



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

7/28/2010

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 001-10

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 12, 2010

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

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

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

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

<paa> YA

# Notice of Adoption

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

In person  electronic  mailed

**DEPT OF**

**'JUL 23 2010**

**LAND CONSERVATION  
AND DEVELOPMENT**  
For DLCD Use Only

Jurisdiction: **Polk County**

Local file number: PA 10-01 & ZC 10-01

Date of Adoption: July 21, 2010

Date Mailed: **July 22, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: January 7, 2010

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 amendments consist of a Comprehensive Plan Map amendment for the 11 acre subject property from Industrial to Public and a Zoning Map amendment from Rural Industrial (R-IND) and Limited Use Overlay (LU), to Public Amusement and Recreation (PA) and LU. Use of the subject property is limited to an armory. These amendments include adoption of a new "Reasons" exception to Statewide Planning Goal 3.

Does the Adoption differ from proposal?

DLCD Form 1, Notice of the Proposed Amendment, did not indicate that the LU zone was proposed for the subject property. The adopted amendments include applying the LU zone, which restricts the use of the subject property to an armory.

Plan Map Changed from: **Industrial**

to: **Public**

Zone Map Changed from: **R-IND & LU**

to: **PA & LU**

Location:

Acres Involved: **11**

Specify Density: Previous: **No min. parcel size**

New: **No min. 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**

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DLCD file No. \_\_\_\_\_

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

ODOT

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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**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

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

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

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

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

8 In the Matter of Plan Amendment PA 10-01 and )  
9 Zone Change ZC 10-01 on an approximately 11-acre )  
10 Parcel in the Rural Industrial and Limited Use )  
11 Overlay Zone at T7S, R5W, Section 22, Tax Lot 1703 )  
12  
13

14 **ORDINANCE NO. 10-08**  
15

16 **WHEREAS**, the Board of Commissioners held a public hearing on July 14, 2010 with due notice  
17 of such public hearing having been given, and provided an opportunity for public comments and  
18 testimony; and  
19

20 **WHEREAS**, the Board of Commissioners received a recommendation in support of Plan  
21 Amendment 10-01 and Zone Change 10-01 from the Polk County Hearings Officer based upon his public  
22 hearing and conclusions; and  
23

24 **WHEREAS**, the Board of Commissioners received a recommendation in support of Plan  
25 Amendment 10-01 and Zone Change 10-01 from Polk County Planning staff based upon the findings and  
26 evidence in the record; and  
27

28 **WHEREAS**, the Board of Commissioners on July 14, 2010 publicly deliberated and  
29 unanimously passed a motion to approve Plan Amendment 10-01 and Zone Change 10-01; now,  
30 therefore:  
31

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

34 Sec. 1. That Polk County adopts the findings for Plan Amendment PA 10-01 and Zone Change  
35 ZC 10-01 located in the Hearings Officer's recommendation as shown on Exhibit C.  
36

37 Sec. 2 That Polk County adopts as part of the Polk County Comprehensive Plan a "Reasons"  
38 exception to Oregon Statewide Planning Goal 3 for the subject property. Polk County amends Appendix  
39 F to include the "Reasons" exception findings located in the Hearings Officer's recommendation.  
40

41 Sec. 3. That Polk County amends the Polk County Comprehensive Plan Map for the subject  
42 parcel from Industrial to Public as shown on Exhibit A.  
43

44 Sec. 4. That Polk County amends the Polk County Zoning Map for the subject parcel from  
45 Rural Industrial (R-IND) and Limited Use Overlay (LU) to Public Amusement and Recreation (PA) and  
46 Limited Use Overlay (LU) as shown on Exhibit B. As recommended by the Hearings Officer, the Limited  
47 Use Overlay zone shall restrict use of the subject property to an armory. An armory includes ancillary  
48 community activity center use.  
49

50 Sec. 5. An emergency is declared, and the provisions of this ordinance become effective upon  
51 its adoption.

1  
2  
3 Dated this 21<sup>st</sup> day of July 2010 at Dallas, Oregon.  
4  
5

6 POLK COUNTY BOARD OF COMMISSIONERS  
7

8  
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10 *not available for signature*  
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12 Mike Propes, Chair  
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15 *Tom Ritchey*  
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17 Tom Ritchey, Commissioner  
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20 *Ron Dodge*  
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22 Ron Dodge, Commissioner  
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43 Approved as to form:

44 *David Doyle*  
45 \_\_\_\_\_

46 David Doyle  
47 County Counsel

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49 First Reading: 7/21/10

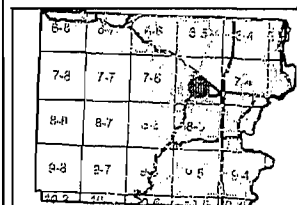
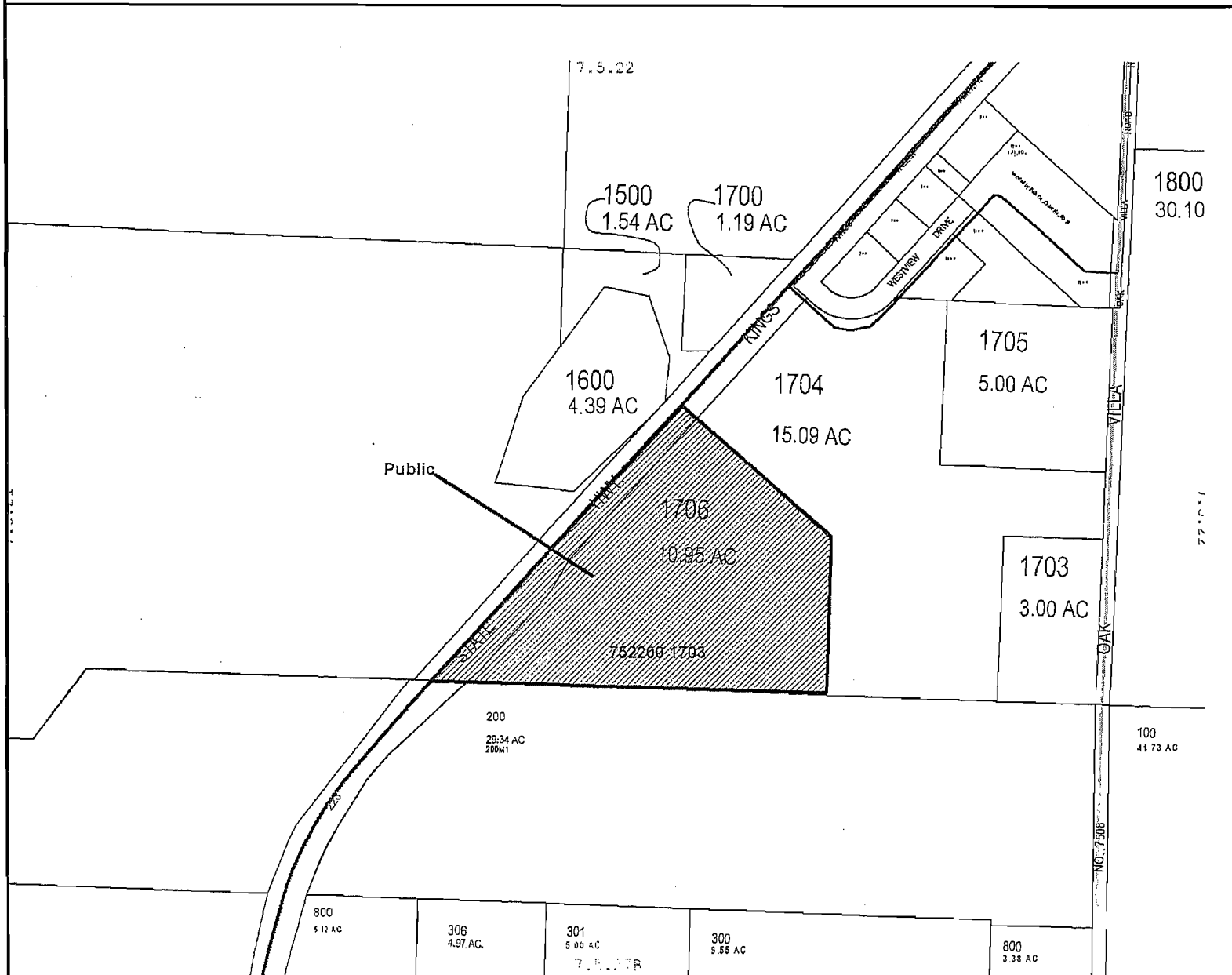
50  
51 Second Reading: 7/21/10

52  
53 Recording Secretary: *Jessif Whell*  
\_\_\_\_\_

# Proposed Comprehensive Plan Map

## Community Development

- Roads**
- GRAVEL
  - STATEHWY
  - PAVED
- Taxlot10**
- Taxlot Arrows10
  - Taxlot Boundary6
  - taxlot10



1 in. = 400 ft.

7/13/2010

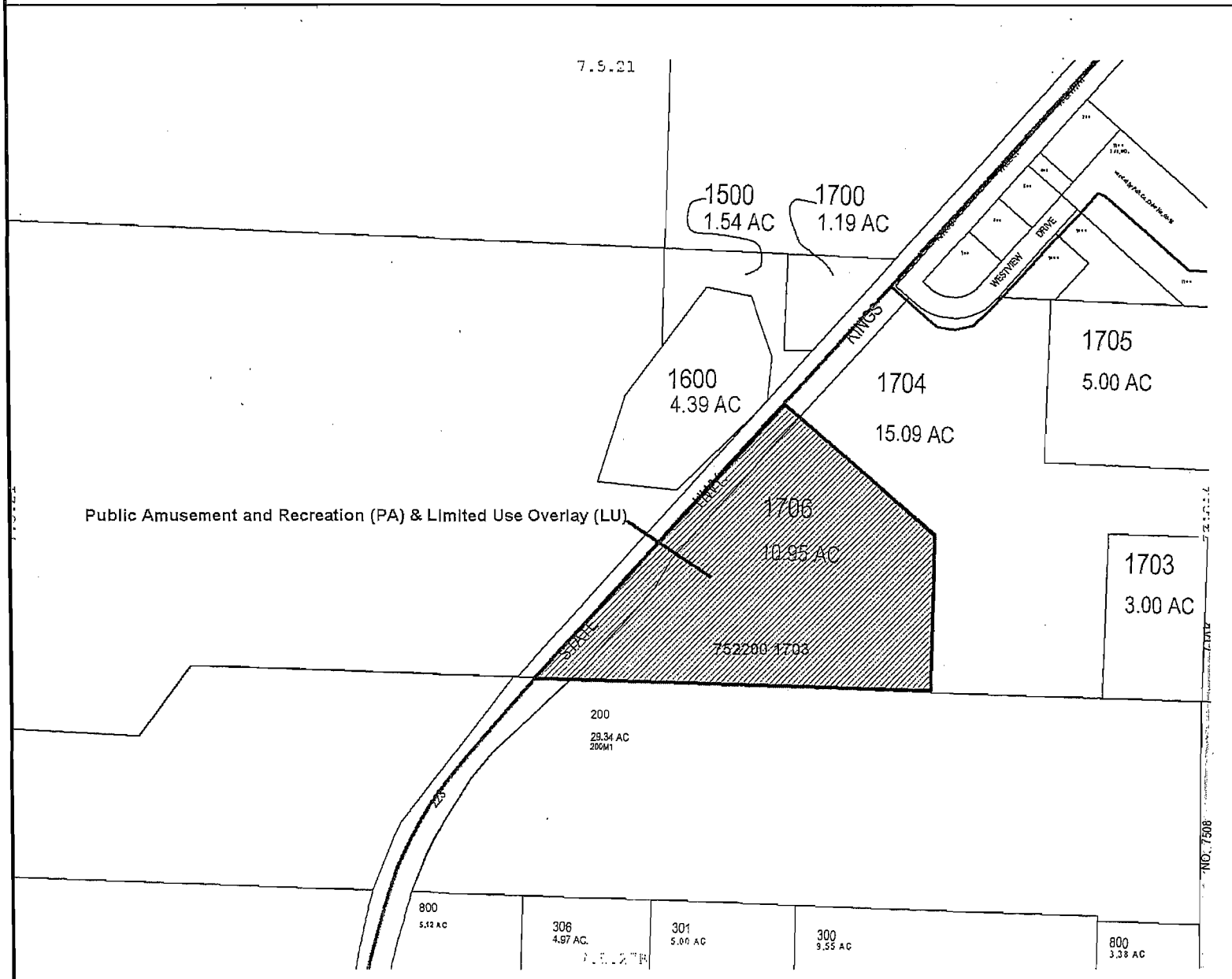
This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

Exhibit A

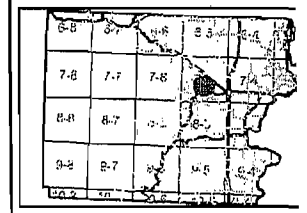
# Proposed Zoning Map

## Community Development

- Roads**
- GRAVEL
  - STATEHWY
  - PAVED
- Taxlot10**
- Taxlot Arrows10
  - Taxlot Boundary6
  - taxlot10



301235



7/13/2010

POLK COUNTY

1 in. = 400 ft.

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, misuse or misinterpretation.

Exhibit B

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

R JUN 28 2010 U

POLK COUNTY  
COMMUNITY DEVELOPMENT

In the Matter of the application of )  
Oregon Military Department )

Plan Amendment 10-01  
Zone Change 10-01

**SUMMARY OF PROCEEDINGS**

This matter arose on the application of the Oregon Military Department for a Polk County Comprehensive Plan (PCCP) amendment from Industrial to Public, and a zone change from Rural Industrial with a Limited Use Overlay to Public Amusement and Recreation (PA) with a Limited Use Overlay. The applicant is also requesting a text amendment to the PCCP in order to adopt a new "Reasons" exception to Statewide Planning Goal 3. The current limited use overlay on the subject property permits use of the subject property only for Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16) uses. The proposed limited use overlay would permit the subject property to be used only for an armory. The subject property is depicted on Attachment A of the staff report.

The applicant is proposing these amendments in order to use the subject property for the Polk County Readiness Center (PCRC), which is classified as an armory in ORS 396.505 and in Polk County Zoning Ordinance (PCZO) 170.010. The PCRC would primarily serve as a military training facility and readiness center for the Oregon National Guard's 162nd Engineer Company. The proposed PCRC would replace the existing Armory in downtown Dallas, which has many serious problems that render it unfit for the Guard's missions. Among these problems are its age (98 years), severe structural damage, and the size of both the building and the site (18,000 SF and less than one acre). In July 2004, the unit abandoned the Armory, and is now operating from temporary locations in other facilities, such as the City of Dallas' maintenance yard, and the Applicant's "Anderson Readiness Center" in Salem. In 2009 ONG soldiers that were displaced from the Dallas Armory were deployed overseas to support the U.S. Military mission in Afghanistan. Before their deployment, these soldiers worked temporarily in already overcrowded facilities in Salem, Oregon. The applicant's goal is to acquire a new site that is adequate to meet the training needs and build a new facility to house these soldiers upon their return from deployment in 2011.

The applicant anticipates that the PCRC would consist of one or more buildings approximately 39,850 square feet in total gross area. The work spaces would include an assembly hall, open administrative areas, classrooms, equipment maintenance bays, kitchen, break room, simulated training center and private offices. The anticipated site improvements include landscaping, security fencing, lighting, permanent erosion control features, sidewalks, curb, and approximately 103,500 square feet of vehicle parking. Approximately two-thirds of the parking would be for military vehicles, and the remaining one-third for privately owned vehicles.

Five people (military and civilian) would staff the building full time Monday through Friday, 8:00 AM to 5:00 PM. One weekend per month, and two weeks each year the entire military contingent, approximately 150 personnel, would use the subject property for training purposes. The soldiers based in the PCRC are a combat engineering company. Their Federal mission is to construct defensive obstacles and demolish, or build around, offensive obstacles. Their State of Oregon mission is to use this equipment and skills for the protection of the public and repair of property in the event of local emergencies. Their primary tools are heavy machinery, such as tractors, cargo trucks, and flat bed trailers. The overriding mission of the ONG is to protect this nation from enemies foreign or domestic. In addition to its facilities being possible gathering points in times of natural disaster, the soldiers train at these facilities in order to perform active duty missions for the Army under the President or State missions under the Governor. Applicant states that the public benefits from having an adequate and modernized facility that meets the needs of the applicant in the execution of its duties.

10-216



ORS 396.305(4) and 396.530 mandate the applicant to “fix the location of the units and headquarters of the Oregon National Guard” . . . “where, in the judgment of the Military Department, it will be most convenient to the units, and where most needed.” Applicant contends that the PCRC is considered a military post and would function as an operations, training and storage facility. Facilities of this kind are essential to the effective functioning of the Guard and militia, whether on national defense business or state business such as emergency response and restoration of civil order.

While equipment would be stored at the subject property, the unit would not train in construction and demolition tasks at this PCRC with this equipment (the applicant has several very large sites around the state for that purpose). Some equipment would be permanently stored at the PCRC, and transported to and from large training facilities on drill weekends. The soldiers would work with the equipment at the PCRC for routine maintenance as well as training on troubleshooting and repairs of the equipment. The 162nd Engineer Company also stores equipment at other training sites that are periodically transported to the PCRC for such purposes.

The PCRC’s Mission is to support and facilitate the Unit’s training needs and its community involvement mission. In addition, it supports the applicant financially by renting its spaces to community users. The readiness center would also serve an ancillary purpose as a rural community activity center when doing so does not interfere with its primary military purposes. According to ORS 396.540 and 396.545, and ONG Pamphlet 405-20, the applicant supplements its annual expenses by renting certain of the facility’s spaces. The applicant is required, by legislative mandate, to supplement its state funding with rental income. Thus, the applicant has a large staff dedicated to managing this aspect of readiness centers and other facilities. Based on historical community uses at other Armories around the State, it is anticipated that the Armory’s events would attract the regional community on a small scale for events like quilt shows, weddings, seminars, and classes. Only certain portions of the facility would be available for these community uses: the classrooms, assembly hall, kitchen, and restrooms (approximately 9,500 square feet of building’s 39,850 square feet, or a bit less than one-quarter of its total space). The applicant’s statewide historical rental program data shows that such community functions occur approximately four times per month on average (generally two weekday events and two weekend events). The use of the subject property as a rural community activity center would be incidental and ancillary to the PCRC’s two primary purposes for the 162nd Engineer Company: first, to routinely train soldiers one weekend per month, and an additional two full weeks every year, and second, in the event of a disaster or other emergency, as a place for the ONG to operate from, and perform its missions.

The applications were submitted complete on January 4, 2010. The Department of Land Conservation and Development (DLCD) 45-day notice was mailed on January 7, 2010.

**Table 1. Comprehensive Plan Designations and Zoning Classifications for the Subject Property and Surrounding Area Properties.**

Location	Comprehensive Plan Designation	Zoning Classification (See Zone map Attachment B)
Subject Property	Industrial	Rural Industrial & Limited Use Overlay
Property North	Agriculture & Industrial	Exclusive Farm Use / Rural Industrial & Limited Use Overlay
Property South	Agriculture	Exclusive Farm Use
Property East	Industrial	Rural Industrial & Limited Use Overlay

101217

Property West	Agriculture	Exclusive Farm Use
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The subject property is located one property north of 470 North Kings Valley Highway (Highway 223), Dallas, Oregon (Assessment Map T7S, R5W, Section 22, Tax Lot 1706). See Attachment A of the staff report. The subject property is located approximately ¼ mile north of the Dallas city limits along Kings Valley Highway.

The subject property obtained its current PCCP and zoning designations pursuant to Ordinance No. 07-02 on April 11, 2007. Ordinance No. 07-02 was the result of approval of PCCP Amendment PA 05-02 and Zone Change ZC 05-03, and included a “Reasons” exception to Statewide Planning Goal 3. The “Reasons” exception required that a limited use overlay be placed on the subject property that limits use of the subject property to Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16) uses. Consequently, the subject property currently permits specific industrial uses and is not employed for farm use.

The subject property was lawfully created pursuant to Polk County Subdivision and Partition Ordinance Section 91.950(b) as evidenced by the approval of a property line adjustment identified as Polk County Planning File LLA 09-17, dated June 8, 2009. Staff has determined that the conditions of approval for LLA 09-17 have been met in that a survey was filed that depicts the subject property. See County Survey 15360. Also, the subject property was conveyed on a bargain and sale deed recorded in Polk County Clerk Document 2009-6860, dated June 9, 2009. The subject property is currently described on a memorandum of contract recorded in Polk County Clerk Document 2009-7782, dated June 30, 2009.

The subject parcel is not identified as containing significant resources on the Polk County Significant Resource Areas Map. Based on a review of the National Wetland Inventory map, Dallas quadrangle, the southwest corner of the subject property contains a stream that is identified as a significant wetland. The subject parcel is not located within an identified floodplain, pursuant to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 41053C0250F dated December 19, 2006.

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

Type	Name	Class	High Value	Soil Percent	Soil Acres	Percent Error
64B	Salkum silty clay	IIE	Yes	19.59	2.15	3.30
8E	Bellpine silty clay	IVE	Yes	13.47	1.48	3.10
27C	Dupee silt loam	IIIE	No	58.15	6.37	5.01
72	Waldo silty clay	IIIW	No	8.78	0.96	1.54

Note – The applicant has indicated that a significant amount of grading, filling and compaction has occurred on the subject property. As such, the native soil conditions on the subject property may have been altered.

<sup>1</sup> Disclaimer: Information is based on NRCS soil information & Polk County Tax Assessment data. This information is provided for land use planning purposes only. Polk County is not responsible for map errors, omissions, misuse, or misinterpretation. Percent and total calculations are based on precise geometric calculations and may be rounded to the nearest significant digit.

Notice of the June 15, 2010 public hearing before the Polk County Hearings Officer and the July 14, 2010, public hearing before the Board of Commissioners was provided as required by PCZO 111.340-111.370. Notice was mailed to property owners located within 250 feet of the outside perimeter of the subject property on May 24, 2010. Notice was printed in the Dallas, Oregon *Itemizer-Observer* newspaper on May 26, 2010. Notice was posted on the subject property on May 18, 2010.

The subject property has frontage along Kings Valley Highway (Highway 223), a minor arterial, as designated in the *Polk County Transportation Systems Plan*, Figure 3. It is located within the area served by the Rickreall Water Association, and would be served by a private sewage (septic) disposal system.

### PRE-HEARING COMMENTS

The Polk County Planning Division received the following comments directed toward these applications. The comments below are paraphrased. Full comments are included as Attachments E-G of the staff report.

The Oregon Department of Transportation (ODOT) submitted comments on February 11, 2010. ODOT indicated that the proposed amendments would not result in a significant impact on area transportation facilities as that term is used in OAR 660-012-0060. Full ODOT comments are included as Attachment D of the staff report. ODOT recommended the following conditions of approval:

1. Prior to the issuance of a building permit for the project, the application shall provide evidence to Polk County that it has obtained an approach road permit from ODOT for access to OR 223.
2. Prior to the issuance of a certificate of use and occupancy (or Polk County's equivalent) for the project, the applicant shall provide evidence to the County that the access has been installed and all conditions of the approach road permit have been satisfied.

The Department of Land Conservation and Development (DLCD) submitted two sets of comments with regards to these proposals. DLCD submitted comments on February 22, 2010, and expressed concern with the proposed exception to Statewide Planning Goal 3. DLCD subsequently submitted comments on May 21, 2010 indicating that DLCD had worked with the Oregon Military Department (OMD) to address DLCD's original concerns. DLCD indicated in those comments that OMD's supplemental submittal responds to those issues, and the department believes the proposal now appropriately addresses state and local land use requirements. DLCD's full comments are included as Attachment E of the staff report.

Dallas Mayor James B. Fairchild submitted a letter in support of these applications on May 27, 2010. Those comments are included as Attachment F of the staff report.

No other comments were received before the public hearing.

### PUBLIC HEARING

A duly advertised public hearing was held on the evening of June 15, 2010, in the Polk County Courthouse. Applicant was represented by several of its officials. The Hearings Officer identified the application, cited the applicable review and decision criteria, and read the admonitions required by law and ordinance. He also disclosed that many years before, he had been in state government and worked with officials of the Military Department in various activities. However, he noted that all such officials undoubtedly were either dead or retired, and he felt free of any bias in formulating a recommendation to the Board of Commissioners. There were no objections as to jurisdiction, notice, or conflict of interest.

Staff summarized its report and recommended approval.

Stan Hutchison, Chief of Planning for applicant, indicated agreement with the staff report and recommendation. No one else spoke in favor of the application.

Kelly Gordon of Monmouth spoke in opposition, and read a written statement which was accepted into the Record. He said the proposed rezoning from Rural Industrial/Limited Use Overlay to Public Amusement and Recreation would be inappropriate for an armory, which is not dedicated to amusement and recreation, and any such facility ought to be within a UGB. Further, the subject property is farmable, and many crops could be grown there, including grass. No one else spoke against the application.

James Willefford spoke in rebuttal for the applicant, saying that the PA zone in fact does encompass military facilities. He said applicant had reviewed the situation in several nearby cities, but no suitable property is currently available. He said century-old tradition links the Oregon National Guard with some site in or near Dallas, and other such facilities are located outside a UGB. Finally, he said the subject site already has been prepared for construction by the previous owner, with its top soil removed and soil compacted.

No one else expressed a desire to be heard. There were no requests for a continuance, but Gordon asked that the record be left open for seven additional days for submission of additional written testimony. Hutchison asked that the record be left open for an additional seven days thereafter, for written rebuttal of any such submissions. The Hearings Officers so ordered.

There being no further business at hand, the Hearings Officer adjourned the meeting. Robert W. Oliver, Polk County Hearings Officer, presided. He had been given authority by the Polk County Board of Commissioners to conduct the hearing and submit a written record to the Board.

#### POST-HEARING EVENTS

Kelly Gordon had asked that the record be left open for an additional seven days. However, when that period expired, he had made no written submissions. As there was nothing to rebut, applicant verbally waived its entitlement of seven days for submission of a written rebuttal, and the Hearings Officer closed the record as of June 23, 2010.

#### FINDINGS

The authorizations for Polk County Comprehensive Plan (PCCP) Map amendment and a zone change are provided under Polk County Zoning Ordinance (PCZO) Sections 115.050 and 111.275. Under these provisions, the Hearings Officer conducts a public hearing pursuant to PCZO 111.190 and 115.030 and makes a recommendation to the Polk County Board of Commissioners. The Polk County Board conducts a public hearing pursuant to PCZO 111.200 and 115.030 and makes a final local decision. The applicant provided recommended findings that are included by reference in the findings of this report, and are attached and identified as Attachment G of the staff report.

#### (Comprehensive Plan Map Amendment)

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

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

The current PCCP designation for the subject site is Industrial. Polk County adopted the Industrial designation and approved a reasons exception to Statewide Planning Goal 3 on April 11, 2007 (Ordinance No. 07-02). Because the Applicant is proposing to use the Site for a public building and does not intend to use the Site for industrial activities, Applicant says the Industrial

designation is no longer appropriate.

Prior to the County's adoption of Ordinance No. 07-02, the Site was designated Agriculture on the PCCP. Due to significant changes in the surrounding area, the Agriculture designation is no longer appropriate, for the following reasons:

First, the site is surrounded on three sides by roads that actively serve commercial and residential uses in Polk County. Significant growth in traffic on Kings Valley, Westview Drive, and Oak Villa Road has limited the site's ability to be used for commercial agriculture purposes. The site is also very close to both J.W. Fowler's equipment yard and maintenance shop, and the PSCP. The PSCP contains a mixture of businesses unrelated to agriculture. In addition, the site is immediately adjacent to tax lot 1705, which has the community septic drain field in the center.

Second, the site is adjacent to land designated Agriculture on the south. That parcel, however, is not currently in farm use, and the owners, Mr. and Mrs. Iott, state in Exhibit 13 of the application that: "Our primary use of this property is for our private residence; we have no plans to farm on this property."

Third, to the south, approximately 0.3 miles away from the site, is the City of Dallas' Urban Growth Boundary. The portion of the city that is generally south of the site is the LaCreole Mixed Use Node. This Node is intended to include approximately 30 buildable acres of land master planned for General Commercial and low density residential, and 30 buildable acres designated and reserved for multi-family residential use. (See City of Dallas Comprehensive Plan, Policies 2.6 & 3.2.1.)

Fourth, the site itself is no longer suitable for certain agricultural and horticultural uses. As verified in Exhibit 11 of the application, between July 29, 2008, and September 19, 2009, JW Fowler re-graded the existing native clay-silt soils, filling in low areas and cutting down high areas. Under the observation of, and testing by, Redmond Geotechnical Services, a licensed geotechnical engineer, L&H Grading, a licensed construction contractor, compacted the soil to at least 90% of its maximum dry density. For engineering purposes, this means the soil will support structural loads. From an agricultural perspective, the soil would be much too dense for planting and growing. Prior to actual construction of the PCRC, there will be removal and stockpiling of the top 6" of this structural fill, which was not compacted and is usable for topsoil in the final landscaping features.

Staff notes that the applicant is applying for a PCCP Map amendment, zone change, and PCCP text amendment to include a new "reasons" exception to Goal 3. The subject property obtained its current PCCP and zoning designations pursuant to Ordinance No. 07-02 on April 11, 2007. Ordinance No. 07-02 was the result of approval of Polk County Plan Amendment PA 05-02 and Zone Change ZC 05-03, and included a "reasons" exception to Statewide Planning Goal 3. The "reasons" exception required that a limited use overlay be placed on the subject property that limits use of the subject property to Specialty Trade Contractor (Standard Industrial Code [SIC] classification number 17) and General Highway Heavy Construction (SIC 15& 16) uses. In sum, industrial uses are currently permitted on the subject property and the property is not being employed for farm use.

This proposal includes a request to change the PCCP designation of the subject property from Industrial to Public. Although the subject property may currently be used for industrial purposes, it is technically appropriate when addressing this criterion to use the past Agriculture designation as a baseline for evaluating this proposed change to the PCCP designation. The "Reasons" exception process requires that a new proposed use take a new exception to Goal 3. Goal 3 includes goals and policies for protecting agricultural land, and is implemented in Polk County by the Agriculture PCCP designation. The applicant provided findings that contend the Agriculture PCCP designation is no longer appropriate due to changing conditions in the surrounding area. Staff agreed with these proposed findings. The subject property is currently used for non-farm, industrial purposes and the applicant's proposal would allow a different non-farm use of the property. The Hearings Officer concurs, and finds that the application complies with this criterion.

**C. The purpose of the Comprehensive Plan will be carried out through approval of the**

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proposed Plan Amendment based on the following: [PCZO 115.050(A)(3)]

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

*RELEVANT GOALS AND POLICIES*

*A. AGRICULTURAL LANDS [PCCP, Section 2, Element B]*

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

Applicant contends that this proposal complies with Agricultural Lands Goal 1.

First, the Site was recently partitioned from a 32.5-acre parcel. That parcel (including the Site) is currently designated Industrial and is not in agricultural use. In preparing the land for industrial use, the owners graded, filled and compacted the entire 32.5-acre parcel. As a result, the Site is relatively flat and gently slopes to the south, with steep slopes along its southerly and westerly boundaries.

Second, the proposed PCCP amendment and PCRC use will preserve and protect the nearby agricultural lands. The proposed use will be fully contained on the Site and will have no impact on agricultural land in the vicinity. The Site is adjacent to Industrial land and a state highway on the north and west. It is adjacent to Agriculture land on the south, but that land is not currently in farm use. The Applicant state that it will comply with all laws, rules, and codes pertaining to property use and the environment, and therefore can affirm that the PCRC use will not impact any agricultural lands by excessive noise, un-retained storm water, environmental contaminates or otherwise.

Third, the Site itself is no longer suitable for certain agricultural and horticultural uses. As described in Exhibit 11 of the application (letter from Redmond Geotechnical Services), the Site has been graded and compacted to a minimum of 90 percent of the maximum dry density. As a result, the Site is essentially ready to be built and the compacted soils are not desirable for growing.

This does not necessarily preclude other agricultural uses, but the agricultural uses in the vicinity are used for growing. Therefore, re-designating and rezoning land that is not in farm use, zoned and prepared for industrial use, and is not suitable for crop production, does not result in a loss of agricultural lands within Polk County.

*Policy 1.1: Polk County will endeavor to conserve for agriculture those areas which exhibit a predominance of agricultural soils, and an absence of nonfarm use interference and conflicts.*

The agricultural areas which have a predominance of agricultural soils and an absence of non-farm interference are located further to the northwest and the east of the Site. Those properties will not be affected by this proposal, and will be able to remain in agricultural uses and will be conserved for future agricultural use. The Site and the sites immediately surrounding it already experience conflicts with farm use, if any, because of traffic generated by the PSCP, J.W. Fowler's equipment yard and shop, the USFS offices, the LaCreole Mixed Use Node, and City of Dallas traffic on Oak Villa Road.

The Site also serves as basin for storm water runoff from the Fowler properties and the PSCP. The southern-most tip of the Site has an existing inlet and culvert to accept this runoff and distribute it to the south, because the Fowler Properties and the Site are graded to drain towards that point. (See exhibit 11, "Redmond Geotechnical Letter") of the application.

In the summer of 2008, J.W. Fowler graded and compacted the native soils to 90 percent of their maximum dry density. As a result of these activities the soil is no longer desirable for crop production.

There is also significant nonfarm use in the surrounding area. The Site is bordered on the east and northeast by Industrial land, and by Kings Valley Highway on the west and northwest. To the north (PSCP) and south (City of Dallas' LaCreole Mixed Use Node) of the Site is land designated Commercial in the PCCP. Also, there is rural residential development to the west, northwest and

south of the Site.

Because of the soil grading and compaction and because the majority of the land surrounding the Site and much of the land in close proximity to the Site is not in farm use, this proposal complies with Policy 1.1.

*Policy 1.5: Polk County will discourage the development of nonfarm uses in agricultural areas.*

The Site is not located in an area characterized by agricultural use. Rather, the proposed use will be adjacent to Industrial land, and in close proximity to Commercial land on both the north and south sides. The Site is also adjacent to Kings Valley Highway, and there are rural residential developments to the relatively near south, west and northwest. Accordingly, this proposal complies with Policy 1.5.

*B. LAND CAPABILITY/RESOURCE QUALITY [PCCP, Section 2, Element F]*

*Goal 1 and Policy 1.1: To protect life and property from natural hazards and disasters, and to cooperate with governmental agencies to protect life and property from natural hazards and disasters.*

As explained in this application, a mission of the PCRC is to provide a local facility at which the National Guard can train and from which it can deploy for response to natural disasters or other public emergencies necessitating the dispatch of the soldiers for local, public purposes. In such events, the soldiers may be called upon to rebuild key public infrastructure such as transportation facilities, and to remove debris. In such events the PCRC may also function as a public gathering place for protection and treatment of displaced persons. Armories are the only facilities that provide a facility for such comprehensive purposes served by the National Guard. In this way, the proposed PCRC protects life and property from natural hazards and disasters in furtherance of this Goal.

*C. ECONOMIC DEVELOPMENT [PCCP, Section 2, Element H]*

*Goal 1: To achieve a rate or pattern of economic activity which; will relieve chronically high levels of unemployment and underemployment.*

The Site is currently undeveloped and does not provide any economic benefit to the local economy. If the proposed use is approved, the Applicant estimates the construction and design cost for the PCRC is \$16,132,000. This will significantly benefit the local economy through the jobs created for its construction. In addition, once the PCRC is operating the Applicant anticipates that approximately 150 military personnel will report to it one weekend per month. This will bring \$750,000 per year in federal military pay to Oregon in addition to \$125,000 in operating expenses (i.e., utilities, maintenance staff and supplies, etc.) annually from the State. These benefits are significant for a community and region that has recently lost many jobs, including 220 jobs lost from the closing of Weyerhaeuser.

Personnel who do not live locally may choose to stay overnight Friday and Saturday and will probably utilize local motels, restaurants and other establishments that provide evening entertainment, thereby benefiting the local economy. The government contracts directly with hotels for soldiers who live more than 60 miles from the RC. For the current unit roster, that would be 54 soldiers. At a minimum of one night per month, and an estimated rate of \$70 per night, the local economic impact is \$45,000 annually. In addition, the unit will receive five meals on a training weekend, which is catered by local restaurants. Assuming an average meal cost of \$7, with 150 soldiers, the economic impact is \$63,000 per year. This does not include the soldiers' personal expenses, such as gasoline and entertainment.

*Goals 4 and 5: To avoid over-reliance on one industry, and to provide for and maintain a viable economy while preserving the present sense of community and high level of environmental quality.*

As mentioned above, the Armory has a long-standing presence in this area of Polk County,

and will provide the above-described economic benefits while preserving its historical significance for the surrounding community. Its ancillary function as a rural community center for this region will sustain that sense of community. It provides economic benefits while advancing a completely unique mission that is otherwise unmet in the area, thereby avoiding reliance on a particular industry for economic purposes. See also Economic Development Policy 3.1.

*Policy 2.8: Polk County will coordinate and cooperate with relevant federal, State, regional and local government agencies in economic development planning.*

This application provides an opportunity for coordination and cooperation between Polk County and the State of Oregon for provision of the economic opportunities outlined above, thereby advancing this policy.

*D. PUBLIC FACILITIES AND SERVICES [PCCP, Section 2, Element JJ]*

*Goal 2: To support the provision of needed public services for all residents of Polk County.*

This application results in public services for Polk County residents in three ways: First, it provides a facility for the training of National Guard troops (an essential governmental component of national and local defense) in Polk County, which training occurred in this County for over a century. Second, it provides a facility for training and assistance deployment associated with local disasters and emergencies. Third, through its ancillary purpose, it provides a rural community center for public, local events in this region.

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

Though not associated with daily dispatch needs for emergency needs, in times of widespread emergency, the PCRC will function as a central area for coordinated response to emergency situations in this area of Polk County for the protection of the public and repair of any damage resulting from the emergency.

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

The PCRC proposed for the Site will be designed in to be attractive and secure. The National Guard training purposes of the PCRC, together with the ancillary use of the PCRC as a rural community center, will consolidate government and services to provide a place for assemblage as needed by the community. Its use for such purpose is encouraged.

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

The uses sought by this Policy are of the types historically met by the PCRC's ancillary use as a community center. The assembly hall, classrooms, and kitchen area provide space that can be used for seminars, educational courses, and recreational activities. The proposed PCRC advances Policy 7.2 by leveraging the need for National Guard training space to incidentally meet public, community needs.

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

The now-abandoned Armory in Dallas can no longer function as the PCRC due to severe, irreparable structural defects. It is unsafe for use by the Military or the public. The proposed PCRC will be a substantial upgrade, and it will meet all applicable ADA standards for accessibility to the physically handicapped.

*VII. THE PROPOSED LAND USE DESIGNATION - PUBLIC*



The PCCP describes the purpose and intent of the Public land use designation as follows: "The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks, fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living." Applicant is proposing an amendment to the PCCP designation from Industrial to Public, and proposing to primarily use the Site for a readiness center for the Oregon National Guard (ONG). The PCRC is an armory, and armories are specifically permitted in the Public Zone (PCZO 170.010). The PCRC provides a public facility necessary for the protection and sustaining of public health and safety, as well as providing incidental opportunities for educational and recreational aspects of rural living.

Staff concluded that the applicant has identified and addressed specific PCCP goals and policies that are applicable to this application. Unlike most zones in Polk County, there is no purpose statement listed for the public zones in PCZO Chapter 170. Appropriately, the applicant addressed the purpose and intent of the Public land use designation which is listed in Section 4 of the PCCP.

With regards to the applicant's discussion of how the proposal complies with PCCP Element J, Public Facilities and Services, the applicant indicates that in addition to being a training facility, the Polk County Readiness Center would itself provide a public service. The Oregon National Guard would use the property as a staging area to provide relief services in cases of national disasters or other emergency events. While this service provider would be located outside an incorporated city or urban growth boundary, Staff did not see the Polk County Readiness Center itself as an inherently urban use. Based on the information in the application, the Oregon National Guard provides services to the region both within and outside of cities.

This request does not include a review of any specific new development. However, development within a riparian setback area may be prohibited or require County, state, and/or federal permits. Any future non-structural development activity that is identified as a conflicting use in PCZO 182.070 within a wetland setback area would require a management plan filed with the Polk County Planning Division. Such development may also require state or federal permits. If a management plan is required, the applicant shall coordinate the plan with DSL and other appropriate state and federal agencies. The Department of State Lands (DSL) can be contacted at (503-378-3805). Structural development shall be prohibited within the riparian setback area. Within the riparian setback area, all trees and at least 50 percent of the understory shall be retained, excluding the exceptions authorized pursuant to PCZO Section 182.050(B)(1)(a-e). As described in PCZO 182.050(B)(2); the size of the riparian setback ranges between 25 and 100 feet based on the type and size of the wetland. The property owner is responsible for obtaining any necessary state and federal permits prior to commencing development.

The applicant has provided evidence that the proposal conforms to the intent of relevant goals and policies in the PCCP and the purpose and intent of the proposed land use designation. Staff agreed with the findings presented by the applicant. The Hearings Officer concurs and finds that the application complies with this criterion.

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

Goal 1. Citizen Involvement. PCZO 111.190, 111.200 and 115.030(B) & (C) require public notice and public hearings upon application for a Comprehensive Plan amendment and Zone change. These requirements comply with Goal 1.

Goal 2. Land Use Planning. The Land Conservation and Development Commission acknowledged

that the PCCP complies with the statewide planning goals, state statutes and state administrative rules on March 19, 1981. As detailed herein, this proposal complies with the PCCP.

Goal 3. Agricultural Lands. Applicant requests that Polk County adopt a reasons exception to Goal 3. See Section III. Both the Site and the Fowler Properties are not in the current Polk County Farm Lands Inventory.

Goal 4. Forest Lands. The Site is not designated as Forest Land and the proposed amendment does not affect the forest land inventory. Accordingly, Goal 4 is not applicable to this application.

Goal 5. Natural Resources , Scenic and Historic Areas, and Open Spaces. To the best of the Applicant's knowledge the Site is not included on any natural resource, scenic and historic area or open space inventories, and there are no such resources or areas on the Site that require conservation or protection. Accordingly, Goal 5 is not applicable to this application.

Goal 6. Air, Water and Land Resources Quality. All future development on the Site will be required to comply with Federal, State and County requirements for air and water pollution.

Goal 7. Areas Subject to Natural Hazards. The Site is not within the floodplains of any waterways identified on the Federal Emergency Management Agency's (FEMA) maps. (See Map ID # 41053C0250F, Effective Date 121912006). Future development at the Site will be required to comply with Federal, State and County requirements for natural hazards. See below, regarding demonstrated need, for additional discussion relating to Goal 7.

Goal 8. Recreational Needs. Because the proposed uses will not generate a need for recreational facilities, the proposed amendment does not affect the inventory of recreational uses. Accordingly, this Goal is not applicable to the application.

Goal 9. Economic Development. The Site is currently undeveloped and does not provide any economic benefit to the local economy. If the proposed use is approved, the Applicant estimates the construction and design cost for the PCRC is \$16,132,000. This will significantly benefit the local economy through the jobs created for its construction. In addition, once the PCRC is operating the Applicant anticipates that approximately 150 military personnel will report to it one weekend per month. This will bring \$750,000 per year in federal military pay to Oregon in addition to \$125,000 annually from the State. These benefits are significant for a community and region that has recently lost many jobs, including 220 jobs lost from the closing of Weyerhaeuser.

Personnel who do not live locally may choose to stay overnight Friday and Saturday and will probably utilize local motels, restaurants and other establishments that provide evening entertainment, thereby benefiting the local economy. The government contracts directly with hotels for soldiers who live more than 60 miles from the RC. Currently, 54 soldiers qualify for this benefit. At a minimum of one night per month, and an estimated rate of \$70 per night, the local economic benefit is \$45,000 annually. In addition, the unit will receive five meals on a training weekend, which is usually catered by local restaurants. Assuming an average meal cost of \$7, with 150 soldiers, the economic benefit is \$63,000 per year. This does not include the soldiers' personal expenses, such as gasoline and entertainment.

Goal 10. Housing. The Site is not designated for residential development. Therefore, the proposed amendment does not impact the residential lands inventory.

Goal 11. Public Facilities and Services. The proposed Site is not currently served by public facilities, and the Applicant is not requesting that urban levels of facilities be extended to or serve the Site.

For sewage, the Applicant will construct, operate and maintain a private septic system (leach field and tank), according to applicable building and environmental codes. For water, the Applicant will apply for service to the Rickreall Community Water Association (RCWA). RCWA operates the "Dunn Hill Reservoir," located approximately one-half mile from the proposed PCRC site. Currently, a 3" and a 4" main pipeline deliver water to current customers in the vicinity of the PCRC. RCWA anticipates that with certain improvements, the existing system has capacity to

accommodate the PCRC's water needs. These improvements were suggested by an Engineer contracted by the RCWA, based on preliminary information about the water usage provided by the Applicant.

The first is to upgrade the telemetry (electronic control) for the pumping station at the reservoir. The second is to replace the two existing mains with a single 6" main. Applicant will work with its own Engineers under contract and with the RCWA to implement these recommendations or others RCWA may suggest for use of its system. Applicant will also comply with all building codes and Fire Marshall requirements to ensure adequate water is available at the Site. Accordingly, this proposal is consistent with Goal 11.

For Storm Water Quality and Quantity control, the Applicant will implement a permanent storm water management plan using industry standard "Best Management Practices (BMP's)". These BMP's include reducing or eliminating water pollution, preventing soils erosion, increasing on-site infiltration, eliminating sources of contaminates, and removing pollutants from storm runoff.

During construction the Applicant will protect and improve the quality of storm water runoff to the "maximum extent possible" under a National Pollution Discharge Elimination permit issued by the Environmental Protection Agency. The permit requires an approved Storm Water Pollution Prevention Plan (SWPP) plan to control storm water discharges from construction sites.

See Section VIII(e) below, regarding demonstrated need, for additional discussion relating to Goal 11.

Goal 12. Transportation. OAR 660-012-0060 implements Goal 12 with respect to Comprehensive Plan Amendments:

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The Applicant contracted with HDR, Inc., to study the existing traffic, and prepare Traffic Impact Study, which is attached. The study reviews intersection performance of three intersections, including intersections of Kings Valley Highway (OR HWY 223) with OR HWY 22, Oak Villa Road (Polk Co.) and Ellendale Road (Dallas). The study concludes that there are no significant affect to these intersections, accordingly, no mitigation measures are required. Accordingly, the Transportation Planning Rule is satisfied.

In addition, Applicant's traffic engineer concluded that a southbound left-turn lane may be required on Kings Valley Hwy (OR HWY 223) at the location where Westview Drive connects to the

Highway. Applicant is working with ODOT to determine the necessity of such turn lane, and to ensure compliance with state and local standards if the lane is necessary.

[May 11, 2010 supplemental proposed finding]

The addition of a left turn lane on King's Valley Highway, should it prove necessary, is an allowed transportation improvement on rural land under OAR 660-012-0065(3) and is deemed to be consistent with Goals 3 and 14. OAR 660-012-0065(2)(e). No additional findings are required by the rule.

Goal 13. Energy Conservation. Any new buildings constructed on the Site will meet the energy efficiency code requirements for new construction. Because the PCRC will be partially funded by the State, the Applicant must comply with the "State Energy Efficient Design Program" (SEED), which requires State buildings to perform at least 20% better than the current energy code. In addition, the Applicant will earn at least a LEED Silver from the United States Green Building Council. Several aspects of LEED require improving energy performance over current codes.

Goal 14. Urbanization. The public use proposed by the Applicant does not amount to an urban use on rural land. If approved, the PCRC will not be serviced by urban levels of services, will not be an attraction for or primarily accommodate people residing inside the Dallas' urban growth boundary, and will not interfere with the orderly and efficient transition from rural or urban land use. This proposal is consistent with Goal 14.

Goals 15, 16, 17, 18 and 19. Willamette River Greenway and Coastal Goals. The Site is not within the Willamette River Greenway, or in an estuary or coastal area. Therefore, Goals 15, 16, 17, 18 and 19 do not apply to the proposal.

With respect to Goal 12, Staff received comments from ODOT on the proposed amendments on February 11, 2010. ODOT reviewed the applicant's proposal and traffic impact study and determined that the proposed PCCP amendment and zone change would not result in a significant impact on area transportation facilities as that term is used in OAR 660-012-0060. ODOT suggested conditions of approval that would require the applicant to obtain an approach road permit from ODOT for access to Highway 223 prior to the issuance of building permits and prior to final inspection, the applicant should be required to provide evidence to Polk County that the access has been installed and all conditions of the approach road permit have been satisfied. An approach road permit may require the applicant to install a left turn lane on Kings Valley Highway to serve vehicles traveling southbound that turn left onto Westview Drive. Staff agreed with ODOT's review of the proposal and agreed that a condition of approval should require the applicant to obtain the necessary access permit from Highway 223. With this condition, the proposed PCCP Amendment and zone change would comply with Goal 12.

The applicant indicates that in addition to being a training facility, the Polk County Readiness Center would itself provide a public service. The Oregon National Guard would use the property as a staging area to provide relief services in cases of national disasters or other emergency events. With regards to Goal 14, Staff does not believe that establishing the Polk County Readiness Center on the subject property would amount to establishing an urban use on rural lands. While this service would be orchestrated outside of an incorporated city or urban growth boundary, Staff did not see the Polk County Readiness Center itself as an inherently urban use. Based on the information in the application, the Oregon National Guard provides services to the region both within and outside of cities.

The applicant has addressed all applicable Oregon Statewide Planning Goals. An exception to Oregon Statewide Planning Goal 3 is necessary to approve a new "Reasons" exception. The applicant is proposing the Public Amusement and Recreation (PA) Zoning District and the Limited Use Overlay Zone, which would restrict the use of the property to an armory. The applicant has submitted proposed findings to justify an exception to Statewide Planning Goal 3. The Oregon Statewide Planning Goal 3 exception is addressed below.

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

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

The subject property is not located within an urban growth boundary or within an incorporated city. As a result, there is no Urban Growth Boundary agreement or other applicable intergovernmental agreement. This criterion is not applicable to the proposed amendment.

**(Planning Goal 3 Exception)**

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

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

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

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

Polk County has adopted a Limited Use Overlay zone which was designed to be a tool to address this administrative rule. The Limited Use Overlay zone restricts the uses in the underlying zone to only those uses that were used to justify the Goal Exception. In this instance, the applicant is requesting a new "Reasons" exception to Goal 3 in order to allow the subject property to be used as an armory. Application of this limited use overlay to the subject property would allow the application to comply with this criterion.

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

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

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

Applicant states that because the proposed PCRC will replace the existing armory in downtown Dallas, the Applicant requires a site in, or in relatively close proximity to, the city of Dallas. Accordingly, the Applicant generally investigated possible sites within the Dallas Urban Growth Boundary (UGB) and within approximately one mile of the UGB. As a result of its general search the Applicant identified three potential sites within the UGB that were available for sale and

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that met minimum requirements, such as being in Zones in which the PCRC could be appropriate and conditionally allowed (e.g. not residential). These sites are identified on Exhibit 6 of the application [Included within Attachment D of the staff report].

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

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

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

- a. The site must have sufficient buildable area to accommodate not only the uses associated with the proposed Readiness Center (e.g., parking, military motor pool area, storage, etc.), but also, very importantly, the Federal Anti-Terrorism Force Protection (ATFP) requirements, which require perimeter buffers and other controls set-off distances for protection of the facility and its personnel from terrorist acts. In this case, a minimum of ten acres was required.
- b. The location of the PCRC is also critical in at least two respects: first, it needs to be located close to highway transportation facilities. Such proximity is critical for the responsiveness of the Guard in times of emergency both in terms of timeliness and effectiveness. The soldiers must be able to timely and effectively arrive at the site from a variety of locations. Further, the soldiers then must be able to deploy quickly with large, heavy equipment effectively for the purpose of responding to the emergency regardless of location. Proximity to major transportation networks is critical for these reasons. Second, and particular to this case, is the historical significance and presence of this armory in the City of Dallas. The facility need not necessarily be in Dallas, but near to it. It has long functioned effectively in this area as a hub for the region it serves, and the synergistic relationship with the City and region has been mutually beneficial for the National Guard and the area. Nevertheless, as noted above OMD has a preference for locating just outside the City in order to maintain efficient responsiveness and to avoid operating and transporting its unusually large equipment within and on the streets of the City.
- c. Available for purchase;
- d. Zoned for Public use or for a use with which the PCRC is compatible;
- e. Environmental conditions of the site suitable for the proposed development (i.e., not in a high risk flood zone, little or no site contamination remediation necessary, low liability, not displacing high quality soils for Agricultural use, or needed industrial or commercial lands for local economic needs);
- f. The proposed readiness center use is compatible with adjacent/ surrounding land uses
- g. The topography and configuration of the property in relation to surrounding uses is also important for the purposes of demonstrating compliance with ATFP requirements. Physical boundaries separating the facility from threats are preferred for controlling the facility's perimeter;

- h. 'Shovel-ready' – site is ready for development with no extensive demolition or existing structural issues to address;
- i. Existing infrastructure can adequately accommodate the proposed Oregon National Guard Readiness Center development within a reasonable percentage of the total construction cost;
- j. Good visibility to the public.

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

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

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

#### **Required Site Characteristic for Polk County Readiness Center**

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

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

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

storage of equipment) are critical for the state to adequately respond to such emergencies.

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

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

To the extent possible, OMD attempts to site armories and readiness centers inside urban growth boundaries where the facilities can operate as an integral part of the supporting community. OMD is mindful, however, of encroaching incompatible uses where jurisdictions do not have provisions in place to prevent them from constraining the ORNG mission for adequately protecting its soldiers, equipment and ability to adequately respond and provide for emergencies and public safety in both city and county areas.

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

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

#### *4-4. Site Standards and Support*

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

- (1) For readiness centers contain at least 10 acres in cities and other congested areas and up to 15 acres in non-congested areas.*
- (2) For other than readiness center projects contain adequate area to support mission requirements.*
- (3) Front on at least one public street or road, while ensuring adequate standoff to meet minimum antiterrorism/force protection requirements.*
- (4) Have adequate access roads from nearby population centers and from public highway networks. When able to locate in cities, preferably should be served by public transportation.*
- (5) Be free from low-lying areas, steep slopes, landfills, faults, and other prospective nuisances.*
- (6) Have uniformly contoured terrain that is either level or only slightly sloping (less than 4 percent).*
- (7) Have soil at the frost line depth for the locality with a bearing capacity of approximately 2,000 pounds per square foot on natural, undisturbed earth.*

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<sup>1</sup> Extracted from the National Guard Guidelines for NG site acquisitions:



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

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

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

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

Since 2001, the Oregon Military Department has been required to implement more stringent Anti-Terrorism, Force Protection (ATFP) standards requiring greater setbacks from neighboring building footprints. Munitions storage, hours of operation, and the inherent noise from operations, equipment and vehicle use also require greater setbacks and screening from surrounding urban areas. Sites evaluated by OMD inside the City of Dallas do not provide the security and buffering required by the Polk County readiness center.

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

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

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

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

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

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

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

The PCRC cannot be reasonably accommodated inside an urban growth boundary. Because the PCRC is intended to replace the existing armory in the city of Dallas, the PCRC must be near Dallas, preferably not within Dallas for the reasons above, though that was nevertheless considered.

The Applicant was not able to identify any land inside the Dallas UGB that satisfied the parameters for an appropriate site as outlined above.

Therefore, the Applicant looked within the UGB of the City of Dallas for potential sites that would meet the land requirements for new construction and be compatible with the City's land use designation provisions. The Applicant's Real Property and Programming Branch reviewed parcels and zoning within the City's UGB for an appropriate "Public" PCCP and Zoning designation that would allow for public facilities such as an Oregon National Guard Readiness Center. There were no such provisions within the City limits. The Applicant next looked in Industrial areas that were the closest land use designation that would provide for development of an Oregon National Guard Readiness Center with a potential "Conditional Use" within the City's UGB. The Applicant found a couple of sites that were of the appropriate size [10+ acres], however, after further investigation and completion of an environmental baseline study as required by regulation these were found to be in flood plains and had the potential for requiring much environmental remediation for the existing buildings on the site and a potential unknown environmental liability that might be incurred by the state.

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

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

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

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

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

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

1. General considerations for Findings. The OMD evaluated many sites over the course of the last two years both within and near the boundary of the City of Dallas, thus maintaining a central Polk County locale. All other sites reviewed met fewer of the criteria reviewed herein than the site selected.
2. Locations Other than Dallas Area. OMD has determined that a readiness center located in or near Dallas is essential to the mission of the National Guard and in the public interest of the

citizens of Oregon and of the United States of America. OMD seeks to exercise the exception process in State-wide Goal 2 to provide the necessary flexibility to allow for OMD to maintain this unit in its current location in the Dallas and Polk County community.

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

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

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

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

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

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

**E. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts**

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during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts; [OAR 660-004-0020(2)(c)]

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

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

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

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

As described above, because of the relatively large acreage requirement and because of environmental problems on potential sites that were large enough, the Applicant was unable to identify a suitable site for the proposed readiness center inside the Dallas UGB. Other than in the section of land between the Dallas UGB and PSCP (which is where the proposed Site is located), an alternate site along Kings Valley Highway would be in an area characterized by Agriculture or Farm/Forest land. This is illustrated by the PCCP map which shows relatively uninterrupted Agriculture land to the north of Polk Station Commercial Park and relatively uninterrupted Agriculture and Forest land to the south of the Dallas UGB. By locating the PCRC at the proposed Site, the PCRC has a minor, if any, impact on changing the character of the surrounding area away from Agriculture. In addition to the fact that it will not change the character of the area away from

resource use, because the proposed use will be contained on the Site, it will have no impact on the ability to sustain resource uses near it.

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

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

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

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

There are also a number of benefits resulting from building the PCRC at the proposed Site. First, the proposed PCRC will have extremely positive economic benefits for Polk County and the City of Dallas. The estimated construction and design cost is \$16,132,000. This will, in part, be spread among local construction contractors, material suppliers, local workers, motels, restaurants, utilities, gas stations, etc. In addition, many of the troops that will report to the PCRC on the weekends will utilize nearby lodging, eating, and entertainment establishments. Therefore, to a lesser degree, but still significant, the economic benefit will continue throughout the life of the PCRC. These positive economic consequences outweigh the impact on the general area caused by removal of the land from the resource base, and are not more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

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

Applicant concluded that, as for long-term environmental consequences, they, too, are not significantly more adverse than would typically result from the same proposal being located in other

areas requiring a goal exception. The site does not contain any significant natural resources or scenic area, and is not in a floodplain. All future development on the Site will be required to comply with Federal, State and County requirements for air and water pollution.

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

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

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

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

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

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

A. Demonstrated Need

*Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Oregon's Constitution mandates that the legislature provide for organization, maintenance, and discipline of a state militia for the defense and protection of the State. Oregon Constitution, Art. X, Sec. 1. Pursuant to that mandate, the Oregon Military Department is charged with the responsibility to provide the State of Oregon and the United States with a ready force of citizen soldiers equipped and trained to respond to any contingency, natural or manmade. ORS 396.305. ORS Chapter 396 provides for the Oregon Military Department and for the State Militia and for the organization, equipment, regulation and use thereof. ORS 396.025.

The PCRC itself provides a facility necessary for the gathering of the Oregon Military Department's personnel for training on a regular basis and for storage of equipment necessary for both training and public service. The PCRC also serves as a centralized gathering point for deployment under emergency response circumstances such as natural disasters or other emergency events for which the National Guard is called into service. Lastly, through its ancillary purpose of a rural community center for this region of Polk County, it provides a facility for public use for educational, recreational, and general assembly needs.

Armories are a longstanding and necessary component of the Oregon Military Department for its operations with the National Guard. The PCRC is a public facility necessary for Polk County and the region. The need for the PCRC is currently unmet due to the lack of an armory stemming from the abandonment of the Dallas armory for safety reasons. Failure to accommodate the siting of this PCRC will result in the County's failure to satisfy the objectives of Goal 11.

*Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The PCRC provides economic benefits while advancing a completely unique mission that would otherwise go unmet in the area, thereby avoiding reliance on a particular industry for economic purposes. If the proposed use is approved, the Applicant estimates the construction and design cost for the PCRC is \$16,132,000. This will significantly benefit the local economy through the jobs created for its construction. In addition, once the PCRC is operating the Applicant anticipates that approximately 150 military personnel will report to it, one weekend per month. This will bring \$750,000 per year in federal military pay to Oregon in addition to \$125,000 annually from the State. These benefits are significant for a community and region that has recently lost many jobs, including 220 jobs lost from the closing of Weyerhaeuser.

Personnel who do not live locally may choose to stay overnight Friday and Saturday and will probably utilize local motels, restaurants and other establishments that provide evening entertainment, thereby benefiting the local economy. The government contracts directly with hotels for soldiers who live more than 60 miles from the RC. For the current unit roster, that's 54 soldiers. At a minimum of one night per month, and an estimated rate of \$70 per night, the local economic impact is \$45,000 annually.

In addition, the unit will receive five meals on a training weekend, which is catered by local restaurants. Assuming an average meal cost of \$7, with 150 soldiers, that works out to \$63,000 per year. This does not include the soldiers' personal expenses, such as gasoline and entertainment.

*Goal 7, Planning Guideline A.2: Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.*

A significant mission the National Guard in conjunction with the proposed PCRC is to provide response, recovery, and mitigation in the event of local disasters or widespread emergencies. Currently, the National Guard's ability to do so is hindered by the lack of a readiness center (due to loss of the Dallas armory). Polk County's approval of this application would re-establish and enhance the Guard's emergency response, recovery, and mitigation program of this region. Failure to approve the application would significantly hinder the National Guard's program for this region.

By legislative mandate, the Governor has committed National Guard Troops to the Federal Emergency Management Assistance Compact, dedicating the Guard, as needed, to training and response for emergency situations, both locally and on a multi-state basis. ORS 401.043. The State's Office of Emergency Management is established in the Oregon Military Department. This Office is responsible for preparedness, training, mitigation, and response for emergencies, as well as the coordination with private and governmental entities for provision of the same. ORS 401.257.

Polk County's Basic Emergency Operations Plan relies on such commitment from OMD. In the event of declaration of disaster, the County's Plan contemplates mobilization of National Guard troops for assistance. See Basic Emergency Operations Plan, Section VII; see also Item 15, Agenda for Incident Briefing, Appendix 5, Emergency Operations Center Annex. The National Guard is named as an agency to assist in removal of debris following disaster. Item III and Appendix 5 of the Disaster Debris Disposal Annex. The armory itself is also listed as a potential place of shelter in the event of disaster. Appendix 3, Damage Assessment and Disaster Recovery Annex.

Based on the need to meet these requirements of Goals 7, 9, and 11, there is a demonstrated need for the proposed use.

[May 11, 2010 supplemental proposed findings follow]

In establishing the demonstrated need for the exception, the Statement of Intent/Proposed findings discuss in detail why the readiness center is needed to fulfill constitutional and statutory to provide for a state militia. (See pg. 21 to 22.) It also discussed the economic benefits provided to the state and region by keeping the unit and the readiness center in Polk County, near the City of Dallas. The application incorrectly indicates that demonstrations of need are directly tied to implementation of Goals 9 and 11. In correcting this oversight, OMD notes that while the demonstrated need may be tied to one or more of the requirements of Goals 3-19, this connection is not necessary for the findings of demonstrated need.

#### *B. Special Features*

The Applicant requires training centers and armories throughout the state in order to conduct its official business of administering, housing, equipping and training the ONG. Polk County is an identified strategic and requisite location for a Readiness Center, however the existing armory in the city of Dallas closed earlier this year due to serious structural damage.

In large part because of building size and standoff distance requirements, the Applicant could only identify an appropriately sized site within close proximity to the city of Dallas on resource land. As noted above (which findings are hereby incorporated into this section), the special features of Applicant's proposed use necessitated search parameters for the identification of a site for Applicant's PCRC. Among those parameters, size, location, topography, and zoning were particularly important. As noted above, few properties either within or outside the Dallas UGB met the basic search parameters. The Site has quick access to Highway 223 and Highway 22, major transportation corridors for this area. The Site is located adjacent to compatible uses and near to the City of Dallas. The Site's berm and grade separation from the highway help meet federal ATRP requirements. The Site is already an exception area and is not farmed, thereby minimizing the impact to resource land. The Site has no environmental or natural hazard risks. Of the potential properties meeting the minimal requirements, only the Site met these parameters for the PCRC's location.

It is noteworthy that the proposed Site is not pristine farmland. The Site is not currently in farm use. In fact, the Site currently has an exception from Goal 3 and is designated Industrial and Zoned for rural industrial use. The soils on the Site have been graded and compacted to 90 percent such that they are not desirable for agricultural production. In addition, the Site is not in an area characterized by farm use. Rather, the Site is surrounded on three sides by Industrial land and a state highway. While there is Agriculture land directly to the south of the Site, the Site is one parcel in a strip along Kings Valley Highway between the Dallas UGB and PSCP that is dominated by industrial, commercial and rural residential development.



As explained above, there is a demonstrated need for the PCRC based on the requirements of Goals 9 and 11. Furthermore, the PCRC's unique qualities require a non-residential, large-acreage site near the city of Dallas with efficient access to major transportation corridors. For these reasons, and due to the lack of suitable alternative sites, the state policies embedded in Goal 3 should not apply.

Staff concluded that the applicant has addressed all applicable criteria for an exception to Statewide Planning Goal 3. Staff agreed with the applicant's findings and conclusion that an exception to Goal 3 to allow use of the subject property as an armory is warranted. The Hearings Officer concurs, and so finds.

### (Zone Change)

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

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

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

- 1. The proposed zone is appropriate for the comprehensive plan land use designation on the property and is consistent with the purpose and policies for the applicable comprehensive plan land use classification; [PCZO 111.275 (A)]**
  - a. The purpose of the Public Plan designation is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. These include schools, parks fire stations, hospitals, cemeteries and other public buildings. Adequate public facilities are essential to well ordered community life, sustaining and enhancing the health, safety, educational and recreational aspects of rural living. [PCCP, Section 4]**

The Applicant intends to use the Site as a readiness center. Accordingly, the Applicant proposes that the Site be Zoned for Public Amusement and Recreation (PA). Concurrent with its request for a Zone change, the Applicant is requesting that the County amend the PCCP designation to Public. PA is an appropriate Zone for land designated Public.

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

As described in Section 4 of the PCCP, the purpose of the public lands definition is to recognize those areas and improvements which accommodate or provide various government services to the people of Polk County. The applicant seeks to use the subject property as an armory, with purpose of providing an Oregon National Guard training facility. The property would provide

emergency response, recovery, and mitigation services during times of national disaster or other emergency. According to the applicant, portions of the facility would be used as an community activity center as an ancillary use. As described by the applicant, it is typical of armories to include ancillary community activity center use. These services could be provided by application of the Public Amusement and Recreation (PA) zone with a Limited Use Overlay (PA/LU) as requested by the applicant. The limited use overlay would restrict the uses permitted in the PA zone to armory uses. Such uses would allow the ONG to provide service to the region.

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

The Applicant proposes to build a Readiness Center on the Site and accordingly is requesting that the Site be rezoned for PA. The purpose of the PA Zone is to provide land for public amusement and recreation. PCZO 170.010(C) specifically lists an armory as an allowed use in the PA Zone. Therefore, the Applicant's proposal to use the land for a Readiness Center conforms with the purpose of the proposed Zone.

The applicant proposes applying the PA/LU Zoning District, if an approval of the proposed amendment to the PCCP Plan map and text is granted. The PA would be an appropriate zone to implement the Public PCCP land use designation. Unlike most zones in Polk County, there is no purpose statement listed for the public zones in PCZO Chapter 170. Consequently, it is reasonable to substitute the purpose and intent of the Public land use designation listed in Section 4 of the PCCP, which states:

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

The applicant proposes to change the zoning of the subject property to PA with a Limited Use Overlay. That zoning would allow the applicant to establish an armory on the subject property. As stated by the applicant, the Polk County Readiness Center would itself provide a public service. The Oregon National Guard would use the property as a staging area to provide relief services in cases of national disasters or other emergency events. The public service that would be provided by the proposed armory would be consistent with the purpose statement of the Public lands designation.

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

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

The proposed PCRC will not significantly adversely affect allowed uses on adjacent lands. The land adjacent to the Site on the northeast and the east is currently zoned for rural industrial use, much of which is being used and has been used for some time for such purposes, although the majority of that land is undeveloped to the south of the Site is agriculture land, and Kings Valley Highway borders the Site on the west and northwest, the Applicant proposes to use the Site for an readiness center at which it will provide training to ONG members approximately one weekend per month and will store military equipment. Except for the training weekends, the Applicant anticipates that there will be five the Applicant personnel working in the readiness center Monday through Friday, 8AM to 5PM. This use will be relatively low impact and self-contained. It will not create excessive noise, pollution or environmental contamination, or have other negative impacts on adjacent lands.

Staff notes that based on a review of the 2008 Polk County Aerial Photograph and the applicant's statement, the property to the north and east is use for industrial purposes, the property to the north and west is managed for growing grass seed or hay, and the property to the south is used for rural residential purposes and hay production. The property is bordered by Highway 223 along its western property line.

The applicant is proposing a zone change to apply the PA Zone to the subject property and limit the uses within the PA Zone to armory uses only. The Limited Use Overlay that would restrict the uses on the subject property is necessary, as described above, to adopt a "Reasons" exception to Goal 3. It appears to Staff that the proposed armory would have a minimal impact on surrounding uses. Based on the description of the proposed armory, it would not produce significant noise, dust, or other emissions. With respect to storm water, the applicant states:

For Storm Water Quality and Quantity control, the Applicant will implement a permanent storm water management plan using industry standard "Best Management Practices (BMP's)". These BMP's include reducing or eliminating water pollution, preventing soils erosion, increasing on-site infiltration, eliminating sources of contaminants, and removing pollutants from storm runoff.

During construction the Applicant will protect and improve the quality of storm water runoff to the "maximum extent possible" under a National Pollution Discharge Elimination permit issued by the Environmental Protection Agency. The permit requires an approved Storm Water Pollution Prevention Plan (SWPP) plan to control storm water discharges from construction sites.

The applicant plans to dispose of waste water on site by constructing an on-site sewage disposal (septic) system. With respect to traffic, the applicant states that the armory would employ five full time staff. The armory would be used as a training facility one weekend a month and two weeks per year. During those periods, traffic levels would increase. These traffic impacts are regulated; however, by Goal 12. The applicant would need to comply with any requirements of the applicants ODOT issued approach road permit. The approach road permit may require the applicant to construct a left turn lane on Kings Valley Highway to serve those vehicles traveling southbound on Kings Valley Highway that seek to turn onto Westview Drive.

In consideration of the above factors, the proposed armory would not significantly adversely affect allowed uses on adjacent lands. Staff believes that the proposed zone change and Comprehensive Plan amendment are appropriate when taking into account surrounding land uses. As a result, the Hearings Officer finds that the application meets this criterion.

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

The proposed Site is not currently served by public water or sewer, and such public services will not be necessary. The Applicant will construct, operate and maintain a private septic system (leach field and tank), according to applicable building and environmental codes. For water, the Site will be serviced by Rickreall Community Water Association (RCWA). RCWA operates the "Dunn Hill Reservoir," located approximately one-half mile from the proposed PCRC site. Currently, a 3" and a 4" main pipeline delivers water to current customers in the vicinity of the PCRC. With two upgrades, RCWA anticipates having capacity to accommodate the PCRC's water needs. The first upgrade is to modify the telemetry (electronic control) for the pumping station at the reservoir. The second upgrade is to replace the two existing mains with a single 6' main. Applicant will also work with its Engineers under contract and with RCWA to implement these recommendations or others as deemed necessary by the engineers. Applicant will also comply with all building codes and Fire Marshall requirements to ensure adequate water for fire suppression is available at the Site.

The primary access to the Site will be off of an existing drive -- Westview Drive off Hwy 223. A secondary access will be off of Oak Villa Road. The potential impacts of these routes are described above with respect to Goal 12 and in the attached Draft Traffic Impact Statement.

The applicant is proposing to change the zoning of the subject property to PA/LU which would allow the property to only be used for an armory. The applicant intends to obtain water from the Rickreall Water System. A condition of approval should require that if the applicant plans to obtain water from a community water system, a "Statement of Water Availability" shall be submitted prior to building permit issuance. The applicant should also be required to comply with

all applicable state and federal water laws. There have been no identified effects on local schools as a result of the proposed change. Southwest Polk Rural Fire Protection District and the Polk County Sheriff Department provide emergency services at the subject property. Highway 223 (Kings Valley Highway) adjoins the subject property along the western property boundary. The subject property is currently vacant.

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

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

Applicant contends that the proposed change is appropriate taking into consideration the surrounding land uses, the density and pattern of development in the area, and changes in the vicinity. The Site is roughly in the middle of a strip of land adjacent to Kings Valley Highway and extending from the Dallas UGB to PSCP. Only one parcel in that strip, (the parcel adjacent to the southern border of the Site - T7S, R5W Sec. 28 TL 100) is currently designated Agriculture. The rest of the land between the Dallas UGB and PSCP is designated industrial, commercial and rural lands. The proposed PCRC is compatible with the surrounding land uses, and because the area surrounding the Site is already predominantly nonagricultural, the proposed change will not have a significant impact in terms of moving the area away from Agriculture or otherwise changing the character of the surrounding area.

Based on a review of the 2008 Polk County Aerial Photograph, the Zoning Map, and the applicant's statement, the property to the north and east is zoned Rural Industrial with a Limited Use Overlay and used for industrial purposes. The property to the north and west is zoned EFU and managed for growing grass seed or hay. The property to the south is also zoned EFU and used for rural residential purposes and hay production. The property is bordered by Highway 223 along its western property line.

As discussed above, Staff concluded that the proposed armory use of the subject property would not significantly adversely impact allowed uses on surrounding properties. Consequently, Staff believes that the proposed zone change would be appropriate taking into consideration surrounding land uses. The subject property is approximately 11.0 acres. Contiguous properties contain approximately 3.6 acres, 1.5 acres, 103.7 acres, 15.1 acres, and 29.3 acres. As currently zoned, there is no specific minimum parcel size for the subject property. Similarly, if these applications are approved, the subject property could be partitioned into smaller parcels, because there is no specific minimum parcel size in the PA zone for an armory. The change; however, would not permit a zone that allows a greater density of development than the current R-IND/LU zoning. Further, the applicant has submitted a plot plan which depicts that the entire property would be used for the Polk County Readiness Center. As such, it would be unlikely that the subject parcel would be partitioned into smaller parcels that would increase the density of development in the area. Based on this information, Staff believes that an 11.0 acre parcel would be consistent with the density of the area. The subject property is in close proximity to the Polk Station Commercial Park and a Public Service zoned property to the north, and is bordered by land used for industrial purposes to north and east. Highway 223 separates the subject property from land used for agricultural purposes to the north and west. The subject property and the parcel contiguous to the east obtained their Rural Industrial zoning designation approximately three years ago. This change removed the subject property and neighboring parcels to the north and east from agricultural use. That change expanded

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the commercial/industrial/public zoned cluster of which this property is a part. An armory located at the subject property would be located in a neighborhood characterized by non-farm, non-residential properties, and would be appropriate taking into consideration the pattern of development in the area.

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

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

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

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

An exception to Oregon Statewide Planning Goal 3 is necessary in order to approve the proposed zoning of the subject property. The uses currently permitted on the subject property were justified by a "Reasons" exception approved during a previous planning process. OAR 660-004-0018(4)(b) requires: "when a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required." As a result, a new Goal 3 exception is required and this is addressed in above. As described above, staff concluded that the applicant has demonstrated compliance with the criteria for a Goal 3 exception. The Hearings Officer concurs, and finds that the application complies with this criterion.

## CONCLUSIONS

A witness opposing the application argued that the subject parcel is, in fact, farmable; that armories ought to be located within UGBs; and that the PA (Public Amusement and Recreation) is inappropriate for a military facility. As noted several times above, the subject property already is designated Industrial, zoned for rural industrial activities, and is adjacent to functioning industrial activities. No compelling reasons were given for changing its designation to Agriculture, and rezoning it for that activity. The Hearings Officer finds no requirement under state or federal law that armories be located within UGBs. Among the permissible uses for the PA zone are armories and "military training facilities." PCZO 170.010(C) and (J). Perhaps a better title for the zone than "Public Amusement and Recreation" might be devised, but that is a matter for the Polk County Board of Commissioners to decide.

Based on the Review and Decision Criteria identified above, the Hearings Officer concludes and finds that the application submitted for the proposed PCCP designation, zone change, and Statewide Planning Goal 3 Exception;

1. Have followed the proper review process through a public hearing before the Polk County Hearings Officer for a recommendation to the Polk County Board of Commissioners,
2. Have findings to support the proposed change to the PCCP,
3. Are compatible with the proposed zoning designation as stated in PCZO,
4. Includes property that is served by adequate public facilities, services, and transportation networks.
5. Have addressed the required exception requirements to justify a "Reasons" exception to

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Statewide Planning Goal 3 as outlined in the Oregon Administrative Rules, PCCP and PCZO.

The proposed PCCP Map amendment, zone change, and PCCP text amendment to adopt a Statewide Planning Goal Exception would comply with the provisions of law with the implementation of conditions listed below.

### RECOMMENDATIONS

Based on the evidence and information submitted into the record at the time of completion of this staff report, the Hearings Officer RECOMMENDS approval of this applications by the Board of Commissioners, and that the Board:

1. Change the PCCP Plan Map designation of the subject property from Industrial to Public.
2. Adopt an exception to Statewide Planning Goal 3 (PCCP text amendment).
3. Change the Zoning of the subject property from Rural Industrial (R-IND)/Limited Use Overlay (LU) to Public Amusement and Recreation (PA)/LU subject to the following conditions of approval;
  - (1) The use allowed on the subject property shall be limited to an armory. An armory includes ancillary community activity center use.
  - (2) Prior to development of the subject property, the property owner shall obtain all necessary federal, state, and county permits, including those from the Polk County Planning, Building and Environmental Health Divisions, and the Oregon Department of Transportation (ODOT) prior to release of building permits. These permits may include, but are not limited to the following: a conditional use permit from the Planning Division, building, electrical and plumbing permits from the Polk County Building Division, septic installation permits from the Polk County Environmental Health Division, and an approach road permit from ODOT.
  - (4) Any development that occurs on the subject property shall be established in accordance with the provisions for development within the Public Amusement and Recreation Zone as required by the applicable sections of PCZO Chapter 112. The Public Zone development standards are listed in PCZO 112.420.
  - (5) If water is to be provided by a community water system, a "Statement of Water Availability" shall be submitted prior to building permit issuance. The applicant shall comply with all applicable state and federal water laws.

Dallas, Oregon, June 28, 2010.



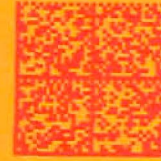
Robert W. Oliver

Polk County Hearings Officer

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**Polk County Community Development**



Polk County Courthouse  
850 Main Street  
Dallas, Oregon 97338



TO:

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