Oregon
John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development
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Salem, Oregon 97301-2540
Phone: (503) 373-0050
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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/07/2014

Jurisdiction: Linn County

Local file no.: BC 14-0004

DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/06/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 39 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

DLCD FORM 2

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

FOR DLCD USE

File No.: 004-14 {22457}

Received: 11/6/2014

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: LINN COUNTY

Local file no.: **BC14-0004**

Date of adoption: 11/05/2014 Date sent: 11/6/2014

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

Yes: Date (use the date of last revision if a revised Form 1was submitted): 09/05/2014

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, NOT DIFFERENT

Local contact (name and title): OLIVIA GLANTZ, ASSOCIATE PLANENR

Phone: 541-967-3816 E-mail: OGLANTZ@CO.LINN.OR.US

Street address: 300 SW 4TH, ROOM 114 City: ALBANY Zip: 97321

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:

lcc 900.900, EXCEPTION TO GOAL 11 & 14; LCC 905 APPENDIX 2

For a change to a comprehensive plan map:

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

Change from AG to I 10 acres. A goal exception was required for this change.

Change from AG to I 5 acres. A goal exception was required for this change.

Change from I to AG 5 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): 11S-03W-33-503/501/300

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:

LCC920.010 & LCC 931.410-430 & LCC

For a change to a zoning map:
Identify the former and new base zone designations and the area affected:

Change from EFU	to HI-LUO	Acres: 10
Change from EFU	to HI-LUO	Acres: 5
Change from HI	to EFU	Acres: 5
Change from	to	Acres:

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

Overlay zone designation: LUO Acres added: 15 Acres removed: 0

Location of affected property (T, R, Sec., TL and address): 11S-03W-33-503/501/300

List affected state or federal agencies, local governments and special districts: LC Enviromental Health, LC Building & Roads, ALBANY RF, ALBANY, ODFW, DSL, ODOT, State Fire Marshal, DEQ,

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.

R&O 2014-355; Ordinance 2014-356

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY

IN THE MATTER OF AN ORDINANCE) AMENDING THE LINN COUNTY) COMPREHENSIVE PLAN TEXT, THE) LINN COUNTY CODE, THE PLAN MAP) AND THE ZONING MAP)	ORDINANCE NO. 2014-356 (Amending the Plan Text and Code Text) (Amending the Plan Map and Zoning Map) (Planning and Building Department) (BC14-0004)

WHEREAS, Selmet, Inc. filed applications requesting that the County approve proposed Comprehensive Plan (Plan) text amendments adopting exceptions to Statewide Planning Goals 3, 4, 11, and 14, affecting 17 acres of land; adopt Plan map amendments and zoning map amendments to amend the Plan map designation and the zoning map designation of 20 acres of land; and adopt Land Development Code text amendments identifying uses permitted on land in the proposed Limited Use Overlay (LUO) and exception area. The affected land is identified on Linn County Assessor maps as portions of Tax Lots 300, 501 and 503, in T11S, R3W, Section 33, Linn County, Oregon;

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on October 29, 2014, to consider testimony on the proposed amendments;

WHEREAS, The proposed amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on October 14, 2014, and who voted 6-0 to recommend approval to the Board;

WHEREAS, The Board having read the proposed ordinance and having received and considered the oral and written public testimony presented prior to and at the hearing; and

WHEREAS, The findings in support of this Ordinance are attached to Resolution and Order No. 2014-355 as Exhibit 2 (BC14-0004 Decision Criteria, Findings and Conclusions); and now, therefore, be it

Section 9. Zoning Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate the northwest five-acre portion of land identified as Tax Lot 501 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, as identified in Exhibit 1, as Heavy Industrial – Limited Use Overlay (HI-LUO).

Section 10. Zoning Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate the 40-foot wide by 2,115-foot long strip of land running along the north property boundary of Tax Lots 501 and 503 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, comprising approximately two acres of land and connecting tax lot 502 to Seven Mile Lane, as identified in Exhibit 1, as Heavy Industrial – Limited Use Overlay (HI-LUO).

Section 11. Zoning Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate the five-acres of land identified as Tax Lot 503 on Assessor map T11S, R3W., Section 33, Linn County, Oregon, excepting the northern 40-foot strip of land, as identified in Exhibit 1, as Exclusive Farm Use (EFU).

Section 12. Code Text Amendment. The exceptions table at LCC 929.240 be amended to remove tax lot 503 from the I-7 exception site.

Section 13. Code Text Amendment. LCC Section 931.410(B) be amended to add the following paragraph:

> (5) The 17 acres of land designated as HI-LUO by Ordinance No. 2014-356 (Selmet, Inc.).

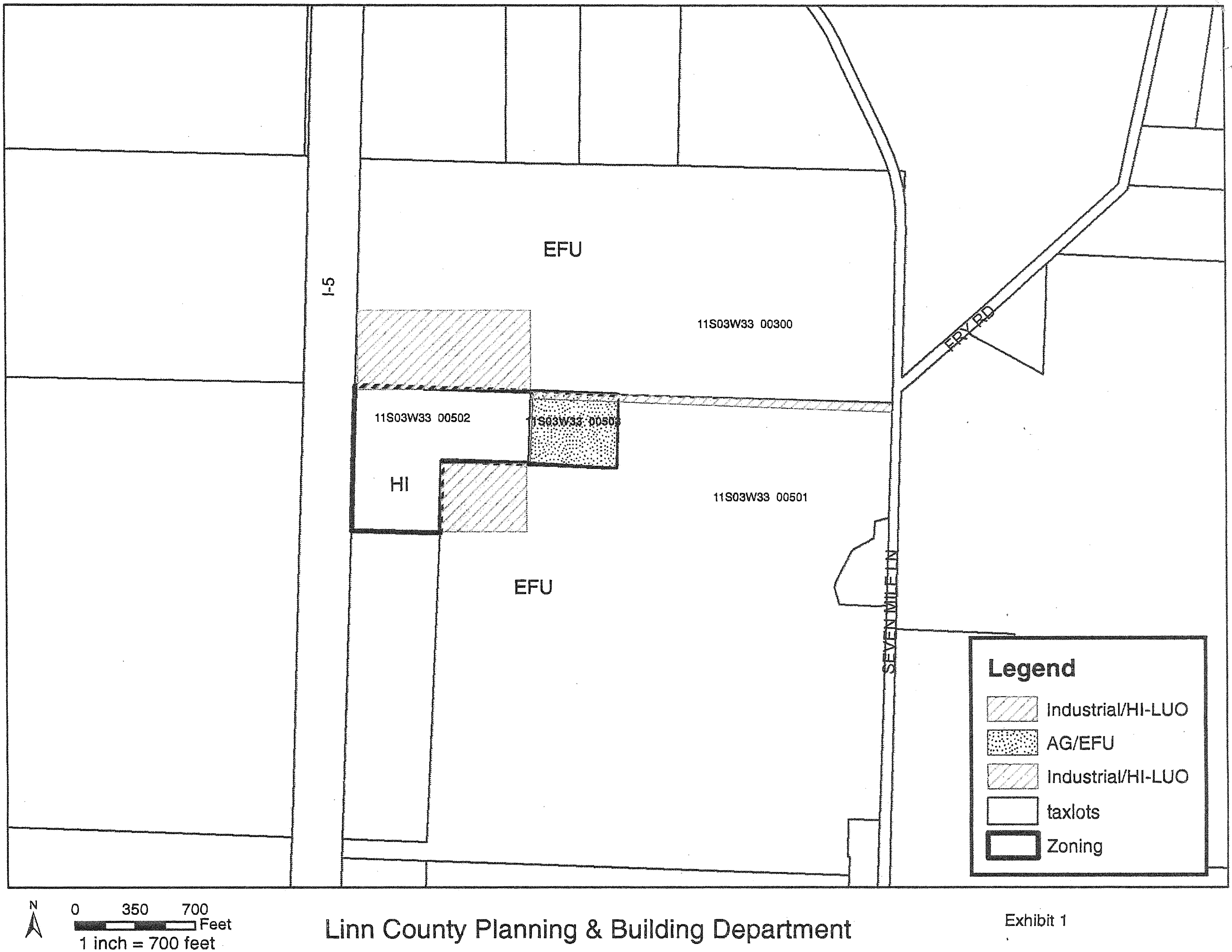
Section 14. Code Text Amendment. LCC 931.420 be amended to add the following subsection:

> (E) Notwithstanding the uses identified in LCC 931.410 (A), LCC 931,440, LCC 929.220, and LCC 929.230, the uses and their accessory buildings and accessory uses on the properties set forth in LCC 931.410 (B) (5) shall be limited to the manufacturing of metal products as set forth in Ordinance No. 2014-356.

Section 15. Savings Clause. Repeal of a code section or ordinance shall not revive a code section or ordinance in force before or at the time the repealed code section or ordinance took effect. The repeal shall not affect a punishment or penalty incurred before the repeal took effect, nor a suit, prosecution, or proceeding pending at the time of the repeal for an offense committed under the repealed code section or ordinance.

Section 16. Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 17. Effective Date. To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption.



Linn County Planning & Building Department

Exhibit 1

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY OREGON

IN THE MATTER OF APPLICATIONS BY SELMET, INC. FOR PLAN TEXT AND CODE TEXT AMENDMENTS AFFECTING 17 ACRES OF LAND, PLAN MAP AND ZONING MAP AMENDMENTS AFFECTING 20 ACRES OF LAND, AND THE APPLICATION OF A LIMITED USE OVERLAY AFFECTING 17 ACRES OF LAND	RESOLUTION & ORDER NO. 2014-355 Planning and Building Department (BC14-0004) (Findings and Conclusions)

WHEREAS, Selmet, Inc. filed applications requesting that the County approve proposed Comprehensive Plan (Plan) text amendments adopting exceptions to Statewide Planning Goals 3, 4, 11, and 14, affecting 17 acres of land; adopt Plan map amendments and zoning map amendments to amend the Plan map designation and the zoning map designation of approximately 20 acres of land; and adopt Land Development Code text amendments identifying uses permitted on land in the proposed Limited Use Overlay (LUO) and exception area. The affected land is identified on Linn County Assessor maps as portions of Tax Lots 300, 501 and 503, in T11S, R3W, Section 33, Linn County, Oregon;

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on October 29, 2014, to consider testimony on the proposed amendments;

WHEREAS, The proposed amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on October 14, 2014, and who voted 6-0 to recommend approval to the Board;

WHEREAS, the amendment would designate the southwest 10-acre portion of land identified as Tax Lot 300 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, as identified in Exhibit 1, as Industrial on the Linn County *Comprehensive Plan* map and Heavy Industrial – Limited Use Overlay (HI-LUO) on the Linn County zoning map;

WHEREAS, the amendment would designate the northwest five-acre portion of land identified as Tax Lot 501 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, as identified in Exhibit 1, as Industrial on the Linn County *Comprehensive Plan* map and Heavy Industrial – Limited Use Overlay (HI-LUO) on the Linn County zoning map;

WHEREAS, the amendment would designate the 40-foot wide by 2,115-foot long strip of land running along the north property boundary of Tax Lots 501 and 503 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, comprising approximately two acres of land and connecting tax lot 502 to Seven Mile Lane, as identified in Exhibit 1, as Industrial on the Linn County *Comprehensive Plan* map and Heavy Industrial – Limited Use Overlay (HI-LUO) on the Linn County zoning map;

WHEREAS, the amendment would designate the five acres of land identified as Tax Lot 503 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, excepting the northern 40-foot strip of land, as identified in Exhibit 1, as Agricultural Resource on the Linn County *Comprehensive Plan* map and Exclusive Farm Use (EFU) on the Linn County zoning map;

WHEREAS, The Board, after considering all testimony and evidence submitted, reached a consensus to adopt the proposed *Plan* text amendments, *Plan* map amendments, zoning map amendments and Code text amendments, as presented herein; and

WHEREAS, The findings in support of the proposed *Plan* text amendments, *Plan* map amendments, zoning map amendments and Code text amendments are attached hereto as Exhibit 2 (BC14-0004 Decision Criteria, Findings and Conclusion); and now therefore, be it

RESOLVED, That the Board of County Commissioners for Linn County approve the Findings and Conclusions set forth in Exhibit 2 (BC14-0004 Decision Criteria, Findings and Conclusions) as the basis of Resolution and Order No. 2014-355 and Ordinance No. 2014-356; and

RESOLVED, That the Board of Commissioners for Linn County approve the *Comprehensive Plan* text amendments, *Comprehensive Plan* map amendments, zoning map amendments and Code text amendments affecting 20-acres of land identified as the portions of Tax Lots 300, 501 and 503 on map T11S, R3W, Section 33, as identified in Exhibit 1; and

ORDERED, That the Linn County *Comprehensive Plan* map and the Linn County Zoning map be prepared by county staff for amendment to designate the southwest 10-acre portion of the land identified as Tax Lot 300 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, as identified in Exhibit 1, as Industrial on the Linn County *Comprehensive Plan* map and Heavy Industrial – Limited Use Overlay (HI-LUO) on the Linn County zoning map.

ORDERED, That the Linn County *Comprehensive Plan* map and the Linn County Zoning map be prepared by county staff for amendment to designate the northwest five-acre portion of land identified as Tax Lot 501 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, as identified in Exhibit 1, as Industrial on the Linn County *Comprehensive Plan* map and Heavy Industrial – Limited Use Overlay (HI-LUO) on the Linn County zoning map.

ORDERED, That the Linn County *Comprehensive Plan* map and the Linn County Zoning map be prepared by county staff for amendment to designate the 40-foot wide by 2,115-foot long strip of land running along the north property boundary of Tax Lots 501 and 503 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, comprising approximately two acres of land and connecting tax lot 502 to Seven Mile Lane, as identified in Exhibit 1, as Industrial on the Linn County *Comprehensive Plan* map and Heavy Industrial – Limited Use Overlay (HI-LUO) on the Linn County zoning map;

ORDERED, That the Linn County *Comprehensive Plan* map and the Linn County Zoning map be prepared by county staff for amendment to designate the five-acres of land identified as Tax Lot 503 on Assessor map T11S, R3W, Section 33, Linn County, Oregon, excepting the northern 40-foot strip of land, as identified in Exhibit 1, as Agricultural Resource on the Linn County *Comprehensive Plan* map and Exclusive Farm Use (EFU) on the Linn County zoning map.

ORDERED, That *LCC Chapter 905, Appendix 2 – Exception Areas, Industrial Exceptions*, be amended to read as follows:

I-7 Rem Metals/Selmet, as amended by Ordinance No. 2014-356.

ORDERED, That the *Linn County Exceptions Document for Residential, Commercial and Industrial Land*, Industrial Exception number I-7, on page 313, entitled "Rem Metals Corporation", be amended to include the exceptions and maps described in Ordinance No. 2014-356.

ORDERED, That the *Linn County Exceptions Document for Residential, Commercial and Industrial Land*, Industrial Exception number I-7, entitled "Rem Metals Corporation", be amended to add the following text to the Land Use section on page 313:

> The land uses permitted on the land designated in Ordinance No. 2014-356 as HI-LUO are limited to the uses set forth in Linn County Land Development Code (LCC) 931.420(E).

ORDERED, That the exceptions table at Linn County Land Development Code (LCC) Section 929.240 be amended to remove tax lot 503 from the I-7 exception site.

ORDERED, That the Linn County Land Development Code at LCC Section 931.410(B) be amended to add the following paragraph:

> (5) The 17 acres of land designated as HI-LUO by Ordinance No. 2014-356 (Selmet, Inc.).

ORDERED, That the Linn County Land Development Code at LCC 931.420 be amended to add the following subsection:

(E) Notwithstanding the uses identified in LCC 931.410 (A), LCC 931,440, LCC 929.220, and LCC 929.230, the uses and their accessory buildings and accessory uses on the properties set forth in LCC 931.410 (B) (5) shall be limited to the manufacturing of metal products as set forth in Ordinance No. 2014-356.

Resolved this 5th, day of November, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

Roger Nyquist

Roger Nyquist, Chairman

John K. Lindsey, Co-Chairman

William C. Tucker, Commissioner

APPROVED AS TO CONTENT:

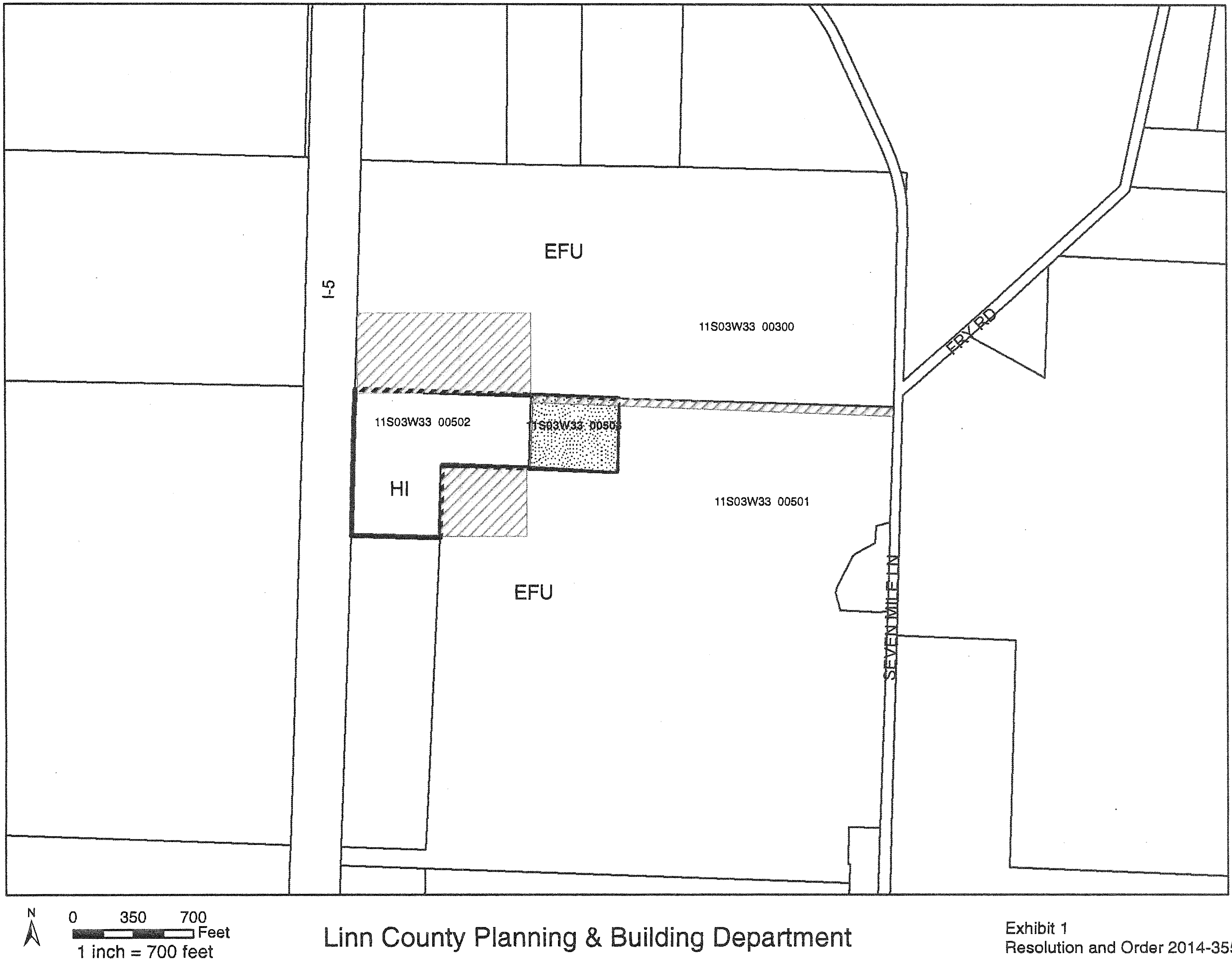
Robert Wheeldon

Robert Wheeldon
Director, Linn County Planning and Building

APPROVED AS TO FORM:

KJ McCall

Deputy/County Attorney for Linn County



Linn County Planning & Building Department

Exhibit 1
Resolution and Order 2014-355

EXHIBIT 2
BC14-0004
DECISION CRITERIA, FINDINGS, AND CONCLUSIONS

I. Findings and Conclusions for Applicable Linn County Code Provisions:

Criterion LCC 921.822(A): "When a Zoning Map or Land Development Code text amendment is necessary due to a proposed Comprehensive Plan amendment, only findings and conclusions responding to the Comprehensive Plan amendment criteria for decision are necessary to amend the Zoning Map or Code text provisions."

Findings: Selmet requested zoning map amendments to HI and EFU for the same areas that it requested Comprehensive Plan Map amendments to Industrial and Agricultural Resource respectively, as shown on Exhibit 1, pages 63 and 149 of the staff report in the record. HI zoning is not generally allowed in Agricultural Resource designated lands. EFU zoning is not generally allowed in Industrial designated lands. These zoning changes are necessitated by their related Comprehensive Plan amendments. Findings and conclusions responding to the Comprehensive Plan amendment criteria are found below in the findings addressing LCC 921.874. This criterion is met.

Criterion LCC 921.872 (A): "The amendment is consistent with the intent of the applicable section(s) of the Comprehensive Plan; and"

Findings: Selmet requested a Comprehensive Plan text amendment to reflect the exceptions to Goals 3, 4, 11, and 14 contained in applicant's consolidated applications. The applicable sections of the Comprehensive Plan are quoted and addressed below:

> Industrial Lands Policy 3 - "Expansion or replacement of an urban industrial use is permitted if an urban exception has been adopted and if applicable property development standards are met. If an existing development is not included as an urban exception, alterations and/or expansions may be permitted."

An urban exception is already in place for the existing use of Selmet, which is identified as Industrial Exception I-7 in the Comprehensive Plan. The existing exception only applies to Tax Lot 502 and Tax Lot 503, and does not cover the areas needed for Selmet's plant expansion or the portion of the access way serving the Selmet facility over Tax Lot 501. The urban exception requested as part of Selmet's consolidated application is needed for Selmet to expand. The proposed amendment is consistent with this section of the Comprehensive Plan.

> Industrial Lands Policy 5 - "The Limited Industrial and Heavy Industrial zoning designations will be applied to developed and committed rural industrial sites. The rural industrial zones consist of uses which are dependent upon close proximity to natural resources, raw materials or rural products, except that in the LI Zone small scale public or private schools may be allowed through the Conditional Use process, upon adequate findings of fact establishing the compatibility of the proposal.

Further, industrial uses in the LI and HI zones may also be dependent upon an isolated location because of operational characteristics or they may consist of small scale rural dependent land uses."

Tax Lot 502 and 503 are currently zoned Heavy Industrial because of Selmet's committed industrial use on Tax Lot 502. The industrial facility on Tax Lot 502 has continuously operated at this location since 1968. The expansion locations that are requested for additional Heavy Industrial zoning by Selmet must be sited in close proximity and adjacent to the existing Selmet facility because of the rural products that are manufactured at that site. The proposed metal manufacturing use requires closely controlled temperature, humidity, and processing time frames in conjunction with existing manufacturing at the Selmet plant. The proposed amendment is consistent with this section of the Comprehensive Plan.

Industrial Lands Policy 6 - "The expansion of existing industrial uses should occur whenever possible on undeveloped industrially zoned land."

As shown on the aerial photographs included in the record at Exhibit 1, page 204, and the Existing Site Plan at Exhibit 1, page 144 of the staff report in the record, Selmet has built out the entirety of the industrially zoned areas on Tax Lot 502. The existing buildings on the site total approximately 126,100 square feet and Selmet is proposing to add an additional approximately 194,800 square feet. The configuration of Tax Lot 503 in relation to the existing plant makes it unsuited for industrial development with the existing Selmet plant. Further, Tax Lot 503 is unsuitable for industrial use because it is almost entirely wetland and bisected by a stream, as shown in the attached wetland delineation at Exhibit 1, page 205 of the staff report in the record. The use proposed by applicant cannot be sited on already existing undeveloped industrially zoned land. The proposed amendment is consistent with this section of the Comprehensive Plan.

Industrial Lands Policy 8 - "The expansion of existing industry is encouraged. Expansion onto resource land may be permitted through the Plan amendment and exception process."

This Policy encourages expansion of existing industrial facilities such as Selmet's manufacturing plant. It identifies a Plan amendment and exception process as the appropriate route to facilitate such an expansion when the expansion is onto resource land. Applicant's consolidated application requests a Plan amendment and Goal exception as dictated by this Policy. The proposed amendment is consistent with this section of the Comprehensive Plan.

Industrial Lands Policy 9 - "Industrial activities and associated waste discharges shall comply with the environmental quality standards of the Department of Environmental Quality."

Applicant's existing plant on Tax Lot 502 contains septic and waste water processing facilities that are approved and regulated by Linn County and the Department of Environmental Quality. Selmet is regulated by the Department of Environmental Quality regarding processing its wastewater. Any new structures generating waste water will be built with water treatment facilities to be reviewed and approved by the Department. Any waste discharges from new development on the expansion areas will likewise comply with environmental standards from the Department of Environmental Quality. The proposed amendment is consistent with this section of the Comprehensive Plan.

> Industrial Lands Policy 15 - "Development of a major facility shall be compatible with surrounding land uses and shall not have a significant negative impact on the overall land use pattern in the area."

The Selmet plant was built in 1968 and has operated continuously in this location since then. The expansion contemplated by this consolidated application is possible because of the partnership that the applicant built with neighbors to secure land subject to these applications. All abutting owners to Tax Lot 502 are supportive of the project and have signed this application. As with Selmet's existing facility, all metal manufacturing processes will occur indoors and away from potential impacts on neighboring uses. Applicant's facility has caused no significant negative impact on neighbors. No known complaints regarding noise, smell, lights, or other undesired behavior are in the record. Expansion of the facility will not impact Selmet's compatibility with surrounding land. By expanding on its existing site, which abuts Interstate 5, there will be no negative impact on the overall land use development pattern in the area. The proposed amendment is consistent with this section of the Comprehensive Plan.

> Agricultural Lands Policy G - "Conversion of a tract or parcel that is designated as 'Agricultural Resource' on the Comprehensive Plan map to a different Comprehensive Plan designation requires an exception to Statewide Planning Goal 3 and a Comprehensive Plan amendment. These reviews are difficult since they propose to remove land from agriculture production. This public process entails a hearing before the Planning Commission and the Board of Commissioners. This process provides the opportunity to assess the merits of the proposal and determine potential impacts on nearby resource land."

Applicant proposed to convert land designated Agricultural Resource to an Industrial designation. As required by this policy, this consolidated application includes a request to take an exception to Statewide Planning Goal 3 and a Comprehensive Plan amendment. The conversion of land designation from Agricultural Resource with accompanying Goal exception and Comprehensive Plan amendment is appropriate because of the unique opportunity to further County goals regarding employment, as expressed in the Industrial Lands and other sections of the Comprehensive Plan. This consolidated application was subjected to hearings in front of the Planning Commission and Board of Commissioners as required by this criterion. The proposed amendment is consistent with this section of the Comprehensive Plan.

The proposed Comprehensive Plan amendment is consistent with the intent of the applicable sections of the Comprehensive Plan. No other sections of the Comprehensive Plan are applicable. This criterion is met.

Criterion LCC 921.872 (B) "The amendment is consistent with the statewide planning goals."

Findings: Linn County's Comprehensive Plan has been acknowledged by the Oregon Land Conservation and Development Commission. Each Statewide Planning Goal is listed and addressed below.

> **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.

Linn County provided opportunities for citizen involvement during the formulation and adoption of the Linn County Comprehensive Plan and Development Code. The Oregon Land Conservation and Development Commission acknowledged the Comprehensive Plan and Development Code as being in compliance with Goal 1.

In quasi-judicial proceedings conducted for map and text amendments as proposed by Selmet and conducted by Linn County, the Development Code sets forth the acknowledged provisions for citizens at public hearings before the Planning Commission and Board of Commissioners. The subject approval process included public notice followed by two two public hearings. Linn County citizens had ample opportunity to review and comment on the proposed amendments. For these reasons, the proposed amendments comply with Goal 1.

> **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.

Goal 2 establishes the processes by which land use actions are heard and decisions are reached. It requires that sufficient factual evidence be placed in the record to support land use decisions and that local jurisdictions make land use decisions consistent with their acknowledged comprehensive plans. In the applicant's submittal materials, Selmet placed substantial evidence into the record regarding the existing conditions, natural features, public services, and proposed development sought in conjunction with this application. Applicant provided 23 exhibits with detailed information on wetlands, traffic conditions, soil qualities, and similar factual conditions and assessments related to the consolidated applications. Applicant's materials are accepted by the Board as a substantial evidentiary basis on which this decision is made.

Goal 2 also provides the process through which landowners and local jurisdictions can take exception to statewide planning goals while complying with land use laws. Analysis of this application's consistency with the Goal 2 exception process [OAR 660-04- 0020(2)] can be found in the findings below. For these reasons, the proposed amendments comply with Goal 2.

> **Goal 3, Agricultural Lands:** To preserve and maintain agricultural lands.

The subject application requests an exception to Goal 3 for the reasons provided in applicant's Goal exception requested below. Agricultural land designation does not apply to land within acknowledged urban growth boundaries or land within exception areas to Goals 3 or 4. Because the criteria for a goal exception are met as discussed below, the proposed amendments comply with Goal 3.

Goal 4, Forest Lands: To conserve forestlands by maintaining the forestland 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 forestland consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

The subject site has no forest lands as shown in the aerial photos in Exhibit 1, page 204 of the staff report in the record and is not designated for forest or timber uses as shown on the Comprehensive Plan map. The areas requested for redesignation by the consolidated application are designated Agricultural Resource and Industrial. Also, the subject application requests an exception to Goal 4 for the reasons provided in applicant's Goal exception request discussed below. Because the criteria for a goal exception are met and because the site is not a Forest Land site, the proposed amendments comply with Goal 4.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 5 protects a diverse range of resources. Goal 5 calls on local jurisdictions to inventory the following resources:

a. Riparian corridors, including water and riparian areas and fish habitat;
b. Wetlands;
c. Wildlife habitat;
d. Federal wild and scenic rivers;
e. State scenic waterways;
f. Groundwater resources;
g. Approved Oregon recreation trails;
h. Natural areas;
i. Wilderness areas;
j. Mineral and aggregate resources;
k. Energy sources;
l. Cultural areas.

Local governments are also encouraged to inventory the following resources:

a. Historic resources;
b. Open space;
c. Scenic views and wites.

Local jurisdictions are directed to determine which inventoried sites are significant pursuant to rules adopted by the Land Conservation and Development Commission. No significant Goal 5 resource has been identified on the subject property or adjoining properties in the Comprehensive Plan. Therefore, the proposed amendments comply with 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.

The industrial facility on Tax Lot 502 is served by two wells that are regulated and approved by the Oregon Water Resources Department. One well is 167-feet deep and yields approximately 1,000 gallons per minute. The other well is 90-feet deep and yields approximately 500 gallons per minute. As shown in the water permit in the record, Selmet has been granted the right to use .13 cubic feet per second or 84,021 gallons per day. Actual use on site has recently been between 25,000 and 30,000 gallons per day. Exhibit 1, page 47 of the staff report in the record. This actual use is under 35% of the use authorized under the existing permit.

Due to the excess permitted and actual well water capacity available under the existing wells and water permit on site, no new wells are proposed by applicant. Exhibit 1, page 47 of the staff report in the record.

The site is served by a sewage treatment facility that is regulated by Linn County and the Oregon Department of Environmental Quality to manage waste from the site. Additional capacity will need to be added to the system to facilitate expansion. Boeger & Associates assessed the feasibility of adding septic capacity to facilitate expansion and concluded that additional septic faculties could be installed on site, as shown on Exhibit 1, page 157 of the staff report in the record.

The subject property is not located in a Non-attainment or Maintenance Area as determined by Oregon Department of Environmental Quality, according to the 2009 Oregon Air Quality Data Summaries, published June 2010. Therefore, the proposed amendment will not affect air quality in accordance with Goal 6.

For these reasons, the proposed amendments comply with Goal 6.

Goal 7, Areas Subject to Natural Hazards: To protect people and property from natural hazards.

The subject property is not in a mapped floodplain hazard area, steep slope area, tsunami zone, fire-hazard zone, high groundwater zone, or mass-movement earthquake zone. No known special natural or geologic hazard exists in the Project Site. According to the applicant, the new structures built on the Project Site to facilitate the Selmet expansion will be built in compliance with the Oregon Structural Specialty Code, including its provisions that address seismic design safety. For these reasons, the proposed amendments comply with Goal 7.

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.

Goal 8 does not apply because the proposed amendment is not intended to satisfy public recreational needs and there are no recreational resources identified on the subject site.

> **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.

Goal 9 calls on local jurisdictions' Comprehensive Plans to contribute to a stable and healthy economy in all regions of the state. Goal 9 states that comprehensive plans "should strongly emphasize the expansion of an increased productivity from existing industries and firms as a means to strengthen local and regional economic development." The proposed expansion of the Selmet facility, with its anticipated 180 to 200 jobs, furthers Goal 9's intent.

The Selmet site has been used for industrial production for over 40 years. The metals manufacturing business at Selmet provides traded sector jobs in a portion of the state and portion of the county in need of economic development. These jobs bring dollars into the local economy from out of state and provide wages that are substantially higher than many Linn County wages. The proposed amendments would allow expansion of Selmet's metal manufacturing business and enable greater economic development at the site as envisioned by Goal 9. For these reasons, the proposed amendments comply with Goal 9.

> **Goal 10, Housing:** To provide for the housing needs of citizens of the state.

Goal 10 does not apply because the proposed amendments would not authorize any residential uses of the site and the site is not zoned or designated for housing uses.

> **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.

Selmet's industrial use is an island of urban-level development in an otherwise rural area. This is a result of Selmet's industrial use of the property pre-dating Oregon's land use system. Sufficient water is available from Selmet's wells to serve the proposed expansion as discussed in the record beginning on Exhibit 1, page 178 of the staff report in the record. The site is also served by a sewage treatment facility that is regulated by Linn County and the Oregon Department of Environmental Quality to manage waste from the site, as discussed in the record beginning on Exhibit 1, page 156 of the staff report in the record. Selmet will add additional septic capacity to support its expansion as discussed at Exhibit 1, page 35 of the staff report in the record. Given the acreage available on the site there is sufficient room to meet sewage needs on site.

As is discussed in greater detail in the following paragraph (Goal 12, Transportation), Lancaster Engineering performed a Traffic Impact Analysis on the subject site, considered the contemplated expansion, and concluded that the transportation facilities serving the subject site are sufficient to support the expansion. For these reasons, the proposed amendments comply with Goal 11. Nonetheless, Selmet proposes to construct right-hand and left-hand turn lanes into its facility to mitigate potential safety concerns resulting from traffic speed rates on Seven Mile Lane.

For these reasons, the proposed amendments comply with Goal 11.

Goal 12, Transportation: To provide and encourage a safe, convenient and economic transportation system.

Lancaster Engineering performed a traffic impact assessment in anticipation of the Selmet plant expansion to determine the level of capacity of Seven Mile Lane and the potential impacts that could be anticipated as a result of the expansion. Lancaster's assessment is at Exhibit 1, page 2 of the staff report in the record. Lancaster provided a supplemental information in response to ODOT, which is also in the record. Like all of applicant's other submittals, Lanscaster's reports are adopted as the factual basis on which the County acts in approving this consolidated application. The factual information and conclusions reach by Lancaster and summarized here:

- The proposal complies with Oregon's Transportation Planning Rule because the proposal will not change the classification of any transportation facility and the existing transportation facility is projected to meet the performance standards for the planning horizon with the proposed zone change and expansion.

- The proposed expansion is projected to result in a total of 139 additional trips during the morning peak hour and 48 additional trips during the evening peak hour.

- Applicant proposes to add right-turn and left-turn lanes into its facility from Seven Mile Lane to mitigate potential safety concerns due to higher traffic speeds on Seven Mile Lane.

- The study intersection of Seven Mile Lane and Fry Road is anticipated to operate well within the generally accepted LOS standards through the 2034 planning horizon, regardless of Selmet, Inc.'s expansion.

- The impacts to ODOT facilities along Highway 34 are negligible and do not trigger need for additional improvements.

In summary, Seven Mile Lane and the nearby intersections function properly and are projected to function properly through 2034, but Selmet proposes to construct right-hand and left-hand turn lanes into its facility to mitigate potential safety concerns resulting from traffic speed rates on Seven Mile Lane. For these reasons, the proposed amendments comply with Goal 12.

Goal 13, Energy Conservation: To conserve energy.

The proposed amendments will enable a more efficient manufacturing process at one location. The proposed expansion will avoid moving metal pieces by freight and will enable more of the manufacturing processes to happen in one location, resulting in a savings in fuel consumption which is an energy conservation measure consistent with Goal 13. For these reasons, the proposed amendments comply with Goal 13.

> **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.

An exception to Goal 14 was requested by applicant and is approved below in these findings by the Board to enable expansion of the Selmet industrial facility. Findings in support of an exception to Goal 14 are found below. For these reasons, the proposed amendments comply with Goal 14.

> **Goal 15, Willamette River Greenway:** To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Goal 15 does not apply because there is no Willamette River Greenway on the subject property.

> **Goal 16, Estuarine Resources:** To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Goal 16 does not apply because there is no estuarine resource on the subject property.

> **Goal 17, Coastal Shorelands:** To conserve, protect, where appropriate, develop, and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Goal 17 does not apply because there are no coastal shorelands on the subject property.

Goal 18, Beaches and Dunes: To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Goal 18 does not apply because there are no beaches or dunes on the subject property.

Goal 19, Ocean Resources: To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Goal 19 does not apply because there are no ocean resources on the subject property.

For the reasons individually stated with each statewide planning goal above, the proposed amendments are consistent with Oregon's Statewide Planning Goals. This criterion is met.

Selmet requested that approximately 17 acres be redesignated from Agricultural Resource to Industrial. The decision criteria for a Comprehensive Plan Map Amendment are set forth in LCC 921.874. These criteria are addressed in the following sections.

LCC 921.874 (A) "Criterion 1. The amendment is consistent with and does not alter the intent of applicable section(s) of the Comprehensive Plan;"

Findings: The following Comprehensive Plan policies apply to this application.

Industrial Land Goal A. "Provide for the orderly development of land for rural industrial uses."

The background commentary of the Comprehensive Plan acknowledges the need for some industrial enterprise in rural areas. These industrial users are expected to develop in a way that facilitates efficient use of land, including impacts from roads, sewers, waterlines, and other facilities and services necessary for industrial development. Allowing for the expansion of Selmet at the proposed site abutting the existing facility allows for shared use of existing facilities and services, including roads, sewer, water, and electricity. If the proposed use were sited at another rural location in the County, additional water, sewer, and road facilities may need to be built.

Industrial Land Goal B. "Recognize identified industrial operations as viable county land uses."

Tax Lot 502 was first developed in 1968 for industrial use and has been in continual use for metal manufacturing and processing since then. The plant building is predominately located in the north and west portions of Tax Lot 502. Rem Metals started in the titanium casting business at this site in 1968. In May of that year, a 40-foot-wide access easement benefitting Tax Lot 502 was signed running from the Project Site to Seven Mile Lane, over which road access to the facility was constructed. The existing access road was built soon after signing this easement. In the 1980s Rem Metals became Selmet, Inc., but the site has continued to produce metal castings for aerospace, chemical, recreational, and other applications for over forty years. The ability to alter and expand facilities, as is proposed in this application, is an important component of keeping industrial and employment uses like Selmet viable in Linn County.

> Industrial Land Goal C. "Provide opportunities for diverse rural economic development..."

Selmet is one of a limited number of traded sector manufacturing employers in rural Linn County. The plant expansion contemplated by the proposed consolidated application is estimated to create 180 to 200 new jobs. If approved, this will be the largest economic development project in rural Linn County in some time and will provide rural economic development.

> Industrial Lands Policy 3 - "Expansion or replacement of an urban industrial use is permitted if an urban exception has been adopted and if applicable property development standards are met. If an existing development is not included as an urban exception, alterations and/or expansions may be permitted."

An urban exception has been taken for the existing use of Selmet, which is identified as Industrial Exception I-7 in the Comprehensive Plan. The existing exception only applies to Tax Lot 502 and Tax Lot 503, and does not cover the areas needed for Selmet's plant expansion or the portion of the access way serving the Selmet facility over Tax Lot 501. An urban exception was requested as part of applicant's consolidated application and is approved below in these findings.

> Industrial Lands Policy 5 - "The Limited Industrial and Heavy Industrial zoning designations will be applied to developed and committed rural industrial sites. The rural industrial zones consist of uses which are dependent upon close proximity to natural resources, raw materials or rural products, except that in the LI Zone small scale public or private schools may be allowed through the Conditional Use process, upon adequate findings of fact establishing the compatibility of the proposal.
> Further, industrial uses in the LI and HI zones may also be dependent upon an isolated location because of operational characteristics or they may consist of small scale rural dependent land uses."

Tax Lot 502 and 503 are currently zoned Heavy Industrial because of Selmet's committed industrial use on Tax Lot 502. The industrial facility on Tax Lot 502 has continuously operated at this location since 1968. The expansion locations that are were requested by applicant must be sited in close proximity and adjacent to the existing Selmet facility because of the rural products that are manufactured at that site. The proposed metal manufacturing use requires closely controlled temperature, humidity, and processing time frames in conjunction with existing manufacturing at the Selmet plant.

Industrial Lands Policy 6 - "The expansion of existing industrial uses should occur whenever possible on undeveloped industrially zoned."

As shown on the aerial photographs included in the record, Selmet has built out the entirety of the industrially zoned areas on Tax Lot 502. The existing facility on the site is approximately 126,100 square feet and Selmet is proposing to add an additional approximately 320,900 square feet. The configuration of Tax Lot 503 in relation to the existing plant makes it unsuited for industrial development with the existing Selmet Plant. Further, Tax Lot 503 is unsuitable for industrial development because it is almost entirely wetland and is bisected by a stream as shown on Exhibit 1, page 192.

Industrial Lands Policy 8 - "The expansion of existing industry is encouraged. Expansion onto resource land may be permitted through the Plan amendment and exception process."

This Policy encourages expansion of existing industrial facilities such as Selmet's manufacturing plant. It identifies a Plan amendment and exception process as the appropriate route to facilitate such an expansion when the expansion is on resource land. A plan amendment and exception approval is included within these findings.

Industrial Lands Policy 9 - "Industrial activities and associated waste discharges shall comply with the environmental quality standards of the Department of Environmental Quality."

Applicant's existing plant on Tax Lot 502 contains septic and wastewater processing facilities that are regulated by the Department of Environmental Quality. Any subsequent new development by applicant will be built in consultation with the Department of Environmental Quality to ensure compliance with Department of Environmental Quality regulations.

Industrial Lands Policy 15 - "Development of a major facility shall be compatible with surrounding land uses and shall not have a significant negative impact on the overall land use pattern in the area."

The Selmet Plant was built in 1968 and has operated continuously in this location since then. The expansion contemplated by Selmet's consolidated application is possible because of the partnership that Selmet built with neighbors to secure land subject to these applications. As with Selmet's existing facility, all metal manufacturing processes will occur indoors and away from potential impacts on neighboring uses. Applicant's facility has caused no significant negative impact on neighbors. No known complaints regarding noise, smell, lights, or other undesired behavior are in the record. Expansion of the facility will not impact Selmet's compatibility with surrounding land. By expanding on its existing site, which abuts Interstate 5, there will be no negative impact on the overall land use development pattern in the area.

Agricultural Lands Policy G - "Conversion of a tract or parcel that is designated as 'Agricultural Resource' on the Comprehensive Plan map to a different Comprehensive Plan designation requires an exception to Statewide Planning Goal 3 and a Comprehensive Plan amendment. These reviews are difficult since they propose to remove land from agriculture production. This public process entails a hearing before the Planning Commission and the Board of Commissioners. This process provides the opportunity to assess the merits of the proposal and determine potential impacts on nearby resource land."

This application proposes to convert land designated Agricultural Resource to an Industrial designation. As required by this policy, applicant requested and these findings approve an exception to Statewide Planning Goal 3 and a Comprehensive Plan amendment. This conversion of land designation from Agricultural Resource with accompanying Goal exception and Comprehensive Plan amendment is appropriate because of the unique opportunity to further County goals regarding employment as expressed in the Industrial Lands and other sections of the Comprehensive Plan. Applicant's consolidated application was processed with hearings in front of the Planning Commission and Board of Commissioners to assess the merits of the proposal and potential impacts.

For the foregoing reasons, applicant's proposed plan map amendments to industrial designation are consistent with, and do not alter the intent of the applicable sections of the Comprehensive Plan. This criterion is met.

LCC 921.874 (A) "Criterion 2. The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area."

Findings: The Selmet Plant was built in 1968 and has operated continuously in this location since then. The expansion contemplated by this consolidated application is possible because of the partnership that applicant built with neighbors to secure land subject to these applications. All abutting owners to Tax Lot 502 support the expansion and signed the application materials at Exhibit 1, page 66 to 141 of the staff report in the record. As with Selmet's existing facility, all metal manufacturing processes will occur indoors and away from potential impacts on neighboring uses. Applicant's facility has caused no significant negative impact on neighbors. No known complaints regarding noise, smell, lights, or other undesired behavior are in the record. Expansion of the facility will not impact Selmet's compatibility with surrounding land. By expanding on its existing site, which abuts Interstate 5, there will be no negative impact on the overall land use development pattern in the area. This criterion is met.

LCC 921.874 (A) "Criterion 3. The amendment, if within an adopted urban growth boundary, is in substantial conformity with the Comprehensive Plan and implementing ordinances of an affected city."

Findings: This criterion does not apply because the subject property is not located within an urban growth boundary. It is approximately two miles from the Tangent UGB and two miles from the Albany UGB.

LCC 921.874 (A) "Criterion 4. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat."

Findings: This criterion does not apply because no sensitive fish or wildlife habitat has been identified on or within the vicinity of the subject property.

LCC 921.874 (A) "Criterion 5. The amendment will not have a significant adverse impact upon the provision of public facilities including police and fire protection, sanitary facilities and storm drainage facilities."

Findings: Selmet's facility is served by privately operated water, sewage disposal, and storm drainage facilities. The water system is regulated by the Oregon Water Resources Department. This system services the existing plant on site. The industrial facility on Tax Lot 502 is supplied with sufficient water capacity to serve the contemplated expansion. Selmet's facility on Tax Lot 502 is served by two wells that are regulated and approved by the Oregon Water Resources Department as shown in the record at Exhibit 1, page 178. One well is 167 feet deep and yields approximately 1,000 gallons per minute. The other well is 90 feet deep and yields approximately 500 gallons per minute. Selmet has been granted the right to use .13 cubic feet per second or 84,021 gallons per day. Actual use on site has recently been between 25,000 and 30,000 gallons per day. This actual use is under 35% of the use authorized under the existing permit. Water storage and treatment components on Tax Lot 502 are sufficient to serve the expanded facility.

The sewage disposal system is regulated by Linn County and the Oregon Department of Environmental Quality as an on-site sewage treatment and disposal facility. Subsequent development on the site will require additional sewer capacity, which will be provided as discussed in the attached Sewage Disposal Report at Exhibit 1, page 156.

Law enforcement services are provided by the Linn County Sheriff's Department. Fire protection is provided by the Tangent Rural Fire Protection District. No adverse impact will occur to public facilities as a result of the amendment. This criterion is met.

LCC 921.874 (A) "Criterion 6. The amendment will not have a significant adverse impact upon the transportation facilities."

Findings: This criterion mimics the language of the Transportation Planning Rule[1] (TPR) which is applicable to this comprehensive plan amendment. The TPR states in full:

> "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,

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[1] OAR 660-012- 0060(1)

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." OAR 660-012- 0060(1).

The subject property accesses Seven Mile Lane, a paved two-lane County Road, via a two-lane paved access road. There are no bicycle or pedestrian facilities. Impacts to the road system are measured by the ratio of volume to capacity, with a variety of maximum ratios defining the mobility standards.

Linn County has adopted a Transportation System Plan (TSP) that is synchronized with its comprehensive plan. If an amendment to the comprehensive plan would significantly affect a transportation facility in the TSP, and thereby upset the balance of the two plans, the applicant must mitigate the traffic impact in a manner prescribed by the TPR.

Lancaster Engineering conducted a Traffic Impact Analysis (TIA) for the proposed Comprehensive Plan amendment. Selmet asked Lancaster to analyze the effect of additional traffic generated by the proposed expansion. The TIA studied the effect on local transportation facilities. The Lancaster report at Exhibit 2, page 2 of the staff report in the record is incorporated by reference to these findings. Lancaster's supplement technical memorandum dated October 27, 2014, which is in the record is also incorporated into these findings.

The net result is an anticipated 139 new peak hour trips that will be generated by the proposed expansion. When these trips are distributed to all intersections in this area, the additional trips do not result in a measureable deterioration to level of service (LOS). Therefore the proposed expansion does not create significant impact on the adjacent transportation system. Nonetheless, Applicant proposes to add turn lanes in both directions into their facility from Seven Mile Lane.

The findings of the TIA are summarized as follows.

- The proposal complies with Oregon's Transportation Planning Rule because the proposal will not change the classification of any transportation facility and the existing transportation facility is projected to meet the performance standards for the planning horizon with the proposed zone change and expansion.

- The proposed expansion is projected to result in a total of 139 additional trips during the morning peak hour and 48 additional trips during the evening peak hour.

- Applicant proposes to add right-turn and left-turn lanes into its facility from Seven Mile Lane to mitigate potential safety concerns due to higher traffic speeds on Seven Mile Lane.

- The study intersection of Seven Mile Lane and Fry Road is anticipated to operate well within the generally accepted LOS standards through the 2034 planning horizon, regardless of Selmet, Inc.'s expansion.

Seven Mile Lane and the nearby intersections function properly and are projected to function properly through 2034, but Selmet proposes to construct right-hand and left-hand turn lanes into its facility to mitigate potential safety concerns resulting from traffic speed rates on Seven Mile Lane.

Therefore, the proposed comprehensive plan amendment is consistent with the Linn County Transportation System Plan and the Transportation Planning Rule and will not have any significant impact on transportation facilities. This criterion is met.

LCC 921.874 (A) "Criterion 7. The presence of any development limitations, including geologic hazards, flood hazards or water quality or quantity will not have a significant adverse affect on land uses permitted through the amendment."

Findings: There are no geologic hazards identified in the vicinity of the property according to "Geologic Hazards of Linn County, Oregon" published by the Oregon Department of Geology and Mineral Industries. The subject property is not in mapped floodplain hazard area, steep slope area, tsunami zone, fire hazard zone, high ground water zone, or mass movement earthquake zone. No known special natural or geologic hazard exists on site.

The Oregon Water Resources Department regulates the on-site water system. The industrial facility on Tax Lot 502 is supplied with sufficient water capacity to serve the contemplated expansion. Selmet's facility on Tax Lot 502 is served by two wells that are regulated and approved by the Oregon Water Resources Department. One well is 167 feet deep and yields approximately 1,000 gallons per minute. The other well is 90 feet deep and yields approximately 500 gallons per minute. Selmet has been granted the right to use .13 cubic feet per second or 84,021 gallons per day. Actual use on site has recently been between 25,000 and 30,000 gallons per day. This actual use is under 35% of the use authorized under the existing permit. This system is tested regularly for the presence of nitrates and coliform bacteria. Therefore, no limitations on development due to water quantity or quality have been identified.

The Oregon Water Resources Commission has established 12 groundwater limited areas in the Willamette Basin, the nearest being in the South Salem Hills approximately 20 miles north of the subject property. The Oregon Water Resources Commission has not identified a shortage of groundwater in the vicinity of the subject property. Therefore, no limitations on development due to water quantity have been identified.

No other development limitations would affect the ability to use the subject property as intended through the amendment. This criterion is met.

LCC 921.874 (A) "Criterion 8. An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria."

Findings: Findings in support of an exception to Goals 3, 4, 11, and 14 can be found below in this findings document. This criterion is met.

LCC 921.874 (A) "Criterion 9. The amendment is consistent with the statewide planning goals."

Findings: Linn County's Comprehensive Plan has been acknowledged by the Oregon Land Conservation and Development Commission. Each Statewide Planning Goal is listed and discussed above in the findings regarding compliance with LCC 921.872(B). Those findings and conclusions regarding consistency with the statewide planning goals are incorporated here by reference. This criterion is met.

Selmet requests that all of Tax Lot 503, except that portion subject to Selmet's 40-foot access easement, be redesignated from Industrial to Agricultural Resource. This redesignation is on an area of land that has been used for only farming purposes and it not planned for industrial use by Selmet. The decision criteria for a Comprehensive Plan Map Amendment are set forth in LCC 921.874. These criteria are addressed in the following sections.

LCC 921.874 (A) Criterion 1. "The amendment is consistent with and does not alter the intent of applicable section(s) of the Comprehensive Plan;"

Findings: The following Comprehensive Plan sections apply to this application to redesignate *Industrial* designated land to *Agricultural Resource* designated land.

Industrial Land Goal C. "Provide opportunities for diverse rural economic development."

As shown on the wetland delineation and site plan in the record, Tax Lot 503 lacks the site characteristics needed for economic development as defined by OAR 660-009-0005(11) because it is subject to multiple development constraints as defined by OAR 660-009-0005(2). Tax Lot 503 cannot reasonably accommodate industrial or economic development use because of its limited size, configuration in relation to Tax Lot 502, preponderance of wetlands, stream bisecting the lot, and distance from Selmet's existing building.

> Industrial Lands Policy 5 – "The Limited Industrial and Heavy Industrial zoning designations will be applied to developed and committed rural industrial sites. The rural industrial zones consist of uses which are dependent upon close proximity to natural resources, raw materials or rural products, except that in the LI Zone small scale public or private schools may be allowed through the Conditional Use process, upon adequate findings of fact establishing the compatibility of the proposal.
> Further, industrial uses in the LI and HI zones may also be dependent upon an isolated location because of operational characteristics or they may consist of small scale rural dependent land uses."

Tax Lot 503 is not developed or committed to rural industrial use, with the exception of the 40-foot-wide access easement over which the road that serves Selmet's industrial facility on Tax Lot 502 is located. Exceptions to Goals 3, 4, 11, and 14 over this access easement on Tax Lot 501 and 503 are approved in these findings. The remainder of Tax Lot 503 has been and can continue to be used for farming purposes.

> Industrial Lands Policy 6 - "The expansion of existing industrial uses should occur whenever possible on undeveloped industrially zoned."

Tax Lot 503 lacks the site characteristics needed for economic development as defined by OAR 660-009-0005(11) because it is subject to multiple development constraints as defined by OAR 660-009-0005(2). Tax Lot 503 cannot reasonably accommodate Selmet's proposed expansion because of its limited size, configuration in relation to Tax Lot 502, preponderance of wetlands, stream bisecting the lot, and distance from Selmet's existing building.

> Industrial Lands Policy 8 - "The expansion of existing industry is encouraged. Expansion onto resource land may be permitted through the Plan amendment and exception process."

Tax Lot 503 cannot reasonably accommodate an industrial use by expansion or otherwise because of its limited size, configuration in relation to Tax Lot 502, preponderance of wetlands, stream bisecting the lot, and distance from Selmet's existing building. This consolidated application includes the Plan amendment and Goal exceptions called for by this policy.

> Agricultural Lands Policy G - "Linn County will protect and maintain the farm orientation of the Agriculture Resource areas. Uses will be permitted according to applicable statutes, administrative rules and local code."

Tax Lot 503 has been in agricultural production for decades. With the exception of the 40-foot access road crossing the northernmost portion of the parcel, this land has been used for grass seed farming. It contains productive farming soil. Placing most of this parcel into an Agricultural Resource designation will materially further this policy that supports the farm orientation in the resource area.

The proposed Comprehensive Plan Map amendment to Agricultural Resource is consistent with and does not alter the intent of the applicable sections of the Comprehensive Plan. This criterion is met.

LCC 921.874 (A) Criterion 2. "The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area."

Findings: With the exception of the Selmet industrial use on Tax Lot 502, the properties surrounding Tax Lot 503 are in agricultural use. The Selmet Plant was built in 1968 and has operated continuously in this location since then. The expansion contemplated by this consolidated application is possible because of the partnership that applicant built with neighbors to secure land subject to these applications. All abutting owners to Tax Lot 503 support and have signed this application. Tax Lot 503 has been farmed for the past several decades without any issue of compatibility. No known complaints regarding noise, smell, lights, or other undesired behavior from the farm use of Tax Lot 503 are in the record. By enabling continued farming on Tax Lot 503, the existing land use pattern will be maintained. This criterion is met.

LCC 921.874 (A) Criterion 3. "The amendment, if within an adopted urban growth boundary, is in substantial conformity with the Comprehensive Plan and implementing ordinances of an affected city."

Findings: This criterion does not apply because the subject property is not located within an urban growth boundary. It is approximately two miles from the Tangent UGB and two miles from the Albany UGB.

LCC 921.874 (A) Criterion 4. "The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat."

Findings: This criterion does not apply because no sensitive fish or wildlife habitat has been identified on or within the vicinity of the subject property.

LCC 921.874 (A) Criterion 5. "The amendment will not have a significant adverse impact upon the provision of public facilities including police and fire protection, sanitary facilities and storm drainage facilities."

Findings: Tax Lot 503 does not contain any well or septic facilities. Law enforcement services are provided by the Linn County Sheriff's Department. Fire protection is provided by the Tangent Rural Fire Protection District. No adverse impact to these facilities is anticipated by continued use of Tax Lot 503 for farming. This criterion is met.

LCC 921.874 (A) Criterion 6. "The amendment will not have a significant adverse impact upon the transportation facilities."

Findings: The proposed Comprehensive Plan map amendment to Agricultural Resource is intended to preserve the existing farm use of Tax Lot 503. Since no change in use or development is proposed by this application, there will be no impact to transportation facilities. This criterion is met.

LCC 921.874 (A) Criterion 7. "The presence of any development limitations including geologic hazards, flood hazards or water quality or quantity will not have a significant adverse effect on land uses permitted through the amendment."

Findings: There are no geologic hazards identified in the vicinity of the property according to "Geologic Hazards of Linn County, Oregon" published by the Oregon Department of Geology and Mineral Industries. The subject property is not in mapped floodplain hazard area, steep slope area, tsunami zone, fire hazard zone, high ground water zone, or mass movement earthquake zone. No known special natural or geologic hazard exists on site. Oregon Water Resources Department regulates appropriation of water. The Water Resources Commission has established 12 groundwater limited areas in the Willamette Basin, the nearest being in the South Salem Hills approximately 20 miles north of the subject property. The Water Resources Commission has not identified a shortage of groundwater in the vicinity of the subject property. Therefore, no limitations on development due to water quantity have been identified. This criterion is met.

LCC 921.874 (A) Criterion 8. "An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria."

Findings: Pursuant to OAR 660-004-0010(2), the exception process is generally not applicable to Goal 9. Therefore, an exception to the statewide planning goals is not required for this request to redesignate a portion of Tax Lot 503 to Agricultural Resource from Industrial. This criterion is met.

LCC 921.874 (A) Criterion 9. "The amendment is consistent with the statewide planning goals."

Findings: Linn County's Comprehensive Plan has been acknowledged by the Oregon Land Conservation and Development Commission. Each Statewide Planning Goal is listed and discussed below.

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.

Linn County provided opportunities for citizen involvement during the formulation and adoption of the Linn County Comprehensive Plan and Development Code. The Oregon Land Conservation and Development Commission acknowledged the Comprehensive Plan and Development Code as being in compliance with Goal 1.

In quasi-judicial proceedings conducted for map and text amendments as proposed by Selmet, the Development Code sets forth the acknowledged provisions for citizens at public hearings before the Planning Commission and Board of Commissioners. Because of the public notice and two public hearings on this proposal, citizens had ample opportunity to review and comment on the proposed amendments. For these reasons, the proposed amendments comply with Goal 1.

> **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.

Goal 2 establishes the processes by which land use actions are heard and decisions are reached. It requires that sufficient factual evidence be placed in the record to support land use decisions and that local jurisdictions make land use decisions consistent with their acknowledged comprehensive plans. In the applicant's submittal materials, Selmet has placed substantial evidence into the record regarding the existing conditions, natural features, public services, and proposed development sought in conjunction with this application. For these reasons, the proposed amendment is consistent with with Goal 2.

> **Goal 3, Agricultural Lands:** To preserve and maintain agricultural lands.

This Comprehensive Plan map amendment requests redesignation of the subject site to Agricultural Resource. Tax Lot 503 has been farmed for decades and is currently used for grass seed propagation. Redesignating Tax Lot 503 as requested would further Planning Goal 3's objective of preserving agricultural land for future agricultural use.

> **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.

The state policy embodied in Goal 4 is designed to preserve the timber propagation base of the state on forestlands. Goal 4 is not central to the areas for which redesignation are requested because those lands are exclusively used for farming, have been used for grass seed production for decades, and do not contain harvestable trees. The proposed amendment is consistent with Goal 4.

> **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces:** To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 5 protects a diverse range of resources. Goal 5 calls on local jurisdictions to inventory the following resources:

a. Riparian corridors, including water and riparian areas and fish habitat;
b. Wetlands;
c. Wildlife habitat;
d. Federal wild and scenic rivers;
e. State scenic waterways;
f. Groundwater resources;

g. Approved Oregon recreation trails;
h. Natural areas;
i. Wilderness areas;
j. Mineral and aggregate resources;
k. Energy sources;
l. Cultural areas.

Local governments are also encouraged to inventory the following resources:

a. Historic resources;
b. Open space;
c. Scenic views and sites.

Local jurisdictions are directed to determine which inventoried sites are significant pursuant to rules adopted by the Land Conservation and Development Commission. No significant Goal 5 resource has been identified on the subject property or adjoining properties in the Comprehensive Plan. Therefore, Goal 5 does not apply.

Goal 6, Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

The subject property is not located in a Non-attainment or Maintenance Area as determined by Oregon Department of Environmental Quality, according to the 2009 Oregon Air Quality Data Summaries, published June 2010. The proposal to designate Tax Lot 503 will ensure that the existing farm use of the property can continue. Because no development is proposed or enabled by redesignating Tax Lot 503 to Agricultural Resource, the proposed amendment will not affect air, water, or land resources in accordance with Goal 6.

Goal 7, Areas Subject to Natural Hazards: To protect people and property from natural hazards.

The subject property is not in a mapped floodplain hazard area, steep slope area, tsunami zone, fire hazard zone, high groundwater zone, or mass movement earthquake zone. No known special natural or geologic hazard exists in the Project Site. For these reasons, the proposed amendment complies with Goal 7.

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.

Goal 8 does not apply because the proposed map amendment is not intended to satisfy public recreational needs and there are no recreational resources on the site.

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.

Oregon Administrative Rule Chapter 660, Division 9 defines suitable land for purposes of industrial and other employment uses in Oregon. Suitable "means serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use." OAR 660-009-0005(12) (emphasis added). Site characteristics are defined as "the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes." OAR 660-009-0005(11). The rules acknowledge that certain "development constraints" can make lands unsuited for industrial use. "Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas." OAR 660-009-0005(2).

Tax Lot 503 cannot reasonably accommodate industrial use because of its limited size, configuration in relation to Tax Lot 502, preponderance of wetlands, stream bisecting the lot, and distance from Selmet's existing building. For these reasons, the proposed amendment complies with Goal 9.

Goal 10, Housing: To provide for the housing needs of citizens of the state.

Goal 10 does not apply because the proposed amendments would not authorize any residential uses of the site and the site is not designated for residential use.

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.

The proposal to designate Tax Lot 503 Agricultural Resource will ensure that the existing farm use of the property can continue. Because no development is proposed or enabled by redesignating Tax Lot 503 to Agricultural Resource, the proposed amendment will not impact public facilities and services in accordance with Goal 11. Therefore, the proposal complies with Goal 11.

Goal 12, Transportation: To provide and encourage a safe, convenient and economic transportation system.

The proposal to designate Tax Lot 503 Agricultural Resource will ensure that the existing farm use of the property can continue. Because no development is proposed or enabled by redesignating Tax Lot 503 to Agricultural Resource, the proposed amendment will not impact the transportation system in accordance with Goal 12. Therefore, the proposal complies with Goal 12.

Goal 13, Energy Conservation: To conserve energy.

The proposal to designate Tax Lot 503 Agricultural Resource will ensure that the existing farm use of the property can continue. Because no development is proposed or enabled by redesignating Tax Lot 503 to Agricultural Resource, the proposed amendment will not impact energy consumption in accordance with Goal 13. Therefore, the proposal complies with Goal 13.

> **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.

The proposal to designate Tax Lot 503 Agricultural Resource will ensure that the existing farm use of the property can continue. Goal 14 generally seeks to site urban uses within an urban growth boundary and rural resource uses outside of urban growth boundaries. By redesignating Tax Lot 503 to Agricultural Resource, farm use of the tax lot can continue in furtherance of the Goal. Therefore, the proposal complies with Goal 14.

> **Goal 15, Willamette River Greenway:** To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Goal 15 does not apply because there is no Willamette River Greenway on the subject property.

> **Goal 16. Estuarine Resources:** To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Goal 16 does not apply because there is no estuarine resource on the subject property.

> **Goal 17, Coastal Shorelands:** To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Goal 17 does not apply because there are no coastal shorelands on the subject property.

Goal 18, Beaches and Dunes: To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Goal 18 does not apply because there are no beaches or dunes on the subject property.

Goal 19, Ocean Resources: To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Goal 19 does not apply because there are no ocean resources on the subject property.

For the reasons state individually with each statewide planning goal above, the proposed map amendment to Agricultural Resource is consistent with Oregon's Statewide Planning Goals. This criterion is met.

LCC 921.822(B) specifies the approval criteria for a zoning map amendment that is not tied to a correlated comprehensive map amendment. Selmet requested that a limited use overlay be applied to the approximately 17 acres of land proposed for addition to Tax Lot 502, including the entirety of the 40-foot-wide access way that serves Tax Lot 502 from Seven Mile Lane. In this application, Selmet proposed to use the LUO overlay to limit the uses in its exception areas to the manufacture of metal products. The criteria of LCC 921.822(B) are addressed in the following sections.

LCC 921.822(B)(1) "The presence of development limitations including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability, do not significantly adversely affect development permitted in the proposed zoning district."

Findings regarding development limitations of the exception area as required by Criterion 7, Comprehensive Plan Amendments, LCC 921.874(A) are found earlier in these findings and are incorporated herein by reference. This criterion is met.

LCC 921.822(B)(2) "The amendment will result in a development pattern having no significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities."

Findings in support of no significant adverse impacts on transportation facilities and other public facilities as required by Criterion 5 and Criterion 6, Comprehensive Plan Amendments, LCC 921.874(A) are found earlier in these findings and are incorporated herein by reference. Applicant's proposal will cause no significant impact on these facilities. This criterion is met.

LCC 921.822(B)(3) "The amendment will result in a development pattern compatible with uses on nearby lands and will have no significant adverse impact on the overall land use pattern in the area."

Findings regarding land use compatibility as required by Criterion 2, Comprehensive Plan Amendments, LCC 921.874(A), are found earlier in these findings and are incorporated herein by reference. This criterion is met

LCC 921.822(B)(4) "The amendment is consistent with the intent and purpose statement of the proposed zoning district."

The purpose statement for the Heavy Industrial zoning district as set forth in LCC 922.210 states:

> "The purpose of the Heavy Industrial (HI) zoning district is to permit the continuation and expansion of existing industrial land uses; to provide the opportunity for new, resource-related and rural-scale industrial uses; and to provide economic development opportunities on qualifying abandoned or diminished mill sites consistent with applicable Plan policies."

The proposed LUO map amendment is designed to facilitate expansion of Selmet's industrial plant that has operated on Tax Lot 502 since 1968. Selmet's expansion will create an estimated 180 to 200 new jobs in Linn County. Allowing the LUO in this context is consistent with the intent and purpose statement of affected subchapter of the Development Code.

The purpose statement for the Limited Use Overlay as set forth in LCC 9931.405 states:

> "(A) The purpose of this Subchapter is to identify property which has been approved for development through a Comprehensive Plan amendment and reasons exception (through provisions in ORS 197.732 and OAR 660-004-020 and 022). (B) The LUO is intended to permit land uses which have been approved through an amendment and exception and to limit the site to the specific uses which have been approved. (C) The LUO shall apply to the property until the overlay is removed through the plan amendment process."

This LUO map designation application is accompanied by a Comprehensive Plan amendment and reasons exception as contemplated by this purpose statement. The proposed use of the site is limited to metal manufacturing as requested in the attached goal exception statement. This criterion is met.

LCC 921.822(B)(5) "The amendment is consistent with the existing Comprehensive Plan map designation;"

Findings regarding consistency with Comprehensive Map designation as required by Criterion 1, Comprehensive Plan Text Amendments, LCC 921.874(A), are found earlier in these findings and are incorporated herein by reference. This criterion is met.

LCC 921.822(B)(6) "The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat."

There is no identified fish or wildlife habitat on or near the subject site. This criterion is therefore met. This criterion is met.

LCC 921.822(B)(7) "The amendment, if within an adopted urban growth boundary, is consistent with the Comprehensive Plan and implementing ordinances of the affected city."

This criterion does not apply because the proposed amendment is not for property within an adopted urban growth boundary.

Criterion LCC 921.824(A) "A Development Code text amendment may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that: (1) The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Development Code. (2) The amendment is consistent with the intent of the policies within the applicable section(s) of the Comprehensive Plan. "

Findings: . Selmet requested a development code text amendment to implement the LUO overlay requested as part of its consolidated application. This overlay was requested on HI zoned areas of the project site. The purpose statement for the Heavy Industrial zoning district as set forth in LCC 921.210 states:

> "The purpose of the Heavy Industrial (HI) zoning district is to permit the continuation and expansion of existing industrial land uses; to provide the opportunity for new, resource-related and rural-scale industrial uses; and to provide economic development opportunities on qualifying abandoned or diminished mill sites consistent with applicable Plan policies."

As shown in the record at Exhibit 1, page 144 to 151, the proposed LUO development code text amendment facilitates expansion of Selmet's industrial plant that has operated on Tax Lot 502 since 1968. Selmet's expansion will create an estimated 180 to 200 new jobs in Linn County. Allowing the LUO in this context is consistent with the intent and purpose statement of affected subchapter of the Development Code. LCC 921.824(A)(1) is met.

Several sections of the Comprehensive Plan are applicable to this application. Those sections of the Comprehensive Plan are quoted and addressed below.

> Industrial Lands Policy 3 - "Expansion or replacement of an urban industrial use is permitted if an urban exception has been adopted and if applicable property development standards are met. If an existing development is not included as an urban exception, alterations and/or expansions may be permitted."

An urban exception has been taken for the existing use of Selmet, which is identified as Industrial Exception I-7 in the Comprehensive Plan. As addressed blow below in the Statewide Planning Goals and Oregon Administrative Rules sections, an urban exception was requested by Selmet and is approved as part of this decision. This section of the Comprehensive Plan is met.

Industrial Lands Policy 5 - "The Limited Industrial and Heavy Industrial zoning designations will be applied to developed and committed rural industrial sites. The rural industrial zones consist of uses which are dependent upon close proximity to natural resources, raw materials or rural products, except that in the LI Zone small scale public or private schools may be allowed through the Conditional Use process, upon adequate findings of fact establishing the compatibility of the proposal. Further, industrial uses in the LI and HI zones may also be dependent upon an isolated location because of operational characteristics or they may consist of small scale rural dependent land uses."

Tax Lot 502 and 503 are currently zoned Heavy Industrial because of Selmet's committed industrial use on Tax Lot 502. The industrial facility on Tax Lot 502 has continuously operated at this location since 1968. The expansion locations that are requested for additional Heavy Industrial zoning by this application must be sited in close proximity and adjacent to the existing Selmet facility because of the rural products that are manufactured at that site. The road serving the Selmet facility is committed to industrial use and predates zoning regulations in this area. The proposed metal manufacturing use requires closely controlled temperature, humidity, and processing time frames in conjunction with existing manufacturing at the Selmet plant. This section of the Comprehensive Plan is met.

Industrial Lands Policy 6 - "The expansion of existing industrial uses should occur whenever possible on undeveloped industrially zoned land."

As shown on the aerial photographs included with this application at Exhibit 1, page 204, and the Existing Site Plan at Exhibit 1, page 144, Selmet has built out the entirety of the industrially zoned areas on Tax Lot 502. The existing buildings on the site total approximately 126,100 square feet and Selmet is proposing to add an additional approximately 194,800 square feet. The configuration of Tax Lot 503 in relation to the existing plant makes it unsuited for industrial development with the existing Selmet plant. Further, Tax Lot 503 will probably never develop with another industrial user because it is almost entirely wetland and bisected by a stream, as shown in the attached wetland delineation at Exhibit 1, page 192. The use proposed in the present application cannot be sited on undeveloped industrially zoned land. This section of the Comprehensive Plan is met.

Industrial Lands Policy 8 - "The expansion of existing industry is encouraged. Expansion onto resource land may be permitted through the Plan amendment and exception process."

This Policy encourages expansion of existing industrial facilities such as Selmet's manufacturing plant. It identifies a Plan amendment and exception process as the appropriate route to facilitate such an expansion when the expansion is onto resource land. This consolidated application requests a Plan amendment and Goal exception as dictated by this Policy. This section of the Comprehensive Plan is met.

Industrial Lands Policy 9 - "Industrial activities and associated waste discharges shall comply with the environmental quality standards of the Department of Environmental Quality."

Applicant's existing plant on Tax Lot 502 contains septic and waste water processing facilities that are approved and regulated by Linn County and the Department of Environmental Quality as discussed by applicant on Exhibit 1, Page 30. Selmet is regulated by the Department of Environmental Quality regarding processing its wastewater. Any new structures generating waste water will be built with water treatment facilities to be reviewed and approved by the Department. Exhibit 1, Page 30.. Applicant has provided information that any waste discharges from new development on the expansion areas will likewise comply with environmental standards from the Department of Environmental Quality. This section of the Comprehensive Plan is met.

Industrial Lands Policy 15 - "Development of a major facility shall be compatible with surrounding land uses and shall not have a significant negative impact on the overall land use pattern in the area."

As is discussed in applicant's introductory materials, the Selmet plant was built in 1968 and has operated continuously in this location since then. All abutting owners to Tax Lot 502 are supportive of the project and signed application forms to facilitate this proposal. No comments were received from neighbors in opposition to the proposal. All metal manufacturing processes will occur indoors and away from potential impacts on neighboring uses. Applicant's facility has caused no significant negative impact on neighbors. No known complaints regarding noise, smell, lights, or other undesired behavior are in the record. Expansion of the facility will not impact Selmet's compatibility with surrounding land. By expanding on its existing site, which abuts Interstate 5, there will be no negative impact on the overall land use development pattern in the area. This section of the Comprehensive Plan is met.

Agricultural Lands Policy G - "Conversion of a tract or parcel that is designated as 'Agricultural Resource' on the Comprehensive Plan map to a different Comprehensive Plan designation requires an exception to Statewide Planning Goal 3 and a Comprehensive Plan amendment. These reviews are difficult since they propose to remove land from agriculture production. This public process entails a hearing before the Planning Commission and the Board of Commissioners. This process provides the opportunity to assess the merits of the proposal and determine potential impacts on nearby resource land."

This application proposes to convert land designated Agricultural Resource to an Industrial designation. As required by this policy, this consolidated application includes a request to take an exception to Statewide Planning Goal 3 and a Comprehensive Plan amendment. The conversion of land designation from Agricultural Resource with accompanying Goal exception and Comprehensive Plan amendment is appropriate because of the unique opportunity to further County goals regarding employment, as expressed in the Industrial Lands and other sections of the Comprehensive Plan. This consolidated application was subjected to hearings in front of the Planning Commission and Board of Commissioners as required by this criterion.

As discussed on the preceding three pages, the proposal is consistent with the intent of the applicable sections of the Comprehensive Plan. No other sections of the Comprehensive Plan are applicable to this project. LCC 921.824(A)(2) is met.

II. Findings and Conclusions for Applicable Oregon Administrative Rules:

Findings: Selmet requested an exception to Statewide Planning Goals 3, 4, 11, and 14 for approximately 17 acres. Tax Lot 502 and Tax Lot 503 have already been granted exception status. The existing exception is listed as Exception Area I-7 (Rem Metals Corporation) in the Land Use Element Code section of the Comprehensive Plan. Applicant's requested Goal exceptions are approved based on the following findings and conclusions.

A. OAR 660-04-0020(2) - Goal 2 Exception Requirements

The reasons to use land for uses not allowed by an applicable Goal must be set forth in the Comprehensive Plan as an exception. The four factors in Goal 2, as explained in OAR 660-04-0020(2), are decision criteria. These criteria and quoted and addressed below.

"(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.

Goal 3 states that "[a]gricultural 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." The subject site has productive farming soils as shown in the USDA Soil Reports attached at Exhibit 1, page 265 of the staff report in the record. The state policy embodied in Goal 3 emphasizes a preference for preserving farm lands. Specific uses allowed on farmland are listed in ORS Chapter 215. Industrial uses such as that proposed by Selmet in its consolidated application are not generally allowed in Goal 3 areas. Selmet proposes to take an exception to this goal to allow industrial development on land abutting its existing facility to enable its expansion.

Goal 4 is designed "[t]o conserve forestlands by maintaining the forestland 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 forestland consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture." The state policy embodied in Goal 4 is designed to preserve the timber propagation base of the state on forestlands. Goal 4 is not central to the areas for which exceptions are requested because those lands are exclusively designated Agricultural Resource, have been used for grass seed production for decades, and do not contain harvestable trees. Nonetheless, a Goal 4 exception is requested.

The proposal would result in the conversion of approximately 15 acres of currently productive farmland, which would be added to Tax Lot 502 by property line adjustment proposed in a separate application. These acres are currently used for grass seed production, which is an important component of Linn County's economy and a resource that is valued greatly by the County. The approximately 1.5 acres of requested exception area over which the 40-foot-wide access road runs are not currently in farm production. Selmet proposes to help offset the impact of this loss of farmland by redesignating approximately 4.5 acres of Tax Lot 503, which is currently designated industrial, to Agricultural Resource and EFU zoning. As a result, applicant proposes a net loss of approximately 10.5 acres of farmland that is currently in grass seed production in exchange for facilitation of Selmet's plant expansion and its related economic development opportunity, including an estimated 180 to 200 new jobs. In the present situation, the contemplated plant expansion would benefit the County economy substantially while causing only minimal loss of productive resource lands.

Goal 14 calls for state and local jurisdictions "[t]o 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." The state policy embodied in Goal 14 calls for urban uses to generally be contained in urban growth boundaries. Urban uses are characterized by the nature of the use and by the scale and intensity of the use. Goal 11 calls on local jurisdictions, "[t]o plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." The state policy embodied in Goal 11 contains development in urban areas by prohibiting most sewer facilities in rural areas. Selmet proposes to take an exception to these goals to allow urban scale industrial development on land abutting its existing facility to enable its expansion.

The reasons that justify the exceptions to Goals 3, 4, 11, and 14 at the proposed Selmet expansion site are multifold. The unique economic development opportunity for the proposal is one reason. Linn County and the State of Oregon policy call for providing economic development opportunity in rural areas with high unemployment. Linn County Industrial Lands Policy 8 states that "The expansion of existing industry is encouraged." Statewide Planning Goal 9 Planning Guideline 4 states that "Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development."

OAR 660-004-0022(3)(c) explicitly acknowledges that proximity to an existing industrial activity can be a sufficient reason to justify a goal exception to enable rural industrial development. That rule states that:

> "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: * * * (c) The use would have a significant comparative advantage due to its location (e.g., <u>near existing industrial activity</u>, 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." OAR 660-004-0022(3)(c) (emphasis added).

The presence of the Selmet facility is a unique economic development opportunity for Oregon and Linn County. Complex metal fabrication manufacturing processes that occur at the Selmet facility require immediate proximity to other metal manufacturing facilities and other metal processing capabilities. Exhibit 1, page 18 of the staff report in the record. For example, certain metal manufacturing processes must be completed within a specific amount of time following another process. The movement, storage, and processing of metals have higher costs and require greater energy consumption than most goods because of the product's weight, size, and strength.

More than half of the products made at the Selmet facility are component parts for airplane engines. Exhibit 1, page 18 of the staff report in the record. Federal safety regulations require the utmost exacting standards for these parts. Catastrophic engine failure can result if these parts are not made with precision. Both temperature and humidity must be tightly controlled during the manufacturing and processing of these parts. These parts are subjected to complete X-ray during their production to identify any potential inclusions or flaws. The proposed use must be sited immediately adjacent to existing Selmet facility because there is no viable option to truck the partially made component parts while maintaining the needed temperature, humidity, stability, timing, and other controls necessary for this exacting proposed use. Exhibit 1, page 18 of the staff report in the record. The proposed use would have a significant comparative advantage due to its location near the existing Selmet plant, which would benefit the County economically.

The unique opportunity for expansion of an existing metal manufacturing operation is a reason to justify why the policy in Goals 3, 4, 11, and 14 should not apply to the Project Site.

As of the submittal of this application, Linn County's unemployment rate was 8.4%, according to the Oregon Employment Department. This is the highest unemployment rate of any county in the Willamette Valley. The proposed exception over approximately 17 acres of land would enable expansion of Selmet's plant and facilitate a projected 180 to 200 new jobs at this location. These are primarily manufacturing jobs that predominately pay substantially higher than many Linn County jobs.

The proposal would result in the loss of approximately 15 acres of currently productive farmland, which would be added to Tax Lot 502 by property line adjustment. These acres are currently used for grass seed production, which is an important component of Linn County's economy and a resource that is valued greatly by the County. The soils maps at Exhibit 1, page 265 of the staff report in the record indicate that the soils in this area are productive, but the Wetland Delineation at Exhibit 1, page 192 of the staff report in the record shows that some of this farmland may not be ideal for farm production. The approximately 1.5 acres of requested exception area over which the 40-foot-wide access road runs are not currently in farm production.

The reasons for the Goal 3, 4, 11, and 14 exceptions are based on the longevity of the industrial use, evolving market conditions, continuation of existing development pattern, proximity to the existing industrial facility, unique nature of metal manufacturing, transportation and energy efficiencies of the proposal, and unique economic development opportunity proposed by this specific use. The requirements of OAR 660-04-0020(2)(a) are met.

> **"(b) Areas which do not require a new exception cannot reasonably accommodate the use.**
>
> **The exception 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.**
>
> **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**
>
> - **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?**

- **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 rural centers, or by increasing the density of uses on committed lands? If not, why not?**
- **Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?**
- **Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?**

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."

The location of the requested Goal exception is driven by the need for immediate proximity to the existing Selmet plant due to the nature of the metal manufacturing use proposed. Certain complex metal fabrication manufacturing processes in the proposal require immediate proximity to other metal manufacturing facilities and other metal processing capabilities. Exhibit 1, page 20 of the staff report in the record. For example, certain metal manufacturing processes must be completed within a specific and short amount of time following another process. The movement, storage, and processing of metals have higher costs and require greater energy consumption than most goods because of the product's weight, size, and strength.

More than half of the products made at the Selmet facility are component parts for airplane engines. Federal safety regulations require the utmost exacting standards for these parts. Exhibit 1, page 20 of the staff report in the record. Catastrophic engine failure can result if these parts are not made with precision. Both temperature and humidity must be tightly controlled during the manufacturing and processing of these parts. These parts are subjected to complete X-ray during their production to identify any potential inclusions or flaws. The proposed use must be sited immediately adjacent to existing Selmet facility because there is no viable option to truck the partially made component parts while maintaining the needed temperature, humidity, stability, timing, and other controls necessary for this exacting proposed use. The proposed industrial metal manufacturing use requires that it be immediately adjacent to its existing facility.

The following sites were considered and ruled out for the reasons provided by applicant in the record at Exhibit 1, page 21-22 of the staff report in the record:

- Township 11 South, Range 4 West, Section 33 Tax Lot 503
- Township 12 South, Range 03 West, Section 04, Tax Lot 201
- Township 12 South, Range 03 West, Section 04, Tax Lot 205
- Township 12 South, Range 03 West, Section 04, Tax Lot 600, and
- Township 12 South, Range 03 West, Section 04, Tax Lot 607

These sites cannot accommodate the proposed use because they are already built out, do not provide sufficient area for the proposed use, and they lack the immediate proximity to Selmet's existing facility as is required by the proposed use.

Albany and Tangent are each approximately 3.5 miles by road from the proposed exception area. Tangent has vacant industrial land along Highway 34 and Mallard Avenue approximately 3.7 miles from the proposed expansion area. Albany has limited vacant heavy industrial land along 34th Avenue and near Calapooia Street, approximately four miles from the proposed exception area. The proposed use requires immediate proximity to other metal manufacturing facilities and processes at Selmet's existing facility because of the nature of the complex metal manufacturing proposed. There are no comparable facilities and processes within the City of Tangent, the City of Albany, or anywhere else in the State of Oregon. The proposed use must be sited adjacent to Selmet's existing facility. Available land in the City of Tangent, City of Albany, or within any existing urban growth boundary cannot reasonably accommodate the proposed use because of the need to manufacture parts in conjunction with the existing facility and the need for precise temperature, humidity, stability, timing, and other controls necessary for the proposed use.

The proposed use cannot be reasonably accommodated on nonresource land, in existing rural centers that would not require an exception, or on land that is already irrevocably committed to nonresource uses because the nature of the proposed use requires adjacent proximity to the existing Selmet plant and the only abutting exception land (Tax Lot 503) is not suited for the proposed use due to the stream, parcel configuration, and extensive wetlands on Tax Lot 503. There is no abutting rural center or irrevocably committed land to the existing plant. Increasing the density of uses on non-resource land is not an option for the proposed use because Tax Lot 502 is already fully occupied with the heavy metal manufacturing processes occupying that site. The nature of the existing and proposed use (heavy metal manufacturing) does not lend itself to increasing density as can be done with residential development because of the large machinery and spaces needed to complete most tasks and because of the inability to build such uses vertically.

The lack of Goal 14 and Goal 11 exception areas in the vicinity, the fully developed nature of nearby exception areas, and the need for adjacent proximity to the existing Selmet Facility are reasons that give the Project Site a comparative advantage in an alternative site analysis. The requirements of OAR 660-04-0020(2)(b) are met.

> **"(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 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 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, 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."**

Expansion of the facility at the existing location would have long-term environmental benefits compared to construction of a comparable new facility at another location. It would increase the capacity of the site without disturbing land further way from the Selmet site. It would enable the efficient processing of metals at one location. If it hypothetically were possible to build the proposed expansion at another site, trucks would be needed to deliver metal components between locations daily, increasing carbon emissions and traffic. Use of the proposed exception site would allow continued use of established safe water, sewage disposal, and storm drainage systems at the Selmet facility.

The long-term economic benefit of the proposed expansion would be substantial. The proposed expansion will produce an estimated 180 to 200 jobs in Linn County. These would be predominantly manufacturing jobs that pay substantially more than many Linn County jobs. The proposal would result in the net loss of approximately 10.5 acres of productive grass seed farming area. The areas proposed for redesignation can be productive for grass seed production as show on Exhibit 1, page 265 of the staff report in the record, but this is the least productive site on which the proposed use can be located due to the need for adjacent proximity to the existing plant. While this is a loss to an important part of the Linn County economy, the benefits of the proposed industrial expansion outweighs the costs. Further, the long history of Selmet's operation at the site indicates that the use is compatible with surrounding farms and that there will be no negative economic impacts to the general area caused by the proposal.

The long-term social benefits to the proposed expansion would be stability and growth of employment opportunities in an area that currently suffers from some of the highest unemployment levels in the Willamette Valley. The support of the farming landowners around Tax Lot 502 show that Selmet's operation are a net positive for the social fabric of this portion of Linn County.

The long-term energy benefits of the proposed expansion is realized by avoiding truck trips between Selmet's existing facility and a hypothetical expansion at a location that is not the proposed expansion site. Gasoline and diesel would be needlessly wasted trucking metal parts from Selmet's facility to another location. Further, energy efficiencies are realized by collocating the proposed expansion adjacent to the existing facility. By sharing well, septic, and other existing services, new energy consuming services do not need to be constructed.

The long-term environmental, economic, social and energy consequences resulting from the locating the proposed use at the proposed site is less than they would be at any other location in the County. No adverse impacts have been identified for the Project Site that would be significantly more adverse than if the proposal was site elsewhere in Linn County. The requirements of OAR 660-04-0020(2)(c) are met.

> **"(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 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."**

The Selmet Plant was built in 1968 and has operated continuously in this location since then. The expansion contemplated by this consolidated application is possible because of the partnership that the applicant built with neighbors to secure land subject to these applications. All users abutting Selmet's plant on Tax Lot 502 have signed this application in support of the proposed expansion. As with Selmet's existing facility, all metal manufacturing processes will occur indoors and away from potential impacts on neighboring uses. Exhibit 1, page 24 of the staff report in the record. Applicant's facility has caused no significant negative impact on neighbors. No known complaints regarding noise, smell, lights, or other undesired behavior are in the record. By expanding on its existing site, which abuts Interstate 5, there will be no negative impact on adjacent uses, natural resources, or production practices. The requirements of OAR 660-04-0020(2)(d) are met.

B. OAR 660-14-0040(3) - Goal 14 Exception Requirements

The proposed exception area is on undeveloped rural land. Therefore, the requirements in OAR 660-14-0040(3) are applicable to the proposed amendment.

> **"(a) The proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities."**

Findings in support of an alternative site analysis as required by Goal 2: Exception Requirements [OAR 660-04-0020(2)(b)] are found earlier in these findings and are incorporated herein by reference. Among other site characteristic needs, the proposed urban development requires adjacent proximity to the existing industrial activity at the Selmet facility, which, pursuant to OAR 660-014-0022(3)(c), is a sufficient reason to take an exception. The proposed use must be sited immediately adjacent to existing Selmet facility because there is no viable option to truck the partially made component parts while maintaining the needed temperature, humidity, stability, timing, and other controls necessary for this exacting proposed use. Expansion of an urban grown boundary or intensification of development in rural communities cannot address the needed adjacent proximity issue. The requirements of OAR 660-14-0040(3)(a) are met.

> **"(b) The long-term environmental, economic, social and energy consequences resulting from urban development 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 on other undeveloped rural lands, considering:**
>
> > **(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and**
> >
> > **(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy, and land resources of the surrounding area."**

Findings in support of the long-term environmental, economic, social, and energy impacts of the proposed site being less impactful than other locations as required by Goal 2: Exception Requirements [OAR 660-04-0020(2)(c)] are found above and are incorporated herein by reference.

The amount of land included within the boundaries of the proposed development is appropriate because the applicant requested the least amount of land is necessary for the proposed use. Exhibit 1, page 142-45 of the staff report in the record. An efficient layout is proposed that maximizes use of existing facilities and services while preserving the maximum amount of farm resource land. Applicant also proposes to redesignate approximately 4.5 acres of Industrial land to Agricultural Resource as part of this consolidated application to mitigate the impact to resource lands caused by this proposal. Efficiencies are gained regarding area of land needed for the use by utilizing existing road access, water, and sewer services of Selmet's existing facility on Tax Lot 502.

The subject property is not located in a Non-attainment or Maintenance Area as determined by Oregon Department of Environmental Quality, according to the 2009 Oregon Air Quality Data Summaries, published June 2010. Locating the exception area at the proposed site as opposed to other undeveloped rural lands reduces impact to water, energy, and land by allowing Selmet to use its existing well, sewer, and access services without building new facilities in rural areas. The requirements of OAR 660-14-0040(3)(b) are met.

> **"(c) The proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:**
>
> > **(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and**
> >
> > **(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured."**

The Selmet Plant was built in 1968 and has operated continuously in this location since then. The expansion contemplated by this consolidated application is possible because of the partnership that applicant built with neighbors to secure land subject to these applications. All users abutting Selmet's plant on Tax Lot 502 have signed this application in support of the proposed expansion. As with Selmet's existing facility, all metal manufacturing processes will occur indoors and away from potential impacts on neighboring uses. Exhibit 1, page 26 of the staff report in the record . Applicant's facility has caused no significant negative impact on neighbors. No known complaints regarding noise, smell, lights, or other undesired behavior are in the record. By expanding on its existing site, which abuts Interstate 5, there will be no negative impact on the overall land use development pattern in the area.

Selmet's industrial use is an island of urban-level development in an otherwise rural area. This is a result of Selmet's industrial use of the property pre-dating Oregon's land use system. Likewise, the site is served by a sewage treatment facility that was approved by Linn County to manage waste from the site. See Exhibit 1, page 156 of the staff report in the record. While additional sewage processing capacity would be needed at the site, Boeger assessed the expansion area and concluded that it is suitable for the additional septic needs. Exhibit 1, page 156 of the staff report in the record. The proposed expansion has no impact on the ability of Albany, Tangent, or other cities and service districts to provide services.

The potential for continued resource management of the farm parcels surrounding the proposed use is assured because of the size of the parcels involved. Tax Lots 300, 401 and 501 surround the existing Selmet facility to the north, east, and south. These tax lots are all farmed for grass seed by the Roths. I-5 abuts the Selmet facility to the West. Tax Lot 300 is currently approximately 94 acres and proposed to be 84 acres by separate property line adjustment application. Tax Lot 401 is approximately 20.4 acres. Tax Lot 501 is approximately 154 acres and proposed to be reduced to approximately 149 acres by separate property line adjustment application. The Roth family, which farms all of these surrounding lots have no concern about the proposal impacting their ability to farm these areas. The requirements of OAR 660-14-0040(3)(c) are met.

"(d) An appropriate level of public facilities and services are likely to be provided in a timely and efficient manner."

As discussed in greater detail in the assessment of Statewide Planning Goal 12, Lancaster Engineering performed a Traffic Impact Study on the subject site and after considering the contemplated expansion concluded that the transportation facilities serving the subject site are sufficient to support the expansion. Selmet proposes to construct right-hand and left-hand turn lanes into its facility to mitigate potential safety concerns resulting from traffic speed rates on Seven Mile Lane. Similarly, the proposed expansion site will allow the use to piggyback on electrical, water, sewer and other facilities and services that serve the existing use on Tax Lot 502. The requirements of OAR 660-14-0040(3)(d) are met.

"(e) Establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development."

This criterion does not apply because no new urban growth boundary is proposed.

C. OAR 660-14-0018(4) - Goal 14 Exception Requirements

OAR 660-004-0018(4) requires that local jurisdictions place restrictions on uses permitted by reasons based goal 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."

Linn County uses a LUO overlay to limit uses approved in exception areas. LCC 933.405. As part of this approval, Linn County applies a LUO overlay to the site that limits uses in the proposed exception area to metal manufacturing and uses related or accessory to metal manufacturing. Using the site for Selmet's metal manufacturing and uses related or accessory to metal manufacturing were the reasons justifying the exceptions requested herein. The requirements of OAR 660-004-0018(4) are met.

III. Additional Findings and Conclusions:

The Board also adopts all information contained in the record that was provided by the applicant or County Planning staff as additional findings, to the extent those additional findings do not contradict any finding contained herein. These additional findings shall be referred to as the "Incorporated Findings," and are to be considered along with the findings contained within this document.