



Oregon

Kate Brown, 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: November 13, 2015

Jurisdiction: Linn County

Local file no.: BC 15-0006

DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/12/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 55 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.: 006-15 {23977}
Received: 11/12/2015

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.: **BC15-0006**

Date of adoption: 11/10/2015

Date sent: 11/12/2015

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): 8/19/2015

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:

The table was modified to adjust formatting.

Local contact (name and title): Alyssa Boles, Assistant Planner

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:

Both Linn County Comprehensive Plan Section 905.610(F) and Linn County Comprehensive Plan Chapter 905, Appendix 2 - Goal 14 Exception Sites were added as part of the Plan text amendment.

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):

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

List affected state or federal agencies, local governments and special districts: DLCD

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.

Resolution & Order 2015-337 and Ordinance 2015-338



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. **2015-337**
ORDINANCE NO. **2015-338**
FILE NO. **BC15-0006**
APPLICANT **Linn County**

PROPOSAL

An application by Linn County for a Comprehensive Plan Text Amendment to amend Linn County Comprehensive Plan Section 905.610 (Policies and policy implementation for urbanization) to add a policy regarding adopted Goal 14 exceptions and to add a list of Goal 14 Exception sites in Chapter 905, Appendix 2 (Exception Sites). The applicable decision criteria are contained in LCC 921.872.

BOARD ACTION: Resolution and Order 2015-337

On November 10, 2015, the Linn County Board of Commissioners (Board) voted 3-0 to approve Resolution and Order No. 2015-337 to: (1) Approve the Findings and Conclusions supporting the Board decision; (2) Order that the text to Linn County Comprehensive Plan Chapter 905 be modified to add 905.610(F) "Oregon Statewide Planning Goals allow local jurisdictions to adopt exceptions to Statewide Planning Goal 14 to allow specific urban uses on rural lands when certain criteria are met. The Statewide Planning goal exception standards are set out at ORS 197.732; Goal 2, Part II; OAR Chapter 660, Division 4; and OAR Chapter 660, Division 14. Linn County will maintain a list of properties for which a Goal 14 exception is adopted to allow specific urban uses on rural lands. The list of Goal 14 Exception properties is contained in Appendix 2 of this chapter"; and add a list of existing Goal 14 Exception sites in Chapter 905, Appendix 2; and (3) Order that the above text and list be placed in ordinance format for formal adoption in compliance with ORS Chapter 215 by the Board of County Commissioners for Linn County.

BOARD ACTION: Ordinance 2015-338

On November 10, 2015, the Linn County Board of Commissioners voted 3-0 to approve Ordinance 2015-338 to: (1) Amend the Linn County Comprehensive Plan Chapter 905 to add 905.610(F) "Oregon Statewide Planning Goals allow local jurisdictions to adopt exceptions to Statewide Planning Goal 14 to allow specific urban uses on rural lands when certain criteria are met. The Statewide Planning goal exception standards are set out at ORS 197.732; Goal 2, Part II; OAR Chapter 660, Division 4; and OAR Chapter 660, Division 14. Linn County will maintain a list of properties for which a Goal 14 exception is adopted to allow specific urban uses on rural lands. The list of Goal 14 Exception properties is contained in Appendix 2 of this chapter"; and add a list of existing Goal 14 Exception sites in Chapter 905, Appendix 2.

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. 2015-337 and Ordinance No. 2015-338 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
Robert Wheeldon
Director

11/10/15
Date

cc: DLCD

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY OREGON

**IN THE MATTER OF AMENDING THE)
LINN COUNTY COMPREHENSIVE)
PLAN [LCC CHAPTER 905])**

**RESOLUTION &
ORDER NO. 2015-337
(Planning and Building Department)
(BC15-0006)
(Findings and Conclusions)**

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on October 21, 2015, for the purpose of considering the matter of proposed Comprehensive Plan (Plan) text amendment to be codified at Title 9, Chapter 905.610 – Policies and policy implementation for urbanization and Chapter 905, Appendix 2 – Exception Areas;

WHEREAS, The proposed Plan text amendment had been previously considered by the Linn County Planning Commission at a duly advertised meeting on October 13, 2015, and who voted 7-0 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 and Exhibit 2, attached hereto, be placed in ordinance format for formal adoption;

WHEREAS, The findings in support of the proposed Plan text amendment are attached hereto as Exhibit 3 (BC15-0006 Decision Criteria, Findings and Conclusions); and now, therefore, be it

RESOLVED, That the Board of County Commissioners for Linn County approves the Plan text as set forth in Exhibit 1 and Exhibit 2, and the Findings and Conclusions as set forth in Exhibit 3; 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 this 10th day of November, 2015.

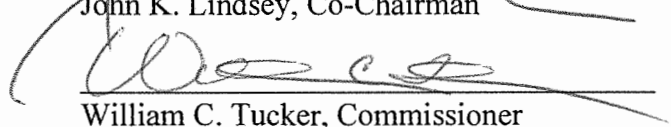
BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY



Roger Nyquist, Chairman

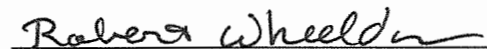


John K. Lindsey, Co-Chairman



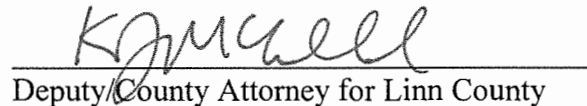
William C. Tucker, Commissioner

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. 2015-337
(BC15-0006)

CHAPTER 905

LAND USE ELEMENT CODE

IX. URBANIZATION

905.610 Policies and policy implementation for urbanization

(A) As previously discussed throughout the text of the Plan, the retention of resource land for resource use is of prime importance. To that end, various policy and implementation measures have been established which will separate and in some cases prohibit conflicting uses from occurring on resource lands. In order to identify, manage, and amend urban growth boundaries, the cities and county have entered into urban growth boundary management agreements (on file at the planning department).

(B) The cities and county have agreed to a formal process for review and action on development proposals and public improvement projects within the urban growth area. The cities will make recommendations to the county on land use decision in the UGB involving: conditional use permits; planned unit developments; partitions; capital improvement programs; public improvements; and recommendations for designation of health hazard areas. On matters to be decided by the city involving the UGB such as annexations, capital improvement programs, transportation facility improvements or public facilities (water supply, sewer, and drainage system), recommendations will be provided by the county. In order to provide for an orderly and efficient urbanization process, the cities will not provide sewage service outside of their UGBs unless a public health hazard exists.

(C) Additionally, the county will hold a public hearing when the city requests an enlarged UGB. The following factors shall be considered when a change of the boundaries is requested:

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
- (2) Need for housing, employment opportunities, and livability.
- (3) Orderly and economic provision for public facilities and services.
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area.
- (5) Environmental, energy, economic and social consequences.
- (6) Retention of agricultural land as defined, with class I being the highest priority for retention and class VI the lowest priority.
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.

(D) Further, several cities have established "planning areas" outside their UGBs which contain lands key to future urbanization. While these lands may not be presently needed inside the UGB, the cities are concerned with their development. The cities' right to review and comment on county land use decisions within the planning area is secured within the UGB management agreement.

(E) The Urban Growth Management (UGM) district is intended to protect and retain the urban growth area for future urban development.

(F) Oregon Statewide Planning Goals allow local jurisdictions to adopt exceptions to Statewide Planning Goal 14 to allow specific urban uses on rural lands when certain criteria are met. The Statewide Planning goal exception standards are set out at ORS 197.732; Goal 2, Part II; OAR Chapter 660, Division 4; and OAR Chapter 660, Division 14. Linn County will maintain a list of properties for which a Goal 14 exception is adopted to allow specific urban uses on rural lands. The list of Goal 14 Exception properties is contained in Appendix 2 of this chapter.

Exhibit 2
Resolution & Order No. 2015-337
(BC15-0006)

Linn County Comprehensive Plan Chapter 905, Appendix 2
 Goal 14 Exceptions

Site	Property Identification	Ordinance Number	Planning File	Description
U-1	Multiple Exception Sites	Ordinance 92-372	N/A	Minimum lot size standards
U-2	UD-I & UD-II Zones	Ordinance 92-622	CP-2-92/93 AND ZA-2-92/93	UD-I & UD-II adoption
U-3	10S-03W-27-300, 10S-03W-28-1700, 1800, 1900, 10S- 03W-21D-1700, 1600 & 900	Ordinance 2005-138	BC04-0004	ODOT/I-5 Corridor & Interchange
U-4	13S-02W-31-702	Ordinance 2010-259	BC09-0002	Jones/Brownsville
U-5	12S-03W-04-00607	Ordinance 2011-028	BC10-0005	Pinecone/Virk, LLC
U-6	13S-01E-28BA-1300	Ordinance 2014-415	BC14-0003	Pearce/Sweet Home
U-7	11S-03w-33-00300 11S-03W-33-00501 11S-03W-33-00502 11S-03W-33-00503	Ordinance 2014-356	BC14-0004	Selmet

EXHIBIT 3

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS RESOLUTION & ORDER 2015-337 BC15-0006

I. Application, Hearing Process, and Decision Criteria

BC15-0006: an application by Linn County for a Comprehensive Plan (Plan) Text Amendment to amend Linn County Comprehensive Plan Section 905.610 (Policies and policy implementation for urbanization) to add a new policy regarding adopted Goal 14 exceptions. The amendment also proposes to add a list of Goal 14 Exception sites in Chapter 905, Appendix 2 (Exception Sites).

The Plan 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., October 13, 2015. After considering the written and oral testimony presented at the Commission hearing, the Commission voted 8-0 to recommend that the Board approve the Plan Text amendment to add a new policy in Linn County Comprehensive Plan Section 905.610 [Policies and policy implementation for urbanization] and a list of existing Goal 14 Exception sites in Linn County Comprehensive Plan Chapter 905, Appendix 2.

The Board conducted a duly advertised public hearing on the proposed Plan text amendments, to be codified at Title 9, Chapter 905 – Urbanization – Policies and policy implementation for urbanization, on October 21, 2015. After the close of the public hearing, the Board made a motion to approve the proposed text amendment to add the language as a new policy found at LCC 905.610(F): “Oregon Statewide Planning Goals allow local jurisdictions to adopt exceptions to Statewide Planning Goal 14 to allow specific urban uses on rural lands when certain criteria are met. The Statewide Planning goal exception standards are set out at ORS 197.732; Goal 2, Part II; OAR Chapter 660, Division 4; and OAR Chapter 660, Division 14. Linn County will maintain a list of properties for which a Goal 14 exception is adopted to allow specific urban uses on rural lands. The list of Goal 14 Exception properties is contained in Appendix 2 of this chapter.”

The Board also made a motion to approve a list of existing Goal 14 Exception sites to be added to Linn County Comprehensive Plan Chapter 905, Appendix 2. The Board reached a consensus to direct County staff to prepare Ordinance documents for adoption of the proposed Plan text amendment.

The applicable decision criteria are contained in LCC 921.872.

II. Decision Findings

Criterion: LCC 921.872(A): The amendment is consistent with and does not alter the intent of applicable section(s) of the Comprehensive Plan.

Findings:

The following sections of the Comprehensive Plan apply to the proposed amendment:

900.500(C) Plan goals and policies; generally

The Urbanization section of the Land Use Element declares Linn County's policy on the conversion of land to urban uses.

The amendment includes a new policy that references the Goal 14 exception process, as described in Oregon Revised Statute (ORS) and Oregon Administrative Rule (OAR), to allow certain urban uses on rural lands, either as a built exception, an irrevocably committed exception or a reasons exception. The amendment also adds a list to Appendix 2 of Chapter 905 that identifies properties in Linn County for which a Goal 14 exception is adopted to allow specific urban uses on rural lands. The proposed amendment provides clarification regarding Linn County's policy on the conversion of land to urban uses by referencing applicable state laws that describe the Goal 14 exception process, as well as keeping a corresponding list. The amendment is consistent with this section.

902.300(B-C) Plan monitoring and amendment goals

(B) Maintain the data base with current information.

(C) Provide opportunities for amending the Comprehensive Plan and policies

The amendment will ensure that the Plan is maintained with the most current information, as any previously adopted, as well as future adopted Goal 14 exception sites would be maintained within the list in Chapter 905, Appendix 2. The amendment also clarifies the opportunities for amending the Comprehensive Plan text as part of the Goal 14 exception application process in Linn County. The amendment is consistent with this section.

905.600(C) Urbanization; background The urbanization process (transition from rural to urban land use) does not mean that all residential, commercial, and industrial activity will occur inside UGBs or city limits. Most intensive land uses requiring public facilities will be located within city limits or UGBs. Residential, commercial, and industrial activities outside of UGBs will be sited on the basis of locational and need criteria. These criteria are directed toward preservation of resource lands for resource uses and maintaining a scale of development consistent with rural land use.

This section summarizes that there is a process in place for siting of urban uses on rural lands, subject to applicable criteria. Oregon Statewide Planning Goals allow local

jurisdictions to adopt exceptions to Statewide Planning Goal 14 (Urbanization) to allow specific urban uses on rural lands when certain criteria are met. The applicable criteria for Goal 14 Exceptions are found in ORS 197.732; Goal 2, Part II; OAR Chapter 660, Division 4; and OAR Chapter 660, Division 14. The Urbanization Land Use Element of the Comprehensive Plan is the applicable section for any proposed Goal 14 Exception. The amendment creates a policy that cites the applicable criteria for a Goal 14 Exception and adopts a list in Chapter 905, Appendix 2 of properties in Linn County that have an adopted Goal 14 Exception to allow specific urban uses on rural land. The sites were found to be consistent with the applicable criteria in ORS and OAR, the Linn County Comprehensive Plan, and the Linn County Land Development Code at the time they were adopted. The amendment is consistent with this section.

Based on these facts, the Board finds the text amendment is consistent with and does not alter the intent of applicable section(s) of the Comprehensive Plan.

Criterion: LCC 921.872(B): The amendment is consistent with the statewide planning goals.

Findings:

Goal 1: Citizen Involvement. The proposal was reviewed during public hearings before the Linn County Planning Commission and the Linn County Board of Commissioners. The hearings provided opportunity for citizen involvement. The proposed amendment applies to the Comprehensive Plan text and not to individual properties. The review is legislative rather than quasi-judicial and is governed by LCC 921.135. Affected public agencies and the general public were provided written or published notice of this application.

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. The Department determined the application was complete and in compliance with Chapter 921 of the Linn County Code, as demonstrated in the record.

Goal 3: Agricultural Lands. Goal 3 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 4: Forest Lands. Goal 4 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources. Goal 5 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 6: Air, Water and Land Resources Quality. Goal 6 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 7: Areas Subject to Natural Disasters and Hazards. Goal 7 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 8: Recreational Needs. Goal 8 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 9: Economic Development. Goal 9 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 10: Housing. Goal 10 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 11: Public Facilities and Services. Goal 11 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 12: Transportation. Goal 12 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 13: Energy Conservation. Goal 13 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

Goal 14: Urbanization. The amendment creates a new policy (Exhibit A, page 1) in the Urbanization Land Use Element of Linn County Code Section 905.610 (Policies and policy implementation for urbanization), which requires the County to maintain a list of properties that have adopted Goal 14 exceptions to allow specific urban uses on rural lands when certain criteria are met. The amendment also adds a list (Exhibit A, page 2) contained in Chapter 905, Appendix 2.

OAR 660-014-0000 states the purpose of Goal 14 is “to clarify the requirements of Goal 14 and to provide guidance to...counties...regarding urban development on rural lands...”

The new policy and the resulting list would provide greater opportunity for accessibility and efficient management of information regarding specific urban development on rural lands within Linn County, which have been adopted and found to be consistent with the purpose of Goal 14.

Goal 15: Willamette River Greenway. Goal 15 does not apply to the Comprehensive Plan text amendment because the amendment affects only the Urbanization land use element of the Plan.

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.

Based on these facts, the Board finds the text amendment is consistent with statewide planning goals.

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 Comprehensive Plan text amendment satisfies the applicable decision criteria in LCC 921.872. The Comprehensive Plan text amendment is approved.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY

**IN THE MATTER OF AN ORDINANCE)
AMENDING THE LINN COUNTY)
COMPREHENSIVE PLAN,)
CODIFIED AT LCC 905.610 AND)
LCC CHAPTER 905, APPENDIX 2)**

**ORDINANCE NO. 2015-338
(Amending the Comprehensive Plan Text)
(BC15-0006)**

WHEREAS, Linn County proposed Comprehensive Plan (Plan) text amendments to adopt a new policy in the Urbanization section of Chapter 905 (Land Use Element Code) requiring the County to maintain of a list of properties for which a Goal 14 exception is adopted; and to adopt a list of properties with Goal 14 Exceptions in Plan Chapter 905, Appendix 2;

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on October 21, 2015, to consider testimony on the proposed amendments;

WHEREAS, The proposed amendments had been previously considered by the Linn County Planning Commission at a duly advertised meeting on October 13, 2015, and who voted 7-0 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, Findings in support of the proposed Plan text amendments are attached to Resolution and Order No. 2015-337 and entitled Exhibit 3 (BC15-0006 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. Comprehensive Plan Text Amendment. LCC Chapter 905.610 (Policies and policy implementation for urbanization) is amended as set forth in Exhibit 1 (**redline** indicates text that has been added to the Plan; **strikeout** indicates text that has been deleted from the Plan).

Section 2. Comprehensive Plan Text Amendment. LCC Chapter 905, Appendix 2 (Exception Areas) is amended to add the table set forth in Exhibit 2.

Section 3. Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 4. Effective date. To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption, November 10th, 2015.

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



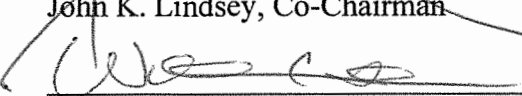
Public reading held November 10th, 2015.

Adopted and passed November 10th, 2015.

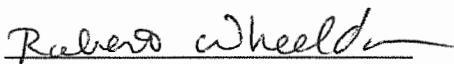
The effective date of this Ordinance shall be November 10th, 2015.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

Signed November 10th, 2015

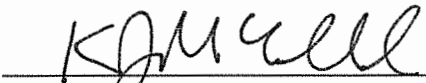
		Voting	
		<u>For</u>	<u>Against</u>
Steve Druckenmiller, Linn County Clerk Recording Secretary	 _____ Roger Nyquist, Chairman	X	_____
By _____	 _____ John K. Lindsey, Co-Chairman	X	_____
	 _____ William C. Tucker, Commissioner	X	_____

APPROVED AS TO CONTENT:



Robert Wheeldon
Linn County Planning and Building Director

APPROVED AS TO FORM:



Deputy/County Attorney for Linn County

Exhibit 1
Ordinance No. 2015-338
(BC15-0006)

CHAPTER 905

LAND USE ELEMENT CODE

IX. URBANIZATION

905.610 Policies and policy implementation for urbanization

(A) As previously discussed throughout the text of the Plan, the retention of resource land for resource use is of prime importance. To that end, various policy and implementation measures have been established which will separate and in some cases prohibit conflicting uses from occurring on resource lands. In order to identify, manage, and amend urban growth boundaries, the cities and county have entered into urban growth boundary management agreements (on file at the planning department).

(B) The cities and county have agreed to a formal process for review and action on development proposals and public improvement projects within the urban growth area. The cities will make recommendations to the county on land use decision in the UGB involving: conditional use permits; planned unit developments; partitions; capital improvement programs; public improvements; and recommendations for designation of health hazard areas. On matters to be decided by the city involving the UGB such as annexations, capital improvement programs, transportation facility improvements or public facilities (water supply, sewer, and drainage system), recommendations will be provided by the county. In order to provide for an orderly and efficient urbanization process, the cities will not provide sewage service outside of their UGBs unless a public health hazard exists.

(C) Additionally, the county will hold a public hearing when the city requests an enlarged UGB. The following factors shall be considered when a change of the boundaries is requested:

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
- (2) Need for housing, employment opportunities, and livability.
- (3) Orderly and economic provision for public facilities and services.
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area.
- (5) Environmental, energy, economic and social consequences.
- (6) Retention of agricultural land as defined, with class I being the highest priority for retention and class VI the lowest priority.
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.

(D) Further, several cities have established "planning areas" outside their UGBs which contain lands key to future urbanization. While these lands may not be presently needed inside the UGB, the cities are concerned with their development. The cities' right to review and comment on county land use decisions within the planning area is secured within the UGB management agreement.

(E) The Urban Growth Management (UGM) district is intended to protect and retain the urban growth area for future urban development.

(F) Oregon Statewide Planning Goals allow local jurisdictions to adopt exceptions to Statewide Planning Goal 14 to allow specific urban uses on rural lands when certain criteria are met. The Statewide Planning goal exception standards are set out at ORS 197.732; Goal 2, Part II; OAR Chapter 660, Division 4; and OAR Chapter 660, Division 14. Linn County will maintain a list of properties for which a Goal 14 exception is adopted to allow specific urban uses on rural lands. The list of Goal 14 Exception properties is contained in Appendix 2 of this chapter.

Exhibit 2
Ordinance No. 2015-338
(BC15-0006)

Linn County Comprehensive Plan Chapter 905, Appendix 2
 Goal 14 Exceptions

Site	Property Identification	Ordinance Number	Planning File	Description
U-1	Multitple Exception Sites	Ordinance 92-372	N/A	Minimum lot size standards
U-2	UD-I & UD-II Zones	Ordinance 92-622	CP-2-92/93 AND ZA-2-92/93	UD-I & UD-II adoption
U-3	10S-03W-27-300, 10S-03W-28-1700, 1800, 1900, 10S- 03W-21D-1700, 1600 & 900	Ordinance 2005-138	BC04-0004	ODOT/I-5 Corridor & Interchange
U-4	13S-02W-31-702	Ordinance 2010-259	BC09-0002	Jones/Brownsville
U-5	12S-03W-04-00607	Ordinance 2011-028	BC10-0005	Pinecone/Virk, LLC
U-6	13S-01E-28BA-1300	Ordinance 2014-415	BC14-0003	Pearce/Sweet Home
U-7	11S-03w-33-00300 11S-03W-33-00501 11S-03W-33-00502 11S-03W-33-00503	Ordinance 2014-356	BC14-0004	Selmet