage | 227 acres |
| Total Acreage of Agricultural Soils | 115 acres |
| Percent in Agricultural Soils | 51% |
| Predominant Soil Class | Class II |

Of the four sub-areas listed, two demonstrate less than half of the total acreage in agricultural soils - sub-areas VII "A" and VI "D". Sub-areas V and XXXIV "C" exhibit only slightly more than half of their total acreage in agricultural soils.

- A. It should be noted that these four sub-areas generally demonstrated less acreage of agricultural soils than most of the other sub-areas.
- B. Sub-areas V, VII "A", and VI "D" are located within, or adjacent to, other areas recommended for rural residential use; areas wherein agricultural activity is judged greatly inhibited by the existence of nonfarm use interference and conflicts.
- C. Sub-area XXXIV "C" was further recommended for rural residential use because of local climatic conditions. It is located at the bottom of a narrow valley which greatly reduces the amount of sun exposure necessary for agricultural purposes.

2) Areas selected because of the extent of parcelization.

| <u>Sub-areas</u> | <u>General Location</u> |
|---------------------------------|-------------------------|
| V "A" | Eola Hills |
| VI "A" | Bridgeport |
| "B" | |
| "C" | |
| XIX | West of Dallas |
| XXXVI "D" | Grand Ronde |
| <u>Sub-area V "A"</u> | |
| Total area | 85.00-acres |
| Number of Parcels | 10 |
| Average Parcel Size | 8.50-acres |
| Number of Parcels Occupied | |
| By Dwelling Unit (Or Commercial | |
| Use Structure) | 2 |
| Number of Parcels Not Occupied | 0 |
| Largest Parcel | 25.00-acres |
| Smallest Parcel | 3.00-acres |
| <u>Sub-area VI "A"</u> | |
| Total Area | 216.00-acres |
| Number of Parcels | 20 |
| Average Parcel Size | 10.80-acres |
| Number of Parcels Occupied By | |
| Dwelling Unit (Or Commercial | |
| Use Structure) | 9 |
| Number of Parcels Not Occupied | 11 |
| Largest Parcel (T.L. 101) | 42.00-acres |
| Smallest Parcel (T.L. 302) | 3.00-acres |
| <u>Sub-Area VI "B"</u> | |
| Total Area | 370.00-acres |
| Number of Parcels | 33 |
| Average Parcel Size | 11.00-acres |
| Number of Parcels Occupied By | |
| Dwelling Unit (Or Commercial | |
| Use Structure) | 21 |
| Number of Parcels Not Occupied | 12 |
| Largest Parcel (T.L. 1000) | 30.00-acres |
| Smallest Parcel (T.L. 302) | 3.00-acres |

Sub-Area VI "C"

| | |
|---|--------------|
| Total Area | 200.00-acres |
| Number of Parcels | 17 |
| Average Parcel Size | 12.00-acres |
| Number of Parcels Occupied By Dwelling Unit (Or Commercial Use Structure) | 8 |
| Largest Parcel (T.L. 1200) | 110.00-acres |
| Smallest Parcel (T.L. 1001) | 1.00-acre |
| Total Area Less T.L. 1200 | 90.00-acres |
| Number of Parcels | 16 |
| Average Parcel Size | 5.60-acres |
| Number of Parcels Occupied By Dwelling Unit (Or Commercial Use Structure) | 7 |
| Number of Parcels Not Occupied | 9 |
| Largest Parcel (T.L. 1019) | 13.00-acres |
| Smallest Parcel (T.L. 1001) | 1.00-acre |

Sub-Area XIX

| | |
|---|--------------|
| Total Area | 169.00-acres |
| Number of Parcels | 26 |
| Average Parcel Size | 6.50-acres |
| Number of Parcels Occupied By Dwelling Unit (Or Commercial Use Structure) | 11 |
| Largest Parcel (T.L. 500) | 19.00-acres |
| Smallest Parcel (T.L. 512) | 0.50-acres |

Sub-area XXXVI "D"

| | |
|---|-------------|
| Total Area | 73.50-acres |
| Number of Parcels | 4 |
| Average Parcel Size | 18.40-acres |
| Number of Parcels Occupied By Dwelling Unit (Or Commercial Use Structure) | 2 |
| Number of Parcels Not Occupied | 2 |
| Largest Parcel (T.L. 902) | 30.00-acres |
| Smallest Parcel (T.L. 904) | 3.50-acres |

As indicated in the data presented, all six sub-planning discussion areas demonstrate a degree of parcelization. Granted, these areas are not partitioned to the extent that the land in each

is no longer available for farm use. However, based on the need for developable acreage for rural residential uses, the county believes it best to provide sites in these six areas, rather than in other areas that have experienced less parcelization. In addition, these six sub-areas are located in proximity to concentrations of non-farm development.

Sub-area V "A" -area exhibits parcelization. It is located in proximity to a predominance of non-farm uses and interference. In particular, a major sub-division is being developed immediately south in sub-area IV "C".

Sub-areas VI "A", "B", "C" - areas demonstrate extensive parcelization. Average parcel size is 12 acres or less. A majority of parcels in each area is occupied by a dwelling unit. A possible alternative for sub-area VI "C" would be to delete T.L. 1200 (110 acres) and reduce average parcel size. Perimeter of sub-area VI is formed by a main line of the Luckiamute rural domestic water system. Because of this availability of public water, the county believes maximum rural residential development is both inevitable and logical.

Sub-area XIX - average parcel size is slightly greater than five acres. Majority of parcels are occupied by dwelling units. Area is located close to Dallas (approximately 1.5 miles due west of the city limits) which would allow the future provision and maintenance of public facilities and services at maximum efficiency.

Sub-area XXXVI "D" - area demonstrates some degree of parcelization. Primary consideration for the rural residential designation was the area's closeness to the Grand Ronde rural community center. The center is approximately .5 miles to the north and it was believed that the influence of nonfarm uses and interference would be high.

3) Areas selected because their development would help to keep growth in the vicinity of existing urban areas, which would allow for the future provision and maintenance of public facilities and services at maximum efficiency.

| <u>Sub-areas</u> | <u>General Location</u> |
|------------------|-------------------------|
| XVII "B" | Southwest of Dallas |
| XVII "C" | South of Dallas |
| XXIV | North of Dallas |
| XXVIII | North of Dallas |
| XXXVII "B" | Grand Ronde |

- A. Sub-area XVII "B" - located adjacent to the southwest corner of the Dallas urban growth boundary (UGB). There is enough acreage to develop 145 dwelling units.
- B. Sub-area XVII "C" - located south of Dallas, between a Southern Pacific railroad right-of-way and Mistletoe Road. There is enough acreage to develop 104 dwelling units.
- C. Sub-area XXIV - located north of Dallas. Its eastern boundary is formed by Perrydale Road, its western by Pioneer Road. There is enough acreage to develop 435 dwelling units.
- D. Sub-area XXVIII - located north of Dallas and sub-area XXIV. Its northern boundary is formed by Highway 22. There is enough acreage to develop 372 dwelling units.

- E. Sub-area XXXVII "B" - located west of the Grand Ronde rural community center. Its northern boundary is formed by the Salmon River Highway. There is enough acreage to develop 18 dwelling units.

Polk County believes rural residential development should occur in these five areas because it would help to keep growth of nonfarm uses concentrated in the vicinity of existing urban areas. Further, the development of these areas would allow for the future provision and maintenance of public facilities and services at maximum efficiency.

Sub-areas XXIV and XXVIII are located north of Dallas and are served by a system of rural arterial and collector streets. The northern segment of area XXVIII as well as the northeastern border of area XXIV are served by a main line of the Perrydale rural domestic water system. Because of this availability of public water, the county believes rural residential development in those two areas is appropriate.

Sub-area XXXVII "B" has frontage on a major highway, the Salmon River Highway, and is served by a main line of the Grand Ronde rural domestic water system.

Polk County believes sub-area XVII "C" could be substituted for by sub-area XXVII. Sub-area XXVII is located adjacent to the northern border of the Dallas urban growth boundary. Sub-area XXIV, located to its immediate north, is also recommended for rural residential use. Sub-area XXVII has enough acreage to develop 192 units.

- 4) Areas selected because they are experiencing nonfarm use interference and conflict, wherein continued agricultural activity is judged infeasible.

| <u>Sub-areas</u> | <u>General Location</u> |
|------------------|-------------------------|
| XXVI | Northwest of Dallas |
| XL "B" | Grand Ronde |

Sub-area XXVI is located northwest of Dallas between Pioneer and Reuben Boise Roads. The following description is considered typical of what farmers in the area must contend with. An owner of a 320 acre parcel in the area has discontinued most farming activity because (1) aerial fertilization had to be stopped because of complaints from neighboring residents; (2) fences had been cut and property trespassed upon. There have been several incidents of persons running their motorcycles and off-road vehicles on the property and "rutting" it up badly. (There is enough acreage to develop 118 dwelling units in sub-area XXVI.)

Sub-area XL "B" is located close to the southern border of the Grand Ronde rural community center. It is also located directly south of sub-area XL "A", an area included under the "lands no longer available for farm use" category. Sub-area XL "B's" northwest boundary is adjacent to a subdivision which presently has 32 lots (average size 1.5 acres) and 10 dwelling units. This subdivision also marks an area serviced by a main line of the Grand Ronde rural domestic water system. Area XL "B" has 126 acres, with nine parcels (average size 14 acres). There is enough acreage to develop 20 dwelling units.

Because of the closeness of the subdivision and other nonfarm uses, it is believed that agricultural activity would be interfered with. Neighboring nonfarm residents complain about aerial application of fertilizer and/or pesticide/herbicides. Nonfarm residents in the area trample crops and harass livestock.

CONSEQUENCES

What are the long term environmental, economic, social and energy consequences to the locality, the region, or the state from not applying the goal or permitting the alternative use.

It is not possible, considering the amount of acreage involved, to depict in detail what the environmental, economic, social, and energy consequences will be for each of the seventeen sub-planning discussion areas. To fully determine such consequences, an Environmental Impact Statement on each possible home site (potential number: 1837) in the seventeen sub-areas would be needed. Time and staff constraints will not allow for such an undertaking.

The county believes, however, that the environmental, economic, social and energy consequences will be similar for each sub-area. Therefore, general statements on each consequence will be presented at the beginning of this section. Where possible, specific consequences, or impacts, will be discussed for each sub-area.

ENVIRONMENTAL CONSEQUENCES

Rural residential development in any of the seventeen sub-areas is not expected to cause the irreversible removal of quality agricultural or forest land from the resource base of Polk County. Sub-areas are situated in areas considered as marginal for both uses.

Rural residential development in any of the seventeen sub-areas is not expected to cause the irreversible removal of any significant geologic or natural features or assets - such as mineral sites, wetlands, potential reservoir sites, identified natural areas.

Other possible environmental consequences (or impacts) of rural residential development in any of the sub-areas - such as erosion problems or the lowering of the water table - are impossible to judge at this time. Possible problems between sewage disposal and ground water (most areas are without public sewer systems) are not expected because it is assumed that present county and Department of Environmental Quality standards have been designed to protect against health hazards in this regard.

ECONOMIC CONSEQUENCES

Costs for public facilities and services - such as road maintenance, expenditures for school budgets, police and fire protection and so on - will increase due to population growth in the areas. Rural residential development, when compared with more urban designs, utilizes more land because dwelling units are situated further apart. Therefore, the costs for servicing rural residential uses tend to be higher.

The cost of losing agricultural or commercial timber production is expected to be low because the areas are considered marginal for both uses.

SOCIAL CONSEQUENCES

Rural residential development in any of the seventeen sub-areas is not expected to

preclude the use of any parks or recreational trails, or cause the irreversible removal of any significant cultural areas.

Social impacts, including those from nonfarm use, are expected to increase.

ENERGY CONSEQUENCES

Rural residential development in any of the sub-areas is not expected to cause the irreversible removal of potential energy sources from the resource base of Polk County. Overall, per capita energy usage is expected to increase. Inherently, any rural residential development will cause an increase in fuel and heating costs over those developments which utilize cluster or multi-family design concepts.

The environmental, economic, and social impacts will be felt at the county level. An increase in energy use will have consequences at county, regional, and state levels.

NOTE: The following information was used to determine the commercial timber potential of an area. For further explanation, the reader is advised to consult Background Report, Forest Lands, an element of the Polk County Comprehensive Plan, (review draft), March, 1978.

Forest site capability classes represent an attempt to give some indication of the potential of an area for commercial timber production. Class I land offers the highest potential, Class V offers the lowest.

| <u>Class</u> | <u>Capability Rating</u> |
|--------------|--------------------------|
| I | Excellent |
| II & II+ | Very Good |
| II- & III+ | Good |
| III | Fair |
| III- & IV+ | Poor |
| IV & IV- | Very Poor |

EXAMINATION OF CONSEQUENCES FOR INDIVIDUAL SUB-AREAS

Sub-Area V - General Location, Eola Hills

Environmental Consequences - Area is considered marginal farmland because only 59 percent of the soils are agricultural. The predominant soil type has a land capability rating of Class IV. Area is situated on a hillside. Slope varies from 12-30 percent on the sides, leveling off to 3 percent in only a few places. Sub-area V is also located in an area exhibiting a predominance of nonfarm uses and interference. Forest site classification data are not available.

Economic Consequences - Social impacts are expected to increase but not to a significant level. Sub-area V has enough acreage to develop 25 dwelling units. The overall impact on farmlands located to the west and north of sub-area V is expected to be minimal. The larger area, of which area V is a part, already demonstrating a predominance of nonfarm uses.

Energy Consequences - Refer to introduction.

Sub-Area V "A" - General Location, Eola Hills

Environmental Consequences - Area V "A" demonstrates a predominance of agricultural soils - Classes II and III. However, plan designation of the area for rural residential development would not result in a removal of quality agricultural land. Area is not in agricultural use because of problems with slope (7-20%), rocky terrain, and the difficulty of obtaining irrigation. (Area drops off to the east. Solar exposure is therefore considered marginal.) Further, area is not in agricultural use because of the extent of parcelization and the predominance of nonfarm uses, interference and conflicts in adjacent areas. (In particular, a major subdivision is being developed immediately south in sub-area IV "C". See "Lands no longer available for farm use" segment of this report.) Forest site classification data are not available.

Economic Consequences - Refer to introduction.

Social Consequences - Social impacts are expected to increase, but not to significant levels. Sub-area V "A" has enough acreage to develop eight dwelling units. The overall impact on areas located to north and east of sub-area V "A" is expected to be minimal. The larger area of which V "A" is a part, already demonstrates a predominance of nonfarm uses.

Energy consequences - Refer to introduction.

Sub-Area VII "A" - General Location, Eola Hills

Environmental Consequences - Area is considered marginal farmland because only 29 percent of the soils are agricultural. The predominant soil types have a capability rating of Class III and IV. Area is situated on a hillside - 30-60 percent slope. Area is immediately adjacent to the West Salem urban growth boundary (UGB). In that vicinity, a large subdivision has been developed. Consequently, nonfarm uses and interference are expected to be high. Forest site classification data are not available.

Economic Consequences - Refer to introduction.

Social Consequences - Social impacts are expected to increase, but not to significant levels. Sub-area VII "A" has enough acreage to develop 39 dwelling units. The overall impact of allowing rural residential development to occur is expected to be minimal, because a predominance of nonfarm uses already exists in that general area. (Refer to data contained in "Lands no longer available for farm use" segment in this report on sub-area VII "B".)

Energy consequences - Refer to introduction.

Sub-Area VI "A", "B", "C", "D" - General Location, Bridgeport

Environmental Consequences - Area is considered marginal farmland because much of it (areas "A", "B", "C") is extensively partitioned with a dominance of nonfarm uses. Average parcel size is 12 acres or less. Out of 70 parcels, 38 are occupied by dwelling units. Area VI "D" is considered marginal because of a general lack of agricultural soils. Only 40 percent of

its soils are agricultural; the predominant soil types have capability ratings of Classes III and IV. Perimeter of sub-area VI is paralleled by a main line of the Luckiamute rural domestic water system. Because of the availability of public water in proximity to the area, the county believes maximum rural development is appropriate. The dominant forest site class in sub-area VI is Class III- and IV+, judged as only offering poor potential for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts are expected to increase but not to significant levels. (Sub-area VI has enough acreage to develop 197 dwelling units.) The overall impact of such development is expected to be minimal, because a predominance of nonfarm uses is judged as already being in existence.

Energy consequences - Refer to introduction.

Sub-Area XVII "B" - General Location, Southwest Of Dallas

Environmental consequences - Designation of area for rural residential use and its subsequent development as such, would mean the loss of some agricultural land. Some western sections of the area are not currently in agricultural production due to the existence of tree cover (Scrub oak"). Costs of preparing the land for agricultural use are considered high (\$400-500 per acre) and will probably inhibit their conversion to production for some years. Area XVII "B" was selected because the county believes rural residential development there would help to keep growth and nonfarm uses concentrated in the vicinity of an existing urban area. Further, development of sub-area XVII "B" would allow for the future provision and maintenance of public facilities and services at maximum efficiency. Predominant forest site class is III- and IV+. Area is judged as offering poor potential for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts are expected to increase. There will be more nonfarm uses in the area. Many of the larger parcels will undoubtedly be partitioned into smaller acreage. Sub-area XVIII "B" has enough acreage to develop 145 dwelling units.

Energy consequences - Refer to introduction.

Sub-Area XVII "C" - General Location, Southwest Of Dallas

Environmental consequences - Designation of area for rural residential use, and its subsequent development as such, would mean the loss of some agricultural land. Some of the area is not currently in intensive agricultural production due to the existence of tree cover ("Scrub-oak"). Costs of preparing the land for agricultural use are considered high (\$400-500 per acre) and will probably inhibit their conversion to production for some years. Sub-area XVII "C" was selected because the county believes rural residential development there would help to deep growth and nonfarm uses concentrated in the vicinity of an existing urban area. In addition, development of sub-area XVII "C" would allow for the future provision and maintenance of public facilities and services at maximum efficiency. Predominant forest site class is III- and IV+. Area is judged as offering poor potential for commercial timber production.

Social consequences - Social impacts are expected to increase. There will be more nonfarm uses in the area. Many of the larger parcels will undoubtedly be partitioned into smaller acreage. Sub-area XVII "C" has enough acreage to develop 104 dwelling units.

Energy consequences - Refer to introduction.

Sub-Area XIX - General Location, West Of Dallas

Environmental consequences - Area is considered marginal farmland because much of it is extensively partitioned with a dominance of nonfarm uses. Average parcel size is 6.5 acres. Out of 26 parcels, 11 are occupied by dwelling units. Sub-area XIX is located close to Dallas (approximately 1.5 miles due west of the city limits) which would allow the future provision and maintenance of public facilities and services at maximum efficiency. Forest site classes exhibited are II- and III+, and III- and IV+. Area is judged as offering good to poor potential for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts would be expected to increase as the remaining undeveloped parcels are occupied by dwelling units. Non-farm uses will increase. Sub-area XIX has enough acreage to develop 15 dwelling units.

Energy consequences - Refer to introduction.

Sub-Area XXIV - General Location, North Of Dallas

Environmental consequences - Sub-area XXIV is situated on hill. Slope varies from a low of 7 percent to a high of 75 percent. On the average, most of the area exhibits 7-12 percent slope. Farming activity on such slopes increases erosion problems. Only about 64 percent of the soils are agricultural.

Sub-area XXIV is served by a developed system of rural arterial and collector streets. Its northeastern corner is served by a main line of the Perrydale rural domestic water system. Because of this availability of public water, and area XXIV's proximity to Dallas, the county believes rural residential development there is appropriate.

Economic consequences - Refer to introduction.

Social consequences - Social impacts are expected to increase. There will be more non-farm uses in the area. Many of the larger parcels will undoubtedly be partitioned into smaller acreage. Sub-area XXIV has enough acreage to develop 435 dwelling units.

Energy consequences - Refer to introduction.

Sub-Area XXVI - General Location, Northwest Of Dallas

Environmental consequences - Sub-area XXVI is considered as marginal farmland because the extent of nonfarm uses and interference in the immediate area have made it difficult to continue agricultural activity.

Predominant forest site Class is II- and III+. Area is judged as offering very good potential for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts are expected to increase. Many of the larger parcels will undoubtedly be partitioned into smaller acreage. Sub-area XXVI has enough acreage to develop 118 dwelling units. Because of the degree of intensity of nonfarm interference now, however, these impacts are not expected to be significant.

Energy consequences - Refer to introduction.

Sub-Area XXVIII - General Location, North Of Dallas

Environmental consequences - Sub-area XXVIII demonstrates two types of general landforms. An area immediately adjacent to the highway is fairly level (3-7% slope) and shows a predominance of agricultural soils. An area situated further south consists of low hills, tree cover, and soils which are not agricultural. Slope in this second area ranges from 7 to 75 percent. Area exhibiting the hillsides is considered marginal farmland because of erosion problems, as well as problems operating farm machinery in that type of terrain. The more level area is extensively partitioned and is serviced by a main line of the Perrydale rural domestic water system. Nonfarm uses are expected to be high and will continue to increase because of the existence of public water. Predominant forest site Classes are II- and III+ and III. Area is judged good to fair for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts are expected to increase. Many of the larger parcels will undoubtedly be partitioned into smaller acreage. Sub-area XXVIII has enough acreage to develop 372 dwelling units.

Energy consequences - Refer to introduction.

Sub-Area XXXIV "C" - General Location, Grand Ronde

Environmental consequences - Sub-area XXXIV "C" is considered marginal farmland because only 51 percent of the soils are agricultural. The predominant soil type has a capability rating of Class II. However, the area is located at the bottom of a narrow valley which greatly reduces the amount of solar exposure available for agricultural purposes. Predominant forest site Classes are II-, III+, III- and IV+. Area is judged as offering good to poor potential for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts are expected to increase. Some of the larger parcels will undoubtedly be partitioned into smaller acreage. Sub-area XXXIV "C" has enough acreage to develop 39 dwelling units.

Energy consequences - Refer to introduction.

Sub-Area XXXVI "D" - General Location, Grand Ronde

Environmental consequences - Sub-area XXXVI "D" is considered marginal farmland because of its proximity to the Grand Ronde rural community service center (area is located approximately .5 mile south) and the influence of non-farm uses and interference. Its closeness to Grand Ronde would allow the future provision and maintenance of public facilities and services at maximum efficiency. In addition, its proximity to Grand Ronde would allow the concentration of non-farm uses in the vicinity of a rural community center. Predominant forest site Class for the area is III, which is considered as offering fair potential for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts will increase if parcels are partitioned into smaller sizes and dwelling units are developed on them. Sub-area XXXVI "D" has enough acreage to develop 13 dwelling units. Because of the existence of many nonfarm uses in the immediate area now, social impacts are not expected to be significant.

Energy consequences - Refer to introduction.

Sub-Area XXXVII "B" - General Location, Grand Ronde

Environmental consequences - Sub-area XXXVII "B" is considered marginal farmland because it is adjacent to the Grand Ronde rural community center and a predominance of non-farm uses. Area XXXVIII "B" has frontage on the Salmon River Highway, and is served by a main line of the Grand Ronde rural domestic water system. The county believes that because of the frontage and availability of public water, rural residential development in sub-area XXXVII "B" is appropriate. Predominant forest site Classes are II, II+, II- and III+. Area is judged as offering very good to good potential for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts from nonfarm uses are expected to increase as rural residential development occurs. There is enough acreage to develop 18 dwelling units. Social impacts are not expected to be significant on adjacent (timber production) uses.

Energy consequences - Refer to introduction.

Sub-Area XL "B" - General Location, Grand Ronde

Environmental consequences - Area is considered marginal farmland; the extent of nonfarm uses and interference in the immediate area have made it difficult to continue agricultural activity. Sub-area XL "B" is adjacent to a subdivision which presently has 32 lots (average parcel size 1.5 acre) and 18 dwelling units. Predominant forest site Classes are III, III- and IV. Area is judged as offering fair to poor potential for commercial timber production.

Economic consequences - Refer to introduction.

Social consequences - Social impacts from nonfarm uses are expected to increase. Sub-area XL "B" has enough acreage to develop 20 dwelling units. Social impacts are not expected to be significant due to the degree of intensity of existing nonfarm uses and interference.

Energy consequences - Refer to introduction.

Sub-area Selected as a Possible Substitute for Sub-area XVII "C"

Sub-Area XXVII - General Location, North Of Dallas

Environmental consequences - Sub-area XXVII was selected because it is located adjacent to the northern border of the Dallas urban growth boundary. The county believes rural residential development in sub-area XXVII would help to keep growth and non-farm uses concentrated in the vicinity of an existing urban area. Further, the development of sub-area XXVII would allow for the future provision and maintenance of public facilities and services at maximum efficiency. The rural residential development in sub-area XXVII would mean the loss of some agricultural land. Forest land classification data are incomplete.

Economic consequences - Refer to introduction.

Social consequences - Social impacts from nonfarm uses are expected to increase. Sub-area XXVII has enough acreage to develop 192 dwelling units.

Energy consequences - Refer to introduction.

COMPATIBILITY

Are the proposed uses compatible with other adjacent uses?

Attention should be given to what uses are proposed for areas plan designated rural residential. Acreage housing is the intended use; maximum density allowed is one dwelling unit per five acres.

Polk County believes acreage housing is a compatible use in area of marginal agricultural or forestry activity. Such a use would allow these two activities to continue; at the very least, allowing them to continue on a smaller, part-time basis. It has been the intent of this Exceptions report to demonstrate that the areas proposed for rural residential use are marginal agricultural or forestry lands because of physical (e.g., lack of productive soils) or cultural (e.g., the predominance of non-farm interference) constraints. In addition, other areas are plan designated rural residential because the county believes their development would help to keep non-farm uses and interference concentrated in the vicinity of existing urban areas; as well as allow for the future provision and maintenance of public facilities and services at maximum efficiency.

It has been stated that:

- A. Rural population growth will occur through the year 2000; and,
- B. because of county policies, the opportunity will be provided for rural residential development (acreage housing), at levels to be determined by the projection of housing needs of the rural population.

In those areas where some agricultural or forestry activity continues, the county believes minimum requirements for parcel size (five acres per dwelling unit) will be enough to buffer against the possible effects that non-farm uses may introduce.

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Personal Interview.

Kvarsten, W. J. March 15, 1978 MEMORANDUM, EXCEPTIONS PROCESS. Department of Land Conservation and Development. Salem, Oregon.

Mid-Willamette Valley Council of Governments (COG), September, 1977. The Regional Land Use Element. Salem, Oregon

Siegel, David. December 1977. Background Report: Population and Economics (Review Draft). Polk County Department of County Development, Planning Division. Dallas, Oregon.

PART II

DETAILED INFORMATION ON LANDS NO LONGER AVAILABLE FOR FARM USE

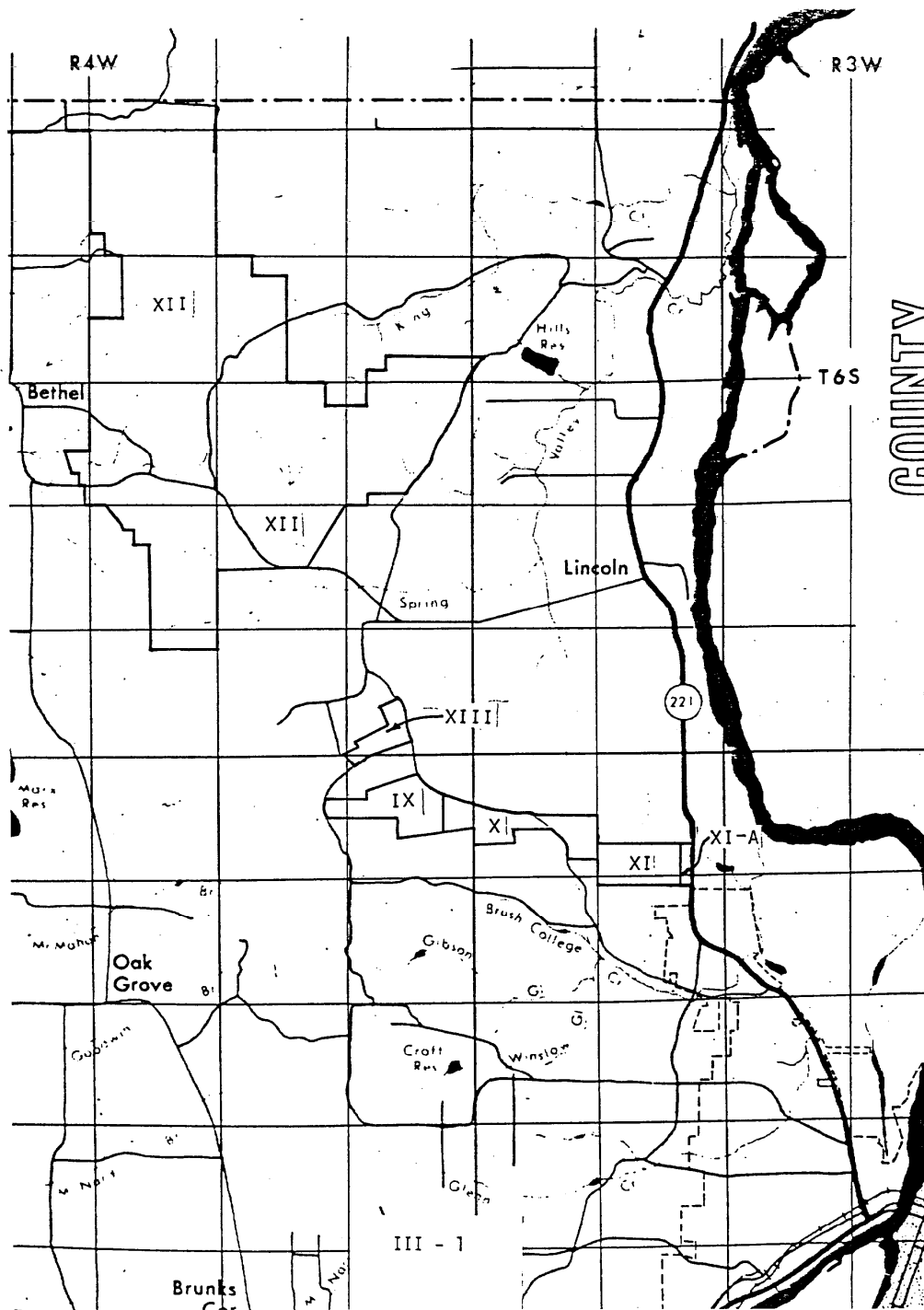
(The following matrix capsulizes information regarding
Exception Areas proposed by the West Salem Hills and Polk County
Planning Commissions)

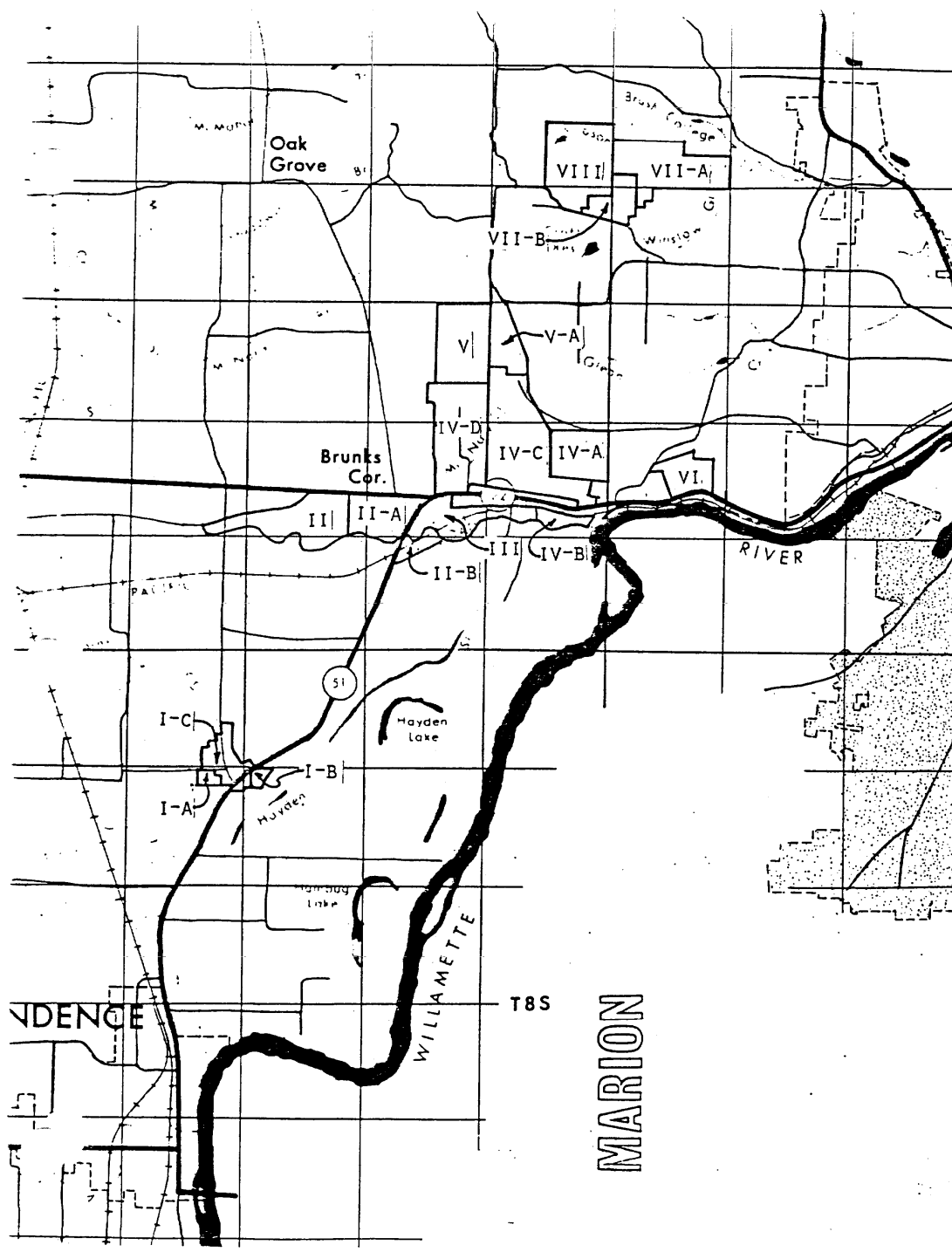
Exception Areas Matrix

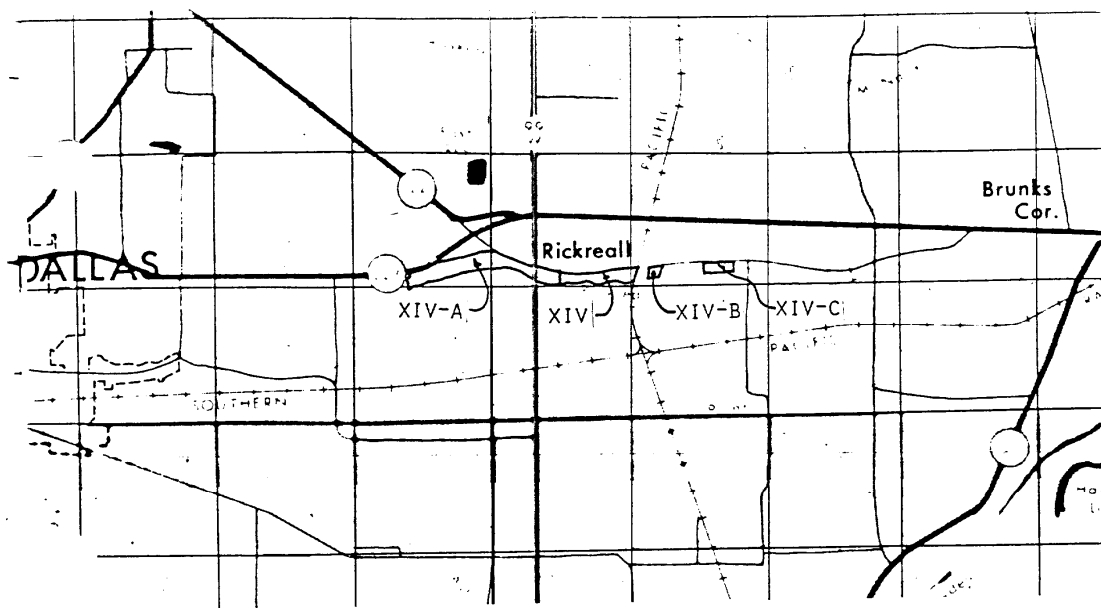
PART III

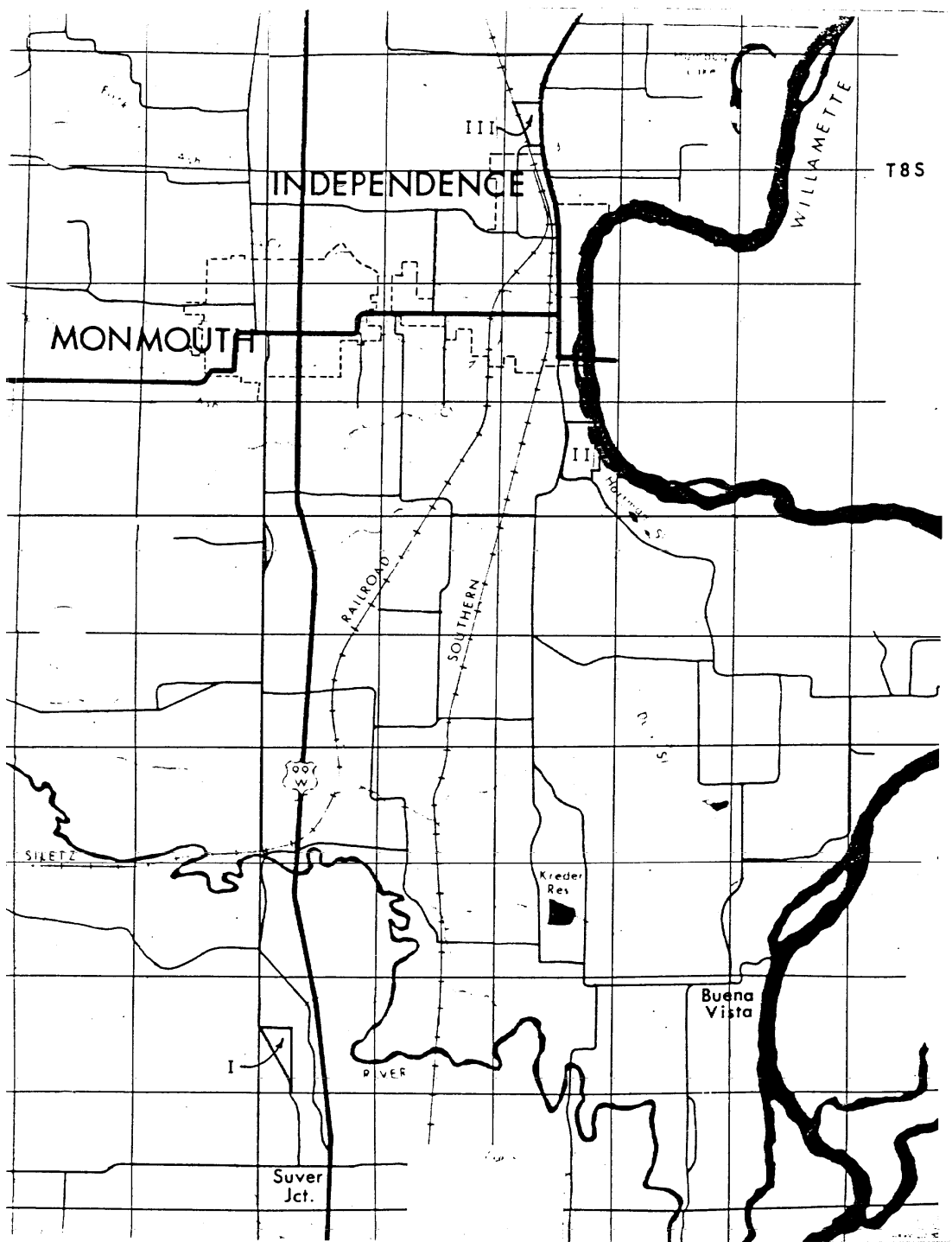
MAP SHOWING THE LOCATIONS OF SUB-PLANNING DISCUSSION AREAS

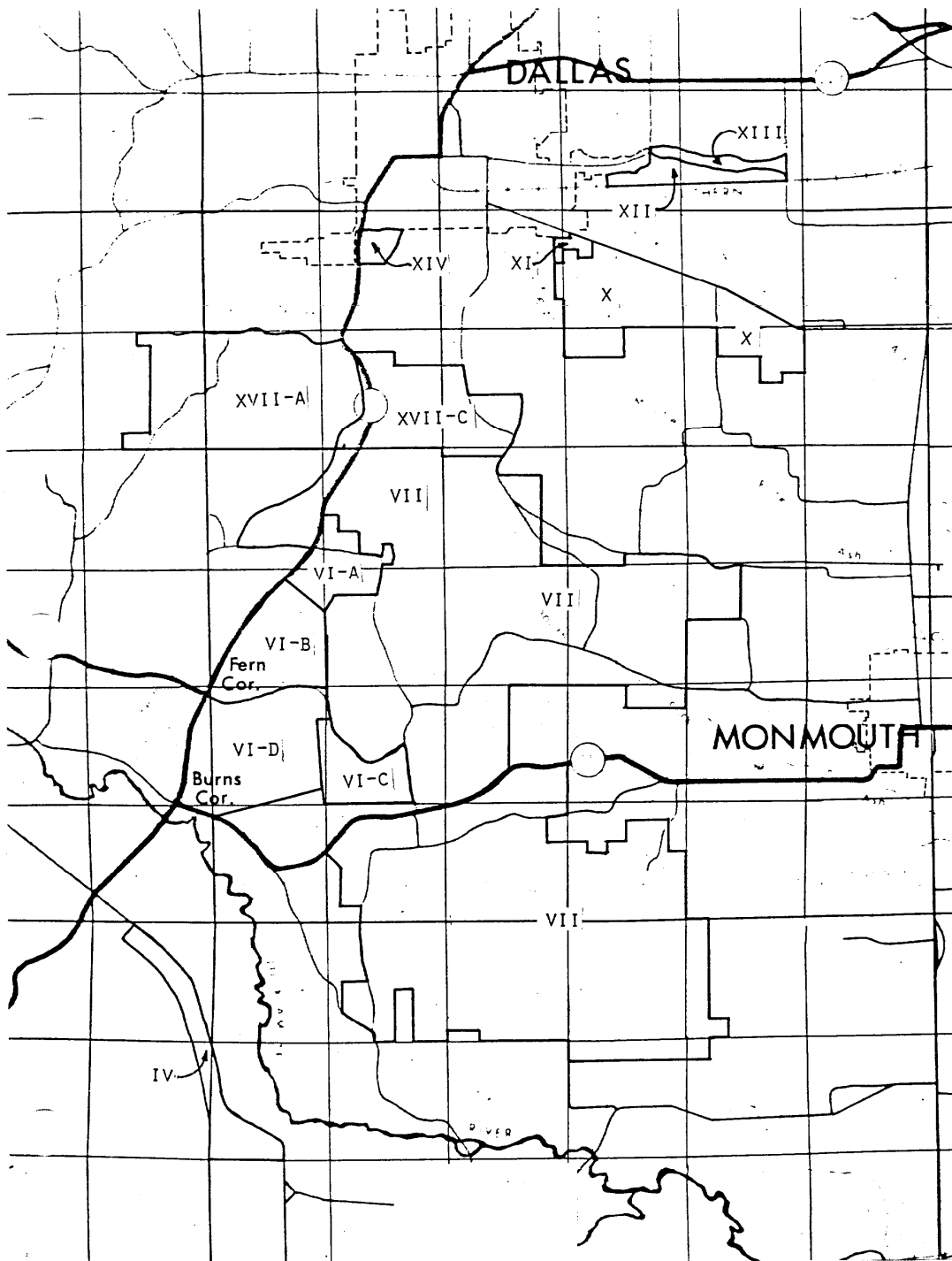
Scale: 1" = 1 mile

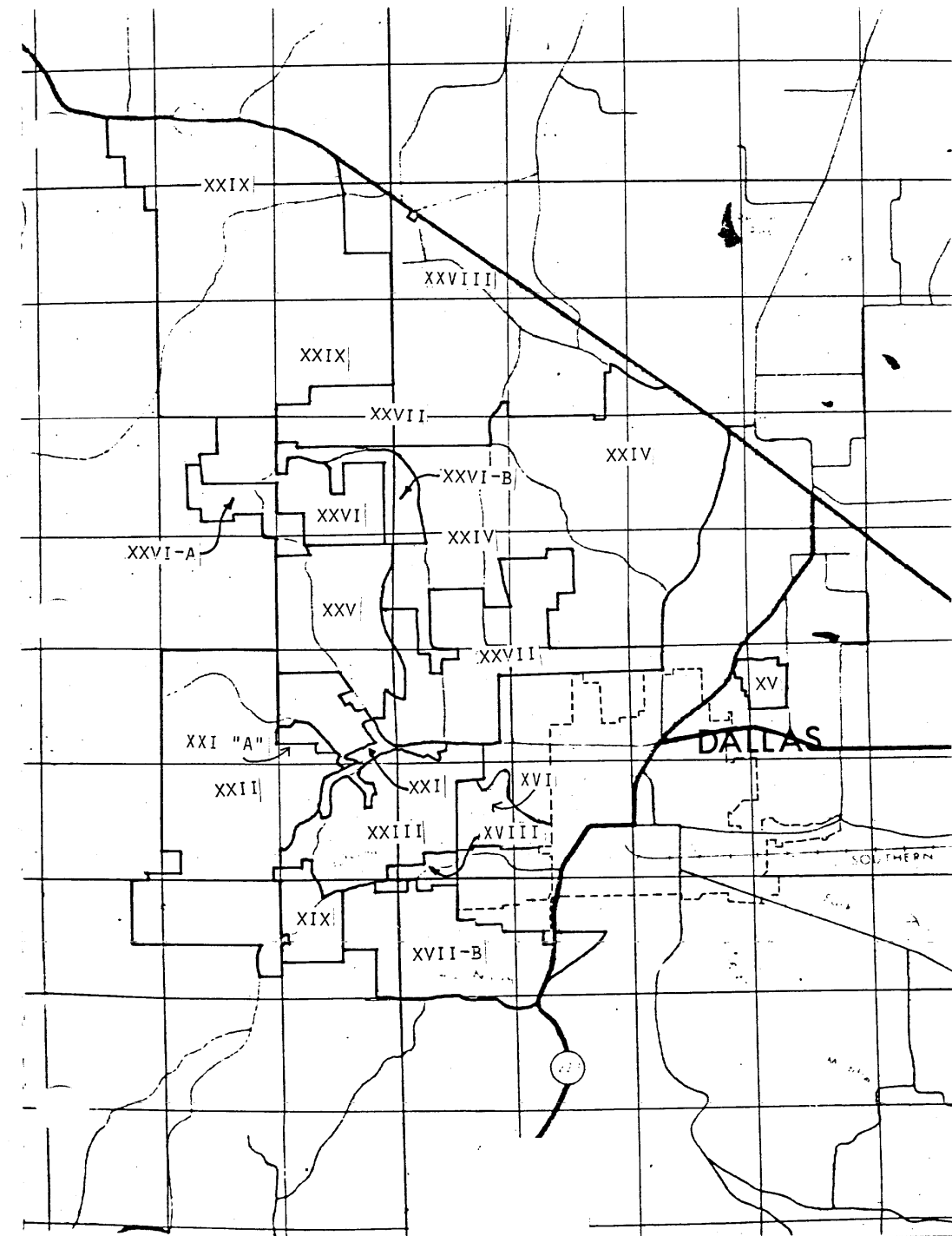


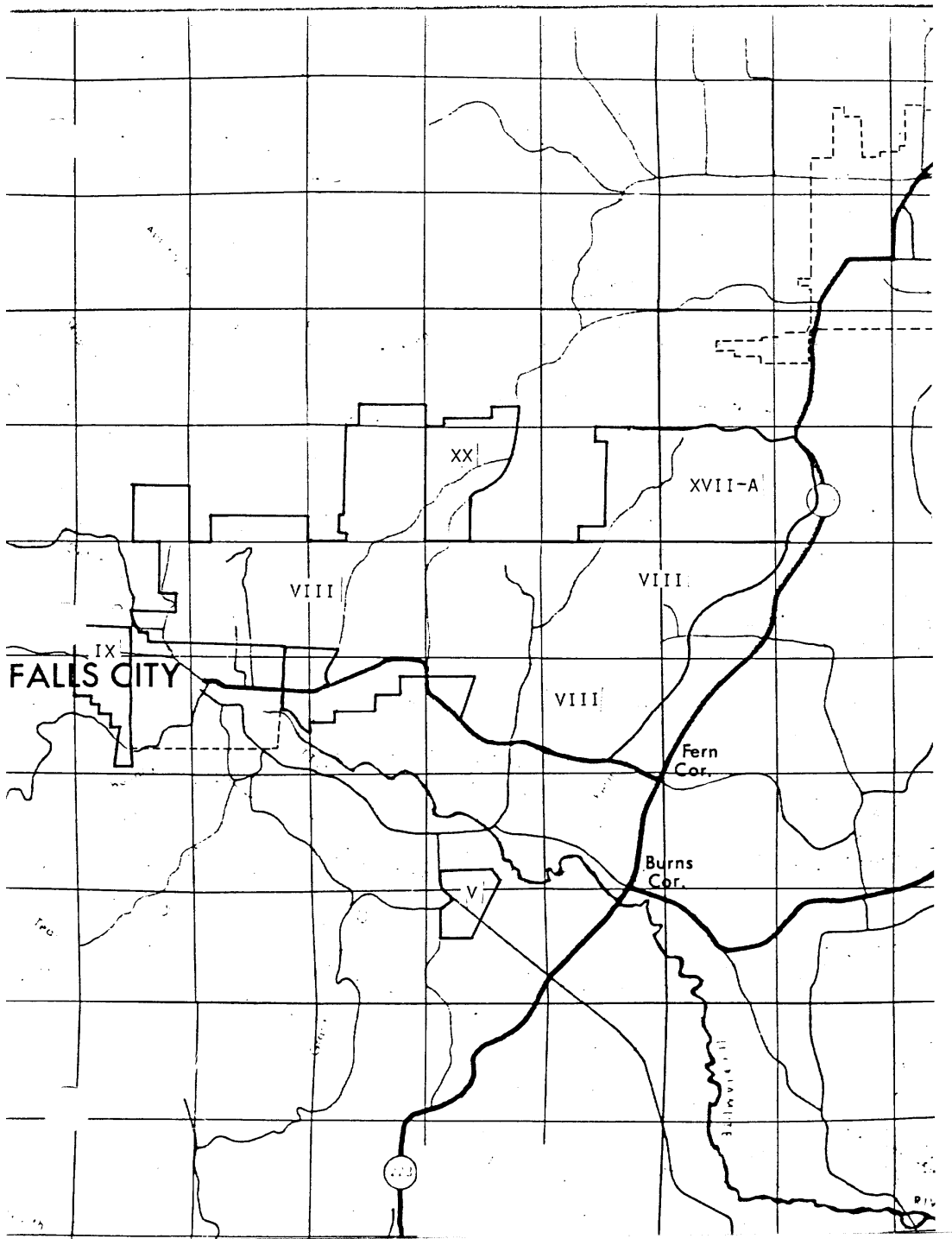


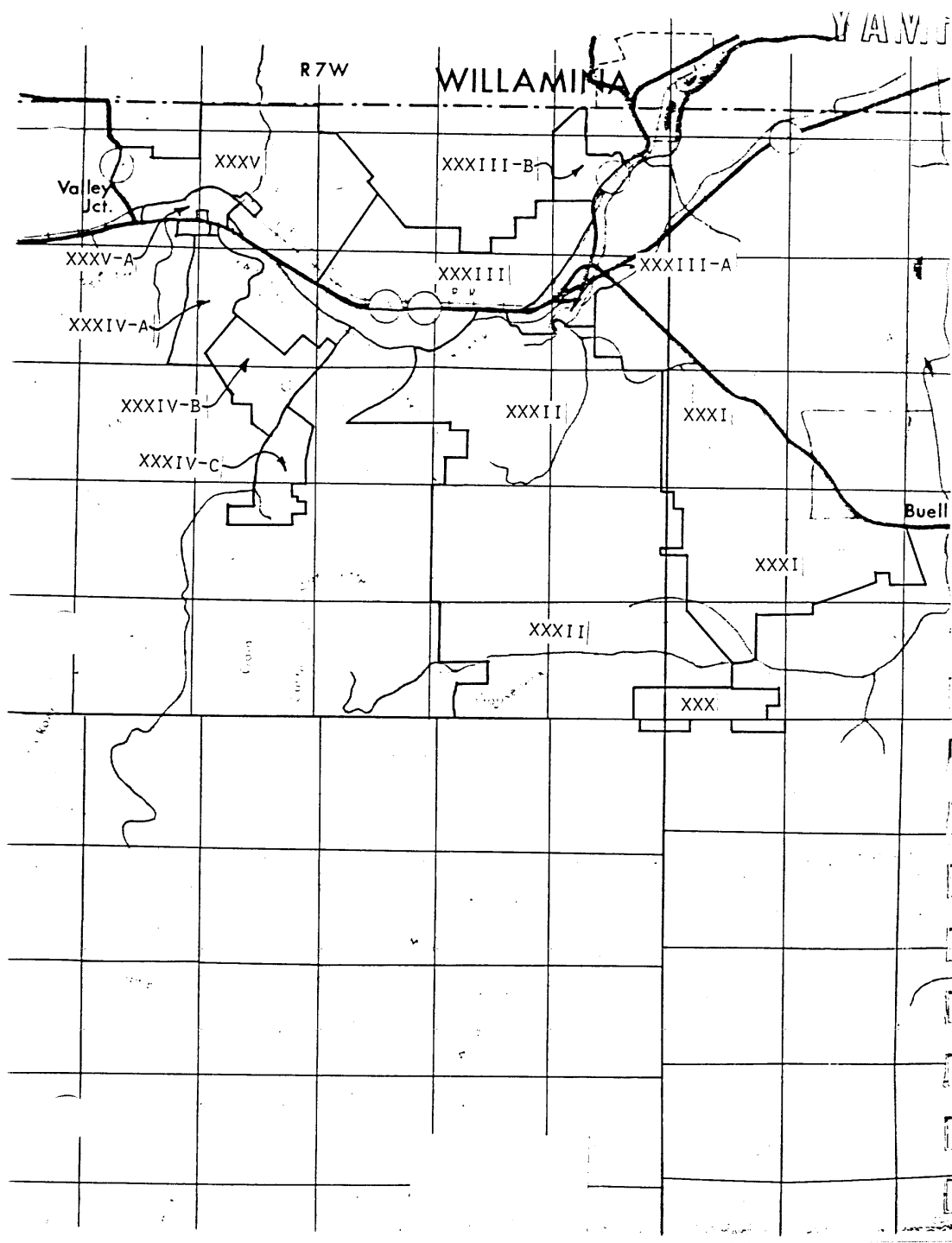


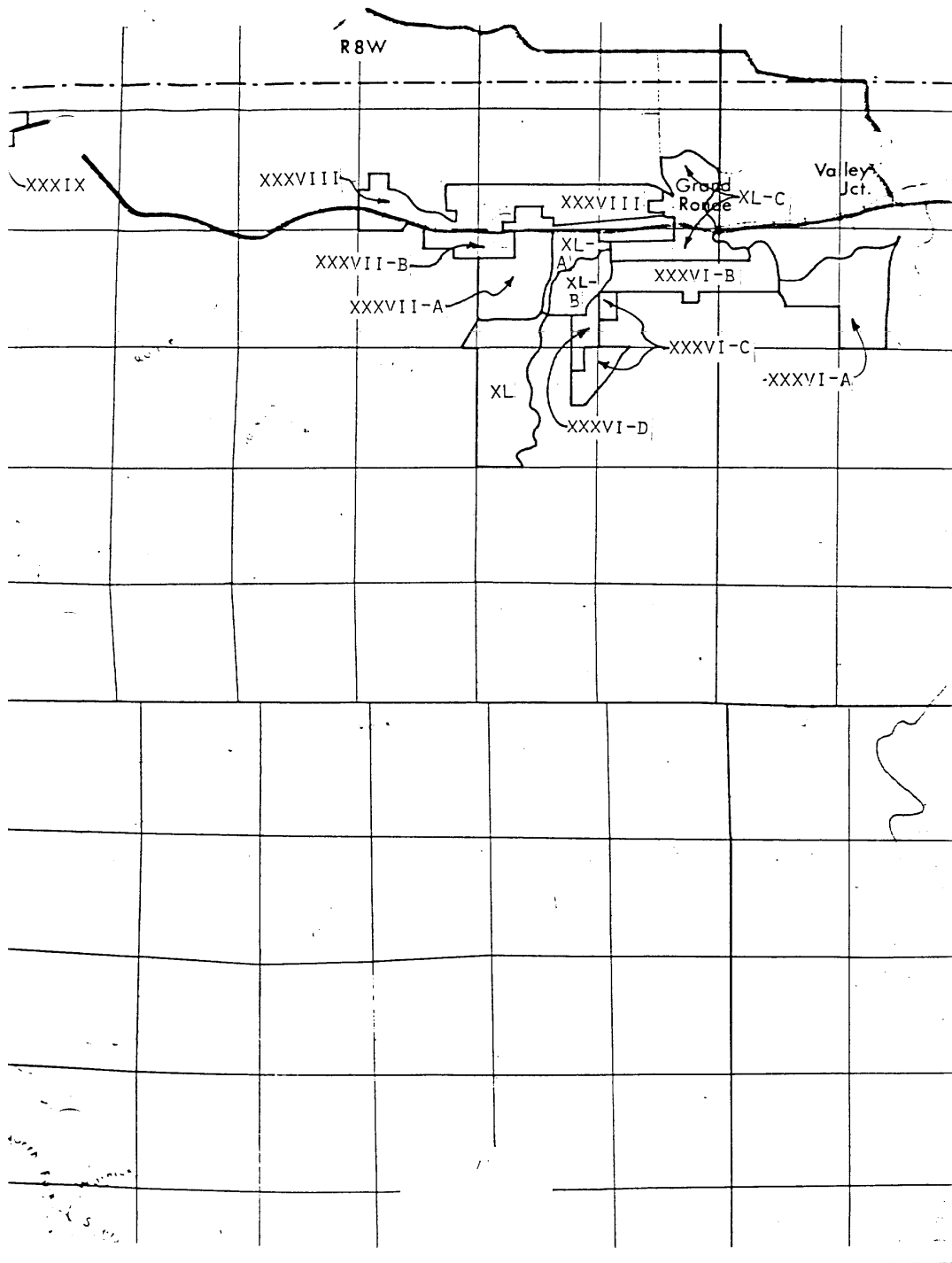












APPENDIX B

RESOLUTION 86-9

Procedures for Making Quasi-Judicial

Decisions on Land Use Matters

AJEWICZ
11/11/97
Room 104 -
Dalla

1 BEFORE THE BOARD OF COMMISSIONERS
2 FOR THE COUNTY OF POLK, STATE OF OREGON

3 In the Matter of)
4 Establishing Procedures)
5 for Making Quasi-Judicial)
6 Decisions on Land Use)
7 Matters.)

8 RESOLUTION NO. 86-9

9 WHEREAS, the Polk County Board of Commissioners adopted
10 Resolution No. 327 on March 1, 1978; and

11 WHEREAS, the Resolution is in need of update due to several
12 changes in the land use procedures since that time; and

13 WHEREAS, the Polk County Board of Commissioners, the Polk
14 County Planning Commission, the Polk County Hearings Officer
15 and the Polk County Planning Department make quasi-judicial
16 decisions on land use matters; and

17 WHEREAS, it is in the public interest that all public
18 bodies in Polk County which make quasi-judicial decisions on
19 land use matters use uniform procedures which conform to State
20 standards;

21 NOW, THEREFORE, the Polk County Board of Commissioners
22 hereby resolves as follows:

23 1. That Resolution No. 327 adopted by the Board of
24 Commissioners in March, 1978, is hereby repealed.

25 2. That the Polk County Board of Commissioners, Polk County
26 Planning Commission, Polk County Hearings Officer and Polk
County Planning Department make quasi-judicial decisions on land
use matters by using the following procedures:

Page 1 - RESOLUTION

A. Burden of Proof

The applicant seeking the decision has the burden of
3 proving that he qualifies for that for which he has applied.

B. Public Hearing

5 Within one hundred twenty (120) days of the date of
6 filing an application, the appropriate decision-making body shall
7 hold a hearing on the application, or in the case of an
8 administrative action, the Planning Department shall render a
9 decision. The decision-making body may continue the hearing
10 from time to time.

C. Notice

12 Notice of a public hearing, stating its subject matter,
13 date, time and place shall be given, at least ten (10) days,
14 but not more than twenty (20) days, prior to the date of the
15 hearing. Notice shall be by regular mail to all persons owning
16 property, or within 250 feet of, any land to be affected by the
17 application. Notice shall also be by publication in a newspaper
18 of general circulation within the affected area of the application
19 for all required notices under the Polk County Zoning Ordinance.

D. Evidence

21 Proponents and opponents of the application shall
22 have an opportunity to present and rebut evidence at a hearing.

E. Counsel

24 Persons appearing at a hearing may be represented
25 by counsel.

2 - RESOLUTION

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County Courthouse
Room 104 -
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n 97338
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1 F. Conduct of Hearings

2 (1) General Conduct

3 (a) Persons addressing the Commission, Board
4 or Hearings Officer shall sign his/her name and address on a
5 form provided by the Secretary and shall give his/her name and
6 address in an audible tone of voice for the records. All remarks
7 shall be addressed to the Commission as a body and not to any
8 member thereof.

9 (b) No person other than Commission members
10 and the person having the floor shall be permitted to enter into
11 any discussion, either directly or through a member of the
12 Commission, without the permission of the presiding officer. No
13 question shall be asked a member of the Commission except through
14 the presiding officer.

15 (c) Upon being recognized by the presiding
16 officer, any member of the Commission or County staff may
17 question any person who testifies.

18 (d) The presiding officer may set reasonable
19 time limits for oral presentation, and may exclude or limit
20 cumulative, repetitious, or immaterial matter. To expedite
21 hearings, the presiding officer may call for those in favor of
22 the pending proposal, or those in opposition to same, to raise their hand
23 and the Secretary will note in the minutes the number.

24 (e) Any person making personal, impertinent,
25 or slanderous remarks, or who shall become boisterous while
26 addressing the Commission shall forthwith, by the presiding officer,

Page 3 - RESOLUTION

be barred from further audience before the Commission, unless
permission to continue be granted by a majority vote of the Commission.

(2) Order of Procedure

(a) Call for Abstentions. The presiding
officer shall inquire of the Commission whether any member thereof
wishes to abstain from participation in the hearing pursuant to the
provisions of Section I. Any Commission member then announcing
his/her abstention shall identify the reason for abstaining and
shall not thereafter participate in discussion of the proposal
or vote on the proposal. A Commissioner may be excused as a
Commissioner and participate in the public hearing as a witness.

(b) Staff Summary. The Planning staff
shall report on the land use proposal. Staff shall bring forth
and put into the record by testimony that part of the Comprehensive
Plan and implementing ordinances relating to the proposal. Staff
shall present petitions and letters filed with the Secretary.

(c) Citizen Advisory Groups, School or
Special Districts and Government Representatives. The presiding
officer shall call for a statement of any officially recognized
group on the proposal.

(d) Proponent's Case. The presiding officer
shall call for the proponent and those persons in favor of the
proposal to testify. Those persons in favor will be called in
the following order:

1. Applicant or Applicant's representative.
2. Persons who received or were entitled

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City Courthouse
197338
Room 10-
Dail

1 to receive notice of the hearing in favor of the application.

2 3. Special Organizations formed for the
3 purpose of support to the proposal.

4 4. Other interested citizens.

5 (e) Opponent's Case. The presiding officer
6 shall call for persons in opposition to the proposal to testify.

7 Those persons in opposition will be called in the following order:

8 1. Persons who received or were entitled
9 to receive notice of the hearing in opposition to the proposal.

10 2. Special organizations formed for the
11 purpose of opposition to the proposal.

12 3. Other interested citizens.

13 (f) Rebuttal Testimony. The presiding officer
14 shall allow the Applicant or Applicant's representative to offer
15 testimony in rebuttal to the opponents.

16 (g) Commission Inquiries. Upon request from
17 any Commission member, the chairman may permit any questions from
18 that member be directed to the proponents, opponents or staff.
19 No rebuttal shall be permitted unless requested by the chairman.

20 (h) Close of Hearing. The presiding officer
21 shall conclude the hearing and the Commission shall deliberate the
22 proposal or set a time for such deliberation.

23 (i) Commission Decision. The Commission, in
24 making its decision, may incorporate findings proposed by the
25 proponents, opponents or staff, or adopt thier own.

26 (j) Vote. The majority vote of the members

Page 5 - RESOLUTION

voting shall decide question.

2 H. Alternate Procedure for Reopening Hearing

3 During deliberation, should any Commissioner determine
4 that additional evidence is necessary, then prior to a decision
5 on the proposal, and upon vote of the majority of the Commission,
6 a hearing may be reopened for the purpose of receiving additional
7 testimony and evidence.

8 I. Disqualification of Commission Members

9 (1) Any Commission member shall abstain from
10 participation in a hearing and/or participation in a Commission
11 decision after a hearing when, in the judgment of the Commission
12 member, personal interest in the land use proposal, significant
13 pre-hearing or ex-parte contacts with regard to the land use
14 proposal or any other reason that would impair the Commission member's
15 impartiality.

16 (2) Any Commission member shall abstain when the
17 Commission member or any person in the Commission member's
18 household owns property that would be affected by the land use
19 proposal. Likewise, any Commission member shall abstain when
20 any decision or recommendation on the land use proposal would
21 be to the pecuniary benefit or detriment of the member or any
22 person in the member's household.

23 (3) Any Commission member who intends to
24 participate in a Commission decision despite having had pre-hearing
or ex-parte contacts shall reveal the nature and substance of
those contacts at the commencement of the hearing.

Page 6 - RESOLUTION

MICHAEL S. NAJEWICZ
Room 104 - County Courthouse
Dall. 197338

1 DATED this 30th day of April, 1986, at Dallas,
2 Oregon.

3 POLK COUNTY BOARD OF COMMISSIONERS

4 Craig Hanneman
Craig Hanneman, Chairman

5 Robert C. Landon
Robert C. Landon

6 Benj. F. Magill
Benj. F. Magill

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Page 8 - RESOLUTION NO. 86-9

APPENDIX C

DEFINITION OF TERMS

DEFINITIONS

AGRICULTURAL LAND: Land of predominantly Class I, II, III and IV soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other land which is suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Land in other classes which is necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be considered to be agricultural land.

COMPREHENSIVE PLAN: A statement of the County's goals, the policies to be used to achieve those goals, and a map describing where the different policies shall apply. The Comprehensive Plan--also called simply the Plan--is adopted by the Board of Commissioners of Polk County as an ordinance and is acknowledged by the State Land Conservation and Development Commission as being in compliance with statewide planning goals.

CONSERVE: To manage in a manner which avoids wasteful or destructive uses and which provides for future availability.

DEVELOP: To bring about growth or availability: to construct or alter a structure; to conduct a mining operation; to make a Physical change in the use or appearance of land; to divide land into parcels; or to create or terminate rights of access.

GOAL: A desirable state or end which the County seeks to achieve or maintain through its planning policies, programs, and plan implementation methods.

LAND-USE ACTION: A quasi-judicial decision or recommendation rendered by the Planning Commission or the Board of Commissioners on a request for a variance, conditional use, Zone change, plan amendment, sub-division, mobile home park, planned unit development, annexation, or special exception.

LEGISLATIVE ACT: An act of a governing body which applies generally to persons and property within the jurisdiction of the governing body.

NATURAL RESOURCES: Air, land, and water, and the elements thereof which are valued for their existing and potential usefulness to man.

POLICY: A specific rule or course of action applied or pursued by the County in order to achieve one or more goals of the comprehensive Plan.

PRESERVE: To save from change or loss and reserve for a special purpose.

PROTECT: Save or shield from loss, interruption, destruction or injury or for future intended use.

QUASI-JUDICIAL ACTION: An action by a governmental agency which establishes rights and duties of individuals under the jurisdiction of that agency.

RURAL LAND: Any land which is not within the corporate limits of a city and is not within an

adopted urban growth boundary.

SPECIAL DISTRICT: Any unit of local government, other than a city or county, authorized and regulated by statute and includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

URBAN LAND: (1) Any land within an incorporated city: (2) land which is within an adopted urban growth boundary and which has a level of development and population density similar to that within the city and which requires a full range of urban services.

URBANIZABLE LAND: Land within an adopted urban growth boundary but within corporate limits of a city.

APPENDIX D

SALEM URBAN AREA COMPREHENSIVE PLAN

The Salem Urban Area Comprehensive Plan and related implementing ordinances are hereby incorporated by reference. The Salem Urban Area Comprehensive Plan and attending ordinances may be viewed at the offices of the City of Salem Community Development Department, Salem, Oregon.

APPENDIX D.1

LEGAL DESCRIPTION OF THE

SALEM URBAN GROWTH BOUNDARY (UGB)

WITHIN POLK COUNTY

Section 29, T7S, R3W

Beginning at the point of intersection of the southerly extension of the west line of Block 10, College Subdivision No. 2, as recorded in Volume 3, Page 31, Book of Town Plats, Polk County, Oregon and the center line of the Willamette River; thence North $0^{\circ} 36'$ East along the southerly extension of the west line of said Block 10 and the west line of said Block 10 and the northerly extension of the said west line of said Block, 3,780 feet more or less to the northwest corner of Lot 2, Block 11 of College Subdivision No. 3 as recorded in Volume 3, Page 33, Book of Town Plats, Polk County, Oregon; thence North $89^{\circ} 26'$ West along the westerly extension of the north line of said Block 11 of said College Subdivision No. 3, 2,651 feet more or less to a point on the section line between Sections 29 and 30 of said Township 7 South, Range 3 West;

Section 30, T7S, R3W

thence North along said section line 92 feet more or less to the southeast corner of Parcel 1 as described in Polk County Book of Records 230, Page 1995; thence North $57^{\circ} 19'$ West 495 feet to a point; thence North $63^{\circ} 27'$ West 644.75 feet to a point; thence North $60^{\circ} 29'$ West 142.89 feet to a point; thence South $87^{\circ} 54'$ West 194.77 feet to the southwest corner of said Book of Records 230, Page 1995; thence North $0^{\circ} 35'$ West to the south right-of-way line of County Road 733 (Doaks Ferry Road); thence southwesterly along said right-of-way line 1,800 feet more or less to a point on the southerly extension of the east line of a parcel of land conveyed to Eola Heights Land Company, Inc., as described in Deed Volume 174, Page 710, Polk County Deed Records; thence northerly along said east line to the southerly southeast corner of Lot 1, Block 1, Eola Heights Subdivision; thence southwesterly along the southerly line to the southwest corner of said Lot 1; thence along the west line of Eola Heights Subdivision as recorded in Volume 5, Page 28, Book of Town Plats, Polk County, Oregon, North $9^{\circ} 25' 30''$ West 134.43 feet; thence South $88^{\circ} 12'$ West 32.54 feet; thence North $9^{\circ} 31' 45''$ West 126.84 feet

Section 19, T7S, R3W

to the point of intersection of the south line of a tract of land conveyed to Dean F. and Marjorie E. Bryson as recorded in Book of Records 14, Page 596, Deed of Records, Polk County, Oregon; thence West along the south line of said Bryson tract 115 feet to the southwest corner thereof; thence North along the west line of said Bryson tract 108.19 feet to the northwest corner thereof; thence East along the north line of said Bryson tract 109.20 feet to a point on the west line of said Eola Heights Subdivision; thence North $2^{\circ} 12'$ East along the west line of said Eola Heights Subdivision to the southeast corner of Block 3, Eola Heights Subdivision No. 2, as recorded in Volume 6, Page 22, Book of Town Plats, Polk County, Oregon; thence along the south line of said Block 3, North $87^{\circ} 48'$ West 329 feet to the southwest corner thereof; thence North $2^{\circ} 12'$ West 125 feet to a point on the south line of County Road No. 736 (commonly known as Eola Drive NW); thence North $87^{\circ} 48'$ West along the south line of said Eola Drive NW 16.16 feet to a point on the southerly extension of the west line of Block 1 of said Eola Heights No. 2; thence North $2^{\circ} 12'$ East along the southerly extension of the west line and the west line of said block 564 feet more or less to an angle corner in the west line of said Block 1; thence North $72^{\circ} 30'$ West 35.10 feet to the southwest corner of Lot 12 in said Block 1; thence along the south line of a tract of land conveyed to Gearold G. and Mary Lou Lemert as recorded in Book of Records 46,

Page 634, Deed of Records, Polk County, Oregon North 72° 56' West 590 feet more or less to the southwest corner of said Lemert tract²⁵; thence North 0° 31' East along the west line and the northerly extension of the west line of said Lemert tract 176.81 feet to a point on the north line of County Road No. 739 (commonly known as Belvedere Street NW); thence along the north line of said Belvedere Street NW South 40° 34' East 60 feet more or less to an angle point on the north line of said street²⁷; thence along the north line of said Belvedere Street NW South 89° 56' East 60 feet more or less to an angle point on the north line of said street²⁸; thence along the north line of said Belvedere Street NW North 56° 26' East 145.22 feet; thence along the north line of said Belvedere Street NW North 89° 58' East 890.34 feet; thence along the north line of said Belvedere Street NW South 80° 23' East 511.50 feet; thence along the north line of said Belvedere Street NW South 80° 23' East 184.20 feet to a point on the west line of a tract of land conveyed to Delbert E. and Reta J. Isaac as recorded in Book of Records 92, Page 838, Deed of Records, Polk County, Oregon³²; thence North along the west line of said Isaac tract 175 feet to the northwest corner thereof; thence along the north line of said Isaac tract and the easterly extension thereof South 87° 32' East 390 feet more or less to a point on the east line of Lot 10 of the Hartley and Craig Fruit Tracts as recorded in Volume 2A, Page 8, Book of Town Plats, Polk County, Oregon³⁴; thence along the east line of said Lot 10 North 1° 05' East 841.20 feet to the northeast corner thereof; thence along the north line of Lots 10 and 11 of said Hartley and Craig Fruit Tracts North 89° 20' West 766.26 feet to an angle point in the north line of said Lot 11³⁵; thence North 0° 25' East 109.56 feet to the most northerly northeast corner of said Lot 11 (said point also being the southerly extension of the west line of Hidden Valley Estates No. 2 as recorded in Volume 8, Page 8, Book of Town Plats, Polk County, Oregon); thence along the southerly extension of the west line and the west line and the northerly extension of the west line of said subdivision, North 1° 54' 43" West 2,971 feet more or less to a point that is South 1° 54' 43" East 332.62 feet from the quarter corner common to Sections 19 and 18 of Township 7 South and Range 3 West of the Willamette Meridian in Polk County, Oregon (said point also being on the south line of a tract of land conveyed to Laurence J. and Cynthia X. Chamberlain as recorded in Book of Records 101, Page 273, Deed of Records, Polk County, Oregon³⁸); thence West along the south line of said Chamberlain tract and the westerly extension of said south line 1,112.62 feet to a point on the southerly extension of the west line of 37th Avenue NW³⁹; thence North along the southerly extension of the west line of said 37th Avenue NW 10 feet more or less to a point on the easterly extension of the north line of a tract of land conveyed to Thomas V. Williams and Barbara W. Aman as recorded in Book of Records 133, Page 873, Deed of Records, Polk County, Oregon⁴⁰; thence West along the easterly extension of the north line and the north line of said Williams and Aman tract 1,519 feet more or less to a point on the west line of said Section 19 in said Township and Range⁴¹; thence North along the west line of said Section 327.50 feet to the section corner common to Sections 13 and 24⁴², Township 7 South, Range 4 West and Sections 18 and 19, Township 7 South, Range 3 West;

Section 18, T7S, R3W

thence North along the west line of Section 18, Township 7 South, Range 3 West, to the centerline of County Road 734 (Orchard Heights Road)⁴³; thence South 75° 32' East 858 feet along the centerline of said County Road and the southeasterly extension thereof to a point on the west line of Clarkview Fruit Farms Lot 11⁴⁴; thence northerly along the west line of Clarkview Fruit Farms (said line also being the west line of a 30-foot roadway) 999.44 feet to a point which is

211 feet south of the northwest corner of Lot 7, Clarkview Fruit Farms⁴⁵; thence along the north line of a tract of land conveyed to J. Richard Warnock as described in Book of Records 4, Page 414 East 215 feet to a point on the west line of a tract of land conveyed to James A. and Janet Castle as described in Book of Records 325, Page 116 Deed Records, Polk County, Oregon⁴⁶; thence North 12° 35' 00" East 105.75 feet along the westerly line of said Castle tract to a point⁴⁷; thence North 30° 00' 00" East 497.52 feet along the westerly line of said Castle tract to the northwest corner thereof⁴⁸; thence along the north line and the easterly extension of said Castle tract North 86° 33' 00" East 310.63 feet to the southerly interior corner on the northerly line of a tract of land conveyed by contract to Jack and Michelle McCutchen described in Book of Records 220, Page 1300 Deed Records, Polk County, Oregon⁴⁹; thence along the north line of said McCutchen tract the following courses: North 00° 18' 00" West 75.83 feet to a point⁵⁰; thence North 86° 32' 00" East 321.70 feet to a point⁵¹; thence South 00° 04' 00" West 76.01 feet to a point⁵²; thence North 86° 33' 00" East 142.77 feet to a point⁵³; thence North 66° 42' 13" East 223.47 feet to a point⁵⁴; thence North 86° 33' 00" East 330.00 feet to a point being the northeast corner of said McCutchen tract (said point being South 86° 33' 00" West 20.04 feet from the quarter corner between Sections 7 and 18, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon⁵⁵); thence North 86° 33' 00" East 20.04 feet to said quarter corner between Sections 7 and 18; thence along the north line of said Section 18 East 990 feet more or less to a point on the west line of a tract of land conveyed to Lawrence T. and Jeanette T. Epping as recorded in Book of Records 172, Page 563, Deed of Records, Polk County, Oregon⁵⁷; thence along the west line of said Epping tract South 1,650 feet to the southwest corner thereof⁵⁸; thence along the south line of said Epping tract East 1,650 feet to the southeast corner thereof (said point also being on the east line of said Section 18); thence along the said section line North 1,650 feet to the section corner common to Sections 7, 8, 17, and 18, Township 7 South, Range 3 West⁵⁹;

Section 7, T7S, R3W

thence northerly along the east line of Section 7, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon to a point on the southwest right-of-way line of County Road 648 (Brush College Road)⁶⁰; thence northerly along the southwesterly right-of-way line of County Road 648 to a point on the westerly extension of the north line of property conveyed to the Shaffer Living Trust as recorded in Book of Records 251, Page 887, Deed Records, Polk County, Oregon (said point being North 950 feet more or less of the south line of Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon⁶²); thence South 89° 36' 25" East 1,550 feet along the north line and the easterly extension of said Shaffer Living Trust property to a point on the east line of the Bonneville Power Administration (B. P.A.) right-of-way⁶³;

Sections 5, 4, and 7, T7S, R3W

thence southerly along the east line of the B. P. A. right-of-way to the north line of County Road 731 (Michigan City Lane)⁶⁴; thence easterly along the north line of said County Road to the west line of State Highway 221 (Wallace Road)⁶⁵; thence East along the easterly extension of the north line of County Road 731 (Michigan City Lane) to a point on the west line of Westview Estates Phase 1 as recorded in Volume 9, Page 50, Book of Town Plats, Polk County, Oregon; thence

North along the west line of said subdivision plat to a 1/2 inch iron pipe which bears North 89° 41' 08" West 21.00 feet and North 444.56 feet from the initial corner of above said subdivision plat; then along the following courses of said Westview Estates Phase I: North 30° 00' 30" East 452.70 feet to an iron rod; then North 53° 22' 29" East 97.93 feet to an iron rod; then North 83° 55' 44" East 47.27 feet to an iron rod; then North 75° 44' 04" East 121.74 feet to an iron rod; then North 59° 02' 10" East 58.31 feet to an iron rod; then South 62° 39' 00" East 65.30 feet to an iron rod; then North 65° 58' 11" East 171.90 feet to an iron rod; then South 68° 33' 13" East 150.42 feet to an iron rod; then South 36° 15' 14" East 55.80 feet to an iron rod; then South 58° 08' 25" East 208.40 feet to an iron rod; then South 73° 34' 40" East 99.04 feet to an iron rod; then South 66° 08' 58" East 103.87 feet to an iron rod; then South 75° 57' 50" East 82.46 feet to an iron rod; then South 28° 10' 30" East 102.60 feet to an iron rod being the most easterly corner of Lot 24, Westview Estates Phase 1 (said point also being the most northerly corner of Lot 62, Westview Estates Phase 2 as recorded in Volume 10, Page 35, Book of Town Plats, Polk County, Oregon); then South 28° 10' 30" East 36.99 feet to an iron rod on the northeasterly boundary of Westview Estates Phase 2; then South 38° 36' 42" East 83.57 feet to an iron rod on said line of said subdivision; then South 38° 40' 20" East 100.92 feet to iron rod at the most westerly corner of Lot 64, Westview Estates Phase 2 (said point also being the most northerly corner of Lot 99, Westview Estates Phase 3 as recorded in Volume 11, Page 22, Book of Town Plats, Polk County, Oregon); then South 39° 11' 53" East 103.91 feet to a 5/8 inch iron rod on the easterly line of Westview Estates Phase 3; then South 40° 13' 14" East 128.87 feet to a 5/8 inch iron rod on the easterly line of said subdivision; then South 39° 46' 36" East 56.35 feet to a 5/8 inch iron rod on the easterly line of said Westview Estates Phase 3 (said point being the most westerly northwest corner of Lot 103 of said subdivision); then leaving the boundary of Westview Estates Phase 3 South 41° 58' 08" East 305.00 feet more or less to the northeast corner of Lot 6, Block 22 of Salemtowne No. 4 as recorded in Volume 6, Page 23, Book of Town Plats, Polk County, Oregon;

Section 9, 16A, 15, 22B, T7S, R3W

then along the easterly extension of the north line of said Block 22 of said Salemtowne No. 4 South 89° 59' 12" East 370 feet more or less to a point of intersection with the meandering center line of Glen Creek; then southerly up the meandering center line of said Glen Creek to a point which is the most easterly corner of a tract of land conveyed to Mark W. and Carol Gehring as described in Book of Records 78, Page 812 Deed Records, Polk County, Oregon; then South 26° 40' 30" East along the easterly line of said Gehring tract to a point that is 230 feet from and at a right angle to the center line of Wallace Road as described in 1968; then southeasterly parallel with and 230 feet from said Wallace Road center line to the intersection with the south line of the E. F. Hosford Donation Land Claim No. 64 being in Section 9, Township 7 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; then West to a point on the westerly line of Wallace Road as described in 1968; then southerly along the westerly line of said Wallace Road to a point on the westerly extension of the northerly line of a 20 foot right-of-way described as part of the property conveyed to Donald L. and Shirley K. Meyer in Book of Records 215, Page 905 Deed Records, Polk County, Oregon; then North 79° 52' 31" East along the westerly extension of the northerly line of said 20 foot right-of-way to a point that is 181.50 feet South of the southeast corner of the E. F. Hosford D.L.C. No. 64 in Section 9,

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Township 7 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; thence North 181.50 feet to the southeast corner of said E. F. Hosford D.L.C. No. 64; thence continuing North 1,230.90 feet to the northwest corner of said Meyer tract; thence along the North line of said Meyer tract easterly 313.50 feet to the southerly southwest corner of the Lewis Parkhurst Donation Land Claim No. 70; thence continuing South 89° 30' East 633.75 feet to the northeast corner of said Meyer tract; thence South 0° 56' West 1,481.45 feet to a point; thence North 89° 55' West 577.65 feet to a point; thence along said Meyer tract South 74° 45' West 433.41 feet more or less to a point that intersects the 100 year flood hazard area, as described by the Department of Housing and Urban Development for the Federal Insurance Administration, which is being further defined using the City of Salem's 1995 (1" = 100') orthophotography as being 2.5 feet (plus or minus) of said HUD flood hazard area boundary by the following courses, which reflect true bearings derived from Oregon State Plane Grid 1983 (91), North Zone, (map angle = -1° 48' 45") and ground distances derived from said grid (scale factor = 0.99990); thence southeasterly along said further defined hazard boundary South 61° 55' 59" East 101.17 feet to a point; thence South 59° 06' 55" East 136.07 feet to a point; thence South 65° 12' 00" East 203.02 feet to a point; thence South 69° 09' 03" East 52.56 feet to a point; thence South 62° 06' 57" East 202.63 feet to a point; thence South 67° 42' 18" East 65.19 feet to a point; thence South 54° 16' 32" East 68.73 feet to a point; thence South 61° 26' 19" East 61.43 feet to a point; thence South 54° 29' 49" East 115.69 feet to a point; thence South 50° 57' 59" East 11.89 feet to a point; thence South 30° 56' 23" East 21.57 feet to a point; thence South 66° 16' 47" East 7.75 feet to a point; thence North 77° 22' 13" East 17.81 feet to a point; thence South 49° 28' 46" East 111.61 feet to a point; thence South 40° 58' 37" East 66.50 feet to a point; thence South 28° 28' 32" East 24.51 feet to a point; thence South 11° 15' 37" West 46.42 feet to a point; thence South 64° 32' 09" East 15.75 feet to a point; thence South 09° 52' 18" East 14.26 feet to a point; thence South 58° 39' 06" East 6.57 feet to a point; thence South 81° 55' 35" East 52.78 feet to a point; thence South 45° 55' 52" East 8.61 feet to a point; thence South 33° 37' 11" East 103.41 feet to a point; thence South 29° 03' 07" East 54.62 feet to a point; thence South 22° 03' 16" East 26.01 feet to a point; thence South 26° 46' 23" West 22.99 feet to a point; thence South 45° 22' 24" West 23.17 feet to a point; thence South 29° 11' 27" West 15.53 feet to a point; thence South 03° 43' 34" West 62.17 feet to a point; thence South 19° 28' 45" West 24.78 feet to a point; thence South 05° 57' 27" East 62.26 feet to a point; thence South 04° 16' 34" West 75.43 feet to a point; thence South 15° 40' 47" West 43.25 feet to a point; thence South 01° 05' 14" East 39.50 feet to a point; thence South 06° 10' 40" East 98.54 feet to a point; thence South 05° 15' 56" West 28.40 feet to a point; thence South 14° 39' 55" East 17.98 feet to a point; thence South 21° 55' 24" West 38.51 feet to a point; thence South 08° 03' 29" East 22.98 feet to a point; thence South 10° 36' 03" West 30.24 feet to a point; thence South 13° 00' 32" East 46.35 feet to a point; thence South 25° 46' 30" East 34.47 feet to a point; thence South 01° 48' 45" East 24.18 feet to a point; thence South 35° 16' 24" West 4.97 feet to a point; thence South 88° 56' 49" West 49.50 feet to a point; thence North 80° 35' 51" West 29.56 feet to a point; thence South 56° 06' 49" West 88.51 feet to a point; thence South 38° 22' 53" West 37.19 feet to a point; thence South 13° 38' 22" West 31.90 feet to a point; thence South 27° 22' 51" West 56.38 feet to a point; thence South 43° 11' 15" West 48.08 feet to a point; thence South 60° 28' 14" West 18.07 feet to a point; thence South 07° 45' 13" East 19.32 feet to a point; thence South 84° 05' 17" East 23.71 feet to a point; thence North 69° 31' 34" East 57.53 feet to a point; thence North 45° 52' 37" East 94.66 feet to a point; thence North 64° 54' 27" East 75.12 feet to a point; thence North 77° 55' 05" East 45.22 feet to a point; thence North 65° 47' 04" East 25.42 feet to a point; thence North 47° 21' 57" East 55.50 feet to a

point; thence North 23° 35' 48" East 76.91 feet to a point; thence North 08° 09' 34" East 25.98
 feet to a point; thence North 16° 15' 51" West 24.04 feet to a point; thence North 03° 54' 12"
 West 95.94 feet to a point; thence North 10° 43' 06" West 61.37 feet to a point; thence North 01°
 48' 45" West 27.00 feet to a point; thence North 19° 05' 47" West 31.97 feet to a point; thence
 North 04° 33' 48" West 41.67 feet to a point; thence North 24° 11' 13" East 82.13 feet to a point;
 thence North 37° 59' 35" East 42.96 feet to a point; thence South 50° 32' 25" East 31.27 feet to a
 point; thence South 21° 05' 34" East 69.66 feet to a point; thence South 29° 43' 08" East 60.89
 feet to a point; thence South 18° 51' 58" East 107.42 feet to a point; thence South 23° 40' 20"
 East 91.32 feet to a point; thence South 28° 35' 13" East 68.82 feet to a point; thence South 37°
 42' 23" East 31.55 feet to a point; thence South 00° 12' 05" West 14.22 feet to a point; thence
 South 28° 01' 36" West 75.37 feet to a point; thence South 18° 14' 44" West 40.82 feet to a point;
 thence South 03° 29' 26" West 43.28 feet to a point; thence South 00° 30' 40" East 88.06 feet to a
 point; thence South 09° 11' 18" East 58.42 feet to a point; thence South 13° 08' 29" East 73.82
 feet to a point; thence South 27° 40' 44" East 12.60 feet to a point; thence South 75° 55' 57" East
 15.07 feet to a point; thence North 78° 00' 43" East 19.81 feet to a point; thence North 10° 23'
 17" East 11.83 feet to a point; thence North 10° 32' 17" West 65.92 feet to a point; thence North
 00° 09' 29" East 29.08 feet to a point; thence North 07° 01' 53" East 39.03 feet to a point; thence
 North 14° 44' 46" East 56.14 feet to a point; thence North 05° 28' 13" East 19.72 feet to a point;
 thence North 19° 20' 17" West 9.96 feet to a point; thence North 18° 25' 03" East 17.35 feet to a
 point; thence North 41° 38' 22" East 13.08 feet to a point; thence North 75° 30' 26" East 10.25
 feet to a point; thence South 62° 48' 39" East 13.15 feet to a point; thence South 47° 33' 47" East
 40.48 feet to a point; thence South 30° 12' 20" East 73.61 feet to a point; thence South 35° 05'
 50" East 110.25 feet to a point; thence South 31° 23' 05" East 66.87 feet to a point; thence South
 31° 04' 07" West 11.05 feet to a point; thence South 35° 03' 19" East 255.41 feet to a point;
 thence South 31° 44' 41" East 71.15 feet to a point; thence South 39° 31' 19" East 29.43 feet to a
 point; thence South 80° 50' 50" East 50.93 feet to a point; thence South 55° 19' 35" East 14.92
 feet to a point; thence South 05° 36' 53" East 30.16 feet to a point; thence South 30° 38' 22" East
 43.55 feet to a point; thence South 38° 13' 37" East 35.37 feet to a point; thence South 09° 14'
 52" East 19.32 feet to a point; thence South 25° 57' 20" East 68.46 feet to a point; thence South
 16° 44' 38" East 29.11 feet more or less to a point that intersects the north line of that tract of
 land deeded to Paul Schweigert and Laurie Schweigert as recorded in Book of Records 222, Page
 1512 Deed Records, Polk County, Oregon; thence East to a point on the easterly boundary line of
 the Donation Land Claim of Jesse Harriot and wife Notification No. 317, Claim No. 67, in
 Township 7 South, Range 3 West of the Willamette Meridian, Polk County, Oregon (said point
 being South 23° 20' East 25.39 chains from the northeast corner of said claim and said point also
 being the northwest corner of property conveyed to Paul and Laurie Schweigert); thence South
 23° 55' 00" West 332.00 feet along said Donation Land Claim line to the southeast corner of said
 property conveyed to Paul and Laurie Schweigert; thence West along the south line of said
 Schweigert property to its intersection with the aforementioned HUD flood hazard area boundary
 (said intersection also being North 8° 35' 54" West 3,337.11 feet from the iron rod set for the
 northwest corner of the Hertel Subdivision as recorded in Book 6, Page 34 of Town Plats for
 Polk County, Oregon); thence continuing southeasterly along said further defined hazard area
 boundary South 46° 23' 36" East 75.51 feet to a point; thence South 59° 51' 52" East 26.51 feet
 to a point; thence South 45° 55' 52" East 27.29 feet to a point; thence South 32° 19' 23" East
 84.70 feet to a point; thence South 20° 12' 19" East 26.94 feet to a point; thence South 53° 38'
 02" East 47.07 feet to a point; thence South 46° 58' 15" East 71.93 feet to a point; thence South

30° 12' 43" East 216.58 feet to a point;²²⁶ thence South 37° 53' 26" East 41.60 feet to a point;²²⁷
 thence South 27° 02' 43" East 48.09 feet to a point;²²⁸ thence South 33° 36' 19" East 75.93 feet to a
 point;²²⁹ thence South 29° 33' 00" East 110.66 feet to a point;²³⁰ thence South 35° 07' 35" East 79.21
 feet to a point;²³¹ thence South 42° 00' 34" East 48.03 feet to a point;²³² thence South 31° 17' 38" East
 84.33 feet to a point;²³³ thence South 21° 36' 29" East 62.01 feet to a point;²³⁴ thence South 14° 56'
 06" East 66.07 feet to a point;²³⁵ thence South 05° 15' 22" East 83.25 feet to a point;²³⁶ thence South
 01° 20' 33" East 182.89 feet to a point;²³⁷ thence South 08° 32' 31" East 85.34 feet to a point;²³⁸
 thence South 03° 13' 05" East 142.71 feet to a point;²³⁹ thence South 11° 06' 47" East 30.94 feet to
 a point;²⁴⁰ thence South 06° 23' 59" West 52.51 feet to a point;²⁴¹ thence South 10° 34' 23" East 75.51
 feet to a point;²⁴² thence South 10° 51' 03" West 43.33 feet to a point;²⁴³ thence South 01° 48' 45" East
 19.37 feet to a point;²⁴⁴ thence South 11° 50' 58" East 57.38 feet to a point;²⁴⁵ thence South 00° 38'
 00" West 58.59 feet to a point;²⁴⁶ thence South 14° 25' 34" East 41.21 feet to a point;²⁴⁷ thence South
 05° 14' 23" West 61.09 feet to a point;²⁴⁸ thence South 21° 41' 30" East 35.29 feet to a point;²⁴⁹ thence
 South 06° 15' 39" West 35.60 feet to a point;²⁵⁰ thence South 07° 04' 35" East 16.35 feet to a point;²⁵¹
 thence South 28° 54' 50" East 37.31 feet to a point;²⁵² thence South 11° 28' 21" East 11.92 feet to a
 point;²⁵³ thence South 04° 30' 14" West 49.99 feet to a point;²⁵⁴ thence South 16° 22' 36" East 23.86
 feet to a point;²⁵⁵ thence South 27° 40' 44" East 29.80 feet to a point;²⁵⁶ thence South 03° 55' 58" East
 81.09 feet to a point;²⁵⁷ thence South 00° 19' 07" East 134.27 feet to a point;²⁵⁸ thence South 05° 15'
 37" West 89.34 feet to a point;²⁵⁹ thence South 11° 29' 56" West 69.49 feet to a point;²⁶⁰ thence South
 20° 32' 04" West 234.10 feet to a point;²⁶¹ thence South 02° 16' 05" West 77.29 feet to a point;²⁶²
 thence South 13° 59' 23" West 106.50 feet to a point;²⁶³ thence South 06° 56' 01" West 95.36 feet
 to a point;²⁶⁴ thence South 01° 59' 49" West 52.68 feet to a point;²⁶⁵ thence South 12° 37' 41" West
 120.31 feet to a point;²⁶⁶ thence South 06° 15' 39" West 71.21 feet to a point;²⁶⁷ thence South 01° 30'
 26" West 25.03 feet to a point;²⁶⁸ thence South 04° 14' 57" East 23.52 feet to a point;²⁶⁹ thence South
 00° 12' 05" West 14.08 feet, more or less, to the intersection with the north line of Hertel
 Addition as recorded in Book 6, Page 34 of Town Plats for Polk County, Oregon, said
 intersection being North 89° 57' 30" East 87.80 feet from the iron rod at the northwest corner of
 Lot 1 of said addition;²⁷⁰ thence North 89° 57' 30" East 996.10 feet along the north line of said
 addition to the northeast corner of Lot 17 of said addition;²⁷¹ thence northerly 960 feet to the
 southwest corner of that certain tract of land conveyed to Carl Staats as recorded in Deed
 Volume 154, Page 249, Deed Records, Polk County, Oregon;²⁷² thence North 04° 10' West 182.70
 feet along the westerly line of said Staats tract to the northwest corner thereof;²⁷³ thence North 00°
 05' 00" East 279.28 feet along the westerly line of a tract conveyed to Carol R. and Mary Staats
 as recorded in Deed Volume 154, Page 250, Deed Records, Polk County, Oregon to the
 northwest corner thereof;²⁷⁴ thence along the westerly line of a tract of land described in Deed
 Volume 154, Page 251, Deed Records, Polk County, Oregon North 09° 28' 00" West 96.05 feet to
 the northwest corner thereof;²⁷⁵ thence North 89° 57' 00" East 365.25 feet along the north line of
 said parcel described in said Deed Volume 154, Page 251 to the northeast corner thereof;²⁷⁶ thence
 South 23° 57' East 103.62 feet along the easterly line of said tract to the southeast corner thereof;²⁷⁷
 thence East 648.93 feet to the southwest corner of a tract of land conveyed to the City of Salem
 as described in Deed Volume 168, Page 352 Deed Records, Polk County, Oregon (said southeast
 corner also being North 24° 15' 00" West 2,002.77 feet and East 648.39 feet from the easterly
 angle corner of Jesse Harriot Donation Land Claim No. 67 in Township 7 South, Range 3 West
 of the Willamette Meridian in Polk County, Oregon);²⁷⁸ thence along the westerly line of said City
 of Salem property North 31° 17' 00" East 440.06 feet to a point;²⁷⁹ thence along said westerly line
 North 04° 23' 00" West 292.41 feet;²⁸⁰ thence continuing along said westerly line North 20° 46' 00"

East 228.21 feet; thence continuing along said westerly line North 01° 43' 00" East 233.05 feet;
thence along the westerly line of said property deeded to the City of Salem North 28° 58' 00"
East 748 feet more or less to the northwest corner thereof; thence East to the westerly bank of the
Willamette River; thence northerly along the westerly bank of the Willamette River to a point
west of the westerly extension of the center line of Stark Street; thence East along the westerly
extension of Stark Street to the center of the Willamette River in Section 10, Township 7 South,
Range 3 West, said point being on the county line between Marion and Polk Counties of Oregon
which point is the beginning of the description of the urban growth boundary in Marion County.

Polk County Regional Scale Map

Scale 1:200

03/16/01

N.W. CORNER
ROBERT W. HAMILTON
DLC NO. 63
159.75 AC

7.3.5

2000
39.85 AC

1901
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1801
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6.22

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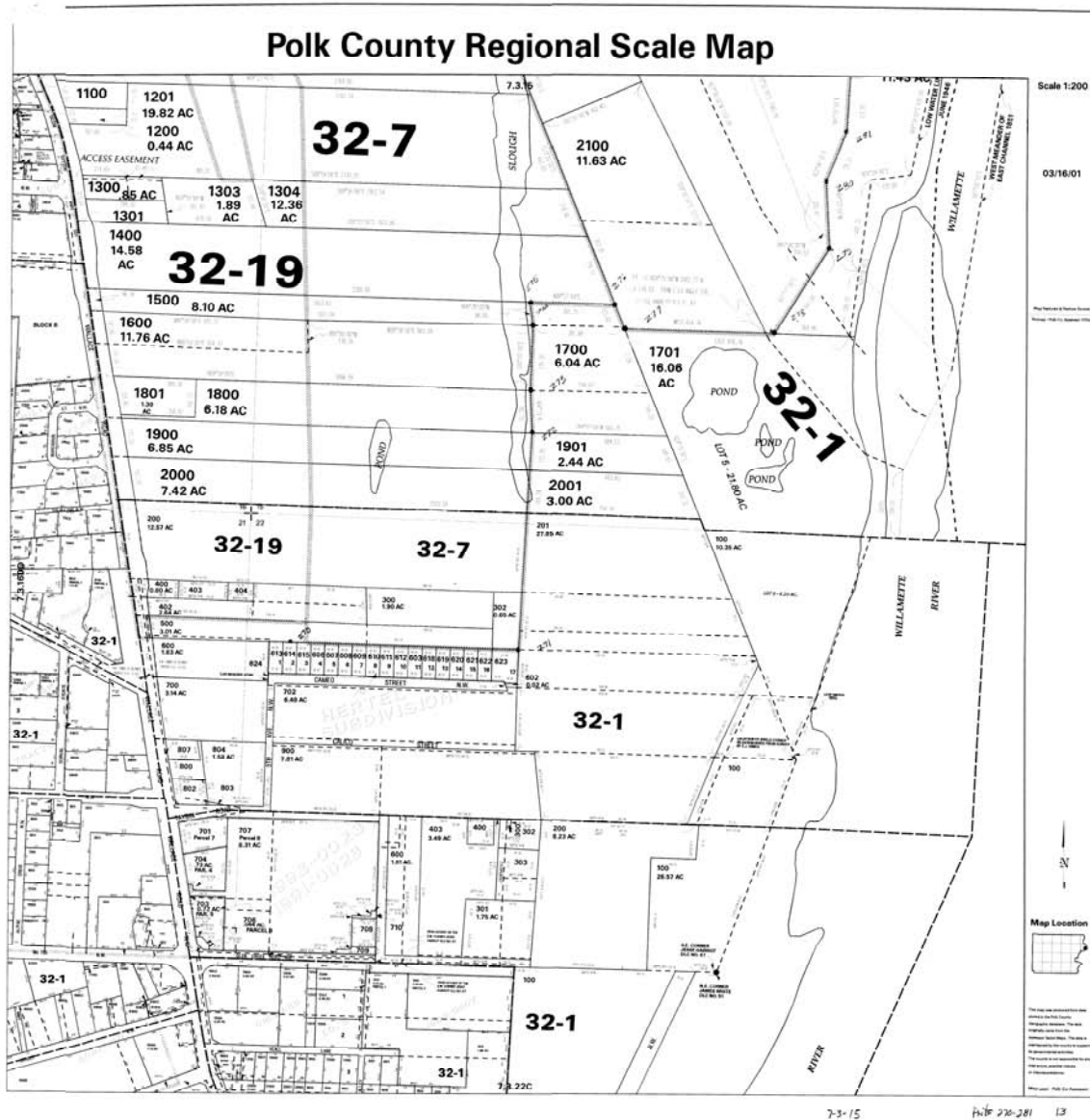
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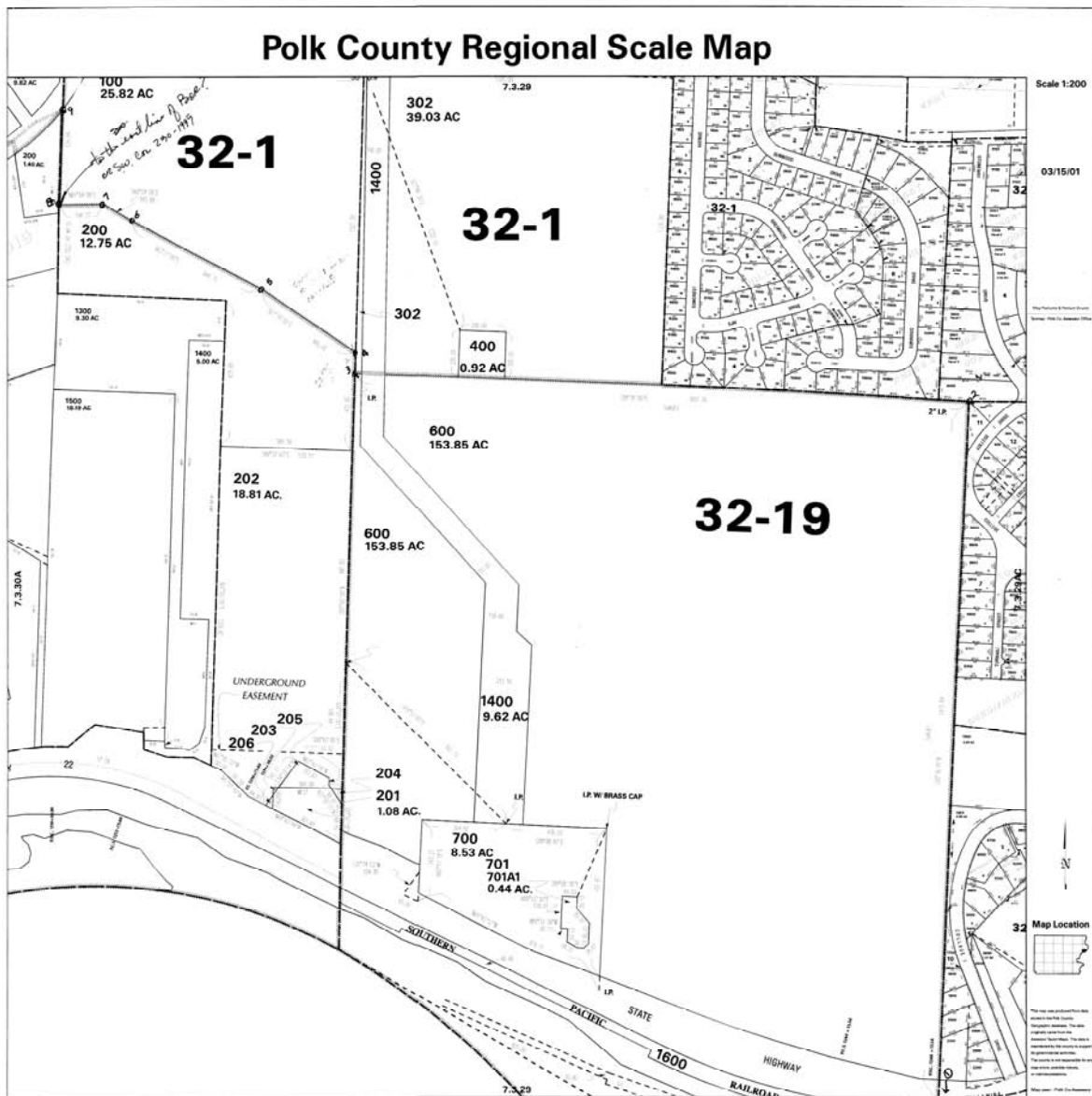
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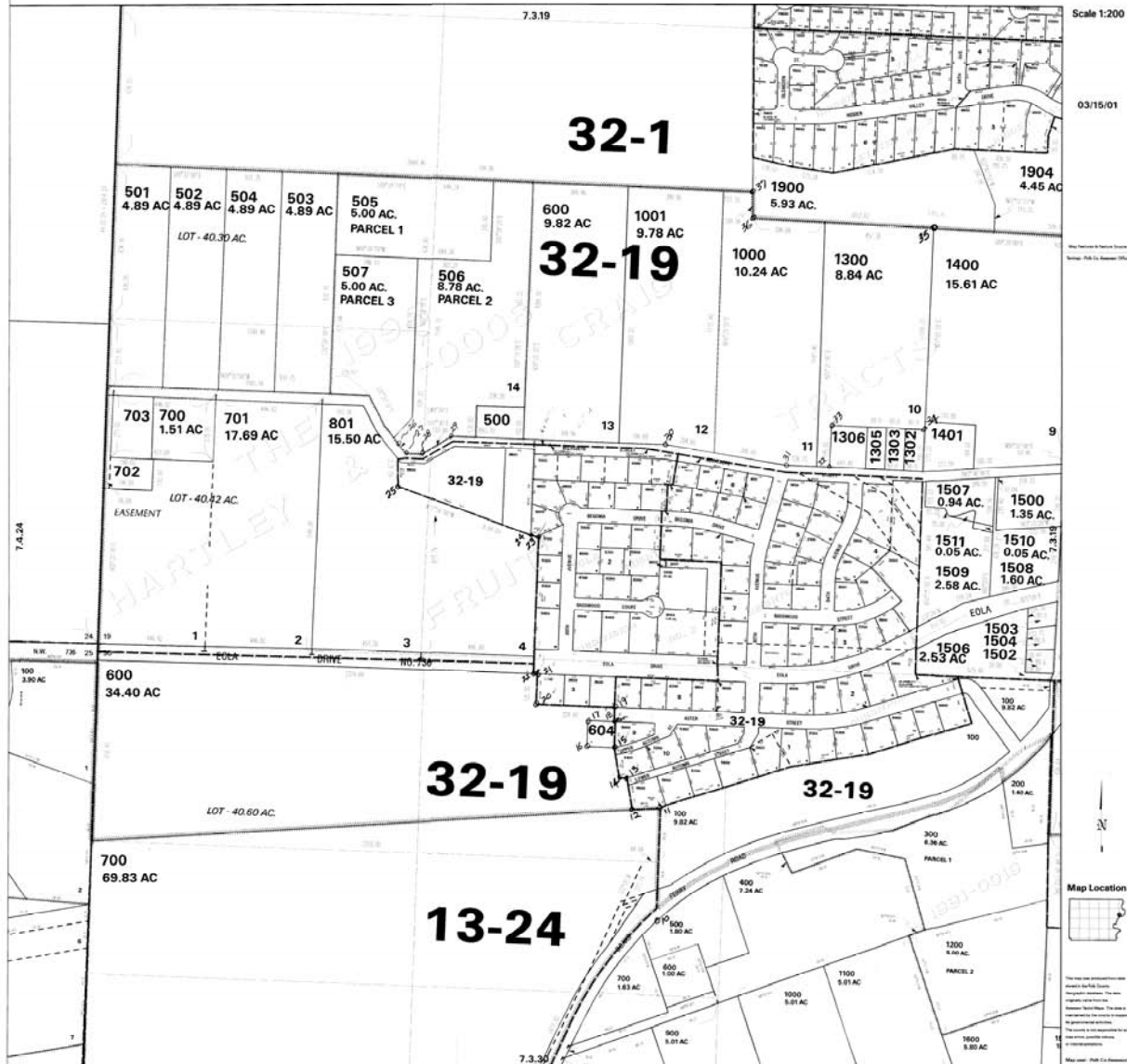
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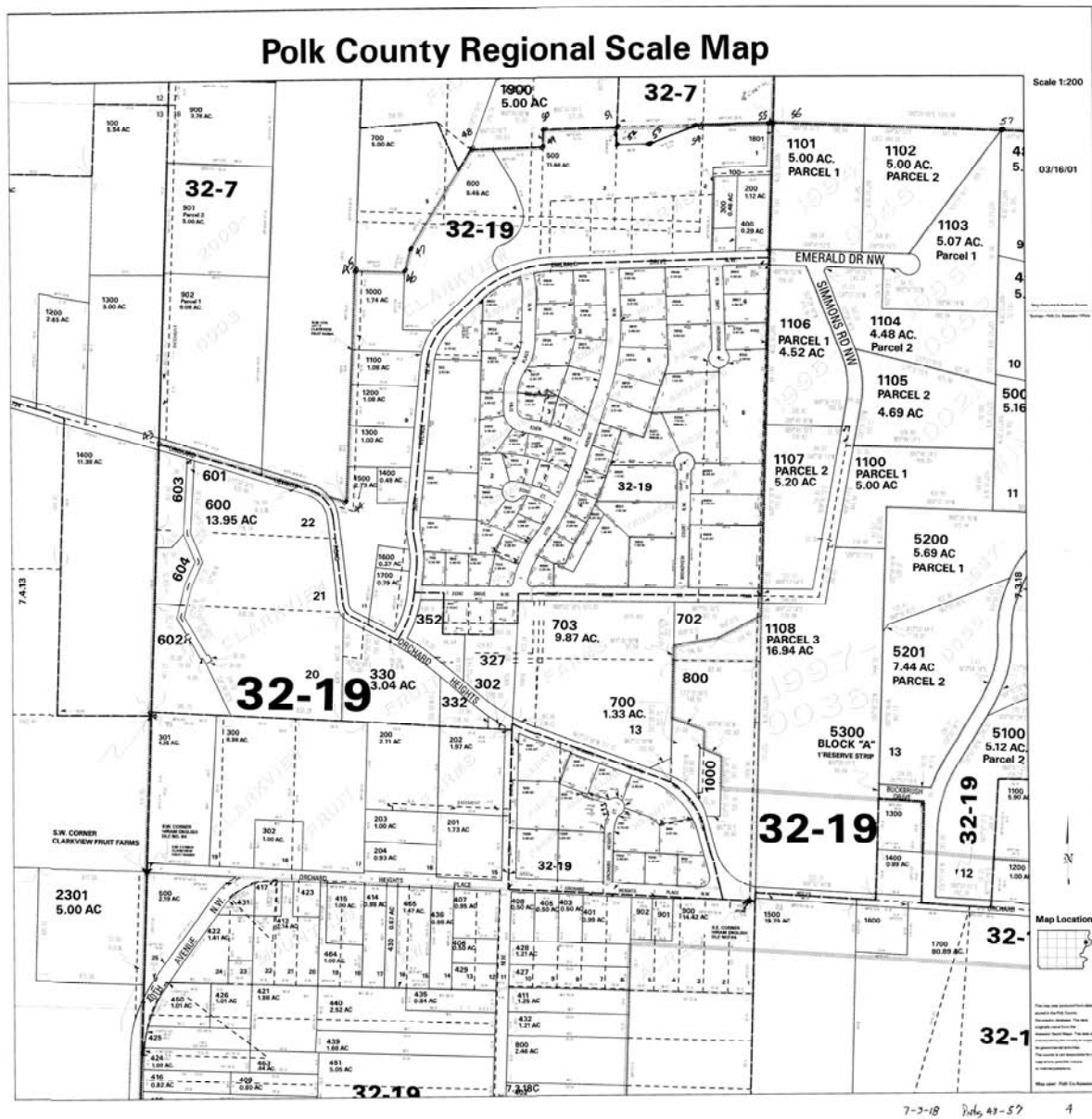


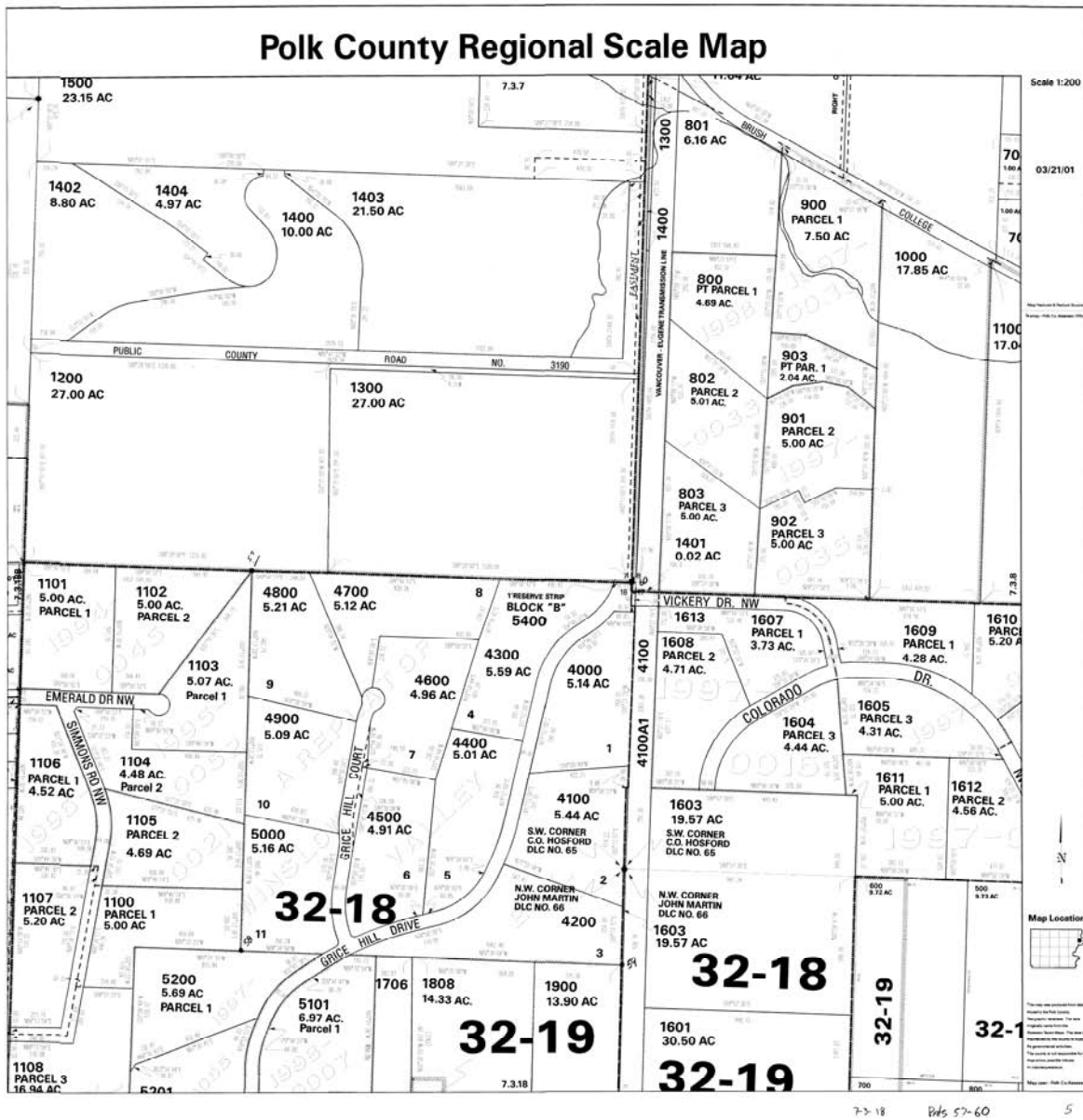
Polk County Regional Scale Map

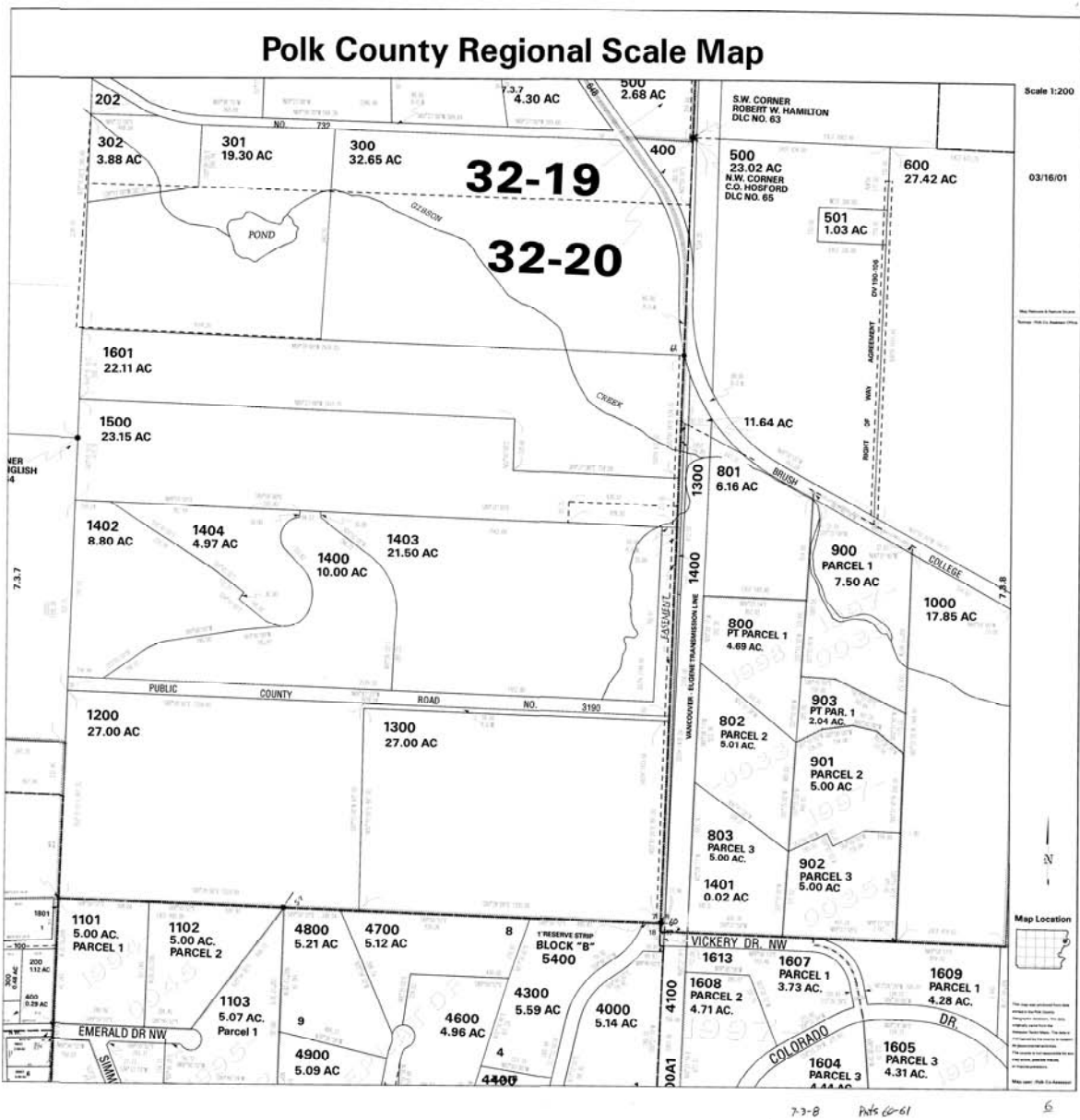


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Polk County Regional Scale Map

Scale 1:200
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Map Location: Polk County, Iowa

Map Notes:
This map was prepared by the Polk County Planning & Development Department.
It is based on aerial photography and field surveys.
The boundaries shown are approximate and do not constitute a legal survey.
For more information, contact the Polk County Planning & Development Department.

Map Labels:

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APPENDIX E

COMMERCIAL AGRICULTURE JUSTIFICATION REPORT

POLK COUNTY

COMMERCIAL AGRICULTURE/JUSTIFICATION

The Polk County Comprehensive Plan Background Report on Agriculture describes the characteristics of farming within the county. This Plan element depicts commercial agriculture based on a number of references which include County Extension Agent records, Soil and Water Conservation District information and Agricultural Census Data provided by the U.S. Bureau of Census. From these sources, the county was able to develop a true picture of the ways that agriculture is carried on throughout the County. A unique factor about Polk County's agricultural practices is its level of diversity. A letter submitted to the County Planning Department, by the County Extension Agent, expressed very clearly the reason for this characteristic. The letter summed up current agricultural practices in the county as follows:

1. There is a tremendous variety of crops that are grown
(75 different categories plus various livestock species);
2. The average farm raises 8 - 10 different crops each year;
3. Crop rotation makes it difficult to define what specific crops will predominate in an area;
4. Economic climate and market factors also contribute to the prevalence of diversity.

Analysis of a recent source of census data which was re-tabulated by the U.S. Census Bureau under contract with Oregon State University Extension Service and entitled "Special Tabulations, 1982 Census of Agriculture, Oregon, Volume 1, State and County Data Report", was used in determining how this diversity is reflected in commercial agricultural practices. From this analysis, a model was constructed which will allow the county to review farm proposals on a case-by-case basis related to performance criteria. Under the model, a three-level administrative procedure is established. Each level is designed to process certain types of permit applications with maximum efficiency for both the county and the applicant. Both acreage and gross annual sales data are used in developing threshold levels for permit proposals. Consistency of review criteria is maintained by the use of a gross sales threshold for all levels. The following figure graphically shows in a general sense how the model was designed and the criteria used (Figure 1).

FIGURE 1

POLK COUNTY - EFU ZONE

Three-Tier Review for Farm Dwelling in EFU Zone A Generalized Flow Chart

ADMINISTRATIVE REVIEW

Type I Review

| | | |
|--------------------------------|-----|---|
| 1) Parcel at least 80 acres | Yes | 1) Appropriate for the area 2) No significant impact on fish and wildlife habitat 3) Dwelling occupant tests 4) Is Currently Farmed |
| | NO | |

ADMINISTRATIVE REVIEW

Type II Review

| | | |
|--|-----|--|
| 1) Parcel Size test, determined by Census of As Special Tabs | Yes | 1) Review evidence submitted by applicant 2) Appropriate for the area 3) No significant impact on fish and wildlife habitat 4) Is currently farmed |
| 2) Minimum gross annual sales test | | |
| 3) 20 acre minimum | | |
| | NO | |

PUBLIC HEARING

TYPE III REVIEW

| | | |
|---|-----|---|
| 1) Farm Management Plan | | 1) Report of farm review team |
| 2) \$40,000 minimum gross annual sales | | 2) Improvements installed or may require performance bond or letter of credit 3) Marketing commitments 4) Appropriate to area |
| | Yes | 5) No significant impact to fish and wildlife habitat 6) Less than 100 days worked off farm proposed 7) 50% of farm operator's income to be earned from farm 8) Is currently farmed |

EFU REVIEW TYPES

TYPE I REVIEW

Based on this model, Polk County established that the primary commercial farm acreage threshold occurs at the 80 - 159 acreage range for EFU zone areas. In other words, any farm proposal containing less than 80 acres would be reviewed at level II or III process. Using the census tabulations described above, the following criteria were used in establishing that 80 acres or more is the appropriate size for Type I farm reviews.

1. The lowest acreage size is similar to the mean of existing parcel ownership sizes.
2. Using Census of Agricultural Special Tabulations for all farms, the County determined the lowest acreage range which conforms to the following criteria:
 - a. The contribution to the market (i.e., percent of total market value of products sold) is 10% or more.
 - b. The cumulative contribution of all farms, starting with smallest categories, must equal at least 25% of total farm sales. To state this criteria another way, farms of this category or larger account for 75% of farm sales.
 - c. Fifty percent of owners either have farming as their principal occupation, or, they work less than 100 days off the farm. Criteria (a) and (b) address the substantial contributions to markets test contained in OAR 660-05-000. Criterion (c) distinguishes between hobby farmer and commercial farmer.

The following findings were made regarding these criteria in determining that 80 - 159 acres was the lowest acreage range for this threshold.

1. The mean owned size of the average farm is 86.8 acres which justifies an 80 acre parcel size being used as the break point (86.8 acres was determined by subtracting 21.8% of the mean parcel size. The 21.8% represents the average percent of land rented from others.)
2.
 - a. Contribution to the market of farms of this size range (percent of total gross annual sales earned) equals 17%. The mean gross annual sales for this acreage range is \$44,000.
 - b. The cumulative percent of gross annual sales for all farms less than and including the 80 - 159 acreage range is greater than 25%.
 - c. Farming as a principal occupation for this acreage range does equal 50% of the operators.

Additional evidence shown in the Agricultural Census Tabulations which supports this range includes:

1. In 1982 a total of \$40,650,000 in gross farm income was earned in Polk County. Farms with 80 acres or more, earned \$35,227,000 or 87% of the total.
2. In analyzing average yield per acre, the 80 - 159 range had the highest dollar value for all acreage ranges. This figure amounted to \$396 per acre.
3. The mean gross annual sales of \$44,000 for this range is a substantial amount

when compared to the mean gross annual sales of all farms measured in the census data which amounted to \$34,000.

TYPE II REVIEW

The secondary level threshold (or Type II Review) is established at acreage sizes 20 to 79 acres for the EFU Zone. The reason for this level was to ensure that all farms which contribute in a substantial way to the county's total farm income were included. By including acreage sizes down to 20 acres, an additional 9% of contribution to gross annual farm sales was added to the 87% contribution shown in the primary level. This 96% figure is a reasonable break point for determining commercial and non-commercial farm operations.

Since farm operations in Type II Review are somewhat more questionable as to their commercial feasibility, the applicant must submit data documenting his proposed operation with soil, crop, market, and financial data. The minimum number of acres is a variable number determined by reference to the Special Tabulations SIC Tables. The procedure is designed to ensure that the applicant has a parcel size at least as large as that size which on average, is currently operating at a commercial scale in the County. A gross farm sales requirement also applies to the request as part of this more stringent procedure. The gross sales level applied to this Type II Review is based on either a constant figure or a variable figure keyed to special Tabulation data and is determined by which figure is the lesser of the two. The constant figure was set at \$40,000 because it is a reasonable amount for this category as outlined in the TYPE I section on the Special Tabulation findings. It is also the threshold figure when TYPE I criteria are applied to gross sales categories in the Special Tabulations. In addition, it is cited as a minimum income for an acceptable standard of living yielding \$8,000 net farm income using a 20% net return figure. (USDA A Time To Choose, Washington, D.C. 1981)

The variable figure for the gross sales test is set at the mean value of products sold for the SIC type and acreage category as given in the Special Tabulations.

The variable acreage and gross sales criteria in the TYPE II review are intended as performance tests to reflect existing conditions for the proposed agricultural type in Polk County. A 20 acre lower threshold is set to prevent the creation of micro-parcels even if the parcel could potentially support an intensive type of commercial agriculture.

TYPE III REVIEW

This level is generally not considered to be commercial in scope, although there are a small number of unusual cases that may qualify. In Polk County, all farms less than 20 acres contribute only 4% of the total farm gross sales and have a mean gross sales of \$4,000. The county has established a review process to allow land divisions and farm dwellings at this level only if they meet certain stringent conditions.

A Type III review has been designed to be used for proposed farm parcels or dwellings in extremely unusual circumstances which do not qualify for a Type I or II review. This review will also require a farm management plan, market commitments, an acreage size of 20 acres or more (for land divisions), a gross annual sales level of at least \$40,000 and other pertinent review requirements. Because of the marginal potential of proposed farms under this type of review, a public hearing will also be required.

FARM/FOREST REVIEW

For the Farm/Forest Zone, there are two review levels with appropriate acreage figures set at 40 acres for Type I Reviews and less than 40 acres for Type II. While most of the county's 180,000 acres of EFU land are located on bottom lands and terraces, the 30,000 acres zoned F/F are generally located above the valley floor and terraces in the foothills of the Coast Range. The Farm/Forest areas contain a small number of commercial farms that are generally smaller in size and level of operation. The hilly terrain and poorer soil classes of this zone have caused a higher density for nonfarm units interspersed with quasi-commercial type farms or small scale woodlots. This area was zoned Acreage Residential - 5 acres for a number of years prior to the 1981 acknowledgement of the County's Plan and, consequently, was divided into non-commercial size parcels and numerous dwellings were placed on parcels throughout the entire zone, thereby increasing the density of housing level. When this area was zoned from AR-5 to F/F in 1981, most of the commercial size farms and timber parcels opted to be zoned either Exclusive Farm Use or Timber Conservation as per the property owner's request. The majority of (and certainly the mean average) parcels remaining from that rezone effort were of a non-commercial scale for agriculture and timber use.

The county completed an analysis of the number of existing F/F zone parcels by ownership. By using data from the County Assessor's files, a total of 1040 farm ownership's were found to exist within the zone. Based on a total acreage of 30,000, the average parcel size equals approximately 29 acres. Review of the parcel/ownership records indicate that 7.4% of the parcels were greater than 80 acres in size; 3.7% were in the range of 60 - 79 acres, 88.9% were less than 60 acres and 81% were less than 40 acres in size.

In addition, Polk County's F/F zoned land is mainly located in the foothills of the coast range. Most areas exhibit steep slopes, soils which are on the lower range of the commercial agricultural scale, located adjacent to rural residential uses, lack of irrigation, vegetative overgrowth and mixed hardwood stands and small, irregular shaped parcels.

This F/F land is similar to that land portrayed in the Linn County Profile of Commercial Agricultural Report (OSU Special Report #696)) for District II, which includes Polk County. Findings in this document indicate typical field sizes in foothill areas such as Polk County's F/F zoned area, have a mean size of 26.8 acres, but a median size of only 15.33 acres. This appears to be substantiated by the Polk County Assessor's records. As a comparison, the EFU Zone contains 180,000 acres and 2,550 farm units. The average parcel size for EFU is approximately 70 acres. Based on comparison of these averages, environmental factors and land form differences, the county determined that a 40 acre parcel size best exemplifies the lowest acreage size for the primary level in the F/F Zone.

To implement Goal 3 in the F/F Zone, the County has established a two tier review similar to those of the EFU Zone but reflecting the land and environmental conditions of the F/F Zoned area, as well as the parcel sizes.

FARM/FOREST REVIEW TYPES

The Farm/Forest TYPE I Review parallels the process of the EFU model using a threshold for all farms at 40 acres or greater in size. Any farm containing less than 40 acres will

be reviewed at a TYPE II Review process.

The following criteria shall apply to a TYPE I review which is an administrative review:

- A. A land division may be tentatively approved when all the following conditions are met:
 - 1. All proposed parcels are 40 acres or greater in size;
 - 2. The parcels are currently employed in farm use;
 - 3. The agricultural enterprise is appropriate for the area considering other commercial agricultural enterprises located within 1/4 mile to determine if there are conflicts; and
 - 4. The additional parcel(s) will not significantly impact identified sensitive fish or wildlife habitat.
- B. A dwelling may be permitted when all the following conditions are met:
 - 1. The dwelling will be located on a parcel that is 40 acres or greater in size;
 - 2. The parcel is currently employed for farm use;
 - 3. The dwelling is for the farm operator and there are no other dwellings located on the parcel or on parcels under contiguous ownership;
 - 4. The dwelling will not significantly impact identified sensitive fish or wildlife habitat; and,
 - 5. The proposed site can support a residential use considering access, suitability for on-site sewage disposal, water, utilities and fire protection.
 - 6. The parcel was legally created.

The secondary level threshold (or TYPE II) is established for those farms under 40 acres but greater than 10 acres. This ensures that some effort is made to contribute to the farm economy even if in a more marginal way than experienced in the EFU area. Findings listed above have shown that this Farm/Forest land base is in a parcel range similar to foothills of Linn County ranging between 15+ acres for a median size parcel and 28+ acres for a mean size parcel. Consequently, while not an area that contributes significantly on a parcel-by-parcel basis, the "value of commodity by acreage range" data shows the 20-39 acreage range portraying a decreasing value from \$308 at 20 acres down to \$163 for 39 acres. In addition, the days worked off farm exceeding 200 days occur in 52 to 54% of the cases for parcels in the 20 - 39 acre group. When considering 150 days worked off the farm in this group the percentage of cases rises to 58 to 61%. The 20 - 39 acre range parcels contribute only 4% and 5% respectively to the market (those parcels less than 20 acres are at a 3% level) with a mean product value/mean gross annual sales of \$8,000 and \$9,000 respectively, thereby placing them in a category that has marginal contribution to commercial agriculture as a whole in Polk County. Another indicator of this contribution level is that the foothill landform area in Linn County (District II, of which Polk County is a part of) lists a \$9,000 level of gross value of products sold. This finding is compatible with the Special Tabulation of Census data maintained above. By contrast the EFU zoned area of 80 acre parcel sizes has a mean product value/mean gross annual sales of \$44,000.

Polk County will require an additional burden-of-proof for divisions and farm dwellings in the TYPE II review which is the procedure designed for those land use actions in the acreage range below 40 acres.

TYPE II actions are reviewed by the Planning Director, or his designated representative, and are subject to public notice requirements. Appeals of TYPE II decisions are to the Polk

County Board of Commissioners. The requirements are:

1. Average annual product sold capability is \$10,000 or more.
2. The new parcel(s) will not significantly impact identified sensitive fish and wildlife habitat.
3. The agricultural enterprise is appropriate considering soils, productivity, topography, and other agricultural activities located within 1/4 miles to determine if there are conflicts.
4. The parcel is currently employed for farm use.

The \$10,000 annual sales figure is considered reasonable as a capability level, based on Census of Agriculture data. The SIC types of agriculture which most closely reflect the farm types existing in the Farm/Forest Zone are Extensive Grazing and General Farming, Primarily Livestock. The mean annual sales for Extensive Grazing type is \$11,000 for farms over \$2500 sales and \$5000 for all farms in the SIC type. For the General Farm category, only the sales figures for "all farms" is available, which is \$4000. Since the two SIC types exhibit similar sales figures in the "all farms" category, the over \$2500 sales figures are likely also similar, or approximately \$10,000.

With the use of the above criteria, the acreage within the 30,000 acres zoned Farm/Forest will be adequately protected as a contributing factor to the State's agricultural economy.

SUMMARY

Based on the evidence collected from the Census of Agriculture data and county inventory files, the analysis and findings described herein clearly identify that there are three levels of farm activity in Polk County. Two of these levels contribute in a substantial way to the County's agricultural economy because of their 96% contribution to the market. These two levels are clearly representative of the County's commercial agricultural enterprise. The tertiary level serves the agricultural economy on a much more marginal basis. Therefore, the county has established a stringent review process that ensures that all future farm proposals at all levels will be consistent with the Goal 3 purpose of maintaining the County's agricultural economy. These findings shall be applicable to both the Exclusive Farm Use and Farm/Forest Land Use Designations herein previously described. Implementing measures pertaining to these findings and land use designations shall be incorporated into the EFU and Farm/Forest Zones.

In establishing minimum lot sizes for the EFU and F/F zones, the County made two important determinations regarding inefficiency and price increase. These findings were made in order to address issues which were raised in the landmark case Goracke vs. Benton County.

In this case LUBA stated that a minimum parcel size must not be a size that is inefficient to farm. By using the 1982 Agricultural census data and Special Tabulations, the County determined that the proposed minimum acreage sizes were determined to be efficient based on their average yield per acre. The 6-19 acre range was the most productive out of all the ranges measured. This range had an average yield per acre of \$416. The second most productive range, with a \$396 average yield per acre was the 80-159 range. Based on these averages, the County determined that the size test related to efficiency is clearly met. In addition, a 1983 survey in Linn County (Profiles of Commercial Agriculture, 1983, OSU Special Report No. 696) found that 20 acres was a typical field size in foothill areas while a minimum field size was 5 acres.

In order to ensure that Type II and III review criteria regarding income (gross annual sales) are being met, the County will use the following formula in determining if the necessary gross annual sales level could be attained on a given parcel:

Average Yield/acre x Average Commodity/Unit Price x Total Acres = Gross Annual Sales.

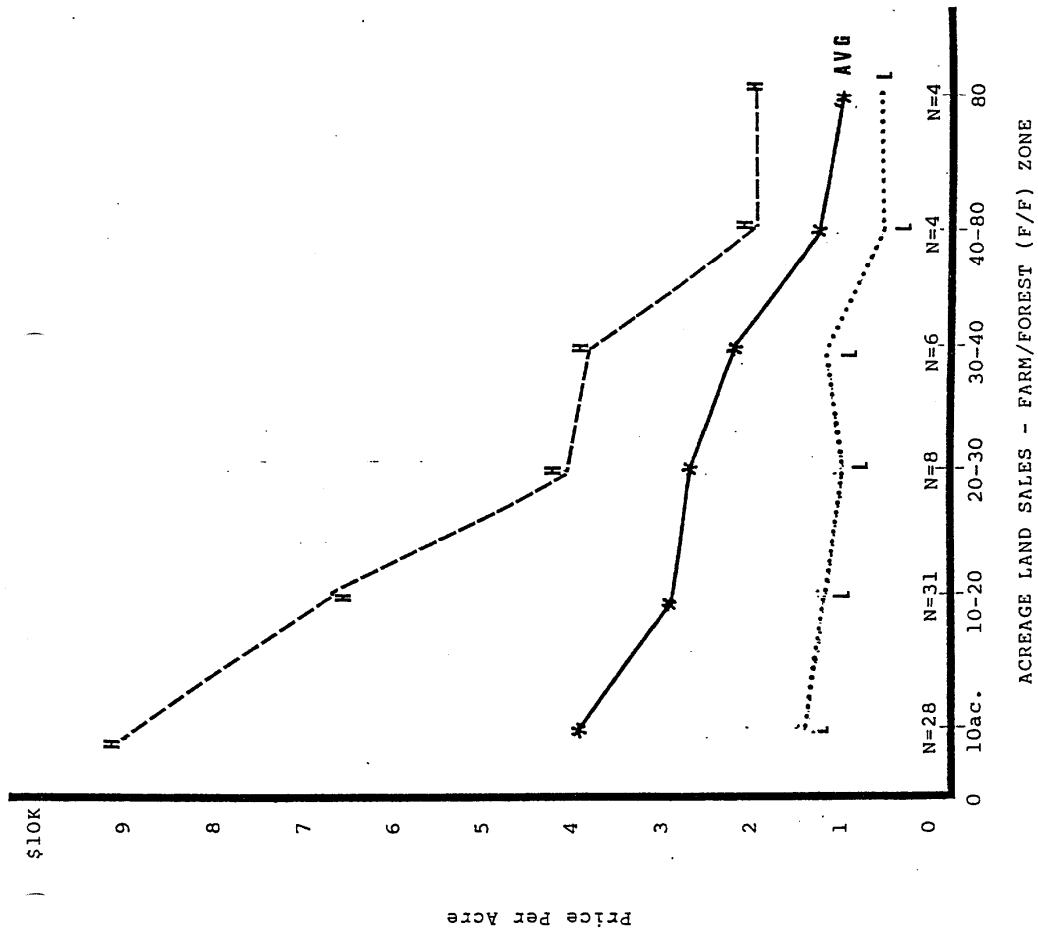
The average yield figure would be determined by using Table 5 in the October, 1982 Soil Survey of Polk County, Oregon, when possible. When data is not available from this source, the best available data, generally from the Oregon State University Extension Service, shall be used. The commodity price would be determined by averaging the the most current three-year period prices, using current year prices taken from County Extension Agent records.

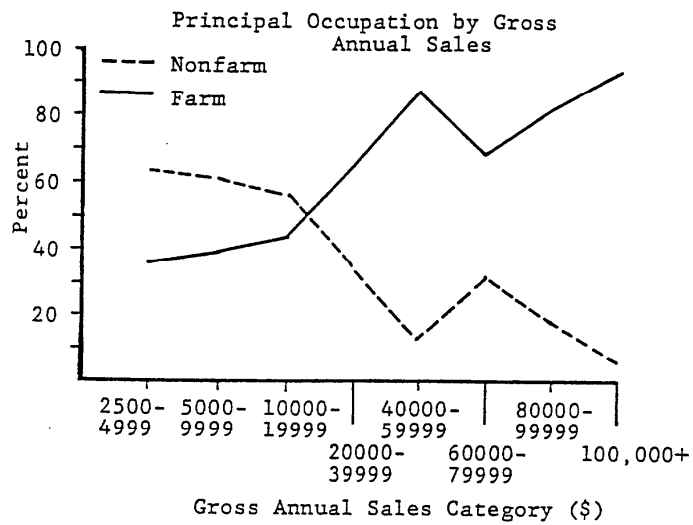
When new farm parcels are proposed under the three level review process, it is important to ensure they are compatible with surrounding agricultural enterprises. By comparing proposed farm parcels with other farm parcels and practices within a one-quarter mile radius of the proposal, a decision could be reached more objectively. A one-quarter mile radius provides a sufficient area to evaluate a farming pattern. Most areas of the County are characterized by mixed parcel sizes and ownerships. The one-quarter mile radius will incorporate an equivalent of a half section as a study area. The quarter-mile area is also the same measurement used in the L.E.S.A. System in Linn County which the county may adapt as an evaluation and measurement tool in its review process. Furthermore, the following factors shall be evaluated in comparing commercial farms within a one-quarter mile radius:

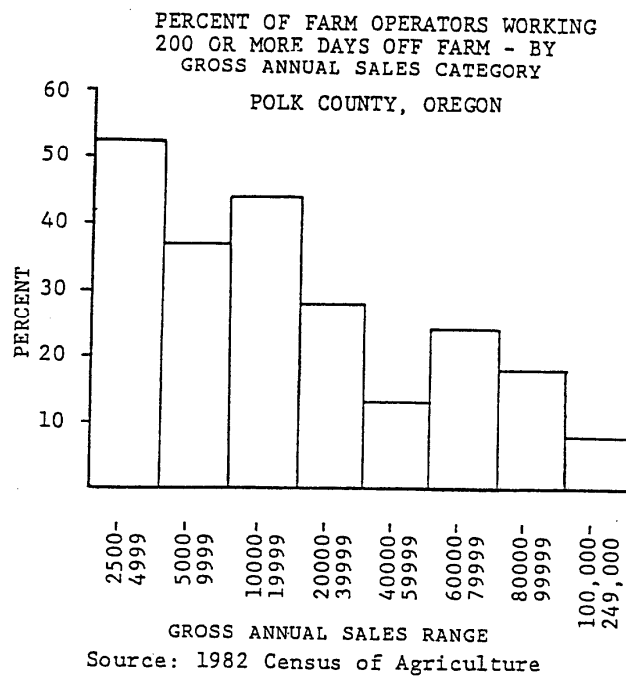
1. Any conflicts that might occur with the newly proposed farm operation.
2. Similarities and/or conflicting differences of surrounding farms in relation to average commercial farm types described in the S.I.C. Tabs of the census data.

Based on the above findings, conclusions, and procedures, the requirements of Goal 3 are not only complied with but enhanced.

PD 5/18/87







APPENDIX F

GOAL EXCEPTION FINDINGS

DATE: June 6, 2012

SUBJECT: Plan Amendment 10-04, Zone Change 10-04, and Property Line Adjustment LLA 10-10. Approved by Ordinance No. 12-03.

PROPERTY ADDRESS: One property north of 11000 Riverview Street, Independence, Oregon.

PROPERTY LOCATION: This reasons exception applies to an approximately 5.16 acre portion of the 7.12 acre subject property which contains the Buena Vista Cemetery. The subject property is located approximately 0.2 mile north of the Buena Vista Unincorporated Community (T9S, R4W, Section 23, Tax Lots 101, 200, and 301).

REQUEST: These applications consist of a property line adjustment, a Polk County Comprehensive Plan (PCCP) Map amendment from Agriculture to Public, and a zone change from Exclusive Farm Use (EFU) to Public and Private Cemeteries (PC) and the Limited Use Overlay (LU) Zones. The applicant is also requesting a text amendment to the PCCP in order to adopt a "Reasons" exception to Statewide Planning Goal 3. The proposed limited use overlay would permit the subject property to be used only for a cemetery. The PCCP Map amendment, zone change, and reasons exception apply to an approximately 5.16 acre portion of the subject 7.12 acre property. That area is depicted on the attachments to Ordinance No. 12-03.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, the applicable criteria are listed in Oregon Administrative Rule (OAR) 660-004-0018, 660-004-0020, 660-004-0022, and 660-012-0060. The criteria are listed below followed by the findings adopted by the Board of Commissioners to address those criteria.

- A. When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception; [OAR 660-004-0018(4)(a)]**

Findings: According to PCZO 170.020, the PC zone allows three specific uses: a cemetery, a dwelling for the caretaker or watchman, and specific renewable energy systems that would serve the uses on the property. The Board of Commissioners unanimously passed a motion at their February 8, 2011 hearing to apply the Limited Use Overlay Zone to the portion of Parcel 1 that would be zoned PC, in order to restrict the use of that portion of Parcel 1 to a cemetery.

- B. "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 and why the use requires a location on resource land; [OAR 660-004-0020(2)(a)]**

Findings: The applicant provided the following bulleted statements as findings:

Assumptions Set Forth In This Exception

The Buena Vista Cemetery is part of the Hilltop Cemetery District, which is a public entity; and, as such, the District has an obligation to provide adequate burial space for the public.

1. The cemetery has been in existence since 1846, has not expanded substantially, and there is a demonstrated public need for the expansion.
2. The cemetery is non-church-affiliated, and therefore an expansion is not permitted in the Exclusive Farm Use Zone.
3. The only opportunity to expand is onto land that is zoned Exclusive Farm Use; consequently, Exceptions to Statewide Goals 3 and 4 are required.
4. The proposed expansion can only be onto prime farm land because exceedingly steep topography to the south and east prohibits normal and necessary expansion.
5. The potential expansion of the cemetery to the west or north would interrupt large fields; whereas the expansion to the south would be into a farm field that is 3.55 acres in size.
6. The potential expansion of the cemetery to the west would result in the cemetery being split by a public road.
7. The proposed expansion area was most recently planted in cherry trees that have been removed due to age and disease.
8. The owners of the property onto which the cemetery is proposed to expand are willing sellers.
9. The cemetery property and the adjoining property onto which the expansion would occur are currently under the minimum parcel size of the EFU zone.
10. The capital fixity of the cemetery precludes consideration of moving this facility to a location within an urban growth boundary. The prospect of relocating a cemetery is very untenable.
11. The search for “alternative sites” must be restricted to the Hilltop Cemetery District only because this is a distinct taxing district as shown in Figure 6, Map of Hilltop Cemetery District.

C. “Areas which do not require a new exception cannot reasonably accommodate the use”: [OAR 660-004-0020(2)(b)]

- 1. The exceptions 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; [OAR 660-004-0020(2)(b)(A)]**
- 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: [OAR 660-004-0020(2)(b)(B)]**
 - a. Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not? [OAR 660-004-0020(2)(b)(B)(i)]**

- b. **Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by this applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?** [OAR 660-004-0020(2)(b)(B)(ii)]
 - c. **Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?** [OAR 660-004-0020(2)(b)(B)(iii)]
 - d. **Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?** [OAR 660-004-0020(2)(b)(B)(iv)]
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 assess only 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.** [OAR 660-004-0020(2) (b) (C)]

Findings: The applicant states that the cemetery has an obligation to maintain their existing facilities at the same location because of limited operating budgets. The cemeteries in the Hilltop District are taxpayer supported, and their revenue is derived from Polk County's tax base; therefore, any alternative sites outside of the Cemetery District are prohibited from being considered. The search must, therefore, be confined to areas within the Hilltop Cemetery District (see Figure 6 of the application, Map of Hilltop Cemetery District).

The applicant states that the key words in this criterion are "reasonably accommodated." The applicant's analysis found that the City of Independence has no appropriately sized or drained lands to accommodate the use. No Unincorporated Community Centers are nearby except Buena Vista, and no parcels large enough to accommodate the projected need for burial plots are available. The larger parcels contained within Independence and Monmouth are zoned for industrial uses, and commitments are already in place for some of the industrially-zoned land, particularly in Monmouth. In addition, the applicant states that the urban growth boundary for Monmouth falls within the Fir Crest Cemetery District and therefore cannot be considered for an expansion for the Buena Vista Cemetery, which is in a different taxing district. None of the sites visited by the District's representative were suitable because they were in flood plains, wetlands, or generally poorly drained areas. Other potential parcels lack the necessary access for a cemetery until other areas closer to the existing street network are built up.

In its letter of May 18, 2010, DLCD stated that "The alternatives analysis for sites that do not require an exception to Goal 3 is inadequate to support a reasons exception for the subject site. The narrative indicates that the applicant made a decision to not consider sites within nearby urban growth boundaries, unincorporated communities, or other areas that already have an exception to Goal 3." In materials submitted for the Record on June 16, 2010, the applicant said there were no uncommitted areas within Independence that did not have drainage problems. In materials submitted on June 1, 2010, the applicant had stated that the only zone within the boundaries of the cemetery district that permits cemetery lots is the Public Service zone in

Independence, but there is no land in that district vacant and available. On January 18, 2012 the applicant provided the following additional bulleted statements to support their alternatives analysis:

1. The Hilltop Cemetery District is one of nine taxing cemetery districts within Polk County, Oregon.
2. The Hilltop Cemetery District has two operating cemeteries: Buena Vista and Hilltop.
3. The Hilltop Cemetery on Corvallis Road is 12.7 acres and is comprised of Tax Lots 300 and 400.
4. The larger Tax Lot (300) is 8.7 acres and has no cemetery lots for sale.
5. The occupied burial plots in Tax Lot 300 now exceed 90 percent of capacity.
6. The smaller Tax Lot (400) is 4.25 acres and was added to the cemetery through a land use approval in 1992.
7. The process of improving Tax Lot 400 has already begun, and more than 100 cemetery lots were recently sold in a single transaction.
8. The area north of the road that bisects Tax Lot 400 already contains 12 burial plots.
9. The majority of burial plots sold at the Hilltop Cemetery are cemetery district residents or their close family members, but the majority are from the urban part of the district rather than from the local farming families and their descendants.
10. The majority of burial plots sold at the Buena Vista Cemetery are to farm families who live south and east of Independence and to close relatives of these farm families living elsewhere in the district and outside of the district.
11. As late as 2004, the Hilltop Cemetery District had no burial plots available at the Buena Vista Cemetery.
12. The Buena Vista Cemetery gained 56 burial plots after 2004 by abandoning the old carriage road, and the number of available burial plots now stands at 26.
13. The Cemetery Board now has a policy of not selling burial plots at the Buena Vista Cemetery to parties living outside of the district because so few lots are available.
14. The Polk County Zoning Ordinance makes no provision for non-church affiliated cemeteries in any zoning category.
15. The alternative areas considered for non-church affiliated cemeteries were limited to lands within the Hilltop District and lands inside the urban growth boundaries since no zone in unincorporated areas of Polk County allows non-church affiliated cemeteries.
16. The only zone in the Hilltop Cemetery District that allows non-church affiliated cemeteries is the Public Service (PS) Zone within the corporate limits of Independence, Oregon.
17. The areas zoned PS in Independence are all built and committed to other uses such as parks and schools.
18. The Hilltop Cemetery is the main cemetery for the urban portion of the district, namely Independence.
19. The Hilltop Cemetery serves the large urban population of Independence and Monmouth, whereas the Buena Vista Cemetery is a pioneer cemetery (in operation since 1846) and

principally serves a rural population consisting of area farmers, their extended families, and former hop farm workers who want Buena Vista as a final resting place.

20. The Hilltop Cemetery was enlarged in 1992 only in reference to the particular need of that facility and not that of the Hilltop Cemetery District as a whole or the Buena Vista Cemetery in particular.
21. The Hilltop Cemetery District has adopted a policy of giving preference to district residents rather than out-of-district residents for purchase of cemetery lots in order to preserve family plots.
22. Pursuant to OAR 660-004-022(b)(A), the Hilltop Cemetery District Board and their representative have examined locations which so not require a new exception and why these areas which do not require an exception cannot reasonably accommodate the proposed use. The potential for alternative sites not requiring an exception are extremely limited by three factors: 1) The Polk County Zoning Ordinance has no provisions in any zoning category for non-church affiliated cemeteries except for the PC zone; 2) the City of Independence has one zone that allows cemeteries through a conditional use permit, but all of the appropriately zoned sites are built or committed to other permitted uses; and 3) the search for alternative sites is limited to the coterminous boundaries of the cemetery district only because it is a public taxing district.
23. The Hilltop Cemetery Board is an elected body entrusted to operate the cemeteries within their district and to provide a choice of where people want to be buried.
24. The Hilltop Cemetery Board delegates sales of burial plots exclusively to the Farnstrom Mortuary in Independence to provide choice of location, but has taken sole authority over the Buena Vista Cemetery because of the very low number of plots available. Sales are made by priority in this order: 1) Cemetery District residents, 2) Polk County residents, and 3) residents living outside the district but who have family members in the cemetery.
25. The Hilltop Cemetery Board has a three-tiered pricing system to encourage district sales by the order of priority listed in 24 above.
26. The principal broker for cemetery plots in the Hilltop Cemetery District is Farnstrom Mortuary in Independence, Oregon.
27. The Buena Vista Cemetery has a very limited number of lots available for sale according to Ben Farnstrom.
28. The Buena Vista Cemetery has an average of five burials per year, and three occurred in 2009 according to Ben Farnstrom.
29. The Buena Vista Cemetery needs to either expand or be closed for burial in the next five years if expansion is disapproved based on the current rate of lot sales.
30. The majority of the requests for burial plots in the district are at Hilltop Cemetery.

The applicant states that Buena Vista Cemetery has only one public facility right now, and that is Riverview Street. No additional public facilities or services are or will be required.

The applicant states that the location of the cemetery next to an Unincorporated Community Center (Buena Vista) on a well-drained hilltop location is the optimum site in the entire cemetery district. Any other site within the district would result in a cemetery in the middle of prime farm land rather than contiguous to an Unincorporated Community Center on the edge of a large farming area (see Figure 8 of the application, Buena Vista UCC Boundary). When examining alternative sites, factors such as access, configuration, size, drainage, wetness,

topography, soils, and public facilities were considered. According to the applicant, no one location in areas not requiring an exception was deemed to meet all of the above locational factors. Based on the applicant's analysis and the circumstances presented, no other site within the Cemetery District could reasonably accommodate the cemetery use proposed in this application.

- D. The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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 limited to, 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 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; [OAR 660-004-0020(2)(c)]**

Findings: The applicant states that the proposed cemetery expansion will have impacts, but measures will be taken to mitigate those impacts. The long-term environmental impacts will be the loss of 1.59 acres, in addition to the existing 3.57 acre cemetery parcel, of high value farmland to a use that is permanent. Once allocated for use as a cemetery, it would be difficult to re-establish the agricultural use of the land; however, the scale of this impact is confined to a small isolated corner of a 41-acre property where no further expansions could be reasonably contemplated. A cemetery poses an exceptional circumstance where a "Reasons" exception must be applied. The loss of the farm land comprises less than 0.1% of all of the farm lands in Polk County. The cemetery use of the 3.57 acre property dates from 1846 which far precedes modern zoning to preserve the maximum amount of farmland, so the impact of losing the land is one that has no specific mitigation for replacement; but the condition of the land will be maintained and enhanced through landscaping and maintenance of soils. Farming the land indefinitely could have a greater environmental impact than using it as a cemetery because farm land is cultivated and exposed to the effects of wind and water. This 1.59 acre area proposed for the cemetery expansion is highly restricted by very steep topography on the east and south and a drainage that is cutting headward at the extreme southwest corner of this site. The applicant contends that the cemetery would actually arrest any further erosion and headward movement of this draw by having 100% basal coverage of grass. It would therefore be beneficial rather than detrimental with respect to soil loss and erosion. Cemeteries often become excellent wildlife habitats because wildlife trees are planted there to provide shade and beauty. A full developed cemetery with trees and lawns is more wildlife friendly than a plowed field where strong pesticides, herbicides, and other amendments could be used. According to the applicant, the cherry trees that were planted in

the cemetery expansion area required sprays such as Malathion that have long-term adverse effects on the environment. The applicant stated that the cemetery would not employ the use of herbicides and pesticides.

The expanded cemetery would require no greater expenditure for public facilities than currently exists. The cemetery has no water for irrigation, electrical power to provide lighting or gate controls, no telephone lines, internet cables, storm drainage facilities, public water, or structures that would require fire protection. The only improvement to the cemetery is Riverview Street, which is a one-lane gravel road this is under the jurisdiction of Polk County. The cemetery lies at the northern terminus of this road. No residences or farm fields rely on this road for access once one reaches the cemetery boundary. A positive finding can be made that currently, the cemetery and the uses associated with the cemetery require no public facilities and services above those that already exist.

Another impact that warrants examination is the effect of having a larger cemetery than currently exists with respect to increased traffic. At the present time the cemetery has a traffic management program to accommodate larger gatherings. The funeral home directors, particularly Farnstrom's Mortuary in Independence, provide instruction on traffic management at funeral service. The hearse leads the procession to the cemetery, and attendees are directed where to park in order to prevent blockage of traffic. Occasionally, other parties may be present at the cemetery in addition to a funeral procession, and the circumferential road within the cemetery must be kept available for traffic flow.

The Farnstrom Mortuary was contacted by the applicant to provide clarification on traffic management, and they found that there were only two funerals and burials in 2009. The owner and operator of the mortuary, Ben Farnstrom, stated that they have never had a traffic issue at the cemetery even though at times nearly all of the available parking was utilized. They have never had to resort to parking along Riverview Street. In Mr. Farnstrom's words, they have "absolutely no traffic challenges at this site." He did not foresee their having any challenges with the expansion of the site. He said that this is a small rural cemetery, and that occasionally another funeral home may preside over burial, but that they have very few there themselves owing to the fact that it is rural and isolated.

Within the above criterion is a requirement to demonstrate that the impacts from expanding this cemetery would be no more adverse at this location than if it were located in an area requiring a goal exception other than at this site. No other site was identified within the confines of the Hilltop Cemetery District with an equivalent of favorable conditions including its location next to an unincorporated rural center, at the end of a dead-end road, that only has one public service, and that is buffered on nearly every side from productive resource land.

The expansion of the cemetery would not have any anticipated impact on the water table since no water is withdrawn to maintain the cemetery. The lawns are not watered, and no restrooms are currently present for public use or for employees of the Cemetery District.

The applicant contends that, from a law enforcement perspective, this cemetery is ideally located because there is only one way in and one way out. Anyone going to the cemetery must pass by several residences in Buena Vista in order to reach the cemetery. According to the applicant, other cemeteries, including the Hilltop Cemetery on Corvallis Road, have been targets for drug dealers and vandals. In fact, when the Hilltop Cemetery expansion occurred in the 1990s, neighbors alerted the Cemetery Board that drug dealing and trespass were occurring on a regular basis. Drug paraphernalia was found in the cemetery, and a decision was made by the Cemetery Board to gate the cemetery and post it for no trespassing after dark. The Buena Vista Cemetery is more ideally suited for police reconnaissance because it is on the end of a one-lane

public gravel road. Neighbors are also very alert to anyone entering the cemetery after dark. Therefore, no additional special services are required for the cemetery because of its location.

Overall, the applicant concludes, this site is far superior to any other potential sites examined within the Cemetery District. A positive finding should therefore be made that the long-term environmental, economic, social, and energy consequences along with measures designed to reduce impact, are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal Exception.

- E. “The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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. [OAR 660-004-0020(2)(d)]**

Findings: The applicant states that this criterion requires findings that impacts can be mitigated rather than showing that no impact occur. The expansion area is bordered on the west by a public right-of-way that is 60 feet wide and on the south and east by a steep hillside, a portion of which is heavily timbered. The expansion area is also bordered by steep and heavily timbered lands on the east. It is difficult to envision how the expansion of the cemetery would have any measurable adverse impacts to adjoining uses given these above factors. The nearest improvement to the east across the Willamette River is 5,000 feet away, and the nearest improvement due north of the cemetery is a farm house that is 2,500 feet away. The nearest residence directly west of the cemetery is more than one-quarter mile away, and only one residence is located on 40 acres that directly abuts the cemetery to the south. All these above referenced dwellings are resource related. The nearest non-resource dwellings are located one-quarter mile away to the south on Riverview Street. The cemetery site is an isolated location that is adequately buffered on all sides. The steep topography on the south and east in particular conceal the cemetery from public view from those directions. It is also impossible to see the cemetery from the north and west owing to topographic considerations. The existing cemetery has been historically compatible with all surrounding uses. According to the applicant, the local mortuary has never had a documented interference with traffic and farm machinery, nor have any law enforcement actions resulted from illegal activities at the cemetery. According to the applicant, the cemetery is so safe that the need to gate cemetery has not yet arisen. A sign is located at the entrance to the cemetery that is closed after dark. According to the applicant, anyone passing by the nine houses on Riverview Street would be viewed with suspicion if they were there after dark. The applicant concludes that the cemetery is, therefore, in a very defensible location with respect to law enforcement issues.

On January 18, 2012, the applicant provided the following additional bulleted statements to further support their impact analysis:

Access

1. The Buena Vista Cemetery is located at the dead end of a county road known as Riverview Street in Buena Vista, Oregon.
2. The only access to the cemetery is via Riverview Street which is a one-lane gravel road contained within an 80-foot right-of-way.
3. The right-of-way is wide enough to accommodate cemetery traffic and farm traffic.

4. The director of Farnstrom Mortuary confirmed that they have never had any conflict with farm equipment before, during or after graveside funeral services.
5. The director of Farnstrom Mortuary stated that funeral processions are led by a hearse and that traffic controls are implemented during graveside services including one-way processions in and one-way out.

Impacts

1. The proposed cemetery expansion will not result in any significant adverse impacts to adjoining farming operations.
2. The proposed cemetery expansion has a significant tree and topographic buffer to the south and east ranging from 40 feet to 400 feet wide. This buffer consists of mature timber that is sight obscuring.
3. The existing cemetery also has a significant buffer on the east and north which consists of thick timber and steep topography.
4. The buffers that surround the proposed cemetery expansion and the existing cemetery effectively negate any potential reciprocal adverse impacts between the farming operations in the area and the cemetery.
5. The right-of-way for Riverview Street is 80 feet wide for the entire frontage of both the exiting and proposed cemetery. This buffer is wider than most public right-of-way and does serve to segregate the cemetery use from adjoining farm use to the west.
6. The farming operations that are closest to the cemetery on the west and north are exclusively for grain and grass seed production.
7. The grass seed operations have a relatively low impact on surrounding uses because of the manner in which farming practices are conducted. Grass seed requires plowing and disking once every three to five years for disease control since field burning has been severely curtailed.
8. Grass seed operations are usually rotated into oats and wheat for one year before grass seed is replanted.
9. The ground where grass seed is rotated with grain crops is plowed in the late summer or fall every three to five years when rotation occurs.
10. Dust generated from field plowing is one of the impacts that could create incompatibility between the cemetery and adjoining farms; however, graveside services are infrequent. They would not likely coincide with the plowing since only an average of five services per year occur at the cemetery according to Ben Farnstrom of Farnstrom Mortuary in Independence, Oregon.
11. Other farm practices that could potentially create incompatibility are hours of operation and noise. Grass seed harvesting can only be done when the seed heads are dry, so it is often done at night rather than during the mid-day hours when funeral services would be likely to occur.
12. According to Ben Farnstrom of Farnstrom Mortuary in Independence, Oregon, there has never been an incident where a graveside service interrupted a farming practice or where a farming practice adversely affected a graveside service.

13. The higher impact farming practices from grass seed practices and grain occur between June and September. Much of the rest of the year only a few low impact activities, such as weed removal performed by manual spot spraying, are conducted.
14. The farming activities that can potentially affect the cemetery operation occur on a property owned by the Wells Living Trust. No other farm operators in the area have properties adjoining the cemetery except for the Powers, who are a party to the Property Boundary Adjustment Application.
15. The impacts generated by the cemetery operation that could potentially interrupt farming practices are funeral processions and graveside services. According to Ben Farnstrom, traffic entering the cemetery is exclusively on Riverview Street, and the hearse leads the procession to the exact spot in the cemetery where the service is going to be held. No cars are allowed to be parked on the Riverview Street right-of-way regardless of where the service occurs in the cemetery. No documented restriction to moving farm equipment has ever occurred at this site.
16. To minimize impacts to adjoining farming operations the funeral procession is led into and out of the cemetery by the funeral director, and access is one-way in and one-way out exclusively.
17. The Buena Vista Cemetery occasionally conducts military funerals with gun salutes; however, no sensitive animal operations or houses are close enough to be impacted by this rare occurrence.
18. The Buena Vista Cemetery maintains daylight hours for cemetery visits. Due to the remote location of the cemetery, no gates or fences surround it, such as is the case at the Hilltop Cemetery.
19. Maintenance activities associated with the cemetery consist of grass mowing and debris removal. These activities are conducted by the maintenance staff on weekdays during daylight hours.
20. The Buena Vista Cemetery has no power, water, sewage disposal, or storm drainage; nor are any permanent structures located there. Maintenance equipment is stored in a metal shipping container in an obscure location on the east side of the old cemetery.
21. Graves are excavated at the site by a backhoe; but, as stated previously, an average of only five burials occur per year. Excavations are so infrequent, therefore, that no impacts are felt by adjoining farming operations.
22. The Buena Vista Cemetery, which is located at a dead-end on Riverview Street, has no documented evidence of vandalism or crime, such as has occurred at the Hilltop Cemetery on Corvallis Road. The Hilltop Cemetery developed such a serious problem with drug dealing that the cemetery had to be gated and fenced, and specific patrols had to be requested in order to stop those activities. The local residents police the Buena Vista Cemetery themselves, so no impact occurs to local law enforcement.
23. A positive finding can be made that the Buena Vista Cemetery has coexisted with farming activities for 167 years without any reciprocal adverse impacts.

The applicant promises that the proposed expansion will continue those measures that have kept the cemetery compatible with adjacent uses for so long, and any prospective roads that may be planned for the cemetery expansion will be posted.

F. For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the

state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: [660-004-0022(1)]

- 1. There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either**
- 2. A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or**
- 3. The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.**

Findings: On January 18, 2012, the applicant provided the following bulleted statements as findings for “demonstrated need”:

1. The Buena Vista Cemetery has an extremely local demand for burial plots based on the fact that 105 of 107 cemetery lot sales dating back to 1990 are from families that either live in Buena Vista, formerly lived in Buena Vista but have family buried in the cemetery or live within the cemetery district. Only two of the plots have sold to persons from outside of the district.
2. The other cemetery in the district (Hilltop Cemetery) by contrast has had only 64 in district sales since 1990 and 292 burial plot sales originating from outside the district.
3. The percentage of sales to in district residents for Buena Vista Cemetery is 98% compared to 21.9% for the Hilltop Cemetery.
4. The Buena Vista Cemetery had no burial plots available from 1994 through 2004 because all available lots were allocated. The cemetery was able to market 81 plots from 2005 through 2010 only because the district board vacated the old carriage roads within the cemetery.
5. The Buena Vista Cemetery now only has six plots available and based on the twenty year absorption rate has only a one year supply left ($107 \text{ plots sold} \div 21 \text{ years} = 5.1 \text{ plots annually}$).
6. The Hilltop Cemetery has available plots for sale but the rural residents in and around Buena Vista and their families have clearly demonstrated through the sales data of plots that they have no desire to purchase plots at Hilltop Cemetery. This is due to a strong commitment to have burial in the same cemetery as family members.
7. The Buena Vista Cemetery Board will as a matter of policy discourage any prospective sale of burial plots to parties outside of the Cemetery district in order to maintain availability of plots for local residents.

The applicant also provided the following bulleted statements as findings to substantiate that the proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site:

1. The existing cemetery is without question a valuable asset to the citizens of Buena Vista having been in existence since 1846. Some families have eight generations of family

members buried there. The inability to expand the cemetery means family members will have to go elsewhere for burial, which is unacceptable to them.

2. The proposed use or activity is not really a proposed use, it is an existing use that has a strong historical and cultural inertia behind it. By locating the needed cemetery plots directly adjacent to the existing cemetery, family members can continue to be buried in the same cemetery.
3. The special feature is the existence of a historical cemetery with a strong cross section of early historic settlers. Siting an expanded facility at other than a contiguous location would adversely affect the existing cemetery by decreasing interest in visiting it and maintaining it.
4. The special feature of being on a high bluff above the Willamette River surrounded by tall timber on the east and south places the cemetery at the best view site in Buena Vista. This cemetery has a commanding view of the quilted farm use pattern that is unique amongst all cemeteries in Polk County. No other cemetery in Polk County has the commanding view on a bluff directly above the Willamette River.
5. The Hilltop Cemetery Board believes the best way to keep this cemetery viable is to continue to have local families retain this as a final resting place. Denial of this application would eventually result in the cemetery being only a maintenance burden to the district with no ability to generate revenues for the district.
6. The Hilltop Cemetery Board Members past and present own burial plots in the cemetery and their family members are buried here. They are closely attuned to the families in the area and they want the cemetery to expand to meet their future needs. The families are also concerned that the cemetery be expanded so they can be buried in the same cemetery as their family members.
7. The fact that 98% of the plots sold in the last twenty years have been to in district and Buena Vista residents attests to the special features of this cemetery. The demand is clearly here if the plots are made available.

The applicant contends that Buena Vista Cemetery has demand for burial plots from those with family buried in Buena Vista Cemetery and from those living within the cemetery district. The applicant sites in district sales data for Buena Vista Cemetery and Hilltop Cemetery as evidence of this demand. The application does establish those with family buried at Buena Vista as a unique subset of the population whose demand for burial plots can only be met by expanding the Buena Vista Cemetery. The applicant states that there are only six burial plots available at this time in Buena Vista Cemetery, which, coupled with the existing and anticipated demand, creates the need for additional plots to serve those with family buried in Buena Vista Cemetery. The applicant conceded that there was not currently a demonstrated need for 3.55 additional acres of land for cemetery use. As a result, the applicant is now requesting 1.59 acres of area to be used for additional cemetery space. If we assume that 30% of the area would be needed for infrastructure including lighting, roads, walkways and space between burial areas, that would leave approximately 1.1 acres for burial plots. Assuming one burial plot occupies 60 square feet (12'x 5'), the expansion would allow an additional 798 burial plots. The applicant states that the cemetery expansion area also incorporates some existing burial sites that were established independent of the cemetery and would further limit the available area for new burial plots. The applicant does not provide demand data to demonstrate the planning horizon that the expansion area is intended to meet or evidence as to how many applicants for burial lots in the existing Buena Vista Cemetery could reasonably be accommodated at Hilltop Cemetery. The application lacks the level of sophistication needed to demonstrate beyond a reasonable doubt that the existing or anticipated demand for burial plots

warrants a 1.59 acre expansion. However, the exception process does not require that the evidence establish a determination that is beyond dispute that any reasonable alternative is possible. On its face, the application appears sensible. The applicant has stated that there is demand for plots specifically at Buena Vista Cemetery from those with relatives buried there and it is a reasonable observation that families expand exponentially over time increasing demand year over year. In addition, an application to expand on to less than one acre could limit the ability to establish other amenities that are typical of cemetery sites that may be required or needed in the future to provide safety and sanitation, such as restrooms and drinking fountains, due to a lack of area for an onsite septic system.

[Adopted by Ordinance # 12-03]

DATE: May 23, 2012

SUBJECT: Plan Amendment 11-02 and Zone Change 11-03

PROPERTY ADDRESS: One property north of 12970 South Kings Valley Highway, Monmouth, Oregon.

PROPERTY LOCATION: The subject property contains approximately 2.16 acres and is identified on the Assessment Map as T9S, R6W, Section 32, Tax Lots 400 and 302.

REQUEST: The applicant is proposing a Polk County Comprehensive Plan (PCCP) amendment from Agriculture to Public, and a zone change from Exclusive Farm Use (EFU) to Public and Private Cemeteries (PC) and Limited Use Overlay (LU). The LU zone would restrict the use of the subject property to cemetery. The applicant is also requesting a text amendment to the PCCP in order to adopt a new "Reasons" exception to Statewide Planning Goal 3. Additional information about this project may be found in the record for Plan Amendment 11-02 and Zone Change 11-03.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, the applicable criteria are listed in Oregon Administrative Rule (OAR) 660-004-0018, 660-004-0020, and 660-004-0022. The criteria are listed below followed by the Hearings Officer's findings.

- G. When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception; [OAR 660-004-0018(4)(a)]**

Applicant states that in this case, the District has applied for a PCCP amendment and zone change to accommodate the expansion of Womer Cemetery onto the subject property for use as burial ground. While the PC Zone allows for a caretaker's or watchman's dwelling within the zone, PCZO 170.020(B), the District does not seek approval for either use. District will consent to a limited use overlay that will restrict the use of the property for cemetery purposes, only, under PCZO 170.020(A), and not for either of the other uses permitted in the zone under subsections (B) or (C). Based on that, the applications comply with OAR 660-004-0018(4)(a), and PCZO 184.010 – .030.

Staff concluded that the applicant has applied for a "Reasons" exception in order to expand the Womer Cemetery on to an additional 2.16 acres of the subject property. The applicant has proposed to apply the Public PCCP Designation and the Public and Private Cemeteries (PC) and Limited Use Overlay (LU) zones to that area. The LU zone would restrict the use of the subject property only to cemetery use. The cemetery use is the use justified under the "Reasons" exception findings provided by the applicant; therefore, the Hearings Officer finds that the application fulfills this requirement.

- H. "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 and why the use requires a location on resource land; [OAR 660-004-0020(2)(a)]**

Reasons that meet the foregoing criteria for an exception to Goal 3 include that "(a) There

is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and * * * (B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." OAR 660-004-0020(1).

As noted above, the District operates Womer Cemetery, which is at capacity, and continues to receive inquiries and requests for plots that it has had to decline or defer due to lack of capacity. This demonstrates the need for the continued use and expansion of the cemetery onto the subject property, which was acknowledged by the county in its Administrative Action 97-14, as quoted above:

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery."

Goal 11 recognizes the need for "public facilities and services to serve as a framework for urban and rural development." While Goal 11 and its administrative rule, OAR 660-011, typically speak of "public facilities" in terms of water and sewer facilities, the term is more broadly applicable to include a broad range of "urban and rural public facilities and services appropriate for, but not limited to, the needs and requirements of the urban, urbanizable, and rural areas" (Goal 11), as recognized in and implemented by the Public Plan portion of the PCCP.

Polk County recognized in Administrative Action 97-14 that District's purchase of the subject property was "for the purpose of expanding Womer Cemetery." The District is now at capacity and continues to receive inquiries for the purchase of burial plots, which it has had to decline or defer due to lack of capacity. The subject property is immediately adjacent to the existing Womer Cemetery, the proximity of which constitutes a "special feature or quality" that justifies and necessitates the expansion of the cemetery onto the subject property.

Applicant states that Womer Cemetery is a public facility that provides "government services to the people of Polk County," within the meaning of the Public Plan policy in the PCCP. There is a demonstrated need for the expansion of Womer Cemetery onto the subject property because Womer Cemetery is at capacity and District continues to receive requests for burial plots, which it has had to decline or defer due to lack of capacity. District purchased the subject property specifically for the future expansion of Womer Cemetery, which Polk County acknowledged in Administrative Action 97-14. The subject property has special features or qualities that necessitate the expansion of Womer Cemetery onto the subject property, in that it is located immediately adjacent to, and is a part of the existing cemetery.

I. "Areas which do not require a new exception cannot reasonably accommodate the use": [OAR 660-004-0020(2)(b)]

- 4. The exceptions 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; [OAR 660-004-0020(2)(b)(A)]**
- 5. 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: [OAR 660-004-0020(2)(b)(B)]**
 - e. Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of**

uses on non-resource land? If not, why not? [OAR 660-004-0020(2)(b)(B)(i)]

- f. Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by this applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?** [OAR 660-004-0020(2)(b)(B)(ii)]
 - g. Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?** [OAR 660-004-0020(2)(b)(B)(iii)]
 - h. Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?** [OAR 660-004-0020(2)(b)(B)(iv)]
- 6. 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 assess only 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.** [OAR 660-004-0020(2) (b) (C)]

Applicant argues that this alternative site standard is both complicated and satisfied in this case by the fact that the subject property is located immediately adjacent to the current Womer Cemetery, which is proposed to be expanded onto the subject property. The subject property is situated in a rural and remote area of the county that is generally designated as Agriculture and Forest Land under the PCCP. As noted above, District operates Womer Cemetery as a public cemetery primarily for the rural residents of the Pedee and Kings Valley areas, and has historically served as their community cemetery. The only nonresource land in the immediate vicinity of Womer Cemetery is Edwards Cemetery, a private cemetery shown as Tax Lot 601 on Exhibit “G” of the Staff Report, located across Womer Road from Womer Cemetery. As a private cemetery, Edwards Cemetery is not available to District or to the public that District serves. There is no contiguous nonresource land. Any expansion of the cemetery onto some non-contiguous nonresource land would defeat the purpose of the cemetery as a single operational community cemetery and would frustrate the District's management of the cemetery as a single facility. There is no nonresource land that could reasonably accommodate the use. (OAR 660-004-0020(2)(b)(B)(i)).

There is no nonresource land in the general vicinity that is irrevocably committed to nonresource uses that could accommodate the use. (OAR 660-004-0020(2)(b)(B)(ii)). Pedee Memorial Evangelical Church, 12995 Kings Valley Highway, Monnmouth, is located approximately one-quarter mile (one road mile) from Womer Cemetery, but does not have a cemetery associated with it. The church property is approximately three acres in size and is already developed with a church building, parking and a play area and does not have the space to accommodate a cemetery. Apart from that, as above, any expansion of the cemetery onto some non-contiguous nonresource land that is irrevocably committed to nonresource uses would defeat

the purpose of the cemetery as a single operational community cemetery, and as a public cemetery, and would frustrate the District's management of the cemetery as a single facility.

District manages two other small cemeteries within its boundaries, those being Taylor Cemetery on Ira Hooker Road and Montgomery Cemetery, located on private property near Maple Grove Road. Both of these cemeteries are pioneer family cemeteries. Taylor cemetery is full. Both cemeteries include unmarked graves that make them unsuitable for further use and development as a public cemetery.

The use cannot be reasonably accommodated inside an urban growth boundary. (OAR 660-004-0020(b)(B)(iii)). As noted above, Womer Cemetery serves as the community cemetery primarily for the rural Pedee and Kings Valley communities. The nearest urban area is Falls City, which is approximately 15 miles by paved road from Womer Cemetery. Falls City is outside the geographical boundary of District, and is already served by a municipal cemetery and an International Order of Odd Fellows Cemetery. It would not be reasonable or feasible for the rural communities presently served by Womer Cemetery to adopt one of the Falls City cemeteries as their community cemetery, nor to expect Falls City or the Odd Fellows to accommodate in their cemeteries the needs of the rural communities served by Womer Cemetery. Nor would it be reasonable or feasible for District to purchase land within the Falls City urban growth boundary to develop as an expansion of Womer Cemetery for the residents of the Pedee and Kings Valley communities. For one thing, as noted, Falls City is outside District's boundaries. District purchased the subject property for the express purpose of expanding the cemetery, as acknowledged with approval by the county in its Administrative Action 97-14. Further, any expansion of the cemetery onto land within the Falls City urban growth boundary would defeat the purpose of the cemetery as a single operational community cemetery and would frustrate the District's management of the cemetery as a single facility. Womer Cemetery, as a community cemetery is, in the words of the Public Plan policy of the PCCP, "essential to [the] well ordered community life [of the communities it serves], sustaining and enhancing the health, safety, educational and recreational aspects of rural living." PCCP, p. 68. The expansion of the community cemetery cannot be reasonably accommodated within an urban growth boundary.

The final sub-criteria under OAR 660-004-0020(b)(B) asks whether "the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?" (OAR 660-004-0020(b)(B)(iv)). In this case, the proposed use is inextricably connected to an existing use, that being Womer Cemetery. As noted above, Womer Cemetery is at capacity and in need of room to expand in order to continue to serve as the community cemetery for the Pedee area. This application does not seek the establishment of a new use. As also noted above, Edwards Cemetery, located across Womer Road from Womer Cemetery, is a private family cemetery and not available to District or to the people of the communities it serves. Pedee Memorial Evangelical Church is located in the vicinity of the cemetery, and within the geographical boundaries of District, but does not have the capacity on its property to provide a private cemetery in conjunction with a church, which would be an allowed use in agricultural land under OAR 660-033-0120 and ORS 215.441. There are no other churches - with or without cemeteries - located within the geographical boundaries of District. The Taylor and Montgomery cemeteries, within District's boundaries, are full or otherwise not available for expansion and development as cemeteries today. As such, this proposed expansion of an existing public cemetery onto the subject property cannot be reasonably accommodated without the provision of a public facility. OAR 660-004-0020(b)(B)(iv).

Staff concluded, and the Hearings Officer concurs, 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." Staff also

asked for additional findings "as to why Edwards Cemetery cannot be considered" as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A). The reasons why Edwards Cemetery, located across Womer Road from the existing Womer Cemetery, is not available for expansion are two-fold; one reason being practical and historical, and the other being economic.

As noted in the Statements of Intent filed with these applications, Edwards Cemetery is maintained as a private family cemetery. Womer Cemetery, while now operated by the District as the Pedee community cemetery, was originally established as a private family cemetery for the Womer family. The story is told that many years ago, Mr. Edwards and Mr. Womer, who were the founders of the Edwards and Womer families in Pedee, were of different political parties, one being a staunch Republican and the other just as staunch a Democrat. While this was a source of some personal conflict between them, they came to an "understanding" in their relationship whereby they both agreed that they would not vote, and so would avoid partisan conflict. But one day one of them cast a vote, and when the other learned of it, their understanding and relationship were irrevocably ruptured and the division, which manifested itself in part in the establishment of the two separate family cemeteries (neither would be buried in a cemetery that held the other), is still honored by Mr. Edwards' descendants. The District approached the current owners of Edwards Cemetery about a lot line adjustment or some other accommodation that would make it possible for the District to expand its Womer Cemetery onto Edwards Cemetery property. But because of the history between the families, and out of respect for the memory of Mr. Edwards, the Edwards family has declined to make their private family cemetery property available to the District.

The economic consideration is that the District already owns the subject property, which it purchased through a property line adjustment approved by Polk County (LLA 97-14) for the express acknowledged "purpose of expanding Womer Cemetery." (LLA 97-14 Administrative Action, page 3.) Having been turned away by Edwards Cemetery, and having invested its public funds instead in the purchase of the subject property for the expansion of the existing Womer Cemetery, it would not be practical for the District to now acquire a portion of Edwards Cemetery, or economical to do so, even if it could.

In evaluating whether an area that does not require an exception can accommodate the proposed use for which an exception is sought, OAR 660-004-0020(2)(b) permits consideration of "Economic factors along with other relevant factors." In this case, the economic factor is that the District already owns the subject property (which it purchased for the express and acknowledged purpose of expanding Womer Cemetery) and is able to do so without having to spend more public funds to acquire other property. The "other relevant factor" is the history of the Edwards and Womer families in the Pedee area that functionally makes Edwards Cemetery unavailable to the District. Based on consideration of these factors, Edwards Cemetery cannot be considered as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A).

As noted in the Statements of Intent that were filed with these applications, the District is responsible for two other small family cemeteries within its boundaries, namely the Taylor Cemetery, located on Ira Hooker Road, and the Montgomery Cemetery, located on private land owned by Philip Kendall Cates, at 17395 Maple Grove Road. Montgomery Cemetery is located on property that is zoned EFU. While the cemetery is located within the District's geographical boundaries, and the District nominally manages it, the District does not own it. Nor, because it is located on and in the middle of EFU-zoned land, can it be expanded on land that does not require an exception. Taylor Cemetery is located on Ira Hooker Road, and is owned by the District. Taylor Cemetery is a one-half acre pioneer family cemetery on land designated Public under the

PCCP and zoned PC. It is surrounded by property zoned Suburban Residential (SR). While it would not take a goal exception or PCCP amendment to expand Taylor Cemetery in the SR zone, it would require a zone change, as cemeteries are not one of the uses allowed in the SR zone, under PCZO 127.020, .030, .035 or .040.

As with the Edwards Cemetery, there are practical and economic considerations that make it infeasible for the District to meet its needs for additional cemetery space by expanding the Taylor Cemetery. As noted above Taylor Cemetery is an old family cemetery, which did not have capacity to be used as a public cemetery when it was conveyed by the Taylor family to the District in 1969. It has never been used as the public "community" cemetery. That role fell to Womer Cemetery, as it had capacity when it was conveyed to the District, so it became the community cemetery for the families of the Pedee area. Several generations of some Pedee families are buried in Womer Cemetery; it is appropriate and in the best interest of the community that future generations of those families (as well as new and future community members) be provided for by expanding the existing Womer Cemetery, so that the "community" can be kept together in the cemetery that has become the community burial place. To close Womer Cemetery off to any further expansion for ongoing use as the community cemetery, and force the District to acquire additional land with which to expand Taylor Cemetery, and make that the public cemetery going forward, would divide the community cemetery. A community cemetery, where friends and families and community members can share a common resting place, is an integral feature to a community that cannot be maintained by expanding the cemetery space at Taylor Cemetery.

Taylor Cemetery also has physical and locational constraints that make it inappropriate for expansion. It is located in the point of a "V," between a private driveway on the east of the cemetery that leads to a private dwelling located immediately behind (south of) the cemetery, and Ira Hooker Road on the west side of the cemetery. Immediately north of the cemetery is a property that is developed for residential and commercial use that is not well-suited or maintained as an appropriate gateway property to a community cemetery.

As a matter of economics, as with Edwards Cemetery, the fact is that the District has already invested its resources in the purchase of the subject property, for the express and acknowledged purpose of expanding Womer Cemetery, so it would not be economical to require the District to expend additional public funds to acquire additional land to expand Taylor Cemetery, even if were feasible to do so. Further, it will be more economical for the District, in terms of development cost, maintenance and operations, to expand at Womer Cemetery, where the cemetery "infrastructure" is already in place, than to expand at Taylor Cemetery, and divide its maintenance and operations between two physically separate cemeteries.

For the foregoing reasons, staff and the Hearings Officer find that Montgomery Cemetery and Taylor Cemetery cannot be considered as alternative areas for the use "which do not require a new exception." OAR 660-004-0020(2)(b)(A).

Staff asked if the use can be "reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on nonresource land? If not why not?" OAR 660-004-0020(B)(i).

As noted above, when cemetery plots are sold, they become the property of the purchasers of the plots, with each plot able to accommodate up to four "openings." As also noted above, it may take years – sometimes many years – for a plot to fill; and in some cases plots may not fill to capacity, but they still remain the property of the owners, to use when and as they deem fit. Given the nature of a cemetery plot, it is not feasible to increase the density of the use at Womer Cemetery. In the expanded cemetery on the subject property, the District is contemplating

making options available for smaller plots, such as with just two openings, rather than four. That could extend the functional life of the subject property by increasing density, but it is impossible to say that that would be the case, or, if so, by how much. In any event, it is not possible for the District now to increase the density of use in the existing Womer Cemetery. As for the size of the plots, this confirms, as noted above, that the correct plot size for the new cemetery (for four openings) will be 200 square feet, which will accommodate caskets, grave liners and vaults for each of the graves in the plot, leaving a modest buffer between the graves and between the plots.

Based on the foregoing, staff concluded and the Hearings Officer agrees, that the use cannot be "reasonably accommodated on non-resource land that would not require an exception," by increasing the density of uses on nonresource land. OAR 660-004-0020(B)(i).

Staff asked why the Pedee Unincorporated Community cannot reasonably accommodate the use. OAR 660-004-0020(2). See the discussion above regarding Taylor Cemetery. For the same reasons, it would not be practical or economically feasible to close Womer Cemetery off to additional expansion for use as the Pedee community cemetery and require the District to spend additional public funds to acquire and thereafter maintain a new and separate site for the expansion of the community cemetery in the Urban Reserve-designated area of the Pedee community.

Staff and the Hearings Officer concur that the Pedee Unincorporated Community cannot be considered as an alternative area for the use "which [does] not require a new exception." OAR 660-004-0020(2)(b)(A).

- J. The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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 limited to, 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 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; [OAR 660-004-0020(2)(c)]**

Staff concluded that there is no alternative site - i.e., an alternative site that would also require a goal exception for expansion of Womer Cemetery - that would have any less environmental, economic, social or energy consequences from the existing and proposed use of the property. On the contrary, such impacts have already substantially been absorbed into and accommodated on the existing property, based on its immediate proximity to the existing cemetery. To locate the expanded cemetery to 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 [cemetery], while still leaving substantial impacts from the existing cemetery in place.

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.

- K. “The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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. [OAR 660-004-0020(2)(d)]**

This criteria is easily satisfied by the long-established existence and operation of Womer Cemetery immediately adjacent to the subject property - for more than 100 years - without a history of reports or complaints of conflicts with adjacent uses. The current cemetery has operated in harmony with those adjacent uses. The proposed expansion of the cemetery onto the subject property will be gradual over time. This establishes that the cemetery is and will remain compatible with adjacent uses. To the extent that any future development of the subject property may have impacts on account of such development, those impacts can be addressed in the context of the proposed development.

Applicant concludes that the proposed use is an expansion of the long-established current use of the existing Womer Cemetery, which is immediately adjacent to the subject property. Womer Cemetery does not have a record of conflicts or complaints of conflicts with existing uses. The expansion of the cemetery onto the subject property will be gradual over time, and that part of the subject property not immediately needed for cemetery use will continue to be managed as it presently is being managed, for timber production, until such time as it is needed. The proposed use is compatible with other adjacent uses.

- L. For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: [660-004-0022(1)]**

- 4. There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either**
- 5. A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or**
- 6. The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.**

Reasons that meet the foregoing criteria for an exception to Goal 3 include that "(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and * * * (B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." OAR 660-004-0020(1).¹

As noted above, the District operates Womer Cemetery, which is at capacity, and continues to receive inquiries and requests for plots that it has had to decline or defer due to lack of capacity. This demonstrates the need for the continued use and expansion of the cemetery onto the subject property, which was acknowledged by the county in its Administrative Action 97-14.

"The proposed boundary adjustment would serve the respective needs of the Applicant, which is to purchase approximately 2 acres of Parcel B [the subject property] for the purpose of expanding Womer Cemetery."

Goal 11 recognizes the need for "public facilities and services to serve as a framework for urban and rural development." While Goal 11 and its administrative rule, OAR 660-011, typically speak of "public facilities" in terms of water and sewer facilities, the term is more broadly applicable to include a broad range of "urban and rural public facilities and services appropriate for, but not limited to, the needs and requirements of the urban, urbanizable, and rural areas" (Goal 11), as recognized in and implemented by the Public Plan portion of the PCCP.²

Polk County recognized in Administrative Action 97-14 that District's purchase of the subject property was "for the purpose of expanding Womer Cemetery." The District is now at capacity and continues to receive inquiries for the purchase of burial plots, which it has had to decline or defer due to lack of capacity. The subject property is immediately adjacent to the existing Womer Cemetery, the proximity of which constitutes a "special feature or quality" that justifies and necessitates the expansion of the cemetery onto the subject property.

Applicant concluded that Womer Cemetery is a public facility that provides "government services to the people of Polk County," within the meaning of the Public Plan policy in the PCCP. There is a demonstrated need for the expansion of Womer Cemetery onto the subject property because Womer Cemetery is at capacity and District continues to receive requests for burial plots, which it has had to decline or defer due to lack of capacity. District purchased the subject property specifically for the future expansion of Womer Cemetery, which Polk County acknowledged in Administrative Action 97-14. The subject property has special features or qualities that necessitate the expansion of Womer Cemetery onto the subject property, in that it is located immediately adjacent to, and is a part of the existing cemetery.

In the Statements of Intent submitted with these applications, it was stated that the standard size of a cemetery plot is 336 square feet (or 14 by 24 feet). That number is in error. The correct size of a burial plot today is 200 square feet (or 10 feet by 20 feet).

In the earlier days of the Womer Cemetery, in the "old" portion of the cemetery (plots 1 through 84, as shown on the cemetery map filed in the Record), the plot size was 160 square feet (or 8 feet by 20 feet), but with a general increase in the size of caskets and related burial containers (including the use of grave vaults and liners) in more recent times, the standard size

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

² The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks, fire stations, hospitals, *cemeteries* and other public buildings. Adequate *public facilities* are essential to all ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living." Polk County Comprehensive Plan, p. 68.

has increased. Plots 85 through 191 of the existing Womer Cemetery are 200 square feet. Each plot accommodates four individual "openings" or graves. The plots planned for the expansion area that is the subject of these applications are planned for 200 square feet as well, with some consideration being given to selling plots of fewer than four openings. (See the discussion below under "Increasing Density.")

As noted, the District sells its burial space on the basis of plots, which can accommodate up to four individual "openings," or graves. The existing Womer Cemetery has 191 plots that currently hold approximately 315 people. When a plot is sold, it is no longer available to be resold by the District. It is up to the owner of each plot to determine how the plot is utilized. Most plots are purchased to hold multiple graves, and many do; but not all. In many cases, plots have been purchased for persons who are still living, such as with "family plots," in which case such plots will become fully occupied only over time (in some cases over many years), as the individuals for whom the plot was purchased pass on and are buried. In other cases, individuals elect not to fully utilize their plots, or their intentions to utilize them change due to changes in circumstances over time. In any event, once a plot has been sold, it is the property of the owner(s) of the plot and is no longer available for the District to re-sell or for anyone else to use. (As a practical matter, if Mr. and Mrs. Smith have purchased a family plot for themselves and their two children, even if one or both of their children should eventually decide later to be buried elsewhere, it would not be appropriate for the District to bury someone else in the Smith's family plot. Besides, there is always the possibility that a grandchild or some other relation of the Smiths would eventually choose to be buried there.) Thus, while the absolute capacity of the existing cemetery would be 764 graves, if every opening in every plot were filled, the functional capacity is determined not just by the number of people buried, but also by the number of plots available and sold. Unlike land within an urban growth boundary, it is not possible to do "in-fill" with grave sites or to "redevelop" plots once they have been sold.

Applicant submitted for the Record a copy of the District's "official" map of the existing 1.72 acre Womer Cemetery. (It is the only map of the cemetery.) The map is not to scale, but shows generally the layout of the existing cemetery with a roadway and the 191 burial plots. Also submitted was a conceptual sketch of the proposed expansion area. This sketch indicates that the narrow strip "pan handle" of the subject property (Tax Lot 302) that lies to the east of the existing cemetery will remain as a buffer, in the event of a change in use of the property to the east of the cemetery (which is currently forested). The south end of the subject property that is proposed for cemetery expansion will also be left as a buffer along Kings Valley Highway, to allow for landscaping to provide a measure of privacy and protection for the cemetery. As the expansion area is developed, the District also anticipates building a road on the subject property. (In addition to these defined buffer areas and the road, some space is also left between the plots, which further reduces the acreage available for burial space.) With all of that, it is anticipated that the capacity of the expansion property will be approximately the same as the existing Womer Cemetery. It is on that basis that the projected demonstrated need for the cemetery expansion is based on the actual history of development of the existing cemetery.

When the District acquired title to the existing Womer Cemetery in 1963, it was a small family cemetery. Since then, it has become the Pedee community cemetery. As a community cemetery under the management of the District, it has reached its capacity over a period of about 48 years. With the road and buffer zones to be developed on the subject property, the District anticipates having approximately the same amount of useable space and approximately the same grave capacity on the expansion property as on the existing cemetery. Assuming the same rate of utilization of the expansion property as the District is currently seeing with the existing Womer Cemetery, the expansion area will provide for approximately 39 years of additional capacity. This is admittedly an inexact estimate, but given that people buy plots for personal and family

use that may take a couple of generations or more to fill, even a longer time-horizon for the full utilization of the expansion property (such as the 48 years it has taken the current cemetery to fill since it became a community cemetery) is reasonable and appropriate.

Applicant concluded that Womer Cemetery has reached capacity, and additional cemetery capacity is needed in order for the District to continue to serve the Pedee community, as it was created by order of the county to do. The District has already purchased the subject property for the purpose of expanding Womer Cemetery, as the county expressly acknowledged in its Administrative Action in LLA 97-14. This application is the outgrowth of the long-term plan for cemetery expansion that the District initiated with the approval of its 1997 lot line adjustment. Womer Cemetery is the community cemetery of the Pedee Community and should be maintained as a unit, both for the purpose of maintaining the important community nature of the cemetery, and for the District's economic and practical objectives in operating and maintaining it as a single facility. Based all of these considerations, sufficient reasons have been presented to satisfy the exception criteria under OAR 660-004-0020, and the application should be granted. Further, given that an expansion of the cemetery has been justified, it is appropriate that the full 2.17 acres of the subject property be approved for a comprehensive plan amendment and zone change, rather than that a smaller amendment be approved now, resulting in an even smaller split-zoned parcel than currently exists, and the necessity for the District to return at a later date to finish what it can substantially justify now.

Staff asked about how long it will take to sell out the burial plots on the proposed expansion of Womer Cemetery. Applicant replied that it will take less time to sell the plots than it will to fill them. That makes sense. People buy the plots ahead of time and use them later. Based on the recent pace of an average of 8 burials per year, and assuming a utilization timeline for the expanded cemetery that reflects the utilization of the current cemetery (39 to 48 years to achieve the same level of burial utilization) it can be expected that the plots will be sold prior to the expiration of that 39 to 48-year horizon. Thirty to 35 years would be a reasonable estimate, based (again) on the current and historical rate of utilization of the existing cemetery.

Staff concluded that this criterion first requires that the applicant demonstrate there is a need for the proposed expansion. The applicant indicates that the Womer Cemetery has currently sold all burial plots and needs additional acreage in order to supply burial plots into the future. This requires that the applicant demonstrate that the amount of acreage that they are requesting is warranted and necessary in order to provide for that need. The applicant indicates that the Womer Cemetery was acquired by the District and became a community cemetery in 1963. Prior to its purchase, the cemetery was a small, family cemetery; however, the acreage of this small, family cemetery was not provided by the applicant. The cemetery has since sold all available cemetery plots within the 1.72 acres of the subject parcel that is currently zoned PC. The applicant is proposing to expand the existing cemetery by 2.16 acres. The applicant provided a plot plan (included in Attachment "G" of the staff report) of how the proposed cemetery expansion area would be managed. According to this plot plan a buffer would be provided along the eastern and southern property lines. This buffer would amount to approximately 0.50 acre. That would leave the expansion area with approximately 1.68 acres for burial plots and access roads. The expansion, would effectively double the size of the existing cemetery. The applicant has indicated that approximately eight burials occur per year at the Womer Cemetery. Cemetery lots; however, are sold in plots of four lots, which complicates using the number of yearly burials to estimate future sales of cemetery lots. The applicant indicates that the Cemetery District projects that all lots in the expansion area would be sold within 35 years. The District estimates the same pace of cemetery sales and rates of utilization (number of burials). The applicant does not provide detailed demand data or analysis; however, staff finds it reasonable to estimate that if it took 48 years to fill the approximately 1.72 acre cemetery, then an addition of roughly 1.70

acres to the cemetery would add an additional 48 years of capacity. Staff believes that 48 years is a reasonable planning horizon for a cemetery. The subject property is split-zoned, and the applicant wishes to allow the entire parcel to be used for cemetery purposes. While one could take the position that the cemetery should use a more traditional planning horizon, such as 20 years, and add just an acre to the existing cemetery, staff believes that such a scenario would not be practical. As discussed by the applicant, changing the zoning and Comprehensive Plan Map designation of just one acre of the subject property would leave the subject parcel split zoned with only an acre remaining zoned EFU. It is unlikely that the one acre of EFU would be devoted to commercial farm or forestry purposes. It would likely be employed as a buffer, similar to how it would be managed by the expanding cemetery if all of the property was zoned PC.

The applicant also contends that the proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site. The applicant has provided an alternative areas analysis which is discussed above. Staff agrees with the applicant that the existence of the Womer Cemetery on the subject property equates to the subject parcel containing a special feature or quality that necessitates expansion of the Womer Cemetery contiguous to the existing cemetery at the location proposed.

Based on the findings provided by the applicant, staff and the Hearings Officer agree that the application complies with the criteria for a “Reasons” exception.

[Adopted by Ordinance # 12-02]

DATE: July 21, 2010

SUBJECT: Plan Amendment 10-01 and Zone Change 10-01

PROPERTY ADDRESS: One property north of 470 North Kings Valley Highway, Dallas, Oregon.

PROPERTY LOCATION: The subject property contains approximately 11.0 acres, and is located approximately ¼ mile north of the Dallas city limits along Kings Valley Highway (Assessment Map T7S, R5W, Section 22, Tax Lot 1706).

REQUEST: The applicant is proposing a Polk County Comprehensive Plan (PCCP) amendment from Industrial to Public, and a zone change from Rural Industrial with a Limited Use Overlay to Public Amusement and Recreation (PA) with a Limited Use Overlay. The applicant is also requesting a text amendment to the PCCP in order to adopt a new “Reasons” exception to Statewide Planning Goal 3. The proposed limited use overlay would permit the subject property to be used only for an armory. The subject property is depicted on Attachment A of the staff report.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, the applicable criteria are listed in Oregon Administrative Rule (OAR) 660-004-0018, 660-004-0020, 660-004-0022, and 660-012-0060. The criteria are listed below followed by the Hearings Officer’s findings.

M. When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required; [OAR 660-004-0018(4)(b)]

The subject property obtained its current PCCP and zoning designations pursuant to Ordinance No. 07-02 on April 11, 2007. Ordinance No. 07-02 was the result of approval of Polk County Plan Amendment PA 05-02 and Zone Change ZC 05-03, and included a “Reasons” exception to Statewide Planning Goal 3. The “Reasons” exception required that a limited use overlay be placed on the subject property that limits use of the subject property to Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16) uses. The applicant is currently requesting authority to use the subject property as an armory, and as a result this new “Reasons” exception is required.

N. When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception; [OAR 660-004-0018(4)(a)]

In supplemental proposed findings dated May 11, 2010, OMD clarified that pursuant to OAR 660-004-0018(4), it is requesting Polk County to establish a limited use overlay zone that will limit the use of the property to a readiness center consistent with the uses described on pages 1 and 2 of the Statement of Intent/Proposed Findings and justified in the reasons exception.

Polk County has adopted a Limited Use Overlay zone which was designed to be a tool to address this administrative rule. The Limited Use Overlay zone restricts the uses in the underlying zone to only those uses that were used to justify the Goal Exception. In this instance,

the applicant is requesting a new “Reasons” exception to Goal 3 in order to allow the subject property to be used as an armory. Application of this limited use overlay to the subject property would allow the application to comply with this criterion.

- O. “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 and why the use requires a location on resource land; [OAR 660-004-0020(2)(a)]**
- P. “Areas which do not require a new exception cannot reasonably accommodate the use”: [OAR 660-004-0020(2)(b)]**
- 7. The exceptions 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; [OAR 660-004-0020(2)(b)(A)]**

Applicant states that because the proposed PCRC will replace the existing armory in downtown Dallas, the Applicant requires a site in, or in relatively close proximity to, the city of Dallas. Accordingly, the Applicant generally investigated possible sites within the Dallas Urban Growth Boundary (UGB) and within approximately one mile of the UGB. As a result of its general search the Applicant identified three potential sites within the UGB that were available for sale and that met minimum requirements, such as being in Zones in which the PCRC could be appropriate and conditionally allowed (e.g. not residential). These sites are identified on Exhibit 6 of the application [Included within Attachment D of the staff report].

- 8. 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: [OAR 660-004-0020(2)(b)(B)]**

Applicant states that in 2009 ONG soldiers that were displaced from the Dallas Armory deployed overseas to support the U.S. Military mission in Afghanistan. Before their deployment, these soldiers had to temporarily work in already overcrowded facilities in Salem, Oregon. The goal of the Applicant is to acquire a new site that is adequate to meet the training needs and build a new facility to house these soldiers upon their return from their deployment in 2011.

The following are parameters that the Applicant considered for siting a new Polk County Oregon National Guard Readiness Center:

- a. The site must have sufficient buildable area to accommodate not only the uses associated with the proposed Readiness Center (e.g., parking, military motor pool area, storage, etc.), but also, very importantly, the Federal Anti-Terrorism Force Protection (ATFP) requirements, which require perimeter buffers and other controls set-off distances for protection of the facility and its personnel from terrorist acts. In this case, a minimum of ten acres was required.
- b. The location of the PCRC is also critical in at least two respects: first, it needs to be located close to highway transportation facilities. Such proximity is critical for the responsiveness of the Guard in times of emergency both in terms of timeliness and effectiveness. The soldiers must be able to timely and effectively arrive at the site from a variety of locations. Further, the soldiers then must be able to deploy quickly

with large, heavy equipment effectively for the purpose of responding to the emergency regardless of location. Proximity to major transportation networks is critical for these reasons. Second, and particular to this case, is the historical significance and presence of this armory in the City of Dallas. The facility need not necessarily be in Dallas, but near to it. It has long functioned effectively in this area as a hub for the region it serves, and the synergistic relationship with the City and region has been mutually beneficial for the National Guard and the area. Nevertheless, as noted above OMD has a preference for locating just outside the City in order to maintain efficient responsiveness and to avoid operating and transporting its unusually large equipment within and on the streets of the City.

- c. Available for purchase;
- d. Zoned for Public use or for a use with which the PCRC is compatible;
- e. Environmental conditions of the site suitable for the proposed development (i.e., not in a high risk flood zone, little or no site contamination remediation necessary, low liability, not displacing high quality soils for Agricultural use, or needed industrial or commercial lands for local economic needs);
- f. The proposed readiness center use is compatible with adjacent/ surrounding land uses
- g. The topography and configuration of the property in relation to surrounding uses is also important for the purposes of demonstrating compliance with ATRP requirements. Physical boundaries separating the facility from threats are preferred for controlling the facility's perimeter;
- h. 'Shovel-ready' – site is ready for development with no extensive demolition or existing structural issues to address;
- i. Existing infrastructure can adequately accommodate the proposed Oregon National Guard Readiness Center development within a reasonable percentage of the total construction cost;
- j. Good visibility to the public.

The Applicant used these requirements as guideposts to its search. As for size, the Applicant searched for potential sites that were between seven and ten acres. This relatively large acreage is required due to the Applicant's need for a building large enough to accommodate the building's use and parking and storage for privately owned and military vehicles, and to provide for the standoff distance and controlled perimeter, discussed below. The requirement that the PCRC be in close proximity to major transportation corridors is necessary because the ONG mission often means that it is a first responder to emergencies, requiring quick, efficient access by the soldiers to and from the site. Therefore, easy access to major transportation corridors is essential.

The Applicant anticipates constructing one or more buildings with a total footprint of 39,850 square feet. In addition, because the building will serve ONG troops, it is subject to standoff distance and controlled perimeter requirements as detailed in the document "Army National Guard Antiterrorism / Protection Minimum Standards and Guidance." (Exhibit 12 of the application). "Standoff distance" is the distance between the building and an area with unrestricted access, such as a public street. "Controlled perimeter" refers to physical objects that restrict access to the building, whether vehicular or pedestrian, and are one way to create standoff distances. Controlled perimeter examples include fences, Jersey barriers, earthen berms, and ditches. Based on the applicable building category (primary gathering building), the proposed PCRC requires a minimum standoff distance of 45 meters (148 feet). When that minimum

standoff distance is combined with the estimated building footprint and vehicle parking lots, the minimum parcel size that could accommodate the use is approximately eight and one-half acres.

The first site the Applicant considered is the old Safeway site (820 SE Church St. - T7S, R5W, Sec. 28, Donation Land Claim 452). At only 34,910 square feet, the old Safeway site is too small to accommodate the PCRC. The Applicant also investigated one site currently owned by TTM Printed Circuit Group, Inc. (Tyco Building, 1270 SE Monmouth Cutoff Road, Dallas, OR) and two sites currently owned by Praegitzer (SE Godsey Road, Dallas - T7, 8S, R5W, portion of Secs. 33, 34, 3, 4, Tax Lot 1300 and SE Holman Avenue, Dallas - T7 S, R5W, Sec. 33, Tax Lot 900) as potential sites for the PCRC. Both of these sites ultimately proved to be unsuitable for reasons including the fact that they are located in the flood plain and that they have environmental contaminants such that significant and expensive remediation would be necessary in order to redevelop the properties.

Required Site Characteristic for Polk County Readiness Center

The Oregon Military Department is authorized by United States and Oregon state law to maintain a ready trained National Guard. The proposed readiness center is a necessary and integral part of the OMD mission and legal responsibility.

As indicated in the OMD application (pg. 4) Oregon Revised Statutes delegate to the Oregon Military Department, under the direction of the Adjutant General, responsibility for promulgating necessary regulations for organization, training, governance, and fixing the location of the units when in its judgment the efficiency of the present organization will be increased thereby (ORS 396.305(4)), and "...where armories are not already provided or in which armories are inadequate, and where, in the judgment of the military department, it will be most convenient to the units, and where most needed."(ORS 396.530)

The existing Dallas Armory, which currently serves 162nd Engineer Company of the Oregon National Guard is no longer suitable for its mission. This type of ARNG unit (Engineering) is a vital part of Oregon's natural disaster response resources and a critical component of Oregon's ability to respond to declared emergencies. Site access and other site characteristics (i.e., adequate area for storage of equipment) are critical for the state to adequately respond to such emergencies.

As indicated in the OMD application (pg.3-4) the existing Armory in downtown Dallas was established as one of the first armories in the state of Oregon around the same time the City of Dallas was incorporated – in 1911. The structure has been inadequately sized for the units serving in Dallas for a number of years. In addition, the Dallas armory was heavily encroached upon by surrounding urban development such that adequate parking on for on-site military vehicles and equipment was no longer viable and adjacent buildings abut the structural wall of the facility. The facility itself suffered severe structural damage that required the facility to be closed and the units are now housed temporarily in other facilities that are not adequately sized to maintain these units on a long-term basis.

Based on the authority and responsibilities described above, the ORNG Adjutant General has determined that a new readiness center to serve the 162 Engineer Company must be built in or near Dallas. The Dallas armory has been centrally located in Polk County and served unit training for soldiers since 1911.

To the extent possible, OMD attempts to site armories and readiness centers inside urban growth boundaries where the facilities can operate as an integral part of the supporting community. OMD is mindful, however, of encroaching incompatible uses where jurisdictions do not have provisions in place to prevent them from constraining the ORNG mission for adequately

protecting its soldiers, equipment and ability to adequately respond and provide for emergencies and public safety in both city and county areas.

These considerations prompt OMD to pursue an exception to Statewide Planning Goal 3 in order to meet the unique needs of a new readiness center near Dallas in Polk County. OMD took into consideration the following standards in looking for suitable alternative sites. (See page 14-15 of the application.)

A site suitable for the readiness center should have the following characteristics:

4-4. Site Standards and Support

a. As much as possible, project sites shall meet or exceed the following, minimum specifications. States shall avoid former landfills, fuel farms, waste treatment facilities, and other potentially contaminated sites.

(1) For readiness centers contain at least 10 acres in cities and other congested areas and up to 15 acres in non-congested areas.

(2) For other than readiness center projects contain adequate area to support mission requirements.

(3) Front on at least one public street or road, while ensuring adequate standoff to meet minimum antiterrorism/force protection requirements.

(4) Have adequate access roads from nearby population centers and from public highway networks. When able to locate in cities, preferably should be served by public transportation.

(5) Be free from low-lying areas, steep slopes, landfills, faults, and other prospective nuisances.

(6) Have uniformly contoured terrain that is either level or only slightly sloping (less than 4 percent).

(7) Have soil at the frost line depth for the locality with a bearing capacity of approximately 2,000 pounds per square foot on natural, undisturbed earth.

(8) Have accessible all public utilities necessary and required for successful operation of the facilities being constructed.

(9) Be protected by local zoning regulations so as to permit the construction and full use of a facility and to prohibit the establishment of any activities or industries that would adversely affect the operation of the facility.

(10) Be uncontaminated land, free from the prospect of hazardous substances that could subject the State or Federal government to liability for response, clean-up, and health costs or for natural resource damage costs, and free from conditions that would prevent or affect the construction, occupancy, and future operation of the facility.

(11) Should not be located on a flood plain.

Since 2001, the Oregon Military Department has been required to implement more stringent Anti-Terrorism, Force Protection (ATFP) standards requiring greater setbacks from neighboring building footprints. Munitions storage, hours of operation, and the inherent noise from operations, equipment and vehicle use also require greater setbacks and screening from

¹ *Extracted from the National Guard Guidelines for NG site acquisitions:*

surrounding urban areas. Sites evaluated by OMD inside the City of Dallas do not provide the security and buffering required by the Polk County readiness center.

After review of more than a dozen sites, Polk County Tax Lot 1706 site was found to meet all but one of the criteria (appropriate land use designation) and especially provided the best ATFP setbacks and transportation access to ensure minimized potential encroachment threats and maximized OMD's ability to efficiently and effectively respond to emergencies as necessary.

Visibility of the site in the community is an important consideration as well; the Dallas readiness center should be readily identifiable as the home of the Guard in the area. The selected site fits these criteria because of its location just off the Kings Valley Highway and near the main entrance to the Dallas community.

- i. Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not? [OAR 660-004-0020(2)(b)(B)(i)]**

The Applicant contends it was unable to identify any non-resource land that could accommodate the use and that would not require an exception. As discussed in detail above, the proposed use requires a Site within approximately one-half of a mile of the Dallas UGB, approximately seven to ten acres, and adjacent to Kings Valley Highway. Therefore, other than resource land the use could only be accommodated on industrial commercial land. The proposed Site is the only land that the Applicant identified that was both available for purchase and met the search parameters most notably ATFP requirements. The Site is also particularly well suited for the proposed use because it is roughly in the middle of a strip of land between the Dallas UGB and the PSCP that is almost exclusively non-resource land. And, the Site itself is currently exempt from Goal 3 by a reasons exception and designated Industrial.

- j. Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by this applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not? [OAR 660-004-0020(2)(b)(B)(ii)]**

The Applicant was unable to identify any resource land that is already irrevocably committed to non-resource use that met the search parameters discussed above and was available for purchase.

- k. Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not? [OAR 660-004-0020(2)(b)(B)(iii)]**

The PCRC cannot be reasonably accommodated inside an urban growth boundary. Because the PCRC is intended to replace the existing armory in the city of Dallas, the PCRC must be near Dallas, preferably not within Dallas for the reasons above, though that was nevertheless considered. The Applicant was not able to identify any land inside the Dallas UGB that satisfied the parameters for an appropriate site as outlined above.

Therefore, the Applicant looked within the UGB of the City of Dallas for potential sites that would meet the land requirements for new construction and be compatible with the City's land use designation provisions. The Applicant's Real Property and Programming Branch reviewed parcels and zoning within the City's UGB for an appropriate "Public" PCCP and Zoning designation that would allow for public facilities such as an Oregon National Guard Readiness Center. There were no such provisions within the City limits. The Applicant next looked in Industrial areas that were the closest land use designation that would provide for

development of an Oregon National Guard Readiness Center with a potential “Conditional Use” within the City’s UGB. The Applicant found a couple of sites that were of the appropriate size [10+ acres], however, after further investigation and completion of an environmental baseline study as required by regulation these were found to be in flood plains and had the potential for requiring much environmental remediation for the existing buildings on the site and a potential unknown environmental liability that might be incurred by the state.

The site described as Polk County Assessment Map T7S, R5W, Section 22, Tax Lot 1706 located along Hwy 223, with access off of Westview Drive, and just outside of the City of Dallas UGB came to the Applicant’s attention. This site meets all of the above siting parameters for the new Readiness Center, with the exception of the appropriate land use designation. Fortunately, the PCCP and Zoning Ordinance provide a land use designation (“Public”) that would allow for the Oregon National Guard Readiness Center as an acceptable land use on this site. This 10.95-acre site off of Westview Drive was the only site of adequate size within less than a half-mile of the Dallas UGB.

Given these circumstances, the subject Site is the only logical place for construction of a new Oregon National Guard Readiness Center to replace the existing Dallas Armory. It is the desire of the Applicant that the long association of the Oregon National Guard continues with the City of Dallas.

Because the old Safeway site is too small and because the TTM/Tyco and Praegitzer sites have environmental contamination and flood risk, they are not suitable for the PCRC. The Applicant was not able to identify any other potentially suitable sites in the UGB. Accordingly, the proposed use cannot be reasonably accommodated inside the UGB.

[May 11, 2010 supplement to original proposed findings follow]

Provisions in the rule state this requirement may be met by a broad review of alternative sites rather than a review of specific sites. A specific comparison is required only when a party to the local proceedings has identified a specific site that can reasonably accommodate the proposed use. *Id.* At 2(C). Specific alternative sites have not been identified.

The OMD notes in its application (pg. 16-17) that they reviewed many sites within the City of Dallas’ UGB and within a close proximity of the city’s UGB, as maintaining a close proximity to the City was a siting criteria. While the OMD application mentions two examples of such sites (pg. 17), over a dozen sites were reviewed over the course of two years to find a suitable site. Each failed to meet the siting criteria in more than three important areas, such as location in a 100-yr floodplain or site contamination requiring expensive environmental clean-up, or lack of adequate buildable site area. Those sites that failed to meet specific criteria were eliminated from further consideration.

1. General considerations for Findings. The OMD evaluated many sites over the course of the last two years both within and near the boundary of the City of Dallas, thus maintaining a central Polk County locale. All other sites reviewed met fewer of the criteria reviewed herein than the site selected.

2. Locations Other than Dallas Area. OMD has determined that a readiness center located in or near Dallas is essential to the mission of the National Guard and in the public interest of the citizens of Oregon and of the United States of America. OMD seeks to exercise the exception process in State-wide Goal 2 to provide the necessary flexibility to allow for OMD to maintain this unit in its current location in the Dallas and Polk County community.

3. Location outside the Urban Growth Boundary. A comment was received that OMD failed to adequately consider whether the readiness center could or should be built inside an urban growth boundary as required by OAR 660-04-0020(2)(b)(B)(iii). As discussed previously, sites suitable for the readiness center do not exist within the City of Dallas' UGB.

4. Properties not Available for Purchase or Lease. As indicated above, the OMD did not just evaluate properties that were available for purchase or lease. This was simply one of the criteria that was evaluated. OAR 660-004-0020(B) provides that 'economic factors can be considered along with other relevant factors'. The OMD did examine other relevant factors, including economic and environmental (e.g., contaminated sites, floodplain) factors, as indicated in their application. (See pg. 14-15.)

5. Size of the Proposed Facility. The existing Dallas Armory, now closed, is of an unsuitable size given modern training needs, the nature of the unit and modern security requirements dictated by federal requirements and appropriate military policies. Sites within the City of Dallas that meet the size requirements are not acceptable because of their failure to meet the identified siting criteria used for a readiness center in several ways.

1. Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not? [OAR 660-004-0020(2)(b)(B)(iv)]

Applicant says no public facilities or services are proposed or needed for Applicant's use. The Applicant anticipates that the Site will receive water service from existing, private RCWA facilities. As shown in Exhibit 14 of the application and as described above, RCWA expects that it will be able to accommodate the PCRC with certain upgrades of existing facilities. Applicant will construct, operate, and maintain a private septic system (leach field and tank) according to applicable building and environmental codes. Accordingly, the proposed use can be reasonably accommodated without the provision of public sewer service.

9. 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 assess only 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. [OAR 660-004-0020(2) (b) (C)]

Q. The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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 limited to, 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 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; [OAR 660-004-0020(2)(c)]

Applicant contends that the long-term environmental, economic, social and energy consequences resulting from the proposed use at the Site are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. Characteristics of typical alternative areas for which an exception might be taken include a parcel that is 1) currently designated Agriculture or Farm/Forest, 2) approximately seven to ten acres, 3) within approximately one-half of a mile of the Dallas UGB, and 4) adjacent to Kings Valley Highway. This acreage requirement is mandatory for any alternative area for which an exception might be taken in order to reasonably accommodate the building size and standoff distance requirements for a new readiness center.

The geographical requirements, that is that the site be within approximately one-half of a mile of the Dallas UGB and adjacent to Kings Valley Highway, are necessary. The PCRC is intended to replace the existing armory in the city of Dallas, and is strategically located to serve this region of the state. Because the Dallas armory closed earlier this year, the military department requires a replacement in close proximity to Dallas. As for the requirement that the readiness center be along Kings Valley Highway, this is necessary for two reasons. First, Kings Valley Highway is a strategic location from which to mobilize soldiers and equipment under potentially time sensitive conditions where lives may be at stake. Also, this location is important in order for the PCRC to be reasonably accessible from the various locations from which troops will travel to report for weekend training.

An Agriculture or Farm/Forest designation is also a characteristic of a typical alternative area because that is the zoning of all of the available land based on the acreage and geographical locations discussed above. The only land that meets the size and geographical requirements and that is not zoned for residential use is Agriculture or Farm/Forest.

The proposed Site has numerous advantages over a typical alternate location. The first advantage is that the proposed Site is not in an area characterized by farm or forest use. The Site is roughly in the middle of a strip of land adjacent to Kings Valley Highway and extending from the Dallas UGB to PSCP. Only one parcel in that strip (the parcel adjacent to the southern border of the Site - T7S, R5W Sec. 28 TL 100) is currently designated Agriculture, and that site is not actively farmed but used for acreage residential purposes. The rest of the land between the Dallas UGB and PSCP is designated industrial, commercial and rural lands. Because the area surrounding the proposed Site is already predominantly nonagricultural, granting an exception to Goal 3 will not have a significant impact in terms of moving the area away from Agriculture. This, however, is not the case for typical alternative areas.

As described above, because of the relatively large acreage requirement and because of environmental problems on potential sites that were large enough, the Applicant was unable to

identify a suitable site for the proposed readiness center inside the Dallas UGB. Other than in the section of land between the Dallas UGB and PSCP (which is where the proposed Site is located), an alternate site along Kings Valley Highway would be in an area characterized by Agriculture or Farm/Forest land. This is illustrated by the PCCP map which shows relatively uninterrupted Agriculture land to the north of Polk Station Commercial Park and relatively uninterrupted Agriculture and Forest land to the south of the Dallas UGB. By locating the PCRC at the proposed Site, the PCRC has a minor, if any, impact on changing the character of the surrounding area away from Agriculture. In addition to the fact that it will not change the character of the area away from resource use, because the proposed use will be contained on the Site, it will have no impact on the ability to sustain resource uses near it.

Another advantage of the proposed Site is that it is not currently designated Agriculture, and is not currently in agricultural use. At present the Site is designated Industrial subject to a Goal 3 reasons exception. Because the current exception is a reasons exception, changing the use from rural industrial to public amusement as proposed requires a new reasons exception. OAR 660-004-0018(4)(b). However, because the Site currently has an exception from Goal 3, the proposed PCCP amendment and Goal 3 exception does not have the effect of further reducing the amount of county land designated Agriculture from where it is today. This would not be so for a typical alternate area requiring a Goal exception, and for this reason the proposed Site is advantageous.

In addition to the fact that the proposed Site currently has an exception from Goal 3, the soils at the proposed Site are not suitable for crop production. As detailed in Exhibit 11 of the application, "Redmond Letter", the proposed Site is graded and the soil is compacted to 90%. That the soils are compacted makes the proposed Site advantageous over an alternate site that is designated Agricultural land but that is capable of producing crops because building the PCRC on the Site does not decrease the amount of Agriculture land suitable for growing. For the reasons described above, the long-term environmental consequences resulting from the use at the proposed site are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

Also, the existing grading and compaction at the proposed Site result in significant economic savings for the Applicant if the proposed PCCP amendment and Zone change is approved. As is, the Site is in a condition such that building construction could begin once the appropriate permits are received. And, because the grading was done such that there are steep slopes along the western and southern borders of the Site, the Applicant would be required to make less alterations to comply with the ATFP requirements.

This impact, however, will be very infrequent. On a day-to-day basis only five people will staff the PCRC. Approximately one weekend per month an estimated 150 National Guard soldiers will report to the PCRC for training. The Applicant anticipates that twice a year the soldiers will report to the PCRC on Friday evening, and the other months they will report on Saturday morning. The Applicant will work with ODOT and professional traffic engineers as the design develops to ensure compliance with state and local traffic laws, regulations, and standards.

There are also a number of benefits resulting from building the PCRC at the proposed Site. First, the proposed PCRC will have extremely positive economic benefits for Polk County and the City of Dallas. The estimated construction and design cost is \$16,132,000. This will, in part, be spread among local construction contractors, material suppliers, local workers, motels, restaurants, utilities, gas stations, etc. In addition, many of the troops that will report to the PCRC on the weekends will utilize nearby lodging, eating, and entertainment establishments. Therefore, to a lesser degree, but still significant, the economic benefit will continue throughout the life of

the PCRC. These positive economic consequences outweigh the impact on the general area caused by removal of the land from the resource base, and are not more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

There are also long-term social and energy benefits associated with the proposed PCRC. Not only is a readiness center prestigious for a community, it is also a valuable asset to have a centralized location for the community to unite in the event of an emergency. Also, because of the central location relative to where the troops will travel from, the location is efficient from a transportation/energy perspective. Accordingly, the long-term social and energy consequences resulting from the use at the proposed Site are positive and are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

Applicant concluded that, as for long-term environmental consequences, they, too, are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. The site does not contain any significant natural resources or scenic area, and is not in a floodplain. All future development on the Site will be required to comply with Federal, State and County requirements for air and water pollution.

- R. “The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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. [OAR 660-004-0020(2)(d)]**

The proposed PCRC is compatible with uses adjacent to the Site. To the east and northeast of the Site is Tax Lot 1706, which is designated Industrial on the PCCP. Tax Lot 1706 is developed for industrial use on the northern boundary adjacent to PSCP. The majority of Tax Lot 1706 is vacant. The adjacent property to the south of the Site is designated Agriculture, but it is currently only used for residential purposes and is buffered by the subject site's berm and the drainage area on the northerly portion of the adjacent property to the south. Highway 223 runs along the Site's western and northwestern boundary.

The PCRC is a relatively low impact use that will be completely contained on the Site and will have little to no effect on the adjacent properties. The Applicant anticipates that five people will staff the PCRC full time Monday through Friday, and that approximately one weekend per month an estimated 150 National Guard members will report to the PCRC for training. Except for their arrivals, departures, and breaks, these personnel will be inside the center's classrooms, dining hall, etc. Activities will not create pollution of any form, be it environmental, noise, or otherwise. In addition, these personnel will not trespass on adjacent properties. This is ensured by the requirement that the Site have a controlled perimeter, including the already existing steep slopes, Jersey barriers, constructed berms or ditches, or fences. For these reasons, the proposed use is compatible with adjacent uses.

- S. For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: [660-004-0022(1)]**

- 7. There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either**

- 8. A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or**
- 9. The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.**

Applicant says the state policy to preserve and maintain the proposed Site for farm use should not apply. The PCRC promotes particular elements of Goals that, in the absence of the PCRC and the National Guard's presence, Polk County could not achieve. In addition, as explained below, the PCRC's unique features and the lack of suitable alternative sites necessitate location of the PCRC at the proposed exception site.

A. Demonstrated Need

Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Oregon's Constitution mandates that the legislature provide for organization, maintenance, and discipline of a state militia for the defense and protection of the State. Oregon Constitution, Art. X, Sec. 1. Pursuant to that mandate, the Oregon Military Department is charged with the responsibility to provide the State of Oregon and the United States with a ready force of citizen soldiers equipped and trained to respond to any contingency, natural or manmade. ORS 396.305. ORS Chapter 396 provides for the Oregon Military Department and for the State Militia and for the organization, equipment, regulation and use thereof. ORS 396.025.

The PCRC itself provides a facility necessary for the gathering of the Oregon Military Department's personnel for training on a regular basis and for storage of equipment necessary for both training and public service. The PCRC also serves as a centralized gathering point for deployment under emergency response circumstances such as natural disasters or other emergency events for which the National Guard is called into service. Lastly, through its ancillary purpose of a rural community center for this region of Polk County, it provides a facility for public use for educational, recreational, and general assembly needs.

Armories are a longstanding and necessary component of the Oregon Military Department for its operations with the National Guard. The PCRC is a public facility necessary for Polk County and the region. The need for the PCRC is currently unmet due to the lack of an armory stemming from the abandonment of the Dallas armory for safety reasons. Failure to accommodate the siting of this PCRC will result in the County's failure to satisfy the objectives of Goal 11.

Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The PCRC provides economic benefits while advancing a completely unique mission that would otherwise go unmet in the area, thereby avoiding reliance on a particular industry for economic purposes. If the proposed use is approved, the Applicant estimates the construction and design cost for the PCRC is \$16,132,000. This will significantly benefit the local economy through the jobs created for its construction. In addition, once the PCRC is operating the Applicant anticipates that approximately 150 military personnel will report to it one weekend per

month. This will bring \$750,000 per year in federal military pay to Oregon in addition to \$125,000 annually from the State. These benefits are significant for a community and region that has recently lost many jobs, including 220 jobs lost from the closing of Weyerhaeuser.

Personnel who do not live locally may choose to stay overnight Friday and Saturday and will probably utilize local motels, restaurants and other establishments that provide evening entertainment, thereby benefiting the local economy. The government contracts directly with hotels for soldiers who live more than 60 miles from the RC. For the current unit roster, that's 54 soldiers. At a minimum of one night per month, and an estimated rate of \$70 per night, the local economic impact is \$45,000 annually.

In addition, the unit will receive five meals on a training weekend, which is catered by local restaurants. Assuming an average meal cost of \$7, with 150 soldiers, that works out to \$63,000 per year. This does not include the soldiers' personal expenses, such as gasoline and entertainment.

Goal 7, Planning Guideline A.2: Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

A significant mission the National Guard in conjunction with the proposed PCRC is to provide response, recovery, and mitigation in the event of local disasters or widespread emergencies. Currently, the National Guard's ability to do so is hindered by the lack of a readiness center (due to loss of the Dallas armory). Polk County's approval of this application would re-establish and enhance the Guard's emergency response, recovery, and mitigation program of this region. Failure to approve the application would significantly hinder the National Guard's program for this region.

By legislative mandate, the Governor has committed National Guard Troops to the Federal Emergency Management Assistance Compact, dedicating the Guard, as needed, to training and response for emergency situations, both locally and on a multi-state basis. ORS 401.043. The State's Office of Emergency Management is established in the Oregon Military Department. This Office is responsible for preparedness, training, mitigation, and response for emergencies, as well as the coordination with private and governmental entities for provision of the same. ORS 401.257.

Polk County's Basic Emergency Operations Plan relies on such commitment from OMD. In the event of declaration of disaster, the County's Plan contemplates mobilization of National Guard troops for assistance. See Basic Emergency Operations Plan, Section VII; see also Item 15, Agenda for Incident Briefing, Appendix 5, Emergency Operations Center Annex. The National Guard is named as an agency to assist in removal of debris following disaster. Item III and Appendix 5 of the Disaster Debris Disposal Annex. The armory itself is also listed as a potential place of shelter in the event of disaster. Appendix 3, Damage Assessment and Disaster Recovery Annex.

Based on the need to meet these requirements of Goals 7, 9, and 11, there is a demonstrated need for the proposed use.

[May 11, 2010 supplemental proposed findings follow]

In establishing the demonstrated need for the exception, the Statement of Intent/Proposed findings discuss in detail why the readiness center is needed to fulfill constitutional and statutory to provide for a state militia. (See pg. 21 to 22.) It also discussed the economic benefits provided to the state and region by keeping the unit and the readiness center in Polk County, near the City of Dallas. The application incorrectly indicates that

demonstrations of need are directly tied to implementation of Goals 9 and 11. In correcting this oversight, OMD notes that while the demonstrated need may be tied to one or more of the requirements of Goals 3-19, this connection is not necessary for the findings of demonstrated need.

B. Special Features

The Applicant requires training centers and armories throughout the state in order to conduct its official business of administering, housing, equipping and training the ONG. Polk County is an identified strategic and requisite location for a Readiness Center, however the existing armory in the city of Dallas closed earlier this year due to serious structural damage.

In large part because of building size and standoff distance requirements, the Applicant could only identify an appropriately sized site within close proximity to the city of Dallas on resource land. As noted above (which findings are hereby incorporated into this section), the special features of Applicant's proposed use necessitated search parameters for the identification of a site for Applicant's PCRC. Among those parameters, size, location, topography, and zoning were particularly important. As noted above, few properties either within or outside the Dallas UGB met the basic search parameters. The Site has quick access to Highway 223 and Highway 22, major transportation corridors for this area. The Site is located adjacent to compatible uses and near to the City of Dallas. The Site's berm and grade separation from the highway help meet federal ATEP requirements. The Site is already an exception area and is not farmed, thereby minimizing the impact to resource land. The Site has no environmental or natural hazard risks. Of the potential properties meeting the minimal requirements, only the Site met these parameters for the PCRC's location.

It is noteworthy that the proposed Site is not pristine farmland. The Site is not currently in farm use. In fact, the Site currently has an exception from Goal 3 and is designated Industrial and Zoned for rural industrial use. The soils on the Site have been graded and compacted to 90 percent such that they are not desirable for agricultural production. In addition, the Site is not in an area characterized by farm use. Rather, the Site is surrounded on three sides by Industrial land and a state highway. While there is Agriculture land directly to the south of the Site, the Site is one parcel in a strip along Kings Valley Highway between the Dallas UGB and PSCP that is dominated by industrial, commercial and rural residential development.

As explained above, there is a demonstrated need for the PCRC based on the requirements of Goals 9 and 11. Furthermore, the PCRC's unique qualities require a non-residential, large-acreage site near the city of Dallas with efficient access to major transportation corridors. For these reasons, and due to the lack of suitable alternative sites, the state policies embedded in Goal 3 should not apply.

Staff concluded that the applicant has addressed all applicable criteria for an exception to Statewide Planning Goal 3. Staff agreed with the applicant's findings and conclusion that an exception to Goal 3 to allow use of the subject property as an armory is warranted. The Hearings Officer concurs, and so finds.

[Adopted by Ordinance # 10-08]

DATE: July 14, 2010

SUBJECT: Plan Amendment 10-03 and Zone Change 10-03

PROPERTY ADDRESS: 22505, 22695 and 23055 Black Rock Road, Falls City, Oregon.

PROPERTY LOCATION: The subject property contains approximately 165 acres, and is identified on the Assessment Map as T8S, R7W, Section 13, Tax Lots 6001, 3100, 3200, 3201, 3102, 3300 and T8S, R7W, Section 23A, Tax Lot 100.

REQUEST: The applicant is requesting a Comprehensive Plan Map amendment from Forest to Public and a Zoning Map amendment from Timber Conservation (TC) to Public and Private Educational Facilities (PE) and Limited Use Overlay (LU) zone. The LU zone would restrict the use of the subject property to a school providing an emphasis on outdoor recreational and education programs in a natural setting and the following accessory uses: dwelling for the caretaker or watchman or housing for staff; dwelling, mobile home, or dormitory for students and/or faculty; and eating places and/or drinking places for faculty, staff, and students. The applicant has also requested a text amendment to the Comprehensive Plan in order to adopt a "Reasons" exception to Statewide Planning Goal 4. The applicant is proposing these amendments to facilitate the continued operation of Camp Tapawingo.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, the applicable criteria are listed in Oregon Administrative Rule (OAR) 660-004-0018, 660-004-0020, 660-004-0022, and 660-012-0060. The criteria are listed below, followed by the Hearing's Officer's findings.

- A. When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception; [OAR 660-004-0018(4)(a)]**

The applicant has proposed a PCCP map amendment from Forest to Public for the approximately 165-acre subject property. The applicant has also proposed a zone change from TC to PE/LU. The applicant has proposed to apply the LU zone that would limit the use of the property to a school providing an emphasis on outdoor recreational and education programs in a natural setting and the following accessory uses: dwelling for the caretaker or watchman or housing for staff; dwelling, mobile home, or dormitory for students and/or faculty; and eating places and/or drinking places for faculty, staff, and students. Staff believes that the proposed LU zone would be effective to restrict the use of the property to the use that is evaluated during this application process.

The Hearings Officer finds that the application complies with this criterion.

- B. 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 or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. [OAR 660-004-0020(1)]**
- C. For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the**

state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: [660-004-0022(1)]

10. There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either [660-004-0022(1)(a)]

11. A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or [660-004-0022(1)(b)]

12. The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site. [660-004-0022(1)(c)]

D. “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 and why the use requires a location on resource land; [OAR 660-004-0020(2)(a)]

Applicant contends that reasons that meet the foregoing criteria for an exception to Goal 4 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). (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.) As noted above, the forest setting of the camp is integral to its purpose and operation as a wilderness retreat and setting for camp and outdoor school sessions. This nexus between the forest setting and the essence of the camp is expressed on the main page of the Camp Tapawingo website as follows:

“Welcome to Tapawingo Camp and Retreat Center

“Tapawingo is a year-round forest camp retreat center nestled in the foothills of the Coast Range Mountains, 30 miles west of Salem, Oregon. With the Little Luckiamute River flowing through its 160 acres, Tapawingo has been a "Place of Joy" for campers for over 50 years.

“Enhancing the outdoor experience are a recreational pond and several miles of forest trails used for mountain bike riding, walking and horseback riding.

“Camp Tapawingo provides a peaceful natural environment that allows campers to experience God in a unique way leading to a growing relationship with Jesus Christ. Groups choosing Tapawingo find a rare setting that enriches their retreat goals.”
<http://www.summercampinoregon.com/>

In addition, as noted above, the camp was in operation for almost 20 years prior to the adoption of the statewide planning goals as a camp and school facility. The existence of the camp, with developed camp buildings, recreation facilities and trails throughout the property, operated throughout the year for religious and educational purposes, was and is inconsistent with the operation and management of the property for timber production, harvesting and related uses.

Allowing this exception is also consistent with Polk County’s prior land use action

approving the 20-year Master Plan for the camp, “to upgrade and add to the camp facilities” and to “increase in the existing lodging capacity of the camp from 143 to 347 and to increase the use of the camp during the fall through spring season.” (Conditional Use 83-42 Decision, Exhibit 15)

It is significant that, had the camp not been established prior to the adoption of the Youth Camp Rule in 2000, a new camp could be permitted today as a conditional use under the rule, and an activity building could be built. (While not directly applicable to the camp, as noted above, the Youth Camp Rule expressly acknowledges as appropriate the characteristic of a youth camp located in a “forest setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristic of adjacent and nearby public and private land.” OAR 660-006-0031.) Approving this comprehensive plan amendment will allow the camp to continue to be used and operated substantially as it would be allowed to operate under the Youth Camp Rule, if it was eligible for approval under the Youth Camp Rule.

As noted above, changing the PCCP designation and zoning on the property as requested is consistent with and will harmonize the treatment of two substantially similar properties and uses under Polk County land use regulations, that being the property that is the subject of this application and the 4-H Conference and Education Center located on resource land near West Salem.

Applicant believes granting the requested exception is consistent with Polk County’s previous land use action on the property and will facilitate harmony and consistency in the PCCP. All of the foregoing reasons justify the exception.

On October 25, 1983, Polk County approved a 20-year Master Plan for Camp Tapawingo. The Master Plan was reviewed as Conditional Use 83-42, and included a number of development projects that were planned to be phased over the planning horizon. The Master Plan was designed to add facilities that would increase the lodge capacity of the camp from 143 to 347. The Master Plan included development projects that do not strictly conform with the definition of a “youth camp” in PCZO 177.040(X). PCZO 177.040(X) states that a youth camp may be approved as a conditional use in the TC zone subject to the standards and limitations in OAR 660-006-0031. OAR 660-006-0031(6)(a) states that “developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed.” The county-approved 1983 Master Plan included a multipurpose facility. Based on the floor plan of the building provided in the record, the multipurpose building would contain a basketball court, and for all intents and purposes would be a gymnasium. The applicant indicates that Camp Tapawingo is still interested in establishing an approximately 11,015 square foot multi-purpose building. Consequently, even if the applicant were to apply for a new youth camp under PCZO 177.040(X), Polk County would likely not be able to approve the application because it would contain elements that may not be consistent with OAR 660-006-0031. Further, PCZO Chapter 177 does not permit a school or educational facility. Therefore, the applicant’s intended use of the property is not permitted under Goal 4.

The applicant indicates that Camp Tapawingo has operated since 1954 and is patronized by numerous school groups and youth organizations. The longevity of the camp’s operation and demand for its educational services demonstrates a need for continued operation of Camp Tapawingo. The applicant has provided findings to demonstrate that “the proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.” The applicant stresses the need for the camp to be located in a forested environment in order to meet its educational objectives. Further, Staff agreed with the applicant that continued operation and investment in the camp at its current location is appropriate because the majority of the subject property has been used as a camp for decades, and it already contains infrastructure needed to support the camp’s educational objectives. Practically, these are “special features or qualities” that support use of the camp on the subject property.

E. “Areas which do not require a new exception cannot reasonably accommodate the use”: [OAR 660-004-0020(2)(b)]

10. 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; [OAR 660-004-0020(2)(b)(A)]

11. 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: [OAR 660-004-0020(2)(b)(B)]

(A) Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not? [OAR 660-004-0020(2)(b)(B)(i)]

(B) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by this applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not? [OAR 660-004-0020(2)(b)(B)(ii)]

(C) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not? [OAR 660-004-0020(2)(b)(B)(iii)]

(D) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not? [OAR 660-004-0020(2)(b)(B)(iv)]

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 assess only 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. [OAR 660-004-0020(2)(b)(C)]

Applicant argues that this alternative site standard is both complicated and satisfied in this case by the fact that the camp is already located and in operation on the subject property, and has been for more than 50 years. The subject property is situated in a rural and remote area of the county that is generally designated as Forest Land under the PCCP (See the aerial vicinity photograph attached as Exhibit 22 of the application and the Polk County Assessor’s Real Property Map Summaries for Tax Lots 2700, 200, 700, 4602, 4601, 3000, 3101, 6000, and 4600, all located in the immediate vicinity of the camp, attached as Exhibits 23 through 31 of the application.) (There is one residence in the vicinity, located on Tax Lot 4601, immediately south of the camp property and across Black Rock Road. (Exhibits 21 and 27 of the application).

Black Rock Mountain Bike Area operates a mountain bike recreation area on property to the north of the camp.) It might be feasible to establish a new camp as a Youth Camp under the Youth Camp Rule on another forest land site in the area, but those sites are not reasonably available because it would not be reasonable nor would it make any sense (economically or otherwise) to take currently managed forest land out of production and relocate the camp to an area that does not require a new exception. (OAR 660-004-0020(2)(b)(B)(i)). There is no nonresource land in the vicinity that is irrevocably committed to nonresource uses that could accommodate the use. (OAR 660-004-0020(2)(b)(B)(ii)). The use cannot be reasonably accommodated inside an urban growth boundary because of the size of the use and the established nature of it as a forest camp retreat and outdoor experience in the natural environment. The nearest urban area is Falls City, which is not only not suited to the nature of the camp, but does not have land within a UGB that could accommodate the use. (OAR 660-004-0020(b)(B)(iii)). This exception does not propose a public facility or service. (OAR 660-004-0020(b)(B)(iv)).

The Hearings Officer finds 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.”

- F. The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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 limited to, 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 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; [OAR 660-004-0020(2)(c)]**

There is no alternative site – i.e., an alternative site that would also require a goal exception to operate the camp – that would have any less environmental, economic, social or energy consequences from the existing and proposed use of the property. On the contrary, such impacts have already been absorbed into and accommodated on the existing property, based on its long-time operation as a camp. To relocate the camp to 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 camp, while still leaving impacts from the existing development in place on the subject property.

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. (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.” OAR 660-004-0020(2)(c).)

- G. “The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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. [OAR 660-004-0020(2)(d)]**

Applicant says this criterion is easily satisfied by the long-established existence and operation of the camp on the subject property – for more than 50 years – without a history of reports or complaints of conflicts with adjacent uses. The camp has operated in harmony with those adjacent uses. This fact establishes that the camp is compatible with the adjacent uses. To the extent that any future development on the camp may have impacts on account of such development, those impacts can be addressed in the context of the proposed development. In this case, compatibility is not a matter of conjecture or prediction; it is a matter of historic fact. The camp is compatible with other adjacent uses. (“Compatible,” within the meaning of this section, “is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.” Goal 2, Part II; OAR 660-004-0020(2)(d).)

Staff concluded that the applicant has addressed all applicable criteria for an exception to Statewide Planning Goal 4. Staff concurred with the applicant’s assertion that an exception to Goal 4 is warranted to allow use of the subject property as a school that provides an emphasis on outdoor recreational and education programs in a natural setting. The Hearings Officer also agrees, and so finds.

[Adopted by Ordinance # 10-07]

DATE: May 8, 2007

SUBJECT: PA 05-02 / ZC 05-03

PROPERTY LOCATION: The subject parcel is located at 675 Oak Villa Road, Dallas, Oregon (Assessment Map T7S, R5W, Section 22, Tax Lot 1703).

REQUEST: The applicant is requesting a Comprehensive Plan Map Amendment: changing the existing Agriculture designation to an Industrial designation, and; a Comprehensive Plan Text Amendment including a Statewide Planning Goal 3 “reasons” exception, and; a Zoning Map Amendment changing the existing Exclusive Farm Use (EFU) zoning district to Rural Industrial (R-IND) and applying a Limited Use Overlay Zone to allow specific uses (Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16)) as justified in the Goal exception.

CRITERIA: The authorizations for a zone change and a Polk County Comprehensive Plan (PCCP) amendment are under Polk County Zoning Ordinance (PCZO) Sections 111.275, and 115.050. Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO 111.190 and 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Polk County Board of Commissioners conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final local decision. Staff findings and analysis are as follows, the applicant provided findings that are included by reference in the findings of this report, and are attached and identified in the record as Exhibit 1.

1. Findings for Comprehensive Plan Amendment file PA 05-02:

Amendments to the Comprehensive Plan Map must meet one or more of the following criteria: [PCZO 115.050(A)]

- (A) The Comprehensive Plan designation is erroneous and the proposed amendment would correct the error, or [PCZO 115.050(A)(1)]**
- (B) The Comprehensive Plan Designation is no longer appropriate due to changing conditions in the surrounding area; and [PCZO 115.050(A)(2)]**

Applicant Findings: The Agriculture Comprehensive Plan is no longer appropriate due to changing conditions in the surrounding area. The applicant is requesting a Comprehensive Plan Map Amendment from Agriculture to Rural Industrial to respond to these changing conditions.

As stated above, there have been a number of significant changes to the subject property and surrounding area that warrant the nature of the request. The first significant change relates to traffic impacts. The subject property is surrounded on three sides by roads that actively serve commercial and residential uses in Polk County. Over the years, the traffic on Kings Valley Highway, Oak Villa Road and Westview Drive has increased to such a degree, it has had a direct impact on the subject property’s ability to be used for commercial agriculture uses.

Second, the uses in the surrounding area, parcelization, and comprehensive planning for the City of Dallas have significantly changed the land use pattern of the surrounding area such that the existing comprehensive plan designation is no longer appropriate. To the north of the subject property lies the Polk Station Commercial Park. The Commercial Park has become fully

developed. Existing uses have grown and expanded to the point where additional on-site parking, loading, storage and office/warehousing are needed to ensure existing demand for services are adequately met. Parcelization directly to the north, in the Polk Station Commercial Park, and further north across Kings Valley Highway, prohibit the subject property to be effectively farmed. Additional parcelization is also found to the south of the subject property. Another significant change can be seen in the existing and future land use Comprehensive Plan designation for the LaCreole General Commercial Mixed Use Node located generally to the south of the subject property (Dallas Comprehensive Plan Map, Attachment F).

This Node is intended to be a master planned mixed use general commercial area of approximately 30 buildable acres, with multi-family residential development connected to general commercial and low density residential land through a series of grid streets and access ways for truck, vehicle, bicycles and pedestrian access north of east Ellendale Avenue and east of Kings Valley Highway. See Policy 3.2.1 in the City of Dallas comprehensive plan.

Third, the applicant needs additional land adjacent to their existing general contracting, equipment rental and development company operation to expand their storage capacity for equipment and materials.

Staff Findings: The subject property is located within the Agricultural Comprehensive Plan designation. The applicant is proposing to change the Comprehensive Plan designation to Industrial. Surrounding properties are designated Commercial and Agriculture in the Comprehensive Plan.

Properties to the north of the subject parcel were rezoned from EFU to Public Service and Commercial in the late 1970s. Over the years to present day, these properties have been built out and developed with uses appropriate to the non-resource zoning. This, in addition to the above-described factors and evidence, demonstrates that substantial changes have occurred on surrounding lands that could constitute changing the Comprehensive Plan designation of the subject property.

(C) 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)]

(1) 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. [PCZO 115.050(A)(3)(a)]

Applicant Findings: The Comprehensive Plan contains six (6) policies related to this request. Each Goal/Policy and the applicant's conformance therewith are set forth below.

Goals

1. To preserve and protect agricultural lands within Polk County

The portion of the subject property to be developed with rural industrial uses is not currently being used for commercial agricultural uses. Larger agriculturally designated lands in the surrounding area, particularly to the northwest and northeast, will be preserved and protected by this request. The applicant is requesting a limited number of rural industrial uses through the reasons exception, and the conceptual plan calls for a buffer along the eastern and western property lines that will help preserve and protect these larger agriculturally designated lands to the northwest and northeast of the subject property.

Policies

1.1 Polk County will endeavor to conserve for agricultural those areas which exhibit a predominance of agricultural soils, and an absence of non-farm use interference and conflicts.

This request complies with this policy. First, those agricultural areas which have a predominance of agricultural soils and an absence of non-farm interference are located further to the northwest and northeast of the subject property. These agricultural lands will not be affected by this proposal, and will be able to remain in agricultural use and conserved for agricultural productivity. Second, the subject property already has non-farm interference and conflicts from several sources - traffic on Kings Valley Highway, traffic and offsite drainage from the existing rural industrial uses within the Polk Station Commercial Park immediately to the north, and traffic from the LaCreole General Commercial Mixed Use Node to the south. This proposal simply recognizes that existing interference and conflicts with surrounding development have thus far precluded the subject property from being developed with commercial agricultural uses. As such, this proposal provides for a wider range of permitted uses that would directly benefit from the subject property's unique location.

1.5 Polk County will discourage the development of non-farm uses in agricultural areas.

The subject property is not located within an area characterized by agricultural uses. Surrounding development consists of residential and rural industrial uses, with very limited agricultural activity. The proposed Comprehensive Plan amendment to allow additional rural industrial uses on the subject property will allow for the logical extension of an existing rural industrial development located directly north of the subject property.

4.4 Polk County will encourage the concentration of industries of similar types, performance characteristics and service needs.

This application will allow for the expansion of an existing industry located on the adjoining property. A concentration of similar and/or expanded uses at this location will preclude unnecessary encroachment of rural industrial uses in an alternative location. The collocation will also provide for a more efficient delivery of services.

4.5 Polk County will require industrial uses to locate so as to minimize adverse social, economic and environmental impacts.

This policy is addressed in more detail under Criterion 2(C) of the Comprehensive Plan Map Amendment on pages 12-13 of this report.

4.6 Polk County will require utilities such as power, water and waste disposal facilities be readily available and adequately sized prior to construction of industrial buildings or operating systems.

4.8 Polk County will allow new rural industrial uses or expansion of existing uses consistent with Goal 14 in rural industrial zones outside of urban growth boundaries and unincorporated communities provided that:

- a. The use is authorized under Goal 3 and Goal 4; or***
- b. The use is small in size and low impact; or***
- c. The use is significantly dependent upon a specific resource located on agricultural***

or forest land; and

- d. The use will not have adverse impacts on surrounding farm and forest activities; and*
- e. The new or expanded use will not exceed the capacity of the site itself to provide adequate water and absorb waste water.*

The proposed use of the subject property will be small scale and low impact in accordance with statewide planning goals, administrative rules and Polk County Comprehensive Plan provisions. Future use of the property will also include uses that will serve the needs of the rural areas of Polk County.

The expanded use of the JW Fowler Co. and Northwest Rental Equipment, Inc. operations will not have any adverse impact on surrounding farm and forest activities. As identified above, the commercial farm and forest activities are occurring on lands further to the north, east and west of the subject property. The subject property is in an area that is already partitioned and predominately dedicated to small, rural residential parcels just north of the City of Dallas UGB and the LaCreole General Commercial Mixed Use Node, and bounded by two main Polk County roads – Kings Valley Highway and Oak Villa Road.

The proposed new uses on the property will be located south of the existing JW Fowler Co. and Northwest Rental Equipment, Inc. storage operation, and will be similarly situated with respect to locations of the rural residential parcels.

The proposed uses will not exceed the capacity of the site to provide adequate water, and to absorb waste water. The nature of the expansion and the new uses are such that water consumption will be minimal. The proposed uses are not manufacturing or processing uses that will require a demand for significant amounts of water. The site presently contains the waste water collection and distribution for the Polk Station Commercial Park. The applicant proposes to continue to use the existing system, and to update it in order to continue serving Polk Station Commercial Park, as well as any future rural industrial uses developed on the subject property. In addition, the applicant is proposing to add a bio-swale detention system to accommodate the storm water run-off from the subject property, and to handle the existing storm water run-off from the adjoining property (Polk Station Commercial Park) to the north. The subject property is of sufficient size to provide adequate water, storm and waste water systems to serve the proposed uses.

Purpose and Intent of Proposed Land Use Designation

Agriculture

“The areas designated Agriculture occur mainly in the eastern and central sections of the County. These areas are characterized by large ownerships and few non-farm uses. Topography in these areas is usually gentle, including bottom lands, central valley plains and the low foothills of the Coastal Range. This diversity of terrain allows County farmers the option of producing a variety of commodities. Farmers can produce grain or livestock in level areas; set up orchards, vineyards and pastures on the hills; or develop woodlots (or farm forestry) on the foothills. The areas designated for agriculture have a predominance of agricultural soils (SCS capability class I-IV).

It is the intent of the Agriculture Plan designation to preserve agricultural areas and separate

them from conflicting non-farm uses. Toward that end, the County will discourage the division of parcels and the development of non-farm uses in a farm area (Only those non-farm uses considered essential for agriculture will be permitted).

The Agriculture Plan designation will be implemented throughout the Exclusive Farm Use Zones”.

The subject property is not within an immediate area that is devoted to agricultural uses. The subject property is surrounded on the north and south by smaller parcels devoted to residential and rural industrial uses. The property is not a large parcel and is not located near large agricultural parcels. The subject property is already separated from key agricultural areas and will not add conflicting non-farm uses into the area. No land divisions are being proposed by this request. This request will simply be amending Appendix “F” of the PCCP text to include an expanded list of rural industrial uses to be allowed on the subject property through an exception to Goal 3.

Industrial

The Industrial Plan designation indicates the sites of existing industrial developments in rural areas and provides for future industrial uses in districts which are close to cities, major arterials, railroad or airports. The industrial uses found in these areas include fertilizer processing and storage, cleaning and storage facilities for grains, lumber and wood products-related processing plants and mineral extraction and processing operations.

It is the intent of the Industrial Plan designation to protect existing employment and provide employment opportunities for some of the non-farm residents living in surrounding rural areas. The Industrial Plan designation will be implemented through the Industrial-Commercial,

Industrial Park, Light Industrial, Heavy Industrial and Mineral Extraction Zones.

Pursuant to the intent of the Industrial Plan designation, the subject property is well situated to accommodate Rural Industrial uses. It is directly adjacent to the Polk Station Commercial Park and Kings Valley Highway. The proposal also meets the intent of the Industrial Plan designation by protecting an existing employer and allowing them to expand their accessory uses onto the subject property in an efficient and logical manner.

Staff Findings: Applicant has provided 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.

- (2) 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 [PCZO 115.050(A)(3)(b)]**

Applicant Findings: There are no specific state statutes that apply to this request that are not otherwise addressed in the statewide planning goals or administrative rules. The proposal’s conformance with statewide planning goals is addressed below, while the proposal’s conformance with the exception criteria is addressed below in Section II Number 2.

The requested amendment of the Polk County Comprehensive Plan (PCCP) text is consistent with the applicable statewide planning goals as follows:

Goal 1. Citizen Involvement. A Non Legislative Plan Amendment is a quasi-judicial process. Public notice is required and public hearings will be held giving interested citizens an opportunity to be involved in the process.

Goal 2. Land Use Planning. The PCCP was adopted by the County and acknowledged by LCDC as being in compliance with the statewide planning goals, state statutes and state administrative rules, on March 19, 1981. As outlined herein, the proposal complies with the PCCP and all associated detail plans.

Goal 3. Agricultural Lands. The applicant has submitted findings to justify a reasons exception to Goal 3.

Goal 4. Forest Lands. The proposed amendment does not affect the inventory of forest lands. Thus, this goal is not applicable to this application.

Goal 5. Open Space, Scenic and Historic Areas and Natural Resources. There are no known scenic, natural, historic, or cultural resources on the subject property. Thus, this goal is not applicable to this application.

Goal 6. Air, Water and Resources Quality. Development of the property will be required to comply with the Federal, State of Oregon, and County requirements for air and water pollution.

Goal 7. Area Subject to Natural Disasters and Hazards. The subject property does not lie within any floodplains of any waterways as identified on the Federal Emergency Management Agency's (FEMA) maps. All future development is required to comply with Federal, State and County requirements for natural disasters and hazards.

Goal 8. Recreational Needs. The proposed amendment does not affect the inventory of recreational uses. The proposed uses will not need or generate a need for recreational facilities. Thus, this goal is not applicable to this application.

Goal 9. Economy of the State. The subject property is partially developed for non-agricultural purposes. The majority of the property is undeveloped land and does not provide any benefit to the local economy. Enabling rural industrial uses to develop on the subject property will provide a major benefit to the local economy.

Goal 10. Housing. The subject property is not designated for residential development and therefore there will be no impact to the residential lands inventory.

Goal 11. Public Facilities and Services. The subject property is not currently served by public facilities nor does this request include the extension of public facilities to the subject property.

Goal 12. Transportation. Oregon Statewide Planning Goal 12 is implemented by OAR 660-012-0060(1), which states:

“Amendments to functional plan, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified functions, capacity and performance standards (i.e. level of service, volume to capacity ratio, etc.) of the facility.”

OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects a transportation facility the following must be found:

- (a) Changes the functional classification of an existing or planned transportation facility;
- (b) Changes standards implementing a functional classification system;
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

The County has an adopted Transportation System Plan (PCTSP) and a Functional Classification Map. Kings Valley Highway, the abutting street to the west, is designated as a Minor Arterial on the Functional Classification Map. Westview Drive and Oak Villa Road, which abut the subject property to the north and east respectively, are both designated local streets on the Functional Classification Map. Vehicular access to the subject property will be from Westview Drive and/or Oak Villa Road. The majority of traffic being generated from the site will ultimately be directed onto Kings Valley Highway from the initial access point(s). As a minor arterial, Kings Valley Highway is intended to carry higher traffic volumes and provide for relatively high overall travel speeds with minimum interference through movement.

The number of average daily trips that would be generated by the list of uses being proposed as part of the Limited Use Overlay Zone will not be significantly more than the number of average daily trips that would be generated by uses currently permitted in the EFU zone. For instance, farm related uses that involve the harvesting and/or processing of farm products would generate a significant number of average daily trips from product distribution and employees. The proposed uses of general, highway, heavy construction, and home construction contractors or special trade contractors would generate a similar number of average daily trips related to equipment movement and employees. The proposed uses are intended to be rural in nature and are limited to 10,000 square feet in size. As such, the proposed change will not adversely impact the functional classification of the surrounding transportation facilities.

Goal 13 Energy Conservation. The construction of any new buildings will meet the energy efficiency code requirements for new construction.

Goal 14 Urbanization. The subject property is not within the Dallas Urban Growth Boundary or the Dallas city limits. There is no planned extension of urban services to an area outside the UGB and the property will be zoned Rural Industrial, which is consistent with Goal 14.

Goals 15, 16, 17, 18 and 19 are all inapplicable. The subject property is not within the Willamette River Greenway, or in an estuary or beach area.

Staff Findings: The applicant has addressed all applicable Oregon Statewide Planning Goals. An exception to Oregon Statewide Planning Goal 3 is necessary to exclude the subject property from the Agriculture Comprehensive Plan designation. The applicant is proposing the Rural Industrial Zoning District and the Limited Use Overlay Zone (restricting the allowed uses to those uses identified in this review) to implement the proposed Industrial Comprehensive Plan Designation. The Polk County Zoning Ordinance implementing the Rural Industrial Zoning District has been acknowledged as being compliant with Oregon Administrative Rule (OAR) and Goal 14

requirements established by the Oregon Land Conservation and Development Commission in the year 2000 (OAR 660-004-0040). Therefore, an exception to Goal 14 is not required. The applicant has submitted findings regarding an exception to Statewide Planning Goals 3. The Oregon Statewide Planning Goal 3 exception is addressed in Section 2 of this staff report.

(3) Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land. [PCZO 115.050(A)(3)(c)]

Applicant Findings: The Urban Planning Area Agreement between Polk County and the City of Dallas does not extend this far uphill from the City. We know of no other agreement with a special district or other authority required, to coordinate planning activities in this vicinity.

Staff Findings: The subject property is located within the Agriculture Comprehensive Plan designation. The applicant is proposing to change the Comprehensive Plan designation to Industrial. Surrounding properties are designated Commercial and Agriculture in the Comprehensive Plan. The subject property is not located within an urban growth boundary or within an incorporated city. As a result, there is no Urban Growth Boundary agreement or other applicable intergovernmental agreement. This criterion is not applicable to the proposed amendment.

2. Findings for Statewide Planning Goal 3 Exception, file PA 05-02:

- (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 and why the use requires a location on resource land; [OAR 660-004-0020(2) (a)]**

Applicant Findings: The subject property is uniquely situated. It is contiguous to the existing Polk Station commercial Park, which is designated as Commercial and zoned Rural Commercial. The subject property is also adjacent to the Kings Valley Highway and Oak Villa Road, both of which are significant transportation corridors in Polk County, leading north and south from Highway 22 and the City of Dallas. The subject property is also located north of the City of Dallas and the LaCreole General Commercial Mixed Use Node; and south of the property lies residential parcels devoted to residential uses as part of Exception Area XV in the Polk County Comprehensive Plan exception inventory. Another important factor is that the applicant currently owns land within the Polk Station Commercial Park that currently serves as the head office for the interrelated contracting and equipment rental businesses. The applicant needs additional land to expand their current operation for both operational and safety concerns. There are important operational and economic reasons to site the proposed uses on land adjacent to the existing operation, as compared to siting the uses on property that is miles away from the head office.

The subject property is not currently in resource use. The 32.5 acre parcel is small and irregularly shaped. It is developed with a community waste disposal system for the Polk Station Commercial Park. It is physically separated from adjacent agricultural uses to the north by Polk Station Commercial Park; to the west by Kings Valley Highway; to the south by Exception Area XV and the Dallas UGB; and to the east by Oak Villa Road and small rural residential parcels.

The proposed exception would not remove land from agricultural production that is currently in production. Based on the size of the property, its irregular (triangle) shape, its location adjacent

to Kings Valley Highway (a major north-south transportation corridor), its location to the Dallas UGB, its location to the existing rural industrial uses to the north, and the physical separation from land in resource use, the subject property cannot be effectively managed for commercial agricultural uses.

(B) “Areas which do not require a new exception cannot reasonably accommodate the use”: [OAR 660-004-0020(2) (b)]

- (a) The exceptions 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; [OAR 660-004-0020(2) (b)(A)]**
- (b) 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: [OAR 660-004-0020(2) (b) (B)]**
 - (i) Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not? [OAR 660-004-0020(2) (b) (B) (i)]**
 - (ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by this applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not? [OAR 660-004-0020(2) (b) (B) (ii)]**
 - (iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not? [OAR 660-004-0020(2) (b) (B) (iii)]**
- (c) 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 assess only 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. [OAR 660-004-0020(2) (b) (C)]**

Applicant Findings: The area for the proposed exception is shown on maps included in Attachment A. In summary, there are no other possible alternative areas that could reasonably accommodate the proposed uses which would not require an exception.

The proposed use cannot be reasonably accommodated on non-resource land that would not require an exception. For example, there is existing rural commercial zoned land within the Polk Station Commercial Park, however, these parcels are already developed with other uses and are not otherwise available for sale/acquisition. If the applicant wanted to expand their operation onto one of these other parcels, they would need to redevelop those parcels, which would not be economically feasible. Further, the parcels within the Polk Station Commercial Park are very small and would not be sufficient enough in size to completely accommodate the applicant's proposed uses on the subject property. The applicant is currently using their existing property to the fullest extent, when factoring in safety considerations for both operation and storage uses. The whole reason the applicant is looking to expand their operation onto the subject property is that their existing property is not of sufficient size to handle the applicant's existing operation and storage needs on their property.

The proposed use cannot be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, either in rural centers, or on committed lands. For example, the closest rural center is the Rickreall Rural Community Center. There is no available land for general rural industrial use of the kind needed by the applicant. Even if there was, the Rickreall RCC is located more than two miles from the applicant's current location, which raises transportation, operation and logistical issues that are not present with the subject property. The added distance raises added costs in both transportation, operation inefficiencies, and in other intangible costs that makes such an option to not be a reasonable accommodation.

The proposed use cannot be reasonably accommodated inside an urban growth boundary. For example, there are existing general commercial zones within the City of Dallas that would not require an exception to Goal 3. These properties are primarily located along Kings Valley Highway, to the south of the subject property, and along Ellendale Avenue. The majority of these parcels are currently developed with industrial uses. The existing development on these parcels raises the issue that they are not available, or would require significant redevelopment to accommodate the proposed uses. In addition, these properties are not as close in location to the Polk Station Commercial Park as the subject property. The off site location poses different logistical, operational, and economic issues that would add to the overall cost of the applicant's operation. All of these issues are significant factors leading to the conclusion that these parcels cannot reasonably accommodate the proposed uses.

The proposed use cannot be reasonably accommodated on non-resource land that would not require an exception nor on resource land already irrevocably committed to non-resource uses, nor on land within the Dallas Urban Growth Boundary. The subject property is the best location to accommodate the proposed uses.

- (C) The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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 limited to, 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 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; [OAR 660-004-0020(2)(c)]

Applicant Findings: The long-term environmental, economic, social and energy consequences resulting from the proposed list of uses, as identified in Attachment F, will not be significantly more adverse than would typically result from the same proposal being located in another area of Polk County requiring a goal exception. The typical alternative site would consist of a small parcel located at the intersection of a state highway or a county arterial or collector. The subject parcel is better suited for a number of reasons.

The subject property has a significant history of supporting the Polk Station Commercial Park. This proposal allows for the logical extension of this rural industrial development onto an underutilized piece of property, and it allows for the additional mitigation of impacts through the bioswale and stormwater detention system for the stormwater migration from the Polk Station Commercial Park.

Any negative economic consequences would be reduced through the location of rural industrial development on the subject property. This stems from the fact that current rural industrial development is established on the adjoining land to the north. There is already landscaping, water, power, sewer disposal system, approved State access driveways, and other improvements in place on the subject property. On other similarly situated parcels this would not be the same situation, and the economic consequences for constructing these improvements on an alternative site would be more adverse than if located on the subject property.

The rural areas surrounding the community are already accustomed to the past rural industrial use and traffic pattern of the Polk Station Commercial Park. One positive aspect to retaining the rural industrial core at this property is that the social impact would be less than if it was placed in an area that was not accustomed to having rural industrial uses in the surrounding area. The building size limitations imposed by the Oregon Administrative Rules, coupled with the applicant's proposed building orientation and traffic patterns, will ensure adequate mitigation of any potential adverse impacts.

The energy consequences of locating a rural industrial development on the subject property and adjoining industrial and rural industrial properties would be less than if the proposed uses were located at another location in Polk County. The infrastructure for the rural industrial uses is already in place. Some elements will be modified, but others will remain the same. This would not be the case for an alternative site.

The consequences of the proposed use on the subject property are not significantly more adverse than would typically result from the same proposal being located in an area requiring a goal exception. The property adjacent to the north is currently within an exception area as a Commercial designation. The subject property is sandwiched between a State Highway and a

County Road that have been designated and improved to accommodate the development of rural industrial uses. Other properties in the County do not share similar elements with respect to location to current rural industrial development and current use of the property for a Community Waste Disposal System.

The list of proposed uses would allow for the development of construction and heavy equipment related uses, equipment storage, parking, warehousing, and shop and office space to support the rural industrial uses. These aforementioned uses would require a limited amount of employees, and limited deliveries of materials and products. Any proposed rural industrial development would be located at the rear (east) of the subject property consistent with the other rural industrial uses in Polk Station Commercial Park, plus the development would be designed to minimize potential conflicts with the small residential properties that abut Oak Villa Road through the use of vegetative buffers along Oak Villa Road, Kings Valley Highway, and the southern boundary of the subject property. The cumulative impacts analysis conducted for the area shows that none of the soils in the area would prohibit the establishment of new septic systems. The subject property currently has all necessary utilities and infrastructure available on-site to serve the proposed uses. The property is not adjacent to any significant riparian or floodplain areas. Transportation access is available from Kings Valley Highway, which is classified as a minor arterial in the Polk County Transportation Systems Plan.

The long-term impacts potentially associated with a rural industrial use are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

- (D) “The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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. [OAR 660-004-0020(2)(d)]**

Applicant Findings: The proposed list of rural industrial uses is compatible with other adjacent uses or can be so rendered through the application of appropriate conditions. Rural industrial development would be located to the eastern portion of the property, adjacent to Oak Villa Road, as indicated on the conceptual site plan. This would maintain current traffic flow along Kings Valley Highway, Westview Drive and Oak Villa Road. The subject property already contains significant trees and native landscaping. Security fencing may also be installed around any proposed equipment storage facility to protect the building and equipment.

In addition, proposed uses are subject to all specification and development standards of the underlying zone. These standards are intended to provide adequate setbacks, parking and loading, landscaping, and buffering. Application of these standards would be conducted through the required building permit process. The tentative conceptual site plan calls for two low scale small impact sized buildings 270’ – 450’ north of the southern property line, and 300’ – 450’ to the west of Oak Villa Road, separated by a 130’ vegetative buffer on Oak Villa road and the southern boundary and a 200’ plus vegetative buffer along the Kings Valley Highway.

Off-site noise impacts would be minimal. The list of proposed uses would allow the storage of equipment on site, and related office and repair services entirely within an enclosed building.

Additional conditions of approval regarding landscaping, screening and parking and loading areas may be expected. These types of conditions are designated to mitigate off-site noise, dust and visual impacts.

The site is gently rolling and development of the property should not result in drainage problems. The subject property would not be the only rural industrial development within the community. Rural industrial development adjacent to this property has coexisted with residential and resource uses in the community of North Dallas for many years. Based on the list of proposed uses for the property, off-site impacts to resource operations and residential uses would be minimal. The subject property would become the logical extension of an existing rural industrial development.

- (E) **“For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: [660-004-0022(1)]**
- (a) **There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either**
 - (b) **A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or**
 - (c) **The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.”**

Applicant Findings: The proposed uses have special features necessitating their location on the proposed exception site. The applicant is proposing to expand an existing rural industrial operation onto the exception site. As detailed above, locating the proposed uses off-site would create transportation, operation and logistical issues that are not present with the subject property. The added distance would increase costs in transportation, operation inefficiencies, and in other intangible costs that make such an option to not be a reasonable accommodation. The subject property is the best location to accommodate the proposed uses.

- (F) **Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts include, but are not limited to, the following: [OAR 660-040-0022(3)]**
- (1) **The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports; or**
 - (2) **The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or**
 - (3) **The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the**

county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages which support the decision.

Applicant Findings: As detailed above, there is a significant comparative advantage to locating the proposed uses adjacent to Polk Station Commercial Park, resulting in only a minimal loss of resource lands. The resource lands are not currently being used for commercial agriculture activities and the surrounding development pattern inhibits such future use. Additionally, the property is adequately served with public/private facilities for rural industrial development, like Kings Valley Highway and the community septic system. The advantages of having an expanded industrial development at this location outweigh the costs of removing a minimal amount of non-productive resource land from the inventory.

Staff findings: The applicant has adequately addressed all applicable criteria for an exception to Statewide Planning Goal 3.

3. Findings for Zone Change from EFU to R-IND/LU file ZC 05-03:

- (A) A zone change is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and a recommendation made by the Hearings Officer or the Planning Commission. Such change shall be an ordinance enacted by the Board of Commissioners after proceedings have been accomplished in accordance with the provisions of this chapter. [PCZO 111.140]**

Staff Findings: The authorizations for a zone change and a Comprehensive Plan Map and text amendment are under Polk County Zoning Ordinance (PCZO) Sections 111.275, and 115.050, subject to recommendation by the Hearings Officer after holding a public hearing pursuant to PCZO 111.190, and 115.030, and decision by the Polk County Board of Commissioners after holding a public hearing pursuant to PCZO 111.200, and 115.030. The Planning Department staff reviews the proposed zone change. Staff prepares a report and recommendation for the Hearings Officer and the Hearings Officer makes a recommendation to the Polk County Board of Commissioners for a final local decision. The application is following the proper review process and meets this criterion.

- (B) Pursuant to Section 111.160, a zone change may be approved, provided that the request satisfies all applicable requirements of this ordinance, and provided that with written findings, the applicant(s) clearly demonstrate compliance with the following criteria:**
- (1) The proposed zone is appropriate for the comprehensive plan land use designation on the property and is consistent with the purpose and policies for the applicable comprehensive plan land use classification; [PCZO 111.275 (A)]**

Applicant Findings: The proposed application of the Limited Use Overlay Zone is appropriate and will conform to the Comprehensive Plan text and map as amended. The applicant is requesting to amend the Comprehensive Plan Text to allow the following uses: Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway

Heavy Construction (SIC 15& 16). The list of uses is consistent with the purpose and policy for the applicable Comprehensive Plan classification as was previously discussed in the findings for the Goal Exception and the Comprehensive Plan Map Amendment for the subject property.

(2) The proposal conforms with the purpose statement of the proposed zone;
[PCZO 111.275 (B)]

Applicant Findings: The proposal will be consistent with the purpose statement of the proposed zone. The proposed zone will be Rural Industrial with the Limited Use Overlay zone. The purpose and intent of the Rural Industrial Zoning District is “to permit the continuation and expansion of existing uses in the district and to provide rural employment opportunities for new uses that are generally small-scale, low impact, or provide for the processing and manufacturing of timber and forest related products, farm crops and produce, minerals and aggregates, or the maintenance and repair of mechanical equipment related to farm or forest uses.” As noted previously, application of the R-IND zone on the subject property will allow for the logical expansion of an existing employment use in the Polk Station Commercial Park.

The purpose and intent for limited use overlay zones is to “limit permitted uses and activities in a specific location allowed in the underlying zone to only those uses which are justified in a required ‘reasons exception’ to one or more of the Statewide Planning Goals. The Limited Use Overlay District is intended to carry out the administrative rule requirement for reasons exceptions pursuant to OAR 660-14-018 and ORS 197.732.” The applicant’s request conforms with the purpose and intent statement of the limited use overlay zone. As identified earlier in this statement, the applicant’s request seeks to change the zoning on the property through the reasons exception, in order to add a small number of rural industrial uses to be used in conjunction with the applicant’s existing operation to the north in the Polk Station Commercial Park.

Staff Findings: The applicant concurrently filed an application for zone change, an application for a Comprehensive Plan amendment, and an exception to Statewide Planning Goal 3. The applicant is responsible for showing compliance with criteria for comprehensive plan changes and Goal exceptions in order for the zoning change to be approved.

The applicant proposes applying the Rural Industrial/Limited Use Overlay (R-IND/LU) Zoning District, if an approval of the proposed amendment to the Comprehensive Plan designation to Industrial is granted. The R-IND/LU Zoning District is designated as an implementing zone for the Industrial designation and would be appropriate for a Comprehensive Plan land use designation of Industrial

If approved the subject parcel would be designated Industrial in the Polk County Comprehensive Plan and Plan Map. The R-IND/LU Zoning District for the subject area would be consistent with an Industrial Comprehensive Plan designation.

The applicant is proposing the development of the property with three specific uses through the application of the R-IND and LU Overlay Zoning Districts; Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16). The uses normally allowed by the underlying zone (R-IND), as regulated under Polk County Zoning Ordinance (PCZO) Chapter 165, would not be allowed. Through the application of the LU Overlay Zone, as regulated under PCZO Chapter 184, the only uses allowed on the subject property would be restricted to those uses allowed through this exception. Specific development standards identified within PCZO Chapters 165 and 184 as well as Chapter 112 would apply to the development of the proposed uses.

Although no new parcels are proposed by the applicant, the proposed R-IND/LU zoning would allow the creation of new parcels that could meet the development standards of PCZO Section 112.410(E). Although these development standards, as applied for the proposed zoning, do not include a specific minimum parcel size, parcels must be of adequate size to provide for an approved on-site septic system, a potable water source, yard setbacks and parking.

Applicant finds that by limiting the number of uses through application of the Limited Use Overlay zone, the proposal are consistent with the

Staff finds that the proposed zone change could allow for the development of the proposed uses as a continuation and expansion of existing uses on the adjacent parcel to the north. The uses proposed, are identified in the PCZO as being rural in nature through the acknowledgment and compliance of the R-IND zone with Goal 14. These proposed “rural uses” are limited in scope and with a low intensity public draw. By limiting the number of uses through application of the Limited Use Overlay zone, the proposal conforms to the purpose statement of the R-IND and Limited Use Overlay zones.

The property owners intend to utilize water from on-site wells and the Rickreall community water system. A septic system and a drain field would be used for sewage disposal. There have been no identified effects on local schools as a result of the proposed change. Southwest Polk Rural Fire Protection District and the Polk County Sheriff Department provide emergency services for the subject property. The proposed uses and any future parcels created could obtain access to Oak Villa Road, a local road, as defined by the Polk County Transportation Systems Plan. Staff concludes that there are adequate public facilities, services, and transportation networks available at this time for water provision, sewer service and transportation facilities.

The subject property does not contain significant resource areas inventoried on the Polk County Significant Resource Areas Map. Staff review of the National Wetland Inventory Dallas quad map indicates there are no identified wetlands on the subject property. The applicant is not proposing development activity as part of this application. Prior to development on the subject parcel, local, state and federal permits may be required.

Approval of this request would be consistent with the purpose and intent of the R-IND/LU zone. As stated above, the property shall be designated Industrial in the Comprehensive Plan as is proposed as part of PA 05-02 and zoned Rural Industrial with Limited Use Overlay as part of ZC 05-03.

(C) The uses allowed in the proposed designation will not significantly adversely affect allowed uses on adjacent lands; [PCZO 111.275 (C)]

Applicant Findings: The list of proposed uses in the underlying zone will be limited through the application of the Limited Use Overlay Zone. The limited number of proposed rural industrial uses would not significantly adversely affect allowed uses on adjacent lands. The existing uses to the north of the subject property consist of rural industrial uses within the Polk Station Commercial Park, further to the north lies the Kings Valley Highway, further to the north of the Kings Valley Highway lies agricultural ground that is being used for grass seed and Highway 22; to the west of the subject property lies Kings Valley Highway; and to the south of the subject property lies rural residential land, as well as Exception Area XV, the Dallas UGB and city limits, and the LaCreole Commercial Mixed Use Node.

The proposed list of uses as described by the applicant would have limited off-site impacts. The applicant submitted a conceptual development plan showing how a proposed commercial facility could be located in the area south of the current commercial zoning, thereby, limiting any potential adverse impacts on the residential uses in the surrounding area. The noise from any maintenance use could be contained within a building and a minimal amount of traffic would be generated by any proposed storage facility. This proposal will not have any greater impact on adjoining residential and commercial uses than already exist from the current commercial uses in the area. In accordance with Oregon Administrative Rules and any proposed rural industrial building would be limited to 10,000 square feet. In addition, the applicant is proposing a “reasons” exception to Oregon statewide planning goals that will allow only those uses identified in the “reasons” exception.

Staff Findings: Properties in the vicinity of the property include commercial and industrial uses to the north, agriculture and rural residential to the south and agriculture to the west and east. The larger properties interspersed to the south, east and west have historically been used for agriculture, some of which contain single-family dwellings associated with the agriculture uses.

Limitations have been established in Oregon Statute, Administrative Rules and subsequently Polk County Zoning for the establishment of dwellings in agricultural areas due to potential impacts that residents and residences may have on agricultural practices and costs. The dwellings in the area are established on the EFU zoned properties to the south and east with additional residential development on AR-5 zoned parcels further to the south. The agricultural practices that occur on lands east and west of the subject property are separated from the subject property by the Oak Villa Road and Kings Valley Highway rights-of-way. There is an area of approximately 29-acres adjacent to the south property line of the subject property which is zoned EFU and which contains a dwelling. The existing dwelling on the subject property is located on the eastern portion of the property. The “conceptual” plot plan submitted by the applicant (Attachment B) includes a tree buffer along the southern property line that would shield proposed uses from the adjacent agricultural land and dwelling to the south. This vegetative buffer would serve to mitigate any adverse effects of the uses proposed. The creation of the vegetative buffer shall be required as a condition for approval of the zone change request.

The proposed zone change could be consistent with the surrounding land uses and pattern of development in the area. Staff finds that the proposed zone change and Comprehensive Plan amendment are appropriate when taking into account surrounding land uses. As a result, staff finds that the application could meet this criterion.

(D) Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property; [PCZO 111.275 (D)]

Applicant Findings: Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with development of the property.

The subject property abuts Kings Valley Highway on the west, Westview Drive on the north, and Oak Villa Road on the east. The subject property has water for domestic water use through an on-site well. There is telephone service to the property and electricity is available. In addition, there is an established waste water disposal system on site that will accommodate the proposed uses. The applicant’s conceptual site plan also calls for an onsite storm water detention facility and bioswale to handle storm water from the subject property and the applicant’s adjoining property in the Polk Station Commercial Park. All facilities are currently available or will be available and

can be established to support the proposed list of rural industrial uses.

Staff Findings: The applicant is proposing the following specific uses: Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16). The proposed Rural Lands Comprehensive Plan designation would be implemented by the Rural Industrial (R-IND) and Limited Use (LU) Overlay Zoning Districts. The R-IND/LU zoning would allow the proposed uses that would require water and on-site sewer (septic tank and drainfield) services. The property owners intend to use water from on-site wells or to connect to the Rickreall Community water system. There have been no identified effects on local schools as a result of the proposed change. Southwest Polk Rural Fire Protection District and the Polk County Sheriff Department provide emergency services at the subject property. Oak Villa Road adjoins the subject property along the eastern property boundary. The property is improved with a manufactured home and associated septic system, a domestic well, power, telephone and contains a 56,000 square foot community septic drainfield which serves the adjacent Polk Station Commercial Park.

Staff concludes that there are adequate public facilities, services, and transportation networks available at this time for water provision, sewer service and transportation facilities. Approval of this proposed zone change and Comprehensive Plan amendment would not authorize the applicant to establish a use that would exceed transportation, water and/or sewer services until such services are planned or available. The application would meet this criterion.

(E) The proposed change is appropriate taking into consideration the following:

- (a) Surrounding land uses,**
- (b) The density and pattern of development in the area,**
- (c) Any changes which may have occurred in the vicinity to support the proposed amendment. [PCZO 111.275 (E) (1-3)]**

Applicant Findings: As described previously, the surrounding land uses generally consist of rural industrial uses (Polk Station Commercial Park) to the north, to the west are small to medium sized parcels with residential and farm uses occurring on them. To the east are a mix of small residential and farm parcels with mixed uses occurring on them. The larger agricultural lands lie more to the northwest and northeast of the subject property. To the south lies several small rural residential parcels, the Dallas Urban Growth Boundary, the Dallas City Limits and the LaCreole General Commercial Mixed Node.

The proposed Rural Industrial zoning would allow for the logical extension of existing uses located in the Polk Station Commercial Park. The density and pattern of development in the area is mixed. Properties zoned Rural Commercial in the area are well developed and have businesses that use most of the property they are located on. Surrounding rural residential uses are separated from the existing property by an established vegetative buffer.

Changes that have occurred in the vicinity to support the proposed change include increased transportation on Kings Valley Highway, and Oak Villa Road; increased (infill) development within the Polk Station Commercial Park, especially on the adjoining property owned by the applicant; and the overall growth in the mid-valley economy, which is reflective of numerous industrial, commercial and residential projects occurring in the Dallas area. While these are subtle changes, they are ones that support the proposed amendment.

The proposed change is that to allow limited rural industrial uses to be developed on the subject

property is appropriate, taking into consideration the surrounding land uses, the density and pattern of development in the area, and the changes which have and are continuing to occur in the immediate vicinity.

Staff Findings: The subject property is located in an area impacted by existing commercial and industrial uses to the north and separated from agricultural lands on the east and west by road rights-of-way. The vegetative buffer proposed by the property owner would serve to mitigate conflicts with agricultural land to the south. The proposed zone change would be consistent with the surrounding land uses and pattern of development in the area. Staff finds that the proposed zone change and Comprehensive Plan amendment are appropriate when taking into account surrounding land uses and changes that have been occurring in the area as described above.

- (F) The proposal complies with any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land; and [PCZO 111.275 (F)]**

Applicant Findings: The proposed project is not within an Urban Growth Boundary. Thus, this criterion is not applicable to this request.

Staff Findings: The subject property is not located within an Urban Growth Boundary. This criterion is therefore inapplicable to this request.

- (G) The proposal complies with Oregon Revised Statutes, all applicable statewide planning goals and associated administrative rules. 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. [PCZO 111.275 (G)]**

Applicant Findings: The proposed change complies with the Oregon Revised Statutes, the statewide planning goals, and administrative rules for a reasons exception to Goal 3 to allow the limited rural industrial uses.

Staff Findings: An exception to Oregon Statewide Planning Goal 3 is necessary to exclude the subject property from the Exclusive Farm Use Comprehensive Plan designation as resource lands. Oregon Administrative Rules and the Oregon Statewide Planning Goal 3 exception is addressed in Section II, Number 2 of this staff report.

- H) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph. [OAR 660-004-0028(7)]**

Staff Findings: The applicant has adequately identified the subject property. Air photographs are available and have been included in the record for the proceedings (Attachment D).

- I) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:**
- a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and**

- b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations. [OAR 660-004-0028(8)]**

Staff Findings: The record for the application includes an aerial photograph. Polk County is a jurisdiction with an acknowledged comprehensive plan and land use regulation.

[As amended by Ordinance 07-02]

DATE: August 24, 2005

SUBJECT: PA 04-02 / ZC 04-02

PROPERTY LOCATION: The subject property is located at 1306 and 1312 37th Avenue NW, Salem, Oregon (Assessment Map T7S, R3W, Section 19, Tax Lots 204 and 209).

REQUEST: The applicant is proposing to change the Zoning Designation from Acreage Residential 5-acre minimum (AR-5) and to Suburban Residential (a two-acre minimum parcel size) in conjunction with a Comprehensive Plan amendment as a Statewide Planning Goal 14 (Urbanization) Exception on approximately 20.62-acres. The applicants plot plan is identified as Attachment A. The application and proposed findings are provided as Attachments B, and C.

CRITERIA:

3) Findings for Statewide Planning Goal 14 Exception, file PA 04-02:

Application of Goal 14 (Urbanization) to Rural Residential Areas [OAR 660-004-0040]

- (1) The purpose of this rule is to specify how Statewide Planning Goal 14, Urbanization, applies to rural lands in acknowledged exception areas planned for residential uses.**
- (2)(a) This rule applies to lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Statewide Planning Goal 3, (Agricultural Lands), Goal 4 (Forest Lands), or both has been taken. Such lands are referred to in this rule as rural residential areas. [OAR 660-004-0040(1 and 2a)]**

Finding: The subject property is located outside an urban growth boundary. An exception was taken to Goal 3 for the subject property and acknowledged during the most recent Periodic Review.

- (b) Sections (1) to (8) of this rule do not apply to the creation of a lot or parcel, or to the development or use of one single-family home on such lot or parcel, where the application for partition or subdivision was filed with the local government and deemed to be complete in accordance with ORS 215.427(3) before the effective date of Sections (1) to (8) of this rule.**
- (c) This rule does not apply to types of land listed in (A) through (H) of this subsection:**
 - (A) land inside an acknowledged urban growth boundary;**
 - (B) land inside an acknowledged unincorporated community boundary established pursuant to OAR Chapter 660, Division 022;**
 - (C) land in an acknowledged urban reserve area established pursuant to OAR Chapter 660, Division 021;**
 - (D) land in an acknowledged destination resort established pursuant to applicable land use statutes and goals;**
 - (E) resource land, as defined in OAR 660-004-0005(2);**
 - (F) nonresource land, as defined in OAR 660-004-0005(3);**
 - (G) marginal land, as defined in ORS 197.247, 1991 Edition;**
 - (H) land planned and zoned primarily for rural industrial, commercial, or public use. [OAR 660-004-0040(2b)]**

Findings: The subject property is not located outside but adjacent to the Salem Urban Growth Boundary. The subject property is not within an unincorporated community. The nearest unincorporated community is Eola (approximately one mile to the south), which has been acknowledged for compliance with the unincorporated community planning rule (OAR 660-022). There are no urban reserve areas, destination resorts, nonresource land, or marginal land areas designated within Polk County. The property is not on resource land as a result of the Goal 3 exception that was taken during the last acknowledgement proceeding. The property is currently zoned for residential uses and not zoned primarily for rural industrial, commercial, or public use.

(3)(a) This rule shall take effect on the effective date of an amendment to Goal 14 to provide for development of all lawfully created lots and parcels created in rural residential areas prior to the effective date of the amendment to Goal 14.

(b) Some rural residential areas have been reviewed for compliance with Goal 14 and acknowledged to comply with that goal by the department or commission in a periodic review, acknowledgment, or post-acknowledgment plan amendment proceeding that occurred after the Oregon Supreme Court's 1986 ruling in 1000 Friends of Oregon v. LCDC, 301 Or 447 (Curry County), and before the effective date of this rule. Nothing in this rule shall be construed to require a local government to amend its acknowledged comprehensive plan or land use regulations for those rural residential areas already acknowledged to comply with Goal 14 in such a proceeding. However, if such a local government later amends its plan's provisions or land use regulations that apply to any rural residential area, it shall do so in accordance with this rule. [OAR 660-004-0040(3)]

Findings: The Oregon Administrative Rule (OAR) took effect on October 4, 2000. The application was received at the Polk County Community Development Department on May 27, 2004. Subsection (a) above requires application of the Goal 14 provisions to new applications after the adoption of the OAR. Subsection (b) further stipulates that currently acknowledged rural residential areas may continue at the current density of development already acknowledged to comply with Goal 14, but subsequent amendments must be completed consistent with the provisions of this rule.

(4) The rural residential areas described in Subsection (2)(a) of this rule are rural lands. Division and development of such lands are subject to Statewide Planning Goal 14, Urbanization, which prohibits urban use of rural lands. [OAR 660-004-0040(4)]

Findings: The subject property is located outside an urban growth boundary. An exception was taken to Goal 3 for the subject property, as specified in Ordinance Number 87-1 and acknowledged through the Periodic Review process.

(5)(a) A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(c) For purposes of this section, "rural residential zone currently in effect" means a zone applied to a rural residential area, in effect on the effective date of this rule, and acknowledged to comply with the statewide planning goals. [OAR 660-004-0040(5)]

Findings: The subject property has been zoned AR-5 since 1987. Reduction of the minimum lot size below the currently acknowledged size requires an Exception to Statewide Planning Goal 14.

- (6) After the effective date of this rule, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR 660, Division 014. [OAR 660-004-0040(6)]**

Findings: The proposal includes an Exception to Statewide Planning Goal 14.

- (7)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.**
- (b) Each local government must specify a minimum area for any new lot or parcel that is to be created in a rural residential area. For the purposes of this rule, that minimum area shall be referred to as the minimum lot size.**
- (c) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed that minimum lot size which is already in effect.**
- (d) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.**
- (e) A local government may authorize a planned unit development (PUD), specify the size of lots or parcels by averaging density across a parent parcel, or allow clustering of new dwellings in a rural residential area only if all conditions set forth in paragraphs (7)(e)(A) through (7)(e)(H) are met:**
- (A) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10.**
- (B) The number of new lots or parcels to be created does not exceed 10.**
- (C) None of the new lots or parcels will be smaller than two acres.**
- (D) The development is not to be served by a new community sewer system.**
- (E) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.**
- (F) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the local government's land use regulations on the effective date of this rule as the minimum lot size for the area.**
- (G) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there.**
- (H) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records. The**

deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.

- (f) Except as provided in subsection (e) of this section, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle.
- (g) In rural residential areas, the establishment of a new mobile home park or manufactured dwelling park as defined in ORS 446.003(32) shall be considered an urban use if the density of manufactured dwellings in the park exceeds the density for residential development set by this rule's requirements for minimum lot and parcel sizes. Such a park may be established only if an exception to Goal 14 is taken.
- (h) A local government may allow the creation of a new parcel or parcels smaller than a minimum lot size required under subsections (a) through (d) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (D) of this subsection exist:
 - (A) The parcel to be divided has two or more permanent habitable dwellings on it;
 - (B) The permanent habitable dwellings on the parcel to be divided were established there before the effective date of this rule;
 - (C) Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it; and
 - (D) The partition would not create any vacant parcels on which a new dwelling could be established.
 - (E) For purposes of this rule, "habitable dwelling" means a dwelling that meets the criteria set forth in ORS 215.283(t)(A)-(t)(D).
- (i) For rural residential areas designated after the effective date of this rule, the affected county shall either:
 - (A) Require that any new lot or parcel have an area of at least ten acres, or
 - (B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the requirements for an exception to Goal 14 in OAR 660, Division 014. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas." [OAR 660-004-0040(7)]

Findings: The proposal would allow the creation of new lots that could be as small as two acres. The proposal does not include a planned unit development. This application does not include specific requests for the establishment of multiple dwellings on a single parcel or the establishment of a manufactured dwelling park. The subject property consists of two separate parcels that each has one dwelling. There are no parcels that qualify for a reduction in the minimum size pursuant to OAR 660-004-0040(7)(h). While this is not authorizing a new exception area designated after effective date of the OAR, the procedures of OAR 660, Division 014 would apply.

- (8)(a) Notwithstanding the provisions of Section 7 of this rule, divisions of rural residential land within one mile of an urban growth boundary for any city or urban area listed in paragraphs (A) through (E) of this subsection shall be subject to the provisions of subsections (8)(b) and (8)(c).**
- (A) Ashland;**
 - (B) Central Point;**
 - (C) Medford;**
 - (D) Newberg;**
 - (E) Sandy.**
- (b) If a city or urban area listed in Subsection (8)(a):**
- (A) has an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021; or**
 - (B) is part of a regional growth plan that contains at least a twenty-year regional reserve of land beyond the land contained within the collective urban growth boundaries of the participating cities, and that has been acknowledged through the process prescribed for Regional Problem Solving in ORS 197.652 through 197.658; then any division of rural residential land in that reserve area shall be done in accordance with the acknowledged urban reserve ordinance or acknowledged regional growth plan.**
- (c) Notwithstanding the provisions of Section 7 of this rule, if any part of a lot or parcel to be divided is less than one mile from an urban growth boundary for a city or urban area listed in Subsection (8)(a), and if that city or urban area does not have an urban reserve area acknowledged to comply with OAR 660, Division 021, or is not part of an acknowledged regional growth plan as described in Subsection (b), Paragraph (B), of this section, the minimum area of any new lot or parcel there shall be ten acres.**
- (d) Notwithstanding the provisions of Section 7, if the Portland metropolitan service district has an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021, any division of rural residential land in that reserve area shall be done in accordance with the acknowledged urban reserve ordinance.**
- (e) Notwithstanding the provisions of Section 7, if any part of a lot or parcel to be divided is less than one mile from the urban growth boundary for the Portland metropolitan area and is in a rural residential area, and if the Portland metropolitan area does not have an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021, the minimum area of any new lot or parcel there shall be twenty acres. If the lot or parcel to be divided also lies within the area governed by the Columbia River Gorge National Scenic Area Act, the division shall be done in accordance with the provisions of that act.**
- (f) Notwithstanding the provisions of Section 7 and Subsection (8)(e), a local government may establish minimum area requirements smaller than twenty acres for some of the lands described in Subsection (8)(e). The selection of those lands and the minimum established for them shall be based on an analysis of the likelihood that such lands will urbanize, of their current parcel and lot sizes, and of the**

capacity of local governments to serve such lands efficiently with urban services at the densities set forth in the Metro 2040 plan. In no case shall the minimum area requirement set for such lands be smaller than 10 acres.

- (g) A local government may allow the creation of a new parcel, or parcels, smaller than a minimum lot size required under subsections (a) through (f) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (E) of this subsection exist:
- (A) The parcel to be divided has two or more permanent, habitable dwellings on it;
 - (B) The permanent, habitable dwellings on the parcel to be divided were established there before the effective date of OAR 660-004-0040;
 - (C) Each new parcel created by the partition would have at least one of those permanent, habitable dwellings on it;
 - (D) The partition would not create any vacant parcels on which new dwellings could be established; and
 - (E) The resulting parcels shall be sized to promote efficient future urban development by ensuring that one of the parcels is the minimum size necessary to accommodate the residential use of the parcel.
 - (F) For purposes of this rule, habitable dwelling means a dwelling that meets the criteria set forth in ORS 215.283(1)(t)(A) - (D). [OAR 660-004-0040(8)]

Findings: The subject properties are located more than one mile from all of the listed cities in subsection (8)(a) above. The subject properties are not within an urban reserve area or part of a regional growth plan. The subject properties are located more than one mile from the Portland metropolitan area. The subject property consists of two separate parcels that each has one dwelling.

- (9) **The development, placement, or use of one single-family dwelling on a lot or parcel lawfully created in an acknowledged rural residential area is allowed under this rule and Goal 14, subject to all other applicable laws.** [OAR 660-004-0040(9)]

Findings: The applicant proposes the zone change in an effort to allow the creation of nine additional lots with a desire to establish a dwelling on each new lot.

Rural Lands Irrevocably Committed to Urban Levels of Development [(OAR 660-014-0030)]

The criteria below outline the method defined in Oregon Administrative Rule (OAR) for determining that a use proposed for a rural area would not be an urban use. The structure of the OAR requires conclusions that would typically be considered “backward” for this type of proceeding because the applicant is actually showing how the proposal would not result in the proposal resulting in urban uses being established in a rural area.

- (1) **A conclusion, supported by reasons and facts, that rural land is irrevocably committed to urban levels of development can satisfy the Goal 2 exceptions standard (e.g., that it is not appropriate to apply Goals 14's requirement prohibiting the establishment of urban uses on rural lands). If a conclusion that land is irrevocably committed to urban levels of development is supported, the four factors in Goal 2 and OAR 660-004-0020(2) need not be addressed.**

Findings: The applicant did not specifically address this criterion. The proposal does not provide for the property being connected to City of Salem Water services or City of Salem sewer services. Each proposed property would have an on-site wastewater (sewage disposal) system and private well. The applicant contends that the proposal would not commit the property to urban levels of development, requiring findings of support addressing OAR 660-004-0020(2).

- (2) A decision that land has been built upon at urban densities or irrevocably committed to an urban level of development depends on the situation at the specific site. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact.**

Findings: The applicant did not specifically address this criterion. A map has been provided that identifies the subject properties. The current level of development does not include urban services for sewer. The proposed development density would not include urban services for sewer. The property is located outside the City of Salem Urban Growth Boundary and would not be allowed to connect to urban services due to limitations in law prohibiting extension of urban services outside an urban growth boundary. Therefore, the subject properties are not currently committed to urban uses and would not be committed to urban uses by increasing the density from a minimum lot size of 5.00-acres to 2.00-acres.

- (3) A decision that land is committed to urban levels of development shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:**
- (a) Size and extent of commercial and industrial uses;**
 - (b) Location, number and density of residential dwellings;**
 - (c) Location of urban levels of facilities and services; including at least public water and sewer facilities; and**
 - (d) Parcel sizes and ownership patterns.**

Findings: The applicant did not specifically address this criterion. There are no proposed commercial or industrial uses included with this proposal. The proposed development would provide for self-contained development having on-site wastewater disposal (sewage system) and wells for water service on 2.00-acres lots that would serve a single-family dwelling on each lot. Urban water and sewer services are nearby in the Chatnicka Subdivision to the east of the subject property, approximately 100 feet from the subject property. However, due to the subject property being located outside the City of Salem Urban Growth Boundary, the extension of the sewer services is prohibited under OAR 660-011-0060, except for specific reasons, such as health hazard areas resulting from failed wastewater disposal systems.

- (4) A conclusion that rural land is irrevocably committed to urban development shall be based on all of the factors listed in section (3) of this rule. The conclusion shall be supported by a statement of reasons explaining why the facts found support the conclusion that the land in question is committed to urban uses and urban level development rather than a rural level of development.**

Findings: The applicant did not specifically address this criterion. The proposed change in density from 5.00-acres to 2.00-acres would continue similar types of uses, based on the existing uses allowed in the Acreage Residential 5.00-acre minimum zoning district and the proposed Suburban Residential zoning district. The same types of public facilities and services would be

required for roads, water, sewage disposal, emergency services, and schools whether the property is within a 5.00-acres zone or a 2.00-acre zone. Therefore, the property would not be committed to urban levels of development if the proposed density increase were allowed.

- (5) More detailed findings and reasons must be provided to demonstrate that land is committed to urban development than would be required if the land is currently built upon at urban densities.**

Findings: The applicant did not specifically address this criterion.

DATE: April 9, 2002

SUBJECT: Plan Amendment 01-01

PROPERTY LOCATION: South of Orrs Corner Road, west of an extension of SE Fir Villa Road, and north of Clow Corner Road east of Virginia Drive (Area A is located on Assessment Map T7S, R5W, Section 34DB, Tax Lots 1600, 1700, 1800, and T7S, R5W, Section 34D, Tax Lot 2200; Area B is located on Assessment Map T8S, R5W, Section 3, Tax Lots 700, and 800).

REQUEST: As a part of the City of Dallas Periodic Review Work Program Task Number 6, the City of Dallas requested the Polk County Board of Commissioners to initiate a Comprehensive Plan amendment to include approximately 79 acres of land in the City of Dallas Urban Growth Boundary. The proposal includes an exception to Oregon Statewide Planning Goals 3 and 4 to remove the subject 79 acres from Farm Forest and Agriculture Comprehensive Plan designations and apply the urban reserve Comprehensive Plan designation. The existing Farm Forest and Exclusive Farm Use Zoning Districts would remain on the subject properties.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, Oregon Administrative Rule (OAR) 660-04-020(2) requires four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c) be considered. In addition, for the expansion of an Urban Growth Boundary, Oregon Revised Statute 197.298 sets priorities for inclusion of land within Urban Growth Boundaries (UGB).

1) ORS 197.298:

- (A) 197.298 Priority of land to be included within urban growth boundary. [ORS 197.298]**

Findings: Oregon Revised Statute 197.298 sets priorities for inclusion of land within Urban Growth Boundaries (UGB). The applicant stated that the 1998-1999 Dallas Periodic Review analysis examined whether there are suitable parcels within the existing UGB that could reasonably meet identified industrial land needs and considered whether land designated for a non-industrial use could be rezoned to meet identified industrial land needs. The City concluded that there is still an unmet industrial land need for at least 56 buildable acres and a need for three industrial parcels of 20 buildable acres each. As part of the Periodic Review work program, the City of Dallas analyzed alternative sites within the existing UGB for potential re-designation to Industrial. Only parcels designated as Single-Family Residential were considered. According to the applicant, parcels zoned for commercial or multiple family use were not considered for re-designation to Industrial, because there is no excess land in those designations.

Eight Single Family Residential parcels of 10 acres or more were identified within the UGB. However, none of these parcels met all of the locational criteria identified in the research methodology used (complete findings and research methodology prepared by the City of Dallas can be found on pages 4-9, City of Dallas UGB Expansion Application). According to the applicant, the 1998 Dallas Comprehensive Plan established the following industrial siting criteria:

- (1) 20-acres or more of buildable land;
- (2) Adjacent to an industrial sanctuary to minimize conflicts with residential areas;
- (3) Served by an existing or planned arterial or major collector street, that minimizes truck traffic through residential neighborhoods;

- (4) Gentle terrain (no more than five percent slope);
- (5) Availability of water and sewer services, and with access to fire and police protection.

The applicant stated that the above Dallas Comprehensive Plan criteria were expanded during the 1998-99 Periodic Review work program to include the following additional industrial siting criteria:

- (1) Located outside designate Mixed Use Nodes;
- (2) Located so as to avoid truck travel through the Central Business District or through residential areas (except where a truck route is designated);
- (3) Not zoned for a use that has insufficient designated land (i.e., commercial or multiple family); and
- (4) Not in public ownership.

Dallas considered the priorities established by ORS 215.298 in establishing the locational siting criteria as part of the 1998-1999 Periodic Review grant work. However, pursuant to ORS 197.298(3) and Goal 14 Factors 3 and 4, these priorities must be balanced against land building suitability, efficiency of use and serviceability. The specific siting needs for industrial land uses cannot be met within the existing Dallas UGB. The City of Dallas considered re-designating surplus residential land inside the UGB but found that these sites were inappropriate for industrial development. As a result, an UGB expansion is needed to meet the need for at least 56 acres of vacant buildable industrial land and three 20-acre sites that meet the siting criteria adopted in the Dallas Comprehensive Plan.

(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

- (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan. [ORS 197.298 (1)(a)]**

Findings: For purposes of ORS section 195.145, "urban reserve area" means lands outside an urban growth boundary that will provide for: (a) Future expansion over a long-term period; and (b) The cost-effective provision of public facilities and service within the area when the lands are included within the urban growth boundary.

Dallas has no lands designated "urban reserve area", therefore this criterion does not apply.

Urban reserve area as used in ORS 195.145 is not to be confused with the Polk County Urban Reserve Comprehensive Plan designation that applies to lands lying within urban growth boundaries but outside of city limits.

- (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710. [ORS 197.298 (1)(b)]**

Findings: According to the applicant, a parcel-by-parcel search of the Dallas GIS database found no parcels within exception areas adjacent to the UGB that meet the industrial siting criteria. The applicant stated that, generally, exceptions areas adjacent to the UGB are steeply sloped, comprised of small parcels, developed for rural residential uses, and would force truck traffic through residential areas and the congested downtown.

- (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition). [ORS 197.298 (1)(c)]**

Findings: Polk County is not a “marginal lands” county and has no lands designated as “marginal lands”; therefore, this criterion does not apply.

- (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. [ORS 197.298 (1)(d)]**

Findings: As noted above, the priorities of ORS 197.298(1) are satisfied because there are no designated urban reserve lands, acknowledged exception or nonresource areas adjacent to the UGB, or designated marginal lands. Therefore, agricultural and/or forestland must be included in the UGB to meet demonstrated needs for industrial land.

- (2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use. [ORS 197.298 (2)]**
- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:**
- (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands; [ORS 197.298 (3)(a)]**
 - (b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or [ORS 197.298 (3)(b)]**
 - (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands. [1995 c.547 s.5; 1999 s.59 s.56] [ORS 197.298 (3)(c)]**

Findings: The 1998 Dallas Comprehensive Plan Map #6 (City of Dallas UGB Expansion Application, Appendix) shows the vacant and underutilized/redevelopable parcels contained within the current UGB. Attachment D (City of Dallas UGB Expansion Application) Table 2.11 summarizes buildable parcel size and ownership information for vacant industrial sites within the current Dallas UGB. According to the applicant, three companies own approximately 67 percent of all vacant industrial land within the current UGB. There are five vacant industrial parcels within the UGB larger than five acres and they are all owned by Praegitzer industries. Praegitzer alone owns approximately 61 percent of the total vacant industrial land. Willamette Industries owns approximately 6.7-acres and Towmotor Corporation owns another 4.5-acres. Given the Parcel size, ownership patterns of buildable industrial land available inside the current Dallas

UGB, the City of Dallas has determined that there is a need for four 20-acre industrial sites under separate ownership to allow for long-term choice in the market place. The applicant stated that the 1998-99 Periodic Review analysis examined whether there are suitable parcels within the existing UGB that could reasonably meet identified industrial land needs and considered whether land designated for a non-industrial use could be rezoned to meet identified industrial land needs.

The applicant identified one parcel within the UGB designated for industrial use that met their determined industrial siting criteria. One of the Praegitzer Industries parcels is 34.8-acres (this represents 20% of the total vacant buildable industrial land inside the UGB). The applicant stated that there was still an unmet industrial land need for at least 56 buildable acres and a need for three industrial parcels of 20 buildable acres each.

According to the applicant, the City of Dallas analyzed alternative sites within the existing UGB for potential re-designation to Industrial as part of the Periodic Review work program. Only parcels designated as Single-Family Residential were considered. The applicant stated that parcels zoned for commercial or multiple family use were not considered for re-designation to Industrial, because there is no excess land in those designations.

The methodology used by the City of Dallas to analyze potential parcels (see City of Dallas UGB Expansion Application, pages 4-9, 28-30, and 36-37 for methodology and associated appendix for the actual spreadsheets and maps that Dallas GIS staff used in the analysis) identified eight Single-Family Residential parcels of 10-acres or more within the UGB. However, none of the identified parcels met all of the locational criteria and most failed to meet most of the criteria. As a result, the specific siting needs for industrial land uses cannot be met within the existing UGB. Therefore, a UGB expansion was proposed to meet the need for at least 56-acres of vacant buildable industrial land and three 20-acre sites that meet the siting criteria adopted in the Dallas Comprehensive Plan.

Because there were no suitable sites identified within the UGB or within exception areas adjacent to the UGB, Dallas considered designated agricultural land. According to the applicant, there are no designated forestlands adjacent to the UGB that meets the City's industrial siting criteria (designated forestlands are too steeply sloped for industrial uses).

According to the applicant, potential parcels were identified to the south and southeast of the existing UGB that met all of the industrial siting criteria except the gentle terrain criterion. Four of the identified parcels had slopes of 15% or greater, the threshold is 5% maximum slopes, and were eliminated from further consideration. The remaining candidate parcels about industrial land at the southeast corner of the UGB in two areas (Areas A and B on Attachment A).

Area A

Area A (47.13-acres) is northwest of the planned SE Fir Villa Road extension, roughly split in half by a railroad line. Other characteristics include:

- The northern portion of the site (19.88 acres, north of the railroad) is zoned Farm-Forest and the southern portion (20.33-acres, south of the railroad) is zoned Exclusive Farm Use.
- The area has three parcels under two ownerships.
- The area has no stream corridor, no associated wetlands, nor floodplain area.
- The area is comprised primarily of Class II agricultural soils; relatively high soil class results from the fact that the soil is well drained.

- There is no existing development in the area.
- The site is located immediately south of the intersection of SE Fir Villa Road and SE Miller Avenue, both of which are designated truck routes.
- The 1998 Dallas Comprehensive Plan Maps show a planned extension of SE Fir Villa Road (6.02-acres) connecting through this property to Clow Corner Road, a major east-west truck route to the south.
- Development of this site would facilitate extension of SE Fir Villa Road to the south, to connect with Clow Corner Road, a primary truck route.

The applicant stated that, for the above reasons, the northwestern section of Area A (as defined by the proposed SE Fir Villa Road extension) is proposed for inclusion in the Dallas UGB. Area A would comprise 40.21 buildable acres that are suitable for industrial development. This area is split by a railroad that provides a logical location to divide the area into two large areas that would satisfy the need for two of three 20-acre industrial sites.

Area B

Area B includes two long, narrow parcels comprising approximately 31.35-acres.

- The parcels are zoned Exclusive Farm Use.
- This area is in two separate ownerships and is traversed by Ash Creek, with associated wetlands and large floodplain area (approximately 7.40-acres is within the 100-year floodplain).
- Each of the two parcels has a dwelling.
- These parcels are comprised primarily of Class III and IV agricultural soils; the relatively low soil class results from the fact that they are poorly drained soils.
- The 1998 Dallas Comprehensive Plan Map shows a planned extension of SE Fir Villa Road connecting through these properties to Clow Corner Road, a major east-west truck route to the south. The right-of-way would be approximately 3.03-acres.

The applicant stated that, for the above reasons, Area B is suitable for industrial development and should be included within the UGB; the two parcels could meet the need for the third 20-acre industrial site.

Adding both areas to the Dallas UGB will bring in approximately 79 total acres (of which 62-acres are buildable) to meet the general need for industrial land, and the specific need for three large industrial sites. Bringing in land at the southeastern corner of the UGB would also facilitate the planned extension of SE Fir Villa Road south from Miller Street to Clow Corner Road, all three of which are designated truck routes, which help reroute truck traffic around downtown.

2) Goal Exception

(A) Application of the Goal 2 Exception Process to Certain Goals

- (1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land. These statewide goals include but are not limited to: [OAR 660-04-10(1)]**

- (a) **Goal 14 "Urbanization" except as provided for in paragraphs (1)(c)(A) and (B) of this rule, and OAR 660-014-0000 through 660-014-0040: [OAR 660-04-10(1)(c)]**

1. When a local government changes an established urban growth boundary it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning," Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met: [OAR 660-04-10(1)(c)(B)]

- (i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14.);**
- (ii) Areas which do not require a new exception cannot reasonably accommodate the use;**
- (iii) The long-term environmental, economic, social and energy consequences resulting from the use at 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; and**
- (iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. [OAR 660-04-10(1)(c)(B)(i-iv)]**

Findings: The applicant is proposing to amend the established City of Dallas Urban Growth Boundary. The applicant proposes to satisfy the "reasons" why the state policy embodied in the applicable goals should not apply by satisfying the seven factors of Oregon Statewide Planning Goal 14. The exception findings are addressed below.

(B) Goal 2 Exception Requirements

Findings: When taking an exception to a Goal, the four factors in Goal 2 Part II(c) are required to be addressed. Goal 2 Part II(c) findings are addressed below (complete findings as prepared by the applicant can be found in City of Dallas UGB Expansion Application, pages 34-48). Pursuant to OAR 660-04-20(3), an exception that involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map or their location otherwise described, and keyed to appropriate findings. The proposed Goal Exception involves two areas that share the same reasons and circumstances. The subject Areas A and B are identified on the site plan map affixed to this staff report as Attachment A.

- (1) 660-04-020(4)(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; [OAR 660-04-20(2)(a)]

Findings: Pursuant to OAR 660-04-10(1)(c)(B)(i) this factor can be satisfied by compliance with the seven factors of Oregon Statewide Planning Goal 14. These seven factors are addressed below.

(a) **Urban Growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:**

- 1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;**
- 2. Need for housing, employment opportunities, and livability;**

Findings: The findings in the Goal 9 section of City of Dallas UGB Expansion Application, pages 16-30, summarize the employment projections and land needs analysis from chapter 2 (Sustainable Economic Growth) of Volume II (Background Documents) of the 1998 Dallas Comprehensive Plan. According to the applicant, the 1998 Dallas Comprehensive Plan Commercial and Industrial Land Needs Projection estimated that Dallas will have 1,286 new employees in the industrial sector. It assumes an average of 7 employees per acre and that 20 percent of the buildable land area will be used for public right-of-way and utility easements. Given these assumptions, the applicant stated that there is an overall need for 192 net vacant buildable acres, or 230 gross vacant buildable acres for industrial uses. According to the applicant, Dallas currently has 174-acres of vacant buildable industrial land within the existing UGB.

Table 1.1 Summary of Industrial Land Need

| Land Use Designation | Existing Employees | Developed Acres | Projected New Employees | Projected Employees per Acre | Existing Vacant Buildable Acres | Net Vacant Buildable Acres Needed | Gross Vacant Buildable Acres Needed | Vacant Buildable Acres Deficit | Requested Buildable Acres |
|-----------------------------|---------------------------|------------------------|--------------------------------|-------------------------------------|--|--|--|---------------------------------------|----------------------------------|
| Industrial | 876 | 274 | 1,286 | 6.7 | 174 | 192 | 230 | 56 | 62 |

This land needs analysis establishes the need for at least 56 acres of buildable industrial land to accommodate industrial employment growth to the year 2020. According to the applicant, public right-of-way and utility easements, floodplain and or wetland setbacks, and railroad right-of-way reduce the 79 gross acres requested to approximately 62 buildable acres. The City of Dallas also determined a need for at least four light industrial sites (20-acres or greater) that are suitable for: (a) master-planned industrial park development; or (b) large industrial firms should be provided within the UGB. The applicant stated that the configuration and size of buildable industrial sites in Dallas is not a good match for the needs of potential industrial users. The applicant stated that buildable industrial lots in Dallas would only meet the need of smaller users. Plus, the small number of available sites will limit the choices available for companies looking to locate in Dallas and increase the chances that sites will not be available in the market. The applicant stated that, these four 20-acre parcels should be under separate ownership to allow for long-term choice in the market place.

3. Orderly and economic provision for public facilities and service;

Findings: Factor 3 requires a demonstration that public facilities and services can reasonably be provided to the areas added to the UGB over the planning period. It also requires that “orderly and economic provision of public facilities and services” be considered, along with other “locational” factors, in the urban growth boundary amendment process. In particular, the City’s cost to provide urban services to alternative areas must be balanced against the ability to develop the land efficiently (Factor 4) and the need to minimize impacts on agricultural land (Factors 6 and 7).

The proposed UGB expansion includes about 62 buildable acres between Miller Street and Clow Corner Road, immediately east of the Dallas UGB. According to the applicant, the City of Dallas’ growth management policy is to grow from the center outwards, so that it may be several years before urban services are provided to the extreme southeast corner of the UGB. This area abuts the only other large, undeveloped tract of industrial land (Praegitzer, 35-acres) within the UGB. Urban services can be extended to serve this site efficiently, as industrial land to the west and residential land to the north develops.

According to the applicant, the 1998 Dallas Comprehensive Plan identified the Ash Creek Interceptor to provide increased sanitary sewer conveyance capacity to the entire South Dallas industrial area, including the proposed UGB expansion areas. This project was completed in January 2000 and is now operational. A water reservoir to serve the south side industrial areas and the east side residential areas has been identified as a long-range (20-year) facility need. The applicant stated that the proposed expansion areas would help to spread the costs of these needed facilities.

The areas would be accessed by the extension of SE Fir Villa Road, south from Miller Street, to Clow Corner Road. According to the applicant, street improvements are planned for SE Fir Villa Road and SE Miller Street, two truck routes that serve this area. Traffic signals are also planned for SE Fir Villa Road / SE Ellendale Avenue and SE Fir Villa Road / SE Miller Street. By focusing industrial development in the southeast portion of the UGB, truck traffic through the community can be minimized and limited to the identified truck routes. The SE Fir Villa Road extension would create a truck route to divert truck traffic from downtown Dallas.

4. Maximum efficiency of land uses within and on the fringe of the existing urban area;

Findings: The proposed UGB expansion areas are adjacent to existing areas designated for industrial development. According to the applicant, maximum efficiency of land use would be assured through the master planning process, which is required for all industrial parcels of 20-acres or larger by the provisions in the Dallas Development Code. According to the applicant the proposed street system, especially the SE Fir Villa Road extension, would provide access to properties that currently lack adequate access, thus increasing land use efficiency. By concentrating industrial development in the southeast portion of the UGB, land use conflicts would be minimized, reducing the need for land-extensive buffers.

5. Environmental, energy, economic, and social consequences;

Findings: The applicant stated that ESEE consequences were considered in the development, review and adoption of the 1998 Dallas Comprehensive Plan (See Volume II, Background Documents). Generally, the environmental consequences of industrial development in this location would be positive, because truck traffic would be diverted around downtown Dallas by the SE Fir Villa Road extension, which would relieve congestion in downtown Dallas and reduce

air pollution. Also, the purpose of the UGB expansion is to implement the City of Dallas's economic development strategy to encourage more employment growth in Dallas to increase the number of jobs per household and lessen the "bedroom community" effect, which in turn would reduce vehicle miles traveled and encourage alternative modes of travel by locating future sources of employment within Dallas, rather than forcing residents to commute to other communities in the Willamette Valley. Dallas has adopted a riparian corridor setback standard into the Dallas Development Code to ensure that Ash Creek is protected.

According to the applicant, energy would be conserved for the same reason; trucks would consume less fossil fuel because they would spend less time in downtown traffic and drive fewer miles to reach industrial destinations. In addition, by concentrating industrial employment in Dallas and increasing the jobs per household ratio in Dallas, vehicle miles traveled associated with commuting by Dallas residents would be reduced.

The applicant stated that the economic consequences would be to accommodate projected industrial employment growth for Dallas, which is the purpose of this proposed UGB expansion. According to the applicant, social consequences would be positive because industrial uses would be concentrated in the south and southeast part of Dallas, thus minimizing conflicts with other uses. Also, the UGB expansion would minimize truck traffic on residential streets and the downtown area by providing an alternative route (SE Fir Villa Road).

6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and

Findings: The applicant found no suitable sites within the UGB or within exception areas adjacent to the UGB. As a result, Dallas considered designated agricultural land. The applicant stated that there are no designated forestlands adjacent to the UGB that meets the City's industrial siting criteria (designated forestlands are too steeply sloped for industrial uses).

According to the applicant, potential parcels were identified to the south and southeast of the existing UGB that met all of the industrial siting criteria except the gentle terrain criterion. Four of the identified parcels had slopes of 15% or greater, the threshold is 5% maximum slopes, and were eliminated from further consideration. The remaining candidate parcels abut industrial land at the southeast corner of the UGB in two areas (Areas A and B on Attachment A).

Adding both areas to the Dallas UGB would bring in approximately 79 total acres (of which 62-acres are buildable) to meet the general need for industrial land, and the specific need for three large industrial sites. Bringing in land at the southeastern corner of the UGB will also facilitate the planned extension of SE Fir Villa Road south from Miller Street to Clow Corner Road, all three of which are designated truck routes, which help reroute truck traffic around downtown.

7. Compatibility of the proposed urban uses with nearby agricultural activities.

Findings: The proposed UGB expansion areas are designated for Exclusive Farm Use uses (EFU) and Farm Forest uses (FF). There are Class II, III, and IV agricultural soils in these areas. Approximately 7.40-acres of the proposed expansion area are identified as floodplain areas and wetlands associated with Ash Creek.

The applicant stated that because the proposed UGB expansion would meet industrial land use needs, impacts to agricultural lands would be less than residential or park uses, for the following reasons:

- Industrial users rarely complain about neighboring agricultural practices, whereas complaints from residents regarding agricultural and forest practices (dust, spraying, odors, noise, visual impacts) are common;
- Industrial users typically do not have unsupervised children and pets, whereas children and pets from near-by residences frequently chase livestock or destroy crops;
- General commercial and industrial uses typically are considered high impact uses themselves (in terms of noise, traffic, odors, use of chemicals, appearance) and thus are less likely to be adversely affected by agricultural and forest uses; and
- Residences must deal with agricultural and forest operations on a 24-hour basis, making housing more vulnerable to adverse impacts, whereas commercial and industrial uses typically operate on a more limited basis.

The applicant stated that, for the above reasons, industrial uses typically have less impact on agricultural land and fewer conflicts with farm and forest uses.

(2) "Areas which do not require a new exception cannot reasonably accommodate the use": [OAR 660-04-20(2)(b)]

(a) 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; [OAR 660-04-20(2)(b)(A)]

(b) 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: [OAR 660-04-20(2)(b)(B)]

1. 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? [OAR 660-04-20(2)(b)(B)(i)]

2. 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? [OAR 660-04-20(2)(b)(B)(ii)]

3. Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not? [OAR 660-04-20(2)(b)(B)(iii)]

(c) 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 assess only 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. [OAR 660-04-20(2)(b)(C)]

Findings: These standards require a demonstration that the projected needs for urban uses cannot be accommodated within the City's existing UGB, either by locating the needed uses on vacant buildable land within the UGB or by increasing the existing or future density and efficiency of uses within the existing UGB.

The 1998 Dallas Comprehensive Plan Map #6 (City of Dallas UGB Expansion Application, Appendix) shows the vacant and underutilized/re-developable parcels contained within the current UGB. Attachment D (City of Dallas UGB Expansion Application) Table 2.11 summarizes buildable parcel size and ownership information for vacant industrial sites within the current Dallas UGB. According to the applicant, three companies own approximately 67 percent of all vacant industrial land within the current UGB. There are five vacant industrial parcels within the UGB larger than five acres and they are all owned by Praegitzer industries. Praegitzer alone owns approximately 61 percent of the total vacant industrial land. Willamette Industries owns approximately 6.7-acres and Towmotor Corporation owns another 4.5-acres. Given the Parcel size, ownership patterns of buildable industrial land available inside the current Dallas UGB, the City of Dallas has determined that there is a need for four 20-acre industrial sites under separate ownership to allow for long-term choice in the market place.

According to the applicant, the 1998 Dallas Comprehensive Plan established that the four industrial sites should meet the following criteria:

- (1) 20-acres or more of buildable land;
- (2) Adjacent to an industrial sanctuary to minimize conflicts with residential areas;
- (3) Served by an existing or planned arterial or major collector street, that minimizes truck traffic through residential neighborhoods;
- (4) Gentle terrain (no more than five percent slope);
- (5) Availability of water and sewer services, and with access to fire and police protection.

The applicant stated that the above Dallas Comprehensive Plan criteria were expanded during the 1998-99 Periodic Review work program to include the following additional industrial siting criteria:

- (1) Located outside designate Mixed Use Nodes;
- (2) Located so as to avoid truck travel through the Central Business District or through residential areas (except where a truck route is designated);
- (3) Not zoned for a use that has insufficient designated land (i.e., commercial or multiple family); and
- (4) Not in public ownership.

The City of Dallas established priorities for consideration of parcels that meet the above-defined Dallas Comprehensive Plan criteria based on ORS 197.298 criteria as follows:

- (1) First priority given to parcels currently designated single family residential (because of identified surplus) within the UGB;

- (2) Second priority given to parcels within rural residential exceptions areas outside the UGB (i.e., not zoned EFU);
- (3) Third priority to parcels zoned EFU with agricultural soil classifications of IV or higher; and
- (4) Fourth priority to parcels zoned EFU with agricultural soil classification II-III; and
- (5) Fifth priority to parcels zoned EFU with agricultural soil classification I.

The applicant stated that the 1998-99 Periodic Review analysis examined whether there are suitable parcels within the existing UGB that could reasonably meet identified industrial land needs and considered whether land designated for a non-industrial use could be rezoned to meet identified industrial land needs.

The applicant identified one parcel within the UGB designated for industrial use that met their determined industrial siting criteria. One of the Praegitzer Industries parcels is 34.8-acres (this represents 20% of the total vacant buildable industrial land inside the UGB). The applicant stated that there was still an unmet industrial land need for at least 56 buildable acres and a need for three industrial parcels of 20 buildable acres each.

According to the applicant, the City of Dallas analyzed alternative sites within the existing UGB for potential re-designation to Industrial as part of the Periodic Review work program. Only parcels designated as Single-Family Residential were considered. The applicant stated that parcels zoned for commercial or multiple family use were not considered for re-designation to Industrial, because there is no excess land in those designations.

The methodology used by the City of Dallas to analyze potential parcels (see City of Dallas UGB Expansion Application, pages 4-9, 28-30, and 36-37 for methodology and associated appendix for the actual spreadsheets and maps that Dallas GIS staff used in the analysis) identified eight Single-Family Residential parcels of 10-acres or more within the UGB. However, none of the identified parcels met all of the locational criteria and most failed to meet most of the criteria. As a result, the specific siting needs for industrial land uses cannot be met within the existing UGB. Therefore, a UGB expansion was proposed to meet the need for at least 56-acres of vacant buildable industrial land and three 20-acre sites that meet the siting criteria adopted in the Dallas Comprehensive Plan.

Because there were no suitable sites identified within the UGB or within exception areas adjacent to the UGB, Dallas considered designated agricultural land. According to the applicant, there are no designated forestlands adjacent to the UGB that meets the City's industrial siting criteria (designated forestlands are too steeply sloped for industrial uses).

According to the applicant, potential parcels were identified to the south and southeast of the existing UGB that met all of the industrial siting criteria except the gentle terrain criterion. Four of the identified parcels had slopes of 15% or greater, the threshold is 5% maximum slopes, and were eliminated from further consideration. The remaining candidate parcels abut industrial land at the southeast corner of the UGB in two areas (Areas A and B on Attachment A).

Area A

Area A (47.13-acres) is northwest of the planned SE Fir Villa Road extension, roughly split in half by a railroad line. Other characteristics include:

- The northern portion of the site (19.88 acres, north of the railroad) is zoned Farm-Forest and the southern portion (20.33-acres, south of the railroad) is zoned Exclusive Farm Use.
- The area has three parcels under two ownerships.
- The area has no stream corridor, no associated wetlands, nor floodplain area.
- The area is comprised primarily of Class II agricultural soils; relatively high soil class results from the fact that the soil is well drained.
- There is no existing development in the area.
- The site is located immediately south of the intersection of SE Fir Villa Road and SE Miller Avenue, both of which are designated truck routes.
- The 1998 Dallas Comprehensive Plan Maps show a planned extension of SE Fir Villa Road (6.02-acres) connecting through this property to Clow Corner Road, a major east-west truck route to the south.
- Development of this site would facilitate extension of SE Fir Villa Road to the south, to connect with Clow Corner Road, a primary truck route.

The applicant stated that, for the above reasons, the northwestern section of Area A (as defined by the proposed SE Fir Villa Road extension) is proposed for inclusion in the Dallas UGB. Area A would comprise 40.21 buildable acres that are suitable for industrial development. This area is split by a railroad that provides a logical location to divide the area into two large areas that would satisfy the need for two of three 20-acre industrial sites.

Area B

Area B includes two long, narrow parcels comprising approximately 31.35-acres.

- The parcels are zoned Exclusive Farm Use.
- This area is in two separate ownerships and is traversed by Ash Creek, with associated wetlands and large floodplain area (approximately 7.40-acres is within the 100-year floodplain).
- Each of the two parcels has a dwelling.
- These parcels are comprised primarily of Class III and IV agricultural soils; the relatively low soil class results from the fact that they are poorly drained soils.
- The 1998 Dallas Comprehensive Plan Map shows a planned extension of SE Fir Villa Road connecting through these properties to Clow Corner Road, a major east-west truck route to the south. The right-of-way would be approximately 3.03-acres.

The applicant stated that, for the above reasons, Area B is suitable for industrial development and should be included within the UGB; the two parcels could meet the need for the third 20-acre industrial site.

Adding both areas to the Dallas UGB will bring in approximately 79 total acres (of which 62-acres are buildable) to meet the need for industrial land, in general, and specifically, three large industrial sites. Bringing in land at the southeastern corner of the UGB will also facilitate the planned extension of SE Fir Villa Road south from Miller Street to Clow Corner Road, all three of which are designated truck routes, which help reroute truck traffic around downtown.

- (3) The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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, 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 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; [OAR 660-04-20(2)(c)]

Findings: The applicant stated that ESEE consequences were considered in the development, review and adoption of the 1998 Dallas Comprehensive Plan (1998 Dallas Comprehensive Plan Volume II, Background Documents). The applicant stated that, generally, the environmental consequences of industrial development in this location would be positive, because truck traffic would be diverted around downtown Dallas by the SE Fir Villa Road extension, which would relieve congestion in downtown Dallas and reduce air pollution. Also, the purpose of the UGB expansion is to implement the City of Dallas's economic development strategy to encourage more employment growth in Dallas to increase the number of jobs per household and lessen the "bedroom community" effect, which in turn would reduce vehicle miles traveled and encourage alternative modes of travel by locating future sources of employment within Dallas, rather than forcing residents to commute to other communities in the Willamette Valley. Dallas has adopted a riparian corridor setback standard into the Dallas Development Code to ensure that Ash Creek is protected.

According to the applicant, energy would be conserved for the same reason; trucks would consume less fossil fuel because they would spend less time in downtown traffic and drive fewer miles to reach industrial destinations. In addition, by concentrating industrial employment in Dallas and increasing the jobs per household ratio in Dallas, vehicle miles traveled associated with commuting by Dallas residents would be reduced.

The applicant stated that the economic consequences would be to accommodate projected industrial employment growth for Dallas, which is the purpose of this proposed UGB expansion. According to the applicant, social consequences would be positive because industrial uses would be concentrated in the south and southeast part of Dallas, thus minimizing conflicts with other uses. Also, the UGB expansion would minimize truck traffic on residential streets and the downtown area by providing an alternative route (SE Fir Villa Road).

(4) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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. [OAR 660-04-20(2)(d)]

Findings: The proposed UGB expansion areas are designated for Exclusive Farm Use uses (EFU) and Farm Forest uses (FF). There are Class II, III, and IV agricultural soils in these areas. Approximately 7.40-acres of the proposed expansion area are identified as floodplain and wetlands associated with Ash Creek.

The applicant stated that because the proposed UGB expansion would meet industrial land use needs, impacts to agricultural lands would be less than residential or park uses, for the following reasons:

- Industrial users rarely complain about neighboring agricultural practices, whereas complaints from residents regarding agricultural and forest practices (dust, spraying, odors, noise, visual impacts) are common;
- Industrial users typically do not have unsupervised children and pets, whereas children and pets from near-by residences frequently chase livestock or destroy crops;
- General commercial and industrial uses typically are considered high impact uses themselves (in terms of noise, traffic, odors, use of chemicals, appearance) and thus are less likely to be adversely affected by agricultural and forest uses; and
- Residences must deal with agricultural and forest operations on a 24-hour basis, making housing more vulnerable to adverse impacts, whereas commercial and industrial uses typically operate on a more limited basis.

The applicant concluded that, for the above reasons, industrial uses typically have less impact on agricultural land and fewer conflicts with farm and forest uses.

[Adopted by Ordinance # 05-02]

DATE: September 3, 1997

SUBJECT: Plan Amendment 97-1 / Zone Change 97-1

PROPERTY ADDRESS: 14000 block of Orchard Knob Road, Dallas

PROPERTY LOCATION: Approximately 8 acres of Township 7 South, Range 5 West, Section 17, Tax Lot 200, WWM.

REQUEST: To amend the Comprehensive Plan Designation from Farm Forest to Rural Lands, and to change the zoning from Farm Forest (F/F) to Acreage Residential (AR-5) on approximately 8 acres of a 28.85 acre parcel. Approximately 1 acre of the property is currently designated Rural Lands and zoned Acreage Residential (AR-5). The remainder is designated Farm Forest in the Comprehensive Plan and zoned Farm Forest (F/F).

Findings: When taking an exception to a statewide planning goal where reasons justify an exception, Oregon Administrative Rule (OAR) 660-04-020 (2) requires four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c) be considered. The goal exception criteria and findings to be included as an amendment to the Comprehensive Plan are described below. Because the Farm Forest Plan designation and zoning is a mixed-use designation and zone (acknowledged under both Goal 3 and Goal 4), exceptions must be taken to both of these goals.

The first factor, OAR 660-04-020 (2) (a), requires that "the exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodies 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". The subject parcel presents an unusual if not unique situation. It is split-zoned, with a portion zoned for rural residential development. However, that portion is not suitable for a home site due to topographic constraints. Approval of this request would allow applicants to exercise a right they presumably acquired with the property, to construct a rural residence, by including a suitable building area for such a residence.

The proposed expansion of such portion would not allow further partitioning of the applicants' property.

In addition, approximately 19 acres of applicants' property still would be designated and zoned for resource use.

The second factor, OAR 660-04-020 (2) (b), requires consideration of why areas which do not require a new exception cannot reasonably accommodate the proposed use. Due to the unique set of circumstances associated with the subject property, the most reasonable alternative area for the proposed home site which does not require a new exception is the one-acre portion of the subject parcel presently designated Rural Lands. As noted, this area has topographic constraints which severely limit its development potential. Applicants indicate that even if this site could be developed as a home site, the costs of contouring the site would be prohibitive and in a practical manner prevent Applicants from constructing a home. Additionally, because a portion of the subject parcel consists of non-resource land, staff has limited the review of non-resource alternative sites to that area of the subject parcel currently designated and zoned for non-resource

use. Further, rural densities would not need to be significantly increased to accommodate one single-family dwelling.

Further, with respect to the second factor, the proposed use of the subject parcel is that of rural residential development combined with resource use (farming activities). Such a use could only be situated on property that is split-zoned, where a portion of the property is suitable for resource use and another portion is an exception area. This mixed use could not be situated on resource land that has been built and committed to non-resource uses. It is not reasonable, therefore, for the alternatives analysis to consider resource and non-resource areas which do not offer applicants the same range of development and use options as that afforded by their property in its entirety. Applicants intend to use the remainder of their property to grow filberts or other nut crops and to raise livestock. As stated in the Comprehensive Plan, "It is the intent of the Rural Lands Plan designation to provide an opportunity for a segment of the population to obtain acreage home sites in a rural area, while at the same time encouraging and protecting agriculture and forestry." The development and associated farming activities proposed by applicants cannot be accommodated within an urban growth boundary. Consequently, staff considered no alternative sites within such an area.

The third and fourth factors, OAR 660-04-020 (2) (c) and (d), require consideration of long-term environmental, economic, social and energy consequences from the use at the proposed site with measures designed to reduce adverse impacts. The proposed use of the subject parcel is that of rural residential use combined with farming activities. It is located within an area where those uses currently co-exist. Services, including on-site sewage disposal, water and transportation access all are readily available for the proposed home site. Because the proposed use is allowed by the existing Comprehensive Plan designation and split-zoning, the consequences of developing the subject parcel as proposed will be no greater than is already allowed by the Plan.

Oregon Administrative Rule 660-04-020 (3) deals with situations where the exception would involve more than one area, and is not applicable to this request.

[Amended Ordinance 97-7, dated September 3, 1997]

APPENDIX F.1

GOAL EXCEPTION FINDINGS UNINCORPORATED COMMUNITIES

DATE: August 11, 2010

SUBJECT: Plan Amendment 10-02 and Zone Change 10-02

PROPERTY ADDRESS: 12680 South Pacific Highway West, Monmouth, Oregon.

PROPERTY LOCATION: The subject property contains approximately 2 acres, and is that portion of Tax Lot 100 (T9S, R4W, Section 31) that is located in the Suver Junction Unincorporated Community.

REQUEST: The applicant is proposing a Polk County Comprehensive Plan (PCCP) Map amendment from Agriculture and Unincorporated Community Commercial to Unincorporated Community Industrial; a PCCP text amendment to adopt a “physically developed” exception to Statewide Planning Goal 3, and a zone change from Exclusive Farm Use (EFU)/Limited Use Overlay (LU) and Unincorporated Community Commercial General (UC-CG)/LU to Unincorporated Community Light Industrial (UC-IL).

CRITERIA: When taking a “physically developed” exception to a statewide planning goal, the applicable criteria are listed in Oregon Administrative Rule (OAR) 660-004-0025. The criteria are listed below followed by the Hearings Officer’s findings.

- A. A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. [OAR 660-004-0025(1)]**
- B. Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception. [OAR 660-004-0025(2)]**

Applicant contends that a property that is physically developed to the extent it is no longer available for resource use may be exempted from the application of the resource goals (3 and 4). OAR 660-004-025(1). The physically developed exception is site specific, and must be clearly mapped. The nature of the physical development must be detailed. OAR 660-004-025(2).

In this case the area to which the exception applies is identified generally as that approximate two acres of land that is in the southwest corner of TL 100. The location of the subject property is shown on the zone map in cross hatching. See Exhibit G of the application. The physically developed area is shown graphically on the aerial photographs attached hereto as Exhibit H of the application, and in several of the ground photographs in Exhibit I of the application. Finally the exception area is mapped in Exhibit J of the application. As close as can be estimated, the exception area is 225' wide by 400' long, which is just over two acres in size.

The nature of the development is two shop buildings, a storage building and an office trailer together with a storage and display parking area that is compacted gravel that is between 10" and 12" deep throughout the exception area. The physical development of the site can be seen in the

aerial photography as Exhibit H and in several of the ground photos in Exhibit I of the application.

All the development was lawfully established on the site. The welding business has been in existence for a long time and appears to have originally been grandfathered. The construction of the shop buildings was approved, and the use was legitimized in 1988 when Polk County approved Agriweld as a conditional use. The current level of gravel covering the parking lot was placed during the summer of 2000 after the site was included in the Suver Junction unincorporated community boundary and was appropriately zoned.

The level of physical development is such that it precludes use of the site for resource purposes. It is impracticable and uneconomical to remove the gravel and buildings from the site in order to return them to resource use. In addition, the county has already included this site in the Suver Junction unincorporated community, making commercial type uses preferred over resource use. Retaining this site for the purpose of enhancing Suver Junction, on balance is more important than attempting to return the subject property to a resource use it has not been put to in over 20 years.

The UC-IL is an acknowledged zone that appropriately limits the type and size of uses that are allowed in the unincorporated community under the applicable OAR. As stated above, the approval of Agriweld in this instance will not conflict with adjacent uses; is compatible with the purpose and intent of the zone and PCCP designations; will have no effect on public facilities, and the size of the subject property at two acres is within the densities contemplated by the unincorporated communities rule, and is similar to the other parcel sizes that are also in the boundaries of Suver Junction.

Applicant argues that all of the criteria for approval of the subject property as a physically developed exception have been satisfied and the exception should be granted. Staff agreed, and the Hearings Officer concurs.

Staff says the applicant has identified the subject property on the plot plan, which is included as Attachment A of the staff report. The subject property consists of that portion of Tax Lot 100 (T9S, R4W, Section 31) that is located in the Suver Junction Unincorporated Community. The subject property contains approximately 2.0 acres. In order to take into account the presence of Highway 99W, which abuts the subject property, and to provide consistency on the PCCP and Zoning Maps, the proposed PCCP Map amendment, zone change, and reasons exception would extend to the center of Highway 99W.

[Adopted by Ordinance # 10-09]

DATE: January 2, 2008

SUBJECT: Comprehensive Plan Amendment / Zone Change 07-01

PROPERTY ADDRESS: One property northeast of 10085 Rickreall Road, Rickreall, Oregon.

PROPERTY LOCATION: One property northeast of 10085 Rickreall Road, Rickreall, Oregon (Assessment Map T7S, R5W, Section 25, Tax Lots 1600 and 1700 & T7S, R4W, Section 30, Tax Lot 1000) 1.25-acre section (Tax Lot 1700).

REQUEST: The subject portion of the subject property (Tax Lot 1700) was previously granted a "Reasons" exception to the Statewide Planning Goals pursuant to Ordinance 01-08, dated July 25, 2001. Ordinance 01-08 brought the subject portion of the subject property into the Rickreall Unincorporated Community Boundary, changed the Comprehensive Plan Designation from Agriculture to Unincorporated Community Industrial, and changed the zoning from Exclusive Farm Use (EFU) to Rickreall Unincorporated Community Industrial & Limited Use Overlay (Rickreall UC-I/LU) to allow specific uses including those uses permitted in the EFU zone, a machine manufacturing facility, wood molding, and accessory uses. The applicant is applying to allow uses other than those approved by Ordinance 01-08. As a result, a new "Reasons" exception is required; as well as a Comprehensive Plan text amendment and a zone change. The criteria for these applications are addressed in this staff report.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, Oregon Administrative Rule (OAR) 660-04-020 requires four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c) be considered. 660-004-0022, 660-012-0060, Oregon Statewide Planning Goals

660-04-020(4)(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;

Findings: The area to be re-designated is formerly part of the original town plat for Lincoln and was previously excluded from the community boundary. The area to be re-designated is contiguous to the existing community boundary and currently vacant. The property is not part of a larger farming operation and based on the size of the parcel, it cannot be considered a viable farm parcel. The proposed use of the property is residential. Based on the size of the parcel, one (1) single family residence could be developed on the property. The cumulative impacts analysis that was conducted for the community of Lincoln identified 19 existing residences within the community and found that development of the remaining vacant residential and within the community would only provide for two (2) additional residences. Re-designation of the subject property would add another residential home site within the community. Further, as part of the original town plat, this land should have been included within the Lincoln community boundary when the boundary was originally established.

(b) Areas which do not require a new exception cannot reasonably accommodate the use":

(A) 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;

- (B) 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?
- (C) 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 assess only 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.

Findings: The area for the proposed exception is shown on maps adopted by the County as part of Legislative Amendment 99-4. The proposed use of the property is for a residential use. As noted above, the analysis of vacant buildable land within the community identified only enough vacant land for two (2) additional residential units. Increasing the density of development on these lands would detract from the rural character of the area. The addition of this property would allow for a minimal addition to the residential land base within the community and would support one (1) developed home site. No other exception areas zoned for residential use are located within the Lincoln Community Boundary.

No resource lands committed to nonresource uses are found within the community or in the vicinity of the Lincoln community boundary.

Siting this use within an urban growth boundary would not satisfy the need for residential property within Lincoln.

- (c) The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception

shall describe the characteristics of each alternative areas considered by the jurisdiction for 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, 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 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;

- (d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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.

Findings: The proposed use of the property is residential. The cumulative impacts analysis conducted for the community of Lincoln shows that soils in the area would not prohibit the establishment of new septic systems. The County Sanitarian indicates that the soils on the subject property are well-drained and can accommodate wastewater disposal on-site. New water hook-ups are provided from the Perrydale Domestic Water Association or through an on-site well. These soils are not always water-bearing, however, which may limit development of a well. Transportation access is available from Lincoln Road which is classified as a local road in the County road system. The County's Limited Use Overlay Zone would be applied to the area subject to the "reasons" exception and would limit development solely to residential use.

Residential use is the major component of development within Lincoln. Development of an additional residence in the community with 19 existing residences should not create any adverse social or economic impacts. Providing for an additional residence, provides for only limited development and does not detract from the rural character of the community, contribute to both social well-being in the community and viability of the local economy.

Development of an additional residence should not produce any significant energy impacts. Energy impacts associated with development of this property should be similar to those produced by other residences within the community.

The County finds that the impacts associated with the proposed residential use are minimal and are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

(4) For the expansion of an unincorporated community defined under OAR 660-022-

0010. The exception requirements of subsections (2)(b),(c),and (d) of this rule are modified to also include the following:

- (a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land;**
- (b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:**
 - (A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or**
 - (B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or**
 - (C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.**

Findings: No exception land is located in proximity to the Lincoln community boundary. In addition, no land in the vicinity of the boundary is designated as marginal land. Agricultural land in proximity to the entire community boundary of Lincoln is designated as “high-value” farmland as defined in state statute and administrative rule. Soils on the subject property consist of Class IIw soils.

Lincoln consists of two (2) separate areas which are linked by Highway 51, Lincoln Road, and Zena Road. The subject property is located in the eastern portion (the location of the original town plat) with residential zoned properties. Soils in this area adjacent to this portion of the community consist of IIW and IIs soils. This portion of the community is located approximately ¼ mile from the western portion of the community. Intervening properties are zoned Exclusive Farm Use.

The western portion of the community consists of several commercial and industrial properties. Some Class III and IV soils are located on agricultural land adjacent to this portion of the community. However, the Class III and IV soils are located on parcels which are currently in farm use. These areas are either separated by the western portion of the community by Zena Road or lie at the southwestern edge of the community, more than 1,600 feet from the nearest residential property in the community. Designating a one-acre site in this area would separate this one residential use from the remainder of the residential portion of the community and would not recognize the existing land use pattern nor contribute to a compact community form.

The County finds that, although some soils of lesser capability are located adjacent to the Lincoln community boundary, the land use pattern in the area makes the subject site a more logical choice for inclusion in the community boundary for residential use.

DATE: August 30, 2005

SUBJECT: Legislative Amendment 04-05

PROPERTY LOCATIONS: This proposal is for three properties located at 1) 26870 Salmon River Highway T6S, R7W, Section 8C, Tax Lot 1600; 2) 26856 Salmon River Highway T6S, R7W, Section 17, Tax Lot 900; 3) 26800 Salmon River Highway T6S, R7W, Section 17, Tax Lot 1000.

REQUEST: Polk County is proposing to change the zoning of three parcels consisting of 15.31-acres adjacent to Spirit Mountain Casio from Exclusive Farm Use to Northwest Polk County Commercial (NPC-C). The subject properties are identified as part of Polk County Legislative Amendment 04-05 for inclusion within the Valley Junction Rural Service Center boundary. The proposal would also change the Comprehensive Plan designation from Agriculture to Unincorporated Community Commercial. The subject properties are identified on the Polk County Assessors Map as T6S, R7W, Section 8C, Tax Lot 1600, T6S, R7W, Section 17, Tax Lots 900, and 1000.

CRITERIA: When taking an exception to a statewide planning goal where being physically developed or irrevocably committed justify an exception, Oregon Administrative Rule (OAR) 660-04-0025 and 660-04-0028 are applicable. These rules are intended to recognize and allow continuation of existing types of development in the exception area.

OAR 660-04-18:

A) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule. [OAR 660-004-0018(1)]

B) For "physically developed" and "irrevocably committed" exceptions to goals, plan, and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density, and public facilities and services to those:

- (a) Which are the same as the existing land uses on the exception site; or
- (b) Which meet the following requirements:
 - 1) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and
 - 2) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and
 - 3) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses. [OAR 660-004-0018(2)]

C) Uses, density, and public facilities and services not meeting section (2) of this rule may be approved only under provisions for a reasons exception as outlined in section (4) of the rule and OAR 660-004-0020 through 660-004-0022. [OAR 660-004-0018(3)]

Findings: The findings in this section are intended to address the requirements of an exception to Statewide Planning Goals (Goal) 3 and 4. The proposal is for an “irrevocably committed” Goal Exception, which allows the continuation of existing types of development. Currently the surrounding properties to the north, west, and east are zoned for commercial uses. Properties to the south are separated by the South Yamhill River and are zoned Farm Forest.

As a result of the impacts generated from the creation of the Spirit Mountain Casino in 1996, which has become the largest single destination tourist attraction in the state, the subject properties have been irrecoverably committed to uses other than resource uses. This change in the vicinity of the subject properties would support the proposed amendment.

The subject properties are virtually surrounded by a developed commercially zoned area, and the proposed zone change would be consistent with the surrounding land uses to the north, east and west and pattern of development in this area. The resource zoned properties to the south are separated by the South Yamhill River. Transportation, telephone, electric, and water services are currently established in the area. Table 1 below identifies the surrounding commercial properties and the subject properties, their sizes, the existing uses and the sizes of existing structures.

Table 1 Surrounding Properties Inventory:

| Tax Map ID | Location | Uses | Size (acres ±) | Bldg. Size (sq. ft.) |
|--------------|----------------------------|---|----------------|---|
| 6.7.8.C.1100 | No address | Parking Lot | 0.53 | Vacant |
| 6.7.8.C.1200 | No address | Parking Lot | 0.40 | Vacant |
| 6.7.8.C.1300 | No address | Parking Lot | 5.50 | Vacant |
| 6.7.8.C.1400 | 26930 Salmon River Highway | Casino / Parking Lot | 5.53 | 1995 185,985 Building |
| 6.7.8.C.1500 | No address | Parking Lot | 0.83 | Vacant |
| 6.7.8.C.1600 | 26870 Salmon River Highway | Residential | 0.92 | 1948 1,056 Dwelling, Building 720 |
| 6.7.17.801 | 26820 Salmon River Highway | Gas Station / Convenience Store/ Restaurant, Car Wash | 2.00 | 4,539 Building |
| 6.7.17.802 | No address | RV parking | 10.49 | Vacant |
| 6.7.17.803 | No address | Parking Lot | 1.81 | Vacant |
| 6.7.17.900 | 26856 Salmon River Highway | Residential | 6.31 | 1978 1,390 Dwelling, 24,000 Museum Building |
| 6.7.17.1000 | 26800 Salmon River Highway | Residential | 2.91 | 1975 1,143 Dwelling, 528 Manufactured Dwelling w/ 256 Addition, 320 Building, 1464 Building, 704 Building |
| 6.7.17.1001 | 26850 Salmon River Highway | Residential, Maintenance Shops, Parking | 6.68 | Dwelling, Maintenance Shops, Parking |
| 6.7.18.101 | 27100 Salmon River Highway | Casino / Hotel / Water Treatment Facility / Parking Lot | 69.52 | Casino exceeding 140,000, Hotel exceeding 100,000 |

The NPC-C zoning district proposed to be applied to the subject properties establishes maximum building size limitations on uses that may not be compatible with surrounding resource uses or

the rural community in order to assure that the uses remain small in scale and, as a result, low in impact. The properties adjacent to the subject properties have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. As is evident in Table 1, uses have been established on adjacent properties that are at a scale exceeding what could be established under the proposed NPC-C zoning district. The resource zoned properties to the south are separated by the South Yamhill River, which provides a significant natural barrier. Because of the magnitude of the surrounding commercial area, staff assumes that normal impacts associated with commercial development that may affect farm or forest management practices, has already required a modification of those practices. Based on these findings, staff finds that additional lower magnitude development within of the existing commercial area would not substantially impact the surrounding resource properties to the south. Due to the existing development around the three parcels and the tremendous amount of traffic that the casino use generates, staff finds that the proposed zone change to NPC-C would not cause a long-term economic impact on the general area from the irreversible removal of the land from the resource base. For these reasons, staff finds that the proposed commercial development is appropriate when taking into account surrounding land uses and that fact that they are part of a contiguous concentration of commercial uses. Staff finds that in this instance it is appropriate to locate future commercial development in this area of significant commercial development.

The proposed zoning district would allow commercial types of uses consistent with the available facilities and services. The subject area would remain rural, as urban levels of road improvements, sewage service, and density would not be obtained as a result of the proposed Goal exceptions. Staff finds it unlikely that the resource properties to the south, separated by the South Yamhill River, may become impacted and "committed" to a similar type of non-resource use as could be established on the subject properties. The proposal complies with these provisions based on the existing land use pattern of the area.

D) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

- (a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;**
- (b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;**
- (c) An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken. [OAR 660-004-0028(1)]**

Findings: Commercial uses would not be allowed on the subject properties under the current Exclusive Farm Use (EFU) Zoning District, Polk County Comprehensive Plan Agriculture designation, or Statewide Planning Goals 3 and 4.

As a result of the impacts generated from the creation of the Spirit Mountain Casino in 1996, which has become the largest single destination tourist attraction in the state, the subject properties have been irrecoverably committed to uses other than resource uses. This change in the vicinity of the subject properties would support the proposed amendment.

The subject properties are virtually surrounded by a developed commercially zoned area and are

part of a contiguous concentration of commercial uses. The proposed zone change would be consistent with the surrounding land uses to the north, east and west and pattern of development in this area. The resource zoned properties to the south are separated by the South Yamhill River.

E) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

- a) The characteristics of the exception area;**
- b) The characteristics of the adjacent lands;**
- c) The relationship between the exception area and the lands adjacent to it; and**
- d) The other relevant factors set forth in OAR 660-040-0028(6). [OAR 660-004-0028(2)]**

Findings: The NPC-C zoning district proposed to be applied to the subject properties establishes maximum building size limitations on uses that may not be compatible with surrounding resource uses or the rural community in order to assure that the uses remain small in scale and, as a result, low in impact. The properties adjacent to the subject properties have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. As is evident in Table 1, uses have been established on adjacent properties that are at a scale exceeding what could be established under the proposed NPC-C zoning district. The resource zoned properties to the south are separated by the South Yamhill River, which provides a significant natural barrier. Because of the magnitude of the surrounding commercial area, staff assumes that normal impacts associated with commercial development that may effect farm or forest management practices, has already required a modification of those practices. Based on these findings, staff finds that additional lower magnitude development within of the existing commercial area would not substantially impact the surrounding resource properties to the south. Due to the existing development around the three parcels and the tremendous amount of traffic that the casino use generates, staff finds that the proposed zone change to NPC-C would not cause a long-term economic impact on the general area from the irreversible removal of the land from the resource base. For these reasons, staff finds that the proposed commercial development is appropriate when taking into account surrounding land uses and that fact that they are part of a contiguous concentration of commercial uses. Staff finds that in this instance it is appropriate to locate future commercial development in this area of significant commercial development.

Based on the characteristics of the exception areas, the characteristics of adjacent lands, the relationship between the exception areas and the lands adjacent to it as well as other relevant factors listed above, staff identifies the subject properties are irrevocably committed to commercial uses.

F) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

- a) **Farm use as defined in ORS 215.203;**
- b) **Propagation or harvesting of a forest product as specified in OAR 660-331-0020; and**
- c) **Forest operations or forest practices as specified in OAR 660-060-0025(2)(a). [OAR 660-004-0028(3)]**

Findings: This proposal is for three properties located at 1) 26870 Salmon River Highway T6S, R7W, Section 8C, Tax Lot 1600; 2) 26856 Salmon River Highway T6S, R7W, Section 17, Tax Lot 900; 3) 26800 Salmon River Highway T6S, R7W, Section 17, Tax Lot 1000.

Property 1 located at 26870 Salmon River Highway consists of 0.92-acres and contains a single-family dwelling. Staff has not found any recent records of farm or forest use. This property is surrounded by Spirit Mountain Casio property to the west, north and east, and property 2 to the south.

Property 2 located at 26856 Salmon River Highway consists of 6.31-acre contains a single-family dwelling and, based on Tax Assessor's records, is receiving special assessment for farm use. According to the Assessor's records, the last time the property was inspected was 1999. At that time the subject property was being farmed with the larger Werth farm to the east. Since that time, a recreational vehicle parking area has been developed by the Spirit Mountain Casino between the two farm operations. This property is surrounded by Spirit Mountain Casio property to the west, south and east, and property 1 to the north.

Property 3 located at 26800 Salmon River Highway consists of 2.91-acres and contains a single-family dwelling. Staff has not found any recent records of farm or forest use. This property is surrounded by Spirit Mountain Casio property to the west, north, and east, and the South Yamhill River to the south.

Staff finds that resource use on the subject properties is impracticable due to 1) the recent establishment of the intensive commercial development that virtually surrounds the subject properties, 2) the fact that they are part of a contiguous block of existing commercial development, 3) they are too small to be farmed in and of themselves, and 4) they are isolated from existing farm or forest operations by either the South Yamhill River or commercial development. The subject properties have not been identified as essential for agricultural or forestry stability within Polk County.

G) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area. [OAR 660-004-0028(4)]

Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands. [OAR 660-004-0028(5)]

Findings of fact for a committed exception shall address the following factors:

- a) **Existing adjacent uses;**
- b) **Existing public facilities and services (water and sewer lines, etc.);**
- c) **Parcel size and ownership patterns of the exception area and adjacent lands:**

- 1) **Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;**
 - 2) **Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.**
- d) **Neighborhood and regional characteristics;**
 - e) **Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;**
 - f) **Physical development according to OAR 660-040-0025; and**
 - g) **Other relevant factors. [OAR 660-004-0028(6)]**

Findings: This proposal is for three properties located at 1) 26870 Salmon River Highway T6S, R7W, Section 8C, Tax Lot 1600; 2) 26856 Salmon River Highway T6S, R7W, Section 17, Tax Lot 900; 3) 26800 Salmon River Highway T6S, R7W, Section 17, Tax Lot 1000.

Property 1 located at 26870 Salmon River Highway consists of 0.92-acres and contains a single-family dwelling. Staff has not found any recent records of farm or forest use. This property is surrounded by Spirit Mountain Casio property to the west, north and east, and property 2 to the south.

Property 2 located at 26856 Salmon River Highway consists of 6.31-acre contains a single-family dwelling and, based on Tax Assessor's records, is receiving special assessment for farm use. According to the Assessor's records, the last time the property was inspected was 1999. At that time the subject property was being farmed with the larger Werth farm to the east. Since that time, a recreational vehicle parking area has been developed by the Spirit Mountain Casino between the two farm operations. This property is surrounded by Spirit Mountain Casio property to the west, south and east, and property 1 to the north.

Property 3 located at 26800 Salmon River Highway consists of 2.91-acres and contains a single-

family dwelling. Staff has not found any recent records of farm or forest use. This property is surrounded by Spirit Mountain Casino property to the west, north, and east, and the South Yamhill River to the south.

As a result of the impacts generated from the creation of the Spirit Mountain Casino in 1996, which has become the largest single destination tourist attraction in the state, the subject properties have been irrecoverably committed to uses other than resource uses. This change in the vicinity of the subject properties would support the proposed amendment.

The subject properties are virtually surrounded by a developed commercially zoned area, and the proposed zone change would be consistent with the surrounding land uses to the north, east and west and pattern of development in this area. The resource zoned properties to the south are separated by the South Yamhill River. Transportation, telephone, electric, and water services are currently established in the area. Table 1 above identifies the surrounding commercial properties and the subject properties, their sizes, the existing uses and the sizes of existing structures.

The NPC-C zoning district proposed to be applied to the subject properties establishes maximum building size limitations on uses that may not be compatible with surrounding resource uses or the rural community in order to assure that the uses remain small in scale and, as a result, low in impact. The properties adjacent to the subject properties have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. As is evident in Table 1, uses have been established on adjacent properties that are at a scale exceeding what could be established under the proposed NPC-C zoning district. The resource zoned properties to the south are separated by the South Yamhill River, which provides a significant natural barrier. Because of the magnitude of the surrounding commercial area, staff assumes that normal impacts associated with commercial development that may affect farm or forest management practices, has already required a modification of those practices. Based on these findings, staff finds that additional lower magnitude development within of the existing commercial area would not substantially impact the surrounding resource properties to the south. Due to the existing development around the three parcels and the tremendous amount of traffic that the casino use generates, staff finds that the proposed zone change to NPC-C would not cause a long-term economic impact on the general area from the irreversible removal of the land from the resource base. For these reasons, staff finds that the proposed commercial development is appropriate when taking into account surrounding land uses and that fact that they are part of a contiguous concentration of commercial uses. Staff finds that in this instance it is appropriate to locate future commercial development in this area of significant commercial development.

Land within the Valley Junction and Fort Hill Rural Service Centers are served by a community water system, but are not served by a community sewer system. The proposed zoning district would allow commercial types of uses consistent with the available facilities and services. The subject area would remain rural, as urban levels of road improvements, sewage service, and density would not be obtained as a result of the proposed Goal exceptions. Staff finds it unlikely that the resource properties to the south, separated by the South Yamhill River, may become impacted and “committed” to a similar type of non-resource use as could be established on the subject properties. The proposal complies with these provisions based on the existing land use pattern of the area.

H) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining

lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph. [OAR 660-004-0028(7)]

Findings: The subject properties have been adequately identified. Maps and aerial photographs are available and have been included in the record for the proceedings.

I) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:

- a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and**
- b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations. [OAR 660-004-0028(8)]**

Findings: The record for the proposal includes an aerial photograph and a map. Polk County is a jurisdiction with an acknowledged comprehensive plan and land use regulation.

SUPPLEMENTAL FINDINGS:

This requirement is applicable to lands for which Polk County adopted an exception to Goal 3 and included those lands within the revised community boundaries. The other 208.82-acres were rezoned back to their original Exclusive Farm Use (EFU) or Farm Forest (FF) zoning which resolves this requirement for those lands.

Polk County has previously developed a Significant Resource Overlay zone to implement Goal 5 that provides clear standards and criteria for conflicting Goal 5 uses and identifies conflicting uses. Completion of the periodic review task 3 did not remove that overlay designation and the properties are subject to the Significant Resource overlay zoning district that has been acknowledged for implementing Goal 5 in Polk County.

—Grand Ronde Unincorporated Community

The exception to Goal 3 for the 2.35-acres located at 19635 Grand Ronde Road, Grand Ronde T6S, R8W, Section 1, Tax Lot 500 has contained an industrial use and a residence since the 1960's. The Polk County Significant Resource Overlay zone (Polk County Zoning Ordinance (PCZO) chapter 182) identifies this property as containing significant deer and elk winter range habitat. Chapter 182.070(A)(2) identifies residential development, roads, landfills, commercial feedlots, airports, and open concrete canals as conflicting uses to significant deer and elk winter range.

The subject property is bordered by a developed public zoned area to the west and south (including the Confederated Tribes of Grand Ronde governance building to the west and the wellness building located to the south) a multi-family housing development to the east and a single family zoned area to the north. These surrounding properties to the north, south, east and west are located within the Grand Ronde Unincorporated Community Boundary. The proposed zone change and inclusion in the community boundary would be consistent with the surrounding land uses and pattern of development in this area. The Polk County Significant Resource Overlay zone provides that lands for which an exception has been taken or are within a rural community center are exempt from the deer and elk winter range standards (PCZO 182.050(A)).

The subject property contains a 1,584 square foot dwelling and storage buildings containing 1,080 square feet, 432 square feet, 1,152 square feet and 192 square feet. The subject property is used as a residence and a commercial wrecking yard. The subject property is fully developed with industrial type uses associated with the wrecking yard including buildings, surfacing, and landscape screens and buffers.

Based on a review of Polk County Tax Assessor's records, it appears that the subject property has been used as a wrecking yard since the late 1960's. In a black and white photograph obtained from the Assessor's office and included in the record, the property is shown with two tow trucks and several cars all of 1960's vintage. The photograph is not dated and detailed Assessor's records from the 1960's have been purged. Staff also reviewed aerial photographs from 1963, 1978, and 2004. Based on a review of the aerial photographs, which are included in the record, it appears the subject property could have been used as a wrecking yard as far back as 1963. Staff concludes, based on the evidence in the vintage Tax Assessor's photograph and aerial photographs, the subject property has been used as a wrecking yard since at least the late 1960's which predates zoning regulations for the property and the Statewide Planning Goals.

The properties adjacent to the subject property to the west, south and east have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. Some uses have been established on adjacent properties that are at a scale exceeding what could be established under the Polk County Zoning Ordinance. The residential property to the north could be further developed to 9,000 square foot residential lots. Because of the magnitude of the existing development surrounding the subject property and the fact that the wrecking yard use has existed on the subject property since the at least the late 1960's, the normal impacts associated with light industrial development that may affect deer and elk winter range habitat have already impacted the habitat areas that may have existed on the subject property. Additionally, there are not any resource properties adjacent to the subject property. Based on these findings, the continuation of the existing uses on the subject property would not substantially impact significant deer and elk winter range habitat. Due to the existing development around the subject property, the proposed zone change to Unincorporated Community Light Industrial (UC-IL) and inclusion of the subject property within the community boundary would not substantially impact the deer and elk winter range habitat on the subject property or in the vicinity and would not constitute a 'new' conflicting use that may potentially impact a significant Goal 5 resource that is already designated in the acknowledged Comprehensive Plan.

—Valley Junction Unincorporated Community

The exception for the 15.31-acres near Spirit Mountain Casino includes three properties located at 1) 26870 Salmon River Highway T6S, R7W, Section 8C, Tax Lot 1600; 2) 26856 Salmon River Highway T6S, R7W, Section 17, Tax Lot 900; 3) 26800 Salmon River Highway T6S, R7W, Section 17, Tax Lot 1000.

Property 1 located at 26870 Salmon River Highway consists of 0.92-acre, contains a 1,056 square foot single-family dwelling and a 720 square foot accessory structure. There are not any recent records of farm or forest use. This property is surrounded by commercial development to the west, north and east, and property 2 to the south.

Property 2 located at 26856 Salmon River Highway consists of 6.31-acres, contains a 1,390 square foot single-family dwelling and a 24,000 square foot Museum Building. There is no evidence that this property is currently in farm or forest use. This property is surrounded by commercial development to the west, south and east, and property 1 to the north.

Property 3 located at 26800 Salmon River Highway consists of 2.91-acres, contains a 1,143 square foot single-family dwelling and 3,272 square feet of accessory structures. There are not any recent records of farm or forest use. This property is surrounded by commercial development to the west, north, and east, and the South Yamhill River to the south.

As a result of the impacts generated from the creation of the Spirit Mountain Casino in 1996, which has become the largest single destination tourist attraction in the state, the subject properties have been irrecoverably committed to uses other than resource uses. This change in the vicinity of the subject properties would support the proposed amendment and would demonstrate that impacts to deer and elk winter range habitat have previously occurred as a result of substantial existing development on surrounding properties.

The Polk County Significant Resource overlay zone (Polk County Zoning Ordinance (PCZO) chapter 182) identifies these properties as containing significant deer and elk winter range habitat. Chapter 182.070(A)(2) identifies residential development, roads, landfills, commercial feedlots, airports, and open concrete canals as conflicting uses to significant deer and elk winter range.

The subject properties all contain preexisting residential development, which is identified as a conflicting use to deer and elk winter range. The subject properties are encompassed by a developed commercially zoned area that includes a casino, hotel, gas station, recreational vehicle parking, supporting maintenance buildings and parking all to the north east and west of the subject properties and natural features including the South Yamhill River to the south. In addition, Oregon State Highway 18, which has significant traffic volumes, is located to the north. The proposed zone change and inclusion in the community boundary would be consistent with the surrounding land uses to the north, east and west and pattern of development in this area. The resource zoned properties to the south are separated by the South Yamhill River and are not depicted as containing significant deer and elk winter range habitat on the Polk County Significant Resource Areas map.

The properties adjacent to the subject properties have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. The intensive uses that have been established on adjacent properties are at a scale exceeding what could be established under the proposed Northwest Polk Community Commercial (NP-C) zoning district. These uses cover an area in excess of 92-acres that surround the subject properties to the north, east and west. The resource zoned properties to the south are separated by the South Yamhill River, which provides a significant natural barrier to which there is no public access road across the river at this location. This existing development has fragmented the subject properties from productive deer and elk winter range areas further north and east. Because of the magnitude of the surrounding commercial area and the tremendous amount of traffic that the casino use generates, impacts associated with commercial development that may affect deer and elk winter range habitat has already impacted the habitat areas that may have once existed on the subject properties. The subject properties are located at the southern fringe of the delineated winter range. The potential impacts associated with commercial development of the subject properties are further lessened because of the proximity to the winter range boundary. Based on these findings, commercial development that is consistent with the unincorporated community rules on the subject properties would not substantially impact deer and elk winter range habitat on the subject properties or in the vicinity and would not constitute a 'new' conflicting use that may potentially impact a significant Goal 5 resource that is already designated in the acknowledged Comprehensive Plan.

The Polk County Significant Resource Overlay zone measures will continue to protect significant fish habitat and riparian areas along the South Yamhill River that border the subject property

located at 26800 Salmon River Highway, as the proposed amendments did not remove that overlay designation from the property. Chapter 182.070(A)(1) identifies loss of streamside vegetation, road construction, development along lake/reservoir shorelines, dam construction and aggregate as conflicting uses to significant fish habitat. Chapter 182.070(C)(1) identifies vegetation removal, road construction and timber harvesting as conflicting uses to riparian habitat. These uses are typically accessory to primary uses, including uses allowed within the existing EFU zoning district. Chapter 182.050 requires riparian setbacks in order to limit these conflicting uses within all zoning districts regardless of whether a Goal exception has been granted or if the property is within a community boundary. Including the subject property within the Unincorporated Community of Valley Junction and applying the NPC-C zoning would not substantially impact significant fish or riparian habitat and would not constitute a 'new' conflicting use that may potentially impact a significant Goal 5 resource that is already designated in the acknowledged Comprehensive Plan.

DATE: August 30, 2005

SUBJECT: Legislative Amendment 04-05

PROPERTY LOCATION: This proposal is for a 2.35-acre parcel located at 19635 Grand Ronde Road, Grand Ronde T6S, R8W, Section 1, Tax Lot 500.

REQUEST: Polk County is proposing to change the zoning of one parcel consisting of 2.35-acres adjacent to The Confederated Tribes of Grand Ronde Administrative center from Exclusive Farm Use to Unincorporated Community Light Industrial (UC-IL). The subject property is identified as part of Polk County Legislative Amendment 04-05 for inclusion within the Grand Ronde Rural Community boundary. The proposal would also change the Comprehensive Plan designation from Agriculture to Unincorporated Community Industrial. The subject property is identified on the Polk County Assessors Map as T6S, R8W, Section 1, Tax Lot 500.

CRITERIA: When taking an exception to a statewide planning goal where being physically developed or irrevocably committed justify an exception, Oregon Administrative Rule (OAR) 660-04-0025 and 660-04-0028 are applicable. These rules are intended to recognize and allow continuation of existing types of development in the exception area.

OAR 660-04-18:

A) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule. [OAR 660-004-0018(1)]

B) For "physically developed" and "irrevocably committed" exceptions to goals, plan, and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density, and public facilities and services to those:

(a) Which are the same as the existing land uses on the exception site; or

(b) Which meet the following requirements:

- 1) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and
- 2) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and
- 3) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses. [OAR 660-004-0018(2)]

C) Uses, density, and public facilities and services not meeting section (2) of this rule may be approved only under provisions for a reasons exception as outlined in section (4) of the rule and OAR 660-004-0020 through 660-004-0022. [OAR 660-004-0018(3)]

Findings: The findings in this section are intended to address the requirements of an exception to Statewide Planning Goals (Goal) 3 and 4. The proposal is for a “Physically Developed” Goal Exception, which allows the continuation of existing types of development. Currently the surrounding properties to the south and west are zoned Grand Ronde Public Assembly (GR/PA) zone and contain the Confederated Tribes of Grand Ronde public and administrative buildings.

Property to the north and east are zoned Grand Ronde Low Density Residential (GR/LDR). The property to the north contains a single-family dwelling and the property to the east contains multi-family housing.

The subject property is virtually surrounded by a developed public zoned area and multi-family zoned area, and the proposed zone change would be consistent with the surrounding land uses and pattern of development in this area. Transportation, telephone, electric, sewer and water services are currently established in the area.

The subject property contains a 1,584 square foot dwelling, a 1,080 square foot building, a 432 square foot building, a 1,152 square foot building, and a 192 square foot building. The subject property is used as a residence and a commercial wrecking yard.

Based on a review of Polk County Tax Assessor’s records, it appears that the subject property has been used as a wrecking yard since the late 1960’s. In a vintage black and white photograph obtained from the Assessor’s office and included in the record, the property is shown with two tow trucks and several cars of 1960’s vintage. The photograph is not dated and detailed Assessor’s records from the 1970’s back have been purged. Staff also reviewed aerial photographs from 1963, 1978, and 2004. Based on a review of the aerial photographs, which are included in the record, it appears the subject property could have been used as a wrecking yard as far back as 1963. Based on Polk County Planning Division records the subject property was first zoned in June of 1972 (Grand Ronde Area Zone 3 zoning map is included in the record). Staff concludes, based on the evidence in the vintage Tax Assessor’s photograph and aerial photographs, the subject property has been used as a wrecking yard since prior to adoption of zoning on the subject property in June of 1972.

The UC-IL zoning district proposed to be applied to the subject property establishes maximum building size limitations on uses that may not be compatible with surrounding resource uses or the rural community in order to assure that the uses remain small in scale and, as a result, low in impact. The properties adjacent to the subject property to the west south and east have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. Some uses have been established on adjacent properties that are at a scale exceeding what could be established under the Polk County Zoning Ordinance. The residential property to the north could be further developed to 9,000 square foot residential lots. Because of the magnitude of the existing development surrounding the subject property and the fact that the wrecking yard use has existed on the subject property since prior to the application of zoning on the subject property in June 1972, staff assumes that normal impacts associated with light industrial development that may effect farm or forest management practices, has already required a modification of those practices. Based on these findings, staff finds that the continuation of the existing uses on the subject property would not substantially impact the surrounding resource properties, particularly because there are not any resource properties in the vicinity of the subject property. Due to the existing development around the subject property and the lack of resource managed or zoned properties in the vicinity, staff finds that the proposed zone change to UC-IL would not cause a

long-term economic impact on the general area from the irreversible removal of the land from the resource base. For these reasons, staff finds that the existing industrial development is appropriate when taking into account surrounding land uses and that fact that they are part of a contiguous concentration of nonresource development.

The proposed zoning district would allow industrial types of uses consistent with the available facilities and services. The subject area would remain rural, as urban levels of road improvements, and density would not be obtained as a result of the proposed Goal exception. Staff finds it unlikely that resource properties in the area may become impacted and "committed" to a similar type of non-resource use as could be established on the subject properties. The proposal complies with these provisions based on the existing land use pattern of the area.

D) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

- (a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;**
- (b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;**
- (c) An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken. [OAR 660-004-0028(1)]**

Findings: Industrial uses would not be allowed on the subject property under the current Exclusive Farm Use (EFU) Zoning District, Polk County Comprehensive Plan Agriculture designation, or Statewide Planning Goals 3 and 4.

The properties adjacent to the subject property to the west south and east have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. Some uses have been established on adjacent properties that are at a scale exceeding what could be established under the Polk County zoning ordinance. The residential property to the north could be further developed to 9,000 square foot residential lots. Because of the magnitude of the existing development surrounding the subject property and the fact that the wrecking yard use has existed on the subject property since prior to the application of zoning on the subject property in June 1972, staff assumes that normal impacts associated with light industrial development that may effect farm or forest management practices, has already required a modification of those practices. The subject property is virtually surrounded by developed property. The fact that the subject property contains only 2.35-acres and is not contiguous with any resource managed or zoned property irrevocably commits this property to nonresource use. The proposed zone change would be consistent with the existing and historic use of the property and the surrounding land uses and pattern of development in this area.

E) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

- a) The characteristics of the exception area;**
- b) The characteristics of the adjacent lands;**

- c) **The relationship between the exception area and the lands adjacent to it; and**
- d) **The other relevant factors set forth in OAR 660-040-0028(6). [OAR 660-004-0028(2)]**

Findings: The UC-IL zoning district proposed to be applied to the subject property establishes maximum building size limitations on uses that may not be compatible with surrounding resource uses or the rural community in order to assure that the uses remain small in scale and, as a result, low in impact. The properties adjacent to the subject property to the west, south and east have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. Some uses have been established on adjacent properties that are at a scale exceeding what could be established under the Polk County Zoning Ordinance. The residential property to the north could be further developed to 9,000 square foot residential lots. Because of the magnitude of the existing development surrounding the subject property and the fact that the wrecking yard use has existed on the subject property since prior to the application of zoning on the subject property in June 1972, staff assumes that normal impacts associated with light industrial development that may effect farm or forest management practices, has already required a modification of those practices. Based on these findings, staff finds that the continuation of the existing uses on the subject property would not substantially impact surrounding resource properties, particularly because there are very few resource properties in the vicinity of the subject property. Due to the existing development around the subject property and the lack of resource managed or zoned properties in the vicinity, staff finds that the proposed zone change to UC_IL would not cause a long-term economic impact on the general area from the irreversible removal of the land from the resource base. For these reasons, staff finds that the existing industrial development is appropriate when taking into account surrounding land uses and that fact that they are part of a contiguous concentration of nonresource development.

Based on the characteristics of the exception area, the characteristics of adjacent lands, the relationship between the exception area and the lands adjacent to it as well as other relevant factors listed above, staff identifies the subject property as irrevocably committed to industrial use.

F) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

- a) **Farm use as defined in ORS 215.203;**
- b) **Propagation or harvesting of a forest product as specified in OAR 660-331-0020; and**
- c) **Forest operations or forest practices as specified in OAR 660-060-0025(2)(a). [OAR 660-004-0028(3)]**

Findings: This proposal is for a 2.35-acre parcel located at 19635 Grand Ronde Road, Grand Ronde T6S, R8W, Section 1, Tax Lot 500.

Currently the surrounding properties to the south and west are zoned Grand Ronde Public Assembly (GR/PA) zone and contain the Confederated Tribes of Grand Ronde public and administrative buildings. Property to the north and east are zoned Grand Ronde Low Density Residential (GR/LDR). The property to the north contains a single-family dwelling and the property to the east contains multi-family housing.

The subject property is virtually surrounded by a developed public zoned area and multi-family zoned area, and the proposed zone change would be consistent with the surrounding land uses and pattern of development in this area. Transportation, telephone, electric, sewer and water services are currently established in the area.

The subject property contains a 1,584 square foot dwelling, a 1,080 square foot building, a 432 square foot building, a 1,152 square foot building, and a 192 square foot building. The subject property is used as a residence and a commercial wrecking yard. Staff has not found any recent records of farm or forest use.

Staff finds that resource use on the subject property is impracticable due to 1) the recent establishment of the intensive public and residential development that virtually surrounds the subject property, 2) the fact that the property is part of a contiguous block of existing commercial development, 3) the property is too small to be farmed in and of itself, and 4) the property is isolated from existing farm or forest operations by existing development. The subject property has not been identified as essential for agricultural or forestry stability within Polk County.

G) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area. [OAR 660-004-0028(4)]

Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands. [OAR 660-004-0028(5)]

Findings of fact for a committed exception shall address the following factors:

- a) Existing adjacent uses;**
- b) Existing public facilities and services (water and sewer lines, etc.);**
- c) Parcel size and ownership patterns of the exception area and adjacent lands:**
 - 1) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive**

commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;

- 2) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.**
- d) Neighborhood and regional characteristics;**
- e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;**
- f) Physical development according to OAR 660-040-0025; and**
- g) Other relevant factors. [OAR 660-004-0028(6)]**

Findings: This proposal is for a 2.35-acre parcel located at 19635 Grand Ronde Road, Grand Ronde T6S, R8W, Section 1, Tax Lot 500.

Currently the surrounding properties to the south and west are zoned Grand Ronde Public Assembly (GR/PA) zone and contain the Confederated Tribes of Grand Ronde public and administrative buildings. Property to the north and east are zoned Grand Ronde Low Density Residential (GR/LDR). The property to the north contains a single-family dwelling and the property to the east contains multi-family housing.

The subject property is virtually surrounded by a developed public zoned area and multi-family zoned area, and the proposed zone change would be consistent with the surrounding land uses and pattern of development in this area. Transportation, telephone, electric, sewer and water services are currently established in the area.

The subject property contains a 1,584 square foot dwelling, a 1,080 square foot building, a 432 square foot building, a 1,152 square foot building, and a 192 square foot building. The subject property is used as a residence and a commercial wrecking yard. Staff has not found any recent records of farm or forest use.

Staff finds that resource use on the subject property is impracticable due to 1) the recent establishment of the intensive public and residential development that virtually surrounds the subject property, 2) the fact that the property is part of a contiguous block of existing commercial development, 3) the property is too small to be farmed in and of itself, and 4) the property is isolated from existing farm or forest operations by existing development. The subject property has not been identified as essential for agricultural or forestry stability within Polk County.

The UC-IL zoning district proposed to be applied to the subject property establishes maximum building size limitations on uses that may not be compatible with surrounding resource uses or the rural community in order to assure that the uses remain small in scale and, as a result, low in impact. The properties adjacent to the subject property to the west, south and east have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. Some uses have been established on adjacent properties that are at a scale exceeding what could be established under the Polk County Zoning Ordinance. The residential property to the north could be further developed to 9,000 square foot residential lots. Because of the magnitude of the existing development surrounding the subject property and the fact that the wrecking yard use has existed on the application of zoning on the subject property in June 1972, staff assumes that normal impacts associated with light industrial development that may affect farm or forest management practices, has already required a modification of those practices. Based on these findings, staff finds that the continuation of the existing uses on the subject property would not substantially impact the surrounding resource properties, particularly because there are very few resource properties in the vicinity of the subject property. Due to the existing development around the subject property and the lack of resource managed or zoned properties in the vicinity, staff finds that the proposed zone change to UC_IL would not cause a long-term economic impact on the general area from the irreversible removal of the land from the resource base. For these reasons, staff finds that the existing industrial development is appropriate when taking into account surrounding land uses and that fact that they are part of a contiguous concentration of nonresource development.

The Grand Ronde Rural Community is served by a community water system and community sewer system. To address sewer and water capacity issues at Grand Ronde, Polk County adopted a Limited Use Overlay Zone A to assure that future residential densities do not exceed the capacity of the sewer and water system. The overlay zone may be removed, which would permit more intense levels of development, upon completion of public facility plans and the necessary facilities are available.

The proposed uses and zoning district would allow the continuation of industrial types of uses consistent with the available facilities and services. The subject area would remain rural, as urban levels of road improvements, and density would not be obtained as a result of the proposed Goal exception. Staff finds it unlikely that the resource properties would become impacted and “committed” to a similar type of non-resource use as could be established on the subject property as there are very few properties in the area either zoned or managed for resource use. The proposal complies with these provisions based on the existing land use pattern of the area.

H) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph. [OAR 660-004-0028(7)]

Findings: The subject property has been adequately identified. Maps and aerial photographs are available and have been included in the record for the proceedings.

I) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:

- a) **Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and**
- b) **Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations. [OAR 660-004-0028(8)]**

Findings: The record for the proposal includes an aerial photograph and a map. Polk County is a jurisdiction with an acknowledged comprehensive plan and land use regulation.

SUPPLEMENTAL FINDINGS:

This requirement is applicable to lands for which Polk County adopted an exception to Goal 3 and included those lands within the revised community boundaries. The other 208.82-acres were rezoned back to their original Exclusive Farm Use (EFU) or Farm Forest (FF) zoning which resolves this requirement for those lands.

Polk County has previously developed a Significant Resource Overlay zone to implement Goal 5 that provides clear standards and criteria for conflicting Goal 5 uses and identifies conflicting uses. Completion of the periodic review task 3 did not remove that overlay designation and the properties are subject to the Significant Resource overlay zoning district that has been acknowledged for implementing Goal 5 in Polk County.

—Grand Ronde Unincorporated Community

The exception to Goal 3 for the 2.35-acres located at 19635 Grand Ronde Road, Grand Ronde T6S, R8W, Section 1, Tax Lot 500 has contained an industrial use and a residence since the 1960's. The Polk County Significant Resource Overlay zone (Polk County Zoning Ordinance (PCZO) chapter 182) identifies this property as containing significant deer and elk winter range habitat. Chapter 182.070(A)(2) identifies residential development, roads, landfills, commercial feedlots, airports, and open concrete canals as conflicting uses to significant deer and elk winter range.

The subject property is bordered by a developed public zoned area to the west and south (including the Confederated Tribes of Grand Ronde governance building to the west and the wellness building located to the south) a multi-family housing development to the east and a single family zoned area to the north. These surrounding properties to the north, south, east and west are located within the Grand Ronde Unincorporated Community Boundary. The proposed zone change and inclusion in the community boundary would be consistent with the surrounding land uses and pattern of development in this area. The Polk County Significant Resource Overlay zone provides that lands for which an exception has been taken or are within a rural community center are exempt from the deer and elk winter range standards (PCZO 182.050(A)).

The subject property contains a 1,584 square foot dwelling and storage buildings containing 1,080 square feet, 432 square feet, 1,152 square feet and 192 square feet. The subject property is used as a residence and a commercial wrecking yard. The subject property is fully developed with industrial type uses associated with the wrecking yard including buildings, surfacing, and landscape screens and buffers.

Based on a review of Polk County Tax Assessor's records, it appears that the subject property has been used as a wrecking yard since the late 1960's. In a black and white photograph obtained from the Assessor's office and included in the record, the property is shown with two tow trucks and several cars all of 1960's vintage. The photograph is not dated and detailed Assessor's records from the 1960's have been purged. Staff also reviewed aerial photographs from 1963, 1978, and 2004. Based on a review of the aerial photographs, which are included in the record, it

appears the subject property could have been used as a wrecking yard as far back as 1963. Staff concludes, based on the evidence in the vintage Tax Assessor's photograph and aerial photographs, the subject property has been used as a wrecking yard since at least the late 1960's which predates zoning regulations for the property and the Statewide Planning Goals.

The properties adjacent to the subject property to the west, south and east have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. Some uses have been established on adjacent properties that are at a scale exceeding what could be established under the Polk County Zoning Ordinance. The residential property to the north could be further developed to 9,000 square foot residential lots. Because of the magnitude of the existing development surrounding the subject property and the fact that the wrecking yard use has existed on the subject property since the at least the late 1960's, the normal impacts associated with light industrial development that may affect deer and elk winter range habitat have already impacted the habitat areas that may have existed on the subject property. Additionally, there are not any resource properties adjacent to the subject property. Based on these findings, the continuation of the existing uses on the subject property would not substantially impact significant deer and elk winter range habitat. Due to the existing development around the subject property, the proposed zone change to Unincorporated Community Light Industrial (UC-IL) and inclusion of the subject property within the community boundary would not substantially impact the deer and elk winter range habitat on the subject property or in the vicinity and would not constitute a 'new' conflicting use that may potentially impact a significant Goal 5 resource that is already designated in the acknowledged Comprehensive Plan.

—Valley Junction Unincorporated Community

The exception for the 15.31-acres near Spirit Mountain Casino includes three properties located at 1) 26870 Salmon River Highway T6S, R7W, Section 8C, Tax Lot 1600; 2) 26856 Salmon River Highway T6S, R7W, Section 17, Tax Lot 900; 3) 26800 Salmon River Highway T6S, R7W, Section 17, Tax Lot 1000.

Property 1 located at 26870 Salmon River Highway consists of 0.92-acre, contains a 1,056 square foot single-family dwelling and a 720 square foot accessory structure. There are not any recent records of farm or forest use. This property is surrounded by commercial development to the west, north and east, and property 2 to the south.

Property 2 located at 26856 Salmon River Highway consists of 6.31-acres, contains a 1,390 square foot single-family dwelling and a 24,000 square foot Museum Building. There is no evidence that this property is currently in farm or forest use. This property is surrounded by commercial development to the west, south and east, and property 1 to the north.

Property 3 located at 26800 Salmon River Highway consists of 2.91-acres, contains a 1,143 square foot single-family dwelling and 3,272 square feet of accessory structures. There are not any recent records of farm or forest use. This property is surrounded by commercial development to the west, north, and east, and the South Yamhill River to the south.

As a result of the impacts generated from the creation of the Spirit Mountain Casino in 1996, which has become the largest single destination tourist attraction in the state, the subject properties have been irrecoverably committed to uses other than resource uses. This change in the vicinity of the subject properties would support the proposed amendment and would demonstrate that impacts to deer and elk winter range habitat have previously occurred as a result of substantial existing development on surrounding properties.

The Polk County Significant Resource overlay zone (Polk County Zoning Ordinance (PCZO) chapter 182) identifies these properties as containing significant deer and elk winter range habitat. Chapter 182.070(A)(2) identifies residential development, roads, landfills, commercial feedlots, airports, and open concrete canals as conflicting uses to significant deer and elk winter range.

The subject properties all contain preexisting residential development, which is identified as a conflicting use to deer and elk winter range. The subject properties are encompassed by a developed commercially zoned area that includes a casino, hotel, gas station, recreational vehicle parking, supporting maintenance buildings and parking all to the north east and west of the subject properties and natural features including the South Yamhill River to the south. In addition, Oregon State Highway 18, which has significant traffic volumes, is located to the north. The proposed zone change and inclusion in the community boundary would be consistent with the surrounding land uses to the north, east and west and pattern of development in this area. The resource zoned properties to the south are separated by the South Yamhill River and are not depicted as containing significant deer and elk winter range habitat on the Polk County Significant Resource Areas map.

The properties adjacent to the subject properties have been included as Tribal Trust land by United States Bureau of Indian Affairs. As a result, uses established on those properties are not subject to local or State land use laws. The intensive uses that have been established on adjacent properties are at a scale exceeding what could be established under the proposed Northwest Polk Community Commercial (NP-C) zoning district. These uses cover an area in excess of 92-acres that surround the subject properties to the north, east and west. The resource zoned properties to the south are separated by the South Yamhill River, which provides a significant natural barrier to which there is no public access road across the river at this location. This existing development has fragmented the subject properties from productive deer and elk winter range areas further north and east. Because of the magnitude of the surrounding commercial area and the tremendous amount of traffic that the casino use generates, impacts associated with commercial development that may affect deer and elk winter range habitat has already impacted the habitat areas that may have once existed on the subject properties. The subject properties are located at the southern fringe of the delineated winter range. The potential impacts associated with commercial development of the subject properties are further lessened because of the proximity to the winter range boundary. Based on these findings, commercial development that is consistent with the unincorporated community rules on the subject properties would not substantially impact deer and elk winter range habitat on the subject properties or in the vicinity and would not constitute a 'new' conflicting use that may potentially impact a significant Goal 5 resource that is already designated in the acknowledged Comprehensive Plan.

The Polk County Significant Resource Overlay zone measures will continue to protect significant fish habitat and riparian areas along the South Yamhill River that border the subject property located at 26800 Salmon River Highway, as the proposed amendments did not remove that overlay designation from the property. Chapter 182.070(A)(1) identifies loss of streamside vegetation, road construction, development along lake/reservoir shorelines, dam construction and aggregate as conflicting uses to significant fish habitat. Chapter 182.070(C)(1) identifies vegetation removal, road construction and timber harvesting as conflicting uses to riparian habitat. These uses are typically accessory to primary uses, including uses allowed within the existing EFU zoning district. Chapter 182.050 requires riparian setbacks in order to limit these conflicting uses within all zoning districts regardless of whether a Goal exception has been granted or if the property is within a community boundary. Including the subject property within the Unincorporated Community of Valley Junction and applying the NPC-C zoning would not substantially impact significant fish or riparian habitat and would not constitute a 'new'

conflicting use that may potentially impact a significant Goal 5 resource that is already designated in the acknowledged Comprehensive Plan.

DATE: April 25, 2000, as amended August 27, 2003

SUBJECT: Legislative Amendment 99-4 and LA 03-02

PROPERTY ADDRESS: 13000 Highway 99W, Suver Junction

PROPERTY LOCATION: Approximately 2.0 acres, consisting of a portion of Tax Lot 100, Township 9 South, Range 5 West, Section 31, WWM.

REQUEST: To establish the unincorporated community boundary of Suver Junction consistent with Oregon Administrative Rule 660, Division 022, and to change the zoning from Exclusive Farm Use (EFU) to Exclusive Farm Use with a Limited Use Overlay (EFU / LUO) on approximately 2.00 acres.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, Oregon Administrative Rule (OAR) 660-04-020(2) requires four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c) be considered. In addition, for expansion of an unincorporated community boundary, these four factors are modified to include the requirements of OAR 660-04-020(4).

660-04-020(4)(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;

Findings: The subject property is developed as an agricultural welding and repair service which was authorized on agricultural land by Conditional Use 88-15. The area to be re-designated is contiguous to the existing community boundary and is a small portion of a larger farm operation. The land has longed been used for industrial use and is considered as part of the Suver Junction community. Including this land within the community boundary would formalize the recognition of this property as an important part of the community and would effectively separate it from adjacent resource land.

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

- (A) 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;**
- (B) 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?**
- (C) **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 assess only 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.**

Findings: The area for the proposed exception is shown on maps adopted by the County as part of Legislative Amendment 99-4, as amended by Legislative Amendment 03-02. Only one industrial property is located in the Suver Junction community and it is proposed for use as a storage and office facility for a general contracting business. The subject property has long been used for industrial purposes and is a vital part of the local community. The industrial use on the property provides a valuable service to the surrounding agricultural area and contributes to the local economy. The use would not serve the same value to this area if it were moved within the Independence urban growth boundary, located approximately 10 miles north of Suver Junction. No other existing exception land, zoned for industrial use, is available in the vicinity of the Suver Junction community boundary.

- (c) **The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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, 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 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;

Findings: The property is fully developed at this time and no expansion of the existing use is proposed. Transportation access is available from Highway 99W. In addition, the property is an important part of the local economic base and the agricultural community. For the most part, employment opportunities are extremely limited within the unincorporated communities in Polk County. Providing additional employment opportunities, particularly those which are small-scale and do not adversely affect the rural character of the community, contribute to both social well-being in the community and the viability of the local economy. No additional long-term environmental, economic, social and energy consequences beyond those currently found can be expected through the re-designation of this property.

- (d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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.**

Findings: The County's Limited Use Overlay Zone would be applied to the approximately 2.0 acre area subject to the reasons exception and would limit development solely to the agricultural welding and repair service which is currently situated on the property. The proposed use has been compatible with adjacent resources uses for more than 10 years and no expansion or additional use of the property is proposed.

- (4) For the expansion of an unincorporated community defined under OAR 660-022-0010.**

The exception requirements of subsections (2)(b), (c), and (d) of this rule are modified to also include the following:

- (a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land;**
- (b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:**
 - (A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or**
 - (B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or**
 - (C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.**

Findings: No exception land is located in proximity to the Suver Junction community boundary. In addition, no land in the vicinity of the boundary is designated as marginal land. Agricultural land in proximity to the boundary is designated as “high-value” farmland as defined in state statute and administrative rule. The area subject to re-designation is comprised of Class IVw soils which are defined as “high-value” farmland. Other soils in the vicinity of the community boundary range from Class IIe to Class IVw. The County finds that there is no higher priority land in the area which is available to accommodate the specific industrial use.

[Adopted by Ordinance # 00-04; amended by LA 03-02, Ordinance # 03-04]

DATE: March 6, 2001

SUBJECT: Legislative Amendment 01-02

PROPERTY LOCATION: The subject property is located on the south side of the Salem-Dallas Highway 22, east of State Farm Road (T7S, R4W, Section 25, Tax Lot 1700).

REQUEST: The applicant is proposing to change the zoning of the 7.30-acre Farm Forest zoned portion of a 32.34-acre parcel from Farm Forest (FF) to Eola Unincorporated Community Commercial (Eola UC-C) Limited Use Overlay (LU) in order to establish pipe inventory storage and equipment parking on the subject property.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, Oregon Administrative Rule (OAR) 660-04-020(2) requires four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c) be considered. In addition, for the expansion of an Unincorporated Community Boundary, the four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c), Oregon Administrative Rule (OAR) 660-04-020(2), are modified to include the requirements of OAR 660-04-020(4).

OAR 660-04-20:

- 1) **"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; [OAR 660-04-20(2)(a)]**

Applicant Response: Section 138.010 of the Polk County Zoning Ordinance states that "as with other natural resource zones, there are isolated lands within the F/F zone which have no actual or potential use for agricultural or forest purposes." That is the case here. The area to be redesigned is contiguous to the existing community boundary and is adjacent to commercial and industrial properties. The subject property is located next to property zoned CR to the North, CR and IC to the East, IP to the West, and Rickreall Creek to the South. Based upon our research, we were unable to learn of any conscious effort that has been made to farm the subject property. This property has no actual or potential use for agricultural or forest purposes.

Eola Bend RV Park, Inc ("Eola") is the current owner of the subject property. It also owns the property to the immediate east of the subject property, which is zoned CR. Hansen Pipe leases the subject property from Eola, along with the property to the immediate West, which is zoned IP.

The proposed exception area consists of 5.07 acres of Tax Lot 1700. The size of the subject lot and its geographical characteristics make it impractical to manage as a FF resource. There is a large slope to the property that makes a significant portion of it unusable for agricultural purposes. The drop off from the highest point to the lowest is approximately 70 to 80 feet. The degree of the slope creates significant access issues for the overwhelming majority of the property. Furthermore, the lot itself narrows to a significant degree as it approaches State Farm Road to the west, leaving as little as 20 to 30 feet between the creek and the slope. The current vegetation on the property consists of scrub brush and scattered cottonwood trees.

Another significant feature of the subject property is that Southern Pacific Railroad had an easement that ran along the north side of the property. This further supports the findings that the

property did not, and does not have agricultural potential. Given the zoning of the properties surrounding the subject property, it appears that the designation of this particular property as FF was perhaps somewhat arbitrary.

The purpose of Goal 3, agricultural lands, is “to preserve and maintain agricultural lands.” The subject property is not currently being used as agricultural land, and due to the zoning of adjacent properties on one side and the lack of access on the other side because of Rickreall Creek, it will not be used for agricultural purposes in the foreseeable future. Therefore, the State policy embodied in Goal 3 is not applicable.

With respect to Goal 4, forest lands, the purpose is to “conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, fish, and wildlife resources and to provide for recreational opportunities and agriculture.” Again, as with Goal 3, the subject property has not been used as forest land, and in fact, there are but scattered trees on the property. Therefore, the State policy embodied in Goal 4 is inapplicable.

Further supporting the determination that a state policy embodied in these Goals should not apply to the subject property is its location. The purpose of the exception is to allow the subject property to be zoned CR, which will allow the owners of the adjacent property, Hansen Pipe, to use it for its business. This property is unique in that it is adjacent to property currently owned by Hansen Pipe. Hansen Pipe and its predecessors have operated its business on the adjacent property since the 1930s. By changing the zoning, Hansen Pipe will have greater space to store its inventories of pipe, as well as allowing it to create an area to park some of its equipment. Hansen Pipe, which is leasing the subject property now with the option to purchase it, has use for only this particular land, and therefore, its use requires a location on resource land.

Based upon the small usable area of the property, its separation from any adjacent agricultural land, and the fact that it is surrounded by commercial and industrial properties, the property cannot be practicably managed for farm or forest use. Therefore, the policies embodied in Statewide Planning Goals 3 and 4 do not apply to the property.

Staff Findings: The applicant has identified the proposed uses of storing pipe inventories and parking equipment on the subject property. Staff identified the subject portion of property to be a total of approximately 7.30-acres, which includes 5.07 acres plus 2.23 acres of the former Southern Pacific railroad right-of-way. The subject property is located contiguous with the Unincorporated Community of Eola, and is separated from adjacent agricultural land by Rickreall Creek and State Farm Road. The subject property also possesses limitations based on its size, shape, and topography. The subject property is surrounded on two sides by existing industrial and commercial uses. For these reasons, the County finds that the policies embodied in Statewide Planning Goal 3 - Agricultural Lands, and Goal 4- Forest Lands do not apply to this 7.30-acre area.

2) "Areas which do not require a new exception cannot reasonably accommodate the use": [OAR 660-04-20(2)(b)]

(A) 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; [OAR 660-04-20(2)(b)(A)]

(B) 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: [OAR 660-04-20(2)(b)(B)]

- (1) 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? [OAR 660-04-20(2)(b)(B)(i)]**
- (2) 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? [OAR 660-04-20(2)(b)(B)(ii)]**
- (3) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not? [OAR 660-04-20(2)(b)(B)(iii)]**

(C) 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 assess only 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. [OAR 660-04-20(2)(b)(C)]

Applicant Response: Areas that do not require a new exception cannot reasonably accommodate the use. As explained above, Hansen Pipe only has a use for this property because it is adjacent to property that it currently owns. Therefore, there are no alternative areas that do not require a new exception considered for the use.

The proposed use cannot be reasonably accommodated on resource land that would not require an exception. The adjacent property owned by Hansen Pipe is not large enough to accommodate its needs. Increasing the density of uses on its nonresource land is impractical and not feasible given size constraints.

The proposed use cannot reasonably be accommodated on resource land that is already irrevocably committed to nonresource uses because as explained above, the subject property is unique in that it is located immediately adjacent to property already owned by Hansen Pipe.

The proposed use cannot be reasonably accommodated inside an urban growth boundary for the same reason as described above.

Staff Findings: Due to the needs of the adjacent Hansen Pipe, pipe manufacturing business, the proposed uses of storing pipe inventories and parking equipment could not be reasonably located on existing exception lands or on resource lands that are irrevocably committed to non-resource uses, nor within an urban growth boundary. In addition, the proposed uses cannot be reasonably accommodated on non-resource land that would not require an exception. There are no non-

resource lands within the general area that are as uniquely situated as the proposed exception area. The proposed uses are locationally dependent to the subject property, as the uses are complimentary and accessory to the uses of the neighboring Hansen Pipe property. The location of the proposed uses on lands irrevocably committed would not be economically feasible from a location standpoint, and it would not contain the special centralized location features of the subject property.

3) The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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, 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 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; [OAR 660-04-20(2)(c)]

Applicant Response: The long-term environmental, economic, social, and energy consequences resulting from the proposed uses will not be significantly more adverse than would typically result from the same proposal being located in another area of Polk County requiring a goal exception.

With respect to environmental consequences, there should be no adverse affect as a result of the proposed use. The adjacent properties are already being used for commercial and industrial purposes, so the addition of the subject property will not add new environmental consequences that do not already exist.

With respect to economic consequences, it is beneficial to allow the exception on the subject property because it allows Hanson Pipe to use its property more efficiently and effectively, and perhaps ultimately provide more employment opportunities to the community.

With respect to social consequences, there should be no adverse affect because the surrounding properties are already zoned for commercial or industrial use. Furthermore, by allowing the exception on this property, which is surrounded by commercial uses, it allows any potential alternate property to retain its non-commercial character.

Finally, with respect to energy consequences, given the limited proposed uses of the subject property, there should be no significant adverse affects.

Staff Findings: The County's Limited Use Overlay Zone would be applied to the area subject to the "reasons" exception and would limit development of the exception area solely to the storage yard for pipes and parking equipment. Other ancillary uses such as off-street parking for the uses

on the property may also occur within the exception area and are not prohibited or otherwise regulated by the Overlay Zone.

Economic and energy costs may actually be decreased if the proposed area is allowed for establishment of the proposed pipe inventory storage, and equipment parking uses. The use of another site would include additional loading, unloading, and hauling of the products to another site that would not be required by approval of the proposed site. The County finds that the long-term impacts associated with the proposed pipe inventory storage and equipment parking are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

- 4) **"The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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. [OAR 660-04-20(2)(d)]**

Applicant Response: The proposed use of the subject property is sought to make it more compatible with adjacent land uses. As previously described, Hansen Pipe is the owner of adjacent property and will use the property to store its pipe inventories and equipment. Hanson Pipe's use of its property has been compatible with the surrounding resources. Furthermore, none of the adjacent properties are being used for farming or forest practices.

The proposed use will be subject to county zoning ordinances designed to minimize any potential compatibility issues.

Staff Findings: The subject property would be part of an existing industrial development within the community. Industrial development on the adjacent property has coexisted with resource uses in the community of Eola for many years. Based on the proposed uses of the property, off-site impacts to resource operations could be minimal. The applicant shall maintain applicable stream setbacks, and meet all applicable floodplain development standards.

- 5) **For the expansion of an unincorporated community defined under OAR 660-022-0010.**

The exception requirements of subsections (2)(b),(c),and (d) of this rule are modified to also include the following: [OAR 660-04-20(4)]

- (A) **Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land; [OAR 660-04-20(4)(a)]**
- (B) **Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons: [OAR 660-04-20(4)(b)]**
- (1) **Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or [OAR 660-04-20(4)(b)(A)]**

- (2) **Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or[OAR 660-04-20(4)(b)(B)]**
- (3) **Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land. [OAR 660-04-20(4)(b)(C)]**

Applicant Response: No exception land is located in proximity to the community boundary. In addition, no land in the vicinity of the boundary is designated as marginal land. Agricultural land in proximity to the boundary is designated as “high-value” farmland as defined in state statute and administrative rule. The area subject to re-designation is comprised of Class IIw soils, which are defined as “high-value” farmland, as well as Class IIIb and IV soils. The specific commercial development cannot be reasonably be accommodated on higher priority land.

Staff Findings: There are exception lands to the north, but it is not contiguous to the subject property and would not be practicable to provide pipe inventory storage and equipment parking uses desired in this application. The County finds that the pipe inventory storage and equipment parking uses cannot be reasonably accommodated on higher priority land.

DATE: April 25, 2000

SUBJECT: Legislative Amendment 99-4

PROPERTY ADDRESS: Intersection of Harmony Road and Highway 22, Buell.

PROPERTY LOCATION: Approximately 0.70 acres, consisting of Tax Lot 700 (0.20 acres) and a portion of Tax Lot 500 (0.50 acres), Township 6 South, Range 6 West, Section 28B, WWM.

REQUEST: To amend the Comprehensive Plan Designation from Agriculture to Unincorporated Community Commercial, and to change the zoning from Exclusive Farm Use (EFU) to Unincorporated Community Commercial Retail (UC-CR) on approximately 0.70 acres and to include this area within the community of Buell. The Limited Use Overlay Zone would apply to the approximately 0.70 acre portion of the property subject to this “reasons” exception.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, Oregon Administrative Rule (OAR) 660-04-020(2) requires four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c) be considered. In addition, for expansion of an unincorporated community boundary, these four factors are modified to include the requirements of OAR 660-04-020(4).

660-04-020(4)(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;

Findings: The area to be re-designated is contiguous to the existing community boundary and is adjacent to the only commercial property in the community (Tax Lot 600). Tax Lot 600 houses a small market which will soon be torn down and reconstructed further west on the same lot. The property would also house a storage yard for the owner’s towing business. The property owner also intends to establish a retail store, office, gas station, including a card-lock service, and a single-family residence on the site. The towing service storage yard and one single-family residence would be sited within the proposed exception area. The other uses would be sited in the area that is currently zoned for commercial uses. Some ancillary uses such as off-street parking associated with the uses on the property and a portion of the on-site septic system may also be located within the exception area.

The existing commercial building on the property is located adjacent to the Harmony Road right-of-way along the east property line. This location creates a safety problem for vehicles entering or exiting the subject property. The property owner will be reconstructing the existing building approximately 35 feet west of the right-of-way in order to alleviate this safety problem. In so doing, the property owner is sacrificing some ability to develop his property. The proposed exception area is intended to partially compensate for the area that will be lost to commercial development as currently zoned, while retaining the majority of the property (2.40 acres) for farm use. In preparing this exception, the Board of Commissioners has carefully considered the areas of the property that cannot be practicably managed for farm use. These areas of the property are proposed for this “reasons” exception.

The proposed exception area consists of: (1) Tax Lot 700 (0.20 acres) is a former right-of-way, located south of the existing commercial property and (2) a 0.50 acre portion of Tax Lot 500 that includes triangular-shaped pieces on the north and south ends of the commercial property and a 20-foot wide buffer near the west boundary of Tax Lot 600 that connects the two triangular shaped pieces. None of the areas proposed for an exception are currently being farmed.

Tax Lot 700 is partially paved, with the remainder of the property covered in gravel. It is bordered by the commercial property (Tax Lot 600) to the north and Highway 22 to the south. Based on the small size of this property, its separation from adjacent agricultural land, and the fact that it is covered in impervious or partially impervious surfaces the County concludes that this property cannot be practicably managed for farm use.

The portion of Tax Lot 500 proposed for exception are small triangular-shaped pieces, approximately 0.19 acres (north) and 0.10 acres (south) and a 20-foot wide buffer that connects these two pieces of approximately 0.10 acres. The small size and shape of the triangular-shaped areas makes them impracticable to manage for farm use. In addition, the southernmost triangle area, adjacent to Tax Lot 700 is primarily covered in gravel. This exception "squares off" the area on Tax Lot 500 (2.40 acres) that is still available for farm use, thus making it more manageable for resource use.

The 20-foot wide exception area along the west side of the existing commercial-zoned area that joins these two pieces would be comprised of a special setback from resource land that is required in the UC-CR Zone. A 20-foot wide portion of the exception area along the north property line also abuts resource land and would also consist of this special setback.

For these reasons, the County finds that the policy embodied in Statewide Planning Goal 3 - Agricultural Lands do not apply to this 0.70 acre area.

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

- (A) 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;**
- (B) 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?**
- (C) 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 assess only 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.

Findings: The area for the proposed exception is shown on maps adopted by the County as part of Legislative Amendment 99-4.

This exception area is located adjacent to the only commercial property in Buell. No other exception areas which could accommodate the proposed use are located within three (3) miles of the subject property. Further, the proposed towing service would be located directly adjacent to Highway 22 and centrally located between Dallas, Willamina, and Sheridan. Location of the proposed use within the urban growth boundaries of these communities would not provide the centralized location for the towing and vehicle storage service that the subject property provides. Such towing service and associated vehicle storage is needed in an area where there has been a dramatic increase in vehicle traffic. The amount of traffic in this area is expected to further increase.

No resource land which is committed to non-resource uses is located within the community or in the vicinity of the Buell community boundary.

The proposed uses cannot be reasonably accommodated on non-resource land that would not require an exception. There are no non-resource lands within the general area that are as uniquely situated as the proposed exception area. The economics of finding a non-resource parcel with these same features would be improbable. In addition, trying to locate a non-resource parcel where the density could be increased by adding the uses proposed for the subject property would be improbable, as the location of the subject property is what has made the past and present uses viable. That is, they are oriented to the traveling public at a centralized location in Polk County where there are no other service-oriented facilities extending at least three miles to the east or west. The proposed uses could not be reasonably located in a rural service center or on resource lands that are irrevocably committed to non-resource uses, nor within an urban growth boundary. The location of the proposed uses on lands irrevocably committed would not be economically feasible from the start up or new construction standpoint and it would not contain the special centralized location features of the subject property.

- (c) **The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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, 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 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;

Findings: The long-term environmental, economic, social, and energy consequences resulting from the proposed uses, as identified in the background section of these findings and conclusions, will not be significantly more adverse than would typically result from the same proposal being located in another area of Polk County requiring a goal exception. The typical alternate area would consist of a small parcel located at the intersection of a state highway and a county collector road. The subject property is better suited for a number of reasons.

First, with respect to the environmental consequences, if the proposed uses were located on an alternative area their impact would be more adverse than if located on the subject property. This would be particularly so if the alternative area did not have a history of commercial development. A positive factor with the subject property is the fact that the adjoining land has previously been developed for a community commercial use. Most of the uses proposed on the property would be located within the existing commercial-zoned area. The proposed uses in the exception area include a storage yard for a towing business and one (1) single-family residence. Establishment of these uses will be subject to the permitting requirements of Polk County. In particular, the towing service storage yard will be subject to paving and screening requirements and establishment of the single-family residence will be subject to building and septic permits. The permitting process is intended, in part, to minimize adverse environmental impacts.

Second, with respect to the economic consequences, there will be less of an impact locating the uses on the subject property. This stems from the fact that prior commercial development took place on adjoining commercial property. This land and the subject property are tied together. There is already paving, power, access driveways, and other improvements in place on the subject property. On other similarly situated parcels this would not be the same situation and the economic consequences for placing these improvements into the alternative property would be more adverse than if located on the subject property.

Third, with respect to the social consequences, the rural areas surrounding the Buell community have already been accustomed to the past commercial use and traffic pattern of Tax Lot 600 (currently zoned for commercial use) and parts of Tax Lot 700. One positive aspect to retaining the commercial core of the community at this intersection is that the social impact would be less than if placed in an area that was not used to having a commercial use in their community.

Fourth, the energy consequences of locating the uses at the subject property and adjoining commercial property would be less than if the proposed uses were located at another site in Polk County. Transportation access is readily available from Harmony Road. In addition, water and an on-site septic system are either in place or in the process of being installed by the owner. This would not be the case for an alternative site.

The consequences associated with the proposed uses on the subject property are not significantly more adverse than would typically result from the same proposal being located in another area

requiring a goal exception. The adjacent commercial property is currently within the Buell unincorporated community and is designated for commercial use. The subject property is located at a busy intersection that has been developed for uses oriented to the traveling public. The area subject to the exception could not practically be used for resource uses due to its narrow shape and soil disturbances. Other properties in the County may share similar features with respect to location at an intersection, but they do not share similar elements with respect to location adjacent to commercial development. Or central to towing

The cumulative impacts analysis conducted for the community of Buell shows that none of the soils in the area would prohibit the establishment of new septic systems. The subject property currently has water service. The County Sanitarian has tentatively approved a re-circulating gravel filter wastewater disposal system for this site.

The County's Limited Use Overlay Zone would be applied to the area subject to the "reasons" exception and would limit development of the exception area solely to the storage yard for the towing service and one (1) single-family residence. Other ancillary uses such as off-street parking for the uses on the property and a portion of the on-site septic system may also occur within the exception area and are not prohibited or otherwise regulated by the Overlay Zone.

Transportation access is available from Highway 22 and Harmony Road. However, due to safety concerns, the Highway 22 access will be closed and all access will be directed to Harmony Road, which is classified as a major collector road in the County road system. Development of an access on Harmony Road will be subject to the access permit requirements of the Polk County Public Works Department.

The County finds that the long-term impacts associated with the proposed commercial uses are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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.

Findings: The County's Limited Use Overlay Zone would be applied to the approximately 0.70 acre area subject to the reasons exception and would limit development solely to the towing service storage yard and one (1) single-family residence. Development is limited to these uses, in part, to minimize adverse impacts to other adjacent uses.

Establishment of the towing service storage yard shall be subject to approval of a conditional use permit as provided by Section 146.050(A)(10) of the Polk County Zoning Ordinance (PCZO). As part of that process, the County will consider conditions intended to minimize impacts to adjacent resource uses. These include, but are not limited to, hours of operation, lighting, paving and storm drainage, landscaping, and screening and buffering. These types of conditions are designed to mitigate off-site noise, dust, visual, and environmental impacts.

In addition, Section 112.400(B)(3)(c) of the PCZO requires that a special 20-foot setback be imposed where commercial or industrial properties within unincorporated communities abut

resource land. Approximately 0.12 acres of the exception area (about 5,600 square feet) along the north and west sides of the proposed development would be devoted to this setback. This setback is intended to create separation between the types of uses proposed for this property and adjacent resource uses as a means to minimize potential adverse impacts.

Establishment of the single-family residence requires compliance with building and septic permits. These permits are intended to ensure that water is available and the property can accommodate an on-site septic system subject to the approval of a re-circulating gravel filter.

The subject property would be part of the only commercial development within the community. Commercial development of this property has coexisted with resource uses in the community of Buell for many years. Based on the proposed use of the property, off-site impacts to resource operations should be minimal.

(4) For the expansion of an unincorporated community defined under OAR 660-022-0010.

The exception requirements of subsections (2)(b),(c),and (d) of this rule are modified to also include the following:

- (a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land;**
- (b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:**
 - (A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or**
 - (B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or**
 - (C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.**

Findings: No exception land is located in proximity to the Buell community boundary. In addition, no land in the vicinity of the boundary is designated as marginal land. All of the agricultural land in proximity to the boundary is designated as “high-value” farmland as defined in state statute and administrative rule. The area subject to re-designation is comprised of Class IIw soils. However, portions of the soils in the exception area have been paved or covered with gravel and subsequently compacted. All other agricultural soils in the vicinity of the community boundary are also classified as Class IIw soils. The only other soils in the area are located in an adjacent active rock quarry and are identified as “pits and quarries” in the Polk County Soil Survey. The County finds that the specific commercial development cannot be reasonably accommodated on higher priority land.

DATE: April 25, 2000

SUBJECT: Legislative Amendment 99-4

PROPERTY ADDRESS: 13000 Highway 99W, Suver Junction

PROPERTY LOCATION: Approximately 2.0 acres, consisting of a portion of Tax Lot 100, Township 9 South, Range 5 West, Section 31, WWM.

REQUEST: To amend the Comprehensive Plan Designation from Agriculture to Unincorporated Community Industrial, and to change the zoning from Exclusive Farm Use (EFU) to Unincorporated Community Light Industrial (UC-IL) on approximately 2.00 acres and to include this area within the community of Suver Junction.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, Oregon Administrative Rule (OAR) 660-04-020(2) requires four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c) be considered. In addition, for expansion of an unincorporated community boundary, these four factors are modified to include the requirements of OAR 660-04-020(4).

660-04-020(4)(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;

Findings: The subject property is developed as an agricultural welding and repair service which was authorized on agricultural land by Conditional Use 88-15. The area to be re-designated is contiguous to the existing community boundary and is a small portion of a larger farm operation. The land has longed been used for industrial use and is considered as part of the Suver Junction community. Including this land within the community boundary would formalize the recognition of this property as an important part of the community and would effectively separate it from adjacent resource land.

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

- (A) 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;**
- (B) 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?**
 - (iii) 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?

(C) 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 assess only 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.

Findings: The area for the proposed exception is shown on maps adopted by the County as part of Legislative Amendment 99-4. Only one industrial property is located in the Suver Junction community and it is proposed for use as a storage and office facility for a general contracting business. The subject property has long been used for industrial purposes and is a vital part of the local community. The industrial use on the property provides a valuable service to the surrounding agricultural area and contributes to the local economy. The use would not serve the same value to this area if it was moved within the Independence urban growth boundary, located approximately 10 miles north of Suver Junction. No other existing exception land, zoned for industrial use, is available in the vicinity of the Suver Junction community boundary.

No resource land which is committed to non-resource uses is located within the community or in the vicinity of the Buell community boundary.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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, 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 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;

Findings: The property is fully developed at this time and no expansion of the existing use is proposed. Transportation access is available from Highway 99W. In addition, the property is an important part of the local economic base and the agricultural community. For the most part, employment opportunities are extremely limited within the unincorporated communities in Polk County. Providing additional employment opportunities, particularly those which are small-scale and do not adversely affect the rural character of the community, contribute to both social well-being in the community and the viability of the local economy. No additional long-term environmental, economic, social and energy consequences beyond those currently found can be expected through the re-designation of this property.

- (d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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.**

Findings: The County's Limited Use Overlay Zone would be applied to the approximately 2.0 acre area subject to the reasons exception and would limit development solely to the agricultural welding and repair service which is currently situated on the property. The proposed use has been compatible with adjacent resources uses for more than 10 years and no expansion or additional use of the property is proposed.

- (4) For the expansion of an unincorporated community defined under OAR 660-022-0010.**

The exception requirements of subsections (2)(b),(c),and (d) of this rule are modified to also include the following:

- (a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land;**
- (b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:**
- (A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or**
- (B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or**
- (C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.**

Findings: No exception land is located in proximity to the Suver Junction community boundary. In addition, no land in the vicinity of the boundary is designated as marginal land. Agricultural

land in proximity to the boundary is designated as “high-value” farmland as defined in state statute and administrative rule. The area subject to re-designation is comprised of Class IVw soils which are defined as “high-value” farmland. Other soils in the vicinity of the community boundary range from Class IIe to Class IVw. The County finds that there is no higher priority land in the area which is available to accommodate the specific industrial use.

DATE: April 25, 2000

SUBJECT: Legislative Amendment 99-4

PROPERTY ADDRESS: 2300 block of Lincoln Rd, Lincoln

PROPERTY LOCATION: Approximately 1.02 acres comprised of Tax Lot 202, Township 6 South, Range 3 West, Section 23, WWM.

REQUEST: To amend the Comprehensive Plan Designation from Agriculture to Unincorporated Community Residential, and to change the zoning from Exclusive Farm Use (EFU) to Acreage Residential (AR-5) 5-Acre Minimum on a 1.02 acre parcel and to include that parcel within the community boundary. The Limited Use Overlay Zone would apply to this parcel.

CRITERIA: When taking an exception to a statewide planning goal where reasons justify an exception, Oregon Administrative Rule (OAR) 660-04-020(2) requires four factors of Statewide Planning Goal 2 (Land Use Planning) Part II (c) be considered. In addition, for expansion of an unincorporated community boundary, these four factors are modified to include the requirements of OAR 660-04-020(4).

660-04-020(4)(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;

Findings: The area to be re-designated is formerly part of the original town plat for Lincoln and was previously excluded from the community boundary. The area to be re-designated is contiguous to the existing community boundary and currently vacant. The property is not part of a larger farming operation and based on the size of the parcel, it cannot be considered a viable farm parcel. The proposed use of the property is residential. Based on the size of the parcel, one (1) single family residence could be developed on the property. The cumulative impacts analysis that was conducted for the community of Lincoln identified 19 existing residences within the community and found that development of the remaining vacant residential and within the community would only provide for two (2) additional residences. Re-designation of the subject property would add another residential home site within the community. Further, as part of the original town plat, this land should have been included within the Lincoln community boundary when the boundary was originally established.

(b) Areas which do not require a new exception cannot reasonably accommodate the use":

- (A) 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;**
- (B) 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:

- (ii) 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?
- (C) 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 assess only 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.

Findings: The area for the proposed exception is shown on maps adopted by the County as part of Legislative Amendment 99-4. The proposed use of the property is for a residential use. As noted above, the analysis of vacant buildable land within the community identified only enough vacant land for two (2) additional residential units. Increasing the density of development on these lands would detract from the rural character of the area. The addition of this property would allow for a minimal addition to the residential land base within the community and would support one (1) developed home site. No other exception areas zoned for residential use are located within the Lincoln Community Boundary.

No resource lands committed to nonresource uses are found within the community or in the vicinity of the Lincoln community boundary.

Siting this use within an urban growth boundary would not satisfy the need for residential property within Lincoln.

- (c) The long-term environmental, economic, social and energy consequences resulting from the use at 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 other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for 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, 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 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;

- (d) **"The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce 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.**

Findings: The proposed use of the property is residential. The cumulative impacts analysis conducted for the community of Lincoln shows that soils in the area would not prohibit the establishment of new septic systems. The County Sanitarian indicates that the soils on the subject property are well-drained and can accommodate wastewater disposal on-site. New water hook-ups are provided from the Perrydale Domestic Water Association or through an on-site well. These soils are not always water-bearing, however, which may limit development of a well. Transportation access is available from Lincoln Road which is classified as a local road in the County road system. The County's Limited Use Overlay Zone would be applied to the area subject to the "reasons" exception and would limit development solely to residential use.

Residential use is the major component of development within Lincoln. Development of an additional residence in the community with 19 existing residences should not create any adverse social or economic impacts. Providing for an additional residence, provides for only limited development and does not detract from the rural character of the community, contribute to both social well-being in the community and viability of the local economy.

Development of an additional residence should not produce any significant energy impacts. Energy impacts associated with development of this property should be similar to those produced by other residences within the community.

The County finds that the impacts associated with the proposed residential use are minimal and are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

- (4) **For the expansion of an unincorporated community defined under OAR 660-022-0010. The exception requirements of subsections (2)(b),(c),and (d) of this rule are modified to also include the following:**
- (a) **Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural**

land, or lower cubic foot site class for forest land;

- (b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:**
- (A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or**
 - (B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or**
 - (C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.**

Findings: No exception land is located in proximity to the Lincoln community boundary. In addition, no land in the vicinity of the boundary is designated as marginal land. Agricultural land in proximity to the entire community boundary of Lincoln is designated as “high-value” farmland as defined in state statute and administrative rule. Soils on the subject property consist of Class IIw soils.

Lincoln consists of two (2) separate areas which are linked by Highway 51, Lincoln Road, and Zena Road. The subject property is located in the eastern portion (the location of the original town plat) with residential zoned properties. Soils in this area adjacent to this portion of the community consist of IIW and IIs soils. This portion of the community is located approximately ¼ mile from the western portion of the community. Intervening properties are zoned Exclusive Farm Use.

The western portion of the community consists of several commercial and industrial properties. Some Class III and IV soils are located on agricultural land adjacent to this portion of the community. However, the Class III and IV soils are located on parcels which are currently in farm use. These areas are either separated by the western portion of the community by Zena Road or lie at the southwestern edge of the community, more than 1,600 feet from the nearest residential property in the community. Designating a one-acre site in this area would separate this one residential use from the remainder of the residential portion of the community and would not recognize the existing land use pattern nor contribute to a compact community form.

The County finds that, although some soils of lesser capability are located adjacent to the Lincoln community boundary, the land use pattern in the area makes the subject site a more logical choice for inclusion in the community boundary for residential use.

APPENDIX G

UNINCORPORATED COMMUNITIES REPORTS

INTRODUCTION

During 1998 and 1999, Polk County engaged in a planning process for the following ten of sixteen unincorporated communities. These communities are: Airlie, Ballston, Buell, Buena Vista, Lincoln, McCoy, Pedee, Perrydale, Suver and Suver Junction. The planning process was initiated to fulfill the County's requirements under its periodic work program to revise the Comprehensive Plan and Zoning Ordinance consistent with the requirements of Oregon Administrative Rules (OAR) Chapter 660, Division 22 – Unincorporated Communities. The findings are presented here according to relevant criteria from OAR 660-22.

660-22-020 Designation of Community Areas

- (1) **Except as provided in OAR 660-22-070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-22-010. Counties may amend these designations as circumstances change over time.**

Findings: OAR 660-22-010 defines five types of unincorporated communities. The ten unincorporated communities described in this report are defined as either, Rural Service Centers or Rural Community Centers.

Rural Service Centers are defined as communities that consist primarily of commercial or industrial uses providing goods and services to the surrounding rural area or persons traveling through the area. These communities may also have permanent residential dwellings established, however, they are predominantly commercial and industrial by nature. Communities under review in Polk County that fit this description are Buell, Suver and Suver Junction.

Rural Communities are defined as communities that are primarily residential in nature that have at least two other land uses that provide commercial, industrial, or public uses to the community, the surrounding rural area, or to persons traveling through the area. These communities in Polk County that are under review include Airlie, Ballston, Buena Vista, Lincoln, McCoy, Pedee, and Perrydale.

- (2) **Counties shall determine boundaries of unincorporated communities in order to distinguish lands within the community from adjacent exception areas, resource lands and other rural lands.**
- (3) **The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included. Only land meeting the following criteria may be included within an unincorporated community:**
 - (a) **Land which has been acknowledged as an exception area and historically considered to be part of the community;**
 - (b) **Land planned and zoned for farm or forest use which is contiguous to the community area and contains public uses considered to be part of the community, provided such land remains planned and zoned under Goals 3 or 4.**

Findings: Unincorporated community boundaries were originally established by Polk County and acknowledged by Land Conservation and Development Commission (LCDC) in 1992. In some instances, the acknowledged boundaries are now proposed for expansion through Legislative Amendment 99-4.

Table 1 shows the properties which have been added within unincorporated community boundaries. These properties include lands which have been acknowledged as exception areas and historically considered to be part of the community and land planned and zoned for farm or forest use which is contiguous to the community area and which contains public uses considered to be part of the community.

Table 1
Properties to be Included Within Unincorporated Community Boundaries

| Community | Location & Tax Map ID | Current Uses & Improvements | Size | Current Plan Map Designation | Proposed Plan Map Designation |
|------------------|---|--|---------------|--|--|
| Ballston | 14205 Ballston Rd. 6-5-8AD 200 | Vacant | 1.12 acres | Rural Community Center | Unincorporated Community Commercial |
| Ballston | 6-5-8AB | County park | 1.18 acres | Public (not included in community boundary) | Public (included in community boundary) |
| Ballston | 14530 Ballston Rd. 6-5-8AC 1800 and 2100 (portion) | Single family residence | 1.65 acres | Rural Community Center/Agriculture | Unincorporated Community Industrial |
| Buell | Highway 22 & Harmony Road 6-6- 28B 500 (portion) & 700 | Vacant | 0.70 acres | Agriculture | Unincorporated Community Commercial |
| Buena Vista | 11300 block of Park St 9-4-23C 2601, 2602, 2801 | Public park & boat launch | 1.42 acres | Public (not included in community boundary) | Public (included in community boundary) |
| Lincoln | 2850 Zena Road NW 6-3-29 2800 | Industrial site with several warehouses for agricultural machine repair. | 5.11 acres | Industrial | Unincorporated Community Industrial |
| Lincoln | 2300 block of Lincoln Rd 6-3-29 202 | Vacant | 1.02 acres | Agriculture | Unincorporated Community Residential |
| Suver Jct. | 12680 So. Pacific Hwy 9-5-31 100 | Agriculturally- related welding service located on a large farm. | 2.00 acres | Agriculture | Agriculture |

[Amended LA 03-02, Ord. 03-04, 9-17-03]

- (4) Communities which meet the definitions in both OAR 660-22-010(6) and (9) shall be classified and planned as either resort communities or urban unincorporated communities.

Findings: Polk County is addressing only rural service centers and rural community centers under this study.

660-22-030 Planning and Zoning of Unincorporated Communities

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

acknowledgment provisions of ORS 197.610 through 197.625.

Findings: At this time all properties within unincorporated communities are designated "Rural Community" under the Polk County Comprehensive Plan. Amendments to the land use designations in the Comprehensive Plan in Legislative Amendment 99-4 would designate land within these communities as: "Unincorporated Community Residential"; "Unincorporated Community Commercial"; "Unincorporated Community Industrial"; and "Public" based on the projected use of the property. Each property is zoned consistent with the Comprehensive Plan designation.

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

Findings: Two residential zoning districts are applied in unincorporated communities: Suburban Residential (SR), which allows 1-acre minimum, and Acreage Residential 5-acre minimum standard (AR-5). However, actual lot sizes may vary from the minimum required under law. Portions of unincorporated communities established under old town plats contain legally created, potentially buildable parcels of varying sizes. In all cases, development is limited to the carrying capacity of the area, i.e., water availability and the soil capacity for accepting and processing wastewater. For analysis of water and wastewater capacity in each community, see the "Cumulative Impacts Analysis for 10 Unincorporated Communities" included in this appendix.

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

- (a) Uses authorized under Goals 3 and 4;**
- (b) Expansion of a use existing on the date of this rule;**
- (c) Small-scale, low impact uses;**
- (d) Uses that require proximity to rural resource, as defined in OAR 660-04-022(3)(a);**
- (e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;**
- (f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:**
 - (A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;**
 - (B) That such uses would not rely upon a work force served by uses within urban growth boundaries; and**
 - (C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.**

Findings: As part of Legislative Amendment 99-4, Polk County is adopting industrial zoning standards which are consistent with OAR 660-22-030(3).

- (4) **County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:**
- (a) **Uses authorized under Goals 3 and 4;**
 - (b) **Small-scale, low impact uses;**
 - (c) **Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.**

Findings: As part of Legislative Amendment 99-4, Polk County is adopting commercial zoning standards which are consistent with OAR 660-22-030(4).

- (5) **County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:**
- (a) **Any number of new motel and hotel units may be allowed in resort communities;**
 - (b) **New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;**
 - (c) **New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.**

Findings: As part of Legislative Amendment 99-4, Polk County is adopting commercial zoning standards for motels and hotels which are consistent with OAR 660-22-030(5).

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

Findings: As part of Legislative Amendment 99-4, the provisions of OAR 660-22-030(6) have been adopted as a Comprehensive Plan policy statement. Uses allowed within unincorporated community boundaries will be subject to residential, commercial, and industrial development standards that apply within the zoning district. Therefore, all new uses will be restricted to development within setbacks and within height, noise and nuisance abatement standards.

- (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 660-12-060(1)(a) through (c).**

Findings: All unincorporated communities are located on roads classified by the Polk County Transportation Systems Plan as minor collectors or larger. These roads are designed to be adequate for connecting local road systems to larger collectors or arterials and are built to accommodate anywhere from 500 to more than 15,000 average daily trips. All of these roads are currently function within their planned capacity.

Consistent with OAR 660, Division 12, Policy 4-3 of the Polk County Transportation Systems Plan states that “To prevent exceeding planned capacity of the transportation system, Polk County will consider road function, classification, and capacity as criteria for comprehensive

plan map and zoning amendments/changes”.

Further, the Polk County Road Standards require a Traffic Impact Analysis (TIA) for any proposed development that can be reasonably expected to generate more than 300 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour. A TIA may be required for any proposed development that can be reasonably expected to generate more than 150 vehicle trips during a single day or more than 40 trip ends during a single hour or which generates a significant amount of truck traffic.

Transportation Systems Plan Policy 4-3 and the requirements of the Road Standards are intended to ensure that allowed uses are consistent with the identified function, capacity and level of service of transportation facilities serving the community.

- (8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:**
 - (A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and**
 - (B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.**

Findings: Staff has conducted an analysis of the water availability and waste water capability of soils in these 10 unincorporated communities.

Except for the community of Buell, adequate water resources are available to serve the unincorporated communities of Airlie, Buena Vista, Pedee, Suver, and Suver Junction.

Due to recent development of additional wells and storage capacity by the Perrydale Domestic Water Cooperative adequate water is also now available for the communities of Ballston, Lincoln, McCoy, and Perrydale. Water hookups are available through the Water Cooperative for small-scale commercial and industrial uses in these communities. More intensive, commercial and industrial uses that use larger quantities of water require further review by the Water Cooperative prior to authorization of a hookup.

In the unincorporated community of Buell, water availability is an important factor which can limit future development. Water in this area is provided by the Buell-Red Prairie Water Cooperative. Other alternatives, such as the development of private wells or the transfer of water rights can also be used to provide adequate water to serve additional development. As part of the building permit process, Polk County requires that adequate potable water is available as required by the Uniform Building Code. In areas which are served by community water systems, this includes a statement from the water purveyor regarding the availability of water to serve the proposed development. In some cases, where insufficient water is available to serve the proposed development, the County does not preclude the use of on-site storage and water delivery.

At this time, Grand Ronde is the only unincorporated community in Polk County that is served by a community sewer system. Development in all other unincorporated communities is dependent upon on-site wastewater disposal systems. Portions of several unincorporated communities have poorly drained soils which limit the establishment of on-site wastewater systems. These include portions of the communities of Buena Vista, Lincoln, McCoy, Suver, and Suver Junction. The County is currently investigating options for development of a community sewer system to serve Suver and Suver Junction.

Development of on-site wastewater disposal systems requires a permitting process administered by Polk County. This process administers state and federal regulations and ensures that systems be properly constructed and appropriately sized to serve the needs of the proposed development. In instances where poorly drained soils are present, alternative disposal systems, such as capping fill or sand filtration may be required. In the most extreme cases, where soils are poorly drained and there is inadequate area to accommodate any type of on-site disposal system, properties may be rendered undevelopable.

Special waste that may be generated by certain commercial and industrial facilities requires a Water Pollution Control Facility Permit (WPCF). This permit is issued by the Oregon Department of Environmental Quality and is an operating permit that requires periodic review. For special waste or high volume waste, this kind of permit assures ongoing monitoring, system maintenance, and, in case of violation, possible permit revocation.

The permitting process administered by Polk County, prior to development, is an incremental process which is intended to ensure that such development will not result in public health hazards or environmental impacts that violate state or federal water quality regulations. This process also ensures that development will not exceed the carrying capacity of the soil or of existing water resources. This incremental approach then ensures that cumulative development within unincorporated communities does not result in a public health hazard or exceed the carrying capacity of local soil or water resources.

Based on the best available information at this time, the County concludes that zoning applied to lands within unincorporated communities ensures that the cumulative development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

The results of the cumulative impacts analysis are summarized in Table 2 below. Cumulative Impacts Analysis for 10 Unincorporated Communities

PURPOSE

The purpose of this study is to assess the ability of each unincorporated community to support new residential development as currently allowed under the Polk County Zoning Ordinance. The unincorporated communities evaluated in this study are: Airlie, Ballston, Buell, Buena Vista, McCoy, Lincoln, Pedee, Perrydale, Suver, and Suver Junction.

The final analysis is intended to show how many new residential dwelling units can practicably be developed in each community and the ability of the community to accommodate development.

For each community, the study provides a maximum buildout figure, which represents the total number of dwelling units that could be constructed based on existing platted lots and partitions of larger lots or parcels to the minimum allowable parcel sizes. This figure is then modified based on the more practical considerations such as the actual minimum parcel size typically required to support a septic system (approximately 0.35 acre) and other limiting factors such as water availability, the location of 100-year floodplains, and the ability of local soil types to accommodate septic systems. Other physical factors which can limit development This study also identifies obstacles that can be resolved through planning processes.

METHODOLOGY

The maximum number of residential units for each community has been determined by calculating the maximum number of units that can be developed on existing platted lots and on new parcels that could be created through land divisions as described below. The total number of units has been reduced by eliminating lots or parcels or portions of lots or parcels that can not be built on due to limiting factors, such as topography or parcel size. A full description of limiting factors is presented below.

For each community, three lots or parcel type include:

- Parcels or contiguously-owned tracts that meet or exceed the minimum size and which cannot be further divided under the provisions of Zoning Ordinance. For example, a 1.35 acre parcel with a developed homesite in the Suburban Residential (SR) Zoning District, which has a 1-acre minimum parcel size is counted as having one (1) existing residential unit.
- Parcels or contiguously-owned tracts that meet or exceed the minimum size of the designated zoning district and are at least partially vacant. These include parcels which are large enough to be partitioned into additional buildable parcels. For example, a 2.35 acre parcel in the SR Zoning District, with one (1) developed homesite could be partitioned to accommodate a second residential unit. If this parcel is vacant, two (2) homesites would be possible after partitioning.
- Existing platted lots or contiguously-owned tracts that are smaller than the minimum parcel size of the designated zoning district, but which are at least 0.35 acres in size (the minimum size necessary to accommodate an on-site septic system). These typically include lots which are part of the original town plats in these communities or are smaller than the minimum size required in the designated zone. This analysis assumes that, whenever possible, lots under contiguous ownership will be combined to create buildable lots of at least 0.35 acres.

TERMS USED IN THIS ANALYSIS

The following terms are used in Table 2 which summarizes the cumulative impacts analysis.

Existing Units: This figure includes all residential within the community at this time regardless of lot or parcel size. Residential units located in commercial and industrial zones are also included.

Potential Units: The total number of residential units that could be built on existing vacant lots or parcels that are: (1) at least 0.35 acre in size, and (2) lots or parcels that are larger than the minimum parcel size and can be partitioned under zoning standards. For example, in the Suburban Residential zoning district the minimum parcel size is 1 acre. A 2.53-acre parcel can be partitioned into two buildable parcels. A 5-acre tract of smaller parcels can be re-platted to 5 one-acre parcels, and therefore 5 buildable sites can be assumed from that tract. The potential buildable units figure represents the gross number of residential units and does not include any limitations based water availability, soil types, floodway, etc.

Actual Buildable Units: The number of actual buildable units is the subset of potential buildable units after unbuildable sites are eliminated by analysis of limiting factors. In this study we assumed that a lot must be at least 0.35 acres in size to accommodate a house and septic

system.

Maximum Buildable Units: This number is the sum of existing residential units and actual buildable units. This figure represents the best available estimate as to the total number of residential units that could be built in each community if all available residential land is developed.

Limiting Soil Types: Soil types were examined to determine the ability to accept wastewater from a septic drainfield. A number of soil types are completely restrictive for septic drainfields. Other soils must be evaluated on a case by case basis to determine soil acceptance capabilities. For this study, lots or parcels with less than 14,000 square feet of available soils for drainfield development have been eliminated from the buildable sites list. It is possible for a site to develop a drainfield on an adjacent lot or parcel through a septic easement on another parcel, or to obtain a lot line adjustment to acquire enough land to construct a drainfield, however, this report cannot make an accurate estimate as to the extent to which these options could be used to accommodate additional residential development.

Zoning (Acres): This figure includes the total number of acres, by zoning designation within each community.

Table 2

Cumulative Impacts Analysis for 10 Unincorporated Communities

| <u>Community</u> | <u>Existing Units</u> | <u>Potential Units</u> | <u>Actual Buildable Units</u> | <u>Maximum Buildable Units</u> | <u>Limiting Soil Types (acres)</u> | <u>Zoning (acres)</u> |
|--|-----------------------|------------------------|-------------------------------|--------------------------------|------------------------------------|---|
| <u>Airlie</u> | <u>14</u> | <u>34</u> | <u>34</u> | <u>48</u> | <u>0.0 acres</u> | <u>Residential: 32.76</u> <u>Commercial: 0.34</u> <u>Industrial: 0.00</u> <u>Public: 0.00</u> <u>33.10</u> |
| Limitations: None of the soils in the Airlie community would prohibit constructing septic systems. There are no limiting topographic factors. Water is available through new wells without limitation and from Luckiamute Domestic Water Cooperative on a limited basis. Note: One existing home is located within a commercial zone. | | | | | | |
| <u>Ballston</u> | <u>44</u> | <u>15</u> | <u>15</u> | <u>59</u> | <u>0.0 acres</u> | <u>Residential: 63.11</u> <u>Commercial: 1.84</u> <u>Industrial: 7.02</u> <u>Public: 1.18</u> <u>73.15</u> |
| Limitations: None of the soils in the Ballston community would prohibit constructing septic systems. Water is rarely available through new wells according to Oregon Department of Water Resources. Note: One existing home is located within a commercial zone. | | | | | | |
| <u>Buell</u> | <u>4</u> | <u>1</u> | <u>1</u> | <u>5</u> | <u>0.0 acres</u> | <u>Residential: 12.88</u> <u>Commercial: 1.87</u> <u>Industrial: 0.00</u> <u>Public: 18.14</u> <u>32.89</u> |
| Limitations: None of the soils in the Buell community would prohibit constructing septic systems. Water is rarely available through new wells according to Oregon Department of Water Resources. The Buell-Red Prairie Water Cooperative is no longer providing new hookups. | | | | | | |

| <u>Community</u> | <u>Existing Units</u> | <u>Potential Units</u> | <u>Actual Buildable Units</u> | <u>Maximum Buildable Units</u> | <u>Limiting Soil Types (acres)</u> | <u>Zoning (acres)</u> |
|---|-----------------------|------------------------|-------------------------------|--------------------------------|------------------------------------|--|
| <u>Buena Vista</u> | <u>42</u> | <u>63</u> | <u>30</u> | <u>72</u> | <u>8.6 acres</u> | <u>Residential: 49.02</u> <u>Commercial: 2.76</u> <u>Industrial: 0.00</u> <u>Public: 1.42</u> <u>53.20</u> |
| Limitations: The Buena Vista community has 8.6 acres of soils that would not accommodate domestic wastewater from a septic drainfield. Most of these soils are located along local roads and the access for the Buena Vista Ferry. Two parcels contain these soils as well, however, these are currently developed with single family dwellings and contain adequate area composed of other soils for constructing a drainfield. Groundwater is readily available through wells. | | | | | | |
| <u>Lincoln</u> | <u>19</u> | <u>3</u> | <u>3</u> | <u>22</u> | <u>0.0 acres</u> | <u>Residential: 16.97</u> <u>Commercial: 8.08</u> <u>Industrial: 5.11</u> <u>Public: 18.16</u> <u>48.32</u> |
| Limitations: Soils in the area are not limiting for septic systems, though there may be some areas that are poorly drained. These sites must be evaluated on a case by case basis. Water is generally provided through the Perrydale Domestic Water Association or through wells. Soils are not always water bearing, and this may be a limiting factor. However, water availability must be determined on a case by case basis and, therefore, has not been considered a limiting factor here. Note: A caretaker facility can be built on Tax Lot 2800, which is in the IL zoning district and is developed with warehouses and a specialty machine shop. | | | | | | |
| <u>McCoy</u> | <u>11</u> | <u>14</u> | <u>4</u> | <u>15</u> | <u>3.2 acres</u> | <u>Residential: 7.56</u> <u>Commercial: 0.22</u> <u>Industrial: 9.15</u> <u>Public: 0.00</u> <u>16.93</u> |
| Limitations: Approximately 3.2 acres have poorly drained soils which limit wastewater systems. Water is the primary limiting factor. Water is provided by the Perrydale Domestic Water Association. Groundwater is generally not available. Notes: McCoy was not surveyed and platted as an old town plat. One existing home is located within a commercial zone. | | | | | | |
| <u>Pedee</u> | <u>24</u> | <u>45</u> | <u>45</u> | <u>69</u> | <u>0.0 acres</u> | <u>Residential: 71.78</u> <u>Commercial: 0.72</u> <u>Industrial: 27.65</u> <u>Public: 0.50</u> <u>100.65</u> |
| Limitations: Soils in the Pedee area are not composed of soil types that would completely prohibit constructing a drainfield. Note: Pedee was not surveyed and platted as an old town plat. | | | | | | |
| <u>Perrydale</u> | <u>13</u> | <u>19</u> | <u>19</u> | <u>32</u> | <u>0.0 acres</u> | <u>Residential: 33.47</u> <u>Commercial: 0.75</u> <u>Industrial: 2.30</u> <u>Public: 15.95</u> <u>52.47</u> |
| Limitations: Water is provided by the Perrydale Domestic Water Cooperative. Groundwater is generally not available. Soils in the area are not limiting for septic systems. | | | | | | |
| <u>Suver</u> | <u>5</u> | <u>3</u> | <u>1</u> | <u>6</u> | <u>20.6 acres</u> | <u>Residential: 6.29</u> <u>Commercial: 0.81</u> <u>Industrial: 9.30</u> <u>Public: 0.00</u> <u>16.40</u> |
| Limitations: Soils in the Suver area are limiting for septic systems. Existing drainfields in the area have been failing for many years. Polk County Community Development has applied for a grant to explore options for establishing a sewer system for Suver and Suver Junction. Note: The average residential lots in Suver are less than one acre in size, though the minimum allowed in an AR-5 zoning district is 5 acres. Therefore, the number of lots existing at this time is the number that can be established. | | | | | | |

| <u>Community</u> | <u>Existing Units</u> | <u>Potential Units</u> | <u>Actual Buildable Units</u> | <u>Maximum Buildable Units</u> | <u>Limiting Soil Types (acres)</u> | <u>Zoning (acres)</u> |
|---|-----------------------|------------------------|-------------------------------|--------------------------------|------------------------------------|---|
| <u>Suver Junction</u> | <u>1</u> | <u>0</u> | <u>0</u> | <u>1</u> | <u>9.1 acres</u> | <u>Residential: 0.00</u> <u>Commercial: 5.30</u> <u>Industrial: 0.14</u> <u>Public: 0.14</u> <u>Other: 2.70</u> <u>11.14</u> |
| Limitations: Soils in the Suver Junction area are limiting for septic systems. Existing drainfields in the area have been failing for many years. Polk County Community Development has applied for a grant to explore options for establishing a sewer system for Suver and Suver Junction. Note: No areas are zoned for residential development in Suver Junction. Therefore, no new residential units would be expected unless they are developed with a business. The one existing dwelling is located within a commercial zone. | | | | | | |
| <u>Total</u> | <u>177</u> | <u>192</u> | <u>147</u> | <u>324</u> | <u>41.5 acres</u> | <u>Residential: 293.84</u> <u>Commercial: 22.69</u> <u>Industrial: 37.66</u> <u>Public: 55.49</u> <u>Other: 2.70</u> <u>438.25</u> |

[Amended LA 03-02, Ord. 03-##, 9-17-03]

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

Findings: This criterion is not applicable.

- (10) **For purposes of this section, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space.**
- (11) **For purposes of this section, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 20,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 10,000 square feet of floor space.**

Findings: Under Legislative Amendment 99-4, Polk County is adopting commercial and industrial zoning standards which are consistent with OAR 660-22-030(10) and (11).

660-22-050 Community Public Facility Plans

- (1) **In coordination with special districts, counties shall adopt public facility plans meeting the requirements of OAR 660, Division 11, and include them in the comprehensive plan for unincorporated communities over 2,500 in population. A community public facility plan addressing sewer and water is required if the unincorporated community is designated as an urban unincorporated community under OAR 660-22-010 and 660-22-020. For all communities, a sewer and water community public facility plan is required if:**

- (a) Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state or federal standards; or
- (b) The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community facilities and services; or
- (c) The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or
- (d) Land in the community has been declared a health hazard, or has a history of failing septic systems or wells, or a community sewage or water system is projected to be needed by the next periodic review.

Findings: None of the unincorporated communities included in this report have a population larger than 2,500 people. However, a public health hazard has been documented in Suver and Suver Junction where soil types do not accept wastewater. The situation and alternative management approaches are documented in the Cumulative Impacts Analysis for 10 Unincorporated Communities in this appendix.

660-22-060 Coordination and Citizen Involvement

- (1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs.
- (2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:
 - (a) How residents of the community and surrounding area will be informed about the proposal;
 - (b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;
 - (c) Which citizen advisory committees will be notified of the proposal.
- (3) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task.

Findings: Community surveys were mailed to residents within one-half mile of the center of each community. The results of these surveys are included as Attachment A. Community meetings were conducted in seven locations to address the concerns and needs of citizens in all ten unincorporated communities. At each meeting a copy of the state laws initiating change and the purpose of Comprehensive Plan Periodic Review was made available. Staff made group presentations at these meetings when appropriate. All owners of land involved in zone changes or boundary changes resulting from the unincorporated communities project have been interviewed by staff and each is involved voluntarily. Two public hearings were held, as well as a second community open house meeting, to discuss progress with the project. A third public hearing was held to consider issues in the communities of Perrydale and Buell. Pursuant to state law, the County prepared notification for all land owners affected by changes in the zoning ordinance and periodic review.

All policy changes, zone changes, meeting and hearing notices were mailed to residents whose property lies within a half-mile radius of unincorporated communities and to all members of an Area Advisory Committee. The same notices were published in the local newspaper. Pursuant to Measure 56, which changed land owner notification requirements, a special notification was sent to all owners of properties affected by zoning changes that could potentially limit the future use of their property.

- (4) **When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement.**

Findings: This requirement is not applicable to rural service and rural community centers.

- (5) **Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-22-040(2).**

Findings: There are no special districts involved in unincorporated communities other than the rural fire protection districts, and they will be notified at least 45 days in advance of passage of ordinances.

[Adopted by Ordinance 00-04; amended by LA 03-02, Ordinance # 03-04]

Appendix H

EOLA UNINCORPORATED COMMUNITY REPORT

INTRODUCTION

During the winter of 2000, and 2001 Polk County engaged in a planning process for the Unincorporated Community of Eola. The planning process was initiated to fulfill the County's requirements under its periodic work program to revise the Comprehensive Plan and Zoning Ordinance consistent with the requirements of Oregon Administrative Rules (OAR) Chapter 660, Division 22 – Unincorporated Communities. The findings are presented here according to relevant criteria from OAR 660-22. Polk County adopted Comprehensive Plan amendments and Zoning Ordinance amendments to address requirements of Periodic Review consistent with adopted OAR and case law. The Land Conservation and Development Commission (LCDC) did not acknowledge certain provisions relating to eating and drinking places within the Eola Unincorporated Community. During the summer of 2002, Polk County again engaged in a planning process for the Unincorporated Community of Eola to address the matters remanded from the LCDL back to Polk County.

660-22-020 Designation of Community Areas

- 1) Except as provided in OAR 660-22-070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-22-010. Counties may amend these designations as circumstances change over time. [OAR 660-22-020(1)]**

Findings: OAR 660-22-010 defines five types of unincorporated communities. The unincorporated community of Eola described in this report is defined as a Rural Service Center. Rural Service Centers are defined as communities that consist primarily of commercial or industrial uses providing goods and services to the surrounding rural area or persons traveling through the area. These communities may also have permanent residential dwellings established, however, they are predominantly commercial and industrial by nature.

- 2) Counties shall determine boundaries of unincorporated communities in order to distinguish lands within the community from adjacent exception areas, resource lands and other rural lands. [OAR 660-22-020(2)]**
- 3) The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included. Only land meeting the following criteria may be included within an unincorporated community: [OAR 660-22-020(3)]**
 - A) Land which has been acknowledged as an exception area and historically considered to be part of the community; [OAR 660-22-020(3)(a)]**
 - 1. Commercial, industrial, or public uses; and/or [OAR 660-22-020(3)(a)(A)]**
 - 2. Dwelling units and associated residential lots at a greater density than exception lands outside rural communities. [OAR 660-22-020(3)(a)(B)]**
 - B) Land planned and zoned for farm or forest use which is contiguous to the**

community area and contains public uses considered to be part of the community, provided such land remains planned and zoned under Goals 3 or 4. [OAR 660-22-020(3)(b)]

Findings: The Eola community boundary was originally established by Polk County and acknowledged by Land Conservation and Development Commission (LCDC) in 1992. The acknowledged boundaries are now proposed for review through Legislative Amendment 00-08.

Table 1 shows the properties that have been identified through this periodic review process as part of the Unincorporated Community of Eola. These properties that are contiguous to the community of Eola include lands that have been acknowledged as exception areas and are considered to be part of the community.

Polk County proposes to amend the Comprehensive Plan Designation from Commercial to Unincorporated Community on a total of approximately 27.27-acres of Commercial Retail (CR) Limited Use Overlay (LU) zoned portion of T7S, R4W, Section 25, tax lot 1700 as part of Legislative Amendment 00-08. The subject portion of land, designated Commercial, established an exception to applicable statewide planning goals, pursuant to Polk County Ordinance 88-12, on June 22, 1988. The portion of land identified as part of the Unincorporated Community of Eola is committed to a commercial RV Park use. This property is considered part of the Unincorporated Community of Eola, serves the needs of the traveling public, and is contiguous with the community. The County finds that this portion of land should be designated Unincorporated Community as part of this Periodic Review process.

Polk County also proposes to amend the Comprehensive Plan Designation from Rural lands to Unincorporated Community on a total of approximately 0.78 acre and identify this area as part of the Unincorporated Community of Eola. In addition, the County proposes to change the zoning from Acreage Residential 5-Acre Minimum (AR-5) to Eola Unincorporated Community Industrial (EOLA UC-I) or the equivalent zoning of their primary parcels. The portions of land identified as part of the Unincorporated Community of Eola are remainders of a vacated public right-of-way (Main Street), pursuant to Polk County Vacation Order 86-6, that were transferred to contiguous larger industrial zoned properties. The total of approximately 0.78 acre of subject properties comprised of one-half of the vacated public right-of-way (Main Street), south of the centerline, on the southern portions of Tax Lots 3900, 3901, 4000, and the remainder of Main Street, Township 7 South, Range 4 West, Section 25D, WWM. The primary parcels the subject properties are part of obtained the entire former public right-of-way, however only that portion north of the centerline was designated as part rural community center and rezoned. In contrary, the Main Street right-of-way was part of the original town plat and considered part of the community. This was evident when only those portions of land that were part of the original town plat obtained the vacated public right-of-way.

The subject portions of land designated Rural Lands, were acknowledged as exception land in 1981. The contiguous property to the south of the subject portions of property, that obtained a ½ portion of the vacated public right-of-way (south of the centerline) at its portion that contained original Eola town plats, is the Eola Bend RV Park. The zoning for the RV park property was changed from AR-5 to Commercial Retail (CR) Limited Use Overlay (LU) pursuant to Polk County Ordinance 88-12, on June 22, 1988. The portions of the vacated public right-of-way south of the centerline that were part of the Eola Bend RV Park subject property were rezoned as a result of ordinance 88-12. Staff believes that the LA 00-08 subject portions of land were intended to be included in the community boundary but were erroneously designated due to potential mapping errors, including limitations in previous mapping techniques, and/or oversight.

In addition, the subject portions of land are part of larger properties that are currently or were historically committed to industrial uses. The Eola community boundary was acknowledged by the LCDC as identified in the file LA 00-08 and adopted by Polk County in Ordinance Number 01-04.

Table 1
Properties to be Included Within Unincorporated Community of Eola Boundary

| Location & Tax Map ID | Current Uses & Improvements | Size | Current Plan Map Designation | Proposed Plan Map Designation |
|---|--|----------------|-------------------------------------|---|
| 4700 Highway 22, Eola, Oregon 7-4-25 1700 | RV park, & industrial office | 27.27 acres | Limited Use Overlay Commercial | Unincorporated Community Commercial Limited Use Overlay |
| 7-4-25D 3900 | Vacant | 0.06 acres | Rural Residential | Unincorporated Community Industrial |
| 7-4-25D 3901 | Special trade construction contractors | 0.23 acres | Rural Residential | Unincorporated Community Industrial |
| 7-4-25D 4000 | Special trade construction contractors | 0.11 acres | Rural Residential | Unincorporated Community Industrial |
| 7-4-25D Road /Main Street | Public Right-of-Way | 0.38 | Rural Residential | Unincorporated Community Industrial |

- 4) Community Boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met: [OAR 660-22-020(4)]**
- A) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary; [OAR 660-22-020(4)(a)]**
 - B) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility; [OAR 660-22-020(4)(b)]**
 - C) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and [OAR 660-22-020(4)(a)]**
 - D) The land remains planned and zoned under Goals 3 or 4. [OAR 660-22-020(4)(d)]**

Findings: As part of LA 00-08, no properties that are designated for farm or forest uses pursuant to Goals 3 and 4 have been identified to be included within the Unincorporated Community of Eola boundary. A 0.10-acre portion of 25.26-acre tax lot 3000, located in T7S, R4W, Section 26, is zoned Farm-Forest (FF) and designated Farm-Forest in the Polk County Comprehensive Plan. This portion of land was designated as part of the Eola Rural Community Center boundary, pursuant to Polk County Ordinance 92-25, and acknowledged by the Land Conservation and Development Commission (LCDC) in 1992.

- 5) Site specific unincorporated community boundaries that are shown on an acknowledged plan map on October 28, 1994, are deemed to comply with subsections (2) and (3) of this rule unless the boundary includes land**

designated for farm or forest use that does not meet the criteria in section (4) of this rule. [OAR 660-22-020(5)]

Findings: Unincorporated community boundaries were originally established by Polk County and acknowledged by Land Conservation and Development Commission (LCDC) in 1992, pursuant to Polk County Ordinance 92-25. The acknowledged boundaries are now proposed for review through Legislative Amendment 00-08.

- 6) Communities which meet the definitions in both OAR 660-22-010(6) and (9) shall be classified and planned as either resort communities or urban unincorporated communities. [OAR 660-22-020(6)]**

Findings: Polk County is addressing only the Unincorporated Community of Eola, a rural service center.

660-22-030 Planning and Zoning of Unincorporated Communities

- 7) 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. [OAR 660-22-030(1)]**

Findings: At this time the Unincorporated Community of Eola is designated "Rural Community" under the Polk County Comprehensive Plan. As part of Legislative Amendment 00-08, the proposed text amendments to the Comprehensive Plan land use designations would designate land within the Unincorporated Community of Eola as follows: "Unincorporated Community Residential"; "Unincorporated Community Commercial"; "Unincorporated Community Industrial"; "Farm-Forest"; and "Public" based on the projected use of the property. Each property is zoned consistent with the Comprehensive Plan designation.

- 8) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division. [OAR 660-22-030(2)]**

Findings: The proposed amendments do not change the existing residential density in the Unincorporated Community of Eola. One residential zoning district is applied in the Unincorporated Community of Eola: Acreage Residential 5-acre minimum standard (AR-5). However, actual lot sizes may vary from the minimum required under law. Portions of the Unincorporated Communities of Eola were established under the old town plat and contain lawfully created, potentially buildable lots of varying sizes. Currently there are no properties within the Unincorporated Community of Eola that are zoned Suburban Residential (SR) Zone (1 acre per dwelling unit). In all cases, development is limited to the carrying capacity of the area, i.e., water availability and the soil capacity for accepting and processing wastewater. For analysis of water and wastewater capacity in the Unincorporated Community of Eola see the "Cumulative Impacts Analysis for the Unincorporated Community of Eola" included in this appendix. As part of the permitting process for residential development, all new developments are required to meet appropriate standards for water quality and sewage disposal.

- 9) County plans and land use regulations may authorize only the following new**

industrial uses in unincorporated communities: [OAR 660-22-030(3)]

- A) Uses authorized under Goals 3 and 4;** [OAR 660-22-030(3)(a)]
- B) Expansion of a use existing on the date of this rule;** [OAR 660-22-030(3)(b)]
- C) Small-scale, low impact uses;** [OAR 660-22-030(3)(c)]
- D) Uses that require proximity to rural resource, as defined in OAR 660-04-022(3)(a);** [OAR 660-22-030(3)(d)]
- E) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;** [OAR 660-22-030(3)(e)]
- F) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:** [OAR 660-22-030(3)(f)]
 - 1) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;** [OAR 660-22-030(3)(f)(A)]
 - 2) That such uses would not rely upon a work force served by uses within urban growth boundaries; and** [OAR 660-22-030(3)(f)(B)]
 - 3) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.** [OAR 660-22-030(3)(f)(C)]

Findings: As part of Legislative Amendment 00-08, Polk County is adopting industrial zoning standards that are consistent with OAR 660-22-030(3).

- 10) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:** [OAR 660-22-030(4)]
 - A) Uses authorized under Goals 3 and 4;** [OAR 660-22-030(4)(a)]
 - B) Small-scale, low impact uses;** [OAR 660-22-030(4)(b)]
 - C) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.** [OAR 660-22-030(4)(c)]

Findings: The Unincorporated Community of Eola is not located within an Urban Growth Boundary, and is 0.5 road mile from the city of Salem at the closest point. The City of Salem is required to have an adequate 20 year supply of residential, industrial, and commercial land within its Urban Growth Boundary for future urbanization. The City of Salem has not identified the Unincorporated Community of Eola as an area that is necessary for urbanization. Polk County is planning for rural land needs. Eola is identified as a Rural Service Center. Polk County is not planning for uses in unincorporated communities that would serve the needs of an urban population. In addition to the surrounding Farm Forest and Exclusive Farm Use zoned properties, there are approximately 1,360 acres of Acreage Residential 5-Acre Minimum zoned properties

within a 2.00 mile radius from the Eola community boundary. Within that same area, there are more than 523 rural ownerships and over 300 existing dwellings. The Unincorporated Community of Eola is bisected by State Highway 22, which generates over 30,000 vehicle trips/day at the Doaks Ferry Road intersection. The majority of the commercial zoned property within the community boundary is located along Highway 22. Polk County finds that the substantial land and ownership base within 2.00 miles of the Eola community boundary and the considerable amount of vehicle trips generated on State Highway 22 warrant some commercial uses that may need to exceed the commercial small-scale low impact building size limitations. With the exception of eating and drinking places, commercial uses listed in the Eola Unincorporated Community Commercial Zoning District are consistent with subsections (A) and (B) of this rule, as acknowledged by the Department of Land Conservation and Development Partial Approval Order No. 001381. Polk County acknowledges the potential need to permit eating and drinking places that will exceed the commercial small-scale low impact building size limitations, and recognizes that eating and drinking places serve the needs of the community and surrounding rural area or the travel needs of people passing through the area. Additionally, it is intended that eating and drinking places located within the Unincorporated Community of Eola would be proportionally sized to serve the unincorporated community, rural area, and the travel needs of the people passing through the area. As identified herein, the potential work force to operate an eating and drinking place would be available from the surrounding area, based on the number of existing dwellings in the rural area and the population base. The existing eating and drinking place in the community is located in a 6,888 square foot building. This business was established prior to current provisions in OAR 660-022-0030. Polk County finds that it is in the best interests of the property owners and the public in general to allow similar types of uses to be established that are consistent with the character of the community. A 4,000 square foot building size limitation that is identified in the small-scale, low-impact standards would not be consistent with the historical development and current eating and drinking places uses in the Eola community. Additionally, Polk County finds that it is in the best interests of the County and State to competition in a fair and equitable manner for businesses, and limit unnecessary governmental interference that may hinder free trade and competition. As a result, Polk County will permit eating and drinking places within the Unincorporated Community of Eola as a permitted use that serves the needs of the community and surrounding rural area or the travel needs of people passing through the area without a building size limitation as required by the small-scale, low-impact standards in OAR 660-022-0030(10). However, if a subsequent authority determines that a building size limitation is required for an eating and drinking place in the Unincorporated Community of Eola, Polk County adopts a maximum building size for eating and drinking places of 7,000 square feet, based on the existing development pattern of the community, fair trade and competition, and the need to serve the rural area and the needs of the people traveling through the area. A property owner that wishes to exceed this standard would be required to justify a Comprehensive Plan amendment which must be considered and approved by Polk County pursuant to Polk County Zoning Ordinance Section 115.050(B). Additionally, the property owner would be required to show that the proposed eating and drinking place would not adversely affect the functioning of an urban growth boundary within ten miles of the community boundary by means of a market study identifying the market area, projected clientele, and impacts of the proposed eating and drinking place on all applicable urban growth boundaries. As part of Legislative Amendment 00-08, as supplemented by Legislative Amendment LA 02-04, Polk County is adopting commercial zoning standards that are consistent with OAR 660-022-0030(4).

- 11) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section: [OAR 660-22-030(5)]**

- A) **Any number of new motel and hotel units may be allowed in resort communities; [OAR 660-22-030(5)(a)]**
- B) **New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB; [OAR 660-22-030(5)(b)]**
- C) **New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary. [OAR 660-22-030(5)(c)]**

Findings: As part of Legislative Amendment 00-08, Polk County is adopting commercial zoning standards for motels and hotels that are consistent with OAR 660-22-030(5).

- 12) **County plans and land use regulations shall ensure that new uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses. [OAR 660-22-030(6)]**

Findings: As part of Legislative Amendment 00-08, the proposed uses allowed within the Unincorporated Community of Eola boundary were created specifically for Eola, consistent with the provisions of OAR 660-22-030(6), and will be subject to residential, commercial, and industrial development standards that apply within the specific Eola Unincorporated Community Zoning District. Therefore, all new uses will be restricted to development within setbacks and within height, noise and nuisance abatement standards.

- 13) **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 660-12-060(1)(a) through (c). [OAR 660-22-030(7)]**

Findings: The Unincorporated Community of Eola is located on Oregon State Highway 22 classified by the Polk County Transportation Systems Plan as a principal arterial. Principal arterials serve corridor movements having trip lengths and travel density characteristics indicative of substantial statewide or interstate travel. According to the Polk County Transportation Systems Plan (July 7, 1998), the traffic volume on Highway 22 at Doaks Ferry Road was found to be approximately 31,000 vehicles per day. Volume was found to increase to 80,000 vehicles per day at the West Salem bridges and decrease to 17,100 vehicles per day slightly west of Highway 99W. State Highway 22 currently functions within its planned capacity. Consistent with OAR 660, Division 12, Policy 4-3 of the Polk County Transportation Systems Plan states that “To prevent exceeding planned capacity of the transportation system, Polk County will consider road function, classification, and capacity as criteria for comprehensive plan map and zoning amendments/changes”.

Further, the Polk County Road Standards require a Traffic Impact Analysis (TIA) for any proposed development that can be reasonably expected to generate more than 300 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour. A TIA may be required for any proposed development that can be reasonably expected to generate more than 150 vehicle trips during a single day or more than 40 trip ends during a single hour or which generates a significant amount of truck traffic.

Transportation Systems Plan Policy 4-3 and the requirements of the Road Standards are intended

to ensure that allowed uses are consistent with the identified function, capacity and level of service of transportation facilities serving the community.

- 14) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:** [OAR 660-22-030(8)]
- A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and** [OAR 660-22-030(8)(A)]
 - B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.** [OAR 660-22-030(8)(B)]

Findings: Staff has conducted an analysis of the water availability and waste-water capability of soils in the Unincorporated Community of Eola.

Water hook-ups from the Rickreall Water Association are currently available for residential use in the Unincorporated Community of Eola. Water hookups from the Rickreall Water Association for small-scale commercial and industrial uses require further review by the Water Association prior to authorization of a hookup. More intensive, commercial and industrial uses that use larger quantities of water are currently not eligible for a water hook-up from the Rickreall Water Association. Other alternatives, such as the development of private wells, could also be used to provide adequate water to serve additional development. As part of the building permit process, Polk County requires that adequate potable water is available as required by the Uniform Building Code.

In the Unincorporated Community of Eola, property owners that propose to be served by the Rickreall Water Association must provide a statement from the water purveyor regarding the availability of water to serve the proposed development. In some cases, where insufficient water is available to serve the proposed development, the County does not preclude the use of on-site storage and water delivery.

Development in the Unincorporated Community of Eola is dependent upon on-site sewage disposal systems. Portions of the Unincorporated Community of Eola contain poorly drained soils that could limit the establishment of on-site sewage systems.

Development of on-site sewage disposal systems requires a permitting process administered by Polk County. This process administers state and federal regulations and ensures that systems be properly constructed and appropriately sized to serve the needs of the proposed development. In instances where poorly drained soils are present, alternative disposal systems, such as capping fill or sand filtration may be required. In the most extreme cases, where soils are poorly drained and there is inadequate area to accommodate any type of on-site disposal system, properties may be rendered undevelopable for uses that require on-site sewage disposal systems.

Special waste that may be generated by certain commercial and industrial facilities requires a Water Pollution Control Facility Permit (WPCF). This permit is issued by the Oregon Department of Environmental Quality and is an operating permit that requires periodic review. For special waste or high volume waste, this kind of permit assures ongoing monitoring, system maintenance, and, in case of violation, possible permit revocation.

The permitting process administered by Polk County, prior to development, is a process that is intended to ensure that such development will not result in public health hazards or environmental impacts that violate state or federal water quality regulations. This process also

ensures that development will not exceed the carrying capacity of the soil or existing water resources. This approach then ensures that cumulative development within the Unincorporated Community of Eola does not result in a public health hazard or exceed the carrying capacity of local soil or water resources.

Based on the best available information at this time, the County concludes that the zoning applied to the lands within the Unincorporated Community of Eola ensures that the cumulative development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

The results of the cumulative impacts analysis are summarized in Table 2 below.

Residential Cumulative Impacts Analysis for the Unincorporated Community of Eola

PURPOSE

The purpose of this study is to assess the ability of the Unincorporated Community of Eola to support new residential development as currently allowed under the Polk County Zoning Ordinance.

The final analysis is intended to show how many new residential dwellings can practicably be developed within the Unincorporated Community of Eola and the ability of the community to accommodate residential development. There is currently no community sewer system to serve Eola, and there are no known plans to create one. The creation of a community sewer system could significantly alter the amount of residential lands available, based on the current number of platted lots. The study provides a maximum buildout figure, which represents the total number of dwellings that could be constructed based on existing platted lots and partitions of larger lots or parcels to the minimum allowable parcel sizes. This figure is then modified based on the more practical considerations such as the actual minimum parcel size typically required to support a standard on-site sewage disposal system that requires approximately 0.27 acre and other limiting factors such as water availability, and the ability of specific soil types to accommodate septic systems. This study also identifies obstacles that may be resolved through a planning process.

METHODOLOGY

The maximum number of residential units (dwellings) for the Unincorporated Community of Eola has been determined by calculating the maximum number of units that can be developed on existing platted lots and on new parcels that could be created through land divisions as described below. The total number of units has been reduced by eliminating lots or parcels or portions of lots or parcels that can not be built on due to limiting factors, such as topography or parcel size. A full description of limiting factors is presented below.

For the Unincorporated Community of Eola, three lots or parcel types include:

- Parcels or contiguously owned tracts that meet or exceed the minimum size and which cannot be further divided under the provisions of the Polk County Zoning Ordinance. For example, a 1.00 acre parcel with a developed homesite in the Acreage Residential 5-Acre Minimum (AR-5) Zoning District, which has a 5-acre minimum parcel size is counted as having one (1) existing residential unit.

- Parcels or contiguously owned tracts that meet or exceed the minimum size of the designated zoning district and are at least partially vacant. These include parcels that are large enough to be partitioned into additional buildable parcels. For example, a 10- acre parcel in the AR-5 Zoning District, with one (1) developed home site could be partitioned to accommodate a second residential unit. If this parcel is vacant, two (2) home sites would be possible after partitioning.
- Existing platted lots or contiguously-owned tracts that are smaller than the minimum parcel size of the designated zoning district, but which are at least 0.37 acre in size (this acreage figure incorporates 0.27 acre for a standard on-site sewage disposal system and 0.10 acre for residential structures and applicable setbacks). These typically include lots that are part of the original town plat in the Unincorporated Community of Eola or are smaller than the minimum size required in the designated zone. This analysis assumes that, whenever possible, contiguous lots will be combined to create buildable tracts of at least 0.37 acre.

TERMS USED IN THIS ANALYSIS

The following terms are used in Table 2, which summarizes the residential cumulative impacts analysis.

Existing Units: This figure includes all dwellings within the community at this time regardless of lot or parcel size. Dwellings currently located in commercial and industrial zones are also included.

Potential Units: The total number of residential zoned lots or parcels that are: (1) lawfully created lots or parcels, including original town plat lots, and (2) lots or parcels that are larger than the minimum parcel size and can be partitioned under zoning standards. For example, in the Acreage Residential 5-Acre Minimum zoning district the minimum parcel size is 5 acres. A 10-acre parcel can be partitioned into two potentially buildable parcels. The potential buildable units figure represents the gross number of residential lots and parcels and does not include any limitations based water availability, soil types, floodway, etc.

Actual Buildable Units: The number of actual buildable units is the subset of potential buildable units after unbuildable sites are eliminated by analysis of limiting factors. In this study we assumed that a lot must be at least 0.37 acre in size to accommodate residential structures, setbacks, and a standard on site sewage disposal system. In the Unincorporated Community of Eola, much of the residential zoned property consists of original Eola town plat 8,000 square foot lots. The majority of the residential property owners own a tract of lots consisting of at least 16,000 square feet. For this study, contiguous Eola town plat lots were combined to form 16,000 square foot tracts in order to accurately represent the potential residential development pattern.

Maximum Buildable Units: This number is the actual buildable units minus those actual buildable units that already contain dwellings. This figure represents the best available estimate as to the total number of new dwellings that could be built within the Unincorporated Community of Eola if all available residential land is developed efficiently. This would include, for instance, a property owner with four Eola original town plat 8,000 square foot lots and one dwelling selling two of the lots for further development.

Limiting Soil Types: Soil types were examined using the Soil Conservation Service, Polk County soil data to determine the ability to accept wastewater from a septic drainfield, no field work was made in this analysis. A number of soil types are completely restrictive for drainfields, however none were found in Eola. Other soils must be evaluated on a case by case basis to determine soil acceptance capabilities. In the Unincorporated Community of Eola, much of the residential zoned property consists of original Eola town plat 8,000 square foot lots. The majority of the residential property owners own a tract of lots consisting of at least 16,000 square feet. For this study, contiguous Eola town plat lots were combined to form 16,000 square foot tracts in order to accurately represent the potential residential development pattern. It is also possible for a site to develop a drainfield on an adjacent lot or parcel through a septic easement. However, this report cannot make an accurate estimate as to the extent to which these options could be used to accommodate additional residential development.

Zoning: Table 2 includes the total number of real property acres, by zoning designation within each community.

Table 2

Residential Cumulative Impacts Analysis Summary

| Community | Existing Units | Potential Units | Actual Buildable Units | Maximum Buildable Units | Limiting Soil Types (acres) | Zoning (acres) |
|---|----------------|-----------------|------------------------|-------------------------|-----------------------------|--|
| Eola | 31 | 87 | 40 | 28 | 0.0 acres | <u>Residential:</u> 16.69 <u>Commercial:</u> 38.59 <u>Industrial:</u> 29.59 <u>Public:</u> 111.05 <hr/> 195.92 |
| <p>Limitations: There have been no soils in the Eola community identified as part of this study that would completely prohibit constructing on site sewage disposal systems. There may be limiting factors such as stream proximity, parcel size, location of existing wells, etc that may limit on site sewage disposal systems. In addition, no field study was performed as part of this study. All soil data was obtained from Soil Conservation Service, Polk County Soil Survey data. Water for residential use is available through new wells with limitation and from the Rickreall Domestic Water Cooperative on a limited basis.</p> <p>Note: Fourteen (14) existing homes are located within the existing and proposed Commercial Zoning District.</p> | | | | | | |

- 15) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts. [OAR 660-22-030(9)]**

Findings: This criterion is not applicable.

- 16) For purposes of this section, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space. [OAR 660-22-030(10)]**

- 17) For purposes of this section, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 20,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 10,000 square feet of floor space. [OAR 660-22-030(11)]

Findings: Under Legislative Amendment 00-08, Polk County is adopting commercial and industrial zoning standards that are consistent with OAR 660-22-030(10) and (11).

660-22-050 Community Public Facility Plans

- 18) In coordination with special districts, counties shall adopt public facility plans meeting the requirements of OAR 660, Division 11, and include them in the comprehensive plan for unincorporated communities over 2,500 in population. A community public facility plan addressing sewer and water is required if the unincorporated community is designated as an urban unincorporated community under OAR 660-22-010 and 660-22-020. For all communities, a sewer and water community public facility plan is required if: [OAR 660-22-050(1)]
- A) Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state or federal standards; or [OAR 660-22-050(1)(a)]
 - B) The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community facilities and services; or [OAR 660-22-050(1)(b)]
 - C) The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or [OAR 660-22-050(1)(c)]
 - D) Land in the community has been declared a health hazard, or has a history of failing septic systems or wells, or a community sewage or water system is projected to be needed by the next periodic review. [OAR 660-22-050(1)(d)]

Findings: The Unincorporated Community of Eola does not have a population larger than 2,500 people. The community is identified as a groundwater limited area. However, Eola is served by the Rickreall Water System which has a water source that is not located within a groundwater limited area.

660-22-060 Coordination and Citizen Involvement

- 19) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs. [OAR 660-22-060(1)]
- 20) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following: [OAR 660-22-060(2)]
- A) How residents of the community and surrounding area will be

informed about the proposal; [OAR 660-22-060(2)(a)]

B) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal; [OAR 660-22-060(2)(b)]

C) Which citizen advisory committees will be notified of the proposal. [OAR 660-22-060(2)(c)]

21) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task. [OAR 660-22-060(3)]

Findings: A work group was formed to discuss potential community conflicts with meeting places and notification, in preparation for a community work session. A Community work session was conducted in the Unincorporated Community of Eola in order to address the concerns and needs of the citizens in the community of Eola. At the work session, the state laws requiring these changes, and the purpose of Comprehensive Plan Periodic Review were explained in a staff presentation. During the community work session community members participated in an evaluation of the uses listed in the existing commercial, industrial commercial, and industrial zones located within Eola. The community members were distributed 10 positive stickers and 10 negative stickers that represented uses they would, and would not like to see established in Eola, respectively. The totals of positive stickers and negative stickers were prepared for each use and are presented in brackets on the draft zoning ordinances for Planning Commission Review. A Planning Commission work session is planned for February 20, 2001, in order to discuss progress with the project. In addition, two public hearings are planned. The first public hearing is scheduled with the Polk County Planning Commission for March 6, 2001, for recommendations to the Polk County Board of Commissioners. The second public hearing will be with the Polk County Board of Commissioners for adoption.

All policy changes, zone changes, meeting and hearing notices were mailed to residents whose property lies within a third-mile of the Unincorporated Community of Eola and to all members of the Eola Area Advisory Committee. The same notices were published in the Statesman Journal local newspaper. Pursuant to Measure 56, which changed landowner notification requirements, the notification sent included information that the proposed changes could potentially limit the future use of their property.

22) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement. [OAR 660-22-060(4)]

Findings: This requirement is not applicable to the Unincorporated Community of Eola, which is defined as a rural service center.

23) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-22-040(2). [OAR 660-22-060(5)]

Findings: There are no special districts involved in the Unincorporated Community of Eola other than the rural fire protection district, and they have been notified at least 45 days in advance of passage of ordinances.

Appendix I

RICKREALL-DERRY UNINCORPORATED COMMUNITY REPORT

INTRODUCTION

During the winter of 2000, and 2001 Polk County engaged in a planning process for the Unincorporated Community of Rickreall. The planning process was initiated to fulfill the County's requirements under its periodic work program to revise the Comprehensive Plan and Zoning Ordinance consistent with the requirements of Oregon Administrative Rules (OAR) Chapter 660, Division 22 – Unincorporated Communities. The findings are presented here according to relevant criteria from OAR 660-22. Polk County adopted Comprehensive Plan amendments and Zoning Ordinance amendments to address requirements of Periodic Review consistent with adopted OAR and case law. The Land Conservation and Development Commission (LCDC) did not acknowledge certain provisions relating to eating and drinking places within the Rickreall Unincorporated Community. During the summer of 2002, Polk County again engaged in a planning process for the Unincorporated Community of Rickreall to address the matters remanded from the LCDC back to Polk County.

660-22-020 Designation of Community Areas

- 1) **Except as provided in OAR 660-22-070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-22-010. Counties may amend these designations as circumstances change over time. [OAR 660-22-020(1)]**

Findings: OAR 660-22-010 defines four types of unincorporated communities. The unincorporated community of Rickreall described in this report is defined as a Rural Community.

Rural Community is defined as an unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provided commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.

Polk County finds that the definition of "Rural Community" best fits the character of Rickreall. There are approximately 51 established dwellings in Rickreall that are supported by residential related public amenities such as: school, grange hall, post office, parks, cemetery, and Masons lodge. There are approximately 14 business entities established in Rickreall such as; Eola Winery, Ag West Supply, Willamette Grass Seed, Polk County Farmers Co-op, Mini Storage, Western Farm Service, Burelbach, Western Interlock, and Farrol's Restaurant.

- 2) **Counties shall determine boundaries of unincorporated communities in order to distinguish lands within the community from adjacent exception areas, resource lands and other rural lands. The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included. [OAR 660-22-020(2)]**

- 3) **Only land meeting the following criteria may be included within an unincorporated community:** [OAR 660-22-020(3)]
- A) **Land which has been acknowledged as Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:** [OAR 660-22-020(3)(a)]
1. **Commercial, industrial, or public uses; and/or** [OAR 660-22-020(3)(a)(A)]
 2. **Dwelling units and associated residential lots at a greater density than exception lands outside rural communities.** [OAR 660-22-020(3)(a)(B)]
- B) **Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule.** [OAR 660-22-020(3)(b)]

Findings: The Rickreall community boundary was originally established by Polk County and acknowledged by Land Conservation and Development Commission (LCDC) in 1992. Polk County adopted Ordinance No. 92-18, which described the community boundary. The proposal was reviewed by Department of Land Conservation and Development (DLCD), which recommended changes to the Rickreall community boundary. The acknowledged boundaries are now proposed for review through Legislative Amendment 00-09. The Rickreall-Derry community boundary was acknowledged by the DLCD as proposed in file LA 00-09 and adopted by Polk County in Ordinance Number 01-07.

As part of LA 00-09 the County is adopting an exception to the Unincorporated Community rule which requires unincorporated communities to be contiguous, to include the properties of Derry into the Unincorporated Community of Rickreall. The area to be included is approximately 24 map acres. Table 1 shows the properties that have been identified through this periodic review process as part of the Unincorporated Community of Rickreall. Derry is considered a part of the community of Rickreall, and is on DLCD's list of potential Unincorporated Communities. Residents of Rickreall conduct business and buy commodities in Derry. These properties have been zoned for industrial and residential use by the County since pre-acknowledgment. There are no other industrial lands in the area, (outside the current boundary) other than Derry, which is one-half mile east of Rickreall. None of the properties to be included are zoned for resource purposes. The Comprehensive Plan designation for these properties has been Rural Land.

Table 1
Properties to be Included Within Unincorporated Community
Boundary of Rickreall-Derry

| Location & Tax Map ID | Current Uses & Improvements | Acres | Current Plan Map Designation | Proposed Plan Map Designation |
|----------------------------------|--|--------------|-------------------------------------|--------------------------------------|
| 7.4.29C 100 | Vacant | 0.82 | Rural Land | UC Industrial |
| 7.4.31 101 | Seed Cleaning Operation | 1.36 | Rural Land | UC Industrial |
| 7.4.29C 200 | Farm Equipment Parking | 1.52 | Rural Land | UC Industrial |
| 7.4.29C 300 | Mach. Shop / Warehouses / Office | 1.56 | Rural Land | UC Industrial |
| 7.4.29C 500 | Showroom/Warehouse/Mach. Shop/Tanks | 9.56 | Rural Land | UC-Industrial |
| 7.4.29C 600 | Seed Warehouses (4) | 1.72 | Rural Land | UC Industrial |
| 7.4.29C 400 | Grain Warehouse | 2.67 | Rural Land | UC Industrial |
| 7.4.29C 700 | Ag West Tire – Service St./Shop/Store | 2.35 | Rural Land | UC-Residential |
| 7.4.29C 800 | 1955 Dwelling | 0.95 | Rural Land | UC-Residential |

- 4) **Community Boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met: [OAR 660-22-020(4)]**
- A) **The land is contiguous to Goal 3 or 4 exception lands included in the community boundary; [OAR 660-22-020(4)(a)]**
 - B) **The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility; [OAR 660-22-020(4)(b)]**
 - C) **Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and [OAR 660-22-020(4)(a)]**
 - D) **The land remains planned and zoned under Goals 3 or 4. [OAR 660-22-020(4)(d)]**

Findings: As part of LA 00-09, no properties that are designated for farm or forest uses pursuant to Goals 3 and 4 have been identified to be included within the Unincorporated Community of Rickreall boundary.

- 5) **Site specific unincorporated community boundaries that are shown on an acknowledged plan map on October 28, 1994, are deemed to comply with subsections (2) and (3) of this rule unless the boundary includes land designated for farm or forest use that does not meet the criteria in section (4) of this rule. [OAR 660-22-020(5)]**

Findings: Unincorporated community boundaries were originally established by Polk County and acknowledged by Land Conservation and Development Commission (LCDC) in 1992, pursuant to Polk County Ordinance 92-18. Derry was not part of the acknowledgement at that time. The acknowledged boundaries are now proposed for review through Legislative Amendment 00-09. Included in the proposal is the expansion of the boundary on county roads adjacent to the current boundary, to include the whole width of county and not half the road.

- 6) **Communities which meet the definitions in both OAR 660-22-010(6) and (9) shall be classified and planned as either resort communities or urban unincorporated communities. [OAR 660-22-020(6)]**

Findings: Polk County is addressing only the Unincorporated Community of Rickreall, which is proposed as a "Rural Community" as defined by 660-022-0010(7). Polk County is not proposing a "Resort Community" or an "Urban Unincorporated Community".

660-22-030 Planning and Zoning of Unincorporated Communities

- 7) **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. [OAR 660-22-030(1)]**

Findings: At this time the Unincorporated Community of Rickreall is designated "Rural

Community Center" under the Polk County Comprehensive Plan. As part of Legislative Amendment 00-09, the proposed text amendments to the Comprehensive Plan land use designations would designate land within the Unincorporated Community of Rickreall as follows: "Unincorporated Community Residential"; "Unincorporated Community Commercial"; "Unincorporated Community Industrial"; and "Public" based on the projected use of the property. Each property is zoned consistent with the Comprehensive Plan designation.

8) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division. [OAR 660-22-030(2)]

Findings: The proposed amendments do not change the existing residential density in the Unincorporated Community of Rickreall. There are two residential zoning districts applied in the Unincorporated Community of Rickreall: Acreage Residential 5-acre minimum standard (AR-5) and Suburban Residential (SR) one-acre minimum standard. However, actual lot sizes may vary from the minimum required under law. Portions of the Unincorporated Communities of Rickreall were established under the old town plats and contain lawfully created lots, some of which are vacant and smaller in size than required by the existing zoning. In all cases, development is limited to the carrying capacity of the area, i.e., water availability and the soil capacity for accepting and processing wastewater. For analysis of water and wastewater capacity in the Unincorporated Community of Rickreall see the "Cumulative Impacts Analysis for the Unincorporated Community of Rickreall " included in this appendix. As part of the permitting process for residential development, all new developments are required to meet appropriate standards for water quality and sewage disposal.

9) County plans and land use regulations may authorize only the following new industrial uses in unincorporated communities: [OAR 660-22-030(3)]

- A) Uses authorized under Goals 3 and 4; [OAR 660-22-030(3)(a)]**
- B) Expansion of a use existing on the date of this rule; [OAR 660-22-030(3)(b)]**
- C) Small-scale, low impact uses; [OAR 660-22-030(3)(c)]**
- D) Uses that require proximity to rural resource, as defined in OAR 660-04-022(3)(a); [OAR 660-22-030(3)(d)]**
- E) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; [OAR 660-22-030(3)(e)]**
- F) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure: [OAR 660-22-030(3)(f)]**
 - 1) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area; [OAR 660-22-030(3)(f)(A)]**
 - 2) That such uses would not rely upon a work force served by uses within urban growth boundaries; and [OAR 660-22-030(3)(f)(B)]**
 - 3) That the determination of the work force of the community**

and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries. [OAR 660-22-030(3)(f)(C)]

Findings: As part of Legislative Amendment 00-09, Polk County is adopting industrial zoning standards that are consistent with OAR 660-22-030(3).

- 10) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities: [OAR 660-22-030(4)]**
- A) Uses authorized under Goals 3 and 4; [OAR 660-22-030(4)(a)]**
 - B) Small-scale, low impact uses; [OAR 660-22-030(4)(b)]**
 - C) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area. [OAR 660-22-030(4)(c)]**

Findings: As part of Legislative Amendment 00-09, Polk County is adopting commercial zoning standards that are consistent with OAR 660-22-030(4). With the exception of eating and drinking places all commercial uses listed in the zone are established consistent with Subsections (A) and (B) of this rule, as acknowledged by the Department of Land Conservation and Development Partial Approval Order No. 001351. The County has included information in the plan to justify having no size limitations applied to eating and drinking places consistent with subsection (C). The Unincorporated Community of Rickreall-Derry is not located within an urban growth boundary, and it is located approximately 1.1 mile east of the City of Dallas urban growth boundary, 3.6 miles north of the Monmouth urban growth boundary, and 5.2 miles west of the City of Salem urban growth boundary. The Cities of Dallas, Monmouth, and Salem are required to have an adequate 20-year supply of residential, industrial, and commercial land within its own urban growth boundary to be available for future urbanization. The above mentioned cities have not identified the Unincorporated Community of Rickreall as an area that is necessary for urbanization. Polk County is planning for rural land needs. Rickreall is acknowledged as a Rural Community. Polk County is not planning for uses in unincorporated communities that would serve the needs of an urban population. In the rural area around the Unincorporated Community of Rickreall approximately consisting of 21,000 acres (approximately 2 miles, excluding a small portion in the Dallas urban growth boundary that is within 2 miles of Rickreall), there are rural 269 different ownerships and 279 existing dwellings. The Unincorporated Community of Rickreall is bisected by State Highway 99W and is also located in close proximity to State Highway 22. Both of these state highways generate considerable traffic volumes. The year 2001 Average Daily Traffic was 12,600 for Highway 99W at Rickreall Road and 26,300 for Highway 22 east of Highway 99W (Source: Oregon Department of Transportation web page www.odot.state.or.us/tdb/traffic_monitoring/tvtable.htm). The commercially designated properties in Rickreall are predominantly (80 percent) located along Highway 99W. Polk County finds that the substantial land ownership base within two miles of the Rickreall community boundary and the considerable amount of vehicle trips generated on the two state highways that are within or near the community boundary warrant some commercial uses that may need to exceed the commercial small-scale, low-impact building size limitation identified in Oregon Administrative Rule. Polk County acknowledges the potential need to permit eating and drinking places that will exceed the commercial small-scale, low-impact building size limitations, and recognizes that eating and drinking places serve the needs of the community and surrounding rural area and the travel needs of people passing through the area. Additionally, it is intended that eating and drinking places located within the

Unincorporated Community of Rickreall would be proportionally sized to serve the unincorporated community, the rural area, and the travel needs of the people passing through the area. As identified herein, the potential work force to operate an eating and drinking place would be available from the surrounding rural area, based on the number of existing dwellings in rural community surrounding rural area, and the population base. The existing eating and drinking place in the community is located in a 5,111 square foot building. This business was established prior to the current provisions in OAR 660-022-0030. Polk County finds that it is in the best interests of property owners and the public in general to allow similar types of uses to be established that are consistent with the character of the community. A 4,000 square foot building size limitation that is identified in the small-scale, low-impact standards would not be consistent with the historical development and current eating and drinking places uses in the Rickreall community. Additionally, Polk County finds that it is in the best interests of the County and State to allow competition in a fair and equitable manner for businesses, and limit unnecessary governmental interference that may hinder free trade and competition. As a result, Polk County will permit eating and drinking places within the Unincorporated Community of Rickreall as a permitted use that serves the needs of the community and surrounding rural area or the travel needs of people passing through the area without a building size limitation as required by the small-scale, low-impact standards in OAR 660-022-0030(10). However, if a subsequent authority determines that a building size limitation is required for an eating and drinking place in the Unincorporated Community of Rickreall, Polk County adopts a maximum building size for eating and drinking places of 6,000 square feet, based on the existing development pattern of the community, fair trade and competition, and the need to serve the rural area and needs of people travelling through the area. A property owner that wishes to exceed this standard would be required to justify a Comprehensive Plan amendment which must be considered and approved by Polk County pursuant to Polk County Zoning Ordinance Section 115.050(B). Additionally, the property owner would be required to show that the proposed eating and drinking place would not adversely affect the functioning of an urban growth boundary within ten miles of the community boundary by means of a market study identifying the market area, projected clientele, and impacts of the proposed eating and drinking place on all applicable urban growth boundaries. As part of Legislative Amendment LA 02-04, Polk County is adopting Comprehensive Plan findings and policies and commercial zoning standards that are consistent with OAR 660-022-0030(4).

- 11) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section: [OAR 660-22-030(5)]**
- A) Any number of new motel and hotel units may be allowed in resort communities; [OAR 660-22-030(5)(a)]**
 - B) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB; [OAR 660-22-030(5)(b)]**
 - C) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary. [OAR 660-22-030(5)(c)]**

Findings: As part of Legislative Amendment 00-09, Polk County is adopting commercial zoning standards for motels and hotels that are consistent with OAR 660-22-030(5).

- 12) County plans and land use regulations shall ensure that new uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses. [OAR 660-22-030(6)]**

Findings: As part of Legislative Amendment 00-09, the proposed uses allowed within the Unincorporated Community of Rickreall boundary were created specifically for Rickreall, consistent with the provisions of OAR 660-22-030(6), and will be subject to residential, commercial, and industrial development standards that apply within the specific Rickreall Unincorporated Community Zoning District. Therefore, all new uses will be restricted to development within setbacks and within height, noise and nuisance abatement standards.

- 13) 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 660-12-060(1)(a) through (c). [OAR 660-22-030(7)]**

Findings: The Unincorporated Community of Rickreall is located on Oregon State Highway 99 classified by the Polk County Transportation Systems Plan as a principal arterial. Principal arterials serve corridor movements having trip lengths and travel density characteristics indicative of substantial statewide or interstate travel. The Dallas Rickreall Highway, which travels east and west, is considered a major collector. "Major collectors provide service to any county seats not on an arterial route, to the larger towns not directly served by the higher systems, and to other traffic generators of equivalent intra-county importance, such as schools, shipping ports, county parks, important mining and agricultural areas, etc., link these places with nearby larger towns or cities, or with routes of higher classification, and serve the more important inter-county travel." [1998 Polk County Transportation Systems Plan]

Consistent with OAR 660, Division 12, Policy 4-3, of the Polk County Transportation Systems Plan states that "To prevent exceeding planned capacity of the transportation system, Polk County will consider road function, classification, and capacity as criteria for comprehensive plan map and zoning amendments/changes".

Further, the Polk County Road Standards require a Traffic Impact Analysis (TIA) for any proposed development that can be reasonably expected to generate more than 300 vehicle trips during a single day and/or more than 100 vehicle trips during a single hour. A TIA may be required for any proposed development that can be reasonably expected to generate more than 150 vehicle trips during a single day or more than 40 trip ends during a single hour or which generates a significant amount of truck traffic.

Transportation Systems Plan Policy 4-3, and the requirements of the Road Standards are intended to ensure that allowed uses are consistent with the identified function, capacity and level of service of transportation facilities serving the community.

- 14) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development: [OAR 660-22-030(8)]**
- A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and [OAR 660-22-030(8)(A)]**
 - B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. [OAR 660-22-030(8)(B)]**

Findings: Staff has conducted an analysis of the water availability and wastewater capability of soils in the Unincorporated Community of Rickreall.

Water hook-ups from the Rickreall Community Water Association are currently available for residential use in the Unincorporated Community of Rickreall. Water hookups from the Rickreall Community Water Association for small-scale commercial and industrial uses require further review by the Water Association prior to authorization of a hookup. More intensive, commercial and industrial uses that use larger quantities of water are currently not eligible for a water hook-up from the Rickreall Community Water Association. Other alternatives, such as the development of private wells, could also be used to provide adequate water to serve additional development. As part of the building permit process, Polk County requires that adequate potable water is available as required by the Uniform Building Code.

In the Unincorporated Community of Rickreall, property owners that propose to be served by the Rickreall Community Water Association must provide a statement from the water purveyor regarding the availability of water to serve the proposed development. In some cases, where insufficient water is available to serve the proposed development, the County does not preclude the use of on-site storage and water delivery.

Development in the Unincorporated Community of Rickreall is dependent upon on-site sewage disposal systems. An overview by the Polk County Environmental Health specialist indicates that the soils within the Rickreall Unincorporated Community boundary are well draining soils and would support septic systems.

Development of on-site sewage disposal systems requires a permitting process administered by Polk County. This process administers state and federal regulations and ensures that systems be properly constructed and appropriately sized to serve the needs of the proposed development. In instances where poorly drained soils are present, alternative disposal systems, such as capping fill or sand filtration may be required. In the most extreme cases, where soils are poorly drained and there is inadequate area to accommodate any type of on-site disposal system, properties may be rendered undevelopable for uses that require on-site sewage disposal systems.

Special waste that may be generated by certain commercial and industrial facilities requires a Water Pollution Control Facility Permit (WPCF). This permit is issued by the Oregon Department of Environmental Quality and is an operating permit that requires periodic review. For special waste or high volume waste, this kind of permit assures ongoing monitoring, system maintenance, and, in case of violation, possible permit revocation.

The permitting process administered by Polk County, prior to development, is a process that is intended to ensure that such development will not result in public health hazards or environmental impacts that violate state or federal water quality regulations. This process also ensures that development will not exceed the carrying capacity of the soil or existing water resources. This approach then ensures that cumulative development within the Unincorporated Community of Rickreall does not result in a public health hazard or exceed the carrying capacity of local soil or water resources.

Based on the best available information at this time, the County concludes that the zoning applied to the lands within the Unincorporated Community of Rickreall ensures that the cumulative development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

Residential Cumulative Impacts Analysis for the Unincorporated Community of Rickreall

The purpose of this study is to assess the ability of the Unincorporated Community of Rickreall to support new residential development as currently allowed under the Polk County Zoning

Ordinance. The intent is to show how many new residential dwellings can practicably be developed in the Unincorporated Community of Rickreall and the ability of the community to accommodate residential development. There is currently no community sewer system to serve Rickreall, and there are no known plans to create one. The creation of a community sewer system could significantly alter the amount of residential lands available, based on the current number of plotted lots.

METHODOLOGY

The maximum number of residential units (dwellings) for the Unincorporated Community of Rickreall has been determined by calculating the maximum number of units that can be developed on existing platted lots and on new parcels that could be created through land divisions as allowed by the zoning designation.

Limitations such as soil types and size of lots or parcels were taken into consideration. Soils within the Rickreall unincorporated community boundary are suited to accommodate septic systems according to the soil types and review by the County Sanitarian. The actual minimum parcel size typically required to support a standard on-site sewage disposal system (approximately 0.37 acre). Lot sizes under 0.37 acres that could not be combined with other vacant lots were eliminated as potential for development.

EXPLANATION OF TABLE TERMINOLOGY

Zoning: The type of residential zone designation.

Acres: Total number of acres within the zone.

Dwellings: Total number of existing dwellings.

Vacant: Total number of vacant property.

By Plat: Total number of potential buildable property. This includes combination of township plats to form a buildable size lot for development. It can also include existing plats or parcels that can be divided to form another buildable property.

Buildable: Property on which a dwelling may be established. The size and soils can be suitable for a septic system.

Table 2

Residential Cumulative Impacts Analysis Summary for Rickreall & Derry

Within the Rickreall Unincorporated Community

| Zoning | Acres | Dwellings | Vacant | By Plat | Buildable | Notes |
|---------------|--------------|------------------|---------------|----------------|------------------|----------------------------|
| SR | 15.67 | 20 | 6 | 3 | 6 | Vacant lots owned by State |
| AR-5 | 32.56 | 15 | 5 | | 4 | |

Residential Property from Derry

| | | | | | | |
|-------------|-----|---|---|--|---|--------------------|
| AR-5 | 3.3 | 1 | 0 | | 0 | Ag. West on Vacant |
|-------------|-----|---|---|--|---|--------------------|

Currently, there are 16 other dwellings within the Rickreall Unincorporated Community boundary that are not located within residentially zoned property. Derry has one existing dwelling and it is in the AR-5 zoning district. Table 3 illustrates existing dwellings in commercial or industrial property.

Table 3

Commercial and Industrial Property Analysis

| Zoning | Acres | Dwellings | Vacant Lots | Notes |
|---------------|--------------|------------------|--------------------|----------------------------------|
| CG | 13.97 | 10 | 3 | Vacant lots under same ownership |
| CR | 5.51 | 2 | 0 | |
| IL | 40.73 | 4 | 4 | |
| IC | 4.15 | 0 | 0 | |
| IH | 19.21 | 0 | 3 | All in Derry |

Conclusion: Based on the data presented above, the current build-out potential for residential structures is limited. Staff finds that cumulative impacts from full possible future development, with current condition would not result in public health hazards or adverse environmental impacts. The analysis included the carrying capacity of the soils and size potential of lots to support a septic system.

- 15) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts. [OAR 660-22-030(9)]**

Findings: This criterion is not applicable.

- 16) For purposes of this section, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space. [OAR 660-22-030(10)]**
- 17) For purposes of this section, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 20,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 10,000 square feet of floor space. [OAR 660-22-030(11)]**

Findings: Under Legislative Amendment 00-09, Polk County is adopting commercial and industrial zoning standards that are consistent with OAR 660-22-030(10) and (11).

660-22-050 Community Public Facility Plans

- 18) In coordination with special districts, counties shall adopt public facility plans meeting the requirements of OAR 660, Division 11, and include them in the comprehensive plan for unincorporated communities over 2,500 in population. A community public facility plan addressing sewer and water is required if the unincorporated community is designated as an urban unincorporated community under OAR 660-22-010 and 660-22-020. For all communities, a sewer and water community public facility plan is required if: [OAR 660-22-050(1)]**
- A) Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions,**

financial circumstances or changing state or federal standards; or [OAR 660-22-050(1)(a)]

- B) The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community facilities and services; or [OAR 660-22-050(1)(b)]**
- C) The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or [OAR 660-22-050(1)(c)]**
- D) Land in the community has been declared a health hazard, or has a history of failing septic systems or wells, or a community sewage or water system is projected to be needed by the next periodic review. [OAR 660-22-050(1)(d)]**

Findings: The Unincorporated Community of Rickreall does not have a population larger than 2,500 people. The community of Rickreall is served by the Rickreall Community Water System, which has a water source from groundwater in the area. The community of Rickreall does not have any of the limitations mentioned above and therefore a public facility plan is not required.

660-22-060 Coordination and Citizen Involvement

- 19) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs. [OAR 660-22-060(1)]**
- 20) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following: [OAR 660-22-060(2)]**
 - A) How residents of the community and surrounding area will be informed about the proposal; [OAR 660-22-060(2)(a)]**
 - B) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal; [OAR 660-22-060(2)(b)]**
 - C) Which citizen advisory committees will be notified of the proposal. [OAR 660-22-060(2)(c)]**
- 21) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task. [OAR 660-22-060(3)]**

Findings: A work group was formed to discuss potential community conflicts with meeting places and notification, in preparation for a community work session. A community work session was conducted in the Unincorporated Community of Rickreall in order to address the concerns and needs of the citizens in the community of Rickreall. At the work session, the state laws requiring these changes, and the purpose of Comprehensive Plan Periodic Review was explained in a staff presentation. During the community work session community members participated in an evaluation of the uses listed in the existing commercial, industrial commercial, and industrial zones located within Rickreall. The community members were distributed 10 positive green stickers and 10 negative red stickers that represented uses they would, and would not like to see established in Rickreall, respectively. The totals of positive stickers and negative

stickers were prepared for each use and are presented in brackets on the draft zoning ordinances for Planning Commission Review. A Planning Commission work session was held on March 6, 2001, in order to discuss progress with the project. In addition, two public hearings are planned. The first public hearing is scheduled with the Polk County Planning Commission for March 20, 2001, for recommendations to the Polk County Board of Commissioners. The second public hearing will be with the Polk County Board of Commissioners for adoption.

All policy changes, zone changes, meeting and hearing notices were mailed to residents whose property lies within two miles of the Unincorporated Community of Rickreall and to all members of the Rickreall Area Advisory Committee. The same notices were published in the Itemizer/Observer a local newspaper. Pursuant to Measure 56, which changed landowner notification requirements, the notification sent included information that the proposed changes could potentially limit the future use of their property.

- 22) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement. [OAR 660-22-060(4)]**

Findings: This requirement is not applicable to the Unincorporated Community of Rickreall, which is defined as a rural community.

- 23) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-22-040(2). [OAR 660-22-060(5)]**

Findings: There are no special districts involved in the Unincorporated Community of Rickreall other than the rural fire protection district, and they have been notified at least 45 days in advance of passage of ordinances.

Exception Criteria to include Derry into the Unincorporated Community of Rickreall

INTRODUCTION

During the winter of 2000 and 2001, Polk County engaged in a planning process for the Unincorporated Community of Rickreall-Derry. The planning process was initiated to fulfill the County's requirements under its periodic work program to revise the Comprehensive Plan and Zoning Ordinance consistent with the requirements of Oregon Administrative Rules (OAR) Chapter 660, Division 22 – Unincorporated Communities. The review for Rickreall-Derry is processed as LA 00-09. DLCD (Department of Land Conservation and Development) has considered designating the area of Derry as an unincorporated community and included it in the work plan for Polk County. As part of the process, the area known as Derry is being considered for inclusion into the unincorporated community boundary of Rickreall. A goal exception for the area known as Derry should have been taken during the first acknowledgement process to include it in an unincorporated community boundary. Polk County maps dating back to 1978 indicate that the property has the current zoning designations of Heavy Industrial and Acreage Residential

– 5 acres. This process will be taking an exception to a Goal 14 rule as it applies to 660-022-0020 (3). All other aspects of the unincorporated community rules will be satisfied.

660-004-0025 Exception Requirements for Land Physically Developed to Other Uses

- 1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.**
- (2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.**

Findings: The area know as Derry is an area of approximately 24 map acres, of which 19.21 acres are zoned Heavy Industrial and 3.3 acres are zoned as Acreage Residential – 5 acres (AR-5). According to the 1994 aerial (Exhibit A) and Polk County Assessor records, all of the tax lots designated as Heavy Industrial are developed for industrial use, except one. The one tax lot without any development is being used for parking farm equipment and is 1.52 acres in size. The assessor’s records show one other tax lot as vacant, but it contains part of a building, the majority of which is on another tax lot, and is used for seed cleaning.

Two parcels within the area of Derry are zoned Acreage Residential – 5 acres. One of the two parcels is owned by Polk County Farmers Co-op and contains an agricultural retail store, service station and garage, and machine shops. The other parcel has a residential dwelling on the property.

According to the aerial photo, assessor records, and site visits the property in the area known as Derry is physically developed to the extent that it is no longer available for farm use. The 1974 Comprehensive Plan indicates that commercial and industrial businesses existed on the properties since that time. Currently, Polk County Framers Co-op, Burlingham Seed, Ag West Supply and Southern Pacific own properties zoned Heavy Industrial in Derry. These properties have businesses related to the agricultural industry and some of the uses are grain storage, warehouses, farm equipment sales, seed cleaning, machine shops, farm equipment repair, offices, and agriculture retail.

According to the 1994 aerial photo of the properties all are developed to almost full capacity except for three acres. The two residential (AR-5) properties are not in agricultural production. The properties have services available for them to continue current uses on the properties such as; domestic water supplied by the Rickreall Domestic Water Association, Pacific Power & Light supplies electrical power, and access is onto Rickreall Road a major collector in the Polk County Road system. The current uses would not be allowed in the current Exclusive Farm Use designation. Therefore, the area of Derry is committed to uses other than farming or forest, and an exception to Goal 3 could be taken for the industrial and commercial properties. An exception has already been taken to AR-5 zoned properties for Polk County in 1979. Polk

County is taking an exception to Goal 3 because the Heavy Industrial properties are committed to commercial and industrial uses and can not be used for agricultural purposes.

660-22-0020 Designation of Community Areas

- 3) **Only land meeting the following criteria may be included within an unincorporated community: [OAR 660-22-020(3)]**
 - A) **Land which has been acknowledged as Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of: [OAR 660-22-020(3)(a)]**
 1. **Commercial, industrial, or public uses; and/or [OAR 660-22-020(3)(a)(A)]**
 2. **Dwelling units and associated residential lots at a greater density than exception lands outside rural communities. [OAR 660-22-020(3)(a)(B)]**
 - B) **Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule. [OAR 660-22-020(3)(b)]**

Findings: The Rickreall community boundary was originally established when Polk County adopted Ordinance No. 92-18, which described the community boundary. The proposal was reviewed by the Department of Land Conservation and Development, which recommended changes to the Rickreall community boundary. The Land Conservation and Development Commission (LCDC) in 1992 acknowledged the Rickreall community boundary. The periodic review task for Polk County has included identifying the area of Derry as part of the Rickreall unincorporated community.

As part of LA 00-09 the County is proposing to include the properties in Derry into the Unincorporated Community of Rickreall. The area to be included is approximately 24 map acres. Exhibit A, shows the properties that have been identified as the area of Derry to be included into the Unincorporated Community of Rickreall. Derry is considered a part of the community of Rickreall. Residents of Rickreall and the surrounding area conduct business and buy commodities in Derry. These properties have been zoned for industrial and residential use by the County since prior to acknowledgment and have been zoned as they are currently zoned since 1974. Commercial and industrial businesses have existed on the properties since before 1974. None of the properties to be included are zoned for resource purposes. The Comprehensive Plan designation for these properties has been Rural Land.

Table 1

Properties to be Included Within the Unincorporated Community of Rickreall-Derry Boundary

| Location & Tax Map ID | Current Uses & Improvements | Acres | Current Plan Map Designation | Proposed Plan Map Designation |
|----------------------------------|--|--------------|-------------------------------------|--------------------------------------|
| 7.4.29C-100 | Warehouses | 0.82 | Rural Land | UC- Industrial |
| 7.4.31-101 | Seed Cleaning Operation | 1.36 | Rural Land | UC- Industrial |
| 7.4.29C-200 | Farm Equipment Parking | 1.52 | Rural Land | UC- Industrial |

| | | | | |
|-------------|---------------------------------------|------|------------|----------------|
| 7.4.29C-300 | Mach. Shop / Warehouses / Office | 1.56 | Rural Land | UC- Industrial |
| 7.4.29C-500 | Showroom/Warehouse/Machine Shop/Tanks | 9.56 | Rural Land | UC- Industrial |
| 7.4.29C-600 | Seed Warehouses (4) | 1.72 | Rural Land | UC- Industrial |
| 7.4.29C-400 | Grain Warehouse | 2.67 | Rural Land | UC- Industrial |
| 7.4.29C-700 | Ag West Tire - Service St./Shop/Store | 2.35 | Rural Land | UC-Residential |
| 7.4.29C-800 | 1955 Dwelling | 0.95 | Rural Land | UC-Residential |

Approximately 20 acres are zoned Heavy Industrial and 3.5 acres are zoned AR-5. Derry has unique physical and historic character and has been considered a part of the Rickreall community since the 1960's. Derry fails to establish itself as its own unincorporated community by one dwelling.

The rule to add land into unincorporated communities is that it must be contiguous. Derry is approximately half a mile east from the Rickreall unincorporated community boundary on Rickreall Road. Derry meets all the other standards of 660-22-020 (3) other than it is not contiguous. The land is committed to commercial, industrial, and contains one residential dwelling. The land can not be converted to farm use and has not been in farm use since the early 1970's. Polk County is taking an exception to Goal 14, and Derry is included into the unincorporated community boundary of Rickreall, even though it is not contiguous.