



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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Main Fax: (503) 378-6033

Web Address: <http://www.lod.state.or.us>



NOTICE OF ADOPTED AMENDMENT

March 11, 2014

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Linn County Plan Amendment
DLCD File Number 002-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Acknowledged

This amendment was submitted to DLCD for review 35 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Alyssa Boles, Linn County
~~XXXXXXXXXX~~ DLCD Urban Planning Specialist
 Ed Moore, DLCD Regional Representative
 Jon Jinings, DLCD Community Services Specialist

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

FOR DLCD USE

File No.:

Received:

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

Jurisdiction: Linn County

Local file no.: **BC13-0003**

Date of adoption: 02/26/2014

Date sent: 2/27/2014

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01/07/2014

No

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

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

Local contact (name and title): Alyssa Boles

Phone: 541-967-3816

E-mail: aboles@co.linn.or.us

Street address: 300 SW 4th Street, Room 114

City: Albany

Zip: 97321-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

- | | | | |
|------------------|--------------------------|----------------|--|
| Change from None | to Agricultural Resource | 1487.80 acres. | A goal exception was required for this change. <input checked="" type="checkbox"/> |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address): see attached ordinance

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

For a change to a zoning map:

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

Change from None	to EFU	Acres: 1487.80
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): see attached ordinance

List affected state or federal agencies, local governments and special districts: DLCD, Linn County, Benton County, Marion County, Linn County Sherriff, Linn County Road Department, Mill City Rural Fire, Halsey/Shedd Rural Fire, Linn County Assessor, Oregon Dept of Agriculture, Oregon State Parks Department, DSL

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

Linn County Resoultion and ORder 2014-047, approving findings and map amendment as proposed in the application

Linn County Ordinance 2014-049, adopting comprehensive plan map and zoning map amendments



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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

NOTICE OF ADOPTION

RESOLUTION AND ORDER NO. 2014-047
ORDINANCE NO. 2014-049
FILE NO. BC13-0003
APPLICANT Linn County
LOCATION

Twenty six (26) properties totaling 1,487.80 acres, identified as Tax Lot 200 on map T09S, R1W, Section 16; Tax Lot 1200 on map T09S, R1W, Section 21; Tax Lot 1100 on map T12S, R4W, Section 7; Tax Lots 800, 900, 1000, 1100, 1200, & 1300 on map T12S, R4W, Section 18; Tax Lots 200 & 600 on map T12S, R4W, Section 19; Tax Lots 2700, 2800, 2900, 3000 on map T12S, R5W, Section 1; Tax Lots 100, 200, 300, & 500 on map T12S, R5W, Section 12; Tax Lots 100, 200, & 300 on map T12S, R5W, Section 13; Tax Lots 500 & 600 on map T13S, R4W, Section 18; Tax Lot 1500 on map T13S, R4W, Section 19; and Tax Lot 500 on map T13S, R4W, Section 30

PROPOSAL

A *Comprehensive Plan* map amendment and a *Zoning* map amendment to assign twenty-six (26) properties (listed above, comprising 1,487.80 acres) a *Comprehensive Plan* designation of *Agricultural Resource* and a *Zoning* map designation of *Exclusive Farm Use (EFU)*. The properties were previously located in Benton and Marion counties and were transferred to Linn County as part of Oregon HB 3272 (2003), which amended the common boundaries between Linn, Benton, Lane, and Polk counties.

BOARD ACTION: Resolution and Order 2014-047

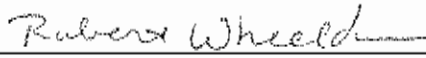
On February 26, 2014, the Linn County Board of Commissioners voted 3-0 to approve Resolution and Order No. 2014-047 to: (1) Approve the Findings and Conclusions supporting the Board decision; (2) Order that the Linn County *Comprehensive Plan* map be prepared for amendment to designate the subject properties as "Agricultural Resource;" and (3) Order that the Linn County *Zoning* map be prepared for amendment to designate the subject properties as "Exclusive Farm Use (EFU)."

BOARD ACTION: Ordinance 2014-049


On February 26, 2014, the Linn County Board of Commissioners voted 3-0 to approve Ordinance 2014-049 to: (1) Ordain that the Linn County *Comprehensive Plan* map be amended to designate the subject properties as "Agricultural Resource" and (2) Ordain that the Linn County *Zoning* map be amended to designate the subject properties as "Exclusive Farm Use (EFU)."

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. 2014-047 and Ordinance No. 2014-049 may be reviewed at the office of the Linn County Clerk, Room 205, Linn County Courthouse. That office is open from 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. A copy of the ordinance is available in the office of the Linn County Clerk. A fee to cover copying costs will be charged.



Robert Wheeldon
Director



Date

cc: DLCD

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY

IN THE MATTER OF AN ORDINANCE)	ORDINANCE NO. 2014-049
AMENDING THE LINN COUNTY)	(Amending Code)
COMPREHENSIVE PLAN MAP)	(Planning and Building Department)
<u>AND ZONING MAP)</u>	(BC13-0003)

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public meeting on February 26, 2014, for the purpose of considering the matter of a proposed *Comprehensive Plan (Plan)* map amendment and proposed zoning map amendment to amend the *Plan* map designation and zoning map designation on twenty-six (26) properties transferred from Benton and Marion Counties to Linn County as part of Oregon HB 3272 (2003), and identified in Exhibit 1;

WHEREAS, The proposed *Plan* map amendment and proposed zoning map amendment had been previously considered by the Linn County Planning Commission (Commission) at a duly advertised meeting on February 11, 2014, and who voted to recommend approval to the Board;

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

WHEREAS, The findings in support of the decision to approve the proposed *Comprehensive Plan* map amendment and zoning map amendment are attached as Exhibit 2 (BC13-0003 Decision Criteria, Findings and Conclusions) to Resolution and Order No. 2014-047; and now, therefore, be it

Ordained by the Linn County Board of Commissioners, That:

Section 1. Plan Map Amendment. The Comprehensive Plan Map, as identified in LCC 900.900, be amended to designate the subject twenty-six (26) properties totaling 1,487.80 acres, identified in Exhibit 1, as Agricultural Resource.

Section 2. Zoning Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate twenty-six (26) properties totaling 1,487.80 acres, identified as Tax Lot 200 on map T09S, R1W, Section 16; Tax Lot 1200 on map T09S, R1W, Section 21; Tax Lot 1100 on map T12S, R4W, Section 7; Tax Lots 800, 900, 1000, 1100, 1200, & 1300 on map T12S, R4W, Section 18; Tax Lots 200 & 600 on map T12S, R4W, Section 19; Tax Lots 2700, 2800, 2900, 3000 on map T12S, R5W, Section 1; Tax Lots 100, 200, 300, & 500 on map T12S, R5W, Section

12; Tax Lots 100, 200, & 300 on map T12S, R5W, Section 13; Tax Lots 500 & 600 on map T13S, R4W, Section 18; Tax Lot 1500 on map T13S, R4W, Section 19; and Tax Lot 500 on map T13S, R4W, Section 30, Linn County, Oregon, as identified in Exhibit 1, Exclusive Farm Use (EFU).

Section 3. Savings Clause. Repeal of a code section or ordinance shall not revive a code section or ordinance in force before or at the time the repealed code section or ordinance took effect. The repeal shall not affect a punishment or penalty incurred before the repeal took effect, nor a suit, prosecution, or proceeding pending at the time of the repeal for an offense committed under the repealed code section or ordinance.

Section 4. Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

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

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

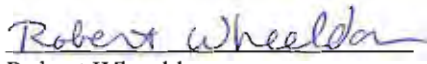
Public reading held February 26, 2014.
Adopted and passed February 26, 2014.
The effective date of this Ordinance shall be February 26, 2014.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

Signed February 26, 2014

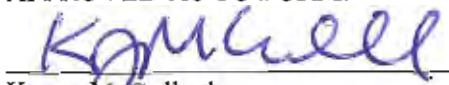
		Voting	
		For	Against
Steve Druckenmiller, Linn County Clerk Recording Secretary	 _____ Roger Nyquist, Chairman	X	_____
By _____	 _____ John K. Lindsey, Co-Chairman	X	_____
	 _____ William C. Tucker, Commissioner	X	_____

APPROVED AS TO CONTENT:



Robert Wheeldon
Linn County Planning and Building Director

APPROVED AS TO FORM:



Kevan McCulloch
Deputy County Attorney for Linn County



Exhibit 1-1

Tax Lots:

09S01W16 00200
 09S01W21 01200

**Comprehensive Plan
 Designation:
 Agricultural Resource
 Zoning Designation:
 Exclusive Farm Use**





Exhibit 1-2
Tax Lots:
12S04W07 01100
Comprehensive Plan
Designation:
Agricultural Resource
Zoning Designation:
Exclusive Farm Use



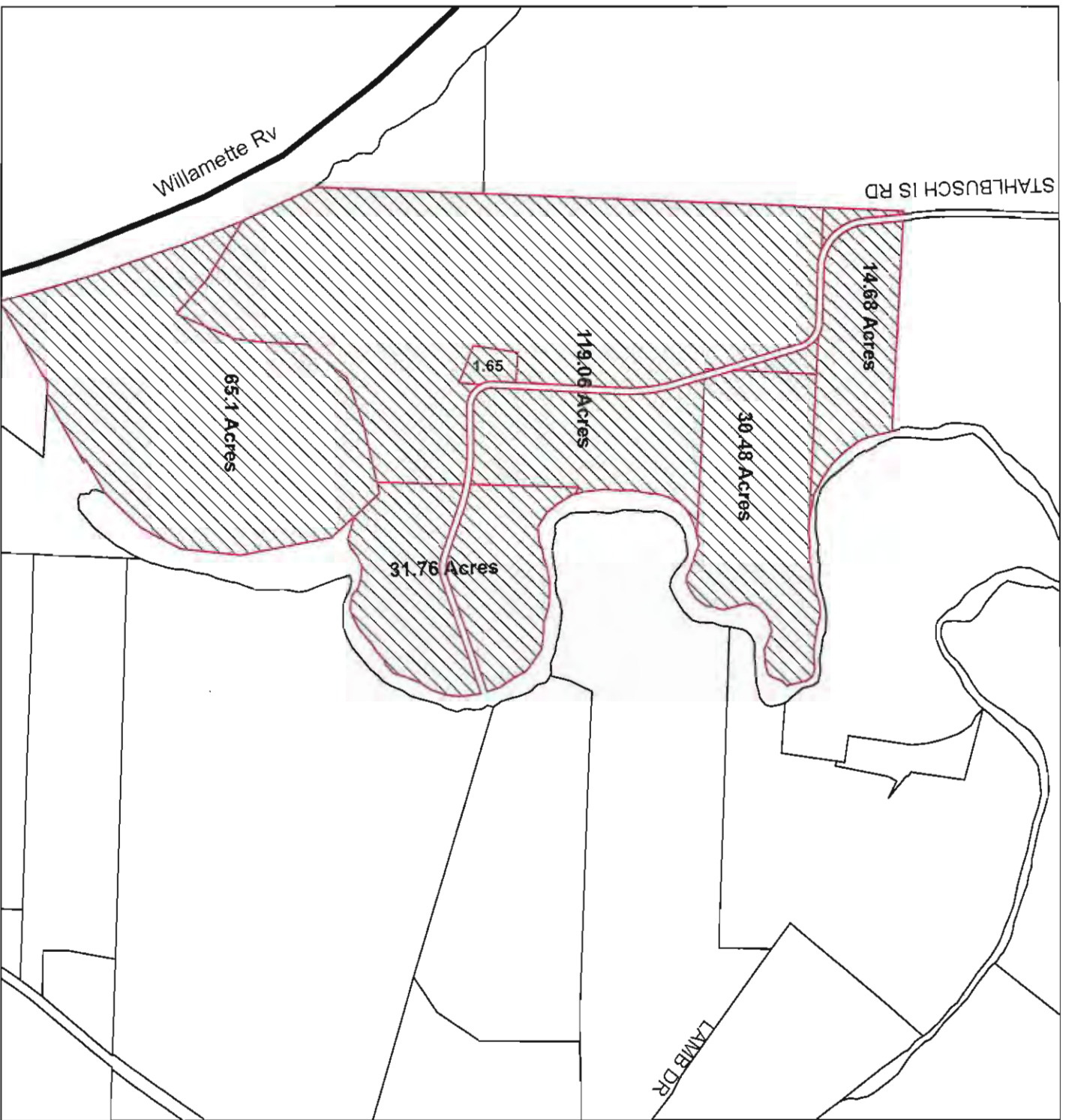


Exhibit 1-3

Tax Lots:

- 12S04W18 00800
- 12S04W18 00900
- 12S04W18 01000
- 12S04W18 01100
- 12S04W18 01200
- 12S04W18 01300

Comprehensive Plan

Designation:
Agricultural Resource

Zoning Designation:
Exclusive Farm Use



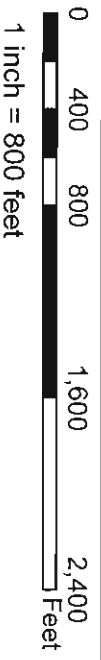


Linn County Planning & Building Department

Exhibit 1-4
Tax Lots:
 12S04W19 00200
 12S04W19 00600
Comprehensive Plan Designation:
 Agricultural Resource
Zoning Designation:
 Exclusive Farm Use



02/18/2014



Linn County Planning & Building Department

Exhibit 1-5

Tax Lots:

- 12S05W01 02700
- 12S05W01 02800
- 12S05W01 02900
- 12S05W01 03000

Comprehensive Plan

Designation:
Agricultural Resource

Zoning Designation:
Exclusive Farm Use



02/18/2014

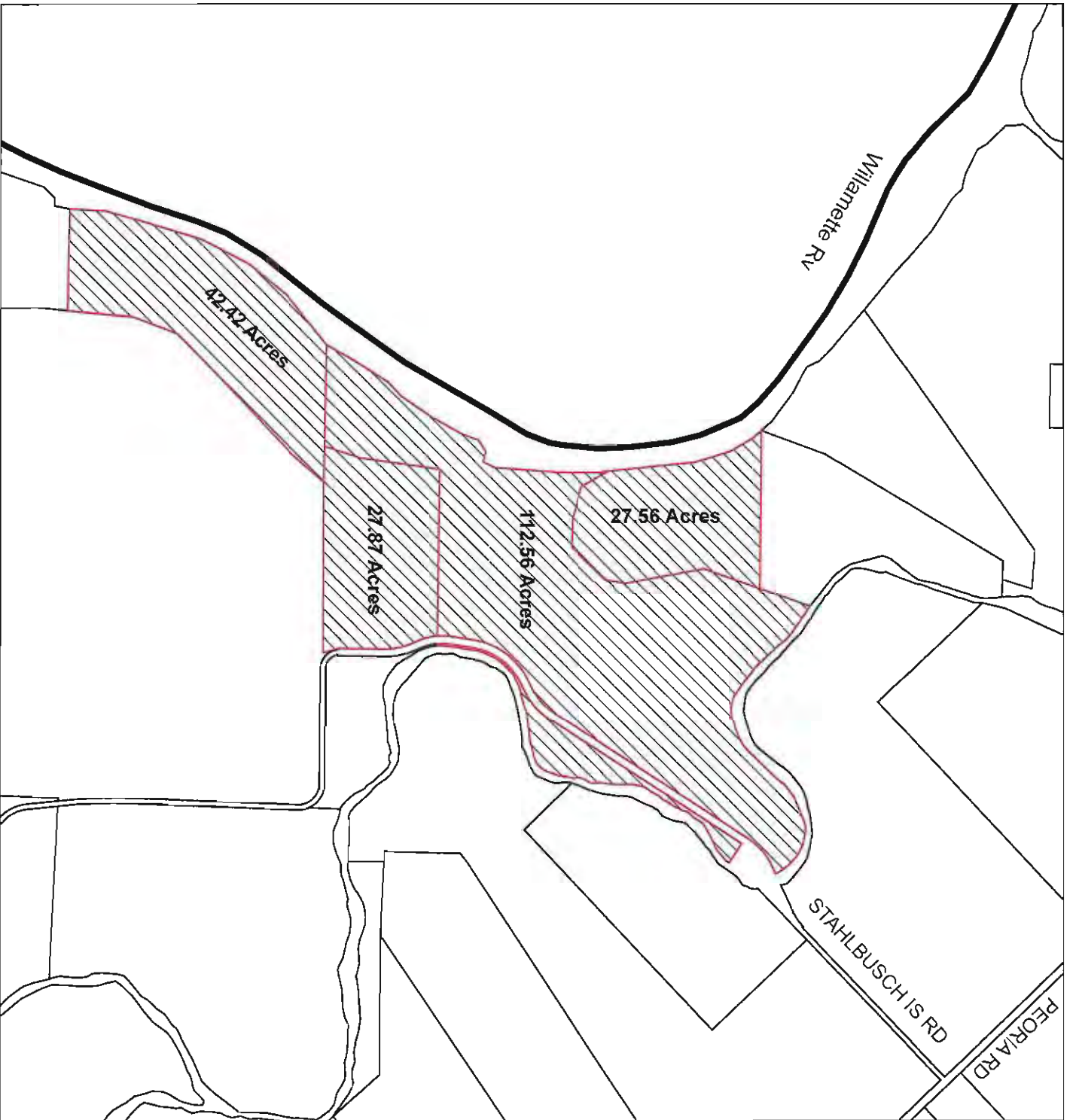


Exhibit 1-6

Tax Lots:

- 12S05W12 00100
- 12S05W12 00200
- 12S05W12 00300
- 12S05W12 00500

**Comprehensive Plan
Designation:
Agricultural Resource
Zoning Designation:
Exclusive Farm Use**



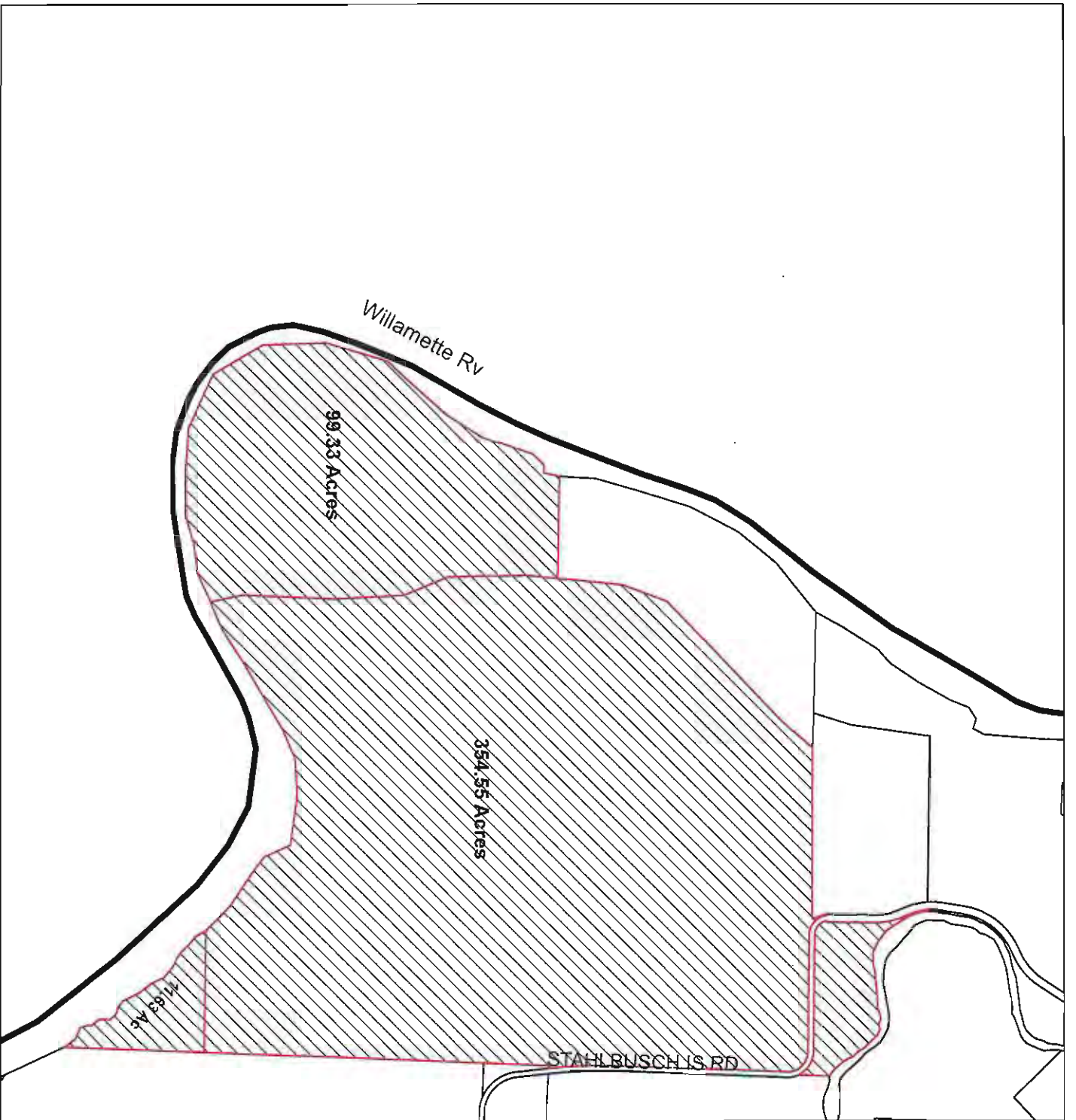


Exhibit 1-7

Tax Lots:

- 12S05W12 00100
- 12S05W12 00200
- 12S05W12 00300
- 12S05W12 00500

Comprehensive Plan

Designation:
Agricultural Resource

Zoning Designation:
Exclusive Farm Use





Exhibit 1-8

Tax Lots:

- 13S04W18 00500
- 13S04W18 00600
- 13S04W19 01500

Comprehensive Plan

Designation:

Agricultural Resource

Zoning Designation:

Exclusive Farm Use



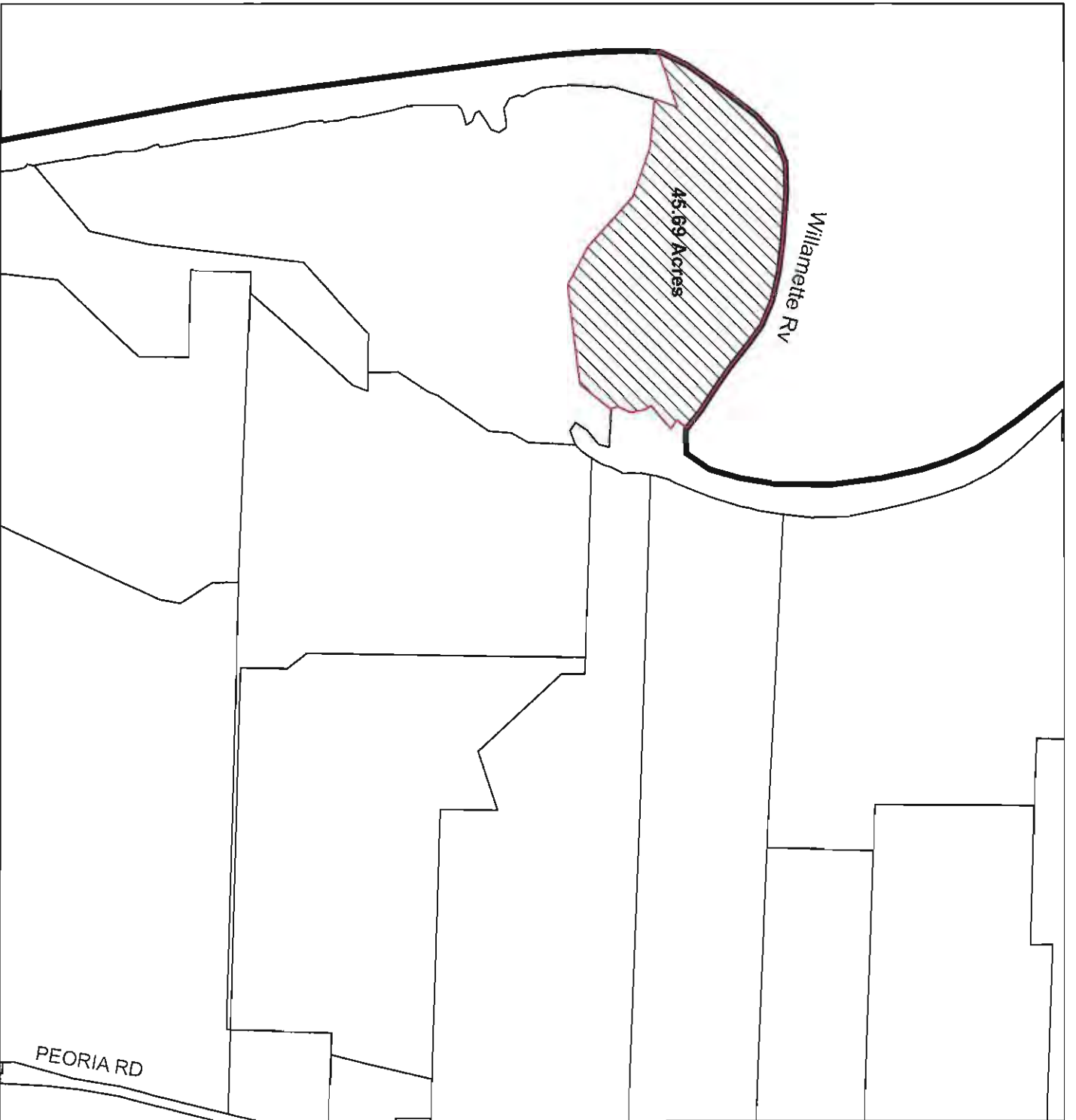


Exhibit 1-9

**Tax Lots:
13S04W30 00500**

**Comprehensive Plan
Designation:
Agricultural Resource**

**Zoning Designation:
Exclusive Farm Use**



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY OREGON

IN THE MATTER OF AN APPLICATION)	RESOLUTION &
BY LINN COUNTY TO AMEND THE)	ORDER NO. 2014-047
COMPREHENSIVE PLAN MAP AND)	Planning and Building Department
ZONING MAP DESIGNATION ON)	(BC13-0003)
<u>26 PROPERTIES TOTALLING 1,487.80 ACRES</u>)	(Decision Criteria, Findings and Conclusions)

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on February 26, 2014 for the purpose of considering the matter of a proposed Comprehensive Plan map and Zoning map amendment to amend the Comprehensive Plan map designation and Zoning map designation on twenty-six (26) properties identified as Tax Lot 200 on map T09S, R1W, Section 16; Tax Lot 1200 on map T09S, R1W, Section 21; Tax Lot 1100 on map T12S, R4W, Section 7; Tax Lots 800, 900, 1000, 1100, 1200, & 1300 on map T12S, R4W, Section 18; Tax Lots 200 & 600 on map T12S, R4W, Section 19; Tax Lots 2700, 2800, 2900, 3000 on map T12S, R5W, Section 1; Tax Lots 100, 200, 300, & 500 on map T12S, R5W, Section 12; Tax Lots 100, 200, & 300 on map T12S, R5W, Section 13; Tax Lots 500 & 600 on map T13S, R4W, Section 18; Tax Lot 1500 on map T13S, R4W, Section 19; and Tax Lot 500 on map T13S, R4W, Section 30;

WHEREAS, The proposed Comprehensive Plan map and Zoning map amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on February 11, 2014 and who voted 5-0 to recommend approval to the Board;

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

WHEREAS, The findings in support of the proposed Comprehensive Plan map and Zoning map amendments are attached hereto as Exhibit 2 (BC13-0003 Decision Criteria, Findings, and Conclusion); and now therefore, be it

RESOLVED, That the Board of County Commissioners for Linn County approve the Findings and Conclusions as set forth in Exhibit 2 (BC13-0003 Decision Criteria, Findings, and Conclusion); and

RESOLVED, That the Board of Commissioners for Linn County approve the proposed Comprehensive Plan map amendments and Zoning map amendments on the subject properties, as shown in Exhibit 1 (Tax Lot 200 on map T09S, R1W, Section 16; Tax Lot 1200 on map T09S, R1W, Section 21; Tax Lot 1100 on map T12S, R4W, Section 7; Tax Lots 800, 900, 1000, 1100, 1200, & 1300 on map T12S, R4W, Section 18; Tax Lots 200 & 600 on map T12S, R4W, Section 19; Tax Lots 2700, 2800, 2900, 3000 on map T12S, R5W, Section 1; Tax Lots 100, 200, 300, & 500 on map T12S, R5W, Section 12; Tax Lots 100, 200, & 300 on map T12S, R5W, Section 13; Tax Lots 500 & 600 on map T13S, R4W, Section 18; Tax Lot 1500 on map T13S, R4W, Section 19; and Tax Lot 500 on map T13S, R4W, Section 30); and


ORDERED, That the Linn County Comprehensive Plan map and Zoning map be prepared by county staff for amendment to designate the subject properties, as shown in Exhibit 1, as Agricultural Resource on the Comprehensive Plan map and Exclusive Farm Use (EFU) on the Zoning map.

Resolved this 26th day of February, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY



Roger Nyquist, Chairman

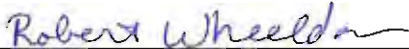


John K. Lindsey, Commissioner



William C. Tucker, Commissioner

APPROVED AS TO CONTENT:



Robert Wheeldon
Director, Linn County Planning and Building

APPROVED AS TO FORM:



Kevan McCulloch
Deputy County Attorney for Linn County

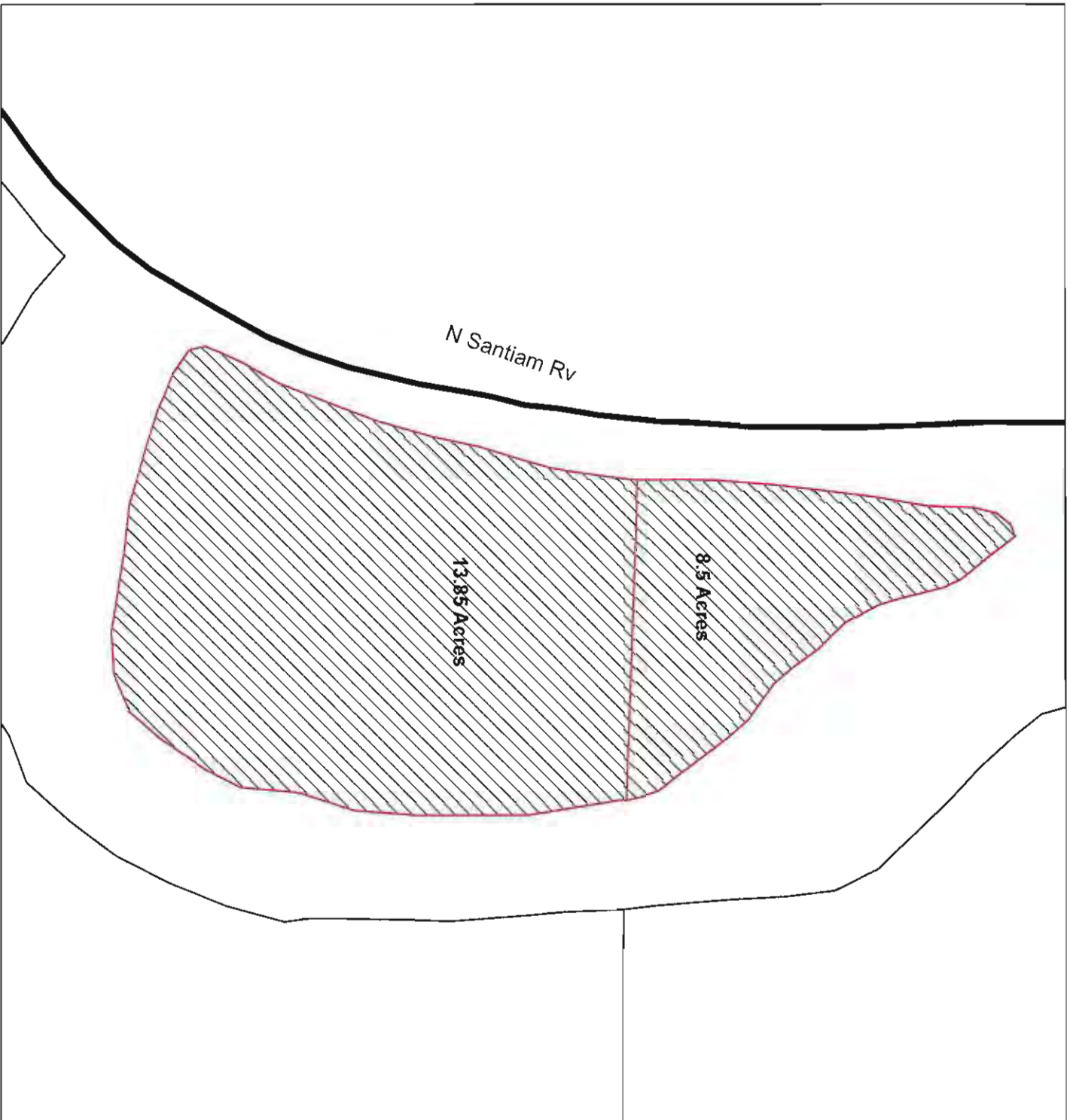


Exhibit 1-1

Tax Lots:

09S01W16 00200
09S01W21 01200

**Comprehensive Plan
Designation:
Agricultural Resource
Zoning Designation:
Exclusive Farm Use**





Exhibit 1-2
Tax Lots:
12S04W07 01100
Comprehensive Plan
Designation:
Agricultural Resource
Zoning Designation:
Exclusive Farm Use



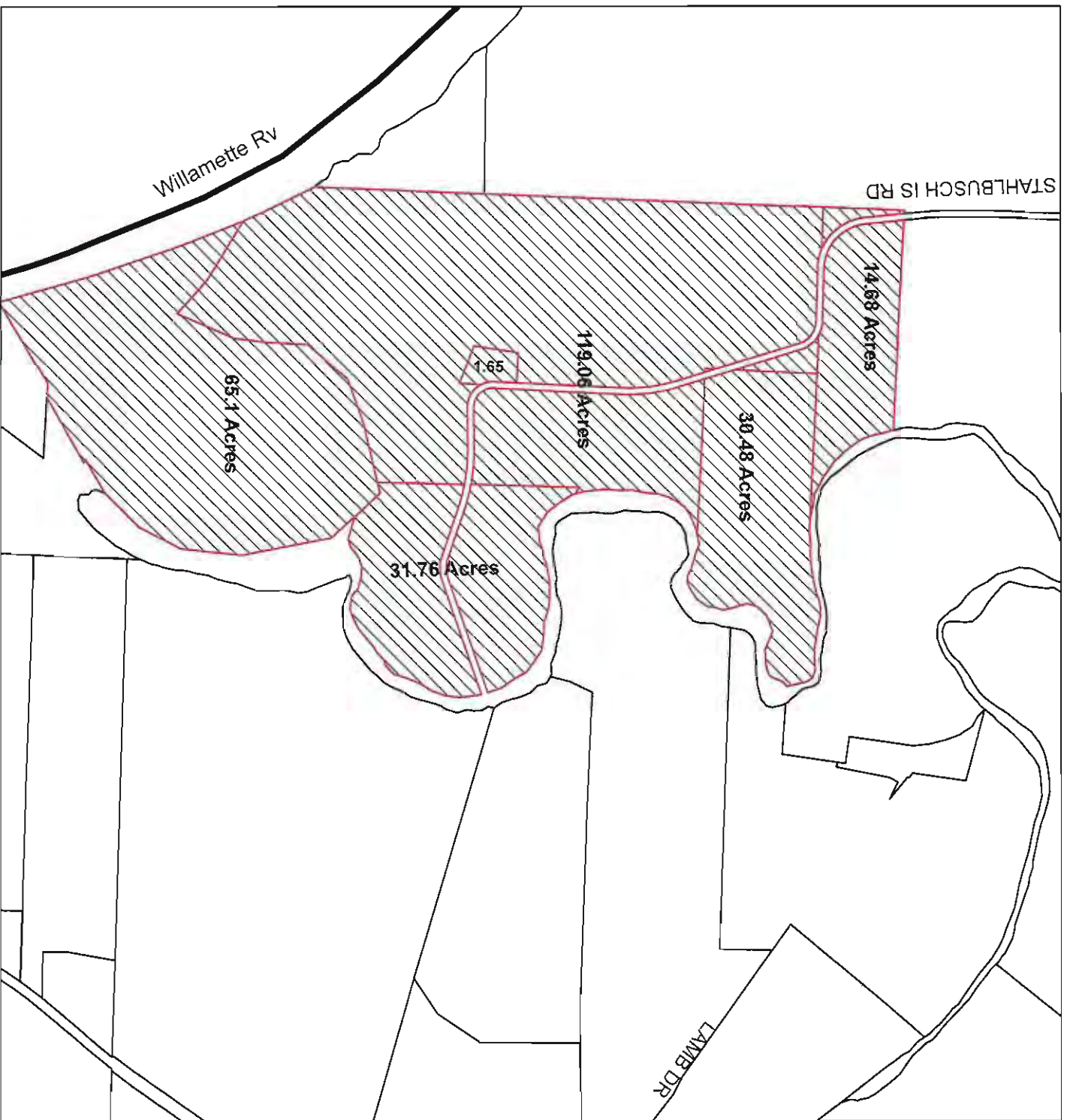


Exhibit 1-3

Tax Lots:

- 12S04W18 00800
- 12S04W18 00900
- 12S04W18 01000
- 12S04W18 01100
- 12S04W18 01200
- 12S04W18 01300

Comprehensive Plan Designation:
Agricultural Resource

Zoning Designation:
Exclusive Farm Use





Exhibit 1-4

Tax Lots:

12S04W19 00200
 12S04W19 00600

Comprehensive Plan

Designation:

Agricultural Resource

Zoning Designation:

Exclusive Farm Use

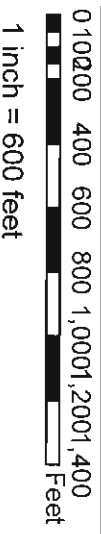
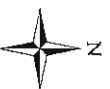




Exhibit 1-5

Tax Lots:

- 12S05W01 02700
- 12S05W01 02800
- 12S05W01 02900
- 12S05W01 03000

Comprehensive Plan

Designation:
Agricultural Resource

Zoning Designation:
Exclusive Farm Use



0 400 800 1,600 2,400 Feet
1 inch = 800 feet

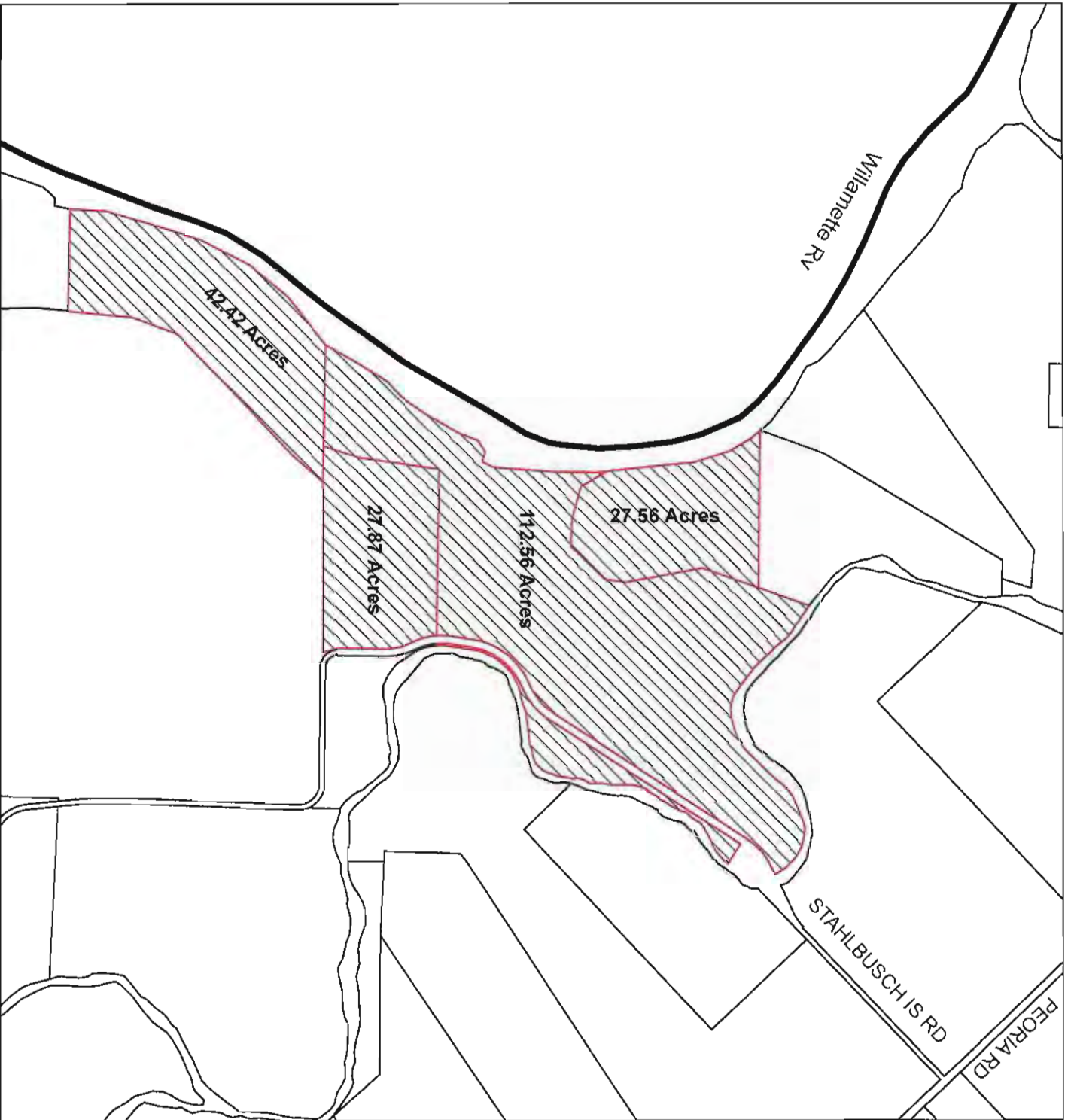


Exhibit 1-6

Tax Lots:

- 12S05W12 00100
- 12S05W12 00200
- 12S05W12 00300
- 12S05W12 00500

Comprehensive Plan

Designation:
Agricultural Resource

Zoning Designation:
Exclusive Farm Use



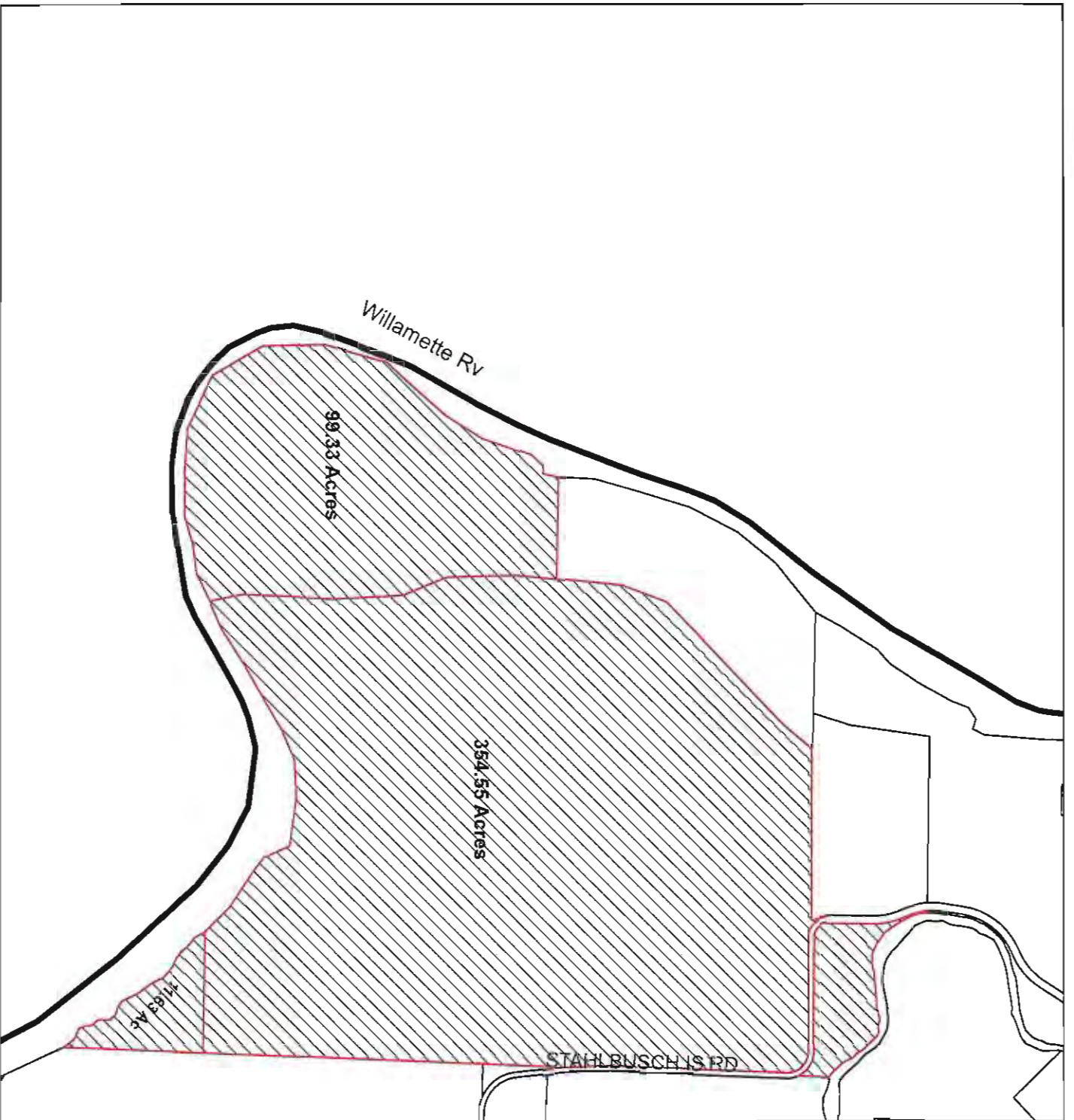


Exhibit 1-7

Tax Lots:

- 12S05W12 00100
- 12S05W12 00200
- 12S05W12 00300
- 12S05W12 00500

Comprehensive Plan

Designation:
Agricultural Resource

Zoning Designation:
Exclusive Farm Use



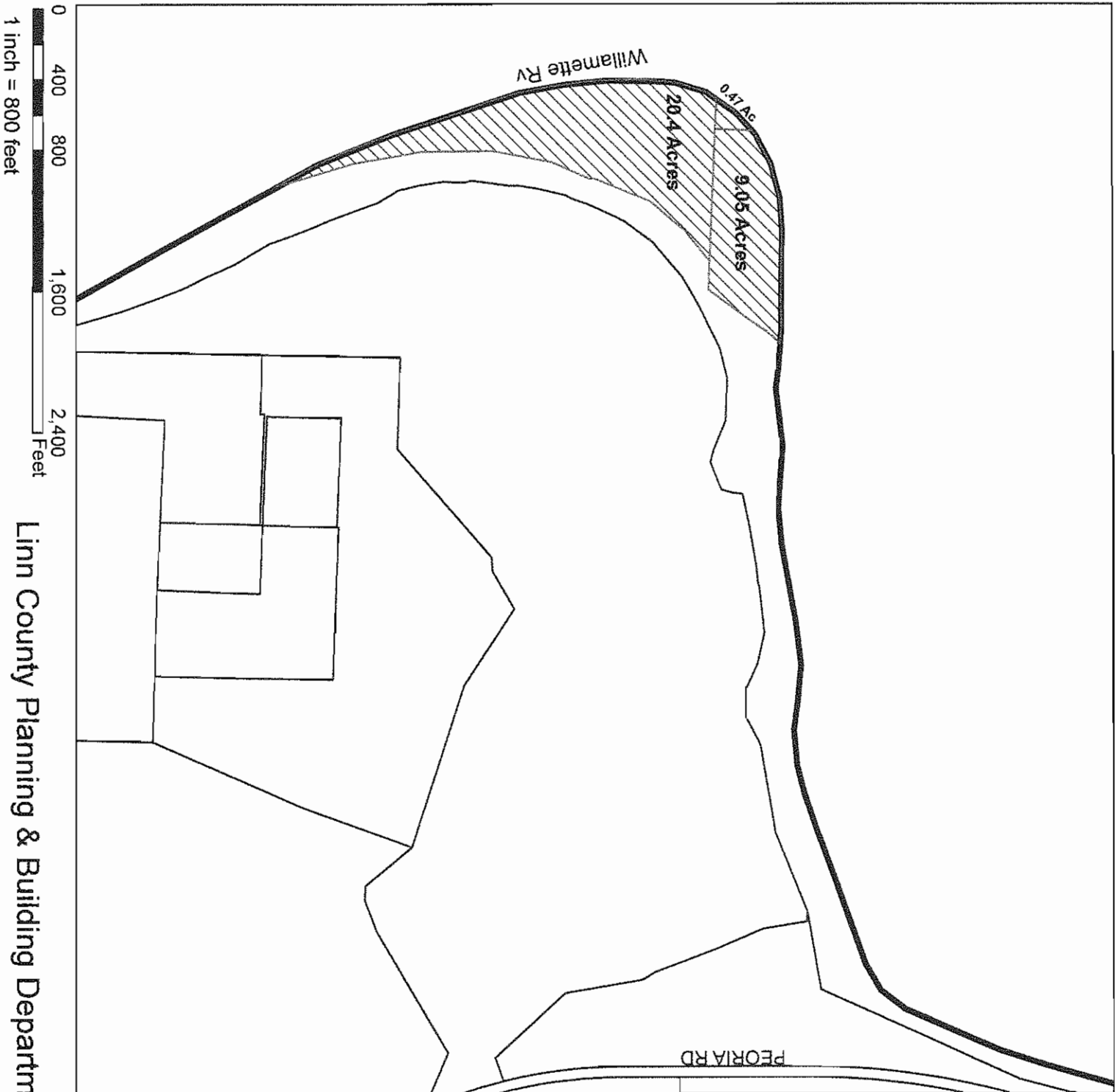


Exhibit 1-8

Tax Lots:

- 13S04W18 00500
- 13S04W18 00600
- 13S04W19 01500

Comprehensive Plan

Designation:
Agricultural Resource

Zoning Designation:
Exclusive Farm Use



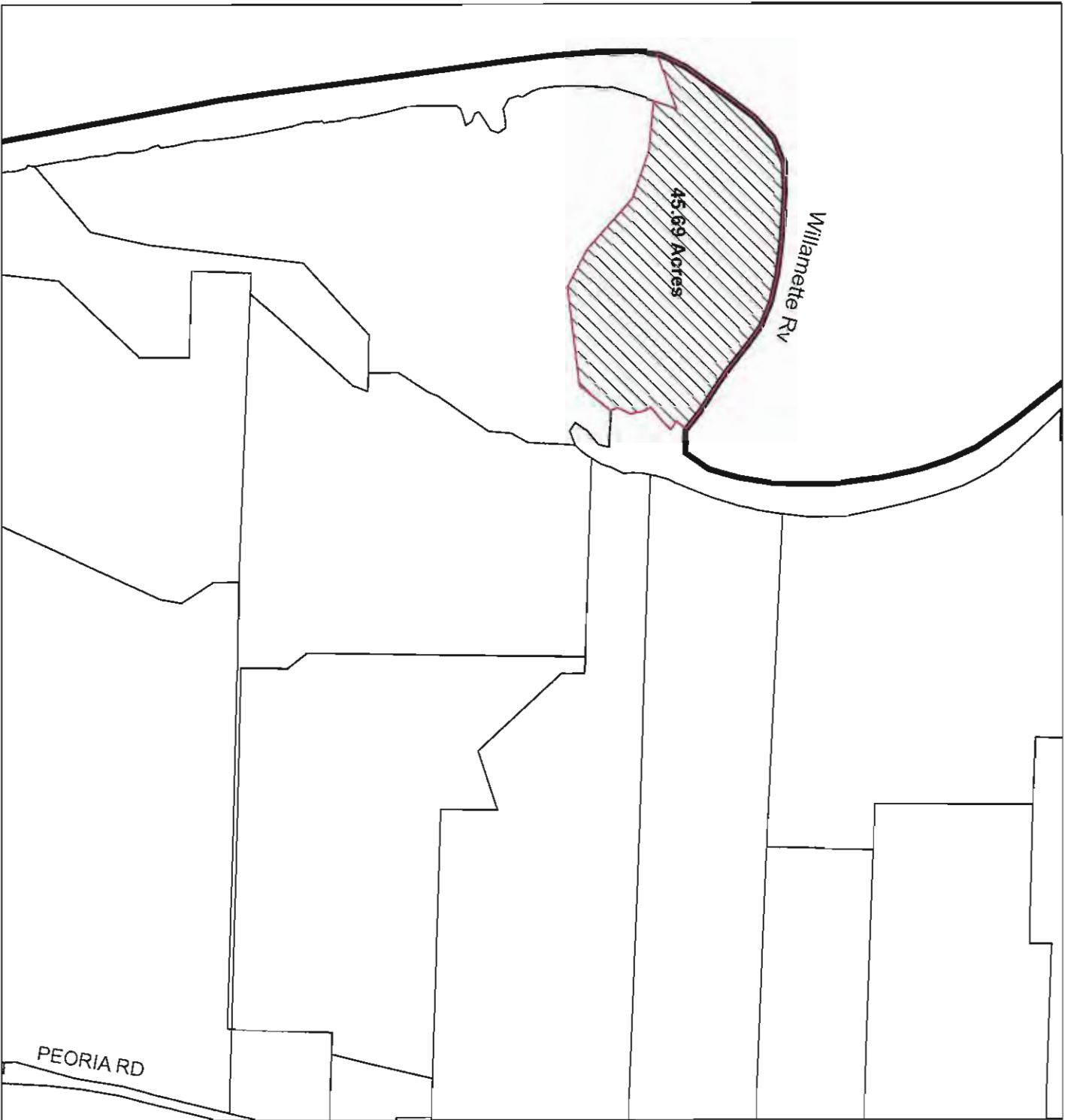


Exhibit 1-9

**Tax Lots:
13S04W30 00500**

**Comprehensive Plan
Designation:
Agricultural Resource**

**Zoning Designation:
Exclusive Farm Use**



EXHIBIT 2
Resolution and Order No. 2014-047
Planning File BC13-0003
Linn County
Comprehensive Plan Map Amendment and Zoning Map Amendment
Decision Criteria, Findings, and Conclusion

I. APPLICATION SUMMARY

Applicant seeks the following actions:

A Comprehensive Plan (Plan) map amendment and a zoning Map amendment to apply a Comprehensive Plan designation of Agricultural Resource and a Zoning Map designation of Exclusive Farm Use (EFU) to 26 properties not identified in the Comprehensive Plan and Zoning maps, identified as Tax Lot 200 on map T09S, R1W, Section 16; Tax Lot 1200 on map T09S, R1W, Section 21; Tax Lot 1100 on map T12S, R4W, Section 7; Tax Lots 800, 900, 1000, 1100, 1200, & 1300 on map T12S, R4W, Section 18; Tax Lots 200 & 600 on map T12S, R4W, Section 19; Tax Lots 2700, 2800, 2900, 3000 on map T12S, R5W, Section 1; Tax Lots 100, 200, 300, & 500 on map T12S, R5W, Section 12; Tax Lots 100, 200, & 300 on map T12S, R5W, Section 13; Tax Lots 500 & 600 on map T13S, R4W, Section 18; Tax Lot 1500 on map T13S, R4W, Section 19; and Tax Lot 500 on map T13S, R4W, Section 30.

A copy of the complete application, the supplemental materials submitted by the Applicant and others in connection with this proceeding, together with the Staff Report prepared by the Linn County Planning and Building Department is included in the record.

II. DECISION CRITERIA

Linn County Code (LCC) 921.822, LCC 921.874, and LCC 905.120, and the Oregon Statewide Planning Goals, contain the decision criteria for use in this land use review.

LCC 921.822(A) Decision criteria for Zoning Map amendments

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

ANALYSIS: Both a zoning map amendment and a *Comprehensive Plan* map amendment is proposed with this application. The *Comprehensive Plan* amendment criteria described in 921.874 are addressed in the staff report. This criterion is satisfied.

LCC 921.874 Decision criteria for Plan Map amendments

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

ANALYSIS: The subject properties formerly located in Benton and Marion counties were all designated as agricultural resource land consistent with Statewide Planning Goal 3 on their respective county Comprehensive Plans. Benton County properties were designated as "Agriculture" and Marion County properties were designated as "Primary Agriculture". Both counties listed the properties with a zoning designation of Exclusive Farm Use (EFU). Comments received from the Marion County Planning Department and Benton County Planning Department confirms the Comprehensive Plan designation and zoning of the subject properties at the time the properties were transferred to Linn County. Benton County confirms that the historical Comprehensive Plan designation of the affected properties was Agriculture, with the most recent Comprehensive Plan map update done in the year 2000. Marion County states in its comments that the affected properties were zoned Exclusive Farm Use as far back as October 17, 1979. Applying a Comprehensive Plan designation of Agricultural Resource and a zoning designation of Exclusive Farm Use is consistent with the applicable Comprehensive Plans in Benton and Marion counties, as well as the historical land use designation of the subject properties.

All of the Linn County properties adjacent to the subject properties are designated as Agricultural Resource and zoned Exclusive Farm Use. Based on Geographic Information Systems (GIS) aerial photography, the current and former employment of the land has been farm use. An Agricultural Resource designation and application of the Exclusive Farm Use zone will ensure that the primary use of the properties will be for farm uses, consistent with the plans the properties were previously designated under and consistent with adjacent properties. The application of an Agricultural Resources Comprehensive Plan designation and an Exclusive Farm Use zoning designation will ensure continued compliance with the agricultural policies described in LCC 905.120 and the Oregon Statewide Planning Goals.

FINDING: Based on the analysis above, the Board finds this criterion is met.

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

ANALYSIS: Applying a designation of Agricultural Resource and a zoning designation of Exclusive Farm Use is consistent with surrounding land use and zoning on land abutting the subject properties. All the Linn County properties adjacent to the subject properties have been designated as Agricultural Resource and zoned Exclusive Farm Use (EFU) since September 2, 1980. The subject properties are primarily used as farm land, with the exception of a pre-existing aggregate site approved by Benton County, a property owned by Oregon State Parks owned, and a federally-owned property. Adjacent uses are predominantly farming. US Geologic Survey imagery as far back as May 6, 1994 confirms that the subject and adjacent properties have been predominately used for farming. Any new conditional uses proposed within the proposed EFU zoning designation are required to follow all applicable land use processes, as determined by the Linn County Code, Comprehensive Plan, and applicable Oregon land use laws to determine if the proposed uses would impact the overall land use pattern in the area.

FINDING: Based on the analysis above, the Board finds this criterion is met.

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

ANALYSIS: The properties are not located within a city's adopted urban growth boundary. This criterion is not applicable.

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

ANALYSIS: Properties from Benton County are adjacent to the Willamette River and properties from Marion County are adjacent to the North Santiam River. Both rivers are classified as riparian habitat areas, as well as sensitive fish habitat areas. The properties abutting the Willamette River also lie within the Willamette River Greenway, which is protected by Statewide Planning Goal 15. Any development on properties adjacent to riparian habitats is required to comply with riparian development standards, including a setback of 50 feet from the top of the bank of the riparian area. Any development of property within the Willamette River Greenway is required to comply with additional development standards, including a 100-foot setback from the ordinary high water line of the Willamette River. None of the subject properties are located within a sensitive wildlife habitat area.

Oregon Department of State Lands (DSL) was notified of the proposed amendment and submitted comments indicating that all of the subject properties are located within the 100-year floodplain. DSL also notes that a wetland determination or delineation is recommended prior to site development on all the subject properties. DSL would be notified of proposed site development at the time of a local land use review on the subject property. Any DSL requirements must be met before any site development permits would be issued by the Linn County Planning and Building Department. Oregon Department of Fish and Wildlife was also notified of the proposed amendments and did not submit comments into the record.

The proposed amendment will not have a significant adverse impact on sensitive fish or wildlife habitat because these areas are protected and require a higher development standard, regardless of the zoning of the property. Federal, state and local regulations are in place to monitor and protect these habitat areas. The application of an Agricultural Resource designation and Exclusive Farm Use zone will allow the county to further monitor the subject properties to ensure that farm uses and new development associated with farm uses will be compliant with riparian and wildlife habitat development standards and to ensure that there is slight to no impact on these areas.

FINDING: Based on the analysis above, the Board finds this criterion is met.

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

ANALYSIS: All of the subject properties are currently served by the Linn County Sheriff's Department. The Sheriff's Department was provided notice of the proposal but did not submit comments. Two of the subject properties are located within the Mill City Rural Fire District (T09S, R1W, Section 16, Tax Lot 200 & T09S, R1W, Section 21, Tax Lot 1200). One of the subject properties is located within the Halsey-Shedd Rural Fire District (T12S, R4W, Section 19, Tax Lot 200). The remaining properties are not located within a Linn County fire district.

No drainage from a property is permitted to negatively impact a down slope property. Application of a Comprehensive Plan designation and zoning district to the subject properties, by itself, will have no impact on drainage. However, future development would have to comply with building regulations regarding storm drainage. Storm drainage issues are addressed during the building plan and construction phase of development.

It is unknown what types of sanitary facilities currently exist on any of the subject properties. Applying a Comprehensive Plan designation and zoning district would not necessarily have an impact on existing sanitary facilities; however, any new development on any of the subject properties would require an evaluation by the Linn County Environmental Health Program (EHP). EHP submitted comments that they had no concerns over the proposed Comprehensive Plan map and zoning map amendments.

FINDING: Based on the analysis above, the Board finds this criterion is met.

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

ANALYSIS: Access to the subject properties is via Linn County roads or private roads. The Linn County Road Department had no comments regarding the proposed amendments. Application of an Agricultural Resource Comprehensive Plan designation and an Exclusive Farm Use zone would not necessarily prohibit the establishment or improvement of existing roads. LCC Chapter 928 details what types of road improvements are permitted and which types require a ministerial or conditional land use review. The establishment of new private roads requires a land use review to ensure compliance with County development standards and must be found to be in compliance with LCC Chapter 935. The application of a Comprehensive Plan designation and zoning district does not necessarily affect the review process for the establishment of a new private road.

Current uses of the property would have already impacted the transportation facilities in the area, as the properties have been within the boundary of Linn County since 2003. Future development on the subject properties may require a review by the Linn County Road Department, at the minimum, to ensure the proposed uses have adequate access and to ensure any existing access is adequate to support the existing and proposed uses.

FINDING: Based on the analysis above, the Board finds this criterion is met.

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

ANALYSIS: There are no potential geologic hazards identified on any of the subject properties (Bulletin 84, Environmental Geology of Western Linn County Oregon); therefore, there should be no significant adverse effects on land uses permitted through this amendment.

All of the subject properties are located within an identified flood hazard area according to the *Federal Emergency Management Agency (FEMA) Flood Insurance Study for Linn County, Oregon and Incorporated Areas* dated September 29, 2010. The Linn County Floodplain Manager was notified of the proposed amendments and did not submit

comments regarding adverse impacts. New construction on the subject properties would be required to comply with LCC Chapter 870, Floodplain Management Code. Compliance with floodplain development standards is required by federal law. The application of an Agricultural Resource Comprehensive Plan designation and an Exclusive Farm Use zoning designation to the subject properties does not exempt the properties from compliance with floodplain development standards. Any permitted or conditional uses approved on the subject properties must comply with applicable floodplain development standards.

The water quality or the presence of existing wells on the subject properties is unknown. Oregon Water Resources Department regulates the establishment of new wells. Oregon Water Resources Department was notified of the proposed amendments and did not submit comments into the record. LCC Chapter 933 requires proof of adequate supply of potable water as a decision criterion. Proof of adequate supply of potable water is generally required to be provided to the Department prior to the issuance of development permits. Proof of water quality and quantity is dependent on the type of use proposed on the property. Because the need for this requirement is based on the proposed use of a property, there should be no significant adverse impact to the land uses allowed as part of this amendment.

FINDING: Based on the analysis above, the Board finds this criterion is met.

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

ANALYSIS: A goal exception is not required because the properties are proposed to be designated Agricultural Resources on the Linn County Comprehensive Plan map and zoned Exclusive Farm Use. This is consistent with the prior Comprehensive Plan designation and zoning district assigned to the subject properties by Benton and Marion Counties, which was acknowledged by the State of Oregon. The proposed designations are also consistent with the land adjacent to the subject properties. An exception would only be required if the properties were proposed to be designated something other than Agricultural Resource and proposed to be zoned something other than Exclusive Farm Use.

FINDING: Based on the analysis above, the Board finds this criterion is met.

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

ANALYSIS:

Goal 1: Citizen Involvement. The proposal will be reviewed during public hearings before the Linn County Planning Commission and the Linn County Board of Commissioners. The hearings will provide opportunity for citizen involvement. Notice of the hearings was provided to surrounding landowners and affected agencies in the manner specified in the Linn County Code and State law. Property owners within 1,000 feet of the subject properties and affected public agencies were provided written notice.

Goal 2: Land Use Planning. Linn County has an acknowledged comprehensive plan and implementing Code. The Plan and Code establish procedures to amend the Linn County Comprehensive Plan and zoning maps. The Planning and Building Department has determined the application is complete and in compliance with Chapter 921 of the Linn County Code, as demonstrated in the staff report.

Goal 3: Agricultural Lands. The subject properties will be designated on the Comprehensive Plan as Agricultural Resource and will have a zoning designation of Exclusive Farm Use (EFU). Benton and Marion counties had the subject properties designated for agricultural use within their Comprehensive Plans and within their land development ordinances. The subject properties have historically been designated for agricultural uses, both in Benton and Marion counties. The properties have generally and are currently employed predominately for farm uses. The subject properties meet the definition of agricultural land as defined in Oregon Administrative Rules (OAR) 660-033-0020.

Goal 4: Forest Lands. Goal 4 does not apply to the proposed Comprehensive Plan map and zoning map amendments because the properties are being designated as Agricultural Resource and are proposed to be zoned Exclusive Farm Use.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources. Goal 5 requires that the county protect natural resources and lists riparian areas, fish and wildlife habitats, wetlands, mineral and aggregate sites, and scenic waterways, among other resources, as protected by Goal 5. The subject properties are all adjacent to fish habitats and riparian habitats, with two of the subject properties being adjacent to the North Santiam River and the remaining twenty-four properties adjacent to the Willamette River. A pre-existing aggregate site (formerly Morse Brothers, now known as Knife River), determined by Benton County (PC-99-05) and acknowledged by Oregon Department of Land Conservation and Development to be a significant aggregate resource site, was transferred to Linn County as part of the boundary adjustment in 2003.

Oregon DSL was notified of the proposed amendments and submitted comments that confirm that the subject properties either contain hydric soils or wetlands and that any proposed development on the subject properties will require either a wetland determination or delineation prior to site development on all the subject properties. DSL would be notified of proposed site development at the time of a local land use review on the subject property. Any DSL requirements must be met before any site development permits would be issued by the Department. Oregon Department of Fish and Wildlife was notified of the proposed amendments and did not submit comments into the record.

Policies in the Linn County Comprehensive Plan, as well as criteria and development standards in the Linn County Code are adopted to minimize impacts to protected Goal 5 resources. These same processes are also in place to ensure that proposed development within the County is reviewed in accordance with applicable local, state, and federal regulations to protect these same resources.

Goal 6: Air, Water and Land Resources Quality. The proposed amendments do not necessarily impact air, water, or land resources quality. Generally, this type of impact is reviewed at the time a development permit is submitted to the Department. Local, state, and federal agencies are notified of proposed development on a particular property during the land use review process. All local, state, and federal requirements put in place to mitigate any potential concerns regarding air, water or land resource quality must be satisfied before site development permits can be issued.

Goal 7: Areas Subject to Natural Disasters and Hazards. There are no areas subject to Natural Disasters and Hazards identified on the site. Therefore, Planning Goal 7 does not apply to this amendment.

Goal 8: Recreational Needs. The State Parks Department was notified of the proposed amendments and did not submit comments into the record. One of the subject properties is owned by the Oregon State Parks Department. It is now known if the property owned by

State Parks Department is ever proposed to be used as a recreational site. The remainder of the properties are privately owned ground and predominately farmed. These lands are not available for public recreational needs.

Goal 9: Economic Development. The proposed amendments are consistent with previous designation and zoning of the property. The subject properties have historically and currently been actively farmed, which provides economic opportunity for local farmers within Linn County and the potential for economic growth within the local agricultural area.

Goal 10: Housing. These map amendments do not involve the establishment of any additional dwellings. The subject properties have been historically designated for agricultural use. To site a dwelling within the Exclusive Farm Use requires a land use review to determine if the dwelling will impact the surrounding farm and forest uses. To designate the subject properties something other than Agricultural Resource and zone them something other than Exclusive Farm Use requires an exception to Statewide Planning Goal 3 and possibly an exception to Statewide Planning Goal 14.

Goal 11: Public Facilities and Services. All of the subject properties are currently served by the Linn County Sheriff's Department. The Sheriff's Department was provided notice of the proposal and did not submit comments into the record. Two of the subject properties are located within the Mill City Rural Fire District and one of the subject properties is located within the Halsey-Shedd Rural Fire District. The remaining properties are not located within a Linn County fire district.

Access to the subject properties is via Linn County roads or private roads. The Linn County Road Department had no comments regarding the proposed amendments. Public water and sewer facilities are not a part of this application. The proposed map amendments should not impact the accessibility of public facilities and services for rural uses. Any new land uses are evaluated to determine the level of public facilities available to support the proposed use.

Goal 12: Transportation. The Linn County Road Department had no comments regarding the proposed amendments. None of the proposed map amendments would necessarily impact private, county, or state roads. Because the properties transferred to Linn County in 2003, any major impact to private, local, or state roads would have already been established. Some form of an access review, either by the Linn County Planning and Building Department or other County or State permitting agency, regulates road improvements, impacts to local roads, and the establishment of new access consistent with County development standards and State law.

Goal 13: Energy Conservation. The proposed Comprehensive Plan map and zoning map amendments are for properties that have little to no development currently established. Future development of any of the subject properties would be subject to land use review criteria that ensure development standards such as setbacks, density, and lot size maximize energy efficiency and promote energy conservation.

Goal 14: Urbanization. The subject properties are not proposed or available for urbanization. Goal 14 does not apply to this amendment.

Goal 15: Willamette River Greenway. Some of the subject properties are located within the Willamette River Greenway, as defined in ORS 390. Linn County requires land use review to ensure that proposed development will have either minimal or no impact to the Greenway plan area. Any development of those properties within the Willamette River Greenway is

required to comply with the criteria in LCC 931.600-931.680 and the development standards listed in LCC 934.800 and 934.850.

Goal 16: Estuarine Resources; Goal 17: Coastal Resources; Goal 18: Beaches and Dunes. Linn County does not have any estuaries, coastal shorelines, beaches or dunes. Goals 16, 17, and 18 do not apply in Linn County.

FINDING: Based on the analysis above, the Board finds this criterion is met.

III. CONCLUSION

Based on the analysis contained in the staff report, the complete hearing record, and the findings of fact identified in Section II above, the Board concludes that the proposed Plan Map and Zone Map amendments comply with all applicable decision criteria in Linn County Code, Oregon Revised Statute, and Oregon Administrative rule. The Board orders that Ordinances be prepared to adopt the proposed Plan Map and Zone Map designations on the subject properties.