



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: June 22, 2015

Jurisdiction: Linn County

Local file no.: BC 15-0003

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/19/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

FOR DLCD USE
File No.: 003-15
{ 23732 }
Received: 6/19/2015

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.: **BC15-0003**

Date of adoption: 06/17/2015

Date sent: 6/19/2015

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): 04/7/2015

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:

Revised subsection (b) to read "(b) manufacturing of lumber, plywood, strandboard, paper, wood chips, shakes, and similar wood products;". Removed subsection "(c) temporary portable facility for processing of forest products."

Local contact (name and title): Alyssa Boles

Phone: 541-967-3816

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

Street address: 300 SW 4th Street, Rm 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 _____ 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.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T09S, R02E, Section 20D, Tax Lot 1101

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:

Linn County Code Section 930.320(C) [Urban Growth Area-Heavy Industrial (UGA-HI) uses permitted through a Type IIA conditional use review]

For a change to a zoning map:

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

Change from	to	Acres:
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:
---------------------------	--------------	----------------

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

List affected state or federal agencies, local governments and special districts: DLCD, ODOT, ODF, City of Brownsville, City of Harrisburg, City of Lebanon, City of Lyons, City of Mill City

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 Notice of Adoption, Linn County Resolution and Order 2015-171, Linn County Ordinance 2015-172

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

IN THE MATTER OF AN ORDINANCE)
AMENDING THE LINN COUNTY)
URBAN GROWTH AREA – HEAVY)
INDUSTRIAL (UGA-HI) ZONING CODE,)
CODIFIED AT LCC 930.320)

ORDINANCE NO. 2015-172
(Amending Code)
(BC15-0003)

WHEREAS, Linn County adopted Ordinance No. 80-335, as amended by 99-190 *et al.*, adopting an ordinance now codified as LCC 930 (Urban Growth Area Zone Code);

WHEREAS, The Board of County Commissioners for Linn County (Board) advertised notice that on May 27, 2015, it will consider proposed amendments to the Linn County Land Development Code (Code) to be codified at Title 9, Chapter 930.320 – UGA-HI Uses Permitted Through a Type IIA Conditional Use Review;

WHEREAS, The proposed Code text amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on May 12, 2015 and who voted 6-0 to recommend approval to the Board;

WHEREAS, At 10:00 a.m., on May 27, 2015, the Board opened the meeting for public comment and after considering all testimony in the matter reached a consensus to direct that the proposed text, as approved by the Board and substantially set forth in Exhibit 1, attached hereto, be placed in ordinance format for formal adoption;

WHEREAS, Findings in support of the proposed Code text amendments are attached to Resolution and Order No. 2015-171 and entitled Exhibit 2 (BC15-0003 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 Linn County Board of Commissioners, That:

Section 1. Amendment. LCC Chapter 930.320 (UGA-HI Uses Permitted Through a Type IIA Conditional Use Review) is amended as set forth in Exhibit 1 (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, June 17th, 2015.

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


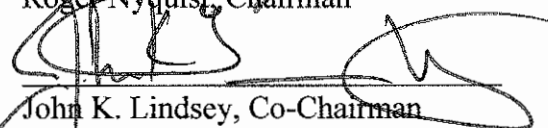
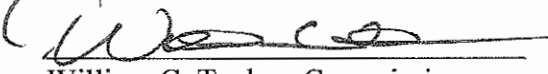
Public reading held June 17, 2015.

Adopted and passed June 17, 2015.

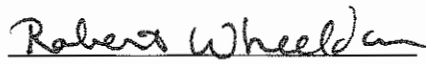
The effective date of this Ordinance shall be June 17, 2015.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

Signed June 17, 2015

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

APPROVED AS TO CONTENT:


Robert Wheeldon
Linn County Planning and Building Director

APPROVED AS TO FORM:

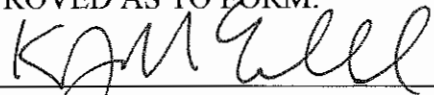

Deputy/County Attorney for Linn County

Exhibit 1
Ordinance No. 2015-172
(BC15-0003)

CHAPTER 930

URBAN GROWTH AREA ZONE CODE

///

III. URBAN GROWTH AREA - HEAVY INDUSTRIAL (UGA-HI) ZONING DISTRICT

930.320 UGA-HI uses permitted through a Type IIA conditional use review

- (A) The uses set forth in this section, including principal and accessory buildings, may be permitted in the UGA–HI zoning district subject to a Type IIA conditional use permit review process, if the decision criteria in LCC 933.250 to 933.260 are met.
- (B) Additional conditions or restrictions may be applied in accordance with the County/City urban growth management agreement between the affected city and the County.
- (C) Uses permitted through conditional review.
 - (1) Any use permitted in LCC 930.420.
 - (2) The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of products conducted fully or partially outside.
 - (3) Commercial retail sales/services integral to a use permitted in paragraph (1) of this subsection.
 - (4) One caretaker residence for a use permitted in LCC 930.430, subject to LCC 932.800 to 932.815.
 - (5) Slaughterhouses or rendering plants.
 - (6) Solid waste disposal sites, subject to LCC 932.500 to 932.580.
 - (7) Utility or energy-generating facilities.
 - (8) Fuel distribution facility.
 - (9) Storage of highly combustible, corrosive, toxic or explosive materials.
 - (10) Wrecking yard or junkyard.
 - (11) Staging areas, subject to LCC 932.700 to 932.770.
 - (12) Public use airports.
 - (13) Forest products
 - (a) Equipment repair and storage.
 - (b) Manufacturing of lumber, plywood, strandboard, paper, shakes, wood chips, and similar wood products.

EXHIBIT 2

BC15-0003

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS

I. Application, Hearing Process, and Decision Criteria

BC15-0003: an application by Wolfco Timber Services, LLC for a Zoning Code Text amendment to Linn County Code (LCC) Section 930.320(C) [Urban Growth Area-Heavy Industrial (UGA-HI) uses permitted through a Type IIA conditional use review] to add “Forest Products: (a) equipment repair and storage; (b) manufacturing of lumber, plywood, strandboard, paper, shakes, and similar wood products” as Type IIA conditional uses.

The Code text amendment application is classified as a Type IIIA Legislative application. The public notice, evidentiary, and legislative hearing processes were conducted as set forth in *LCC 921.130: Type IIIA Legislative Procedure*. The “hearing authority” in a Legislative Code text amendment is the Board of County Commissioners for Linn County (Board).

The Planning Commission (Commission) held a public hearing on this matter at 7:00 p.m., May 12, 2015. After considering the written and oral testimony presented at the Commission hearing, the Commission voted 6-0 to recommend that the Board approve the Zoning Code Text amendment to add: “Forest Products: (a) equipment repair and storage; (b) manufacturing of lumber, plywood, strandboard, paper, shakes, and similar wood products” as a Type IIA conditional use in the Urban Growth Area – Heavy Industrial (UGA-HI) zoning district.

The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on the proposed Code amendments, to be codified at Title 9, Chapter 934.320 – Linn County Urban Growth Area – Heavy Industrial (UGA-HI) Uses Permitted through a Type IIA Conditional Use Review, on May 27, 2015. After the close of the public hearing, the Board made a motion to modify the proposed text amendment to include the language “wood chips” under subsection (b) of the proposed amendment. The revised text would read: “Forest Products: (a) equipment repair and storage; (b) manufacturing of lumber, plywood, strandboard, paper, shakes, wood chips, and similar wood products” as a Type IIA conditional use in the Urban Growth Area – Heavy Industrial (UGA-HI) zoning district. The Board reached a consensus to direct County staff to prepare Ordinance documents for adoption of the proposed Code text amendments, as revised in the motion.

The applicable decision criteria are contained in LCC 921.824.

II. Decision Findings

Criterion: LCC 921.824(A)(1): The amendment is consistent with the intent and purpose statement of the affected Chapter or subchapter of the Land Development Code; and

Findings:

LCC 930.300 Statement of Purpose:

The Urban Growth Area-Heavy Industrial (UGA-HI) Zoning District Section 930.300, statement of purpose is: (A) The purpose of the UGA-Heavy Industrial (UGA-HI) zoning district is to provide areas appropriate for heavy industrial development which does not require full urban services. (B) The designation allows manufacturing and related businesses which have the potential for conflicts with surrounding land uses.

Outright uses in the UGA-HI zoning district are those uses permitted in the UGA Limited Industrial (UGA-LI) zoning district (see LCC 930.410). All other uses listed in the UGA-HI zone require a Type IIA conditional use review.

Within Linn County, the UGA-HI zone is within the urban growth boundaries of five cities: Brownsville, Harrisburg, Lebanon, Lyons, and Mill City. According to Linn County Geographical Information System (GIS) data, there are a total of 35 tax lots zoned UGA-HI. Evidence was submitted into the record that, upon annexation, lumber and wood processing facilities would be authorized either as an outright permitted use or a conditional use in the industrial zones of all five affected cities.

Linn County Code requires a conditional use permit review prior to authorization of most uses in the UGA-HI zone. LCC 933.250 contains applicable decision criteria that must be addressed in a conditional use review in the UGA-HI zone. The conditional use review process ensures that affected cities are given the opportunity to determine if the proposed use is compliant with their Comprehensive Plans. The conditional use review process also allows for the opportunity to address and mitigate potential impacts to surrounding properties and address applicable Code criteria and development standards. The County can approve or deny a request based on decision findings by determining if the application meets applicable criteria in the Linn County Code. Additionally, the land use review process allows the County to determine if the proposed use is consistent with the statement of purpose of the UGA-HI zoning district.

Based on these facts, the Board finds the text amendment is consistent with the intent and purpose statement of the Urban Growth Area-Heavy Industrial (UGA-HI) Zoning District (LCC 930.300).

Criterion: [LCC 921.824(A)(2)]; *The amendment is consistent with the intent of the policies within the applicable section(s) of the Comprehensive Plan.*

Findings: Because the text amendment impacts properties located within the urban growth boundaries of five affected cities, the Comprehensive Plan of the city whose urban growth area the property is located within applies for the purposes of land use policy. The text amendment affects the following five cities: Brownsville, Harrisburg, Lebanon, Lyons, and Mill City. Evidence submitted into the record indicates that all of the affected properties are designated as Industrial in the Comprehensive Plans of all the affected cities. Department staff verified this information with local jurisdictions prior to the public hearing.

Notice was sent to all five jurisdictions regarding the proposed text amendment to determine compliance with the applicable sections of each city's Comprehensive Plan. One comment was received from the City of Mill City that the proposed text amendment is consistent with the Mill City Comprehensive Plan. The cities of Brownsville, Harrisburg, Lebanon, and Lyons did not submit comments regarding the proposed text amendment. The applicant's representative, Peter Idema, testified at the Board hearing that he had been in contact with all the cities affected by the proposed text amendment. Mr. Idema stated that based on conversations with city staff and Comprehensive plan information available, it was his conclusion that the proposed text amendments are consistent with all applicable Comprehensive Plan policies.

Although the Linn County Comprehensive Plan does not control the zoning of the affected properties, the applicant addressed potentially relevant sections of the Industrial Lands and Urbanization elements of the Linn County Comprehensive Plan. The Industrial Land section of the County Comprehensive Plan and its policies support expansion and development of industrial uses in locations that can support such activities as determined through a review process to be compatible with other land uses. The procedures set forth in the Urbanization section of the County Comprehensive Plan, which call for the implementation of urban growth management agreements and land use coordination efforts between local jurisdictions will assure that each jurisdictional interest is properly considered and that a review process is followed as described in applicable urban growth boundary management agreements.

Linn County Code requires a conditional use permit review prior to authorization of Type IIA conditional uses in the UGA-HI zone. LCC 933.250 contains applicable decision criteria that must be addressed in a conditional use review in the UGA-HI zone. The conditional use review process ensures that affected cities are given the opportunity to determine if the proposed use is compliant with their Comprehensive Plans. The County can approve or deny a request based on decision findings by determining if the application meets applicable criteria in the Linn County Code, as well as if the proposed use is complaint with the intent of the policies within the applicable section(s) of the Comprehensive Plan of the affected city.

Based on these facts and testimony received at the public hearing, the Board finds the text amendment is consistent with this criterion.

III. Conclusion

Based on the record of the hearing before the Board of County Commissioners for Linn County (Board), and the Decision Findings identified above, the Board Concludes the proposed Code text amendments satisfy the applicable decision criteria in LCC 921.824. The Code text amendments are approved as revised.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY OREGON

**IN THE MATTER OF AMENDING THE)
LINN COUNTY LAND DEVELOPMENT)
CODE [LCC CHAPTER 930.320] _____)**

**RESOLUTION &
ORDER NO. 2015-171
(Planning and Building Department)
(BC15-0003)
(Findings and Conclusions)**

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on May 27, 2015, for the purpose of considering the matter of proposed Land Development Code (Code) text amendments to be codified at Title 9, Chapter 934.320 – Linn County Urban Growth Area – Heavy Industrial (UGA-HI) Uses Permitted Through a Type IIA Conditional Use Review;

WHEREAS, The proposed Code text amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on May 12, 2015, and who voted 6-0 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 set forth in Exhibit 1, attached hereto, be placed in ordinance format for formal adoption;

WHEREAS, The findings in support of the proposed Code text amendments are attached hereto as Exhibit 2 (BC15-0003 Decision Criteria, Findings and Conclusions); and now, therefore, be it

RESOLVED, That the Board of County Commissioners for Linn County approves the Code text as set forth in Exhibit 1, and the Findings and Conclusions as set forth in Exhibit 2; and

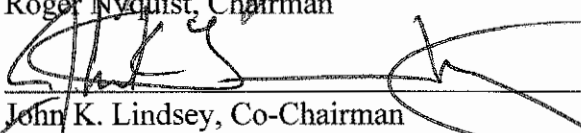
ORDERED, That the text set forth in Exhibit 1 be placed in ordinance format for formal adoption in compliance with ORS Chapter 215 by the Board of County Commissioners for Linn County.

Resolved this 17th day of June, 2015.


BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY



Roger Nyquist, Chairman

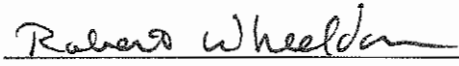


John K. Lindsey, Co-Chairman



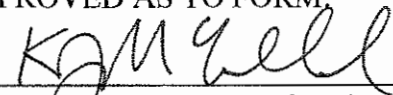
William C. Tucker, Commissioner

APPROVED AS TO CONTENT:



Robert Wheeldon
Director, Linn County Planning and Building

APPROVED AS TO FORM:



Deputy County Attorney for Linn County

Exhibit 1
Resolution & Order No. 2015-171
(BC15-0003)

CHAPTER 930

URBAN GROWTH AREA ZONE CODE

///

III. URBAN GROWTH AREA - HEAVY INDUSTRIAL (UGA-HI) ZONING DISTRICT

930.320 UGA-HI uses permitted through a Type IIA conditional use review

- (A) The uses set forth in this section, including principal and accessory buildings, may be permitted in the UGA–HI zoning district subject to a Type IIA conditional use permit review process, if the decision criteria in LCC 933.250 to 933.260 are met.
- (B) Additional conditions or restrictions may be applied in accordance with the County/City urban growth management agreement between the affected city and the County.
- (C) Uses permitted through conditional review.
 - (1) Any use permitted in LCC 930.420.
 - (2) The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of products conducted fully or partially outside.
 - (3) Commercial retail sales/services integral to a use permitted in paragraph (1) of this subsection.
 - (4) One caretaker residence for a use permitted in LCC 930.430, subject to LCC 932.800 to 932.815.
 - (5) Slaughterhouses or rendering plants.
 - (6) Solid waste disposal sites, subject to LCC 932.500 to 932.580.
 - (7) Utility or energy-generating facilities.
 - (8) Fuel distribution facility.
 - (9) Storage of highly combustible, corrosive, toxic or explosive materials.
 - (10) Wrecking yard or junkyard.
 - (11) Staging areas, subject to LCC 932.700 to 932.770.
 - (12) Public use airports.
 - (13) Forest products
 - (a) Equipment repair and storage.
 - (b) Manufacturing of lumber, plywood, strandboard, paper, shakes, wood chips, and similar wood products.