



1400 Queen Ave SE • Suite 201 • Albany, OR 97322  
 (541) 967-8720 • FAX (541) 967-6123

**MEMORANDUM**

**DATE:** September 23, 2018  
**TO:** Linn County Commissioners  
**FROM:** Fred Abousleman, Executive Director,  
 Oregon Cascades West Council of Governments (OCWCOG)  
**RE:** Update on OCWCOG Activities and Programs

**Event Updates**

- Tapas and Treasures  
 Oregon Cascades West Senior Services Foundation, in partnership with Corvallis Rotary, hosted *Tapas and Treasures* on August 9th Garland Nursey in Corvallis. The event was fundraiser for *Meals on Wheels* and raised 725 meals for seniors and people with disabilities in your community.



- CelebrateLBL  
 OCWCOG's 2018's *Celebrate Linn, Benton, Lincoln (CelebrateLBL)* event was held on September 13th at the Oregon Coast Aquarium in Newport. 2018 Regional Award winners were announced and include:
  - *Business Partner of the Year* – Oregon State Credit Union
  - *Chair's Award* – T. Gerding Corporation
  - *Citizen of the Region* – Mike Volpe
  - *Meals on Wheels Volunteer of the Year* – Carol Dorning
  - *Project of the Year* – City of Lincoln City and the Bijou Theatre
  - *Volunteer of the Year* – Catherine Skiens



**Senior and Disability Services**

- Adult Protective Services (APS)

|                          | Regionally                                      |  | Linn County                                     |  |
|--------------------------|---|--|---|--|
|                          | <i>Complaints Received About Possible Abuse</i> | <i>Cases That Were or Are Still Being Investigated</i> | <i>Complaints Received About Possible Abuse</i> | <i>Cases That Were or Are Still Being Investigated</i> |
| July 2018                | 179   | 86   | 101   | 50   |
| August 2018              | 242   | 96   | 127   | 53   |
| Total                    | 421   | 182  | 228   | 103  |
| Changes from Last Report | 57 more   | 1 more   | 12 more   | 4 less   |

- Adult Protective Services (APS) Pilot of Statewide Tracking Tool on October 8th  
The Centralized Abuse Management (CAM) system is a comprehensive web-based system for the documentation of abuse reports and investigations. The goal of CAM is to improve and standardize abuse reports across multiple populations and replace outdated systems to provide better protection to vulnerable Oregonians.

OCWCOG, as a contractor for providing APS for Aging and People with Disabilities (APD), will be part of the initial implementation of CAM. Future phases of the system plan to incorporate investigations conducted by Intellectual and Developmental Disabilities Services, the Addictions and Mental Health Services program, and a small portion of Child Welfare investigations.

Reporting and tracking different components of abuse incidents are difficult, especially when attempts are made to compare information across programs. The data systems are antiquated, and data elements collected have not been standardized across systems. This lack of standardization makes interfaces between systems next to impossible. The goal is to increase awareness of patterns of abuse in licensed settings and in the community.

The Oregon Department of Human Services released these CAM fast facts.

- Individuals served will be better protected.
- The use of CAM will increase productivity and efficiency through automation:
- Reports of abuse, screening decisions and investigations will be documented centrally and in near-real-time so local staff, local management, Central Office, and others with a need to know have immediate access to information.
- CAM will enable users to identify and track information on abuse investigations across programs.
- It will be possible to identify and track abuse and abuse history at DHS-licensed facilities across programs.
- It will be easier for staff to produce information for auditing and analysis.
- CAM will be a standardized, easy-to-use, web-based system.
- The entire abuse management process, from initial screening all the way through to the appeals stage is handled within the same system (except for court proceedings).
- A new system will improve users of the system’s ability to identify reported perpetrators and help prevent further abuse.

Northwest Senior and Disability Services, OCWCOG’s neighbor to the north, was the first Area Agency on Aging in the State to implement CAM. They have been working in the system for about a month. Though there are mixed reviews of the rollout from NWSDS Staff, OCWCOG is hopeful that the implementation will go smoothly and accomplish many of the goals highlighted by APD.

- Aging and Disability Resource Connection (ADRC)

|                          | Unduplicated Consumers | Total Number of Calls for the <b>Region</b> * | Total Number of Calls for <b>Linn County</b> * |
|--------------------------|------------------------|---|--|
| July 2018                | 590                    | 715   | 349  |
| August 2018              | 619                    | 769   | 384  |
| Total                    | 1,206                  | 1,484   | 733  |
| Changes from Last Report | 74 more                | 90 less                                       | 82 less  |

\*Total Number of Calls – includes emails, faxes, mail, in-person, other, and unspecified contacts with OCWCOG staff.

- National Trends in Aging Highlighted at National Conferences  
Oregon was well represented this year at two prominent national aging services conferences, the National Association of Area Agencies on Aging (n4a) Conference in Chicago, and the Home and Community Based Services (HCBS) Conference in Baltimore. In addition to OCWCOG Staff, staff from Lane Council of Governments; Multnomah County Aging, Disability, and Veteran Services, Washington County Disability, Aging, and Veteran Services; and Northwest Senior and Disability Services were in attendance.

The n4a conference held in Chicago in July highlighted many great projects and programs across the nation. Of specific interest were ones that focused on combatting the “epidemic of loneliness” and its effect on the social and physical health on our communities. Recently, it’s been concluded that prolonged isolation carries the same health risks as smoking 15 cigarettes per day. There are many exciting pilot programs designed to decrease loneliness in older adults, who are more at risk of isolation than their younger counterparts.

In Baltimore, Area Agency on Aging (AAA) staff from around the State were joined by Department of Human Services - Aging and People with Disabilities (DHS APD) staff and attended sessions about Transportation, Age Friendly and Livable Communities Projects, Disaster Preparedness, and Decreasing Senior Malnutrition.

OCWCOG SDS will be researching some of the innovative programs and examining ways that they can implement locally. In addition, workgroups are being convened for all Oregon attendees to discuss information gleaned from national leaders and potential implementation and collaboration on future projects.

## Community Services Program

- Foster Grandparent Program (FGP)  
FGP places low-income seniors in elementary schools and after-school programs to tutor and mentor at-risk youth. Volunteers serve as tutors to children ages three to 18.
  - For the months of May - July 2018:

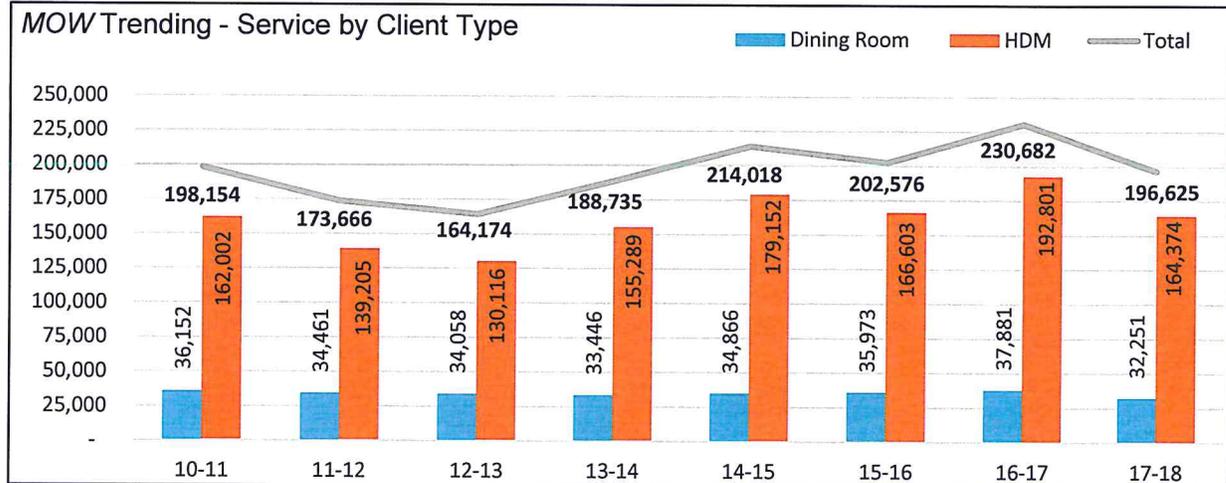
|                   | <b>Regionally</b> | Change from Last Report | <b>Linn County</b> | Change from Last Report |
|-------------------|-------------------|-------------------------|--------------------|-------------------------|
| <i>Volunteers</i> | 15                | decrease by 15          | 20                 | decrease by 2           |
| <i>Schools</i>    | 7                 | decrease by 13          | 7                  | decrease by 13          |
| <i>Hours</i>      | 4,908.7           | decrease by 1,898.1     | 3,424.7            | decrease by 1,378.85    |

*The number of volunteers and schools/sites decreased because school was out for the summer; the numbers will increase again once school is back in session.*

- Meals on Wheels (MOW) Program

|                            | March, April, and May 2018 | April, May, and June 2018 | March, April, and May 2018 | April, May, and June 2018 |
|----------------------------|----------------------------|---------------------------|----------------------------|---------------------------|
| <b>Linn County</b>         | 1,901 individuals          | 1,915 individuals         | 25,703 meals               | 25,278 meals              |
| Change from Last Report    | 14 more individuals        |                           | 425 less meals             |                           |
| <b>Regionally</b>          | 3,076 individuals          | 3,000 individuals         | 41,483 meals               | 41,249 meals              |
| Change from Last Reporting | 76 less individuals        |                           | 234 less meals             |                           |

Over the past eight years, MOW has served an annual average of 196,000 clients. The chart below shows the breakout of service between clients dining at a meal site, versus those receiving home-delivered meals (HDM). Going forward, we will evaluate additional data sets to identify and analyze emerging trends to allow for more proactive program management.



Each quarter the Altrusa Club supplies books for HDM clients served by the Albany meal site. *Senior Corps* Administrative Assistant Holly Terlson is a Club member, and coordinates with the MOW program. This year, the Club and other volunteers, along with MOW Supervisor Anita Lengacher, will coordinate to fill client book requests. Each client receives at least three books; these deliveries are coordinated by the volunteer drivers with a regular lunch delivery route.

- *Money Management Program (MMP)*  
*MMP* is actively recruiting fifteen volunteers to expand the capacity of the program to serve clients. Our goal is to add five new volunteers in each County. Volunteers receive direction and support from program staff prior to and while serving clients. General duties include: meeting with client(s) at least once a month to help them get organized and to keep their finances on track, and helping with: budgeting, paying bills, organizing financial papers, balancing a checkbook, and some banking functions. The process of becoming a volunteer includes completing an application, reading and signing a volunteer agreement, providing personal or professional references, passing an annual criminal background check, and completing approximately six hours of program training.
  
- *Older Adult Behavioral Health Initiative (OABHI)*  
 OABHI recently completed its annual site visit with the State, reviewing statewide survey data and local work to improve client outcomes. The top five challenges to serving Older Adults and People with Disabilities were identified as: lack of affordable housing, lack of services in long-term care, providers not accepting Medicare, lack of programs for older adults and people with disabilities, and lack of in-home services. Underserved populations are veterans, people with substance abuse disorders, those living independently and those populations who live in either memory care units, adult foster homes, or who have early/mild behavioral health issues. While continuing challenges have been identified, progress is also being noted. According to stakeholders who responded to the surveys:
  - Older adults and people with disabilities and/or family members are increasingly seeking advice from direct service or primary care providers to better understand their signs and symptoms;
  - Complex Case Consultations are resulting in more successful outcomes; and
  - Communities are recognizing older adults and people with disabilities who have behavioral health needs as a priority population.

Since the Initiative's inception in 2015, Specialists and community partners have built capacity to better serve this population. They have improved stakeholder engagement, expanded training opportunities broadly, and are reviewing more complex care needs.

In October, OABHI is hosting the *2018 Behavioral Health Conference on the Coast*. The conference is designed for Health Care Professionals (Social Workers, Nurses, Care Managers, Case Managers, Residential Care Staff) and others serving older adults. Featured topics include: polypharmacy, cognitive and emotional changes in mild cognitive impairment, a current perspective on hoarding behaviors, and several other tracks.

- *Retired Seniors Volunteer Program (RSVP)*  
 Linn County – 74 volunteers served 3,922.75 hours, between May and July 2018, a decrease of 301.05 hours from the last quarter.

Regionally – 185 volunteers served 10,530.18 hours in the same three-month period, a decrease of 502.77 hours with 33 less volunteers.

Together, these volunteers assisted 20 different agencies across the Region.



# LINN COUNTY JUVENILE DEPARTMENT

104 4<sup>th</sup> SW, Room 200 / PO Box 100

Albany OR 97321

Phone: 541-967-3853 Fax: 541-967-4268



## REPORT TO COMMISSIONERS

Update for 2018

*Submitted by Torri Lynn; Juvenile Department Director*

### **Detention**

Benton: 5 youth were held for 11 total of days of care, 2 females and 3 males.

Total Admissions to Detention = 5

Average Length of Stay = 2.2 days

Average Daily Population = 0.4 youth

Linn: 32 youth were held for 253 total of days of care, 11 females and 21 males.

Total Admissions to Detention = 35

Average Length of Stay = 7.2 days

Average Daily Population = 8.2 youth

**Time for Change Program: 0**

**Measure 11 Youth: 1 (Yamhill)**

### **Probation**

The Juvenile Department received 82 referrals during the month of August 2018.

Of the 82 referrals, 6 represent dependency, 29 status and 47 criminal.

There are currently 278 youth in the Probation Unit either on probation or pending court with 37 of those being assessed high-risk.

There are currently 175 youth under the Community Programs Unit serving on informal probation and the Intervention Specialist is currently serving 0 youth at this time and is gaining training after just starting in Sept.

Victim Advocate is serving 76 .

Cases Unassigned: 33

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Director  
Juvenile Department

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Supervisor  
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**Tracy Vaughan**  
Admin Asst/Office Mgr.  
Juvenile Department

[tvaughan@co.linn.or.us](mailto:tvaughan@co.linn.or.us)

**Troy Fuller**  
Detention Manager  
Linn Benton Detention Center

(541) 791-9397  
[tfuller@co.linn.or.us](mailto:tfuller@co.linn.or.us)

OYA Cases: 55

## **Work Crew**

Tier 1 – 8 youth completed 119.50 hours of community service in 3 project days. In 2017 6 youth completed 67.25 hours of service during the same time period.

Tier 2 – 39 youth completed 943.16 hours of work crew in 24 project days. In 2017 46 youth completed 1022.00 hours of service during the same time period.

## **Student/Volunteer Program;**

August 2018 – 1 student who worked 172.50 hours for the juvenile department in month of Aug.

## **Miscellaneous Business -**

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**Torri Lynn**  
Director  
Juvenile Department

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**Rob Perkins Jr.**  
Supervisor  
Community Programs

[rperkins@co.linn.or.us](mailto:rperkins@co.linn.or.us)

**Lisa Robinson**  
Supervisor  
Probation Services

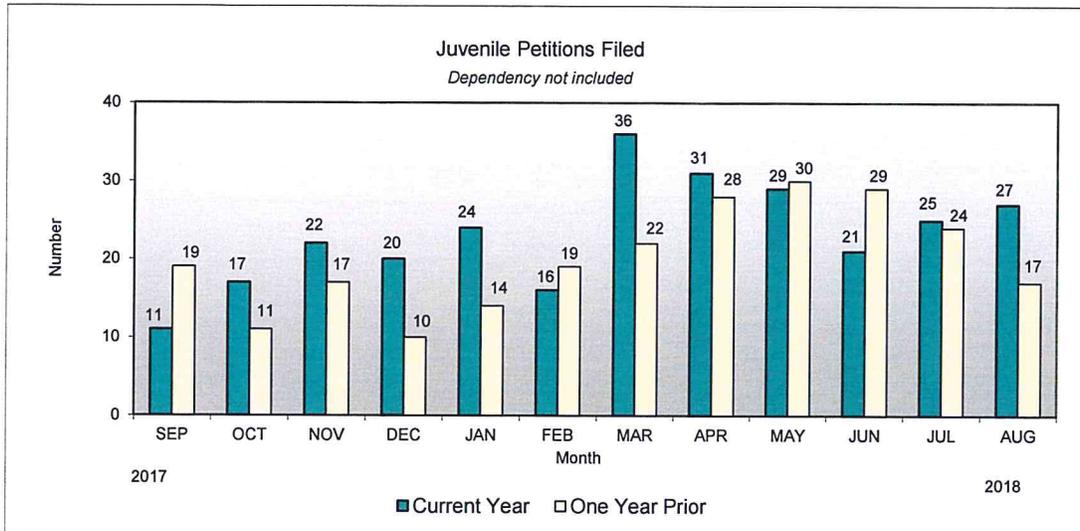
[lrobinson@co.linn.or.us](mailto:lrobinson@co.linn.or.us)

**Tracy Vaughan**  
Admin Asst/Office Mgr.  
Juvenile Department

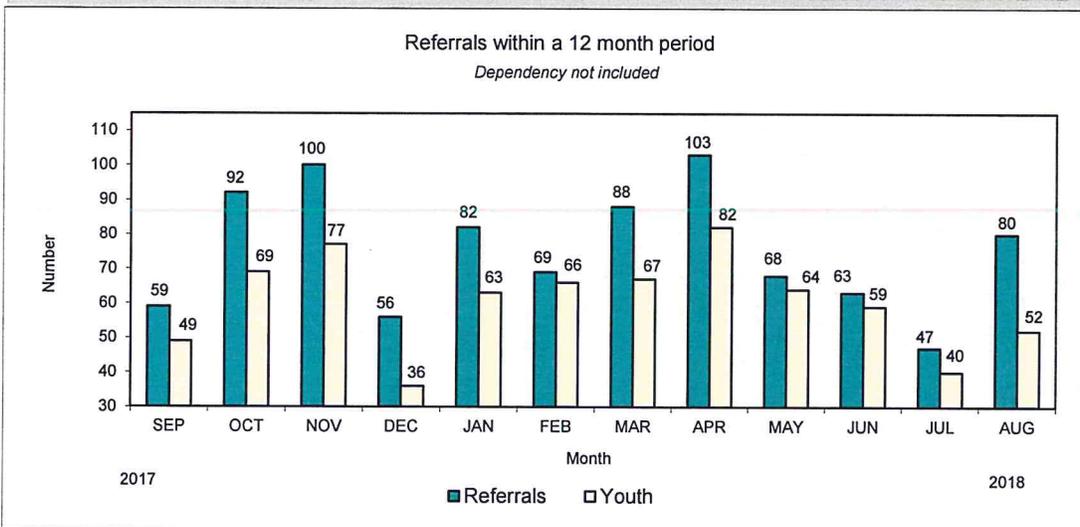
[tvaughan@co.linn.or.us](mailto:tvaughan@co.linn.or.us)

**Troy Fuller**  
Detention Manager  
Linn Benton Detention Center  
(541) 791-9397  
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Linn County Juvenile Department  
JULY Statistics

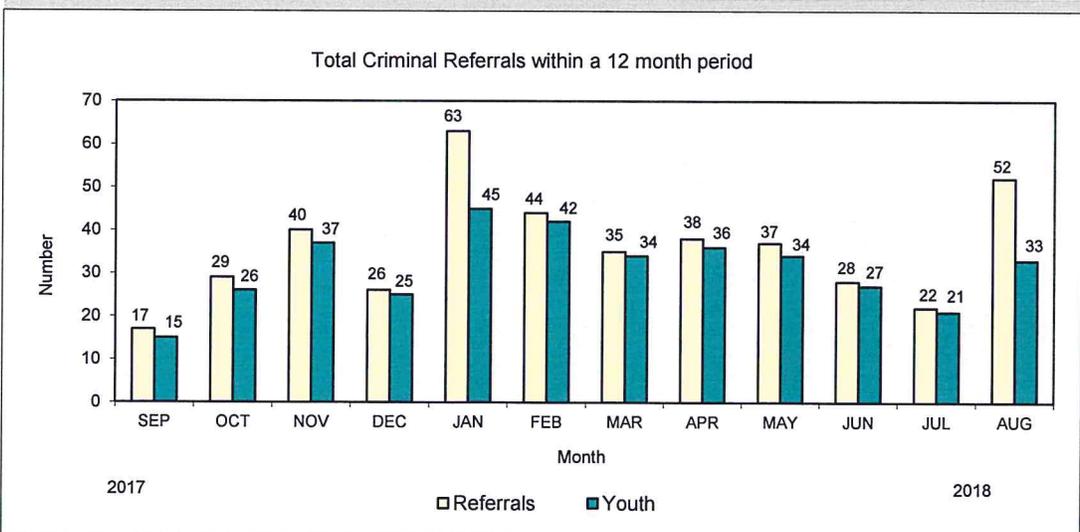


| PETITIONS  |     |
|------------|-----|
| Current    | 279 |
| Last       | 240 |
| Difference | 39  |



| REFERRALS  |     |
|------------|-----|
| Current    | 907 |
| Last       | 858 |
| Difference | 49  |

| YOUTH      |     |
|------------|-----|
| Current    | 724 |
| Last       | 767 |
| Difference | -43 |

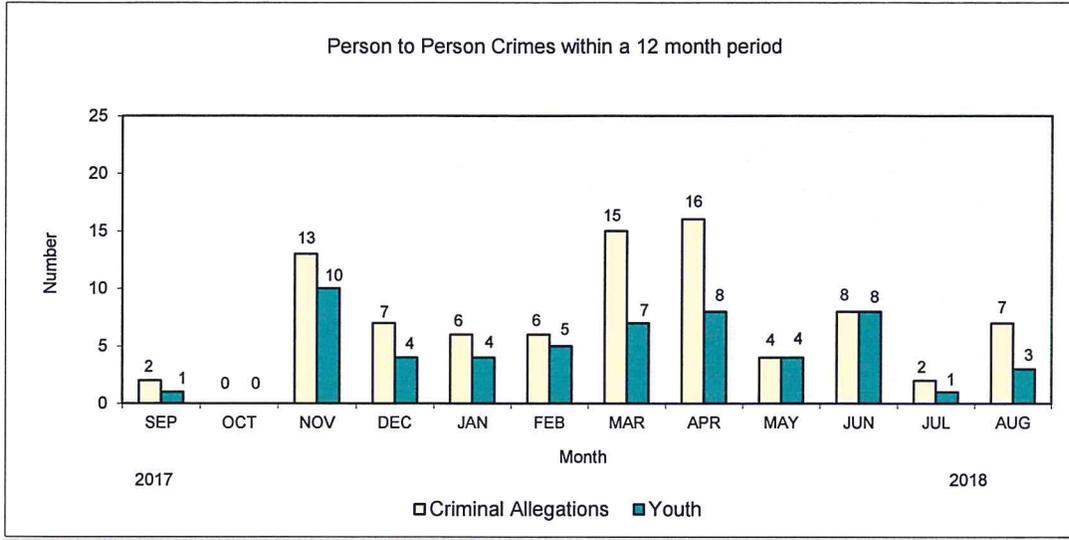


| CRIMINAL REFERRALS |     |
|--------------------|-----|
| Current            | 431 |
| Last               | 337 |
| Difference         | 94  |

| YOUTH      |     |
|------------|-----|
| Current    | 375 |
| Last       | 315 |
| Difference | 60  |

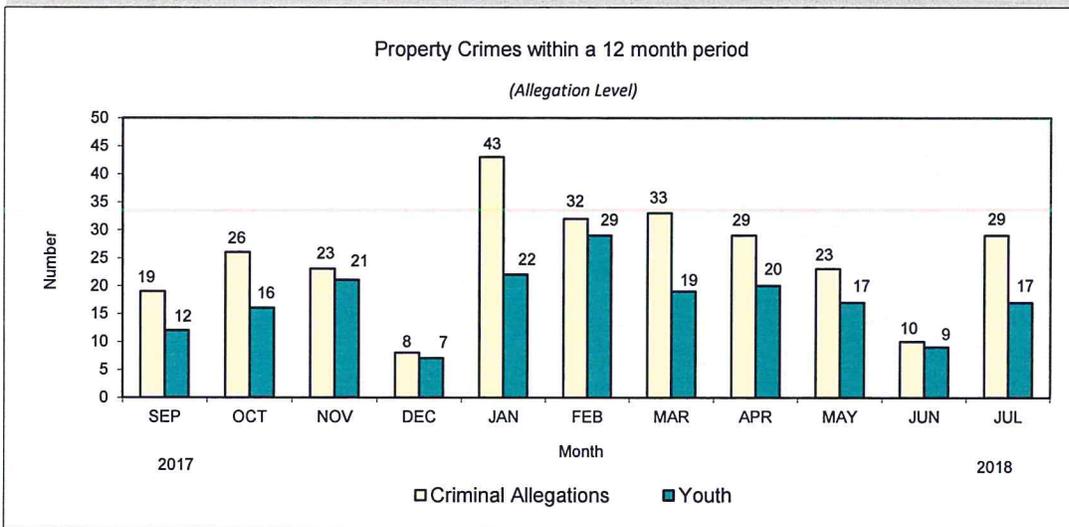
Linn County Juvenile Department  
JULY Statistics

Note: Person, Property & Drug Crimes are at the ALLEGATION level.



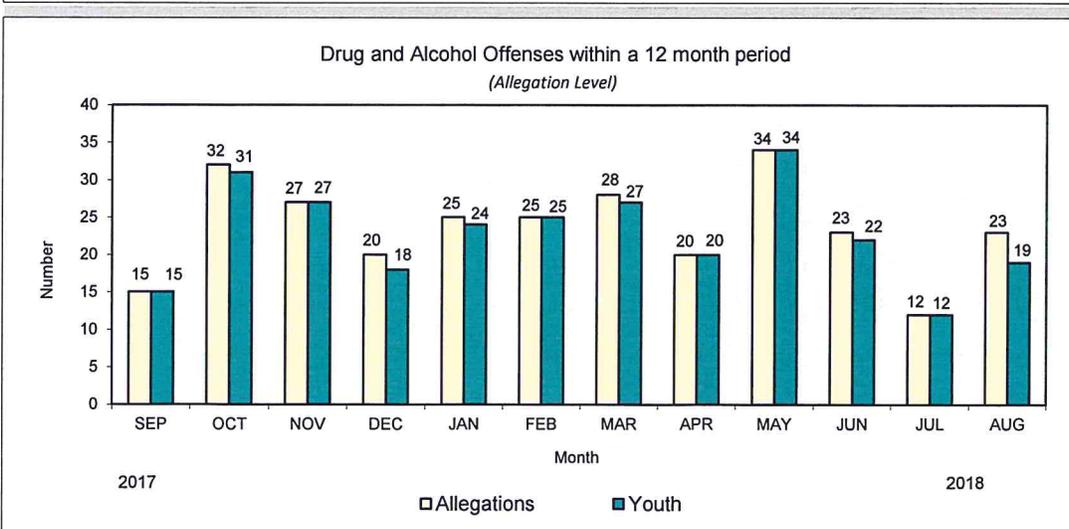
| CRIMES     |     |
|------------|-----|
| Current    | 86  |
| Last       | 101 |
| Difference | -15 |

| YOUTH      |     |
|------------|-----|
| Current    | 55  |
| Last       | 69  |
| Difference | -14 |



| CRIMES     |     |
|------------|-----|
| Current    | 339 |
| Last       | 219 |
| Difference | 120 |

| YOUTH      |     |
|------------|-----|
| Current    | 212 |
| Last       | 169 |
| Difference | 43  |



| CRIMES     |     |
|------------|-----|
| Current    | 284 |
| Last       | 237 |
| Difference | 47  |

| YOUTH      |     |
|------------|-----|
| Current    | 274 |
| Last       | 233 |
| Difference | 41  |

## **August 21, 2018 Agenda Items**

**To:** Board of Commissioners  
**From:** Mark Volmert, Special/Rural Transportation Coordinator  
**Subject:** Special Transportation Fund Annual Agreements

### **Recommendations:**

**Approve:**

Resolution and Order No. 2018-232  
Intergovernmental Agreement with Benton County Special Transportation

Resolution and Order No. 2018-236  
Intergovernmental Agreement with City of Albany Call-A-Ride

Resolution and Order No. 2018-237  
Intergovernmental Agreement with City of Albany Linn-Benton Loop

Resolution and Order No. 2018-239  
Intergovernmental Agreement with City of Lebanon Dial-A-Bus

Resolution and Order No. 2018-240  
Intergovernmental Agreement with OCWCOG Senior and Disability Services

Resolution and Order No. 2018-241  
Subrecipient Agreement with Chamberlin House

Resolution and Order No. 2018-242  
Subrecipient Agreement with Oregon Mennonite Residential Services

Resolution and Order No. 2018-246  
Subrecipient Agreement with Volunteer Caregivers

Resolution and Order No. 2018-248  
Subrecipient Agreement with Senior Citizens of Sweet Home dba Linn Shuttle

Resolution and Order No. 2018-249  
Subrecipient Agreement with Senior Citizens of Sweet Home dba Sweet Home Dial-A-Bus

Resolution and Order No. 2018-250  
Subrecipient Agreement with Sunshine Industries

**Background:**

Funding from the Oregon Special Transportation Fund (STF) program is available to maintain or improve transportation services for seniors 60 years of age and older and/or persons of any age with disabilities. The program is funded through cigarette taxes (two cents of the current total tax of \$1.31 per pack), the sale of DMV identification cards, a small sum from unclaimed credits for off-road vehicle fuel tax (the "lawn mower tax") and state general funds allocated to counties based on population. STF funds are leveraged as the source of local match required for federal and state grants (in Linn County many programs leverage every dollar of STF funds to obtain nine dollars of federal funds).

Eligible applicants include public entities and public or private non-profit corporations. Eligible projects include maintenance of existing transportation programs and services for the elderly and people with disabilities; expansion or creation of such programs and services; transportation capital items; and planning and development of transportation services for the elderly and people with disabilities.

**Current item:**

The Board of Commissioners on April 24: (1) approved the recommendations of the Linn County Transportation Advisory Committee regarding the allocation of STF funds for 2017-2017 totaling \$332,116; and (2) authorized the Special/Rural Transportation Coordinator and the County Attorney to prepare intergovernmental agreements and subrecipient agreements between the agencies and the County.

The Special/Rural Transportation Coordinator and the County Attorney have now prepared intergovernmental agreements and subrecipient agreements between the agencies and the County. Although the County Attorney has changed some of the format, the content of the agreements is the same as the STF agreements in the past several years with the exception of funding amounts and updates of insurance information.

## September 25, 2018 Agenda Item

To: Board of Commissioners  
From: Mark Volmert, Special/Rural Transportation Coordinator  
Subject: STF Agreement for Linn-Benton Loop Study

### Recommendation

Approve Resolution and Order No. 2018-324 approving an intergovernmental agreement with Oregon Cascades West Council of Governments related to transportation planning consultant services for the Linn-Benton Loop.

### Background

The Linn-Benton Loop has provided important transportation service for more than three decades. About 70% of the current riders are LBCC and OSU students. While this is very important the current Linn-Benton Loop route and schedule provide few realistic options for residents of Linn County to travel to Benton County for employment, human services, shopping and other items; and do not provide realistic options for Benton County residents to travel to Linn County.

The Linn-Benton Loop partners have, for more than a decade, called for improved service to the general public but the lack of funding has always been a challenge. HB 2017/Statewide Transportation Improvement Fund (STIF) resources could potentially dramatically change this.

In August 2017, following the adoption of HB 2017 and discussions with members of the Linn County Transportation Advisory Committee, I proposed as a general concept a doubling of the current service with a specific target of improving service to the general public (non-students). As a preliminary working concept I proposed an annual allocation of \$300,000 of HB 2017 funds from Linn County with an equal sum allocated by Benton County. Benton County agreed, in concept, with this proposal. This is a working concept and is not intended to jump in front of the decisions of the HB 2017 local advisory committee or the Board of Commissioners. The working concept was approved by the Linn-Benton Loop TAC, the Linn-Benton Loop Governing Board, the AAMPO Board and the CAMPO Board.

Since the current Linn-Benton Loop route and schedule were developed more than 15 years ago and do not adequately support service to the general public, I proposed that the Albany Area MPO's previously planned review of the Linn-Benton Loop service, which had not yet started, be expanded (with equal funding from the Corvallis Area MPO) to hire a transit planning consultant with specific

qualifications to develop routes and schedules. The Linn-Benton Loop partners agreed with this concept.

In October 2017 I developed a draft scope of work for the development of a transit development plan. After Benton County reviewed the draft and made small changes the scope was submitted to the L-B Loop TAC and the L-B Loop Governing Board and both approved the draft scope of work. It was ultimately decided, rather than a stand-alone consultant contract, that this planning effort would be provided under the umbrella of an amendment to an existing ODOT master agreement with a consultant who has recently worked on transit plans for AAMPO, the City of Albany and the City of Lebanon.

### **Current Item**

The contracted cost of the study is \$51,573, with an additional \$9,146 allocated for contingency.

The AAMPO Board agreed to allocate \$28,000 (the amount previously set aside for a service study) to this effort. The CAMPO Board, unfortunately, indicated it did not have available funds in 2017-2018. The Linn-Benton Loop Governing Board subsequently requested the other Linn-Benton Loop partners (OSU, LBCC, Linn County, Benton County and CAMPO) to each consider a contribution of \$6,400 to this planning effort.

The Senior Companion Program was allocated \$10,000 in 2017-2018 STF Funds. The Senior Companion Program closed its doors in December without executing the 2017-2018 STF legal agreement and without submitting a report or a reimbursement request.

The Linn County Transportation Advisory Committee reviewed this matter on April 10 and recommended that \$6,400 of this \$10,000 be reprogrammed for the Linn-Benton Loop study.

On April 24 the Board of Commissioners approved a \$6,400 allocation of Special Transportation Funds for the Linn-Benton Loop study. The other four partners each agreed to allocate \$6,400.

The funds will be paid to Oregon Cascades West Council of Governments which staffs the Linn-Benton Loop Governing Board and has executed an agreement with ODOT for the consultant services. The County Attorney has prepared an Intergovernmental Agreement with OCWCOG for the \$6,400 allocation.



**LINN COUNTY GENERAL SERVICES**

330 Third Avenue SW Albany, Oregon 97321

Phone: (541) 967-3880 Fax: (541) 928-3517

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**RUSSELL WILLIAMS**  
Director

Date: September 25, 2018

To: Board of Commissioners

From: Russ Williams

RE: Agreement to Purchase Telecommunication Equipment

Russ Williams, Director of General Services, will appear with Resolution & Order 2018-325 for the Board's approval and signature on the final contract to complete the last phase of the new telephone system upgrade. The funds were budgeted and approved by the 2018-2019 Budget committee.

The Resolution & Order approves a \$217,667.28 contract to purchase telephone equipment from 10D Telecom Inc. The County is using a competitive bid via a King County Directors Association Cooperative (KCDA) purchasing organization. The County Attorney's office created the contract.

The earlier contract began the process of updating the core telephone system that covers the entire County. This contract provides, programs and installs the Avaya IP Office telephone system, infrastructure, and telephones in 5 locations, including the Annex, Armory, Washington St., Courthouse and Linn/Benton Detention Center. 10D Telecom will integrate the new Avaya IP Office system with the County's existing IP Office Server that was installed in the first phase.

The telephone upgrade will be completed by January 15, 2019.

10D Telecom, Inc.  
410 NW Walnut Blvd Ste A  
Corvallis, OR 97330  
(541) 243-4103  
www.10DVoice.com



Linn County General Services  
330 3<sup>rd</sup> Ave SE  
Albany, Oregon 97321  
(541) 967-3880

## PROPOSAL ACCEPTANCE

10D Telecom, Inc. shall furnish labor, materials and equipment necessary to complete the following generally described work. Purchase will be made under the KCDA contract and will abide by the terms and conditions as outlined in Exhibit 1, attached hereto and by this reference incorporated herein. 10D Telecom has provided an itemized list and will supply a KCDA compliant Quote Acceptance document when ordering.

Provide, program and install an Avaya IP Office telephone system on existing infrastructure at 5 locations in Albany Oregon, including the Annex, Armory, WA St., Courthouse and Juvenile. 10D Telecom will integrate these new Avaya IP Office system with the county's existing IP Office Server Edition platform via IP utilizing the county's wide area network connections.

Year 2 installation (Sep-Dec 2018) will include:

- 4 x Avaya IP500v2 Hardware Chassis
  - 4 x Analog Trunk Ports
  - 10 x Analog Station Ports
- 1 x Avaya IP500v2 Hardware Chassis (Juvenile)
  - 8 x Analog Trunk Ports
  - 12 x Analog Station Ports
- 5 x Avaya Server Edition Expansion System Licenses
- 180 x Avaya IP Licenses
- 180 x Avaya 9608G IP Phones
- 240 x Digital Station Ports
- 188 x Avaya 9508 Digital Phones

10D Telecom proposes hereby to furnish labor, materials and equipment—complete in accordance with this document and using equipment and specifications detailed on the proposal submitted August 20, 2018, on existing building wiring for the sum of \$217,667.28 with additional annual maintenance for years 1-3 of \$20,709.39 per year.

Quoted prices for services are based on existing knowledge of Linn County's current infrastructure.

**TERMS & CONDITIONS**

- All equipment is guaranteed to be as specified on attached proposal.
- The Linn County will supply the necessary PoE network power for phones.
- The Avaya IP Office and Avaya phones carry a standard 1 year manufacturer warranty.
- Your proposal includes a 5 year extended hardware warranty on the Avaya IP Office chassis' and cards.
- Your proposal includes software updates from Avaya for 5 years.
- Your proposal includes 10D Telecom Tier 1 remote technical support 9am to 5pm and remote emergency technical support 24x7.
- Any other installed equipment carries the standard Manufacturer's warranty.
- Avaya handsets are covered with Advanced Parts Replacement for the first year by Avaya.
- Additional telephone or network wiring may be required (not included in price quote).
- Installation begins at Internet & Telephone D-Marc location in the Linn County Courthouse telecom room.
- Proposal presumes existing Internet service and phone service is in place, adequate and available for integration into system.
- All work to be completed in a professional manner according to standard practices.
- Any alteration or deviation from above specification involving extra costs on the existing building telephone and/or computer network will be executed only upon written orders and will become an extra charge in addition to this quoted price.
- All agreements contingent upon strikes, accidents or delays beyond our control.
- Pricing reflects a 5% discount for on-time payments.
- Terms: Hardware/Software due upon order, 50% of labor due in 30 days, balance due after install. 10D Maintenance due first of the month after install.

**Note:** This proposal includes equipment, installation and programming of an Avaya IP Office telephone system. Consulting on telecom services, intercom and paging systems, additional wiring, and building connectivity are not included in this proposal. This proposal is based upon promotional pricing which expires on September 21, 2018. If not accepted by this time, the proposed price will be adjusted depending upon promotions and market conditions from Avaya and any other software or hardware vendors included in your proposal.

**Acceptance of Proposal:** The above prices, specifications, terms and conditions are satisfactory and are hereby accepted. 10D Telecom, Inc. is authorized to do the work as specified. Payment will be made as outlined.

Authorized Signature: \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title \_\_\_\_\_

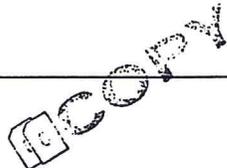


Exhibit 1

Pg 1 of 3

**APPENDIX 3 - SAMPLE EXHIBIT FOR DELEGATED CONTRACTS**  
**EXHIBIT 1: LINN COUNTY STANDARD TERMS & CONDITIONS**

The provisions, terms, and conditions set forth herein this Exhibit 1 are supplemental to and incorporated by this reference in the contract between Linn County and

\_\_\_\_\_ , entitled \_\_\_\_\_

dated \_\_\_\_\_.

**1. Definitions.**

- 1.1 "Contract" means the entire written agreement between the parties, including but not limited to the solicitation, including any specifications or attachments thereto, and all provisions therein; this Exhibit; solicitation instructions; solicitation and Contract amendments, if any; the purchase order; and the price agreement document.
- 1.2 "Contractor" means a person or organization with which the County has contracted for the purchase of goods and/or services.
- 1.3 "County" means Linn County.
- 1.4 "Exhibit" means the provisions, terms and conditions stated herein.

**2. Conflicting Provisions.** To the extent that this Exhibit and the Contract are inconsistent, the provisions of this Exhibit shall control. All provisions of this Exhibit are intended to apply, unless context, including the nature of the acquisition, requires otherwise.

**3. Severability.** Should any provision of this Contract, at any time, be in conflict with any law, ruling or regulation, or be unenforceable for any reason, then such provision shall continue in effect only to the extent that it remains valid. In the event any provision of this Contract becomes inoperative or unenforceable, the remaining provisions of this Contract shall nevertheless remain in full force and effect.

**4. Standard and Special Terms and Conditions.** The terms and conditions in this Exhibit are standard to County contracts for the purchase of goods and/or services. There may also be special terms and conditions in a solicitation which also apply to this Contract, and which are incorporated by this reference herein.

**5. Delivery.** All deliveries shall be F.O.B. destination. The Contractor shall pay all transportation and handling charges. The Contractor is responsible and liable for loss or damage until final inspection and acceptance, at which time responsibility shall pass to the County except as to latent defects, fraud and the Contractor's warranty obligations.

**6. Inspections.** The County may inspect and test the goods and/or services provided under this Contract. The County may reject non-conforming goods and/or services and require the Contractor to correct them without charge or deliver them at a reduced price, whatever so chosen by the County to be the most equitable. If the Contractor is unable or refuses to cure any defects within a time deemed reasonable by the County, the County may reject the goods and/or services and cancel the Contract in whole or in part. This paragraph does not affect or limit the County's rights, including its rights under the Uniform Commercial Code, ORS chapter 72 (UCC).

**7. Warranties.** Unless otherwise stated, all goods provided under this Contract shall be new and the current model and shall carry full manufacturer warranties. The Contractor warrants all goods delivered to be free from defects in labor, material, and manufacture and to be in compliance with the solicitation specifications. All implied and express warranty provisions of the Uniform Commercial Code (ORS Chapter 72) are hereby incorporated into this Contract. For any services provided under this Contract, Contractor warrants that performance shall be in a good and workmanlike manner and in accordance with professional standards applicable to the work. All warranties shall run to the County and shall survive termination, cancellation or expiration of this Contract.

**8. Payment.** The County shall pay the Contractor within 30 days following the date the order is delivered and accepted or the date the invoice is received, whichever is later. If the County fails to pay within 45 days of such date, the Contractor may assess overdue account charges up to a rate of 2/3% per month (8% APR) or the maximum rate allowed by law on the outstanding balance.

**9. Payments Required by ORS 279B.220.** For all goods and services provided under this Contract, the Contractor shall (i) pay promptly, as due, all persons supplying labor or material; (ii) pay all contributions or amounts due the industrial Accident Fund from the Contractor or any subcontractor; (iii) not permit any lien or claim to be filed or prosecuted against the County or any subdivision thereof; and (iv) pay to the State of Oregon Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

**10. County Payment of the Contractor Claims.** If the Contractor does not pay promptly any claim that is due for the goods and/or services furnished to the Contractor by any subcontractor in connection with this Contract, the County may pay such claim and charge that payment against any payment due to the Contractor under this Contract. The County's payment of a claim does not relieve the Contractor or its surety, if any, from their obligations for any unpaid claims.

**11. Termination.**

11.1 For Convenience. The County may terminate this Contract for convenience at any time with written notice to the Contractor, stating the extent and effective date of termination. Upon receipt of this written notice, the Contractor shall stop performance under this Contract as directed by the County. If this Contract is so terminated, the Contractor shall be paid in accordance with the terms of the Contract for goods delivered or services provided and accepted if the Contractor's damages arising out of return of the goods cannot be mitigated by the resale as provided in the Uniform Commercial Code (ORS 72.7060).

11.2 For Cause. The County may immediately terminate this Contract without liability or penalty for any of the following causes by the mailing of written notice to the Contractor specifying the cause:

- The Contractor breaches any of the provisions of this Contract. The Contractor shall be liable for any and all damages suffered by the County as the result of the Contractor's breach of Contract, including, but not limited to, incidental and consequential damages, as provided in ORS 72.7110 to 72.7170;
- The Contractor no longer holds all licenses or certificates that are required to provide the goods or perform the services required under this Contract;
- The County lacks lawful funding, appropriations, limitations or other expenditure authority; or
- Federal, state or local laws, regulations or guidelines now prohibit performance of or payment for the goods and/or services under this Contract.

**12. Force Majeure.** Neither party to this Contract shall be held responsible for delay or default caused by fire, riot, acts of God and/or war, which is beyond the party's reasonable control. The affected party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under the Contract. The County may terminate this Contract upon written notice after determining such delay or default will reasonably prevent successful performance of this Contract.

**13. Indemnification.** Each party shall defend, indemnify and hold harmless the other party and its officers, employees and agents from claims, suits and actions of any nature arising out of or related to (i) injury to any person or damage to property caused by the negligence or other wrongful acts or omissions of the party, its officers, employees, or agents; or (ii) failure or refusal of one party to perform or fulfill its responsibilities under this Contract or any law, through no fault of the other party. The obligations or rights under this section may not be delegated or assigned without the express written consent of the County.

**14. Insurance.** The Contractor shall obtain and maintain in full force at the Contractor's expense, throughout the duration of the Contract and any warranty or extension periods, the following required insurance:

- General Commercial Liability
- Automobile Liability
- Professional Liability and/or Errors & Omissions

Unless otherwise waived in writing by the County, such liability insurance shall be through an occurrence-based policy and shall include liability coverage sufficient to meet the requirements set forth in the Oregon Tort Claims Act, as codified in ORS 30.260 to 30.300. The liability insurance coverages shall name Linn County and its departments, officers, agents and employees as Additional Insureds, with respect to the Contractor's activities to be performed and/or goods to be provided. Upon the County's request, the Contractor shall provide the County with a Certificate of Insurance issued by an insurance company licensed to do business in the State of Oregon confirming compliance with this section.

**15. Workers' Compensation.** The Contractor, its subcontractors, and all employers working under this Contract deemed to be subject employers under the Oregon Workers' Compensation law shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

**16. Governing Law; Jurisdiction; Venue; Attorneys Fees.** This Contract shall be governed and construed in accordance with the laws of the State of Oregon, without resort to any jurisdiction's conflict of laws rules or doctrines. Any claim, action, suit, or proceeding (collectively, "the claim") between the County (and/or any other agency or department of Linn County) and the Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of Linn County for the State of Oregon. Provided, however, if the claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. The Contractor hereby consents to the in personam jurisdiction of said courts. Each party shall be responsible for the party's attorney fees, costs and disbursements at all times including appeals.

**17. Compliance with Applicable Laws.** The Contractor shall comply with all federal, state and local laws, codes, regulations and ordinances applicable to the provision of goods and/or services under this Contract, including, without limitation, the provisions of ORS 279B.225 through 279B.235, ORS 279C.505, ORS 279C.515, and the provisions of: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 (Pub L No 101- 336), ORS 659.425, and all amendments of and regulations and administrative rules established pursuant to those laws; (iv) Or Laws 2017, ch 212, when applicable; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

**18. Safety and Health Requirements.** Goods and/or services provided under this Contract shall comply with all federal Occupational Safety and Health Administration (OSHA) requirements and with all Oregon safety and health requirements, including those of the State Workers' Compensation Division.

**19. Hours of Labor.** No person shall be employed by the Contractor for more than ten hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or where public policy absolutely requires it, and in such cases the laborer shall be paid at least time-and-a-half pay for all overtime in excess of 40 hours a week and for work performed on any legal holiday specified in ORS 279B.020 and 279C.540.

**20. Sustainability.** The Contractor shall use recyclable products to the maximum extent economically feasible in the performance of this Contract. Additionally, the Contractor shall, when applicable, salvage, recycle, compost or mulch yard waste material at an approved site, if feasible and cost-effective (ORS 279B.225.)

**21. Award to Foreign Contractor.** If the Contractor is not domiciled in or registered to do business in the State of Oregon, the Contractor shall promptly provide to the Oregon Department of Revenue and the Secretary of State Corporation Division all information required by those agencies relative to this Contract. The County shall withhold final payment under this Contract until the Contractor has met this requirement.

**22. Records Maintenance; Access.** The Contractor shall maintain all fiscal records relating to this Contract in accordance with generally accepted accounting principles. In addition, the Contractor shall maintain any other records pertinent to this Contract in such a manner as to clearly document the Contractor's performance hereunder. The Contractor acknowledges and agrees that the County, the Oregon Secretary of State's Office, the Federal Government and their duly authorized representatives shall have access to such fiscal records and all other documents that are pertinent to this Contract for the purpose of performing audits and examinations and making transcripts and excerpts. All such fiscal records and documents shall be retained by the Contractor for a minimum of three (3) years (except as required longer by law) following final payment and termination of this Contract, or until the conclusion of any audit, controversy or litigation arising out of or related to this Contract, whichever date is later.

**23. Assignment/Delegation/Successors.** The Contractor shall not assign, delegate nor transfer any of its rights or obligations under this Contract without the County's prior written consent. The County's written consent does not relieve the Contractor of any obligations under this Contract, and any assignee, transferee, or delegate is considered the Contractor's agent. The provisions of this Contract shall be binding upon and shall inure to the benefit of the parties to the Contract and their respective successors and assigns.

**24. Waiver.** The County's failure to enforce any provision of this Contract is not a waiver or relinquishment by the County of its rights to such performance in the future or to enforce any other provisions.

**25. Amendments.** The terms of this Contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever without prior written approval of the County.

**26. Survival.** All rights and obligations shall cease upon termination or expiration of this Contract, except for the rights and obligations set forth in sections 3, 7, 13, 14, 16, 22, and 24.

**27. Tax Certification.** The individual signing this Contract on behalf of the Contractor certifies under penalty of perjury both individually and on behalf of the Contractor that he or she is authorized to act on behalf of the Contractor and that the Contractor is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means those programs listed in ORS 305.380(4).

[Adopted 04-004 § eff 1/14/04; Amd 05-533 eff 10/5/05; Amd 18-055 eff 02/13/2018]

Each party, by the signature below of its authorized representative, hereby acknowledges that it has read this Exhibit, understands it, and agrees to be bound by its terms and conditions.

A large, stylized watermark reading "COPY" is centered on the page.

Linn County \_\_\_\_\_ Date \_\_\_\_\_ Contractor \_\_\_\_\_ Exhibit 1 \_\_\_\_\_ Date \_\_\_\_\_

Page 3 of 3



18639- 80<sup>TH</sup> Ave S. ♦ P.O. Box 5550 ♦ Kent, WA 98064-5550 ♦ Phone 425-251-8115 ♦ Fax 253-395-5402 ♦ www.kcda.org

March 16, 2018

Avaya  
Attn: Chris Young  
22212 NE 31<sup>st</sup> Street  
Sammamish, WA 98074  
Email: [cbyoung@avaya.com](mailto:cbyoung@avaya.com)

The KCDA Board of Directors, at their March 15, 2018 meeting, awarded the following to Avaya, based upon the response to the KCDA #17-230 Telephone Communication Systems bid:

Price Lists for following Manufacturers: Avaya

KCDA also awards Avaya Authorized Dealers per Tab 6 - the installation and services included in this solicitation. This award includes catalog discounts per Attachment B. Freight charges will be FOB shipping point on all deliveries.

Please note the bid submitted by Avaya, the award by KCDA Board of Directors, and the signed award letter, forms a contract based upon the terms and conditions set forth in KCDA # 17-230 Telephone Communications Systems. This contract is in effect starting April 01, 2018 through March 31, 2019 with options to renew for three one-year periods at the mutual discretion of KCDA and Avaya.

Any deviations & miscellaneous fees that bidder calls out in bid response need to be documented in the Order Process documents housed on the KCDA website following further discussion with KCDA. KCDA expects the full support of Avaya in creating clear Order Process documents that clarify these deviations to our members at the point of ordering. KCDA agrees to host, in the form of a hyperlink on the KCDA website, Avaya warranty information related to the deviations; Avaya is expected to maintain the hyperlinked page and any other KCDA linked landing pages and shall not change the warranty terms posted on the KCDA pages without submitting terms in advance to KCDA for approval.

Deviations listed in Avaya's bid submission, Tab 2, and agreed upon by both KCDA and Avaya to reference passages from Avaya's Master Contract, to be listed or linked from the KCDA website for KCDA members to be able to review independently, include:

- Warranty Terms (1.13 and Attachment C Section D)
- NON-Infringement(Tab 8 page 26 Section I 1.2)
- SOW / Acceptance Terms (Section 3.3 Tab 2D Page 11)

The additional services documented in Tab 9, DevConnect are determined to be outside of the Scope of #17-230, and therefore will not be awarded.

Please acknowledge receipt of this contract by signing below and returning this contract to

Exhibit 2

Pg. 1 of 2

Valerie Buckbee/ Contract & Procurement Specialist at [vbuckbee@kcda.org](mailto:vbuckbee@kcda.org)

Company Name: Avaya Inc.

Signature: DocuSigned by:  
*Bruce L. Rosen*

Name (printed): EBE770862EAD480...  
Bruce L. ROSEN

Title: Vice President

Date: March 29, 2018

Phone: 669-242-8112

Email: b1rosen@avaya.com



# Memo

To: Board of County Commissioners  
From: Brian Carroll, Parks Director  
Date: 9/21/2018  
Re: McKercher County Park Lease renewal and Parks grant application authorization – BOC meeting agenda information

---

- **Resolution and Order 2018-315:** This Resolution and Order would renew a Recreation and Public Purposes lease (RPP-OR905) for 25 years with the Bureau of Land Management (BLM) for a small piece of land adjacent to the Calapooia River in McKercher County Park. The strip of BLM land allows Linn County to maintain public access to the Calapooia River and does not add any significant additional cost to operating the Park. The lease has been in place since 1968 and was renewed in 1995 for 25 years. There are no significant changes to the new lease agreement.
  - The McKercher family originally donated the land for McKercher Park to the County in 1966. The Park expanded to include the plunge pools and swimming hole in 1996. McKercher County Park is approximately 5 acres in size and is primarily used for picnicking and swimming.
- 
- **Resolution and Order 2018-326:** I would like the BOC to authorize delegation of authority to the County Parks and Recreation Director, to apply for grants funding for capital projects for the fiscal year 2018-19. I am applying for a grant from Oregon State Parks to fund installation of approximately five vault toilets and to extend the parks water system to the new campground at Whitcomb Creek County Park on Green Peter Reservoir. This project is included in the Park's Department budget for the fiscal year 2018-19. The estimated cost for this project is \$225,000; no County general funds will be used to fund this project. Matching County funds will come from a combination of RV licensing fees and County Forest funds.
-

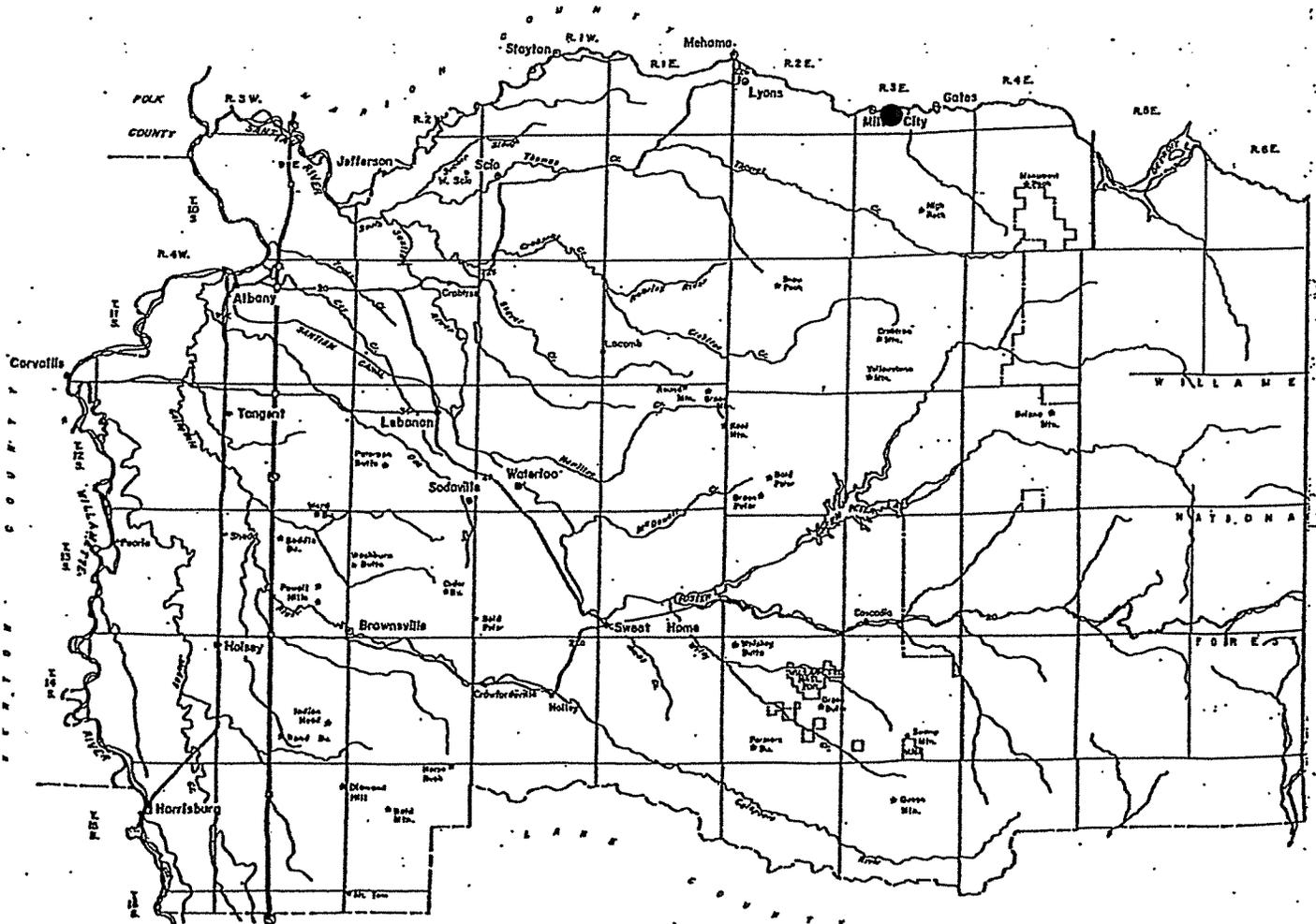
STAFF REPORT

September 18, 2018



TO: Linn County Board of Commissioners  
FROM: Linn County Planning and Building Department  
PREPARED BY: Alyssa Boles, Senior Planner

RE: **BC18-0002:** applications by Rex Lucas et al. for a *Comprehensive Plan* map amendment and Zoning map amendment. The amendments are proposed as part of an urban growth boundary (UGB) amendment approved by the city of Mill City to remove and add properties within the Mill City UGB. The total area of land to be added to the UGB is 18.16 acres. The total area to be removed from the UGB is 18.18 acres. The amendments would change the *Plan* designation and Zoning map designation on the seven properties. The properties are identified as T09S, R03E, Section 29, Tax Lots 100, 103, and 200; T09S, R03E, Section 31, Tax Lot 1204; T09S, R03E, Section 32; Tax Lots 100, 1804, and 2402). The applicable criteria are contained in Linn County Code (LCC) Sections 921.822 and 921.874, and the Oregon Statewide Planning Goals.



## I. INTRODUCTION

### A. PROJECT SUMMARY AND ANALYSIS

Applications by Rex Lucas et al. for a *Comprehensive Plan (Plan)* map amendment and Zoning map amendment. The amendments are proposed in conjunction with an urban growth boundary (UGB) amendment approved by the city of Mill City to remove and add properties within the Mill City UGB. The total area of land to be added to the UGB is 18.16 acres. The total area to be removed from the UGB is 18.18 acres. The City of Mill City approved the proposed UGB amendments per City Ordinance No. 395, adopted June 27, 2017. The amendments would change the *Plan* designation and Zoning map designation on the seven properties, listed below. If approved, the properties proposed to be added to the Mill City UGB would subsequently be annexed into the city limits.

The following table lists the subject properties, whether they will be added or removed from the UGB, the affected acreage, and current and proposed *Plan* and zoning designations:

| Map       | Tax Lot  | Acres | Owner                    | Added/Removed | Current Plan/Zoning                           | Plan/Zoning After Amendment |
|-----------|----------|-------|--------------------------|---------------|---|-----------------------------|
| 9S 03E 29 | 200      | 8.67  | Rex Lucas                | Added         | Farm/Forest (F/F) / F/F                       | SFR/Residential R-1         |
| 9S 03E 29 | 103, 100 | 9.49  | Rex Lucas                | Added         | Rural Residential (RR) and F/F/RR-2.5 and F/F | SFR/Residential R-1         |
| 9S 03E 32 | 100      | 7.81  | Rex Lucas                | Removed       | SFR Residential/UGA-RR-2.5                    | Farm/Forest/ F/F            |
| 9S 03E 31 | 1204     | 6.05  | Scott & Shelly Baumann   | Removed       | SFR Residential/UGA-RR-2.5                    | Rural Residential/RR-5      |
| 9S 03E 32 | 1804     | 1.87  | Terry and Delores Drake  | Removed       | SFR Residential/UGA-RR-2.5                    | Rural Residential/RR-5      |
| 9S 03E 32 | 2402     | 2.45  | Lee and Ladonna Stafford | Removed       | SFR Residential/UGA-RR-2.5                    | Rural Residential/RR-5      |

The applicant has submitted information to address the applicable decision criteria, the *Plan* policies, and the Statewide Planning Goals. The application and applicant submittals are attached to this staff report as **Exhibit A**.

## II. LAND USE PROCESS AND DECISION CRITERIA

### A. PUBLIC HEARINGS

An urban growth boundary (UGB) expansion requires concurrent action and joint approval by both the City and the affected County. The City must provide satisfactory findings to show that the proposed UGB amendment satisfies the applicable statewide land use planning rules for UGB amendments. The City of Mill City (City) conducted public hearings on the proposed UGB amendments before the City Planning Commission on March 21, 2017 and April 18, 2017 and before the City Council on May 9, 2017. The City Council adopted Ordinance No. 395 on June 27, 2017, adopting the proposed UGB amendments.

The Linn County Planning Commission (Commission) conducted a public hearing to review the proposed UGB amendments on Tuesday, September 11, 2018. After the close of the hearing, the Commission adopted a motion to recommend that the Board of Commissioners (Board) approve the Mill City UGB amendments as proposed.

The Board is scheduled to hold a public hearing on this matter at **10:00 a.m., September 25, 2018**, and will make a decision after the close of the public hearing. The hearing will be conducted in the Board Hearing Room, Linn County Courthouse, Room 200.

## **B. PLANNING COMMISSION RECOMMENDATION**

The Planning Commission (Commission) held a public hearing on this matter at 7:00 p.m., September 11, 2018. After considering all the written evidence and oral testimony presented at the Commission hearing, the Commission voted 6-0 to adopt a motion to recommend that the Board approve the proposed amendments. Voting in favor of the motion were Commissioners Alderman, Boshart, Egan, McKinney, Legras, and Stutzman.

## **C. DECISION CRITERIA**

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

### **LCC 921.822(A) Decision criteria for Zoning Map amendments**

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

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

### **LCC 921.874 Decision criteria for Plan Map amendments**

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

**APPLICANT STATEMENT:** The applicant statement addressing this criterion is contained in **Exhibit A, pages 103-105**. Findings adopted by Mill City (City) as part of Ordinance No. 395 approving the UGB amendments are contained in **Exhibit A, pages 126-162**.

**STAFF ANALYSIS:** The Urbanization, Rural Residential and Farm/Forest elements of the *Plan* are the applicable sections for this review.

The following policies of the Urbanization element of the *Plan* apply to the proposed amendments:

**LCC 905.610(B):** *The cities and county have agreed to a formal process for review and action on development proposals and public improvement projects within the urban growth area. The cities will make recommendations to the county on land use decision in the UGB involving: conditional use permits; planned unit developments; partitions; capital improvement programs; public improvements; and recommendations for designation of health hazard areas. On matters to be decided by the city involving the*

UGB such as annexations, capital improvement programs, transportation facility improvements or public facilities (water supply, sewer, and drainage system), recommendations will be provided by the county. In order to provide for an orderly and efficient urbanization process, the cities will not provide sewage service outside of their UGBs unless a public health hazard exists.

**LCC 905.610(C):** Additionally, the county will hold a public hearing when the city requests an enlarged UGB. The following factors shall be considered when a change of the boundaries is requested: (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals. (2) Need for housing, employment opportunities, and livability. (3) Orderly and economic provision for public facilities and services. (4) Maximum efficiency of land uses within and on the fringe of the existing urban area. (5) Environmental, energy, economic and social consequences. (6) Retention of agricultural land as defined, with class I being the highest priority for retention and class VI the lowest priority. (7) Compatibility of the proposed urban uses with nearby agricultural activities.

The City adopted Ordinance No. 395 approving the proposed amendments. The ordinance included findings that the proposed amendments were found to be consistent with the City's Comprehensive Plan and the Oregon Statewide Planning Goals, along with Oregon Revised Statutes (ORS) 197.610-197.650 (Removal of land from a UGB), ORS 197A.320 (Goal 14 factors for modifying a UGB), and ORS 222 (Annexations) and Oregon Administrative Rule (OAR) Chapter 660 Division 24 (Urban Growth Boundaries).

The applicant statement adequately addresses the factors described in LCC 905.610(C) on pages 104-105 of Exhibit A. The applicant states:

*"The Urbanization section of the Comprehensive Plan is found in 905.600-.610. In keeping with the background description, this proposal provides for manageable growth in the urban area through its modification over time. The proposal implements the urbanization policies because it involves an equal exchange of land to be added for land to be removed. The result is a change in the UGB, but not an expansion. The residential land inventory within the UGB will be maintained. The inclusion of this area represents an orderly change to the UGB because public facilities are available and can be economically provided through the extension of existing service lines. It represents a more efficient use of the land resource than the land to be removed because public services are not economically available to those locations. The area proposed to be added to the UGB represents a more practical and feasible location for urban development than the lands to be removed. The land to be added is not agricultural land and there is no nearby agricultural land that will be affected. For these reasons the proposal is consistent with and does not alter the intent of the Urbanization section."*

The applicant statement also adequately addresses the Farm/Forest and Rural Residential elements of the Plan on pages 104-105 of Exhibit A.

**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.

**APPLICANT STATEMENT:** The applicant statement addressing this criterion is contained in **Exhibit A, pages 105-106**. Findings adopted by the City as part of Ordinance No. 395 approving the UGB amendments are contained in **Exhibit A, pages 126-162**.

**STAFF ANALYSIS:** The proposed amendments would both add and remove properties from the Mill City UGB. The total area of land to be added to the UGB is 18.16 acres. The total area to be removed from the UGB is 18.18 acres. The amendments would change the *Plan* designation and Zoning map designation on the seven properties.

Two comments were received from surrounding property owners in opposition to the proposed amendments (**Exhibit D, pages 1-2**). The comments expressed concerns regarding safety and water supply.

The City adopted Ordinance No. 395 approving the proposed amendments. The ordinance included findings that the proposed amendments, Plan re-designations, and zone changes are compatible with the abutting land uses and development patterns within the City's UGB. Future development on the properties being added to the UGB is required to comply with the City's Comprehensive Plan policies. Future development on the properties being removed from the UGB is required to comply with the County's *Plan* policies.

The applicant statement adequately addresses this criterion. The applicant states:

*"The amendments are proposed to place the affected lands in land use designations that are the same as the adjacent lands or contiguous parts of their ownerships, and which reflect the use of the property. Designating the properties in this manner will maintain consistency with the overall land use pattern of the area. No new land use designations will be introduced to the area. The lands that will be added to the UGB will be designated Residential and intended for single-family residential use, which is the same as the lands to be removed, and which is consistent with adjoining lands that are already in the city. The lands to be removed from the UGB are to be assigned rural land designations that are the same as their contiguous ownerships that are outside of the UGB.*

*These rural land designations are Rural Residential and Farm/Forest. These designations are currently applied to the parts of the ownerships outside of the UGB. Applying these designations to the lands that are removed from the UGB will maintain the consistency of the land use pattern that exists at these locations, and maintain the relationship of the lands that are inside and outside of the UGB. The proposed designations will maintain a clear distinction between the rural lands and the urbanizeable lands that are inside the UGB. Because the amendment will maintain the distinction between rural and urbanizeable lands, and because the amendment will maintain the relationships of the rural and urban land use designations that already exist on the adjacent lands, it will be compatible and will not adversely impact the overall land use pattern in the area."*

**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.

**APPLICANT STATEMENT:** *"The amendment is within the Mill City UGB. The proposal will add and remove specified properties to and from the UGB. Equal areas will be added to and removed from the UGB, and the land to be added will be placed in the same land use designation as the land to be removed. There will be no net change in the acreage that is within the UGB or to the land use categories. The proposal has been evaluated by the City through its adopted review and decision process, and it has been found to conform to the City's Comprehensive Plan and implementing ordinances. The City's review, analysis, and findings are included in Mill City Ordinance No. 395 and supporting Report to the City Council of April 30, 2017, which is included as part of this application."*

Findings adopted by the City as part of Ordinance No. 395 approving the UGB amendments are contained in **Exhibit A, pages 126-162.**

**STAFF ANALYSIS:** The City adopted Ordinance No. 395 approving the proposed amendments. The ordinance included findings that the proposed amendments were found to be consistent with the City's Comprehensive Plan and the Oregon Statewide Planning Goals, along with Oregon Revised Statutes (ORS) 197.610-197.650 (Removal of land from a UGB), ORS 197A.320 (Goal 14 factors for modifying a UGB), and ORS 222 (Annexations) and Oregon Administrative Rule (OAR) Chapter 660 Division 24 (Urban Growth Boundaries).

The applicant statement and City ordinance findings adequately address this criterion.

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

**APPLICANT STATEMENT:** *"A creek, alternatively known as Snake Creek or DeFord Creek, passes through the Baughman, Drake, and Stafford properties proposed to be removed from the UGB. The creek has been studied to determine if it provides fish and wildlife habitat. By removing those lands from the UGB the amendment will help to avoid potential impacts on the creek and any habitat it may provide by eliminating the potential for urban-density development in its proximity. The relationship of the creek and its habitat characteristics to the subject properties is described in the Report to the City Council that examined and reviewed this proposal, and which is included as part of this application."*

*Portions of the lands to be added to the UGB adjoin the North Santiam River, and if necessary a riparian setback can be included in future residential lots that border the river. Because the potential development density of the rural land will be reduced from an urban residential density as allowed in the city, to a rural residential density of one dwelling per 2.5 acres or one per 5 acres, the opportunity will exist to maintain an appropriate setback from the creek in the event it is determined to provide sensitive habitat. These are the only potential habitat issues that have been identified in this proposal. For these reasons the amendment will protect the creek and will not have a significant adverse impact on fish or wildlife habitat that may be found to exist."*

**STAFF ANALYSIS:** Two comments were received from surrounding property owners in opposition to the proposed amendments (**Exhibit D, pages 1-2**). The comments expressed concerns regarding impacts to the North Santiam River and Deford/Snake Creek.

The City adopted Ordinance No. 395 approving the proposed amendments. The ordinance included findings that the proposed amendments complied with Goals 5 and 6 of their Comprehensive Plan, with a finding that removal of tax lot 1204 on map 09S, R03E, Section 31 and tax lots 1804 and 2402 on map 09S, R03E, Section 32 (the Baughman, Drake, and Stafford properties) from the UGB will prevent urbanization of those properties and minimize potential for urban impacts, specifically on DeFord Creek, and eliminate potential loss of wetlands and lessen potential for damage to the critical salmonid habitat. The City also made findings that the properties being added to the UGB about the North Santiam River, and that any new development on those properties must comply with the City's adopted floodplain management regulations, in order to prevent development within the 100-year flood hazard area and provide riparian corridor protections along the river.

The applicant statement and City ordinance findings adequately address this 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.**

**APPLICANT STATEMENT:** *"The amendment eliminates the potential for urban development on the lands to be removed from the UGB. After removal from the UGB these lands will be classified as rural, and no public utilities will be required for the rural uses that can be allowed on rural lands outside of the UGB. The requirements of these lands for police and fire protection will be decreased by the reduction in their development potential. Any additional sanitary facilities will be required to be private facilities provided on-site, and storm drainage is generally not required. The public facility requirements for new development on the land to be added to the UGB and annexed to the city will be specified when a development proposal is submitted to the City for review. In its review of this proposal the City has concluded that adequate levels of public facilities exist and can be made available to the land that will be added to the UGB following its annexation. Because the land to be removed from the UGB will be classified as rural land on which only rural uses and density can occur, and public facilities are available to serve the land that is added to the UGB following its annexation to the city, the amendment will not have a significant adverse impact upon the provision of public facilities."*

Findings adopted by the City as part of Ordinance No. 395 approving the UGB amendments are contained in **Exhibit A, pages 126-162.**

**STAFF ANALYSIS:** Tax lot 1204 on map 09S, R03E, Section 31 and tax lots 100, 1804 and 2402 on map 09S, R03E, Section 32 (the Baughman, Drake, and Stafford properties) are all proposed to be removed from the Mill City UGB. These properties are not served by any Mill City services. Once removed, these properties would be served by the Mill City Rural Fire Protection District and the Linn County Sheriff's Department.

Tax lots 100, 103, and 200 on map T09S, R03E, Section 29 are proposed to be amended to be part of the Mill City UGB and then subsequently annexed. Once annexed into the city limits, development on those properties would be served by Mill City's law enforcement, fire protection/emergency services, and public water system.

One comment was received from the Mill City Rural Fire Protection District (RFPD) (**Exhibit C, page 1**). The Mill City RFPD stated they had no issues with the proposed amendments.

Notice was sent to the Linn County Sherriff's Department and the Linn County Environmental Health Program. As of the time of writing this staff report, the Department has not received comments from either of those agencies.

The applicant statement and City ordinance findings adequately address this criterion.

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

**APPLICANT STATEMENT:** *"No new public streets or other transportation facilities will be required to serve the lands that will be removed from the UGB because they will no longer be available for urban density development. The existing access to those properties will remain sufficient to provide for the rural use of those lands. New streets or improvements to existing streets will be required to serve new development on the lands that are added to the UGB and annexed to the city. The street and transportation improvements that are required to serve new urban development will be specified by the City at the time of development review. Because the rural land will not require new transportation facilities, and the urban land will undergo review that will determine the needed urban transportation facilities, the amendment will not have a significant adverse impact upon transportation facilities."*

**STAFF ANALYSIS:** The Linn County Road Department comments did not identify any negative impacts regarding the proposed amendments (**Exhibit C, page 2**).

Tax lot 1204 on map 09S, R03E, Section 31 and tax lots 1804 and 2402 on map 09S, R03E, Section 32 (the Baughman, Drake, and Stafford properties) are not currently served by any city maintained roads. Tax lots 100, 103, and 200 on map T09S, R03E, Section 29 have access via Remine Road, a privately maintained road. Tax lot 100 on map 09S, R03E, Section 32 is served by Fairview Street, a County maintained road.

The City adopted Ordinance No. 395 approving the proposed UGB amendments. The ordinance included findings that the proposed amendments were found to be consistent with the City's Comprehensive Plan policy 17.06.080.E and Statewide Planning Goal 12 (Transportation).

The applicant statement and City ordinance findings adequately address this 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 effect on land uses permitted through the amendment.**

**APPLICANT STATEMENT:** *"The lands to be removed from the UGB will be designated for rural residential and farm forest uses. These designations limit new development to low-density acreage homesites, or forest resource uses. No development limitations have been identified that would have a significant adverse affect on the land uses allowed by these designations. A floodplain designation is indicated on small parts of the parcels*

*along Snake/Deford Creek, but the remaining land outside of the floodplain is sufficient to provide for allowed uses. Because any affected parcels include sufficient land to provide for allowed uses, the presence of a development limitation will not have a significant adverse affect on uses permitted through the amendment."*

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

Tax lots 100 and 103 on map T09S, R03E, Section 29 are adjacent to the North Santiam River and adjacent to an identified flood hazard area according to the Federal Emergency Management Agency (FEMA) Flood Insurance Study for Linn County, Oregon and Incorporated Areas dated September 29, 2010. Once added to the UGB and subsequently annexed tax lots 100 and 103 will be subject to Mill City's adopted floodplain management regulations.

The water quality or the presence of existing wells or water service on the subject properties is unknown. Oregon Water Resources Department regulates the establishment of new wells. Proof of adequate supply of potable water is generally required to be provided to the Department prior to the issuance of development permits. Proof of water quality and quantity is dependent on the type of use proposed on the property. Because the need for this requirement is based on the proposed use of a property, there should be no significant adverse impact to the land uses allowed as part of this amendment.

The City adopted Ordinance No. 395 approving the proposed UGB amendments. The ordinance included findings that the proposed amendments were found to be consistent with the City's Comprehensive Plan and Statewide Planning Goal 7 (Natural Hazards).

The applicant statement and City ordinance findings adequately address this 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.**

**APPLICANT STATEMENT:** *"No lands that are currently designated for resource use are proposed to be redesignated for non-resource use, and an exception to the statewide goals is not required."*

**STAFF ANALYSIS:** Tax lots 103 and a portion of tax lot 100 on map T09S, R03E, Section 29 are currently zoned Rural Residential (RR-5). The affected acreages of these properties are proposed to be added to the Mill City UGB. Tax lot 200 on map T09S, R03E, Section 29 is currently zoned Farm/Forest (F/F). A portion of this property is proposed to be added to the Mill City UGB.

The City adopted Ordinance No. 395 approving the proposed amendments. The ordinance included findings that the proposed amendments were found to be consistent with the City's Comprehensive Plan and the Oregon Statewide Planning Goals, along with Oregon Revised Statutes (ORS) 197.610-197.650 (Removal of land from

a UGB), ORS 197A.320 (Goal 14 factors for modifying a UGB), and ORS 222 (Annexations) and Oregon Administrative Rule (OAR) Chapter 660 Division 24 (Urban Growth Boundaries).

Tax lot 100 and a portion of tax lots 1804 and 2402 on map T09S, R03E, Section 32 and a portion of tax lot 1204 on map T09S, R03E, Section 31 are currently zoned Urban Growth Area – Rural Residential (UGA-RR-2.5).

Tax lot 100 is proposed to be amended to a *Plan* and zoning designation of Farm/Forest, which is consistent with Linn County *Plan* Sections 905.300-905.330. The portions of tax lots 1204, 1804, and 2402 to be removed from the UGB are proposed to be amended to a *Plan* designation of Rural Residential and a zoning designation of RR-5. These properties have already received an urban exception; therefore a new exception is not required. This is consistent with Linn County *Plan* Sections 905.400-905.420.

The applicant statement and City ordinance findings adequately address this criterion.

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

**APPLICANT STATEMENT:** *"The statewide planning goals were addressed in the application to Mill City, and also in the City's review of the application, and that review is included in the reports that support the City's approval as adopted in Ordinance No. 395. Ordinance No. 395 and the supporting report is included for the record as a part of this application."*

**STAFF ANALYSIS:** The City adopted Ordinance No. 395 approving the proposed amendments. The ordinance included findings that the proposed amendments were found to be consistent with the Oregon Statewide Planning Goals, along with Oregon Revised Statutes (ORS) 197.610-197.650 (Removal of land from a UGB), ORS 197A.320 (Goal 14 factors for modifying a UGB), and ORS 222 (Annexations) and Oregon Administrative Rule (OAR) Chapter 660 Division 24 (Urban Growth Boundaries).

Future development of tax lot 100 and a portion of tax lots 1804 and 2402 on map T09S, R03E, Section 32 and a portion of tax lot 1204 on map T09S, R03E, Section 31 is subject to the Linn County Comprehensive Plan and Linn County Land Development Code, in compliance with the Oregon Statewide Planning Goals.

The applicant statement and City ordinance findings adequately address this criterion.

**D. EXISTING AND PROPOSED CONDITIONS**

| <b>CONDITION</b> | <b>EXISTING</b>   | <b>PROPOSED</b>                                 |
|------------------|---|---|
| Plan Designation | Farm/Forest, Rural Residential, SFR Residential   | Farm/Forest, Rural Residential, SFR Residential |
| Zone Designation | Farm/Forest (F/F), Rural Residential (RR-2.5), Urban Growth Area – Rural Residential (UGA-RR-2.5) | F/F, RR-5, Residential R-1                      |
| Site Location    | See maps ( <b>Exhibit A, pages 163-170</b> )  | Same  |

## E. ZONING AND DEVELOPMENT BACKGROUND

The Zoning and development background varies among the subject properties.

- Department records indicate tax lots 100, 103, and 200 on map T09S, R03E, Section 29 were zoned Agriculture, Residential, Timber (ART) prior to September 2, 1980.
- Tax lot 1204 on map T09S, R03E, Section 31 was zoned Suburban Residential (SR) prior to September 2, 1980.
- Tax lots 100 and 1804 on map T09S, R03E, Section 32 were zoned SR prior to September 2, 1980.
- Tax 1204 on map T09S, R03E, Section 32 was zoned ART prior to September 2, 1980.

## III. PHYSICAL CHARACTERISTICS OF PROPERTY

- A. **SOIL TYPES** – The soils types identified on the subject properties vary. Soil types on the subject properties are identified and documented by the Natural Resource Conservation Service (NRCS).
- B. **TOPOGRAPHY** – The topography of the subject properties varies. Elevation of the subject properties is identified on adopted United States Geologic Survey (USGS) maps.
- C. **NATURAL AND/OR GEOLOGIC HAZARDS** – There are no potential geologic hazards identified on the subject properties (Bulletin 84, Environmental Geology of Western Linn County Oregon).

None of the subject properties are located within an identified flood hazard area according to the Federal Emergency Management Agency (FEMA) Flood Insurance Study for Linn County, Oregon and Incorporated Areas dated September 29, 2010.

## IV. PUBLIC FACILITIES AND SERVICES

- A. **FIRE** – The subject properties are all served by the Mill City Rural Fire District.
- B. **POLICE** - The Linn County Sheriff's Department serves all the subject properties.
- C. **SEWAGE DISPOSAL** – The properties contain various uses, ranging from pasture to single-family dwellings. Sewage disposal on the subject properties may vary.
- D. **WATER SUPPLY** – The properties contain various uses, ranging from pasture to single-family dwellings. Water supply on the subject properties may vary.
- E. **ACCESS** – The properties contain various uses, ranging from pasture to single-family dwellings. Access to the subject properties may vary from access via Linn County roads to access via private roads.

## V. NOTICE TABLE AND PROCEDURE

### A. NOTICE

Notice of this application was printed in the Albany Democrat-Herald newspaper at least three weeks prior to the hearing. Property owners within 1,000 feet of the boundaries of the subject properties were provided notice of this application. There were 223 property owners within the notification area. The following agencies have been provided notice and responded before this report was written.

| AGENCY                 | NOTICE | RESPONSE | AGENCY            | NOTICE | RESPONSE |
|------------------------|--------|----------|-------------------|--------|----------|
| Environmental Health   | x      |          | DLCD              | x      |          |
| Linn County Assessor   | x      |          | DSL               | x      |          |
| Linn County Road Dept. | x      | x        | City of Mill City | x      |          |
| GIS                    | x      |          | RFPD: Mill City   | x      | x        |
| Linn Co. Sheriff       | x      |          |                   |        |          |

### B. PROCEDURE

The Planning Commission reviewed the application and made a recommendation to the Linn County Board of Commissioners to adopt the proposed Comprehensive Plan map and zoning map amendments. A hearing before the Board of Commissioners is scheduled for 10:00 a.m., September 25, 2018.

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 if the applicant consents. Specified findings, stating the reason for decision, are required in taking action on the proposed amendments. The Board will consider all the testimony in the matter and may take action to: (1) Approve the applications; (2) Deny the applications; or (3) Modify the applications.

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 Commission may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. The 120-day time limitations of *ORS 215.428* do not apply to the proposed Comprehensive Plan amendment.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Commission shall grant the request by either (a) continuing the public hearing or (b) leaving the record open for additional written evidence or testimony. If the Commission grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the initial hearing.

## **VI. EXHIBITS**

- Exhibit A: Application and Supporting Documentation
- Exhibit B: Application Decision Criteria
- Exhibit C: Affected Agency Comments
- Exhibit D: Surrounding Property Owner Comments
- Exhibit E: Public Notice and other letters



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816, Fax 541-926-8228
www.co.linn.or.us

Comprehensive Plan Map Amendment Application

Application Fee \$3500.00

JUN 04 2018

INTRODUCTION

- A. Amendments to the Linn County Comprehensive Plan may be initiated to: a) amend the existing plan map designation(s), or b) amend a combination of existing plan policy and map designations.
B. An amendment to the comprehensive plan map from one designation to another designation may be dealt with as one application.
C. A proposed amendment that would change both the plan text and plan map require two separate applications--one to amend the plan text and one to amend the plan map.
D. The Linn County Planning Commission conducts public hearings on the application and makes a recommendation to the Linn County Board of Commissioners.

APPLICATION CHECK LIST (FOR DEPARTMENT USE)

- A. Complete application Site plan Ownership
B. Environmental health division approval
1. Existing system has been checked
2. New site has been approved
3. New site has been requested but not reviewed
C. Property development standards can be met:
1. Width Depth Frontage Coverage Setbacks
2. Legal lot Area
D. Proposal is located within:
1. UGB Planning area Greenway A.O. Zone
2. S.B.H.O. Habitat Floodplain Historic
E. Application accepted by: Date Receipt No. P.C. hearing date

Exhibit # Page of

F. This application contains:

Medical hardship \_\_\_\_\_ Aggregate resources \_\_\_\_\_  
 Non-resource residence \_\_\_\_\_ Solid waste \_\_\_\_\_  
 Resource residence \_\_\_\_\_ Comprehensive plan amend. X  
 Variance \_\_\_\_\_ Comprehensive plan revision \_\_\_\_\_  
 Conditional use \_\_\_\_\_ Zoning map amendment \_\_\_\_\_  
 Easement \_\_\_\_\_ Subdivision \_\_\_\_\_ Nonconform use \_\_\_\_\_  
 Greenway \_\_\_\_\_ Caretaker \_\_\_\_\_ UGM \_\_\_\_\_  
 Planned unit development \_\_\_\_\_

I. Background Information (to be completed by applicant in ink or typed)

A. Applicant's name Rex A. Lucas  
 Address 1010 N. 4th St.  
 City Aumsville State OR Zip Code 97325  
 Phone number (home) 503-749-2576 (work) 503-798-2005

B. Property owner (if different than applicant) \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

C. Applicant's representative (if any) Jeff Tross / Tross Consulting, Inc.  
 Address 1720 Liberty St. SE  
 City Salem State OR Zip Code 97302  
 Phone number (home) \_\_\_\_\_ (work) 503-370-8704

II. VERIFICATION OF OWNERSHIP

If the person submitting the application and the owner of the property are not the same, then only the owner of the property shall complete this section.

- A. The application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.
- B. I have the following legal interest in the property: owner of record X, land sales contract purchaser \_\_\_\_\_, holder of a recorded exclusive option to purchase \_\_\_\_\_

Owner's signature *Rex A. Lucas*

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership. Please contact the assessor's office (Room 215, Linn County Courthouse) to complete this section.

The Linn County Assessor's Office verifies that Township 9S, Range 3E, Section 29, Tax Lot(s) 200, is owned or is being purchased by:

Rex Lucas

If more than one owner is included on your records, please list all persons involved.

Other owners:

\_\_\_\_\_  
Alvin B. Pro Date 10/7/18  
Signature of Assessor's Representative

III. Nature of Amendment

A. This application is submitted to amend the comprehensive plan map designation for the following property or properties:

Township [ 9 ] S, Range [ 3E ], Section [ 29 ], Tax Lot(s) [ 200pt ] ACS: 200.001

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

B. Total acreage involved in this amendment is 18.67

C. The plan map designation is currently Farm/Forestry. This proposal will change the plan map designation to Mill City SFR Residential.

D. Is the property located within the urban growth boundary of a city?  
Yes  No If yes, please contact the city regarding the proposal, relevant comprehensive plan policies and plan map designations. Briefly describe how the proposed amendment is in conformity with that city's comprehensive plan.

The property is proposed to be added to the Mill City UGB, then annexed.

See Mill City Ordinance No. 395, June 27, 2017, and associated reports in re the relationship of the proposed amendment to the City's comprehensive plan.

IV. Physical Characteristics

A. Describe the physical characteristics of the property, include:

1. Topography: generally level with minor variations, gently sloping towards N. Santiam river.
2. Drainage pattern: slpess gently to the north towards the river.
3. Vegetation: scattered timber and cleared area
4. Soil productivity: Class 4 Camas gravelly sandy loam; Class 2 Newberg fine sandy loam.

B. Is the property subject to any developmental limitations such as soil and foundation instability, water supply, quantity or quality, poor drainage, steep slopes or flooding? \_\_\_\_\_ Yes X No If yes, what developmental limitations exist?

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V. Existing Use of Property

A. How is the land currently used? Identify any improvements to the property such as buildings, fences, wells, septic systems, driveways or roads.

The property is unused, bisected by Remine Road which serves dwellings to the east.

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B. Please describe any previous uses of the property.

The property was part of a former mill site.

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C. According to the Linn County Assessor's Office, has any property included in this amendment ever been under any form of either farm tax deferral or timber tax deferral? Yes  Yes  No If yes, what type(s) of deferral, for what part of the property and how long has the tax deferral been active?

As of 1/5/15 IN

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D. How does the property have access to a county or public road? Is there a paved apron onto the public road at the point of access? Is there a culvert at the point of access? If the access is by an easement, please attach a copy of the easement document.

The property lies along Remine Road, which runs E-W through the property.

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VI. Existing Use of Surrounding Property

Describe the land use on surrounding properties within 1/4 mile of the subject property. Please describe what farm, forest, residential, commercial, industrial and/or public land uses are within 1/4 mile of the property. Please be specific about the types of uses--orchards, dairies, subdivisions, number of residences, types of stores or types of industrial activities.

north - N. Santiam river; west - undeveloped land in Mill City and  
the UGB; east - timberland zoned F/F and rural residential land zoned  
RR-2.5 with scattered acreage dwellings; south - cleared land/former  
mill site, zoned F/F.

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VII. Proposed Use of Property

A. Describe how the property will be used if the amendment is approved. Will the property be partitioned? If so, describe your intent.

Following inclusion in the UGB the property is proposed to be  
annexed to the city, and developed as a single-family subdivision.

B. What improvements will be added to the property if the amendment is approved?

All required public facilities/urban improvements as necessary for  
residential development.

VIII. APPLICANT'S CERTIFICATION

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

 Date 10-27-17  
Applicant's Signature



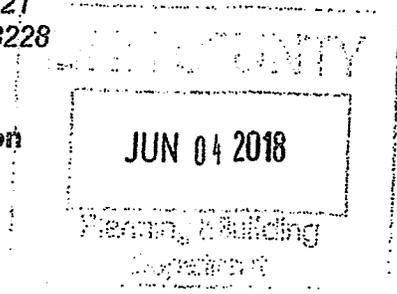
LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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PO Box 100, Albany, Oregon 97321
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Comprehensive Plan Map Amendment Application

Application Fee \$3500.00



INTRODUCTION

- A. Amendments to the Linn County Comprehensive Plan may be initiated to: a) amend the existing plan map designation(s), or b) amend a combination of existing plan policy and map designations.
B. An amendment to the comprehensive plan map from one designation to another designation may be dealt with as one application.
C. A proposed amendment that would change both the plan text and plan map require two separate applications--one to amend the plan text and one to amend the plan map.
D. The Linn County Planning Commission conducts public hearings on the application and makes a recommendation to the Linn County Board of Commissioners.

APPLICATION CHECK LIST (FOR DEPARTMENT USE)

- A. Complete application Site plan Ownership
B. Environmental health division approval
1. Existing system has been checked
2. New site has been approved
3. New site has been requested but not reviewed
C. Property development standards can be met:
1. Width Depth Frontage Coverage Setbacks
2. Legal lot Area
D. Proposal is located within:
1. UGB Planning area Greenway A.O. Zone
2. S.B.H.O. Habitat Floodplain Historic
E. Application accepted by Date Receipt No. P.C. hearing date

F. This application contains:

Medical hardship \_\_\_\_\_ Aggregate resources \_\_\_\_\_  
Non-resource residence \_\_\_\_\_ Solid waste \_\_\_\_\_  
Resource residence \_\_\_\_\_ Comprehensive plan amend. \_\_\_\_\_  
Variance \_\_\_\_\_ Comprehensive plan revision X \_\_\_\_\_  
Conditional use \_\_\_\_\_ Zoning map amendment \_\_\_\_\_  
Easement \_\_\_\_\_ Subdivision \_\_\_\_\_ Nonconform use \_\_\_\_\_  
Greenway \_\_\_\_\_ Caretaker \_\_\_\_\_ UGM \_\_\_\_\_  
Planned unit development \_\_\_\_\_

I. Background Information (to be completed by applicant in ink or typed)

A. Applicant's name Rex A. Lucas  
Address 1010 N. 4th St.  
City Aumsville State OR Zip Code 97325  
Phone number (home) 503-749-2576 (work) 503-798-2005

B. Property owner (if different than applicant) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

C. Applicant's representative (if any) Jeff Tross / Tross Consulting, Inc.  
Address 1720 Liberty St. SE  
City Salem State OR Zip Code 97302  
Phone number (home) \_\_\_\_\_ (work) 503-370-8704

II. VERIFICATION OF OWNERSHIP

If the person submitting the application and the owner of the property are not the same, then only the owner of the property shall complete this section.

A. The application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property: owner of record X, land sales contract purchaser \_\_\_\_\_, holder of a recorded exclusive option to purchase \_\_\_\_\_.

Owner's signature 

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership. Please contact the assessor's office (Room 215, Linn County Courthouse) to complete this section.

The Linn County Assessor's Office verifies that Township 9S, Range 3E, Section 29, Tax Lot(s) 100 + 103, is owned or is being purchased by:

Rex Lucas

If more than one owner is included on your records, please list all persons involved.

Other owners:

\_\_\_\_\_  
[Signature] Date 6/7/18  
Signature of Assessor's Representative

III. Nature of Amendment

A. This application is submitted to amend the comprehensive plan map designation for the following property or properties:

- Township [ 9 ] S, Range [ 3E ], Section [ 29 ], Tax Lot(s) [ 100pt: 103 ]
- Township [    ] S, Range [    ], Section [    ], Tax Lot(s) [    ]
- Township [    ] S, Range [    ], Section [    ], Tax Lot(s) [    ]
- Township [    ] S, Range [    ], Section [    ], Tax Lot(s) [    ]

B. Total acreage involved in this amendment is 9.49 (acreage includes part of TL 200, included on a separate application.)

C. The plan map designation is currently Rural Residential. This proposal application.) will change the plan map designation to Mill City SFR Residential.

D. Is the property located within the urban growth boundary of a city?  
 Yes  No  If yes, please contact the city regarding the proposal, relevant comprehensive plan policies and plan map designations. Briefly describe how the proposed amendment is in conformity with that city's comprehensive plan.

The property is proposed to be added to the Mill City UGB, then annexed. See Mill City Ordinance No. 395, June 27, 2017, and associated reports in re the relationship of the proposed amendment to the City's comprehensive plan.

IV. Physical Characteristics

A. Describe the physical characteristics of the property, include:

1. Topography: generally level with minor variations, slope toward the No. Santiam river.

2. Drainage pattern: slope to the north toward N. Santiam river.

3. Vegetation: timber

4. Soil productivity: Class 2 Newberg fine sandy loam; Class 4 Camas gravelly sandy loam.

B. Is the property subject to any developmental limitations such as soil and foundation instability, water supply, quantity or quality, poor drainage, steep slopes or flooding? Yes  No If yes, what developmental limitations exist?

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V. Existing Use of Property

A. How is the land currently used? Identify any improvements to the property such as buildings, fences, wells, septic systems, driveways or roads.

The property is unused. Remine Road passes E-W through the property and serves residential parcels to the east.

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B. Please describe any previous uses of the property.

no specific use

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C. According to the Linn County Assessor's Office, has any property included in this amendment ever been under any form of either farm tax deferral or timber tax deferral?  /  Yes   No If yes, what type(s) of deferral, for what part of the property and how long has the tax deferral been active?

TRAIL OUT IN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. How does the property have access to a county or public road? Is there a paved apron onto the public road at the point of access? Is there a culvert at the point of access? If the access is by an easement, please attach a copy of the easement document.

Remine Road passes E-W through the property.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VI. Existing Use of Surrounding Property

Describe the land use on surrounding properties within 1/4 mile of the subject property. Please describe what farm, forest, residential, commercial, industrial and/or public land uses are within 1/4 mile of the property. Please be specific about the types of uses--orchards, dairies, subdivisions, number of residences, types of stores or types of industrial activities.

north - N. Santiam River; east - scattered dwellings on rural residential  
land zoned RR 2.5; west - TL 200 also proposed for inclusion in the UGB;  
south - former mill site, now vacant, zoned F/F.  
\_\_\_\_\_  
\_\_\_\_\_

VII. Proposed Use of Property

A. Describe how the property will be used if the amendment is approved. Will the property be partitioned? If so, describe your intent.

Following inclusion in the UGB the property is proposed to be  
annexed to the city, and developed as a single-family subdivision.

\_\_\_\_\_  
\_\_\_\_\_

B. What improvements will be added to the property if the amendment is approved?

All required public facilities/urban improvements as necessary for  
residential development.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII. APPLICANT'S CERTIFICATION

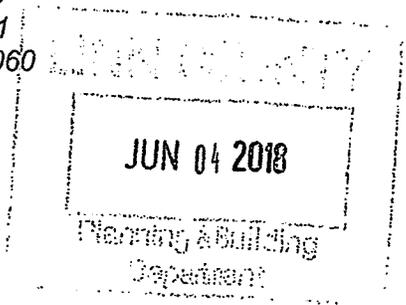
I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

*Ry G. Lewis* Date 10-2-17  
Applicant's Signature



LINN COUNTY PLANNING AND BUILDING DEPARTMENT
Robert Wheeldon, Director

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



ZONING MAP AMENDMENT APPLICATION
Application Fee: \$2000.00

INTRODUCTION

- A. An application for amendment of the Land Development Code may be initiated to amend the Zoning Map, text or a combination of the Zoning Map and text.
B. A separate application to amend the Zoning Map shall be required for each proposed map designation. Approval of one application shall not mandate approval of other applications.
C. An application to amend the Zoning Map and text shall require at least two separate applications: one or more applications to amend the map and one to amend the text.
D. If an application to amend the Zoning Map or text of the Land Development Code necessitates a Plan Map or Plan text amendment, the two applications may be consolidated into a single public hearing.

Application Check List (for departmental use only)

Date Received: 6/4/18 Receipt number: Fee paid:
Application accepted by: [Signature] File number assigned: EC18-0002
Planner assigned: [Signature] Date deemed complete:
Scheduled PC hearing date: 9/11/18 Scheduled BC hearing date:
Date notice mailed to DLCD: Date adoption mailed to DLCD:
Other applications included: [X] Plan Map Amendment [ ] Plan Text Amendment
[ ] Code Text amendment [ ] Other

[X] Proposal is located within:
UGA [ ] Planning area Will City
Fire District Will City A.O./Airport notification area [ ]
Floodplain [ ] Hazard Area [ ] Wetland [ ]
Wildlife Habitat [ ] Riparian Habitat [ ] Fish Habitat [ ]
S.B.H.O. [ ] Historic [ ] Greenway [ ]

[ ] EHP approval, if required. [X] Accurate maps and site plans

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPE WRITTEN

I. Property Owner/Applicant Information

- A. Applicant(s) Rex A. Lucas  
Address 1010 N. 4th St.  
City Aumsville State OR Zip Code 97325  
Phone number (home) \_\_\_\_\_ (work) 503-798-2005
- B. Property owner(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- C. Applicant's representative (if any) Jeff Tross/Tross Consulting, Inc.  
Address 1720 Liberty St. SE  
City Salem State OR Zip Code 97302  
Phone number (home) \_\_\_\_\_ (work) 503-370-8704

II. Property Information

- A. Legal description of property: Township 9s Range 3E Section(s) 29  
Tax Lot(s) 100(pt), 103, 200(pt)
- B. Site Address (if any): (none)
- C. Property size in acres total 18.16 acres
- D. Adjacent tax lots in same ownership:  
Township 9s Range 3E Section 29 Tax Lot(s) 200 (remaining pt) Area 36a  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_
- E. Nearest city or town Mill City Distance adjacent  
Nearest cross road Remine Rd. Distance adjacent
- F. Zoning designation 100&103-RR 2.5 Plan designation Rural Residential  
200 - F/F Farm Forest
- G. What is the area of the aggregate resource site in acres? n.a.
- H. Name of Fire Protection District: Mill City Rural Fire Protection Dist.
- I. How is vehicle access provided to the property?  
Frontage on County Road (name) Remine Road

Frontage on Local Access Road (name) Remine Road

Frontage on State Highway (name) \_\_\_\_\_

Volume and Page of recorded easement to a public road (attach copy) \_\_\_\_\_

J. Is the property located within an urban growth boundary or planning area? ( ) Yes (X) No  
If yes, name of City: \_\_\_\_\_

K. What is the current use of the property? (Check all that apply.)  
( ) Agriculture ( ) Forestry ( ) Commercial ( ) Industrial (X)  
Residential vacant rural residential, and vacant woodland/former mill site.

L. Describe any dwellings, barns, buildings, structures, fences, wells, septic systems or other improvements that are on the property. (Show these improvements on your site plan.)  
no improvements

M. Describe any natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills. (Show these features on your site plan.)  
frontage on the North Santiam River

### III. Proposed Amendment

A. Current zoning designation of the subject property: RR 2.5 / F/F

B. Proposed zoning designation of the subject property: UGA RR 2.5

C. Will the map amendment affect all of an existing tax lot or only a portion? both, see II.A.  
If the proposal will affect only a portion, how large is the affected area? 100-2.85 (100-a11)  
200 - 8.67a

D. Please describe the intended use of the property that will result if the zoning map is amended.

If there is no use proposed, please describe the purpose of the zone amendment.

The property is proposed for annexation for future development as  
a single-family subdivision in the city.

E. Please describe the operating characteristics of the intended use. Include a description of structures, size and use of structures, hours and days of operation, vehicles, machinery, and any other operational and design characteristics.

The property will be developed following annexation, at which time development approval will be the jurisdiction of the City. The use of the property at that time will be as an urban-density residential subdivision.

F. Why was this location chosen?

The contiguous property adjoins the UGB and is recognized as a priority area for future expansion of the UGB.

G. Describe the land uses on adjoining properties.

North: North Santiam River

South: vacant former mill site

East: rural residential acreage parcels, zoned RR 2.5

West: vacant property in the UGB and open space and wastewater treatment facility in the city.

H. Describe the land uses occurring within a one-half-mile radius of the subject property.

North: North Santiam River, Highway 22, forested hillside

South: vacant former mill site, low density homesites

East: rural residential acreage homesites and woodland, zoned RR2.5

West: urban uses in Mill City incl open space and wastewater treatment facility

**IV. Decision Criteria for Zoning Map Amendments**

The decision criteria for a Zoning Map amendment are in Linn County Code (LCC) 921.822(B).

**The applicant for a Zoning Map amendment has the burden of proof to prove the decision criteria are satisfied.**

A Zoning Map amendment from one zoning district to another may be granted only if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:

A. 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 [LCC 921.822(B)(1)].

1. Please describe any development limitations that exist on the property, including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability.

Development will occur following annexation, with public services provided by the City. There are no identified development limitations that would significantly adversely affect development as intended.

2. Attach documents that establish the site's suitability for the proposed zoning district. Include documentation of septic suitability, water availability and water quality, and information on natural or geologic hazards. See Mill City Ord. No. 395 and accompanying reports.

3. Would the development limitations identified in Question 1 above significantly adversely affect development permitted in the proposed zoning district? n.a.

( ) Yes (x) No

If not, explain why not. Attach another sheet if necessary.

See 1. above.

B. 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 [LCC 921.822(B)(2)].

1. If the proposed zone amendment is approved, will the development allowed on the property result in a development pattern having a significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities?  Yes  No

2. If not, explain why not. Attach another sheet if necessary.  
Development will occur after the property is annexed to the city.  
The City has determined that all necessary public services can  
be provided at levels adequate to support future development. See  
Mill City Ordinance No. 395 and associated reports.

C. 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 [LCC 921.822(B)(3)].

1. Will the proposed amendment result in a development pattern compatible with uses on nearby lands?  Yes  No

Please explain why or why not. Attach another sheet if necessary.

Following the UGB amendment the property will be annexed into the  
city. This will convert the property from rural to urban land.  
Future development will follow City requirements for urban  
residential development, consistent with nearby lands already in  
the city.

2. Will the proposed amendment result in a development pattern having a significant adverse impact on the overall land use pattern in the area?  Yes  No

Please explain why or why not. Attach another sheet if necessary.

As in 1., the property will become urban land upon annexation,  
as proposed. Development will follow City standards for urban  
residential use. All required public facilities are available  
and can be provided to the property.

D. Is the amendment consistent with the intent and purpose statement of the proposed zoning district [LCC 921.822(B)(4)]?  Yes  No

Please explain why or why not. Attach another sheet if necessary.

The property will be zoned UGA RR-2.5 upon being added to the  
UGB. This will be a temporary measure, pending annexation which  
is to immediately follow the UGB amendment. The City Comp Plan  
designation will be Residential. UGA RR-2.5 is consistent with the  
City Plan designation.

E. Is the amendment consistent with the existing *Comprehensive Plan* map designation [LCC 921.822(B)(5)]?  Yes  No

Please explain why or why not. Attach another sheet if necessary.

The Comp Plan map designation will be Mill City Residential upon adding  
the property to the UGB. The UGA RR-2.5 zone is consistent with that  
designation. The existing County Plan designation will no longer apply.

If the amendment is not consistent with the existing *Comprehensive Plan* map designation, an application for an amendment to the *Comprehensive Plan* map is also required.

F. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat [LCC 921.822(B)(6)].

1. Is the property located within a sensitive fish or wildlife habitat?  Yes  No  
If yes, please describe. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. Will the land uses allowed by the amendment have a significant adverse impact on sensitive fish or wildlife habitat?  Yes  No  
Please explain why or why not. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

If the property is located within a designated urban growth area, explain why the proposed amendment is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city. Attach another sheet if necessary.

The property is proposed for addition to the Mill City UGB. The City  
has determined that the proposal is consistent with its Comp Plan and  
implementing ordinances. See Mill City Ordinance No. 395 and accompanying  
reports.

\_\_\_\_\_  
\_\_\_\_\_

VII. Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Owner/applicant signature \_\_\_\_\_

Date \_\_\_\_\_

Owner/applicant signature R. C. P... [Signature]

Date 10-2-17

VI. Verification of Ownership

Only the owner of the property is authorized to complete this section.

A. I hereby certify that this application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property:

\_\_\_\_\_ owner of record

\_\_\_\_\_ land sales contract purchaser

\_\_\_\_\_ holder of a recorded exclusive option to purchase

C. Property Owner Signature \_\_\_\_\_

Date \_\_\_\_\_

PLEASE NOTE: County Code does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership.

The Linn County Assessor's Office records indicate that:

Township 95, Range 3E, Section(s) 29, Tax Lot(s) 100 & 103

is owned or is being purchased by: REN LIND

If more than one owner is included, please list all other owners.

Other owners:

(1) \_\_\_\_\_

(3) \_\_\_\_\_

(2) \_\_\_\_\_

(4) \_\_\_\_\_

[Signature]

6/7/18

Assessor or Planning Staff Signature

Date



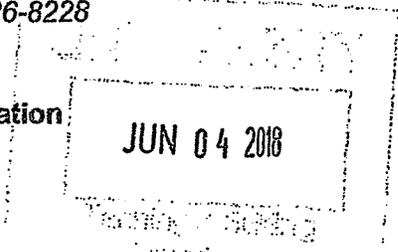
LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816, Fax 541-926-8228
www.co.linn.or.us

Comprehensive Plan Map Amendment Application

Application Fee \$3500.00



INTRODUCTION

- A. Amendments to the Linn County Comprehensive Plan may be initiated to: a) amend the existing plan map designation(s), or b) amend a combination of existing plan policy and map designations.
B. An amendment to the comprehensive plan map from one designation to another designation may be dealt with as one application.
C. A proposed amendment that would change both the plan text and plan map require two separate applications--one to amend the plan text and one to amend the plan map.
D. The Linn County Planning Commission conducts public hearings on the application and makes a recommendation to the Linn County Board of Commissioners.

APPLICATION CHECK LIST (FOR DEPARTMENT USE)

- A. Complete application Site plan Ownership
B. Environmental health division approval
1. Existing system has been checked
2. New site has been approved
3. New site has been requested but not reviewed
C. Property development standards can be met:
1. Width Depth Frontage Coverage Setbacks
2. Legal lot Area
D. Proposal is located within:
1. UGB Planning area Greenway A.O. Zone
2. S.B.H.O. Habitat Floodplain Historic
E. Application accepted by Date Receipt No. P.C. hearing date

F. This application contains:

Medical hardship \_\_\_\_\_ Aggregate resources \_\_\_\_\_  
 Non-resource residence \_\_\_\_\_ Solid waste \_\_\_\_\_  
 Resource residence \_\_\_\_\_ Comprehensive plan amend. X  
 Variance \_\_\_\_\_ Comprehensive plan revision \_\_\_\_\_  
 Conditional use \_\_\_\_\_ Zoning map amendment \_\_\_\_\_  
 Easement \_\_\_\_\_ Subdivision \_\_\_\_\_ Nonconform use \_\_\_\_\_  
 Greenway \_\_\_\_\_ Caretaker \_\_\_\_\_ UGM \_\_\_\_\_  
 Planned unit development \_\_\_\_\_

I. Background Information (to be completed by applicant in ink or typed)

A. Applicant's name Lee and Ladonna Stafford  
 Address 39790 SE 4th Ave.  
 City Mill City State OR Zip Code 97360  
 Phone number (home) (503) 430-2558 (work) \_\_\_\_\_

B. Property owner (if different than applicant) - same -  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

C. Applicant's representative (if any) \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

II. VERIFICATION OF OWNERSHIP

If the person submitting the application and the owner of the property are not the same, then only the owner of the property shall complete this section.

- A. The application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.
- B. I have the following legal interest in the property: owner of record \_\_\_\_\_, land sales contract purchaser \_\_\_\_\_, holder of a recorded exclusive option to purchase \_\_\_\_\_.

Owner's signature Ladonna Stafford

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership. Please contact the assessor's office (Room 215, Linn County Courthouse) to complete this section.

The Linn County Assessor's Office verifies that Township 9S, Range 3E, Section 32, Tax Lot(s) 2402, is owned or is being purchased by:

Lee + Ladonna Stafford

If more than one owner is included on your records, please list all persons involved.

Other owners:

\_\_\_\_\_  
Christina Biles Date 6/7/18  
Signature of Assessor's Representative

III. Nature of Amendment

A. This application is submitted to amend the comprehensive plan map designation for the following property or properties:

Township [ 9 ] S, Range [ 3E ], Section [ 32 ], Tax Lot(s) [ 2402 ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

B. Total acreage involved in this amendment is 2.45 ac (N part of TL 2402)

C. The plan map designation is currently Mill City SF Res. This proposal will change the plan map designation to Linn Co. Rural Residential.

D. Is the property located within the urban growth boundary of a city?  
X Yes \_\_\_\_\_ No If yes, please contact the city regarding the proposal, relevant comprehensive plan policies and plan map designations. Briefly describe how the proposed amendment is in conformity with that city's comprehensive plan.

The property was approved by Mill City for removal from the UGB in 2012, see Mill City Ordinance No. 364, June 21, 2012, attached. This application requests Linn Co. concurrence with that decision.

IV. Physical Characteristics

A. Describe the physical characteristics of the property, include:

1. Topography: flat

2. Drainage pattern: towards creek to south

3. Vegetation: grass

4. Soil productivity: Class 3 Waldo silty clay loam, Class 2 McBee silty clay loam, Class 2 Malabon variant loam.

B. Is the property subject to any developmental limitations such as soil and foundation instability, water supply, quantity or quality, poor drainage, steep slopes or flooding? Yes  No If yes, what developmental limitations exist?

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V. Existing Use of Property

A. How is the land currently used? Identify any improvements to the property such as buildings, fences, wells, septic systems, driveways or roads.

farm use, vacant within UGB

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B. Please describe any previous uses of the property.

pasture and hay

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C. According to the Linn County Assessor's Office, has any property included in this amendment ever been under any form of either farm tax deferral or timber tax deferral?  X  Yes  not now  No If yes, what type(s) of deferral, for what part of the property and how long has the tax deferral been active?

Prior owner in 1960's had farm deferral, but not since current owner acquired.

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D. How does the property have access to a county or public road? Is there a paved apron onto the public road at the point of access? Is there a culvert at the point of access? If the access is by an easement, please attach a copy of the easement document.

Driveway easement to SE 4th, a County road

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VI. Existing Use of Surrounding Property

Describe the land use on surrounding properties within 1/4 mile of the subject property. Please describe what farm, forest, residential, commercial, industrial and/or public land uses are within 1/4 mile of the property. Please be specific about the types of uses--orchards, dairies, subdivisions, number of residences, types of stores or types of industrial activities.

north - vacant land within the UGB and sf residential lots and homes in the city.  
west - vacant land within the UGB, sf residential lots and homes in the city, small farm hay and pasture land outside the UGB  
east - vacant land and homesites within the UGB.  
south - mixed farm and rural residential use outside the UGB on land zoned RR-5.

VII. Proposed Use of Property

A. Describe how the property will be used if the amendment is approved. Will the property be partitioned? If so, describe your intent.

Use will continue as small farm- rural residential per RR-5 zoning  
\_\_\_\_\_  
\_\_\_\_\_

B. What improvements will be added to the property if the amendment is approve

None anticipated at this time for the land to be removed from the UGB  
\_\_\_\_\_  
\_\_\_\_\_

VIII. APPLICANT'S CERTIFICATION

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

LaDonna Stafford Date 3/17/18  
Applicant's Signature



LINN COUNTY PLANNING AND BUILDING DEPARTMENT
Robert Wheeldon, Director

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

ZONING MAP AMENDMENT APPLICATION

Application Fee: \$2000.00

JUN 04 2018

INTRODUCTION

- A. An application for amendment of the Land Development Code may be initiated to amend the Zoning Map, text or a combination of the Zoning Map and text.
B. A separate application to amend the Zoning Map shall be required for each proposed map designation. Approval of one application shall not mandate approval of other applications.
C. An application to amend the Zoning Map and text shall require at least two separate applications: one or more applications to amend the map and one to amend the text.
D. If an application to amend the Zoning Map or text of the Land Development Code necessitates a Plan Map or Plan text amendment, the two applications may be consolidated into a single public hearing.

Application Check List (for departmental use only)

Date Received: 6/4/18 Receipt number: BC18-0002 Fee paid:
Application accepted by: AB File number assigned:
Planner assigned: AB Date deemed complete:
Scheduled PC hearing date: 9/11/18 Scheduled BC hearing date:
Date notice mailed to DLCD: Date adoption mailed to DLCD:
Other applications included: [X] Plan Map Amendment [ ] Plan Text Amendment
[ ] Code Text amendment [ ] Other

[X] Proposal is located within:
UGA Mill City Planning area Mill City
Fire District Mill City A.O./Airport notification area
Floodplain na Hazard Area na Wetland na
Wildlife Habitat y Riparian Habitat na Fish Habitat na
S.B.H.O. na Historic na Greenway na
na EHP approval, if required. [X] Accurate maps and site plans

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPE WRITTEN

I. Property Owner/Applicant Information

- A. Applicant(s) Lee and Ladonna Stafford  
Address 39790 SE 4th St.  
City Mill City State OR Zip Code 97360  
Phone number (home) 503-730-2559 (work) n.a.
- B. Property owner(s) -same-  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- C. Applicant's representative (if any) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

II. Property Information

- A. Legal description of property: Township 9S Range 3E Section(s) 32  
Tax Lot(s) 2402 (part)
- B. Site Address (if any): 39790 SE 4th St. Mill City
- C. Property size in acres 2.45 ac (subject, northern end of TL 2402 11.94 ac total) |
- D. Adjacent tax lots in same ownership: none  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_
- E. Nearest city or town Mill City Distance adjacent  
Nearest cross road SE 4th and Kingwood Distance 400' to SE 4th
- F. Zoning designation UGA RR-2.5 Plan designation Mill City Residential
- G. What is the area of the aggregate resource site in acres? n.a.
- H. Name of Fire Protection District: Mill City RFPD
- I. How is vehicle access provided to the property?  
Frontage on County Road (name) \_\_\_\_\_

Frontage on Local Access Road (name) Driveway to SE 4th Ave

Frontage on State Highway (name) n.a.

Volume and Page of recorded easement to a public road (attach copy) \_\_\_\_\_

J. Is the property located within an urban growth boundary or planning area?  Yes ( ) No  
If yes, name of City: Mill City - north 2.45 ac of TL 2402

K. What is the current use of the property? (Check all that apply.)  
 Agriculture (in UGB) ( ) Forestry ( ) Commercial ( ) Industrial ( ) Residential

L. Describe any dwellings, barns, buildings, structures, fences, wells, septic systems or other improvements that are on the property. (Show these improvements on your site plan.)  
none on the subject part that is in the UGB. BPA transmission lines along UGB line

M. Describe any natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills. (Show these features on your site plan.)  
none

### III. Proposed Amendment

A. Current zoning designation of the subject property: UGA RR-2.5

B. Proposed zoning designation of the subject property: Linn Co. RR-5

C. Will the map amendment affect all of an existing tax lot or only a portion? portion  
If the proposal will affect only a portion, how large is the affected area? 2.45 ac

D. Please describe the intended use of the property that will result if the zoning map is amended.

If there is no use proposed, please describe the purpose of the zone amendment.

The purpose of the proposal is to zone the area removed from the UGB in the same zone as the adjacent ownership that is outside of the UGB. See Mill City Ordinance No. 364, June 12, 2012. The intended use is small farm use as at present.

E. Please describe the operating characteristics of the intended use. Include a description of structures, size and use of structures, hours and days of operation, vehicles, machinery, and any other operational and design characteristics.

Small farm use in conjunction with rural residential as is typical of the area outside the UGB, as at present.

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F. Why was this location chosen?

Mill City has approved the removal of the 2.45 acres from the UGB, see Ordinance No. 364, June 12, 2012

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G. Describe the land uses on adjoining properties.

North: vacant land in the UGB.

South: small farm use and rural homesite zoned RR-5

East: vacant land in the UGB

West: small farm/rural residential in the UGB

H. Describe the land uses occurring within a one-half-mile radius of the subject property.

North: vacant land in the UGB and urban residential in the city

South: small farm uses and rural homesites zoned RR-5 and woodlands zoned F/F and FC.

East: vacant land and homesites in the UGB, farm use outside of UGB

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West: small farm use in the UGB, developed residential lots in the city, farm and forest uses and rural residential land zoned RR-5.

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#### IV. Decision Criteria for Zoning Map Amendments

The decision criteria for a Zoning Map amendment are in Linn County Code (LCC) 921.822(B).

**The applicant for a Zoning Map amendment has the burden of proof to prove the decision criteria are satisfied.**

A Zoning Map amendment from one zoning district to another may be granted only if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:

A. 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 [LCC 921.822(B)(1)].

1. Please describe any development limitations that exist on the property, including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability.

The BPA power transmission line corridor marks the south edge of the UGB. These factors impair urban development but will not significantly affect or limit rural uses under RR-5 zoning.

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2. Attach documents that establish the site's suitability for the proposed zoning district. Include documentation of septic suitability, water availability and water quality, and information on natural or geologic hazards.

3. Would the development limitations identified in Question 1 above significantly adversely affect development permitted in the proposed zoning district?

( ) Yes      (X) No

If not, explain why not. Attach another sheet if necessary.

The parcel totals 11.94 acres, which is sufficient area to accommodate rural uses as allowed by the RR-5 zone regardless of the limitations for urban uses.

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B. 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 [LCC 921.822(B)(2)].

1. If the proposed zone amendment is approved, will the development allowed on the property result in a development pattern having a significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities? ( ) Yes (X) No

2. If not, explain why not. Attach another sheet if necessary.

RR-5 zone is limited to low-density residential use. The type and density of development allowed on the property will not significantly affect any public facilities or services because the property will remain outside of the city and the UGB. Public utility services will not be extended or provided to the property.

C. 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 [LCC 921.822(B)(3)].

1. Will the proposed amendment result in a development pattern compatible with uses on nearby lands? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

The nearby lands in the city and UGB are intended for urban-density development when provided with urban services. This site will remain rural land, and public services will not be extended to the property. Density is limited to one dwelling per five acres, far below the urban density standard.

2. Will the proposed amendment result in a development pattern having a significant adverse impact on the overall land use pattern in the area? ( ) Yes (X) No

Please explain why or why not. Attach another sheet if necessary.

The RR-5 zone will be consistent with surrounding lands and uses outside of the UGB. The net acreage within the UGB will not change as a result of the concurrent exchange that will occur in conjunction with this zone change.

D. Is the amendment consistent with the intent and purpose statement of the proposed zoning district [LCC 921.822(B)(4)]? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

The site is to be zoned RR-5 consistent with the larger part of the adjacent ownership. The land is in small farm use. RR-5 preserves the rural character of the property and the area. Urban services are not required. These reasons are consistent with LCC 929.610.

E. Is the amendment consistent with the existing *Comprehensive Plan* map designation [LCC 921.822(B)(5)]?  Yes  No

Please explain why or why not. Attach another sheet if necessary.

The zone change is consistent with the proposed Rural Residential Comp Plan designation.

If the amendment is not consistent with the existing *Comprehensive Plan* map designation, an application for an amendment to the *Comprehensive Plan* map is also required.

F. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat [LCC 921.822(B)(6)].

1. Is the property located within a sensitive fish or wildlife habitat?  Yes  No

If yes, please describe. \_\_\_\_\_

2. Will the land uses allowed by the amendment have a significant adverse impact on sensitive fish or wildlife habitat?  Yes  No

Please explain why or why not. Future rural farm and low-density residential use can maintain a setback appropriate to protection of riparian resources.

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

If the property is located within a designated urban growth area, explain why the proposed amendment is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city. Attach another sheet if necessary.

The property has been approved by the City for removal from the UGB; Mill City Ordinance No. 364, June 21, 2012. This application will complete removal from the UGB.

VII. Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Owner/applicant signature Lee Stafford

Date 3/17/18

Owner/applicant signature Donna Stafford

Date 3/17/18

VI. Verification of Ownership

Only the owner of the property is authorized to complete this section.

A. I hereby certify that this application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property:

- owner of record
- land sales contract purchaser
- holder of a recorded exclusive option to purchase

C. Property Owner Signature Lee Stafford

Date 3/17/18

PLEASE NOTE: County Code does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership.

The Linn County Assessor's Office records indicate that:

Township B, Range 3E, Section(s) 32, Tax Lot(s) 2462

is owned or is being purchased by: Lee + Ladonna Stafford

If more than one owner is included, please list all other owners.

Other owners:

(1) \_\_\_\_\_

(3) \_\_\_\_\_

(2) \_\_\_\_\_

(4) \_\_\_\_\_

Norma B. [Signature]

6/17/18

Assessor or Planning Staff Signature

Date



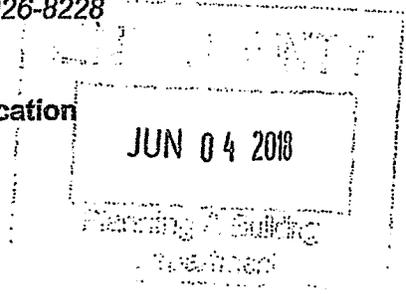
LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816, Fax 541-926-8228
www.co.linn.or.us

Comprehensive Plan Map Amendment Application

Application Fee \$3500.00



INTRODUCTION

- A. Amendments to the Linn County Comprehensive Plan may be initiated to: a) amend the existing plan map designation(s), or b) amend a combination of existing plan policy and map designations.
B. An amendment to the comprehensive plan map from one designation to another designation may be dealt with as one application.
C. A proposed amendment that would change both the plan text and plan map require two separate applications--one to amend the plan text and one to amend the plan map.
D. The Linn County Planning Commission conducts public hearings on the application and makes a recommendation to the Linn County Board of Commissioners.

APPLICATION CHECK LIST (FOR DEPARTMENT USE)

- A. Complete application Site plan Ownership
B. Environmental health division approval
1. Existing system has been checked
2. New site has been approved
3. New site has been requested but not reviewed
C. Property development standards can be met:
1. Width Depth Frontage Coverage Setbacks
2. Legal lot Area
D. Proposal is located within:
1. UGBM.C. Planning area M.C Greenway A.O. Zone
2. S.B.H.O. Habitat Floodplain Historic
E. Application accepted by: Date Receipt No. P.C. hearing date

F. This application contains:

Medical hardship \_\_\_\_\_ Aggregate resources \_\_\_\_\_  
Non-resource residence \_\_\_\_\_ Solid waste \_\_\_\_\_  
Resource residence \_\_\_\_\_ Comprehensive plan amend.   X    
Variance \_\_\_\_\_ Comprehensive plan revision \_\_\_\_\_  
Conditional use \_\_\_\_\_ Zoning map amendment \_\_\_\_\_  
Easement \_\_\_\_\_ Subdivision \_\_\_\_\_ Nonconform use \_\_\_\_\_  
Greenway \_\_\_\_\_ Caretaker \_\_\_\_\_ UGM \_\_\_\_\_  
Planned unit development \_\_\_\_\_

I. Background Information (to be completed by applicant in ink or typed)

A. Applicant's name Terry and Delores Drake  
Address 39780 SE 4th St.  
City Mill City State OR Zip Code 97360  
Phone number (home) 503-897-5908 (work) \_\_\_\_\_

B. Property owner (if different than applicant) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

C. Applicant's representative (if any) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

II. VERIFICATION OF OWNERSHIP

If the person submitting the application and the owner of the property are not the same, then only the owner of the property shall complete this section.

- A. The application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.
- B. I have the following legal interest in the property: owner of record \_\_\_\_\_, land sales contract purchaser \_\_\_\_\_, holder of a recorded exclusive option to purchase \_\_\_\_\_.

Owner's signature *Terry W. Drake*  
*Delores A. Drake*

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership. Please contact the assessor's office (Room 215, Linn County Courthouse) to complete this section.

The Linn County Assessor's Office verifies that Township 9S, Range 3E, Section 32, Tax Lot(s) 1804, is owned or is being purchased by:

Terry + Delores Drake

If more than one owner is included on your records, please list all persons involved.

Other owners:

\_\_\_\_\_  
Mimi Ellis Date 1/7/18  
Signature of Assessor's Representative

III. Nature of Amendment

A. This application is submitted to amend the comprehensive plan map designation for the following property or properties:

Township [ 9 ] S, Range [ 3E ], Section [ 32 ], Tax Lot(s) [ 1804 ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

B. Total acreage involved in this amendment is 1.84 ac ( N part of TL 1804)

C. The plan map designation is currently Mill City SF Res. This proposal will change the plan map designation to Linn Co. Rural Residential.

D. Is the property located within the urban growth boundary of a city?  
X Yes        No If yes, please contact the city regarding the proposal, relevant comprehensive plan policies and plan map designations. Briefly describe how the proposed amendment is in conformity with that city's comprehensive plan.

The property was approved by Mill City for removal from the UGB in 2012, see Mill City Ordinance No. 364, June 21, 2012, attached. This application requests Linn Co. concurrence with that decision.

IV. Physical Characteristics

A. Describe the physical characteristics of the property, include:

1. Topography: flat

2. Drainage pattern: towards creek to south

3. Vegetation: pasture grass/trees

4. Soil productivity: Class 3 Waldo silty clay loam and Class 2 McBee silty clay loam

B. Is the property subject to any developmental limitations such as soil and foundation instability, water supply, quantity or quality, poor drainage, steep slopes or flooding? X Yes        No If yes, what developmental limitations exist?

Riparian area along the creek

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V. Existing Use of Property

A. How is the land currently used? Identify any improvements to the property such as buildings, fences, wells, septic systems, driveways or roads.

farm use, vacant within UGB

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B. Please describe any previous uses of the property.

pasture and hay

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C. According to the Linn County Assessor's Office, has any property included in this amendment ever been under any form of either farm tax deferral or timber tax deferral?  X  Yes  not now  No If yes, what type(s) of deferral, for what part of the property and how long has the tax deferral been active?  
 Prior owner in 1960's had farm deferral, but not since current owner acquired in 1973

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D. How does the property have access to a county or public road? Is there a paved apron onto the public road at the point of access? Is there a culvert at the point of access? If the access is by an easement, please attach a copy of the easement document.

Driveway easement to SE 4th, a County road

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VI. Existing Use of Surrounding Property

Describe the land use on surrounding properties within 1/4 mile of the subject property. Please describe what farm, forest, residential, commercial, industrial and/or public land uses are within 1/4 mile of the property. Please be specific about the types of uses--orchards, dairies, subdivisions, number of residences, types of stores or types of industrial activities.

north - vacant land within the UGB and sf residential lots and homes in the city.  
 west - vacant land within the UGB. sf residential lots and homes in the city, small farm hay and pasture land outside the UGB  
 east - vacant land within the UGB.  
 south - mixed farm and rural residential use outside the UGB on land zoned RR-5.

VII. Proposed Use of Property

A. Describe how the property will be used if the amendment is approved. Will the property be partitioned? If so, describe your intent.

Use will continue as small farm- rural residential per RR-5 zoning

B. What improvements will be added to the property if the amendment is approve

None anticipated at this time for the land to be removed from the UGB

VIII. APPLICANT'S CERTIFICATION

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Applicant's Signature

Terry W. Drake  
Kelvin A. Drake

Date 3-9-2018

3-9-2018



LINN COUNTY PLANNING AND BUILDING DEPARTMENT  
Robert Wheeldon, Director

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

ZONING MAP AMENDMENT APPLICATION

Application Fee: \$2000.00

JUN 04 2018

INTRODUCTION

- A. An application for amendment of the Land Development Code may be initiated to amend the Zoning Map, text or a combination of the Zoning Map and text.
- B. A separate application to amend the Zoning Map shall be required for each proposed map designation. Approval of one application shall not mandate approval of other applications. The application may be consolidated for public hearing purposes if the applications are interrelated and consolidation would expedite their review.
- C. An application to amend the Zoning Map and text shall require at least two separate applications: one or more applications to amend the map and one to amend the text. Approval of one application shall not mandate approval of the other application.
- D. If an application to amend the Zoning Map or text of the Land Development Code necessitates a Plan Map or Plan text amendment, the two applications may be consolidated into a single public hearing.

Application Check List (for departmental use only)

Date Received: 6/4/18 Receipt number: \_\_\_\_\_ Fee paid: \_\_\_\_\_  
 Application accepted by: AB File number assigned: BC18-0002  
 Planner assigned: AB Date deemed complete: \_\_\_\_\_  
 Scheduled PC hearing date: 9/11/18 Scheduled BC hearing date: \_\_\_\_\_  
 Date notice mailed to DLCD: \_\_\_\_\_ Date adoption mailed to DLCD: \_\_\_\_\_  
 Other applications included:  Plan Map Amendment \_\_\_\_\_ Plan Text Amendment  
 \_\_\_\_\_ Code Text amendment \_\_\_\_\_ Other \_\_\_\_\_  
 Proposal is located within:  
 UGA Mill City Planning area Mill City  
 Fire District Mill City A.O./Airport notification area no  
 Floodplain no Hazard Area no Wetland no  
 Wildlife Habitat  Riparian Habitat no Fish Habitat no  
 S.B.H.O. no Historic no Greenway no  
no EHP approval, if required.  Accurate maps and site plans

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPE WRITTEN

I. Property Owner/Applicant Information

- A. Applicant(s) Terry and Delores Drake  
Address 39780 SE 4th St.  
City Mill City State OR Zip Code 97360  
Phone number (home) 503-897-5908 (work) n.a.
- B. Property owner(s) -same-  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- C. Applicant's representative (if any) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

II. Property Information

- A. Legal description of property: Township 9S Range 3E Section(s) 32  
Tax Lot(s) 1804 (part)
- B. Site Address (if any): 39780 SE 4th St. Mill City
- C. Property size in acres 1.87 ac (northern end of TL 1804)
- D. Adjacent tax lots in same ownership:  
Township 9S Range 3E Section 32 Tax Lot(s) 1805 Area 1.01a  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_
- E. Nearest city or town Mill City Distance adjacent  
Nearest cross road SW 1st and Kingwood Distance 200' to SW 1st
- F. Zoning designation UGA RR-2.5 Plan designation Mill City Residential
- G. What is the area of the aggregate resource site in acres? n.a.
- H. Name of Fire Protection District: Mill City RFPD
- I. How is vehicle access provided to the property?

Frontage on County Road (name) \_\_\_\_\_

Frontage on Local Access Road (name) Driveway to SE 4th Ave

Frontage on State Highway (name) n.a.

Volume and Page of recorded easement to a public road (attach copy) V87 p 723

J. Is the property located within an urban growth boundary or planning area?  Yes ( ) No  
If yes, name of City: Mill City - north 1.87 ac of TL 1804

K. What is the current use of the property? (Check all that apply.)  
 Agriculture ( ) Forestry ( ) Commercial ( ) Industrial ( ) Residential

L. Describe any dwellings, barns, buildings, structures, fences, wells, septic systems or other improvements that are on the property. (Show these improvements on your site plan.)  
none on the subject part that is in the UGB. BPA transmission lines along south edge

M. Describe any natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills. (Show these features on your site plan.)  
creek along the UGB line

### III. Proposed Amendment

A. Current zoning designation of the subject property: UGA RR-2.5

B. Proposed zoning designation of the subject property: Linn Co. RR-5

C. Will the map amendment affect all of an existing tax lot or only a portion? portion  
If the proposal will affect only a portion, how large is the affected area? 1.87 ac

D. Please describe the intended use of the property that will result if the zoning map is amended.

If there is no use proposed, please describe the purpose of the zone amendment.

The purpose of the proposal is to zone the area removed from the UGB in the same zone as the adjacent ownership that is outside of the UGB. See Mill City Ordinance No. 364, June 12, 2012. The intended use is small farm use as at present.

E. Please describe the operating characteristics of the intended use. Include a description of structures, size and use of structures, hours and days of operation, vehicles, machinery, and any other operational and design characteristics.

Small farm use in conjunction with rural residential as is typical of the area outside the UGB, as at present.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Why was this location chosen?

Mill City has approved the removal of the 1.87 acres from the UGB, see Ordinance No. 364, June 12, 2012

\_\_\_\_\_  
\_\_\_\_\_

G. Describe the land uses on adjoining properties.

North: vacant land in the UGB and urban residential in the city.

\_\_\_\_\_  
\_\_\_\_\_

South: small farm/forest uses and rural homesites zoned RR-5

\_\_\_\_\_  
\_\_\_\_\_

East: vacant land in the UGB, small farm/residential, hazelnut orchard east of 4th Ave.

\_\_\_\_\_  
\_\_\_\_\_

West: developed residential lots in the UGB

\_\_\_\_\_  
\_\_\_\_\_

H. Describe the land uses occurring within a one-half-mile radius of the subject property.

North: vacant land in the UGB and urban residential in the city

\_\_\_\_\_  
\_\_\_\_\_

South: small farm uses and rural homesites zoned RR-5 and woodlands zoned F/F and FC.

East: vacant land in the UGB and small farms

West: \_\_\_\_\_ developed residential lots in the city, small farms in the UGB, rural residential land zoned RR-5.

**IV. Decision Criteria for Zoning Map Amendments**

The decision criteria for a Zoning Map amendment are in Linn County Code (LCC) 921.822(B).

**The applicant for a Zoning Map amendment has the burden of proof to prove the decision criteria are satisfied.**

A Zoning Map amendment from one zoning district to another may be granted only if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:

A. 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 [LCC 921.822(B)(1)].

1. Please describe any development limitations that exist on the property, including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability.

The south edge of the site is within the natural riparian area of the creek. The BPA power transmission line corridor marks the south edge of the UGB. These factors impair urban development but will not significantly affect or limit rural uses under RR-5 zoning.

2. Attach documents that establish the site's suitability for the proposed zoning district. Include documentation of septic suitability, water availability and water quality, and information on natural or geologic hazards.

3. Would the development limitations identified in Question 1 above significantly adversely affect development permitted in the proposed zoning district?

( ) Yes (X) No

If not, explain why not. Attach another sheet if necessary.

The parcel totals 9.28 acres, which is sufficient area to accommodate rural uses as allowed by the RR-5 zone regardless of the limitations for urban uses.

B. 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 [LCC 921.822(B)(2)].

1. If the proposed zone amendment is approved, will the development allowed on the property result in a development pattern having a significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities? ( ) Yes (X) No

2. If not, explain why not. Attach another sheet if necessary.

RR-5 zone is limited to low-density residential use. The type and density of development allowed on the property will not significantly affect any public facilities or services because the property will remain outside of the city and the UGB. Public utility services will not be extended or provided to the property.

C. 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 [LCC 921.822(B)(3)].

1. Will the proposed amendment result in a development pattern compatible with uses on nearby lands? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

The nearby lands in the city and UGB are intended for urban-density development when provided with urban services. This site will remain rural land, and public services will not be extended to the property. Density is limited to one dwelling per five acres, far below the urban density standard.

2. Will the proposed amendment result in a development pattern having a significant adverse impact on the overall land use pattern in the area? ( ) Yes (X) No

Please explain why or why not. Attach another sheet if necessary.

The RR-5 zone will be consistent with surrounding lands and uses outside of the UGB. The net acreage within the UGB will not change as a result of the concurrent exchange that will occur in conjunction with this zone change.

D. Is the amendment consistent with the intent and purpose statement of the proposed zoning district [LCC 921.822(B)(4)]? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

The site is to be zoned RR-5 consistent with the larger part of the adjacent ownership. The land is in small farm use. RR-5 preserves the rural character of the property and the area. Urban services are not required. These reasons are consistent with LCC 929.610.

E. Is the amendment consistent with the existing *Comprehensive Plan* map designation [LCC 921.822(B)(5)]?  Yes  No

Please explain why or why not. Attach another sheet if necessary.

The zone change is consistent with the proposed Rural Residential Comp Plan designation.

If the amendment is not consistent with the existing *Comprehensive Plan* map designation, an application for an amendment to the *Comprehensive Plan* map is also required.

F. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat [LCC 921.822(B)(6)].

1. Is the property located within a sensitive fish or wildlife habitat?  Yes  No

If yes, please describe. (Changing the property from future urban density use to 5-acre rural density will serve to protect the creek and riparian area)

2. Will the land uses allowed by the amendment have a significant adverse impact on sensitive fish or wildlife habitat?  Yes  No

Please explain why or why not. Future rural farm and low-density residential use can maintain a setback appropriate to protection of riparian resources.

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

If the property is located within a designated urban growth area, explain why the proposed amendment is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city. Attach another sheet if necessary.

The property has been approved by the City for removal from the UGB; Mill City Ordinance No. 364, June 21, 2012. This application will complete removal from the UGB.

VII. Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Owner/applicant signature [Signature]

Date 3-9-2018

Owner/applicant signature [Signature]

Date 3-9-2018

1000's

VI. Verification of Ownership

Only the owner of the property is authorized to complete this section.

- A. I hereby certify that this application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.
- B. I have the following legal interest in the property:
  - owner of record
  - land sales contract purchaser
  - holder of a recorded exclusive option to purchase

C. Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

PLEASE NOTE: County Code does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership.

The Linn County Assessor's Office records indicate that:

Township 9S, Range 3E, Section(s) 32, Tax Lot(s) 1534-1

is owned or is being purchased by: Terry & Dolores Dredge

If more than one owner is included, please list all other owners.

Other owners:

- (1) \_\_\_\_\_ (3) \_\_\_\_\_
- (2) \_\_\_\_\_ (4) \_\_\_\_\_

[Signature]  
Assessor or Planning Staff Signature

01/7/18  
Date



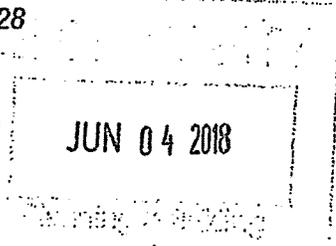
LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816, Fax 541-926-8228
www.co.linn.or.us

Comprehensive Plan Map Amendment Application

Application Fee \$3500.00



INTRODUCTION

- A. Amendments to the Linn County Comprehensive Plan may be initiated to: a) amend the existing plan map designation(s), or b) amend a combination of existing plan policy and map designations.
B. An amendment to the comprehensive plan map from one designation to another designation may be dealt with as one application.
C. A proposed amendment that would change both the plan text and plan map require two separate applications--one to amend the plan text and one to amend the plan map.
D. The Linn County Planning Commission conducts public hearings on the application and makes a recommendation to the Linn County Board of Commissioners.

APPLICATION CHECK LIST (FOR DEPARTMENT USE)

- A. Complete application Site plan Ownership
B. Environmental health division approval
1. Existing system has been checked
2. New site has been approved
3. New site has been requested but not reviewed
C. Property development standards can be met:
1. Width Depth Frontage Coverage Setbacks
2. Legal lot Area
D. Proposal is located within:
1. UGB M.C. Planning area M.C. Greenway A.O. Zone
2. S.B.H.O. Habitat Floodplain Historic
E. Application accepted by Date Receipt No. P.C. hearing date

F. This application contains:

Medical hardship \_\_\_\_\_ Aggregate resources \_\_\_\_\_  
 Non-resource residence \_\_\_\_\_ Solid waste \_\_\_\_\_  
 Resource residence \_\_\_\_\_ Comprehensive plan amend. X  
 Variance \_\_\_\_\_ Comprehensive plan revision \_\_\_\_\_  
 Conditional use \_\_\_\_\_ Zoning map amendment \_\_\_\_\_  
 Easement \_\_\_\_\_ Subdivision \_\_\_\_\_ Nonconform use \_\_\_\_\_  
 Greenway \_\_\_\_\_ Caretaker \_\_\_\_\_ UGM \_\_\_\_\_  
 Planned unit development \_\_\_\_\_

I. Background Information (to be completed by applicant in ink or typed)

A. Applicant's name Scott Baughman and Shelly Baughman  
 Address P.O. Box 943  
 City Mill City State OR Zip Code 97360  
 Phone number (home) \_\_\_\_\_ (work) 503-932-5404

B. Property owner (if different than applicant) \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

C. Applicant's representative (if any) Jeff Tross/Tross Consulting, Inc.  
 Address 1720 Liberty St. SE  
 City Salem State OR Zip Code 97302  
 Phone number (home) \_\_\_\_\_ (work) 503-370-8704

II. VERIFICATION OF OWNERSHIP

If the person submitting the application and the owner of the property are not the same, then only the owner of the property shall complete this section.

A. The application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property: owner of record \_\_\_\_\_, land sales contract purchaser \_\_\_\_\_, holder of a recorded exclusive option to purchase \_\_\_\_\_

Owner's signature Scott Baughman Shelly Baughman

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership. Please contact the assessor's office (Room 215, Linn County Courthouse) to complete this section.

The Linn County Assessor's Office verifies that Township 9S, Range 3E, Section 31, Tax Lot(s) 1204, is owned or is being purchased by:

Scott + Shelly Baughman

If more than one owner is included on your records, please list all persons involved.

Other owners:

Deanna Biles Date 6/7/18  
Signature of Assessor's Representative

III. Nature of Amendment

A. This application is submitted to amend the comprehensive plan map designation for the following property or properties:

Township [ 9 ] S, Range [ 3E ], Section [ 31 ], Tax Lot(s) [ 1204]pt.

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

B. Total acreage involved in this amendment is 6.05

C. The plan map designation is currently Mill City Residentia This proposal will change the plan map designation to Linn County Farm Forestry.

D. Is the property located within the urban growth boundary of a city?  
X Yes        No If yes, please contact the city regarding the proposal, relevant comprehensive plan policies and plan map designations. Briefly describe how the proposed amendment is in conformity with that city's comprehensive plan.

The property is proposed for removal from the UGB. Please see Mill City Ordinance No. 395, June 27, 2017, and associated reports that describe the relationship of the proposal to the City's comprehensive plan. A separate report discusses the relationship to the Linn Co. Comprehensive Plan.

IV. Physical Characteristics

A. Describe the physical characteristics of the property, include:

1. Topography: flat

2. Drainage pattern: to sw - Snake Creek

3. Vegetation: timber; recently harvested

4. Soil productivity: Class 2 Malabon variant loam

B. Is the property subject to any developmental limitations such as soil and foundation instability, water supply, quantity or quality, poor drainage, steep slopes or flooding? Yes  No If yes, what developmental limitations exist?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. Existing Use of Property

A. How is the land currently used? Identify any improvements to the property such as buildings, fences, wells, septic systems, driveways or roads.

The property is currently vacant and unused.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Please describe any previous uses of the property.

timber

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. According to the Linn County Assessor's Office, has any property included in this amendment ever been under any form of either farm tax deferral or timber tax deferral? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, what type(s) of deferral, for what part of the property and how long has the tax deferral been active?

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D. How does the property have access to a county or public road? Is there a paved apron onto the public road at the point of access? Is there a culvert at the point of access? If the access is by an easement, please attach a copy of the easement document.

The property is located along Tuers Lane, south of Kingwood St.  
Tuers Lane is owned by the County.

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VI. Existing Use of Surrounding Property

Describe the land use on surrounding properties within 1/4 mile of the subject property. Please describe what farm, forest, residential, commercial, industrial and/or public land uses are within 1/4 mile of the property. Please be specific about the types of uses--orchards, dairies, subdivisions, number of residences, types of stores or types of industrial activities.

north - vacant land within the UGB, then single-family homes along  
Kingwood St. west - small acreage homesites, vacant land within the  
UGB, pasture and timber outside of the UGB. east - vacant land inside  
the UGB, and developed subdivisions inside the city. south - open  
fields and timber outside of the UGB.

VII. Proposed Use of Property

A. Describe how the property will be used if the amendment is approved. Will the property be partitioned? If so, describe your intent.

The property is recommended to be designated F/F for rural resource use.

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B. What improvements will be added to the property if the amendment is approved?

none

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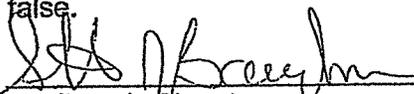
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VIII. APPLICANT'S CERTIFICATION

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.



Applicant's Signature

Date 11-14-17



11/14/17



LINN COUNTY PLANNING AND BUILDING DEPARTMENT  
Robert Wheeldon, Director

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

JUN 04 2018  
Planning & Building  
Department

ZONING MAP AMENDMENT APPLICATION  
Application Fee: \$2000.00

INTRODUCTION

- A. An application for amendment of the Land Development Code may be initiated to amend the Zoning Map, text or a combination of the Zoning Map and text.
- B. A separate application to amend the Zoning Map shall be required for each proposed map designation. Approval of one application shall not mandate approval of other applications. The application may be consolidated for public hearing purposes if the applications are interrelated and consolidation would expedite their review.
- C. An application to amend the Zoning Map and text shall require at least two separate applications: one or more applications to amend the map and one to amend the text. Approval of one application shall not mandate approval of the other application.
- D. If an application to amend the Zoning Map or text of the Land Development Code necessitates a Plan Map or Plan text amendment, the two applications may be consolidated into a single public hearing.

Application Check List (for departmental use only)

Date Received: 6/4/18 Receipt number: \_\_\_\_\_ Fee paid: \_\_\_\_\_  
Application accepted by: ORS File number assigned: BC18-0002  
Planner assigned: ORS Date deemed complete: \_\_\_\_\_  
Scheduled PC hearing date: 9/11/18 Scheduled BC hearing date: \_\_\_\_\_  
Date notice mailed to DLCD: \_\_\_\_\_ Date adoption mailed to DLCD: \_\_\_\_\_  
Other applications included:  Plan Map Amendment \_\_\_\_\_ Plan Text Amendment  
\_\_\_\_\_ Code Text amendment \_\_\_\_\_ Other \_\_\_\_\_

Proposal is located within:  
UGA Mill City Planning area Mill City  
Fire District Mill City A.O./Airport notification area no  
Floodplain no Hazard Area no Wetland y  
Wildlife Habitat y Riparian Habitat no Fish Habitat no  
S.B.H.O. no Historic no Greenway no  
na EHP approval, if required.  Accurate maps and site plans

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPE WRITTEN

I. Property Owner/Applicant Information

- A. Applicant(s) Scott and Shelly Baughman  
Address P.O. Box 943  
City Mill City State OR Zip Code 97360  
Phone number (home) \_\_\_\_\_ (work) 503-932-5404
- B. Property owner(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- C. Applicant's representative (if any) Jeff Tross/Tross Consulting, Inc.  
Address 1720 Liberty St. SE  
City Salem State OR Zip Code 97302  
Phone number (home) \_\_\_\_\_ (work) 503-370-8704

II. Property Information

- A. Legal description of property: Township 9s Range 3E Section(s) 31  
Tax Lot(s) 1204
- B. Site Address (if any): \_\_\_\_\_  
\_\_\_\_\_
- C. Property size in acres 6.05 (subject) 13.18 total
- D. Adjacent tax lots in same ownership: none  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_
- E. Nearest city or town Mill City Distance adjacent  
Nearest cross road Tuers Lane Distance adjoins on west
- F. Zoning designation UGA RR-2.5 Plan designation Mill City Residential
- G. What is the area of the aggregate resource site in acres? n.a.
- H. Name of Fire Protection District: Mill City RFPD
- I. How is vehicle access provided to the property?  
Frontage on County Road (name) \_\_\_\_\_

Frontage on Local Access Road (name) Tuers Lane

Frontage on State Highway (name) \_\_\_\_\_

Volume and Page of recorded easement to a public road (attach copy) \_\_\_\_\_

J. Is the property located within an urban growth boundary or planning area? (X) Yes ( ) No  
If yes, name of City: Mill City

K. What is the current use of the property? (Check all that apply.)  
( ) Agriculture (X) Forestry ( ) Commercial ( ) Industrial ( )  
Residential

L. Describe any dwellings, barns, buildings, structures, fences, wells, septic systems or other improvements that are on the property. (Show these improvements on your site plan.)  
none

M. Describe any natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills. (Show these features on your site plan.)  
DeFord/Snake Creek, and wetland. in southwest corner

### III. Proposed Amendment

A. Current zoning designation of the subject property: UGA RR-2.5

B. Proposed zoning designation of the subject property: F/F

C. Will the map amendment affect all of an existing tax lot or only a portion? portion  
If the proposal will affect only a portion, how large is the affected area? 6.05 ac

D. Please describe the intended use of the property that will result if the zoning map is amended.

If there is no use proposed, please describe the purpose of the zone amendment.

There is no proposed use at this time. The purpose of the zone change is to remove the property from the UGB, see Mill City Ordinance No. 395, June 27, 2017.

E. Please describe the operating characteristics of the intended use. Include a description of structures, size and use of structures, hours and days of operation, vehicles, machinery, and any other operational and design characteristics.

Typical small parcel farm/forestry use.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Why was this location chosen?

The property is not served or in proximity to public services. It is part of a larger parcel located outside of the UGB. The creek, wetlands, and BPA corridor present development limitations. It is a lower priority for inclusion in the UGB than other lands proposed to be included.  
\_\_\_\_\_

G. Describe the land uses on adjoining properties.

North: vacant land in the UGB  
\_\_\_\_\_

South: vacant rural land zoned RR-5  
\_\_\_\_\_

East: vacant land in the UGB  
\_\_\_\_\_

West: Acreage homesite and vacant land in the UGB  
\_\_\_\_\_

H. Describe the land uses occurring within a one-half-mile radius of the subject property.

North: vacant land in the UGB and residential development in the city  
\_\_\_\_\_

South: vacant rural residential land zoned RR-5 and woodland zoned F/F  
\_\_\_\_\_

East: vacant land in the UGB and residential development in the city  
\_\_\_\_\_

West: acreage homesite and vacant land in the UGB and farming on F/F land

#### IV. Decision Criteria for Zoning Map Amendments

The decision criteria for a Zoning Map amendment are in Linn County Code (LCC) 921.822(B).

**The applicant for a Zoning Map amendment has the burden of proof to prove the decision criteria are satisfied.**

A Zoning Map amendment from one zoning district to another may be granted only if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:

A. 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 [LCC 921.822(B)(1)].

1. Please describe any development limitations that exist on the property, including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability.

DeFord/Snake Creek passes through the SW corner of the property.

This area is subject to flooding. Wetlands are indicated in this area.

BPA corridor crosses at the UGB. These factors affect urban development, but will not significantly affect rural uses in F/F or RR-5 zones.

2. Attach documents that establish the site's suitability for the proposed zoning district. Include documentation of septic suitability, water availability and water quality, and information on natural or geologic hazards.

3. Would the development limitations identified in Question 1 above significantly adversely affect development permitted in the proposed zoning district?

( ) Yes      (X) No

If not, explain why not. Attach another sheet if necessary.

The site has been zoned RR-5 and used as a timber tract without limitation or adverse impacts. Uses under either zone can occur without impact to the identified resources.

B. 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 [LCC 921.822(B)(2)].

1. If the proposed zone amendment is approved, will the development allowed on the property result in a development pattern having a significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities? ( ) Yes (X) No

2. If not, explain why not. Attach another sheet if necessary.

Both F/F and RR-5 zones limit development to low-density rural uses.

The type and density of allowed uses do not require high levels of public services.

C. 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 [LCC 921.822(B)(3)].

1. Will the proposed amendment result in a development pattern compatible with uses on nearby lands? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

The amendment maintains the relationship between urban and rural lands as at present. The F/F and RR-5 zones limit uses and development to rural activities and densities. These uses are compatible with the uses on other lands outside the UGB as well as those within the UGB.

2. Will the proposed amendment result in a development pattern having a significant adverse impact on the overall land use pattern in the area? ( ) Yes (X) No

Please explain why or why not. Attach another sheet if necessary.

The amendment will maintain the relationship between urban and rural lands as at present. The UGB will retain sufficient land to meet the housing needs of the urban area.

D. Is the amendment consistent with the intent and purpose statement of the proposed zoning district [LCC 921.822(B)(4)]? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

The site has been used as a timber tract, which is consistent with the F/F zone. It is a 6 acre part of a 13 acre parcel, the rest of which is zoned RR-5. The site is appropriate for designation in either zone.

- E. Is the amendment consistent with the existing *Comprehensive Plan* map designation [LCC 921.822(B)(5)]?  Yes  No

Please explain why or why not. Attach another sheet if necessary.

The F/F zone is consistent with the proposed Farm Forest Plan map designation.

If the amendment is not consistent with the existing *Comprehensive Plan* map designation, an application for an amendment to the *Comprehensive Plan* map is also required.

- F. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat [LCC 921.822(B)(6)].

1. Is the property located within a sensitive fish or wildlife habitat?  Yes  No  
If yes, please describe. DeFord/Snake Creek at this location is indicated

as sensitive fish habitat. Placing the site in a rural land use designation will act to avoid impacts from urban development and provide for compatible types and densities of land use.

2. Will the land uses allowed by the amendment have a significant adverse impact on sensitive fish or wildlife habitat?  Yes  No

Please explain why or why not. F/F is a rural resource zone with a stated purpose of providing protection for fish and wildlife habitat, watersheds, etc.; 928.600(D). RR-5 is a low density zone that limits dwellings and can provide appropriate setbacks from streams, riparian corridors, etc.

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

If the property is located within a designated urban growth area, explain why the proposed amendment is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city. Attach another sheet if necessary.

The site has been approved for removal from the UGB, see Mill City Ordinance No. 395, June 27, 2017.

**VII. Owner/Applicant Certifications**

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Owner/applicant signature Scott Baugh Date 11-14-17

Owner/applicant signature Shelly J. Baughman Date 11/14/17

**VI. Verification of Ownership**

Only the owner of the property is authorized to complete this section.

A. I hereby certify that this application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property:

- owner of record
- land sales contract purchaser
- holder of a recorded exclusive option to purchase

C. Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

PLEASE NOTE: County Code does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership.

The Linn County Assessor's Office records indicate that:

Township AS, Range 3E, Section(s) 31, Tax Lot(s) 1204  
is owned or is being purchased by: Scott + Shelly Baughman

If more than one owner is included, please list all other owners.

Other owners:

- (1) \_\_\_\_\_ (3) \_\_\_\_\_
- (2) \_\_\_\_\_ (4) \_\_\_\_\_

Deanna Bates  
Assessor or Planning Staff Signature

6/7/18  
Date



# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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Room 114, Linn County Courthouse  
PO Box 100, Albany, Oregon 97321  
Phone 541-967-3816, Fax 541-926-2060

## CERTIFICATION OF MAILING

I, Breanna Oxford, of the Linn County Planning and Building Department, certify that the attached notice concerning matters to be reviewed by the Linn County Planning Commission in a public hearing on September 11<sup>th</sup>, 2018 and was mailed to the agencies and persons shown as the owners of property within 250 feet of the property described in the attached notice as on the current tax rolls of the Linn County Assessor on the 21<sup>nd</sup> day of August 2018.

DATED this 21<sup>nd</sup> day of August 2018.

Breanna Oxford

PD18-0149; REYNOLDS, Virgle

Exhibit # A  
Page 62 of 171



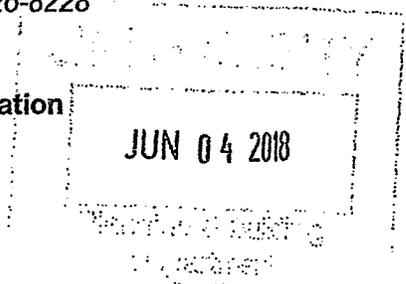
LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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Comprehensive Plan Map Amendment Application

Application Fee \$3500.00



INTRODUCTION

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C. A proposed amendment that would change both the plan text and plan map require two separate applications...
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APPLICATION CHECK LIST (FOR DEPARTMENT USE)

- A. Complete application Site plan Ownership
B. Environmental health division approval
1. Existing system has been checked
2. New site has been approved
3. New site has been requested but not reviewed
C. Property development standards can be met:
1. Width Depth Frontage Coverage Setbacks
2. Legal lot Area
D. Proposal is located within:
1. UGB Planning area Greenway A.O. Zone
2. S.B.H.O. Habitat Floodplain Historic
E. Application accepted by: Date Receipt No. P.C. hearing date

F. This application contains:

Medical hardship \_\_\_\_\_ Aggregate resources \_\_\_\_\_  
Non-resource residence \_\_\_\_\_ Solid waste \_\_\_\_\_  
Resource residence \_\_\_\_\_ Comprehensive plan amend. X  
Variance \_\_\_\_\_ Comprehensive plan revision \_\_\_\_\_  
Conditional use \_\_\_\_\_ Zoning map amendment \_\_\_\_\_  
Easement \_\_\_\_\_ Subdivision \_\_\_\_\_ Nonconform use \_\_\_\_\_  
Greenway \_\_\_\_\_ Caretaker \_\_\_\_\_ UGM \_\_\_\_\_  
Planned unit development \_\_\_\_\_

I. Background Information (to be completed by applicant in ink or typed)

- A. Applicant's name Rex A. Lucas  
Address 1010 N. 4th St.  
City Aumsville State OR Zip Code 97325  
Phone number (home) 503-749-2576 (work) 503-798-2005
- B. Property owner (if different than applicant) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- C. Applicant's representative (if any) Jeff Tross / Tross Consulting, Inc.  
Address 1720 Liberty St. SE  
City Salem State OR Zip Code 97302  
Phone number (home) \_\_\_\_\_ (work) 503-370-8704

II. VERIFICATION OF OWNERSHIP

If the person submitting the application and the owner of the property are not the same, then only the owner of the property shall complete this section.

- A. The application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.
- B. I have the following legal interest in the property: owner of record X, land sales contract purchaser \_\_\_\_\_, holder of a recorded exclusive option to purchase \_\_\_\_\_.

Owner's signature Rex A. Lucas

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership. Please contact the assessor's office (Room 215, Linn County Courthouse) to complete this section.

The Linn County Assessor's Office verifies that Township 95, Range 3E, Section 32, Tax Lot(s) 100, is owned or is being purchased by:

Ray Lucas

If more than one owner is included on your records, please list all persons involved.

Other owners:

\_\_\_\_\_  
Dana Bales Date 10/7/18  
Signature of Assessor's Representative

III. Nature of Amendment

A. This application is submitted to amend the comprehensive plan map designation for the following property or properties:

Township [ 9 ] S, Range [ 3E ], Section [ 32 ], Tax Lot(s) [ 100pt].

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

Township [ ] S, Range [ ], Section [ ], Tax Lot(s) [ ]

B. Total acreage involved in this amendment is 7.81

C. The plan map designation is currently Mill City SFR RESID. This proposal will change the plan map designation to Linn Co. Farm/Forestry.

D. Is the property located within the urban growth boundary of a city?  
X Yes        No If yes, please contact the city regarding the proposal, relevant comprehensive plan policies and plan map designations. Briefly describe how the proposed amendment is in conformity with that city's comprehensive plan.

The property is proposed for removal from the UGB. Please see Mill City Ordinance No. 395, June 27, 2017, and associated reports that describe the relationship of the proposal to the City's comprehensive plan. A separate report discusses the relationship to the Linn County Comprehensive Plan.

IV. Physical Characteristics

A. Describe the physical characteristics of the property, include:

- 1. Topography: variable, slopes to west and north
- 2. Drainage pattern: variable, generally to west and north
- 3. Vegetation: trees and brush
- 4. Soil productivity: Class 4 Camas and Class 4 Sifton gravelly loams

B. Is the property subject to any developmental limitations such as soil and foundation instability, water supply, quantity or quality, poor drainage, steep slopes or flooding?  Yes  No If yes, what developmental limitations exist?

This site was a rock dump for material removed from the adjacent mill site, now consists of uneven surface, slopes, indeterminant drainage

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V. Existing Use of Property

A. How is the land currently used? Identify any improvements to the property such as buildings, fences, wells, septic systems, driveways or roads.

unused

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B. Please describe any previous uses of the property.

site was used for rock spoils and waste from the adjacent mill site

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C. According to the Linn County Assessor's Office, has any property included in this amendment ever been under any form of either farm tax deferral or timber tax deferral?  Yes  No If yes, what type(s) of deferral, for what part of the property and how long has the tax deferral been active?

(1/5/2015)

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D. How does the property have access to a county or public road? Is there a paved apron onto the public road at the point of access? Is there a culvert at the point of access? If the access is by an easement, please attach a copy of the easement document.

property borders the west side of Fairview St.; no specific  
point of access.

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VI. Existing Use of Surrounding Property

Describe the land use on surrounding properties within 1/4 mile of the subject property. Please describe what farm, forest, residential, commercial, industrial and/or public land uses are within 1/4 mile of the property. Please be specific about the types of uses--orchards, dairies, subdivisions, number of residences, types of stores or types of industrial activities.

north - vacant land in the city, and land proposed to be added to  
the UGB and annexed; and vacant F/F land. south - acreage parcels  
zoned Linn Co. RR. east - vacant land zoned F/F. west - residential  
land in the UGB with single family homes and vacant parcels, zoned  
UGA RR-2.5.

---

VII. Proposed Use of Property

A. Describe how the property will be used if the amendment is approved. Will the property be partitioned? If so, describe your intent.

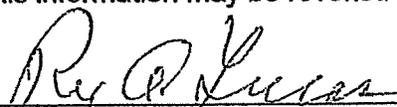
The property will likely remain vacant due to its physical character, under F/F zoning, as proposed.

B. What improvements will be added to the property if the amendment is approved?

None anticipated at this time.

VIII. APPLICANT'S CERTIFICATION

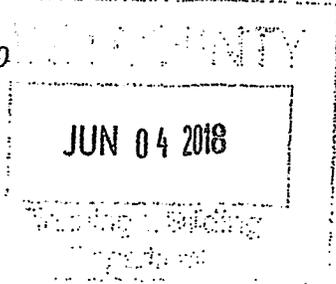
I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

 Date 10-27-17  
Applicant's Signature



LINN COUNTY PLANNING AND BUILDING DEPARTMENT  
Robert Wheeldon, Director

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



ZONING MAP AMENDMENT APPLICATION  
Application Fee: \$2000.00

INTRODUCTION

- A. An application for amendment of the Land Development Code may be initiated to amend the Zoning Map, text or a combination of the Zoning Map and text.
- B. A separate application to amend the Zoning Map shall be required for each proposed map designation. Approval of one application shall not mandate approval of other applications. The application may be consolidated for public hearing purposes if the applications are interrelated and consolidation would expedite their review.
- C. An application to amend the Zoning Map and text shall require at least two separate applications: one or more applications to amend the map and one to amend the text. Approval of one application shall not mandate approval of the other application.
- D. If an application to amend the Zoning Map or text of the Land Development Code necessitates a Plan Map or Plan text amendment, the two applications may be consolidated into a single public hearing.

Application Check List (for departmental use only)

Date Received: 6/4/18 Receipt number: \_\_\_\_\_ Fee paid: \_\_\_\_\_  
 Application accepted by: DRB File number assigned: BC18-0002  
 Planner assigned: DRB Date deemed complete: \_\_\_\_\_  
 Scheduled PC hearing date: 6/11/18 Scheduled BC hearing date: \_\_\_\_\_  
 Date notice mailed to DLCD: \_\_\_\_\_ Date adoption mailed to DLCD: \_\_\_\_\_  
 Other applications included:  Plan Map Amendment \_\_\_\_\_ Plan Text Amendment  
 \_\_\_\_\_ Code Text amendment \_\_\_\_\_ Other \_\_\_\_\_

Proposal is located within:  
 UGA M.C. Planning area M.C.  
 Fire District M.C. A.O./Airport notification area na  
 Floodplain na Hazard Area na Wetland Y  
 Wildlife Habitat Y Riparian Habitat na Fish Habitat na  
 S.B.H.O. na Historic na Greenway na  
 EHP approval, if required.  Accurate maps and site plans

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPE WRITTEN

I. Property Owner/Applicant Information

- A. Applicant(s) Rex A. Lucas  
Address 1010 N. 4th St.  
City Aumsville State OR Zip Code 97325  
Phone number (home) \_\_\_\_\_ (work) 503-798-2005
- B. Property owner(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- C. Applicant's representative (if any) Jeff Tross/Tross Consulting, Inc.  
Address 1720 Liberty St. SE  
City Salem State OR Zip Code 97302  
Phone number (home) \_\_\_\_\_ (work) 503-370-8704

II. Property Information

- A. Legal description of property: Township 9s Range 3E Section(s) 32  
Tax Lot(s) 100 (pt)
- B. Site Address (if any): (none)
- C. Property size in acres 7.81a (subject) 40.39a(total)
- D. Adjacent tax lots in same ownership:  
Township 9s Range 3E Section 29 Tax Lot(s) 200 Area \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Area \_\_\_\_\_
- E. Nearest city or town Mill City Distance adjacent  
Nearest cross road Fairview St. Distance adjoining
- F. Zoning designation UGA RR 2.5 Plan designation Mill City Residential
- G. What is the area of the aggregate resource site in acres? n.a.
- H. Name of Fire Protection District: Mill City Rural Fire Protection Dist.
- I. How is vehicle access provided to the property?  
Frontage on County Road (name) No. 816

Frontage on Local Access Road (name) Fairview St.

Frontage on State Highway (name) \_\_\_\_\_

Volume and Page of recorded easement to a public road (attach copy) \_\_\_\_\_

J. Is the property located within an urban growth boundary or planning area? (  ) Yes (  ) No  
If yes, name of City: Mill City

K. What is the current use of the property? (Check all that apply.) vacant  
(  ) Agriculture (  ) Forestry (  ) Commercial (  ) Industrial (  )  
Residential

L. Describe any dwellings, barns, buildings, structures, fences, wells, septic systems or other improvements that are on the property. (Show these improvements on your site plan.)  
none

M. Describe any natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills. (Show these features on your site plan.)  
The site occupies a swale with steep slope on its east boundary.

### III. Proposed Amendment

A. Current zoning designation of the subject property: UGA RR-2.5

B. Proposed zoning designation of the subject property: F/F

C. Will the map amendment affect all of an existing tax lot or only a portion? portion  
If the proposal will affect only a portion, how large is the affected area? 7.81 acres

D. Please describe the intended use of the property that will result if the zoning map is amended.

If there is no use proposed, please describe the purpose of the zone amendment.  
No use is proposed at this time. The purpose of the amendment is to  
remove the property from the UGB, as it is unlikely to be developed  
as urban land due to its physical characteristics.

E. Please describe the operating characteristics of the intended use. Include a description of structures, size and use of structures, hours and days of operation, vehicles, machinery, and any other operational and design characteristics.

none

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F. Why was this location chosen?

The property is not suitable for urban residential use, and is not consistent with the purpose of the UGB.

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G. Describe the land uses on adjoining properties.

North: vacant former mill site.

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South: rural residential acreage parcels zoned RR

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East: vacant former mill site zoned F/F

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West: low density residential use within the UGB

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H. Describe the land uses occurring within a one-half-mile radius of the subject property.

North: vacant woodland/former mill site, rural residential, North Santiam R.

---

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South: rural residential acreage parcels zone RR, farms and woodlands zoned F/F.

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East: vacant former mill site and woodlands zoned F/F, rural residential

---

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West: low density residential in the UGB, and urban uses in the city

#### IV. Decision Criteria for Zoning Map Amendments

The decision criteria for a Zoning Map amendment are in Linn County Code (LCC) 921.822(B).

**The applicant for a Zoning Map amendment has the burden of proof to prove the decision criteria are satisfied.**

A Zoning Map amendment from one zoning district to another may be granted only if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all of the following conditions exist:

A. 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 [LCC 921.822(B)(1)].

1. Please describe any development limitations that exist on the property, including but not limited to geologic hazards, natural hazards, water quality and quantity and septic suitability.

The property occupies a swale and has steep slopes along the  
County road. These features will not impede uses allowed by the proposed  
F/F zone.

2. Attach documents that establish the site's suitability for the proposed zoning district. Include documentation of septic suitability, water availability and water quality, and information on natural or geologic hazards.

3. Would the development limitations identified in Question 1 above significantly adversely affect development permitted in the proposed zoning district?

( ) Yes (X) No

If not, explain why not. Attach another sheet if necessary.

The site is part of a larger parcel and was a former mill site.  
The site was a dump for rock spoils from the mill site. The F/F  
zone does not provide for intensive development. The site will  
likely remain as open land in conjunction with the larger parcel.

B. 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 [LCC 921.822(B)(2)].

1. If the proposed zone amendment is approved, will the development allowed on the property result in a development pattern having a significant adverse impact upon transportation facilities, police and fire protection, storm drainage facilities or the provision of other regional public facilities? ( ) Yes (X) No

2. If not, explain why not. Attach another sheet if necessary.

The site will change from urbanizeable land to rural resource land.

No development requiring improved facilities or services is proposed.

C. 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 [LCC 921.822(B)(3)].

1. Will the proposed amendment result in a development pattern compatible with uses on nearby lands? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

The site will be zoned F/F, consistent with the rest of the

larger parcel. The relationship of F/F land to the UGB will not

significantly change, and the relationship to nearby RR lands

will not be affected.

2. Will the proposed amendment result in a development pattern having a significant adverse impact on the overall land use pattern in the area? ( ) Yes (X) No

Please explain why or why not. Attach another sheet if necessary.

The relationship between urban/urbanizeable and rural resource

lands will not significantly change as a result of the amendment.

No RR land will be affected by the amendment.

D. Is the amendment consistent with the intent and purpose statement of the proposed zoning district [LCC 921.822(B)(4)]? (X) Yes ( ) No

Please explain why or why not. Attach another sheet if necessary.

The site is not well suited to urban uses. It is part of a larger

parcel zoned FF, in the same ownership. The site is suitable for use

as open space/woodland. The F/F rural resource zone is appropriate

for lands outside of the UGB.

E. Is the amendment consistent with the existing *Comprehensive Plan* map designation [LCC 921.822(B)(5)]?  Yes  No

Please explain why or why not. Attach another sheet if necessary.

The Comp Plan map designation is proposed to change concurrent  
wih this zone change. The zone change to F/F is consistent with  
the proposed concurrent Plan map chang.

If the amendment is not consistent with the existing *Comprehensive Plan* map designation, an application for an amendment to the *Comprehensive Plan* map is also required.

F. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat [LCC 921.822(B)(6)].

1. Is the property located within a sensitive fish or wildlife habitat?  Yes  No

If yes, please describe. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Will the land uses allowed by the amendment have a significant adverse impact on sensitive fish or wildlife habitat?  Yes  No

Please explain why or why not. Land uses in the F/F zone are consistent  
with the protection of fish and wildlife habitat, watersheds, etc.,  
per 928.600(D).

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

If the property is located within a designated urban growth area, explain why the proposed amendment is consistent with the *Comprehensive Plan* and implementing ordinances of the affected city. Attach another sheet if necessary.

The property is proposed for removal from the UGB. The City has  
determined that the proposal is consistent with its Comp Plan in  
re urban land, housing needs, public facilities, etc. See Mill City  
Ordinance No. 395 and accompanying reports.

VII. Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Owner/applicant signature \_\_\_\_\_

Date \_\_\_\_\_

Owner/applicant signature *Ray A. Lucas*

Date 10-2-17

VI. Verification of Ownership

Only the owner of the property is authorized to complete this section.

A. I hereby certify that this application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property:

\_\_\_\_\_ owner of record

\_\_\_\_\_ land sales contract purchaser

\_\_\_\_\_ holder of a recorded exclusive option to purchase

C. Property Owner Signature \_\_\_\_\_

Date \_\_\_\_\_

PLEASE NOTE: County Code does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership.

The Linn County Assessor's Office records indicate that:

Township 95, Range 3E, Section(s) 50, Tax Lot(s) 100

is owned or is being purchased by: Ray Lucas

If more than one owner is included, please list all other owners.

Other owners:

(1) \_\_\_\_\_

(3) \_\_\_\_\_

(2) \_\_\_\_\_

(4) \_\_\_\_\_

*Deanne Biles*

*10/2/17*

Assessor or Planning Staff Signature

Date

KNOW ALL MEN BY THESE PRESENTS, That MARVIN WILLARD STAFFORD and ESTHER LOU STAFFORD, husband and wife,

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto LEE W. STAFFORD and LADONNA J. STAFFORD, husband and wife, as tenants by the entirety,

hereinafter called grantees, and unto grantees's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn State of Oregon, described as follows, to-wit:

MR. STAFFORD

Beginning at a point which is North 1°12' East 60.00 feet and South 88°51' East 451.55 feet from the Southwest corner of the Northwest quarter of the Southwest quarter of Section 32, Township 9 South, Range 3 East, Willamette Meridian, thence South 88°51' East 196.95 feet, thence South 43°50' East 119.90 feet, thence South 1°12' West 88.77 feet, thence South 88°7' West 367.20 feet, thence North 1°12' East 108.09 feet, thence North 46°11' East 120.10 feet to the point of beginning.

Together with a perpetual easement and right of way for an access road over and across that portion of the following described strip of land lying within those tracts conveyed to Marvin Willard Stafford, et ux, by deed recorded January 28, 1966 in Book 314, Page 766, Deed Records of Linn County.

A strip of land 30.0 feet wide, being 15.0 feet on each side of the following described center line: Beginning on the West line of Section 32 at a point which is 1538.85 feet South 1° 12' West from the quarter corner between Sections 31 and 32 in Township 9 South, Range 3 East of the Willamette Meridian, Linn County, Oregon; thence North 79° 32' East 274.62 feet to an iron pipe; thence North 88° 07' East 484.50 feet; thence on the arc of a 40.0 foot Radius curve to the left (the chord of which bears North 60° 22' East 37.24 feet) a distance of 38.75 feet; thence North 32° 37' East 82.60 feet; thence on the arc of a 30.0 foot Radius curve to the right (the chord of which bears North 60° 52' East 28.40 feet) a distance of 29.58 feet, said point being 15.0 feet North of the Northwest corner of Tract II conveyed to Ruth Barney by deed recorded September 25, 1958, in Volume 261, Page 605, Deed Records; thence North 89°07' East, parallel with the North line of the Southwest quarter of the Southwest quarter of said Section 32, a distance of 385.0 feet; thence in a Northeasterly direction to a point on the North line of the Southwest

SEE REVERSE To Have and to Hold the same unto the said grantees and grantees's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is love and affection

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand this 9 day of January 1974

M. Stafford  
Esther Stafford

STATE OF OREGON, County of Marion, January 9 1974  
Personally appeared the above named MARVIN WILLARD STAFFORD and ESTHER LOU STAFFORD, husband and wife,  
and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: J. W. [Signature]  
Notary Public for Oregon  
My commission expires 11-5-76

NOTE—The spaces between the words "I" and not applicable, should be deleted. See Chapter 625, Oregon laws 1947, as amended by the 1947 Special Session.

Bargain and Sale Deed

Marvin Willard Stafford, et ux

TO Lee W. Stafford, et ux

AFTER RECORDING RETURN TO

STATE OF OREGON

County of  
I certify that the within instrument was received for record on the day of 1974 at o'clock P.M. and recorded in book on page of the Record of Deeds of said County. Witness my hand and seal of County aforesaid.

By Deputy

EX 78 ME 3

quarter of the Southwest quarter of said Section 32, said point being 15.00 feet Westerly of the center of County Road No. 814.

Until a change is requested, all tax statements shall be sent to the following address:

See W. Haynes  
RL 1 Box 142 N  
Am. Oregon 97358

382762  
STATE OF OREGON ss.  
County of Linn  
I hereby certify  
that the within was  
received and duly re-  
corded by me in Linn  
County Records  
Vol. 1775 Page 2

(Date)  
JAN 10 12 52 PM '74  
DEL W RILEY CLERK  
BY [Signature]  
DEPUTY  
See W Haynes  
RL 1 Box 142 N  
Am. Oregon 97358

198 MAY 75

WARRANTY DEED—TENANTS BY ENTIRETY

KNOW ALL MEN BY THESE PRESENTS, That MARVIN WILLARD STAFFORD and ESTHER LOU STAFFORD, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by LEE W. STAFFORD and LaDONNA J. STAFFORD, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

Beginning at a point which is South 01°54'04" West 46 feet and South 89°35'41" East 366.50 feet from the west quarter corner of Section 32, Township 9 South, Range 3 East of the Willamette Meridian, Linn County, Oregon; thence South 01°54'04" West 1280.88 feet; thence South 89°35'41" East 366.50 feet; thence North 01°54'04" East 1280.88 feet; thence North 89°35'41" West 366.50 feet to the point of beginning.

SUBJECT TO Easement, including the terms and provisions thereof, conveyed to the United States of America, by instrument recorded June 15, 1948, in Book 202, Page 122, Deed Records.

FURTHER SUBJECT TO Easement, including the terms and provisions thereof, conveyed to the United States of America, by instrument recorded December 28, 1953, in Book 235, Page 550, Deed Records.

FURTHER SUBJECT TO Easement, including the terms and provisions thereof, conveyed to Pacific Power and Light Company, by instrument recorded June 21, 1967, in Book 324, Page 422, Deed Records.

(see reverse)

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances.

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10,300.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentences between the symbols (H), if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 2nd day of May, 1978; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Marvin Willard Stafford (Marvin Willard Stafford)
Esther Lou Stafford (Esther Lou Stafford)

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of Marion
2nd day of May, 1978

STATE OF OREGON, County of ... ) ss.

Personally appeared ... and

each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of ...

Personally appeared the above named MARVIN WILLARD STAFFORD & ESTHER LOU STAFFORD, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Notary Public for Oregon My commission expires 11-8-1980

Before me: Notary Public for Oregon My commission expires: (OFFICIAL SEAL)

Marvin Willard Stafford & Esther Lou Stafford

STATE OF OREGON,

GRANTOR'S NAME AND ADDRESS
Lee W. Stafford & LaDonna J. Stafford

County of ... I certify that the within instrument was received for record on the day of ... 19...

GRANTOR'S NAME AND ADDRESS
Also recording return to:

SPACE RESERVED FOR RECORDER'S USE

at ... o'clock ... M., and recorded in book ... on page ... or as file/reel number.

NAME, ADDRESS, ZIP

Record of Deeds of said county. Witness my hand and seal of County affixed.

Until a change is requested all tax statements shall be sent to the following address.

Lee W. Stafford & La Donna J. Stafford

By ... Recording Officer Deputy

NAME, ADDRESS, ZIP

ALBANY

(description continued from Page 1 of deed)

TOGETHER WITH a non-exclusive easement for ingress and egress over and along a 30 foot right of way as described in a certain access agreement to Pacific Power and Light Company as disclosed by instrument recorded June 21, 1967, in Book 324, Page 422, Deed Records and together with the use of the existing access over grantor's property currently used by grantor for access to the adjoining parcel.

6-2

470193

STATE OF OREGON, ss.  
County of Linn

I hereby certify that  
the within was received  
and duly recorded by me  
in Linn County Records:

Vol. ME 198 Page 754  
(Date)

MAY 3 2 00 PM '68

DEW WHELEY CLERK

BY *Mary Ann [Signature]*

*See Book 324 Page 422  
Vol. 1, Page 141-142  
Linn County, Ore.*

ALBANY



After Recording, Return to:  
Scott J. Baughman  
P.O. Box 943  
Mill City, OR 97360

Until a change is requested, tax statements shall be sent to the following address:  
Scott J. Baughman  
P.O. Box 943  
Mill City OR 97360

**STATUTORY WARRANTY DEED**  
(Individual)

(Above Space Reserved for Recorder's Use)

JOSEPH W. SCHAEFER and ANITA M. SCHAEFER,

conveys and warrants to  
SCOTT J. BAUGHMAN, and SHELLY J. BAUGHMAN, husband and wife,

the following described real property in the State of Oregon and County of Linn free of encumbrances, except as specifically set forth herein:

Parcel 2, PARTITION PLAT NO. 1994-09, in the County of Linn and State of Oregon.

Tax Account Number(s): 0819477

This property is free of encumbrances, EXCEPT:

1. The subject property lies within the boundaries of the Linn Soil and Water District and is subject to the levies and assessments thereof.

(Continued)

The true consideration for this conveyance is \$139,900.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 2 day of December 2005.

Joseph W. Schaefer  
Joseph W. Schaefer

Anita M. Schaefer  
Anita M. Schaefer

STATE OF OREGON, COUNTY OF Marion)ss.

The foregoing instrument was acknowledged before me this 2 day of December, 2005, by Joseph W. Schaefer and Anita M. Schaefer.

Della Seney  
Notary Public for Oregon  
My Commission Expires: 11-18-09



LAWYERS TITLE INS. CORP. 50900549301

AFTER RECORDING RETURN TO:  
LAWYERS TITLE INSURANCE CORP.

09303E 31 01204

ENCUMBRANCES (Continued)

Order No.: 50g0054930

2. An easement created by instrument, including the terms and provisions thereof,  
Dated : June 14, 1948  
Recorded : June 29, 1948  
Book/Volume : 202  
Page : 386  
In favor of : United States of America  
For : Transmission line
3. An easement created by instrument, including the terms and provisions thereof,  
Dated : July 16, 1954  
Recorded : September 2, 1954  
Book/Volume : 239  
Page : 261  
In favor of : United States of America  
For : Transmission line
4. An easement created by instrument, including the terms and provisions thereof,  
Dated : April 30, 1959  
Recorded : May 14, 1959  
Book/Volume : 265  
Page : 643  
In favor of : Pacific Power & Light Company  
For : Electric transmission and distribution line
5. Lack of a right of access to and from said land. The property herein described does not appear, of record, to have access to a public street or way.

STATE OF OREGON  
County of Linn

I hereby certify that the attached  
was received and duly recorded  
by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

By *[Signature]* Deputy

ME 1794  
PAGE 982

M  
R 70  
S 70  
A 11  
O

2005 DEC -2 P 2:56

31

Exhibit # A  
Page 85 of 121

LAWYERS TITLE INS. CORP. 5090057587i



LINN COUNTY, OREGON 2006-30508  
D-WD  
Cnt=1 Stn=1 A. ZURCHER 12/15/2006 11:28:13 AM  
\$15.00 \$11.00 \$10.00 \$38.00



00034536200600305090030036

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



After recording return to:  
Scott J. Baughman, Esq.  
PO Box 943  
Mill City, OR 97360

Until a change is requested, all tax statements shall be sent to the following address:  
Scott J. Baughman, Esq.  
PO Box 943  
Mill City, OR 97360

**STATUTORY WARRANTY DEED**

Rex A. Lucas, Grantor, conveys and warrants to Scott J. Baughman, Esq. and Shelly J. Baughman, Esq., husband and wife, Grantee, the following described real property free of encumbrances except as specifically set forth herein:  
ONE-THIRD INTEREST IN THE FOLLOWING DESCRIBED PROPERTY:  
SEE ATTACHED EXHIBIT "A"

Tax Account No. 0012340, 0008280, 0015145, 0015152 and 0015236

This property is free of encumbrances, EXCEPT:  
SEE EXHIBIT "A" WITH EXCEPTIONS

The true consideration for this conveyance is \$107,234.97 The consideration paid herein has been paid by an Accommodator pursuant to an IRC 1031 Exchange.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated 13 day of December, 2006

Rex A. Lucas

STATE OF OREGON  
COUNTY OF Marion  
The foregoing Instrument was acknowledged before me this 13<sup>th</sup> day of December, 2006 by Rex A. Lucas

Notary Public State of Oregon  
My commission expires: Oct 6, 2009

Order No. 50g0057587

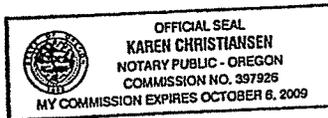


Exhibit "A" with Exceptions

A tract of land situated in the County of Linn, State of Oregon, described as follows, to-wit:

Beginning at a point on the Westerly line of Section 28, Township 9 South, Range 3 East of the Willamette Meridian in Linn County, Oregon, which is 830.4 feet North 0° 36' East from the corner common to Sections 28, 29, 32 and 33, said Township and Range; thence North 89° 22' West 1312 feet, more or less to the West line of the Southeast quarter of the Southeast quarter of said Section 29; thence North along the section subdivision line to the South bank of the North Santiam River; thence Westerly following along said South bank to the most Northeasterly corner of that certain tract of land conveyed to Thomas W. Allen and Bessie E. Allen by deed recorded April 22, 1944, in Deed Book 164, Page 85, Deed Records for Linn County, Oregon; thence South 54° 13' East 385 feet, more or less, to the Southeast corner of said Allen tract, said point being on the Northerly line of the right of way of what is known as the Hammond Company Railroad; thence Westerly following along the Northerly line of said right of way to an extension of the West line of a tract of land conveyed to Willis Brothers Shingle Company by deed recorded in Volume 238, Page 58, Deed Records, said point being 257.5 feet, more or less, West of the North-South centerline of said Section 29; thence South 72 feet, more or less, along the extension of said West line of Willis Brothers Shingle Company to the Southerly line of said railroad right of way; thence Easterly along the Southerly line of said right of way to the Easterly corner of that tract of land conveyed to the Mill City Volunteer Fire Department by deed recorded in Volume 306, Page 441, said Deed Records; thence West 215.67 feet along the South line of said tract; thence South 0° 23' West 700.00 feet to the South line of said Section 29; thence South 89° 55' 30" East 631.00 feet along the Section line; thence South 0° 39' 30" West 208.5 feet; thence South 89° 55' 30" East 188.16 feet to the West line of the Northeast quarter of the Northeast quarter of said Section 32; thence South 0° 39' 30" West 1133.54 feet to the Southwest corner of the Northeast quarter of the Northeast quarter of said Section 32; thence North 89° 58' East 852.00 feet to the center of the railroad grade; thence Southeasterly following along the center of the railroad grade to the East line of Section 32; thence South 0° 56' West 60 feet, more or less, along the section line to the center of the County Road; thence South 83° 12' East 192.35 feet along the center of said road; thence North 81° 22' East 215.20 feet along the center of said road; thence North 7° 19' West 117.00 feet to the Northwest corner of a 0.96 acre tract conveyed to Franklin McDowell and wife by deed recorded August 11, 1953 in Book 233, Page 756, said Deed Records; thence North 66° 54' East 307.10 feet along the Southerly line of a slough; thence North 54° 11' East 203.80 feet along the Southerly line of said slough; thence South 20° 00' East 96.00 feet to the Northwest corner of a tract of land conveyed to Basil Green by deed recorded December 7, 1948 in Volume 205, Page 639, said Deed Records; thence North 44° 33' East 222.00 feet to the Northeast corner of said Green tract; thence South 20° 00' East 10.60 feet along the Easterly line of said tract to a point on the Westerly line of a 40 foot road; thence North 28° 03' East 540.15 feet along said Westerly line to an angle; thence North 0° 10' East 112.57 feet along said Westerly line to an angle; thence North 40° 17' West 107.55 feet along said Westerly line to an iron pipe; thence West 552.85 feet; thence North 0° 13' East 540.00 feet to the Northwest corner of the East half of the Northwest quarter of the Northwest quarter of said Section 33; thence South 89° 15' West 20.00 feet; thence North 0° 32' West 460.00 feet; thence South 89° 15' West 197.00 feet; thence North 0° 32' West 180.00 feet; thence South 89° 15' West 444.35 feet to the Easterly line of said Section 29; thence North 0° 36' East 190.4 feet to the place of beginning.

**SAVE AND EXCEPT:**

A portion of the Old Mill City Manufacturing Company Railroad lying within Section 29, Township 9 South, Range 3 East, of the Willamette Meridian and being more particularly described as follows:

Beginning at the South one-quarter corner of said Section 29; thence South 89° 55' 30" East, 560 feet; thence North 0° 23' East, 703.59 feet to the beginning of a 230.16 foot radius curve to the right; thence Northeasterly along the arc of said curve 150 feet, more or less to the South right-of-way line of said railroad and being the true point of beginning; thence continuing Northeasterly along said curve 70 feet more or less to the Northerly right-of-way of said railroad; thence Westerly following along said Northerly line of said right-of-way to an extension of the West line of a tract of land conveyed to Willis Brothers Shingle Company by deed recorded in Volume 238, Page 58, Deed Records of Linn County, Oregon, said point being 257.5 feet, more or less, West of the North-South centerline of said Section 29; thence South 72 feet, more or less, along the extension of said West line of Willis Brothers Shingle Company to the Southerly line of said railroad right-of-way; thence Easterly along the Southerly line of said right-of-way to the point of beginning.

**TOGETHER WITH:**

A portion of Parcel 1 conveyed to Mill City Volunteer Fire Department as described in Book 306 at Page 441, Records of Linn County, Oregon and more particularly described as follows:

Beginning at a point on the South line of said Parcel 1 and being South 89° 55' 30" East, 560 feet and North 0° 23' East, 700.00 feet from the one-quarter corner on the South line of Section 29, Township 9 South, Range 3 East, of the Willamette Meridian; thence North 00° 23' East, 3.59 feet to the beginning of a 230.16 foot radius curve to the right; thence along the arc of said curve 150 feet, more or less, to the Southerly right-of-way of the Old Mill City Manufacturing Company Railroad and being on the Northerly line of said Fire Department

Parcel 1; thence Southeasterly along said North line 270 feet, more or less, to the East corner of said Parcel 1; thence North 89° 48' West, 290 feet more or less along the South line of said Fire Department Parcel 1 to the point of beginning.

**Subject to:**

1. The subject property lies within the boundaries of Linn Soil and Water District and is subject to the levies and assessments thereof.
2. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of the North Santiam River
3. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.
4. Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of the North Santiam River
5. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of the North Santiam River.
6. Any right, interest or claim which may exist or arise by reason of the fact that a road, walk, trail, path or other means of access extends over a portion of the subject land and is used by the public for access to and from the North Santiam River.
7. The rights of the public in and to that portion of the herein described property lying within the limits of street, roads and highways.
8. An easement created by instrument, including the terms and provisions thereof,  
Recorded : February 19, 2048  
As : V 199; P 442  
In favor of : Mountain States Power Company  
For : Pole and anchors
9. An easement created by instrument, including the terms and provisions thereof,  
Recorded : October 27, 1959  
As : V 258; P 92  
In favor of : Vancouver Plywood Co.  
For : For obtaining water for all purposes from the Santiam River
10. An easement created by instrument, including the terms and provisions thereof,  
Recorded : August 30, 1988  
As : V 480; P 362  
In favor of : Mill City  
For : Access, maintenance and construction of waterline facilities
11. An easement created by instrument, including the terms and provisions thereof,  
Recorded : November 7, 1990  
As : V 547; P 127  
In favor of : Adjacent property owners  
For : Roadway
12. An easement created by instrument, including the terms and provisions thereof,  
Recorded : November 20, 1996  
As : V 843; P 36  
In favor of : Adjacent property owner  
For : Gaining access for maintenance and repair of the septic tank

1805

SPECIAL WARRANTY DEED—STATUTORY FORM  
INDIVIDUAL GRANTOR

MARVIN WILL and STAFFORD AND ESTHER LOU STAFFORD, husband and wife  
conveys and specially warrants to TERRY W. DRAKE and DELORES A DRAKE, husband & wife, Grantor, Grantee,  
the following described real property free of encumbrances created or suffered by the Grantor except as specific-  
ally set forth herein, situated in Linn County, Oregon to-wit:  
Beginning at a point which is South 01° 54' 04" West 46.00 feet, from the West one-  
quarter corner of Section 32, T 9 S, Range 3 East of the Willamette Meridian, thence  
South 01° 54' 04" West 1280.88 feet; thence South 89° 35' 41" East 366.50 feet; thence  
North 01° 54' 04" East 1280.88 feet; thence North 89° 35' 41" West 366.50 feet to the  
point of beginning.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

The said property is free of all encumbrances created or suffered by the Grantor except

The true consideration for this conveyance is \$8,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 29th day of April 1984

Marvin Willard Stafford  
Esther Lou Stafford



STATE OF OREGON, County of Marion, ss. May 5, 1984

Personally appeared the above named Marvin Willard Stafford  
Esther Lou Stafford  
and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Mabel Yankus  
Notary Public for Oregon—My commission expires: 11-8-84

SPECIAL WARRANTY DEED

GRANTOR  
GRANTEE  
GRANTEE'S ADDRESS, ZIP  
Also recording return to:  
TERRY W. AND DELORES A DRAKE  
39760 SE 4th St  
MILWAUKEE, WIS 53212  
MILWAUKEE, WIS 53212  
NAME, ADDRESS, ZIP  
Mail in charge is requested, all tax statements  
shall be sent to the following address:  
NAME, ADDRESS, ZIP

STATE OF OREGON  
County of Marion  
I hereby certify that the attached was  
received and duly recorded by me in  
this County records.  
Volume: 425 Page: 263

OCT 27 1984  
DEL W. RILEY  
Clerk County Clerk  
By [Signature] Deputy

OCT 27 1986

0864 PAGE 580

9-3E-32

TL 1804

ATTACHMENT A

Beginning at a point which is South 01°54'04" West 46 feet and South 89°35'41" East 366.50 feet from the West quarter corner of Section 32, Township 9 South, Range 3 East of the Willamette Meridian, Linn County, Oregon; thence South 01°54'04" West 1280.88 feet; Thence South 89°35'41" East 366.50 feet; thence North 01°54'04" East 1280.88 feet; thence North 89°35'41" West 366.50 feet to the point of beginning.

STATE OF OREGON  
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENWILLER  
Linn County Clerk

By SA Deputy PAGE 575

30  
20

40  
Apr 21 3 57 PM '97



After recording return to:  
Rex A. Lucas  
PO Box 290  
Aumsville, OR 97325

Until a change is requested, all tax statements shall be sent to the following address:  
Rex A. Lucas  
PO Box 290  
Aumsville, OR 97325

LINN COUNTY, OREGON 2006-30509  
D-WD  
Crt=1 Str=1 A. ZURCHER 12/15/2006 11:28:13 AM  
\$16.00 \$11.00 \$10.00 \$36.00



00034539200600305080030031

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

**STATUTORY WARRANTY DEED**

Northern Lumber/Land LLC, Grantor, conveys and warrants to Rex A. Lucas, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Parcels 1 and 2, Partition Plat No. 2004-36, Linn County, Oregon.

TOGETHER WITH that certain access roadway as more fully described in Deed recorded November 7, 1990 in Volume 547, Page 130.

Tax Account No. 0008264 and 0895310

This property is free of encumbrances, EXCEPT:  
SEE EXHIBIT "A" WITH EXCEPTIONS  
The true consideration for this conveyance is \$300,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated 12-11-06 day of December, 2006

Northern Lumber/Land LLC

By: MaryGay ReMine, Managing Member  
MaryGay ReMine, Managing Member

STATE OF OREGON  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of December, 2006 by MaryGay ReMine as the Managing Member of Northern Lumber/Land LLC on its behalf.

SEE ATTACHED

Notary Public State of Oregon  
My commission expires: \_\_\_\_\_

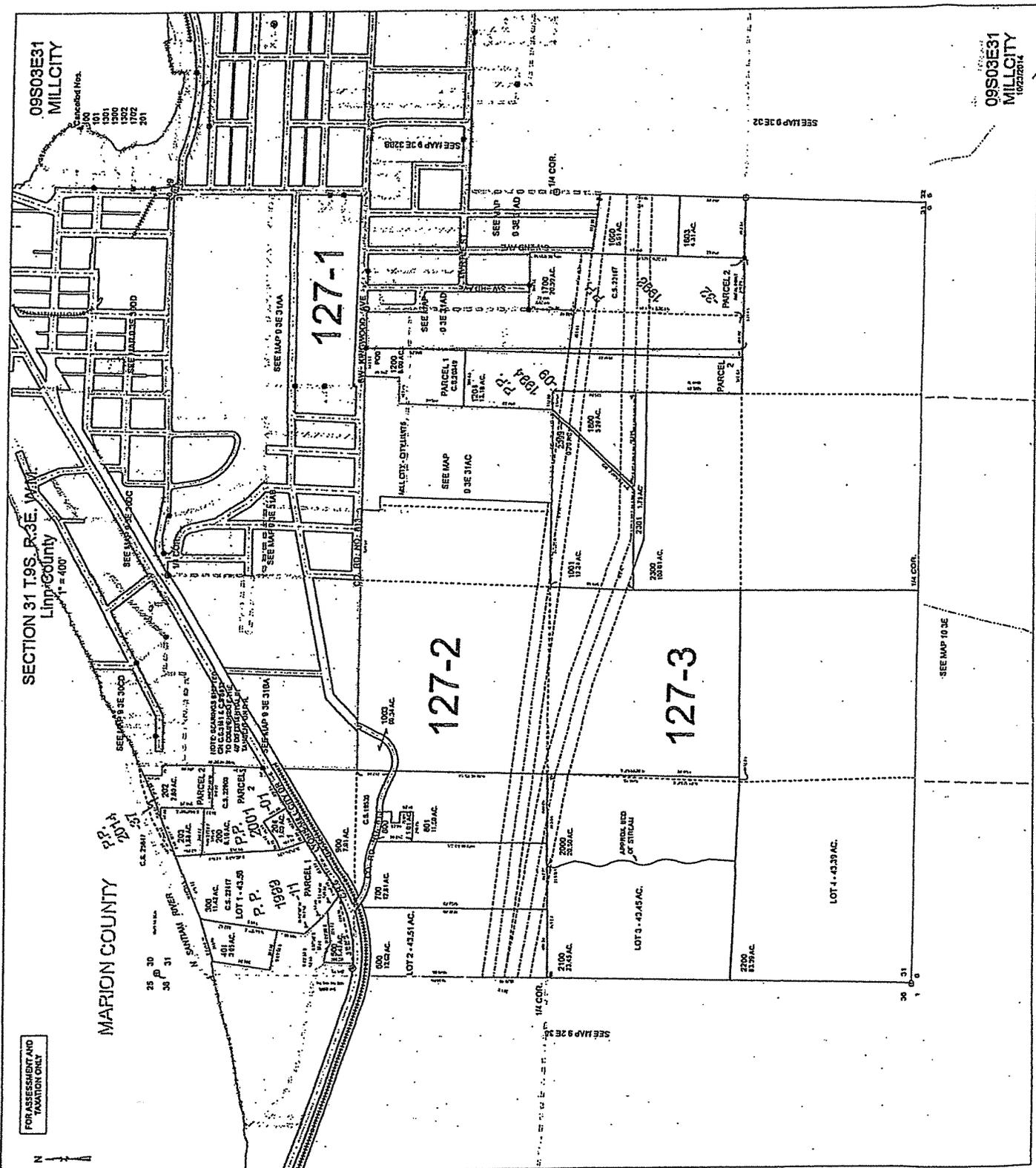
Order No. 50g0057479

6272500 Box  
Return to LTI

Exhibit "A" with Exceptions

Subject to:

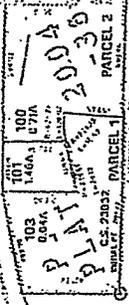
1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed as forest land. If the land becomes disqualified for this special assessment under the statute, an additional tax plus interest may be levied for the last five or lesser number of years in which the land was subject to this special land use assessment.  
Tax Identification : 0008264 and 0895310
2. The subject property lies within the boundaries of Linn Soil and Water District and is subject to the levies and assessments thereof. We find no liens of record as of November 8, 2006.
3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Santiam River
4. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.
5. Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Santiam River
6. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Santiam River.
7. An easement created by instrument, including the terms and provisions thereof,  
Recorded : October 27, 1959  
As : B268, P83  
In favor of : Adjacent property owners  
For : Obtaining water from the Santiam River
8. Covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument, including the terms and provisions thereof,  
Recorded : April 11, 1966  
As : B316, P285  
NOTE: This exception omits from said instrument any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 USC 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 USC 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.
9. An easement created by instrument, including the terms and provisions thereof,  
Recorded : August 30, 1988.  
As : V480, P362  
In favor of : City of Mill City  
For : Waterline facilities
10. An easement created by instrument, including the terms and provisions thereof,  
Recorded : November 7, 1990  
As : V547, P130  
In favor of : Adjacent property owners  
For : Roadway
11. Easements, subject to the terms and provisions thereof, as delineated and set forth on the recorded plat,  
For : Roadway



FOR ASSESSMENT AND TAXATION ONLY

MARION COUNTY

SEE MAP 9 SE 32



127-2

SEE MAP 9 SE 32

200 4100A

300 1.84A

301 3.30A

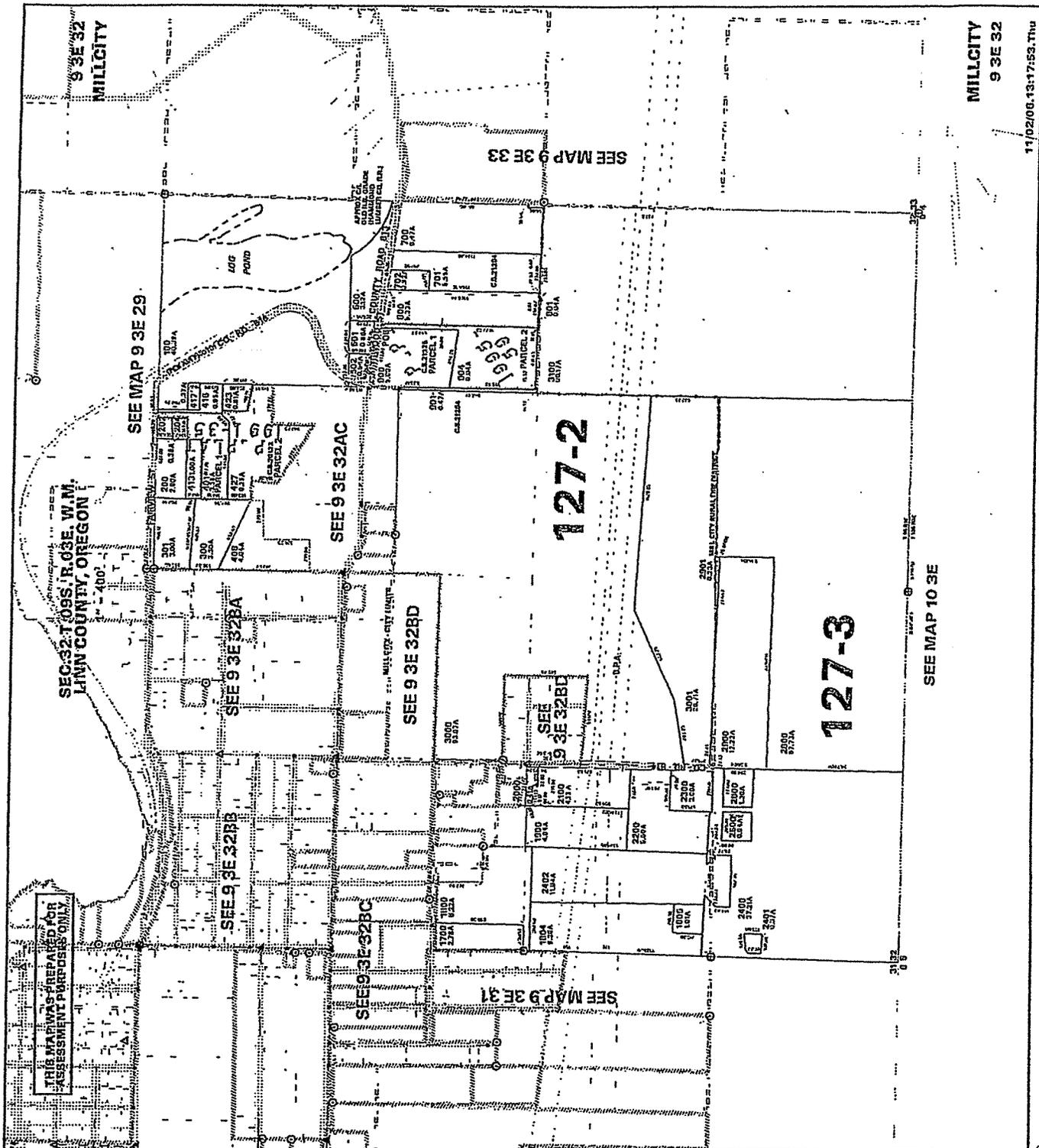
400 4.85A

489 0.67A

SEE MAP 9 SE 28CD

127-1

SEE MAP 9 SE 32BA



MILL CITY  
9 3E 32

11/02/06.13:17:53.Thu

SEE MAP 10 3E

Tross Consulting, Inc.

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Jeffrey R. Tross  
Land Planning and Development Consultant  
1720 Liberty St. SE, Salem, Oregon 97302  
Phone (503) 370-8704 email jefftross@msn.com

***APPLICANT'S STATEMENT***  
***for***  
***REX LUCAS, AND SCOTT AND SHELLY BAUGHMAN -***  
***MILL CITY URBAN GROWTH BOUNDARY AMENDMENT***

## **SUMMARY OF THE PROPOSAL**

Four owners of properties that are within or adjacent to the Mill City Urban Growth Boundary (UGB) propose a UGB Amendment to concurrently remove or add their properties. The proposal involves equal areas of land to be removed and added to the UGB, and as a result the total area within the UGB will not change. The land to be added will be assigned the same land use designations as currently applies to the land to be removed, therefore the land use inventory within the UGB will not change. This type of action is considered an "exchange" of land for the UGB, and is specifically provided for in Oregon Administrative Rules (OAR) 660-024-0070.

The total area of the land to be added to the UGB is 18.16 acres. The total area to be removed from the UGB is 18.18 acres (the .02 acre difference = 871 sq. ft., which in this case is not a significant difference).

Two of the properties proposed for removal from the Boundary were the subject of a similar request in 2012. That request was approved by the City, but never presented to the County for concurrence. That prior action was adopted as Mill City Ordinance No. 364 in June, 2012. That action is now incorporated as a part of this proposal, and Mill City Ordinance No. 364 is included as a part of this submittal as Exhibit 1.

This proposal has been presented through the City of Mill City's review process, which included public hearings before the Planning Commission and the City Council. The Planning Commission recommended approval, and the City Council approved the proposal. The City Council adopted Ordinance No. 395, dated June 27, 2017, approving the proposed UGB Amendment, pending concurrence from the County. Ordinance No. 395 is included as part of this submittal as Exhibit 2. A Notice of Adoption sent to the Applicants, dated June 30, 2017, is included as Exhibit 3.

The properties to be added to and removed from the Boundary are identified and described in Ordinance No. 364 and No. 395, and the detailed analysis, justification,

and findings supporting the City Council's decision are provided in the Report to the City Council dated April 30, 2017. That report is included as part of this application as Exhibit 4. The review and analysis in that Report provides the basis for the City's approval, and analyses the proposal for conformance with the Statewide Planning Goals and applicable Oregon Administrative Rules. Those sections are applicable to the County's review.

The two Mill City Ordinances and the supporting Report include maps and figures that identify the location of the various properties that are the subjects of this request, and the requested actions on those properties. In addition to the maps and figures in those documents, a Parcel Reference Map is included as Exhibit 5, and a series of aerial photos from Linn County imagery are included as Exhibits 6-A, -B, and -C. Another map that displays the proposed Comp Plan Map and Zone Changes for each of the subject parcels is included as Exhibit 7,

#### **Proposed Addition to the UGB**

Rex Lucas requests to add a contiguous area of 18.16 acres to the north-east side of the UGB for the purpose of residential development (map references A1 and A2). This area lies along Remine Road, and is identified on Linn County Assessor's Map T9S R3E Section 29 as part of Tax Lot 200, Tax Lot 103, and the western part of Tax Lot 100.

Tax Lot 200 totals 43.66 acres and is currently split by the UGB. The western 8.93 acres of this Tax Lot is already inside the UGB and adjacent to the city limits. An additional 8.67 acres, along the river and bordering the UGB, is proposed to be added (map reference A1). This will leave the remaining 26.06 acres of the parcel outside the UGB. The acreage that will remain outside the UGB is the site of an old log pond, and it is zoned Linn County Farm/Forest (F/F). Tax Lot 103, 6.64 acres and adjacent on the east to Tax Lot 200, and the adjacent 2.85 acres of Tax Lot 100 are also proposed to be added (map reference A2).

The total area to be added to the Boundary is 18.16 acres (8.67+6.64+2.85). This tract adjoins land that is already adjacent to the city limits, and the contiguous area is proposed to be annexed to the city upon completion of the UGB Amendment process. The annexed area is proposed to be designated Residential on the Mill City Comprehensive Plan map, and zoned R-1 for single-family residential development. A concept plan for a single-family residential development on this land is included as Exhibit 8. The contiguous area allows development of a coordinated and planned residential neighborhood that can be serviced and developed in phases.

The 8.67 acre part of Tax Lot 200 that is proposed to be added to the UGB is currently zoned Linn County Farm/Forest (F/F). Tax Lots 103 and 100 are currently zoned Linn County Rural Residential (RR)-2.5. The F/F land that is proposed to be added to the Boundary is bordered by land inside the UGB to the west, and by the rural residential land on the east. The urbanizeable land and rural residential zoning that borders this F/F land on two sides causes it to be impractical for long-term commercial resource use.

#### **Proposed Removal from the UGB**

The lands proposed to be removed from the UGB are owned by four parties; Lucas, Baughman, Drake, and Stafford. They are on the east side and the south side of the city (map references R1, R2, R3, and R4). These properties are currently zoned Linn County UGA RR-2.5.

Rex Lucas proposes to remove an area of 7.81 acres from the east side of the UGB (R1). This land is identified on Assessor's Map T9S R3E Section 32 as the western part of Tax Lot 100 that lies west of County Road 816, south of Fairview Street. This area is not well suited for urban density residential use due to its physical characteristics and its use as a former dumping area for waste rock from the old mill site. Tax Lot 100 totals 40.39 acres (the 7.81 acres that are inside the UGB plus 32.58 acres that are outside). The area that is currently outside of the UGB is zoned F/F, and the 7.81 acres is proposed to be added to that zone after it is removed.

Scott and Shelley Baughman request to remove 6.05 acres from the south-west side of the UGB. The property is off of Tuers Lane, south of Kingwood Ave. (map reference R2). This is shown on Map T9S R3E Section 31 as the northern part of Tax Lot 1204, which totals 13.18 acres. The parcel is currently split by the UGB. The 6.05 acres that is currently inside the UGB is designated Residential and zoned Linn County UGA-RR 2.5. The remaining part that is outside the UGB is zoned RR-5. The part that is inside the UGB is constrained by conditions that make it unlikely to develop in the foreseeable future, including the lack of available public streets and utility services, wetlands, and the BPA power line corridor that bisects the parcel. These conditions diminish its potential to contribute to residential development within the city.

The two properties that the City previously approved for removal from the UGB in 2012 are owned by Terry and Delores Drake, and Lee and Ladonna Stafford. The Drake property is identified on Map T9S R3E Section 32 as the north end of Tax Lot 1804 (map reference R3). The area to be removed from the UGB is 1.87 acres. The Stafford property is the north end of Tax Lot 2402 (map reference R4). The area of Tax Lot 2402 to be removed from the UGB is 2.45 acres. These areas are currently zoned UGA RR-2.5, while the parts of the ownerships that are outside of the UGB are RR-5. A detailed view of these two properties is included as Exhibit 9.

The total area to be removed from the UGB is 18.18 acres, composed of areas of 7.81 +6.05 +1.87 +2.45 acres. The properties proposed to be added and removed by the current application, and those previously approved for removal from the UGB by the City but awaiting County concurrence, are summarized as follows:

Properties to be Added

|    | Map       | Tax Lot | Acres | Owner        |
|----|-----------|---------|-------|--------------|
| A1 | 9S 03E 29 | 200     | 8.67  | Rex A. Lucas |
| A2 | 9S 03E 29 | 103+100 | 9.49  | Rex A. Lucas |

Total Acres to be added: 18.16

Properties to be Removed (current proposal)

|    |           |      |      |                           |
|----|-----------|------|------|---------------------------|
| R1 | 9S 03E 32 | 100  | 7.81 | Rex A. Lucas              |
| R2 | 9S 03E 31 | 1204 | 6.05 | Scott and Shelly Baughman |

Properties Previously Approved for Removal by City Ordinance No. 364

|    |           |      |      |                          |
|----|-----------|------|------|--------------------------|
| R3 | 9S 03E 32 | 1804 | 1.87 | Terry and Delores Drake  |
| R4 | 9S 03E 32 | 2402 | 2.45 | Lee and Ladonna Stafford |

Total Acres to be removed: 18.18

The characteristics that affect the lands included in this proposal include the following:

Streets and Access

The lands to be added to the Boundary (Areas A1 and A2) are along Remine Road, which extends to the properties from Fairview Street.

Of the areas to be removed, area R1 (Lucas) is located west of County Rd. 816, south of Fairview Street. The County Road is not an improved street. Area R2 (Baughman) is south of Kingwood Street, along the east side of Tuers Lane. Tuers Lane is County property and is not a dedicated public street. This property would require extension and improvement of a public street before development could occur.

Areas R3 (Drake property) and R4 (Stafford property) are located south of Kingwood and west of 4th Ave. These properties would also require public street extensions to provide for development.

Public Utilities

The availability of public utilities in relation to these properties is described in the Mill City staff report of April 30, 2017, pp 22-23. Public water and sewer services are available to the lands to be added to the UGB. An 8" sanitary sewer pressure main is located in Remine Rd. 6" water lines are located in both Remine Rd. and

Fairview St. A natural gas line is located in Fairview St. Electric and telephone services are present in Fairview St. and Remine Rd. and also in the private section of Remine Rd. that runs through these lands. Cable TV service is located along Remine Rd. and Fairview St. The proximity and capacity of these public utilities make their extension for new development feasible and practical.

Utilities are in proximity to Area R1, but not to R2, R3 or R4. There is a 12" water line and a 4" sewer line in Kingwood Avenue, which is over 700' north of these properties. These services are separated from the properties by land in private ownerships. There are no public streets or rights of way available in which to extend the sewer and water lines to the properties. The lack of availability of these public utilities and their distance from the property makes service extensions doubtful, less practical and more costly, which would increase development costs for this land and discourage development.

#### Development Constraints and Natural Resources

There are various natural features that would constrain the potential for urban development and support the removal of the properties that are proposed to be removed from the UGB. These are described in detail in the Mill City Report to the City Council of April 30, 2017, pp. 17-19 and 20-21.

Area R1 is a basin that was used as a dumping site for shale rock removed from the old mill site, and is rimmed by side slopes. These physical factors decrease its practical use and its suitability for urban residential development.

Areas R2, R3 and R4 are impacted by factors that are recognized as "constraints to development" in the Mill City Comprehensive Plan's Buildable Land Analysis (BLA). One of these is the BPA power transmission line corridor, which passes through these parcels and borders the areas that are inside UGB. The presence of the high-voltage transmission lines and towers negatively impacts the potential for urban density residential development on these parcels. In addition, Snake/DeFord

Creek passes through the southern end of these sites. The creek has been described as a fish-bearing stream and as providing critical habitat. It is also recognized as a "constraint to development" in the BLA. There are also wetlands and floodplain areas indicated within these sites. These factors impact the urban development potential of these sites due requirements to protect the creek and its habitat and avoid wetlands and the floodplain. The presence of the power line corridor, wetlands, floodplain, and the reported fish bearing stream present limitations for future urban residential development on this land.

No significant limitations to development have been identified that affect the ability of the land to be added to the UGB. The property borders the North Santiam River, and an appropriate riparian area building setback can be considered at the time of subdivision development review. The location of residential sites with river frontage will be an asset to their future use and value. These factors make the areas to be included relatively more suitable for residential use than those to be removed.

#### Soils and Vegetation

The soils on the various parcels are Class 2 and Class 4. A soils map is included as Exhibit 10, and shows the soils on the subject properties.

Area A1 is mostly Class 4 Camas with Class 2 Newberg. This area is zoned F/F. Area A2 is Class 2 Newberg and is zoned RR-2.5, a non-resource zone. These lands are timbered, but only A1 is zoned for resource use. This 8.67 acre area is not likely to be a managed commercial timber tract in the future due to its location in between urban land and rural residential land.

The soils on the areas that this application proposes to be removed from the UGB are Class 2 and Class 4. Area R1 is entirely Class 4 Camas and Sifton soils, and is also overlaid with a deep layer of waste shale rock brought in from operations at the former mill site. The rock surface is not suitable for residential development. Area R2 is nearly all Class 2 Malabon. This area supported a dense stand of timber that

was approximately 30-40 years old, and was recently harvested. It is part of a larger parcel that extends to the south on the alluvial plain that extends across the southern edge of the city, and which includes farm uses including a recently planted filbert orchard to the east. The Class 2 Malabon is a high value farm soil that is part of a cohesive area composed of soils that are suitable for agriculture.

The area of Class 2 and Class 4 soils that will be removed or added to the UGB is roughly equivalent. Area R2 is level ground, and is part of a larger property that extends outside of the UGB. These factors cause it to be more suitable for resource use than areas A1 and A2. Due to its location and the characteristics of the adjoining lands the potential resource capability of the land to be removed is relatively greater than that of the land to be added.

The physical characteristics and utility service factors that affect the various properties to be added to and removed from the UGB cause the land to be included in the UGB to be more suitable for urban use than are the areas that are proposed for removal, and therefore to have greater potential to benefit the city.

#### **Relationship to the City's Buildable Lands Analysis**

Mill City updated its Comprehensive Plan and Buildable Lands Analysis (BLA) in 2015. The BLA projects that the city will need 44.13 acres of residential land to accommodate the housing needs of the city to the year 2035. Based on the land that is currently in the UGB, the BLA calculated a surplus of 79.85 acres of residential land (Table LU-7). The "exchange" proposed in this application will not alter the amount of residential land in the UGB because it results in an even amount of land to be added and removed, and it maintains the residential land use designation. It will not change the total acreage that is currently within the UGB. However, because of the various physical and serviceability characteristics as previously described, the area to be added represents a better opportunity for residential development than the land to be removed, which will serve to improve housing opportunities in the city.

## LINN COUNTY COMPREHENSIVE PLAN AND ZONING AMENDMENT

The lands that are removed from the UGB will require re-designation on the Linn County Comprehensive Plan Map and Zoning Map. As provided in Linn County Land Development Code (LDC) Chapter 921.822(A) "Decision criteria for Zoning Map amendments", when a zoning map amendment is necessary due to a proposed Comprehensive Plan amendment, only the criteria for the Comprehensive Plan amendment need to be addressed.

The procedures and criteria for a Comprehensive Plan Amendment are found in LDC Chapter 921.850-890.

As provided in 921.860(6) and (7) an application to amend the Comprehensive Plan may be filed by a landowner or a group of landowners for their property. This application is filed by the landowners for their properties.

The proposal will amend the Plan map, as provided for in 921.862(A). Per 921.862(C) this is a Type IIIB quasi-judicial action. With regards to part (D), the application proposes two different map designations for the properties to be removed from the UGB, which are Farm Forest and Rural Residential. Because the proposed Amendment requires the simultaneous and coordinated consideration of the various properties in order to achieve the intended result of no net change to the area within the UGB, the properties in this application are interrelated, and the application should be consolidated to expedite their review.

The "Decision criteria for Plan map Amendments" are provided in 921.874(A), and are addressed as follows:

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

The lands to be added to the UGB are zoned F/F and RR-2.5. RR-2.5 is a non-resource zone. The F/F zone is a resource zone, and the land to be added to the

boundary is bordered by land inside the UGB ("urbanizeable land") on the west, and by the rural residential land on the east. Its location between urbanizeable land and rural residential land makes it impractical for long-term commercial resource use.

The Urbanization section of the Comprehensive Plan is found in Section IX., 905.600-.610. In keeping with the background description this proposal provides for manageable growth in the urban area through its modification over time. The proposal implements the urbanization policies because it involves an equal exchange of land to be added for land to be removed. The result is a change in the UGB, but not an expansion. The residential land inventory within the UGB will be maintained. The inclusion of this area represents an orderly change to the UGB because public facilities are available and can be economically provided through the extension of existing service lines. It represents a more efficient use of the land resource than the land to be removed because public services are not economically available to those locations. The area proposed to be added to the UGB represents a more practical and feasible location for urban development than the lands to be removed. The land to be added is not agricultural land and there is no nearby agricultural land that will be affected. For these reasons the proposal is consistent with and does not alter the intent of the Urbanization section.

The lands to be removed from the UGB are proposed to be placed in rural land use designations that are consistent with their location and with the existing designation on the contiguous parts of the ownerships that are outside of the UGB. Area R1 is proposed to be designated Farm-Forest, which is the same as the part of its contiguous ownership outside the UGB. This will maintain the land is a resource designation. Areas R2, R3, and R4 are to be designated Rural Residential, in keeping with the contiguous part of their ownerships outside of the UGB, and with the surrounding lands outside of the UGB.

The Farm/Forest Lands section of the Comprehensive Plan is found in Section IV., 905.300 -.330. The background description notes the geographical location of F/F

lands within the county and the multiple purposes of these areas, which vary with factors such as soils, location, surrounding uses and development, and ownership. The subject property's location in the Cascade foothills, its prior use for timber management, and on the urban fringe, is consistent with the description provided in the background section. The proposed F/F designation will conserve and maintain this land for resource use outside of the UGB. Placing this property in the Farm Forest designation will be consistent with and will not alter the intent of the Urbanization section.

The Rural Residential section of the Comprehensive Plan is found in Section V., 905.400-.420. The lands to be removed from the UGB should be designated Rural Residential and zoned consistently with the larger parts of their ownerships that are outside of the UGB, to result in uniform land use capabilities. The portions of these ownerships that are currently within the UGB are not separate parcels but are simply divided by the UGB line. The RR-2.5 zone will maintain a rural density on the fringe of the urban area. No public services will be required or extended to these lands, assuring a low future residential density that is consistent with the rural location. RR-2.5 zoning will maintain adequate opportunities for rural uses, while maintaining sufficient space for setbacks from the creek, and riparian areas, habitats, or floodplain, if those features are identified and documented to exist. These reasons are consistent with and do not alter the intent of the Rural Residential section of the Comprehensive Plan.

Because the proposed designations are consistent with and do not alter the intent of applicable section (s) of the Comprehensive Plan, this criterion is satisfied,

**(2) The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area;**

The amendments are proposed to place the affected lands in land use designations that are the same as the adjacent lands or contiguous parts of their ownerships, and which reflect the use of the property. Designating the properties in this manner will

maintain consistency with the overall land use pattern of the area. No new land use designations will be introduced to the area. The lands that will be added to the UGB will be designated Residential and intended for single-family residential use, which is the same as the lands to be removed, and which is consistent with adjoining lands that are already in the city. The lands to be removed from the UGB are to be assigned rural land designations that are the same as their contiguous ownerships that are outside of the UGB. These rural land designations are Rural Residential and Farm/Forest. These designations are currently applied to the parts of the ownerships outside of the UGB. Applying these designations to the lands that are removed from the UGB will maintain the consistency of the land use pattern that exists at these locations, and maintain the relationship of the lands that are inside and outside of the UGB. The proposed designations will maintain a clear distinction between the rural lands and the urbanizeable lands that are inside the UGB. Because the amendment will maintain the distinction between rural and urbanizeable lands, and because the amendment will maintain the relationships of the rural and urban land use designations that already exist on the adjacent lands, it will be compatible and will not adversely impact the overall land use pattern in the area.

**(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;**

The amendment is within the Mill City UGB. The proposal will add and remove specified properties to and from the UGB. Equal areas will be added to and removed from the UGB, and the land to be added will be placed in the same land use designation as the land to be removed. There will be no net change in the acreage that is within the UGB or to the land use categories. The proposal has been evaluated by the City through its adopted review and decision process, and it has been found to conform to the City's Comprehensive Plan and implementing ordinances. The City's review, analysis, and findings are included in Mill City Ordinance No. 395 and supporting Report to the City Council of April 30, 2017, which is included as part of this application.

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

A creek, alternatively known as Snake Creek or DeFord Creek, passes through the Baughman, Drake, and Stafford properties proposed to be removed from the UGB, parcel reference map R2, R3, and R4. The creek has been studied to determine if it provides fish and wildlife habitat. By removing those lands from the UGB the amendment will help to avoid potential impacts on the creek and any habitat it may provide by eliminating the potential for urban-density development in its proximity. The relationship of the creek and its habitat characteristics to the subject properties is described in the Report to the City Council that examined and reviewed this proposal, and which is included as part of this application. Portions of the lands to be added to the UGB adjoin the North Santiam River, and if necessary a riparian setback can be included in future residential lots that border the river. Because the potential development density of the rural land will be reduced from an urban residential density as allowed in the city, to a rural residential density of one dwelling per 2.5 acres or one per 5 acres, the opportunity will exist to maintain an appropriate setback from the creek in the event it is determined to provide sensitive habitat. These are the only potential habitat issues that have been identified in this proposal. For these reasons the amendment will protect the creek and will not have a significant adverse impact on fish or wildlife habitat that may be found to exist.

**(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;**

The amendment eliminates the potential for urban development on the lands to be removed from the UGB. After removal from the UGB these lands will be classified as rural, and no public utilities will be required for the rural uses that can be allowed on rural lands outside of the UGB. The requirements of these lands for police and fire protection will be decreased by the reduction in their development potential. Any additional sanitary facilities will be required to be private facilities provided on-site, and storm drainage is generally not required. The public facility requirements for

new development on the land to be added to the UGB and annexed to the city will be specified when a development proposal is submitted to the City for review. In its review of this proposal the City has concluded that adequate levels of public facilities exist and can be made available to the land that will be added to the UGB following its annexation. Because the land to be removed from the UGB will be classified as rural land on which only rural uses and density can occur, and public facilities are available to serve the land that is added to the UGB following its annexation to the city, the amendment will not have a significant adverse impact upon the provision of public facilities.

**(6) The amendment will not have a significant adverse impact upon the transportation facilities;**

No new public streets or other transportation facilities will be required to serve the lands that will be removed from the UGB because they will no longer be available for urban density development. The existing access to those properties will remain sufficient to provide for the rural use of those lands. New streets or improvements to existing streets will be required to serve new development on the lands that are added to the UGB and annexed to the city. The street and transportation improvements that are required to serve new urban development will be specified by the City at the time of development review. Because the rural land will not require new transportation facilities, and the urban land will undergo review that will determine the needed urban transportation facilities, the amendment will not have a significant adverse impact upon transportation facilities.

**(7) The presence of any development limitations including geologic hazards, flood hazards or water quality or quantity will not have a significant adverse affect on land uses permitted through the amendment;**

The lands to be removed from the UGB will be designated for rural residential and farm forest uses. These designations limit new development to low-density acreage homesites, or forest resource uses. No development limitations have been identified that would have a significant adverse affect on the land uses allowed by these

designations. A floodplain designation is indicated on small parts of the parcels along Snake/Deford Creek, but the remaining land outside of the floodplain is sufficient to provide for allowed uses. Because any affected parcels include sufficient land to provide for allowed uses, the presence of a development limitation will not have a significant adverse affect on uses permitted through the amendment.

**(8) An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria; and**

No lands that are currently designated for resource use are proposed to be redesignated for non-resource use, and an exception to the statewide goals is not required.

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

The statewide planning goals were addressed in the application to Mill City, and also in the City's review of the application, and that review is included in the reports that support the City's approval as adopted in Ordinance No. 395. Ordinance No. 395 and the supporting report is included for the record as a part of this application.

### **Summary**

The proposed exchange of land to be removed and to be added to the UGB does not alter the amount of land within the UGB. Since the land to be added will be designated in the same urban residential category as the land to be removed, the exchange will not alter the buildable land inventory within the UGB. Similarly, the land to be removed will be designated in the same rural categories as the land to be added is currently.

Due to its proximity to public utilities and streets, the land to be added to the UGB is more readily, efficiently and economically developable for urban use than the land to be removed, which is not in proximity to existing public services. The population of the city is projected to increase during the 20-year planning period, and the land to be added will accommodate the housing needs of the projected population.

The property to be added to the UGB is adjacent to land that is already in the UGB and adjacent to the city limits, and the contiguous area can be annexed. City utilities, services, and streets can be extended directly to the property. This makes the amendment to the UGB orderly, economic, and efficient. There are no negative consequences of converting the land to urban use for residential purposes. The small area to be added to the boundary that is currently zoned F/F is not part of a cohesive, commercial resource unit, and no significant resource capability will be lost. Based on the location of the lands to be added, and the surrounding land uses, the proposed urban uses will be compatible with nearby activities.

For the reasons presented, the proposal satisfies the Linn County criteria for a Comprehensive Plan Amendment for the exchange of land in the Mill City Urban Growth Boundary.

## ORDINANCE NO. 364

AN ORDINANCE REMOVING APPROXIMATELY 4.32+/- ACRES FROM THE MILL CITY URBAN GROWTH AREA AND AMENDING THE MILL CITY URBAN GROWTH BOUNDARY ON THE MILL CITY COMPREHENSIVE PLAN MAP.

WHEREAS, the City of Mill City Planning Commission initiated a land use application to modify the Mill City Urban Growth Boundary (UGB) to remove portions of two parcels totaling 4.32 acres from inside the Mill City Urban Growth Area; and

WHEREAS, the City initiated the proposal, at the behest of and with the concurrence of the property owners, Terry & Dolores Drake and Lee & Ladonna Stafford, to remove the portions of the two parcels from the UGB and eliminate the problem of the entire parcels being located in two planning and zoning jurisdictions: Linn County and the City of Mill City.

WHEREAS, the affected properties are located at 39780 and 39790 SE 4<sup>th</sup> Avenue in Mill City, Linn County Assessor's Map T9S R3E Section 32, Tax Lots 1804 and 2402; and

WHEREAS, the City proposes to

1. Remove approximately 4.32 acres from the Mill City UGB, and
2. Modify the Mill City Urban Growth Boundary on the Mill City Comprehensive Plan map.
3. Recommend to Linn County that the properties be designated as Rural Residential on the Linn County Comprehensive Plan map.
4. Recommend to Linn County that the properties be zoned consistently with the balance of the parcels as Rural Residential 5-acre minimum (RR-5); and

WHEREAS, on March 9, 2012 the Mill City Planning Commission held a public hearing to consider the application and on March 13, 2012 deliberated on the application and recommended approval to the City Council; and

WHEREAS, on April 10, 2012 the City Council held a public hearing on the proposal, held the written record open until April 17, 2012 and after the close of the hearing on April 24, 2012 the City Council deliberated on the issue, adopted findings of fact and concurred with the Planning Commission recommendations to remove the 4.32 acres from the Mill City UGB; modify the Mill City UGB on the Comprehensive Plan map and to recommend Linn County take action to redesignate and rezone the parcels; and

WHEREAS, on June 12, 2012 the City Council approved a Final Order approving the application;

NOW, THEREFORE, the City Council of the City of Mill City hereby ordains as follows:

**SECTION 1: MILL CITY COMPREHENSIVE PLAN MAP AMENDMENT - REMOVAL OF LAND FROM THE MILL CITY URBAN GROWTH AREA.** The Mill City Comprehensive Plan Map is hereby amended to modify the Mill City Urban Growth Boundary and remove approximately 4.32 acres of property from the Mill City Urban Growth Boundary Area.

Table 1  
Land to be Removed from Mill City UGB  
Drake and Stafford Properties

| Parcel | Owner(s)                   | Linn County Assessor Map and Tax Lot | Parcel Size (Total acres) | Area to be removed from Mill City UGB | Existing Use | Current Mill City Comprehensive Plan Map Designation |
|--------|----------------------------|--------------------------------------|---------------------------|---------------------------------------|--------------|--|
| 1      | Terry and Delores Drake    | T9S R3E Section 32 part of TL 1804   | 9.28                      | 1.87                                  | Agricultural | City of Mill City Residential                        |
| 2      | Lee W and Ladonna Stafford | T9S R3E Section 32 part of TL 2402   | 11.94                     | 2.45                                  | Agricultural | City of Mill City Residential                        |
| Totals |                            |                                      | 21.22                     | 4.32                                  |              |  |

Attached hereto is Exhibit "A" which accurately portrays the properties to be removed from the Mill City Urban Growth Boundary (UGB) and the modified Mill City Urban Growth Boundary location on the Mill City Comprehensive Plan Map. The modified Mill City Urban Growth Boundary shall be located on the parcel lines for tax lots 1804 and 2402 as shown on Exhibit "A".

**SECTION 2: RECOMMENDATIONS TO LINN COUNTY.** The City Council of the City of Mill City recommends Linn County redesignate the affected parcels as Linn County Rural Residential and rezone the affected parcels as Rural Residential (RR-5) with a 5-acre minimum lot size.

Table 2  
Proposed Linn County Comprehensive Plan Map and Zoning Map Amendments  
Drake and Stafford Properties

| Parcel | Owner(s)                   | Linn County Assessor Map and Tax Lot | Parcel Size (Total acres) | Parcel Area To be removed from UGB | Existing Use | Current Mill City Comprehensive Plan Designation and Linn County Zoning | Proposed Linn County Comprehensive Plan Designation and Zoning |
|--------|----------------------------|--------------------------------------|---------------------------|------------------------------------|--------------|---|--|
| 1      | Terry and Delores Drake    | T9S R3E Section 32 part of TL 1804   | 9.28                      | 1.87                               | Agricultural | Mill City - Residential County - UGA RR-2.5                             | Linn County Rural Residential RR-5                             |
| 2      | Lee W and Ladonna Stafford | T9S R3E Section 32 part of TL 2402   | 11.94                     | 2.45                               | Agricultural | Mill City - Residential County - UGA RR-2.5                             | Linn County Rural Residential RR-5                             |

Ordinance No. 364  
In re: Drake/Stafford Removal of Land from Mill City UGB  
Part of T9S R3E, Section 32, Tax Lots 1804 & 2402

|  |        |       |      |  |  |
|--|--------|-------|------|--|--|
|  | Totals | 21.22 | 4.32 |  |  |
|--|--------|-------|------|--|--|

**SECTION 3: EFFECTIVE DATE.** This ordinance will take effect upon the date the City of Mill City receives written notice that the Linn County Board of Commissioners has approved the Mill City Comprehensive Plan map amendments described in Section 1 of this ordinance. In the event that the Linn County Board of Commissioners does not concur with the proposed Comprehensive Plan map amendments this ordinance is null and void.

This Ordinance read for the first time in full on this 12<sup>th</sup> day of June 2012.

This Ordinance read by title only for the second time on this 10<sup>th</sup> day of July 2012.

This Ordinance passed on the 10<sup>th</sup> day of July, 2012 by the city council and executed by the mayor this 10<sup>th</sup> day of July, 2012.

Date: 7-10-12 By: M. Susann Heller  
M. SUSANN HELLER, Council President

Date: 7-10-12 Attest: Stacie Cook  
STACIE COOK, CMC, City Recorder

APPROVED AS TO FORM

Date: 7-10-12 By: James L. McGehee  
JAMES L. MCGEHEE, City Attorney

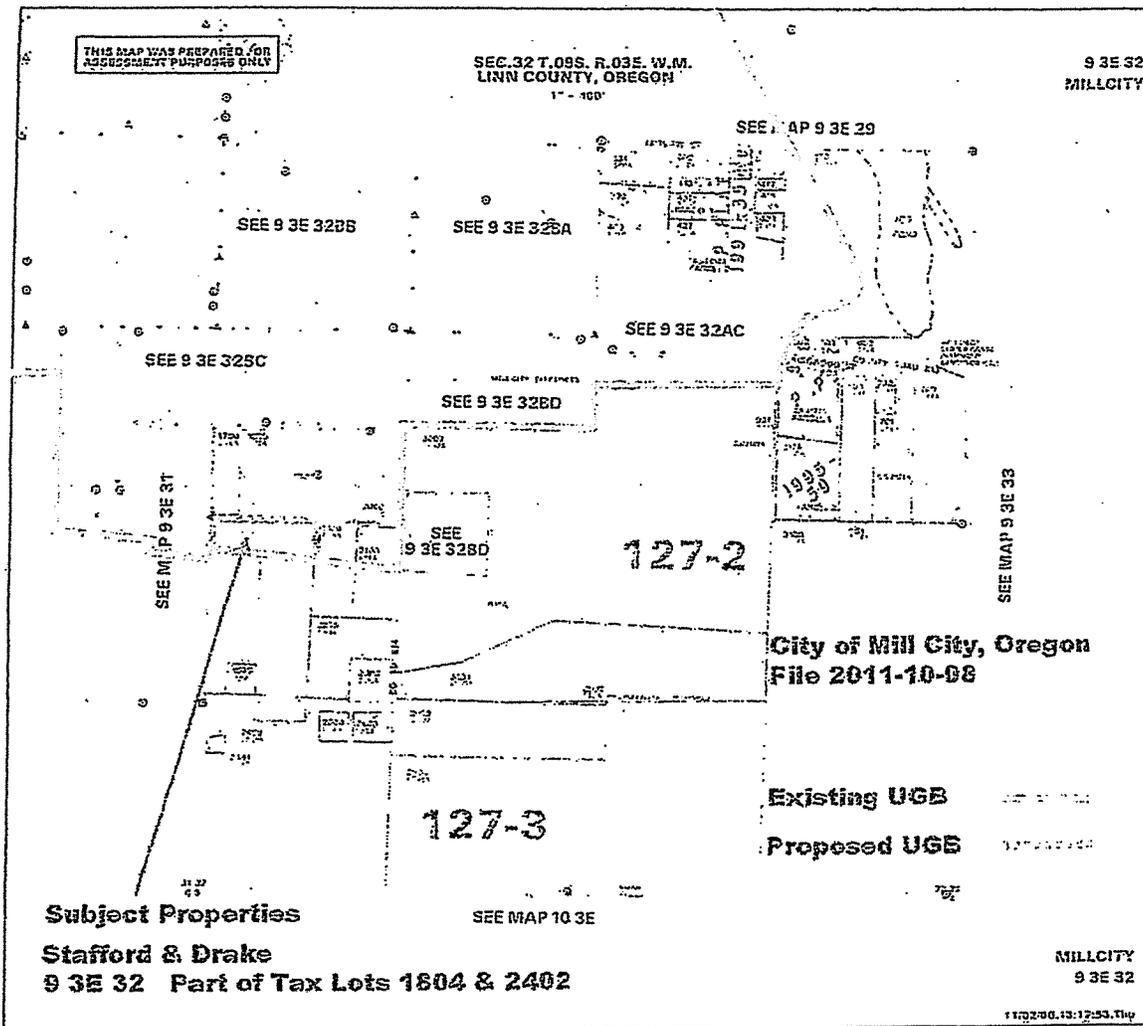
Exhibits:

- "A" - Map of Area to be removed from Mill City UGB and Updated UGB Location on the Mill City Comprehensive Plan Map
- "B" - Recommendations to Linn County to redesignate the affected properties as Rural Residential on the Linn County Comprehensive Plan map and to rezone the affected parcels as Rural Residential with a 5-acre minimum lot size (RR-5).

City of Mill City  
Ordinance No. 364

EXHIBIT A

AREA TO BE REMOVED FROM THE MILL CITY URBAN GROWTH AREA AND  
MODIFICATION OF THE MILL CITY URBAN GROWTH BOUNDARY ON THE  
MILL CITY COMPREHENSIVE PLAN MAP



Ordinance No. 364  
In re: Drake/Stafford Removal of Land from Mill City UGB  
Part of T9S R3E, Section 32, Tax Lots 1804 & 2402

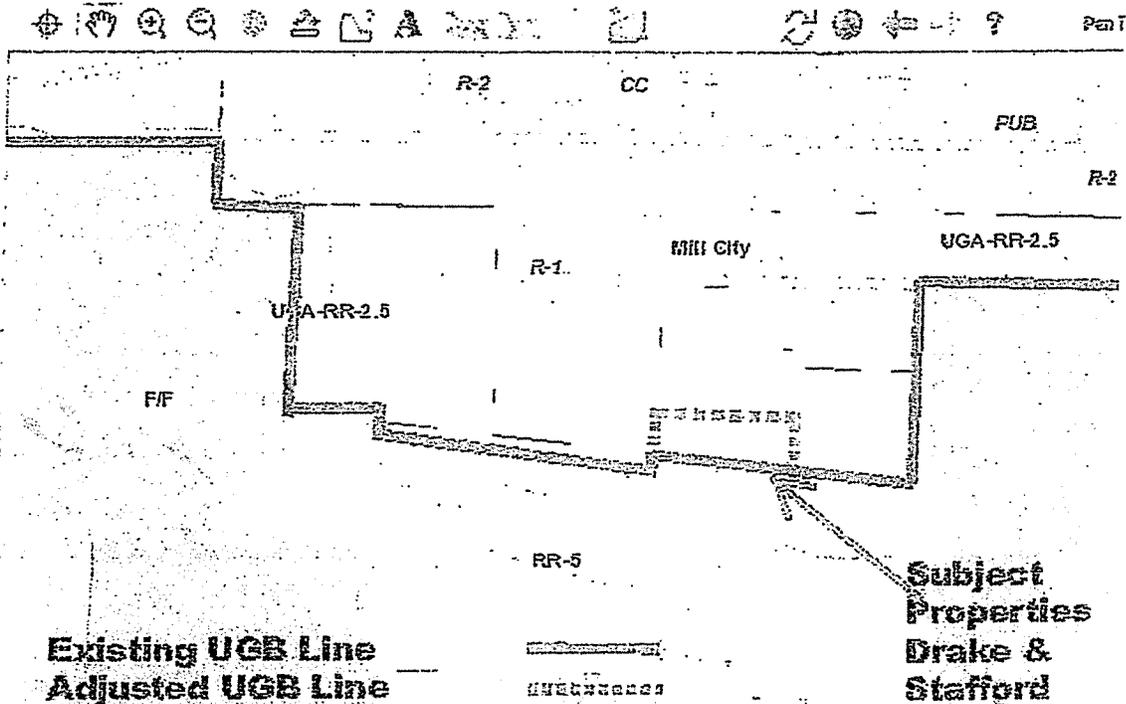
Page 4 of 5

Exhibit # A  
Page 114 of 171

Ordinance No. 364

EXHIBIT B

PROPOSED AMENDMENTS  
TO THE LINN COUNTY COMPREHENSIVE PLAN MAP AND ZONING MAP



Existing UGB Line  
Adjusted UGB Line

Subject Properties  
Drake &  
Stafford

Existing Comp Plan Designation - Mill City Residential  
Proposed Comp Plan Designation - LC Rural Residential  
Existing Zoning: LC - UGA-RR-2.5  
Proposed Zoning: LC - RR-5

Eastings: 7694657 ft Northing: 400829 ft Lon: 122 27' 11" W Lat: 44 44' 56" N

## ORDINANCE NO. 395

### AN ORDINANCE ADJUSTING THE MILL CITY URBAN GROWTH BOUNDARY AND AMENDING THE MILL CITY COMPREHENSIVE PLAN MAP

WHEREAS, the City of Mill City has received the following land use applications from Rex A. Lucas and Scott and Shelly Baughman requesting the City of Mill City:

- (1) Lucas – UGB Adjustment (Add 18.16 acres): Adjust the Mill City UGB to add 18.16 acres to the Mill City UGB and concurrently change the comprehensive plan designation to Residential.
- (2) Lucas - UGB Adjustment (Remove 7.81 Acres): Adjust the Mill City UGB to remove 7.81 acres. If approved by the City, the applicant requests Linn County approve concurrent comprehensive plan map and zone changes to Linn County Farm/Forestry (F/F).
- (3) Baughman - UGB Adjustment (Remove 6.05 Acres): Adjust the Mill City UGB to remove 6.05 acres. If approved by the City, the applicant requests Linn County approve concurrent comprehensive plan map and zone changes to Linn County Farm/Forestry (F/F).
- (4) Annexation and Zone Change: Annex 18.16 acres to the City of Mill City for a future residential subdivision and concurrently rezone the properties to Single Family Residential (R-1).

WHEREAS, the land use applications filed with the City of Mill City are consolidated in Mill City land use file 2017-02; and

WHEREAS, the applicant requests the City of Mill City work with Linn County to finalize the removal of 4.32 acres from the Mill City UGB that include the Drake and Stafford properties on SE 4<sup>th</sup> Avenue in Mill City. The removal of the 4.32 acres of Residential land from the UGB was approved by City Ordinance No. 364 in 2012, but never acted upon by Linn County.

WHEREAS, the applicants submitted letters to the City of Mill City from Lee and Ladonna Stafford and from Terry and Delores Drake concurring with the proposal; and

WHEREAS, the applicants have stipulated to the City that the applicants will pay all of the costs associated with the submittal and processing of land use applications with Linn County; and

WHEREAS, if the applicant's proposal and properties included in the prior Ordinance 364 are both approved, the combined proposal will result in an equivalent amount of property being added to and removed from the Mill City UGB. The applicant's proposal is to remove 18.18 acres from the Mill City UGB and add 18.16 acres of land to the Mill City UGB; and

WHEREAS, the City has considered the applicant's land use applications and actions related to Mill City Ordinance 364 in one consolidated land use proceeding; and

WHEREAS, Table 1 summarizes the proposals considered in the consolidated land use proceeding.

**Table 1  
Baughman – Lucas Mill City UGB Amendment Proposal**

| #   | Name of Parcel                 | Assessor's Map | Tax Lot                         | Acres Removed from UGB | Acres Added to UGB | Existing Linn County Comp Plan      | Existing Linn County Zoning        | Proposed Comprehensive Plan and Zoning Map Revisions |
|---|--------------------------------|----------------|---------------------------------|------------------------|--------------------|-------------------------------------|------------------------------------|--|
| <b>Properties Proposed to be Added to the Mill City UGB</b>   |                                |                |                                 |                        |                    |                                     |                                    | <b>Proposed Mill City Plan &amp; Zoning</b>          |
| 1   | Parcel A-1                     | 09S 03E 29     | 200 (part)                      |                        | 8.67               | Farm/Forestry                       | F/F                                | SFR Residential R-1                                  |
| 2   | Parcel A-2                     | 09S 03E 29     | 100 (part)<br>103<br>200 (part) |                        | 9.49               | Rural Residential & Farm / Forestry | RR-2.5<br>RR-2.5<br>F/F            | SFR Residential R-1                                  |
| <b>Properties Proposed for Removal from the Mill City UGB</b> |                                |                |                                 |                        |                    | <b>Existing Mill City Comp Plan</b> | <b>Existing Linn County Zoning</b> | <b>Proposed Linn County Plan &amp; Zoning</b>        |
| 3   | Parcel R-2 Lucas (Fairview)    | 09S 03E 32     | 100                             | 7.81                   |                    | SFR Residential                     | UGA-RR 2.5                         | Farm/Forestry F/F                                    |
| 4   | Stafford (SE 4 <sup>th</sup> ) | 09S 03E 32     | 2402 (part)                     | 2.45                   |                    | SFR Residential                     | UGA-RR 2.5                         | Rural Residential RR-5                               |
| 5   | Drake (SE 4 <sup>th</sup> )    | 09S 03E 32     | 1804 (part)                     | 1.87                   |                    | SFR Residential                     | UGA-RR 2.5                         | Rural Residential RR-5                               |
| 6   | Parcel R-1 Baughman            | 09S 03E 31     | 1204 (part)                     | 6.05                   |                    | SFR Residential                     | UGA-RR 2.5                         | Farm/Forestry F/F                                    |
| <b>Totals</b>   |                                |                |                                 | <b>18.18</b>           | <b>18.16</b>       |                                     |                                    |  |

WHEREAS, the Mill City Planning Commission held public hearings on March 21, 2017 and April 18, 2017 to consider the application. After the public hearing was closed, the Planning Commission deliberated on the proposal and unanimously recommended the city council approve the application as proposed; and

WHEREAS, the City Council held a public hearing on May 9, 2017 and at the close of the hearing the City Council concurred with the Planning Commission recommendations and adopted findings of fact and conclusions for the proposal which are included in the City's land use file 2017-02; and

WHEREAS, on May 11, 2017 the City issued a Notice of Decision approving the application and informing the applicant of the required City ordinances and the Linn County applications and decisions that are required; and

WHEREAS, the City Council will defer a decision to annex property or amend the City's zoning ordinance until after Linn County approves the Mill City UGB Adjustment;

NOW, THEREFORE, the City Council of the City of Mill City hereby ordains as follows:

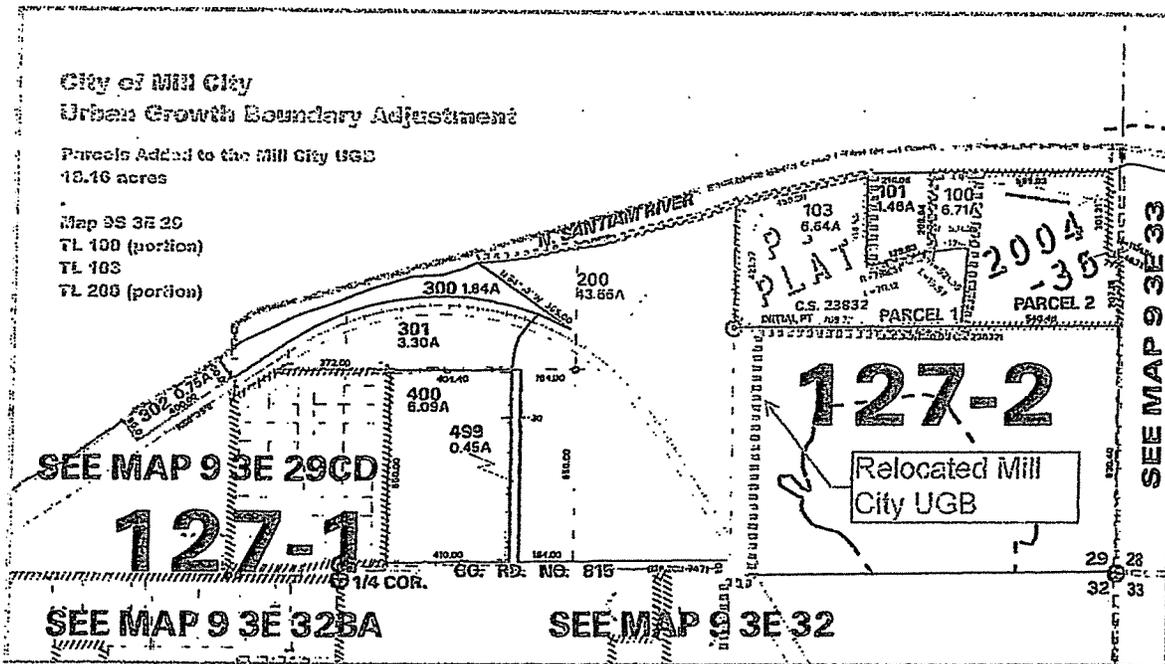
**SECTION 1. MILL CITY URBAN GROWTH BOUNDARY ADJUSTMENT (ADDITION)**

The Mill City Comprehensive Plan Map will be amended to reflect the additions of land to the Mill City Urban Growth Boundary as listed in Table 2 and shown on Map 1 below.

Table 2  
Area Added to the Mill City UGB

| Parcel                               | Owner(s)     | Linn County Assessor Map | Tax Lot           | Acres Added to the Mill City UGB | Map Reference Below |
|--------------------------------------|--------------|--------------------------|-------------------|----------------------------------|---------------------|
| A-1                                  | Rex A. Lucas | 09 3E 29                 | 200 (part)        | 8.67                             | Map 1               |
| A-2                                  | Rex A. Lucas | 09 3E 29                 | 100 (part)<br>103 | 9.49                             | Map 1               |
| Total Acreage added to Mill City UGB |              |                          |                   | 18.16                            |                     |

Map 1  
Area Added to the Mill City UGB  
Linn County Assessor's Map 9S 3E 29



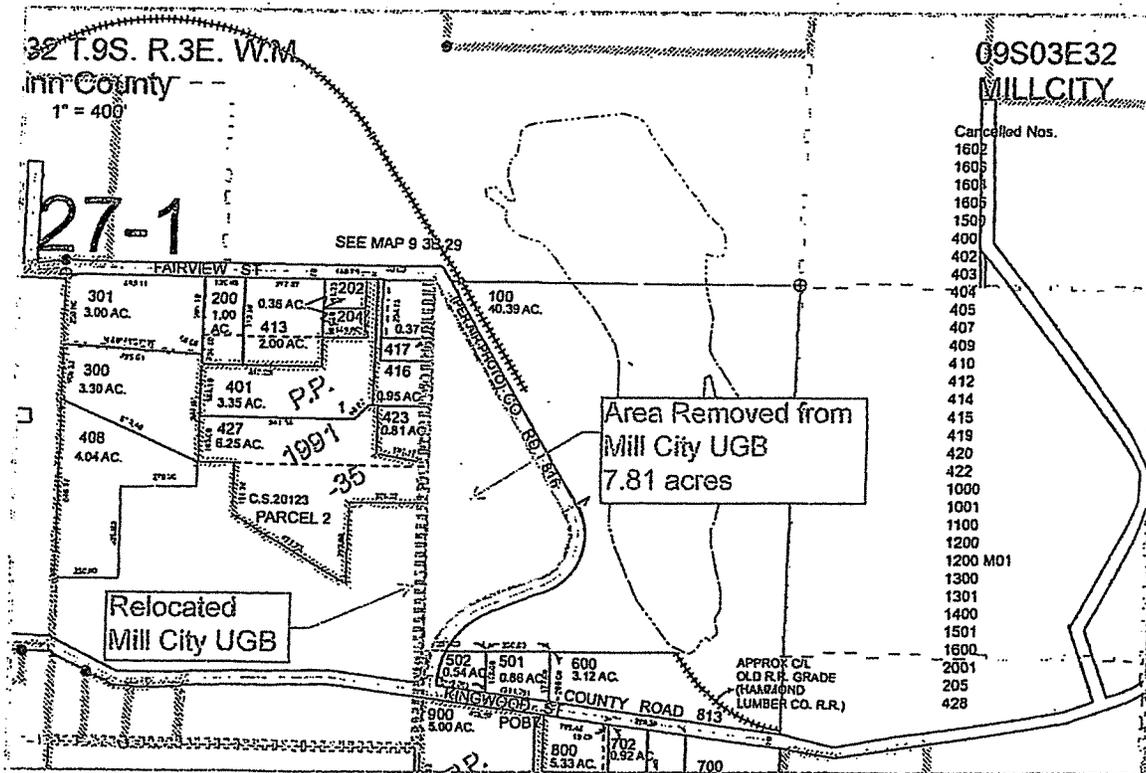
**SECTION 2. MILL CITY URBAN GROWTH BOUNDARY ADJUSTMENT (REMOVAL)**

The Mill City Comprehensive Plan Map will be amended to reflect the removal of land area from the Mill City Urban Growth Boundary as listed in Table 3 and shown on Map 2, Map 3 and Map 4 below.

*REMOVED* Table 3  
Area Added to the Mill City UGB

| Parcel  | Owner(s)                  | Linn County Assessor Map | Tax Lot     | Acres Removed From Mill City UGB | Map Reference Below |
|---|---------------------------|--------------------------|-------------|----------------------------------|---------------------|
| R-1   | Rex A. Lucas              | 09 3E 32                 | 100 (part)  | 7.81                             | Map 2               |
| R-2   | Scott and Shelly Baughman | 09 3E 31                 | 1204        | 6.05                             | Map 3               |
| R-3   | Lee and Ladonna Stafford  | 09 3E 32                 | 2402 (part) | 2.45                             | Map 4               |
| R-4   | Terry and Delores Drake   | 09 3E 32                 | 1804 (part) | 1.87                             | Map 4               |
| <b>Total Acreage Removed from Mill City UGB</b> |                           |                          |             | <b>18.18</b>                     |                     |

Map 2  
Area Removed from the Mill City UGB  
Linn County Assessor's Map 9S 3E 32



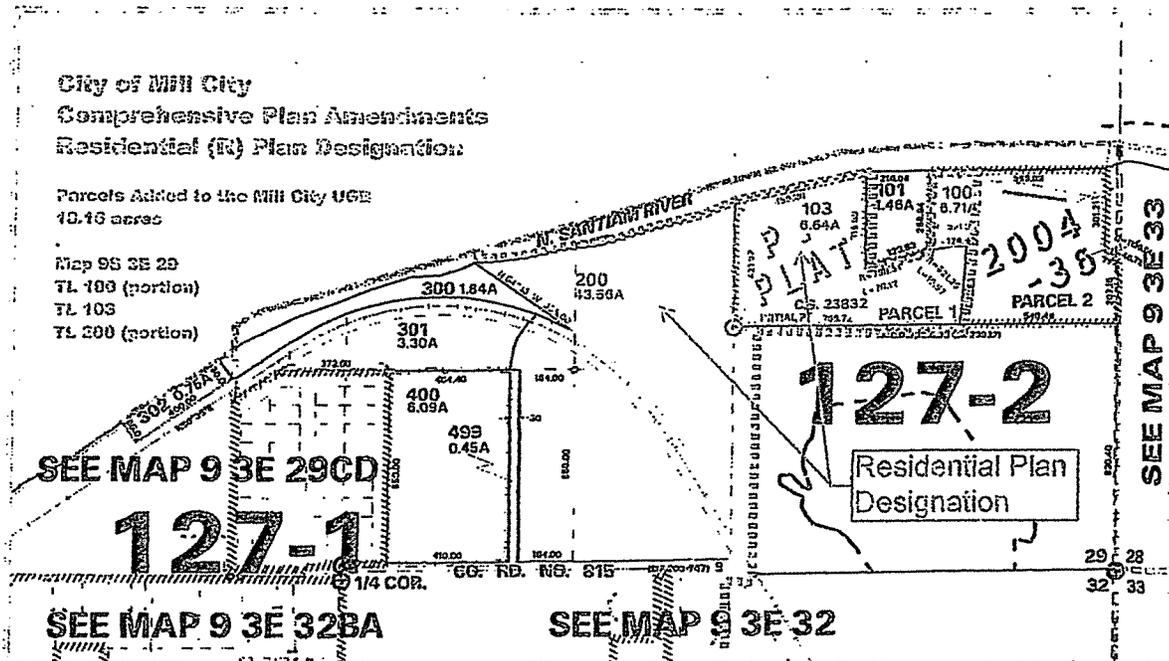
**SECTION 3. MILL CITY COMPREHENSIVE PLAN MAP AMENDMENTS**

The 18.16 acres added to the Mill City Urban Growth Boundary as listed in Table 4 and shown on Map 5 below is hereby designated as Residential on the Mill City Comprehensive Plan Map.

**Table 4  
Mill City Comprehensive Plan Designations  
For the Area Added to the Mill City UGB**

| Parcel                               | Owner(s)     | Linn County Assessor Map | Tax Lot           | Acres Added to the Mill City UGB | Mill City Comprehensive Plan Map Designation |
|--------------------------------------|--------------|--------------------------|-------------------|----------------------------------|--|
| A-1                                  | Rex A. Lucas | 09 3E 29                 | 200 (part)        | 8.67                             | Residential                                  |
| A-2                                  | Rex A. Lucas | 09 3E 29                 | 100 (part)<br>103 | 9.49                             | Residential                                  |
| Total Acreage added to Mill City UGB |              |                          |                   | 18.16                            |  |

**Map 5  
Area Added to the Mill City UGB  
Linn County Assessor's Map 9S 3E 29**



**SECTION 3: EFFECTIVE DATE**

This ordinance will take effect upon Linn County's adoption of an ordinance concurring with the City's amendment of the Mill City Urban Growth Boundary. In the event Linn County does not adopt an ordinance amending the Mill City Urban Growth Boundary by December 31, 2018, this ordinance will be null and void.

**SECTION 4: RECORD.**

1. The City Recorder shall provide a copy of this ordinance to the Linn County Planning Department.
2. Upon Linn County's adoption of an ordinance concurring with the City's amendment of the Mill City Urban Growth Boundary, the City will notify the Department of Land Conservation and Development of the adoption of the Mill City UGB amendments by both the City and Linn County.
3. Upon receipt of a Notice of Adoption and Acknowledgment from the Department of Land Conservation and Development, the City will provide copies of the acknowledged City and County ordinances to the Linn County GIS Department and request the Linn County GIS Department prepare an updated Mill City Comprehensive Map for the City of Mill City.

This Ordinance read by title only for the first time on the 13<sup>th</sup> day of June 2017.

This Ordinance read by title only for the second time on this 27<sup>th</sup> day of June 2017.

This Ordinance passed on the 27<sup>th</sup> day of June 2017 by the City Council and executed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
TIM KIRSCH, Mayor

Date: \_\_\_\_\_ Attest: \_\_\_\_\_  
STACIE COOK, MMC, City Recorder

**APPROVED AS TO FORM**

Date: \_\_\_\_\_ By: \_\_\_\_\_  
JAMES L. McGEHEE, City Attorney



**City of Mill City**

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**David W. Kinney**  
*Planning Consultant for the City of Mill City*  
791 E. Hollister St., Stayton, OR 97383  
Office: (503) 769-2020 Cell: (503) 551-0899  
Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

June 30, 2017

Rex Lucas  
1010 N. 4<sup>th</sup> Avenue  
Aumsville, OR 97325  
Email: [rexalucas@aol.com](mailto:rexalucas@aol.com)

Scott Baughman  
PO Box 943  
Mill City, OR 97360  
Email: [sbconst03@wvi.com](mailto:sbconst03@wvi.com)

**RE: Notice of Adoption of Ordinances related to Land Use File No. 2017-02**

Dear Rex and Scott:

On Tuesday, June 27, 2017 the City Council *adopted* the following ordinances that will enable you to proceed with your application to the Linn County Planning Department for an amendment to the Mill City Urban Growth Boundary. Copies of the ordinance signed by Mayor Kirsch are enclosed.

1. **Ordinance 393:** Annexation of Properties adjacent to SE Remine Rd. and SE Fairview Street. Ordinance 393 repeals two ordinances adopted in 2006 & 2007 and completes an annexation and rezoning of the properties already in the Mill City UGB. This includes a 8.36+/- parcel, a portion of 09S 03E 29, Tax Lot 200, owned by Rex Lucas north of SE Fairview Street and east of SE Remine Rd. The parcel is rezoned to R-1 single family residential.
2. **Ordinance 394:** Annexation of a portion of 09S 03E 32, Tax Lot 100, south of SE Fairview Street owned by Rex Lucas. This a vacant 0.88+/- acre parcel.
3. **Ordinance 395:** Adjustment of the Mill City Urban Growth Boundary. This includes the removal of 18.18 acres from the Mill City UGB and adding 18.16 acres to the UGB. This ordinance does not take effect until Linn County adopts an ordinance concurring with the UGB Amendment.
4. **Future Ordinance to Annex 18.16 acres to the Mill City UGB.** When Linn County notifies the City that it has approved the Mill City UGB amendments included in Ordinance 395, then the City Council will consider an ordinance to annex the 18.16 acres.

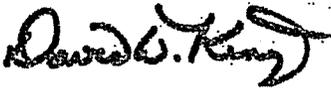
Your engineer/surveyor will need to provide the City with a final legal description for the areas to be annexed and a map identifying the properties to be annexed. The City will submit these to the Oregon Department of Revenue for preliminary approval before the City adopts the annexation ordinance.

C. Effective Date:

The effective date of the three ordinances is July 28, 2017 unless an appeal is filed with the Oregon Land Use Board of Appeals.

If you have any questions regarding the City Council's decisions you may contact me or Stacie Cook, MMC, City Recorder at City Hall at (503) 897-2302.

Sincerely,



David Kinney  
Planning Consultant for the City of Mill City

cc: Stacie Cook, MMC, City Recorder (via email)  
City of Mill City Planning file  
Jeff Tross, Planning Consultant for the Applicant (via email)  
Robert Wheelton, Planning Director, Linn County Planning Department (via email)  
Mill City Planning Commission



**City of Mill City**

*David W. Kinney*  
 Planning Consultant for the City of Mill City  
 791 E. Hollister St., Stayton, OR 97383  
 Office: (503) 769-2020 Cell: (503) 551-0899  
 Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

**City of Mill City  
 REPORT TO THE CITY COUNCIL**

**STAFF REPORT DATE:** April 30, 2017, as adopted by the Mill City Planning Commission.

**HEARING DATES:** Planning Commission: March 21, 2017 & April 18, 2017  
 City Council May 9, 2017

**FILE NUMBER:** 2017-02

**APPLICANTS:** Rex Lucas 1010 N. 4th Avenue, Aumsville, OR 97325  
 Scott & Shelly Baughman PO Box 943, Mill City, OR 97360

**PROPERTY OWNERS:** Rex Lucas, Scott & Shelly Baughman

**APPLICANT'S PROPERTY:**

| <u>Assessor's Map</u> | <u>Tax Lot</u> | <u>Account</u> | <u>Acres</u> | <u>Nearby Streets</u> |
|-----------------------|----------------|----------------|--------------|-----------------------|
| T09S R3E 29           | 00103          | 895310         | 8.67         | SE Remine             |
| T09S R3E 29           | 00200 (part)   | 8280           | 9.49         | SE Remine/SE Fairview |
| T09S R3E 32           | 00100          | 12340          | 7.81         | SE Fairview           |
| T09S R3E 31           | 01204 (part)   | 819477         | 6.05         | SW Tuers Lane         |

- EXHIBITS:**
- EXHIBIT A Application (in file)
  - EXHIBIT B Applicant's Statement and Proposed Findings
  - EXHIBIT C Applicants Exhibits
    - 1 Map of Properties to be Added / Removed from the UGB
    - 2 Table of Properties to be Added / Removed
    - 3 Conceptual Subdivision Plan for Property to be Added
    - 4 Utilities Map
    - 5 Soils Map and Soils Comparison Table
    - 6 Mill City Ordinance 364 – Removal of 4.32 acres from UGB
  - EXHIBIT D Notice of Public Hearing
  - EXHIBIT E Individual Site Maps (Aerial Photos)
    - D-1 Parcels 1, 2 and 3 Lucas
    - D-2 Parcels 4 & 5 Drake & Stafford
    - D-3 Parcel 6 Baughman
  - Exhibit F Public Testimony
  - Exhibit G Appendix-1 Mill City UGB Alternative Sites Analysis

- Exhibit H Applicant Submittals at April 18, 2017 Hearing
  - H-1 Ltr dated 9-16-2016 from Lee Stafford and Ladonna J. Stafford
  - H-2 Ltr dated 4-18-2017 from Terry and Delores Drake
  - H-3 Water Rights Certificates and Beneficial Use Summary Report dated 4-18-2017 for the City of Mill City Kingwood Wells.
- Exhibit J Agency Comments
  - J-1 DLCD dated 4-18-2017 re: Mill City UGB Alternative Sites
  - J-2 Marion County Planning dated 4-17-2017
  - J-3 Mill City Rural Fire District dated 4-17-2017
  - J-4 Linn County Surveyor dated 4-17-2017
- Exhibit K Minutes of the Mill City Planning Commission
  - K-1 March 21, 2017 Regular Meeting: Public Hearing
  - K-2 April 18, 2017 Regular Meeting: Public Hearing (continued)
  - K-3 April 24, 2017 Special Meeting: Deliberation and Decision

**REQUEST:**

- City of Mill City**
  - (1) Mill City Urban Growth Boundary (UGB) Map Amendment to add 18.16 acres to the UGB and remove 18.18 acres from the UGB.
  - (2) Comprehensive Plan Map Amendments to Residential
  - (3) Annexation of Property
  - (4) Zone Change for Annexed Property to R-1 Residential
- Linn County**
  - (5) Linn County approval of Mill City UGB Amendment.
  - (6) Linn County Comprehensive Plan Amendments to Rural Residential and Farm/Forestry for any lands removed from the Mill City UGB.
  - (7) Linn County Zone Change for Property Removed from UGB to County Rural Residential (RR) and Farm/Forestry (F/F).

**CRITERIA:**

- A. Oregon Statewide Planning Goals 1 to 14
- B. OAR 660-024 Division 24 – Urban Growth Boundaries
- C. ORS 197.610 to 197.650 – Removal of land from a UGB
- D. ORS 197A.320 – Goal 14 factors for modifying a UGB.
- E. ORS 222 - Annexations
- F. Mill City Comprehensive Plan
  - Land Use Goals and Policies
  - Housing Goals and Policies
  - Urbanization Goals and Policies
- G. Municipal Code (MCMC) – Title 17
  - Chapter 17.06 *Comprehensive Plan*
    - o Section 17.06.040 Application for Amendments
    - o Section 17.06.080 Approval Criteria
  - Chapter 17.60 *Zoning Amendments*
    - o Section 17.60.010 Procedure for Submitting Amendments
    - o Section 17.60.030 Criteria applicable to zoning amendment

Exhibit # A  
Page 125 of 121

# I. Applicant's Proposal

The City has received four land use applications:

- (1) Rex Lucas – Comp Plan Map Amendment (UGB) and concurrent comprehensive plan map change to residential and zone change to R-1 Single Family Residential. Add 18.16 acres to the Mill City UGB.
- (2) Rex Lucas – Comp Plan Map Amendment (UGB) and concurrent zone changes to Linn County Rural Residential (RR) and Farm/Forestry (F/F). Remove 7.81 acres from the Mill City UGB.
- (3) Scott & Shelly Baughman – Comp Plan Map Amendment (UGB) and concurrent zone changes to Linn County Farm/Forestry (F/F). Remove 6.05 acres from the Mill City UGB.
- (4) Annexation – Annex 18.16 acres to the City of Mill City for a future residential subdivision.

The applicant also proposes the City of Mill City work with Linn County to finalize the removal of 4.32 acres of the Drake & Stafford properties on SE 4<sup>th</sup> Avenue in Mill City. The removal of this 4.32 acres of Residential land from the UGB was approved by City Ordinance No. 364 in 2012, but never acted upon by Linn County.

If the applicant's proposal and the prior Ordinance 364 are both approved, the combined proposal will result in an equal amount of property being added to and removed from the Mill City UGB. The City will remove 18.18 acres from the Mill City UGB and add 18.16 acres of land to the Mill City UGB. Table 1 summarizes the proposals.

**Table 1  
Baughman – Lucas Mill City UGB Amendment Proposal**

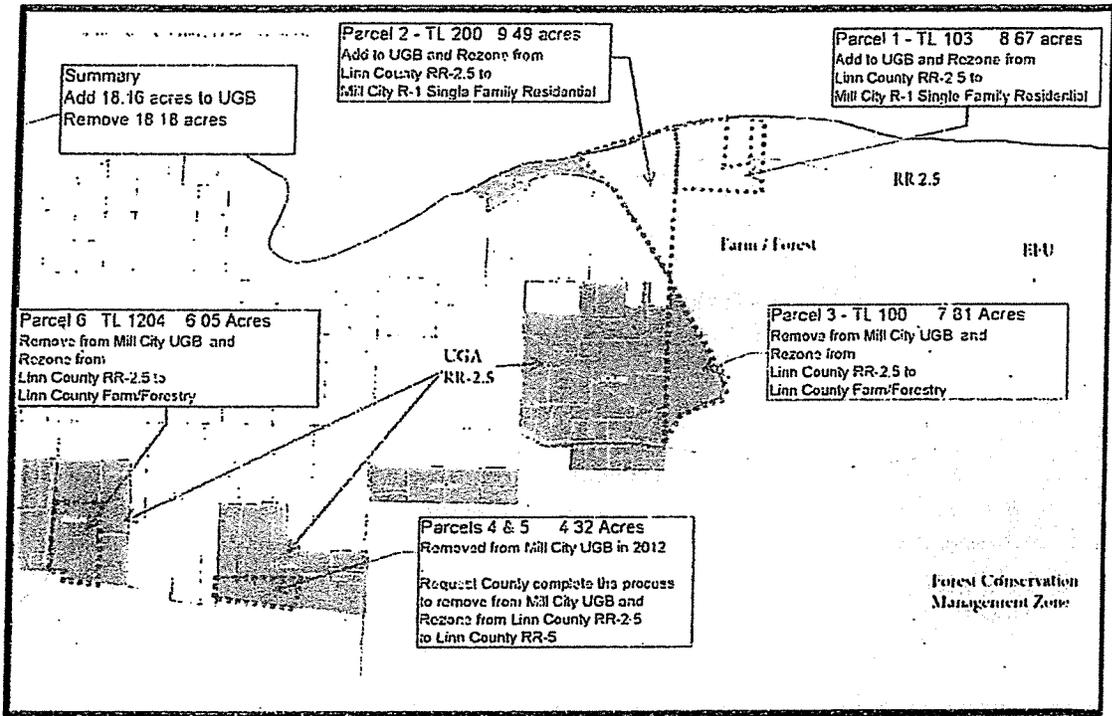
| #   | Name of Parcel                 | Assessor's Map | Tax Lot     | Acres Removed from UGB | Acres Added to UGB | Existing Linn County Comp Plan      | Existing Linn County Zoning        | Proposed Comprehensive Plan and Zoning Map Revisions |
|---|--------------------------------|----------------|-------------|------------------------|--------------------|-------------------------------------|------------------------------------|--|
| <b>Properties Proposed to be Added to the Mill City UGB</b>   |                                |                |             |                        |                    |                                     |                                    |  |
| 1   | Parcel A-1                     | 09S 03E 29     | 103         |                        | 8.67               | Rural Residential                   | RR-5                               | Proposed Mill City Plan & Zoning SFR Residential R-1 |
| 2   | Parcel A-2                     | 09S 03E 29     | 200 (part)  |                        | 9.49               | Farm / Forestry                     | F/F                                | SFR Residential R-1                                  |
| <b>Properties Proposed for Removal from the Mill City UGB</b> |                                |                |             |                        |                    | <b>Existing Mill City Comp Plan</b> | <b>Existing Linn County Zoning</b> | <b>Proposed Linn County Plan &amp; Zoning</b>        |
| 3   | Parcel R-2 Lucas (Fairview)    | 09S 03E 32     | 100         | 7.81                   |                    | SFR Residential                     | UGA-RR 2.5                         | Farm/Forestry F/F                                    |
| 4   | Stafford (SE 4 <sup>th</sup> ) | 09S 03E 32     | 2402 (part) | 2.45                   |                    | SFR Residential                     | UGA-RR 2.5                         | Rural Residential RR-5                               |
| 5   | Drake (SE 4 <sup>th</sup> )    | 09S 03E 32     | 1804 (part) | 1.87                   |                    | SFR Residential                     | UGA-RR 2.5                         | Rural Residential RR-5                               |
| 6   | Parcel R-1 Baughman            | 09S 03E 31     | 1204 (part) | 6.05                   |                    | SFR Residential                     | UGA-RR 2.5                         | Farm/Forestry F/F                                    |
| <b>Totals</b>   |                                |                |             | <b>18.18</b>           | <b>18.16</b>       |                                     |                                    |  |

Exhibit # A  
Page 12 of 121

Map I – Lucas-Baughman UGB Exchange

Baughman/Lucas --  
Mill City Comp Plan Map & Zone Changes

File 2017-02



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

**II. BACKGROUND INFORMATION**

**A. Pre-Application Information and Application Submittals:**

The City’s Planning Consultant met with the applicant and applicant’s planning consultant as well as representatives from Linn County and the Oregon Department of Land Conservation and Development (DLCD) several times from 2015 to 2017 to discuss the applicant’s proposal. The applicant filed an application with the City on January 20, 2017. The application was deemed complete on February 13, 2017. Since the application includes a proposed amendment to the Mill City Comprehensive Plan the “120-day rule” does not apply to the proposal.

**B. Application, Land Use Procedure and Review Requirements:**

The proposal includes several inter-related land use applications and proposals. In order to expeditiously handle the multiple applications, the city staff has elected to consolidate the land use proceedings together.

Exhibit # A  
Page 27 of 1

The following land use decisions will be considered by the City of Mill City and Linn County:

1. **Mill City Urban Growth Boundary (UGB) Adjustment.** Remove 18.18 acres and add 18.16 acres to the Mill City Urban Growth Boundary. City & Linn County decisions required.
2. **Mill City Comprehensive Plan Map Amendment.** Redesignate 18.16 acres added to the Mill City UGB as Residential. City decision and Linn County concurrence.
3. **Mill City Zoning Map Amendment.** Rezone 18.16 acres to Residential (R-1). City decision.
4. **Linn County Comprehensive Plan Amendment.** Concur with UGB Adjustment and redesignate 18.18 acres to Rural Residential and Farm/Forestry. Linn County decision.
5. **Linn County Zoning Map Amendment.** Rezone 18.18 acres to Rural Residential (RR-5) and Farm/Forestry (F/F). Linn County decision.
6. **Annexation.** (Only if County approves items 1 to 5). Annex 18.18 acres to the City of Mill City. City of Mill City decision by Ordinance and concurrent zone change to Residential (R-1).

The City proposes the following schedule of proceedings:

- |                      |  |
|----------------------|--|
| March 21, 2017       | Mill City Planning Commission Public Hearing, including applicant's presentation and public testimony.   |
| March 29, 2017       | Planning Commission site visit to SE Remine Rd. and Tuers Lane sites.  |
| April 18, 2017       | Mill City Planning Commission Public Hearing (continued). Review of agency comments, Mill City UGB Alternative sites analysis and public testimony.  |
| April 24 or 27, 2017 | Planning Commission deliberation and recommendation to City Council<br><br>The Planning Commission made a parcel-by-parcel recommendation on (1) the Mill City UGB Adjustment, (2) the Mill City Comprehensive Plan map change to Residential, (3) the rezoning of 18.16 acres to R-1 Single Family Residential, and (4) annexation.   |
| May 9, 2017          | City Council Public Hearing  |
| May 9, 23 or June 13 | City Council (continued hearing if needed), deliberation and decision<br><br>The City Council will consider the Planning Commission's recommendation at a public hearing. At the conclusion of the City Council public hearing, the Council will make a decision to approve or deny each of the Planning Commission's recommendations. After the Council deliberations, the City staff will prepare a final Order with the findings and conclusions. If the proposal is approved, an ordinance will be prepared for City Council adoption. |
| June 2017            | If approved, the City's decision will be forwarded to the Linn County Planning Department to schedule the Linn County public hearings.   |
| 2017                 | County consideration and decision on UGB Amendment, Comprehensive Plan map amendments and County zone changes.   |
| 2017                 | If Linn County approves, send the Linn County decision back to the City of Mill City to prepare and adopt an annexation ordinance.   |

### C. Public Hearings and Notices of Public Hearing:

A public hearing concerning the matter was held before the Planning Commission on Tuesday, March 21, 2017 beginning at 6:30 p.m. at the City Hall, 444 South First Avenue in Mill City, Oregon. The Planning Commission conducted a site visit on March 29, 2017. The public hearing was continued to April 18, 2017 to provide the Planning Commission an opportunity to review the proposal, all testimony and evidence in the public record and to conduct a site visit. The public hearing was closed to public testimony at the end of the hearing on April 18, 2017, but the record was left open until April 24, 2017 to receive additional agency comments. The record was closed at the beginning of the meeting on April 24, 2017.

The Planning Commission made its recommendation to the City Council based on its review of the criteria listed above. The criteria listed for the Mill City Comprehensive Plan and the Mill City Zoning Code can be viewed under the "Documents" section of the City of Mill City website: <http://www.ci.mill-city.or.us/>.

Notice of any public hearings must be provided to affected governmental agencies and adjacent property owners. Written notice shall be mailed to owners of property within 250' of the subject property at least 10 days prior to the initial evidentiary hearing before the Mill City Planning Commission and 10 days prior to a public hearing before the City Council. Notice of the initial evidentiary hearing was published on March 2, 2017 in the Canyon Weekly and mailed to property owners during the 1<sup>st</sup> week of March, more than 10 days prior to the hearing. Notice of the City Council hearing was published on April 27, 2017 and mailed to property owners more than 10 days prior to the hearing.

The City's Planning Consultant has coordinated the review of the proposal with the Linn County Planning Department and the Oregon Department of Land Conservation and Development. Agency notices were provided with a request that agency comments be returned to the City no later than April 24, 2017.

### D. Future Development – Conceptual Residential Subdivision

The applicants propose to add 18.16 acres to the Mill City UGB on two parcels located on SE Remine Rd. The applicant submittal includes a conceptual plan for a new residential subdivision. The conceptual subdivision layout shows up to 86 residential parcels, with thirteen (13) larger river frontage lots and seventy-three (73) smaller urban lots. The conceptual subdivision layout is shown in Exhibit C-3.

This land use application will not review the conceptual subdivision plan. If the current proposal is approved by both the City of Mill City and Linn County, the applicant may then file an application for development of a subdivision on the property.

### E. Existing Conditions:

#### AREA 1: SE Fairview & SE Remine Rd.

Area 1 is located at the east end of the City of Mill City UGB along SE Fairview Street and SE Remine Rd. The applicants propose to extend the Mill City UGB and annex 18.16 acres in this area to the City.

The applicant owns three vacant, undeveloped parcels.

Parcel 1 TL 103 6.64 acres East end of Remine Rd. Proposal will add this site to the UGB.

- Parcel 2 TL 200 43.66 acres 8 acres at the NE corner of SE Remine Rd. & SE Fairview St. east of the WWTP are inside the Mill City UGB. The proposal will add 9.49 acres to the UGB (directly north to the N. Santiam River).  
The balance of the site (26+/- acres) will remain outside the UGB.
- Parcel 3 TL 100 40.86 acres East end of Fairview Street. A 7.81 piece of the 40.86-acre site is located west of SE Fairview Street as it runs south to SE Kingwood Avenue. This piece will be removed from the UGB.

The applicant's parcels are pieces of a large 100+ acre mill site that was abandoned decades ago. The mill buildings and equipment were removed more than 40 years ago and a low wet area, the remnants of an old mill pond, is all that remains of this former use.

At the east end of SE Remine Rd. there are three homes on 2+ acre rural residential parcels with river frontage.

**AREA 2: SE 4<sup>th</sup> Avenue and SE Tuers Lane Sites**

The applicants propose a vacant 6.05-acre site on SW Tuers Lane be removed from the UGB. The applicants also request the City reaffirm the City's October 2012 decision under Ordinance 364 to remove 4.32 acres of the Drake & Stafford properties from the UGB and forward that decision to Linn County.

Parcels 4, 5 and 6 are located at the south edge of the Mill City UGB along the BPA Power Transmission line corridor and adjacent to Snake Creek.

Table 2 summarizes the existing development or property uses on the affected parcels.

**Table 2  
Baughman – Lucas Mill City UGB Amendment – Existing Conditions**

| #   | Name of Parcel                    | Assessor's Map | Tax Lot        | Existing Development or Use of Parcel   | Proposed Use of Property                               |
|---|-----------------------------------|----------------|----------------|---|--|
| <b>Parcels to be Added to the Mill City UGB</b>     |                                   |                |                |   |  |
| 1   | Parcel A-1                        | 09S 03E<br>29  | 103            | Vacant – trees on site<br>Parcel has N. Santiam River Frontage.   | Residential Subdivision                                |
| 2   | Parcel A-2                        | 09S 03E<br>29  | 200<br>(part)  | Vacant – a few trees on north end<br>Parcel has N. Santiam River Frontage                                       | Residential Subdivision                                |
| <b>Parcels to be Removed from the Mill City UGB</b> |                                   |                |                |   |  |
| 3   | Parcel R-2<br>Lucas (Fairview)    | 09S 03E<br>32  | 100            | Vacant – part of former Mill site   | Leave as part of larger 80+<br>acre Farm/Forest parcel |
| 4   | Stafford<br>(SE 4 <sup>th</sup> ) | 09S 03E<br>32  | 2402<br>(part) | Vacant – pasture.<br>Snake Creek, wetlands & BPA power lines  | Continue as part of home site<br>and pasture use       |
| 5   | Drake<br>(SE 4 <sup>th</sup> )    | 09S 03E<br>32  | 1804<br>(part) | Vacant-pasture<br>Snake Creek, wetlands & BPA power lines   | Continue as part of home site<br>and pasture use.      |
| 6   | Parcel R-1<br>Baughman            | 09S 03E<br>31  | 1204<br>(part) | Vacant – 2 <sup>nd</sup> growth timber on site.<br>Snake Creek, wetlands and BPA power<br>lines cross the site. | Leave as part of 13+ acre<br>Farm/Forest parcel.       |

**F. Utilities:**

The applicant submitted Exhibit C-4 which shows nearby water & sewer utilities to each of the affected parcels. The following is a brief summary:

Exhibit # A  
Page 132 of 151

Water:

- SE Fairview Street: The City has an 8" water main in SE Fairview Street which extends east to the existing UGB.
- SE Remine Rd: A 6" water main extends north to the City WWTF. A 2" water main provides service to residences at the east end of SE Remine Rd.
- SE 4<sup>th</sup> Avenue: The City's 0.5 MG south water reservoir is located on a hill outside the UGB on SE 4<sup>th</sup> Avenue. An 8" transmission main runs from the reservoir to SE Myrtle Street across Parcel 5.
- SE Tuers Lane: No service available.

Sewer:

- SE Fairview Street: The City has an 8" sewer and a pressure main in SE Fairview Street to SE Remine Rd.
- SE Remine Rd: Pressure mains to WWTF.
- SE 4<sup>th</sup> Avenue: No service available.
- SE Tuers Lane: No service available.

G. Streets:

SE Remine Rd. Unimproved gravel road beyond the City's WWTF and Boy Scout cabin. This narrow road serves as a joint driveway to the homes at the east end.

SE Fairview St. Paved 20'-wide turnpike style street within the city limits. The AC pavement ends at the edge of the UGB. Fairview Street is an unimproved county right-of-way east of the current UGB line.

SW Tuers Lane Tuers Lane is not a county street. It includes two county tax lots that have been improved as a gravel driveway serving homes near SE Kingwood Avenue and as a driveway going to forest lands south of the UGB.

H. Agency Comments and Public Testimony:

1. Agency Comments. Agency comments were solicited from DLCD, Linn County Planning, Marion County Planning, the Mill City Rural Fire District and school district. City staff met with DLCD staff on March 16, 2017 to review the proposal. Public and private utilities were also notified. Agency comments were requested back by April 10, 2017. Agency comments are included in Exhibit J.
2. Public Testimony. The City sent notices of the public hearing to surrounding property owners. Any written public testimony received prior to or during the public hearing is hereby made a part of the record. Oral testimony will be included in the meeting minutes.

At the March 21, 2017 and April 18, 2017 public hearings before the Mill City Planning

Commission, the City received oral testimony. The summary of the oral testimony is included in the meeting minutes.

The following list identifies issues raised during the March 21, 2017 public hearing:

1. Water Quality and protection of salmon/steelhead smolts in Snake Creek.
2. City of Mill City public facilities and capacity
  - o Water rights to serve existing properties plus any land added to the UGB.
  - o Wastewater facility capacity and ability to serve land inside the UGB.
  - o SE Fairview Street and traffic impacts
  - o Storm drainage
3. Law Enforcement – impact an 86 home development on local policing.
4. Environmental questions related to prior mill development on the applicant's site
5. Prior Zoning, Subdivision and Annexation issues affecting the applicant's properties inside the existing Mill City UGB.
6. Proposed 86-lot subdivision development
  - o Impact on adjacent homeowners on SE Remine Rd. and will these property owners have city water service / streets affected by a new development and will the property owners bear any cost of the public improvements related to the subdivision.
  - o Phasing plans

The following list identifies issues raised during the April 18, 2017 public hearing:

7. City of Mill City Kingwood Wells water rights certificates and beneficial use records from the Oregon Department of Water Resources. Submitted by the applicant – Exhibit "H".
8. Property owner support letters from Lee Stafford & Ladonna J. Stafford and Terry and Delores Drake. Submitted by the applicant – Exhibit "H". As requested by the Planning Commission, the applicants provided a signed copy of the letter from the Drakes at the April 24, 2017 Planning Commission.
9. Mill City UGB Alternative Sites Analysis:
  - o Explain why the City completed an UGB Alternative Sites Analysis for lands that are not part of the applicant's proposal.
  - o Will the city initiate a UGB extension or annexation request for any of the area listed by the City as potential Priority 1 UGB adjustment areas? No.
  - o Does the proposal expand the UGB to include any lots on SE Dogwood? No.
3. Public Testimony - Emails. The City and Planning Commissioners received two ex parte emails related to the proposal on March 22 and 23, 2017. The emails are attached in Exhibit F. Each member of the Mill City Planning Commission declared the ex parte contact at the April 18, 2017 public hearing and stated that the receipt of these two emails did not affect their ability to make an impartial decision on the application. The applicant's planning consultant was asked if the applicant had any objections to the inclusion of the documents in the record or to the ex parte

contract. The applicant's planning consultant Jeff Tross stated he had no objections to the inclusion of the documents or the continued participation of any the Commission members.

### III. Findings

The applicant submitted Exhibit B "Applicant's Statement" and Exhibits C, which provide written findings, tables and maps in support of the proposal.

The City's Planning Consultant has reviewed the proposal, including the applicant's submittals, to determine whether or not the proposal complies with the applicable standards and criteria listed on page 2 of this staff report.

#### A. Mill City Comprehensive Plan Amendment

The applicant's proposal includes two amendments to the Mill City Comprehensive Plan map:

- (1) Urban Growth Boundary Adjustment
- (2) Redesignate 18.16 acres as Residential land.

Chapter 17.06 of the Mill City Municipal Code (MCMC) includes application requirements, standards and criteria for amendments to the Mill City Comprehensive Plan. The criteria that apply to this proposal are found in MCMC Section 17.06.080:

##### 17.06.080 Approval criteria.

To approve an application for amendment of the comprehensive plan, findings shall be made that the proposal complies with the following decision criteria:

- A. The proposed amendment is consistent with the applicable LCDC goals, guidelines and Oregon Administrative Rules (OAR).
- B. The proposed amendment is consistent with the applicable goals and policies of the comprehensive plan.
- C. The proposed amendment will be reasonably compatible with the present and/or proposed land uses on abutting property and in the neighborhood.
- D. Adequate public facilities and services are available to serve the uses allowed by the comprehensive plan amendment.
- E. The transportation network in the vicinity is adequate to serve the uses allowed by the comprehensive plan amendment.
- F. The site is capable of supporting the uses for which the plan amendment is intended, considering factors such as soil and foundation quality, geology, and location in a floodplain.

#### 17.06.080.A - Statewide Planning Goals, Oregon Laws and Administrative Rules

An Urban Growth Boundary (UGB) adjustment is reviewed based on applicable criteria found in the Statewide Planning Goals, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The applicable ORS and OAR requirements are listed under each statewide planning goal below.

## Statewide Planning Goals:

### Goal 1 – Citizen Involvement

The City of Mill City and Linn County provide opportunities for citizen involvement in all post-acknowledgement plan amendment proceedings. Notices of the city hearings were provided to affected property owners and agencies. Section II "Background Information" of this staff report outlines the public notice, hearings and citizen involvement process that is used by the City of Mill City. The application, applicant's testimony, public testimony, agency reviews and comments, planning commission minutes and city council minutes are all part of the public record in this case and available to the public.

The proposal complies with Goal 1 – Citizen Involvement.

### Goal 2 – Land Use Planning:

Goal 2 requires the City to provide a 20-year supply of buildable residential and employment lands to serve the projected growth of the community.

- 2.1 The City of Mill City is located in Linn and Marion Counties. The Mill City Urban Growth Boundary contains an area of 751.96 acres (1.2 square miles). Of this total, 390+/- (51.5 per cent) are in the city limits and 360+/- (48.5 per cent) are outside the city limits but within the UGB.
- 2.2 In April 2015, the City of Mill City adopted the "Mill City Buildable Lands Analysis Update" dated February 2015 in compliance with ORS 197.296 and OAR Chapter 660-024 "Urban Growth Boundaries". The report concludes the City has a need for 44.13 acres of buildable residential land for the 20-year planning period that ends in 2035 and a supply of 127.45 acres of net buildable residential land in the Mill City UGB. The City has an adequate supply of buildable land to meet projected housing needs.
- 2.3 The applicant's proposal will remove 18.18 acres of land designated for residential use from the UGB and will add back 18.16 acres of land to be designated for residential use.
  - 14.2 Land removed from UGB: The 18.18 acres includes 2.15 acres of unbuildable constrained land (wetlands, power lines and creek) and 16.03 acres of net buildable residential land.
  - 14.3 Land added to UGB: The 18.16 acres of land that will be added to the UGB includes approximately 2.20 acres of unbuildable constrained land (flood hazard area along the N. Santiam River and right-of-way), leaving 15.96 acres of net buildable residential land.
  - 14.4 The City concludes the UGB land exchange will not increase the amount of buildable residential land inside the Mill City UGB and will have no net impact on the amount of residential land designated on the Mill City Comprehensive Plan map.
- 2.4 The proposal does not affect employment lands.
- 2.5 The proposal to make UGB adjustments must comply with Goal 14 factors required for establishing a UGB boundary and OAR 660-024-0070 "UGB Adjustments". [Note: See Goal 14 findings for discussion of the UGB boundary location factors].

## Goal 14 – Urbanization

Goal 14 requires cities to “To provide 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.”

The applicant’s submittal states:

*“The city’s Urban Growth Boundary is Acknowledged as part of the Comprehensive Plan. The area within the UGB is based on the projected needs of the city during the 20-year planning period. The BLA was updated in 2015, and projects residential land needs to 2035. The BLA shows there is a surplus of land in the UGB for the projected residential land needs during this period. This proposal does not change the acreage that will be in the UGB for that purpose.”*

14.1 Goal 14 requires a city to consider several “urbanization” factors when establishing or modifying an urban growth boundary.

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast; and
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

14.1.1 In April 2015, the City of Mill City adopted the “Mill City Buildable Lands Analysis Update” dated February 2015 in compliance with ORS 197.296 and OAR Chapter 660-024 “Urban Growth Boundaries”. The report concludes the City has a need for 44.13 acres of buildable residential land for the 20-year planning period that ends in 2035 and a supply of 127.45 acres of net buildable residential land in the Mill City UGB.

14.1.2 The buildable lands analysis was prepared using a coordinated 20-year population forecast.

- (3) The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197A.320 or, for the Metropolitan Service District, ORS 197.298, and with consideration of the following factors:
  - (1) Efficient accommodation of identified land needs;
  - (2) Orderly and economic provision of public facilities and services;
  - (3) Comparative environmental, energy, economic and social consequences; and
  - (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

14.1.3 The City of Mill City prepared a “UGB Alternative Sites Analysis” in April 2017 address Goal 14 factors and OAR 660-024-0067. The alternative sites analysis reviewed resource and non-resource lands within ½ mile of the Mill City UGB in both Marion and Linn counties. The analysis is attached as Exhibit G.

The report identified four non-resource areas designated and zoned by Linn County for rural residential development. The four areas (LC-1 to LC-4) include 345 acres of land zoned RR-2.5 and RR-5.

The report concludes the west portion of Area LC-1 (SE Remine Rd.) and the east portion of Area LC-4 (SW Spring St.) are logical locations for either the adjustment of the Mill City UGB or for future expansion of the Mill City UGB.

14.2 Goal 14 requires a city to address requirements in OAR 660-024-0070 when considering a modification or adjustment to the adopted UGB.

#### 660-024-0070

##### UGB Adjustments

(1) A local government may adjust the UGB at any time to better achieve the purposes of Goal 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of this rule apply when removing land from the UGB. The requirements of Goal 14 and this division [and ORS 197.298] apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS 197.296 may also apply when land is added to a UGB, as specified in that statute. If a local government exchanges land inside the UGB for land outside the UGB, the applicable local government must adopt appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and must apply applicable location and priority provisions of OAR 660-024-0060 through 660-024-0067.

14.2.1 ORS 197.296 applies to the Metropolitan Service District (METRO). It does not apply to this proposal.

14.2.2 ORS 197.298 applies to the METRO. It does not apply to this proposal.

14.2.3 The applicant proposes to exchange land inside the UGB for land outside the UGB. The applicant's proposal includes a request to redesignate and rezone property that will go back in Linn County with the Rural Residential (RR-5) and Farm/Forestry (F/F) designations and zones. The affected parcel is a 40+ acre site that has split zoning:

- 7.81 acres are inside the Mill City UGB and is zoned Linn County UGA-RR-5
- 40+ acres are outside the Mill City UGB and is zoned Linn County Farm/Forestry (F/F)

The proposal will redesignate and rezone the entire site to F/F.

14.2.4 Locational criteria in OAR 660-024-0060 through OAR 660-024-0067 may apply to the proposal. The applicant's statement (page 9) includes submitted findings stating:

- OAR 660-024-0060 applies to the METRO and does not apply to this application.
- OAR 660-024-0065 applies when a city finds there is deficit in the amount of buildable residential lands in a city, that was identified during the preparation of a buildable lands analysis. This does not apply to this proposal.
- OAR 660-024-0067 indicating the locational suitability analysis is to be completed when there a City finds during its housing needs analysis that there is a deficit in the amount of buildable residential land.

On March 16, 2017 the City's Planning Consultant David Kinney met with DLCD staff to determine if further analysis is required to address OAR 660-024-0067. Gordon Howard, DLCD urban growth specialist, advised Mr. Kinney that as part of this application, the City will need to prepare findings that include a locational suitability analysis that

addresses the applicant's proposal plus all Rural Residential lands located outside the Mill City UGB. Finding 14.1.3 above and Findings under 14.3 below address the site analysis requirements in OAR 660-024-0067.

**OAR 660-024-0070**

- (2) A local government may remove land from a UGB following the procedures and requirements of ORS 197.764. Alternatively, a local government may remove land from the UGB following the procedures and requirements of 197.610 to 197.650, provided it determines:

14.2.5 The applicant states they will comply with requirements in ORS 197.610 to ORS 197.650.

- (a) The removal of land would not violate applicable statewide planning goals and rules;

14.2.6 Findings related to the applicable statewide planning goals and rules are included in this staff report.

- (b) The UGB would provide a 20-year supply of land for estimated needs after the land is removed, or would provide roughly the same supply of buildable land as prior to the removal, taking into consideration land added to the UGB at the same time;

14.2.7 Finding 2.5.3 above demonstrates that after the UGB land exchange will result in roughly the same supply of net buildable residential land in the Mill City UGB as existed prior to the UGB land exchange.

- (c) Public facilities agreements adopted under ORS 195.020 do not intend to provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB and concurrent modification of the agreement;

14.2.8 There are no public facilities agreements that apply to this proposal.

- (d) Removal of the land does not preclude the efficient provision of urban services to any other buildable land that remains inside the UGB; and

14.2.9 See findings discussion under Goal 11 - Public Facilities.

- (e) The land removed from the UGB is planned and zoned for rural use consistent with all applicable laws.

14.2.10 The proposal includes a request to redesignate and rezone the properties that will be removed from the UGB to either Rural Residential (RR-2.5) or Farm/Forestry (F/F) zones. These zones are consistent with the remainder of the parcels which are already located outside the Mill City UGB. See finding 14.3 above.

**OAR 660-024-0070**

- (3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:

- (a) The amount of buildable land added to the UGB to meet:

- (A) A specific type of residential need is substantially equivalent to the amount of buildable residential land removed, or  
(B) The amount of employment land added to the UGB to meet an employment need is substantially equivalent to the amount of employment land removed, and

- (b) The local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land added is designated:

- (A) For the same residential uses and at the same housing density as the land removed from the UGB, or
- (B) For the same employment uses as allowed on the land removed from the UGB, or
- (C) If the land exchange is intended to provide for a particular industrial use that requires specific site characteristics, only land zoned for commercial or industrial use may be removed, and the land added must be zoned for the particular industrial use and meet other applicable requirements of ORS 197A.320(6).

14.2.11 In April 2015, the City of Mill City adopted the "Mill City Buildable Lands Analysis Update" dated February 2015 in compliance with ORS 197.296 and OAR Chapter 660-024 "Urban Growth Boundaries". No new needs analysis has been, or will be prepared by the City.

14.2.12 Finding 2.5.3 concludes the amount of buildable residential land will remain the same if the UGB land exchange is approved.

14.2.13 This proposal does not affect employment lands.

14.2.14 The applicant requests the City designate the land for residential use on the Mill City Comprehensive Plan Map and rezone the property to an urban density Single Family Residential (R-1) zone. The Mill City residential plan designation and the R-1 zone are consistent with the plan designation, zoning and housing density of the parcels which will be removed from the UGB.

14.3 The proposal must comply with locational suitability analysis requirements of OAR 660-024-0067. Exhibit G – Mill City UGB Alternative Sites Analysis addresses the OAR 660-024-0067 provides a detailed review of the alternative sites evaluated by the City of Mill City. The following findings address the applicant's properties and how they relate to Areas LC-1 to LC-4 in the alternative sites analysis.

**660-024-0067**

**Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities**

(I) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-024-0065, as follows

- (a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to determine which land in that priority category is suitable to satisfy the need deficiency determined under OAR 660-024-0050 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

14.3.1 The applicant proposes to add 18.16 acres adjacent to SE Remine Rd. to the Mill City UGB. Of this 18.16 acres, 8.67 acres are non-resource rural residential lands inside Area LC-1. The remaining 9.49 acres is F/F zoned resource land located between Area LC-1 and the existing Mill City UGB.

Area LC-1 is identified as one of the highest priority sites to be considered for a UGB adjustment or UGB extension.

- (c) If the amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by applying the criteria in section (7) of this rule.

14.3.2 The City does not have a deficiency of buildable residential land. The applicants propose an equivalent acreage exchange of buildable residential land. The City has evaluated four areas (LC-1 to LC-4) to identify priority areas for the exchange of land.

(2) Priority of Land for inclusion in a UGB:

(a) First Priority is urban reserve, exception land, and nonresource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:

(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;

(B) Land that is subject to an acknowledged exception under ORS 197.732; and

(C) Land that is nonresource land.

14.3.3. Areas LC-1 to LC-4 include 132 acres of non-resource lands. They are committed to rural residential development on the Linn County Comp Plan and are zoned RR-2.5 and RR-5.

(b) Second Priority is marginal land: land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

14.3.4 There are no marginal lands being considered for addition to the Mill City UGB.

(c) Third Priority is forest or farm land that is not predominantly high-value farm land: land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensive plan and that is not predominantly high-value farmland as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.

14.3.5 The applicants propose to add a 9.49-acre site (Parcel A-2, part of TL 200) to the Mill City UGB. This site is forest resource land and is zoned Linn County Farm/Forest (F/F).

Applicant's exhibit 5-B shows the 9.49-acre parcel has the following soils:

|              |            |
|--------------|------------|
| II-w Newberg | 2.49 acres |
| IV-w Camas   | 7.00 acres |

The site is east and north of SE Remine Rd. The parcel is bordered by the Mill City UGB (west & south) and by Area LC-1 to the east. The North Santiam River is on the north edge of the site. Remine Rd. crosses through the middle of the site and provides access to the 7 residential parcels east of the site. The property owner logged the site February/March 2017. The applicant's submittal (page 2) states the location adjacent to the Mill City UGB and committed rural residential uses reduce the viability of the site for commercial timber production.

(d) Fourth Priority is agricultural land that is predominantly high-value farmland: land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

14.3.6 There is no high-value farmland within the study area.

(3) Notwithstanding section (2)(c) or (d) of this rule, land that would otherwise be excluded from a UGB may be included if:

- (a) The land contains a small amount of third or fourth priority land that is not important to the commercial agricultural enterprise in the area and the land must be included in the UGB to connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB; or
- (b) The land contains a small amount of third or fourth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.

14.3.7 OAR 660-024-067 (3) allows for a City to include a small amount of resource land in a UGB amendment if the City can make affirmative findings that the inclusion of the site is needed to “connect” to adjacent higher priority land or is completely surrounded by higher priority lands.

14.3.8 Parcel A-2 includes 2.49 acres of Class II soils. The site is bi-sected by SE Remine Rd. which provides access to 25+/- acres of RR-5 land at the west end of Area LC-1 and another 28+ acres of land in east end of Area LC-1 along Dogwood Rd.

14.3.9 If the applicant’s RR-5 land along SE Remine is included in the UGB exchange and developed for residential use, the City of Mill City will require the extension of urban services: urban street, water and sewer services. These urban services will bi-sect Parcel A-2 and commit the site to urban uses.

14.3.10 Only 25% of parcel is Class II soils. The site is not high-value farmland. Parcel 2 is not high-value farmland. The site is surrounded by the Mill City UGB (west and south) and by Linn County RR-5 lands (east) and is bordered by the North Santiam River (north).

14.3.11 The inclusion of 9.49 acres of existing F/F resource land in the Mill City UGB complies with OAR 660-024-0067 (3) because a street and water line bi-sect the property; the 9.49 acres provides utility and road access to up to 53 acres of non-resource Rural Residential land along SE Remine Rd. and SE Dogwood Rd and the F/F land is not being used for commercial agriculture or commercial timber production.

The City concludes the proposal complies with Goal 2 – Land Use Planning and Goal 14 – Urbanization.

**Goal 3 – Agricultural Lands**

**Goal 4 – Forest Lands**

Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary per OAR 660-024-0020(1b).

**Goal 5 – Open Spaces, Scenic and Historic Area and Natural Resources**

**Goal 6 – Air, Land and Water Resources**

Goal 5 requires cities and counties to prepare inventories and adopt protection strategies and regulations for resources within the Mill City UGB. These resources include such features such as riparian corridors, wetlands, groundwater resources, historic and scenic areas, open spaces, etc. which exist inside the UGB. Goal 6 requires cities and counties plan for development in areas which will minimize negative impacts on land and water resources.

Several recent reports and inventories of water/wetland resources have been prepared which affect several of the properties in this proposal.

5.1 Mill City Flood Plain Management Ordinance and Linn County Flood Management Study (September 2010). Parcels 1 and 2 abut the North Santiam River. Any new development must comply with the City's adopted flood management regulations. The City has established protection measures in the flood management ordinance to prevent development within the 100-year flood hazard area and provide riparian corridor protections along the river.

Map 1  
DeFord Creek Reach Assessment  
North Santiam Watershed Council (June 2010)

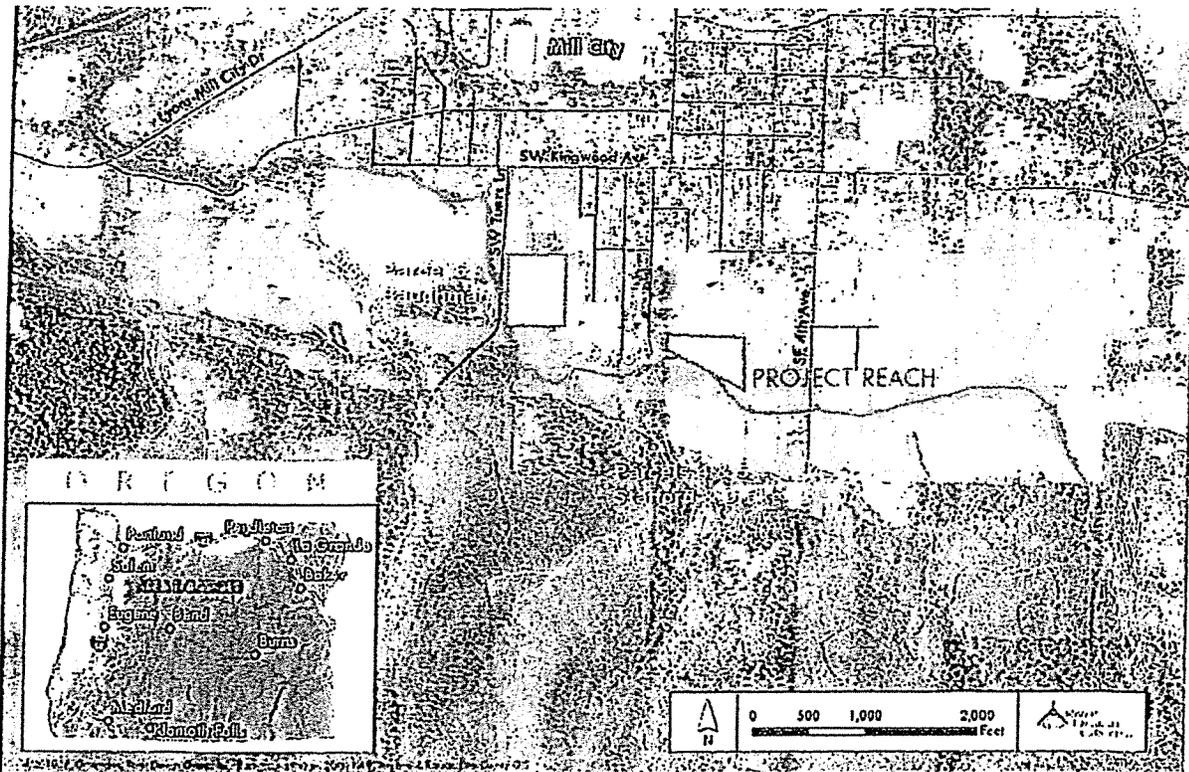


Figure 1-1. The DeFord Creek assessment project reach.

5.2 DeFord Creek Assessment and Restoration Plan, June 2010, River Design Group, Corvallis, Oregon for the North Santiam Watershed Council.

This report is a "reach" assessment of the Snake/DeFord creeks flowing through Mill City to the confluence with the North Santiam River. The purpose of the report was to determine whether or not these streams provide potential for high quality salmon/steelhead rearing habitat and to recommend strategies for stream habitat restoration. It affects Parcels 4, 5 and 6.

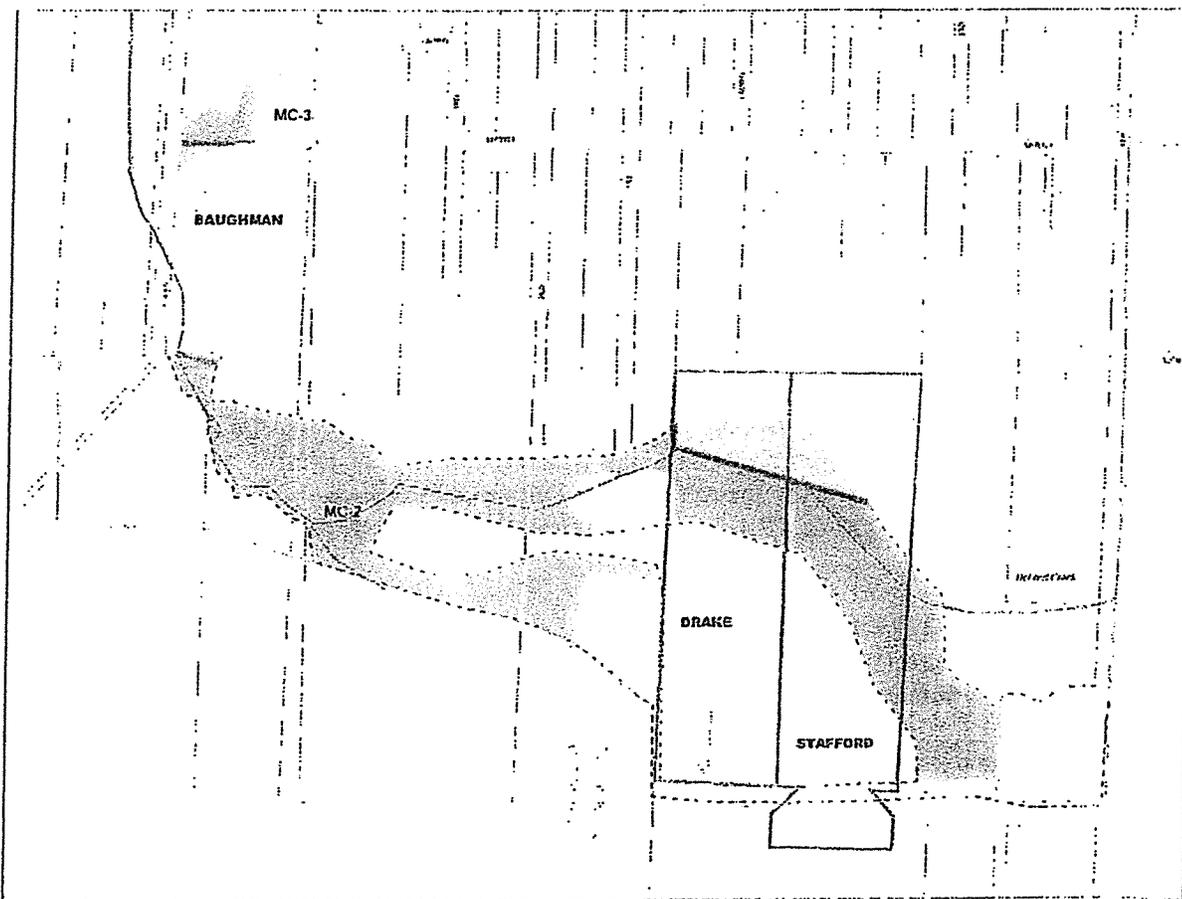
Map 1 shows DeFord Creek flows east to west through the Drake and Stafford properties from Station 36+00 to 45+00. The plan encourages outreach by North Santiam Watershed Council staff

with the property owners. The plan encourages the increase of riparian buffers along the stream channel and habitat restoration work where original stream side vegetation has been degraded. Completion of downstream restoration actions, such as large wood placement and culvert replacement, will enhance the stream habitat for spawning and open up the upper reach of Snake/DeFord creeks to anadromous fish passage. The North Santiam Watershed Council has several grant funded restoration projects underway with individual property owners between Tuers Lane and the N. Santiam River confluence.

To maintain consistency with stream names, this staff report identifies the creek crossing the Drake and Stafford properties as DeFord Creek. Figure 1-1 from the report shows the location of three affected parcels: Parcels, 4, 5 and 6.

5.3 Critical Stream Habitat: Both the North Santiam River and the DeFord/Snake Creek tributaries are designated by the National Oceanic and Atmospheric Administration (NOAA) and Oregon Department of Fish & Wildlife (ODFW) as critical stream habitats for Upper Willamette Chinook and Upper Willamette Steelhead.

Map 2  
Mill City Local Wetlands Inventory December 2011



5.4 Mill City Local Wetlands Inventory, 2010, SWCA & Lane Council of Governments for the City of Mill City. The City's has adopted a local wetlands inventory. The Oregon Department of State Lands (DSL) approved the Mill City Local Wetlands Inventory on December 14, 2011.

The Mill City Wetlands Inventory identifies 12 wetlands, including eight (8) locally significant wetlands inside the Mill City UGB. Wetland area MC-2 includes the stream reach area (Station 36+00 to 45+00) identified in the above report. A small portion of the Baughman site also impacts wetland area MC-3, just east of Tuers Lane. Map 2 shows Mill City wetlands which affect the Stafford (Parcel 4), Drake (Parcel 5) and Baughman (Parcel 6) parcels.

5.5 No other natural or historic resources have been identified on these parcels.

Goal 5 encourages the conservation and management of wetlands, riparian corridors and fish and wildlife habitats. Goal 6 encourages cities and counties to enact plans that will minimize negative effects of development on land and water resources.

Removal of the Stafford (Parcel 4), Drake (Parcel 5) and Baughman (Parcel 6) from the UGB and zoning the parcels as Linn County RR-5 or Farm/Forestry (F/F) will prevent urbanization of these parcels and minimize potential for urban impacts on the DeFord Creek stream corridor, eliminate potential loss of wetlands and lessen potential for damage to the critical salmonid habitat.

The City concludes the proposal complies with Goal 5 and Goal 6.

#### Goal 7 – Natural Hazards.

Goal 7 requires cities to inventory and adopt measures to protect the community from floods, landslides, earthquake and other natural disasters.

7.1 Mill City Flood Plain Management Ordinance and Linn County Flood Management Study (September 2010). The Linn County study and Mill City flood management ordinance regulate development in the N. Santiam River floodway and the adjacent 100-year flood hazard area. Parcels 1 and 2 abut the North Santiam River. Portions of these sites are located within the 100-year flood plain. Any new development must comply with the City's adopted flood management regulations. The City has established protection measures in the flood management ordinance to prevent development within the 100-year flood hazard area and provide riparian corridor protections along the river.

7.2 Snake/DeFord Creek Flood Hazard Area. FEMA has not delineated a 100-year flood hazard area for the Snake/DeFord Creek tributaries. The portions of these creeks inside the Mill City UGB include a natural flood plain noted in the DeFord Creek Assessment and Restoration Plan.

Parcels 4, 5 and 6 along the DeFord/Snake Creek tributaries were inundated in both the December 1964 and the February 1996 flooding that affected the North Santiam Canyon. During the February 1996 flood, DeFord Creek and Snake Creek overflowed their banks between SE 4th Avenue and Tuers Lane in Mill City and caused surface flooding conditions at the south end of the City near SW Kingwood Avenue, SE Myrtle Street and S. 1st Avenue. Removal of these three sites from the Mill City UGB will retain their function as flood buffers in the event of future flash flooding of these tributaries.

7.3 Other Natural Hazards. Chapter 5 of the Mill City Comprehensive Plan inventories other potential natural hazards. The City has not identified any other natural hazards that impact the affected parcels.

7.4 The City of Mill City Storm Drainage Master Plan, Westech Engineering, October 2007.

7.4.1 Snake/DeFord Sub-basin: The master plan includes storm drainage analysis for the Snake Creek sub-basin, which includes 3600 acres (5.6 square miles) of the Snake/DeFord Creek watershed, most of which is outside the Mill City UGB. The plan focuses on storm water needs inside the UGB. It recommends retention of the DeFord Creek stream and flood plain as a natural drainage corridor, the development of bio- swales and detention / retention ponds to handle runoff from peak storms and improve water quality before discharge into Snake Creek, some storm-sewer improvements on urban streets.

The removal of Parcels 4, 5 and 6 from the UGB and continuation of past agricultural/forest uses will retain the stream in its existing condition. The agricultural fields will continue to function as a natural flood plain for the DeFord Creek drainage basin.

7.4.2 SE Fairview (Kimmel Park) Sub-basin: The master plan identifies the Kimmel Park (KP) sub-basin which extends south from the N. Santiam River to SE Kingwood Street, from SE 6<sup>th</sup> Avenue east to the log ponds on the applicant's property outside the UGB on TL 100. Water from the basin discharges to the North Santiam River. A detailed analysis of this sub-basin has not been completed by the City and will be required as part of any development proposal for this area.

The City concludes the proposal complies with Goal 7. Any specific development proposals will need to address flood hazard and storm water management issues.

#### Goal 8 – Recreational Needs

The Mill City Parks Master Plan was adopted in 2014 as a technical public facilities plan. The parks plan recommends the City provide local parks, open spaces and recreational trails to serve a growing community. There are several recommendations that may impact the future development of properties subject to this application:

- 8.1 Kimmel Park. Kimmel Park is a community park located on SE Fairview Street. The parks plan recommends the City make improvements within the existing park.
- 8.2 Recreational Trails. The plan recommends the extension of a pedestrian/recreational trail east of Kimmel Park and north of the City's wastewater treatment facility, in order to connect to a future pedestrian bridge across the N. Santiam River and a recreational trail south to SE Fairview Street. A future development proposal will need to consider these recommendations in the project design.
- 8.3 Snake/DeFord Creek Area. The plan also recommends an open space and possibly a recreational trail in the area of the Snake/DeFord Creek corridor at the south end of the UGB.
- 8.4 The applicant's conceptual plan for the site does not show any dedication of land for future parks, open space or recreational trails.

The City concludes the proposal is consistent with the Parks Master Plan. Any future development application will need to be consistent with the City's park plan recommendations.

**Goal 9 – Economy**

Statewide Planning Goal 19 addresses commercial and industrial development and the economy. No industrial or commercial lands or activities are included in the proposal.

The City concludes Goal 9 issues do not apply to this proposal.

**Goal 10 – Housing**

Goal 10 requires cities to inventory and make available buildable lands that are suitable, available and necessary for all types of residential development. The City's comprehensive plan must encourage the development of needed housing units to serve persons of all income levels and provide for flexibility of housing locations, types and density.

10.1 The City of Mill City adopted the Mill City Buildable Lands Analysis Update in 2015. The report concludes the City has a need for 44.13 acres of buildable residential land for the 20-year planning period that ends in 2035 and a supply of 127.45 acres of net buildable residential land in the Mill City UGB. See the Goal 2 Findings above.

10.2 The removal of 18.18 gross acres and addition of 18.16 gross acres to the Mill City UGB is an equal exchange land. The amount of buildable residential land that will be removed and then added to the UGB is also equivalent. See Goal 2 Findings above.

The City concludes the proposal complies with Goal 10.

**Goal 11 – Public Facilities**

Goal 11 requires cities to plan for the timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The City, Linn County and the Mill City Rural Fire Protection District provide a variety of public services.

11.1 Fire Protection Services. All of the affected properties are located within the Mill City Rural Fire District boundaries. Fire protection and emergency medical response services will not be affected by this proposal.

11.2 Law Enforcement Services. Linn County provides law enforcement services for the City of Mill City and the surrounding rural areas. Law enforcement services to the parcels will not be affected.

11.3 Water. The City of Mill City operates a municipal water system. It provides potable drinking water to approximately 820 customers located inside the city limits and to approximately 65 customers outside the City.

11.3.1 Water Master Plan. The City has adopted the Mill City Water Master Plan (Westech

Engineering, 2001 and 2003 update). In 2004, the City constructed water system improvements including construction of a 1.0 MG reservoir, new municipal wells, pump station and 19,000 lineal feet of water main. With the construction of these Phase 1 improvements the City has adequate water supply and storage capacity in the system to serve the buildable lands in the City of Mill City. The Kingwood wells #1 & #2 can pump up to 800+ gpm. The water master plan indicates peak day demand 2022 is estimated to be 418 gpm and the wells have capacity to serve development within the Mill City UGB.

The applicant submitted Exhibit H-3, Kingwood Wells #1 & #2 water rights certificates and Oregon Department of Water Resources report on beneficial use of the city's water rights. The report shows the current 860+ water customers are using approximately 1/3 of the water right during the peak use year of 2013. The water rights from Kingwood Wells #1 and #2 are adequate to meet the city's water uses demands for the UGB.

**11.3.2 Water Distribution System to SE Fairview / Remine Rd. Area.** The City has an 8" water main that extends to the east end of SE Fairview Street to the existing UGB. The water master plan calls for the looping of an 8" to 12" transmission main along east edge of the UGB (along the SE Fairview right-of-way) to connect to SE Kingwood Avenue.

The City has the ability to provide water service to Parcels 1 & 2, the 18.16 acres proposed to be added to the UGB. At the time of development, the applicant will be required to provide an engineering analysis demonstrating the water distribution system has the capability of providing required fire flows to a new development. Water main extensions and looped water mains will be required in order to comply with the water system master plan and the City's public works design standards.

**11.3.3 Water Distribution System to Parcels 4 & 5 (SE 4<sup>th</sup> Avenue) and Parcel 6 (SE Tuers Lane).** The Drake home on SE 4<sup>th</sup> Avenue is served by the City water system. The Stafford home has a private well. Both homes are outside the UGB and service will not be affected by this proposal.

The undeveloped Parcels 4, 5 and 6 are not served by the City water system. These areas are located in future development areas of the City. The City has no plans to extend services to these sites in the next 10 years.

Due to the location of Parcels 4, 5, and 6 at the south edge of the Mill City UGB, these areas are identified in the Water Master Plan as future development sites, where the City will require a developer to install 8" or larger water mains as part of a development project. The removal of these sites from the Mill City UGB will not negatively impact the City's ability to serve other undeveloped properties south of Kingwood Avenue to extend water mains from the existing grid of water mains in the SE Kingwood/SE Myrtle Street area.

**11.4 Storm Drainage.** See Goal 7 – Findings for discussion of storm drainage facilities and the City of Mill City Storm Drainage Master Plan.

**11.5 Sanitary Sewer.** The City of Mill City operates a wastewater collection and treatment system that serves approximately 825 customers inside the city limits. No customers are currently served outside the city.

- 11.5.1 No Service to Parcels 1 to 6. No parcels in the proposal are served by city sewer.
- 11.5.2 Wastewater Facilities Plan. The City of Mill City does not have a current wastewater facilities plan that outlines future improvements to the wastewater treatment or collection system during the 20-year planning horizon until 2035.
- 11.5.3 Capacity of Existing Wastewater Treatment Facilities. The City constructed the existing wastewater treatment facility in 1994. At the time of construction, the WWTF was designed to serve the existing 1560 residents of Mill City, with 10%-15% additional capacity for new development. The City has added approximately 300 residents (20%) to the system.

Keller Associates, a civil engineering firm, prepared a wastewater facilities feasibility study in 2016 for future wastewater system improvements for communities in the N. Santiam Canyon from Lyons to Idanha. The Keller wastewater feasibility study included a short technical paper reviewing the Mill City wastewater treatment system. The technical memo concluded that the operation of the Mill City wastewater treatment system is reaching the upper limits of its operating parameters. However, the memo did not make any specific conclusions about the remaining capacity of the Mill City wastewater treatment facility.

The City's buildable lands analysis estimates Mill City's population will grow from 1860 to 2460 by the year 2035. This will add 270+ housing units and other commercial/industrial development. If the existing wastewater treatment facility is nearing capacity, the city staff concludes the existing facility may or may not have capacity to serve all of the anticipated residential and commercial developments which are anticipated in the 20-year planning period from 2016 to 2035.

- 11.5.4 Capacity Analysis for Future Development. The City does not have any restrictions on connections to the city's wastewater treatment facilities.

Since the City of Mill City does not have an up-to-date Wastewater Facilities Master Plan, the City will either need to complete an analysis of the capacity of the wastewater treatment plant to handle growth or an applicant for a major development may be required to prepare and submit to the City an analysis showing the wastewater facility has adequate capacity to serve the projected wastewater flows from the new development.

- 11.5.4 Collection System near SE 4<sup>th</sup> Avenue and SW Tuers Lane. The city sewer collection system does not extend south to Parcels 4, 5 and 6. Since these sites are at the south edge of the Mill City UGB, the removal of these sites from the UGB will not impact any other future development south of Kingwood Avenue but still inside the UGB. The sewer collection system can be extended south from either Kingwood Avenue, Myrtle Street or adjacent cross-streets.
- 11.5.5 Collection System to serve future development on SE Remine Rd. and SE Fairview St. The applicant's proposal will add 18.18 acres of developable residential land to the UGB. This land is located adjacent to the Mill City wastewater treatment facility. The City

concludes that the sewage collection system can be easily extended to serve this development. In 2005 a portion of the applicant's property inside the UGB was proposed for development and the City Engineer concluded the site could be served by the existing system.

11.5.6 Effect of a Residential Land Exchange on Wastewater Capacity. The proposal to remove 18.18 acres from the UGB and add back 18.16 acres of land to the UGB will result in no net gain of buildable land inside the Mill City UGB. Residential densities are anticipated to be the same. For planning purposes, this means the City needs to plan for the development of the same number of housing units within the Mill City UGB.

11.5.7 Timing of Development. The timing of development is expected to be faster. The applicants have proposed to initiate a residential subdivision development in the next two years if this proposal is approved and Parcels 1 & 2 (18.16 acres) on SE Fairview & SE Remine Rd. are annexed to the City.

Parcel 3 (7.81 acres) is located at the east end of SE Fairview Street, just south of Parcels 1 & 2. Parcel 3 could be developed as a residential subdivision with extensions of water, sewer and SE Fairview Street.

Parcels 4, 5 and 6 (18.18 acres) are at the south end of the UGB. They are unlikely to develop and connect to the City wastewater facilities in the next ten years because they are located at the edge of the UGB and would require intervening development before sewers could be extended to the sites.

The City Planner concludes there are adequate law enforcement, fire protection/emergency medical services and public water system to serve the property. The City further concludes that the City's wastewater treatment facility may have capacity limitations that may be reached if the City has rapid development of Parcels 1 and 2 or other buildable lands inside the City. The City currently has no limitations on connections to the city's wastewater facilities. As subdivisions and developments are proposed in the next 5 to 10 years, the City will require applicants to provide information on the wastewater effluent demands that will be placed on the city's wastewater treatment system as part of the development review process to determine if the City has capacity to serve the proposed development.

The City concludes the proposal complies with Goal 11.

#### **Goal 12 – Transportation**

Goal 11 requires cities to provide for a safe, convenient and economic transportation system. Due to its size, the City of Mill City is not required to prepare a Transportation System Plan. The Mill City Comprehensive Plan does include transportation goals and policies that encourage the development of a local streets, roads and pedestrian network to serve the residents of the city.

12.1 SE Fairview Street is a local street. It serves as a minor collector for the SE section of the City between the North Santiam River and SE Kingwood Avenue. The Comprehensive Plan local streets plan shows SE Fairview will be extended to SE Kingwood Avenue and built to urban standards. This minor collector street will serve the undeveloped area inside the UGB at the east end of SE Fairview Street, including Parcels 1 and 2 if the UGB is expanded and the properties are annexed and

developed to urban densities.

- 12.2 The Mill City Comprehensive Plan includes a Transportation Policies #2 and 16 which recommend future development of a local street and trail network for the area south of Kingwood Avenue and inside the Mill City UGB.

The plan shows a local street and pedestrian/bike trail located at the south edge of the UGB between Tuers Lane (west) and SE 4th Avenue (east). The purpose of the schematic plan was to graphically describe a local street and pedestrian trail north of the BPA power lines and north of DeFord Creek and serve as a guide to developers. The schematic plan shows the roadway and trail crossing the north edge of the Drake and Stafford properties. The actual location of these future streets and trails will depend on a development proposal from the property owners and will likely vary from the schematic layout. The plan shows the development of a grid street pattern to improve circulation through these prospective residential areas.

If the Parcels 3, 4 and 5 are removed from the UGB, the location of these future street and storm drainage facilities would be shifted to the north. The removal of these parcels from the UGB will not affect this schematic plan for future transportation facilities.

The City finds the proposal complies with Goal 12.

### **Goal 13 – Energy Conservation**

The applicant has submitted findings citing new homes will be constructed to energy conservation standards and the location of Parcels 1 and 2 are adjacent to existing city streets and services, thereby reducing the costs and improving the energy efficiency in providing public utilities, streets and services.

The City Planner concurs the proposed development site encourages a more compact urban form, by placing new development close to existing residential neighborhoods with existing public services.

The City finds the proposal complies with Goal 13.

## **17.06.080.B – Consistent with the Mill City Comprehensive Plan**

### **Mill City Comprehensive Plan Goals & Policies**

#### **Urbanization**

##### **Urbanization Goal 1:**

*To provide for the orderly outward expansion and growth of the City of Mill City while maintaining fiscal accountability and preserving the livability of the city.*

##### **Urbanization Goal 2:**

*The City of Mill City and Linn and Marion Counties shall maintain the established Urban Growth Boundary agreement which provides for the future land needs of the City and the logical extension of services.*

The applicant's statement addresses the City's urbanization goals and policies on pages 21 to 25.

- U-1.1 The Mill City, Linn County and Marion County planning agreement sets forth processes and procedures to amend or update the UGB. The UGB has remained substantially the same since adoption in 1980. Several minor UGB expansions have occurred in Marion County to follow parcel lines, to include a site for a city water reservoir and to annex a parcel with a failed septic system. In 2015, the City made minor adjustments to the UGB to correct mapping errors and follow existing parcel lines.
- U-1.2 If the City approves this proposal to amend the UGB, modify comprehensive plan designations and zoning of individual properties, the City will forward the proposal to Linn County for consideration and action.

**Urbanization Policy 1:** *Urbanization shall grow outward from existing developed areas of Mill City in a systematic and phased manner to preserve agricultural lands:*

- 1) *Targeting areas with existing services as growth areas.*
- 2) *Encouraging in-fill of vacant land.*

**Urbanization Policy 2:** *The City of Mill City shall not supply city services outside the urban growth boundary, except where such services already exist.*

- U-1.3 The City of Mill City has an adequate supply of buildable residential and employment lands inside the Mill City UGB. Expansion of the UGB into agricultural or forest lands has not been proposed.
- U-1.4 During the 1990's and 2000's growth in Mill City occurred as infill development inside the city limits and UGB. Annexations were approved for parcels to provide land for the City's water reservoir and for residential and commercial properties which were already served with either City water service or required annexation due to failing septic systems.

**Urbanization Policy 3:** *The City of Mill City shall review the urban growth boundary simultaneously with review of the comprehensive plan.*

- U-1.5 As permitted in MCMC Chapter 17.06 this application is a quasi-judicial proposal submitted by a property owner. The UGB amendment has been filed concurrently with applications to amend the Mill City Comprehensive Plan map, the Mill City Zoning Map and a subsequent annexation if the UGB amendments are approved by both the City of Mill City and Linn County.

**Urbanization Policy 4:** *The City of Mill City shall review the land use patterns and practices within the city every four to seven years to assess the growth and development of Mill City and to evaluate the compatibility between urban uses and agricultural practices.*

- U-1.6 The City of Mill City last updated the Mill City Comprehensive Plan Chapter 4 – "Land Use" in 2015. Chapter 4 summarizes existing land use, buildable land needs for housing and residential lands. At that time the city concluded there was no need to amend the UGB or perform further analysis of the compatibility between conflicting urban and agricultural uses. See Goal 2 and Goal 14 Findings.

**Urbanization Policy 5:** *The City of Mill City shall review all development proposals within the urban growth boundary to avoid future problems and to see that the development proposals will be compatible with the city's plans. If a problem is identified by the City, the City of Mill City and Linn and Marion Counties must come to an agreement prior to development or issuance of a permit by the County.*

- U-1.7 This proposal is a quasi-judicial application that will include an agency review by Marion County and a formal consideration and review by Linn County if it is approved by the City of Mill City.

**Urbanization Policy 6:** *Amendment of the urban growth boundary of the City of Mill City shall be based upon the Mill City Comprehensive Plan and the following:*

- a) *Demonstrated need to accommodate long-range urban population growth requirements.*
- b) *Need for housing, employment opportunities and livability.*
- c) *Orderly and economic provision for public facilities and services.*
- d) *Maximum efficiency of land uses within and on the fringe of the existing developed area.*
- e) *Environmental, energy, economic and social consequences.*
- f) *Retention of agricultural lands as defined with Class I being the highest priority for retention and Class IV the lowest priority.*
- g) *Compatibility of the proposed uses with nearby agricultural activities.*
- h) *Conformity with the goals and policies of the Mill City Comprehensive Plan.*

- U-1.8 The proposed UGB land exchange results in no change in the amount of buildable residential land in the UGB. Goal 2 findings show the City has adequate buildable land to accommodate the projected housing needs of the city in order to meet the estimated 20-year population projection of 2,461 residents by the year 2035.
- U-1.9 The City has a need for 270+/- housing units during the 20-year planning period through 2035. All buildable lands within the City limits and existing UGB are available to meet the projected need.
- U-1.10 The City has public facilities plans for water and storm drainage facilities which show a phased, systematic extension of services. The sewer system was built in 1994 and extends to most areas within the City, with a capability of having the collection system expand into the unincorporated portion of the UGB. See the Goal 11 Findings.
- U-1.11 Parcels 1 & 2 are on the fringe of the city's developed area. These two sites are adjacent to SE Remine Rd and SE Fairview Street. The Mill City wastewater treatment facility and an 8" city water main can be easily extended to serve the 18.16 acres if these properties are developed. The City currently provides water service to existing homes at the east end of SE Remine Rd.
- U-1.12 Parcels 3 (to be removed) is adjacent to the UGB at the end of SE Fairview Street. It is part of a larger Farm/Forestry parcel. Services can be extended to this site if it remains in the UGB.
- U-1.13 Parcels 4, 5 and 6 are at the south edge of the Mill City UGB and will need to wait for urban service extensions from undeveloped parcels to the north. See Goal 11 Findings.
- U-1.14 The City has the ability to provide water, sewer and storm drainage services to Parcels 1 & 2, as discussed above in U-1.2 to U-1.6 and discussed in Goal 7 – Air & Water Resources and Goal 11 – Public Facilities.
- U-1.15 Parcels 1 & 2 are at the edge of the City's existing residential area at the east end of SE Fairview Street with public water, sewer and street services adjacent to the site.
- U-1.16 The applicant's statement addresses environmental, energy, economic and social consequences of the proposal.

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U.1-13 Retention of Agricultural Lands. None of the current properties are in commercial agricultural uses. Parcels 4 & 5 (4.32 acres) have been used as pasture for the Drake and Stafford rural home sites.

Applicant's Exhibit C-5 provides a map and table describing existing soils. The table shows the following:

| Total Acres                        | Class II Soils | Class III Soils | Class IV Soils | Total Acres |
|------------------------------------|----------------|-----------------|----------------|-------------|
| Area to be Removed from UGB        | 8.20           | 1.92            | 8.06           | 18.18       |
| Area to be Added to UGB            | 9.40           | -               | 8.76           | 18.16       |
| Net Difference Amount added to UGB | 1.20           | (1.92)          | .70            | (0.02)      |

**Urbanization Policy 7:** Prior to an amendment to the Mill City Comprehensive Plan the following four points as required by Statewide Land Use Law shall be the compelling reasons and facts for the conclusion set forth in the public record.

- a) Why these other uses should be provided for.
- b) What are the alternative locations within the area that could be used for the proposed uses.
- c) What are the long term energy, environmental, economic and social consequences to the locality, the region, and the state from not apply Statewide Land Use Planning Laws or permitting the alternative use.
- d) A finding that the proposed uses will be compatible with the adjacent uses.

U.1-14 The LCDC Goal Findings for Goal 2 "Land Use" and Goal 14 "Urbanization" on pages 11 to 17 of this report address these criteria in detail. The following provides supplemental information:

- a. Other uses: No new uses are proposed. The applicant proposes to adjust the Mill City UGB and remove/add 18.16 acres of residential, an equal exchange.
- b. Alternative Locations: Exhibit G, the "Mill City UGB Alternative Sites Analysis", (April 2016) reviews alternative sites for a UGB exchange of residential land.
- c. ESEE analysis: The ESEE analysis for each alternative site is included in Exhibit G.
- d. Compatibility with Adjacent Uses: The applicant's property that will be added to the Mill City UGB is adjacent to undeveloped R-1 zoned residential land inside the UGB, within 500' of the Mill City WWTF and the property along SE Remine Rd. abuts non-resource Rural Residential home sites along this street.

**Land Use Goals and Policies:**

*GENERAL LAND USE GOALS*

*Goal LU-3: To provide an adequate supply of buildable land inside the city limits that is zoned for residential, commercial, industrial and public uses to meet the projected needs of the City for the next 20 years.*

*Goal LU-4: To plan for the development of land outside the city limits and inside the Mill City Urban Growth Boundary (UGB).*

*RESIDENTIAL LAND:*

*Goal LU-5: To develop and maintain residential neighborhoods that are pleasant, safe, attractive and*

*healthful.*

*Goal LU-6: To provide opportunities for a mix of housing types and lifestyles within the economic capabilities of the present and future citizens of Mill City.*

The applicant's statement addresses the City's urbanization goals and policies on pages 17 to 19.

- LU-1.1 In 2015, the City adopted an update to the Mill City Buildable Lands Analysis to plan and zone land for residential, commercial, industrial and public uses for the period 2016-2035. It plans for development of all property inside the city limits and within the unincorporated area of the UGB.
- LU-1.2 The City's zoning code (Chapter 17) and subdivision codes (Chapter 16) establish regulations setting standards for the development of livable neighborhoods in the City of Mill City.
- LU-1.3 The City's residential zoning districts allow for the development of a variety of housing types to provide a mix of housing for citizens of all income levels and lifestyles.
- LU-1.4 The applicant's conceptual subdivision plan shows a mix of housing lots for a conventional single family residential development as well as ¼ to ½ acre riverfront lots. The conceptual plan appears to provide opportunities for a mix of homes in various price ranges.

#### **Housing Goals and Policies:**

##### *HOUSING*

*Goal 1: To provide for the housing needs of residents of Mill City.*

*Goal 2: To work with the residents of Mill City and County, State and Federal agencies to reduce the cost of housing and to improve existing housing.*

- H-1.1 The applicants' proposal anticipates the development of 18.16 acres of land in a low-density residential development with approximately 86 housing units. If developed, the project will provide additional housing choices for existing residents looking for a new home and for immigration of new persons who want to relocate to Mill City.
- H-1.2 The City will coordinate this land use application and any subdivision/development proposal with local, state, federal and county agencies during the review of the project to ensure compliance with the applicable regulations.

#### **Public Facilities Goals and Policies:**

##### *Public Facilities and Services*

*Goal 2: To prioritize all improvement of public facilities and services to achieve:*

- 1) A timely and orderly program of delivering public facilities and services;*
- 2) Development and/or improvement of those facilities and services identified as vital to the community; and*
- 3) Greater awareness of community health, safety and welfare needs.*

*Policy 14: Water Service. The city shall extend water service only to areas within the Mill City UGB and to those properties receiving water prior to the time the city acquired the water supply system. In the event of*

*water supply capacity limitations, the city will provide water to new customers inside the city limits prior to extending service to those areas between the city limits and the UGB.*

**Policy 19: Sewer Service Extensions.** *The city shall extend sewer service only to properties within the city limits. Properties outside the city limits shall be annexed to the city prior to being eligible for extension of the sanitary sewer system to serve the property.*

The findings under Goal 11 – “Public facilities” on pages 22 to 25 of this report discuss public facilities and services, water and wastewater system capacities and the ability of the City to extend service to the applicant’s properties on SE Remine Rd. The following findings address Policies 14 and 19.

PF-1.1 The City of Mill City water system serves 65+/- homes outside the city limits and UGB, including homes at the east end of SE Remine Rd. Water service may be provided to the applicant’s property only if:

- The Mill City UGB is extended to include the applicant’s 18.16 acres.
- The property is annexed to the City.

The applicants’ proposal anticipates the development of 18.16 acres of land in a low-density residential development with approximately 86 housing units. Part of the proposed subdivision will be inside the existing city limits. The applicant’s conceptual subdivision plan shows streets and utility extensions into the UGB expansion area.

The applicant’s property inside the city abuts SE Fairview and an existing 8” water main. The annexation area can be served by an 8” or larger water main extension from SE Fairview Street.

PF-1.2 The City of Mill City sewer system only serves properties inside the existing city limits. Sewer service may be provided to the applicant’s property only if:

- The Mill City UGB is extended to include the applicant’s 18.16 acres.
- The property is annexed to the City.

The SE Remine Rd. area is immediately adjacent to the City’s WWTF. Sewer collection lines can be extended east to serve the annexation area.

If the UGB expansion and annexation are approved, the applicant may apply for a subdivision development. The applicant will be required to submit a detailed plan for water and sewer services for the subdivision site and an analysis of the system capacities, fire flow requirements, wastewater impacts, etc. The City will evaluate the proposal for compliance with the Mill City Subdivision Code and the City’s public works design standards and construction specifications.

### **17.06.080.C – Compatibility with abutting land uses and the neighborhood**

The Background section on existing conditions (p. 6) describes surrounding land uses adjacent to or abutting each of the parcels. See Findings on Goal 2, Goal 5, Goal 11 and Goal 14 for further discussion of existing uses, open space/resource issues and urbanization factors.

Parcels 1 & 2 will be added to the UGB. They are located at the east end of SE Fairview Street and SE Remine Rd. at the edge of the existing UGB. The City’s wastewater treatment facility and fire volunteer association’s Boy Scout cabin are located west of Parcels 1 & 2. The properties south of SE Fairview Street are rural residential lots outside the city limits, but inside the UGB. The applicant, Rex Lucas, owns

a 100+/- acre area outside the UGB (old Remine mill site) that is vacant and is designated and zoned for Farm/Forest uses. Parcel 3 (7.81 acres), which includes 2<sup>nd</sup> growth timber, will be added to the F/F site.

Parcels 4, 5 and 6 are located at the south end of the Mill City UGB. Each of these lots are split zone parcels, with the majority of each site located outside the UGB. The removal of these parcels will enable the entire parcel to be redesignated and rezoned to the underlying County zone (RR-5 or F/F).

The City finds the proposal UGB adjustments, plan redesignations and zone changes are compatible with the abutting land uses and development patterns.

#### **17.06.080.D – Adequate public facilities and services are available**

See Goal 11 findings discussion on available public facilities and services.

The City finds the proposed land to be added to the Mill City UGB can be adequately served with public services, but the timing and cost of required facilities is uncertain.

#### **17.06.080.E -- Adequate transportation facilities are available**

See Goal 12 and Goal 8 findings discussion on available streets, roads and recreational trails.

The City finds the proposed land to be added to the Mill City UGB has adequate access to the local streets and recreational trails networks and a new development can be integrated into the existing transportation network.

#### **17.06.080.F -- Site is capable of supporting proposed uses considering factors such as soil and foundation quality, geology and location in the flood plain.**

Chapter 5 of the Mill City Comprehensive Plan reviews soils, geology and flood hazard areas. See findings under Goal 5, Goal 6 and Goal 7 for a detailed discussion. The applicant has submitted Exhibits 5A and 5B providing information on existing soils and compatibility. The soil types do not have any landslide hazards or building limitations. A portion of the site abuts the North Santiam River. The City will require the development to comply with flood hazard management regulations and at the time of a proposed subdivision or development, the application will be required to provide geotechnical, flood hazard and storm drainage analysis and mitigation plans to avoid, minimize or mitigate any hazards that may exist on the site.

The City finds Parcels 1 and 2 to be added to the UGB can support a proposed residential development.

### **B. Annexation and Rezoning to Mill City Single Family Residential (R-1)**

The applicant's proposal includes a proposal to annex 18.16 acres to the City of Mill City and upon annexation rezone the property to a single family residential zone (R-1).

ORS 222.125 allows cities to annex territory when all (100%) of the property owners of the territory and not less than 50% of the electors (registered voters) living within the area to be annexed submit a petition (application) requesting the property be annexed. The owner of the subject property is Rex Lucas. There are no electors.

Section 17.08.040 of the Mill City Zoning Ordinance requires annexations and re-zoning to be handled concurrently, and states further:

**Section 17.08.040 Zoning of Annexed Areas.** Any additional property to be annexed to the City of Mill City shall have attached to the legal description thereof, a map of the property. All annexations and zoning of the annexed properties shall be handled concurrently at the same public hearing. All annexed properties shall be zoned within a City zoning district that is in harmony with the existing comprehensive plan description.

The Mill City Municipal Code (MCMC) Section 17.60.030 has minimal criteria for approval of an annexation to the City and a concurrent zone change: "The amendment must be consistent with the applicable policies of the comprehensive plan."

The findings on pages 26 to 31 of this report review the applicable comprehensive plan goals and policies.

**Conclusion:** The Planning Commission concludes the proposal is consistent with the applicable policies of the Mill City Comprehensive Plan. If the UGB Adjustment is approved, the Planning Commission concludes the applicant's property should be designated as Residential on the Mill City Comprehensive Plan Map. Upon Linn County concurrence, then the Planning Commission recommends the 18.16 acres be annexed to the City and rezoned Single Family Residential (R-1).

#### **IV. CITY PLANNER CONCLUSION and RECOMMENDATIONS**

Based on the findings contained in this report, the City's Planning Consultant and Mill City Planning Commission conclude the applicant's proposal complies with the requirements to approve a UGB amendment to add 18.16 acres and remove 18.18 acres from the UGB and to redesignate and rezone the properties as proposed by the applicant.

#### **Mill City Comprehensive Plan and Zoning Map Amendments**

The Planning Consultant recommends the City approve the following Mill City Comprehensive Plan amendments:

1. Mill City UGB Adjustment.

- a. Remove 18.18 acres from the Mill City UGB as proposed in Table 1.
- b. Add 18.16 acres from the Mill City UGB as proposed in Table 1.

2. Mill City Comprehensive Plan Map

Designate the 18.16 acres added to the Mill City UGB as "Residential" on the Mill City Comprehensive Plan Map as shown in Table 1.

3. Mill City Zoning Map

Recommend the City Council rezone the 18.16 acres added to the Mill City UGB as Single Family Residential (R-1) on the Mill City Zoning Map, as shown in Table 1.

Table 1  
Baughman – Lucas Mill City UGB Amendment Proposal

| #   | Name of Parcel                 | Assessor's Map | Tax Lot     | Acres Removed from UGB | Acres Added to UGB | Existing Linn County Comp Plan | Existing Linn County Zoning | Proposed Comprehensive Plan and Zoning Map Revisions |
|---|--------------------------------|----------------|-------------|------------------------|--------------------|--------------------------------|-----------------------------|--|
| <b>Properties Proposed to be Added to the Mill City UGB</b>   |                                |                |             |                        |                    |                                |                             |  |
| 1   | Parcel A-1                     | 09S 03E 29     | 103         |                        | 8.67               | Rural Residential              | RR-5                        | Proposed Mill City Plan & Zoning SFR Residential R-1 |
| 2   | Parcel A-2                     | 09S 03E 29     | 200 (part)  |                        | 9.49               | Farm / Forestry                | F/F                         | SFR Residential R-1                                  |
| <b>Properties Proposed for Removal from the Mill City UGB</b> |                                |                |             |                        |                    |                                |                             |  |
| 3   | Parcel R-2 Lucas (Fairview)    | 09S 03E 32     | 100         | 7.81                   |                    | SFR Residential                | UGA-RR 2.5                  | Proposed Linn County Plan & Zoning Farm/Forestry F/F |
| 4   | Stafford (SE 4 <sup>th</sup> ) | 09S 03E 32     | 2402 (part) | 2.45                   |                    | SFR Residential                | UGA-RR 2.5                  | Rural Residential RR-5                               |
| 5   | Drake (SE 4 <sup>th</sup> )    | 09S 03E 32     | 1804 (part) | 1.87                   |                    | SFR Residential                | UGA-RR 2.5                  | Rural Residential RR-5                               |
| 6   | Parcel R-1 Baughman            | 09S 03E 31     | 1204 (part) | 6.05                   |                    | SFR Residential                | UGA-RR 2.5                  | Farm/Forestry F/F                                    |
| <b>Totals</b>   |                                |                |             | <b>18.18</b>           | <b>18.16</b>       |                                |                             |  |

If the City approves steps 1, 2 and 3, then the Planning Consultant recommends the City forward the proposal to Linn County to consider and make decisions to approve concurrent amendments to the Linn County Comprehensive Plan Map and Zoning Map:

4. Linn County Comprehensive Plan Map and Rezoning

- a. Recommend Linn County adjust the Mill City UGB as proposed.
- b. Recommend Linn County redesignate and rezone lands that are removed from the Mill City UGB as follows:
  - i. 7.81 acres SE Fairview Street Redesignate as Farm/Forest (F/F)
  - ii. 4.32 acres SE 4<sup>th</sup> Avenue Redesignate as Rural Residential (RR-5)
  - iii. 6.05 acres SW Tuers Lane Redesignate as Farm/Forest (F/F)

**Annex and Re-zone Land Added to Mill City UGB:**

If Linn County approves item 4 and notifies the City that it concurs with the adjustment to the Mill City UGB as proposed, then Planning Consultant recommends:

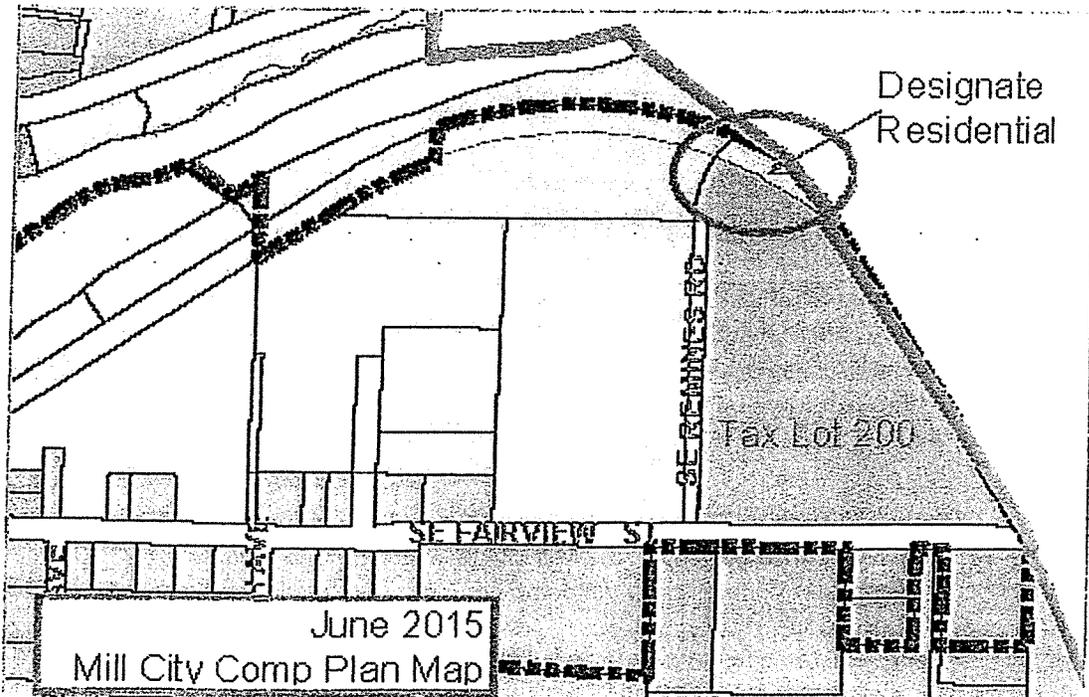
5. Annex the 18.16 acres added to the Mill City UGB and zone the 18.16 acres as Single Family Residential (R-1).

**Concurrent Land Use Decisions:**

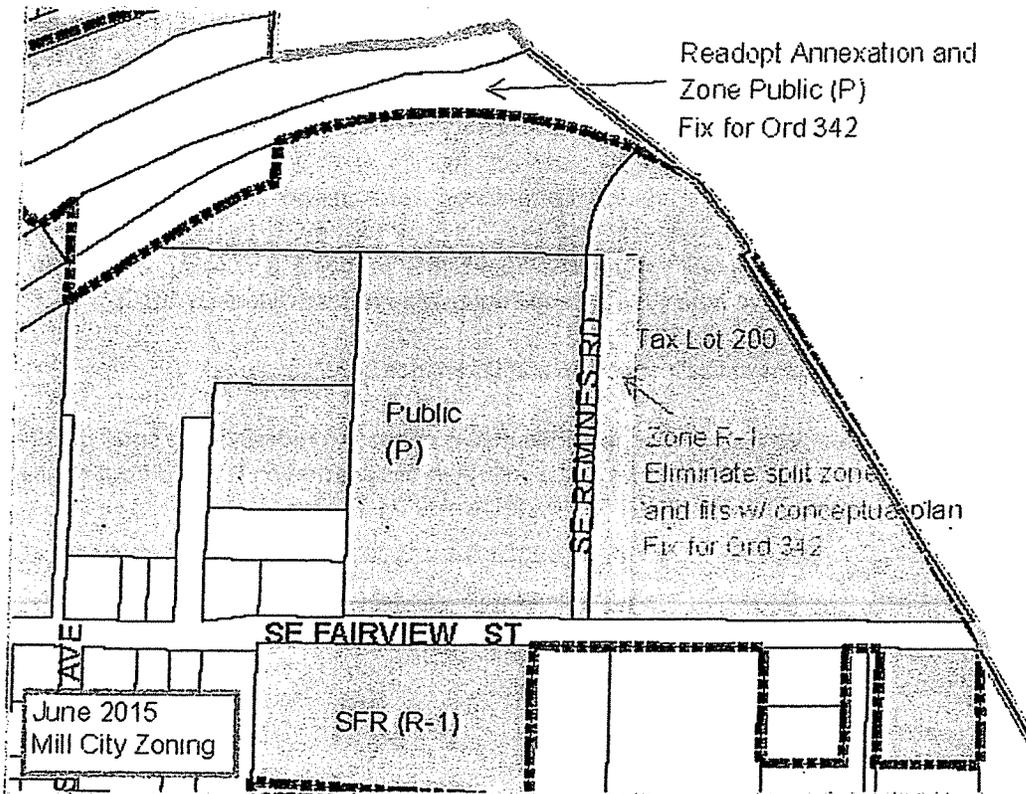
In 2006, the City of Mill City adopted Ordinances 342 and 343 to amend the Mill City Comprehensive Plan Map and Zoning Map and to annex properties including and adjacent to the applicant's site to the City of Mill City. The parcels listed in these two ordinances were never formally annexed to the City of Mill City because the Oregon Department of Revenue rejected the City's annexation map and legal description.

The City's Planning Consultant and Planning Commission recommend the City Council adopt a housekeeping ordinance to correct Ordinances 342 and 343 prior to the City adoption of an annexation ordinance for this proposal. This will ensure the applicant's proposal is consistent with the City's Comprehensive Plan Map (effective June 1, 2015) and Zoning Map (effective June 1, 2015).

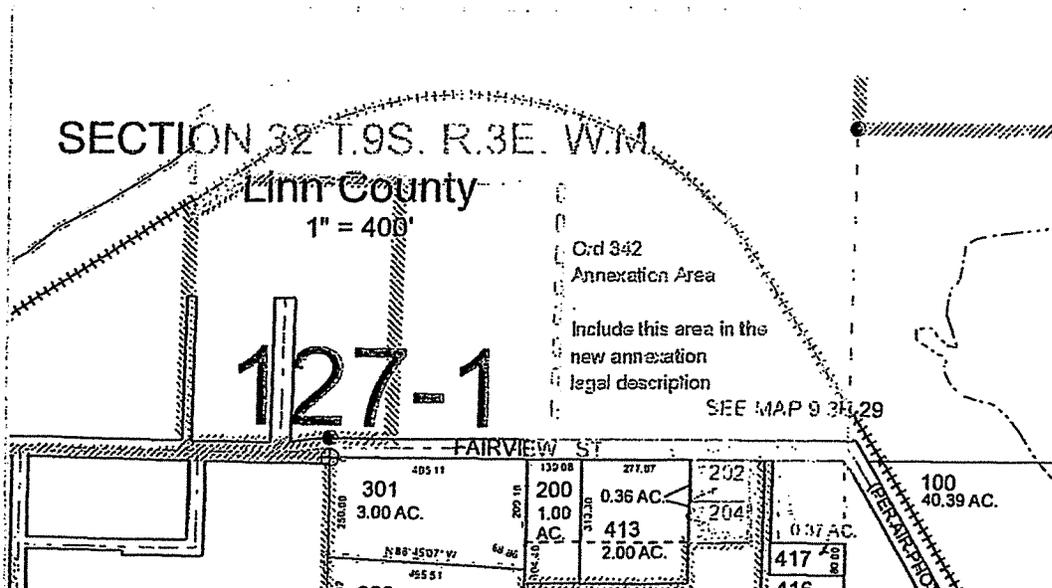
- 6. Repeal all or portions of Ordinance 342 and Ordinance 343.
- 7. Comprehensive Plan Map: One minor change is needed to redesignate a small portion of TL 200 from Public to Residential to avoid a split plan designation on the applicant's tax lot 200 inside the existing Mill City UGB.



8. Zoning Map. Amend the Mill City Zoning Map to rezone the areas shown below.



9. Annexation. Readopt Annexation Map and Legal Description as part of a final annexation ordinance. Upon adoption send new notifications to the Oregon Department of Revenue, Linn & Marion counties, Secretary of State and private utilities to correct Mill City boundary locations.



## V. PLANNING COMMISSION RECOMMENDATION

On Monday, April 24, 2017, the Mill City Planning Commission deliberated on the application. At the conclusion of the deliberations, the Planning Commission unanimously voted to recommend approval of the applicant's proposal. The Planning Commission adopted eight separate motions addressing each of the elements of the application.

## VI. CITY COUNCIL OPTIONS

The City Council has several options:

- A. Approval
- B. Approval with modifications
- C. Continue Deliberations to the next regularly scheduled meeting
- D. Denial, if the Planning Commission concludes the proposal does not comply with the criteria.

## VII. MOTIONS

### Comprehensive Plan Amendments

The Planning Commission recommends the City approve the proposal, subject to several modifications. Individual motions are recommended for each element of the decision

#### 1. Mill City UGB Adjustment.

- a. Remove 18.18 acres from the Mill City UGB as proposed in Table 1.
- b. Add 18.16 acres from the Mill City UGB as proposed in Table 1.

**MOTION #1:** Motion to adopt the final staff report for File 2017-02, that includes the updated exhibits, findings of fact, conclusions and Planning Consultant recommendations AND direct the city staff to prepare an Ordinance to amend the Mill City Comprehensive Plan Map to adjust the Mill City Urban Growth Boundary as shown in Table 1 of the final staff report and findings document dated April 24, 2017. The UGB adjustments include:

- c. Remove 18.18 acres from the Mill City UGB.
- d. Add 18.16 acres to the Mill City UGB.

**Table 1  
Baughman – Lucas Mill City UGB Amendment Proposal**

| #   | Name of Parcel                 | Assessor's Map | Tax Lot     | Acres Removed from UGB | Acres Added to UGB | Existing Linn County Comp Plan | Existing Linn County Zoning | Proposed Comprehensive Plan and Zoning Map Revisions |
|---|--------------------------------|----------------|-------------|------------------------|--------------------|--------------------------------|-----------------------------|--|
| <b>Properties Proposed to be Added to the Mill City UGB</b>   |                                |                |             |                        |                    |                                |                             |  |
| 1   | Parcel A-1                     | 09S 03E 29     | 103         |                        | 8.67               | Rural Residential              | RR-5                        | Proposed Mill City Plan & Zoning SFR Residential R-1 |
| 2   | Parcel A-2                     | 09S 03E 29     | 200 (part)  |                        | 9.49               | Farm / Forestry                | F/F                         | SFR Residential R-1                                  |
| <b>Properties Proposed for Removal from the Mill City UGB</b> |                                |                |             |                        |                    |                                |                             |  |
| 3   | Parcel R-2 Lucas (Fairview)    | 09S 03E 32     | 100         | 7.81                   |                    | SFR Residential                | UGA-RR 2.5                  | Proposed Linn County Plan & Zoning Farm/Forestry F/F |
| 4   | Stafford (SE 4 <sup>th</sup> ) | 09S 03E 32     | 2402 (part) | 2.45                   |                    | SFR Residential                | UGA-RR 2.5                  | Rural Residential RR-5                               |
| 5   | Drake (SE 4 <sup>th</sup> )    | 09S 03E 32     | 1804 (part) | 1.87                   |                    | SFR Residential                | UGA-RR 2.5                  | Rural Residential RR-5                               |
| 6   | Parcel R-1 Baughman            | 09S 03E 31     | 1204 (part) | 6.05                   |                    | SFR Residential                | UGA-RR 2.5                  | Farm/Forestry F/F                                    |
| <b>Totals</b>   |                                |                |             | <b>18.18</b>           | <b>18.16</b>       |                                |                             |  |

2. Mill City Comprehensive Plan Map

**MOTION #2:** Motion to direct the city staff to prepare an ordinance to amend the Mill City Comprehensive Plan map to designate the 18.18 acres added to the Mill City UGB as "Residential" on the Mill City Comprehensive Plan Map, as listed in Table 1.

3. Mill City Zoning Map

**MOTION #3:** Motion to direct the city staff to prepare an ordinance to rezone the 18.16 acres added to the Mill City UGB as Single Family Residential (R-1) on the Mill City Zoning Map, as listed in Table 1.

4. Linn County Comprehensive Plan Map and Rezoning

**MOTION #4:** Motion to forward the City's Ordinance of approval to Linn County with a recommendation that Linn County concur with the City's decision and take appropriate action to modify the Mill City UGB, amend the Linn County Comprehensive Plan and Linn County Zoning for the affected parcels.

5. City of Mill City Annexation and Rezoning

**MOTION #5:** Motion that if Linn County concurs with the City decision and modifies the Mill City UGB, to direct the city staff to prepare an ordinance to annex 18.16 acres as listed in Table 1 and concurrently rezone the property annexed to the City as Single Family Residential (R-1).

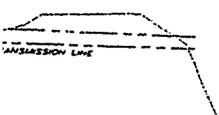
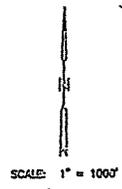
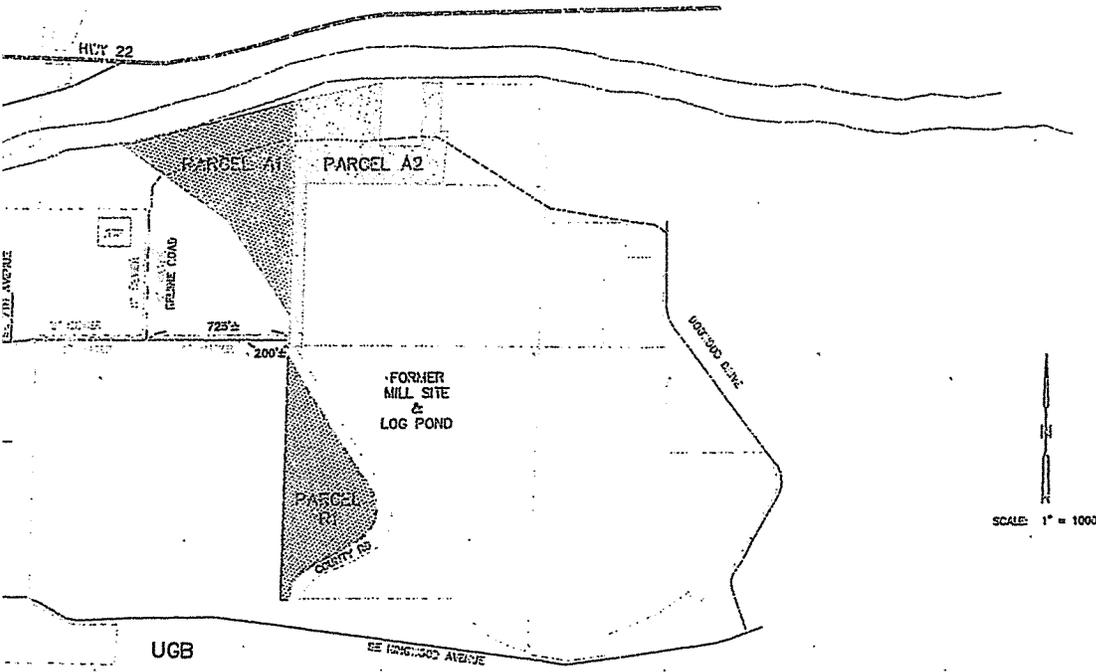
Exhibit # A  
Page 16 of 121

6. City of Mill City Housekeeping Actions to Correct Ordinance 342 & 343 errors and avoid split zoning

**MOTION #6:** Motion to direct the staff and City Attorney to prepare a housekeeping ordinance to repeal the unnecessary sections of Ordinances 342 and 343 and prepare a new ordinance, with appropriate maps and legal descriptions to complete the annexation of the areas approved for annexation in Ordinances 342 and 343.

**MOTION #7:** Motion to prepare an ordinance to redesignate and rezone the portion of TL 200 that will be located inside the Mill City UGB as Residential (R-1) in order to avoid split zoning on the property.

EXHIBIT 5  
PARCEL REFERENCE MAP



LUCAS - BAUGHMAN  
PROPOSED MILL CITY UGB CHANGES  
EXISTING UTILITY SERVICES

Parcels 1, 2 & 3 - Lucas

EXHIBIT A

09-3E-29 TL 200 & 103



09-3E-32 TL 100

SE Fairview St., Mill City



This product is for informational purposes only and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary of 121 Exhibit # A





# Baughman/Lucas -- Mill City Comp Plan Map & Zone Changes

EXHIBIT 7



LINN COUNTY, IOWA -- NOT FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES

**Summary:**  
Add 18.16 acres to UGB  
Remove 18.18 acres

**Parcel 2 - TL 200 9.49 acres**  
Add to UGB and Rezone from  
Linn County RR-2.5 to  
Mill City R-1 Single Family Residential

**Parcel 1 - TL 103 8.67 acres**  
Add to UGB and Rezone from  
Linn County RR-2.5 to  
Mill City R-1 Single Family Residential

**Parcel 6 TL 1204 6.05 Acres**  
Remove from Mill City UGB and  
Rezone from  
Linn County RR-2.5 to  
Linn County Farm/Forestry

**Parcel 3 - TL 100 7.81 Acres**  
Remove from Mill City UGB and  
Rezone from  
Linn County RR-2.5 to  
Linn County Farm/Forestry

**Parcels 4 & 5 4.32 Acres**  
Removed from Mill City UGB in 2012.  
Request County complete the process  
to remove from Mill City UGB and  
Rezone from Linn County RR-2.5  
to Linn County RR-6

Forest Conservation  
Management Zone

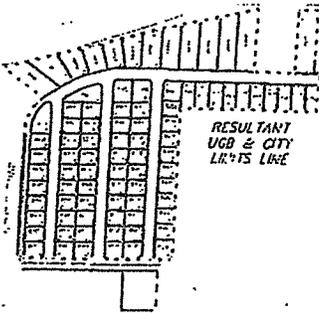
Farm / Forest

EFU

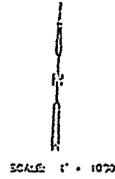
RR 2.5

This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources for a complete and accurate understanding of the information.

Conceptual  
Subdivision Plan



FORMER  
MILL SITE  
&  
LOG POND



UGB

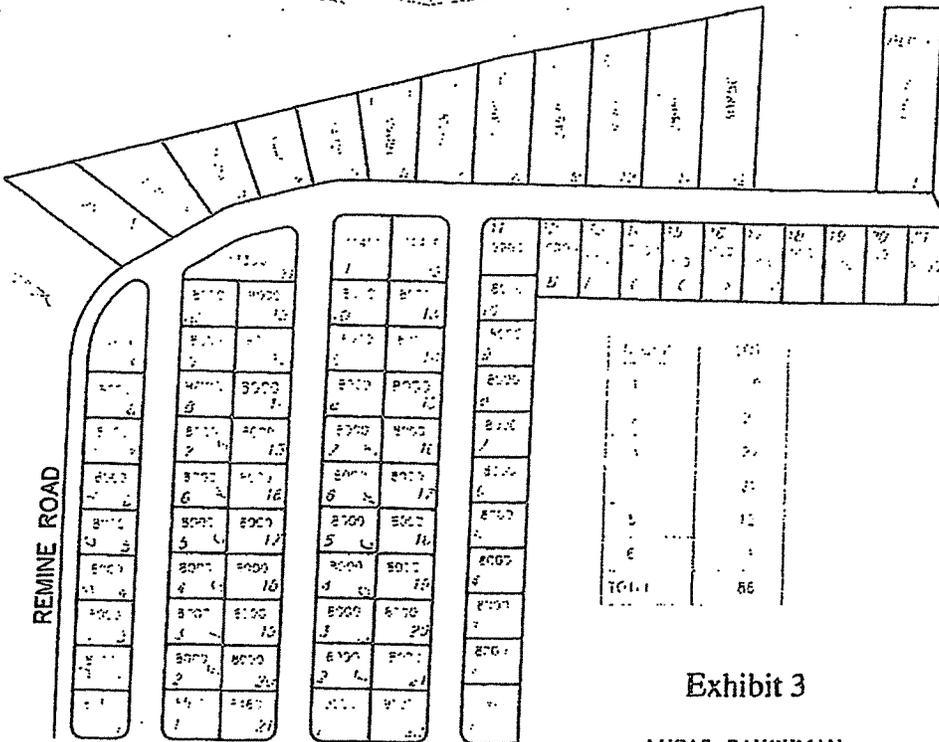
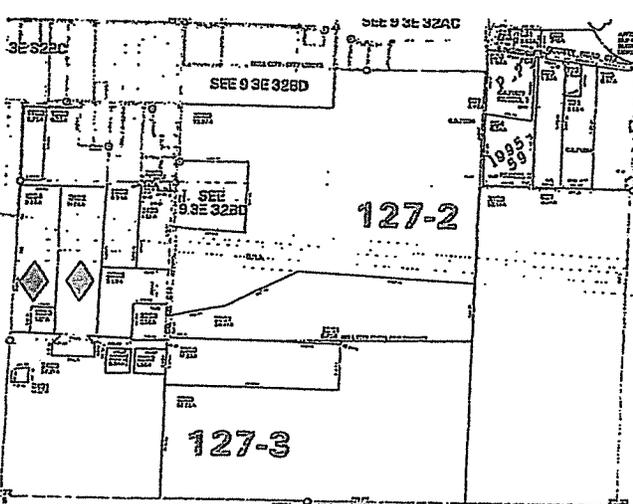
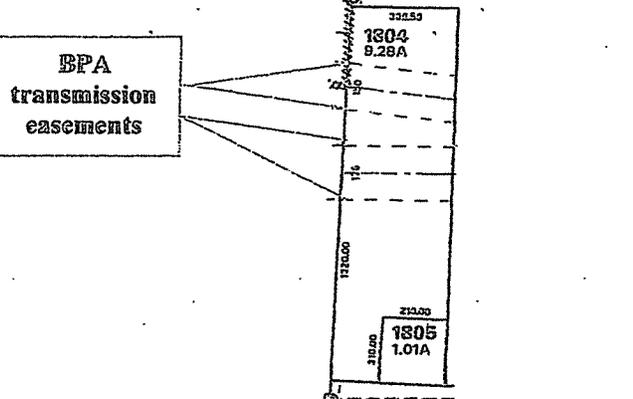
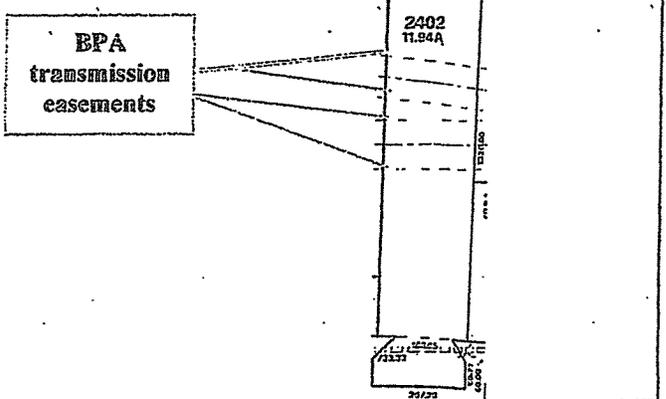
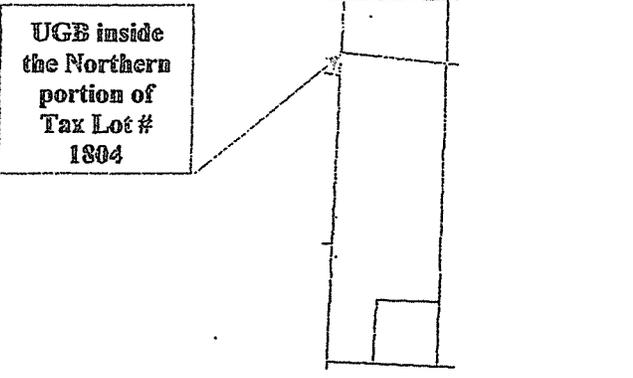
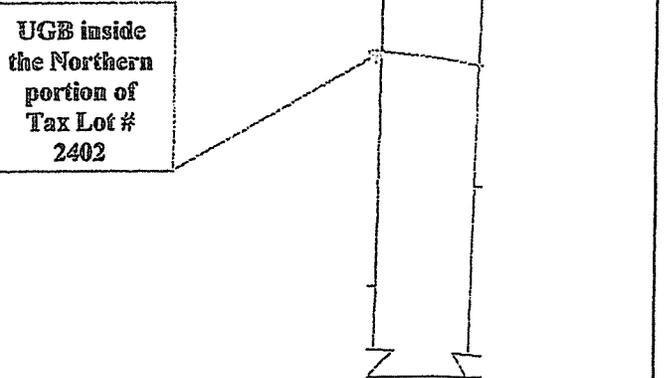
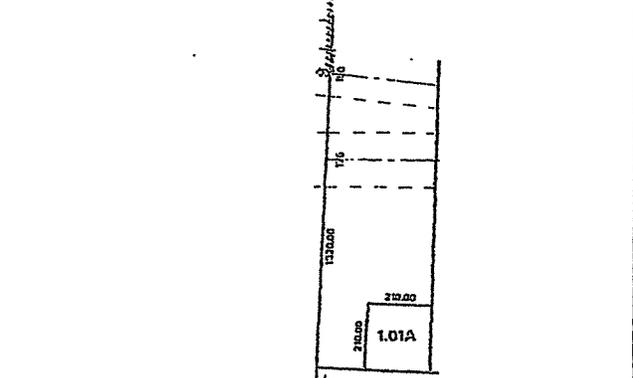
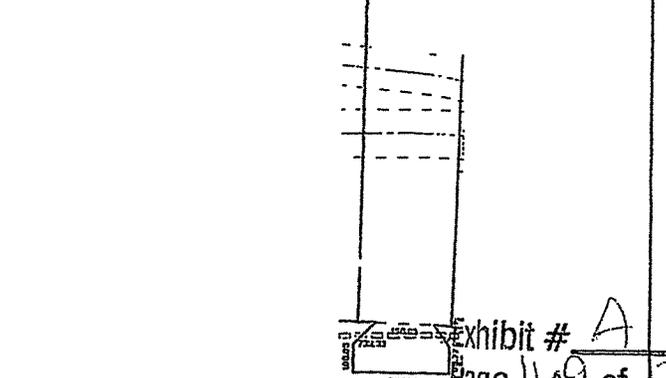


Exhibit 3

LUCAS - BAUGHMAN  
PROPOSED MILL CITY UGB CHANGES  
CONCEPTUAL SUBDIVISION

| Reference   | <p>◆ <b>Drake- Terry &amp; Delores</b></p>  | <p>◆ <b>Stafford-Lee</b></p>  |
|---|---|---|
| Description   | <p>Section 32 T 9S R 3E- Linn County<br/>                     Lot # 1804 and Lot # 1805<br/>                     39780 SE 4th St Mill City Or</p> | <p>Section 32 T 9S R 3E- Linn County<br/>                     Lot# 2402<br/>                     39790 SE 4th St Mill City Or</p> |
| Section map   |    |   |
| Parcel tax lot map                                  |   |    |
| UGB   |    |   |
| Location in yellow area in UGB proposed for removal |    |   |





# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse  
PO Box 100, Albany, Oregon 97321  
Phone 541-967-3816 Fax 541-926-2060  
[www.co.linn.or.us](http://www.co.linn.or.us)

## NOTICE OF COMPLETENESS

August 1, 2018

Rex Lucas Et Al.  
1010 N 4<sup>th</sup> Street  
Aumsville, OR 97325

RE: BC18-0002; completeness review of combined applications for a Comprehensive Plan (Plan) map amendment and a Zoning Map Amendment (T09S, R03E, Section 29, Tax Lots 100, 103, and 200; T09S, R03E, Section 31, Tax Lot 1204; T09S, R03E, Section 32, Tax Lots 100, 1804, and 2402).

To Whom It May Concern:

Your application was reviewed and deemed complete on August 1, 2018, pursuant to the criteria in LCC 921.040. The application is classified as a Type III B review and will be decided in accordance with the applicable procedures, time frames and decision criteria of the Linn County Land Development Code. A final action will be made by the Board of Commissioners (Board) consistent with the time limitations set forth in LCC 921.140.

Your application is scheduled to be presented to the Linn County Planning Commission on September 11, 2018 at 7:00 p.m. and before the Linn County Board of Commissioners on September 25, 2018 at 10:00 a.m. You will be contacted if we need additional information from you. Failure to submit requested information deemed necessary for the timely disposition of your permit application may result in denial of your application.

Pursuant to LCC 921.060(D)(8), if you submit any evidence or testimony after notice has been given on an application deemed complete and the new evidence or testimony substantially changes the proposal, then the Board shall not consider such evidence and shall not receive such new evidence into the record. If you desire that the new evidence be received you must withdraw the application and submit a new application, including fees.

If you have any questions, please contact me at the Linn County Planning and Building Department at (541) 967- 3816, ext. 2360 or [aboles@co.linn.or.us](mailto:aboles@co.linn.or.us)

Sincerely,

A handwritten signature in cursive script, appearing to read "Alyssa Boles".

Alyssa Boles  
Senior Planner

c: Lee and Ladonna Stafford  
Terry and Delores Drake  
Scott and Shelly Baughman  
Jeff Tross – Tross Consulting

Exhibit # A  
Page 121 of 121

Oregon law [ORS 215.416(5)] requires that local governments make copies of applicable decision criteria available to any participant in a land use hearing. This application will be reviewed, and a decision made, using the decision criteria listed below.

**BC18-0002; Rex Lucas Et Al.**

The applicable decision criteria are contained in LCC Sections 921.822(A) and 921.874, and the Oregon Statewide Planning Goals are applicable.

**921.822 - Decision criteria for Zoning Map amendments**

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

**921.874 - Decision criteria for Plan map amendments**

- (A) To approve a plan map amendment, findings shall be made that:
- (1) The amendment is consistent with and does not alter the intent of applicable section (s) of the *Comprehensive Plan*;
  - (2) The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area;
  - (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;
  - (4) The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat;
  - (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;
  - (6) The amendment will not have a significant adverse impact upon the transportation facilities;
  - (7) The presence of any development limitations including geologic hazards, flood hazards or water quality or quantity will not have a significant adverse affect on land uses permitted through the amendment;
  - (8) An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria; and
  - (9) The amendment is consistent with the statewide planning goals.



# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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

## NOTICE OF LAND USE HEARING

NOTICE IS HEREBY GIVEN that on **September 11, 2018 at 7:00 p.m.** in the Old Armory Building on the corner of 4th Avenue and Lyon Street, Albany Oregon a public hearing will be held before the **Linn County Planning Commission (Commission)**; and on **September 25, 2018 at 10:00 a.m.** in Room 200 of the Linn County Courthouse in Albany, Oregon a public hearing will be held before the **Linn County Board of Commissioners (Board)**. These hearings are to afford interested parties an opportunity to be heard on the following matter. Any comments you wish to provide will be appreciated; however, Oregon law requires that testimony and evidence must be directed toward the decision criteria. You may present your testimony at the public hearing or provide written comments to this Department before the public hearing dates. The Commission will make a recommendation on this application to the Board. The Board will make a decision after close of the Board hearing. These meeting locations are accessible to persons with disabilities.

BC18-0002; applications by Rex Lucas et al. for a *Comprehensive Plan* map amendment and Zoning map amendment. The amendments are proposed as part of an urban growth boundary (UGB) amendment approved by the city of Mill City to remove and add properties within the Mill City UGB. The total area of land to be added to the UGB is 18.16 acres. The total area to be removed from the UGB is 18.18 acres. The amendments would change the *Plan* designation and Zoning map designation on the seven properties. The properties are identified as T09S, R03E, Section 29, Tax Lots 100, 103, and 200; T09S, R03E, Section 31, Tax Lot 1204; T09S, R03E, Section 32, Tax Lots 100, 1804, and 2402).

COMMENTS: WE HAVE NO ISSUES WITH THIS LAND USE ACTION

BY KELLY W. OHLER AGENCY (IF ANY) MILL CITY RFPD DATE 8/23/18

STAFF CONTACT PERSON: Alyssa Boles; (541) 967-3816, ext. 2360 or [aboles@co.linn.or.us](mailto:aboles@co.linn.or.us)

- |   |   |   |   |                               |   |
|---|---|---|---|-------------------------------|---|
| <u>LINN COUNTY</u>  |   | <u>STATE OF OREGON</u>                  |   |                               | <u>OTHER</u>  |
| <input checked="" type="checkbox"/> EHP                       | <input checked="" type="checkbox"/> Sheriff | <input type="checkbox"/> DEQ            | <input type="checkbox"/> ODOT/OSHD          | <input type="checkbox"/> ODFW | <input type="checkbox"/> School                       |
| <input type="checkbox"/> Parks                                | <input type="checkbox"/> Bldg. Off./Flood   | <input type="checkbox"/> DOGAMI         | <input type="checkbox"/> ODSF               |                               | <input checked="" type="checkbox"/> Landowners        |
| <input checked="" type="checkbox"/> Assessor                  | <input checked="" type="checkbox"/> Roads   | <input checked="" type="checkbox"/> DSL | <input checked="" type="checkbox"/> DLCD    |                               | <input checked="" type="checkbox"/> City of Mill City |
| <input checked="" type="checkbox"/> GIS                       | <input type="checkbox"/> Surveyor           | <input type="checkbox"/> Water          | <input type="checkbox"/> Parks              |                               | <input type="checkbox"/> Other                        |
| <input checked="" type="checkbox"/> RFPD Lyons Mill City Fire |   |   | <input type="checkbox"/> State Fire Marshal |                               |   |

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

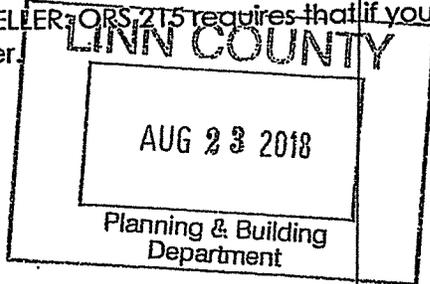


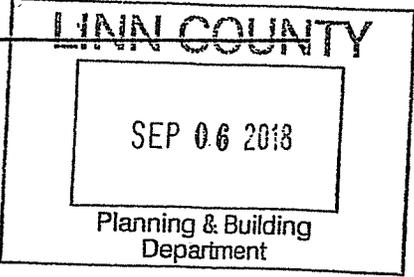
Exhibit #   C    
Page   1   of   2



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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www.co.linn.or.us



NOTICE OF LAND USE HEARING

NOTICE IS HEREBY GIVEN that on September 11, 2018 at 7:00 p.m. in the Old Armory Building on the corner of 4th Avenue and Lyon Street, Albany Oregon a public hearing will be held before the Linn County Planning Commission (Commission); and on September 25, 2018 at 10:00 a.m. in Room 200 of the Linn County Courthouse in Albany, Oregon a public hearing will be held before the Linn County Board of Commissioners (Board). These hearings are to afford interested parties an opportunity to be heard on the following matter. Any comments you wish to provide will be appreciated; however, Oregon law requires that testimony and evidence must be directed toward the decision criteria. You may present your testimony at the public hearing or provide written comments to this Department before the public hearing dates. The Commission will make a recommendation on this application to the Board. The Board will make a decision after close of the Board hearing. These meeting locations are accessible to persons with disabilities.

BC18-0002; applications by Rex Lucas et al. for a Comprehensive Plan map amendment and Zoning map amendment. The amendments are proposed as part of an urban growth boundary (UGB) amendment approved by the city of Mill City to remove and add properties within the Mill City UGB. The total area of land to be added to the UGB is 18.16 acres. The total area to be removed from the UGB is 18.18 acres. The amendments would change the Plan designation and Zoning map designation on the seven properties. The properties are identified as T09S, R03E, Section 29, Tax Lots 100, 103, and 200; T09S, R03E, Section 31, Tax Lot 1204; T09S, R03E, Section 32, Tax Lots 100, 1804, and 2402).

COMMENTS: No comment

BY Stephanie Taylor AGENCY (IF ANY) LCRD DATE 9/5/18

STAFF CONTACT PERSON: Alyssa Boles; (541) 967-3816, ext. 2360 or aboles@co.linn.or.us

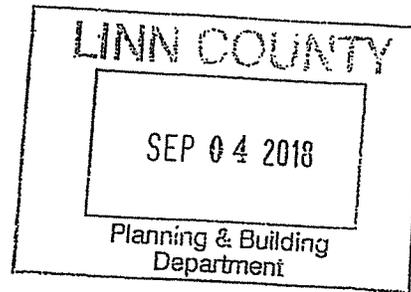
- LINN COUNTY: x EHP, x Sheriff, x Assessor, x GIS, x RFPD Lyons Mill City Fire
STATE OF OREGON: DEQ, DOGAMI, DSL, Water, ODOT/OSHD, ODSF, DLCD, Parks, State Fire Marshal, ODFW
OTHER: School, Landowners, City of Mill City, Other

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

Judith A Heitzman  
49048 SE Fairview St.  
PO Box 542  
Mill City, OR 97360

August 29, 2018

Linn County Planning & Building Department  
PO Box 100  
Albany, OR 97321



RE: NOTICE OF LAND USE HEARING application BC18-0002

Linn County Planning Commission

Before addressing the criteria for this plan map amendment, would the land along the Santiam River and the trees already cut and removed be land improvements? ***If so would this require a contractor's license for Rex Lucas?*** I called the CCB on 8/29/18, and there is no license on record.

In April of this year I called the CCB to inquire about Scott Baughman's license and was told he had three judgments against him. One settled out of court, two that were in final judgement. During my phone call today I was told Scott has a building license depending on which day one called. He lost his license in 2006 for disciplinary action. Most recently his license was reinstated June 7, 2017 and he lost it again May 7, 2018.

***Regarding above application of Land use hearing, application by Rex Lucas and Scott Baughman.*** To address decision criteria for Plan map amendments beginning with

**\*\* A (2) SAFTEY ( adversely impacting the overall land use pattern in the area.)**

Currently we have numerous children as well as parents walking to and from school on Fairview Street. The foot traffic has to walk at least half of this street on the shoulder of the road. The car traffic is significant on this road already when one considers it is a through street to Kingwood Avenue at the very east end of this street. Additional housing per this permit will have to access Fairview Street which will increase traffic congestion. Is the contractor/builder, planning on putting in additional sidewalks prior to building to ensure the public's safety? Will financial records be submitted to show capability to install the necessary sidewalk prior to building?

**A (4) To address the adverse impact to the fish of this area and water supply to Salem.**

It is my understanding that the Mill City sewer system (Sand filter System) had nearly reached it's capacity a few years ago, so if the proposed building sites require a septic tank with individual drainage fields this could cause significant concerns. Are you familiar with Scott Baughman's misconduct when he put in his in ground swimming pool? He is on the City Council and is well aware that he needed the necessary permits as his pool is directly above the Santiam River! His philosophy was to build, then beg for forgiveness. His behavior as a city council member should be above reproach. Can he be trusted to obtain the necessary permits and follow codes to insure that the fish in the Santiam River and the residents of Salem will not suffer any ill effects since these building sites are immediately adjacent to the river?

**A (7) The presence of any development limitation including water quality will not have a significant adverse affect:**

As mentioned in previous criteria (4), Who will be supervising Mr Baughman as he is building along the Santiam River? Will he be following code, or will he be taking short cuts and begging for forgiveness after the fact?

In addition to land use criteria and the ongoing behavior of Scott Baughman, who will be the designated builder for these seven building sites I have concerns as demonstrated by the following example of failure to follow code.

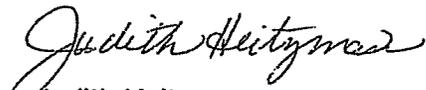
He moved all of his material and building equipment to a vacant lot which borders my property. He dropped off two conex boxes one of which is six inches from the property line. (a code violation) He also put in a gravel road six inches from my property line, knowing full well that the set back for both the conex box and the driveway was suppose to be at least ten feet. (another code violation) He even went so far as to promise to build a fence around the property line so we would not have to look at his humongous mess. That was two years ago and we finally had to spend our money on a fence to hide his mess. The county has advised him that he needs to move his conex box, obtain permits, and anchor the boxes. and clean up his mess. They contacted him at the beginning of May, but to date there has been no actions toward compliance. So how does the contractor's character play a role in approval criteria?

Why would we believe he would flow code along the river:

To summarize my concerns, the ethics and moral compass of the proposed builder by his own actions leaves these questions in my mind:

- \*\*First of all will he be licensed when he builds these proposed homes on these seven building sites
- \*\* Will Rex Lucas have a contractors license for land improvement
- \*\* Will Scott follow codes
- \*\* Will he act morally responsible
- \*\* Will sidewalks be built prior to any building being done
- \*\* Is there adequate finances to accomplish this
- \*\* Will there be supervision to make sure there are no shortcuts taken so that our Santiam river will remain the pristine water for our fish and water supply for Salem?

Respectfully,

  
Judith Heitzman

SEP 10 2018

Planning & Building  
Department

To Point #2

The overall land use pattern would be adversely affected. Conveniently, not shown on the map is a creek containing beaver, water fowl, and used as a water source for other wildlife. This creek runs from 4<sup>th</sup> street to Frank Lumber.

This property contains seasonal wet lands, saturated soils, and visibly standing and running water. NOTE the illegal berm around the Bruce Tuers home.

Tuers Lane, 44 feet east of where the property line is supposed to be, is a single width lane, used sparsely. Used by a couple of residents and intermittent logging on the hill.

Changing the urban growth boundary will increase my property value and therefore my taxes. This will definitely be greatly burdensome to my fixed income

Kathleen Pratt

550 SW Kingwood Dr. Mill City, OR

Exhibit # D  
Page 3 of 3



# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

---

Room 114, Linn County Courthouse  
PO Box 100, Albany, Oregon 97321  
Phone 541-967-3816, Fax 541-926-2060

## CERTIFICATION OF MAILING

I, *Breeanna Oxford*, of the Linn County Planning and Building Department, certify that the attached notice concerning matters to be heard by the Planning Commission on the 11<sup>th</sup> of September 2018 and heard by the Linn County Board of Commissioners on the 25<sup>th</sup> of September 2018 was mailed to the agencies on the 21<sup>st</sup> day of August 2018.

DATED this 21<sup>st</sup> day of August 2018.

*Breeanna Oxford*

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BC18-0002; REX LUCAS ET AL

Exhibit # E  
Page 1 of 6



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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

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COMMENTS:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

BY \_\_\_\_\_ AGENCY (IF ANY) \_\_\_\_\_ DATE \_\_\_\_\_

STAFF CONTACT PERSON: Alyssa Boles; (541) 967-3816, ext. 2360 or aboles@co.linn.or.us

- LINN COUNTY STATE OF OREGON OTHER
x EHP x Sheriff \_ DEQ \_ ODOT/OSHD \_ ODFW \_ School
\_ Parks \_ Bldg. Off./Flood \_ DOGAMI \_ ODSF x Landowners
x Assessor x Roads x DSL x DLCD x City of Mill City
x GIS \_ Surveyor \_ Water \_ Parks \_ Other
x RFPD-Lyons Mill City Fire \_ State Fire Marshal

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1. This application will be reviewed and a decision will be made using the following decision criteria from Sections 921.822(A) and 921.874 of the Linn County Land Development Code.

**921.822 - Decision criteria for Zoning Map amendments**

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

**921.874 - Decision criteria for Plan map amendments**

- (A) To approve a plan map amendment, findings shall be made that:
  - (1) The amendment is consistent with and does not alter the intent of applicable section (s) of the *Comprehensive Plan*;
  - (2) The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area;
  - (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;
  - (4) The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat;
  - (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;
  - (6) The amendment will not have a significant adverse impact upon the transportation facilities;
  - (7) The presence of any development limitations including geologic hazards, flood hazards or water quality or quantity will not have a significant adverse affect on land uses permitted through the amendment;
  - (8) An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria; and
  - (9) The amendment is consistent with the statewide planning goals.

2. All testimony and evidence must be directed toward the criteria described above or other criteria in the plan or land use regulations that you believe apply to the decision. Failure to raise an issue before the close of the record during the comment period or final evidentiary hearing, by letter or in person, or failure to provide statements or evidence sufficient to afford the decision maker(s) and the parties an adequate opportunity to respond to each issue raised precludes an appeal based on that issue.
3. Please note the deadline stated in the accompanying notice for submitting your written comments.
4. If a public hearing is scheduled before either the Planning Commission or the Board of County Commissioners, written and/or oral comments may be submitted either before or during that hearing. Please note the time and date of the hearing in the accompanying notice.
5. A map(s) depicting the parcel under review and surrounding lands is attached to the notice.
6. A copy of the application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost in the Linn County Planning and Building Department office. Copies will be provided at reasonable cost. For

applications scheduled for public hearing, a staff report will be available for inspection at the Department at least seven days prior to the hearing. A copy of the staff report will be provided at reasonable cost.

7. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the 120-day time limitations of ORS 215.428.
8. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The decision maker shall grant the request by either (a) continuing the public hearing or (b) leaving the record open for additional written evidence or testimony. If the decision maker grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the initial hearing.
  - (a) At the continued hearing, persons may present and rebut new evidence and testimony. If new written evidence is submitted, any person may request, prior to the close of the continued hearing, the record be left open for at least seven more days to submit additional written evidence or testimony to respond to the new written evidence.
  - (b) If the record is left open, it shall remain open for at least seven days. During the period the record was left open, any participant may file a written request with the local government for an opportunity to respond to new evidence submitted. If the record has been closed and such a request has been timely filed, the record shall be reopened. Unless waived by the applicant, the applicant shall have at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. If the record is reopened to admit new evidence or testimony, any person may raise new issues that relate to the new evidence, testimony or decision criteria for the application. Except when requested or agreed to by the applicant, the extension shall be subject to the 120-day limitations of ORS 215.428.
9. Appeals from Departmental decisions result in a hearing before the Planning Commission; appeals from Commission decisions result in a new hearing before the Board of County Commissioners.
10. Testimony or evidence previously submitted to the Commission must be resubmitted by the parties to the Board for the new hearing.
11. If this case is scheduled for a public hearing, the hearing will begin with a declaration of any ex parte contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision makers. This will be followed by the staff report from the planning department. Then the applicant (or appellant if case is an appeal) will testify, followed by testimony by other people in support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision-makers are free to ask questions of any person who has testified or of staff at any point during the hearing. If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing and/or what limitations exist on further testimony or submittal of written materials. If a site visit is warranted, the chairperson will announce the time and date of such a visit. If the hearing and record are closed, the decision-makers will begin deliberations and/or will announce the time, date and place when the decision will be made.



\*\*\* Proof of Publication \*\*\*

State of Oregon  
ss )  
County of Linn

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LINN COUNTY PLANNING

PO BOX 100  
ALBANY, OR 97321

ORDER NUMBER 96949

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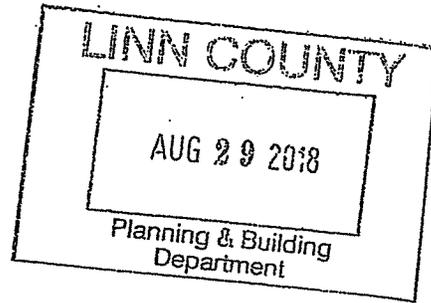
The applicable decision criteria are contained in LCC 921.822 and 921.874. For more information, contact Alyssa Boles at 541-967-3816 ext. 2360. This proposed amendment is available for viewing in the Planning and Building Department Office, Room 114, Linn County Courthouse during normal office hours. Copies are available for a reasonable cost.

DATED this 17th day of August 2018

LINN COUNTY PLANNING COMMISSION

#96949

PUBLISH: August 21, 2018



PUBLISHED ON: 08/21/2018

TOTAL AD COST: 256.40

FILED ON: 8/24/2018

Pam Burright  
Pam Burright  
Legal Clerk

Cyndi Rae Sprinkel-Hart  
Subscribed and sworn to before me on August 24, 2018  
Cyndi Rae Sprinkel-Hart, Notary



Exhibit # E  
Page 6 of 6