



POLK COUNTY COMMUNITY DEVELOPMENT
POLK COUNTY COURTHOUSE
850 MAIN STREET, DALLAS, OR 97338
Phone: (503) 623-9237 ♦ Email: cd.permits@co.polk.or.us



LETTER OF AUTHORIZATION

Let it be known that Alan Sorem, Saalfeld Griggs PC
has been retained to act as an agent to perform all acts for development on my property
identified below. These acts include: Pre-application conference, filing applications and/or
other required documents relative to all planning applications, septic system feasibility,
sewage disposal permits, manufactured dwelling permits and building permits.

8395, 8595, and 8845 Rickreall Rd., Rickreall, OR 97371
Address or Road

And described in the records of Polk County as:

Township 7S Range 4W Section 29 Tax Lot(s) 102,201,205,206

Township 7S Range 4W Section 28 Tax Lot(s) 203, 302

The costs of the above actions, which are not satisfied by the agent, are the responsibility of
the undersigned property owner.

PROPERTY OWNER:

Signature:  Date: 6-11-25

Printed Name: Eugene Kazemier, Member of Rickreall Dairy, L.L.C

Address: 8845 Rickreall Rd. Phone: 503-871-7279

City, State, Zip Rickreall, OR 97371 Fax: _____

AGENT:

Signature:  Date: 6-2-25

Printed Name: Alan Sorem, Saalfeld Griggs PC

Address: 250 Church Street SE, Suite 200 Phone: 503-399-1070

City, State, Zip Salem, OR, 97301 Fax: _____

LAND PARTITION APPLICATION
POLK COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

COMPLETED BY STAFF	
Received By: _____	Fee: _____
Date Submitted: _____	Fee Paid: _____
Application No.: _____	Receipt No.: _____
Staff Notes: _____	

The following sections shall be completed by applicant. Please type or clearly print all information below.

I. PROPERTY OWNER(S)

Name Rickreall Dairy, LLC _____
Mailing Address 8845 Rickreall Road _____
City Rickreall _____ State OR _____ Zip 97371 _____
Daytime Phone 503-871-7279 _____
Email (optional) _____

II. APPLICANT (IF DIFFERENT THAN OWNER)

Name Apple Tree Holdings, LLC _____
Mailing Address 1141 Chemawa Rd North _____
City Keizer _____ State OR _____ Zip 97303 _____
Daytime Phone 503-393-2262 _____
Email (optional) _____

III. PROPERTY

Location or Address 8595 Rickreall Road _____ Tax Acct. No. 157081 _____ Acreage 394.94
Township 07 South _____; Range 04 West _____; Section(s) 29 _____; Tax Lot(s) 201, 206,
205, 102, 302 Comp. Plan Designation Ag _____ Zone EFU _____
School District: Dallas SD 2 Fire District: Southwest RFPD _____ Water Service
Type: Private _____ Sewage Disposal Type: Septic _____

V. PARTITION REQUEST

Current Property Acreage: 394.94 _____
Number of Proposed Parcels: 2 _____
Size of Proposed Parcels: 357.88 and 37.06 acres _____

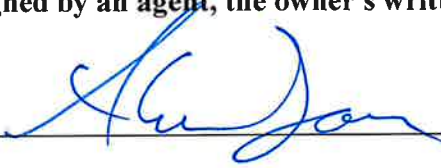
VI. ATTACHED WRITTEN STATEMENT. With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Polk County Subdivision and Partition Ordinance (PCSO) and/or the Polk County Zoning Ordinance (PCZO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request.

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Application Check List

- A. ☒ A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually provides the following:
1. ☒ A complete explanation of how the request complies with the applicable provisions and criteria in the PCSO and the PCZO. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 2. ☒ Present use of the property
 3. ☒ Proposed use of each parcel
 4. ☒ Proposal to provide domestic water to each parcel
 5. ☒ Provisions for on-site septic use (site approved on each proposed lot?)
 6. ☐ If the request relies on authorization granted under "Measure 49 (2007)," please provide a copy of the Final Order and Home Site Authorization granted by the Oregon Department of Land Conservation and Development, and described how the proposed partition complies with the conditions listed in that Home Site Authorization.
- B. ☒ A tentative plan map of the proposed land partition. The tentative plan should be drawn on a survey or tax assessment map, indicating how the parcel would be partitioned. The approximate size of each parcel and the location of the access, buildings, structures, septic systems (including repair areas), and pertinent physical features should be clearly shown.
- C. ☒ Evidence to demonstrate how the subject property was lawfully established under PCSO 91.950. This should include a copy of the land use action that created the lot or parcel; such as a subdivision plat, partition plat, or property line adjustment; or if prior to May 15, 1974, a deed that describes the property. Please also provide your current deed with legal description. Copies may be obtained at the Polk County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is a twelve (12) day appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Polk County Community Development Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.



Authorized Agent

Signatures of owners that appear on deed and/or authorized agent

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LAND USE PERMIT APPLICATION
POLK COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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Land partition, and conditional use application to construct and operate a solid waste transfer facility on EFU-zoned land that is predominately non-high value soil, and floodplain development.

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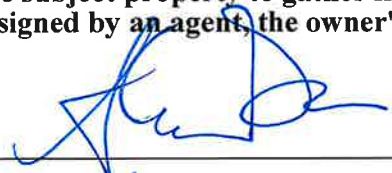
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 2. ☒ A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. ☒ A complete description of the request, including any new structures proposed.
 4. ☒ If applicable, documentation from sewer and water district showing availability for connection.
- B. ☒ A plot plan (map) of the property. Please indicate the following on your plot plan:
1. ☒ Location of all existing and proposed buildings and structures
 2. ☒ Existing County Road, public right-of-way or other means of legal access
 3. ☒ Location of any existing septic systems and designated repair areas
 4. ☒ Limits of 100-year floodplain elevation (if applicable)
 5. ☒ Vegetation on the property
 6. ☒ Location of any outstanding physical features
 7. ☒ Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- C. ☒ A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Polk County Clerk's Office.

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June 30, 2025

VIA HAND DELIVERY: Polk County Community Development

Polk County Community Development
Attn: Sidney Shorter, Planning Manager
850 Main Street
Dallas, OR 97338

RE: Response to Incomplete Letter (CU 25-05, LP 25-02, LUD 25-13 & VAR 25-04)
Our File No: 42869-00001

Dear Sidney:

This letter is in response to the completeness review you conducted and issued on May 21, 2025, (the "**Incomplete Letter**"), informing us that Applicant's consolidated request for Conditional Use (CU) 25-05: Solid Waste Disposal Site (Transfer Facility), Land Partition (LP) 25-02: Land Partition for a nonfarm, Nonresidential Parcel Land Use Determination (LUD) 25-13: Non-Structural Floodplain Development, and Variance (VAR) 25-04: Reduce Yard Area contained insufficient evidence in the record to demonstrate compliance with all of the applicable review and decision criteria. The Incomplete Letter identified several items the Applicant needs to address, in order to deem the Application complete. Applicant has expanded on each of these elements as staff has requested. This response to the Incomplete Letter is intended to supplement the record for the above referenced case numbers. A summary of each item staff identified in the Incomplete Letter is set out in bold and italics with Applicant's response in plain text below.

RECEIVED
JUN 30 2025
POLK COUNTY
COMMUNITY DEVELOPMENT

SALEM
Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301
Post Office Box 470
Salem, Oregon 97308
tel 503.399.1070
fax 503.371.2927

BEND
Vision Plaza
404 SW Columbia St
Suite 150
Bend, Oregon 97702
tel 541.693.1070

1. Staff requested updated application forms that are physically signed by the property owner or an authorized agent.

The current owner of the Subject Property is Rickreall Dairy, L.L.C. Attached is a signed letter of authorization by Rickreall Dairy, L.L.C., designating Alan Sorem as an authorized agent in this matter along with updated application forms physically signed by Mr. Sorem. As described in more detail below under Section 4, Applicant wishes to withdraw application VAR 25-04 for variances to rear yard standards and as such Applicant is not providing an updated application form for said variance applications. Please find the following attached hereto as **Exhibit 18**:

- a. Letter of Authorization designating Alan Sorem as an authorized agent
- b. Updated Land Use Permit Application Form signed by Alan Sorem
- c. Updated Land Partition Application Form signed by Alan Sorem

2. CU 25-05: Staff requested that Applicant resubmit Exhibit 7 – Site Traffic Circulation Plan.

Attached hereto, Applicant has provided copy of Exhibit 7 for review which shows the entire Site Traffic Circulation Plan.

3. CU 25-05: Staff requested a statement clarifying Applicant was requesting a waiver for designated off-site loading under PCZO 112.260

Attached hereto, Applicant has provided a supplemental narrative statement including an express request for an off-site loading under PCZO 112.260.

4. LP 25-02: Staff requested that Applicant clarify inconsistencies between the written materials and the tentative partition plat.

The tentative partition plat, submitted as Exhibit 4, correctly identifies the resulting sizes of the proposed parcels. Proposed Parcel 1 will be 357.88 acres and proposed Parcel 2 will be 37.06 acres. The references in the narrative describing the proposed parcel sizes as 355.83 and 39.11 acres respectively is a scrivener's error. A replacement narrative statement is included. A redline statement is also provided for staff's review; however, Applicant recommends that only the replacement narrative be provided to the Hearings Officer as part of the record to avoid confusion of duplicative copies.

The tentative partition plat also correctly identifies the proposed private access easement. As depicted on the plat, said easement will not be for public use. There is an existing access facility in the location of the proposed easement which provides access around the wastewater lagoon. The private access easement is intended to serve Parcel 1 and Parcel 2. The proposed private access easement is 40 feet wide in compliance with PCZO 91.700(2)(c)(B).

5. VAR 25-04: Applicant has evaluated the need for the variance requests and determined such variance requests are no longer needed.

Applicant is withdrawing the applications for a variance to the rear yard requirements for both structures identified in the original written statement. Applicant no longer desires to apply for any variances as part of this application process. Applicant requests that VAR 25-04 be considered withdrawn upon receipt of this letter. The County should proceed to process the remaining applications for the Conditional Use

Permit under CU 25-05, Land Partition under 25-02, and application for non-structural floodplain development under LUD 25-13. The incomplete letter states that VAR 25-04 would have required a hearing before the Polk County Hearings Officer and that pursuant to PCZO 111.260(A), the Planning Director is also referring CU 25-05, LP 25-02, and LUD 25-13 to the Hearings Officer. Applicant respectfully requests that the Planning Director reconsider processing the remaining applications pursuant to an administrative process in light of the variance applications being withdrawn. All application fees for the variance application are requested to be refunded to the fullest extent allowed under the County's code and policies.

6. Additional Materials

Applicant has performed its own completeness review, and would like to submit to the record two additional documents for consideration. Applicant is providing a letter from DKS Associates summarizing ODOT's review of the Polk County Rehub TIA, which was submitted as Exhibit 5. The letter is attached hereto as **Exhibit 19**. As stated in the letter, all comments from ODOT have been addressed by the Applicant and ODOT has "no further comments" as of June 3, 2025.

Applicant also provided a minor technical update to **Exhibit 14**, Habitat Assessment, incorporating reference numbers to applicable hydrologic units. The attached revised Exhibit 14 is intended to replace in its entirety the Exhibit 14 submitted as part of the original application materials.

Applicant is also providing a letter from Turnstone Environmental Consultants, a biologist, regarding the proposed nonstructural development in the floodplain for LUD 25-13, which is included in Exhibit 14.

7. Conclusion – Statement of Completeness

Applicant has demonstrated compliance with all applicable criteria for the applications through this response to the Incomplete Letter and all exhibits attached hereto, in addition to the original application and all exhibits thereto. **Applicant respectfully requests that the applications are deemed complete upon receipt of this letter pursuant to ORS 215.427(2)(b).**

Applicant desires to work cooperatively with the County and welcomes feedback from staff at any time. Applicant is always willing to consider staff comments, concerns, and proposed conditions of approval and requests an opportunity to comment on any draft staff reports, conditions, or comments from other departments or jurisdictions before submittal so that all parties can reach a mutually acceptable result.

Sincerely,



ALAN M. SOREM
asorem@sglaw.com
Voice Message #303

AMS/EAR:arf
cc: Client (via email only)

Enclosures:

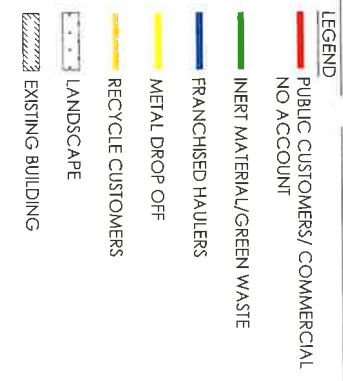
1. Exhibit 7 – Site Traffic Circulation Plan
2. Exhibit 18 – Updated Application Forms and Letter of Authorization

Polk County Community Development
Page 4

3. Exhibit 19 – Letter from DKS Associates
4. Replacement Narrative Statement

1. THIS PLAN WAS PREPARED TO PROVIDE TRAFFIC CIRCULATION WITH MIN NUMBER OF CROSSINGS.

Figure 1 shows the dimensions of the test specimens. (a) Side view showing overall dimensions: length 1000 mm, width 100 mm, and height 100 mm. (b) Top view showing dimensions: length 1000 mm, width 100 mm, and a central rectangular area of 600 mm by 100 mm. (c) Front view showing dimensions: length 1000 mm, width 100 mm, and a central rectangular area of 600 mm by 100 mm. (d) Detail view of the end of the specimen showing a 100 mm wide flange and a 100 mm high section.



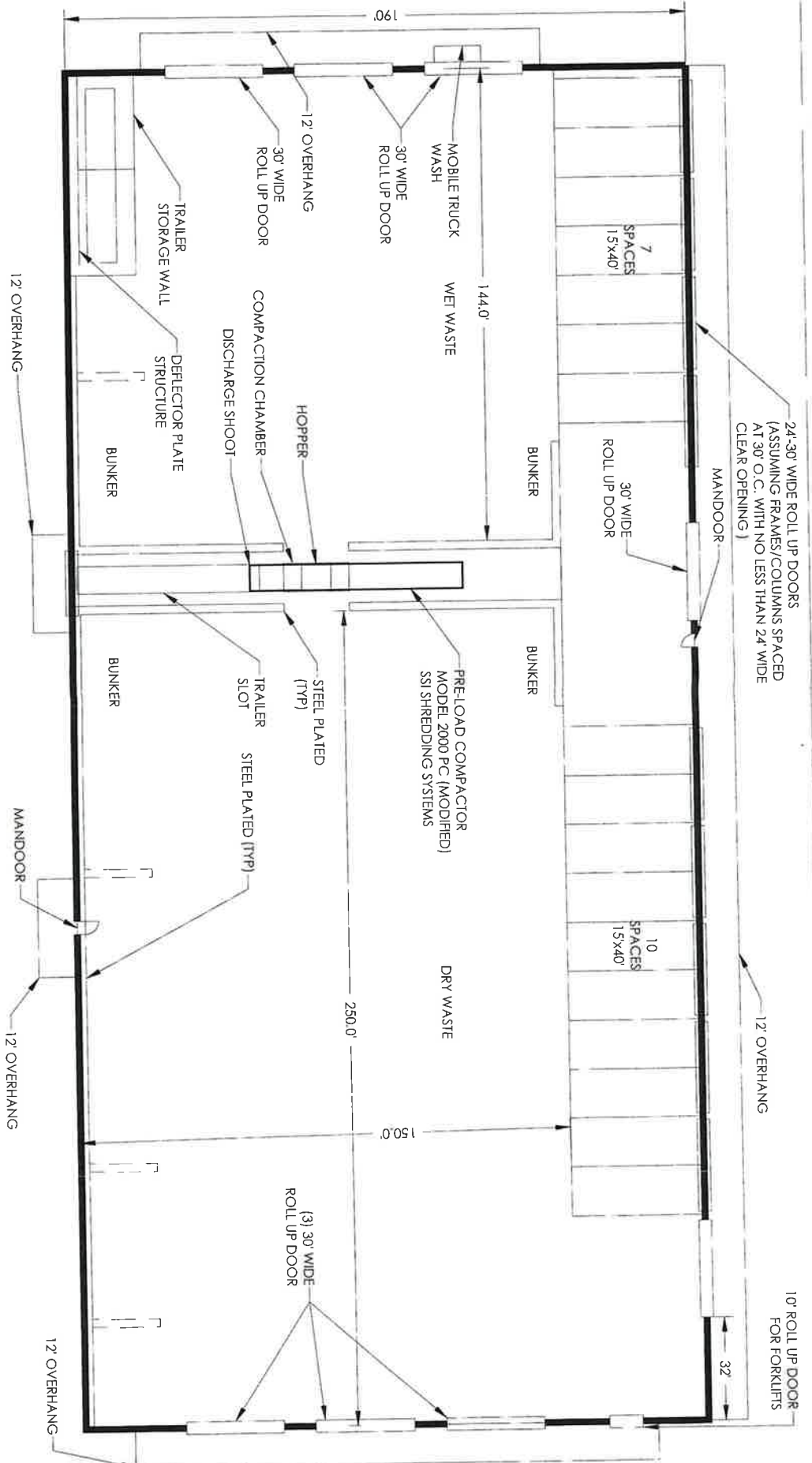
RICKREALL, OR

0 200' 400'

NOTE: BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS DRAWING, SCALE ACCORDINGLY.

EXHIBIT
7A

Date: 6/19/2025 4:21:59 P
MFA JOB #: 1906.04.004
ISSUE DATE: 06/19/2025
CHECKED: C. GOKCORA
DRAWN: B. TACKETT
MAUL FOSTER ALCOI
3140 NE BROADWAY STREET
PORTLAND, OR 97232
PHONE: 971.544.2139
www.maulfooster.com



MFA JOB #: 1906.04.01
ISSUE DATE: 02/21/2024
CHECKED: C. GOKCORA
DRAWN: L. DANIEL
MAUL FOSTER ALONGI
3140 NE BROADWAY STREET
PORTLAND, OR 97232
PHONE: 503.544.2139
WWW.MFALONGI.COM



CONCEPTUAL
TRANSFER STATION BUILDING LAYOUT
REHUB POLK
RICKREALL, OR



EXHIBIT
7B

PRELIMINARY



POLK COUNTY COMMUNITY DEVELOPMENT
 POLK COUNTY COURTHOUSE
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PROPERTY OWNER:

Signature: [Signature] Date: 6-11-25

Printed Name: Eugene Kazemier, Member of Rickreall Dairy, L.L.C

Address: 8845 Rickreall Rd. Phone: 503-871-7279

City, State, Zip Rickreall, OR 97371 Fax: _____

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Printed Name: Alan Sorem, Saalfeld Griggs PC

Address: 250 Church Street SE, Suite 200 Phone: 503-399-1070

City, State, Zip Salem, OR, 97301 Fax: _____

LAND USE PERMIT APPLICATION
POLK COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

COMPLETED BY STAFF	
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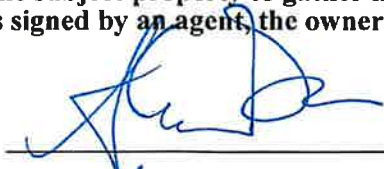
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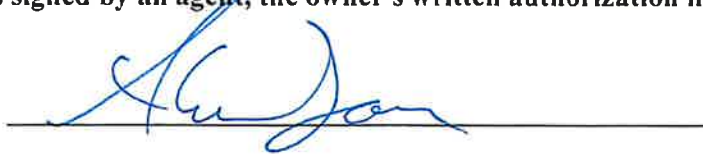
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 4. ☒ Proposal to provide domestic water to each parcel
 5. ☒ Provisions for on-site septic use (site approved on each proposed lot?)
 6. ☐ If the request relies on authorization granted under "Measure 49 (2007)," please provide a copy of the Final Order and Home Site Authorization granted by the Oregon Department of Land Conservation and Development, and described how the proposed partition complies with the conditions listed in that Home Site Authorization.
- B. ☒ A tentative plan map of the proposed land partition. The tentative plan should be drawn on a survey or tax assessment map, indicating how the parcel would be partitioned. The approximate size of each parcel and the location of the access, buildings, structures, septic systems (including repair areas), and pertinent physical features should be clearly shown.
- C. ☒ Evidence to demonstrate how the subject property was lawfully established under PCSO 91.950. This should include a copy of the land use action that created the lot or parcel; such as a subdivision plat, partition plat, or property line adjustment; or if prior to May 15, 1974, a deed that describes the property. Please also provide your current deed with legal description. Copies may be obtained at the Polk County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is a twelve (12) day appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Polk County Community Development Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.



Authorized Agent

Signatures of owners that appear on deed and/or authorized agent

*If signed by an agent, owner's written authorization must be attached.

*Electronic signatures are not accepted.

PLEASE NOTE: THIS APPLICATION MUST BE RETURNED IN PERSON.



JUNE 18, 2025

Todd Whitaker
Director of Public Works
820 SW Ash Street
Dallas, OR 97338

SUBJECT: DKS SUMMARY OF ODOT REVIEW OF THE POLK COUNTY REHUB TIA

Dear Todd,

To best convey the results of the Oregon Department of Transportation (ODOT) review of the Polk County Rehub Transportation Impact Analysis (TIA), this response letter has been prepared by DKS Associates for Polk County to summarize both the correspondence between DKS and ODOT and the changes made by DKS in response to ODOT's comments.

A draft of the TIA was developed with Maul Foster & Alongi in late 2023. The draft TIA was then submitted to ODOT on 12/14/2023, with comments provided by ODOT on 1/8/2024 (copied verbatim below). Per the comments, a few recommendations were proposed, but ODOT did not require a subsequent review, stating that "If the County determines any of the above comments will merit the need for reanalysis, we [ODOT] would be willing and able to assist with a second round of review." ODOT also advised via email to hold off on any potential TIA edits until the County had also performed a review. However, the County was not ready to perform a review at that time.

A final and stamped TIA was submitted to Maul Foster & Alongi on 9/20/2024, which addressed both ODOT's comments and some new comments from Maul Foster & Alongi. A response log was sent to ODOT on 5/20/2025 (copied verbatim below, with some new additional notes in bracketed italics) to be referenced alongside the final and stamped TIA which was sent to ODOT by Polk County. It is our understanding that ODOT responded to Polk County on 6/3/2025 that they had no further comments on the TIA.

Relevant items to note per ODOT's original comments:

- The intersection of OR223/Rickreall Road does not meet ODOT's mobility target. However, ODOT noted that "due to the lower number of added site trips... the discussed mitigation options appear disproportionate. Therefore, ODOT is not requesting mitigation at the OR 223 at Rickreall Road intersection at this time." Therefore, no mitigation to this facility is required by ODOT for this project and this response was incorporated into the TIA.

- The recommendations to add a new study intersection and simulation-based queuing analysis were completed by DKS. No new concerns or deficiencies were identified. The minor comments/tipos were also addressed, with no concerns noted.
- The recommendation to assess the applicability of dedicated left-turn or right-turn lanes at the study driveways was conducted by DKS. Polk County has no (known) standard or warrant threshold for this, and, therefore, no official analysis was documented. However, the applicability of the ODOT thresholds was checked, and the necessary volume criteria were not met.

In summary, all comments and recommendations by ODOT have been addressed. Let us know if you have any questions.

Best regards,

Lacy Brown & Travis Larson
DKS Associates

COMMENT LOG

ODOT Comment: *Analysis items to note: This study does not contain a simulation-based queuing analysis. Such analysis would have been scoped if this study had been required under ODOT's authority.*

- **DKS Response:** While not required by ODOT nor the County's TIA guidelines, simulation-based queueing analysis has been added to the study (pages 19-20). No queueing concerns were identified.

ODOT Comment: *Per Figure 3, 40% of site trips should be traveling to/from the east on OR 22, with 10% traveling to the site via Greenwood Road. However, intersection 6 (OR 22 EB at Rickreall Road) shows only 30% of trips traveling from the east. In addition, the OR 22 at Greenwood Road intersection appears to experience an increase of 51 PM peak hour trips, assuming 10% are making a westbound left-turn from OR 22 onto Greenwood Road. Analysis of this intersection is recommended, particularly analyzing if the westbound left-turn movement has enough storage to accommodate the increase in left-turning vehicles.*

- **DKS Response:**
 - (a) The OR 22/Rickreall Rd intersection (#6) volumes (site-generated trips) was updated to reflect the correct gateway percentages.
 - (b) New traffic counts for the OR 22/Greenwood Rd intersection (#7) were collected and the intersection was added as a study intersection. All relevant text and figures were updated to reflect this addition.
 - (c) Analysis of the OR 22/Greenwood Rd intersection (#7) is completed in subsequent sections. A queuing analysis was also included for all intersections.
 - (d) Due to a change per the applicant in the expected number of PM peak hour trips [facility

operations], the total trip generation decreased. Therefore, all study intersections now show new trip generation volumes. The trip generation through the OR 22/Greenwood Rd intersection (#7) is now 41 [PM] peak hour trips.

ODOT Comment: *ODOT recommends analysis of the 30 Highest Volume (HV) traffic volumes, which are obtained by applying a seasonal factor to raw traffic count volumes. The study did not apply a seasonal factor, nor include any discussion on determining an appropriate seasonal factor. Applying a seasonal factor could potentially have an impact on the operational results enough to impact the conclusions of the study, in particular at the OR 99W at Rickreall Road intersection.*

- **DKS Response:** A seasonal adjustment factor of 1.00 was calculated, which was determined using the on-site ATR method. This has now been documented.

ODOT Comment: *Table 3: Existing Intersection Operations (2023) shows the OR 99W at Rickreall Road intersection operating with a v/c ratio of 0.74 in the AM peak hour. However, this appears to be a typo repeating the intersection's operations in the 2025 Build conditions.*

- **DKS Response:** The typo has been fixed.

ODOT Comment: *ODOT maintains jurisdiction of the Willamina-Salem Highway No. 30 (OR 22), Pacific Highway West No. 91 (OR 99W), and Dallas-Rickreall Highway No. 189 (OR 223) and ODOT approval shall be required for any proposed mitigation measures to these facilities.*

- **DKS Response:** No Comments.

ODOT Comment: *The analysis identified operational issues at the OR 223 at Rickreall Road intersection. However, due to the lower number of added site trips (10 vehicles during the PM peak hour to the northbound leftturning movement) the discussed mitigation options appear disproportionate. Therefore, ODOT is not requesting mitigation at the OR 223 at Rickreall Road intersection at this time.*

- **DKS Response:** This response has been added to the traffic study, noting that ODOT is not requesting mitigation.

ODOT Comment: *The study did not review for right- or left-turns at unsignalized study area intersections. In particular, the Rickreall Road at Site Access #2 appears it may be a good candidate for an eastbound left-turn lane due to the high number of eastbound left-turns (74 and 92 in the AM and PM peak hours, respectively) and the high posted speed limit of 55 miles per hour.*

- **DKS Response:** Polk County has no (known) standard or warrant threshold for major approach dedicated turn lanes, therefore, no analysis was conducted. However, DKS reviewed [both] the ODOT APM Left Turn Criteria [and AASHTO Green Book Auxiliary Turn Lane guidance]. While the EB lefts at Site Access #2 are high (74 in both the AM and PM peak now), the opposing + advancing volume is very low (only 113 vehicles in the AM peak and 118 vehicles in the PM peak) and does not meet the criteria for a left-turn lane.

ReHub Polk County Transfer Facility

Land Partition, Non-Structural Floodplain Development Permit, and Conditional Use Permit Application

Prepared for:

Apple Tree Holdings

June 24, 2025

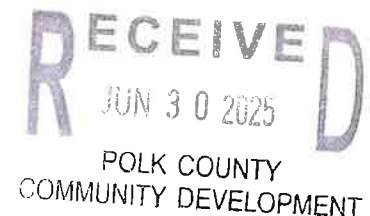
Project No. M1906.04.003

Prepared by:

Maul Foster & Alongi, Inc.

3140 NE Broadway, Portland, OR 97232

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Contents

Abbreviations.....	iv
1 Project Purpose, Description, and Request.....	1
1.1 Project Purpose.....	1
1.2 Subject Property Information	2
1.3 Surrounding Property Information	2
1.4 Request	3
1.5 Proposed Operations and Circulation.....	3
1.5.1 Commercial Haulers – Traffic Flow.....	3
1.5.2 Self-Haul Customers – Traffic Flow	4
2 Land Partition Criteria and Proposed Findings	5
2.1 PCZO Chapter 91.290 (General Approval Criteria for Partitions)	5
2.2 Chapter 91.700 (Standards for Partitions and Subdivisions)	8
2.3 Chapter 136.070 (Land Partition Standards [ORS 215.263(1)])	10
3 Conditional Use Permit Criteria and Findings	13
3.1 PCZO Chapter 119.070 (Findings of the Hearings Officer or Planning Director)	13
3.2 Chapter 136.050 Conditional Uses [OAR 660-033-0130].....	15
3.3 Chapter 136.060 General Review Standards [OAR 660-033-0130(5)].....	17
4 Solid Waste Disposal Sites Criteria and Proposed Findings.....	27
4.1 Chapter 120.320 Conditional Uses.....	27
4.2 Chapter 120.325 Minimum Standards.....	28
4.3 Chapter 120.330 Application for a Conditional Use Permit	29
4.4 Chapter 120.360 Standards for Solid Waste Disposal Site Rehabilitation and Restoration ..	30
4.5 Chapter 120.380 Required Agreements and Liens	31
4.6 Chapter 112.260. Off-Street Loading Requirements.....	33
4.7 Chapter 112.270. Parking and Loading Area Development Requirements.....	34
5 Non-Structural Floodplain Development Criteria and Proposed Findings	37
5.1 Chapter 178.060 Land Use Permit Procedures and Requirements	37
6 Response to Comments	39
7 Conclusion	40

Limitations

Exhibits

Following the Report

- 1 Property Location
- 2 Previous Partitions and Deeds
- 3 ReHub Polk Transfer Facility Site Plan
- 4 Tentative Partition Plat
- 5 Transportation Impact Analysis
- 6 Septic Site Plans and Approvals
- 7 Site Traffic Circulation Plan
- 8 Substandard Parcel Memorandum
- 9 Operations Plan
- 10 No Impact Letter
- 11 Letter of Support
- 12 Fire and Water Availability Letters
- 13 No Net Rise Memorandum
- 14 Habitat Assessment (Including Biologist Qualifications)/Floodplain Development
- 15 Photos of Surrounding Farm Uses
- 16 Photo Site Plan
- 17 Board Decision on Franchise Agreement

Abbreviations

Application	Application for a land partition and conditional use permit
the Applicant	Nicholas Dahl
AR-5	Acreage Residential 5 Acre Minimum
CUP	conditional use permit
DEQ	Oregon Department of Environmental Quality
EFU	Exclusive Farm Use
Farm Parcel	357.88-acre parcel partitioned for farm use
LUCS	Land Use Compatibility Statement
ORS	Oregon Revised Statutes
Owner	Rickreall Dairy, LLC
PCC	Polk County Code
PCZO	Polk County Zoning Ordinance
Subject Property	8845 Rickreall Road, Rickreall, Oregon 97371
the County	Polk County
TIA	traffic impact analysis
Transfer Facility Parcel	37.06-acre parcel partitioned for solid waste facility

1 Project Purpose, Description, and Request

1.1 Project Purpose

Polk County faces a pivotal moment in its waste management strategy as the Coffin Butte Landfill nears the end of its operational life, which is expected to be between four to 12 years due to projected waste volume and expansion challenges. The anticipated closure presents a significant challenge as there are currently no alternative waste disposal sites in the Willamette Valley. For this reason and others, the Board of Commissioners approved the Applicant's application for a solid waste transfer station franchise.¹ In approving the Application for a franchise, the County found that there is a need for this type of facility in Polk County. The Applicant is duly qualified to provide the services, and the Franchise Agreement contained satisfactory terms and conditions to ensure compliance with local and state laws. The purpose of the project described in this application is to establish a solid waste transfer facility that meets Polk County's need for a facility to manage multiple waste streams given the diminishing capacity of existing landfills and demonstrate compliance with applicable land use negotiations.

A Polk County transfer facility would not only bridge the impending gap in waste management infrastructure but would also reduce the county's dependence on neighboring jurisdictions for waste disposal solutions. A transfer facility in the county would also help reduce long term costs for consumers by ensuring there's a local, affordable option for disposal of a variety of waste streams, rather than consumers having to travel to multiple locations outside of the Polk County and pay multiple fees. This cost-effective solution ensures that Polk County remains financially accessible for its residents while effectively managing waste disposal needs.

Moreover, the construction of a transfer facility offers an opportunity for Polk County to generate significant revenue that can be reinvested in various public projects and services that would support the overall health and livability of its communities.

In addition to its financial benefits, a Polk County transfer facility would enhance sustainability efforts by enabling the prioritization of waste management strategies. With the ability to divert waste to the most sustainable end destinations, such as composting, construction and demolition recovery, commingled recovery, fiber and metal reuse, or landfill disposal, the county can significantly reduce its environmental impact while promoting a more circular economy.

In conclusion, the establishment of a Polk County transfer facility represents a critical investment in the county's future by tackling immediate waste management challenges while laying the groundwork for long-term sustainability and economic prosperity. To provide Polk County with the waste management infrastructure required to address these challenges, Nicholas Dahl with Apple Tree

¹ Republic Services January 15, 2025, resubmitted materials state that the current resubmitted expansion would add approximately six (6) years of useful life to the facility. Whether the approval will be granted is unknown at the time of filing, but the eventual closure – whether it be imminent or in the intermediate future, is highly probable.

Companies (the Applicant) seeks land use authorization for the construction and operation of a solid waste transfer facility at the former Rickreall Dairy site, as described in this application below.

1.2 Subject Property Information

The real property known as 8845 Rickreall Road, Rickreall, Oregon 97371 (the Subject Property), approximately 394.94 acres of land, is located in Polk County, Oregon, with the Rickreall Unincorporated Community adjacent to the west. The Applicant has included a property location map as Exhibit 1, attached and incorporated herein by this reference. The Subject Property is zoned Exclusive Farm Use (EFU) and is designated as Agriculture in the Polk County Comprehensive Plan. Rickreall Dairy, LLC (Owner) has owned and operated a dairy at the Subject Property since 1989. Dairy production halted in spring 2022 because of financial pressures caused by changes in the dairy industry. Following the closure of the dairy, the Owner began working with the Applicant on an adaptive reuse of the subject property.

The Subject Property is a lawfully created parcel under Oregon Revised Statutes (ORS) Chapter 92 and in accordance with PCSO Section 91.950(1)(b), pursuant to Polk County Partition Plat 1990-006. The Subject Property has been adjusted several times since its creation. Polk County (the County) granted a property line adjustment approval in 1990 (LLA 90-21), but it was not executed. The property owner applied for a property line adjustment (LLA 92-52), which brought the Subject Property to 395.5 acres via a contract recorded on page 2006 of the Polk County Book of Records 261 and dated December 9, 1992. On May 10, 2021, the County granted an adjustment that transferred 0.60 acres of land from the Owner to Greenwood Assets, LLC (County planning file LLA21-01), resulting in a 394.94-acre parcel. The Subject Property in its current configuration (394.94 acres) was created through the property line adjustment deed recorded in the Real Property records of Polk County, Oregon, at Recorder No. 2021-019549 on December 15, 2021, and was rerecorded at Recorder No. 2022-000415 on January 11, 2022, attached as Exhibit 2 and incorporated by this reference.

The Owner and the Applicant jointly submit this concurrent application for a land partition and conditional use permit (CUP) for the development of a solid waste transfer facility (Application).

The Applicant proposes to partition the Subject Property into two parcels. The resulting parcels will be approximately 37.06 acres (portion of the Subject Property that is subject to the CUP side of the application) and 357.88 acres. The Applicant is under contract with the Owner to purchase the 37.06-acre parcel, following the County's approval and recording of the final plat for the partition described herein, in order to develop a solid waste transfer facility. The Owner will retain the 357.88-acre parcel (Farm Parcel), which will continue as farm use. ORS 215.416 mandates that the County authorize consolidated review for all permits, as defined under ORS 215.402, necessary for development. The Applicant has included a site plan as Exhibit 3A, attached and incorporated herein by this reference. The Applicant has included a tentative partition plat as Exhibit 4, attached and incorporated herein by this reference.

1.3 Surrounding Property Information

Most of the properties adjacent to the Subject Property are zoned EFU, as shown on Exhibit 3A and incorporated herein by this reference. The properties located southwest of the Subject Property are zoned Industrial, and their uses are associated with the Owner's previous dairy operation. The

industrial buildings west of the Subject Property are used for seed storage, transfer, and sales; the industrial property has direct rail access.

Two groups of properties located south of the Subject Property are zoned Acreage Residential 5 Acre Minimum (AR-5). These properties are used for residential or commercial purposes. The land zoned AR-5 is currently used as a tire shop, a farm goods store, and single-family residences.

Other properties south and east of the Subject Property are zoned EFU and produce row crops or are in use as residential properties. There are five single-family residences southeast of the Subject Property on EFU-zoned land, separated from the site by Rickreall Road. Property north of the Subject Property is used for agriculture.

1.4 Request

The Applicant requests that the Subject Property be partitioned to create two parcels: an approximately 357.88-acre parcel partitioned for farm use, i.e., the Farm Parcel and an approximately 37.06-acre parcel (the Transfer Facility Parcel; see Exhibit 3A). The Applicant is concurrently applying for a CUP to develop a solid waste transfer facility on the Transfer Facility Parcel as authorized under ORS 215.283(2)(k) and the Polk County Rural Development Code. This application also includes a request for non-structural floodplain development and a waiver of off-street landing requirements.

The proposed transfer facility will be redeveloped primarily on the former Rickreall Dairy site on the Transfer Facility Parcel. The proposed transfer facility comprises buildings, inbound and outbound scales, and covered and uncovered storage areas to support recycling and solid waste transfer operation for various waste streams. The proposed transfer facility will repurpose a portion of the former Rickreall Dairy buildings for its operations. New development proposed at the Transfer Facility Parcel includes a transfer facility building, a stormwater facility, scales, and associated landscaping. Most of the solid waste transfer facility operations take place indoors. The main solid waste transfer facility building includes multiple tipping floors for wet and dry waste and a preload waste compactor. The proposed transfer facility accepts solid waste from the public and franchised waste haulers consistent with ORS 459 and Polk County Ordinance Chapter 70 for transfer to a County-approved and Oregon Department of Environmental Quality (DEQ)-permitted landfill. Solid waste is defined in ORS 459.005. The Farm Parcel will continue in farm use.

1.5 Proposed Operations and Circulation

1.5.1 Commercial Haulers – Traffic Flow

Please refer to the Project's proposed circulation plan (Exhibit 7A) for a depiction of facility layout and traffic flows. Commercial waste haulers will enter and exit through the westernmost access point off Rickreall Road. The access point has two lanes – one for entering commercial haulers and one for exiting commercial haulers. After entering the Property, the commercial hauler passes through an automated, unattended commercial scale. Commercial haulers will have a card they are able to scan at the scale, and it is estimated to take a maximum of three minutes to pass through the scale. In the peak hour of the busiest day of the week, there is a maximum of twelve commercial haulers that will access the Property. The total time a commercial hauler will be on the Property is estimated to be a maximum of ten minutes. The site provides ample queuing space to ensure that commercial haulers can que on the Property and avoid any queuing on Rickreall Road.

After passing through the scale, the commercial haulers then continue north until they reach the westernmost three-way stop. There will be a stop sign at the three-way stop, as well as signage to indicate that inbound haulers have priority over exiting vehicles. Trucks will also be equipped with radios to communicate with other trucks and staff as necessary. The commercial haulers transporting residential solid waste will turn west and enter the Transfer Facility Building through the western entrance. Commercial haulers carrying construction and commercial demolition waste ("CC&D"), green waste, and other waste will turn east at the three-way stop. Green waste will be transferred at the green waste area in the northeast corner. CC&D and other waste haulers will enter the Transfer Facility Building through its eastern entrance.

Inside the transfer facility, commercial haulers are assisted by three to four onsite employees. They consist of at least one spotter and two equipment operators. Once the waste has been deposited inside the transfer facility building, the commercial haulers exit the transfer facility building and turn south at the westernmost three-way stop. They exit onto Rickreall Road via the exit lane.

Inside the transfer facility building, the waste deposited by the commercial haulers will be loaded by staff into trailers. Trailers enter and exit the transfer facility through the south side of the building. Spots are available for empty and loaded trailers south of the transfer facility building to be temporarily stored until they can be picked up and either transported off site if loaded or taken into the Transfer Facility Building for loading. The circulation plan shows the loop that the trailers take to enter and exit the transfer building, adjacent to the queuing spots for trailers.

1.5.2 Self-Haul Customers – Traffic Flow

Self-haul customers enter through the easternmost access point off Rickreall Road. There will be two scales at the entrance and two scales at the exit, with three attendants working at the scales to ensure self-haul customers pass through as efficiently as possible. Customers may turn east at the scale or loop around to parking spaces in the event that a customer needs time to complete paperwork or has atypical requirements. The second loop will ensure that the queue moves as efficiently as possible, and that queuing is contained on the Property.

After entering the site, if customers have recycling, customers turn west and enter the Recycling Building to deposit recyclable materials. Inside the Recycling Building, recyclable materials are sorted based on the type of waste being recycled. Initial projections estimate approximately thirty different segregated stalls for the different recyclable materials, such as cardboard, to be placed. There will be one attendant in the Recycling Building to assist and oversee the sorting of recyclable materials. The number of stalls will increase as additional materials are able to be recycled as programs expand. Once a stall within the Recycling Building is filled to capacity, a load is transferred by staff to the Recycling Center for storage and consolidation until there is enough of the recycled material to be sold and efficiently transferred off site. Once customers exit the Recycling Building, customers either turn west to join the exit lane leading to Rickreall Road, or customers turn east and join the entrance lane and pass through the scale.

If the customer does not have recycling, or after dropping off recycling at the Recycling Building as described above, they continue north via the entrance lane and pass through a scale. If customers have inert material or green waste, they continue north and deposit the materials at the designated material/green waste area. If customers do not have metals to deposit, then they turn south and exit the Property via the exit lane leading to Rickreall Road.

If customers have metal materials, they continue west to the Metals Drop-Off Building and deposit the metals. Customers then exit the Metals Drop-Off Building and proceed to exit the Property via the exit lane leading to Rickreall Road. All customers exiting the Property will pass through one of the two out-bound scales before exiting onto Rickreall Road.

2 Land Partition Criteria and Proposed Findings

The Applicant proposes to partition the Subject Property into two parcels: the Farm Parcel and the Transfer Facility Parcel. Polk County Zoning Ordinance (PCZO) Chapters 91 and 136 address the criteria for land partitions in an EFU zone. The Applicant's proposal complies with the applicable criteria.

2.1 PCZO Chapter 91.290 (General Approval Criteria for Partitions)

(1) In order to approve a partition application, the Planning Director, Hearings Officer, or Board of Commissioners shall consider information submitted by the applicant and other sources into the record for the proceeding and make findings that:

- (a) The proposal is consistent with the provisions and intent of the adopted Comprehensive Plan and Transportation Systems Plan; and
- (b) The proposal is consistent with the provisions of this chapter and the zoning ordinance.

Applicant Response: The Polk County Comprehensive Plan and Transportation Systems Plan are long-range planning documents and are not intended to operate as development standards or mandatory approval criteria for specific development permits. PCC 91.290(1) requires only that the proposed land division be generally consistent with these documents as a whole. The proposed land division is necessary for the development of a solid waste transfer facility. This proposal is generally consistent with the adopted Comprehensive Plan and the Transportation Systems Plan. This obligation is essentially a balancing exercise between relative impacts on particular goals and policies versus other goals and policies.²

The County's applicable Public Facilities and Services goals and applicable policies clearly support the proposal:

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 Waker Associates, Inc. v. Clackamas County, 111 Or App 189, 194, 826 P2d 20 (1992); Save Our Skyline v. City of Bend, 48 Or LUBA 192, 209 (2004).

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. ***

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.

The need for a transfer facility in the Dallas-Rickreall area is explicitly identified in Public Facilities and Services Goal 2.1(a) in the Polk County Comprehensive Plan. There are currently no solid waste transfer facilities in Polk County. The proposal is strongly supported by the County's Public Facilities and Services goals and policies.

The County's Agricultural Lands Goals and policies are restated below.

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

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.

The Agricultural Lands Goals and Policies support the preservation of farm uses on farmland, but they also acknowledge that nonfarm uses are necessary under some circumstances. In this case, the proposed nonfarm development and land division are permitted under ORS Chapter 215. The nonfarm use will be developed on a new parcel that is predominantly non-high-value farmland that contains significant on-site improvements. These improvements were necessary for the former dairy operation, and they are inconsistent with most other farm uses. The County's conditional use criteria require analysis of whether a property has any significant impacts on surrounding uses and if those uses can be reasonably mitigated. The Applicant is concurrently requesting such approval, and therefore such consideration will be made by the County in the forthcoming decision. The proposal does not require the extension of public facilities to the Subject Property. No new dwellings or other residential uses will be authorized by the proposal. The remaining Farm Parcel will be predominantly high-value farmland and will retain all irrigation rights. As a whole, the proposal is consistent with the Agricultural Lands Goals and Policies, which are implemented by the County's Development Code – Chapter 136.

Additionally, the Applicant has considered impacts on the County's Transportation Systems Plan. It does not plan any future roads on the Subject Property, and there are no bridges, roads, or other improvement projects on or adjacent to the Subject Property. The Applicant has provided a traffic impact analysis (TIA), attached hereto as Exhibit 5 and incorporated herein by this reference. According to the TIA, traffic demand related to the proposed transfer facility will cause little impedance to existing traffic flow surrounding roads will continue to meet acceptable level of service as defined by the Transportation System Plan except for one intersection that has pre-existing level of service below standard. As described in detail below, this Application complies with the applicable zoning criteria contained in this chapter and in Chapter 136 of the Polk County Zoning Ordinance concerning partitions in the EFU zone.

When considering the applicable Goals and Policies in the Polk County Comprehensive Plan, the proposal is consistent with all applicable Goals and Policies. Even if the County were to conclude some of the Goals and Policies that are inconsistent with the proposal, on balance they support the proposal. Therefore, the proposal satisfies these criteria.

(2) The Planning Director, Hearings Officer, or Board of Commissioners may prescribe conditions or make changes or modifications, which are within this chapter and the zoning ordinance.

Applicant Response: The Applicant asserts that all applicable criteria are satisfied and that modifications are not necessary. In the alternative, the Applicant requests reasonable conditions of approval to meet any criteria that County staff find unsatisfied based on this Application.

(3) If a partition application cannot meet the above conditions or requirements and conditions, the Board, Hearings Officer or Planning Director shall deny the proposal.

Applicant Response: The Applicant asserts that all applicable criteria are satisfied or can be satisfied with reasonable conditions of approval.

2.2 Chapter 91.700 (Standards for Partitions and Subdivisions)

(1) Sewage Disposal.

(a) All parcels created in a partition shall have:

(A) Public sewage facilities available, or

(B) An on-site area approved pursuant to State Department of Environmental Quality rules for the installation of a sewage disposal system, or

(C) The property owner sign an acknowledgement that no building permits will be issued for structures or uses that require sewage disposal, and that the parcel(s) created have not obtained on-site sewage disposal system approval.

Applicant Response: The proposed Transfer Facility Parcel is served by two septic systems previously approved by the County and the state for domestic wastewater disposal. One septic system (septic tank, distribution tank, and drain field) is located adjacent to the existing office and services the washrooms in the office (please see the Site Plan in Exhibit 3A). A second septic system is located on the southeast portion of the Transfer Facility Parcel and serves the restrooms in the recycling center. The two septic tanks and associated septic drain fields are inspected and maintained on a regular basis consistent with Polk County Health Services requirements. Solids from the septic tanks are removed on a regular basis and disposed of at an approved facility.

The sewage facilities on the Transfer Facility Parcel served the previous dairy operation and will serve the future solid waste transfer facility site once it is developed. According to the County's health department septic system records found in Exhibit 6, the site septic systems were sized to convey and infiltrate approximately 750 gallons per day in total. The use of the existing septic system will be limited to domestic wastewater disposal for up to 20 employees (i.e., on-site restrooms) and will be sufficient³

³ Based on an estimated average daily domestic wastewater flowrate of 25 gallons per day per employee, following guidance outlined in Table G2-2 of Criteria for Sewage Works Design (Orange Book) published by the State of Washington Department of Ecology.

to serve the proposed Transfer Facility Parcel. The sewage facilities on the Farm Parcel will continue to serve the dwellings. The Applicant has included applicable septic system plans and approvals as Exhibit 6, attached hereto and incorporated herein by this reference.

(2) ROAD, STREET, AND HIGHWAY STANDARDS. New public and private roads created by partitions and subdivisions shall be designed and constructed pursuant to the Polk County Road Standards adopted by the Polk County Board of Commissioners, as identified in Ordinance 98-6, as amended. Hereafter "road" includes "street".

(a) Roads shall be aligned with existing roads in the vicinity of the proposed subdivision or partition either by prolongation of existing centerline or by connection with suitable curves. A road shall conform to the location, alignment, and width as indicated on a Corridor Refinement Plan for roads and highways now or hereafter adopted by Polk County. Roads shall intersect at or as near right angles as practicable. Road alignments shall be consistent with the adopted Transportation Systems Plan, or County adopted Corridor Refinement Plan. A property located within an urban growth boundary shall provide for the extension of roads and highways consistent with the adopted City Transportation Systems Plan.

(b) No partition or subdivision shall create a dedicated road in unincorporated Polk County without the approval of Polk County. No instrument dedicating land in unincorporated Polk County to public use shall be accepted for recording unless such instrument bears the approval of the Polk County Board of Commissioners.

(c) Unless an exception to the easement width has been granted pursuant to PCSO 91.800, the minimum widths for easements granting vehicular access across the subject property shall be:

(A) Sixty (60) feet wide for access easements that are intended to become preferred alternatives for "proposed" roads as identified in the Polk County Transportation Systems Plan.

(B) Forty (40) feet wide for all other access easements.

Applicant Response: The proposed Transfer Facility Parcel will have direct access to Rickreall Road, with suitable access for single unit trucks and intermediate semi-trailers (see Exhibit 7A). Although private circulation roads restricted to operations of the transfer facility on the parcel are proposed, no new public roads or road improvements are proposed concurrent with the proposed land division. One private access easement is proposed (40 feet wide) along the southern edge of the former wastewater lagoon. This private access easement is limited to farm use and emergency access and allows for accessibility to the entire perimeter for the wastewater lagoon. This criterion is satisfied.

(3) PROPERTY DIMENSIONS

(a) LOT OR PARCEL SIZE. All lots and parcel sizes shall conform to the requirements of the zone in which the subdivision or partition is requested. When sub-surface sewage disposal means are proposed for the subdivision or partition, state and local health regulations, soil types, drainage, terrain, and location shall be included as part of the criteria reviewed to determine the minimum lot sizes that will safely accept subsurface sewage disposal.

Applicant Response: The Subject Property is zoned EFU, which generally requires a minimum parcel size of 80 acres; exceptions to the standard minimum parcel size are allowed. The Farm Parcel will comply with the size requirements for EFU zones. The Applicant is concurrently applying for a CUP to develop a solid waste transfer facility on the Transfer Facility Parcel. PCZO 136.070(B) allows for the creation of a parcel below the minimum parcel size of 80 acres for nonfarm uses (please see the

substandard parcel memorandum included as Exhibit 8). As addressed in more detail below, the Applicant complies with such requirements for the creation of a substandard parcel in the EFU zone. This criterion is therefore satisfied.

(b) CORNER LOTS OR PARCELS. All corner lots or parcels shall be at least 100 feet wide adjacent to each road.

Applicant Response: The Farm Parcel will be a corner parcel, and all property lines shall be at least 100 feet wide adjacent to each road. The Transfer Facility Parcel will not be a corner parcel. This criterion is satisfied.

(c) PROPERTY LINES. Side property lines shall be as close to right angles to the front property line as practicable. Unless otherwise approved, rear property lines shall be not less than one-half the width of the front property lines.

Applicant Response: For the Transfer Facility Parcel, the side property lines will be at approximate right angles to the front property line; the rear property lines are not less than one-half the width of the front property line (see Exhibit 4). For the Farm Parcel, the side property lines shall be as close to right angles to the front property lines as is practicable given the existing configuration of the Subject Property, and the rear property lines will not be less than one-half the width of the front property line. This criterion is satisfied.

(d) In a cul-de-sac, the minimum property line fronting the turnaround shall be 50 feet and in no cases shall the property width be less than 60 feet at the building line.

Applicant Response: The Subject Property is not located on a cul-de-sac. This criterion is not applicable to the proposal.

2.3 Chapter 136.070 (Land Partition Standards [ORS 215.263(1)])

No land(s) located within the EFU Zoning District shall be partitioned without the express approval of Polk County under the provisions of Chapter 136 and the Polk County Subdivision and Partition Ordinance. A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Polk County Clerk. Parcels resulting from a foreclosure action are exempted from the partitioning process under ORS 92.010(7)(a). A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action. In the EFU Zoning District, the following standards shall apply:

Applicant Response: The Applicant has provided supplemental local code, statutory, and case-law analysis to support the findings below. See the memorandum dated November 13, 2023. A copy is attached as Exhibit 8 and incorporated herein by this reference.

(A) Except as provided in Sections 136.070(B) through (H), the minimum parcel size is 80 acres.

Applicant Response: The Applicant is proposing to partition the Subject Property into two parcels. The Farm Parcel will be approximately 357.88 acres, complying with this criterion. The Transfer Facility Parcel will be approximately 37.06 acres, which is considered substandard. PCZO 136.070(B) applies to the creation of the Transfer Facility Parcel. This criterion is satisfied for the Farm Parcel and is not applicable to the Transfer Facility Parcel.

(B) Nonfarm, Nonresidential Parcels [ORS 215.263(3) and OAR 660-033-0100(6)]. A parcel which is less than 80 acres may be created for nonfarm, nonresidential uses authorized by this Ordinance, subject to compliance with the procedural and technical requirements of ORS Chapter 92, the Polk County Subdivision and Partitioning Ordinance and the following criteria:

(1) A preliminary site plan shall be submitted that depicts the proposed lot boundaries and the location of all existing and proposed buildings, structures and related facilities, to include the on-site septic system and repair areas, water facilities, utility easements, vehicular access, circulation, parking and loading areas;

Applicant Response: The Applicant has provided site plans, attached hereto as Exhibits 3 and 7, which comply with this criterion.

(2) The proposed parcel shall be sized to meet, but shall not exceed, the requirements of the nonfarm use and development as depicted on the preliminary site plan;

Applicant Response: Applicant has significant experience in the solid waste management industry and has worked with Applicant's representatives to design an efficient site plan that is the minimum size needed to accommodate the County's solid waste management needs. As depicted on the site plan in Exhibit 3A, the Transfer Facility Parcel is the minimum size necessary to accommodate the development of a solid waste transfer facility. Exhibit 7A shows proposed movement of public customer/commercial, account customer, recycle customer, and metal drop-off vehicles throughout the various buildings of the Transfer Facility Parcel. The following are descriptions of the various proposed buildings:

Transfer Facility Building: Most of the solid waste transfer facility operations take place in the main solid waste transfer facility building, which includes multiple tipping floors for wet and dry waste with a preload waste compactor.

Metals Drop-off Building: A building located in the northwest corner of the site and used for drop-off of metal recycling materials.

Recycling Building: A building used for recycling drop-off near the eastern entrance to the Transfer Facility Parcel.

Storage Buildings: The buildings in the center of the site, formerly used as barns, that will be repurposed for materials and equipment storage.

Stormwater Facilities: All site stormwater runoff is collected and routed through a series of catch basins equipped with sediment and oil traps and conveyance piping to two on-site stormwater management facilities designed to retain most of the stormwater runoff on site per Oregon Department of Transportation Hydraulics Design Manual requirements. Retained stormwater may be used for fire protection and dust suppression on site. One of the stormwater management facilities is located on the southwest part of the site, and the downstream facility is located on the southeast part of the site. The site has one emergency overflow at an existing drainage channel that runs west to east, starting at the east end of the site.

On-site Septic Systems: The facility will use and maintain two existing on-site septic systems that are sufficient to serve the proposed development. See paragraph (4) below for detailed discussion on domestic wastewater disposal.

Inert Material/Green Waste: An unleased area in the northeast portion of the site that will be utilized for public drop-off of inert material and green waste.

Queuing: The site plan includes adequate queuing space for commercial and individual haulers during peak hours.

The Transfer Facility Parcel is currently completely developed with structures and ancillary improvements that have been used by the Owner in the previous dairy operation. This has resulted in limited tillable farmland suitable for the cultivation of crops or grazing within the confines of the proposed Transfer Facility Parcel. As demonstrated on the site plan and other supporting documentation, the size of the proposed Transfer Facility Parcel would allow the Applicant to utilize the existing infrastructure that previously served the dairy operation in order to develop a solid waste transfer facility without repurposing tillable farmland or using more land zoned EFU than necessary to accommodate the proposed use.

(3) Each parcel shall be provided legal access to a public road by frontage or easement;

Applicant Response: Both the Farm Parcel and the Transfer Facility Parcel will continue to have access to Rickreall Road. This criterion is satisfied.

(4) Prior to filing the partition plat, each parcel shall be evaluated for on-site septic use, or a waiver submitted from a party that has agreed to purchase the parcel, subject to approval of the land partition (Note: The owner may also waive the evaluation, subject to the filing of a restriction on the deed which precludes the placement of a dwelling on the parcel);

Applicant Response: The Transfer Facility Parcel is currently served by two septic systems previously approved by the County and the state for domestic wastewater disposal. One septic system (septic tank, distribution tank, and drain field) is located adjacent to the existing office and serviced the washrooms in the office. A second septic system is located on the southeast portion of the site and serviced the recycling center. The two septic tanks and associated septic drain fields are inspected and maintained on a regular basis consistent with Polk County Health Services requirements. Solids from the septic tanks are removed on a regular basis and disposed of at an approved facility.

Once partitioned, both parcels will have sufficient septic systems. The sewage facilities on the Transfer Facility Parcel, which served the previous dairy operation, will serve the future solid waste transfer facility site once it is developed. According to the County's health department septic system records provided in Exhibit 6, this site's septic systems are sized to convey and infiltrate approximately 750 gallons per day in total. The use of the existing septic system will be limited to domestic wastewater disposal for up to 20 employees (i.e., on-site restrooms) and will be sufficient⁴ to serve the proposed Transfer Facility Parcel.

While specifics regarding septic design are unknown, no changes are proposed to the sewage facilities on the Farm Parcel; they will continue to serve the dwellings in their current condition. The Applicant has included applicable septic system plans and approvals as Exhibit 6, attached hereto and incorporated herein by this reference.

(5) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).

⁴See footnote 3.

Applicant Response: The Applicant will move forward with the preparation of the final partition plat upon approval of this Application. This criterion can be satisfied with a condition of approval.

3 Conditional Use Permit Criteria and Findings

3.1 PCZO Chapter 119.070 (Findings of the Hearings Officer or Planning Director)

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

(A) That he or she has the power to grant the conditional use.

Applicant Response: The proposed Transfer Facility Parcel can establish and operate a solid waste transfer facility as allowed conditionally under PCZO Chapters 136.050(Z) and 136.020 as most (approximately 55 percent) of the Transfer Facility Parcel consists of non-high-value soil. PCZO 120.320(A) further authorizes the transfer of solid waste as a conditional use.

Under PCZO 111.250, the planning director may make the decision or refer the matter to the hearings officer. Under PCZO 120.340, decisions authorizing solid waste transfer facilities are to be made by the hearings officer, using forms to be provided by the planning director. The Applicant requests that the planning director provide notice of the hearing before the Polk County hearings officer in accordance with ORS Chapter 215 and PCZO Chapter 120.

Per ORS 459, The Applicant is required to have a solid waste disposal permit for operations of a transfer facility at the site. Approval of this CUP application is required prior to the Applicant obtaining a signed Land Use Compatibility Statement (LUCS), which, per ORS 459, is a prerequisite to submitting an application for a DEQ solid waste disposal permit. Upon receiving CUP approval, the Applicant will submit a signed LUCS to the DEQ for consideration.

(B) That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone.

Applicant Response: The zone applicable to the Transfer Facility Parcel is EFU. The purpose and intent of the EFU zone is to “conserve agricultural lands, consistent with the Goals and Policies of the Polk County Comprehensive Plan. This objective is achieved by establishing clear standards for the use and development of designated agricultural lands.”

The proposed transfer facility would be developed on land previously utilized as high-intensity agricultural (former dairy). Neither the Subject Property nor any of the surrounding lands within a mile of the Subject Property are designated by the Natural Resources Conservation Service as prime farm land. The Subject Property's soils are highly compacted and developed with physical structures because of the prior use. While the historical use of raising dairy cattle is a farm use, these impacts make other farm uses, such as crop production, on the Subject Property more difficult. Approximately 55 percent of the underlying soils on the proposed Transfer Facility Parcel are designated as non-high-

value soils. As most of the EFU land in the county is predominantly high value soils, this predominantly low value soil property is an appropriate property for necessary usage. This is supported by Polk County Code (PCC) 136.020, which conditionally allows a solid waste transfer facility in the EFU zone where the underlying soils are not predominately high-value. Please refer to Exhibit 3A for a figure depicting percentages of high-value soil on the Transfer Facility Parcel.

While the proposed use is a non-farm use, a new transfer facility would support surrounding agricultural uses allowed in the EFU zone by increasing the capacity of solid waste disposal and recycling for rural residential, commercial, and agricultural users. Therefore, the proposed transfer facility is not only compatible with the PCZO, which deems the use as conditionally allowed, but would also provide services that would directly benefit other land uses allowed in the EFU zone and the broader region. The anticipated service that the proposed solid waste transfer facility would provide to other allowed land uses ensures that the transfer facility would be harmonious with the purpose and intent of the EFU zone and would directly benefit the community by providing an essential service. Furthermore, the proposed transfer facility would, to the maximum extent practicable, utilize the infrastructure from the previous dairy and redevelop within the former dairy's footprint. This would ensure that an overwhelming majority of tillable land adjacent to the proposed Transfer Facility Parcel would remain viable for agricultural use, further promoting the purpose and intent of the EFU zone.

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

Applicant Response: Specific provisions for conditional uses approved for the EFU zone are provided in PCZO 136.050. Provisions for Solid Waste Disposal Sites established under Section 120.300 are addressed in Section 4 of this CUP. Response to this criterion is found in Section 3.3 of this Application. No relevant provisions for conditional use of a solid waste facility are provided by Section 119.150.

(D) That the imposition of conditions is deemed necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood.

Applicant Response: The Applicant understands that the imposition of conditions of approval may be warranted in order to ensure that the construction and operation of a solid waste transfer facility meets the County's standards and protects public health, safety, or welfare of people or land uses in the surrounding area. While the County may determine that these conditions are necessary, the Applicant has taken significant measures to ensure that off-site impacts would not detrimentally affect people or property in the surrounding area.

Most of the solid waste transfer facility operations take place indoors. Facility operations are managed to prevent and control odor, in accordance with County air pollution rules and consistent with ORS Chapter 468 and all applicable rules and regulations. The Applicant will operate an air filtration system to control odor. Transfer containers will be cleaned as needed to maintain a sanitary operating environment and to prevent malodors, unsightliness, and attraction of other vectors. Unsecured loads (loads that are not covered by tarp or otherwise secured) will be charged overage fees. Public haulers will be advised to tarp their loads for future disposals and will also be charged overage for any subsequent untarped loads. This policy will be implemented to control off-site impacts associated with unsecured materials.

The site will largely be paved (consistent with the existing conditions of the dairy site), with areas of vegetated landscaping for a visual barrier. Commercial ingress and egress have been sited as close

as practicable to the industrial-zoned property to the west. This design decision was made to ensure that commercial waste collection trucks would enter and exit the site as far from the residential properties as possible. The facility will also have a rigorous safety program to help ensure a safe on-site environment for employees and customers. This information, along with other operations and control features, is detailed in the facilities operations plan included as Exhibit 9. In addition, a letter certifying that the proposed transfer facility would not detrimentally impact existing or planned built or natural environments beyond what is expected of development in general has been provided by the engineer of record for this project. Please see Exhibit 10 for more details.

The proposed facility is necessary to fulfill the County's need, identified in its Comprehensive Plan, for a solid waste transfer facility. The Applicant would provide long-term stability and independence in the waste-handling system, complement the current waste-collection system, and reduce the overall environmental impact of waste handling.

The proposed use will also have significant economic benefits to the county. Effective solid waste management is essential to current and future agricultural and commercial uses. It will also help generate local and state tax revenues that support schools and public services, and support approximately 18 direct family-wage jobs as well as indirect jobs in dependent industries and local businesses. The facility is in service of the larger waste system in the region, helps manage costs for ratepayers, and benefits the general welfare of people residing in the county. This criterion is satisfied.

To ensure that the facility would be developed and operated in a manner that would protect the public health, safety, or welfare of people in the surrounding area, the Applicant conducted extensive outreach with neighbors, businesses, and public service providers in the Rickreall community to discuss the project and garner feedback during the design process. The Applicant published a website in September 2023 for neighbors and interested parties to find background and timing information. The Applicant knocked on doors of residences near the site and visited local businesses to share information, answer questions, and provide an informational flyer. The Applicant also shared information with the SW Polk Fire District and the Rickreall Community Water Association. Community feedback and questions focused primarily on concerns about traffic, noise, odors, and water quality. Applicant has also provided presentations to the cities of Dallas, Monmouth, Independence, and Salem. The Applicant provided information about plans for managing impacts, including an operations plan that discusses proposed mitigation for potential impacts to stormwater, fire protection, and traffic. The Applicant also provided information about public comment periods through the County's and DEQ's permitting processes.

3.2 Chapter 136.050 Conditional Uses [OAR 660-033-0130]

The following uses may be approved, subject to compliance with the procedures and criteria under Chapter 119, applicable state and federal regulations, and other specific criteria as may be indicated:

(Z) Solid Waste Disposal Site [ORS 215.283(2)(k) and OAR 660-033-0130(18)(a)], subject to compliance with Section 136.060 and ORS 459.245 for which a permit has been granted by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. New solid waste disposal sites are not authorized on lands classified as high-value. Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law.

Applicant Response: This criterion requests a permit from the DEQ for a solid waste disposal facility; however, as a LUCS form is required as prerequisite to submitting an application for a DEQ solid waste disposal permit (ORS 459), the Applicant cannot apply for a permit from the DEQ until the County has determined that the proposed land use is conditionally allowed. Therefore, the Applicant will submit a signed LUCS to the DEQ for consideration following approval of the CUP application. The Applicant proposes, as a condition of approval, that the Applicant obtain a DEQ permit before final certificate of occupancy.

The Applicant has provided evidence for the record demonstrating that compliance with the DEQ submittal requirements for a solid waste disposal permit is feasible. Per DEQ requirements, the Applicant will be required to clearly demonstrate the need for the proposed transfer facility, along with design and construction plans and operational plans. The need for a transfer facility in the Dallas-Rickreall area is explicitly identified in Public Facilities and Services Goal 2.1(a) of the Polk County Comprehensive Plan. Site design is shown in Exhibit 3A, and an operations plan is attached to this CUP as Exhibit 9. More detailed design and construction plans will be developed upon conditional approval of the proposed action. These design and support documents will demonstrate to the DEQ that the project will comply with their following standards as further outlined in the project's operational plan (Exhibit 9):

1. No discharge of wastewater to public waters except in accordance with permits from the Department, issued under ORS 468B.050.
2. All-weather roads must be provided from the public highways or roads, to and in the disposal site and must be designed and maintained to prevent traffic congestion, traffic hazards, and dust and noise pollution.
3. The site must be designed such that surface drainage will be diverted around or away from the operational area of the site.
4. Fire protection must be provided in accordance with plans approved in writing by the DEQ and in compliance with pertinent state and local fire regulations.
5. Access to the site must be controlled by means of complete perimeter controls and gates that can be locked.
6. Sanitary waste disposal must be accomplished in a manner approved by the DEQ or state or local health agency having jurisdiction.

Per the County's code as referenced above (136.050(Z)), solid waste disposal sites (or transfer facilities) are not authorized on land that is classified predominately as high-value soils. The proposed solid waste transfer facility has been proposed for a parcel that is predominately non-high-value soil (approximately 55 percent non-high-value soil), which meets the County's requirement. In addition, the proposed transfer facility will utilize the existing infrastructure that previously served the dairy operation in order to develop a solid waste transfer facility without repurposing tillable farmland or using more land zoned EFU than necessary to accommodate the use. This criterion is therefore satisfied.

3.3 Chapter 136.060 General Review Standards [OAR 660-033-0130(5)]

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

(A) The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

Applicant Response: The former dairy operations on the Transfer Facility Parcel are no longer active, and therefore operations of the proposed transfer facility will not change accepted farm activity on the Transfer Facility Parcel. As the transfer facility would be contained within the footprint of the previously developed dairy operation, and significant off-site impacts are not anticipated, the proposed change of use would not significantly affect surrounding properties. To ensure that off-site impacts to surrounding farmlands are avoided or minimized, a letter certifying that the proposed transfer facility would not detrimentally impact existing or planned built or natural environments beyond what is expected of development in general has been provided by the engineer of record for this project. Please see Exhibit 10 for more details. In addition, the following operational aspects have been developed:

Facility operations will be managed to prevent and control dust consistent with ORS Chapter 468 and all applicable rules and regulations. Most of the site, including all vehicle and equipment traffic areas, is paved. The paved surfaces will be regularly swept to minimize the potential for fugitive dust. During the dry summer months, paved and unpaved surfaces will be sprayed with water by a water truck; the refuse compactor will also be sprayed with a misting system to minimize dust. The Applicant will also employ a misting system and air filtration inside the main transfer facility building to mitigate and control dust generated during facility operations.

Facility operations will also be managed to minimize noise generation affecting surrounding properties. The facility will comply with all local noise ordinances, ORS Chapter 467, and all applicable DEQ rules and regulations. The proposed solid waste transfer facility is surrounded by industrial, residential (as separated by a street or agricultural land), and agricultural uses; these noise receptors would be exposed to noise comparable with that of the previous dairy at the site, as most facility operations are conducted in closed buildings to help prevent or manage noise.

According to the TIA, the proposed conditional use will not have a significant impact on the surrounding transportation system. Even with the new traffic generated by the proposed development, Rickreall Road will continue to operate at free-flow conditions with excess capacity. For more detail, please refer to the TIA included as Exhibit 5.

The partitioned Farm Parcel will remain in agricultural use and will not be affected by operations on the Transfer Facility Parcel. The partition would also ensure that the vast majority of the current tillable acreage remains available for agricultural use. Given these conditions, no off-site impacts to nearby farm uses, including the production of row crops, are anticipated.

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

Applicant Response: PCZO Chapter 94.120 defines farming practice as “the cultivation, growing, harvesting, processing, or selling of plants or animals of any kind, which lawfully may be grown,

possessed, and sold, including but not limited to fish, livestock, poultry, grapes, Christmas trees, and nursery stock.” The former dairy operations on the Transfer Facility Parcel are no longer active because of market pressures caused by changes in the dairy industry; therefore, the proposed transfer facility will not displace an active agricultural use.

The existing wastewater lagoon north of the Transfer Facility Parcel will be maintained to support other farm uses in handling treated by-products of fruit processing. The proposed Transfer Facility Parcel is already developed and consists of mostly non-high-value soil. By focusing transfer-facility-related development in an area subject to previous disturbance and on land designated predominately as non-high-value soil, the Applicant will ensure that the vast majority of the current tillable acreage remains available for agricultural use. In addition, it is anticipated that farmers in the project area will be customers and will benefit from the operation of the proposed transfer facility. The project has also been designed to minimize the potential (to the maximum degree practicable) for off-site impacts that could detrimentally affect farm uses through the introduction of vectors such as rodents and birds. This minimization would be accomplished by conducting operations indoors and covering operation-related hauling trucks to avoid blowing trash that could attract animals to the area. For these reasons, it is not expected that the development and operations of the proposed transfer facility will impact the cost of accepted farm use as defined above.

No lands surrounding the Transfer Facility Parcel are devoted to forest practice as defined in ORS527.620, and therefore there will be no impact to devoted forest practice as a result of development and operation of the proposed transfer facility. This criterion is satisfied.

OAR 660-0033-0130(5)(c):

The Land Conservation and Development Commission recently amended the farm impacts test for conditional uses in EFU zones under 660-0033-0130(5). The amended 660-0033-0130(5) became effective on January 1, 2025. The amended rule sets forth specific requirements that Applicant must satisfy in order to demonstrate that the proposed use will not force a significant change or significantly increase to the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. While Polk County has not yet codified this administrative rule yet, the Applicant is supplementing the proposed findings to address these new requirements.

(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;

Applicant Response: Pursuant to 660-0033-0130(5)(c)(A), the Applicant has identified surrounding agricultural lands and uses on those lands within a 1-mile radius from the center of the Subject Property. The study area required by OAR 660-0033-0130(5) is not a defined term under Oregon law. The Applicant reviewed Oregon Administrative Rules that do define a required study area for guidance, such as OAR 660-033-0130(4) which requires a study area of at least 1,000 acres, which would be about a ½ mile radius from the Subject Property, and OAR 660-033-0130(38) which requires a study area of 1 mile from the center of a property. Based on how the administrative rules define a “study area” in EFU zones for other uses, and that impacts will be significantly reduced as the distance from the Subject Property increases, Applicant found it appropriate to similarly limit the study area to lands within a 1-mile radius from the center of the Subject Property. The 1-mile radius study area is greater than the 750-foot notification area for applications, but less than potential cases in eastern Oregon ranch lands. Traffic, noise, dust, odor and any other potential impacts, to the extent present, would be most impactful in the immediate vicinity of the facility. As stated above, the accepted farm practices

in the area are mostly homogeneous, consisting of livestock operations or the growing of row crops. The 1-mile radius study area accurately captures any potential impacts to nearby farm operations. Any impacts beyond the study area are not reasonably likely to be significantly increased, if properties are affected at all. Certain impacts are pre-existing and cannot be attributed to the proposed facility. For example, debris is a pre-existing condition since haulers and individuals in Polk County currently transport waste to Coffin Butte and Marion County transfer stations and disposal sites.

Upon identifying the zoning of the surrounding lands within the 1-mile radius, Applicant excluded from the study area all properties not zoned for farm or forest use including the 7 identifiable parcels zoned Rickreall Unincorporated Community Industrial adjacent to the west of the Subject Property and the 12 identifiable parcels zoned Acreage Residential 5 acre minimum located adjacent to the south of the Subject Property. Applicant interprets the phrase “surrounding lands devoted to farm or forest use” to be limited to only those properties zoned for farm or forest use, such as an EFU zone. The R-UCI zoned properties are used for seed storage, transfer, and sales. The AR-5 zoned properties are used for residential or commercial purposes including a tire shop, a farm goods store, and single-family residences. There are 47 farm zoned parcels within the 1-mile radius, four of those parcels do not appear to be engaged in farm use which are the Cemetery Burch Pioneer parcel and the Union Pacific Railroad tract, which is comprised of three parcels. The Union Pacific Railroad tract consists of railroad right of way. The table below identifies the above-mentioned 47 parcels and additional parcel information. The parcels are organized into tracts based on common ownership with the contiguous parcels that compromise each tract listed below. There are a total of 11 tracts. The types of agricultural practices are based on aerial images and physical verification from public rights of way and from the properties owned by the Rickreall Dairy, LLC which Applicant had permission to enter. Attached is **Exhibit 15** which includes photographs of the identified farm uses.

<u>Parcels</u>	<u>Owner</u>	<u>Size</u>	<u>Farm Use</u>	<u>Type</u>
Rickreall Dairy, LLC Tract:		734.71	Yes	Row crops (grass seed, clover)
07429-00-00201	Rickreall Dairy, LLC	355.83		
07420-00-00500	Rickreall Dairy, LLC	184.21		
07428-00-00203	Rickreall Dairy, LLC	71.47		
07421-00-00901	Rickreall Dairy, LLC	70.26		
07428-00-00302	Rickreall Dairy, LLC	55.61		
07429-00-00102	Rickreall Dairy, LLC	34.42		
07420-00-00400	Rickreall Dairy, LLC	12.47		
07429-00-00206	Rickreall Dairy, LLC	7.48		
07429-00-00205	Rickreall Dairy, LLC	3.0		
07429-00-00200	Rickreall Dairy, LLC	1.36		

Elmer Stoller Farms Tract:		405.07	Yes	Row crops (grass seed, sweet corn, alfalfa)
07432-00-00200	Elmer Stoller Farms Inc.	288.00		
07429-00-00900	Elmer Stoller Farms Inc.	81.34		
07431-00-00103	Elmer Stoller Farms Inc.	35.73		
Ziegler Investments Tract:		391.97	Yes	Row crops (grass seed, clover)
07430-00-00100	Zeigler Investments LLC	147.45		
07431-00-00102	Zeigler Investments LLC	92.39		
07430-00-00900	Zeigler Investments LLC	71.80		
07429-00-00300	Zeigler Investments LLC	53.31		
07431-00-00201	Zeigler Investments LLC	27.02		
Ragsdale Farm Tract:		186.78	Yes	Row crops (grass seed)
07419-00-00500	Ragsdale Farm LLC	106.01		
07430-00-00201	Ragsdale Farm LLC	58.65		
07430-00-00200	Ragsdale Farm LLC	22.12		
Ziegler Land Tract:		171.49	Yes	Row crops (grass seed, clover)
07428-00-00200	Zeigler Land LLC	116.45		
07428-00-00300	Zeigler Land LLC	30.29		
07429-00-00100	Zeigler Land LLC	24.75		
GSDS Enterprises Tract:		134.35	Yes	Row crops (grass seed, clover)
07432-00-00300	GSDS Enterprises LLC	120		
07432-00-00501	GSDS Enterprises LLC	14.35		

White Tract:		112.34	Yes	Row crops (corn, grass silage for cows)
07433-00-00601	Claude U. White & Kathleen D. White	65		
07432-00-00101	Claude U. White & Kathleen D. White	45.60		
07433-00-00502	Claude U. White & Kathleen D. White	0.84		
Boe Tract:		28.00	Yes	Row crops (grass seed, clover)
07433-00-00600	Michael G Boe, et al	25.00		
07432-00-00100	Michael G Boe, et al	3.50		
Mccoy Tract:		16.01	Yes	Pasture or grass seed
07430-00-00700	Brenda Manfredo-Mccoy	14.97		
07430-00-00800	Brenda Manfredo-Mccoy	1.04		
C&K White LLC Tract:		12.19	Yes	Row crops (corn, grass silage for cows)
07433-00-01301	C&K White LLC	5.78		
07433-00 -00700	C&K White LLC	5.5		
07432-00-00600	C&K White LLC	0.91		
Union Pacific Railroad Tract:		7.6	No	Railroad Right of Way
07432-00-00700	Union Pacific Railroad Company	4		
07432-00-00701	Union Pacific Railroad Company	2.98		
07431-00-01500	Union Pacific Railroad Company	0.62		
Individually Owned Parcels Not Part of Larger Tract:				
07420-00-00300	Mark A. and Mark Knaupp	413.45	Yes	Row crops

07431-00-01400	Quiring Kenneth B et al, RVC LVG TR et al	230.66	Yes	Row crops
07432-00-00500	Jenkins, Hilda Irma, RVC Living Trust	61.36	Yes	Row crops
07433-00-00501	James E. & Katherine I. Scott	60.56	Yes	Row crops
07431-00-00100	Harvest Lands LLC	31.85	Yes	Row crops
07431-00-00203	Polk County	16.06	Yes	Row crops
07430-00-00104	Southwestern Polk Co Rural Fire District	6.11	Yes	Row crops
07432-00-00201	Cemetery Burch Pioneer	1	No	NA

(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

Applicant Response: The first parcel listed above, 07429-00-00201, is the Subject Property and the information listed is for the portion of the Subject Property that will be retained by the current owner following the partition proposed by these applications. The Transfer Facility Parcel to be purchased by the Applicant is the site of the former dairy operations. The former dairy operations on the Transfer Facility Parcel are no longer active because of market pressures caused by changes in the dairy industry, and therefore operations of the proposed transfer facility will not change accepted farm activity on the Transfer Facility Parcel. The existing wastewater lagoon north of the Transfer Facility Parcel will be maintained to support other farm uses in handling treated by-products of fruit processing. The proposed Transfer Facility Parcel is already developed and consists of mostly non-high-value soil. By focusing transfer-facility-related development in an area subject to previous disturbance and on land designated predominately as non-high-value soil, the Applicant will ensure that the vast majority of the current tillable acreage remains available for agricultural use. Neither the Subject Property nor any of the surrounding lands identified in the study above are designated by the Natural Resources Conservation Service as prime farm land. In addition, it is anticipated that farmers in the project area will be customers and will benefit from the operation of the proposed transfer facility. As the transfer facility would be contained within the footprint of the previously developed dairy operation, and significant off-site impacts are not anticipated, the proposed change of use would not significantly affect surrounding properties.

PCZO Chapter 94.120 defines farming practice as “the cultivation, growing, harvesting, processing, or selling of plants or animals of any kind, which lawfully may be grown, possessed, and sold, including

but not limited to fish, livestock, poultry, grapes, Christmas trees, and nursery stock.” As described shown above, the surrounding farm uses consist of pastureland for livestock and growing row crops. No lands surrounding the Transfer Facility Parcel are devoted to forest practice as defined in ORS 527.620, and therefore there will be no impact to devoted forest practice as a result of development and operation of the proposed transfer facility.

The potential impacts to livestock operations on the surrounding pasturelands within the study area include traffic, water availability and delivery, weeds, pests, damage to crops or livestock, litter, trespass, reduction in crop yields, flooding, odors, dust, and noise. Similarly, the potential impacts to row crop operations on the surrounding lands within the study area include traffic, water availability and delivery, weeds, pests, damage to crops or livestock, litter, trespass, reduction in crop yields, flooding, odors, dust, and noise. While livestock operations may differ in the animals kept and the lands growing row crops may cultivate different crops, the potential impacts and the potential effect of those impacts on the livestock or crop operation is the same regardless of the livestock kept or crops grown. For example, rodents or birds could potentially bring disease to sheep or cattle and could potentially destroy crops, whether those are grass, wheat, or berries.

To ensure that off-site impacts to surrounding farmlands are avoided or minimized, a letter certifying that the proposed transfer facility would not detrimentally impact existing or planned built or natural environments beyond what is expected of development in general has been provided by the engineer of record for this project. Please see Exhibit 10 for more details. Applicant has also provided the facilities operations plan included as Exhibit 9, which describes how the facility will be managed including plans on how to mitigate potential impacts to surrounding lands. Please see Exhibit 9 for more details.

Traffic:

According to the TIA, the proposed conditional use will not have a significant impact on the surrounding transportation system. Even with the new traffic generated by the proposed development, Rickreall Road will continue to operate at free-flow conditions with excess capacity. In addition, the Transfer Facility Parcel will have adequate queueing space to ensure that traffic from vehicles entering or exiting the facility does not back up onto Rickreall Road. For more details, please refer to the TIA included as Exhibit 5. The previous dairy operation experienced frequent ingress and egress from trucks and other commercial vehicles necessary for the operation. Rickreall Road is a Minor Arterial from OR223 to OR99W, a Major Collector from OR99W to Greenwood Road, and a Minor Collector from Greenwood Road to OR22. The Polk County Transportation System Plan defines an arterial street as “a street that is the primary route for traffic within and through the community.” The surrounding lands devoted to farm use, including but not limited to the livestock kept on surrounding lands, are accustomed to traffic given that Rickreall Road is an arterial street which handles higher traffic volumes and from the previous traffic impacts of the dairy operation. The traffic impacts generated by the proposed facility will not significantly impact or significantly increase the cost of accepted farm practices on the surrounding lands devoted to farm use.

Water availability and delivery:

Potable water service is provided by Rickreall Water District. A dry hydrant system—designed and operated in accordance with National Fire Protection Association Standards on Water Supplies for Suburban and Rural Firefighting¹ (NFPA 1142)—is connected to one of the stormwater management facilities that will make the retained stormwater available to support the SW Polk Fire District with

firefighting efforts on site. The proposed facility will not impact the availability or delivery of water to surrounding lands devoted to farm use.

Weeds:

The proposed solid waste transfer facility is not the type of use that will produce weeds which might spread to surrounding properties engaged in farm use. The Owner has no concerns about the proposed use impacting the livestock operations on the pasturelands which will be retained following the partition. The parcel to be retained by the Owner is the only property which will directly abut the Transfer Facility Parcel. All other lands devoted to accepted farm practices within the study area are adequately buffered from the Transfer Facility Parcel. The Transfer Facility Parcel abuts Rickreall Road to the south and Highway 22 to the north. A rail line in addition to the existing Rickreall Unincorporated Community Industrial zone abuts the Transfer Facility Parcel to the west. As shown by the site plan, Applicant will also be installing landscaping along the southern, western, and eastern property lines which will be maintained in an attractive manner and maintenance will include standard weed control methods.

Pests:

The project has been designed to minimize the potential (to the maximum degree practicable) for off-site impacts that could detrimentally affect farm uses including vectors such as rodents or birds. This minimization would be accomplished by conducting operations indoors and covering operation-related hauling trucks to avoid blowing trash that could attract animals to the area. Unsecured loads (loads that are not covered by tarp or otherwise secured) will be charged overage fees. Public haulers will be advised to tarp their loads for future disposals and will also be charged overage for any subsequent untarped loads. Applicant also implements routine vector control, including regular sweeping of the facility floors to prevent accumulation of any potential habitat or food source for pests and maintenance of bait boxes located throughout the site.

Damage to crops or livestock:

All operations will be contained within the Transfer Facility Parcel. The potential causes of damage to crops or livestock would be from litter blowing onto nearby properties or pests, such as rodents or birds, that are drawn to the Subject Property damaging crops or spreading disease to livestock. The potential impacts from pests and litter are addressed herein.

Trespass and Litter:

The project has been designed to minimize the potential (to the maximum degree practicable) for off-site impacts that could detrimentally affect farm uses such as litter and trespass from litter. This minimization would be accomplished by conducting operations indoors and covering operation-related hauling trucks to avoid blowing trash onto surrounding properties. Unsecured loads (loads that are not covered by tarp or otherwise secured) will be charged overage fees. Public haulers will be advised to tarp their loads for future disposals and will also be charged overage for any subsequent untarped loads. There will be no new public haulers as a result of this facility. The Subject Property abuts Rickreall Road and Hwy 22. Public haulers already travel throughout Polk County on these roads to pick up waste and then transport it to waste disposal sites like Coffin Butte. The proposed facility will shorten the distance public haulers have to travel to dispose of the waste produced in the local area. This will also reasonably prevent litter from affecting livestock or crop operations.

Reduction in crop yields:

As described above, Applicant has provided Exhibit 15 which includes photographs of the tracts and parcels engaged in farm use within the study area. The types of agricultural practices identified therein are based on aerial images and physical verification from public rights of way. Additional information was provided by Mr. Kazemier, the former operator of the Rickreall Dairy, who has owned and operated farm uses within the Study Area for decades and knows the surrounding farm uses. Mr. Kazemier identified the agricultural practices in the surrounding lands, and it is his expert opinion that the proposed facility will not result in a reduction in crop yields.

Flooding:

As described above, the Subject Property is located within an AE floodplain and this application includes a request for non-structural floodplain development. Development would only occur within the 100-year floodplain rather than the floodway. A no net rise memo was prepared by a licensed engineer that demonstrates that proposed development would not result in an increase of flood levels. Please refer to Exhibit 13 for more details. The proposed non-structural floodplain development is limited to excavation for a stormwater management facility. The stormwater management facility itself is not at risk of damage by flooding and would contain drainage (overflow) to further reduce flood-related risks. Per the no net rise memo included as Exhibit 13, the proposed development in the floodplain would result in a benefit to the amount of floodplain storage given that the Project would result in a net removal of material. As development in the 100-year floodplain would result in a net removal of material, there would be no downstream flood capacity impacts generated by this Project or cumulatively from other similar development requests as the amount of floodplain storage would increase through Project implementation. The operations plan attached as Exhibit 9 describes the methods of storm water management for the Transfer Facility Parcel. Please see Exhibit 9 for detail.

Odors:

Most of the solid waste transfer facility operations take place indoors. Facility operations are managed to prevent and control odor, in accordance with County air pollution rules and consistent with ORS Chapter 468 and all applicable rules and regulations. The Applicant will operate an air filtration system to control odor. Transfer containers will be cleaned as needed to maintain a sanitary operating environment and to prevent malodors. In addition, the existing wastewater pond adjacent to the north of the Transfer Facility Parcel will continue handling treated by-products of fruit processing. The existing wastewater pond results in malodors which the surrounding farm uses are accustomed to and the addition of the proposed facility will not significantly change the existing odor level for the surrounding lands devoted to accepted farm practices.

Applicant has received feedback from community members as to concerns about the continuation of malodors related to the existing lagoon. The lagoon is not located on proposed Parcel 2, and it is not part of the proposed conditional use. However, as a condition of approval, Rickreall Dairy, L.L.C. has agreed to voluntarily discontinue accepting material in the lagoon within six months of recordation of the final plat. It further covenants not to use the lagoon for anerobic purposes. As conditioned, the odors from the subject property are expected to have less impact after approval and development than current farm uses of the property.

Dust:

Facility operations will be managed to prevent and control dust consistent with ORS Chapter 468 and all applicable rules and regulations. Most of the site, including all vehicle and equipment traffic areas, is paved. The paved surfaces will be regularly swept to minimize the potential for fugitive dust. During

the dry summer months, paved and unpaved surfaces will be sprayed with water by a water truck; the refuse compactor will also be sprayed with a misting system to minimize dust. The Applicant will also employ a misting system and air filtration inside the main transfer facility building to mitigate and control dust generated during facility operations.

Noise:

Facility operations will be managed to minimize noise generation affecting surrounding properties. The facility will comply with all local noise ordinances, ORS Chapter 467, and all applicable DEQ rules and regulations. The proposed solid waste transfer facility is surrounded by industrial, residential (as separated by a street or agricultural land), and agricultural uses; these noise receptors would be exposed to noise comparable with that of the previous dairy at the site, as most facility operations are conducted in closed buildings to help prevent or manage noise. The noise level from the proposed use will be consistent with the noise level of the previous dairy operation, which included the consistent ingress and egress of trucks for deliveries. The surrounding farm uses are accustomed to the noise level from the previous dairy operation and the addition of the proposed facility will not significantly change the existing noise level for the surrounding lands devoted to accepted farm practices.

The adjacent farmlands will remain in pasture. Most of these lands are owned by the Owner who will continue to own and lease the land as pasture. The Owner has no concerns regarding layouts on the adjacent farmlands. The other accepted farm practices on the surrounding lands in the study area is the growing of row crops and keeping of livestock on pastureland. The project has been designed to minimize the potential (to the maximum degree practicable) for off-site impacts that could detrimentally affect farm uses. The only adjacent property engaged in farm use will be the property retained by the Owner which will be located to the east of the Transfer Facility Parcel. The Owner has no concerns about the proposed use impacting the livestock operations on the pasturelands. All other lands devoted to accepted farm practices within the study area are adequately buffered from the Transfer Facility Parcel. The Transfer Facility Parcel abuts Rickreall Road to the south and Highway 22 to the north. A rail line in addition to the existing Rickreall Unincorporated Community Industrial zone abuts the Transfer Facility Parcel to the west. As shown by the site plan, Applicant will also be installing landscaping along the southern, western, and eastern property lines. The partitioned Farm Parcel will remain in agricultural use and will not be affected by operations on the Transfer Facility Parcel. The partition would also ensure that the vast majority of the current tillable acreage remains available for agricultural use. However, as described above, no lands within the study area, including the Subject Property, are designated as prime farmland. Given these conditions, no off-site impacts to accepted farm practices on surrounding lands devoted to farm or forest use are anticipated.

For these reasons, it is not expected that the development and operations of the proposed transfer facility will significantly change accepted farm practices or significantly impact the cost of accepted farm use as defined above. This criterion is satisfied.

(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

Applicant Response: As described above, no individual potential impacts, such as dust, noise, etc., to any of the accepted farm practices identified above will produce impacts that cannot be reasonably mitigated. When considered together, the potential impacts will not significantly impact or increase the cost of any farm operation in the surrounding lands devoted to farm use. For example, as described above, the impacts of dust and noise can be reasonably mitigated so as not to significantly

impact or significantly increase the cost of accepted farm practices on lands within the study area, which remains true when considering the combined impacts of dust, noise, etc. This criterion is satisfied.

(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

Applicant Response: Applicant addresses the potential impacts of traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding above under OAR 660-033-0130(5)(c)(B). This criterion is satisfied.

(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).

Applicant Response: As described above, the Transfer Facility Parcel to be purchased by the Applicant is the site of the former dairy operations. Applicant will be retaining and remodeling as many of the existing buildings as possible in order to reduce the impacts related to construction as much as practicable. To ensure that off-site impacts to surrounding farmlands are avoided or minimized, a letter certifying that the proposed transfer facility would not detrimentally impact existing or planned built or natural environments beyond what is expected of development in general has been provided by the engineer of record for this project. Please see Exhibit 10 for more details. This criterion is satisfied.

(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).

Applicant Response: Applicant is not proposing any conditions of approval upon the owner of an affected farm or forest land, or on such land itself. As described herein, all potential impacts can be adequately mitigated as proposed by Applicant, or in the alternative can be adequately mitigated through a condition of approval imposed upon Applicant or the Subject Property. This criterion is satisfied.

4 Solid Waste Disposal Sites Criteria and Proposed Findings

4.1 Chapter 120.320 Conditional Uses

Solid waste disposal sites may be permitted as a conditional use within all zoning districts by the Hearings Officer, notwithstanding the use limitations of each zone, subject to the conditions and procedural requirements set forth in Sections 120.310 to 120.380.

4.2 Chapter 120.325 Minimum Standards

The following minimum standards shall apply to the establishment, maintenance, and operation of solid waste disposal sites within Polk County. The particular concerns of these provisions are providing for an adequate number of solid waste disposal sites to meet the needs of Polk County and the property location of solid waste disposal sites including access to and from the sites, the appearance of such sites as they relate to the surrounding area and for the ultimate reuse of such sites.

(A) Screening. The site shall be reasonably screened from adjoining developed properties and public streets or highways by the placement of landscaped yards and areas adjacent to every property line, within which yard or area will be placed an ornamental fence, wall or hedge or landscape berm. This shall be in addition to such desirable vegetation as may exist within the landscaped area. Where the landowner or the holder of a franchise for the site has obtained an interest in adjacent property for the purpose of providing adequate screening or where an appropriate governmental agency provides such screening, the Hearings Officer may accept such screening in lieu of that otherwise required by this subsection. This screening, whether on the same or other property, shall continuously obscure the view of the site and the landowner or franchise holder shall be responsible for maintenance of such screening.

Applicant Response: Most of the solid waste transfer facility operations would take place indoors to manage visual impacts. Native Oregon white oak trees and other visual landscaping are proposed and would reasonably screen all buildings and outdoor elements from Rickreall Road to the south and residential properties to the east (see Exhibit 3A). Screening is limited from the adjoining industrial uses to the west and the open farm fields north of the site given that the transfer facility would be compatible with the industrial uses and would be screened via physical separation from land uses to the north. An existing row trees screens the facility from traffic on State Hwy 22. This criterion is satisfied.

(B) Access Roads. All access to the site shall be by a route or routes approved by the County Engineer and the Hearings Officer.

Applicant Response: The site currently has seven existing access points on Rickreall Road. These access points were developed as part of the previous dairy operation. The Applicant proposes to repurpose four of these access points to support ingress to and egress from the transfer facility. Two existing driveway approaches will be eliminated (driveway approaches 2 and 4), and one will be gated and reserved exclusively for private farm use (driveway approach 7) as shown on Exhibit 7A. This includes the following proposed ingress and egress:

1. A commercial entrance and exit located on the southwest side of the site (driveway approach 1). The commercial entrance would have one unattended scale
2. An employee entrance and exit located east of the commercial entrance (driveway approach 3)
3. A public exit in the eastern portion of the site (driveway approach 5; one-way)
4. A public entrance in the eastern portion of the site (driveway approach 6; one-way)

The site traffic circulation plan (see Exhibit 7A) has been provided for review and approval by the County engineer and the hearings officer. This criterion is satisfied.

(C) Control of Operation Time. Except for such activities as office machinery repair and the equivalent, in residential, farm or commercial districts, a limit shall be placed on the operating time from 4:30 a.m. to 9:30 p.m. This limitation on operating time may be waived by the County Engineer in times of public or private emergency for the duration of such emergency. Other activities may be conducted outside the allowable time if they fall within standards established for industrial uses as set forth in Section 112.400 (A)(6).

Applicant Response: The proposed transfer facility will operate from 5:00 a.m. to 7:00 p.m. Monday through Saturday, which is within the allowed operating time from 4:30 a.m. to 9:30 p.m. This criterion is satisfied.

4.3 Chapter 120.330 Application for a Conditional Use Permit

Application by the landowner shall be made to the Hearings Officer on forms furnished by the Planning Director. Each application shall be accompanied by:

(A) An accurate plot plan showing exterior boundaries of the property on which the disposal site is to be located and the location of any existing or proposed structures, roads, proposed operating areas or other improvements, and the topography of the proposed site.

Applicant Response: The exterior boundaries of the property on which the transfer facility is to be located; the location of any existing or proposed structures, roads, proposed operating areas or other improvements; and the topography of the proposed site are shown in Exhibit 3A.

(B) A plan for rehabilitation and use of the site after the disposal has been terminated for a use permitted within the zone in which the land is located. Such a plan shall be prepared at a scale of not less than 1"=400' with topographic contours, an interval of which shall not be less than 25 feet. In its discretion, the Hearings Officer may require a map or plan showing greater detail to determine compliance with this ordinance and standards established by the Hearings Officer.

Applicant Response: The proposed use of the site is a transfer site or transfer facility as defined by PCC 70.0301. Because the Transfer Facility Parcel will not be used as a solid waste disposal site as defined by PCZO 120.315, the requirements for rehabilitation plans set forth in 120.360 do not apply to the CUP application.

This interpretation is consistent with the plain text of the code that requires a plan "after the disposal has been terminated." No disposal will occur on site, and therefore it will not apply. Nonetheless, Applicant provides the following plan details. Operations at the Transfer Facility Parcel will not preclude future agricultural use of the site after its use as a transfer facility has concluded. In the event of a permanent closure of the transfer facility, the following will be performed to prepare the site for future reuse:

- Waste materials will be removed from the facility.
- The tipping floor and trailer loading area will be thoroughly swept and cleaned.
- Debris will be removed from site drains, sumps, and catch basins.
- Litter around the facility will be removed.
- The gates will be left intact and will be closed.

Further information on rehabilitation measures can be found in the operations plan attached as Exhibit 8.

(C) A copy of the application to the governing body of Polk County for a franchise pursuant to the Solid Waste Collection and Disposal Ordinance if the site is to be owned or to be operated by a person other than a governmental agency;

Applicant Response: The Applicant applied for a solid waste transfer station franchise. The Polk County Hearings Officer reviewed the application and recommended approval with conditions, as set forth in the Hearings Officer decision dated March 17, 2025. On March 26, 2025, the Board of Commissioners ratified the Hearings Officer's decision awarding the franchise to the Applicant. The matter of ratifying the Hearing Officer's decision was on the March 26 consent agenda, which was approved by vote and thereby ratified by the Board. A copy of the Hearings Officer's decision, including the Board's ratification, is attached hereto as Exhibit 17.

(D) An agreement required by Section 120.380 of this ordinance;

Applicant Response: Agreements required by Section 120.380 are addressed in Section 4.5 of this CUP application.

(E) Except for applicants who have previously paid for a preliminary permit on the same site, a conditional use permit fee will be paid.

Applicant Response: The Applicant has not previously paid for a preliminary permit on the same site, and the CUP fee will be paid upon the submission of this application.

4.4 Chapter 120.360 Standards for Solid Waste Disposal Site Rehabilitation and Restoration

(A) The purpose of this section is to ensure the future use of site after its use as a solid waste disposal site has been completed. A restoration plan shall be consistent with the land use planning policies and ordinance of Polk County.

(B) The landowner and the holder of any franchise to operate the site shall be jointly and severally liable for the eventual site restoration as described in the plans submitted with the permit application as provided in Section 120.380.

(C) Upon completion of the use of the site for solid waste disposal according to the permit and plan, or upon economic abandonment of the site as a disposal site, the landowner and the holder of any franchise to operate the site shall have a reasonable time to rehabilitate and restore the site as described in the restoration plans.

(D) Except for buildings or structures which are permitted uses in the zone in which the site is located, upon termination of the use of the site for solid waste disposal, all buildings, equipment, apparatus and appurtenances necessary to the operation shall be removed from the site unless an extension is granted by the Hearings Officer. A grant of additional time by the Hearings Officer shall not excuse any delay in the restoration or rehabilitation of those portions of the property under permit which are not affected by such extension.

(E) All excavations and pits shall be backfilled, leveled, contoured, or both, for the uses shown on the restoration plan and shall be compatible with the final depth and slope of the site.

(F) Topsoil shall be replaced to sufficient depth to allow landscaping material to be installed.

(G) When appropriate, the Hearings Officer may specify a schedule of rehabilitation for portions of the property as their use for solid waste disposal operations is completed or terminated. The schedule shall be considered part of the rehabilitation or restoration plan and shall be included in the agreements required by Section 120.380.

Applicant Response: The proposed use of the site is a transfer site or transfer facility as defined by PCC 70.0301. Because the Transfer Facility Parcel will not be used as a solid waste disposal site as defined by PCZO 120.315, the requirements for rehabilitation plans set forth in 120.360 do not apply to the CUP application. Operations at the Transfer Facility Parcel will not preclude future agricultural use of the site after its use as a transfer facility has concluded.

In the event of a permanent closure of the transfer facility, the following will be performed to prepare the site for future reuse:

- Waste materials will be removed from the facility.
- The tipping floor and trailer loading area will be thoroughly swept and cleaned.
- Debris will be removed from site drains, sumps, and catch basins.
- Litter around the facility will be removed.
- The gates will be left intact and will be closed.

Upon facility closure, all regulatory agencies will be notified as required by applicable law, regulations, and permits. Further details on site operations and rehabilitation upon termination can be found in the site operations plan attached as Exhibit 9.

Agreements related to liability for the eventual site restoration required by Section 120.380 are addressed in Section 4.5 of this CUP application.

4.5 Chapter 120.380 Required Agreements and Liens

(A) The governing body finds and declares that a properly established, maintained, operated, and rehabilitated solid waste disposal site is a utility facility necessary for public service and, as such, is a valuable asset in improving environmental quality of the County. The Board further finds and declares that an improperly established, operated, maintained, or rehabilitated site may become a public or private nuisance, produce a condition of unsightliness, establish a health hazard or otherwise create a condition detrimental to the environmental quality of the area and of the County. To implement these findings, the governing body further finds and declares that it is necessary and appropriate to require agreements from the landowners who apply for a conditional use permit the agreements required by this section and further finds and declares that the appropriate remedy to reimburse costs of the County incurred in enforcement of Sections 120.310 to 120.380 is, upon failure of the landowner or franchise holder to pay such costs, the imposition of lien against the premises.

Applicant Response: The need for a properly established, maintained, and operated transfer facility in the Dallas-Rickreall area is explicitly identified in Public Facilities and Services Goal 2.1(a) in the Polk County Comprehensive Plan. In the event of a permanent closure of the transfer facility, the following tasks will be performed:

- Waste materials will be removed from the facility.

- The tipping floor and trailer loading area will be thoroughly swept and cleaned.
- Debris will be removed from site drains, sumps, and catch basins.
- Litter around the facility will be removed.
- The gates will be left intact and will be closed.

All regulatory agencies will be notified as required by applicable law, regulations, and permits.

(B) On forms issued by the Planning Director, the landowner who is applying for a conditional use permit for a site pursuant to Sections 120.310 to 120.380 and the holder of any franchise to operate such site, shall jointly and severally agree to accept, to be responsible for or to be liable for:

(1) The entry upon subject premises by named officials pursuant to Section 120.375.

Applicant Response: The County engineer, County health officer, or County building official, or their duly authorized representatives may enter upon public or private property to enforce compliance with Sections 120.310 to 120.380 throughout operation of the proposed transfer facility. It is understood that these provisions will be implemented as conditions of approval.

(2) Proper establishment, maintenance, and operation of the site as required by Section 120.370.

Applicant Response: The proposed transfer facility will be established, maintained, and operated within the terms and conditions set forth in Sections 120.370. These provisions will be permitted as conditions of approval.

(3) Rehabilitation and restoration of the site upon termination for use as a disposal site pursuant to Section 120.360.

Applicant Response: The proposed use of the site is a transfer site or transfer facility as defined by PCC 70.0301. Because the site will not be used as a solid waste disposal site as defined by PCZO 120.315, the requirements for Rehabilitation Plans set forth in 120.360 do not apply to this CUP application. In the event of a permanent closure of the transfer facility, the following tasks will be performed:

- Waste materials will be removed from the facility.
- The tipping floor and trailer loading area will be thoroughly swept and cleaned.
- Debris will be removed from site drains, sumps, and catch basins.
- Litter around the facility will be removed.
- The gates will be left intact and will be closed.

Operations at the Transfer Facility Parcel will not preclude future agricultural use of the site after its use as a solid waste disposal site has ended.

(C) In the event the landowner or the franchise holder does not comply with his agreement executed pursuant to subsection (B) of this section and within a reasonable time after written notice to comply, the governing body may institute proceedings under subsection (D) of the section to enforce compliance. "Reasonable time" within this subsection shall be determined by the Hearings Officer upon the basis of the health, safety, and welfare of the people of Polk County and of the area and in determining what is a reasonable time, the Hearings Officer may give consideration to, but shall not be limited by the following:

- (1) The nature of the deficiency;
- (2) Conditions created by the deficiency;
- (3) Hazard to health or safety;
- (4) The creation of a condition of unsightliness;
- (5) The creation of a public or private nuisance;
- (6) Whether there is a satisfactory alternative practice, procedure or operation.

Applicant Response: The Applicant will comply with proceedings under subsection (D) of this section in the event that the landowner or the franchise holder does not comply with his agreement executed pursuant to subsection (B) of this section. These provisions will be permitted as conditions of approval.

(D) In the event that the landowner or franchise holder fails to comply with the order of the Hearings Officer within the time specified by the Hearings Officer, the Hearings Officer shall notify the governing body. The governing body may institute proceedings for enforcement by giving 30 days written notice to the landowner or franchise holder, or both, at their last known addresses. The Board may shorten the notice period to not less than 24 hours notice if the governing body finds an immediate or serious danger to the public through the creation of a health hazard or a public or private nuisance. After required notice, the governing body may hold a public hearing at which all interested persons shall have the right to be heard. After such public hearing and on the basis thereof, the governing body shall have the power to order appropriate county agencies to correct the deficiencies in the establishment, maintenance or operation of the site, or to make the required rehabilitation and restoration.

Applicant Response: The Applicant will comply with proceedings under subsection (D) of the section in the event that the landowner or the franchise holder does not comply with his agreement executed pursuant to subsection (B) of this section. These provisions will be permitted as conditions of approval.

(E) The costs incurred by the County in carrying out subsection (D) of this section shall be paid by the landowner or the franchise holder or both. If not paid, the governing body may order appropriate action to be taken to impose a lien upon the subject premises.

Applicant Response: The Applicant agrees to pay costs incurred by the County in carrying out subsection (D) of this section and acknowledges the imposition of a lien if costs are not paid. These provisions will be permitted as conditions of approval.

(F) The Hearings Officer may order the filing in the County Deed Records of the conditional use permit including the agreements executed pursuant to this section as a recorded encumbrance on the real property to assure compliance with the conditions and agreements.

Applicant Response: These provisions will be implemented as conditions of approval.

4.6 Chapter 112.260. Off-Street Loading Requirements

Off-street loading space shall be provided in the amounts listed below except that, in appropriate cases, the Hearings Office or Planning Director may waive the requirements for loading space, after proceedings are had as for a conditional use as provided in Chapter 119, and when the Hearings Office or Planning Director has determined that the use to which the building is to be put is of a kind not requiring loading or unloading or delivery of merchandise or other property by commercial trucks

or delivery vehicles; provided however that, whenever the use of such building is changed to another use, then such loading space as is required by this ordinance shall be provided. [...]

Applicant Response: The Applicant is requesting a waiver from the requirement to provide off-street loading spaces as stipulated under this Chapter. The proposed transfer facility functions uniquely, with loading and unloading of solid waste occurring within specific and designated areas housed within the primary Transfer Facility Building (see Exhibit 3A – Site Plan). The Applicant acknowledges that a change of use of the Transfer Facility Building would warrant establishment or development of off-street loading spaces as required by this Chapter.

4.7 Chapter 112.270. Parking and Loading Area Development Requirements

All parking and loading areas except those for single family dwellings shall be developed and maintained as follows:

(A) Location or site: The required yard areas adjacent to a street shall not be used for parking or loading areas and the yards shall be the same as is required for the main building in the district in which the parking area is to be located and such yard area adjacent to a street shall be landscaped with trees, shrubs, grass or evergreen ground cover and other complementary materials and maintained in a neat and well appearing manner. The side and rear yards, other than those adjacent to a street, may be used for parking and loading areas when such areas have been developed and are maintained as required by this ordinance.

Applicant Response: Exhibit 3A shows the parking configuration on the Transfer Facility Parcel. As demonstrated on the site plan, no proposed parking or loading areas interfere with the required yard areas adjacent to the street. The Applicant has proposed tree planting and landscaping along the perimeter of the site except where existing vegetation would substitute for new landscaping.

(B) Surfacing: Inside an adopted urban growth boundary all driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by the director of public works except where existing. When existing gravel lots inside the UGB are expanded in excess of 50 percent above the existing lot size they shall be paved. Outside of urban growth boundaries, gravel, asphalt or concrete may be used for surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) inch minus or an alternative as approved by the Director of Public Works. A paved access apron to any paved access road is required regardless of the parking lot surface. [Amended by Ordinance 90-19].

Applicant Response: The Transfer Facility Parcel is outside the urban growth boundary. Parking areas in the Transfer Facility Parcel will be paved with asphalt in accordance with this criterion.

(C) Bumper guards or wheel barriers: Bumper guards or wheel barriers shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be paved or covered with evergreen ground cover.

Applicant Response: Parking areas in the Transfer Facility Parcel will contain bumper guards or wheel barriers in accordance with this criterion to prohibit portions of a vehicle projecting into a public right-of-way or over adjoining property.

(D) Size of parking spaces and driveways: The parking area, each parking space and all driveways shall be of sufficient size and all curves and corner of sufficient radius to permit the safe operation of a standard size automobile, to wit:

- (1) Parking space (See Appendix 1);
- (2) Maximum 12 percent grade for driveways;
- (3) Directional signs and pavement marking shall be used to control vehicle movement in the parking lot;
- (4) One-way drives shall have an improved width of at least 12 feet, and the inside radius at the curb shall be 25 feet for any curves or corners and signs shall be erected indicating the one-way direction;
- (5) Two-way driveways shall have an improved width of at least 20 feet and the inside radius at the curb shall be 25 feet for any curves or corners.

Applicant Response: Exhibit 3A shows that the Transfer Facility Parcel has 20 employee parking stalls in accordance with the design standards established in 112.250 (GG). It is proposed that additional parking stalls be provided adjacent to the recycling center as shown on Exhibit 3A. Parking areas in the Transfer Facility Parcel will adhere to all other design standards established in this criterion. This includes: no driveways proposed on grades 12 percent or greater (the site is generally flat with slopes of 0 to 5 percent), signage will direct traffic, and driveway widths are a minimum of 20 feet (two-lane road), which meets the minimum standards outlined above.

(E) Access: All parking or loading areas shall be served with either separate ingress and egress driveways or with an adequate turn-around, which is always available and useable. All entrances and exits onto a public right-of-way shall first have the approval of the Director of Public Works or County Engineer.

Applicant Response:

All parking or loading areas in the Transfer Facility Parcel are served by four separate access points on Rickreall Road (see Exhibit 7A). The access points are designed in accordance with the Polk County Roadway Standards. The proposed ingress and egress include a dedicated one-way public driveway entrance (36 feet wide), a dedicated one-way public exit (24 feet wide), a separate entrance/exit for commercial vehicles (30 feet wide) and a driveway reserved for employees (30 feet wide). All proposed driveways would be in the footprint of existing driveways that served the previous dairy operation.

(F) Fences, walls and hedges:

- (1) When the parking or loading area is within the SR zone such parking or loading area shall be screened from all obscuring ornamental fence, wall or compact evergreen hedge, except along an alley;
- (2) When the parking or loading area is adjacent to the SR zone, there shall be a sight obscuring ornamental fence, wall, or compact evergreen hedge between the parking or loading area and the SR zone, except along an alley;
- (3) The ornamental fence or wall shall be erected and maintained at a height of at least four (4) feet but not more than seven (7) feet; a compact evergreen hedge shall be not less than three (3) feet at planting and capable of reaching a height of six (6) feet. Fences, walls or hedges shall have the same setback requirements from all streets and the same vision clearance areas as required

for a one (1) story building in the zone in which such parking or loading area is located. In yard areas other than those adjacent to a street, the fence wall or hedge may be located on the property line.

Applicant Response: The proposed transfer facility is not in the SR zone; therefore, this criterion is not applicable to this Application.

(G) Lighting: Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public right-of-way.

Applicant Response: All lighting proposed for transfer facility parking areas is shielded and pointed downward, and therefore will not deflect away, cast a glare, or produce a reflection onto moving vehicles on the public right-of-way.

(H) Landscaping: In every residential, commercial, and industrial zone other than the SR zone, there shall be provided a landscaped yard as set forth in the appropriate development standards sections of this chapter. In addition to other landscape requirements every newly developed automobile off-street parking area or if any graveled or unimproved lot is paved, such lot shall have at least one (1) percent of the gross parking lot area devoted to landscaping. The gross parking lot area, as used in this instance, is the outer boundaries of the specific area devoted to parking of automobiles exclusive of any buildings and/or other landscaping areas otherwise provided.

Applicant Response: The proposed transfer facility is not in a residential, commercial, or industrial zone; therefore, this criterion is not applicable to this CUP application. Nevertheless, perimeter and site landscaping including trees will screen the proposed parking and operation areas from surrounding residences and the roadway, as shown in Exhibit 3A.

(I) Plans and Permits: Plans at a workable scale shall be referred to the Director of Public Works or County Engineer for a recommendation prior to the issuance of a permit by the Building Official.

Applicant Response: Parking design is shown in Exhibit 3A. More detailed design and construction plans will be submitted at a later date following CUP approval.

(J) Loading spaces shall be marked for loading only.

Applicant Response: Loading spaces in the Transfer Facility Building will be demarcated for their specific use.

5 Non-Structural Floodplain Development Criteria and Proposed Findings

5.1 Chapter 178.060 Land Use Permit Procedures and Requirements

(A) A land use permit shall be obtained from the Polk County Community Development Department prior to commencement of the following types of development:

(2) Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map requires a land use permit. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Applicant Response: Non-structural floodplain development (excavation for construction of a stormwater management facility) is proposed within the 100-year floodplain associated with Rickreall Creek. Therefore, pertinent criteria from Chapter 178 will apply to the Project.

(B) The Planning Director is responsible for review and approval of all land use permit applications submitted for development and uses described in this section. The Planning Director shall determine that such development and uses meet the following requirements:

(1) The necessary permits for the proposed development have been obtained from those federal, state or local governmental agencies from which prior approval is required.

Applicant Response: The request for a non-structural floodplain development permit has been made concurrent with other applicable Polk County land use permits. All other state permits will be applied for in the appropriate sequence prior to the initiation of construction of operations. No federal permits apply to this Project.

(2) The proposed development will not adversely affect the flood carrying capacity of the floodplain. For purposes of this ordinance "adversely affect" means that the cumulative effects of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point.

Applicant Response: The proposed development in the floodplain would result in net removal of material in the 100-year floodplain, which would increase floodplain storage capacity. Please refer to the no net rise memo produced by a licensed engineer (Exhibit 13). As development in the 100-year floodplain would result in a net removal of material, there would be no downstream flood capacity impacts generated by this Project or cumulatively from other similar development requests as the amount of floodplain storage would increase through Project implementation.

(3) Development in the floodway requires compliance with the following provisions:

- a. Certification by a registered professional engineer or architect demonstrating that encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. If the above section is satisfied, all new construction and substantial improvements as identified in Section 178.060 (A) shall comply with all applicable flood hazard reduction provisions of Section 178.070.

Applicant Response: Development would only occur within the 100-year floodplain rather than the floodway. Therefore, these criteria do not apply. However, a no net rise memo was prepared by a licensed engineer that demonstrates that proposed development would not result in an increase of flood levels. Please refer to Exhibit 13 for more details.

(4) Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Approval of the land use permit shall be based on the following provisions:

- a. Such development shall be consistent with the need to minimize flood damage;
- b. Such development shall have adequate drainage provided to reduce exposure to flood damage; and,
- c. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.

Applicant Response: The proposed non-structural floodplain development is limited to excavation for a stormwater management facility. The stormwater management facility itself is not at risk of damage by flooding and would contain drainage (overflow) to further reduce flood-related risks. Per the no net rise memo included as Exhibit 13, the proposed development in the floodplain would result in a benefit to the amount of floodplain storage given that the Project would result in a net removal of material.

Included in this analysis was a calculation to account for placement of past fill materials to ensure that floodplain storage capacity was analyzed more comprehensively. As documented in the no net rise memo, past placement of this material resulted in no material effect to potential floodplain storage as the material was placed following excavation. This resulted in a past balanced cut/fill activity.

- d. If located in the floodway, non-structural development shall meet the requirements of 178.060 (B)(3).

Applicant Response: No development would occur within the regulatory floodway; therefore, the requirements contained in 178.060(B)(3) do not apply.

(5) Alteration of a watercourse which is identified as a floodplain as shown on the Polk County Flood Insurance Rate Map requires a land use permit. Prior to approving a land use permit for the alteration of a watercourse, the Planning Director shall:

- a. Notify adjacent communities, adjoining property owners, and the Department of Land Conservation and Development prior to any alternation or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Applicant Response: The Applicant acknowledges that the Planning Director will provide notice to adjoining property owners as it relates to this permit application. Maintenance of the stormwater management facility will be required as part of the Project's operational stormwater permit (1200-Z) that will be issued by the Oregon Department of Environmental Quality.

6 Response to Comments

On March 26, 2025, the Polk County Board of Commissioners issued its decision approving the franchise application of ReHub Polk, a subsidiary of Apple Tree Holdings, LLC (the "**Board Decision**"). A public hearing on the franchise application was held on February 10, 2025 (the "**Franchise Hearing**"). During the Franchise Hearing, several people provided public comments regarding asserted procedural issues with the franchise application process and regarding impacts of the proposed waste facility.

Commenters raised the issue that the regional solid waste plan must be amended to approve Applicant's franchise application and the Polk County committed procedural error. As testified at the Franchise Hearing by Applicant's attorney, the franchise application was not a land use application. PCCO Chapter 70 does not implement the Oregon Statewide Planning Goals or the Polk County Comprehensive Plan. The Board Decision states that "the purpose of the franchise application process is to "evaluate whether or not Polk County should grant a solid waste facility franchise to ReHub Polk." The Board Decision did not grant any land use approvals for the proposed solid waste facility. The purpose of this application is to obtain the necessary land use approvals. Notice of the Franchise Hearing was proper. Polk County did not commit any procedural errors during the franchise application process.

Commenters raised concerns during the Franchise Hearing regarding the potential effect on property values and the highest and best use of the Subject Property. The effect on property values and the highest and best use of the Subject Property are not codified in state law or the Polk County Zoning Ordinance as an applicable criterion or approval standard for this application. The effect on property values is speculative and is not a potential impact which is considered in land use applications. The highest and best use of Subject Property is also not relevant to this application. The question at issue is not whether the proposed use is the preferred use by the surrounding residents, but whether the Applicant has satisfied the applicable approval criteria through the application materials or in the alternative can be satisfied with conditions of approval. Moreover, the applicable approval criteria address potential impacts to farm and forest uses but do not require Applicant to address potential impacts to properties zoned otherwise including residential and industrial zoned properties.

Commenters also raised general concerns during the Franchise Hearing related to potential impacts from the proposed solid waste facility such as traffic, noise, odor, light pollution, wildlife, environmental

impacts, and flooding. The Franchise Hearing was held prior to the submission of this application and was not the proper forum for such comments. Applicant addresses the potential impacts of the proposed facility in detail above and through the attached Exhibits including but not limited to the site plan. None of the commenters at the Franchise Hearing raised specific concerns that Applicant has not addressed in this application. Applicant will address future public comments related to this application as necessary, but at this time Applicant is confident that these application materials address any relevant issues that were raised during the franchise application process.

7 Conclusion

As demonstrated above, the Applicant's request complies with the relevant County criteria as set forth above. The Applicant respectfully requests that this Application be approved as submitted.

Exhibits

Redline
of April
Narrative
to Replacement
Narrative

ReHub Polk County Transfer Facility

Land Partition, Non-Structural Floodplain
Development Permit, ~~Variance~~, and
Conditional Use Permit Application

RECEIVED
JUN 30 2025
POLK COUNTY
COMMUNITY DEVELOPMENT

Prepared for:

Apple Tree Holdings

~~September 20, 2024~~

June 24, 2025

Project No. M1906.04.003

Prepared by:

Maul Foster & Alongi, Inc.

3140 NE Broadway, Portland, OR 97232

Contents

Abbreviations.....	v
1—Project Purpose, Description, and Request.....	1
1.1—Project Purpose.....	1
1.2—Subject Property Information.....	2
1.3—Surrounding Property Information.....	2
1.4—Request.....	3
1.5—Proposed Operations and Circulation.....	3
1.5.1—Commercial Haulers—Traffic Flow.....	3
1.5.2—Self Haul Customers—Traffic Flow.....	4
2—Land Partition Criteria and Proposed Findings.....	5
2.1—PCZO Chapter 91.290 (General Approval Criteria for Partitions).....	5
2.2—Chapter 91.700 (Standards for Partitions and Subdivisions).....	8
2.3—Chapter 136.070 (Land Partition Standards [ORS 215.263(1)]).....	10
3—Conditional Use Permit Criteria and Findings.....	13
3.1—PCZO Chapter 119.070 (Findings of the Hearings Officer or Planning Director).....	13
3.2—Chapter 136.050 Conditional Uses [OAR 660-033-0130].....	15
3.3—Chapter 136.060 General Review Standards [OAR 660-033-0130(5)].....	16
4—Solid Waste Disposal Sites Criteria and Proposed Findings.....	27
4.1—Chapter 120.320 Conditional Uses.....	27
4.2—Chapter 120.325 Minimum Standards.....	27
4.3—Chapter 120.330 Application for a Conditional Use Permit.....	29
4.4—Chapter 120.360 Standards for Solid Waste Disposal Site Rehabilitation and Restoration.....	30
4.5—Chapter 120.380 Required Agreements and Liens.....	31
4.6—Chapter 112.270. Parking and Loading Area Development Requirements.....	33
5—Variance Criteria and Proposed Findings.....	36
5.1—Chapter 122.010. Power to Grant Variances.....	36
5.2—Chapter 122.020. Conditions for Granting a Full Variance.....	37
6—Non-Structural Floodplain Development Criteria and Proposed Findings.....	40
6.1—Chapter 178.060 Land Use Permit Procedures and Requirements.....	40
7—Conclusion.....	Error! Bookmark not defined.
Abbreviations.....	v

1	Project Purpose, Description, and Request	1
1.1	Project Purpose	1
1.2	Subject Property Information	2
1.3	Surrounding Property Information	2
1.4	Request	3
1.5	Proposed Operations and Circulation	3
1.5.1	Commercial Haulers – Traffic Flow	3
1.5.2	Self-Haul Customers – Traffic Flow	4
2	Land Partition Criteria and Proposed Findings	5
2.1	PCZO Chapter 91.290 (General Approval Criteria for Partitions)	5
2.2	Chapter 91.700 (Standards for Partitions and Subdivisions)	8
2.3	Chapter 136.070 (Land Partition Standards [ORS 215.263(1)])	10
3	Conditional Use Permit Criteria and Findings	13
3.1	PCZO Chapter 119.070 (Findings of the Hearings Officer or Planning Director)	13
3.2	Chapter 136.050 Conditional Uses [OAR 660-033-0130]	15
3.3	Chapter 136.060 General Review Standards [OAR 660-033-0130(5)]	17
4	Solid Waste Disposal Sites Criteria and Proposed Findings	28
4.1	Chapter 120.320 Conditional Uses	28
4.2	Chapter 120.325 Minimum Standards	28
4.3	Chapter 120.330 Application for a Conditional Use Permit	29
4.4	Chapter 120.360 Standards for Solid Waste Disposal Site Rehabilitation and Restoration	31
4.5	Chapter 120.380 Required Agreements and Liens	32
4.6	Chapter 112.260. Off-Street Loading Requirements	34
4.7	Chapter 112.270. Parking and Loading Area Development Requirements	34
5	Non-Structural Floodplain Development Criteria and Proposed Findings	42
5.1	Chapter 178.060 Land Use Permit Procedures and Requirements	42
6	Response to Comments	44
7	Conclusion	45

Limitations

Exhibits

Following the Report

- Property Location

2	Previous Partitions and Deeds
3	ReHub Polk Transfer Facility Site Plan
4	Tentative Partition Plat
5	Transportation Impact Analysis
6	Septic Site Plans and Approvals
7	Site Traffic Circulation Plan
8	Substandard Parcel Memorandum
9	Operations Plan
10	No Impact Letter
11	Letter of Support
12	Fire and Water Availability Letters
13	No Net Rise Memorandum
14	Habitat Assessment +/ <u>(Including Biologist Qualifications)</u> /Floodplain Development
15	Photos of Surrounding Farm Uses
16	Photo Site Plan
17	Board Decision on Franchise Agreement

Abbreviations

Application	Application for a land partition and conditional use permit
the Applicant	Nicholas Dahl
AR-5	Acreage Residential 5 Acre Minimum
CUP	conditional use permit
DEQ	Oregon Department of Environmental Quality
EFU	Exclusive Farm Use
Farm Parcel	356 <u>357.88</u> -acre parcel partitioned for farm use
LUCS	Land Use Compatibility Statement
ORS	Oregon Revised Statutes
Owner	Rickreall Dairy, LLC
PCC	Polk County Code
PCZO	Polk County Zoning Ordinance
Subject Property	8845 Rickreall Road, Rickreall, Oregon 97371
the County	Polk County
TIA	traffic impact analysis
Transfer Facility Parcel	393 <u>37.06</u> -acre parcel partitioned for solid waste facility

1 Project Purpose, Description, and Request

1.1 Project Purpose

Polk County faces a pivotal moment in its waste management strategy as the Coffin Butte Landfill nears the end of its operational life, which is expected to be between four to 12 years due to projected waste volume and expansion challenges. The anticipated closure presents a significant challenge as there are currently no alternative waste disposal sites in the Willamette Valley. For this reason and others, the Board of Commissioners approved the Applicant's application for a solid waste transfer station franchise.¹ In approving the Application for a franchise, the County found that there is a need for this type of facility in Polk County. The Applicant is duly qualified to provide the services, and the Franchise Agreement contained satisfactory terms and conditions to ensure compliance with local and state laws. The purpose of the project described in this application is to establish a solid waste transfer facility that meets Polk County's need for a facility to manage multiple waste streams given the diminishing capacity of existing landfills and demonstrate compliance with applicable land use negotiations.

A Polk County transfer facility would not only bridge the impending gap in waste management infrastructure but would also reduce the county's dependence on neighboring jurisdictions for waste disposal solutions. A transfer facility in the county would also help reduce long term costs for consumers by ensuring there's a local, affordable option for disposal of a variety of waste streams, rather than consumers having to travel to multiple locations outside of the Polk County and pay multiple fees. This cost-effective solution ensures that Polk County remains financially accessible for its residents while effectively managing waste disposal needs.

Moreover, the construction of a transfer facility offers an opportunity for Polk County to generate significant revenue that can be reinvested in various public projects and services that would support the overall health and livability of its communities.

In addition to its financial benefits, a Polk County transfer facility would enhance sustainability efforts by enabling the prioritization of waste management strategies. With the ability to divert waste to the most sustainable end destinations, such as composting, construction and demolition recovery, commingled recovery, fiber and metal reuse, or landfill disposal, the county can significantly reduce its environmental impact while promoting a more circular economy.

In conclusion, the establishment of a Polk County transfer facility represents a critical investment in the county's future by tackling immediate waste management challenges while laying the groundwork for long-term sustainability and economic prosperity. To provide Polk County with the waste management infrastructure required to address these challenges, Nicholas Dahl with Apple Tree

¹ Republic Services January 15, 2025, resubmitted materials state that the current resubmitted expansion would add approximately six (6) years of useful life to the facility. Whether the approval will be granted is unknown at the time of filing, but the eventual closure – whether it be imminent or in the intermediate future, is highly probable.

Companies (the Applicant) seeks land use authorization for the construction and operation of a solid waste transfer facility at the former Rickreall Dairy site, as described in this application below.

1.2 Subject Property Information

The real property known as 8845 Rickreall Road, Rickreall, Oregon 97371 (the Subject Property), approximately 394.994 acres of land, is located in Polk County, Oregon, with the Rickreall Unincorporated Community adjacent to the west. The Applicant has included a property location map as Exhibit 1, attached and incorporated herein by this reference. The Subject Property is zoned Exclusive Farm Use (EFU) and is designated as Agriculture in the Polk County Comprehensive Plan. Rickreall Dairy, LLC (Owner) has owned and operated a dairy at the Subject Property since 1989. Dairy production halted in spring 2022 because of financial pressures caused by changes in the dairy industry. Following the closure of the dairy, the Owner began working with the Applicant on an adaptive reuse of the subject property.

The Subject Property is a lawfully created parcel under Oregon Revised Statutes (ORS) Chapter 92 and in accordance with PCSO Section 91.950(1)(b), pursuant to Polk County Partition Plat 1990-006. The Subject Property has been adjusted several times since its creation. Polk County (the County) granted a property line adjustment approval in 1990 (LLA 90-21), but it was not executed. The property owner applied for a property line adjustment (LLA 92-52), which brought the Subject Property to 395.5 acres via a contract recorded on page 2006 of the Polk County Book of Records 261 and dated December 9, 1992. On May 10, 2021, the County granted an adjustment that transferred 0.60 acres of land from the Owner to Greenwood Assets, LLC (County planning file LLA21-01), resulting in a 394.94-acre parcel. The Subject Property in its current configuration (394.994 acres) was created through the property line adjustment deed recorded in the Real Property records of Polk County, Oregon, at Recorder No. 2021-019549 on December 15, 2021, and was rerecorded at Recorder No. 2022-000415 on January 11, 2022, attached as Exhibit 2 and incorporated by this reference.

The Owner and the Applicant jointly submit this concurrent application for a land partition and conditional use permit (CUP) for the development of a solid waste transfer facility (Application).

The Applicant proposes to partition the Subject Property into two parcels. The resulting parcels will be approximately ~~39.1137.06~~ acres (portion of the Subject Property that is subject to the CUP side of the application) and ~~355.83357.88~~ acres. The Applicant is under contract with the Owner to purchase the ~~39.1137.06~~-acre parcel, following the County's approval and recording of the final plat for the partition described herein, in order to develop a solid waste transfer facility. The Owner will retain the ~~355.83357.88~~-acre parcel (Farm Parcel), which will continue as farm use. ORS 215.416 mandates that the County authorize consolidated review for all permits, as defined under ORS 215.402, necessary for development. The Applicant has included a site plan as Exhibit ~~33A~~, attached and incorporated herein by this reference. The Applicant has included a tentative partition plat as Exhibit 4, attached and incorporated herein by this reference.

1.3 Surrounding Property Information

Most of the properties adjacent to the Subject Property are zoned EFU, as shown on Exhibit ~~33A~~ and incorporated herein by this reference. The properties located southwest of the Subject Property are zoned Industrial, and their uses are associated with the Owner's previous dairy operation. The

industrial buildings west of the Subject Property are used for seed storage, transfer, and sales; the industrial property has direct rail access.

Two groups of properties located south of the Subject Property are zoned Acreage Residential 5 Acre Minimum (AR-5). These properties are used for residential or commercial purposes. The land zoned AR-5 is currently used as a tire shop, a farm goods store, and single-family residences.

Other properties south and east of the Subject Property are zoned EFU and produce row crops or are in use as residential properties. There are five single-family residences southeast of the Subject Property on EFU-zoned land, separated from the site by Rickreall Road. Property north of the Subject Property is used for agriculture.

1.4 Request

The Applicant requests that the Subject Property be partitioned to create two parcels: an approximately ~~355.83357.88~~ 355.83-acre parcel partitioned for farm use, i.e., the Farm Parcel and an approximately ~~39.1137.06~~ 39.11-acre parcel (the Transfer Facility Parcel; see Exhibit ~~33A~~ 33A). The Applicant is concurrently applying for a CUP to develop a solid waste transfer facility on the Transfer Facility Parcel as authorized under ORS 215.283(2)(k) and the Polk County Rural Development Code. This application also includes a request for non-structural floodplain development and a ~~variance to setback standards waiver of off-street landing requirements~~.

The proposed transfer facility will be redeveloped primarily on the former Rickreall Dairy site on the Transfer Facility Parcel. The proposed transfer facility comprises buildings, inbound and outbound scales, and covered and uncovered storage areas to support recycling and solid waste transfer operation for various waste streams. The proposed transfer facility will repurpose ~~a~~ a portion of the former Rickreall Dairy buildings for its operations. New development proposed at the Transfer Facility Parcel includes a transfer facility building, a stormwater facility, scales, and associated landscaping. Most of the solid waste transfer facility operations take place indoors. The main solid waste transfer facility building includes ~~multiple~~ multiple tipping floors for wet and dry waste and a preload waste compactor. The proposed transfer facility accepts solid waste from the public and franchised waste haulers consistent with ORS 459 and Polk County Ordinance Chapter 70 for transfer to a County-approved and Oregon Department of Environmental Quality (DEQ)-permitted landfill. Solid waste is defined in ORS 459.005. The Farm Parcel will continue in farm use.

1.5 Proposed Operations and Circulation

1.5.1 Commercial Haulers – Traffic Flow

Please refer to the Project's proposed circulation plan (Exhibit ~~77A~~ 77A) for a depiction of facility layout and traffic flows. Commercial waste haulers will enter and exit through the westernmost access point off Rickreall Road. The access point has two lanes – one for entering commercial haulers and one for exiting commercial haulers. After entering the Property, the commercial hauler passes through an automated, unattended commercial scale. Commercial haulers will have a card they are able to scan at the scale, and it is estimated to take a maximum of three minutes to pass through the scale. In the peak hour of the busiest day of the week, there is a maximum of twelve commercial haulers that will access the Property. The total time a commercial hauler will be on the Property is estimated to be a

maximum of ten minutes. The site provides ample queuing space to ensure that commercial haulers can queue on the Property and avoid any queuing on Rickreall Road.

After passing through the scale, the commercial haulers then continue north until they reach the westernmost three-way stop. There will be a stop sign at the three-way stop, as well as signage to indicate that inbound haulers have priority over exiting vehicles. Trucks will also be equipped with radios to communicate with other trucks and staff as necessary. The commercial haulers transporting residential solid waste will turn west and enter the ~~transfer station building~~ Transfer Facility Building through the western entrance. Commercial haulers carrying construction and commercial demolition waste ("CC&D"), green waste, and other waste will turn east at the three-way stop. Green waste will be transferred at the green waste area in the northeast corner. CC&D and other waste haulers will enter the ~~transfer station building~~ Transfer Facility Building through its eastern entrance.

Inside the transfer ~~station facility~~, commercial haulers are assisted by three to four onsite employees. They consist of at least one spotter and two equipment operators. Once the waste has been deposited inside the transfer ~~station facility~~ building, the commercial haulers exit the transfer ~~station facility~~ building and turn south at the westernmost three-way stop. They exit onto Rickreall Road via the exit lane.

Inside the transfer ~~station facility~~ building, the waste deposited by the commercial haulers will be loaded by staff into trailers. Trailers enter and exit the transfer ~~station facility~~ through the south side of the building. Spots are available for empty and loaded trailers south of the transfer ~~station facility~~ building to be temporarily stored until they can be picked up and either transported off site if loaded or taken into the ~~transfer station building~~ Transfer Facility Building for loading. The circulation plan shows the loop that the trailers take to enter and exit the transfer building, adjacent to the queuing spots for trailers.

1.5.2 Self-Haul Customers – Traffic Flow

Self-haul customers enter through the easternmost access point off Rickreall Road. There will be two scales at the entrance and two scales at the exit, with three attendants working at the scales to ensure self-haul customers pass through as efficiently as possible. Customers may turn east at the scale or loop around to parking spaces in the event that a customer needs time to complete paperwork or has atypical requirements. The second loop will ensure that the queue moves as efficiently as possible, and that queuing is contained on the Property.

After entering the site, if customers have recycling, customers turn west and enter the Recycling Building to deposit recyclable materials. Inside the Recycling Building, recyclable materials are sorted based on the type of waste being recycled. Initial projections estimate approximately thirty different segregated stalls for the different recyclable materials, such as cardboard, to be placed. There will be one attendant in the Recycling Building to assist and oversee the sorting of recyclable materials. The number of stalls will increase as additional materials are able to be recycled as programs expand. Once a stall within the Recycling Building is filled to capacity, a load is transferred by staff to the Recycling Center for storage and consolidation until there is enough of the recycled material to be sold and efficiently transferred off site. Once customers exit the Recycling Building, customers either turn west to join the exit lane leading to Rickreall Road, or customers turn east and join the entrance lane and pass through the scale.

If the customer does not have recycling, or after dropping off recycling at the Recycling Building as described above, they continue north via the entrance lane and pass through a scale. If customers

have inert material or green waste, they continue north and deposit the materials at the designated material/green waste area. If customers do not have metals to deposit, then they turn south and exit the Property via the exit lane leading to Rickreall Road.

If customers have metal materials, they continue west to the Metals Drop-Off Building and deposit the metals. Customers then exit the Metals Drop-Off Building and proceed to exit the Property via the exit lane leading to Rickreall Road. All customers exiting the Property will pass through one of the two out-bound scales before exiting onto Rickreall Road.

2 Land Partition Criteria and Proposed Findings

The Applicant proposes to partition the Subject Property into two parcels: the Farm Parcel and the Transfer Facility Parcel. Polk County Zoning Ordinance (PCZO) Chapters 91 and 136 address the criteria for land partitions in an EFU zone. The Applicant's proposal complies with the applicable criteria.

2.1 PCZO Chapter 91.290 (General Approval Criteria for Partitions)

(1) In order to approve a partition application, the Planning Director, Hearings Officer, or Board of Commissioners shall consider information submitted by the applicant and other sources into the record for the proceeding and make findings that:

- (a) The proposal is consistent with the provisions and intent of the adopted Comprehensive Plan and Transportation Systems Plan; and
- (b) The proposal is consistent with the provisions of this chapter and the zoning ordinance.

Applicant Response: The Polk County Comprehensive Plan and Transportation Systems Plan are long-range planning documents and are not intended to operate as development standards or mandatory approval criteria for specific development permits. PCC 91.290(1) requires only that the proposed land division be generally consistent with these documents as a whole. The proposed land division is necessary for the development of a solid waste transfer facility. This proposal is generally consistent with the adopted Comprehensive Plan and the Transportation Systems Plan. This obligation is essentially a balancing exercise between relative impacts on particular goals and policies versus other goals and policies.²

The County's applicable Public Facilities and Services goals and applicable policies clearly support the proposal:

² Waker Associates, Inc. v. Clackamas County, 111 Or App 189, 194, 826 P2d 20 (1992); Save Our Skyline v. City of Bend, 48 Or LUBA 192, 209 (2004).

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. ***

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.

The need for a transfer facility in the Dallas-Rickreall area is explicitly identified in Public Facilities and Services Goal 2.1(a) in the Polk County Comprehensive Plan. There are currently no solid waste transfer facilities in Polk County. The proposal is strongly supported by the County's Public Facilities and Services goals and policies.

The County's Agricultural Lands Goals and policies are restated below.

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

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.

The Agricultural Lands Goals and Policies support the preservation of farm uses on farmland, but they also acknowledge that nonfarm uses are necessary under some circumstances. In this case, the proposed nonfarm development and land division are permitted under ORS Chapter 215. The nonfarm use will be developed on a new parcel that is predominantly non-high-value farmland that contains significant on-site improvements. These improvements were necessary for the former dairy operation, and they are inconsistent with most other farm uses. The County's conditional use criteria require analysis of whether a property has any significant impacts on surrounding uses and if those uses can be reasonably mitigated. The Applicant is concurrently requesting such approval, and therefore such consideration will be made by the County in the forthcoming decision. The proposal does not require the extension of public facilities to the Subject Property. No new dwellings or other residential uses will be authorized by the proposal. The remaining Farm Parcel will be predominantly high-value farmland and will retain all irrigation rights. As a whole, the proposal is consistent with the Agricultural Lands Goals and Policies, which are implemented by the County's Development Code – Chapter 136.

Additionally, the Applicant has considered impacts on the County's Transportation Systems Plan. It does not plan any future roads on the Subject Property, and there are no bridges, roads, or other improvement projects on or adjacent to the Subject Property. The Applicant has provided a traffic impact analysis (TIA), attached hereto as Exhibit 5 and incorporated herein by this reference. According to the TIA, traffic demand related to the proposed transfer facility will cause little impedance to existing traffic flow surrounding roads will continue to meet acceptable level of service as defined by the

Transportation System Plan except for one intersection that has pre-existing level of service below standard. As described in detail below, this Application complies with the applicable zoning criteria contained in this chapter and in Chapter 136 of the Polk County Zoning Ordinance concerning partitions in the EFU zone.

When considering the applicable Goals and Policies in the Polk County Comprehensive Plan, the proposal is consistent with all applicable Goals and Policies. Even if the County were to conclude some of the Goals and Policies that are inconsistent with the proposal, on balance they support the proposal. Therefore, the proposal satisfies these criteria.

(2) The Planning Director, Hearings Officer, or Board of Commissioners may prescribe conditions or make changes or modifications, which are within this chapter and the zoning ordinance.

Applicant Response: The Applicant asserts that all applicable criteria are satisfied and that modifications are not necessary. In the alternative, the Applicant requests reasonable conditions of approval to meet any criteria that County staff find unsatisfied based on this Application.

(3) If a partition application cannot meet the above conditions or requirements and conditions, the Board, Hearings Officer or Planning Director shall deny the proposal.

Applicant Response: The Applicant asserts that all applicable criteria are satisfied or can be satisfied with reasonable conditions of approval.

2.2 Chapter 91.700 (Standards for Partitions and Subdivisions)

(1) Sewage Disposal.

(a) All parcels created in a partition shall have:

(A) Public sewage facilities available, or

(B) An on-site area approved pursuant to State Department of Environmental Quality rules for the installation of a sewage disposal system, or

(C) The property owner sign an acknowledgement that no building permits will be issued for structures or uses that require sewage disposal, and that the parcel(s) created have not obtained on-site sewage disposal system approval.

Applicant Response: The proposed Transfer Facility Parcel is served by two septic systems previously approved by the County and the state for domestic wastewater disposal. One septic system (septic tank, distribution tank, and drain field) is located adjacent to the existing office and services the washrooms in the office (please see the Site Plan in Exhibit 33A). A second septic system is located on the southeast portion of the Transfer Facility Parcel and serves the restrooms in the ~~education~~recycling center. The two septic tanks and associated septic drain fields are inspected and maintained on a regular basis consistent with Polk County Health Services requirements. Solids from the septic tanks are removed on a regular basis and disposed of at an approved facility.

The sewage facilities on the Transfer Facility Parcel served the previous dairy operation and will serve the future solid waste transfer facility site once it is developed. According to the County's health department septic system records found in Exhibit 6, the site septic systems were sized to convey and infiltrate approximately 750 gallons per day in total. The use of the existing septic system will be limited

to domestic wastewater disposal for up to 20 employees (i.e., on-site restrooms) and will be sufficient³ to serve the proposed Transfer Facility Parcel. The sewage facilities on the Farm Parcel will continue to serve the dwellings. The Applicant has included applicable septic system plans and approvals as Exhibit 6, attached hereto and incorporated herein by this reference.

(2) ROAD, STREET, AND HIGHWAY STANDARDS. New public and private roads created by partitions and subdivisions shall be designed and constructed pursuant to the Polk County Road Standards adopted by the Polk County Board of Commissioners, as identified in Ordinance 98-6, as amended. Hereafter "road" includes "street".

(a) Roads shall be aligned with existing roads in the vicinity of the proposed subdivision or partition either by prolongation of existing centerline or by connection with suitable curves. A road shall conform to the location, alignment, and width as indicated on a Corridor Refinement Plan for roads and highways now or hereafter adopted by Polk County. Roads shall intersect at or as near right angles as practicable. Road alignments shall be consistent with the adopted Transportation Systems Plan, or County adopted Corridor Refinement Plan. A property located within an urban growth boundary shall provide for the extension of roads and highways consistent with the adopted City Transportation Systems Plan.

(b) No partition or subdivision shall create a dedicated road in unincorporated Polk County without the approval of Polk County. No instrument dedicating land in unincorporated Polk County to public use shall be accepted for recording unless such instrument bears the approval of the Polk County Board of Commissioners.

(c) Unless an exception to the easement width has been granted pursuant to PCSO 91.800, the minimum widths for easements granting vehicular access across the subject property shall be:

(A) Sixty (60) feet wide for access easements that are intended to become preferred alternatives for "proposed" roads as identified in the Polk County Transportation Systems Plan.

(B) Forty (40) feet wide for all other access easements.

Applicant Response: The proposed Transfer Facility Parcel will have direct access to Rickreall Road, with suitable access for single unit trucks and intermediate semi-trailers (see Exhibit ~~77A~~). Although private circulation roads restricted to operations of the transfer facility on the parcel are proposed, no new public roads or road improvements are proposed concurrent with the proposed land division. There are no easements granting vehicular access, as both Parcels abut Rickreall Road. One private access easement is proposed (40 feet wide) along the southern edge of the former wastewater lagoon. This private access easement is limited to farm use and emergency access and allows for accessibility to the entire perimeter for the wastewater lagoon. This criterion is satisfied.

(3) PROPERTY DIMENSIONS

(a) LOT OR PARCEL SIZE. All lots and parcel sizes shall conform to the requirements of the zone in which the subdivision or partition is requested. When sub-surface sewage disposal means are proposed for the subdivision or partition, state and local health regulations, soil types, drainage, terrain, and location shall be included as part of the criteria reviewed to determine the minimum lot sizes that will safely accept subsurface sewage disposal.

³ Based on an estimated average daily domestic wastewater flowrate of 25 gallons per day per employee, following guidance outlined in Table G2-2 of Criteria for Sewage Works Design (Orange Book) published by the State of Washington Department of Ecology.

Applicant Response: The Subject Property is zoned EFU, which generally requires a minimum parcel size of 80 acres; exceptions to the standard minimum parcel size are allowed. The Farm Parcel will comply with the size requirements for EFU zones. The Applicant is concurrently applying for a CUP to develop a solid waste transfer facility on the Transfer Facility Parcel. PCZO 136.070(B) allows for the creation of a parcel below the minimum parcel size of 80 acres for nonfarm uses (please see the substandard parcel memorandum included as Exhibit 8). As addressed in more detail below, the Applicant complies with such requirements for the creation of a substandard parcel in the EFU zone. This criterion is therefore satisfied.

(b) CORNER LOTS OR PARCELS. All corner lots or parcels shall be at least 100 feet wide adjacent to each road.

Applicant Response: The Farm Parcel will be a corner parcel, and all property lines shall be at least 100 feet wide adjacent to each road. The Transfer Facility Parcel will not be a corner parcel. This criterion is satisfied.

(c) PROPERTY LINES. Side property lines shall be as close to right angles to the front property line as practicable. Unless otherwise approved, rear property lines shall be not less than one-half the width of the front property lines.

Applicant Response: For the Transfer Facility Parcel, the side property lines will be at approximate right angles to the front property line; the rear property lines are not less than one-half the width of the front property line (see Exhibit 4). For the Farm Parcel, the side property lines shall be as close to right angles to the front property lines as is practicable given the existing configuration of the Subject Property, and the rear property lines will not be less than one-half the width of the front property line. This criterion is satisfied.

(d) In a cul-de-sac, the minimum property line fronting the turnaround shall be 50 feet and in no cases shall the property width be less than 60 feet at the building line.

Applicant Response: The Subject Property is not located on a cul-de-sac. This criterion is not applicable to the proposal.

2.3 Chapter 136.070 (Land Partition Standards [ORS 215.263(1)])

No land(s) located within the EFU Zoning District shall be partitioned without the express approval of Polk County under the provisions of Chapter 136 and the Polk County Subdivision and Partition Ordinance. A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Polk County Clerk. Parcels resulting from a foreclosure action are exempted from the partitioning process under ORS 92.010(7)(a). A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action. In the EFU Zoning District, the following standards shall apply:

Applicant Response: The Applicant has provided supplemental local code, statutory, and case-law analysis to support the findings below. See the memorandum dated November 13, 2023. A copy is attached as Exhibit 8 and incorporated herein by this reference.

(A) Except as provided in Sections 136.070(B) through (H), the minimum parcel size is 80 acres.

Applicant Response: The Applicant is proposing to partition the Subject Property into two parcels. The Farm Parcel will be approximately 357.~~5288~~ acres, complying with this criterion. The Transfer Facility Parcel will be approximately ~~39.11~~37.06 acres, which is considered substandard. PCZO 136.070(B) applies to the creation of the Transfer Facility Parcel. This criterion is satisfied for the Farm Parcel and is not applicable to the Transfer Facility Parcel.

(B) Nonfarm, Nonresidential Parcels [ORS 215.263(3) and OAR 660-033-0100(6)]. A parcel which is less than 80 acres may be created for nonfarm, nonresidential uses authorized by this Ordinance, subject to compliance with the procedural and technical requirements of ORS Chapter 92, the Polk County Subdivision and Partitioning Ordinance and the following criteria:

(1) A preliminary site plan shall be submitted that depicts the proposed lot boundaries and the location of all existing and proposed buildings, structures and related facilities, to include the on-site septic system and repair areas, water facilities, utility easements, vehicular access, circulation, parking and loading areas;

Applicant Response: The Applicant has provided site plans, attached hereto as Exhibits 3 and 7, which comply with this criterion.

(2) The proposed parcel shall be sized to meet, but shall not exceed, the requirements of the nonfarm use and development as depicted on the preliminary site plan;

Applicant Response: Applicant has significant experience in the solid waste management industry and has worked with Applicant's representatives to design an efficient site plan that is the minimum size needed to accommodate the County's solid waste management needs. As depicted on the site plan in Exhibit ~~33A~~, the Transfer Facility Parcel is the minimum size necessary to accommodate the development of a solid waste transfer facility. Exhibit ~~77A~~ shows proposed movement of public customer/commercial, account customer, recycle customer, and metal drop-off vehicles throughout the various buildings of the Transfer Facility Parcel. The following are descriptions of the various proposed buildings:

Transfer Facility Building: Most of the solid waste transfer facility operations take place in the main solid waste transfer facility building, which includes multiple tipping floors for wet and dry waste with a preload waste compactor.

Metals Drop-off Building: A building located in the northwest corner of the site and used for drop-off of metal recycling materials.

Recycling Building: A building used for recycling drop-off near the eastern entrance to the Transfer Facility Parcel.

Storage Buildings: The buildings in the center of the site, formerly used as barns, that will be repurposed for materials and equipment storage.

Stormwater Facilities: All site stormwater runoff is collected and routed through a series of catch basins equipped with sediment and oil traps and conveyance piping to two on-site stormwater management facilities designed to retain most of the stormwater runoff on site per Oregon Department of Transportation Hydraulics Design Manual requirements. Retained stormwater may be used for fire protection and dust suppression on site. One of the stormwater management facilities is located on the southwest part of the site, and the downstream facility is located on the southeast part of the site. The site has one emergency overflow at an existing drainage channel that runs west to east, starting at the east end of the site.

On-site Septic Systems: The facility will use and maintain two existing on-site septic systems that are sufficient to serve the proposed development. See paragraph (4) below for detailed discussion on domestic wastewater disposal.

Inert Material/Green Waste: An unleased area in the northeast portion of the site that will be utilized for public drop-off of inert material and green waste.

Queuing: The site plan includes adequate queuing space for commercial and individual haulers during peak hours.

The Transfer Facility Parcel is currently completely developed with structures and ancillary improvements that have been used by the Owner in the previous dairy operation. This has resulted in limited tillable farmland suitable for the cultivation of crops or grazing within the confines of the proposed Transfer Facility Parcel. As demonstrated on the site plan and other supporting documentation, the size of the proposed Transfer Facility Parcel would allow the Applicant to utilize the existing infrastructure that previously served the dairy operation in order to develop a solid waste transfer facility without repurposing tillable farmland or using more land zoned EFU than necessary to accommodate the proposed use.

(3) Each parcel shall be provided legal access to a public road by frontage or easement;

Applicant Response: Both the Farm Parcel and the Transfer Facility Parcel will continue to have access to Rickreall Road. This criterion is satisfied.

(4) Prior to filing the partition plat, each parcel shall be evaluated for on-site septic use, or a waiver submitted from a party that has agreed to purchase the parcel, subject to approval of the land partition (Note: The owner may also waive the evaluation, subject to the filing of a restriction on the deed which precludes the placement of a dwelling on the parcel);

Applicant Response: The Transfer Facility Parcel is currently served by two septic systems previously approved by the County and the state for domestic wastewater disposal. One septic system (septic tank, distribution tank, and drain field) is located adjacent to the existing office and serviced the washrooms in the office. A second septic system is located on the southeast portion of the site and serviced the ~~education~~recycling center. The two septic tanks and associated septic drain fields are inspected and maintained on a regular basis consistent with Polk County Health Services requirements. Solids from the septic tanks are removed on a regular basis and disposed of at an approved facility.

Once partitioned, both parcels will have sufficient septic systems. The sewage facilities on the Transfer Facility Parcel, which served the previous dairy operation, will serve the future solid waste transfer facility site once it is developed. According to the County's health department septic system records provided in Exhibit 6, this site's septic systems are sized to convey and infiltrate approximately 750 gallons per day in total. The use of the existing septic system will be limited to domestic wastewater disposal for up to 20 employees (i.e., on-site restrooms) and will be sufficient⁴ to serve the proposed Transfer Facility Parcel.

While specifics regarding septic design are unknown, no changes are proposed to the sewage facilities on the Farm Parcel; they will continue to serve the dwellings in their current condition. The Applicant

⁴See footnote 3.

has included applicable septic system plans and approvals as Exhibit 6, attached hereto and incorporated herein by this reference.

(5) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).

Applicant Response: The Applicant will move forward with the preparation of the final partition plat upon approval of this Application. This criterion can be satisfied with a condition of approval.

3 Conditional Use Permit Criteria and Findings

3.1 PCZO Chapter 119.070 (Findings of the Hearings Officer or Planning Director)

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

(A) That he or she has the power to grant the conditional use.

Applicant Response: The proposed Transfer Facility Parcel can establish and operate a solid waste transfer facility as allowed conditionally under PCZO Chapters 136.050(Z) and 136.020 as most ~~(53)~~approximately 55 percent) of the Transfer Facility Parcel consists of non-high-value soil. PCZO 120.320(A) further authorizes the transfer of solid waste as a conditional use.

Under PCZO 111.250, the planning director may make the decision or refer the matter to the hearings officer. Under PCZO 120.340, decisions authorizing solid waste transfer facilities are to be made by the hearings officer, using forms to be provided by the planning director. The Applicant requests that the planning director provide notice of the hearing before the Polk County hearings officer in accordance with ORS Chapter 215 and PCZO Chapter 120.

Per ORS 459, The Applicant is required to have a solid waste disposal permit for operations of a transfer facility at the site. Approval of this CUP application is required prior to the Applicant obtaining a signed Land Use Compatibility Statement (LUCS), which, per ORS 459, is a prerequisite to submitting an application for a DEQ solid waste disposal permit. Upon receiving CUP approval, the Applicant will submit a signed LUCS to the DEQ for consideration.

(B) That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone.

Applicant Response: The zone applicable to the Transfer Facility Parcel is EFU. The purpose and intent of the EFU zone is to “conserve agricultural lands, consistent with the Goals and Policies of the Polk County Comprehensive Plan. This objective is achieved by establishing clear standards for the use and development of designated agricultural lands.”

The proposed transfer facility would be developed on land previously utilized as high-intensity agricultural (former dairy). Neither the Subject Property nor any of the surrounding lands within a mile

of the Subject Property are designated by the Natural Resources Conservation Service as prime farm land. The Subject Property's soils are highly compacted and developed with physical structures because of the prior use. While the historical use of raising dairy cattle is a farm use, these impacts make other farm uses, such as crop production, on the Subject Property more difficult. ~~53~~Approximately 55 percent of the underlying soils on the proposed Transfer Facility Parcel are designated as non-high-value soils. As most of the EFU land in the county is predominantly high value soils, this predominantly low value soil property is an appropriate property for necessary usage. This is supported by Polk County Code (PCC) 136.020, which conditionally allows a solid waste transfer facility in the EFU zone where the underlying soils are not predominately high-value. Please refer to Exhibit ~~33A~~ for a figure depicting percentages of high-value soil on the Transfer Facility Parcel.

While the proposed use is a non-farm use, a new transfer facility would support surrounding agricultural uses allowed in the EFU zone by increasing the capacity of solid waste disposal and recycling for rural residential, commercial, and agricultural users. Therefore, the proposed transfer facility is not only compatible with the PCZO, which deems the use as conditionally allowed, but would also provide services that would directly benefit other land uses allowed in the EFU zone and the broader region. The anticipated service that the proposed solid waste transfer facility would provide to other allowed land uses ensures that the transfer facility would be harmonious with the purpose and intent of the EFU zone and would directly benefit the community by providing an essential service. Furthermore, the proposed transfer facility would, to the maximum extent practicable, utilize the infrastructure from the previous dairy and redevelop within the former dairy's footprint. This would ensure that an overwhelming majority of tillable land adjacent to the proposed Transfer Facility Parcel would remain viable for agricultural use, further promoting the purpose and intent of the EFU zone.

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

Applicant Response: Specific provisions for conditional uses approved for the EFU zone are provided in PCZO 136.050. Provisions for Solid Waste Disposal Sites established under Section 120.300 are addressed in Section 4 of this CUP. Response to this criterion is found in Section 3.3 of this Application. No relevant provisions for conditional use of a solid waste facility are provided by Section 119.150.

(D) That the imposition of conditions is deemed necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood.

Applicant Response: The Applicant understands that the imposition of conditions of approval may be warranted in order to ensure that the construction and operation of a solid waste transfer facility meets the County's standards and protects public health, safety, or welfare of people or land uses in the surrounding area. While the County may determine that these conditions are necessary, the Applicant has taken significant measures to ensure that off-site impacts would not detrimentally affect people or property in the surrounding area.

Most of the solid waste transfer facility operations take place indoors. Facility operations are managed to prevent and control odor, in accordance with County air pollution rules and consistent with ORS Chapter 468 and all applicable rules and regulations. The Applicant will operate an air filtration system to control odor. Transfer containers will be cleaned as needed to maintain a sanitary operating environment and to prevent malodors, unsightliness, and attraction of other vectors. Unsecured loads (loads that are not covered by tarp or otherwise secured) will be charged overage fees. Public haulers will be advised to tarp their loads for future disposals and will also be charged overage for any

subsequent untarped loads. This policy will be implemented to control off-site impacts associated with unsecured materials.

The site will largely be paved (consistent with the existing conditions of the dairy site), with areas of vegetated landscaping for a visual barrier. Commercial ingress and egress have been sited as close as practicable to the industrial-zoned property to the west. This design decision was made to ensure that commercial waste collection trucks would enter and exit the site as far from the residential properties as possible. The facility will also have a rigorous safety program to help ensure a safe on-site environment for employees and customers. This information, along with other operations and control features, is detailed in the facilities operations plan included as Exhibit 9. In addition, a letter certifying that the proposed transfer facility would not detrimentally impact existing or planned built or natural environments beyond what is expected of development in general has been provided by the engineer of record for this project. Please see Exhibit 10 for more details.

The proposed facility is necessary to fulfill the County's need, identified in its Comprehensive Plan, for a solid waste transfer facility. The Applicant would provide long-term stability and independence in the waste-handling system, complement the current waste-collection system, and reduce the overall environmental impact of waste handling.

The proposed use will also have significant economic benefits to the county. Effective solid waste management is essential to current and future agricultural and commercial uses. It will also help generate local and state tax revenues that support schools and public services, and support approximately 18 direct family-wage jobs as well as indirect jobs in dependent industries and local businesses. The facility is in service of the larger waste system in the region, helps manage costs for ratepayers, and benefits the general welfare of people residing in the county. This criterion is satisfied.

To ensure that the facility would be developed and operated in a manner that would protect the public health, safety, or welfare of people in the surrounding area, the Applicant conducted extensive outreach with neighbors, businesses, and public service providers in the Rickreall community to discuss the project and garner feedback during the design process. The Applicant published a website in September 2023 for neighbors and interested parties to find background and timing information. The Applicant knocked on doors of residences near the site and visited local businesses to share information, answer questions, and provide an informational flyer. The Applicant also shared information with the SW Polk Fire District and the Rickreall Community Water Association. Community feedback and questions focused primarily on concerns about traffic, noise, odors, and water quality. Applicant has also provided presentations to the cities of Dallas, Monmouth, Independence, and Salem. The Applicant provided information about plans for managing impacts, including an operations plan that discusses proposed mitigation for potential impacts to stormwater, fire protection, and traffic. The Applicant also provided information about public comment periods through the County's and DEQ's permitting processes.

3.2 Chapter 136.050 Conditional Uses [OAR 660-033-0130]

The following uses may be approved, subject to compliance with the procedures and criteria under Chapter 119, applicable state and federal regulations, and other specific criteria as may be indicated:

(Z) Solid Waste Disposal Site [ORS 215.283(2)(k) and OAR 660-033-0130(18)(a)], subject to compliance with Section 136.060 and ORS 459.245 for which a permit has been granted by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. New solid waste disposal sites are not authorized on lands classified as high-value. Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law.

Applicant Response: This criterion requests a permit from the DEQ for a solid waste disposal facility; however, as a LUCS form is required as prerequisite to submitting an application for a DEQ solid waste disposal permit (ORS 459), the Applicant cannot apply for a permit from the DEQ until the County has determined that the proposed land use is conditionally allowed. Therefore, the Applicant will submit a signed LUCS to the DEQ for consideration following approval of the CUP application. The Applicant proposes, as a condition of approval, that the Applicant obtain a DEQ permit before final certificate of occupancy.

The Applicant has provided evidence for the record demonstrating that compliance with the DEQ submittal requirements for a solid waste disposal permit is feasible. Per DEQ requirements, the Applicant will be required to clearly demonstrate the need for the proposed transfer facility, along with design and construction plans and operational plans. The need for a transfer facility in the Dallas-Rickreall area is explicitly identified in Public Facilities and Services Goal 2.1(a) of the Polk County Comprehensive Plan. Site design is shown in Exhibit 33A, and an operations plan is attached to this CUP as Exhibit 9. More detailed design and construction plans will be developed upon conditional approval of the proposed action. These design and support documents will demonstrate to the DEQ that the project will comply with their following standards as further outlined in the project's operational plan (Exhibit 9):

1. No discharge of wastewater to public waters except in accordance with permits from the Department, issued under ORS 468B.050.
2. All-weather roads must be provided from the public highways or roads, to and in the disposal site and must be designed and maintained to prevent traffic congestion, traffic hazards, and dust and noise pollution.
3. The site must be designed such that surface drainage will be diverted around or away from the operational area of the site.
4. Fire protection must be provided in accordance with plans approved in writing by the DEQ and in compliance with pertinent state and local fire regulations.
5. Access to the site must be controlled by means of complete perimeter controls and gates that can be locked.
6. Sanitary waste disposal must be accomplished in a manner approved by the DEQ or state or local health agency having jurisdiction.

Per the County's code as referenced above (136.050(Z)), solid waste disposal sites (or transfer facilities) are not authorized on land that is classified predominately as high-value soils. The proposed solid waste transfer facility has been proposed for a parcel that is predominately non-high-value soil (~~53~~approximately 55 percent non-high-value soil), which meets the County's requirement. In addition, the proposed transfer facility will utilize the existing infrastructure that previously served the dairy operation in order to develop a solid waste transfer facility without repurposing tillable farmland or

using more land zoned EFU than necessary to accommodate the use. This criterion is therefore satisfied.

3.3 Chapter 136.060 General Review Standards [OAR 660-033-0130(5)]

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

(A) The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

Applicant Response: The former dairy operations on the Transfer Facility Parcel are no longer active, and therefore operations of the proposed transfer facility will not change accepted farm activity on the Transfer Facility Parcel. As the transfer facility would be contained within the footprint of the previously developed dairy operation, and significant off-site impacts are not anticipated, the proposed change of use would not significantly affect surrounding properties. To ensure that off-site impacts to surrounding farmlands are avoided or minimized, a letter certifying that the proposed transfer facility would not detrimentally impact existing or planned built or natural environments beyond what is expected of development in general has been provided by the engineer of record for this project. Please see Exhibit 10 for more details. In addition, the following operational aspects have been developed:

Facility operations will be managed to prevent and control dust consistent with ORS Chapter 468 and all applicable rules and regulations. Most of the site, including all vehicle and equipment traffic areas, is paved. The paved surfaces will be regularly swept to minimize the potential for fugitive dust. During the dry summer months, paved and unpaved surfaces will be sprayed with water by a water truck; the refuse compactor will also be sprayed with a misting system to minimize dust. The Applicant will also employ a misting system and air filtration inside the main transfer facility building to mitigate and control dust generated during facility operations.

Facility operations will also be managed to minimize noise generation affecting surrounding properties. The facility will comply with all local noise ordinances, ORS Chapter 467, and all applicable DEQ rules and regulations. The proposed solid waste transfer facility is surrounded by industrial, residential (as separated by a street or agricultural land), and agricultural uses; these noise receptors would be exposed to noise comparable with that of the previous dairy at the site, as most facility operations are conducted in closed buildings to help prevent or manage noise.

According to the TIA, the proposed conditional use will not have a significant impact on the surrounding transportation system. Even with the new traffic generated by the proposed development, Rickreall Road will continue to operate at free-flow conditions with excess capacity. For more detail, please refer to the TIA included as Exhibit 5.

The partitioned Farm Parcel will remain in agricultural use and will not be affected by operations on the Transfer Facility Parcel. The partition would also ensure that the vast majority of the current tillable acreage remains available for agricultural use. Given these conditions, no off-site impacts to nearby farm uses, including the production of row crops, are anticipated.

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

Applicant Response: PCZO Chapter 94.120 defines farming practice as “the cultivation, growing, harvesting, processing, or selling of plants or animals of any kind, which lawfully may be grown, possessed, and sold, including but not limited to fish, livestock, poultry, grapes, Christmas trees, and nursery stock.” The former dairy operations on the Transfer Facility Parcel are no longer active because of market pressures caused by changes in the dairy industry; therefore, the proposed transfer facility will not displace an active agricultural use.

The existing wastewater lagoon north of the Transfer Facility Parcel will be maintained to support other farm uses in handling treated by-products of fruit processing. The proposed Transfer Facility Parcel is already developed and consists of mostly non-high-value soil. By focusing transfer-facility-related development in an area subject to previous disturbance and on land designated predominately as non-high-value soil, the Applicant will ensure that the vast majority of the current tillable acreage remains available for agricultural use. In addition, it is anticipated that farmers in the project area will be customers and will benefit from the operation of the proposed transfer facility. The project has also been designed to minimize the potential (to the maximum degree practicable) for off-site impacts that could detrimentally affect farm uses through the introduction of vectors such as rodents and birds. This minimization would be accomplished by conducting operations indoors and covering operation-related hauling trucks to avoid blowing trash that could attract animals to the area. For these reasons, it is not expected that the development and operations of the proposed transfer facility will impact the cost of accepted farm use as defined above.

No lands surrounding the Transfer Facility Parcel are devoted to forest practice as defined in ORS527.620, and therefore there will be no impact to devoted forest practice as a result of development and operation of the proposed transfer facility. This criterion is satisfied.

OAR 660-0033-0130(5)(c):

The Land Conservation and Development Commission recently amended the farm impacts test for conditional uses in EFU zones under 660-0033-0130(5). The amended 660-0033-0130(5) became effective on January 1, 2025. The amended rule sets forth specific requirements that Applicant must satisfy in order to demonstrate that the proposed use will not force a significant change or significantly increase to the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. While Polk County has not yet codified this administrative rule yet, the Applicant is supplementing the proposed findings to address these new requirements.

(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;

Applicant Response: Pursuant to 660-0033-0130(5)(c)(A), the Applicant has identified surrounding agricultural lands and uses on those lands within a 1-mile radius from the center of the Subject Property. The study area required by OAR 660-0033-0130(5) is not a defined term under Oregon law. The Applicant reviewed Oregon Administrative Rules that do define a required study area for guidance, such as OAR 660-033-0130(4) which requires a study area of at least 1,000 acres, which would be about a ½ mile radius from the Subject Property, and OAR 660-033-0130(38) which requires a study area of 1 mile from the center of a property. Based on how the administrative rules define a “study

area” in EFU zones for other uses, and that impacts will be significantly reduced as the distance from the Subject Property increases, Applicant found it appropriate to similarly limit the study area to lands within a 1-mile radius from the center of the Subject Property. The 1-mile radius study area is greater than the 750-foot notification area for applications, but less than potential cases in eastern Oregon ranch lands. Traffic, noise, dust, odor and any other potential impacts, to the extent present, would be most impactful in the immediate vicinity of the facility. As stated above, the accepted farm practices in the area are mostly homogeneous, consisting of livestock operations or the growing of row crops. The 1-mile radius study area accurately captures any potential impacts to nearby farm operations. Any impacts beyond the study area are not reasonably likely to be significantly increased, if properties are affected at all. Certain impacts are pre-existing and cannot be attributed to the proposed facility. For example, debris is a pre-existing condition since haulers and individuals in Polk County currently transport waste to Coffin Butte and Marion County transfer stations and disposal sites.

Upon identifying the zoning of the surrounding lands within the 1-mile radius, Applicant excluded from the study area all properties not zoned for farm or forest use including the 7 identifiable parcels zoned Rickreall Unincorporated Community Industrial adjacent to the west of the Subject Property and the 12 identifiable parcels zoned Acreage Residential 5 acre minimum located adjacent to the south of the Subject Property. Applicant interprets the phrase “surrounding lands devoted to farm or forest use” to be limited to only those properties zoned for farm or forest use, such as an EFU zone. The R-UCI zoned properties are used for seed storage, transfer, and sales. The AR-5 zoned properties are used for residential or commercial purposes including a tire shop, a farm goods store, and single-family residences. There are 47 farm zoned parcels within the 1-mile radius, four of those parcels do not appear to be engaged in farm use which are the Cemetery Burch Pioneer parcel and the Union Pacific Railroad tract, which is comprised of three parcels. The Union Pacific Railroad tract consists of railroad right of way. The table below identifies the above-mentioned 47 parcels and additional parcel information. The parcels are organized into tracts based on common ownership with the contiguous parcels that compromise each tract listed below. There are a total of 11 tracts. The types of agricultural practices are based on aerial images and physical verification from public rights of way and from the properties owned by the Rickreall Dairy, LLC which Applicant had permission to enter. Attached is **Exhibit 15** which includes photographs of the identified farm uses.

<u>Parcels</u>	<u>Owner</u>	<u>Size</u>	<u>Farm Use</u>	<u>Type</u>
Rickreall Dairy, LLC Tract:		734.71	yes Yes	Row crops (grass seed, clover)
07429-00-00201	Rickreall Dairy, LLC	355.83		
07420-00-00500	Rickreall Dairy, LLC	184.21		
07428-00-00203	Rickreall Dairy, LLC	71.47		
07421-00-00901	Rickreall Dairy, LLC	70.26		
07428-00-00302	Rickreall Dairy, LLC	55.61		
07429-00-00102	Rickreall Dairy, LLC	34.42		
07420-00-00400	Rickreall Dairy, LLC	12.47		

07429-00-00206	Rickreall Dairy, LLC	7.48		
07429-00-00205	Rickreall Dairy, LLC	3.0		
07429-00-00200	Rickreall Dairy, LLC	1.36		
Elmer Stoller Farms Tract:		405.07	yesYes	Row crops (grass seed, sweet corn, alfalfa)
07432-00-00200	Elmer Stoller Farms Inc.	288.00		
07429-00-00900	Elmer Stoller Farms Inc.	81.34		
07431-00-00103	Elmer Stoller Farms Inc.	35.73		
Ziegler Investments Tract:		391.97	yesYes	Row crops (grass seed, clover)
07430-00-00100	Zeigler Investments LLC	147.45		
07431-00-00102	Zeigler Investments LLC	92.39		
07430-00-00900	Zeigler Investments LLC	71.80		
07429-00-00300	Zeigler Investments LLC	53.31		
07431-00-00201	Zeigler Investments LLC	27.02		
Ragsdale Farm Tract:		186.78	yesYes	Row crops (grass seed)
07419-00-00500	Ragsdale Farm LLC	106.01		
07430-00-00201	Ragsdale Farm LLC	58.65		
07430-00-00200	Ragsdale Farm LLC	22.12		
Ziegler Land Tract:		171.49	yesYes	Row crops (grass seed, clover)
07428-00-00200	Zeigler Land LLC	116.45		
07428-00-00300	Zeigler Land LLC	30.29		
07429-00-00100	Zeigler Land LLC	24.75		
GSDS Enterprises Tract:		134.35	yesYes	Row crops (grass seed, clover)

07432-00-00300	GSDS Enterprises LLC	120		
07432-00-00501	GSDS Enterprises LLC	14.35		
White Tract:		112.34	yes Yes	Row crops (corn, grass silage for cows)
07433-00-00601	Claude U. White & Kathleen D. White	65		
07432-00-00101	Claude U. White & Kathleen D. White	45.60		
07433-00-00502	Claude U. White & Kathleen D. White	0.84		
Boe Tract:		28.00	yes Yes	Row crops (grass seed, clover)
07433-00-00600	Michael G Boe, et al	25.00		
07432-00-00100	Michael G Boe, et al	3.50		
Mccoy Tract:		16.01	yes Yes	Pasture or grass seed
07430-00-00700	Brenda Manfredo-Mccoy	14.97		
07430-00-00800	Brenda Manfredo-Mccoy	1.04		
C&K White LLC Tract:		12.19	Yes Yes	Row crops (corn, grass silage for cows)
07433-00-01301	C&K White LLC	5.78		
07433-00-00700	C&K White LLC	5.5		
07432-00-00600	C&K White LLC	0.91		
Union Pacific Rail Road<u>Railroad</u> Tract:		7.6	No	Railroad Right of Way
07432-00-00700	Union Pacific Railroad Company	4		
07432-00-00701	Union Pacific Railroad Company	2.98		
07431-00-01500	Union Pacific Railroad Company	0.62		

Individually Owned Parcels Not Part of Larger Tract:

07420-00-00300	Mark A. and Mark Knaupp	413.45	yes Yes	Row crops
07431-00-01400	Quiring Kenneth B et al, RVC LVG TR et al	230.66	yes Yes	Row crops
07432-00-00500	Jenkins, Hilda Irma, RVC Living Trust	61.36	yes Yes	Row crops
07433-00-00501	James E. & Katherine I. Scott	60.56	yes Yes	Row crops
07431-00-00100	Harvest Lands LLC	31.85	yes Yes	Row crops
07431-00-00203	Polk County	16.06	yes Yes	Row crops
07430-00-00104	Southwestern Polk Co Rural Fire District	6.11	yes Yes	Row crops
07432-00-00201	Cemetery Burch Pioneer	1	no No	NA

(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

Applicant Response: The first parcel listed above, 07429-00-00201, is the Subject Property and the information listed is for the portion of the Subject Property that will be retained by the current owner following the partition proposed by these applications. The Transfer Facility Parcel to be purchased by the Applicant is the site of the former dairy operations. The former dairy operations on the Transfer Facility Parcel are no longer active because of market pressures caused by changes in the dairy industry, and therefore operations of the proposed transfer facility will not change accepted farm activity on the Transfer Facility Parcel. The existing wastewater lagoon north of the Transfer Facility Parcel will be maintained to support other farm uses in handling treated by-products of fruit processing. The proposed Transfer Facility Parcel is already developed and consists of mostly non-high-value soil. By focusing transfer-facility-related development in an area subject to previous disturbance and on land designated predominately as non-high-value soil, the Applicant will ensure that the vast majority of the current tillable acreage remains available for agricultural use. Neither the Subject Property nor any of the surrounding lands identified in the study above are designated by the Natural Resources Conservation Service as prime farm land. In addition, it is anticipated that farmers in the project area will be customers and will benefit from the operation of the proposed transfer facility. As the transfer facility would be contained within the footprint of the previously developed dairy

operation, and significant off-site impacts are not anticipated, the proposed change of use would not significantly affect surrounding properties.

PCZO Chapter 94.120 defines farming practice as “the cultivation, growing, harvesting, processing, or selling of plants or animals of any kind, which lawfully may be grown, possessed, and sold, including but not limited to fish, livestock, poultry, grapes, Christmas trees, and nursery stock.” As described shown above, the surrounding farm uses consist of pastureland for livestock and growing row crops. No lands surrounding the Transfer Facility Parcel are devoted to forest practice as defined in ORS 527.620, and therefore there will be no impact to devoted forest practice as a result of development and operation of the proposed transfer facility.

The potential impacts to livestock operations on the surrounding pasturelands within the study area include traffic, water availability and delivery, weeds, pests, damage to crops or livestock, litter, trespass, reduction in crop yields, flooding, odors, dust, and noise. Similarly, the potential impacts to row crop operations on the surrounding lands within the study area include traffic, water availability and delivery, weeds, pests, damage to crops or livestock, litter, trespass, reduction in crop yields, flooding, odors, dust, and noise. While livestock operations may differ in the animals kept and the lands growing row crops may cultivate different crops, the potential impacts and the potential effect of those impacts on the livestock or crop operation is the same regardless of the livestock kept or crops grown. For example, rodents or birds could potentially bring disease to sheep or cattle and could potentially destroy crops, whether those are grass, wheat, or berries.

To ensure that off-site impacts to surrounding farmlands are avoided or minimized, a letter certifying that the proposed transfer facility would not detrimentally impact existing or planned built or natural environments beyond what is expected of development in general has been provided by the engineer of record for this project. Please see Exhibit 10 for more details. Applicant has also provided the facilities operations plan included as Exhibit 9, which describes how the facility will be managed including plans on how to mitigate potential impacts to surrounding lands. Please see Exhibit 9 for more details.

Traffic:

According to the TIA, the proposed conditional use will not have a significant impact on the surrounding transportation system. Even with the new traffic generated by the proposed development, Rickreall Road will continue to operate at free-flow conditions with excess capacity. In addition, the Transfer Facility Parcel will have adequate queueing space to ensure that traffic from vehicles entering or exiting the facility does not back up onto Rickreall Road. For more details, please refer to the TIA included as Exhibit 5. The previous dairy operation experienced frequent ingress and egress from trucks and other commercial vehicles necessary for the operation. Rickreall Road is a Minor Arterial from OR223 to OR99W, a Major Collector from OR99W to Greenwood Road, and a Minor Collector from Greenwood Road to OR22. The Polk County Transportation System Plan defines an arterial street as “a street that is the primary route for traffic within and through the community.” The surrounding lands devoted to farm use, including but not limited to the livestock kept on surrounding lands, are accustomed to traffic given that Rickreall Road is an arterial street which handles higher traffic volumes and from the previous traffic impacts of the dairy operation. The traffic impacts generated by the proposed facility will not significantly impact or significantly increase the cost of accepted farm practices on the surrounding lands devoted to farm use.

Water availability and delivery:

Potable water service is provided by Rickreall Water District. A dry hydrant system—designed and operated in accordance with National Fire Protection Association Standards on Water Supplies for Suburban and Rural Firefighting¹ (NFPA 1142)—is connected to one of the stormwater management facilities that will make the retained stormwater available to support the SW Polk Fire District with firefighting efforts on site. The proposed facility will not impact the availability or delivery of water to surrounding lands devoted to farm use.

Weeds:

The proposed solid waste transfer ~~station~~facility is not the type of use that will produce weeds which might spread to surrounding properties engaged in farm use. The Owner has no concerns about the proposed use impacting the livestock operations on the pasturelands which will be retained following the partition. The parcel to be retained by the Owner is the only property which will directly abut the Transfer Facility Parcel. All other lands devoted to accepted farm practices within the study area are adequately buffered from the Transfer Facility Parcel. The Transfer Facility Parcel abuts Rickreall Road to the south and Highway 22 to the north. A rail line in addition to the existing Rickreall Unincorporated Community Industrial zone abuts the Transfer Facility Parcel to the west. As shown by the site plan, Applicant will also be installing landscaping along the southern, western, and eastern property lines which will be maintained in an attractive manner and maintenance will include standard weed control methods.

Pests:

The project has been designed to minimize the potential (to the maximum degree practicable) for off-site impacts that could detrimentally affect farm uses including vectors such as rodents or birds. This minimization would be accomplished by conducting operations indoors and covering operation-related hauling trucks to avoid blowing trash that could attract animals to the area. Unsecured loads (loads that are not covered by tarp or otherwise secured) will be charged overage fees. Public haulers will be advised to tarp their loads for future disposals and will also be charged overage for any subsequent untarped loads. Applicant also implements routine vector control, including regular sweeping of the facility floors to prevent accumulation of any potential habitat or food source for pests and maintenance of bait boxes located throughout the site.

Damage to crops or livestock:

All operations will be contained within the Transfer Facility Parcel. The potential causes of damage to crops or livestock would be from litter blowing onto nearby properties or pests, such as rodents or birds, that are drawn to the Subject Property damaging crops or spreading disease to livestock. The potential impacts from pests and litter are addressed herein.

Trespass and Litter:

The project has been designed to minimize the potential (to the maximum degree practicable) for off-site impacts that could detrimentally affect farm uses such as litter and trespass from litter. This minimization would be accomplished by conducting operations indoors and covering operation-related hauling trucks to avoid blowing trash onto surrounding properties. Unsecured loads (loads that are not covered by tarp or otherwise secured) will be charged overage fees. Public haulers will be advised to tarp their loads for future disposals and will also be charged overage for any subsequent untarped loads. There will be no new public haulers as a result of this facility. The Subject Property abuts Rickreall Road and Hwy 22. Public haulers already travel throughout Polk County on these roads to pick up waste and then transport it to waste disposal sites like Coffin Butte. The proposed facility will

shorten the distance public haulers have to travel to dispose of the waste produced in the local area. This will also reasonably prevent litter from affecting livestock or crop operations.

Reduction in crop yields:

As described above, Applicant has provided Exhibit 15 which includes photographs of the tracts and parcels engaged in farm use within the study area. The types of agricultural practices identified therein are based on aerial images and physical verification from public rights of way. Additional information was provided by Mr. Kazemier, the former operator of the Rickreall Dairy, who has owned and operated farm uses within the Study Area for decades and knows the surrounding farm uses. Mr. Kazemier identified the agricultural practices in the surrounding lands, and it is his expert opinion that the proposed facility will not result in a reduction in crop yields.

Flooding:

As described above, the Subject Property is located within an AE floodplain and this application includes a request for non-structural floodplain development. Development would only occur within the 100-year floodplain rather than the floodway. A no net rise memo was prepared by a licensed engineer that demonstrates that proposed development would not result in an increase of flood levels. Please refer to Exhibit 13 for more details. The proposed non-structural floodplain development is limited to excavation for a stormwater management facility. The stormwater management facility itself is not at risk of damage by flooding and would contain drainage (overflow) to further reduce flood-related risks. Per the no net rise memo included as Exhibit 13, the proposed development in the floodplain would result in a benefit to the amount of floodplain storage given that the Project would result in a net removal of material. As development in the 100-year floodplain would result in a net removal of material, there would be no downstream flood capacity impacts generated by this Project or cumulatively from other similar development requests as the amount of floodplain storage would increase through Project implementation. The operations plan attached as Exhibit 9 describes the methods of storm water management for the Transfer Facility Parcel. Please see Exhibit 9 for detail.

Odors:

Most of the solid waste transfer facility operations take place indoors. Facility operations are managed to prevent and control odor, in accordance with County air pollution rules and consistent with ORS Chapter 468 and all applicable rules and regulations. The Applicant will operate an air filtration system to control odor. Transfer containers will be cleaned as needed to maintain a sanitary operating environment and to prevent malodors. In addition, the existing wastewater pond adjacent to the north of the Transfer Facility Parcel will continue handling treated by-products of fruit processing. The existing wastewater pond results in malodors which the surrounding farm uses are accustomed to and the addition of the proposed facility will not significantly change the existing odor level for the surrounding lands devoted to accepted farm practices.

Applicant has received feedback from community members as to concerns about the continuation of malodors related to the existing lagoon. The lagoon is not located on proposed Parcel 2, and it is not part of the proposed conditional use. However, as a condition of approval, Rickreall Dairy, L.L.C. has agreed to voluntarily discontinue accepting material in the lagoon within six months of recordation of the final plat. It further covenants not to use the lagoon for anerobic purposes. As conditioned, the odors from the subject property are expected to have less impact after approval and development than current farm uses of the property.

Dust:

Facility operations will be managed to prevent and control dust consistent with ORS Chapter 468 and all applicable rules and regulations. Most of the site, including all vehicle and equipment traffic areas, is paved. The paved surfaces will be regularly swept to minimize the potential for fugitive dust. During the dry summer months, paved and unpaved surfaces will be sprayed with water by a water truck; the refuse compactor will also be sprayed with a misting system to minimize dust. The Applicant will also employ a misting system and air filtration inside the main transfer facility building to mitigate and control dust generated during facility operations.

Noise:

Facility operations will be managed to minimize noise generation affecting surrounding properties. The facility will comply with all local noise ordinances, ORS Chapter 467, and all applicable DEQ rules and regulations. The proposed solid waste transfer facility is surrounded by industrial, residential (as separated by a street or agricultural land), and agricultural uses; these noise receptors would be exposed to noise comparable with that of the previous dairy at the site, as most facility operations are conducted in closed buildings to help prevent or manage noise. The noise level from the proposed use will be consistent with the noise level of the previous dairy operation, which included the consistent ingress and egress of trucks for deliveries. The surrounding farm uses are accustomed to the noise level from the previous dairy operation and the addition of the proposed facility will not significantly change the existing noise level for the surrounding lands devoted to accepted farm practices.

The adjacent farmlands will remain in pasture. Most of these lands are owned by the Owner who will continue to own and lease the land as pasture. The Owner has no concerns regarding layouts on the adjacent farmlands. The other accepted farm practices on the surrounding lands in the study area is the growing of row crops and keeping of livestock on pastureland. The project has been designed to minimize the potential (to the maximum degree practicable) for off-site impacts that could detrimentally affect farm uses. The only adjacent property engaged in farm use will be the property retained by the Owner which will be located to the east of the Transfer Facility Parcel. The Owner has no concerns about the proposed use impacting the livestock operations on the pasturelands. All other lands devoted to accepted farm practices within the study area are adequately buffered from the Transfer Facility Parcel. The Transfer Facility Parcel abuts Rickreall Road to the south and Highway 22 to the north. A rail line in addition to the existing Rickreall Unincorporated Community Industrial zone abuts the Transfer Facility Parcel to the west. As shown by the site plan, Applicant will also be installing landscaping along the southern, western, and eastern property lines. The partitioned Farm Parcel will remain in agricultural use and will not be affected by operations on the Transfer Facility Parcel. The partition would also ensure that the vast majority of the current tillable acreage remains available for agricultural use. However, as described above, no lands within the study area, including the Subject Property, are designated as prime farmland. Given these conditions, no off-site impacts to accepted farm practices on surrounding lands devoted to farm or forest use are anticipated.

For these reasons, it is not expected that the development and operations of the proposed transfer facility will significantly change accepted farm practices or significantly impact the cost of accepted farm use as defined above. This criterion is satisfied.

(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

Applicant Response: As described above, no individual potential impacts, such as dust, noise, etc., to any of the accepted farm practices identified above will produce impacts that cannot be reasonably

mitigated. When considered together, the potential impacts will not significantly impact or increase the cost of any farm operation in the surrounding lands devoted to farm use. For example, as described above, the impacts of dust and noise can be reasonably mitigated so as not to significantly impact or significantly increase the cost of accepted farm practices on lands within the study area, which remains true when considering the combined impacts of dust, noise, etc. This criterion is satisfied.

(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

Applicant Response: Applicant addresses the potential impacts of traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding above under OAR 660-033-0130(5)(c)(B). This criterion is satisfied.

(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).

Applicant Response: As described above, the Transfer Facility Parcel to be purchased by the Applicant is the site of the former dairy operations. Applicant will be retaining and remodeling as many of the existing buildings as possible in order to reduce the impacts related to construction as much as practicable. To ensure that off-site impacts to surrounding farmlands are avoided or minimized, a letter certifying that the proposed transfer facility would not detrimentally impact existing or planned built or natural environments beyond what is expected of development in general has been provided by the engineer of record for this project. Please see Exhibit 10 for more details. This criterion is satisfied.

(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).

Applicant Response: Applicant is not proposing any conditions of approval upon the owner of an affected farm or forest land, or on such land itself. As described herein, all potential impacts can be adequately mitigated as proposed by Applicant, or in the alternative can be adequately mitigated through a condition of approval imposed upon Applicant or the Subject Property. This criterion is satisfied.

4 Solid Waste Disposal Sites Criteria and Proposed Findings

4.1 Chapter 120.320 Conditional Uses

Solid waste disposal sites may be permitted as a conditional use within all zoning districts by the Hearings Officer, notwithstanding the use limitations of each zone, subject to the conditions and procedural requirements set forth in Sections 120.310 to 120.380.

4.2 Chapter 120.325 Minimum Standards

The following minimum standards shall apply to the establishment, maintenance, and operation of solid waste disposal sites within Polk County. The particular concerns of these provisions are providing for an adequate number of solid waste disposal sites to meet the needs of Polk County and the property location of solid waste disposal sites including access to and from the sites, the appearance of such sites as they relate to the surrounding area and for the ultimate reuse of such sites.

(A) Screening. The site shall be reasonably screened from adjoining developed properties and public streets or highways by the placement of landscaped yards and areas adjacent to every property line, within which yard or area will be placed an ornamental fence, wall or hedge or landscape berm. This shall be in addition to such desirable vegetation as may exist within the landscaped area. Where the landowner or the holder of a franchise for the site has obtained an interest in adjacent property for the purpose of providing adequate screening or where an appropriate governmental agency provides such screening, the Hearings Officer may accept such screening in lieu of that otherwise required by this subsection. This screening, whether on the same or other property, shall continuously obscure the view of the site and the landowner or franchise holder shall be responsible for maintenance of such screening.

Applicant Response: Most of the solid waste transfer facility operations would take place indoors to manage visual impacts. Native Oregon white oak trees and other visual landscaping are proposed and would reasonably screen all buildings and outdoor elements from Rickreall Road to the south and residential properties to the east (see Exhibit ~~33A~~). Screening is limited from the adjoining industrial uses to the west and the open farm fields north of the site given that the transfer facility would be compatible with the industrial uses and would be screened via physical separation from land uses to the north. An existing row trees screens the facility from traffic on State Hwy 22. This criterion is satisfied.

(B) Access Roads. All access to the site shall be by a route or routes approved by the County Engineer and the Hearings Officer.

Applicant Response: The site currently has seven existing access points on Rickreall Road. These access points were developed as part of the previous dairy operation. The Applicant proposes to repurpose four of these access points to support ingress to and egress from the transfer facility. ~~At Two~~ existing driveway ~~approach~~ approaches will be eliminated, (driveway approaches 2 and 4), and one will

be gated and reserved exclusively for private farm use (driveway approach 7) as shown on Exhibit 77A. This includes the following proposed ingress and egress:

- ~~1. A public entrance in the eastern portion of the site (two lanes)~~
- ~~2. A public exit in the eastern portion of the site (two lanes)~~
- ~~3.1.~~ A commercial entrance and exit located on the southwest side of the site- (driveway approach 1). The commercial entrance would have one unattended scale
- ~~4.2.~~ An employee entrance and exit located east of the commercial entrance (driveway approach 3)
3. A public exit in the eastern portion of the site (driveway approach 5; one-way)
4. A public entrance in the eastern portion of the site (driveway approach 6; one-way)

The site traffic circulation plan (see Exhibit 77A) has been provided for review and approval by the County engineer and the hearings officer. This criterion is satisfied.

(C) Control of Operation Time. Except for such activities as office machinery repair and the equivalent, in residential, farm or commercial districts, a limit shall be placed on the operating time from 4:30 a.m. to 9:30 p.m. This limitation on operating time may be waived by the County Engineer in times of public or private emergency for the duration of such emergency. Other activities may be conducted outside the allowable time if they fall within standards established for industrial uses as set forth in Section 112.400 (A)(6).

Applicant Response: The proposed transfer facility will operate from 5:00 a.m. to 7:00 p.m. Monday through Saturday, which is within the allowed operating time from 4:30 a.m. to 9:30 p.m. This criterion is satisfied.

4.3 Chapter 120.330 Application for a Conditional Use Permit

Application by the landowner shall be made to the Hearings Officer on forms furnished by the Planning Director. Each application shall be accompanied by:

(A) An accurate plot plan showing exterior boundaries of the property on which the disposal site is to be located and the location of any existing or proposed structures, roads, proposed operating areas or other improvements, and the topography of the proposed site.

Applicant Response: The exterior boundaries of the property on which the transfer facility is to be located; the location of any existing or proposed structures, roads, proposed operating areas or other improvements; and the topography of the proposed site are shown in Exhibit 33A.

(B) A plan for rehabilitation and use of the site after the disposal has been terminated for a use permitted within the zone in which the land is located. Such a plan shall be prepared at a scale of not less than 1"=400' with topographic contours, an interval of which shall not be less than 25 feet. In its discretion, the Hearings Officer may require a map or plan showing greater detail to determine compliance with this ordinance and standards established by the Hearings Officer.

Applicant Response: The proposed use of the site is a transfer site or transfer facility as defined by PCC 70.0301. Because the Transfer Facility Parcel will not be used as a solid waste disposal site as

defined by PCZO 120.315, the requirements for rehabilitation plans set forth in 120.360 do not apply to the CUP application.

This interpretation is consistent with the plain text of the code that requires a plan “after the disposal has been terminated.” No disposal will occur on site, and therefore it will not apply. Nonetheless, Applicant provides the following plan details. Operations at the Transfer Facility Parcel will not preclude future agricultural use of the site after its use as a transfer facility has concluded. In the event of a permanent closure of the transfer facility, the following will be performed to prepare the site for future reuse:

- Waste materials will be removed from the facility.
- The tipping floor and trailer loading area will be thoroughly swept and cleaned.
- Debris will be removed from site drains, sumps, and catch basins.
- Litter around the facility will be removed.
- The gates will be left intact and will be closed.

Further information on rehabilitation measures can be found in the operations plan attached as Exhibit 8.

(C) A copy of the application to the governing body of Polk County for a franchise pursuant to the Solid Waste Collection and Disposal Ordinance if the site is to be owned or to be operated by a person other than a governmental agency;

Applicant Response: The Applicant applied for a solid waste transfer station franchise. The Polk County Hearings Officer reviewed the application and recommended approval with conditions, as set forth in the Hearings Officer decision dated March 17, 2025. On March 26, 2025, the Board of Commissioners ratified the Hearings Officer’s decision awarding the franchise to the Applicant. The matter of ratifying the Hearing Officer’s decision was on the March 26 consent agenda, which was approved by vote and thereby ratified by the Board. A copy of the Hearings Officer’s decision, including the Board’s ratification, is attached hereto as Exhibit 17.

(D) An agreement required by Section 120.380 of this ordinance;

Applicant Response: Agreements required by Section 120.380 are addressed in Section 4.5 of this CUP application.

(E) Except for applicants who have previously paid for a preliminary permit on the same site, a conditional use permit fee will be paid.

Applicant Response: The Applicant has not previously paid for a preliminary permit on the same site, and the CUP fee will be paid upon the submission of this application.

4.4 Chapter 120.360 Standards for Solid Waste Disposal Site Rehabilitation and Restoration

(A) The purpose of this section is to ensure the future use of site after its use as a solid waste disposal site has been completed. A restoration plan shall be consistent with the land use planning policies and ordinance of Polk County.

(B) The landowner and the holder of any franchise to operate the site shall be jointly and severally liable for the eventual site restoration as described in the plans submitted with the permit application as provided in Section 120.380.

(C) Upon completion of the use of the site for solid waste disposal according to the permit and plan, or upon economic abandonment of the site as a disposal site, the landowner and the holder of any franchise to operate the site shall have a reasonable time to rehabilitate and restore the site as described in the restoration plans.

(D) Except for buildings or structures which are permitted uses in the zone in which the site is located, upon termination of the use of the site for solid waste disposal, all buildings, equipment, apparatus and appurtenances necessary to the operation shall be removed from the site unless an extension is granted by the Hearings Officer. A grant of additional time by the Hearings Officer shall not excuse any delay in the restoration or rehabilitation of those portions of the property under permit which are not affected by such extension.

(E) All excavations and pits shall be backfilled, leveled, contoured, or both, for the uses shown on the restoration plan and shall be compatible with the final depth and slope of the site.

(F) Topsoil shall be replaced to sufficient depth to allow landscaping material to be installed.

(G) When appropriate, the Hearings Officer may specify a schedule of rehabilitation for portions of the property as their use for solid waste disposal operations is completed or terminated. The schedule shall be considered part of the rehabilitation or restoration plan and shall be included in the agreements required by Section 120.380.

Applicant Response: The proposed use of the site is a transfer site or transfer facility as defined by PCC 70.0301. Because the Transfer Facility Parcel will not be used as a solid waste disposal site as defined by PCZO 120.315, the requirements for rehabilitation plans set forth in 120.360 do not apply to the CUP application. Operations at the Transfer Facility Parcel will not preclude future agricultural use of the site after its use as a transfer facility has concluded.

In the event of a permanent closure of the transfer facility, the following will be performed to prepare the site for future reuse:

- Waste materials will be removed from the facility.
- The tipping floor and trailer loading area will be thoroughly swept and cleaned.
- Debris will be removed from site drains, sumps, and catch basins.
- Litter around the facility will be removed.
- The gates will be left intact and will be closed.

Upon facility closure, all regulatory agencies will be notified as required by applicable law, regulations, and permits. Further details on site operations and rehabilitation upon termination can be found in the site operations plan attached as Exhibit 9.

Agreements related to liability for the eventual site restoration required by Section 120.380 are addressed in Section 4.5 of this CUP application.

4.5 Chapter 120.380 Required Agreements and Liens

(A) The governing body finds and declares that a properly established, maintained, operated, and rehabilitated solid waste disposal site is a utility facility necessary for public service and, as such, is a valuable asset in improving environmental quality of the County. The Board further finds and declares that an improperly established, operated, maintained, or rehabilitated site may become a public or private nuisance, produce a condition of unsightliness, establish a health hazard or otherwise create a condition detrimental to the environmental quality of the area and of the County. To implement these findings, the governing body further finds and declares that it is necessary and appropriate to require agreements from the landowners who apply for a conditional use permit the agreements required by this section and further finds and declares that the appropriate remedy to reimburse costs of the County incurred in enforcement of Sections 120.310 to 120.380 is, upon failure of the landowner or franchise holder to pay such costs, the imposition of lien against the premises.

Applicant Response: The need for a properly established, maintained, and operated transfer facility in the Dallas-Rickreall area is explicitly identified in Public Facilities and Services Goal 2.1(a) in the Polk County Comprehensive Plan. In the event of a permanent closure of the transfer facility, the following tasks will be performed:

- Waste materials will be removed from the facility.
- The tipping floor and trailer loading area will be thoroughly swept and cleaned.
- Debris will be removed from site drains, sumps, and catch basins.
- Litter around the facility will be removed.
- The gates will be left intact and will be closed.

All regulatory agencies will be notified as required by applicable law, regulations, and permits.

(B) On forms issued by the Planning Director, the landowner who is applying for a conditional use permit for a site pursuant to Sections 120.310 to 120.380 and the holder of any franchise to operate such site, shall jointly and severally agree to accept, to be responsible for or to be liable for:

- (1) The entry upon subject premises by named officials pursuant to Section 120.375.

Applicant Response: The County engineer, County health officer, or County building official, or their duly authorized representatives may enter upon public or private property to enforce compliance with Sections 120.310 to 120.380 throughout operation of the proposed transfer facility. It is understood that these provisions will be implemented as conditions of approval.

- (2) Proper establishment, maintenance, and operation of the site as required by Section 120.370.

Applicant Response: The proposed transfer facility will be established, maintained, and operated within the terms and conditions set forth in Sections 120.370. These provisions will be permitted as conditions of approval.

(3) Rehabilitation and restoration of the site upon termination for use as a disposal site pursuant to Section 120.360.

Applicant Response: The proposed use of the site is a transfer site or transfer facility as defined by PCC 70.0301. Because the site will not be used as a solid waste disposal site as defined by PCZO 120.315, the requirements for Rehabilitation Plans set forth in 120.360 do not apply to this CUP application. In the event of a permanent closure of the transfer facility, the following tasks will be performed:

- Waste materials will be removed from the facility.
- The tipping floor and trailer loading area will be thoroughly swept and cleaned.
- Debris will be removed from site drains, sumps, and catch basins.
- Litter around the facility will be removed.
- The gates will be left intact and will be closed.

Operations at the Transfer Facility Parcel will not preclude future agricultural use of the site after its use as a solid waste disposal site has ended.

(C) In the event the landowner or the franchise holder does not comply with his agreement executed pursuant to subsection (B) of this section and within a reasonable time after written notice to comply, the governing body may institute proceedings under subsection (D) of the section to enforce compliance. "Reasonable time" within this subsection shall be determined by the Hearings Officer upon the basis of the health, safety, and welfare of the people of Polk County and of the area and in determining what is a reasonable time, the Hearings Officer may give consideration to, but shall not be limited by the following:

- (1) The nature of the deficiency;
- (2) Conditions created by the deficiency;
- (3) Hazard to health or safety;
- (4) The creation of a condition of unsightliness;
- (5) The creation of a public or private nuisance;
- (6) Whether there is a satisfactory alternative practice, procedure or operation.

Applicant Response: The Applicant will comply with proceedings under subsection (D) of this section in the event that the landowner or the franchise holder does not comply with his agreement executed pursuant to subsection (B) of this section. These provisions will be permitted as conditions of approval.

(D) In the event that the landowner or franchise holder fails to comply with the order of the Hearings Officer within the time specified by the Hearings Officer, the Hearings Officer shall notify the governing body. The governing body may institute proceedings for enforcement by giving 30 days written notice to the landowner or franchise holder, or both, at their last known addresses. The Board may shorten the notice period to not less than 24 hours notice if the governing body finds an immediate or serious danger to the public through the creation of a health hazard or a public or private nuisance. After

required notice, the governing body may hold a public hearing at which all interested persons shall have the right to be heard. After such public hearing and on the basis thereof, the governing body shall have the power to order appropriate county agencies to correct the deficiencies in the establishment, maintenance or operation of the site, or to make the required rehabilitation and restoration.

Applicant Response: The Applicant will comply with proceedings under subsection (D) of the section in the event that the landowner or the franchise holder does not comply with his agreement executed pursuant to subsection (B) of this section. These provisions will be permitted as conditions of approval.

(E) The costs incurred by the County in carrying out subsection (D) of this section shall be paid by the landowner or the franchise holder or both. If not paid, the governing body may order appropriate action to be taken to impose a lien upon the subject premises.

Applicant Response: The Applicant agrees to pay costs incurred by the County in carrying out subsection (D) of this section and acknowledges the imposition of a lien if costs are not paid. These provisions will be permitted as conditions of approval.

(F) The Hearings Officer may order the filing in the County Deed Records of the conditional use permit including the agreements executed pursuant to this section as a recorded encumbrance on the real property to assure compliance with the conditions and agreements.

Applicant Response: These provisions will be implemented as conditions of approval.

4.6 Chapter 112.270. Parking and 260. Off-Street Loading Area Development Requirements

Off-street loading space shall be provided in the amounts listed below except that, in appropriate cases, the Hearings Office or Planning Director may waive the requirements for loading space, after proceedings are had as for a conditional use as provided in Chapter 119, and when the Hearings Office or Planning Director has determined that the use to which the building is to be put is of a kind not requiring loading or unloading or delivery of merchandise or other property by commercial trucks or delivery vehicles; provided however that, whenever the use of such building is changed to another use, then such loading space as is required by this ordinance shall be provided. [...]

Applicant Response: The Applicant is requesting a waiver from the requirement to provide off-street loading spaces as stipulated under this Chapter. The proposed transfer facility functions uniquely, with loading and unloading of solid waste occurring within specific and designated areas housed within the primary Transfer Facility Building (see Exhibit 3A – Site Plan). The Applicant acknowledges that a change of use of the Transfer Facility Building would warrant establishment or development of off-street loading spaces as required by this Chapter.

4.7 Chapter 112.270. Parking and Loading Area Development Requirements

All parking and loading areas except those for single family dwellings shall be developed and maintained as follows:

(A) Location or site: The required yard areas adjacent to a street shall not be used for parking or loading areas and the yards shall be the same as is required for the main building in the district in which the

parking area is to be located and such yard area adjacent to a street shall be landscaped with trees, shrubs, grass or evergreen ground cover and other complementary materials and maintained in a neat and well appearing manner. The side and rear yards, other than those adjacent to a street, may be used for parking and loading areas when such areas have been developed and are maintained as required by this ordinance.

Applicant Response: Exhibit ~~33A~~ shows the parking configuration on the Transfer Facility Parcel. As demonstrated on the site plan, no proposed parking or loading areas interfere with the required yard areas adjacent to the street. The Applicant has proposed tree planting and landscaping along the perimeter of the site except where existing vegetation would substitute for new landscaping.

(B) Surfacing: Inside an adopted urban growth boundary all driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by the director of public works except where existing. When existing gravel lots inside the UGB are expanded in excess of 50 percent above the existing lot size they shall be paved. Outside of urban growth boundaries, gravel, asphalt or concrete may be used for surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) inch minus or an alternative as approved by the Director of Public Works. A paved access apron to any paved access road is required regardless of the parking lot surface. [Amended by Ordinance 90-19].

Applicant Response: The Transfer Facility Parcel is outside the urban growth boundary. Parking areas in the Transfer Facility Parcel will be paved with asphalt in accordance with this criterion.

(C) Bumper guards or wheel barriers: Bumper guards or wheel barriers shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be paved or covered with evergreen ground cover.

Applicant Response: Parking areas in the Transfer Facility Parcel will contain bumper guards or wheel barriers in accordance with this criterion to prohibit portions of a vehicle projecting into a public right-of-way or over adjoining property.

(D) Size of parking spaces and driveways: The parking area, each parking space and all driveways shall be of sufficient size and all curves and corner of sufficient radius to permit the safe operation of a standard size automobile, to wit:

- (1) Parking space (See Appendix 1);
- (2) Maximum 12 percent grade for driveways;
- (3) Directional signs and pavement marking shall be used to control vehicle movement in the parking lot;
- (4) One-way drives shall have an improved width of at least 12 feet, and the inside radius at the curb shall be 25 feet for any curves or corners and signs shall be erected indicating the one-way direction;
- (5) Two-way driveways shall have an improved width of at least 20 feet and the inside radius at the curb shall be 25 feet for any curves or corners.

Applicant Response: Exhibit ~~33A~~ shows that the Transfer Facility Parcel has 20 employee parking stalls in accordance with the design standards established in 112.250 (GG). It is proposed that additional parking stalls be provided adjacent to the ~~education~~recycling center as shown on Exhibit ~~33A~~. Parking

areas in the Transfer Facility Parcel will adhere to all other design standards established in this criterion. This includes: no driveways proposed on grades 12 percent or greater (the site is generally flat with slopes of 0 to 5 percent), signage will direct traffic, and driveway widths are a minimum of 20 feet (two-lane road), which meets the minimum standards outlined above.

(E) Access: All parking or loading areas shall be served with either separate ingress and egress driveways or with an adequate turn-around, which is always available and useable. All entrances and exits onto a public right-of-way shall first have the approval of the Director of Public Works or County Engineer.

Applicant Response:

All parking or loading areas in the Transfer Facility Parcel are served by four separate access points on Rickreall Road (see Exhibit ~~77A~~). The access points are designed in accordance with the Polk County Roadway Standards. The proposed ingress and egress include a dedicated one-way public driveway entrance (36 feet wide), a dedicated one-way public exit (~~2024~~ feet wide), ~~and a separate entrance and exit for commercial vehicles (both are 2430 feet wide) and a driveway reserved for employees (30 feet wide).~~ All proposed driveways would be in the footprint of existing driveways that served the previous dairy operation.

(F) Fences, walls and hedges:

- (1) When the parking or loading area is within the SR zone such parking or loading area shall be screened from all obscuring ornamental fence, wall or compact evergreen hedge, except along an alley;
- (2) When the parking or loading area is adjacent to the SR zone, there shall be a sight obscuring ornamental fence, wall, or compact evergreen hedge between the parking or loading area and the SR zone, except along an alley;
- (3) The ornamental fence or wall shall be erected and maintained at a height of at least four (4) feet but not more than seven (7) feet; a compact evergreen hedge shall be not less than three (3) feet at planting and capable of reaching a height of six (6) feet. Fences, walls or hedges shall have the same setback requirements from all streets and the same vision clearance areas as required for a one (1) story building in the zone in which such parking or loading area is located. In yard areas other those adjacent to a street, the fence wall or hedge may be located on the property line.

Applicant Response: The proposed transfer facility is not in the SR zone; therefore, this criterion is not applicable to this Application.

(G) Lighting: Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public right-of-way.

Applicant Response: All lighting proposed for transfer facility parking areas is shielded and pointed downward, and therefore will not deflect away, cast a glare, or produce a reflection onto moving vehicles on the public right-of-way.

(H) Landscaping: In every residential, commercial, and industrial zone other than the SR zone, there shall be provided a landscaped yard as set forth in the appropriate development standards sections of this chapter. In addition to other landscape requirements every newly developed automobile off-street parking area or if any graveled or unimproved lot is paved, such lot shall have at least one (1)

percent of the gross parking lot area devoted to landscaping. The gross parking lot area, as used in this instance, is the outer boundaries of the specific area devoted to parking of automobiles exclusive of any buildings and/or other landscaping areas otherwise provided.

Applicant Response: The proposed transfer facility is not in a residential, commercial, or industrial zone; therefore, this criterion is not applicable to this CUP application. Nevertheless, perimeter and site landscaping including trees will screen the proposed parking and operation areas from surrounding residences and the roadway, as shown in Exhibit 33A.

(I) Plans and Permits: Plans at a workable scale shall be referred to the Director of Public Works or County Engineer for a recommendation prior to the issuance of a permit by the Building Official.

Applicant Response: Parking design is shown in Exhibit 33A. More detailed design and construction plans will be submitted at a later date following CUP approval.

(J) Loading spaces shall be marked for loading only.

Applicant Response: Loading spaces in the Transfer Facility ~~Parcel~~Building will be ~~marked~~demarked for ~~loading only~~their specific use.

~~5 Variance Criteria and Proposed Findings~~

~~Owner and Applicant jointly submit this concurrent application for a variance. Applicant proposes variances to the required side yard setbacks pursuant to PCZO 112.430(A)(1)(a). As shown by the Site Plan attached as Exhibit 3, there are three buildings in the northern portion of the Subject Property adjacent to the berm surrounding the existing wastewater lagoon labeled "Covered Equipment Storage." The two buildings nearest to the berm, adjacent to the proposed property line east of the berm, do not comply with the required 20 foot side yard requirement pursuant to PCZO 112.430(A)(1)(a) (the "**Buildings**"). As shown on Detail A of the Existing Conditions attached as Exhibit 4, the northern Building is 2.3 feet from the proposed property line adjacent to the west (the "**North Building**") and the building directly south of the North Building is 2.5 feet from proposed property line adjacent to the west (the "**South Building**"). Applicant is requesting a variance to the 20 foot side yard requirement to allow Applicant to retain the Buildings to serve as dry storage for equipment. PCZO Chapter 122 addresses the criteria for a variance. Applicant is requesting a full variance for the North Building and the South Building. As described below, Applicant's proposal complies with the applicable criteria. In the alternative, should the County deny Applicant's requests for variances set forth below, Applicant requests that the land partition and CUP applications be approved with a condition of approval that Applicant remove the Buildings.~~

~~5.1 Chapter 122.010. Power to Grant Variances.~~

~~Subject to the restrictions and provisions contained in this ordinance, the Hearings Officer and the Planning Director shall have the power to vary or modify the strict application of any of the regulations~~

~~or provisions of this ordinance in any case where such strict application would result in practical difficulties or unnecessary hardship with reference to requirements governing: lot area (except in resource zones), lot width, percentage of lot coverage and height of structure, location, yards, signs, parking and loading space and vision clearance.~~

~~The power provided herein to the Hearings Officer and the Planning Director to grant variances from the strict application of the provisions of this ordinance shall be used sparingly, within the limits granted the Hearings Officer and the Planning Director, within the spirit and intent of this ordinance, and applied reasonably to maintain and not abolish the distinctive classifications created by this ordinance.~~

~~**Applicant Response:** PCZO 112.430(A)(1)(a) requires that all buildings and structures in EFU zones shall have a 20 foot side yard. Applicant is requesting a variance to the side yard requirement for the North Building and the South Building. The Buildings are located 22.3 feet and 22.5 feet from the eastern toe of the berm adjacent to the existing wastewater lagoon. The Buildings were constructed by the Owner and were used to store equipment for the dairy operation. Applicant desires to repurpose the Buildings to serve as dry storage of equipment for the transfer facility. The wastewater lagoon stores wastewater and does not serve livestock or the public. The berm surrounding the lagoon constitutes a structure under the County's code, which similarly requires a 20 foot setback from the proposed property line. The creation of a property line between the berm and the Buildings does not create any safety concerns or potential impacts on the uses of the Farm Parcel such as dust, noise, traffic or other impacts that setbacks are designed to mitigate. The spirit and intent of a variance is to vary or modify the strict application of any regulations or provisions, such as side yard requirements, where such strict application would result in practical difficulties or unnecessary hardship. The pre-existing berm and Buildings are unable to comply with the strict application of the 20 foot side yard requirement pursuant to PCZO 112.430(A)(1)(a). As such, Applicant would be forced to either demolish the berm protecting the lagoon or demolish the Buildings and construct new buildings in order to comply with PCZO 112.4430(A)(1)(a). It would be an economic hardship and an unnecessary waste of resources for the County to require Applicant to demolish the berm or the Buildings in order to comply with the side yard requirement. The requested variances are within the spirit and intent of the ordinance to avoid waste and unnecessary hardship imposed by the strict application of regulations. This criterion is satisfied.~~

~~**5.2 Chapter 122.020. Conditions for Granting a Full Variance.**~~

~~The Hearings Officer may permit and authorize a variance from any dimensional development standard in the Zoning Ordinance, where such relief shall exceed twenty (20) percent of the specified requirement. An application and site plan shall be filed pursuant to Chapter 111 of the Zoning Ordinance. Such a variance may be granted when it appears from the application, and the facts presented at the public hearing, and by investigation that the proposed variance satisfies the following criteria:~~

~~**(A) That there are unnecessary, unreasonable hardship or practical difficulties which can be relieved only modifying the literal requirements of the ordinance;**~~

~~**Applicant Response:** Applicant is requesting variances to the 20 foot side yard requirement for the North Building and South Building pursuant to PCZO 112.430(A)(1)(a). Such relief would exceed~~

~~twenty percent of the 20 foot side yard requirement. As shown by the Existing Conditions attached as Exhibit 4, the North Building is located 2.3 feet from the proposed property line adjacent to the west and the South Building is located 2.5 feet from the proposed property line adjacent to the west. The County requiring the Buildings to be removed due to the inability to comply with the side yard requirement would be unnecessary and cause an unreasonable economic hardship. The County has interpreted the term "structure" under the PCZO broadly to include the existing berm surrounding the wastewater lagoon. The Owner constructed the berm and the Buildings prior to Applicant's contract to purchase the Transfer Facility Parcel. The location of the proposed property line east of the berm and west of the Buildings is necessary for the required 20 foot setback for the berm pursuant to PCZO 112.430(A)(1)(a). However, due to the necessary location of said property line, the Buildings are unable to comply with the 20 foot side yard setback requirement pursuant to PCZO 112.430(A)(1)(a). Dry storage for equipment is necessary for the operation of the transfer facility. The North Building and South Building are similarly constructed with concrete foundations and cannot be moved. As such, Applicant would be forced to demolish the Buildings and then construct new buildings in order to comply with the side yard requirement. There is an unnecessary, unreasonable economic hardship due to the side yard requirement pursuant to PCZO 112.430(A)(1)(a) which can be relieved by modifying the literal requirements of the ordinance. This criterion is satisfied.~~

~~(B) That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same zone; however, nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions;~~

~~**Applicant Response:** The Buildings are not nonconforming structures. As described above in Section 2, the size of the proposed Transfer Facility Parcel is the minimum size necessary to accommodate the solid waste transfer station. The County has interpreted the term "structure" under the PCZO broadly to include the existing berm surrounding the wastewater lagoon. The Owner constructed the berm and the Buildings prior to Applicant's contract to purchase the Transfer Facility Parcel. The location of the proposed property line between the berm and Buildings is necessary to comply with the required 20 foot setback for the berm pursuant to PCZO 112.430(A)(1)(a). Due to the necessary location of said proposed property line, the Buildings are unable to comply with the 20 foot side yard setback requirement pursuant to PCZO 112.430(A)(1)(a). Such circumstances are unique to the adaptive reuse of historical facilities such as in this case. Moreover, the code requires the proposed Transfer Facility Parcel to be as small as possible in order to preserve nearby farmland. Were the County to require demolition of the existing Buildings, the Applicant would need to expand the overall footprint of the proposed transfer facility. Dry storage for equipment is necessary for the operation of the transfer facility. As such, in order to comply with PCZO 112.430(A)(1)(a), Applicant would be required to demolish the Buildings and then construct new buildings in order to have the necessary dry storage for equipment. There are exceptional circumstances and conditions applying to the land, buildings, and use which do not apply generally to land, buildings or uses in the EFU zone. This criterion is satisfied.~~

~~(C) That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises;~~

~~**Applicant Response:** Applicant is requesting a variance to the 20 foot side yard requirement pursuant to PCZO 112.430(A)(1)(a) for the North Building and South Building. The existing berm surrounding the wastewater lagoon which will remain with the Farm Parcel, is located adjacent to the west of the Buildings, as shown by the Site Plan attached as Exhibit 3, and the Existing Conditions attached as~~

~~Exhibit 4. Applicant desires to repurpose the Buildings to serve as dry storage of equipment necessary for the transfer facility. The County granting Applicant's variance request will not be materially detrimental to the public welfare as the public will not have access to the Buildings or the Farm Parcel. The Buildings and the berm were constructed by the Owner and previously used in the dairy operation. The lagoon is used for storage of wastewater and does not provide water for livestock. The berm surrounds the lagoon and provides a barrier between the lagoon and the Buildings. Further, as shown by the Existing Conditions attached as Exhibit 4, there is a 20-foot setback between the berm and the proposed property line separating the berm from the Buildings. The purpose of setbacks is to create a buffer area in order to mitigate any potential effects between adjacent uses. The use of the Buildings for storing equipment will not produce dust, noise, traffic or other impacts which setbacks are intended to mitigate. The employees of the transfer facility will have safe access to the Buildings through the Transfer Facility Parcel. The County granting the requested variance for the Buildings will not affect access to the berm or lagoon, use of the lagoon, or other farm uses on the Farm parcel. The County granting Applicant's variance request for the Buildings will not be injurious to the property or improvements in the neighborhood of the premises. This criterion is satisfied.~~

~~(D) That such variance is necessary for the preservation and enjoyment of the substantial property rights of the petitioner;~~

~~**Applicant Response:** The County has interpreted the term "structure" under the PCZO broadly to include the existing berm surrounding the wastewater lagoon. The Owner constructed the berm and the Buildings prior to Applicant's contract to purchase the Transfer Facility Parcel. The purpose for Applicant purchasing the Transfer Facility Parcel is to develop the proposed solid waste transfer station. The location of the proposed property line between the berm and the Buildings is necessary to comply with the required 20-foot side yard setback for the berm pursuant to PCZO 112.430(A)(1)(a). However, due to the necessary location of said property line, the Buildings are unable to comply with the 20-foot side yard requirement pursuant to PCZO 112.430(A)(1)(a). Dry storage for equipment is necessary for the operation of the transfer facility. As such, in order to comply with PCZO 112.430(A)(1)(a), Applicant would be required to demolish the Buildings and then construct new buildings in order to have the necessary dry storage for equipment. The County requiring the Buildings to comply with the side yard requirement would result in an economic hardship, a waste of Applicant's resources, and a loss of property rights. The County granting the requested variances so that the Buildings can remain on the Transfer Facility Parcel and be repurposed to serve the transfer facility is necessary for the preservation and enjoyment of the substantial property rights of the Applicant. This criterion is satisfied.~~

~~(E) That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant; and~~

~~**Applicant Response:** As stated above, the Buildings were constructed by the Owner for the dairy operation and will be repurposed for dry storage of equipment necessary for the transfer facility. The Owner will retain ownership of the Farm Parcel and will continue to have safe access to the berm and lagoon on the Farm Parcel. The lagoon is used for storage of wastewater and does not serve livestock or the public. The Buildings will not be open to the public and will be accessed by employees of the transfer facility only. The berm surrounding the lagoon provides a barrier between the lagoon and the Buildings. Further, as shown by the Existing Conditions attached as Exhibit 4, there is a 20-foot setback between the berm and the proposed property line separating the berm from the Buildings. The Buildings will be used for storage purposes and will not affect the health or safety of persons~~

~~working on the Transfer Facility Parcel. The employees of the transfer station will have safe access to the Buildings on the Transfer Facility Parcel. As shown by the Site Plan attached as Exhibit 3 and the Existing Conditions attached as Exhibit 4, Applicant has proposed a 20 foot wide access easement south and east of the berm on the Farm Parcel, which will ensure safe access to the berm and the Buildings. The County granting Applicant's variance request for the Buildings will not affect the health or safety of persons working or residing in the neighborhood of the Subject Property. This criterion is satisfied.~~

~~(F) That granting of the application will be in general harmony with the intent and purpose of this ordinance and will not adversely affect any officially adopted comprehensive plan.~~

~~**Applicant Response:** The purpose of a variance is to provide relief from the strict application of certain regulations, such as side yard requirements, which would result in practical difficulties or unnecessary hardship. As stated above, the County requiring the Buildings to comply with the 20 foot side yard requirement pursuant to PCZO 112.430(A)(1)(a) would be unnecessary and result in economic hardship for the Applicant. The County granting the requested variance so that the Buildings can be repurposed for dry storage of equipment necessary for the transfer station is consistent with the intent and purpose of the ordinance. The berm and Buildings were constructed by the Owner and used as part of the dairy operation. As stated above, the County has interpreted the term "structure" under the PCZO broadly to include the existing berm surrounding the wastewater lagoon. The location of the proposed property line between the berm and the Buildings is necessary to comply with the required side yard for the berm pursuant to PCZO 112.430(A)(1)(a). However, the necessary location of said property line results in the Buildings being unable to comply with the 20 foot side yard requirement. The purpose of setbacks is to create a buffer area in order to mitigate any potential effects between adjacent uses. The berm surrounding the lagoon provides a barrier between the uses, in addition to the 20 foot setback between the berm and the proposed property line between the berm and the Buildings. The Buildings will be accessed by employees only and used for the dry storage of equipment which will not produce dust, noise, traffic, or other impacts which could affect the berm, lagoon, or other farm uses on the Farm Parcel. The lagoon is used to store wastewater and does not serve livestock or the public. The use of the Buildings and the lagoon for storage purposes are compatible uses. The requested variance for the North Building and South Building will not affect access to the berm or lagoon, use of the lagoon, or other farm uses on the Farm parcel. Applicant would be required to demolish the Buildings and then construct new buildings in order to comply with the side yard requirement pursuant to PCZO 112.430(A)(1)(a). The County granting Applicant's request for a variance for the North Building and South Building is in general harmony with the intent and purpose of the zoning ordinance by providing relief from the strict application of the side yard requirement for the Buildings, the strict application of which would result in practical difficulties and unnecessary economic hardship. As stated above in Section 2.1, the proposed transfer facility is consistent with the comprehensive plan which states that Polk County will pursue the development of a solid waste transfer station in the Dallas Rickreall area. The County granting Applicant's request for a variance for the Buildings will not adversely affect the comprehensive plan. This criterion is satisfied.~~

65 Non-Structural Floodplain Development Criteria and Proposed Findings

6.15.1 Chapter 178.060 Land Use Permit Procedures and Requirements

(A) A land use permit shall be obtained from the Polk County Community Development Department prior to commencement of the following types of development:

(2) Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map requires a ~~land use~~ land use permit. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Applicant Response: Non-structural floodplain development (excavation for construction of a stormwater management facility) is proposed within the 100-year floodplain associated with Rickreall Creek. Therefore, pertinent criteria from Chapter 178 will apply to the Project.

(B) The Planning Director is responsible for review and approval of all ~~land use~~ land use permit applications submitted for development and uses described in this section. The Planning Director shall determine that such development and uses meet the following requirements:

(1) The necessary permits for the proposed development have been obtained from those federal, state or local governmental agencies from which prior approval is required.

Applicant Response: The request for a non-structural floodplain development permit has been made concurrent with other applicable Polk County land use permits. All other state permits will be applied for in the appropriate sequence prior to the initiation of construction of operations. No federal permits apply to this Project.

(2) The proposed development will not adversely affect the flood carrying capacity of the floodplain. For purposes of this ordinance "adversely affect" means that the cumulative effects of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point.

Applicant Response: The proposed development in the floodplain would result in net removal of material in the 100-year floodplain, which would increase floodplain storage capacity. Please refer to the no net rise memo produced by a licensed engineer (Exhibit 13). As development in the 100-year floodplain would result in a net removal of material, there would be no downstream flood capacity impacts generated by this Project or cumulatively from other similar development requests as the amount of floodplain storage would increase through Project implementation.

(3) Development in the floodway requires compliance with the following provisions:

- a. Certification by a registered professional engineer or architect demonstrating that encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. If the above section is satisfied, all new construction and substantial improvements as identified in Section 178.060 (A) shall comply with all applicable flood hazard reduction provisions of Section 178.070.

Applicant Response: Development would only occur within the 100-year floodplain rather than the floodway. Therefore, these criteria do not apply. However, a no net rise memo was prepared by a licensed engineer that demonstrates that proposed development would not result in an increase of flood levels. Please refer to Exhibit 13 for more details.

(4) Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Approval of the land use/land use permit shall be based on the following provisions:

- a. Such development shall be consistent with the need to minimize flood damage;
- b. Such development shall have adequate drainage provided to reduce exposure to flood damage; and,
- c. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.

Applicant Response: The proposed non-structural floodplain development is limited to excavation for a stormwater management facility. The stormwater management facility itself is not at risk of damage by flooding and would contain drainage (overflow) to further reduce flood-related risks. Per the no net rise memo included as Exhibit 13, the proposed development in the floodplain would result in a benefit to the amount of floodplain storage given that the Project would result in a net removal of material.

Included in this analysis was a calculation to account for placement of past fill materials to ensure that floodplain storage capacity was analyzed more comprehensively. As documented in the no net rise memo, past placement of this material resulted in no material effect to potential floodplain storage as the material was placed following excavation. This resulted in a past balanced cut/fill activity.

- d. If located in the floodway, non-structural development shall meet the requirements of 178.060 (B)(3).

Applicant Response: No development would occur within the regulatory floodway; therefore, the requirements contained in 178.060(B)(3) do not apply.

(5) Alteration of a watercourse which is identified as a floodplain as shown on the Polk County Flood Insurance Rate Map requires a land use/land use permit. Prior to approving a land use/land use permit for the alteration of a watercourse, the Planning Director shall:

- a. Notify adjacent communities, adjoining property owners, and the Department of Land Conservation and Development prior to any alternation or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Applicant Response: The Applicant acknowledges that the Planning Director will provide notice to adjoining property owners as it relates to this permit application. Maintenance of the stormwater management facility will be required as part of the Project's operational stormwater permit (1200-Z) that will be issued by the Oregon Department of Environmental Quality.

76 Response to Comments

On March 26, 2025, the Polk County Board of Commissioners issued its decision approving the franchise application of ReHub Polk, a subsidiary of Apple Tree Holdings, LLC (the "**Board Decision**"). A public hearing on the franchise application was held on February 10, 2025 (the "**Franchise Hearing**"). During the Franchise Hearing, several people provided public comments regarding asserted procedural issues with the franchise application process and regarding impacts of the proposed waste facility.

Commenters raised the issue that the regional solid waste plan must be amended to approve Applicant's franchise application and the Polk County committed procedural error. As testified at the Franchise Hearing by Applicant's attorney, the franchise application was not a land use application. PCCO Chapter 70 does not implement the Oregon Statewide Planning Goals or the Polk County Comprehensive Plan. The Board Decision states that "the purpose of the franchise application process is to "evaluate whether or not Polk County should grant a solid waste facility franchise to ReHub Polk." The Board Decision did not grant any land use approvals for the proposed solid waste facility. The purpose of this application is to obtain the necessary land use approvals. Notice of the Franchise Hearing was proper. Polk County did not commit any procedural errors during the franchise application process.

Commenters raised concerns during the Franchise Hearing regarding the potential effect on property values and the highest and best use of the Subject Property. The effect on property values and the highest and best use of the Subject Property are not codified in state law or the Polk County Zoning Ordinance as an applicable criterion or approval standard for this application. The effect on property values is speculative and is not a potential impact which is considered in land use applications. The highest and best use of Subject Property is also not relevant to this application. The question at issue is not whether the proposed use is the preferred use by the surrounding residents, but whether the Applicant has satisfied the applicable approval criteria through the application materials or in the alternative can be satisfied with conditions of approval. Moreover, the applicable approval criteria address potential impacts to farm and forest uses but do not require Applicant to address potential impacts to properties zoned otherwise including residential and industrial zoned properties.

Commenters also raised general concerns during the Franchise Hearing related to potential impacts from the proposed solid waste facility such as traffic, noise, odor, light pollution, wildlife, environmental

impacts, and flooding. The Franchise Hearing was held prior to the submission of this application and was not the proper forum for such comments. Applicant addresses the potential impacts of the proposed facility in detail above and through the attached Exhibits including but not limited to the site plan. None of the commenters at the Franchise Hearing raised specific concerns that Applicant has not addressed in this application. Applicant will address future public comments related to this application as necessary, but at this time Applicant is confident that these application materials address any relevant issues that were raised during the franchise application process.

87 Conclusion

As demonstrated above, the Applicant's request complies with the relevant County criteria as set forth above. The Applicant respectfully requests that this Application be approved as submitted.

Exhibits

Exhibit 3A
ReHub Polk Transfer
Station Site Plan
 8845 Rickreall Rd
 Rickreall, OR 97371

Legend

- Property Boundary
- Property Boundary Setback
- Private Utility Easement (20 Ft Wide)
- Private Access Easement (40 Ft Wide)
- Woody Debris
- Building
- Proposed Building Removal
- Proposed Building
- Scale
- Stormwater Outfall Piping
- Proposed Stormwater Management Facility
- Existing Septic Drain Field
- Steel Tree
- Landscaping
- Sidewalk
- Lagoon
- Zoning Boundary
- Tax Lot
- Flood Zone (Adjusted)
- High Value Farm Soil

Site Data

Parcel Area: +/- 37.06 acres.
 Non-high value soil area: +/- 20.28 acres.
 Area outside/above floodplain: +/- 30.83 acres.

Note

Measurements shown in this figure are approximate and are not based on surveyed data.



Data Sources

Aerial photograph obtained from the Oregon Statewide Imagery Program; tax lot, zoning, soil and flood zone data obtained from Polk County; edge of lagoon berm delineated from lidar data.



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POLK COUNTY
 COMMUNITY DEVELOPMENT

Exhibit 3B **ReHub Polk Transfer Station** **Buildings and Parking Layout**

8845 Rickreall Rd
Rickreall, OR 97371

Legend

- Property Boundary
- Property Boundary Setback
- Private Utility Easement (20 Ft Wide)
- Private Access Easement (40 Ft Wide)
- Woody Debris
- Building
- Proposed Building Removal
- Scale
- Stormwater Outfall Piping
- Proposed Stormwater Management Facility
- Existing Septic Drain Field
- Street Tree
- Landscaping
- Sidewalk
- Lagoon
- Zoning Boundary
- Tax Lot
- Flood Zone (Adjusted)
- High Value Farm Soil

Site Data

Parcel Area: +/- 37.4 acres
Non-high value soil area: +/- 20.6 acres
Area outside/above floodplain: +/- 30.8 acres

Note

Measurements shown in this figure are approximate and are not based on surveyed data.

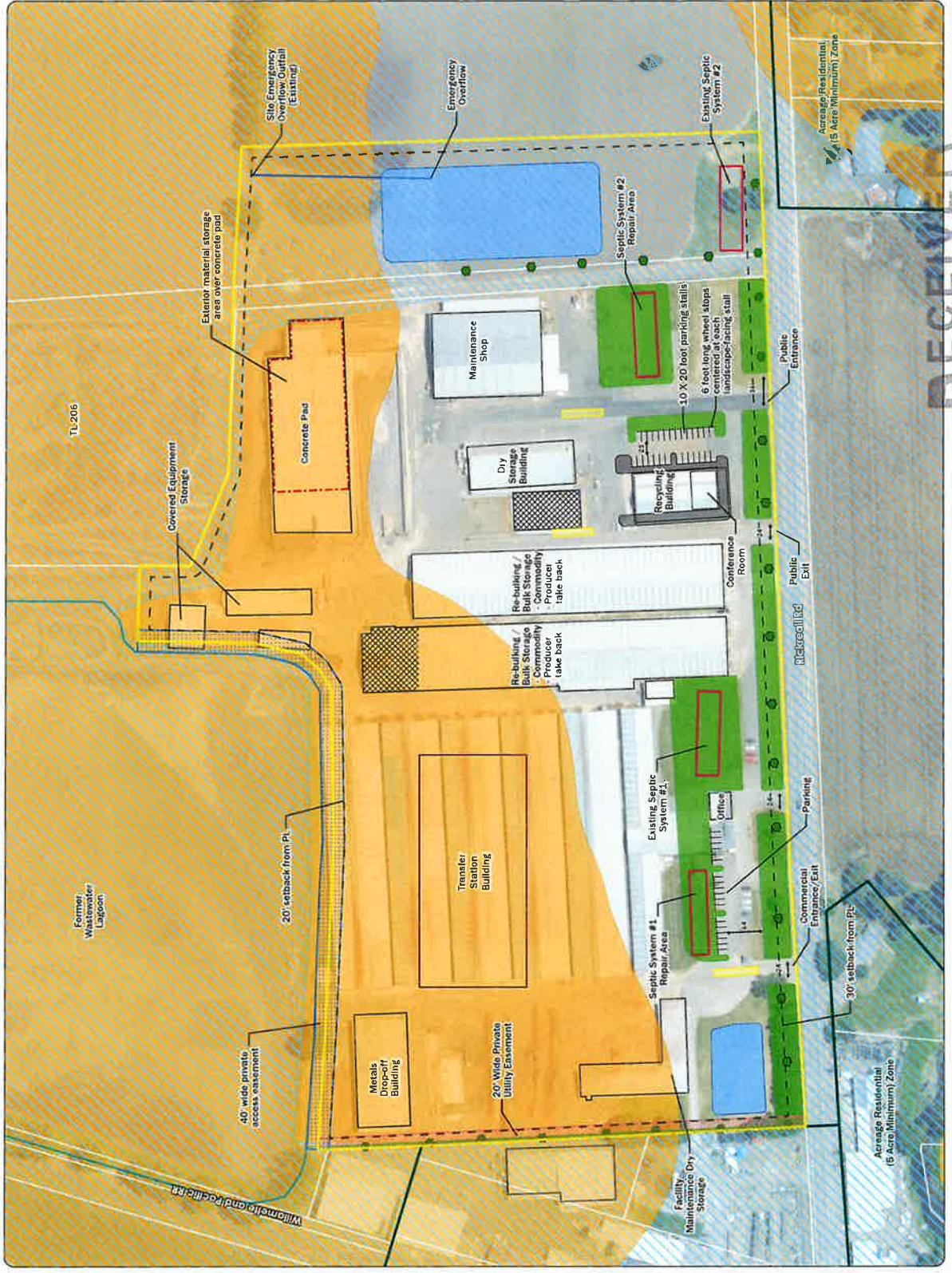


Data Sources

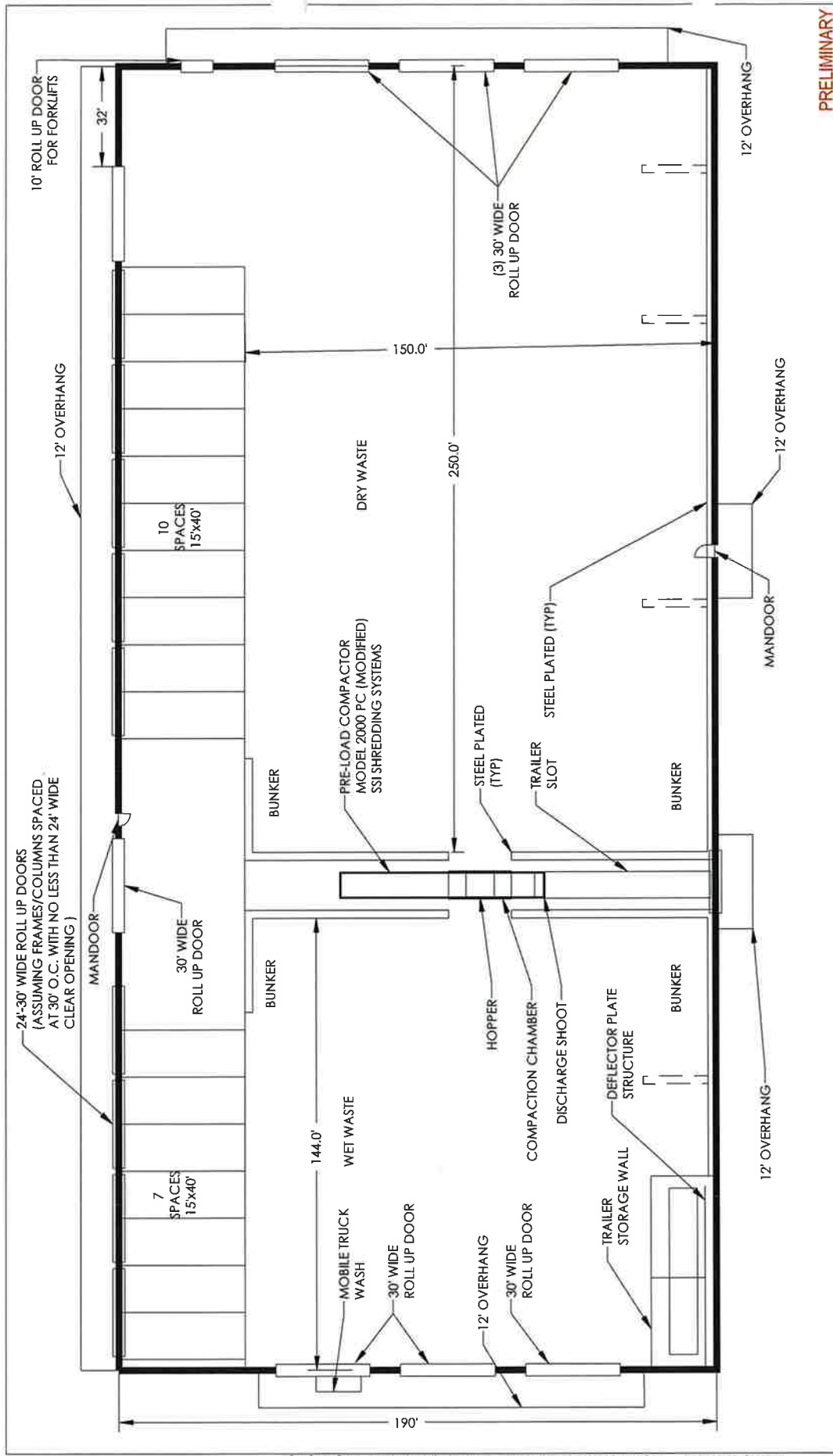
Aerial photograph obtained from the Oregon Statewide Imagery Program; tax lot, zoning, soil and flood zone data obtained from Polk County; edge of lagoon berm delineated from lidar data.



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 POLK COUNTY
 COMMUNITY DEVELOPMENT



PRELIMINARY

MFA JOB #: 1906.04.01
 ISSUE DATE: 02/21/2024
 CHECKED: C. GOKCOKA
 DRAWN: L. DANIEL
 MAUL FOSTER ALONG!
 3140 NE BROADWAY STREET
 PORTLAND, OR 97232
 PHONE: 971.544.2139
 www.maulfooster.com

CONCEPTUAL
TRANSFER STATION BUILDING LAYOUT

REHUB POLK

RICKREALL OR

JUN 30 2025

POLK COUNTY
COMMUNITY DEVELOPMENT



NOTE: BAR IS ONE INCH ON ORIGINAL
DRAWING. IF NOT ONE INCH ON THIS
SHEET, ADJUST SCALE ACCORDINGLY.

EXHIBIT
7B

LEGEND

- PUBLIC CUSTOMERS / COMMERCIAL NO ACCOUNT
- INERT MATERIAL / GREEN WASTE
- FRANCHISED HAULERS
- METAL DROP OFF
- RECYCLE CUSTOMERS
- LANDSCAPE
- EXISTING BUILDING

STRUCTURE NO	DESCRIPTION	AREA (SF)
1	RECYCLING BUILDING	11,250
2	MAINTENANCE SHOP	29,280
3	DRY STORAGE BUILDING	12,980
4	RE-BUILDING/BULK STORAGE	63,705
5	RE-BUILDING/BULK STORAGE	63,620
6	INERT MATERIAL / GREEN WASTE EQUIPMENT STORAGE	6,835
7	INERT MATERIAL / GREEN WASTE EQUIPMENT STORAGE	4,755
8	MATERIAL / GREEN WASTE EQUIPMENT STORAGE	2,830
9	TRANSFER STATION BUILDING	78,850
10	METAL DROP-OFF BUILDING	11,690
11	FACILITY MAINTENANCE DRY STORAGE	15,640
12	OFFICE	1,580

NOTES:
1. THIS PLAN WAS PREPARED TO PROVIDE TRAFFIC CIRCULATION WITH MIN NUMBER OF CROSSINGS.

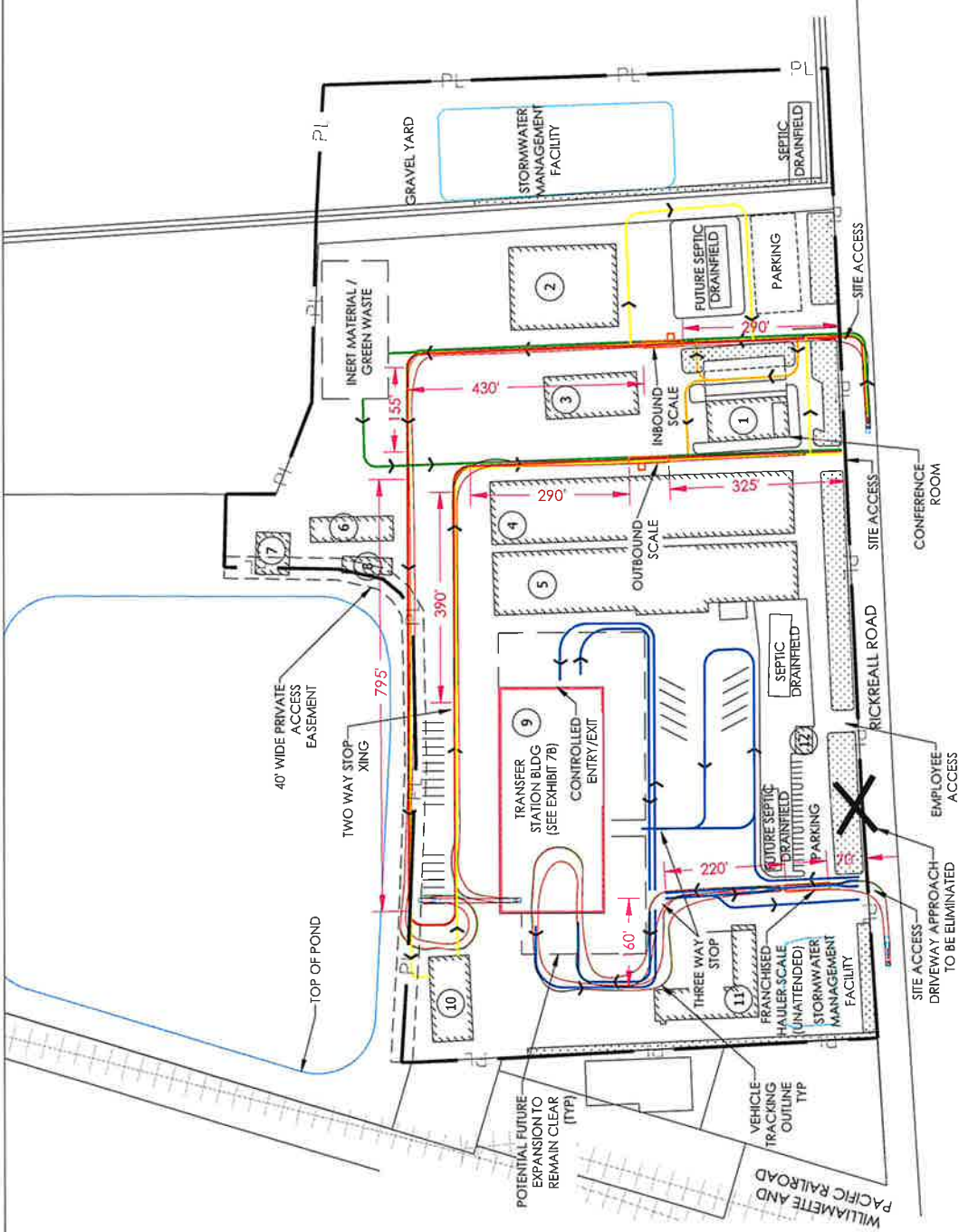


PRELIMINARY

EXHIBIT
7C



NOTE: BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALE ACCORDINGLY.

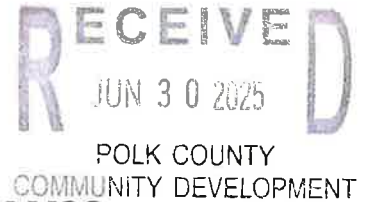


CONCEPTUAL
QUEUING LAYOUT
REHUB POLK
RICKREALL OR

RECEIVED
JUN 30 2025

POLK COUNTY
COMMUNITY DEVELOPMENT

MFA JOB # 19060401
ISSUE DATE 10/19/2024
CHECKED: C. GONCORA
DRAWN: L. DANIEL
MAUL FOSTER ALONGI
3140 NE BROADWAY STREET
PORTLAND, OR 97232
PHONE 971.344.2139
WWW.MFACORPORATION.COM



Technical Memorandum

To: Polk County Planning Division Date: June 27, 2025

From: Cem Gokcora, PE Project No.: M1906.04.004

Re: Proposed Rehub Polk Transfer Station development, Polk County, OR

No net rise analysis

This memo provides an explanation of the evaluation conducted for the Rehub Polk Transfer Station development located at 8845 Rickreall Rd, Rickreall, OR 97371 (the Site), Tax lot Number: 07429-00-00201 (see Attachment A: ReHub Polk Transfer Station Buildings and Parking Layout exhibit). On May 26, 2015 FEMA approved a Letter of Map Amendment Determination removing the special flood hazard area designation from the majority of the property. The far Eastern track remains within the Zone AE of the Special Flood Hazard Area (see attachment B FIRMette and associated letter of map amendment determination document for Case No. 15-10-0780A). The applicant is proposing a stormwater detention facility within this area, which requires a non-structural floodplain development permit. Based on this evaluation, it has been determined that the construction of the stormwater detention facility will not result in any increase in flood heights within the floodplain since there is no new fill proposed within the floodplain and the proposed pond will create additional storage.

To manage stormwater runoff from the Rehub Polk Transfer Station development, the applicant proposes constructing a stormwater management facility on the east side of the Site (see Attachment A). The total excavation for development of the stormwater pond is estimated to be approximately 11,180 cubic yards (cy). Excavated material will either be repurposed on site for site grading or blended for use in landscaping outside the floodplain, or it will be removed and disposed of at an off-site location. The proposed top bank of the stormwater facility would be at 186 feet, and the maximum water surface of the facility would be set at 185 feet, ensuring a minimum freeboard of one foot.

The proposed location of the stormwater management facility lies within the Special Flood Hazard Area, outside the floodway (see Attachment B). The stormwater management facility will be designed and constructed in accordance with the regulations specified in the Polk County Zoning Ordinance, Chapter 178 Floodplain Overlay Zone, article (B)(4) of Section 178.060 Land Use Permit Procedures and Requirements. No part of the proposed facility will extend above the mapped base flood elevation of 186 feet. The surface area of the top bank of the pond, elevation 186 feet, is 68,710 square feet, while the surface area at the maximum water surface elevation, 185 feet, is 61,970 square feet maintained by an overflow structure. The equation below, using the average end area method of volume calculation, yields the approximate volume of freeboard and the additional flood storage.

Equation 1. Freeboard capacity of the stormwater pond.

$$\left(\frac{68,710 \text{ sf} + 61,970 \text{ sf}}{2} \right) * (186 \text{ ft} - 185 \text{ ft}) = 65,340 \text{ cf} = 2,420 \text{ cy}$$

MFA's evaluation of the potential floodplain impacts includes those of an existing crushed rock-surfaced (gravel) area, located to the northeast corner of the proposed parcel, covering approximately 1.50 acres, which appears to have been placed around 2017 based on historical aerial imagery accessed via Google Earth (see Attachment C). Based on an interview with the property owner, the import volume is estimated to be about 1,700 cubic feet with an estimated 8-inch gravel layer thickness.

To assess potential floodplain impacts, we reviewed the grades adjacent to the gravel area in relation to the top surface elevation of the gravel. Our analysis indicates that the top surface of the gravel area is approximately flush with surrounding grades on all four sides, suggesting that the material was placed following excavation of the pre-existing surface to maintain consistent elevations and a smooth transition to adjacent land. Please refer to the attached Google Earth cross-sections and site photos in Attachment C for visual confirmation.

As there was no measurable change in surface elevation across the cross-sections, we conclude that the flood storage capacity of the floodplain remained unaffected compared to pre-import conditions. The amount of fill material placed was balanced by the amount of material removed, as evidenced by the unchanged grade level.

Attachments

Limitations

Attachment A—ReHub Polk Transfer Station Buildings and Parking Layout Exhibit

Attachment B—FIRMette (part of FEMA Map Panel #41053C0265F) and Letter of Map Amendment Determination Document (Removal)

Attachment C—Google Earth Imagery and Site Photos of the gravel area

Limitations

The services undertaken in completing this technical memorandum were performed consistent with generally accepted professional consulting principles and practices. No other warranty, express or implied, is made. These services were performed consistent with our agreement with our client. This technical memorandum is solely for the use and information of our client unless otherwise noted. Any reliance on this report by a third party is at such party's sole risk.

Opinions and recommendations contained in this technical memorandum apply to conditions existing when services were performed and are intended only for the client, purposes, locations, time frames, and project parameters indicated. We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this technical memorandum.

Attachment A

ReHub Polk Transfer Station Buildings and Parking Layout Exhibit



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8845 Rickreall Rd
Rickreall, OR 97371

	Property Boundary
	Property Boundary Setback (20 Ft Wide)
	Private Utility Easement (20 Ft Wide)
	Private Access Easement (40 Ft Wide)
	Woody Debris
	Building
	Proposed Building Removal
	Proposed Building
	Scale
	Stormwater Outfall Piping
	Proposed Stormwater Management Facility
	Existing Septic Drain Field
	Street Tree
	Landscaping
	Sidewalk
	Lagoon
	Zoning Boundary
	Tax Lot
	Flood Zone (Adjusted)
	High Value Farm Soil

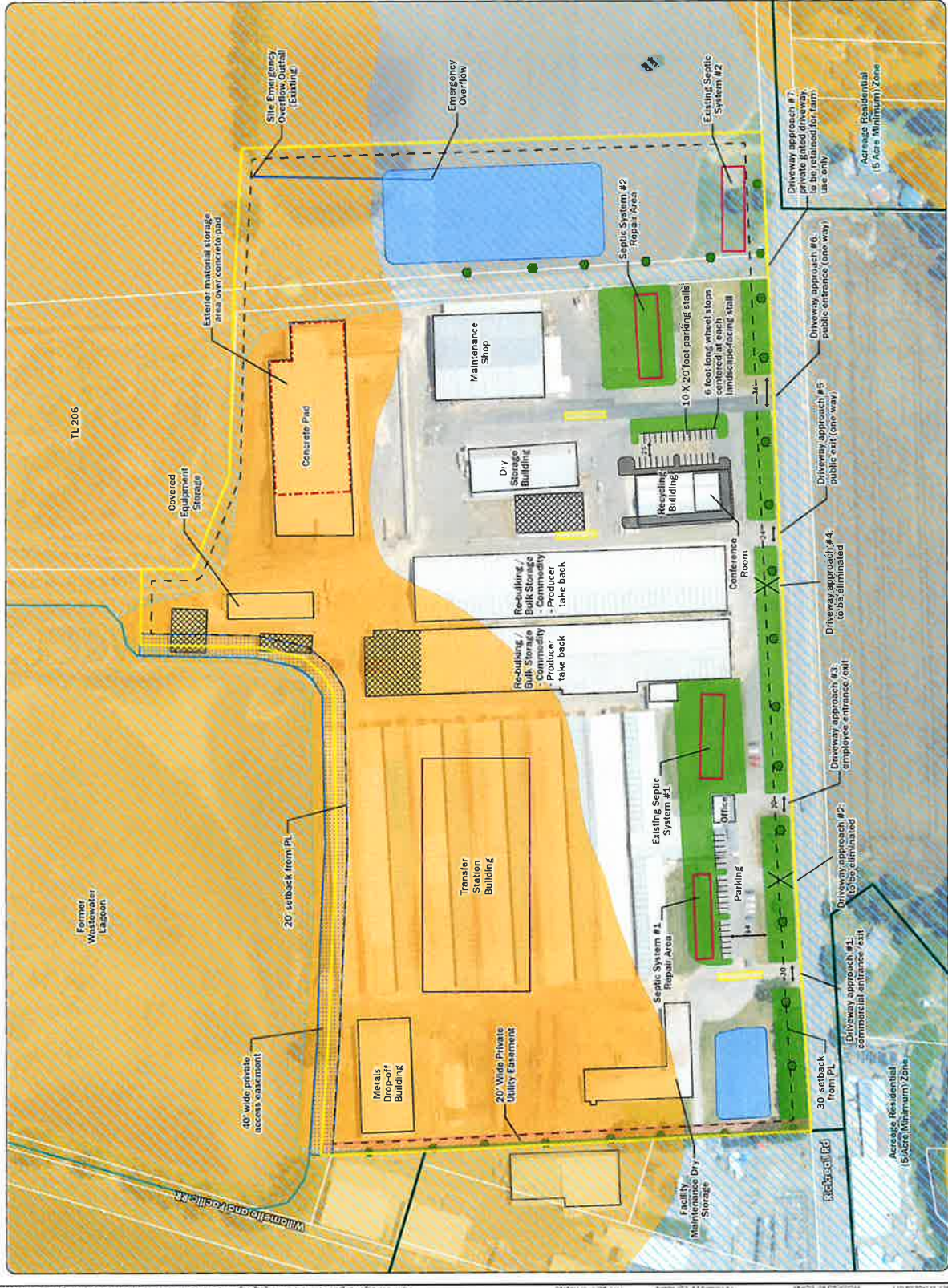
Measurements shown in this figure are approximate and are not based on surveyed data.

Data Sources
Aerial photograph obtained from the Oregon
Statewide Imagery Program; tax lot, zoning, soil and
flood zone data obtained from Polk County; edge of
lagoon berm delineated from lidar data.

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This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review it carefully, the primary duty and obligation, remains to ascertain the veracity of the information.

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Attachment B

FIRMette



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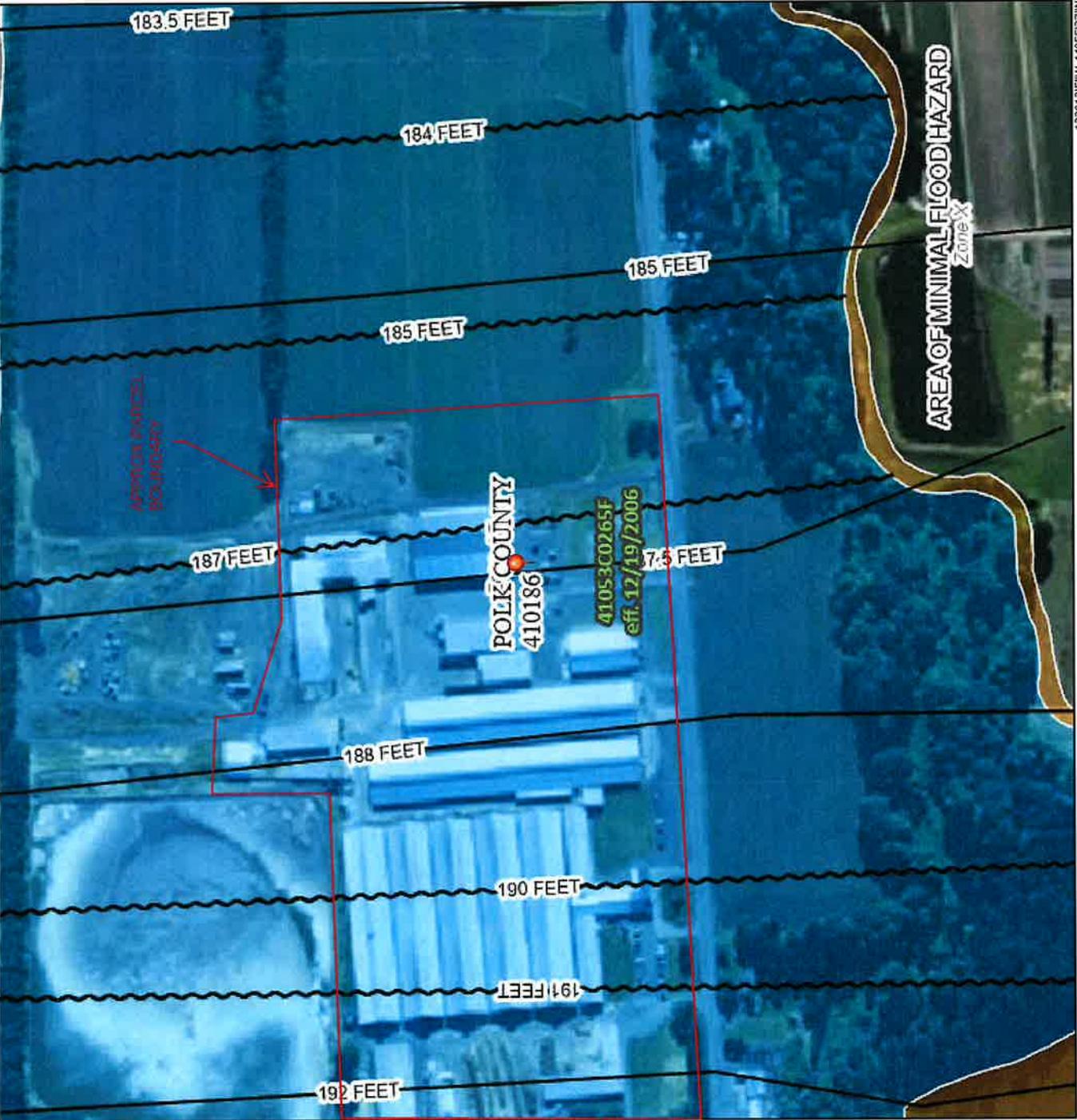
National Flood Hazard Layer FIRMette



Legend

123°12'43"W 44°56'2"N

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



SPECIAL FLOOD HAZARD AREAS



OTHER AREAS OF FLOOD HAZARD



OTHER AREAS



GENERAL STRUCTURES



Cross Sections with 1% Annual Chance



OTHER FEATURES



MAP PANELS



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/24/2024 at 3:26 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

123°12'5"W 44°55'37"N

Basemap Imagery Source: USGS National Map 2023



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	POLK COUNTY, OREGON (Unincorporated Areas)	A portion of Section 29, Township 7 South, Range 4 West, Willamette Meridian, as described in the Bargain and Sale Deed, recorded as Document No. 392610, in Book 293, Pages 1446, 1447, and 1448, in the Office of the County Clerk, Polk County, Oregon This Determination Document supersedes all previous determinations for the subject property. The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 410186	
AFFECTED MAP PANEL	NUMBER: 41053C0265F	
	DATE: 12/19/2006	
FLOODING SOURCE: RICKREALL CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 44.930, -123.210 SOURCE OF LAT & LONG: GOOGLE EARTH PRO DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	8845 Rickreall Road	Portion of Property	X (unshaded)	186.6 to 191.8 feet	--	187.2 to 193.2 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION
PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

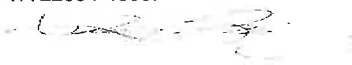
LEGAL PROPERTY DESCRIPTION (CONTINUED)

COMMENCING at the POINT OF BEGINNING being said 5/8" iron rod on the northerly right-of-way line of County Road No. 7426 (Rickreall Road) at the southwest corner of said Rickreall Dairy tract, being also the southeast corner of Parcel A, Partition Plat No. 1990-006, said County and State; thence leaving said right-of-way line, along the westerly line of said "Tract 1", and also the east line of Parcels A and B of said Partition Plat, N05°00'27"W 687.58 feet to a 5/8" iron rod at the northeast corner of said Parcel B; thence leaving said boundary, N02°26'47"W 197.57 feet; thence S87°56'10"E 411.35 feet; thence N87°56'56"E 348.86 feet; thence S86°59'53"E 82.81 feet; thence N26°35'37"E 83.22 feet; thence N01°11'19"E 130.40 feet; thence N04°37'53"E 127.37 feet; thence N61°48'57"E 65.05 feet; thence S23°03'03"E 84.28 feet; thence S09°13'35"E 104.17 feet; thence S77°21'32"E 129.65 feet; thence S82°55'48"E 101.21 feet; thence N89°28'07"E 103.20 feet; thence N85°45'00"E 98.99 feet; thence S48°05'02"E 44.10 feet; thence S18°00'08"E 72.37 feet; thence S09°09'42"E 79.36 feet; thence S06°45'21"E 743.21 feet to a 5/8" iron rod; thence along said right-of-way line S86°05'21"W 597.71 feet; thence leaving said right-of-way line N03°54'39"W 79.20 feet; thence N05°21'12"W 580.00 feet; thence N84°38'48"E 155.00 feet; thence S05°21'12"E 580.00 feet; thence S84°38'48"W 155.00 feet; thence S03°54'39"E 79.20 feet to said northerly right-of-way line; thence continuing along said right-of-way line S86°05'21"W 533.83 feet; thence continuing along said right-of-way line S85°03'43"W 387.89 feet to the POINT OF BEGINNING; containing 28.87 acres, more or less.

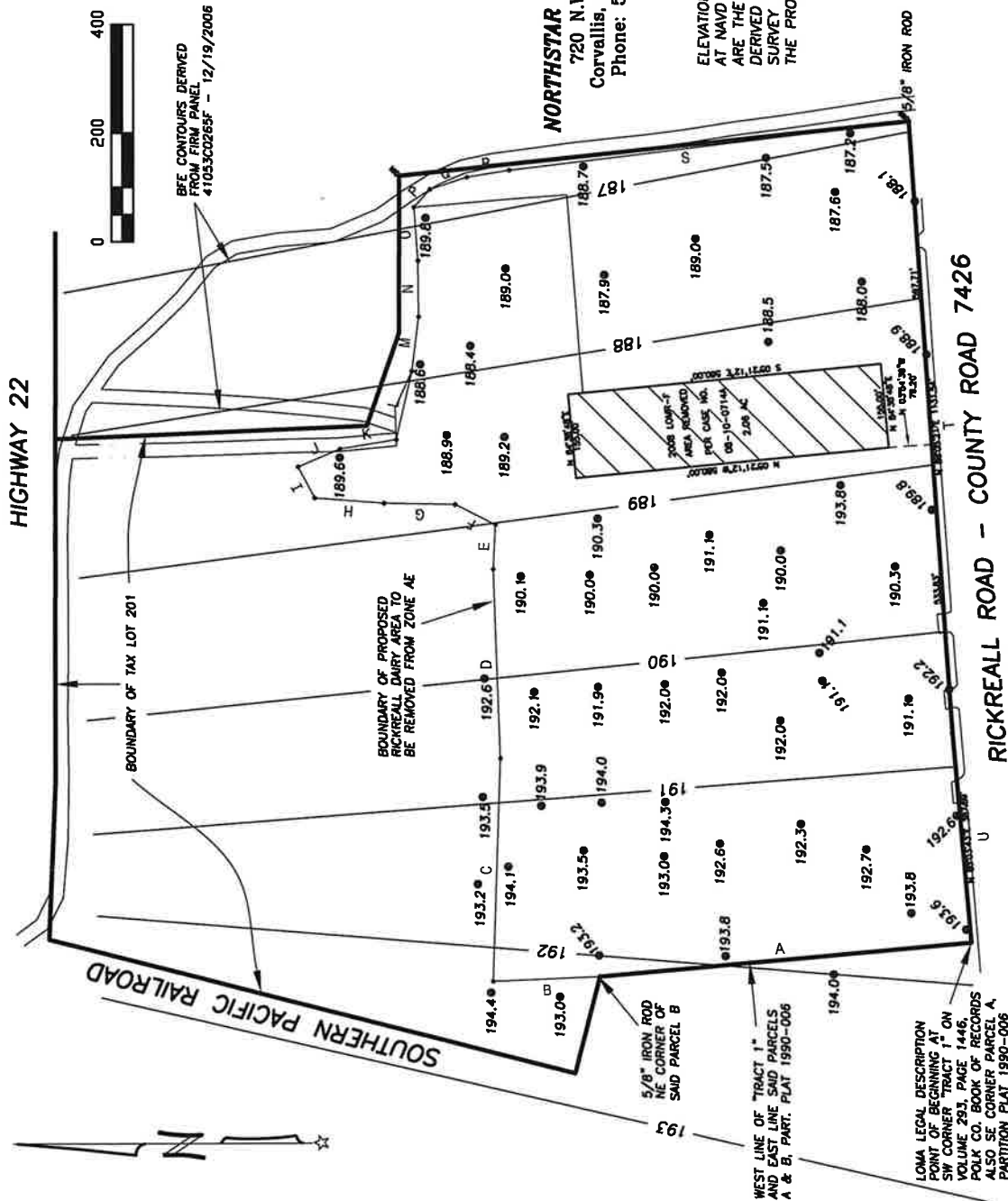
PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.


Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

HIGHWAY 22



Course	Bearing	Distance
A	N 05°00'27" W	687.58'
B	N 02°26'47" W	197.57'
C	S 87°56'10" E	411.35'
D	N 87°56'56" E	348.86'
E	S 86°59'53" E	82.81'
F	N 26°35'37" E	83.22'
G	N 01°11'19" E	130.40'
H	N 04°37'53" E	127.37'
I	N 61°48'57" E	65.05'
J	S 23°03'03" E	84.28'
K	S 09°13'35" E	104.17'
L	S 77°21'32" E	129.65'
M	S 82°55'48" E	101.21'
N	N 89°28'07" E	103.20'
O	N 85°45'00" E	98.99'
P	S 48°05'02" E	44.10'
Q	S 18°00'08" E	72.37'
R	S 09°09'42" E	79.36'
S	S 06°45'21" E	743.21'
T	S 86°05'21" W	1131.54'
U	S 85°03'43" W	387.89'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

NORTHSTAR SURVEYING, INC.

720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9060

OREGON
JULY 13, 1979
THEODORE JAMES LANGTON
1823

RENEWS: 12/31/2016

ELEVATIONS ARE BASED UPON BENCH MARK QE-514 AT NAVD 88 DATUM. THE SPOT ELEVATIONS SHOWN ARE THE LOWEST POINTS BETWEEN EACH OF THE DERIVED BFE CONTOUR LINES. A TOPOGRAPHIC GROUND SURVEY WAS PERFORMED TO BE ABLE TO GENERATE THE PROPOSED REMOVAL AREA BOUNDARY.

SITE PLAN FOR RICKREALL DAIRY LLC

8845 RICKREALL ROAD

RICKREALL, OREGON 97371

TAX LOT 201, ASSESSOR'S MAP 7-4-29

MARCH 24, 2015

REVISED MAY 12, 2015

RICKREALL ROAD - COUNTY ROAD 7426

LOMA LEGAL DESCRIPTION
POINT OF BEGINNING AT
SW CORNER TRACT 1 ON
VOLUME 293, PAGE 1446,
POLK CO. BOOK OF RECORDS
ALSO SE CORNER PARCEL A,
PARTITION PLAT 1990-006

5/8" IRON ROD
NE CORNER OF
SAID PARCEL B

WEST LINE OF TRACT 1*
AND EAST LINE SAID PARCELS
A & B, PART. PLAT 1990-006

BOUNDARY OF PROPOSED
RICKREALL DAIRY AREA TO
BE REMOVED FROM ZONE AE

BOUNDARY OF TAX LOT 201

BFE CONTOURS DERIVED
FROM FIRM PANEL
41053C0265F - 12/19/2006

Attachment C

Google Earth Imagery and Site Photos



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Aerial Imagery and Site Photos

Project Name: Rehub Polk
Project Number: M1906.04.003
Location: 8845 Rickreall Rd, Rickreall, OR 97371

Photo No. 1.

Description

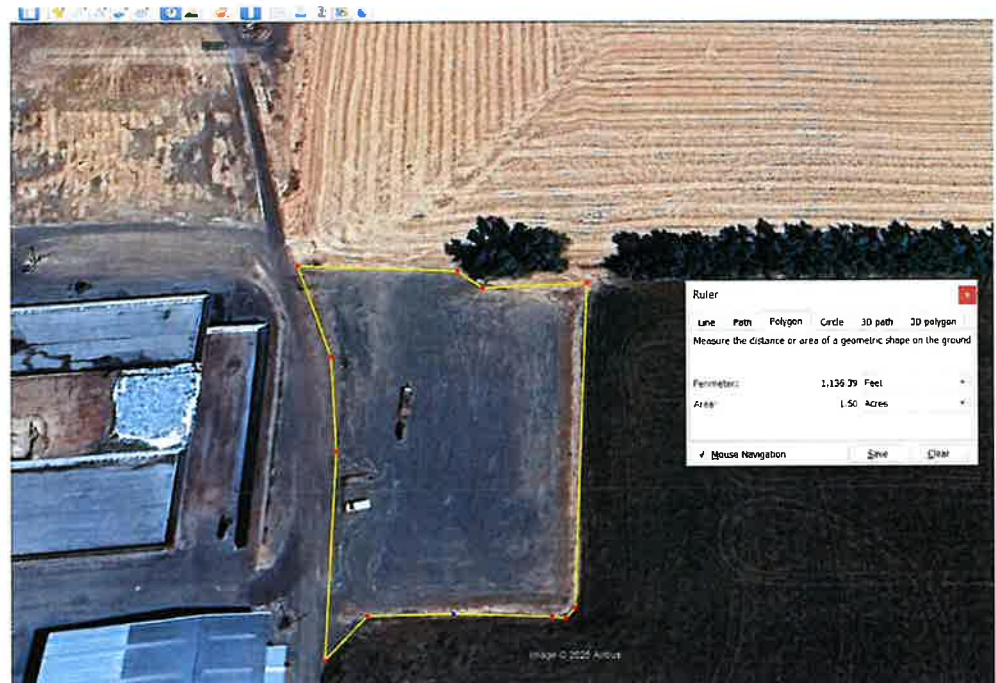
Google Earth Imagery - showing the preparation work for gravel import - aerial image dated July 2016.



Photo No. 2.

Description

Google Earth Imagery - showing the gravel area limits - aerial image dated July 2024.





Aerial Imagery and Site Photos

Project Name: Rehub Polk
Project Number: M1906.04.003
Location: 8845 Rickreall Rd, Rickreall, OR 97371

Photo No. 3.

Description

Google Earth Imagery with approximate ground elevation along North-South cross-section – July 2024.



Photo No. 4.

Description

Google Earth Imagery with approximate ground elevation along West - East cross-section – July 2024.





Aerial Imagery and Site Photos

Project Name: Rehub Polk
Project Number: M1906.04.003
Location: 8845 Rickreall Rd, Rickreall, OR 97371

Photo No. 5.

Description

South edge of gravel area from SW corner showing top of gravel flush with surrounding grades – June 2025.



Photo No. 6.

Description

West edge of gravel area from SW corner showing top of gravel flush with surrounding grades – June 2025.





Aerial Imagery and Site Photos

Project Name: Rehub Polk
Project Number: M1906.04.003
Location: 8845 Rickreall Rd, Rickreall, OR 97371

Photo No. 7.

Description

North and West edge of gravel area from NW corner showing top of gravel flush with surrounding grades - June 2025.





Habitat Assessment for the Proposed ReHub Polk Transfer Station in Polk County, Oregon

Prepared for: Maul Foster & Alongi
Prepared by: Turnstone Environmental Consultants, Inc.
Date: November 1, 2024, Revised June 6, 2025

INTRODUCTION

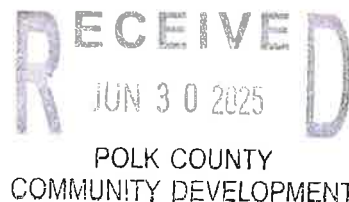
The applicant retained the services of Turnstone Environmental Consultants, Inc., ("Turnstone") to assess the riparian habitat on a parcel of land (subject property) in Polk County, Oregon. The situs address of the subject property is 8845 Rickreall Road, Rickreall, Oregon. The applicant is proposing to repurpose the Rickreall Dairy into a solid waste and recycling transfer site (proposed project), by demolishing some of the existing buildings and building new Transfer Station Building and stormwater management facilities. The project site is situated on a low floodplain terrace.

The Federal Emergency Management Agency (FEMA) has requested that the applicants provide a habitat assessment for proposed activities within the floodplain. For FEMA to remain in compliance with the Endangered Species Act of 1973 (ESA), the applicant must show how the will not result in adverse effects to floodplain functions that support ESA-listed species and provide appropriate compensatory mitigation as necessary to ensure the project will not result in adverse impacts.

PROJECT DESCRIPTION

Project Location

The subject property is situated in the southwest quarter of Section 29 of Township 7 South, Range 4 West (Figure 1, Figure 2).



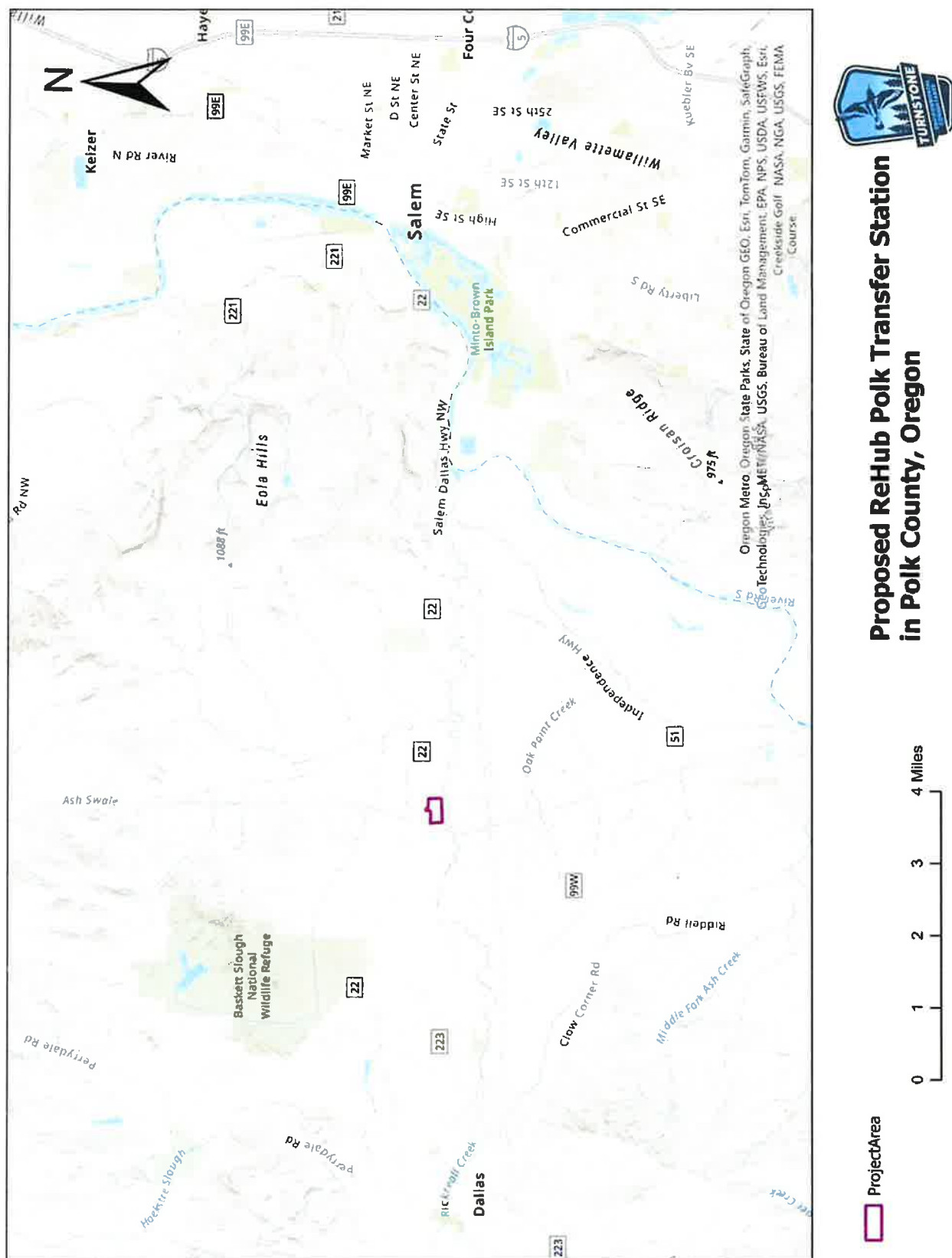


Figure 1. Overview of the Rickreall Dairy Property in Polk County



- Township and Range Quarter Sections
- Proposed Stormwater Management Facility
- Existing Septic Drain Field
- Proposed Building Removal
- Existing Building
- Proposed Building

0 100 200 400 600 800 1,000 Feet



Proposed ReHub Polk Transfer Station in Polk County, Oregon

Figure 2. Overview of Proposed ReHub Polk Transfer Station

Rickreall Road is on the southern edge of the subject property. Rickreall Creek (Reach #17090007000079) is a small, low-gradient, perennial stream with a meandering channel within the Middle Willamette Hydrologic Unit (#17090007). This creek is located approximately 150 feet south of Rickreall Road at the nearest point (Figure 4). The Floodplain Management Overlay Zone is divided into two subzones, the floodway and the floodway fringe. The subject property is in the floodway fringe (also known as the floodplain) in an area on Flood Insurance Rate Maps designated as Zone AE. The floodway fringe is a "Special Flood Hazard Area (SFHA)", which means the land in the floodplain has a one percent or greater chance of flooding in any given year, commonly referred to as the "100-year floodplain". Rickreall Creek has an associated floodplain that can expand during periods of high flow, which extends north to Willamina-Salem Highway 22. The Rickreall Dairy site was previously removed from the SFHA.

Rickreall Creek's flow regime is seasonally influenced by rainfall patterns, with higher flows during the winter months and lower flows in the summer. A riparian corridor with well-established vegetation occurs within 100 to 300 feet of the creek's edge, which plays a crucial role in stabilizing banks, filtering pollutants, and providing habitat for wildlife. Agricultural practices in the surrounding area have modified parts of the creek, impacting its natural flow and sediment dynamics. These hydrogeomorphic characteristics contribute to the creek's ecological functions and its importance within the local landscape.

Rickreall Creek serves as important habitat for several ESA-listed fish species, native to the Pacific Northwest. However, Rickreall Creek does not contain designated critical habitat for any ESA-listed fish species. The Oregon Department of Fish and Wildlife (ODFW) lists this segment of the Rickreall Creek as being habitat for the following ESA-listed fish species:

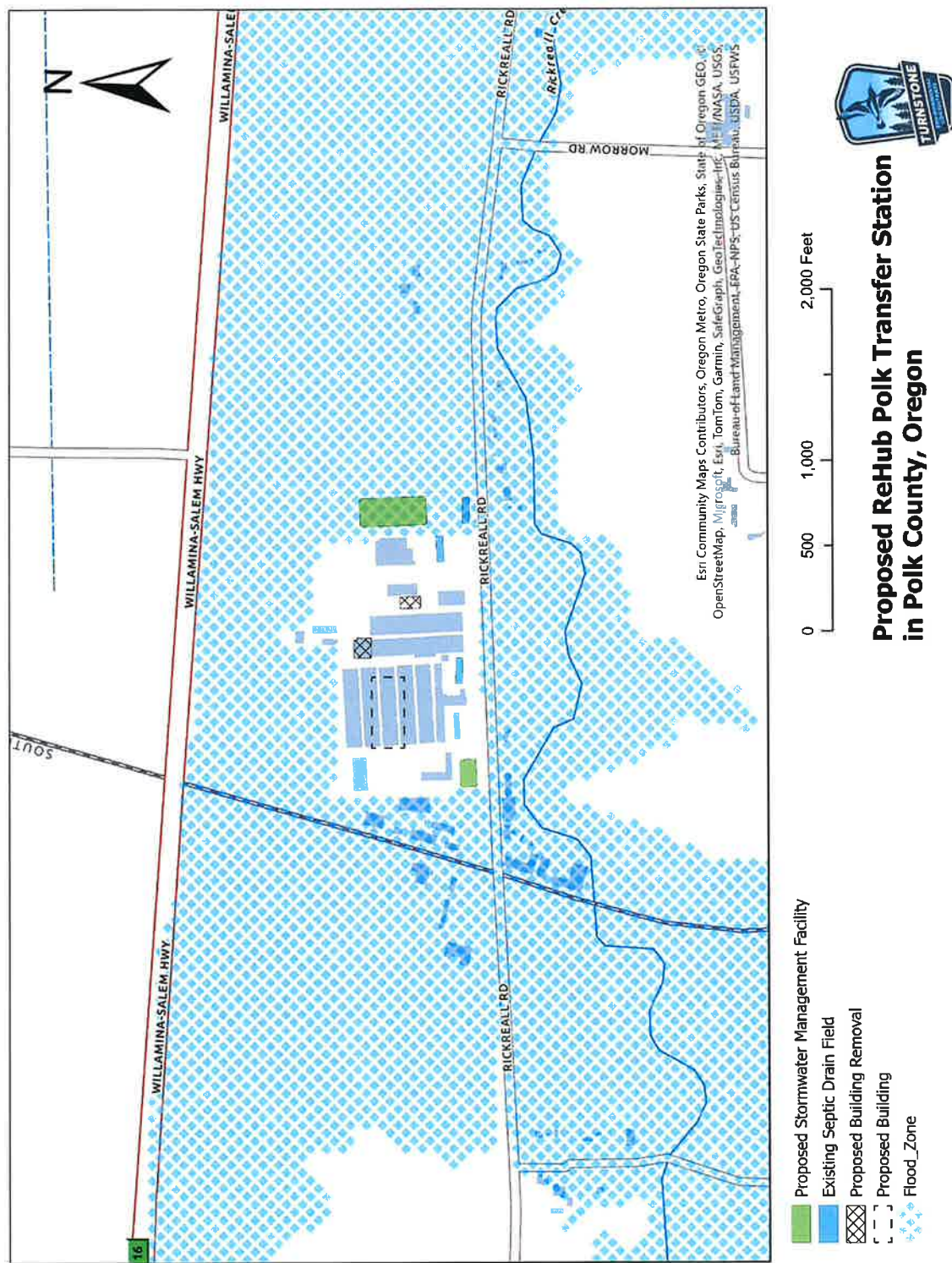
- Migration and rearing habitat for native winter-run Steelhead (*Onchyrhynchus mykiss irideus*)
- Rearing habitat for native, mixed (hatchery/wild natural), spring-run Chinook (*O. tshawytscha*)
- Rearing habitat for native, mixed (hatchery/wild natural), Coho salmon (*O. kisutch*)

Rickreall Creek provides suitable conditions for rearing and migrating fish, particularly for species like the Coho salmon and Steelhead trout. The creek's slower-moving sections rearing habitats for juvenile fish, providing shelter from predators and abundant food sources.

Rickreall Creek's connection to larger waterways, like the Willamette River, is essential for the migratory patterns of fish. Unimpeded access allows for the movement of adult fish to spawning grounds and juvenile fish to ocean environments. The eastern portion of the subject property, outside of the Rickreall Dairy property, contains pasture area, which drains to the northwest (Figure 3).



Figure 3. Project Area Where the Stormwater Detention Pond is Proposed





Proposed Action within the Floodplain

The applicant proposes to construct a 5- to 7-foot-deep lined stormwater detention pond over an area of approximately 70,000 square feet, generating approximately 15,000 cubic yards of excavation. No fill is proposed above the 100-yr floodplain elevation. An 8- or 12-inch underground stormwater piping is proposed for overflow discharge, starting from the north end of the pond and terminating at the existing stormwater ditch north of the site.

The proposed project included the addition of six trees within the floodplain near the stormwater detention pond. The site plan is included in Appendix A.

FLOODPLAIN FUNCTION

Water Quantity and Quality

The proposed project would not result in adverse effects to floodplain functions that support ESA-listed species using the Rickreall Creek as rearing and migration habitat near the subject property.

No compensatory mitigation is necessary to ensure the proposed project will not result in adverse impacts, because the removal of native soil will not significantly impact water quality and quantity within the SFHA. This claim is supported by the following details about the proposed project:

- The proposed project will not create any new impervious surfaces within the floodway, significantly change surface water drainage patterns, or groundwater recharge areas, essentially mimicking the pre-project water pattern
- The vegetated buffer between the new fill and the rearing and migration habitat would act as a screen for any pollutants and/or sediment from construction-related activities
- Storm water would continue to leave the site with or below pre-development frequency, timing, and duration
- Flood velocities and volumes would not significantly increase

Flood Storage Capacity

The proposed project would increase flood storage capacity by approximately 70,000 cubic yards. In a theoretical flood event that is 1-foot-deep, the additional stormwater management facility would remove increase storage, without the threat of entrapping fish.

The proposed project would not significantly obstruct the flow of water or increase flood heights, or significantly increase flood velocities, or alter the existing surface water drainage patterns.

Riparian Vegetation

The proposed project will not adversely impact ESA-listed species through the removal of vegetation from the floodplain, because no vegetation removal is proposed. The installation of six trees in the floodplain would provide an ecological benefit.



FISH HABITAT

The proposed project will not directly impact ESA-listed species habitat for the following reasons:

- No proposed in-water work will require any dewatering or fish salvage activities

The proposed project will not indirectly impact ESA-listed species for the following reasons:

- The water quality and quantity, as well as the flood storage capacity, will not be disturbed
- No vegetation will be removed, thus not decreasing the recruitment of large woody debris
- Six trees will be planted within the floodplain to increase riparian vegetation
- No proposed in-water work will alter in-stream habitat and refugia from high-velocity water
- All work is far from the fish habitat (over 200 feet) and is not expected to increase sediment
- The proposed project would not result in any fish habitat isolation, bank armoring, or channel straightening

CONCLUSION

The proposed project was specifically designed to have no impacts on the ecosystem functions of floodplains, by the following practices:

- Placing a new building on an existing high point on the property outside of the mapped floodplain
- Creating a stormwater management facility that may structurally displace flood waters, but also provides storage and delay for floodwaters without entrapping or isolating fish
- No new impervious surfaces within the floodway
- All proposed work is located greater than 200 feet from the top of the bank adjacent to Rickreall Creek, which is rearing, and migration habitat for ESA-listed fish species.

The proposed project would provide an ecological benefit by increasing riparian vegetation and not causing a negative effect on ESA-listed fish, their habitat, or surrounding properties by changing the flow of flood waters or increasing flood elevations in the immediate vicinity, because it preserves the natural flood mitigation functions of floodplains.



APPENDIX A: REHUB POLK TRANSFER STATION SITE PLAN

Exhibit 3A
ReHub Polk Transfer
Station Site Plan
 8845 Rickreall Rd
 Rickreall, OR 97371

Legend

- Property Boundary
- Property Boundary Setback
- Private Utility Easement (20 Ft Wide)
- Private Access Easement (40 Ft Wide)
- Woody Debris
- Building
- Proposed Building Removal
- Proposed Building
- Scale
- Stormwater Outfall Piping
- Proposed Stormwater Management Facility
- Existing Septic Drain Field
- Street Tree
- Landscaping
- Sidewalk
- Lagoon
- Zoning Boundary
- Tax Lot
- Flood Zone (Adjusted)
- High Value Farm Soil

Site Data

Parcel Area: +/- 37.4 acres.
 Non-High Value soil area: +/- 20.6 acres.
 Area outside above floodplain: +/- 30.8 acres.

Note

Measurements shown in this figure are approximate and are not based on surveyed data.



Data Sources

Aerial photographs obtained from The Oregon Statewide Imagery Program; tax lot, zoning, soil and flood zone data from Marion County; edge of lagoon from delineated from lidar data.



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This plan is for informational purposes only and does not constitute a contract. The user of this plan is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user of this plan is also responsible for obtaining all necessary data and information to ensure the accuracy of the plan. The user of this plan is also responsible for obtaining all necessary data and information to ensure the accuracy of the plan.





Photo credits: J. Bettis, D. Day

Turnstone Environmental Consultants, I

PO Box 83362

Portland, OR 97283

February 2025



Statement of Qualifications

**Environmental Compliance &
Permitting Services**

Table of Contents

Introduction.....	1
Background Experience	1
Wildlife Services - ESA Consultation and Special-Status Species.....	1
Habitat Assessments.....	3
Aquatic Resource (Wetland and Waterways) Services.....	3
Botanical Services	5
Water Quality Monitoring Services	5
Project Highlights	6
Team Experience	9
Tom Williamson, President & Co-founder, Principal Wildlife Biologist	9
Jeff Reams, CEO & Co-founder, Principal Wildlife Biologist.....	9
Stephanie James, M.S., Ecologist	9
Joe Bettis, Botanist/Wetland Ecologist	10
Devin Sahl, Wildlife Biologist.....	10
Sarah McCord, Wildlife Biologist & Data Specialist.....	10
Paula Graff, M.S., Wildlife Biologist	11
Figure 1. Turnstone Biologists Collecting Data on Terrestrial and Aquatic Amphibians and Nesting Raptors in the Bonneville-Hood River Transmission Line Right-of-Way	2
Figure 2. Turnstone Ecologists Assessing Wetland and Waterway Habitat in Oregon	4
Figure 3. Turnstone Botanist Conducting Surveys in Oregon.....	5

INTRODUCTION

Turnstone Environmental Consultants, Inc. (Turnstone) is a leading provider in the Northwest of natural resource services to a wide range of industries, landowners, and government agencies. Turnstone has over 100 years of combined experience delivering environmental consulting services in a wide range of projects and settings. Our services include gathering ecological data for wildlife and botanical communities, identifying jurisdictional boundaries and mitigation opportunities for aquatic resources, creating biological assessments for compliance with the Endangered Species Act (ESA), assessing environmental impacts for compliance with the National Environmental Policy Act (NEPA), and providing various forms of environmental documentation to assist with local state and county authorizations. It is the firm's goal to integrate science, quality, and innovation to meet client needs in today's changing landscapes based on the following management principles and practices:

- ❖ Conduct the highest quality natural resource inventories, assessments & impact analysis ❖
- ❖ Foster positive and lasting working relationships with our clients & project teams ❖
- ❖ Support and assist our clients through the regulatory process ❖
- ❖ Provide objective, professional & scientific results in clear & concise reports ❖
- ❖ Develop sustainable options to promote sound stewardship of urban & natural environments ❖

These seemingly simple objectives have helped us build and maintain an excellent reputation, both with our clients and also with our employees. The practice of our core principles has enabled Turnstone to gain significant experience managing projects of the type and scale proposed, resulting in a proven track record of offering high-quality work products delivered on time.

BACKGROUND EXPERIENCE

Turnstone has a wide range of experience throughout Oregon, Washington, California, Montana, Idaho, and Alaska. Our results-oriented approach, founded on many years of experience, helps clients identify any biological resource issues early in the design phase, avoid critical impacts where possible, comply with regulations, expedite consultation, and ultimately carry the project through to successful compliance and authorization. Turnstone prides itself on not only preparing technically sound and defensible environmental documents but also ensuring the scope and level of environmental analysis is commensurate with the nature of the project.

Wildlife Services - ESA Consultation and Special-Status Species

Turnstone's greatest strength is studying special-status species, the primary focus of the company since its inception in 1996. Turnstone conducts field surveys for a variety of sensitive species, including federally- and state-listed threatened and endangered species, for clients ranging from small private landowners, city, county, and state agencies to federal land managers, such as the U.S. Department of Agriculture Forest Service (USFS) and Bureau of Land

Management (BLM). Our ecologists develop and implement unique sampling designs and conduct surveys according to the appropriate agency-endorsed survey protocols.



Figure 1. Turnstone Biologists Collecting Data on Terrestrial and Aquatic Amphibians and Nesting Raptors in the Bonneville-Hood River Transmission Line Right-of-Way

Turnstone has unrivaled experience conducting biological and abiotic monitoring and data analysis for terrestrial and aquatic communities, including but not limited to conducting surveys for amphibians, raptors, macroinvertebrate, and fish species, as well as conducting aquatic resource functional assessments, stream channel assessments, and water quality measurements. Our areas of expertise include analysis of baseline conditions and potential impacts to wildlife habitat, identification and mapping unique or rare ecosystems, development of mitigation strategies for offsetting unavoidable impacts, and objective and succinct data analysis and reporting. Turnstone conducts trainings for all field personnel on a regular basis. Project managers ensure baseline environmental data are accurately collected in strict accordance with pre-approved study plans, delivered on time, and include a quantitative assessment of the current condition and long-term trends.

Turnstone is experienced in preparing biological assessments for the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries, biological evaluations for the USFS, and other environmental assessments that document baseline conditions, affected environments, and avoidance and mitigation measures regarding the potential effects of proposed actions on protected resources.

Project highlights include:

- *Biological Assessments for northern spotted owl, Kincaid's lupine, Canada lynx, grizzly bear, wolverine, bull trout, and other species for Western Federal Highways projects in the Oregon Cascades, Idaho, and Montana*
- *Northern spotted owl and marbled murrelet surveys for clients in Oregon and Washington, including Oregon Department of Forestry (ODF), BLM, USFS, and private timber companies – over 6,000 murrelet survey visits and 80,000 calling station visits for spotted owl in the past three years, including two projects in Wasco County, Oregon*



- *Terrestrial mollusk and amphibian surveys on over 5,000 acres in the Mount Hood, Willamette, and Gifford Pinchot national forests and BLM lands across multiple projects, including in Clackamas, Hood River, and Wasco counties*
- *Streaked horned lark monitoring for the U.S. Army Corps of Engineers and surveys/analysis for BPA projects, including the Salem-Albany and Lane-Wendson transmission line rebuild projects*
- *Wildlife surveys on nearly 10,000 acres between several proposed wind energy projects in Oregon and Washington, including surveys for western gray squirrels, marbled murrelets, spotted owls, northern goshawks, and migrating raptors and birds.*
- *Habitat assessments for ESA-listed species on almost 150,000 acres to prepare a biological assessment for a proposed pipeline; involving coordination with multiple land managers to collate existing and newly collected biological data for landscape-level habitat analyses*

Habitat Assessments

Turnstone has provided assessments for native plant and wildlife habitats for site-specific and landscape-level analyses throughout the Pacific Northwest. Habitat assessments provide a framework for describing the existing conditions of plant and wildlife communities within and adjacent to project boundaries, determining potential impacts to these communities from proposed projects, and developing mitigation measures and/or management plans to address these potential impacts. Turnstone biologists collaborate with our clients and permitting agencies to create and implement comprehensive habitat assessment study plans that meet project objectives and comply with federal, state, and local protocols.

Project highlights include:

- *Classification of wildlife habitat types and analysis of likelihood of presence within the 425-acre study area of a hydroelectric project in the Central Oregon Cascades*
- *ESA-listed species habitat assessment on over 1,600 forest stands in the Elliot State Forest using three separate methodologies for Oregon Department of State Lands (DSL)*
- *Habitat assessments for an extensive research and inventory project on four properties totaling 6,450 acres in southern Oregon*
- *Ecological assessment for Portland Metro's land protection and restoration program, which included assessing the geography, current land use and land cover patterns, natural resources, and the biodiversity conservation and restoration potential of an area and summarized the conservation opportunities and barriers as they apply to the goals defined in a recent bond measure*

Aquatic Resource (Wetland and Waterways) Services

Turnstone provides a broad spectrum of services for jurisdictional wetlands and non-wetland waterways, including preparing preliminary wetland determinations, comprehensive wetland delineations, permit applications for activities affecting aquatic resources, and developing



strategies for the implementation and monitoring of mitigation actions. Additionally, Turnstone regularly conducts the field and desktop components of functional assessments using best professional judgement (BPJ) method, the Oregon Rapid Wetland Assessment Protocol (ORWAP), and the Stream Function Assessment Method (SFAM).

The wetland team at Turnstone has over 20 years of combined experience delineating and assessing wetlands throughout Oregon and Washington. Each year, Turnstone completes numerous wetland delineations and joint permit application projects for clients, large and small. We have established excellent working relationships with regulatory agency personnel on various jurisdictional levels. Projects range from small-scale wetland delineations to mid-sized development projects, to extensive federal infrastructure projects. Turnstone staff are up to date on the latest agency requirements through regular attendance at trainings, workshops, and conferences. Turnstone's wetland staff maintain membership with the Society of Wetland Scientists and the Native Plant Society of Oregon and have earned wetland delineation certification from Portland State University and are either certified Professional Wetland Scientists or Wetland Professionals in Training.



Figure 2. Turnstone Ecologists Assessing Wetland and Waterway Habitat in Oregon

Turnstone has completed hundreds of wetland projects in Oregon and Washington, with the objective of identifying and delineating aquatic resources and determining potential impacts from proposed activities. If Clean Water Act permits are necessary for a client to proceed with project, contracts include background research, submittal, and acquisition of required permits. In addition, Turnstone also regularly completes similar wetland projects for the Western Lands Federal Highway Division.

Other Project highlights include:

- *Successfully permitting and monitoring the 89-acre wetland mitigation bank in the headwaters of the John Day River near Astoria, Oregon, requiring uses of our extensive and diverse suite of wetland delineation, wetland permitting, and vegetation/hydrology monitoring experience*
- *Mapping aquatic resources for 58-mile-long Bonneville Power Administration project with 110 miles of associated access roads in Tillamook and Washington counties, Oregon. Turnstone biologists identified and mapped 120 wetlands and 317 waterways and submitted a wetland delineation report and Joint Permit Application (JPA) to the USACE*



and DSL for authorization of removal-fill activities under Section 404 of the Clean Water Act and the Oregon Removal-Fill Law

Botanical Services

Turnstone's botanical staff conducts numerous literature reviews and surveys for special status plant species in support of various projects. Some of these projects have been small in scale and others have covered vast areas of geography that contained diverse plant associations and employed large crews of qualified field surveyors. A great deal of our experience includes protocol surveys in support of transmission line rebuild projects across the western U.S.



Figure 3. Turnstone Botanist Conducting Surveys in Oregon

Project highlights include:

- *Project for the Bureau of Land Management's NW Oregon District to determine the current botanical status of different habitats within Yaquina Head over the course of the flowering season*
- *Surveys to identify foliar distress from tropospheric ozone throughout Montana, California, and Washington for the Pacific Southwest Research Station*
- *Over 2,500 miles of non-native plant inventories on private and USFS-administered lands in southeast Alaska*
- *Botanical surveys for the Forest Service to assess survivorship and growth of legacy trees for post-timber harvest monitoring on restoring the forest and savannah communities in the Willamette National Forest, Oregon*

Water Quality Monitoring Services

Our staff conducts aquatic sampling and research services to measure and monitor the biological and botanical condition of streams and waterways. Turnstone designs and conducts



water quality, fish, macroinvertebrate, and vegetative community sampling to provide essential information about these critical natural resources.

Project highlights include:

- *Conducted turbidity measurements according to protocols outlined by Oregon Department of Environmental Quality (DEQ) and NOAA Fisheries during construction for a restoration project in the Multnomah Channel*
- *Construction oversight, involving fish salvage operations and reporting where native migratory fish may be present at bridge or culvert installation sites, for the BPA Keeler-Tillamook Transmission Line Rebuild Project*
- *Sizing of culverts and documenting fish habitat for numerous stream crossings in the southern Oregon coast region*
- *Aquatic benthic macroinvertebrate collection and identification using standard protocols for a restoration project to assess changes in the macroinvertebrate community pre- and post-treatment activities*

PROJECT HIGHLIGHTS

Lower Granite-Hatwai Access Roads Upgrades Project, Bonneville Power Administration (2024-2025)

Turnstone was contracted to conduct surveys for special-status species including Spalding's catchfly and larval host plants for the Monarch butterfly, as well as numerous species noxious weeds along 24 miles of proposed access road improvements. Turnstone biologists and botanists assessed project effects on natural resources, including undesirable/noxious plants, threatened/endangered/special status plants, nesting areas for eagles and migratory songbirds. Turnstone biologists conducted appropriate background and literature searches to identify potentially occurring sensitive species' suitable habitat in the project area. Prior to conducting surveys, Turnstone met with state and federal agencies to discuss the proposed project, determine the appropriate level of documentation and surveys, and identify mitigation measures..



**LaPine-Fort Rock Road
Upgrades Project,
Bonneville Power
Administration**

(2024-2025)

Turnstone will provide environmental compliance services for the BPA LaPine-Fort Rock Transmission Line Access Road System Project in Deschutes, Klamath, and Lake counties, Oregon. Turnstone will assess project effects on natural resources, including undesirable/noxious plants, threatened/endangered/special status plants, nesting areas for eagles, and habitat evaluations for greater sage grouse. Botanical studies include surveys for Forest Service and Bureau of Land Management special status species as well as noxious weeds.

**Marys Peak Project,
Bonneville Power
Administration**

(2017-present)

Turnstone prepared an extensive wildlife report to document the existing environmental conditions for wildlife resources in the Project area and provide analysis of the potential impacts of the Project on wildlife and wildlife habitat. The report also provided recommendations for mitigation measures to avoid, minimize, or mitigate for identified impacts. Turnstone biologists conducted background research on wildlife species that could occur in the Project area, including the biological function habitat requirements, and known use of the Project area by wildlife. This process included the compilation and analysis of a large amount of data from existing relevant literature, records of wildlife use and habitat in the Project area, and verification habitat conditions in the field to determine which wildlife species have the potential to occur in the Project area. Using a combination of desktop review and field verification, Turnstone biologists also accurately described and categorized existing wildlife habitats in the wildlife study areas. This information was used to document and predict the potential use of the Project area by special-status species, and wildlife species observed and expected to occur in each habitat type were listed in the wildlife report. The final report, totaling over 250 pages, included the methodology, analysis, and results on 35 avian, 9 mammal, 9 herptile, and 75 invertebrate species. Turnstone is currently in the process of preparing a biological assessment for USFWS and a biological evaluation for USFS in support of the project.

Oregon Coast Range



**ESA Species Surveys and
Habitat Assessment,
Oregon Dept. of Forestry
(1997-present)**

Turnstone has been awarded the ODF marbled murrelet survey contract for over 20 consecutive years (1997-2000) and recently took on the northern spotted owl survey contract (2019-2027). Turnstone conducted comprehensive surveys on ODF-managed lands and assisted ODF in assessing suitable habitat, delineating survey boundaries, and establishing thousands of survey stations. Turnstone has administered the successful completion of over 2,100 protocol surveys. Survey protocols are strictly followed and detailed observations recorded. Results are compiled annually, analyzed, and submitted to ODF in the form of a final report. Our field crews and management staff use GPS, GIS, digital mapping, and relational databases to maximize accuracy and efficiency.

**Oregon Coast Range and
Cascades**

**Oregon 58 Highway
Bridges Project, Western
Federal Highways (2018-
present)**

Lane County, OR

Scoping and design phase environmental compliance project for the replacement or retrofit of five bridges along Highway 58 in Lane County, Oregon, including four bridges on Willamette National Forest lands. Responsibilities include researching existing environmental resource information, identifying potentially affected resources, recommending environmental resource studies, and overseeing/completing analyses and documentation for a categorical exclusion, include a biological evaluation for USFS, wetland studies, and Federal-aid Highway Program documentation to satisfy ESA Section 7 and NOAA consultation for northern spotted owl, chinook salmon, and bull trout. Additionally, Turnstone is responsible for navigating the permitting processes with ODFW and obtaining a special use permit with USFS.

**Claremont Road
Mitigation Bank (2015-
2026)**

Vegetation monitoring and noxious weed studies for a 80 acre estuarine restoration project in Clatsop County, Oregon. Turnstone has provided annual monitoring reports since 2015 for this restoration project that reestablished tidal influence to a large marsh and forested wetland previously used as pastureland. Turnstone measures restoration of vegetation through dozens of permanent plots at the site. Turnstone also secured permits to support the removal of the old tide gate that excluded tides and migratory salmonids from reaching the restoration site.



TEAM EXPERIENCE

Turnstone is a small, flexible company of highly skilled environmental professionals. The team includes a core group of environmental professionals, biologists, and natural resource specialists with a wide variety of skills and extensive experience – including in-depth knowledge and understanding of Pacific Northwest flora and fauna, threatened and endangered species biology, and biological survey techniques. Based on project needs, our core group of permanent staff is supplemented with qualified seasonal biologists, botanists, and resource specialists- we have utilized over 80 biologists working concurrently on projects. ***Brief statements of personnel qualifications are provided below; full resumes are available upon request.***

Tom Williamson, President & Co-founder, Principal Wildlife Biologist

Tom Williamson has 29 years of experience working in natural resources in the Pacific Northwest. His experience includes extensive project management involving regulatory compliance and habitat analysis projects and managing survey and inventory projects. He has managed multi-year large scale projects engaging more than 30 biologists and has managed the completion of tens of thousands of wildlife surveys. Tom regularly acts as liaison between clients and regulatory agencies to ensure that project outcomes provide the information required for the involved parties to make land-use decisions while remaining in compliance with government regulation.

Jeff Reams, CEO & Co-founder, Principal Wildlife Biologist

Jeff has 30 years of experience as an environmental professional in the western United States. His experience includes project management on a wide variety of complex, multi-year projects involving ecosystem and forestry practice management approaches to ensure regulatory compliance and environmental permitting, including state and federal regulations, a wide variety of aquatic and terrestrial ecological survey and inventory projects, habitat delineation, assessment and mitigation projects, wetland delineation and mitigation, biological assessments and evaluations, serving as liaison with regulatory agencies, and compiling and writing final reports.

Stephanie James, M.S., Ecologist

Stephanie has over 25 years of experience, including a wide range of experience as an environmental scientist with an emphasis in terrestrial ecology and landscape-level assessments of suitable wildlife habitat, use of habitat by species at risk, and impact avoidance. She has a unique blend of skills that allow her to advise clients on survey requirements, unavoidable impact mitigation techniques, and wildlife habitat enhancement opportunities. Stephanie coordinates regularly with project stakeholders and engineering teams to provide the necessary ecological information project authorization from local, state, and federal agencies. She holds a



Master of Science degree in Environmental Science from Western Washington University and a Bachelor of Science degree in Environmental Science from Oregon State University.

Joe Bettis, Botanist/Wetland Ecologist

Joe has 14 years of botanical and wetland experience and spearheads all projects of such nature with Turnstone. He is extremely well-versed in the flora of the Pacific Northwest and Rocky Mountain states. Joe's project history at Turnstone includes wetland delineations, Threatened and Endangered plant surveys, general botanical and invasive plant inventories, Biological Assessments, wetland functional assessments, and wetland permitting. He has excellent botanical identification skills, including taxonomic classification of both vascular and non-vascular plants of the Western Cascades as well as the greater Pacific Northwest and Idaho and Montana. Joe holds a Bachelor of Science degree from The Evergreen State College with concentrations in botany, vegetation monitoring, vegetation ecology, and ecological restoration, and he holds professional certification in wetland delineation from Portland State University.

Devin Sahl, Wildlife Biologist

Devin has 20 years of broad experience as a wildlife biologist and GIS Specialist, specializing in sensitive and endangered species, primarily in the Pacific Northwest. He has exceptional GIS capabilities and understanding of wildlife science, is able to identify many wildlife species and their associated habitats and is well-versed in survey, inventory and delineation protocols and techniques. Devin has conducted surveys for a wide variety of wildlife species throughout the Pacific Northwest, including bat species. He has also conducted numerous natural resource assessments as part of the development permitting process required by local agencies and participated in several landscape-level inventories in the Pacific Northwest. He has managed multiple field teams and led training, logistics, and survey efforts. He is an expert at the logistical considerations of large-scale natural resource inventory projects.

Sarah McCord, Wildlife Biologist & Data Specialist

Sarah combines a strong background in management information systems with broad experience in the wildlife field. She holds Bachelor of Science degrees from Oregon State University in both Management Information Systems and Fisheries and Wildlife. In addition to conducting and overseeing wildlife survey projects, Sarah is an expert in data management and programming and provides GIS and technical support for a variety of projects including wildlife inventories, wetland delineations, impact, and habitat analyses, and permitting. She has extensive experience conducting background research, surveys, and reporting for a variety of wildlife species, including the northern spotted owl, Caspian tern, great gray owl, marbled murrelet, bald eagle, streaked horned lark, peregrine falcon, terrestrial mollusks, amphibians, fish, and deer.



Paula Graff, M.S., Wildlife Biologist

Paula has 30 years of experience that includes an array of different projects that has given her solid knowledge of wildlife biology, botany, and stream ecology, acquired through education and experience, including research design, project logistics, field methods, data collection and management, data entry and quality control. She has direct experience with bird surveys in forests, wetlands, and urban areas, Fender's blue butterfly census, butterfly counts, amphibian surveys, capturing and handling, small mammal trapping, and a variety of vegetation and stream and benthic macroinvertebrate surveys. She understands the dynamic needs of field work and can assess and evaluate conditions and the work that is necessary to complete projects. She has a strong foundation in the flora and fauna of Western Oregon and holds Certifications in wetland delineation from Portland State University and Geographic Information Science from Lane Community College in Eugene.

