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MEMORANDUM

DATE: October 1, 2024
TO: Linn County Board of Commissioners
FROM: Ryan Vogt, Executive Director
RE: OCWCOG Linn County Updates

Community and Economic Development Updates

Lending

Cascade West Business Lending (CWBL)

- CWBL is still actively working with the Antique Mall in Lebanon and an expansion of an existing cleaning service business in Lincoln City. Several new prospects have reached out recently including an indoor golf simulator business, a new ecofriendly taxi service, a healthy meal prep service, a disabled Veteran reconnecting other disabled Veterans with guided hunting and fishing excursions, and a non-profit making new and fixing old items for resale and all profits going back into the community.

Grants

Safe Streets and Roads for All Linn County Multijurisdictional Application

- USDOT has notified the City of Tangent (our fiscal agent and lead entity) that the Linn County Safe Streets and Roads for All Safety Action Plan proposal has been funded. This represents a total budget of \$480,462, combined \$80,077 city/county match, and \$400,385 USDOT funding. The purpose of the funding is to create a regional safety action plan to reduce road fatalities and injuries. It will be comprehensive and include regional-wide and subset city strategies. Partners include Linn County and the cities of Albany, Lebanon, Millersburg, Tangent, and Sweet Home.

Grant Support Services and Needs Assessment

- The OCWCOG Grant Writer and Administrator, Susan Patterson, has held initial meetings with Linn County cities. Services and needs assessments are almost complete, and follow-up meetings will begin in early fall.

Transportation

- The MPO's have adopted their first joint federally mandated work product. Following the July joint Policy Board meeting where the Corvallis Area MPO voted to approve starting the merger process, both CAMPO and the Albany Area MPO passed the Joint Title VI Nondiscrimination and Environmental Justice Plan (2024). This marks the first time the two MPOs have shared a mandated planning document and demonstrates the value of collaboration across the two organizations, while meeting mutual goals.
- OCWCOG agreed to continue funding bicycle training for 5th and 6th grade classes in the Sweet Home School District.

Cascades West Ride Line

From May 2024 to June 2024, Cascades West Ride Line provided over 26,000 physical trips across the region. There were 7,000 Mileage Reimbursement trips totaling over \$110,000 going back to our members.

	Physical Trips (Sedan, Wheelchair, Secure, Stretchers)	Reimbursement Trips (Mileage, Meals, Lodging)	Reimbursement Total (Amount paid for Mileage, Meals, Lodging)
Linn County	13,008	4,011	\$ 43,752.56
Regionally	26,494	7,000	\$110,734.14

Senior, Disability, and Community Services Updates

Senior and Disability Services

Adult Protective Services (APS)

In August, our APS team received 205 complaints originating from Linn County- the most so far this year. Of these, we investigated 42 cases of possible abuse in the community and 36 cases in facilities.

Community Services Programs

Senior Health Insurance Benefits Assistance (SHIBA)

From 7/1/2024 – 9/25/2024 Linn County SHIBA Medicare Counselors had the following beneficiary contacts:

97321 Albany – 10
97322 Albany – 41
97327 Brownsville – 1
97355 Lebanon – 34
97374 Scio – 1
97386 Sweet Home– 10
97389 Tangent – 2

SHIBA also held one Medicare 101 in Albany at Linn Benton Community College on 8/15/24 with 23 attendees.

Future Medicare 101 courses are scheduled in Linn County on 9/30/24 in Albany and 10/17/2024 in Lebanon.



Linn County Veterans Services

505 SW Ellsworth ST, Albany, Oregon 97321

Phone: 541-967-3882 or 1-800-319-3882

Fax 541-928-3517

linnvvet@co.linn.or.us

TO: Board of Commissioners

FROM: Dee Baley-Hyder

DATE: September 26, 2024

RE: Veterans Services Quarterly update July 1, 2024-September 26, 2024

Recoveries:

This is awards (money, that is tax free) that the veteran, surviving spouse or family members have received from the claims that we have filed for them

- Recoveries from last year's quarter 07/2023-09/26/2023 \$475,907.05
- Recoveries from the new quarter 07/2024-09/26/2024 \$504,116.91

This report is approximately two-week delay and the numbers are unfortunately smaller and not exactly accurate, as these numbers are reported to us from U.S. Department of Veterans Affairs.

July - Linn County Fair, was a great success again as were able to meet with new Veterans and Family members. Many questions were asked about potential benefits and we were able schedule some appointments to see about future benefits. July 29, we were in our new building open to the public. Since we have been in our new locations we have 60 new veterans were as this time last year we had 38. We have had 4 new woman veterans as last year we had one female veteran. Our work load has increased 25% and this is with us only being open for 61 days in our new location. We have had a lot of veterans say, the location is how they knew to come in and some have stated the radio stations.

August - We were adjusting to our new building. We did hire an Assistant Veteran Service officer that is in training to be accredited in a year with ODVA.

September -This month is very busy month for us. We were at the Stand Down and the turnout was very good. It was reported that there were 75 clients and it was reported that it had doubled from the previous year. It was at the fairgrounds, this year and there was bus transportation available to be able to bring veterans to the Stand Down. We did the Suicide Prevention walk again, in Lebanon that was a huge success. There were about 125 people total that walked with us. Every year we partner with Lebanon Area Mental Health Alliance. South Willamette Valley Honor Flight was a big turn out this year a total of 20 Veterans. There was 17 from Linn County, 1 from Lincoln County and a couple from Benton County that joined us this year. They stated that this was one of the biggest groups from Linn County that they have had. The Albany Gun show that was at the fairgrounds was great as well.

Something new:

We now have a counselor that works for Eugene Vets Center, this center is a Readjustment Counseling Services which is part of the VA. This is for Mental Health to include PTSD, MST, Alcohol and Drug, Individual and Marital and family counseling. The counselor that is coming to our office, is from Linn County, he has a military background and is also a combat Veteran. Family members of Veterans can utilize this service as well. Sean comes to our office two times a month to meet with Linn County Veterans in our building to counsel them, for a variety of different issues. We encourage Veterans to call our office and we will get in contact with Sean, and he will reach out to the veteran and set up appointments with them. We have had a very positive outcome of having someone in our office as some of the veterans have been waiting weeks and months to time to talk with someone. In the near future we will be holding group counseling sessions in our building but we are still working on the times for this.



LINN COUNTY BOARD OF COMMISSIONERS HEARING STAFF REPORT

PREPARED BY: Alyssa Boles, Planning Manager

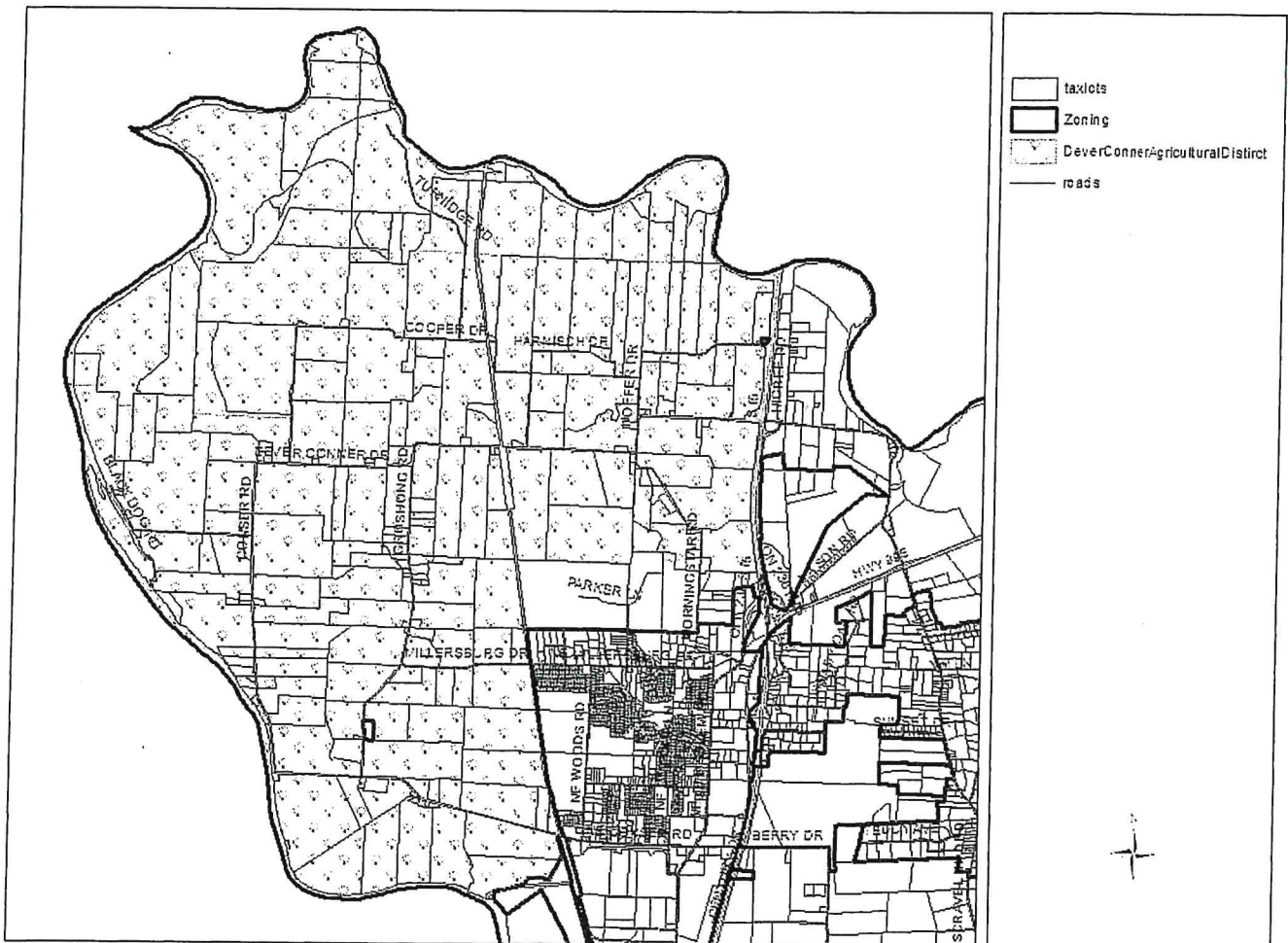
DATE ISSUED: September 24, 2024

HEARING DATE: October 1, 2024

APPLICATION: PD24-0259: An application for a Comprehensive Plan Text Amendment. The Plan text amendment is to amend and add policies to Plan Sections 905.120 and 905.610 to establish a Dever Conner Agricultural District.

LOCATION: The proposed text amendments will create an Agricultural District that will be generally be bordered by the Willamette River on the west, the City of Millersburg UGB and I-5 on the east, the Santiam River on the north, and the south is boarded by the Willamette River, the City limits. The area of the proposed Agricultural District is about 10,000 acres or 16 square miles.

CRITERIA: The applicable decision criteria are in Linn County Code (LCC) 921.872.



1 inch = 4,500 feet

I. INTRODUCTION

A. APPLICATION SUMMARY

This County initiated application proposes to add and amend policies in LCC Chapter 905 (Agricultural Lands and Urbanization chapter) to establish a new Dever Conner Agricultural District. The Agricultural District would act an overlay in the Comprehensive Plan. This does not propose any map changes or propose any changes to the Land Use Designations or Zoning in the Dever Conner area. All policy changes and new policies will only pertain to the new District. The District is approximately 10,000 acres or 16 square miles.

Background

The proposed text changes are the result of negotiations over a previous (separate) contested Land Use action. County file PD24-0128 was an application by the City of Millersburg and Timberlab Inc. requesting exceptions to Statewide Planning Goals 3 and 14 for a driveway to provide access to a set of parcels on the western edge of the City, within the City Limits. The only access to the property was through unincorporated property with Exclusive Farm Use (EFU) zoning, which required the Goal exceptions.

The application was originally contested by seven farmers in the Dever Conner and surrounding areas, 1,000 Friends of Oregon, and Friends of Linn County. Prior to the final County action, a meeting between all parties, including the County, was held and an agreement negotiated. The agreement stipulated a number of action items, including the proposed Comprehensive Plan amendments that are the subject of this application (PD24-0259). In exchange, the opposition agreed to support the application and not appeal the approval. That Land Use action was approved by the County Board of Commissioners on July 9, 2024.

The stipulated text changes propose to establish a new Agricultural District, intended to identify the Dever Conner area for long term agricultural preservation. A separate agreement between the City and the County has already been formalized to clarify that the City will not expand the City urban growth boundary (UGB) into this Agricultural District (formalized through an amendment to the Urban Growth Management Agreement (UGMA)), which is not a part of this proposed Comprehensive Plan text amendment.

Original language proposed as part of the settlement agreement is included in Exhibit A-2. An email to all parties was sent on July 22, 2024 with notes indicating County changes to the original proposed text. The County notes are included as Exhibit A-3. No parties contested the notes or proposed changes. Staff notes the proposed edits in Exhibit A-1 are substantially similar to the original proposed language, as noted in the terms of the agreement.

B. LAND USE PROCESS

The Planning Commission (Commission) will conduct a public meeting to review the applications and public comments on this matter at 7:00 p.m., September 10, 2024. The meeting will be held in George Miller Room B, in the Old Armory Building on the corner of 4th Avenue and Lyon Street, Albany Oregon. The Commission will make a recommendation to the Linn County Board of Commissioners (Board). The Board will conduct a public hearing on the applications at 10:00 a.m. on October 1, 2024, in Room 200 of the Linn County Courthouse in Albany, Oregon. The hearing will afford interested parties an opportunity to be heard on the matter. The Board will make a final decision after the close of the public hearing.

C. PLANNING COMMISSION RECOMMENDATION

The Planning Commission (Commission) held a public hearing on this matter on September 10, 2024. After considering all the written evidence and oral testimony presented at the Commission hearing, the Commission voted 4-0 to adopt a motion to recommend that the Board approve the proposed amendments. Voting in favor of the motion were Commissioners Cromwell, Legras, McHenry, and McKinney.

D. DECISION CRITERIA AND PROPOSED FINDINGS

The Plan text amendment criteria are in Linn County Code (LCC) 921.872. The decision criteria are attached in Exhibit B. The proposed findings of compliance are attached in Exhibit A.

II. LAND USE

A. ZONING AND DEVELOPMENT BACKGROUND

Most of the property within the proposed Agricultural District is zoned EFU. One property in the District features an Agribusiness Zoning Designation- tax lot 10S-03W-19-00200. The area is used almost exclusively for agriculture and related uses. The Plan Designation for most of the properties is Agricultural Resource. There are land use and development permits outstanding on some properties, though they are all consistent with the proposed District.

EXISTING AND PROPOSED CONDITIONS

CONDITION	EXISTING	PROPOSED
Plan Designation	Agricultural Resource	Same
Zone Designation	Exclusive Farm Use (EFU)	Same
Site Location	See Map – Exhibit A, pages 1-4	Same
Access	Various County Roads	Same
Land Use	Primarily Farm Use, some residences	Same

III. PHYSICAL CHARACTERISTICS OF THE PROPERTY

A. SOIL TYPES

The District is over 10,000 acres. Soil types in the District are suited to agricultural purposes and typically include Amity Silt Loam (3), and Concord Silt Loam (27), Woodburn Silt Loam, 0-3% Slopes (106A), and Dayton Silt Loam (33).

B. TOPOGRAPHY – The area of the proposed District is generally flat and most of the District is currently farmed. Some areas are wooded or riverbanks areas that are left in a natural state.

C. NATURAL FEATURES – The District is bound on two sides by prominent rivers and Crooks Creek runs through the middle of the proposed district. Some wooded areas exist to the north of the District, near the Santiam River, and there is a small lake near the southern border. There is a hill to the north of Parker Lane that has had some historical mining. There are no other distinctive natural features as most of the area is farmed.

D. NATURAL AND/OR GEOLOGIC HAZARDS – Large portions of the proposed District are within designated flood hazard areas according to the Federal Emergency Management Agency (FEMA) Flood Insurance Study for Linn County, Oregon and Incorporated Areas dated September 29, 2010. There are no potential geologic hazards identified on the subject properties (Bulletin 84, Environmental Geology of Western Linn County Oregon).

IV. ENVIRONMENTAL FACTORS

- A. WILDLIFE HABITAT – The property is not located within an identified big game habitat area. The property does not contain any sensitive fish and riparian habitats except the rivers.
- B. WETLANDS – Because the property is 10,000 acres, there are many documented wetland areas, though these do not negate the farmability of the land outside these wetland areas.

V. AVAILABILITY OF PUBLIC FACILITIES AND SERVICES

- A. FIRE – The area is located within the Jefferson Rural Fire Protection District.
- B. POLICE - The Linn County Sheriff's Department serves the area.
- C. SCHOOL - The area lies within the Greater Albany School District, the Jefferson School District, the Linn Benton Lincoln Education Service District and the Linn Benton Community College District.
- D. OTHER DISTRICTS – The area is located within the Linn Soil and Water District.
- E. SEWAGE DISPOSAL – The district contain is primarily employed for farm use. Sewage disposal within the district may vary.
- F. WATER SUPPLY – The district contain is primarily employed for farm use. Water supply within the district may vary.
- G. ACCESS – The property has two primary access points, both from the east, these are Conser Road NE and Dever Conner Road NE, both of which connect to I-5. The two rivers that frame the north, south and west of the District prevent any other access. Access to the subject properties may vary from access via Linn County roads to access via private roads.

VI. PUBLIC NOTICE AND HEARING REQUIREMENTS

A. NOTICE

Notice of this application along with the hearing dates were published in the Albany Democrat Herald Newspaper and posted on the Linn County Web Site at least 20 days prior to the first evidentiary hearing. The review is legislative rather than quasi-judicial and is governed by LCC 921.135. The Land Conservation and Development Commission (DLCD) was provided notice of this application at least 35 days prior to the first evidentiary hearing.

B. PUBLIC HEARING REQUIREMENTS

The Planning Commission (Commission) will review the application at a public meeting on Tuesday, September 10, 2024, and will make a recommendation to the Linn County Board of County Commissioners (Board) regarding the proposed Plan text amendments.

The Board is scheduled to conduct a public hearing on this matter at 10:00 a.m., Tuesday, October 1, 2024, in the Board Hearing Room, Room 200, on the second floor of the County Courthouse. The Board may consider the application for 42 days from the close of the public hearing. Tabling of the request for a period not to exceed 35 days may also occur. Specified findings, stating the reason for decision, are required in taking action on the proposed amendment. The Board will consider all the testimony in the matter and may take action to: (1) Approve the application; (2) Deny the application; or (3) Modify the application.

All testimony and evidence must be directed toward the applicable decision criteria including applicable criteria in the plan or other land use regulations. Failure to raise an issue before the close of the record, or failure to provide statements or evidence sufficient to afford the decision maker(s) and the parties an adequate opportunity to respond to each raised issue precludes an appeal based on that issue.

If additional documents or evidence are provided by any party, the Board may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. The 150-day time limitations of ORS 215.428 do not apply to the proposed *Comprehensive Plan* amendment.

VII. EXHIBITS

The following Exhibits and supporting documentation are attached to this staff report:

- Exhibit A - Application Materials: Application and Supporting Documents
 - A-1, Proposed Comprehensive Plan Text Amendment
 - A-2, Original Proposed Comprehensive Plan Text Amendment
 - A-3, Comments on Proposed Comprehensive Plan Text Amendment
 - Maps of District Area
- Exhibit B - Decision Criteria
- Exhibit C - Agency Comments
- Exhibit D - Public Notice
- Exhibit E - Public Comments

V. STAFF ANALYSIS AND PROPOSED FINDINGS

Staff provides the following analysis and findings addressing the criteria in LCC 921.872.

LCC 921.872(A): The amendment is consistent with the intent of the applicable section (s) of the Comprehensive Plan; and

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As previously noted, a Comp Plan text amendment is proposed to add an Agricultural District to the Comp Plan. Comp Plan text amendments require a demonstration of consistency with the intent of applicable sections of the Comp Plan and statewide planning goals.

Specifically, a demonstration that the "amendment is consistent with the intent of the applicable section(s) of the *Comprehensive Plan*" is required by LCC 921.872(A). The Application complies with the intent applicable Comp Plan elements and policies as outlined in the sections below. Comp Plan elements and policies not expressly discussed herein are deemed inapplicable to the Application. LCC 921.872(A) only requires consistency with the intent of applicable sections, which is consistent with the general rule that specific comprehensive plan elements and policies are not intended to operate as particular mandatory approval criteria. Rather general consistency is only required as it is recognized that a Comp Plan may reflect policy goals that are not addressed by every individual development.

Citizens Involvement Element (Chapter 901)

Response: Like Statewide Planning Goal 1, this Element is designed to ensure public participation in the planning and land use process. The County has acknowledged provisions for citizen involvement that allow citizens to be involved in the planning process and sets out requirements for such involvement in compliance with Goal 1. The Application does not amend the County's citizen involvement element, and the County's process for reviewing the

Application complies with this element and Goal 1.

The Application will be noticed as required through the LCC as a Comp Plan Text Amendment, which requires a hearing at the Planning Commission and a hearing and final decision by the Board of County Commissioners. Notice of land use items allows citizens to participate in the planning process through comments to the Planning Commission and Board of Commissioners (as applicable).

Plan Monitoring and Amendment Code – Administrative Element (Chapter 902)

Response: LCC 902.200 describes the purpose of the Comp Plan amendment process: "to allow a property owner or a group of owners to apply for a change of [plan] designations or policies in order to pursue land development options." The Application does not involve a change in plan designation but, instead, requests the establishment of a new Agricultural District intended for long term preservation of the uses in the specified area. The hearings process dictated by Chapter 921 complies with the citizen involvement requirements, as further discussed in this Application.

Natural Resources Element (Chapter 903)

Response: This Element addresses hazards, open spaces, natural areas, scenic areas, historic and cultural areas, waterways, and other resources. The Application would allow the creation of an Agricultural District on land that is mostly previously disturbed by agricultural uses, though some wooded areas remain generally undisturbed. The proposed District would act similar to an overlay with the sole intention of preserving the existing uses. This does not alter or change the outright allowed or permitted uses afforded by the Zone, or alter any processes already in effect to protect natural areas or impact hazard areas. For example, this District will not change the wetland requirements from the State, or afford any special rules in the FEMA designated areas. If there were any historic or cultural resources within the subject property, the proposed text changes would not impact those in any way because they would not permit any more, or less, development in the area. The proposed District could be seen to actually deter significant urban development because it protects the area from City encroachment. Similarly, most other policies, such as the environmental quality policies in LCC 903.160, are not affected. Other policies in this section identify County coordination requirements that would continue to be applicable to any development in the District.

Community Facilities and Development Element (Chapter 904)

Response: This Element addresses the need for infrastructure to support development, transportation, housing, recreational needs, and energy conservation. Infrastructure includes water, sewer, storm drainage, utilities, and other County provided services (public schools, safety, and fire protection). Although the transportation section of the Comp Plan (Chapter 904, Subsection II) is part of Chapter 904, that chapter redirects to Chapter 907, which governs the TSP addressed later in this narrative.

The proposed District would not impact or alter the requirements for any public utilities such as water, sewer, storm drainage, or any other services. The policies do not deter development within the District; they do, however, require them to remain generally agricultural in nature. This is already required by the Zoning uses permitted. This District is solely for the purpose of preventing city encroachment and urban development.

The housing and recreation sections of this Element and related policies in LCC 904.320 and 904.420, will remain effective and continue to be applicable to development in the District. The Application does not involve housing development or land inventoried for recreational needs.

Land Use Element (Chapter 905)

Response: This Element contains goals and policies for each specific land use designation contemplated by the Comp Plan. The proposed District location is within lands designated Agricultural Resource and generally Zoned EFU. Approval of the Application will not change those designations or add/remove any uses from the area. This is discussed below in more detail.

Some of the proposed text changes would be within LCC Chapter 905, adding the Dever Conner Agricultural District.

The Land Use Element contains multiple subsections, of which three are relevant to the Application. These three policies, Agricultural Resource Lands, Urbanization, and the Willamette River Greenway, are discussed below.

Agricultural Resource Lands Subsection

Response: LCC 905.120 identifies policies for Agricultural Resources lands. These policies address issues in the Agricultural resource lands such as protection and maintenance of farm uses, using the land use process to allow neighbors to be notified of changes, addressing when new homes can be built in EFU zones, how commercial uses can work in farm areas, and other policies that all generally protect the farm areas. The proposed amendment (new Policy I) will not alter or conflict with any of these policies. The new text will add details pertaining to a specific area of the County, and specifically prohibit a City from changing any Urban Growth Boundaries that currently exist bordering the new Agricultural District. All existing policies will remain fully applicable inside the proposed District. The proposed amendments would not change the Plan or Zoning designations or the proposed uses. The property would continue to be zoned EFU.

Urbanization Subsection

Response: LCC 905.610 addresses Statewide Planning Goal 14, the Urbanization goal. This section essentially manages growth with the goal of keeping as much growth as possible inside Urban Growth Boundaries. This also serves to protect resource lands, like agricultural areas.

The proposed text amendment will add a new policy to create a new Agricultural District, the goal of which will specifically address the management of the UGB's that border the Dever Conner area. At this time, the only city that borders this area is the City of Millersburg.

LCC 905.610 provides policies pertaining to UGB's and growth in Linn County. The amendment proposes to add a new Policy. The new Policy explains "*The County shall not approve urban growth boundary expansions into the Dever-Conner Agricultural District, as shown in Ordinance 2024-XXX, before January 1, 2075.*" This has already been reflected in the UGMA between the County and the City of Millersburg. The new policy does not conflict with any existing policy in this section, nor would it conflict with any Zoning requirements in the EFU Zone. In fact, the new policy strengthens the other existing policies, as explained in Policy (A): "*As previously discussed throughout the text of the Plan, the retention of resource land for resource use is of prime importance.*" The new policy essentially dictates the change that has already been made in the UGMA.

It should be noted that Policy D allows Cities to have a "planning area" as part of the UGMA. The City of Millersburg does have a such a planning area that extends into the Dever Conner area on the west side of the City. This is not proposed to change. The planning area, as explained in Policy D, simply gives the City the ability to require any Land Use changes in the planning area to be reviewed by the City for comment. The planning area is not a UGB. Unlike a UGB, the planning area does *not* indicate that the City plans to expand into that area next. It only affords an opportunity for review.

Willamette River Greenway subsection

This subsection serves to protect the Willamette River. The greenway is a buffer around the river that requires specific attention Statewide. Farming is permitted in the greenway, in fact the Comp Plan explains "the continued use of the greenway land for such purposes as farming is encouraged." The proposed Dever Conner Agricultural District is bordered on the west and south by the Willamette River Greenway. The new policy would apply inside the greenway, so it is important to analyze its consistency with the greenway policies. Applicable policies from 905.720 generally explain that land boarding the river should be used for farming, and scenic uses, public access should be limited to public parks, preservation should be key in any development proposal, trespassing should be minimized, flood plain and floodway setbacks must be used, and farming should be protected. As stated previously, the proposed District can be seen as an overlay, that simply adds the protection from city encroachment. The text amendment would not present any new uses, or alter any of the requirements presented in the greenway policies. If anything, the amendment can be seen to strengthen the requirements by providing a 10,000-acre buffer between urban uses and the River. Land use proposed within the WRGO are subject to review to demonstrate compliance with the WRGO decision criteria. The proposed amendment is fully consistent with the greenway policies.

Transportation Plan Code (Transportation Element) (Chapter 907)

Response: This Element contains the County's TSP for a 20-year planning period, projecting the County's transportation needs and identifying goals and policies to address forecasted growth.

The proposed text amendment does not alter any planned uses, planned streets, or access to or from the Dever Conner area or Millersburg. The City of Millersburg does not have any UGM or un-annexed UGB areas within the proposed Agricultural District. There are no long-term documents in the City proposing any expansion to the west. This new District would clarify that no expansion into the new District would be permitted. As such, the area within the District will remain in its current Agricultural uses. It is not anticipated that the continuation of the current uses would result in any increased demand for transportation; though any such requests would follow the existing Land Use process in the County which would address such a demand at that time on a case-by-case basis. Additionally, LCC 907.110(B)(1) recognizes the rural nature of the county. Anticipated development in the unincorporated areas of the county will be on a rural scale.

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

COMPLIANCE WITH STATEWIDE PLANNING GOALS

The Comp Plan text amendments require demonstration of consistency with Statewide Planning 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.

Response: The County Comp Plan contains acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and that set out requirements for such involvement in compliance with Goal 1 (see also OAR chapter 660, Division 15). The Application does not amend the County's citizen involvement program, and the process for reviewing the Application complies with Goal 1 because it complies with, and surpasses the requirements of, the citizen involvement provisions under Goal 1. The Application, therefore, complies 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.

Response: Goal 2 requires each local government to have and follow a comprehensive land use plan and implementing regulations. The County's land development code (LCC Title 9, Subtitle 2) specifies the procedure and criteria to be used in considering this Application, consistent with LCC Chapter 921 and the Comp Plan. The County has adopted standards and procedures for land use decisions that have been acknowledged as consistent with the Statewide Planning Goals. The County will ensure compliance with Goal 2 by reviewing the Application in the manner prescribed by the LCC.

The proposed Application will be noticed as required through the LCC as a Comp Plan Amendment, which requires a hearing at the Planning Commission and a hearing and final decision by the Board of County Commissioners. Notice of land use items provides an opportunity for citizens to participate in the review through comments to the Planning Commission and Board of Commissioners. To comply with the Goal 2 coordination requirement, the County will engage in an exchange about the subject of the Application with all affected governmental units.

Finally, as demonstrated throughout this Application, the text amendment complies with all requirements for Comp Plan Amendments pursuant to Goal 2, as implemented by state and local requirements.

The proposed Application is therefore consistent with Goal 2.

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

Response: Goal 3 requires agricultural lands to be preserved and maintained for farm use. Counties must inventory agricultural land, designate it on their comprehensive plans, and zone it as EFU. EFU zoning restricts development and uses unrelated to agriculture to prevent conflicts with farming.

As explained previously, the proposed text amendment will add an additional layer of protection for agricultural areas in the form of a prohibition on city encroachment (UGB changes that could take away agricultural areas) within the Dever Conner Agricultural District. The Application is highly consistent with Goal 3.

Goal 4: Forest Lands, to conserve forest lands.

Response: This Goal does not apply to the Application as the Application would not affect any land designated for forest use. The Application is consistent with Goal 4.

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

Response: The Application would not create or amend a list of Goal 5 resources, amend a plan or code provision adopted to protect a significant Goal 5 resource or address specific requirements of Goal 5. The Application would not amend an acknowledged UGB. Goal 5 resources typically include wetlands, sensitive waterways, riparian ways, big game habitat, cultural or historic sites, or aggregate resource sites. The proposed Agricultural District features several different Goal 5 resources throughout the District. The proposed change will not affect these. The additional policy would not change the uses within the new District, it just addresses the border with cities in the district. Therefore, the proposed text amendments will not impact any Goal 5 resources. The proposed amendment is consistent with Goal 5.

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

Response: Goal 6 instructs local governments to consider protection of air, water and land resources from pollution and pollutants when developing comprehensive plans. At a federal level, the elements within Goal 6 correspond broadly to the Clean Air Act and Clean Water Act. At a state level, Goal 6 covers many areas regulated by the Oregon Department of Environmental Quality (DEQ) through its permitting actions. DEQ ensures its permitting decisions comply with the plan and zoning regulations of the affected local government and coordinates with DLCD and other agencies to be sure that city and county plans comply with state and federal laws.

No state permits are necessary for development of the District, or the enforcement of the District. No impacts are anticipated

The Application does not change the level of protection afforded in local regulations for air and water quality, or land resources. The Application does not negatively affect the environmental factors specified in Goal 6. Therefore, the Application is consistent with Goal 6.

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

Response: Goal 7 requires local governments to adopt comprehensive plans to reduce risk to people and property from natural hazards such as floods, landslides, earthquakes, tsunamis, and wildfires. The County protects people and property from natural hazards through various land use and building code requirements. The proposed Agricultural District is large, encompassing over 10,000 acres. As such, the area contains many identified hazard areas including landslide areas and FEMA flood plains. The proposed text change does not alter any protective provisions, nor does it propose any change to development requirements, uses, or regulations in hazard areas. The proposed change only addresses the borders between a City and the proposed District. The amendment is consistent with Goal 7.

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.

Response: This Goal ensures the provision of recreational facilities to Oregon residents and is primarily concerned with the provision of those facilities in non-urban areas of the state. There are no public parks or recreational features within the proposed Agricultural District. The Willamette River and the Santiam River borders the District on the north, west and south, and while they are available for recreational opportunities such as boating and fishing, the proposed Agricultural District will not impact these opportunities. The amendment does not involve the siting of destination resorts. Based on these findings, the proposed amendment is consistent with Goal 8.

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.

Response: Goal 9 applies to comprehensive plans within UGBs. The Goal requires cities to provide an adequate land supply for economic development and employment growth. The proposed District is on non-urban land, outside of any UGB. Therefore, the amendment does not affect compliance with Goal 9 or corresponding administrative rules. The amendment is consistent with Goal 9.

Goal 10 Housing, to provide for the housing needs of citizens of the state.

Response: Goal 10 also applies only to comprehensive plans within UGBs. It requires that sufficient buildable land be designated on the City's comprehensive plan map to satisfy housing needs by type and density range, as determined in the housing needs projection. The proposed District is fully within unincorporated Linn County. Therefore, the amendment does not affect compliance with Goal 10 or corresponding administrative rules. The amendment is consistent with Goal 10.

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.

Response: Goal 11 requires cities and counties to develop and adopt a public facility plan for areas within a UGB containing a population greater than 2,500 persons. The purpose of the plan is to help assure that urban development inside UGBs is guided and supported by types and levels of urban facilities and services appropriate for city needs and requirements. Those facilities and services must also be provided in a timely, orderly, and efficient arrangement, as required by Goal 11. The proposed Agricultural District is not within an area covered by a public facility plan because it is not within a UGB. The amendments actually preclude any UGB changes *into* the proposed District. Therefore, the amendment does not affect compliance with Goal 11 or corresponding administrative rules. The amendment is consistent with Goal 11.

Goal 12 Transportation, to provide and encourage a safe, convenient and economic transportation system.

Response: Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR chapter 660, division 12). The Linn County TSP is the regional policy framework through which the TPR is implemented at the local level. Goal 12 compliance for comprehensive plan and land use regulation amendments is governed by the Goal 12 rule at OAR 660-010-0060.

OAR 660-010-0060(1) requires a determination by the County of whether the amendment will "significantly affect a transportation facility" and provides the criteria used to evaluate whether a transportation facility is significantly affected. OAR 660-010-0060(2) and (3) prescribe what the County must or can do if it determines that a plan amendment will significantly affect an existing transportation facility.

Transportation impacts are essentially created by increasing vehicle trips. Changes in the uses typically affect trip counts. A traditional TPR analysis looks at the proposed change and analyzes the potential effect on vehicle trips. In this case, no analysis is needed due to the nature of the proposed change. The proposed amendment will create a new rule preventing any expansion of a City UGB into the new proposed District. The new rule prevents any changes to the UGB on that interface. The text amendment does not alter any uses within the Dever Conner area. As such, there will be no change to the trips. The new District does not prevent a user from intensifying an existing farm use consistent with an EFU Zone requirements; however, that would not necessarily be the result of, or an outgrowth of, the proposed District.

The new District will not have a causal effect on any intensification of farm uses. The new District is not anticipated to have any impacts on the existing farm uses in the Dever Conner area. Therefore, no study is required because there is no relationship between the text amendment and any possible increase in trips. The application is consistent with Goal 12.

Goal 13 Energy Conservation, to conserve energy.

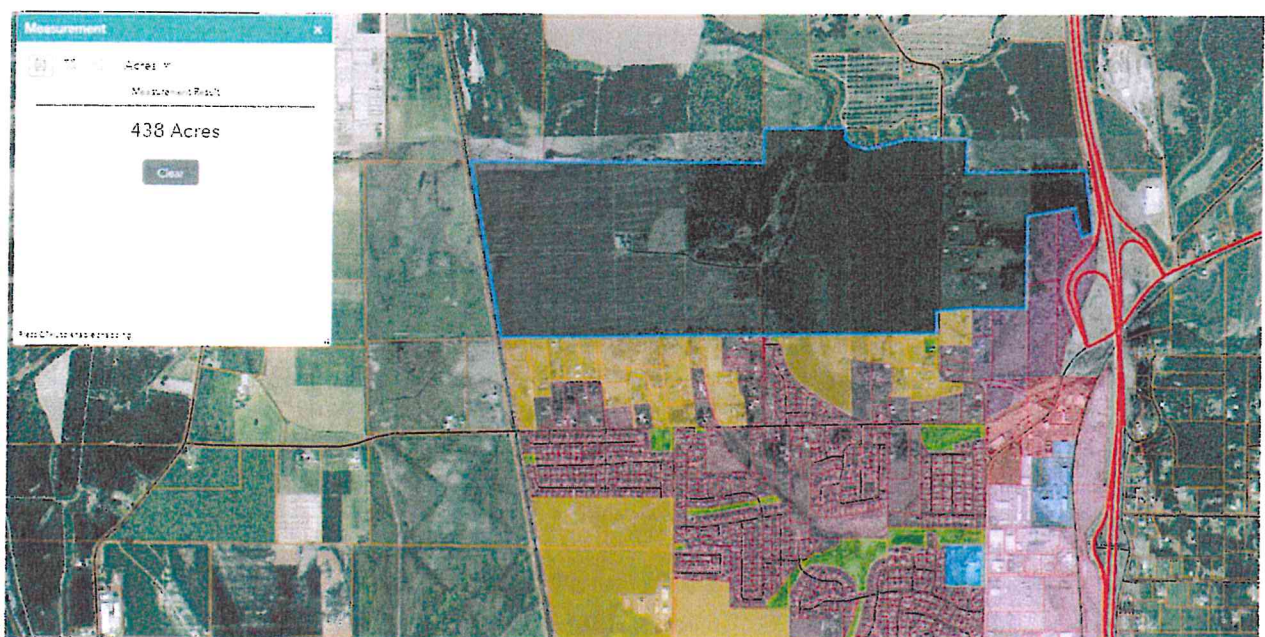
Response: Goal 13 requires that development maximize the conservation of all forms of energy, based upon sound economic principles. Goal 13 is directed at the development of local energy policies and implementing provisions and does not establish any requirements with respect to other types of land use decisions.

The amendment does not specifically impact local energy conservation policies or implementing provisions. As noted, the District is outside any UGB. Therefore, the Application 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.

Response: Goal 14 requires local governments to provide for an orderly and efficient transition from rural to urban land uses by establishing UGBs that provide land for urban development needs and that separate urbanizable land from rural land.

The text amendment is essentially freezing the UGB between the Dever Conner area and the City of Millersburg, with some exceptions to the north of the City limits. If the west were the only direction the City could possibly grow, this proposal could be seen as inconsistent with Goal 14. However, the City can still expand (when needed) to the east, over I-5, and to the north. The proposed District does wrap around the City to the north, however, the agreement between the City, 1,000 Friends of Oregon, Friends of Linn County, a group of farmers in the Dever Conner area, and the County left an area between the new District and the existing UGB for Millersburg with the intention that the City could grow northward into this area that is roughly 438 acres, or about 0.68 square miles. Again, this area is not yet in the City's UGB, but could be someday. A UGB expansion into this area would be fully consistent with the new District. See map below.



The new text amendment does not conflict with the State requirements for UGB's as outlined in Goal 14, nor does it conflict with the City/County UGMA. It creates an additional rule for the treatment of the existing UGB, but does not conflict. Also, the City can still grow in other directions. As such, the amendment is fully consistent with Goal 14.

Goal 15 Willamette River Greenway Goal 15 applies to cities and counties along the river. The Willamette River Greenway is a corridor of water and land in which development is planned and built with recognition of the unique qualities of the Willamette River.

Response: As discussed previously in this staff report in the Comp Plan analysis of the same requirement, Goal 15 serves to protect the Willamette River. The greenway is a buffer around the river that contains specific regulations. The proposed Agricultural District is bordered on the west by the Willamette River Greenway. The County has translated the requirements of Goal 15 into the Comp Plan policies from 905.720 which generally explain that land boarding the river should be used for farming, and scenic uses, public access should be limited to public parks, preservation should be key in any development proposal, trespassing should be minimized, flood plain and floodway setbacks must be used, and farming should be protected. The text amendment is consistent with the County Comp Plan policies for the greenway (see previous analysis). By extension, that makes the text amendment consistent with Goal 15.

Goals 16– 19- Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

Response: Goals 16 through 19 do not apply to the text amendment because Linn County does not contain any Estuarine Resources, Coastal Shorelands, Beaches and Dunes, or Ocean Resources.

DEVELOPMENT CODE COMPLIANCE

The LCC requires that all Comp Plan amendments comply with applicable LCC criteria. The Application does not propose any immediate development, but the requested plan amendment will be reviewed according to applicable procedural requirements of the LCC. Compliance with applicable procedural requirements is demonstrated below.

LCC 921.860 Persons authorized to submit amendment applications (A) An application to amend the Comprehensive Plan may be filed only by the persons set forth in subsection (B).

(B) Persons having authority to file an application.

** * * * **

(3) The Director

Response: This Application requests a text amendment to the Comp Plan and is properly initiated at the request of the Planning Director.

LCC 921.862 Types of amendment applications

(A) Application for amendment of the Comprehensive Plan may be initiated to amend the Plan map, Plan text, or a combination of the Plan map and text.

(B) An amendment to the Comprehensive Plan may be a legislative Type IIIA action.

(C) An amendment to the Comprehensive Plan may be a quasi-judicial Type IIIB action.

Response: The Application proposes text amendments to the Comp Plan to create a new Agricultural District, which involves adding two new policies. The text amendment is being processed under a single legislative Type IIIA procedure as defined in LCC 921.100(B)(177), and pursuant the factors described by the Oregon Supreme Court.

The proposed policies will be applicable to a large geographic area. The County's consideration for adopting these policies is a voluntary action that may be paused or discontinued at its own volition. Adoption of such policies must be generally consistent with the Oregon Statewide Planning Goals; however, such goals do not act as definite and closely circumscribed individual criteria. Based on all of these factors, the proposal is a legislative action under *Strawberry Hill 4 Wheelers v. Board of Comm'rs*, 287 Or 591, 602-03, 601 P2d 769 (1979).

The Type IIIA process was selected because the amendment creates policies that will be applied to future applications and have broad application to an entire community (Dever Conner) or class of individuals. See LCC 920.100(177). As summarized in the County Code's definitions, "simply put, legislative land use decisions make law" and quasi-judicial land use decisions "apply law." LCC 920.100(B)(177) and (267).

* * * * *

LCC 921.864 Application procedure

(A) An application may be filed seeking an amendment to the Comprehensive Plan if the application complies with the applicable requirements of LCC 921.002 to 921.499. The Department shall not accept an application for amendment of the Comprehensive Plan if incomplete or incorrect information has been submitted or if the applicant has failed to attend a pre-application conference with the planning staff.

(B) A public hearing on an application to amend the Comprehensive Plan shall be set no sooner than 45 calendar days following the deeming of that application complete.

Response: The Application complies with all applicable requirements of LCC 921.002 to 921.499, as demonstrated herein, and will be processed according to all required timelines under the LCC and applicable state law.

LCC 921.868 Pre-application conference

Prior to filing an application to amend the Comprehensive Plan, the applicant shall attend a pre-application conference with the planning staff.

Response: The County is the applicant, this does not apply. It should be noted, however, that the proposed text amendment was the product (along with several other action items) of a large meeting with the County, the City of Millersburg, 1,000 Friends of Oregon, Friends of Linn County, and group of farmers representing the interest of the Dever Conner area. That meet could certainly be viewed as a pre-application event.

LCC 921.870 Review procedures

An application seeking an amendment to the Comprehensive Plan shall be reviewed under a Type IIIA procedure if the application is legislative, or a Type IIIB procedure if the application is quasi-judicial.

Response: As explained in response to LCC 921.862, the requested Comp Plan amendment is considered a legislative case type and, therefore, the Application will be processed through a Type IIIA procedure.

LCC 921.872 Decision criteria for [Comprehensive] Plan text amendments To approve a plan text amendment, the following criteria shall be met:

(A) The amendment is consistent with the intent of the applicable section(s) of the Comprehensive Plan; and

Response: As demonstrated in the analysis above and incorporated by reference herein, the Application is consistent the intent of all applicable requirements of the Comp Plan.

(B) The amendment is consistent with the statewide planning goals.

Response: As demonstrated in the analysis above and incorporated by reference herein, the Application is consistent with all applicable Statewide Planning Goals.