



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

November 2, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Linn County Plan Amendment
DLCD File Number 001-06



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 15, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Robert Wheeldon, Linn County

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DLCD NOTICE OF ADOPTION

DEPT OF

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

UCT 26 2006

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Linn County

Local File # BC06-0001
(If no number, use none)

Date of Adoption: October 18, 2006
(Must be filled in)

Date Mailed October 24, 2006
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: July 19, 2006

Comprehensive Plan Text Amendment
 Land Use Regulation Amendment
 New Land Use Regulation

Comprehensive Plan Map Amendment
 Zoning Map Amendment
 Other: _____

(Please Specify Type of Action)

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

Adopt exceptions to Goal 3 and Goal 4; Change the Plan Designation of a 44.23-acre property from Farm/Forest to Rural Residential; Change the Zoning Map designation from Farm/Forest (F/F) to Rural Residential (RR-10).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: Farm/Forest to Rural Residential

Zone Map Changed from: Farm/Forest (F/F) to Rural Residential (RR-10)

Location: T10S, R3W, Sec 15; TL 1400 Acres Involved: 44.23 acres

Specify Density: Previous: 80 acre min New: 10-acre minimum

Applicable Statewide Planning Goals: 2, 3, 4, 5, 12

Was an Exception adopted? Yes Yes No _____

DLCD File No: 001-06 (15403)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: X No: _____

If no, do the Statewide Planning Goals apply? Yes: _____ No: _____

If no, did the emergency circumstances require immediate adoption? Yes: _____ No: _____

Affected State or Federal Agencies, Local Governments or Special Districts: DLCD; DOF; DOA

Local Contact: Robert Wheeldon Area Code + Phone: 541-967-3816, ext. 2075
Address: Linn County Planning & Building Dept., PO Box 100
City: Albany, OR Zip Code + 4 97321

ADOPTION SUBMITTAL REQUIREMENTS

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

per ORS 197.610 and OAR Chapter 660, Division 18

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
Department of Land Conservation and Development
635 Capitol St. NE, Ste. 150
Salem, Oregon 97301-2540

2. Submit **TWO (2) copies** of the adopted material; if copies are bounded, please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date the Notice of Adoption is sent to DLCD..
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8 ½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to (503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Steve Michaels, Director

Room 114, Linn County Courthouse
PO 100 Box, Albany, Oregon 97321
Phone 541-967-3816, 1-800-319-3816
Fax 541-926-2060 www.co.linn.or.us

NOTICE OF ADOPTION

Resolution And Order No. 2006-500
Ordinance No. 2006-501
Planning File No. BC06-0001
Applicant Ronald and Ingrid Reimers

Proposal:

An application by Ronald and Ingrid Reimers for a Comprehensive Plan (Plan) Map amendment and a Zoning Map amendment. The subject property is 44.23 acres in size and is identified as T10S, R3W, Section 15, Tax Lot 1400. The property is located at the east end of Viewcrest Drive, approximately 3 miles northeast of Albany and one-half mile east of Century Drive. The proposed *Plan* map amendment would change the *Plan* designation from Farm/Forest to Rural Residential. The proposed zone amendment would change the zoning from Farm/Forest (F/F) to Rural Residential (RR-10) with a ten-acre minimum parcel size.

Board Action: Resolution and Order No. 2006-500

On October 18, 2006 the Linn County Board Of Commissioners voted 2-0 to approve *Resolution and Order No. 2006-500* to: (1) Approve the Findings and Conclusions supporting the Board decision; (2) Order that the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon be excepted from Goal 3 and Goal 4; (3) Order that the *Linn County Comprehensive Plan* map be prepared for amendment to designate thereon the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon as "Rural Residential;" and (4) Order that the Linn County Zoning map be prepared for amendment to designate thereon the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon as "Rural Residential (RR-10)."

Board Action: Ordinance No. 2006-501

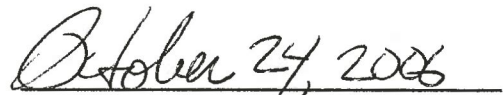
On October 18, 2006 the Linn County Board of Commissioners voted unanimously to approve *Ordinance No. 2005-501* to Ordain that: (1) the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon be excepted from Goal 3 and Goal 4; (2) Appendix 1, *Comprehensive Plan* map, following LCC Chapter 919 [see LCC 900.101(B)] be amended to designate the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon as "Rural Residential;" and (3) Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon as "Rural Residential (RR-10)."

If you wish to appeal this decision, an appeal must be filed with the Land Use Board of Appeals (LUBA) within 21 days from the date this notice is mailed. Appeals to LUBA must be filed in accordance with ORS 197.830. If you have any questions about this process, contact LUBA in Salem at (503) 373-1265.

Resolution and Order No. 2006-500 and Ordinance No. 2006-501 may be reviewed at the office of the Linn County Clerk, Room 205, Linn County Courthouse. That office is open from 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. A copy of the resolution and the ordinance is available in the office of the Linn County Clerk. A fee to cover copying costs will be charged.



Steve Michaels
Director



Date

cc: Ronald and Ingrid Reimers; Rich Catlin; Jim Just, FOLC; Gary and Margaret Hiukka; Irving and Barbara Steers; Nancy Dasher; Linda Pierson; **DLCD**; Linn County EHP; Linn County Road Department

FILED

OCT 18 2006

STEVE BRUCKENMILLER, CLERK
By *[Signature]*
Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

IN THE MATTER OF AN ORDINANCE)
AMENDING THE LINN COUNTY)
COMPREHENSIVE PLAN MAP AND)
THE LINN COUNTY ZONING MAP BY)
TAKING AN EXCEPTION TO GOAL 3)
AND GOAL 4)

ORDINANCE NO. 2006-501
(Amending Code)
(Planning and Building Department BC06-0001)

WHEREAS, The Linn County Board of Commissioners (Board) advertised notice that it would consider proposed amendments to the Linn County *Comprehensive Plan* map and zoning map on September 27, 2006;

WHEREAS, At 10:30 a.m., on September 27, 2006, the Board conducted a regularly scheduled and duly advertised public hearing, considered the proposed amendments for the *Comprehensive Plan* map and the zoning map;

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. 2006-500 and entitled Exhibit 1, (BC06-0001 Decision Criteria, Findings and Conclusions); and, now, therefore, be it

Ordained by the Linn County Board of Commissioners, That:

Section 1. Map Amendment. The property designated as the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon, be excepted from Goal 3 and Goal 4 and Appendix 1, *Comprehensive Plan* map, following LCC Chapter 919 [see LCC 900.101(B)] be amended to designate the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon, as "Rural Residential," and be made part of the Hardscrabble Hill exception area.

Section 2. Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon, as "Rural Residential (RR-10)."

Section 3. 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 4. 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 5. Effective date. To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption.

Section 6. Codification. Following adoption, this ordinance shall be codified pursuant to LCC Chapter 120.

Public reading held October 16, 2006.

Adopted and passed October 18, 2006.

The effective date of this Ordinance shall be October 18, 2006.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

Signed October 18, 2006.

	Potential Conflict of Interest	Voting For Against Did Not Participate or Vote
Steve Druckenmiller, Linn County Clerk Recording Secretary	Roger Nyquist, Chairman	
By <u>[Signature]</u>	<u>[Signature]</u> John K. Lindsey, Commissioner	X
	<u>[Signature]</u> Cliff Wooten, Commissioner	X

APPROVED AS TO CONTENT:

[Signature]
Steve Michaels
Linn County Planning and Building Director

APPROVED AS TO FORM:

[Signature]
Thomas N. Corr
Linn County Legal Counsel

FILED

OCT 18 2006

STEVE DRUCKENMILLER, CLERK
Steve Druckenmiller
Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY OREGON

IN THE MATTER OF AMENDING THE)
LINN COUNTY *COMPREHENSIVE*)
PLAN MAP AND THE LINN COUNTY)
ZONING MAP BY TAKING AN)
EXCEPTION TO GOAL 3 AND GOAL 4)

RESOLUTION &
ORDER NO. 2006-500
(Planning and Building Department BC06-0001)
(Findings and Conclusions)

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public meeting on September 27, 2006, for the purpose of considering the matter of a proposed *Comprehensive Plan* map amendment and proposed zoning map amendment that would amend the *Comprehensive Plan* map designation and zoning map designation on property identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15;

WHEREAS, The proposed *Comprehensive Plan* map amendment and proposed zoning map amendment had been previously considered by the Linn County Planning Commission at a duly advertised meeting on September 12, 2006 and who voted 3-2 to recommend approval to the Board;

WHEREAS, The Board, after considering all testimony and evidence submitted, reached a consensus to recommend that the proposed *Comprehensive Plan* map amendment and proposed zoning map amendment be adopted; and

WHEREAS, The findings in support of the proposed *Comprehensive Plan* map amendment and zoning map amendment are attached hereto as Exhibit 1 (BC06-0001 Decision Criteria, Findings and Conclusions); and

NOTING, That the consensus of the Board is to allow access across a one-foot barrier strip for a total of up to four home sites on the subject property subject to final approval action by the Board and compliance with the Access Improvements Standards Code (LCC Chapter 935); and now, therefore, be it

RESOLVED, That the Board of County Commissioners for Linn County approve the Findings and Conclusions as set forth in Exhibit 1 (BC06-0001 Decision Criteria, Findings and Conclusions); and

ORDERED, That the *Linn County Comprehensive Plan* map be prepared by county staff for amendment to designate thereon the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon, as "Rural Residential."

ORDERED, That the Linn County Zoning map be prepared by county staff for amendment to designate thereon the 44.23 acres identified as Tax Lot 1400 on Assessor map T10S, R3W, Section 15, Linn County, Oregon, as "Rural Residential (RR-10)."

Resolved this 18th, day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

Potential Conflict of Interest
Did Not Participate or Vote

Roger Nyquist, Chairman

John K. Lindsey, Commissioner

Cliff Wooten, Commissioner

APPROVED AS TO CONTENT:

Steve Michaels
Linn County Planning and Building Director

APPROVED AS TO FORM:

Thomas N. Corr
Linn County Legal Counsel

Exhibit 1

BC06-0001 Decision Criteria, Findings and Conclusions

Proposed Land Use Action

BC06-0001: An application by Ronald and Ingrid Reimers for a Comprehensive Plan (Plan) Map amendment and a Zoning Map amendment. The affected property is 44.23 acres in size and is identified on Linn County Assessor Maps as T10S, R3W, Section 15, Tax Lot 1400. The property is located at the east end of Viewcrest Drive, approximately 3 miles northeast of Albany and one-half mile east of I-5.

The proposed Plan map amendment would change the Plan designation from Farm/Forest to Rural Residential. The proposed zone amendment would change the zoning from Farm/Forest (F/F) to Rural Residential (RR-10) with a ten-acre minimum parcel size.

The applicable decision criteria for the proposed Plan Map and Zoning Map amendments are identified in Linn County Code (LCC) 921.874. The proposed amendments must also be consistent with any applicable statewide planning goals and the applicable Oregon Administrative Rules (OARs) in OAR 660-004-0000 through 660-004-0028.

General Information

TYPE OF APPLICATIONS:	1. Exception to Statewide Planning Goals 3 and 4. 2. Comprehensive Plan Map amendment from Farm/Forest to Rural Residential. 3. Zone Change from Farm/Forest (F/F) to Rural Residential, 10-acre minimum (RR-10).
PROPERTY OWNER:	Ron & Ingrid Reimers, 1651 NW Springhill Drive, Albany, OR 97321
REPRESENTATIVE:	Rich Catlin, Reece & Associates, 150 Calapooia St SW, Suite A, Albany, OR 97321
MAP/TAX LOT:	Assessor's Map No. 10S-3W-15, Tax Lot 1400
TOTAL LAND AREA:	44.23 acres
EXISTING LAND USE:	Single-family residence (33960 View Crest Dr NW, Albany)
SURROUNDING ZONING:	North: RR-5 East: RR-5 South: FF, RR-5 West: RR-5
SURROUNDING USES:	North: rural residences East: rural residences South: rural residences, forest West: rural residences

Summary

A zone change from Farm/Forest to Rural Residential (RR-10) is subject to a list of considerations set forth in county and state law. The reasons for approving the map amendments are summarized into the few paragraphs that follow.

The subject property is located at the eastern terminus of View Crest Drive, a local access road in a rural residential neighborhood. It is situated on the north side of Scrael Hill where the land use pattern is characterized by rural residential homesites on lots averaging four acres in size. This area is zoned Rural Residential with minimum lot sizes of 2.5, 5 and 10 acres. None of the lots on the north side of Scrael Hill are in farm use or forest use as the primary use of the property. The proposed map amendments are consistent with this land use pattern.

There is a single-family dwelling on the site. The proposed map amendments would enable the subdivision of the 44.23 acre site into four lots, at least ten acres in size. This would allow three additional residences on lots that are adjacent to existing rural residential lots in a manner consistent with the existing rural residential land use pattern in the area.

Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands) broadly define agricultural and forests lands, and require that rural lands that fall within those definitions be planned and zoned to protect those lands for farm and forest use. In this case, an exception to the Goals 3 and 4 is warranted because the site is irrevocably committed to uses other than for farm or forest uses. An irrevocably committed exception may be approved, where “the land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.” ORS 197.732(1)(b); OAR 660-004-0028(1).

Findings Organization

These findings are organized as follows:

Comprehensive Plan Map Amendment.....	Page 3
Linn County Criteria.....	Page 3
State Criteria	Page 18
Committed Exception.....	Page 18
Planning & Zoning for Exception Areas ...	Page 22
Transportation Planning Rule	Page 22
Zoning Map Amendment	Page 25

Conclusion

Based on the argument and evidence presented before the Linn County Board of Commissioners (Board), the Board finds that the proposed Comprehensive Plan Map and Zoning Map amendments comply with the applicable criteria identified in Linn County Code (LCC) 921.874; and with the applicable Statewide Planning Goals; and with the applicable Oregon Administrative Rules (OARs) in OAR 660-004-0000 through 660-004-0028.

COMPREHENSIVE PLAN AMENDMENT

LINN COUNTY CRITERIA

The Linn County Land Development Code provides the following criteria for amendments to the Comprehensive Plan Map. These criteria are addressed in the following sections.

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

In this narrative, applicable sections of the Comprehensive Plan are discussed in the context of compliance with the Statewide Planning Goals. Those findings and conclusions are incorporated herein by reference to demonstrate compliance with this criterion.

Farm/Forest Lands Comprehensive Plan Policies

- (1) *Linn County shall adopt zoning that will maintain the resource orientation of Farm/Forest lands.*

This application will not impact land that is genuinely suitable for farm or forest activities. There has been no profitable farm-related activity on this property. Unfertile shallow soils, moderate slopes, and potential for erosion limit agricultural production.

There is no evidence of extensive timber growth on the property. Limited logging occurred in the past to remove the few merchantable trees on the property. Vegetation on the property is shrub scrub with a mix of hardwoods and softwoods.

The proposed RR-10 zoning would act as a buffer between the resource property to the south and the five-acre rural residential properties to the north. The proposed ten-acre Lots would maintain the rural character of the property by allowing very low-density residential development to co-exist with wildlife habitat. The proposed ten-acre lots would also be Large enough to allow individual owners to more intensively manage the uses of the property.

- (2) *Impacts on the local economy will be assessed before comprehensive plan amendments are approved to change a Farm/Forest designation to a development designation.*

The property is not in farm or forest use and has not been used for successful commercial agricultural or forest production in the past. Poor quality soils prevent the production of economically viable farm or forest products. Any value taken from the property in the past was short-lived and. marginal. Therefore the property does not contribute to the local resource economy.

- (3) *Linn County shall insure that siting of and access to non-resource related dwellings will not adversely affect nearby farm and forest lands or remove significant acreages from production.*

No farmland is found on adjoining properties. The adjoining property to the south is in timber production, but it is located on the south side of Hardscrabble Hill. The subject property is situated on the north side of the hill. The change in topography is an effective buffer to mitigate any impacts arising from future development of the subject property. Under RR-10 zoning, the subject property could be divided into four lots. One house already exists on the property.

Therefore non-resource related dwellings on the subject property would not adversely affect nearby forestlands nor would they cause forestland to be removed from production.

- (4) *Linn County shall utilize its agency involvement program to request comments on the impact of proposed comprehensive plan amendments, zone changes and other land use actions of Farm/Forest lands.*

Linn County will notify the Oregon Department of Land Conservation and Development. DLCD will in turn notify other state agencies in accordance with interagency coordination agreements. Linn County will also notify local agencies regarding road, fire, law enforcement, and school issues.

- 5) *The lands designated Farm/Forest in the Hardscrabble Hill and Hale Butte areas shall be considered for Rural Residential designation if needed for residential use during the first comprehensive plan update. Prior to designating any Farm/Forest land as Rural Residential, a plan amendment and a Goal 2 exception shall be required.*

The subject property is designated Farm/Forest and is located on hardscrabble Hill. Findings of the Albany Planning area Buildable Lands Survey indicate that additional properties are needed for residential use in the Albany planning area. The applicant proposes a plan amendment and Goal 2 exception with this application.

Rural Residential Land Comprehensive Plan Policies

The proposed Comprehensive Plan map designation is Rural Residential. Policies for rural residential lands, as set forth in the Comprehensive Plan [LCC 905.420(B)], are as follows:

- (1) *Linn County shall provide an adequate supply of buildable land for rural residential use in order to accommodate future rural population growth.*

This policy does not apply because the rationale for the proposed amendment is based on the committed criterion under Statewide Planning Goal 2 rather than the need criterion.

- (2) *Land designated for rural residential use shall, whenever possible, have a minimum of adverse site characteristics such as steep slopes or exposure to flooding.*

The proposed amendment complies with this policy because adverse site characteristics such as steep slopes or exposure to flooding are absent from the subject site.

- (3) *Linn County shall consider the availability of facilities and services such as roads and fire protection when designating land for residential use.*

The proposed amendment complies with this policy because the subject property has access to Viewcrest Drive and the subject property is situated in the Jefferson Rural Fire Protection District

- (4) *Linn County shall seek to maintain the rural character of development within rural residential designations.*

The proposed amendment complies with this policy because the proposed minimum lot size is ten acres, a density considered to be rural by OAR 660-004-0040(7)(i)(A): *For rural residential*

areas designated after the effective date of this rule, the affected county shall ... require that any new lot or parcel have an area of at least ten acres

- (5) *The Rural Residential Plan designation is implemented with four rural residential zones which are distinguished only by minimum property size standards. The RR-2½ acre minimum property size zone, for reasons established in the text of this section, is considered a rural designation. The RR-2½ designation has been applied to exception sites which are capable of supporting additional development without adversely impacting rural services and urbanization plans of the cities in the county. A Goal 14 exception has been taken for rural residential urban influence areas which are zoned RR-2½.*

This policy does not apply because the proposed zoning is RR-10.

- (6) *The RR-10 acre minimum property size zone may be established on larger size properties where development limitations exist. Such limitations may include limited groundwater quantity, poor septic suitability, access difficulties, steep slopes, important natural features or the lack of fire protection.*

No development limitations have been identified on the subject property that would limit the density to ten-acre lots. Instead the RR-10 zoning is proposed to be consistent with OAR 660-004-0040(7)(i)(A) as noted under Policy (4) above.

- (7) *The RR-10 zone may also be applied to land that will provide a buffer between smaller residential property size development and farm and forest resource uses. The RR-10 zone may be changed to either a RR-2½ or RR-1 with a zone amendment and an exception to Goal 14. A change from RR-10 to RR-5 requires a zone amendment only.*

The proposed amendment complies with this policy because application of RR-10 zoning would buffer existing RR-5 zoned property to the north from F/F property to the south.

- (8) *The RR-5 acre minimum property size zone has been applied to areas which are considered to be urban influence areas, subject to development limitations or located near resource activities. Some exception areas have been designated RR-5 based upon the potential number of residences that could be built. It is the intent of the Plan not to permit large, rural communities in the exception areas. The RR-5 zone may not be changed to another rural residential designation without a zone amendment and an exception to Goal 14.*

The subject property is suitable for RR-5 zoning because there are no development constraints on the property and it would be consistent with RR-5 zoning on adjacent lands. However this policy does not apply because the proposed zoning is RR-10.

- (9) *A fourth property size designation, the RR-1 acre minimum zone has been applied to exception areas which are already developed at a one acre density. The RR-1 zone is not considered a rural zoning designation and can only be applied through an urban exception and zone amendment.*

This policy does not apply because the proposed zoning is RR-10.

- (10) *Public sewer and water systems are not permitted in the county in areas outside of an urban growth boundary except under the circumstances described in policy 12.*

This policy does not apply because no public sewer or water systems are available in the area.

- (11) *Public water and sewer systems may be established or extended in a rural residential area when the governing body determines that a health hazard exists pursuant to DEQ or Oregon Health Division procedures and criteria. A new or extended public water or sewer system is appropriate in the rural areas only when needed to protect the public's health and safety. Municipal water or waste disposal systems cannot be extended to a rural residential area unless the health hazard area is included within an urban growth boundary.*

This policy does not apply because no public sewer or water systems are available in the area.

- (12) *Existing public water and sewer systems may be used to provide service to properties which are entitled to service through previously recorded agreements.*

This policy does not apply because no public sewer or water systems are available in the area.

- (13) *The county will work with the water resources department in obtaining groundwater availability information and correlating it to residential areas. If it is determined that there is inadequate groundwater available to support proposed rural residential development in an exception area, then the county will lower the residential density standard to that which can be accommodated by the groundwater resource.*

The findings and conclusions set forth in response to LCC 921.874(A)(9), Goal 6, demonstrating that adequate groundwater is available to support rural residential development on the subject property, is incorporated by reference in support of consistency with this policy.

- (14) *Properties existing as of the effective date of this Plan provision with more than one residence may be divided into units which are less than the minimum property size for the purpose of putting the residences on separate properties . The residences must have been lawfully sited and considered permanent under Land Development Code (LCC Chapters 920 to 939) provisions. Property development standards and the requirements of the environmental health program must be met. Property boundaries of properties existing as of the effective date of this Plan provision may be adjusted when the result is a property less than the minimum property size standard. The property boundary adjustment may be approved when no additional properties parcels are created and other requirements established in the Land Development Code (LCC Chapters 920 to 939) are met.*

This policy does not apply because only one residence exists on the subject property.

- (15) *Within an urban influence area, the minimum property size standard will generally be five acres. In areas which are predominately developed at greater densities, the minimum property size will be either one or two and one-half acres depending upon the level of development. In order to recognize that the one or two and one-half acre areas are different than the other urban influence exception sites, an urban exception will be taken. An urban influence area may be rezoned to another minimum lot size consistent with provisions in OAR 660-004-0040. Urban influence areas are identified in Appendix 2 following this chapter.*

This policy does not apply because the subject property is not situated in or near an urban influence area.

- (16) *Land partitions for residential use shall not be permitted until it can be shown that there is an acceptable and approved method of sewage disposal for each proposed property which meets the rules and regulations of the state department of environmental quality.*

This policy does not apply to the proposed amendment because it is implemented by Development Code provisions at the time of application to divide land.

- (17) *Subdivision approval shall require findings that adequate public facilities such as schools, fire protection and roads exist or will be available.*

This policy does not apply to the proposed amendment because it is implemented by Development Code provisions at the time of application to divide land.

- (18) *Infill of existing manufactured home parks, when located in rural residential areas, is desirable for the following reasons:*
- (a) *It is the intent of Linn County to allow in-filling of existing manufactured home parks where they are located in rural residential areas;*
 - (b) *By allowing in-filling of existing manufactured home parks, Linn County will not need to approve new mobile home parks unless they comply with planned unit development criteria;*
 - (c) *Existing manufactured home parks commit the mobile home park tax-lot to a non-resource land use, and it is unlikely that undeveloped manufactured home park land could ever become productive resource land. In-fill of vacant lands within manufactured home parks is an efficient use of such land; home parks will satisfy Linn County's desire to provide for variety in housing types in rural residential areas, while ensuring minimum conflict between resource and non-resource lands; and*
 - (e) *Existing manufactured home park facilities can be expanded and provide for more efficient utilization of such facilities.*

This policy does not apply because the proposed amendment is not needed to allow infill of an existing manufactured home park.

- (19) *Existing manufactured home parks shall be allowed to in-fill to their service capacity in accordance with the following criteria:*
- (a) *New spaces added will result in total manufactured home park tax-lot density of not more than four spaces per acre;*
 - (b) *Where an existing manufactured home park exceeds four spaces per acre, it shall not be allowed to expand. Such parks will be allowed to retain all existing spaces as a conforming use within Rural Residential districts;*
 - (c) *Adequate facilities for water and utilities exist or will be available to serve additional spaces;*
 - (d) *New spaces shall be provided with approved sanitation;*
 - (e) *Expansion plans shall be approved by the Building Codes Division and applicable provisions of the Land Development Code (LCC Chapters 920 to 939); and*
 - (f) *The manufactured home park was licensed by state commerce department, real estate division prior to January 1, 1975.*

This policy does not apply because the proposed amendment is not needed to allow infill of an existing manufactured home park.

(20) *A Plan map designation of Agricultural Resource or Farm/Forest-Rural Residential Reserve has been applied to areas meeting the rural residential housing locational criteria. A Plan amendment and Statewide Goal exception to the applicable Goal(s) must be approved before a Rural Residential designation can be applied. Until an amendment and exception are approved, only uses permitted in the Farm/Forest or Exclusive Farm Use zones shall be allowed.*

(a) Rural Residential Reserve Locational Criteria:

(i) The combination of soil types, property sizes, ownership patterns, topography and existing development may preclude commercial farm or forest practices.

(ii) Nearby commercial farm, forest, or other resource activities would not appear to be adversely affected by residential development.

(iii) There are minimal development limitations present including flood or geologic hazards.

(iv) Necessary facilities and services are available including:

(I) Roads

(II) Water

(III) Septic tank sites

(IV) Fire protection

The subject property complies with the rural residential locational criteria as demonstrated by findings and conclusions set forth elsewhere in this narrative. Demonstration of compliance with criteria for a Plan amendment and Statewide Goal exception is presented elsewhere in this narrative. Those findings and conclusions are incorporated by reference to demonstrate compliance with this policy.

(21) *Land that is committed or developed with rural residential uses may be designated Rural Residential if the applicable requirements in Oregon Administrative Rules Division 4 can be met. A Comprehensive Plan amendment is required before the Rural Residential Plan designation can be applied.*

Demonstration of compliance with criteria for a Plan amendment and Statewide Goal exception is presented elsewhere in this narrative. Those findings and conclusions are incorporated by reference to demonstrate compliance with this policy.

(22) *A lot-of-of record may be developed in the Rural Residential zone with a permitted use if the applicable property development standards are met.*

This policy does not apply because the site is developed with a single-family home.

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

The overall land use pattern in the area is best described by the level of parcelization and development of adjacent lands. Within a ¼ mile of the subject property, there are 94 privately held tax lots. The vast majority of the tax lots (96%) are zoned Rural Residential. The minimum lot size for the proposed zone change (10 acres) is more than twice the average size of these tax lots. Most tax lots (83%) have a dwelling, and owners occupy 96% of the homes.

Table 1, Summary of Data for Tax Lots Within ¼ Mile of the Subject Property

Zone	All Tax Lots in the Zone			Tax Lots with Dwellings			
	# TLs	Range in size (acres)	Average area (acres)	# TLs	% of Total	Range in Area (acres)	Average Area (acres)
RR-5	88	0.01 – 19.51	2.90	73	83	0.39 – 19.51	3.04
RR-2.5	2	3.83 – 5.12	4.47	2	100	3.83 – 5.12	4.47
F/F	4	0.12 – 151.57	50.28	2	100	24.70 – 24.74	24.72

Source: Linn County GIS

There are 16 tax lots that adjoin the subject property. 15 of those tax lots are zoned Rural Residential and comprise 79% of the boundary of the subject property. One F/F property comprises 20% of the adjoining land.

Given these conditions, the proposed map amendment is consistent with the predominant land use pattern in the area: small lot rural residential development.

An analysis of compatibility identifies the proposed use, assesses the type and extent of the impacts of the proposed use, and estimates the effect those impacts will have on adjacent properties. To be compatible, it is not necessary for there to be no impacts nor for adjacent uses to be identical.

The proposed amendment would allow the subject property to be divided into four lots a minimum of ten acres in size for rural residential use. Impacts typically associated with rural residential use include traffic (one peak hour trip per day), noise from incidental outside activities, and often more active management of the property.

The southwestern most future parcel, labeled as Lot 4 on the conceptual subdivision plan, contains the existing dwelling. This lot would adjoin the F/F parcel to the south. The impacts of the existing residence on the F/F to the south are well established and will not change with the proposed map amendments.

Additional residences could be established on future Lots 1-3 that adjoin rural residential land. The proposed use is consistent with adjacent uses to the west, north, east and southeast, but the density will be less. These impacts are consistent with those already associated with adjacent rural residential properties. Therefore the proposed amendment is compatible with adjacent rural residential uses.

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

This criterion does not apply because the subject property is not located within an adopted urban growth boundary.

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

The discussion of fish and wildlife habitat, presented elsewhere in this narrative and hereby incorporated by reference, demonstrate that this criterion does not apply because the site is not located in a sensitive fish or wildlife habitat area.

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. [LCC 921.874(A)(5)]

The discussion of public facilities presented under Goal 11 elsewhere in this narrative and hereby incorporated by reference, demonstrate compliance with this criterion. No public sanitary or storm drainage facilities will be affected by the proposed map amendments.

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

An analysis of transportation impacts of the proposed map changes is found under the Transportation Planning Rule found elsewhere in this narrative. Those findings and conclusions are incorporated herein by reference to demonstrate compliance with this criterion.

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. [LCC 921.874(A)(7)]

There are no identified geologic hazards, flood hazards, or water quality or quantity deficiencies. The discussion of groundwater quality and quantity, presented under Goal 6 elsewhere in this narrative and hereby incorporated by reference, demonstrate compliance with this criterion.

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

An exception to the statewide planning goals is required for the proposed zone change. Findings and conclusions addressing the exception criteria, found elsewhere in this narrative and hereby incorporated by reference, demonstrate compliance with this criterion.

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

On June 20, 1985, the Land Conservation and Development Commission acknowledged the Linn County Comprehensive Plan and implementing ordinances as being in compliance with the Statewide Planning Goals. Subsequent post-acknowledgement plan amendments must also comply with the goals.

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.

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

In quasi-judicial proceedings conducted for map amendments as proposed by the applicant, the Land Development Code sets forth the acknowledged provisions for citizen involvement at public hearings before the Planning Commission and Board of Commissioners. Based on these provisions, citizens will have ample opportunity to review and comment on the proposed map amendments.

For these reasons, the proposed map 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.

The Land Development Code sets forth the planning process for reviewing quasi-judicial proceedings conducted for map amendments as proposed by the applicant. The Linn County Comprehensive Plan provides the policy framework for making such decisions. The Oregon Land Conservation and Development Commission acknowledged the Comprehensive Plan and land Development Code as being in compliance with Goal 2. The applicant has submitted adequate factual information in support of the proposed map amendments.

Goal 2 establishes a standard process for complying with the statewide planning goals. When the statewide planning goals do not apply, Goal 2 allows for exceptions to this process:

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

- (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;*
- (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and*
- (c) Complies with standards for an exception.*

Goal 2 allows three types of exceptions: developed, committed, and reasons. For a developed exception, the property must be physically developed to such an extent that applying the goal is not practicable. For a committed exception, the property must be irrevocably committed to uses not permitted by the goal, due to existing surrounding and physical characteristics. A reasons exception must be based on other reasons that justify a change in the designation of the property. A local government must choose the type of exception best suited for the circumstances and provide evidence in the record in support of the exception. Goal 2 explains the three types of exceptions as follows:

A local government may adopt an exception to a goal when:

- (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;*
- (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or*
- (c) The following standards are met:*
 - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;*
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;*
 - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and*

- (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. [Underline added]*

These findings make the case that a number of physical factors found in and around the site, when viewed collectively, render the site unsuitable for resource use as applied by Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). Therefore, the proposed amendments are subject to the criterion for a 'committed' exception under Goal 2.

The exception requirements for land irrevocably committed to other uses as codified in OAR 660-004-0028 apply to this proposal. A discussion of the exception requirements is found elsewhere in this narrative.

For these reasons, the proposed map amendments comply with Goal 2.

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

Goal 3 states in part:

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Goal 3 defines Agricultural Land as follows:

In western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.

The *Soil Survey of Linn County Area, Oregon* (SCS, 1987) has mapped two soils on the subject property. Steiwer silt loam and Dupee silt loam are Capability Class III and IV soils. Therefore the subject property qualifies as agricultural land under Goal 3.

The Agricultural Land Use Policy adopted by the 1973 Legislature is intended to keep farmland productive and to protect it from encroachment by cities:

- (1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.*
- (2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.*
- (3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.*

- (4) *Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [ORS 215.243]*

The subject property is designated Farm/Forest on the Linn County Comprehensive Plan Map. The Farm/Forest designation implements Goal 3 as described in the following Plan policies:

The purpose of the Farm/Forest designation is threefold:

- (1) It identifies land suitable for timber production that is generally not held in commercial ownership;
- (2) It recognizes areas where either farm or forest uses are suitable given the soil quality and topography; and
- (3) It maintains resource uses by placing certain regulations on land uses. [LCC 905.300(B)]

Given that the Farm/Forest designation is a hybrid of agriculture and forestry uses, Statewide Planning Goals 3 and 4 apply to these lands. Farm/Forest lands aim to preserve and maintain agricultural and forest lands and to conserve soil, water, air and wildlife resources. [LCC 905.300(D)]

As part of the future Comprehensive Plan review process, land designated Farm/Forest may be considered for Rural Residential designation, such as the Hardscrabble Hill and Hale Butte areas. Factors to be considered for a plan amendment include detailed soils information and need for additional rural residential land at that time. [LCC 905.330(E)]

Conversion of lands designated as Farm/Forest in the Comprehensive Plan to a different plan designation requires a Comprehensive Plan amendment and a goal exception. Both Statewide Planning Goals 3 and 4 shall apply unless the applicant submits evidence that the property is clearly not protected by one of the goals. This evidence must be part of any application. If sufficient evidence is submitted to indicate that either Goal 3 or 4 does not apply, the applicant shall still be required to take exception to the other applicable goal in the Farm/Forest zone. This Plan amendment process entails a hearing before the Planning Commission and the Board of Commissioners and is open to the public. This process provides the opportunity to assess the merits of the proposal and determine potential impacts on nearby resource land. [LCC 905.330(G)]

As noted under Goal 2 above, the proposed map amendments rely on a committed exception to Goal 3.

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.

Goal 4 states in part:

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving

forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

Before forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated. [Goal 4 Implementation Measure 1]

Comprehensive plans should consider other land uses that are adjacent to forest lands so that conflicts with forest harvest and management are avoided. [Goal 4 Implementation Measure 8]

The *Soil Survey of Linn County Area, Oregon* (SCS, 1987) has mapped two soils on the subject property: Steiwer silt loam and Dupee silt loam. These soils do not have a Site Index rating according to Table 6, Woodland Management and Productivity. Therefore the subject property does not qualify as forest land under Goal 4.

The subject property is designated Farm/Forest on the Linn County Comprehensive Plan Map. The Farm/Forest designation implements Goal 3 as described in the following Plan policies:

The purpose of the Farm/Forest designation is threefold:

- (1) It identifies land suitable for timber production that is generally not held in commercial ownership;
- (2) It recognizes areas where either farm or forest uses are suitable given the soil quality and topography; and
- (3) It maintains resource uses by placing certain regulations on land uses. [LCC 905.300(B)]

Given that the Farm/Forest designation is a hybrid of agriculture and forestry uses, Statewide Planning Goals 3 and 4 apply to these lands. Farm/Forest lands aim to preserve and maintain agricultural and forest lands and to conserve soil, water, air and wildlife resources. [LCC 905.300(D)]

As part of the future Comprehensive Plan review process, land designated Farm/Forest may be considered for Rural Residential designation, such as the Hardscrabble Hill and Hale Butte areas. Factors to be considered for a plan amendment include detailed soils information and need for additional rural residential land at that time. [LCC 905.330(E)]

Conversion of lands designated as Farm/Forest in the Comprehensive Plan to a different plan designation requires a Comprehensive Plan amendment and a goal exception. Both Statewide Planning Goals 3 and 4 shall apply unless the applicant submits evidence that the property is clearly not protected by one of the goals. This evidence must be part of any application. If sufficient evidence is submitted to indicate that either Goal 3 or 4 does not apply, the applicant shall still be required to take exception to the other applicable goal in the Farm/Forest zone. This Plan amendment process entails a hearing before the Planning Commission and the Board of Commissioners and is open to the public. This process provides the opportunity to assess the merits of the proposal and determine potential impacts on nearby resource land. [LCC 905.330(G)]

As noted under Goal 2 above, the proposed map amendments rely on a committed exception to 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.

The aim of Goal 5 is to protect a broad range of resources. According to Goal 5, the following resources must be inventoried:

- 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.

The subject property is designated Farm/Forest on the Linn County Comprehensive Plan Map. The Farm/Forest designation implements Goal 5 as described in the following Plan policies:

The Agricultural Resource, Forest Resource, and Farm/Forest plan designations shall be used on the Linn County Comprehensive Plan to conserve open space, protect the scenic resource and sensitive fish and wildlife habitats. Land use proposals subject to Linn County review that have undesirable impacts on these resources shall be reviewed during the plan amendment, zone amendment and conditional use permit process. [LCC 903.427(A)(1)]

The major and peripheral habitats are protected from most conflicting uses through application of the Forest Conservation and Management (FCM), Exclusive Farm Use (EFU), and Farm/Forest (F/F) zones. The FCM, EFU, and F/F zones encourage resource activities and limit potentially conflicting uses. Because of the recreational, economic, aesthetic, and ecological value of fish and wildlife, the potential impact on sensitive habitats will be assessed on planning permit applications for conditional uses, variances, and zone and plan amendments. [LCC 903.510(B)(3)]

The Agricultural Resource, Forest Resource, and Farm/Forest plan designations shall be used on the Linn County Comprehensive Plan to conserve sensitive fish and wildlife habitats. Land use proposals subject to Linn County review that have undesirable impacts on these resources shall be reviewed during the plan amendment, zone amendment and conditional use permit process. [LCC 903.550(A)(1)]

From these policies, it is clear that the Farm/Forest designation is intended to provide a level of protection for significant Goal 5 resources. However, adopted Linn County Goal 5 inventories do not show significant resources on the subject property. Although big game and non-game wildlife use the subject property for food and shelter, the site is in a non-sensitive wildlife habitat area. The proposed map amendments will not impact significant Goal 5 resources. Therefore the proposed map 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.

Planning Guideline 2 calls for rural residential uses in areas that are suitable for “approvable sewage disposal alternatives.” Soil Survey of Linn County Area Oregon (SCS USDA, 1987) has mapped the subject property with Dupee and Steiwer silt loams. According to the Survey, use of these soils for septic tank absorption fields is limited due to wetness, depth to rock or slow percolation. A standard septic system was installed on the site in 2000, an indication that other suitable areas may be found on the property. Final approval of additional home sites on the property is subject to septic site suitability investigation.

Planning Guideline 3 states that “plans should buffer and separate those land uses which create or lead to conflicting requirements and impacts upon the air, water and land resources.”

Planning Guideline 4 indicates that plans should be based on the “carrying capacity of the air, land and water resources of the planning area.” According to the Oregon Department of Environmental Quality, there are no air or water quality issues associated with the subject property or nearby rural residential development. In a recent study of the southern Willamette Valley, groundwater nitrate levels were found to be less than 7 mg/L in the vicinity of the subject property (Southern Willamette Valley Groundwater Summary Report, Eldridge for DEQ, 2004).

Regarding groundwater supply, the Oregon Water Resources Department has 82 well logs on file for new wells drilled in T10S-R3W-Sec 15, the location of the subject property. These wells were drilled between 1952 and 2005. The average yield was 19 gallons per minute. Nine wells (all prior to 1996) yielded less than 5 gpm. Data is summarized in the following table.

Table 2, Summary of Well Log Data for T10S-R3W-Sec 15

	Depth First Water	Completed Depth	Post Static Water Level	Maximum Yield
Average	138	244	57	19
Median	90	217	41	12

Source: Water Resources Department

A yield of five gpm is typically considered to be the minimum necessary for a site to be buildable. From these data, it is apparent that there is sufficient groundwater for rural residential development in this area.

For these reasons, the proposed map amendment is consistent with Goal 6.

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

Planning for Natural Hazards: Oregon Technical Resource Guide (Community Planning Workshop for the Oregon Department of Land Conservation and Development, 2000) identifies five natural hazards to be considered in a comprehensive plan: flood, landslide, coastal, wildfire and seismic.

Regional All Hazard Mitigation Master Plan for Benton, Lane, Lincoln and Linn Counties, Phase One (Goettel & Associates Inc. for Oregon Cascades West Council of Governments, 1998) addressed three natural hazards that afflict rural Linn County: floods, winter storms and landslides.

The subject property is not located in a mapped floodplain or landslide prone area. There are no coastal hazards in Linn County. Rural wildfires are most common in the foothills and Cascades. All of Linn County is susceptible to the effects of winter storms such as ice, snow and high winds. Seismic activity is intermittent but the exposure is significant throughout Linn County. Current building codes integrate risk reduction strategies for all new construction to minimize the impact of ice, snow, high winds, and earthquake. For these reasons, the proposed map amendment is consistent 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.

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 does not apply because the proposed map amendment is not intended primarily for economic development purposes. However there may be incidental economic benefits in the form of telecommuting and home-based business.

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

The proposed map amendment would contribute to the inventory of buildable land in rural Linn County with the addition of three more home sites. The proposed map amendment relies on a Committed Exception to support the contention that the subject property is best suited for achieving the purpose of Goal 10. Upon concluding that the proposed map amendment qualifies for a Committed Exception, the proposed map amendment will comply with Goal 10.

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.

Public facilities and services available to the subject property include fire suppression, law enforcement, and public schools. No public water or sewer is available in this vicinity. Property taxes are levied against the subject property to support the Albany Rural Fire Protection District, Linn County Sheriff, and Greater Albany Public School District. School age children in this vicinity currently attend Clover Ridge Elementary, Memorial Middle School, and South Albany High School. As rural residential development of the property occurs, the value of the property and the amount of tax collected will both increase to fund the additional need for service. No

specific service deficiencies have been identified in this area. Therefore the proposed map amendment is consistent with Goal 11.

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

The subject property is situated at the easterly terminus of View Crest Drive. This county road is classified as a local road in the transportation system plan. No road capacity or accident issues were identified in this vicinity. Three additional home sites will generate three additional P.M. peak hour trips, according to Trip Generation (ITE, 7th Edition). Development of the subject property is expected to occur with access from View Crest Drive without the need to extend the county road. Therefore the proposed map amendment is consistent with Goal 12.

Goal 13, Energy Conservation: To conserve energy.

Homes built under current energy codes are far more energy efficient than homes built only a decade ago. Therefore the proposed map amendment will provide a choice for energy efficient housing for rural residents. South and east facing slopes on the subject property afford the opportunity to employ solar gain in house design. Rural home sites also provide an opportunity for telecommuters in the evolving economy to stay at home to work. For these reasons, the proposed map amendment complies with the goal to conserve energy.

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.

Goal 14 does not apply because the subject property is not located inside an urban growth boundary.

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 the Willamette River Greenway is not present 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 no estuarine resources are present 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 no coastal shorelands are present 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 no beaches or dunes are present 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 no ocean resources are present on the subject property.

STATE CRITERIA

Exception to Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands)

The exception requirements for land irrevocably committed to other uses as codified in OAR 660-004-0028 apply to this proposal:

- (1) *A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:*
 - (a) *A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;*
 - (b) *For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;*
 - (c) *An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.*
- (2) *Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:*
 - (a) *The characteristics of the exception area;*
 - (b) *The characteristics of the adjacent lands;*
 - (c) *The relationship between the exception area and the lands adjacent to it; and*
 - (d) *The other relevant factors set forth in OAR 660-004-0028(6).*
- (3) *Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:*
 - (a) *Farm use as defined in ORS 215.203;*
 - (b) *Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and*
 - (c) *Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).*

- (4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.
- (5) Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.
- (6) Findings of fact for a committed exception shall address the following factors:
 - (a) Existing adjacent uses;
 - (b) Existing public facilities and services (water and sewer lines, etc.);
 - (c) Parcel size and ownership patterns of the exception area and adjacent lands:
 - (A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;
 - (B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.
 - (d) Neighborhood and regional characteristics;
 - (e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;
 - (f) Physical development according to OAR 660-004-0025; and
 - (g) Other relevant factors.
- (7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.
- (8) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:

- (a) *Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and*
- (b) *Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations.*

Characteristics of the Exception Area

The 44.23-acre site is generally rectangular in shape. It lies on a north-facing moderate slope of Scrael Hill. Elevations range from 320 feet at the northeast corner to 450 feet at the southwest corner. Three small drainageways flow across the site in a north to northeasterly direction. Access is provided by Hill Crest Drive from the west. Existing improvements include a single-family home, drainfield, well, and driveway. The majority of the site is vegetated by brush, shrubs and emergent trees of several species. A portion of the site has been mowed to prevent shrubs and trees from growing.

Characteristics of the Adjacent Lands

Adjacent lands on Scrael Hill are characterized by two land uses: small lot rural residential development in acknowledged exception areas on the north, east, southeast and west sides; and large lot forest use on the southwest side.

There are 16 tax lots that adjoin the subject property. 15 of those tax lots are zoned Rural Residential and comprise 79% of the boundary of the subject property. One F/F property comprises 20% of the adjoining land.

The overall land use pattern in the area is best described by the level of parcelization and development of adjacent lands. Within a ¼ mile of the subject property, there are 94 privately held tax lots. The vast majority of the tax lots (96%) are zoned Rural Residential. The minimum lot size for the proposed zone change (10 acres) is more than twice the average size of these tax lots. Most tax lots (83%) have a dwelling, and owners occupy 96% of the homes. The average lot size is approximately 4 acres.

There are 4 tax lots in the F/F zone ranging in area from 0.12 to 151.57 acres. Two lots have a residence. The tax lot adjoining the south boundary of the subject property is wooded with trees of uniform height that appear to have been planted 10-15 years ago.

A brief survey of trees in the area indicates that an oak-shrub-scrub regime exists on exposed slopes and mixed deciduous-conifer stands in protected areas.

Relationship Between the Exception Area and Adjacent Lands

All land in the vicinity of the subject property is actively managed. A large percentage of land bordering the subject property and found within ¼ mile of the subject property is comprised of rural residential homesites occupied by owners. Some incidental farm use, limited to pasturing for horses, occurs to the north. To the east, west, and southeast, rural residential homesites are wooded with mature conifers and deciduous trees. There is no evidence of commercial farm or forest management activities in the rural residential exception areas. Access to rural residential homesites is separate from areas actively managed for large-scale farm and forest uses to the southwest.

The Farm/Forest parcel to the south is actively managed for forest production. The terrain is such that most of this parcel is situated topographically over the hill from the subject property.

The existing homesite on the subject property is situated more than 400 feet from the forested parcel to the southwest. If the proposed map amendments are approved, the subject property could be divided to create three new homesites that are farther away from the forested parcel than the existing dwelling.

Impracticable Test

The essential test for an irrevocably committed exception to Goal 3 and 4 is whether it is "impracticable" to manage the property for farm and forest use. An understanding of the term impracticable begins with the positive form of the word, practicable:

Practicable: 1: usable for a specific purpose; "an operable plan"; "a practicable solution" [syn: operable] 2: capable of being done with means at hand and circumstances as they are [syn: feasible, executable, viable, workable] Source: WordNet ® 2.0, © 2003 Princeton University.

Usage Note: It is easy to confuse practicable and practical because they look so much alike and overlap in meaning. Practicable means "feasible" as well as "usable," and it cannot be applied to persons. Practical has at least eight meanings, including the sense "capable of being put into effect, useful," wherein the confusion with practicable arises. Source: The American Heritage® Dictionary of the English Language, Fourth Edition, © 2000 by Houghton Mifflin Company.

Impracticable: not capable of being carried out or put into practice; "refloating the sunken ship proved impracticable because of its fragility"; "a suggested reform that was unfeasible in the prevailing circumstances" [syn: infeasible, unfeasible, unworkable] Source: WordNet ® 2.0, © 2003 Princeton University

Whether it is feasible or workable to use a site for the intended use depends on operating characteristics of the use and features of the site. One would conclude that it is impracticable to manage a plot of land for farm or forest use if site limitations diminish the ability to carry out accepted practices to the extent that there is no reasonable return on the investment.

As noted previously, Dupee and Stiewer soils mapped on the site do not have a woodland productivity rating. Mature conifers and deciduous trees are evident on adjacent land but this area is not considered a high productivity area. In conjunction with the pattern of extensive parcelization and homesite development, this is not considered an industrial forest area although isolated stands exist. Roads providing access to the area are suited to traffic generation associated with rural residential development but not for timber management.

According to the *Soil Survey*, the Dupee and Stiewer soils mapped on the subject property are typically used for grass seed production and pasture. Grass seed production is not uncommon on a moderate slope but it is difficult to successfully carry out standard farming practices in such close proximity to rural residential homesites. Drifting dust, sprays and noise are often objectionable to non-farm residents. In addition, access to the subject property is narrow and steep and traverses a corridor of rural residential homes. The Board finds that it is impracticable, if not impossible, to access the property with the heavy equipment and machinery necessary to carry out grass seed farming on the property. Because grass seed farms often consist of more than 1,000 acres, the subject property's 44.23 acres is too remote from the nearest grass seed field to be part of a larger farm unit.

For many of the same reasons, pasturing livestock and horses on 44.23 acres can be equally objectionable to non-farm residents. Drainage, noise and management of animal wastes are difficult to address on a property bounded by so many homes.

Compatibility with adjoining rural residential uses dictates that the carrying capacity of the subject property for farm use is limited to incidental farming activities associated with rural residential use. Residual land on a rural residential parcel can be farmed to achieve a degree of self-sufficiency. A significant factor that contributes to compatibility is the fact that rural residential neighbors are generally more responsive to resolving complaints associated with incidental farming practices than those associated with commercial production of farm products.

For all these reasons, it is not practicable to manage the subject property for farm or forest use. Therefore the site is irrevocably committed to uses not allowed by Goal 3 and 4.

Planning and Zoning for Exception Areas

OAR 660-004-0018 establishes the parameters for allowable uses, densities, public facilities and services in exception areas. The provisions of subsection (2) apply to irrevocably committed exceptions.

- (2) For "physically developed" and "irrevocably committed" exceptions to goals, plan and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density, and public facilities and services to those:**
- (a) That are the same as the existing land uses on the exception site;**
 - (b) That meet the following requirements:**
 - (A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and**
 - (B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and**
 - (C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;**
 - (c) For which the uses, density, and public facilities and services are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if applicable, or**
 - (d) That are industrial development uses, and accessory uses subordinate to the industrial development, in buildings of any size and type, provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714**

Subsection (b) applies to the proposed exception. Rural uses are intended to be less intensive and lower impact than those inside urban growth boundaries or in rural communities. OAR 660-004-0040(7)(i) states that for purposes of determining whether the density of a residential area outside an urban growth boundary is considered urban or rural, a minimum lot size of 10 acres is sufficient to conclude that it is rural.

The proposed Rural Residential zone would have a ten-acre minimum lot size. No public services are needed or available to serve the subject property. As discussed elsewhere in this narrative, the proposed use of the subject property will be compatible with adjacent uses. For these reasons, the use of the proposed exception area is an appropriate rural use in terms of intensity, impact and need for public services.

OAR 660-004-0020(2)(b)-(d) set forth additional criteria for siting new exception areas.

(b) Areas which do not require a new exception cannot reasonably accommodate the use.

(A) Indicate on a map or otherwise describe the location of possible alternative areas considered for use, which do not require an exception.

The proposed use is four 10-acre lots for rural residential development. This use is not permitted in areas subject to Goals 3 and 4. This use is allowed only when an exception has been taken. Therefore this criterion does not apply.

(B) Discuss why the use cannot reasonably be accommodated in areas which do not require an exception.

Lands that do not require an exception include those with urban growth boundaries and lands subject to Goals 3 and 4. Goal 14 promotes compact efficient use of land and densities much higher than one dwelling per 10 acres. Therefore the proposed use cannot be accommodated within urban growth boundaries. Ten-acre rural homesites are not allowed on lands subject to Goals 3 and 4. Therefore the use cannot reasonably be accommodated on land outside exception areas.

(i) Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land?

The proposed ten-acre homesites could be accommodated on existing Rural Residential vacant land if it existed in any quantity. However, no vacant Rural Residential land of this size exists in the vicinity.

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands?

There are no similar properties in the vicinity irrevocably committed to non-resource use. This property, within the Hardscrabble Hill area, is designated for future residential use in the Comprehensive Plan.

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary?

A ten-acre residential homesite is not consistent with Goal 14 in that very low-density development cannot be reasonably served by urban services.

(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.

Environmental Consequences. The long-term environmental consequences are not significantly more adverse than would typically result from the same proposal being located in other area requiring a goal exception. In order to be developed for residential use, each lot would need a

well and septic system. A small portion of the site would be excavated for the building of a residence. These consequences would be the same for any rural residential development.

There are no sensitive wildlife habitat areas, wetlands, riparian areas, or other resources protected by Goal 5. There are no steep slopes, floodplains or other natural hazards subject to Goal 7. Therefore, development of the subject property for rural residential use would have the least impact on environmental factors possible under this criterion.

Economic Consequences. The long-term economic consequences are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. The economic base of the mid-Willamette area, including Linn County, has diversified from an agriculture and forestry economy to include industrial, commercial, technology, and service industries.

The subject property has minimal to no value for farm or forest use. It is apparent that other areas that would require a goal exception have better soils and terrain that are suitable for the commercial production of farm and forest commodities. The long-term consequences of taking the subject property out of farm/forest use is significantly less adverse than taking other property that is more valuable for farm or forest use and making it residential use.

Social Consequences. The long-term social consequences are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Residential use of the property will draw on services for law enforcement, fire suppression, schools, roads and other county services. The social consequences are less adverse than for properties that are located a greater distance from service providers.

Energy Consequences. The long-term energy consequences are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. The property is located close to Interstate 5 for direct access to major employment centers in the mid-Willamette Valley. Since the property already has power lines, cable television lines, gas lines, and telephone lines on the property, the use of energy to bring those services to residences on the subject property will be much less than for a similar property that does not have these services.

(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

A discussion of compatibility and potential adverse impacts is found elsewhere in this narrative. Those findings and conclusions are incorporated by reference to demonstrate compliance with this criterion.

Transportation Planning Rule

Under the Transportation Planning Rule [OAR 660-012-0060(1)], the traffic impacts of any proposed comprehensive plan amendment must be evaluated as follows:

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

of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:**

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or**
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

The threshold requirement is whether uses allowed under the proposed comprehensive plan amendment would "significantly affect" the transportation system. The analysis begins with a baseline comparison of uses allowed under the present designation with those allowed in the proposed designation and the number of vehicle trips associated with those uses.

The existing 44.23-acre parcel contains one residence. The following uses allowed in the Farm/Forest zoning district would generate additional regular, long-term traffic.

Table 3, Traffic-Generating Uses in the F/F Zone

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| <ul style="list-style-type: none">▪ Winery. [LCC 928.610(B)(18)]▪ Permanent logging equipment repair and storage. [LCC 928.620(B)(2)]▪ Propagation, cultivation, maintenance and harvesting of insect species. [LCC 928.620(B)(22)]▪ Operation for the extraction and bottling of water. [LCC 928.620(B)(27)]▪ Living history museum related to resource based activities owned and operated by a governmental agency or a local historical society. [LCC 928.620(B)(29)]▪ Kennel. [LCC 928.621(B)(2)(a)]▪ Composting facility. [LCC 928.621(C)(5)]▪ Firearms training facility. [LCC 928.630(B)(2)]▪ Mining, crushing, processing, or stockpiling of aggregate materials. [LCC 928.630(B)(3)(a)]▪ Mining, crushing, processing, or stockpiling of non-aggregate minerals and non-mineral subsurface resources. [LCC 928.630(B)(4)]▪ Private park, playground, and fishing and hunting preserves. [LCC 928.631(B)(1)]▪ A site for the disposal of solid waste. [LCC 928.631(B)(3)]▪ Destination resort. [LCC 928.631(B)(4)] |
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These are commercial and industrial uses that generate light and heavy truck traffic as well as passenger vehicle traffic for employees, customers and visitors. Under the proposed RR-10 zoning, the site could be divided into four lots, creating homesites for three additional residences. The uses listed in Table 4 would generate more traffic than that proposed by the applicant. In some instances, these uses would generate approximately the same amount of traffic as those listed for the F/F zone in Table 3.

Table 4, Traffic-Generating Uses in the RR Zone

- Small-scale, commercial uses not to exceed 2,000 square feet in total floor area including, but not limited to, grocery stores, laundromats, general stores, retail nurseries and agricultural product sales buildings, excluding Livestock sales and auction yards. [LCC 929.630(B)(11)]
- Public or private schools. [LCC 929.630(B)(13)]
- Parks, playgrounds, hunting and fishing preserves. [LCC 929.630(B)(15)]

According to *Trip Generation* (ITE, 7th Edition), a detached residence creates 1.02 trips per P.M. peak hour. Three new residences will generate 3 additional P.M. peak trips, a negligible affect on the existing transportation system. The future use of the property would be limited to single-family detached homes.

Trip generation estimates for uses allowed in the F/F zone will generate far more than 3 P.M. peak trips. Therefore the proposed amendment will not significantly affect the existing or proposed transportation system.

ZONING MAP AMENDMENT

The Linn County Land Development Code includes the following review criteria that must be met for the Zoning Map amendment from FF to RR-10 to be approved.

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. [LCC 921.822(B)(1)]

An analysis of the impacts on public facilities has been presented in response to Goals 6 and 7 following the criterion for a Comprehensive Plan amendment set forth in LCC 921.874(A)(9). Those findings and conclusions are incorporated by reference to demonstrate compliance with this criterion.

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. [LCC 921.822(B)(2)]

An analysis of the impacts on public facilities has been presented in response to Goal 11 following the criterion for a Comprehensive Plan amendment set forth in LCC 921.874(A)(9). Those findings and conclusions are incorporated by reference to demonstrate compliance with this criterion.

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. [LCC 921.822(B)(3)]

An analysis of the surrounding development pattern and impacts on adjacent properties has been presented in response to criterion for a Comprehensive Plan amendment set forth in LCC 921.874(A)(2). Those findings and conclusions are incorporated by reference to demonstrate compliance with this criterion.

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

The purpose of the Rural Residential (RR) zoning district shall be:

- (1) To provide areas suitable for rural residential development thus preserving land of higher productivity for agricultural and forest resource use;*
- (2) To provide for limited agricultural and forest uses where appropriate; and*
- (3) To preserve and maintain the rural character of areas designated for such acreage homesites.* [LCC 929.610(A)]

The subject property is suitable for rural residential development, rather than farm/forest use, because soils mapped on the property are rated as having low productivity for both farm and forest use. Areas of higher productivity would remain in agricultural and forest resource designations. The marginal productivity rating of soils mapped on the subject property would allow limited agricultural and forest use of the property, as evidenced by adjacent properties. The proposed rural residential designation for the subject property is consistent with the existing rural character in the vicinity of the subject property. For these reasons, the proposed amendment is consistent with the intent and purpose statement for Rural Residential zoning.

The amendment is consistent with the existing Comprehensive Plan map designation. [LCC 921.822(B)(5)]

The proposed zone change to RR-10 is not consistent with the existing Comprehensive Plan map designation of F/F. The proposed RR-10 zoning is consistent with the Comprehensive Plan map only if a concurrent Comprehensive Plan map amendment to Rural Residential is approved.

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

This criterion does not apply because the site is not located in sensitive fish or wildlife habitat.

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

This criterion does not apply because the site is not located within an urban growth boundary.

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