



POLK COUNTY

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338
(503) 623-9237

COMMUNITY DEVELOPMENT

AUSTIN M'GUIGAN
Director

Polk County Community Development Department Planning Division Staff Report and Recommendation

The Polk County Hearings Officer will conduct a public hearing to receive public testimony on the following applications:

APPLICATIONS FOR: The applicant is proposing to establish a solid waste transfer facility within the Exclusive Farm Use (EFU) Zoning District. The proposed transfer facility would accept solid waste from both the public and franchised waste haulers. Solid waste would be temporarily stored and consolidated on-site, then transported to an off-site disposal location. The proposed transfer facility includes constructing a stormwater management facility that would be located within the Special Flood Hazard Area (SFHA). For this development, the applicant has also applied for a “non-structural floodplain development” land use permit.

The subject property currently contains approximately 394.9 acres. The applicant is also proposing to partition the subject property into two (2) separate parcels under the “Nonfarm, Nonresidential Parcels” criteria. Proposed Parcel 1 would contain approximately 357.9 acres and proposed Parcel 2 would contain approximately 37.1 acres. Parcel 2 would be the site of the proposed transfer facility.

SUBJECT PROPERTY

OWNER: Rickreall Dairy, LLC
APPLICANT: Apple Tree Holdings, LLC
APPLICANT'S REPRESENTATIVE: Alan Sorem, Saalfeld Griggs PC
FILE NUMBERS: CU 25-05, LP 25-02, and LUD 25-13
LOCATION: 8365 Rickreall Road, Rickreall, OR 97371 (T7S, R4W, Section 29, Tax Lots 102, 201, 205, and 206; and T7S, R4W, Section 28, Tax Lot 302)

REVIEW AND

DECISION CRITERIA:

1. Polk County Zoning Ordinance Sections: 112.260, 112.270, 119.070, 136.050(Z), 136.060, 136.070(B), and 178.060
2. Polk County Subdivision and Partition Ordinance Sections 91.290 and 91.700
3. Oregon Administrative Rule (OAR) 660-033-0130(5)

HEARING DATE & TIME: August 5, 2025 at 6:00 PM

HEARING LOCATION: Polk County Courthouse, First Floor Hearing/Conference Room, 850 Main Street, Dallas, Oregon 97338

STAFF CONTACT: Sidney Shorter - Phone: (503) 623-9237
Email: shorter.sidney@polkcountyor.gov

I. PROJECT AND PROPERTY DESCRIPTION

REQUEST: The subject property currently contains approximately 394.9 acres and is located within the Exclusive Farm Use (EFU) Zoning District. The applicant (Apple Tree Holdings, LLC) is proposing to partition the subject property into two (2) separate parcels under the “Nonfarm, Nonresidential Parcels” criteria in order to establish a solid waste transfer facility, which has been applied for under a separate application (CU 25-05) and is being reviewed concurrently with the

proposed land partition (LP 25-02). Proposed Parcel 1 would contain approximately 357.9 acres and would continue to be managed for farm use. Proposed Parcel 2 would contain approximately 37.1 acres and would be the site of a proposed solid waste transfer facility (transfer station). Findings to address the land partition criteria are included in Section III of this report.

The proposed solid waste transfer facility would accept solid waste from both the public and franchised waste haulers. Solid waste would be temporarily stored and consolidated on-site, then transported to an off-site disposal location. The proposed transfer facility would be comprised of buildings, inbound and outbound scales, and covered and uncovered storage areas to support recycling and solid waste transfer operations. Portions of the former Rickreall Dairy buildings would be repurposed for the transfer facility operations. New development proposed includes a transfer facility building, stormwater facilities, scales, and associated parking and landscaping. Most of the solid waste transfer facility operations would take place indoors, with the main solid waste transfer facility building including multiple tipping floors for wet and dry waste and a preload waste compactor. The proposed transfer facility would accept solid waste from the public and franchised waste haulers consistent with Oregon Revised Statute (ORS) Chapter 459 and Polk County Ordinance Chapter 70 for transfer to a permitted landfill. Findings to address the conditional use criteria are included in Section IV of this report.

The proposed transfer facility includes constructing a stormwater management facility near the eastern portion of proposed Parcel 2 that would be located within the Special Flood Hazard Area (SFHA). For this development, the applicant has also applied for a “non-structural floodplain development” land use permit (LUD 25-13). Findings to address the non-structural floodplain development criteria are included in Section V of this report.

The applicant’s tentative partition plat is included as Attachment A and the applicant’s site plan is included as Attachment B. Attachment C is a circulation plan depicting traffic flow for different types of haulers and various types of solid waste (i.e., green waste, recycling, etc.). Attachment D depicts the layout of the proposed Transfer Station Building. Attachment E is a queueing layout and includes building information (description and size). Attachment F is a staff map intended to depict the subject property and surrounding area.

Originally, the applicant also applied for a full variance (Planning file VAR 25-04) in order to reduce the rear-yard setback area for two (2) existing structures that were intended to be repurposed for the proposed transfer facility. The variance application was ultimately withdrawn and the two (2) existing structures that would have been within the 20 foot setback area are now proposed to be removed, as depicted in “Exhibit 3A” of the applicant’s site plan (Attachment B).

Because these applications are all dependent on one another, they will all be reviewed by the Polk County Hearings Officer as a consolidated public hearing procedure.

These applications were submitted on April 22, 2025 and deemed complete on June 30, 2025 pursuant to ORS 215.427(B).

EXISTING PARCEL SIZE: Approximately 394.9 acres

Proposed Parcel 1: 357.9 acres

Proposed Parcel 2: 37.1 acres

COMPREHENSIVE PLAN AND ZONING DESIGNATIONS:

Location:	Comprehensive Plan Designation	Zoning Designation
Subject Property	Agriculture	Exclusive Farm Use (EFU)
Property North	Agriculture	Exclusive Farm Use (EFU)
Property East	Agriculture	Exclusive Farm Use (EFU)
Property South	Agriculture & Rural Lands	Exclusive Farm Use (EFU) & Acreage Residential – Five Acre (AR-5)
Property West	Agriculture & Unincorporated Community Industrial	Exclusive Farm Use (EFU) & Rickreall Unincorporated Community Industrial (Rickreall UC-I)

PROPERTY DESCRIPTION: For the purpose of notices, staff only listed one (1) of the subject property's situs addresses that is searchable through Polk County's Geographic Information System (GIS) map. However, the subject property contains multiple situs addresses as follows: 8365, 8385, 8545, 8615, 8635, 8775, 8845, and 8595 Rickreall Road, Rickreall, OR 97371 (T7S, R4W, Section 29, Tax Lots 102, 201, 205, and 206; and T7S, R4W, Section 28, Tax Lot 302). The subject property previously operated as a commercial dairy operation from 1989 until the spring of 2022, according to the applicant and Polk County Community Development records. According to the 2025 Polk County Assessor's records, the subject property contains multiple structures that were associated with the former dairy operation. These structures would be located on Parcel 2 and either repurposed for the transfer facility operations, or removed. Proposed Parcel 1 would retain two (2) existing single-family dwellings and a detached garage structure. According to Polk County Community Development records, the existing dwellings were permitted by planning authorizations RD 94-29 and RD 95-25, and Building Permits B95-862 and B96-3125.

The subject property was lawfully created in accordance with Polk County Subdivision and Partition Ordinance (PCSO) Section 91.950(1)(b), as evidenced by Polk County Partition Plat 1990-006, dated May 14, 1990. The subject property was subsequently approved for a property line adjustment in 1990 (Planning File LLA 90-21), which was not executed. The property owner was subsequently approved for two (2) additional property line adjustments (Planning Files LLA 92-52 and LLA 21-01), which brought the subject property to its current size and configuration, described in a Property Line Adjustment Deed recorded in Polk County Book Clerk Document 2022-000415, dated January 11, 2022.

Comments provided by an interested party requested that the scheduled August 5th public hearing be postponed until a second partition application is submitted to address Tax Lot 206. Specifically, comments assert that Tax Lot 206 is a legally defined "parcel of land" and requires a second partition application. Tax Lots are created by the Polk County Assessor's Office for property tax assessment purposes. Tax Lot sizes and configurations commonly do not represent the underlying separate units of land, or "parcels". For example, one (1) parcel can be composed of multiple Tax Lots; or, one (1) Tax Lot can contain multiple parcels. Based on Polk County Partition Plat 1990-006 and the subsequent property line adjustments that are discussed above, staff finds that the subject parcel's lawful size and configuration contains approximately 394.9 acres, which is represented on the Polk County Assessor's Map as T7S, R4W, Section 29, Tax Lots 102, 201, 205, and 206; and T7S, R4W, Section 28, Tax Lot 302. Staff finds that a second partition application is not required for the proposed parcel sizes and configurations that are proposed in this land partition application (LP 25-02).

Based on the National Wetland Inventory (NWI) Map, Rickreall Quadrangle, the subject property contains emergent wetlands, a riverine wetland, and freshwater ponds. As a result of the proposed partition, all inventoried wetlands would be retained on proposed Parcel 1. According to the Polk County Significant Resource Area (SRA) map, these wetlands are not inventoried as significant fish bearing streams, therefore, the standards for significant wetlands found in PCZO Chapter 182 are not

applicable. Nevertheless, this report serves as notice to the property owner of the presence of wetlands on proposed Parcel 1, and the possible need for State or Federal permits. Prior to any development within a wetland area on proposed Parcel 1, the property owner shall be responsible for ensuring that all applicable State or Federal permits have been obtained. Such permits may include, but are not limited to, a Removal Fill Permit from the Oregon Department of State Lands (DSL).

Based on a review of Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41053C0265F, dated December 19, 2006, the subject property is located within the Special Flood Hazard Area (SFHA), Zones A and AE. However, a portion of the subject property has been removed from the SFHA through a Letter of Map Amendment (LOMA) that was issued by FEMA and is dated May 26, 2015. The area that has been removed from the SFHA is approximately 28.9 acres in size and encompasses all of the existing and proposed development associated with the proposed transfer station, with the exception of the proposed stormwater facility that would be located near the eastern portion of proposed Parcel 2. For this development, findings to address the non-structural floodplain development criteria are included in Section V of this report.

According to the Polk County SRA Map, the subject property does not contain any inventoried significant resources. There are no inventoried historic structures or Willamette River Greenway areas located on the subject property.

- Access: The subject property currently has frontage along Highway 22 and Rickreall Road. As a result of the proposed land partition, proposed Parcel 1 would retain frontage along Highway 22 and Rickreall Road. Proposed Parcel 2 would only have frontage along Rickreall Road. The proposed transfer facility would be served by four (4) separate access approaches including the following: one (1) public entrance (one way), one (1) public exit (one way), an employee access (two way), and a commercial access (two way). A private gated driveway would also be located on Parcel 2, which is existing and would be for farm use only. Two (2) existing approaches on Parcel 2 are proposed to be eliminated. Highway 22 is a Principal Arterial and Rickreall Road is a Major Collector as defined in the Polk County Transportation Systems Plan, Figure 3.
- Services: The solid waste transfer facility is proposed to be served by two (2) existing on-site sewage disposal (septic) systems. The existing dwellings are currently served by individual on-site septic systems. The subject property is located within an area served by Rickreall Community Water Association.
- School: Dallas School District No. 2
- Fire: Southwestern Polk Rural Fire Protection District (RFPD)
- Police: Polk County Sheriff

HEARING NOTICE: Notice for these applications and the public hearing before the Polk County Hearings Officer was mailed to area property owners and government agencies on July 14, 2025. The notice announced the Public Hearing date of August 5, 2025. Notice of the hearing appeared in the Polk County *Itemizer-Observer* newspaper on July 16, 2025. Notice was posted on the subject property on or prior to July 16, 2025. Notification was provided pursuant to Polk County Zoning Ordinance Sections 111.340 through 111.370.

Multiple comments were submitted by interested parties requesting that the Hearings Officer grant a 30-day open record period to ensure that additional voices in the community can be heard considering “short notice” of receiving notification, and concerns that many people who would like to be heard are farmers who are busy with crops this time of year. Open record period requests also provided specific questions about the applicant’s proposal and requests for further details and information to be provided before a Decision is issued. As stated previously, notice of these applications was provided in compliance with the requirements of PCZO 111.340 through PCZO 111.370. PCZO 111.380 and ORS 197.797(6) allow the Hearings Officer to grant, at their discretion, a request to leave the record open after the conclusion of an evidentiary hearing. Prior to the conclusion of the evidentiary hearing regarding these applications, should any participant request an opportunity to present additional

evidence, arguments, or testimony regarding the application, staff recommends the Hearings Officer leave the record open for a minimum of seven (7) days, which is the minimum required by ORS 197.797(6)(c). ORS 215.427(1), and the local incorporating ordinance PCZO 111.250(C), impose time limits on the governing body to take final action on these applications, including resolution of all appeals under ORS 215.422 (PCZO 111.280). Due to the limited time allowed for the governing body to issue a final local decision on these applications, staff recommends any open record period granted by the Hearings Officer not exceed three (3) weeks total, unless the request is made by the applicant or a different open record period is agreed upon by the applicant.

Comments were submitted requesting clarification of whom reviews and grants approval of an application for non-structural floodplain development. Comments also asked for the Polk County Code that specifies the Hearings Officer's requisite skills and qualifications, who the Hearings Officer reports to, and the Hearings Officer's official duties and responsibilities. Typically, an application for non-structural floodplain development is a Type A administrative review procedure and the Decision is issued by the Polk County Planning Director. In this case, the Planning Director referred all three (3) applications to the Polk County Hearings Officer. The term "Hearings Officer" is defined in PCZO 110.257 as "The Polk County Hearings Officer". The term "Hearings Officer" is also defined in PCSO 91.150(18) as "An individual appointed by the Board of Commissioners to conduct hearings under this Chapter." The Polk County Hearings Officer has been appointed by the Board of Commissioners to conduct hearings, consistent with these definitions.

II. COMMENTS

Environmental Health: (7/23/2025) The subject property contains two (2) on-site septic systems.

Septic permit 16620 shows a capping fill system, consisting of a 1,000-gallon septic tank and 300-linear feet of drainfield lines (infiltrator chambers), that was installed and finalized on July 30, 2002.

Septic permit 37246 shows a capping fill system, consisting of a 1,000-gallon septic tank and 450 linear feet of drainfield lines (infiltrator chambers) that was installed and finalized on October 15, 2007.

Septic permit 687-18-000001-PRMT-01 shows the installation of a 1,500-gallon septic dosing tank, which is connected to the effluent line of the 1000-gallon septic tank installed under permit 37246.

The applicant would need to apply for an Authorization Notice and submit an Existing System Evaluation Report (ESER). In accordance with Oregon Administrative Rules (OAR) 340-071-0205(1), an Authorization is required for a change of use and/or an increase in the projected design sewage flow into an existing on-site septic system. If the system is not adequately sized and/or is failing, then a major/minor alteration or repair permit application would be required. All setbacks would need to be maintained to the existing on-site septic systems and future repair areas in accordance with OAR 340-071-0220, Table 1.

(7/23/2025) The single-family dwelling located at 8385 Rickreall Road, located on Tax Lot 205, contains a septic system situated south of the single-family dwelling. The system includes a 1,000-gallon septic tank and 450 linear feet of drainfield lines. The system was permitted under file #862, and a Certificate of Satisfactory Completion was issued on September 15, 1995.

There is a septic permit on file for the single-family dwelling located at 8365 Rickreall Road, on Tax Lot 201. This dwelling is located east of the single family dwelling located at 8385 Rickreall Road. The septic permit (#3125) was issued on July 29, 1996. The permit indicates a 1,000-gallon septic tank and 450 linear feet of drainfield lines. However, there is no as-built plan or Certificate of Satisfactory Completion associated with this permit. The location of the drainfield is unclear. The construction plan shows the drainfield located on Tax Lot 205. A note on the septic permit (dated September 25, 1996) states that the approved drainfield area was moved east, just beyond the property line.

Polk County Public Works Director: (7/25/25) The following comments were provided in regards to the Traffic Circulation Plan (Attachment C):

1. "#1 Commercial Access": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for two way truck traffic. This access has a degraded corrugated metal pipe culvert. At some point in the future, this culvert will need to be replaced. The applicant is advised of the requirements of ORS 374.315 which require facilities constructed in the right of way under permit to be maintained by the landowner. This would include the future replacement of the culvert.
2. "#2 Driveway Approach": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for elimination.
3. "#3 Employee Access": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for two way passenger vehicle traffic. This access has a degraded corrugated metal pipe culvert. At some point in the future, this culvert will need to be replaced. The applicant is advised of the requirements of ORS 374.315 which require facilities constructed in the right of way under permit to be maintained by the landowner. This would include the future replacement of the culvert.
4. "#4 Driveway Approach": This existing access is a **permitted commercial access** (Permit #89A-039) meeting the current commercial driveway standards. It is proposed and approved for elimination.
5. "#5 Public Exit": This existing access is a **permitted non-commercial access** (Permit 2012-A-0011) that does not meet the current commercial driveway standard. Specifically, the paved width at the culvert is 27 feet and needs to be 30 feet to meet current commercial standard. However, since this driveway is being proposed as a one-way public exit, this standard will be waived. If the driveway use changes to two-way in the future, the pavement would need to be widened to 30 feet.
6. "#6 Public Entrance": This existing access is a **permitted non-commercial access** (Permit 2004-A-0107) that meets the current commercial driveway standards. It is proposed and approved for one-way public exit. Upon receipt of a completed application, Polk County will issue a valid commercial access permit.
7. Unidentified driveway between "#6 Public Entrance" and #7 Private Gated Driveway". This is an unpermitted access that likely pre-dates the access permitting process. Since the access does not meet current standards and since the applicant is not proposing a use for this access, it shall be eliminated.
8. "#7 Private Gated Driveway": This existing access is an **unpermitted access** that meets non-commercial standards. The applicant proposes this for farm use only. Upon receipt of a complete access application, Polk County would approve this driveway as a farm use driveway and issue a valid permit. If the use changes to commercial in the future, the driveway would need to be paved to upgrade to commercial standard and the permit would need to be revised for commercial use.
9. The current county standards VI.1.B limits the maximum number of access points on rural lots to two (2) per lot, unless otherwise specified by the County Engineer. In consideration of the need to separate commercial, employee and public ingress/egress for the safety of all users of this proposed facility, the County Engineer waives this maximum number of accesses and approves the five (5) accesses as proposed on Exhibit 7A, contingent on the continued use of the proposed circulation plan.

Brion Scott, ODOT: (7/16/2025) Thank you for notifying Oregon Department of Transportation (ODOT) of this proposal at 8365 Rickreall Road. The properties associated with this notice have frontage on both the north and south side of Willamina-Salem Highway No. 030 (OR22) which is under jurisdiction of ODOT. Our comments are as follows:

1. OR22 is an expressway and under OAR 734-051-2020(2), "(a) The department shall not approve an application for a grant of access for a private approach: (B) On an expressway or expressway ramp"

2. From ODOT Rail: ODOT Crossing No. F-715.00, USDOT 754202F

Track Owner/ROW: Union Pacific Railroad (UPRR)

Operating Railroad: Portland & Western Railroad (PNWR)

Road Authority: Polk County

A Rail Crossing Order would be needed if: Any new driveway is to be constructed within 100 feet of the nearby rail crossing and/or any roadway/sidewalk changes would be made within the Safe Stopping Distance (SSD) of the crossing. According to our records the posted vehicle speed is 40 miles per hour (mph) which makes the SSD 305 feet.

Fencing is highly suggested along the side of the property that is next to the track to help mitigate trespassing that could result in an injury or fatality.

As the project progresses, our office should be kept in the loop and given design plans to confirm if a Crossing Order is needed and to facilitate the process for it with the affected road authority and railroads. The plans and any additional documents, questions, etc. can be emailed to CCDRailCrossing@odot.oregon.gov.

The applicant should contact UPRR and PNWR to make them aware of the project and give them an opportunity to provide their feedback.

E.M. Easterly: (7/16/2025) Comments were provided identifying a discrepancy on the applicant's plot plan regarding whether or not buildings are proposed to remain on-site within the 20 foot setback.

(7/21/2025) Comments were submitted requesting a copy of the application materials for the "non-structural floodplain development" permit; identification the applicable Ordinances; and identification of whom reviews and grants approval of an application for non-structural floodplain development. Comments also asked for the Polk County Code that specifies the Hearings Officers requisite skills and qualifications, who the Hearings Officer reports to, and the Hearings Officer's official duties and responsibilities.

A document was also submitted suggesting that the proposed partition survey be modified to reduce the size of proposed Parcel 2 to account for the two (2) equipment storage buildings that are now proposed to be removed.

(7/24/2025) Comments were provided requesting that the scheduled August 5th public hearing be postponed until a second partition application is submitted to address Tax Lot 206. Specifically, comments assert that Tax Lot 206 is a legally defined "parcel of land" and requires a second partition application.

Mark Scott: (7/24/2025) Comments were provided discussing a previous public hearing that was held on February 10, 2025. A request for the record to remain open for an additional 30 days was made, stating that many of the people that would like to be heard are farmers who are busy with crops this time of year and statements expressed concerns about the "short notice" of the mailed document. Comments raised concerns about impacts on citizens and setting a bad precedent for rezoning EFU property. Comments state that water from the Rickreall Creek flows north across parts of this property, including where a run off pond is illustrated. Further comments question the process, whether any other locations have been considered, and impacts on home values. Comments state that many families had no problem living near the dairy, but they "...don't know anybody that wants to live near a dump...".

Brooke Jenkins: (7/24/2025) Comments were provided expressing concerns about the floodplain and toxic runoff from waste, oil, and fuel ending up in creeks, fields and wells. Comments also reference destruction of EFU-zoned farmland, puts pollution yards away from a freshwater creek, and trades generational agricultural livelihood for a dump and diesel trucks. Comments request denial of this application and requests that the record remain open for 30 days to ensure additional community voices can be heard.

Comments were provided expressing opposition to the proposal. Specifically, comments state that the facility would be built within yards of the Rickreall Creek, in a 100-year floodplain, and just down the road from their family farm. Comments state that this proposal is an environmental hazard, and flooding would carry garbage runoff, diesel, and industrial waste into creeks and groundwater. Comments state that the creek feeds into wells and irrigation sources used by dozens of farms and families. Comments state that waste transfer facilities bring contaminants (oil, fuel, refuse) that are impossible to contain in flood conditions; EFU zoning exists to protect agriculture and not allow permanent industrial conversion; truck traffic, odor, and pest issues would drastically reduce the livability and safety of the area; and property values in a less than 1-mile radius could fall by 15% (Source: National Association of Realtors). Concerns were expressed about setting a precedent that would be followed by more industrial use at the cost of water loss, soil damage, and community health. Comments request denial of this application and requests that the record remain open for 30 days to ensure additional community voices can be heard.

Brian Jenkins: (7/24/2025) Comments were provided expressing opposition to the proposal. Specifically, comments state that the facility would be built within yards of the Rickreall Creek, in a 100-year floodplain, and just down the road from their family farm. Comments state that this proposal is an environmental hazard, and flooding would carry garbage runoff, diesel, and industrial waste into creeks and groundwater. Comments state that the creek feeds into wells and irrigation sources used by dozens of farms and families. Comments state that waste transfer facilities bring contaminants (oil, fuel, refuse) that are impossible to contain in flood conditions; EFU zoning exists to protect agriculture and not allow permanent industrial conversion; truck traffic, odor, and pest issues would drastically reduce the livability and safety of the area; and property values in a less than 1-mile radius could fall by 15% (Source: National Association of Realtors). Concerns were expressed about setting a precedent that would be followed by more industrial use at the cost of water loss, soil damage, and community health. Comments request denial of this application and requests that the record remain open for 30 days to ensure additional community voices can be heard.

Nicole Boe: (7/24/2025) Comments were provided expressing concerns about the impacts that the proposed use could have on the local community, which includes multi-generational farmers and residential neighborhoods. Comments express concern about increased traffic on Highways 22 and 99, noting these roads are already heavily congested with farm and residential traffic. Comments cite frequent existing accidents and asserts the proposal contradicts the County's goal to reduce them. Comments also raise safety concerns for pedestrians and bicyclists. Comments raise concerns about garbage trucks creating litter on local roadways. Comments express concerns about runoff from the transfer station contaminating local water supply that farmers rely on. Comments discuss negative impacts that odors would have on local community. Comments raise concerns about impacts to nearby property values and questions what remedy the County is offering. Comments question whether other locations in less populated areas have been considered.

Jennifer Flores: (7/25/2025) Comments were provided in opposition to this proposal. Comments question whether the County has considered the geography of the subject property and surrounding area. Comments express concerns about the proposed transfer station's proximity to Rickreall Creek, stating that it flows into the Willamette River, and eventually the Columbia River and Pacific Ocean.

Doug and Amanda Barns: (7/25/2025) Comments were provided in opposition to this proposal. Comments state that the proposed use poses as a direct threat to both the current and future quality of life for residents, farmers, and families in the area. Comments state that the proposed use would fundamentally alter the rural character of the community. Comments state that increased heavy truck traffic, constant noise, noxious odors, and airborne pollutants would degrade the peace, safety, and health that residents have long enjoyed. Comments state that siting the proposed use near a creek and in a 100-year floodplain is reckless. Comments assert that the proposed use endangers the health of humans and the viability of livestock, crops, and native habitat by putting water, soil, and ecosystems at risk of contamination during flood events. Comments state that the environmental footprint and health hazards associated with diesel exhaust, particulate matter, and chemical runoff are well-documented and pose as lasting generational harms. Comments express concerns that the proposed use would compromise the quality of life for the future of the surrounding community and impose

avoidable risks for the benefit of a private entity. A request for a 30-day open record period and denial of the application was made.

Amanda Case: (7/25/2025) Comments were provided in opposition to this proposal. Comments state that EFU zoning exists to protect Oregon's irreplaceable farmland for agricultural use and food production, not industrial development. Comments state that to carve out an exception in order to build a waste transfer facility sets a dangerous precedent and undermines the very purpose of this land-use designation. Comments highlight five (5) main areas of concern: runoff and water contamination, ecosystem and habitat damage, increased risk in floodplain, air quality and community health risks, and loss of rural character.

Comments state that transfer stations create large impervious surfaces that concentrate pollutants such as fuel, oil, and water runoff. Comments explain that in a floodplain setting, these pollutants are highly likely to spill over into nearby creeks and waterways, threatening both surface and groundwater quality. Comments state that once contaminated, these water systems could take generations to recover, if ever.

Comments explain that diesel emissions and particulate matter (PM) are known to harm vegetation and aquatic life. Comments state that PM in waterways impairs invertebrate health and reduces photosynthesis in aquatic plants, degrading sensitive creek ecosystems that are already vulnerable. Comments state that this disruption to local biodiversity cannot be overstated.

Comments state that building a waste facility in a 100-year floodplain is a recipe for disaster. Comments state that flooding events can breach containment systems, spreading toxins across farmland, into water systems, and beyond. Comments state that once these contaminants are released, they are incredibly difficult to contain or remediate. The comments state that they have personally seen these areas flood multiple times already in their life and it is only a matter of time before they do again.

Comments state that the constant flow of heavy trucks and diesel machinery would significantly increase localized air pollution, including volatile organic compounds (VOCs) and PM. Comments state that living or working near such a facility has been associated with higher risks of respiratory illness, degraded air quality, and long-term environmental harm.

Comments state that Rickreall's agricultural identity is not only culturally significant, it is economically vital. Comments state that the presence of a waste transfer station threatens the rural character that residents cherish and could depress surrounding property values. Comments state that no community should be asked to bear these burdens for the sake of industrial convenience.

A request for a 30-day open record period and denial of the application was made.

Katherine Scott: (7/25/2025) Comments were provided expressing opposition to this proposal. Concerns include environmental impacts, EFU zoning, and potential harm to quality of life. A request for a 30-day open record period and denial of the application was made.

Mavis Jenkins: (7/25/2025) Comments were provided in opposition to this proposal. Comments express concerns regarding the subject property being located within the 100-year floodplain and near a creek. Comments express concerns about threats to Rickreall Creek from toxic runoff caused by garbage, oil, and fuel. Comments express concerns that this runoff would cause long-term water contamination in a creek that feeds into drinking wells, irrigates crops, and hydrates livestock. Comments raise concerns about replacing protected farmland with industrial waste. Comments express concerns about adding heavy diesel traffic and pollution near homes, farms, and a freshwater ecosystem. A request for a 30-day open record period and denial of the application was made.

Daniel Jenkins: (7/25/2025) Comments were provided in opposition to this proposal. Comments state that EFU zoning is designed to preserve agricultural land for farming and food production, not industrial development. Comments state that allowing the proposed use would be a direct attack on the integrity of Oregon's land use system. Comments express concerns regarding the subject property being located within the 100-year floodplain and near a creek. Comments assert that the proposed use endangers the health of humans and the viability of livestock, crops, and native habitat by putting

water, soil, and ecosystems at risk of contamination during flood events. Comments raise concerns about impacts to air quality caused by the carbon footprint of many elements of the proposed use. Comments assert that living or working near a transfer facility has been associated with increased health risks, reduced property values, and long-term environmental degradation. Comments state that the proposed use would fundamentally alter the rural character of the community. Comments states that increased heavy truck traffic, constant noise, noxious odors, and airborne pollutants would degrade the peace, safety, and health that residents have long enjoyed. Comments state that the environmental footprint and health hazards associated with diesel exhaust, particulate matter, and chemical runoff are well-documented and pose lasting generational harms. Comments express concerns that the proposed use would compromise the quality of life for the future of the surrounding community and impose avoidable risks for the benefit of a private entity.

Greg Jenkins: (7/25/2025) Comments were provided in opposition to this proposal. Comments express concerns regarding the subject property being located within the 100-year floodplain and near a creek. Comments express concerns about threats to Rickreall Creek from toxic runoff caused by garbage, oil, and fuel. Comments express concerns that this runoff would cause long-term water contamination in a creek that feeds into wells, irrigates crops, and hydrates livestock. Comments raise concerns about replacing protected farmland with industrial waste. Comments express concerns about adding heavy diesel traffic and pollution near homes, farms, and a freshwater ecosystem. A request for a 30-day open record period and denial of the application was made.

Khodadad Sirossi: (7/25/2025) Comments were provided in opposition to this proposal. Comments express concerns regarding the subject property being located within the 100-year floodplain and near a creek. Comments express concerns about threats to Rickreall Creek from toxic runoff caused by garbage, oil, and fuel. Comments express concerns that this runoff would cause long-term water contamination in a creek that feeds into drinking wells, irrigates crops, and hydrates livestock. Comments raise concerns about replacing protected farmland with industrial waste. Comments express concerns about adding heavy diesel traffic and pollution near homes, farms, and a freshwater ecosystem. A request for a 30-day open record period and denial of the application was made.

Allen and Becki Zwemke: (7/25/2025) Comments were provided in opposition to this proposal, listing five (5) main areas of concern: traffic, odor, property values, environmental risks, and fiscal cost to taxpayers.

Comments raise concerns about queue times and traffic congestion along Highway 99. Comments reference traffic impacts caused by Coffin Butte and Marion County Transfer Station as examples. Comments question how traffic would be managed and whether it would encroach onto private properties.

Comments state that residents should not be subject to the odor that would be caused by the proposed use. Comments state that odor and impacts to air quality would negatively affect the quality of life of nearby residents.

Comments state that nearby property values would decline, especially for those on Rickreall Road. Comments state that some of these homes have been in families for several generations. Comments state that there are other areas in the County that would be more suitable for the proposed use.

Comments state that their family has a farm in Rickreall and is concerned that the proposed use would contaminate the soil and air. Comments express concern about the proposed use being sited within the 100-year floodplain, and references the 1996 flood.

Comments state that if approved, tax rates would increase due to additional shipping and trucking costs and question how that is beneficial to taxpayers who are already burdened by high cost of living and cannot afford additional increases to bills.

Amy Collins: (7/25/2025) Comments were provided in opposition to this proposal, stating that this project is being rushed through with short notice, and it directly threatens clean water, farmland, and the community's way of life. Comments express concerns that the proposed location is too close to

Rickreall Creek and is within the 100-year floodplain. Comments raise concerns about heavy pollution and risks of lasting damage to air, water, soil, and health.

Leah Galusha: (7/25/2025) Comments were provided in opposition to this proposal. Comments express concerns about threats to water, farmland, and local community. Comments express concerns about strong odors that would hinder nearby property values, including a winery. Comments request that the County to consider an alternative location.

Brett Stonebrink: (7/25/2025) Comments were provided in opposition to this proposal, stating that they were notified in summer of 2024 that there would be a meeting to discuss the project and would be given an opportunity for public input. Comments state that they are not aware of this meeting ever occurring and were never given an opportunity to provide any input. Comments express concerns about increased traffic and the lack of infrastructure to address flow and safety concerns. Comments express concerns about increased air, noise, and water pollution. Comments express concerns about decreased property values and questions whether compensation would be granted for lost value.

Amy Kroecker: (7/25/2025) Comments were provided in opposition to this proposal. Comments express concern about the proposed location's proximity to Rickreall Creek and state that chemical runoff and siting the proposed use in the floodplain. Comments question how the County would protect the surrounding lands from pollution when a flood occurs. Comments state that Rickreall Creek is the habitat for Cope's Giant Salamander, a species on Oregon's sensitive species list. Comments question whether there have been any studies to make sure their habitat would not be disturbed. Comments question how a manmade or natural disaster would affect the salamander's habitat. Comments state that Polk County has been studying Salt Creek and asks if any of those studies have been considered.

Ashley Agenbroad: (7/25/2025) Comments were provided in opposition to this proposal, stating that they purchased their property in Monmouth in order to live in a clean, quiet, and rural environment. Comments state that the proposed use threatens the area's open space, fresh air, farmland, and sense of peace. Comments state that establishing the proposed use in the 100-year floodplain poses serious risks to the community's health, water supply, farmland, and overall quality of life. Comments express concerns about the increased diesel truck traffic, foul odors, pollution, and impacts to property values. Comments express concerns about the timeframe of the public notice and comment period.

Judy Luther: (7/25/2025) Comments were provided in opposition to this proposal. Comments state that there are plenty of alternative locations for the proposed use, and suggest that Polk County assist the applicant with identifying a better suited site. Comments suggest that the proposed use should be established at the old mill site near the railway along South Main Street in Dallas, which has historically been used for industrial uses. Comments state that the proposed site is good farmland, would use water, and would cause further impacts to the environment, farmland, and the life around it. Comments note that the property is zoned EFU and should be used exclusively for farm use with no exceptions. A request for a 30-day open record period and denial of the application was made.

D Smith: (7/25/2025) Comments were provided in opposition to this proposal, stating that the proposed use would destroy the livability of Rickreall. Comments state that the pollutants leached from the garbage trucks would contaminate Rickreall Creek, which contains a salmon run. Comments state that Oregon has spent millions of dollars to improve the salmon population and that this past season was the best in years. Comments express concerns about increased traffic congestion and accidents. Comments express concerns about Apple Tree Holdings becoming a monopoly that could control market fees for municipalities.

William H. Farr, Jr.: (7/25/2025) Comments were provided in opposition to this proposal. Commenter owns and resides on property adjacent to the subject property. Comments express concerns related to excessive truck traffic, noise pollution, water pollution, construction in the floodplain, odors, and a potential decline in property values. Comments state that many citizens were unaware of the deadline for public comments and the scheduled hearing date. A request for a 30-day open record period was made.

Evelyn Ostermann: (7/25/2025) Comments were provided in opposition to this proposal, stating that the facility would destroy farmland and agriculture in Polk County, and requests to not approve changing the zone from Agriculture to Industrial. Comments raise concerns about pollution in Rickreall Creek, which has an active salmon run, and impacts on birds from pollution and settling ponds with the site having close proximity to Baskett Slough National Wildlife Preserve. Concerns were also raised regarding increased traffic and congestion, destroying peaceful country living.

Becky Farr: (7/25/2025) Comments in opposition were submitted asserting that the proposal would greatly affect the health, safety, and tranquility of the area. Comments state that a transfer facility should not be located near any residences because of odors and air, water, and noise pollutants. Comments state that the only way to control air pollution and harsh odors is if all transfer and processing takes place entirely within an enclosed building with no open doors. Comments state that to avoid water pollution, processing would need to take place on an impermeable surface; however, comments assert that since the site is in a floodplain, there is no guarantee that water pollution would not be a real issue. Comments express concerns about excessive large heavy truck traffic that would increase fatal accidents. Comments indicate that an intersection with Highway 22 to accommodate all truck traffic would seem to be the only solution. Concerns about reduce property values were raised, stating that the opinion of an independent expert would provide valuable and realistic testimony regarding data that has been collected from the effects of transfer stations in and near other communities. Noise concerns include back up beepers, clanging tail gates, and loud noises from the dumping process, suggesting that rubber dump truck bumpers or bottom dump trucks could help with noise, and white noise or flashing lights could replace back up beepers. Comments raised concerns about adequate management, stating that a Metro's auditor in Portland Oregon recently discovered widespread issues at two (2) stations in Oregon, including hazardous materials at the site, a hand grenade that caused the site to be evacuated, lack of safety training, a broken arm by an employee, fires, and no tracking regarding where the waste ended up once it left the Transfer Station.

Grant Bollman: (7/25/2025) Comments state that EFU zoning is designed to preserve agricultural land for farming and food production, not industrial development, and a zoning exception is inappropriate and attacks the integrity of Oregon's land use system. Concerns were raised about proximity to a natural creek and the site being within the 100-year floodplain, where leakage, runoff, or flooding could result in irreversible contamination of water sources, soil, and surrounding farmland. Comments raised concerns about the carbon footprint and states that living and working near a transfer facility has been associated with increased health risks, reduced property values, and long-term environmental degradation. Comments state that the proposal presents an unacceptable risk of personal harm, economic harm to small farms and businesses, damage to physical land assets, and strain on shared natural resources such as water and power. Comments also reference concerns about impacts on livestock, crops, and the future livability of the area.

Anastasia Bollman: (7/25/2025) Comments in opposition of this proposal were provided with concerns raised regarding risks of creating toxic runoff and groundwater contamination due to flood events due to the facility being located within the 100-year floodplain and near a creek. Concerns were raised about emissions from CO2 and black carbon, which are major contributors to climate change, stating that diesel trucks emit approximately 22.2 pounds of CO2 per gallon of fuel burned. Health concerns were raised stating that diesel particulate matter is linked to lung cancer, heart disease, asthma, with long-term exposure leading to increased mortality. Comments further state that fine particulate pollution from waste operations are linked to low birth weight, cognitive delays in children, and cardiovascular disease. Concerns were raised about reduced residential property values, up to 15%, and livability due to industrial noise and odor. Comments state that transfer facilities attract pests, vermin, and scavengers carry disease and disrupt the local ecosystems, especially near waterways. Concerns were raised regarding heavy truck traffic causing increased road wear and tear and safety risks for farm equipment and rural residents. Comments state that a waste facility in the EFU zone contradicts the purpose of zoning and sets a precedence that could weaken the Agricultural economy and rural heritage. Concerns were raised about public resources being redirected, such as water and electricity, away from farming, livestock and natural habitat needs. Quality of life concerns were raised including, clean air, safe water, peaceful settings, living free from industrial harm, and

the cumulative long-term effects of pollution, noise, and environmental degradation. Several sources were references with these comments, such as “EPA, 2016”.

Pat McClain: (7/25/2025) Comments from the Manager and Owner of Greenwood Assets LLC and Burlingham Seeds LLC were provided, which are businesses adjacent to the proposed solid waste transfer facility. Comments provided background about their business, which is described as conditioning seed from many local Polk County growers and markets, and shipping seed through their domestic and international distribution base. Comments state that their company is active and has been successful for 25 years and contributes over \$1 million a year to our local economy in direct payroll. A 30-day extension to the application process was requested so that all parties would have time to research further details about the proposal including where the applicant would be transporting garbage given the uncertainty of Coffin Butte Landfill’s expansion proposal in Benton County. Comments state that the proposal has been amended to remove the rail siding of the property, which means that all garbage would need to be trucked somewhere, such as Arlington, causing more outbound traffic over the bridge, through Salem, on I-5, through Portland, and then I-84. Questions were raised regarding whether or not the applicant’s plans include to further expand and replace Coffin Butte with a new landfill on the adjacent EFU zoned land and if this application would be a first step in siting a new garbage dump for the Willamette Valley in Rickreall. Comments state that the applicant has previously proposed more acreage with direct access to the railroad, stating that it makes much more sense to rail the outbound garbage instead of using roads and trucks. Comments question what other possible sites have been explored by Polk County for the location of the garbage transfer facility, stating that there are multiple other sites located within 5 miles radius of the 22-99W interchange that would be more suitable for the proposed transfer facility. Comments state that direct rail access should be the number one criterion, but impacts on the local business and residential neighbors should also be considered.

Comments state that the application should specify either planned inbound or outbound traffic numbers, and questions were raised about the traffic pattern’s effect on Rickreall Road and its current businesses and residents. Comments state that ODOT has stated that the roads could handle increased traffic, but the proposed number of vehicles needs to be disclosed to the affected public as part of this Hearings process.

Comments state that the property has been a dairy for more than 35 years, and questions whether or not any soil samples been taken, and if there a possibility of unknown soil contamination, stating that these are questions that should be answered by the applicant prior to approval of the application.

In regards the commenter’s adjacent business’, potential negative impact concerns were raised including increased rodent populations, stating that they store a large amount of cleaned and bagged seed in open bay buildings and currently rodents are an issue and last year they spent \$10,000 to fumigate seed due to rodent infection. Comments also state that the garbage transfer facility would bring increased insects, which would in turn bring increased birds to feed on the insects. Comments state that bird droppings on their cleaned seed bags would increase significantly, costing our company money to rebag seed for shipment to their customers. Comments also state that odors from the proposed transfer facility would negatively affect our adjacent business because they clean and store seed for sometimes for many months and odors over time would penetrate the stored seed produced by local Polk County growers with the stench of garbage. Comments state that most of their employees work in open buildings and having to work with the constant smell of garbage would be unpleasant, at best, and could create a health hazard for their employees and growers.

Jake and Sydnee Mote: (7/25/2025) Comments in opposition were provided stating that they believe this application violates the intent of EFU zoning, is incompatible with rural land use, and contrasts Polk County’s commitment to supporting farming families and maintaining safe, healthy communities.

Comments also express concerns about the site’s location being adjacent to a creek and within a designated 100-year floodplain, stating that flood events could lead to toxic runoff, and contaminating both surface and groundwater. Comments state that this poses a direct threat to crops, livestock, native habitat, and nearby homes. Concerns were also expressed regarding the site’s

proximity to Baskett Slough National Wildlife Refuge, which is a protected area for more than 250 bird species, as well as endangered and sensitive wildlife such as the Fender's blue butterfly, Western pond turtle, and coyote. Comments state that a facility of this nature risks long-term ecological harm through increased diesel emissions, greenhouse gas pollution, and chemical runoff—all of which jeopardize the integrity of this nearby refuge.

Comments also expressed concerns about the proposed facility's proximity to the Polk County Fairgrounds, which they state is a central hub for the community and is a publicly managed asset that is vital to our cultural and economic fabric and must be protected.

Comments express concerns about the proposed facility's impacts on quality of life, including the existing odors from the mismanaged lagoons. Comments state that the stench is a warning sign of what's to come if this facility is approved, stating that the smells are symptomatic of airborne pollutants like methane, ammonia, and volatile compounds that are known to harm child development and respiratory health.

Comments state that the breakdown of our rural environment is already happening and they are now being told to accept even more pollution, noise, and truck traffic, due to a private entity's failure to budget responsibly or plan for succession. Comments reference political bailouts disguised as land-use reform, stating it is exploitation and not public service. Comments question legacy and if Polk County wants to be known as 'Polk County—the Dumping Ground of the Valley'?

Comments express traffic concerns and impacts on farmers, stating that there are tight seasonal windows and harvest, haying, and transport depend on timely, safe, and unobstructed access to rural roads. Comments state that during peak agricultural months, these roads are already heavily trafficked by slow-moving equipment, farm trucks, and trailers hauling perishable crops and livestock, adding daily solid waste haulers and high-frequency industrial trucks is incompatible and dangerous. Comments state that the previous dairy operation primarily involved predictable, low-volume agricultural transport, while a solid waste transfer station would introduce year-round, high-frequency, heavy-haul traffic that follows no seasonal rhythm and has no vested interest in agricultural timing or safety. Comments state that ODOT data shows solid waste transfer stations can generate 50 to over 200 truck trips per day, depending on capacity, which is beyond anything historically seen at the former dairy, and would be from heavy-haulers who are not privy to the local area. Comments state that this level of industrial traffic endangers both farm operators and the integrity of rural roads, increasing the risk of collisions, delays, and damage to infrastructure never designed for such use.

Comments state that approving this proposal would make it clear that “big-money waste corporations get their way, while family farms, multigenerational land stewards, and the very foundation of Oregon's agricultural identity are cast aside” and “...tells every farmer, every rural family, that their legacy can be bought, buried, and bulldozed if the price is right”. Comments state that approval would set a dangerous precedent and once farmland is converted for industrial use, it is almost never returned to agriculture.

Comments state that this project threatens to diminish local food production, soil health, water quality, and the peaceful rural character of our region; would increase heavy truck traffic on rural roads not designed to support such a burden, adding new safety and infrastructure concerns. Comments further state that the location poses irreversible harm and threatens personal and public health, small farm economies, property values, and the availability of natural resources such as water and electricity that are essential for sustaining our livestock, crops, native ecosystems and the people that live here.

Comments request denial of this application to preserve farmland, waterways, and the rural legacy of Polk County, stating that the cumulative impacts of pollution, noise, environmental degradation, and loss of community trust are generational, not temporary. A request was made to keep the record open for an additional 30 days for additional members of the community to have the opportunity to be heard.

Kelcey Stoller: (7/25/2025) Comments in opposition were provided stating that the proposal directly contradicts the intended purpose of EFU zoning and poses significant, long-term threats to the agricultural viability, environmental health and rural character of our community.

Comments reference the following environmental and health risks of siting a solid waste transfer station near a creek and in a 100-year floodplain: high carbon footprint and greenhouse gases from diesel trucks and heavy equipment that emit large amounts of CO₂ and black carbon, which worsen climate change, and landfills and associated waste facilities significantly increase greenhouse gas emissions, contributing to global warming; disease, stating it causes thousands of premature deaths in the U.S. each year; air pollution and local well-being, stating that fine particulate matter from diesel and waste emissions contributes to respiratory infections, cardiovascular issues, low birth weight, and reduced cognitive development in children; dangerous diesel particulate matter and health risks, stating that diesel exhaust is a well-known human carcinogen; hazardous site proximity amplifies harm and communities near waste facilities experience higher rates of chronic illness; and locating the facility in a floodplain near a creek increases the risk of toxic runoff and long-term environmental contamination.

Comments state that if approved, this project would impose significant, long-term harm on the agricultural economy, environmental health, and overall quality of life that defines the rural community. Comments state that Polk County has a proud agricultural tradition rooted in clean air, fertile soil, and a stable rural environment and an industrial scale waste facility is incompatible with these values. Comments state that the daily presence of diesel trucks, noise, pollution, dust, and persistent odors would directly disrupt farming operations, threaten crop quality, and degrade the conditions necessary for raising livestock. Comments state that this is a land use conflict and a danger to the viability of agricultural livelihoods.

Comments express concerns about the impacts on public health and environmental integrity, including runoff and contamination due to being sited within a known floodplain and near a natural waterway. Comments state that during flood events, hazardous materials from the site could easily migrate into surrounding soils and streams, compromising drinking water, wildlife, and the broader ecosystem, stating that these are not abstract risks, but are predictable consequences with lasting effects.

Comments express concerns about permanently altering the character of the area, stating that the facility would replace the current sense of safety, quiet, and natural beauty, and rural residents should not be forced to bear the environmental and economic costs of a facility that primarily benefits private interests.

Glen and Shelly Stoller: (7/25/2025) Comments request denial of the application and request that the record remain open for 30 days. Comments state that placing a transfer station in a floodplain dramatically raises the risk of chemical runoff, greenhouse gas pollution, serious health issues, and permanent ecological damage to creeks, farmland, and rural communities. Comments state that the increased diesel emissions and flood-driven contamination pose irreversible threats to water quality, public health, and local ecosystems. Concerns were raised about EFU being “under attack”, stating that once farmland is gone, it is gone forever, and more land cannot be made. Comments also reference food scarcity concerns and uncertainty.

Comments reference opposition to changing the zoning from EFU, stating that there are already appropriately zoned sites for a transfer station. Comments state that EFU zoning is designed to preserve agricultural land for farming and food production and is not for industrial development. Comments express concerns about the site being located near a natural creek and within a designated 100-year floodplain, where any leakage, runoff, or flooding could result in irreversible contamination of water sources, soil, and surrounding farmland. Comments state that the carbon footprint of constant heavy truck traffic, diesel emissions, odor, and particulate matter would drastically degrade air quality and Polk County’s charm that residents value. Concerns were expressed about health risks, reduced property values, and long-term environmental degradation, stating that this proposal presents risks of personal harm, economic harm to small farms and businesses, damage to physical land assets, and strain on shared natural resources like water and power. Comments state that the proposal would

divert critical resources from agriculture and habitat, which would impact livestock, crops, and future viability. Comments state that the proposal represents a direct threat to current and future quality of life for residents, farmers, and families in this area, and would alter the rural character of the community.

Comments state that harvest seasons comes with equipment seasonally sharing the road, and the community is aware and considers this when purchasing their homes. Comments state that they were advocates for the local dairy and the lagoons, helping to educate the public on the pros and cons. Comments state that the increased heavy truck traffic, constant noise, noxious odors, and airborne pollutants caused by the transfer station would degrade the peace, safety, and health that residents have long enjoyed, indicating that they never would have purchased if the facility had already been established at this site.

Questions were raised regarding who is to be held responsible for future health issues and reduced property values. Comments state that this proposal is not just an inconvenience, but undermines the values that define Polk County. Comments express concerns about the facility be located near a creek and within a 100-year floodplain, which puts water, soil, and ecosystems at risk of contamination during flood events, endangering not just human health, but the viability of livestock, crops, and native habitat. Comments state that the environmental footprint and health hazards associated with diesel exhaust, particulate matter, and chemical runoff are well-documented and long-lasting harms. Comments state that this proposal imposes avoidable risks for the benefit of a private entity while placing the burden the surrounding community. Comments request rejection of the application to preserve the safety, character, and livability of Polk County for years to come.

Lisa Mauschbaugh-Lobo: (7/25/2025) Comments in opposition of this proposal were submitted expressing environmental, health, and “way of life” concerns. Comments reference proximity to the 100-year floodplain and concerns about water contamination and environmental degradation. Other concerns are related to the “rural character and agricultural foundation” of the community. Comments also expressed concerns regarding increased traffic creating safety hazards and road deterioration; diminished quality of life due to air and noise pollution; and impacts on property values.

Additional written testimony: Written testimony that was provided prior to 5:00 PM on July 25, 2025 was included in this staff report. Full comments are included in the record. Any additional written testimony provided to the Polk County Community Development Department prior to the public hearing will be provided to the Polk County Hearings Officer for consideration.

III. REVIEW AND DECISION CRITERIA FOR LP 25-02

The authorization for a land partition is provided under Polk County Zoning Ordinance (PCZO) 136.070(B) and Polk County Subdivision and Partition Ordinance (PCSO) Sections 91.290 and 91.700. The Polk County Planning Director has referred this application to the Polk County Hearings Officer to be processed concurrently with planning applications CU 25-05 and LUD 25-13. Sections 111.240, 111.250, and 111.260 of the PCZO authorize the Hearings Officer to conduct such review and render a decision in this matter. Staff findings and analysis are as follows:

1. **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: [PCZO 136.070(B)]
 - A. The governing body of a county or its designee may approve a proposed division of land in an exclusive farm use zone for nonfarm uses, except dwellings, set out in ORS 215.213 (1)(c) or (2) or 215.283 (1)(c) or (2) if it finds that the parcel for the nonfarm use is not larger than the minimum size necessary for the use. The governing body may establish other criteria as it considers necessary. Land that is divided under this subsection pursuant to ORS 215.213 (1)(c) or 215.283 (1)(c) may not later be rezoned by the county

for retail, commercial, industrial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732. [ORS 215.263(3)]

- B. **Counties may allow the creation of new parcels for nonfarm uses only as authorized by ORS 215.263. Such new parcels shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for the nonfarm dwellings authorized by section (7) of this rule. Land that is divided under this section pursuant to ORS 215.213(1)(c) or 215.283(1)(c) may not later be rezoned by the county for retail, commercial, industrial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732. [OAR 660-033-0100(6)]**
- C. **The governing body of a county may not approve a division of land for nonfarm use under subsection (3), (4), (5), (9), (10), (11) or (12) of this section unless any additional tax imposed for the change in use has been paid. [ORS 215.263(13)]**
- D. **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; [PCZO 136.070(B)(1)]**
- E. **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; [PCZO 136.070(B)(2)]**

Staff Findings: The subject property is currently approximately 394.9 acres in size and is located within the EFU Zoning District. The applicant is proposing to partition the subject property into two (2) parcels under the criteria for “nonfarm, nonresidential parcels” found in PCZO 136.070(B). Proposed Parcel 1 would contain approximately 357.9 acres and proposed Parcel 2 would contain approximately 37.1 acres. As listed above, ORS 215.263(3) and OAR 660-033-0100(6) permit land divisions in the EFU zone for nonfarm uses, except dwellings, set out in ORS 215.213(1)(c) or (2), or ORS 215.283(1)(c) or (2). Parcels created under this statute and administrative rule may be smaller than the minimum parcel size of 80.0 acres for the EFU zone, but may not exceed the minimum size necessary for the proposed use.

The applicant is proposing to establish a solid waste transfer facility on proposed Parcel 2 under the criteria for “solid waste disposal site” found in PCZO 136.050(Z). A solid waste disposal site is a use that is permitted in the EFU zone by State law, pursuant to ORS 215.283(2)(k). As discussed in Section IV of this report, the solid waste disposal site (transfer facility) on proposed Parcel 2 would temporarily store and consolidate solid waste on-site, then transport solid waste to an off-site final disposal location. The transfer facility would allow for multiple waste streams from commercial haulers and self-haulers, and would allow for waste to be diverted to multiple end destinations, such as composting, construction and demolition recovery, commingled recovery, fiber and metal reuse, or landfill disposal.

The applicant states that they have significant experience in the solid waste management industry and have worked with experts to design an efficient site plan that is the minimum size needed to accommodate the County’s solid waste management needs. The applicant asserts that the Transfer Facility Parcel (Parcel 2) is the minimum size necessary to accommodate the development of a solid waste transfer facility, as depicted in Attachment B. Attachment C shows the proposed movement throughout the various buildings of the Transfer Facility Parcel. The applicant provided a detailed description of the various proposed buildings as follows:

Transfer Facility Building: Most of the solid waste transfer facility operations would 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 that would be 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 would be repurposed for materials and equipment storage.

Stormwater Facilities: All site stormwater runoff would be 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 would be located on the southwest part of the site, and the downstream facility would be located on the southeast part of the site. The site has one emergency overflow at an existing drainage channel that runs west to east.

On-site Septic Systems: The facility is proposed to use and maintain two (2) existing on-site septic systems.

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

Queuing: The site plan includes queuing space for commercial and individual haulers during peak hours (Attachment E).

The applicant's preliminary site plan and traffic circulation plan (Attachments B and C) depict the proposed property boundaries and buildings that are proposed to be constructed, repurposed, and removed on proposed Parcel 2. The site plan also depicts related infrastructure including parking, landscaping, existing septic systems, future septic repair areas, stormwater management facilities, access locations, inbound and outbound scales, private utility and access easements, and stormwater outfall pipe. The applicant has requested an exception to the loading standards, which is discussed in greater detail below (Section IV, Subsection 4). According to the applicant's site plan, buildings to support the proposed transfer facility include a transfer station building, a metals drop-off building, a facility maintenance dry storage building, two (2) buildings for re-bulking/bulk storage, a dry storage building, a recycling building/conference room, a maintenance shop, a covered equipment storage building, and an office. The site plan also depicts a concrete pad that would be a designated area for inert material/woody debris, or "green waste". The circulation plan depicts the traffic circulation for public customers/commercial no account, franchised haulers, inert material/green waste, metal drop off, and recycling customers. The circulation plan also shows four (4) access points that are proposed to be used, two (2) existing access points that are proposed to be closed, and one (1) access point that is proposed to be a gated private driveway to be retained for farm use only.

Comments were received from an interested party identifying a discrepancy on the applicant's site plan. The first page of the site plan depicts three (3) structures that are proposed to be removed and a portion of a fourth structure. The second page of the site plan only depicts one (1) structure and a portion of another structure that are proposed to be removed. Staff understands the first page of the site plan to be correct and the two (2) structures that are labeled "Covered Equipment Storage" that would be within the 20 foot setback area are proposed to be removed.

Staff identified two (2) additional site plan discrepancies that are worth noting. First, the proposed "Transfer Station Building" would be sited generally in the location where multiple barns associated with the former dairy operation are currently located. The site plan does not expressly identify these structures as being proposed to be removed with a hashed line like the other structures; however, the fourth page of the tentative partition map (Attachment A) identifies these structures as "buildings to be removed". Also, the narrative and location of the proposed Transfer Station Building and Franchise Haulers traffic flow depicted in the circulation plan clearly imply that these structures are proposed to be removed. For the purpose of this review, staff understands the applicant's proposal includes the removal of the three (3) existing structures, the partial removal of one (1) of the buildings that is proposed to be repurposed for "Re-bulking/Bulk Storage", and removal of the barn

structures located near the proposed Transfer Station Building. When looking at Attachments A-E together, this intent is clear.

The second discrepancy is related to an existing access point that is labeled “Driveway approach #7 private gated driveway to be retained for farm use only”. This access point would be located on proposed Parcel 2, but appears to be intended to provide access to farm use occurring on proposed Parcel 1. The site plan and narrative provided do not depict an easement or specify an easement width. Nevertheless, both Parcels 1 and 2 would have frontage along and direct access to Rickreall Road, so it doesn’t appear that the proposed “Driveway approach #7” is necessary to provide farm access. Additional findings to address access are discussed in greater detail below (Section III, Subsection C).

The above criteria require that the parcel created for the nonfarm use is not larger than the minimum size necessary for the use. In this case the “nonfarm parcel” is proposed Parcel 2 and the “nonfarm use” is a solid waste transfer facility. The applicant states that the Transfer Facility Parcel is currently completely developed with structures and ancillary improvements that have been used by the subject property 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. The applicant states that the site plan and other supporting documentation demonstrates that 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.

An interested party suggested a slight modification to the proposed tentative partition map to account for the two (2) northern equipment storage buildings that are proposed to be removed. Comments suggest that the tentative partition survey may have been drawn prior to the site plan being drawn depicting removal of those buildings. Staff generally agrees with these comments and finds that since those structures are proposed to be removed, then there may not be a need for the northernmost extension of approximately 90 feet on proposed Parcel 2. Staff used GIS measurements tools and finds that this area is approximately 0.5 acre in size. Staff finds that the proposed size and configuration of Parcel 2 is reasonable considering the proposed development and traffic circulation plan depicted in Attachments A and B. However, the record leaves an open question as to whether or not there is a need for the approximately 90 foot extension on the northern most portion of proposed Parcel 2. Staff recommends that the applicant either amend their tentative partition plat map, or provide the Hearings Officer additional justification to consider the need for the 90 foot extension area. Because this evaluation is based on the sizes and configurations proposed and reviewed in this application, staff recommends a condition of approval that proposed Parcel 1 shall contain approximately 358.4 acres and proposed Parcel 2 shall contain approximately 36.6 acres, unless otherwise specified by the Hearings Officer. The configuration of the parcels depicted on the final recorded Partition Plat shall substantially conform to the configuration depicted in the applicant’s tentative partition map, with the exception of the approximately 0.5 acre area that should be part of proposed Parcel 1 (Attachment A).

Other comments from an interested party state that the proposal has been amended to reduce proposed Parcel 2’s size, and the area near the railroad is no longer proposed as part of Parcel 2. Comments state that all garbage would need to be trucked somewhere, such as Arlington, causing more outbound traffic over the bridge, through Salem, on I-5, through Portland, and then I-84. Comments further state that (in their opinion) direct rail access should be the number one (1) criterion. The application materials did not identify the use of rail as being part of their proposal. Staff agrees with the commenter and finds that given the close proximity to an existing railroad, there could be a missed opportunity if this transportation modal is not considered. For these reasons, staff recommends that the applicant consider amending their application to include the use of rail. If ultimately, the tentative partition plat is amended in order to add easements and/or expand the size of Parcel 2 to accommodate rail access, that those amendments could likely be justified and should be considered by the Hearings Officer.

PCZO 136.070(B) is the local ordinance that implements and references ORS 215.263(3) and OAR 660-033-0100(6). ORS 215.263(3) and OAR 660-033-0100(6) specify that land that is divided pursuant to ORS 215.283(1)(C) may not later be rezoned by the County for retail, commercial, industrial or other non-resource use, except as provided under the statewide land use planning goals or under ORS 197.732. ORS 215.283(1)(C) pertains to Utility Facilities Necessary for Public Service, which is not applicable to this application. Nevertheless, the applicant states that they are not seeking to re-zone the property and acknowledged that rezoning the property would require a Goal Exception.

OAR 660-033-0100(6) references ORS 215.263. ORS 215.263(13) specifies that the county may not approve a division of land for nonfarm use under subsection (3), (4), (5), (9), (10), (11) or (12) of ORS 215.263 unless any additional tax imposed for the change in use has been paid. The section applicable to this proposal is ORS 215.263(3), therefore, additional tax for proposed Parcel 2 would need to be imposed. The applicant has acknowledged this requirement and states that this issue may be addressed as a condition of approval. To satisfy this requirement, staff recommends a condition of approval that prior to recording the final partition plat, additional tax imposed for the change in use for proposed Parcel 2 shall be paid. Any questions about additional property taxes that would be imposed on Parcel 2 can be directed to the Polk County Assessor's Office.

The authorization of this partition is based on a specific nonfarm, nonresidential use that is concurrently being reviewed in planning file CU 25-05. For these reasons, staff recommends a condition of approval specifying that LP 25-02 and CU 25-05 shall be dependent on one another. Failure to receive an approved and effective Decision for LP 25-02 or CU 25-05 would invalidate both the approvals.

With the above conditions, the application complies with these criteria.

C. Each parcel shall be provided legal access to a public road by frontage or easement;
[PCZO 136.070(B)(3)]

Staff Findings: The applicant states that both the Farm Parcel (proposed Parcel 1) and the Transfer Facility Parcel (proposed Parcel 2) would continue to have access to Rickreall Road.

The subject property currently has frontage along Highway 22 and Rickreall Road. Highway 22 is a Principal Arterial and Rickreall Road is a Major Collector as defined in the Polk County Transportation Systems Plan, Figure 3. Staff finds that, as a result of the proposed land partition, Parcel 1 would retain frontage along Highway 22 and Rickreall Road. Proposed Parcel 2 would only have frontage along Rickreall Road. The proposed transfer facility would be served by four (4) separate access locations that would all be located entirely on Parcel 2, including the following: one (1) public entrance (one way), one (1) public exit (one way), an employee access (two way), and a commercial access (two way). Two (2) existing approaches on Parcel 2 are proposed to be eliminated.

As discussed above, a private gated driveway is also proposed to remain on Parcel 2, which would be for farm use only. It is assumed that the farm use that this driveway is intended to serve would be on Parcel 1; however, based on staff's review of the current aerial imagery, it does not appear that any farm use on Parcel 1 would be entirely dependent on this access. For these reasons, staff finds that this access is considered optional and an easement depicted on the final partition plat is not necessary; but the property owner could choose to grant an easement across Parcel 2 to serve as a farm access for Parcel 1.

The applicant's site plan and narrative has identified one (1) additional 40-foot wide private access easement along the southern edge of the former wastewater lagoon near the northwestern portion of proposed Parcel 2. The applicant states that this private access easement would be limited to farm use and emergency access, and to allow for accessibility to the entire perimeter for the wastewater lagoon.

Based on the applicant's site plan and circulation plan (Attachments B and C), staff finds that both parcels are proposed to have access to public roads by frontage. To ensure compliance, staff recommends a condition of approval that each new parcel shall have frontage along a public road or

access to a public road via an easement. All new easements for access shall be at least 40-feet wide, unless an exception is granted pursuant to PCSO 91.800.

The Polk County Public Works Director provided comments on the Traffic Circulation Plan as follows:

1. "#1 Commercial Access": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for two way truck traffic. This access has a degraded corrugated metal pipe culvert. At some point in the future, this culvert will need to be replaced. The applicant is advised of the requirements of ORS 374.315 which require facilities constructed in the right of way under permit to be maintained by the landowner. This would include the future replacement of the culvert.
2. "#2 Driveway Approach": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for elimination.
3. "#3 Employee Access": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for two way passenger vehicle traffic. This access has a degraded corrugated metal pipe culvert. At some point in the future, this culvert will need to be replaced. The applicant is advised of the requirements of ORS 374.315 which require facilities constructed in the right of way under permit to be maintained by the landowner. This would include the future replacement of the culvert.
4. "#4 Driveway Approach": This existing access is a **permitted commercial access** (Permit #89A-039) meeting the current commercial driveway standards. It is proposed and approved for elimination.
5. "#5 Public Exit": This existing access is a **permitted non-commercial access** (Permit 2012-A-0011) that does not meet the current commercial driveway standard. Specifically, the paved width at the culvert is 27 feet and needs to be 30 feet to meet current commercial standard. However, since this driveway is being proposed as a one-way public exit, this standard will be waived. If the driveway use changes to two-way in the future, the pavement will need to be widened to 30 feet.
6. "#6 Public Entrance": This existing access is a **permitted non-commercial access** (Permit 2004-A-0107) that meets the current commercial driveway standards. It is proposed and approved for one-way public exit. Upon receipt of a completed application, Polk County will issue a valid commercial access permit.
7. Unidentified driveway between "#6 Public Entrance" and #7 Private Gated Driveway". This is an unpermitted access that likely pre-dates the access permitting process. Since the access does not meet current standards and since the applicant is not proposing a use for this access, it shall be eliminated.
8. "#7 Private Gated Driveway": This existing access is an **unpermitted access** that meets non-commercial standards. The applicant proposes this for farm use only. Upon receipt of a complete access application, Polk County will approve this driveway as a farm use driveway and issue a valid permit. If the use changes to commercial in the future, the driveway will need to be paved to upgrade to commercial standard and the permit will need to be revised for commercial use.
9. The current county standards VI.1.B limits the maximum number of access points on rural lots to two (2) per lot, unless otherwise specified by the County Engineer. In consideration of the need to separate commercial, employee and public ingress/egress for the safety of all users of this proposed facility, the County Engineer waives this maximum number of accesses and approves the five (5) accesses as proposed on Exhibit 7A, contingent on the continued use of the proposed circulation plan.

Based on these comments, staff finds that all five (5) proposed access locations on Parcel 2 are either currently permitted, or could become permitted, contingent on the continued use of the proposed circulation plan evaluated in this application (Attachment C). For these reasons, staff recommends a condition of approval that the transfer facility's traffic flow shall be implemented consistent with the Traffic Circulation Plan that was evaluated in this application (Attachment C). The applicant shall obtain any necessary access permits from the Polk County Public Works Department.

With the above condition, the application complies with this criterion.

D. 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); [PCZO 136.070(B)(4)]

Staff Findings: The applicant states that the proposed Transfer Facility Parcel is proposed to be served by two (2) existing septic systems, which served the previous dairy operation. The applicant states that the two (2) septic tanks and associated septic drain fields are inspected and maintained on a regular basis and solids from the septic tanks are removed on a regular basis and disposed of at an approved facility. The applicant's site plan depicts the location of the two (2) existing septic systems and also depicts two (2) future repair areas, which appear to be undisturbed grassy areas based on staff's review of current aerial imagery¹. The applicant provided a copy of previous septic permit records and states that the site's existing septic systems are sized to convey and infiltrate approximately 750 gallons per day in total. The applicant states that the use of the existing septic system would be limited to domestic wastewater disposal for up to 20 employees (i.e., on-site restrooms) and would be sufficient to serve the proposed Transfer Facility Parcel.

Polk County's Environmental Health Division provided comments stating that septic permit 16620 is associated with a capping fill system, consisting of a 1,000-gallon septic tank and 300-linear feet of drainfield lines (infiltrator chambers), that were installed and finalized on July 30, 2002. Septic permit 37246 is associated with a capping fill system, consisting of a 1,000-gallon septic tank and 450 linear feet of drainfield lines (infiltrator chambers) that were installed and finalized on October 15, 2007. In 2018, a 1,500-gallon septic dosing tank was installed, which is connected to the effluent line of the 1000-gallon septic tank installed under permit 37246 (septic permit 687-18-000001-PRMT-01).

Comments further state that the applicant would need to apply for an Authorization Notice and submit an Existing System Evaluation Report (ESER). In accordance with OAR 340-071-0205(1), an Authorization would be required for a change of use and/or an increase in the projected design sewage flow into an existing on-site septic system. If the system is not adequately sized and/or is failing, then a major/minor alteration or repair permit application would be required. All setbacks would need to be maintained to the existing on-site septic systems and future repair areas in accordance with OAR 340-071-0220, Table 1.

For proposed Parcel 1, the applicant states that the existing sewage facilities would continue to serve the existing dwellings. Based on comments from the Polk County Environmental Health Division, the existing single-family dwelling located at 8385 Rickreall Road contains a septic system located south of the dwelling, which was permitted under file #862. For the existing single-family dwelling located at 8365 Rickreall Road, the existing septic system is associated with permit #3125, which was issued on July 29, 1996.

Although proposed Parcel 2 contains two (2) existing septic systems, based on comments from Polk County's Environmental Health Division, an Authorization Notice and submission of an Existing System Evaluation Report (ESER) would be needed in order to determine whether the existing septic systems could be used for the proposed solid waste transfer facility. For these reasons, staff recommends a condition of approval that prior to filing the final partition plat, the applicant shall

¹ Current imagery basemap accessed from <https://maps.co.polk.or.us/PCMAPS/> on July 22, 2025.

submit an Authorization Notice and an Existing System Evaluation Report (ESER) to the Environmental Health Division. If the systems are determined to be inadequately sized or failing, the applicant shall also obtain any additional septic permits, including but not limited to, a major/minor alteration or repair permit for the intended transfer facility use. Alternatively, demonstration that an Oregon DEQ method for disposing of on-site sewage disposal for the intended use would be acceptable.

Staff also recommends a condition of approval that the proposed solid waste transfer facility shall comply with the minimum setback standards required by OAR 340-071-0220 Table 1, including but not limited to: septic drainfield lines shall maintain a 100-foot setback from year round surface water, groundwater supplies, and wells, as well as a 10-foot setback from the foundation lines of any building. The septic tank shall maintain a 50-foot setback from year round surface water, groundwater supplies, and wells, as well as a 5-foot setback from the foundation lines of any building.

With these conditions, the application complies with these criteria.

- E. 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). [PCZO 136.070(B)(5)]**

Staff Findings: This criterion requires the partition plat to be filed within two (2) years from the effective date of preliminary approval. However, the proposed partition and conditional use applications are reliant upon one another. Pursuant to PCZO 119.090, a conditional use granted under this ordinance must be exercised within one (1) year from the effective date. For this reason, staff finds that the partition plat shall be filed within one (1) year from the effective date. A written request for an extension of time may be filed with the Planning Director at least 30 days prior to the expiration of the application.

With this condition, the application could comply with this criterion.

2. GENERAL APPROVAL CRITERIA FOR PARTITIONS

- (A) 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:**
- (i) The proposal is consistent with the provisions and intent of the adopted Comprehensive Plan and Transportation Systems Plan; [PCSO 91.290(1)(a)]**
 - (ii) The proposal is consistent with the provisions of this chapter and the zoning ordinance; [PCSO 91.290(1)(b)]**
 - (a) The purpose and intent of the Exclusive Farm Use (EFU) Zoning District is to conserve agricultural lands, consistent with the Goals and Policies of the Polk County Comprehensive Plan. This objective is achieved by establishing clear standards for the use and development of designated agricultural lands. [PCZO 136.010]**

Staff Findings: The applicant addressed these criteria by stating that 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 applicant states that the proposed land division is necessary for the development of a solid waste transfer facility and this proposal is generally consistent with the adopted Comprehensive Plan and the Transportation Systems Plan. The applicant states that this obligation is essentially a balancing exercise between relative impacts on particular goals and policies versus other goals and policies.

The applicant addressed the following Public Facilities and Services goals policies from the Polk County Comprehensive Plan:

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.** [Polk County Comprehensive Plan (PCCP), Section 2(J), Public Facilities and Services, Goals]

POLICIES

- 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.** [Polk County Comprehensive Plan (PCCP), Section 2(J), Public Facilities and Services, Policies]

Staff Findings: The applicant states that 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 and the proposal is strongly supported by the County's Public Facilities and Services goals and policies. Staff concurs with the applicant's findings. The proposed land partition is intended to facilitate the development of a transfer station within the Dallas-Rickreall area.

Public Facilities and Services Goals include "To support the provision of needed public services for all residents of Polk County." Prior to this application being made, the applicant obtained a Solid Waste Transfer Facility Franchise, pursuant to the criteria found in Polk County Code of Ordinances (PCCO) Chapter 70. During that previous proceeding, the applicable criteria included a determination as to whether or not there is a need for a transfer franchise. The Polk County Hearings Officer determined that there is a need for a solid waste transfer franchise in Polk County because currently almost all of Polk County's solid waste is disposed of at the Coffin Butte Landfill in Benton County. Since 2021, Republic Services has submitted applications to Benton County proposing to expand the Coffin Butte Landfill, through which they acknowledged that the Coffin Butte Landfill is beginning to reach the end of its operational life. While the timing of the closure of the Coffin Butte Landfill is uncertain, the Hearings Officer found that it is that uncertainty that is highlighting the need for a different solid waste plan.

A condition associated with the franchise is that the transfer facility shall be constructed within a five (5) mile radius of the Highway 99W and Highway 22 intersection. An alternative location outside of the five (5) mile radius would require a new solid waste transfer facility franchise and the existing franchise would be null and void. The proposed transfer facility location satisfies this condition.

The applicant also addressed the following Agricultural Lands Goals and Policies:

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.** [PCCP, Section 2(B), Agricultural Lands, Goals]

POLICIES

- 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.** [PCCP, Section 2(B), Agricultural Lands, Policies]

Staff Findings: The applicant addressed these criteria by stating that 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 would be developed on a new parcel that is predominantly not classified as high-value farmland that already 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 impacts can be reasonably mitigated. The applicant has concurrently requested such approval, and therefore such consideration is made during the conditional use permit review (Section IV, below). The applicant states that the proposal would not require the extension of public facilities to the subject property and no new dwellings or other residential uses would be authorized by the proposal. The remaining Farm Parcel would be predominantly high-value farmland and would retain all irrigation rights. As a whole, the applicant states that the proposal is consistent with the Agricultural Lands Goals and Policies, which are implemented by the County's Development Code – Chapter 136.

The above policies expressly state, "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" and "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." The proposed land partition would be for a nonfarm use on a nonfarm parcel, consistent with ORS Chapter 215 and OAR 660-033, as discussed in Section IV of this report.

The applicant states that when considering the applicable Goals and Policies in the Polk County Comprehensive Plan, the proposal is consistent with all applicable Goals and Policies. Additionally, the applicant states that they have considered impacts on the County's Transportation Systems Plan. No new future roads on the subject property are planned 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) that was prepared by DKS Associates, and is signed by Lacy S. V. Brown and stamped with her Professional Engineer stamp. According to the TIA, traffic demand related to the proposed transfer facility would cause little impedance to existing traffic flow and surrounding roads would continue to meet acceptable level of service as defined by the Transportation System Plan, except for one (1) intersection that has pre-existing level of service below standard.

Staff reviewed the Polk County Transportation Systems Plan, Figure 3 and confirmed that no future roads are proposed on Parcel 2. Further, staff reviewed the TIA and confirmed that the TIA's conditional use recommendation states, "...the proposed conditional use development is not expected to have any significant impact on the surrounding transportation system." Evidence in the record further demonstrates that the applicant has been coordinating this project with ODOT since 2023, when a draft copy of the TIA was provided to ODOT. ODOT provided a response letter dated January 8, 2024. This letter contained ODOT's recommendations, such as, further analysis of the OR 22 and Greenwood Road intersection, and applying a seasonal factor to raw traffic count volumes. For this review, an updated TIA was provided that is dated September 2024. A supplemental letter from Travis Larson, PE with DKS Associates, was also provided to the Polk County Public Works Director (and included in this record) explaining how all comments and recommendations that were provided during ODOT's review of the draft TIA were addressed in the updated TIA. Staff provided a copy of the updated TIA to ODOT and the Polk County Public Works Director. Brion Scott, PE, ODOT Development Review Coordinator, provided a response stating, "Region traffic reviewed the TIA and did not have any comments." Polk County's Public Works Director provided comments related to the access locations and circulation plan, which is discussed in greater detail below.

The TIA provided includes the methodology used for this analysis, including: 1) The Service Area delineation; 2) The Project Population Growth; and 3) A Waste Capture Opportunity Assessment.

The Service Area Delineation is described to have been determined based on drive times to waste facilities for identified competitors for the self-haul and commercial haul scenarios. A GIS-based drive-time analysis was conducted to create service areas for both self-haul and commercial haul for each market assessment scenario. The methodology describes the service area boundaries to represent the midpoint or equidistant location between facilities included in the analysis that would be expected to compete with one another. A note specifies that service areas were delineated using the combination of a variety of transportation cost factors (e.g., distance, drive-time, peak traffic drive times) and do not necessarily capture customers that may travel longer distances for a better

experience (e.g., paved facilities, covered unloading). Potential market competitors that accept self-haul and commercial waste were determined by active DEQ permit locations.

For Project Population Growth, population estimates from 2022 and 2027 were generated for the proposed transfer station service areas using the Esri 2022 and 2027 Updated Demographics dataset, which is a data set that was prepared using recent growth trends derived from U.S. Census and state and local sources such as Portland State University Population Research Center, and account for regional land use and comprehensive plans, publicly available development data (i.e., permits), housing inventory, and U.S. Postal Service carrier route additions to track growth.

For the Waste Capture Opportunity Assessment, the TIA explains that estimates for solid waste, mixed recycling, metal, and green waste were developed based on the defined service areas, population forecasts, DEQ data, and additional information provided by the applicant. The TIA specifies that at the time of the analysis, DEQ had not released a new study since 2016. DEQ releases waste characterization information at different geographic scales. Data for waste disposal was obtained and categorized as follows: Statewide results, Rest of Oregon (excludes the Portland Metro area, Lane County, and Marion County), Lane County, and Marion County. Recycling and recovery data were obtained for Polk County, Marion County, and Yamhill County. To apply the DEQ disposal and recovery estimates to the self-haul and commercial service areas, per capita rates were calculated for each of the geographic scales provided by DEQ. The low and high calculated per capita rates were then used to estimate the total opportunity for waste capture within the service areas. Data from the East-Salem Transfer Station and other private solid waste transfer facilities were used to calculate commercial and residential sub-stream per capita rates from DEQ reported totals for self-haul and mixed route trucks. Ferrous metal waste data from local private commercial solid waste facilities was used to validate the range of per capita rates calculated from the DEQ data.

Staff finds that utilizing GIS analysis, available DEQ data, and Demographic datasets is a reasonable methodology for estimating a service area delineation, identifying projected population growth, and complying a waste capture assessment. Waste management is a very specialized industry and staff finds that information obtained from DEQ is a credible data source. Further, obtaining population data from Portland State University Population Research Center is the standard data source for land use planning purposes.

Staff finds that the proposed land partition is consistent with the provisions and intent of the adopted Comprehensive Plan and Transportation Systems Plan, and the provisions in PCSO Chapter 91 and PCZO Chapter 136, which are discussed throughout this report.

The applicant complies with these criteria.

- (iii) 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. [PCSO 91.290(2)]**

Staff Findings: Staff recommends a condition of approval that the applicant shall provide for the submission of a partition plat, prepared by an Oregon licensed land surveyor, which complies with ORS Chapter 92 and Polk County Surveyor standards. The property shall be surveyed and monumented as required by law.

With the above condition, the application complies with this criterion.

- (iv) If a partition application cannot meet the above conditions or requirements and conditions, the Board, Hearings Officer or Planning Director shall deny the proposal. [PCSO 91.290(3)]**

Staff Findings: With the required conditions identified in this staff report, this partition satisfies the applicable review and decision criteria and should be approved.

3. STANDARDS FOR PARTITIONS AND SUBDIVISIONS

(A) SEWAGE DISPOSAL.

- (i) 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. [91.700(1)(a)(A) through (C)]

Staff Findings: The subject property is not located within an area where public sewage facilities are available. Based on comments from the Polk County Environmental Health Division, the existing single-family dwelling located at 8385 Rickreall Road contains a septic system located south of the dwelling, which was permitted under file #862. For the existing single-family dwelling located at 8365 Rickreall Road, the existing septic system is associated with permit #3125, which was issued on July 29, 1996.

As previously discussed in this report, the applicant states that the proposed transfer facility on Parcel 2 is intended to be served by two (2) existing septic systems. Staff has recommended a condition of approval that prior to filing the final partition plat, the applicant shall submit an Authorization Notice and an Existing System Evaluation Report (ESER) to the Environmental Health Division. If the systems are determined to be inadequately sized or failing, the applicant shall also obtain any additional septic permits, including but not limited to, a major/minor alteration or repair permit for the intended transfer facility use. Alternatively, demonstration that an Oregon DEQ method for disposing of on-site sewage disposal for the intended use would be acceptable.

This condition would also satisfy these criteria.

4. 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. [PCZO 91.700(2)]

Staff Findings: Staff reviewed the Polk County Transportation Systems Plan, Figure 3 and finds that no future roads are proposed on the subject property. The applicant states that the proposed Transfer Facility Parcel would have direct access to Rickreall Road, with suitable access for single unit trucks and intermediate semi-trailers (see Attachment C). Private circulation roads would be restricted to operations of the transfer facility and no new public roads or road improvements are proposed concurrent with the proposed land division. According to the tentative partition map and narrative, a private access easement is proposed (40 feet wide) along the southern edge of the wastewater lagoon that would be retained on proposed Parcel 1. The applicant states that this private access easement is intended to be limited to farm use and emergency access and allows for accessibility to the entire perimeter for the wastewater lagoon from proposed Parcel 1 along the northeastern property line of proposed Parcel 2.

The existing two (2) dwellings on proposed Parcel 1 would continue to be accessed via existing driveways with frontage along Rickreall Road. The portion of proposed Parcel 1 north of Highway 22 appears to have an existing access road with frontage along Highway 22, based on staff's review of current aerial imagery¹.

As discussed above, there is some uncertainty about "Driveway approach # 7" depicted on the applicant's site plan, which is described to be for farm use only. Staff reviewed current aerial imagery¹ and finds that the access approach and private road are existing and would not be a "new road" created by this partition. It does not appear that any farm use on Parcel 1 would be entirely dependent on this access, therefore, staff finds that this access road would be considered optional and an easement depicted on the final partition plat is not necessary. However, consistent with these requirements, if an easement is granted for vehicular access across the subject property, it shall be at least 40 feet in width. To ensure compliance with these criteria, staff recommends a condition of approval that any new easements granting vehicular access across the subject property shall be at least 40 feet wide.

The Oregon Department of Transportation (ODOT) provided comments stating that a Rail Crossing Order would be needed if any new driveway is to be constructed within 100 feet of the nearby rail crossing and/or any roadway/sidewalk changes would be made within the Safe Stopping Distance (SSD) of the crossing, which is 305 feet based on the posted vehicle speed of 40 MPH. Comments also state that as the project progresses, ODOT's office should be "kept in the loop" and given design plans to confirm if a Crossing Order is needed and to facilitate the process for it with the affected road authority and railroads. Plans and any additional documents, questions, etc. can be emailed to CCDRailCrossing@odot.oregon.gov. ODOT's comments further state that the applicant should contact Union Pacific Railroad (UPRR) and Portland and Western Railroad (PNWR) to make them aware of the project and give them an opportunity to provide their feedback. Based on the applicant's tentative partition plat and site plan, no new driveways are proposed to be constructed within 100 feet of the nearby rail crossing. Additionally, no roadway or sidewalk changes are proposed within 305 foot Safe Stopping Distance (SSD) of the railroad crossing. Nevertheless, this report serves as notice to the applicant that further coordination with ODOT, UPRR, and PNWR may be needed for any development near the existing railroad.

With this condition, the application complies with these criteria.

5. 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. [PCSO 91.700(3)(a)]
- (b) CORNER LOTS OR PARCELS.** All corner lots or parcels shall be at least 100 feet wide adjacent to each road.
- (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.

- (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.** [PCSO 91.700(3)(b)-(d)]

Staff Findings: The applicant is proposing to partition an approximately 394.9 acre parcel into two (2) new parcels. Proposed Parcel 1 would contain approximately 357.9 acres, which would exceed the 80.0 acre minimum parcel size for the EFU zone. Proposed Parcel 2 would contain approximately 37.1 acres and is proposed to be developed with a solid waste transfer facility. As previously discussed in this report, PCZO 136.070(B), ORS 215.263(3), and OAR 660-033-0100(6) permit land divisions in the EFU zone for nonfarm uses specified in ORS 215.283(2). Parcels created under this statute and administrative rule may be smaller than the minimum parcel size of 80.0 acres for the EFU zone, but may not exceed the minimum size necessary for the proposed use. As discussed in this report, the applicant has demonstrated compliance with the criteria for a nonfarm, nonresidential parcel.

Based on the applicant's tentative partition map (Attachment A), the proposed parcels would not be corner parcels. Side property lines created by this partition would be at right angles to the front property lines. Rear property lines shall be not less than one-half the width of the front property lines. The proposed parcels would not be located within a cul-de-sac. Staff has recommended a condition of approval that proposed Parcel 2 be slightly reconfigured and reduced in size by approximately 0.5 acre. If the final partition plat were modified as recommended, staff finds that the slight modification would continue to comply with these criteria.

As conditioned, the application complies with these criteria.

6. Exclusive Farm Use Zoning District (EFU)

- a. **YARDS** There shall be front, side and rear yards of the following depths for lots in the Exclusive Farm Use Zoning District: [PCZO 112.430(A)(1)]

All buildings and structures		
Front	Side	Rear
30 feet	20 feet	20 feet

Staff Findings: According to the applicant's tentative partition map, the proposed dividing line between proposed Parcel 1 and 2 would be sited between the existing wastewater lagoon and existing structures that were formerly used for the dairy operation. The tentative partition map depicts a 20 foot setback from the outside toe of the lagoon, and exceeds a 20 foot setback from all existing structures that are proposed to remain on-site. As discussed above, when looking at Attachments A-E together, staff understands the applicant's proposal includes the removal of the three (3) existing structures, the partial removal of one (1) of the buildings that is proposed to be repurposed for "Re-bulking/Bulk Storage", and removal of the barn structures located near the proposed Transfer Station Building. Staff finds that once some of all of these structures are removed, the remaining structures would continue to comply with the minimum setback standards of the EFU zone. To ensure compliance with these criteria, staff recommends a condition of approval that all structures within the required 20 foot rear yard setback area shall be removed prior to recording the final partition plat.

The existing dwellings on proposed Parcel 1 would exceed 900 feet, based on staff's measurements using Polk County GIS tools. Staff finds that no other setbacks would be affected by the proposed land partition.

Polk County's Environmental Health Division provided comments stating that all setbacks would need to be maintained to the existing on-site septic systems and future repair areas in accordance with OAR 340-071-0220, Table 1. After reviewing the tentative partition map and the applicant's site plan, it appears that the proposed property line would allow for a minimum of a 10 foot setback distance from all existing septic systems and future repair areas. To ensure compliance, staff recommends a condition of approval that the property owner shall establish the new property lines in a location that complies with the minimum setbacks found in OAR 340-071-0220 Table 1, including:

a minimum of ten (10) feet from any septic system and repair area, and five (5) feet from any septic tank.

With the above condition, the application complies with this criterion.

IV. REVIEW AND DECISION CRITERIA FOR CU 25-05

The applicant is requesting to establish a solid waste transfer facility within the Exclusive Farm Use (EFU) Zoning District. This application is being processed under the criteria for a "Solid Waste Disposal Site" found in Polk County Zoning Ordinance (PCZO) sections 136.050(Z), 136.060, and 119.070. Additionally, Oregon Administrative Rules (OAR) 660-033-0130(5) became effective on January 1, 2025, which clarifies what must be considered when addressing the criteria found in PCZO 136.060. These criteria also apply directly to this application. Staff findings are provided below.

1. 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:

- A. *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. [PCZO 136.050(Z)]

Staff Findings: The applicant is proposing to establish a solid waste transfer facility on proposed Parcel 2 of LP 25-02. The proposed transfer facility is intended to manage multiple waste streams from commercial haulers and self-haulers, which would be stored temporarily and then consolidated on-site and transported to a permitted off-site disposal location.

The proposed transfer facility would be comprised of buildings, inbound and outbound scales, and covered and uncovered storage areas to support recycling and solid waste transfer operation. Portions of the former Rickreall Dairy buildings would be repurposed for the transfer facility operations. New development proposed includes a transfer facility building, stormwater facilities, scales, and associated parking and landscaping. The applicant states that most of the solid waste transfer facility operations would take place indoors. The main solid waste transfer facility building would include multiple tipping floors for wet and dry waste, and a preload waste compactor. The proposed transfer facility would accept solid waste from the public and franchised waste haulers consistent with ORS 459 and Polk County Ordinance Chapter 70 for transfer to a permitted landfill.

Solid waste categories that are proposed to be accepted include:

- Putrescible mixed solid waste
- Non-putrescible mixed solid waste
- Recycling (source separated recyclables, appliances [e.g., white goods], ferrous and non-ferrous metals)
- Residential curbside recycling
- Source separated yard debris/green waste
- Source separated food waste and mixed organics (vegetative or non-vegetative)
- Source separated wood waste (clean, painted, or treated)
- Source separated electronic devices
- Inert material
- Medical waste
- Dismantling

Hazardous waste would be considered “Unacceptable Waste” and is not proposed at this facility. The proposed transfer facility would allow for waste to be diverted to multiple end destinations, such as composting, construction and demolition recovery, commingled recovery, fiber and metal reuse, or landfill disposal. Attachments B-E include details about the proposed development, traffic circulation, the transfer station building layout, and the queueing layout. The applicant provided a detailed description of the proposed operations and circulation as follows:

Commercial Haulers – Traffic Flow:

The applicant provided a circulation plan (Attachment C) depicting the proposed facility layout and traffic flows. Commercial waste haulers would enter and exit through the westernmost access point off Rickreall Road. The commercial hauler access point would have two (2) lanes – one (1) for entering commercial haulers and one (1) for exiting commercial haulers. After entering the Property, the commercial hauler would pass through an automated, unattended commercial scale. Commercial haulers would have a card they are able to scan at the scale, and it is estimated to take a maximum of three (3) minutes to pass through the scale. In the peak hour of the busiest day of the week, there would be a maximum of twelve commercial haulers that would access the Property. The total time a commercial hauler would be on the Property is estimated to be a maximum of ten (10) minutes. The site provides ample queuing space to ensure that commercial haulers could queue on the Property and avoid any queuing on Rickreall Road.

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

Inside the transfer facility, commercial haulers would be assisted by three (3) to four (4) on-site employees consisting of at least one (1) spotter and two (2) equipment operators. Once the waste has been deposited inside the transfer facility building, the commercial haulers would exit the transfer facility building and turn south at the westernmost three-way stop before exiting onto Rickreall Road via the exit lane.

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

Self-Haul Customers – Traffic Flow:

Self-haul customers would enter through the eastern access point off Rickreall Road (west of the access retained for farm use only). There would be two (2) scales at the entrance and two (2) scales at the exit, with three (3) 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 is intended to 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 would turn west and enter the Recycling Building to deposit recyclable materials. Inside the Recycling Building, recyclable materials would be 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 would be one attendant in the Recycling Building to assist and oversee the sorting of recyclable materials. The number of stalls would 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 would continue north and deposit the materials at the designated material/green waste area. If customers do not have metals to deposit, then they would turn south and exit the Property via the exit lane leading to Rickreall Road.

If customers have metal materials, they would continue west to the Metals Drop-Off Building and deposit the metals. Customers would 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 would pass through one (1) of the two (2) out-bound scales before exiting onto Rickreall Road.

Solid Waste Disposal Site Definitions:

The subject property is located within the EFU zone, which conditionally permits a “solid waste disposal site”, pursuant to PCZO 136.050(Z). This local ordinance implements the criteria found in ORS 215.283(2)(k). ORS Chapter 215 does not have a definition of solid waste or disposal. Similarly, OAR 660-033, which applies to Agricultural lands, also does not define those terms. Therefore, staff finds that the applicable definitions for determining whether not the scope of this proposal constitutes a “solid waste disposal site”, is based on DEQ’s definitions found in ORS 459.005.

ORS 459.005(25) defines “solid waste” as follows:

(25) “Solid waste ” means all useless or discarded putrescible and nonputrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386. “Solid waste” does not include:

- (a) Hazardous waste as defined in ORS 466.005.*
- (b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.*
- (c) Woody biomass that is combusted as a fuel by a facility that has obtained a permit described in ORS 468A.040.*

ORS 459.005(8) defines “Disposal site” as follows:

(8)(a) “Disposal site” means land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site. [Emphasis added]

(b) “Disposal site” does not include:

- (A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;*
- (B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;*
- (C) A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service; or*
- (D) A site operated by a dismantler issued a certificate under ORS 822.110.*

ORS 459.005(28) defines “transfer station” as follows:

(28) “Transfer station” means a fixed or mobile facility other than a collection vehicle where solid waste is deposited temporarily after being removed from the site of generation but before being transported to a final disposal location.

Based on these definitions, staff finds that the proposed solid waste transfer facility constitutes a solid waste disposal site in ORS Chapter 215 and PCZO Chapter 136, and is allowed conditionally in the EFU zone.

DEQ Permit:

PCZO 136.050(Z) specifies that compliance with Section 136.060 is necessary. Findings to address PCZO 136.060 are included in Section IV, Subsection 2, below. PCZO 136.050(Z) also references ORS 459.245 for which a permit has been granted by the Department of Environmental Quality (DEQ) together with equipment, facilities or buildings necessary for its operation. ORS 459.245 states:

Issuance of permits; terms; refusal to renew; disposal of liquid waste.

- (1) If the disposal site meets the requirements of ORS 459.005 to 459.105 and 459.205 to 459.385 and rules of the Environmental Quality Commission adopted pursuant thereto, the Department of Environmental Quality shall issue the permit. Every completed application shall be approved or disapproved within 60 days after its receipt by the department. Except as provided in ORS 459.055 or for a permit issued under the process set forth in ORS 517.952 to 517.989, if the department fails to act within the time allowed, the application shall be considered approved unless an extension of time is granted by the commission on a showing of good cause by the department.*
- (2) Disposal site permits shall be issued for a period not to exceed 10 years, to be determined by the department and specified in the permit.*
- (3) Subject to the provisions of ORS chapter 183, the department may refuse to renew a permit unless the disposal site meets the requirements of subsection (1) of this section.*
- (4) The department may, consistent with applicable federal law, authorize in a disposal site permit the addition at a disposal site of liquid waste or water in a controlled fashion to enhance the decomposition of solid waste if the disposal site otherwise meets the requirements of ORS 459.005 to 459.105 and 459.205 to 459.385 and rules of the commission adopted pursuant thereto. For purposes of this subsection, “liquid waste” means any waste that, by using a paint filter liquids test method adopted by the commission, is determined to contain free liquids.*

PCZO 136.050(Z) specifies that a permit from DEQ for a solid waste disposal facility is required; however, a Land Use Compatibility Statement (LUCS) form is required to be submitted with an application for a DEQ solid waste disposal permit. For this reason, the applicant states that they cannot apply for a permit from the DEQ until after receiving land use approval, and the applicant has proposed a condition of approval that a DEQ permit be obtained before receiving a final certificate of occupancy for the proposed transfer facility.

Because it is not feasible to obtain a DEQ permit prior to submitting a land use application for a solid waste transfer facility, the applicant has provided evidence to demonstrate that compliance with the DEQ submittal requirements for a DEQ solid waste disposal permit is feasible.

The applicant states that per DEQ requirements, the applicant would need 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. The proposed site design is included as Attachment B. The applicant also provided an Operations Plan that is included in the record, and more detailed design and construction plans would be developed upon receiving an approved conditional use permit. The applicant states that these design and support documents would demonstrate to DEQ that the project would comply with their following standards as further outlined in the project's Operational Plan:

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.

ORS 459.245 references “rules of the Environmental Quality Commission” [Emphasis added]. Staff reviewed DEQ administrative rules and it appears that these requirements originate from OAR 340-096-0040 “Transfer Stations and Material Recovery Facilities”.

These standards were also addressed in a Technical Memorandum that was prepared by Cem Gokcora, PE, with Maul Foster Alongi (MFA). The technical memorandum summarizes MFA's engineering evaluation of the proposed solid waste transfer facility site development including a response to the six (6) DEQ submittal requirements identified above. The technical memorandum references various local and states laws, including, but not limited to, Oregon Revised Statute Chapters 459 and 468B, Polk County Ordinance Chapter 70 (solid waste management ordinances), and Oregon Administrative Rules Chapter 340, Divisions 93, 96, and 97. The conclusions of this report state that it is MFA's professional opinion that the subject site is suitable for repurposing as a solid waste transfer facility, DEQ solid waste disposal permit requirements and all relevant Polk County regulations. Based on this evidence, staff finds that it is reasonable to conclude that the applicant could obtain a DEQ permit pursuant to ORS 459.245. To ensure compliance, staff recommends a condition of approval that prior to operating the proposed transfer facility, the applicant shall obtain all applicable DEQ permits for operating a solid waste transfer station.

The above criterion specifies that new solid waste disposal sites (transfer facility) are not authorized on lands classified as high-value. The applicant states that the proposed solid waste transfer facility has been proposed for a parcel that contains soils that are predominately not high-value farmland soil (approximately 55 percent not high-value soil), which meets the County's requirement. In addition, the proposed transfer facility would 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.

High-value farmland is defined in OAR 660-033-0020(8), which specifies that this determination is based on the tract's predominance of soils types. After exercising LP 25-02, proposed Parcel 2 would be conveyed to the applicant and would constitute the subject tract of approximately 37.1 acres. To verify the applicant's findings and calculations, staff reviewed the soil composition of proposed Parcel 2, which was generated using Polk County's GIS measurement tools and Natural Resource Conservation Service (NRCS) soil information. Based on those calculations, staff found that proposed Parcel 2 would contain approximately 17.3 acres of high-value farmland (Bashaw clay, 0-3 percent slopes) and approximately 19.8 acres of soils not classified as high-value farmland (Cove silty clay loam, thick surface). As a result, staff finds that the subject tract, as proposed, would not be considered high-value farmland. As discussed above, staff has recommended that the Hearings Officer consider an alternative partition configuration that would slightly reduce the size of proposed Parcel 2 by moving a portion of the northern property line towards the south. If proposed Parcel 2's northern property line configuration is ultimately modified, this area is composed entirely of high-value farmland soils. Therefore, staff finds that slightly changing the northern property line configuration would not result in the tract becoming predominantly high-value farmland.

Staff finds that this review is specific to the uses and activities reviewed in this conditional use permit (CU 25-05). Therefore, staff recommends a condition of approval that the proposed solid waste transfer facility shall be limited to the operations, uses and activities reviewed in this conditional use permit (CU 25-05), including any additional limitations imposed by conditions of approval.

The authorization of this conditional use permit is based on the land partition that is concurrently being reviewed in planning file LP 25-02. For these reasons, staff recommends a condition of approval specifying that LP 25-02 and CU 25-05 shall be dependent on one another. Failure to receive an approved and effective Decision for LP 25-02 or CU 25-05 would invalidate both the approvals.

Because this evaluation is reliant upon the proposed partition (LP 25-02), staff recommends a condition of approval that prior to establishing the proposed solid waste transfer station on proposed Parcel 2, Land Partition (LP) 25-02 shall be exercised.

With the above recommended conditions of approval, staff finds that the application complies with these criteria and the proposed solid waste transfer station constitutes a "solid waste disposal site", as the term is used in PCZO 136.050(Z).

2. 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; and**
- 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. [PCZO 136.060]**
- C. Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:**
 - (1) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
 - (2) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. [OAR 660-033-0130(5)(a) and (b)]**
 - (3) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:**
 - (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; [OAR 660-033-0130(5)(c)(A)]

Staff Findings: The local governing review criteria PCZO 136.060, set forth above, mirrors the language of ORS 215.296(1), which is commonly referred to as the “farm impacts test.” This criterion has been adjudicated at the Land Use Board of Appeals (LUBA) as well as the Oregon appellate courts. A “significant” change in an accepted farm practice is one that is likely to have an important influence or effect on that farm practice. (*Schrepel v. Yamhill County*, 81 Or LUBA 895 (2020), citing *Stop the Dump Coalition v. Yamhill County*, 364 Or. 432, 447, 435 P3d 698 (2019).) A “significant” increase in the cost of a farm practice is one that represents an influential or important increase in the cost of that farm practice. The applicant carries the burden of proving that ORS 215.296(1) has been met. Findings that a farmer can take measures to avoid or manage impacts from a nonfarm use do not establish compliance with ORS 215.296(1); rather, ORS 215.296(1) asks whether the non-farm use forces significant changes to farm practices or costs. OAR 660-033-0130(5) clarifies what must be considered when addressing these criteria, which became effective on January 1, 2025. Findings to address PCZO 136.060 and OAR 660-033-0130(5) are included below.

The applicant states that the former dairy operations on the Transfer Facility Parcel are no longer active, and therefore operations of the proposed transfer facility would not change accepted farm activity on the Transfer Facility Parcel. Further, the transfer facility would be contained within the footprint of the previously developed dairy operation, and the applicant states that significant off-site impacts are not anticipated and the proposed change of use would not significantly affect surrounding properties for the reasons described below.

As discussed above, the proposed solid waste transfer facility would require additional permits from State agencies that regulate environmental regulations, including permits from the Oregon DEQ. The applicant states that per DEQ requirements, the applicant would need to clearly demonstrate the need for the proposed transfer facility, along with design and construction plans and operational plans. The applicant provided a letter with their application materials, authored by Cem Gokcora, PE, stating that the applicant’s engineering consultant (Maul Foster Alongi) has visited the site, reviewed the publicly available data (including, but not limited to, topography maps, U.S. Geological Survey soil characterization of site soils and the existing septic system from Polk County’s Environmental Health Division), and reviewed the applicable local codes and regulations to evaluate the feasibility of the proposed transfer facility site development under applicable Federal, State, and local laws. The letter also states that a Phase 1 environmental site assessment (ESA) to identify, to the extent reasonably feasible, recognized environmental conditions. The site’s soils, groundwater, stormwater, leachate disposal, sewage disposal, traffic, noise, odor, and litter were all considered. The conclusion of this letter states that it is MFA’s professional opinion that the subject site is suitable for repurposing as a solid waste transfer facility, fully compliant with DEQ solid waste disposal permit requirements and all relevant Polk County regulations.

The majority of comments provided from the public expressed common concerns related to the following: environmental and health concerns related to emissions, particulates, runoff and contaminations; as well as concerns about noise, dust, litter, and pests.

Staff notes that a majority of concerns related to potential runoff and contamination appear to stem from the misunderstanding of the site being located within the regulated 100-year floodplain. Although the entirety of this site is within the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 100-year floodplain, all of the existing infrastructure and proposed development associated with the transfer facility would be within an existing Letter of Map Amendment (LOMA) boundary, with the exception of the easternmost stormwater management facility. Per PCZO 178.100, FEMA can issue a LOMA for structure(s) and/or lot(s) or parcel(s) found to be outside of floodplains and this process is applicable only to requests for determinations based on topographic conditions that existed on the effective date of the Polk County FIRM that shows the structure or parcel of land to be within a floodplain. In other words, even though the proposed transfer facility was initially located within the mapped floodplain, FEMA subsequently approved this area to be removed from the regulated SFHA after further analysis. The only development proposed within the regulated

100-year floodplain that is associated with the transfer facility is the eastern stormwater management facility (detention pond and emergency overflow). As discussed above, non-structural floodplain development criteria are included in Section V of this report.

Although majority of this site is not within the regulated floodplain, staff finds that runoff and contamination risks are still relevant concerns that need addressing. The applicant's operations plan includes details about leachate separation and treatment. The operations plan states that leachate generation would be minimized by waste being stored in covered areas prior to transport and disposal at an approved landfill. The operations plan states that if leachate is generated at the site, it would mostly be due to pressure washing of the transfer station building floors. Leachate would be collected through a series of area drains within the building and conveyed to storage tanks prior to being reused to suppress dust in the compactor or disposed of at a permitted wastewater treatment facility.

Stormwater runoff would be 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. The stormwater management facilities are designed to retain the majority of the stormwater runoff on site per Oregon Department of Transportation Hydraulics Design Manual requirements.

Staff finds that between the leachate collection system and the two (2) stormwater management facilities proposed, the risks of contaminated leachate and stormwater runoff are reduced with systems specifically designed to eliminate pollution and contamination of nearby soils, surface waters, or wells.

In regards to dust management, the applicant states that the facility operations would 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, would be paved. The paved surfaces would be regularly swept to minimize the potential for fugitive dust. During the dry summer months, paved and unpaved surfaces would be sprayed with water by a water truck; the refuse compactor would also be sprayed with a misting system to minimize dust. The applicant states that a misting system and air filtration inside the main transfer facility building would be used to mitigate and control dust generated during facility operations.

The applicant states that facility operations would also be managed to minimize noise generation affecting surrounding properties. The proposed solid waste transfer facility is surrounded by industrial, residential (as separated by a street or agricultural land), and agricultural uses. The applicant states that expected noise levels is comparable with that of the previous dairy at the site, as most facility operations would be conducted in closed buildings to help prevent or manage noise. The proposed hours for when the transfer station would be open to the public is from 7:00 a.m. to 6:00 p.m. Monday through Saturday. Staff finds that limiting these hours to what was reviewed in this application would further mitigate noise concerns associated with idling vehicles. For these reasons, staff recommends a condition of approval specify that the hours of operation for being open to the public shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday.

According to the TIA, the proposed conditional use would not have a significant impact on the surrounding transportation system. Even with the new traffic generated by the proposed development, Rickreall Road would continue to operate at free-flow conditions with excess capacity. The applicant states that the partitioned Farm Parcel (Parcel 1) would remain in agricultural use and would 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, the applicant states that no off-site impacts to nearby farm uses, including the production of row crops, are anticipated.

The applicant references PCZO Chapter 94.120 to define 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." Staff notes that this reference appears to be a typographical error, as PCZO does not contain a Chapter 94. Nevertheless, the applicant states that 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 would not displace an active agricultural use.

Several comments were provided with references to existing odors and the “mismanagement” of the existing wastewater lagoon. The applicant provided conflicting statements regarding future plans for the wastewater lagoon. Some statements indicate that the lagoon is proposed to continue handling by-products from fruit processing, while other statements make reference to voluntarily discontinuance of their use within six (6) months of recording a final partition plat. In either case, staff finds that the existing wastewater lagoon is not proposed to be used for any purposes related to the transfer facility and is, therefore, not applicable to this conditional use permit. If the subject property owner intends to operate a digester or store wastewater from processed fruit, then the property owner shall comply with all local and State regulations related to that use.

The applicant states that the proposed Transfer Facility Parcel is already developed and would consist of mostly soils that are not classified as high-value farmland. By focusing transfer-facility-related development in an area subject to previous disturbance and on land designated predominately as not containing high-value soils, the applicant states that it would 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 would be customers and would benefit from the operation of the proposed transfer facility. The applicant states that 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. The applicant states that 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, the applicant states that it is not expected that the development and operations of the proposed transfer facility would impact the cost of accepted farm use as defined above. While staff is not aware of any direct connection between impacts on farm practices and pest management beyond what has been identified by the applicant, staff is aware of potential impacts to adjacent residential and industrial uses based on public testimony that was provided. In regards to pest management mitigation, staff has recommended that the applicant provide additional evidence for the Hearings Officer to consider, such as providing a pest management plan. Additional details regarding this recommendation is discussed in greater detail under the applicable criteria found in PCZO 119.070.

The applicant states that no lands surrounding the Transfer Facility Parcel are devoted to forest practice as defined in ORS527.620, and therefore there would be no impact to land that is devoted to forest use as a result of development and operation of the proposed transfer facility. Staff reviewed current Polk County Imagery¹ and confirmed that the closest forest operation appears to be more than three (3) miles towards the northwest and northeast of proposed Parcel 2.

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 states that for guidance, they reviewed other Oregon Administrative Rules that do define a required study area, 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 those impacts would be significantly reduced as the distance from the subject property increases, the 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. The applicant states that 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 applicant states that the 1-mile radius study area accurately captures any potential impacts to nearby farm operations and any impacts beyond the study area are not reasonably likely to be significantly increased, if properties are affected at all. The applicant states that 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. Staff has reviewed applicable statutes and administrative rules and agrees with the applicant's findings that there is not a pre-determined "study area" that must be considered when evaluating 660-0033-0130(5)(c)(A). Utilizing other study area criteria within the EFU zone as guidance for determining an appropriate study area size is reasonable for the purpose of this review.

The applicant clarified that upon identifying the zoning of the surrounding lands within the 1-mile radius, applicant excluded from the study area all properties that are not zoned for farm or forest use including properties that are within the Rickreall Unincorporated Community Industrial zone and Acreage Residential 5 Acre Minimum zone. The applicant's justification for excluding these areas is because the criteria use the phrase "surrounding lands devoted to farm or forest use". The applicant asserts that this phrase is 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. Staff agrees and finds that for the purpose of evaluating OAR 660-0033-0130(5), the analysis is limited to resource-zoned properties, which are surrounding lands devoted to farm or forest use. Other relevant criteria that apply to ensuring the public health and safety of people working and residing in the area, regardless of the zoning designation, can be found in PCZO 119.070, which is addressed later in this report.

The applicant has summarized the results of the study area by providing a table in the record that includes details about tax lot numbers, size, ownership, whether the tax lot is in farm use, and the specific type of farm use. Within the 1-mile radius study area, the table identifies 19 different ownerships, with tracts ranging in size from less than an acre to over 700 acres. The largest area of common ownership is the subject property owner, Rickreall Dairy LLC, with approximately 735 acres of farmland. Of the 19 ownerships, two (2) ownerships were found to not be managed for farm use, as they are properties owned by Union Pacific Railroad Company and "Cemetery Burch Pioneer", which is 1-acre in size and assumed to be a cemetery or individual burial ground.

For the properties that are being farmed, the table identifies the specific types of farm use including the following: grass seed, clover, sweet corn, alfalfa, corn and grass silage for cows, pastureland for livestock, and various other types of "row crops". The applicant states that these types of agricultural practices were determined based on aerial images and physical verification from public rights of way and from the properties owned by the Rickreall Dairy, LLC which the applicant had permission to enter. To support these statements regarding the identified farm uses, photographs of surrounding farm uses were also provided.

Staff reviewed the table and photographs provided and compared that data to the Polk County Assessor's map and current aerial imagery¹. Based on available information, staff finds that the applicant has accurately represented surrounding characteristics of property owners, size, and the types of farm use within the study area.

(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

Staff Findings: As discussed above, the applicant states that the former dairy operations are no longer active because of market pressures caused by changes in the dairy industry; therefore, operations of the proposed transfer facility would not change any accepted farm activity on the Transfer Facility Parcel.

The applicant states that the proposed Transfer Facility Parcel is already developed and consists mostly of soils that are not classified as high-value farmland, and by focusing transfer-facility-related development in an area subject to previous disturbance and on land containing predominantly soils that are not classified as high-value farmland, the proposal would ensure that the vast majority of the current tillable acreage remains available for agricultural use. The applicant states that neither the subject property nor any of the surrounding lands identified in the study above are designated by the NRCS as prime farm land. In addition, the applicant asserts that it is anticipated that farmers in the

project area would be customers and would 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 applicant states that the proposed change of use would not significantly affect surrounding properties.

Based on the study area provided, the applicant states that the surrounding farm uses consist of pastureland for livestock and growing row crops, and no lands surrounding the Transfer Facility Parcel are devoted to forest practice as defined in ORS 527.620. For these reasons, the applicant states that there would be no impact to land devoted to forest use as a result of development and operation of the proposed transfer facility. Staff reviewed the table and photographs provided and compared the data to the Polk County Assessor's map and current aerial imagery¹. Based on available information staff finds that the applicant has accurately represented surrounding characterizes of property owners, size, and the types of farm use.

The applicant states that the potential impacts to livestock, pasturelands and row crops 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. The applicant states that 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.

The applicant provided a letter with their application materials, authored by Cem Gokcora, PE, stating that the applicant's engineering consultant (MFA) has visited the site, reviewed the publicly available data (including, but not limited to, topography maps, U.S. Geological Survey soil characterization of site soils and the existing septic system from Polk County's Environmental Health Division), and reviewed the applicable local codes and regulations to evaluate the feasibility of the proposed transfer facility site development under applicable Federal, State, and local laws. The letter also states that a Phase 1 environmental site assessment (ESA) to identify, to the extent reasonably feasible, recognized environmental conditions. The letter indicates that the site's soils, groundwater, stormwater, leachate disposal, sewage disposal, traffic, noise, odor, and litter were all considered. The conclusion of this letter states that it is MFA's professional opinion that the subject site is suitable for repurposing as a solid waste transfer facility, fully compliant with DEQ solid waste disposal permit requirements and all relevant Polk County regulations.

Comments in opposition to this proposal express similar concerns related to potential impacts of traffic, taking resources away from farms (such as power and water), odor, flooding causing runoff and contamination, noise, dust, and pests. The applicant has addressed these potential impacts individually below.

Traffic: The applicant states that according to the TIA, the proposed conditional use would not have a significant impact on the surrounding transportation system. Even with the new traffic generated by the proposed development, the applicant states that Rickreall Road would continue to operate at free-flow conditions with excess capacity. In addition, the Transfer Facility Parcel would have adequate queueing space to ensure that traffic from vehicles entering or exiting the facility does not back up onto Rickreall Road. The applicant points out that the previous dairy operation experienced frequent ingress and egress from trucks and other commercial vehicles that were 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. Based on the TIA, which has been coordinated with ODOT and the Polk County Public Works Department, the applicant states that traffic generated by the proposed facility would

not significantly impact or significantly increase the cost of accepted farm practices on the surrounding lands devoted to farm use.

Comments provided state that the application should specify the planned inbound or outbound traffic numbers, and questions were raised about the traffic pattern's effect on Rickreall Road and its current businesses and residents. Comments state that while ODOT has indicated that the roads could handle increased traffic, the proposed number of vehicles needs to be disclosed to the affected public as part of this Hearings process. According to the TIA provided in the record, the assumed vehicle trips include 32 commercial vehicles per day, 18 full-time employees per day, and 408 non-commercial customer vehicles per average weekday. As discussed above, the TIA was supplemented with a Market Assessment that includes the methodology used for trip generation assumptions. The methodology included details about data and analysis tools that were used for delineation of a service area, projected population growth, and a waste capture opportunity assessment. The TIA assumes 18 full-time staff, but the remaining application materials reference 20 full-time employees, while this does not appear to be a significant discrepancy, staff is not a traffic engineer. Therefore, staff recommends that the applicant clarify this discrepancy and provide additional evidence to the Hearings Officer to ensure that the TIA fully considered the scale of what is being proposed in this conditional use permit.

Water availability and delivery: The applicant states that 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 Firefighting (NFPA 1142), is proposed to be connected to one (1) of the stormwater management facilities that would make the retained stormwater available to support the SW Polk Fire District with firefighting efforts on site. The applicant states that the proposed facility would not impact the availability or delivery of water to surrounding lands devoted to farm use. The applicant provided a letter from Rickreall Community Water Association (RCWA) stating that since there is an existing connection, RCWA would provide water to the proposed facility; however, the consumption requirements may warrant further conversations. Staff finds that the letter provided from RCWA demonstrates that the applicant has coordinated the proposed development with RCWA and obtaining potable water from a public water source is feasible with limitations. Verification of obtaining a potable water source would be done prior to the issuance of building permits through a "statement of water availability", which is standard documentation required by the Polk County Building Department.

Weeds: The applicant states that the proposed solid waste transfer facility is not the type of use that would produce weeds which might spread to surrounding properties engaged in farm use. The applicant states that the subject property owner has no concerns about the proposed use impacting the livestock operations on the pasturelands which would be retained following the partition. The parcel to be retained by the subject property owner is the only property that would directly abut the proposed Transfer Facility Parcel. All other lands devoted to accepted farm practices within the study area would be 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, the applicant states that they would also be installing landscaping along the southern, western, and eastern property lines which would be maintained in an attractive manner and maintenance would include standard weed control methods.

The operations plan includes tire washing facilities for commercial haulers that would enter and exist the wet tipping floor.

The application materials states that the majority of the transfer facility operations would take place indoors and untarped loads from non-franchised hauls would be charged a fee. Staff finds that operations primarily taking place indoors and requiring loads to be tarped with a fee-based penalty would reduce potential impacts associating with the spread of weeds. Further, staff finds that a tire washing facility could further reduce the spread of weed.

Pests: The applicant states that the project has been designed to minimize the potential (to the maximum degree practicable) for offsite 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. The applicant states that unsecured loads (loads that are not covered by tarp or otherwise secured) would be charged overage fees. Self-haulers would be advised to tarp their loads for future disposals and would also be charged overage for any subsequent untarped loads. The applicant states that they would also implement 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.

As discussed above, while the applicant has proposed some mitigation strategies to address pests, staff has determined that additional measures for pest management are warranted to address the applicable criteria found in PCZO 119.070. Staff finds that if the application were to provide additional mitigation measures for pest management, the application could likely be approved. A pest management plan that has been prepared by a qualified pest management specialist could be considered, as well as contracting with a pest management company for routine treatment to ensure that adequate pest management is on-going.

Damage to crops or livestock: The applicant states that 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. Mitigation strategies to address pests and litter have been proposed and are discussed in this section.

Trespass and Litter: The applicant states that the project has been designed to minimize the potential (to the maximum degree practicable) for offsite 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) would be charged overage fees. Self-haulers would be advised to tarp their loads for future disposals and would also be charged overage for any subsequent untarped loads. The applicant states that there would be no new self-haulers as a result of this facility. The subject property abuts Rickreall Road and Hwy 22 and self-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 applicant states that the proposed facility would shorten the distance self-haulers have to travel to dispose of the waste produced in the local area and would reasonably prevent litter from affecting livestock or crop operations.

As discussed above, there have been comments related to whether or not the use of rail is proposed and staff has recommended that the applicant further consider this matter. If rail is ultimately proposed, additional findings to address trespass and litter prevention may be needed.

Reduction in crop yields: As described above, the applicant has provided details about surrounding farm uses within the identified study area and states that the types of agricultural practices identified therein are based on aerial images and physical verification from public rights of way. The applicant states that 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. The applicant states that Mr. Kazemier identified the agricultural practices on the surrounding lands, and it is his expert opinion that the proposed facility would not result in a reduction in crop yields.

Flooding: As described above, the subject property is located within a mapped AE floodplain, however, the majority of the area has been removed from the Special Flood Hazard Area (SFHA) through a Letter of Map Amendment (LOMA) issued by FEMA. The applicant has included a separate application for non-structural floodplain development and no development is proposed within the floodway. The applicant states that 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. The proposed non-structural floodplain development is limited to excavation for a stormwater management facility. The applicant states that 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, it was determined that 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 describes the methods of stormwater management for the Transfer Facility Parcel. The operations plan includes a section for “stormwater system and treatment measures”, which includes best management practices such as preventative sweeping and maintenance measures to ensure it is functioning properly. Additional stormwater permits from DEQ, such as a 1200-Z permit, would also be required for the proposed facility.

Odors: The operations plan provided states that the facility operations would be managed to prevent and control odor consistent with ORS Chapter 468 and all other applicable regulations. The facility would be cleaned daily to maintain a sanitary operating and working environment and to prevent malodors, unsightliness, and attraction of insects and vectors.

The applicant states that most of the solid waste transfer facility operations would take place indoors and facility operations would be managed to prevent and control odor in accordance with all applicable rules and regulations. The applicant states that they would operate an air filtration system to control odor. Transfer containers would be cleaned as needed to maintain a sanitary operating environment and to prevent malodors. The applicant states that the existing wastewater lagoon results in malodors which the surrounding farm uses are accustomed to, and the addition of the proposed facility would not significantly change the existing odor level for the surrounding lands devoted to accepted farm practices.

Applicant states that they have received feedback from community members as to concerns about the continuation of malodors related to the existing digester lagoon. The lagoon is not located on proposed Parcel 2 and it is not proposed to be used for any purposes associated with the transfer station. As discussed above, if the subject property owner of the lagoon intends to operate a digester or store wastewater from processed fruit, then the property owner shall comply with all local and State regulations related to that use.

Staff finds that because the proposed transfer facility operations would primarily take place indoors with the use of an air filtration system, odors would reasonably be mitigated.

Dust: The applicant states that facility operations would 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, would be within a paved area. The applicant states that the paved surfaces would be regularly swept to minimize the potential for fugitive dust. During the dry summer months, paved and unpaved surfaces would be sprayed with water by a water truck; the refuse compactor would also be sprayed with a misting system to minimize dust. The applicant states that they would also employ a misting system and air filtration inside the main transfer facility building to mitigate and control dust generated during facility operations.

Noise: Staff finds that noises associated with the proposed use would primarily be related to commercial hauler vehicles, the use of a waste compactor, and the use of other heavy equipment for loading and maneuvering trailers. Noise generated from trucks and other equipment may including “backup beepers”.

The operations plan provided states that the subject property is surrounded by industrial and agricultural land with similar operational sound levels. The applicant states that the facility operations would be managed to minimize noise generation affecting surrounding properties and the facility would comply with all State noise regulations. The applicant states that noise levels from the proposed use would be consistent with the noise level of the previous dairy operation, which included the constant ingress and egress of trucks for deliveries. The applicant states that the surrounding farm uses are accustomed to the noise level from the previous dairy operation and the addition of the proposed facility would not significantly change the existing noise level for the surrounding lands devoted to accepted farm practices.

The applicant states that the adjacent farmlands would remain in pasture and most of these lands are owned by the subject property owner who would continue to own and lease the land as pasture. The applicant states that the subject property owner has no concerns regarding impacts on adjacent farmlands that they own.

The other accepted farm practices on the surrounding lands in the study area includes growing 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 would be the property retained by the subject property owner, which would be located to the east of the Transfer Facility Parcel. The applicant states that the subject property owner has no concerns about the proposed use impacting the livestock operations on the pasturelands. The applicant states that all other lands devoted to accepted farm practices within the study area are adequately buffered from the Transfer Facility Parcel, and 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, the applicant would also be installing landscaping along the southern, western, and eastern property lines. The partitioned Farm Parcel (Parcel 1) would remain in agricultural use and would 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, the applicant states that no off-site impacts to accepted farm practices on surrounding lands devoted to farm or forest use are anticipated.

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

Staff finds that majority of the mitigation strategies proposed are reasonable and staff generally agrees with the applicant's conclusions. However, additional evidence to demonstrate further mitigation for pests is needed in order to demonstrate compliance with the criteria found in PCZO 119.070. If the applicant provides additional evidence for the Hearings Officer to consider, and if the application were approved, a condition of approval should be required to ensure ongoing compliance of all mitigation measures that were proposed and evaluated in this application.

- (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.**

Staff Findings: As described above, the applicant states that no individual potential impacts, such as dust, noise, etc., to any of the accepted farm practices identified above would produce impacts that cannot be reasonably mitigated. Staff has recommended a condition of approval that if approved, a condition should be imposed to ensure ongoing mitigation measures. With conditions, staff finds that the application would comply with this criterion.

- (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.**

Staff Findings: The 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 the criteria listed in OAR 660-033-0130(5)(c)(B).

- (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).**

Staff Findings: As described above, the Transfer Facility Parcel proposed to be purchased by the applicant is the site of the former dairy operation. The applicant states that they would be repurposing as many of the existing buildings as possible in order to reduce the impacts related to construction as much as practicable. For the purpose of this review, all new development and repurposed structures are considered to be part of the solid waste transfer facility use.

- (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). [OAR 660-033-0130(5)]**

Staff Findings: Staff has not recommended any conditions be imposed on any surrounding property owners, and has not recommended any conditions related to property owners accepting payment for compensation. The application complies with this criterion.

3. 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; [PCZO 119.070(A)]**

Staff Findings: The Polk County Planning Director referred this application to the Polk County Hearings Officer. Pursuant to PCZO sections 111.250(A), 111.260(A), and 119.030, the Hearings Officer has the power to make a decision on conditional use permits.

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

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

The Exclusive Farm Use Zoning District will be applied to lands defined as "agricultural lands" by Oregon Administrative Rule (OAR) 660-033-0020(1). Within the Exclusive Farm Use Zoning District, the use and development of land is subject to review and authorization as provided by Polk County's land use regulations and as may further be indicated in State and federal laws. [PCZO 136.010]

Staff Findings: The applicant states that the subject property is located within the EFU Zoning District, where the purpose and intent 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 applicant states that the proposed transfer facility would be developed on land previously utilized as high-intensity agriculture (former dairy).

In regards to soils, the applicant states that 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 (NRCS) as prime farm land. The applicant states that the subject property's soils are highly compacted and developed with physical structures because of the prior use, and while the historical use of raising dairy cattle is a farm use, these impacts make other farm uses, such as future crop production more difficult. The subject property would be predominantly composed of soils that are not classified as high-value farmland soils as a result of the proposed partition, which the applicant asserts is an appropriate property for the proposed use of a transfer station. The applicant states that this is supported by PCZO 136.050(Z), which conditionally allows a solid waste transfer facility in the EFU zone where the underlying soils are not predominately classified as high-value farmland.

The applicant further states that 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. For these reasons, the applicant states that 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. The applicant states that 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, which 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.

Several comments from the public were provided asserting that the proposed facility is in direct conflict with the intent of the EFU zone. A misconception among comments is that this proposal is either an exception to EFU zoning or is a proposal to change the zoning designation from EFU to Industrial. As discussed above, a solid waste disposal site is a permitted use in the EFU zone by both local code and State law, so long as it is determined to meet the applicable review and decision criteria. Part of the applicable criteria for the proposed partition, which is concurrently being applied for in LP 25-02, requires that the nonfarm parcel be only the minimum size necessary to accommodate that use. Staff finds that this criterion ensures that the remaining farm parcel's size would be maximized for continued farm use. Further, the applicable criteria do not permit new facilities on land classified as high-value farmland and the proposed non-farm parcel would be predominantly composed of soils that are not classified as being high-value farmland.

Several comments were provided stating that approval of this application would set a precedence that impacts EFU zoning. Comments raised questions about if the applicant's plans include to further expand and replace Coffin Butte with a new landfill on the adjacent EFU zoned land, and if this application would be a first step in siting a new garbage "dump" for the Willamette Valley in Rickreall. Staff has no reason to believe that that the applicant's future plans include establishing a landfill in Polk County and the scope of this review is limited to the transfer station proposed in this application. Any future land use application would be submitted to the applicable laws in effect at the time of application.

Several neighboring property owners' concerns were related to potential impacts that the proposed facility could have on quality-of-life and property values, implying that they purchased their property for the rural setting. Comments question whether or not compensation would be provided for reduce property values. Staff finds that a solid waste disposal site is a permitted use in the EFU zone when the applicant demonstrates compliance with the applicable review and decision criteria. For this reason, staff finds that even though there are not currently any transfer facilities on EFU zoned properties in Polk County, the proposed solid waste transfer facility is a use that is normally associated with the EFU zone, and is a use that can be reasonably expected to occur on EFU zoned properties.

Other comments related to tax increases were provided. Staff finds that aside from the applicant being required to pay additional property taxes on proposed Parcel 2 for the change in use, staff has not identified any any applicable review and decision criteria related to taxes.

General comments were also provided related to emissions contributing to global warming. Staff has not identified any applicable review and decision criteria that requires and analysis of the effects of emissions on climate change.

The applicant has addressed other concerns about traffic, weeds, pests, odors, dust and noise and staff has recommended conditions be imposed to ensure ongoing mitigation of these potential externalities. Staff finds that potential impacts on neighboring property values are not relevant to the applicable review and decision criteria, and the proposed transfer facility is a use that is permitted in the EFU zone with conditions.

Staff finds that the existing development associated with the former dairy operation poses limitations on how the property could be used in the future and repurposing the existing infrastructure as opposed to establishing a transfer facility on existing tillable farmland is logical. As conditioned, staff finds that the applicant's proposal is consistent with 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. [PCZO 119.070(C)]

Staff Findings: There are no special provisions for solid waste disposal sites that are identified in PCZO 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. [PCZO 119.070(D)]

Staff Findings: The applicant states that they understand 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. The applicant states that 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.

The applicant reiterates that most of the solid waste transfer facility operations would take place indoors, and facility operations would be managed to prevent and control odor, in accordance with all applicable rules and regulations. Specifically, the applicant proposed to operate an air filtration system to control odor and transfer containers would 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) would be charged overage fees and self-haulers would be advised to tarp their loads for future disposals and would also be charged overage for any subsequent untarped loads. The applicant states that this policy would be implemented to control off-site impacts associated with unsecured materials.

Comments from an adjacent business owner (Greenwood Assets LLC and Burlingham Seeds LLC) expressed concerns about increased rodent populations, stating that they store a large amount of cleaned and bagged seed in open bay buildings and currently rodents are an issue and last year they spent \$10,000 to fumigate seed due to rodent infection. Comments also state that a transfer facility would bring increased insects, which would in turn bring increased birds to feed on the insects. Comments state that bird droppings on their cleaned seed bags would increase significantly, costing their company money to rebag seed for shipment to their customers. Comments also state that odors from the proposed transfer facility would negatively affect their adjacent business because they clean and store seed for sometimes many months and odors over time would penetrate the stored seed produced by local Polk County growers with the stench of garbage. Comments state that most of their employees work in open buildings and having to work with the constant smell of garbage would be unpleasant, at best, and could create a health hazard for their employees and growers. Other comments raise concerns about pests affecting the "livability" of the area. As discussed above, the applicant provided a study area to address the "farm impacts test" criteria. However, that study did not require consideration of the adjacent residential or industrial properties. Nevertheless, staff finds that the applicant's mitigation methods for reducing pests and odors affecting adjacent farm uses would also reduce the risks of pests and odors affecting adjacent industrial and residential uses. However, staff has also found that additional mitigation measures to control pests is needed. If additional mitigation measures are presented at or prior to the public hearing, staff recommends that the Hearings Officer consider the additional mitigation measures to ensure that adequate conditions are imposed for the protection of property or improvements in the neighborhood, including those on adjacent industrial and residential zoned properties.

Additional comments were provided in opposition of this application with concerns related to the health and safety of people working and residing in the area due to emissions and particulates. Comments refer to risks associated with health concerns such as asthma, carcinogens, and lower birth rates, although no specific documentation was provided to support these claims. The proposed transfer station is intended to temporarily store, consolidate, and transport solid waste to a final off-site disposal location. Hazardous waste would not be accepted and this site would not be used for a landfill or incinerator. Based on these facts, staff finds that the greatest contributor to emissions would be those associated with commercial and self-haul vehicles. The TIA specifies an estimated 32 commercial hauler vehicles per day that would enter the proposed Transfer Facility Building with little idle time before entering the building. The applicant has indicated that air filtration systems would be used within the building and would be in compliance with all safety regulations. Further, the applicant has provided a traffic circulation plan to limit queueing times for self-haulers. Staff finds that limited queueing times would prevent idling and reduce emissions associated with self-hauler vehicles. Based on these facts, staff finds that it is reasonable to conclude that emissions are not anticipated to contribute to the public health and safety of people working and residing in the area.

As discussed throughout this report, the additional DEQ permits would be required prior to operating the proposed facility. The applicant provided a Technical Memorandum that was prepared by Cem Gokcora, PE, with Maul Foster Alongi (MFA) that summarizes MFA's engineering evaluation of the proposed solid waste transfer facility site's feasibility, including consideration of ORS Chapters 459 and 468B, PCCO Chapter 70 (solid waste management ordinances), and OAR Chapter 340, Divisions 93, 96, and 97. The conclusions of this report state that it is MFA's professional opinion that the subject site is suitable for repurposing as a solid waste transfer facility, DEQ solid waste disposal permit requirements and all relevant Polk County regulations. To ensure that the proposed use would be in compliance with all applicable other local, State, and Federal regulations not mentioned in this report, staff recommends a condition of approval that the applicant shall be responsible for ensuring that all applicable local, State, and Federal permits have been obtained for any activities proposed as part of this application. Nothing in this land use decision overrides any regulations administered by another government entity.

The applicant states that the facility would also have a rigorous safety program to help ensure a safe on-site environment for employees and customers. The operations plan provided includes a contingency plan that details spill prevention and response procedures.

The applicant states that the proposed facility is necessary to fulfill the County's need, identified in its Comprehensive Plan, for a solid waste transfer facility. The applicant states that they 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 applicant states that the proposed use would also have significant economic benefits to the County and effective solid waste management is essential to current and future agricultural and commercial uses. Other overall benefits referenced include generating 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 applicant states that the facility would be in service of the larger waste system in the region, which helps manage costs for ratepayers, and benefits the general welfare of people residing in the county. For these reasons, the applicant states that this criterion is satisfied.

Comments were provided indicating that approving this proposal sends a message of priority for corporations at the expense of local farmers. Comments also question whether or not alternative locations were considered by the County, such as industrial zoned lands or locations, locations outside of the regulated floodplain and not located near a natural creek. Further comments suggested the "old mill site" in Dallas, near the railway along South Main Street. For clarity, staff notes that this land use application is *not* a Legislative action that was initiated by Polk County. Rather, this is a land use application made by the applicant with the consent of the current property owner. It is within the property owner's rights to pursue land use permit(s) for use(s) that are permissible in the existing EFU Zoning Designation. While the applicant's response to this section does reference some community-wide needs and benefits, staff finds that the purview of this review should be focused on the merits of the

applicable review and decision criteria. Matters such as generating tax revenues are not applicable criteria in approving or denying this application.

The applicant states that in order 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. Not all of these outreach efforts are required by the application process and staff acknowledges that the applicant has made a good faith effort to hear community concerns and respond to the feedback provided that was provided.

ODOT provided comments stating that fencing is highly suggested along the side of the property that is next to the railroad tracks to help mitigate trespassing that could result in an injury or fatality. As currently presented, proposed Parcel 2 would not be directly adjacent to the existing railroad, but the northwestern corner of Parcel 2 would be within approximately 130 feet of the railroad. Staff has recommended that the applicant consider amending their proposal for the future possibility of rail access. If the proposal changes would result in Parcel 2 being closer to the existing railroad, such as within 100 feet, then staff finds that a requirement for fencing along the subject property's boarder along the railroad side may be needed.

The proposed facility on proposed Parcel 2 would disturb more than 1.0 acre of land during project development. Therefore, a 1200-C Construction Stormwater Permit may be required from the Oregon Department of Environmental Quality (DEQ). In addition, facilities discharging stormwater may also require a 1200-Z Stormwater Discharge General Permit. Staff recommends a condition of approval that the applicant shall obtain all necessary permits from DEQ, which may include, but are not limited to: a 1200-C Construction Stormwater Permit and a 1200-Z Stormwater Discharge General Permit.

Staff also recommends a condition of approval that the applicant shall obtain all necessary permits from the Polk County Building Division. These permits may include, but are not limited to: building, electrical, plumbing, and mechanical permits. The property owner shall contact the Deputy State Fire Marshal to determine whether any additional permits would be required for compliance with Oregon Fire Code.

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

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

With the above mentioned conditions of approval, the application complies with this criterion.

- 4. 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 Officer 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 Officer or Planning Director has determined that the use to which the building is to be put is of a kind not requiring the loading or unloading or delivery of merchandise or other property by commercial trucks or delivery vehicles; provided, however, whenever the use of such building is changed to another use, then such loading space as is required by this ordinance shall be provided.

- (A) A minimum loading space size of 12 feet wide, 20 feet long, and 14 feet high shall be required as follows:
 - (1) For multi-family dwellings with ten (10) or more dwelling units, 1 space;
 - (2) For buildings used entirely for office occupancy, up to 2,000 square feet gross floor area, one (1) space; for each additional 40,000 square feet of gross floor area, or any portion thereof, one (1) space;
- (B) A minimum loading space size of 12 feet wide, 30 feet long and 14 feet high shall be required as follows:
 - (1) For all buildings except residential and those used entirely for office use: Up to 2,000 square feet gross floor area, one (1) space;
 - (2) For each additional 40,000 square feet of floor area or any portion thereof, one (1) space. [PCZO 112.260]

Staff Findings: The applicant has requested that the Hearings Officer grant a waiver from the requirement to provide off-street loading spaces as stipulated under this Chapter. The applicant states that 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 Attachment B). 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.

Staff finds that while a transfer facility does involve loading and unloading of solid waste, a transfer facility functions uniquely and the circulation plan, tipping floor and trailer loading area would serve the purpose of loading spaces. For these reasons, staff recommends that the Hearings Officer grant a waiver to the off-street loading requirements found in PCZO Chapter 112. The applicable proceeding for granting a waiver have been met for a conditional use permit as provided in Chapter 119. For clarity, staff recommends a condition of approval specifying that an approved Decision authorizes a waiver to the off-street loading requirements found in PCZO Chapter 112.

5. 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.
- (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.

- (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.**
- (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. [PCZO 112.270(A)-(D)]**

Staff Findings: The applicant's site plan depicts two (2) tentative parking areas that total 44 parking spaces. The parking area next to the office building would be designated for employee parking, which includes 20 parking stalls. Additional parking stalls for customers are proposed adjacent to the recycling building. The applicant's traffic circulation plan depicts an additional parking area south of the maintenance shop, which is a general area that does not depict individual parking stalls. The applicant's narrative describing the self-hauler traffic flow states that 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. It is assumed that the parking area depicted south of the maintenance shop is intended to accommodate parking needs for those atypical scenarios. When looking at the site plan and circulation plan together, staff understands the applicant's proposal to include a total of three (3) different parking areas that can be categorized as 1) employee parking, 2) customer parking, and 3) overflow parking to ensure that queueing is contained on the subject property for atypical situations such as a customer being required to complete paperwork. Attachment C depicts some additional striped areas south of the proposed transfer station building, which appear to be for facility equipment and trailers. The narrative provided states, "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."

PCZO Chapter 112 does not list specific parking standards for "a solid waste transfer facility." Instead, parking standards are associated with more general use types. The applicant has stated that 20 employees are proposed, and 20 employee parking spaces are proposed near the office building. PCZO 112.250(GG) states, "When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts." Staff finds that 20 parking spaces for 20 employees is consistent with these standards.

The proposed recycling building would require customers to temporarily park on-site to take their recycling material inside of the recycling building. The applicant has depicted 24 parking spaces east of the recycling building. The most similar use specified in PCZO 112.250 is for a "Storage Warehouse; manufacturing establishment; and rail or trucking freight terminal", which requires 1 space per 5,000 square feet or 1 space per employee, whichever is greater. The proposed recycling building would be approximately 11,250 square feet in size, which would require three (3) spaces to

accommodate recycling customer, which likely would not be sufficient due to the estimated trip generations evaluated in the TIA of 408 non-commercial customer vehicles per average weekday. Due to the size of the recycling building and the fact that customers would likely only be parked for a few minutes to drop off recycling, staff finds that the proposed 24 parking spaces is reasonable considering not all customers would have recycling materials and vehicles would travel through the designated traffic circulation flow of the site.

Because the applicant did not specify the proposed number of parking spaces in the third parking area, staff recommends that these additional details be provided so that the Hearings Officer can consider whether the proposed number of spaces would be adequate.

Because this review was for a tentative parking plan, staff recommends a condition of approval that prior to the issuance of building permits, the applicant shall provide a formal parking plan depicting a minimum of 44 parking spaces, that meet the minimum parking standards set forth in PCZO Sections 12.210 through 112.270. PCZO Chapter 112 specifies that when the minimum required number of parking spaces is between 26-50, a minimum of two (2) ADA spaces shall be required. This number could be further increased by Building Code requirements. The parking plan provided would need to depict a minimum of two (2) ADA parking spaces, and shall meet all ADA parking space requirement identified in Building Code.

Once additional information about the third parking area is provided, this condition should be modified to reflect those changes.

- (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. [PCZO 112.270(E)]**

Staff Findings: According to the applicants site plan and circulation plan, all transfer facility parking areas would be served by four (4) separate access points from Rickreall Road (see Attachments B and C). The applicant states that the access points were 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.

As discussed above, the Polk County Public Works Director provided comments on proposed access the Traffic Circulation Plan as follows:

1. "#1 Commercial Access": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for two way truck traffic. This access has a degraded corrugated metal pipe culvert. At some point in the future, this culvert will need to be replaced. The applicant is advised of the requirements of ORS 374.315 which require facilities constructed in the right of way under permit to be maintained by the landowner. This would include the future replacement of the culvert.
2. "#2 Driveway Approach": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for elimination.
3. "#3 Employee Access": This existing access is a **permitted commercial access** (Permit #89A-003) meeting the current commercial driveway standards. It is proposed and approved for two way passenger vehicle traffic. This access has a degraded corrugated metal pipe culvert. At some point in the future, this culvert will need to be replaced. The applicant is advised of the requirements of ORS 374.315 which require facilities constructed in the right of way under permit to be maintained by the landowner. This would include the future replacement of the culvert.

4. "#4 Driveway Approach": This existing access is a **permitted commercial access** (Permit #89A-039) meeting the current commercial driveway standards. It is proposed and approved for elimination.
5. "#5 Public Exit": This existing access is a **permitted non-commercial access** (Permit 2012-A-0011) that does not meet the current commercial driveway standard. Specifically, the paved width at the culvert is 27 feet and needs to be 30 feet to meet current commercial standard. However, since this driveway is being proposed as a one-way public exit, this standard will be waived. If the driveway use changes to two-way in the future, the pavement will need to be widened to 30 feet.
6. "#6 Public Entrance": This existing access is a **permitted non-commercial access** (Permit 2004-A-0107) that meets the current commercial driveway standards. It is proposed and approved for one-way public exit. Upon receipt of a completed application, Polk County will issue a valid commercial access permit.
7. Unidentified driveway between "#6 Public Entrance" and "#7 Private Gated Driveway". This is an unpermitted access that likely pre-dates the access permitting process. Since the access does not meet current standards and since the applicant is not proposing a use for this access, it shall be eliminated.
8. "#7 Private Gated Driveway": This existing access is an **unpermitted access** that meets non-commercial standards. The applicant proposes this for farm use only. Upon receipt of a complete access application, Polk County will approve this driveway as a farm use driveway and issue a valid permit. If the use changes to commercial in the future, the driveway will need to be paved to upgrade to commercial standard and the permit will need to be revised for commercial use.
9. The current county standards VI.1.B limits the maximum number of access points on rural lots to two (2) per lot, unless otherwise specified by the County Engineer. In consideration of the need to separate commercial, employee and public ingress/egress for the safety of all users of this proposed facility, the County Engineer waives this maximum number of accesses and approves the five (5) accesses as proposed on Exhibit 7A, contingent on the continued use of the proposed circulation plan.

Based on these comments, staff finds that all five (5) proposed access locations on Parcel 2 are either currently permitted, or could become permitted, contingent on the continued use of the proposed circulation plan evaluated in this application (Attachment C). For these reasons, staff has recommended a condition of approval that the transfer facility's traffic flow shall be implemented consistent with the Traffic Circulation Plan that was evaluated in this application (Attachment C). The applicant shall also obtain any necessary access permits from the Polk County Public Works Department.

With these conditions, the application could comply with this development standard.

(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. [PCZO 112.270(F)]

Staff Findings: The proposed transfer facility would not be located within the SR zone and there are no adjacent properties within 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.**
- (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. [PCZO 112.270(G)-(H)]**

Staff Findings: The applicant states that all lighting proposed for transfer facility parking areas would be shielded and pointed downward, and therefore would not deflect away, cast a glare, or produce a reflection onto moving vehicles on the public right-of-way.

The proposed transfer facility would not be located in a residential, commercial, or industrial zone. However, regardless of the zoning designation, newly developed parking areas shall have at least one (1) percent of the gross parking lot area devoted to landscaping. The applicant is proposing a perimeter and site landscaping including within the two (2) parking lot areas. Landscaping proposed including trees that the applicant states would screen the proposed parking and operation areas from surrounding residences and the roadway, as shown in Attachment B. The required landscaping would need to be depicted on the applicant's formal parking plan.

- (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. [PCZO 112.270(I)]**

Staff Findings: The applicant provided a tentative proposed parking design, which is shown in Attachment B. The applicant states that more detailed design and construction plans would be submitted at a later date after receiving a conditional use permit approval.

Staff recommends a condition of approval that the application shall provide a formal parking plan at a workable scale that shall be referred to the Director of Public Works or County Engineer for a recommendation prior to the issuance of a building permits by the Building Official.

With this condition, the application complies with this development standard.

- (J) Loading spaces shall be marked for loading only. [PCZO 112.270(J)]**

Staff Findings: As discussed above, the applicant has requested a waiver to the loading space requirement found in PCZO 112.260 due to the unique functionality of a transfer facility, with loading and unloading of solid waste occurring within specific and designated areas housed within the primary Transfer Facility Building. Nevertheless, the application states that loading spaces within the Transfer Facility Building would be demarcated for their specific use.

Staff has recommended that the Hearings Officer grant a waiver to the off-street loading space requirements found in PCZO Chapter 112.

5. EFU Development Standards

(A) Exclusive Farm Use Zoning District (EFU)

(1) YARDS

- (a) There shall be front, side and rear yards of the following depths for lots in the Exclusive Farm Use Zoning District:

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

- (b) Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard.
- (c) When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required than is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply.
- (d) All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks. [PCZO 112.430(A)(1)(a) through (d)]

- (2) **HEIGHT.** There shall be a height limitation of 100 feet in the Exclusive Farm Use Zoning District, except for those lands subject to the Airport Overlay zone or any structure which has received a conditional approval which limits the height of said structure. [PCZO 112.430(A)(2)]

- (B) **SETBACK DISTANCES.** An existing building or part thereof that extends into the front yard, side yard, or rear yard, shall be treated as a non-conforming building.

- (1) To permit or afford better light, air and vision on the more heavily traveled streets and roads; to protect the arterial streets and highways and to permit the expansion of street areas for traveling purposes, or eventual widening of streets or roads; every building, or structure, exclusive of fences, signs, floodlight standards, and their supporting members shall set back from the streets or parts of streets or roads hereafter named, the number of feet set forth below, measured at right angles to the property line adjacent to the street or road right-of-way.

PRINCIPAL ARTERIAL (STATE 18,22)	MINOR ARTERIAL (STATE 51,99,221,223)	MAJOR & MINOR COLLECTOR (COUNTY)	LOCAL ROADS (COUNTY)
30 feet from existing R.O.W. for all <u>commercial & industrial</u>	30 feet *(measured from 80 foot R.O.W.)	30 feet *(measured from 60 foot R.O.W.)	See zone listing
30 feet from a 120 foot R.O.W. for all non- commercial & industrial			

* Indicates additional right of way may be required where existing is deficient.

The above setback provisions are minimum requirements, and are to be considered as supplementary and additional to any such requirements contained in any other part of this ordinance; provided, however, should a greater setback line or front yard be required along any portion of any street herein before named by any other

section or provision of this ordinance, then such greater setback line or front yard area shall be the minimum permitted by this ordinance.

- (2) Required yard areas adjacent to a street shall be measured from the proposed future right-of-way line as set forth in this section. [PCZO 112.190]**

Staff Findings: The minimum setback standards for the EFU zone are specified in PCZO 112.430(A). In addition, Rickreall Road is classified as a Major Collector and requires a 30 foot setback when measured from a 60 foot wide right-of-way. Based on the applicant's site plan the existing structures that are intended to be repurposed for the transfer facility would comply with these setback standards. There are two (2) existing structures located within the 20 foot rear yard setback, which are proposed to be removed. All future development would be subject to these setback standards. To ensure compliance, staff recommends a condition of approval that the proposed structures shall comply with the setback standards found in PCZO 112.430 for the EFU zone, which are front – 30 feet, side – 20 feet, and rear 20-feet. The proposed structures shall not exceed the 100 foot height limitation for the EFU zone. Structures shall also comply with the special road setback standards found in PCZO 112.190 as well as any other applicable development standards found in PCZO Chapter 112.

V. REVIEW AND DECISION CRITERIA FOR LUD 25-13

The criteria for non-structural floodplain development in the Floodplain Overlay zone is listed in Polk County Zoning Ordinance Section 178.060. Staff findings and analysis are as follows:

A. A landuse permit shall be obtained from the Polk County Community Development Department prior to commencement of the following types of development:

- 1) Non-structural development within any floodplain identified on the Polk County Flood Insurance Rate Map requires a landuse permit. Non-structural development includes mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [178.060(A)(2)]**

Staff Findings: Proposed Parcel 2 of planning file LP 25-02 is proposed to be development with a solid waste transfer facility, as evaluated in CU 25-05. For this purpose of this review, the “subject property” is referring to Parcel 2 of LP 25-02.

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41053C0265F, dated December 19, 2006, the subject property is located entirely within the Special Flood Hazard Area (SFHA), Zone AE. However, approximately 28.9 acres of the subject property has been removed from the SFHA through a Letter of Map Amendment (LOMA) that is dated May 26, 2015. All of the existing infrastructure and proposed development associated with the transfer facility would be within the existing LOMA boundary, with the exception of the easternmost stormwater management facility.

The applicant provided a Technical Memorandum, prepared by Cem Gokcora, P.E. from Maul Foster and Alongi, Inc., which describes the proposed stormwater management facility to be a stormwater detention pond, which would manage stormwater runoff from the proposed transfer facility development. The total excavation for development of the stormwater pond is estimated to be approximately 11,180 cubic yards and excavated material would either be repurposed on site for site grading, or blended for use in landscaping outside the floodplain. Alternatively, it would be removed and disposed of at an off-site location.

This application is to review the excavation activities associated with constructing a stormwater management facility within the SFHA, which constitutes “non-structural floodplain development”. The proposed stormwater facility would be located near the eastern property line, as depicted in the applicant's site plan, Attachment B.

B. The Planning Director is responsible for review and approval of all landuse 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.**
[178.060(B)(1)]

Staff Findings: The applicant states that this applicant has been made concurrent with other applicable Polk County land use permits and that all other State permits would be applied for in the appropriate sequence prior to the initiation of construction of operations, and no federal permits apply to this project.

The proposed stormwater pond would be part of a larger development that would disturb more than 1.0 acre of land during project development. Therefore, a 1200-C Construction Stormwater Permit may be required from the Oregon Department of Environmental Quality (DEQ). In addition, facilities discharging stormwater may also require a 1200-Z Stormwater Discharge General Permit. Staff recommends a condition of approval that the applicant shall obtain all necessary permits from DEQ, which may include, but are not limited to: a 1200-C Construction Stormwater Permit and a 1200-Z Stormwater Discharge General Permit.

As of December 1, 2024, FEMA has begun requiring a Habitat Assessment for development within the SFHA to ensure no-net loss of three (3) floodplain functions that are essential to the survival of Endangered Species Act (ESA)-listed species. These requirements are referred to as Pre-Implementation Compliance Measures (PICM). On July 24, 2025, Polk County received correspondence from FEMA indicating that the PICM deadline has been extended. Nevertheless, that applicant provided a Habitat Assessment that addressed the following three (3) floodplain functions: 1) flood storage; 2) water quality; and 3) riparian habitat.

The SFHA located on the subject property is associated with the Rickreall Creek, which is located south of Rickreall Road. The Habitat Assessment identifies three (3) ESA-listed fish species including:

- 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*)

The Habitat Assessment provided details the site's characteristics and explains why the Rickreall Creek is essential for migratory patterns of fish, including connection to larger waterways like the Willamette River.

To address water quantity and quality, the Habitat Assessment found the following:

- The proposed project would not create any new impervious surfaces within the floodway, significantly change surface water drainage patterns, or groundwater recharge areas, and would 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.
- Stormwater would continue to leave the site with or below pre-development frequency, timing, and duration.
- Flood velocities and volumes would not significantly increase.

To address flood storage capacity, the Habitat Assessment found that the project would increase flood storage capacity and 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.

To address riparian vegetation, the Habitat Assessment found that the proposed project would not adversely impact ESA-listed species through the removal of vegetation from the floodplain, because no vegetation removal is proposed. Additionally, six (6) trees are proposed to be planted, which would provide an ecological benefit. Staff reviewed current aerial imagery¹ and finds that the proposed stormwater facility location would remove vegetation that is currently agricultural crops;

however, staff understands these statements to mean that the project won't remove "riparian vegetation" within the floodplain.

The Habitat Assessment concludes that 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.

The Habitat Assessment was prepared by Turnstone Environmental Consulting, Inc. A "Statement of Qualifications" was provided that includes an introduction about the company, background experience including previous ESA consultations and Habitat Assessments, previous project highlights, and team experience including personal qualifications for Turnstone Environmental Consulting, Inc.'s staff. Based on the Habitat Assessment and Statement of Qualifications provided, staff has no reason to believe that the proposed project would have any impact on ESA listed fish species.

Several comments were provided expressing concerns about the potential impacts on other wildlife species due to the site's proximity to Baskett Slough Wildlife Refuge, and being located within a floodplain and near Rickreall Creek. Specific species of concern including birds, as well as endangered or sensitive wildlife such as the Fender's blue butterfly, Western pond turtle, coyote, and Cope's Giant Salamander. According to Polk County's SRA map, the subject property does not contain any inventoried significant resources that are regulated by Polk County. A known protected habitat is ESA listed fish species associated with the floodplain and Rickreall Creek, which the applicant has addressed. Ultimately, the applicant is responsible for designing, constructing, operating, and maintaining the proposed transfer station, including the proposed stormwater facility within the regulated 100-year floodplain, in a manner that ensures compliance with the Endangered Species Act (ESA). Any questions concerning this issue should be directed to the Federal agencies responsible for administration and enforcement of the ESA for the affected species.

Staff is not aware of any additional State or Federal permits that would be required for the proposed stormwater pond. Nevertheless, staff recommends a condition of approval that the applicant shall be responsible for ensuring that all applicable local, State, and Federal permits have been obtained for any activities proposed as part of this application. Nothing in this land use decision overrides any regulations administered by another government entity.

With the above mentioned conditions of approval, the application complies with this criterion.

- 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. [178.060(B)(2)]**

Staff Findings: The applicant submitted a no net rise analysis that was prepared by Cem Gokcora, who is a Professional Engineer (PE) with Maul Foster Alongi. This report states that the total excavation for development of the stormwater pond is estimated to be approximately 11,180 cubic yards (cy) and all excavated material would be removed from the site 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, which would ensure a minimum freeboard of one (1) foot. The report states that no part of the proposed facility would extend above the mapped base flood elevation of 186 feet, and the development is not proposed within a regulated floodway. The analysis specifies that 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 analysis provided equations, using the average end area method of volume calculation, which calculated the approximate volume of freeboard and the additional flood storage.

This analysis states that the evaluation of the potential floodplain impacts included those of an existing gravel area, located in the northeast corner of the proposed Transfer Facility Parcel, which

covers approximately 1.5 acres and appears to have been placed around 2017 based on historical aerial imagery accessed via Google Earth. The volume of gravel was estimated to be about 1,700 cubic feet with an estimated 8- inch gravel layer thickness, based on an interview with the subject property owner. To assess potential floodplain impacts, grades adjacent to the gravel area in relation to the top surface elevation of the gravel were reviewed. The analysis states 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. These statements were supplemented with Google Earth crosssections and site photos for visual confirmation. Findings state that there was no measurable change in surface elevation across the cross-sections; therefore, they concluded that the flood storage capacity of the floodplain remained unaffected compared to conditions prior to establishing the graveled area, and the amount of fill material placed was balanced by the amount of material removed, as evidenced by the unchanged grade level.

Typically, staff further evaluates cumulative effects by reviewing previously approved non-structural floodplain development projects on the subject property and adjacent properties within the floodplain. Because the proposed development and existing gravel area previously discussed has been determined to be “no rise” of water surface elevation, and in fact, increases flood storage capacity, staff finds that it is not necessary to evaluate other existing and proposed development within the floodplain.

Staff recommends a condition of approval that the applicant shall conduct the proposed non-structural floodplain development in substantially the same location indicated in the maps submitted by the applicant (Attachment B). In addition, the proposed non-structural floodplain development shall be conducted using substantially the same methods proposed and reviewed in this application.

With this condition, the application complies with this criterion.

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. [178.060(B)(3)(a) and (b)]**

Staff Findings: The applicant is not proposing any development within the regulated floodway. These criteria are not applicable.

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 landuse 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;**
- 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.**
- d) If located in the floodway, non-structural development shall meet the requirements of 178.060 (B)(3). [178.060(B)(4)(a)-(d)]**

Staff Findings: The proposed non-structural floodplain development activities described by the applicant includes excavation associated with constructing a stormwater management facility (stormwater detention pond and emergency overflow). The applicant states that the stormwater management facility itself is not at risk of damage by flooding and would contain drainage (overflow) to further reduce flood-related risks.

As discussed above, the applicant provided a no net rise analysis that was prepared by Cem Gokcora, PE. The analysis included calculations for the proposed development and considered fill material that was previously placed on-site. Conclusions of the analysis indicate that there was no measurable change in surface elevation across the cross-sections that were evaluated for the pre-existing gravel area, and the proposed methods for construction the stormwater management facility would increase the flood storage capacity. Based on these facts, staff finds that the proposed development is consistent with the need to minimize flood damage, would provide adequate drainage, and when combined with all other existing and anticipated development, would not have a measurable increase the water surface elevation of the base flood.

Based on a review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), panel number 41053C0265F, dated December 19, 2006, the project is located within the regulated floodplain, but not the regulated floodway. As a result, the development standards listed in PCZO 178.060(B)(3) are not applicable to this application. Based on the findings discussed above, the application complies with this criterion.

- e) **Alteration of a watercourse which is identified as a floodplain as shown on the Polk County Flood Insurance Rate Map requires a landuse permit. Prior to approving a landuse permit for the alteration of a watercourse, the Planning Director shall:**
 - i) **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.**
 - ii) **Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.**
[178.060(B)(5)(a) and (b)]

Staff Findings: The proposed development does not include alteration of a watercourse. These criteria are not applicable to this application.

V. ADDITIONAL FINDINGS

The applicant provided findings to address the criteria listed in PCZO Sections 120.320, 120.325, 120.330, 120.360, and 120.380. Staff has determined that the criteria listed in PCZO Chapter 120.300 "Solid Waste Disposal Sites" are not applicable criteria for a solid waste transfer facility, for the reasons explained below.

1. DEFINITIONS. As used in Section 120.310 to 120.380, unless the context requires otherwise, the following definitions shall apply:

- (A) **Dispose or Disposal.** Includes accumulation, storage, collection, transportation, and disposal of solid wastes;
- (B) **Person.** Includes the State of Oregon, any individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.
- (C) **Solid Waste.** All putrescible and nonputrescible wastes, whether in a solid or in a liquid form, except liquid-carried industrial wastes or sewage or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, ashes, sewage sludge, street refuse, industrial wastes, swill, demolition, and construction wastes, abandoned vehicles or parts thereof, tires,

discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, dead animals and other discarded solid materials;

- (D) Solid Waste Disposal Site or Sites.** Any land used for disposal of solid wastes, including but not limited to, dumps, landfills, sanitary landfills, incinerators, and composting plants, but not including a landfill site which is not used by the public either directly or through a disposal service and which is used by the owner or tenant thereof to dispose of sawdust, bark, soil, rock, building demolition material or nonputrescible industrial waste products resulting from the process of manufacturing;

- (E) Waste. Useless, unwanted or discarded materials.** [PCZO 120.315]

Staff Findings: The definition of solid waste disposal site is any land used for disposal of solid wastes, and definition of the disposal is defined as the "accumulation, storage, collection, transportation and disposal of solid wastes." (emphasis added). The only site that does all of those things is the end point of the waste stream, which is highlighted in PCZO 120.315(D) as "dumps, landfills, sanitary landfills, incinerators and composting plants."

This interpretation is supported by a separate definition for transfer stations outside of disposal sites in Polk County Code or Ordinances (PCCO) Chapter 70, which exists to regulate all levels of the waste stream. PCZO Chapter 120.300 exists just for the regulation of final disposal sites, not the operations leading to that point. Based on these definitions, staff finds that criteria found in PCZO Chapter 120.300 are not applicable to the proposed solid waste transfer facility.

Although PCZO Chapter 120.300 is not applicable to the proposed solid waste transfer facility, the applicant provided findings address PCZO Sections 120.320, 120.325, 120.330, 120.360, and 120.380. These findings can be found in the record and are incorporated into the staff report by reference.

VI. CONCLUSIONS AND RECOMMENDATION

Throughout this report, staff has recommended that the applicant provide some clarification and minor modifications. Additionally, a large amount of public testimony was submitted within three (3) working days of the staff recommendation being issued. While staff has provided the applicant's representative a copy of all comments that were received, staff acknowledges that a three (3)-day turnaround time to fully address all of the concerns raised is likely not feasible. While that applicant has addressed all of the applicable review and decision criteria, staff finds that as of the writing of this staff report, the applicant has not fully met their burden to address issues that were raised regarding pest management. Staff also identified a discrepancy in the Transportation Impact Analysis (TIA) regarding the proposed number of employees and found that additional information is warranted to ensure that the scale of what is being proposed in the conditional use permit has been fully considered in the TIA. Staff believes that if the applicant provides additional evidence addressing pest management concerns and the TIA discrepancy, then the Hearings Officer could likely determine that the application has demonstrated compliance with all of the applicable review and decision criteria.

As discussed in this staff report, staff has recommended that the applicant provide a pest management plan that has been prepared by a qualified pest management specialist. The pest management plan should also include a long-term contract with a pest management company for routine treatment to ensure that adequate pest management is on-going.

For the criteria that has been determined by staff to be adequately addressed, staff has recommended the following draft conditions of approval if these applications were to be approved by the Hearings Officer. Depending on the additional evidence presented, these conditions would likely need to be modified or additional conditions may need to be imposed.

Conditions of Approval for LP 25-02:

1. Parcel 1 shall contain approximately 358.4 acres and proposed Parcel 2 shall contain approximately 36.6 acres. The configuration of the parcels depicted on the final recorded Partition Plat shall substantially conform to the configuration depicted in the applicant's tentative partition map, with the exception of the approximately 0.5 acre area that should be part of proposed Parcel 1 (Attachment A).
2. LP 25-02 and CU 25-05 shall be dependent on one another. Failure to receive an approved and effective Decision for LP 25-02 or CU 25-05 would invalidate both the approvals.
3. The applicant shall provide for the submission of a partition plat, prepared by an Oregon licensed land surveyor, which complies with ORS Chapter 92 and Polk County Surveyor standards. The property shall be surveyed and monumented as required by law.
4. Any new easements granting vehicular access across the subject property shall be at least 40 feet wide.
5. The partition plat shall be filed within one (1) year from the effective date. A written request for an extension of time may be filed with the Planning Director at least 30 days prior to the expiration of the application.
6. Each new parcel shall have frontage along a public road or access to a public road via an easement. All new easements for access shall be at least 40-feet wide, unless an exception is granted pursuant to PCSO 91.800. The property owner shall contact Oregon Department of Transportation and the Polk County Public Works Department to determine whether a new or amended access permit would be required for the proposed parcels.
7. Prior to filing the final partition plat, the applicant shall submit an Authorization Notice and an Existing System Evaluation Report (ESER) to the Environmental Health Division. If the systems are determined to be inadequately sized or failing, the applicant shall also obtain any additional septic permits, including but not limited to, a major/minor alteration or repair permit for the intended transfer facility use. Alternatively, demonstration that an Oregon DEQ method for disposing of on-site sewage disposal for the intended use would be acceptable.
8. Prior to recording the final partition plat, additional tax imposed for the change in use for proposed Parcel 2 shall be paid.
9. The property owner shall establish the new property lines in a location that complies with the minimum setbacks found in OAR 340-071-0220 Table 1, including: a minimum of ten (10) feet from any septic system and repair area, and five (5) feet from any septic tank.
10. All structures on proposed Parcel 2 within the required 20 foot rear yard setback area shall be removed prior to recording the final partition plat.
11. Prior to any development within a wetland area on proposed Parcel 1, the property owner shall be responsible for ensuring that all applicable State or Federal permits have been obtained. Such permits may include, but are not limited to, a Removal Fill Permit from the Oregon Department of State Lands (DLS).

Conditions of Approval for CU 25-05:

1. Prior to establishing the proposed solid waste transfer station on on proposed Parcel 2, Land Partition (LP) 25-02 shall be exercised.
2. The proposed solid waste transfer facility shall be limited to the operations, uses and activities reviewed in this conditional use permit (CU 25-05), including any additional limitations imposed by conditions of approval.
3. LP 25-02 and CU 25-05 shall be dependent on one another. Failure to receive an approved and effective Decision for LP 25-02 or CU 25-05 would invalidate both the approvals.

4. Hours of operation for the public shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday.
5. Prior to the issuance of building permits, the applicant shall provide a formal parking plan depicting a minimum of 44 parking spaces, that meet the minimum parking standards set forth in PCZO Sections 112.210 through 112.270. The parking plan provided would need to depict a minimum of two (2) ADA parking spaces, and shall meet all ADA parking space requirements identified in Building Code. The parking plan shall be at a workable scale that shall be referred to the Director of Public Works or County Engineer for a recommendation prior to the issuance of a building permits by the Building Official. This approval authorizes a waiver to the off-street loading requirements found in PCZO Chapter 112.
6. The proposed transfer facility's traffic flow shall be implemented consistent with the Traffic Circulation Plan that was evaluated in this application (Attachment C).
7. The applicant shall obtain all necessary permits from the Polk County Building Division. These permits may include, but are not limited to: building, electrical, plumbing, and mechanical permits. The property owner shall contact the Deputy State Fire Marshal to determine whether any additional permits would be required for compliance with Oregon Fire Code.
8. The proposed solid waste transfer facility shall comply with the minimum setback standards required by OAR 340-071-0220 Table 1, including but not limited to: septic drainfield lines shall maintain a 100-foot setback from year round surface water, groundwater supplies, and wells, as well as a 10-foot setback from the foundation lines of any building. The septic tank shall maintain a 50-foot setback from year round surface water, groundwater supplies, and wells, as well as a 5-foot setback from the foundation lines of any building.
9. The applicant shall obtain all necessary permits from the Oregon Department of Environmental Quality (DEQ), which may include, but are not limited to: a 1200-C Construction Stormwater Permit and a 1200-Z Stormwater Discharge General Permit.
10. Prior to operating the proposed transfer facility, the applicant shall obtain all applicable DEQ permits for operating a solid waste transfer station.
11. Prior to the issuance of building permits, all entrances and exits onto a Rickreall Road shall first have the approval of the Director of Public Works or County Engineer. The applicant shall obtain any necessary permits from the Polk County Public Works Department, such as a new or amended access permit.
12. The proposed structures shall comply with the setback standards found in PCZO 112.430 for the EFU zone, which are front – 30 feet, side – 20 feet, and rear 20-feet. The proposed structures shall not exceed the 100 foot height limitation for the EFU zone. Structures shall also comply with the special road setback standards found in PCZO 112.190 as well as any other applicable development standards found in PCZO Chapter 112.
13. The applicant shall be responsible for ensuring that all applicable local, State, and Federal permits have been obtained for any activities proposed as part of this application. Nothing in this land use decision overrides any regulations administered by another government entity.
14. Pursuant to PCZO 119.140, the Hearings Officer, Planning Director, or Board of Commissioners may rescind any conditional use permit granted under the conditional use ordinance if it is ascertained that the application contains any false statements. In case of such rescission, the matter may be referred to County Counsel for an opinion. In such case, it shall be unlawful for any person to exercise any right granted by the Hearings Officer, Planning Director, or the Board of Commissioners pursuant to such application.
15. Pursuant to PCZO 119.100, discontinuance of the activity authorized for this conditional use for a continuous period of six (6) months shall be deemed an abandonment of such conditional use. The conditional use approval would then become null and void.

Conditions of Approval for LUD 25-13:

1. This approval is for non-structural floodplain development associated with constructing a stormwater management facility consisting of a detention pond and emergency overflow.
2. The applicant shall obtain any necessary local, State or Federal permits before beginning the project and comply with all conditions in those permits. Nothing in this land use approval overrides the authority of other State, Federal or local agencies.
3. The applicant shall conduct the proposed non-structural floodplain development in substantially the same location indicated in the maps submitted by the applicant (Attachment B). In addition, the proposed non-structural floodplain development shall be conducted using substantially the same methods proposed and reviewed in this application.
4. The applicant shall be responsible for designing, constructing, operating, and maintaining the stormwater facility authorized by this land use decision in a manner that ensures compliance with the Federal Endangered Species Act (ESA), which is not enforced by Polk County. Any questions concerning this issue should be directed to the applicant, and the Federal agencies responsible for administration and enforcement of the ESA for the affected species.
5. The applicant shall obtain all necessary permits from the Oregon Department of Environmental Quality (DEQ), which may include, but are not limited to: a 1200-C Construction Stormwater Permit and a 1200-Z Stormwater Discharge General Permit.

VI. ATTACHMENTS

Attachment A:	Applicant's Tentative Partition Map
Attachment B:	Applicant's Site Plan
Attachment C:	Applicant's Traffic Circulation Plan
Attachment D:	Applicant's Transfer Station Building Layout
Attachment E:	Applicant's Queueing Layout
Attachment F:	Staff Map



720 NW 4TH STREET CORVALLIS, OR 97330
(541) 757-9050
www.northstarsurveying.com
23085 ml-rd par. DB ITF

LEGEND

- ◆ FOUND MONUMENT AS NOTED IN MONUMENT TABLE
◆ FOUND MONUMENT AS NOTED IN MONUMENT TABLE
○ HELD EAST WEST POSITION ONLY - *SEE TABLE
○ HELD EAST WEST POSITION ONLY - *SEE TABLE
○ CAP STAMPED "NORTHEAST SURVEYING"
1 COMPLETED POSITION, NOTHING SET OR FOUND
(j) RECORD DATA FROM CS 5936
(jb) RECORD DATA FROM DEED
(jc) RECORD DATA FROM CS 1705
(jd) RECORD DATA FROM CS 1245
(je) RECORD DATA FROM CS 1478
(jf) RECORD DATA FROM CS 16650
(jg) RECORD DATA FROM CS 1169
(jh) RECORD DATA FROM CS 13042
(ji) RECORD DATA FROM CS 1937

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT RICKELMEY DAIRY, LLC TRACT AS SHOWN IN "EXHIBIT C" AS "ADJUSTED PROPERTY "A" " PER DECED. INST. NO. 2022-000115 INTO THE TWO PARCELS ALONG THE RIGHT-OF-WAY OF HIGHWAY 22 AND RICKELMEY ROAD AS SHOWN. I HELD A1 & A2 & THE EXTENSION THEREOF, AND RECORD DISTANCES FROM THE DEED AND SC 8836 TO CALCULATE X, Y, & U ALONG THE NORTH LINE OF SAID TRACT AS SHOWN. I HELD X1 AND X FOR THE EASTLY RIGHT-OF-WAY LINE OF THE RAILROAD. I THEN OFFSET SAID EAST RIGHT-OF-WAY LINE EASTERLY 20.00' TO CALCULATE THE NORTHERLY WEST LINE OF SAID TRACT. I HELD K1, K2, AND K3 FOR THE REMAINDER OF THE WEST LINE. I HELD THE CALCULATED POSITION U AND D1 TO CALCULATE THE NORTHERLY EAST LINE OF SAID TRACT. I HELD D2 AND D3 TO CALCULATE THE SOUTHERLY EAST LINE OF SAID TRACT. I HELD D4 AND D3 AND INTERSECTED WITH THE NORTH RIGHT-OF-WAY OF SAID TRACT TO CALCULATE W. *NOTE: THE RECORD FROM SC 12245 READS 106.12' FROM D3, BUT SHOWS THE WIDTH OF THE HIGHWAY BEING 160'. THIS LINE, SINCE NOT PERPENDICULAR TO THE RIGHT-OF-WAY, MUST BE LONGER THAN 160'. THUS I FOUND THIS TO BE A SIMPLE SWITZK ERROR, AND HELD 160.12' TO BE THE CORRECT ROAD DISTANCE.

BASIS OF BEARINGS

MARK A KNAUPP &
MARK KNAUPP
2007-002319

(S 89°41'07" W 7272.06' A1 TOU
BASIC OF BEARING

OREGON
JUNE 10, 2014
DAVID LEE SCHLOSSER JR
72617

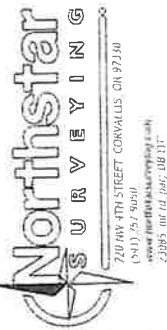
RENEWS: 06/30/2026

RICKREALL DAIRY, LLC
2004-002311

ZEIGLER LAND LLC
2023-001365

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CRV1	1401.50'	214.59'	314.38'	N 89°43'45" W	8°46'00"
CRV11	1402.50'	(214.36)'	(314.15)'	(N 89°43'45" W)	(8°45'26)"
CRV2	1462.50'	221.72'	221.55'	N 89°43'45" W	8°46'00"
CRV21	1462.50'	(221.72)'	(221.55)'	(N 89°43'45" W)	(8°45'26)"
CRV3	1462.70'	72.23'	72.21'	S 89°19'31" W	8°49'47"
CRV4	1462.50'	151.46'	151.39'	N 88°17'45" W	5°56'01"
CRV41	1462.50'	(151.23)'	(151.16)'	(N 88°17'45" W)	(5°56'01)"

GRAPHIC SCALE - feet



CS -----
PARTITION PLAT No. -----

RICKREALL DAIRY LLC

SECTIONS 19-21, 28-30
T7S, R4W, W.M.
POLK COUNTY, OREGON

AUGUST 5, 2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 10, 2014
DAVID LEE SCHLOSSER JR.
72517

URL: <http://www.elsevier.com/locate/bsc>

SURVEYOR'S CERTIFICATE

I, DAVID LEE SCHLOSSER, A PROFESSIONAL LICENSED SURVEYOR IN THE STATE OF OREGON HEREBY DECLARE THAT I HAVE CORRECTLY SURVEYED AND FOUND OR SET PROPER MONUMENT DEFINING THE BOUNDS OF THIS PARTITION PLAT. THE LAND IS DESCRIBED AS FOLLOWS:

[illegible]

DECLARATION

DECLARATION
KNOW ALL BY THESE PRESENTS THAT KICKFALL DAIRY, L.L.C., AN OREGON LIMITED LIABILITY COMPANY, IS THE RECORDED OWNER OF THE LAND REPRESENTED ON THIS PARTITION PLAN, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED SAME TO BE SURVEYED AND PLATTED INTO PARCELS AS SHOWN HEREON.

WE HEREBY DEDICATE THE 40' W/4 PRIVILEGE ACCESS EASEMENT ON PARCELS 1 & 2 FOR THE BENEFIT OF PARCELS 3 & 4.

WE HEREBY DEDICATE THE 20.00' PRIVATE UTILITY EASEMENT ON PARCEL 2 FOR THE BENEFIT OF PARCEL 1

MEMBER RILKREALL DAIRY, L.L.C.

STATE OF OREGON)

COUNTY OF PIMA

SIGNED AND ATTESTED BEFORE ME ON THIS DAY OF

SIGNATURE OF HOLAKI®

PRINTED NAME OF MILITARY

NATIONAL PUBLIC STATE OF OREGON

CONSTITUTION

ANY COMMISSION EXPIRES

MONUMENT TABLE

- [illegible]

LEGEND

- ALUMINUM CAP
YPC YELLOW PLASTIC CAP
RIGHT OF WAY

EXISTING CONDITIONS EXHIBIT

for
RICKREALL DAIRY LLC
in the
SECTIONS 28 & 29
T 7 S, R 4 W, W.M.
POLK COUNTY, OREGON

AUGUST 5, 2024

PAGE 1 OF 2

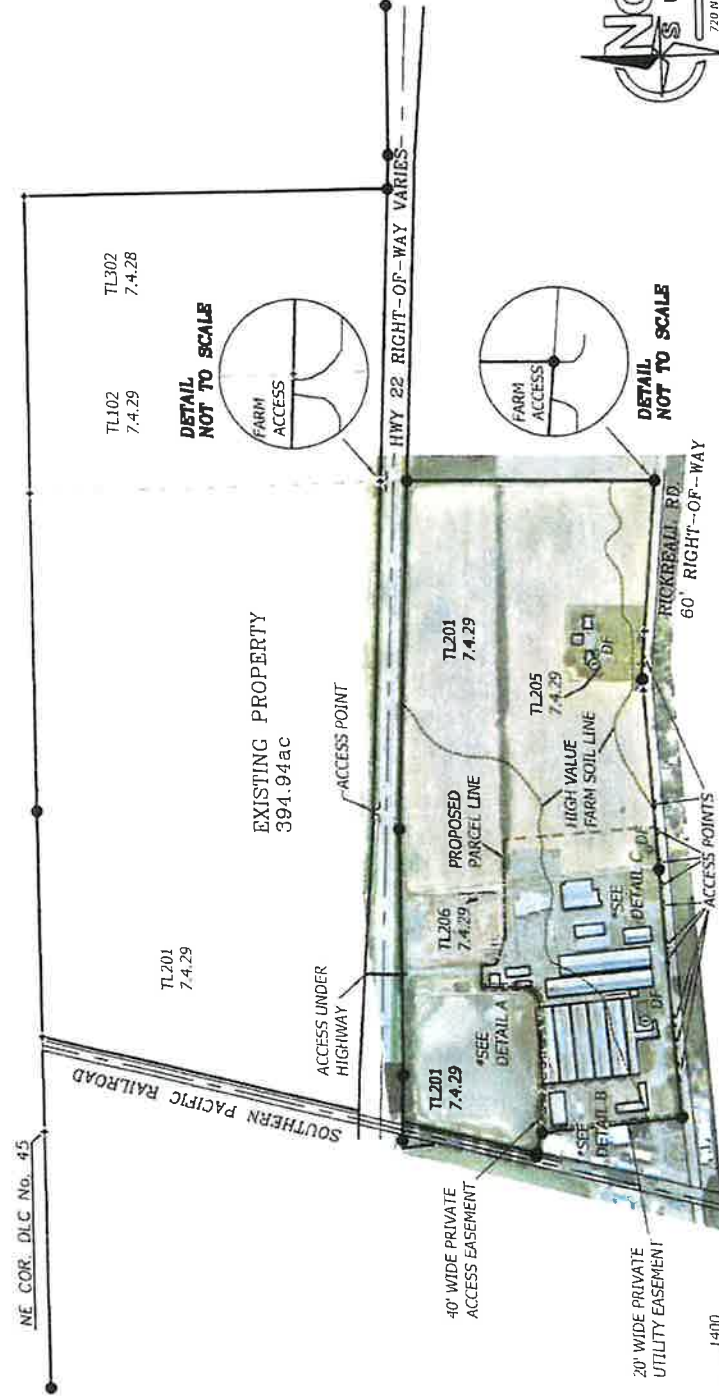
REGISTERED
**PROFESSIONAL
LAND SURVEYOR**

OREGON
JUNE 10, 2014
DAVID LEE SCHLOSSER JR.
72617

RENEWS: 06/30/2025

LEGEND

- ...FOUND MONUMENT OF RECORD
- + ...COMPUTED POSITION, NOTHING SET OR FOUND
- ⊙ ...SEPTIC TANK
- DF ...DRAIN FIELD



EXISTING CONDITIONS EXHIBIT

for
RICKREALL DAIRY LLC

in the
SECTIONS 28 & 29
T 7 S, R 4 W, W.M.
POLK COUNTY, OREGON

AUGUST 5, 2024

PAGE 2 OF 2

REGISTERED
**PROFESSIONAL
LAND SURVEYOR**

OREGON
JUNE 10, 2014
DAVID LEE SCHLOSSER JR.
72617

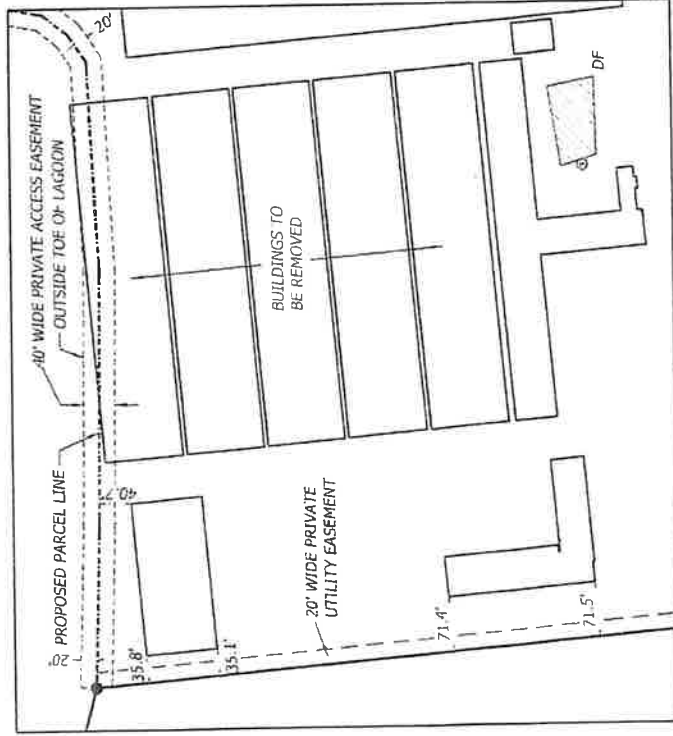
RENEWALS: 06/30/2025

LEGEND

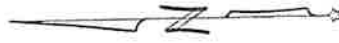
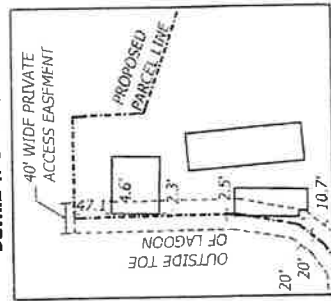
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- + ... COMPUTED POSITION, NOTHING SET OR FOUND
- ⊗ ... SEPTIC TANK
- DF ... DRAIN FIELD



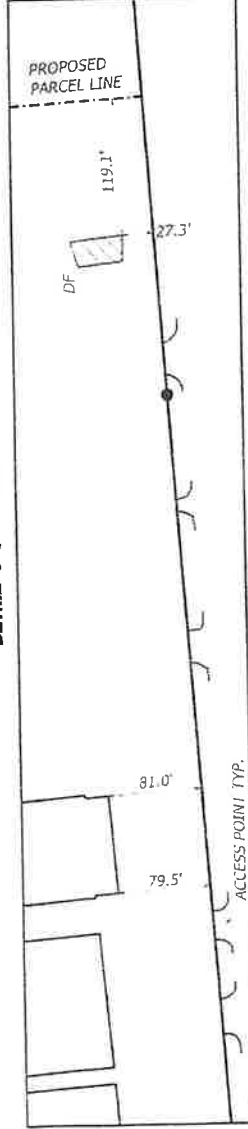
DETAIL B 1" = 150'



DETAIL A 1" = 150'



DETAIL C 1" = 100'



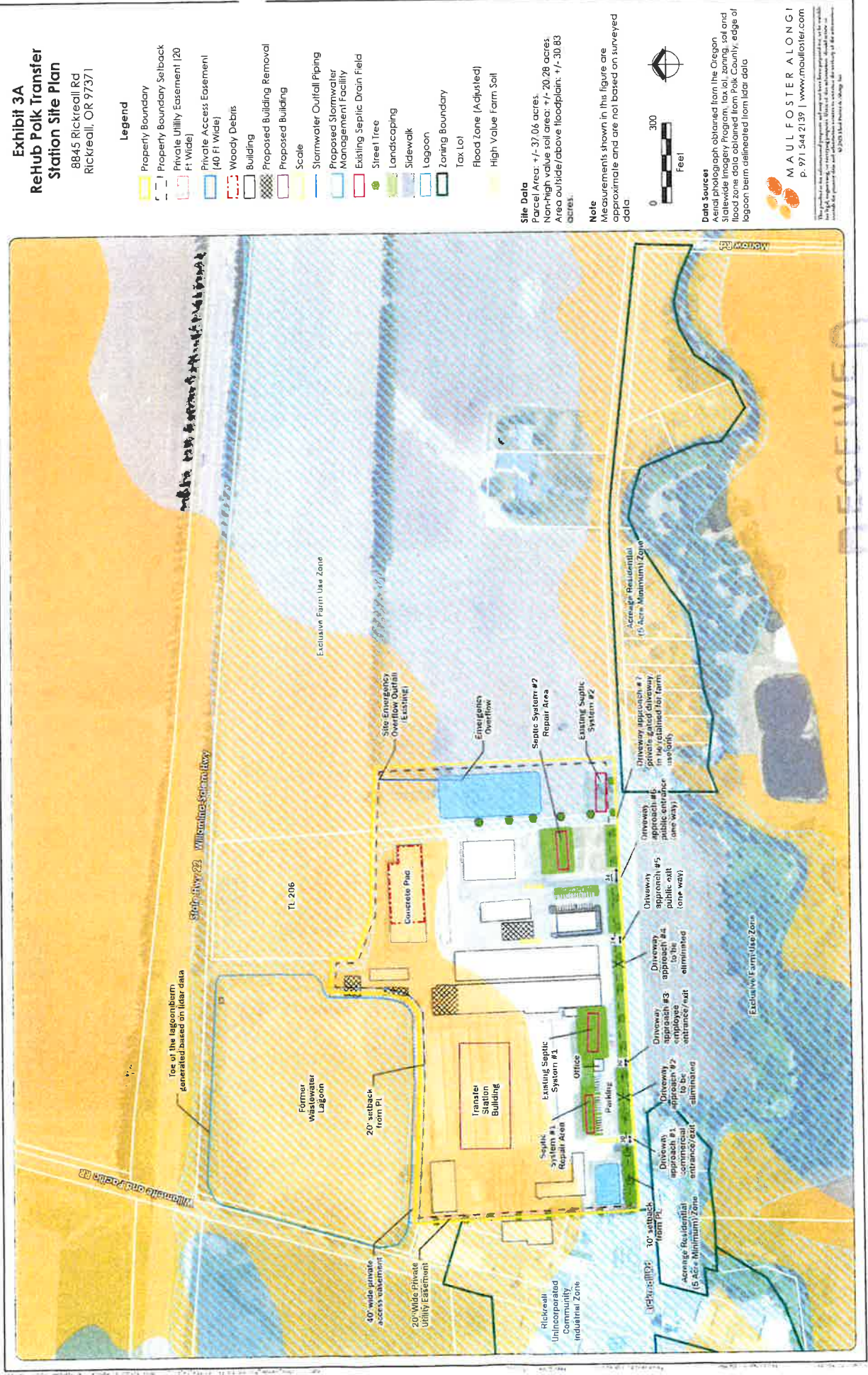


Exhibit 3B
ReHub Polk Transfer Station
Buildings and Parking Layout
 8845 Rickreall Rd
 Rickreall, OR 97131

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: +/- 37.4 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.

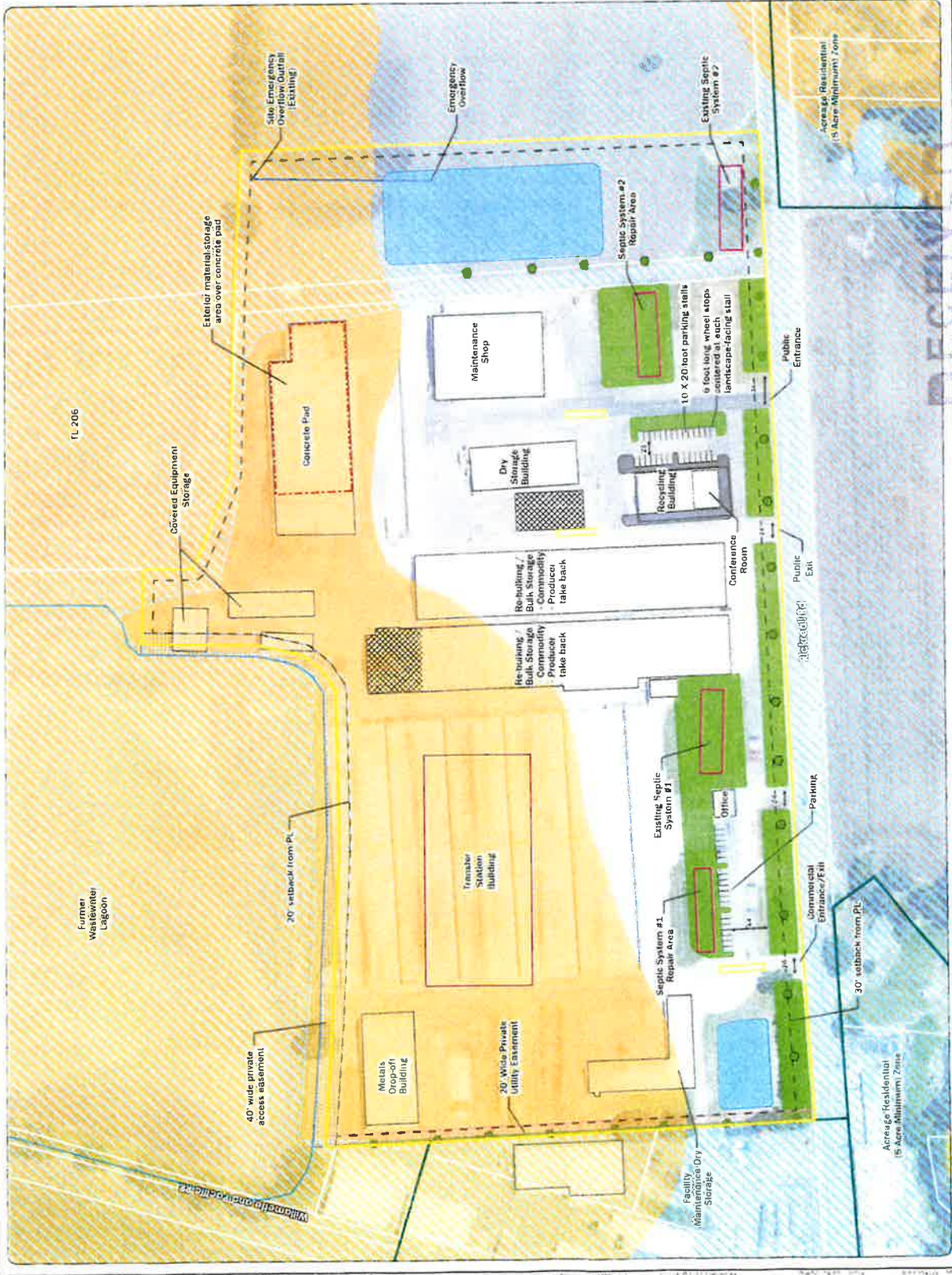


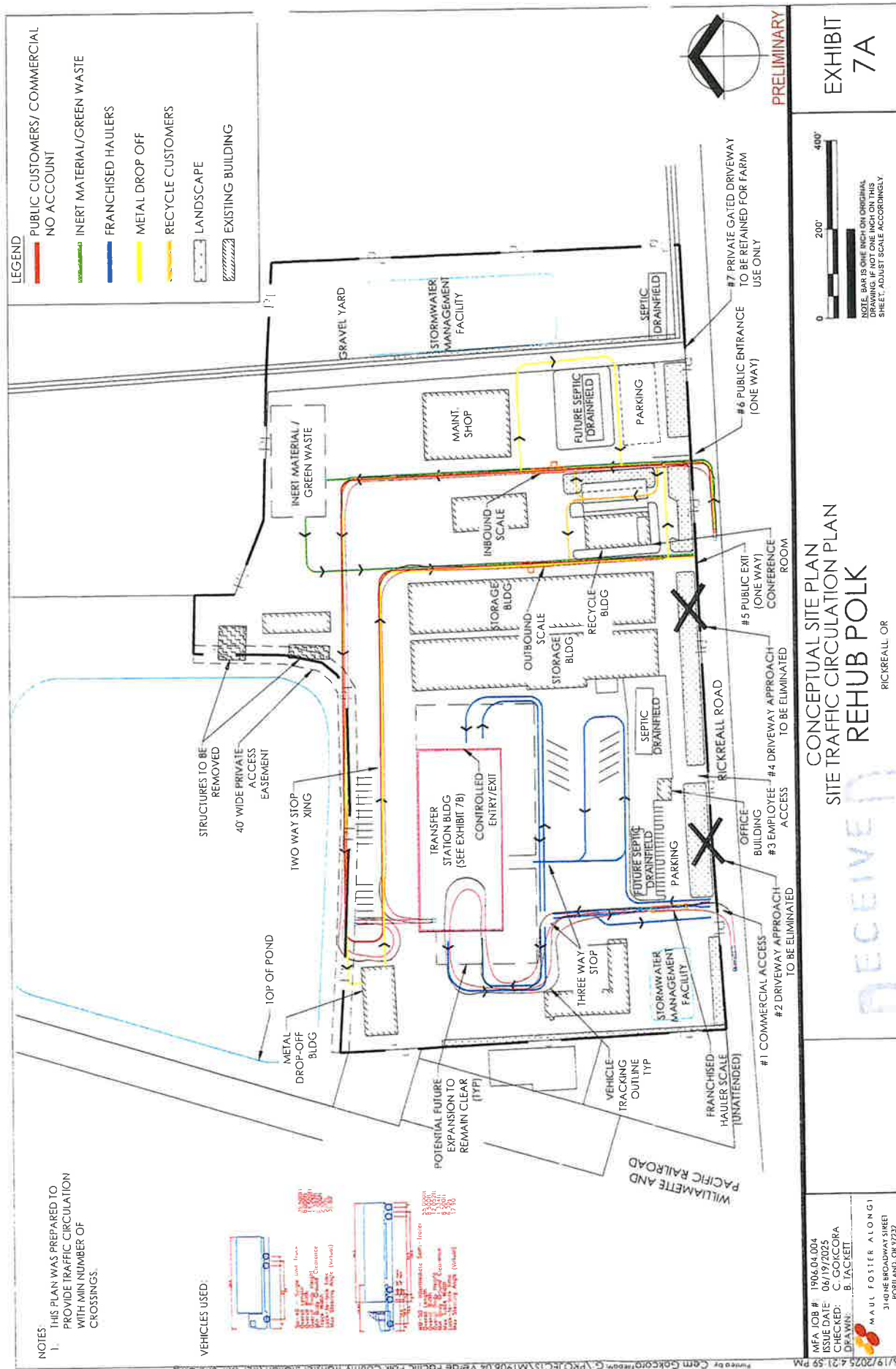
Data Sources

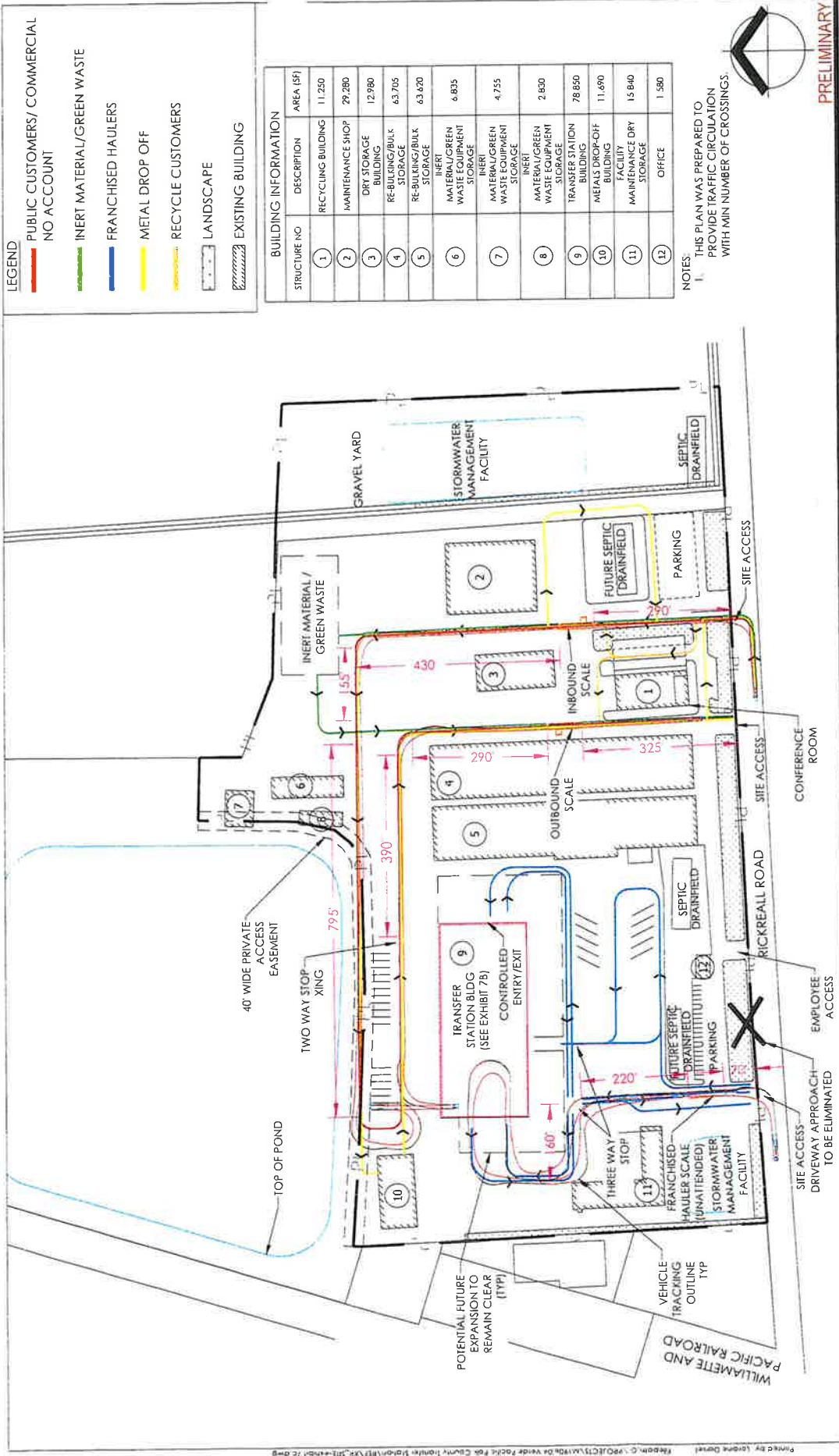
Aerial photograph obtained from the Oregon Statewide Imagery Program; tax lot, zoning, soil and flood zone data obtained from Polk County; edge of lagoon berm delineated from lidar data.

MAULFOSTER ALONGI
 P. 501.544.2139 | www.maulfoister.com

This project is for informational purposes only and does not constitute a final engineering design. It is the responsibility of the client to verify all information and to obtain all necessary permits and approvals from the appropriate regulatory agencies.







CONCEPTUAL QUEUING LAYOUT REHUB POLK

RICKREALL OR

EXHIBIT 7C

PRELIMINARY

0 200' 400'

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

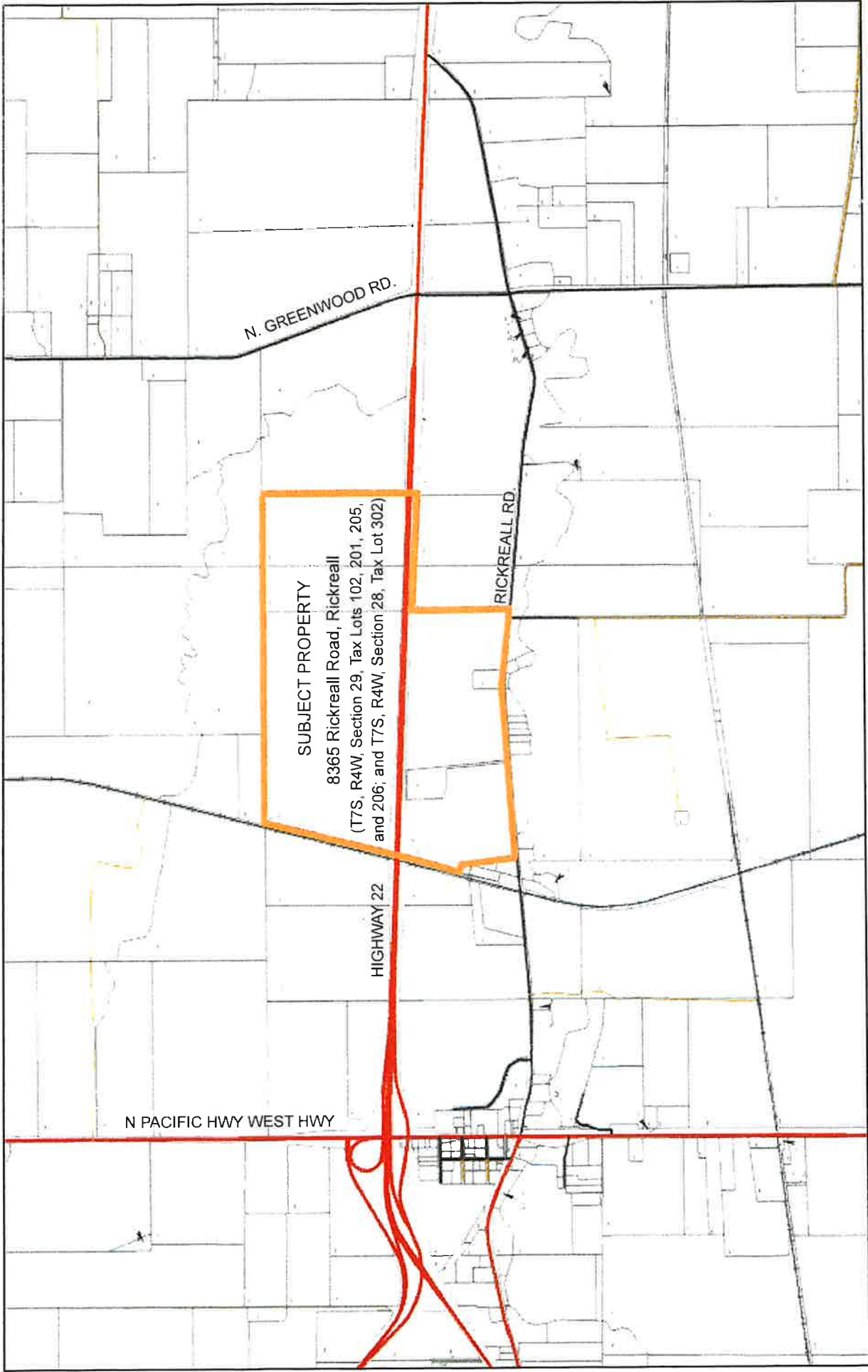
RECEIVED

MFA JOB #: 1906.04.01
ISSUE DATE: 09/20/2024
CHECKED: C. GOKCORA
DRAWN: L. DANIEL

MAUL FOSTER ALONG I
3140 NE BROADWAY STREET
PORTLAND, OR 97232
PHONE 971.544.2131
WWW.MFACORPORATION.COM

STAFF MAP (CU 25-05, LP 25-02, & LUD25-13)

ATTACHMENT F



7/8/2025, 11:24:00 AM



This map was produced from the Polk County geographic databases to support its governmental activities. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.