



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

10/31/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Linn County Plan Amendment
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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, November 16, 2011

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

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

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

Cc: Robert Wheeldon, Linn County
Jon Jinings, DLCD Community Services Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

OCT 27 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Linn County**

Local file number: **BC11-0001**

Date of Adoption: **10/12/2011**

Date Mailed: **10/26/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **7/25/2011**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **CODE TEXT**

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

Amend the Linn County Rural Development Zone Code (Ch. 929) to: (1) include "police stations" as one of the "public buildings" exempt from the building size standard in the Freeway Interchange Commercial (FIC) zone and in the Rural Commercial (RCM) zone; (2) include "public safety and transportation facilities" as an allowed use in the Limited Industrial (LI) zone; and (3) other non-substantive "housekeeping" edits to correct Comprehensive Plan and Code text errors.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

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. 001-11 (18912) [16812]

DLCD file No. _____

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

DLCD, ODOT

Local Contact: **Robert Wheeldon**

Phone: (541) 967-3816 Extension: 2075

Address: **PO Box 100**

Fax Number: 541-926-2060

City: **Albany**

Zip: 97321-

E-mail Address: rwheeldon@co.linn.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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

NOTICE OF ADOPTION

RESOLUTION NO. 2011-351

ORDINANCE NO. 2011-352

FILE NO. BC11-0001

APPLICANT Linn County

PROPOSAL A proposal by Linn County to amend Linn County Code (LCC) Chapter 929 to: (1) include "police stations" as one of the "public buildings" exempt from the building size standard in the Freeway Interchange Commercial (FIC) zone and in the Rural Commercial (RCM) zone; (2) include "public safety and transportation facilities" as an allowed use in the Limited Industrial (LI) zone; and (3) other non-substantive "housekeeping" edits to correct Comprehensive Plan and Code text errors.

BOARD ACTION On October 12, 2011 the Linn County Board of Commissioners voted 3-0 to approve Resolution and Order No. 2011-351 and Ordinance No. 2011-352 adopting the proposed Code text amendments.

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. 2011-351 and Ordinance No. 2011-352 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.

Handwritten signature of Robert Wheeldon in cursive.

Robert Wheeldon
Director

Handwritten date 10/26/11.

Date

cc: DLCD; Greg Conser; Art Martinak

FILED

OCT 12 2011

STEVE DRUCKENMILLER, CLERK
By  Clerk



2011-00578

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY OREGON**

**IN THE MATTER OF AMENDING THE)
LINN COUNTY RURAL DEVELOPMENT)
ZONE CODE [CHAPTER 929] AND THE)
LINN COUNTY LAND USE ELEMENT)
CODE [CHAPTER 905]**

**RESOLUTION &
ORDER NO. 2011-351
(Planning and Building Department)
(BC11-0001)
(Findings and Conclusions)**

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised meeting on September 28, 2011 for the purpose of considering the matter of proposed Land Development Code (Code) text amendments to be codified at Title 9, Chapter 929 – Linn County Rural Development Zone Code and Chapter 905 – Linn County Land Use Element Code;

WHEREAS, The proposed *Plan* and Code text amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on September 13, 2011 and who voted 4-0 to recommend approval to the Board;

WHEREAS, The Board opened the meeting for public comment and after hearing such comments reached a consensus to direct that the proposed text, as changed by the Board and substantially set forth in Exhibit 1 and Exhibit 2, attached hereto, be placed in ordinance format for formal adoption;

WHEREAS, The findings in support of the proposed *Plan* and Code text amendments are attached hereto as Exhibit 3 (Decision Criteria, Findings and Conclusions); and now, therefore, be it

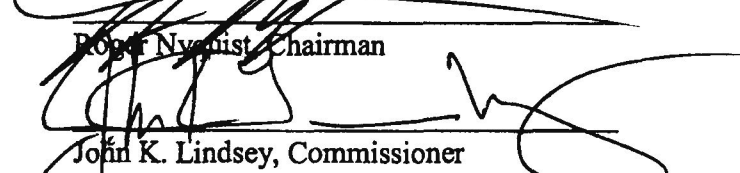
RESOLVED, That the Board of County Commissioners for Linn County approves the text set forth in Exhibit 1 and Exhibit 2 showing the changes made by the Board of County Commissioners for Linn County; and

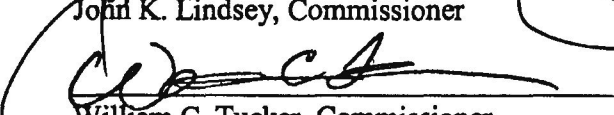
ORDERED, That the text set forth in Exhibit 1 and Exhibit 2 be placed in ordinance format for formal adoption in compliance with ORS Chapter 215 by the Board of County Commissioners for Linn County.

Resolved and Ordered this 12th day of October, 2011.

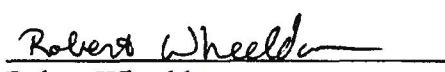
BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY


Roger Nyquist, Chairman


John K. Lindsey, Commissioner


William C. Tucker, Commissioner

APPROVED AS TO CONTENT:


Robert Wheeldon
Linn County Planning and Building Director

APPROVED AS TO FORM:

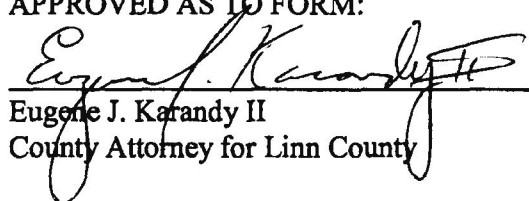

Eugene J. Karandy II
County Attorney for Linn County

EXHIBIT 1

LCC Chapter 929

Amendments and Corrections

TITLE 9
COMMUNITY DEVELOPMENT

Subtitle 2 — Land Development Code
Division 3 — Zoning Districts

CHAPTER 929

RURAL DEVELOPMENT ZONE CODE

TABLE OF CONTENTS

Section Title

929.005 Title; short title
929.010 Compliance requirements

I. AGRIBUSINESS (AB) ZONING DISTRICT

929.010 Statement of purpose
929.020 AB uses allowed outright
929.030 AB uses permitted through a Type IIA conditional use review

II. FREEWAY INTERCHANGE COMMERCIAL (FIC) ZONING DISTRICT

929.110 Statement of purpose
929.120 FIC uses allowed outright
929.130 FIC uses permitted through conditional use review

III. HEAVY INDUSTRIAL (HI) ZONING DISTRICT

929.210 Statement of purpose
929.220 HI uses allowed outright
929.230 HI uses permitted through a Type IIA conditional use review
929.240 HI uses permitted through an urban exception

IV. LIMITED INDUSTRIAL (LI) ZONING DISTRICT

929.310 Statement of purpose
929.320 LI uses allowed outright
929.330 LI uses permitted through a Type IIA conditional use review
929.340 LI uses permitted outright through an urban exception

V. RURAL COMMERCIAL (RCM) ZONING DISTRICT

929.410 Statement of purpose
929.420 RCM uses allowed outright

929.430 RCM uses permitted through a Type IIA conditional use review

VI. RURAL CENTER (RCT) ZONING DISTRICT

929.510 Statement of purpose
929.520 RCT uses allowed outright
929.530 RCT uses permitted through a Type IIA conditional use review

VII. RURAL RESIDENTIAL (RR) ZONING DISTRICT

929.610 Statement of purpose
929.620 RR uses allowed outright
929.630 RR uses permitted through a Type IIA conditional use review

VIII. URBAN DEVELOPMENT (UD-I) ZONING DISTRICT

929.710 Statement of purpose
929.720 UD-I uses allowed outright
929.730 UD-I uses permitted through a Type IIA conditional use review

IX. URBAN DEVELOPMENT (UD-II) ZONING DISTRICT

929.810 Statement of purpose
929.820 UD-II uses allowed outright
929.830 UD-II uses permitted through a Type IIA conditional use review

X. NON-RESOURCE (NR) ZONING DISTRICT

929.910 Statement of purpose
929.920 Non-resource uses allowed outright
929.930 Non-resource uses permitted through a Type IIA conditional use review

Statutory References and Authorities

Legislative History of Chapter 929

929.005 Title; short title

This Chapter, LCC 929.005 to 929.999, shall be known and cited as the "Linn County Rural Development Zone Code." This Chapter may also

be referred to and cited as the "Rural Development Zone Code."

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

929.010 Compliance requirements

(A) Notwithstanding the presence or absence of any conditions, requirements, standards, or criteria with any use mentioned in this Chapter, all uses remain subject to any applicable conditions, requirements, standards, or criteria that may be set forth in other Chapters of the Land Development Code.

(B) The conditions, requirements, standards, and criteria are set forth generally in the following Chapters:

- (1) Decision criteria . . . Chaps. 932, 933
- (2) Conditions Chapter 933
- (3) Requirements Chapter 933
- (4) Standards
 - (a) Property Chapter 934
 - (b) Access Chapter 935

(C) The conditional uses set forth in this Chapter are subject to approval pursuant to meeting the applicable requirements and decision criteria in LCC 932.200 to 220 and LCC Chapter 933 (Conditions, Requirements, and Decision Criteria Code).

(D) Development of all properties in the Rural Development Zone must comply with:

(1) the development standards set forth in LCC Chapter 934 (Development Standards Code), specifically 934.610 to 934.680; and

(2) Except as provided in LCC 924.100 (B), the access improvement standards set forth in LCC Chapter 935 are applicable to all principal and accessory uses permitted in the RDZ.

(E) Development of any property in the RDZ may have one or more conditions imposed on the permit.

[Adopted 98-002 §3 eff 3/4/98]

I. AGRIBUSINESS (AB) ZONING DISTRICT

929.010 Statement of purpose

(A) The purposes of the Agribusiness (AB) zoning district shall be:

(1) to provide for development of a limited variety of industrial and commercial facilities or establishments necessary for and directly serving agricultural or forestry uses; and

(2) to allow those uses consistent with agricultural practices as provided in ORS Chapter 215.

(B) The establishment of this zoning district is not intended as an extension of an industrial zoning district surrounding a city.

(C) The uses permitted in this zoning district are intended for isolated rural areas.

[Adopted 98-002 §3 eff 3/4/98]

929.020 AB uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the AB zoning district.

(B) *Uses allowed outright.*

(1) Farm uses.

(2) Cultivation, management, protection and harvest of forest crops.

(3) Storage, distribution, and sale of feed, fertilizer, seed, chemicals and other products used for commercial agricultural or timber production.

(4) Farm product receiving plants including processing, packaging, reshipment facilities and wineries except for canneries and frozen food processing plants.

(5) Livestock sales yards.

(6) Horticultural specialties such as greenhouses and nursery products.

(7) Alteration, expansion, or replacement of a dwelling or manufactured dwelling lawfully established on an authorized unit of land.

(8) One single-family dwelling or manufactured dwelling in conjunction with a farm or forest use on an authorized unit of land of at least the minimum required area.

(9) Expansion of a church, public or private school or community center owned or operated by a governmental agency or private, nonprofit, community organization which has been lawfully established on an authorized unit of land, provided such expansion does not exceed 50 percent of the gross floor area of the structure or 2,000 square feet, whichever is greater.

(10) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.030 AB uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the AB zoning district through a Type IIA procedure subject to the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) Home occupations, subject to LCC 932.830 to 932.845.

(2) Seasonal farmworker housing or forest labor camps.

(3) Temporary facilities for the primary processing of forest products.

(4) Commercial activities in conjunction with a farm use.

(5) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(6) Oil, natural gas and geothermal exploration and extraction.

(7) One caretaker dwelling for a use permitted in LCC 929.020 and 929.030, subject to LCC 932.800 to 932.815.

(8) Kennels, subject to LCC 932.400 to 932.440.

(9) Cemeteries.

(10) Storage, repair, or sale of fencing, irrigation pipe, pumps and other commercial farm or forest-related or farm-related equipment and implements.

(11) Farm or forest equipment storage and repair facilities.

(12) Bulk storage and distribution facilities for fuels, pesticides and fertilizers.

(13) Veterinarian clinic.

(14) Public or private schools.

(15) Churches.

(16) Private parks, playgrounds, hunting and fishing preserves.

(17) Parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization.

(18) Utility facilities necessary for public service.

(19) Personal-use airports. (See **personal-use airports** in LCC 920.100 for exceptions)

(20) Public and semi-public buildings and uses.

(21) Energy generating facilities not requiring review by the Oregon Energy Facilities Siting Council.

(22) Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.

(23) Livestock feedlots.

(24) Firearm training facility.

(25) Staging area subject to LCC 932.700 to 932.770.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

II. FREEWAY INTERCHANGE COMMERCIAL (FIC) ZONING DISTRICT

929.110 Statement of purpose

(A) The purpose of the Freeway Interchange Commercial (FIC) zoning district shall be to permit the use of freeway interchange property to fill the immediate needs of motorists and commerce.

(B) The uses permitted in this zoning district are intended to serve the rural and traveling population.

[Adopted 98-002 §3 eff 3/4/98]

929.120 FIC uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the FIC zoning district.

(B) *Uses allowed outright.*

(1) Automobile and truck services set forth in this subsection located within a building or buildings with a total size not to exceed 3,750 square feet.

(a) Service station.

(b) Repair, including the sale of parts as a secondary use.

(2) Food and beverage facilities located within a building or buildings with a total size not to exceed 3,750 square feet including:

(a) Restaurant.

(b) Convenience grocery store.

(3) Alteration, expansion or replacement of a dwelling lawfully established on a property prior to the establishment of the FIC zoning district.

(4) Expansion of a church, public or private school or community center owned or operated by a governmental agency or private nonprofit community organization which has been lawfully established on a property provided such expansion does not exceed 50% of the gross floor area of the structure of 5,000 square feet, whichever is greater.

(5) Limited farm use.

(6) Cultivation, management, protection and harvest of forest crops, but excluding timber processing operations, maintenance and repair facilities for timber vehicles or equipment.

(7) Residential home in an existing dwelling.

(8) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.130 FIC uses permitted through conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses may be permitted in the FIC zoning district through the procedure established in LCC Chapter 921 (Land Development Administration Code) for a conditional use review subject to the decision criteria in LCC Chapter 933.200 and 933.220.

929 - 4

LINN COUNTY – RURAL DEVELOPMENT ZONE CODE

Run time: October 6, 2011 (11:22am)

(Latest rev. March 31, 2004)

Amendment

Exhibit 1
Page 4 of 16

(B) *Uses permitted through conditional use review.*

(1) Parks. Office and customer retail support services must be located within a building or buildings with a total size not to exceed 3,750 square feet. Guests may not camp for more than 120 days per calendar year, nor may guest's recreational vehicles be on the property for more than 120 days per calendar year. Recreational vehicles may not be rented or stored on the site.

(2) Accessory structures for uses permitted conditionally, subject to applicable building size limitations.

(3) Utility facilities necessary for public service.

(4) One caretaker dwelling for a use permitted in this section, subject to LCC 932.800 to 932.815.

(5) Public and semi-public buildings and uses to be located within a building or buildings with a total size not to exceed 3,750 square feet. The size limitation does not apply to fire stations, police stations, utility substations, schools or churches.

(6) Staging area subject to LCC 932.700 to 932.770.

(7) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

III. HEAVY INDUSTRIAL (HI) ZONING DISTRICT

929.210 Statement of purpose

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

[Amd 04-056 §1 eff 3/31/04]

(B) The Heavy Industrial zoning district is intended for manufacturing activities which are dependent upon close proximity to natural resources or raw materials; or which need a relatively isolated location because of operational characteristics.

(C) The HI zoning district provides for land uses which have potential for conflicts with other uses. Small-scale, rural-dependent businesses are permitted as outlined below.

(D) The expansion or replacement of certain existing urban industrial uses identified in LCC 929.220 to 929.240 are permitted and described in detail in the *Comprehensive Plan*.

[Adopted 98-002 §3 eff 3/4/98]

929.220 HI uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the HI zoning district.

(B) *Uses allowed outright.*

(1) Agricultural uses.

(a) Equipment repair and storage.

(b) Warehouses for agricultural products.

(c) Receiving station.

(d) Nursery.

(e) Commercial activity in conjunction with a farm use.

(2) Small-scale, rural-dependent businesses performing maintenance, repair or other structural or site improvements or fabrication of parts principally for rural residents or rural industrial activities. The development is limited to no more than three uses per exception site or one use per property in an exception area, whichever is greater. No use shall have a building or combined building size totaling more than 5,000 square feet and a site size not to exceed three acres.

(3) Automotive and truck services set forth in this subsection located within a building or buildings with a total size not to exceed 3,750 square feet.

(a) Service station.

(b) Repair, including the sale of parts as a secondary use.

(4) Fuel distribution and storage, including the processing, distribution and sale of firewood.

(5) Forest products.

(a) Equipment repair and storage.

(b) Manufacturing of lumber, plywood, strandboard, paper and shakes

(6) Existing uses identified in LCC 929.220 to 929.240 (only existing use is permitted at identified site).

(7) Utility facility necessary for public service.

(8) Alteration, expansion or replacement of a dwelling lawfully established on an authorized unit of land prior to the establishment of the HI zoning district.

(9) Limited farm use.

(10) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.230 HI uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the HI zoning district through a Type IIA procedure subject to the decision criteria in LCC 933.200 to 933.220.

(B) *Uses permitted through conditional use review.*

(1) Slaughter house.

(2) Rendering plant.

(3) Cannery.

(4) Energy generating facilities producing power for public sale.

(5) Personal use airports. (See **personal-use airports** in LCC 920.100 for exceptions)

(6) Public-use airports

(7) Uses permitted conditionally in the LI zoning district, excluding public and private schools and public safety and transportation facilities.

(8) Wrecking yard or junkyard limited to an area not to exceed five acres.

(9) Recycling of metals, glass, paper and other similar material limited to an area not to exceed five acres.

(10) One caretaker dwelling for a use permitted in LCC 929.220 to 929.240, subject to LCC 932.800 to 932.815.

(11) Staging area, subject to LCC 932.700 to 932.770.

(12) Manufacture or storage of highly combustible materials or explosives.

(13) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

(14) Industrial development on an abandoned or diminished mill site not otherwise allowed under LCC 929.220 or permitted under LCC 929.230, subject to the criteria and procedures in LCC 932.200 through 932.299. The development is subject to the qualification and delineation of the mill site pursuant to the criteria and procedures identified in LCC 932.220.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99; amd 04-056 §1 eff 3/31/04]

929.240 HI uses permitted through an urban exception

All principle uses set forth in this section, including expansion and replacement, and uses accessory to those principle uses are permitted at the locations set forth in the table in this section and any subsequent changes of these tax-lot numbers from remapping. Expansion of an existing use is permitted on the area shown on the urban exception map.

Site	Use	Location
I-1	Contractor office, shop and storage yard	T9, R1W, S14, TL 1801.
I-7	Manufacture of metal products	T11, R3W, S33, TL 502 & 503
I-12		T12, R4W, S3, TL 202 & 205.
I-33	Manufacture of concrete products	T12, 2W, S2, TL 2002

[Adopted 98-002 §3 eff 3/4/98]

IV. LIMITED INDUSTRIAL (LI) ZONING DISTRICT

929.310 Statement of purpose

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

[Amd 04-056 §1 eff 3/31/04]

(B) The Limited Industrial zoning district is intended primarily for land uses which are dependent upon close proximity to natural resources or raw materials or which need a relatively isolated location because of operational characteristics.

(C) Small-scale, rural-dependent businesses are permitted as set forth in LCC 929.320 to 929.340.

(D) The expansion and replacement of certain existing urban industrial uses ~~listed below~~ identified in LCC 929.340 is permitted and described in detail in the *Comprehensive Plan*.

[Adopted 98-002 §3 eff 3/4/98]

929.320 LI uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the LI zoning district provided all such uses, other than off-road parking and other activities which by necessity must be conducted in the open, are to be conducted entirely within an enclosed building.

(B) *Uses allowed outright.*

(1) Agricultural uses.

(a) Equipment repair and storage.

(b) Warehouses for agricultural products.

(c) Receiving station.

(d) Nursery.

(e) Commercial activity in conjunction with a farm use.

(2) Forest products uses.

(a) Equipment repair and storage.
(b) Processing of milled lumber into building materials.

(3) Small-scale, rural-dependent businesses performing maintenance, repair or other structural or site improvements or fabrication of parts principally for rural residents or rural industrial activities, limited to no more than three uses per exception site or one use per property in an exception area, whichever is greater. No use shall have a building or combined building size totaling more than 5,000 square feet and a site size not to exceed three acres.

(4) Automotive and truck services set forth in this paragraph located within a building or buildings with a total size not to exceed 3,750 square feet.

(a) Service station.

(b) Repair, including the sale of parts as a secondary use.

(5) Existing uses identified in LCC 929.340 (only existing use is permitted at identified site).

(6) Alteration, expansion or replacement of a dwelling lawfully established on a authorized unit of land prior to the establishment of the LI zoning district.

(7) Utility facilities necessary for public service.

(8) Transportation improvements.

(9) Limited farm use.

(10) **Public safety and transportation facilities.**

[Adopted 98-002 §3 eff 3/4/98]

929.330 LI uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the LI zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) Wrecking yard or junkyard limited to an area not to exceed five acres.

(2) Recycling of metals, glass, paper and other similar material limited to an area not to exceed five acres.

(3) Storage of highly combustible materials or explosives.

(4) Fuel distribution and storage, including the processing, distribution and sale of firewood.

(5) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(6) Airports. (See **personal-use airports** in LCC 920.100 for exceptions).

(7) Public and private schools up to a maximum of 15,000 square feet of building area.

(8) Accessory structures for uses permitted conditionally.

(9) One caretaker residence for a use permitted in LCC 929.320 and 929.330 subject to LCC 932.800 to 932.815.

(10) Kennel, subject to LCC 932.400 to 932.440.

(11) Staging area, subject to LCC 932.700 to 932.770.

(12) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

(13) Industrial development on an abandoned or diminished mill site not otherwise allowed under LCC 929.220 or permitted under LCC 929.230, subject to the criteria and procedures in LCC 932.200 through 932.299. The development is subject to the qualification and delineation of the mill site pursuant to the criteria and procedures identified in LCC 932.220.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 99-121 §10 eff 6/30/99; amd 04-056 §1 eff 3/31/04]

929.340 LI uses permitted outright through an urban exception

(A) Definitions. For purposes of this section “**replacement**” means that a use identified in this section may be replaced only by a use that is specified in this section or is determined by the Director to be closely similar in nature to a use identified in this section.

(B) Expansion and replacement of the principle uses set forth in this section and uses accessory to those principle uses are permitted outright at the locations identified on the "Urban Exceptions" map of the *Comprehensive Plan*. Those locations are also set forth in the table in this section.

(C) The tax-lot numbers set forth in the table in this section are subject to change by the County Assessor at any time. A change in the tax-lot number does not affect the authority recognized and granted by this section.

Site	Use	Location
I-6	Sale and repair of appliances	T11, R4W, S 32, TL 1104
	Sale and repair of cars and trucks	T11, R4W, S 32 TL 1103
	Sale and manufacture of furniture	T11, R4W, S32, TL 1100 and 1102
	Self-service storage facility	T11, R4W, S32, TL 1301
	Sale and repair of recreational vehicles and trailers	T11, R4W, S 32, TL 1201
	Sale and repair of boats	T11, R4W, S 32, TL 1105
	Manufacture of ornamental iron	T11, R4W, S 32, TL 1105
I-13	Sale and repair of manufactured homes	T12, R3W, S5, TL 501
	Contractor office, shop and storage yard	T12, R3W, S5, TL 600
I-20	Self-service storage facility	T13, R1W, S4, TL 909
I-24	Manufacture of metal detectors	T13, R1E, S30C, TL 500 (2.43 ac.) & 801; TL13, R1E, S31BB, TL 100, 101, 200 & 201
I-32	Manufacture of pumps and meters	T12, R3WR5W , S1, TL 1200
I-44	Manufacturing and repair facilities	T12, R3W, S6, TL 900 & 1000
I-46	Contractor office, shop and storage yard	T12, R1W, S32, TL 1400

[Adopted 98-002 §3 eff 3/4/98]

V. RURAL COMMERCIAL (RCM) ZONING DISTRICT

929.410 Statement of purpose

(A) The purpose of the Rural Commercial (RCM) zoning district shall be to provide for a restricted scale of commercial development in rural areas.

(B) The zoning district permits uses which are intended to provide a convenient location for rural residents to obtain household commodities or to operate small-scale, service businesses.

(C) It is the intent of this zoning district to allow commercial activities which will be used primarily by rural residents.

[Adopted 98-002 §3 eff 3/4/98]

929.420 RCM uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the RCM zoning district.

(B) *Uses allowed outright.*

(1) Retail uses listed below located within a building or buildings with a total size not to exceed 3,750 square feet.

- (a) Antique store.
- (b) General store.
- (c) Barber or beauty shop.
- (d) Restaurant.
- (e) Bar, tavern.
- (f) Arts and crafts sales and production.

(g) Grocery store.
(h) Garden center, nursery (greenhouses not included in building size standard).

(2) Automotive and truck services listed below located within a building or buildings with a total size not to exceed 3,750 square feet.

- (a) Service station.
- (b) Repair, including the sale of parts as a secondary use.

(3) Professional and business offices located in a building or buildings with a total size not to exceed 2,500 square feet.

(4) One caretaker residence for a use allowed in this section, subject to LCC 932.800 to 932.815.

(5) Alteration, expansion or replacement of a dwelling lawfully established on an authorized unit of land prior to the establishment of the RCM zoning district.

(6) Limited farm use.

(7) Cultivation, management, protection and harvest of forest crops, but excluding timber-processing operations or maintenance and repair facilities for timber vehicles or equipment.

(8) Residential home in an existing dwelling.

(9) Expansion of a church, public or private school or community center owned or operated by a governmental agency or private, nonprofit, community organization which has been lawfully established on a authorized unit of land, provided such expansion does not exceed 50% of the gross floor area of the structure of 5,000 square feet, whichever is greater.

(10) Commercial activities in conjunction with farm use.

(11) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.430 RCM uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses may be permitted in the RCM zoning district through a Type IIA and decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) Veterinarian clinic.

(2) Kennel to be located within a building or buildings with a total size not to exceed 3,750 square feet, subject to LCC 932.400 to 932.40.

(3) Sign painting and repair to be located within a building or buildings with a total size not to exceed 3,750 square feet.

(4) Utility facilities necessary for public service.

(5) Public and semi-public buildings and uses to be located within a building or buildings with a total size not to exceed 3,750 square feet. The size limitation does not apply to fire stations, police stations, utility substations, schools or churches.

(6) Staging area, subject to LCC 932.700 to 932.770.

(7) Accessory structures for uses permitted conditionally, subject to applicable building size limitations.

(8) Radio and transmission facility to be located within a building or buildings with a total size not to exceed 3,750 square feet.

(9) Parks. Office and customer retail support services must be located within a building or buildings with a total size not to exceed 3,750 square feet.

(10) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

VI. RURAL CENTER (RCT) ZONING DISTRICT

929.510 Statement of purpose

(A) The purpose of the Rural Center (RCT) zoning district shall be to recognize existing development in unincorporated rural communities identified as rural centers in the *Comprehensive Plan* and to provide for orderly development of rural centers.

(B) The RCT zoning district is intended to ensure development at densities that will not require urban services.

(C) The RCT zoning district is composed of three zoning districts (RCT-1, RCT-2½, and RCT-5) which are distinguished only by property size standards.

[Adopted 98-002 §3 eff 3/4/98]

929.520 RCT uses allowed outright

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured

dwellings used as storage buildings, and uses accessory to those principle uses are allowed outright in the RCT zoning district.

(B) *Uses allowed outright.*

(1) One single-family dwelling or one manufactured dwelling per authorized unit of land.

(2) Limited farm use.

(3) Cultivation, management, protection, and harvest of forest crops but excluding timber processing operations or maintenance and repair facilities for timber vehicles or equipment.

(4) Buildings not to exceed 300 square feet in gross sales area for the sale of agricultural products grown or raised on the premises.

(5) Expansion of a church, public or private school, or community center owned or operated by a governmental agency or private nonprofit community organization which has been lawfully established on an authorized unit of land, provided such expansion does not exceed 50 percent of the gross floor area of the structure or 2,000 square feet, whichever is greater.

(6) Residential home.

(7) Family day care provider.

(8) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.530 RCT uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses may be permitted in the RCT zoning district through a Type IIA procedure subject to the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(2) Accessory structures for uses permitted conditionally.

(3) Home occupations, subject to LCC 932.830 to 932.845.

(4) Expanded animal husbandry including the raising, tending, pasturing or breeding of pigs or fur bearing animals provided that such activities are not a part of, or conducted in conjunction with any livestock sales yard, slaughter house or animal by-products business.

(5) Temporary facilities for the primary processing of forest products.

(6) The breeding, boarding and training of horses for profit.

(7) Radio or television stations, transmitters, receivers, and towers.

(8) Utility facilities necessary for public service.

(9) Public and semi-public buildings and uses.

(10) Farm product receiving plants, including wineries but excluding canneries and frozen food processing.

(11) Storage, distribution, or sale of feed, fertilizer, seed, chemicals or other products used for commercial agricultural or timber production.

(12) Infilling an existing manufactured dwelling park subject to LCC 932.600 to 932.680.

(13) Staging areas.

(14) The following are small-scale commercial uses not to exceed 2,000 square feet in total floor area allowed in RCT zoning districts.

(a) Grocery store.

(b) Laundromat.

(c) Barber or beauty shop.

(d) Garden center, nursery (greenhouses not included in building size standard).

(e) Arts and crafts sales and production.

(f) Restaurant.

(g) Bar, tavern.

(h) General store.

(15) Public or private schools.

(16) Churches.

(17) Parks, playgrounds, hunting and fishing preserves, and community centers.

(18) Golf course.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

**VII. RURAL RESIDENTIAL (RR) ZONING
DISTRICT**

929.610 Statement of purpose

(A) 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.

(B) The RR zoning district is also intended to ensure development at densities that will not require urban services.

(C) The RR zoning district is composed of four zoning districts which are distinguished only by minimum property size standards.

(D) One residential zoning district is not interchangeable with another residential zoning district without approval through the procedural processes described in LCC 921.800 to 921.840 and the rural residential land policies in the *Comprehensive Plan*.

[Adopted 98-002 §3 eff 3/4/98]

929.620 RR uses allowed outright

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses are allowed outright in the RR zoning district.

(B) *Uses allowed outright.*

(1) One single-family dwelling or one manufactured dwelling per authorized units of land.

(2) Limited farm use.

(3) Cultivation, management, protection or harvest of forest crops but excluding timber processing operations or maintenance and repair facilities for timber vehicles or equipment.

(4) A building for the sale of agricultural products grown or raised on the premises. The

building is not to exceed 300 square feet in gross sales area.

(5) Expansion of a church, public or private school or community center owned or operated by a governmental agency or private, nonprofit, community organization which has been lawfully established on a authorized units of land, provided such expansion does not exceed 50 percent of the gross floor area of the structure or 2,000 square feet, whichever is greater.

(6) Residential home.

(7) Family day care provider.

(8) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.630 RR uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses may be permitted in the RR zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(2) Accessory structures and uses for uses permitted conditionally.

(3) Home occupations, subject to LCC 932.830 to 932.845.

(4) Temporary facilities for the primary processing of forest products.

(5) The breeding, boarding and training of horses for profit.

(6) Cemeteries.

(7) Expanded animal husbandry including the raising, tending, pasturing or breeding of pigs or fur-bearing animals provided that such activities are not a part of, or conducted in conjunction with, any livestock sales yard, slaughter house or animal by-products business.

(8) Public and semi-public buildings and uses.

(9) Utility facilities necessary for public service.

(10) Radio, television or telephone transmission or receiving facilities, but excluding transmission stations.

(11) 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.

(12) Infilling an existing manufactured dwelling park subject to LCC 932.600 to 932.680.

(13) Public or private schools.

(14) Churches.

(15) Parks, playgrounds, hunting and fishing preserves.

(16) Community centers owned and operated by a governmental agency or a nonprofit, community organization.

(17) Golf courses.

(18) Personal-use airports. (See **personal-use airports** in LCC 920.100 for exceptions).

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

VIII. URBAN DEVELOPMENT (UD-I) ZONING DISTRICT

929.710 Statement of purpose

(A) The purpose of the Urban Development (UD-I) zoning district is to recognize sites which are developed with urban types of commercial/industrial uses.

(B) The Urban Development-I (UD-I) zoning district may only be applied to those Highway 34 sites which have been approved through a Goal 14 developed or committed exception.

(C) It is the intent of the UD-I zoning district to permit the continuation and expansion of existing uses and their replacement with similar uses.

(D) The UD-I zoning district is applied to specific sites identified in the *Comprehensive Plan*.

(E) The UD-I zoning district and the UD-II zoning districts are not interchangeable; the respective UD zoning district can only be applied to an urban exception which is developed with the uses described in that zoning district.

[Adopted 98-002 §3 eff 3/4/98]

929.720 UD-I uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the UD-I zoning district provided all such uses, other than off-road parking and other activities which by necessity must be conducted in the open, are to be conducted entirely within an enclosed building.

(B) *Uses allowed outright.*

(1) Professional and business offices.

(2) Agricultural related uses such as:

(a) Agricultural supply store.

(b) Warehouses for agricultural products.

(c) Wholesale distribution or sales facilities.

(d) Commercial activity in conjunction with a farm use.

(3) Warehousing and distribution of durable and non-durable goods.

(4) Manufacturing or repair involving.

(a) Metal.

(b) Wood.

(c) Plastic.

(5) Research laboratories.

(6) Manufacture or repair of scientific, precision or electronic instruments.

(7) Automotive repair, including the sales of parts as a secondary use.

(8) Commercial sales and services integral to a use allowed in this section.

(9) Utility facility necessary for public service.

(10) Alteration, expansion or replacement of a lawfully established dwelling on

an authorized unit of land prior to the establishment of the UD-1 zoning district.

(11) Transportation improvements

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

929.730 UD-I uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the UD-I zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) One caretaker residence for a use permitted in LCC 929.720, subject to LCC 932.800 to 932.815

(2) Accessory structures for uses permitted conditionally.

(3) Public and semi-public buildings and uses.

(4) Staging area, subject to LCC 932.700 to 932.770.

(5) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

IX. URBAN DEVELOPMENT (UD-II) ZONING DISTRICT

929.810 Statement of purpose

(A) The purpose of the Urban Development (UD-II) zoning district is to recognize sites which are developed with urban types of commercial/industrial uses.

(B) The Urban Development-II (UD-II) zoning district may only be applied to those Highway 34 sites which have been approved through a Goal 14 developed or committed exception.

(C) The UD-II zoning district is applied to larger developed and committed areas which have several urban uses.

(D) It is the intent of the UD-II zoning district to permit the continuation and expansion of existing uses and their replacement with similar uses.

(E) The UD-II zoning district is applied to specific sites identified in the *Comprehensive Plan*.

(F) The UD-I zoning district and the UD-II zoning district s are not interchangeable; the respective UD zoning district can only be applied to an urban exception which is developed with the uses described in that zoning district.

[Adopted 98-002 §3 eff 3/4/98]

929.820 UD-II uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the UD-II zoning district provided all such uses, other than off-road parking and other activities which by necessity must be conducted in the open, are to be conducted entirely within an enclosed building.

(B) *Uses allowed outright.*

(1) Agricultural related uses such as:

- (a) Implement dealer.
- (b) Equipment storage and repair.
- (c) Agricultural supply store.
- (d) Warehouses for agricultural

products.

(e) Wholesale distribution or sales facilities.

(f) Receiving station.

(g) Commercial activity in conjunction with a farm use.

(2) Uses related to the forest industry such as:

(a) Equipment repair and storage.

(b) Processing of milled lumber into building materials.

(c) Logging and wood manufacturing supply store.

(d) Lumber and building material sales.

(3) Construction and contractor uses such as:

- (a) Construction or contractor equipment storage yard.
- (b) Welding, sheet metal or machine shop.
- (c) Cabinet shop.
- (d) Sign painting, sale, repair or manufacture.
- (e) Equipment repair.
- (4) Transportation, storage and distribution uses such as:
 - (a) Fuel distribution and storage.
 - (b) Self-service storage facility.
- (5) Sales, service and repair of manufactured dwellings, recreational vehicles, campers, trailers and boats.
- (6) Automobile and truck services such as:
 - (a) Repair.
 - (b) Painting.
- (7) Commercial retail sales and services integral to a use allowed in this section.
- (8) Utility facility necessary for public service.
- (9) Alteration, expansion or replacement of a lawfully established dwelling on a authorized unit of land prior to the establishment of the UD-II zoning district.
- (10) Garden shop, retail nursery.
- (11) Limited farm use.
- (12) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

929.830 UD-II uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the UD-II zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

- (1) One caretaker residence for a use permitted in LCC 929.820, subject to LCC 932.800 to 932.815.
- (2) Accessory structures for uses permitted conditionally.

(3) Public and semi-public buildings and uses.

(4) Staging area, subject to LCC 932.700 to 932.770.

(5) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

X. NON-RESOURCE (NR) ZONING DISTRICT

929.910 Statement of purpose

(A) The purpose of the Non-resource (NR) zoning district shall be:

(1) To implement the Non-resource Plan designation.

(2) To permit low-density residential development in suitable locations while reducing potential conflicts with agriculture and forestry.

(B) The NR zoning district is composed of two zoning districts which are distinguished only by minimum property size standards.

(C) One non-resource zoning district is not interchangeable with another non-resource zoning district without approval through the procedural processes described in LCC 921.800 to 921.840 and the non-resource land policies in the *Comprehensive Plan*.

[Adopted 04-043 §2 eff 4/28/04]

929.920 Non-resource uses allowed outright

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses are allowed outright in the NR zoning district.

(B) *Uses allowed outright*

(1) One single-family dwelling or one manufactured dwelling per authorized unit of land.

- (2) Family day care provider.
- (3) Residential home.
- (4) Farm use.
- (5) A building for the sale of agricultural products grown or raised on the premises. The

building shall not exceed 300 square feet in gross sales area.

(6) Cultivation, management, protection or harvest of forest crops but excluding timber processing operations or maintenance and repair facilities for timber vehicles or equipment.

(7) Transportation improvements.

[Adopted 04-043 §2 eff 4/28/04]

929.930 Non-resource uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses may be permitted in the NR zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(2) Accessory structures and uses for uses permitted conditionally.

(3) Home occupations, subject to LCC 932.830 to 932.845.

(4) Temporary facilities for the primary processing of forest products.

(5) Cemeteries.

(6) Public and semi-public buildings and uses.

(7) Utility facilities necessary for public service.

(8) Radio, television or telephone transmission or receiving facilities, but excluding transmission stations.

[Adopted 04-043 §2 eff 4/28/04]

#3 04-056 §1 eff 3/31/04

#4 04-043 §2 eff 4/28/04

Statutory References and Authorities:

ORS 197; 203; 215

Legislative History of Chapter 929:

Adopted 98-002 eff 3/4/98

Amendments to 98-002

#1 98-432 eff 10/21/98

#2 99-121 §10 eff 6/30/99

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**EXHIBIT 2: LCC CHAPTER 905.570
INDUSTRIAL LAND POLICIES**

**(Text Edits Previously Approved by
Linn County Board of Commissioners
February 25, 1998: CP-8-97)**

LCC 905.570 Policies for industrial lands

(A) The policies for industrial lands are set forth in subsection (B) of this section.

(B) *Policies.*

- (1) The Urban Development district may be applied to property with an Industrial *Plan* designation when a zone amendment and Goal 14 exception are approved. The two Urban Development district sub-zones are intended for two specific existing exception sites on Highway 34 which are identified in a separate exception document. No other sites have been considered as suitable for the Urban Development designation. Any future application of the UD district will require a Land Development Code text amendment to establish uses appropriate for the site. Additionally, a Goal 14 exception is required prior to application of the UD district.
- (2) A zone amendment from one of the two rural industrial zones (LI & HI) to the other may be approved if the zone amendment decision criteria are met as well as the requirements of Planning and Zoning for Exception Areas in OAR 660-004-0018.
- (3) Expansion or replacement of an urban industrial use is permitted if an urban exception has been adopted and if applicable property development standards are met. If an existing development is not included as an urban exception, alterations and/or expansions may be permitted only through a nonconforming use review.
- (4) The majority of new industrial sites will be located within an urban growth boundary to take advantage of public facilities and utilities. The county supports the efforts of the various cities to plan and prepare land for industrial development.
- (5) The Limited Industrial and Heavy Industrial zoning designations will be applied to developed and committed rural industrial sites. The rural industrial zones consist of uses which are dependent upon close proximity to natural resources, raw materials or rural products, except that in the LI Zone small scale public or private schools may be allowed through the Conditional Use process, upon adequate findings of fact establishing the compatibility of the proposal. Further, ~~they~~ industrial uses in the LI and HI zones may also be dependent upon an isolated location because of operational characteristics or they may consist of small scale rural dependent land uses.
- (6) The expansion of existing industrial uses should occur whenever possible on undeveloped industrially zoned.
- (7) The on-site primary processing of forest resources in the Forest Resource Plan designation shall be considered compatible with other permitted uses. Temporary on-site processing of forest resources may be permitted in Agricultural Resource, Farm/Forest, Rural Residential, and Urban Growth Management designations through a conditional use process. Other temporary industrial activities involving primary processing of natural resources in conjunction with farm and forest uses may be permitted in Agricultural Resource, Farm/Forest, and Forest Resource *Plan* designations.

- (8) The expansion of existing industry is encouraged. Expansion onto resource land may be permitted through the *Plan* amendment and exception process.
- (9) Industrial activities and associated waste discharges shall comply with the environmental quality standards of the Department of Environmental Quality.
- (10) Expansion of the James River/Pope and Talbot paper plant shall be encouraged. An additional 280 acres has been rezoned to Heavy Industrial in anticipation of the plant expansion.
- (11) An Industrial Reserve *Plan* designation may be applied, after an approved *Plan* amendment, to land which is desirable and suitable for future industrial development. Property designated for Industrial Reserve will have locational qualities such as:
 - (a) Access to transportation networks.
 - (b) Generally flat topography which is well drained.
 - (c) Limited, if any, physical limitations such as the presence of natural hazards.
 - (d) Adequate size and shape.
 - (e) Limited exposure to existing or future conflicting uses.
 - (f) Future availability of water, sewer, fire protection, and utilities.
 - (g) Proximity to a labor market.
 - (h) Adjacent to an urban growth boundary or within a path of urbanization.
- (12) Land designated Industrial Reserve shall be zoned Exclusive Farm Use, Farm/Forest or Forest Conservation and Management. An industrial reserve site shall be included in an urban growth boundary before development may occur.
- (13) Land divisions for property designated Industrial Reserve will only be approved when it is shown that future industrial development of the property will not be made more difficult.
- (14) An Exclusive Farm Use-80 acre minimum property size zone designation may be applied to future industrial sites located within a city planning area or urban growth boundary. The intent of the designation is to retain properties for industrial uses requiring a large land area until the property can be incorporated.
- (15) Development of a major facility shall be compatible with surrounding land uses and shall not have a significant negative impact on the overall land use pattern in the area.
- (16) A Planned Unit Development (PUD) sub-district will overlay the entire 63 acres of the industrial portion of T11S, R4W, Section 34, Tax-lot 300. The boundaries are the northern line of the Oregon Electric Railroad easement extend southerly to the highway. Land divisions and uses in the PUD are as follows:
 - (a) While a partitioning may occur in the industrially designated portion of the site, minimum property size shall be 30 acres.
 - (b) If the industrially designated portion of the site is divided, final properties must be provided with rail and road access.
 - (c) Use of any and all properties will be limited to agricultural and forestry based activities, which support local, rural resource industries. Development proposals will be reviewed through the provisions of the Land Development Code.
 - (d) No permanent non-resource related dwellings may be constructed on any portion of the total 98 acre site.
 - (e) Highway access shall be limited to the points previously approved by the state highway division. When any partitions are proposed, highway access shall be reserved and assured through review for appropriateness and location. Review shall

be carried out by the division engineer or designated agent of the state highway division.

- (f) Availability of potable water, water for wastewater treatment and on-site subsurface disposal must be proven prior to approval of any partitions or issuance of building permits.
 - (g) Any potentially adverse impacts on adjacent or nearby agricultural lands as a result of site development must be mitigated to the satisfaction of the planning commission prior to issuance of any approvals or development permits.
- (17) It is the intent of the *Plan* to maintain existing LI zoning along Highway 34 between the Willamette River and the Interstate Freeway and to discourage the conversion of agricultural, residential and commercial land to industrial zoning. The intent of the *Plan* is to discourage more industrial zoning because it will create traffic conflicts on the highway and will be inconsistent with planning efforts of Albany, Tangent and Corvallis. Highway 34 has been designed to move a high volume of traffic at fast speeds. As an "Access Oregon Highway," it is intended to be a limited access, high volume arterial. Additional highway based industrial development will create more turning movements on and off the highway. Because industrial land is available nearby in Corvallis, Tangent and Albany, there is little need to provide for additional industrial zoning designations on Highway 34.
- (18) Future consideration should be given to construction of frontage roads along Highway 34 between the Willamette River and Oakville Road in order to reduce traffic conflicts. A specific plan for this policy would be appropriate, but can be accomplished only with financial and technical assistance which is not available as of the date of this policy statement (1991).
- (19) The existing Limited Industrial and Heavy Industrial zones have been retained for application within an urban growth boundary. The zones have been retitled to UGB-Limited Industrial and UGB-Heavy Industrial. Neither of these zones may be applied to areas outside of an urban growth boundary.
- (20) As used in this *Plan*, "abandoned or diminished mill site" shall mean a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:
- (a) Is located outside of urban growth boundaries;
 - (b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
 - (c) Contains or contained permanent buildings used in the production or manufacturing of wood products.
- (21) Notwithstanding statewide land use planning goals protecting agricultural lands (Goal 3) or forestlands (Goal 4), or administrative rules implementing those goals, an exception to statewide land use planning goals is not required to amend the *Plan* and Land Development Code to allow an abandoned or diminished mill site to be zoned for industrial use.
- (22) Notwithstanding a statewide land use planning goal relating to urbanization, or administrative rules implementing that goal, an exception to statewide land use planning goals is not required to amend the *Plan* and Land Development Code to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

- (23) Notwithstanding a statewide land use planning goal relating to public facilities and services, or administrative rules implementing that goal, an exception to statewide land use planning goals is not required for the county to approve:
- (a) The extension of sewer facilities to lands that on June 10, 2003 were zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.
 - (b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.
 - (c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003 was zoned for industrial use and that contains an abandoned or diminished mill site, or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.
- (24) The county may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of an abandoned or diminished mill site or the industrial zone containing the mill site, unless a goal exception is approved as provided under a statewide land use planning goal relating to public facilities and services under ORS 197.732.
- (25) Sewer facilities approved under Policy 23 of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services, or under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.
- (26) The county shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is approved for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.
- (27) For an abandoned or diminished mill site subject to Policy 21, Policy 22 or Policy 23 of this section, the county may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The county may not approve a permit for retail, commercial or residential development on the mill site.
- (28) For land that on June 10, 2003 was zoned under statewide land use goals protecting agricultural lands or forestlands and that is rezoned for industrial use under Policy 21 or Policy 22 of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other non-resource use, except as provided under the statewide land use planning goals or under ORS 197.732.
- (29) Notwithstanding the limits to the type and scale of industrial activities on rural zoned land in Linn County, a specific conditional use review process shall be established to facilitate the identification and development of abandoned or diminished mill sites that are exempt from statewide planning goal exception requirements associated with Goal 3, Goal 4, Goal 11, and Goal 14.

EXHIBIT 3

Decision Criteria, Findings and Conclusions

I. SUMMARY

The proposed Linn County Code (Code) text amendments are to: (1) include "police stations" as one of the "public buildings" exempt from the building size standard in the Freeway Interchange Commercial (FIC) zone and in the Rural Commercial (RCM) zone; (2) include "Public Safety and Transportation Facilities" as an allowed use in the Limited Industrial (LI) zone; and (3) make non-substantive "housekeeping" edits to correct *Comprehensive Plan (Plan)* and Code text errors.

The FIC zone at *LCC 929.130(B)(5)* and the RCM zone at *LCC 929.430(B)(5)* permit "public and semi-public buildings and uses" through a conditional use review, with a building size limitation of 3,750 square feet. The Code states the size limitation does not apply to: "fire stations, utility substations, schools or churches." The proposed amendment will add "police stations" as a public safety use exempt from the size limitation in the FIC zone.

The proposed amendment to the LI zone at *LCC 929.320(B)(10)* is to include "public safety and transportation facilities" as an allowed use in the zone. The amendment will allow certain public and semi-public buildings and uses in the LI zone, limited to uses such as police stations, fire stations, and road maintenance facilities.

The text edit at *LCC 929.310(D)* is to provide a Code citation for the list of existing urban industrial uses in the LI zone. The text edit in the table at *LCC 929.340(C)* is to correct a typographical error.

The text edit at *LCC 929.210(D)* is to correct a Code citation error. The proposed text at *LCC 929.230(B)(7)* is to exclude "public safety and transportation facilities" from the list of LI conditional uses permitted in the Heavy Industrial (HI) zone. The text edits at *LCC 905.570(B)(5)*, *LCC 929.310(A)* and *LCC 929.310(B)* are to correct omitted Code text language previously approved by decision of the Board of Commissioners on February 25, 1998 (see CP-8-97). The added text was to have been included when the Comprehensive Plan and the Land Development Ordinance were initially codified by Ordinance No. 98-002 on March 18, 1998, but was inadvertently omitted from the adopting ordinance.

II. PROCEDURE AND DECISION CRITERIA

The applicant is Linn County. The Linn County Planning Commission (Commission) held a public hearing on the proposed Code text amendments on September 13, 2011. The Commission voted 4-0 to recommend that the Board of Commissioners (Board) adopt the proposed text amendments. The Board conducted a public hearing on the proposed Code text amendments at 10:00 a.m., September 28, 2011. The hearings were conducted under the procedures for a Type IIIA Legislative Hearing in *Linn County Code (LCC) 921.130*. At the close of the hearing the Board reached a consensus to adopt the proposed text.

The proposed Code text amendments must meet the decision criteria specified in *LCC 921.824* which states:

(A) A Land Development Code text amendment may be granted if on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that:

- (1) The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code; and
- (2) The amendment is consistent with the intent of the policies within the applicable section(s) of the *Comprehensive Plan*.

III. FINDINGS

A. Freeway Interchange Commercial (FIC) and Rural Commercial (RCM) Amendments

Currently, the FIC zone at *LCC 929.130(B)(5)* and the RCM zone at *LCC 929.430(B)(5)* permit "public and semi-public buildings and uses" through a conditional use review, with a building size limitation of 3,750 square feet. The size limitation does not apply to: "fire stations, utility substations, schools or churches." The proposed amendment adds "police stations" as a public safety use exempt from the size limitation in the FIC and RCM zones.

The amendment is consistent with the intent and purpose statement of the FIC zone:

LCC 929.110 Statement of purpose:

- (A) *The purpose of the Freeway Interchange Commercial (FIC) zoning district shall be to permit the use of freeway interchange property to fill the immediate needs of motorists and commerce.*
- (B) *The uses permitted in this zoning district are intended to serve the rural and traveling population.*

The amendment is consistent with the intent and purpose statement of the RCM zone:

LCC 929.410 Statement of purpose:

- (A) *The purpose of the Rural Commercial (RCM) zoning district shall be to provide for a restricted scale of commercial development in rural areas.*
- (B) *The zoning district permits uses which are intended to provide a convenient location for rural residents to obtain household commodities or to operate small-scale, service businesses.*
- (C) *It is the intent of this zoning district to allow commercial activities which will be used primarily by rural residents.*

Public safety uses such as police stations and fire stations within the FIC and RCM zones provide for the immediate safety needs of motorists, the traveling public, and the local rural population. Unless a public safety use is exempted by Code from the 3,750 square foot limitation, the development of public safety uses within buildings with a total size greater

than 3,750 square feet in the FIC and RCM zones may require additional *Comprehensive Plan (Plan)* and Code amendments. The *Plan* and Code amendment process is lengthy and costly and could result in unnecessary delays, the loss of public funding, and failure to develop needed public safety facilities for rural residents in a timely manner. Fire stations, a similar public safety use to police stations, are currently exempt from the size limitation. The conditional use review process ensures that the size and scale of such public safety uses are appropriate to meet the existing needs of the rural and traveling population. The amendment is therefore consistent with the intent and purpose statement of the FIC and the RCM zones, and satisfies the criterion in *LCC 921.824(A)(1)*.

The amendment is consistent with the intent of the policies within the applicable section(s) of the *Comprehensive Plan*:

LCC 905.520 Policies for commercial lands

(B) Policies.

- (1) The Freeway Interchange Commercial (FIC) zone has been established to provide for tourist and Interstate 5 transportation needs and to a lesser extent, services for surrounding residences. The FIC zone can only be applied at freeway interchanges or adjacent to property which is zoned FIC. Additional FIC zoning will only be permitted when a Plan amendment and exception is approved.*
- (2) The Rural Commercial (RCM) zone is intended to provide for a restricted scale of commercial development for rural residents and highway motorists. The RCM zone has been applied to existing commercial sites and to property already committed to commercial development. New RCM sites may be appropriate to meet a need in an area which does not have commercial zoning. A Plan amendment and exception would have to be approved before property could be zoned RCM.*
- (3) Most commercial development will occur within a UGB because city services and the surrounding population are necessary to sustain most businesses. The county supports the use and expansion, if necessary, of a UGB for commercial development. The uses permitted in the RCM and FIC zone are intended to meet certain rural needs and those of the traveling public and have been carefully written so that the uses will not conflict with commercial development in the incorporated communities in the county.*

Police stations are a permitted use within the FIC and RCM zones. Public safety uses such as police stations and fire stations within the FIC and RCM zones provide for the immediate safety needs of motorists, the traveling public, and the local rural population. Certain public buildings and uses, such as fire stations, are exempt from the size limits that apply to commercial uses. The proposed amendment is to also exempt police stations as a public building and use serving rural residents and the traveling public that is exempt from the size limit. No new zoning is proposed.

The remaining Commercial Lands policies apply to “commercial” uses within the FIC and the Rural Commercial (RCM) zones, and do not directly apply to public and semi-public buildings and uses. Public and semi-public buildings and uses, such as police and fire

stations, are a permitted use within the FIC and RCM zones. Public safety uses such as police stations and fire stations within the FIC and RCM zones provide for the immediate safety needs of motorists, the traveling public, and the local rural population. The conditional use review process ensures that the purpose, size and scale of such public safety uses are appropriate to meet the needs of the rural and traveling population. The amendment is therefore consistent with the intent of the policies within the Commercial Land section of the *Comprehensive Plan*, and satisfies the criterion in *LCC 921.824(A)(2)*.

B. Limited Industrial (LI) Zone Amendment

The proposed amendment to the LI zone at *LCC 929.320(B)(10)* is to include “public safety and transportation facilities” as an allowed use. The amendment will allow certain public and semi-public buildings and uses in the LI zone, limited to public safety uses such as police stations, fire stations, and road maintenance facilities.

The amendment is consistent with the intent and purpose statement of the LI zone:

LCC 929.310 Statement of purpose:

- (A) The purpose of the Limited Industrial (LI) zoning district is primarily to permit the continuation and expansion of existing industrial land uses; to provide the opportunity for new resource-related and rural-scale industrial uses; and to provide economic development opportunities on qualifying abandoned or diminished mill sites consistent with applicable Plan policies.*
- (B) The Limited Industrial zoning district is primarily intended for land uses which are dependent upon close proximity to natural resources or raw materials or which need a relatively isolated location because of operational characteristics.*
- (C) Small-scale, rural-dependent businesses are permitted as set forth in LCC 929.320 to 929.340.*
- (D) The expansion and replacement of certain existing urban industrial uses listed below is permitted and described in detail in the Comprehensive Plan.*

Public and semi-public buildings and uses, including police stations, fire stations, and transportation facilities, are currently allowed or permitted in every Rural Development Zone in the County, with the exception of the LI and HI zones. The LI zone allows commercial uses similar in impact and operating characteristics to public and semi-public buildings. The public safety uses allowed by this amendment are small-scale, rural-dependent uses in that they will provide for the immediate safety needs of motorists, the traveling public, the local rural population, and the rural road network. Public safety and transportation facilities and uses is consistent with the intent and purpose of the LI zone and satisfies the criterion in *LCC 921.824(A)(1)*.

The amendment is consistent with the intent of the policies within the applicable section(s) of the *Comprehensive Plan*:

LCC 905.570 Policies for industrial lands:

(B) Policies.

(5) The Limited Industrial and Heavy Industrial zoning designations will be applied to developed and committed rural industrial sites. The rural industrial zones consist of uses which are dependent upon close proximity to natural resources, raw materials or rural products. Further, they may also be dependent upon an isolated location because of operational characteristics or they may consist of small scale rural dependent land uses.

The public safety uses allowed by this amendment are small-scale, rural-dependent, location-dependent land uses that provide for the immediate safety needs of motorists, the traveling public, the local rural population, and the rural road network. Other Industrial Lands policies in the Plan are not directly related to the proposed amendment and do not conflict with the proposed amendment. The amendment is therefore consistent with the intent of the policies within the Industrial Land section of the *Comprehensive Plan*, and satisfies the criterion in *LCC 921.824(A)(2)*.

C. Other "Housekeeping" Edits

The remaining text edits, as described in Section III above and shown in *Exhibit 1* and *Exhibit 2*, are general 'housekeeping' edits and are not substantive in nature. The proposed edits are consistent with the criteria in *LCC 921.824(A)(1)* and *921.824(A)(2)*.

IV. CONCLUSION

Based on the criteria, facts and findings identified above the Board of County Commissioners for Linn County concludes the proposed Code text amendments and edits comply with the decision criteria in County Code and other applicable law.



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



FILED

OCT 12 2011

STEVE DRUCKENMILLER, CLERK
By *[Signature]* Clerk

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY OREGON**

**IN THE MATTER OF AN ORDINANCE)
AMENDING THE LINN COUNTY RURAL)
DEVELOPMENT ZONE CODE,)
CODIFIED AT LINN COUNTY CODE)
CHAPTER 929; AND THE LINN COUNTY)
COMPREHENSIVE PLAN, CODIFIED AT)
LINN COUNTY CODE CHAPTER 905)
(LAND USE ELEMENT CODE))**

**ORDINANCE
NO. 2011-352
(Amending Code)
(BC11-0001)**

WHEREAS, Linn County adopted Ordinance No. 80-335, as amended by 99-190 *et al.*, adopting an ordinance now codified as LCC 929 (Rural Development Zone Code) and LCC 905 (Land Use Element Code);

WHEREAS, The Board of County Commissioners for Linn County (Board) advertised notice that on September 28, 2011 it will consider proposed amendments to the Linn County Land Development Code (Code) to be codified at Title 9, Chapter 929 – Linn County Rural Development Zone Code and Title 9, Chapter 905 – Linn County Land Use Element Code;

WHEREAS, The text edits at *LCC 905.570(B)(5)*, *LCC 929.310(A)* and *LCC 929.310(B)* are to correct omitted *Plan* and Code text language which was previously approved by decision of the Board of County Commissioners for Linn County on February 25, 1998 (CP-8-97), but which was inadvertently omitted from the adopting ordinance;

WHEREAS, The proposed *Plan* and Code text amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on September 13, 2011 and who voted to recommend approval to the Board;

WHEREAS, At 10:00 a.m., on September 28, 2011, the Board opened the meeting for public comment and after hearing such comments reached a consensus to direct that the proposed text, as approved by the Board and substantially set forth in Exhibit 1 and Exhibit 2, attached hereto, be placed in ordinance format for formal adoption;

WHEREAS, Findings in support of the proposed *Plan* and Code text amendments are attached to Resolution and Order No. 2011-351 and entitled Exhibit 3 (Decision Criteria, Findings and Conclusions);

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 now, therefore, be it

Ordained by the Board of County Commissioners for Linn County, That:

Section 1. Amendment. LCC Chapter 929 (Rural Development Zone Code) and LCC Chapter 905 (Land Use Element Code) are amended as set forth in Exhibit 1 and Exhibit 2 (redline indicates text that has been added to the Code; ~~strikeout~~ indicates text that has been deleted from the Code).

Section 2. 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 3. Effective date. To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption, October 12, 2011.

Section 4. Codification. Following adoption, this ordinance shall be codified pursuant to LCC Chapter 120.

Public reading held September 28, 2011, and October 12, 2011.

Adopted and passed October 12, 2011.

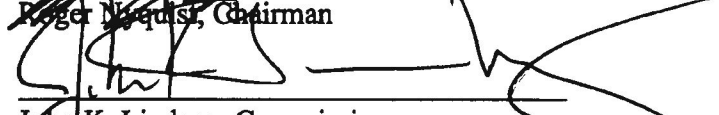
The effective date of this Ordinance shall be October 12, 2011.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

Signed October 12, 2011

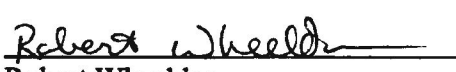
BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY


Roger Nequist, Chairman

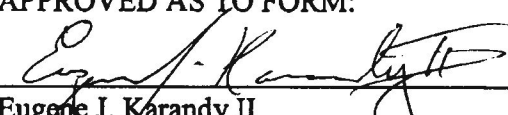

John K. Lindsey, Commissioner


William C. Tucker, Commissioner

APPROVED AS TO CONTENT:


Robert Wheeldon
Linn County Planning and Building Director

APPROVED AS TO FORM:


Eugene J. Karandy II
County Attorney for Linn County

ORDINANCE NO. 2011-352

EXHIBIT 1

LCC Chapter 929

Amendments and Corrections

TITLE 9
COMMUNITY DEVELOPMENT

Subtitle 2 — Land Development Code
Division 3 — Zoning Districts

CHAPTER 929

RURAL DEVELOPMENT ZONE CODE

TABLE OF CONTENTS

Section Title

929.005 Title; short title
929.010 Compliance requirements

I. AGRIBUSINESS (AB) ZONING DISTRICT

929.010 Statement of purpose
929.020 AB uses allowed outright
929.030 AB uses permitted through a Type IIA conditional use review

II. FREEWAY INTERCHANGE COMMERCIAL (FIC) ZONING DISTRICT

929.110 Statement of purpose
929.120 FIC uses allowed outright
929.130 FIC uses permitted through conditional use review

III. HEAVY INDUSTRIAL (HI) ZONING DISTRICT

929.210 Statement of purpose
929.220 HI uses allowed outright
929.230 HI uses permitted through a Type IIA conditional use review
929.240 HI uses permitted through an urban exception

IV. LIMITED INDUSTRIAL (LI) ZONING DISTRICT

929.310 Statement of purpose
929.320 LI uses allowed outright
929.330 LI uses permitted through a Type IIA conditional use review
929.340 LI uses permitted outright through an urban exception

V. RURAL COMMERCIAL (RCM) ZONING DISTRICT

929.410 Statement of purpose
929.420 RCM uses allowed outright

929.430 RCM uses permitted through a Type IIA conditional use review

VI. RURAL CENTER (RCT) ZONING DISTRICT

929.510 Statement of purpose
929.520 RCT uses allowed outright
929.530 RCT uses permitted through a Type IIA conditional use review

VII. RURAL RESIDENTIAL (RR) ZONING DISTRICT

929.610 Statement of purpose
929.620 RR uses allowed outright
929.630 RR uses permitted through a Type IIA conditional use review

VIII. URBAN DEVELOPMENT (UD-I) ZONING DISTRICT

929.710 Statement of purpose
929.720 UD-I uses allowed outright
929.730 UD-I uses permitted through a Type IIA conditional use review

IX. URBAN DEVELOPMENT (UD-II) ZONING DISTRICT

929.810 Statement of purpose
929.820 UD-II uses allowed outright
929.830 UD-II uses permitted through a Type IIA conditional use review

X. NON-RESOURCE (NR) ZONING DISTRICT

929.910 Statement of purpose
929.920 Non-resource uses allowed outright
929.930 Non-resource uses permitted through a Type IIA conditional use review

Statutory References and Authorities

Legislative History of Chapter 929

929.005 Title; short title

This Chapter, LCC 929.005 to 929.999, shall be known and cited as the "Linn County Rural Development Zone Code." This Chapter may also

be referred to and cited as the "Rural Development Zone Code."

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

929.010 Compliance requirements

(A) Notwithstanding the presence or absence of any conditions, requirements, standards, or criteria with any use mentioned in this Chapter, all uses remain subject to any applicable conditions, requirements, standards, or criteria that may be set forth in other Chapters of the Land Development Code.

(B) The conditions, requirements, standards, and criteria are set forth generally in the following Chapters:

- (1) Decision criteria . . . Chaps. 932, 933
- (2) Conditions Chapter 933
- (3) Requirements Chapter 933
- (4) Standards
 - (a) Property Chapter 934
 - (b) Access Chapter 935

(C) The conditional uses set forth in this Chapter are subject to approval pursuant to meeting the applicable requirements and decision criteria in LCC 932.200 to 220 and LCC Chapter 933 (Conditions, Requirements, and Decision Criteria Code).

(D) Development of all properties in the Rural Development Zone must comply with:

(1) the development standards set forth in LCC Chapter 934 (Development Standards Code), specifically 934.610 to 934.680; and

(2) Except as provided in LCC 924.100 (B), the access improvement standards set forth in LCC Chapter 935 are applicable to all principal and accessory uses permitted in the RDZ.

(E) Development of any property in the RDZ may have one or more conditions imposed on the permit.

[Adopted 98-002 §3 eff 3/4/98]

I. AGRIBUSINESS (AB) ZONING DISTRICT

929.010 Statement of purpose

(A) The purposes of the Agribusiness (AB) zoning district shall be:

(1) to provide for development of a limited variety of industrial and commercial facilities or establishments necessary for and directly serving agricultural or forestry uses; and

(2) to allow those uses consistent with agricultural practices as provided in ORS Chapter 215.

(B) The establishment of this zoning district is not intended as an extension of an industrial zoning district surrounding a city.

(C) The uses permitted in this zoning district are intended for isolated rural areas.

[Adopted 98-002 §3 eff 3/4/98]

929.020 AB uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the AB zoning district.

(B) *Uses allowed outright.*

(1) Farm uses.

(2) Cultivation, management, protection and harvest of forest crops.

(3) Storage, distribution, and sale of feed, fertilizer, seed, chemicals and other products used for commercial agricultural or timber production.

(4) Farm product receiving plants including processing, packaging, reshipment facilities and wineries except for canneries and frozen food processing plants.

(5) Livestock sales yards.

(6) Horticultural specialties such as greenhouses and nursery products.

(7) Alteration, expansion, or replacement of a dwelling or manufactured dwelling lawfully established on an authorized unit of land.

(8) One single-family dwelling or manufactured dwelling in conjunction with a farm or forest use on an authorized unit of land of at least the minimum required area.

(9) Expansion of a church, public or private school or community center owned or operated by a governmental agency or private, nonprofit, community organization which has been lawfully established on an authorized unit of land, provided such expansion does not exceed 50 percent of the gross floor area of the structure or 2,000 square feet, whichever is greater.

(10) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.030 AB uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the AB zoning district through a Type IIA procedure subject to the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) Home occupations, subject to LCC 932.830 to 932.845.

(2) Seasonal farmworker housing or forest labor camps.

(3) Temporary facilities for the primary processing of forest products.

(4) Commercial activities in conjunction with a farm use.

(5) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(6) Oil, natural gas and geothermal exploration and extraction.

(7) One caretaker dwelling for a use permitted in LCC 929.020 and 929.030, subject to LCC 932.800 to 932.815.

(8) Kennels, subject to LCC 932.400 to 932.440.

(9) Cemeteries.

(10) Storage, repair, or sale of fencing, irrigation pipe, pumps and other commercial farm or forest-related or farm-related equipment and implements.

(11) Farm or forest equipment storage and repair facilities.

(12) Bulk storage and distribution facilities for fuels, pesticides and fertilizers.

(13) Veterinarian clinic.

(14) Public or private schools.

(15) Churches.

(16) Private parks, playgrounds, hunting and fishing preserves.

(17) Parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization.

(18) Utility facilities necessary for public service.

(19) Personal-use airports. (See **personal-use airports** in LCC 920.100 for exceptions)

(20) Public and semi-public buildings and uses.

(21) Energy generating facilities not requiring review by the Oregon Energy Facilities Siting Council.

(22) Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.

(23) Livestock feedlots.

(24) Firearm training facility.

(25) Staging area subject to LCC 932.700 to 932.770.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

II. FREEWAY INTERCHANGE COMMERCIAL (FIC) ZONING DISTRICT

929.110 Statement of purpose

(A) The purpose of the Freeway Interchange Commercial (FIC) zoning district shall be to permit the use of freeway interchange property to fill the immediate needs of motorists and commerce.

(B) The uses permitted in this zoning district are intended to serve the rural and traveling population.

[Adopted 98-002 §3 eff 3/4/98]

929.120 FIC uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the FIC zoning district.

(B) *Uses allowed outright.*

(1) Automobile and truck services set forth in this subsection located within a building or buildings with a total size not to exceed 3,750 square feet.

(a) Service station.

(b) Repair, including the sale of parts as a secondary use.

(2) Food and beverage facilities located within a building or buildings with a total size not to exceed 3,750 square feet including:

(a) Restaurant.

(b) Convenience grocery store.

(3) Alteration, expansion or replacement of a dwelling lawfully established on a property prior to the establishment of the FIC zoning district.

(4) Expansion of a church, public or private school or community center owned or operated by a governmental agency or private nonprofit community organization which has been lawfully established on a property provided such expansion does not exceed 50% of the gross floor area of the structure of 5,000 square feet, whichever is greater.

(5) Limited farm use.

(6) Cultivation, management, protection and harvest of forest crops, but excluding timber processing operations, maintenance and repair facilities for timber vehicles or equipment.

(7) Residential home in an existing dwelling.

(8) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.130 FIC uses permitted through conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses may be permitted in the FIC zoning district through the procedure established in LCC Chapter 921 (Land Development Administration Code) for a conditional use review subject to the decision criteria in LCC Chapter 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) Parks. Office and customer retail support services must be located within a building or buildings with a total size not to exceed 3,750 square feet. Guests may not camp for more than 120 days per calendar year, nor may guest's recreational vehicles be on the property for more than 120 days per calendar year. Recreational vehicles may not be rented or stored on the site.

(2) Accessory structures for uses permitted conditionally, subject to applicable building size limitations.

(3) Utility facilities necessary for public service.

(4) One caretaker dwelling for a use permitted in this section, subject to LCC 932.800 to 932.815.

(5) Public and semi-public buildings and uses to be located within a building or buildings with a total size not to exceed 3,750 square feet. The size limitation does not apply to fire stations, police stations, utility substations, schools or churches.

(6) Staging area subject to LCC 932.700 to 932.770.

(7) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

III. HEAVY INDUSTRIAL (HI) ZONING DISTRICT

929.210 Statement of purpose

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

[Amd 04-056 §1 eff 3/31/04]

(B) The Heavy Industrial zoning district is intended for manufacturing activities which are dependent upon close proximity to natural resources or raw materials; or which need a relatively isolated location because of operational characteristics.

(C) The HI zoning district provides for land uses which have potential for conflicts with other uses. Small-scale, rural-dependent businesses are permitted as outlined below.

(D) The expansion or replacement of certain existing urban industrial uses identified in LCC 929.220 to 929.240 are permitted and described in detail in the *Comprehensive Plan*.

[Adopted 98-002 §3 eff 3/4/98]

929.220 HI uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the HI zoning district.

(B) *Uses allowed outright.*

(1) Agricultural uses.

- (a) Equipment repair and storage.
- (b) Warehouses for agricultural

products.

(c) Receiving station.

(d) Nursery.

(e) Commercial activity in conjunction with a farm use.

(2) Small-scale, rural-dependent businesses performing maintenance, repair or other structural or site improvements or fabrication of parts principally for rural residents or rural industrial activities. The development is limited to no more than three uses per exception site or one use per property in an exception area, whichever is greater. No use shall have a building or combined building size totaling more than 5,000 square feet and a site size not to exceed three acres.

(3) Automotive and truck services set forth in this subsection located within a building or buildings with a total size not to exceed 3,750 square feet.

(a) Service station.

(b) Repair, including the sale of parts as a secondary use.

(4) Fuel distribution and storage, including the processing, distribution and sale of firewood.

(5) Forest products.

(a) Equipment repair and storage.

(b) Manufacturing of lumber, plywood, strandboard, paper and shakes

(6) Existing uses identified in LCC 929.220 to 929.240 (only existing use is permitted at identified site).

(7) Utility facility necessary for public service.

(8) Alteration, expansion or replacement of a dwelling lawfully established on an authorized unit of land prior to the establishment of the HI zoning district.

(9) Limited farm use.

(10) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.230 HI uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the HI zoning district through a Type IIA procedure subject to the decision criteria in LCC 933.200 to 933.220.

(B) *Uses permitted through conditional use review.*

(1) Slaughter house.

(2) Rendering plant.

(3) Cannery.

(4) Energy generating facilities producing power for public sale.

(5) Personal use airports. (See **personal-use airports** in LCC 920.100 for exceptions)

(6) Public-use airports

(7) Uses permitted conditionally in the LI zoning district, excluding public and private schools and public safety and transportation facilities.

(8) Wrecking yard or junkyard limited to an area not to exceed five acres.

(9) Recycling of metals, glass, paper and other similar material limited to an area not to exceed five acres.

(10) One caretaker dwelling for a use permitted in LCC 929.220 to 929.240, subject to LCC 932.800 to 932.815.

(11) Staging area, subject to LCC 932.700 to 932.770.

(12) Manufacture or storage of highly combustible materials or explosives.

(13) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

(14) Industrial development on an abandoned or diminished mill site not otherwise allowed under LCC 929.220 or permitted under LCC 929.230, subject to the criteria and procedures in LCC 932.200 through 932.299. The development is subject to the qualification and delineation of the mill site pursuant to the criteria and procedures identified in LCC 932.220.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99; amd 04-056 §1 eff 3/31/04]

929.240 HI uses permitted through an urban exception

All principle uses set forth in this section, including expansion and replacement, and uses accessory to those principle uses are permitted at the locations set forth in the table in this section and any subsequent changes of these tax-lot numbers from remapping. Expansion of an existing use is permitted on the area shown on the urban exception map.

Site	Use	Location
I-1	Contractor office, shop and storage yard	T9, R1W, S14, TL 1801.
I-7	Manufacture of metal products	T11, R3W, S33, TL 502 & 503
I-12		T12, R4W, S3, TL 202 & 205.
I-33	Manufacture of concrete products	T12, 2W, S2, TL 2002

[Adopted 98-002 §3 eff 3/4/98]

IV. LIMITED INDUSTRIAL (LI) ZONING DISTRICT

929.310 Statement of purpose

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

[Amd 04-056 §1 eff 3/31/04]

(B) The Limited Industrial zoning district is intended primarily for land uses which are dependent upon close proximity to natural resources or raw materials or which need a relatively isolated location because of operational characteristics.

(C) Small-scale, rural-dependent businesses are permitted as set forth in LCC 929.320 to 929.340.

(D) The expansion and replacement of certain existing urban industrial uses listed below identified in LCC 929.340 is permitted and described in detail in the *Comprehensive Plan*.

[Adopted 98-002 §3 eff 3/4/98]

929.320 LI uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the LI zoning district provided all such uses, other than off-road parking and other activities which by necessity must be conducted in the open, are to be conducted entirely within an enclosed building.

(B) *Uses allowed outright.*

(1) Agricultural uses.

(a) Equipment repair and storage.

(b) Warehouses for agricultural

products.

(c) Receiving station.

(d) Nursery.

(e) Commercial activity in

conjunction with a farm use.

(2) Forest products uses.

(a) Equipment repair and storage.
(b) Processing of milled lumber into building materials.

(3) Small-scale, rural-dependent businesses performing maintenance, repair or other structural or site improvements or fabrication of parts principally for rural residents or rural industrial activities, limited to no more than three uses per exception site or one use per property in an exception area, whichever is greater. No use shall have a building or combined building size totaling more than 5,000 square feet and a site size not to exceed three acres.

(4) Automotive and truck services set forth in this paragraph located within a building or buildings with a total size not to exceed 3,750 square feet.

(a) Service station.

(b) Repair, including the sale of parts as a secondary use.

(5) Existing uses identified in LCC 929.340 (only existing use is permitted at identified site).

(6) Alteration, expansion or replacement of a dwelling lawfully established on a authorized unit of land prior to the establishment of the LI zoning district.

(7) Utility facilities necessary for public service.

(8) Transportation improvements.

(9) Limited farm use.

(10) **Public safety and transportation facilities.**

[Adopted 98-002 §3 eff 3/4/98]

929.330 LI uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the LI zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) Wrecking yard or junkyard limited to an area not to exceed five acres.

(2) Recycling of metals, glass, paper and other similar material limited to an area not to exceed five acres.

(3) Storage of highly combustible materials or explosives.

(4) Fuel distribution and storage, including the processing, distribution and sale of firewood.

(5) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(6) Airports. (See **personal-use airports** in LCC 920.100 for exceptions).

(7) Public and private schools up to a maximum of 15,000 square feet of building area.

(8) Accessory structures for uses permitted conditionally.

(9) One caretaker residence for a use permitted in LCC 929.320 and 929.330 subject to LCC 932.800 to 932.815.

(10) Kennel, subject to LCC 932.400 to 932.440.

(11) Staging area, subject to LCC 932.700 to 932.770.

(12) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

(13) Industrial development on an abandoned or diminished mill site not otherwise allowed under LCC 929.220 or permitted under LCC 929.230, subject to the criteria and procedures in LCC 932.200 through 932.299. The development is subject to the qualification and delineation of the mill site pursuant to the criteria and procedures identified in LCC 932.220.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 99-121 §10 eff 6/30/99; amd 04-056 §1 eff 3/31/04]

929.340 LI uses permitted outright through an urban exception

(A) Definitions. For purposes of this section "replacement" means that a use identified in this section may be replaced only by a use that is specified in this section or is determined by the Director to be closely similar in nature to a use identified in this section.

(B) Expansion and replacement of the principle uses set forth in this section and uses accessory to those principle uses are permitted outright at the locations identified on the "Urban Exceptions" map of the *Comprehensive Plan*. Those locations are also set forth in the table in this section.

(C) The tax-lot numbers set forth in the table in this section are subject to change by the County Assessor at any time. A change in the tax-lot number does not affect the authority recognized and granted by this section.

Site	Use	Location
I-6	Sale and repair of appliances	T11, R4W, S 32, TL 1104
	Sale and repair of cars and trucks	T11, R4W, S 32 TL 1103
	Sale and manufacture of furniture	T11, R4W, S32, TL 1100 and 1102
	Self-service storage facility	T11, R4W, S32, TL 1301
	Sale and repair of recreational vehicles and trailers	T11, R4W, S 32, TL 1201
	Sale and repair of boats	T11, R4W, S 32, TL 1105
	Manufacture of ornamental iron	T11, R4W, S 32, TL 1105
I-13	Sale and repair of manufactured homes	T12, R3W, S5, TL 501
	Contractor office, shop and storage yard	T12, R3W, S5, TL 600
I-20	Self-service storage facility	T13, R1W, S4, TL 909
I-24	Manufacture of metal detectors	T13, R1E, S30C, TL 500 (2.43 ac.) & 801; TL13, R1E, S31BB, TL 100, 101, 200 & 201
I-32	Manufacture of pumps and meters	T12, R3W R5W, S1, TL 1200
I-44	Manufacturing and repair facilities	T12, R3W, S6, TL 900 & 1000
I-46	Contractor office, shop and storage yard	T12, R1W, S32, TL 1400

[Adopted 98-002 §3 eff 3/4/98]

V. RURAL COMMERCIAL (RCM) ZONING DISTRICT

929.410 Statement of purpose

(A) The purpose of the Rural Commercial (RCM) zoning district shall be to provide for a restricted scale of commercial development in rural areas.

(B) The zoning district permits uses which are intended to provide a convenient location for rural residents to obtain household commodities or to operate small-scale, service businesses.

(C) It is the intent of this zoning district to allow commercial activities which will be used primarily by rural residents.

[Adopted 98-002 §3 eff 3/4/98]

929.420 RCM uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the RCM zoning district.

(B) *Uses allowed outright.*

(1) Retail uses listed below located within a building or buildings with a total size not to exceed 3,750 square feet.

- (a) Antique store.
- (b) General store.
- (c) Barber or beauty shop.
- (d) Restaurant.
- (e) Bar, tavern.
- (f) Arts and crafts sales and production.

(g) Grocery store.
 (h) Garden center, nursery (greenhouses not included in building size standard).

(2) Automotive and truck services listed below located within a building or buildings with a total size not to exceed 3,750 square feet.

- (a) Service station.
- (b) Repair, including the sale of parts as a secondary use.

(3) Professional and business offices located in a building or buildings with a total size not to exceed 2,500 square feet.

(4) One caretaker residence for a use allowed in this section, subject to LCC 932.800 to 932.815.

(5) Alteration, expansion or replacement of a dwelling lawfully established on an authorized unit of land prior to the establishment of the RCM zoning district.

(6) Limited farm use.

(7) Cultivation, management, protection and harvest of forest crops, but excluding timber-processing operations or maintenance and repair facilities for timber vehicles or equipment.

(8) Residential home in an existing dwelling.

(9) Expansion of a church, public or private school or community center owned or operated by a governmental agency or private, nonprofit, community organization which has been lawfully established on a authorized unit of land, provided such expansion does not exceed 50% of the gross floor area of the structure of 5,000 square feet, whichever is greater.

(10) Commercial activities in conjunction with farm use.

(11) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.430 RCM uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses may be permitted in the RCM zoning district through a Type IIA and decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) Veterinarian clinic.

(2) Kennel to be located within a building or buildings with a total size not to exceed 3,750 square feet, subject to LCC 932.400 to 932.40.

(3) Sign painting and repair to be located within a building or buildings with a total size not to exceed 3,750 square feet.

(4) Utility facilities necessary for public service.

(5) Public and semi-public buildings and uses to be located within a building or buildings with a total size not to exceed 3,750 square feet. The size limitation does not apply to fire stations, police stations, utility substations, schools or churches.

(6) Staging area, subject to LCC 932.700 to 932.770.

(7) Accessory structures for uses permitted conditionally, subject to applicable building size limitations.

(8) Radio and transmission facility to be located within a building or buildings with a total size not to exceed 3,750 square feet.

(9) Parks. Office and customer retail support services must be located within a building or buildings with a total size not to exceed 3,750 square feet.

(10) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

VI. RURAL CENTER (RCT) ZONING DISTRICT

929.510 Statement of purpose

(A) The purpose of the Rural Center (RCT) zoning district shall be to recognize existing development in unincorporated rural communities identified as rural centers in the *Comprehensive Plan* and to provide for orderly development of rural centers.

(B) The RCT zoning district is intended to ensure development at densities that will not require urban services.

(C) The RCT zoning district is composed of three zoning districts (RCT-1, RCT-2½, and RCT-5) which are distinguished only by property size standards.

[Adopted 98-002 §3 eff 3/4/98]

929.520 RCT uses allowed outright

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured

dwellings used as storage buildings, and uses accessory to those principle uses are allowed outright in the RCT zoning district.

(B) *Uses allowed outright.*

(1) One single-family dwelling or one manufactured dwelling per authorized unit of land.

(2) Limited farm use.

(3) Cultivation, management, protection, and harvest of forest crops but excluding timber processing operations or maintenance and repair facilities for timber vehicles or equipment.

(4) Buildings not to exceed 300 square feet in gross sales area for the sale of agricultural products grown or raised on the premises.

(5) Expansion of a church, public or private school, or community center owned or operated by a governmental agency or private nonprofit community organization which has been lawfully established on an authorized unit of land, provided such expansion does not exceed 50 percent of the gross floor area of the structure or 2,000 square feet, whichever is greater.

(6) Residential home.

(7) Family day care provider.

(8) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.530 RCT uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses may be permitted in the RCT zoning district through a Type IIA procedure subject to the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(2) Accessory structures for uses permitted conditionally.

(3) Home occupations, subject to LCC 932.830 to 932.845.

(4) Expanded animal husbandry including the raising, tending, pasturing or breeding of pigs or fur bearing animals provided that such activities are not a part of, or conducted in conjunction with any livestock sales yard, slaughter house or animal by-products business.

(5) Temporary facilities for the primary processing of forest products.

(6) The breeding, boarding and training of horses for profit.

(7) Radio or television stations, transmitters, receivers, and towers.

(8) Utility facilities necessary for public service.

(9) Public and semi-public buildings and uses.

(10) Farm product receiving plants, including wineries but excluding canneries and frozen food processing.

(11) Storage, distribution, or sale of feed, fertilizer, seed, chemicals or other products used for commercial agricultural or timber production.

(12) Infilling an existing manufactured dwelling park subject to LCC 932.600 to 932.680.

(13) Staging areas.

(14) The following are small-scale commercial uses not to exceed 2,000 square feet in total floor area allowed in RCT zoning districts.

(a) Grocery store.

(b) Laundromat.

(c) Barber or beauty shop.

(d) Garden center, nursery (greenhouses not included in building size standard).

(e) Arts and crafts sales and production.

(f) Restaurant.

(g) Bar, tavern.

(h) General store.

(15) Public or private schools.

(16) Churches.

(17) Parks, playgrounds, hunting and fishing preserves, and community centers.

(18) Golf course.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

**VII. RURAL RESIDENTIAL (RR) ZONING
DISTRICT**

929.610 Statement of purpose

(A) 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.

(B) The RR zoning district is also intended to ensure development at densities that will not require urban services.

(C) The RR zoning district is composed of four zoning districts which are distinguished only by minimum property size standards.

(D) One residential zoning district is not interchangeable with another residential zoning district without approval through the procedural processes described in LCC 921.800 to 921.840 and the rural residential land policies in the *Comprehensive Plan*.

[Adopted 98-002 §3 eff 3/4/98]

929.620 RR uses allowed outright

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses are allowed outright in the RR zoning district.

(B) *Uses allowed outright.*

(1) One single-family dwelling or one manufactured dwelling per authorized units of land.

(2) Limited farm use.

(3) Cultivation, management, protection or harvest of forest crops but excluding timber processing operations or maintenance and repair facilities for timber vehicles or equipment.

(4) A building for the sale of agricultural products grown or raised on the premises. The

building is not to exceed 300 square feet in gross sales area.

(5) Expansion of a church, public or private school or community center owned or operated by a governmental agency or private, nonprofit, community organization which has been lawfully established on a authorized units of land, provided such expansion does not exceed 50 percent of the gross floor area of the structure or 2,000 square feet, whichever is greater.

(6) Residential home.

(7) Family day care provider.

(8) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98]

929.630 RR uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses may be permitted in the RR zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(2) Accessory structures and uses for uses permitted conditionally.

(3) Home occupations, subject to LCC 932.830 to 932.845.

(4) Temporary facilities for the primary processing of forest products.

(5) The breeding, boarding and training of horses for profit.

(6) Cemeteries.

(7) Expanded animal husbandry including the raising, tending, pasturing or breeding of pigs or fur-bearing animals provided that such activities are not a part of, or conducted in conjunction with, any livestock sales yard, slaughter house or animal by-products business.

(8) Public and semi-public buildings and uses.

(9) Utility facilities necessary for public service.

(10) Radio, television or telephone transmission or receiving facilities, but excluding transmission stations.

(11) 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.

(12) Infilling an existing manufactured dwelling park subject to LCC 932.600 to 932.680.

(13) Public or private schools.

(14) Churches.

(15) Parks, playgrounds, hunting and fishing preserves.

(16) Community centers owned and operated by a governmental agency or a nonprofit, community organization.

(17) Golf courses.

(18) Personal-use airports. (See **personal-use airports** in LCC 920.100 for exceptions).

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

VIII. URBAN DEVELOPMENT (UD-I) ZONING DISTRICT

929.710 Statement of purpose

(A) The purpose of the Urban Development (UD-I) zoning district is to recognize sites which are developed with urban types of commercial/industrial uses.

(B) The Urban Development-I (UD-I) zoning district may only be applied to those Highway 34 sites which have been approved through a Goal 14 developed or committed exception.

(C) It is the intent of the UD-I zoning district to permit the continuation and expansion of existing uses and their replacement with similar uses.

(D) The UD-I zoning district is applied to specific sites identified in the *Comprehensive Plan*.

(E) The UD-I zoning district and the UD-II zoning district s are not interchangeable; the respective UD zoning district can only be applied to an urban exception which is developed with the uses described in that zoning district.

[Adopted 98-002 §3 eff 3/4/98]

929.720 UD-I uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the UD-I zoning district provided all such uses, other than off-road parking and other activities which by necessity must be conducted in the open, are to be conducted entirely within an enclosed building.

(B) *Uses allowed outright.*

(1) Professional and business offices.

(2) Agricultural related uses such as:

(a) Agricultural supply store.

(b) Warehouses for agricultural products.

(c) Wholesale distribution or sales facilities.

(d) Commercial activity in conjunction with a farm use.

(3) Warehousing and distribution of durable and non-durable goods.

(4) Manufacturing or repair involving.

(a) Metal.

(b) Wood.

(c) Plastic.

(5) Research laboratories.

(6) Manufacture or repair of scientific, precision or electronic instruments.

(7) Automotive repair, including the sales of parts as a secondary use.

(8) Commercial sales and services integral to a use allowed in this section.

(9) Utility facility necessary for public service.

(10) Alteration, expansion or replacement of a lawfully established dwelling on

an authorized unit of land prior to the establishment of the UD-1 zoning district.

(11) Transportation improvements

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

929.730 UD-I uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the UD-I zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) One caretaker residence for a use permitted in LCC 929.720, subject to LCC 932.800 to 932.815

(2) Accessory structures for uses permitted conditionally.

(3) Public and semi-public buildings and uses.

(4) Staging area, subject to LCC 932.700 to 932.770.

(5) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

IX. URBAN DEVELOPMENT (UD-II) ZONING DISTRICT

929.810 Statement of purpose

(A) The purpose of the Urban Development (UD-II) zoning district is to recognize sites which are developed with urban types of commercial/industrial uses.

(B) The Urban Development-II (UD-II) zoning district may only be applied to those Highway 34 sites which have been approved through a Goal 14 developed or committed exception.

(C) The UD-II zoning district is applied to larger developed and committed areas which have several urban uses.

(D) It is the intent of the UD-II zoning district to permit the continuation and expansion of existing uses and their replacement with similar uses.

(E) The UD-II zoning district is applied to specific sites identified in the *Comprehensive Plan*.

(F) The UD-I zoning district and the UD-II zoning district s are not interchangeable; the respective UD zoning district can only be applied to an urban exception which is developed with the uses described in that zoning district.

[Adopted 98-002 §3 eff 3/4/98]

929.820 UD-II uses allowed outright

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are allowed outright in the UD-II zoning district provided all such uses, other than off-road parking and other activities which by necessity must be conducted in the open, are to be conducted entirely within an enclosed building.

(B) *Uses allowed outright.*

(1) Agricultural related uses such as:

- (a) Implement dealer.
- (b) Equipment storage and repair.
- (c) Agricultural supply store.
- (d) Warehouses for agricultural

products.

(e) Wholesale distribution or sales facilities.

(f) Receiving station.

(g) Commercial activity in conjunction with a farm use.

(2) Uses related to the forest industry such as:

- (a) Equipment repair and storage.
- (b) Processing of milled lumber into building materials.

(c) Logging and wood manufacturing supply store.

(d) Lumber and building material sales.

(3) Construction and contractor uses such as:

- (a) Construction or contractor equipment storage yard.
- (b) Welding, sheet metal or machine shop.
- (c) Cabinet shop.
- (d) Sign painting, sale, repair or manufacture.
- (e) Equipment repair.
- (4) Transportation, storage and distribution uses such as:
 - (a) Fuel distribution and storage.
 - (b) Self-service storage facility.
- (5) Sales, service and repair of manufactured dwellings, recreational vehicles, campers, trailers and boats.
- (6) Automobile and truck services such as:
 - (a) Repair.
 - (b) Painting.
- (7) Commercial retail sales and services integral to a use allowed in this section.
- (8) Utility facility necessary for public service.
- (9) Alteration, expansion or replacement of a lawfully established dwelling on a authorized unit of land prior to the establishment of the UD-II zoning district.
- (10) Garden shop, retail nursery.
- (11) Limited farm use.
- (12) Transportation improvements.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

929.830 UD-II uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section and uses accessory to those principle uses are permitted in the UD-II zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

- (1) One caretaker residence for a use permitted in LCC 929.820, subject to LCC 932.800 to 932.815.
- (2) Accessory structures for uses permitted conditionally.

(3) Public and semi-public buildings and uses.

(4) Staging area, subject to LCC 932.700 to 932.770.

(5) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §10 eff 6/30/99]

X. NON-RESOURCE (NR) ZONING DISTRICT

929.910 Statement of purpose

(A) The purpose of the Non-resource (NR) zoning district shall be:

(1) To implement the Non-resource Plan designation.

(2) To permit low-density residential development in suitable locations while reducing potential conflicts with agriculture and forestry.

(B) The NR zoning district is composed of two zoning districts which are distinguished only by minimum property size standards.

(C) One non-resource zoning district is not interchangeable with another non-resource zoning district without approval through the procedural processes described in LCC 921.800 to 921.840 and the non-resource land policies in the *Comprehensive Plan*.

[Adopted 04-043 §2 eff 4/28/04]

929.920 Non-resource uses allowed outright

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses are allowed outright in the NR zoning district.

(B) *Uses allowed outright*

(1) One single-family dwelling or one manufactured dwelling per authorized unit of land.

(2) Family day care provider.

(3) Residential home.

(4) Farm use.

(5) A building for the sale of agricultural products grown or raised on the premises. The

building shall not exceed 300 square feet in gross sales area.

(6) Cultivation, management, protection or harvest of forest crops but excluding timber processing operations or maintenance and repair facilities for timber vehicles or equipment.

(7) Transportation improvements.

[Adopted 04-043 §2 eff 4/28/04]

#3 04-056 §1 eff 3/31/04

#4 04-043 §2 eff 4/28/04

929.930 Non-resource uses permitted through a Type IIA conditional use review

(A) All principle uses set forth in subsection (B) of this section, excluding manufactured dwellings used as storage buildings, and uses accessory to those principle uses may be permitted in the NR zoning district through a Type IIA procedure and the decision criteria in LCC 933.200 and 933.220.

(B) *Uses permitted through conditional use review.*

(1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(2) Accessory structures and uses for uses permitted conditionally.

(3) Home occupations, subject to LCC 932.830 to 932.845.

(4) Temporary facilities for the primary processing of forest products.

(5) Cemeteries.

(6) Public and semi-public buildings and uses.

(7) Utility facilities necessary for public service.

(8) Radio, television or telephone transmission or receiving facilities, but excluding transmission stations.

[Adopted 04-043 §2 eff 4/28/04]

Statutory References and Authorities:

ORS 197; 203; 215

Legislative History of Chapter 929:

Adopted 98-002 eff 3/4/98

Amendments to 98-002

#1 98-432 eff 10/21/98

#2 99-121 §10 eff 6/30/99

(Latest rev. March 31, 2004)
Amendment

LINN COUNTY – RURAL DEVELOPMENT ZONE CODE
Run time: October 10, 2011 (1:16:20pm)

929 - 15

Exhibit 1
Page 15 of 16

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**EXHIBIT 2: LCC CHAPTER 905.570
INDUSTRIAL LAND POLICIES**

**(Text Edits Previously Approved by
Linn County Board of Commissioners
February 25, 1998: CP-8-97)**

LCC 905.570 Policies for industrial lands

(A) The policies for industrial lands are set forth in subsection (B) of this section.

(B) *Policies.*

- (1) The Urban Development district may be applied to property with an Industrial *Plan* designation when a zone amendment and Goal 14 exception are approved. The two Urban Development district sub-zones are intended for two specific existing exception sites on Highway 34 which are identified in a separate exception document. No other sites have been considered as suitable for the Urban Development designation. Any future application of the UD district will require a Land Development Code text amendment to establish uses appropriate for the site. Additionally, a Goal 14 exception is required prior to application of the UD district.
- (2) A zone amendment from one of the two rural industrial zones (LI & HI) to the other may be approved if the zone amendment decision criteria are met as well as the requirements of Planning and Zoning for Exception Areas in OAR 660-004-0018.
- (3) Expansion or replacement of an urban industrial use is permitted if an urban exception has been adopted and if applicable property development standards are met. If an existing development is not included as an urban exception, alterations and/or expansions may be permitted only through a nonconforming use review.
- (4) The majority of new industrial sites will be located within an urban growth boundary to take advantage of public facilities and utilities. The county supports the efforts of the various cities to plan and prepare land for industrial development.
- (5) The Limited Industrial and Heavy Industrial zoning designations will be applied to developed and committed rural industrial sites. The rural industrial zones consist of uses which are dependent upon close proximity to natural resources, raw materials or rural products., except that in the LI Zone small scale public or private schools may be allowed through the Conditional Use process, upon adequate findings of fact establishing the compatibility of the proposal. Further, they industrial uses in the LI and HI zones may also be dependent upon an isolated location because of operational characteristics or they may consist of small scale rural dependent land uses.
- (6) The expansion of existing industrial uses should occur whenever possible on undeveloped industrially zoned.
- (7) The on-site primary processing of forest resources in the Forest Resource Plan designation shall be considered compatible with other permitted uses. Temporary on-site processing of forest resources may be permitted in Agricultural Resource, Farm/Forest, Rural Residential, and Urban Growth Management designations through a conditional use process. Other temporary industrial activities involving primary processing of natural resources in conjunction with farm and forest uses may be permitted in Agricultural Resource, Farm/Forest, and Forest Resource *Plan* designations.

- (8) The expansion of existing industry is encouraged. Expansion onto resource land may be permitted through the *Plan* amendment and exception process.
- (9) Industrial activities and associated waste discharges shall comply with the environmental quality standards of the Department of Environmental Quality.
- (10) Expansion of the James River/Pope and Talbot paper plant shall be encouraged. An additional 280 acres has been rezoned to Heavy Industrial in anticipation of the plant expansion.
- (11) An Industrial Reserve *Plan* designation may be applied, after an approved *Plan* amendment, to land which is desirable and suitable for future industrial development. Property designated for Industrial Reserve will have locational qualities such as:
 - (a) Access to transportation networks.
 - (b) Generally flat topography which is well drained.
 - (c) Limited, if any, physical limitations such as the presence of natural hazards.
 - (d) Adequate size and shape.
 - (e) Limited exposure to existing or future conflicting uses.
 - (f) Future availability of water, sewer, fire protection, and utilities.
 - (g) Proximity to a labor market.
 - (h) Adjacent to an urban growth boundary or within a path of urbanization.
- (12) Land designated Industrial Reserve shall be zoned Exclusive Farm Use, Farm/Forest or Forest Conservation and Management. An industrial reserve site shall be included in an urban growth boundary before development may occur.
- (13) Land divisions for property designated Industrial Reserve will only be approved when it is shown that future industrial development of the property will not be made more difficult.
- (14) An Exclusive Farm Use-80 acre minimum property size zone designation may be applied to future industrial sites located within a city planning area or urban growth boundary. The intent of the designation is to retain properties for industrial uses requiring a large land area until the property can be incorporated.
- (15) Development of a major facility shall be compatible with surrounding land uses and shall not have a significant negative impact on the overall land use pattern in the area.
- (16) A Planned Unit Development (PUD) sub-district will overlay the entire 63 acres of the industrial portion of T11S, R4W, Section 34, Tax-lot 300. The boundaries are the northern line of the Oregon Electric Railroad easement extend southerly to the highway. Land divisions and uses in the PUD are as follows:
 - (a) While a partitioning may occur in the industrially designated portion of the site, minimum property size shall be 30 acres.
 - (b) If the industrially designated portion of the site is divided, final properties must be provided with rail and road access.
 - (c) Use of any and all properties will be limited to agricultural and forestry based activities, which support local, rural resource industries. Development proposals will be reviewed through the provisions of the Land Development Code.
 - (d) No permanent non-resource related dwellings may be constructed on any portion of the total 98 acre site.
 - (e) Highway access shall be limited to the points previously approved by the state highway division. When any partitions are proposed, highway access shall be reserved and assured through review for appropriateness and location. Review shall

- be carried out by the division engineer or designated agent of the state highway division.
- (f) Availability of potable water, water for wastewater treatment and on-site subsurface disposal must be proven prior to approval of any partitions or issuance of building permits.
 - (g) Any potentially adverse impacts on adjacent or nearby agricultural lands as a result of site development must be mitigated to the satisfaction of the planning commission prior to issuance of any approvals or development permits.
- (17) It is the intent of the *Plan* to maintain existing LI zoning along Highway 34 between the Willamette River and the Interstate Freeway and to discourage the conversion of agricultural, residential and commercial land to industrial zoning. The intent of the *Plan* is to discourage more industrial zoning because it will create traffic conflicts on the highway and will be inconsistent with planning efforts of Albany, Tangent and Corvallis. Highway 34 has been designed to move a high volume of traffic at fast speeds. As an "Access Oregon Highway," it is intended to be a limited access, high volume arterial. Additional highway based industrial development will create more turning movements on and off the highway. Because industrial land is available nearby in Corvallis, Tangent and Albany, there is little need to provide for additional industrial zoning designations on Highway 34.
- (18) Future consideration should be given to construction of frontage roads along Highway 34 between the Willamette River and Oakville Road in order to reduce traffic conflicts. A specific plan for this policy would be appropriate, but can be accomplished only with financial and technical assistance which is not available as of the date of this policy statement (1991).
- (19) The existing Limited Industrial and Heavy Industrial zones have been retained for application within an urban growth boundary. The zones have been retitled to UGB-Limited Industrial and UGB-Heavy Industrial. Neither of these zones may be applied to areas outside of an urban growth boundary.
- (20) As used in this *Plan*, "abandoned or diminished mill site" shall mean a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:
- (a) Is located outside of urban growth boundaries;
 - (b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
 - (c) Contains or contained permanent buildings used in the production or manufacturing of wood products.
- (21) Notwithstanding statewide land use planning goals protecting agricultural lands (Goal 3) or forestlands (Goal 4), or administrative rules implementing those goals, an exception to statewide land use planning goals is not required to amend the *Plan* and Land Development Code to allow an abandoned or diminished mill site to be zoned for industrial use.
- (22) Notwithstanding a statewide land use planning goal relating to urbanization, or administrative rules implementing that goal, an exception to statewide land use planning goals is not required to amend the *Plan* and Land Development Code to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

- (23) Notwithstanding a statewide land use planning goal relating to public facilities and services, or administrative rules implementing that goal, an exception to statewide land use planning goals is not required for the county to approve:
- (a) The extension of sewer facilities to lands that on June 10, 2003 were zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.
 - (b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.
 - (c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003 was zoned for industrial use and that contains an abandoned or diminished mill site, or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.
- (24) The county may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of an abandoned or diminished mill site or the industrial zone containing the mill site, unless a goal exception is approved as provided under a statewide land use planning goal relating to public facilities and services under ORS 197.732.
- (25) Sewer facilities approved under Policy 23 of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services, or under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.
- (26) The county shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is approved for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.
- (27) For an abandoned or diminished mill site subject to Policy 21, Policy 22 or Policy 23 of this section, the county may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The county may not approve a permit for retail, commercial or residential development on the mill site.
- (28) For land that on June 10, 2003 was zoned under statewide land use goals protecting agricultural lands or forestlands and that is rezoned for industrial use under Policy 21 or Policy 22 of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other non-resource use, except as provided under the statewide land use planning goals or under ORS 197.732.
- (29) Notwithstanding the limits to the type and scale of industrial activities on rural zoned land in Linn County, a specific conditional use review process shall be established to facilitate the identification and development of abandoned or diminished mill sites that are exempt from statewide planning goal exception requirements associated with Goal 3, Goal 4, Goal 11, and Goal 14.