



Oregon

Theodore R. Kubongski, 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

1/29/2010

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 006-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Friday, February 12, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Austin McGuigan/P. Perry, Polk County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Doug White, DLCD

<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

In person electronic mailed

Received on 1-22-2010

DATE
STAMP

For DLCD Use Only

Jurisdiction: **Polk County**

Local file number: **PA 05-02 & ZC 05-03**

Date of Adoption: **4/11/2007**

Date Mailed: **1/22/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **8/1/2006**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The adopted amendment consists of a Comprehensive Plan Map amendment from Agriculture to Industrial, a "reasons" exception to Goal 3, and a Zoning Map amendment from Exclusive Farm Use to Rural Industrial/Limited Use Overlay. The Limited Use Overlay Zone restricts use of the property to Specialty Trade Contractor uses (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction uses (SIC 15& 16).

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

Plan Map Changed from: **Agriculture**

to: **Industrial**

Zone Map Changed from: **Exclusive Farm Use**

to: **Rural Ind./Limited Use Overlay**

Location: **675 Oak Villa Road, Dallas, Oregon**

Acres Involved: **32.5**

Specify Density: Previous: **80**

New: **No set minimum parcel size**

Applicable statewide planning goals:

- 1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

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, SW Polk RFPD

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 05-02)
9 And Zone Change ZC 05-03 On A 32.50-Acre)
10 Exclusive Farm Use Zoned Property Located At)
11 675 Oak Villa Road, Dallas, Oregon)
12 Assessment Map T7S, R5W, Section 22, Tax Lot)
13 1703.)
14

15 **ORDINANCE NO. 07-02**
16

17 **WHEREAS**, the Board of Commissioners held a public hearing on February 21, 2007, with due notice of
18 all of such public hearings having been given, and provided an opportunity for public comments and testimony; and
19

20 **WHEREAS**, the Board of Commissioners received a recommendation of approval for Plan Amendment
21 05-02 and Zone Change 05-03 from the Polk County Hearings Officer based upon his public hearing and
22 deliberations; and
23

24 **WHEREAS**, The Polk County Commissioners conducted a site visit on March 5, 2007; and
25

26 **WHEREAS**, the Board of Commissioners, on March 14, 2007, publicly deliberated and passed a motion
27 unanimously, to approve PA 05-02 and ZC 05-03; now, therefore,
28

29 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:**
30

31 Sec. 1 That Polk County adopts the findings in favor of PA 05-02 and ZC 05-03 located in the
32 Record, in the Hearings Officer Staff Report, and in Supplemental Findings.
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34 Sec. 2 That Polk County adopts the reasons exception to Oregon Statewide Planning Goals 3 and 4
35 in favor of PA 05-02 and ZC 05-03 located in the Record in the Hearings Officer Staff Report, and in Supplemental
36 Findings (Exhibit A).
37

38 Sec. 3. That Polk County adopts the Polk County Comprehensive Plan Map that designates the
39 32.50-acre Exclusive Farm Use designated subject property, located at 675 Oak Villa Road, Dallas, Oregon
40 (Assessment Map T7S, R5W, Section 22, Tax Lot 1703), as Industrial in the Comprehensive Plan, as shown on
41 Exhibit "B."
42

43 Sec. 4. That Polk County adopts the Polk County Zoning Map that designates the 32.50-acre
44 Exclusive Farm Use designated subject property, located at 675 Oak Villa Road, Dallas, Oregon (Assessment Map
45 T7S, R5W, Section 22, Tax Lot 1703), as Rural Industrial (R-IND), as shown on Exhibit "C."
46

47 Sec. 5. That Polk County adopts the Polk County Zoning Map that applies a Limited Use Overlay
48 (LU) to the 32.50-acre Rural Industrial (R-IND) designated subject property, located at 675 Oak Villa Road, Dallas,
49 Oregon (Assessment Map T7S, R5W, Section 22, Tax Lot 1703), limiting the industrial uses allowed on the subject
50 property to: Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General
51 Highway Heavy Construction (SIC 15 & 16), as shown on Exhibit "C", subject to the following conditions:
52


- 53 1. The uses allowed on the subject property shall be limited to: Specialty Trade Contractor
54 (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy
55 Construction (SIC 15 & 16).
- 56 2. Any development that occurs on the subject property shall be established in accordance
57 with the provisions for development within the R-IND Zone, listed in PCZO 112.410(F).
- 58 3. If water is to be provided by a community water system, a "Statement of Water
59 Availability" shall be submitted prior to building permit issuance.

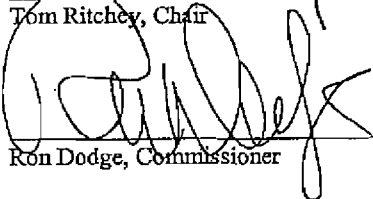
4. All free-standing exterior light fixtures shall be shielded or recessed so that direct glare and reflection are contained within the boundaries of the property, and shall be directed downward and away from abutting properties and public rights-of-way. Compliance with this condition shall be reviewed at the time of Building Permits.
5. The property owner shall comply with all applicable local, State, and federal permits including but not limited to Polk County Planning, Environmental Health, and Building Divisions, Polk County Public Works Department, Oregon Department of Transportation (ODOT), Oregon Department of Environmental Quality (DEQ). The Applicant shall be required to obtain all applicable permits and comply with regulations regarding the storage and disposal of any hazardous materials stored on the subject property.
6. The property owner shall provide screening around any outdoor storage yard areas. Where landscaping is used for required screening, it shall be at least 6 ft in height and at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of an outdoor storage yard. Any proposed or required screening in the form of a slatted chain link fence shall have slats of an earth tone color to blend in with surrounding vegetation or consistent with screening of Applicant's existing facilities. Compliance with this condition shall be reviewed at the time of Building Permits.
7. The property owner shall ensure all required landscaping or vegetative screening is maintained in an attractive manner free of weeds and other invading vegetation.
8. The property owner shall be required to submit a stormwater management plan approved by DEQ at the time of Building Permits.


Sec. 6. An emergency is declared, and the provisions of this ordinance become effective upon its adoption.

Dated April 11, 2007 at Dallas, Oregon.

POLK COUNTY BOARD OF COMMISSIONERS


 Tom Ritchey, Chair


 Ron Dodge, Commissioner

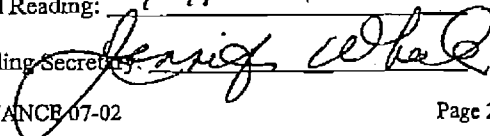

 Mike Propes, Commissioner

Approved as to form:


 David Doyle
 County Counsel

First Reading: 4-11-07

Second Reading: 4-11-07

Recording Secretary: 

Supplemental Findings

Public Hearing

A public hearing was held before the Board of Commissioners in the Polk County Courthouse on the morning of February 21, 2007. Austin McGuigan of the Polk County Planning staff summarized the staff report and identified the applicable review and decision criteria. The following testimony was provided at the hearing.

Brian Moore, attorney for the applicant, said he supported the Staff and Hearings Officer recommendation and would like to reserve the remainder of his testimony for rebuttal.

Kelly Gordon provided a list of recommended conditions to mitigate for potential adverse impacts to surrounding properties. Mr. Gordon also made timely submission of a statement reiterating prior testimony regarding 100 acres of vacant industrial land being available within the City of Dallas, while the subject parcel is outside the UGB. The statement indicates the subject parcel consists primarily of high-value farmland, is capable of yielding a good return and that changes in the surrounding area do not necessitate a reasons exception. The statement claims the facts do not warrant an exception to Goal 3. The statement also identifies potential adverse impacts to surrounding properties and recommends a list of conditions to mitigate for the potential adverse impacts.

Paul ("Corky") Smull provided oral testimony regarding the history of water service to this area and the original intentions of the Rickreall Water District and County in the 1960's to have this property be developed for industrial use.

The Board left the record open and continued the public hearing to March 7, 2007 in order to allow time for the Board to conduct a site visit and review written testimony submitted at the hearing on February 21st. The Board conducted a site visit on March 5, 2007.

The public hearing was continued on the morning of March 7, 2007 before the Board of Commissioners in the Polk County Courthouse. Austin McGuigan of the Polk County Planning staff summarized the events to date. The following additional testimony was received at the March 7th hearing.

Kelly Gordon reiterated that surrounding parcels are predominantly zoned EFU and in farm deferral and that vacant industrial land in Dallas's UGB is not constrained by habitat for the Fenders Blue Butterfly.

Brian Moore, attorney for the applicant, reiterated that compelling reasons exist to take the subject site out of EFU zoning and that there is no other reasonable accommodation for the proposed expansion because strategic advantages exist on the subject site, which can not be duplicated elsewhere. Mr. Moore made timely submission of a statement identifying why the industrial lands located in Dallas's UGB can not reasonably accommodate the proposed expansion.

He also made timely submission of two additional statements. The first statement is from Jim Fowler, President of James W. Fowler Co., which provides information about why the companies' current location is best suited for their particular uses, as opposed to other industrial sites in the area. The statement also identifies the site improvements that have been made to their current location, which could not be practically duplicated elsewhere. The second statement, addressed to Jim Fowler from Paul Smull and dated March 5, 2007, reiterates information about the history of water provisions to the subject site. Mr. Smull indicates he was involved in the Rickreall Water District at the time

water service was provided to the Polk Station Commercial Park and that the District made a decision to install larger water lines with the intent of serving the subject site for commercial/industrial use.

The public hearing was closed on March 7th and deliberations were scheduled for March 14, 2007.

The Board deliberated on March 14th and discussed how participants in the public process have expressed concerns regarding whether the proposal adequately conforms to the criteria for a Reasons Exception. More specifically, they discussed concerns raised about other sites being available in Dallas's UGB to reasonably accommodate the proposed expansion and about potential adverse impacts on surrounding property owners if the proposed expansion is located on the subject site. After reviewing all of the testimony provided in the record and conducting a site visit, the Board found no other reasonable accommodation in Dallas's UGB for the proposed expansion given the operational characteristics of the existing companies and the particular site features needed to safely and efficiently accommodate the expanded storage yard. Having made this determination, the Board agreed there could be potential adverse impacts on surrounding properties if the proposed expansion is located on the subject site and determined these potential impacts could be adequately mitigated through the application of conditions related to future development of the site. As such the Board moved to approve Plan Amendment PA 05-2 and Zone Change ZC 05-03 subject to conditions listed in Section 5 of Board Ordinance 07-02. The Board's decision is supported by the supplemental findings contained herein and the following evidence in the record and incorporated herein:

1. Hearings Officer Recommendation dated January 25, 2007 and all referenced attachments incorporated therein.
2. Correspondence from Saalfeld Griggs dated January 12, 2007 and March 7, 2007.
3. Correspondence from Jim W. Fowler dated January 8, 2007 and March 7, 2007.
4. Correspondence from Paul ("Corky") Smull dated March 5, 2007.

These findings are made in light of the applicable criteria, which are set out in the attachments listed above. Copies of the attached documents can be obtained from the Polk County Planning Division, 850 Main Street, Dallas, Oregon, 97338.

Supplemental Findings

The authorizations for a zone change and a PCCP amendment are under PCZO 111.275, and 115.050. Under these provisions the Board conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final local decision.

Pursuant to OAR 660-04-020(4)(a), the Board shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land and why the use requires a location on resource land. As such, the Board wishes to supplement the findings in the record to more clearly identify the facts and assumptions relied upon in making their decision to approve the Reasons Exception with conditions relating to the mitigation of potential adverse impacts on surrounding properties.

As stated previously, concerns were raised during the public hearing process regarding the availability of industrial land in Dallas's UGB. In response to these concerns, the Applicant submitted additional information regarding the selection of their current site, the operational characteristics of their companies, the availability of other industrial land in Dallas's UGB and why the subject site is the only reasonable accommodation for the proposed expansion. This evidence, coupled with the Board's

own observations of the existing operations and the subject site on March 5th, is outlined in more detail below and was relied upon by the Board in making their decision to approve the application.

According to the Applicant, their original company established its current location in 1994 and they selected the current location for several reasons. The original company, James W. Fowler Co., maintains a large fleet of machinery and equipment that it uses in highway and street construction projects, bridge and tunnel construction projects, and other heavy construction projects throughout the northwest region. To operate the company as safely and efficiently as possible, they needed a site with particular features. These features included proximity to Highway 22, Highway 101, Interstate 5 and Highway 99W, limited interference from incompatible uses and a location in the Dallas, Polk County area where their workforce is primarily located. The current location has all of these site features and over the last 13 years the original company has been very successful and has experienced tremendous growth in both equipment and personnel.

The current location of James W. Fowler Co.'s operations is now occupied by a total of six complementary companies, three of which maintain and transport a large fleet of heavy equipment. When not in use, this equipment is serviced and stored in the existing storage yard. The fleet manager, maintenance supervisor, mechanics and the shop facilities are also located at the current site. In addition to the three companies mentioned above, the Applicant also indicated the business offices of James W. Fowler Co., Northwest Rental Equipment, Inc., Fife Group, Inc. and New Meadows Homes, Inc. are located at the current site. To accommodate these companies' operations at their current location, many permanent improvements have been made like the installation of fuel tanks with required dams, a wash rack and oil separator, power upgrades to provide three phase power to the facility, and necessary security measures. The Applicant has continually expressed a commitment to remaining at their current location where all of these permanent improvements have been made.

A Site Visit was conducted by the Board on March 5, 2007 to better understand the operations of the existing companies and to see the size of the equipment being used, maintained and stored at the site of their current operations. The Board observed the fleet of equipment and machinery being used and agreed with the Applicant that it is very large and heavy. The Board also agreed the storage and transportation of this equipment is well suited to the current location where there is limited interference from or with city traffic. The Board observed that the current storage yard is at capacity, even with a large portion of the equipment being located off-site at construction jobs in the region. Based on their observations and evidence in the record, the Board agrees the current storage yard and associated office space is not sufficient to reasonably and safely accommodate the growing needs of the above referenced companies and that an expansion is appropriate.

Similar to selecting the current location of their operations, the Applicant has indicated particular site features are needed to reasonably accommodate their proposed expansion. As outlined by the Applicant, these site features include a site approximately 25-30 acres in size, readily available access to heavy equipment transportation corridors and, most importantly, proximity to the existing facility.

The Applicant has stated a minimum of 25-30 acres is needed to safely accommodate the storage needs of their large fleets of heavy equipment and machinery and the associated office and maintenance buildings. The Board agrees the proposed plans for expansion onto the subject site would accommodate safe parking and circulation of the companies' fleet of heavy machinery, as well as, provide enough room for the fleet to be rotated for purposes of routine repair and maintenance of the storage yard. The Applicant contends any site smaller than 25 acres may not be able to accommodate the

growing storage needs of the companies while providing adequate buffering from surrounding uses. The subject site is approximately 32 acres in size and would be able to accommodate the expanded storage yard, any associated buildings and a substantial vegetative buffer.

The Applicant also states the location of the proposed expansion has to have readily available access to heavy equipment transportation corridors for safe and efficient movement of their fleets to and from major state highways. The Board agrees the companies' fleets of heavy equipment should not be regularly transported through urban areas because of the potential safety risks and the adverse impacts on residential neighborhoods. The subject site maintains optimal access to Highway 22 via Kings Valley Highway and both of these transportation corridors are intended for use by heavy equipment and are designed to have limited access from adjoining properties. As such, safety risks are minimized and the adverse impacts on residential neighborhoods are limited.

Lastly, the Applicant claims that requiring the large fleet of heavy equipment to be stored at a facility not located adjacent to the current yard would increase costs and traffic safety concerns not otherwise present. If the storage yard were relocated off-site, most of the equipment and machinery would need to first be returned to the current yard and shop to be inspected and cleaned, and then transported to the off-site storage facility. In addition, the equipment would need to be transported between the shop facility and the storage yard in order for the routine maintenance and repairs to be performed. This additional transportation of the equipment and machinery is currently not necessary, and would increase energy costs, as well as increase the time and expense necessary to maintain the equipment and machinery. Further, increased transportation between two facilities would increase the traffic safety concerns mentioned above.

Based on the above findings, the Board agrees the nature of the companies' operations and the location of their current facility represent special features necessitating the proposed expansion to be located on the subject site. The Board also concludes the subject site maintains significant comparative advantages due to its location adjacent to Kings Valley Highway and the current location of the companies' operations.

The final item the Board wishes to address is the availability of industrial land in Dallas's UGB and whether this land can reasonably accommodate the proposed expansion. In looking at the industrial lands inventory for the City of Dallas, the entire 100 acres of available industrial land is located in southeast Dallas where there is no direct access to a State Highway and the existing transportation facilities (streets and bridges) are inadequate to accommodate the size and weight of machinery currently being transported to and from the existing site at Polk Station Commercial Park. The Applicant indicates even if they were able to find a site 25-30 acres in size, they would be required to upgrade existing transportation facilities and construct planned transportation facilities shown on the City's Comprehensive Plan to locate the proposed expansion in this area of Dallas. The Applicant claims the associated construction time and financing to install transportation improvements are cost-prohibitive and would result in unnecessary waste of the improvements on the site of their current operations. In contrast, the subject site maintains readily available access to Highway 22 via Kings Valley Highway and out of direction travel is non-existent. Furthermore, the current operations access Oak Villa Road and Kings Valley Highway, which sustain and can continue to sustain the heavy equipment being transported. The Board agrees that requiring the Applicant to locate the proposed expansion in southeast Dallas would result in inefficient business operations and would necessitate major transportation improvements that are time consuming and cost prohibitive. As such, the Board finds the available industrial lands located in Dallas's UGB can not reasonably accommodate the proposed expansion.

The Applicant also claims the available industrial land in the City of Dallas is constrained by regulated natural resources (wetlands) and the existence of adjoining, incompatible uses, whereas, the subject site is not encumbered by these constraints. The Board agrees there have been no natural resources identified on the subject site and interference from incompatible uses would be minimized if the proposed expansion was located outside of the City, particularly at the proposed location where the Rural Industrial zone limits the size of uses to be developed and there is adequate acreage to install a substantial buffer between the proposed use and surrounding uses. However, as Mr. Gordon pointed out in his testimony, there are additional measures the County may take to ensure the proposed expansion is compatible with surrounding uses and that all potential adverse impacts are adequately mitigated for. To that end, the Board has determined the following conditions of approval are necessary to mitigate for any potential adverse impacts on surrounding properties:

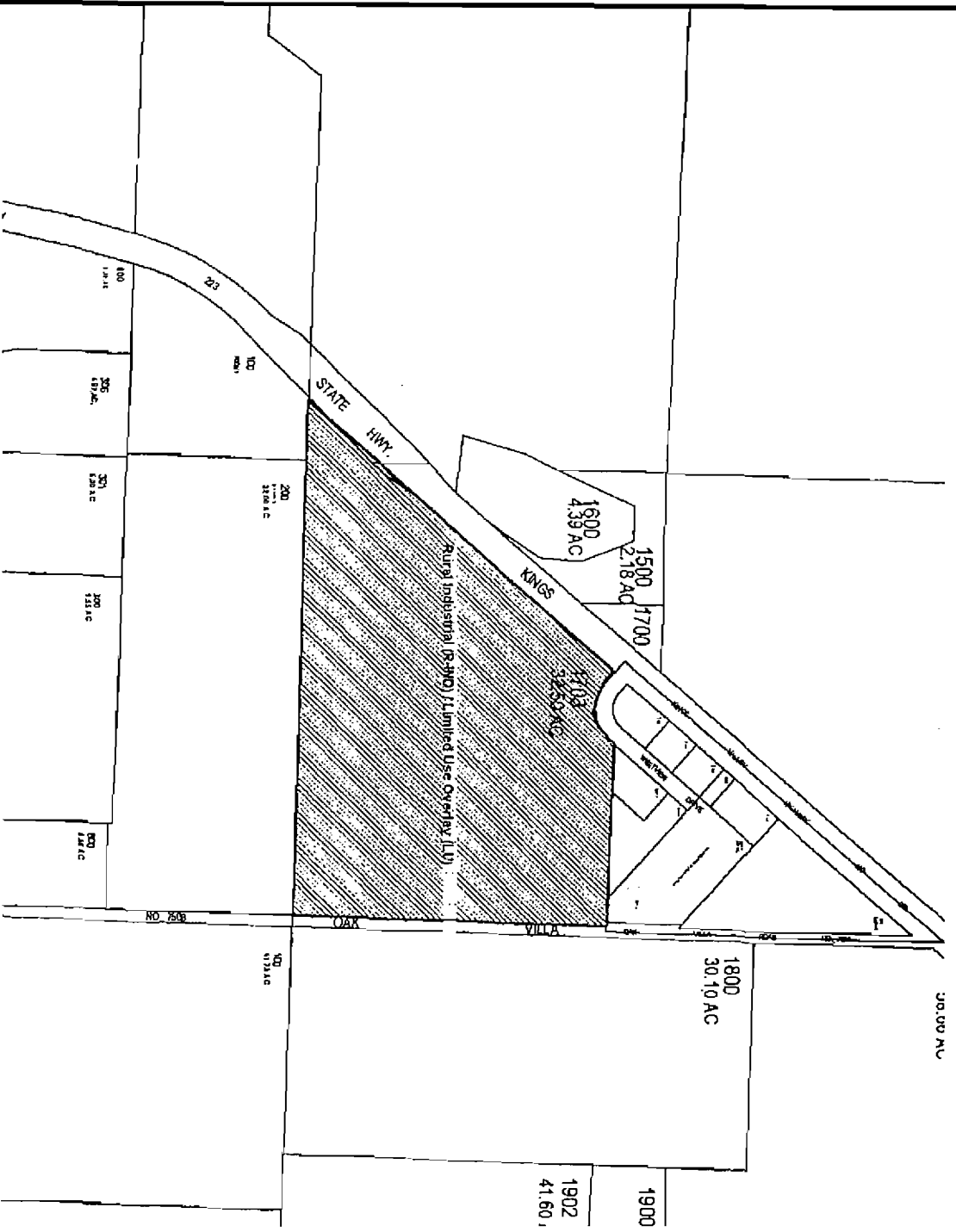
1. The uses allowed on the subject property shall be limited to: Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15 & 16).
2. Any development that occurs on the subject property shall be established in accordance with the provisions for development within the R-IND Zone, as listed in PCZO 112.410(E).
3. If water is to be provided by a community water system, a "Statement of Water Availability" shall be submitted prior to building permit issuance.
4. All free-standing exterior light fixtures shall be shielded or recessed so that direct glare and reflection are contained within the boundaries of the property, and shall be directed downward and away from abutting properties and public rights-of-way. Compliance with this condition shall be reviewed at the time of Building Permits.
5. The property owner shall comply with all applicable local, State, and federal permits including but not limited to Polk County Planning, Environmental Health, and Building Divisions, Polk County Public Works Department, Oregon Department of Transportation (ODOT), Oregon Department of Environmental Quality (DEQ). The Applicant shall be required to obtain all applicable permits and comply with regulations regarding the storage and disposal of any hazardous materials stored on the subject property.
6. The property owner shall provide screening around any outdoor storage yard areas. Where landscaping is used for required screening, it shall be at least 6 ft in height and at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of an outdoor storage yard. Any proposed or required screening in the form of a slatted chain link fence shall have slats of an earth tone color to blend in with surrounding vegetation or consistent with screening of Applicant's existing facilities. Compliance with this condition shall be reviewed at the time of Building Permits.
7. The property owner shall ensure all required landscaping or vegetative screening is maintained in an attractive manner free of weeds and other invading vegetation.
8. The property owner shall be required to submit a stormwater management plan approved by DEQ at the time of Building Permits.

Conclusion

Based on the particular site features required for the proposed expansion, the Board finds the subject site maintains substantial comparative advantages and that no available industrial land located in the area, including within Dallas's UGB, can

reasonably accommodate this proposal. The Board also determines conditions of approval related to future development of the site are reasonable and appropriate to mitigate for any potential adverse impacts on surrounding properties.

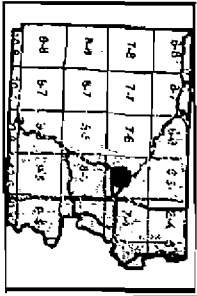
Polk County Zoning Map



This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuses or misinterpretation.

Community Development

- Traffic
- Traffic Arrow
- Traffic Boundary
- Utility



4/22/2007

RECEIVED
JAN 25 2007

BEFORE THE PLANNING DIVISION
FOR POLK COUNTY, OREGON

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In the Matter of the Application of) Plan Amendment 05-02
Fowler Living Trust) Zone Change 05-03
POLK COUNTY COMMUNITY DEVELOPMENT

SUMMARY OF PROCEEDINGS

This matter came before the Planning Division on the application of Fowler Living Trust for an amendment to the Polk County Comprehensive Plan (PCCP) to change an existing Agriculture designation to an Industrial designation; for an amendment to the PCCP to include Statewide Planning Goal 3 reasons exception statement; and for a Zoning Map Amendment to change the existing Exclusive Farm Use (EFU) zoning district to Rural Industrial (R-IND) and to apply a limited use overlay zone to allow specific uses. The uses would be Specialty Trade Contractor (Standard Industrial Code classification number 17) and General Highway Heavy Construction (classifications 15 and 16) as justified in the exception statement.

The subject parcel is located at 675 Oak Villa Road, Dallas, Oregon, and is legally described as tax lot 1703, section 22, T7S, R4W, WWM. Applicable review and decision criteria are Polk County Zoning Ordinance (PCZO) 111.140, 111.275, 115.050, Oregon Administrative Rules (OAR) 660-004-020, 660-004-0022, 660-012-0060, Oregon Statewide Planning Goals.

The subject parcel contains approximately 32.50 acres. The PCCP map amendment requires an Exception to Statewide Planning Goal 3. The applicant is applying for the proposed amendments under the "reasons" criteria established by Oregon Administrative Rule. The Goal 3 Exception is being taken for specific uses through the application of the LU Overlay Zone. The specific uses proposed by the LU Overlay Zone are Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16). The location of the subject parcel is shown on the area map (Attachment "A" of the staff report) and "conceptual" plot plan map (Attachment "B" of the staff report).

The application was originally submitted on December 7, 2005, and deemed complete on August 1, 2006. The Department of Land Conservation and Development (DLCD) 45-day notice was sent August 1, 2006. On October 24, 2006, prior to public notification, the applicant requested an amendment to the original applications. On November 15, 2006, an amended 45-day notice was sent to DLCD. These findings reflect review of the applications as amended.

Table 1. Comprehensive Plan Designations, Zoning Classifications and land uses for the subject property and surrounding area properties.

ZONING:	Comprehensive Plan Designation	Zoning Classification (See Zone map Attachment C)	Land Uses
Subject Parcel	Agriculture	Exclusive Farm Use (EFU)	Community septic drainfield, manufactured home and domestic well.
Property North	Commercial	Rural Commercial	Polk Station Commercial Park
Property South	Agriculture/Rural Lands	EFU/Acreage Residential (AR-5)	Agricultural with dwelling, rural residential parcels and LaCreole General Commercial Mixed use Node.
Property East	Agriculture	EFU	Small farm parcels Oak Villa Rd.
Property West	Agriculture	EFU	Kings Valley Hwy and small to large farm parcels.

1 The subject parcel is located on the east side of Kings Valley Highway (State Highway 223)
2 approximately 0.30 miles north of the City of Dallas Urban Growth Boundary (UGB) and approximately
3 1.20 miles south of the intersection of Kings Valley Highway with OR State Highway 22.

4 The subject parcel is adjacent to the Polk Station Commercial Park on the north boundary, Kings
5 Valley Highway on the western boundary, and Oak Villa Road on the eastern boundary. Directly to the
6 south, between Oak Villa Road and Kings Valley Highway, is an approximately 29-acre area of land
7 zoned EFU. Properties further south include the Polk County Rural Lands exception area, identified as
8 Area XV in the PCCP, within the Acreage Residential (AR-5) Zoning District. Still further south is the
9 City of Dallas UGB and the city limits where properties are designated Lacreole General Commercial
10 Mixed Use Node in the City of Dallas Comprehensive Plan.

11 The subject parcel is not identified as containing significant resources on the Polk County
12 Significant Resource Areas Map. The subject parcel is not located within an identified floodplain, pursuant
13 to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number
14 41053C0107D dated April 5, 1988. Based on a review of the National Wetland Inventory map, staff found
15 no identified wetlands on the subject parcel.

16 The subject parcel is irregularly shaped with topography that slopes downhill from northeast to
17 southwest. The parcel is planted in grass and has an existing vegetation buffer along the southern and
18 western boundaries. The property is improved with a manufactured home and associated septic system, a
19 domestic well, power, telephone and contains a 56,000 square foot community septic drain field which
20 serves the adjacent Polk Station Commercial Park (Attachment "E" of the staff report).

21 **Table 2. Soil characteristics of the subject property, as identified in the Natural Resources**
22 **Conservation Service Soil Survey of Polk County, Oregon, utilizing the Polk County Geographic**
23 **Information System (GIS).**

Type	Name	Class	High Value	Slope Percent	Soil Percent	Soil Acres	Percent Error
8E	Bellpine silty clay	IVE	Yes	20-30	17.78	5.76	2.61
27C	Dupee silt loam	III E	No	3-12	23.56	7.63	2.43
64B	Salkum silty clay	III E	Yes	2-6	54.85	17.77	3.09
72	Waldo silty clay	III W	No	0-3	3.81	1.24	.80

25
26 The subject property consists of "Agricultural Land" as defined in OAR 660-033-0020(1) (a)(A)
27 in that the property is composed entirely of Class II-IV soils. The subject property contains "high value
28 farmland," as defined in OAR 660-033-0020(8)(a)(A) in that 72.62% of the subject property is
29 composed of Class II-IV soils that are identified as high value pursuant to OAR 660-033-0020(8)(c)(D).

30 The subject parcel has been described separately since 1971 and recognized as a separate parcel in
31 planning files LOR 00-04, LLA 05-66 and RD 06-07. The subject parcel is currently described in Polk
32 County Clerk Document 2005-10335.

33 The applicant/property owner also owns the commercial property immediately to the north within
34 the Polk Station Commercial Park which is leased to their closely held construction (James W. Fowler
35 Co.), equipment (Northwest Rental Equipment, Inc.) and development companies. According to
36 information provided by the applicant, these companies are locally owned and operated and need
37 additional room for storage of heavy equipment, parking of vehicles, and for small scale buildings for
38 additional office use, shop/repair purposes, and for warehousing parts and other more sensitive
39 equipment that requires indoor storage. Presently, the applicant is storing equipment and materials off
40 site in a variety of locations in the Polk County area. The applicant has expressed a need to have this
41 equipment and materials stored in close proximity to their current general offices for efficiency and
42 security purposes.

1
2 The proposed uses are uses that are permitted in both the Rural Commercial and Rural Industrial
3 zoning districts. However, after analysis of both zoning districts, it was determined that, although the
4 adjoining property to the north is designated and zoned Rural Commercial, Rural Industrial would be a
5 more appropriate designation for the subject property since the list of specific uses are more industrial in
6 nature.

7 Notice of the December 19, 2006, public hearing before the Polk County Hearings Officer was
8 provided as required by PCZO 111.340-111.370. Notice was mailed to property owners located within
9 750 feet of the outside perimeter of the subject property, on November 24, 2006. Notice was printed in
10 the Dallas, Oregon, *Itemizer-Observer* newspaper on November 29, 2006. Notice was posted on the
11 subject property on November 22, 2006.

12 The subject parcel has frontage on Oak Villa Road, a Polk County Road, and State Highway 223
13 (Kings Valley Highway). Oak Villa Road is identified as having a Local Road functional classification
14 and Kings Valley Highway is identified as a Minor Arterial as designated in the *Polk County*
15 *Transportation Systems Plan*, Figure 3. The existing single family dwelling on the subject parcel has
16 access to Oak Villa Road.

17 The applicant states that water is currently provided by a community water association (Rickreall)
18 as well as an individual domestic well. The applicant states that an on-site sewage disposal system
19 currently serves the existing dwelling located in the southeast portion of the parcel. There is also an
20 existing 56,000 square foot septic drainfield easement located in the north central portion of the property
21 which serves the commercial uses of the Polk Station Commercial Park adjacent to the north.

22 The Polk County Environmental Health Division notes that two septic records are on file:
23 (1) 4,600-gallon tank with a 3,095-gallon septic tank chamber with a 1,131-gallon pump tank
24 chamber, with 450 feet of drainfield lines (1982). This septic system serves the rural commercial
25 zone to the north by way of easement (Map T7S, R5W, Section 22, Tax Lots 300, 400, 500, 600,
26 700, 1200, 1800 and 1900).
27 (2) 1,400-gallon tank with 450 feet of drainfield lines that serves a four bedroom residence.

28 If new buildings are to be constructed, stay 10 feet away from existing drainfields and five feet
29 away from existing septic tanks. If using existing drainfield system apply for authorization notice.

30 The Rickreall Community water Association says there are currently no water provisions for the
31 property and before a hook-up can be made, approval must be received from the Board of Directors of
32 the Association as well as their engineer.

33 Prior to the public hearing, Paul Villwock, a nearby property owner, submitted a written comment
34 in opposition to the proposed amendments, which is in the Record.

35 36 PUBLIC HEARING

37 A public hearing was held in the Polk County Courthouse on the evening of December 19, 2006.
38 There were no objections as to jurisdiction or conflict of interest. A member of the public asserted that
39 the posted notice was not visible throughout the required time. Staff asserted that it had been posted,
40 and in any event neighboring owners were notified by mail and there was a publication in the local
41 newspaper. The Hearings Officer recited the admonitions required by law and ordinance. Patricia Perry
42 of the Polk County Planning staff summarized the staff report and identified the applicable review and
43 decision criteria.

44 Brian Moore, attorney for applicant, said the subject parcel was the most logical place for
45 applicant to expand his business operation, and the requested overlay would limit its uses. He said there
46 would be a vegetation buffer to the south, roads on the east and west, and applicant's existing operations
47 to the north. Access would be by Oak Villa Road. He said applicant had consulted DLCD on the
48 matter, and noted that DLCD did not oppose this matter.

49 Ken Stinson, a nearby landowner, expressed general opposition.

50 Debbie Driesner, a nearby resident, said her animals would be disturbed by the operation's noise,
51 and she already is bothered by lights from the existing operation.

1 Sally Stinson, owning land to the south, said her property would be harmed by drainage from the
2 proposed operation.

3 Kelly Gordon submitted written testimony for the Record. He said more than 100 acres of vacant
4 industrial land exists within the City of Dallas, while the subject parcel is outside the UGB. He said the
5 subject parcel consists primarily of high-value farmland, was farmed during 2006 and is capable of
6 yielding a good return. He said the facts do not warrant an exception to Goal 2 under OAR 660-004-
7 0022. He said Oak Villa Road is not rated as a road suitable for industrial activity.

8 Letters were introduced into the Record from adjacent property owners, Ben Hockman and Ron
9 Taylor, both of whom supported the application. Also introduced was a letter from Mike Rose of the
10 Oregon Department of Transportation, who said any future access for the proposal should be by way of
11 Oak Villa Road.

12 Paul Villwock, a nearby landowner, said weeds from the proposed vegetation buffer zone could
13 contaminate his fescue field. He said the subject parcel is good farmland and simply shouldn't be taken
14 out of agricultural production.

15 In rebuttal, applicant's representative Paul Trahan said no rock crushing, gravel or asphalt
16 operation is intended. He said DEQ will monitor any runoff. He said most of the existing industrial
17 land inside the City of Dallas is wetland, not suitable for the intended use. Brian Moore said nothing
18 being proposed will increase the quantity of runoff, and the buffer/bioswale should in fact reduce it. He
19 conceded the land is farmable, but applicant wants to expand with minimal impact on other properties,
20 and it makes more sense to expand from its existing location to maintain a compact, single unit.

21 There was a request that the Record be left open for an additional 10 days for submission of
22 additional written evidence by anyone. The Hearings Officer announced that the Record would remain
23 open until 5 p.m. on December 29, 2006, for such submissions; until 5 p.m. on January 5, 2007, for
24 submission of written rebuttal evidence by anyone; and until 5 p.m. on January 12, 2007, for submission
25 of final written arguments (without any new evidence) by applicant. The Hearings Officer asked if those
26 present understood the procedure, and there was no objection.

27 There being no further business, the hearing was adjourned. Robert W. Oliver, Polk County
28 Hearings Officer, presided. He has authority to make a recommendation on this matter to the Board of
29 Commissioners.

30 31 POST-HEARING SUBMISSIONS

32 On December 27, 2006, Kelly Gordon made timely submission of a statement indicating that he
33 had contacted City of Dallas officials, and had been told that mitigation practices could allow the
34 industrial land inside the Dallas UGB to be developed. He reiterated earlier testimony that the subject
35 property had been used to grow hay as recently as 2006, and was high-value farmland that should not be
36 used for industrial purposes. He concluded that there was no exceptional reason to justify a Goal 3
37 exception for this application.

38 On January 5, 2007, Jim Fowler, President of James W. Fowler Co., made timely submission of a
39 statement. He indicated that since his company established itself immediately north of the subject
40 property in 1994, his company and six complimentary enterprises have been located there and
41 experienced rapid growth. He said their present location has become inadequate to accommodate their
42 office and storage needs, including storage of supplies, materials and construction equipment, and the
43 adjacent subject parcel fills those needs without creating unnecessary safety and environmental hazards.
44 He said requiring storage of such equipment at a more distant site raises additional safety issues. He said
45 a heavy equipment wash rack, oil and grease separators and fuel tanks already exist on his current
46 property and would not need to be duplicated at some other site. Finally, he said increased
47 transportation between two facilities would increase safety and diminish traffic concerns.

48 On January 5, 2007, Brian Moore, representing applicant, made timely submission of a packet of
49 additional evidence, mostly pertaining to endangered species, which was made a part of the record.

50 On January 12, 2007, Moore made timely submission of his written rebuttal to testimony
51 opposing the application. He reiterated prior testimony concerning applicant's perceived need to operate
52 a compact operation involving maintenance of heavy machinery and storage of supplies, and to avoid a
53 split operation that would involve moving machinery and supplies to a second site using well-traveled

1 roads within the Dallas UGB. He said any mitigation process involving the Fender's blue butterfly,
2 present at the industrial sites within the Dallas UGB, could be approved only by the U.S. Secretary of the
3 Interior, which could result in the subject industrial lands being removed from Dallas' industrial lands
4 inventory. He concluded there was, in practical fact, no alternative site for expansion other than the
5 subject parcel. Moore restated that the limitations of the overlay zone will protect neighboring
6 properties from excessive runoff, noise or traffic congestion.

7
8 **FINDINGS**
9 **(General)**

10 The authorizations for a zone change and a PCCP amendment are under PCZO 111.275, and
11 115.050. Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO
12 111.190 and 115.030 and makes a recommendation to the Polk County Board of Commissioners. The
13 Board conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final local
14 decision. The applicant provided proposed findings that are included by reference below, and are set out
15 in the record as Exhibit 1 of the staff report.

16 **(Plan Amendment)**

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

19 **(A) The Comprehensive Plan designation is erroneous and the proposed amendment**
20 **would correct the error, or [PCZO 115.050(A)(1)]**

21 **(B) The Comprehensive Plan Designation is no longer appropriate due to changing**
22 **conditions in the surrounding area; and [PCZO 115.050(A)(2)]**

23
24 Applicant says the Agriculture PCCP designation is no longer appropriate due to changing
25 conditions in the surrounding area. The applicant is requesting a PCCP Map amendment from
26 Agriculture to Rural Industrial to respond to these changing conditions.

27 Applicant argues there have been a number of significant changes to the subject property and
28 surrounding area that warrant the nature of the request. The first significant change relates to traffic
29 impacts. The subject property is surrounded on three sides by roads that actively serve commercial and
30 residential uses in Polk County. Over the years, the traffic on Kings Valley Highway, Oak Villa Road
31 and Westview Drive has increased to such a degree that it has had a direct impact on the subject
32 property's ability to be used for commercial agriculture uses.

33 Second, applicant says the uses in the surrounding area, parcelization, and comprehensive planning
34 for the City of Dallas have significantly changed the land use pattern of the surrounding area such that
35 the existing PCCP designation is no longer appropriate. To the north of the subject property lays the
36 Polk Station Commercial Park. The Commercial Park has become fully developed. Existing uses have
37 grown and expanded to the point where additional on-site parking, loading, storage and
38 office/warehousing are needed to ensure existing demand for services are adequately met. Parcelization
39 directly to the north, in the Polk Station Commercial Park, and further north across Kings Valley
40 Highway, prohibit the subject property to be effectively farmed. Additional parcelization is also found to
41 the south of the subject property. Another significant change can be seen in the existing and future land
42 use PCCP designation for the LaCreole General Commercial Mixed Use Node located generally to the
43 south of the subject property (Dallas Comprehensive Plan Map, Attachment "F" of the staff report). This
44 Node is intended to be a master planned mixed use general commercial area of approximately 30
45 buildable acres, with multi-family residential development connected to general commercial and low
46 density residential land through a series of grid streets and access ways for truck, vehicle, bicycles and
47 pedestrian access north of east Ellendale Avenue and east of Kings Valley Highway. See Policy 3.2.1 in
48 the City of Dallas comprehensive plan.

49 Third, applicant says it needs additional land adjacent to their existing general contracting,
50 equipment rental and development company operation to expand their storage capacity for equipment

1 and materials.

2 Staff reports that the subject property is located within the Agricultural PCCP designation. The
3 applicant is proposing to change the designation to Industrial. Surrounding properties are designated
4 Commercial and Agriculture in the PCCP. Properties to the north of the subject parcel were rezoned
5 from EFU to Public Service and Commercial in the late 1970s. Over the years to present day, these
6 properties have been built out and developed with uses appropriate to the non-resource zoning. This, in
7 addition to the above-described factors and evidence, led staff to conclude that substantial changes have
8 occurred on surrounding lands that could justify changing the PCCP designation of the subject property.
9 The Hearings Officer agrees.

10 (C) The purpose of the Comprehensive Plan will be carried out through approval of the
11 proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]

12 (1) Evidence that the proposal conforms to the intent of relevant goals and
13 policies in the Comprehensive Plan and the purpose and intent of the
14 proposed land use designation. [PCZO 115.050(A)(3)(a)]

15 The PCCP contains six policies related to this request. Each Goal/Policy and the applicant's stated
16 conformance therewith are set forth below.

17 **Goals**

18 **1. To preserve and protect agricultural lands within Polk County**

19 The portion of the subject property to be developed with rural industrial uses is not
20 currently being used for commercial agricultural uses. Larger agriculturally designated
21 lands in the surrounding area, particularly to the northwest and northeast, will be
22 preserved and protected by this request. The applicant is requesting a limited number
23 of rural industrial uses through the reasons exception, and the conceptual plan calls for
24 a buffer along the eastern and western property lines that will help preserve and protect
25 these larger agriculturally designated lands to the northwest and northeast of the
26 subject property.

27 **Policies**

28 **1.1 Polk County will endeavor to conserve for agricultural those areas**
29 **which exhibit a predominance of agricultural soils, and an absence of**
30 **non-farm use interference and conflicts.**

31 This request complies with this policy. First, those agricultural areas which have a
32 predominance of agricultural soils and an absence of non-farm interference are located
33 further to the northwest and northeast of the subject property. These agricultural lands
34 will not be affected by this proposal, and will be able to remain in agricultural use and
35 conserved for agricultural productivity. Second, the subject property already has non-
36 farm interference and conflicts from several sources - traffic on Kings Valley
37 Highway, traffic and offsite drainage from the existing rural industrial uses within the
38 Polk Station Commercial Park immediately to the north, and traffic from the LaCreole
39 General Commercial Mixed Use Node to the south. This proposal simply recognizes
40 that existing interference and conflicts with surrounding development have thus far
41 precluded the subject property from being developed with commercial agricultural
42 uses. As such, this proposal provides for a wider range of permitted uses that would
43 directly benefit from the subject property's unique location.

44 **1.5 Polk County will discourage the development of non-farm uses in**
45 **agricultural areas.**

46 The subject property is not located within an area characterized by agricultural uses.
47 Surrounding development consists of residential and rural industrial uses, with very
48 limited agricultural activity. The proposed PCCP amendment to allow additional rural
49 industrial uses on the subject property will allow for the logical extension of an
50 existing rural industrial development located directly north of the subject property.

1 **4.4 Polk County will encourage the concentration of industries of similar**
2 **types, performance characteristics and service needs.**

3 This application will allow for the expansion of an existing industry located on the
4 adjoining property. A concentration of similar and/or expanded uses at this location
5 will preclude unnecessary encroachment of rural industrial uses in an alternative
6 location. The collocation will also provide for a more efficient delivery of services.

7 **4.5 Polk County will require industrial uses to locate so as to minimize**
8 **adverse social, economic and environmental impacts.**

9 This policy is addressed in more detail under Criterion 2(C) of the PCCP Map
10 Amendment, below..

11 **4.6 Polk County will require utilities such as power, water and waste**
12 **disposal facilities be readily available and adequately sized prior to**
13 **construction of industrial buildings or operating systems.**

14 **4.8 Polk County will allow new rural industrial uses or expansion of**
15 **existing uses consistent with Goal 14 in rural industrial zones outside of**
16 **urban growth boundaries and unincorporated communities provided**
17 **that:**

- 18 **a. The use is authorized under Goal 3 and Goal 4; or**
19 **b. The use is small in size and low impact; or**
20 **c. The use is significantly dependent upon a specific resource located**
21 **on agricultural or forest land; and**
22 **d. The use will not have adverse impacts on surrounding farm and**
23 **forest activities; and**
24 **e. The new or expanded use will not exceed the capacity of the site**
25 **itself to provide adequate water and absorb waste water.**

26 The proposed use of the subject property will be small scale and low impact in
27 accordance with statewide planning goals, administrative rules and PCCP provisions.
28 Future use of the property will also include uses that will serve the needs of the rural
29 areas of Polk County.

30 The expanded use of the JW Fowler Co. and Northwest Rental Equipment, Inc.,
31 operations will not have any adverse impact on surrounding farm and forest activities.
32 As identified above, the commercial farm and forest activities are occurring on lands
33 further to the north, east and west of the subject property. The subject property is in an
34 area that is already partitioned and predominately dedicated to small, rural residential
35 parcels just north of the City of Dallas UGB and the LaCreole General Commercial
36 Mixed Use Node, and bounded by two main Polk County roads – Kings Valley
37 Highway and Oak Villa Road.

38 The proposed new uses on the property will be located south of the existing JW
39 Fowler Co. and Northwest Rental Equipment, Inc., storage operation, and will be
40 similarly situated with respect to locations of the rural residential parcels.

41 The proposed uses will not exceed the capacity of the site to provide adequate water,
42 and to absorb waste water. The nature of the expansion and the new uses are such that
43 water consumption will be minimal. The proposed uses are not manufacturing or
44 processing uses that will require a demand for significant amounts of water. The site
45 presently contains the waste water collection and distribution for the Polk Station
46 Commercial Park. The applicant proposes to continue to use the existing system, and
47 to update it in order to continue serving Polk Station Commercial Park, as well as any
48 future rural industrial uses developed on the subject property. In addition, the applicant
49 is proposing to add a bio-swale detention system to accommodate the storm water run-

1 off from the subject property, and to handle the existing storm water run-off from the
2 adjoining property (Polk Station Commercial Park) to the north. The subject property
3 is of sufficient size to provide adequate water, storm and waste water systems to serve
4 the proposed uses.

5 ***Purpose and Intent of Proposed Land Use Designation***

6 ***Agriculture***

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

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

21 ***The Agriculture Plan designation will be implemented throughout the Exclusive***
22 ***Farm Use Zones".***

23 The subject property is not within a broad, immediate area that is devoted to agricultural
24 uses. The subject property is surrounded on the north and south by smaller parcels devoted
25 to residential and rural industrial uses. The property is not a large parcel and is not located
26 near large agricultural parcels. The subject property is already separated from key
27 agricultural areas and will not add conflicting non-farm uses into the area. No land divisions
28 are being proposed by this request. This request will simply be amending Appendix "F" of
29 the PCCP text to include an expanded list of rural industrial uses to be allowed on the
30 subject property through an exception to Goal 3.

31 ***Industrial***

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

38 ***It is the intent of the Industrial Plan designation to protect existing***
39 ***employment and provide employment opportunities for some of the non-farm***
40 ***residents living in surrounding rural areas. The Industrial Plan designation***
41 ***will be implemented through the Industrial-Commercial,***

42 ***Industrial Park, Light Industrial, Heavy Industrial and Mineral Extraction***
43 ***Zones.***

44 Applicant urges, finally, that pursuant to the intent of the Industrial Plan designation, the
45 subject property is well situated to accommodate Rural Industrial uses. It is directly adjacent
46 to the Polk Station Commercial Park and Kings Valley Highway. The proposal also meets
47 the intent of the Industrial Plan designation by protecting an existing employer and allowing
48 them to expand their accessory uses onto the subject property in an efficient and logical
49 manner.

1 Staff concluded that applicant has provided evidence that the proposal conforms to the intent of
2 relevant goals and policies in the PCCP and the purpose and intent of the proposed land use designation.

3 (2) **Compliance with Oregon Revised Statutes, statewide planning goals and related**
4 **administrative rules which applies to the particular property(s) or situations. If**
5 **an exception to one or more of the goals is necessary, the exception criteria in**
6 **Oregon Administrative Rules, Chapter 660, Division 4 shall apply; and [PCZO**
7 **115.050(A)(3)(b)]**

8 Applicant states there are no specific state statutes that apply to this request that are not otherwise
9 addressed in the statewide planning goals or administrative rules. The proposal's conformance with
10 statewide planning goals and with the exception criteria are addressed below. The requested amendment
11 of the PCCP text is consistent with the applicable statewide planning goals as follows:

12 Goal 1. Citizen Involvement. A Non Legislative Plan Amendment is a quasi-judicial process.
13 Public notice is required and public hearings will be held giving interested citizens an
14 opportunity to be involved in the process.

15 Goal 2. Land Use Planning. The PCCP was adopted by Polk County and acknowledged by
16 LCDC as being in compliance with the statewide planning goals, state statutes and state
17 administrative rules, on March 19, 1981. As outlined herein, the proposal complies with the
18 PCCP and all associated detail plans.

19 Goal 3. Agricultural Lands. The applicant has submitted findings to justify a reasons exception
20 to Goal 3.

21 Goal 4. Forest Lands. The proposed amendment does not affect the inventory of forest lands.
22 Thus, this goal is not applicable to this application.

23 Goal 5. Open Space, Scenic and Historic Areas and Natural Resources. There are no known
24 scenic, natural, historic, or cultural resources on the subject property. Thus, this goal is not
25 applicable to this application.

26 Goal 6. Air, Water and Resources Quality. Development of the property will be required to
27 comply with the Federal, State, and County requirements for air and water pollution.

28 Goal 7. Area Subject to Natural Disasters and Hazards. The subject property does not lie within
29 any floodplains of any waterways as identified on the Federal Emergency Management Agency's
30 (FEMA) maps. All future development is required to comply with Federal, State and County
31 requirements for natural disasters and hazards.

32 Goal 8. Recreational Needs. The proposed amendment does not affect the inventory of
33 recreational uses. The proposed uses will not need or generate a need for recreational facilities.
34 Thus, this goal is not applicable to this application.

35 Goal 9. Economy of the State. The subject property is partially developed for non-agricultural
36 purposes. The majority of the property is undeveloped land and does not provide any benefit to
37 the local economy. Enabling rural industrial uses to develop on the subject property will provide
38 a major benefit to the local economy.

39 Goal 10. Housing. The subject property is not designated for residential development and
40 therefore there will be no impact to the residential lands inventory.

41 Goal 11. Public Facilities and Services. The subject property is not currently served by public
42 facilities nor does this request include the extension of public facilities to the subject property.

43 Goal 12. Transportation. Oregon Statewide Planning Goal 12 is implemented by OAR 660-012-
44 0060(1), which states:

45 "Amendments to functional plan, acknowledged comprehensive plans and land use regulations
46 which significantly affect a transportation facility shall assure that allowed land uses are
47 consistent with the identified functions, capacity and performance standards (i.e. level of service,
48 volume to capacity ratio, etc.) of the facility."

1 OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects a
2 transportation facility the following must be found:

3 "(a) Changes the functional classification of an existing or planned transportation facility;

4 (b) Changes standards implementing a functional classification system;

5 (c) Allows types or levels of land uses which would result in levels of travel or access which are
6 inconsistent with the functional classification of a transportation facility, or

7 (d) Would reduce the performance standards of the facility below the minimum acceptable level
8 identified in the TSP."

9 Polk County has an adopted a Transportation System Plan (PCTSP) and a Functional
10 Classification Map. Kings Valley Highway, the abutting street to the west, is designated as a
11 Minor Arterial on the Functional Classification Map. Westview Drive and Oak Villa Road,
12 which abut the subject property to the north and east respectively, are both designated local
13 streets on the Functional Classification Map. Vehicular access to the subject property will be
14 from Westview Drive and/or Oak Villa Road. The majority of traffic being generated from the
15 site will ultimately be directed onto Kings Valley Highway from the initial access points. As a
16 minor arterial, Kings Valley Highway is intended to carry higher traffic volumes and provide for
17 relatively high overall travel speeds with minimum interference through movement.

18 The number of average daily trips that would be generated by the list of uses being proposed
19 as part of the Limited Use Overlay Zone will not be significantly more than the number of
20 average daily trips that would be generated by uses currently permitted in the EFU zone. For
21 instance, farm related uses that involve the harvesting and/or processing of farm products would
22 generate a significant number of average daily trips from product distribution and employees.
23 The proposed uses of general, highway, heavy construction, and home construction contractors or
24 special trade contractors would generate a similar number of average daily trips related to
25 equipment movement and employees. The proposed uses are intended to be rural in nature and
26 are limited to 10,000 square feet in size. As such, the proposed change will not adversely impact
27 the functional classification of the surrounding transportation facilities.

28 Goal 13. Energy Conservation. The construction of any new buildings will meet the energy
29 efficiency code requirements for new construction.

30 Goal 14. Urbanization. The subject property is not within the Dallas Urban Growth Boundary or
31 the Dallas city limits. There is no planned extension of urban services to an area outside the
32 UGB and the property will be zoned Rural Industrial, which is consistent with Goal 14.

33 Goals 15, 16, 17, 18 and 19 are all inapplicable. The subject property is not within the
34 Willamette River Greenway, or in an estuary or beach area.

35 Staff concluded that the applicant has addressed all applicable Oregon Statewide Planning Goals.
36 An exception to Oregon Statewide Planning Goal 3 is necessary to exclude the subject property from the
37 Agriculture PCCP designation. The applicant is proposing the Rural Industrial Zoning District and the
38 Limited Use Overlay Zone (restricting the allowed uses to those uses identified in this review) to
39 implement the proposed Industrial PCCP Designation. The PCZO implementing the Rural Industrial
40 Zoning District has been acknowledged as being compliant with OAR and Goal 14 requirements
41 established by LCDC in the year 2000 (OAR 660-004-0040). Therefore, an exception to Goal 14 is not
42 required. The applicant has submitted findings regarding an exception to Statewide Planning Goals 3.
43 The Oregon Statewide Planning Goal 3 exception is addressed in Section 2 of this staff report.

44 (3) **Compliance with the provisions of any applicable intergovernmental agreement**
45 **pertaining to urban growth boundaries and urbanizable land. [PCZO**
46 **115.050(A)(3)(c)]**

47 Applicant states that the Urban Planning Area Agreement between Polk County and the City of
48 Dallas does not extend this far from the City, and it knows of no other agreement with a special district or
49 other authority required to coordinate planning activities in the vicinity.

1 Staff notes that the subject property is located within the Agriculture PCCP designation. The
2 applicant is proposing to change the designation to Industrial. Surrounding properties are designated
3 Commercial and Agriculture. The subject property is not located within an urban growth boundary or
4 within an incorporated city. As a result, there is no Urban Growth Boundary agreement or other
5 applicable intergovernmental agreement. This criterion is not applicable to the proposed amendment.

6 (Goal 3 Exception)

7 (A) "Reasons justify why the state policy embodied in the applicable goals should not
8 apply"; The exception shall set forth the facts and assumptions used as the basis for
9 determining that a state policy embodied in a goal should not apply to specific properties
10 or situations including the amount of land and why the use requires a location on
11 resource land; [OAR 660-004-0020(2) (a)]

12 Applicant maintains that the subject property is uniquely situated. It is contiguous to the existing
13 Polk Station commercial Park, which is designated as Commercial and zoned Rural Commercial. The
14 subject property is also adjacent to the Kings Valley Highway and Oak Villa Road, both of which are
15 significant transportation corridors in Polk County, leading north and south from Highway 22 and the
16 City of Dallas. The subject property is also located north of the City of Dallas and the LaCreole General
17 Commercial Mixed Use Node; and south of the property lies residential parcels devoted to residential
18 uses as part of Exception Area XV in the PCCP exception inventory. Another important factor is that
19 the applicant currently owns land within the Polk Station Commercial Park that currently serves as the
20 head office for the interrelated contracting and equipment rental businesses. The applicant needs
21 additional land to expand their current operation for both operational and safety concerns. There are
22 important operational and economic reasons to site the proposed uses on land adjacent to the existing
23 operation, as compared to siting the uses on property that is miles away from the head office.

24 Applicant states the subject property is not currently in resource use. There was testimony that a
25 crop was harvested in 2006, but there also was testimony that applicant has stored equipment on the
26 subject parcel. The 32.50-acre parcel is small and irregularly shaped. It is developed with a community
27 waste disposal system for the Polk Station Commercial Park. It is physically separated from adjacent
28 agricultural uses to the north by Polk Station Commercial Park; to the west by Kings Valley Highway; to
29 the south by Exception Area XV and the Dallas UGB; and to the east by Oak Villa Road and small rural
30 residential parcels. The proposed exception would not remove other land from agricultural production
31 that is currently in production. Based on the size of the property, its irregular (triangle) shape, its location
32 adjacent to Kings Valley Highway (a major north-south transportation corridor), its location to the Dallas
33 UGB, its location to the existing rural industrial uses to the north, and the physical separation from land
34 in resource use, the subject property cannot be effectively managed for commercial agricultural uses.

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

37 (a) The exceptions shall indicate on a map or otherwise describe the location of
38 possible alternative areas considered for the use, which do not require a new
39 exception. The area for which the exception is taken shall be identified; [OAR
40 660-004-0020(2) (b)(A)]

41 (b) To show why the particular site is justified, it is necessary to discuss why other
42 areas which do not require a new exception cannot reasonably accommodate the
43 proposed use. Economic factors can be considered along with other relevant
44 factors in determining that the use cannot reasonably be accommodated in other
45 areas. Under the alternative factor the following questions shall be addressed:
46 [OAR 660-004-0020(2) (b) (B)]

47 (i) Can the proposed use be reasonably accommodated on non-resource
48 land that would not require an exception, including increasing the
49 density of uses on non-resource land? If not, why not? [OAR 660-004-
50 0020(2) (b) (B) (i)]

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

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

8 (c) This alternative areas standard can be met by a broad review of similar types of
9 areas rather than a review of specific alternative sites. Initially, a local
10 government adopting an exception need assess only whether those similar types
11 of areas in the vicinity could not reasonably accommodate the proposed use. Site
12 specific comparisons are not required of a local government taking an exception,
13 unless another party to the local proceeding can describe why there are specific
14 sites that can more reasonably accommodate the proposed use. A detailed
15 evaluation of specific alternative sites is thus not required unless such sites are
16 specifically described with facts to support the assertion that the sites are more
17 reasonable by another party during the local exceptions proceeding. [OAR 660-
18 004-0020(2) (b) (C)]

19 Applicant notes that the area for the proposed exception is shown on maps included in Attachment
20 "A" of the staff report, and argues in summary that there are no other possible alternative areas that
21 could reasonably accommodate the proposed uses that would not require an exception.

22 Applicant states that the proposed use cannot be reasonably accommodated on non-resource land
23 that would not require an exception. For example, there is existing rural commercial zoned land within
24 the Polk Station Commercial Park; however, these parcels are already developed with other uses and are
25 not otherwise available for sale/acquisition. If the applicant wanted to expand its operation onto one of
26 these other parcels, it would need to redevelop those parcels, which would not be economically feasible.
27 Further, the parcels within the Polk Station Commercial Park are very small and would not be sufficient
28 enough in size to completely accommodate the applicant's proposed uses on the subject property. The
29 applicant is currently using its existing property to the fullest extent, when factoring in safety
30 considerations for both operation and storage uses. The whole reason the applicant is looking to expand
31 their operation onto the subject property is that its existing property is not of sufficient size to handle the
32 applicant's existing operation and storage needs on their property.

33 Applicant states the proposed use cannot be reasonably accommodated on resource land that is
34 already irrevocably committed to non-resource uses, either in rural centers, or on committed lands. For
35 example, the closest rural center is the Rickreall Rural Community Center. There is no available land for
36 general rural industrial use of the kind needed by the applicant. Even if there was, the Rickreall RCC is
37 located more than two miles from the applicant's current location, which raises transportation, operation
38 and logistical issues that are not present with the subject property. The added distance raises added costs
39 in both transportation, operation inefficiencies, and in other intangible costs that makes such an option to
40 not be a reasonable accommodation.

41 Applicant states the proposed use cannot be reasonably accommodated inside an urban growth
42 boundary. For example, there are existing general commercial zones within the City of Dallas that
43 would not require an exception to Goal 3. These properties are primarily located along Kings Valley
44 Highway, to the south of the subject property, and along Ellendale Avenue. The majority of these parcels
45 are currently developed with industrial uses. The existing development on these parcels raises the issue
46 that they are not available, or would require significant redevelopment to accommodate the proposed
47 uses. In addition, these properties are not as close in location to the Polk Station Commercial Park as the
48 subject property. The off site location poses different logistical, operational, and economic issues that
49 would add to the overall cost of the applicant's operation. All of these issues are significant factors
50 leading to the conclusion that these parcels cannot reasonably accommodate the proposed uses.

51 Applicant concludes that the proposed use cannot be reasonably accommodated on non-resource
52 land that would not require an exception, nor on resource land already irrevocably committed to non-

1 resource uses, nor on land within the Dallas UGB. The subject property is the best location to
2 accommodate the proposed uses.

3 (C) The long-term environmental, economic, social and energy consequences resulting
4 from the use at the proposed site with measures designed to reduce adverse impacts are
5 not significantly more adverse than would typically result from the same proposal
6 being located in other areas requiring a Goal exception. The exception shall describe
7 the characteristics of each alternative areas considered by the jurisdiction for which an
8 exception might be taken, the typical advantages and disadvantages of using the area
9 for a use not allowed by the Goal, and the typical positive and negative consequences
10 resulting from the use at the proposed site with measures designed to reduce adverse
11 impacts. A detailed evaluation of specific alternative sites is not required unless such
12 sites are specifically described with facts to support the assertion that the sites have
13 significantly fewer adverse impacts during the local exceptions proceeding. The
14 exception shall include the reasons why the consequences of the use at the chosen site
15 are not significantly more adverse than would typically result from the same proposal
16 being located in areas requiring a goal exception other than the proposed site. Such
17 reasons shall include but are limited to, the facts used to determine which resource
18 land is least productive; the ability to sustain resource uses near the proposed use; and
19 the long-term economic impact on the general area caused by irreversible removal of
20 the land from the resource base. Other possible impacts include the effects of the
21 proposed use on the water table, on the costs of improving roads and on the costs to
22 special service districts; [OAR 660-004-0020(2)(c)]

23 Applicant says the long-term environmental, economic, social and energy consequences resulting
24 from the proposed list of uses, as identified in Attachment "F" of the staff report, will not be
25 significantly more adverse than would typically result from the same proposal being located in another
26 area of Polk County requiring a goal exception. The typical alternative site would consist of a small
27 parcel located at the intersection of a state highway or a county arterial or collector. The subject parcel is
28 better suited for a number of reasons. The subject property has a significant history of supporting the
29 Polk Station Commercial Park. This proposal allows for the logical extension of this rural industrial
30 development onto an underutilized piece of property, and it allows for the additional mitigation of
31 impacts through the bioswale and stormwater detention system for the stormwater migration from the
32 Polk Station Commercial Park.

33 Any negative economic consequences would be reduced through the location of rural industrial
34 development on the subject property. This stems from the fact that current rural industrial development
35 is established on the adjoining land to the north. There is already landscaping, water, power, sewer
36 disposal system, approved State access driveways, and other improvements in place on the subject
37 property. On other similarly situated parcels this would not be the same situation, and the economic
38 consequences for constructing these improvements on an alternative site would be more adverse than if
39 located on the subject property.

40 The rural areas surrounding the community are already accustomed to the past rural industrial use
41 and traffic pattern of the Polk Station Commercial Park. One positive aspect to retaining the rural
42 industrial core at this property is that the social impact would be less than if it was placed in an area that
43 was not accustomed to having rural industrial uses in the surrounding area. The building size limitations
44 imposed by the OAR, coupled with the applicant's proposed building orientation and traffic patterns,
45 will ensure adequate mitigation of any potential adverse impacts.

46 The energy consequences of locating a rural industrial development on the subject property and
47 adjoining industrial and rural industrial properties would be less than if the proposed uses were located
48 at another location in Polk County. The infrastructure for the rural industrial uses is already in place.
49 Some elements will be modified, but others will remain the same. This would not be the case for an
50 alternative site.

51 The consequences of the proposed use on the subject property are not significantly more adverse
52 than would typically result from the same proposal being located in an area requiring a goal exception.
53 The property adjacent to the north is currently within an exception area as a Commercial designation.

1 The subject property is sandwiched between a State Highway and a County Road that have been
2 designated and improved to accommodate the development of rural industrial uses. Other properties in
3 Polk County do not share similar elements with respect to location to current rural industrial
4 development and current use of the property for a Community Waste Disposal System.

5 The list of proposed uses would allow for the development of construction and heavy equipment
6 related uses, equipment storage, parking, warehousing, and shop and office space to support the rural
7 industrial uses. These aforementioned uses would require a limited amount of employees, and limited
8 deliveries of materials and products. Any proposed rural industrial development would be located at the
9 rear (east) of the subject property consistent with the other rural industrial uses in Polk Station
10 Commercial Park, plus the development would be designed to minimize potential conflicts with the
11 small residential properties that abut Oak Villa Road through the use of vegetative buffers along Oak
12 Villa Road, Kings Valley Highway, and the southern boundary of the subject property. The cumulative
13 impacts analysis conducted for the area shows that none of the soils in the area would prohibit the
14 establishment of new septic systems. The subject property currently has all necessary utilities and
15 infrastructure available on-site to serve the proposed uses. The property is not adjacent to any significant
16 riparian or floodplain areas. Transportation access is available from Kings Valley Highway, which is
17 classified as a minor arterial in the Polk County *Transportation Systems Plan*.

18 Applicant concludes that the long-term impacts potentially associated with a rural industrial use
19 are not significantly more adverse than would typically result from the same proposal being located in
20 other areas requiring a goal exception.

21 **(D) "The proposed uses are compatible with other adjacent uses or will be so rendered**
22 **through measures designed to reduce adverse impacts: The exception shall describe**
23 **how the proposed use will be rendered compatible with adjacent land uses. The**
24 **exception shall demonstrate that the proposed use is situated in such a manner as to be**
25 **compatible with surrounding natural resources and resource management or**
26 **production practices. "Compatible" is not intended as an absolute term meaning no**
27 **interference or adverse impacts of any type with adjacent uses. [OAR 660-004-0020(2)**
28 **(d)]**

29 Applicant says the proposed list of rural industrial uses is compatible with other adjacent uses or
30 can be so rendered through the application of appropriate conditions. Rural industrial development
31 would be located to the eastern portion of the property, adjacent to Oak Villa Road, as indicated on the
32 conceptual site plan. This would maintain current traffic flow along Kings Valley Highway, Westview
33 Drive and Oak Villa Road. The subject property already contains significant trees and native
34 landscaping. Security fencing may also be installed around any proposed equipment storage facility to
35 protect the building and equipment.

36 In addition, proposed uses are subject to all specification and development standards of the
37 underlying zone. These standards are intended to provide adequate setbacks, parking and loading,
38 landscaping, and buffering. Application of these standards would be conducted through the required
39 building permit process. The tentative conceptual site plan calls for two low scale small impact sized
40 buildings 270 to 450 feet north of the southern property line, and 300 to 450 feet to the west of Oak Villa
41 Road, separated by a 130-foot vegetative buffer on Oak Villa road and the southern boundary and a 200+
42 foot vegetative buffer along the Kings Valley Highway.

43 Off-site noise impacts would be minimal. The list of proposed uses would allow the storage of
44 equipment on site, and related office and repair services entirely within an enclosed building. Additional
45 conditions of approval regarding landscaping, screening and parking and loading areas may be expected.
46 These types of conditions are designated to mitigate off-site noise, dust and visual impacts.

47 Applicant continues that the site is gently rolling and development of the property should not result
48 in drainage problems. The subject property would not be the only rural industrial development within the
49 community. Rural industrial development adjacent to this property has coexisted with residential and
50 resource uses in the community of North Dallas for many years. Based on the list of proposed uses for
51 the property, off-site impacts to resource operations and residential uses would be minimal. The subject
52 property would become the logical extension of an existing rural industrial development.

1 (E) "For uses not specifically provided for in subsequent sections of this rule or in OAR
2 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy
3 embodied in the applicable goals should not apply. Such reasons include but are not
4 limited to the following: [660-004-0022(1)]

5 (a) There is a demonstrated need for the proposed use or activity, based on one or more
6 of the requirements of Goals 3 to 19; and either

7 (b) A resource upon which the proposed use or activity is dependent can be reasonably
8 obtained only at the proposed exception site and the use or activity requires a location
9 near the resource. An exception based on this subsection must include an analysis of
10 the market area to be served by the proposed use or activity. That analysis must
11 demonstrate that the proposed exception site is the only one within that market area at
12 which the resource depended upon can reasonably be obtained; or

13 (c) The proposed use or activity has special features or qualities that necessitate its
14 location on or near the proposed exception site."

15 Applicant states that the proposed uses have special features necessitating their location on the
16 proposed exception site. The applicant is proposing to expand an existing rural industrial operation onto
17 the exception site. As detailed above, locating the proposed uses off-site would create transportation,
18 operation and logistical issues that are not present with the subject property. The added distance would
19 increase costs in transportation, operation inefficiencies, and in other intangible costs that make such an
20 option to not be a reasonable accommodation. The subject property is the best location to accommodate
21 the proposed uses.

22 (F) **Rural Industrial Development:** For the siting of industrial development on resource
23 land outside an urban growth boundary, appropriate reasons and facts include, but
24 are not limited to, the following: [OAR 660-040-0022(3)]

25 (1) The use is significantly dependent upon a unique resource located on agricultural
26 or forest land. Examples of such resources and resource sites include geothermal wells,
27 mineral or aggregate deposits, water reservoirs, natural features, or river or ocean
28 ports; or

29 (2) The use cannot be located inside an urban growth boundary due to impacts that are
30 hazardous or incompatible in densely populated areas; or

31 (3) The use would have a significant comparative advantage due to its location (e.g.,
32 near existing industrial activity, an energy facility, or products available from other
33 rural activities), which would benefit the county economy and cause only minimal loss
34 of productive resource lands. Reasons for such a decision should include a discussion
35 of the lost resource productivity and values in relation to the county's gain from the
36 industrial use, and the specific transportation and resource advantages which support
37 the decision.

38 Applicant says that, as detailed above, there is a significant comparative advantage to locating the
39 proposed uses adjacent to Polk Station Commercial Park, resulting in only a minimal loss of resource
40 lands. The resource lands are not currently being used for commercial agriculture activities and the
41 surrounding development pattern inhibits such future use. Additionally, the property is adequately served
42 with public/private facilities for rural industrial development, like Kings Valley Highway and the
43 community septic system. The advantages of having an expanded industrial development at this location
44 outweigh the costs of removing a minimal amount of non-productive resource land from the inventory.

45 Staff concluded that the applicant has adequately addressed all applicable criteria for an exception
46 to Statewide Planning Goal 3, and the Hearings Officer agrees.

47

48

1 (Zone Change)

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

7 Authorizations for a zone change and a PCCP Map and text amendment are under PCZO 111.275,
8 and 115.050, subject to recommendation by the Hearings Officer after holding a public hearing pursuant
9 to PCZO 111.190 and 115.030, and decision by the Polk County Board of Commissioners after holding
10 a public hearing pursuant to PCZO 111.200 and 115.030. The Planning Department staff reviews the
11 proposed zone change. Staff prepares a report and recommendation for the Hearings Officer and the
12 Hearings Officer makes a recommendation to the Board for a final local decision. The application is
13 following the proper review process and meets this criterion.

- 14 (B) Pursuant to Section 111.160, a zone change may be approved, provided that the
15 request satisfies all applicable requirements of this ordinance, and provided that with
16 written findings, the applicant(s) clearly demonstrate compliance with the following
17 criteria:

- 18 (1) The proposed zone is appropriate for the comprehensive plan land use
19 designation on the property and is consistent with the purpose and policies for the
20 applicable comprehensive plan land use classification; [PCZO 111.275 (A)]

21 Applicant states that the proposed application of the Limited Use Overlay Zone is appropriate and
22 will conform to the PCCP text and map as amended. The applicant is requesting to amend the PCCP
23 Text to allow the following uses: Specialty Trade Contractor (Standard Industrial Code [SIC]
24 classification number 17) and General Highway Heavy Construction (SIC 15& 16). The list of uses is
25 consistent with the purpose and policy for the applicable PCCP classification as was discussed above in
26 the findings for the Goal Exception and the PCCP Map Amendment for the subject property.

- 27 (2) The proposal conforms with the purpose statement of the proposed zone; [PCZO
28 111.275 (B)]

29 Applicant states that the proposal will be consistent with the purpose statement of the proposed
30 zone. The proposed zone will be Rural Industrial with the Limited Use Overlay zone. The purpose and
31 intent of the Rural Industrial Zoning District is "to permit the continuation and expansion of existing
32 uses in the district and to provide rural employment opportunities for new uses that are generally small-
33 scale, low impact, or provide for the processing and manufacturing of timber and forest related products,
34 farm crops and produce, minerals and aggregates, or the maintenance and repair of mechanical
35 equipment related to farm or forest uses." As noted previously, application of the R-IND zone on the
36 subject property will allow for the logical expansion of an existing employment use in the Polk Station
37 Commercial Park.

38 Applicant argues that the purpose and intent for limited use overlay zones is to "limit permitted
39 uses and activities in a specific location allowed in the underlying zone to only those uses which are
40 justified in a required 'reasons exception' to one or more of the Statewide Planning Goals. The Limited
41 Use Overlay District is intended to carry out the administrative rule requirement for reasons exceptions
42 pursuant to OAR 660-14-018 and ORS 197.732." The applicant's request conforms to the purpose and
43 intent statement of the limited use overlay zone. As identified earlier in this statement, the applicant's
44 request seeks to change the zoning on the property through the reasons exception, in order to add a small
45 number of rural industrial uses to be used in conjunction with the applicant's existing operation to the north
46 in the Polk Station Commercial Park.

47 Staff notes that the applicant concurrently filed an application for zone change, an application for a
48 PCCP amendment, and an exception to Statewide Planning Goal 3. The applicant is responsible for
49 showing compliance with criteria for PCCP changes and Goal exceptions in order for the zoning change
50 to be approved. The applicant proposes applying the Rural Industrial/Limited Use Overlay (R-IND/LU)
51 Zoning District, if an approval of the proposed amendment to the PCCP designation to Industrial is

1 granted. The R-IND/LU Zoning District is designated as an implementing zone for the Industrial
2 designation and would be appropriate for a PCCP land use designation of Industrial. If approved, the
3 subject parcel would be designated Industrial in the PCCP and Map. The R-IND/LU Zoning District for
4 the subject area would be consistent with an Industrial PCCP designation.

5 The applicant is proposing the development of the property with three specific uses through the
6 application of the R-IND and LU Overlay Zoning Districts; Specialty Trade Contractor (Standard
7 Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15&
8 16). The uses normally allowed by the underlying zone (R-IND), as regulated under PCZO Chapter 165,
9 would not be allowed. Through the application of the LU Overlay Zone, as regulated under PCZO
10 Chapter 184, the only uses allowed on the subject property would be restricted to those uses allowed
11 through this exception. Specific development standards identified within PCZO Chapters 165 and 184 as
12 well as Chapter 112 would apply to the development of the proposed uses.

13 Staff further notes that although no new parcels are proposed by the applicant, the proposed R-
14 IND/LU zoning would allow the creation of new parcels that could meet the development standards of
15 PCZO Section 112.410(E). Although these development standards, as applied for the proposed zoning,
16 do not include a specific minimum parcel size, parcels must be of adequate size to provide for an
17 approved on-site septic system, a potable water source, yard setbacks and parking.

18 Staff concluded that the proposed zone change could allow for the development of the proposed
19 uses as a continuation and expansion of existing uses on the adjacent parcel to the north. The uses
20 proposed, are identified in the PCZO as being rural in nature through the acknowledgment and
21 compliance of the R-IND zone with Goal 14. These proposed "rural uses" are limited in scope and with
22 a low intensity public draw. By limiting the number of uses through application of the Limited Use
23 Overlay zone, the proposal conforms to the purpose statement of the R-IND and Limited Use Overlay
24 zones.

25 The property owners intend to utilize water from on-site wells and the Rieckreall community water
26 system. A septic system and a drain field would be used for sewage disposal. There have been no
27 identified effects on local schools as a result of the proposed change. Southwest Polk Rural Fire
28 Protection District and the Polk County Sheriff Department provide emergency services for the subject
29 property. The proposed uses and any future parcels created could obtain access to Oak Villa Road, a
30 local road, as defined by the *Polk County Transportation Systems Plan*. Staff concluded that there are
31 adequate public facilities, services, and transportation networks available at this time for water
32 provision, sewer service and transportation facilities.

33 The subject property does not contain significant resource areas inventoried on the Polk County
34 Significant Resource Areas Map. Staff review of the National Wetland Inventory Dallas quad map
35 indicates there are no identified wetlands on the subject property. The applicant is not proposing
36 development activity as part of this application. Prior to development on the subject parcel, local, state
37 and federal permits may be required.

38 The Hearings Officer finds that approval of this request would be consistent with the purpose and
39 intent of the R-IND/LU zone. As stated above, the property would be designated Industrial in the PCCP
40 as is proposed as part of PA 05-02 and zoned Rural Industrial with Limited Use Overlay as part of ZC
41 05-03.

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

44 Applicant states that the list of proposed uses in the underlying zone will be limited through the
45 application of the Limited Use Overlay Zone. The limited number of proposed rural industrial uses would
46 not significantly adversely affect allowed uses on adjacent lands. The existing uses to the north of the
47 subject property consist of rural industrial uses within the Polk Station Commercial Park. Farther to the
48 north lies the Kings Valley Highway. Farther to the north of the Kings Valley Highway lies agricultural
49 ground that is being used for grass seed and Highway 22. To the west of the subject property lies Kings
50 Valley Highway. To the south of the subject property lies rural residential land, as well as Exception Area
51 XV, the Dallas UGB and city limits, and the LaCreole Commercial Mixed Use Node.

1 Applicant urges that the proposed list of uses as described by the applicant would have limited off-site
2 impacts. The applicant submitted a conceptual development plan showing how a proposed commercial
3 facility could be located in the area south of the current commercial zoning, thereby, limiting any potential
4 adverse impacts on the residential uses in the surrounding area. The noise from any maintenance use could
5 be contained within a building and a minimal amount of traffic would be generated by any proposed
6 storage facility. This proposal would not have any greater impact on adjoining residential and commercial
7 uses than already exist from the current commercial uses in the area. In accordance with OAR any proposed
8 rural industrial building would be limited to 10,000 square feet. In addition, the applicant is proposing a
9 "reasons" exception to Oregon statewide planning goals that will allow only those uses identified in the
10 "reasons" exception.

11 Staff concluded that properties in the vicinity of the property include commercial and industrial uses
12 to the north, agriculture and rural residential to the south and agriculture to the west and east. The larger
13 properties interspersed to the south, east and west have historically been used for agriculture, some of
14 which contain single-family dwellings associated with the agriculture uses. Limitations have been
15 established in Oregon Statute, OAR and the PCZO for the establishment of dwellings in agricultural
16 areas due to potential impacts that residents and residences may have on agricultural practices and costs.
17 The dwellings in the area are established on the EFU zoned properties to the south and east with
18 additional residential development on AR-5 zoned parcels further to the south. The agricultural practices
19 that occur on lands east and west of the subject property are separated from the subject property by the
20 Oak Villa Road and Kings Valley Highway rights-of-way. There is an area of approximately 29 acres
21 adjacent to the south property line of the subject property that is zoned EFU and contains a dwelling.
22 The existing dwelling on the subject property is located on the eastern portion of the property. The
23 "conceptual" plot plan submitted by the applicant (Attachment "B" of the staff report) includes a tree
24 buffer along the southern property line that would shield proposed uses from the adjacent agricultural
25 land and dwelling to the south. This vegetative buffer would serve to mitigate any adverse effects of the
26 uses proposed. The creation of the vegetative buffer should be required as a condition for approval of
27 the zone change request.

28 The Hearings Officer find that the proposed zone change could be consistent with the surrounding
29 land uses and pattern of development in the area. Staff finds that the proposed zone change and PCCP
30 amendment are appropriate when taking into account surrounding land uses. As a result, the application
31 could meet this criterion.

32 **(D) Adequate public facilities, services, and transportation networks are in place, or are**
33 **planned to be provided concurrently with the development of the property; [PCZO**
34 **111.275 (D)]**

35 Applicant states that adequate public facilities, services, and transportation networks are in place,
36 or are planned to be provided concurrently with development of the property. The subject property abuts
37 Kings Valley Highway on the west, Westview Drive on the north, and Oak Villa Road on the east. The
38 subject property has water for domestic water use through an on-site well. There is telephone service to
39 the property and electricity is available. In addition, there is an established waste water disposal system
40 on site that will accommodate the proposed uses. The applicant's conceptual site plan also calls for an
41 onsite storm water detention facility and bioswale to handle storm water from the subject property and
42 the applicant's adjoining property in the Polk Station Commercial Park. All facilities are currently
43 available or will be available and can be established to support the proposed list of rural industrial uses.

44 Staff concluded that the applicant is proposing the following specific uses: Specialty Trade
45 Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy
46 Construction (SIC 15& 16). The proposed Rural Lands PCCP designation would be implemented by the
47 Rural Industrial (R-IND) and Limited Use (LU) Overlay Zoning Districts. The R-IND/LU zoning would
48 allow the proposed uses that would require water and on-site sewer (septic tank and drainfield) services.
49 The property owners intend to use water from on-site wells or to connect to the Rickreall Community
50 water system. There have been no identified effects on local schools as a result of the proposed change.
51 Southwest Polk Rural Fire Protection District and the Polk County Sheriff Department provide
52 emergency services at the subject property. Oak Villa Road adjoins the subject property along the eastern
53 property boundary. The property is improved with a manufactured home and associated septic system, a

1 domestic well, power, telephone and contains a 56,000 square foot community septic drain field that
2 serves the adjacent Polk Station Commercial Park.

3 The Hearings Officer finds that there are adequate public facilities, services, and transportation
4 networks available at this time for water provision, sewer service and transportation facilities. Approval
5 of this proposed zone change and PCCP amendment would not authorize the applicant to establish a use
6 that would exceed transportation, water and/or sewer services until such services are planned or
7 available. The application would meet this criterion.

8 **(E) The proposed change is appropriate taking into consideration the following:**

9 **(a) Surrounding land uses,**

10 **(b) The density and pattern of development in the area,**

11 **(c) Any changes which may have occurred in the vicinity to support the**
12 **proposed amendment. [PCZO 111.275 (E) (1-3)]**

13 Applicant states that, as described above, the surrounding land uses generally consist of rural
14 industrial uses (Polk Station Commercial Park) to the north, and to the west are small to medium sized
15 parcels with residential and farm uses occurring on them. To the east is a mix of small residential and
16 farm parcels with mixed uses occurring on them. The larger agricultural lands lie more to the northwest
17 and northeast of the subject property. To the south lie several small rural residential parcels, the Dallas
18 Urban Growth Boundary, the Dallas City Limits and the LaCreole General Commercial Mixed Node.

19 The proposed Rural Industrial zoning would allow for the logical extension of existing uses located
20 in the Polk Station Commercial Park. The density and pattern of development in the area is mixed.
21 Properties zoned Rural Commercial in the area are well developed and have businesses that use most of
22 the property they are located on. Surrounding rural residential uses are separated from the existing
23 property by an established vegetative buffer.

24 Applicant further argues that changes that have occurred in the vicinity to support the proposed
25 change include increased transportation on Kings Valley Highway and Oak Villa Road; increased (infill)
26 development within the Polk Station Commercial Park, especially on the adjoining property owned by
27 the applicant; and the overall growth in the mid-valley economy, which is reflective of numerous
28 industrial, commercial and residential projects occurring in the Dallas area. While these are subtle
29 changes, they are ones that support the proposed amendment. The proposed change is to allow limited
30 rural industrial uses to be developed on the subject property as appropriate, taking into consideration the
31 surrounding land uses, the density and pattern of development in the area, and the changes that have and
32 are continuing to occur in the immediate vicinity.

33 Staff concluded that the subject property is located in an area impacted by existing commercial and
34 industrial uses to the north and separated from agricultural lands on the east and west by road rights-of-
35 way. The vegetative buffer proposed by the property owner would serve to mitigate conflicts with
36 agricultural land to the south. The proposed zone change would be consistent with the surrounding land
37 uses and pattern of development in the area. Staff concluded that the proposed zone change and PCCP
38 amendment are appropriate when taking into account surrounding land uses and changes that have been
39 occurring in the area as described above.

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

42 The subject property is not located within an Urban Growth Boundary. This criterion is therefore
43 inapplicable to this request.

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

48 Applicant believes the proposed change complies with ORS, the statewide planning goals, and OAR
49 for a reasons exception to Goal 3 to allow the limited rural industrial uses.

1 Staff concluded that an exception to Statewide Planning Goal 3 is necessary to exclude the subject
2 property from the Exclusive Farm Use PCCP designation as resource lands. OAR and the Oregon
3 Statewide Planning Goal 3 exception is addressed above.

- 4
- 5 **H) The evidence submitted to support any committed exception shall, at a minimum,**
6 **include a current map, or aerial photograph which shows the exception area and**
7 **adjoining lands, and any other means needed to convey information about the factors**
8 **set forth in this rule. For example, a local government may use tables, charts,**
9 **summaries, or narratives to supplement the maps or photos. The applicable factors set**
10 **forth in section (6) of this rule shall be shown on the map or aerial photograph. [OAR**
11 **660-004-0028(7)]**

12 The applicant has adequately identified the subject property. Aerial photographs are available and
13 have been included in the record for the proceedings (Attachment "D" of the staff report).

- 14 **I) The requirement for a map or aerial photograph in section (7) of this rule only applies**
15 **to the following committed exceptions:**

- 16 **a) Those adopted or amended as required by a Continuance Order dated after the**
17 **effective date of section (7) of this rule; and**
- 18 **b) Those adopted or amended after the effective date of section (7) of this rule by a**
19 **jurisdiction with an acknowledged comprehensive plan and land use regulations.**
20 **[OAR 660-004-0028(8)]**

21 The record for the application includes an aerial photograph. Polk County is a jurisdiction with an
22 acknowledged comprehensive plan and land use regulation.

23 CONCLUSIONS

24 There was testimony both for and against by neighboring land owners, and vigorous testimony
25 against by Gordon on general grounds that an exception was not justified. Evidence indicates that the
26 subject parcel contains land classified as "high-value farmland," but this does not necessarily mean that
27 given its size and bordering geographic considerations, it can practicably be high-production farmland.
28 The Hearings Officer is aware that exceptions to resource land designations are not lightly to be taken.
29 At the same time, OAR 660-004-0020 specifically states that "economic factors can be considered along
30 with other relevant factors in determining that the use cannot reasonably be accommodated in other
31 areas." There is evidence that land classified for industrial development exists within the Dallas UGB.
32 At the same time, there is evidence that this land is some miles distant, may in fact not be subject to
33 industrial development, and that transporting equipment and materials from applicant's existing
34 operation (adjacent to the subject parcel) would increase traffic flow and raise significant public safety
35 concerns, aside from adding substantial expense to applicant's operations. Moreover, applicant would
36 be required to duplicate much of its maintenance and repair infrastructure if required to operate another
37 site.

38 Under OAR 660-004-0022(3)(c), industrial development on resource land outside a UGB may be
39 justified if the use would have a significant comparative advantage due to its location near existing
40 industrial activity, which would benefit the county economy and cause only minimal loss of productive
41 resource lands. The Hearings Officer concludes that the citizens of Polk County would stand to gain
42 from a consolidated operation if this application is granted, and that such gain would more than offset
43 the loss of fewer than 30 acres of resource land. Moreover, residents of the urbanized area of the City of
44 Dallas would not be subjected to the risks of frequent movement of heavy equipment and materials
45 through its streets.

46 Based on the Review and Decision Criteria identified above, the Hearings Officer concludes that
47 the applications submitted for the proposed PCCP designation, zone change, and Statewide Planning
48 Goal Exceptions:

- (a) 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,
- (b) Have findings to support the proposed change to the PCCP plan designation,
- (c) Are compatible with the proposed zoning designation as stated in PCZO,
- (d) Include property that is served by adequate public facilities for transportation, emergency, school, and electric power services,
- (e) Would allow the creation of additional 10-acre parcels that would be consistent with the current land use pattern in the area, and
- (f) Have addressed the required exception requirements to Statewide Planning Goals 3 and 4 outlined in OAR and required by the PCCP and PCZO.

The Hearings Officer concludes that the proposed PCCP change, zone change, and Statewide Planning Goal Exception applications would comply with the provisions of law by the implementation of conditions.

RECOMMENDATIONS

The Hearings Officer, after conducting a public hearing and reviewing the verbal and written testimony heretofore submitted:

1. Recommends that the Board of County Commissioners adopt an Exception to Statewide Planning Goal 3 (PCCP text amendment).
2. Recommends the Board of County Commissioners change the PCCP Map designation from Agriculture to Industrial subject to the following condition of approval:
 - (1) The Rural Industrial Zoning District and Limited Use Overlay Zone shall be applied to the subject property.
3. Recommends the Zoning Classification be changed from Exclusive Farm Use to Rural Industrial/Limited Use Overlay subject to the following CONDITIONS of approval:
 - (1) The uses allowed on the subject property shall be limited to: Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15 & 16).
 - (2) Prior to development of the subject property, the property owner shall obtain all necessary permits from the Polk County Building and Environmental Health Divisions, and Public Works Department prior to release of building permits. These permits may include, but are not limited to the following: building, electrical and plumbing permits from the Polk County Building Division, septic installation permits from the Polk County Environmental Health Division, and an access permit from appropriate state and local agencies.
 - (3) Any development that occurs on the subject property must be established in accordance with the provisions for development within the R-IND Zone, as follows: [PCZO 112.410(E)]

Front Setback	Side and Rear Setback	Maximum Height
20	None unless abutting residential	70

- (4) If water is to be provided by a community water system, a "Statement of Water Availability" shall be submitted prior to building permit issuance.

- 1 (5) Applicant shall establish a vegetative buffer of trees along the property lines as
2 identified on the "conceptual plan" (Attachment "B" of the staff report).

3
4 Dallas, Oregon, January 25, 2007.

5
6
7 

8 Robert W. Oliver

9 Polk County Hearings Officer

10
11



POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97338-3182

GENE CLEMENS

(503) 623-9237 ★ FAX (503) 623-6009

DIRECTOR

AUSTIN MCGUIGAN

PLANNING DIRECTOR

Staff Report

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- APPLICANT/OWNER:** Fowler Living Trust
- REPRESENTATIVE:** Mark D. Shipman, Saalfeld Griggs PC
- TYPE OF APPLICATION:**
1. Comprehensive Plan Map Amendment: to change the existing Agriculture designation to an Industrial designation.
 2. Comprehensive Plan Text Amendment: to include Statewide Planning Goal 3 "reasons" exception statement.
 3. Zoning Map Amendment: to change the existing Exclusive Farm Use (EFU) zoning district to Rural Industrial (R-IND) and to apply a Limited Use Overlay Zone to allow specific uses, Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16), justified in the exception statement.
- PROPERTY LOCATION:** The subject parcel is located at 675 Oak Villa Road, Dallas, Oregon (Assessment Map T7S, R5W, Section 22, Tax Lot 1703).
- FILE NUMBERS:**
- 1 and 2. PA 05-02
 3. ZC 05-03
- REVIEW AND DECISION CRITERIA:** Polk County Zoning Ordinance (PCZO) Sections 111.140, 111.275, 115.050, Oregon Administrative Rules (OAR) 660-004-0020, 660-004-0022, 660-012-0060, Oregon Statewide Planning Goals
- HEARING DATE AND TIME:** December 19, 2006, 6:00 p.m.
- HEARING LOCATION:** Hearing/Conference Room, 1st floor, Polk County Courthouse, 850 Main Street, Dallas, Oregon
- POLK COUNTY CONTACT:** Patricia Perry (503) 623-9237

SECTION I: PROJECT AND PROPERTY DESCRIPTION

The applicant is proposing to change the existing zoning classification of Exclusive Farm Use (EFU) to Rural Industrial (R-IND)/Limited Use Overlay (LU) and to change the Comprehensive Plan designation from Agriculture to Industrial on the subject parcel containing approximately 32.50-acres. The Comprehensive Plan Map amendment requires an Exception to Statewide Planning Goal 3. The applicant is applying for the proposed amendments under the "reasons" criteria established by Oregon Administrative Rule. The Goal 3 Exception is being taken for specific uses through the application of the LU Overlay Zone. The specific uses proposed by the LU Overlay Zone are Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy

Attachment B

1 Construction (SIC 15& 16). The location of the subject parcel is identified on the area map (Attachment
2 A) and "conceptual" plot plan map (Attachment B).

3 The application was originally submitted on December 7, 2005 and deemed complete on August 1,
4 2006. The Department of Land Conservation and Development (DLCD) 45-day notice was sent August
5 1, 2006. On October 24, 2006, prior to public notification, the applicant requested an amendment to the
6 original applications. On November 15, 2006, an amended 45-day notice was sent to DLCD. These
7 findings reflect review of the applications as amended.

8 **Table 1. Comprehensive Plan Designations, Zoning Classifications and land uses for the subject**
9 **property and surrounding area properties.**

ZONING:	Comprehensive Plan Designation	Zoning Classification (See Zone map Attachment C)	Land Uses
Subject Parcel	Agriculture	Exclusive Farm Use (EFU)	Community septic drainfield, manufactured home and domestic well.
Property North	Commercial	Rural Commercial	Polk Station Commercial Park
Property South	Agriculture/Rural Lands	EFU/Acreage Residential (AR-5)	Agricultural with dwelling, rural residential parcels and LaCreole General Commercial Mixed use Node.
Property East	Agriculture	EFU	Small farm parcels Oak Villa Rd.
Property West	Agriculture	EFU	Kings Valley Hwy and small to large farm parcels.

10 **PROPERTY DESCRIPTION:**

11 The subject parcel is located on the east side of Kings Valley Highway (State Highway 223)
12 approximately 0.30 miles north of the City of Dallas Urban Growth Boundary and approximately 1.20
13 miles south of the intersection of Kings Valley Highway with OR State Highway 22. The property situs
14 address is 675 Oak Villa Road, Dallas, Oregon (Assessment Map T7S R5W, Section 22, Tax Lot 1703).
15 See area map, Attachment A.

16 The subject parcel is adjacent to the Polk Station Commercial Park on the north boundary, Kings Valley
17 Highway on the western boundary, and Oak Villa Road on the eastern boundary. Directly to the south,
18 between Oak Villa Road and Kings Valley Highway, is an approximately 29-acre area of land zoned
19 EFU. Properties further south include the Polk County Rural Lands exception area, identified as Area
20 XV in the Polk County Comprehensive Plan, within the Acreage Residential (AR-5) Zoning District.
21 Still further south is the City of Dallas Urban Growth Boundary (UGB) and the city limits where
22 properties are designated Lacreole General Commercial Mixed Use Node in the City of Dallas
23 Comprehensive Plan.

24 The subject parcel is not identified as containing significant resources on the Polk County Significant
25 Resource Areas Map. The subject parcel is not located within an identified floodplain, pursuant to Federal
26 Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number
27 41053C0107D dated April 5, 1988. Based on a review of the National Wetland Inventory map, staff finds
28 no identified wetlands on the subject parcel.

29 The subject parcel is irregularly shaped with topography that slopes downhill from northeast to
30 southwest. The parcel is planted in grass and has an existing vegetation buffer along the southern and
31 western boundaries. The property is improved with a manufactured home and associated septic system, a
32 domestic well, power, telephone and contains a 56,000 square foot community septic drain field which
33 serves the adjacent Polk Station Commercial Park (Attachment E).

34

35

1 **Table 2. Soil characteristics of the subject property, as identified in the Natural Resources**
 2 **Conservation Service Soil Survey of Polk County, Oregon utilizing the Polk County Geographic**
 3 **Information System (GIS).**

4

Type	Name	Class	High Value	Slope Percent	Soil Percent	Soil Acres	Percent Error
8E	Bellpine silty clay	IVE	Yes	20-30	17.78	5.76	2.61
27C	Dupee silt loam	IIIE	No	3-12	23.56	7.63	2.43
64B	Salkum silty clay	IIE	Yes	2-6	54.85	17.77	3.09
7Z	Waldo silty clay	IIIW	No	0-3	3.81	1.24	.80

5
 6 The subject property consists of "Agricultural Land" as defined in Oregon Administrative Rule 660-033-
 7 0020(1) (a)(A) in that the property is composed entirely of Class II-IV soils. The subject property
 8 contains "high value farmland," as defined in Oregon Administrative Rule 660-033-0020(8)(a)(A) in
 9 that 72.62% of the subject property is composed of Class II-IV soils that are identified as high value
 10 pursuant to OAR 660-033-0020(8)(c)(D).

11 PROPERTY HISTORY:

12 The subject parcel has been described separately since 1971 and recognized as a separate parcel in
 13 planning files LOR 00-04, LLA 05-66 and RD 06-07. The subject parcel is currently described in Polk
 14 County Clerk Document 2005-10335.

15 PROPOSED USE:

16 The applicant/property owner also owns the commercial property immediately to the north within the
 17 Polk Station Commercial Park which is leased to their closely held construction (James W. Fowler Co.),
 18 equipment (Northwest Rental Equipment, Inc.) and development companies. According to information
 19 provided by the applicant, these companies are locally owned and operated and need additional room for
 20 storage of heavy equipment, parking of vehicles, and for small scale buildings for additional office use,
 21 shop/repair purposes, and for warehousing parts and other more sensitive equipment that requires indoor
 22 storage. Presently, the applicant is storing equipment and materials off site in a variety of locations in the
 23 Polk County area. The applicant has expressed a need to have this equipment and materials stored in
 24 close proximity to their current general offices for efficiency and security purposes.

25 The proposed uses are uses that are permitted in both the Rural Commercial and Rural Industrial zoning
 26 districts. However, after analysis of both zoning districts, it was determined that, although the adjoining
 27 property to the north is designated and zoned Rural Commercial, Rural Industrial would be a more
 28 appropriate designation for the subject property since the list of specific uses are more industrial in
 29 nature.

30 NOTIFICATION:

31 Notice of the December 19, 2006 public hearing before the Polk County Hearings Officer was provided
 32 as required by PCZO 111.340-111.370. Notice was mailed to property owners located within 750 feet of
 33 the outside perimeter of the subject property, on November 24, 2006. Notice was printed in the local
 34 Itemizer-Observer newspaper on November 29, 2006. Notice was posted on the subject property on
 35 November 22, 2006.

36 SERVICES:

37 Access: Subject parcel has frontage on Oak Villa Road, a County Road, and State Highway 223
 38 (Kings Valley Highway). Oak Villa Road is identified as having a Local Road functional
 39 classification and Kings Valley Highway is identified as a Minor Arterial as designated in
 40 the *Polk County Transportation Systems Plan, Figure 3*. The existing single family
 41 dwelling on the subject parcel has an existing access to Oak Villa Road.

- 1 Water/Sewer: The applicant states that water is currently provided by a community water association
 2 (Rickreall) as well as an individual domestic well.
- 3 The applicant states that an on-site sewage disposal system currently serves the existing
 4 dwelling located in the southeast portion of the parcel. There is also an existing 56,000
 5 square foot septic drainfield easement located in the north central portion of the property
 6 which serves the commercial uses of the Polk Station Commercial Park adjacent to the
 7 north.
- 8 School: Dallas School District 2
- 9 Fire: Southwest Polk Rural Fire Protection District
- 10 Police: Polk County Sheriff

11 COMMENTS RECEIVED:

- 12 Building: No comment.
- 13 Environmental Health: Two septic records on file:
 14 (1) 4,600-gallon tank with a 3,095-gallon septic tank chamber with a 1,131-
 15 gallon pump tank chamber, with 450-feet of drainfield lines (1982). This septic
 16 system serves the rural commercial zone to the north by way of easement (Map
 17 T7S, R5W, Section 22, Tax Lots 300, 400, 500, 600, 700, 1200, 1800 and
 18 1900).
 19 (2) 1,400-gallon tank with 450-feet of drainfield lines that serves a four
 20 bedroom residence.
 21 If new buildings are to be constructed, stay 10-foot away from existing
 22 drainfields and five feet away from existing septic tanks.
 23 If using existing drainfield system apply for authorization notice.
- 24 Rickreall Community
 25 Water Assoc.: There are currently no water provisions for the property and before a hook-up
 26 can be made, approval must be received from the Board of Directors of
 27 Rickreall Water as well as their engineer.
- 28 Area property owner: Paul Villwock submitted a written comment in opposition to the proposed
 29 amendments (Attachment G).

30 **SECTION II: REVIEW & DECISION CRITERIA**

31 The authorizations for a zone change and a Polk County Comprehensive Plan (PCCP) amendment are
 32 under Polk County Zoning Ordinance (PCZO) Sections 111.275, and 115.050. Under these provisions,
 33 the Hearings Officer conducts a public hearing pursuant to PCZO 111.190 and 115.030 and makes a
 34 recommendation to the Polk County Board of Commissioners. The Polk County Board of
 35 Commissioners conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final
 36 local decision. Staff findings and analysis are as follows, the applicant provided findings that are
 37 included by reference in the findings of this report, and are attached and identified in the record as
 38 Exhibit 1.

39 ~~Findings for Comprehensive Plan Amendment file PA 05-02:~~

40 ~~Findings for Comprehensive Plan Amendment file PA 05-02:~~

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

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

47

1 Applicant Findings: The Agriculture Comprehensive Plan is no longer appropriate due to changing
2 conditions in the surrounding area. The applicant is requesting a Comprehensive Plan Map Amendment
3 from Agriculture to Rural Industrial to respond to these changing conditions.

4 As stated above, there have been a number of significant changes to the subject property and surrounding
5 area that warrant the nature of the request. The first significant change relates to traffic impacts. The
6 subject property is surrounded on three sides by roads that actively serve commercial and residential uses
7 in Polk County. Over the years, the traffic on Kings Valley Highway, Oak Villa Road and Westview
8 Drive has increased to such a degree, it has had a direct impact on the subject property's ability to be
9 used for commercial agriculture uses.

10 Second, the uses in the surrounding area, parcelization, and comprehensive planning for the City of
11 Dallas have significantly changed the land use pattern of the surrounding area such that the existing
12 comprehensive plan designation is no longer appropriate. To the north of the subject property lies the
13 Polk Station Commercial Park. The Commercial Park has become fully developed. Existing uses have
14 grown and expanded to the point where additional on-site parking, loading, storage and
15 office/warehousing are needed to ensure existing demand for services are adequately met. Parcelization
16 directly to the north, in the Polk Station Commercial Park, and further north across Kings Valley
17 Highway, prohibit the subject property to be effectively farmed. Additional parcelization is also found to
18 the south of the subject property. Another significant change can be seen in the existing and future land
19 use Comprehensive Plan designation for the LaCreole General Commercial Mixed Use Node located
20 generally to the south of the subject property (Dallas Comprehensive Plan Map, Attachment F).

21 This Node is intended to be a master planned mixed use general commercial area of approximately 30
22 buildable acres, with multi-family residential development connected to general commercial and low
23 density residential land through a series of grid streets and access ways for truck, vehicle, bicycles and
24 pedestrian access north of east Ellendale Avenue and east of Kings Valley Highway. See Policy 3.2.1 in
25 the City of Dallas comprehensive plan.

26 Third, the applicant needs additional land adjacent to their existing general contracting, equipment rental
27 and development company operation to expand their storage capacity for equipment and materials.

28 Staff Findings: The subject property is located within the Agricultural Comprehensive Plan designation.
29 The applicant is proposing to change the Comprehensive Plan designation to Industrial. Surrounding
30 properties are designated Commercial and Agriculture in the Comprehensive Plan.

31 Properties to the north of the subject parcel were rezoned from EFU to Public Service and Commercial
32 in the late 1970s. Over the years to present day, these properties have been built out and developed with
33 uses appropriate to the non-resource zoning. This, in addition to the above-described factors and
34 evidence, demonstrates that substantial changes have occurred on surrounding lands that could constitute
35 changing the Comprehensive Plan designation of the subject property.

36 (C) **The purpose of the Comprehensive Plan will be carried out through approval of the**
37 **proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]**

38 (1) **Evidence that the proposal conforms to the intent of relevant goals and**
39 **policies in the Comprehensive Plan and the purpose and intent of the**
40 **proposed land use designation. [PCZO 115.050(A)(3)(a)]**

41 Applicant Findings: The Comprehensive Plan contains six (6) policies related to this request. Each
42 Goal/Policy and the applicant's conformance therewith are set forth below.

43 **Goals**

44 **1. To preserve and protect agricultural lands within Polk County**

45 The portion of the subject property to be developed with rural industrial uses is not
46 currently being used for commercial agricultural uses. Larger agriculturally designated
47 lands in the surrounding area, particularly to the northwest and northeast, will be
48 preserved and protected by this request. The applicant is requesting a limited number
49 of rural industrial uses through the reasons exception, and the conceptual plan calls for
50 a buffer along the eastern and western property lines that will help preserve and protect

1 these larger agriculturally designated lands to the northwest and northeast of the
2 subject property.

3 **Policies**

4 **1.1 Polk County will endeavor to conserve for agricultural those areas**
5 **which exhibit a predominance of agricultural soils, and an absence of**
6 **non-farm use interference and conflicts.**

7 This request complies with this policy. First, those agricultural areas which have a
8 predominance of agricultural soils and an absence of non-farm interference are located
9 further to the northwest and northeast of the subject property. These agricultural lands
10 will not be affected by this proposal, and will be able to remain in agricultural use and
11 conserved for agricultural productivity. Second, the subject property already has non-
12 farm interference and conflicts from several sources - traffic on Kings Valley
13 Highway, traffic and offsite drainage from the existing rural industrial uses within the
14 Polk Station Commercial Park immediately to the north, and traffic from the LaCreole
15 General Commercial Mixed Use Node to the south. This proposal simply recognizes
16 that existing interference and conflicts with surrounding development have thus far
17 precluded the subject property from being developed with commercial agricultural
18 uses. As such, this proposal provides for a wider range of permitted uses that would
19 directly benefit from the subject property's unique location.

20 **1.5 Polk County will discourage the development of non-farm uses in**
21 **agricultural areas.**

22 The subject property is not located within an area characterized by agricultural uses.
23 Surrounding development consists of residential and rural industrial uses, with very
24 limited agricultural activity. The proposed Comprehensive Plan amendment to allow
25 additional rural industrial uses on the subject property will allow for the logical
26 extension of an existing rural industrial development located directly north of the
27 subject property.

28 **4.4 Polk County will encourage the concentration of industries of similar**
29 **types, performance characteristics and service needs.**

30 This application will allow for the expansion of an existing industry located on the
31 adjoining property. A concentration of similar and/or expanded uses at this location
32 will preclude unnecessary encroachment of rural industrial uses in an alternative
33 location. The collocation will also provide for a more efficient delivery of services.

34 **4.5 Polk County will require industrial uses to locate so as to minimize**
35 **adverse social, economic and environmental impacts.**

36 This policy is addressed in more detail under Criterion 2(C) of the Comprehensive
37 Plan Map Amendment on pages 12-13 of this report.

38 **4.6 Polk County will require utilities such as power, water and waste**
39 **disposal facilities be readily available and adequately sized prior to**
40 **construction of industrial buildings or operating systems.**

41 **4.8 Polk County will allow new rural industrial uses or expansion of**
42 **existing uses consistent with Goal 14 in rural industrial zones outside of**
43 **urban growth boundaries and unincorporated communities provided**
44 **that:**

- 45 a. *The use is authorized under Goal 3 and Goal 4; or*
46 b. *The use is small in size and low impact; or*
47 c. *The use is significantly dependent upon a specific resource located*
48 *on agricultural or forest land; and*

1 d. *The use will not have adverse impacts on surrounding farm and*
2 *forest activities; and*

3 e. *The new or expanded use will not exceed the capacity of the site*
4 *itself to provide adequate water and absorb waste water.*

5 The proposed use of the subject property will be small scale and low impact in
6 accordance with statewide planning goals, administrative rules and Polk County
7 Comprehensive Plan provisions. Future use of the property will also include uses that
8 will serve the needs of the rural areas of Polk County.

9 The expanded use of the JW Fowler Co. and Northwest Rental Equipment, Inc.
10 operations will not have any adverse impact on surrounding farm and forest activities.
11 As identified above, the commercial farm and forest activities are occurring on lands
12 further to the north, east and west of the subject property. The subject property is in an
13 area that is already partitioned and predominately dedicated to small, rural residential
14 parcels just north of the City of Dallas UGB and the LaCreole General Commercial
15 Mixed Use Node, and bounded by two main Polk County roads – Kings Valley
16 Highway and Oak Villa Road.

17 The proposed new uses on the property will be located south of the existing JW
18 Fowler Co. and Northwest Rental Equipment, Inc. storage operation, and will be
19 similarly situated with respect to locations of the rural residential parcels.

20 The proposed uses will not exceed the capacity of the site to provide adequate water,
21 and to absorb waste water. The nature of the expansion and the new uses are such that
22 water consumption will be minimal. The proposed uses are not manufacturing or
23 processing uses that will require a demand for significant amounts of water. The site
24 presently contains the waste water collection and distribution for the Polk Station
25 Commercial Park. The applicant proposes to continue to use the existing system, and
26 to update it in order to continue serving Polk Station Commercial Park, as well as any
27 future rural industrial uses developed on the subject property. In addition, the applicant
28 is proposing to add a bio-swale detention system to accommodate the storm water run-
29 off from the subject property, and to handle the existing storm water run-off from the
30 adjoining property (Polk Station Commercial Park) to the north. The subject property
31 is of sufficient size to provide adequate water, storm and waste water systems to serve
32 the proposed uses.

33 *Purpose and Intent of Proposed Land Use Designation*

34 *Agriculture*

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

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

49 *The Agriculture Plan designation will be implemented throughout the Exclusive*
50 *Farm Use Zones".*

1 The subject property is not within an immediate area that is devoted to agricultural uses.
2 The subject property is surrounded on the north and south by smaller parcels devoted to
3 residential and rural industrial uses. The property is not a large parcel and is not located near
4 large agricultural parcels. The subject property is already separated from key agricultural
5 areas and will not add conflicting non-farm uses into the area. No land divisions are being
6 proposed by this request. This request will simply be amending Appendix "F" of the PCCP
7 text to include an expanded list of rural industrial uses to be allowed on the subject property
8 through an exception to Goal 3.

9 *Industrial*

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

16 *It is the intent of the Industrial Plan designation to protect existing*
17 *employment and provide employment opportunities for some of the non-farm*
18 *residents living in surrounding rural areas. The Industrial Plan designation*
19 *will be implemented through the Industrial-Commercial,*

20 *Industrial Park, Light Industrial, Heavy Industrial and Mineral Extraction*
21 *Zones.*

22 Pursuant to the intent of the Industrial Plan designation, the subject property is well situated
23 to accommodate Rural Industrial uses. It is directly adjacent to the Polk Station Commercial
24 Park and Kings Valley Highway. The proposal also meets the intent of the Industrial Plan
25 designation by protecting an existing employer and allowing them to expand their accessory
26 uses onto the subject property in an efficient and logical manner.

27 Staff Findings: Applicant has provided evidence that the proposal conforms to the intent of relevant
28 goals and policies in the Comprehensive Plan and the purpose and intent of the proposed land use
29 designation.

- 30 (2) **Compliance with Oregon Revised Statutes, statewide planning goals and related**
31 **administrative rules which applies to the particular property(s) or situations. If**
32 **an exception to one or more of the goals is necessary, the exception criteria in**
33 **Oregon Administrative Rules, Chapter 660, Division 4 shall apply; and [PCZO**
34 **115.050(A)(3)(b)]**

35 Applicant Findings: There are no specific state statutes that apply to this request that are not otherwise
36 addressed in the statewide planning goals or administrative rules. The proposal's conformance with
37 statewide planning goals is addressed below, while the proposal's conformance with the exception
38 criteria is addressed below in Section II Number 2.

39 The requested amendment of the Polk County Comprehensive Plan (PCCP) text is consistent with the
40 applicable statewide planning goals as follows:

41 Goal 1. Citizen Involvement. A Non Legislative Plan Amendment is a quasi-judicial process.
42 Public notice is required and public hearings will be held giving interested citizens an
43 opportunity to be involved in the process.

44 Goal 2. Land Use Planning. The PCCP was adopted by the County and acknowledged by LCDC
45 as being in compliance with the statewide planning goals, state statutes and state administrative
46 rules, on March 19, 1981. As outlined herein, the proposal complies with the PCCP and all
47 associated detail plans.

48 Goal 3. Agricultural Lands. The applicant has submitted findings to justify a reasons exception
49 to Goal 3.

1 Goal 4. Forest Lands. The proposed amendment does not affect the inventory of forest lands.
2 Thus, this goal is not applicable to this application.

3 Goal 5. Open Space, Scenic and Historic Areas and Natural Resources. There are no known
4 scenic, natural, historic, or cultural resources on the subject property. Thus, this goal is not
5 applicable to this application.

6 Goal 6. Air, Water and Resources Quality. Development of the property will be required to
7 comply with the Federal, State of Oregon, and County requirements for air and water pollution.

8 Goal 7. Area Subject to Natural Disasters and Hazards. The subject property does not lie within
9 any floodplains of any waterways as identified on the Federal Emergency Management Agency's
10 (FEMA) maps. All future development is required to comply with Federal, State and County
11 requirements for natural disasters and hazards.

12 Goal 8. Recreational Needs. The proposed amendment does not affect the inventory of
13 recreational uses. The proposed uses will not need or generate a need for recreational facilities.
14 Thus, this goal is not applicable to this application.

15 Goal 9. Economy of the State. The subject property is partially developed for non-agricultural
16 purposes. The majority of the property is undeveloped land and does not provide any benefit to
17 the local economy. Enabling rural industrial uses to develop on the subject property will provide
18 a major benefit to the local economy.

19 Goal 10. Housing. The subject property is not designated for residential development and
20 therefore there will be no impact to the residential lands inventory.

21 Goal 11. Public Facilities and Services. The subject property is not currently served by public
22 facilities nor does this request include the extension of public facilities to the subject property.

23 Goal 12. Transportation. Oregon Statewide Planning Goal 12 is implemented by OAR 660-012-
24 0060(1), which states:

25 "Amendments to functional plan, acknowledged comprehensive plans and land use regulations
26 which significantly affect a transportation facility shall assure that allowed land uses are
27 consistent with the identified functions, capacity and performance standards (i.e. level of service,
28 volume to capacity ratio, etc.) of the facility."

29 OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects a
30 transportation facility the following must be found:

31 "(a) Changes the functional classification of an existing or planned transportation facility;

32 (b) Changes standards implementing a functional classification system;

33 (c) Allows types or levels of land uses which would result in levels of travel or access which are
34 inconsistent with the functional classification of a transportation facility; or

35 (d) Would reduce the performance standards of the facility below the minimum acceptable level
36 identified in the TSP."

37 The County has an adopted Transportation System Plan (PCTSP) and a Functional Classification
38 Map. Kings Valley Highway, the abutting street to the west, is designated as a Minor Arterial on
39 the Functional Classification Map. Westview Drive and Oak Villa Road, which abut the subject
40 property to the north and east respectively, are both designated local streets on the Functional
41 Classification Map. Vehicular access to the subject property will be from Westview Drive and/or
42 Oak Villa Road. The majority of traffic being generated from the site will ultimately be directed
43 onto Kings Valley Highway from the initial access point(s). As a minor arterial, Kings Valley
44 Highway is intended to carry higher traffic volumes and provide for relatively high overall travel
45 speeds with minimum interference through movement.

46 The number of average daily trips that would be generated by the list of uses being proposed as
47 part of the Limited Use Overlay Zone will not be significantly more than the number of average
48 daily trips that would be generated by uses currently permitted in the EFU zone. For instance,

1 farm related uses that involve the harvesting and/or processing of farm products would generate a
2 significant number of average daily trips from product distribution and employees. The proposed
3 uses of general, highway, heavy construction, and home construction contractors or special trade
4 contractors would generate a similar number of average daily trips related to equipment
5 movement and employees. The proposed uses are intended to be rural in nature and are limited to
6 10,000 square feet in size. As such, the proposed change will not adversely impact the functional
7 classification of the surrounding transportation facilities.

8 Goal 13. Energy Conservation. The construction of any new buildings will meet the energy
9 efficiency code requirements for new construction.

10 Goal 14. Urbanization. The subject property is not within the Dallas Urban Growth Boundary or
11 the Dallas city limits. There is no planned extension of urban services to an area outside the
12 UGB and the property will be zoned Rural Industrial, which is consistent with Goal 14.

13 Goals 15, 16, 17, 18 and 19 are all inapplicable. The subject property is not within the
14 Willamette River Greenway, or in an estuary or beach area.

15 Staff Findings: The applicant has addressed all applicable Oregon Statewide Planning Goals. An
16 exception to Oregon Statewide Planning Goal 3 is necessary to exclude the subject property from the
17 Agriculture Comprehensive Plan designation. The applicant is proposing the Rural Industrial Zoning
18 District and the Limited Use Overlay Zone (restricting the allowed uses to those uses identified in this
19 review) to implement the proposed Industrial Comprehensive Plan Designation. The Polk County
20 Zoning Ordinance implementing the Rural Industrial Zoning District has been acknowledged as being
21 compliant with Oregon Administrative Rule (OAR) and Goal 14 requirements established by the Oregon
22 Land Conservation and Development Commission in the year 2000 (OAR 660-004-0040). Therefore, an
23 exception to Goal 14 is not required. The applicant has submitted findings regarding an exception to
24 Statewide Planning Goals 3. The Oregon Statewide Planning Goal 3 exception is addressed in Section 2
25 of this staff report.

26 (3) **Compliance with the provisions of any applicable intergovernmental agreement**
27 **pertaining to urban growth boundaries and urbanizable land. [PCZO**
28 **115.050(A)(3)(c)]**

29 Applicant Findings: The Urban Planning Area Agreement between Polk County and the City of Dallas
30 does not extend this far uphill from the City. We know of no other agreement with a special district or other
31 authority required to coordinate planning activities in this vicinity.

32 Staff Findings: The subject property is located within the Agriculture Comprehensive Plan designation.
33 The applicant is proposing to change the Comprehensive Plan designation to Industrial. Surrounding
34 properties are designated Commercial and Agriculture in the Comprehensive Plan. The subject property
35 is not located within an urban growth boundary or within an incorporated city. As a result, there is no
36 Urban Growth Boundary agreement or other applicable intergovernmental agreement. This criterion is
37 not applicable to the proposed amendment.

38
39 **27 Findings for Statewide Planning Goal 3 Exception file PA 05-02:**

- 40 (A) "Reasons justify why the state policy embodied in the applicable goals should not
41 apply"; The exception shall set forth the facts and assumptions used as the basis for
42 determining that a state policy embodied in a goal should not apply to specific properties
43 or situations including the amount of land and why the use requires a location on
44 resource land; [OAR 660-004-0020(2) (a)]

45 Applicant Findings: The subject property is uniquely situated. It is contiguous to the existing Polk
46 Station commercial park, which is designated as Commercial and zoned Rural Commercial. The subject
47 property is also adjacent to the Kings Valley Highway and Oak Villa Road, both of which are significant
48 transportation corridors in Polk County, leading north and south from Highway 22 and the City of
49 Dallas. The subject property is also located north of the City of Dallas and the LaCreole General
50 Commercial Mixed Use Node; and south of the property lies residential parcels devoted to residential

1 uses as part of Exception Area XV in the Polk County Comprehensive Plan exception inventory.
2 Another important factor is that the applicant currently owns land within the Polk Station Commercial
3 Park that currently serves as the head office for the interrelated contracting and equipment rental
4 businesses. The applicant needs additional land to expand their current operation for both operational
5 and safety concerns. There are important operational and economic reasons to site the proposed uses on
6 land adjacent to the existing operation, as compared to siting the uses on property that is miles away
7 from the head office.

8 The subject property is not currently in resource use. The 32.5 acre parcel is small and irregularly
9 shaped. It is developed with a community waste disposal system for the Polk Station Commercial Park.
10 It is physically separated from adjacent agricultural uses to the north by Polk Station Commercial Park;
11 to the west by Kings Valley Highway; to the south by Exception Area XV and the Dallas UGB; and to
12 the east by Oak Villa Road and small rural residential parcels.

13 The proposed exception would not remove land from agricultural production that is currently in
14 production. Based on the size of the property, its irregular (triangle) shape, its location adjacent to Kings
15 Valley Highway (a major north-south transportation corridor), its location to the Dallas UGB, its
16 location to the existing rural industrial uses to the north, and the physical separation from land in
17 resource use, the subject property cannot be effectively managed for commercial agricultural uses.

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

20 (a) The exceptions shall indicate on a map or otherwise describe the location of
21 possible alternative areas considered for the use, which do not require a new
22 exception. The area for which the exception is taken shall be identified; [OAR
23 660-004-0020(2) (b)(A)]

24 (b) To show why the particular site is justified, it is necessary to discuss why other
25 areas which do not require a new exception cannot reasonably accommodate the
26 proposed use. Economic factors can be considered along with other relevant
27 factors in determining that the use cannot reasonably be accommodated in other
28 areas. Under the alternative factor the following questions shall be addressed:
29 [OAR 660-004-0020(2) (b) (B)]

30 (i) Can the proposed use be reasonably accommodated on non-resource
31 land that would not require an exception, including increasing the
32 density of uses on non-resource land? If not, why not? [OAR 660-004-
33 0020(2) (b) (B) (i)]

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

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

41 (c) This alternative areas standard can be met by a broad review of similar types of
42 areas rather than a review of specific alternative sites. Initially, a local
43 government adopting an exception need assess only whether those similar types
44 of areas in the vicinity could not reasonably accommodate the proposed use. Site
45 specific comparisons are not required of a local government taking an exception,
46 unless another party to the local proceeding can describe why there are specific
47 sites that can more reasonably accommodate the proposed use. A detailed
48 evaluation of specific alternative sites is thus not required unless such sites are
49 specifically described with facts to support the assertion that the sites are more
50 reasonable by another party during the local exceptions proceeding. [OAR 660-
51 004-0020(2) (b) (C)]

1 Applicant Findings: The area for the proposed exception is shown on maps included in Attachment A.
2 In summary, there are no other possible alternative areas that could reasonably accommodate the
3 proposed uses which would not require an exception.

4 The proposed use cannot be reasonably accommodated on non-resource land that would not require an
5 exception. For example, there is existing rural commercial zoned land within the Polk Station
6 Commercial Park, however, these parcels are already developed with other uses and are not otherwise
7 available for sale/acquisition. If the applicant wanted to expand their operation onto one of these other
8 parcels, they would need to redevelop those parcels, which would not be economically feasible. Further,
9 the parcels within the Polk Station Commercial Park are very small and would not be sufficient enough
10 in size to completely accommodate the applicant's proposed uses on the subject property. The applicant
11 is currently using their existing property to the fullest extent, when factoring in safety considerations for
12 both operation and storage uses. The whole reason the applicant is looking to expand their operation
13 onto the subject property is that their existing property is not of sufficient size to handle the applicant's
14 existing operation and storage needs on their property.

15 The proposed use cannot be reasonably accommodated on resource land that is already irrevocably
16 committed to non-resource uses, either in rural centers, or on committed lands. For example, the closest
17 rural center is the Rickreall Rural Community Center. There is no available land for general rural
18 industrial use of the kind needed by the applicant. Even if there was, the Rickreall RCC is located more
19 than two miles from the applicant's current location, which raises transportation, operation and logistical
20 issues that are not present with the subject property. The added distance raises added costs in both
21 transportation, operation inefficiencies, and in other intangible costs that makes such an option to not be
22 a reasonable accommodation.

23 The proposed use cannot be reasonably accommodated inside an urban growth boundary. For example,
24 there are existing general commercial zones within the City of Dallas that would not require an
25 exception to Goal 3. These properties are primarily located along Kings Valley Highway, to the south of
26 the subject property, and along Ellendale Avenue. The majority of these parcels are currently developed
27 with industrial uses. The existing development on these parcels raises the issue that they are not
28 available, or would require significant redevelopment to accommodate the proposed uses. In addition,
29 these properties are not as close in location to the Polk Station Commercial Park as the subject property.
30 The off site location poses different logistical, operational, and economic issues that would add to the
31 overall cost of the applicant's operation. All of these issues are significant factors leading to the
32 conclusion that these parcels cannot reasonably accommodate the proposed uses.

33 The proposed use cannot be reasonably accommodated on non-resource land that would not require an
34 exception, nor on resource land already irrevocably committed to non-resource uses, nor on land within
35 the Dallas Urban Growth Boundary. The subject property is the best location to accommodate the
36 proposed uses.

37 **(C) The long-term environmental, economic, social and energy consequences resulting**
38 **from the use at the proposed site with measures designed to reduce adverse impacts are**
39 **not significantly more adverse than would typically result from the same proposal**
40 **being located in other areas requiring a Goal exception. The exception shall describe**
41 **the characteristics of each alternative areas considered by the jurisdiction for which an**
42 **exception might be taken, the typical advantages and disadvantages of using the area**
43 **for a use not allowed by the Goal, and the typical positive and negative consequences**
44 **resulting from the use at the proposed site with measures designed to reduce adverse**
45 **impacts. A detailed evaluation of specific alternative sites is not required unless such**
46 **sites are specifically described with facts to support the assertion that the sites have**
47 **significantly fewer adverse impacts during the local exceptions proceeding. The**
48 **exception shall include the reasons why the consequences of the use at the chosen site**
49 **are not significantly more adverse than would typically result from the same proposal**
50 **being located in areas requiring a goal exception other than the proposed site. Such**
51 **reasons shall include but are limited to, the facts used to determine which resource**
52 **land is least productive; the ability to sustain resource uses near the proposed use; and**
53 **the long-term economic impact on the general area caused by irreversible removal of**

1 **the land from the resource base. Other possible impacts include the effects of the**
2 **proposed use on the water table, on the costs of improving roads and on the costs to**
3 **special service districts; [OAR 660-004-0020(2)(c)]**

4 **Applicant Findings:** The long-term environmental, economic, social and energy consequences resulting
5 from the proposed list of uses, as identified in Attachment F, will not be significantly more adverse than
6 would typically result from the same proposal being located in another area of Polk County requiring a
7 goal exception. The typical alternative site would consist of a small parcel located at the intersection of a
8 state highway or a county arterial or collector. The subject parcel is better suited for a number of reasons.

9 The subject property has a significant history of supporting the Polk Station Commercial Park. This
10 proposal allows for the logical extension of this rural industrial development onto an underutilized piece
11 of property, and it allows for the additional mitigation of impacts through the bioswale and stormwater
12 detention system for the stormwater migration from the Polk Station Commercial Park.

13 Any negative economic consequences would be reduced through the location of rural industrial
14 development on the subject property. This stems from the fact that current rural industrial development
15 is established on the adjoining land to the north. There is already landscaping, water, power, sewer
16 disposal system, approved State access driveways, and other improvements in place on the subject
17 property. On other similarly situated parcels this would not be the same situation, and the economic
18 consequences for constructing these improvements on an alternative site would be more adverse than if
19 located on the subject property.

20 The rural areas surrounding the community are already accustomed to the past rural industrial use and
21 traffic pattern of the Polk Station Commercial Park. One positive aspect to retaining the rural industrial
22 core at this property is that the social impact would be less than if it was placed in an area that was not
23 accustomed to having rural industrial uses in the surrounding area. The building size limitations imposed
24 by the Oregon Administrative Rules, coupled with the applicant's proposed building orientation and
25 traffic patterns, will ensure adequate mitigation of any potential adverse impacts.

26 The energy consequences of locating a rural industrial development on the subject property and
27 adjoining industrial and rural industrial properties would be less than if the proposed uses were located
28 at another location in Polk County. The infrastructure for the rural industrial uses is already in place.
29 Some elements will be modified, but others will remain the same. This would not be the case for an
30 alternative site.

31 The consequences of the proposed use on the subject property are not significantly more adverse than
32 would typically result from the same proposal being located in an area requiring a goal exception. The
33 property adjacent to the north is currently within an exception area as a Commercial designation. The
34 subject property is sandwiched between a State Highway and a County Road that have been designated
35 and improved to accommodate the development of rural industrial uses. Other properties in the County
36 do not share similar elements with respect to location to current rural industrial development and current
37 use of the property for a Community Waste Disposal System.

38 The list of proposed uses would allow for the development of construction and heavy equipment related
39 uses, equipment storage, parking, warehousing, and shop and office space to support the rural industrial
40 uses. These aforementioned uses would require a limited amount of employees, and limited deliveries of
41 materials and products. Any proposed rural industrial development would be located at the rear (east) of
42 the subject property consistent with the other rural industrial uses in Polk Station Commercial Park, plus
43 the development would be designed to minimize potential conflicts with the small residential properties
44 that abut Oak Villa Road through the use of vegetative buffers along Oak Villa Road, Kings Valley
45 Highway, and the southern boundary of the subject property. The cumulative impacts analysis conducted
46 for the area shows that none of the soils in the area would prohibit the establishment of new septic
47 systems. The subject property currently has all necessary utilities and infrastructure available on-site to
48 serve the proposed uses. The property is not adjacent to any significant riparian or floodplain areas.
49 Transportation access is available from Kings Valley Highway, which is classified as a minor arterial in
50 the Polk County Transportation Systems Plan.

51 The long-term impacts potentially associated with a rural industrial use are not significantly more
52 adverse than would typically result from the same proposal being located in other areas requiring a goal

1 exception.

- 2 (D) "The proposed uses are compatible with other adjacent uses or will be so rendered
3 through measures designed to reduce adverse impacts: The exception shall describe
4 how the proposed use will be rendered compatible with adjacent land uses. The
5 exception shall demonstrate that the proposed use is situated in such a manner as to be
6 compatible with surrounding natural resources and resource management or
7 production practices. "Compatible" is not intended as an absolute term meaning no
8 interference or adverse impacts of any type with adjacent uses. [OAR 660-004-0020(2)
9 (d)]

10 Applicant Findings: The proposed list of rural industrial uses is compatible with other adjacent uses or
11 can be so rendered through the application of appropriate conditions. Rural industrial development
12 would be located to the eastern portion of the property, adjacent to Oak Villa Road, as indicated on the
13 conceptual site plan. This would maintain current traffic flow along Kings Valley Highway, Westview
14 Drive and Oak Villa Road. The subject property already contains significant trees and native
15 landscaping. Security fencing may also be installed around any proposed equipment storage facility to
16 protect the building and equipment.

17 In addition, proposed uses are subject to all specification and development standards of the underlying
18 zone. These standards are intended to provide adequate setbacks, parking and loading, landscaping, and
19 buffering. Application of these standards would be conducted through the required building permit
20 process. The tentative conceptual site plan calls for two low scale small impact sized buildings 270' -
21 450' north of the southern property line, and 300' - 450' to the west of Oak Villa Road, separated by a
22 130' vegetative buffer on Oak Villa road and the southern boundary and a 200' plus vegetative buffer
23 along the Kings Valley Highway.

24 Off-site noise impacts would be minimal. The list of proposed uses would allow the storage of
25 equipment on site, and related office and repair services entirely within an enclosed building. Additional
26 conditions of approval regarding landscaping, screening and parking and loading areas may be expected.
27 These types of conditions are designated to mitigate off-site noise, dust and visual impacts.

28 The site is gently rolling and development of the property should not result in drainage problems. The
29 subject property would not be the only rural industrial development within the community. Rural
30 industrial development adjacent to this property has coexisted with residential and resource uses in the
31 community of North Dallas for many years. Based on the list of proposed uses for the property, off-site
32 impacts to resource operations and residential uses would be minimal. The subject property would
33 become the logical extension of an existing rural industrial development.

- 34 (E) "For uses not specifically provided for in subsequent sections of this rule or in OAR
35 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy
36 embodied in the applicable goals should not apply. Such reasons include but are not
37 limited to the following: [660-004-0022(1)]

38 (a) There is a demonstrated need for the proposed use or activity, based on one or more
39 of the requirements of Goals 3 to 19; and either

40 (b) A resource upon which the proposed use or activity is dependent can be reasonably
41 obtained only at the proposed exception site and the use or activity requires a location
42 near the resource. An exception based on this subsection must include an analysis of
43 the market area to be served by the proposed use or activity. That analysis must
44 demonstrate that the proposed exception site is the only one within that market area at
45 which the resource depended upon can reasonably be obtained; or

46 (c) The proposed use or activity has special features or qualities that necessitate its
47 location on or near the proposed exception site."

48 Applicant Findings: The proposed uses have special features necessitating their location on the
49 proposed exception site. The applicant is proposing to expand an existing rural industrial operation onto
50 the exception site. As detailed above, locating the proposed uses off-site would create transportation,

1 operation and logistical issues that are not present with the subject property. The added distance would
2 increase costs in transportation, operation inefficiencies, and in other intangible costs that make such an
3 option to not be a reasonable accommodation. The subject property is the best location to accommodate
4 the proposed uses.

5 (F) **Rural Industrial Development:** For the siting of industrial development on resource
6 land outside an urban growth boundary, appropriate reasons and facts include, but
7 are not limited to, the following: [OAR 660-040-0022(3)]

8 (1) The use is significantly dependent upon a unique resource located on agricultural
9 or forest land. Examples of such resources and resource sites include geothermal wells,
10 mineral or aggregate deposits, water reservoirs, natural features, or river or ocean
11 ports; or

12 (2) The use cannot be located inside an urban growth boundary due to impacts that are
13 hazardous or incompatible in densely populated areas; or

14 (3) The use would have a significant comparative advantage due to its location (e.g.,
15 near existing industrial activity, an energy facility, or products available from other
16 rural activities), which would benefit the county economy and cause only minimal loss
17 of productive resource lands. Reasons for such a decision should include a discussion
18 of the lost resource productivity and values in relation to the county's gain from the
19 industrial use, and the specific transportation and resource advantages which support
20 the decision.

21 Applicant Findings: As detailed above, there is a significant comparative advantage to locating the
22 proposed uses adjacent to Polk Station Commercial Park, resulting in only a minimal loss of resource
23 lands. The resource lands are not currently being used for commercial agriculture activities and the
24 surrounding development pattern inhibits such future use. Additionally, the property is adequately served
25 with public/private facilities for rural industrial development, like Kings Valley Highway and the
26 community septic system. The advantages of having an expanded industrial development at this location
27 outweigh the costs of removing a minimal amount of non-productive resource land from the inventory.

28 Staff findings: The applicant has adequately addressed all applicable criteria for an exception to
29 Statewide Planning Goal 3.

30
31 Findings for Zone Change from EFC to R-IND/LU file ZC 05-03:

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

37 Staff Findings: The authorizations for a zone change and a Comprehensive Plan Map and text
38 amendment are under Polk County Zoning Ordinance (PCZO) Sections 111.275, and 115.050, subject to
39 recommendation by the Hearings Officer after holding a public hearing pursuant to PCZO 111.190, and
40 115.030, and decision by the Polk County Board of Commissioners after holding a public hearing
41 pursuant to PCZO 111.200, and 115.030. The Planning Department staff reviews the proposed zone
42 change. Staff prepares a report and recommendation for the Hearings Officer and the Hearings Officer
43 makes a recommendation to the Polk County Board of Commissioners for a final local decision. The
44 application is following the proper review process and meets this criterion.

45 (B) Pursuant to Section 111.160, a zone change may be approved, provided that the
46 request satisfies all applicable requirements of this ordinance, and provided that with
47 written findings, the applicant(s) clearly demonstrate compliance with the following
48 criteria:

1 **(1) The proposed zone is appropriate for the comprehensive plan land use**
2 **designation on the property and is consistent with the purpose and policies for the**
3 **applicable comprehensive plan land use classification; [PCZO 111.275 (A)]**

4 Applicant Findings: The proposed application of the Limited Use Overlay Zone is appropriate and will
5 conform to the Comprehensive Plan text and map as amended. The applicant is requesting to amend the
6 Comprehensive Plan Text to allow the following uses: Specialty Trade Contractor (Standard Industrial
7 Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16). The list
8 of uses is consistent with the purpose and policy for the applicable Comprehensive Plan classification as
9 was previously discussed in the findings for the Goal Exception and the Comprehensive Plan Map
10 Amendment for the subject property.

11 **(2) The proposal conforms with the purpose statement of the proposed zone; [PCZO**
12 **111.275 (B)]**

13 Applicant Findings: The proposal will be consistent with the purpose statement of the proposed zone.
14 The proposed zone will be Rural Industrial with the Limited Use Overlay zone. The purpose and intent
15 of the Rural Industrial Zoning District is “to permit the continuation and expansion of existing uses in
16 the district and to provide rural employment opportunities for new uses that are generally small-scale,
17 low impact, or provide for the processing and manufacturing of timber and forest related products, farm
18 crops and produce, minerals and aggregates, or the maintenance and repair of mechanical equipment
19 related to farm or forest uses.” As noted previously, application of the R-IND zone on the subject
20 property will allow for the logical expansion of an existing employment use in the Polk Station
21 Commercial Park.

22 The purpose and intent for limited use overlay zones is to “limit permitted uses and activities in a specific
23 location allowed in the underlying zone to only those uses which are justified in a required ‘reasons
24 exception’ to one or more of the Statewide Planning Goals. The Limited Use Overlay District is intended to
25 carry out the administrative rule requirement for reasons exceptions pursuant to OAR 660-14-018 and ORS
26 197.732.” The applicant’s request conforms with the purpose and intent statement of the limited use
27 overlay zone. As identified earlier in this statement, the applicant’s request seeks to change the zoning on
28 the property through the reasons exception, in order to add a small number of rural industrial uses to be
29 used in conjunction with the applicant’s existing operation to the north in the Polk Station Commercial
30 Park.

31 Staff Findings: The applicant concurrently filed an application for zone change, an application for a
32 Comprehensive Plan amendment, and an exception to Statewide Planning Goal 3. The applicant is
33 responsible for showing compliance with criteria for comprehensive plan changes and Goal exceptions
34 in order for the zoning change to be approved.

35 The applicant proposes applying the Rural Industrial/Limited Use Overlay (R-IND/LU) Zoning District,
36 if an approval of the proposed amendment to the Comprehensive Plan designation to Industrial is
37 granted. The R-IND/LU Zoning District is designated as an implementing zone for the Industrial
38 designation and would be appropriate for a Comprehensive Plan land use designation of Industrial

39 If approved, the subject parcel would be designated Industrial in the Polk County Comprehensive Plan
40 and Plan Map. The R-IND/LU Zoning District for the subject area would be consistent with an Industrial
41 Comprehensive Plan designation.

42 The applicant is proposing the development of the property with three specific uses through the
43 application of the R-IND and LU Overlay Zoning Districts; Specialty Trade Contractor (Standard
44 Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15&
45 16). The uses normally allowed by the underlying zone (R-IND), as regulated under Polk County
46 Zoning Ordinance (PCZO) Chapter 165, would not be allowed. Through the application of the LU
47 Overlay Zone, as regulated under PCZO Chapter 184, the only uses allowed on the subject property
48 would be restricted to those uses allowed through this exception. Specific development standards
49 identified within PCZO Chapters 165 and 184 as well as Chapter 112 would apply to the development of
50 the proposed uses.

1 Although no new parcels are proposed by the applicant, the proposed R-IND/LU zoning would allow the
2 creation of new parcels that could meet the development standards of PCZO Section 112.410(E).

3 Although these development standards, as applied for the proposed zoning, do not include a specific
4 minimum parcel size, parcels must be of adequate size to provide for an approved on-site septic system,
5 a potable water source, yard setbacks and parking.

6 Applicant finds that by limiting the number of uses through application of the Limited Use Overlay
7 zone, the proposal are consistent with the

8 Staff finds that the proposed zone change could allow for the development of the proposed uses as a
9 continuation and expansion of existing uses on the adjacent parcel to the north. The uses proposed, are
10 identified in the PCZO as being rural in nature through the acknowledgment and compliance of the R-
11 IND zone with Goal 14. These proposed "rural uses" are limited in scope and with a low intensity
12 public draw. By limiting the number of uses through application of the Limited Use Overlay zone, the
13 proposal conforms to the purpose statement of the R-IND and Limited Use Overlay zones.

14 The property owners intend to utilize water from on-site wells and the Rickreall community water
15 system. A septic system and a drain field would be used for sewage disposal. There have been no
16 identified effects on local schools as a result of the proposed change. Southwest Polk Rural Fire
17 Protection District and the Polk County Sheriff Department provide emergency services for the subject
18 property. The proposed uses and any future parcels created could obtain access to Oak Villa Road, a
19 local road, as defined by the Polk County Transportation Systems Plan. Staff concludes that there are
20 adequate public facilities, services, and transportation networks available at this time for water
21 provision, sewer service and transportation facilities.

22 The subject property does not contain significant resource areas inventoried on the Polk County
23 Significant Resource Areas Map. Staff review of the National Wetland Inventory Dallas quad map
24 indicates there are no identified wetlands on the subject property. The applicant is not proposing
25 development activity as part of this application. Prior to development on the subject parcel, local, state
26 and federal permits may be required.

27 Approval of this request would be consistent with the purpose and intent of the R-IND/LU zone. As stated
28 above, the property shall be designated Industrial in the Comprehensive Plan as is proposed as part of PA
29 05-02 and zoned Rural Industrial with Limited Use Overlay as part of ZC 05-03.

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

32 Applicant Findings: The list of proposed uses in the underlying zone will be limited through the application
33 of the Limited Use Overlay Zone. The limited number of proposed rural industrial uses would not
34 significantly adversely affect allowed uses on adjacent lands. The existing uses to the north of the subject
35 property consist of rural industrial uses within the Polk Station Commercial Park, further to the north lies
36 the Kings Valley Highway, further to the north of the Kings Valley Highway lies agricultural ground that is
37 being used for grass seed and Highway 22; to the west of the subject property lies Kings Valley Highway;
38 and to the south of the subject property lies rural residential land, as well as Exception Area XV, the Dallas
39 UGB and city limits, and the LaCreole Commercial Mixed Use Node.

40 The proposed list of uses as described by the applicant would have limited off-site impacts. The applicant
41 submitted a conceptual development plan showing how a proposed commercial facility could be located in
42 the area south of the current commercial zoning, thereby, limiting any potential adverse impacts on the
43 residential uses in the surrounding area. The noise from any maintenance use could be contained within a
44 building and a minimal amount of traffic would be generated by any proposed storage facility. This
45 proposal will not have any greater impact on adjoining residential and commercial uses than already exist
46 from the current commercial uses in the area. In accordance with Oregon Administrative Rules and any
47 proposed rural industrial building would be limited to 10,000 square feet. In addition, the applicant is
48 proposing a "reasons" exception to Oregon statewide planning goals that will allow only those uses
49 identified in the "reasons" exception.

50 Staff Findings: Properties in the vicinity of the property include commercial and industrial uses to the
51 north, agriculture and rural residential to the south and agriculture to the west and east. The larger

1 properties interspersed to the south, east and west have historically been used for agriculture, some of
2 which contain single-family dwellings associated with the agriculture uses.

3 Limitations have been established in Oregon Statute, Administrative Rules and subsequently Polk
4 County Zoning for the establishment of dwellings in agricultural areas due to potential impacts that
5 residents and residences may have on agricultural practices and costs. The dwellings in the area are
6 established on the EFU zoned properties to the south and east with additional residential development on
7 AR-5 zoned parcels further to the south. The agricultural practices that occur on lands east and west of
8 the subject property are separated from the subject property by the Oak Villa Road and Kings Valley
9 Highway rights-of-way. There is an area of approximately 29-acres adjacent to the south property line of
10 the subject property which is zoned EFU and which contains a dwelling. The existing dwelling on the
11 subject property is located on the eastern portion of the property. The "conceptual" plot plan submitted
12 by the applicant (Attachment B) includes a tree buffer along the southern property line that would shield
13 proposed uses from the adjacent agricultural land and dwelling to the south. This vegetative buffer
14 would serve to mitigate any adverse effects of the uses proposed. The creation of the vegetative buffer
15 shall be required as a condition for approval of the zone change request.

16 The proposed zone change could be consistent with the surrounding land uses and pattern of
17 development in the area. Staff finds that the proposed zone change and Comprehensive Plan amendment
18 are appropriate when taking into account surrounding land uses. As a result, staff finds that the
19 application could meet this criterion.

20 **(D) Adequate public facilities, services, and transportation networks are in place, or are**
21 **planned to be provided concurrently with the development of the property; [PCZO**
22 **11.275 (D)]**

23 Applicant Findings: Adequate public facilities, services, and transportation networks are in place, or are
24 planned to be provided concurrently with development of the property.

25 The subject property abuts Kings Valley Highway on the west, Westview Drive on the north, and Oak
26 Villa Road on the east. The subject property has water for domestic water use through an on-site well.
27 There is telephone service to the property and electricity is available. In addition, there is an established
28 waste water disposal system on site that will accommodate the proposed uses. The applicant's
29 conceptual site plan also calls for an onsite storm water detention facility and bioswale to handle storm
30 water from the subject property and the applicant's adjoining property in the Polk Station Commercial
31 Park. All facilities are currently available or will be available and can be established to support the
32 proposed list of rural industrial uses.

33 Staff Findings: The applicant is proposing the following specific uses: Specialty Trade Contractor
34 (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction
35 (SIC 15& 16). The proposed Rural Lands Comprehensive Plan designation would be implemented by
36 the Rural Industrial (R-IND) and Limited Use (LU) Overlay Zoning Districts. The R-IND/LU zoning
37 would allow the proposed uses that would require water and on-site sewer (septic tank and drainfield)
38 services. The property owners intend to use water from on-site wells or to connect to the Rickreall
39 Community water system. There have been no identified effects on local schools as a result of the
40 proposed change. Southwest Polk Rural Fire Protection District and the Polk County Sheriff Department
41 provide emergency services at the subject property. Oak Villa Road adjoins the subject property along
42 the eastern property boundary. The property is improved with a manufactured home and associated
43 septic system, a domestic well, power, telephone and contains a 56,000 square foot community septic
44 drainfield which serves the adjacent Polk Station Commercial Park.

45 Staff concludes that there are adequate public facilities, services, and transportation networks available
46 at this time for water provision, sewer service and transportation facilities. Approval of this proposed
47 zone change and Comprehensive Plan amendment would not authorize the applicant to establish a use
48 that would exceed transportation, water and/or sewer services until such services are planned or
49 available. The application would meet this criterion.

50 **(E) The proposed change is appropriate taking into consideration the following:**

51 **(a) Surrounding land uses,**

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

4 Applicant Findings: As described previously, the surrounding land uses generally consist of rural
5 industrial uses (Polk Station Commercial Park) to the north, to the west are small to medium sized
6 parcels with residential and farm uses occurring on them. To the east are a mix of small residential and
7 farm parcels with mixed uses occurring on them. The larger agricultural lands lie more to the northwest
8 and northeast of the subject property. To the south lies several small rural residential parcels, the Dallas
9 Urban Growth Boundary, the Dallas City Limits and the LaCreole General Commercial Mixed Node.

10 The proposed Rural Industrial zoning would allow for the logical extension of existing uses located in
11 the Polk Station Commercial Park. The density and pattern of development in the area is mixed.
12 Properties zoned Rural Commercial in the area are well developed and have businesses that use most of
13 the property they are located on. Surrounding rural residential uses are separated from the existing
14 property by an established vegetative buffer.

15 Changes that have occurred in the vicinity to support the proposed change include increased
16 transportation on Kings Valley Highway, and Oak Villa Road; increased (infill) development within the
17 Polk Station Commercial Park, especially on the adjoining property owned by the applicant; and the
18 overall growth in the mid-valley economy, which is reflective of numerous industrial, commercial and
19 residential projects occurring in the Dallas area. While these are subtle changes, they are ones that
20 support the proposed amendment.

21 The proposed change is that to allow limited rural industrial uses to be developed on the subject property
22 is appropriate, taking into consideration the surrounding land uses, the density and pattern of
23 development in the area, and the changes which have and are continuing to occur in the immediate
24 vicinity.

25 Staff Findings: The subject property is located in an area impacted by existing commercial and industrial
26 uses to the north and separated from agricultural lands on the east and west by road rights-of-way. The
27 vegetative buffer proposed by the property owner would serve to mitigate conflicts with agricultural land
28 to the south. The proposed zone change would be consistent with the surrounding land uses and pattern
29 of development in the area. Staff finds that the proposed zone change and Comprehensive Plan
30 amendment are appropriate when taking into account surrounding land uses and changes that have been
31 occurring in the area as described above.

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

34 Applicant Findings: The proposed project is not within an Urban Growth Boundary. Thus, this criterion
35 is not applicable to this request.

36 Staff Findings: The subject property is not located within an Urban Growth Boundary. This criterion is
37 therefore inapplicable to this request.

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

42 Applicant Findings: The proposed change complies with the Oregon Revised Statutes, the statewide
43 planning goals, and administrative rules for a reasons exception to Goal 3 to allow the limited rural
44 industrial uses.

45 Staff Findings: An exception to Oregon Statewide Planning Goal 3 is necessary to exclude the subject
46 property from the Exclusive Farm Use Comprehensive Plan designation as resource lands. Oregon
47 Administrative Rules and the Oregon Statewide Planning Goal 3 exception is addressed in Section II,
48 Number 2 of this staff report.

1 H) The evidence submitted to support any committed exception shall, at a minimum,
2 include a current map, or aerial photograph which shows the exception area and
3 adjoining lands, and any other means needed to convey information about the factors
4 set forth in this rule. For example, a local government may use tables, charts,
5 summaries, or narratives to supplement the maps or photos. The applicable factors set
6 forth in section (6) of this rule shall be shown on the map or aerial photograph. [OAR
7 660-004-0028(7)]

8 Staff Findings: The applicant has adequately identified the subject property. Air photographs are
9 available and have been included in the record for the proceedings (Attachment D).

10 I) The requirement for a map or aerial photograph in section (7) of this rule only applies
11 to the following committed exceptions:

- 12 a) Those adopted or amended as required by a Continuance Order dated after the
13 effective date of section (7) of this rule; and
14 b) Those adopted or amended after the effective date of section (7) of this rule by a
15 jurisdiction with an acknowledged comprehensive plan and land use regulations.
16 [OAR 660-004-0028(8)]

17 Staff Findings: The record for the application includes an aerial photograph. Polk County is a
18 jurisdiction with an acknowledged comprehensive plan and land use regulation.

19 III. CONCLUSIONS

20 Based on the Review and Decision Criteria identified above, the applications submitted for the proposed
21 Comprehensive Plan designation, zone change, and Statewide Planning Goal Exceptions;

- 22 (a) are following the proper review process through a public hearing before the Polk County
23 Hearings Officer for a recommendation to the Polk County Board of Commissioners,
24 (b) have findings to support the proposed change to the comprehensive plan designation,
25 (c) are compatible with the proposed zoning designation as stated in PCZO,
26 (d) includes property that is served by adequate public facilities for transportation, emergency,
27 school, and electric power services,
28 (e) would allow the creation of additional (10.00-acre) parcels that would be consistent with the
29 current land use pattern in the area, and
30 (f) have addressed the required exception requirements to Statewide Planning Goals 3 and 4
31 outlined in the Oregon Administrative Rules and required by the Polk County Zoning
32 Ordinance and Comprehensive Plan.

33 The proposed Comprehensive Plan change, zone change, and Statewide Planning Goal Exception
34 applications could comply with the provisions of law by the implementation of conditions. The Planning
35 Division staff recommendation is that the Hearings Officer conduct a public hearing to receive testimony
36 and evidence regarding the applications.

37 IV. RECOMMENDATIONS

38 Staff recommends that the Hearings Officer conduct a public hearing to receive testimony and evidence
39 regarding the applications to:

- 40 1. Recommend the Board of County Commissioners adopt an Exception to Statewide Planning
41 Goal 3 (Comprehensive Plan text amendment).
42 2. Recommend the Board of County Commissioners change the Comprehensive Plan Map
43 designation from Agriculture to Industrial subject to the following condition of approval:
44 (1) The Rural Industrial Zoning District and Limited Use Overlay Zone shall be applied to
45 the subject property.
46

3. Change the Zoning Classification from Exclusive Farm Use to Rural Industrial/Limited Use Overlay subject to the following conditions of approval;

- (1) The uses allowed on the subject property shall be limited to: Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15 & 16).
- (2) Prior to development of the subject property, the property owner shall obtain all necessary permits from the Building and Environmental Health Divisions, and Public Works Department prior to release of building permits. These permits may include, but are not limited to the following: building, electrical and plumbing permits from the Polk County Building Division, septic installation permits from the Polk County Environmental Health Division, and an access permit from the Public Works Department.
- (3) Any development that occurs on the subject property must be established in accordance with the provisions for development within the R-IND Zone, as follows: [PCZO 112.410(E)]

Front Setback	Side and Rear Setback	Maximum Height
20	None unless abutting residential	70

- (4) If water is to be provided by a community water system, a "Statement of Water Availability" shall be submitted prior to building permit issuance.
- (5) Applicant shall establish a vegetative buffer of trees along the property lines as identified on the "conceptual plan" (Attachment B).

Based on the evidence and information submitted into the record at the time of completion of this Staff Report, staff recommends that the Hearings Officer recommend to the Board of Commissioners that the applications be approved, based on findings in the staff report and evidence in the record to support the applications.

V. EXHIBITS

- Attachment A Area Map
- Attachment B Applicant's "conceptual" plot plan
- Attachment C Current zoning map
- Attachment D 2004 Aerial Photo
- Attachment E Community septic system easement
- Attachment F City of Dallas Comprehensive Plan Map
- Attachment G Comment from property owner
- EXHIBIT I Applicant's findings and attachments

Community Development

- County
- Parcel
- OTHER
- GRAVEL
- STATEHWY
- PAVED
- Trailers
- Traffic Arrows
- Traffic Roundabouts
- Traffic Signals

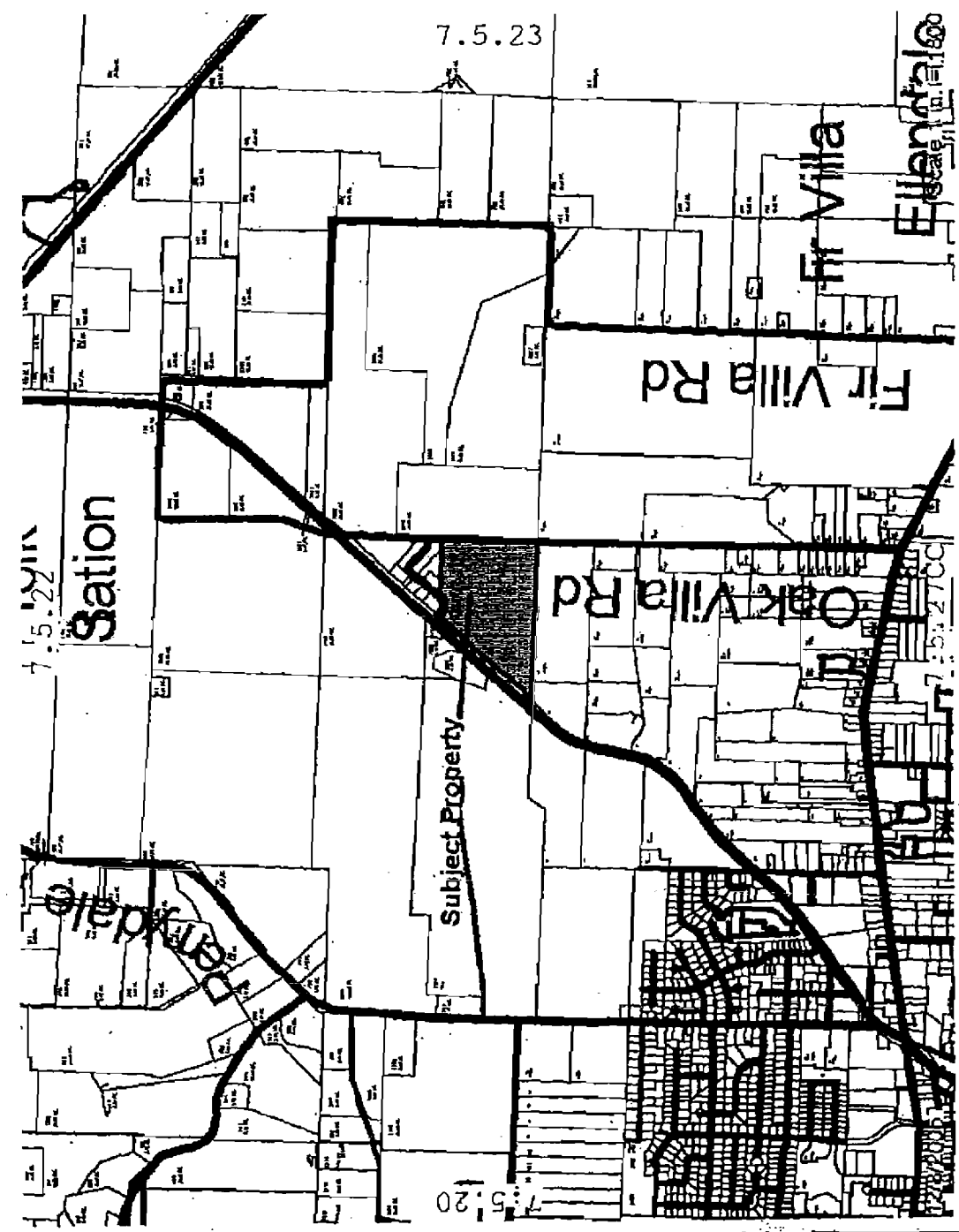


7-0	7-1	7-2	7-3	7-4	7-5
7-6	7-7	7-8	7-9	7-10	7-11
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7-18	7-19	7-20	7-21	7-22	7-23



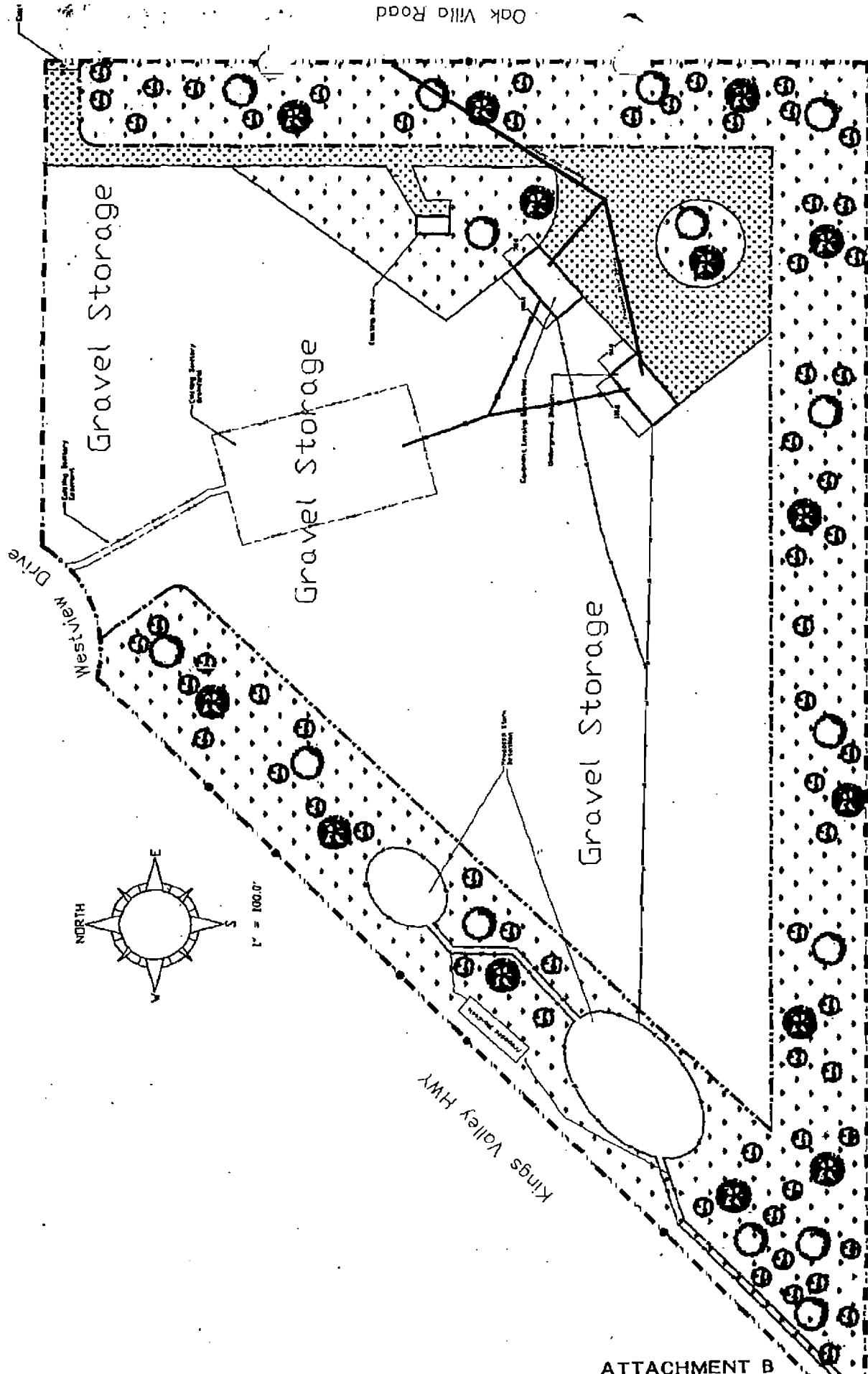
12/8/2005

Polk County Map



1 in. = 1620 ft

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Oak Wild Road

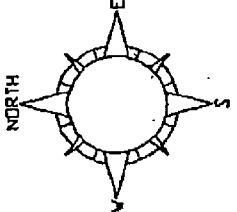
Gravel Storage

Gravel Storage

Gravel Storage

Westview Drive

Kings Valley Hwy



1" = 100.0'

ATTACHMENT B

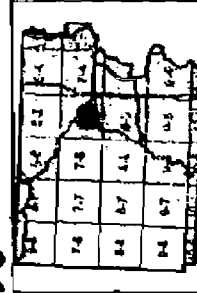
Area Zoning Map

Community Development

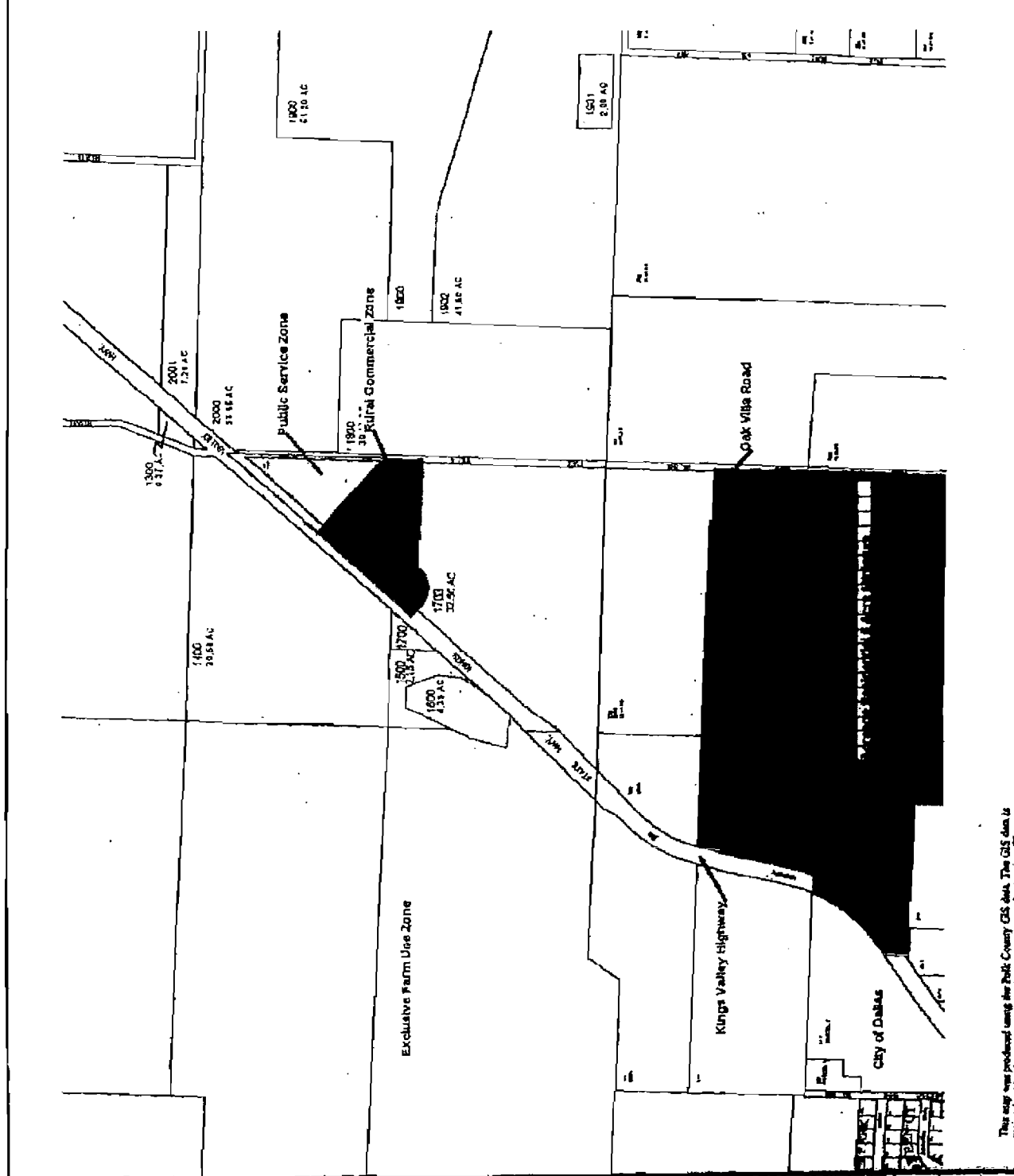
Taxlots
 Tustin Avenue/66
 Tustin Boulevard/2
 Tustin/65

Zone

- County, Abner
 BA UC-C
 PA
 PC
 UC-CG
 UC-CL
 UC-CJ
 PE
 GR/PV
 R/IND
 PF
 SR
 UC-CR
 Eda UC-I
 IP
 R/Inst UC-JC
 UC-CD
 PP
 McNeill UC-C
 Cy
 R-COM ✓
 C/RT
 GM/L
 NPK-C
 PFO
 McNeill UC-L
 GPCV ✓
 ME
 UT
 GR/LUR
 CR-PA
 AR-S ✓
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 UC-UT
 Overlay
 Overlay_Low
 Grand Banks Lintel
 Grand Banks Lintel
 Elda Road RV Park



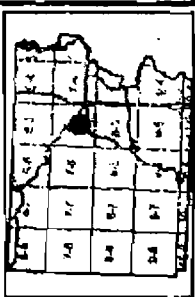
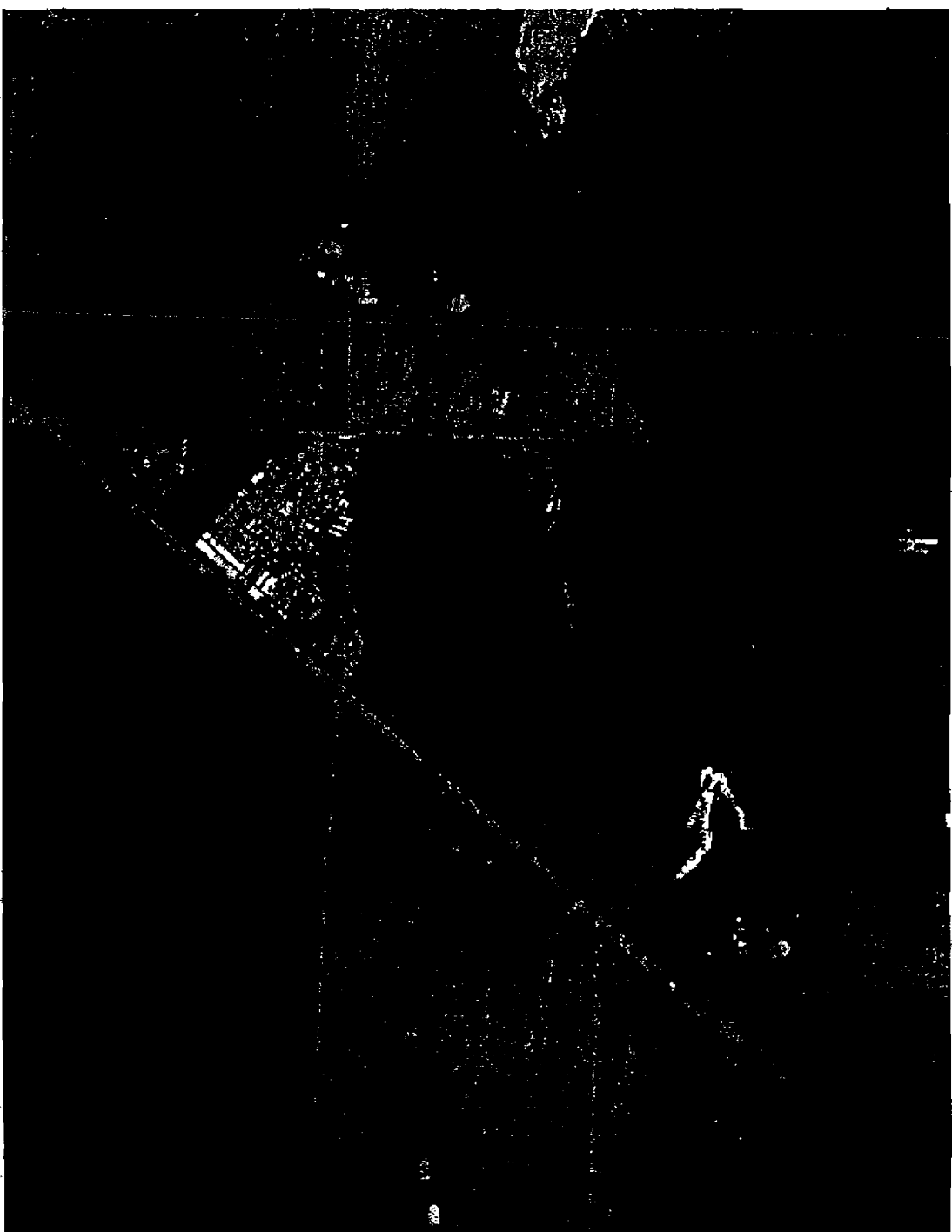
1/6/2006
 POLK COUNTY



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Polk County Map 2004

Community Development
Trails
Trails Arrows
Trails Boundary
2004

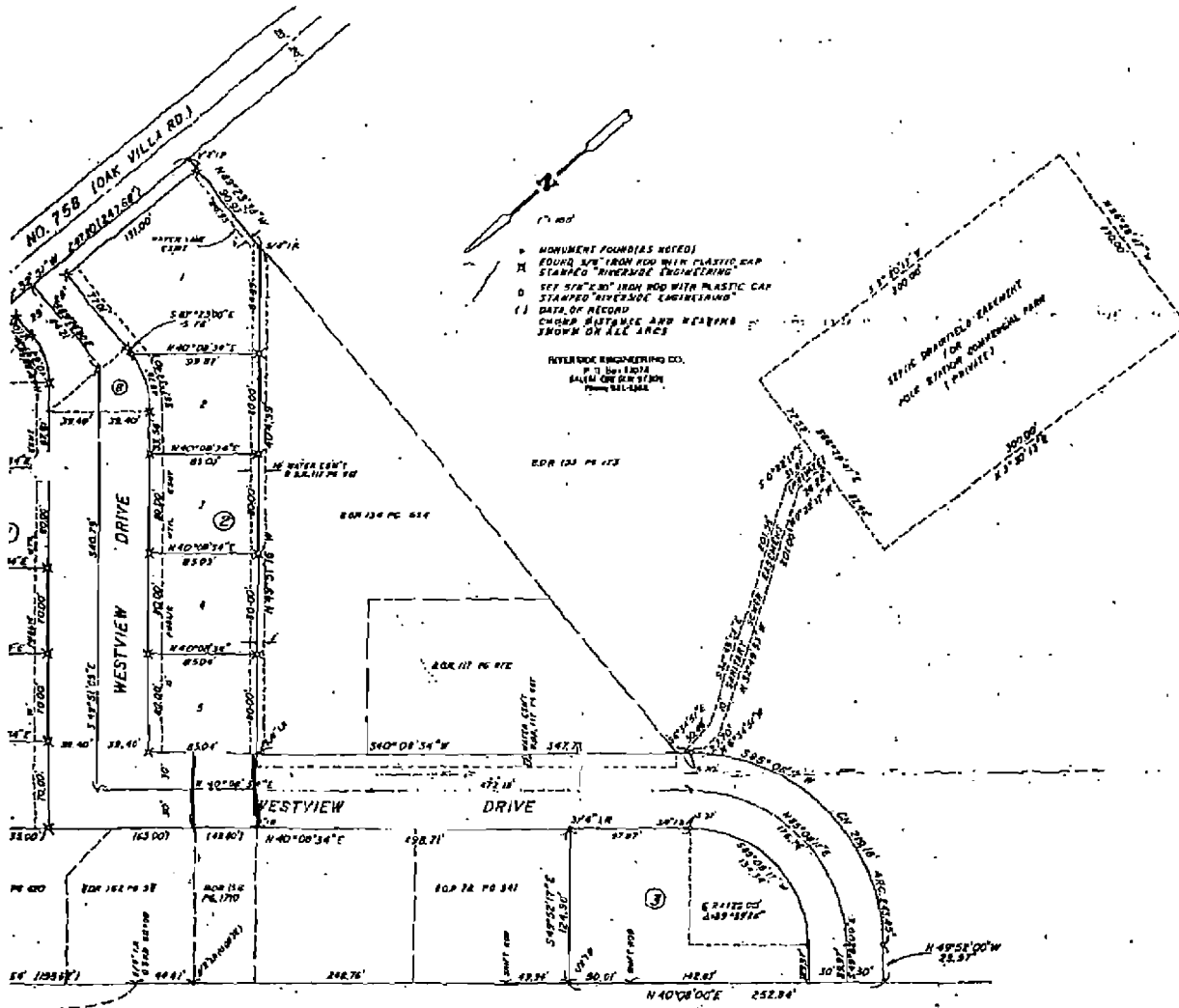


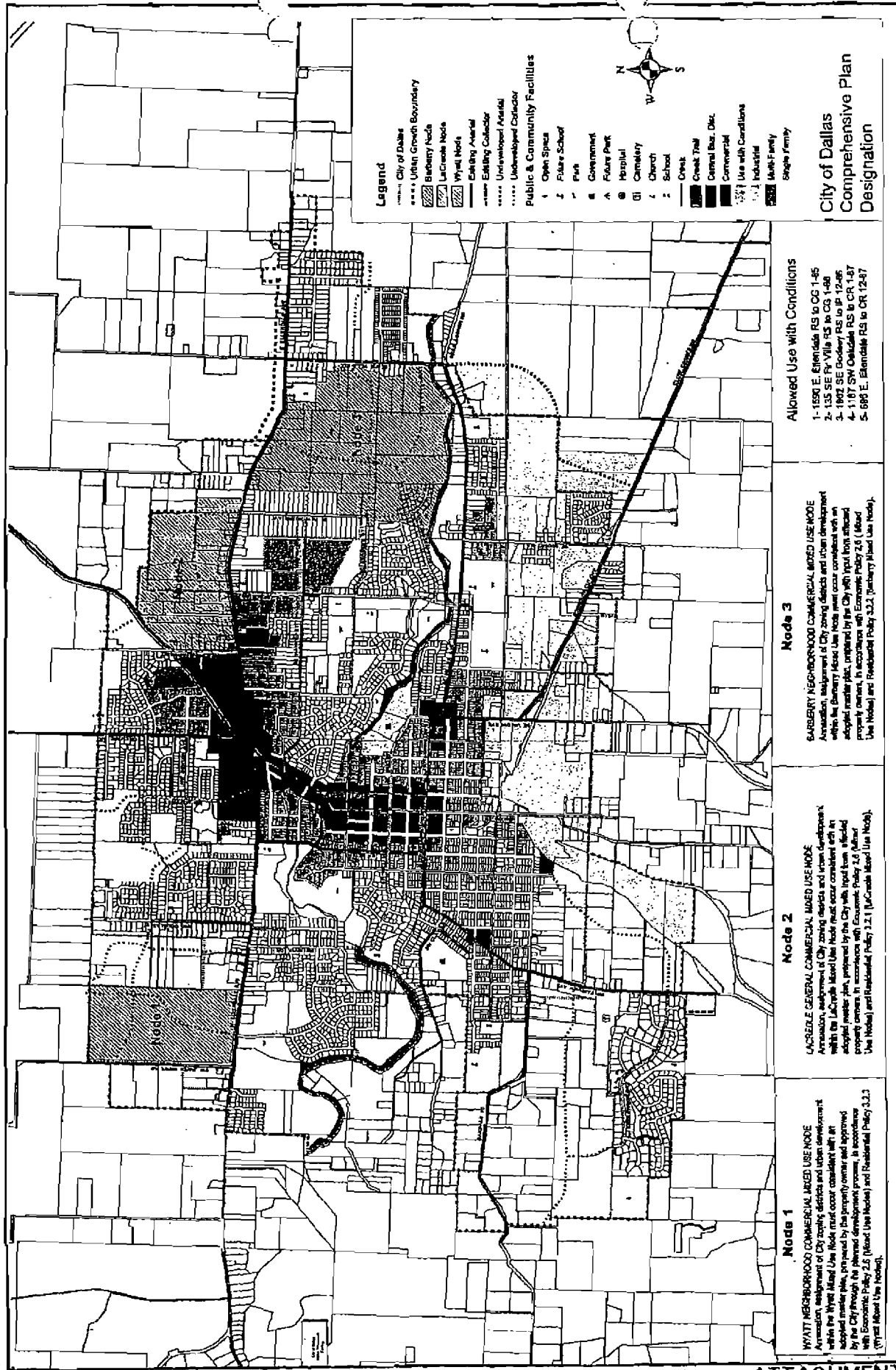
12/15/2006
POLK COUNTY

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TERGIAL PARK

7 S., RNG. 5 W., W. M.
EGON





Legend

- City of Dallas
 - Urban Green Boundary
 - Barberry Node
 - Lacraze Node
 - Wyatt Node
 - Existing Aerial
 - Existing Collector
 - Undeveloped Aerial
 - Undeveloped Collector
- Public & Community Facilities**
- 1 Open Space
 - 2 Future School
 - 3 Park
 - 4 Government
 - 5 Future Park
 - 6 Hospital
 - 7 Cemetery
 - 8 Church
 - 9 School
 - 10 Creek
 - 11 Creek Trail
 - 12 Central Bus. Dist.
 - 13 Commercial
 - 14 Use with Conditions
 - 15 Industrial
 - 16 Multi-Family
 - 17 Single Family



**City of Dallas
Comprehensive Plan
Designation**

Allowed Use with Conditions

- 1- 1590 E. Eldorado RS to CG 1-45
- 2- 135 SE Fry-Villa RD to CG 1-48
- 3- 1802 SE Goodway RS to JP 12-46
- 4- 1187 SW Oakdale RS to CR 1-87
- 5- 688 E. Eldorado RS to CR 12-87

Node 3

BARBERRY NEIGHBORHOOD COMMERCIAL MIXED USE NODE
 Anticipation, assignment of City zoning districts and urban development within the Barberry Mixed Use Node must occur consistent with an adopted master plan, prepared by the City with input from affected property owners, in accordance with Economic Policy 2.5 (Mixed Use Nodes) and Residential Policy 3.2.2 (Barberry Mixed Use Node).

Node 2

LACRAZE GENERAL COMMERCIAL MIXED USE NODE
 Anticipation, assignment of City zoning districts and urban development within the Lacraze Mixed Use Node must occur consistent with an adopted master plan, prepared by the City with input from affected property owners, in accordance with Economic Policy 2.5 (Mixed Use Nodes) and Residential Policy 3.2.1 (Lacraze Mixed Use Node).

Node 1

WYATT NEIGHBORHOOD COMMERCIAL MIXED USE NODE
 Anticipation, assignment of City zoning districts and urban development within the Wyatt Mixed Use Node must occur consistent with an adopted master plan, prepared by the property owner and approved by the City through the planned development process, in accordance with Economic Policy 2.5 (Mixed Use Nodes) and Residential Policy 3.2.3 (Wyatt Mixed Use Node).