



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/19/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Polk County Plan Amendment
DLCD File Number 002-10

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, September 01, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

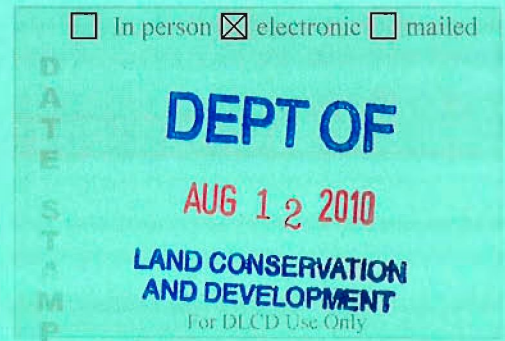
*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jerry Sorte, Polk County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative

<paa> YA

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Polk County**

Local file number: **PA 10-02 & ZC 10-02**

Date of Adoption: **8/11/2010**

Date Mailed: **8/11/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/10/2010

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

The adopted amendments consist of a Comprehensive Plan Map amendment from Agriculture (AG) and Unincorporated Community Commercial (UCC) to Unincorporated Community Industrial (UCI), a Comprehensive Plan text amendment to include a "physically developed" exception to Statewide Planning Goal 3, and a Zoning Map amendment to change the zoning from Exclusive Farm Use (EFU)/Limited Use Overlay (LU) and Unincorporated Community Commercial General (UC-CG)/LU to Unincorporated Community Light Industrial (UC-IL).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **AG & UCC** to: **UCI**

Zone Map Changed from: **EFU/LU & UC-CG/LU** to: **UC-IL**

Location: **12680 South Pacific Highway West, Monmouth, Oregon** Acres Involved: **2**

Specify Density: Previous: 80 acres (EFU) & No min parcel size (UC-CG) NEW: : No min parcel size

Applicable statewide planning goals:

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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing? Yes No
- If no, do the statewide planning goals apply? Yes No
- If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

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

ODOT

Local Contact: **Jerry Sorte**

Phone: **(503) 623-9237** Extension:

Address: **850 Main Street**

Fax Number: **503-623-6009**

City: **Dallas**

Zip: **97338**

E-mail Address: **sorte.jerry@co.polk.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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5 **BEFORE THE BOARD OF COMMISSIONERS**
6 **FOR THE COUNTY OF POLK, STATE OF OREGON**
7

8 In the Matter of Plan Amendment PA 10-02 and Zone Change)
9 ZC 10-02 on an approximately 2- Acre Property Zoned Exclusive)
10 Farm Use / Limited Use Overlay and Unincorporated Community)
11 Commercial General / Limited Use Overlay at Township 9S,)
12 Range 4W, Section 31, Assessment Map Tax Lot 100)
13

14 **ORDINANCE NO. 10-09**
15

16 **WHEREAS**, the Board of Commissioners held a public hearing on July 28, 2010 with due notice
17 of such public hearing having been given, and provided an opportunity for public comments and
18 testimony; and
19

20 **WHEREAS**, the Board of Commissioners received a recommendation in support of Plan
21 Amendment PA 10-02 and Zone Change ZC 10-02 from the Polk County Hearings Officer based upon
22 his public hearing and conclusions; and
23

24 **WHEREAS**, the Board of Commissioners received a recommendation in support of Plan
25 Amendment PA 10-02 and Zone Change ZC 10-02 from Polk County Planning staff based upon the
26 findings and evidence in the record; and
27

28 **WHEREAS**, the Board of Commissioners on July 28, 2010, publicly deliberated and
29 unanimously passed a motion to approve Plan Amendment PA 10-02 and Zone Change ZC 10-02; now,
30 therefore:
31

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

34 Sec. 1. That Polk County adopts the findings for Plan Amendment PA 10-02 and Zone Change ZC 10-02
35 located in the Hearings Officer's recommendation as shown on Exhibit C.
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37 Sec. 2. That Polk County adopts as part of the Polk County Comprehensive Plan a "physically
38 developed" exception to Oregon Statewide Planning Goal 3 for the subject property. Polk County
39 amends Appendix F.1 of the Polk County Comprehensive Plan to include the "physically
40 developed" exception findings located in the Hearings Officer's recommendation.
41

42 Sec. 3. That Polk County amends the Polk County Comprehensive Plan Map for the subject property
43 from Agriculture (AG) and Unincorporated Community Commercial (UCC) to Unincorporated
44 Community Industrial (UCI) as shown on Exhibit A.
45

46 Sec. 4. That Polk County amends the Polk County Zoning Map for the subject parcel from Exclusive
47 Farm Use (EFU)/Limited Use Overlay (LU) and Unincorporated Community Commercial
48 General (UC-CG)/Limited Use Overlay (LU) to Unincorporated Community Light Industrial
49 (UC-IL) as shown on Exhibit B.
50

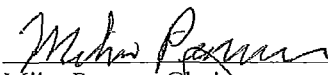
51 Sec. 5. An emergency is declared, and the provisions of this ordinance become effective upon its
52 adoption.
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Dated this 11th day of August 2010 at Dallas, Oregon.

POLK COUNTY BOARD OF COMMISSIONERS



Mike Propes, Chair

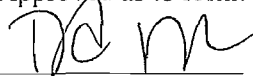


Ron Dodge, Commissioner



Tom Ritchey, Commissioner

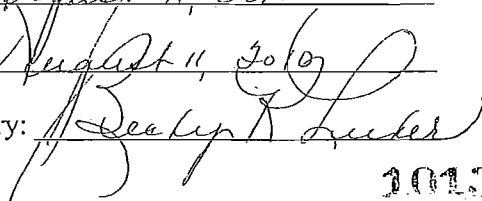
Approved as to form:

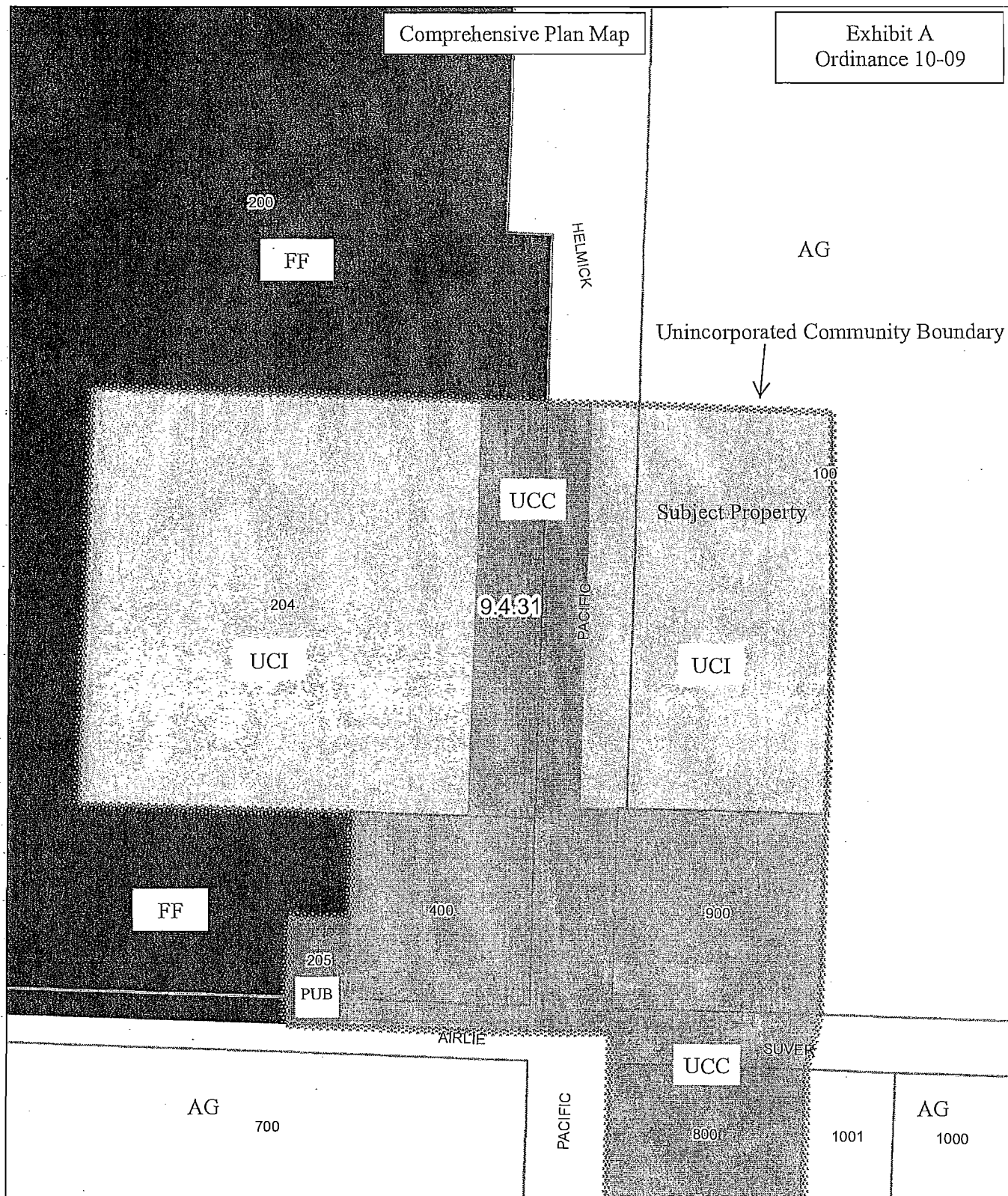


David Doyle
County Counsel

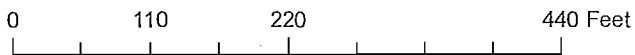
First Reading: August 11, 2010

Second Reading: August 11, 2010

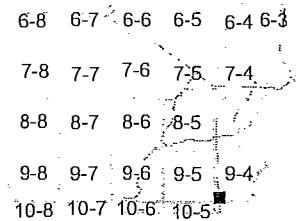
Recording Secretary: 



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.

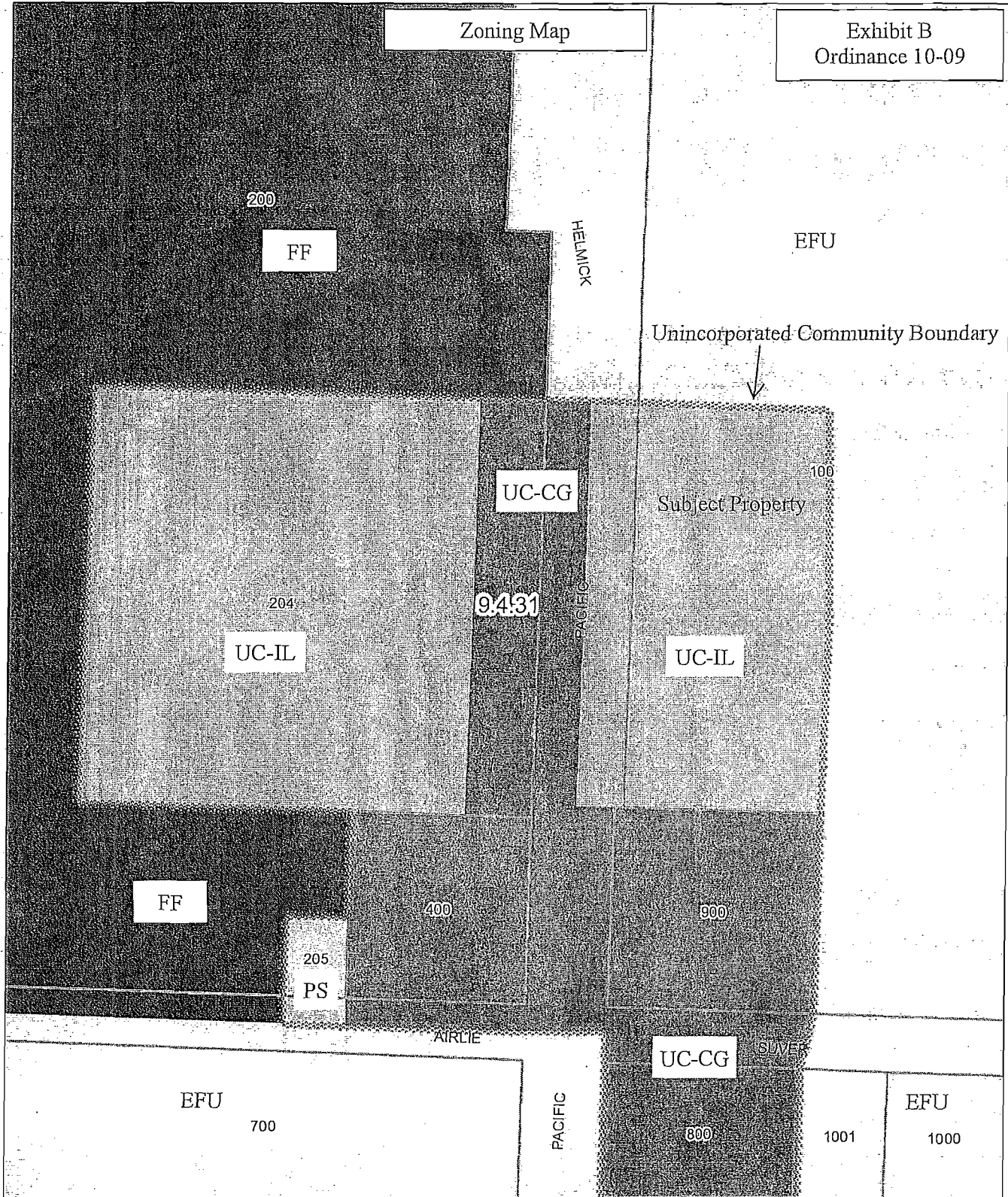


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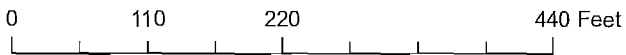


Zoning Map

Exhibit B
Ordinance 10-09



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.



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**BEFORE THE PLANNING DIVISION
FOR POLK COUNTY, OREGON**

RECEIVED
JUL 08 2010

In the Matter of the application of _____)
H. E. & J. M. Pope Joint Revocable Trust)

POLK COUNTY
COMMUNITY DEVELOPMENT
Plan Amendment 10-02
Zone Change 10-02

SUMMARY OF PROCEEDINGS

This matter arose on the application of Howard E. Pope and Judith M. Pope Joint Revocable Trust (Wallace Lien PC, Applicants' representative) for a Polk County Comprehensive Plan (PCCP) Map amendment, a PCCP text amendment, and a zoning amendment. The subject property is located at 12680 South Pacific Highway West, Monmouth, Polk County, Oregon. The applicable review and decision criteria are Polk County Zoning Ordinance (PCZO) 111.140, 111.275, 115.050; Oregon Administrative Rules (OAR) 660-004-0025 and 660-012-0060; and the Oregon Statewide Planning Goals.

The applicant is proposing a PCCP Map amendment from Agriculture and Unincorporated Community Commercial to Unincorporated Community Industrial; a PCCP text amendment to adopt a "physically developed" exception to Statewide Planning Goal 3, and a zone change from Exclusive Farm Use (EFU)/Limited Use Overlay (LU) to Unincorporated Community Light Industrial (UC-IL) for a 2-acre portion of an approximately 431-acre parcel. The 2-acre "subject property" is located in the Suver Junction Unincorporated Community, near the intersection of Highway 99W and Suver Road. In order to take into account the presence of Highway 99W, which abuts the subject property, and to provide consistency on the PCCP and Zoning Maps, the proposed PCCP Map amendment, zone change, and reasons exception would extend to the center of Highway 99W.

The applicant has proposed amending the Zoning Map so that the subject property is zoned Unincorporated Community Light Industrial Zone (UC-IL). The subject property is currently used for an agricultural welding business. If these applications are approved, that use would be outright permitted. PCZO 167.040(C) permits any use allowed in PCZO 166.040(C). PCZO 166.040(C)(9) permits tractor and heavy equipment sales and service (SIC 352) subject to the small scale low impact standards. Within the uses permitted under SIC 352 is SIC 3523. SIC 3523 references farm machinery and equipment manufacturing, which would encompass an agricultural welding shop. The small scale low impact standards are subject to a building size limitation of 40,000 square feet. Based on a review of the 2008 Polk County Aerial Photograph, and using the measurement tools in the Polk County GIS, the buildings associated with the existing agricultural welding shop contain approximately 11,000 square feet. If these applications are approved, the existing agricultural welding shop would be outright permitted and would comply with the small scale low impact standards of the UC-IL zone.

The applications were submitted on January 6, 2010. The applications were originally submitted to request a PCCP Map amendment to designate the subject property Unincorporated Community Commercial and a zone change to zone the subject property Unincorporated Community Commercial General. The Department of Land Conservation and Development (DLCD) 45-day notice was mailed on February 4, 2010. On May 7, 2010, the applicant amended the applications to request a PCCP Map amendment to designate the subject property Unincorporated Community Industrial and a zone change to zone the property Unincorporated Community Industrial Commercial. Staff mailed an amended 45-day notice to DLCD on May 10, 2010.

Table 1. Comprehensive Plan and Zoning Designations.

Location	Comprehensive Plan Designation	Zoning Classification (See Zone map Attachment B)
Subject Property	Agriculture & Unincorporated Community Commercial	Exclusive Farm Use/Limited Use Overlay & Unincorporated Community Commercial General/Limited Use Overlay
Property North	Agriculture	Exclusive Farm Use
Property South	Unincorporated Community Commercial	Unincorporated Community Commercial General
Property East	Agriculture	Exclusive Farm Use
Property West	Unincorporated Community Commercial	Unincorporated Community Commercial General

(Property Description)

The area subject to this application, described in this report as the “subject property” is a 2.0 acre section of an approximately 431.0 acre parcel located at 12680 South Pacific Highway West, Monmouth, Oregon. The 431.0 acre parcel is identified on the Assessment Map as T9S, R4W, Section 31, Tax Lot 100; T9S, R4W, Section 29, Tax Lot 300; T9S, R4S, Section 30 Tax Lot 600; T9S, R4W, Section 32, Tax Lot 300. The subject property is that portion of Tax Lot 100 (T9S, R4W, Section 31) that is located in the Suver Junction Unincorporated Community. The subject property is located approximately 200 feet north of the intersection of Highway 99W and Suver Road. Based on a review of the Polk County 2008 aerial photograph, the information in the record, and Polk County Assessor’s records, the 2.0 acre subject property contains four commercial buildings.

The 2.0 acre subject property is not identified as containing significant resources on the Polk County Significant Resource Areas Map. Based on a review of the National Wetland Inventory map, Lewisburg quadrangle, the subject property does not contain wetlands. The subject property is not located within an identified floodplain, pursuant to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41053C0575F dated December 19, 2006.

The subject property was approved for a conditional use in 1988 by Polk County Planning Authorization CU 88-15 and Administrative Action No. 177, dated May 17, 1988. At that time, the subject property was zoned EFU, and the conditional use permit authorized an agricultural equipment repair and fabrication shop on the subject property as a commercial activity in conjunction with farm use. On September 12, 1990, Polk County approved applications CU 90-35 and VAR 90-3 under Administrative Action No. 90-40. Those applications approved an expansion of the agricultural equipment repair and fabrication shop and permitted a variance to specific parking lot development standards. On September 28, 1992, Polk County approved LD 92-10 and CU 92-41 under Administrative Action No. 92-39. LD 92-10 permitted a partition of the 431.01 acre parcel into a 2.00 acre parcel and a 429.01 acre parcel. The 2.00 acre parcel authorized under LD 92-10 would have contained the agricultural equipment repair and fabrication shop and would have been similar in configuration to the 2.00 property that is the subject of these applications. Based on a review of Polk County Planning and Survey records, LD 92-10 was not executed. CU 92-41 permitted modifications to specific conditions in CU 88-15.

(PCCP and Zoning History)

Polk County underwent a legislative process to evaluate the Suver Junction Unincorporated Community boundary in 1999 and 2000. One result of this planning process was to include the subject 2.0 acre property in the Suver Junction Unincorporated Community and to zone the property to more closely reflect its use as an agricultural welding and repair service. This planning process acted to supersede the conditions of the conditional use permits granted in 1988, 1990, and 1992. The current PCCP and zoning designations of the subject property are the product of three conflicting ordinances. These ordinances are described below.

Ordinance 00-04 was adopted by the Polk County Board of Commissioners on May 10, 2000, and adopted findings for a "reasons" exception to Oregon Statewide Planning Goal 3 for the subject 2.0 acre property. This project was identified as Legislative Amendment 99-4. With regards to the subject property, Exhibit A to Ordinance 00-04 states that the request was to amend the PCCP designation of the 2.0 acre subject property from Agriculture to Unincorporated Community Industrial, change the zoning from EFU to Unincorporated Community Light Industrial with a limited use overlay, and include the area within the Suver Junction unincorporated community. The limited use overlay described in Ordinance 00-04 would restrict the use of the subject property to an agricultural welding and repair service.

Ordinance 00-05 was also adopted by the Board of Commissioners on May 10, 2000, and adopted the PCCP and Zoning Maps for Legislative Amendment 99-4. These maps were intended to implement the changes described in Ordinance 00-04. The adopted PCCP and zoning map; however, only shows changes for a one acre portion of the subject property. That map depicts the 1.0 acre area with a PCCP designation of Unincorporated Community Commercial and zoned Unincorporated Community Commercial General with a limited use overlay. The maps adopted by Ordinance 00-05 also depict the Suver Junction Unincorporated Community to only include that 1.0 acre.

The maps adopted by Ordinance 00-05 conflict with the description of the project in Ordinance 00-04 with regards to the size of the property, the PCCP designation, and the zoning designation. In an effort to clarify these discrepancies, Polk County adopted Ordinance 03-04 on September 17, 2003. Ordinance 03-04 adopted findings acknowledging that a "reasons" exception to Goal 3 was adopted by Ordinance 00-04. The findings adopted by Ordinance 03-04 also state that the Agriculture PCCP designation would apply to the 2.00 acre area. The Exclusive Farm Use zone would also apply to the subject property in addition to a limited use overlay zone in order to limit the uses of the property to those approved by the adopted "reasons" exception. The maps adopted by Ordinance 03-04 depict the unincorporated community boundary to include the 2.00 acre subject property. The PCCP and zoning maps adopted by Ordinance 03-04; however, conflict with the adopted findings. The maps adopted by Ordinance 03-04 clearly show that the limited use overlay applies to the 2.0 acre subject property. It is also clear that the 2.0 acre subject property was included in the Suver Junction Unincorporated Community. It is not clear; however, if the underlying PCCP designation or zoning designation changed. Based on a review of the maps adopted by Ordinance 03-04, Staff concluded the southern 1.0 acre of the 2.00 acre subject property was designated on the PCCP map as Unincorporated Community Commercial and the northern 1.0 acre was designated Agriculture. The adopted zoning map shows the southern 1.0 acre of the property zoned Unincorporated Community Commercial General with a limited use overlay and northern 1.0 acre zoned Exclusive Farm Use with a limited use overlay.

As described above, Ordinances 00-04, 00-05, and 03-04 all contain conflicting elements. It is the position of Staff that Ordinance 00-04, which adopted the "reasons" exception to Goal 3 for the subject property provides the intended PCCP map designation, zoning map designation, and unincorporated community boundary. Ordinance 00-05 failed to correctly implement Ordinance 00-04, and Ordinance 03-04 failed to correct Ordinance 00-05. Staff concluded that the current, adopted designations of the subject property are depicted on the PCCP and zoning maps adopted by Ordinance 03-04. Those maps depict the 2.0 acre subject property entirely within the Suver Junction Unincorporated Community. The northern 1.00 acre of the subject property is designated

Agriculture on the PCCP map and zoned EFU and contains what is practically an expanded use overlay rather than a limited use overlay to permit an agricultural welding and repair service. The southern one acre of the subject property is designated Unincorporated Community Commercial and zoned UC-CG with a limited use overlay to permit an agricultural welding and repair service.

Functionally, a zoning designation of EFU with a limited use overlay to allow the industrial uses approved in the "reasons" exception adopted in Ordinance 00-04 would act as an *expanded* use overlay. The desired industrial use of the property for an agricultural welding and repair service operation is not specifically permitted in the EFU zone.

Staff has concluded that the current PCCP and zoning designations are in error, and the subject property should have the designations described in Ordinance 00-04. As described in Ordinance 00-04, the subject property should be entirely located within the unincorporated community of Suver Junction, designated Unincorporated Community Industrial on the PCCP Map, and zoned Unincorporated Community Light Industrial with a limited use overlay to restrict use of the subject property to an agricultural welding and repair service.

Table 2. Soil characteristics of the 2.00 acre subject property, as identified in the Natural Resources Conservation Service Soil Survey of Polk County, Oregon utilizing the Polk County Geographic Information System.

Type	Name	Class	High Value
25	Dayton silt loam	IVW	Yes

Note -- The applicant states that the entire 2.0 acre subject property is covered by 10 to 12 inches of compacted rock.

(Notification)

Notice of the June 29, 2010 public hearing before the Polk County Hearings Officer and the July 28, 2010 hearing before the Board of Commissioners was provided as required by PCZO 111.340 to 111.370. Notice was mailed to property owners located within 750 feet of the outside perimeter of the subject portion of the subject property on June 3, 2010. Notice was printed in the local Itemizer-Observer newspaper on June 9, 2010. Notice was posted on the subject property on or prior to June 9, 2010.

(Services)

The subject property has frontage along Highway 99W, a principal arterial, as designated in the *Polk County Transportation Systems Plan*, Figure 3. It is located within the area served by the Luckiamute Domestic Water Coop. It would be served by a private sewage (septic) system.

(Comments)

The Oregon Department of Transportation has no land use problems with the application. Preliminary research shows an existing road permit (#30518) at the driveway that serves the subject property.

No other written comments were received prior to the public hearing.

PUBLIC HEARING

A duly advertised public hearing was held in the Polk County Courthouse on June 29, 2010. In attendance were staff, applicant Howard Pope, and Wallace Lien, applicant's attorney. The Hearings Officer called the meeting to order, identified the subject property, and recited the admonitions required by law and ordinance. There were no objections as to notice, jurisdiction or conflict of interest. Staff identified the applicable review and decision criteria, summarized its report, and recommended approval of the application. Lien spoke in support of the application. He summarized the convoluted history of the subject parcel's PCCP designation and zoning, and

endorsed the staff report and recommendation. No one else spoke for or against the application, so there was no occasion for a rebuttal. There was no request for a continuance or that the record be left open for additional submissions. There being no further business, the Hearings Officer declared the record closed and adjourned the meeting.

Robert W. Oliver, Polk County Hearings Officer, presided. He had been given authority by the Polk County Board of Commissioners to conduct the hearing and make a recommendation for Board action on the matter.

FINDINGS

The authorizations for a PCCP amendment and a zone change are provided under PCZO 115.050 and 111.275. Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO 115.030 and 111.190 and makes a recommendation to the Polk County Board of Commissioners. The Board conducts a public hearing pursuant to PCZO 115.030 and 111.200 and makes a final local decision. Staff findings and analysis are included below. The applicant provided findings that are included by reference in the findings, and are attached and identified as Attachment E of the staff report.

(Comprehensive Plan Amendment)

Amendments to the Comprehensive Plan Map must meet one or more of the following criteria: [PCZO 115.050(A)]

- A. The Comprehensive Plan designation is erroneous and the proposed amendment would correct the error, or [PCZO 115.050(A)(1)]**
- B. The Comprehensive Plan Designation is no longer appropriate due to changing conditions in the surrounding area; and [PCZO 115.050(A)(2)]**

Applicant states that the clarification of the PCCP designation for the subject property as Unincorporated Community - Industrial, not Agriculture is governed by PCZO 115.050.

PCZO 115.050(A) provides the threshold question for any quasi-judicial plan amendment, and allows the change if the current plan designation is in error and the application would correct that error. PCZO 115.050(A)(1). As discussed above, Ordinance 00-04 was intended to include the subject property in the unincorporated community of Suver Junction and to designate and zone it accordingly. While the property was mapped as being inside the Suver Junction boundary, the zoning and plan designations did not follow, and over a series of other land use actions was changed to be even more inconsistent. The ordinances attached to the original application clearly show the error, and how it was made worse over the years, so that now the subject property is inside the unincorporated community boundary, in full industrial use serving the surrounding community, but is zoned and planned only for agricultural use. This application corrects this error by putting back in place the UC-I plan designation and the UC-IL zone that were originally adopted, and thereby fulfills the mandates of PCZO 115.050(A).

PCZO 115.050(B) deals with the scale and impact of buildings to be constructed in areas designated as unincorporated communities. In this case, no expansion of the Agriweld operation is proposed, and no new buildings are planned or sought as a result of this application. The existing buildings on the subject property are all under 4,000 square feet. No change in the way the business has operated or the customers or area that is served has taken place since 2000, or since 1988 when the business was first allowed under a conditional use permit (CU 88-15).

This application complies with this criterion, because it is a pre-existing use of small scale and low impact and where no new buildings are being proposed. In addition, the existing use is local in nature, serves the surrounding agricultural community and employs local personnel, all of which confirm the decision of Ordinance 00-04 that the subject property should be designated Unincorporated Community - Industrial.

In addition, because the property is already located inside the boundaries of the Suver Junction

unincorporated community, it follows that it should have the corresponding plan designation. The erroneous Agriculture plan designation is not compatible with the mandates of the unincorporated community, and is inconsistent with the purposes and intent of the rural community. This inconsistency must be corrected, and the change to Unincorporated Community - Industrial is the best current fit, given the designation on other properties in the community and the pre-existing use of the subject property for its industrial uses. The PCCP amendment criteria are satisfied, and the correction should be made.

Staff stated that the applicant contends that the current PCCP designation is erroneous and that the proposed amendment would correct the error. The applicant makes reference to discrepancies of past ordinances that have been adopted regarding the subject property. Staff agreed with the applicant that the current PCCP designations for the subject property are erroneous.

As described above, Ordinances 00-04, 00-05, and 03-04 all contain conflicting elements with respect to the PCCP designation of the subject property. It is the position of Staff that Ordinance 00-04, which adopted the "reasons" exception to Goal 3 for the subject property, provides the intended PCCP Map designation, Zoning Map designation, and unincorporated community boundary. To confuse matters, Ordinance 00-05 failed to correctly implement Ordinance 00-04, and Ordinance 03-04 failed to correct Ordinance 00-05. Although erroneous, the current, adopted designations of the subject property are depicted on the most recently adopted PCCP and Zoning Maps, which are those adopted by Ordinance 03-04. Those maps depict the 2.0 acre subject property entirely within the Suver Junction Unincorporated Community. The northern 1.00 acre of the subject property is designated Agriculture on the PCCP map and zoned EFU and contains what is practically an expanded use overlay rather than a limited use overlay to permit an agricultural welding and repair service. The southern one acre of the subject property is designated Unincorporated Community Commercial and zoned UC-CG with a limited use overlay to permit an agricultural welding and repair service.

Functionally, the maps adopted by Ordinance 03-04 are not consistent with the PCZO, which further supports the fact that they are erroneous. A zoning designation of EFU with a limited use overlay to allow the industrial uses approved in the "reasons" exception adopted in Ordinance 00-04 would act as an *expanded* use overlay. The desired industrial use of the property for an agricultural welding and repair service operation is not specifically permitted in the EFU zone; therefore, those uses could not be permitted by limiting the permitted uses in the EFU zone.

It is Staff's position that the current PCCP and zoning designations, which are those adopted by Ordinance 03-04, are in error. The subject property should actually have the designations described in Ordinance 00-04. As described in Ordinance 00-04, the subject property should be entirely located within the unincorporated community of Suver Junction (this is the only area in which Ordinance 00-04 and Ordinance 03-04 agree), designated Unincorporated Community Industrial on the PCCP Map, and zoned Unincorporated Community Light Industrial with a limited use overlay to restrict use of the subject property to an agricultural welding and repair service.

Based on the findings above, staff and the Hearings Officer conclude that the existing PCCP designations for the subject property of Agriculture and Unincorporated Community Commercial are erroneous. The correct PCCP designation should be Unincorporated Community Industrial, and the applicant's proposal would provide the needed correction.

(Physically Developed Exception)

- A. A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal. [OAR 660-004-0025(1)]
- B. Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the

justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception. [OAR 660-004-0025(2)]

Applicant contends that a property that is physically developed to the extent it is no longer available for resource use may be exempted from the application of the resource goals (3 and 4). OAR 660-004-025(1). The physically developed exception is site specific, and must be clearly mapped. The nature of the physical development must be detailed. OAR 660-004-025(2).

In this case the area to which the exception applies is identified generally as that approximate two acres of land that is in the southwest corner of TL 100. The location of the subject property is shown on the zone map in cross hatching. See Exhibit G of the application. The physically developed area is shown graphically on the aerial photographs attached hereto as Exhibit H of the application, and in several of the ground photographs in Exhibit I of the application. Finally the exception area is mapped in Exhibit J of the application. As close as can be estimated, the exception area is 225' wide by 400' long, which is just over two acres in size.

The nature of the development is two shop buildings, a storage building and an office trailer together with a storage and display parking area that is compacted gravel that is between 10" and 12" deep throughout the exception area. The physical development of the site can be seen in the aerial photography as Exhibit H and in several of the ground photos in Exhibit I of the application.

All the development was lawfully established on the site. The welding business has been in existence for a long time and appears to have originally been grandfathered. The construction of the shop buildings was approved, and the use was legitimized in 1988 when Polk County approved Agriweld as a conditional use. The current level of gravel covering the parking lot was placed during the summer of 2000 after the site was included in the Suver Junction unincorporated community boundary and was appropriately zoned.

The level of physical development is such that it precludes use of the site for resource purposes. It is impracticable and uneconomical to remove the gravel and buildings from the site in order to return them to resource use. In addition, the county has already included this site in the Suver Junction unincorporated community, making commercial type uses preferred over resource use. Retaining this site for the purpose of enhancing Suver Junction, on balance is more important than attempting to return the subject property to a resource use it has not been put to in over 20 years.

The UC-IL is an acknowledged zone that appropriately limits the type and size of uses that are allowed in the unincorporated community under the applicable OAR. As stated above, the approval of Agriweld in this instance will not conflict with adjacent uses; is compatible with the purpose and intent of the zone and PCCP designations; will have no effect on public facilities, and the size of the subject property at two acres is within the densities contemplated by the unincorporated communities rule, and is similar to the other parcel sizes that are also in the boundaries of Suver Junction.

Applicant argues that all of the criteria for approval of the subject property as a physically developed exception have been satisfied and the exception should be granted. Staff agreed, and the Hearings Officer concurs.

Staff says the applicant has identified the subject property on the plot plan, which is included as Attachment A of the staff report. The subject property consists of that portion of Tax Lot 100 (T9S, R4W, Section 31) that is located in the Suver Junction Unincorporated Community. The subject property contains approximately 2.0 acres. In order to take into account the presence of Highway 99W, which abuts the subject property, and to provide consistency on the PCCP and

Zoning Maps, the proposed PCCP Map amendment, zone change, and reasons exception would extend to the center of Highway 99W.

(Zone Change)

- A. A zone change is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and a recommendation made by the Hearings Officer or the Planning Commission. Such change shall be an ordinance enacted by the Board of Commissioners after proceedings have been accomplished in accordance with the provisions of this chapter. [PCZO 111.140]**

Authorizations for a PCCP amendment and a zone change are provided under PCZO 115.050 and 111.275. Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO 115.030 and 111.190 and makes a recommendation to the Polk County Board of Commissioners. The Board conducts a public hearing pursuant to PCZO 115.030 and 111.200 and makes a final local decision. The application is following the proper review process and meets this criterion.

- B. Pursuant to Section 111.160, a zone change may be approved, provided that the request satisfies all applicable requirements of this ordinance, and provided that with written findings, the applicant(s) clearly demonstrate compliance with the following criteria:**
- 1. The proposed zone is appropriate for the comprehensive plan land use designation on the property and is consistent with the purpose and policies for the applicable comprehensive plan land use classification; [PCZO 111.275 (A)]**
 - a. The Unincorporated Community Industrial Plan designation applies to areas within designated unincorporated communities suitable for industrial business activities. These sites are often associated with processing or storage of farm or forest products produced in the surrounding area and are connected to the historic development of these communities. In addition to industrial uses which make use of rural resources, industrial uses within unincorporated communities also include other uses which are small-scale and low impact.**

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

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

Within the unincorporated communities of Grand Ronde, Valley Junction,

and Fort Hill, the Unincorporated Community Industrial Plan designation is accomplished through the Unincorporated Community Industrial Commercial (UC-IC), Unincorporated Community Light Industrial (UC-IL) and the Unincorporated Community Heavy Industrial (UC-IH) zones. [PCCP, Section 4]

Applicant maintains that the subject property is located inside the boundaries of the Suver Junction Unincorporated Community. However, it mistakenly is zoned for farm use (EFU). Here the EFU zone is not appropriate to carry out the purposes and intent of the unincorporated community designation. Once an unincorporated community is designated, the zones allowed in that area must be those associated with such communities and which allow industrial and other non resource uses which are not allowed in the EFU zone - that serve the surrounding community.

The zone proposed here is the Unincorporated Community - Light Industrial (UC-IL) zone, which is a zone that is compatible with the Suver Junction Unincorporated Community plan, and the UC-I designation proposed above. This is also the original zoning that was intended for the subject property in Ordinance 00-04. This criteria is complied with.

Staff stated that, as described in Section 4 of the PCCP, the Unincorporated Community Industrial PCCP Designation is implemented by several industrial zones. These include the Unincorporated Community Light Industrial zone (UC-IL), which is proposed by the applicant. The UC-IL zone is therefore an appropriate zone to implement the Unincorporated Community Industrial PCCP designation.

As stated above, "It is the intent of the Unincorporated Community Industrial Plan designation to protect existing employment and provide limited employment opportunities for some of the residents living in and nearby unincorporated communities." Application of the UC-IL zone would allow continued operation of the existing agricultural welding and repair service. Continuation of this business would provide service to the local agricultural community and employment opportunities in the Suver Junction Unincorporated Community.

Staff concluded that the application complies with this criterion, and the Hearings Officer concurs.

2. The proposal conforms with the purpose statement of the proposed zone;
[PCZO 111.275 (B)]

The purpose of the Unincorporated Community Light Industrial (UC-IL) Zoning District is to implement the Comprehensive Plan policies related to industrial development by providing for industrial uses with limited off-site impacts such as noise, dust, or odor. This zone is applied to designated industrial lands within unincorporated communities. [PCZO 167.010]

Applicant stated that the subject property is a small-scale low impact pre-existing commercial enterprise that has served the surrounding agricultural uses in the Suver community since 1988. Polk County has previously recognized the compatible nature of this agricultural welding and fabrication business to the local agriculture community in Ordinance 00-04. This use has limited off-site impacts and produces little noise, and no dust or odor. This criteria is complied with.

Staff concluded that a zone change on the subject property to UC-IL would allow the existing agricultural welding and repair service to continue to be outright permitted. PCZO 167.040(C) permits any use allowed in PCZO 166.040(C). PCZO 166.040(C)(9) permits tractor and heavy equipment sales and service (SIC 352) subject to the small scale low impact standards. Within the uses permitted under SIC 352 is SIC 3523. SIC 3523 references farm machinery and equipment manufacturing, which would encompass an agricultural welding shop. The small scale low impact standards have a building size limitation of 40,000 square feet. Based on a review of the 2008 Polk County Aerial Photograph, and using the measurement tools in the Polk County GIS, the buildings associated with the existing agricultural welding shop contain approximately 11,000 square feet. If these applications are approved, the existing agricultural welding shop would be outright permitted

and would comply with the small scale low impact standards of the UC-IL zone.

The existing agricultural welding and repair service was permitted through the conditional use process in 1988. It has operated since that time and Polk County has not received complaints on the property with regard to noise, dust or odor. Further, as with all industrial uses permitted in the UC-IL zone, the agricultural welding and repair service would need to comply with the industrial performance standards listed in PCZO 112.410(C)(7). The industrial performance standards regulate heat, glare, light, noise, and vibration emissions. These standards were developed to limit off-site impacts of common industrial emissions.

Based on the above findings and statements by the applicant, the Hearings Officer finds that the application complies with this criterion.

3. The uses allowed in the proposed designation will not significantly adversely affect allowed uses on adjacent lands; [PCZO 111.275(C)]

Applicant says the proposed zone is controlled by PCZO 167.040 as to permitted uses, and PCZO 167.050 as to conditional uses. The welding shop use that is pre existing here is an outright permitted use under PCZO 167.040(C)(3). Agriweld has been in business at this location, and approved as a conditional use by Polk County since 1988. During the last 21 years there have been no issues of compatibility or adverse impact generated to neighboring properties by this use, and none are expected. Essentially, almost all the welding and fabrication are done either in the buildings on the subject property or on site at a customer's location. There is some outdoor storage and display areas, and some limited traffic coming and going during normal business hours. Otherwise, there is no impact to the adjacent lands. It should also be noted that the north and east boundaries of the subject property are part of TL 100, which is owned by the applicants. The western boundary is the right of way for Highway 99W, across from which is commercial and industrial uses. The property to the south has one dwelling associated with its commercial shop area. The subject property has not, and is not expected in the future, to adversely affect the allowed uses on adjacent lands, let alone significantly do so.

Staff states that the applicant is proposing to zone the subject property UC-IL. The UC-IL zone permits a host of industrial uses which require proximity to rural resources and industrial uses which are small scale low impact. The small scale low impact standards place a building size limitation of 40,000 square feet on those industrial uses. The uses permitted in the UC-IL zone may produce limited off site impacts with regards to noise, dust, and odor. Those uses would; however, be subject to the industrial performance standards listed in PCZO 112.410(C)(7). The industrial performance standards regulate heat, glare, light, noise, and vibration emissions. Those standards were developed to limit off-site impacts of common industrial emissions.

Generally, industrial uses may suitably be located in proximity to other industrial uses. Based on a review of the Zoning Map, the contiguous property to the north and east is zoned EFU. The EFU zone permits an array of farm uses. Farm uses are industrial in nature, and it would be appropriate to locate a UC-IL zoned property contiguous to the EFU zone. The property to the south of the subject property is zoned Unincorporated Community Commercial General (UC-CG). The UC-CG zone permits a variety of service and product oriented commercial activities. The UC-CG zone also allows one dwelling per parcel. The intent of the UC-CG zone is to provide commercial, rather than residential use of that land, and commercial zoned properties have historically been located and compatible with contiguous industrially zoned properties. The contiguous property to the west, across Highway 99W is zoned UC-CG and UC-IL. Based on the above information, the uses permitted in the surrounding EFU and UC-CG zones are generally compatible with the proposed UC-IL zone.

The applicant indicates that the property owner intends to continue the existing agricultural welding and repair service on the subject property. That business was permitted through the conditional use process in 1988. The existing agricultural welding and repair service has operated at its current location for over 20 years, and Polk County has not received complaints on the property with regard to noise, dust or odor. This factor, combined with the general harmony between the UC-

IL zone and neighboring zones, provides evidence to indicate that the proposed allowed uses of the subject property would not significantly adversely impact allowed uses on adjacent lands.

As a result, the Hearings Officer finds that the application meets this criterion.

4. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property; [PCZO 111.275(D)]

Applicant stated that the subject property has its own water supply and septic system. No expansion or new facilities are proposed in this application, therefore there is no need for any public facilities to be created for sewer and water. This is an industrial operation and does not involve a dwelling, therefore there is no impact on schools. The property has its primary access directly onto Highway 99W at a safe location with adequate site distance in both directions. There is a secondary access onto Suver Road that is shared with the farm operation and which is gated. There is limited traffic involved with this operation. There are trips for the employees, suppliers and customers. It is estimated that the total average daily traffic count for this use is under 25.

Staff notes that the applicant is proposing to change the zoning of the subject property to UC-IL which would allow the property to be used for a variety of industrial uses. The applicant indicates that the property owner would continue to use the property for an agricultural welding and repair business. The subject property is located within the area served by the Luckiamute Domestic Water Cooperative. If applicant plans to obtain water from a community water system, a "Statement of Water Availability" would need to be submitted prior to future building permit issuance. The applicant must also comply with all applicable state and federal water laws. The proposed zone provides limited residential opportunities, so there have been no identified effects on local schools of the proposed change. Polk County Fire District #1 and the Polk County Sheriff Department provide emergency services at the subject property. Highway 99W adjoins the subject property along the western property boundary. The applicant indicates that the property has access to Highway 99W and a secondary access onto Suver Road, which is located approximately 230 feet south of the subject property.

Staff concluded that there are adequate public facilities, services, and transportation networks available at this time for water provision, sewage disposal and transportation facilities. Approval of this proposed PCCP amendment and zone change would not authorize the applicant to establish a use that would exceed transportation, water and/or sewage disposal services until such services are planned or available. The Hearings Officer finds that the application complies with this criterion.

5. The proposed change is appropriate taking into consideration the following:

- a. Surrounding land uses,**
- b. The density and pattern of development in the area,**
- c. Any changes which may have occurred in the vicinity to support the proposed amendment. [PCZO 111.275(E)(1-3)]**

Applicant states that the UC-IL zone is appropriate because it fits the unincorporated community boundary designation, as well as being the same zone that was originally assigned to the subject property in Ordinance 00-04. Surrounding land uses to the north and east are in farm use on property owned by the applicant here, and as noted above, there have been no conflicts with the Agriweld operation from the farm operation, or vice versa. The other business developments to the west and south are similar in type and scale to Agriweld, and the one dwelling has never experienced any conflicts with this use.

Staff concluded that, based on a review of the Zoning Map, the 2008 aerial photograph, and Polk County Assessor records, the contiguous property to the north and east is zoned EFU and appears to be used for cultivating grass seed. The property to the south of the subject property is zoned Unincorporated Community Commercial General (UC-CG) and contains a dwelling. The

contiguous property to the west, across Highway 99W is zoned UC-CG and UC-IL. That property contains one commercial building and a billboard.

The proposed PCCP amendment and zone change would add an additional UC-IL property to the Suver Junction Unincorporated Community. As discussed above, adjacent properties are used for a mix of commercial, farm, and industrial uses. In general it is appropriate to located industrial uses in proximity to farm uses and commercial uses. Farm and commercial uses tend to be less sensitive to industrial uses than high density residential areas. The applicant indicates that the existing agricultural welding and repair business has not conflicted with the neighboring residential use during the welding businesses' 20 plus years of operation.

The proposed UC-IL zone does not have a predetermined minimum parcel size. This is consistent with the neighboring properties in the UC-CG and UC-IL zones. Those zones do not have predetermined minimum parcel sizes for commercial and industrial uses.

In consideration of the above factors, Staff concluded that the applicant's proposed zone change is appropriate when taking into account the existing land uses on surrounding properties, the density and pattern of development in the area, and recent land use changes, and the Hearings Officer concurs.

6. The proposal complies with any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land; and [PCZO 111.275(F)]

PCZO 111.275(F) requires the proposal comply with any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land. This criteria is not applicable to this application because there is no intergovernmental agreement or urban growth boundary or urbanizable land involved here.

7. The proposal complies with Oregon Revised Statutes, all applicable statewide planning goals and associated administrative rules. If an exception to one or more of the goals is necessary, the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4 shall apply. [PCZO 111.275(G)]

Applicant contends that Oregon's land use planning scheme allows for the establishment of unincorporated communities. OAR 660-022-000 *et seq.* Ordinances 00-04 and 00-05 adopted this concept for Polk County, including Suver Junction. These ordinances set forth complete compliance with ORS, OAR and the statewide goals and guidelines. These ordinances were acknowledged through the post acknowledgment plan amendment process. Because little has changed in Suver Junction since 2000, it is safe to rely on the compliance with state law contained in those two ordinances. For further support see Exhibits K and L of the application. Additional justification for the exception was detailed in the original Applicant's Statement, see Exhibit A.

All of the criteria for approval of the change in zone from EFU to UC-IL have been satisfied and the zone change should be granted.

D. Unincorporated Community Goals and Policies - This application complies with all the applicable Goals and Policies for Unincorporated Communities in the PCCP:

Goal 1 requires citizen participation in the planning of unincorporated communities. This application will be subject to public hearings in which the community will be notified and allowed to participate.

Goal 2 relates to the establishment of the boundaries for unincorporated communities and is not applicable here because the subject property is already included in the Suver Junction boundary.

Goal 3 relates to the contribution to local economy of unincorporated communities. As noted above and in the findings from Ordinance 00-04, this property provides a unique small scale industrial use in the area not otherwise provided for, and therefore enhances the local economy and provides for local jobs.

Goal 4 encourages small scale development that can be done within the confines of the existing infrastructure. The subject property is served by well and septic system so there is no pressure to create a community water or sewer system. The property has good and safe access that does not create a need for any transportation improvements.

Goal 5 relates to maintaining a viable economy for the area while not changing the present sense of the community. The subject property is only two acres in size and is presently developed with a business that has been successfully operating as an integral part of the Suver Junction community since 1988.

Each of the Unincorporated Community Goals stated in the PCCP are complied with in this application to correct the plan and zone maps to make the subject property what it was originally intended to be.

Unincorporated Community Policies 1.1–1.5 relate to the original establishment of unincorporated communities and do not apply here. Policy 1.6 encourages only uses to be allowed that do not adversely affect agricultural or forestry uses. Ordinance 00-04 included findings that the long term historic use on the subject property has not adversely affected surrounding farming. There is no forestry activity in the area. The 10 years since Ordinance 00-04 was adopted have further confirmed that industrial uses of the type engaged in by the applicants are compatible with farming.

Policy 1.7 deals with cumulative development and ensures that the total impacts from the uses in the community will not over-tax the environment or the infrastructure. There has been little if any new development in Suver Junction over the last 20 years and almost none in the last 10 years since the adoption of Ordinance 00-04. While there remains some vacant land, and some underdeveloped land in Suver Junction, Polk County has in place adequate review procedures to ensure that new development will not exceed the capacity of the infrastructure or adverse impact the environment.

Policy 1.8 requires public facility plans and is not applicable here. Policy 1.9 relates to citizen involvement in planning, which was addressed above. Policy 1.10 relates to allowed uses within the parameters of the OAR, and therefore involves only the text of the UC-IL zone and not individual zoning decisions.

Staff concluded that an exception to Oregon Statewide Planning Goal 3 is necessary in order to approve the proposed zoning of the subject property. The uses currently permitted on the subject property were justified by a “Reasons” exception approved by Ordinance 00-04. The limited use overlay described in Ordinance 00-04 would restrict the use of the subject property to an agricultural welding and repair service. The applicant is proposing a zone change that would allow all of the uses permitted in the UC-IL zone. As a result, a new Goal 3 exception is required and this is addressed in Section III, Number 2 of this staff report above. As described above, the applicant has demonstrated compliance with the criteria for a “physically developed” Goal 3 exception.

The Hearings Officer finds that the application complies with this criterion.

CONCLUSIONS

Based on the Review and Decision Criteria identified above, the Hearings Officer finds and concludes that the applications submitted for a PCCP Plan Map amendment, zone change, and Statewide Planning Goal 3 Exception;

1. Are following the proper review process through a public hearing before the Polk County Hearings Officer for a recommendation to the Polk County Board of Commissioners,
2. Have findings to support the proposed changes to the PCCP Map and Zoning Map,
3. Have findings that address the applicable sections of the Oregon Administrative Rules, the PCCP, and PCZO to justify a “physically developed” exception to Statewide Planning Goal 3.
4. Propose application of zone that is consistent with the proposed PCCP designation and that is appropriate for continued operation of the existing agricultural welding operation.

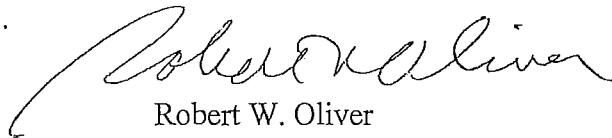
5. Include property that is served by adequate public facilities for transportation, emergency services and onsite sewage disposal.

RECOMMENDATIONS

Based on the evidence and information submitted into the record at the time of completion of the staff report, and prior to and during the public hearing, the Hearings Officer concurs with staff in recommending to the Board of Commissioners that the Board APPROVE the applications and:

1. Change the PCCP Map designation of the subject property from Agriculture and Unincorporated Community Commercial to Unincorporated Community Industrial.
2. Adopt a "physically developed" exception to Statewide Planning Goal 3 (PCCP text amendment).
3. Change the Zoning of the subject property from Exclusive Farm Use/Limited Use Overlay and Unincorporated Community Commercial General/Limited Use Overlay to Unincorporated Community Light Industrial.

Dallas, Oregon, July 8, 2010.

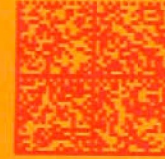


Robert W. Oliver

Polk County Hearings Officer

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Plan Amendment Specialist
635 Capitol ST NE, Suite 150
Salem, OR 97301

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AUG 12 2010

LAND CONSERVATION
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