



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: May 06, 2016

Jurisdiction: Linn County

Local file no.: BC16-0001

DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/04/2016. 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 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](mailto:plan.amendments@state.or.us)



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

FOR DLCD USE

File No.: 001-16 {24263}

Received: 5/4/2016

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.: **BC16-0001**

Date of adoption: 4/22/2016

Date sent: 5/4/2016

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): 1/25/2016

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 medical office was approved with a total size not to exceed 7,500 square feet, where a total size of 3,750 square feet was proposed.**

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

Phone: 541-967-3816

E-mail: [aboles@co.linn.or.us](mailto:aboles@co.linn.or.us)Street address: 300 SW 4<sup>th</sup> Street

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:

Adopt an exception to Statewide Planning Goal 14 by amending Linn County Code (LCC) Chapter 905 Appendix 2 - Exception Areas, Goal 14 Exceptions to add the subject property to a list of Goal 14 exception sites.

#### **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): T14S, R03W, Section 4, Tax lot 200

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:

Amend LCC Chapter 931.420(B) to add the use "Medical offices located in a building with a total size not to exceed 7,500 square feet" as a use within the Limited Use Overlay applied to the subejct property.

**For a change to a zoning map:**

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

Change from FIC	to FIC-LUO	Acres: 29.10
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: LUO          Acres added: 29.10          Acres removed: 0.00

Location of affected property (T, R, Sec., TL and address): T14S, R03W, Section 4, Tax lot 200

List affected state or federal agencies, local governments and special districts: DEQ, DSL, WRD, ODOT, DLCD, State Fire Marshal, City of Halsey, Halsey/Shedd Rural Fire Protection District, Linn County EHP, Linn County Road Department, Linn County Assessor

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 and Order
- Ordinance
- Findings Documents
- Map

FILED

APR 22 2016

STEVE DRUCKENMILLER, CLERK  
By  Clerk

LINN COUNTY, OREGON CJ2016-00118  
Commissioners' Journal 04/22/2016 3:00:00 PM



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

Steve Druckenmiller - County Clerk



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY OREGON

IN THE MATTER OF APPLICATIONS BY )  
SAMARITAN HEALTH SERVICES, INC. FOR )  
A PLAN TEXT AMENDMENT, A CODE TEXT )  
AMENDMENT, A ZONE MAP AMENDMENT, )  
AND THE APPLICATION OF A LIMITED USE )  
OVERLAY AFFECTING 29.10 ACRES OF LAND)

RESOLUTION &  
ORDER NO. 2016-071  
Planning and Building Department  
(BC16-0001)  
(Findings and Conclusions)

**WHEREAS**, Samaritan Health Services, Inc. filed applications requesting that the County approve a Comprehensive Plan (*Plan*) text amendment adopting an exception to Statewide Planning Goal 14, affecting 29.10 acres of land, and add the property to a list maintained in Linn County Code (Code) Chapter 905, Appendix 2 of adopted Goal 14 exception sites; adopt a Zoning map amendment to amend the Zoning map designation to apply a Limited Use Overlay (LUO) on the 29.10 acres of land; and adopt a Code text amendment identifying uses permitted on land in the proposed LUO and exception area found in Code Section 931.420(B). The affected land is identified on Linn County Assessor maps as a 29.10-acre portion of Tax Lot 200, in T14S, R03W, Section 4, Linn County, Oregon;

**WHEREAS**, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on March 30, 2016, 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 March 8, 2016, 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 adopt the proposed *Plan* text amendment, Code text amendment, and Zoning map amendment, as presented herein; and

**WHEREAS**, The findings in support of the proposed *Plan* text amendment, Code text amendment, and Zoning map amendment are attached hereto as Exhibit 2 (BC16-0001 Decision Criteria, Findings and Conclusion); and now therefore, be it

**RESOLVED**, That the Board of County Commissioners for Linn County approve the Findings and Conclusions set forth in Exhibit 2 (BC16-0001 Decision Criteria, Findings and Conclusions) as the basis of Resolution and Order No. 2016-072 and Ordinance No. 2016-071; and

**RESOLVED**, That the Board of Commissioners for Linn County approve the *Plan* text amendment, Code text amendment, and Zoning map amendment, affecting 29.10 acres of land identified as a portion of Tax Lot 200 on map T14S, R03W, Section 4, as identified in Exhibit 1; and

**ORDERED**, That LCC Chapter 905, Appendix 2 – Exception Areas, Goal 14 Exceptions, be amended to read as follows:

U-9 14S-03W-14-200 Ordinance 90-217, Ordinance 95-455, Ordinance 2016-071 BC16-0001 Pioneer Villa Truck Plaza


**ORDERED**, That Linn County Land Development Code Section LCC 931.420(B) be amended to add the following use:

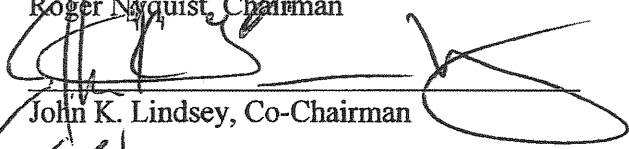
(9) Medical offices located in a building with a total size not to exceed 7,500 square feet

**ORDERED**, That the Linn County zoning map be prepared by county staff for amendment to designate a 29.10-acre portion of the land identified as Tax Lot 200 on Assessor map T14S, R03W, Section 4, Linn County, Oregon, as identified in Exhibit 1, as Freeway Interchange Commercial – Limited Use Overlay (FIC-LUO) on the Linn County zoning map.

Resolved this 20<sup>th</sup> day of April, 2016.

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

**FILED**

APR 22 2016

STEVE DRUCKENMILLER, CLERK  
By: *Steve Druckenmiller*  
Clerk

LINN COUNTY, OREGON CJ2016-00119  
Commissioners' Journal 04/22/2016 3:00:00 PM



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

Steve Druckenmiller - County Clerk



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY

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

ORDINANCE NO. 2016-072  
(Amending the *Plan* Text, Code Text, and Zoning Map)  
(Planning and Building Department)  
(BC16-0001)

**WHEREAS**, Samaritan Health Services, Inc. filed applications requesting that the County approve a Comprehensive Plan (*Plan*) text amendment adopting an exception to Statewide Planning Goal 14, affecting 29.10 acres of land, and add the property to a list maintained in Linn County Code (Code) Chapter 905, Appendix 2 of adopted Goal 14 exception sites; adopt a Zoning map amendment to amend the Zoning map designation to apply a Limited Use Overlay (LUO) on the 29.10 acres of land; and adopt a Code text amendment identifying uses permitted on land in the proposed LUO and exception area found in Code Section 931.420(B). The affected land is identified on Linn County Assessor maps as a 29.10-acre portion of Tax Lot 200, in T14S, R03W, Section 4, Linn County, Oregon;

**WHEREAS**, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on March 30, 2016, 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 March 8, 2016, and who voted 5-0 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**, The findings in support of this Ordinance are attached to Resolution and Order No. 2016-071 as Exhibit 2 (Decision Criteria, Findings and Conclusions); and now, therefore, be it

Ordained by the Linn County Board of Commissioners, That:

**Section 1. Comprehensive Plan Text Amendment.** LCC Chapter 905, Appendix 2 – Exception Areas, Goal 14 Exceptions, be amended to read as follows:

U-9 14S-03W-14-200 Ordinance 90-217, Ordinance 95-455, Ordinance 2016-072 BC16-0001 Pioneer Villa Truck Plaza

**Section 2. Code Text Amendment.** Linn County Land Development Code Section LCC 931.420(B) be amended to add the following use:

(9) Medical offices located in a building with a total size not to exceed 7,500 square feet

**Section 3. Zoning Map Amendment.** Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate a 29.10-acre portion of the land identified as Tax Lot 200 on Assessor map T14S, R03W, Section 4, Linn County, Oregon, as identified in Exhibit 1, as Freeway Interchange Commercial – Limited Use Overlay (FIC-LUO).

**Section 4. 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 5. 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 6. Effective Date.** To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption.

**Section 7. Codification.** Following adoption, this ordinance shall be codified pursuant to LCC Chapter 120.

Public reading held <sup>March</sup> April 30, 2016.

Adopted and passed April 20, 2016.


The effective date of this Ordinance shall be April 20, 2016.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

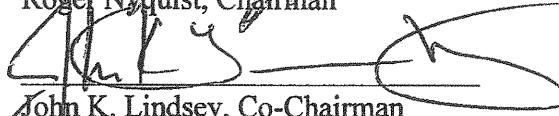
Signed April 20, 2016

Steve Druckenmiller,  
Linn County Clerk  
Recording Secretary

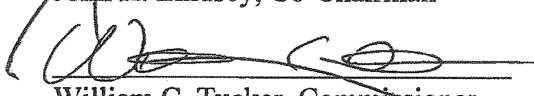
By 



Roger Nyquist, Chairman



John K. Lindsey, Co-Chairman



William C. Tucker, Commissioner

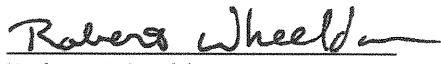
Voting  
For Against

X

X

X

APPROVED AS TO CONTENT:



Robert Wheeldon  
Linn County Planning and Building Director

APPROVED AS TO FORM:



Deputy/County Attorney for Linn County



## EXHIBIT 2

### DECISION CRITERIA, FINDINGS, AND CONCLUSIONS RESOLUTION & ORDER 2016-071 BC16-0001

#### I. Application, Hearing Process, and Decision Criteria

**BC16-0001;** Concurrent applications by Samaritan Health Services, Inc. for a Comprehensive Plan (*Plan*) text amendment, a Land Development Code (Code) text amendment, and a Zoning map amendment on a 29.10-acre portion of a 127.94-acre property. The subject property is identified as T14S, R3W, Section 4, Tax Lot 200 and is split-zoned Freeway Interchange Commercial (FIC) and Exclusive Farm Use (EFU). The Plan text amendment is for an exception to Statewide Planning Goal 14 (Urbanization) on the FIC zoned portion of the property in order to establish a 3,750 square foot medical office building. The LUO would be applied to the 29.10-acre portion of the property zoned FIC. The proposed amendments would result in 29.10 acres of the property zoned FIC-LUO and the remainder of the property zoned EFU.

The Planning Commission (Commission) held a public hearing on this matter at 7:00 p.m., March 8, 2016. After considering the staff analysis and the written and oral testimony presented at the Commission hearing, the Commission voted 5-0 to recommend that the Linn County Board of Commissioners (Board) approve the proposed *Plan* text amendment, Code text amendment, and Zoning map amendment as proposed in the staff report.

On March 30, 2016, the Board conducted a duly advertised public hearing on the proposed *Plan* text amendments, to be codified at Title 9, Chapter 905, Appendix 2; the proposed Zoning Map amendment to adopt a Limited Use Overlay (LUO) on the subject property, to be codified at Appendix 1, Zoning map, following Linn County Code (LCC) Chapter 920 [LCC 920.010(B)]; and a Code text amendment, to be codified at Title 9, Section 931.420(B) –LUO: additional uses permitted outright on specific LUO properties.

After the close of the public hearing, the Board made findings and adopted a motion to approve the Plan text amendments, approve the proposed LUO, and permit a 7,500 square foot medical office building to be located within the LUO. The Board voted 3-0 to adopt a motion to approve the *Plan* text amendment as revised, Code text amendment as revised, and the Zoning map amendment as proposed. The Board reached a consensus to direct County staff to prepare Ordinance documents for adoption of the proposed *Plan* text amendment as revised in the motion, Code text amendment as revised in the motion, and Zoning map amendment.

The adopted Plan text amendments add the following language to the table of Goal 14 Exception sites maintained in Linn County Comprehensive Plan Chapter 905, Appendix 2:

“U-9 14S-03W-14-200 Ordinance 90-217, Ordinance 95-455, Ordinance 2016-072  
BC16-0001 Pioneer Villa Truck Plaza”

The adopted Zoning map amendment designates a 29.10-acre portion of the land identified as Tax Lot 200 on Assessor map T14S, R03W, Section 4, Linn County, Oregon, as Freeway Interchange Commercial – Limited Use Overlay (FIC-LUO) on the Linn County Zoning map.

The adopted Code text amendment adds the following language to Linn County Code (LCC) Section 931.420(B) - LUO; additional uses permitted outright on specific LUO properties:

“(9) Medical offices located in a building with a total size not to exceed 7,500 square feet”

The Board by consensus directed County staff to prepare Ordinance documents for adoption of the proposed Plan text amendment, Code text amendment, and Zoning map amendment.

The applicable decision criteria are contained in Linn County Code (LCC) Sections 921.822(B), 921.824, and 921.872, Oregon Administrative Rules (OAR) 660-004-0020(2) and 660-014-0040(3), and the Oregon Statewide Planning Goals.

## II. Decision Findings

### **Section 921.822(B) – Decision criteria for Zoning map amendments**

**Criterion:** LCC 921.822(B)(1): The presence of development limitations including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability, do not significantly adversely affect development permitted in the proposed zoning district;

**Findings:** There are no potential geologic hazards identified on the subject property; therefore, there should be no significant geologic hazard related adverse effects on land uses permitted through this amendment.

Approximately 60.13 acres of the property is located within an identified flood hazard area, including portions of the subject 29 acres. The Linn County Floodplain Manager was notified of the proposed amendments and did not submit comments as of the date this staff report was prepared. New construction within the flood hazard area would be required to comply with LCC Chapter 870, Floodplain Management Code. The application of an LUO on the subject property does not exempt the property from compliance with floodplain development standards. Any permitted or conditional uses proposed on the subject property must comply with applicable floodplain development standards.

Pioneer Villa Truck Plaza contains an existing permitted public water system. The applicant has submitted a copy of the Oregon Water Resources Department (WRD) permit to appropriate public water. Oregon WRD was notified of the proposed amendments and did not submit comments. The Oregon Health Authority Public Drinking Water Program regulates water quality and quantity for public water systems. Information available from the Drinking Water program appears to demonstrate that the property is in compliance with program requirements.

Wastewater from the Pioneer Villa Truck Plaza development is disposed of in a treatment facility consisting of a two-cell lagoon with a two-acre surface area. A 12-acre solid set irrigation disposal system is also used. The treatment facility currently operates under a Department of Environmental Quality (DEQ) discharge permit. The application includes a copy of the Water Pollution Control Facilities Permit (WPCF) currently on file with DEQ. The current WPCF permit expires on November 3, 2021. DEQ and the Linn County Environmental Health Program (EHP) were notified of the proposed amendments and did not submit comments.

Based on these facts, the Board finds the Zoning map amendment is consistent with this criterion.

**Criterion:** LCC 921.822(B)(2): The amendment will result in a development pattern having no significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities;

**Findings:** Police protection for the property is provided by the Linn County Sheriff's Department. The property is located within the Halsey-Shedd Rural Fire Protection District and receives fire protection from the district. The Linn County Sheriff's Office expressed no concern regarding the proposed amendments. The Halsey-Shedd Rural Fire Department was notified of the proposed amendments and did not submit comments.

Storm water drainage is typically addressed when a building permit is issued. Development is required to provide for storm water drainage, which is not permitted to flow directly onto adjoining properties.

The property has frontage and access on Highway 228, a state highway. Oregon Department of Transportation (ODOT) regulates access and traffic control along state highways. ODOT was provided notice of the proposal and did not submit comments. Linn County Road Department was provided notice of the proposal and expressed no concern regarding the proposed amendments. Any new development on the property would be subject to ODOT permitting requirements and would be reviewed prior to site development.

Based on these facts, the Board finds the Zoning map amendment is consistent with this criterion.

**Criterion:** LCC 921.822(B)(3): The amendment will result in a development pattern compatible with uses on nearby lands and will have no significant adverse impact on the overall land use pattern in the area;

**Findings:** Adjacent properties are zoned Exclusive Farm Use. The Pioneer Villa Truck Plaza has operated on the subject property since 1963.

Previous *Plan* text amendments and Zoning map amendments adopted by the Board of Commissioners contained findings that determined that the FIC zoned portion of the subject property was committed to urban levels of development for specific uses. The proposed amendments would allow an additional specific use (medical office) that would be contained within the existing boundary of the FIC zoned portion of the property. No expansion of the FIC zoned portion of the property is proposed. Previous *Plan* text amendments and Zoning map amendments also determined that the uses contained within the FIC zoned portion of the property were compatible with uses on nearby land and did not have a significant adverse impact on the overall land use pattern in the area. The establishment of a medical office within the existing FIC zoned portion of the property could be considered a similar use in comparison to other types of commercial uses already permitted in the FIC zoning district and established on the subject property.

Based on these facts, the Board finds the Zoning map amendment is consistent with this criterion.

**Criterion:** LCC 921.822(B)(4): The amendment is consistent with the intent and purpose statement of the proposed zoning district;

**Findings:** The statement of purpose of the FIC zone is found in LCC 929.110 and reads as follows:

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

The proposed amendments would allow for an additional use to be established within the FIC zoned portion of the property that could fill the immediate needs of motorists and commerce, as well as the rural and traveling public, consistent with the statement of purpose. The subject property is located approximately 2.08 miles east of the city limits of Halsey, 2.52 miles west of the city limits of Brownsville, 5.14 miles southeast of the rural community of Shedd, and 8.16 miles northwest of the city limits of Harrisburg. The proposed medical office could potentially provide medical services to the rural population, as well as travelers along Interstate 5 and customers of Pioneer Villa Truck Plaza.

The statement of purpose for the LUO is: “(A) The purpose of this Subchapter is to identify property which has been approved for development through a *Comprehensive*

*Plan* amendment and reasons exception (through provisions in ORS 197.732 and OAR 660-004-020 and 022). (B) The LUO is intended to permit land uses which have been approved through an amendment and exception and to limit the site to the specific uses which have been approved. (C) The LUO shall apply to the property until the overlay is removed through the plan amendment process.”

The subject property currently contains an LUO, adopted as part of Linn County Ordinance 95-455. The applicant is proposing a reasons exception to Statewide Planning Goal 14 to add an LUO on the subject property, and has submitted findings to demonstrate compliance with the criteria found in OAR 660-004-0020. The LUO would permit a specific use that would be approved through a *Plan* text amendment, Code text amendment, Zone map amendment, and Goal 14 exception process. The applicant proposes to amend LCC Section 931.420(B) to permit a specific use (medical office) on the subject property. The LUO applied to the subject property is not proposed to be removed as part of the proposed amendments.

Based on these facts, the Board finds the Zoning map amendment is consistent with this criterion.

**Criterion:** LCC 921.822(B)(5): The amendment is consistent with the existing *Comprehensive Plan* map designation;

**Findings:** The proposed amendments would not change the *Plan* designation of the FIC zoned portion of the property. FIC has a *Plan* designation of Commercial. The proposed amendments would allow for the establishment of a medical office on the FIC zoned portion of the property. Webster’s Collegiate Dictionary defines office as: “a place where a particular kind of business is transacted or a service is supplied.” The operation of a medical office could be considered commercial in nature, comparable to other professional offices that conduct business and provide services to clients, customers, or patients. Additionally, the operation of a medical office would be comparable to the operation of other commercial uses providing services that exist on the subject property.

Based on these facts, the Board finds the Zoning map amendment is consistent with this criterion.

**Criterion:** LCC 921.822(B)(6): The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat; and

**Findings:** Courtney Creek, which runs along the east boundary of the FIC-zoned portion of the property, is designated as sensitive fish and riparian habitat. The commercial use on the subject property may have an impact on the adjacent sensitive fish habitat and riparian habitat; however, impacts to sensitive fish and riparian habitats are generally mitigated at the time of site development. The Linn County Code protects sensitive fish and riparian habitat with a 50-foot structural setback standard from the riparian area for all new development. Additional on-site mitigation may occur during development depending on requirements of Oregon Department of Fish and Wildlife (ODFW) or

Oregon Department of State Lands (DSL). The ODFW was notified of the proposed amendments and did not submit comments. The DSL was also notified of the proposed amendment and submitted comments that the site has an expired permit that authorized fill and created a mitigation area. The DSL also noted that a permit for removal/fill and ground disturbance is needed. Compliance with DSL requirements is required prior to site development.

Based on these facts, the Board finds the Zoning map amendment is consistent with this criterion.

**Criterion:** LCC 921.822(B)(7): The amendment, if within an adopted urban growth boundary, is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city.

**Findings:** The subject property is not located within an adopted urban growth boundary; therefore, this criterion is not applicable.

**Section 921.824 - Decision criteria for Development Code text amendments**

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

**Findings:** The subject property currently contains an LUO. LCC Section 931.410 recognizes the application of the LUO and permitted and conditional uses on the subject property, with additional permitted uses listed in LCC Section 931.420(B). The applicant proposes to amend LCC Section 931.420(B) (LUO; additional uses permitted outright on specific LUO properties) to add “medial offices located in a building with a total size not to exceed 3,750 square feet” as an additional use permitted on the subject property. Additionally, the underlying zoning of the property is FIC. The purpose statements for the FIC zoning district and the LUO read:

***FREEWAY INTERCHANGE COMMERCIAL (FIC) ZONING DISTRICT***

***929.110 Statement of purpose***

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

***LIMITED USE OVERLAY (LUO)***

***931.405 Statement of purpose***

- (A) *The purpose of this Subchapter is to identify property which has been approved for development through a Comprehensive Plan amendment and reasons exception (through provisions in ORS 197.732 and OAR 660-004-020 and 022).*
- (B) *The LUO is intended to permit land uses which have been approved through an amendment and exception and to limit the site to the specific uses which have been approved.*
- (C) *The LUO shall apply to the property until the overlay is removed through the plan amendment process.*

The application is for that 29.1 acre portion of Tax Lot 200 on Linn County Assessors Map T14S, R3W, Section 4 that carries the zoning designation of Freeway Interchange Commercial (FIC) with a Limited Use Overlay (LUO), referred to herein as the "subject property."

Tax Lot 200 is held by Pioneer Villa Truck Plaza, Inc. who is the Owner for these applications. Samaritan Health Services, Inc. is the Applicant. The property has been owned by the PTVP since at least 1963, when the original Pioneer Villa Motel and Truck Plaza was constructed. The Pioneer Villa Truck Plaza, Inc. owns the entirety of Tax Lot 200; the remainder of the lot carries the zoning designation Exclusive Farm Use (EFU) and is currently leased out for active grass seed farming.

The subject property is situated in the southeast quadrant of the 1-5 I OR-228 interchange. The subject property is split-zoned FIC with a LUO on the northern 29.10 acres and EFU for the remainder, approximately 98.84 acres. The majority of the subject property is developed with the Pioneer Villa Truck Plaza, which includes a motel, restaurant, mini-market, gas and diesel fueling stations, vehicle repair shop, vehicle and truck parking, caretaker dwelling and accessory uses. Pioneer Villa Truck Plaza, Inc. is a local business and manages Pioneer Villa Truck Plaza (PVTP), which has been in continuous operation since 1963, well over 50 years.

The purpose of the PVTP is to serve the commercial needs of the traveling public which includes a major segment of trucks associated with interstate commerce, along with serving rural local residents, tourists, and destination oriented motorists that use the adjacent State Highway system. An emerging and significant demand has been identified for travelers to have convenient and easily identifiable access to basic medical services. These basic medical services are proposed to include physicals, drug testing and fundamental laboratory tests, essential exams, and the ability to facilitate the transfer of patients with greater needs to regional medical centers. For truck drivers, it is especially important to have convenient access in a rural environment that will accommodate their large freeway vehicles rather than an urban environment with no adequate parking for miles. The application seeks to amend Land Development Code Section 931.420(B) to add "Medical Office" as an approved use at the subject site, via the process for a Goal 14 exception. The applicant proposes to then construct an Urgent (or Immediate Care) Medical Facility on the subject site.

It should be reiterated that the proposed facility would occur within the boundary of the existing FIC-LUO zoning district; no zone change is proposed. No off-site improvements are proposed; the new Urgent Care would be constructed within the footprint of existing development. The focus of this application is the proposed use, which is typically considered an urban use and thus only allowable inside City limits. The findings contained within LCC 921.874(A)(8) below make the case for a Goal 14 exception, demonstrating that the PVTP provides a unique opportunity within Linn County and the immediate vicinity to meet the demand for medical care accessible to the traveling public and rural residents.

The Board determined that findings contained within LCC 921.824(B)(2) and LCC 921.874(A)(8) below also address the need for a medical office larger than 3,750 square feet. The Board determined that additional square footage not to exceed 7,500 square feet in size would allow the applicant the opportunity to provide additional medical services to the travelling public and local rural area, as well as plan for the construction and growth of their facility longer term, without any increased impacts to transportation systems or surrounding land uses.

Based on these facts, the Board finds the Code text amendment is consistent with this criterion.

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

**Findings:** The applicable sections of the *Plan* include the Commercial Lands element and the Urbanization element. The Commercial element of the *Plan* is addressed below. The urbanization element of the *Plan* is addressed as part of the criterion found in LCC 921.874(A)(1).

#### ***905.500 Commercial land; background***

(J) *The FIC zoned area at the Highway 228 interchange (Brownsville, Halsey and Sweet Home access) is almost completely developed, but maybe subject to additional development pressure because of location and existing development.*

This development is for redevelopment of a portion of the existing site that has been developed previously for vehicle access and parking. Approximately 0.25 acres would be redeveloped for the medical office structure and related access and parking.

(K) *The RCM and FIC zones have been written in a manner that permits a level of development which is appropriate for rural locations and freeway interchanges. The uses permitted in the two commercial zones are considered rural because the businesses will be primarily serving rural residents and the traveling public. None of the commercial uses is intended to provide commercial services for an urban population. The commercial uses located on freeway interchanges and arterials*



*will provide service to the motorists already on the road and will not generate additional traffic. Rural commercial uses are small scale, local service businesses generating limited amounts of traffic and creating no demand for public water or public sewage treatment systems. None of the rural commercial or freeway commercial sites is located next to an urban growth boundary.*

The purpose of the PVTP is to serve the commercial needs of the traveling public which includes a major segment of trucks associated with interstate commerce, along with serving rural local residents, tourists, and destination oriented motorists that use the adjacent State Highway system. An emerging and significant demand has been identified for travelers and locals to have convenient and easily identifiable access to basic medical services. These basic medical services are proposed to include physicals, drug testing and fundamental laboratory tests, essential exams, and the ability to facilitate the transfer of patients with greater needs to regional medical centers. For truck drivers, it is especially important to have convenient access in a rural environment that will accommodate their large freeway vehicles rather than an urban environment with no adequate parking for miles.

PVTP is a minimum of 2.5 miles from the nearest incorporated city (Halsey) and is not in the vicinity of any Urban Growth Boundary.

PVTP is located at the intersection of two of the arterials which serve South Linn County, Highway 228 and I-5. As such, virtually all traffic is oriented to other destinations and this traffic is categorized as by-pass trips for which PVTP is an intermediate stop and not a trip generating destination.

The Board finds that even with medical services available at PVTP, the traffic/trip generation pattern would not change in any significant way. Even if the traveling public or the rural residents of South Linn County were specifically seeking medical services, they would likely be passing through the intersection of Highway 228 and I-5 traveling to an urban area for those services.

*(Q) The exception areas which have been excluded from this limitation (listed below) are distinguished from the other exception sites. Three of the excluded sites are located on freeway interchanges and each freeway site is developed with three or more businesses. Freeway interchange development in the county historically has been more intensive than other rural commercial development areas. The services at the interchanges are transportation dependent and cannot be classified as either urban or rural in terms of scale or type of use. The remaining undeveloped FIC property will be used to provide services for the traveling public such as service stations, restaurants and repair facilities.*

PVTP is located in exception site C-18, and as such is excluded from the limitation of the number of uses on the site. See (R) below.

- (R) *The other two exception sites which are not subject to the number of uses limitation are already developed with more than three commercial uses and in fact, are almost completely developed. Although, there is little area available to build a business, it is appropriate to permit additional rural commercial development at the Cottonwoods and Farmer’s Market sites because they are already committed to a higher level of rural development than the other RCM exception sites. Cottonwoods and Farmer’s Market have provided services to the Albany and Lebanon area for many years. Any additional rural commercial development will be at a scale which is consistent with the rural locations of the sites.*

EXCEPTION SITES NOT SUBJECT TO NUMBER OF USES LIMITATION	
C-3	Cottonwoods
C-4	Farmer’s Market
C-8	Highway 34 and I-5
C-18	I-5 and Highway 228
C-19	I-5 and Diamond Hill

- (U) *Land which is not now designated for commercial uses may at some time be needed for rural commercial development. There may be an unforeseen need for a rural commercial service which cannot be met elsewhere.*

The applications confirm the wisdom of the vision anticipated above. The medical office use and the medical services proposed fulfill an emerging need for basic medical services to the south Linn County rural residents and the traveling public. The need is furthered witnessed by the letter from RAM Trucking, Inc. included as part of the application.

**905.510 Goals for commercial lands**

- (A) *Provide for rural commercial and free-way related commercial uses which are needed for rural residents, tourists and motorists.*
- (B) *Ensure that commercial development is compatible with farming and forestry practices on nearby land.*
- (C) *Integrate rural commercial development opportunities with rural development strategies such as tourism and resource related industries.*
- (D) *Ensure that commercial development will not create traffic safety concerns or reduce the carrying capacity of state highways and county roads.*

The purpose of the PVTP is to serve the commercial needs of the traveling public which includes a major segment of trucks associated with interstate commerce, along with serving rural local residents, tourists, and destination oriented motorists who use the

adjacent State Highway system. An emerging and significant demand has been identified for travelers and locals to have convenient and easily identifiable access to basic medical services. These basic medical services are proposed to include physicals, drug testing and fundamental laboratory tests, essential exams, and the ability to facilitate the transfer of patients with greater needs to regional medical centers. For truck drivers, it is especially important to have convenient access in a rural environment that will accommodate their large freeway vehicles rather than an urban environment with no adequate parking for miles. The need is furthered witnessed by the letter from RAM Trucking, Inc. included as part of the application.

The medical office is proposed to be located on property previously developed for parking and access within the PVTP site, and will not reduce the quantity of grass seed farmed on the property. With respect to operational compatibility, Samaritan's Good Samaritan Regional Medical Center, which includes Good Samaritan Hospital and multiple medical office buildings, shares a common property line with an 80+ acre active grass seed farm and those farming activities have not created any operational issues which impact either use. With this experience, the applicant does not anticipate any compatibility concerns.

The proposal will enhance the availability of medical services in an underserved area in south Linn County. The location of these services at the intersection of two arterials in South County improves medical availability to agricultural workers which are laboring in one of the top 10 most dangerous professions in the United States.

The proposed facility will also be well located to provide medical services and back-up for the annual Willamette Country Music Festival in Brownsville, a major tourist attraction.

With respect to traffic safety concerns, PVTP is located at the intersection of two of the arterials which serve South Linn County, Highway 228 and I-5. As such, virtually all traffic is oriented to other destinations and this traffic is categorized as by-pass trips for which PVTP is an intermediate stop and not a trip generating destination.

The Board finds that even with medical services available at PVTP, the traffic/trip generation pattern would not change in any significant way. Even if the traveling public or the rural residents of South Linn County were specifically seeking medical services, they would likely be passing through the intersection of Highway 228 and I-5 traveling to an urban area for those services.

#### ***905.520 Policies for commercial lands***

- (A) *The policies for commercial lands are set forth in subsection (B) of this section.*
- (B) *Policies.*

*(1) The Freeway Interchange Commercial (FIC) zone has been established to provide for tourist and Interstate 5 transportation needs and to a lesser extent, services for surrounding residences. The FIC zone can only be applied at freeway interchanges or adjacent to property which is zoned FIC. Additional FIC zoning will only be permitted when a Plan amendment and exception is approved.*

The combination of existing uses at PVTP along with the proposed medical services provide for the transportation related needs, as discussed previously, as well as for the needs of the residents in the surrounding area as contemplated by this policy. No additional FIC zoned area is requested in this application.

*(3) Most commercial development will occur within a UGB because city services and the surrounding population are necessary to sustain most businesses. The county supports the use and expansion, if necessary, of a UGB for commercial development. The uses permitted in the RCM and FIC zone are intended to meet certain rural needs and those of the traveling public and have been carefully written so that the uses will not conflict with commercial development in the incorporated communities in the county.*

The medical office use is limited physical size enough that the proposed scope of services are inherently limited and specific to serve the urgent or immediate needs of the traveling public and the adjacent rural area. This limited service ability would supplement major medical services in the urban settings but would not be a substitute or replacement for health care facilities in the urban areas.

*(4) The commercial uses permitted in the RCM and FIC zones are considered rural because the businesses will be serving the rural area and the traveling public. None of the permitted uses is intended to provide commercial services for an urban population. The commercial uses located on freeway interchanges and arterials will provide service to current and anticipated traffic and will not generate additional traffic. The FIC zone is considered a rural zone because only two types of transportation dependent commercial uses are permitted; service stations and repair shops and small markets and restaurants. The RCM zone is considered a rural zone because of the limited number and types of permitted uses, the building size standard and the restriction on the number of uses per exception site.*

The need, service area and traffic generation associated with the proposed medical services at PVTP are addressed previously. Exceptions for Pioneer Villa Truck Plaza developing in an “urban-like” way because of the multiple number of existing uses on the site, was acknowledged by the Board beginning in 1990 and reaffirmed in 1995 when the FIC zoned property was expanded by 10.3 acres.

*(5) In order to ensure that the permitted commercial uses do not exceed the intended scale of operation, a building size limitation has been established.*

*New commercial uses must be located within a building no greater than 3,750 square feet in size. The building size standard is based on existing commercial building sizes and the need to ensure that new businesses can operate efficiently by having adequate space for customers and storage. Businesses in existing buildings (as of the date of adoption of this policy) are permitted to expand the building size up to 3,750 square feet or by up to fifty per cent of existing building size, whichever is greater. In no case, may the expansion result in a building which exceeds the greater of 3,750 square feet or a fifty percent expansion of the existing building size.*

The limitation to building area was established by Linn County to comply with Goal 14. The proposed exception to Goal 14 would enable the limitation to be exceeded. Findings in support of the goal exception are set forth in LCC 921.874(A)(8).

According to background information for the Commercial Lands section of the Comprehensive Plan, the building area standard was derived from data for six exception areas: eight businesses in buildings with a total area of 30,684 square feet; the average size of the largest businesses is 3,835 square feet; the largest building is 6,522 square feet; and the smallest building is 3,025 square feet.

*(6) As stated in the Background and Summary of Issues, a limit of three separate, freestanding commercial uses, or one per property (as mapped on the effective date of this amendment), is established at all exception sites except for C-3; C-4; C-8; C-18 and C-19. The number of uses permitted at each site is limited in order to maintain a scale of development consistent with a rural area. The sites which have been exempted from the limitation are already developed with three or more commercial uses.*

The subject property is exception site C-18. This policy recognizes that the subject property is already developed with three or more commercial uses. Unfortunately, the 3,750 square foot limitation is blind to the number of commercial uses. It is applied as the total building area of a site, irrespective of the number of buildings. It does not matter whether the site has three or more commercial uses, such as the subject property, or just one commercial use.

The economic disadvantage to a multiple use site such as the applicant's finds no relief in the Code; it can only be addressed by an exception to Goal 14.

*(7) Access points for commercial development shall be minimized to reduce conflicts with thru traffic. The County Roadmaster and if a state highway is involved, the state high- way division, will be asked to review and approve access points for proposed commercial development.*

PVTP has only one existing approach or access from Highway 228. This application does not propose to add any additional accesses.

Based on these facts, the Board finds the Code text amendment is consistent with this criterion.

**Section 921.874 - Decision criteria for *Plan* text amendments**

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

**Findings:** The applicable sections of the *Plan* include the Commercial Lands element and the Urbanization element. The Urbanization element of the *Plan* is addressed below. The Commercial element of the *Plan* is addressed as part of the criterion found in LCC 921.824(B)(2).

The following section of the Urbanization element of the *Plan* also applies to the proposed amendments:

***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 residential, commercial, or industrial activities outside of UGBs, subject to applicable criteria. Oregon Revised Statutes and Oregon Administrative Rules allow local jurisdictions to adopt exceptions to Statewide Planning Goal 14 to allow specific uses on rural lands when certain criteria are met. The Urbanization Land Use Element of the *Plan* is the applicable section for any proposed Goal 14 Exception.

The proposed amendments include a Goal 14 “reasons” exception. The amendment would add a LUO to allow a “medical office located in a building with a total size not to exceed 7,500 square feet.” The property and adopted amendments would be added to a list of properties in Linn County that have an adopted Goal 14 Exception to allow specific urban uses on rural land, which is maintained in Chapter 905, Appendix 2.

The application proposes to amend an existing Commercial Land policy in the *Plan* as part of the proposed Goal 14 exception. The existing policy was adopted per Linn County Ordinance 90-217. The table adopted as part of Appendix 2 of Chapter 905 of the *Plan* contains a list of adopted Goal 14 Exception sites. Rather than adopting the proposed *Plan* text amendment as a *Plan* policy, the proposed text instead is included as findings demonstrating compliance with the Goal 14 Exception criteria. The intent of the proposed *Plan* text amendment would be satisfied by amending the Goal 14 Exception table in Chapter 905, Appendix 2, to identify and include the proposed exception and *Plan* map amendments.

Based on these facts, the Board finds the *Plan* text amendment is consistent with this criterion.

**Criterion:** 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;

**Findings:** The Pioneer Villa Truck Plaza has operated on the subject property since 1963. The adjacent properties are zoned EFU. The applicant states that the EFU zoned portion of the property, approximately 98 acres, is farmed for grass seed, and that approximately 30 percent of the FIC zoned portion of the property is farmed for grass seed as well. A portion of the FIC zoned exception area (C-18, which also includes Pioneer Villa Truck Plaza) exists on the west side of the I-5 interchange, and contains a service station, mini-mart, an auto repair business, and drive through coffee service.

Previous *Plan* text amendments and Zoning map amendments adopted by the Board contained findings that determined that the FIC zoned portion of the subject property was committed to urban levels of development for specific uses. The proposed amendments would allow an additional specific use (medical office) that would be contained within the existing boundary of the FIC zoned portion of the property. No expansion of the FIC zoned portion of the property is proposed. Previous *Plan* text amendments and Zoning map amendments also determined that the uses contained within the FIC zoned portion of the property were compatible with uses on nearby land and did not have a significant adverse impact on the overall land use pattern in the area. The establishment of a medical office within the existing FIC zoned portion of the property could be considered a similar use in comparison to other types of commercial uses already permitted in the FIC zoning district and established on the subject property.

Based on these facts, the Board finds the *Plan* text amendment is consistent with this criterion.

**Criterion:** 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;

**Findings:** The property is not located within an adopted urban growth boundary; therefore, this criterion is not applicable.

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

**Findings:** Courtney Creek, which runs along the east boundary of the FIC-zoned portion of the property, is designated as sensitive fish and riparian habitat. The commercial use on the subject property may have an impact on the adjacent sensitive fish habitat and riparian habitat; however, impacts to sensitive fish and riparian habitats are generally mitigated at the time of site development. The Linn County Code protects sensitive fish

and riparian habitat with a 50-foot structural setback standard from the riparian area for all new development. Additional on-site mitigation may occur during development depending on requirements of ODFW or Oregon DSL. The ODFW was notified of the proposed amendments and did not submit comments. The DSL was also notified of the proposed amendment and submitted comments that the site has an expired permit that authorized fill and created a mitigation area. The DSL also noted that a permit for removal/fill and ground disturbance is needed. Compliance with DSL requirements is required prior to site development.

Based on these facts, the Board finds the *Plan* text amendment is consistent with this criterion.

**Criterion:** 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;

**Findings:** Police protection for the property is provided by the Linn County Sheriff's Department. The property is located within the Halsey-Shedd Rural Fire Protection District and receives fire protection from the district. The Linn County Sheriff's Office expressed no concern regarding the proposed amendments. The Halsey-Shedd Rural Fire Department was notified of the proposed amendments and did not submit comments.

Wastewater from the Pioneer Villa Truck Plaza development is disposed of in a treatment facility consisting of a two-cell lagoon with a two-acre surface area. A 12-acre solid set irrigation disposal system is also used. The treatment facility currently operates under a DEQ discharge permit. The application included a copy of the WPCF currently on file with DEQ. The current WPCF permit expires on November 3, 2021. DEQ and the Linn County EHP were notified of the proposed amendments and did not submit comments.

Storm water drainage is typically addressed when a building permit is issued. Development is required to provide for storm water drainage, which is not permitted to flow directly onto adjoining properties.

Based on these facts, the Board finds the *Plan* text amendment is consistent with this criterion.

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

**Findings:** The property has frontage and an existing access on Highway 228, a state highway. ODOT regulates access and traffic control along state highways. ODOT was provided notice of the proposal and did not submit comments. Linn County Road Department was provided notice of the proposal and expressed no concern regarding the proposed amendments. Any new development on the property would be subject to ODOT review and permitting requirements and reviewed prior to site development.



Based on these facts, the Board finds the *Plan* text amendment is consistent with this criterion.

**Criterion:** 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 impact on land uses permitted through the amendment;

**Findings:** There are no potential geologic hazards identified on the subject property; therefore, there should be no significant adverse geologic hazard related effects on land uses permitted through this amendment.

Approximately 60.13 acres of the property, including a portion of the subject 29.10 acres, is located within an identified flood hazard area. The Linn County Floodplain Manager was notified of the proposed amendments and did not submit comments. New construction within the flood hazard area would be required to comply with LCC Chapter 870, Floodplain Management Code. The application of an LUO on the subject property does not exempt the property from compliance with floodplain development standards. Any permitted or conditional uses proposed on the subject property must comply with applicable floodplain development standards.

Pioneer Villa Truck Plaza contains an existing permitted public water system. The applicant has submitted a copy of the Oregon WRD permit to appropriate public water. Oregon WRD was notified of the proposed amendments and did not submit comments. The Oregon Health Authority Public Drinking Water Program regulates water quality and quantity for public water systems. Information available from the Drinking Water program appears to demonstrate that the property is in compliance with program requirements.

Based on these facts, the Board finds the *Plan* text amendment is consistent with this criterion.

**Criterion:** 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; and

**Findings:** A reasons exception to Goal 14 (Urbanization) is proposed as part of the application to allow for a medical office building not to exceed 7,500 square feet in size.

There are two parts to the goal exception. In the first, an exception to the Statewide Planning Goals must address the general requirements of Goal 2. The second addresses the requirements of the specific goal, in this case, Goal 14.

## **Goal 2: Exception Requirements**

The reasons to use land for uses not allowed by applicable Goal must be set forth in the Comprehensive Plan as an exception. The four factors in Goal 2, as explained in OAR

660-04-0020(2), are decision criteria. The reasons to allow medical office to be added as an approve use at the subject site are as follows:

**(a) Reasons justify why the state policy embodied in the applicable goals should not apply.**

**The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.**

The state policy embodied in Goal 14 states that urban uses are to be contained in urban growth boundaries. Urban uses are characterized by the nature of the use (multi family housing, professional offices, and banks) or by the scale and intensity of the use (big box retail, shopping centers, availability of municipal water and sewer).

The purpose statement for the Freeway Interchange Commercial District reads:

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

The existing facilities are dependent on motorists and truckers using I-5 and, to a lesser extent, OR-228 for its economic viability. The site has been used for highway related services for over 50 years. Increased traffic on these highways has been accompanied by a commensurate demand for additional goods and services. One of the services for which a demand has developed is non-emergency medical services that are accessible to large semi-trucks, for the treatment of illnesses and injuries and mandated drug testing procedures experienced by truckers.

The proposed immediate care facility will occur within the boundary of the FIC-LUO zone. The FIC-LUO zone is a Rural Development Zone that allows commercial activities proposed by the intended expansion. The subject property contains ample area to accommodate the new facility.

The subject property has been acknowledged by the State as an exception area. No zone change is proposed to accommodate the use. The number of buildings on the subject property would increase by one, which is allowed due to the subject site being recognized as an exception area. The proposed Urgent Care Facility is a logical continuance of the longstanding uses of the subject property.

The medical office use is limited in size enough that the proposed scope of services are inherently limited and specific to serve the urgent or immediate needs of the traveling public and the adjacent rural area. This limited service ability would supplement major

medical services in the urban settings but would not be a substitute nor replacement for health care facilities in the urban areas.

- (b) Areas which do not require a new exception cannot reasonably accommodate the use.**

**The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified.**

**To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed**

- Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?**

The proposed use cannot be reasonably accommodated on other non-resource land, as medical office is not allowed anywhere outside of incorporated communities in the County. The existing medical facilities in Albany, Lebanon, and Eugene are all inaccessible to large semi-trucks, making them unavailable to meet the demand posed by truckers traveling the I-5 corridor through the central Willamette Valley.

- Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?**

The proposed use cannot be reasonably accommodated on other resource land that is irrevocably committed to non-resources, as medical office is not allowed anywhere outside of incorporated communities in the County.

- Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?**

The proposed use cannot be reasonably accommodated inside an urban growth boundary, as urban street pattern design precludes access to medical services by large semi-trucks.

- Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?**

Yes, the existing water and sewage disposal systems at PVTP are adequate to serve the proposed facility. No additional public facilities or services are required.

**This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.**

- (c) **The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.**

**The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.**

Construction of the facility at the existing location would have long-term environmental benefits compared to construction of a comparable new facility at another location, given that the subject site and access to I-5 and OR-228 are already developed. It would provide a needed service to the public without disturbing land designated for other uses, and it does not impact or take out of production any resource lands. It would maintain the

efficient use of the interchange and the highway. It would allow continued use of established safe and private water, sewage disposal, and storm drainage systems.

The long-term economic benefit of the proposed expansion would be to provide needed medical services for truckers at an existing site which already contains other amenities used by truckers, thereby avoiding the costs associated with locating and developing a new facility. The economic consequences of doing nothing would be lost revenues that could support the local economy.

The long-term social benefits to the proposed expansion would be the provision of medical services to truck drivers, who might otherwise forego needed treatment due to the lack of convenient access to facilities. Additional benefits include stability and growth of employment opportunities in an area that historically suffers from higher than average unemployment.

The long-term energy benefits of the proposed expansion is support for established services as close to the interstate interchange as possible, thereby ensuring efficient energy usage by vehicles.

- (d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.**

**The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.**

Findings regarding land use compatibility are addressed in the criteria found in LCC 921.822(B)(3) and 921.874(A)(2) and are incorporated herein by reference.

#### **Goal 14: Establishment of New Urban Development on Undeveloped Rural Lands**

**The subject property is considered "undeveloped rural land" because it is subject to a built and committed exception to Goal 3. However it has not developed at urban density or committed to urban level development as defined by OAR 660-14-0040(1). Therefore the criteria set forth in OAR 660-14-0040(3) are applicable to the proposed amendment.**

- (a) The proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities.**

Findings in support of an alternative site analysis as required by Goal 2: Exception Requirements [OAR 660-04-0020(2)(b)] are addressed above and are incorporated herein by reference.

**(b) The long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:**

- (A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and**
- (B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.**

The advantages of allowing medical office as an approved use on the subject property have been described elsewhere in this narrative. The proposed use complies with this criterion for the following reasons:

- a. The subject property is already developed for non-resource use.
- b. Convenient access is provided to truckers at an established site with existing amenities that serve truckers, including truck parking, showers, a hotel and a restaurant.
- c. It is located within the boundaries of an acknowledged exception area (Goal 3).
- d. The existing private infrastructure will accommodate the proposed use.
- e. No adverse impacts have been identified.
- f. No physical limitations have been identified.

**(c) The proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:**

- (A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and**
- (B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.**

Findings regarding land use compatibility are addressed in the criteria found in LCC 921.822(B)(3) and 921.874(A)(2) and are incorporated herein by reference.

- (d) **An appropriate level of public facilities and services are likely to be provided in a timely and efficient manner.**

Findings regarding public facilities are addressed in the criteria found in LCC 921.822(B)(1) and LCC 921.874(A)(5) and are incorporated herein by reference.

- (e) **Establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.**

This criterion does not apply because no new urban growth boundary is proposed.

Based on these facts, the Board finds the *Plan* text amendment is consistent with this criterion.

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

**Findings:** On June 20, 1985, the Land Conservation and Development Commission acknowledged the Linn County *Comprehensive Plan* and implementing ordinances as being in compliance with the Statewide Planning Goals. Subsequent post-acknowledgement plan amendments must also comply with the statewide goals.

**Goal 1, Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

Opportunities for citizen involvement occurred during the formulation and adoption of the Linn County *Comprehensive Plan* and Development Code. The Oregon Land Conservation and Development Commission acknowledged the *Comprehensive Plan* and Development Code as being in compliance with Goal 1.

In quasi-judicial proceedings conducted for map amendments as proposed by the applicant, the Development Code sets forth the acknowledged provisions for citizen at public hearings before the Planning Commission and Board of Commissioners. Based on these provisions, citizens will have ample opportunity to review and comment on the proposed amendments.

For these reasons, the proposed amendments comply with Goal 1.

**Goal 2, Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

Goal 2 establishes a standard process for complying with the statewide planning goals



and allows for exceptions to this process. Findings in support of consistency with the Goal 2 exception process are addressed as part of LCC 921.874(A)(8) and are incorporated herein by reference.

**Goal 3, Agricultural Lands: To preserve and maintain agricultural lands.**

Goal 3 does not apply because the subject property is an acknowledged exception area.

**Goal 4, Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

Goal 4 does not apply because the subject property is an acknowledged exception area.

**Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.**

The aim of Goal 5 is to protect a broad range of resources. According to Goal 5, the following resources must be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic Rivers;
- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation Trails;
- h. Natural Areas;
- i. Wilderness Areas;
- j. Mineral and Aggregate Resources;
- k. Energy sources;
- l. Cultural areas.

Local governments are also encouraged to inventory the following resources:

- a. Historic Resources;
- b. Open Space;
- c. Scenic Views and Sites.

The subject property contains Goal 5 resources. Adopted county maps indicate the subject property contains a sensitive fish habitat and riparian habitat (Courtney Creek) along the eastern portion of the land under review. Any new development on the property should ensure that impacts to Goal 5 resources either don't exist or can be mitigated. The proposed use may potentially have an impact on the adjacent sensitive fish habitat;



however, impacts to sensitive fish and wildlife habitats are generally mitigated at the time of site development through compliance with development standards, such as setbacks, or compliance with any requirements of ODFW or DSL.

**Goal 6, Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.**

Findings regarding surface water resources are addressed as part of LCC 921.874(A)(5) and are incorporated herein by reference.

The subject property is not located in a Non-attainment or Maintenance Area as determined by Oregon DEQ, according to the 2009 Oregon Air Quality Data Summaries, published June 2010. The proposed amendment will not significantly increase the number of vehicles on state highways. Therefore the proposed amendment will not affect air quality in accordance with Goal 6.

The land resource provisions of Goal 6 do not apply because the subject property has been fully impacted by previous development and it an acknowledged exception area.

**Goal 7, Areas Subject to Natural Hazards: To protect people and properly from natural hazards.**

Findings regarding natural hazards are addressed as part of LCC 921.874(A)(7) and are incorporated herein by reference.

**Goal 8, Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

Goal 8 does not apply because the proposed map amendment is not intended to satisfy public recreational needs.

**Goal 9, Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

The existing Pioneer Villa Truck Plaza facilities are dependent on motorists and truckers using I-5 and, to a lesser extent, OR-228 for its economic viability. The site has been used for highway related services for over 50 years. Increased traffic on these highways has been accompanied by a commensurate demand for additional goods and services. One of the services for which a demand has developed is non-emergency medical services that are accessible to large semi-trucks, for the treatment of illnesses and injuries and mandated physical exams, and drug testing procedures experienced by truckers. The proposed amendments would enable greater economic development at the site as envisioned by Goal 9.

**Goal 10, Housing: To provide for the housing needs of citizens of the state.**

Goal 10 does not apply because the proposed amendments are not intended for residential purposes.

**Goal 11, Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

Findings regarding surface water resources are addressed as part of LCC 921.874(A)(5) and are incorporated herein by reference.

**Goal 12, Transportation: To provide and encourage a safe, convenient and economic transportation system.**

Findings in support of consistency with the Transportation Planning Rule [OAR 660-012-0060(1)] are addressed as part of LCC 921.874(A)(6) and are incorporated herein by reference.

**Goal 13, Energy Conservation: To conserve energy.**

The proposed amendments are intended to serve the needs of the travelling public. To the extent that the addition of a medical office minimizes detours to urban areas by truckers seeking non-emergency medical services, the savings in fuel consumption is an energy conservation measure that is consistent with Goal 13.

**Goal 14, Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

An exception to Goal 14 is proposed to modify the uses allowed in the LUO for the subject site to include “medical offices”. Findings in support of an exception to Goal 14 are addressed as part of LCC 921.874(A)(8) and are incorporated herein by reference.

**Goal 15, Willamette River Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.**

Goal 15 does not apply because the Willamette River Greenway is not present on the subject property.

**Goal 16, Estuarine Resources: To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.**

Goal 16 does not apply because no estuarine resources are present on the subject property.

**Goal 17, Coastal Shore/ands: To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shore/ands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shore/and areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shore lands.**

Goal 17 does not apply because no coastal shore lands are present on the subject property.

**Goal 18, Beaches and Dunes: To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.**

Goal 18 does not apply because no beaches or dunes are present on the subject property.

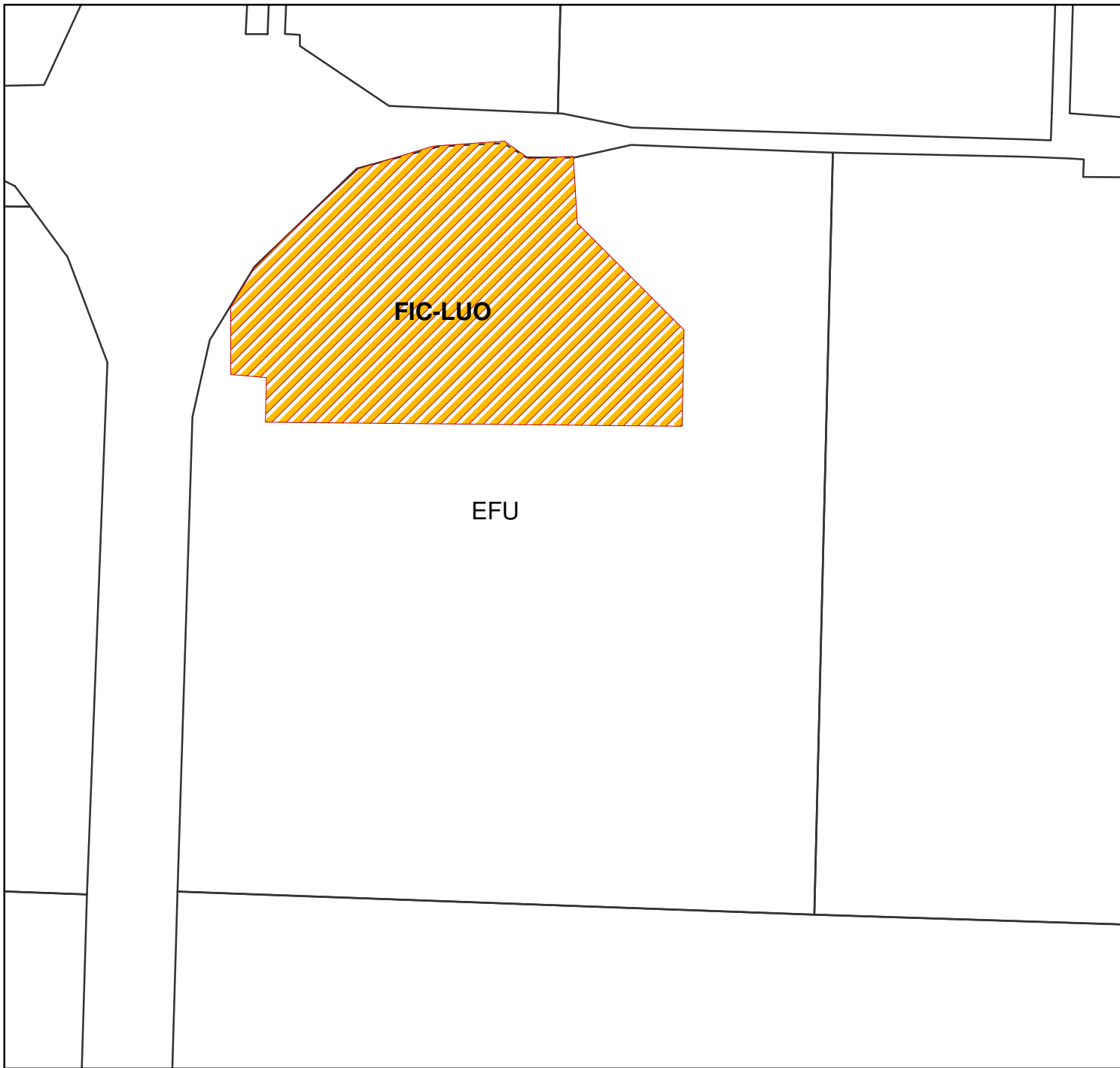
**Goal 19, Ocean Resources: To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.**

Goal 19 does not apply because no ocean resources are present on the subject property.

Based on these facts, the Board finds the *Plan* 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, and the Decision Findings identified above, the Board concludes the proposed *Comprehensive Plan* text amendments, Zoning map amendment, and Land Development Code text amendment, satisfy the applicable decision criteria in Linn County Code Sections 921.822(B), 921.824, and 921.872, Oregon Administrative Rules (OAR) 660-004-0020(2) and 660-014-0040(3), and the Oregon Statewide Planning Goals. The *Comprehensive Plan* text amendments as revised, Zoning map amendment as proposed, and Land Development Code text amendment as revised, are approved.



**Exhibit 1**

**BC16-0001  
14S03W04 00200  
PIONEER VILLA TRUCK  
PLAZA INC  
29.10 acres**

