



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/31/2008

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 001-08

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: Wednesday, January 14, 2009

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

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

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

Cc: Deborah Pinkerton, Linn County
Doug White, DLCD Community Services Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA

Notice of Adoption

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

In person electronic mailed

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DEPT OF

DEC 26 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Linn County**

Local file number: **BC08-0001**

Date of Adoption: **12/23/2008**

Date Mailed: **12/24/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **7/24/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Applicants proposed to expand Mill City's urban growth boundary by 9.16 acres. The property is currently zoned Rural Residential 2 1/2 acre minimum (RR-2 1/2). Once included in the urban growth boundary, the land would be annexed into the city of Mill City. (During the hearings, the applicants indicated they did not want to annex the entire 9.16 acres. They only wanted to annex a portion of a tax lot to correct the city/county boundary line crossing through their dwelling.)

Does the Adoption differ from proposal? Yes, Please explain below:

The applicants proposed to include 9.16 acres within the Mill City Urban Growth Boundary. The Linn County Board of Commissioners approved the inclusion of approximately 0.63 acre within the urban growth boundary and denied the inclusion of the remainder of the 9.16 acres into the urban growth boundary.

Plan Map Changed from: **Rural Residential**

to: **Residential (Mill City)**

Zone Map Changed from: **RR-2 1/2 acre**

to: **R-1**

Location: **T9S,R3E,S30CD,TL103 and S31, TL200,201,202,203**

Acres Involved: **9**

Specify Density: Previous: **2 1/2 acre**

New: **CITY**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD # 001-08 (17039)

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Local Contact: **Deborah Pinkerton**

Phone: (541) 967-3816 Extension: 2367

Address: **P O Box 100**

Fax Number: 541-926-2060

City: **Albany**

Zip: 97321-

E-mail Address: **dpinkerton@co.linn.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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

NOTICE OF ADOPTION

CASE BC08-0001

APPLICANT Robert and Vicki Ward

**RESOLUTION/
ORDER** No. 2008-479

ORDINANCE No. 2008-490

REQUEST Applicants proposed to amend Mill City's urban growth boundary to include 9.16 acres of their property within the boundary. The 9.16 acres consists of Tax Lot 103 on map T9S, R3E, Section 30CD and Tax Lots 201, 202, 203, and a portion of Tax Lot 200 on map T9S, R3E, Section 31.

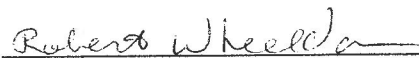
BOARD OF COMMISSIONERS ACTION

The Board approved a modification of the request to include only Tax Lot 103 on map T9S, R3E, Section 30CD within the urban growth boundary. The Board denied the inclusion of Tax Lots 201, 202, 203 and a portion of 200 on map T9S, R3E, Section 31 in the urban growth boundary. The approval results in the addition of approximately 0.63 acre to the urban growth area.

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, you should contact LUBA in Salem.

Ordinance No. 2008-490 and Resolution and Order No. 2008-479 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 ordinance is available in the office of the Linn County Clerk. A fee to cover copying costs will be charged.



Robert Wheeldon
Director

12/24/08
Date

c: Linn County Road Department, Mill City Rural Fire Protection District, City of Mill City, DLCD, Lynnette Martino, Friends of Linn County, David Kinney, Mark Grenz

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

IN THE MATTER OF AN ORDINANCE)
AMENDING THE LINN COUNTY ZONING MAP)
AND THE LINN COUNTY COMPREHENSIVE)
PLAN MAP)

ORDINANCE NO. 2008-490
(Amending Code)
(Planning and Building
Department; BC08-0001)

WHEREAS, The Linn County Board of Commissioners (Board) advertised notice that it would consider a proposed amendment to the Linn zoning map and the Linn County *Comprehensive Plan* map on September 17, 2008;

WHEREAS, At 10:00 a.m., on September 17, 2008, October 1, 2008 and November 5, 2008, the Board conducted a regularly scheduled and duly advertised public hearing, considered the proposed amendment for the zoning map and *Comprehensive Plan* 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. 2008-479 and entitled Exhibit 1, (BC08-0001 Decision Criteria, Findings and Conclusions); and, now, therefore, be it

Ordained by the Linn County Board of Commissioners, That:

Section 1. Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate an approximately 0.63-acre portion of a 1.02-acre property identified as Tax Lot 103 on Assessor map T9S, R3E, Section 30CD, Linn County, Oregon, as being within the urban growth boundary of Mill City and removing a Linn County *Comprehensive Plan* map designation from the 0.63-acre area.

Section 2. 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 3. 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 4. Effective date. To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption.

Section 5. Codification. Following adoption, this ordinance shall be codified pursuant to LCC Chapter 120.

Public reading held September 17, 2008.

Adopted and passed December 23, 2008.

The effective date of this Ordinance shall be December 23, 2008.

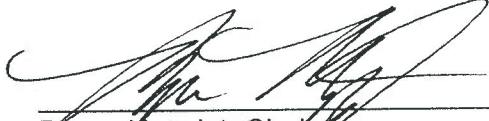
BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

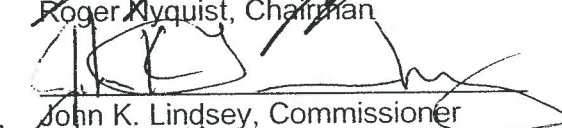
Signed December 23, 2008


Steve Druckenmiller,
Linn County Clerk
Recording Secretary

By


Amanda Burcher


Roger Nyquist, Chairman


John K. Lindsey, Commissioner


Cliff Wooten, Commissioner

Voting
For Against



 X

X

APPROVED AS TO CONTENT:

Robert Wheeldon

Robert Wheeldon
Linn County Planning and Building Director

APPROVED AS TO FORM:

Thomas N. Carr Michael E. Adams

Thomas N. Carr Michael E. Adams
Linn County Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY OREGON

IN THE MATTER OF A COMPREHENSIVE)
PLAN MAP AND ZONING MAP AMENDMENT)
APPLICATION BY ROBERT AND VICKI)
WARD TO EXPAND MILL CITY'S URBAN)
GROWTH BOUNDARY BY APPROXIMATELY)
9.16 ACRES)

RESOLUTION &
ORDER NO. 2008-479
Planning and Building Department
(BC08-0001)
(Findings and Conclusions)

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on September 17, 2008, October 1, 2008, and November 5, 2008, for the purpose of considering the matter of a proposed zoning map amendment and *Comprehensive Plan* map amendment that would amend the zoning map designation and the *Comprehensive Plan* map designation on 9.16 acres identified as Tax Lot 103 on map T9S, R3E, Section 30CD and Tax Lots 201, 202, and 203 and a portion of Tax Lot 200 on map T9S, R3E, Section 31;

WHEREAS, The proposed zoning map amendment and *Comprehensive Plan* map amendment had been previously considered by the Linn County Planning Commission at a duly advertised meeting on September 9, 2008 and who unanimously voted to recommend approval to the Board;

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

WHEREAS, The findings in support of the proposed zoning map amendment and *Comprehensive Plan* map amendment are attached hereto as Exhibit 1 (BC08-0001 Decision Criteria, Findings and Conclusion); and now therefore, be it

RESOLVED, That the Board of County Commissioners for Linn County approve the Findings and Conclusions as set forth in Exhibit 1 (BC08-0001 Decision Criteria, Findings and Conclusions); and

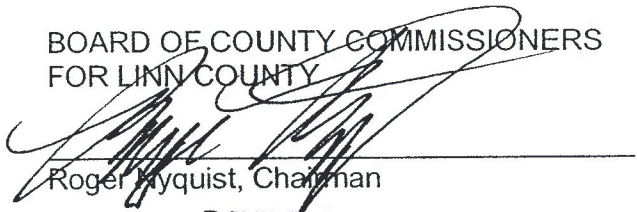
RESOLVED, That the Board of Commissioners for Linn County approve a *Comprehensive Plan* map amendment and zoning map amendment on a 0.63-acre portion of a 1.02-acre tax lot (Tax Lot 103 on map T9S, R3E, Section 30CD) and deny a *Comprehensive Plan* map amendment and zoning map amendment on the remainder of the property proposed for the Urban Growth Boundary expansion, identified as Tax Lots 201, 202, 203, and a portion of 200 on map T9S, R3E, Section 31, and that the remainder of the property shall retain the

existing zoning of Rural Residential-2½ acre minimum (RR-2½) and retain the existing *Comprehensive Plan* map designation of Rural Residential; and

ORDERED, That the Linn County Zoning map and the Linn County *Comprehensive Plan* map be prepared by county staff for amendment to designate an approximately 0.63-acre portion of Tax Lot 103 on map T9S, R3E, Section 30CD, Linn County, Oregon, as being inside the Mill City Urban Growth Boundary.

Resolved this 23rd, day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY



Roger Nyquist, Chairman

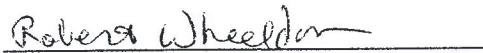
OPPOSED

John K. Lindsey, Commissioner



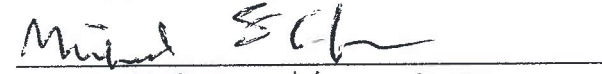
Cliff Wooten, Commissioner

APPROVED AS TO CONTENT:



Robert Wheeldon
Director, Linn County Planning and Building

APPROVED AS TO FORM:



~~Thomas N. Gorr~~ Michael E. Adams
Linn County Legal Counsel

EXHIBIT 1

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS

I. DECISION CRITERIA

The applicable decision criteria are found in LCC 921.822(A) and 921.874, the Oregon Administrative Rules and the Oregon Statewide Planning Goals

II. FINDINGS

CRITERION: When a Zoning Map or Land Development Code text amendment is necessary due to a proposed *Comprehensive Plan* amendment, only findings and conclusions responding to the *Comprehensive Plan* amendment criteria for decision are necessary to amend the Zoning Map or Code text provisions.

FACTS: The applicants requested to expand Mill City's urban growth boundary by approximately 9.16 acres and annex only a 0.19-acre portion of the property into the city limits of Mill City. The Board of Commissioners approved a modification of the applicants' proposal to allow an expansion of the urban growth boundary by approximately 0.63 acre. This proposal involves both a *Comprehensive Plan* map amendment to remove a Linn County Plan designation of Rural Residential on the 0.63-acre area and, through an action by Mill City, impose a Mill City *Comprehensive Plan* map designation of Residential, and remove Linn County zoning of Rural Residential 2½-acre (RR-2½) minimum from the 0.63-acre area and, through an action by Mill City, impose Mill City zoning of R-1 (Residential-Single). This document addresses only the removal of Linn County designations from the property.

CONCLUSION: Because both a Linn County *Comprehensive Plan* map amendment and a zoning map amendment are required for the 0.63-acre area, only findings and conclusions responding to the *Comprehensive Plan* map amendment criteria will be prepared.

CRITERION: The amendment is consistent with and does not alter the intent of applicable section(s) of the *Comprehensive Plan*.

FACTS: The applicants own five tax lots in the area of the proposal for a total of approximately 11.47 acres. Approximately 1.43 acre is located within Mill City's urban growth boundary and is zoned Urban Growth Area-Limited Industrial (UGA-LI). Another 0.39-acre area is located within the city limits of Mill City and contains the applicants' dwelling. This 0.39-acre area is only a portion of the tax lot, which totals 1.02 acre, on which the dwelling is located. The remainder of the property, approximately 0.63 acre, is outside the city limits and urban growth boundary and is zoned Rural Residential-2½ acre (RR-2½) minimum. The dwelling is actually located partially within and partially outside the city limits of Mill City. The dwelling is served by both Mill City sewer and water. The applicants have stated they are requesting the proposed amendment primarily to remove the city/county boundary line from the middle of their dwelling on the 1.02-acre property. They have had to work with both Mill City and Linn County Planning

and Building to obtain a building permit to repair/replace an existing deck on the dwelling. There was concern about which jurisdiction would issue the building permit since it was located both inside and outside the city limits of Mill City. By approving the amendment to include the entire 1.02-acre of Tax Lot 103 on map T9S, R3E, Section 30CD within Mill City's urban growth boundary and providing the ability to annex the remaining 0.63 acre into the city and removing it from Linn County's jurisdiction, the applicants will only have to work with Mill City on any future building permits that they may need. The proposed amendment will add the remainder of a tax lot that is split between the city of Mill City and Linn County into Mill City's urban growth boundary. No property other than the tax lot on which the Ward dwelling is located will be included within the urban growth boundary.

CONCLUSION: The existing property (Tax Lot 103 on map T9S, R3E, Section 30CD) is 1.02 acres in size and is bisected by the city/county boundary line. Approximately 0.39 acre is within the city limits of Mill City and approximately 0.63 acre is outside the city limits. The line actually crosses through the existing dwelling on the property. The approved amendment could be determined to be a correction of a documented boundary that crosses through the dwelling. Because the approved amendment only includes the remainder of a developed property to be located within the city's urban growth boundary, the proposal does not alter the intent of the applicable sections of the *Comprehensive Plan*.

CRITERION: The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area.

FACTS: Surrounding uses include the North Santiam River and residential development to the north of the 0.63-acre area, urban-size residential lots/parcels within the city of Mill City to the east, grass and trees to the south, which is land owned by the applicants, and vacant property consisting of grass and trees to the west. Farther west are additional residential properties, two of which are developed with dwellings. Property to the south and west is zoned Rural Residential-2½ acre minimum (RR-2½). Slightly farther south is land that is also part of the applicants' holdings and is zoned Urban Growth Area-Limited Industrial (UGA-LI). This land area is located along Lyons-Mill City Drive.

The approved amendment will include only 0.63 acre into the Mill City Urban Growth Boundary. This 0.63-acre area is a part of a 1.02-acre tax lot that contains an existing dwelling. The dwelling and property is bisected by the city/county boundary line. The development on the 1.02-acre tax lot is similar in nature to that located within the city limits of Mill City, located immediately east of the 0.63-acre area to be included within the urban growth boundary. The applicants have not stated any additional intended uses for the land in the expansion area.

CONCLUSION: The land within the city limits of Mill City, adjacent to the property to be included within the urban growth boundary, is residential. Because the amendment includes only land with an existing residential use within the urban growth boundary, and the applicants have not stated any other intended uses of the land to be included within the urban growth boundary, the proposed amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern.

CRITERION: The amendment, if within an adopted urban growth boundary, is in substantial conformity with the *Comprehensive Plan* and implementing ordinances of an affected city.

FACTS: The proposed amendment is to expand Mill City's urban growth boundary by approximately 0.63 acre. Mill City has held public hearings and adopted an amendment to include this property within the urban growth boundary and apply a Residential *Comprehensive Plan* map designation and an R-1 (Residential Single) zoning designation to the property. The adoption of their ordinances cannot become effective until Linn County adopts an amendment.

CONCLUSION: Because Mill City has adopted an amendment to include the property within the Mill City urban growth boundary and apply city *Comprehensive Plan* and zoning designations, the proposal is in conformity with the city's *Comprehensive Plan* and implementing ordinances.

CRITERION: The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat.

FACTS: The properties are not within an identified big game habitat area. The North Santiam River is an identified sensitive fish habitat and the riverbank is riparian habitat. No additional development is proposed for the area to be included within Mill City's urban growth boundary. There is an existing dwelling on the property. There are no inventoried wetlands on the property, however the North Santiam River is an inventoried wetland.

CONCLUSION: Because there is already a dwelling on the property to be included within the urban growth boundary, there will be no additional impacts to existing habitats and therefore, the amendment will not have a significant adverse impact on identified habitats.

CRITERION: 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.

FACTS: The dwelling on the property, as stated previously, is already served by both Mill City sewer and water. Police protection is provided by the Linn County Sheriff's Department and fire protection is provided by the Mill City Rural Fire Protection District. Upon inclusion in the urban growth boundary, these two agencies would continue to provide protection to the property. Access to the property is provided by an existing city street, Spring Street. With the inclusion of the 0.63-acre area in the urban growth boundary, and annexation into the city limits, extension of sewer, water, and road access would become available. The City, in the adoption of the ordinances extending the urban growth boundary, have considered any impact and determined there would be no significant impact.

CONCLUSION: Because the proposal is to expand Mill City's urban growth boundary, there would be no impact to Linn County. Mill City has evaluated the potential impacts of extending the urban growth boundary and has adopted ordinances accepting the

property into the urban growth boundary. Therefore, there will be no significant adverse impact upon the provision of public facilities.

CRITERION: The amendment will not have a significant adverse impact upon the transportation facilities.

FACTS: The abutting transportation facilities are in place and are not proposed to be changed as a result of amending the urban growth boundary. The property is currently served by a city street, Spring Street. There is no amendment to an adopted transportation system plan proposed. The State's Transportation Planning Rule (TPR) is not impacted with this proposal. There are no vehicle trips generated by the proposal. There is an existing dwelling on the property.

CONCLUSION: The urban growth boundary amendment does not significantly affect an existing or planned transportation facility.

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.

FACTS: The property is not within any designated base flood area. No mass movement topography is identified on the property in the Environmental Geology of Western Linn County, Oregon. The dwelling on the property is served by city water. Upon inclusion in the urban growth boundary, the land will be designated for residential use. There is one existing dwelling on the property.

CONCLUSION: There are no development limitations affecting the property that would have a significant adverse affect on residential uses.

CRITERION: An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria.

FACTS: The Ward property is located within a Rural Residential exception area identified as N-18. This exception area has a zoning designation of Rural Residential-2½ acre minimum (RR-2½) and abuts the city limits boundary of the City of Mill City. An exception to Goals 3 and 4 has already been taken for the property. In the background report of the Linn County *Comprehensive Plan*, this exception area has been identified as being located within an urban influence area. Linn County Code Section 905.420(B)(15) states "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." Because Linn County's *Comprehensive Plan* (Rural Residential section) has been acknowledged since 1992, an urban exception has already been taken for the Ward property.

CONCLUSION: Based on the above information, no exception is required.

CRITERION: The amendment is consistent with the statewide planning goals.

FACTS: The following information addresses the goals:

Goal 1: Citizen Involvement

Citizen involvement is provided via the City of Mill City's and Linn County's public hearing processes necessary for the expansion, which allows public comment. Both Comprehensive Plans are acknowledged to be in compliance with State Land Use Goals. The public hearing process has been implemented by a hearing with Mill City and with Linn County on the matter with written notification to property owners and notice published in a newspaper of general circulation. The published notice, as well as the written notice, identified the applicable decision criteria. Both the Mill City Planning Commission and Linn County Planning Commission made a recommendation regarding the expansion to the deciding bodies. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend public hearings, and participate in the decision. In addition, the *Comprehensive Plan* and its implementing ordinances are adopted by Linn County through the public hearing process of ordinance procedures.

The Statewide Planning Goals are implemented by the adopted goals and policies of the Mill City and Linn County Comprehensive Plans, their implementing ordinances and facility plans. The proposal accommodates the Statewide Planning Goals by being located abutting an adopted urban growth boundary.

The urban growth boundary amendment review is being undertaken to ensure that the amendment will occur in accordance with applicable provisions of the Mill City and Linn County codes. The remainder of the property under the ownership of the applicants lies farther to the south along Lyons-Mill City Drive.

Goal 2: Land Use

Mill City is located in both Linn and Marion Counties, separated by the North Santiam River. The current urban growth boundary contains approximately 740 acres. Slightly more than half the acreage is within the current city limit's boundary.

The applicants are proposing the continued use of the existing dwelling with no new development on the subject property at this time. Since the site is bordered primarily by single-family urban uses, it is more logical to continue the pattern of development as single family once the site annexes and is proposed for partitioning or subdividing.

The area approved for inclusion in the urban growth boundary is contiguous to the existing city limits and urban growth boundary along its western boundary. The urban growth boundary and city limits cross through the subject property. The property is split with portions both inside and outside the city limits and urban growth boundary.

The approved urban growth boundary expansion is approximately 0.63 acre of the existing 1.02-acre tax lot. The remainder (0.39 acre) is located within the city and urban growth boundary of Mill City. The area containing the dwelling, attached garage, minimum front, side and rear setbacks, landscaping, driveway and outdoor living area comprise approximately one acre. About 2/3 of the area for the dwelling is currently outside the urban growth boundary. Based upon aerial photographs, the urban growth boundary and city limits cross directly through the middle of the dwelling.

The minimum lot size under the Mill City R-1 zone is 7,000 square feet. The surrounding lot sizes along Spring Street range from approximately 7,000 square feet to slightly more than one acre with several lots that are approximately 1/3 acre in size. The proposal to expand the urban growth boundary enables Mill City to achieve the purpose of the *Comprehensive Plan* to encourage maximum efficiency of land uses. Amending the urban growth boundary is the first step in order to facilitate annexation.

Goals 3 and 4: Agricultural/Forest Lands

The area proposed for inclusion into the urban growth boundary does not contain land that is currently commercially farmed or forested. It is primarily vacant river front property. There are not timber or forestry practices on the property that needs to be considered for preservation with this application or for inclusion within the urban growth boundary. Because the property to be included within the urban growth boundary is zoned for residential purposes and is designated Rural Residential in the Linn County *Comprehensive Plan*, an exception to these goals has already been taken.

The subject property is physically separated from Marion County's "Forest" designated lands on the north side of the North Santiam River. Therefore there are no identifiable impacts that amending the urban growth boundary has on any adjacent "Forest" designated lands.

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

The area proposed for inclusion within the urban growth boundary is relatively level with elevations of approximately 795-780 feet. This is the lower portion of the applicants' property and the area where the applicants' dwelling is located.

The North Santiam River is at the north edge of the property. The river is located outside the city limits at this point. Amending the urban growth boundary does not have any impact on the river. The river is a fish-bearing waterway. It provides a scenic view and a significant natural and recreational resource. It is not used for aggregate or mineral resources (Extraction) at the boundary of the subject property. It provides municipalities along the river with water. There is no proposal to alter any landforms or develop along or adjacent to the river at this time that would impact the status of the river. The land being included within the urban growth boundary is essentially the home site for the applicants.

There are no significant or listed historic sites on or adjacent to the subject property that would be impacted by amending the urban growth boundary for the purpose of future annexation.

Goal 6: Air, Water and Land Resources

If and when development occurs on the remainder of the 0.63-acre area, it is required to meet applicable State and Federal requirements for air and water quality. There is no proposal to create large industrial waste or hazardous waste sites, large paved parking lots, or otherwise disrupt the environment. The land, upon inclusion within the urban growth boundary, would be designated for residential use.

City water and sewer services have been extended to the east boundary of the subject property. Development is required to connect to local water and sewer systems. The surrounding area is primarily residential or vacant. There is no immediate affect on air quality in the area through the expansion of the urban growth boundary. Public facilities are available for extension to the site when will eliminate the need for wells or septic tanks for waste disposal.

The long term environmental, energy, economic and social consequences of this proposal are minimal because the property is currently committed to low-density residential use. There is an existing dwelling on a portion of the property. There are no immediate changes planned for redeveloping the property into urban sized lots that would impact air, water or land resources. Only approximately ½ acre would be available for development because of the location of the existing dwelling. The proposal allows the City to strengthen its ability to regulate future residential development, housing, and facilities.

Goal 7: Natural Hazards

The site is not located within a hazard (landslide) area. The subject property is not located within a floodway or flood plain area of the North Santiam River. There are no jurisdictional wetlands located on the subject property that have been identified. Redevelopment of the property would have to take into consideration specific engineering and planning studies to determine if any wetland mitigation needed to be considered. Any development within an identified wetland is required to be in accordance with applicable permits of the State of Oregon's Department of State Lands wetland regulations.

The SW Spring Street area has many naturally occurring springs in the slope above SW Spring Street. During any redevelopment of the property, an engineering review of these springs and drainage patterns will be needed. The City has prepared a storm drainage master plan and public work's department standards that will be adhered to when development occurs that would address drainage from the site.

Goal 8: Recreation Needs

Linn County is currently preparing a Master Parks and Recreation Plan for adoption. The site is not located within an identified park or recreation site of Linn County.

The City does not have an adopted park facility master plan or a funding source such as park impact fees that establishes financing methods for purchase of parkland or maintenance of public park facilities. The recreation needs of the community are met by existing neighborhood activity centers at the public schools, access to the North Santiam River, privately sponsored community events, and access to the coastal and mountain recreational areas. Improved streets and sidewalks facilitate neighborhood walking and bike routes. In addition, Mill City is a springboard to Detroit Reservoir, with its camping, hunting, fishing and outdoor recreation areas.

Goal 9: Economy

At the time of annexation and redevelopment, the redevelopment may provide an economic boost to the City in terms of increased property taxes and goods and services needed during the construction phase of development. Building trade employment may be a short-term economic boost.

Mill City has some comparative advantages related to quality of life factors; the availability of suitable sites that have public services readily available, and transportation access to Highway 22. The city is located between major markets in central Oregon and Salem.

Goal 10: Housing

The property is committed to residential use due to its current Linn County low density and Mill City's most appropriate designation of "Residential" in the *Comprehensive Plan*. There is no housing inventory lost due to the expansion of the urban growth boundary in this area. The surrounding area is committed to residential use.

The proposal to amend the urban growth boundary protects the current dwelling that is sited across the boundary line and permits it to eventually annex, continues to utilize existing City services for which it pays City taxes and eliminates confusion as to which jurisdiction regulates the use and development. Amending the urban growth boundary expedites the applicants' ability to make repairs and continue maintenance of the existing dwelling, which has been well maintained.

Goal 11: Public Facilities and Services

Linn County and Mill City *Comprehensive Plans* have policies that discourage the provision of public facilities outside the urban growth boundary unless such services already exist. The applicants' dwelling has public water and sewer service from Mill City.

The *Comprehensive Plan* permits urban development in urban reserve areas if public facilities and services are available. There are major water and sewer facilities available that can be extended or connected to as development occurs. Police, fire, planning, library and government management services will continue to be provided. The amendment will enable the City to manage and regulate any facilities that are needed. It will clarify and simplify the jurisdictional conflict that exists now with respect to serving the existing dwelling.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. Amending the urban growth boundary permits future development of the subject property to be reviewed in terms of compliance with the City's adopted codes and policies after the property annexes.

Emergency services are provided by Mill City. The expansion of the urban growth boundary does not change the provision of services due to the intergovernmental agency agreements between Mill City and Linn County. The Santiam Canyon School District provides public education facilities and will continue to do so. Other public and private services providers supply the communication, garbage disposal, electrical, postal

service and natural gas services. There is no public mass transit district within Mill City. Public mass transit between cities is available. CARTS provides daily bus service to Salem.

Goal 12: Transportation

The State's transportation Planning Rule (TPR) must be met whenever a land use application is undertaken. The land use application cannot "significantly affect the existing or planned transportation facility" without specific steps being taken. There is no proposed increased amount of traffic generated by the urban growth boundary amendment because there is no new development at this time. Only an additional 0.63-acre of land is authorized for inclusion in the urban growth boundary. The current zoning and *Comprehensive Plan* designations permit low-density residential uses. Trip generation and its impacts can be addressed when development occurs after annexation.

Future development will identify and address any facilities needed to implement the State's Transportation Planning Rule, any adopted transportation plans and access codes of the City of Mill City. All development of the subject property after annexation must conform to minimum standards. A connection to the transportation network that seeks to rely on a reduction of automobile trips and encourages pedestrian travel helps to promote energy conservation.

Future land division will require that streets be within a standard size right-of-way and be upgraded to an improved condition, consistent with the Mill City Code and the City's Transportation Plan. The subdivision process requires that street improvements be identified on a public improvement plan prepared by a licensed engineer in the State of Oregon. All improvements are required to be consistent with adopted City standards and include paving, curbs, gutters, and sidewalks.

Goal 14: Urbanization

The applicants are not requesting any goal exceptions with this proposal to expand the urban growth boundary. No new service districts or outside service agreements would be needed as a result of expanding the urban growth boundary. Development will not take place until such time as the property is added to the urban growth boundary and annexed into the City limits. City facilities already exist on or to the site. Therefore, no goal exceptions are needed to extend City services.

The proposal to expand the urban growth boundary is the most expeditious way to resolve the boundary conflict with the existing dwelling and its public services. Once the urban growth boundary is amended, any street or water and sewer lines that need to be extended will not be across land that is outside the urban growth boundary.

The proposal to expand the urban growth boundary will accommodate the applicants' desire to have a logical boundary with respect to their dwelling and property. The applicants have demonstrated a need to expand the urban growth boundary in this location in order to provide an orderly provision for the extension of services, including review and issuance of building permits and to provide a maximum efficiency in the provision of services from the City.

Amending the urban growth boundary in this location is a reasonable and logical extension based upon the existing boundary and the pattern of development in the neighborhood, the current use of the property and location of existing public and private facilities needed to serve the site. The proposal to amend the urban growth boundary in this location does not "leap frog" over adjacent areas, create the need for any outside service agreements or exceptions to any state goal standards, or run afoul of any intergovernmental agreements between the City and County.

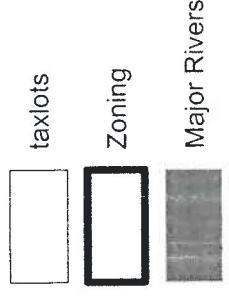
Goals 15 through 19: Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources

These Statewide Planning Goals are not applicable to the current proposal.

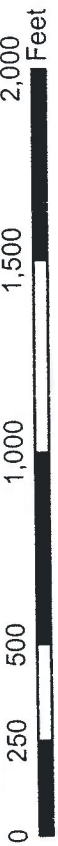
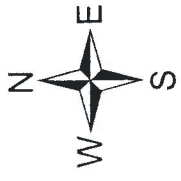
CONCLUSION: Based on the above information, the proposed urban growth boundary expansion is consistent with the Statewide Planning Goals.

III. CONCLUSION

Sufficient information is available for the Board of Commissioners to conclude the proposal as modified is consistent with the applicable decision criteria and the Oregon Statewide Planning Goals.



BC08-0001
 Robert and Vicki Ward
 T9S, R3E, S30CD, TL103
 T9S, R3E, S31, TL 200, 201,
 202, and 203
 9.16 acres



LINN COUNTY PLANNING & BUILDING
P.O. BOX 100
ALBANY, OR 97321

ADDRESS
SERVICE
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PRESORTED
FIRST CLASS



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