



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 10/24/2014
Jurisdiction: Lake County
Local file no.: 14-033-ZC/CPC
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/22/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	001-14 {22423}
Received:	10/22/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Lake County

Local file no.: **14-033-ZC/CPC**

Date of adoption: October 15, 2014

Date sent: 10/22/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 14 August 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No change from the Notice of Proposed Change

Local contact (name and title): Darwin Johnson

Phone: 541-947-6036

E-mail: djohnson@co.lake.or.us

Street address: 513 Center Street

City: Lakeview

Zip: 97630-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|----------------------|--------------|--------------|--|
| Change from R, Range | to P, Public | 2965+ acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address): 26-20-101, part of 26-20-100 and 27-20-100 see maps.

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from A-2, Agriculture to P-F, Public Facility Acres: 2965+
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): 26-20-101, part of 26-20-100 and 27-20-100 see maps.

List affected state or federal agencies, local governments and special districts: OMD, BLM, Lake County.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



LAKE COUNTY

Planning Department

Darwin Johnson Jr., *Planning Director*
513 Center Street, Lakeview, OR 97630
(541) 947-6036
Fax: (541) 947-2144

Email: djohnson@co.lake.or.us
Website: www.lakecountyor.org

22 October 2014

NOTICE OF DECISION OF THE LAKE COUNTY BOARD OF COMMISSIONERS

RE: Zone Change and Comprehensive Plan Change of Oregon Military Dept., File #14-033-ZC/CPC

Description: Zone Change and Comprehensive Plan Map Amendment including a Goal 3 Exception to change the Zoning from A-2 Agriculture to P-F, Public Facility and to change the Comprehensive Plan Designation from R, Range to P, Public on property described as being within Township 26 South, Range 15 EWM., Section 35, Tax Lot 3100, which is in the A-2 zone.

Notice is hereby given that the Lake County Board of Commissioners granted a Zone Change and Comprehensive Plan Map Amendment and an Exception from Goal 3 of Oregon's Statewide Planning Goals. Approval of the aforementioned land use application on October 15, 2014.

Copies of the Lake County Board of Commissioners adopted Findings of Fact are available for inspection by interested parties at the Lake County Courthouse, 513 Center Street, Lakeview, Oregon 97630 and a copy has been included with this Notice of Decision.

Any party aggrieved by the decision of the Lake County Board of Commissioners may exercise the right to appeal if the party provided input or evidence into the record concerning to this land use application. Please refer to Section 30.01 of the Lake County Zoning Ordinance for details.

This decision becomes final 21 days from the day this Notice of Decision is sent, unless appealed to the Oregon Land Use Board of Appeals (LUBA) by a party that either: appeared or participated in the proceedings leading to the decision either orally or in written, or determines they are an adversely affected or aggrieved part due to this land use action pursuant to Oregon Revised Statute 215.416(11).

The Findings document constitutes the land use permit sought by the applicant(s), thus, once the decision is final the applicant(s) may carry out the land use action as specified above.

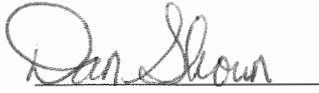
Sincerely,

Darwin Johnson Jr.
Planning Director

Lake County Planning Commission
Notice of Decision

Authorize the approval of the Planning Commission recommendation regarding Land Use File #14-033-ZC/CPC, an application by the Oregon Military Department for a Zone Change and Comprehensive Plan Change including an Exception from Oregon Statewide Planning Goal 3. The Approved Changes are: Zoning from A-2, Agriculture to P-F, Public Facility; and Comprehensive Plan Designation from R, Range to P, Public. Recommended from the Planning Commission September 16, 2014 and Approved by the Lake County Board of Commissioners October 15, 2014.

APPROVED and DATED this 15th day of October, 2014.



Dan Shoun
Chair

Bradley Winters
Vice-Chair



Ken Kestner
Commissioner



**LAKE COUNTY PLANNING COMMISSION
STAFF REPORT, FINDINGS &
RECOMMENDATION TO BOARD OF COMMISSIONERS**

Agenda Date: 9/16/2014

Item Number: 7

*This report is financed in part by an Oregon Department of Land Conservation and
Development Planning Assistance Grant.*

*Lake County Planning Commission Staff Reports are considered part of the record and may be utilized
for decision making purposes.*

TITLE: ZONE And COMPREHENSIVE PLAN CHANGE, APPLICATION NO.
14-033-ZC/CPC

APPLICANT(S): Adjutant General's – Oregon Military Dept. (OMD)
& PROPERTY 1776 Militia Way // P O Box 14350
OWNERS(S): Salem, Oregon 97309
503-584-3914 (O); 503-584-3584 (F); email:
roy.d.swafford.nfg@mail.mil, Stanley.a.hutchinson.mil@mail.mil,
joanne.manson1@state.or.us

SUMMARY: Public Hearing concerning an application by Oregon Military Department to request a Goal 3 Exception. If approved, the Exception would remove and change a 2965+ acre area from A-2, Agriculture Use Zone to P-F Public Facility Zone, and change the Comprehensive Plan Designation from R, Range to P, Public. The property described as portions of: T26S, R20E, TL 101 and 100 and T27S, R20E, TL 100 in a A-2, Agriculture Use Zone. A decision will be based on Article 28 of the amended Lake County Zoning Ordinance of 1980, OAR 660-004, and ORS 197.732.

DECISION: Following a review of all relevant information, the Board of County Commissioners (BOCC) have **APPROVED** the Zone & Comprehensive Plan Changes to rezone and designate the property as described within this document based upon the enclosed findings of fact and conclusions of law.

REPORT BY: Darwin Johnson Jr., Planning Director

LEGAL NOTICES: By publication, Lake County Examiner – September 3 & 10, 2014 for the Planning Commission meeting, October 1 & 8, 2014 for the Board of County Commissioners hearing. Individual notice to all adjacent owners and agencies – August 21, 2014 Notice to DLCDD Plan Amendment Specialist August 18, 2014 (see Attachment B).

PUBLIC HEARING: The Lake County Planning Commission held a public hearing on the 16th of September, 2014, at the County Courthouse to hear the proposal from the applicant and testimony from the public in general. The Planning Commission approved the Staff Report and Findings and Recommended

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the application on to the BOCC for Approval. The BOCC held a hearing on October 15 at the Christmas Valley Community Center. A summary of those meeting are available in the County Planning Department's record of the Planning Commission minutes and with the BOCC.

GENERAL SITE INFORMATION:

Type	Detail	Notes:
Assessor's Account	19208, 766, 7068	All of 19208, and parts of 766 and 7068
Legal Description	T26S, R20E, TL 101 & part of 100 and part of T27S, R20E, TL 100	
Zone Designation	A-2, Agriculture Use	Proposed to change to P-F, Public Facility
Comprehensive Plan Designation	R, Range	Proposed to change to P, Public
Parcel Size	2965+ acres	Exact acreage to be determined after approval and approval of a partition.
Current Land Use	Military Use	A Site Visit was conducted in which photos will be made available at the hearing.
Proposed Land Use	Zone Change and Comprehensive Plan Designation Change	A Zone/Comprehensive Plan Change Application has been applied for and will be considered by the Planning Commission at the September 2014 regularly scheduled meeting. The Planning Commission will make a Recommendation to the Board of County Commissioners on this application.
Special Assessment Taxation	No	Class 961 – Exempt State Improved (19208) Class 970 – Exempt Federal Vacant (766) Class 970 – Exempt Federal Vacant (7068)
Fire Protection	No	No Coverage Area.
Water Rights	No	No Irrigation Rights on the subject property.

ADJOINING PROPERTY INFORMATION:

Type	Detail	Notes:
Zone Designation	A-2, Agriculture Use	
Plan Designation	Range	
Existing Land Uses	Vacant Range Land	See Attachments B & C

INFRASTRUCTURE AVAILABILITY:

Type	Detail	Notes:
Electrical Service	Currently Provided by	Mid State Electric Coop // Solar
Potable Water	Currently Provided by	Well
Public Sewer or Septic	Currently Provided by	Septic

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Access to Public Roadway	Christmas Valley Hwy (County Road 5-14)	Refer to ODOT Comments (see Attachment H).
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ENVIRONMENTAL ISSUES:

Type	Detail	Notes:
Wildlife Habitat	Not in Special Overlay	
Soil Classifications	6s, 6w, 6e & 8 per USDA	(see Attachment D)
Flood Plain	Zone – Undetermined Panel: 410115 0650B	FEMA Flood Insurance Rate Map (FIRM) Map Index states, “Panel Not Printed”

GENERAL DISCUSSION:

Cities and Counties in Oregon possess certain land use documents that guide and regulate development and these are:

The Comprehensive Plan.

The Comprehensive Plan is a land use document containing text, photographs and maps designed to identify the history, current conditions and the future aspirations of the County.

The Zone Ordinance and/or Land Development Ordinance.

The Zone Ordinance and Land Development Ordinance are specific regulatory documents that identify what types of land use activities can occur on properties and how the development is to be constructed. The Zone Ordinance and Land Development Ordinance are text documents that correspond to a Zone Map. A Zone Map is associated with the Zone Ordinance and the Zone Map shows property ownership boundaries overlaid by a specific Zone and Comprehensive Plan designation.

What is an “Exception” and how does this relate to the County land use regulations?

The Comprehensive Plan, Zone Ordinance and Land Development Ordinance were acknowledged by the State of Oregon’s Department of Land Conservation and Development (DLCD) when Lake County initially created the regulations in the early 1980’s.

There are situations where certain development or land use activities are not well described in the acknowledged regulations (particularly with regard to large developments) and this is not unique to Lake County. When this happens, DLCD establishes special rules to ensure that development maintains the expectations of the Statewide Planning Goals.

An “Exception” is a process that allows an applicant to present extenuating circumstances in anticipation that the DLCD will waive a rule.

The “Exception” process is not taken lightly by Lake County or DLCD as both entities are bound by the Statewide Planning Goals.

What is the Planning Commission’s task on this application?

The Lake County Planning Commission (LCPC) is tasked with making a recommendation to approve or deny the proposed Goal 3 Exception to the Lake County Board of County Commissioners (BOCC) based upon the application materials, submittals from agencies, professionals and testimony from the public.

The BOCC will take the recommendations of the LCPC into account at a separate meeting, which will further evaluate the application materials, submittals and testimony from the public. There is a possibility of the BOCC might remand part or all of the amendment application back to the LCPC for further consideration and recommendation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Lake County Zone Ordinance Section 29.04 identifies the source of findings as:

- A. Comprehensive Plan, Supplemental Atlas, and other ordinances and plan supplements.*
- B. Information presented at hearings or other public discussions of related issues.*
- C. Findings presented by the applicants.*
- D. Various sources of physical, social, legal, economic, environmental or other applicable information.*

Finding: The following findings are a compilation of the Lake County Comprehensive Plan (LCCP), Lake County Zoning Ordinance (LCZO) and other supplemental materials, including Oregon Revised Statute (ORS) and Oregon Administrative Rule (OAR). The applicants have included supplemental information in the Conditional Use Application (see Attachment A). The LCCP and Implementing Ordinances were acknowledged by the Land Conservation and Development Commission (LCDC) on July 8, 1982 as satisfactorily meeting each of the State's Land Use goals as applicable. The LCPC finds that the subject property was zoned A-2, Agriculture Use with a Comprehensive Plan Designation of R, Range on July 8, 1982. A decision will be based on Article 28 of the amended LCZO of 1980, the amended LCCP, OAR 660-004, and ORS 197.732.

LAKE COUNTY ZONING ORDINANCE

ARTICLE 28: ZONING AMENDMENTS

Section 28.01 Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to a zoning map may be initiated by the Commission, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Administrator using forms prescribed pursuant to Article 28 of this Ordinance.

Section 28.02 Application for a Zone Amendment. An application for a Zone Change or Zone Text Amendment by a property owner or authorized agent thereof shall be filed with the County Planning Director on forms prescribed by the County and shall be accompanied by the required filing fee. Said application shall be filed not less than 21 days prior to the date of the Commission hearing thereon. The applicant shall provide reasons for the requested change, and shall present sufficient facts to show that the amendment will be in substantial compliance with the goals, objectives and policies of the County Comprehensive Plan and applicable Statewide Planning Goals and LCDC Administrative Rules.

Finding: The LCPC finds that the applicants have applied for an *amendment ... to a zoning map on forms prescribed pursuant to Article 28*. The applicants have also applied for a Comprehensive Plan Designation Map Change. Both requests will be reviewed concurrently by the PC in this process and after recommendation by the Board of County Commissioners (BOCC) for a final decision on the application. The required filing fee was collected as set by the amended Lake County

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Ordinance 52, which established the fee schedule. Findings have been submitted by the applicant providing *reasons for the requested change, and ... which present sufficient facts to show that the amendment will be in substantial compliance with the goals, objectives and policies of the County Comprehensive Plan and applicable Statewide Planning Goals and LCDC Administrative Rules.* This application has been initiated and is being processed in accordance to Section 28.01 and Section 28.02.

Section 28.03 Public Hearings on Amendments. The Planning Commission shall, at its earliest practicable meeting date following the 21 day filing period, duly advertise and conduct a public hearing on the proposed amendment, and shall within five (5) working days following the conclusion of such hearing, recommend to the Board of County Commissioners, approval, disapproval or modified approval of the proposed amendment. Within 30 days of the receipt of the Commission's recommendations, the Board shall duly advertise and conduct a public hearing on the proposed amendment. The Board shall approve, approve with modifications, or disapprove the proposed amendment. The Commission or the Board may recess or continue a hearing in order to obtain additional information and input on the proposed amendment.

Section 28.04 Public Notice Requirements. The following public notice requirements shall apply to applications for a zoning amendment:

- A. Each notice of a public hearing regarding a zoning amendment shall be published once a week for the two (2) successive weeks prior to the date of the hearing in a newspaper of general circulation in the County.*
- B. In addition to the notice requirements set forth in Sub-Section A. above, for an amendment that proposes to rezone property individual notice shall be given as set forth by ORS 215.503(2) (c) except as provided otherwise by ORS 215.508. If such rezoning is for a single lot or parcel, individual notice shall be provided to all property owners within 250 feet of the exterior boundaries of the subject property.*
- C. Notice of an application for a zone amendment shall be provided to the owner of a public use airport if the property subject to the zone amendment is:
 - 1. Within 5,000 feet of the side or end of a runway of a "visual airport"; or*
 - 2. Within 10,000 feet of the side or end of the runway of an "instrument airport"; and*
 - 3. If the zone amendment would allow a structure greater than thirty-five (35) feet in height on property located inside the runway "approach surface".**
- D. Notice of an application for a zone change of property which includes all or part of a mobile home park shall be given by first class mail to each existing mailing address for tenants of the mobile home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing.*
- E. Notice of an application for a proposed zoning amendment, together with a copy or description of the proposed amendment, shall be provided to the State Land Conservation & Development Commission (LCDC) at least forty-five (45) days prior to the date of the final hearing thereon.*

Finding: The LCPC finds that this public hearing initiating the review process has been scheduled *at its earliest practicable meeting date following the 21 day filing period* and has been *duly advertise[d]*. Publication in the Lake County Examiner was made in September 3 and 10, 2014 as required by *A. above*. As this rezone is *for a single lot or parcel ... all property owners within 250 feet of the exterior boundaries of the subject property* have been sent notification of the public hearing. Public Notice Requirement *B.* has been met and exceeded as notice was sent to those 750' of the subject property. Subsection *C.* above does not apply as the property is greater than *10,000 feet* from an airport. The Christmas Valley Airport is the closest airport which is over 12 miles from the subject property. Subsection *D.* does not apply. Subsection *E.* has been followed as near possible to allow for a prompt process of the application The state now requires a 35 day notice prior to the first evidentiary hearing of which is scheduled for September 16, 2014. Following a review by the LCPC a recommendation will be made to the BOCC either for *approval, disapproval or*

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modified approval of the proposed amendment. The process will continue as outlined in Sections 28.03 and 28.04 above before the BOCC.

Section 28.05 Record of Amendments. The Planning Administrator shall maintain records of amendments to the text and zoning map of the Ordinance.

Section 28.06 Limitation on Re-application. No application of a property owner for an amendment to the text of this Ordinance or to the zoning map shall be reconsidered by the Planning Commission within one year of the previous consideration of the application, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

Section 28.07 Compliance with Comprehensive Plan. In considering an amendment to an Ordinance or map, the Planning Commission and Board of Commissioners shall seek to determine the following:

- A. That there has been a substantial change in the character of the area since the zoning was adopted.*
- B. That the level of development in the other locations has reached the point whereby additional land is needed for the proposed use(s), and that the area of the proposed change can best facilitate such needs.*
- C. That the zoning adopted for the area is in error.*

Finding: The LCPC finds that Compliance with the Comprehensive Plan will be determined by findings to the ORS and OAR criteria. The applicant has requested a change to the Zoning and Comprehensive Plan Map for the reasons that the zoning adopted for the area is in error. Furthermore the Applicant has submitted the following: *“The federal government manages 78% of the land in Lake County. The BLM controls 2.6 million acres or 49% of the county. The U.S. Forest Service manages 857,000 acres or 16% of the county. This has been the case documented by BLM records since the early 1960s, before State Planning provisions, County Comp Plan and Zoning Ordinances were adopted. The subject 2,622 acre site are lands under which the BLM has categorized for public service use; primarily for military training and associated activities for the past three decades. There have never been any commercial agricultural activities on the site.”*

Therefore, *“The County Comp Plan has provisions for designating lands as Public – as indicated by achieving consistency for existing and proposed state public uses on the site with State planning goals. These are the provisions under which the OMD is requesting a Comp Plan and Zoning designation of Public to achieve consistency of the state military public use on the subject site with the local land use provisions of Lake County”* (see Attachment A: Application).

OREGON REVISED STATUTES

ORS 197.732 Goals exceptions; criteria; rules; review

(1) As used in this section:

- (a) “Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.*
- (b) “Exception” means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:*
 - (A) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;*
 - (B) Does not comply with some or all goal requirements applicable to the subject properties or situations; and*
 - (C) Complies with standards under subsection (2) of this section.*

Finding: The LCPC finds that the proposed exception is applicable only to the subject site and this exception would not establish a general planning or zoning policy. The exception would allow for the rezoning of the site from A-2, Agriculture Use to P-F, Public Facility, and the Comprehensive Planning Designation from R, Range to P, Public. This criterion is met and findings for each statewide planning goal will be made later in this document.

- (2) *A local government may adopt an exception to a goal if:*
- (a) *The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;*
 - (b) *The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;*
or
 - (c) *The following standards are met:*
 - (A) *Reasons justify why the state policy embodied in the applicable goals should not apply;*
 - (B) *Areas that do not require a new exception cannot reasonably accommodate the use;*
 - (C) *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 areas requiring a goal exception other than the proposed site; and*
 - (D) *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

Finding: The LCPC finds that although the property is physically developed as a military site and cannot reasonable be converted to an agricultural use, the applicants have applied for a “Reasons” exception under item (c), therefore (a) and (b) are not applicable to the subject site. However the applicant submitted Applicant Findings of Fact (see Attachment A) regarding the history of the site and of which the following is referenced:

“The subject property has been in public use under federal government ownership and management since the early 1900’s with management and planning of these lands being codified providing the Bureau of Land Management (BLM) with purview over classifying these lands for use since 1976 under the Federal Land Policy and Management Act (FLPMA). The subject site had been in federal public service use by the military (Air Force) since 1983. The site is developed with concrete footings from 216 antennae, three (3) service/storage/office buildings, three (3) control boxes for power substations, one (1) vehicle maintenance building, 120ft tall radio antenna, secure vaults and fenced perimeters, generator back-up power, four (4) water well houses, four (4) water tanks, 120/208 volt three phase power, improved gravel road access to the site and through the site from Wagontire Rd. to Christmas Valley Hwy.” Continuing...

“326 acres of this 2,622 acres has recently (2011) been transferred to the State of Oregon for the Oregon Military Department’s (OMD) Office of Emergency Management’s (OEM) mission. In concert with that state role the existing buildings and infrastructure has been augmented to support the state’s renewable energy initiative that encourages renewable energy to be associated with any new state facility. Solar panels have been installed in the existing three existing office buildings on the site. This is a public service use. The remaining 2,296 acres will also be transferred to the OMD/ORNG this year (with property transfer completion by Sep. 2014) with the entire site being operational to support the federal training mission of the Oregon National Guard (ORNG). The ORNG consists of the Air and Army Guard. On-going Air National Guard training missions have routinely been flown over the subject site since 1984. Army and Air National missions are both ground and air based. These training missions are inherently federal public service uses in scope as they are conducted in support of and must meet federal requirements and standards.” And

“The BLM had classified these lands for public service use and have considered NRCS soils classification...With respect to the proposed public service use – military training – on the subject site, there are an inadequate amount of lands designated for such use in the State of Oregon. The subject property can facilitate

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addressing some of this deficit – particularly with respect to servicing central/southern Oregon National Guard units.”

The LCPC therefore finds that the reasons do exist that justify this area being removed from an Exclusive Farm Use (EFU) zone (A-2, Agricultural Use) and Comprehensive Plan Designation of R, Range to P-F, Public Facility and P, Public. There are no areas available in any other Non Farm or Forest zone that could *reasonably accommodate the use*. The site has historically been a military site developed by federal dollars and has been or will be transferred to the state. The site will then be subject to ORS and OAR, therefore an exception is need for further use and development of the site for public facilities, services and uses, including trainings. No greater long term consequences will result from the use continuing at the site. The proposed change to public facility would allow uses that are compatible to other adjacent uses as the area is vacant of development other than transmission lines and rural county roads. The near vicinity (2 mile radius) has no dwellings farm or non-farm. The subject site is greater than 4 miles from an irrigated field and the surrounding lots are primarily classified as recreational or rural tract, all being below acreage minimums for farm dwellings. Further development in the Christmas Valley area is reduced because of a Water Moratorium (see Attachment E).

- (3) *The commission shall adopt rules establishing:*
 - (a) *That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;*
 - (b) *Under what circumstances particular reasons may or may not be used to justify an exception under subsection (2)(c)(A) of this section; and*
 - (c) *Which uses allowed by the applicable goal must be found impracticable under subsection (2) of this section.*
- (4) *A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.*
- (5) *Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.*
- (6) *Upon review of a decision approving or denying an exception:*
 - (a) *The Land Use Board of Appeals or the commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;*
 - (b) *The board upon petition, or the commission, shall determine whether the local government’s findings and reasons demonstrate that the standards of subsection (2) of this section have or have not been met; and*
 - (c) *The board or commission shall adopt a clear statement of reasons that sets forth the basis for the determination that the standards of subsection (2) of this section have or have not been met.*
- (7) *The commission shall by rule establish the standards required to justify an exception to the definition of “needed housing” authorized by ORS 197.303.*
- (8) *An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1) (1981 Replacement Part) on or before August 9, 1983, continues to be valid and is not subject to this section.*

Finding: The LCPC finds that Commission referred to here is LCDC and that they have adopted OAR language in connection to this statute and the County will make findings hereafter in regards to that language. Proper notice has occurred and notice of the final decision will be provided to the State and all qualifying parties of interest. The ORS Goals exceptions, criteria, rules and review have been process found for in compliance to established ORS and OAR.

OREGON ADMINISTRATIVE RULES

OAR 660-004-0015 Inclusion as Part of the Plan

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- (1) *A local government approving a proposed exception shall adopt, as part of its comprehensive plan, findings of fact and a statement of reasons that demonstrate that the standards for an exception have been met. The reasons and facts shall be supported by substantial evidence that the standard has been met.*
- (2) *A local government denying a proposed exception shall adopt findings of fact and a statement of reasons that demonstrate that the standards for an exception have not been met. However, the findings need not be incorporated into the local comprehensive plan.*

Finding: The LCPC finds that this document, along with any findings made by the LCPC, serve to meet the requirement for findings of fact. If the exception is approved the county will have shown *reasons and facts... supported by substantial evidence that the standards have been met.* The record of approval will remain on file with the county.

OAR 660-004-0018 Planning and Zoning for Exception Areas

(4) *"Reasons" Exceptions:*

- (a) *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.*
- (b) *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.*
- (c) *When a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022 was previously adopted, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent.*

Finding: The LCPC finds that the proposed change is to P-F, Public Facility. The current language in that Article in the LCZO *limit the uses, density, public facilities and services and activities to only those justified in the exception.* However the findings show that the property was miss zoning and that it should have been zoned and designated as Public as its historic use has always been public. This application and review is not for a new exception is being approved under (b) above. Sub (c) above also does not apply. This OAR has been satisfied.

OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements

- (1) *If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. As provided in OAR 660-004-0000(1), rules in other divisions may also apply.*
- (2) *The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:*
 - (a) *"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 for the use being planned and why the use requires a location on resource land;*

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Finding: The LCPC finds that the proposed exception has justifiable reasons why Goal 3 should not apply as found for in this document, considering the historical use of the property and existing development and planned future development. The applicant has shown the reasons that *justify why the state policy... should not apply*. The applicant states a *specific* area as shown on Attachment A: Application and said application adequately described the *situations* on the ground and *the amount of land for the use being* continued and further developed. The site is already developed on resource land although it has never been used as agricultural land.

(b) *"Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements:*

(A) *The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;*

Finding: The LCPC finds that the site is already developed and no other area within 10 miles is zoned P-F, Public Facility. Whereas the site has been developed no area can realistically be found to be a better alternative area considering the great expenses to federal government to develop the subject site for public purposes now being transferred to the State of Oregon. This requirement is met.

(B) *To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:*

(i) *Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?*

Finding: The LCPC finds that this requirement has already be found for, although each shall be addressed. Sub (i) is not applicable as the site has been developed and no other non-resource land can reasonably be used when considering the historic use and existing development of the property. The location of the property is a great distance from existing farm and non-farm uses. This criterion is met.

(ii) *Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?*

Finding: The LCPC finds that this site is *irrevocably committed* and developed, but that no other lands exist that can *reasonably accommodate* the proposed use. No lands exist (non-resource or resource) that could be reasonably found to be better suited for this type of use and exception.

(iii) *Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?*

Finding: The LCPC finds that this site is more than 80 miles from an UBG. Considering the site has already been developed for military purposes benefitting the general public, this site is found to be the most reasonable site available for the OMD mission.

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- (iv) *Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?*

Finding: The LCPC finds that the proposed use is not connecting to a public facility or service, beyond those that already exist in the area. The proposed use will not exceed the public services (Roads, Power) in the area, and the only public facility is the existing buildings on site, of which unauthorized access is not granted.

- (C) *The "alternative areas" standard in paragraph B may 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 describes 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.*

Finding: The LCPC finds that no other alternative areas have been described or presented by another party. No detailed evaluation will be necessary, nor could any alternative location be found to better accommodate the State. The County has adequately reviewed the site and proposal and found this site to be the most appropriate for rezone and a Plan Designation change considering the needs of the applicant and existing development of the property.

- (c) *"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 areas requiring a goal exception other than the proposed site." The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in 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 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 not limited to a description of: 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 to be addressed 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;*

Finding: The LCPC finds that this site's location was designed historically to reduce adverse impacts to the area, County, State and Federal governments and their citizens. A detailed evaluation of specific alternative sites is not required as the LCPC has already shown that no alternative could reasonably be found to be better suited than an already substantially developed site that was never used as agricultural resource land. Other requirements listed above have been found for within this document.

- (d) *"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*

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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.

Finding: The LCPC finds that the majority of lands adjacent are BLM owned properties, or existing legal lots that do not meet minimum acreage standards for range land and development as farm dwellings. The likelihood of these lands being use in a commercial agricultural operation is doesn't exist. Competing uses exist in the vicinity however all are compatible with one other and adverse impacts do not exist. Additional finds are within this document addressing adjacent uses and there compatibility to the proposed uses.

(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.

Finding: The LCPC finds that proposed area is a standalone project area. No other area in the County is being reviewed at this time for a rezone from an EFU zone to a P-F, Public Facility zone. No further finding will be required for sub (3) above as it does not apply.

OAR 660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception under Goal 2, Part II(c) may be taken for any use not allowed by the applicable goal(s) or for a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use. The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule. Reasons that may allow an exception to Goal 11 to provide sewer service to rural lands are described in OAR 660-011-0060. Reasons that may allow transportation facilities and improvements that do not meet the requirements of OAR 660-012-0065 are provided in OAR 660-012-0070. Reasons that rural lands are irrevocably committed to urban levels of development are provided in OAR 660-014-0030. Reasons that may justify the establishment of new urban development on undeveloped rural land are provided in OAR 660-014-0040.

(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, 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:

(a) 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

(A) 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 paragraph 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

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

Finding: The LCPC finds that applicant has stated demonstrated the need for additional lands designated for military training as there is an inadequate amount of lands for such use. The subject property will help address some of the deficit of lands available. There are *special features or qualities that necessitate its location on or near the proposed exception site* as the site has already been developed to a substantial level and no alternative site exists with such development outside of resource or non-resource lands.

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- (2) *Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing except as provided for in this section of this rule, assumed continuation of past urban and rural population distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned that require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.*
- (3) *Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the following:*
 - (a) *The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports;*
 - (b) *The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or*
 - (c) *The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages that support the decision.*

Finding: The LCPC finds that the above criteria do not apply as this is an exception for Rural Residential or Rural Industrial Development.

OAR 660-015-0000 Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The LCPC finds that *Goal 1* requirements are incorporated into the procedural parts of the LCCP Planning Guidelines. The proposed amendments do not change Citizen Involvement requirements in the LCCP or LCZO. By following the appropriate procedures outlined in Article 28, compliance with this goal has been met.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The LCPC finds that the proposed amendments are consistent with *Goal 2* because the amendments rely on the County's established policies and framework to the extent provided for under the LCCP Planning Guidelines.

Goal 3: Agricultural lands

To preserve and maintain agricultural lands.

Finding: The LCPC finds that "Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700." Goal 3 defines agricultural lands in Oregon as land predominantly of Class I, II, III and IV soils as identified in the Soil Capability

Classification System of the United States Department of Agriculture – Natural Resource Conservation Service (NRCS, see Attachment D), and other lands that are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy input requirements, and accepted farming practices.

The project site is flat and has minimal vegetation, has no irrigation water rights, and is crossed by the Bonneville Power Administration (BPA) high power transmission lines. The project site is composed of the soils class 6s, 6w, 6e & 8 per NRCS, specifically 313 – Flagstaff complex, 0-1 percent slopes; 314 – Flagstaff-Playas Complex, 0-1 percent slopes. According to the NRCS and as shown on the Figure in the Applicant’s Attachment B, the Playas soils are non-irrigated capacity Class VIII. Due to the water moratorium in the North Lake County area, irrigation is not likely, thus greatly inhibiting productive agriculture. The proposed solar energy generation use would occupy non-high value farmland soils in a manner that is compatible with the military training mission and consistent with agency federal or state energy efficiency and renewable energy goals. The proposed change from Agriculture (Exclusive Farm Use) zoning and plan designation requires that findings for compliance with Approval of a Goal 3 Exception under ORS 197.732 and OAR 660-004-0020(1) be made. Such findings have been provided addressing each applicable Statewide Planning Goal.

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: The LCPC finds that the property is not and has never been forest land and no such designation exists on the project site, therefore this Goal does not apply and the proposed change is in compliance with this Goal.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The LCPC finds that as required by this Goal, the County has adopted programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to the livability of the State and County as a whole. Compliance to Goal 5 is best achieved when resources are inventoried as required by the OAR such as: Riparian Corridors, including water and riparian areas and fish habitat; Wetlands; Wildlife Habitat; Federal Wild and Scenic Rivers; State Scenic Waterways; Groundwater Resources; Approved Oregon Recreation Trails; Natural Areas; Wilderness Areas; Mineral and Aggregate Resources; Energy Sources; Cultural Areas. The County along with the appropriate state agency maintains current inventories of the following resources: Historic Resources, Open Space, Scenic Views and Sites.

The BLM has done extensive work and inventoried natural resources that are documented in their Lakeview District’s Natural Resource Management Plan (2003) with subsequent updates. (see <http://www.blm.gov/or/districts/lakeview/plans/lakeviewrmp.php>).

The OMD Installations Environmental Specialists conduct and maintain natural and historical resource inventories once the lands become a part of the agency’s training mission/program. This group works closely with tribes, SHPO, ODFW, DSL, OPRD, WRD,

DOGAMI and others as necessary to track and maintain key relevant resources that may impact or be impacted by agency activities.

A Feasibility Study assessing Solar Energy as an energy resource in the Christmas Valley area – specifically for the subject area – was completed in December 2011 by Evergreen Energy in partnership with ORNG/OMD, OIT and ODOE. That study found that this area was ‘optimal’ for energy generation by solar power.

The LCPC finds that balancing Goal 5 resources can be difficult when competing resources and opportunities exist. Therefore having considered the history of the site, and the known natural resources in the area, the LCPC finds that the proposal meets the intentions of Goal 5.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Finding: The LCPC finds that the subject site is not in any special air quality management designated area per DEQ requirements. The area is however within the Fort Rock Ground Water Limited Area (FRGWLA) (see Attachment E). The LCPC finds that the FRGWLA is not affected by the proposed changes from Agriculture to Public.

Goal 7: Areas Subject to Natural Hazards

To protect people and property from natural hazards.

Finding: The LCPC finds that the statewide Geologic Hazards map shows the area of subject site contains the potential for strong expected earthquake shaking with a moderate level for soft soil hazard. Thus future development on the site will have to take this into consideration and factor development standards to address and mitigate this level of hazard. Future development of the site would require building permits that will require compliance to State Building Codes. This goal’s intent is to protect people and property and compliance to this goal will be met as the property is further developed. No access is granted to unauthorized persons, and those authorized will be informed of the hazards in the area.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The LCPC finds that the BLM Lakeview District Resource Area Resource Management Plan of 2003 recognizes the subject site as a Department of Defense Site outside of and to the south of the Christmas Valley Sand Dune recreational area. The area is fenced and cannot be accessed by unknowing visitors of the dunes. Thus, the subject area is not subject to Goal 8, and the recreational needs of the area are not affected by the proposed changes.

Goal 9: Economic Development

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

Finding: The LCPC finds that the site is to be developed for public use benefit – which will benefit the State of Oregon in development of its alternative energy resource use and in turn facilitates job creation and future energy savings for economic stimulus in Oregon. The training activities will bring visitors to the area for a few days each month and a few weeks annually. These would be temporary overnight stays that will likely be mostly bivouac (in the field tents)

with some local temporary stays. The economic contribution the ORNG brings to this region (via Klamath Falls units salaries, programs, construction, supplies and services) in 2013 was over \$54 million. The site currently has remained almost unused, therefore those proposed activities and trainings will bring to the area added economic benefit to the area and many of its residents.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

Finding: The LCPC finds that the applicants are not proposing to develop any permanent housing onsite. As indicated previously ORNG training activities would involve temporary overnight stays that will likely be mostly bivouac with some local temporary stays within the Christmas Valley area. Whereas the visitors and trainees coming to the site are not local residents there will not be a need for long term housing. Local resources in the area could accommodate those authorized persons coming to the area for trainings. The proposal has no effect on the housing of citizens in the state, therefore this goal is not directly applicable. Indirectly through economic stimulus to the Christmas Valley area, needed housing can be developed within the unincorporated areas of Christmas Valley, as that area has already been zoned for such.

Goal 11: Public Facilities and Services

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.

Finding: The LCPC finds that the site is proposed to accommodate public use and services as it will be owned and used to benefit the missions of the Oregon Military Department (Office of Emergency Management) and the Oregon National Guard. No urban public facilities or services are proposed to be used on the site. The proposal has no effect to the public facilities and services in the Christmas Valley area. No additional resources will be required of Lake County or the State of Oregon beyond those that already exist and the levels are currently provided to the area.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding: The LCPC finds that the existing transportation networks and roadways are sufficient to accommodate the current and proposed future uses to the site area. It is estimated that traffic generated would be less than that projected for the ORNG's northern training site in the state which was estimated by traffic estimators to generate at most about 130 net new Weekday Peak Hour trips per year at the high point of projected use which may be in about twenty years. This is due to the fact that the ORNG usually trains weekends and conducts annual training for brief periods (usually about two weeks at a time) annually. The proposal will not exceed or negatively effect the County's road system or be unsafe to those using said system. Visibility is clear at the intersection of Christmas Valley Highway (County Road 5-14) and the properties access road.

Goal 13: Energy Conservation

To conserve energy.

Finding: The LCPC finds that the site area is proposed to accommodate and develop solar power generation. Future development on the site will support ORNG's and OMD's mission and will be in alignment with energy conservation measures required by federal and state energy

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conservation goals, policies and standards. The proposed change will allow the ORNG and OMD to produce a known renewable energy source to help in the overall goal to conserve energy and thus further the Energy Conservation Goal of the State.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The LCPC finds that the subject area is not in an urbanized or urbanizing area and is not proposing to add services or development that would encourage such development within this unincorporated area of the County. The Unincorporated Community of Christmas Valley is west of the subject property over 10 miles, and adequate resources in that community could support the needs of those on temporary visits to the area. The nearest Urban Growth Boundary is over 80 miles from the subject property. Rural livability in the area will not be affected by the proposal. Currently no home is within 2 miles of the proposed site. The intents of this goal are satisfied by proposed change of zoning and Comprehensive Plan designation.

- Goal 15: Willamette River Greenway*
- Goal 16: Estuarine Resources*
- Goal 17: Coastal Shorelands*
- Goal 18: Beaches and Dunes*
- Goal 19: Ocean Resources*

Finding: The LCPC finds that the Statewide Planning Goals 15-19 are not applicable to the subject area or Lake County as a whole. No further findings are necessary for these goals.

PLANNING COMMISSION RECOMMENDATION:

Following a review of all relevant information, the Planning Commission recommends **APPROVAL** of the Zone and Comprehensive Plan Designation Map Changes and Goal 3 Exception based upon the enclosed Findings of Fact, Attachments*, Exhibits* and testimony submitted at the hearings and conclusions of law. This Recommendation is now forwarded to the Board of County Commissioners for their review and final decision.

PLANNING COMMISSION VOTE RESULT:

PLANNING COMMISSIONER	POSITION & TERM	MOTION	YES	NO	ABSTAIN
Meredith Smith – <i>Chair</i>	1 – 12/31/2014		X		
Bert Young – <i>Vice-Chair</i>	2 – 12/31/2014		X		
Tom Burkholder	3 – 12/31/2015	X	X		
Justin Ferrell	4 – 12/31/2015	2 nd	X		
Donald Parker	5 – 12/31/2016		X		
John Flynn	6 – 12/31/2016		X		
Bob Pardee	7 – 12/31-2017		X		

SIGNATURE:

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Upon the vote of quorum at the Planning Commission, the Zone and Comprehensive Plan Designation Map Changes and Goal 3 Exception are hereby recommended for APPROVAL this 16th day of September, 2014 based upon the Findings of Fact, Attachments*, Exhibits* and testimony submitted at the hearings and conclusions of law associated with this land use application.

(signed)

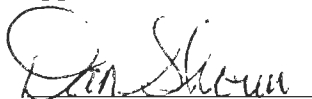
Meredith Smith
Planning Commission Chair

BOARD OF COUNTY COMMISSIONER VOTE RESULT:

COMMISSIONER	MOTION to Approve Application as Recommended by the Planning Commission.	YES	NO	ABSTAIN
Dan Shoun – <i>Chair</i>		X		
Bradley Winters – <i>Vice-Chair</i>	X	X		
Ken Kestner	2 nd	X		

SIGNATURE:

Upon the vote of quorum at the Board of Commissioner regular meeting, the Zone and Comprehensive Plan Designation Map Changes and Goal 3 Exception are hereby APPROVED this 15th day of October, 2014 based upon the Findings of Fact, Attachments*, Exhibits* and testimony submitted at the hearings and conclusions of law associated with this land use application.



Dan Shoun
Chair

Bradley Winters
Vice-Chair



Ken Kestner
Commissioner

APPEAL PROCEDURE:

Any party aggrieved by the decision of the Lake County Board of Commissioners may exercise the right to appeal if they provided input or evidence into the record concerning this land use application, and if filed within 21 days from the mailing of the Notice of Decision with the Land Use Board of Appeals with the State of Oregon.

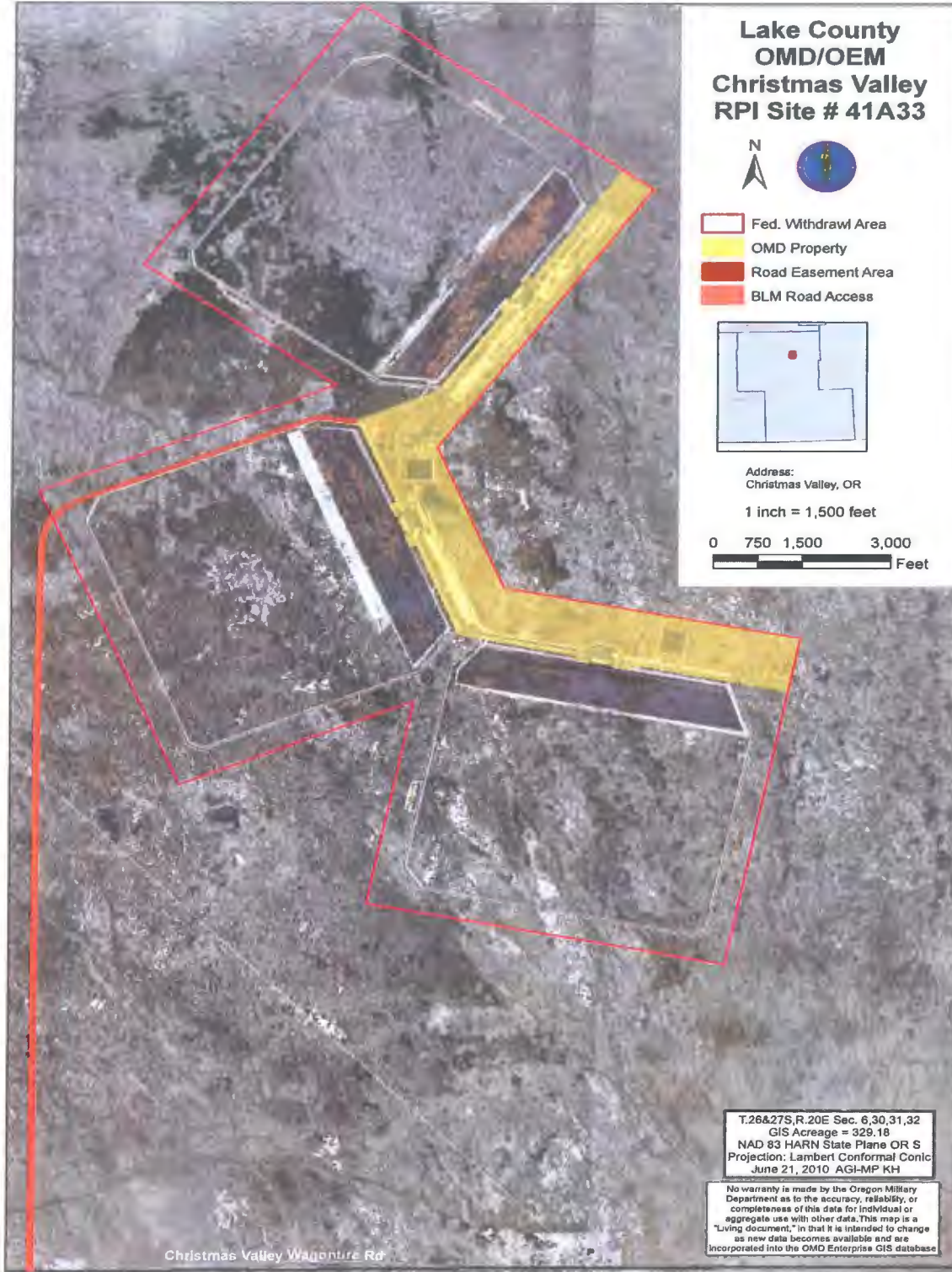
APPLICATION, ATTACHMENTS & EXHIBITS *Complete File in the Record:

- * Attachment A: Zone & Comprehensive Plan Designation Changes Application (select pages only)
- * Attachment B: Adjacent Owners & Agencies Notified List – Staff prepared list
- * Attachment C: Adjacent Owners Map – Staff prepared map showing those w/i 750’
- * Attachment D: Soils Map and Survey – Data from the <http://websoilsurvey.nrcs.usda.gov> site
- * Attachment E: Fort Rock Ground Water Limited Area map
- * Attachment F: FEMA – “Panel Not Printed” map
- * Attachment G: Lake County Zoning Ordinance – Article 12: Public Facility Zone: P-F
- * Attachment H: ODOT – “no comment” – received 08.22.2014
- * Attachment I: SHPO – Case number is 14-1415 – received 8.25.2014

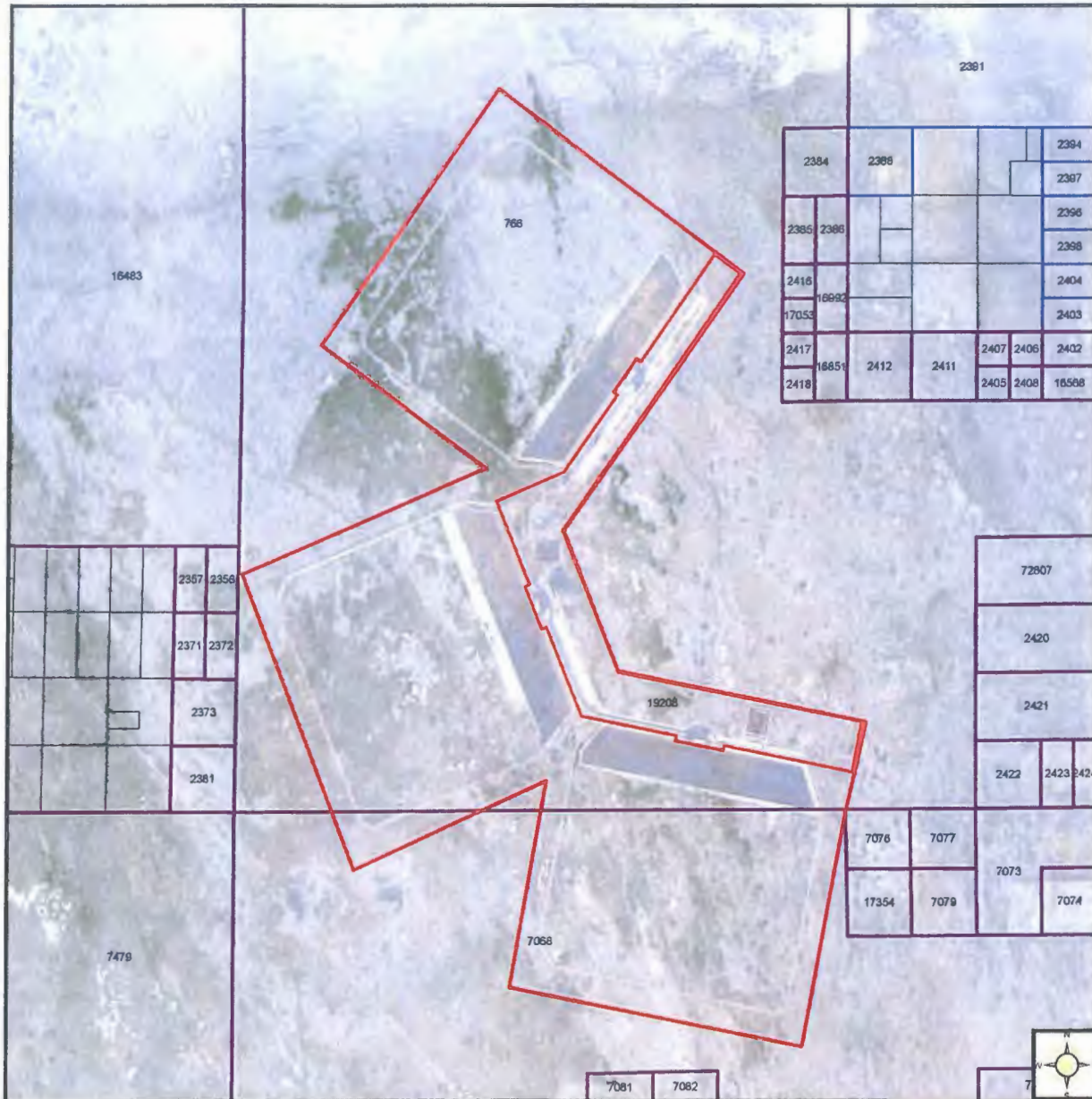
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- * Attachment J: BLM – “No comment” – received 8.27.2014
- * Attachment K: Building Official – “No comment at this time” – received 8.29.2014
- * Attachment L: SHPO – Comments – received 9.02.2014
- * Attachment M: Site Visit Photos of the Subject Parcel and Vicinity (*available at the hearing)

* Attachment A: Zone & Comprehensive Plan Designation Changes Application (selected pages only)



Attachment C: Adjacent Owners Map – Staff prepared map showing those w/i 750'



Adjacent Owner's Map (properties w/i 750 feet) File # 14-033-ZC-CPC (OMD)

Lake County Planning Department
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Prepared by: Darwin Johnson, Jr., Planning Director
Date: 13 August 2014

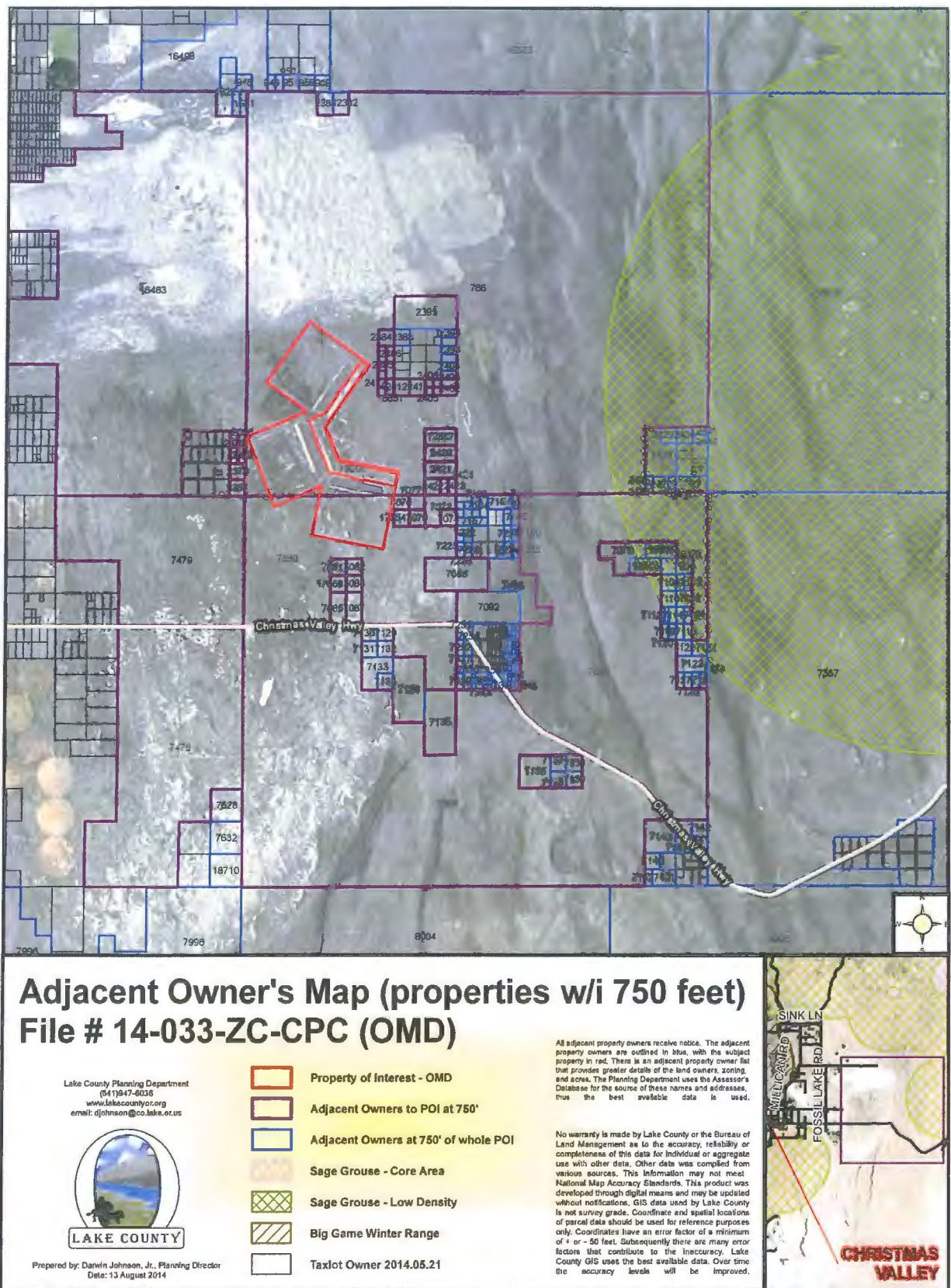
- Property of Interest - OMD
- Adjacent Owners to POI at 750'
- Adjacent Owners at 750' of whole POI
- Sage Grouse - Core Area
- Sage Grouse - Low Density
- Big Game Winter Range
- Taxlot Owner 2014.05.21

All adjacent property owners receive notice. The adjacent property owners are outlined in blue, with the subject property in red. There is an adjacent property owner list that provides greater details of the land owners, zoning, and acres. The Planning Department uses the Assessor's Database for the source of these names and addresses, thus the best available data is used.

No warranty is made by Lake County or the Bureau of Land Management as to the accuracy, reliability or completeness of this data for individual or aggregate use with other data. Other data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. GIS data used by Lake County is not survey grade. Coordinate and spatial locations of parcel data should be used for reference purposes only. Coordinates have an error factor of a minimum of +/- 50 feet. Subsequently there are many error factors that contribute to the inaccuracy. Lake County GIS uses the best available data. Over time the accuracy levels will be improved.



Attachment C: Adjacent Owners Map – Staff prepared map showing those w/i 750'



**Adjacent Owner's Map (properties w/i 750 feet)
File # 14-033-ZC-CPC (OMD)**

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Prepared by: Darwin Johnson, Jr., Planning Director
Date: 13 August 2014

- Property of interest - OMD
- Adjacent Owners to POI at 750'
- Adjacent Owners at 750' of whole POI
- Sage Grouse - Core Area
- Sage Grouse - Low Density
- Big Game Winter Range
- Taxlot Owner 2014.05.21

All adjacent property owners receive notice. The adjacent property owners are outlined in blue, with the subject property in red. There is an adjacent property owner list that provides greater details of the land owners, zoning, and acres. The Planning Department uses the Assessor's Database for the source of these names and addresses, thus the best available data is used.

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Attachment G: Lake County Zoning Ordinance – Article 12: Public Facility Zone: P-F

ARTICLE 12: PUBLIC FACILITY ZONE: P-F

Section 12.01 Public Facility Zone. The purpose of this zone is to provide areas which are suitable for government or public utility activities, and which can be held or developed by such entities in a manner that assures adequate public service and compatibility with surrounding uses.

Section 12.02 Permitted Uses. In a P-F zone, public facilities and services, and minor betterments thereof, are permitted outright. Public facilities and services shall include, but not be limited to, government administrative offices, schools, parks, airports, cemeteries, sewage treatment plants, utility substations, energy facilities, those deemed to be necessary for the maintenance of the public health, safety, and welfare, plus such other activities consistent with Comprehensive Plan policies.

Section 12.03 Minimum Parcel Size. There shall be no minimum parcel size in a P-F zone.

Section 12.04 Standards. Standards in the P-F zone shall be those applicable to the C-1 zone, as described in Section 9.04.